

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Berkeley County

Honorable Thomas A. Russo, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

AUG 01 2018

S.C. SUPREME COURT

BENJAMIN J. JACKSON

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-000881  
\_\_\_\_\_

APPENDIX  
\_\_\_\_\_

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Appellate Defender

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
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(803) 734-1330

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ATTORNEYS FOR RESPONDENT

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1 Nicholson doesn't require an answer until the next  
2 morning. They go over the prior record. They go  
3 over the right to testify or right to remain  
4 silent. But then he is given until the next  
5 morning. There's no discussion, no opportunity to  
6 discuss with his attorney that most crucial  
7 decision which had not been discussed in any  
8 thoroughness previously, nor was there a visit that  
9 evening when there was a break for a full night to  
10 discuss that.

11 So he relied on her advice. This is  
12 his first criminal trial as he indicated to you  
13 under oath. While he had a prior conviction, those  
14 were guilty pleas. This was his first criminal  
15 trial. And he as a client should relies on the  
16 advice of counsel. We would argue that that advice  
17 was ineffective, it led to testimony being --  
18 testimony a jury would otherwise have heard being  
19 absent in this trial. And so we believe we have  
20 met both prongs of Strickland, there was  
21 ineffective assistance and that it did directly  
22 affect the outcome. We would respectfully ask you  
23 to grant his application to vacate his convictions,  
24 to undo the sentences on those and the risk and  
25 benefit is he starts over with that. That is the

1 relief we would ask for, Your Honor.

2 THE COURT: Thank you, Mr. Davis. Ms.  
3 Cleveland.

4 MS. CLEVELAND: Just briefly, Your  
5 Honor. Ms. Kennedy has testified that she spoke  
6 with Mr. Jackson numerous times. She sent him  
7 letters. She discussed with him his rights to  
8 testify, and that it was ultimately his decision to  
9 not testify. As Mr. Jackson stated, he was given  
10 24 hours at trial to make a decision on whether to  
11 testify. When he came back and the judge asked  
12 for his response he at that time again informed the  
13 Court that he did not wish to testify.

14 Ms. Kennedy also testified here today  
15 that she reviewed all elements of every charge that  
16 he was facing, all the potential punishments, all  
17 the potential risks associated with him testifying,  
18 that his record could come up. She did not testify  
19 that she advised him not to take the stand and  
20 testify in trial.

21 Your Honor, I would argue that Mr.  
22 Jackson has failed to meet his burden today. He  
23 has not established that Ms. Kennedy's performance  
24 was deficient, nor that he suffered any prejudice  
25 therefrom and we would just ask that this petition

1 for post-conviction relief be dismissed.

2 THE COURT: All right. Give me a  
3 second.

4 (Brief pause.)

5 THE COURT: Typically when I have a  
6 case that involves a trial, I more than likely  
7 would take the matter advisement to give me an  
8 opportunity to go back through the trial  
9 transcript, but as I go through everything, I have  
10 got about three or four pages of notes here that I  
11 took during the course of this hearing, I don't  
12 know that -- I don't know that I need that. I  
13 don't know that there is anything in the trial  
14 transcript that is going to shed any light on this  
15 matter here because most of the or all of the  
16 allegations that are being claimed here seem to be  
17 pretrial matters rather than anything that occurred  
18 during the course of the trial.

19 And as I go through and I am looking at  
20 the things that Mr. Jackson, some issues he raised,  
21 he indicated that Ms. Kennedy never discussed with  
22 him the charges as far as what they carry, what the  
23 maximum time he would face if he were to be  
24 convicted, how they are classified, the percentage  
25 I call it parole eligibility or how that works, but

1 yet Ms. Kennedy testified that not only did she  
2 inform him of those things, but she actually  
3 documented it in a letter to him and that she did,  
4 in fact, have that conversation with him so that he  
5 would be aware of the what the risks are in going  
6 through trial. And that was documented in the  
7 letter that she sent.

8           With regards to the issue, and it seems  
9 to be mainly that I think the main issue or concern  
10 was him not testifying, and what I basically have  
11 presented to me is for lack of a better phrase a  
12 slurring contest. Mr. Jackson indicated that he  
13 believed he would be testifying, was intending to  
14 testify, and that after speaking with Ms. Kennedy  
15 and she felt that it would not be in his best  
16 interest, he chose not to. I didn't hear anything  
17 that even out of Mr. Jackson himself that he was  
18 coerced or pressured or threatened in any way. He  
19 simply followed the advice of his attorney which I  
20 don't criticize at all. I am just saying it is  
21 that he seemed to accept Ms. Kennedy's reasoning  
22 for not testifying. And I thought it interesting  
23 and insightful that what Ms. Kennedy's recollection  
24 were in giving that advice is not really  
25 necessarily his prior record, although he has a

1 prior record and I think Mr. Davis brought it out  
2 clearly and Ms. Kennedy was obviously aware of it,  
3 that it's the hurtle of the prior burglary could  
4 have been very prejudicial; however, more than  
5 likely she would have kept out that it's a prior  
6 burglary, simply that it was a felony conviction.  
7 So that probably would never have gotten in front  
8 of a jury and that wasn't her concern and I see  
9 that.

10           What her concern was was subjecting her  
11 client to cross-examination with regards to  
12 statements that he had made and I heard Mr.  
13 Jackson's -- I am assuming that this would have  
14 been his testimony had he taken the stand, was that  
15 he had paid someone \$2,500 to steal a car for him.  
16 And when I served as a public defender for several  
17 years ago in Saluda and then after that served as a  
18 deputy solicitor in Florence, so I have been on  
19 both sides. And as a prosecutor I could see all  
20 type of damage I could do with that kind of  
21 testimony.

22           I would have certainly attacked Mr.  
23 Jackson's story about producing this guy's name  
24 Johnny. Why in heaven's name would you pay  
25 somebody \$2,500 to steal a car for you. For \$2,500

1 you can buy a car. Where did you get the \$2,500.  
2 Are you working? What type of work do you do?  
3 There is all kind of really bad things that could  
4 come from putting somebody on the stand when that's  
5 their story.

6 It also puts in front of the jury and  
7 probably negates what you argue, Mr. Davis, and  
8 that is that the jury, you know, appreciates the  
9 fact that he's admitting something, but making that  
10 denial and hearing that denial when you basically  
11 have a client whose going to tell the jury I'm the  
12 kind of guy that will pay somebody \$2,500 to steal  
13 your car so that I can have it. There is all kind  
14 of problems.

15 And so her advice for him to not  
16 testify appears to absolutely be well within  
17 appropriate discretion for someone who practices  
18 criminal defense law. And so that whole issue I  
19 feel really doesn't carry any weight. I think that  
20 her advice to him to not testify was actually sound  
21 advice based on everything that I have heard  
22 throughout this. And so it appeared that  
23 throughout that she performed admirably as defense  
24 counsel and I just don't feel that there has been  
25 showing Mr. Jackson has carried his burden of

1 showing that Ms. Kennedy was ineffective. So  
2 obviously that's the first prong of the Strickland  
3 test. If that's not met you don't go to the second  
4 prong. Because I just don't find that there is any  
5 evidence in here to prove or to show that Ms.  
6 Kennedy was ineffective or deficient in her  
7 representation I'm going to respectfully deny the  
8 application.

9 (These proceedings were concluded at  
10 11:07 a.m., February 26, 2018, Berkeley County,  
11 South Carolina.)  
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CERTIFICATE OF REPORTER

I, Ruth C. Weese, Registered Diplomate Reporter for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 14th day of June, 2018 at Charleston, Charleston County, South Carolina.

*Ruth C. Weese*

---

Ruth C. Weese  
Registered Diplomate  
Reporter

STATE OF SOUTH CAROLINA )  
 COUNTY OF BERKELEY )  
 Benjamin J. Jackson, #338036, )  
 Applicant, )  
 v. )  
 State of South Carolina, )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT

Case No. 2016-CP-08-1738

ORDER OF DISMISSAL

MARY P. GROWN  
 CLERK OF COURT  
 BERKELEY COUNTY, S.C.

2018 MAY -3 AM 9:11

FILED  
 [Signature]

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed on August 1, 2016 by Benjamin J. Jackson ("Applicant"). Respondent submitted its Return on July 6, 2017. An evidentiary hearing was convened on Monday, February 26, 2018, at the Berkeley County Courthouse. Applicant was present at the hearing and represented by Rodney Davis, Esquire. Rasheeda Cleveland, Esquire of the South Carolina Attorney General's Office, represented the State. Applicant testified at the hearing. Applicant's trial counsel, Patricia Kennedy, Esquire was also present and testified at the hearing.

Before the Court are the records of the Berkeley County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the post-conviction relief application.

**I. PROCEDURAL HISTORY**

Benjamin Jackson ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. In October 2010, the Berkeley County Grand Jury indicted Applicant for possession of a weapon during the commission of a violent crime (2010-GS-08-1692), burglary, second degree (2010-GS-08-1693), grand larceny (2010-GS-08-1694), kidnaping (2010-GS-08-1695), armed robbery

(2010-GS-08-1696), and failure to stop for a blue light (2010-GS-08-1697). Patricia Kennedy, Esquire, represented Applicant. On March 5-8, 2012, Applicant proceeded to trial before the Honorable J.C. Nicholson, Jr. The jury found Applicant guilty as indicted on all charges. Pursuant to the State's recommendation, Judge Nicholson sentenced Applicant to imprisonment for concurrent terms of five years of imprisonment for possession of a weapon during the commission of a violent crime, fifteen years for burglary, second degree, ten years for grand larceny, thirty years for kidnapping, thirty years for armed robbery, and three years for failure to stop for a blue light.

Applicant filed a timely notice of appeal. Lanelle Durant, Esquire, of the South Carolina Commission of Indigent Defense—Office of Appellate Defense, perfected the appeal. The South Carolina Court of Appeals affirmed Applicant's conviction on July 29, 2015. State v. Jackson, Op. No. 2015-UP-389 (S.C. Ct. App. filed July 29, 2015). The remittitur was returned to the circuit court on September 28, 2015.

#### SUMMARY OF FACTS

On May 19, 2010, Appellant entered a church and held Hazel Dunning ("Victim") at gun point. (Tr. p. 139; Tr. p. 144.) Appellant told Victim that he "wanted [her] f'ing key or [he will] blow [her] head off." (Tr. p. 144.) Appellant took Victim's keys and stole her vehicle. (Tr. pp. 144-145; Tr. p. 147.) According to Victim, her vehicle was a White Eddie Bauer Expedition with tan on the bottom. (Tr. p. 142.) Victim described the assailant as a black male, who was approximately 5'11 to 6'2 and 150 to 180 pounds. (Tr. p. 134.)

On May 28, 2010, Investigator Rick Ollic saw a vehicle fitting the description of Victim's stolen vehicle. (Tr. p. 187.) Investigator Ollic was able to see the driver's face. (Tr. p. 189.) Initially, the vehicle stopped when Investigator Ollic activated his blue lights in order to

pull over the vehicle. (Tr. p. 190). But when Investigator Ollic approached the vehicle, the vehicle took off. (Tr. pp. 192-193.) At that point, the backup officers began chasing the vehicle. (Tr. p. 193.) Eventually, the vehicle crashed and the driver fled the vehicle. (Tr. pp. 195-196.) The officers found a wallet with multiple credit cards that listed Appellant's name as the owner and Appellant's student identification. (Tr. pp. 196-197.) According to Investigator Ollic, the person on the student identification card resembled the person he saw driving the vehicle that night. (Tr. pp. 197-198.) The officers determined that the vehicle was in fact Victim's stolen vehicle. (Tr. p. 198.)

On June 2, 2010, the officers executed a search warrant of Appellant's house. (Tr. p. 241.) The officers found Victim's luggage rack and a palmetto tree sticker from her vehicle in Appellant's yard. (Tr. p. 199.) Further, the officers found a prescription medicine bottle belonging to Victim in Appellant's home and a check with Victim's name on it in Appellant's home. (Tr. p. 199.) In addition, the officers found Victim's vehicle registration, roadside hazard kit, cell phone, and other miscellaneous documents belonging to Victim in Appellant's home. (Tr. p. 199; Tr. pp. 244-250; Tr. pp. 264-266.)

At trial, Investigator Michael Cortte testified that Victim reported that the assailant used some sort of long gun or rifle during the commission of the armed robbery. (Tr. p. 257.) When the officers executed the search warrant of Appellant's home, they found numerous .410 shotgun shells. (Tr. p. 267.) However, the officers never found a firearm. (Tr. p. 267.) According to Officer Cortte, the shotgun shells the officers found in Appellant's home were consistent with Victim's description of the type of weapon used during the commission of the armed robbery. (Tr. p. 267.)

Later, on the day of the execution of the search warrant, Investigator Cortte asked

Appellant specifically about the armed robbery that occurred on May 18, 2010. (Tr. p. 269.) According to Investigator Cortte, Appellant “said he did it. He said that he was sorry for what he put the victim through. He said that she was never a target. He wanted the vehicle. He said he wanted to apologize to her. He said that someone had left the gun for him to use. He said that someone helped him dispose of some of the victim’s property, including her purse and the license plate from her vehicle. He told [the officers] that those items were disposed of at a car wash in Orangeburg County.” (Tr. p. 273.) Appellant refused to tell the officers the name of the person who provided him the gun. (Tr. p. 273.) On June 3, 2010, Appellant confessed once again to the armed robbery. He wrote a note apologizing to Victim and asking for her forgiveness. (Tr. pp. 277-278; State’s Exh. 2.) According to Dean Kokinda, an expert in the field of forensics and fingerprint analysis, Appellant’s fingerprints matched certain items found in Victim’s stolen vehicle. (Tr. pp. 330-331.)

## II. ALLEGATIONS

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

1. “Defense counsel failed to place the grounds for her objection to the testimony on the record, the issue assert on appeal is not preserved.”
  - a. “Defense counsel didn’t properly represent me, or raise the correct issues in my case”
  - b. “Never consult with me on my case on trail”
2. “Trial counsel was ineffective for failing to place the grounds for her objection to the more prejudicial the probative testimony of Inv. Cortte, where counsel should of specify that the testimony was more prejudicial than probabtive.”
3. “Ineffective assistance of Appellate Defense”<sup>1</sup>
  - a. “Lawyers fail to object to the relevancy, leaning on relevancy obscure the merit of what your lawyer did object to prejudicial effect. Appellate lawyer should of left relevancy out and go for prejudicial effect or should of argued that the objection was specific enough

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<sup>1</sup> Applicant did not go forward with his claim of ineffective assistance of appellate defense.

where 'the trial judge admitted the testimony but excluded the actual shell casing and photographs. Testimony of mere speculation, where prejudice of appellant being convicted of mere speculation instead of beyond reasonable doubt outweighs any probative value.'

### III. SUMMARY OF RELEVANT TESTIMONY PRESENTED

#### *Applicant's testimony*

Applicant testified that his trial counsel was Patricia Kennedy, Esquire. He recalled that the two of them had ten meetings, each lasting on average 20-30 minutes. Applicant further recalled that the meetings took place at the jail and in the courthouse. Applicant testified that he did not recall discussing the elements of the charges against him but he recalled discussing the evidence. Applicant recalled receiving a copy of the Rule 5 discovery from his plea counsel. Applicant also testified that trial counsel discussed with him the max punishments he could receive for the charges against him. Applicant did not recall having any discussion of the trial process, and testified that he never had a trial before. Applicant testified that he and trial counsel discussed Jackson v. Denno<sup>2</sup> briefly but had no discussion of his testimony or what he might be asked during trial.

Applicant recalled that trial counsel advised him not to testify because of his background<sup>3</sup>. Applicant also recalled Judge Nicholson allowing him to think about his decision to testify or not overnight, and allowed him additional time to speak with trial counsel. Regarding the charges against him, Applicant testified that he did not commit the armed robbery and kidnapping but that he had paid someone named Johnny \$2,500 dollars to steal the vehicle. He further testified that he knew the vehicle was stolen two days before he was stopped. Applicant testified that he never had a gun and a gun was never found.

<sup>2</sup> 378 U.S. 368, 84 S.Ct. 1774 (1964).

<sup>3</sup> Applicant had a prior felony and drug charges in Berkeley County.

Applicant attested that there was never a discussion about the terms "most serious", strike offenses, or parole. However, Applicant recalled having a discussion with trial counsel about a plea offer of ten to twenty years, but he rejected the offer. Applicant further recalled trial counsel had advised him to take the deal because it was good deal. Applicant testified that he could not see himself pleading guilty to armed robbery and kidnapping, and he would not have considered taking a ten to twenty year sentence. Applicant attested that he did not understand when he would be parole eligible if he accepted the plea. He also testified that he did not understand the risks associated with going to trial. However, Applicant further testified that if given the option again to testify or still go to trial, he would go to trial because he is not guilty.

On cross-examination by the State, Applicant testified that he provided a written statement to officers stating that he apologized to the victim for what happened. However, he never informed the police that he had paid someone to steal the vehicle. Applicant recalled that no gun was found at his residence during the search of his home, but bullets that were consistent with the type of weapon used were found at the scene.

#### *Trial Counsel's Testimony*

Trial Counsel testified that she has been in the practice of law for thirty-two years, and that 85% of that time was spent practicing criminal law. She recalled that she was appointed to the case. Trial Counsel, after referring to her file and notes, testified that she and Applicant had at least fifteen or more meetings. Trial Counsel further recalled that Applicant's wife was also involved in the case, and that she had discussed the case with Applicant and his wife several times. Trial Counsel testified that she discussed the charges, elements, and potential punishments with Applicant several times before the plea hearing before Judge Dennis occurred. Trial Counsel also read into evidence a letter she had written to Applicant.

Trial Counsel recalled that Applicant had given three statements while in custody including a written statement. Trial Counsel testified that she negotiated with the State for a twenty-year cap; however, Applicant said he would take ten years. During her testimony, Trial Counsel read a letter from her file that she had written to Applicant addressing what happened in court, the charges, classification, and potential punishments.<sup>4</sup> The letter also addressed what a plea offer was and the consequences of Applicant's decision to accept or reject it. In the letter, Trial Counsel also advised Applicant of the pros and cons of going to trial versus accepting a plea deal. Trial Counsel recalled, however, that it was solely Applicant's decision to reject the offer.

Regarding her trial strategy, Trial Counsel testified that they intended to concede to possession of the vehicle but believed they could attack the armed robbery based on the quality of the investigation. She recalled that she discussed with Applicant the weak points in the case, and his right to testify. Trial Counsel testified that it was Applicant's decision to not testify. Trial Counsel also recalled making a motion for directed verdict at the conclusion of the trial.

On cross-examination, Trial Counsel testified that a Denno hearing was held because there were issues regarding the credibility of officers and how Applicant's statements were taken. Trial Counsel stated that she did not perform mock testimony with Applicant because he did not want to testify. She further recalled that Applicant wrote a letter stating that he did not want a speedy trial.

#### IV. APPLICABLE LAW

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant

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<sup>4</sup> A copy of the letter from Trial Counsel to Applicant is attached to this order.

must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813.

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

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, Petitioner must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced Petitioner 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.

#### V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

*Ineffective Assistance of Counsel*

After reviewing the issues, this Court finds that Applicant did not carry his burden of showing deficiency on the part of Trial Counsel. Applicant offered no evidence to prove or show that Trial Counsel was deficient. This Court also finds that because Applicant did not carry his burden, there is no need to assess the prejudice prong.

Based on Trial Counsel's testimony, her advice regarding whether or not Applicant should testify was well within her discretion, and, in this Court's opinion, sound advice. Trial Counsel performed admirably as defense counsel. Similarly, this Court finds that Trial Counsel's advice was not based so much on Applicant's prior record as it was on her concern for subjecting client to cross-examination in regard to statements Applicant made. There is a strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in the case. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The record reflects that Applicant was advised of his 5<sup>th</sup> Amendment right to remain silent. (Tr. p. 341). When asked by the trial court if he understood that no one could compel him to testify, and that it was his "personal privilege", Applicant replied that he understood. (Tr. p. 341). The trial court allowed Applicant time to think about his decision, and to further consult with Trial Counsel before deciding whether or not to testify. (Tr. p. 343). On March 8, 2012, at the beginning of the proceedings, the trial court asked Applicant if he had made a decision regarding whether or not he would testify. Applicant informed the court that he did not want to testify. (Tr. p. 346, lines 4-16). An on-the-record waiver of a constitutional or statutory right is but one method of determining whether the defendant knowingly and intelligently waived that

right. Brown v. State, 453 S.E.2d 251, 252, 317 S.C. 270, 272 (1994). Additionally, Trial Counsel testified that it was Applicant's decision to not testify, and, as his counsel, she advised him of the weak points in his case. Therefore, the Court finds that the record reflects Applicant voluntarily, knowingly, and intelligently waived his right to testify.

Lastly, this Court finds that, based on the record and the testimony presented, Trial Counsel performed admirably. Therefore, after hearing oral argument and reviewing all documentation provided, this Court finds no deficiency on the part of counsel.

*{Conclusion and signature on the following page.}*

## VI. CONCLUSION

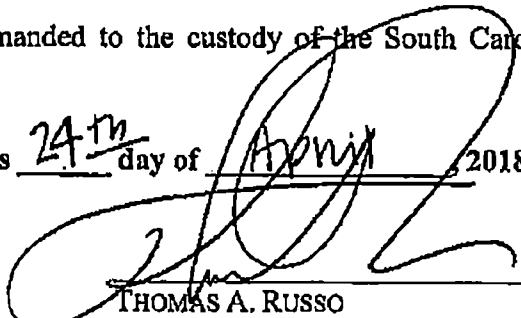
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRPC provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

### IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 24<sup>th</sup> day of April, 2018.

  
 THOMAS A. RUSSO  
 Presiding Judge  
 Ninth Judicial Circuit

Florence, South Carolina

WITNESSES

Michael Cortte  
Berkeley County Sheriff's Office

R. Ramsey

AGENCY CASE NUMBER

1005021204

ARREST WARRANT NUMBER

M331570

DATE OF ARREST

June 3, 2010

ACTION OF GRAND JURY

True Bill

*[Signature]*  
Person of Grand Jury  
10-20-10

VERDICT

*[Signature]*

*[Signature]*  
Foreperson of Petit Jury  
3/8/17  
Date:

INDICT

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

October Term 2010

THE STATE

vs.

Benjamin J. Jackson, III

DOB: [REDACTED]

B/M

Indictment for

Possession of a Firearm During Commission  
of Violent Crime

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BERKELEY )

## INDICTMENT

At a Court of General Sessions, convened on October 20, 2010 the Grand Jurors of Berkeley County present upon their oath:

**Possession of a Firearm During Commission of Violent Crime**

That in Berkeley County, South Carolina, on or about May 18, 2010, the Defendant, Benjamin J. Jackson, III, did while at St. Stephen Evangelical Church located at 150 Church Road, St. Stephen, South Carolina, possess a firearm or visibly display what appeared to be a firearm during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of Section 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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

  
 \_\_\_\_\_  
 BRYAN A. ALFARO  
 DEPUTY SOLICITOR

WITNESSES

Michael Cortte  
Berkeley County Sheriff's Office

R. Ramsey

AGENCY CASE NUMBER

1005021204

ARREST WARRANT NUMBER

M331571

DATE OF ARREST

June 3, 2010

ACTION OF GRAND JURY

True Bill

*[Signature]*  
Person of Grand Jury  
10-20-10

VERDICT

Guilty

*[Signature]*  
Foreperson of Petit Jury

3/8/12  
Date

INDICT

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

October Term 2010

THE STATE

vs.

Benjamin J. Jackson, III

DOB: [REDACTED]

B/M

Indictment for

Burglary Second Degree

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BERKELEY )


## INDICTMENT

At a Court of General Sessions, convened on October 20, 2010 the Grand Jurors of Berkeley County present upon their oath:

**Burglary Second Degree**

That in Berkeley County, on or about May 18, 2010 the Defendant, Berkeley, did enter St. Stephen Evangelical Church located at 150 Church Road, St. Stephen, South Carolina, without consent and with the intent to commit a crime therein. That, in addition, threatened to use a dangerous instrument, to wit: a firearm. This action is in violation of Section 16-11-312(B) of the South Carolina Code of Laws (1976) as amended.

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

  
 \_\_\_\_\_  
 BRYAN A. ALFARO  
 DEPUTY SOLICITOR

524

ALF2010-06-01169

DOCKET NO. 2010-GS-08-1694

WITNESSES

Michael Cortte

Berkeley County Sheriff's Office

R. Ramsay

The State of South Carolina

County of Berkeley

AGENCY CASE NUMBER

1005021204

COURT OF GENERAL SESSIONS

October Term 2010

ARREST WARRANT NUMBER

M331572

THE STATE

DATE OF ARREST

vs.

June 3, 2010

Benjamin J. Jackson, III

ACTION OF GRAND JURY

True Bill

DOB: [REDACTED]

B/M

Person of Grand Jury  
10-20-10

Indictment for

VERDICT

Guilty

Grand Larceny

Foreperson of Petit Jury

3/9/12 Date

INDICT

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BERKELEY )

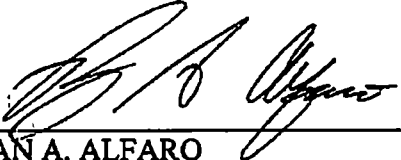
## INDICTMENT

At a Court of General Sessions, convened on October 20, 2010 the Grand Jurors of Berkeley County present upon their oath:

**Grand Larceny**

That in Berkeley County, South Carolina, on or about May 18, 2010, the Defendant, Benjamin J. Jackson, III, did take and carry away the property of another, valued in excess of \$5,000.00, described as follows: a 2006 Ford "Eddie Bauer" Expedition, with intent to deprive the owner of such property. This action is in violation of Section 16-13-0030(B)(2) of the South Carolina Code of Laws (1976) as amended.

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

  
 \_\_\_\_\_  
 BRYAN A. ALFARO  
 DEPUTY SOLICITOR

ALF2010-06-01169

WITNESSES

Michael Cortte

Berkeley County Sheriff's Office

R. Ramsey

AGENCY CASE NUMBER

1005021204

ARREST WARRANT NUMBER

M331573

DATE OF ARREST

June 3, 2010

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

10-20-10

VERDICT,

Guilty

Foreperson of Petit Jury

INDICT

DOCKET NO. 2010-GS-08-1695

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

October Term 2010

THE STATE

vs.

Benjamin J. Jackson, III

DOB:

B/M

Indictment for

Kidnapping

3/8/12 Date:

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF BERKELEY      )


INDICTMENT

At a Court of General Sessions, convened on October 20, 2010 the Grand Jurors of Berkeley County present upon their oath:

Kidnapping

That Benjamin J. Jackson, III, did while at St. Stephen Evangelical Church located at 150 Church Road, St. Stephen, South Carolina, willfully, unlawfully and feloniously kidnap, seize or confine Hazel T. Dunning without authority of law and against said Hazel T. Dunning's will and consent. This action is in violation of Section 16-03-0910, South Carolina Code of Laws (1976), as amended.

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

  
\_\_\_\_\_  
BRYAN A. ALFARO  
DEPUTY SOLICITOR

WITNESSES

Michael Cortte  
Berkeley County Sheriff's Office

R. Ramsey

AGENCY CASE NUMBER

1005021204

ARREST WARRANT NUMBER

M331574

DATE OF ARREST

June 3, 2010

ACTION OF GRAND JURY

True Bill

*[Signature]*  
Person of Grand Jury  
10-20-10

VERDICT

Guilty

*[Signature]*

Foreperson of Petit Jury

3/8/12  
Date:

INDICT

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

October Term 2010

THE STATE

vs.

Benjamin J. Jackson, III

DOB: [REDACTED]

B/M

Indictment for

Armed Robbery

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BERKELEY )

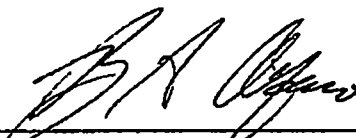
## INDICTMENT

At a Court of General Sessions, convened on October 20, 2010 the Grand Jurors of Berkeley County present upon their oath:

**Armed Robbery**

That Benjamin J. Jackson, III did in Berkeley County on or about the 18<sup>th</sup> day of May, 2010, while at St. Stephen Evangelical Church located at 150 Church Road, St. Stephen, South Carolina, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or other object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Hazel T. Dunning, with the intent to permanently deprive said Hazel T. Dunning of possession thereof. This action is in violation of Section 16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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

  
 \_\_\_\_\_  
 BRYAN A. ALFARO  
 DEPUTY SOLICITOR

WITNESSES

Brian Mosier  
Berkeley County Sheriff's Office

*D. Henry*

AGENCY CASE NUMBER

1005022727

ARREST WARRANT NUMBER

M331539

DATE OF ARREST

June 2, 2010

ACTION OF GRAND JURY

True Bill

*[Signature]*  
Person of Grand Jury

10-20-10

VERDICT

*Guilty*

*[Signature]*  
Foreperson of Petit Jury

*3/8/12*  
Date:

INDICT

The State of South Carolina  
County of Berkeley

COURT OF GENERAL SESSIONS

October Term 2010

THE STATE

vs.

Benjamin Jesse Jackson, III

DOB: [REDACTED]

B/M

Indictment for

Failure to Stop for Blue Light

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BERKELEY )


## INDICTMENT

At a Court of General Sessions, convened on October 20, 2010 the Grand Jurors of Berkeley County present upon their oath:

**Failure to Stop for Blue Light**

That in Berkeley County, South Carolina, on or about May 28, 2010, the Defendant, Benjamin Jesse Jackson, III, while driving a motor vehicle on a road, street, or highway of the State, did knowingly, willfully, intentionally, and in the absence of mitigating circumstances, fail to stop for a law enforcement vehicle after being signaled by a flashing light and/or a siren to do so; all in violation of Section 56-5-750 of the South Carolina Code of Laws (1976) as amended.

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




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BRYAN A. ALFARO  
 DEPUTY SOLICITOR

532

STATE OF SOUTH CAROLINA

COUNTY OF Berklee VS.

Benjamin J. Jackson, III

AKA: \_\_\_\_\_

Race: BLACK Sex: M Age: 26

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: Upton Rd.

City, State, Zip: St. Stephen, SC 29479

DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

TO: Possession of a Firearm or Knife During Commission of a Violent Crime

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010-GS-08-1692

A/W#: M331570

Date of Offense: 5/18/2010

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

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

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

ATTEST: [Signature] 70502  
Alfaro, Bryan A. SC Bar# \_\_\_\_\_ Defendant [Signature] Attorney for Defendant SC Bar# \_\_\_\_\_

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 5 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. Since June 2, 2010  
 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 \_\_\_\_\_ days/hours Public Service Employment  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

Obtain GED   
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling   
Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

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

Clerk of Court/ Deputy Clerk: Linda J. Hill  
Court Reporter: Sharon Vejes & Hanks  
SCCA/217 (03/2011)

Presiding Judge: [Signature]  
Judge Code: \_\_\_\_\_  
Sentence Date: 5/18/12

COUNTY OF Berkeley  
STATE VS.

Benjamin J. Jackson, III

AKA:

Race: BLACK Sex: M Age: 26

DOB: [REDACTED] SS#: [REDACTED]

Address: Upton Rd.

City, State, Zip: St. Stephen, SC 29479

DL#: [REDACTED] SID#: [REDACTED]

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  
TO: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

INDICTMENT/CASE#: 2010-GS-08-1693

A/W#: M331571

Date of Offense: 5/18/2010

S.C. Code § : 16-11-0312(B)

CDR Code #: 0086

SENTENCE SHEET

CONVICTED OF or  PLEADS

0-15y

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

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

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

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

ATTEST:

Alford, Bryan A.

70502  
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 1.5 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. Since June 2, 2010

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

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$     plus 20% fee: \$    

Payment Terms:    

Set by SCDPPPS    

Recipient:    

\*Fine: \$    

§ 14-1-206 (Assessments 107.5 %a) \$    

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 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 Del/Prob) \$500 \$    

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 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 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

PTUP    

    days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.    

May serve W/E beginning    

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$     beginning    

\$     paid to Public Defender Fund

Other:    

Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Linda J. Hill  
Sharon Viger-Hanks

Presiding Judge

Judge Code:    

Sentence Date: 3/18/10

[Signature]

COUNTY OF Berkeley VS. STATE

INDICTMENT/CASE#: 2010-GS-08-1694

Benjamin J. Jackson, III

A/W#: M331572

AKA: \_\_\_\_\_

Date of Offense: 5/18/2010

Race: BLACK Sex: M Age: 26

S.C. Code § : 16-13-0030(B)(2)

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

CDR Code #: 0479

Address: Upton Rd.

City, State, Zip: St. Stephen, SC 29479

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: Grand Larceny, more than \$5,000 *0-104*

in violation of § 16-13-0030(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0479

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

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

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

ATTEST: [Signature] 70502 Defendant [Signature] Attorney for Defendant SC Bar# \_\_\_\_\_

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

for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ 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 [Signature]

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. Since June 2, 2010  
 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 \_\_\_\_\_ days/hours Public Service Employment

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_  
Obtain GED   
Attend Voc. Rehab. or Job Corp. [Signature]

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 [Signature]  
Other: [Signature]

~~Other: [Signature]~~

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.  
\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_  
§ 14-1-206 (Assessments 107.5 %) \_\_\_\_\_ \$ \_\_\_\_\_  
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00  
§ 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 \$ 500.00  
§ 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/ca \$ \_\_\_\_\_  
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00  
3% to County (if paid in installments) \$ 390.90  
TOTAL \$ 133.90

Clerk of Court/ Deputy Clerk Linda J. Hill  
Court Reporter: Sharon Vized-Hanks  
SCCA/217 (03/2011)  
Presiding Judge [Signature]  
Judge Code: 2117  
Sentence Date: 3/8/12

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

535

COUNTY OF STATE

Berkle VS.

Benjamin J. Jackson, III

INDICTMENT/CASE#: 2010-GS-08-1695

A/W#: M331573

Date of Offense: 5/18/2010

S.C. Code § : 16-03-0910

CDR Code #: 0948 0095

AKA:

Race: BLACK Sex: M Age: 26

DOB: SS#:

Address: Upton Rd.

City, State, Zip: St. Stephen, SC 29479

DL#: SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Kidnapping / Sentenced for Murder 0-30

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0948 0095

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

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

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

ATTEST:

Alfaro, Bryan A.

70502 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 30 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. Since June 2, 2010

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

\*Fine:

Table with 3 columns: Description, Amount, Total. Includes items like § 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 \$133.90

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ paid to Public Defender Fund

Other: SEXUAL REGISTRY NOT REQUIRED

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

Clerk of Court (Deputy Clerk)

Court Reporter:

SCCA/217 (03/2011)

Jinda J. Hill Sharon Viger

Presiding Judge

Judge Code:

Sentence Date:

Handwritten signature and date 3/8/12

STATE OF SOUTH CAROLINA

COUNTY OF Berkels VS. Benjamin J. Jackson, III

AKA: \_\_\_\_\_

Race: BLACK Sex: M Age: 26

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: Upton Rd.

City, State, Zip: St. Stephen, SC 29479

DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was TO: Armed Robbery 10-30y

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.

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

ATTEST: [Signature] 70502

Alfate, Bryan A. SC Bar# \_\_\_\_\_ Defendant

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

for a determinate term of 30 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. Since June 2, 2010

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

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

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

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ <u>133.90</u>

Clerk of Court/Deputy Clerk Linda J. Hill

Court Reporter: Sharon Vignone

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010-GS-08-1696

A/W#: M331574

Date of Offense: 5/18/2010

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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.

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

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant SC Bar# \_\_\_\_\_

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

for a determinate term of \_\_\_\_\_ 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. Since June 2, 2010

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

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

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

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ <u>133.90</u>

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

Presiding Judge [Signature]

Judge Code: 2117

Sentence Date: 3/18/12

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

537

COUNTY OF Berkell  
STATE VS.

INDICTMENT/CASE#: 2010-GS-08-1697

Benjamin Jesse Jackson, III

A/W#: M331539

AKA: \_\_\_\_\_

Date of Offense: 5/28/2010

Race: BLACK Sex: M Age: 26

S.C. Code §: 56-05-0750(B)(1)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0065

Address: Jackson St., Apt. H

City, State, Zip: Charleston, SC 29403

DL#: [REDACTED] SID#: \_\_\_\_\_

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Failure to stop for a blue light, no injury or death, 1st offense

90 days - 3y

in violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065

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

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

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

ATTEST: [Signature] 70502  
Alfaro, Bryan A. 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 3 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. Since June 2, 2010  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_ days/hours Public Service Employment

Recipient: \_\_\_\_\_

Obtain GED   
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Del/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

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: \_\_\_\_\_

Clerk of Court/ Deputy Clerk Linda J. Hill  
Court Reporter: Sharon Vign-Hanks  
SCCA/217 (03/2011)

Presiding Judge: [Signature]  
Judge Code: 2117  
Sentence Date: 5/15/12