

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Clarendon County

D. Craig Brown, Circuit Court Judge

ANTONIO TERRELL ROMEO,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-002415

APPENDIX

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S.C. SUPREME COURT

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STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)

STATE,)

TRANSCRIPT OF RECORD
15-GS-14-0224

v.)

ANTONIO ROMEO,)

DEFENDANT.)

April 4, 2016
Manning, South Carolina

BEFORE :

THE HONORABLE HOWARD P. KING, JUDGE

APPEARANCES:

WARREN S. ANDERSON, ESQ.
Assistant Solicitor

SCOTT L. ROBINSON, ESQ.
Attorney for Defendant

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Circuit Court Reporter

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(There were no exhibits submitted.)

1 THE COURT: In the matter of the State
2 versus Antonio Romeo I believe there's been a change
3 in the situation as far as his plea is concerned.
4 Is that right, Mr. Anderson?

5 MR. ANDERSON: That's correct, Your Honor.

6 THE COURT: All right. Go ahead and put
7 it on the record.

8 MR. ANDERSON: May it please the Court,
9 Your Honor.

10 THE COURT: Yes, sir.

11 MR. ANDERSON: This is Antonio Terrell
12 Romeo. He was before you on indictment number
13 2015-224. He's pleading guilty today two counts of
14 criminal sexual conduct with a minor ages 16 through
15 14. It is a negotiated sentence and the State's
16 nego— or the recommended negotiation is a ten year
17 sentence suspended to five years active time, and
18 then that is to be followed by five years of
19 probation and that he's to register as a sex
20 offender. And we've also discussed Mr. Romeo can
21 turn himself in Thursday morning and that we
22 withhold sentence until, the official sentencing
23 until that day.

24 THE COURT: All right.

25 WHEREUPON,

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ANTONIO ROMEO,

having been duly sworn by the Clerk, testified
as follows:

THE COURT: From earlier proceedings,
Mr. Romeo, I know of course you are Antonio Terrell
Romeo; is that correct?

THE DEFENDANT: Yes, sir.

THE COURT: All right, Mr. Romeo, then the
State has now advised me that previously you had
entered a not guilty plea on these charges but that
now you wish to change your plea to guilty and go
forward as a guilty plea; is that correct?

THE DEFENDANT: Yes, sir.

THE COURT: Now you've had a chance -- of
course you're represented in this case by Mr.
Robinson. Let me ask you, Mr. Robinson, you've
explained to him the two charges against him, the
maximum punishment, and his constitutional rights?

MR. ROBINSON: I have, Your Honor.

THE COURT: In your opinion does he
understand those things?

MR. ROBINSON: Yes, sir, I believe he
does.

THE COURT: He wants to waive those and go
forward today; is that right?

1 MR. ROBINSON: That's correct, Your Honor.

2 THE COURT: All right, Mr. Romeo, before I
3 can accept your plea I've got to make sure that it's
4 freely and voluntarily given. I have to ask you
5 some questions. If you don't understand the
6 questions or words I use, you tell me, I'll be glad
7 to explain them you. You may talk to your lawyer at
8 any time as we go through this process. You
9 understand?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: How old are you?

12 THE DEFENDANT: 38.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: Twelfth, graduated.

15 THE COURT: What kind of work do you
16 usually do?

17 THE DEFENDANT: Well, currently I been
18 working at Avanah (ph), 301 Industrial Park.

19 THE COURT: Are you today under the
20 influence of any kind of drugs or alcohol?

21 THE DEFENDANT: No, sir.

22 THE COURT: Are you today aware of any
23 physical, emotional, or nervous problem that would
24 prevent you from understanding what you're doing
25 here today?

1 THE DEFENDANT: No, sir.

2 THE COURT: You heard your attorney tell
3 me that he has explained to you the charges against
4 you, the possible punishment, and your
5 constitutional rights, and that you understand these
6 things; is that correct?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: The indictment in this case
9 which has been returned as a true bill by the grand
10 jury of Clarendon County is a two count indictment.
11 It charges that you did in Clarendon County on or
12 about or between September 1st of 2014 and October
13 1st of 2014, that you did commit a nonconsensual
14 sexual battery upon a minor who was less than 16
15 years of age, specifically sexual intercourse with
16 **Minor** at that time age 14 with your
17 birth date being [REDACTED] The charge is one of
18 criminal sexual conduct with a minor. Do you
19 understand that charge?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: The second count of the
22 indictment charges that you did, again, it's for
23 criminal sexual conduct with a minor in the second
24 degree, charges that you did between the dates of
25 September 1st, 2014 and October 1st, 2014 commit a

1 nonconsensual sexual battery upon a minor who was
2 less than 16 years of age, specifically again,
3 **Minor** in that you participated in oral sex
4 with her and at the time she was 14 and that she,
5 your date of birth is [REDACTED] That's also a
6 charge of criminal sexual conduct with a minor
7 second degree. You understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You understand that for each
10 one of these you could get up to 20 years in prison,
11 you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You also as your — it's
14 classified under our law as violent offenses. Has
15 Mr. Robinson explained to you what is meant by
16 violent offenses?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: They're also classified under
19 our law as most serious offenses. Under our two
20 strikes three strikes law, if you have two most
21 serious offenses or three serious offenses in the
22 future, one more most serious and two more serious
23 offenses or two more serious offenses, that they —
24 you could be subject to life in prison. You
25 understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You also understand that these
3 are what is known as no parole offenses. That means
4 that you would have to serve 85 percent of whatever
5 I sentence you to before you would be eligible for
6 any kind of community supervision. You understand
7 that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right now, Mr. Romeo, when
10 you plead guilty you give up important
11 constitutional rights. You give up the right to
12 remain silent; that is, your privilege against
13 self-incrimination. You cannot be required to
14 provide testimony or evidence against yourself. You
15 give up the right to have a jury trial. That is
16 your right to have a jury decide whether you are
17 guilty beyond a reasonable doubt. The jury would
18 base their decision on evidence which the State
19 presents and any evidence which you might wish to
20 present. In a trial you would be presumed to be
21 innocent. The State would have to produce evidence
22 that would convince all twelve members of the jury
23 of your guilt beyond a reasonable doubt.

24 In your case we've already drawn the jury,
25 the jury has gone home for the day but will be

1 available in the morning to try your case if you
2 want a jury trial. However, if I accept this plea
3 that means the jury will be dismissed, they will not
4 make a decision in this case, and you will waive
5 your right to a jury trial. You understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Finally, you give up the right
8 to confront the witnesses against you. That is the
9 right to require the witness against you to come
10 into court and testify and the right to subpoena and
11 call witnesses on your own behalf. You have the
12 right to make the witnesses come in and testify and
13 have your lawyer cross-examine those witnesses; but
14 these are, this right as well as the right to call
15 witnesses on your behalf are waived or given up when
16 you plead guilty. You understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Understanding then the nature
19 of the two charges against you and the consequences
20 of a guilty plea, how do you wish to plead to these
21 two charges as I have outlined them to you, guilty
22 or not guilty?

23 THE DEFENDANT: Guilty.

24 THE COURT: You understand that when you
25 plead guilty you are admitting the truth of the

1 charges against you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Pleading guilty because you
4 are guilty?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: The Court has been advised
7 that your lawyer and the State's lawyer have entered
8 into negotiations. That means this is being
9 presented to the Court as a negotiated plea which
10 means that I will either accept the negotiations and
11 sentence you to what the negotiations that have been
12 put on the record, which is a ten year sentence
13 suspended on service of five and then five years
14 probation after that with the mandatory sex offender
15 registry. If after hearing the facts I decide that
16 I cannot sentence you to that, I would allow you to
17 withdraw your guilty plea. You understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Other than those negotiations
20 has anyone promised you anything to get you to plead
21 guilty?

22 THE DEFENDANT: No, sir.

23 THE COURT: And you're pleading guilty
24 freely and voluntarily?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You're represented in this
2 case by Mr. Robinson. Are you satisfied with the
3 manner in which he has advised and represented you?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Have you understood my
6 questions?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Is there anything you'd like
9 to ask me about what we've been over?

10 THE DEFENDANT: No, sir.

11 THE COURT: And do you understand that you
12 have the right to appeal and you must do so within
13 ten days?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right, Mr. Anderson, give
16 me the factual background please.

17 MR. ANDERSON: Your Honor, this case was
18 brought to the Clarendon County Sheriff's Office
19 attention on February 5th of 2015. Investigator
20 Marlowe received a fax from the Department of Social
21 Services and they said that a child they had been
22 dealing with, **Minor** had reported sexual
23 abuse. Forensic interview was performed. **Minor**
24 disclosed that her mother's live-in boyfriend, Mr.
25 Romeo, had come to her in the night and that they

1 had sexual contact on two different occasions.
2 After that, Your Honor, the interview was performed
3 with Mr. Romeo. Mr. Romeo confirmed that in the
4 September month that that sexual conduct, contact
5 had happened. He said that it was nonconsensual.
6 He woke up to her one occasion performing oral sex
7 on him and on another occasion to her riding him and
8 with his penis inside of her vagina. Those are the
9 basis of these charges.

10 THE COURT: Okay.

11 MR. ANDERSON: And, Your Honor, Mr. Romeo
12 is over the age of 16 and ^{Minor} was 14 at the time
13 of the incident.

14 THE COURT: Okay. All right, since it is
15 negotiated let me hear — it is kind of the way I
16 feel about it, counsel, y'all tell me, I think one
17 of the things that y'all have agreed to do from a
18 chambers discussion was that the, he would not
19 actually be sentenced until Thursday and be allowed
20 to remain out on bond.

21 MR. ANDERSON: That's correct, Your Honor.

22 THE COURT: All right. One of the things
23 I want to know, Mr. Robinson, before I commit to
24 that, is the status of the bondsman. I don't want
25 the bondsman to take the position that by entering

1 this plea bond is discharged. What kind of bond is
2 he on?

3 MR. ROBINSON: I honestly don't know, Your
4 Honor.

5 MR. ANDERSON: Your Honor, it's a ten
6 thousand dollar surety bond and—

7 MR. ROBINSON: It's Charles Anderson who I
8 spoke with Friday, but I don't know what position he
9 would take, Your Honor. And quite frankly, if Your
10 Honor —

11 THE COURT: I'd like to have a commitment
12 out of him that he'll remain on bond till Thursday
13 so there'll be somebody to come back, somebody else
14 to be looking for him in the event that we have a
15 problem.

16 MR. ROBINSON: Okay.

17 THE COURT: So that's one of the things I
18 want to do is if he'll send you an email or send the
19 solicitor or somebody an email, something in
20 writing, that he would remain out on bond until the
21 sentencing on Thursday, then I wouldn't have any
22 problem leaving him out on bond. That will be the
23 first thing. Secondly, the matter that we addressed
24 before the lunch recess and there was some question
25 about a discussion where, I mean, about contact with

1 the victim or the victim's mother.

2 MR. ANDERSON: And Your Honor, some
3 information has been brought to my attention that
4 I'll tell me Mr. Scott about, or Mr. Robinson about
5 it during the interim and we can deal with.

6 THE COURT: About what?

7 MR. ANDERSON: Some additional information
8 in that regard has just been brought to my
9 attention, and I'll fill Mr. Robinson in on it once
10 I get the details.

11 THE COURT: Well, we got — I'm not so
12 much concerned about what happened before. What I'm
13 concerned about is what's the State's position as
14 far as these three days between now and the time
15 that he's sentenced, as far as that's concerned.

16 MR. ANDERSON: And Your Honor, what
17 Mr. Durant just brought to my attention is that the
18 victim has disclosed that Mr. Romeo has been staying
19 in the home in the interim since he's been out on
20 bond. I don't have any, other than me just hearing
21 that I don't know the details or anything about it,
22 but it certainly gives me concern —

23 THE COURT: Talk it over with Mr. Durant,
24 Mr. Anderson, right now. You got the victim here
25 and the victim's mother here. Y'all talk and find

1 out if there's any problem with contact during this
2 three day period.

3 MR. ROBINSON: And Judge, just while
4 they're doing that, I did speak with the mother in
5 front of Mr. Anderson a few minutes ago. What she
6 seemed to be okay with, unless the State has an
7 objection, there would be no direct contact. The
8 only thing that Mr. Romeo requests and she agreed
9 to, is that she would bring the four year old child
10 that they have in common, not the victim, to
11 McDonalds or some public place for him to visit with
12 the child for a little while tomorrow or Wednesday,
13 whatever suited her schedule, and then that would be
14 it. There would be no private contact or anything
15 else. It would just be a mutually agreed upon
16 public location.

17 THE COURT: All right, that's
18 satisfactory. I can put in what would be on the
19 sentencing sheet or in the order of the Court would
20 be that he would have no contact with the victim in
21 this case between now and sentencing.

22 MR. ROBINSON: Absolutely, no need for
23 that.

24 THE COURT: Any contact with the mother of
25 the victim would be only to arrange a meeting with

1 the, this four year old child, at a place away from
2 the victim's residence.

3 MR. ROBINSON: That is my understanding.
4 That was my discussion with her, Your Honor.

5 MR. ANDERSON: And Your Honor, may we have
6 a brief side bar with Mr. Robinson to discuss what
7 I...

8 THE COURT: Okay.

9 (Pause.)

10 DEFENSE: Judge, can we approach real
11 quick.

12 (WHEREUPON, counsel approached the
13 Bench for an off-the-record discussion.)

14 THE COURT: I'm advised there was some
15 concern about the fact that the defendant might go
16 back to the residence where the victim resides, and
17 I am certainly not gonna allow that. Mr. Robinson,
18 I want to hear from you on that.

19 MR. ROBINSON: Thank you, Your Honor.
20 Mr. Romeo, the address that his bondsman has for him
21 as well as the address that I have in the file I
22 know exists, is [REDACTED] in Pinewood, South
23 Carolina. My understanding that the victim and her
24 mother live in the Greeleyville area which is on
25 opposite ends of the county. I visited —

1 THE COURT:

2 MR. ROBINSON: I visited Mr. Romeo's home
3 in the Pinewood address on Friday about lunch time
4 looking for Mr. Romeo. I talked with a neighbor who
5 acknowledged he lived, 'cause there were a couple of
6 houses right there I wasn't sure —

7 THE COURT: Whose home is that?

8 MR. ROBINSON: It's his mother's home.

9 THE COURT: Okay.

10 MR. ROBINSON: I wasn't sure which one of
11 them 'cause there were two of them, three houses
12 literally side by side by side. Only one of them
13 had a vehicle in the yard. I knocked on that door;
14 it was a neighbor. She told me which house was his
15 and that he lived in the middle house but that he
16 wasn't home right now. So I'm not disputing that
17 perhaps he may have been there, but he certainly had
18 somewhere else to stay. When I talked with
19 Mr. Anderson, the bondsman, he indicated that he was
20 familiar with Mr. Romeo's mother, knew he stayed
21 there. Had conversations with her, and certainly he
22 had somewhere to go. Have no problem with
23 restriction and I think he knows that already, not
24 to go back anywhere near Greeleyville. And the only
25 time, as Your Honor said, he could have contact with

1 the mother of the victim in this case would be at a
2 mutually agreeable public place to exercise
3 visitation over his four year old son. And for no
4 reason to go anywhere near or around the
5 Greeleyville area, much less that house because as I
6 said, he leaves in Pinewood and that's on the other
7 end of the world from Greeleyville so he has no
8 reason to go there, Your Honor.

9 In addition to that, even if those
10 allegations are correct, there's been no report of
11 any, nothing bad happened. It was in contradiction
12 of a court order clearly, but no harm has come to
13 the victim. There's been no allegations that he
14 assaulted somebody or did anything else so while it
15 may have been ill advised, it doesn't seem to have
16 created a dangerous situation. We ask Your Honor to
17 take all that into consideration.

18 THE COURT: Okay.

19 MR. ANDERSON: And Your Honor, may I be
20 heard on that issue?

21 THE COURT: Sir?

22 MR. ANDERSON: May I be heard on that
23 issue?

24 THE COURT: Yes, sir.

25 MR. ANDERSON: Your Honor, based on what I

1 just learned I have grave concerns about Mr. Romeo
2 being in the community. I believe that he actually
3 rode here today with the victim and her mother. I
4 believe that he's been living there; and I don't
5 think it will be a good idea for him to be, just for
6 the risk possibly.

7 THE COURT: You don't think what?

8 MR. ANDERSON: Don't think it'd be a good
9 idea that he could be released this afternoon 'cause
10 he may have contact with the victim, that I have
11 concern.

12 THE COURT: Well, that's the negotiations.
13 If the negotiations are changing that's what you had
14 negotiated was that that would be permitted, and
15 that's the negotiations as is right now. I mean, if
16 that's not going to be the case then it's no longer
17 a negotiated plea because the negotiations are not
18 agreed to.

19 MR. ANDERSON: And I understand that, Your
20 Honor. I didn't know literally until it was brought
21 to my attention moments ago. But based on what I
22 know, have been told, it gives me concerns and I
23 don't, I hate to botch a plea but I don't feel like
24 —

25 THE COURT: Well, I haven't accepted the

1 plea 'cause the only way I can accept the plea is if
2 the negotiations, every detail, is agreed on. And
3 the details that were presented to me was that you
4 didn't have any problem with him staying out on
5 bond. I was going to require the bondsman to affirm
6 that he was still on bond. I was also going to
7 allow him to visit with his four year old child at a
8 place away from the victim's residence at a place
9 where the mother would bring the child and make him
10 visit on Wednesday or Thursday. I was going to
11 allow that. And I would require that he reside with
12 at his mother's residence in Pinewood and I would
13 add another condition, it is he would not to go to
14 Greeleyville under any circumstances.

15 Now those are the things that I was gonna
16 order as conditions to my accepting the plea, and
17 then if I accept the plea I was going to just accept
18 it as a guilty plea with sentencing to come Thursday
19 morning. And then in the event that he didn't come,
20 all bets are off as far as the ten year suspended on
21 service of five and five years probation and he'd be
22 subject, he'd be facing 40 years in prison. And
23 that's what I'm willing to do. Now whether you on
24 behalf of the State are willing to do that as a
25 negotiated plea, then that's up to you. But I'll

1 allow y'all to stand aside. Those will be the
2 conditions that I would think would be appropriate
3 to do it as a negotiated plea, which is what y'all
4 negotiated. The sentence and everything is
5 negotiated, but the plea would be accepted but not
6 sentenced subject to being sentenced on Thursday
7 morning, allow him to remain out on bond if the
8 bondsman affirms he will stay on the bond and that
9 the child, he can visit the child at a place other
10 than the victim's residence. And that the mother,
11 that the, must reside in Pinewood, not to go to
12 Greeleyville. If y'all can accept those as part of
13 the negotiated plea, then I will accept the plea.

14 (Attorneys confer.)

15 (Mr. Robinson confers with the defendant.)

16 THE COURT: All right, a little more
17 details on the conditions as far as the negotiated
18 plea, Mr. Anderson?

19 MR. ANDERSON: Your Honor, I conferred
20 with Mr. Durant. I proposed something to Mr.
21 Robinson, that we just leave that one issue up to
22 you. That's the only part of the plea that's not
23 negotiated.

24 THE COURT: Well, I don't know whether I'm
25 gonna do that or not. The reason I told you in

1 chambers it would have to be negotiated is that
2 every time that I have accepted a plea and delayed
3 sentencing has come back to bite me and —

4 MR. ANDERSON: I understand.

5 THE COURT: —so I'm not gonna do that.
6 I propose one other thing. I don't know whether
7 this will help any, y'all might do this. If you
8 have some concern about it, he may not want this
9 either. I assume the reason he wants to stay around
10 a day or two is to see his child?

11 MR. ROBINSON: He's got this child. He's
12 got an older child with somebody else he wants to
13 kind of say his goodbyes and do that.

14 THE COURT: What if — I'll order that he
15 not be transferred to SCDC until Thursday and remain
16 in custody of the county detention center and order
17 them to make arrangements for him to visit his
18 children.

19 MR. ROBINSON: Let me talk with him a
20 minute real quick.

21 THE COURT: All right.

22 (Mr. Robinson confers with the defendant.)

23 MR. ROBINSON: Your Honor, I mean, in
24 light — Mr. Romeo, you know, obviously doesn't want
25 the benefit of the plea to get done, quite frankly.

1 He's not thrilled about it, but under the
2 circumstances he understands and he's willing to
3 submit to those terms.

4 THE COURT: I'm sorry, what?

5 DEFENSE: He's not thrilled about it, but
6 under the circumstances he's willing to submit to
7 those terms, Your Honor.

8 THE COURT: All right. Is that agreeable
9 to the State?

10 MR. ANDERSON: Absolutely, Your Honor.

11 THE COURT: And I'll withhold sentencing.
12 I'll still withhold sentencing to make sure that
13 everything works out that way. I'll go ahead and
14 accept the plea to enter the plea on Thursday, I
15 mean, to sentence him on Thursday. Let me ask, who
16 would be the ranking person from the detention
17 center? You would be?

18 THE OFFICER: Yes, sir.

19 THE COURT: Can it be arranged that his
20 children can meet him at the detention center the
21 next couple of days before I sentence him? If I
22 don't sentence him y'all wouldn't be transferring
23 him and so —

24 THE OFFICER: I would have to speak with
25 the director on that, sir.

1 THE COURT: Who's that, Mr. Sheldon?

2 THE OFFICER: Yes, sir.

3 THE COURT: All right, we need to confirm
4 with them then.

5 MR. ROBINSON: And Your Honor, the other
6 thing that may be possible is if, you know, they
7 brought him up here prior to sentencing and allowed
8 him to have supervised contact in a room up here.
9 I've had that happen before. Rather than making
10 arrangements for minor children to be in the jail,
11 like a little conference room out there. We do that
12 with a guard present. I've done that before. I
13 wouldn't have any objection to that.

14 THE COURT: I can do that. Why don't we
15 wait till Thursday unless they -- why couldn't we do
16 it Wednesday.

17 MR. ROBINSON: We could, either day.

18 THE COURT: All right. Well, maybe we
19 won't have to talk to Sheldon and find out -- and
20 just make arrangements for him, for the children,
21 for them to be brought up here, for him to be
22 brought here early Thursday and the children be
23 brought to give him opportunity to visit him before
24 I actually enter sentence on Thursday morning.

25 MR. ANDERSON: Yes, Your Honor.

1 THE COURT: All right. Tell him that he
2 doesn't need to call.

3 MR. ROBINSON: We got it.

4 THE COURT: What we've decided to do is
5 rather than to have the children taken to the
6 detention center to visit, we're gonna — he will be
7 taken into custody when we get through here. I'm
8 gonna have him brought back up here early 9:00 or so
9 Wednesday morning and get him a chance to visit with
10 the children here, and then after that sentence will
11 be imposed. That way it will not involve the
12 detention center having to do anything.

13 THE OFFICER: Yes, sir.

14 THE COURT: All right. So Mr. Romeo, just
15 to make sure that there's a clear understanding of
16 where we are, is that the recommendation of the
17 State, the negotiation by the State is a ten year
18 sentence suspended on five years and placed on
19 probation for five years with the requirement of
20 sexual offender registry, that this sentence will be
21 imposed unless something happens between now and
22 Wednesday, on Wednesday morning. The conditions of
23 the sentence will be that I will order the detention
24 center to bring you up here early enough Wednesday
25 morning and have the State insure that — there are

1 two children involve?

2 MR. ROBINSON: Yes, sir.

3 THE COURT: That both children are here
4 and you have an opportunity to visit with them
5 before sentence is imposed. That will alleviate the
6 necessity of more, of my having to make any
7 requirement about where you will reside between now
8 and Wednesday or anything with the bondsman or, and
9 that takes care of the visitation situation so. Do
10 you understand that to be the conditions?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Now, if anything
13 happens between now and then that would be your
14 fault the, and I don't know that there would be, but
15 if anything that would happen between now and then
16 would be your fault the negotiated sentence would be
17 off the table and then I would be free to sentence
18 you to whatever I wanted to or the sentence would be
19 withdrawn. You understand that?

20 THE DEFENDANT: (No verbal response.)

21 THE COURT: Under those conditions then,
22 the Court is going to accept the negotiations
23 between the parties, and I'm going to sign the
24 sentencing sheet but I'm not gonna to enter sentence
25 until Wednesday morning sometime during the morning

1 after Mr. Romeo has been brought up here and given
2 an opportunity to visit with the two children. And
3 I'm going to require the State to insure that the
4 children are present to visit with him.

5 (Proceedings adjourned till sentencing on April 7,
6 2016.)

7 MR. ANDERSON: This is Antonio Romeo on
8 indictment number 2015-GS-14-0224. He pled guilty
9 earlier in the week to two counts of criminal sexual
10 conduct with a minor in the second degree. We're
11 revisiting this plea with the rest of the sentencing
12 this morning.

13 THE COURT: All right, I do recall this
14 matter. This is the matter where I accepted the
15 plea, was going to defer sentencing until, to give
16 him an opportunity to speak with or visit with his
17 children. But I believe, if I recall, it was
18 presented to the Court as a negotiated plea of ten
19 years suspended to five years and five years
20 probation. Anything the State needs to add to
21 what's already on the record, Mr. Anderson?

22 MR. ANDERSON: Just that the victims are
23 here, and Your Honor, I don't think they wish to be
24 heard from but they feel strongly about the case.

25 THE COURT: All right. I will address the

1 victim and the mother of the victim and tell you
2 that as a victim or mother of the victim in this
3 case you do have the right to be present whenever
4 there's anything in court. You also have the right
5 to address the Court. If there's anything you'd
6 like to tell me I'll be glad to hear from you.

7 (There was no response.)

8 THE COURT: Nothing, okay. Thank you.
9 Thank you for being here. I know this is a trying
10 time for both of you.

11 All right, Mr. Robinson.

12 MR. ROBINSON: Thank you, Your Honor. And
13 just for the record, as Your Honor will recall, you
14 allowed Mr. Romeo to stay here so that he could
15 visit with a couple of his children. The four year
16 old child, whose mother is out here, did bring him
17 yesterday for a visit. I talked with the mother of
18 the other child several times, and she tried to make
19 it yesterday and couldn't 'cause she had to work.
20 Talked to her again yesterday afternoon and she said
21 she was going to try to make it this morning, but
22 she was notified and it appears that either she just
23 couldn't make it or, quite frankly, didn't want to
24 make it; but nobody has put an impediment to that,
25 Your Honor, so we've done all we can to get

1 Mr. Romeo that visit.

2 THE COURT: All right.

3 MR. ROBINSON: Your Honor, just briefly,
4 Mr. Romeo is 38 years old. He lives at [REDACTED]
5 [REDACTED] in Pinewood with his mother. He graduated from
6 Cheraw High School, and he has done a number of
7 different things. He was most recently been
8 employed up until his incarceration Monday afternoon
9 at Avanah. He had worked there almost a year, ever
10 since he had bonded out on these charges, Your
11 Honor. And as Your Honor will recall, the jury was
12 selected in this case and we were prepared to go
13 forward. And not to do anything, but I want to be
14 fair to Mr. Romeo, his statement and the victim's
15 statement quite frankly are very similar.
16 Mr. Romeo — with one caveat. Mr. Romeo's statement
17 indicated that he had gotten highly intoxicated to
18 the point where he had passed out on two different
19 occasions and woken up, and the victim and he were
20 engaged in activity. Basically — and her statement
21 says the same thing, that he got so drunk that he
22 did this and he did that. I've explained to
23 Mr. Romeo that voluntary intoxication is not a
24 defense regardless of how intoxicated you are. We
25 would probably never be able to prosecute 99 percent

1 of the crimes that occur. That realization, Your
2 Honor, led him to the plea. He just wanted the
3 Court to know for the record that he is not that
4 kind of person ordinarily, that he got drunk. He is
5 responsible for his behavior, but it is not
6 something that he does on a regular and normal
7 basis. He became very intoxicated. There were
8 probably some drugs involved. Certainly there has
9 been a lot of discussion in the investigation about
10 marijuana use and heavy alcohol consumption, but he
11 did just want the Court to know for the record the
12 circumstances where this occurred, allegation of two
13 occasions, and one he kind of realized what was
14 going on there was no, he did not finish the act
15 quite frankly. So he just wanted the Court to know
16 that for the record.

17 Based on all that, Your Honor, we do
18 believe that the negotiations are fair and
19 appropriate. We would simply ask you to accept the
20 negotiated sentence.

21 THE COURT: Anything you'd like to tell
22 me, Mr. Romeo, other than what your lawyer has
23 already explained to me?

24 THE DEFENDANT: Yes. You know, I just
25 once again, I just feel like, you know, I have no

1 choice but to go this way because of the simple fact
2 that I didn't, I didn't, I did not never molested
3 anybody. But like I said, like Scott said, there
4 was some alcohol involved and I can't help to what I
5 wake up to, by just being the simple fact that
6 somebody, you know, came in the room and touch me
7 and did this to me so I have no choice but I guess
8 just because, 'cause I was touched, I have to wear
9 that, wear that name, that label; but know in fair
10 it's not right to me, but I have to do what I have
11 to do in order to get back to my two kids and that's
12 just it.

13 THE COURT: All right. As I indicated on
14 the — I do find that there is a substantial factual
15 basis for the plea. I find the defendant's decision
16 is freely and voluntarily, knowingly and
17 intelligently made. He probably did things while he
18 was under the influence of alcohol; but that is no
19 defense to this type of, it's no defense to any
20 crime, and he is responsible for the things that
21 happened while he was intoxicated. The Court is
22 going to accept the plea and accept the negotiation
23 between the parties.

24 There's a little bit of a dichotomy here,
25 Mr. Anderson and Mr. Robinson, because it's a

1 negotiated ten year sentence suspended to five years
2 and five years probation. But because of the nature
3 of the offense, it's a 20 year offense, it actually,
4 he would be on community supervision when he's
5 released anyhow.

6 MR. ROBINSON: Yes, sir.

7 THE COURT: So the sentence of the court
8 is that the defendant is committed to the State
9 Department of Corrections for a determinate term of
10 ten years provided upon the service of five years.
11 The balance is suspended and placed on probation for
12 five years. He will be given credit for whatever
13 time he has served. I'm not gonna try to compute
14 the time, but I'll just check that box that provides
15 credit for time served pursuant to section 24-13-40.

16 And Mr. Romeo, as soon as you're released
17 now you're gonna need to report to the probation
18 department, get set up on your community supervision
19 and/or probation because after you get out of prison
20 you're gonna still be supervised by the Department
21 of Probation Parole Pardon services for a period of
22 time. You understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Good luck.

25 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 5th day of March, 2017.

Frances B. Ray

FRANCES B. RAY, RPR

FORM 5

STATE OF SOUTH CAROLINA)

County of Clarendon)Antonio T Rameo 336726)

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

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2016-CP-14-273CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE
DATE 11/6/16
Rebecca B. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

APPLICATION FOR

POST-CONVICTION RELIEF

2016 JUN 05 PM 12:33

RECEIVED

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 Clarendon County Detention Center
2. Name and location of Court which imposed sentence The Court of General Sessions Manning SC
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2015-GS-14-0224
 - (b) _____

I am incarcerated and don't have any money to pay for the cost of the proceeding at this time, my family is ~~str~~ struggling to help out with my to ~~child~~ children, so there's just nothing I can due at this time.

Sincerely

Antonio Romeo

RECEIVED
JAN 15 1993
FBI - NEW YORK
COMMUNICATIONS SECTION
100-100000-100000

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 4-7-16 / 10 years, suspended to five
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty ✗
- (c) after a plea of nolo contendere
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. None
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. None
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. None
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. None
- ii. _____
- iii. _____

Continued

9.

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

(a) I didn't see my Motion for Discovery until →

(I continue on another sheet of paper)

(b) I was not fully aware of my limitation in laws of the courts, My attorney didn't remind me of this matter after trial, I was too upset to remind myself, or what ever this was called, Trial turn to plea, I was not adequately represented that's where the plea came in.

continued

10.

(c) _____
 State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Minor told lies during her interview

(b) Errors in the warrants and indictments

(c) I didn't confess to putting My penis in her Vagina

continued

11.

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

(a) Minor I gave conflicting story stories throughout

(b) The date states that, I could have ^{been} charge on the

(c) There is a statement and audio of me being interviewed

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

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

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

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

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

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

(a) the specific nature thereof:

i. None

ii. _____

iii. _____

iv. _____

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

i. None

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

- i. None
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. None
- ii. _____
- iii. _____
- iv. _____

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

- i. None
- 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?

None

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

(a) which grounds have been presented:

- i. None
- ii. _____
- iii. _____

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

- i. None
- ii. _____
- iii. _____

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

- (a) I didn't see my Motion for discovery to after trial
 (b) My attorney didn't make me aware of the errors
 (c) I was not represented adequately adequately.

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? yes, what was suppose to be a trial.
 (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. Scott Robinson/po Box 339
Manning Sc 29102
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. The start of trial which turn into the plea
 ii. Bound hearing, where my attorney ask me if
I wanted to plea to Assault and battery.
 iii. _____

7.

A) after the trial, I made several attempts to view them, in and out of the attorneys office for close to a year, His office was provide with them less than two month before trial, I wrote his office in June of this year and recieve them June 17, of this year.

8.

C) or molesting her ~~any~~ in any manner what so ever.

1.

A) her forensic interview, DSS also have some ~~decent~~ documents when compare they don't add up.

B) warrants before a crime could have even took place, Two investigator and a Judge sign off on them without carefully reading them, warrant's was defective and should have been corrected before being serve, The warrants and Indictment have conflicting stories as well.

The due process in the indictment is incorrect ~~is~~ it states that the defendant who's date of birth is 11-7-1977 is also incorrect because my date of birth is 5-11-1977, The indictment should have listed her date of birth as well, And the indictment said that I commit a non-consensual sexual battery to wit he participated in oral sex, if you say I participated then how could you then say it is non-consensual.

The indictments are defective and faulty, I'm being held on a fraudulent and illegal indictment, These matter should have been address before any other arraignments, or proceedings.

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

The conviction overturn and my immediate release or
of grant me a New Trial, So please I ask the
Court to revisit my case.

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

No

STATE OF SOUTH CAROLINA)

County of Clarendon)

VERIFICATION

I, Antonio T Romeo, 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.

Antonio Romeo

SWORN to and subscribed before me this 30th
 day of June, 2016.

Virginia Robinson (L.S.)
 Notary Public

My Commission Expires: May 20, 2021

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

I, Antonio T. Romeo, 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.

Antonio T. Romeo
Applicant

SWORN or affirmed to and subscribed before me this

30th day of June, 2016.

Virginia Robinson
Notary Public

My Commission Expires: May 20, 2021

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

Antonio T. Romeo, #336726,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

2016-CP-14-273

RETURN

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed on July 5, 2016, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Clarendon County. Applicant was indicted by the January 2016 term of the Grand Jury for Clarendon County for two counts of Criminal Sexual Conduct with a Minor – 2nd degree (2015-GS-14-0224). Applicant was represented by Scott Lamar Robinson, Esquire. Assistant Solicitor Warren S. Anderson, Esquire prosecuted the case. Applicant pled guilty as indicted to both charges and was sentenced on April 7, 2016. Pursuant to a negotiated sentence, Applicant was sentenced to ten years imprisonment suspended upon the service of five years with probation for five years by the Honorable Howard P. King. Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein by reference are the records of the Clarendon County Clerk of Court regarding the subject convictions, the transcript from Applicant's plea, and Applicant's records for the Department of Corrections. Respondent reserves the right to amend its return upon the receipt of other relevant records.

II.

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

1. Ineffective Assistance of Counsel
 - a. "I didn't see my [discovery] until after the trial."
 - b. "I was not adequately represented, that's where the plea came in."
2. Involuntary Guilty Plea
 - a. "I was not adequately represented, that's where the plea came in."
3. "Errors in the Warrants and Indictments"
 - a. "The indictments are defective and faulty. I am being held on fraudulent and illegal indictment. These matters should have been addressed before any other arraignments, or proceedings."
4. "I never confessed to putting my penis in her vagina or molesting her in any manner what so ever."

III.

Applicant claims ineffective assistance of counsel in his application. Respondent contends Applicant's counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 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, 80 L.Ed.2d 674. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

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

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. 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.

Respondent further submits Applicant's second allegation that his guilty plea was involuntary is without merit. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-

Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citing Drayton v. Evatt, 312 S.C. 4, 430 S.E.2d 517 (1993); Hyman v. State, 278 S.C. 501, 299 S.E.2d 330 (1983); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993)). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citing Hill v. Lockhart, 474 U.S. 52; Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000); Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000); Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994)). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. at 56. Furthermore, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. at 137-38, 654 S.E.2d at 874 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)).

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

V.

Applicant alleges that his indictment is defective. In post-conviction relief, an Applicant wishing to raise challenges to the sufficiency of an indictment must do so in the context of ineffective assistance of counsel, basically alleging that his trial counsel failed to properly move to quash the indictment in accordance with S.C. Code Ann. § 17-19-90 (2003). A claim of this nature is subject to the procedural bars in the Uniform Post-Conviction Procedure Act – notably the statute of limitations and successiveness. See S.C. Code §§ 17-27-45 and -90 (2003).

Indictments are sufficient when they allege time and place, as required by law, and charge the crime substantially in the language of the statute or the common law which prohibits the crime or so plainly that the offense charged may be easily understood and, if the offense is statutory, that the offense is contrary to the statute involved. S.C. Code Ann. § 17-19-20 (2003). All indictments must be viewed with a “practical eye” to determine whether they fulfill their function to notify the accused of the charge he must answer, notify the court of what judgment and sentence to pronounce, and present a bar to subsequent prosecution. See State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005).

An Applicant may still challenge the subject matter jurisdiction of the trial court, and such a claim is one that may be raised at any time. See Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001), *overruled in part by Gentry, supra*. However, “[c]ircuit courts obviously have subject matter jurisdiction to try criminal matters.” Gentry, supra, 610 S.E.2d at 499; See also S.C. Const. Art. V, § 7. Thus, the Applicant must present evidence that his case is of some class over which the circuit court does not have the authority to preside. The Applicant’s conviction involved a criminal charge in General Sessions Court. Thus, the circuit court had subject matter

jurisdiction. For the aforementioned reasons, Applicant's allegation that he is being held under a defective indictment should be summarily dismissed.

VI.

Applicant's allegation challenging the credibility of the victim's statements raises a direct appeal issue that is procedurally barred by S.C. Code Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). Applicant could have raised this issue at trial or on appeal. His failure to do so has waived this allegation as a ground for relief. Therefore, the Court should summarily dismiss this allegation.

VII.

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel and involuntary guilty plea. As to all other allegations, Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VIII.

Applicant must specify any claims he intends to raise at the PCR trial. Any claims not *specifically* laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code § 17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing.

IX.

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

X.

WHEREFORE, having made its Return, Respondent requests that a hearing be held on the claims of ineffective assistance of counsel and involuntary guilty plea.

Respectfully submitted,

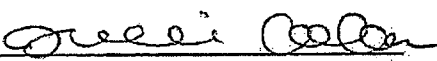
ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JULIE A. COLEMAN
Assistant Attorney General

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

By: 
ATTORNEYS FOR RESPONDENT

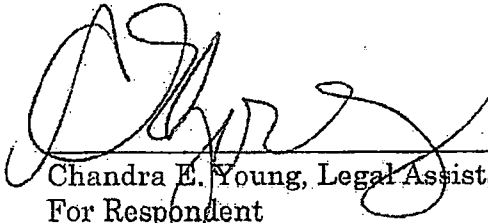
May 17, 2017

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CLARENDON	)	
	)	
ANTONIO T. ROMEO, #336726	)	2016-CP-14-0273
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

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

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

DATED this 17th day of May, 2017.


 Chandra E. Young, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON)

COURT OF COMMON PLEAS

ANTONIO T. ROMEO)
336726)
PLAINTIFF,)

v.)

TRANSCRIPT OF RECORD
16-CP-14-273

STATE OF SOUTH CAROLINA,)

RESPONDENT.)

July 24, 2017
Sumter, South Carolina

BEFORE :

THE HONORABLE D. CRAIG BROWN, JUDGE

APPEARANCES:

LANCE S. BOOZER, ESQ.
Attorney for the Petitioner

JULIE COLEMAN, ESQ.
Attorney for Respondent

FRANCES B. RAY, RPR
Circuit Court Reporter

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EXHIBITS**PLAINTIFF'S:**

No.	Description	I.D./EVD.
1	Discovery material	17/17

1 MS. COLEMAN: May it please the Court.

2 THE COURT: Yes, ma'am.

3 MS. COLEMAN: This is Antonio Romeo versus
4 the State of South Carolina, docket number
5 2016-CP-14-273. Applicant is presently confined in
6 the South Carolina Department of Corrections
7 pursuant to orders of commitment of the Clerk of
8 Court for Clarendon County. Applicant was indicted
9 by the January 2016 term of the grand jury for
10 Clarendon County for two counts of criminal sexual
11 conduct with a minor second degree. Applicant was
12 represented by Scott Robinson, Esquire. Assistant
13 Solicitor Warren S. Anderson, Esquire, prosecuted
14 the case. Applicant pled guilty as indicted to both
15 charges and was sentenced on April 7th, 2016.

16 Pursuant to a negotiated sentence,
17 Applicant was sentenced to ten years imprisonment,
18 suspended upon the service of five years with
19 probation for five years by the Honorable Howard P.
20 King. Applicant did not appeal his conviction or
21 sentence. Applicant filed a timely application for
22 post-conviction relief on July 5th, 2016, alleging
23 that he was being held in custody unlawfully based
24 on the following allegations: Ineffective
25 assistance of counsel, involuntary guilty plea,

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1 errors in the warrants and indictments, and the
2 victim lied. The State filed its return May 17th,
3 2017. He's present today and represented by
4 Mr. Lance Boozer.

5 THE COURT: Mr. Boozer.

6 MR. BOOZER: May it please the Court.
7 Judge, we would go ahead and call Mr. Romeo to the
8 stand.

9 THE COURT: All right.

10 THE CLERK: Place your left hand on the
11 Bible, raise your right hand. State your name
12 please.

13 THE WITNESS: Antonio Romeo.

14 WHEREUPON,

15 **ANTONIO ROMEO,**
16 having been duly sworn by the Clerk, testified
17 as follows:

18 THE CLERK: Please state your full name,
19 spell your last name for the record.

20 THE WITNESS: Antonio Romeo, R-O-M-E-O.

21 **DIRECT EXAMINATION**

22 BY MR. BOOZER:

23 Q Mr. Romeo, how are doing today?

24 A I'm good.

25 Q Okay. And if you would, just keep your voice up

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1 while you're testifying and speak clearly so that
2 Madam Court Reporter can take down everything you're
3 saying, okay?

4 A Yes, sir.

5 Q All right. Mr. Romeo, do you know why you're
6 here today?

7 A Yes, sir.

8 Q All right. Why's that?

9 A Because the fact that I didn't see the motion of
10 discovery and so-called victim did not tell the
11 truth whatsoever.

12 Q Okay. Well, let's kind of talk about that in a
13 little bit more detail. You, obviously you filed
14 what's called an application for post-conviction
15 relief.

16 A Yes, sir.

17 Q All right. And that's what we're here today
18 about?

19 A Absolutely.

20 Q Okay. And what were you, what did you get
21 sentenced for, what were your charges? What'd you
22 plead guilty to?

23 A Criminal sexual conduct with a minor.

24 Q Okay. What were you originally charged with, or
25 did you plead guilty to the original charge?

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1 A Yeah, I pled guilty to the original charge.

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

4 A Ten years suspended to five.

5 Q Okay. What's the complete sentence that you
6 received? Ten suspended to five, and then do you
7 have any probation you have to serve?

8 A Well, actually I was thinking it was five years.
9 Mr. Robinson told me five years and a little bit of
10 probation time which actually came out to be five
11 years probation and five years prison time.

12 Q What's your max-out date right now?

13 A I think it's February 2020.

14 Q February 2020? So about two-and-a-half years?

15 A Yes, sir.

16 Q So, and you and I have certainly discussed this,
17 but do you understand the only thing this Court can
18 do for you is to give you a new trial on the, on
19 charges? Basically you just start completely over.

20 A Yes, sir.

21 Q Okay. And as you and I've discussed, you
22 understand that there's a certain risk involved
23 because if you go back and have a trial, then just
24 worse case scenario you could potentially get
25 convicted and found guilty at a trial and get either

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1 more time than what you got originally or more time
2 than what you have left to serve on your sentence.
3 Do you understand that?

4 A Yes, sir.

5 Q And you and I have discussed that?

6 A Yes, sir.

7 Q Okay. And understanding that you still wish to
8 go forward with your PCR?

9 A Yes, sir.

10 Q Okay. Now who represented you for your plea?

11 A Mr. Scott Robinson.

12 Q How did Mr. Robinson come about representing you?

13 A The State appoint him to me.

14 Q Do you know about how many times you may have met
15 with Mr. Robinson prior to your plea?

16 A The first time I met with him was, I say, right
17 during the month of May. He came to, he came to the
18 jail to, I think, visit, visit someone. And I
19 happened to see him in there and I had asked the
20 girl may I have a word with him, so I went in and
21 talked to him a little bit about the case. And then
22 he came back again and I asked the guard once more
23 can I go in and talk to him, and they allowed me to
24 go in and talk to him. So finally, I think I sat
25 in, I sat in the County like four months before I

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1 even much had got a bond hearing. And he said,
2 well, I'll take you up for a bond which'n it was,
3 like, maybe a total of three times before I went up
4 and got — well, I talked to him twice, then once
5 more when I went up and got my bond to get my bond
6 hearing. So during that period, you know, in the
7 time of four months I say maybe, like, three times.

8 Q Okay. Did you have any sort of offers before
9 this one that you family took?

10 A Yes.

11 Q Okay, what was that?

12 A The State wanted to offer me, I think it was like
13 a couple of years, like two years probation assault
14 and battery of a high and aggravated nature. And
15 when they came with that plea I had mentioned to
16 Mr. Robinson, I said, I didn't want to take that
17 either 'cause I said why should I have to take that
18 when I haven't broken any law or commit any crime.

19 Q Okay. And what was his response to that?

20 A I'm just telling you.

21 Q Okay. His response was he's just letting you
22 know that's the plea offer?

23 A Yeah.

24 Q Got you, okay. Did you have any sort of
25 appearance or did you go to court around that time?

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1 A They brought me back up the next day. I think it
2 was the next day or either, I want to say it was the
3 next day. After I talked to a couple of guys they
4 was like, well, you know, at least you get to go
5 home and spend time with your family; but at the end
6 of the day in the back of my mind still, yeah, why
7 should I have to take that plea when I haven't
8 broken any laws, I haven't done anything. But yeah,
9 they brought me back up. I think it was the very
10 next day.

11 Q Okay. What happened there?

12 A I don't know. For some reason Mr. Robinson, he
13 wasn't — well, he did told me he wasn't going to be
14 there and he was going to have his, I think it was
15 assistant King Cutter there for me to take the plea.
16 But I don't know, for whatever reason something
17 happened. I don't know if the State backed out of
18 it or whatever the case may be, I don't know.

19 Q All right. Now you said you had bonded out by
20 this time?

21 A No, I hadn't.

22 Q But eventually did you?

23 A I bonded out, I want to say, right around June—
24 it was either July 31st or August 7th. I know it
25 was on a Friday of 2015.

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1 Q All right. And how, after you made bond how were
2 you communicating with Mr. Robinson?

3 A Through calls 'cause when I bonded out I went
4 right back to work that following week I recall, or
5 either I would go by his office like every month.
6 Every month I checked to see whether that discovery
7 was there 'cause that's what I wanted to see, you
8 know, what the State, what the evidence had looked
9 like against me which'n I knew it couldn't have been
10 anything because, like I said once before, I didn't
11 broke no law, I didn't do anything.

12 Q Okay. And what was the — did you see the
13 discovery and review it with Mr. Robinson?

14 A No, no. I didn't review, I didn't review it, I
15 didn't see it, not until after I was sentenced.

16 Q Okay. And that's one of your main allegations is
17 that you didn't see the discovery until after the
18 plea?

19 A Absolutely.

20 Q Okay. When did you receive the discovery?

21 A I think it was in — I wrote, the first time I
22 wrote I was trying to get the discovery and I didn't
23 know who to write so I end up writing the Clerk of
24 Court and end up getting the indictment paper. So
25 when I got to Ridgeland I had went to the law

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1 library and met a guy there and he wrote a paper, he
2 draw up a paper for me to mail it to Mr. Robinson.
3 And Mr. Robinson, I think he might have, might have
4 mailed it back to me in June.

5 Q Okay.

6 A June.

7 Q All right, let me skip back to prior to your plea
8 and then we'll get back on discovery. Prior to your
9 plea were you ever set to go trial?

10 A Yeah.

11 Q Okay, when?

12 A During that, during that time we had already
13 picked the, picked the jury to go; but Mr. Robinson
14 said I don't know why, why would you want to risk 7
15 for 20. And like I said once again, because I
16 didn't do anything. And that never took place
17 because for some, for some reason when we had picked
18 the jury the court took a two hour recess; and when
19 I came back in he said, look, he said, what you
20 gonna do. He said, you gonna risk 7 for 20?

21 Q Where is the 7 coming from?

22 A The State, the State offered 7.

23 Q Okay.

24 A So he said, why risk, why risk 7 for 20? The
25 presiding judge, which was Mr. Howard P. King, he

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1 said he's not gonna let me get anything in because
2 the simple fact that you see I already pissed him
3 off. So with that being said, I said, you know
4 what, I said go and see if the State, see if they
5 will take five. I don't have time to be playing
6 'cause I got two kids out here I'm trying to get
7 back home to. I don't have time to run around to be
8 playing, to playing these mind games 'cause they're
9 either gonna lead to where if we do go to trial, I'm
10 gonna end up with these 20 years 'cause now it's
11 like I don't see where you gonna represent me to the
12 fullest of where I deserve to be represented.

13 Q All right, so, and I guess the question is why
14 did you choose to take that plea then?

15 A Because I didn't have no defense. I didn't have,
16 I didn't have no defense. And I'll go back a little
17 bit. When that, I think it was that Thursday, like
18 maybe four days before trial supposed to had
19 started, Mr. Robinson had tried to contact me and I
20 didn't find out until that Friday. And when I went
21 in his office he said, what is your defense, and I
22 said I didn't do anything; and he said, well, that's
23 not a defense. I didn't have anything to go on.

24 Q Okay.

25 MR. BOOZER: Your Honor, may I approach

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1 the witness?

2 THE COURT: Yes.

3 BY MR. BOOZER:

4 Q Mr. Romeo, you have provided to my office a
5 number of documents which you've described as your
6 discovery materials; is that correct?

7 A Yes, sir.

8 Q Okay. Now when is it that you say that you saw
9 your discovery materials?

10 A Not until June. I think it was June, end of
11 month of June when I wrote his office and he said,
12 why, he provided me with a copy; but he never
13 provided me with a copy of a motion of discovery.
14 As a matter of fact, when it was sent, not only was
15 one sent, there was two.

16 Q Okay. What's the second one?

17 A One was addressed to Mr. Scott Robinson and one
18 was addressed to a Steve McKenzie, someone who I,
19 who never, attorney Steve McKenzie. I don't know
20 this guy, he never represented me, I never talked to
21 him, never had any dealings with him.

22 Q What discovery, if any, did you review with Mr.
23 Robinson prior to your plea?

24 A None.

25 Q Okay. Did you see any statements?

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1 A I didn't see, there was no statement, there was
2 no nothing. Absolutely nothing.

3 Q Okay. I'm gonna show you a copy of the documents
4 which you've provided to my office directly from
5 you. If you would —

6 MR. BOOZER: And Your Honor, I've shown
7 these to the Attorney General's Office.

8 BY MR. BOOZER:

9 Q If you would, just take a moment and, first,
10 what's the first document that you see there? If
11 you can identify that for me.

12 A Okay. That is, this is the one in respond to the
13 letter that I had wrote to Mr., to Mr. Robinson, and
14 it say, "I have received the letter dated June in
15 2016 wherein, wherein you requested all of your
16 discovery. While I provided you with all this
17 information in advance of trial, I am enclosing
18 another copy of this information for your records.
19 Also be advised that there are two CDs, DVDs, two
20 that I am not sending at this time because I do not
21 know whether you have a way to utilize them. If you
22 want them, simply let me know and I will send them
23 to you. In addition, there was some information
24 from DSS that was to me with the understanding that
25 they cannot be published or provided to anyone

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1 without a court order. While this information is
2 not relevant to the concern addressed in your
3 letter, I simply want you to know that the DSS
4 information exists and if you want a copy as well,
5 please let me know. It will require a hearing
6 before I can release them to you. Please be advised
7 that your time to file appeal has passed, and the
8 only available remedy to you at this point is to
9 file a post-conviction relief asking for a new trial
10 or belated appeal. You should file this as soon as
11 possible. Make sure that you do not miss the
12 statutory deadline for filing such action. Please
13 let me know if you need any further information from
14 me and I will gladly provide you with same."

15 Q Okay. Is that a true and accurate copy of the
16 letter that you received from Mr. Robinson after
17 June 14th, 2016?

18 A Yes.

19 Q Okay, and this is after your plea, right?

20 A Yes, sir, after.

21 Q And in the letter he indicates that he's provided
22 you with all that information in advance of trial,
23 but he's enclosing another copy for your records?

24 A Yes, sir, that's what he said but.

25 Q That didn't happen?

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1 A No, he never, I never, I never seen that
2 discovery until I got, until he mailed that one,
3 mailed that —

4 Q Okay.

5 A —this information.

6 MR. BOOZER: Beg the Court's indulgence,
7 Your Honor. Your Honor, may we approach.

8 THE COURT: Yeah.

9 (WHEREUPON, counsel approached the
10 Bench for an off-the-record discussion.)

11 BY MR. BOOZER:

12 Q Mr. Romeo, again, there are a number of documents
13 that you provided to me that are behind that letter
14 which you've just discussed from Mr. Robinson. If
15 you would, just take a moment and flip through those
16 pages.

17 (Pause.)

18 BY MR. BOOZER:

19 Q Have you had a moment to look at those?

20 A Yeah, pretty much so.

21 Q Have you looked through all of them?

22 A I know the rest of these.

23 Q Okay. Let me hold those. Is this a copy of the
24 discovery that you were provided by Mr. Robinson?

25 A Yes, that's the one he mailed to me.

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1 Q Okay. These documents that you're looking at,
2 have you ever seen these before?

3 A Never seen them till he mailed them to me.

4 Q Okay.

5 MR. BOOZER: Your Honor, at this time I
6 would move to make these Applicant's Exhibit 1, but
7 with the special request that they be done so under
8 seal. They may contain some confidential
9 information and we'd ask that they be marked under
10 seal and only for Your Honor's review.

11 THE COURT: Any objection?

12 MS. COLEMAN: No objection.

13 THE COURT: So admitted.

14 (WHEREUPON, Petitioner's Exhibit No. 1 was
15 marked for identification and admitted
16 admitted into evidence.)

17 BY MR. BOOZER:

18 Q Mr. Romeo, what's been marked as Applicant's
19 Exhibit 1 under seal, if you would, explain to the
20 Court what you have noted after your review of your
21 discovery that had you seen that before your plea
22 you would have continued to go on to trial?

23 A Pretty much everything 'cause the discovery
24 incriminates the so-called victim. It really
25 doesn't say a whole lot about me. It mostly speaks

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1 about the stuff that she was getting into from a
2 STD, drug use, to sneaking out the house, to
3 stealing, to just everything. It most, it just
4 incriminate her. And I noticed in the discovery it
5 was another, it's a interview from the Department of
6 Social Service that when me and Mr. Robinson went to
7 a bond hearing it was like the only thing that they
8 had to go by when the presiding judge was Judge
9 Hood. Judge Hood, he asked, he said, well, what
10 evidence do y'all have to hold this man on. And the
11 State could produce nothing, but they said they had
12 a tape and a forensic interview that was on the way.
13 Well, it went from one CD that's in one of those
14 motion of discovery to two CDs to which'n
15 Mr. Robinson — as a matter of fact, it's in the
16 same paper right here where he wrote me saying,
17 stating that there are two CDs, DVDs, that I am not
18 sending at this time because I don't know whether
19 you have a way of utilizing them. Okay, when he did
20 send them I wrote back and asked him, well, send me
21 those, send me those CDs, DVDs too. When I got
22 them, here go three CDs, DVDs which'n I haven't had
23 a chance to view none of those as of this day right
24 here. I haven't seen them, don't know.

25 Q But have you seen what's been marked as

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1 Applicant's Exhibit 1? Had you seen that prior to
2 trial you would not have pled guilty and proceeded
3 to trial?

4 A I wouldn't have, never would have, in no way in
5 the world I would have pled to that, nothing in that
6 discovery.

7 Q Okay.

8 MR. BOOZER: Your Honor, if Your Honor
9 cares to review these documents. Thank you.

10 BY MR. BOOZER:

11 Q Mr. Romeo?

12 A Yes.

13 Q Going on to some of your other allegations,
14 you've got an allegation that you felt like your
15 indictments were detective and faulty. What's, what
16 do you mean by that allegation?

17 A Because when I looked at, like I said, I didn't
18 see the indictments until, until after, after I had
19 pled to. And in that indictment my birthday is not
20 even correct. And that, and with the warrant, the
21 warrant is stating, even though I didn't commit a
22 crime the warrant actually states that I could have
23 committed a crime before one even, had even taken
24 place. And the State did nothing about it to
25 correct that 'cause in that it was in the affidavit

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1 under oath.

2 Q Okay, and did you speak with your lawyer at all
3 about that?

4 A Yes, I asked him. I asked him about it.

5 Q Okay.

6 A I asked Mr. Robinson about it.

7 Q What'd he tell you?

8 A He said, I asked him about it.

9 Q Now you've also got another allegation that
10 you've never confessed. What do you mean by that
11 allegation?

12 A I never confessed to no crime. I never confessed
13 to molesting anybody.

14 Q Okay. Mr. Romeo, we've covered a number of
15 topics today, and we've covered what you alleged in
16 your PCR application and the reasons for the plea
17 and why you wanted a new trial. Is there anything
18 else that we have not covered that is a part of your
19 application or that you want to bring to this
20 Court's attention today?

21 A It is the fact that I didn't, it's like, I was in
22 the dark about this, about this whole case. From
23 the preliminary hearing to which I knew nothing, I
24 didn't even know anything about the preliminary
25 hearing, when they had it. When I was scheduled to

PW - A. ROMEO - CROSS

1 go to a preliminary hearing Mr. Robinson was not
2 available to go so they told me that they would
3 reschedule; and I don't know when they rescheduled,
4 how he done it or whatever. I just know when I was
5 going to Mr. Robinson office to try to view the
6 motion of discovery, it just dawned on me, said
7 well, just ask him, you know, about the preliminary
8 hearing. So I was like, well, when are they going
9 to have my preliminary hearing? He was, oh well,
10 they already had that.

11 Q Okay. Is there anything else we have not covered
12 that's alleged in your application? I think that we
13 have. I just want to make sure that we've gotten
14 everything.

15 A Yeah, I think that's it.

16 Q Okay. Please answer any questions the State may
17 have for you, okay?

18 A Yes.

19 **CROSS-EXAMINATION**

20 BY MS. COLEMAN:

21 Q Good morning, Mr. Romeo, how are you?

22 A Fine.

23 Q You pled guilty to these crimes, right?

24 A Yes, I did.

25 Q And you told the judge that you were guilty?

PW - A. ROMEO - CROSS

1 A Yes, I did.

2 Q Why did you do that if that wasn't true?

3 A Because Mr. Robinson said that was the best thing
4 to do for me to take the plea, an offer for me to
5 take the plea. In order for him to take the plea I
6 had to tell the judge I was guilty.

7 Q Okay. Now there was some talk at the plea about
8 how you were intoxicated at the time of the crime;
9 is that right? Was that your defense?

10 A Yes, I was intoxicated. Yes, I was.

11 Q Okay. But voluntarily intoxication is not a
12 defense.

13 A No, I was, I wasn't just — I said I was passed,
14 I was asleep, very much asleep. And when this whole
15 incident I was in the room unaware what was going on
16 around me. I woke up and caught the so-called
17 victim trying to perform, get off on me or whatever,
18 at the time to fulfill her sexual desire.

19 Q And you told the judge that, right? The attorney
20 told the judge that at the plea?

21 A I don't remember him telling the judge that.

22 Q Okay. But if it's in the transcript would you
23 agree that that's what happened at the plea?

24 A I don't know. I don't think then 'cause I don't
25 think he even brought that up at trial.

PW - A. ROMEO - CROSS

1 Q Okay, but you —

2 A But I did let him know that though.

3 Q But you still pled guilty to the crime, right?

4 A Yes.

5 Q And you were facing up to 20 years if you went to
6 trial on this; is that right?

7 A I think so.

8 Q And you got a, what, five years in prison, five
9 years probation sentence?

10 A Yes.

11 Q Okay. Do you still want a trial on this knowing
12 that you would face that again?

13 A Yes, because simple fact I didn't do anything and
14 I have two kids, you know, and I have a five year
15 old and there are things that I want to do with my
16 son that this will limit it. I rather go down
17 fighting than to have something like this tag on,
18 tag on to my name.

19 Q Okay. Did you tell your attorney that the victim
20 lied in her statement?

21 A Of course. It's plain as, I mean, it's plain as
22 day in not only in the forensic interview and the
23 one from the interview from the Department of Social
24 Service, they both contradict theirselves. In one of
25 them she said I forced — a very strong word — I

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1 forced her to smoke marijuana. Then in the other
2 interview, oh, I just asked Mr. Romeo if he'll give
3 me some, give me some weed, but he refused to. I
4 will refuse to give you weed, but I will give you
5 alcohol? It doesn't make sense.

6 Q But you waived your right to challenge all that
7 by pleading guilty, right?

8 A Exactly, yes.

9 Q Okay. Did you discuss defenses, possible
10 defenses with your attorney including voluntary
11 intoxication?

12 A I really didn't have a defense 'cause, like I
13 said, I never seen that motion of discovery. I
14 didn't know what the State had. I didn't know, the
15 only thing I went with what, went with what
16 Mr. Robinson said.

17 Q Okay. Do you recall waiving your constitutional
18 rights at the guilty plea like your right to a jury
19 trial and your right to remain silent?

20 A I may have. I don't, I can't remember 'cause
21 after the fact when I did took the, when I did talk
22 to Mr. Robinson after the, after we, after the court
23 had took a recess for two hours, I was highly, very,
24 very upset and he made it known. He let the judge
25 knew that I was upset.

PW - A. ROMEO - CROSS

1 Q Okay. Do you remember telling the plea judge
2 that you were satisfied with your attorney at the
3 time?

4 A Yes.

5 Q And you didn't have any complaints then, right?

6 A Yes.

7 Q Okay. Do you remember telling the judge that no
8 one was promising or threatening you in order to
9 plead guilty?

10 A No, no one promised me anything.

11 Q Okay. And you plead to a negotiated sentence,
12 correct?

13 A I assume. I don't really know.

14 Q Okay. No further questions. Thank you.

15 THE COURT: Any redirect?

16 MR. BOOZER: No redirect, Your Honor.

17 THE COURT: Sir, you may step down. Thank
18 you.

19 Any other witnesses, Mr. Boozer?

20 MR. BOOZER: No, Your Honor.

21 THE COURT: Ms. Coleman.

22 MS. COLEMAN: The State calls Scott
23 Robinson.

24 THE CLERK: Place your left hand on the
25 Bible, raise your right hand. State your name

RW - S. ROBINSON - DIRECT

1 please.

2 THE WITNESS: Scott Lamar Robinson.

3 WHEREUPON,

4 **SCOTT ROBINSON,**

5 having been duly sworn by the Clerk, testified
6 as follows:

7 THE CLERK: Have a seat up here please.

8 Please state your full name, spell last name for the
9 record.

10 THE WITNESS: Scott Lamar Robinson,
11 R-O-B-I-N-S-O-N.

12 **DIRECT EXAMINATION**

13 BY MS. COLEMAN:

14 Q Good morning, Mr. Robinson.

15 A Good morning.

16 Q How long have you been practicing law?

17 A Almost 22 years.

18 Q And do you recall when you were appointed to this
19 case?

20 A I do not.

21 Q Do you have a general idea of how long you
22 represented him on these charges before the plea?

23 A Well, the plea sheet indicated he had been in the
24 county jail for about five months before he made
25 bond which would have been -- so it's roughly a year

RW - S. ROBINSON - DIRECT

1 give or take.

2 Q And have you reviewed your file on this matter
3 before today?

4 A I did. I looked through it, yes.

5 Q Okay. How many times did you meet with the
6 applicant before his guilty plea?

7 A I did not note a count in my file, but I would
8 say Mr. Romeo's recount of the events was accurate.
9 There were several times I met with him down at the
10 County jail, and it was mostly about a bond hearing
11 'cause, as he said, we did not have any discovery at
12 that point in time. And then after he got out he
13 was very persistent about calling, talking on the
14 telephone, coming by the office at least once a
15 month, sometimes every couple of weeks, you know,
16 looking for the discovery and trying to see when his
17 next appearance date and things like that were.

18 Q Okay. Did you file any Rule 5 or Brady motions?

19 A I did.

20 Q And did you review that discovery material with
21 the applicant?

22 A I did.

23 Q And what was in the discovery?

24 A There was a, obviously there was an incident
25 report. There was a handwritten statement from

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1 Mr. Romeo where, I guess, what he says never
2 confessed. He and I have a little bit of difference
3 of opinion. That may not have been his intention;
4 but in my opinion, legally that more or less
5 constituted a confession. And then there was, I
6 want to say 60 or 70 pages of a forensic interview
7 and intake information from when the forensic
8 interview was conducted on the victim.

9 There was also some DSS records that were
10 turned over to me, but the court order was that I
11 was not to release or review or discuss the
12 information in there until — basically what
13 happened was they allowed me to view these records
14 and if I felt that something in there was relevant
15 to this particular case, then I could make a motion
16 with, to the court, and we would discuss the
17 propriety of releasing that information. The reason
18 for that was that Mr. Romeo informed me that DSS had
19 records where the victim in this case had made
20 similar allegations in the past against other men
21 that had been determined to be unfounded, and my
22 review of the notes did not bear that out. She had
23 accused, I think, one of Mr. Romeo's cousins. I
24 don't remember it naming him. It gave a nickname of
25 rape about a year or so prior to this, but that was

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1 still under investigation. I didn't find any
2 allegations of unfounded or untrue complaints that
3 she had made against anybody.

4 Q Okay. And you testified that he had basically
5 confessed to this in a handwritten statement.

6 A Well, basically what he said, he -- the problem
7 from my point of view with his case was that his
8 statement that made the victim guilty was really a
9 confession. His statement was very similar to hers
10 other than the difference between whether it was
11 forced or coerced. Basically his position was that
12 he was molested by this 14 year old girl, that there
13 were two occasions, one where he passed out, woke up
14 and she was performing oral sex on him. Another
15 occasion where he got drunk and passed out and woke
16 up and she was having intercourse with him. He did
17 not report that to anyone. And again, some of the
18 comments in his statement were very troubling, that
19 he knew he was in a bad situation and she kind of
20 had him over a barrel and things of that nature.
21 The problem is, you know, there's no such thing as
22 consensual sex with a 14 year old. And as you have
23 already discussed with him, voluntary intoxication
24 is not really a defense so there was no denying the
25 allegations. The question for a jury was whether or

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1 not they should believe that this man was so, quote/
2 unquote, weakened by alcohol consumption that he was
3 overcome by a 14 year old girl on two different
4 occasions and didn't bother to report that to
5 anybody.

6 Q Did you discuss that with him, the fact that
7 voluntary intoxication is not a defense?

8 A We discussed that a lot because clearly whether
9 he claims he had copies of discovery or not, he
10 wrote the statement for law enforcement perhaps
11 prior to my involvement in the case I think when
12 they first questioned him he wrote that statement
13 and then also submitted voluntarily to a polygraph
14 examination before I got involved. So there was a
15 great deal of discussion certainly on Mr. Romeo's
16 part of basically what he said up here today that he
17 didn't do anything wrong, and that was what his
18 statement was about in his mind. Like I said, I
19 would not necessarily char— I think he believes
20 that, but I don't think that is legally correct.

21 Q I should have asked you this sooner, when did you
22 review the discovery material with him?

23 A Shortly after I got it. Like I said, he was very
24 persistent in coming by. And I don't have the date.
25 It may be in the discovery with the cover letter

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1 from the Solicitor's Office, but I know he came by
2 and sat down in my office and we went over it for a
3 pretty lengthy period of time. And I give him a
4 copy of it to take and review and come back with
5 additional questions, which he did.

6 Q Before the plea?

7 A Oh, absolutely, yeah.

8 Q Okay. Did he give you any potential leads or
9 witnesses to investigate?

10 A Other than the DSS information that he believed
11 she had made these allegations before and that --
12 basically what he said from the witness stand, that
13 he believed that she wasn't credible, that she was a
14 liar because she had some issues. I think she had
15 some learning disabilities and some things like
16 that, and there were some other true allegations
17 about her sexual history. Quite frankly, none of
18 them I thought were relevant to this case and did
19 not believe that Judge King would have let them in
20 under the rape shield statute because it wasn't a
21 question of whether or not this happened or that he
22 had given her some sort of STD or something like
23 that or that there was physical evidence that he was
24 disputing where it originated from. Again, his
25 statement admitted these two occasions that she

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1 reported. It was just the nature of how they came
2 about, who was the aggressor, or whatever you want
3 to call it, was the only thing at issue. So all of
4 these concerns or allegations that he had about the
5 case I didn't think, number one, were relevant and
6 number two, would be admissible at trial.

7 Q Based on your investigation into the victim and
8 based on what you just described, do you believe you
9 would have been successful in trying to keep some of
10 this, some of the victim's statements out at trial?

11 A That who would —

12 Q That if you had challenged the victim, the
13 evidence against him, do you believe you would have
14 succeeded in doing so?

15 A No.

16 Q Okay.

17 A 'Cause it was, like I said, their statements were
18 incredibly consistent with one another other than
19 the victim said he was the aggressor and she said he
20 was the aggressor. Other than that, they were
21 almost verbatim quite frankly.

22 Q Did you review applicants' constitutional rights
23 before he pled guilty?

24 A Yes, a number of times.

25 Q Did he ever tell you that he did not understand

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1 something?

2 A Not from a standpoint of he didn't grasp it, but
3 he and I probably argued over his version of what
4 constituted a legal defense or not a confession. We
5 argued about that, and I think he did tell me he
6 didn't understand why I thought that way. But as
7 far as knowing what his rights were and whether he
8 could go to trial or not go to trial, he certainly
9 understood all that.

10 Q Okay. Did you explain the differences between a
11 straight up plea recommendation and a negotiated
12 sentence?

13 A Yes.

14 Q And did you enter into plea negotiations on
15 applicant's behalf?

16 A I did.

17 Q Were there any offers from the State?

18 A I, he, not that I recall specifically, and I did
19 not see that in the information that I reviewed.
20 I'm not challenging him. There may have been a much
21 better offer early on in the case, quite frankly, I
22 just simply don't recall that. But I have no reason
23 to believe that they didn't make a good offer; but
24 as he said, if there was one, he turned it down and
25 basically it was on the eve of trial after we

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1 picked a jury that he took the other plea.

2 Q Okay. Did he seem to understand the negotiated
3 sentence that he was pleading to?

4 A Oh, yeah, yeah. I mean, we, I think originally,
5 like you said, there was some, a ten year offer and
6 at that point was, this charge carried was an
7 85 percent charge. And he had served several
8 months. I'm guessing that's where in his mind the 7
9 was coming from. It appears based on the final
10 sentence that we were able to negotiate that down a
11 little bit further to a suspended split sentence
12 with ten years suspended to the service of five and
13 five years probation which would have saved him
14 approximately another three years in prison.

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

16 A His.

17 Q Okay. Do you agree with that decision?

18 A Absolutely. I probably encouraged him to plead
19 guilty, but I certainly didn't make him.

20 Q Okay. Thank you. No further questions.

21 THE COURT: Cross?

22 MR. BOOZER: Thank you, Your Honor.

23 **CROSS-EXAMINATION**

24 BY MR. BOOZER:

25 Q Mr. Robinson, how are you doing?

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1 A Good.

2 Q Good. Going back, and I think you may have
3 already answered a couple of these questions but I
4 want to make sure. Do you recall there ever being
5 an offer for an ABHAN plea?

6 A I cannot honestly tell you that I absolutely
7 remember that. I do not doubt it. It may have been
8 early on in this case. I have no reason to dispute
9 that if it was.

10 Q Do you recall, and based on that I'm assuming
11 though, do you recall any association of ABHAN, any
12 sort of probationary sentence?

13 A If that's what he says it may be, Mr. Boozer. I
14 may have this case confused with something else
15 because I think this was something, I don't remember
16 or didn't see in the file where the solicitor had
17 put that in writing to me; but quite frankly, that's
18 not incredibly uncommon that we just talk about it
19 and he made the offer. But as Mr. Romeo said, I
20 don't remember him being interested in any such
21 offer.

22 Q Would you agree with me the first is a CSC
23 conviction and that's a pretty good deal?

24 A A sweetheart of a deal, absolutely.

25 Q And if that offer would have been made would you

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1 have explained that to Mr. Romeo?

2 A Yeah, I'm sure I would have. And if it was made,
3 I'm sure he and I argued about that as well.

4 Q So it's pretty fair to say though from the getgo
5 Mr. Romeo was pretty adamant about having a trial
6 and not entering in this plea?

7 A He was pretty adamant that he thought that he had
8 done nothing wrong and that his statement wasn't a
9 confession, yes, wanted to be able to prove that.

10 Q And did y'all, in fact, actually go and pick a
11 jury?

12 A Well, the transcript said we did. I didn't
13 necessarily recall that, but yes.

14 Q Okay. And so at that point y'all were in trial
15 mode and then the plea happened?

16 A Well, I think it was, you know, honestly I think
17 I was probably trying to persuade him that he needed
18 to plead for quite some time and the State just got
19 tired of me begging off and put the matter up for
20 trial, and at that point he had to either fish or
21 cut bait.

22 Q At that point what was sort of the — had y'all
23 gone forward with a trial what would have been the
24 trial strategy?

25 A I guess to the best of my ability to somehow, I

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- 1 really, it's hard to say. I don't know because
2 discrediting the witness really would not have done
3 much good because Mr. Romeo admitted that the
4 offense took place. I'm not sure in my mind how I
5 would have tried to persuade a jury that this 14
6 year old girl took advantage of Mr. Romeo, but that
7 was what he felt had happened and that would have
8 been where we went. I just really can't tell you
9 that I would have had good approach to get there.
- 10 Q Now I think you indicated that you said you did
11 review the discovery with him at your office prior
12 to the plea?
- 13 A Yes, and gave him a copy.
- 14 Q Do you know specifically when that would have
15 been?
- 16 A No.
- 17 Q Okay.
- 18 A I mean, obviously it would have been prior to
19 going to trial but...
- 20 Q Did you have any CDs or DVDs that you at the time
21 reviewed with Mr. Romeo?
- 22 A Yeah, there was, and I don't remember, it was
23 three DVDs. Either one or two were his interview
24 and the other one was the, just the tape of the
25 forensic interview or vice versa. I don't remember

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1 which one was one CD or which one was two, but
2 that's what it was. It was his statement and the
3 witness' forensic interview.

4 Q Did you ever have an issue with not getting the
5 discovery from the State?

6 A Well, it clearly, he was in jail five months and
7 we didn't have it or he would have had it delivered
8 to him at the jail; but that, I guess on the record
9 it sounds like a long time, but in reality it's not
10 unusual quite frankly.

11 Q Did you, do you think it may have been sooner or
12 closer to, I guess, I'll call it the aborted, that
13 y'all had gotten all the discovery? Or that you had
14 gotten the discovery?

15 A And I, each time we got it I think if I recall
16 they sent me either two or three different packets
17 with supplemental discovery. Typically there's a
18 cover letter from the solicitor saying what's
19 enclosed, and a date, and I would imagine that
20 within a week or two after I got that Mr. Romeo
21 would have gotten it, but I don't recall those
22 specific dates.

23 Q Did he contact you after the plea to try to get a
24 copy of discovery?

25 A Yeah, he did.

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1 Q Okay. Do you know why he would have done that
2 had y'all already reviewed it?

3 A I was assuming so he could either try to do an
4 appeal or PCR and didn't take the discovery with him
5 when he went to prison.

6 Q During your representation of Mr. Romeo did he
7 ever tell you about a witness to investigate by the
8 name of Travis Harrison or Travis Harris? Does that
9 name ring a bell?

10 A The name doesn't ring a bell. Like I said, it
11 may have been one of the individuals that she
12 supposedly had wrongfully accused previously. We
13 did discuss that. I don't remember honestly off the
14 top of my head if he gave me any names, but you
15 know, there was no mention or note of that
16 gentleman's name or any particular gentleman other
17 than the cousin and I can't, and I can't recall the
18 nickname that was mentioned that she had officially
19 ever accused before.

20 Q Earlier when you indicated you may have been
21 encouraging him to take a plea, do you think you
22 were leaning on him pretty hard to accept the plea?

23 A Well, I, I don't know if leaning is the proper
24 word, but I was certainly explaining to him his
25 exposure was not 20 years. His exposure was 40

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1 years at 85 percent to a crime that in my opinion he
2 had given a written confession to, and that I
3 honestly, like he said, did not see a defense to
4 that. And I'm sure that I made that very clear to
5 him and that my recommendation, if he cared about
6 it, would be to take the plea because I did not
7 think we could sell a jury on his version of the
8 facts.

9 Q And you'd agree with me that based on the
10 sentence that y'all have gotten and what time he's
11 got left to serve on the sentence, that he's
12 certainly here taking a pretty big risk today and
13 willing to do so?

14 A Yes.

15 Q Okay. And that's how he was when you were
16 representing him as well?

17 A Yes.

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

20 THE COURT: Yes, sir.

21 MR. BOOZER: Thank you, Mr. Robinson.
22 That's all I have.

23 THE COURT: Redirect?

24 MS. COLEMAN: Just briefly.

25 **REDIRECT EXAMINATION**

1 BY MS. COLEMAN:

2 Q You said you had picked a jury for this trial; is
3 that right?

4 A Well, I don't specifically recall that, but I
5 certainly don't disagree with the transcript, no.

6 Q Were you prepared to go to trial on this case at
7 that time?

8 A Yeah, I mean, I certainly was prepared to go to
9 trial. I didn't really think it was in Mr. Romeo's
10 best interest, but certainly I was prepared to go.

11 Q Okay, thank you. Nothing further.

12 THE COURT: Mr. Boozer.

13 MR. BOOZER: Nothing further, Your Honor.

14 THE COURT: Sir, you may step down.

15 THE WITNESS: Thank you.

16 MS. COLEMAN: And the State has no further
17 witnesses.

18 THE COURT: Anything by way of argument by
19 you, Mr. Boozer?

20 MR. BOOZER: Nothing further that will add
21 to the testimony, Your Honor. We'll just rely on
22 the testimony and the exhibit that's been entered.

23 THE COURT: All right. Very well, I'll
24 let you all know.

25 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE }

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 16th day of February, 2018.

Frances B. Ray

FRANCES B. RAY, RPR

Scott L. Robinson
Post Office Box 339
Manning, South Carolina 29102
(803) 433-0188

June 14, 2016

Antonio Terrell Romeo 336726
RCI C-B-15
Post Office Box 2039
Ridgeland, SC 29936

RE: State of South Carolina vs. Antonio Terrell Romeo

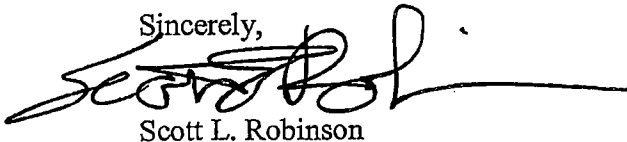
Dear Mr. Romeo:

I have received your letter dated June 8, 2016 wherein you requested all of your discovery. While I provided you with all of this information in advance of trial, I am enclosing another copy of this information for your records. Also, be advised that there are two CD's/DVD's that I am not sending at this time because I do not know whether you have a way to utilize them. If you want them, simply let me know and I will send them to you. In addition, there was some information from DSS that was sent to me with the understanding that it could not be published or provided to anyone without a court order. While this information is not relevant to the concern addressed in your letter, I simply wanted you to know that the DSS information exists and that if you want a copy of that as well, please let me know as that will require a hearing before I can release same to you.

Finally, be advised that your time to file an appeal has passed and that the only available remedy to you at this point is to file a Post Conviction Relief action asking for a new trial and/or a belated appeal. You should file this as soon as possible to make sure that you do not miss the statutory deadline for filing such an action.

Please let me know if you need any further information from me and I will gladly provide you with same.

Sincerely,



Scott L. Robinson



STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF CLARENDON	)	IN THE COURT OF GENERAL SESSIONS
	)	INDICTMENT NO. 2015-GS-14-0224
The State,	)	
	)	
v.	)	RULE 5 DISCLOSURE AND
	)	MOTION FOR RECIPROCAL
Antonio Terrell Romeo,	)	DISCOVERY AND DISCLOSURE
	)	OF EVIDENCE
Defendant	)	
	)	

TO: Scott Robinson, ATTORNEY FOR THE DEFENDANT:

In response to your request for Disclosure under Rule 5, the State provides the following:

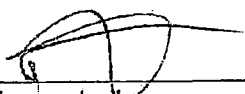
1. Copy of Statement from Antonio Terrell Romeo
2. Copy of Forensic Interview Report Form
3. Copy of Family members
4. Copy of Indictment

Having complied with the defendant's request, the State hereby requests the information subject to disclosure under Rule 5(b)(1)(A)&(B).

The State hereby requests information subject to Rule 5(e)(1) Notice of Alibi; Rule 5(f) Notice of Insanity Defense or Plea of Guilty but Mentally Ill; and any intent of the defendant to rely upon the defenses of necessity or self-defense.

This Motion is pursuant to Circuit Rule 5, upon compliance by the prosecution with the defendant's previous Motion for Discovery and Disclosure based upon the same

circuit court rule. The duty to make said disclosure is a continuing duty up to and during trial.



Warren Anderson
Assistant Solicitor
Third Judicial Circuit

Manning, South Carolina

February 8, 2016

RECEIVED
2/10/16

STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON)

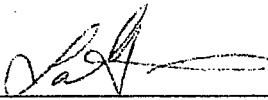
GENERAL SESSIONS COURT
INDICTMENT #2015-GS-14-0224

The State,)
v.)
Antonio Terrell Romeo,)
Defendant.)

CERTIFICATE OF MAILING

Laura Garrison does hereby certify that she placed a copy of the within Rule 5
Discovery in the box for Scott Robinson, Attorney for the Defendant, in the Clerk of Courts
Office on February 8, 2016.

Public Defenders Office
Scott Robinson
PO Box 339
Manning SC 29102



Laura Garrison
Office of the Solicitor

Manning, South Carolina

Date: February 8, 2016

Scott L. Robinson
Clarendon County Public Defender
Post Office Box 339
Manning, SC 29102
(803) 433-0188

October 28, 2016

Mr. Antonio Romeo SCDC 336726
C/O Ridgeland Correctional Institution
RCI C-B-15
PO Box 2039
Ridgeland, SC 29936

Re: State v. Antonio Terrell Romeo
Witness CD / DVD's

Dear Mr. Romeo:

As requested, enclosed are 3 CD / DVD's regarding your case that has now been concluded.

Since your case with this office has been concluded and you have no pending charges, we can no longer be of any further assistance to you.

Sincerely,

Joyce E. Avin

Joyce E. Avin
Paralegal for

Scott L. Robinson, Esq.

Enclosed - as referenced

PREVIOUS CPS INVOLVEMENT

Has CPS in any county or state ever investigated anything related to this child or his/her parents? ☒ Yes ☐ No *if yes, include locations, allegations and findings*

Have any of the indirect's children ever been in foster care or relative placement? ☒ Yes ☐ No
involvement before this one

CHILD BEHAVIOR HISTORY

Does the child have a history of any of the following behaviors:

	YES	NO	Comments
Aggressive/Angry Behavior	X		yells, screams
Hyperactivity (more active than average)	X		somewhat
Sleep Disturbances/Nightmares	X		sometimes
Does child sleep alone?		X	sleeps with aunt
Bedwetting/Wetting clothes		X	
Sad/ increase in crying	X		very depressed but somewhat better
Headaches/Stomachaches	X		headaches from stress
Attempts to Hurt Self/Others		X	
Alcohol/Drug Use	X		uses marijuana
Sexual Behaviors/Activity/Other Abuse	X		sexually active, has STD
Changes in Eating Habits/Weight		X	
School Problems/Grade Fluctuation	X		
Hurting Animals/Setting Fires		X	
Exposure to Pornography	X		on I pad
Running Away	X		would leave home at night
Previous exams and/or interviews for sexual/physical abuse before?	X		

(if so, report alleged abuser; treatment/outcome etc)

Other: is picked on at school, now that she is with aunt grades better. Would leave home at night to meet friends, child was raped a year ago

SAFETY CONCERNS

Does the parent appear to support and believe the child? What risk factors, if any are present regarding the target child or other children in the home?

AGENCY INVOLVEMENT

Referral Source: DSSLaw Enforcement Agency: Clarendon County SOInvestigator: unkDepartment of Social Services: Clarendon DSSCase Worker: Wen Falana

Did EPC/Relative Placement Occur?:

FAMILY INFORMATION

Child

Speech / Hearing difficulties	☐ Yes	☒ No	
Currently on any medications	☒ Yes	☐ No	STD medicine
Special School Placements	☒ Yes	☐ No	resource
Currently/Previously in counseling	☒ Yes	☐ No	Clarendon beh Health
Diagnosed developmental delays	☐ Yes	☒ No	

Other:

Mother

Criminal History	☐ Yes	☒ No	
Alcohol/Drug Use/Treatment	☐ Yes	☒ No	
Previous/Current Counseling	☒ Yes	☐ No	DSS referred
Psychiatric Hospitalizations	☐ Yes	☒ No	
History of Sexual/Domestic Abuse	☒ Yes	☐ No	DV

Father

Criminal History	☐ Yes	☐ No	unk
Alcohol/Drug Use/Treatment	☐ Yes	☐ No	unk
Previous/Current Counseling	☐ Yes	☐ No	unk
Psychiatric Hospitalizations	☐ Yes	☐ No	unk
History of Sexual/Domestic Abuse	☐ Yes	☐ No	unk

Marriage/Separation/Divorce Issues: (if applicable)

Does child have visitation with non-custodial parent: ☐ Yes ☒ No

Frequency/Supervision:

ALLEGATION HISTORY

Historian/Relationship: per aunt;

Romeo had sex with Minor

Last known date of alleged perpetrator/child contact:

Date of disclosure:

Date of incident:

ALLEGED OFFENDER INFORMATION

Name: Antonio Romeo Age: 37

Race: B Gender: M Relationship to Child: moms bf

Criminal History yes-battery, drugs, theft

Alcohol/Drug Use drugs

Mental Health Hi NO

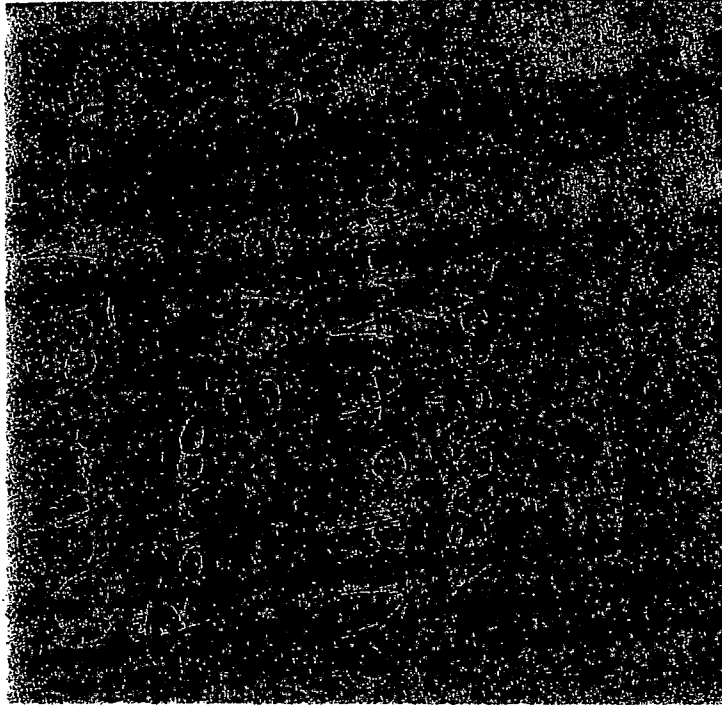
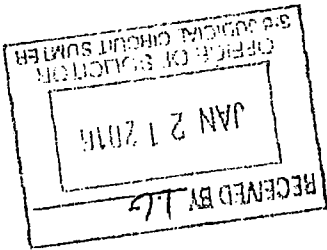
Employment: yes-battery, drugs, theft

Married/Childre has two sons, one with Minor's mom

Previous allegations of abuse/perpetration? no

Other:

Present for Intake: Aunt, DSS, RG



August I came to Ms. Witherspoon house after hanging with a few friends, I went to the bathroom after trying to talk to Ms. Witherspoon, when I came back out of the ~~rest~~ bathroom to go to bed ^{Minor} I had made her way in ~~there~~ there knowing that's where I sleep. I open the door and to my surprise she was in the bed so I openly ask her why is ^{it} in here, I pull the covers ~~of~~ back and she was naked I politely told ~~her~~ her to get out she got up and left.

September I had been out drinking and I can in went to the same room I always sleep in and went to bed and awoken by ^{Minor} performing oral sex, I was a little week from all the drinking but I ^{was} able to stop her. I had a talk with her about what she done and she said she wouldn't do that ~~know~~ no more but two weeks later or so to my surprise she try to again after a day and night of drinking, I wake up to ^{Minor} on top off me and my boxer was still on what the hell are you doing get off of me I sat up and made her remove herself off of me and out off the room. I had another talk with her about messing with me while I'm sleeping when she know I'm drunk I really let her know how I felt and made sure it would never happen again ever by placing myself close to her mother as I came in the room to sleep or even sleep on the couch with her. From that point on I had no more problem with her

as far as that goes but I had problem in other area because she is smart enough to know she place me in a bad situation with what she done and just thought I was going to let her do whatever she wanted and when I caught her doing wrong she use what she done to me to her advantage. when she stole my cigarette & told when I caught her on the outside off the house I told. when I did see things that sometime didn't look ^{right} I told. I let go ~~of~~ ~~off~~ of her because I couldn't help her and things was ~~was~~ starting to consume me and I had know where to go as in, im stuck in a hard place with know way out, Cause she had the ^{Minor} upper hand and turning the table as if I did something. has sneak out the house to many time to count, and I was told she likes to have sex on the back of the house, with random people so I feel like I let myself down because I was't able to put it out there what she was doing to me I just didn't know how, people say they would understand when they don't, I've seen it first hand, how can a little hurt people the way she do all the time.

INTERVIEW SUMMARY

Client Name: Minor

Videotaped: ☒ yes ☐ no

Age at interview: 14

Individuals Viewing Interview: DSS

Date of Interview(s): 1/12/15

Medical Exam: ☐ yes ☒ no

Child able to provide:

Name: ☒ yes ☐ no

Age: ☒ yes ☐ no

DOB: ☒ yes ☐ no

Colors: ☐ yes ☐ no

Oriented to concepts:

Time: ☒ yes ☐ no

Place: ☒ yes ☐ no

Truth: ☒ yes ☐ no

Summary of Statements by Child:

The following is a summary of the forensic interview conducted. For complete details, please inquire with the Center about policies regarding viewing the videotape or obtaining a copy.

The forensic interview report contains information of a highly sensitive and confidential nature. This information is intended for investigative purposes and is not to be released to any person not employed by the agency with which it has been released. DO NOT PROVIDE THIS REPORT TO PARENTS, CARETAKERS OR ALLEGED PERPETRATORS. All media containing recorded material (i.e. video of recordings of forensic interviews) remains the sole property of the Durant Children's Center. Release of typed forensic reports is not permitted except to investigative agencies or unless a request by order of a subpoena signed by a Judge or Clerk of Court is provided to the Durant Children's Center.

Rapport-Minor easily entered interview room.

Transition-Minor was oriented to the room and the rules of the room.

Report exploration-Minor was shown the anatomic drawings.

Closure-Minor was allowed to ask questions if she wanted.

This interviewer used the above format, in whole or part, to conduct a forensic interview with this child.

See the first four pages of this report for family information. This information was provided by Minor's aunt, Mildred Nick, on 1/12/15 when Minor's was seen for an interview. She did not receive a medical exam. Minor was being interviewed because of allegations that mom's boyfriend, Antonio Romeo, touched Minor inappropriately.

Minor easily entered interview room. She was oriented to the room and rules. Minor defined the truth, promised to tell the truth, agreed to use "I don't know" and agreed to correct interviewer. She spelled her name, gave her age, date of birth and gave household information.

Minor said she did not celebrate her birthday because her daddy was not with her. She said she wants all of her family together. Minor said she has not talked to her daddy in over five years but she still wants him back with mama.

Minor said she and her brothers play fight. She said she is used to her brothers. She said her favorite is Bay-Bay because she got to cut his umbilical cord. Minor said she is just a big kid and likes to play around and watch cartoons.

Minor said she is not with mama because of allegations. She said she and her brothers like "making a mess" and "don't like cleaning up". Minor said the house had roaches everywhere. She said mama bombed the house more than one time but they still had roaches. Minor said she cooked at the house. Mama hasn't cooked in years. Mama and Minor did the cleaning. She said one time they did not have food and her aunt brought them food. Minor said she took care of her brothers. She even changed their diapers. Minor said mama did some things with the boys but Minor did most of it.

Minor said her mama and Romeo argue all the time. Romeo is Kwan's daddy. She said Romeo is there from time to time and then later said he stays there. She said mama and Romeo have been together for seven years. She said Romeo starts every argument. Minor said Romeo comes in "high and drunk up" and mama doesn't like it. Minor said girls call Romeo's phone and mama gets mad. She said Romeo comes home and knocks on the door and they let him in. Minor said on Wednesdays, Thursdays and Friday's Romeo "gets twisted up". He has been so drunk he has fallen and passed out. Minor said they usually sleep in the room with mama and when Romeo comes in drunk and high they leave. She said Romeo asks them why they can't stay in the room when he is there. Minor said she would get Romeo off mama when they fought. She said one time one of mama's friends hurt mama and she had a bruise on her arm.

Minor said at first that there is no alcohol in mama's house. Later she said Romeo keeps alcohol in the fridge. Minor said Romeo smokes weed. She said he smokes it outside and locks it up in his room. Minor then said she has "caught some many contacts" it was a shame. When asked if she ever had marijuana she said she did it one time. Later in the interview she said she smokes weed because it calms her down. She also said she asked Romeo if he'd give her some

weed but he didn't. Interviewer asked if Romeo ever offered her marijuana and Minor did not answer. She said she has to give money she makes from her job to Romeo. Minor said Romeo spends the money on beer, liquor and weed. She said she gives mama money and mama spends it on starch, gas, and cigarettes.

Minor said mama is not a violent person. She said when mama was pregnant mama and Romeo got into a fight. Romeo pushed mama on the bed. Someone had to get Romeo off of mama. Minor said she has heard Romeo say he was going to kill mama. She said the police have had to come to the house. Minor said mama has put Romeo out of the house several times but he comes back.

Minor said she and her mama eat starch. She started eating it when mama did. Minor said she was about nine. Both of them still eat starch. Minor said she has a learning disability. She said she gets bored easy and sometimes doesn't pay attention in class. Minor said she has a bladder problem and goes to the bathroom frequently.

Minor said she is doing better in school. She said the change is her auntie. She said she can be "so, so, so, so evil". She said she tried to stay good. Minor said she wants to get through school so she tries to walk away from trouble.

Minor said as punishment mama would hit or punch her. She said mama punched her on the arm but not hard. Mama would take the TV and computer as punishment as well.

Minor said she has seen pictures of naked people. She said Romeo took Kean's phone and it was on that phone. Minor said there were pictures of naked girls and boys on the phone. She said Romeo still has the phone. Minor said Romeo looks at pornography on the computer too. She said she gets up early and deletes the history so her brother's don't see it. Minor denied watching pornography. Later in the interview she said Romeo showed her something that he wanted her to do to him. All she would say was that it "was like riding". She was shown the anatomic drawings and named body parts on both drawings. Minor said she has had sex with a boyfriend, Nathan, who was fifteen. She said they tried it but she didn't like it. She now has an eighteen year old boyfriend, Kelshawn, but they have not had sex. Minor said she is planning to wait to have sex because she was hurt so many times. She said Scooter, who is Romeo's cousin, hurt her when she was 12. Since she had already discussed this in a prior interview, this was not followed up on. She said Romeo hurt her. Minor said Romeo "played with himself in front of me". She said one time Romeo was "so twisted up" he had sex with her. She said he put his

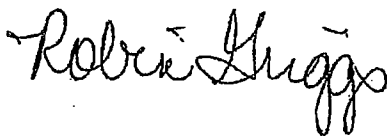
penis in her vagina. Minor said she had to suck his penis. Romeo also touched her chest and butt with his hands. Minor said mama thinks Romeo is going to the bathroom but he is going to her. Minor said Romeo got change to get condoms from a store bathroom. They were at the store to get ice and snacks. Minor said Romeo came out with a box of condoms and a beer. Romeo told her he was going to use the condoms on her. She said he did use the condoms on her. Minor said one time she was watching a movie and Romeo came in and asked her what she was doing. She stole a cigarette from her mama's purse and went to the bathroom. She returned to the room. Romeo offered to let her taste his drink and she declined. Minor said she drinks but didn't take his drink. She said she drinks "light Bulls" and the Bud drinks that come in flavors.

Minor said at first she did not tell her mama because she didn't want to hurt mama. Later in the interview she said she told mama about some of the stuff but mama really didn't believe her. Romeo denied everything. This was a few months ago. Minor said mama went "bizarre" when she heard but said Romeo kept denying it. Minor said one time Romeo was smoking weed and she asked him for some. This was after she had told her mama about what happened. Minor said Romeo said he wasn't going to give her weed because she made allegations against him.

Minor said she leaves the house in the night and meets friends to just chill. She denied any alcohol and anyone having sex. Minor said she goes a house down and just sits at the picnic table outside the club. She said the club is closed and she just sits there.

Minor said she has seen Romeo since DSS was involved. She said he comes to her aunt's house sometimes with mama. Minor said she wasn't supposed to say this but mama and Romeo are supposed to get married.

Respectfully Submitted,



Robin Griggs, MA, DCFI
Forensic Interviewer

RECEIVED
11-23-15 PM

STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON) IN THE COURT OF GENERAL SESSIONS
INDICTMENT NO. 2015-GS-14-0224

The State,)

v.)

Antonio Terrell Romeo)

Defendant)

RULE 5 DISCLOSURE AND
MOTION FOR RECIPROCAL
DISCOVERY AND DISCLOSURE
OF EVIDENCE

TO: Steve McKenzie, ATTORNEY FOR THE DEFENDANT:

In response to your request for Disclosure under Rule 5, the State provides the following:

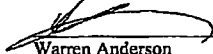
1. Copy of Incident Report
2. Copy of Investigative notes
3. Copy of Warrants (2015A1410100136/2015A1410100137)
4. Copy of RAP Sheet

Copy of CD in file gm

Having complied with the defendant's request, the State hereby requests the information subject to disclosure under Rule 5(b)(1)(A)&(B).

The State hereby requests information subject to Rule 5(e)(1) Notice of Alibi; Rule 5(f) Notice of Insanity Defense or Plea of Guilty but Mentally Ill; and any intent of the defendant to rely upon the defenses of necessity or self-defense.

This Motion is pursuant to Circuit Rule 5, upon compliance by the prosecution with the defendant's previous Motion for Discovery and Disclosure based upon the same circuit court rule. The duty to make said disclosure is a continuing duty up to and during trial.


Warren Anderson
Assistant Solicitor
Third Judicial Circuit

Manning, South Carolina

November 16, 2015

AGENCY I.D.
SC0140000

CLARENDON COUNTY SHERIFF'S OFFICE
INCIDENT REPORT

CASE NUMBER _____

HCIC

1	5	0	2	0	1	6	6	1
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NO.	ENTR
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INCIDENT REPORT

INCIDENT TYPE					COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
1. 359 - CRIMINAL SEXUAL CONDUCT					YES ☐ NO ☐	YES ☐ NO ☐	20		☐ Individual ☐ Survivors ☐ Financial Inst. ☐ Government ☐ Race, Gen. ☐ Soc/Ethnic ☐ Other ☐ Unknown ☐ Police Off.	
2.					YES ☐ NO ☐	YES ☐ NO ☐				
3.					YES ☐ NO ☐	YES ☐ NO ☐				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)								ZIP CODE		WEAPON TYPE
MANNING SC								29102		
INCIDENT DATE		24 HR. CLOCK TO		DATE		24 HR. CLOCK		DISPATCH DATE/TIME		LOCATION NO.
09/11/2014		2000		09/30/2014		2359		02/06/2015 1600		02
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT		RESIDENT		RACE	SEX	AGE
DSS				#1 #2 #3		J S O U		B	F	14
ADDRESS				CITY		STATE		ZIP CODE		LOCATION NO.
CHURCH ST				MANNING		SC		29102		
VICTIM'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT		RESIDENT		RACE	SEX	AGE
JUVENILE VICTIM				#1 #2 #3		J S O U		B	F	14
HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				#1 #2 #3		J S O U		B	F	14
ADDRESS				CITY		STATE		ZIP CODE		LOCATION NO.
VISIBLE INJURY (VICT. 1) YES ☐ NO ☒ EXPLAIN -				VICTIM (NO. 1) USRN: ALCOHOL: YES ☐ NO ☒ UNKN. DRUGS: YES ☐ NO ☒ UNKN.		J - This Jurisdiction B - State C - Out of State U - Unknown				
TWO-MAN VEH. ONE-MAN VEH. DETECTIVE/PLASAT. OTHER ALONE ASSISTED				J - This Jurisdiction B - State C - Out of State U - Unknown						
SUBJECT NAME (LAST, FIRST, MIDDLE)				RACE		SEX		AGE		ETH.
ROMEO, ANTONIO TERRELL				B		M		38		N
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				B		M		38		N
SUBJECT NAME (LAST, FIRST, MIDDLE)				CITY		STATE		ZIP CODE		LOCATION NO.
NONE				PINEWOOD		SC		29152		
SUBJECT (NO. 1) USRN: ALCOHOL: YES ☐ NO ☐ UNKN. DRUGS: YES ☐ NO ☐ UNKN. TYPE:				ARRESTED NEAR OFFENSE SCENE YES ☐ NO ☒		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST		
0				TOTAL # ARRESTED 1		08/10/2014 2000		03/31/2015 1545		
Offenses: CRIMINAL SEXUAL CONDUCT September 2014 On 02/05/2016 Inv Marlow received a fax from DSS in reference to a juvenile female who disclosed, during a forensic interview, her mother's boyfriend (Antonio Romeo) had sexual intercourse with her. The juvenile stated these incidents happened at her residence located at [REDACTED] which is located in the Manning area of Clarendon County, SC.										

				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
P	TYPE (GROUP)						TOTAL VALUE
R	Burned						
O	Complete						
P	Don't/Partially						
E	Recovered						
R	Seized						
T	Unknown						
A	SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE	☐ ADM. CLOSED	☐ ARRESTED UNDER 15	☐ EX-CLEAR UNDER 15	
D	☐ YES ☐ NO	☐ YES ☐ NO	☐ UNFOUNDED		☐ ARRESTED 16 AND OVER	☐ EX-CLEAR 16 AND OVER	
I	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ DEFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY						
N	REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
S	INV KIMBERLY M MARLOW	02/05/2015	1299	FOLLOW-UP INVESTIGATION OFFICER ROYES ☐ NO INV KIMBERLY M MARLOW		02/05/2015	1299

INVESTIGATIVE NOTES

Case Number: 150201661

Date: 03/27/2015

Officer: 1299 - KIMBERLY M MARLOW

Notes: Romeo agreed to take a polygraph and arrived on time to the polygraph on 3/27/2015. Kwaku (Minor's mother) drove Romeo to the Sumter Police Department for the test. Howie Austin was the polygrapher. Romeo Failed the test and was advised by Austin. Romeo admitted to myself and Austin that on one occasion he came out of the bathroom and Minor was lying in his bed naked and on another occasion he woke up to her performing oral sex on him. Romeo also stated he woke up once to her "riding" him. Romeo stated he made her get up but did not tell her mother because he didn't want her to get mad. Warrants were done for Romeo.

ARREST WARRANT
2015A1410100137

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Clarendon

THE STATE
against

Antonio Terrell Romeo

Address:
Pinewood, SC 29125-

SSN:
M Race: B Height: 5 8 Weight: 160
DL State: SC OL#:
DOB:
Agency ORI #: SC0140000

Prosecuting Agency: Clarendon County Sheriff
Prosecuting Officer: Kimberly Marlow - 1300

Offense: Sex / Criminal sexual conduct with minor, or
Attempt - victim 11 to 14 yrs of age inclusive -

Offense Code: 0396
Code/Ordinance Sec: 16-03-0655(B)(1)

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)
Signature of Judge
Date:

RETURN
A copy of this arrest warrant was delivered to
defendant Antonio Terrell Romeo
on 3-31-2015

Signature of Constable/Clerk/Notary Public
15:45

RETURN WARRANT TO:
General Sessions
Post Office Box 136
3 West Keitt Street
Manning, SC 29102

ORIGINAL

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Clarendon

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant Kimberly Marlow who
being duly sworn deposes and says that defendant Antonio Terrell Romeo

did within this county and state on or about 9/1/2014 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Clarendon)

In the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second
deg.

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

Between the dates of 09/01/2014 and 09/30/2015, one Antonio Romeo, did knowingly and willingly commit the offense of criminal
sexual conduct with a minor second degree in that he did engage in fellatio with a fourteen year old female at
in the Manning area of Clarendon County, SC. The defendant was identified by the victim during a forensic interview. The
defendant also admitted to engaging in fellatio with the victim. Affiant along with other is witness to prove same. CCSO Case #
15-02-01661.

Signature of Affiant
Affiant's Address Post Office Box 1289
Manning, SC 29102-
Affiant's Telephone

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Clarendon

ARREST WARRANT
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY
It appearing from the above affidavit that there are reasonable grounds
on or about 9/1/2014 defendant Antonio Terrell Romeo
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Clarendon) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second
deg.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me
on 3/31/2015

Signature of Issuing Judge
Robin Carol Locklear
Judge Code: 7268

Judge's Address Post Office Box 371
Manning, SC 29102-
Judge's Telephone (843)-43-5-26 x 70

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL ORIGINAL ORIGINAL

RECEIVED BY LG

APR 08 2015

OFFICE OF SOLICITOR
JUDICIAL CIRCUIT

ORIGINAL

ARREST WARRANT
2015A1410100136
STATE OF SOUTH CAROLINA
County/ Municipality of
Clarendon
THE STATE
against
Antonio Terrell Romeo
Address:
Pinewood, SC 29125-
M Race: B Height: 5 8 Weight: 160
DL State: SC DL #: DOB: Agency ORI #: SC0140000
Prosecuting Agency: Clarendon County Sheriff
Prosecuting Officer: Kimberly Marlow - 1300
Offense: Sex / Criminal sexual conduct with minor, or
Attempt - victim 11 to 14 yrs of age inclusive -
Offense Code: 0396
Code/Ordinance Sec: 16-03-0655(B)(1)
This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(LS.)
Signature of Judge
Date:

RETURN
A copy of this arrest warrant was delivered to
defendant Antonio T. Romeo
on 3-31-2015
V. L. Freeman 15:45
Signature of Court Clerk or Enforcement Officer

RETURN WARRANT TO:
General Sessions
Post Office Box 136
3 West Keitt Street
Manning, SC 29102
ORIGINAL

RECEIVED BY 16
APR 03 2015
OFFICE OF SOUGHTON
ORIGINAL CIRCUIT SUMTER

STATE OF SOUTH CAROLINA)
County/ Municipality of)
Clarendon)
AFFIDAVIT
Personally appeared before me the affiant Kimberly Marlow who
being duly sworn deposes and says that defendant Antonio Terrell Romeo
did within this county and state on or about 9/1/2014 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Clarendon)
in the following particulars:
DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second
deg.

I further state that there is probable cause to believe that the defendant named above did commit
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Between the dates of 09/01/2014 and 09/30/2015, one Antonio Romeo, did knowingly and willingly commit the offense of criminal
sexual conduct with a minor second degree in that he did engage in sexual intercourse with a fourteen year old female at
in the Manning area of Clarendon County, SC. The defendant was identified by the victim during a forensic
interview. The defendant also admitted to engaging in sexual intercourse with the victim. Affiant along with other is witness to
prove same. CCSO Case # 15-02-01661.

Signature of Affiant
STATE OF SOUTH CAROLINA)
County/ Municipality of)
Clarendon)
Affiant's Address Post Office Box 1289
Manning, SC 29102-
Affiant's Telephone

ARREST WARRANT
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY
It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/1/2014 defendant Antonio Terrell Romeo
did violate the criminal laws of the State of South Carolina (or ordinance of
County/ Municipality of Clarendon) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second
deg.
Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me
on 3/31/2015
Judge's Address Post Office Box 371
Manning, SC 29102-
Judge's Telephone (843)-43-5-26 x 70
Issuing Court: X Magistrate Municipality Circuit
ORIGINAL ORIGINAL ORIGINAL

ORIGINAL
Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 310

CIT-16-25-20(C)-MISDEMEANOR

ARREST CHARGE 2-CRIMINAL
DOMESTIC VIOLENCE 2ND
OFFENSE
OFFENSE DATE-03/31/2015

Q - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/677607NB1
REQUESTED FOR CRIMINAL JUSTICE PURPOSESSCLED CJIS RECORD INDICATES SUBJECT HAS NO OUT-OF-STATE ARREST INFORMATION
INQUIRY WILL BE FORWARDED TO: NCIC WANTED PERSONS-----
INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

TO: CLACC003-22291 20150603 08:28:11 0006AE7851
FROM: NC2K-11434065 20150603 08:28:10 3303003936
1L0133030039362QWA
SC0140000NO NCIC WANT FBI/677607NB1
NO NCIC WANT SOC/

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

CASE-SC0140
CIT-16-13-10 (B) (2)-FELONY

START DATE-03/13/2009

COURT CHARGE 01-FORGERY LESS
THAN \$5,000
COURT DISP-CONVICTED;5 YRS
SS 2 YRS PROB.
ATN-14F000500683

CIT-16-13-10 (B) (2)-FELONY

COURT CHARGE 02-FORGERY LESS
THAN \$5,000
COURT DISP-CONVICTED;5 YRS
SS 2 YRS PROB.

CIT-16-13-10 (B) (2)-FELONY

COURT CHARGE 03-FORGERY LESS
THAN \$5,000
COURT DISP-CONVICTED;5 YRS
SS 2 YRS PROB.

CIT-16-13-10 (B) (2)-FELONY

COURT CHARGE 04-FORGERY LESS
THAN \$5,000
COURT DISP-CONVICTED;5 YRS
SS 2 YRS PROB.

SC040015C SC DEPT CORRECTIONS 09/09/2009 CUSTODY STATUS-RECEIVED
CASE-003367 START DATE-09/09/2009
CIT-16-13-10 (B) (2)-FELONY

COURT CHARGE 01-FORGERY LESS
THAN \$5,000
COURT DISP-CONVICTED;4CTS 2
YRS EA CC
COURT DATE-09/09/2009
ATN-50D100001154

ROMEO, ANTONIO TERRELL 08/17/2014
SCSHF0100 SC HIWAY DEPT DIST 1
CASE-NA
ATN-990000638191
WARR-HP0120140817 @
CIT-56-1-460-MISDEMEANOR

ARREST CHARGE 1-DRIVING UNDER
SUSPENSION
OFFENSE DATE-08/17/2014

WARR-HP0120140817 @
CIT-56-05-2930 (A) (1)-MISDEMEANO

ARREST CHARGE 2-DUI <10, 1ST
OFFENSE
OFFENSE DATE-08/17/2014

ROMEO, ANTONIO 03/31/2015
SC0140000 CLARENDON CNTY SO
CASE-1420150331
ATN-990000660916
WARR-2015A1410100137
CIT-16-25-20 (C)-MISDEMEANOR

ARREST CHARGE 1-CRIMINAL
DOMESTIC VIOLENCE 2ND
OFFENSE
OFFENSE DATE-03/31/2015

WARR-2015A1410100136

--[Response: CLACCU03 - J--
TO: CLACCU03-22290 20150603 08:28:09 003F244916
FROM: SCCH-2378006 20150603 08:28:09 3303003935

ICHR REQUEST FOR RAP SHEET
ORI-SC0140000 FBI-677607NB1 PUR-C
ATN-SOLICITOR WARREN ANDERSON

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-06/03/2015 TIME-08:25:06
REQ ORI-SC0140000 CLARENDON CNTY SO
SID-SC01319219 FBI-677607NB1
NAME-ROMEO, ANTONIO SEX-M RACE-B
HEIGHT-507 WEIGHT-157 EYES-BRO HAIR-BLK SKIN- BORN-SC
FFC- HENRY-
PHOTOGRAPH AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAPIS

DATE RECORD ENTERED--07/05/2000 DATE OF LAST UPDATE--04/20/2015

ADDITIONAL IDENTIFIERS	BIRTH DATES	MARKS	SOC SEC	MISC NUM
NAME				
REMEO, ANTONIO TERRELL				
ROMEO, ANTONIO TERRELL				

ROMEO, ANTONIO T

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
---------------------	---------------------------------

ROMEO, ANTONIO	06/11/2000
SC0140200 SUMMERTON PD	
ATN-	

ARREST CHARGE 1-TRAFFICKING
COCAINE
OFFENSE DATE-06/11/2000
PHOTOGRAPH AVAILABLE
ARREST CHARGE 2-POSSESSION
W/I TO DISTRIBUTE CRACK
COCAINE
OFFENSE DATE-06/11/2000

REMEO, ANTONIO TERRELL 12/15/2008
SC0140000 CLARENDON CNTY SO
CASE-0004226
ATN-140000007100
WARR-24342ET
CIT-61-9-87-MISDEMEANOR

ARREST CHARGE 1-OPEN CONTAINE
R OF BEER/WINE
OFFENSE DATE-12/15/2008

WARR-24342ET
CIT-61-6-4020-MISDEMEANOR

ARREST CHARGE 2-TRANSP ALCONO
L IN MOTOR VEH W/SEAL
BROKEN

--[Response: CLACC003 -]--

TO: CLACC003-22289 20150603 08:27:18 00353F1E17

FROM: III-4136471 20150603 08:27:18 3303003934

7L0133030039342QH

SC0140000

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR

INQUIRY ON NAM/ROMEO, ANTONIO TERRELL SEX/M RAC/B DOB, ██████████ SOC/██████████

PUR/C

NAME

ROMEO, ANTONIO

FBI NO.

677607NB1

INQUIRY DATE

2015/06/03

SEX RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR PHOTO

M B ██████████ 507 157 BRO BLK Y

BIRTH PLACE

SOUTH CAROLINA

FINGERPRINT CLASS

PATTERN CLASS

ALIAS NAMES

REMEO, ANTONIO TERRELL

ROMEO, ANTONIO TERRELL

ROMEO, ANTONIO T

SOCIAL SECURITY

IDENTIFICATION DATA UPDATED 2015/04/20

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING:

SOUTH CAROLINA - STATE ID/SC01319219

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

CIT--MISDEMEANOR
DOC-14
WARR-24142ET

OFFENSE DATE-12/15/2008
COURT CHARGE 01-OPEN CONTAINERS OF BEER/WINE
COURT DISP-CONVICTED; Fine
COURT DATE-01/07/2009
ATN-140000007100

ROMEO, ANTONIO TERRELL
SC0140000 CLARENDON CNTY SO
CASE-0004226
ATN-140000007102
WARR-H233113
CIT-34-11-60 MISDEMEANOR

A12/15/2008

WARR-H722571
CIT-C/L-UNCLASSIFIED

ARREST CHARGE 1-FRAUDULENT
CHECK UNDER \$500 - 1ST
OFFENSE DATE-12/28/2002

CIT-C/L, -MISDEMEANOR
DOC-00GS14
WARR-H722571

ARREST CHARGE 2-ASSAULT OF
HIGH AND AGGRAVATED NATURE
OFFENSE DATE-09/15/2004

COURT CHARGE 01-ASSAULT/BATTERY HIGH & AGGRAVATED NATURE
COURT DISP-NON-CONVICTION;
DISMISSED AT PRELIM
COURT DATE-02/10/2009
ATN-140000007102

CIT--MISDEMEANOR
DOC-14
WARR-H233113

COURT CHARGE 02-FRAUDULENT
CHECK UNDER \$500 - 1ST
COURT DISP-NON-CONVICTION;
NOT GUILTY/BENCH TRIAL
COURT DATE-01/05/2009

ROMEO, ANTONIO TERRELL
SC0140000 CLARENDON CNTY SO
CASE-NONE
ATN-140000007525
WARR-M082200
CIT-16-13-10-MISDEMEANOR

02/27/2009

WARR-M082201
CIT-16-13-10-MISDEMEANOR

ARREST CHARGE 1-FORGERY
OFFENSE DATE-02/27/2009

WARR-M082202
CIT-16-13-10-MISDEMEANOR

ARREST CHARGE 2-FORGERY
OFFENSE DATE-02/27/2009

WARR-M082203
CIT-16-13-10-MISDEMEANOR

ARREST CHARGE 3-FORGERY
OFFENSE DATE-02/27/2009

ARREST CHARGE 4-FORGERY
OFFENSE DATE-02/27/2009

SC014015G CLARENDON PPP

03/13/2009 CUSTODY STATUS-PROBATION

WITNESSES

Kinberly Marlow
County Sheriff

Clarendon

ARREST WARRANT NUMBER

2015A1410100136

2015A1410100137

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: *1-28-16*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-14-0224

The State of South Carolina

County of CLARENDON

COURT OF GENERAL SESSIONS

January TERM 2016

THE STATE

vs.

ANTONIO TERRELL ROMEO

Indictment for

Criminal sexual conduct with minor, or Attempt - victim
under 16 years of age - Second degree
Two Counts

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CLARENDON)

INDICTMENT FOR

Criminal sexual conduct with minor, or Attempt - victim under 16
 years of age - Second degree
 Two Counts

At a Court of General Sessions, convened on 01/28/2016 the Grand Jurors of
 CLARENDON County present upon their oath:

COUNT ONE

CRIMINAL SEXUAL CONDUCT WITH A MINOR SECOND DEGREE

That in Clarendon County, South Carolina, the defendant, Antonio Terrell Romeo, between the dates of September 1st 2014 and October 1st 2014 did commit a non-consensual sexual battery upon a minor who was less than sixteen(16) years of age, to wit he had sexual intercourse with Minor aged fourteen (14) and the defendant who's date of birth is [REDACTED] was older than 16 years of age, in violation of Section 16-3-655(B)(2), South Carolina Code of Laws, 1976, as amended.

COUNT TWO

CRIMINAL SEXUAL CONDUCT WITH A MINOR SECOND DEGREE

That in Clarendon County, South Carolina, the defendant, Antonio Terrell Romeo, between the dates of September 1st 2014 and October 1st 2014 did commit a non-consensual sexual battery upon a minor who was less than sixteen(16) years of age, to wit he participated in oral sex with Minor aged fourteen (14) and the defendant who's date of birth is [REDACTED] was older than 16 years of age, in violation of Section 16-3-655(B)(2), South Carolina Code of Laws, 1976, as amended.

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

Solicitor

Edward A. Fin III

ALLEGATION HISTORY

Historian/Relationship: per aunt:

Romeo had sex with Minor

Last known date of alleged perpetrator/child contact:

Date of disclosure:

Date of incident:

ALLEGED OFFENDER INFORMATION

Name: Antonio Romeo

Age: 37

Race: B

Gender: M

Relationship to Child: moms bf

Criminal History: yes-battery, drugs, theft

Alcohol/Drug U: drugs

Mental Health Hi NO

Employment: yes-battery, drugs, theft

Married/Childre: has two sons, one with minor's mom

Previous allegations of abuse/perpetration? no

Other:

Present for Intake:

Aunt, DSS, RG

AGENCY INVOLVEMENT

Referral Source: DSSLaw Enforcement Agency: Clarendon County SOInvestigator: unkDepartment of Social Services: Clarendon DSSCase Worker: Wen Falana

Did EPC/Relative Placement Occur?:

FAMILY INFORMATION

Child

Speech / Hearing difficulties	☐ Yes	☒ No	
Currently on any medications	☒ Yes	☐ No	<u>STD medicine</u>
Special School Placements	☒ Yes	☐ No	<u>resource</u>
Currently/Previously in counseling	☒ Yes	☐ No	<u>Clarendon beh Health</u>
Diagnosed developmental delays	☐ Yes	☒ No	

Other:

Mother

Criminal History	☐ Yes	☒ No	
Alcohol/Drug Use/Treatment	☐ Yes	☒ No	
Previous/Current Counseling	☒ Yes	☐ No	<u>DSS referred</u>
Psychiatric Hospitalizations	☐ Yes	☒ No	
History of Sexual/Domestic Abuse	☒ Yes	☐ No	<u>DV</u>

Father

Criminal History	☐ Yes	☐ No	<u>unk</u>
Alcohol/Drug Use/Treatment	☐ Yes	☐ No	<u>unk</u>
Previous/Current Counseling	☐ Yes	☐ No	<u>unk</u>
Psychiatric Hospitalizations	☐ Yes	☐ No	<u>unk</u>
History of Sexual/Domestic Abuse	☐ Yes	☐ No	<u>unk</u>

Marriage/Separation/Divorce Issues: (if applicable)

Does child have visitation with non-custodial parent: ☐ Yes ☒ No

Frequency/Supervision: _____

PREVIOUS CPS INVOLVEMENT

Has CPS in any county or state ever investigated anything related to this child or his/her parents? ☒ Yes ☐ No *if yes, include locations, allegations and findings*

Have any of the indirect's children ever been in foster care or relative placement? ☒ Yes ☐ No
involvement before this one

CHILD BEHAVIOR HISTORY

Does the child have a history of any of the following behaviors:

	YES	NO	Comments
Aggressive/Angry Behavior	X		yells, screams
Hyperactivity (more active than average)	X		somewhat
Sleep Disturbances/Nightmares	X		sometimes
Does child sleep alone?		X	sleeps with aunt
Bedwetting/Wetting clothes		X	
Sad/ Increase in crying	X		very depressed but somewhat better
Headaches/Stomachaches	X		headaches from stress
Attempts to Hurt Self/Others		X	
Alcohol/Drug Use	X		uses marijuana
Sexual Behaviors/Activity/Other Abuse	X		sexually active, has STD
Changes in Eating Habits/Weight		X	
School Problems/Grade Fluctuation	X		
Hurting Animals/Setting Fires		X	
Exposure to Pornography	X		on I pad
Running Away	X		would leave home at night
Previous exams and/or interviews for sexual/physical abuse before?	X		(if so, report alleged abuser; treatment/outcome etc)

Other: is picked on at school, now that she is with aunt grades better. Would leave home at night to meet friends, child was raped a year ago

SAFETY CONCERNS

Does the parent appear to support and believe the child? What risk factors, if any are present regarding the target child or other children in the home?

Forensic Interview Report Form

Date of Service: 1/12/2015

Interviewer: Robin Griggs

DEMOGRAPHICS

Child's Name: Minor Gender: ☐ M ☒ F

Date of Birth: [REDACTED] Age: 14 Race: B

School/Grade or Daycare: Manning High 9th

Legal Guardian (Relationship): Kwakuil Witherspoon

Person Accompanying Child: Mildred nick, DSS

FAMILY CONSTELLATION

Biological Mother Kwakwaka'wakw Witherspoon Age: 30's

Address: [REDACTED] Manning, Sc Employer: None

Telephone: _____

Biological Father: Rob Squire Age: _____

Address: Unk Employer:

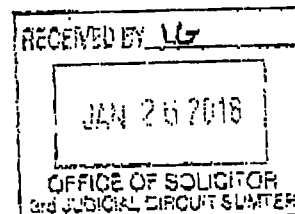
Telephone:

(If applicable:)

Stepparents / Other Guardians:

List all individuals living in the home with the child, include non-relatives:

Name	Age	Gender	Relationship to Child
Kwakuitl	30's	F	Mom
Minor	14	F	Victim
Vikaine	10	M	Sibling
Vishawn	9	M	Sibling
Venice	7	M	Sibling
Vikuan	3	M	Sibling



Forensic Interview Report Form

Date of Service: 1/12/2015Interviewer: Robin Griggs

DEMOGRAPHICS

Child's Name: Minor Gender: ☐ M ☒ FDate of Birth: [REDACTED] Age: 14 Race: BSchool/Grade or Daycare: Manning High 9thLegal Guardian (Relationship): Kwakuitl WitherspoonPerson Accompanying Child: Mildred rick, DSS

FAMILY CONSTELLATION

Biological Mother: Kwakuitl Witherspoon Age: 30'sAddress: [REDACTED] Manning, Sc Employer: None

Telephone: _____

Biological Father: Rob Squire Age: _____Address: Unk Employer: _____

Telephone: _____

(If applicable:)

Stepparents / Other Guardians:

List all individuals living in the home with the child, include non-relatives:

Name	Age	Gender	Relationship to Child
Kwakuitl	30's	F	Mom
Minor	14	F	Victim
Vikaine	10	M	Sibling
Vishawn	9	M	Sibling
Verice	7	M	Sibling
Vikuan	3	M	Sibling

Opt-Out: Not Defined

Scott L. Robinson
Clarendon County Public Defender
Post Office Box 339
Manning, SC 29102
(803) 433-0188

October 28, 2016

Mr. Antonio Romeo SCDC 336726
C/O Ridgeland Correctional Institution
RCI C-B-15
PO Box 2039
Ridgeland, SC 29936

Re: State v. Antonio Terrell Romeo
Witness CD / DVD's

Dear Mr. Romeo:

As requested, enclosed are 3 CD / DVD's regarding your case that has now been concluded.

Since your case with this office has been concluded and you have no pending charges, we can no longer be of any further assistance to you.

Sincerely,

Joyce E. Avin

Joyce E. Avin
Paralegal for

Scott L. Robinson, Esq.

Enclosed - as referenced

Scott L. Robinson
Post Office Box 339
Manning, South Carolina 29102
(803) 433-0188

June 14, 2016

Antonio Terrell Romeo 336726
RCI C-B-15
Post Office Box 2039
Ridgeland, SC 29936

RE: State of South Carolina vs. Antonio Terrell Romeo

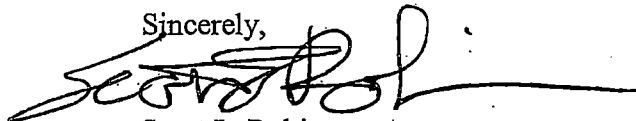
Dear Mr. Romeo:

I have received your letter dated June 8, 2016 wherein you requested all of your discovery. While I provided you with all of this information in advance of trial, I am enclosing another copy of this information for your records. Also, be advised that there are two CD's/DVD's that I am not sending at this time because I do not know whether you have a way to utilize them. If you want them, simply let me know and I will send them to you. In addition, there was some information from DSS that was sent to me with the understanding that it could not be published or provided to anyone without a court order. While this information is not relevant to the concern addressed in your letter, I simply wanted you to know that the DSS information exists and that if you want a copy of that as well, please let me know as that will require a hearing before I can release same to you.

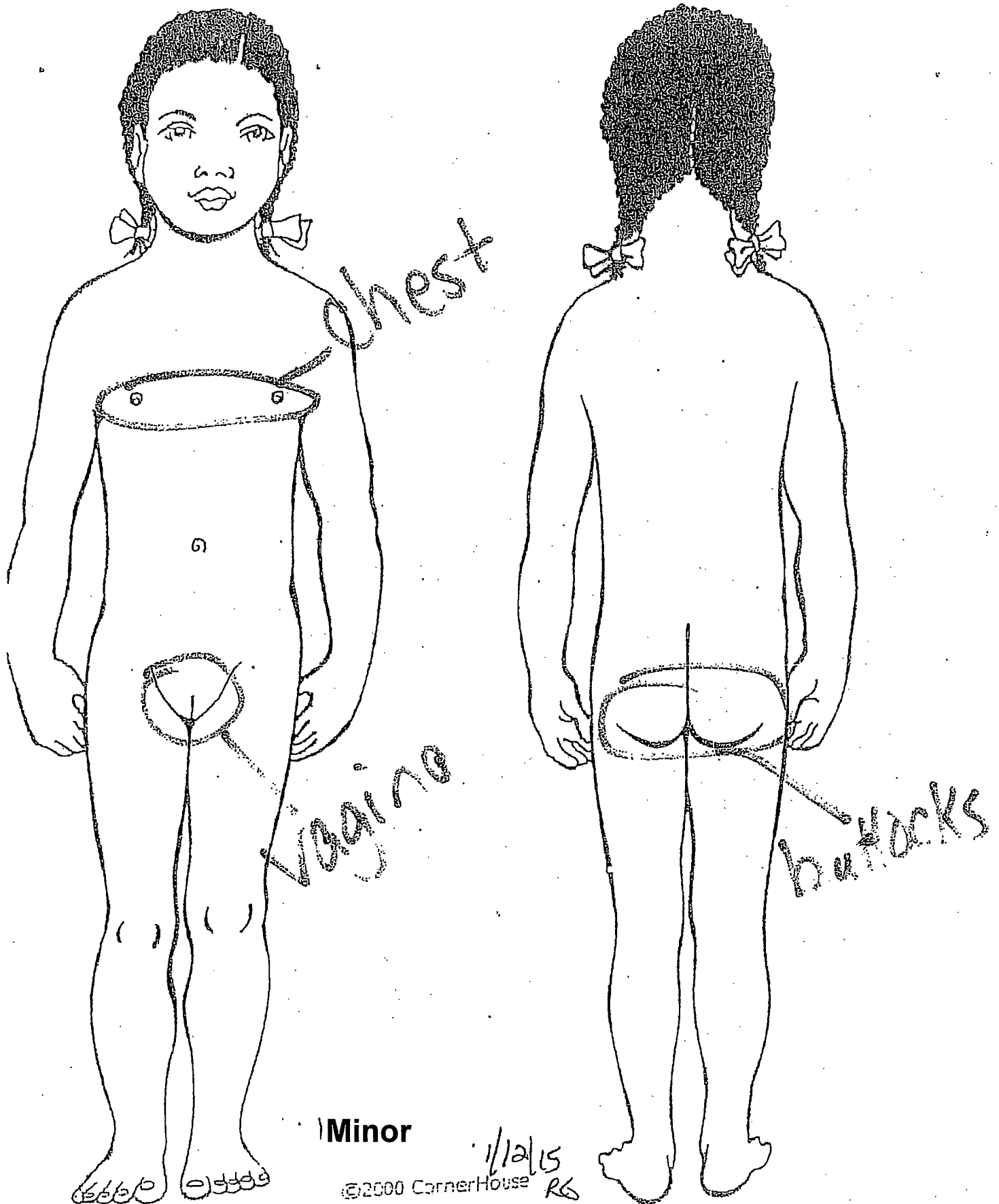
Finally, be advised that your time to file an appeal has passed and that the only available remedy to you at this point is to file a Post Conviction Relief action asking for a new trial and/or a belated appeal. You should file this as soon as possible to make sure that you do not miss the statutory deadline for filing such an action.

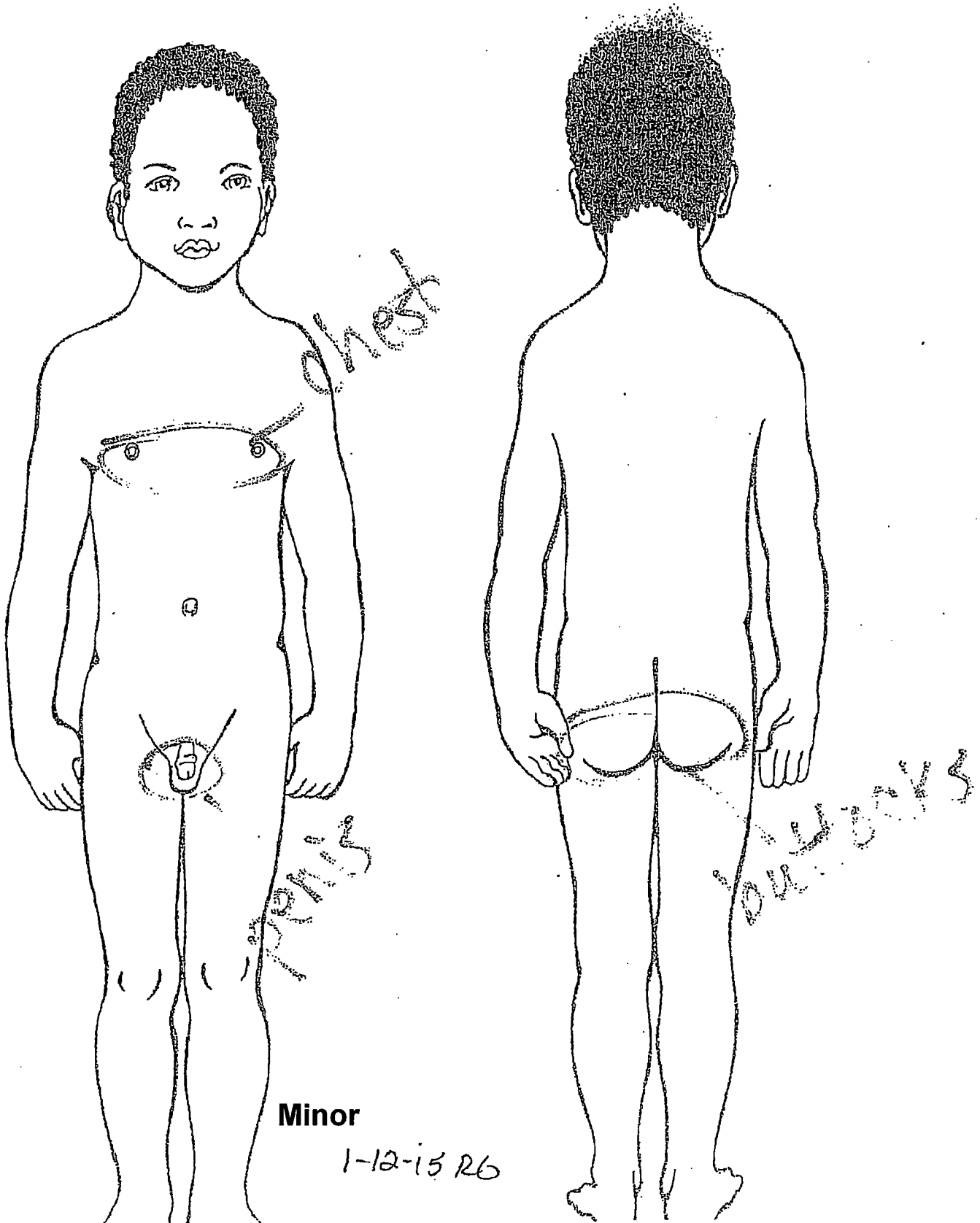
Please let me know if you need any further information from me and I will gladly provide you with same.

Sincerely,



Scott L. Robinson





Robin

Minor

14

Mom (Key)

Daddy (Leroy)

& Keam 10

Shawn 9

Bay-Bay 8

Quan 3

Aunt Mildred

Uncle Richard

Romeo

Scooter

Minor

1/12/15 PG

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

Antonio T. Romeo, #336726,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

2016-CP-14-273

ORDER OF DISMISSAL

SEP 16 2017
CLARENDON COUNTY, SC

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on July 5, 2016. Respondent submitted its Return on May 17, 2017. An evidentiary hearing into the matter was convened on July 24, 2017, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Lance S. Boozer, Esquire. Respondent was represented by Assistant Attorney General Julie A. Coleman of the South Carolina Attorney General's Office.

At the hearing, this Court had before it a copy of the guilty plea transcript, the records of the Clarendon County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the pleadings.

I. PROCEDURAL HISTORY

The records before this Court indicate Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Clarendon County. Applicant was indicted by the January 2016 term of the Grand Jury for Clarendon County for two counts of second degree criminal sexual conduct with a minor (2015-GS-14-0224). Applicant was represented by Scott Lamar Robinson, Esquire. Assistant Solicitor Warren S. Anderson, Esquire prosecuted the case. Applicant pled guilty as indicted to both

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9-18-17

charges and was sentenced on April 7, 2016. Pursuant to a negotiated sentence, Applicant was sentenced to ten years imprisonment suspended upon the service of five years with probation for five years by the Honorable Howard P. King. Applicant did not appeal his conviction or sentence.

II. ALLEGATIONS

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

1. Ineffective Assistance of Counsel
 - a. "I didn't see my [discovery] until after the trial."
 - b. "I was not adequately represented, that's where the plea came in."
2. Involuntary Guilty Plea
 - a. "I was not adequately represented, that's where the plea came in."
3. "Errors in the Warrants and Indictments"
 - a. "The indictments are defective and faulty. I am being held on fraudulent and illegal indictment. These matters should have been addressed before any other arraignments, or proceedings."
4. "I never confessed to putting my penis in her vagina or molesting her in any manner what so ever."

III. SUMMARY OF RELEVANT TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from Scott Lamar Robinson, Esquire (hereinafter "Plea Counsel"). This Court also had before it a copy of the Clarendon County Clerk of Court records, Applicant's South Carolina Department of Correction records, the guilty plea transcript, and the PCR application.

Applicant's Testimony

Applicant testified that he pled guilty to criminal sexual conduct with a minor and got a ten year sentence suspended to five years and five years' probation. He stated Plea Counsel was appointed to represent him, and they met three times over the course of four months. Applicant stated the State originally offered him a two year sentence for assault and battery of a high and aggravated nature (ABHAN), but he did not want to take it, and he does not know what happened to the offer. He stated he made bond after he rejected this offer and then went by Plea Counsel's office every month to see the discovery.

Applicant testified the State then offered him a seven year sentence, but he did not accept it because he did not do anything, so he did not want to plead guilty. He stated he eventually pled guilty because he did not have a defense. Applicant stated that Plea Counsel never gave him a copy of his discovery until after the guilty plea. He stated he never saw the statements or any discovery before the plea. Applicant admitted as Applicant's Exhibit #1 a letter to him from Plea Counsel mentioning two CD/DVDs in his discovery that he did not send to him, but would send if Applicant asked for them. He stated this letter was not sent to him until after the guilty plea.

Applicant testified he did not see the indictments until after he pled guilty, and he then realized that they were incorrect. He stated that his birthday was incorrect on the indictment. Applicant testified that he never confessed to the crime or to molesting anybody. He stated that he told Plea Counsel that the victim was lying in her statements about him and he wanted Plea Counsel to challenge her statements.

Plea Counsel's Testimony

Plea Counsel testified that Applicant's account of their number of meetings was accurate; Applicant was persistent about coming by his office every month to discuss his case. He stated

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he reviewed the discovery with Applicant, which included a hand-written statement by Applicant confessing to the sexual activity, 60 or 70 pages of forensic interview information from the victim, and DSS records of the victim. He stated he reviewed the CD/DVDs in the discovery with Applicant and the victim's forensic interview tape. He stated he reviewed Applicant's constitutional rights a number of times and Applicant knew his rights before he pled guilty. Plea Counsel testified that Applicant argued with him about his defenses, because he believed he had a viable defense, but Plea Counsel explained to him that his defense would not be successful. He stated it was Applicant's decision to plead guilty, but Plea Counsel agrees with that decision and encouraged him to plead.

Plea Counsel testified that Applicant's statement was very similar to the victim's statement, but he claimed that *he* was molested by the victim. He stated Applicant did not report the event to anyone. He stated Applicant knew he was "in a bad situation" because there was no denying the allegation. Plea Counsel noted that Applicant had submitted to taking a polygraph examination before he was appointed as counsel. He stated Applicant wanted him to challenge the victim's testimony against him by raising the behavioral problems she had, but all of her problems were protected by the rape shield statute and were inadmissible at trial.

Plea Counsel testified that he does not recall a plea offer for ABHAN—he did not dispute it, but simply did not recall it—but if there had been such an offer, he would have explained it to Applicant, but Applicant was adamant about refusing the offer. Plea Counsel stated that they had picked a jury for trial when Applicant decided to plead guilty. Plea Counsel testified he does not know what his trial strategy would have been because Applicant admitted to the crime, but he was prepared to go forward with trial when they picked a jury. He stated Applicant faced forty

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8-4-10

years' imprisonment if convicted at trial because he had two charges of criminal sexual conduct, which both carry up to 20 years.

IV. APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 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. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he

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9/5/10

would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

INEFFECTIVE ASSISTANCE OF COUNSEL

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

Applicant has failed to meet his burden in proving Plea Counsel was ineffective in any regard. This Court finds that Plea Counsel properly relayed the State's plea negotiations and went over the discovery with Applicant, as well as fully explained the possible risks and outcomes in

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sentencing. Plea Counsel credibly testified he reviewed the discovery with Applicant, including the recording of the victim's forensic interview and the CD/DVDs that were included in the discovery file. Applicant was well aware of the evidence against him, and admitted to Plea Counsel and to law enforcement in a written statement that he committed the crime. This Court finds that Applicant has not shown that he was prejudiced by any of Plea Counsel's actions as he has failed to show that he would not have pled guilty but would have gone to trial but for Plea Counsel's actions. Accordingly this allegation must be dismissed.

INVOLUNTARY GUILTY PLEA

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

Applicant claims his plea was given involuntarily because Plea Counsel was ineffective in his representation. This Court finds Plea Counsel was not ineffective, and there were no representation defects affecting Applicant's decision to plead guilty. The record reflects that Applicant was fully advised of the rights he was giving up by pleading guilty, and that his plea was entered into knowingly and intelligently. Applicant presented no credible evidence as to why he should be able to depart from his statements at the plea hearing. This Court finds very credible Plea Counsel's testimony that Applicant understood everything at the plea and that it was solely Applicant's decision to plead guilty. Applicant has failed to present any probative or credible evidence that he was coerced into pleading guilty. As a result, he has failed to meet his burden, and this allegation is denied and dismissed.

INSUFFICIENT WARRANTS AND INDICTMENTS

Applicant alleges that his indictment is defective. This allegation is improper for post-conviction relief. The sufficiency of an indictment is not a matter of subject matter jurisdiction, and thus cannot be raised at any time. State v. Gentry, 363 S.C. 93, 101, 610 S.E.2d 494, 499 (2005) ("[S]ubject matter jurisdiction of the circuit court and the sufficiency of the indictment are two distinct concepts.") Furthermore, in order to challenge the sufficiency of an indictment, an objection must be made before the jury is sworn in. S.C. Code Ann. §17-19-90 (2003). Applicant waived his right to challenge the sufficiency of the indictments when he pled guilty to the charges against him, thus he can no longer raise this issue.

In post-conviction relief, an applicant wishing to raise challenges to the sufficiency of an indictment must do so in the context of ineffective assistance of counsel, basically alleging that his trial counsel failed to properly move to quash the indictment in accordance with S.C. Code Ann. § 17-19-90 (2003). Indictments are sufficient when they allege time and place, as required

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by law, and charge the crime substantially in the language of the statute or the common law which prohibits the crime or so plainly that the offense charged may be easily understood and, if the offense is statutory, that the offense is contrary to the statute involved. S.C. Code Ann. § 17-19-20 (2003). All indictments must be viewed with a "practical eye" to determine whether they fulfill their function to notify the accused of the charge he must answer, notify the court of what judgment and sentence to pronounce, and present a bar to subsequent prosecution. See State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005). Moreover, "an indictment passes legal muster when it charges the crime substantially in the language of the statute prohibiting the crime or so plainly that the nature of the offense charged may be easily understood." Id. at 63, 700 S.E.2d at 443 (citing State v. Tumbleston, 376 S.C. 90, 98, 654 S.E.2d 849, 853 (Ct. App. 2007).)

Even if Applicant had properly raised this issue as one of ineffective assistance of counsel, this Court finds no merit to the claim. The indictment is clearly valid on its face, and Plea Counsel was not deficient for failing to challenge it. Furthermore, there is no resulting prejudice from any possible error in the indictment because Applicant pled guilty to the crime, solemnly admitting his guilt in open court. Therefore, since neither prong of the Strickland test is met, this allegation is denied and dismissed with prejudice.

DIRECT APPEAL ISSUE

Applicant's allegation challenging the credibility of the victim's statements raises a direct appeal issue that is procedurally barred by S.C. Code Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). Applicant

could have raised this issue at trial or on appeal. His failure to do so has waived this allegation as a ground for relief. Therefore, this allegation is denied and dismissed.

VI. CONCLUSION

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

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 27 day of August, 2017.


D. CRAIG BROWN
Presiding Judge
Third Judicial Circuit

Flourence, South Carolina

WITNESSES
CLERK OF COURT

Kinberly Marlow
County Sheriff

Clarendon

DEPARTMENT OF CORRECTIONS
CLERK OF COURT

DOCKET NO. 2015-GS-14-0224

The State of South Carolina

County of CLARENDON

COURT OF GENERAL SESSIONS

January TERM 2016

THE STATE

vs.

ANTONIO TERRELL ROMEO

ARREST WARRANT NUMBER

2015A1410100136

2015A1410100137

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: 1-28-16

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

Criminal sexual conduct with minor, or Attempt - victim
under 16 years of age - Second degree
Two Counts

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CLARENDON)

INDICTMENT FOR

Criminal sexual conduct with minor, or Attempt - victim under 16
 years of age - Second degree
 Two Counts

At a Court of General Sessions, convened on 01/28/2016 the Grand Jurors of
 CLARENDON County present upon their oath:

COUNT ONE

CRIMINAL SEXUAL CONDUCT WITH A MINOR SECOND DEGREE

That in Clarendon County, South Carolina, the defendant, Antonio Terrell Romeo, between the dates of September 1st 2014 and October 1st 2014 did commit a non-consensual sexual battery upon a minor who was less than sixteen(16) years of age, to wit he had sexual intercourse with [REDACTED] aged fourteen (14) and the defendant who's date of birth is [REDACTED] was older than 16 years of age, in violation of Section 16-3-655(B)(2), South Carolina Code of Laws, 1976, as amended.

COUNT TWO

CRIMINAL SEXUAL CONDUCT WITH A MINOR SECOND DEGREE

That in Clarendon County, South Carolina, the defendant, Antonio Terrell Romeo, between the dates of September 1st 2014 and October 1st 2014 did commit a non-consensual sexual battery upon a minor who was less than sixteen(16) years of age, to wit he participated in oral sex with Minor [REDACTED], aged fourteen (14) and the defendant who's date of birth is [REDACTED] was older than 16 years of age, in violation of Section 16-3-655(B)(2), South Carolina Code of Laws, 1976, as amended.

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

Solicitor

Emmett A. F...

CERTIFIED TRUE COPY
 OF ORIGINAL FILED IN THIS OFFICE
 DATE 7/6/2016
 [Signature]
 CLERK OF COURT
 CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Clarendon
 STATE VS.
Antonio Terrell Romeo
 AKA:
 Race: Black Sex: M Age: 38
 DOB: SS#:
 Address:
 City, State, Zip:
 DL#: SID#:

INDICTMENT/CASE#: 2015-GS-14-0224
 A/W#: 2015A1410100137
 Date of Offense: 9/1/2014
 S.C. Code § : 16-03-0655(B)(1)
 CDR Code #: 0396

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
 TO: Criminal sexual conduct with minor victim 11 to 14 yrs of age, 2nd degree (Co-20-r)

in violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act).

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: A 100202 Antonio Romeo SC Bar# 81051
Anderson, Warren Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed 5 years
 and/or to pay a fine of \$ -; provided that upon the service of 5 days/months/years and/or payment
 of \$ -; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ - plus 20% fee: \$ -

Payment Terms: -

☐ Set by SCDPPPS -

Recipient: -

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ <u>648.40</u>

PTUP: -

- days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. -

May serve W/E beginning -

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ - beginning -

\$ - paid to Public Defender -

Other: -

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

CERTIFIED TRUE COPY
 OF ORIGINAL FILED IN THIS OFFICE
 DATE 7/6/2016
Barbara H. Roberts
 CLERK OF COURT
 CLARENDON COUNTY, SC

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

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4/14/2016
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STATE OF SOUTH CAROLINA

COUNTY OF Clarendon
STATE VS.Antonio Terrell Romeo

AKA:

Race: Black Sex: M Age: 38DOB: SS#:

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADSTO: Criminal sexual conduct with minor victim 11 to 14 yrs of age inclusive - Second degree CO-2017in violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: 1Anderson, Warren100907
SC Bar#Antonio Romeo
DefendantScott S. P. 8651
Attorney for DefendantSC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed — yearsand/or to pay a fine of \$ —; provided that upon the service of 5 days/months/years and/or paymentof \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ — plus 20% fee: \$ —Payment Terms: —☐ Set by SCDPPPS —Recipient: —

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.92</u>
TOTAL	\$	\$ <u>133.92</u>

Clerk of Court/ Deputy Clerk: B. RobertsCourt Reporter: James B. Ray

SCCA/217 (03/2011).

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015-GS-14-0224A/W#: 2015A1410100136Date of Offense: 9/1/2014S.C. Code § 16-03-0655(B)(1)CDR Code #: 0396

SENTENCE SHEET

PTUP — days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. —May serve W/E beginning —Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ — beginning —\$ — paid to Public Defender —Other: —☐ Appointed PD or appointed other counsel, § 47-12 requires \$500 be paid to Clerk during probation.Presiding Judge: Howard P. KingJudge Code: 2107Sentence Date: 4/14/2016Sentence Date was 4/17/16

CERTIFIED TRUE COPY
 OF ORIGINAL FILED IN THIS OFFICE
 DATE 7/6/2016
Rebecca H. Roberts
 CLERK OF COURT
 CLARENDON COUNTY, SC