

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Anderson County

Honorable Jocelyn J. Newman, Circuit Court Judge

STEVEN RANDALL COBB,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-002005

APPENDIX

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STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,))
)
Plaintiff,)
v.)
)
STEVEN RANDALL COBB,)
)
Defendant)

ORIGINAL

Case No.
2012-GS-04-00807

TRANSCRIPT OF HEARING

The within Hearing in the above-captioned matter was held on November 4, 2013, before The Honorable J. Cordell Maddox in the Anderson County Courthouse, 100 South Main Street, Anderson, SC 29622; attended by counsel as follows:

APPEARANCES:

Lauren D. Price., Esq.,
Appearing for The State.

Sarah G. Drawdy, Esq.,
Appearing for the Defendant.

Vivian H. Cross
Circuit Court Reporter – 10th Judicial Circuit
P O Box 704
Belton, South Carolina 29627
vcross@sccourts.org

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Before The Honorable J. Cordell Maddox

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I-N-D-E-X

NOVEMBER 4, 2013
(STATE OF SOUTH CAROLINA v. STEVEN RANDALL COBB)
(PLEA HEARING)
(2012-GS-04-00807)

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*****NO EXHIBITS OFFERED*****

State of South Carolina v. Steven Randall Cobb

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P R O C E E D I N G S

(10:35 A.M.)

1
2
3 **THE COURT:** Okay, we don't have any jurors in here,
4 right?

5 **BAILIFF:** (Nod.)

6 **THE COURT:** Okay; you-all just make sure the jury
7 stays out if you would.

8 Okay; yes, ma'am? They're gonna bring him in; he's
9 on the floor.

10 (WHEREUPON, DEFENDANT ENTERED COURTROOM.)

11 **THE COURT:** All right; yes, ma'am?

12 **MS. PRICE:** Thank you, Your Honor, may it please The
13 Court. Um, this is Steven Randall Cobb. Um, he is here
14 under indictment number 2012-00807, um, indicted for
15 murder, pleading guilty today to a negotiated sentence,
16 um, as voluntary manslaughter, um, with twenty-three
17 years active and credit for eight hundred and forty-eight
18 days.

19 **THE COURT:** Okay.

20 **MS. PRICE:** Your Honor, he's pleading off the trial
21 docket.

22 **THE COURT:** All right. (After pause) Okay,
23 Mr. Cobb, if you would raise your right hand?

24 (WHEREUPON, **STEVEN RANDALL COBB** WAS DULY SWORN AND
25 TESTIFIED AS FOLLOWS:)

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1 **THE COURT:** Okay, what we need to do here today is
2 I've got to go through and ask you some questions. If at
3 any point you don't understand my question or you want to
4 talk to your lawyer before you answer, that's not a
5 problem. Do you understand that?

6 **MR. COBB:** Yes, sir.

7 **THE COURT:** Okay. You need to move up to that mic,
8 because Vivian has to hear everything here and, you
9 know...

10 **MR. COBB:** All right.

11 **THE COURT:** Okay. All right, how old are you?

12 **MR. COBB:** I'm thirty-four.

13 **THE COURT:** All right, and how far did you go in
14 school?

15 **MR. COBB:** The ninth grade.

16 **THE COURT:** Where'd you last work?

17 **MR. COBB:** At Coker International.

18 **THE COURT:** Okay. All right, are you married?

19 **MR. COBB:** Yes, sir.

20 **THE COURT:** And do you have any children?

21 **MR. COBB:** Yes, sir.

22 **THE COURT:** How many children do you have?

23 **MR. COBB:** Three.

24 **THE COURT:** And how old are they?

25 **MR. COBB:** Seventeen, eight and two.

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1 **THE COURT:** Okay. And you've been in jail eight
2 hundred and forty-eight days?

3 **MR. COBB:** Yes, sir.

4 **THE COURT:** Okay. You understand there is a
5 negotiated plea today of twenty-three years, with credit
6 for the eight hundred and forty-eight days? Do you
7 understand that?

8 **MR. COBB:** Yes, sir.

9 **THE COURT:** And do you understand that because it's
10 negotiated, if I decide not to accept the plea I'll allow
11 you to stand down; do you understand that?

12 **MR. COBB:** Yes, sir.

13 **THE COURT:** Okay. Have you had any drugs or alcohol
14 within the last twenty-four hours?

15 **MR. COBB:** No, sir.

16 **THE COURT:** Are you taking any kind of prescription
17 or any other medication?

18 **MR. COBB:** Just my blood pressure medicine.

19 **THE COURT:** What -- what kind of medication?

20 **MR. COBB:** Lisinopril.

21 **THE COURT:** Okay; does that prevent you from knowing
22 what's going on here today?

23 **MR. COBB:** No -- no, sir.

24 **THE COURT:** Okay. Has anybody promised you anything
25 or threatened you in any manner to get you to plead

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1 guilty here today?

2 **MR. COBB:** No, sir.

3 **THE COURT:** Have you had plenty of time to speak
4 with your lawyer?

5 **MR. COBB:** Yes, sir.

6 **THE COURT:** And you're satisfied with her services?

7 **MR. COBB:** Yes, sir.

8 **THE COURT:** Has she done everything you've asked her
9 to do?

10 **MR. COBB:** Yes, sir.

11 **THE COURT:** Has she failed to do anything that you
12 wanted her to do?

13 **MR. COBB:** No, sir.

14 **THE COURT:** Okay. Do you understand that if you
15 want to plead guilty today that you have to waive your
16 constitutional rights?

17 **MR. COBB:** Yes, sir.

18 **THE COURT:** And in particular, are you waiving your
19 right to a jury trial?

20 **MR. COBB:** Yes, sir.

21 **THE COURT:** Are you waiving your right to remain
22 silent?

23 **MR. COBB:** Yes, sir.

24 **THE COURT:** Are you waiving your right to put up a
25 defense to these charges?

7
7

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1 **MR. COBB:** Yes, sir.

2 **THE COURT:** You also have the right to confront the
3 witnesses that would come testify against you, which is
4 your right of confrontation under the constitution. Are
5 you waiving that right?

6 **MR. COBB:** Yes, sir.

7 **THE COURT:** Okay. (After pause) Do you have any
8 questions of me today of your constitutional rights that
9 you just wa- -- just waived?

10 **MR. COBB:** No, sir.

11 **THE COURT:** Okay. And, Ms. Drawdy, have you had
12 plenty of time to speak with your client?

13 **MS. DRAWDY:** I have, Your Honor.

14 **THE COURT:** All right; and you think he understands
15 the elements of these charges and his waiver of
16 constitutional rights?

17 **MS. DRAWDY:** I know he does.

18 **THE COURT:** Okay. All right Mr. Cobb, also, since
19 you were charged with murder and this is a negotiated
20 plea for manslaughter, theoretically you have the right
21 to have this case sent back to the Grand Jury; do you
22 understand that?

23 **MR. COBB:** Yes, sir.

24 **THE COURT:** And are you waiving that right?

25 **MR. COBB:** Yes, sir.

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1 **THE COURT:** All right. Do you want to plead guilty
2 to manslaughter -- or, voluntary manslaughter?

3 **MR. COBB:** Voluntary manslaughter.

4 **THE COURT:** You want to plead guilty to that?

5 **MR. COBB:** Yes, sir.

6 **THE COURT:** And are you guilty of that?

7 **MR. COBB:** Yes, sir.

8 **THE COURT:** All right, I want you to listen real
9 carefully to what the Solicitor says, 'cause then I'm
10 gonna ask you whether you agree with it, okay?

11 Yes, ma'am?

12 **MS. PRICE:** Thank you, Your Honor. On July 11,
13 2013, this Defendant, Randy Cobb, was the passenger in
14 the front seat of the victim's vehicle.

15 The victim, Raymond Diehl, was driving down Wilson
16 Lake Road within Anderson County when, according to an
17 eyewitness account by the backseat passenger, Ben
18 Grayson, who would have been a witness in this trial, the
19 Defendant and the victim began arguing. The Defendant
20 grabbed the victim and then he pulled out a Kel-Tec and
21 unloaded his weapon into the victim shooting a total of
22 seven times.

23 The victim crashed into a fence; the victim stumbled
24 onto the road where -- roadway where he was discovered
25 approximately two hours later by a paper delivery woman.

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1 That would have been around five in the morning/five-
2 thirty in the morning.

3 EMS responded, but the Defendant (sic) died en route
4 to the hospital as a result of the wounds inflicted by
5 this Defendant.

6 The Defendant and eyewitnesses -- and the eyewitness
7 fled the scene through the windows of the vehicle because
8 they couldn't get the doors open.

9 Um, the witness, Ben Grayson, says that the
10 Defendant caught up to him and told him that they needed
11 to come up with a story, that he wasn't leaving the
12 Defendant's sight. The Defendant said he would kill
13 Grayson's family or anyone who knew about it.

14 They together then went through the woods discarding
15 various objects along the way, including Cobb's gun
16 holster, syringes, a box of bullets, and their clothing.

17 They eventually made it to a home belonging to a
18 friend of Ben Grayson's where they stayed for a short
19 period of time.

20 Cobb, this Defendant, then had them take, um, him by
21 the victim's home, um, where they saw a car belonging to
22 county officers before he then told them to take him to
23 his mother's home. That would have been evidence of his
24 continued flight at trial, Your Honor.

25 Once there, um, the Defendant got into the shower

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1 and the eyewitness then -- Grayson -- was able to get
2 away from him. He called his friends to come back and
3 pick him up.

4 Um, he then got in---

5 **THE COURT:** This was at his mother's house?

6 **MS. PRICE:** Yes.

7 **THE COURT:** Okay.

8 **MS. PRICE:** He then got -- he being the
9 eyewitness -- got in immediate contact with law
10 enforcement, um, and went to the ACSO where he gave them
11 a statement about what he'd seen.

12 Um, this Defendant was found the next day at the
13 residence of a third party.

14 When the, um, Defendant discovered that Grayson had
15 left, uh, the home while he was in the shower, he had his
16 mother make multiple phone calls to the witness trying to
17 find him, um, to his relations, uh, and drove around
18 Anderson County trying to find him.

19 A search warrant executed at his mother's home
20 revealed he had thrown away his watch and socks from the
21 nights prior, washed the shorts he was wearing.

22 Um, Your Honor, extensive forensics that were done
23 by SLED in the case support the account that was given by
24 the eyewitness, um, to authorities. And that would
25 have included blood spatter analysis, ballistics,

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1 fingerprinting, and footprint comparison.

2 Um, those are the facts as The State would present
3 them at trial, Your Honor.

4 **THE COURT:** All right. Mr. Cobb, do you agree with
5 those facts?

6 **MR. COBB:** Yes, sir.

7 **THE COURT:** All right.

8 **MS. DRAWDY:** Your Honor, just for the record, I -- I
9 heard, uh, July 11, 2013 and---

10 **MS. PRICE:** I'm sorry it's July 20 -- 10, 2013.

11 **THE COURT:** 2011.

12 **MS. PRICE:** Oh, 2011, I'm sorry.

13 **MS. DRAWDY:** I just wanted to make sure.

14 **THE COURT:** Yeah, yeah, that was it. All right, so
15 it was Ju- -- it was July of 2011.

16 **MS. PRICE:** Yes, sir.

17 **THE COURT:** But you agree with those facts?

18 **MR. COBB:** Yes, sir.

19 **THE COURT:** All right, I'm gonna accept his plea and
20 find it freely and voluntarily made based upon the advice
21 of counsel and find he's waived his constitutional rights
22 and his, uh, right to presentment.

23 I'll be happy to hear anything from you before I
24 sentence him.

25 **MS. DRAWDY:** Thank you, Your Honor. I won't belabor

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1 the point; this is a negotiated plea. I've known
2 Mr. Cobb, um, since he was arrested on this charge.

3 Uh, we appreciate The State giving us this offer,
4 and again I -- his -- he has family here, his mother is
5 here and his wife. Those are in the stand.

6 Uh, the only thing we would ask, Your Honor, since
7 this is a negotiated plea, he will be going away for
8 twenty-three years minus the credit for time served. Um,
9 if there is any way he could have one last visit before
10 he's, um -- if that is something that The Court can allow
11 him to have before he is carted away; that's all he'd ask
12 for, Your Honor.

13 **THE COURT:** Well, he won't leave 'til late --
14 probably tomorrow I would think anyway. They -- they
15 just need to go out right away. Um---

16 **MR. COBB:** Judge, you have---

17 **THE COURT:** ---Mr. Cobb, what -- anything you want
18 to tell me?

19 **MR. COBB:** ---what -- as far as the visit, it's
20 scheduled visit times or visit by your name or whatever,
21 you would have to approve me a visit to have it any other
22 way.

23 **THE COURT:** Okay; I mean, I -- they can go up there
24 today, I don't mind ordering a visit.

25 **MS. DRAWDY:** All right, thank you, Your Honor.

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1 **THE COURT:** Okay. Um---

2 **MS. DRAWDY:** Thank you.

3 **THE COURT:** ---anything you want to tell me about
4 this shooting?

5 **MR. COBB:** No, sir.

6 **THE COURT:** Well, why did you pump seven bullets
7 into him in a car?

8 **MR. COBB:** (NO RESPONSE.)

9 **THE COURT:** And now is the -- you might as well tell
10 me.

11 **MR. COBB:** He had a gun his self, and once the
12 altercation occurred we were fighting back and forth. I
13 was scared, I was high, and I had different feelings at
14 the time. I didn't know when -- what was going on; I
15 kinda blanked out and I didn't know myself if I was gonna
16 make it out of there or not.

17 **THE COURT:** Okay. And the victim's family is okay
18 with this negotiation?

19 **MS. PRICE:** The victim's family is okay with this
20 negotiation, Your Honor.

21 **THE COURT:** Okay. Anything---

22 **MS. PRICE:** Um, Lieutenant Mills is here from---

23 **THE COURT:** Yeah.

24 **MS. PRICE:** ---the Anderson County Sheriff's Office
25 and would like to speak at the appropriate time.

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1 **THE COURT:** Yeah, be happy to hear him.

2 **LT. MILLS:** Good morning, sir.

3 **THE COURT:** Good morning.

4 **LT. MILLS:** Uh, as Ms. Price spoke of, uh, July 2011
5 this -- is when it took place. It happened on Wilson
6 Lake Road in Belton where Mr. Cobb did unload a three-
7 eighty Kel-Tec into the face of the victim seven times.
8 It is my belief there would have been more shots if that
9 firearm would have held more bullets.

10 Uh, one thing that I'd like to point out, sir, is
11 what time this took place. The victim was not found for
12 almost two hours later. Uh, after speaking with the
13 forensic pathologist, Mr. Diehl sat on the side of the
14 road and bleed to death for two hours. Uh, speaking with
15 the forensic pathologist, it -- it is his belief that,
16 uh, if medical aid would have been rendered we wouldn't
17 even be here today.

18 Uh, so I'd like to -- like -- like to point that out
19 if he -- if he could-a got medical attention, uh, if
20 Mr. Cobb or anybody else involved would have made a phone
21 call, then we wouldn't be here.

22 Uh, I -- I've been in law enforcement for twelve
23 years, I've -- I've dealt with Mr. Cobb several times.
24 Uh, he has an extensive, uh, criminal history. Also,
25 through the investigation of this case, the, uh, the

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1 forensics, the SLED reports, the first-hand accounts, uh,
2 everything leads me to believe this is no self-defense
3 act; this is something that took place inside the -- a
4 moving vehicle, while going down the road with malicious
5 intent.

6 Uh, Mr. Cobb is also still facing pending charges
7 now. Uh, he was actually served on Saturday of this week
8 with another charge for having contraband inside the
9 jail. So this -- this has been going on for quite some
10 time, sir.

11 Thank you.

12 **THE COURT:** Okay; thank you. All right, anything
13 else?

14 **MS. PRICE:** No, Your Honor; thank you.

15 **THE COURT:** All right, as I said, I'm gonna accept
16 the plea, find it freely and voluntarily made, based upon
17 the advice of counsel.

18 And I'll go along with the negotiated sentence.
19 Mr. Cobb, your sentence is twenty-three years in the
20 Department of Corrections.

21 I'll give you credit for eight hundred and forty-
22 eight days.

23 And, uh, I'll approve a visit by some -- if they can
24 get out there today. I mean, I can't change their
25 schedule, but...

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1 Good luck to you, okay?

2 **MS. DRAWDY:** Thank you, Your Honor.

3 **MS. PRICE:** Thank you, Your Honor.

4 **THE COURT:** Thank you.

5 (WHEREUPON, HEARING ENDED AT 10:50 A.M.)

6 *****END OF REQUESTED TRANSCRIPT*****

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17

1 STATE OF SOUTH CAROLINA)

2) CERTIFICATE OF REPORTER

3 COUNTY OF ANDERSON)

4

5 I, THE UNDERSIGNED VIVIAN H. CROSS, OFFICIAL COURT
6 REPORTER FOR THE TENTH JUDICIAL CIRCUIT OF THE STATE OF
7 SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A
8 TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF THOSE
9 PROCEEDINGS REQUESTED AND EVIDENCE INTRODUCED IN THE TRIAL
10 OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF
11 GENERAL SESSIONS FOR ANDERSON COUNTY, SOUTH CAROLINA, ON
12 THE 4TH DAY OF NOVEMBER 2013.

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

15

16

17

18

19

20

21

Vivian H. Cross

22

VIVIAN H. CROSS, COURT REPORTER

23

TENTH CIRCUIT AT LARGE

24

AUGUST 28, 2013

25

FORM 5

STATE OF SOUTH CAROLINA)

County of Anderson)Steven Randall Cobb)

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

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2014- CP - 04 - 1153

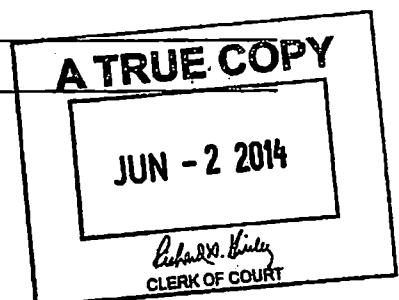
APPLICATION FOR
POST-CONVICTION RELIEFFILED CLERK'S OFFICE
ANDERSON CO
2014 JUN 2 PM 4 19
COMMON PLEAS AND
GENERAL SESSIONSINSTRUCTIONS - READ CAREFULLY

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 Anderson County
2. Name and location of Court which imposed sentence Anderson County 10th Circuit Court
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012 G-504 00307
 - (b) _____



- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 11-4-13, 23 yrs with 848 days credit served
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel - 6th / 14th Amend violations
- (b) Brady violations - 5th
- (c) police misconduct.
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Matters of Law to support claims will be
- (b) Filed with clerk of court & send a copy
- (c) ~~sub~~ submitted to Respondent AFTER appointment of counsel
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? _____
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

- (c) the disposition thereof:
- i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (d) the date of each such disposition:
- i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. _____
 - ii. _____
 - iii. _____
 - iv. _____
14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
- _____
- _____
15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
- i. _____
 - ii. _____
 - iii. _____
- (b) the proceedings in which each ground was raised:
- i. _____
 - ii. _____
 - iii. _____

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

(a) _____
 (b) _____
 (c) _____

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

(a) your arraignment and plea? yes
 (b) your trial, if any? _____
 (c) your sentencing? _____
 (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. Byrholdt Drawdy, LLC, THE Regency building
2315 N. main st. Ste 117, Anderson, SC. 29621
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. General sessions -
 ii. _____
 iii. _____

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

new trial, sentence vacated

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

NO

STATE OF SOUTH CAROLINA)

County of Anderson)

VERIFICATION

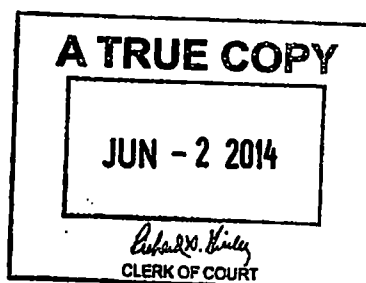
I, Steven Cobb, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside, or correcting the conviction and sentence attacked in this application; and that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

SWORN to and subscribed before me this 29
day of May, 2014.
Debra Suris (L.S.)
Notary Public

My Commission Expires: 11-4-2015

FILED CLERK'S OFFICE
ANDERSON, SC
2014 JUN 2 PM 4 19
COMM. PLEAS AND
GENERAL SESSIONS

Revised 3/2003



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

I, Steven Cobb, 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.

Steven Cobb
Applicant

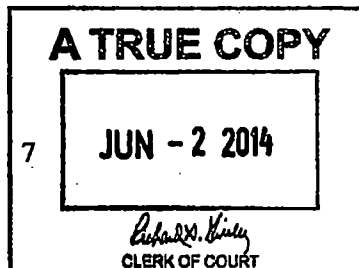
SWORN or affirmed to and subscribed before me this

29 day of May, 2014.

Debra Sines
Notary Public

My Commission Expires: 11-4-2015

FILED CLERK'S OFFICE
ANDERSON, SC
2014 JUN 2 PM 4 19
COMM. J. PLEAS AND
GENERAL SESSIONS



Revised 3/2003

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ANDERSON	)	FOR THE TENTH JUDICIAL CIRCUIT
	)	
Steven Randall Cobb,	)	C.A. No. 2014-CP-04-1153
S.C.D.C. No. 255377,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	(counsel has been appointed)
State of South Carolina,	)	
	)	
Respondent.	)	



CLERK'S OFFICE
ANDERSON SC

2014 OCT 30 A 11:22

COMMON PLEAS AND
GENERAL SESSIONS

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed June 2, 2014, would respectfully show this Court:

I.

Applicant is presently incarcerated pursuant to order of commitment from the Anderson County Clerk of Court. On May 17, 2012, Applicant was indicted for murder (2012-GS-04-087). He was represented by Sarah Drawdy, Esq. On November 4, 2013, Applicant entered a guilty negotiated plea agreement to the lesser-included offense of voluntary manslaughter for a twenty-three (23) term of imprisonment before the Honorable J. Cordell Maddox, Jr. Judge Maddox accepted Applicant's plea and imposed the agreement. Applicant did not appeal his sentence or conviction.

Attached herewith and incorporated herein by reference are records from the Anderson County Clerk of Court, Applicant's records from the Department of Corrections, and Applicant's plea transcript.

II.

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

1. Ineffective Assistance of Counsel.
2. Brady violation
 - a. "police misconduct."

III.

Applicant pleads deficient conclusory allegations of ineffective assistance of counsel and prosecutorial misconduct. Both PCR allegations are facially deficient. "A conclusory allegation of ineffectiveness raises no constitutional issue because a petitioner must show how counsel was deficient and how there was prejudice." Miller v. Johnson, 200 F.3d 274, 282 (5th Cir. 2000).

IV.

Respondent contends that the Applicant's trial 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, the Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied 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. The 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, the 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 the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Applicant also alleges prosecutorial misconduct. Prosecutorial misconduct is not an issue for post conviction relief. Rather, this allegation is a direct appeal issues that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). The Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief. Regardless, it is applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989).

VI.

The Respondent therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the 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.

VII.

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. Respondent intends to move to dismiss Applicant's action absent timely and sufficient amended pleadings.

VIII.

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

IX.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held.

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

WALT WHITMIRE
Assistant Attorney General

By: *AWH*
ATTORNEYS FOR RESPONDENT

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

Oct 28th, 2014

STATE OF SOUTH CAROLINA	)	IN THE COURT
	)	OF COMMON PLEAS
COUNTY OF ANDERSON	)	2014-CP-04-01153
-----	)	

STEVEN RANDALL COBB,	)	
PLAINTIFF	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
STATE OF SOUTH CAROLINA,	)	
DEFENDANT	)	
-----	)	

JUNE 27, 2017
ANDERSON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE JOCELYN NEWMAN

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

RODNEY WADE RICHEY, ESQUIRE
ATTORNEY FOR APPLICANT

LINDSEY ANN MCCALLISTER, ESQUIRE
ATTORNEY FOR STATE

VIVIAN CROSS,
CIRCUIT COURT REPORTER

I N D E X:

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
STEVEN R. COBB				
BY MR. RICHEY	13			
BY MS. MCCALLISTER		36		
SARAH G. DRAWDY				
BY MR. RICHEY	58		97	
BY MS. MCCALLISTER		78		
CATHY MANLEY				
BY MR. RICHEY	99			
BY MS. MCCALLISTER		100		

STATE'S EXHIBITS/PAGE:

1. CHECK LIST 89
2. S. DRAWDY'S NOTES 93

1 * * * JUNE 27, 2017 * * *

2
3 THE COURT: Yes, ma'am.

4 MS. MCCALLISTER: Your Honor, this is Steven Cobb
5 vs. the State of South Carolina, 2014-CP-04-01153. Mr.
6 Cobb filed his application for post conviction relief
7 on June 2, 2014. He is currently incarcerated in SCDC.
8 He was indicted by -- or he was indicted for murder and
9 was represented on that charge by Sarah Drawdy.

10 On November 4, 2013, he entered a negotiated
11 guilty plea to the lesser included offense of voluntary
12 manslaughter, and he was sentenced to 23 years by Judge
13 Cordell Maddox. He did not appeal that sentence or
14 conviction. He is present in the courtroom today and
15 he is represented by Mr. Rodney Richey.

16 THE COURT: Mr. Richey.

17 MR. RICHEY: Thank you, Your Honor. We're ready
18 to go forward. We call Mr. Cobb at this time.

19 MS. MCCALLISTER: I'm sorry, Your Honor, in our --
20 in the State's Return, responsive pleading, we made a
21 Motion to Dismiss one of his allegations. He's made an
22 allegation of a Brady violation for police misconduct.
23 His application stated that he would file an amendment
24 with more detailed allegations, and that has not been
25 done. So we would move to dismiss on that issue and

1 only go forward on the issue of ineffective assistance
2 of counsel.

3 (Pause. . Discussion between Mr. Cobb and his
4 attorney.)

5 THE COURT: I don't see that, Ms. McCallister.
6 What page are you on?

7 MS. MCCALLISTER: Are you looking at my Return,
8 Your Honor?

9 THE COURT: Yes. Is there a separate motion?

10 MS. MCCALLISTER: No. It was on page four, at the
11 very last sentence of paragraph seven.

12 THE COURT: I do see that. What say you, Mr.
13 Richey?

14 MR. RICHEY: Your Honor, we're going forward on
15 ineffective assistance of counsel.

16 MR. COBB: No. We ain't going on no -- we're
17 going for the whole application. We're not -- we're
18 not going on --

19 MR. RICHEY: Hey, hey, hey, no, no.

20 MR. COBB: Please, Dude. I talked to you about
21 it.

22 MR. RICHEY: We're not going on police brutality.

23 MR. COBB: You ain't going to tell me what I'm
24 going to do. I know what happened to me in my case.

25 MR. RICHEY: Okay. All right. Your Honor -- Your

1 Honor --

2 MR. COBB: I know what happened to me in my case.

3 MR. RICHEY: Your Honor, I discussed this with

4 him, all the issues I outlined was ineffective

5 assistance of counsel. That's the -- that's the issue

6 that he outlined to me, and that's what I'm prepared to

7 go forward on.

8 THE COURT: Okay. What is your position as to the

9 Brady violation allegations?

10 MR. RICHEY: Your Honor, I think -- my client is

11 not Brady -- it's not that the Brady is violated, it's

12 just that he was not able to get the information.

13 MR. COBB: Withheld evidence. Withheld evidence.

14 MR. RICHEY: From you.

15 MR. COBB: They didn't give it -- no, they didn't

16 give it to me. That's a Brady violation --

17 MR. RICHEY: What -- hey. No, he's -- my client,

18 the Brady violation is the lawyer did not provide him

19 --

20 MR. COBB: No, that ain't what it is. You talking

21 about something else.

22 MR. RICHEY: No.

23 MR. COBB: That is concerning something totally

24 different as how we just --

25 THE COURT: All right. All right. Mr. Cobb --

1 Mr. Cobb, hold on --

2 MR. COBB: This man ain't -- Your Honor, I'm not
3 trying to a nuisance. I'm just trying to talk to him
4 about this --

5 (Mr. Cobb and attorney cross talking.)

6 MR. RICHEY: -- stand down.

7 MR. COBB: -- I just talked to him today. He came
8 to see me at the prison. All right. We talked about
9 my case. The is first time I had talked to him was the
10 other day. I explained my case to him.

11 He came down there -- he didn't know nothing
12 about my case. He didn't -- I asked him where is the
13 stuff at. And he was, well, we just going to do this,
14 we going to do that. No, I want -- I know what's wrong
15 with my case. I've been in here for the years in the
16 prison system going through this stuff. I know what --
17 what I need to talk -- I know the issues that I want to
18 bring up. And he's just brushing it to the side.
19 Like, no, we ain't going to do that. We ain't going to
20 do that --

21 THE COURT: All right --

22 MR. COBB: -- that's not the way to do it. None
23 of my motions has been answered that I filed with the
24 court. What's happen to those?

25 THE COURT: I couldn't tell you anything about

1 those. I don't know anything about them.

2 MR. COBB: I mean, this -- this motion that she
3 filed right here, I have never received it. I don't
4 know nothing about none of it. I mean, so how -- this
5 case -- I mean, I did receive another attorney, which
6 is him, on this case. And I had another attorney doing
7 an investigation on my case, but I didn't have enough
8 money to hire him. He actually told me what I needed
9 to get done. All right.

10 And I filed a motion with the court for the
11 expert to be -- for the court to be responsible for the
12 expert to come and testify in my case, because with me
13 being an indigent person, the expert was not going to
14 come and testify because he's an expert that we hired.

15 THE COURT: Okay. And I'll get -- hold on. I
16 don't need you to tell me about the case --

17 MR. COBB: All right -- but I mean that's --
18 that's --

19 THE COURT: Hold on. We both can't talk at the
20 same time.

21 MR. COBB: Yes, ma'am.

22 THE COURT: Okay. So, this is your lawyer. Have
23 you not had enough time to talk to him?

24 MR. COBB: No, I haven't.

25 THE COURT: You don't think he's ready to go

1 forward with your case?

2 MR. COBB: I don't think he's ready for my case.
3 I don't think that he's serious about my case. And
4 this is my life on the line. I have kids and so --

5 MR. RICHEY: Judge, let me interject here --

6 MR. COBB: He just brushes me off and coming --

7 THE COURT: You can't talk when anybody else is
8 talking, Mr. Cobb.

9 MR. COBB: All right.

10 THE COURT: All right. Hold on a second.

11 MR. COBB: You right.

12 THE COURT: Mr. Richey.

13 MR. RICHEY: Judge, I went and saw him down at the
14 prison. And we -- and I wrote notes about every issue
15 he wanted. We went through it. I wrote the notes.
16 There is an issue about an investigator's report that
17 he requested me to get. I contacted the previous
18 lawyer, and for what -- for reasons I'm not going to go
19 into, there was no report.

20 MR. COBB: Yeah, explain that to them --

21 THE COURT: Mr. Cobb --

22 MR. COBB: You can't --

23 THE COURT: Hold on.

24 MR. COBB: Please --

25 THE COURT: You can't talk while anybody else is

1 talking.

2 MR. COBB: I'm -- I just want to tell you the way
3 he told me, please.

4 THE COURT: Listen, I want to hear from him, not
5 from you.

6 MR. COBB: All right.

7 THE COURT: Okay.

8 MR. RICHEY: Well, that -- that -- the report
9 wasn't -- the previous counsel told me why the report
10 was not done. Okay. And I explained that to him why
11 the report was not written out. And -- and he believes
12 that that -- she should have done that. And that's one
13 of the -- that's part of the issue in this case.

14 But -- but I wrote down -- downstairs, I just
15 went down to talk to him briefly, and I did not have my
16 file with my notes in it. And he asked me about that.
17 But I went to the prison, Your Honor, and -- and I took
18 notes of all the issues that he wanted to raise.
19 That's pretty much -- that's what I've done. So, he --

20 THE COURT: Okay.

21 MR. RICHEY: I'm ready to go forward with the
22 issues that he told me that he wanted to present.

23 THE COURT: All right. Now, Mr. Cobb, I know you
24 think he's missing some things and he's going -- I
25 assume put you on the stand and ask you some questions.

1 You'll answer those questions. But just in case you
2 think he has missed anything in those questions, I'm
3 going to give you an opportunity, while you're on the
4 stand after he's done with his questions, to tell me
5 anything else you want to tell me.

6 MR. COBB: All right.

7 THE COURT: That way if he's left anything out --

8 MR. COBB: -- okay -- I understand --

9 THE COURT: -- we'll still get it covered.

10 MR. COBB: I understand that.

11 THE COURT: Okay.

12 MR. COBB: I understand that. All right. This
13 is -- this is what I want you to understand. Now, I
14 think that I know this -- and what I can tell you,
15 explain this the way that I can explain it, to make you
16 understand. All right.

17 Now, it's his job to show me how to explain this
18 in the right way to you, because I do know and
19 understand if I don't get my point across right here,
20 that it's over with. All right.

21 I -- now, I know my issues. Just like when she
22 just now said something about that I never filed for a
23 direct appeal, I did file for a direct appeal. And I
24 did make copies of the letter. And I did do it the
25 same day that I took that plea, and I mailed it to her.

1 She sent me a letter telling me that, oh, I hadn't
2 received your letter after the 10 days had expired.

3 Now, how is that the case when I mailed it off
4 the same day I took my plea -- because they shipped me
5 off to Kirkland, how did it take that long for her to
6 get that mail?

7 THE COURT: Well, I don't know. But here's the
8 thing, because today is the day for your case --

9 MR. COBB: Right.

10 THE COURT: That's what I'm saying, rather than
11 you telling me all that right now, your lawyer is going
12 to put you on the stand, and ask you some questions,
13 and you'll get to tell me all those things. Okay?

14 MR. COBB: But he don't know to answer those
15 questions, because he hasn't asked me --

16 THE COURT: I know. Okay.

17 MR. COBB: -- nothing --

18 THE COURT: Well, that's why I said, if he doesn't
19 ask you a question that you think he should have asked,
20 at the end, before you get off the stand, I'm going to
21 let you tell me everything about everything that --

22 MR. COBB: Thank you. Thank you. That's all I
23 need to hear--

24 THE COURT: That's what we're going to do.

25 MR. COBB: Thank you. I appreciate it.

1 THE COURT: And I will withhold ruling on this --

2 MR. COBB: This isn't funny. Would you please not
3 smile and laugh while --

4 MR. RICHEY: You can't talk when the judge is
5 talking.

6 THE COURT: All right. Mr. Cobb, you keep talking
7 while other people are talking, and you're -- you're
8 actually -- you're pretty loud, and it's being
9 disruptive. So there's no way for me to hear your case
10 and figure out what's going on if you keep doing that;
11 do you understand?

12 MR. COBB: Yes.

13 THE COURT: Okay. I'll withhold ruling on the
14 partial motion to dismiss.

15 MS. MCCALLISTER: Okay.

16 THE COURT: And we'll just see where it goes after
17 Mr. Cobb testifies.

18 MS. MCCALLISTER: Thank you.

19 THE COURT: All right. Mr. Richey.

20 MR. RICHEY: I call Mr. Cobb.

21 MR. COBB: You said you were going to call her
22 first, so I could hear her testimony. You just told me
23 that.

24 MR. RICHEY: No, just please. Please.

25 MR. COBB: Just do what you said you were going to

STEVEN COBB -- DIRECT

1 do; that's all I ask.

2 MR. RICHEY: No. You go ahead.

3 THE CLERK: Mr. Cobb, if you would please remain
4 standing and raise your right hand to the best of your
5 ability.

6 STEVEN RANDALL COBB, having
7 been first duly sworn, testified as follows:

8 THE CLERK: You may have a seat and state your
9 full name for the record.

10 THE WITNESS: Steven Randall Cobb.

11 THE CLERK: Thank you.

12 **DIRECT EXAMINATION BY MR. RICHEY:**

13 Q. Mr. Cobb, are you currently in the Department
14 of Corrections?

15 A. Yes, sir.

16 Q. And are you -- and were you convicted in
17 Anderson County?

18 A. Yes, I was.

19 Q. And what were you convicted for?

20 A. Manslaughter.

21 Q. And what type of sentence did you receive?

22 A. Twenty-three years.

23 Q. And who -- who represented you on your case?

24 A. Sarah Drawdy, Bruce Byrholdt.

25 Q. Okay. And you -- you filed an application

STEVEN COBB -- DIRECT

1 that they ineffectively represented you in that case;
2 correct?

3 A. Correct, and several other issues with it.

4 Q. That you filed an application to do that;
5 correct?

6 A. Yeah. I filed the application, but it's got
7 more issues than that.

8 Q. Okay. Okay. Did you have a trial or did you
9 plead guilty?

10 A. I pled guilty.

11 Q. Okay.

12 A. Not -- not -- not under the right mind. I
13 didn't plead guilty -- I wouldn't have pled guilty.

14 Q. Okay. You -- at the time of your guilty plea,
15 you were -- is it your position that you were coerced
16 to plead guilty?

17 A. That's -- yes, yes, sir.

18 Q. And -- and what was the -- who provided the
19 coercion? Who was doing it?

20 A. Bruce Byrholdt and Sarah Drawdy.

21 Q. Okay. And what was the coercion that they did
22 to get you to --

23 A. They came down there and they told me that if
24 I didn't take the plea, they was scared for my mom and
25 my wife, that they would get arrested because the

STEVEN COBB -- DIRECT

1 witness said that they had -- that she had offered the
2 money not to come to court. '

3 Q. Okay. Let's -- let's go back to the witness.
4 The witness was somebody who supposedly witnessed this
5 murder -- supposedly; correct?

6 A. Correct.

7 Q. And -- and the allegation was that your --
8 your mother tried to pay him not to come to court;
9 correct?

10 A. That's -- see this -- let me explain it to
11 you. The witness in my case, the cops had been going
12 around trying to locate him. They couldn't find him.
13 All right. Now, the day of my plea, they had came out
14 twice that weekend and seen me at -- at the jail. I
15 hadn't seen them much prior to this.

16 All right. Almost throughout this whole case,
17 Sarah had been telling me that -- it was looking good
18 for five years voluntary manslaughter plea, that's
19 where I was looking to get. They did change
20 prosecutors in my case. All right.

21 The other prosecutor may have been on there some
22 -- I don't know. There were several different
23 statements wrote in the case by the witness from --
24 saying it was self defense; that I did it; to nothing;
25 that we were fighting; it -- there was so many

STEVEN COBB -- DIRECT

1 different statements from him -- the witness. So many
2 different statements from this witness.

3 All right. The day of my -- the day my trial
4 was supposed to start, my mom brought my clothes in, my
5 suit, my tie, and I put my stuff on downstairs. I was
6 prepared to go to trial. I had informed my family that
7 I'm ready to go to trial. I signed the paper with Ms.
8 Drawdy at the county that -- the day before where I
9 refused the plea she had offered. I told her I did not
10 want the 25 years. I did not want that. I wanted to
11 go to to trial.

12 All right. I signed the paper. I don't know if
13 she -- I ain't seen it in none of my stuff, and I
14 requested my full discovery on numerous occasions, and
15 I never got the full things. They send me the same
16 thing over and over again. All right.

17 Well, they came down. First, Sarah was talking.
18 They had just merged together, so I hadn't talked to
19 Bruce much. I do know Bruce prior to this, but they
20 had just merged together. So Bruce was just coming in
21 on my case. As a matter of fact, that was the first
22 time I had seen Bruce was that weekend. He came with
23 Sarah to the jail. All right.

24 Now, we talked very shortly -- very, very brief.
25 They left and said we'll be back tomorrow. I said, all

STEVEN COBB -- DIRECT

1 right. They came back the next day. He asked me a
2 couple of questions, but my answer was that I wanted to
3 go to trial. I wanted a trial. I was prepared for
4 that.

5 But when we got here at the courthouse that day,
6 they came down and talked to me. And Bruce, this is
7 his exact words -- his exact words, "I'm scared for
8 your mom". He didn't -- he was very careful in the way
9 he said it, but I wasn't understanding what was taking
10 place. He said -- just so you understand, my mom had
11 been arrested like two weeks prior to this. All right.
12 And it's the first time she had been arrested. And it
13 doing something -- it had something to do with me why
14 she had been arrested.

15 I feel like that they used that as a tactic
16 because I did get into some trouble at the county jail.
17 They had caught me with a cell phone there like right
18 before this. All right. At the jail, they came in and
19 they made a big fuss about it. Sarah told me -- she
20 wouldn't answer any of my phone calls. She told me --
21 look, I'm through. If you get in trouble again, I'm
22 through. I would call her. She wouldn't answer my
23 mom -- take my mom's calls. She wouldn't do nothing.
24 All right. It was like she was mad at me.

25 And I could understand if I was doing something

STEVEN COBB -- DIRECT

1 to hurt my case, but you don't turn your back and say,
2 okay, I'm through with this because -- that's the way
3 she did it. And Bruce came down there, and he's like
4 this, "I'm scared for your mom". They did locate
5 Grayson and he's telling a little bit, he was offered
6 money to not come to court.

7 All right. So -- so it's like -- he didn't just
8 say, oh, they're going to lock her up. He said it --
9 I'm scared that they are going to do it. Do you see?
10 He didn't just say, yes, they're going to do it. He
11 was just kind of said it in a way where he left it
12 dangling in my head.

13 So they clinked me back in the cell and -- and I
14 broke. He said they come from 25 to 23. He said, what
15 do you want to do? That's the best you going to get --
16 what do you want to do. I didn't want to take that,
17 but all I could think about was my mom and my wife
18 getting in trouble, and that's all I had out there to
19 take care of my kids.

20 Well, I agreed to the plea, okay, not
21 understanding at that time, even to my full case, I
22 didn't even -- I mean I thought I did, but I didn't
23 even understand my full case at that time. Because it
24 hadn't been properly explained to me about everything.

25 Now, there is so much stuff in my case that I

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1 understand now, that I didn't understand then, like the
2 bullets being different that was in the body. There's
3 -- there's so much stuff to show and prove to you in
4 this case that somebody else could have been involved
5 in it or anything. See, she didn't point none of this
6 out. She didn't tell me this. All she -- they had me
7 scared that I was about to get my mom in trouble. All
8 right.

9 I feel like that it was her job to point this
10 stuff out to me. Like that witness expert that she
11 told us to -- after I did everything I could do to get
12 her paid when I did, but we needed to pay for this
13 expert. We paid for the expert. And then she come and
14 said, well, look, we're just not going to use the
15 expert. With her being my lawyer in this case, I
16 trusted her. So I didn't even question her about it
17 and I should have.

18 And that is my part -- I should have did it, but
19 with me not understanding the law, and knowing that me
20 not questioning could very well hurt myself how I
21 trusted that she was going to tell me everything -- she
22 just said, look, it is going to be harmful to you, we
23 are not even going to use it. I said, okay. All
24 right. I didn't even ask no questions or nothing. All
25 right.

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1 Now, after my plea, this lady here, Tricia
2 Blanchette, I hired her and gave her money to conduct a
3 review of my case. She went back and talked to the
4 expert. And the expert -- I do have a letter from him
5 where he actually shows that the case should -- could
6 be pointed out that blood was found on the side --

7 MS. MCCALLISTER: Your Honor, I object to --
8 objection.

9 THE COURT: Hold on a second.

10 MS. MCCALLISTER: He's testifying about what his
11 expert said, so I would object on the basis of hearsay.

12 THE COURT: All right. You can't tell me anything
13 anybody else --

14 THE WITNESS: Why? Because his -- his testimony
15 is going to matter here, ma'am. His testimony -- his
16 report is what matters.

17 THE COURT: I know, but he needs to be here to
18 tell me about it --

19 THE WITNESS: Well, you should have the motions
20 where I filed it at -- look, I have the clerks -- I
21 have it stamped and everything right here. Motion to
22 have it filed -- I can pull it out for you. I can pull
23 it out and show you. I filed the motion for the court
24 to appoint me to help him -- help pay him --

25 THE COURT: I know --

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1 THE WITNESS: -- I didn't have the money to do it.

2 THE COURT: I understand, but you can't tell me
3 what his report says. He has got to tell me that.

4 THE WITNESS: Well, can I get a continuance? We
5 need to get him here.

6 MS. MCCALLISTER: Your Honor, the State would
7 strongly object to a continuous. This case has been
8 continued multiple times.

9 THE WITNESS: Okay. But this right here is what
10 my case is based upon, and this is part of my base. It
11 is in my PCR. I did file it on my report. Everything
12 is in my PCR application that I'm talking about here
13 and that I'm discussing. All right. Everything is
14 there. And I'm telling you when I point all this stuff
15 out to you, Your Honor, and you deny my case -- and in
16 a way, you're doing the right thing --

17 THE COURT: Well, I'm not going to continue the
18 case. We're going to finish up with it today. This
19 case is more than three years old.

20 THE WITNESS: Okay.

21 THE COURT: I'm sure it has been continued a
22 number of times.

23 THE WITNESS: Okay. Well, every time that we have
24 come in here and it has been continued, it was for a
25 lawyer wasn't coming to see me. I wasn't able to talk

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1 a lawyer --

2 THE COURT: I hear you. I hear you.

3 THE WITNESS: It was for legit reasons. It ain't
4 just like I'm stalling, because believe me, I would
5 very much so would like to get this issue appointed
6 because I do know -- the reason I paid this money --

7 THE COURT: Okay. Let me stop you. I hear you,
8 but it's not up for debate. I'm not going to continue
9 the case --

10 THE WITNESS: Okay.

11 THE COURT: -- move on to your next topic.

12 THE WITNESS: Well, how could I go about getting
13 this man's report here? I mean, what -- if he -- he's
14 got a motion to discovery like everything pertaining to
15 the case, it has to be filed or something? Don't I
16 have -- don't I have to have a copy of that or
17 something?

18 THE COURT: I want you to go on and move on to
19 your next topic that you want me to hear about this PCR
20 on --

21 THE WITNESS: About what?

22 THE COURT: About your -- your case. We're moving
23 on -- not from the expert, but the next thing you want
24 me to know about it. Go on to the next topic.

25 THE WITNESS: All right. So, in other words, it's

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1 like he's out of the picture. So it's like his -- his
2 testimony, his report, it's over with? There's nothing
3 else I can do about it?

4 THE COURT: Correct.

5 THE WITNESS: All right.

6 BY MR. RICHEY:

7 Q. Okay. Mr. Cobb, I've got a question for you.
8 During this case, it was your position that you
9 didn't -- that you were not the cause of this
10 gentleman's death; correct?

11 A. Correct.

12 Q. And you knew who caused it; right?

13 A. Correct.

14 Q. And can you tell me why you did not tell Ms.
15 Drawdy that?

16 A. Um -- she didn't want me to tell her. When
17 she came to see me, when my mom hired her and the first
18 time she ever came out, and I tried to start -- trying
19 to talk to her and tell her about everything, she said,
20 stop. We're going to wait and see what they say. And
21 you know me, now, I eventually did give her a statement
22 and stuff about some of this stuff that happened, but
23 she never like -- she wasn't willing to like listen.

24 And I do -- I don't think that she was wrong in
25 that, because she was waiting to see what type of

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1 evidence or what type of stuff they were going to put
2 on the table, because this guy that they had in my
3 case, he wrote these statements, he was not charged.
4 And his fingerprints being on the shell casings and the
5 guns --

6 MS. MCCALLISTER: Your Honor, objection.

7 THE WITNESS: -- he never was charged in this case
8 --

9 THE COURT: Hold on.

10 THE WITNESS: I want to talk.

11 MR. RICHEY: Hold on.

12 THE COURT: Hold on.

13 MS. MCCALLISTER: Your Honor, this is all hearsay,
14 too, talking about evidence that has not been admitted
15 or --

16 THE WITNESS: I got to go -- all I got--

17 THE COURT: Hold on. Hold on.

18 MS. MCCALLISTER: I would object, Your Honor.

19 THE COURT: Sustained.

20 THE WITNESS: What's that mean?

21 THE COURT: That means --

22 THE WITNESS: -- that's means I'm not quite --

23 THE COURT: You can't tell me something that other
24 people told you.

25 THE WITNESS: Like what?

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1 THE COURT: You can tell me what your lawyer told
2 you -- what Ms. Drawdy told you because I'm probably
3 going to hear from her --

4 THE WITNESS: What did I say --

5 MR. RICHEY: Judge, I can rephrase the question.
6 I can do that.

7 THE WITNESS: Well, no, no, no --

8 MR. RICHEY: -- hold -- I can rephrase the
9 question.

10 THE COURT: -- no, hold on --

11 THE WITNESS: I can --

12 THE COURT: Mr. Cobb.

13 THE WITNESS: I want to understand. I want to
14 understand --

15 THE COURT: I know, but--

16 THE WITNESS: I'm not trying to be arguing --

17 THE COURT: No, but you are.

18 THE WITNESS: Help me to understand --

19 THE COURT: And you're trying to take over the
20 courtroom --

21 THE WITNESS: No, I'm not --

22 THE COURT: -- and I'm not going to let you do
23 that.

24 THE WITNESS: I'm not trying to do that, ma'am.

25 THE COURT: So you can't tell him to hold on, and

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1. stop talking. You can't tell me to stop talking.

2 THE WITNESS: I'm not --

3 THE COURT: When I tell you to stop talking, you
4 have to stop talking.

5 THE WITNESS: Okay.

6 THE COURT: You're about the forfeit your right --

7 THE WITNESS: And I understand --

8 THE COURT: -- to even have me hear the case.

9 THE WITNESS: I don't -- but the question that was
10 at hand, is like he just brushes it off the side and it
11 doesn't get answered.

12 THE COURT: I'm not here to answer your questions.

13 THE WITNESS: Okay.

14 THE COURT: I'm not here to argue with you.

15 THE WITNESS: All right.

16 THE COURT: And you if you continue to disrupt the
17 court, then I'll just have them take you out and then
18 your case won't get heard at all.

19 THE WITNESS: I don't want that to happen.

20 THE COURT: Exactly. All right. He's going to
21 rephrase the question. Please answer his new question.
22 Okay?

23 THE WITNESS: Okay.

24 BY MR. RICHEY:

25 Q. You -- it was your position that the other guy

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1 killed the guy; correct? Correct?

2 A. Listen --

3 Q. No, you've got to answer that question.

4 Is that -- that's correct; correct?

5 A. What is your question again?

6 Q. That -- that the other gentleman killed the
7 guy, you did not? Right?

8 A. Listen to me.

9 Q. Huh?

10 A. You -- that's not a question to ask me.

11 Q. Okay.

12 A. -- I'm not responsible for this man's death.

13 Q. Okay.

14 A. I'm not responsible for this guy's death. all
15 right. I'm going to say that. I'm not responsible for
16 this guy's -- for his death. I -- now, I'm not going
17 to sit here and say who is responsible, but I'm not
18 responsible for this guy's death. All right. And
19 there was other individuals that was in this case that
20 was -- all the evidence showing that they were there,
21 evidence pertaining to his finger -- I mean, stuff to
22 show and prove that he did have direct access with --
23 with items and stuff that was in this case, that
24 charged me. So why wasn't he actually charged. He had
25 been arrested four or five times in the county jail --

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1 MS. MCCALLISTER: Objection.

2 THE WITNESS: -- and every time they would let him
3 out, he wrote five statements over two years. And with
4 that evidence at trial -- but I think right now, we
5 need -- the question that you asked -- am I responsible
6 for this? No, I'm not. I'm not responsible for his
7 death.

8 Q. And -- and based off your investigation and
9 looking at your files, as you have, you believe that
10 there was evidence to corroborate that; correct?

11 A. Correct.

12 Q. Correct?

13 A. Correct.

14 Q. And that you and Ms. Drawdy never talked about
15 your case in that posture; correct?

16 A. Correct. Any time that she would come to see
17 me, it was very brief.

18 Q. Okay.

19 A. I would have to call numerous times to get her
20 to come out there. And she would always tell me, look,
21 there is nothing -- the stuff isn't in yet. We can't
22 do nothing, so I did understand it. All right. I did
23 understand it takes time to do this stuff, but a lot of
24 these reports -- I never understood them, and learned
25 what they -- what they meant until I actually got in

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1 prison and got in there and started looking some of
2 this stuff up myself. And I seen it. And she
3 didn't -- if she would have explained this stuff to me,
4 because I know I'm not responsible for that guy's
5 death.

6 Q. Okay.

7 A. I might have been there, but I'm not
8 responsible for this guy's death. But she should have
9 explained this stuff to me better. She was making it
10 seem like, oh, if you don't take this -- this is her
11 exact words -- "if you don't take this plea, they're
12 going to give you a life sentence today and they are
13 going to lock your mom and your wife up probably."
14 That's her exact words minutes before I took my plea.
15 All right.

16 Now, I come up here and she was very thorough in
17 her plea. She was in there, she was just like -- went
18 on and on and on, and me not knowing what I know right
19 now, because knowing I wouldn't have never agreed to
20 it. All right. If I would have been explained this
21 case correctly, and showed how -- the different types
22 of bullets in his body and stuff like this, so it sort
23 of shows that it's -- it's some people linked to this
24 crime, that I was charged with on. All right.

25 I wasn't explained any of this. What these

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1 reports for? I mean, what do they mean? Why didn't
2 she give them to me? Why do I have to keep filing and
3 waited until I got in prison before I even actually got
4 my paperwork. I know this is aggravating to y'all
5 probably, Judge, and I see you over there getting very
6 frustrated with me, but listen to me, this is my life
7 on the line.

8 Q. Okay. Mr. Cobb --

9 A. They are my kids.

10 Q. -- my question to you is you -- you did know
11 there was a transcript of your guilty plea hearing;
12 correct?

13 A. Yeah, I got it.

14 Q. Okay. And in this transcript, you answered
15 these questions saying that you were satisfied with Ms.
16 Drawdy?

17 A. Okay.

18 Q. Was that because you felt compelled to answer
19 these questions this way, or --

20 A. I felt like if I didn't plead guilty -- the
21 only thing I knew, I was going on, yeah, yeah, yeah --
22 listen, the only thing that I knew is that I had to
23 plead guilty because if I didn't that -- I didn't know
24 what would happen with my daughter.

25 Q. Okay.

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1 A. My mom got arrested -- that's who takes care
2 of my daughter.

3 Q. Okay. Let me ask you --

4 A. I was worried about that, and that's what got
5 me concerned about it. So all this other stuff was in
6 my head, I had to plead guilty. That's what I know.

7 Q. Okay. You hired this investigator to help
8 y'all on the case; right?

9 A. Correct.

10 Q. And -- and did -- have you physically seen the
11 report from him?

12 A. My mom has a copy of it.

13 Q. Okay.

14 A. He sent her -- he sent her an actual CD of it
15 after Tricia sent -- the lawyer that I had doing the
16 investigation, she had some CDs and all this stuff
17 pertaining to my case. And when I didn't have all the
18 money to pay her, the \$30,000 -- she mailed the CDs to
19 my mom.

20 Q. My question is --

21 A. She has them all.

22 Q. My question is, have you physically seen the
23 report from the investigator?

24 A. I haven't physically seen it --

25 Q. Okay--

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1 A. But I have talked to people that have read it.
2 I mean, an attorney did disclose every -- his report to
3 me.

4 Q. Okay.

5 A. She went to his office and talked to him
6 personally. I have a letter in here from her where she
7 talked to him and where he did admit that there were
8 things in the case that would show and prove that I did
9 not do it.

10 Q. Okay. And you discussed with me at the time
11 of your plea, you thought it was going to be a time
12 served, that you were going to get a turnaround; is
13 that correct?

14 A. She told me -- she told me that for almost
15 three years.

16 Q. That you would not --

17 A. She said, listen, just sit in here -- this
18 case here, nothing is going to be -- I'm going to get
19 you involuntary manslaughter. I've already spoken to
20 the prosecutor, and she's in agreement with it, but
21 she's just waiting to work this stuff out with this
22 Grayson guy. All right.

23 Now, Grayson was the witness in my case. At
24 that point, he had just went and wrote a statement
25 saying that it was self defense. All right. Now, he

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1 had got arrested in another county, in Abbeville
2 County, and then he wrote another statement saying
3 somebody forced him to go do that.

4 Q. Okay. My --

5 A. So -- so, he was just back and forth -- every
6 time he got arrested, he found some type of way to come
7 up with something, and every time they would let him
8 out.

9 Q. Okay. My question is, did -- you thought you
10 were going to get a turnaround. But when you got in
11 front of the judge, and they said that this case was a
12 negotiated plea, tell me why you didn't object to that?
13 Why didn't you say judge --

14 A. I don't understand -- listen, hold -- you just
15 twisted this. You went somewhere else with this. You
16 said I thought I was getting five years, correct --

17 Q. You --

18 A. I thought I was getting five years all the way
19 up until she told me that I was about to get 23.

20 Q. Okay.

21 A. All right. Now, she was telling me whole time
22 I was in the county jail --

23 Q. Right.

24 A. -- like that, okay, I got everything worked
25 out. You just got to sit here for a little while. I'm

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1 going to get you time served. You are going to get a
2 turnaround. Just be patient. Just be patient. And
3 what else can I do? I went around the county jail down
4 there -- you can ask them, that's what I said --

5 Q. Okay.

6 A. Constant.

7 Q. Let me -- let me try to clarify this for the
8 court, so we can get the issue really clear. Your --
9 your biggest contention is that Ms. Drawdy did not go
10 over the discovery with you, did not tell you the
11 favorable evidence in your case, that she failed to
12 discuss this case with you in a manner that you could
13 understand; correct?

14 A. Correct.

15 Q. And because of her failure to do that, you
16 pled to a case that you were not, in fact, guilty of;
17 correct?

18 A. Correct.

19 Q. Okay. And you believe that the --

20 A. Under -- under the impression that they were
21 about to lock my wife and my mom up.

22 Q. Okay. And -- and -- and to assist them in
23 getting you to plead guilty, this coercion of your
24 mother being arrested, that kind of took you over the
25 edge; correct?

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1 A. Correct.

2 Q. Okay. And but for that, you would have went
3 to trial; right?

4 A. I would have went to trial, I was dressed --

5 Q. You would not --

6 A. I was dressed. I had my mom go spend several
7 -- the money that we did not have to get this stuff
8 ready for the trial, for me to go.

9 Q. And you would not have plead guilty; correct?

10 A. I would not have plead -- I had signed a paper
11 with her the day before that, saying I refuse to plea.
12 I did not want it. She brought it to the jail. I
13 signed it. She wrote it out in pen. And I do -- she
14 said check this box or this box -- she put yes, I do,
15 or I do not. She said check a box and sign it. I
16 said, I do not want to plead, and I signed it.

17 Q. Okay. Is that the issues you want the court
18 to hear -- are there any other issues you want the
19 court to hear at this time?

20 A. Yeah. They settled the things that I wanted
21 the court to hear -- but when you started asking the
22 question, you took my mind from all this I was trying
23 to explain.

24 Q. Okay.

25 A. But, yeah, there are other things.

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1 Q. What is that? What is -- what are the things?

2 A. Well, I'll let -- she said that she was going
3 to give me the opportunity --

4 THE COURT: Yes.

5 A. -- so I'm going to wait on her to give me --

6 Q. Okay. Answer any questions that attorney
7 general may have for you.

8 A. Okay.

9 THE COURT: Okay.

10 MS. MCCALLISTER: Okay. Thank you.

11 **CROSS EXAMINATION BY MS. MCCALLISTER:**

12 Q. Mr. Cobb, you -- I believe you just told Mr.
13 Richey that you have a copy of your plea transcript;
14 correct?

15 A. The -- where I was standing in front of the
16 judge and they sentenced me, yeah, I do.

17 Q. Do you have a copy of that?

18 A. Yes, I do.

19 Q. Okay. So, you've had a chance to read that?

20 A. I have read it.

21 Q. You know what's in it?

22 A. I know what's in it because I was tricked into
23 this.

24 Q. Okay.

25 A. I wouldn't have agreed to that.

1 Q. But you do agree with me that you -- you told
2 the judge that you didn't need any more time to discuss
3 this with your attorney?

4 A. Oh, yes, ma'am. I just explained that to you.
5 I did. Listen, you got the transcript.

6 Q. Right.

7 A. But you have got to understand this, the only
8 thing I was thinking about was my mom being arrested,
9 so I had already had this -- all this stuff that he was
10 saying really was a blur. I do read it and I do see it
11 there. Right.

12 Q. Okay.

13 A. I do read it and I do see it.

14 Q. Okay. And you do see the part --

15 A. And I was under the impression that -- that my
16 mom and my wife was going to get arrested if I did not
17 take this plea.

18 Q. Okay. So, let's talk about that. You do
19 understand the part in the transcript where the judge
20 asked you if anybody had promised you, or threatened
21 you, or coerced you in any way to taking this plea, and
22 you told him no?

23 A. Okay. Well, I didn't understand that that's
24 what he meant. I did -- I did not have that
25 understanding, ma'am. Please understand what I'm

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1 trying to express. I did not understand that's what
2 that meant. I do know that now.

3 Q. Okay.

4 A. All right.

5 Q. I understand what you are saying --

6 A. -- you have to understand that I don't -- the
7 terms and stuff, I was not aware of them at that time.
8 I did not know that --

9 Q. -- so you're --

10 A. -- I didn't know what I was doing, ma'am --

11 Q. -- so you're --

12 A. -- I didn't understand it.

13 Q. Your position is when the judged asked you if
14 anyone had threatened you, or coerced you in any way --

15 A. -- that I hadn't been threatened because I
16 didn't feel threatened because he told me that --
17 because of the way he said it. I'm scared for your
18 mom. They are -- they are going to probably arrest her
19 if you don't take the plea.

20 Q. Okay.

21 A. All right. Now, he did word it in a way where
22 he just planted that seed in my mind which started -- I
23 mean --

24 Q. Okay.

25 A. You understand what I mean -- ma'am, you don't

1 have to be so hard headed, so -- I know it's your job
2 to try to make me look bad. And I know it's your job,
3 but I think that you understand what I'm trying to say
4 to you.

5 Q. I'm not trying -- I'm not trying to make you
6 look bad. I'm just trying to get us on the same page.
7 You agree with me that the -- the judge did ask you if
8 anyone had made threats or coerced you in any way?

9 A. He did ask that, but I did not have the
10 understanding --

11 Q. -- I understand --

12 A. -- that's what it meant --

13 Q. -- I understand. Your position today is you
14 didn't understand --

15 A. I did not understand. She did not explain to
16 me the total process of that day -- listen, I -- the
17 week before my trial, she might have come and spent 15
18 minutes with me.

19 Q. Okay.

20 A. At the most.

21 Q. Okay. So, is that going to be your position
22 regarding all of the questions that the judge asked
23 you, you just didn't understand what he was asking you?

24 A. All I know is that I had to plead guilty.
25 That's all I know that I had to do. So, listen, she

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1 told me before I go up there, just go up there, just go
2 along with it, I'm going to ask you some questions.
3 Just go on through with it and we'll do it. So, I'm
4 standing there that day not knowing, really, what I am
5 going -- I'm about to take this time, I'm going down
6 here -- and I did accept it. I went to take this time
7 only under the assumption that they are going to lock
8 my mom up.

9 Q. Okay. So even when the judge --

10 A. -- so I -- if I knew what I knew now, I would
11 have not have took that plea. I would have went to
12 trial with it, and I was prepared to go to trial at
13 that time. All -- she had the papers signed by me
14 saying I was going to trial.

15 Q. Okay.

16 A. I didn't want to plea.

17 Q. Okay. And when the judge -- when the
18 Solicitor went through the facts of the case, and the
19 judge asked you if you agreed with those, you told the
20 judge that you did, and you were indeed guilty of
21 voluntary manslaughter; is that correct?

22 A. Listen, once again, all right -- once again,
23 let me explain it to you. All I know is that I had to
24 plead guilty --

25 Q. I'm asking you a yes or no question --

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1 A. I had -- I'm telling you why I plead guilty.
2 You're asking me and I'm telling you --

3 THE COURT: No, Mr. Cobb, she's asking you, did
4 you say that to the judge, not why you said that, but
5 --

6 THE WITNESS: I pled guilty -- yeah, I pled
7 guilty. She knows I pled guilty. I mean, it's in the
8 transcript.

9 THE COURT: Okay.

10 A. But I only pled guilty under the assumption
11 they were about to lock my mom up.

12 BY MS. MCCALLISTER:

13 Q. And you agree with me that the transcript
14 reflects what you actually said at the guilty plea
15 hearing; correct?

16 A. I wasn't in my right mind.

17 Q. Okay. All right. Thank you, Mr. Cobb. I have
18 no further questions.

19 A. And if I was under the impression that -- and
20 understood my case to the fullest, I would have never
21 took that plea. And on the direct appeal, why -- why
22 didn't I get the direct appeal that -- why didn't I get
23 that?

24 THE COURT: Well, look, I don't know if your
25 lawyer has any more questions, but now is that time

1 for --

2 THE WITNESS: Okay.

3 THE COURT: -- you to tell me anything --

4 THE WITNESS: Okay.

5 THE COURT: -- you want to tell me.

6 THE WITNESS: -- that's what I want to do.

7 THE COURT: Okay.

8 THE WITNESS: Okay. All right. I didn't
9 understand the process of this, but after I took that
10 plea, and I got back to my -- my cell, and I started
11 thinking and thinking, and the guy beside me, and I was
12 talking to him. And I was just like, man, this is what
13 -- I just get -- because everybody was under the
14 impression I was going to trial. So I come back, they
15 said what happened at your trial. All right. And I'm
16 like, man, I didn't get to trial -- didn't go to trial.
17 They like, man, why didn't you go. What happened. I
18 said, man, they going to lock my mom up, and I was
19 explaining this stuff to them. Right.

20 And he's like, man, you need to file a direct
21 appeal. Now, I'm going to be honest, I didn't even
22 know what it was -- what it meant or nothing. I didn't
23 know. He said, you need to do that now. You need to
24 write a letter -- write your lawyer a letter right now,
25 and get you a direct appeal. So I said okay.

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1 So I sit down and wrote a letter. I got the
2 officer to come back there and sign and date it, and
3 put all this stuff on it, and put it in the envelope
4 and made copies of it. He brought me copies of it and
5 I mailed it out. All right. I got the date it was
6 mailed out. And the postage stamp on it and the
7 envelope and everything.

8 All right. Now, she wrote me like 30 days later
9 and was like, oh, stuff had -- time had expired. I
10 wasn't able to file it. She didn't -- well, I mean,
11 what's the reason she didn't get it? That's my
12 question. Was it in her office and she just didn't
13 open it or read it, or was it lost in the mail, or what
14 was happening -- because that's -- that's the issue
15 right there. All right.

16 Now, I asked -- this is where I first -- mine
17 and Sarah's first problem -- the first time Bruce had
18 been involved in my case -- I didn't know that her and
19 Bruce was getting ready to merge together, because I
20 was actually was going to go try to hire Bruce in the
21 beginning of my case. All right.

22 But my mom went ahead and moved forward with
23 Sarah. So, about the middle of my case, my mom is
24 like, every time I go over there to see Sarah and try
25 to talk to her, Bruce is there. So, I didn't know what

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1 was going on.

2 One day I tell Sarah, I said, I want a bond
3 hearing. I've been locked up like a year or something.
4 I said, just get me -- give me a bond hearing and let
5 me see what they say. Just get me in there, because
6 she hasn't filed for bond yet.

7 Well, she filed for the bond hearing. All
8 right. And we get to the courtroom that day, I was
9 sitting at the table there, so they went and gave her a
10 statement that the witness had wrote, because he was
11 locked up in another jail. All right.

12 Well, she come over there and she is real mean
13 with me. As a matter of fact, she jerked it away from
14 Bruce and almost fell in the floor in the courtroom.
15 Bruce had her arm, and she jerked away from him, and
16 almost fell in the floor in front of the judge. The
17 judge is looking at her and everything.

18 She comes over there to me, and she holds that
19 paper in front of my face, and she says this is a
20 statement that the witness had wrote, saying a
21 completely different thing that he had said several
22 other times. All right.

23 She said, I'm -- I'm stopping. I ain't doing
24 this. I'm through with it. I said, what? I said,
25 what do you mean? She said, I'm not doing it. She

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1 turned around, and they called my name during this
2 process, where she was fussing at me. This is a copy.
3 And she said -- she turned around, Your Honor, I
4 withdraw this stuff. I ain't doing this. She did so
5 many other things that I didn't feel was appropriate
6 for the attorney to do.

7 THE COURT: I need you to list those things for
8 me.

9 THE WITNESS: They are. They are in the PCR.

10 THE COURT: Okay.

11 THE WITNESS: I mean, not the actual -- maybe the
12 thing -- because they don't give you room to actually
13 do that, to fill all that actual stuff up. But -- I
14 can sit here and talk to you.

15 THE COURT: Well, I don't need the whole story --

16 THE WITNESS: Okay. I --

17 THE COURT: I mean like a check list.

18 THE WITNESS: I tried to contact her on numerous
19 and numerous occasions. Okay.

20 THE COURT: Okay.

21 THE WITNESS: Every time it's like, well, I ain't
22 got nothing. I need something because I don't want to
23 do it -- just tell me what's going on. Tell me -- send
24 me the paperwork and let me read for myself or
25 something -- because she was always -- every time I

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1 asked her to send me the stuff, she would get her
2 brother (ph) which is -- works at her office -- and he
3 would mail me the same exact thing. The same thing
4 over and over and over again. And he -- sometimes he
5 would make just duplicate copies and make me look --
6 made it look like I was really getting something, but
7 it was all the same stuff that I was getting.

8 THE COURT: All right.

9 THE WITNESS: All right. And the whole situation,
10 while my case was on hold like this, was under the
11 impression that Ben was going to testify that it was
12 self defense. All right. The prosecutor over my case
13 had -- Sarah had told them, she said, is there an
14 agreement to the five year voluntary manslaughter. I
15 said, well, wait a minute. I'll do it. Let's take
16 it -- I'll do it, get me out of here. I won't lie.

17 And I don't know happened, the lady quit her
18 job, or she got fired, or whatever happened -- one of
19 these other ladies come up, and it's like everything is
20 kind of changed. But Sarah is like everything is still
21 okay. Everything is -- she just -- just like petted me
22 every couple of months or something. You're okay.
23 You're okay. You're okay. And never gave me really no
24 information pertaining to my case whatsoever.

25 THE COURT: Okay.

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1 THE WITNESS: Whatsoever.

2 THE COURT: Okay. I got that part.

3 THE WITNESS: All right.

4 THE COURT: She gave you no information. What's
5 the next thing?

6 THE WITNESS: All right. A situation where she
7 came down and told me about my mom being arrested --
8 she knew my mom had just got arrested because the --
9 got caught with the informant at the jail.

10 THE COURT: Okay.

11 THE WITNESS: And they do know that my mom helped
12 me get it.

13 THE COURT: Okay. You already told me about that.
14 What's the next thing?

15 THE WITNESS: Okay. When we hired her as an
16 attorney -- right -- can he come into my case, in the
17 middle of my case, and take over when he's merging in
18 there? I mean, at my trial? I never talked to him
19 concerning my case whatsoever. Not even one time.

20 THE COURT: Okay.

21 THE WITNESS: Now, when my trial came up, he was
22 the one that took sole control over it. It was like
23 she wasn't even talking anymore. That day they came to
24 the jail, he's the one that sat in front of me and
25 pretty much -- like he was teaching her. And I do -- I

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1 mean -- there's nothing wrong -- I do agree -- I mean
2 that everybody has to learn, but I don't want her to be
3 practicing on my case. I want this to be -- I want to
4 feel confident and understand what's going on. And I
5 did trust her to the point I did. I have all the trust
6 in her. So when she did tell me something, she would
7 soothe my soul. Okay. Yeah, I know she -- she is
8 going to make sure I'm all right, because that's what
9 she told me, and I trusted her.

10 And then, especially when Bruce got with her, he
11 really kept filling up my head. He really got to me.
12 I said, man, I've got two good lawyers on my case. But
13 in -- can that happen, can he come in in the middle of
14 my case like that?

15 THE COURT: Well, look, as I said, I can't answer
16 your questions. I just want to know what you think --

17 THE WITNESS: You can't answer my questions?

18 THE COURT: I'm not --

19 THE WITNESS: You could.

20 THE COURT: I could, but I'm not --

21 THE WITNESS: He wrote --

22 THE COURT: But I understand that that's what you
23 think --

24 THE WITNESS: -- all right --

25 THE COURT: -- is my --

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1 THE WITNESS: -- when they came down to the bottom
2 of that courthouse that day, when I was getting ready
3 to start my trial and they came in -- I thought they
4 were about to go pick the jury, this is what he is
5 going to have to do. He come in and wrote some names.

6 Sarah come in and she was trying to tell me
7 something, and she didn't -- Bruce, said, hey, you need
8 my help. And then he was like, look, I'm -- I'm
9 scared -- he was telling me -- he was addressing it --

10 THE COURT: Okay.

11 THE WITNESS: They are going to charge your mom.

12 THE COURT: Okay. I'm not trying to cut you off,
13 but you've already told me that.

14 THE WITNESS: Okay. But I want to get it on the
15 record, please. Let me get --

16 THE COURT: This gets on the record --

17 THE WITNESS: -- no, it's not.

18 THE COURT: She's got everything that you said --

19 THE WITNESS: I --

20 THE COURT: Go on to the next thing.

21 THE WITNESS: All right. Your Honor, I wouldn't
22 have took that plea. I would not have took that plea.
23 I would have not have took that plea if I wasn't under
24 the impression that my wife --

25 THE COURT: That your wife and your momma were

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1 going to get locked up. See, I can finish your
2 sentence --

3 THE WITNESS: -- but I want --

4 THE COURT: Because you've already said it.

5 THE WITNESS: Okay.

6 THE COURT: I know that part.

7 THE WITNESS: This -- this -- this forensic expert
8 that she told us that we had to hire, she said, you got
9 to get the money here. You got to hurry up and do it.
10 It took everything I could do to get the money and --

11 THE COURT: And they never ended up using it.

12 THE WITNESS: I got -- I got --

13 THE COURT: You never got a written report --

14 THE WITNESS: We were waiting and waiting and
15 waiting, and then she just come in one day. I think
16 she's about to tell me something good, she is like,
17 we're not using it. I'm like huh?

18 THE COURT: Right.

19 THE WITNESS: She said -- she said if it's going
20 to be harmful to you, we're not using it.

21 THE COURT: Okay. I'm going to stop you there
22 because you have already told me this. She told you if
23 it's going to be harmful --

24 THE WITNESS: Let me explain to you --

25 THE COURT: -- we can't talk at the same time.

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1 You never ended up using the person. I got that part,
2 so move on --

3 THE WITNESS: And I didn't question her. I didn't
4 question it --

5 THE COURT: I got it. I heard it --

6 THE WITNESS: -- because she was my attorney and I
7 trusted her with that. All right.

8 THE COURT: All right. Anything else?

9 THE WITNESS: Yes, ma'am. I got his report. I
10 hired another attorney to go talk to him personally.
11 She knew him personally --

12 THE COURT: Tricia Blanchette. You told me that,
13 too.

14 THE WITNESS: There you go. There you go.

15 THE COURT: I know. Because you've already told
16 me.

17 THE WITNESS: In his report -- which I have a file
18 here with a letter that Tricia wrote me -- is evidence
19 proving my innocence. The angles of the shots, the
20 bullets are different that was in the body, that he did
21 a -- he did a lot of stuff. There was blood on the
22 side of the victim's gun, they should have never pulled
23 out of the holster. It was several different issues in
24 my case. Sarah was painting my case as a self defense
25 case. All right.

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1 That's what my case was drawn as, is a self
2 defense case. Because when she came in -- and she read
3 his -- his first statement that he had given -- all
4 right. It -- it could have been a toss up. All right.
5 It was me -- but her being my attorney, I let her do
6 whatever. All right. Okay. You the lawyer, we pay
7 you the money to do this. All right. We paid her a
8 lot of money to do this, so I'm trusting her with that.
9 All right.

10 And why wasn't I given the proper stuff that I
11 was supposed to be given? Because at the time -- and
12 she took his statement, and it was like this is going
13 to be a self defense statement -- I mean a self defense
14 case. And that she stayed stuck with that throughout
15 the thing. She never -- I talked to her about my case.
16 I talked to her about it. And it was a very tragic
17 night.

18 The car wreck, flipped -- a man was on top of me
19 and he didn't exactly -- immediate death, it wasn't
20 that. We had a struggle, wrestling, it was all types
21 of stuff going on in my mind. All right. And what --
22 I wanted to tell my side of the story to the jury,
23 because I feel like if I had told them the correct
24 story to this, there isn't no way -- I may have been
25 found guilty of some crimes, but nothing that I was

1 charged with. Because they didn't even charge me with
2 a gun and they said a man was shot. I never even had a
3 gun charge, just -- just certain -- I mean, why would
4 they -- if they say I shot and killed somebody,
5 everybody else I know with a murder charge, they -- it
6 comes home with it. The possession of a gun, why
7 wasn't I charged with that?

8 And when I would ask her, she don't know. It
9 ain't important to her. Yes, it is important. If they
10 say I shot and killed somebody, then they had the
11 weapon that it was shot and killed, why wasn't I
12 charged with that gun? You know why -- because there
13 wasn't no evidence that I had that gun, which is in
14 with these witness' statement, the inference was there.
15 Not mine.

16 I never gave a statement to anyone, Your Honor.
17 I never talked to these detectives. The reason being
18 is these detectives on my case, I'm not going to say
19 that I have not been involved in the court -- because I
20 have been in trouble throughout my life. I have -- a
21 lot, in and out, in and out of stuff, but nothing
22 violent. I wasn't hurting people and I wasn't doing
23 things like that. All right.

24 Now, and you -- he explained that I had to
25 take -- I want to make sure that I explain it

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1 correctly -- because I know I'm only going to get one
2 chance to do this. All right. And I want to make sure
3 I do it right. So, when I pause for a second, just
4 please let me get my thoughts together.

5 THE COURT: I'm going to let you get your thoughts
6 together.

7 THE WITNESS: She built me up to the point to
8 where -- when she told me that I'm going to get five
9 years involuntary manslaughter, I didn't care if she is
10 saying I did this, instead of defense -- I didn't do
11 it. I don't care how she said I was doing, the only
12 thing I was worried about was the five years
13 involuntary manslaughter because I know the situation
14 that I was in, that I could completely throw my life
15 away. So if she can get me five years, I don't care
16 what she says I'm doing. I know I hadn't talked to
17 the -- to the investigators, the reason being -- you
18 can read the transcript and probably see yourself.
19 They hated me. They chased me around all the time.
20 They constantly bickered with me on the street.

21 All right. I mean, it was like they was
22 constantly out to get me -- he even said it. In his --
23 I hope -- I've had stuff going on with Mr. Cobb several
24 different times, but he's pulling up in my house, and I
25 ain't had nothing on me. He pulled up to where, hey,

1 what you got -- something -- he was -- that was just
2 the type of guy he was. They hated me. And they
3 wanted me to get some time. He even said it several
4 times. Then I got some time. I got some time. Told
5 you.

6 So I wasn't going to go in there and talk to
7 them and tell them my story, I had no reason to talk to
8 him. Because when I did get arrested that day, my son
9 was born on the same day I was arrested. All right.
10 My mind wasn't right. I had been up several days and I
11 wasn't going to talk to him.

12 And he sat me in there and he come in there with
13 his smart mouth -- and I said I want my attorney. I
14 want my attorney. Let me talk to my attorney. And he
15 got real mad because I asked that, and got a chair
16 over -- and all that stuff. I mean, you can't talk to
17 anyone like that. You know what I mean, and I did feel
18 like that he tried to pressure me into sitting there
19 saying something to dis -- to hurt myself. I did
20 know -- I was that smart. Okay.

21 And after I went to county for two years or so,
22 I wrote back -- I did write him a letter and I told
23 him, you come in here and talk to me, I'm going to give
24 you the case. Because I seen how the weaknesses in
25 this case was going to -- he had been locked up four or

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1 five times.

2 Now, listen, every time he got arrested, he
3 wrote a new statement, and they let him out. I know
4 you may not believe it, but go check the files and see.
5 They even actually went to Abbeville one time -- I got
6 the statement. They went to Abbeville. He went to my
7 lawyer's office hisself, and gave a statement saying it
8 was self defense.

9 All right. Now, a couple of months went by, he
10 got arrested for a bunch of drugs and a bunch of gun
11 charges in Abbeville County. Sarah contacted the
12 investigator and somehow or another they were going
13 out -- oh, no, she talked to the prosecutor. And told
14 the prosecutor, hey look, the witness said -- come in
15 here and said it was self defense, da da da, go ahead
16 and get this plea out of the way or whatever.

17 Two investigators went to Abbeville County and
18 got another statement from this individual saying --
19 somebody forced him to go do this. Somebody forced him
20 to go down there to walk in my attorney's office, and
21 give that statement. Ask my attorney.

22 It was -- it was crap. And from then on, it was
23 just like -- I feel like they railroaded me. They
24 didn't even allow the man to tell the truth. It is
25 like they pressured him in and -- and gave him favors

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1 to write those types of statements on me. Go look at
2 the case yourself, Your Honor. Read the first
3 statements, hours after the incident happened. And
4 read all these statements.

5 Look how -- but do this, too, go back and check
6 his arrest records at the time, too, and the dates.
7 Every time he wrote a statement, he got out days later.
8 And as soon as they took my plea, guess what, they put
9 him in court and gave him seven years. Because they
10 was tired of him, too, but they wanted me more than
11 him. And I know that. That is not -- I can't really
12 prove that, but you can look at the case and say,
13 listen, I -- I don't know. I didn't the kill this guy.
14 The case was my self defense. The evidence, in my
15 case, was tested two years later.

16 Why do they wait two years to test evidence in
17 my case. It ain't suppose to happen like that. Your
18 Honor, listen, I know you deal with this a lot, but no
19 one understands, people make things and they put
20 themselves in situations. I know the killing was -- I
21 was in a bad situation, and I was under the impression
22 when I was locked up and sitting there waiting for my
23 trial that, okay, well, meet me in there and doing all
24 that. Okay. I was -- that's what I really thought --
25 I swear to -- I promise you, I really thought that.

SARAH DRAWDY -- DIRECT

1 All right.

2 Me being in that car that night and -- and
3 whatever happened in that car, I didn't feel like I
4 was -- I was guilty of murder because I was there. No
5 matter what happened.

6 But I tell you this, I ain't guilty of murder,
7 that's why they reduced this thing. For one individual
8 to be shot in the face seven times, when it comes down
9 to a 23 year plea, that I didn't want to take and I
10 wasn't going to take, and if I had another opportunity,
11 I wouldn't take it. I would take my chances with
12 the -- with a jury. And they don't have the evidence
13 to show that I'm guilty.

14 THE COURT: All right. I think I got it. Thank
15 you, sir. You can go back and sit next to your
16 attorney. Any additional witnesses, Mr. Richey?

17 MR. RICHEY: We call Ms. Sarah Drawdy.

18 SARAH GANNS DRAWDY, having
19 been first duly sworn, testified as follows:

20 THE CLERK: Please state your name for the court's
21 records.

22 THE WITNESS: Sarah Ganns Drawdy.

23 THE CLERK: Thank you, ma'am.

24 **DIRECT EXAMINATION BY MR. RICHEY:**

25 Q. Ms. Drawdy, do you recall representing Steven

SARAH DRAWDY -- DIRECT

1 Randall Cobb?

2 A. I do.

3 Q. Do you recall what charges you represented him
4 on?

5 A. Murder.

6 Q. Okay. I'm going to go through a series of
7 questions about the allegation raised in the thing. Do
8 you recall how many times you spoke to him?

9 A. I do not. Whenever I -- I was going through
10 my file while they were -- they were -- while you had
11 Mr. Cobb on direct. Every time I meet with or talk
12 with someone, I take my yellow pad out. And I write
13 down the date and met with. And I've got dozens of
14 these yellow pads that show I met with Mr. Cobb at the
15 jail. He hired me in July of 2011, I believe. And I
16 met with Steven Cobb multiple times and met with tons
17 of witnesses. He hired me in July. We had the
18 preliminary hearing in August of 2011, and I continued
19 to show these meetings with him.

20 Q. Okay. You met with him at the jail, did you
21 ever recall going to the jail and meeting with him --
22 well, let me ask this question: Was he ever released
23 on bond?

24 A. No.

25 Q. Okay. So all your meetings would have taken

SARAH DRAWDY -- DIRECT

1 place at the jail; is that correct?

2 A. That is correct.

3 Q. Do you remember getting -- obtaining discovery
4 from the State?

5 A. I do.

6 Q. And when you got the discovery, did -- can you
7 tell me if you were mailing it to him, that you take it
8 to him or did -- how did he get his discovery.

9 A. Honestly I can't recall, but I do have the
10 notes in here, met with client in the jail, reviewed
11 discovery. I may have taken it out to him personally.
12 I don't recall if I took it to him or mailed it to him.

13 Q. I think you heard the testimony where he said
14 he had a difficult time getting the discovery from you?
15 Do you --

16 A. Uh-huh. I gave him what I had whenever I had
17 it. He did and he's -- he's telling the truth, he
18 would call me. I would not talk with him on the phone
19 because while in the jail, he and his mother and wife
20 picked up charges discussing the case and distribution
21 of pills while he was in the jail.

22 And I had warned him that those phone calls were
23 recorded, and I did not want to discuss this case on
24 the phone with him. And I -- I didn't -- especially
25 after he picked up those additional charges.

SARAH DRAWDY -- DIRECT

1 Q. Those -- those charges you are referring to,
2 in the timing of it, when did he get those charges?
3 Was it at the beginning of the case, the middle of the
4 case, toward the end of the case; do you recall?

5 A. I know somewhere in the middle. I couldn't
6 recall exactly.

7 Q. Okay. When you went over discovery with him,
8 what was your impression of his understanding -- did
9 y'all go over it in like great detail?

10 A. Well, I think he understood it was a difficult
11 case. When we went over discovery, there were three
12 people in a car that night, the night this incident
13 occurred. And all three of them were high on
14 methamphetamines, and they were going to do a lick,
15 which means rob a place --

16 MR. COBB: That's what the --

17 MR. RICHEY: Please.

18 A. That's what the discovery was.

19 MR. COBB: That's what the witness said --

20 A. That's what the discovery was, that we went
21 over. And the discovery we went over said that the
22 decedent was the driver; that Mr. Cobb was the front
23 seat passenger, and this other man was in the back
24 seat. And it's the other man who gave up Mr. Cobb as
25 the shooter who killed the decedent.

SARAH DRAWDY -- DIRECT

1 Q. Okay. So -- so the -- the third guy in the
2 car gave a statement implicating him?

3 A. That is correct.

4 Q. And -- and when you say that they were going
5 to get "a lick", that's -- you're not saying that's
6 true, you're just saying that's what the discovery
7 said?

8 A. That's what the discovery said.

9 Q. So you're not saying it's true. Okay. And
10 let me go to this investigator that you hired. Do you
11 recall retaining an investigator in this case?

12 A. We didn't get an investigator that -- what it
13 was -- it was a shooting that had taken place in a car.
14 And the charge was that Mr. Cobb, in the front seat
15 passenger seat, had fired at the driver and killed him,
16 jumped out of the car and fled with the person in the
17 back.

18 We did look at self defense. So what we needed
19 was a ballistics expert to review the trajectory of the
20 bullets to tell us if this indeed could be a self
21 defense case. And what we did, we hired Donald Gurt --
22 I think his name was -- in Columbia, a ballistics
23 expert.

24 Q. So -- so it wasn't an investigator to go out
25 and search for witnesses --

SARAH DRAWDY -- DIRECT

1 A. No.

2 Q. -- it was a forensics expert?

3 A. A ballistics expert.

4 Q. Right. All right. And -- and did you -- you
5 hired him -- did you talk to him about his findings?

6 A. I sent him all discovery in this case,
7 everything he asked for. And after he reviewed it, I
8 personally went and met with him in Columbia. And
9 after that meeting, he also called our office and I
10 spoke with him on the phone, along with my law partner.

11 Q. Okay. And -- and was -- can you tell me that
12 you believe that that report -- first of all, did he do
13 a written report?

14 A. There was no written report.

15 Q. And why did he not do a written report?

16 A. Because he was not going to be a helpful
17 witness. And if he reduced it to writing, I had a duty
18 to turn that over to the State.

19 Q. When you say "helpful" -- because there's been
20 testimony from Mr. Cobb, that there was evidence by
21 this gentleman that would have helped his case. When
22 you said it wasn't helpful, what do you mean?

23 A. It was my understanding -- my clear
24 understanding after meeting with the expert, that if
25 the expert was on the stand and was asked the question

SARAH DRAWDY -- DIRECT

1 that any competent prosecutor would ask, in your expert
2 opinion do you believe this was murder or self
3 defense -- I believe the expert's answer was not going
4 to be what we wanted it to be.

5 Q. Okay. And so, therefore, you did not ask for
6 any type of report?

7 A. That is correct.

8 Q. Okay. Let me -- okay -- on the day of the
9 plea, there had been testimony of Mr. Cobb that he felt
10 there was some undue coercion on him to plead guilty.
11 My question is, do you recall any conversation about
12 his mother being arrested tied to this guilty plea in
13 any form?

14 A. This case -- I do -- the answer is yes. I
15 recall some -- some discussions, many discussions about
16 his mother. In this case, there was the ballistic
17 evidence, and then it also had the witness in the back.
18 And Mr. Cobb is right, Ben Grayson, the witness in the
19 back, his testimony changed left and right. He was
20 giving statements to everybody; that is true. However,
21 Mr. Cobb continued to be on the phone with his mother,
22 his wife, and there were allegations that surfaced that
23 his mother had perhaps paid Ben Grayson to not show at
24 trial.

25 Q. Then he was the witness?

SARAH DRAWDY -- DIRECT

1 A. He was the only other person in the car that
2 night besides Mr. Cobb, the decedent.

3 Q. Okay. Okay. So was there -- was there --
4 yes, I think, was -- was his plea intended -- was his
5 mother's arrest contingent upon his plea? Were those
6 two together or were -- were separate?

7 A. They were not together at all. I mean, it was
8 out there, but the mountain of evidence against Mr.
9 Cobb was out there as well. And Mr. Cobb, like he
10 said, looked at the statements right after this
11 incident occurred. Those witness statements have Mr.
12 Cobb fleeing the scene, going to other peoples' homes,
13 you know -- he was disheveled. They found his clothes
14 in the wash. He told some people different things
15 that -- the evidence was not just ballistics, although
16 it was there, but it was all these other witnesses who
17 had run into Mr. Cobb after he and Ben Grayson left the
18 car.

19 THE COURT: Let me interject real quick right
20 here. Mr. Cobb, I don't have any problem with you
21 talking to your lawyer.

22 MR. COBB: He's not listening and saying what I'm
23 asking him to say, Your Honor --

24 THE COURT: Well, I know, and I'm telling you, you
25 know --

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1 MR. COBB: How am I going to get a record? I got
2 to get it on the file.

3 THE COURT: Listen.

4 MR. COBB: Because you know --

5 THE COURT: Listen. You don't even know what I'm
6 about to say. You have got to listen. I'm saying, it
7 is okay for you to talk to him, but I prefer to have
8 you seated. I know you --

9 MR. COBB: It's hard to move with these things --

10 THE COURT: I know. But now that you've got them
11 organized, have a seat -- you make security people
12 nervous when you -- you know, when you're standing up.

13 MR. COBB: I think them guys have dealt with me
14 plenty enough. They know I'm not doing nothing.

15 THE COURT: But also the other thing is -- listen
16 to me, Mr. Cobb. Are you listening? Okay. I know you
17 need to talk to your attorney, but I don't want you
18 trying to talk to Ms. Drawdy while she's testifying. I
19 know you disagree with some of the stuff she's saying,
20 but I've got --

21 MR. COBB: I --

22 THE COURT: -- to be able to hear what she thinks.

23 MR. COBB: Okay. You're right. I'm sorry. I'm
24 sorry. I apologize.

25 THE COURT: Talk to your lawyer, that's fine.

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1 Okay?

2 MR. COBB: And once again, I'm not trying to be
3 arguing --

4 THE COURT: I know.

5 MR. COBB: I just want to get the stuff --

6 THE COURT: I know.

7 MR. COBB: -- what I feel like needs to be done,
8 and that's getting that record where she can hear
9 what's said, so it can be in the transcripts, so if I
10 have to file something else besides this.

11 THE COURT: I understand. And that's why I said,
12 I know you need to talk to your lawyer, if he's missing
13 something, but I don't want you interrupting Ms.
14 Drawdy.

15 MR. COBB: But a lot of times -- like she might
16 say something, and then it goes to something else, and
17 before I can get to him I might --

18 THE COURT: I know.

19 MR. COBB: Ma'am, I ain't -- I'm not smart like
20 that. It's hard enough just to hold this little bit
21 right here in the line.

22 THE COURT: I got you. Okay. Let's -- let's
23 continue, Mr. Richey.

24 BY MR. RICHEY:

25 Q. Ms. Drawdy, I think your testimony -- did you

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1 discuss with Mr. Cobb that the -- the other passenger
2 actually shot this guy?

3 A. We did.

4 Q. Okay. And -- and when you discussed that with
5 him, was that his side of the story, the other guy shot
6 the guy?

7 A. That was -- I mean, I recall discussing it.
8 That was a possibility. And I think it was. He
9 mentioned Ben Grayson -- Ben Grayson doing the
10 shooting.

11 Q. Okay.

12 (Pause. Discussion between Mr. Cobb and his
13 attorney.)

14 BY MR. RICHEY:

15 Q. So, do you -- so you -- did the evidence in
16 the car that was -- was it consistent with the other
17 guy shooting him from the bullet angles and all that,
18 was it consistent with the other passenger shooting the
19 victim?

20 A. No. All the ballistics, and you didn't have
21 to be an expert to see this, show the bullet trajectory
22 was from right to left, from front passenger to side --
23 into the driver. Nothing came from the rear seat, so
24 it was from -- that's what we have --

25 MR. COBB: No, I can show you pictures of it. I

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1 have got them right here.

2 THE COURT: See, Mr. Cobb, this is what I was
3 talking about. You can't talk to her. You show your
4 lawyer what you're talking about --

5 MR. COBB: Okay. Okay. Okay.

6 THE COURT: Don't talk to Ms. Drawdy.

7 BY MR. RICHEY:

8 Q. Okay. I want to -- about this plea offer,
9 okay, do you ever recall the plea offer being five
10 years time served, or anything like that?

11 A. No. He was charged with murder. And so I
12 went out there, and I always tell him what the charge
13 carries. I met him at the jail.

14 Now, I do recall some early on discussions --
15 and he is correct, the prosecutors had changed while
16 this case waited. I do recall, and I didn't get it
17 back, the discussions for maybe 15 years. But for
18 whatever reason, we never got that formalized, and the
19 case was ultimately set on the trial docket.

20 Q. Did -- did he -- did he discuss with you that
21 he wanted a jury trial?

22 A. He did. He's right. I went out there and
23 discussed, you know, a straight up plea. I think we
24 had an offer of 25 years and he would not take it. And
25 so I had him sign a document that I understand that I'm

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1 not taking this. I know what the risk is. And we got
2 an offer for the 23 years, I think it was the night
3 Before the trial was to start.

4 (Pause. Discussion between Mr. Cobb and his
5 attorney.)

6 BY MR. RICHEY:

7 Q. Do you recall that -- the prosecutor, the
8 initial prosecutor offering you five years in this
9 case?

10 A. No, I don't recall that.

11 Q. Okay. Do you -- do you recall any discussions
12 with this prosecutor about Mr. Cobb getting five years
13 at all? Any negotiation, any -- did she look at it --
14 anything?

15 A. Nothing serious. I mean, I may have said
16 something at the beginning, you know, hey, if five
17 years is on the table, we could move this tomorrow or
18 something. But, no, nothing -- the only -- as I
19 recall, the first serious offer -- but, again, it
20 wasn't reduced to writing -- was 15 perhaps, but that
21 was just in discussions early on.

22 Q. Who was -- who -- whose case -- whose
23 responsibility was this case, was it yours or Mr.
24 Byrholdt?

25 A. It was mine. He hired me, and he hired me in

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1 July of 2011. And what happened was, I merged with
2 Bruce Byrholdt, and we became Byrholdt Drawdy in
3 October of 2013. This case was a murder case. We were
4 up for the trial -- on the trial docket. And Mr.
5 Byrholdt, I had him accompany me. I wanted some extra
6 eyes on the case. My discussions, I wanted Mr.
7 Byrholdt to witness and hear those discussions.

8 We were going to be at the point where he was
9 going to turn down what offer I could get, or we were
10 on the trial docket. And Mr. Byrholdt gladly give us
11 his time and Mr. Cobb was grateful.

12 Q. You -- in this case, you received a notice to
13 file an appeal; didn't you?

14 A. At some point, I did.

15 Q. And do you recall sending a letter to him
16 saying that you received his request on his behalf but
17 it wasn't timely? Do you --

18 A. If I sent that, I did.

19 Q. Okay. All right. And did you discuss with
20 him about doing a PCR rather than appeal?

21 A. Uh-huh. If that's my letter, yes.

22 MR. RICHEY: The court's indulgence one moment,
23 please.

24 THE COURT: Yes, sir.

25 (Pause. Discussion between Mr. Cobb and his

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1 attorney.)

2 MR. RICHEY: Your Honor, may I approach the
3 witness, please?

4 THE COURT: Yes, sir.

5 BY MR. RICHEY:

6 Q. Ms. Drawdy, I'm going to hand to you some
7 documents that were in the case, and I think the
8 documents outline the bullet evidence where it was
9 fired into the victim -- in -- in evaluating or looking
10 at that evidence, and I'm sure you had at the time of
11 trial -- do you believe there's evidence to show that
12 this victim was shot from behind in any of that -- any
13 of those documentations?

14 A. That's why we had the ballistics expert. You
15 know, he had this. I sent it to him and I consulted
16 with the expert as Mr. Cobb said. This car that they
17 were in, I don't remember the make and model of it, but
18 it was a very tiny car. And everybody had some guns.
19 And at some point, the evidence is that Mr. Cobb and
20 the decedent/driver got into an altercation, and
21 bullets went.

22 My understanding from this being reviewed by the
23 ballistics expert, is that the bullet trajectory, they
24 were all on the right side of the decedent, and his
25 hand had been up as well. And so that is why the

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1 expert intimated to me that these were self defense
2 wounds.

3 Q. Okay. These -- I'm showing you some more
4 pictures from the case.

5 A. Okay.

6 Q. Are those ones you would also send to the
7 expert?

8 A. I gave him everything I had in discovery.

9 Q. Okay. So you're saying that the evidence that
10 you had, you -- you had it sent off for an expert to
11 look at and you -- you relied on his conclusions,
12 opinions?

13 A. As far as what I related to Mr. Cobb. I
14 didn't make -- relay on that for the final decision.
15 We also went through -- Mr. Cobb, who did work this
16 case, and I did on his behalf, give me tons of
17 witnesses to interview. I interviewed all of them. We
18 made this decision based upon -- the multiple
19 statements from Ben Grayson, plus what I understood
20 from the ballistics expert, plus the evidence from the
21 other victims that the State was going to present at
22 trial.

23 (Pause. Discussion between Mr. Cobb and his
24 attorney.)

25

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1 BY MR. RICHEY:

2 Q. Okay. All right. Did the witnesses that you
3 interviewed, did -- based on your discussions with
4 them, did they conclude --

5 (Pause. Discussion between Mr. Cobb and his
6 attorney.)

7 BY MR. RICHEY:

8 Q. Did the witnesses -- the witnesses that you
9 interviewed, did they -- did you make the determination
10 after talking to them, that Mr. Cobb did not do this
11 crime?

12 A. None of the witnesses, except for Ben Grayson,
13 were present at the incident, so all the witnesses
14 could do was give me what they learned after the fact.
15 And, again, that stuff either corroborated that Mr.
16 Cobb was at the scene, and Mr. Cobb (sic) said
17 something unfavorable to Mr. Cobb -- or it just -- some
18 of them helped Mr. Grayson, some of them hurt Mr.
19 Grayson's testimony.

20 Mr. Grayson, his testimony changed, it was -- it
21 was back and forth. That was the issue at trial. I
22 mean, was the jury going to believe Mr. Grayson or not.

23 Q. Okay. Did the witnesses give statements
24 saying that -- that Mr. Cobb -- that Ben Grayson stated
25 that Mr. Cobb did not do this? Did you have any

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1 statements or any information from witnesses to say
2 that Ben Grayson said that Mr. Cobb did not do this?

3 A. I'm not going to say I didn't -- I can't
4 recall off the top of my head, but there was no doubt
5 that we had evidence that Ben Grayson's story changed
6 all the time. I think he did at some point say -- oh,
7 he did say Steven Cobb did it. But then he also said,
8 no, Steven Cobb did not do it.

9 And, yeah, in fact he did come in our office and
10 give an -- I believe an affidavit to that effect. Yes,
11 his statements were all over.

12 (Pause. Discussion between Mr. Cobb and his
13 attorney.)

14 MR. COBB: Can I fire this man and get me another
15 lawyer in here --

16 MR. RICHEY: No, we're not --

17 MR. COBB: -- because we're not getting nowhere
18 here. I'm not getting nowhere with him.

19 THE COURT: No, sir.

20 MR. RICHEY: You give me what you want her to see,
21 and I'll take it up there.

22 MR. COBB: I might need her to see all this.

23 MR. RICHEY: Okay. Well, if you think she needs
24 to see all of it, you give it to me, and I'll take it
25 --

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1 MR. COBB: Okay. I don't know what I need her to
2 see until you actually speak. Those are the
3 statements -- those are the statements --

4 MR. RICHEY: I'll give her those. Do you have
5 anything else?

6 MR. COBB: I don't know yet.

7 MR. RICHEY: Well, go ahead and look.

8 MR. COBB: I mean, as of right now, those are the
9 statements.

10 MR. RICHEY: No.

11 MR. COBB: She said she didn't know if there were
12 statements. There they are. Go give them to her.

13 MR. RICHEY: What else do you want me to show her?

14 MR. COBB: That's what I need her to see.

15 MR. RICHEY: That's it?

16 MR. COBB: Please put them in there.

17 MR. RICHEY: Okay.

18 MR. COBB: As of right now, there may be something
19 else.

20 BY MR. RICHEY:

21 Q. All right. Ms. Drawdy, these are -- do you
22 remember getting Ben Grayson's statements -- may I
23 approach the witness?

24 THE COURT: Yes, sir.

25

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1 BY MR. RICHEY:

2 Q. Ma'am, do you remember getting these two
3 statements at all?

4 A. Oh, I -- yes. I remember the one from Ben
5 Grayson. I remember that one because Mr. Grayson came
6 into our office and gave that one. I don't remember
7 this one from Christy Bowman (ph) off the top of my
8 head, but it is. It looks like it's -- no, I don't
9 know who -- that is not a notary in my office, the
10 statements there.

11 Q. So, do you -- so you do recall her statement?

12 A. I do. I do. Again, though, the problem with
13 Ben Grayson, he doesn't say that Steven Cobb was not
14 the shooter. He just says that he believes Steven Cobb
15 shot in self defense.

16 Q. Okay.

17 A. So on our best day, what we get from Ben
18 Grayson is that it was self defense.

19 (Pause. Discussion between Mr. Cobb and
20 attorney.)

21 THE COURT: All right.

22 MR. COBB: Ask her about the statement, please.

23 THE COURT: All right. Mr. Cobb, hold on one
24 second. Mr. Richey, do you have additional questions
25 of this witness?

1 MR. RICHEY: I have one additional question.

2 THE COURT: Okay.

3 BY MR. RICHEY:

4 Q. Ma'am, do you recall getting statements from
5 witnesses that said that Ben Grayson lied when he said
6 Mr. Cobb shot this gentleman? Do you recall getting
7 any statements like that?

8 A. I do recall getting statements from witnesses
9 about Ben Grayson veracity or lack thereof, yes.

10 MR. RICHEY: Okay. Thank you. Answer any
11 questions that the attorney general may have for you.

12 **CROSS EXAMINATION BY MS. MCCALLISTER:**

13 Q. Ms. Drawdy, let's just do some preliminary
14 questions real quick. How long have you been
15 practicing law?

16 A. Since 2004.

17 Q. Okay. And how much of your time has been
18 spent doing criminal work would you say?

19 A. The -- most of it. I had been a former
20 prosecutor here in Anderson and in Spartanburg, and so
21 I went into private practice in 2008. So I have been
22 doing defense work since 2008.

23 Q. Okay. So, at the time of your representation
24 of Mr. Cobb, you had approximately eight or nine years
25 of experience?

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1 A. That would be right. Yes, ma'am.

2 Q. Okay. And you -- had you -- had you defended
3 a murder trial before?

4 A. Yes.

5 Q. And you -- and Mr. Cobb retained you on these
6 charges, correct? You were not appointed?

7 A. That is correct.

8 Q. And I believe you said that Mr. Byrholdt
9 didn't become involved until some time in 2013; is that
10 right?

11 A. October 1, 2013, when we merged.

12 Q. Okay. Was he involved in the case any time
13 before 2013?

14 A. Never.

15 Q. Okay. And you did receive discovery from the
16 State in this case; correct?

17 A. I did.

18 Q. And did you file motions to get that discovery
19 or how did that come to you?

20 A. I filed motions for discovery. And I also
21 received the traditional way, they responded to
22 discovery with their requests for reciprocal discovery.

23 Q. Okay. And I believe you said you couldn't
24 recall how you conveyed that discovery to Mr. Cobb
25 either by mail or in person, but you did -- you do

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1 recall discussing the discovery you received with him?

2 A. Yes.

3 Q. And did you receive discovery all at one time
4 or did it come in kind of piece by piece?

5 A. In this case, and a case like this, I'm sure
6 there was supplemental discovery. And I would go out
7 and share it with him and talk with him.

8 Q. And when you say "go out", you would go out to
9 the jail?

10 A. The Anderson County Detention Center.

11 Q. Okay. And so you may have -- is it possible
12 that you -- maybe the first time that you met with him,
13 you didn't have everything at that time, but you
14 received more discovery later?

15 A. That is correct.

16 Q. Okay. But to your recollection, did you
17 discuss all of the discovery that you received at some
18 point with Mr. Cobb?

19 A. Yes.

20 Q. Okay.

21 A. Uh-huh.

22 Q. And in addition to discussing the discovery
23 from the State, you also conducted your own
24 investigation; is that correct?

25 A. We did.

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1 Q. Okay. And as part of that investigation, you
2 retained a ballistics expert?

3 A. We did.

4 Q. Okay. And I believe you testified to -- or
5 said to Mr. Richey that you sent the ballistics expert
6 the material in your file that you had received from
7 the State?

8 A. That is correct.

9 Q. And so that would have been things like the
10 autopsy report. What else did you send to him; do you
11 recall?

12 A. It would have been pretty much my entire file,
13 so that he could see everything I had in drawing his
14 conclusions from it.

15 Q. Okay. So including witness statements perhaps
16 about what had happened?

17 A. Yes.

18 Q. Okay. And based on his review of the file, he
19 told you just orally that he -- he could not say that
20 it was self defense, or would not say that it was self
21 defense?

22 A. He was clear to me that this possibility
23 existed, this possibility existed, but in all
24 likelihood, this was cold blooded murder.

25 Q. Okay. And so based on that assessment from

1 the expert, you chose not to have a report created;
2 correct?

3 A. That is correct.

4 Q. And did you discuss that decision with Mr.
5 Cobb at the time?

6 A. I did.

7 Q. Did you explain to him that you would have to
8 turn that report over to the State if it were to be
9 created?

10 A. Yes.

11 Q. Okay. And in addition to the expert, you --
12 you conducted some witness interviews on your own;
13 correct?

14 A. We did.

15 Q. And I believe you said you got the -- the
16 offer that Mr. Cobb ultimately plead to, the 23 year
17 offer on -- the night before trial?

18 A. That was right. Because he -- he did sign,
19 and I do have it here, I think it's dated 11/1/2013,
20 where he turned down the offer of 25 years.

21 Q. Okay. So, 11/1?

22 A. That must have been that Friday, and we were
23 up that Monday. And so over the weekend, we got the
24 offer of 23 years.

25 Q. Okay. Okay. So at that point, were you

1 prepared to try this case on that Monday?

2 A. We were.

3 Q. Okay.

4 A. Yes. We came in to try it.

5 Q. And what -- what had you done to be prepared
6 for trial?

7 A. Well, we met with Mr. Cobb several times
8 before the week of trial clearly, 11/1 -- 11/1 -- I
9 prepared my notes, the documents we were going to be
10 prepared to cross examine, the various statements, the
11 witnesses they would have to put up, conducted -- met
12 with the investigators -- or reviewed their interviews
13 on 11/2/13, reviewed the interview or interviews of
14 Valerie Loftis -- it just says Valerie Loftis
15 interview, Whitney Strickland interview. The calls
16 from the jail, reviewed all that stuff. There's a
17 flutter of activity here, of course, in the weeks
18 leading up to the trial.

19 Q. Okay. And all of that is documented in your
20 notes and your file?

21 A. Yes, it is. And I have my October 23, 2013,
22 that's when I met with him to discuss the trial and
23 discovery that we had gotten on that day. So, my notes
24 also indicate that any supplemental discovery that
25 comes in, I met with him about.

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1 Q. Okay. And the plea offer, I think you
2 testified that -- when did you first start plea
3 negotiations in this case?

4 A. When I first get a case, I meet with the
5 Solicitor on a case, you know, is there anything you're
6 thinking about in this case. Because obviously the
7 Solicitor has read it before I've gotten discovery, so
8 to get an idea. And so I was in the evidence room
9 reviewing evidence ballistics and what not at the
10 Sheriff's Office, and the prosecutor was there. It
11 probably was more me pushing 15. I just remember that
12 number standing out. I never got that offer of 15.

13 Q. Okay.

14 A. But, you know, I just -- just while we're
15 discussing, reviewing, is there anything that the State
16 has entertained, so I can go back and talk to my
17 client, the only firm offer we got was the 25, and then
18 we got it down to 23.

19 Q. Okay. So, the 15 years is maybe a number that
20 you started --

21 A. It may have been -- you know, is this
22 something that we could do 15 years on, is this
23 something -- and, again, it may have been more than me
24 pushing him, hoping, offering.

25 Q. But that was never reduced to writing and the

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1 Solicitor never said --

2 A. And the solicitor never said take it to your
3 client, no.

4 Q. Okay. Okay. The only offer was the 25 years?

5 A. The 25.

6 Q. And that was in writing or?

7 A. Yes. I think they would have done that in
8 writing, because they would have had to reduce the
9 charge to do that.

10 Q. Okay. And that is the offer that you had Mr.
11 Cobb sign something for saying he did not wish to take
12 that offer?

13 A. That is correct. He would not take the 25.
14 So we were up for trial on a murder charge.

15 Q. Okay. And why would he not take the 25, or
16 do -- I mean, if you know?

17 A. He was -- the -- the only truth was that there
18 were three people in the car. Ben Grayson was lying,
19 and had lied throughout the entire trial. So, you have
20 a flip of the coin. But when officer after officer
21 comes up and testifies -- and we went through every
22 witness that the State is going to call, the likelihood
23 of a conviction was high. I don't know why he would
24 have turned down the 25, but he did. But we went
25 through that thoroughly, because I specifically said

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1 after all of this, you're still turning down the 25.

2 And he said, yes.

3 Q. Okay. So, you -- you explained to Mr. Cobb
4 your assessment that conviction was likely at trial?

5 A. It was, because when -- Mr. Cobb knows, too,
6 he has a record. And so if he -- if he was going to
7 testify that this was self defense, if Ben Grayson
8 chose to stay with his first statement, that this was a
9 malicious shot by -- by Mr. Cobb, he would have had to
10 take the stand, and he didn't come to the stand with
11 clean hands. So it's just a very difficult case.

12 Q. Okay. Did you explain that to Mr. Cobb that
13 in order to present self defense in this case, that he
14 was going to have to testify?

15 A. Yes.

16 Q. Okay. And so the decision to accept the 23
17 year offer, how did that come about? Can you explain
18 that a little more?

19 A. I think -- and actually I -- I live in
20 Greenville, so this was on the eve of the trial. And
21 the prosecutor contacted my partner, whose cell she
22 has, and he happened to be here. He lives in Anderson,
23 so he got the 23 year offer. We ran out immediately to
24 the jail. Bruce may have gotten there before me, to
25 relay, hey, we just got 23 years. You've been

1 incarcerated since the incident, so you get credit for
2 time served. Here's a guarantee. You know, this is
3 what we know that you can get.

4 You know, murder carries 30 to life. That's why
5 this was a negotiated plea. We actually sat down and
6 said look at the credit for time served you'd get, it's
7 23 years. You know, every year we can shave off
8 matters, so we did the math.

9 Q. Okay. And you went over the math with Mr.
10 Cobb?

11 A. Yes.

12 Q. Okay. And whose decision was it for Mr. Cobb
13 to plead guilty?

14 A. Well, the day of his plea, I have all my
15 clients, if they're pleading to something, initial a
16 form which he did. And it simply says that I've
17 informed them what they're pleading to. They
18 understand the maximum sentence. They understand they
19 are giving up their right to a trial. They understand
20 that even though there is a recommendation, the judge
21 can change it. But I told him this would be
22 negotiated, so I explained that.

23 He understood he was pleading to a felony. If
24 there was a probation -- and this was not a probation
25 case -- but we checked it off. I -- I went through the

1 whole litany of things that he had ten days to appeal
2 his plea. He said he was satisfied with my services.
3 And he checked off he had not been coerced, forced or
4 agreed to this under any duress.

5 Q. Okay.

6 A. So we go through those things before we step
7 up in front of the judge.

8 Q. And he -- did he sign that or --

9 A. Every line is checked off and he's -- his name
10 is printed, signed and dated.

11 MS. MCCALLISTER: Okay. May I approach, Your
12 Honor?

13 THE COURT: Yes.

14 THE WITNESS: I have the original and a copy.

15 MS. MCCALLISTER: Your Honor, I guess if we can
16 enter a copy into evidence.

17 THE COURT: Mr. Richey, any objection to this
18 document?

19 MR. COBB: On 11/4/2013?

20 MR. RICHEY: Yeah.

21 MR. COBB: Let me -- let me see it. Where you
22 going?

23 MR. RICHEY: Okay.

24 MR. COBB: Where?

25 MR. RICHEY: You signed it.

SARAH DRAWDY -- CROSS

1 MR. COBB: Okay. I'm looking to see if it's my
2 signature, right -- quit snatching it away from me,
3 man. Are you against me or are you trying to help me?

4 MR. RICHEY: Look at the paper and that's what you
5 --

6 MR. COBB: Okay. I looked at it.

7 MR. RICHEY: Okay. All right. No objection.

8 THE COURT: Admitted without objection.

9 (State's Exhibit No. 1 admitted into evidence.)

10 BY MS. MCCALLISTER:

11 Q. And after speaking with Mr. Cobb and going
12 over all of those issues with him, did you have any
13 reason to believe that he was not pleading guilty of
14 his own free will?

15 A. No. He signed the sentencing sheet. We
16 informed the prosecutor, and we stood up, and we took
17 the plea.

18 Q. Okay.

19 A. So he was aware of everything throughout the
20 course of these proceedings.

21 Q. Did you have any reason to believe he didn't
22 understand what he was doing?

23 A. No.

24 Q. In your communications with him throughout
25 your course -- the course of your representation with

SARAH DRAWDY -- CROSS

1 him, did you have any reason to believe that he wasn't
2 understanding what you were telling him, your
3 assessments of the State's case, and all those things
4 that you said you had gone over with him?

5 A. He understood that Ben Grayson's -- he had
6 seen Ben Grayson's multiple statements. Every time he
7 sent someone to give a statement, I shared him with
8 those -- shared those statements with him. You know, I
9 think I have -- I explained to him the ballistics
10 expert and the issue with that. I mean, I think he is
11 convinced that it should have been reduced to writing.
12 Like he said on direct, he's got a CD or his mother has
13 the CDs. I have never seen anything because I didn't
14 ask for anything to be reduced to writing because I
15 understood the rules, but I certainly explained that to
16 him.

17 Q. You explained why you didn't reduce it to
18 writing?

19 A. Yes.

20 Q. Okay. And do you have anything in your
21 file -- do you have notes from a meeting with an expert
22 or anything like that?

23 A. I do. I have my notes from my meeting -- like
24 I said, I went to Columbia to actually meet with the
25 ballistics expert, and I do.

1 MS. MCCALLISTER: May I approach again, Your
2 Honor?

3 MR. COBB: Your Honor, please, me and this guy
4 here is not getting along. I'm not trying to be a
5 nuance to the court, but every time I ask him, he just
6 says shhh. He said, I'm going to end this. It's over
7 with. This is fine. And he is snatching this stuff
8 up. He is not letting me ask him any questions to
9 anything she's saying. Please, Your Honor, evaluate
10 this situation because I'm not getting nowhere with
11 this.

12 MR. RICHEY: Judge, I just -- for the record, I'm
13 not going to keep asking this witness the same
14 questions. I'm just not going to do it.

15 MR. COBB: I'm not asking you to do the same
16 questions --

17 MR. RICHEY: And the witness -- I'm not going to
18 continue to ask her the same thing.

19 THE COURT: Understood.

20 BY MS. MCCALLISTER:

21 Q. And these are notes that you took when you met
22 with the ballistics expert in Columbia?

23 A. That is correct.

24 Q. And did you take them contemporaneously during
25 your meeting, you were writing these notes down?

1 A. I believe one page I did. The other page may
2 have been stuff to make sure to get to him.

3 Q. Okay. And do these notes accurately reflect
4 your recollection of the -- of the meeting and what you
5 were told?

6 A. Issues that we discussed, topics, yes.

7 MS. MCCALLISTER: Thank you.

8 MR. RICHEY: No objection.

9 MR. COBB: I didn't see it, no, no, no, it is --
10 he didn't allow me to see it. All right. He didn't
11 allow me -- you seen that just now, Your Honor. You
12 seen that. I do understand that I am being upset and
13 this is the way -- but, Your Honor, this is my life on
14 the line. I'm not going to allow this to go because
15 the last time I did that, I was throwing my life away.

16 THE COURT: Okay. I want you to look at it.

17 MR. RICHEY: Do you see them?

18 MR. COBB: No, I can't. I can't see them. All
19 right. Can you answer my question?

20 MR. RICHEY: Look at the notes. If you want to
21 look at the notes, look at the notes.

22 THE COURT: All right. Let's -- let's just take a
23 quick five minute break. You can look at that.

24 MS. MCCALLISTER: Okay.

25 MR. RICHEY: Thank you, Your Honor.

SARAH DRAWDY -- CROSS

1 THE COURT: And figure out if there are any other
2 questions. We'll stand at ease for five minutes.

3 (Whereupon, after a recess, court reconvened.)

4 THE COURT: Y'all may be seated.

5 MR. RICHEY: No objections.

6 THE COURT: Okay. Admitted without objection.

7 MR. COBB: I didn't even see it. I didn't get it
8 explained to me, Your Honor.

9 MR. RICHEY: Judge, the paperwork was his --
10 Judge, I have no objection to the notes.

11 MR. COBB: He just said that he wants to get the
12 case over with. He's through with it. He just said
13 that. He's through with the case. He's through -- so
14 pretty much he just told me that he ain't going to put
15 no more work into this -- just now.

16 THE COURT: All right. Have a seat, Mr. Cobb.

17 MR. COBB: All right. Please have that on the
18 record. Please get that on the record.

19 (State's Exhibit No. 2 admitted into evidence.)

20 MR. COBB: Your Honor, I'm sorry to have to stand
21 up and talk to you just now -- but I asked him a
22 question. He told me not to ask me nothing. He's not
23 talking to me no more. So if I can't even get the
24 paperwork and ask him the questions, how can he be my
25 attorney?

SARAH DRAWDY -- CROSS

1 THE COURT: Well, right now, I'm trying to listen
2 to --

3 MR. COBB: No, I said I was talking to him.

4 THE COURT: I understand.

5 MR. COBB: And he told me like pretty much don't
6 even talk to him. The case is over.

7 THE COURT: Okay.

8 MR. COBB: All right.

9 THE COURT: Have a seat, sir. The case is about
10 to be over though.

11 MR. COBB: All right. But he's not going to help
12 me. He's not going to do what he has to do as an
13 attorney.

14 BY MS. MCCALLISTER:

15 Q. Ms. Drawdy, I think you testified that you
16 took notes of all of your meetings when you went out to
17 the jail to discuss the case with Mr. Cobb; is that
18 correct?

19 A. That is correct.

20 Q. And you have those notes in your file?

21 A. I do. I -- and I may have more, but I believe
22 these are the bulk of them.

23 Q. Okay. Thank you.

24 MR. RICHEY: Your Honor, I would object to all
25 these notes coming in because there are things in here

1 that I don't feel the need to corroborate with. I
2 think the record has shown that he said she talked to
3 him multiple times to discuss the case. But I believe
4 to admit these notes, it will require us to go through
5 all these notes to make sure that -- that -- that she
6 can testify to what's all in here.

7 I think the record sufficiently says that she
8 met with Mr. Cobb numerous of times, and that she kept
9 notes of it. I think just to admit all these notes at
10 this point, Your Honor, I don't -- I don't think -- I
11 think without a review of these notes, it would be --
12 one, it would be hearsay offered of other information.
13 But I think the record sufficiently says she met with
14 Mr. Cobb several times.

15 MS. MCCALLISTER: Your Honor, I'll do it another
16 way.

17 BY MS. MCCALLISTER:

18 Q. Ms. Drawdy, could you read me the dates of
19 your meetings with Mr. Cobb?

20 A. Sure. I'll organize them going backwards, so
21 he pled on 11/4, I think -- met with him on 11/3/2013;
22 11/2/2013; 11/1/2013; 10/28/2013; 10/23/2013; 9/6/2013;
23 March 15, 2013; August 22, 2012; May 18, 2012; December
24 13, 2011; November 17, 2011; November 7, 2011; October
25 4, 2011; September 26, 2011; August 12, 2011; July 21,

1 2011; July 19, 2011; -- and there's one for October 2,
2 2012.

3 Q. October 2nd?

4 A. October 2nd, 2012.

5 Q. Thank you.

6 MS. MCCALLISTER: I beg the court's indulgence for
7 just one second, Your Honor.

8 THE COURT: Yes, ma'am.

9 BY MS. MCCALLISTER:

10 Q. When you -- Mr. Cobb has raised an issue of an
11 appeal with you. And I believe you testified that you
12 did, at some point, receive a notice -- or a letter
13 from him saying he wanted you to file a notice of
14 appeal?

15 A. That's true. I mean, the document I had him
16 sign very early, it says I informed him the appeal has
17 to be filed within ten days of the plea. After he
18 pled, I went out to the jail with someone from my
19 office, because I remember we made a phone call from
20 the media room to his family members. We wanted to do
21 that before he was transported to the Department of
22 Corrections. At no time did he mention to me that he
23 wanted to appeal this. I don't know what happened, but
24 at some point I got a letter, and it was beyond the ten
25 days. And I sent out the letter I had.

1 Q. Okay.

2 A. But that's all I know.

3 Q. Did you have any reason at -- that there were
4 issues that would have arisen from the plea that would
5 be --

6 A. It was a plea that was entered into
7 voluntarily, so there was no basis upon which to
8 appeal.

9 Q. Okay.

10 MS. MCCALLISTER: Your Honor, I think that's all
11 the questions I have.

12 MR. RICHEY: I have a couple of questions, Your
13 Honor.

14 THE COURT: Yes, sir.

15 **REDIRECT EXAMINATION BY MR. RICHEY:**

16 Q. On those dates that you listed, those are
17 dates -- did you go and talk with him on those dates
18 that you listed?

19 A. Most of them were with him. It says "met with
20 the client in the jail. Met with client." There were
21 a couple of them where it says "met with clients", that
22 it may have been information that his mother was
23 bringing. Like I believe the one for -- there's some
24 other -- like I think -- I don't know if I even mention
25 September 26th, 2011, you know, his mother and wife

SARAH DRAWDY -- REDIRECT

1 came in. But I believe the bulk of those, if not all
2 of them, were -- they say "met with client".

3 Q. And did you discuss the case with him when you
4 met with him?

5 A. The only thing we were going out there to
6 discuss was the case.

7 Q. Okay. Okay. All right. Did you go by
8 yourself or did you go with Mr. Byrholdt sometimes?

9 A. I went by -- early on, my notes -- I had an
10 associate in my office, who has notes from the same
11 day. So I think early on I went with an associate that
12 I had. I think I had -- I know another person in my
13 office went with me a couple of times for notes or to
14 bring something in. And then Bruce, he went out with
15 me when we merged on October 1, 2013.

16 MR. RICHEY: Thank you, ma'am. No other
17 questions.

18 THE COURT: All right. Thank you, Ms. Drawdy.

19 THE WITNESS: Thank you very much.

20 THE COURT: You may step down.

21 MR. RICHEY: Your Honor, we call Cathy Manley.

22 CATHY MANLEY, having been
23 first duly sworn, testified as follows:

24 THE CLERK: If you will take the witness stand,
25 please, ma'am, and state your name for the record, and

CATHY MANLEY -- DIRECT

1 spell your last name for the reporter, please.

2 THE WITNESS: Cathy Manley, M-a-n-l-e-y.

3 DIRECT EXAMINATION BY MR. RICHEY:

4 Q. Ms. Manley, do you know Mr. Cobb?

5 A. Yes, sir.

6 Q. And how do you know him?

7 A. He's my son.

8 Q. And you were involved in his case; is that
9 correct?

10 A. Yes, sir. Well, I wasn't involved in the
11 case.

12 Q. Well, you assisted him in trying to do what
13 you could; correct?

14 A. Uh-huh.

15 Q. Do you recall talking to Ms. Drawdy about plea
16 negotiations in this case?

17 A. Me and his wife had talked to her several
18 times.

19 Q. Okay. And what was the -- was there a five
20 year offer in this case made?

21 A. It was --

22 MS. MCCALLISTER: Objection, Your Honor. I don't
23 know that she can say that an offer was made in his
24 case.

25 MR. RICHEY: I'll rephrase it.

1 BY MR. RICHEY:

2 Q. Ma'am, were you -- were you present at -- did
3 you talk to Ms. Drawdy about your son's case?

4 A. Yes, I did.

5 Q. And in your discussions with her, did y'all
6 have conversations about the offers in the case?

7 A. Oh, yes, sir.

8 Q. And when -- and based off those conversations,
9 do you believe an offer was made in the case?

10 A. She has said manslaughter five years.

11 Q. And "she" being Ms. Drawdy?

12 A. Ms. Drawdy did, uh-huh.

13 Q. And so you believe -- okay. Do you -- do you
14 know if the offer was conveyed to your son? Do you
15 know at all? Was it told to him?

16 A. It was told to me and his wife and him.

17 Q. Okay.

18 MS. MCCALLISTER: I'm sorry --

19 MR. RICHEY: Thank you, ma'am. Answer any
20 questions the attorney general may have for you.

21 **CROSS EXAMINATION BY MS. MCCALLISTER:**

22 Q. Were you -- were you -- how do you know that
23 the offer was conveyed to Mr. Cobb? Were you present
24 for the conversation between him and his attorney?

25 A. No, ma'am, I wasn't.

1 Q. Okay. Were you present for any conversations
2 between Mr. Cobb and Ms. Drawdy?

3 A. No, I wasn't.

4 Q. So -- and is it your testimony that Ms. Drawdy
5 told -- so your testimony is Ms. Drawdy told you that
6 there was an offer for this five year manslaughter;
7 correct?

8 A. That she was going to get a five year
9 manslaughter.

10 Q. Okay. She was going to get one?

11 A. Uh-huh.

12 MS. MCCALLISTER: Thank you, Your Honor. That's
13 all the questions I have.

14 MR. RICHEY: Thank you. No other questions for
15 this witness.

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

17 MR. RICHEY: We have no other questions at this
18 time, Your Honor -- no other witnesses.

19 THE COURT: All right. Anything from the State?

20 MS. MCCALLISTER: No, Your Honor.

21 THE COURT: All right. I'll let y'all know
22 something.

23 MS. MCCALLISTER: Thank you.

24 MR. RICHEY: Thank you, Your Honor.

25 MR. COBB: Can I say something before the court

1 leaves please?

2 THE COURT: Briefly. Yes, sir.

3 MR. COBB: Okay. Your Honor, I do know that there
4 was problems with me and my attorney here today, we
5 cannot get along. We cannot see eye-to-eye. I am very
6 upset in this situation because I want to be able to
7 present my issues in -- in -- in the way that I need to
8 get them across -- in the way that I need to get them
9 across.

10 My attorney is not being cooperative, and in any
11 way assisted me with this. And I do feel that you've
12 seen me -- and I don't want the court to think that I'm
13 just being very nuisance and uncooperative. I'm just
14 trying to get my case across, and my attorney is doing
15 everything against me.

16 He's not helped me with any questions I've
17 asked, and he's shushed me. He's not listening to
18 nothing I'm trying to say. Maybe it's me, and maybe we
19 should have talked more before I came up here. Because
20 me and him hasn't discussed enough of this or
21 something, because we don't see eye-to-eye. We should
22 have been on a better term than this coming into a
23 courtroom.

24 But I had no understanding of what was really
25 about to take place, all I knew -- I didn't even know I

1 was going to have to get up there and talk. The only
2 thing I knew is that I told him about all my stuff, and
3 he didn't really address none of this. And with me
4 trying to do that, it makes it look like I'm being a
5 nuisance here. And that's -- I don't want you to take
6 that and do -- just know that.

7 THE COURT: Yes, sir.

8 MR. RICHEY: Judge, I just want to put this on the
9 record also. Judge, I did go to the prison, met with
10 him, talked to him, gave him every opportunity to
11 explain his case to me, Your Honor. And I would just
12 say I think the court gave him ample opportunity to
13 address his issues. Thank you, Your Honor.

14 THE COURT: All right. Thank you.

15 (Whereupon, the hearing adjourned.)
16 _____
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CERTIFICATE OF REPORTER

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I, SHARON D. JONES, CERTIFIED COURT REPORTER,
DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE,
ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE
PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF
THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF
COMMON PLEAS FOR ANDERSON COUNTY ON THE 27TH OF JUNE,
2017.

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

2/20/2018

Sharon D. Jones

SHARON D. JONES,
CERTIFIED COURT REPORTER
COMMISSION EXPIRES 9.22.2024

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS
FOR THE TENTH JUDICIAL CIRCUIT

Steven Randall Cobb (SCDC #255377)

Civil Action No. 2014-CP-04-1153

Applicant,

v.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

FILED-CLERK'S OFFICE
ANDERSON SC
COMMON PLEAS AND
GENERAL SESSIONS

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CLERK OF COURT

This matter comes before the Court upon Application for Post-Conviction Relief, filed by Applicant Steven Randall Cobb ("Applicant") on June 2, 2014. Respondent filed its return on October 30, 2014. On June 27, 2017, an evidentiary hearing was conducted at the Anderson County Courthouse. Applicant was present along with his counsel, Rodney Richie, Esquire. The State was represented by Lindsay McCallister, Esquire.

For the reasons set forth below, the Application for Post-Conviction Relief is DENIED, and this matter is DISMISSED.

FINDINGS OF FACT

Applicant was indicted for murder on May 17, 2012. Sarah G. Drawdy, Esquire ("plea counsel") was appointed to represent him. On November 4, 2013, Applicant pled guilty to the lesser charge of voluntary manslaughter pursuant to a negotiated plea agreement with the State. The Court accepted the negotiated plea and imposed the agreed-upon twenty-three year term of imprisonment.

Applicant did not appeal his plea or sentence. Instead, he filed the instant Application for Post-Conviction Relief ("PCR"). In it, Applicant alleges that he is being unlawfully detained due

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to “(a) ineffective assistance of counsel – 6th and 14th] amend[ment] violation[,] (b) Brady violation – 5th[,] and] and (c) police misconduct.”

At the evidentiary hearing on June 27, 2017, Applicant testified on his own behalf and expounded on his written allegations. He contended that he always wanted to resolve his case by jury trial and that he had, in fact, rejected the State’s plea offer the previous day. Applicant averred that his plea counsel coerced him to enter a guilty plea by suggesting that if he did not, his wife and mother would be arrested.¹

Applicant further testified that plea counsel had stopped returning his phone calls one to two weeks before his plea date, that she did not review the discovery in his case with him, that she rarely visited him, that she failed to explain the case to Applicant in a way that he could understand it, and that she did not use the services of the expert witness for which he had paid. Applicant stated that he agreed to enter the negotiated plea without fully understanding his case; however, he admitted that plea counsel was “very thorough” during the plea. Finally, Applicant complained that he wrote to plea counsel asking her to file an appeal on his behalf, but she responded that when she received his letter, it was already too late.

The Court also reviewed the transcript of Applicant’s guilty plea and considered the testimony of Applicant’s plea counsel. She admitted refusing Applicant’s phone calls, explaining that because jail phone calls are recorded she didn’t want Applicant to make an admission during a phone call which could subsequently be used against him. Plea counsel testified that she reviewed discovery with Applicant, giving him whatever documents she had as soon as she received them. She also testified that she had several meetings with Applicant at the jail and

¹ There was apparently an allegation that Applicant’s wife and mother offered a bribe to one of the State’s witnesses if he refused to testify against Applicant at trial.



discussions with Applicant's mother, giving at least nineteen specific dates of conversations ranging from July 19, 2011 to the day before his plea.

Plea counsel admitted not using the expert witness and testified that, in fact, the expert never produced a written report. She testified that her decision was strategic, explaining that the expert's report and testimony would not have been favorable to Applicant. She stated that while she discussed with Applicant the allegations of bribery against his mother, his mother's potential arrest was not contingent upon Applicant entering a guilty plea. Finally, plea counsel corroborated Applicant's testimony about his failed attempt to file an appeal, stating that Applicant did not ask her to file one on his behalf until after the ten-day appeal deadline had expired.

CONCLUSIONS OF LAW

In a PCR action, "[t]he applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence." Rule 71.1(e), SCRCP. Specifically, "[a] defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty." *Johnson v. Catoe*, 336 S.C. 354, 358, 520 S.E.2d 617, 619 (1999) (citing *Wolfe v. State*, 326 S.C. 158, 485 S.E.2d 367 (1997) and *Satterwhite v. State*, 325 S.C. 254, 481 S.E.2d 709 (1997)).

I. Brady Violation and Police Misconduct

In his PCR application, Applicant alleged as grounds for relief "Brady violation – 5th[, and] and (c) police misconduct;" however, at the evidentiary hearing, Applicant presented no evidence regarding either of these issues. Based on the review of the records and testimony in this action, the Court deems these issues to be abandoned by Applicant and, therefore, denies relief on these grounds.



II. Ineffective Assistance of Counsel

"The benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984). "[A] guilty plea cannot be attacked as based on inadequate legal advice unless counsel was not 'a reasonably competent attorney' and the advice was not 'within the range of competence demanded of attorneys in criminal cases.'" *Id.* at 687 (quoting *McMann v. Richardson*, 397 U.S. 759, 770 (1970)). "When a convicted defendant complains of the ineffectiveness of counsel's assistance, the defendant must show that counsel's representation fell below an objective standard of reasonableness." *Id.* at 687-88.

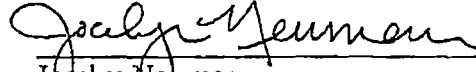
"Because of the difficulties inherent in making the evaluation, a court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action 'might be considered sound trial strategy.'" *Id.* at 689 (citation omitted). Applicant has not done that here. In fact, having weighed the credibility of the testifying witnesses and having considered the admissions and explanations offered, the Court cannot find that plea counsel was not "a reasonably competent attorney" or that her advice was not "within the range of competence demanded of attorneys in criminal cases." Further, because the Court finds no professional errors on the part of plea counsel, no prejudice could have resulted from plea counsel's representation. Therefore, the PCR application is denied on this allegation as well.

IT IS THEREFORE ORDERED that the Application for Post-Conviction relief is DENIED and DISMISSED with prejudice.



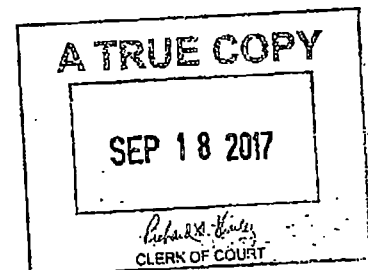
IT IS FURTHER ORDERED that Applicant Steven Randall Cobb be REMANDED to the custody of the State of South Carolina.

AND IT IS SO ORDERED.


Jocelyn Newman
Presiding Judge

September 13, 2017
Columbia, South Carolina.

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2017 SEP 18 AM 11:53
COMMON PLEAS AND
GENERAL SESSIONS



I Steven Randall Cobb am in full agreement and understanding of the following statements:

- 1) Ms. Drawdy has informed me of what the State of South Carolina is offering me. ✓
- 2) Ms. Drawdy has informed me of the maximum sentences for the crime I am pleading guilty to committing. ✓
- 3) I understand that by pleading guilty I am giving up my right to a jury trial, my right to remain silent, my right to a defense, my right to cross-examine the witnesses against me, and the right to subpoena witness and documents. ✓
- 4) I understand that though the State of South Carolina may offer a recommendation, the presiding judge does not have to accept the recommendation and may sentence you to the maximum penalty prescribed by law. ✓
- 5) I understand that if I am pleading to a felony, I am informed of the possible consequences of doing so. ✓
- 6) I have been informed that there are costs associated with Probation, and if I accept an offered plea that includes probation, I will be responsible for the costs. ✓
- 7) I am informed that I may appeal my plea within 10 days of the plea. ✓
- 8) I am satisfied by the services of the attorney's who have worked on my cases. ✓
- 9) I have neither been forced, coerced, nor agreed under duress to accept this plea. ✓

Steven Randall Cobb
Print Name

[Signature]
Signature

11-4-13
Date

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ANDERSON SC
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COMMON PLEAS AND
GENERAL SESSIONS



~~Lisa Anderson~~
323-4100

Spoke of Expert

6/25/13

All gun fire in car

All fire right to left

Driver windows down explains why missing a couple of bullets
Uninterrupted striping on dead guys face

y

→ Striping - Unburned powder particles
filler in there.

Regular pattern

off hand up over face - come on face

Did

Victim put his gun in trunk

What the police standline

- No warning shots

- Shoot to chest threat.

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COMMON PLEAS AND
GENERAL SESSIONS
+ sent hand

Kia Sprinter

Gun in his left hand.

Barely make out the pictures.

Can missing

Holster not inspected

We're charging you w/
accessory to murder.

Where was (V) when you left.

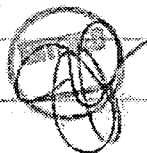
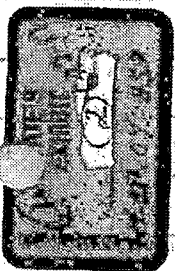
Fingerprints on car. - There are blank fingerprint cards
for palm prints. Took & used for backs.

Did you look @ holsters

227-228 crime scene

pictures of gun

Blood on gun + outside of holster
on handle.



Steven Cobb

10-3-13

Donald C. Girnolt

Whorlwind1@aol.com

(803) 446-6875 cell

Autopsy

Accident Report

Crime Scene Photos

SLSD

1500

\$150

10 hrs

1500.00

WITNESSES

Wayne Mills, Anderson County Sheriff's Dept.

ARREST WARRANT NUMBER

J910532

ACTION OF GRAND JURY

TRUE BILL

APR 17 2012

Foreperson of Grand Jury

Date

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS04 00807

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

APR 17 2012

Term

THE STATE

VS.

Steven Randall Cobb

EJB

Indictment for

Murder / Murder

SC Code: 16-03-0010, 0020

CDR Code: 0116

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JUN - 3 2014

Robert A. Kiley
CLERK OF COURT

COMMITMENT

11/4/13-RT

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

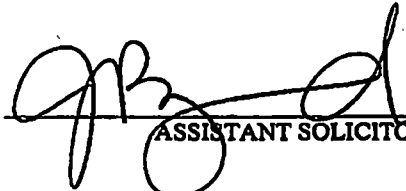
INDICTMENT

At a Court of General Sessions, convened on APR 17 2012, the Grand Jurors of Anderson County present upon their oath:

Murder / Murder

That Steven Randall Cobb did in Anderson County, on or about July 10, 2011, unlawfully and with malice aforethought kill [REDACTED] by means of shooting the victim with a gun, and that [REDACTED] died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Anderson
 STATE VS.
Steven Randall Cobb

AKA:

Race: W Sex: M Age: 34DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Anderson, SC 29621-4623DL#: [REDACTED] SID#: SC01048826*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Manslaughter / Voluntary manslaughter

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0400807A/W#: J910532Date of Offense: 7/10/2011S.C. Code § : 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

* 23 years
active.☐ CONVICTED OF or☒ PLEADSCTS: 848
daysin violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☒ §17-25-45

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:

Price, Lauren D.

77011
SC Bar#

Defendant

Attorney for Defendant

71741
SC Bar#WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 23 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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. 848 days

☐ 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	\$ <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>3.90</u>
TOTAL		\$ <u>133.90</u>

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

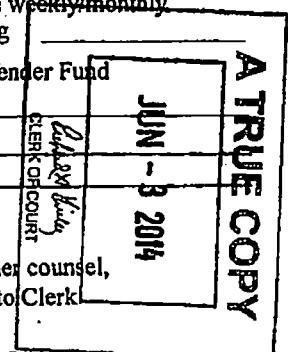
Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

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



Clerk of Court/Deputy Clerk

Court Reporter: V. Cross

SCCA/217 (03/2011)

Presiding Judge

Judge Code: #2131Sentence Date: 11-4-13