

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Georgetown County

Honorable William H. Seals, Circuit Court Judge

RECEIVED

AUG 09 2018

S.C. SUPREME COURT

JAMES R. GLISSON, JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-000521

APPENDIX

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INDEX

INDEX	i
TRIAL TRANSCRIPT (Dated September 29-30, 2014).....	1
ORDER AMENDING SENTENCE SHEET	104
APPLICATION FOR POST-CONVICTION RELIEF	105
RETURN AND PARTIAL MOTION TO DISMISS	112
POST-CONVICTION RELIEF HEARING TRANSCRIPT (Dated November 29, 2017)	120
ORDER OF DISMISSAL.....	143
INDICTMENTS	150
SENTENCING SHEETS.....	165

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) 2011-GS-22-493, 532, 535, 539, 702
 COUNTY OF GEORGETOWN) 2012-GS-22-917, 918
) 2014-GS-22-802

State,)
)
 Plaintiff,) Transcript of Record
)
 vs.) September 29-30, 2014
)
 James R. Glisson, Jr.,)
)
 Defendant.)

B E F O R E:

Honorable R. Knox McMahon
 Georgetown County Courthouse
 Georgetown, South Carolina

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

Alicia Richardson, Esquire
 Attorney for Plaintiff

Ronald Hazzard, Esquire
 Attorney for Defendant

Grace L. Hurley, CVR-CM-M
 Circuit Court Reporter

1

I N D E X

2

September 29, 2014

3

Voir Dire. 3

4

Jury Selection 16

5

Opening Instructions by Court. 31

6

Motions. 33

7

September 30, 2014

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Plea 68

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Certificate. 103

10 (There were no exhibits marked during the hearing.)

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Voir Dire

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1 (On the record, September 29, 2014. The following takes
2 place in the presence of the jury venire.)

3 THE COURT: All right. Solicitor, if you'd call your
4 first case for trial, please.

5 MS. RICHARDSON: Your Honor, this is the State of South
6 Carolina versus James R. Glisson, Jr., 2012-GS-22-918, on the
7 charge of burglary in the first degree.

8 THE COURT: All right. Mr. Hazzard, you represent Mr.
9 Glisson?

10 MR. HAZZARD: Yes, sir, Your Honor.

11 THE COURT: He present?

12 MR. HAZZARD: He is, Your Honor.

13 THE COURT: And he's ready for trial?

14 MR. HAZZARD: He is, Your Honor.

15 THE COURT: All right. Thank you. Thank you very much.
16 You may be seated.

17 MR. HAZZARD: Yes, sir.

18 THE COURT: Ladies and gentlemen of the jury panel, if
19 you'd please give me your complete and undivided attention
20 we're now going to go through a procedure whereby we select a
21 jury for the trial of the first case that has been called for
22 trial. The purpose of this proceeding is to select a fair and
23 impartial jury on behalf of both Mr. Glisson and the State.
24 As a result of that, I will ask you certain questions to
25 determine your qualifications and your eligibility to serve on

Voir Dire

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1 this particular case. Because of some of the questions that I
2 must ask you, I will first publish or read to you the
3 indictment. The indictment is not evidence. The indictment
4 is the formal charging document by which an individual is
5 placed on notice of charges that have been brought against him
6 or her. It contains mere allegations and is no way evidence
7 of any of the allegations contained therein.

8 MR. HAZZARD: Your Honor, if I might, I apologize. May
9 we approach?

10 THE COURT: Yes, sir. Certainly.

11 MR. HAZZARD: Thank you.

12 (Whereupon, a bench conference is held in the presence
13 but out of the hearing of the jury venire.)

14 THE COURT: All right. Again, ladies and gentlemen, the
15 indictment is not evidence. The indictment is the formal
16 charging document by which an individual is placed on notice
17 of the charges that have been brought against him or her. It
18 contains mere allegations, and it is no way evidence of the
19 allegations contained therein. I will read the indictment to
20 you. It is 2012-GS-22-00918, the State versus James R.
21 Glisson, Jr., reads that, "James R. Glisson, Jr., did in
22 Georgetown County on or about November 25th, 2010, enter the
23 dwelling of Verline Tyson without consent and with the intent
24 to commit a crime therein, all in violation of Section 16-11-
25 311(A) of the South Carolina Code of Laws, 1976, as amended,"

Voir Dire

5

1 that is an indictment for burglary in the first degree. The
2 State is represented by Assistant Solicitor Richardson. If
3 you would please stand, introduce yourself to the jury panel
4 and any other members of the Solicitor's Office that may
5 assist you in the prosecution of this case.

6 MS. RICHARDSON: Okay. Hello, I'm Alicia Richardson,
7 Deputy Solicitor in Georgetown County. I may be assisted by
8 Richard Todd who is just walking in with the -- who is an
9 assistant solicitor in Georgetown County.

10 THE COURT: Thank you. Thank you very much, Solicitor.
11 The Defendant is represented by Mr. Hazzard. If you would
12 please stand, introduce yourself and your client to the jury
13 panel.

14 MR. HAZZARD: Good afternoon. My name is Ronald Hazzard.
15 I'm the public defender here in Georgetown County. Today it's
16 my honor to represent James Glisson. He is a resident of
17 Georgetown County as well. The other members of our office,
18 which is located here in this courthouse, Assistant Public
19 Defender Wyn Bessent, and Administrative Assistant Chela
20 Carter.

21 THE COURT: Thank you. Thank you, thank you very much,
22 Mr. Hazzard.

23 Is any member of the jury panel related by blood or
24 marriage, close personal friends, have any personal, social,
25 business, professional relationship with Assistant Solicitor

Voir Dire

6

1 Richardson or any, any member of the Georgetown County
2 Solicitor's Office? If so, please stand.

3 All right. Yes, sir. Right here on the front row, your
4 number and name, please?

5 MR. DANAHY: Number 53, James Danahy.

6 THE COURT: All right. And tell me your situation.

7 MR. DANAHY: I'm good friends with Mr. Todd.

8 THE COURT: All right. How long you all been friends?

9 MR. DANAHY: About four years. There's a little tension.
10 His nine-year-old son took my nine-year-old daughter out for a
11 date, so.

12 THE COURT: That's not a little. That a lot of
13 tension.

14 Given those facts, can you still be a fair and impartial
15 juror both to Mr. Glisson and the State?

16 MR. DANAHY: Yes, sir.

17 THE COURT: Thank you. You may stay with us.

18 Yes, sir, in the coat and tie.

19 MR. KAYLOR: Juror Number 103, Kevin Kaylor, and I, I do
20 know Richard Todd, also.

21 THE COURT: All right. And how, how do you know Mr.
22 Todd?

23 MR. KAYLOR: Through church.

24 THE COURT: All right. How long have you known him?

25 MR. KAYLOR: Five or six years I would say.

Voir Dire

7

1 THE COURT: Given those facts can you still be a fair and
2 impartial juror in the trial of this case for both the State
3 and Mr. Glisson?

4 MR. KAYLOR: Yes, sir.

5 THE COURT: Thank you. You may be seated.
6 In the far right corner.

7 MS. SPENCE: 169, Shannon Spence, I know Richard through
8 his wife Carla. I think that it wouldn't affect me though.

9 THE COURT: And that would not?

10 MS. SPENCE: No, sir.

11 THE COURT: All right. Thank you. I believe you may
12 stay with us.

13 Yes, ma'am, your number and name?

14 MS. GEE: 75, Sally Gee. I also know Mr. Todd. I've
15 known him since he was in about the eighth grade. I had him
16 in school. I taught his wife Sunday School and his --

17 THE COURT: No. Hold up, hold up. You taught him?

18 MS. GEE: No. His wife.

19 THE COURT: Oh, okay. All right.

20 MS. GEE: He, he was not there.

21 THE COURT: Okay. All right. All right.

22 MS. GEE: I believe I could be impartial.

23 THE COURT: All right. Thank you. Thank you. I believe
24 you may stay with us. Anyone else?

25 (No response.)

Voir Dire

8

1 THE COURT: Is any member of the jury panel related by
2 blood or marriage, close personal friends, have any personal,
3 social, business or professional relationship with Mr. Hazzard
4 or any member of the Public Defender's Office Georgetown
5 County? If so, please stand.

6 (No response.)

7 THE COURT: Is there any member of the jury panel or any
8 member of your immediate family ever been represented by Mr.
9 Hazzard or any member of the Georgetown County Public
10 Defender's Office or have you or any member of your family
11 been a, a victim of a crime whereby the Solicitor's Office
12 represented you as being that victim? If so, please stand.

13 (No response.)

14 THE COURT: The named victim in the indictment is Verline
15 Tyson. Is Ms. Tyson present, Solicitor?

16 MS. RICHARDSON: No, Your Honor.

17 THE COURT: And, and I would advise, ladies and
18 gentlemen, the witnesses do not have to be present at this
19 time during this proceeding, but the name of the alleged
20 victim is Verline Tyson. Is any member of the jury panel
21 related by blood or marriage, have any personal, social,
22 business or professional relationship with Ms. Tyson? If so
23 please stand.

24 (No response.)

25 THE COURT: Or that same question as far as Mr. James R.

Voir Dire

9

1 Glisson, Jr., who has previously been stood before you and has
2 been introduced to you. If so, please stand.

3 Yes, ma'am, your number and name, please?

4 MS. VAUSE: 185, Amy Vause.

5 THE COURT: All right. And tell me your situation.

6 MS. VAUSE: I went to school with Mr. Glisson, and I'm
7 currently friends with his sister.

8 THE COURT: All right. So how long, how long have you
9 known him?

10 MS. VAUSE: At least 25 years.

11 THE COURT: Okay. All right. And given the fact you
12 went to school with Mr. Glisson and you're friends with his
13 sister, could you be a fair and impartial juror in the trial
14 of this case for both Mr. Glisson and the State?

15 MS. VAUSE: Yes.

16 THE COURT: Thank you. You may be seated. Any others?
17 Oh, yes, please, your number and name?

18 MS. FLOYD: Juror 68, Claire Floyd.

19 THE COURT: And tell me your situation.

20 MS. FLOYD: I do know Mr. Glisson. It's not close family
21 or friends or anything but I, I do know him from being in the
22 community.

23 THE COURT: All right. So, he, he lives in the same
24 community of Georgetown County that you do?

25 MS. FLOYD: Yes, sir.

Voir Dire

10

1 THE COURT: And about how long have you known him?

2 MS. FLOYD: Well, I've had state jobs before at the DMV.
3 So I've known him for quite some time, probably 10 or 15
4 years.

5 THE COURT: All right. Given that fact or those facts,
6 could you still be a fair and impartial juror for both Mr.
7 Glisson and the State?

8 MS. FLOYD: Yes, sir.

9 THE COURT: Thank you. You may be seated. Any others?
10 Yes, ma'am, your number and name, please?

11 MS. WILSON: 195, Felicia Wilson. I'm not really sure
12 about the situation, but I believe Mr. Glisson's fiancée,
13 wife, may live in my neighborhood, Alison Moore. I'm not sure
14 that -- of the association there.

15 THE COURT: All right. And you believe that would be his
16 fiancée?

17 MS. WILSON: I believe.

18 THE COURT: All right. Well, let's say it was, let's say
19 that was his fiancée, could you be a fair and impartial juror
20 in the trial of this case for both the State and Mr. Glisson?

21 MS. WILSON: Yes, sir.

22 THE COURT: Thank you. You may be seated. Any others?
23 (No response.)

24 THE COURT: The indictment alleges an incident that
25 occurred on or about November 25th of 2010 in the dwelling of

Voir Dire

11

1 Verline Tyson that was entered without consent and with the
2 intent to commit a crime. Does any member of the jury panel
3 have any knowledge about the case from any source whatsoever,
4 news, hearsay, radio, television, internet, any source
5 whatsoever? If so, please stand.

6 (No response.)

7 THE COURT: I'm going to call a list of names of
8 potential witnesses in the trial of this case. The question,
9 of course, is is any member of the jury panel related by blood
10 or marriage or close personal friends, have any personal,
11 social, business or professional relationship with any of
12 these individuals whose names I now call, if so, please stand:
13 Phillip Tyson -- would that be the spouse of Ms. Tyson?

14 MS. RICHARDSON: Son. It would be Ms. Tyson's son.

15 THE COURT: Son. All right. Phillip Tyson, the son of
16 Ms. Verline Tyson; Investigator Michael Thacker, Georgetown
17 County Sheriff's Department. This is Investigator Thacker to
18 my front left. Thank you, Investigator. Investigator Michael
19 Nelson, Georgetown County Sheriff's Department; Doris
20 Yarbrough, employed with SLED; Melissa Skipper Wallace, also
21 employed with SLED. The next five names, Maryann Boehm, B-O-
22 E-H-M, Patricia Crooks, Jennifer Stainbrook, Selena D. Kinard
23 and Lesa Chapman, all employed by or formerly employed by
24 SLED. The next five names, Paige Jordan, Brian Keith Poston,
25 Angie Poston, James Ellerbe, Denise Jones. All right. Yes,

1 ma'am, again, tell me your name and number again.

2 MS. VAUSE: 185, Amy Vause.

3 THE COURT: All right. And Denise Jones?

4 MS. VAUSE: No. Brian Poston, I also went to school with
5 him, and I know Angie from him being married to her.

6 THE COURT: All right. So you know Brian Keith Poston
7 and Angie Poston?

8 MS. VAUSE: Yes.

9 THE COURT: And you went to school with Mr. Poston?

10 MS. VAUSE: Yes.

11 THE COURT: And how long have you known Angie?

12 MS. VAUSE: Just when they got married or when they were
13 dating, probably 15 years.

14 THE COURT: All right. Given those facts, could you
15 still be a fair and impartial juror in the trial of this case
16 for both the State and Mr. Glisson?

17 MS. VAUSE: Yes.

18 THE COURT: Thank you. You may be seated. Any others?

19 (No response.)

20 THE COURT: Jimmy Cooper, Investigator Dustin Morris, to
21 my front left with Georgetown County Sheriff's Office,
22 Investigator Phil Hanna, formerly with the Georgetown County
23 Sheriff's Department, Sean Seebode, S-E-E-B-O-D-E, Georgetown
24 County Sheriff's Department, and Ryan Woodruff. The next five
25 names, Katie Urka, U-R-K-E [sic], formerly with SLED, Rhonda

Voir Dire

13

1 Fields, with SLED, Velma Ellerbe and Robin Taylor with SLED.

2 Yes, your number and name, please?

3 MR. PRICE: 145, Henry Price.

4 THE COURT: And your situation?

5 MR. PRICE: I have worked with Inspector Morris, but it's
6 been a long time.

7 THE COURT: Mr. Morris?

8 MR. PRICE: Yes, sir.

9 THE COURT: And what timeframe we referring to?

10 MR. PRICE: About 2004 to 2007.

11 THE COURT: All right. And what was the employment?

12 MR. PRICE: At the Georgetown Police Department.

13 THE COURT: All right. And you were with the police
14 department?

15 MR. PRICE: Yes, Your Honor.

16 THE COURT: And for how long were you with the police
17 department?

18 MR. PRICE: Approximately three years.

19 THE COURT: All right. And given those facts, could you
20 be a fair and impartial juror in the trial of this case --

21 MR. PRICE: Yes.

22 THE COURT: -- for both Mr. Glisson and the State?

23 MR. PRICE: Yes, Your Honor.

24 THE COURT: Thank you. Thank you very much. You may be
25 seated. Any others?

Voir Dire

14

1 (No response.)

2 THE COURT: Denise Cox, Connie Owens -- where is my
3 indictment -- and James R. Glisson, Sr.

4 All right. Let's see. This is 185?

5 MS. VAUSE: Yes, sir.

6 THE COURT: Sir? Ma'am?

7 MS. VAUSE: Yes, sir.

8 THE COURT: All right.

9 MS. VAUSE: All three of them.

10 THE COURT: All three of them being Denise Cox, James
11 Glisson, Sr., and Connie Owens?

12 MS. VAUSE: Yes, sir.

13 THE COURT: And how do you know Ms. Cox?

14 MS. VAUSE: Went to school with Denise.

15 THE COURT: All right. And Ms. Owens?

16 MS. VAUSE: Ms. Owens is his mother.

17 THE COURT: Okay. And then Mr. Glisson's his father?

18 MS. VAUSE: His father.

19 THE COURT: Given those facts, could you be or can you
20 still be a fair and impartial juror in the trial of this case
21 for both the State and Mr. Glisson?

22 MS. VAUSE: Yes, sir.

23 THE COURT: Thank you. You may be seated. Any others?

24 (No response.)

25 THE COURT: Does any member of the jury panel own real

Voir Dire

15

1 property that is maintained primarily for the purpose of
2 producing income? If so, please stand.

3 Yes, ma'am, your number and name, please?

4 MS. ZIMMERMAN: 200, Sarah Zimmerman. I own rental
5 property in Pawleys Island.

6 THE COURT: And given that fact, could you still be a
7 fair and impartial juror in the trial of this case --

8 MS. ZIMMERMAN: Yes, sir.

9 THE COURT: -- for both Mr. Glisson and the State?

10 MS. ZIMMERMAN: Yes, sir.

11 THE COURT: Thank you. You may be seated. Any others?

12 (No response.)

13 THE COURT: Any additional requested voir dire from the
14 State?

15 MS. RICHARDSON: No, Your Honor.

16 THE COURT: Defense?

17 MR. HAZZARD: None from the Defense, Your Honor.

18 THE COURT: All right. And finally, ladies and
19 gentlemen, you've heard the allegations in the indictment of
20 burglary first degree that occurred at a residence of Ms.
21 Tyson November 25th, 2010. You've heard the names of the
22 potential witnesses in the trial of this case. You know
23 yourselves best. Is there any member of the jury panel that
24 knows any reason whatsoever why you feel like you could not be
25 a fair and impartial juror in the trial of this case for both

Jury Selection

16

1 Mr. Glisson and the State? If so, please stand. If you have
2 a concern about it, I have a concern about it.

3 (No response.)

4 THE COURT: All right. No one stands. I find our panel
5 is qualified. Strikes, Solicitor?

6 MS. RICHARDSON: Five for the State, Your Honor. I
7 believe 10 for the Defense.

8 THE COURT: Yes, ma'am. All right. All right. Yes,
9 ma'am. All right. Five for the State, 10 for the Defense.
10 You agree, Mr. Hazzard?

11 MR. HAZZARD: Yes, sir, Your Honor.

12 THE COURT: All right. Thank you. Thank you very much.

13 THE CLERK: Ready, Your Honor?

14 As I call your names, you want to bring your belongings
15 with you just in case you get seated. Right here where I'm
16 standing you need to come and stand right here and just face
17 the door back there. Okay? When I call your name.

18 All right. Juror Number 86, Robert Hanratty.

19 What says the State?

20 MS. RICHARDSON: Please seat the juror.

21 THE CLERK: What says the Defense?

22 MR. HAZZARD: The Court's indulgence, Your Honor. That
23 was Juror Number 86?

24 THE CLERK: Yes.

25 MR. HAZZARD: Please excuse the juror from the trial of

Jury Selection

17

1 this particular case.

2 THE CLERK: You may return to your seat.

3 Juror Number 173, Todd Stephenson.

4 What says the State?

5 MS. RICHARDSON: Please excuse the juror.

6 THE CLERK: You may return to your seat.

7 Juror Number 182, Michael Tysinger.

8 What says the State?

9 MS. RICHARDSON: Please present the juror.

10 THE CLERK: What says the Defense?

11 MR. HAZZARD: Please swear Mr. Tysinger.

12 THE CLERK: Please take a seat in the jury box.

13 Juror Number 87, Kathleen Harkins.

14 What says the State?

15 MS. RICHARDSON: Please present the juror.

16 THE CLERK: What says the Defense?

17 MR. HAZZARD: Please excuse the juror from the trial of

18 this particular case.

19 THE CLERK: You may return to your seat.

20 Juror Number 195, Felicia Wilson.

21 What says the State?

22 MS. RICHARDSON: Please present the juror.

23 THE CLERK: What says the Defense?

24 MR. HAZZARD: Please excuse the deputy sheriff's wife.

25 THE CLERK: You can return to your seat.

Jury Selection

18

1 Juror Number 44, Jennifer Coradi.

2 MS. CORADI: And sir, I have rental property. I did not
3 answer yes to that.

4 THE COURT: All right. Given, given -- well, first off,
5 why, why didn't you answer?

6 MS. CORADI: I wasn't quite sure exactly what you were
7 saying. I wasn't --

8 THE COURT: Okay. That happens to me a lot.

9 MS. CORADI: I thought that's what you were saying, and
10 then I thought about it and I didn't answer correctly.

11 THE COURT: Particularly when my cases get to the Supreme
12 Court, they're not exactly sure what I'm saying. Given the
13 fact that you own rental property, can you still be a fair and
14 impartial juror --

15 MS. CORADI: Yes.

16 THE COURT: -- in the trial of this case for both Mr.
17 Glisson and the State?

18 MS. CORADI: Yes, sir.

19 THE COURT: Thank you. Thank you very much.

20 THE CLERK: What says the State?

21 MS. RICHARDSON: Please present the juror.

22 THE CLERK: What says the Defense?

23 MR. HAZZARD: Please excuse Ms. Coradi.

24 THE CLERK: You may return to your seat.

25 Juror Number 101, Catherine Joye.

Jury Selection

19

1 What says the State?

2 MS. RICHARDSON: Please excuse this juror.

3 THE CLERK: You may return to your seat.

4 Juror Number 53, James Danahy.

5 What says the State?

6 MS. RICHARDSON: Please present this juror.

7 THE CLERK: What says the Defense?

8 MR. HAZZARD: Please excuse Mr. Todd's friend, Mr.

9 Danahy.

10 THE CLERK: You may return to your seat.

11 THE COURT: Of course, you, you do not have to give

12 reasons for why you excuse a peremptory strike, Mr., Mr.

13 Hazzard. All right. Madam Clerk.

14 THE CLERK: Juror Number 26, Frances Bryan.

15 What says the State?

16 MS. RICHARDSON: Please present the juror.

17 THE CLERK: What says the Defense?

18 MR. HAZZARD: Please swear the juror.

19 THE CLERK: Please take a seat in the jury box.

20 Juror Number 94, John Hudson, Jr.

21 What says the State?

22 MS. RICHARDSON: Please present the juror.

23 THE CLERK: What says the Defense?

24 MR. HAZZARD: The Court's indulgence, Your Honor.

25 THE COURT: Sir? Yes, sir.

Jury Selection

20

1 MR. HAZZARD: Please swear Mr. Hudson.

2 THE CLERK: Please take a seat in the jury box.

3 Juror Number 185, Amy Vause.

4 What says the State?

5 MS. RICHARDSON: Please excuse this juror.

6 THE CLERK: You may return to your seat.

7 Juror Number 10, Donna Augustine.

8 What says the State?

9 MS. RICHARDSON: Please present the juror.

10 THE CLERK: What says the Defense?

11 MR. HAZZARD: Please swear Ms. Augustine.

12 THE CLERK: Please take a seat in the jury box.

13 Juror Number 51, Laura Crowther.

14 What says the State?

15 MS. RICHARDSON: Please present the juror.

16 THE CLERK: What says the Defense?

17 MR. HAZZARD: The Court's indulgence, Your Honor.

18 THE COURT: Certainly.

19 MR. HAZZARD: Please excuse the juror from the trial of

20 this particular case.

21 THE CLERK: You may return to your seat.

22 Juror Number 144, Casey Powell.

23 What says the State?

24 MS. RICHARDSON: Please present the juror.

25 THE CLERK: What says the Defense?

Jury Selection

21

1 MR. HAZZARD: Please swear Ms. Powell.

2 THE CLERK: Please take a seat in the jury box.

3 Juror Number 63, Willie Dozier.

4 MS. RICHARDSON: Your Honor, if we might approach.

5 THE COURT: Yes. Yes, ma'am.

6 (Whereupon, a bench conference is held in the presence
7 but out of the hearing of the jury venire.)

8 THE COURT: Step up here for a minute, please, Mr.
9 Dozier.

10 (Whereupon, a bench conference is held with Juror Number
11 63, counsel for the State and counsel for the Defense in the
12 presence, but out of the hearing of the jury venire.)

13 THE COURT: Mr. Dozier is excused by the Court. However,
14 he will remain in the courtroom.

15 THE CLERK: Juror Number 1, Ruth Alford.

16 What says the State?

17 MS. RICHARDSON: Please present this juror.

18 THE CLERK: What says the Defense?

19 MR. HAZZARD: Please swear Ms. Alford.

20 THE CLERK: Please take a seat in the jury box.

21 Juror Number 46, Diane Cox.

22 What says the State?

23 MS. RICHARDSON: Please present the juror.

24 THE CLERK: What says the Defense?

25 MR. HAZZARD: The Court's indulgence, Your Honor. Please

Jury Selection

22

1 swear Ms. Cox.

2 THE CLERK: Please take a seat in the jury box.

3 Juror Number 30, Denise Carr.

4 What says the State?

5 MS. RICHARDSON: Please present the juror.

6 THE CLERK: What says the Defense?

7 MR. HAZZARD: Please swear Ms. Carr.

8 THE CLERK: Take a seat in the jury box.

9 Juror Number 43, Terry Cooper.

10 What says the State?

11 MS. RICHARDSON: Please present the juror.

12 THE CLERK: What says the Defense?

13 MR. HAZZARD: Please excuse Mr. Cooper from the trial of

14 this particular case.

15 THE CLERK: You may return to your seat.

16 Juror Number 6, David Ariail.

17 What says the State?

18 MS. RICHARDSON: Please present the juror.

19 THE CLERK: What says the Defense?

20 MR. HAZZARD: Please swear Mr. Ariail.

21 THE CLERK: Please take a seat in the jury box.

22 Juror Number 189, Stephon Washington.

23 What says the State?

24 MS. RICHARDSON: Please present the juror.

25 THE CLERK: What says the Defense?

Jury Selection

23

1 MR. HAZZARD: Please swear Mr. Washington.
2 THE CLERK: Please take a seat in the jury box.
3 Juror Number 100, Timothy Joseph.
4 What says the State?
5 MS. RICHARDSON: Please present the juror.
6 THE CLERK: What says the Defense?
7 MR. HAZZARD: The Court's indulgence, Your Honor.
8 Please excuse Mr. Joseph from the trial of this case.
9 THE CLERK: You may return to your seat.
10 Juror Number 76, Delores Gibson.
11 What says the State?
12 MS. RICHARDSON: Please present Ms. Gibson.
13 THE CLERK: What says the Defense?
14 MR. HAZZARD: The Court's indulgence, Your Honor.
15 Please swear Dr. Gibson.
16 THE CLERK: Please take a seat in the jury box.
17 Juror Number 93, Cheryl Howell.
18 What says the State?
19 MS. RICHARDSON: Please present the juror.
20 THE CLERK: What says the Defense?
21 MR. HAZZARD: Please swear Ms. Howell.
22 THE CLERK: Please take a seat in the jury box.
23 THE COURT: One alternate.
24 THE CLERK: Juror Number -- for the alternate, Juror
25 Number 111, Ruth Lane.

Jury Selection

24

1 What says the State?

2 MS. RICHARDSON: Please present the juror.

3 THE CLERK: What says the Defense?

4 MR. HAZZARD: Please swear Ms. Lane.

5 THE CLERK: Please take a seat in the jury box.

6 THE COURT: One be enough, Solicitor, Mr. Hazzard?

7 MR. HAZZARD: The Defense believes that one alternate
8 will be sufficient, Your Honor.

9 MS. RICHARDSON: Yes, Your Honor.

10 THE COURT: All right. Thank you.

11 Any motions regarding the jury selection process from the
12 State?

13 MS. RICHARDSON: None from the State, Your Honor.

14 THE COURT: From the Defense?

15 MR. HAZZARD: None on behalf of the Defense, Your Honor.

16 THE COURT: All right. Thank you, and thank you very
17 much.

18 Ladies and gentlemen of the jury panel, momentarily I'm
19 going to ask you to step to your new temporary home, your jury
20 room for just a, a few minutes. You all know how good I am at
21 time. Right? 2:30. Upon your return -- I must give your
22 colleagues certain instructions concerning their jury service
23 for the remainder of the week.

24 During this brief recess, do not discuss this case with
25 anyone, that includes your fellow jurors or anyone else. You

State v. Glisson

25

1 will not be authorized to discuss this case with anyone till
2 you've heard all of the evidence, all of the testimony in the
3 case, the closing arguments by the attorneys and the
4 instruction on the law by the Court. With that being said,
5 you may now go with Ms. Knox to your jury room. Thank you.
6 Thank you very much.

7 (Whereupon, the following takes place outside the
8 presence of the jury. Jury panel released by Court with call-
9 back instructions.)

10 THE COURT: All right. Solicitor, have there been plea
11 negotiations in this case?

12 MS. RICHARDSON: Yes, Your Honor. There have. This,
13 this is an -- most of the indictments are sort of an older
14 case. He has multiple pending indictments. I think there are
15 19 pending charges against this Defendant. He was previously
16 represented by Bobby Frederick, and the case was previously
17 prosecuted by Scott Hixson, who's now deputy solicitor in
18 Horry County. There were some plea negotiations back when his
19 first charge was, was scheduled for trial in 2012. Since Mr.
20 Hazzard and I have been on the case, the case had been held up
21 for a while because there was a pending PCR against or
22 involving his guilty plea in the first case, but the current
23 offer, he has three, I believe three pending burglary first
24 degree charges and multiple burglary -- wait a minute, two
25 pending burglary first degree charges, one burglary second

1 degree violent, multiple second -- burglary second degree non-
2 violent and one use of vehicle without consent for which his
3 father's the victim and has requested dismissal.

4 The State, the State has offered for him to plead for a
5 range of 12 to 15 years on 2012-GS-22-917 and 918 to the
6 reduced charge of burglary second degree violent, and those
7 are both 2010 incidents. He has 1,113 days credit on those
8 charges and to plead to 2014-GS-22-802, that's this newest
9 charge of burglary second degree violent with a recommendation
10 of seven years concurrent, and then there are five burglary
11 second degree non-violent charges that the State offered four
12 years suspended to time served on. All remaining charges
13 would be nolle prossed or dismissed.

14 THE COURT: All right. 917 and 918 indictment numbers
15 would be burglary second violent not less than 12 no more than
16 15 years.

17 MS. RICHARDSON: Right. With credit for 1,113 days. The
18 State would agree for him to have credit for the time he spent
19 at the Department of Corrections on a previous burglary case.

20 THE COURT: And those would run concurrent?

21 MS. RICHARDSON: Concurrent.

22 THE COURT: And would also be concurrent with 802 with
23 the seven-year sentence.

24 MS. RICHARDSON: Right.

25 THE COURT: And then the five burglary seconds non-

State v. Glisson

27

1 violent would be four years suspended to time served.

2 MS. RICHARDSON: Yes, Your Honor, and that would take
3 care of all 19 charges.

4 THE COURT: All right. Is that the most recent offer
5 you're aware of, Mr. Hazzard?

6 MR. HAZZARD: That is correct, Your Honor, a range of 12
7 to 15 as previously stated. Yes, sir. That is the most
8 recent offer that I am aware of.

9 THE COURT: With that credit for time served.

10 MR. HAZZARD: That's correct, Your Honor.

11 THE COURT: And of course, if he's convicted of burglary
12 first degree it's not less than 15 nor more than life.

13 MR. HAZZARD: That's correct, Your Honor.

14 MS. RICHARDSON: Your Honor, with the burglary second
15 degree violent charges it would be one-third parole
16 eligibility as opposed to the 85 percent on burglary first
17 degree.

18 THE COURT: All right. And Mr. Hazzard, you've discussed
19 that with Mr. Glisson?

20 MR. HAZZARD: Yes, sir, Your Honor, at great length.

21 THE COURT: And that's not what he wants to do?

22 MR. HAZZARD: Your Honor, based on our discussions both
23 last week, this morning and early this afternoon, it is my
24 understanding that he wishes to proceed to trial on this
25 charge of burglary first degree knowing that a second charge

1 of burglary first degree is outstanding as well as
2 approximately 15 or 16 other charges of burglary second
3 degree. That is my understanding of what he wishes to do,
4 Your Honor.

5 THE COURT: You agree with that decision?

6 MR. GLISSON: Yes, sir.

7 THE COURT: I'm talking to your lawyer.

8 MR. GLISSON: Oh.

9 MR. HAZZARD: Oh, if it were me I'd probably handle
10 things a little differently. I've explained to him that --
11 I've explained to him that with this array of charges against
12 him it is my understanding in speaking to the prosecution they
13 have no intention of letting this matter go, even if we are
14 successful in the defense of this case that they will simply
15 keep calling cases until, in their viewpoint, they are
16 fortunate enough to get a conviction. I've explained to him
17 that obviously with regard to the burglary first charges he is
18 facing life in prison. With regard to the burglary second
19 violent he is facing up to 15. With regard to the burglary
20 second non-violents he is facing up to 10, but that also based
21 on the Court's ruling and determination as to when prior
22 convictions can be used for enhancement, that if the Court
23 determines that a, a -- that the determination of a prior
24 conviction is prior to the date of trial or sentence and not
25 prior to the date of the incident that he could very easily

State v. Glisson

29

1 find himself somewhere down the line looking at some more
2 enhanced burglary firsts with regard to this number of
3 incidents. So in light of that, in light of the fact that
4 the, the range is 12 to 15 and with credit for approximately
5 three years served, he's looking at doing between nine and 12,
6 and then with service of one-third parole eligibility,
7 possibly being eligible for release in three to four years,
8 I've -- I would strongly consider taking the offer if I were
9 him, but I've also made it very clear to him that this is his
10 life and these are his cases and I'm here to represent him.

11 THE COURT: All right. Anything further, Mr. Hazzard?

12 MR. HAZZARD: Not with regard to the issue of the plea
13 offer, Your Honor. No, sir.

14 THE COURT: All right. Anything further in that regard,
15 Solicitor?

16 MS. RICHARDSON: Only, Your Honor, that if, if he were
17 convicted of burglary first degree then that could make some
18 of his other charges eligible for life without parole.

19 THE COURT: All right. All right.

20 MR. HAZZARD: And I will say for the record, Your Honor,
21 that I had not discussed that possibility with Mr. Glisson as
22 far as if he were convicted of a burglary first degree that
23 somewhere down the line he could be looking at life without
24 parole on subsequent charges.

25 MS. RICHARDSON: Subsequent convictions.

Opening Instructions by Court

30

1 MR. HAZZARD: Subsequent convictions, yes.

2 THE COURT: All right. Well, you all have some pretrial
3 motions, and once the -- I'm, I'm going to swear the jury
4 today, but not do openings today. I'll hear those motions.
5 I'll have them back at 9:30 in the morning, and I take it the
6 offer is now withdrawn, Solicitor?

7 MS. RICHARDSON: Yes, Your Honor.

8 THE COURT: All right. Thank you. Thank you very much.

9 MR. HAZZARD: Thank you, Your Honor.

10 THE COURT: And the motions will take the remainder of
11 the day?

12 MS. RICHARDSON: Yes, Your Honor. I believe so.

13 THE COURT: All right.

14 MS. RICHARDSON: Motions will take the rest of the day?

15 MR. HAZZARD: Yes, sir. Yes, sir, Your Honor.

16 THE COURT: All right. Thank you. Thank you very much.
17 All right. If you'd bring us our jury panel, please, Mr.
18 Bailiff. Thank you.

19 (Whereupon, the following takes place in the presence of
20 the jury.)

21 THE COURT: All right. Ladies and gentlemen of the jury
22 panel, momentarily I'm going to release you for the remainder
23 of the day. This case is no different than most cases that
24 are tried. There are certain pretrial matters that I must
25 take up outside of your presence, and rather than just hold

Opening Instructions by Court

31

1 you captive for the remainder of the day while I sit out here
2 and listen to them, I'm going to release you for the remainder
3 of the day. I must give you certain instructions that you
4 must follow throughout your jury service during this, this
5 trial. You may not discuss this case with others, that
6 includes your fellow jurors, family, friends or anyone else
7 until you are authorized by the Court to begin your
8 deliberations and discuss the case with your fellow jurors in
9 your jury room after you've heard all the evidence, all the
10 testimony, closing arguments by the attorneys and the
11 instruction on the law by the Court. You may not read, watch
12 or listen to any news reports about the case should there be
13 any. You may not use your computer, cellular phone or any
14 other electronic device with communication capabilities while
15 in attendance at trial or during deliberations. In fact, you
16 cannot even bring these items into the courthouse.

17 You may, of course, use these devices during luncheon
18 recess and overnight, but you may not use them to obtain or
19 disclose prohibited information. Prohibited information
20 includes, but it is not limited to, the following:
21 information about a party, a witness, an attorney or a court
22 officer, news accounts of the case, past or present, should
23 there have been any, information collected through juror
24 research on any topics raised or testimony offered by any
25 witness or information collected through juror research on any

Opening Instructions by Court

32

1 other topic the juror might think would be helpful in deciding
2 the case. Again, you decide the case based on the evidence
3 and the testimony from the witnesses testifying under oath,
4 from this witness stand before you, any physical items of
5 evidence that may be introduced and/or the like, the facts as
6 you find them to be as a jury and then the law as I tell you
7 the law is. You can't do any independent investigation. You
8 cannot do any investigation on the internet or otherwise.

9 With that being said, I'll release you for the afternoon,
10 ask you to please be back promptly at 9:30 in the morning, if
11 you'd please be back promptly at 9:30 in the morning. Are
12 there any questions?

13 (No response.)

14 THE COURT: All right. Thank you. Thank you very much.
15 I hope you all have a pleasant evening and Ms. Knox will
16 certainly show you the way out.

17 (Whereupon, the following takes place outside the
18 presence of the jury.)

19 THE COURT: All right. Court will be in recess 10
20 minutes. Thank you. Thank you very much.

21 OFF THE RECORD

22 (On the record. Whereupon, the following takes place outside
23 the presence of the jury.)

24 THE COURT: All right. Solicitor, does the State have
25 any motions?

Motions

33

1 MS. RICHARDSON: No, Your Honor.

2 THE COURT: All right. Mr. Hazzard.

3 MR. HAZZARD: Yes, sir, Your Honor. May it please the
4 Court?

5 As this proceeding began, the Court has informed the jury
6 panel or the jury now that Mr. Glisson is charged with
7 burglary first degree under indictment 2012-GS-22-0918, and in
8 that indictment it indicates on its face that Mr. Glisson
9 apparently entered a dwelling house and has been convicted of
10 two or more burglaries, prior record of two or more
11 burglaries. The first thing I'd like to address with the
12 Court, the Defense submits that it is improper for this to be
13 considered as a burglary first degree. Under 16-11-311(a)(2)
14 of the South Carolina Code of Laws it says an offense can be
15 burglary first if, one, the perpetrator enters a dwelling, and
16 two, under the State's assumption, the burglary is committed
17 by a person with a prior record of two or more burglaries
18 and/or housebreaking. The Defense submits that under 16-11-10
19 of the South Carolina Code of Laws a dwelling house is defined
20 as a house, apartment or building where a tenant, watchman or
21 other individual charged with the responsibility of taking
22 care of that residence sleeps and habitats. In looking at
23 that statute, I also looked at State versus Ferebee, F-E-R-E-
24 B-E-E, 273 S.C. 403, 257 S.E.2d 154, a 1979 case of our South
25 Carolina Supreme Court where it clearly says a building must

1 have an identifiable occupant sleeping as a -- or residing
2 therein for it to qualify as a dwelling house. So the Defense
3 position is, first of all, this cannot be considered a
4 burglary first degree because this dwelling or this, this
5 building, my understanding is that it was basically held for
6 the purpose of rental property and that no one was residing
7 therein or sleeping there at the time of this alleged
8 incident. So that's the first thing, that it is not a
9 dwelling because it didn't have anyone residing therein and
10 sleeping therein, and secondly, our position is -- well, I'll
11 stop and we can address that issue of whether or not it's a
12 dwelling house and then we can go on to the second issue of
13 whether or not it would constitute a burglary first degree
14 based on two prior convictions.

15 THE COURT: All right. Solicitor.

16 MS. RICHARDSON: Your Honor, what the evidence will show
17 is that this had prior -- this had previously been a rental
18 property, but at the time that it was broken into there was no
19 real, real estate agent involved. This was used for family
20 purposes and people spent the night in this house on occasion,
21 and in fact, had used this house and some of the family
22 members had spent the night in this house over Thanksgiving,
23 and this occurred right after Thanksgiving. Pursuant to State
24 v. White, temporary absence from a dwelling is irrelevant to
25 the charge of burglary first degree. Also, Your Honor, you

Motions

35

1 know, hotel rooms, things of that nature are also considered
2 dwellings because people do stay there overnight, and like I
3 said, at this time it was not a rental property. According to
4 the family it was used for family purposes.

5 MR. HAZZARD: And I believe what the Prosecutor is saying
6 to the Court is that no one was living there on a regular
7 basis, no one was residing there on a regular basis. It had
8 been a rental property, no question about that. They're
9 saying it wasn't a rental property at that time, but that
10 really is kind of semantics because what they're saying is
11 neither Ms. Tyson, Mr. Tyson or any member of the Tyson family
12 used that as their dwelling, you know.

13 THE COURT: It's kind of like my house, I don't live
14 there on a regular basis. I, I think it's -- although I
15 accept your argument, Mr., Mr. Hazzard, as an officer of the
16 court, until I hear more evidence on it, so to speak, as to
17 the status of it, I, I would reserve judgment.

18 MR. HAZZARD: I understand that, and if I might address
19 it very briefly with a fact that I believe both of us can
20 agree on, I believe the incident report says that the break-in
21 to the house was discovered sometime in December, I believe it
22 was either, what December 6th, 7th, something like that.

23 MS. RICHARDSON: December 6th.

24 MR. HAZZARD: On December 6th, and when the family was
25 contacted Ms. Tyson said, "Well, talk to my son, Phillip, he

1 can kind of clue you in," and when the police talked to
2 Phillip, according to the incident reports, he said, "Yeah.
3 Nobody has been there since November 25th," some 12 days
4 earlier. So, yes, I mean, there was something where, yeah,
5 they might use it occasionally for in this case a Thanksgiving
6 family get together at the beach, but I don't think there's
7 any indication from anyone that anyone was using this as a
8 dwelling at any time for the Court's consideration, Your
9 Honor.

10 THE COURT: Well, well, if I, if I take -- yes, sir. If
11 I take that argument to its logical extension, then it would,
12 it would have to be that a resident was there each and every
13 night, and it would just compress the, the timeframe in which
14 a residence could be -- breaking or entering a residence would
15 be a burglary first. I agree the case law is a burglary first
16 for a resident it is against habitation, and is not against,
17 excuse me, ownership. For example, if you had a renter, as
18 the Solicitor points out, a hotel or you're renting a house, a
19 party with a partial interest in the house couldn't be
20 absolved because of ownership from a burglary first. It's,
21 it's a, it's a crime against possession of the property, but
22 at the same time, I would withhold judgment until I hear more
23 from the witnesses testifying under oath. All right.

24 MR. HAZZARD: Yes, sir, Your Honor, and again, I would
25 simply ask because I'm obviously very concerned about the

Motions

37

1 second part of it being the two prior convictions. So I would
2 ask that the Court not put that before the jury until it has
3 reached a point of making that determination and that does
4 segue into my second point, that is the issue of burglary
5 first being not only of a dwelling but of -- by someone who
6 has two prior convictions for burglary, and what the statute
7 specifically says, 16-11-311, a person is guilty of burglary
8 in the first degree if the person enters a dwelling without
9 consent with intent to commit a crime and the burglary is
10 committed by a person with a prior record, the burglary itself
11 is committed by a person with a prior record of two or more
12 convictions for burglary or housebreaking or a combination,
13 and I would submit that what that means is that the person who
14 goes into the home, that the date of the incident that person
15 has two prior convictions. The same as if or the same as when
16 you look at the statute everything about this statute talks
17 about the present time, the time of the incident, you know,
18 subsection A, that they are armed with a deadly weapon or
19 explosive at the time they're in the house, that they cause
20 physical injury at the time they're in the house, that they
21 use or threaten to use a dangerous instrument at the time
22 they're in the house or displays a knife, pistol at the time
23 they're in the house or is committed by a person who at the
24 time they're in the house has a prior record of two or more
25 convictions. So our position is that my understanding of Mr.

1 Glisson's record with regard to burglary is that he has a
2 burglary third conviction from June 4th of 1992, and then a
3 burglary second non-violent conviction October 24th of 2012,
4 approximately one year after the date of this incident, which
5 they allege is November 25th of 2010, actually almost two years
6 after the date of this incident. So we would submit that
7 pursuant to the burglary first statute, 16-11-311, he doesn't
8 fall under that statute because he at the time of the
9 incident, even if you're going to argue he's the person who
10 committed the incident, he didn't have two prior convictions
11 at the time of the incident, Your Honor.

12 THE COURT: All right. Solicitor.

13 MS. RICHARDSON: Your Honor, first of all, we do have for
14 the Court certified convictions for Mr. Glisson. The first
15 one is from June 4th, 1992, and he pled guilty to burglary
16 third degree at that time, and then certified convictions or
17 conviction October 24th, 2012, on burglary second degree non-
18 violent. The incident date in the indictment on this last
19 charge is November 24th, 2010, which is the day before the
20 indictment, the date listed in the indictment in this case.
21 Your Honor, there is no case that I could find on point that
22 defines prior convictions necessarily as far as timing goes
23 under the burglary statute. However, if you look at other
24 enhancement statutes, such as the drug enhancement statute and
25 the life without parole statute, specifically as it goes to

Motions

39

1 drug cases, Walters versus State, [spelled phonetically] and I
2 do have copies for Your Honor. That's 641 S.E.2d 434. Our
3 Supreme Court in that case found that the timing based on the
4 drug enhancement statutes, the timing of the crimes didn't
5 matter as much as the timing of the convictions, and in State
6 or Bryant versus State, and that was a reversal of a PCR, 683
7 S.E.2d 680, the Court actually overruled some prior cases,
8 State v. Gordon, and talked about under the life without
9 parole statute that a prior conviction means they've been
10 convicted prior to this offense. Interestingly enough, in
11 State v. Bryant, this was cases, it was three armed robberies
12 in three different counties that happened three days in a row,
13 boom, boom, boom. The Defendant pled to the last two and then
14 ended up getting life without parole after he was subsequently
15 convicted on the one that actually occurred first, and the
16 Court overruled some prior cases, in much discussion found
17 that that was appropriate, that the timing that they were
18 looking at was the timing of the actual convictions, and
19 understood that that meant just like in the Bryant case you
20 could actually get convicted of later burglaries and then the
21 State could go back and enhance prior burglaries.

22 Also in State v. Washington that's a case where the
23 argument was the State was using prior burglaries not just as
24 an element for burglary first degree but also as life without
25 parole, and in that case the Court talked about what is the

1 purpose of these enhanced sentences and stated that enhanced
2 sentences imposed on a persisting offender is not to be viewed
3 as jeopardy or an additional penalty for the earlier crime,
4 but a stiffened penalty for the latest crime, which is
5 considered to be an aggravated offense because it is a
6 repetitive one. So it talked about these, and several of
7 these cases talk about the fact that the purpose of this
8 statute is to punish the repeat offender, that's the -- I
9 mean, it's one thing to have one charge that you're going in
10 front of, but when you've had two prior convictions, and Your
11 Honor, you know, as far as, you know, Mr. Hazzard's argument
12 that burglary be committed by a person with a prior record,
13 you know, argument is that until there actually is a
14 determination as to the guilt or innocence then you don't know
15 about that, about whether or not they've actually committed
16 it, I mean, you can't really get up and argue that, but Your
17 Honor, if you look at it in the whole context and you compare
18 the drug statute and you compare the life without parole
19 statute, what doesn't make sense is in these circumstances,
20 based on Mr. Hazzard's argument, you can't enhance for the
21 actual elements of the crime, but you could turn around under
22 certain circumstances and ask for life without parole. So the
23 life without parole statute because of the mandatory, the
24 mandatory penalty there would be looked at with more scrutiny
25 than this enhancement statute for burglary first degree, and

Motions

41

1 I'm going to hand up State v. Washington, Waiters v. State and
2 Bryant versus State, Your Honor.

3 THE COURT: Thank you, Solicitor.

4 MR. HAZZARD: Your Honor, and if I may respond.

5 THE COURT: Oh, yes, sir. Certainly.

6 MR. HAZZARD: Okay. First of all, with regard to the --
7 what she's talking about is apples and oranges. The life
8 without parole statute and the recidivism nature of that is
9 specific to that particular legislation, just like the
10 burglary statute is specific to the burglary statute. For
11 instance, if you want to stay in the burglary statute and see
12 how it could have been done if they truly wanted to use prior
13 convictions as an enhancement regardless of when they
14 occurred, all you have to do, Your Honor, is look at burglary
15 third degree which says subsection B, 16-11-313, subsection B,
16 burglary in the third degree is a felony punishable by
17 imprisonment for not more than five years for conviction on a
18 first offense and for not more than ten years for conviction
19 of a second offense, according to the discretion of the Court,
20 doesn't say anything about when the prior conviction occurred,
21 if you've got a prior burglary conviction and you get a
22 burglary third and go back before the Court no matter when it
23 says for a second you're subject to ten years. That's a
24 statute for enhancement where it doesn't matter when it
25 occurred. You look at the burglary first degree statute and

Motions

42

1 the language is actually very clear and painstaking as to how
2 they put it in there regarding it must be committed by a
3 person with a prior record of two or more convictions, doesn't
4 talk anything about enhancement in there. It's talking about
5 in order for someone to fall under the burglary first degree
6 statute under that provision must be committed, committed, not
7 sentenced based on, must be committed by a person with a prior
8 record of two or more.

9 THE COURT: All right. Thank you. Thank you, Mr.
10 Hazzard.

11 MR. HAZZARD: Yes, sir.

12 THE COURT: Mr. Hazzard, I'm going to deny your motion as
13 to it not being arguably a burglary first degree.

14 MR. HAZZARD: I'm sorry, Your Honor?

15 THE COURT: I'm going to deny your motion as to it not
16 being burglary first degree for several reasons. When you
17 read the statute 16-11-311, which I can tell you've read it
18 many times, and you say it's always occurring in the, in the
19 presence, in other words, it's, it's the quality of the
20 offender or the status of the offender or the status of the
21 circumstances when the offender enters the residence. Well,
22 that's not entirely correct and it's not -- that thread is not
23 consistent throughout the burglary first statute. For
24 example, number 1(a) is armed with a deadly weapon or
25 explosive. As we all know, a party entering a residence can

Motions

43

1 be unarmed and it can, and it can be daytime, but it can
2 enhance from a burglary second to a burglary first by the mere
3 fact that after entering that person steals firearms within
4 the residence, although they didn't enter with a firearm.

5 MR. HAZZARD: Yes, sir. And that's my point exactly that
6 they have the firearm in their possession while in the
7 residence, not sometime after they left the residence, not
8 when they got charged with the offense, not when they went to
9 trial, while they were in the residence committing the
10 burglary they had the firearm, same with in the residence and
11 has two prior convictions contemporaneous with being inside
12 the residence.

13 THE COURT: Well, at the same time, when I look at this
14 State versus Washington, and I do realize that it is an
15 enhancement case under 17-25-45, it does cite the elements of
16 common law burglary being the same or the legal equivalent of
17 burglary first degree, and it further goes on to talk about
18 the fact that the legislature for criminal offenses in a
19 burglary first is a result of having prior offenses which
20 occurred prior the legislature has the power within
21 constitutional limits to define and punish crimes. The
22 legislature has chosen to punish recidivist criminal activity
23 by allowing a prior record to constitute one element of
24 burglary first degree. I think this fits within that
25 punishment scheme that the fact that the burglary second,

1 which he pled to November -- excuse me, October 24th of 2012,
2 given the fact that it occurred 11-24-10 the date of the
3 conviction is of no moment to me. It's the date of the
4 offense in which it occurred. So I would respectfully deny
5 the motion that it cannot be or that it is not a burglary
6 first degree. Obviously that depends on what evidence is
7 presented.

8 MR. HAZZARD: So the Court's position then is with regard
9 to the 2012 conviction what the Court, what the Court is
10 looking at is the actual date of the offense?

11 THE COURT: Yes.

12 MR. HAZZARD: Okay. My understanding is despite the
13 indictment charging November 24th, all evidence, like the 911
14 call and everything else relates to November 25th, 2010, just
15 like the incident that he's on trial for today.

16 THE COURT: I'm sorry. I wasn't tracking that.

17 MR. HAZZARD: Oh, my understanding in talking to Mr.
18 Glisson he says that with regard to the offense for which he
19 was convicted in 2012, the burglary second degree, that the
20 incident date of that offense, the 911 call and everything
21 else that comes from it is -- stems back to November 25th of
22 2010, the same date that he's on trial for on this incident
23 here today.

24 THE COURT: I thought, I thought the Solicitor indicated
25 to me she had certified copies of an indictment indicating

Motions

45

1 that it occurred November 24th, 2010.

2 MR. HAZZARD: On or about, just like you said with regard
3 to this incident, on or about that date. On this incident
4 they're saying November 25th, 2010.

5 THE COURT: Well, are you telling me then that I need to
6 go behind a certified copy of a, of an indictment?

7 MR. HAZZARD: Well, in this case, Your Honor, if you look
8 at or some judge in the future with this same logic looks at
9 this indictment in this case 0918, it says November 25th of
10 2010. The evidence and testimony in this trial is going to
11 show that Mr. Tyson, the son of the victim, Verline Tyson,
12 says, "We were at the house November 25th, 2010," and the house
13 hadn't been broken into. So I'm pretty sure that's not the
14 date. Just like in this previous case, that's the date in the
15 indictment is not the date.

16 THE COURT: Well, well, well, I didn't plea to it.

17 MR. HAZZARD: I'm sorry?

18 THE COURT: He, he pled to it. He pled to that
19 indictment.

20 MR. HAZZARD: You're right. You're right.

21 THE COURT: I, I, I mean, I'm going by what the Solicitor
22 represented to me. I haven't seen the indictment, but I'm
23 going by the indictment being represented that the incident
24 occurred on 24 November, 2010.

25 MR. HAZZARD: And you're right, Your Honor. He did plead

1 to that indictment.

2 THE COURT: Yes, sir.

3 MR. HAZZARD: You're right. All right. I, I -- it is
4 never ever my intention to argue with the Court. I understand
5 the Court's ruling.

6 THE COURT: No. I, I, I didn't, I didn't take you as
7 being argumentative whatsoever.

8 MR. HAZZARD: Yes, sir. Just want to note, note our
9 objection for the, for the purposes of future proceedings, and
10 I'll move on to a couple of other administrative matters.

11 THE COURT: All right. Yes, sir.

12 MR. HAZZARD: Your Honor, as we discussed in chambers,
13 motion to sequester under Rule 615, South Carolina Rules of
14 Evidence, I understand the Court's position. All we would ask
15 is that any of the investigative officers involved be
16 sequestered one from the other as far as their testimony with
17 the exception of the chief investigative officer, and I
18 understand the Court's position on chain witnesses. We have
19 no problem with them being present for --

20 THE COURT: All right.

21 MR. HAZZARD: -- ease of entrance and exit.

22 THE COURT: And I have, I have no problem with that.
23 Solicitor, you can keep your chief investigating officer. The
24 others would be sequestered, the other investigating officers.

25 MR. HAZZARD: Your Honor, we make a motion for the NCIC

Motions

47

1 reports, the criminal records of any witnesses pursuant to
2 Rule 609, South Carolina Rules of Evidence.

3 THE COURT: All right. Solicitor.

4 MS. RICHARDSON: We'll get those for you.

5 THE COURT: All right. Thank you.

6 MR. HAZZARD: Now, Your Honor, despite this charge having
7 been brought against Mr. Glisson in December of 2010, the
8 Prosecutor, who wasn't the Prosecutor at that time, but she
9 always makes her best effort to provide all, all possible
10 discovery, Friday afternoon, September 26, she attempted to
11 send me an e-mail with an attachment. I am, I am unable to
12 open the attachment, and I asked her about it. She said that
13 it is documentation regarding what's known as a CODIS hit on
14 Mr. Glisson's DNA. My concern on that, of course, is I don't
15 want there -- well, might not really matter. Based on, based
16 on the Court's ruling, if the Court determines that, that the
17 fact that he has -- that this is a burglary first and they're
18 proving two priors, they'll find out he's got two prior
19 convictions, but my concern was that if there's mention made
20 of a CODIS hit to the jury then they may infer that for some
21 reason his DNA was already, you know, in the national database
22 and they might infer that he has a prior criminal record, and
23 I wanted to avoid that if at all possible. So at that point I
24 was making the motion to exclude any evidence of a CODIS hit
25 or anything that indicates that he has -- that he's in the

Motions

48

1 database for having prior convictions.

2 THE COURT: All right. Solicitor.

3 MS. RICHARDSON: Your Honor, we'll agree to that at this
4 time, but if -- would like to have the right to revisit that
5 if circumstances change. I, I don't anticipate using that at
6 this time, but --

7 THE COURT: In other words, you don't anticipate using --

8 MS. RICHARDSON: The CODIS hit at this time --

9 THE COURT: Uh-huh.

10 MS. RICHARDSON: -- but if, if something changes I would
11 bring it to the Court's and make a motion before I would
12 mention it in front of the jury.

13 THE COURT: But you do intend to use DNA?

14 MS. RICHARDSON: Yes, Your Honor.

15 MR. HAZZARD: Then Your Honor, the way I see it, the, the
16 CODIS hit really isn't particularly relevant in that
17 subsequent to the CODIS hit they obtained a buccal swab from
18 Mr. Glisson and indicate that they matched it to DNA -- to his
19 DNA profile. So --

20 THE COURT: Did he consent to that?

21 MR. HAZZARD: I'm sorry, Your Honor?

22 THE COURT: Did he consent to the taking of the buccal
23 swab or buccal swab?

24 MR. HAZZARD: No, sir, Your Honor. It was, it was over
25 our objection at the time.

Motions

49

1 THE COURT: All right. It -- if she's not going to use
2 the CODIS hit, then I think it -- she would be able to get to
3 the DNA assuming she can get to the DNA. I, I just don't want
4 also an inference that -- one, one way or the other I don't
5 want an inference that you all objected to be used against
6 you, nor do I, since you all did object, want an inference
7 that he consented.

8 MR. HAZZARD: Yes, sir.

9 THE COURT: In other words, all, all of that would, would
10 not be relevant.

11 MR. HAZZARD: Yes, sir.

12 THE COURT: That was just a legal issue. That's, that's
13 all, but and if, if, Solicitor, you change your mind and want
14 to attempt to use it, you just tell me you have a matter of
15 law and I will certainly be delighted to listen to you all's
16 arguments in that regard.

17 MR. HAZZARD: Okay. The last motion, the last pretrial
18 motion the Defense has, Your Honor, is under Rule 404(b), as
19 in boy, we move to exclude evidence and testimony regarding
20 any other offenses that Mr. Glisson is charged with. We would
21 submit that they are prejudicial and not closely enough
22 connected to rule out the possibility of another perpetrator.
23 As the Court knows, Mr. -- as we've discussed, Mr. Glisson has
24 many, many pending charges for burglary of varying degrees.
25 The vast majority of these are alleged to have occurred in the

1 North Litchfield, South Litchfield or Pawleys Island area of
2 Georgetown County, and they, they are such that the vast
3 majority of the discovery I've received in this, in his cases
4 relates to other charges. For instance, in this particular
5 case, there's the allegation that he allegedly entered this
6 home, did not take anything and left. That's what he's facing
7 burglary first degree for. The vast majority of all of this
8 discovery deals with other charges. So we would simply ask
9 that the Prosecution not be able to talk about all these other
10 charges that were investigated when they have nothing to do
11 with this charge.

12 THE COURT: All right. All right. Solicitor.

13 MS. RICHARDSON: Your Honor, this particular burglary was
14 discovered by law enforcement, not by the victims. The State
15 would like to at least be able to say that there were problems
16 in the neighborhood, other complaints and that's why they were
17 checking on the property to explain why law enforcement was
18 there and checking on the property.

19 Also, Your Honor, he does have the two prior convictions,
20 one of which is going to be in this neighborhood, and we,
21 since these are elements of the crime, would like to be able
22 to present evidence regarding that.

23 Additionally, Mr. Hazzard has kind of briefly mentioned
24 some third-party guilt type issues or other suspects, if
25 identity or mode of breaking in and that sort of thing comes

Motions

51

1 into play and if he opens the door to that, then the State, of
2 course, would bring it to the Court's attention outside of the
3 presence of the jury, would move at that time to be able to
4 get into evidence of other prior bad acts and other things
5 that linked Mr. Glisson to this, to the break-ins that were
6 occurring in this area, if he opens the door in that regard
7 regarding identity, motive, mode, that sort of thing.

8 THE COURT: Well, I think State versus Green, an officer
9 can testify as to why he is in a particular location. You,
10 you hear that testimony so often it's almost boilerplate in
11 the, in the drug cases somewhat, you know, "I was in this
12 particular area like this for this particular reason," but or
13 I don't think you can go into any depth in it except, you
14 know, "In this general part of the county we had, you know,
15 officers patrolling there because there had been some break-
16 ins," but you don't relate any of those others to Mr. Glisson?

17 MS. RICHARDSON: Mr. Glisson is charged in all of those
18 others.

19 THE COURT: All of those others in that same area?

20 MS. RICHARDSON: In that same area in that same timeframe
21 that arrests were made. There were some in Pawleys that
22 arrests were not made on, but he -- all of the burglaries,
23 except for the 2014 case, occurred generally in the Pawleys
24 Island, North Litchfield or South Litchfield area. This
25 break-in was in North Litchfield. I believe the prior

1 conviction was South Litchfield. The 2012 conviction was for
2 a house in South Litchfield.

3 THE COURT: Well, I don't, I don't think you can paint
4 him with such a broad brush to where you can laundry list
5 other break-ins, "Well, we had 17 break-ins in, in this
6 particular area," but I think an officer can testify why
7 they're in the area, "How did you come to be in this area and
8 you discover this," but at the same time, I'm -- that -- you
9 can't paint him with the brush of being a serial burglar.

10 MS. RICHARDSON: I understand that, Your Honor.

11 THE COURT: Although he may be one, and I don't mean any
12 disrespect to him by that.

13 MS. RICHARDSON: I understand.

14 THE COURT: I'm just saying you can't put up that, that
15 testimony like that.

16 MS. RICHARDSON: But Your Honor, what I'm saying is if
17 motive, I mean, he's talking about whether or not he was going
18 to steal an item from this house, if motive, identity, and
19 that sort of thing and method --

20 THE COURT: Common plan and scheme.

21 MS. RICHARDSON: -- become an issue, then I'd ask for the
22 right to come back before Your Honor before bringing it in
23 front of the jury to have another hearing as to whether it
24 would be appropriate.

25 THE COURT: All right. All right. Does that answer your

Motions

53

1 question, Mr. Hazzard, or your motion?

2 MR. HAZZARD: Yes, sir, Your Honor.

3 THE COURT: Does that respond to your motion I should
4 say?

5 MR. HAZZARD: Yes, sir.

6 THE COURT: All right. Any others?

7 MR. HAZZARD: Nothing further from the Defense at this
8 time, Your Honor.

9 THE COURT: All right. Solicitor, anything further?

10 MS. RICHARDSON: No, Your Honor.

11 THE COURT: All right. Well, with that being said, 9:30
12 in the morning? Thank you. Thank you very much.

13 MR. HAZZARD: Thank you, Your Honor.

14 MS. RICHARDSON: Thank you, Your Honor.

15 OFF THE RECORD

16 (On the record, September 30, 2014. The following takes
17 place outside the presence of the jury.)

18 THE COURT: All right. Our Defendant is present. The
19 parties are present. Mr. Hazzard, I'll be glad to hear from
20 you.

21 MR. HAZZARD: Thank you, Your Honor. I just wanted to be
22 clear. Yesterday afternoon during the pretrial motions, we
23 discussed, and the Court took up the issue of other alleged
24 offenses that Mr. Glisson is charged with, and my
25 understanding of the Court's ruling and the Prosecution's

1 method of proceeding was that the Prosecution would be allowed
2 to ask certain witnesses, most, most importantly law
3 enforcement, as to the basis for their checking these beach
4 houses or this particular beach house located at [REDACTED]
5 [REDACTED], that being because there had been break-ins in the
6 area, but that there would be no mention of the fact that Mr.
7 Glisson is charged with those break-ins. Am I correct in that
8 assessment?

9 MS. RICHARDSON: Your Honor, that was correct unless the
10 door was opened, and we would bring that up outside of the
11 presence of the jury.

12 MR. HAZZARD: Okay.

13 MS. RICHARDSON: The only --

14 MR. HAZZARD: I'm sorry. Go ahead.

15 MS. RICHARDSON: -- caveat on that is is that one of the
16 prior convictions is for a burglary in that area.

17 THE COURT: All right.

18 MR. HAZZARD: And for the record, Your Honor, I wanted to
19 place on the record that there is some evidence that would be
20 available to the Defense, one being that with regard to this
21 area and the break-ins in this area it is our understanding
22 that a gentleman by the name of Philamon Cone, that's P-H-I-L-
23 A-M-O-N, last name C-O-N-E, and he is a decedent, Philamon
24 Cone, IV, was indicted for breaking into a house on that same
25 street at [REDACTED] on September 27th, 2010,

Motions

55

1 subsequently convicted to a burglary third degree. Second
2 thing is there is an incident date December 1st of 2010 in that
3 same area, same type of incident where a beach house is broken
4 into, no one's living there at the time, and a test was done,
5 and apparently a TV was taken, I believe, because DNA was
6 taken and tested from the TV cables where the, where the TV
7 was removed, and the results came back to some party other
8 than Mr. Glisson. So I want to be clear that if I bring that
9 up the Court would consider that opening the door to then
10 allow the Prosecutor to put up testimony regarding these other
11 charges as a way of showing why Mr. Glisson is a suspect. I
12 want to be clear on that for the record because I know my
13 client is interested in, you know, this information, and I
14 want to be clear on the record that if I put that information
15 in I am opening the door to all -- to possibly information on
16 all of these other burglaries that are, the State would
17 contend, are similar in nature.

18 THE COURT: Solicitor.

19 MS. RICHARDSON: Your Honor, it would be the State's
20 position that he would at that point, that we're looking at
21 motive, intent, all the things that are covered by Lyle and
22 other actions. As for the December 1st incident, I believe --
23 I'm not sure of the address of that property.

24 MR. HAZZARD: I don't have it right offhand. I can look
25 it up right quick. That would be [REDACTED] in North

1 Litchfield. The victim's name is Richard Jones. They have
2 the incident date as December 1st, 2010. However, there's
3 apparently also information possibly from the incident report
4 indicating that they also believe the incident date to have
5 possibly been as early as November 6th of 2010, but yeah, that
6 address is the same street, [REDACTED].

7 THE COURT: All right. Solicitor.

8 MS. RICHARDSON: Your Honor, just a moment. Your Honor,
9 it would be the State's position that that would open the
10 door. This is one of the burglaries that he is charged with,
11 and then there's going to be additional evidence that would
12 come in in that case regarding items of property that were
13 stolen. Similar items of property were stolen from multiple
14 residents. They were located at the residence that this
15 Defendant was living in. Also, at that point we look at the
16 modus operandi and how these crimes were very similar, the
17 method of entry was the same, whereas, the method of entry in
18 the Philemon Coleman or Cole [sic] case was completely
19 different, and what was stolen, what was not stolen, I believe
20 all of that would come into play if he's going to talk about
21 motive and identity and trying to, to blame it on a third
22 party and that's the reason, one of the reasons Mr. Cole was
23 excluded as a Defendant in that case, and the DNA was just
24 from touch DNA with the telephone or the cables on the back of
25 the TV.

Motions

57

1 THE COURT: Yes, sir.

2 MR. HAZZARD: You know, and I'm, and I'm just making it
3 clear, Your Honor, for the record that that's why I'm -- that
4 if the Court says if I go into that information that the Court
5 would perceive it and rule that it is opening the door that's
6 why I'm not going into that information, and I want the record
7 to be clear as to why I'm not going to go into that, if that's
8 going to be the Court's ruling.

9 THE COURT: All right. Well, I take this as a motion in
10 limine. A motion in limine is never the final ruling of the
11 Court. It depends on what the testimony is. It becomes
12 almost like an advisory opinion, and you have the, the third-
13 party guilt rule versus 404(b). Third-party guilt, of course,
14 as you all know, is cases like State versus Luke Williams,
15 State versus Parker, State versus Gay, State versus Bobby
16 Holmes that went to the United States Supreme Court, and those
17 cases lay out the foundation for the third-party guilt. For
18 example, Williams said you couldn't use it in that case
19 because it wasn't inconsistent with the, with the guilt of, of
20 Mr. Williams in that case, but you also have the fact that
21 under State versus Kennedy, which I looked at this morning,
22 528 S.E.2d 700, a 2000 case from the Court of Appeals, as far
23 as burglary is concerned, that there was a common plan and
24 scheme, they were committed in the same manner in the same
25 area, same types of items were taken. So if, if, if you put

1 up testimony as to Mr. Cone, IV, on [REDACTED] and that
2 he pled, then I think the State would have the opportunity
3 then to present testimony of the -- provided it is clear and
4 convincing testimony under 404(b) that there were others in
5 the area that were consistent with the modus -- the manner in
6 which the Tyson burglary was committed. I think that would
7 open the door. I don't, I don't think you can mince it to
8 where what may be favorable for Mr. Glisson, that another
9 burglar -- Mr. Glisson, the alleged burglar, but that there
10 was a burglar operating in that area, but if, if, if, if, if
11 he's -- if it's consistent with the manner in which he
12 committed the Tyson burglary I think that would open the door
13 because then you would, you would leave the jury to speculate
14 that either Mr. Cone or Mr. Glisson or some third-party that
15 we have DNA on, I assume it doesn't match Mr. Glisson or Mr.
16 Cone, committed the [REDACTED], and just as a follow-up
17 to my ruling yesterday as far as the officers as to why they
18 were in the area, both State versus Brown and State versus
19 Green I assume there were incident reports taken and on those
20 other burglaries and both Brown is 451 S.E.2d 888, Supreme
21 Court case, South Carolina Supreme Court case written by then
22 Justice, now Chief Justice Toal, and it stands for the
23 proposition that -- give me just a minute -- yeah, this, this
24 talks about evidence of complaints by citizens in the
25 community it being not hearsay unless it is an out of --

Motions

59

1 evidence is not hearsay unless it is an out-of-court statement
2 offered to prove the truth of the matter asserted.
3 Additionally, an out-of-court statement is not hearsay if it
4 is offered for the limited purpose of explaining why a
5 government investigation was undertaken. Here these statements
6 were not entered for the truth but rather to explain why
7 officers began their surveillance. These statements are not
8 hearsay, and therefore, the trial judge committed no error in
9 allowing these statements. I take that when you have
10 complaints and the officers are undertaking surveillance in an
11 area or patrolling an area with a higher degree of frequency
12 because of the, the crimes that had been committed, and State
13 versus Green stands for that same proposition, and it cites,
14 it cites, it, it, it cites State versus Brown. State versus
15 Green is 458 S.E.2d 73, a 1995 case. So that's, that's why I
16 would allow that testimony in. I just wanted to put that in
17 the record. Again, Mr. Hazzard, that is a motion in limine.
18 It's not a final ruling of the Court.

19 MR. HAZZARD: Yes, sir, Your Honor.

20 THE COURT: All right. Anything further?

21 MR. HAZZARD: Nothing further from the Defense at this
22 time, Your Honor.

23 MS. RICHARDSON: Nothing, Your Honor.

24 THE COURT: Bring us our jury, please.

25 (Whereupon, the following takes place in the presence of

Opening Instructions by the Court

60

1 the jury.)

2 THE COURT: All right. Madam Clerk, would you swear our
3 jury, please?

4 (The jury is sworn by the clerk.)

5 THE COURT: Good morning, ladies and gentlemen of the
6 jury panel. Welcome back. The case we're about to try, as
7 you know, is the case of the State versus James R. Glisson,
8 Jr., seated to my front right.

9 What I will now say is intended to serve as an
10 introduction to the trial of this case. My remarks at this
11 point are not an instruction on the law. I will instruct you
12 on the law that applies to this case at the end of the trial
13 before you retire to consider your verdict. This is merely an
14 explanation of the procedure that we will follow in the trial
15 so that you may better understand what may be happening.

16 The Defendant is charged with an indictment filed with
17 this Court with the crime of burglary in the first degree, the
18 elements of which will be explained to you later. Again,
19 ladies and gentlemen, the indictment is simply the charge by
20 which the case is brought into court. It is the formal
21 charging document, and it is not in any sense evidence of any
22 of the allegations that it contains. Mr. Glisson has pled not
23 guilty to the indictment. Therefore, the State, the party to
24 my front left, has the burden of proving each of the elements
25 of the indictment beyond a reasonable doubt, and it will be

Opening Instructions by the Court

61

1 your duty, ladies and gentlemen, to decide whether the State
2 has met that burden. Your purpose as jurors is to find and
3 determine the facts. You are the sole judges of the facts of
4 this case. If at any time I make any comment regarding the
5 facts, you must disregard it. You are to determine the facts
6 from the testimony you hear and any other evidence introduced
7 into court. It is up to you to determine the inferences which
8 you feel may properly be drawn from the evidence. It is
9 especially important that you perform your duty of determining
10 the facts diligently and conscientiously because, ordinarily,
11 there is no way to correct an erroneous determination of the
12 facts by a jury. On the other hand and with equal emphasis,
13 the same law that makes you the judges of the facts make me
14 the judge of the law. The law as given by the Court is the
15 only law you may consider. You must accept it and follow it
16 even though you may disagree with it. I cannot tell you what
17 the facts are. You cannot disagree with me about what the law
18 is or what the law should be. Your job is to take the law as
19 I give it to you and apply it to the facts as you find them to
20 be from the testimony of the witnesses and any other evidence
21 that is introduced. After doing that you will render your
22 verdict, a true and just verdict under the solemn oath that
23 you have just taken as jurors.

24 It is important that you keep an open mind and not decide
25 any issue in the case until all of the evidence has been

Opening Instructions by the Court

62

1 presented, the parties have made their closing arguments to
2 you, and I have instructed you on the law in this case. It is
3 your solemn responsibility to determine the guilt or innocence
4 of the Defendant, and your verdict must be based solely on the
5 evidence as it is presented to you in the trial and on the law
6 as I instruct you during and at the close of the trial.

7 Now, in just a moment the Solicitor will make what is
8 called an opening statement in which the Solicitor will
9 explain to you the issues in the case or at least what the
10 Solicitor thinks the issues are in this case. Mr. Hazzard,
11 the attorney for Mr. Glisson, may also make an opening
12 statement, although he is not required to do so. A criminal
13 Defendant in South Carolina is always presumed to be innocent
14 regardless of the seriousness of the offense that may be
15 charged. A criminal Defendant has no burden of proof
16 whatsoever to prove himself or herself innocent. The burden
17 of proof, as I have stated, always remains on the State of
18 South Carolina to prove a Defendant guilty beyond a reasonable
19 doubt.

20 What the attorneys tell you during their opening
21 statements is not evidence in the case. It is only their
22 contention as to what the issues are. What they tell you in
23 their closing arguments is not evidence in the case. They may
24 comment on the facts, the law as they apply to each other, but
25 they're not sworn witnesses. Their questions are not evidence

Opening Instructions by the Court

63

1 in the case. That is the method we use in our courtrooms to
2 extract the testimony from the witnesses. That is the
3 evidence in the case and any physical items of evidence such
4 as that that may be presented to you. That is how the
5 testimony will be presented through the sworn witnesses and
6 any exhibits introduced.

7 From time to time during the trial you may hear one of
8 the lawyers say something like, "Your Honor, I believe we have
9 a question of law or a matter of law to discuss with you, or
10 Your Honor, may we approach the bench," or sometime I myself
11 might find it necessary to excuse you from the courtroom for a
12 short while so the attorneys and I can discuss a matter of
13 law. That is not to hide anything from you, ladies and
14 gentlemen. The reason for this is because you are the judges
15 of the facts in this case, and sometime when I am discussing
16 matters of law with the attorneys, it may be necessary for me
17 to make some comment as to the facts in conjunction with
18 ruling whether or not a particular law applies. I am not
19 supposed to and I will not tell you what I think the facts
20 are. I have no opinion about the facts. I'm not allowed to
21 have such an opinion. So I will excuse you from the courtroom
22 while these discussions take place so that in no way will you
23 be influenced by anything that I might say or do in connection
24 with the facts.

25 In determining what the true facts are in this case you

Opening Instructions by the Court

64

1 must decide whether or not the testimony of the witnesses is
2 believable. It will be my responsibility to rule as a matter
3 of law as to whether certain testimony is admissible at all or
4 not. In other words, if you hear it, if it is testified
5 before you, but once testimony is, is admitted by the Court,
6 whether or not you believe it is solely for you, the jury, to
7 determine. In deciding whether to believe a witness you have
8 a right to consider the interest of any witness, the bias of
9 any witness, the prejudice of any witness, the opportunity for
10 the witness to have seen the matters and things about which
11 the witness may testify and the way, the manner, the demeanor
12 of the witness on the witness stand. You have a right to
13 consider anything that is in the record that will help you
14 evaluate the testimony of the witnesses. That means it will
15 be your duty to pay close attention to these witnesses, to
16 observe them, to listen to them, to pay close attention to the
17 attorneys and to the Court. Don't let your thoughts wander,
18 but give strict attention to the testimony in this case so
19 that at the end of all the testimony after the arguments of
20 the attorneys and the instruction on the law by the Court you
21 will then be in that position to determine what the true facts
22 are and to apply the law to those facts and thus render a true
23 and just verdict.

24 Administratively, ladies and gentlemen, as I say, I don't
25 know what may or may not be introduced as far as photographs

Opening Instructions by the Court

65

1 or the like, maybe none, maybe some. Many times when they are
2 introduced they may be handed to the foreperson of the jury
3 and passed among the members of the jury while you're out here
4 in the courtroom. You may look at those items all you wish
5 while you're out here in the courtroom in your jury box.
6 However, if I allow an item of -- physical item into evidence
7 you will also have it with you in your jury room at the time
8 of your deliberations. I tell you that only to say it will
9 not be the only and the last opportunity you will have to look
10 at any physical items of evidence that may be introduced to
11 you in the courtroom.

12 Also, probably at the first break that we take this
13 morning I will instruct you to choose a foreperson among the
14 members of the jury. I'm sure our alternate would make a fine
15 jury foreperson. However, she is in the status of an
16 alternate juror right now. So it can be any one of the 12 and
17 whoever you all do select to be the foreperson that would be
18 the juror's -- the jury's spokesperson in court and also
19 responsible for signing and dating the verdict. I would ask
20 that individual to sit where this gentleman is now sitting
21 and, and if it happens to be this gentleman, I'd ask him to
22 sit right there, but I'm going to allow the jury to select its
23 own foreperson, whatever standard you all want to use in that
24 regard, prior jury service, whatever, whatever you all decide.
25 All of you were selected by both parties as being fair and

Opening Instructions by the Court

66

1 impartial, and I'm sure any of you would make a fine jury
2 foreperson.

3 Besides where our foreperson sits and our alternate sits,
4 the other members of the jury you may sit anywhere you like in
5 the jury box. I have studied it for many years, and I have
6 found that many jurors are very territorial. They like to sit
7 in the same spot each and every time, have the same view of
8 the courtroom each and every time. You're certainly welcome
9 to do that. You do not have to. You can sit anywhere in the
10 jury box, including where you're now sitting.

11 Also, you will see me on my computer from time to time.
12 I do not tweet. I don't repeat. I don't, I don't even know
13 what a hash tag is. I'm surprised I even know that term. I
14 do research. These are very good attorneys on both sides, and
15 if I think I see a legal issue up in the distance somewhere, I
16 will do some legal research on my computer. If it seems to be
17 heavy legal research, that's, that's what I have Rogers for,
18 Mr. Harrell for.

19 Breaks, let's see what I'm really in charge of. I'm in
20 charge of taking breaks. I have a real simple rule about it.
21 When I want to take a break, we all take a break. It works
22 out great. This is not some type of judicial marathon. If
23 you need a break, if your thoughts start to wander, please
24 raise your hand, let me know. You all will take you all's
25 break. I, I will -- we will take our break.

Opening Instructions by the Court

67

1 All right. Any objection to anything I've told the jury
2 from the State, Solicitor?

3 MS. RICHARDSON: No, Your Honor, but we do have a matter
4 of law that needs to be handled prior to openings.

5 THE COURT: All right. All right. Thank you, and --

6 MR. HAZZARD: For the record, no objection from the
7 Defense to the, the Court's instructions.

8 THE COURT: All right. Thank you. Well, I told you all
9 initially there would be times when they'd say they had a
10 matter of law. So I'm going to take this up very briefly
11 before opening. You may return to your jury room. Do not
12 discuss the case during this brief recess. Thank you. Thank
13 you very much.

14 (Whereupon, the following takes place outside the
15 presence of the jury.)

16 THE COURT: Yes, ma'am.

17 MS. RICHARDSON: Your Honor, at this time it's my
18 understanding that the Defendant may wish to plead guilty. He
19 needs a few minutes to talk with his family. We have
20 discussed through some notes the provisions of that. If Your
21 Honor would give us just a few moments.

22 THE COURT: All right. Certainly.

23 MR. GLISSON: Thank you.

24 THE COURT: And Sheriff, you make arrangements for him to
25 talk with his family. Is this his father?

1 OFFICER: Yes, sir.

2 THE COURT: And all right, if you'd make arrangements
3 where he can talk with his family. Thank you. Thank you very
4 much, Solicitor. If I step out will someone -- I guess
5 someone will come get me.

6 MR. HAZZARD: Yes, sir, Your Honor.

7 THE COURT: All right. Thank you. Thank you very much.

8 OFF THE RECORD

9 (On the record. The following takes place outside the
10 presence of the jury.)

11 THE COURT: All right. Solicitor.

12 MS. RICHARDSON: Your Honor, as we discussed before the
13 break, Mr. Hazzard indicated me -- to me prior to beginning
14 opening statements that Mr. Glisson was interested in a plea
15 in this matter. Your Honor, the plea that we have worked out
16 will dispose of all of his pending charges. As I told you
17 yesterday, we have 19 pending indictments in Georgetown County
18 on Mr. Glisson. The plea offer is this, Your Honor: He will
19 plead guilty to three counts of burglary second degree violent
20 and five counts of burglary second degree non-violent. The
21 remaining charges pending will be nolle prossed. Two of those
22 are actually duplicate indictments on the same residence. On
23 2012-GS-22-917 he will plead to burglary second degree
24 violent, reduced from burglary first degree. 2012-GS-22-918,
25 the same thing, he will plead guilty to burglary second degree

Guilty Plea

69

1 violent, reduced from burglary first degree. The indictments
2 in those cases allege that it's burglary first degree based on
3 two prior convictions. He will now consent to an amendment of
4 that and to admitting that these occurred in the nighttime as
5 well. He will also plead guilty as charged 2014-GS-22-802,
6 burglary second degree violent. The State is recommending 15
7 years concurrent on the 2012 burglary second degree violent.
8 He has 1,114 days credit for time served. Those are violent
9 offenses and serious offenses. Based on that, he would be
10 prohibited, already under federal law, but under state law
11 from possessing any firearms. He will also plead to the five
12 burglary second degree non-violents. That's 2011-493, 532,
13 535, 539 and 702. The recommendation on that case is four
14 years suspended to time served of 1,114 days. Your Honor, he
15 had previously back in 2012 pled to a burglary second degree
16 non-violent and already served his time at the Department of
17 Corrections on a four-year sentence. Your Honor, all of the
18 victims in this case were notified that he was in court today
19 because there was an outstanding plea offer. They were all
20 notified in writing and telephone calls. Mr. Tyson, the
21 victim on the trial case, is present on behalf of his mother.
22 None of the other victims wish to be present, Your Honor.

23 THE COURT: All right. Thank you. Thank you, Solicitor,
24 and the recommendation is 15 years concurrent?

25 MS. RICHARDSON: Fifteen years concurrent, Your Honor, on

1 the two 2012 burglary second degree violents and then seven
2 years concurrent on the 2014 charge.

3 THE COURT: Okay.

4 MR. HAZZARD: If it may help the Court, I can hand up a
5 copy of the actual plea offer that sets forth everything the
6 Prosecutor just read into the record.

7 THE COURT: All right. Yes, sir. Thank you. Thank you,
8 Mr. Hazzard.

9 All right. Thank you. Thank you, Solicitor.

10 Mr. Hazzard, you represent James Glisson, Jr.?

11 MR. HAZZARD: Yes, sir, Your Honor.

12 THE COURT: Have you explained to him the charges, the
13 possible punishments and his rights and the elements of the
14 charges, including his right to a jury trial?

15 MR. HAZZARD: Yes, sir, Your Honor. I have explained to
16 him all of his rights under the Fourth, Fifth, Sixth and 14th
17 Amendment. I've explained to him the elements of the offense,
18 burglary first and burglary second. I've explained to him
19 that burglary first carries a mandatory sentence of no less
20 than 15 years and a maximum sentence of life and that life
21 means what it means until death. I've also explained to him
22 that based on his decision to enter this plea today to two
23 serious offenses that under what is loosely referred to as the
24 three-strikes law that if he ever gets another serious or a
25 most serious conviction in his lifetime that if the

Guilty Plea

71

1 Prosecution requests life without parole the Court will be
2 required to give him a life without parole sentence, Your
3 Honor.

4 THE COURT: In your opinion does he understand these
5 things?

6 MR. HAZZARD: In my opinion he does, Your Honor. In
7 fact, this, this came about, this plea came about because as
8 the Court was giving its opening instructions to the jury Mr.
9 Glisson leaned over to me and asked about a plea, asked if he
10 could possibly get the same plea offer that had been available
11 prior, and parenthetically, I do thank the Prosecutor for
12 leaving that plea offer open even, even after it had been, in
13 fact, pulled from the table yesterday, and I informed Mr.
14 Glisson that I would ask the Prosecutor. So through a series
15 of notes back and forth during the Court's initial
16 instructions to the jury he indicated -- she indicated the
17 terms of the offer. He indicated that was acceptable to him,
18 indicated he wanted to speak with his parents first. The
19 Court was good enough to allow him to speak to his parents who
20 are present in the courtroom. That's James Glisson, Sr., and
21 Ms. Connie Owens, and after consultation with them and after
22 further discussion between he and I, he indicated that he
23 wanted to enter the plea. We went through each of the
24 sentencing sheets individually. We looked at the written plea
25 offer, the plea part of which has been handed up to the Court

1 for its review, to make sure that he was completely clear. He
2 had asked me about time computation. I indicated to him that
3 that is always the province of the Department of Corrections
4 and Probation, Parole and Pardons and could not guarantee him
5 anything, but that one thing I did know was that since the
6 offenses, the maximum that he was pleading to was an offense
7 that carried 15 years, the burglary second violent, that he
8 would be parole eligible after service of one-third pursuant
9 to statute. Whether he gets parole or not, again, that's up
10 to the Parole Board, but that he would have that eligibility,
11 Your Honor. So yes, I think he fully knows, comprehends,
12 understands the, the plea negotiations and what he's doing
13 here when he signed those sentence sheets.

14 THE COURT: And do you agree with his decision?

15 MR. HAZZARD: I do, Your Honor.

16 THE COURT: All right. Thank you. You're James Robert
17 Glisson, Jr.?

18 MR. GLISSON: Yes, sir.

19 THE COURT: And he'd been placed under oath, Madam Clerk?

20 THE CLERK: No, sir, Your Honor.

21 THE COURT: Would you place him under oath for me,
22 please?

23 (Defendant is sworn by the clerk.)

24 THE COURT: Mr. Glisson, before I can accept pleas of
25 guilty, it's necessary for me to determine if your pleas are

Guilty Plea

73

1 being given freely and voluntarily. Therefore, I need to ask
2 you some questions. If you do not understand my questions,
3 please let me now. I'll try to explain them to you. If at
4 any time you wish to talk with your attorney, please let me
5 know. I will allow you to do so. Do you understand?

6 MR. GLISSON: Yes, sir.

7 THE COURT: How old are you?

8 MR. GLISSON: Forty-one.

9 THE COURT: How much education do you have?

10 MR. GLISSON: I graduate 12th grade.

11 THE COURT: Prior to incarceration what type of work did
12 you do?

13 MR. GLISSON: My best friend's got a construction
14 company.

15 THE COURT: And you did construction?

16 MR. GLISSON: Yes, sir.

17 THE COURT: How long, how many years you do that?

18 MR. GLISSON: Probably, probably 20 or more.

19 THE COURT: Okay. Today are you under the influence of
20 any medication, drugs or alcohol?

21 MR. GLISSON: No, sir.

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

25 MR. GLISSON: No, sir. No, sir.

1 THE COURT: I'm sorry. I didn't, I didn't hear your
2 response right there at first.

3 MR. GLISSON: Okay. That's fine.

4 THE COURT: You heard your attorney, Mr. Hazzard, tell me
5 that he's explained to you the charges in the indictments, the
6 elements of those charges and potential punishments, your
7 constitutional rights, including your right to a jury trial
8 and that you understand these things; is that correct?

9 MR. GLISSON: Yes, sir.

10 THE COURT: I'm going to go over each of these
11 indictments with you. By my calculations it would be three
12 burglary second violent indictments and five burglary second
13 non-violent indictments. The first two indictments, 2012-GS-
14 22-00917 and 00918, each of these are true-billed indictments
15 for burglary in the first degree. 917 reads that you did in
16 Georgetown County on or about December 7th, 2010, enter the
17 dwelling of Betty Morgan without consent and with the intent
18 to commit a crime therein, having a prior record of two or
19 more convictions for burglary or housebreaking. It appears
20 you're being allowed to plead to burglary second violent for
21 which you could receive a sentence of up to 15 years. Do you
22 understand?

23 MR. GLISSON: Yes, sir.

24 MS. RICHARDSON: And, Your Honor, that's the indictment
25 that he consented for the amendment of the additional

Guilty Plea

75

1 enhancement of nighttime.

2 THE COURT: All right. Then 2012-918 is a burglary first
3 indictment. That is the indictment for which you would be
4 standing trial today if you continued on with your trial,
5 allege that you did in Georgetown County on or about November
6 25th, 2010, entered a dwelling of Verline Tyson without consent
7 and with the intent to commit a crime therein with a prior
8 record, you having a prior record of two or more burglaries or
9 housebreaking. Do you understand?

10 MR. GLISSON: Yes, sir.

11 THE COURT: And you're entering a plea of guilty to
12 burglary second violent for which you could receive a sentence
13 of up to 15 years.

14 MR. GLISSON: Yes, sir.

15 MS. RICHARDSON: And, Your Honor, that would also be
16 amended to reflect nighttime as well.

17 THE COURT: All right. Then 2014-GS-22-00802 allege that
18 you did in Georgetown County on or about April 27th of 2014
19 enter without consent and with the intent to commit a crime a
20 building located at [REDACTED], Pawleys Island, South
21 Carolina, and you being a person having a prior record of two
22 or more convictions for burglary or housebreaking, that is
23 pleading as charged burglary second violent for which you can
24 receive a sentence of up to 15 years. Do you understand?

25 MR. GLISSON: Yes, sir.

Guilty Plea

76

1 THE COURT: As to the other indictments, they all appear
2 to be burglary second degree non-violent. 2011-GS-22-00535
3 alleges that you did in Georgetown County on or about December
4 11, 2010, enter without consent and with the intent to commit
5 a crime therein the dwelling of Stephen Johnson located at [REDACTED]
6 [REDACTED], North Litchfield, South Carolina. That is an
7 indictment for burglary second degree non-violent for which
8 you can receive a sentence of up to 10 years. Do you
9 understand?

10 MR. GLISSON: Yes, sir.

11 THE COURT: 2011-GS-22-00539 alleges that you did in
12 Georgetown County on or about November 26, 2010, enter without
13 consent and with the intent to commit a crime therein the
14 dwelling of Ann Mickle Layton located at [REDACTED],
15 North Litchfield, South Carolina. It's a true-bill indictment
16 for burglary second degree non-violent for which you could
17 receive a sentence of up to ten years. Do you understand?

18 MR. GLISSON: Yes, sir.

19 THE COURT: 2011-GS-22-00538 reads that you did in
20 Georgetown County on or about November 6, 2010, enter without
21 consent and with the intent to commit a crime therein the
22 dwelling of Richard Jones located at [REDACTED], North
23 Litchfield. That is an indictment for burglary second degree
24 non-violent for which you could receive a sentence of up to
25 ten years. Do you understand?

Guilty Plea

77

1 MR. GLISSON: Yes, sir.

2 THE COURT: 2011-GS-22-00532 alleges that you did in
3 Georgetown County on or about November 1st, 2010, enter without
4 consent and with the intent to commit a crime the dwelling of
5 Judy Maziar located at [REDACTED] Litchfield, South
6 Carolina. That's an indictment for burglary second degree
7 non-violent for which you could receive a sentence of up to
8 ten years. Do you understand?

9 MR. GLISSON: Yes, sir.

10 THE COURT: And then 2011-GS-22-00493 alleges that you
11 did in Georgetown County on or about November 17th, 2010, enter
12 without consent and with the intent to commit a crime therein
13 the dwelling of Dennis Kennemur located at [REDACTED]
14 Pawleys Island, South Carolina. That is an indictment for
15 burglary second degree non-violent for which you could receive
16 a sentence of up to ten years. Do you understand?

17 MR. GLISSON: Yes, sir.

18 THE COURT: So the maximum possible sentence you're
19 facing is 95 years. Do you understand?

20 MR. GLISSON: Yes, sir.

21 THE COURT: And the first two indictments I read off, 917
22 and 918, were reduced from burglary first degree to burglary
23 second violent. Do you understand?

24 MR. GLISSON: Yes, sir.

25 THE COURT: All other pending charges will be nolle

Guilty Plea

78

1 prossed, Solicitor? Is that correct?

2 MS. RICHARDSON: Yes, Your Honor.

3 THE COURT: All right. Thank you very much.

4 Now, Mr. Glisson, when you plead guilty you give up
5 certain very important constitutional rights. First you give
6 up your right to remain silent, that is your right against
7 self incrimination, your right to say nothing at all. You
8 cannot be compelled to testify or to provide evidence against
9 yourself. Do you understand that right?

10 MR. GLISSON: Yes, sir.

11 THE COURT: Second, you give up your right to have a jury
12 trial, and as you know, a jury has already been selected by
13 the State, by your attorney to hear the trial of 918, I
14 believe it is, with the named victim of Verline Tyson. Your
15 right to have a jury trial is your right to have a jury decide
16 whether or not you're guilty beyond a reasonable doubt. They
17 would base their decision upon evidence which the State
18 presents and on any evidence you might wish to introduce. In
19 a trial you would be presumed to be innocent as I have already
20 told the jury, and the State would have to produce evidence
21 that would convince all 12 members of the jury that you were
22 guilty beyond a reasonable doubt. Do you understand that very
23 important constitutional right?

24 MR. GLISSON: Yes, sir.

25 THE COURT: Third, you give up your right to confront and

Guilty Plea

79

1 be confronted by the witnesses against you. That is the right
2 to see, hear and cross examine any witnesses, cross
3 examination by your attorney of any witnesses that may be
4 called against you during the trial and the right to subpoena
5 and call witnesses on your own behalf. Do you understand?

6 MR. GLISSON: Yes, sir.

7 THE COURT: Do you understand that when you enter pleas
8 of guilty you give up these very important constitutional
9 rights?

10 MR. GLISSON: Yes, sir.

11 THE COURT: Is that what you want to do?

12 MR. GLISSON: Yes, sir.

13 THE COURT: Do you understand that you will not get a
14 jury trial on this or any of the charges if you plead guilty?

15 MR. GLISSON: Yes, sir.

16 THE COURT: Understanding then the nature of the charges
17 of burglary second degree violent, three counts, and burglary
18 second degree non-violent, five counts, how do you plea to
19 those charges, guilty or not guilty?

20 MR. GLISSON: Guilty.

21 THE COURT: Do you understand that when you plead guilty
22 you admit the truth of the charges that have been made against
23 you?

24 MR. GLISSON: Yes, sir.

25 THE COURT: Mr. Glisson, you may have a defense to these

1 charges. I don't know. I don't know if you do or not. Do
2 you understand that if you plead guilty you will waive or give
3 up any defenses you may have to any of these charges?

4 MR. GLISSON: Yes, sir.

5 THE COURT: You may have given an incriminating statement
6 in this case. If you plead guilty, do you understand that you
7 waive or give up the right to challenge or contest whether or
8 not such statement was given freely and voluntary in
9 accordance with your constitutional rights?

10 MR. GLISSON: Yes, sir.

11 THE COURT: Did you commit each of these offenses as
12 listed in the indictments that I went over with you?

13 MR. GLISSON: Yes, sir.

14 THE COURT: All right. Unless there's additional, I have
15 both listened to the Solicitor and Mr. Hazzard has handed up a
16 written agreement, the recommendation by the State 15 years
17 concurrent on the burglary second, three counts, violent and
18 seven years concurrent on -- excuse me, 15 -- two 15 year
19 concurrents on the burglary first to the burglary second
20 violent. The other burglary second violent would be seven
21 years concurrent, and then the five -- the five burglary
22 second degree non-violent would be four years suspended time
23 served.

24 MR. HAZZARD: Okay. Your Honor, it's our understanding
25 that all of the burglary firsts are reduced to burglary second

Guilty Plea

81

1 violent. Correct?

2 THE COURT: Correct.

3 MR. HAZZARD: Okay.

4 THE COURT: Well, I think one of them -- both burglary
5 firsts. I think there's only two burglary firsts.

6 MR. HAZZARD: Yes, sir, Your Honor.

7 THE COURT: The other one is a burglary second violent
8 that he's pleading as charged but seven years concurrent.

9 MR. HAZZARD: Yes, sir.

10 MS. RICHARDSON: That's correct, Your Honor.

11 THE COURT: All right. Yes, sir.

12 Do you still wish to plead guilty?

13 MR. GLISSON: Yes, sir.

14 THE COURT: Is that your understanding of the plea
15 negotiations?

16 MR. GLISSON: Yes, sir.

17 THE COURT: Has anyone promised you anything or held out
18 any hope of reward to get you to plead guilty?

19 MR. GLISSON: No, sir.

20 THE COURT: Has anyone threatened you or used force to
21 get you to plead guilty?

22 MR. GLISSON: No, sir.

23 THE COURT: Has anyone used any pressure or intimidation
24 to cause you to plead guilty?

25 MR. GLISSON: No, sir.

Guilty Plea

82

1 THE COURT: Have you had enough time to make up your
2 mind?

3 MR. GLISSON: Yes, sir.

4 THE COURT: Are you pleading guilty to each of these
5 charges of your own free will and accord?

6 MR. GLISSON: Yes, sir.

7 THE COURT: That's your decision?

8 MR. GLISSON: Yes, sir.

9 THE COURT: That's your call?

10 MR. GLISSON: Yes, sir.

11 THE COURT: Are you satisfied with the manner in which
12 your lawyer has advised you and represented you?

13 MR. GLISSON: Exceptionally, sir.

14 THE COURT: Have you talked with your lawyer as often and
15 for as long as you feel necessary for him to properly
16 represent you?

17 MR. GLISSON: Yes, sir.

18 THE COURT: Do you need any more time to talk with your
19 lawyer?

20 MR. GLISSON: No. No, sir.

21 THE COURT: Have you understood your talks with your
22 lawyer?

23 MR. GLISSON: Yes, sir.

24 THE COURT: Has your lawyer done everything for you you
25 feel like he could have done or should have done?

Guilty Plea

83

1 MR. GLISSON: And more, sir.

2 THE COURT: Has your lawyer done anything in this case
3 you feel like he should not have done?

4 MR. GLISSON: No, sir.

5 THE COURT: Are you totally and completely satisfied with
6 your lawyer's services?

7 MR. GLISSON: Yes, sir.

8 THE COURT: Do you have any complaints you want to make
9 about your lawyer, the Solicitor or any police officers
10 involved in any of your cases?

11 MR. GLISSON: No, sir.

12 THE COURT: Mr. Glisson, have you understood my
13 questions?

14 MR. GLISSON: Yes, sir.

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

17 MR. GLISSON: I just want to make sure that that's all
18 unknown and known charges, too, you know.

19 MR. HAZZARD: He wants to make sure the, the State is --

20 THE COURT: Well, I don't, I don't know, I don't know
21 about unknown.

22 MS. RICHARDSON: I don't know about unknown, Your Honor,
23 but that's everything that we have that he has been charged
24 with that warrants have been served for and that he's been
25 indicted for in Georgetown County.

1 MR. GLISSON: That's what I meant, that's what I --

2 THE COURT: Does that, does that answer your question?

3 MR. GLISSON: That's what I meant.

4 MR. HAZZARD: Yeah.

5 MR. GLISSON: Yes, sir.

6 THE COURT: Again, I don't know about unknown, Mr., Mr.
7 Glisson, but and I wouldn't be the one to ask that anyway, but
8 you heard the Solicitor's response.

9 MR. GLISSON: I just didn't want no more -- nothing
10 coming out of, you know, just wanted it all over with and
11 don't have to worry about it and I can go get on with my life.
12 I don't know, you know, like we was talking about the third-
13 party earlier, I don't want to be brought no more into his if
14 something come up later on, which I don't think they would
15 because it's been four years, but I just wanted it all wiped
16 out, you know, I just didn't want nothing coming up down the
17 road, me get a hold on me for some -- something that could
18 have been all run together to begin with.

19 THE COURT: Yes, sir.

20 MS. RICHARDSON: Your Honor, and this is cases that he
21 has been charged with. I don't know of any pending charges,
22 but these are cases that he has been charged with.

23 THE COURT: Was any --

24 MS. RICHARDSON: And they have been listed out on that
25 plea offer, the indictments, and then he would have the

Guilty Plea

85

1 warrants that correlate to those.

2 THE COURT: Are either you or Mr. Hazzard familiar with
3 any warrants that have not been served on Mr. Glisson?

4 MS. RICHARDSON: No, Your Honor. The Georgetown County
5 Sheriff's Office is here and they indicate that there are none
6 that they are aware of that have not been served.

7 THE COURT: And, and, and have you all at some point in
8 time ran his criminal history to see if there's any pending in
9 NCIC?

10 MR. HAZZARD: Yes, sir, Your Honor.

11 MS. RICHARDSON: Since his -- it would have been run with
12 his last arrest in April of this year.

13 THE COURT: Does that answer your question?

14 MR. GLISSON: Yes, sir. Because if I had warrants I'm
15 sure they'd know it.

16 THE COURT: Also, there's an administrative order
17 somewhere that if an individual is placed in the Department of
18 Corrections and a hold's put on him by a local agency they're
19 supposed to go on and serve it and get it resolved while that
20 -- in a, in a timely fashion rather than wait till an
21 individual gets out of, gets out of incarceration to serve it,
22 but you've heard the responses now.

23 MR. GLISSON: Yeah.

24 THE COURT: I've -- I can't, I can't represent anything
25 to you. I don't know those answers.

1 MR. GLISSON: I just had to go through all that a few
2 years ago. I just --

3 THE COURT: Yes, sir.

4 MS. GOLDING: -- didn't want to go through it again.

5 THE COURT: Yes, sir.

6 MR. HAZZARD: Okay. And Your Honor, to, to, to make sure
7 the record is completely clear, what my client is saying is
8 that it's his understanding this plea is taking care of all
9 pending charges, whether they're indictments, whether they're
10 warrants, whether they're informations, that as far as the
11 State of South Carolina, the County of Georgetown is concerned
12 this takes care of all pending charges because obviously, as
13 he said, he doesn't want to be in the position where he's
14 entering this plea thinking it disposes of everything that he
15 has, then he gets up the road to Columbia and all of a sudden
16 a pocket warrant comes out, so all pending charges.

17 THE COURT: Is that correct, Solicitor?

18 MS. RICHARDSON: That's correct, Your Honor, but when he
19 was using the word unknown, if there's something he's done
20 that we don't know about that gets solved in the future,
21 that's, that's totally different. That's something none of us
22 can -- none of us can predict.

23 MR. GLISSON: I was listening -- I was just kind of
24 listening to a jailhouse lawyer. I was just -- I didn't --
25 you know how that is.

Guilty Plea

87

1 THE COURT: Well, I have -- it's been my experience over
2 the years as far as inmates are concerned they know about as
3 much of the system as people that's never been -- never
4 experienced it, so to speak.

5 MR. GLISSON: Yes, sir.

6 THE COURT: It's kind of like walking a mile in my shower
7 shoes and my jumpsuit, so to speak, Mr. Glisson, but you've
8 heard the Solicitor, you've heard what your lawyer said, this
9 takes care of all pending charges.

10 MR. GLISSON: Yes, sir.

11 THE COURT: Do you still wish to plead guilty?

12 MR. GLISSON: Yes, sir.

13 THE COURT: You understand you have a right to appeal
14 your guilty pleas and the sentences of the Court and that you
15 or your lawyer must do so within ten days?

16 MR. GLISSON: Yes, sir.

17 THE COURT: All right. Solicitor, if you'd give me the
18 facts.

19 MS. RICHARDSON: Your Honor, as for the case that we had
20 scheduled for trial, that's 2012-GS-22-918, with the victim,
21 Ms. Verline Tyson, between November 25th and December 6th of
22 2010 a beach house belonging to Ms. Tyson was broken into.
23 The family was last there on Thanksgiving. Officers, because
24 of the burglaries that had been in the Pawleys Island and
25 Litchfield area, were routinely checking properties in those

1 areas. Officers discovered that the door had been either
2 pried open or kicked in with significant damage to the door
3 frame. Blood was left on the door that obviously was not
4 there when the owners were last there at Thanksgiving.
5 Fingerprints were on the glass door where entry was made. The
6 fingerprints and the blood, some of the blood which was around
7 the pry marks and in parts of the pry marks were matched by
8 SLED to Mr. Glisson. A DVD player had been moved from its
9 position on a cabinet to the floor, but no other items
10 appeared to have been taken.

11 As for the other burglary second violent, 2012-917, that
12 was a house -- the Verline Tyson house was in North
13 Litchfield. This house on the other indictment was Betty
14 Morgan. That house was in South Litchfield, and all that, of
15 course, is in Georgetown County. That beach house was also
16 broken into, same manner. Pry marks, blood was found at the
17 crime scene near where the window and door had been pried
18 open. That blood was matched by SLED to Mr. Glisson.
19 Multiple items were taken from that residence, including
20 coffee makers and DVD players. A lot of those items or
21 similar items were recovered from the residence of Brian and
22 Angie Poston where Mr. Glisson was staying at the time and was
23 linked to him by their testimony.

24 As for the newest one, 2014-802, burglary second degree
25 violent, that occurred while Mr. Glisson was out on bond for

Guilty Plea

89

1 all these other charges. April 26th, the 28th of this year
2 this was a house on [REDACTED], the same street that the
3 Tyson residence is on in North Litchfield in Georgetown
4 County, that house or that's South Litchfield, yeah, North
5 Litchfield, that house was under construction or a significant
6 remodel and was broken into. Multiple items were taken,
7 including some appliances. Evidence linked Mr. Glisson, who
8 had taken his father's truck, to having those items and
9 attempting to sell them. Cell phone pings also linked him to
10 that area. Your Honor, he does have two prior burglary
11 convictions and that's why that was enhanced to burglary
12 second violent.

13 As to the first two I talked about, again, he had the two
14 prior convictions as well as those incidents occurred at
15 night. Testimony of a witness, Paige Jordan, who was his
16 girlfriend at the time, would have indicated that most of the
17 burglaries he committed or that when he went out and committed
18 burglaries they were at night.

19 As for the other ones, 2011-493, 532, 535, 539 and 702,
20 there was a pattern of break-ins between November, in November
21 and December of 2010 in Pawleys Island, North Litchfield and
22 South Litchfield predominantly of beach houses that were
23 either rental property or second homes. The Sheriff's Office
24 actually had an operational plan in place where they were
25 undercover and, you know, basically there around the clock for

1 a period of time and going door to door and checking a lot of
2 these residences because of the rash of break-ins that had
3 been occurring.

4 As for 2011-532, it's a beach of house of Judy Maziar on
5 [REDACTED] and that is in South Litchfield. That house was
6 broken into, same manner. Items taken from that house were
7 pretty distinctive, including alcohol, bottles of alcohol or
8 liquor that had the victim's name written on them, also some
9 fans, a key ring with a distinct or keys with a distinctive
10 ring. Those items were located at the residence that Mr.
11 Glisson was staying in and were linked to him by the testimony
12 or statements of the other residents of that house.

13 2011-702, the residence or the beach house of Evan
14 Holland, again, that was in November of 2010 between
15 Thanksgiving and Christmas. That was on [REDACTED] in
16 Pawleys Island. Again, the house was broken into, multiple
17 items removed, same type of items. He often took the trashcan
18 to use to carry the items out. An icemaker was taken. That
19 was recovered from a person who indicated they had bought it
20 from Mr. Glisson.

21 2011-493, that's on [REDACTED] in Pawleys Island.
22 This is a little further inland or a little further up than
23 most of the other houses that were broken into. The Defendant
24 had worked with a Mr. Cusack who had done some roofing work on
25 the house. A TV was stolen from that residence in November of

Guilty Plea

91

1 2010. Statements from Co-Defendants indicate that Mr. Glisson
2 was the one who had taken that. There was a key hidden and
3 the workers knew where that was.

4 As for 2011-535, that was in December of 2010, again on
5 [REDACTED] in North Litchfield. A door was pried open,
6 items taken, including a homemade quilt made from Christmas
7 sweaters with the initials of the knitter in that which was
8 given as a gift to the homeowners. That was, again, recovered
9 at the residence that Mr. Glisson was staying at at that time
10 along with the usual things of multiple bottles of alcohol,
11 TVs, that sort of thing.

12 MR. HAZZARD: I apologize. What is the victim name on
13 that one?

14 MS. RICHARDSON: The victim's name on that is Stephen
15 Johnson and Patricia Johnson.

16 MR. HAZZARD: Thank you.

17 MS. RICHARDSON: And then 2011-539, the victim is Ann
18 Mickle Layton and that was between November 26th and December
19 1st, 2010. Again, the doors were pried open, multiple items
20 were stolen, small electronics, including some items that were
21 sold to Yanks Pawn Shop in Hemingway and linked to the
22 Defendant as being stolen from there. The Co-Defendant or
23 testimony also links those items to Mr. Glisson, and I believe
24 that is all of them, Your Honor.

25 THE COURT: Thank you. Thank you very much, Solicitor.

Guilty Plea

92

1 I'll listen to victim impact, his prior criminal history
2 and any restitution after I release the jury. I find there is
3 a substantial factual basis for each of these guilty pleas,
4 that the Defendant's decision to enter these pleas of guilty
5 to three counts of burglary second violent and five counts of
6 burglary second non-violent is freely, voluntarily, knowingly
7 and intelligently made, that he's had a very experienced,
8 competent attorney with whom he says he's well and totally
9 satisfied. His pleas of guilty are, therefore, accepted. If
10 you all would have a seat momentarily, I'm going to release
11 this jury to call back after 6:00 o'clock tonight.

12 MS. RICHARDSON: Yes, Your Honor, and we'll discuss that
13 after we complete this.

14 THE COURT: All right. All right. If you would bring me
15 the jury panel, please.

16 (Whereupon, the following takes place in the presence of
17 the jury.)

18 THE COURT: Welcome back, ladies and gentlemen of the
19 jury panel. Is this our foreperson?

20 FOREPERSON: Yes, it is.

21 THE COURT: All right. And what's your number?

22 FOREPERSON: 94.

23 THE COURT: 94, well, thank you for volunteering for that
24 very important position.

25 FOREPERSON: I didn't volunteer.

Guilty Plea

93

1 THE COURT: Momentarily I'm going to release you from
2 your jury service for the remainder of the morning and the
3 remainder of the day. Mr. Glisson has entered a plea of
4 guilty to burglary second degree. I will sentence him after,
5 after you all have left today. So I will not need you all any
6 further in the trial of this case. This happens -- well, it's
7 not rare. It's not necessarily the rule, but it's not
8 necessarily the exception. I think of it somewhat as you pick
9 fruit when it's ripe, sometime individuals, and this is
10 absolutely no criticism of Mr. Glisson whatsoever, it takes
11 time, I think, for one to come to the realization sometime of
12 losing one's freedom for a period of time, and of course, he
13 had the opportunity this morning to speak with his, with his
14 family, and I always think that is so important. Also, in
15 criminal court you see over and over again that no one's with
16 an individual except for an appointed attorney, who in this
17 case is an excellent appointed attorney, but there's sometime
18 not a lot of family support there, but be that as it may, I do
19 not need you all to be the finders of fact. He has admitted
20 his guilt, and we're going to move on from there. I'm going
21 to ask you to please call back after 6:00 o'clock tonight,
22 after 1800 hours. It will prompt you, give you instructions
23 concerning your jury service for the remainder of the week.
24 It has been my pleasure and privilege to be with you all these
25 last two days. I think you may realize, "Well, it's a lot of

1 sitting around. It's a lot of this, that and the other." So
2 quite frankly, we couldn't be about the very important object
3 of administering your criminal justice system without
4 participation of, of the citizens of Georgetown County and all
5 our counties throughout this state.

6 With that being said, you're now excused for the
7 remainder of the day, remainder of the afternoon. Call back
8 after 6:00 o'clock. Any questions?

9 (No response.)

10 THE COURT: Thank you. Thank you very much.

11 (Whereupon, the following takes place outside the
12 presence of the jury.)

13 THE COURT: All right. Solicitor, any victim impact?

14 MS. RICHARDSON: No, Your Honor. Mr. Tyson didn't wish
15 to speak.

16 THE COURT: All right. Any, any restitution?

17 MS. RICHARDSON: Your Honor, several of the victims did
18 submit restitution, but since we're asking for active
19 incarceration, Your Honor, the State is not requesting
20 restitution.

21 THE COURT: All right. Thank you. Thank you very much,
22 and what, what is Mr. Glisson's criminal history? There's Mr.
23 Tyson. He, he's still back there, and what is, what is Mr.
24 Glisson's criminal history?

25 MS. RICHARDSON: Your Honor, in 1992 he had a burglary

Guilty Plea

95

1 third degree and grand larceny; 1996 criminal domestic
2 violence; 2001 unlawful use of telephone; 1998 a hit and run
3 with bodily injury; 2001 two counts of forgery and possession
4 with intent to distribute crack cocaine. He had a reckless
5 driving, driving under suspension, threatening the life of a
6 public official. That was in 2002. In 2002 also a drug
7 charge, criminal domestic violence; receiving stolen goods in
8 2007; 2008 malicious injury to personal property, use of
9 vehicle without permission; 2009 driving under suspension; and
10 then 2012 he pled to one of the burglary seconds that he was
11 charged with in relation to the other charges he pled to
12 today.

13 THE COURT: All right. Thank you. Thank you, Solicitor.
14 Anything further from the State?

15 MS. RICHARDSON: No, Your Honor.

16 THE COURT: All right. Thank you. Mr. Hazzard, I'll be
17 glad to hear from you.

18 MR. HAZZARD: Thank you, Your Honor. You've spoken
19 briefly with Mr. Glisson. He has given you his age and his
20 education. He is a lifetime resident of Georgetown County,
21 and he did, indeed, work for Cooper's Vinyl Siding for
22 approximately 17 years as a carpenter of exceptional skill
23 from what everyone I've talked to has indicated. He has two
24 children, Delaney and Brook Ray. At this point they are 18 or
25 19 and 11 or 12 because when I first spoke with Mr. Glisson

1 back in 2013 they were a bit younger. He is not married. His
2 parents, Connie Owens and his father, James, Sr., are here in
3 the courtroom with him, and they love their son, and they
4 support him, but what I think they realize and, and what Jamie
5 realizes himself, all of this I think stems from a pretty bad
6 drug addiction that he has. As we've discussed at length
7 during the pretrial motions yesterday, Jamie entered a guilty
8 plea back in October 2012 to a burglary charge and went up the
9 road for a little bit, and while he was up the road, you know,
10 he completed the Work Keys Program, competed Celebrate
11 Recovery, completed Men of Integrity Program while in the
12 Department of Corrections. So when he is not around illegal
13 substances, you know, he is, as, as many addicts are, an
14 excellent human being and a great person. He can do a lot in
15 his life, but once he got back out, apparently he got back
16 with that same crowd and got back into doing drugs and that's
17 what, you know, brings him before the Court now. I do want
18 the Court also to consider that with regard to the vast
19 majority of these charges that he is pleading to, they all are
20 alleged to have occurred approximately the same time, Verline
21 Tyson on or about November 25th, 2010; Evan Holland on or about
22 November 27, 2010; Betty Morgan, on or about December 7, 2010;
23 Judy Maziar, on or about November 1st, 2010; and Mr. Kennemur,
24 on or about November 17th of 2010' and Stephen Johnson on or
25 about December 11th of 2010. So it really shows a pattern and

Guilty Plea

97

1 practice that occurred all about that same time period. In
2 fact, this is something where but for the negotiation that has
3 been worked out, we would be having a serious talk, and I
4 would be asking the Court to seriously consider I think a 17-
5 25-50 regarding closely connected offenses being considered as
6 one, but I think being mindful of that is one of the reasons
7 why the Prosecutor has asked that he be given credit for his
8 time from his initial arrest basically back then because the
9 fact that he's here before this Court today isn't anything he
10 delayed. It was just a matter of the investigative process
11 taking place, and so the Prosecutor's been good enough to say,
12 "You know what, we're going to take all of this from that time
13 period, treat it as that time period, sentence him
14 appropriately," because burglary second violent is, is not
15 anything to laugh at by any stretch of the imagination, and,
16 and Mr. Glisson's well aware of that, but he has stood before
17 this Court as, as a, as a grown man and, and said, "I've done
18 all of this and I'm ready to take responsibility for it." We
19 hope the Court finds that this agreement that was reached or
20 as far as the recommendation from the State there was a lot
21 that went into this, and we hope this Court finds it
22 appropriate and, and makes it an order of the Court, Your
23 Honor.

24 THE COURT: Thank you. Thank you very much, Mr. Hazzard.
25 Now, now, now, tell me, I, I just didn't track this. It

Guilty Plea

98

1 looked November, December 2010 when, when, when the majority
2 of these occurred and then he pled in 2012.

3 MR. HAZZARD: '12. Yes, sir. October 24th, 2012.

4 THE COURT: And that one occurred within that same
5 timeframe?

6 MR. HAZZARD: Yes, sir, Your Honor. That, that one is
7 alleged to have actually occurred on November 24th of 2010.

8 THE COURT: That's correct, and when, when was he
9 arrested on these charges?

10 MR. HAZZARD: I believe it was December.

11 MR. GLISSON: The 20th.

12 MS. RICHARDSON: He was -- December 20th he was arrested
13 for, for most of these offenses.

14 THE COURT: Of 2010?

15 MS. RICHARDSON: 2010. His bond was at \$200,000. It was
16 a cumulative bond, from what I understand. He never made bond
17 on those until he pled in 2012 and served his time but still
18 hadn't posted bond on the, the other pending charges. His
19 bond was reduced, and he made bond on August 5th, 2013, is my
20 calculations. Then he was rearrested in April of this year on
21 the 2014 indictment, April 30th. When he was rearrested, he
22 was brought back before the Court and his bond was revoked on
23 the other charges.

24 THE COURT: All right.

25 MS. RICHARDSON: So the time he served on the 2011 and

Guilty Plea

99

1 2012 indictments recognizes the time from his initial arrest
2 until he posted bond and then the time from -- when his bond
3 was revoked until today.

4 THE COURT: All right.

5 MS. RICHARDSON: As for the 2014 charge, which is 2014-
6 802, burglary second violent, my calculations are that he's
7 had 154 days on that charge from Wednesday, April 30th, until
8 today.

9 THE COURT: All right. Thank you. Mr. Glisson, anything
10 you'd like to say?

11 MR. GLISSON: Yes, sir. I'd just like to say I got in a,
12 I got in a bad car wreck a couple of times, and I got, I got
13 carried away with my medicine, my pain medicine, and since
14 then, you know, I, like I said, I, I was running with the
15 wrong crowd, a lot of people I shouldn't have been with, but
16 I, I've come -- I've got my life straight back with God and I
17 hope that's the way I continue to walk. My dad's got his life
18 straight, so. I apologize to the Sheriff's Office. I
19 apologize to Mr. Tyson and them, and them, and like I said,
20 it's -- it was just a running with the wrong buddies and the
21 wrong crowd. Like, I, I don't got no -- I don't got no desire
22 for no pain medicine no more, no alcohol or nothing like that.
23 I'm good. The Lord's took it away from me. I just want to
24 get down there, get through with my time, get a good yard, get
25 close, hopefully I get close to like MacDougall somewhere so

1 my parents won't have to drive far, and I could get in some
2 kind of trade like auto body or something like that and do
3 something, do something useful with my time while I'm down
4 there instead of -- you know, I don't, I don't -- I'm good
5 like I said. I just I appreciate it. I just hate that
6 they've had -- we've had to go through this back and forth for
7 so long. I wish we could have took care of it. I hired a
8 lawyer, you know, a couple of years ago that I thought that
9 was taking care of it, but we got a misunderstanding and, and
10 it cost me a good bit, my parents a lot of money, and I'm just
11 glad it's over. I'm just -- I'll be able to sleep finally,
12 you know what I mean. I ain't been able to sleep for about
13 four years now. So I just steady apologize to everybody
14 though, especially you and all of you all for wasting you
15 all's time. I should have -- I thought things might would go
16 different, and you know, I just -- I can't, I can't take a
17 chance on my life.

18 THE COURT: All right. Thank you. Thank you very much,
19 Mr. Glisson. Anything further, Mr. Hazzard, Solicitor?

20 MR. HAZZARD: No, Your Honor, not from the Defense.

21 MS. RICHARDSON: No, Your Honor.

22 THE COURT: Why, why don't you all have a seat? It's
23 going to take me a few minutes.

24 MR. HAZZARD: Yes, sir, Your Honor.

25 THE COURT: All right. Mr. Glisson, 2012-GS-22-00917 and

Guilty Plea

101

1 918, these are the two indictments that were burglary firsts
2 reduced to burglary second violent, the Defendant is committed
3 to the State Department of Corrections for a determinate term
4 of 15 years, credit for time served of 1,113 days. Those are
5 concurrent, and there is no restitution per the Solicitor on
6 those.

7 2014-GS-22-00802 that is burglary second violent, he has
8 pled as charged to that indictment. This is the April 2014
9 indictment. The sentence is seven years concurrent. That is
10 concurrent to 2002-GS-22-917 [sic] and 918. On this he gets
11 credit from April 30th of 2014. There is no restitution per
12 the Solicitor.

13 On the other indictments, 2011-GS-22-00702, 2011-GS-22-
14 539, 2011-GS-22-535, 2011-GS-22-532, and 2011-GS-22-493, each
15 charging burglary second degree non-violent, the Defendant is
16 sentenced on each of these to four years. Provided upon time
17 served the balance is suspended. There is no restitution per
18 the Solicitor on these or any of the burglaries.

19 Does that state the recommendation as stated into the
20 record, Mr. Hazzard?

21 MR. HAZZARD: It does, Your Honor.

22 THE COURT: Solicitor?

23 MS. RICHARDSON: Yes, Your Honor.

24 THE COURT: All right. Thank you. Thank you very much.

25 Good luck to you, Mr. Glisson.

Guilty Plea

102

1 MR. GLISSON: Thank you, sir.

2 THE COURT: Yes, sir.

3 MR. HAZZARD: Thank you, Your Honor.

4 (Adjourned.)

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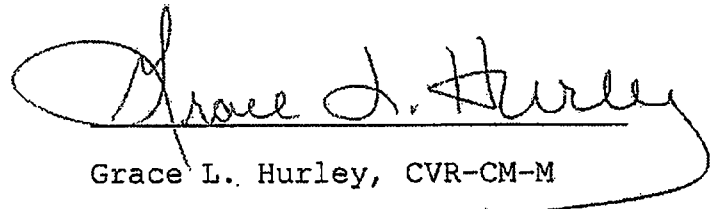
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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the Hearing held in the case of the State versus James Glisson, Jr., held in the Court of General Sessions for Georgetown County, Georgetown Courthouse, Georgetown, South Carolina, on September 29th through 30th, 2014.

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

A handwritten signature in cursive script, reading "Grace L. Hurley", is written over a horizontal line. The signature is fluid and extends slightly to the right of the line.

Grace L. Hurley, CVR-CM-M

Official Reporter

September 25, 2017.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) OF THE FIFTEENTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA) INDICTMENT #: 2011GS2200539
) WARRANT #: J517241
) CASE #: 11G00039
VS.) ORDER AMENDING SENTENCE SHEET
JAMES R GLISSON JR)
DEFENDANT,)

On September 30, 2014, the Defendant was sentenced on the charge of Second Degree (Non-Violent), warrant number J517241, to 4 years suspended on the service of time served, by the undersigned judge, who now wishes to amend the sentence date. The date of November 7, 2014, was written in error. The sentencing date was September 30, 2014.

IT IS THEREFORE ORDERED that the sentence date of James R Glisson Jr., be amended to read:

September 30, 2014.

AND IT IS SO ORDERED.

Date:

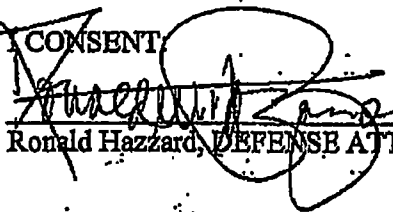
8 April 15

GEORGETOWN, SOUTH CAROLINA


Alicia Richardson, DEPUTY SOLICITOR


PRESIDING JUDGE
FIFTEENTH JUDICIAL CIRCUIT

CONSENT


Ronald Hazzard, DEFENSE ATTORNEY

Scanned

FORM 5

STATE OF SOUTH CAROLINA

County of GeorgetownSouth Carolina

Full name and prison number (if any) of Applicant

James R. Glisson Jr.
S.C.O.C. # 285319

State of South Carolina

IN THE COURT OF COMMON PLEAS

2015-CP-22-00437

APPLICATION FOR
POST-CONVICTION RELIEFALMA Y. BENTLEY
CLERK OF COURT

2015 APR 24 PM 3:03

FILED
GEORGETOWN COUNTY S.C.INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Trenton Corr. Inst. 84 Greenhouse Rd.
Trenton S.C. 29847
2. Name and location of Court which imposed sentence Georgetown County
Georgetown S.C.
3. Name(s) of co-defendant(s) (if any) 0
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012 GS2200917, 2012 GS2200918, 2011 GS2200493,
 - (b) 2011 GS2200532, 2011 GS2200702, 2011 GS2200537
2011 GS2200535, 2014 GS2200802 and any that was
part of the plea deal.

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) Oct 2014 - 15 years
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ☒
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
I tried but public defender didn't file
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) I called my attorney and when I got in touch with him he told me I was too late to file.
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) I was charged with 2nd and 3rd strike on same ^{charges} ~~sentences~~
that I was charged at the same time. I had one
prior burglary 3 from 1992. I pled to 1 charged and the others
were enhanced.
11. State concisely and in the same order the facts which support each of the grounds set out in (10): I'm also not getting my jail time from Georgetown County.
- (a) when the burglary occurred I only had 1 prior from 1992
 (b) my attorney told me that he was taking care of all charges.
 (c) This should be a burglary 2nd max 10 years sentence
I'm doing a 4 year that I moved out and now a 15 year sentence
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? on old charge
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
 (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. not on these charges but on the 1st charge I
 ii. was charged with 1 here on appeal on now.
 iii. Tiffany Butler is my attorney on that.
 iv. (803-734-1330)
- (b) the name and location of the Court in which each was filed:
- i. Georgetown Co. S.C.
 ii. _____
 iii. _____
 iv. _____

(c) the disposition thereof:

- i. sent to appellate court. (old charge) not
 ii. these indictments.

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

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

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

(a) your arraignment and plea? yes
 (b) your trial, if any? yes
 (c) your sentencing? yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? none
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
none

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. Bobby Frederick
 ii. Ronald Hazzard
 iii. Tristan Sharffer
 (b) the proceedings at which each such attorney represented you:
 i. Bobby Frederick on first charge that enhanced new charges.
 ii. Ronald Hazzard - on these new charges on indictments on page 1
 iii. Tristan Sharffer on P.C.R. hearing for old charge then enhanced these charges.

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

I just want a 10 year sentence. That's the way for all these charges. I was charged with enhancement after I pled to a charge.

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

No. I'm also trying to get all my jail time credits. my jail time I did receive it came off the top of my 15 year sentence day for day.

STATE OF SOUTH CAROLINA)

County of Georgetown S.C.)

VERIFICATION

I, James R. Glisson Jr., 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.

James R. Glisson Jr.
James R. Glisson Jr.

SWORN to and subscribed before me this 16th day of April, 2015.

Alma Y. White (L.S.)
Notary Public

FILED
GEORGETOWN COUNTY S.C.

2015 APR 24 PM 3:53

ALMA Y. WHITE
CLERK OF COURT

Commission Expires:

8/9/22

2015-CP-22-00437.

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

I, James R. Glisson Jr., 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.

James R. Glisson Jr.
Applicant

James R. Glisson Jr.

SWORN or affirmed to and subscribed before me this
11th day of April, 2015.

Julie C. Mettles
Notary Public

My Commission Expires: 8/9/22

FILED
GEORGETOWN CLERK OF COURT
2015 APR 24 PM 3:03
ALMA Y. WALKER
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

James R. Glisson Jr., #285319,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

2015-CP-22-00437

RETURN AND PARTIAL MOTION
TO DISMISS

FILED
GEORGETOWN COUNTY, S.C.
2017 FEB 21 PM 2:09
ALMA Y. WHITE
CLERK OF COURT

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed on April 24, 2015, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Georgetown County. Applicant was indicted by the May 2011 term of the Georgetown County Grand Jury for burglary, second degree, non-violent (2011-GS-22-00493). Applicant was indicted at the June 2011 term of the Georgetown County Grand Jury for three counts of burglary, second degree, non-violent (2011-GS-22-00532, -00535, -00539). Applicant was indicted at the July 2011 term of the Georgetown County Grand Jury for burglary, second degree, non-violent (2011-GS-22-00702). Applicant was indicted at the November 2012 term of the Georgetown County Grand Jury for two counts of burglary, first degree (2012-GS-22-00917, -00918). Applicant was indicted at the August 2014 term of the Georgetown County Grand Jury for burglary, second degree, violent (2014-GS-22-00802). Applicant was represented by Ronald Hazzard, Esquire. On September 30, 2014, Applicant pled guilty as indicted on 2011-GS-22-00493, -00532, -00535, -00539, -00702 and 2014-GS-22-

00802. Applicant pled guilty to the lesser included offense of burglary, second degree, violent on 2012-GS-22-00917, -00918. The Honorable R. Knox McMahon sentenced applicant to four (4) years on each count of burglary, second degree, non-violent (2011-GS-22-00493, -00532, -00535, 00539, -00702), seven (7) years for burglary, second degree, violent (2014-GS-22-00802) and fifteen (15) years' for the lesser included offenses of burglary, second degree, violent (2012-GS-22-00917, -00918). Applicant did not appeal his conviction or sentence.

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

II.

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

1. Incorrect sentence enhancement
 - a. "I was charged with 2nd and 3rd strike on same charges that I was charged at the same time. I had one prior burglary 3 from 1992. I pled to 1 charge and the others were enhanced."
2. Ineffective Assistance of Counsel
 - a. "I'm also not getting my jail time from Georgetown county. When the burglary occurred I only had 1 prior from 1992. My attorney told me that he was taking care of all charges. This should be a burglary 2nd max 10 years sentence. I'm doing a 4 year that I maxed out and now a 15 year sentence"

III.

Respondent interprets Applicant's first claim as one of the court incorrectly applying an enhancement to Applicant's sentence in consideration of his cumulative burglary convictions.

Respondent submits that this first claim should be summarily dismissed from the Post-Conviction Relief Application for failure to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. § 17-27-10 to -160 (2003). An Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20 (1976).

Even if the facts alleged by the Applicant are true, these facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds. PCR relief is only proper when the application collaterally attacks the validity of the conviction or sentence. *See Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Claims that affect only the duration of the sentence or quality of the inmate's confinement do not affect the validity of the conviction or sentence and therefore are not considered collateral attacks on the conviction. *See Cooper v. State*, 338 S.C. 202, 525 S.E.2d 886 (2000). A credit-related claim or challenge to other conditions of confinement does not fall into that category. *Id.* A claim for time served is a *non-collateral* consequence of a conviction and must be pursued through Administrative Procedures

Act (APA). Id. In Cooper v. State the South Carolina Supreme Court stated that by challenging the duration of the sentence the Applicant is in fact trying to enforce the sentence and is therefore is *not* making a collateral attack on the sentence. Id.

Pursuant to Rule 12(b)(6), SCRCP, this Court should summarily dismiss this allegation because it does not state a claim for which relief may be granted.

IV.

Respondent interprets Applicant's second claim as one of ineffective assistance of counsel asserting that his attorney failed to adequately represent him on the cumulative burglary charges. Respondent contends Applicant's counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. *See Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985).

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

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

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, *citing Strickland*. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. See Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

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

V.

Respondent therefore requests that this Court to dismiss Applicant first claim regarding his sentence enhancement and to convene an evidentiary hearing on the allegation of ineffective assistance of counsel. As to any other allegations that may be interpreted from the Application, Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VI.

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

VII.

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

[Signature block to follow]

VIII.

WHEREFORE, having made its Return, Respondent requests that a hearing be held on the claim of ineffective assistance of counsel.

Respectfully submitted,

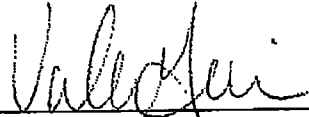
ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

VALERIE GARCIA GIOVANOLI
Assistant Attorney General

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

By: 
ATTORNEYS FOR RESPONDENT

February 17 2017

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)
JAMES R. GLISSON, JR., 285319,)
Applicant,)
vs)
STATE OF SOUTH CAROLINA,)
Respondent.)

IN THE COURT OF COMMON PLEAS

2015-CP-22-0437

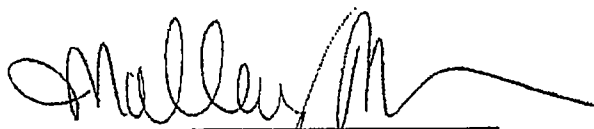
AFFIDAVIT OF SERVICE BY MAIL

FILED
GEORGETOWN COUNTY, S.C.
FEB 21 PM 2:09
ALMA J. WATTE
CLERK OF COURT

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 and Partial Motion to Dismiss** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Mr. Steven W. Fowler, Esquire (by email)
1018 Highway 17 South
North Myrtle Beach, SC 29582

DATED this 17th day of February, 2017.



Mallory Morris, Legal Assistant
For Respondent

1

2 State of South Carolina) Court of Common Pleas
3 County of Horry) 2015-CP-22-00437

4

5

6 James R. Glisson, Jr.)

7 vs.)

8 State of South Carolina) Transcript of Record

9)

10)

11

12

13 November 29, 2017
14 Conway, South Carolina

15

16 BEFORE:

17 Honorable William H. Seals, Jr., Judge.

18

19 APPEARANCES:

20

21 Steven W. Fowler, Esq.
22 Attorney for the Applicant

23

24 Johnny E. James, Jr., Esq.
25 Attorney for the State

26

27

28

29

30

31

32

Teresa J. F. Bautz, RPR
Official Court Reporter

I N D E X

	WITNESS	DIR	CROSS	RED	REC
3	James R. Glisson, Jr.				
4	Mr. Fowler	6	--	--	--
5	Mr. James	--	--	--	--
6	Ronald W. Hazzard				
7	Mr. Fowler	15	--	--	--
8	Mr. James	--	18	--	--

E X H I B I T S

13	NO.	DESCRIPTION	ID	EV
14	No exhibits submitted.			

22 Exhibits retained by Clerk of Court.

1 (The hearing commenced at approximately 3:50 p.m.)

2 MR. JAMES: If it may please the Court, this is
3 the matter of James R. Glisson versus State of South
4 Carolina. It's Docket No. 2015-CP-22-0437. Mr.
5 Glisson is present in the courtroom here today, and he
6 is represented by Mr. Steve Fowler. Mr. Glisson was
7 indicted in the May 2011 term of the Georgetown County
8 Grand Jury for burglary second degree, nonviolent. He
9 was further indicted at the June 2011 term of the
10 Georgetown grand jury for three counts of burglary
11 second degree, nonviolent.

12 He was further indicted at the July 2011 term for
13 an additional charge of burglary second degree,
14 nonviolent, and further still at the November 2012 term
15 of the Georgetown County Grand Jury for two counts of
16 burglary first degree. He was then indicted at the
17 August 2014 term for burglary second degree, violent.

18 On all of those charges he was represented by
19 Mr. Ron Hazzard, Esquire. On September 30th, 2014,
20 Applicant pled guilty as indicted on six of those
21 charges. Applicant pled to the lesser included offense
22 of burglary second degree, violent, on indictment
23 numbers 917 and 918, those were what were first
24 degrees.

25 The Honorable R. Knox McMahon sentenced Mr.

1 Glisson to four years on each count of burglary second
2 degree, nonviolent, seven years for each burglary
3 second degree, violent, and 15 years for the lesser
4 included offenses of burglary second degree, violent.
5 Applicant did not appeal this conviction or his
6 sentence.

7 Your Honor, there is a pending partial motion to
8 dismiss in this matter. And it appears that we
9 previously filed seeking to dismiss Applicant's
10 allegation as to incorrect sentence enhancement. He
11 states in his application, quote, "I was charged with
12 second and third strike on same charges that I was
13 charged at the same time. I had one prior burglary
14 three from 1992. I pled to one charge and the others
15 were enhanced."

16 The proper calculation and enhancement of a
17 sentence, I think, is an issue for the Administrative
18 Law Court. And so, Your Honor, respectfully, I would
19 seek that particular allegation be dismissed.

20 THE COURT: Mr. Fowler?

21 MR. FOWLER: Your Honor, we disagree with that.
22 This relates to counsel's performance, legal counsel's
23 ability to defend my client, to inform him of all
24 necessary type things. And this is a certain -- this
25 is a prong of it, of the insufficiency of counsel, Your

1 Honor, and we feel like that's related.

2 It does not specifically address that he wants it
3 done. It basically says that he's -- that it's
4 informing the Court of what happened. And this relates
5 to his attorney's performance or lack of clarification
6 on the issues, you know, in his case.

7 So I think it relates very much so to the
8 insufficiency of counsel that's alleged in this
9 document, Your Honor.

10 THE COURT: I'm going to deny the motion. I don't
11 think the Administrative Law Court has anything to do
12 with it.

13 MR. JAMES: Thank you, Your Honor. As a matter of
14 full disclosure and clarity, the copy of the
15 application that appears to be in my possession has
16 only the odd numbered pages, and so the copy of the
17 application that is in your possession in the judge's
18 packet may be similarly deficient at this time.

19 THE COURT: That's fine. I'll just hear testimony
20 as it comes in and make a decision therefrom.

21 MR. JAMES: Thank you, Your Honor.

22 THE COURT: Go ahead and call your first witness.

23 MR. FOWLER: I would like to call Mr. Glisson to
24 the stand, Your Honor.

25 JAMES R. GLISSON, after being duly sworn,

JAMES R. GLISSON, JR.-DIRECT BY MR. FOWLER

6

1 testified as follows:

2 THE CLERK: Okay, please have a seat. State your
3 name for the Court, please.

4 THE APPLICANT: James R. Glisson, Jr.

5 DIRECT EXAMINATION

6 BY MR. FOWLER:

7 Q Mr. Glisson, you and I have spoken by telephone
8 about this case before; haven't we?

9 A Yes, sir.

10 Q And we went over your application; is that
11 correct?

12 A Yes, sir.

13 Q Okay. And you and I had a good discussion, or we
14 had a discussion this morning about your matters;
15 correct?

16 A Yes, sir.

17 Q In your application you mentioned that something
18 about getting your jail time from -- now, you're here
19 on saying that your counsel was -- did his job
20 insufficiently; is that correct?

21 A Yes, sir.

22 Q Basically, ineffective assistance of counsel; is
23 that correct?

24 A Yes, sir.

25 Q Now, why are you saying that?

1 A I mean, I just want my jail credit. I mean, I've
2 tried numerous times, I've tried, my family's went down
3 there and sit and sit, and nobody's talked to them.
4 I've wrote letters. And I've got -- I got a letter
5 about three years ago from Mr. Hazzard.

6 And my jail time, I don't know where they come up
7 with the calculation, but all I want is my jail time
8 credit and we can get out of here. We ain't got to go
9 through none of this. I mean, that's all I want, I
10 just want what I got. I done my time, I just want my
11 jail credit.

12 Q Well, you've indicated that it was your attorney
13 that has not adequate -- okay, strike that. Did your
14 attorney answer all of your questions about your jail
15 time?

16 A No. I couldn't -- I been -- I done wrote a few
17 more letters, my dad's went down there a few more
18 times, and he keeps getting shut down. He wastes,
19 missed work and goes down to these places, and he just
20 gets shut down. Nobody don't answer -- nobody won't
21 answer the phone when he calls. I mean, it's just...

22 Q Now, are you referring to Mr. Hazzard?

23 A Yes, sir.

24 Q Okay. Now, has Mr. Hazzard ever given you a
25 reason why?

JAMES R. GLISSON, JR.-DIRECT BY MR. FOWLER

8

1 A I mean, I don't know why. I mean, I reckon he's
2 busy, I don't know.

3 Q All right. Well, in here you mentioned that there
4 was a question about your jail time; is that correct?

5 A Yes, sir.

6 Q All right. What is your issue about your jail
7 time?

8 A The judge -- I got two 15-year sentences. I had
9 1,113 days on them sentences, I sat in the Georgetown
10 County jail. I went to -- the judge give me the time,
11 but the judge didn't write it -- SCDC, you can't
12 understand what he wrote on the sentencing sheets.

13 So they saying that he didn't write it on the main
14 sentencing sheet, even though that is two 15-year
15 sentences that run together; do you know what I'm
16 saying. So they can't understand what he wrote. And
17 then, I been trying to get this straight.

18 Plus they didn't start my time till October
19 of 2014. They didn't give me none of the credit from
20 April of 2014 until October 2014, I didn't get none of
21 that. I never got out of jail after I got locked up
22 April 2014. And my time didn't start until October
23 of 2014 on that.

24 So between all the days that -- I added all the
25 days up, and it's like 449 days that's missing off my

1 sentence.

2 Q Is this something -- now, how does Mr. Hazzard
3 relate to this; is this something you have mentioned to
4 him?

5 A Every time I write Georgetown County Court, I've
6 done wrote them numerous times, they refer me back to
7 my lawyer, tell me I need to get back in touch with my
8 attorney. I don't never hear nothing. I can't get --
9 my dad has went down there, like I said, without no
10 avail, I mean, I can't get it straight.

11 Q Who have you went to, to try to get this, other
12 than Mr. Hazzard or --

13 THE COURT: It looks like it's written on the
14 sentencing sheet, credit from April 30th, 2014.

15 THE APPLICANT: Yeah, but that's on the seven-year
16 sentence. The 15-year sentence overrides that. But
17 they was supposed to put it on all the sentencing
18 sheets. And undoubtedly, the sentencing sheet that
19 1,113 days is written on, it ain't written on the --
20 that ain't the main sentence SCDC says, it needs to be
21 written on the other sheet.

22 THE COURT: All right.

23 THE APPLICANT: Do you know what I'm saying?
24 That's all I got. I don't got no problem with nobody,
25 I just want what I got; you know what I mean.

JAMES R. GLISSON, JR.-DIRECT BY MR. FOWLER

10

1 Q So by saying that -- but this is something that
2 Mr. -- okay. You indicated earlier that somebody told
3 you to go to Mr. Hazzard about this; is that correct?

4 A Georgetown County Clerk, I don't know what her
5 clerk -- Ms. White, maybe, I don't know.

6 Q Right, yeah. Did she -- well...

7 A I got a stack of letters back there. I just
8 didn't bring them with me, but I got a stack of letters
9 where she refers to me to my attorney.

10 Q Why do you think your attorney can do something
11 about this at this point?

12 A I mean, he didn't. I mean, I don't think he --
13 they told me to go to him.

14 Q Right.

15 A I mean, I don't know who to go to. That's who
16 they told me to go to.

17 Q And you say you've sent him letters about this
18 situation?

19 A Sent him letters, I sent her letters, the
20 courthouse letters, I've spent -- I don't know how many
21 letters I've sent down there.

22 Q Okay. Has Mr. Hazzard given you any indication
23 about why he has not solved this problem?

24 A I haven't talked to him in years, in three years,
25 four years.

1 Q All right. Even though you've sent letters?

2 A Yes, sir.

3 Q According to you, okay.

4 THE COURT: Looks to me like it says, credit for
5 1,113 days.

6 THE APPLICANT: That's right. That's not -- it
7 ain't written on the main sheet, it ain't written on
8 the main sheet. It's written on one of the 15-year
9 sheets, but they saying it ain't written on the main
10 sheet.

11 THE COURT: I see. There's two 15-year sentences.

12 THE APPLICANT: Yes, sir. But they was all run
13 together, but they didn't write it -- the judge didn't
14 write it on the -- I even got in touch with -- tried to
15 get in touch with the Judge McMahon, and I can't get in
16 touch with him.

17 THE COURT: Looks like he wrote, concurrent with.

18 THE APPLICANT: Yeah, he didn't write it on the
19 other sheet.

20 THE COURT: With the one that has the 1,113 days
21 credit?

22 THE APPLICANT: Yes, sir. And the seven-year
23 sentence --

24 THE COURT: And with all other sentences imposed
25 to this date?

JAMES R. GLISSON, JR.-DIRECT BY MR. FOWLER 12

1 THE APPLICANT: See, SCDC says he didn't write it
2 on the main sheet, that's why I'm not getting my
3 credit.

4 THE COURT: So it's on --

5 MR. JAMES: Your Honor, we might not need to go
6 any further. I didn't realize that that was his only
7 issue and that he didn't -- it sounds to me that he
8 doesn't actually have any allegations of ineffective
9 assistance of counsel, he just wants the 1,113.

10 I'm not going to oppose his request for 1,113 days
11 time served when it says, please give me 1,113 days
12 time served, unless you have some light to shed on
13 this, Mr. Hazzard.

14 MR. HAZZARD: Your Honor, what I've tried to
15 explain to Mr. Glisson several times, wrote him letters
16 on November 24th, 2015 and January 13th of 2015
17 regarding this issue, on the jail website, as the Court
18 has indicated on the sentencing sheets, it says that.

19 On the SCDC website, his sentence start date is
20 back dated to September 13th, 2011. His admission date
21 is listed as October 7th, 2014. That's 1,120 days
22 prior to his admission to SCDC, and I can't get him to
23 understand that.

24 THE APPLICANT: That ain't what -- that ain't my
25 deal. My deal wasn't that.

1 MR. HAZZARD: That's what the SCDC website says.

2 THE APPLICANT: I got locked up in 2010, judge. I
3 didn't get locked up in 2011, I got locked up in 2010.

4 THE COURT: All right.

5 THE APPLICANT: Do you know what I'm saying? The
6 way SCDC does it ain't got nothing to do with it. The
7 paper's wrong. I know what the judge -- I know how
8 much time I done at the County, I done 1,113 days. And
9 I got locked up in April the 4th in 2014. And from
10 that time till I got to October, I didn't get that time
11 neither because it was on the seven-year sentence. The
12 15-year sentence overrides the seven-year sentence, so
13 I didn't get that credit. But I'm missing that time,
14 too.

15 So all together, my time, my calculation is SCDC
16 is giving me 826 days is all they giving me. That's
17 what credit I've got now, 826 days. So I'm missing,
18 all together it's like 449 days.

19 Q But your argument today is that both before and in
20 a continuing obligation, Mr. Hazzard has been
21 ineffective to you?

22 A Yes. I mean, I don't know what he's -- it don't
23 matter what SCDC says. If the paperwork weren't right
24 when I got to SCDC, they could put anything on it; you
25 know what I'm saying. They don't understand what this

JAMES R. GLISSON, JR.-DIRECT BY MR. FOWLER

14

1 stuff is. All I want is I want -- I just -- all they
2 saying to me is I need to get the sentences amended.
3 They said that he didn't write on it on the right
4 sheet. All right, there's 1918 and 1917. The main
5 sentencing sheet must be the one it ain't written on.
6 That's what they telling me.

7 Q All right. Anything else in terms of -- now,
8 you've, in my opinion, clearly indicated the issue with
9 the sentencing and your credits and what have you. Is
10 there any other issues that you have with Mr. Hazzard
11 both before your court date or at this point?

12 A I mean, I'm all right. I just -- I mean, you
13 know, I'm in prison, I can't get in touch with nobody,
14 write letters. I mean, you can't get -- once you get
15 down there, they don't want -- nobody want nothing to
16 do with you. I just want -- you know, I want my time.
17 You know, 826 days ain't what I done. I stayed in
18 Georgetown County almost four years, you know, I'm only
19 getting like two years and something.

20 You know, I sit in there day after day after day,
21 and I earn my time and I want my time. That's all I
22 want. I mean, I ain't got no problem. We can kill
23 this right now, just be done with it. Just, you know
24 what I mean, I'm just trying to get on through, man.

25 MR. FOWLER: No further questions, Your Honor.

1 THE COURT: All right. I don't figure you have
2 anything?

3 MR. JAMES: I have no questions for this witness,
4 Your Honor.

5 THE COURT: You may step down.

6 (Witness excused.)

7 THE COURT: Call your next witness.

8 MR. FOWLER: I have to speak with my client for
9 just a moment.

10 (Discussion off the record.)

11 MR. FOWLER: No further witnesses, Your Honor.

12 THE COURT: Mr. James?

13 MR. JAMES: Your Honor, State calls Ron Hazzard to
14 the stand.

15 RONALD W. HAZZARD, after being duly sworn,
16 testified as follows:

17 THE CLERK: Have a seat, please.

18 THE WITNESS: Thank you very much.

19 DIRECT EXAMINATION

20 BY MR. JAMES:

21 Q Good afternoon, Mr. Hazzard.

22 THE CLERK: Just state your name.

23 THE WITNESS: Ronald William Hazzard,
24 H-A-Z-Z-A-R-D. Good afternoon, sir.

25 Q Mr. Hazzard, I must admit, time calculation is an

RONALD W. HAZZARD-DIRECT BY MR. JAMES

16

1 arcane art that I'm not terribly familiar with. But
2 anyway, you represented Mr. Glisson; correct?

3 A Yes, sir.

4 Q And did you explain to him the means by which his
5 time served would be calculated?

6 A Yes. But actually, Jamie is getting credit for a
7 lot of time that technically he's not entitled to as
8 part of his plea. So it's not as easy as calculating
9 it. He was actually given credit for time that he
10 spent in Georgetown County Detention Center on charges
11 that were ultimately dismissed.

12 Q So your position is that he's actually getting
13 more time than what he's entitled to?

14 A Most definitely.

15 Q Did you explain this -- did you explain the
16 calculation of his time served before he pled guilty?

17 A Explained it before he pled guilty, explained it
18 in letters to him after he wrote me after his guilty
19 plea. Most definitely.

20 Q How many letters has he sent you?

21 A He's sent me five letters. Some of them are
22 repetitive. I've sent him two very long letters in
23 response. I believe one was dated January 13th 2015,
24 the other letter I wrote him was November 24th, 2015 in
25 response to his concerns.

1 Q Are you aware at this time of any reason to take
2 further action on behalf of your client, Mr. Glisson?

3 A No, sir. His letters -- in his letters his
4 concern obviously is about the time and his perception
5 that he's not getting credit for it. As I indicated a
6 minute ago, the Department of Corrections website has
7 his admission date as October 7th of 2014. But his
8 sentence start date is back dated to September 13th,
9 2011, 1,120 days prior. I don't know of any other way
10 to parse it than he's getting credit for 1,120 days
11 prior to his admission to the Department of
12 Corrections.

13 I've explained to him in my letters to him that if
14 he has an issue with how the Department of Corrections
15 is calculating his time, that is a matter to be taken
16 up administratively with his SCDC case worker and by
17 filing whatever administrative avenues that he needs to
18 file there.

19 And in his letters to me, he had indicated that he
20 wanted reconsideration of his sentence. And I
21 explained to him in both letters at length that that
22 motion to reconsider would need to be addressed, you
23 know, during that term of court in which the sentence
24 was issued and that it was not appropriate to file a
25 motion to reconsider, you know, after the end of the

1 term of court.

2 MR. JAMES: No further questions, Your Honor.

3 THE COURT: All right. Cross-examination?

4 MR. FOWLER: All right.

5 CROSS-EXAMINATION

6 BY MR. FOWLER:

7 Q You mentioned that he was in jail on other
8 charges. What other charges were you referring to?

9 A Jamie had...

10 Q Go ahead, I'm sorry.

11 A Jamie had 18 different sets of burglary charges.

12 Q Okay.

13 A And we were scheduled to go to trial on one of
14 those charges. And as part of his plea, if memory
15 serves correctly, he pled guilty to, I'll say, eight of
16 the 18 because he got credit -- he got a time served
17 sentence on five of them, a seven-year sentence on two
18 of them, 15-year sentence on two of them. So it may
19 have been nine of them, eight or nine of them.

20 Q But they were all the same charges from the year
21 2010; correct?

22 A Oh, no, sir. Oh no, sir. The first -- our first
23 file that I represented Jamie on was December 22nd of
24 2010. Then we opened a file on him for a series of
25 charges March 30th of 2011. Then a series of burglary

1 charges, we opened a file November 14 of 2012. And the
2 last set of charges, we opened a file May 1st of 2014.
3 So they weren't all the same sets of charges, no, sir.

4 Q But wasn't he in jail during most of that time if
5 not at all of it?

6 A No, sir, he actually was not.

7 Q Hasn't he been in jail since 2010 consistently?

8 A January 13th, 2015, I wrote him a letter in
9 response to a letter he had written me, and this may
10 help answer your question. In part I say, I am
11 confused by your assertion that I never came to see you
12 until the Thursday before the trial. As you may
13 recall, your prior counsel of record was relieved at
14 your request in March of 2013.

15 From that point I saw you while you were
16 incarcerated in April 2013 and July 2013. You were
17 released on bond in August 2013. You came for an
18 office conference to discuss your case and all
19 particulars on September 16th, 2013, and again on
20 September 30th, 2013.

21 I did not see you after that until you stopped by
22 the office on May 5th, 2014, shortly before you were
23 incarcerated on new charges, and your father made his
24 intention clear to come off of your bond.

25 Q As to the sentencing sheet, explain to me how --

1 the sentencing sheet process. Is there one sheet -- in
2 specific relation to this case, was there one sheet and
3 copies were made of it, or were there different sheets
4 that the judge signed, or how -- there seems to be
5 confusion on the sentencing sheets and the number of
6 them and who signed what and what was done.

7 Did you have one sentencing sheet on one charge or
8 several sentencing sheets on several charges?

9 A I don't recall.

10 Q Okay. In terms of the sentencing sheet, do you
11 calculate all the time that he served previously on
12 other charges or, for example, I believe he was
13 incarcerated from April 2014 to October '14. Did you
14 calculate that time in his sentencing sheets for time
15 served?

16 A He was given credit for that, but he was also
17 given credit for time -- again, for charges that he
18 didn't even plead guilty to. Because he had been
19 incarcerated for this incredible string of burglaries
20 dating back to 2010. And part of the negotiation of
21 the plea was that the prosecution kind of had to
22 sweeten the deal and agree to give him credit for that
23 time, even though technically he was not entitled to
24 it.

25 Q So you're saying the prosecution did give him

1 credit for that time; correct?

2 A Yeah, he got credit. That's why it's 1,120 days,
3 because he received credit for time that he served in
4 the Georgetown Detention Center for charges that, to my
5 understanding, he did not specifically plead guilty to.

6 Q And to the best of your recollection, was that
7 reflected correctly on the sentencing sheet?

8 A Yes. And I think it's reflected correctly on the
9 Department of Corrections website.

10 MR. FOWLER: Your Honor, after conferring with my
11 client, no further questions.

12 THE COURT: All right.

13 MR. JAMES: No further questions, Your Honor.

14 THE COURT: You may step down. You have a good
15 day, Mr. Hazzard.

16 THE WITNESS: Thank you, Your Honor.

17 (Witness excused.)

18 MR. JAMES: Well, I may need him momentarily, Your
19 Honor.

20 MR. FOWLER: May I speak with my client?

21 THE COURT: Go ahead, I'm sorry.

22 (Discussion off the record.)

23 MR. FOWLER: Thank you, Your Honor.

24 MR. JAMES: Nothing further, Your Honor.

25 THE COURT: I will deny that application as well.

1 Prepare me an order, Mr. James. And that one can be
2 very, very short.

3 MR. JAMES: Thank you, Your Honor.

4 THE COURT: All right.

5 (The hearing concluded at approximately 4:17 p.m.)

6 (End of Transcript of Record)

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1 CERTIFICATE OF REPORTER

2

3 STATE OF SOUTH CAROLINA)
4 COUNTY OF HORRY)

5

6 I, TERESA J.F. BAUTZ, Official Court
7 Reporter for the Fifteenth Judicial Circuit of the
8 State of South Carolina, do hereby certify that the
9 foregoing is a true, accurate and complete Transcript
10 of Record of the proceedings had and evidence
11 introduced in the trial of the captioned case, relative
12 to appeal, in the Court of Common Pleas for Horry
13 County, South Carolina, on the 16th day of June, 2018.

14

15 I FURTHER CERTIFY that I am neither of
16 kin, counsel nor interest to any party hereto.

17

18

19

S/Teresa J. F. Bautz.

20

TERESA J.F. BAUTZ, RPR
Official Court Reporter

21

22

23

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25

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN) IN THE COURT OF COMMON PLEAS
FOR THE FIFTEENTH JUDICIAL CIRCUIT

James R. Glisson, Jr.,)
S.C.D.C. No. 285319,) Case No.: 2015-CP-22-00437

Applicant,

v.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

FILED
GEORGETOWN COUNTY, S.C.
2016 MAR 13 AM 10:23
ALMA Y. WHITE
CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief filed by James R. Glisson, Jr. ("Applicant") on April 24, 2015. Respondent made its return on or about February 17, 2017. The Court convened an evidentiary hearing into the matter on Wednesday, November 29, 2017, at the Horry County Courthouse in Conway, South Carolina. Applicant was present at the hearing and represented by Steven W. Fowler, Esq. Johnny Ellis James Jr., of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsel, Ronald W. Hazzard, Esq. ("Counsel") also testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the original trial transcript, the records of the Georgetown County Clerk of Court regarding the subject convictions, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Georgetown County Clerk of Court. Applicant was indicted at the May 2011 term of the Georgetown County Grand Jury for burglary, second degree, non-violent

(2011-GS-22-00493); at the June 2011 term for three additional counts of burglary, second degree, non-violent (2011-GS-22-00532, -00535, -00539); at the July 2011 term for another additional count of burglary, second degree, non-violent (2011-GS-22-00702); at the November 2012 term for two counts of burglary, first degree (2012-GS-22-00917, -00918); and at the August 2014 term for burglary, second degree, violent (2014-GS-22-00802). Ronald W. Hazzard, Esq. represented Applicant, and Alicia Richardson, of the Fifteenth Circuit Solicitor's Office, prosecuted the case.

On September 30, 2014, Applicant pled guilty to five counts of burglary, second degree, non-violent, and three counts of burglary, second degree, violent.¹ The Honorable R. Knox McMahon sentenced Applicant to imprisonment for concurrent terms totaling 15 years. Applicant did not appeal his plea or sentence.

Present Application

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

1. Incorrect sentence enhancement
 - a. "I was charged with 2nd and 3rd strike on same charges that I was charged at the same time. I had one prior burglary 3 from 1992. I pled to 1 charge and the others were enhanced."
2. Ineffective assistance of counsel, in that:
 - a. "I'm also not getting my jail time from Georgetown county. When the burglary occurred I only had 1 prior from 1992. My attorney told me that he was taking care of all charges. This should be a burglary 2nd max 10 years sentence. I'm doing a 4 year that I maxed out and now a 15 year sentence."

At the evidentiary hearing, Applicant proceeded forward *only* on his belief that he did not receive his proper credit for time served, and that Counsel was ineffective in correcting the matter.

¹ As to the indictments for burglary, first degree, Applicant pled to burglary, second degree, violent as a lesser-included.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

A. Ineffective Assistance of Counsel

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she must prove "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." Butler at 442, 334 S.E.2d 441 (quoting Strickland v. Washington, 466 U.S. 668, 686 (1984)). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Id.

"[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler at 442, 334 S.E.2d 441 (quoting Strickland at 690). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989). "Judicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Strickland, 466 U.S. at

689; Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011). “[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Cherry at 117, 386 S.E.2d at 625 (citing Strickland at 688). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry at 117-18, 386 S.E.2d at 625 (citing Strickland at 694). With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. Strickland at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Strickland, 466 U.S. at 696-97.

1. Failure to Obtain Credit for Time Served

Applicant, in no uncertain terms, indicated that he only wished to received what he believed to be his proper credit for time served. Post-conviction relief is only proper when the

application collaterally attacks the validity of the conviction or sentence. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Claims that affect only the duration of the sentence or quality of the inmate's confinement do not affect the validity of the conviction or sentence and therefore are considered non-collateral attacks on the conviction. Cooper v. State, 338 S.C. 202, 525 S.E.2d 886 (2000). A claim for time served is a non-collateral attack of a conviction and may only be pursued under the Administrative Procedures Act (S.C. Code Ann. §§ 1-23-10 to -160, 1-23-310 to -400, 1-23-500 to -660). Id.

At the evidentiary hearing, Applicant argued the Court's grant of 1,113 days of time served shorted him by 449 days. Counsel testified he explained how credit for time served is calculated to Applicant both before and after Applicant's plea in two long letters. Counsel observed that Applicant was actually receiving credit for more time than he was entitled to, as S.C.D.C. had backdated Applicant in the sum of 1,120 days. Counsel, in responding to Applicant's numerous letters on the subject, told Applicant to avail himself of procedures within S.C.D.C. Counsel noted Applicant had been facing 18 different burglary charges, and the prosecution gave Applicant credit for time served on charges to which Applicant did not plead guilty.

The Court finds Applicant's sole allegation is not cognizable in an action for post-conviction relief, but constitutes a non-collateral attack on the conviction affecting only the duration of the sentence. Furthermore, Applicant expresses no desire to overturn his guilty plea. Finally, Counsel demonstrated a familiarity and command of Applicant's due credits well beyond the scope of competence typically expected of attorneys. For all these reasons, Applicant's application is without merit both as a matter of law and as a matter of fact, and his request for relief is **DENIED**.

III. CONCLUSION

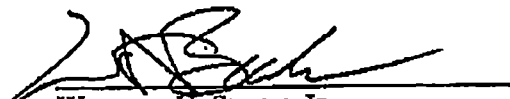
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

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), SCRCP 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 6 day of March, 2018.


WILLIAM H. SEALS, JR.
Presiding Judge
Fifteenth Judicial Circuit

Marion, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on August 20, 2014, the Grand Jurors of Georgetown County present upon their oath:

BURGLARY, SECOND DEGREE
(VIOLENT)

CDR: 0086 16-11-0312(B)

That James R Glisson Jr did in Georgetown County on or about April 27, 2014, enter without consent and with the intent to commit a crime therein, a building located at 819 Parker Drive in Pawleys Island, South Carolina, and the defendant, James R Glisson Jr, has a prior record of two or more convictions for burglary or housebreaking, in violation of Section 16-11-0312(B), 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.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Georgetown County Sheriff's Office

ARREST WARRANT NUMBER

2014A2210500389

CDR: 0086 §16-11-0312(B)

DOI: 4/27/2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 08/14/14

VERDICT 08/20/14 JMG

Foreperson of Petit Jury

Date:

DOCKET NO. 2014GS2200802

The State of South Carolina

County of Georgetown

Alicia Richardson

14G00401

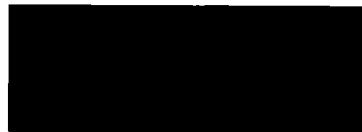
COURT OF GENERAL SESSIONS

AUGUST 2014, TERM

THE STATE

vs.

JAMES R GLISSON JR



ATTORNEY: Ronald W. Hazzard

Indictment for

**BURGLARY, SECOND DEGREE
VIOLENT**

Jimmy A. Richardson, II, Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

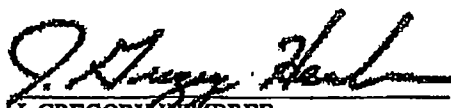
At a Court of General Sessions, convened on June 15, 2011, the Grand Jurors of Georgetown County present upon their oath:

BURGLARY, SECOND DEGREE
(NON-VIOLENT)

CDR: 0080 16-11-0312

That James Robert Glisson Jr did in Georgetown County on or about November 26, 2010, enter without consent and with the intent to commit a crime therein, the dwelling of Ann Mickle-Leighton, located at 709 Parker Drive in North Litchfield, South Carolina, in violation of Section 16-11-0312, 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.


J. GREGORY HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2011GS2200539 ✓

The State of South Carolina**County of Georgetown**

Scott R. Hixson

11G00039

COURT OF GENERAL SESSIONS**JUNE, 2011 TERM****ARREST WARRANT NUMBER**

J517241

CDR: 0080 §16-11-0312

DOI: November 26, 2010

ACTION OF GRAND JURY**TRUE BILL**

Foreperson of Grand Jury

Date: 6-15-11

VERDICT

Foreperson of Petit Jury

Date:

THE STATE**VS.****JAMES ROBERT GLISSON JR****W/M****ATTORNEY: Goude, C. Reuben****Indictment for****BURGLARY, 2ND DEGREE
NON-VIOLENT****J. Gregory Hembree, Solicitor**

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on November 14, 2012, the Grand Jurors of Georgetown County present upon their oath:

BURGLARY, FIRST DEGREE

CDR: 0079 16-11-0311

That James R Glisson Jr did in Georgetown County, on or about December 7, 2010, enter the dwelling of Betty Morgan without consent and with the intent to commit a crime therein and has a prior record of two or more convictions for burglary or housebreaking , in violation of Section 16-11-0311(A), 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.


J. GREGORY AMBREE
FIFTEENTH CIRCUIT SOLICITOR

SCANNED

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2012GS2200917**The State of South Carolina**

County of Georgetown

Scott R. Hixson

11G00037

COURT OF GENERAL SESSIONS

NOVEMBER, 2012 TERM

ARREST WARRANT NUMBER

2012GS2200917

CDR: 0079 §16-11-0311

DOI: 12/7/2010

THE STATE

vs.

JAMES R GLISSON JR

ACTION OF GRAND JURY

TRUE BILL

ATTORNEY: Frederick, Bobby G.

Indictment for

BURGLARY, FIRST DEGREE**J. Gregory Hembree, Solicitor**

Foreperson of Grand Jury

Date: 11/14/12

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on November 14, 2012, the Grand Jurors of Georgetown County present upon their oath:

BURGLARY, FIRST DEGREE

CDR: 0079 16-11-0311

That James R Glisson Jr did in Georgetown County, on or about November 25, 2010, enter the dwelling of Verline Tyson without consent and with the intent to commit a crime therein and has a prior record of two or more convictions for burglary or housebreaking, in violation of Section 16-11-0311(A), 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.


J. GREGORY PEMBREE
FIFTEENTH CIRCUIT SOLICITOR

SCANNED

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2012GS2200918

The State of South Carolina

County of Georgetown

Scott R. Hixson

11G00039

COURT OF GENERAL SESSIONS

NOVEMBER, 2012 TERM

REST WARRANT NUMBER

2012GS2200918

CDR: 0079 §16-11-0311

DOI: 11/25/2010

THE STATE

vs.

JAMES R GLISSON JR

W / M

ACTION OF GRAND JURY

TRUE BILL

ATTORNEY: Frederick, Bobby G.

Indictment for

BURGLARY, FIRST DEGREE

J. Gregory Hembree, Solicitor

G. Paulson
person of Grand Jury
Date: 11/14/12

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on May 18, 2011, the Grand Jurors of Georgetown County present upon their oath:

BURGLARY, SECOND DEGREE
(NON-VIOLENT)

CDR: 0080 16-11-0312

That James Robert Glisson Jr did in Georgetown County on or about November 17, 2010, enter without consent and with the intent to commit a crime therein, the dwelling of Dennis Kennemur, located at 190 Live Oak Lane in Pawleys Island, South Carolina, in violation of Section 16-11-0312, 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.


J. GREGORY PEMBREE
FIFTEENTH CIRCUIT SOLICITOR

SCANNED

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2011GS2200493

The State of South Carolina

County of Georgetown

Scott R. Hixson

11G00035

COURT OF GENERAL SESSIONS

MAY, 2011 TERM

REST WARRANT NUMBER

J517247

CDR: 0080 §16-11-0312

DOI: November 17, 2010

THE STATE

vs.

JAMES ROBERT GLISSON JR



VV7191

ACTION OF GRAND JURY

TRUE BILL

ATTORNEY: Goude, C. Reuben

Indictment for

**BURGLARY, 2ND DEGREE
NON-VIOLENT**

J. Gregory Hembree, Solicitor

VERDICT

Richard C Holmes
person of Grand Jury

Date:

5-18-11

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on June 15, 2011, the Grand Jurors of Georgetown County present upon their oath:

BURGLARY, SECOND DEGREE
(NON-VIOLENT)

CDR: 0080 16-11-0312

That James Robert Glisson Jr did in Georgetown County on or about November 1, 2010, enter without consent and with the intent to commit a crime therein, the dwelling of Judy Mazier, located at 461 Sundial Drive in Litchfield, South Carolina, in violation of Section 16-11-0312, 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.


J. GREGORY HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

SCANNED

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2011GS2200532**The State of South Carolina**

County of Georgetown

Scott R. Hixson

11G00037

COURT OF GENERAL SESSIONS

JUNE, 2011 TERM

REST WARRANT NUMBER

J517235

CDR: 0080 §16-11-0312

DOI: November 1, 2010

THE STATE

vs.

JAMES ROBERT GLISSON JR

W/M

ACTION OF GRAND JURY**TRUE BILL**

Barbara E. [Signature]
 Foreperson of Grand Jury
 Date: 6.15.11

VERDICT

Foreperson of Petit Jury
 Date:

ATTORNEY:**Indictment for****BURGLARY, 2ND DEGREE
NON-VIOLENT****J. Gregory Hembree, Solicitor**

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

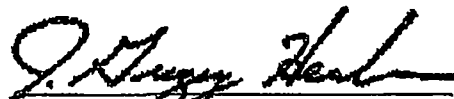
At a Court of General Sessions, convened on July 20, 2011, the Grand Jurors of Georgetown County present upon their oath:

BURGLARY, SECOND DEGREE
(NON-VIOLENT)

CDR: 0080 16-11-0312

That James Robert Glisson Jr did in Georgetown County on or about November 27, 2010, enter without consent and with the intent to commit a crime therein, the dwelling of Evan Holland, located at 678 Springs Avenue in Pawleys Island, South Carolina, in violation of Section 16-11-0312, 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.


J. GREGORY PEMBREE

FIFTEENTH CIRCUIT SOLICITOR

SCANNED

WITNESSES

Pawleys Island Police Department

DOCKET NO. 2011GS2200702 /**The State of South Carolina**

County of Georgetown

Scott R. Hixson

11G00318

COURT OF GENERAL SESSIONS

JULY, 2011 TERM

REST WARRANT NUMBER

J540043

CDR: 0080 §16-11-0312

DOI: November 27, 2010

THE STATE

vs.

JAMES ROBERT GLISSON JR



ACTION OF GRAND JURY

TRUE BILL

ATTORNEY:

Indictment for

**BURGLARY, 2ND DEGREE
NON-VIOLENT****J. Gregory Hembree, Solicitor***Richard C. Holmes*
person of Grand Jury
Date: 7.20.11

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

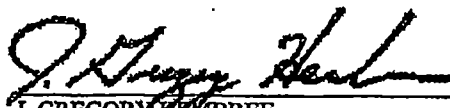
At a Court of General Sessions, convened on June 15, 2011, the Grand Jurors of Georgetown County present upon their oath:

BURGLARY, SECOND DEGREE
(NON-VIOLENT)

CDR: 0080 16-11-0312

That James Robert Glisson Jr did in Georgetown County on or about December 11, 2010, enter without consent and with the intent to commit a crime therein, the dwelling of Steven Johnson, located at 179 Parker Drive in North Litchfield, South Carolina, in violation of Section 16-11-0312, 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.


J. GREGORY PEMBREE
FIFTEENTH CIRCUIT SOLICITOR

SCANNED

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2011GS2200535

The State of South Carolina

County of Georgetown

Scott R. Hixson

11G00039

COURT OF GENERAL SESSIONS

JUNE, 2011 TERM

REST WARRANT NUMBER

J517236

CDR: 0080 §16-11-0312

DOI: December 11, 2010

THE STATE

vs.

JAMES ROBERT GLISSON JR



W/M

ACTION OF GRAND JURY

ATTORNEY: Goude, C. Reuben

TRUE BILL

Indictment for

Barbara E. Goude
Foreperson of Grand Jury
Date: 6-15-11

VERDICT

**BURGLARY, 2ND DEGREE
NON-VIOLENT**

J. Gregory Hembree, Solicitor

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Georgetown

VS.

James R Glisson Jr

AKA:

Race: WHITE Sex: M Age: 41

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2200535

A/W#: J517236

Date of Offense: 12/16/2010

S.C. Code § : 16-11-0312

CDR Code #: 0080

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (Non - Violent) - Second Degree☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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. *4/5/11*ATTEST: *[Signature]* SCB8880 *[Signature]* Defendant *[Signature]* Attorney for Defendant *[Signature]* SC Bar# 011164WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 4 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 7/5 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 SCDPPPSRecipient: *no Restitution*

*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	\$
§ 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

_____ 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 \$ 20.00 beginning 1mo after release

\$ _____ 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)

Presiding Judge

Judge Code:

Sentence Date:

[Signature]
Grace Hurley*[Signature]*
2/14/11
20 Sept 14

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Georgetown

VS.

James R. Glisson Jr

AKA:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2200493

A/W#: J517247

Date of Offense: 11/17/2010

S.C. Code § : 16-11-0312

CDR Code #: 0080

SENTENCE SHEET

DL#: 000000000

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (Non - Violent) - Second Degree☐ CONVICTED OF or ☒ LEADS

in violation of § 16-11-0312

of the S.C. Code of Laws, bearing CDR Code # 0080

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

SCB8880

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 4 days/months/years or ☐ under the Youthful Offender Act not to exceed 1 yearsand/or to pay a fine of \$ 100.00; provided that upon the service of 175 days/months/years and/or paymentof \$ 100.00; plus costs and assessments as applicable*; the balance is suspended with probation for 1

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: \$ 100.00 plus 20% fee: \$ 20.00

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*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	\$
§ 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

175 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. 175May serve W/E beginning 1/1/11Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 20.00 beginning 1 mo after release\$ 100.00 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)

Presiding Judge

Judge Code:

SCANNED

30 Sept 14

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Georgetown

VS.

James R. Glisson Jr

AKA:

Race: WHITE Sex: M Age: 41

DL#: 000000000 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (Non - Violent) - Second Degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2200532

A/W#: J517235

Date of Offense: 12/16/2010

S.C. Code § : 16-11-0312

CDR Code #: 0080

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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. 4 yrs. 15

ATTEST: Richardson, Alicia SCB8880 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 4 days/months/years or ☐ under the Youthful Offender Act not to exceed 2 years
and/or to pay a fine of \$ 75; provided that upon the service of 75 days/months/years and/or payment
of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation formonths/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	\$ 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	\$
§ 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		\$ 135.90

PTUP — days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. —May serve W/E beginning —Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ 20.00 beginning 1 mo after release\$ — paid to Public Defender FundOther: —☐ 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)

Presiding Judge

Judge Code

Sentence Date:

2145

30 Sept 14

168

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Georgetown

VS.

James R. Glisson Jr

AKA:

Race: WHITE Sex: M Age: 41

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2200535

A/W#: J517236

Date of Offense: 12/16/2010

S.C. Code §: 16-11-0312

CDR Code #: 0080

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (Non - Violent) - Second Degree☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080

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

Richardson, Alicia

SCB8880

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 4 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 7/3 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

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	\$ 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	\$
§ 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/B beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ 20.00 beginning 1 mo after release

\$ _____ 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)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Georgetown

VS.

James R. Glisson Jr

AKA:

Race: WHITE Sex: M Age: 41

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2200539

A/W#: J517241

Date of Offense: 12/1/2010

S.C. Code § : 16-11-0312

CDR Code #: 0080

SENTENCE SHEET

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (Non - Violent) - Second Degree 0-10☐ CONVICTED OF or ☒ LEADS

In violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lowd Aot)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. *WVS*ATTEST: *[Signature]* SCB8880 *[Signature]* Defendant *[Signature]* Attorney for Defendant *[Signature]* SC Bar# *01114*WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 4 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 40 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: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS *NO RESTITUTION PER SOLICITOR*

Recipient:

*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	\$
§ 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 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

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 \$ 20.00 beginning 1 mo after release
 \$ 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)

Presiding Judge

Judge Code:

Sentence Date:

[Signature]
 2145
 7 Nov 14

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Georgetown

VS.

James R. Glisson Jr

AKA:

Race: WHITE Sex: M Age: 41

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2200702

A/W#: J540043

Date of Offense: 11/27/2010

S.C. Code § : 16-11-0312

CDR Code #: 0080

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (Non - Violent) - Second Degree 0-10☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080

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

ATTEND:

Richardson, Alicia

SCB8880

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 4 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)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(I) (Vehicle Assessment)

Proviso 90.5 (SCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$	
\$	
\$	100.00
\$	
\$	
\$	
\$	
\$	25.00
\$	
\$	
\$	
\$	5.00
\$	3.90
\$	133.90

PTUP

 days/hours Public Service EmploymentObtain GHD ☐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 \$ 20.00 beginning 1 mo after release\$ paid to Public Defender FundOther: ☐ 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)

Susananna Wilson
Grace Hurley

SCANNED

Sentence Date:

2145
30 Sept 14

STATE OF SOUTH CAROLINA

COUNTY OF Georgetown
STATE VS.
James R. Glisson Jr

AKA: _____
Race: WHITE Sex: M Age: 41

DL#: 000000000 SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Burglary, 2nd Degree, Violent 0-15

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 Lowd 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. 15 yrs
ATTES: Richardson, Africa SCB8880 James R. Glisson Jr 01164
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 15 days/months/year 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: 20112-65-22-0918
☐ 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. with waiver all sentences imposed
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. imposed

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 NO RESTITUTION PER SOLICITOR

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 (SCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ 133.40

INDICTMENT/CASE#: 2012GS2200917
A/W#: 2012GS2200917
Date of Offense: 12/7/2010
S.C. Code § : 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

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 \$ 20.00 beginning 1 mo after release
\$ _____ 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: Susananna Wilson
Court Reporter: Grace Hurley
SCCA/217 (03/2011)

Judge Code: _____
Sentence Date: 30 Sept 14

SCANNED

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Georgetown

VS.

James R. Glisson Jr

AKA:

Race: WHITE Sex: M Age: 41

DL#: 000000000 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary, 2nd Degree, Violent 0-15

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS2200918

A/W#: 2012GS2200918

Date of Offense: 11/25/2010

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

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 w/minor 1st or Lowd Act) ☐ §17-25-45The 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:

Richardson, Alicia

SCB8880

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 15 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. CREDIT FOR 1113 DAYS CREDIT☐ 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	\$ 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	\$
§ 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

_____ 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 \$ 20.00 beginning 1 mo after release

\$ _____ 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)

SCANNED

Sentence Date:

30 Sept 14

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Georgetown

VS.

James R. Glisson Jr

AKA:

Race: WHITE Sex: M Age: 41

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary, 2nd Degree, Violent

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS2200802

A/W#: 2014A2210500389

Date of Offense: 4/27/2014

S.C. Code §: 16-11-0312(B)

CDR Code #: 0086

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

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. 7/22

ATTEST: [Signature] SCB8880 [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar# 011164

Richardson, Alicia SC Bar# [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 7 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: 2014-65-22-917, 2012-65-22☐ 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. Credit from 4/30/14 918☐ 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 NO Test per

Recipient: 5011164

*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	\$ 133.90

_____ 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 \$ 20.00 beginning 1mo after release

\$ _____ 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: Susananna Wilson

Court Reporter: Grace Hurley

SCCA/217 (03/2011)

Presiding Judge: [Signature]

Judge Code: 6145

Sentence Date: 30 Sept 14