

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Jocelyn J. Newman, Circuit Court Judge

ELIJAH HUDSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-000045

APPENDIX

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State of South Carolina,
Plaintiff,
vs.
Elijah Hudson,
Defendant.

March 16, 2015
Columbia, South Carolina

B E F O R E:

The Honorable James R. Barber, III, Judge

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

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E X H I B I T S

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No exhibits were marked during proceeding.

TRANSCRIPT OF RECORD

(Whereupon, the proceeding was commenced at 2:14 p.m.)

THE COURT: All right. Madam Solicitor, are we ready to proceed?

MS. WALKER: Your Honor, the state calls Elijah Hudson.

(Whereupon, the defendant came forward.)

ELIJAH HUDSON, having been first duly sworn, stated as follows:

THE COURT: All right. Pat, so these -- has all of these been -- are all these a waiver? They're not ---

MS. CAMPBELL: Your Honor, we did them as waivers because the CSC-second is not a lesser-included.

THE COURT: Well, isn't he pleading to two CSC -- what's he pleading to?

MS. CAMPBELL: He's pleading to -- guilty to two counts of criminal sexual conduct with a minor, second-degree; and one count of assault with intent to commit criminal sexual conduct with a minor, second-degree.

THE COURT: Well, we got an indictment that has been before the grand jury on the assault. Right?

MS. CAMPBELL: Your Honor, we have indictments on all three that are first-degree. But since second-degree is not a lesser-included, we ---

THE COURT: Oh, he's ---

1 MS. CAMPBELL: --- did waivers.

2 THE COURT: This is second-degree on assault as well?

3 MS. CAMPBELL: Yes, sir.

4 THE COURT: Okay.

5 MS. CAMPBELL: I'm sorry.

6 (Off the record briefly.)

7 THE COURT: All right. You are Elijah Hudson?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And, Mr. Hudson, you're 22 years of age?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you reside here in Columbia, Richland
12 County? .

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Are you married?

15 THE DEFENDANT: No, sir.

16 THE COURT: You have any children?

17 THE DEFENDANT: No, sir.

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

19 THE DEFENDANT: High school diploma.

20 THE COURT: And where'd you go to school?

21 THE DEFENDANT: Western Harnett High. It's in ---

22 THE COURT: I'm sorry?

23 THE DEFENDANT: --- in North Carolina. Western
24 Harnett High. That's in North Carolina.

25 THE COURT: All right. And you -- at the time you

1 were arrested, who were you living with?

2 THE DEFENDANT: My father.

3 THE COURT: And that is Anthony Hudson?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: I think he was the one that was here this
6 morning. All right. And you have -- you originally were
7 indicted for two charges of criminal sexual conduct with a
8 minor, first-degree; and one count of assault with intent
9 to commit criminal sexual conduct with a minor, first-
10 degree. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: I think, on these two charges of initially
13 what the -- the -- penalty is life?

14 MS. CAMPBELL: Twenty-five to life, Your Honor.

15 THE COURT: Twenty-five to life on the two criminal
16 sexual conduct with a minor, first-degree. And the assault
17 with intent to commit criminal sexual conduct in the first
18 degree, is that life as well, Madam Solicitor?

19 MS. MCDUFFIE: Twenty-five to life.

20 THE COURT: And the state and through some discussion
21 with your attorney, y'all have agreed that you would --
22 that they would let you plead to lesser offenses of
23 criminal sexual conduct with a minor, second-degree, which
24 carries up to 20 years; and assault with -- to commit
25 criminal sexual conduct with a minor, second-degree, which

1 carries up to 20 years. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, these are -- these are not negotiated
4 or recommended, other than ---

5 MS. CAMPBELL: Your Honor, we have negotiated a range
6 within ---

7 THE COURT: Well, there's ---

8 MS. CAMPBELL: --- your discretion ---

9 THE COURT: --- no -- it's not ---

10 MS. CAMPBELL: --- of ten to ---

11 THE COURT: --- it's not marked as negotiated on the
12 sentence sheet.

13 MS. CAMPBELL: I apologize, Your Honor. It should be
14 a range of 10 to 20 years within your discretion.

15 THE COURT: Do y'all have any objection to my marking
16 it as a negotiated ---

17 MS. GOODE: No, Your Honor.

18 THE COURT: --- Ms. Goode? Ms. Campbell?

19 MS. CAMPBELL: No, Your Honor.

20 THE COURT: All right. Mr. Hudson, is that your
21 understanding of the negotiated sentence?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: That the -- you would plead to the lesser
24 charges and the sentence would run between 10 and 20 years
25 at my discretion?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Is that your understanding?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. And you understand that I
5 don't have to accept this negotiated arrangement; I can
6 reject it. But if I do, I will allow you and your attorney
7 to withdraw and you can do as you deem appropriate at some
8 point in time in the future. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. Now, you have talked to your
11 attorneys about this matter?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Ms. Pinnock and Ms. Goode?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You've told them everything you know about
16 it?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Have they answered all your questions,
19 done everything you've asked them to do?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you satisfied with their services?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Ms. Goode, do you concur with your client
24 entering a guilty plea, pursuant to this negotiations?

25 MS. GOODE: I do, Your Honor.

1 THE COURT: You think it's in his best interests to do
2 so?

3 MS. GOODE: I do, Your Honor.

4 THE COURT: You think the state most probably would
5 prevail if it went forward with the trial?

6 MS. GOODE: Yes, sir.

7 THE COURT: Now, Mr. Hudson, do you understand you do
8 not have to plead guilty?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You are presumed to be innocent. The
11 state would have to prove you guilty and prove you guilty
12 beyond a reasonable doubt. But by pleading guilty, you
13 remove that burden from the state because you're admitting
14 your guilt. The state doesn't have to prove you so. Do
15 you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And by pleading guilty, you're waiving
18 some of your constitutional rights. You have a
19 constitutional right to a jury trial if you'd like one; let
20 12 citizens of this county hear the evidence. They would
21 determine the facts. They would apply the law that the
22 Court would give them, and they would ultimately render a
23 verdict in this matter.

24 But by pleading guilty, you give up your right to a
25 jury trial on all three charges. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And, of course, you are aware that we were
3 prepared to go forward with the -- a trial here this
4 morning. I think your lawyers have worked long and hard
5 getting ready, and I know the state has as well. And --
6 but you're now forgoing that right to go forward with that
7 trial. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And, of course, you're giving up any
10 matters that you may give up, such as contesting any
11 evidence, putting up any testimony of your own, any
12 evidence that you want to put up. You're giving all that
13 up. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And by pleading guilty here today, you're
16 giving up your constitutional right to confront any
17 witnesses the state may have. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And by pleading guilty, you're giving up
20 your right to -- I'm -- I mean, here today you're giving up
21 your right to remain silent. You normally would not have
22 to say anything, do anything to help the state in any way.
23 You wouldn't have to testify in trial. If you elected not
24 to testify, the Court would instruct the jury they couldn't
25 even consider that fact in the course of their

1 deliberations.

2 But by pleading guilty, you give up your right to
3 remain silent. Do you understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And by giving up your right to a trial,
6 you're giving up your right to testify at that trial, to
7 tell your side of the story. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And by giving up your right to a trial, as
10 I mentioned earlier, you're giving up your right to contest
11 any evidence the state may have through any motions in
12 limine or motions to suppress. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And by giving up your right to a trial,
15 you're giving up your right to put up any defenses you may
16 have to these charges. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Knowing all that, you wish to
19 go forward with the guilty plea?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Other than what we have discussed
22 previously on the negotiated sentence arrangement -- that
23 is, to take pleas on lesser charges and they negotiated
24 sentence range of 10 to 20 years -- has the state or anyone
25 else offered or promised you anything to get you to plead

1 guilty here today?

2 THE DEFENDANT: No, sir.

3 THE COURT: Has anybody threatened you, coerced you,
4 forced you, or pressured you into pleading guilty?

5 THE DEFENDANT: No, sir.

6 THE COURT: You're doing so freely and voluntarily?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And you're doing so because you are
9 guilty?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You're admitting as true the allegations
12 in, I guess, the original indictment; is that correct?

13 THE DEFENDANT: Yeah. That's correct.

14 THE COURT: Have you had any alcoholic beverages in
15 the last 24 hours?

16 THE DEFENDANT: No, sir.

17 THE COURT: Have you taken any drugs or had any
18 medication in the last 24 hours?

19 THE DEFENDANT: No, sir.

20 THE COURT: Are you under the influence of any kind of
21 substance here today?

22 THE DEFENDANT: No, sir.

23 THE COURT: Are you being treated by a psychiatrist or
24 other professional for any mental illness or emotional
25 problems? I note on your -- your sheet that you prepared

1 that you said you saw Dr. Drew last week. Who is Dr. Drew?

2 THE DEFENDANT: He's a psychiatrist at the jail.

3 THE COURT: All right. Are you being treated by a
4 psychiatrist?

5 THE DEFENDANT: No, sir.

6 THE COURT: Is that something you had asked to do, to
7 see him, or is that something they just routinely do?

8 THE DEFENDANT: Well, it's dealing with the case. It
9 was something I asked for.

10 MS. GOODE: I think he was having some anxiety and
11 stress because of the -- the impending trial and -- and
12 some issues with that. So he requested to speak with
13 someone and maybe some follow-up ---

14 THE COURT: All right. So ---

15 MS. GOODE: --- I think they ---

16 THE COURT: --- I mean ---

17 MS. GOODE: --- were going ---

18 THE COURT: --- it's not ---

19 MS. GOODE: --- to refer him ---

20 THE COURT: --- it's not with respect to any mental
21 health issues ---

22 MS. GOODE: Right.

23 THE COURT: --- he has. It's just with respect to
24 concerns about getting ready for the trial ---

25 MS. GOODE: Right. I think the ---

1 THE COURT: --- and ---

2 MS. GOODE: --- stress was -- was getting to him.

3 THE COURT: Is that right, Mr. Hudson?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. You completed this advice-of-
6 rights form; is that correct?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And you did that with the assistance of
9 your attorneys?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: It's -- are your answers true and correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And complete?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, have you understood my questions here
16 today?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Have your answers to my questions been
19 true and complete?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand, when I sentence you
22 here today, you'll have ten days to appeal these sentences?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. What kind of work were you
25 doing before you were arrested? Were you working?

1 THE DEFENDANT: I was working at Bose.

2 THE COURT: At where?

3 THE DEFENDANT: Bose.

4 THE COURT: Out in Blythewood?

5 THE DEFENDANT: Blythewood.

6 THE COURT: All right, Mr. Hudson. As to Indictment
7 2015-GS-40-1719, criminal sexual conduct with a minor,
8 second-degree, where the state alleges you did, in Richland
9 County, South Carolina, on -- between May 1 and -- of 2011,
10 December 3, 2011, willfully and unlawfully and feloniously
11 engaged in a battery with a minor who was less than 14
12 years of age, that being Minor [REDACTED], whose date of birth
13 is [REDACTED], 2004, how do you plead?

14 THE DEFENDANT: Guilty.

15 THE COURT: As to Indictment 2015-GS-40-1720, assault
16 with intent to commit criminal sexual conduct with a minor,
17 second-degree, wherein the state alleges you did, in
18 Richland County, South Carolina, between January 1, 2014,
19 and March 6, 2014, willfully and unlawfully commit the
20 crime of assault with intent to commit criminal sexual
21 conduct, second-degree, with a minor and that you did
22 assault the victim, a child less than 14 years of age, that
23 being Minor [REDACTED], whose date of birth is [REDACTED] 2004, and
24 you did so with the intent to accomplish a sexual battery,
25 how do you plead?

1 THE DEFENDANT: Guilty.

2 THE COURT: As to Indictment 2015-GS-40-1716, which
3 alleges that you did, in Richland County, South Carolina,
4 on or about March 7, 2014, willfully and unlawfully and
5 feloniously engage in a sexual battery with a minor who was
6 less than 14 years of age -- to wit, Minor [REDACTED], whose
7 date of birth is [REDACTED] 2004 -- how do you plead?

8 THE DEFENDANT: Guilty.

9 THE COURT: I find this defendant to be represented by
10 competent counsel; he's satisfied with the service of his
11 attorney. I further find defendant's pleading guilty
12 freely and voluntarily and his guilty plea is entered
13 knowingly and intentionally to all three charges, that
14 being two criminal sexual conduct with a minor under 14
15 years of age and one -- an assault to commit the criminal
16 sexual conduct with a minor with a person under 14 years of
17 age. And I will accept all of the guilty pleas, subject to
18 if I hear something, allow him to withdraw.

19 All right, Madam Solicitor. What do you want to tell
20 me?

21 MS. WALKER: Your Honor, the first indictment for
22 criminal sexual conduct dates back to December 2011. Your
23 Honor, the child, Minor [REDACTED], reported -- she was ---

24 MS. MCDUFFIE: --- 7 ---

25 MS. WALKER: --- 7 at that time, Your Honor. She

1 reported that her uncle, Elijah Hudson, had been sexually
2 inappropriate with her; that she -- he put his penis in her
3 mouth. She reported that to DSS, Your Honor. On December
4 9th of 2011, a DSS investigator, in interviewing the
5 family, interviewed this defendant, who acknowledged that
6 he had, in fact, put his penis in -- or that his penis had
7 been in her mouth but that he awoke one -- in the middle of
8 the night one time and she had come into his bedroom and
9 then just started to perform oral sex on him and that he
10 didn't want that to happen so he stopped her but he didn't
11 tell anyone about it because he didn't want her to get in
12 trouble.

13 Your Honor, her contention of that is that he came
14 into her bedroom and -- and forced her to perform oral sex
15 on him and that -- that that's why she told. At that
16 point, Your Honor, through a series of family court
17 hearings, this defendant's parents, who are the child's
18 grandparents, were told to not let this defendant and two
19 other uncles have any contact with the child.

20 Your Honor, when he was speaking with DSS, Mr. Hudson
21 said that he would leave Columbia, South Carolina, go to
22 North Carolina, and not return. The reason, Your Honor,
23 that case was -- he was not arrested for that case at that
24 point in time is because the Department of Social Services
25 investigator never informed law enforcement of this

1 defendant acknowledging that the -- that the acts took
2 place. And when she went to the forensic counseling, she
3 didn't disclose again. She didn't want to talk about it.
4 There were some problems at that point.

5 Your Honor, once he was arrested for these charges and
6 we went back and looked at the 2011 case and saw where he
7 had actually acknowledged the -- the sexual contact, he was
8 indicted for the 2011 case.

9 According to the child, Your Honor, in January of
10 2012, she acknowledged that the defendant was no longer
11 living in the home and that she -- she was fine there
12 without him being there. At some point, Your Honor, in
13 violation of the family court order, this defendant's
14 parents -- his father, Anthony Hudson, allowed him to move
15 back into the home.

16 At that point in time, Your Honor, the -- the assault
17 with intent to commit is covered during that January-to-
18 March of 2014 time frame. It is the child's belief, if she
19 remembers -- she said if she remembers correctly, she
20 thinks he came back the summer before that, so the summer
21 of 2013. And in January of 2014, she began having problems
22 with Elijah Hudson again. There was a time that she
23 recalls him coming into her bedroom and nothing happening
24 at that point in time because she fought him off and that
25 -- and she did -- she did not want to have any sort of

1 sexual interaction with him.

2 Over the course of the next several weeks, Your Honor,
3 starting in February of 2014, this defendant -- there was a
4 neighbor who would've testified at trial that -- that
5 Anthony and Vanessa Hudson had gone out of town -- there
6 were a number of funerals that they went to -- and they
7 left her in a home, Your Honor, with which the defendant
8 was living. And during that point in time, the neighbor,
9 who'd gotten to know the child over the course of -- of a
10 couple of months at this point, said that she showed up
11 hysterical one night, crying, asking if she could stay with
12 her because her grandparents were out of town and that she
13 was afraid that Elijah would get her.

14 And the neighbor at that point in time asked her if
15 she knew her grandparents' telephone number. The child
16 gave that number to -- to Ms. Klie, who is the neighbor
17 that I'm referencing. Ms. Klie called Anthony and Vanessa
18 Hudson, and they told her that the child was a problem
19 child; just send her back.

20 At that point in time, Elijah Hudson and another
21 family member had made their way down to the neighbor's
22 house and demanded to have the child back because they had
23 custody of her and that she belonged with them. So because
24 at that point in time the neighbor did not have permission
25 to keep the child overnight, she told these -- this

1 defendant and the other family member to go back home and
2 she would bring the child up to them as soon as she calmed
3 her down.

4 She did walk the child back up to -- to the Hudson
5 residence, Your Honor. At that point she says that the
6 child ran into her bedroom and locked the door and the
7 neighbor knew she was safe and in her bedroom.

8 She went back down to the -- to her house, Your Honor.
9 And she said maybe an hour later, the child came running
10 down in pajamas and with -- with no shoes on, saying,
11 "Please let me in. I'm afraid of what he'll do to me";
12 that he's been physically inappropriate with her in the
13 past. The child has -- did not go into any details at that
14 point.

15 The neighbor called the police. The police came out
16 and spoke with her. She then also called Anthony and
17 Vanessa Hudson, who gave her permission to keep the child
18 that night.

19 The neighbor then went home -- went -- put the child
20 to bed and carried her to school the next morning, where
21 she made contact with employees at -- at an elementary
22 school that the child went to and told them what was going
23 on. They had reservations because they, too, knew that
24 Elijah Hudson was not supposed to be in this house and was
25 not supposed to have any interaction with the child.

1 Going from ---

2 (Whereupon, Ms. Walker and Ms. McDuffie conferred.)

3 MS. WALKER: Your Honor, the school at that point in
4 time also contacted DSS. And there was nothing done at
5 that point in time to -- about the child's safety.

6 Your Honor, on March 7th of 2014, [Minor] showed
7 up to school with a -- with a sandwich bag, Your Honor --
8 and this is part -- the evidence that would've come in, in
9 this case -- with a sandwich bag with semen in it. She
10 said that she -- that morning, her uncle came into her
11 bedroom, forced her to perform oral sex on him, and that
12 because no one had believed her in the past, she thought
13 that it was important that she have evidence. So as
14 opposed to ingesting the semen as she usually would, Your
15 Honor, she held it in her mouth until she could get to the
16 kitchen and spit it in a ziplock bag so that she would take
17 evidence to school, because for years she's been telling
18 people what's been going on and no one had believed her.

19 At that point, Your Honor, law enforcement was
20 involved. The school resource, Your Honor, who was
21 involved is present in the courtroom. They called proper
22 authorities. The child was EPC'ed at -- at that point in
23 time. The parents -- the grandparents were notified, but
24 they were still on their vacation in Maryland and -- and
25 did not return home at that point.

1 There was a rapid DNA test done, Your Honor, that
2 confirmed that the mixture in the ziplock bag was a mixture
3 of DNA from this defendant and his niece, who was 10 at the
4 time -- who was -- I'm sorry -- who was 9 at the time,
5 Minor [REDACTED]. At that point, Your Honor, he was arrested, I
6 think, two days after that and has been at the Alvin S.
7 Glenn Detention Center since then.

8 The child is not present in the courtroom. Her foster
9 mother is -- is present and are -- as are other people who
10 are interested in Minor [REDACTED] well-being and who care a lot
11 about the child. And they, at the appropriate time, Your
12 Honor, would like to address the Court.

13 I also have a letter from her that she would like me
14 to read to you. And I can do that at the appropriate time.

15 THE COURT: That would be now.

16 MS. WALKER: (As read): "Dear Judge, my name is [REDACTED]
17 Minor [REDACTED]. I'm 10 years old. Elijah Hudson is my uncle.
18 I think he should go to jail. I don't know how long
19 exactly, but more than ten years or maybe life. I feel
20 like it's because what he did is wrong.

21 "I think about him whenever I hear other kids say
22 inappropriate stuff. I take my anger out on other people.
23 I get in trouble at school because I throw stuff when I'm
24 angry. I blame him because I had to be separated from my
25 grandparents. I think he would do this to other children.

1 He's just that kind of person.

2 "I heard him say stuff to other people. I wasn't
3 happy when he did what he did. And that's why I think he
4 needs to go away."

5 THE COURT: All right. Anybody ---

6 MS. CAMPBELL: Victim ---

7 THE COURT: --- want to ---

8 MS. CAMPBELL: Yes, Your Honor.

9 THE COURT: --- say anything?

10 MS. CAMPBELL: Present in the courtroom is the
11 principal of the school which Minor was attending at the
12 time when she showed up with the bag of semen. And I think
13 she'd like to briefly address the Court, as well as her
14 guidance counselor, Ms. Gray, who's also here, Your Honor,
15 and would ---

16 THE COURT: All right.

17 MS. CAMPBELL: --- like to briefly say something.

18 THE COURT: Who might that be?

19 MS. CAMPBELL: Ms. Jackson.

20 THE COURT: All right. Are you the principal?

21 MS. JACKSON: Yes, sir.

22 THE COURT: Tell me your name, please, ma'am.

23 MS. JACKSON: Kassenia Jackson.

24 THE COURT: All right, Ms. Johnson. What you want to
25 tell me?

1 MS. JACKSON: One thing that I will tell you, **Minor** is
2 a very, very smart and a bright young lady, very
3 articulate. Before this happened, she was literally
4 snatched away from us. She was getting ready to get tested
5 for Alert at our school. Then all of a sudden, she started
6 acting out.

7 THE COURT: You're at ---

8 MS. JACKSON: She was ---

9 THE COURT: --- **██████████** Elementary?

10 MS. JACKSON: Yes, sir. That is correct. She started
11 acting out. She was hiding under desks. We would have to
12 send a guidance counselor in there to go get her at times.
13 And before, like, we had not seen, like, you know, this
14 behavior in her since, like, years -- years before.

15 And I guess the hardest thing, you know, is to know
16 what she had endured. You know, I dug through three bags
17 of garbage to find that ziplock bag. And the whole time I
18 was digging in the garbage, I was praying that I did not
19 find it -- not because of me, but because I couldn't
20 believe that **Minor** had to endure or go through that. Not
21 such a nice girl, sweet little girl who would help
22 classmates; help her friends; she would help us in school
23 in the office.

24 I'm hurting for her. And in some ways, you know, you
25 always wish that you would've done something more or

1 something else to help her. And I just feel for her.

2 And I wish we could go back and change it and make it
3 right. And I know that we can't. I just hope that from
4 now on, she can get the help that she needs, knowing that
5 he can no longer hurt her anymore and that she can heal.

6 THE COURT: All right. Thank you, ma'am.

7 MS. GRAY: My name is Chan Gray. I'm the school
8 counselor at [REDACTED] Elementary. [REDACTED] Minor [REDACTED] been with us
9 since she was in the first grade. And like Ms. Jackson
10 said ---

11 THE COURT: Is she ---

12 MS. GRAY: --- what's so ---

13 THE COURT: --- still in elementary school?

14 MS. CAMPBELL: Yes, sir.

15 MS. GRAY: Yes, sir. She's a fifth-grader. She was
16 doing great and so much better, and then we did see those
17 behaviors that Ms. Jackson has just told you about. The
18 only thing I would like to add to it is that, you know, not
19 only did he do those things physically to her, but
20 mentally, she has a hard time making connections with
21 others and doesn't know how to make friends in an
22 appropriate way. And that's a struggle that I fear she
23 will have for a long, long time.

24 He took her away from her safe place. And that was
25 not only her home, but school, where she was excelling.

1 Her test scores were unbelievable. And I just pray that
2 she will get everything that she needs, because her future
3 is bright as long as she can overcome this because the
4 intelligence is there.

5 THE COURT: All right.

6 MS. GRAY: Thank you.

7 THE COURT: Thank you, ma'am.

8 MS. CAMPBELL: Your Honor, also in the courtroom is
9 Lauren Rosinski. She's with Post Trauma Services, and
10 she's been helping with Minor on and off for years.

11 THE COURT: Tell me your name again, please.

12 MS. ROSINSKI: Lauren Rosinski.

13 THE COURT: All right. Ms. Rosinski, what you want --
14 who you with?

15 MS. ROSINSKI: I'm with Post Trauma Resources. I am
16 Minor therapist. I started seeing Minor when she was 7
17 years old after the first incident. She was referred to me
18 from the ARC. I've been seeing her on and off ever since.

19 The grandparents brought her while DSS was requiring
20 she be brought. And as soon as that case was closed, they
21 stopped bringing her.

22 When -- when she would run away or do something
23 behaviorally bad things, they would bring her in again to
24 let me know that she was having behavioral issues. Often,
25 it seemed like, too, in some ways insinuating there were

1 these behavioral problems, but they directly correlated to
2 the abuse that had been reported in the past.

3 **Minor** presented as very fearful and very angry. She
4 was hesitant to tell or say anything about what was
5 happening because she was worried she would get in trouble.
6 And based on not being believed in the past, she was very,
7 very hesitant and very fearful of letting anybody know
8 anything.

9 Since she has come out and been able to tell everybody
10 about what happened by bringing the plastic bag to the
11 school, she has improved greatly. She still has some
12 fearfulness, and she still has some anger. But she's
13 really resilient, and she's really moved very far.

14 But she's made it very clear this whole time that she
15 would like to seek justice because she does know and is
16 aware that what happened was wrong and was not okay. And
17 she suffered for probably about two years while I was
18 seeing her on and off of the possibility of these things
19 happening because she was not being protected or believed.

20 THE COURT: Are you still counseling her?

21 MS. ROSINSKI: I am.

22 THE COURT: And how often do you see her?

23 MS. ROSINSKI: I see her biweekly, so every other
24 week, twice a month.

25 THE COURT: All right. Thank you.

1 MS. ROSINSKI: Thank you.

2 MS. CAMPBELL: I don't believe he has any prior
3 record. Respectfully, Your Honor, we -- the only reason
4 for this negotiation or the -- letting him plead to a
5 second rather than a first is because -- to keep her off
6 the stand. I mean, that was the whole consideration.

7 Respectfully, Your Honor, we think that what he did,
8 not just the first time when she was 7, but then again when
9 she was 9, was heinous in nature. He went back. He
10 reoffended. When he first got caught or confronted, he
11 immediately left town. He then plotted and came back and
12 then did the same thing to her over again.

13 And respectfully, Your Honor, we would ask for the 20-
14 year sentence.

15 THE COURT: All right. Thank you. Anything else from
16 anybody?

17 (Whereupon, Ms. Campbell, Ms. Walker, and Ms. McDuffie
18 conferred.)

19 MS. CAMPBELL: I'm sorry, Your Honor. He does have a
20 prior possession of stolen motor vehicle.

21 THE COURT: And when was that? In South Carolina?

22 MS. WALKER: In North Carolina, Your Honor. Beg the
23 Court's indulgence.

24 THE COURT: I'm sorry?

25 MS. MCDUFFIE: I'm sorry. If I could just have one

1 second, please, Your Honor. Your Honor, that was in 2010
2 -- March 23rd of 2010.

3 THE COURT: All right. Ms. Goode?

4 MS. GOODE: Thank you, Your Honor. May it please the
5 Court: I think this has been a very difficult case on both
6 sides. It isn't -- obviously, you know, from the defense
7 side of things, we evaluate and look at things a little
8 differently.

9 There was a -- there is -- there is this case and
10 there's -- it's a DNA case. You know, we -- one of the
11 first things we did was hire a DNA expert to evaluate the
12 lab's analysis of that DNA. And at trial we would have
13 presented that expert testimony to discredit the victim's
14 theory on how she acquired that -- I don't -- we know now
15 that we have given up those rights to challenge the DNA.

16 There are other things in this case, too, that would
17 make it an uphill battle on this end. And Elijah
18 understands that.

19 We have -- and what wasn't mentioned was that **Minor**
20 did test positive for gonorrhea when she was taken to the
21 hospital. That is something that Elijah did not have when
22 he was arrested within six days of her taken to the
23 hospital. Tested him pretty quickly at the jail and did
24 not have it. So that was something that, again, would've
25 come up at trial.

1 With that being said ---

2 THE COURT: Well ---

3 MS. GOODE: --- Your Honor ---

4 THE COURT: --- Ms. Goode, your client's come in here
5 today and ---

6 MS. GOODE: Yes, sir.

7 THE COURT: --- admitted that he did these things.

8 MS. GOODE: Right. I just ---

9 THE COURT: So ---

10 MS. GOODE: And I want to just put some things on the
11 record to help, because we are asking for the -- the
12 minimum of the range.

13 THE COURT: Well, contesting whether he did it or not
14 ---

15 MS. GOODE: Right.

16 THE COURT: --- doesn't help a bit when he's just told
17 me he did it.

18 MS. GOODE: I understand. And I -- I just want to
19 just to let you know what mitigating factors there are so
20 that we -- to support our request for the lower end. He is
21 here; he has admitted to his part in this.

22 Your Honor, he's been in jail since March 13th of last
23 year. It's a total of 368 days. He only has a possession
24 of stolen goods from a couple years ago when he was in
25 North Carolina.

1 He has been a pleasure to represent. Given the
2 circumstances, given the -- the difficult nature of these
3 cases, I think that this is a fair resolution. We are
4 asking you for the -- for 10 -- for the 10 years.

5 He will -- he understands that at the end of his time,
6 he will come out; he will have -- be required to register
7 as a sex offender. That is something that will follow him
8 around for the rest of his life and the potential for
9 further penalties and -- and incarceration if he doesn't
10 comply with that. So that is not something that is just a
11 -- a slap on the wrist. That is something that is severe.

12 In addition to that, he's now got three most-serious
13 felonies on his record.

14 THE COURT: And -- and you have talked to him about
15 the ---

16 MS. GOODE: I have gone over that with him. He
17 understands the consequences of that. He understands that
18 these are no-parole offenses; that he will serve 85 percent
19 of his sentence with no possibility of parole. So, Your
20 Honor, given ---

21 THE COURT: All of these are most-serious, right?

22 MS. GOODE: Yes. Yes, sir.

23 THE COURT: All right. Well, they -- the only X'ed
24 out two of them -- I mean, one of them. So I'm ---

25 MS. GOODE: He tells me that his plans are -- after

1 this is done, he will be back in North Carolina, where his
2 family is. He, as of this morning, really has no family
3 left here. He will be in North Carolina, where his mother
4 -- and he has a brother and, I believe, some other family
5 members there. Originally from Baltimore, Maryland; moved
6 to North Carolina when he was a child with his family.

7 Very intelligent, very smart young man; has a bright
8 future. I am asking Your Honor to please consider the 10
9 -- 10 years. This is -- this is something that is going to
10 make incarceration incredibly difficult for him, I think.
11 And ---

12 (Whereupon, Ms. Goode and Ms. Pinnock conferred.)

13 MS. GOODE: This wasn't a -- a decision that was
14 entered to -- entered into lightly by either parties. And
15 I -- I think it's -- it's -- it's going to give everybody
16 some closure. It -- it gives Elijah an end date. He knows
17 in the future that -- that this is -- he's not going to be
18 in prison for the rest of his life; that he can -- can
19 learn from this experience and -- and take that with him
20 and -- and hopefully do -- do good things with the rest of
21 his time here.

22 So, Your Honor, respectfully, we're asking for the 10.
23 Given the circumstances of the case, giving his lack of
24 criminal record and his age, the fact that he will have to
25 be on the sex-offender registry for the remainder of his

1 life, and if he doesn't comply with that, then he will face
2 further incarceration, it's -- it's going to be something
3 that is going to affect his ability to get a job, housing,
4 things of that nature.

5 So the punishment won't end just at the end of his
6 sentence. It will continue to follow him. So I do ask
7 Your Honor to please consider that.

8 THE COURT: All right. Does your client want to say
9 anything?

10 MS. GOODE: I don't believe he wishes to address the
11 Court, Your Honor.

12 THE DEFENDANT: I do.

13 (Whereupon, Ms. Goode and the defendant conferred.)

14 THE DEFENDANT: Never mind, Your Honor.

15 (Whereupon, Ms. Goode and the defendant conferred.)

16 THE COURT: Well, apparently, even if you take your
17 client's -- that this girl took advantage of him at some
18 point in time when he gave a statement, this is a 7-year-
19 old child taking advantage of an 18-year-old young man. I
20 -- I -- I just find that hard to believe.

21 I -- I -- I looked at the video and looked at the --
22 what was -- how that child was just in agony, it appeared
23 to me, to have to be where she was and say what she had to
24 say in this case. And it did not -- she's either one fine
25 actor for a 7-year-old and then, a -- I -- I think she was

1 close to 10 at the time she gave the second statement.

2 The -- you know, and -- and this is -- this is just
3 heinous what has been done to a 7-year-old little girl and
4 a 9-year-old little girl. Then the -- you know, I -- I
5 don't understand how the parents could -- I guess Mr.
6 Hudson is your dad?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And Mrs. Hudson is your stepmother?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: How all that could occur, I don't know.
11 How you could put yourself back in that home when you knew
12 the -- this child had made these allegations in the past,
13 coming back when you knew that you were under an order of
14 the Court not to be there.

15 THE DEFENDANT: Can I say something about that, Your
16 Honor?

17 THE COURT: He -- well, you can ---

18 THE DEFENDANT: There was never a court order for me
19 not to be there. I never got anything that I couldn't be
20 there.

21 MS. GOODE: He wasn't ---

22 THE DEFENDANT: If I would've known, I would never
23 came back.

24 MS. GOODE: I think what he's trying to -- he wasn't a
25 party to that hearing, so he never -- he personally never

1 received anything saying that it's -- that was -- he was
2 dismissed as a party to the DSS actions back in ---

3 THE COURT: Was he ---

4 MS. GOODE: --- early ---

5 THE COURT: --- ordered ---

6 MS. GOODE: --- 2012.

7 THE COURT: --- not to have any ---

8 MS. MCDUFFIE: Your Honor, he was ordered not to have
9 contact. And that -- that notice was served on Anthony and
10 Vanessa Hudson, and they were both present at the hearing
11 when that was done.

12 THE COURT: Well, I don't know why they wouldn't have
13 told you. But why you would put yourself in that position,
14 knowing what had transpired in the past, and unfortunately,
15 you know, we just can't have predators out there with
16 children like this.

17 All right. On the 2015-GS-40-1719, criminal sexual
18 conduct with a minor, sentence of this Court you be
19 committed to the Department of Corrections for a term of 19
20 years, plus costs and assessments as applicable.

21 As to 2015-GS-40-1720, assault with intent to commit
22 criminal sexual conduct with a minor-second, sentence of
23 this Court you be committed to the Department of
24 Corrections for a term of 19 years, plus costs and
25 assessments as applicable.

1 And 2015-GS-40-1716, the criminal sexual conduct with
2 a minor, second offense, the sentence -- second-degree,
3 sentence of this Court you be committed to the Department
4 of Corrections for a term of 19 years, plus costs and
5 assessments as applicable.

6 All these will run concurrent. And you'll be given
7 credit for time served. All costs and assessments will be
8 paid within 90 days of release from the Department of
9 Corrections.

10 MS. MCDUFFIE: Thank you, Your Honor.

11 MS. CAMPBELL: Thank you, Your Honor.

12 MS. GOODE: Thank you, Your Honor.

13 (Whereupon, the proceeding was concluded at 2:52 p.m.)

14 **--- END OF TRANSCRIPT OF RECORD ---**

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CERTIFICATE

I, THE UNDERSIGNED MARYANN S. NEVERS, CERTIFIED
VERBATIM REPORTER - MASTER, CERTIFICATE OF MERIT,
OFFICIAL COURT REPORTER FOR THE EIGHTH JUDICIAL
CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY
CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND
COMPLETE TRANSCRIPT OF RECORD IN THE HEARING OF THE
CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT
COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE 16TH
DAY OF MARCH, 2015.

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



MARYANN S. NEVERS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

MAY 3, 2016

Please send me back original copy

FORM 5

STATE OF SOUTH CAROLINA

County of RichlandELIJAH HUDSON #363316

Full name and prison number (if any) of Applicant

v.

State of South Carolina

2016 CP 400 0577
IN THE COURT OF COMMON PLEASAPPLICATION FOR
POST-CONVICTION RELIEF2016 JAN 25 PM 4:38
JEROME MCNEIR
CLERK, S.C.RICHLAND COUNTY
FILEDINSTRUCTIONS - 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 BROAD RIVER CORRECTIONAL INSTITUTION
4460 BROAD RIVER RD, COLUMBIA, S.C. 29210
2. Name and location of Court which imposed sentence RICHLAND COUNTY COURT OF
GENERAL SESSIONS P.O. Box 2766, Columbia, SC 29202-2766
3. Name(s) of co-defendant(s) (if any) ANTHONY HUDSON (father)
VANESSA HUDSON (step mother)
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2015G 40011716; 19 yrs. 2015G 40011719; 19 yrs concurrent
 - (b) 2015G 40011716; 19 yrs. CSC 1st degree

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) MARCH 6, 2015 - 2015 B40011718, 19 YRS concurrent
- (b) MARCH 6, 2015 - 2015 B40011719, 19 YRS concurrent
- (c) MARCH 6, 2015 - 2015 B40011720, 19 YRS concurrent
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty A plea of guilty
- (b) after a plea of not guilty N/A
- (c) after a plea of nolo contendere N/A
7. Did you appeal from the judgment of conviction or the imposition of sentence?
YES
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. SOUTH CAROLINA COURT OF APPEALS
- ii. N/A
- iii. N/A
- (b) the result in each such Court to which you appealed:
- i. DENIED
- ii. N/A
- iii. N/A
- (c) the date of each such result:
- i. 6/25/15
- ii. N/A
- iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. RULE 221(b), SCACR
- ii. N/A
- iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) N/A

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) 5TH AMENDMENT Due process
- (b) 6TH AMENDMENT Ineffective Assistance of Counsel
- (c) 14TH Equal protection under Due process clause
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) SEE: ATTACHMENT OF FACTS
- (b) SEE: ATTACHMENT OF FACTS
- (c) SEE: ATTACHMENT OF FACTS
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? YES
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? YES
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. Direct Appeal AFTER a guilty plea
- ii. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. The South Carolina Court of Appeals
- ii. 1220 SENATE STREET
- iii. Columbia, SC. 29201
- iv. _____

(c) the disposition thereof:

- i. DISMISSED according to Rule 221(b),
- ii. SCACK
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. 6/25/15
- ii. _____
- iii. _____
- iv. _____

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

- i. Rule 221(b). SCACK
- 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?

UNKNOWN

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

(a) which grounds have been presented:

- i. N/A
- ii. N/A
- iii. N/A

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

- i. N/A
- ii. N/A
- iii. N/A

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) _____ N/A
 (b) _____ N/A
 (c) _____ N/A

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? _____ NO TRIAL
 (c) your sentencing? _____ YES
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____ YES
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____ YES

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. _____ ALICIA DYAN GOODE TRIAL COUNSEL
 _____ RICHLAND COUNTY
 ii. _____ PUBLIC DEFENDER
 _____ POST OFFICE BOX 192
 iii. _____ 1701 MAIN STREET
 _____ COLUMBIA, S.C. 29202

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

i. _____ TRIAL COUNSEL

 ii. _____ APPELLATE COUNSEL

 iii. _____

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

TO HAVE MY SENTENCE VACATED

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

NO

STATE OF SOUTH CAROLINA)

County of RICHLAND)

VERIFICATION

I, ELIJAH T. HUDSON #363316, 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.

Elijah Hudson

SWORN to and subscribed before me this 19
day of January, 2016.

Jeffrey S. Manning (L.S.)
Notary Public

My Commission Expires: 10/10/2018

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

I, Elijah T. Hudson #363316, 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.

Elijah Hudson
Applicant

SWORN or affirmed to and subscribed before me this

19 day of January, 2016.

[Signature]
Notary Public

My Commission Expires: 6/10/2018

RICHLAND COUNTY
FILED
2016 JAN 25 PM 4:38
JEANETTE W. McBRIDE
C.O.P. & G.S.

ATTACHMENT OF FACTS

11-A

5TH AMENDMENT VIOLATION

NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL OR OTHERWISE INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR IN THE MILITIA, WHEN IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER; NOR SHALL ANY PERSON BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB; NOR SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF, NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, ~~AND~~ WITHOUT DUE PROCESS OF LAW; NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE WITHOUT JUST COMPENSATION.

APPLICANT IN THIS CASE PUTS BEFORE THE COURT CERTAIN FACTS THAT HE HAS TO PROVE:

1. WAS THE APPLICANT DUE THE PROCESS OF BEING INFORMED OF DOCUMENTED PROOF THAT WOULD HAVE GOTTEN HIM LESS TIME OR NO TIME AT ALL?

2. IF COUNSEL KNEW OF CERTAIN FACTS THAT COULD HAVE FREED THE APPLICANT AT TRIAL, BUT DELIBERATELY FAILED TO PRODUCE THOSE FACTS WAS THE PROCESS DUE PROPERLY RENDERED?

3. WAS APPLICANT ENTITLED TO QUESTION THE VALIDITY OF HIS INDICTMENT BEFORE HE WAS SENTENCED?

4. IF COUNSEL FAILED TO QUESTION THE VALIDITY OF APPLICANT'S INDICTMENT, DID HE KNOWINGLY AND WILLING WAIVE SUCH?

APPLICANT IN THIS PRESENT CASE HEREBY STATES THAT HIS TRIAL COUNSEL FAILED TO INFORM BOTH HIM AND THE COURT ON CERTAIN MATTERS:

5TH AMENDMENT ATTACHMENT OF FACTS

11-A

1. THE VICTIM HAD A CASE OF GONORRHEA CALLED ALSO THE CLAP WHEN TESTED FOR THE ALLEGED SEXUAL ~~ABUSE~~ MISCONDUCT.
 2. SHE HAD ACCUSED TWO(2) OTHER FAMILY MEMBERS OF THE SAME TYPE OF BEHAVIOR AS THE APPLICANT.
 3. THE VICTIM ACCUSED THE APPLICANT OF ORAL AND ANAL PENETRATION, BUT NO DNA WAS FOUND FROM THE APPLICANT TO EXIST.
 4. NO DNA EVIDENCE EXISTED AT THE TIME OF APPLICANT'S PLEA AGREEMENT, BUT TRIAL COUNSEL STILL INSTRUCTED APPLICANT TO PLEA.
- THE QUESTION FOR THIS HONORABLE COURT TO DECIDE IS RATHER OR NOT APPLICANT RECEIVED THE PROCESS HE WAS DUE TO MAKE AN INFORMED INTELLIGENT PLEA AND IF INFORMED OF SUCH INFORMATION AS COUNSEL POSSESSED, WOULD HE HAVE STILL PLEADED GUILTY OR GOTTEN ~~LESS~~ TIME OR NO TIME AT ALL AT SENTENCING?
- THE PREJUDICE IS, IN THE SENTENCE OF NINETEEN YEARS WHICH APPLICANT HAS RECEIVED.

MATTHEWS V. ELDRIDGE, 424 U.S. 333, CITE AS 96 S. CT. 893 (1976) P. 908 "THE FUNDAMENTAL REQUIREMENT OF DUE PROCESS IS THE OPPORTUNITY TO BE HEARD AT A MEANINGFUL TIME AND IN A MEANINGFUL MANNER."

ARMSTRONG V. MANZO, 380 U.S. 545, 552, 85 S. CT. 1187, 1191, 14 L. ED. 2D 62 (1965)

SEE: GRANNIS V. ORDEAN, 334 U.S. 385, 394, 34 S. CT. 119, 183, 58 L. ED. 1363 (1944)

"DUE PROCESS IS FLEXIBLE AND CALLS FOR SUCH PROCEDURAL PROTECTIONS AS THE PARTICULAR SITUATION DEMANDS." MORRISSEY V. BREWER, 408 U.S. 471, 481, 92 S. CT. 2593, 2600, 33 L. ED. 2D 484 (1972)

6th AMENDMENT VIOLATION

ATTACHMENT OF FACTS

11-B

IN all CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED, WHICH DISTRICT SHALL HAVE BEEN PREVIOUSLY ASCERTAINED BY LAW, AND BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION; TO BE CONFRONTED WITH THE WITNESS AGAINST HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENSE.

THOMPSON V. STATE, CITE AS 531 S.E.2d 294 (S.C. 2000) P. 296
IN A PCR PROCEEDING, THE BURDEN IS ON THE APPLICANT TO PROVE THE ALLEGATIONS IN HIS APPLICATION. BELL V. STATE, 321 S.C. 238, 461 S.E.2d 906 (1996); RULE 11.1(e) SCRPC.

IF THERE IS ANY PROBATIVE EVIDENCE TO SUPPORT THE FINDINGS OF THE PCR JUDGE, THOSE FINDINGS MUST BE UPHOLD. CHERRY V. STATE, 300 S.C. 115, 386 S.E.2d 624 (1989) LIKEWISE, A PCR JUDGE'S FINDINGS SHOULD NOT BE UPHOLD IF THERE IS NO PROBATIVE EVIDENCE TO SUPPORT THEM, HOLLAND V. STATE, 322 S.C. 111, 410 S.E.2d 378 (1996).

IN ORDER TO ESTABLISH A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL, A PCR APPLICANT MUST PROVE: (1) COUNSEL FAILED TO RENDER REASONABLE EFFECTIVE ASSISTANCE UNDER THE PREVAILING SOCIAL NORMS; AND (2) THE DEFICIENT PERFORMANCE PREJUDICE THE APPLICANT'S CASE. STRICKLAND V. WASHINGTON, U.S. 60, 104 S.C. 2052, 80 L.ED.2d 674 (1984).

6th Amendment Attachment of Facts

11-B

A DEFENDANT WHO PLEADS GUILTY ON ADVICE OF COUNSEL MAY NOT ONLY ATTACK THE VOLUNTARY AND INTELLIGENT CHARACTER OF A PLEA BY SHOWING THAT COUNSEL'S REPRESENTATION FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS DEMANDED OF ATTORNEYS IN CRIMINAL CASES AND THERE IS A REASONABLE PROBABILITY THAT, BUT FOR COUNSEL'S ERRORS, DEFENDANT WOULD NOT HAVE PLEADED GUILTY AND WOULD HAVE INSISTED ON GOING TO TRIAL *RAYFORD V. STATE*, 314 S.C. 46, 443 S.E.2d 805 (1994). A REASONABLE PROBABILITY IS A PROBABILITY ~~not~~ ~~substantial~~ SUFFICIENT TO UNDERMINE THE CONFIDENCE IN THE OUTCOME OF THE TRIAL *JOHNSON V. STATE*, 328 S.C. 182, 480 S.E.2d 133 (1997).

APPLICANT IN THIS CASE HAS THE BURDEN OF SHOWING THAT HAD COUNSEL INFORMED HIM OF THE EVIDENCE AGAINST HIM, HE WOULD HAVE INSISTED ON GOING TO TRIAL.

TRIAL COUNSEL ADVISED HER CLIENT TO PLEA GUILTY TO (3) COUNTS OF ^{CRIMINAL CONDUCT} ~~SEXUAL~~ ^{1ST DEGREE} ~~ABUSE~~ AGAINST A MINOR, WHO HAD PREVIOUSLY ACCUSED TWO OTHER FAMILY MEMBERS OF THE SAME TYPE OF BEHAVIOR, THERE WAS NO DNA EVIDENCE TO SUPPORT HER CLAIM OF ORAL AND ANAL PENETRATION, WHICH THE STATUTE SO ~~REQUIRES~~ REQUIRES, EVEN THOUGH SHE WAS EXAMINED SHORTLY AFTER THE INCIDENT.

FAILING TO ADVISE A CLIENT OF FAVORABLE INFORMATION THAT WOULD MOST CERTAINLY HELP IN FINDING HIM NOT GUILTY FALLS WAY OUTSIDE OF THE PREVAILING SOCIAL NORMS OF REASONABLENESS, AND HAD APPLICANT KNEW OF THESE FACTS, HE WOULD HAVE INSISTED ON GOING TO TRIAL.

Applicant is a first timer and had absolutely no knowledge whatsoever of the inner workings of the adversarial process within the court system. He was particularly dependant on counsel, who greatly failed to render effective assistance.

If a crime is alleged against a defendant and the state has no evidence to support such a claim and a plea is rendered on advice of counsel who has withheld valuable information that the state cannot prove its case, certainly shows prejudice from a deficient performance outside of the prevailing social norms.

As truly said as it is, the victim of the alleged sexual misconduct had a case of gonorrhea when tested, but no such disease existed within the applicant, but received swab samples.

Counsel not only failed to inform the court, but also her client "shocking to say the least" but trial counsel should have raised the issue of subject matter jurisdiction, as applicant now does.

Certain elements need to be contained within the body of an indictment although alleged, none were proven and therefore the trial court lacked jurisdiction to render a sentence for criminal sexual conduct 1st degree.

No self respecting grand jury could have by any means "true billed" the charges against applicant, as it

6TH AMENDMENT

ATTACHMENT OF FACTS

11-B

NOW STANDS, THAT RIGHT TO PRESENTMENT WAS NOT KNOWING,
 WILLINGLY AND INTELLIGENTLY WAIVED BY APPLICANT AND
 MUST BE UNREVERSED BECAUSE NO EVIDENCE EXISTED TO SUP-
 PORT SUCH A CONTENTION AS CRIMINAL SEXUAL UNDOING 1ST
 DEGREE. SEE: CARTER V. STATE, 329 S.C. 355, 495 S.E. 2d 113 111
 (1998), SEE ALSO STATE V. BEACHUM, 288 S.C. 325 342 S.E. 2d 597 (1986).
 SEE PLANTE V. STATE, 315 S.C. 562 446 S.E. 2d 431 (1994).
 THE PREJUDICE IS VERY WELL STATED AGAINST COUNSEL.

14TH AMENDMENT

ATTACHMENT OF FACTS

11-C

PASSED BY CONGRESS JUNE 13, 1866. RATIFIED JULY 9, 1868.
 NOTE: ARTICLE I, SECTION 2, OF THE CONSTITUTION WAS MODIFIED
 BY SECTION 2 OF THE 14TH AMENDMENT

SECTION 1

ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES AND
 SUBJED TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE
 UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE. NO
 STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE
 THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES;
 NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR
 PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON
 WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

"THE PURPOSE OF THE EQUAL PROTECTION CLAUSE OF THE FOUR-
 TEENTH AMENDMENT IS TO SECURE EVERY PERSON WITHIN THE
 STATES JURISDICTION AGAINST INTENTIONAL AND ARBITRARY
 DISCRIMINATION, WHETHER OCCASIONED BY EXPRESS TERMS OF
 A STATUTE OR BY ITS IMPROPER EXECUTION THROUGH A DULY CON-
 STITUTED AGENTS." *Village of Willow Brook v. O'Leary*, 528 U.S. 562,
 120 S. Ct. 1073, 145 L. Ed. 2d 1060 (2000)

TO SUCCEED ON AN EQUAL PROTECTION CLAIM UNDER THE FOUR-
 TEENTH AMENDMENT, APLICANT "MUST FIRST DEMONSTRATE THAT
 HE HAS BEEN TREATED DIFFERENTLY FROM OTHERS WITH WHOM HE
 IS SIMILARLY SITUATED AND THAT THE UNEQUAL TREATMENT
 WAS THE RESULT OF INTENTIONAL OR PURPOSEFUL DISCRIMINATION."
MORRISON v. GARRAGHY, CITE AS 239 F.3d 648, 654 (4TH CIR, 2001).

14th AMENDMENT

ATTACHMENT OF FACTS

11-C

Applicant in this case hereby states that he has been treated differently from others with whom he is similarly situated and that the unequal treatment was the result of intentional and purposeful discrimination.

It is well argued that an attorney whose reputation and lively hood are at stake, fights much more vigorously than one who has received a court appointed client. Citing STRICKLAND V. WASHINGTON, 46 U.S. 69, Cite as 104 S.Ct. 2052 (1984).

1. Counsel never challenged the validity of applicants indictments, even though certain statutes were evidently as crystal clear as glass ~~18 U.S.C. § 2260~~ 18 U.S.C. § 2260 a "sexual act" requires penetration of some sort § 17-19-20 allegations sufficient for indictment. 16-3-652 criminal sexual conduct in the first degree.

Instead of challenging the indictments as requested, trial counsel advised her client to plead guilty after only meeting him on the day of his plea where he repeatedly asked her to look at the charges and see if they were right.

Indictments have to contain certain material facts based on the evidence collected during the course of an investigation, none of those elements were put forth in this case and the impeachment process could not have taken place to true bill applicants indictment. This is a substantive matter jurisdiction issue that applicant did not knowingly

14TH AMENDMENT

ATTACHMENT OF FACTS

11-C

AND INTELLIGENTLY WAIVE.

CERTAINLY IF APPLICANT HAD BEEN A PAID CLIENT, COUNSEL WOULD HAVE CHALLENGED THE VALIDITY OF THE INDICTMENTS BASED ON THE SUBJECT MATTER AND ELEMENTS REQUIRED TO HAVE IT TRUE BILLED.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

Elijah Hudson,
S.C.D.C. No. 363316,

Case No.: 2015-CP-40-0577

Applicant,

RETURN

v.

State of South Carolina,

Respondent.

In response to Applicant's post-conviction relief application filed January 25, 2016,

Respondent would show this Court:

I.

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Richland County Clerk of Court's orders of commitment. The Richland County Grand Jury indicted Applicant for two counts of criminal sexual conduct with a minor, first degree, and one count of assault with intent to commit criminal sexual conduct with a minor, first degree. Alicia D. Goode, Esquire, and Tracy E. Pinnock, Esquire, represented Applicant.

On March 16, 2015, Applicant waived presentment to the Grand Jury for two counts of criminal sexual conduct with a minor, second degree (2015-GS-40-1716; -1719), and one count of assault with intent to commit criminal sexual conduct with a minor, second degree (2015-GS-40-1720). Applicant pled guilty to these charges and the State negotiated a sentencing range of 10-20 years imprisonment. The Honorable James R. Barber, III sentenced Applicant to nineteen (19) years' imprisonment for each of the three charges, to be served concurrently. The Court

credited Applicant with 368 days' of time served. Applicant filed a timely notice of appeal (App. Case No. 2015-000710). The South Carolina Court of Appeals dismissed Applicant's appeal by order dated June 25, 2015, due to Applicant's failure to provide a sufficient explanation for appealing his conviction. The Remittitur was issued on August 6, 2015.

II.

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

1. Ineffective assistance of counsel.
2. Involuntary guilty plea.
3. Insufficient evidence to support the charges.
4. Violation of his rights under the 14th Amendment Equal Protection Clause.

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

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

III.

Respondent submits Applicant's allegation of ineffective assistance of counsel is without merit. Respondent asserts Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

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

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel’s deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

Respondent submits Applicant cannot satisfy either requirement of the Strickland v.

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

IV.

Respondent submits that any allegation that Applicant's guilty plea was involuntary is without merit. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citing Drayton v. Evatt, 312 S.C. 4, 430 S.E.2d 517 (1993); Hyman v. State, 278 S.C. 501, 299 S.E.2d 330 (1983); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993)). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citing Hill v. Lockhart, 474 U.S. 52; Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000); Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000); Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994)). An applicant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. at 56. "A guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Admissions "made during a guilty plea should be considered conclusive unless [an

applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. at 137-38, 654 S.E.2d at 874 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant's plea. However, allegations regarding the voluntariness of the plea may raise questions of fact the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper, supra.

V.

Applicant alleges the evidence presented by the State was insufficient to support the sentencing court's exercise of subject matter jurisdiction. The post-conviction relief court cannot consider the sufficiency of the evidence against a convicted defendant. S.C. Code Ann. § 17-27-20(a)(6) (1985). Also, a guilty plea generally acts as a waiver of all non-jurisdictional defects and defenses. State v. Munsch, 287 S.C. 313, 338 S.E.2d 329 (1985). The plea admits all elements of the offense charged and “leaves open for review only the sufficiency of the indictment and waives all other defenses.” Id. at 314, 338 S.E.2d at 330; but cf. United States v. Broce, 488 U.S. 563, 569, 109 S.Ct. 757, 102 L.Ed.2d 927 (1989). The Uniform Post-Conviction Procedure Act is not a substitute for remedies that were available before and during the original trial or by review on motion for a new trial or on appeal. Irick v. State, 264 S.C. 632, 216 S.E.2d 545 (1975); Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1975). Therefore, the Respondent moves for summary dismissal on this ground, and request that this Court issue the same.

VI.

Although Applicant alleges a violation of his right to equal protection under the 14th Amendment, Respondent interprets Applicant's allegation as ineffective assistance of counsel. Applicant alleges plea counsel failed to challenge the sufficiency of the indictments against him, stating, "Certainly if Applicant had been a paid client, counsel would have challenged the validity of the indictments based on the subject matter and elements required to have it true billed." Respondent construes Applicant's allegation as ineffective assistance of counsel based on Applicant's contention that the outcome of the case would have been different had he been a paying client as opposed to an indigent client. Respondent incorporates its response and request for an evidentiary hearing in Section III, supra, herein.

VII.

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

VIII.

WHEREFORE, having made its return, Respondent requests that a hearing be held and counsel appointed to represent Applicant, and that the summary dismissal of the subject matter jurisdiction allegation be granted.

[Remainder of page intentionally left blank]

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

JESSICA E. KINARD
S.C. Bar #77889
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

October 26, 2016

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
	)	2015-CP-40-0577
	)	
ELIJAH HUDSON, #363316,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent,	)	

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

David K. Allen, Esquire
The Allen Law Firm, P.A.
P.O. Box 3241
West Columbia, SC 29171

DATED this the 26th day of October, 2016.


 Felicia V. Hayes, Legal Assistant
 For Respondent

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS

3
4 ELIJAH T. HUDSON,)
5 APPLICANT,)
6 vs.)
7 STATE OF SOUTH CAROLINA,)
8 RESPONDENT.)

TRANSCRIPT
OF
RECORD
2016-CP-40-00577

9
10 March 29th, 2017
11 Columbia, South Carolina
12

13 B E F O R E:

14 THE HONORABLE JOCELYN NEWMAN, Judge.

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

16 DAVID K. ALLEN
17 ESQ.
18 Attorney for the Applicant

19 JESSICA E. KINARD
20 ASSISTANT ATTORNEY GENERAL
21 Attorney for the Respondent

22
23 PAMELA E. GREEN
24 Circuit Court Reporter
25 Seventh Judicial Circuit

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P R O C E E D I N G S

THE COURT: Yes, ma'am.

MS. KINARD: Thank you, Your Honor.

May it please the Court.

This is the matter of Elijah Hudson versus the State of South Carolina. It's Case Number 2015-CP-40-0577. We're before the Court on the Applicant's post-conviction relief application that was filed January 25th, 2016.

Mr. Hudson is currently incarcerated with the South Carolina Department of Corrections pursuant to orders of commitment from the Richland County Clerk of Court. He was indicted by the Richland County Grand Jury for two counts of criminal sexual conduct with a minor first degree, one count of assault with intent to commit criminal sexual conduct with a minor first degree. He was represented at his plea by Alicia Dyar Goode and Tracy Penick.

March 16th, 2015, he waived presentment to the Grand Jury for two counts of criminal sexual conduct with a minor second degree, and one count of assault with intent to commit criminal sexual conduct with a minor second degree. Mr. Hudson pled guilty to these charges, and the State, excuse me, pled guilty to these charges with a negotiated sentencing range of ten to twenty years imprisonment. The Honorable James R. Barber, III, sentenced him to 19 years

1 imprisonment for each of the three charges to be served
2 concurrently. Mr. Hudson was credited with 368 days of time
3 served.

4 He filed a timely notice of appeal to the South
5 Carolina Court of Appeals, which dismissed his appeal by an
6 order dated June 25th, 2015, due to his failure to provide
7 sufficient explanation for appealing his conviction. A
8 remittitur was issued on August 6th, 2015.

9 The State is present and ready to proceed. Mr. Hudson
10 is present and represented by David Allen.

11 THE COURT: Okay. Mr. Allen.

12 MR. ALLEN: Thank you, Your Honor.

13 The facts, as stated, are, are correct that we intend
14 to proceed, Your Honor, on an ineffective assistance of
15 counsel basis. There are issues of -- leading up to and
16 during the plea that we wish to have the Court rule upon.
17 It's fairly straightforward, Your Honor. It shouldn't take
18 terribly long.

19 THE COURT: Okay. Did you want me to advise your
20 client about---

21 MR. ALLEN: Please, Your Honor.

22 THE COURT: ---post-conviction relief applications?

23 MR. ALLEN: Please, Your Honor.

24 THE COURT: Before I do, Ms. Goode?

25 MS. GOODE: Yes, Your Honor.

1 THE COURT: You can help me out. Maybe any of y'all
2 can help me out too.

3 what is the potential sentence on CSC with a minor
4 first?

5 MS. GOODE: Twenty-five to life.

6 THE COURT: Twenty-five to life?

7 MS. GOODE: Yes, Your Honor.

8 THE COURT: Okay. All right. Mr. Hudson?

9 THE APPLICANT: Yes, ma'am.

10 THE COURT: Do you understand you're here for your
11 application for post-conviction relief?

12 THE APPLICANT: Yes, ma'am.

13 THE COURT: Okay. Do you understand that the only
14 thing that I can do -- actually, let me put you under oath.
15 Raise your right-hand.

16 (WHEREUPON, the Applicant was placed under oath at this
17 time.)

18 THE COURT: All right. You understand, Mr. Hudson,
19 that the only thing that I can do, if I grant your PCR
20 application, will be to give you a new trial?

21 THE APPLICANT: Yes, ma'am.

22 THE COURT: You understand that?

23 THE APPLICANT: (Nods affirmatively.)

24 THE COURT: And I say a new trial, it may be another
25 trial. It may be a new guilty plea. But all I can do is do

1 away with your conviction and start you back at the
2 beginning.

3 You understand that?

4 THE APPLICANT: Yes, ma'am.

5 THE COURT: Now, what you got was a 19-year sentence,
6 but you were originally charged with two counts of criminal
7 sexual conduct with a minor first degree.

8 Now -- and I ask Mr. Goode, just to verify, that the
9 possible sentence on that is 25 years to life.

10 You understand that?

11 THE APPLICANT: Yes, ma'am.

12 THE COURT: So, the minimum sentence -- if I were to
13 give you a new trial, the minimum sentence that you would be
14 facing is 25 years, which is more than you have now.

15 You understand that?

16 THE APPLICANT: Yes, ma'am.

17 THE COURT: And you could get a life sentence?

18 THE APPLICANT: Yes, ma'am.

19 THE COURT: You understand that?

20 Okay. So, I just want to make sure, and I say this to
21 a lot of people, I just want to make sure that you actually
22 want to go forward with your PCR application, and you don't
23 have to answer me right now. I'm actually gonna take a
24 break and give you a couple minutes to think about it just
25 because, you know, it makes sense sometimes, if you could

1 get a lesser sentence, but it doesn't always make sense for
2 you, and it's your decision to make, but it doesn't always
3 make sense for you, as the person filing the PCR
4 application, if the only possible outcome is a greater
5 sentence. I say the only possible outcome. You could be
6 found not guilty, I don't know, and get zero time. But if
7 you're convicted again, the only possibility would be for
8 you to get more time than you have now.

9 You understand?

10 THE APPLICANT: Yes, ma'am.

11 THE COURT: Okay. So, that's something I just want you
12 to think about, and I'm gonna actually take a quick break,
13 and give you five minutes or so. I need to step in the back
14 anyway. So, I think I'm suppose to be doing a minor
15 settlement this morning, but---

16 MR. ALLEN: Double duties.

17 THE COURT: Yeah, I sent my clerk to find the attorneys
18 on that case. So, I'm gonna take a quick break anyway.

19 I don't know if you have any friends or family or are
20 any of y'all out here for Mr. Hudson?

21 (WHEREUPON, the individuals in the gallery nodded
22 negatively.)

23 THE COURT: Okay. You can, at least, talk with your
24 lawyer about it or---

25 THE APPLICANT: I mean---

1 THE COURT: ---at least think about it.

2 THE APPLICANT: Me and him had discussed this
3 February 2nd. I already came up with my answer already.

4 THE COURT: Okay. And you want to go forward?

5 THE APPLICANT: Yes, ma'am.

6 THE COURT: Okay. All right. I just wanted to
7 doublecheck cause I don't want you to, to get to the point
8 that maybe I do grant your application, and you say oops,
9 now I'm getting a life sentence instead of a 19-year
10 sentence.

11 THE APPLICANT: Yes, ma'am.

12 THE COURT: So, I just wanted to go through all of that
13 with you.

14 Okay?

15 THE APPLICANT: Yes, ma'am.

16 THE COURT: All right. Let's take a quick break anyway
17 so I can see about these other attorneys, if they're even
18 here, and, yeah. And if you change your mind during that
19 period of time, maybe you do, maybe you don't, but if you
20 want to go forward, we'll go forward. Absolutely. That's
21 what I'm here for.

22 But we'll stand down for about five minutes.

23 MR. ALLEN: Thank you, Your Honor.

24 MS. KINARD: Thank you, Your Honor.

25 (WHEREUPON, a short recess was taken at this time.)

1 THE COURT: All right. Are we ready to proceed, Mr.
2 Allen?

3 MR. ALLEN: We are, Your Honor.

4 THE COURT: Okay. And, Mr. Hudson, you still want to
5 go forward with your case?

6 THE APPLICANT: Yes, ma'am.

7 THE COURT: Okay. All right. Call your first witness.

8 MR. ALLEN: Thank you, Judge.

9 I call Alicia Goode to the stand.

10 ALICIA GOODE, being first duly
11 sworn, testified as follows:

12 THE CLERK: Please have a seat.

13 (Witness complies.)

14 THE CLERK: State your full name for the record.

15 THE WITNESS: Alicia Goode.

16 THE COURT: Your witness.

17 MR. ALLEN: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. ALLEN:

20 Q Morning, Ms. Goode.

21 A Good morning.

22 Q You represented my client, Elijah Hudson, at the trial
23 level.

24 Is that correct?

25 A Yes.

Alicia Goode - Direct examination
by Mr. Allen

1 Q Could you recite, just for the record, his original
2 charges?

3 A Originally I was appointed on a -- it was a CSC first
4 with a minor, and let me make sure cause he had -- so, yeah,
5 I was originally appointed on a CSC first with a minor, and
6 then I believe he was served an additional assault with
7 intent to commit CSC with a minor in the first degree. And
8 then, later on, there was a direct presentment for an
9 additional criminal sexual conduct with a minor in the first
10 degree.

11 Q Okay. So, two, two CSCs with a minor first, one
12 assault with intent to commit CSC first?

13 A I believe that's correct.

14 Q Okay. Did you, upon being appointed -- you, you are
15 with the Richland County Public Defender's Office, correct?

16 A Yes.

17 Q Upon being appointed, did you file a motion for
18 discovery?

19 A Yes.

20 Q Please just lay out the facts of what you found to be
21 the state's case against Elijah.

22 A What the allegations were, they involved -- I believe
23 she was eight or nine at the time. It was a family member.
24 And she had gone to school that day, and, on the bus I
25 believe it was, something fell out of her pocket.

Alicia Goode - Direct examination
by Mr. Allen

1 whenever -- I believe another student on the bus may of seen
2 what it was. She shoves it back in her coat pocket. She
3 gets to school. Some of the children go to a, an adult to
4 say hey, we believe that, you know, she had something that
5 you need to look at.

6 They end up finding it, and it's a, it's a Ziploc bag
7 that she had taken from home, and where she said that she
8 had, that morning before school, was forced to perform oral
9 sex on her Uncle Elijah and that she had spit the evidence
10 into a Ziploc bag to take it to school so someone would
11 believe her.

12 Q In that statement that she made to the adult at school,
13 was that substantially similar to the statement she gave to
14 law enforcement?

15 A I believe so. I don't know that she spoke to anybody
16 at law enforcement, but she was interviewed at the
17 Assessment Resource Center.

18 Q Okay.

19 A And that was substantially the same.

20 Q Okay. You said she's a family member.
21 what's the relationship?

22 A I believe that she is his niece.

23 Q Were they residing together?

24 A Yes.

25 Q Okay. Upon receipt of discovery, did -- the sample in

Alicia Goode - Direct examination
by Mr. Allen

1 that Ziploc bag, was there DNA testing done?

2 A Yes.

3 Q What did that reveal?

4 A The report that we received from the Sheriff's
5 Department was that there was a mixture of DNA, and I'd
6 have to -- I don't have -- I don't believe I have the report
7 on me, but that there was a mixture of DNA. There was a
8 male, you know, predominately male source of DNA, but that
9 there was also a minor contributor that was a female source.
10 I believe they took a DNA sample from the victim in the
11 case, and that -- and I, I can't remember specifically, but
12 they were -- I believe they were able to match it to her,
13 and, obviously, you know, to, to Mr., to Mr. Hudson as being
14 the male, the male contributor.

15 Q Okay. Any other significant pieces of evidence that
16 you, that you thought weighed heavily on your -- the way you
17 doled out advice to Elijah?

18 A Yes, specifically, in this case, the victim also tested
19 positive for gonorrhea in her throat and in her anus, and,
20 you know, she indicated to the Assessment Resource Center,
21 to, I believe, people at the school, that it was, you know,
22 Elijah that had sexually assaulted her. He did not test
23 positive for gonorrhea. We had -- he was tested immediately
24 upon being booked at the jail, and he did not test positive
25 for gonorrhea.

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by Mr. Allen

1 So, that was something that we looked into. Obviously,
2 if a child tests positive for sexually transmitted disease,
3 that's pretty conclusive proof that there's that, you know,
4 that there is a sexual -- that the child had been sexually
5 assaulted. So, we were trying to eliminate him, I know, as,
6 you know, as a suspect in that or as the person that had,
7 had done that to her.

8 Additionally, there were some DSS records from a
9 previous allegation back in -- if this would of been 2014 he
10 was arrested, I believe it was 2011 or 2012. There was a
11 previous DSS investigation, and there were some problematic
12 statements that were alleged to have been said by Mr. Hudson
13 to one of the DSS workers.

14 Q Is that the direct presentment charge---

15 A Yes.

16 Q ---that came about later?

17 A Yes.

18 Q Was there a pending DSS investigation against anyone
19 else?

20 A I believe his parents.

21 Q Do you know how that played out?

22 A The -- so in 2000 -- let's see, 2011/2012, that initial
23 DSS investigation, based on the paperwork that we received
24 from the Family Court through their DSS investigation, was
25 that I think Mr. Hudson was removed as a party to that

Alicia Goode - Direct examination
by Mr. Allen

1 action. And so it was just against his father and
2 stepmother. And that there was a, a final order in place
3 that those two were to ensure that Mr. Hudson would not have
4 any contact with the victim, with his niece, and that he
5 wasn't to -- I believe he either wasn't to reside in the
6 home or he wasn't -- the child wasn't to be left alone with
7 him.

8 Q Were, were any other possible suspects tested, DNA
9 tested?

10 A I don't believe so.

11 Q Any, any other possible suspects tested for gonorrhea?

12 A I don't believe so.

13 Q So, not anybody else living in the household at all?

14 A Right.

15 Q Were there any other possible suspects?

16 A I believe that she had -- I believe it was in her
17 forensic interview. She indicated -- it may of been to the
18 DSS worker. I'm not -- I can't remember specifically, but I
19 do believe that she accused her -- there were some cousins
20 maybe or some other brothers that she accused, but I don't
21 believe that they were ever -- and I think that was with the
22 2011 and 2012 investigation with DSS. I don't believe that
23 they were ever interviewed or looked into.

24 Q Okay. So, no arrest made in 2011 or at the time of the
25 more recent charges against Elijah?

Alicia Goode - Direct examination
by Mr. Allen

1 A Right.

2 Q Okay. When you met with Elijah -- do you recall how
3 often you met with Elijah?

4 A I met with him -- and I wrote down all the specific
5 dates. Let me see if I can find it here. I counted it up.
6 I believe it was roughly, in the year that I represented
7 him, somewhere around 18 or 19 times. I first met with him
8 on March 24th, '14.

9 Q Was he incarcerated throughout the pending charge?

10 A Yes.

11 Q At Alvin S. Glenn?

12 A Yes.

13 Q Was there a second chair with you?

14 A Yes, on some, some visits, yeah, I would take Tracy
15 Penick.

16 Q Do you recall how often she was with you on these 18
17 visits?

18 A I couldn't say and it looks like maybe it was 16
19 visits.

20 Q Sixteen visits?

21 A Yeah, I just counted them up.

22 Q What was your discussion with Elijah about the evidence
23 as far as the strength of it?

24 Did you, did you get into that with him?

25 A Yeah, you know, when the -- initially we had been

Alicia Goode - Direct examination
by Mr. Allen

1 waiting on the DNA evidence. You know, we had his -- our
2 initial discovery that, that, that the solicitor had
3 provided to us, we were still missing the DNA report. So,
4 that was something that I was interested in, and then,
5 obviously, interested in the results of his test at the jail
6 for, for the STD.

7 Once we started getting all of that information, then,
8 you know, I would sit down with Elijah and kind of tell him,
9 you know, the good and the bad and the ugly of the case. I
10 try to do that in all of the cases so that my client is, is
11 well informed. You know, obviously, these are big
12 allegations, facing a lot of time. So, I just wanted to
13 make sure that he knew everything about his case, and
14 everything that I was doing step-by-step or what I intended
15 to do. So, yeah, I tried to, to be as open and honest as I
16 could.

17 Q Did you discuss getting a DNA expert of your own?

18 A Yes.

19 Q What did you ultimately decide?

20 A We -- I did retain an expert. He, I believe, was from
21 somewhere in New Mexico maybe. I'd attended a conference
22 regarding defending sex crimes, and was able to speak with
23 him at that conference, and then followed up with him at a
24 later date, and he was willing -- he, he reviewed the DNA
25 reports and, and would have come and testified at trial.

Alicia Goode - Direct examination
by Mr. Allen

1 Q Do you know -- would the, would the substance of his
2 testimony have been particularly strong?

3 A He, he seemed to be excited to come and testify. There
4 was a method that Richland County was using at that time
5 that was brand new as far as DNA, and Mr. Hudson's case was
6 one of the ones where they used this. I don't have the
7 exact name, but I think it's Rapid DNA is what they were,
8 what they were calling it. And it was, it was a way that
9 the county could, if they were provided a sample, they could
10 quickly determine that there was -- you know, if there was a
11 male contributor, female contributor, and kind of quickly be
12 able to determine that without further analysis. And he was
13 gonna be able to come in and testify about the procedure
14 with which Richland County used to process that sample.

15 Q And he felt he could poke some holes in that?

16 A Potentially, yeah.

17 Q Okay. Was there any DNA testing of any other or, or
18 rather was there any DNA swabbing of any other property in
19 the home?

20 A I don't believe so.

21 Q Where were -- where were the acts alleged to have taken
22 place?

23 A In the home.

24 Q Where specifically in the home?

25 A I can't remember. I think the -- she says the morning

Alicia Goode - Direct examination
by Mr. Allen

1 that she -- before she went to school. I think she -- it
2 was either in her room or in his room I believe.

3 Q Were, were the bedsheets taken for testing?

4 A No, I don't believe so.

5 Q Okay. Did you have any concerns about the pending --
6 let me ask you -- let me rephrase it.

7 Was Elijah's parents favorable to him as witnesses
8 here?

9 A They were up until the point that then they were
10 arrested and charged.

11 Q Okay. So, they were arrested and charged for the abuse
12 and neglect or the actual CSCs?

13 A His father and stepmother were charged with accessory
14 before the fact to criminal sexual conduct with a minor in
15 the first degree and an unlawful neglect of a child. So,
16 each of them had the two charges.

17 Q And so, once those charges came down, you were -- were
18 you aware of whether or not their position had changed?

19 A No, we -- I had spoken many times with Mr. Anthony
20 Hudson, his, his father, to get information to, you know,
21 potential people to interview, and investigate, and things
22 to investigate, what records to kind of get as they relate
23 to the victim. And that was up until, I believe, about
24 September of that same year, of 2014, right before they were
25 arrested. And then they retained an attorney, Hemphill

Alicia Goode - Direct examination
by Mr. Allen

1 Pride. And so my contact with them, at that point, was very
2 limited.

3 Q Did they resolve their charges prior to Elijah's plea?

4 A Yes.

5 Q What happened?

6 A We were called to trial, I believe, the week of
7 March -- and I can't remember the exact day. Maybe
8 March 12th of 2015. And then it was brought to our
9 attention, at that point, cause they were -- I don't believe
10 they were all being called to trial at the same time, but
11 the -- his father, it was my understanding, his father and
12 stepmother was gonna be called as witnesses in the State's
13 case. And then, while we were kind of preparing and getting
14 ready, we'd gone to jury qualifications, we were meeting
15 with Elijah, we learned that his parents had entered a plea
16 to the unlawful neglect charges, and that sentencing would
17 be deferred until after their testimony at trial.

18 Q Okay. What did that imply to you about how favorable
19 their testimony would be at trial?

20 A It implied to me that they were, you know, they were
21 trying to, to, at that point, it was more about
22 self-preservation for them, and I -- it concerned me when it
23 came to, to talking with Elijah about that.

24 Q Do you know if Elijah was talking to his parents
25 leading up to his plea?

Alicia Goode - Direct examination
by Mr. Allen

1 A I am not sure. There may of been some jail
2 conversation, you know, jail taped conversations, but I --
3 yeah, I'm not sure if they had spoken prior to that.

4 Q Okay. would that have been in his best interest to
5 talk to them about the information he was getting?

6 A I -- with his -- with being in jail and having recorded
7 phone calls, probably not. I think that would of been the
8 only contact he would of been able to have, and I think my
9 advice would of probably been not to speak with them as they
10 are technically codefendants. So --.

11 Q All right. At what point did you have a decision, in
12 meeting with Elijah, and a decision made to go to trial or
13 to plead guilty?

14 How, how long before his plea date?

15 A It was the -- I mean it was the Monday morning of trial
16 was when the plea was --.

17 Q So, he was suppose to go to trial Monday morning?

18 A Uh-huh. (Affirmative).

19 Q But, instead, entered a plea?

20 A Right.

21 Q When did you get the plea offer from the State?

22 A Monday morning.

23 Q When, when did you last meet with Elijah before Monday?

24 A It would of either been that Friday afternoon or over
25 that weekend at some point. I would of worked that whole

Alicia Goode - Direct examination
by Mr. Allen

1 weekend leading up to it.

2 Q Who were you -- who were your defense witnesses had you
3 gone to trial?

4 A And I don't have the witness list on me, but it would
5 of potentially been Elijah. There were some school
6 officials that had some favorable information. We were able
7 to obtain some school records and things of that nature.
8 Potentially people from where she was being housed while she
9 was in foster care. Those would of been -- and, and then
10 our, obviously, our DNA expert and potentially someone from
11 DHEC regarding testify -- you know, to be able to testify
12 about STDs and that, you know, cause gonorrhea is a
13 reportable disease, sexually transmitted disease, and that's
14 something that I did was contact DHEC and try to figure out
15 if there was anytime that they received any, you know,
16 reports that, you know, Mr. Hudson had been treated for that
17 and didn't have anything. So --.

18 Q So, on Monday when the decision was changed to enter a
19 plea, was that Elijah that prompted that or was it you that
20 advised him to do that?

21 Just describe that conversation please.

22 A Well, at that point, cause, originally, you know, it
23 was -- I would say it wasn't a plea offer that he had. It
24 was the State indicating that they were okay if he pled and
25 received 25, which was the minimum. You know, he was -- in

Alicia Goode - Direct examination
by Mr. Allen

1 speaking with Elijah, he was at probation. You know,
2 they're at 25. We're obviously way off.

3 So, that kind of, you know, it wasn't until the
4 morning, Monday morning of trial, speaking with Judge
5 Barber, who, at that point, had watched the ARC interviews
6 because I believe there were three videos. He had watched
7 those and he is the one that kind of facilitated hey, guys,
8 you know, let's, let's try to get this worked out, and I
9 believe it was because he didn't want the victim to testify
10 or have to testify.

11 Q So, Judge Barber initiated this?

12 A And he said, you know, is there something that can be
13 worked out. And, at that point, it was when we got the --
14 and whenever the parents -- we got the word that the parents
15 had entered a plea, we got the reduction in the charge to
16 second degrees. I went and told him about that and we kind
17 of -- it was a back and forth.

18 He was, he was in one of the jury rooms, and it was, it
19 was kind of a back and forth between speaking with Elijah
20 and then speaking with the State. You know, can we do this,
21 can we do that, and it was -- at that point it got to the
22 range of ten to twenty.

23 I went and relayed that to Elijah and he thought about
24 it, and I'm sure there was something else in there. You
25 know, a different number thrown out before we got to the ten

Alicia Goode - Direct examination
by Mr. Allen

1 to twenty. I can't specifically remember, but we got to the
2 range of the ten to twenty.

3 I approached the judge and asked if he would accept the
4 plea under North Carolina versus Alford instead of guilty,
5 and he indicated that not with criminal sexual conduct
6 cases. And so we told Elijah that and, you know, we went
7 back through everything. I let him know that, you know, the
8 information I had was that his parents were -- that they had
9 already entered their plea and they were -- well, that
10 they -- they would be called as a State's witness. And so,
11 at that point, you know, with all that information, he
12 decided that, you know, a plea was probably in his best
13 interest at that point.

14 Q well, did you advise him to take it?

15 Did you think it was a good offer?

16 A I, I think probably what we talked about was that, you
17 know, there was a high likelihood that, if we could win on
18 one of the charges, which I believed was the, the more, the
19 more recent criminal sexual conduct case because of the
20 issues with the DNA, because he didn't test positive for an
21 STD at the time of his arrest, and had been incarcerated the
22 entire time, while we had potential things to kind of poke
23 holes in the State's story there, and maybe paint a picture
24 that somebody else was responsible for this, we still had
25 the 2011/'12 DSS investigation where there was a -- an --

Alicia Goode - Direct examination
by Mr. Allen

1 somewhat of an admission that some sort of sexual contact
2 had happened between Elijah and the victim.

3 So, you know, I kind of explained it that way to him
4 that, you know, while I think this charge may -- we might
5 have something here, that I think we're kind of sunk on the
6 other one, and that, you know, if, if he's convicted of
7 that, then, yeah, it's 25 to life whether he's convicted of
8 one or all three. So --.

9 Q Okay. So, did you, based on that, specifically advise
10 him that you thought he should take it or did -- how did
11 that conversation go?

12 A I -- I can't, I can't say. I mean I -- that's not
13 something I generally do. I will tell a client, you know,
14 if I think it's in their best interest or if I think that,
15 you know, what the likelihood of prevailing at trial, you
16 know, cause it's obviously -- it's completely up to, to that
17 person whether to plead guilty or not to go to trial or not.
18 And, you know, I always try to tell my clients, I support
19 your decision either way, but, you know, in this case
20 specifically, there was just a lot of, a lot of things that
21 could of gone wrong or rulings that we couldn't of gotten.
22 I mean you don't know until you get into trial.

23 But, you know, the -- in my experience that, yeah, he
24 would probably be found guilty of at least one of them.
25 Then, you know, if he is found guilty of even one, it's 25

Alicia Goode - Direct examination
by Mr. Allen

1 to life for sure. So --.

2 Q So, you thought it was a good idea whether or not you
3 told him so?

4 A Right, yeah. Yeah.

5 Q Did you tell him about how the procedure would go in
6 the plea?

7 A What do you mean?

8 Q Did you advise him of the Constitutional rights he was
9 giving up?

10 A Yes, I did.

11 Q Did you tell him the maximum and minimum---

12 A Yes.

13 Q ---penalties?

14 A Yes.

15 Q Did you prepare him for what the judge was going to ask
16 him?

17 A Oh, yeah, as far as those types of questions, you
18 giving up these rights, yeah.

19 Q Did you say, you know, you're giving up these rights,
20 and also the judge is going to ask you this, this---

21 A Yes.

22 Q ---and this?

23 A Yes, yes, yes, yes.

24 Q Did you tell him how to respond to those questions?

25 A No.

Alicia Goode - Direct examination
by Mr. Allen

1 Q Was Tracy Penick present for this conversation about
2 taking the plea or not?

3 A I believe she was. I think we were all three in the
4 jury room.

5 Q Do you recall if she offered an opinion as to whether
6 or not he should take it?

7 A Probably. I think she probably did. I think she's,
8 yeah, indicated that it's probably in his best interest to
9 take it if I remember. I think probably.

10 MR. ALLEN: Beg the Court's indulgence.

11 THE COURT: Yes, sir.

12 (Pause.)

13 Q One last issue, Ms. Goode.

14 A Uh-huh. (Affirmative).

15 Q Do you recall if the outside of the bag with the sample
16 was tested for DNA?

17 A I do not recall. I think there was something on the
18 forensic request that was submitted to the lab that said --
19 and it was a note from the investigator to the lab. I, I
20 think it indicated swab the outside of the bag. Call me for
21 details or something.

22 Q If I told you there was no DNA found on the outside of
23 the bag of anybody's, would that sound correct?

24 A Maybe. Yeah, I guess so. I don't know.

25 Q Okay.

Alicia Goode - Cross-examination
by Ms. Kinard

1 A Yeah.

2 Q Okay. All right. Thank you very much.

3 A Uh-huh. (Affirmative).

4 CROSS-EXAMINATION

5 BY MS. KINARD:

6 Q Thank you for being here, Ms. Goode.

7 A Uh-huh. (Affirmative).

8 Q Mr. Allen asked most of the questions that I usually
9 ask, but I'm gonna ask just a few more to fill in some
10 blanks.

11 When you were meeting with Mr. Hudson, did he describe
12 to you his version of the events of how these different
13 incidents occurred?

14 A Yes.

15 Q And did he describe those fully and did he have any,
16 any information that you could base defenses on?

17 A We -- I attempted to establish an alibi for the 2014
18 allegations. I, I was given information by Mr. Hudson that
19 he had been on the phone that morning for the majority of
20 the morning with, and I can't remember the person's name,
21 but I was able, with Mr. Hudson's permission, get his cell
22 phone out of property at the jail, and we were able to
23 review that. And that was something that wasn't gonna be
24 helpful for our case, but I was able to try and investigate
25 what he was telling me as far as his timing that morning and

Alicia Goode - Cross-examination
by Ms. Kinard

1 cause it was a short window of time between the time
2 everyone woke up and whenever school -- you know, she left,
3 she left for school. So, I was trying to narrow that
4 timeframe down based on his phone records.

5 Q Because you were ready to go to trial, could you please
6 describe the different trial strategies cause it sounds like
7 you might of had different ones for each incident and
8 each---

9 A Right.

10 Q ---allegation?

11 Could you briefly describe how you were planning to
12 defend each of those?

13 A So, as far as the most recent allegations, the 2014
14 ones, the strategy there was to attack the science of the
15 allegation, and then also her credibility, the victim's
16 credibility. And with the 2011/2012 allegations, really,
17 you know, just attack her, her credibility again because, as
18 I said, I believe that she would -- indicated to either DSS
19 or maybe to the Assessment Resource Center that there were
20 other people -- she was accusing other people of similar
21 conduct.

22 So, the problem with the first case was the statement.
23 You know, we were trying -- there were also some issues with
24 the person that he gave the statement to, the DSS worker,
25 that we were -- you know, we were potentially gonna call her

Alicia Goode - Cross-examination
by Ms. Kinard

1 if the State chose not to for some reason, and, and we tried
2 to interview her, I believe, before trial because she was no
3 longer with DSS. And we were trying to get that figured out
4 to see if there were any issues with how the statement was
5 taken, and then, obviously, the failure, at that point, to
6 then even report it to law enforcement if it was, in fact,
7 said.

8 Q Now, regardless of these defenses and what you've
9 described, it seems like a very thorough investigation
10 preparation.

11 Is it fair to say that you still weren't very hopeful
12 or, or optimistic about Mr. Hudson's chances of prevailing?

13 A Right.

14 Q And you stated that you got this plea offer the Monday
15 that you were suppose to start trial, and I believe you
16 stated there was not really an earlier offer?

17 It was like he can take the minimum kind of thing?

18 A Right.

19 Q Regardless, were you trying to get an offer for him and
20 pursuing plea negotiations throughout your preparation?

21 A Yes, the entire time, and even Judge Barber called me
22 that Friday afternoon and asked that I drive to the jail to
23 speak with him directly, and ask, you know, what are you --
24 you know, what, what would, what would you take. And,
25 again, at that point, it was still probation. So, we were

Alicia Goode - Cross-examination
by Ms. Kinard

1 still very far off, and, you know, that indicated, to me,
2 that I would -- we would be in trial on Monday.

3 Q I believe Mr. Allen asked you about whether you
4 discussed with Mr. Hudson what rights he was giving up when
5 he pled guilty?

6 A Yes.

7 Q And you indicated you had a very thorough conversation
8 with him about all of his Constitutional rights?

9 A Yes.

10 Q One that he didn't mention directly was, to my memory,
11 was the ability to challenge the sufficiency of the evidence
12 against him.

13 Did you discuss that with Mr. Hudson?

14 A Yes, there's a specific question, and I try to go
15 through a lengthier one with clients at -- specifically with
16 these types of charges because there are collateral
17 consequences for convictions. It's not just about a
18 sentence. It's about Sex Offender Registry, the amount of
19 time that they would serve, you know, their parole
20 eligibility, community supervision, things, things of that
21 nature.

22 So, that one is a, is a longer advice of rights form
23 that I go through, and, in this case, you know, one of the,
24 one of the questions specifically is, you know, you
25 understand you are -- you will be found guilty without a

Alicia Goode - Cross-examination
by Ms. Kinard

1 trial and you're giving up your right to present any
2 defenses to the, to the allegations and --.

3 Q Okay. In all of your conversations with Mr. Hudson,
4 Mr. Hudson, do you believe he understood everything you
5 discussed?

6 A I do.

7 Q You never had any issues communicating with him?

8 A No.

9 Q And you thought that he seemed to feel free to ask you
10 any questions---

11 A Yes.

12 Q ---that he may of had?

13 A Yes.

14 Q And, again, just to reiterate, it was his decision to
15 plead guilty?

16 A Yes.

17 Q All right. I have no further questions. Thank you.

18 THE COURT: Any redirect?

19 MR. ALLEN: No redirect, Your Honor.

20 THE COURT: Thank you, Ms. Goode.

21 Call your next witness.

22 MR. ALLEN: Thank you, Your Honor.

23 I call Elijah Hudson.

24 ELIJAH HUDSON, being first duly
25 sworn, testified as follows:

Elijah Hudson - Direct examination
By Mr. Allen

1 THE CLERK: All right. Take your seat.

2 (WHEREUPON, the Applicant complies.)

3 THE CLERK: State your name for the record please.

4 THE WITNESS: Elijah Hudson.

5 DIRECT EXAMINATION

6 BY MR. ALLEN:

7 Q Elijah, you've heard the testimony of Ms. Goode
8 specifically regarding the amount of visits that she made.
9 I think ultimately said sixteen.

10 Does that sound correct?

11 A No, sir.

12 Q What, what is your recollection?

13 A Seven.

14 Q Okay. How long before your ultimate plea was she
15 involved in your case?

16 A Say that again.

17 Q How long did she represent you?

18 A She represented me the entire time.

19 Q How long was that?

20 A A year and some change.

21 Q Did you try to make contact with her to see her more
22 often?

23 A Yes, several times.

24 MR. ALLEN: May I approach the witness, Your Honor?

25 THE COURT: Yes, sir.

Elijah Hudson - Direct examination
By Mr. Allen

1 Q Elijah, what does that -- what does this say at the
2 top?

3 A Richland County Public Defender contact form.

4 Q Okay. Flip through that for me.

5 Is that what all -- is that what they all say at the
6 top?

7 A Yes, sir.

8 Q Okay. Are these the requests you made to the Public
9 Defender's Office to speak with Alicia?

10 A Yes, it was.

11 Q Okay. If you'd do me a favor and just count how many
12 pages that is?

13 A Seventeen.

14 Q Is it one request for each page?

15 So, we've got 17 requests?

16 A Yes, sir.

17 MR. ALLEN: Okay. Your Honor, I would offer this into
18 evidence as Applicant's Exhibit 1.

19 THE COURT: Any objection?

20 MS. KINARD: Mr. Hudson, did you fill out all of these
21 yourself?

22 THE WITNESS: Yes, ma'am.

23 MS. KINARD: Even the ones that have different
24 handwriting?

25 THE WITNESS: Except for that one. It's one that I

Elijah Hudson - Direct examination
By Mr. Allen

1 didn't fill out, but I was -- I, I actually was there when
2 he filled it out for me.

3 MS. KINARD: You watched him fill it out for you?

4 THE WITNESS: Yes, ma'am.

5 MS. KINARD: Okay. And all of these represent your
6 wishes and your requests?

7 THE WITNESS: Yes, ma'am.

8 MS. KINARD: Okay. No objection, Your Honor.

9 THE COURT: All right. Admitted as Applicant's 1.

10 (WHEREUPON, the inmate request forms were marked as
11 Applicant's Exhibit No. 1 and received into evidence at this
12 time.)

13 Q Elijah, what is this packet?

14 A This is Richland County Public Defender.

15 Q Are they letters from Alicia Goode to you?

16 A Yes, sir.

17 Q Does that appear to be all the correspondents you
18 received from her?

19 A Yes, sir.

20 Q To the best of your memory?

21 A Yes, from the best of my memory, yes.

22 Q Thank you.

23 Your Honor, offer this into evidence as Applicant's
24 Exhibit 2.

25 THE COURT: Any objection?

Elijah Hudson - Direct examination
By Mr. Allen

1 MS. KINARD: Your Honor, I don't think these can
2 properly be entered through this witness as they're received
3 by him, not produced by him. I'm not sure if that is
4 ultimately determinative as far as relevance, but I'd just
5 like to place that objection on the record.

6 THE COURT: I'll admit them over State's objection.

7 MS. KINARD: Thank you, Your Honor.

8 (WHEREUPON, the letters were marked as Applicant's
9 Exhibit No. 2 and received into evidence at this time.)

10 Q Elijah, you heard Ms. Goode's testimony about going
11 over the discovery with you.

12 Do you remember the meetings you had about the
13 discovery and the State's case against you?

14 A Yes, I do.

15 Q Please tell the Court when those meetings took place,
16 how far along in the process.

17 A Okay. Well, like -- probably like a few months from me
18 being arrested she came to see me and told me she was
19 waiting for more information to come from the State. And so
20 she came, she came down with her yellow pad and just get
21 information from me of my side of the story and how could of
22 this had occurred and everything. And, at the time, I was
23 telling her, you know, like there's no way this could of
24 happened. It like I had proof on my end that it could never
25 happen, and she was telling me she'll look into it.

Elijah Hudson - Direct examination
By Mr. Allen

1 But some days when she would come down, we pretty much
2 like got into arguments because she was always coming down
3 talking about just take the 25. That's, that's like the
4 best offer they gonna give you anyways. So, I told her no,
5 I'm not taking no time. I said I'm going to trial. It
6 was -- sometimes actually the arguments got so heated. Like
7 I cussed her out and just went back to my cell. And like
8 sometimes she'll come down and I be like, you know, I was
9 wrong the other day for cussing you out. I should never did
10 that.

11 I apologize to her and she was like I understand. Like
12 the charges you are facing, like it's a lot of time behind
13 it. And so she was like I understand this is making you
14 feel the way you feeling. So --.

15 Q So, she understood your emotion?

16 A Yes, she understood that.

17 Q Did she discuss the strength of the State's case?

18 Did she tell you how strong she thought---

19 A I mean---

20 Q ---it was or wasn't?

21 A I mean really what she was telling me it's 50/50, but
22 nine times out of ten she was saying there's no chance of me
23 winning even with the evidence that I can present to the
24 State.

25 Q Did she disclose all of the discovery paperwork to you

Elijah Hudson - Direct examination
By Mr. Allen

1 for your records?

2 A Oh, no, she -- several times I had requested my motions
3 of discovery, but she never bought (sic) it down for me to
4 review it. She never gave me a copy of it. I never, I
5 never received a copy of my motion to discovery until
6 November of last year when I got to prison.

7 Q Did she tell you why she would not provide that to you?

8 A She told me there's some phone calls between me and my
9 father and---

10 Q While you were in jail?

11 A While, while I was in jail. So, she told me she didn't
12 want me to leave that information to them and for the State
13 to hear it over the phone, the recordings. But the only
14 time like I would talk to my father is to try to get
15 information cause she wouldn't, she wouldn't get me the
16 information that I was trying to get---

17 Q So---

18 A ---that I needed.

19 Q So, were you sharing information with your father as
20 she suspected?

21 A No, see I would ask him like okay. My lawyer not
22 really telling me anything. So, I need y'all to tell me
23 because y'all got the motion of discovery. So, y'all know
24 what's in there, but he wouldn't tell me what's in there due
25 to the fact that he didn't want the State to hear it. But

Elijah Hudson - Direct examination
By Mr. Allen

1 he told me son, just fight, just fight your case cause you
2 gonna win it. You gonna come home.

3 But that Friday, March 13th, she came down like what
4 would you take to avoid going to trial? Like the judge want
5 to know. I said maybe not talking about nothing being given
6 my freedom. Got up and left. She left. Monday we were
7 suppose to go to trial. She come to me again. Like oh,
8 your parents turning State evidence on you. They gonna take
9 the stand against you.

10 So, I'm like man, you know, it's no way possible that's
11 gonna happen, but she gave me time to sit there and think
12 about it. About a good 30 minutes I thought about it. I
13 was like no way. I'll plead.

14 Q All right. Before we get to the day of the plea, have
15 you since figured out why she thought that she couldn't
16 share your discovery with you?

17 A Say that one more time.

18 Q I -- after the fact, after the plea, have you since
19 learned why it was -- excuse me.

20 Have you since learned what it was that she didn't
21 share with you based on this fear that you would tell your
22 dad?

23 A No, because the evidence that I see that was in my
24 discovery was -- a lot of it was in my favor, and a lot of
25 the information -- like I remember a couple of days I asked

Elijah Hudson - Direct examination
By Mr. Allen

1 her like, okay, when they came to the house to get my DNA,
2 they also came and got the bedsheets, and I asked her about
3 them. But she would always put it off like oh, nah, they
4 ain't record that, this, that, and the third. So, when I
5 finally got my discovery information, I see, on the sheet,
6 on the forensic evidence from where they took the bedsheets,
7 and they tested it, and there was no DNA on there for me.
8 So, I really don't see why she was hiding that information
9 from me.

10 Q But her explanation to you, as you said a minute ago,
11 was that she was worried you would share information with---

12 A Yeah, she wanted -- she was thinking I would share it
13 with my father.

14 Q And did you discuss the DNA expert from New Mexico that
15 she testified about today?

16 A No, she never even talked to me about that expert.

17 Q Did you discuss the outside of the bag with the sample?

18 A No, she, she never even talked about that with me.

19 Q Do you think that was important?

20 A Yes, that was real important.

21 Q Please tell the judge why.

22 why is that important?

23 A Because -- okay. The statements that I was suppose to
24 have gave showing that my DNA would be on the outside of
25 that bag as well too and as well as if the victim say that

Elijah Hudson - Direct examination
By Mr. Allen

1 they touched that bag and took it to school and gave it to
2 the resource officer, whoever that person is, then it would
3 be DNA on the outside of the bag as well. But there was no
4 DNA evidence on the outside of the bag.

5 Q Of anyone?

6 A Of anyone. But she was saying that you got my DNA and
7 her -- and the victim's DNA inside the bag, but the outside
8 of the bag is showing something completely different, and
9 that would of been favorable for me because it, it looks
10 like that evidence was tampered with.

11 Q And you may of just said this.

12 what was the outcome of the DNA testing on the
13 bedsheets?

14 A Oh, there was no DNA evidence of me on there.

15 Q All right. So, the day of the plea. Let's move ahead
16 to that day.

17 Tell the Court the sequence of events from your
18 conversations with Alicia---

19 A On the day of the plea?

20 Q Yes.

21 A Okay. I was set -- my mind was already set to go to
22 the trial, but she -- her and Tracy Penick come to me and
23 tell me well, your father and your stepmother gonna take a
24 plea for lesser time, and they gonna take the stand against
25 you. And I was like there's no way cause really there's

Elijah Hudson - Direct examination
By Mr. Allen

1 nothing that they have against me. I mean it's so much
2 stuff that's proving my innocence on this. So, I don't see
3 what can they possibly say.

4 But she -- her and the other, Tracy Penick, Tracy
5 Penick, I guess that was her name, they was real persistent
6 on getting me to take the plea. So, pretty much it was like
7 they was -- it's the best of your ability is to take this
8 plea.

9 Q Did she advise you about the questions the judge would
10 ask you at the plea?

11 A Yeah, she told me I had to answer them questions like
12 that.

13 Q What did she say exactly?

14 A Oh, well, she started -- okay. When she bought (sic)
15 the paper down for it and started asking me the questions
16 was like are you saying you're guilty, and I kind of like
17 frozed (sic) up, and was like no, and she was like well, you
18 got to answer it like that in order for him to accept your
19 plea. And the only reason why I accepted the plea is
20 because I was going in the blind at trial anyways. I didn't
21 know like her defense because she was too scared to give me
22 information.

23 Q And, and even if that was a legitimate -- even if she
24 truly believed that that was the case, do you believe that
25 she should have shared it with you anyway?

Elijah Hudson - Direct examination.
By Mr. Allen

1 A Yes, sir, or at least just gave me a copy of my motion
2 of discovery as requested.

3 Q Do you believe that she truly had your best interest at
4 heart?

5 A I mean she could of had my best interest, I can
6 understand that, but at the same time I can't accept it.

7 Q You just disagree with the decision?

8 A Yes, I disagree.

9 Q Elijah, so, she told you you had to answer these
10 questions from the judge a certain way.

11 what were the answers she told you you had to provide?

12 A well, it was stuff like do you know you're giving up
13 your rights. Yes. Do you understand like you're pleading
14 guilty to this. Yes, I understand. Are you doing it cause
15 you're, in fact, that you're guilty, and I tell her no, I'm
16 not guilty. I'm really doing it because I really don't have
17 no other choice, but she told me I had to answer it for the
18 judge to accept it.

19 Q Did she tell you the judge would ask you if you had
20 enough time to speak with your attorney about the case?

21 A Yes, but that wasn't enough time.

22 Q But did she tell you that, if you didn't answer a
23 certain way---

24 A Then it was gonna be off the table.

25 Q Had you known the issues with the DNA, the bed -- on

Elijah Hudson - Direct examination
By Mr. Allen

1 the bedsheets and on the bag, had you known the extent of
2 the State's case against you, would you have pled guilty?

3 A No, sir, and plus like there's an indictment that they
4 just threw at me on plea -- on the day of my plea. There's
5 an indictment for 2011, and I was in a different state on
6 house arrest.

7 Q So, you're saying the facts of the indictment---

8 A Yes.

9 Q ---have the incidents taking place---

10 A Yes, it's not, it's not adding up with the time that I
11 was on house arrest.

12 Q House arrest where?

13 A In North Carolina.

14 Q Lastly, was Tracy Penick's opinion the same opinion as
15 Ms. Goode?

16 A Yeah, take 25.

17 Q How often was she at these meetings?

18 A She came probably like, at the most, about three times
19 out of them meetings, but she came with the same attitude.

20 Q Thank you, Elijah. Please answer any questions the
21 Attorney General may have.

22 A Yes, sir.

23 THE COURT: Ms. Kinard.

24 MS. KINARD: Thank you, Your Honor.

25 CROSS-EXAMINATION

Elijah Hudson - Cross-examination
by Ms. Kinard

1 BY MS. KINARD:

2 Q Good morning, Mr. Hudson.

3 A Good morning.

4 Q So, you said you recall meeting with Ms. Goode about
5 seven times?

6 A Yes, ma'am.

7 Q And then your attorney presented these requests for
8 contact. During those meetings though you said you reviewed
9 the discovery with her, but she did give you a copy.

10 Is that correct?

11 A No, that's not what I had said.

12 Q I'm sorry. Please tell me what you said.

13 A What I said, like she would come down, but she -- the
14 information that she would discuss was not the information
15 that I needed. The information that I needed was the
16 information that was in my favor. She already knew what the
17 State had against me due to the preliminary hearing.

18 Q And what, what kind of information did you suspect was
19 in your favor?

20 A The bedsheets that she tried to avoid, and really
21 that's it. That's all I had knew about, which is the
22 bedsheets because that's -- when they came to get my DNA, he
23 asked me about the bedsheets. Is it okay -- cause I had to
24 sign a consent form for the -- that release that to them, to
25 the officer.

Elijah Hudson - Cross-examination
by Ms. Kinard

1 Q Okay. So, when she met with you, you discussed with
2 her your side of the story?

3 A Yes.

4 Q Did you tell her about this house arrest issue in North
5 Carolina?

6 A No, because I didn't find out about them indictments
7 from 2011 until the day of the plea. So, there was no --
8 and she didn't brief me on that, and I never, I never --
9 only thing I did was just sign it. That's it. I ain't, I
10 ain't read it or nothing. If I would have read it, I would
11 have never signed them papers, and if she would of had
12 briefed me on it.

13 Q Do you recall Ms. Goode testifying that y'all had
14 different trial strategies for the 2011 and '12 issues
15 compared to the 2014 incident?

16 A Testifying who?

17 Q When she just testified earlier. Were -- you were here
18 and paying attention.

19 Is that correct?

20 A Yes, I was.

21 Q Okay. And she said that there was one defense that
22 y'all had for the 2014 incident, and that involved the DNA
23 testing?

24 A I was not aware of no defenses due to the fact that she
25 would think I would leak information to my father.

Elijah Hudson - Cross-examination
by Ms. Kinard

1 Q So, she had no discussions with you about how your
2 trial was gonna proceed?

3 A No, she didn't want to give me no information.

4 Q But you talked to her about what the State information,
5 or, excuse me, what the State had and what elements of the
6 crime they'd have to prove?

7 A Yes, ma'am.

8 Q So, you understood what the State had to show in Court,
9 and, therefore, what you have to defend against?

10 A Yes, ma'am, I learned all that in the preliminary
11 hearing.

12 Q Okay. So, you had basic understanding of what you
13 needed to present in Court in order to help your case?

14 A Yes.

15 Q And you discussed those things with her?

16 A Yes, ma'am.

17 Q Okay.

18 A To the best of my ability I did.

19 Q Did you feel comfortable talking to her as far as your
20 ability to ask her questions?

21 A I mean sometimes and sometimes no due to the fact that
22 it wasn't going anywhere. Like I wasn't learning -- I
23 wasn't getting the information that I needed.

24 Q Okay. Did you trust her in her legal abilities to make
25 good legal decisions on your behalf?

Elijah Hudson - Cross-examination
by Ms. Kinard

1 A At first I did until the time leading up. Like it
2 wasn't going nowhere. Then it's just like -- it was like --
3 I can't, I can't even explain it. Words can't explain it.
4 I'm sorry.

5 Q I understand.

6 When you say things weren't going anywhere, did she
7 explain to you that she might of been in a holding pattern,
8 so to speak, herself?

9 A I mean -- I'm, I'm not understanding your question.

10 Q When you -- what do you mean by things weren't going
11 anywhere?

12 A I mean when -- every time you come down and the only
13 thing you're talking about is pleaing out, it's not going
14 anywhere. It's like if you're not talking about my freedom,
15 then you're not talking about nothing else.

16 Q What did you want to talk about?

17 A The evidence that was in my favor that we could put
18 forth in front of the State to prove my innocence is what I
19 wanted to talk about.

20 Q And did you give her, for example, any witnesses to
21 interview?

22 A Say that again.

23 Q Did you give her anybody that she could go talk to?

24 A Yes.

25 Q And did she do that?

Elijah Hudson - Cross-examination
by Ms. Kinard

1 A I don't know.

2 Q Okay. And I believe you testified you weren't sure or
3 you hadn't discussed whether she had a DNA expert?

4 A Yes, I did say that.

5 Q Okay. Did you feel -- how did you feel going into
6 trial?

7 A I mean I was kind of ready to go to trial, but, at the
8 same time, I didn't want to go due to the fact it's like I
9 didn't have any information. I didn't know the strategy
10 that we was gonna present in front of the judge.

11 Q Okay. When that plea offer of ten to twenty years was
12 presented to you, coupled with the information that your
13 parents were gonna testify for the State, you said that you
14 had a, a chance then to sit and think about your options.

15 Is that correct?

16 A Yes, I had a chance. It was only like 30 minutes from
17 the time that I got there. It was only like 30 minutes, but
18 then I later found out that that was untrue.

19 Q That what was untrue?

20 A As far as my parents suppose to be taking the stand
21 against me. I mean if y'all go back to the phone calls that
22 day of trial when I took that plea, I actually talked to my
23 father and he told me that was untrue. It's a recorded
24 phone call. I'm pretty sure y'all still got it.

25 Q Okay. And, regardless of that, you took all the

Elijah Hudson - Cross-examination
by Ms. Kinard

1 information that you had available to you and you made a
2 decision based on that information when it come -- came to
3 pleading.

4 Is that correct?

5 A Yes, I willingly accepted it, but, knowingly, if I
6 didn't accept it, I was going in there blind.

7 Q Okay. And you answered the questions the judge asked
8 you in order to facilitate the guilty plea in order to make
9 that happen?

10 A Yes, cause she told me I had to answer them like that.

11 Q Right.

12 And so you understood that you had to admit guilt in
13 order to accept that guilty plea even if, in your heart, you
14 felt like you weren't guilty?

15 A Yes, ma'am, cause she told me I had to answer them
16 questions like that.

17 Q Ultimately, was it your decision to enter that guilty
18 plea?

19 A I mean I was pretty much coerced into entering that
20 guilty plea.

21 Q Coerced by whom?

22 A By her and Tracy Penick.

23 Q They forced you to enter a plea?

24 A Not by gun, but it's pretty much by the words that they
25 were saying. Like you're not gonna win. You might as well

Elijah Hudson - Cross-examination
by Ms. Kinard

1 go on and take -- I think you -- Tracy said I think you
2 should take the 25. She was telling me that we'll put an
3 offer out there and see if the State will jump on it.

4 Q Okay. Well, regardless, you still have an option to go
5 to trial.

6 A I mean---

7 Q You just didn't feel comfortable with that option?

8 A Yes, I had, I had the option to go to trial, but I was
9 going in there blind. I mean I didn't know no strategy.

10 Q But you still would of been represented by Ms. Goode
11 and Ms. Penick at trial?

12 A Yes.

13 Q Okay. I have no further questions. Thank you.

14 A You welcome.

15 THE COURT: Any redirect?

16 MR. ALLEN: Just a few, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. ALLEN:

19 Q Elijah, you stated that you didn't want to go to trial
20 the day of what came to be the plea. That's your, that's
21 your answer.

22 But why was that your answer today?

23 A Say that one more time, sir.

24 Q Ms. Kinard asked you if you wanted to go to trial the
25 day your trial was set, and you said no, you did not, right?

Elijah Hudson - Redirect examination
by Mr. Allen

1 A Yes, sir.

2 Q Why did you say that?

3 A Because I didn't know the strategy that my lawyers had
4 to represent me.

5 Q Okay. And, again, as we talked about, had you known
6 the favorable DNA evidence that you learned about after the
7 fact, would you have gone to trial?

8 A Yes, sir, if all that information that was in my favor
9 was presented to me, I would have went to trial.

10 Q And the Attorney General also asked you a question to
11 which you responded that you did willingly accept the plea
12 offer, but, again, you willingly accepted it under what
13 facts that you didn't know?

14 A Yes, I accepted it due to the fact that there was no
15 information that my lawyer presented to me that was in my
16 favor. So, I was in the blind. So, I went on and accepted
17 a plea.

18 Q Did you feel as if you had a legitimate option to go to
19 trial?

20 A If I had better representation, yes.

21 Q Thank you.

22 THE COURT: All right, sir. You may go back and sit
23 next to your lawyer.

24 MR. ALLEN: That's the Applicant's case, Your Honor.

25 THE COURT: All right. Ms. Kinard.

1 MS. KINARD: No witnesses from the State, Your Honor.

2 THE COURT: Y'all want to make closing arguments or do
3 you want to send something in writing?

4 It's up to you.

5 MR. ALLEN: Your Honor, writing will be fine with me.

6 THE COURT: Okay.

7 MS. KINARD: Either way.

8 THE COURT: Sounds good.

9 Okay. All right. Then I'm gonna take your case under
10 advisement, Mr. Hudson. I'm gonna give your lawyer and the
11 State 20 days to give me something in writing as to why I
12 should grant your case.

13 THE APPLICANT: Thank you.

14 THE COURT: And I'll let y'all know something.

15 MS. KINARD: Judge, proposed orders?

16 MR. ALLEN: Thank you.

17 THE COURT: Proposed orders are probably easier. That
18 sort of cuts out a step in this process.

19 MS. KINARD: Thank you, Your Honor.

20

21

22 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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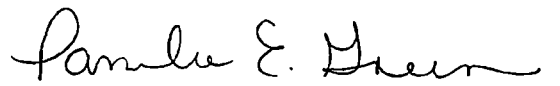
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I, Pamela E. Green, Official Court Reporter for the
Seventh Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of Commons Pleas for
Richland County, South Carolina, on the 29th day of March,
2017

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

March 5th, 2018



PAMELA E. GREEN, Court Reporter

RICHLAND COUNTY PUBLIC DEFENDER

Public Defender Request / Contact Form

#14158

Alica

Please Print:

TODAY'S DATE: 3/17/14NAME: Elisah Hudson

ALIAS: _____

CHARGE(S): Sexual conduct with a minorDATE OF BIRTH: [REDACTED] 12DORM: Lima

WHO IS YOUR PUBLIC DEFENDER?

- ☐ Douglas Strickler
- ☐ Jennifer Davis
- ☐ Tracy Pinnock
- ☐ Fielding Pringle
- ☐ Joanna Delany
- ☐ Jessamine Grice
- ☐ Rebecca Williams
- ☐ Jacqueline Bambach

- ☐ Kris Hines
- ☐ Lucas Hawks
- ☒ Alicia Dyar
- ☐ Robert Bank
- ☐ Alexandra Chauhan
- ☐ Patrick Sharpe
- ☐ Constantine Pournaras
- ☐ Chris Shipman

- ☐ Taylor Bell
- ☐ Jeremy MacNealy
- ☐ Christian Grant
- ☐ Eric Staggs
- ☐ Stephen Krzyston
- ☐ Adam Ruffin
- ☐ Tamika Thompson

☐ I do not know who my attorney is

Message for your attorney:

Hey Mrs. Dyar, I have more information regarding my case. I was wondering if you could
stop by as soon as possible to gather this information to help out with the case. Thank you
have a blessed day.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: 748-5067 or 748-5068.



RICHLAND COUNTY PUBLIC DEFENDER
Public Defender Request / Contact Form

Alicia Dyar
#1411088 117

Please Print:

TODAY'S DATE: 3/28/14

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): sexual conduct or attempt with a minor

DATE OF BIRTH: 1/4/92 DORM: lima

WHO IS YOUR PUBLIC DEFENDER?

- | | | | |
|---|--|---|---|
| ☐ Douglas Strickler | ☐ Jennifer Davis | ☐ Megan Eigenbrot | ☐ Mark Sawyer |
| ☐ Courtney Gibbes | ☐ Bridget Brown | ☐ Jeremy MacNealy | ☐ Kris Hines |
| ☐ Tracy Pinnock | ☐ Jessamine Grice | ☐ Christian Grant | ☐ Lucas Hawks |
| ☐ Fielding Pringle | ☐ Robert Bank | ☐ Anastasia Walker | ☒ Alicia Dyar |
| ☐ Joanna Delany | ☐ Aleksandra Chauhan | ☐ Stephen Krzyston | ☐ Taylor Bell |
| ☐ Greg Collins | ☐ Patrick Sharpe | ☐ Adam Ruffin | ☐ Eric Staggs |
| ☐ Rebecca Williams | ☐ Constantine Pournaras | ☐ Tamika Thompson | |
| ☐ Jacqueline Bambach | ☐ Christopher Shipman | | |

☐ I do not know who my attorney is

Message for your attorney:

I got the stl test done and results came back negative. That also proves
~~that I'm not guilty.~~ That I'm not guilty. Can you please come by the jail and get
the results, so we can have that on my court date. Thank you Have a
blessed day.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: 748-5067 or 748-5068.

RICHLAND COUNTY PUBLIC DEFENDER

Public Defender Request / Contact Form

1411467

Please Print:TODAY'S DATE: 3/31/14NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): Sexual conduct / attemptDATE OF BIRTH: 92 DORM: Lima

WHO IS YOUR PUBLIC DEFENDER?

- ☐ Douglas Strickler
- ☐ Jennifer Davis
- ☐ Tracy Pinnoch
- ☐ Fielding Pringle
- ☐ Joanna Delany
- ☐ Jessamine Grice
- ☐ Rebecca Williams
- ☐ Jacqueline Bambach

- ☐ Kris Hines
- ☐ Lucas Hawks
- ☒ Alicia Dyar
- ☐ Robert Bank
- ☐ Alexandra Chauhan
- ☐ Patrick Sharpe
- ☐ Constantine Pournaras
- ☐ Chris Shipman

- ☐ Taylor Bell
- ☐ Jeremy MacNealy
- ☐ Christian Grant
- ☐ Eric Staggs
- ☐ Stephen Krzyston
- ☐ Adam Ruffin
- ☐ Tamika Thompson

☐ I do not know who my attorney is

Message for your attorney:

I notice my parents may be getting charged with neglect over my case. I was wondering
if anything we talk about facts my case can you keep it between me, you, and my family that
lives in NC or with my brother that lives down here. My family in NC can be reached
at [REDACTED]. I also wanted to know if you can stop by the jail house and give me more
information regarding my case. Thank you.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. ~ Noon Monday, Wednesday and Friday and from 2:00 p.m. ~ 4:00 p.m. Tuesday and Thursday. Those numbers are: **748-5067 or 748-5068.**

RICHLAND COUNTY PUBLIC DEFENDER
Public Defender Request / Contact Form

119

Dyar
#1411467

Please Print:

TODAY'S DATE: 4/1/14

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): Sexual conduct or attempt

DATE OF BIRTH: 92 DORM: lima

WHO IS YOUR PUBLIC DEFENDER?

- ☐ Douglas Strickler
- ☐ Jennifer Davis
- ☐ Tracy Pinnock
- ☐ Fielding Pringle
- ☐ Joanna Delany
- ☐ Jessamine Grice
- ☐ Rebecca Williams
- ☐ Jacqueline Bambach

- ☐ Kris Hines
- ☐ Lucas Hawks
- ☒ Alicia Dyar
- ☐ Robert Bank
- ☐ Alexandra Chauhan
- ☐ Patrick Sharpe
- ☐ Constantine Pournaras
- ☐ Chris Shipman

- ☐ Taylor Bell
- ☐ Jeremy MacNealy
- ☐ Christian Grant
- ☐ Eric Staggs
- ☐ Stephen Krzyston
- ☐ Adam Ruffin
- ☐ Tamika Thompson

☐ I do not know who my attorney is

Message for your attorney:

Today on 4/1/14 at 2:30pm I was charged with assault with
the intent to commit CSC 1st degree with minor. Can you please come by the
jail house so we can address this issue.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: **748-5067 or 748-5068.**

RICHLAND COUNTY PUBLIC DEFENDER

Public Defender Request / Contact Form

Call us
Dyer
#1411467

Please Print:

TODAY'S DATE: 5/20/14

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): _____

DATE OF BIRTH: 1992 DORM: Lima

WHO IS YOUR PUBLIC DEFENDER?

- ☐ Douglas Strickler
- ☐ Jennifer Davis
- ☐ Tracy Pinnoch
- ☐ Fielding Pringle
- ☐ Joanna Delany
- ☐ Jessamine Grice
- ☐ Rebecca Williams
- ☐ Jacqueline Bambach

- ☐ Kris Hines
- ☐ Lucas Hawks
- ☒ Alicia Dyar
- ☐ Robert Bank
- ☐ Aleksandra Chauhan
- ☐ Patrick Sharpe
- ☐ Constantine Pournaras
- ☐ Chris Shipman

- ☐ Taylor Bell
- ☐ Jeremy MacNealy
- ☐ Christian Grant
- ☐ Eric Staggs
- ☐ Stephen Krzyston
- ☐ Adam Ruffin
- ☐ Tamika Thompson

☐ I do not know who my attorney is

Message for your attorney:

I was wondering when the next time you could make it to the
jail house to see me so we can discuss my case. If you have any more info that
I don't know about can you give that info to my family.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: 748-5067 or 748-5068.

11111111
Dy 121
141467

RICHLAND COUNTY PUBLIC DEFENDER
Public Defender Request / Contact Form

Please Print:

TODAY'S DATE: 5/27/14

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): Sexual conduct

DATE OF BIRTH: ██████ 92 DORM: Lima

WHO IS YOUR PUBLIC DEFENDER?

- | | | |
|---|---|---|
| ☐ Douglas Strickler | ☐ Kris Hines | ☐ Taylor Bell |
| ☐ Jennifer Davis | ☐ Lucas Hawks | ☐ Jeremy MacNealy |
| ☐ Tracy Pinnock | ☒ Alicia Dyar | ☐ Christian Grant |
| ☐ Fielding Pringle | ☐ Robert Bank | ☐ Eric Staggs |
| ☐ Joanna Delany | ☐ Alexandra Chauhan | ☐ Stephen Krzyston |
| ☐ Jessamine Grice | ☐ Patrick Sharpe | ☐ Adam Ruffin |
| ☐ Rebecca Williams | ☐ Constantine Pournaras | ☐ Tamika Thompson |
| ☐ Jacqueline Bambach | ☐ Chris Shipman | |

☐ I do not know who my attorney is

Message for your attorney:

Hey I was wondering when you could come to the jail house
so we can discuss the progress of my case. I been here for almost 3 months and still
haven't got a bond. If you can't make it to see me can you atleast give that information
to my family. Thank you.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: **748-5067 or 748-5068.**

RICHLAND COUNTY PUBLIC DEFENDER

Public Defender Request / Contact Form

Please Print:

TODAY'S DATE: 5/30/14

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): Sexual conduct

DATE OF BIRTH: ██████ 1992 DORM: Lima

WHO IS YOUR PUBLIC DEFENDER?

- | | | |
|---|---|---|
| ☐ Douglas Strickler | ☐ Kris Hines | ☐ Taylor Bell |
| ☐ Jennifer Davis | ☐ Lucas Hawks | ☐ Jeremy MacNealy |
| ☐ Tracy Pinnock | ☒ Alicia Dyar | ☐ Christian Grant |
| ☐ Fielding Pringle | ☐ Robert Bank | ☐ Eric Staggs |
| ☐ Joanna Delany | ☐ Alexandra Chauhan | ☐ Stephen Krzyston |
| ☐ Jessamine Grice | ☐ Patrick Sharpe | ☐ Adam Ruffin |
| ☐ Rebecca Williams | ☐ Constantine Pournaras | ☐ Tamika Thompson |
| ☐ Jacqueline Bambach | ☐ Chris Shipman | |

☐ I do not know who my attorney is

Message for your attorney:

Can you please come to the jail house to discuss
my case with me whenever you have some free time. Thank you. I have tried to
reach you by this letter but it don't seem to be working. If you can't come see me,
can you atleast talk to my parents and tell them when you will take me to get a bond.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: **748-5067 or 748-5068.**

RICHLAND COUNTY PUBLIC DEFENDER

Public Defender Request / Contact Form

Please Print:

TODAY'S DATE: 6/6/13

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): Sexual Conduct

DATE OF BIRTH: 92 DORM: lima

WHO IS YOUR PUBLIC DEFENDER?

☐ Douglas Strickler

☐ Jennifer Davis

☐ Tracy Pinnock

☐ Fielding Pringle

☐ Joanna Delany

☐ Jessamine Grice

☐ Rebecca Williams

☐ Jacqueline Bambach

☐ Kris Hines

☐ Lucas Hawks

☒ Alicia Dyar

☐ Robert Bank

☐ Alexandra Chauhan

☐ Patrick Sharpe

☐ Constantine Pournaras

☐ Chris Shipman

☐ Taylor Bell

☐ Jeremy MacNealy

☐ Christian Grant

☐ Eric Staggs

☐ Stephen Krzyston

☐ Adam Ruffin

☐ Tamika Thompson

☐ I do not know who my attorney is

Message for your attorney:

I'm giving you permission to relay any information regarding
my case to my father if he calls you. Thank you.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: **748-5067 or 748-5068.**

RICHLAND COUNTY PUBLIC DEFENDER

Public Defender Request / Contact Form

Please Print:

TODAY'S DATE: 7/2/14

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): Sexual conduct

DATE OF BIRTH: [REDACTED] 92 DORM: Lima

WHO IS YOUR PUBLIC DEFENDER?

- | | | | |
|---|--|---|---|
| ☐ Douglas Strickler | ☐ Jennifer Davis | ☐ Megan Eigenbrot | ☐ Mark Sawyer |
| ☐ Courtney Gibbes | ☐ Bridget Brown | ☐ Jeremy MacNealy | ☐ Kris Hines |
| ☐ Tracy Pinnock | ☐ Jessamine Grice | ☐ Christian Grant | ☐ Lucas Hawks |
| ☐ Fielding Pringle | ☐ Robert Bank | ☐ Anastasia Walker | ☒ Alicia Dyar |
| ☐ Joanna Delany | ☐ Aleksandra Chauhan | ☐ Stephen Krzyston | ☐ Taylor Bell |
| ☐ Greg Collins | ☐ Patrick Sharpe | ☐ Adam Ruffin | ☐ Eric Staggs |
| ☐ Rebecca Williams | ☐ Constantine Pournaras | ☐ Tamika Thompson | |
| ☐ Jacqueline Bambach | ☐ Christopher Shipman | | |

☐ I do not know who my attorney is

Message for your attorney:

Hey, I was wondering if you figured out the best time to get
me a bond? Also, I wanted to know if you got my medical records from the
jail house yet, and did you get the rest of the info you needed from the solicitors
and dss? If you have time can you stop by to see me. Thank you.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: **748-5067 or 748-5068.**

WICHITA COUNTY PUBLIC DEFENDER
Public Defender Request / Contact Form

125

Please Print:

TODAY'S DATE: 9/28/14

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): _____

DATE OF BIRTH: 11/192 DORM: Lima

WHO IS YOUR PUBLIC DEFENDER?

- ☐ Douglas Strickler
- ☐ Jennifer Davis
- ☐ Tracy Pinnock
- ☐ Fielding Pringle
- ☐ Joanna Delany
- ☐ Jessamine Grice
- ☐ Rebecca Williams
- ☐ Jacqueline Bambach

- ☐ Kris Hines
- ☐ Lucas Hawks
- ☒ Alicia Dyar
- ☐ Robert Bank
- ☐ Alexandra Chauhan
- ☐ Patrick Sharpe
- ☐ Constantine Pournaras
- ☐ Chris Shipman

- ☐ Taylor Bell
- ☐ Jeremy MacNealy
- ☐ Christian Grant
- ☐ Eric Staggs
- ☐ Stephen Krzyston
- ☐ Adam Ruffin
- ☐ Tamika Thompson

☐ I do not know who my attorney is

Message for your attorney:

I'm requesting to speak to Nathaniel Roberson about my
case and I'm thinking about hiring him as my attorney. Please contact him
at (803)865-0163 or (803)252-4444 thank you.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: 748-5067 or 748-5068.

Public Defender Request / Contact Form

A. Dyar

Please Print:

TODAY'S DATE: 09/29/14NAME: Hudson, Elijah

ALIAS: _____

CHARGE(S): _____

DATE OF BIRTH: 11-92 DORM: C109

WHO IS YOUR PUBLIC DEFENDER?

- ☐ Douglas Strickler
- ☐ Jennifer Davis
- ☐ Tracy Pinnock
- ☐ Fielding Pringle
- ☐ Joanna Delany
- ☐ Jessamine Grice
- ☐ Rebecca Williams
- ☐ Jacqueline Bambach

- ☐ Kris Hines
- ☐ Lucas Hawks
- ☒ Alicia Dyar
- ☐ Robert Bank
- ☐ Aleksandra Chauhan
- ☐ Patrick Sharpe
- ☐ Constantine Pournaras
- ☐ Chris Shipman

- ☐ Taylor Bell
- ☐ Jeremy MacNealy
- ☐ Christian Grant
- ☐ Eric Staggs
- ☐ Stephen Krzyston
- ☐ Adam Ruffin
- ☐ Tamika Thompson

☐ I do not know who my attorney is

Message for your attorney:

I was wondering if you received my last letter I sent you. Also have you got my test results. I also need my motions whenever you get the chance thank you. I also need your permission to talk to attorney Roberson about my case and I'm thinking about hiring him to represent me.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: 748-5067 or 748-5068.

RICHLAND COUNTY PUBLIC DEFENDER

Public Defender Request / Contact Form

Please Print:

TODAY'S DATE: 10/23/14

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): _____

DATE OF BIRTH: AS DORM: Lima

WHO IS YOUR PUBLIC DEFENDER?

- | | | | |
|---|--|---|---|
| ☐ Douglas Strickler | ☐ Jennifer Davis | ☐ Megan Eigenbrot | ☐ Mark Sawyer |
| ☐ Courtney Gibbes | ☐ Bridget Brown | ☐ Jeremy MacNealy | ☐ Kris Hines |
| ☐ Tracy Pinnock | ☐ Jessamine Grice | ☐ Christian Grant | ☐ Lucas Hawks |
| ☐ Fielding Pringle | ☐ Robert Bank | ☐ Anastasia Walker | ☒ Alicia Dyar |
| ☐ Joanna Delany | ☐ Aleksandra Chauhan | ☐ Stephen Krzyston | ☐ Taylor Bell |
| ☐ Greg Collins | ☐ Patrick Sharpe | ☐ Adam Ruffin | ☐ Eric Staggs |
| ☐ Rebecca Williams | ☐ Constantine Pournaras | ☐ Tamika Thompson | |
| ☐ Jacqueline Bambach | ☐ Christopher Shipman | | |

☐ I do not know who my attorney is

Message for your attorney:

Hey we have trial next month, can you please
bring down my motions of discovery so we can go over it. I have more
information that will help our case. Please come ASAP.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: **748-5067 or 748-5068.**

RICHLAND COUNTY PUBLIC DEFENDER

Public Defender Request / Contact Form

Please Print:

TODAY'S DATE: 11/18/14

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): _____

DATE OF BIRTH: 1992 DORM: kilo

WHO IS YOUR PUBLIC DEFENDER?

☐ Douglas Strickler

☐ Jennifer Davis

☐ Tracy Pinnock

☐ Fielding Pringle

☐ Joanna Delany

☐ Jessamine Grice

☐ Rebecca Williams

☐ Jacqueline Bambach

☐ Kris Hines

☐ Lucas Hawks

☒ Alicia Dyar

☐ Robert Bank

☐ Alexandra Chauhan

☐ Patrick Sharpe

☐ Constantine Pournaras

☐ Chris Shipman

☐ Taylor Bell

☐ Jeremy MacNealy

☐ Christian Grant

☐ Eric Staggs

☐ Stephen Krzyston

☐ Adam Ruffin

☐ Tamika Thompson

☐ I do not know who my attorney is

Message for your attorney:

Hey I was wondering if you talked to Luck Campbell
about the possibility of a bond. I also wanted to know if they have a trial
date set yet. Also when will you be able to come down to discuss my motions
with me? Thanks for your time, hopefully I will see you soon. Have a blessed
day.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: 748-5067 or 748-5068.

RICHLAND COUNTY PUBLIC DEFENDER
Public Defender Request / Contact Form

129

Please Print:

TODAY'S DATE: December 1, 2014

NAME: Elijah Hudson 620941

ALIAS: _____

CHARGE(S): CSC first degree

DATE OF BIRTH: [REDACTED] 92 DORM: K-G-54

WHO IS YOUR PUBLIC DEFENDER?

- ☒ Douglas Strickler
- ☐ Jennifer Davis
- ☐ Tracy Pinnock
- ☐ Fielding Pringle
- ☐ Joanna Delany
- ☐ Jessamine Grice
- ☐ Rebecca Williams
- ☐ Jacqueline Bambach

- ☐ Kris Hines
- ☐ Lucas Hawks
- ☐ Alicia Dyar
- ☐ Robert Bank
- ☐ Alexandra Chauhan
- ☐ Patrick Sharpe
- ☐ Constantine Pournaras
- ☐ Chris Shipman

- ☐ Taylor Bell
- ☐ Jeremy MacNealy
- ☐ Christian Grant
- ☐ Eric Staggs
- ☐ Stephen Krzyston
- ☐ Adam Ruffin
- ☐ Tamika Thompson

☐ I do not know who my attorney is

Message for your attorney:

MR. Douglas Strickler: Alicia Dyar
is my Attorney concerning the above charges
I have been incarcerated for the past 8 months.
I was scheduled for trial in October/November
based on the Capital Trial in NOV it was rescheduled
for further notice. However, I Am At A Loss
As to her Strategy or defense. I have tried
Countless times with family members to
notify her All to No Avail Please Assist me in

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. - Noon Monday, Wednesday and Friday and from 2:00 p.m. - 4:00 p.m. Tuesday and Thursday. Those numbers are: **748-5067 or 748-5068.**

Getting closer to contact me or my relatives
immediately. I have several questions.

RICHLAND COUNTY PUBLIC DEFENDER

Public Defender Request / Contact Form

1411467

Please Print:TODAY'S DATE: 12/5/14NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): _____

DATE OF BIRTH: 1992 DORM: Kilo

WHO IS YOUR PUBLIC DEFENDER?

- ☐ Douglas Strickler
- ☐ Jennifer Davis
- ☐ Tracy Pinnock
- ☐ Fielding Pringle
- ☐ Joanna Delany
- ☐ Jessamine Grice
- ☐ Rebecca Williams
- ☐ Jacqueline Bambach

- ☐ Kris Hines
- ☐ Lucas Hawks
- ☒ Alicia Dyar
- ☐ Robert Bank
- ☐ Alexandra Chauhan
- ☐ Patrick Sharpe
- ☐ Constantine Pournaras
- ☐ Chris Shipman

- ☐ Taylor Bell
- ☐ Jeremy MacNealy
- ☐ Christian Grant
- ☐ Eric Staggs
- ☐ Stephen Krzyston
- ☐ Adam Ruffin
- ☐ Tamika Thompson

☐ I do not know who my attorney is**Message for your attorney:**

Hey, I was wondering if you can come see me Asap. Its
important that I talk to you, its regarding my case. Can you please come by
Or Contact my Family and let them know whats going on. Thank you have a
blessed day. HopeFULLy I will see you soon.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: **748-5067 or 748-5068.**

TODAY'S DATE: 2/27/15
 NAME: Elijah Hudson
 ALIAS: _____
 CHARGE(S): _____
 DATE OF BIRTH: [REDACTED] 1992 DORM: K111

WHO IS YOUR PUBLIC DEFENDER?

☐ DOUGLAS STRICKLER	☐ FIELDING PRINGLE
☐ JENNIFER DAVIS	☐ ROBERT BANK
☐ ADAM RUFFIN	☐ ANASTASIA WALKER
☐ CHESLYNE BRIGHTHOP	☐ JOANNA DELANY
☐ MEGAN EIGENBROT	☐ CHRIS SHIPMAN
☐ ALEXSANDRA CHAUHAN	☐ CONSTANTINE POURNARAS
☐ JEREMY MACNEALY	☐ TAYLOR BELL
☐ HANNAH C. HONEYCUTT	☐ CHRISTIAN GRANT
☐ TRACY PINNOCK	☒ ALICIA DYAR
☐ JESSAMINE GRICE	☐ REBECCA WILLIAMS
☐ TAMIKA THOMPSON	☐ STEPHEN KRZYSTON
☐ JONATHAN COMISH	☐ PATRICK SHARPE
☐ LUCAS HAWKS	☐ ERIC STAGGS
☐ MAISIE OSTEEN	☐ SARAH JURICK
☐ ROBERT FORNEY	☐ JOHN TATE

☐ I DO NOT KNOW WHO MY ATTORNEY IS.

MESSAGE FOR YOUR ATTORNEY: Hey, I was wondering if
you got that report yet from Dr. McKee. Also if they are
not ready for trial next month can you just take me
up for a bond. Can you come see me Asap. Thank
you have a blessed day.

ATTENTION: Please only use this form to bring general issues of information to your attorney's attention. Do not write down anything of a confidential nature. You do not know who may be reading this so don't write anything you don't want a stranger to read.

If you do not have an attorney this is the way to request to have someone assigned to you're case.

RICHLAND COUNTY PUBLIC DEFENDER

Public Defender Request / Contact Form

Please Print:

TODAY'S DATE: _____

NAME: Elijah Hudson

ALIAS: _____

CHARGE(S): Sexual conductDATE OF BIRTH: 92 DORM: Lima

WHO IS YOUR PUBLIC DEFENDER?

- | | | | |
|---|--|---|---|
| ☐ Douglas Strickler | ☐ Jennifer Davis | ☐ Megan Eigenbrot | ☐ Mark Sawyer |
| ☐ Courtney Gibbes | ☐ Bridget Brown | ☐ Jeremy MacNealy | ☐ Kris Hines |
| ☐ Tracy Pinnock | ☐ Jessamine Grice | ☐ Christian Grant | ☐ Lucas Hawks |
| ☐ Fielding Pringle | ☐ Robert Bank | ☐ Anastasia Walker | ☒ Alicia Dyar |
| ☐ Joanna Delany | ☐ Aleksandra Chauhan | ☐ Stephen Krzyston | ☐ Taylor Bell |
| ☐ Greg Collins | ☐ Patrick Sharpe | ☐ Adam Ruffin | ☐ Eric Staggs |
| ☐ Rebecca Williams | ☐ Constantine Pournaras | ☐ Tamika Thompson | |
| ☐ Jacqueline Bambach | ☐ Christopher Shipman | | |

☐ I do not know who my attorney is

Message for your attorney:

I haven't heard from you since the last time you
came to see me. I was wondering if you picked up my medical records from
the jail house yet. I also wanted to know if you was ready to take me
to court for a bond. Please deliver the information to my parents or
brother letting them know when we going for a bond or keep me updated in writing.
Thank you for your time.

ATTENTION: If you need to relay any information to your attorney, this form is the best way to do so. Please only use this form to bring general issues of information to your attorney's attention. Please note that this form is NOT CONFIDENTIAL. Jail lines are answered from 9:00 a.m. – Noon Monday, Wednesday and Friday and from 2:00 p.m. – 4:00 p.m. Tuesday and Thursday. Those numbers are: **748-5067 or 748-5068.**

**RICHLAND COUNTY PUBLIC DEFENDER
RICHLAND COUNTY JUDICIAL CENTER**

1701 MAIN STREET
POST OFFICE BOX 192
COLUMBIA, SC 29201

PHONE (803) 765-2592
FAX (803) 929-6156

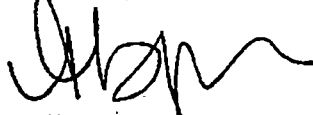
June 2, 2014

Mr. Elijah T Hudson
Inmate Number: 620941 Lima Dorm
201 John Mark Dial Drive
Columbia, SC 29209

Elijah;

I hope this letter finds you well. I am in receipt of your most recent correspondence. I attempted to come see you recently and the dorm was under quarantine. I am preparing for a trial and will do my best to come see you as soon as possible. Thank you for patience and understanding.

Sincerely,



Alicia G. Dyar
Assistant Public Defender



**RICHLAND COUNTY PUBLIC DEFENDER
RICHLAND COUNTY JUDICIAL CENTER**

1701 MAIN STREET
POST OFFICE BOX 192
COLUMBIA, SC 29201

PHONE (803) 765-2592
FAX (803) 929-6156

July 7, 2014

Mr. Elijah T Hudson
Inmate Number: 620941 Lima Dorm
201 John Mark Dial Drive
Columbia, SC 29209

Elijah;

I hope this letter finds you well. I am sorry for the delay in getting this to you but I have enclosed a medical release for you to sign. I need this to obtain your medical records from Alvin S. Glenn Detention Center. Please sign where indicated and have someone else sign as a witness, where indicated.

Thank you and as always, please don't hesitate to contact me with any questions.

Sincerely,

COPY

Alicia G. Dyar
Assistant Public Defender

**RICHLAND COUNTY PUBLIC DEFENDER
RICHLAND COUNTY JUDICIAL CENTER**

1701 MAIN STREET
POST OFFICE BOX 192
COLUMBIA, SC 29201

PHONE (803) 765-2592
FAX (803) 929-6156

November 17, 2014

Mr. Elijah T Hudson
Inmate Number: 620941 Kilo Dorm
201 John Mark Dial Drive
Columbia, SC 29209

Elijah;

I hope this letter finds you well. I have enclosed an Authorization to Release Health Information from DHEC. This authorization will allow me to obtain your records (or lack thereof) concerning any STDs that you may or may not have been treated for. I need to you to sign in the places where indicated. In the grid area you only need to initial under the column labeled "All" next to the row labeled "STD". Next to the number 3 I need you to initial. Next to number 4 I need you to initial the first blank space. Under item 7 I need you to initial next to a) and next to c). And lastly, under item 8 I need to you sign your name. Additionally, I have enclosed an envelope so that you can send the completed document back to me. Please complete this as soon as possible so that I can get this information.

Thanks for your help with this and let me know if you have any questions.

Sincerely,



Alicia D. Goode
Assistant Public Defender

enclosures

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 Elijah Hudson (SCDC #363316),

Applicant,

v.

State of South Carolina,
 Respondent.

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT
 Civil Action No. 2016-CP-40-0577

ORDER OF DISMISSAL

2017 DEC 19 PM 12:25
 FILED
 RICHLAND COUNTY
 CLERK OF COURT

This matter comes before the Court upon Application for Post-Conviction Relief filed by Applicant Elijah Hudson ("Applicant") on January 25, 2016. Respondent filed its return on October 28, 2016. On March 29, 2017, an evidentiary hearing was conducted at the Richland County Judicial Center. Applicant was present along with his counsel, David Kellum Allen, Esquire. The State was represented by Jessica Kinard, Esquire.

For the reasons set forth below, the Application for Post-Conviction Relief is DENIED, and this matter is DISMISSED.

FINDINGS OF FACT

In 2015, Applicant was charged with two counts of criminal sexual conduct with a minor in the first degree and one count of assault with intent to commit criminal sexual conduct with a minor in the first degree, arising from incidents occurring in 2011 and 2014 with Applicant's niece ("the victim"). Alicia Dyar Goode, Esquire ("plea counsel") and Tracy Pinnock, Esquire, were appointed to represent him. On March 16, 2015, Applicant waived his right to grand jury presentment on these charges pled guilty to two lesser charges – 2 counts of criminal sexual conduct with a minor in the second degree. The plea was made pursuant to a negotiated plea agreement with the State in which Applicant would be incarcerated for ten to twenty years. The

Court accepted the negotiated plea and imposed a sentence of nineteen years' imprisonment on each charge, with the sentences to be served concurrently.

Applicant appealed his conviction to the South Carolina Court of Appeals. However, his appeal was dismissed by Order dated June 25, 2015, due to Applicant's failure to provide sufficient explanation for its filing. The Remittitur was issued on August 6, 2015.

Applicant subsequently filed the instant Application for Post-Conviction Relief ("PCR"). In it, Applicant alleges that he is being unlawfully detained due to "(a) 5th Amendment due process [,] (b) 6th Amendment ineffective assistance of counsel [, and] (c) 14th equal protection under due process clause."

At the evidentiary hearing on March 29, 2017, Applicant testified on his own behalf and expounded on his written allegations. He contended that he provided plea counsel with evidence of his innocence, but she ignored it; that plea counsel hid information from him and failed to review discovery with him; that plea counsel failed to investigate his alibi defense; and that plea counsel did not meet with him often enough. Applicant testified that plea counsel coerced him to enter a guilty plea by suggesting that if he did not, his parents would testify against him at trial.

The Court also reviewed the transcript of Applicant's guilty plea and considered the testimony of Applicant's plea counsel, Alicia Dyar Goode. Ms. Goode testified that she did, in fact, thoroughly investigate Applicant's case. Specifically, she stated that she was aware that the victim of the crime had named other suspects in addition to Applicant; that she retained a DNA expert from New Mexico who was willing to testify at trial on Applicant's behalf; and that she engaged in "extensive" preparation for trial. Ms. Goode also testified that she knew of a related investigation by the South Carolina Department of Social Services in 2011 in which there was "some sort of admission of sexual conduct between [Applicant] Elijah and the victim."

Nevertheless, her trial strategy was to attack the victim's credibility regarding the 2011 allegations and to attack both the science and the victim's credibility with respect to the 2014 allegations. Instead, on the day his trial was set to begin, she received a plea offer from the State, which Applicant accepted.

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. Fifth Amendment and Fourteenth Amendment Claims

In his PCR application, Applicant alleged as grounds for relief "(a) 5th Amendment due process ... [and] ... 14th equal protection under due process clause." 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 Elijah Hudson be REMANDED to the custody of the State of South Carolina.

AND IT IS SO ORDERED.


Jobelyn Newman
Presiding Judge

December 19, 2017
Columbia, South Carolina.

WITNESSES

(S) Travis Holdorf
- Richland County Sheriff

ARREST WARRANT NUMBER

DP15085

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015GS4001716

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2015

42

THE STATE
vs.

Elijah T Hudson

Indictment for
SEX / CRIMINAL SEXUAL CONDUCT WITH
MINOR, OR ATTEMPT - SECOND DEGREE

SC Code: 16-03-0655(B)(1)
CDR Code: 0396

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Elijah Hudson
Defendant

Elijah Hudson
hereby appear in my own proper person and plead
guilty to the within indictment or

Elijah Hudson
Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED
Jeannette W. McBride
C.C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)

INDICTMENT

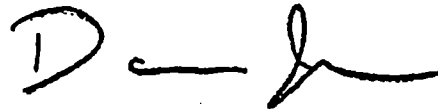
COUNTY OF RICHLAND)

At a Court of General Sessions, convened on , the Grand Jurors of
Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE

That Elijah T Hudson did in Richland County, State of South Carolina, on
or about March 7, 2014, willfully, unlawfully and feloniously engage in sexual
battery with a minor who is less than fourteen (14) years of age, to wit: **Minor**
██████████ date of birth: **██████████** 2004, in violation of Section 16-03-655(B)
[formerly Section 16-3-655(2)], S. C. 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.



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
 STATE VS.
Elijah T Hudson

INDICTMENT/CASE#: 2015GS4001716A/W#: DP15085Date of Offense: 3/7/2014S.C. Code § : 16-03-0655(B)(1)CDR Code #: 0396

AKA: _____
 Race: BLACK Sex: M Age: 22
 DOB: SS# _____
 Address: No Perm Address
 City, State, Zip: Columbia, SC 29201
 DL#: _____ SID#: _____

SENTENCE SHEET

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

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

☐ CONVICTED OF or ☒ PLEADS

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

in violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury ETH (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Campbell, Luck 13009 X Elijah T Hudson 1000167
 SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 19 days/months/years or 19 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.☐ 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 PTUP

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

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

_____ 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: _____

**CERTIFIED TRUE COPY
 OF ORIGINAL FILED,
 Jeannette W. McBride
 C.C.C.P.&G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA**

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

Clerk of Court/ Deputy Clerk

Court Reporter: Jeannette W. McBride

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2110Sentence Date: 3/16/15

WITNESSES

(S)

-

ARREST WARRANT NUMBER

DP15086

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015GS4001719

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2015

42

THE STATE

vs.

Elijah T Hudson

Indictment for
SEX / CRIMINAL SEXUAL CONDUCT WITH
MINOR, OR ATTEMPT - SECOND DEGREE

SC Code: 16-03-0655(B)(1)

CDR Code: 0396

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

X Elijah Hudson
Defendant

Elijah Hudson
hereby appear in my own proper person and plead
guilty to the within indictment or to

X Elijah Hudson
Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED

Jeanette W. McBride
C.C.C.P&G.S.

RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

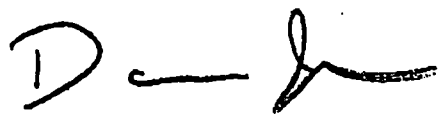
At a Court of General Sessions, convened on , the Grand Jurors of
Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE

That Elijah T Hudson did in Richland County, State of South Carolina,
between May 1, 2011 and December 3, 2011, willfully, unlawfully and feloniously
engage in sexual battery with a minor who is less than fourteen (14) years, to wit:

Minor, date of birth: **2004**, in violation of Section 16-03-655(B)
[formerly Section 16-3-655(2)], S. C. 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.



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.
Elijah T Hudson

AKA:

Race: BLACK Sex: M Age: 22DOB: SS#:Address: No Perm AddressCity, State, Zip: Columbia, SC 29201DL#: SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

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

in violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. YETH (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Campbell, Luck13009
SC Bar#Elijah Hudson
DefendantAttorney
Attorney for Defendant100007
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 19 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.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

*Fine: \$
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$
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§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCA Surcharge) \$5 \$
3% to County (if paid in installments) \$
TOTAL \$

Clerk of Court/ Deputy Clerk

Court Reporter: Naevens

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2015GS4001719A/W#: DP15086Date of Offense: 3/7/2014S.C. Code § : 16-03-0655(B)(1)CDR Code #: 0396

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSCERTIFIED TRUE COPY
OF ORIGINAL FILED,Jeannette W. McBrider
Clerk of CourtRICHLAND COUNTY
SOUTH CAROLINAObtain 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 FundOther: All costs to be paid within
90 days of release from SCDC

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

Presiding Judge

Judge Code: 2110Sentence Date: 3/16/15