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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lexington County

Honorable J. Cordell Maddox, Circuit Court Judge

DESHAUN A. DRAFTS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-000055

APPENDIX

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STATE OF SOUTH CAROLINA	)	GENERAL SESSIONS
	)	
County of Lexington	)	2013-GS-32-565
		2013-GS-32-566
		2013-GS-32-567
County of Saluda	)	2013-GS-41-416
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
DESHAUN DRAFTS,	)	
	)	
DEFENDANT,	)	

County of Lexington	)	
	)	
STATE OF SOUTH CAROLINA,	)	2013-GS-32-589
	)	2013-GS-32-590
	)	2013-GS-32-591
vs.	)	
	)	
DEONDRE LEAPHART,	)	
	)	
DEFENDANT,	)	

County of Lexington	)	
	)	
STATE OF SOUTH CAROLINA,	)	2013-GS-32-537
	)	2013-GS-32-538
	)	2013-GS-32-539
vs.	)	
	)	
LAQUARIUS BRANNON,	)	
	)	
DEFENDANT,	)	

December 17, 2013
Lexington, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

SHAWN GRAHAM, ASSISTANT SOLICITOR
Attorney for the State

DAVID FARRELL, ESQ.
Attorney for Defendant Leaphart

SARAH HAHN, ESQ.
Attorney for Defendant Drafts

DAYNE PHILLIPS, ESQ.
Attorney for Defendant Brannon

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 THE CLERK: 2013-GS-32-537, State vs. Laquarius
2 Brannon, indicted for burglary first degree. He is
3 pleading as charged.

4 2012-GS-32-538, State vs. Laquarius Brannon, indicted
5 for kidnapping. He is pleading as charged.

6 2012-GS-32-539, State vs. Laquarius Brannon, indicted
7 for armed robbery. He is pleading as charged. All
8 indictments are true billed. He is represent by
9 Mr. Phillips.

10 2012-GS-32-589, State vs. Deondre Leaphart, indicted
11 for burglary first degree. He is pleading as charged.

12 2012-GS-32-590, State vs. Deondre Leaphart, indicted
13 for kidnapping. He is pleading as charged.

14 2012-GS-32-591, State vs. Deondre Leaphart, indicted
15 for armed robbery. He is pleading as charged. All
16 indictments are true billed. He is represented by
17 Mr. Farrell.

18 2013-GS-41-416, State vs. Deshaun Drafts, indicted
19 for burglary second degree violent. He is pleading as
20 charged. He is waiving presentment to the grand jury on
21 this charge.

22 2012-GS-32-565, State vs. Deshaun Drafts, indicted
23 for burglary first degree. He is pleading as charged.

24 2012-GS-32-566, State vs. Deshaun Drafts, indicted
25 for kidnapping. He is pleading as charged.

1 2012-GS-32-567, State vs. Deshaun Drafts, indicted
2 for armed robbery. He is pleading as charged. The
3 indictments are true billed. He is represented by
4 Ms. Hahn.

5 Raise your right hands, please.

6 LAQUARIUS BRANNON, after being duly
7 sworn, testified as follows:

8 DEONDRE LEAPHART, after being duly
9 sworn, testified as follows:

10 DESHAUN DRAFTS, after being duly
11 sworn, testified as follows:

12 PROBATION AGENT: Judge.

13 (Indicating).

14 (Pause).

15 Okay.

16 THE COURT: Okay. Russell?

17 PROBATION AGENT: Judge, Mr. Brannon is being
18 supervised in Aiken County. The plea will violate that
19 probation, and Aiken County will handle that violation.

20 THE COURT: Okay.

21 PROBATION AGENT: Mr. Drafts is on probation in
22 Lexington County. We served a warrant on him November of
23 this year, and the plea will also violate that.

24 THE COURT: Do you want to do that today?

25 MS. HAHN: Yes, sir.

1 THE COURT: All right. Now, Mr. Brannon, you want to
2 tell me what's going on?

3 MR. GRAHAM: Yes, Your Honor, they are pleading to
4 those charges. The State is dismissing several other
5 charges. They're pleading to a negotiated 30-year
6 sentence.

7 THE COURT: Okay. Everybody?

8 MR. GRAHAM: Yes, sir.

9 THE COURT: All right. Okay. This is what we call a
10 group plea.

11 Mr. Brannon, you're going to be first. Mr. Leaphart,
12 you're going to be second. Mr. Drafts, you're going to be
13 third.

14 I ask the same questions over and over again, so I'm
15 just going to ask the questions one time. If you'll
16 answer one, two, three, just like that, okay.

17 Are you under the influence of any alcohol or drugs
18 today?

19 THE DEFENDANT: No, sir.

20 THE DEFENDANT: No, sir.

21 THE DEFENDANT: No, sir.

22 THE COURT: Have you ever been treated for any mental
23 health issues?

24 THE DEFENDANT: No, sir.

25 THE DEFENDANT: No, sir.

1 THE DEFENDANT: No, sir.

2 THE COURT: Okay.

3 MR. FARRELL: Your Honor, if I may interject here.

4 THE COURT: Sure.

5 MR. FARRELL: He has been serviced by the Aiken
6 County Mental Health Center. He had a diagnosis for ADHD
7 and a learning disability.

8 THE COURT: Okay. Is that right, Mr. Leaphart?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand what's going on today?

11 THE DEFENDANT: No, sir.

12 THE COURT: Are you on any medicine for any mental
13 health conditions?

14 THE DEFENDANT: No, sir. No, sir.

15 MR. FARRELL: No, sir.

16 THE COURT: Have you understood your conversations
17 with Mr. Farrell?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Have you been able to go over your case,
20 talk about it and understand what's going on here today
21 with him okay?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Do you have a fourth charge?

24 MS. HAHN: He has a Saluda County burglary second
25 violent.

1 THE COURT: What's that? Does that carry 15?

2 MS. HAHN: Yes, sir.

3 MR. GRAHAM: It's ten, I believe, isn't it?

4 MS. HAHN: Violent.

5 THE COURT: So everybody has got a burg. first, armed
6 robbery, and a kidnapping.

7 Drafts has a burg. second violent out of Saluda,
8 correct?

9 MR. GRAHAM: Correct.

10 THE COURT: Okay. All right. Let's start with this
11 Saluda thing first, Mr. Drafts. Do you understand that
12 you have the right to have that case heard in Saluda
13 County?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. Do you want to give up that right
16 and go forward with your plea here today?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you believe that's in your best
19 interest?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And do you understand that if you looked
22 at me and said, "I want to have that case heard in
23 Saluda," that I couldn't hear that case today if I wanted
24 to. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. Do you agree with the decision to
2 have that case heard here today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Ms. Hahn, do you agree with that decision
5 as his lawyer?

6 MS. HAHN: Yes, sir.

7 THE COURT: All right. Very well.

8 Mr. Brannon, you're on probation; is that right?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Drafts, you're on probation; is that
11 right?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. Mr. Leaphart, you're in SCDC?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. All right. Are you on parole or
16 probation or anything like that, or are you just doing
17 straight time?

18 THE DEFENDANT: Straight time.

19 THE COURT: Okay. Very good. All right. Gentlemen,
20 they tell me you all want to plead guilty to burglary in
21 first degree which carries a mandatory 15 up to life;
22 armed robbery which carries a mandatory ten years in
23 prison up to 30 years in prison; and kidnapping which
24 carries up to 30 years in prison.

25 Mr. Drafts, you want to plead guilty to burglary

1 second degree violent which carries up to 15 years in
2 prison. Do you understand all of that?

3 THE DEFENDANT: Yes, sir.

4 THE DEFENDANT: Yes, sir.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Do you understand that these are
7 violent offenses and they are most serious offenses. That
8 changes what kind of facility you will be in in the
9 Department of Corrections.

10 It's considered a strike out of -- this is not a
11 three strike, you're out. That is a two strike, you're
12 out. Were you to receive one more most serious offense
13 for the rest of your life, you would be facing mandatory
14 life without parole. Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE DEFENDANT: Yes, sir.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you also understand that you will
19 serve at least 85 percent of whatever sentence is imposed
20 in this case before you will be eligible to be released?

21 THE DEFENDANT: Yes, sir.

22 THE DEFENDANT: Yes, sir.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. Are we doing registry?

25 MR. GRAHAM: They are. Yes, they're doing the sex

1 offense registry on the kidnapping charge.

2 THE COURT: Okay. Do you further understand that as
3 a result of the kidnapping charge, you will be placed on
4 the South Carolina Sex Offender Registry?

5 THE DEFENDANT: Yes, sir.

6 THE DEFENDANT: Yes, sir.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. Is this a sexual in nature case?

9 MR. GRAHAM: It is, Your Honor. There was originally
10 charges for criminal sexual conduct. They are not
11 pleading to those charges, though.

12 THE COURT: Okay. Do you also understand that before
13 you are released from the Department of Corrections, you
14 will be evaluated by the Sexually Violent Predator program
15 to determine even at the end of this lengthy prison
16 sentence whether you should be put back into society based
17 upon any sexual deviances or mental deficiencies that you
18 may have. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE DEFENDANT: Yes, sir.

21 (Pause.)

22 THE DEFENDANT: You didn't tell me that, man.

23 (Pause).

24 Yes, sir.

25 THE COURT: Okay. When you plead guilty, you give up

1 certain important constitutional rights. The first is
2 your right to remain silent. Do you understand that
3 right, and do you want to give it up?

4 THE DEFENDANT: Yes, sir.

5 THE DEFENDANT: Yes, sir.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Second is your constitutional right to a
8 jury trial. You have a right to have a jury in this
9 county hear your case which you would get to select that
10 jury along with your attorney.

11 During the trial, you would be presumed innocent.
12 You would have the right to remain silent. You would have
13 the right to confront and cross-examine the witnesses
14 called against you.

15 You would have the right to the subpoena power of the
16 court. However, if you plead guilty, none of that is
17 going to happen, and we're going to make a decision about
18 your case here today. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE DEFENDANT: Yes, sir.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Knowing all of that, do you still want to
23 go forward with your case?

24 THE DEFENDANT: Yes, sir.

25 THE DEFENDANT: Yes, sir.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Are all these indictments the same?

3 MR. GRAHAM: Yes, Your Honor.

4 THE COURT: Okay.

5 MR. GRAHAM: One of them does have an amendment, Your
6 Honor. There was a -- I don't remember. It would be on
7 Mr. Drafts.

8 The 566 indictment, I have the correct names of the
9 victims. That would have been for the kidnapping charge.

10 THE COURT: All right. Mr. Brannon, your indictment
11 says that you along with these two codefendants in
12 Lexington County on or about September 13th, 2011 did
13 enter without consent with the intent to commit a crime
14 therein, a dwelling of Ms. Morales, and that you were
15 armed with a deadly weapon or used something else as a
16 level of aggravation to cause -- or this being in the
17 nighttime. How do you plead to that charge?

18 THE DEFENDANT: I plead guilty, sir.

19 THE COURT: Your second indictment says that on or
20 about September 13th, 2011 along with these two
21 defendants, you did kidnap, abduct or carry away
22 Ms. Dreher or Ms. Morales or some children without
23 authority of law. How do you plead to that charge?

24 THE DEFENDANT: I plead guilty, sir.

25 THE COURT: Your last indictment says that on or

1 about September 13th of this year while knowingly and
2 willfully armed with a deadly weapon in Lexington County,
3 that being a handgun, you did steal something from the
4 person or presence of a Ms. Morales or a Ms. Dreher by
5 means of force, threat or intimidation. How do you plead
6 to that charge?

7 THE DEFENDANT: I'm pleading guilty, sir.

8 THE COURT: All right. Mr. Brannon -- Mr. Leaphart,
9 I'm sorry, too much paperwork.

10 Your first indictment says that on or about
11 September 13th, 2011 in Lexington County, you along with
12 these two codefendants did kidnap, abduct or carry away
13 Ms. Morales or a Ms. Dreher or some children. How do you
14 plead to that charge?

15 THE DEFENDANT: Guilty, sir.

16 THE COURT: Your second indictment says that on or
17 about September 13th, 2011 in Lexington County while you
18 were armed with a deadly weapon, that being a handgun, you
19 did steal something from a Ms. Morales or Ms. Dreher by
20 force, threats or intimidation. How do you plead to that
21 charge?

22 THE DEFENDANT: Guilty, sir.

23 THE COURT: Your last indictment says that on or
24 about September 13th, 2011 in Lexington County you did
25 knowingly and willfully enter a dwelling without consent

1 with the intent to commit a crime therein while armed with
2 a deadly weapon or during the hours of nighttime. How do
3 you plead to that charge?

4 THE DEFENDANT: Guilty.

5 THE COURT: Mr. Drafts, your first indictment says
6 that on or about September 13th, 2011 along with these two
7 codefendants, you did knowingly and willfully while armed
8 with a deadly weapon, that being a handgun, you did steal
9 something from Ms. Morales or Ms. Dreher by force, threats
10 or intimidation. How do you plead to that charge?

11 THE DEFENDANT: Guilty.

12 THE COURT: Your second indictment says that on or
13 about September 13, 2011 you did kidnap, abduct or carry
14 away a one, Ms. Morales or Ms. Dreher or some children
15 without authority of law. How do you plead to that
16 charge?

17 THE DEFENDANT: Guilty, sir.

18 THE COURT: The last indictment for Lexington County
19 says that you did on or about September 13, 2011 knowingly
20 and willfully enter a dwelling without consent and with
21 the intent to commit a crime therein while armed with a
22 deadly weapon or during the hours of nighttime. How do
23 you plead that charge?

24 THE DEFENDANT: Guilty.

25 THE COURT: Your indictment from Saluda County which

1 you have signed a waiver on and which I questioned you
2 about says that you did in Saluda County on or about
3 August 31st, 2011 enter without consent and with the
4 intent to commit a crime therein Hendrix Used Cars, and
5 that it did occur during the nighttime. How do you plead
6 to that charge?

7 THE DEFENDANT: Guilty.

8 THE COURT: Okay. This is what we call a negotiated
9 plea. What that means is that the negotiation -- I want
10 make sure I state this right is that this is a 30-year
11 sentence, and that you will be on the sex offender
12 registry.

13 What that means is this: If I wanted to give you
14 more time, I couldn't. If I wanted to give you less time,
15 I couldn't. Essentially, if I decide to go along with
16 this, the way I look at it is my hands are tied. I have
17 to give you the 30 years.

18 If I thought that you deserved less or if I thought
19 that you deserved more, I couldn't do it because the -- by
20 virtue of it being a negotiated sentence, my discretion is
21 essentially gone. Does everybody understand that?

22 THE DEFENDANT: Yes, sir.

23 THE DEFENDANT: Yes, sir.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: So the good thing for you is that there's

1 no chance that it gets any worse. The bad thing for you
2 is that there's no chance that it gets any better, but you
3 know exactly what you're going to get if I decide go along
4 with it. Do you understand that, Mr. Brannon?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Leaphart?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Drafts?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Outside the negotiation, has anybody
11 promised you anything?

12 THE DEFENDANT: No, sir.

13 THE DEFENDANT: No, sir.

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anybody forced you or threatened you
16 to get you to do this?

17 THE DEFENDANT: No, sir.

18 THE DEFENDANT: No, sir.

19 THE DEFENDANT: No, sir.

20 THE COURT: Are you doing it freely and voluntarily?

21 THE DEFENDANT: Yes, sir.

22 THE DEFENDANT: Yes, sir.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Are you satisfied with the services of
25 your lawyer?

1 THE DEFENDANT: Yes, sir.

2 THE DEFENDANT: Yes, sir.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you need any more time to meet with
5 him or her or talk about your case in any way, shape or
6 form?

7 THE DEFENDANT: No, sir.

8 THE DEFENDANT: No, sir.

9 THE DEFENDANT: No, sir.

10 THE COURT: Are you pleading guilty because you are
11 guilty?

12 THE DEFENDANT: Yes, sir.

13 THE DEFENDANT: Yes, sir.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You have ten days from today's date to
16 appeal this plea. If you choose to do so, you must do so
17 in writing to this court. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE DEFENDANT: Yes, sir.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. Mr. Brannon.

22 MR. GRAHAM: Briefly, Your Honor, there are some
23 charges that are being dismissed.

24 THE COURT: Okay.

25 MR. GRAHAM: In relation to these specific charges

1 they're pleading to, there's a host of other charges from
2 that same incident.

3 There are charges for criminal sexual conduct that
4 are being dismissed. There are charges for possession of
5 a weapon during a violent crime. There is grand larceny
6 charges.

7 All of the associated charges with the event dealing
8 in these indictments are being dismissed. In addition,
9 there is another set of a home invasion on the same date
10 with a victim named Lonnie Hill. Those are being
11 dismissed. That's going to be a burglary first, armed
12 robbery, a kidnapping, and a possession of a weapon during
13 a violent crime.

14 THE COURT: All right. Is that right, Mr. Phillips?

15 MR. PHILLIPS: Right, Your Honor.

16 THE COURT: Is that right, Mr. Farrell?

17 MR. FARRELL: Correct, but he has other charges being
18 dismissed, as well.

19 THE COURT: Is that right?

20 MR. GRAHAM: Mr. Leaphart has another incident in
21 Lexington County involving a strong arm robbery and a
22 burglary first, and those charges are being dismissed, as
23 well.

24 THE COURT: Okay. Is all that on the record now,
25 Mr. Farrell?

1 MR. FARRELL: Yes, sir.

2 THE COURT: Okay. Ms. Hahn?

3 MS. HAHN: Yes, sir.

4 THE COURT: Okay. Everything is violent and most
5 serious, correct?

6 MR. GRAHAM: Correct, Your Honor.

7 THE COURT: Okay. Go ahead, Mr. Graham.

8 MR. GRAHAM: Thank you, Your Honor. The incident
9 occurred on September 13, 2011 in the Batesburg-Leesville
10 area of Lexington County at approximately 9:45 to 11:00.

11 The three defendants kicked in the front door of
12 Ms. Morales' residence in Batesburg-Leesville. All three
13 were -- they were armed. They came in with a handgun, a
14 baseball bat, and a shotgun. The shotgun had actually
15 come from Mr. Hill's residence, the home invasion, earlier
16 that night.

17 The two women -- there was Ms. Morales, and there was
18 Ms. Dreher. They were there with their -- between them,
19 there were five minor children. I believe the oldest at
20 the time was around eight.

21 They were ordered -- they were at gunpoint. They
22 were -- money, cell phone, jewelry and keys were taken out
23 of their purse. The defendants came in asking for money
24 and drugs. Ms. Morales was ordered to her room in the
25 residence. She was raped by all three of the suspects,

1 one after the other.

2 Ms. Dreher was taken into another room where she was
3 raped by all three of the suspects, one after the other.
4 There were five children in the house. They were held by
5 one the suspects in the living room at all times.

6 A shotgun was placed in the face of each of the
7 children and all of the victims. They were all threatened
8 that if they cooperated, they wouldn't be killed.

9 Immediately after the suspects left the residence,
10 Ms. Morales observed a gray Crown Victoria being driven
11 from the scene. That ultimately turned out to be a stolen
12 vehicle. That was her vehicle. There was also a gold
13 Expedition that turned out to be a stolen vehicle taken
14 away.

15 They knew Mr. Deshaun Drafts, and identified him to
16 the police at the time. Subsequently, photo lineups were
17 shown of all three suspects, and all three suspects were
18 identified by both victims at approximately 11:49 on that
19 same night, Your Honor.

20 The women -- after it happened, around 11:30, they
21 left the -- the defendants left the house around 11. At
22 11:30, the victims had made it to it Batesburg-Leesville
23 Police Department reporting what had happened.

24 At approximately 11:49, Batesburg-Leesville police
25 officer, Officer Crow, who is present in the courtroom and

1 the charges related to this are actually being dismissed,
2 but he attempted to initiate a traffic stop on the -- a
3 Ford Expedition that was taken from the scene.

4 As he was in pursuit, one of the three suspects
5 leaned out the window and fired two rounds at his vehicle.
6 Speeds reached in excess of 100 miles an hour.
7 Eventually, Officer Chow lost contact with the vehicle,
8 and a nine millimeter spent shell casing believed to be
9 related to the incident was found near the roadway.

10 On September 14th, which is three days later, Your
11 Honor -- or excuse me, the next day at 2:25 a.m., the
12 defendant along with two codefendants were observed by
13 officers walking back into the town limits.

14 Officers ordered all three of them to stop.
15 Mr. Drafts complied, did a stop and was captured by law
16 enforcement at that time. He led officers to the gold
17 Expedition that was identified as being the one involved
18 in the car chase and the shooting with Officer Chow.

19 The other two suspects fled into the woods and were
20 captured at a later time. The officers located a nine
21 millimeter handgun in the woods near where the two
22 codefendants fled, and they also found Ms. Morales' Crown
23 Victoria.

24 Stolen property was found on Mr. Drafts at the time.
25 All of them were interviewed, Your Honor. All of them

1 gave different stories but in one way or another
2 implicated themselves or the other codefendants as being
3 involved. DNA linking some of the codefendants were
4 linked to the sexual assault, and I believe fingerprints
5 of one of the defendants was found on the stolen vehicle.

6 The victims are present in the courtroom, Your Honor.
7 There's several family, five of them, here on this front
8 row. They understand it's a negotiated plea. They do not
9 wish to speak. I also have representatives from the
10 Batesburg-Leesville Police Department.

11 Chief Oswald is standing behind me. He has the case
12 officer, Officer Crow is present in the courtroom, Deputy
13 Chow who was shot at, and Lieutenant Clare is against the
14 wall who spent a ton of time on the crime scene.

15 I don't know whether the Chief wants to address the
16 Court, Your Honor.

17 THE COURT: I'll come back.

18 MR. GRAHAM: Okay.

19 THE COURT: Go ahead and give me --

20 MR. GRAHAM: They -- those are the facts of the case,
21 Your Honor. The only other thing that I -- if I'm trying
22 to remember to put on the record is that Mr. Drafts has
23 two pending burglaries in Aiken County, and I've been in
24 contact with Deputy Solicitor Bill Weeks there who has
25 agreed that those charges will run concurrent with these

1 charges, as well.

2 THE COURT: Okay.

3 MR. GRAHAM: The victim in the Saluda case was
4 notified, but he is not present.

5 THE COURT: Okay. I don't have any facts on the
6 Saluda case.

7 MR. GRAHAM: The Saluda case, Your Honor, thank you.
8 That occurred on September 1st, 2011 in Monetta, South
9 Carolina.

10 The victim was the Hendrix's Store. It was broken
11 into during the nighttime hour, and items were stolen.
12 There was alcohol and other merchandise. Latent prints
13 were found at the scene that were linked to the defendant,
14 Mr. Drafts.

15 I believe that he ended up ultimately giving a
16 statement to the police on the case, as well.

17 MS. HAHN: His codefendant implicated him.

18 MR. GRAHAM: I'm sorry?

19 MS. HAHN: His codefendant implicated him, Your
20 Honor.

21 THE COURT: All right.

22 MR. GRAHAM: They all have prior records whenever you
23 want to hear that.

24 THE COURT: I don't think I need to.

25 MR. GRAHAM: Okay.

1 THE COURT: Mr. Brannon, is all of that materially
2 true?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Leaphart?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Drafts?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. I'll accept their pleas. I find
9 there is a substantial factual basis for the plea. I
10 further find their decision to plead guilty to be freely,
11 voluntarily, knowingly and intelligently made; that they
12 all had the advice of a very competent attorney with whom
13 they tell me they are satisfied. All right. Anybody from
14 the police department or any victim want to speak?

15 CHIEF OSWALD: Your Honor, I just want to -- would
16 like to -- if it please the Court, I would just like to --

17 THE COURT: You're Chief Oswald?

18 CHIEF OSWALD: Yes. I'm Chief Oswald. I would just
19 like to reiterate beyond, of course, property crime here,
20 the violence of this crime considering the -- while these
21 women were being sexually assaulted, the children were
22 held at gunpoint while their mothers were being assaulted.
23 I think that makes this a particularly heinous crime.
24 Thank you, sir.

25 THE COURT: Thank you, Chief.

1 MR. GRAHAM: I do not believe that the victims have
2 anything they want to say, Your Honor. Thank you.

3 THE COURT: Okay. For whoever is here on this case,
4 let me say this: You waited a long time this morning, but
5 you've waited over two years for some kind of resolution
6 in this matter.

7 I'm going to -- it doesn't matter which side of the
8 case you're on, the length of time never seems fair to
9 anybody, and I know it's not easy. It causes you to have
10 a constant remembrance of it because of the lack of
11 resolution to the situation, so let me say that they way
12 the court system works and the speed with which it works
13 doesn't always make sense but cooperating something like
14 this and putting it all together and coming up with a
15 resolution is a very complicated process.

16 I'm not saying that to make any excuse for anybody
17 but just kind of explain it to you. I want to thank you
18 for being here, staying actively involved in the case.
19 More than two years later, Mr. Graham can tell you, the
20 victim advocate can tell you, they have plenty of victims
21 who fall all off the face of the earth. No one knows
22 what's happened to them. It makes it so difficult to
23 handle cases when that happens. Thank you for staying
24 actively involved in your case.

25 All right. Mr. Phillips?

1 MR. PHILLIPS: Thank you, Your Honor. This is
2 clearly a tragic case, especially for the victims, for the
3 families for all of these young boys and for the lost
4 years.

5 My client was 19 years old when this crime occurred.
6 Obviously, he is going to pay severely for his actions.
7 He has a ninth grade education, and to his credit,
8 whenever the solicitor gave the plea offer, he accepted
9 responsibility.

10 He didn't waffle. He didn't put the victim through a
11 trial. He's been incredibly remorseful the entire time.
12 He has a very supportive family. His mother and sister
13 are here, and I believe they do wish to address the Court.
14 He also has other family members in the audience. At this
15 time, I believe -- I'll pass it on to his mother.

16 THE COURT: Okay. What's your name, ma'am?

17 THE MOTHER: My name is Lakeisha Brannon.

18 THE COURT: Okay. What could you like to tell me,
19 Ms. Brannon?

20 THE MOTHER: I'd like to apologize to the family, the
21 children, for everything that's happened. I do -- I don't
22 condone what my son did, and it's just so hard right now
23 to see my baby go down the road for 30 years.

24 He is guilty. He knows he has done wrong, but he's
25 sorry, too. I don't -- I can't speak why he did it or

1 anything, but I know they done hurt these people out here,
2 and these people we know. We know them like we are
3 family. So that is really hard, you know, to look at
4 these people knowing what our sons have done and
5 corrupting and broken up the family.

6 I'm just really wanting to say we are very sorry, and
7 if we could do anything to help, we're here. We have no
8 grudges. You know, because the boys did it, and whatever
9 we could do, we'll help. We're sorry.

10 THE COURT: Thank you, Ms. Brannon. I appreciate
11 that.

12 THE SISTER: I just co-sign to what she said.

13 THE COURT: Anything you want to tell me, sir?

14 THE DEFENDANT: Yes, sir. I would like to, you know,
15 say I'm sorry. I would like to apologize to the victims.
16 I was wrong, you know.

17 I would just like to say I hope that they find in
18 their hearts to forgive me, you know, because I wish a lot
19 that they would forgive me. I mean, if they would forgive
20 me, I can forgive myself. Thank you.

21 THE COURT: Thank you, sir. I appreciate that.

22 All right. Mr. Farrell?

23 MR. FARRELL: May it please the Court, Your Honor.

24 THE COURT: Yes, sir.

25 MR. FARRELL: Deondre is 20 years old, a tenth grade

1 education from South Aiken High School, presently serving
2 a youthful offender sentence for a burglary out of Aiken
3 County. Those warrants were served on him shortly after
4 his arrest on these charges.

5 He has a very good amount of family support, Your
6 Honor. His mother has been in contact with me, basically
7 since I was appointed on this case. He is also joined
8 here today by his grandmother, two uncles, an aunt, and
9 two cousins.

10 From my initial meeting with Deondre, he has told me,
11 "I did it. I know they got me. Do the best you can for
12 me," never once really seriously entertained the notion of
13 contesting these charges. He has never complained. He
14 has never tried to throw off on his codefendants. He has
15 accepted responsibility from his actions from day one.

16 THE COURT: Thank you. Anything you want to tell me,
17 sir?

18 THE DEFENDANT: I would like to say I apologize for
19 what happened, and I hope -- I hope they forgive me.

20 THE COURT: Thank you.

21 All right.

22 Ms. Hahn?

23 MS. HAHN: Thank you, Your Honor. Mr. Drafts is 20
24 years old now. He was 18 when this happened. Your Honor,
25 his family is not here today. I couldn't reach them, but

1 they have come to court for him before in the past. I
2 know they all have a very caring relationship. He loves
3 his family. His mother cares a lot about him and is just
4 torn up about this whole thing.

5 Your Honor, he is a young man, but he was working.
6 He had a job at the chicken plant. He worked in some fast
7 food restaurants. I represented him on a minor matter
8 several years ago, and I got to know him pretty well.

9 He is a friendly person. He just seemed to be a
10 generally nice guy, and it's shocking that he put himself
11 in this situation and made these decisions. He knows that
12 was a terrible mistake and something he can't take back.

13 Once he was eventually caught, he surrendered to law
14 enforcement. He helped them find the vehicle in the case,
15 and he confessed to most of the allegations, Your Honor.
16 I think he is doing everything he can to make it right
17 now.

18 THE COURT: Thank you. Anything you want to tell me,
19 sir?

20 THE DEFENDANT: Yes, sir. I'd like to say I'm sorry
21 for everything. I miss my baby.

22 THE COURT: Do you understand that your burglary
23 second degree violent charge is a serious offense?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. I wasn't sure I told you that

1 earlier.

2 All right. Who is on probation that I'm doing?

3 PROBATION AGENT: Mr. Drafts is on probation, and
4 we're going to handle that here.

5 THE COURT: Okay. How much time does he have hanging
6 over him?

7 PROBATION AGENT: He has four years, 306 days
8 remaining on the sentence, and there was restitution that
9 we would need to convert, probably, to a civil judgment.

10 THE COURT: Do you admit that you violated your
11 probation?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. Very well. Anything further,
14 Mr. Graham?

15 MR. GRAHAM: No, Your Honor.

16 THE COURT: Chief?

17 CHIEF OSWALD: No, sir.

18 THE COURT: All right. Any defense attorneys,
19 Mr. Phillips? Do you have anything else you want to tell
20 me?

21 MR. PHILLIPS: No, Your Honor.

22 THE COURT: This is a horrific case. It is just sad
23 beyond all comprehension.

24 Nothing that I can do here today can take away that
25 night for the victims, for the officers who were attacked

1 or anybody else.

2 I know that you three wished you could. You wish you
3 never would have done it. You now, I'm going to tell you
4 the one thing that you do need to be thankful for, you
5 need to be thankful for your attorneys because, you know,
6 short of this being a negotiated sentence, I'm not sure
7 that 30 years is enough for the violent, awful, horrific
8 things that you did.

9 So the hard work of your attorneys sticking by you
10 and doing everything they can for you and having victims
11 that are willing to -- I understand the pain of a trial
12 and everything else to come to a resolution like this is
13 really a gift to you.

14 The sentence of this court on this, all defendants is
15 the same: It's 30 years concurrent, credit for time
16 served, not to have any contact with the victims in any
17 way, shape or form.

18 On all the kidnapping charges, sex offender registry,
19 of course, the defendants have all been sentenced to. On
20 the additional burglary second violent, 15 years to run
21 concurrent, credit for time served, and revoke probation,
22 whatever you can revoke. Terminate, convert and run
23 concurrent. Good luck to you. Thank you.

24 MR. PHILLIPS: Thank you, Your Honor.

25 MR. GRAHAM: Thank you, Your Honor.

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(Whereupon, the proceedings were concluded.)

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Karen Ambroziak, RPR
Circuit Court Reporter

ORIGINAL

FORM 5

FILED

STATE OF SOUTH CAROLINA

COUNTY OF

LEXINGTON

IN THE COURT OF COMMON PLEAS

2014 APR 15 A 8:35

DESHAWN DRAHMS, ANTONIO, #3585 SEITH A. CARRIS
 Full name and prison number (if any) of Applicant. CLERK OF COURT
 LEXINGTON

v.

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

2014CP3201434**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 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 Lee Correctional Institution 700 W. Sachig Highway, Bishopville, South Carolina 29008
2. Name and location of Court which imposed sentence Lexington County Court of General Sessions
3. Name(s) of co-defendant(s) (if any) Rondue Leaphant, Lashawna Brannon
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012-95-32-00505
 - (b) 2012-95-32-00506
 - (c) 2012-95-32-00507
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) December 17, 2013; Thirty (30) years
 - (b) December 17, 2013; Thirty (30) years

A TRUE COPY
 1
 Lex. Co. C.C.C.P., G.S. § 16-1-10

- (c) December 17, 2013; Thirty (30) years
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?
Yes, I did.
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. March 12, 2014
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unknown
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Denial of Effective Assistance of Counsel
 (b) Unlawful Jury Pool
 (c) _____

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

- (a) Failure to conduct investigation of facts in case
 (b) Resulting from Ineffectiveness of Counsel
 (c) _____

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

- (a) any petition in a State Court under South Carolina Law? No.
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No.
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No.
 (d) any other petitions, motions or applications in this or any other Court? No.

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

(a) the specific nature thereof:

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

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

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

(c) the disposition thereof:

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

~~iv.~~ _____
 (d) the date of each such disposition:

i. N/A _____

~~ii.~~ _____

~~iii.~~ _____

~~iv.~~ _____

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

i. N/A _____

~~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?

No, they have not. _____

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

(a) which grounds have been presented:

i. N/A _____

~~ii.~~ _____

~~iii.~~ _____

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

i. N/A _____

~~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) (10)(a), First Collateral Attack _____

(b) (10)(b), First Collateral Attack _____

~~(c)~~ _____

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

- (a) your arraignment and plea? Yes, I was.
- (b) your trial, if any? N/A
- (c) your sentencing? Yes, I was.
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes, I was.
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

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. Sarah A. Hahn, 407 1/2 West Main Street,
- ii. Lexington, South Carolina 29072
- iii. _____

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

- i. Plea, Sentencing, and Appeal
- ii. _____
- iii. _____

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

Convictions and Sentences Reversed/Remanded for New Trial.

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

No, I am not.

STATE OF SOUTH CAROLINA

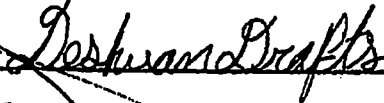
VERIFICATION

County of

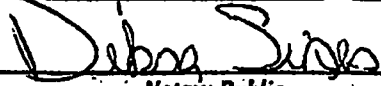
LEXINGTON

Deshaun Antonio Duff, #35821

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



SWORN to and subscribed before me this 9
day of April, 2014.



Notary Public

(L.S.)

My Commission Expires:

11-4-2015

ORIGINAL

2014CP3201434

BETH A. CARRIG
CLERK OF COURT
LEXINGTON

2014 APR 15 A 8:35

FILED

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 APR 9 2014
 U.S. CORRECTIONAL INSTITUTE
 DEPARTMENT OF CORRECTIONS
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BETH A. CARRIG
 CLERK OF COURT
 LEXINGTON



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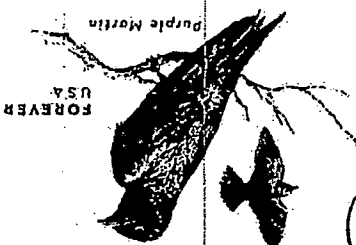
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UNITED STATES
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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	ELEVENTH JUDICIAL CIRCUIT
	)	
Deshaun Drafts,	)	C.A. No. 2014-CP-32-1434
S.C.D.C. No. 358211,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed April 15, 2014, 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 Lexington County. Applicant was indicted at the March 2012 term of the Court of General Sessions for Lexington County for burglary, first-degree (2012-GS-32-0565), kidnapping (2012-GS-32-0566), and armed robbery (2012-GS-32-0567). He was represented by Sarah Mauldin¹, Esq. On December 13, 2013, Applicant entered a plea for a negotiated aggregate term of thirty (30) years imprisonment on all his charges². The Honorable Robert E. Hood accepted Applicant's plea and imposed the negotiated sentence³. Judge Hood sentenced Applicant to a term of thirty (30) years imprisonment for burglary, first-

¹ Formerly Sarah Hahn, Esq.

² Applicant also pled guilty to a Saluda County offense (2013-CP-41-416) that is collateral to this Lexington County PCR action.

³ Applicant's plea resulted in a probation revocation on two prior convictions (2009-GS-32-3670; -2689). Judge Hood imposed four years on each suspected sentence. The revocations were to run concurrent to thirty year aggregate sentence.

degree, a term of thirty (30) years imprisonment for kidnapping, and a term of thirty (30) years imprisonment for armed robbery. The sentences were to be served concurrently.

A notice of appeal was filed on Applicant's behalf. The South Carolina Court of Appeals denied and dismissed Applicant's appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR, for failure to provide a sufficient explanation to merit the appeal. State v. Dyshaun A. Drafts, Appellate C.A. No. 2013-002747 (filed on March 12, 2014). The Remittitur was issued on March 28, 2014

Attached herewith and incorporated herein by reference are the records of the Lexington County Clerk of Court regarding the subject conviction(s), and the Applicant's records from the Department of Corrections, a copy of the Applicant's plea transcript, and Applicant's appellate records. Respondent reserves the right to amend its return upon the receipt of other relevant records.

II.

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

1. Ineffective Assistance of Trial Counsel;
 - a. "Failure to conduct investigation of facts in case;"
 - b. "Involuntary guilty plea resulting from ineffective assistance of counsel."

III.

The Applicant's first claim is an allegation of ineffective assistance of trial counsel. The Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

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

V.

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.

VI.

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

VII.

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

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

WALT WHITMIRE
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

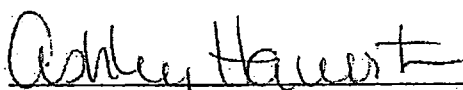
Sept. 17th, 2014

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	)	
	)	
	)	2014-CP-32-1434
DESHAUN DRAFTS, #358211,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

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

**Mrs. Anna Rawl Good
Law Office of Anna Good, LLC
1720 Main St. Ste. 303
Columbia, SC 29201**

DATED this 23rd day of September, 2014.


Ashley Haworth, Legal Assistant
For Respondent

1 State of South Carolina)
2 County of Lexington) In the Court
3 Deshaun Antonio Drafts,) Of Common Pleas
4 Applicant,) Case No.: 2014-CP-32-1434
5 vs.) Transcript of Record
6 State of South Carolina,)
7 Defendant.)
_____)

8

9

April 22, 2015

10

Lexington, South Carolina

11

12 BEFORE:

13

The Honorable Brooks Goldsmith, Judge

14

15 APPEARANCES:

16

17

Anna R. Good, Esquire
Attorney for the Applicant

18

19

Walt Whitmire, Assistant Attorney General
Attorney for the Defendant

20

21 ALSO PRESENT:

22

Deshaun Antonio Drafts

23

24

25

Steven E. LeBlanc, R.P.R., Circuit Court Reporter
P.O. Box 184, Lexington, South Carolina 29071

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19	NO. DESCRIPTION	ID EVDS.
20	NONE	
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1 Thereupon, the following proceedings were had,

2 THE COURT: Whenever you're ready.

3 MR. WHITMIRE: May it please the Court. The last
4 matter before Your Honor today is Deshaun Drafts v. State
5 of South Carolina. Brief factual basis of the underlying
6 charges. Mr. Drafts and his three co-defendants robbed a
7 house, committed sexual assault on two women within the
8 home and there were children present at the time. It
9 resulted in a litany of charges which lead to a plea
10 agreement for a negotiated 30 years, and the csc, I
11 believe, was pled down to a kidnapping.

12 Judge Hood took his plea and his co-defendants' plea
13 at the same time, found it, accepted it, and accepted the
14 negotiated sentence and imposed it. Mr. Drafts did file,
15 a notice of appeal was filed on Mr. Drafts' behalf. It
16 was dismissed without merit by the Court of Appeals. He
17 has since filed a timely application for post conviction
18 relief. He is present and represented by Ms. Good. I
19 understand the allegations to be involuntary guilty plea
20 based on coercion and also a claim of conflict of
21 interest. At this time I turn the matter over to Ms.
22 Good.

23 THE COURT: Ms. Good.

24 MS. GOOD: Thank you, Your Honor. At this time I
25 call Deshaun Drafts.

DESHAUN DRAFTS - DIRECT BY MS. GOOD

4

1 Thereupon,

2 DESHAUN ANTONIO DRAFTS

3 after having been first duly sworn, testified as follows,

4 THE CLERK: Have a seat and state your name for the
5 record.

6 THE WITNESS: Deshaun Drafts.

7 DIRECT EXAMINATION

8 BY MS. GOOD:

9 Q. Mr. Drafts, you just heard all of the charges that
10 you pled to that day and other charges that were dismissed.
11 Throughout that entire time in the plea who was your
12 attorney?

13 A. Sarah Hahn.

14 Q. And was she your attorney from the beginning when
15 you were arrested?

16 A. No. David Mauldin was my lawyer at the beginning.

17 Q. Okay. Why did David Mauldin get off the case?

18 A. I have no idea.

19 Q. When did Sarah Mauldin or Sarah Hahn as you know her
20 get on the case?

21 A. Like right after he resigned off my case.

22 Q. Do you remember when that was?

23 A. No.

24 Q. Okay. About how many meetings do you remember
25 having with Ms. Mauldin? I'm gonna say Mauldin because her

1 last name is Mauldin now. Do you remember how many meetings
2 you had with Ms. Mauldin?

3 A. Probably like six.

4 Q. Do you remember the first meeting when that was
5 approximately?

6 A. No. Not offhand.

7 Q. The first time you met with her did you have a
8 lengthy conversation with her?

9 A. She was just basically saying that she was going to
10 find me a good plea and also get my paperwork.

11 Q. Okay. Eventually did you get your paperwork?

12 A. Yeah. I got it like, I'd say like a year. A
13 year.

14 Q. Okay. After y'all got the paperwork, were you
15 looking at a trial or a plea at that time?

16 A. I was looking for a trial.

17 Q. At what point did it turn into a possibility of a
18 plea?

19 A. At the end.

20 Q. Okay. The end of?

21 A. Of 2013.

22 Q. Okay. You pled December 17th, 2013 so you believe
23 it was around November?

24 A. Yeah. It was like the end of November.

25 Q. Okay. When you first got a plea offer, what was the

DESHAUN DRAFTS - DIRECT BY MS. GOOD

6

1 plea offer?

2 A. It was, uhm, 30 years, uhm, negotiated 30 year plea
3 or we can, uhm, or I can take the deal that what the Solicitor
4 would give me 17 years and I have to testify on my
5 co-defendant if they go to trial and get recorded telling the
6 whole story.

7 Q. Okay. What did you tell her at that time you wanted
8 to do?

9 A. I told her I wanted to go to trial.

10 Q. Okay. When she came back to see you again in
11 December of 2013, can you tell the Judge about that
12 conversation?

13 A. All right. I had told her that I didn't want to
14 take the plea at all because I feel like it's best if I fight
15 for my life instead of just give it away. So she was
16 basically like, well, we really ain't got no chance in trial.
17 I'm like it don't matter. I still want to go to trial.
18 I want a fast and speedy trial. So she wouldn't give it to
19 me. So on the day or the time that we, the day that we got
20 our time I wanted to fire her. She told me I couldn't fire
21 her.

22 Q. Okay. I want to stop you for a minute. You said
23 you wanted to fire her. Why did you want to fire her?

24 A. Because she wasn't working on my case. It took
25 almost two years for her to start investigating on my case in

1 November. I had been locked up two years and some change
2 then.

3 Q. Okay. And she told you that you couldn't fire
4 her?

5 A. Yes. She told me I couldn't fire her.

6 Q. At that point how were you feeling about the case?

7 A. I was feeling like I ain't got no way. It's either
8 listen to her or I ain't got no other option.

9 Q. Is that why you took the plea that day?

10 A. Yes, ma'am.

11 Q. Ultimately during the plea did you feel like you
12 understood everything that was going on and the consequences
13 of the plea?

14 A. No, ma'am.

15 Q. And why is that?

16 A. Because she didn't tell me everything about the
17 trial. She just said I'm gonna plea to the burg first, armed
18 robbery, kidnapping and I didn't know where the sexual
19 conduct, all that come from. I didn't even know where that
20 come from of you saying they dismissing these charges and now
21 we got to get evaluated and all this so I never wanted to take
22 a plea, period.

23 Q. Just to specify, are you talking about on page 11
24 when the judge refers to the sexually violent predator
25 program?

DESHAUN DRAFTS - DIRECT BY MS. GOOD

8

1 A. Yes, ma'am.

2 Q. Okay. And that was the first time you heard about
3 that?

4 A. Yes, ma'am.

5 Q. And did you say something during the plea about
6 it?

7 A. The only thing I said was you ain't tell me about
8 this. I looked at her and I said you ain't tell me about
9 this.

10 Q. Did she respond to that?

11 A. The only thing she did was shook her head and didn't
12 say nothing to me.

13 Q. And finally one of your co-defendants in the case is
14 your cousin, correct?

15 A. Yes, ma'am.

16 Q. What is his name?

17 A. Lequires (phonetic) Brannon.

18 Q. And are you aware of Mr. Brannon's prior criminal
19 history?

20 A. A little bit. Yeah.

21 Q. And are you aware of who any of his prior attorneys
22 were?

23 A. I know Ms. Hahn was his lawyer back in 2009.

24 Q. And she was your attorney in this case?

25 A. Yes, ma'am.

Steven E. LeBlanc, R.P.R., Circuit Court Reporter
P.O. Box 184, Lexington, South Carolina 29071

1 Q. Did you feel that was a conflict of interest?

2 A. Yes, ma'am. And I asked her about that and she told
3 me that, uhm, as long as her and his attorney are not talking
4 about the situation then they can still be our lawyers.

5 Q. But she did represent him in 2009 and had
6 information about him?

7 A. Yes, ma'am.

8 MS. GOOD: No further questions, Your Honor.

9 THE COURT: Cross examination.

10 MR. WHITMIRE: May it please the Court.

11 CROSS EXAMINATION

12 BY MR. WHITMIRE:

13 Q. Good afternoon, Mr. Drafts. Good morning,
14 Mr. Drafts.

15 A. Good morning.

16 Q. So it's your contention today that you always wanted
17 a trial on these charges?

18 A. Yes, sir.

19 Q. Ms. Hahn met with you six times?

20 A. Yes, sir.

21 Q. Did you tell her that every single time that you met
22 with her?

23 A. Every time.

24 Q. It's your contention you're upset she didn't look
25 into the facts of the case and the evidence?

DESHAUN DRAFTS - CROSS BY MR. WHITMIRE

10

1 A. Seems she really didn't because there's a lot of
2 things that I found in the case that she never really looked
3 into and talked to me about.

4 Q. Can you elaborate further?

5 A. Like, okay, like the situation with the conflict of
6 interest. I told her --

7 Q. I meant the facts of the case, the State's
8 evidence?

9 A. Like, uhm, they really didn't have nothing on me,
10 period. Like no type of evidence. My fingerprints were
11 nowhere but on the car. That's it. Not in none of the houses
12 or nothing like that.

13 Q. The fact that these young ladies are victims, they
14 both knew you?

15 A. Huh?

16 Q. They knew you?

17 A. No.

18 Q. You didn't correct the record?

19 A. I told them about the situation like that. They
20 didn't know me. They had went to, uhm, the police department
21 saying that they did not know the three young men that had
22 came in the house. All of them had masks on. But once they
23 did the photo lineup, that's when they said that they knew
24 us.

25 Q. Did you talk to your attorney about this?

1 A. Yes.

2 Q. Did y'all go over the DNA and forensic evidence?
3 Did you talk about that?

4 A. We went over that and none of my DNA was found.

5 Q. Would you agree these are pretty bad facts that you
6 were being charged with?

7 A. Yeah.

8 Q. Why would you plead guilty to these facts if you
9 were innocent?

10 A. I ain't had no choice if my lawyer is saying she
11 ain't gonna fight for me.

12 Q. Did ever move to have her relieved?

13 A. Yes.

14 Q. When?

15 A. When I first came to court and when I called,
16 Mr. Robert Madsen.

17 Q. When you came to court, what judge were you in front
18 of if you remember?

19 A. Judge Hood.

20 Q. Well, so this was at the plea then?

21 A. Sir?

22 Q. Were in front of Judge Hood prior to this or is this
23 at the plea?

24 A. This is when we was fixin' to take the plea that day
25 to get our time and when she talked to me, I said I wanted her

1 to not be my lawyer.

2 Q. I think you have alluded on page 11 of the
3 transcript where Judge Hood tells you, advises you about the
4 sexually violent predator program, correct?

5 A. Mm-hmm.

6 Q. Was this your first plea?

7 A. Ever.

8 Q. Were you doing a probation sentence at this time?

9 A. I was on probation.

10 Q. How did you end up on probation?

11 A. Uhm, I had, uhm, was a burglary third.

12 Q. So you pled guilty or did you go to trial?

13 A. No. With that burglary third, that happened when I
14 was like 16 and I was still on - they had gave me five years
15 probation.

16 Q. Did you go in front of a judge and get sentenced to
17 that probation?

18 A. Yeah.

19 Q. Who was your attorney then?

20 A. Sarah Hahn.

21 Q. Okay. So you had her previously?

22 A. Yeah.

23 Q. Were you satisfied with her then?

24 A. Then, yes.

25 Q. Did she do a good job for you then?

1 A. Yes. She did.

2 Q. Then why did you want to have her relieved from your
3 case from day one?

4 A. Because she was not working -- She was not doing her
5 best ability for my case this time. All the other cases was
6 just little petty cases.

7 Q. I know you testified that she met with you six
8 times. Can you elaborate further, anything else that you
9 wanted her to do that she didn't do?

10 A. All I wanted her to do was mostly was to go ahead
11 and file for the fast and speedy trial and look into my
12 evidence a little more. But she didn't start investigating on
13 my case until it was close to time for me to go to court.
14 I went to court the next month right after that.

15 Q. You said look at the evidence more. Anything in
16 particular about the evidence? I know you have testified
17 today about the identification, but anything else that you
18 wanted her to look into?

19 A. No. That was just it with the DNA and with the
20 fingerprint situation.

21 Q. She didn't do this?

22 A. No.

23 Q. So this would be your second plea; is that correct?
24 In your life this would be the second time that you have pled
25 guilty to something or went before a judge?

1 A. No. It probably be - it would be more than that
2 because I had her even - I had her even through juve, when I
3 was going through juve.

4 Q. My understanding is she's been representing you
5 through the Public Defender's Office for a decade or I mean
6 for a good bit of time?

7 A. Yeah.

8 Q. Off and on. Well, why didn't you tell or ask Judge
9 Hood about the sexually violent predator program and the
10 consequences of that after you got upset about that a little
11 bit on the record?

12 A. I didn't know at that time because I felt like it
13 was basically like, okay, she telling me over and over that
14 she not gonna fight for me. I'm not gonna decide for you to
15 go to trial. I'm not gonna do none of this for you. And what
16 I supposed to do? I didn't know nothing. I was still
17 young.

18 Q. Did the judge take his time and give you time to
19 make certain you're making a very important decision in your
20 life to plead guilty that day?

21 A. In certain ways he did. In certain ways he
22 didn't.

23 Q. And I'm just a little confused. I want to know
24 exactly why you didn't stop and tell the judge I need some
25 more time to talk to my attorney about this?

1 A. She didn't want to talk to me no more. Basically
2 she was just only like you ain't got but one option. Take
3 this plea.

4 Q. Why didn't you at least talk to the judge about the
5 sexually violent predator program at that moment and ask him
6 some more questions?

7 A. I didn't even know it.

8 Q. So you just went ahead and just went along with the
9 plea and had no concerns?

10 A. I had no way out.

11 Q. You told Judge Hood that you had plenty of time to
12 think about this?

13 A. I told him. I said I didn't have no way out. I
14 told her the same thing. If you're not gonna fight for me,
15 you ain't gonna be my lawyer like you supposed to to represent
16 me to your best ability, then I ain't got no way. I can't do
17 nothing but listen to you. I don't know the law.

18 Q. Just a few more questions. I recall you testified
19 that you were a little upset that you were under the
20 impression Ms. Hahn might have represented one of your
21 co-defendants?

22 A. Mm-hmm.

23 Q. That was several years prior?

24 A. Mm-hmm.

25 Q. How did that affect her ability to represent you?

1 If you can elaborate further, I'm interested to know.

2 A. She probably looked at it like, okay, went by off of
3 what his record was and all that because I never had a record,
4 period. I'm talking about during any time as an adult. All
5 my - all my previous crimes happened when I was in juve.

6 Q. Ms. Hahn ever not try as hard or not share things
7 about your co-defendant or did that affect your case in any
8 way specifically on facts?

9 A. I kind of feel like it kind of affected --

10 Q. Not how you feel but actually she didn't do this.
11 She wouldn't look into this because of this, I guess, prior
12 representation. That's what I'm concerned with.

13 A. I kind of feel like yes because everything that I
14 did ask her to do she never did for me, period. No filing for
15 the trial or no nothing.

16 Q. So what did y'all talk about at these six meetings
17 if she wasn't doing anything for you?

18 A. Basically the only thing we really talked about at
19 the meetings was like, okay, uhm, I'm getting your paperwork
20 together. I'm still waiting on your paperwork. I'm still
21 waiting on all these tests to come back and I'm trying to get
22 you the best plea as I can.

23 Q. But she talked about getting test results and
24 getting the evidence, correct?

25 A. Mm-hmm.

1 Q. She told you what those results were?

2 A. Yes. She told me the results.

3 Q. You're just unhappy because you wish they would have
4 been different?

5 A. No. The results was not bad at all. I was happy at
6 the results. I'm just -- I was just upset about the central
7 fact of I couldn't never go to trial. That's all I wanted was
8 to go to trial.

9 Q. So through these six meetings Ms. Hahn just
10 railroaded you straight into a plea? Is that your contention
11 today?

12 A. She told me to go to a plea. Take this plea or take
13 this plea deal that the Solicitor want.

14 Q. And this is important. Did she advise you that it
15 was in your interest or did she tell you you've got to do
16 this?

17 A. She said the best thing to do is to take the 17.
18 Take the 17 and take the deal that the Solicitor wanted to
19 give you.

20 Q. The original one as you're testifying to today?

21 A. Huh?

22 Q. The 17 years?

23 A. No.

24 Q. I'm just little confused. Can you clarify?

25 A. Okay. The negotiated 30 years was the original plea

DESHAUN DRAFTS - REDIRECT BY MS. GOOD

18

1 that they gave her. She said that the Solicitor wanted to
2 make a deal with me or with all of us. If you take 17 years
3 and let us record you while another officer is in there and
4 while she in there, then tell the whole story and if any one
5 of them go to trial, testify on them. I told her no.

6 Q. You turned that down?

7 A. On top.

8 MR. WHITMIRE: At this time, Your Honor, no further
9 questions.

10 MS. GOOD: I just a have one, Your Honor.

11 THE COURT: Sure.

12 REDIRECT EXAMINATION

13 BY MS. GOOD:

14 Q. Mr. Whitmire asked you regarding Ms. Hahn's prior
15 representation of you and how you were happy with that
16 representation, correct?

17 A. Mm-hmm.

18 Q. Did you ever file a PCR previously on her or is this
19 the first time you have filed an application?

20 A. The first time.

21 MS. GOOD: No further questions, Your Honor.

22 THE COURT: Thank you. You may step down. Anything
23 else you have?

24 MS. GOOD: The applicant rests, Your Honor.

25 THE COURT: The applicant rests.

1 MR. WHITMIRE: At this time, Your Honor, the State
2 calls Ms. Hahn to the stand.

3 Thereupon,

4 SARAH HAHN MAULDIN
5 after having been first duly sworn, testified as follows,

6 THE CLERK: Have seat and state your name for the
7 record please.

8 THE WITNESS: My name is Sarah Mauldin.

9 DIRECT EXAMINATION

10 BY MR. WHITMIRE:

11 Q. Good morning, Ms. Mauldin.

12 A. Good morning.

13 Q. Just a few basic questions for the record. How long
14 have you practiced law?

15 A. Since 2006.

16 Q. Area of practice?

17 A. Criminal law.

18 Q. How long have you been with this Public Defender's
19 Office?

20 A. Since 2006.

21 Q. Do you recall your representation in this matter?

22 A. I do.

23 Q. Had a chance to review your file?

24 A. I have.

25 Q. When did you first come into contact and start

1 representing Mr. Drafts? Not in this case but prior cases.

2 A. I represented him on family court charges when he
3 was a juvenile and after that I represented him on another
4 case in General Sessions that was a few years later and maybe
5 a year or two before this one.

6 Q. Did he ever express concerns with your
7 representation during his prior cases?

8 A. I don't recall that he ever did, however, if he had
9 ever told me that he wanted me relieved on his case, I would
10 have scheduled a hearing and we would have gone in front of a
11 judge. I have looked at my notes. I don't have anything down
12 about him requesting a hearing or having a hearing so I don't
13 recall that he ever said anything about wanting to relieve me
14 or I would have done that.

15 Q. Mr. Drafts had two co-defendants in this case?

16 A. That's right.

17 Q. One of his allegations here today is that you might
18 have previously represented Mr. Brannon. Can you expound
19 further on that contention?

20 A. I think he's correct. I think I did represent
21 Mr. Brannon on a family court matter when he was a juvenile
22 as well.

23 Q. For the record, what is the conflict policy of the
24 Public Defender's Office?

25 A. Our office follows the rules of professional

1 responsibility and we do represent co-defendants as the rules
2 allow and what happens is when a case comes to our office and
3 there are multiple people charged, we have a supervisor who
4 assigns those cases to other attorneys in the office. Once
5 those cases are assigned, there's no transmission of any
6 information back and fourth between attorneys about the
7 co-defendants or any kind of confidential information. We
8 have, our files are kept separately. We have separate
9 paralegals and staff working on those. We don't have the same
10 staff working on the same co-defendant cases.

11 Q. At any point during his representation did you
12 notice or feel as if your - as if there was a conflict of
13 interest because of your prior interactions with
14 Mr. Brannon?

15 A. No. Certainly not. There was nothing about my
16 representation of him that affected Mr. Drafts' case and there
17 was certainly nothing from his case that I knew that hurt
18 Mr. Brannon.

19 Q. So their defenses weren't mutually antagonistic?

20 A. Right.

21 Q. Had that been the case what would your course of
22 action have been? Well, what would it have been during your
23 representation?

24 A. Our office does keep some cases even when they are
25 mutually antagonistic, however, if something else had come up

1 that made me think that I could not continue to represent him,
2 I would have alerted the supervisor and the case would have
3 been reassigned to an attorney outside of our office.

4 Q. Did he ever express any concerns on this subject to
5 you?

6 A. I don't recall whether he did or not.

7 Q. If he did express concerns, what would your course
8 of action have been?

9 A. I would have analyzed his concerns and if I thought
10 it was something legitimate, I would have talked to my
11 supervisor.

12 Q. Getting into more of the substance of the case, how
13 many times did you meet with Mr. Drafts?

14 A. Counting the plea I met with him 11 times and talked
15 to him on the telephone another time at least once.

16 Q. Just for the record, can you briefly describe the
17 State's case and some of the evidence against Mr. Drafts and
18 his co-defendants?

19 A. Yeah. This was a case where he was charged with two
20 home invasion burglaries. The allegations were that he and
21 two co-defendants had gone into another man's house and had
22 robbed him. They then went to another house and robbed two
23 young women who were inside with several of their children.
24 The allegations were that all three of the men raped reach one
25 of the young women; that they handed one of the children a

1 gun; that they held all of the children at gun point, took
2 various personal property and then left the home. At some
3 point later that evening the allegations were that the police
4 chased a car that they believed these young men were riding in
5 and that the young men had - one of them had fired a weapon at
6 the police.

7 Q. For the record, that first home invasion and the
8 firing of a weapon at police, that was nolle prossed as part
9 of this plea agreement?

10 A. That's right.

11 Q. How did law enforcement besides pursuing Mr. Drafts
12 and his co-defendants, how did they develop them as suspects
13 in the case to which he pled, if you recall?

14 A. I know that they ended up -- I think that they
15 caught Mr. Drafts that night and they had gotten a phone call
16 about some young men at an apartment complex and that's how
17 they ended up chasing that car. I don't recall off the top of
18 my head how they followed up with that but I do know that once
19 they were apprehended Mr. Drafts eventually confessed to them
20 being part of at least one of the home invasions, the one with
21 the women and admitted that he had sex with one of the women.

22 Q. Police do rape kits on the victims?

23 A. They did.

24 Q. Have you had a chance to review the DNA results of
25 those kits?

1 A. I have looked back over them. Yeah.

2 Q. Talked to Mr. Drafts about all of this?

3 A. Yes.

4 Q. What did Mr. Drafts want you to do for him in
5 looking at the evidence?

6 A. My recollection of what he wanted was a good plea
7 deal. Now, I know that we discussed the evidence at length.
8 I'm sure that we discussed trial. I don't remember our
9 discussions specifically about planning for trial or prepping
10 for trial because my recollection of the case was that he
11 wanted a plea offer from the beginning. If he had wanted a
12 trial, we would have gone to trial.

13 Q. So he didn't really waiver in wanting to contest the
14 case. He just wanted to get the best possible deal?

15 A. That's the way I remember it.

16 Q. Were you the first attorney appointed on his case?

17 A. No. He was represented initially by David Mauldin
18 in our office and I received the file in February of 2012.

19 Q. Just a general question. How do you go about
20 advising your clients on different collateral consequences
21 whether it be parole, SVP, probation?

22 A. Usually what I do when I get the file and have the
23 initial conversation with the client, that's when I go through
24 the elements of the crime, the penalties that they face and
25 their trial rights.

1 Q. Initially he was charged or charged with csc
2 first?

3 A. That's right.

4 Q. Is that an SVP predicate crime?

5 A. Yes.

6 Q. Pled down to kidnapping?

7 A. That's right.

8 Q. What is your knowledge of kidnapping falling under
9 the SVP act or triggering it?

10 A. I don't think that it is an SVP crime.

11 Q. At the plea when he got a little upset about this,
12 did he express any concerns to you about this subject?

13 A. He did and quite honestly I should have -- We took a
14 brief amount of time to talk about it then and there but
15 honestly I should have told the judge that we needed time to
16 sit down and discuss that and I should have looked it up and I
17 didn't do that.

18 Q. His reason for pleading guilty, was it coming down
19 to just the guaranteed time in your opinion throughout the
20 representation trying to negotiate the best possible sentence?

21 A. Right. To minimize his exposure.

22 Q. If you recall, what exactly was his exposure?

23 A. Well, he had two burglary first charges so he was
24 looking at the maximum of life in prison for those alone plus
25 significant time on all of the other charges.

SARAH MAULDIN - DIRECT BY MR. WHITMIRE

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1 Q. Would he have been potentially LWOP eligible based
2 on some of the other charges if they all got grouped into
3 this?

4 A. He pled to one other burglary second violent which
5 would be a serious offense. These happened on the same night.
6 I don't know that he would have been LWOP eligible for those.
7 I just don't remember the details of the plea whether he had
8 two separate burglary second violent or not. If he did, that
9 would have been LWOP eligible.

10 Q. Did you represent Mr. Drafts to the best of your
11 abilities?

12 A. I did.

13 Q. Try to negotiate and work out the best possible
14 outcome for him?

15 A. I did and, in fact, on this one the Solicitor had --
16 Mr. Drafts mentioned this so I'll respond to it. There was
17 never a deal for 17 years. That was never offered but the
18 Solicitor did say this was unusual that the offer was for 30
19 years but if any of, any or all of the three young men came in
20 and talked to him, he would consider something as low as 20
21 based on how cooperative he felt they were and if he needed
22 them to testify if one of the other three went to trial. By
23 that point all three from what I understand intended to accept
24 pleas so it would have been something that could have only
25 helped them but all three declined to meet with the

1 Solicitor.

2 Q. Did you advise Mr. Drafts on this matter?

3 A. I did. I told him I thought he should at least meet
4 with the Solicitor because it could potentially help but
5 wouldn't hurt because the offer was 30 and meeting with the
6 Solicitor was not gonna raise the maximum.

7 MR. WHITMIRE: No further questions. Thank you,
8 Mrs. Mauldin.

9 THE COURT: Cross examination.

10 CROSS EXAMINATION

11 BY MS. GOOD:

12 Q. Good morning.

13 A. Good morning.

14 Q. You were mentioning the conflict policy in the
15 Lexington County Public Defender's Office and you stated you
16 were not the first attorney on this case. It was originally
17 David Mauldin.

18 A. That's right.

19 Q. Are you aware of why the switch was made for you to
20 be the attorney?

21 A. I think that's when Mr. Mauldin took some time off
22 from the office and was not working at the Public Defender's
23 Office anymore. That's when I got the case.

24 Q. And when you got the case, did you recognize
25 Mr. Drafts' name?

SARAH MAULDIN - CROSS BY MS. GOOD

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1 A. Oh, yeah. I remembered him from when I represented
2 him before.

3 Q. And you went very in depth with the discovery. You
4 knew this case inside and out, correct?

5 A. I feel like I did.

6 Q. And you were aware that Lequires Brannon was a
7 co-defendant in the case?

8 A. That's right.

9 Q. And you were aware that you did represent him
10 previously --

11 A. That's right.

12 Q. -- in the Public Defender's Office. You mentioned
13 regarding all of the defendants getting a potential deal from
14 the Solicitor's Office if they were to speak and give their
15 side of the story?

16 A. That's right.

17 Q. If Mr. Brannon had decided to do so and was going to
18 testify against Mr. Drafts, would you have not consider that
19 to be a conflict of interest since you had previously
20 represented Mr. Brannon?

21 A. I don't. In our office our policy is that if
22 something had come up in my representation of Mr. Brannon that
23 would have created a conflict, that then I would get out of
24 the case and have it assigned to somebody else. But there was
25 nothing that I knew of that had come up in my representation

1 of Mr. Brannon that would have hurt my ability to represent
2 Mr. Drafts.

3 Q. And Mr. Brannon was represented by Dayne Phillips,
4 correct?

5 A. I think, yes. That's right.

6 Q. And he's in the Public Defender's Office?

7 A. Yes.

8 Q. Did you and Mr. Phillips ever discuss this case in
9 any way?

10 A. Uhm, I did and also with the attorney for Mr.
11 Leaphart. We did discuss the case the same way any two
12 attorneys not in the same office would not revealing any
13 client's confidential information but discussing court dates,
14 things that would be mutually beneficial to all of our
15 clients.

16 Q. And you said you met with Mr. Drafts 11 times and by
17 phone one time you believe, correct?

18 A. Well, I know at least by phone once. That's the
19 only phone call I have in my notes but it's not uncommon for
20 people to call me from the jail and I take their phones
21 calls.

22 Q. You testified that he had told you that he just
23 wanted you to get him a good plea deal, correct?

24 A. That was his main goal. Now, at some point we did
25 talk about the evidence. We talked about the strength of the

1 State's case and that kind of thing. But I don't remember
2 that at any point he expressed a firm desire to go to trial on
3 the case and wanted to do that.

4 Q. But it's possible that he did want to go to trial
5 and he told you that and you just don't remember, correct?

6 A. If he had told me that, we would have gone to
7 trial.

8 Q. When you meet with your clients, do you take notes
9 during these meetings?

10 A. Yes. I do.

11 Q. To document what goes on and what your clients tell
12 you?

13 A. I do.

14 Q. Could you check your notes to see if you ever made a
15 note that he wanted to go to trial?

16 A. (Witness complies.) I have reviewed my notes. I
17 don't have anything in my notes where he says that he wanted a
18 trial and going back I have even as early as, this was
19 September notes where he was discussing a plea offer with me
20 and what he wanted to plea to. We did have several
21 discussions about facts that he disagreed with. One of the
22 main things that he and I discussed was that he says that he
23 had voluntarily, that one of the young women had consensual
24 sex with him and then he also gave a different version to my
25 investigator. So there were several facts that he contested

1 but at no time did I feel like his intent was to go to trial
2 because I felt like he acknowledged and wanted a plea offer on
3 the larger picture itself.

4 Q. You just stated that you had an investigator on this
5 case. Do you remember when that investigation began?

6 A. I think it was late in the case and part of the
7 reason for that was that he had told me that he wanted a good
8 plea offer. Let's see. And I know that I retained Lee
9 Connelly and she was working on the case. I know that when
10 she was able to speak with some of the witnesses that he gave
11 her information on, it was fairly close to when he eventually
12 went to court.

13 Q. And do you normally do an investigation on a case
14 where it's intended to be a plea?

15 A. In some cases I will. If it's something that I
16 think will mitigate the facts or something that might get a
17 better plea offer, then yes, I do that.

18 Q. In this case why did you do an investigation?

19 A. He had some witnesses that he wanted me to talk to
20 and I don't remember the details of what they were. Uhm,
21 looking back through Lee's notes most of the information that
22 she obtained was not useable to us at all.

23 Q. And was he wanting you to investigate these
24 witnesses for purposes of a plea or for purposes of the
25 evidence for a trial?

SARAH MAULDIN - CROSS BY MS. GOOD

32

1 A. I think it was that he was disputing some of the
2 facts and wanted to see if there was any positive information
3 that we could find that might help either way.

4 Q. You had stated that he was asking for a plea because
5 the option of guaranteed time sounded good to him, correct?

6 A. Well, I don't think that he would have phrased it as
7 guaranteed time. I think he, you know, just wanted the best
8 plea offer he could get.

9 Q. In fact, you were able to get him a potential plea
10 offer if he cooperated with the Solicitor's Office for what
11 you say was approximately 20 years, correct?

12 A. Well, the Solicitor said that the plea offer was for
13 30 years, however, if they talked, then it could go as low as
14 20 depending on the cooperation.

15 Q. So that's obviously less time than 30 years,
16 correct?

17 A. Right.

18 Q. You said he wanted to minimize his exposure,
19 correct?

20 A. Well, yeah. He wanted the best sentence he could.

21 Q. So wouldn't it make sense if he wanted to plea, he
22 would have spoken with law enforcement and the Solicitor's
23 Office in order to get less time than the 30 years?

24 A. Absolutely.

25 Q. So how did he end up getting the 30 years if he

1 wanted to get less time and not talk to law enforcement?

2 A. He declined to talk to them. Uhm, I met with him on
3 November 27th, 2013. We reviewed the offer. He wanted 30
4 years without talking. Then he said something about how he
5 wanted 20 to 30 with talking. But then later in the
6 conversation he said that he was not interested in talking.
7 He believed that would hurt his cousin. I told him -- He said
8 that -- and this note doesn't make sense -- but he said that
9 he believed talking would hurt his cousin and he said that
10 Brannon wanted 30 regardless of what Mr. Drafts said. And I
11 think that I talked to him another time about it and he
12 declined to talk to the Solicitor, too, but I don't have that
13 note handy.

14 Q. The day of the plea prior to him pleading when
15 you went over all his rights and paperwork with him, did he
16 ever tell you about his desire to fire you?

17 A. If he had, we would have stopped there and we would
18 have done that first.

19 Q. So you didn't recall if he did or not?

20 A. I don't recall but I know that if he had, we would
21 have stopped and done that.

22 Q. Also, when you went over the collateral consequences
23 with him that you said that you normally do in a case, you
24 just testified that you didn't believe kidnapping was a crime
25 that could be part of the sexually violent predator program,

1 correct?

2 A. I don't think it is now and quite honestly I don't
3 recall reviewing that with him before the plea.

4 Q. You are aware that you can be put on the sexual
5 offender registry for kidnapping if the facts surrounding the
6 incident are of a sexual nature, correct?

7 A. That is true. Yes.

8 MS. GOOD: No further questions, Your Honor.

9 THE COURT: Redirect.

10 MR. WHITMIRE: No further questions. Thank you,
11 Mrs. Mauldin.

12 THE COURT: Thank you. You may step down. Call
13 your next witness.

14 MR. WHITMIRE: The State rests, Your Honor.

15 THE COURT: The State rests. Anything in reply?

16 MS. GOOD: Nothing in reply, Your Honor.

17 THE COURT: I'll be glad to hear from you.

18 MS. GOOD: Just very briefly. You have heard the
19 testimony of both Mr. Drafts and Ms. Mauldin. It's
20 Mr. Drafts' contention that he was forced into taking
21 this plea, Your Honor. Ms. Mauldin testified that he
22 wanted to minimize his damage when it came to the years
23 and it's inconsistent with the testimony for saying that
24 he did not want to speak with law enforcement. She did
25 get an investigator on the case which is indicative, I

1 believe, of wanting to go to trial looking into the
2 witnesses, the fact that he disagreed with some of the
3 facts in the case.

4 In addition, Your Honor, it's the applicant's
5 position that there was a conflict of interest in that
6 the Public Defender's Office also represented his
7 co-defendant as well as she has previously represented
8 his co-defendant and had information that could have
9 caused a conflict of interest with Mr. Drafts. At this
10 time Mr. Drafts is asking you to overturn his plea as
11 involuntary and remand for a new trial.

12 THE COURT: All right. Thank you.

13 MR. WHITMIRE: May it please the Court. Addressing
14 the conflict of interest allegation. Ms. Hahn offered
15 extensive testimony on this Public Defender's Office's
16 policy regarding handling conflicts of interest before
17 they arise. I think the important word that counsel has
18 used is could have. Information that could have. Ms.
19 Hahn testified what she would have done if that
20 information that could have caused a conflict of interest
21 had arisen. At this point there is no conflict of
22 interest. The defendants weren't mutually antagonistic.
23 We're speaking on speculation that's based on his
24 pleading out and had that happened Ms. Mauldin detailed
25 exactly how she would have handled it. She detailed

1 exactly how she also would have handled a motion to be
2 relieved. She did an investigation at a later hour in
3 the case but simply because he asked. Counsel has
4 alluded to that it's illogical for a defendant who is
5 wanting the best possible sentence to not take that
6 earlier offer from the Solicitor but Ms. Hahn gave
7 detailed testimony he just didn't want to snitch on his
8 cousin.

9 It's telling with this case when the State nolle
10 prossed a discharging a firearm case at a cruiser because
11 of the facts of the underlying offense that were so
12 heinous. Ms. Hahn testified she got the best possible
13 outcome she could for Mr. Drafts, worked incredibly hard,
14 met with him 11 times and did everything she could do in
15 her power to represent him. Ultimately he's fallen
16 substantially, substantially short of meeting his burden
17 to show deficient performance let alone prejudice. I'll
18 be happy to answer any more questions this Court may
19 have.

20 THE COURT: Thank you. There's no questions.
21 Anything in response?

22 MS. GOOD: No, sir, Your Honor.

23 THE COURT: Ms. Good, I have reviewed the
24 transcript, listened to the testimony today and am
25 compelled to deny applicant's motion. The Court agrees

1 the position stated today by the Attorney General. And I
2 note, you know, the trial judge talks about the sentence
3 and tells all the defendants that they should be thankful
4 for the work that their attorneys have done and that in
5 his opinion 30 years but for the fact that it had been
6 negotiated would not have been a sufficient sentence for
7 the defendants to receive. For all those reason I'm
8 compelled to deny applicant's application and ask for an
9 order to be prepared by Mr. Whitmire.

10 MR. WHITMIRE: Thank you, Your Honor. I'll get that
11 to Ms. Good before I present it to you.

12 MS. GOOD: Thank you, Your Honor.

13 THE COURT: Thank you.

14 MR. WHITMIRE: Thank you, Judge. That concludes
15 today. That was the only case to go forward.

16 THE COURT: All right. Court's adjourned until 9:30
17 tomorrow morning.

18 WHEREUPON, THE HEARING WAS CONCLUDED.

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25

1 CERTIFICATE OF REPORTER

2 (STATE OF SOUTH CAROLINA)

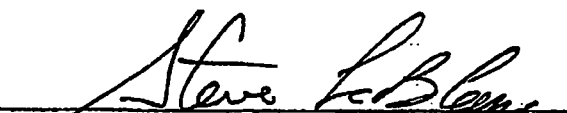
3 (COUNTY OF LEXINGTON)

4
5 I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R.,
6 and Official Circuit Court Reporter for the Eleventh Judicial
7 Circuit in and for the State of South Carolina, do hereby
8 certify that I reported the proceedings in the before
9 captioned case in the Court of Common Pleas in and for the
10 State of South Carolina on the 22nd day of April, 2015.

11 I FURTHER CERTIFY that the forgoing 37 pages
12 constitute a true and accurate record of said proceedings.

13 I FURTHER CERTIFY that I am neither related, counsel
14 to, nor of interest to any party hereto.

15 IN WITNESS WHEREOF, I have hereunto set my hand at
16 Lexington County, this 27th day of September, 2017.

17
18 
19 _____
20 Steven E. LeBlanc, Sr., R.P.R.
21 Eleventh Circuit Court Reporter
22 State of South Carolina.
23
24
25

Steven E. LeBlanc, R.P.R., Circuit Court Reporter
P.O. Box 184, Lexington, South Carolina 29071

ORIGINAL

FILED

STATE OF SOUTH CAROLINA	}	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON		ELEVENTH JUDICIAL CIRCUIT
Deshaun A. Drafts, S.C.D.C. No. 358221		C.A. No. 2014-CP-32-1434
Applicant,		
v.		
State of South Carolina,		ORDER OF DISMISSAL (with prejudice)
Respondent.		

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on April 15, 2014. Respondent made its return on September 17, 2014. An evidentiary hearing into the matter was convened on April 22, 2015, at the Lexington County Courthouse. Applicant was present at the hearing and was represented by Anna R. Good, Esq. Respondent was represented by Walt Whitmire, Esq., of the Office of the Attorney General.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Lexington County. Applicant was indicted at the March 2012 term of the Court of General Sessions for Lexington County for burglary, first-degree (2012-GS-32-0565), kidnapping (2012-GS-32-0566), and armed robbery (2012-GS-32-0567). He was represented by Sarah Mauldin¹, Esq. On December 13, 2013, Applicant entered a plea for a negotiated aggregate term of thirty (30) years imprisonment on all his charges². The

¹ Formerly Sarah Hahn, Esq.

² Applicant also pled guilty to a Saluda County offense (2013-CP-41-416) that is collateral to this Lexington County PCR action.

Honorable Robert E. Hood accepted Applicant's plea and imposed the negotiated sentence³. Judge Hood sentenced Applicant to a term of thirty (30) years imprisonment for burglary, first-degree, a term of thirty (30) years imprisonment for kidnapping, and a term of thirty (30) years imprisonment for armed robbery. The sentences were to be served concurrently.

A notice of appeal was filed on Applicant's behalf. The South Carolina Court of Appeals denied and dismissed Applicant's appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR, for failure to provide a sufficient explanation to merit the appeal. State v. Dyshaun A. Drafts, Appellate C.A. No. 2013-002747 (filed on March 12, 2014). The Remittitur was issued on March 28, 2014

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

- (a) Ineffective assistance of counsel for failing to investigate the State's factual basis of Applicant's guilt;
- (b) Ineffective assistance of counsel for failing to negotiate a more favorable plea bargain during the course of the representation;
- (c) Ineffective assistance of counsel for representing despite a conflict of interest where counsel previously had represented a co-defendant on a separate matter;
- (d) Ineffective assistance of counsel for failing to advise Applicant that his guilty plea made him eligible for the SVP program.

SUMMARY OF TESTIMONY

At the PCR hearing, Applicant testified to his impressions of counsel and to his concerns on the competency of representation that he received. Applicant testified that counsel was substituted on his case. Applicant testified that he met with counsel six times prior to the disposition of his case. Applicant testified that they determined the defense strategy after their first consultation which was to negotiate a favorable plea bargain. Upon meeting with counsel to discuss the State's plea offer, Applicant found its terms to be unsuitable. Applicant gave

³ Applicant's plea resulted in a probation revocation on two prior convictions (2009-GS-32-3670; -2689). Judge Hood imposed four years on each suspected sentence. The revocations were to run concurrent to thirty year aggregate sentence.

conflicting testimony concerning his desire to proceed to trial. Ultimately, Applicant testified that he did not want to accept the State's offer but also did not want a trial. Applicant testified that on the day of his plea that he wanted to fire counsel. Applicant testified that he was concerned counsel represented one of his co-defendant's Brannon in 2009 and yet continued to represent him. Applicant also testified that he was upset counsel did not advise him about the SVP program before the guilty plea hearing.

Counsel testified to her course of conduct during the representation. Counsel testified that she was substituted onto Application's case after the original appointed attorney took a sabbatical from the practice of law. She testified that she met with Applicant eleven times in conjunction to communicating with Applicant through other means. Counsel gave a brief summary of the gruesome facts of the Applicant's offenses: Applicant and his co-defendant's committed an armed burglary, held the women and children in the home hostage where one assailant held the victims at gunpoint while they took turns raping the women; law enforcement apprehended Applicant soon after the offense where the victim's had identified him as one of the assailants; Applicant gave a full exculpatory statement to police. Counsel noted that Applicant disagreed with a limited portion of the State's evidence and narrative; Applicant told counsel that one of his sexual encounters during the burglary was consensual. However, counsel noted that Applicant relayed a different version to her investigator, Lee Connelly. As a result, Connelly conducted a follow up investigation that resulted in uncovering more inculpatory evidence against Applicant.

Counsel testified that impetus of the representation centered on negotiating a favorable plea bargain. Counsel testified that the State was only willing to come off of the negotiated thirty year sentence if one of the co-defendant's turned State's evidence and agreed to testify against

the other two. Counsel recalled advising Applicant on December 27, 2013 of the benefits of agreeing to cooperate with State in turn for a probable recommendation to a twenty year sentence. Counsel testified that Applicant rejected the State's offer because he did not want to "snitch" on his co-defendant cousin Brannon. Counsel engaged in further discussions on this matter on one more occasion; but Applicant's resolve remained firm.

Counsel testified to the Lexington County Public Defender's Office concerning its procedures to avoid conflicts. Counsel testified to the potential for a conflict of interest in the present case and noted that Applicant was well aware she represented co-defendant Brannon years back on a juvenile matter. She testified that Applicant never expressed any concerns or trepidations on the matter. Furthermore, counsel testified that she never held any knowledge that Applicant desired to have her substituted off of his case. On the contrary, counsel noted that she represented Applicant on numerous prior cases that resulted in her developing a good professional relationship with Applicant that aided her efforts in providing quality representation. Counsel further testified that if a conflict had developed because of her prior unrelated representation of Brannon, then she would have taken the appropriate action.

Last, counsel testified that she advised Applicant on several collateral consequences at play if he pled guilty that included registry on the sex offender list and effects of classification of the offenses on sentencing enhancement for future charges.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh

their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

As a matter of general impression, this Court finds Applicant's allegations were solely supported by his speculative and dubious testimony. In contrast, this Court was impressed by counsel's testimony that exhibited her diligence, competency, and effectiveness. This Court is inclined to most resoundingly agree with Judge Hood's statement at the guilty hearing that "I'm going to tell you the one thing that you do need to be thankful for, you need to be thankful for your attorneys because, you know, short of this being a negotiated sentence, I'm not sure that 30 years is enough for the violent, awful horrific things that you did. So the hard work of your attorneys sticking by you and doing everything they can for you... is really a gift to you." Plea Transcript p.32, ln. 3-13.

INEFFECTIVE ASSISTANCE OF COUNSEL

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must

overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985). After careful review based on the standard discussed above, the Applicant has failed to carry his burden in this action.

A.

This Court finds Applicant's allegation "(a) Ineffective assistance of counsel for failing to investigate the State's factual basis of Applicant's guilt" is without merit. "Criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011) (internal citations omitted). "A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that,

but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial." Kolle v. State, 386 S.C. 578, 588, 690 S.E.2d 73, 78 (2010)

In light of counsel's dispositive, convincing, and detailed testimony on the matter, Applicant failed to even make a prima facie case of just what counsel should have objectively investigated but did not do so. This Court finds the allegation is facially defective. Miller v. Johnson, 200 F.3d 274, 282 (5th Cir. 2000) (A conclusory allegation of ineffectiveness raises no constitutional issue because a petitioner must show how counsel was deficient and how there was prejudice). Regardless, this Court finds Applicant's convictions were supported by graphic overwhelming evidence of his guilt. See Franklin v. Catoe, 346 S.C. 563, 570 n. 3, 552 S.E.2d 718, 722 n. 3 (2001) (finding overwhelming evidence of guilt negated any claim that counsel's deficient performance could have reasonably affected the result of defendant's trial). Therefore, this allegation is readily denied and dismissed with prejudice.

Similarly, Applicant's allegation that "(d) Ineffective assistance of counsel for failing to advise Applicant that his guilty plea made him eligible for the SVP program" is also without merit. After Judge Hood advised Applicant on the matter, he still proceeded forward with the plea. In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. See Holden v. State, 393 S.C. 565, 713 S.E.2d 611, 614 (2011). Applicant has entirely failed to provide any compelling evidence or testimony to allow this Court to depart from the presumption of truthfulness in his assurances to Judge Hood. See Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L. Ed. 2d 136 (U.S.N.C. 1977) (Solemn declarations in open court carry a strong presumption of verity). This Court notes that the record shows Applicant's but/for motivation accepting a plea offer revolved around limiting his aggregate exposure to incarceration. Therefore, this allegation is readily denied and dismissed.

B.

Last, this Court finds Applicant's allegation "(b) Ineffective assistance of counsel for failing to negotiate a more favorable plea bargain during the course of the representation" to be fatally defective. Not only does the allegation concern a matter outside of purview of a Strickland review on deficient performance under the prevailing professional norms, it suggests ineffective assistance for a matter solely within the constitutional purview of the executive branch. "The Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record." S.C. Const. art. V, § 24. "Both the South Carolina Constitution and South Carolina case law place the unfettered discretion to prosecute solely in the prosecutor's hands." Ex parte Harrell v. Attorney Gen. of State, 409 S.C. 60, 69, 760 S.E.2d 808, 812 (2014). Furthermore, despite counsel's exceptional performance in advising Applicant on the benefits of turning evidence in consideration for an even better plea offer, Applicant made the knowing, intelligent, and voluntary decision to disregard counsel's advice. Therefore, this allegation is readily denied and dismissed with prejudice.

C.

This Court finds Applicant fell well short of meeting his burden to make a sufficient prima facie showing to prove the allegation "(c) Ineffective assistance of counsel for representing despite a conflict of interest where counsel previously had represented a co-defendant on a separate matter." To establish a violation of the Sixth Amendment right to effective counsel due to a conflict of interest arising from multiple representation, a defendant who did not object at trial must show an actual conflict of interest adversely affected his attorney's performance." Thomas v. State, 346 S.C. 140, 143, 551 S.E.2d 254, 256 (2001). "An

actual conflict of interest occurs where an attorney owes a duty to a party whose interests are adverse to the defendant's." Staggs v. State, 372 S.C. 549, 551, 643 S.E.2d 690, 692 (2007). "To be valid, a waiver of a conflict of interest must not only be voluntary, it must be done knowingly and intelligently." United States v. Swartz, 975 F.2d 1042, 1048-49 (4th Cir.1992).

This Court finds that in light of counsel's convincing and dispositive testimony on the matter, Applicant has produced no legitimate evidence to show that conflict developed during the representation that inured to his detriment. In contrast, this Court finds that counsel's substitution only yielded beneficial fruits to the quality of representation that Applicant received and to the favorable disposition of the case. Therefore, this allegation is readily denied and dismissed with prejudice.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

CONCLUSION

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

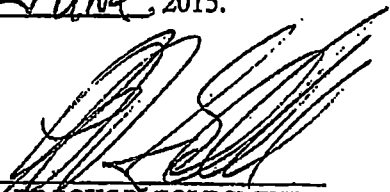
This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an

Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 3 day of JUNE, 2015.



HONORABLE BROOKS P. GOLDSMITH
Presiding Judge
Eleventh Judicial Circuit

_____, South Carolina

FORM 5

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMONS)

County of LEXINGTON)Deshaun A. Drafts #358211
Full name and prison number (if any) of Applicant)

2016 CP 32 00570

v.)

State of South Carolina)

APPLICATION FOR)

POST-CONVICTION RELIEF)

FILED
2016 FEB 14 PM 3:32
CLERK OF COURT
J. A. HARRIS
CLERK OF COURTINSTRUCTIONS B READ CAREFULLY

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

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

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

1. Place of detention Broad River Correction Institution
2. Name and location of Court which imposed sentence County of Lexington
ELEVENTH Judicial circuit
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2013-GS-32-565 ¹² 2013-GS-32-566 ¹² 2013-GS-32-567

(b) 2013-GS-41-416

(c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

(a) _____

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

☒ after a plea of guilty AFTER A PLEA OF GUILTY

☒ 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?

Yes No

8. If you answered Ayes@ to (7), list:

(a) the name of each Court to which you appealed:

i. N/A

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. N/A

ii. _____

iii. _____

(c) the date of each such result:

i. N/A

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such

results:

i. N/A

ii. _____

iii. _____

9. If you answered Ano@ to (7), state your reasons for not so appealing:

(a) _____

(b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Ineffective assistance of PCR. Counsel

(b) Pursuant to Austin v. State 409 SE 2d 395

(c) _____

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

(a) PCR Counsel Failed to file an appeal

(b) of the PCR Courts order.

(c) _____

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

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

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

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

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

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

(a) the specific nature thereof:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

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

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

(a) your arraignment and plea? _____
 (b) your trial, if any? _____
 (c) your sentencing? _____
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

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

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

i. _____

 ii. _____

 iii. _____

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

i. _____

 ii. _____

 iii. _____

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

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

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of LEXINGTON)

VERIFICATION

I, Deshaun Drafts, 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.

Deshaun Drafts

SWORN to and subscribed before me this 21
 day of January, 2016.

Jacqueline McNeill (L.S.)
 Notary Public

My Commission Expires: 3/15/16

FILED
 2016 FEB 18 PM 3:32
 J. H. A. CARRIGG
 CLERK OF COURT
 LEXINGTON COUNTY

2016CP3200570

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

I, Deshuan Drafts, 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.

Deshuan Drafts
Applicant

SWORN or affirmed to and subscribed before me this
21 day of January, 2016.

acquel Murrell
Notary Public

My Commission Expires: 3/15/16

FILED
JAN 18 PM 3:32
CLERK OF COURT
EXHIBIT

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS

Deshaun A. Drafts

Plaintiff(s)

vs.

The State of South Carolina

Defendant(s)

CIVIL ACTION COVERSHEET

2016 CP 3200-570Submitted By: Deshaun A. Drafts #358211Address: B.R.C.I. RHU cell 1234460 Broad River RoadColumbia S.C. 29210

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | | |
|---|--|---|---|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -NI- ____
☐ Notice: File Med Mal (230)
☐ Other (299) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____ | |
| ☒ Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Administrative Law/Relief
☐ Reinstatement Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____ | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Other (799) _____ | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SC DOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ | |
| Special/Complex/Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (510) | | | | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of-State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) |

Submitting Party Signature: Deshaun A. DraftsDate: 2-8-2016

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act. S.C. Code Ann. §15-36-10 et. seq.

ORIGINALSTATE OF SOUTH CAROLINA
COUNTY OF LEXINGTONIN THE COURT OF COMMON PLEAS
IN THE ELEVENTH JUDICIAL CIRCUIT

Deshaun A. Drafts, #358211,

Case No. 2016-CP-32-00570

Applicant,

RETURN

v.

State of South Carolina,

Respondent.

FILED
2017 AUG 29 AM 11:58
USA M. CONER
CLERK OF COURT
LEXINGTON SC

Respondent, in making its return to the application for post-conviction relief (PCR) filed February 18, 2016, would respectfully show the Court:

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections (SCDC) pursuant to orders of commitment of the Lexington County Clerk of Court. During its March 2012 term, a Lexington County grand jury indicted applicant for first-degree burglary, kidnapping, and armed robbery. (Att. 1); *see also* Indictment Nos. 2012-GS-32-565, -566, -567. Applicant and two co-defendants appeared before the Honorable Robert E. Hood on December 17, 2013 to plead guilty. (Att. 3, p.1). Sarah Hahn Mauldin represented applicant, and Shawn Graham represented the State. (Att. 3, p.2). During the hearing, Judge Hood made a finding the kidnapping was sexual in nature and applicant would be placed on the sex offender registry, and would require evaluation by the Sexually Violent Predator program prior to his release from SCDC.¹ (Att. 3, pp.10-11). Judge Hood accepted applicant's plea and sentenced applicant to a negotiated sentence of thirty years' imprisonment for each of the indicted offenses, the sentences

¹ The State told the court that first-degree criminal sexual conduct charges were being dropped as part of the plea. (Att. 3, p.11).

to be served concurrently.² (Att. 3, pp.16-17; p.25; pp.31-32).

Facts Admitted at the Plea Hearing

Applicant and two co-defendants admitted they kicked in the door of a home on the night of September 13, 2011 in Batesburg-Leesville, and all three men had weapons. (Att. 3, p.20). Two women and five young children were inside. (Att. 3, p.20). The men demanded money and drugs, and ordered one woman into her bedroom and took turns raping her. (Att. 3, pp.20-21). The men took the second woman into another room and raped her. (Att. 3, p.21). The children were held at gunpoint in the living room, and all the victims were told they would not be killed if they cooperated. (Att. 3, p.21).

The women knew applicant and went to the police department to report the crime when the men left. (Att. 3, p.21). The women also described the vehicle the men were driving as it belonged to one of the victims. (Att. 3, p.21). An officer tried to stop the vehicle, but one of the men fired shots at the officer's cruiser. (Att. 3, pp.21-22). Police later arrested all three suspects and found items belonging to the victims with applicant, and other evidence that linked the men to the crime. (Att. 3, pp.22-23).

Direct Appeal

A notice of appeal was filed on applicant's behalf. (Att. 4). The South Carolina Court of Appeals dismissed the appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR, for failure to provide a sufficient explanation to merit the appeal. (Att. 4); *see also* Order in *State v. Drafts*, Appellate Case No. 2013-002747. The court issued its remittitur on March 28, 2014. (Att. 4).

² Applicant also pled guilty to an unrelated second-degree burglary charge out of Saluda County and was sentenced to a concurrent fifteen years' imprisonment. (Att. 3, p.4; pp.15-16; p.32). Applicant's plea also resulted in a probation revocation on two prior convictions and Judge Hood ordered applicant to serve the remainder of those sentences concurrent to the aggregate sentence. (Att. 3, p.31).

First PCR Action (2014-CP-32-01434)

Applicant filed his first application for PCR on April 15, 2014, and alleged plea counsel was ineffective in failing to fully investigate the case and his plea was involuntary. (Att. 5, p.1; p.3). The State made its return on September 17, 2014 and requested an evidentiary hearing be held on applicant's claim of ineffective assistance of counsel. (Att. 6, p.4).

An evidentiary hearing was held before the Honorable Brooks P. Goldsmith on April 22, 2015.³ (Att. 7, p.1). Applicant was present and represented by Anna Good, and Walt Whitmire represented the State. (Att. 7, p.1). By order dated June 3, 2015, Judge Goldsmith denied applicant's claims and dismissed with prejudice his application. (Att. 7, p.10). The judge noted he reviewed the record, observed the witnesses who testified, and weighed their testimony accordingly. (Att. 7, pp.4-5). Judge Goldsmith found applicant's testimony regarding plea counsel's ineffectiveness not credible while finding counsel's testimony credible. (Att. 7, p.5). The judge found, as to all allegations, applicant failed to meet his burden of proof and had not established any constitutional violations sufficient to warrant post-conviction relief. (Att. 7, p.9). Judge Goldsmith further noted in his order applicant had thirty days in which to file an appeal. (Att. 7, pp.9-10).

Applicant did not appeal the dismissal of his first PCR action.

Attachments

Attached and incorporated by reference are the following documents:

1. Lexington County Clerk of Court Records – case history including indictments, arrest

³ A transcript of the first PCR hearing has been ordered, but not yet provided by the court reporter. Respondent intends to incorporate the transcript into the record once it becomes available. See S.C. Code Ann. § 17-27-70(a) ("If the application is not accompanied by the record of the proceedings challenged therein, the respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application.").

- warrants, and sentencing sheets
- 2. SCDC Records – inmate summary report dated January 30, 2017
- 3. Guilty plea transcript
- 4. Direct appeal documents
- 5. First PCR application
- 6. State's return
- 7. Order of dismissal
- 8. Second PCR application

Respondent reserves the right to amend the return upon receipt of the transcript from the first PCR hearing or other relevant records.

Second PCR Action

Applicant filed his second PCR action on February 18, 2017 with the Lexington County Clerk of Court alleging the following claim of error:

Ineffective assistance of PCR counsel;

- 1. Failure to file an appeal of the order of dismissal

Standard for Relief

Applicant alleges he was denied the right to appeal the dismissal of his previous PCR application. The Sixth Amendment right to effective assistance of counsel does not extend to state PCR actions. *Coleman v. Thompson*, 501 U.S. 722, (1991). Therefore, "the contention that prior PCR counsel was ineffective is not *per se* a 'sufficient reason' warranting a successive PCR application under [S.C. Code Ann.]§ 17-27-90." *Aice v. State*, 305 S.C. 448, 451, 409 S.E.2d 392, 394 (1991).

The only recognized exception to the rule barring claims of ineffective assistance of PCR counsel is found in *Austin*, 305 S.C. 453, 409 S.E.2d 395 (1991), which recognizes a general exception to this rule where prior PCR counsel fails to appeal the denial of the application. *Id.* at 454, 409 S.E.2d at 396. However, *Austin* "is limited to its particular factual situation." *Aice*, 305 S.C. at 452, 409 S.E.2d at 394. Pursuant to *Austin*, a PCR applicant may petition the Supreme

Court of South Carolina for discretionary review of the dismissal of his application. Respondent lacks sufficient information to admit or deny this allegation. Accordingly, respondent requests an evidentiary hearing on this ground for relief.

Conclusion

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

WIIERFORE, having made its return, respondent requests the Court hold an evidentiary hearing only on the *Austin* claim.

Respectfully submitted,

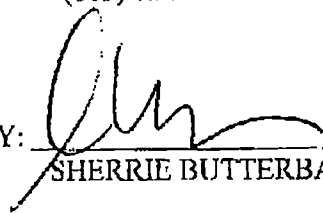
ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

SHERRIE BUTTERBAUGH
Assistant Attorney General
S.C. Bar No. 101477

P.O. Box 11549
Columbia, SC 29211
(803) 734-6305

BY: 

SHERRIE BUTTERBAUGH

ATTORNEYS FOR RESPONDER

LISA M. COMPTON
CLERK OF COURT
LEWIS & CLARK
COUNTY, SOUTH
CAROLINA

2017 AUG 29 AM 11:58

FILED

August 28, 2017.

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Deshuan Antonio Drafts

AKA:

Race: Black Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip: Leesville, SC 29070

DL#: SID#: SC 01936931

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnaping / Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3200566

A/W#: 1022870

Date of Offense: 9/13/2011

S.C. Code §: 16-03-0910

CDR Code #: 0095

RECOMMENDED

NEGOTIATED ☒☐ CONVICTED OF or ☒ PLEADS

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

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

Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 ~~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: 2012-GS-32-0567, 0565, 2013-GS-41-
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied 416
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 PTUPTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforc. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-14 (RUI 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

Clerk of Court/ Deputy Clerk

Court Reporter: K. G. G. G.

SCCA/217 (03/2011)

A TRUE COPY

Lex. Co. C.O.C.R. C.B. & P.O.

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

Other:

* Sex Offender Registry *
NO Contact w/ victims☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: Sentence Date: Dec 17, 2013Reffard
2164

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Kidnapping
 § 16-03-0910

At a Court of General Sessions, convened on March 2012, the Grand Jurors of Lexington County present upon their oath:

That **Deshuan Antonio Drafts along with Laquaris Brannon and/or Deondre Leaphart** did in Lexington County, South Carolina on or about September 13, 2011, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Victim 1 and/or Victim 2 and/or 5 minor children by any means whatsoever without authority of law, and without their consent, to wit: , in violation of § 16-3-910 of the Code of Laws of South Carolina, 1976, as amended.

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


 DEPUTY SOLICITOR

WITNESSES

Batesburg Leesville Police Department

Cynthia Crow

Law Enforcement Case #. 111659

DSO

ARREST WARRANT NUMBER

1022870

ACTION OF GRAND JURY**TRUE BILL**

Foreperson of Grand Jury

Date: 3-12-2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS3200586**The State of South Carolina****County of Lexington****COURT OF GENERAL SESSIONS****MARCH TERM 2012****THE STATE**

vs.

Deshuan Antonio Drafts**CDR #: 0095****Indictment for****Kidnapping****§ 16-03-0910****DONALD V. MYERS, SOLICITOR****A TRUE COPY**

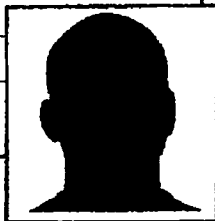
Lex. Co. C.C.C.P., G.S. & F.C.

ARREST WARRANT

I-022870

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
 BATESBURG-LEESVILLE

THE STATE
 against



DESHUAN ANTONIO DRAFTS

Address: BATESBURG-LEESVILLE SC 29070
 Phone: [REDACTED] SSN: [REDACTED]
 Sex: M Race: B Height: 6-0 Weight: 165
 Ol. State: SC DL# [REDACTED]
 DOB: [REDACTED] Agency OR# SC0320100
 Prosecuting Agency: BATESBURG-LEESVILLE POLICE
 Prosecuting Officer: OFFICER CYNTHIA CROW
 Offense: KIDNAPPING
 Offense Code: 0095
 Code/Ordinance Sec. 16-03-0910

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

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

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant DESHUAN ANTONIO DRAFTS
 on 9-15-2011

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CLERK OF COURT
 660 WEST COLUMBIA AVE.
 BATESBURG-LEESVILLE, SC. 29006
 (803) 532-9661

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
 BATESBURG-LEESVILLE

AFFIDAVIT

ORIGINAL

Personally appeared before me the affiant CAPTAIN WALTER B. GOSS who
 being duly sworn deposes and says that defendant DESHUAN ANTONIO DRAFTS
 did within this county and state on 09/13/2011 to 09/13/2011 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of BATESBURG-LEESVILLE)
 in the following particulars:
 DESCRIPTION OF OFFENSE: 16-03-0910 / KIDNAPPING

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

THAT ON OR ABOUT 09-13-2011 AT 2300 HOURS, THE DEFENDANT, DESHUAN ANTONIO DRAFTS, DID UNLAWFULLY SEIZE, CONFINED, AND KIDNAP WITHOUT THE AUTHORITY OF LAW, THE VICTIMS, Victim 1 AND FIVE CHILDREN, BY POINTING A FIREARM AT THE ABOVE VICTIMS WHILE COMMITTING OTHER CRIMES INSIDE THE DWELLING. THE DEFENDANT PARTICIPATED IN THIS CRIME AS A MEMBER OF AND ALONG WITH TWO CO-DEFENDANTS. EVIDENCE IS PROVIDED IN THE FORM OF VICTIM STATEMENTS, ALONG WITH OTHER SUPPORTING EVIDENCE AND DOCUMENTATION. THIS INCIDENT OCCURRED AT [REDACTED] WITHIN THE TOWN OF BATESBURG-LEESVILLE, LEXINGTON COUNTY, SOUTH CAROLINA.

Signature of Affiant

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
 BATESBURG-LEESVILLE

Affiant's Address 660 WEST COLUMBIA AVENUE
 BATESBURG-LEESVILLE SC 29006
 Affiant's Telephone (803) 532-4408

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
 on 09/13/2011 defendant DESHUAN ANTONIO DRAFTS

did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of BATESBURG-LEESVILLE) as set forth below:

DESCRIPTION OF OFFENSE: KIDNAPPING / KIDNAPPING

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

Sworn to and subscribed before me
 on 09/15/2011
 [Signature] (L.S.)

ROBERT COOK

A TRUE COPY
 ORIGINAL

Lex. Co., P.C., G.S. & F.C.

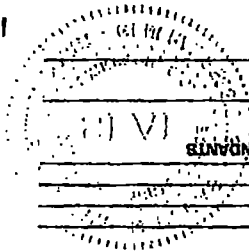
Judge's Address 660 WEST COLUMBIA AVE.
 BATESBURG-LEESVILLE SC 29006
 Judge's Telephone 803-532-9661

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

Case: 11-1659

2011 SEP 19 PM 1:01

BETH A. COOPER
CLERK OF COURT
LEXINGTON, NC



CODEFENDANTS

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
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Name: _____
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Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

WITNESSES

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____
PRELIMINARY HEARING held by _____

DISPOSITION before

Judge _____
on _____
Defense Attorney: _____
Decision: _____
DISPOSITION before _____

JURORS

Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, not pros., etc.)
Disposition: _____
Sentence: _____

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.Deshuan Antonio Drafts

AKA:

Race: Black Sex: M Age: 20DOB: [REDACTED] SS#: [REDACTED]

Address:

City/State/Zip: Leesville, SC 29070DL#: [REDACTED] SID#: SC019316931*CDI, Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degreein violation of § 16-11-0311of the S.C. Code of Laws, bearing CDR Code # 0079☐ 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:

Daniel S. Gosh 11650 Deshuan Antonio Drafts Samuel H. P. 21631
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center.for a determinate term of 30 ~~days~~ months 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: 2013-GS-41-416, 2012-GS-32-566, 567
* 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 PTUPTotal: \$ — plus 20% fee: \$ — days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPFPPS

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)	\$750
§ 50-21-114 (DUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.3 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (01/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3200565A/W#: 1022869Date of Offense: 9/13/2011S.C. Code § 16-11-0311CDR Code #: 0079RECOMMENDED
SENTENCE SHEETNEGOTIATED X☐ CONVICTED OF or ☒ PLEADS☐ Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Clerk
during probation.Judging Judge
Judge Code:
Sentence Date:

Lex. Co. U.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

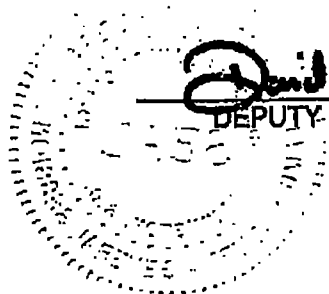
INDICTMENT FOR
Burglary 1st Degree

§ 16-11-0311

At a Court of General Sessions, convened on March 2012, the Grand Jurors of Lexington County present upon their oath:

That **Deshuan Antonio Drafts along with Laquaris Brannon and/or Deondre Leaphart** did in Lexington County, South Carolina on or about September 13, 2011 did knowingly and willfully enter a dwelling, to wit: [REDACTED] being the dwelling of Victim 1 without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime, was armed with a deadly weapon or explosive, and/or caused physical injury to a person who is not a participant in the crime, and/or used or threatened the use of a dangerous instrument, and/or displayed what was or appeared to be a knife, pistol, revolver, shotgun, machine gun, or other firearm, and/or the entering or remaining occurred in the nighttime, in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

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



DEPUTY SOLICITOR

WITNESSES

Batesburg Leesville Police Department

Cynthia Crow

Law Enforcement Case #: 111659

DSG

ARREST WARRANT NUMBER

1022869

ACTION OF GRAND JURY**TRUE BILL**

Foreperson of Grand Jury

Date: 3-12-2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS3200665**The State of South Carolina**

County of Lexington

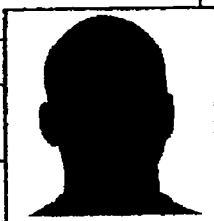
COURT OF GENERAL SESSIONSMARCH TERM 2012**THE STATE**

vs.

Deshuan Antonio DraftsCDR #: 0079**Indictment for****Burglary 1st Degree****§ 16-11-0311**DONALD V. MYERS, SOLICITOR**A TRUE COPY**

Lex. Co. C.C.C.P., G.S. & F.C.

ARREST WARRANT
I-022869
STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
BATESBURG-LEESVILLE
THE STATE
against



DESHUAN ANTONIO DRAFTS
Address: **BATESBURG-LEESVILLE SC 29070**
Phone: **SSN: [REDACTED]**
Sex: **M** Race: **B** Height: **6-0** Weight: **169**
Dt. State: **SC** Dt.: **[REDACTED]**
DOB: **[REDACTED]** Agency ORIS: **SC0320100**
Prosecuting Agency: **BATESBURG-LEESVILLE POLICE**
Prosecuting Officer: **OFFICER CYNTHIA CROW**
Offense: **BURGLARY 1ST DEGREE**
Offense Code: **0079**
Code/Ordinance Sec. **16-11-0311**

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)
Date: _____

RETURN
A copy of this arrest warrant was delivered to
defendant **DESHUAN ANTONIO DRAFTS**
on **9-15-2011**

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
CLERK OF COURT
660 WEST COLUMBIA AVE.
BATESBURG-LEESVILLE, SC 29006
(803) 532-9661

A TRUE COPY
Lex. Co. C.O.C.P., G.S. & R.O.

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
BATESBURG-LEESVILLE
AFFIDAVIT
Personally appeared before me the affiant **CAPTAIN WALTER B. GOSS** who
being duly sworn deposes and says that defendant **DESHUAN ANTONIO DRAFTS**
did within this county and state on **09/13/2011** to **09/13/2011** violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of **BATESBURG-LEESVILLE**)
in the following particulars:
DESCRIPTION OF OFFENSE: 16-11-0311 / BURGLARY 1ST DEGREE

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
THAT ON OR ABOUT 09-13-2011 AT 2300 HOURS, THE DEFENDANT, DESHUAN ANTONIO DRAFTS, DID BREAK AND ENTER A
DWELLING WITHOUT CONSENT AND WITH THE INTENT TO COMMIT THE CRIME OF LARCENY AND CRIMINAL SEXUAL
CONDUCT, WHILE ARMED WITH A DEADLY WEAPON BEING A FIREARM AND DURING THE HOURS OF NIGHTTIME. THE
DEFENDANT PARTICIPATED IN THIS CRIME AS A MEMBER OF AND ALONG WITH TWO CO-DEFENDANTS. EVIDENCE IS
PROVIDED IN THE FORM OF VICTIM STATEMENTS, ALONG WITH OTHER SUPPORTING EVIDENCE AND DOCUMENTATION.
THIS INCIDENT OCCURRED AT **[REDACTED]** WITHIN THE TOWN OF BATESBURG-LEESVILLE, LEXINGTON
COUNTY, SOUTH CAROLINA.

Signature of Affiant _____
Affiant's Address **660 WEST COLUMBIA AVENUE**
BATESBURG-LEESVILLE SC 29006
Affiant's Telephone **(803) 532-4408**

ARREST WARRANT
TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on **09/13/2011** defendant **DESHUAN ANTONIO DRAFTS**
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of **BATESBURG-LEESVILLE**) as set forth below:
DESCRIPTION OF OFFENSE: BURGLARY / BURGLARY (AFTER JUNE 20, 1985) - FIRST DEGREE

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered
to the defendant at the time of its execution, or as soon thereafter as is practicable.
Sworn to and subscribed before me)
on **09/15/2011**)

Signature of Judge (L.S.)

Judge's Address **660 WEST COLUMBIA AVE.**
BATESBURG-LEESVILLE SC 29006
Judge's Telephone **803-532-9661**
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit
Case: **11-1659**

ORIGINAL

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defense Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition: _____
Sentence: _____

JURORS

WITNESSES

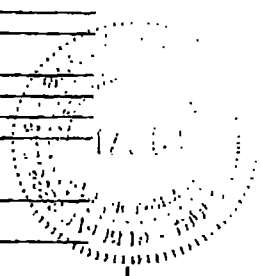
Name: _____
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Address: _____
Telephone: _____

CODEFENDANTS



BETH A. COO
CLERK OF COURT
FBI

2011 SEP 19 PM 1:01

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.AKA: Deshaun Antonio DraftsRace: Black Sex: M Age: 20City, State, Zip: Lexington, SC 29070SID#: SC 01936931*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weaponin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: David S. Gish 11/25/12 Deshaun Antonio Drafts 7/30/12
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 ~~months~~ years ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; 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: 2012-GS-32-0566, 565; 2013-GS-41-416☒ 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 PTUPTotal: \$ 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§ 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 Enforcement Funding) \$25 \$ 25§ 14-1-213 (Drug Court Surcharge) \$150 \$ § 50-21-114(BUI Breath Test Fee) \$50 \$ § 56-5-2912(1) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCJA Surcharge) \$5 \$ 53% to County (if paid in installments) \$ TOTAL \$ Clerk of Court/ Deputy Clerk Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3200567A/W#: 1022871Date of Offense: 9/13/2011S.C. Code §: 16-11-0330(A)CDR Code #: 0139

RECOMMENDED

SENTENCE SHEET

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

Residing Judge

Judge Code: Sentence Date: Dec 17, 2012

Lex. Co. C.G.C.R., G.S. & R.O.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Armed Robbery
 § 16-11-0330(A)

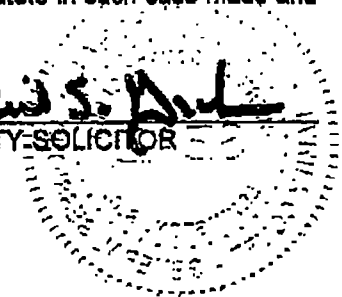
At a Court of General Sessions, convened on March 2012, the Grand Jurors of Lexington County present upon their oath:

That **Deshuan Antonio Drafts along with Laquaris Brannon and/or Deondre Leaphart** did in Lexington County, South Carolina on or about September 13, 2011 knowingly and willfully while armed with a deadly weapon to wit: a handgun did feloniously take from the person or presence of **Victim 1** and/or **Victim 2**

by means of force, threats or intimidation goods or monies being described as follows: Jewelry, Mobile Telephone, US Currency and other items from the victims purses with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended

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


 DEPUTY SOLICITOR



WITNESSES

Batesburg Leesville Police Department

Cynthia Crow

Law Enforcement Case #: 111659

DSG

ARREST WARRANT NUMBER

1022871

ACTION OF GRAND JURY**TRUE BILL**

Foreperson of Grand Jury

Date: 3-17-2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS3200567**The State of South Carolina**

County of Lexington

COURT OF GENERAL SESSIONS**MARCH TERM 2012****THE STATE**

vs.

Deshuan Antonio Drafts

CDR #: 0139

Indictment for

Armed Robbery

§ 16-11-0330(A)

DONALD V. MYERS, SOLICITOR**A TRUE COPY**

Lex. Co. C.C.O.P., G.E. & F.O.

ARREST WARRANT

I-022871

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
 BATESBURG-LEESVILLE

THE STATE
 against



DESHUAN ANTONIO DRAFTS

Address: BATESBURG-LEESVILLE SC 29070
 Phone: SSN: [REDACTED]
 Sex: M Race: B Height: 6-0 Weight: 169
 Ol. Shave: SC DL: [REDACTED]
 Agency Code: SC0320100
 Prosecuting Agency: BATESBURG-LEESVILLE POLICE
 Prosecuting Officer: OFFICER CYNTHIA CROW
 Offense: ARMED ROBBERY
 Offense Code: 0139
 Code/Ordinance Sec. 16-11-0330 (A)

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

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

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant DESHUAN ANTONIO DRAFTS
 on 9-15-2011

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
 CLERK OF COURT
 660 WEST COLUMBIA AVE.
 BATESBURG-LEESVILLE, SC. 29006
 (803) 532-9661

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
 BATESBURG-LEESVILLE

AFFIDAVIT

Form Approved by
 U.S. Attorney General
 July 26, 1990
 GCSA 818

ORIGINAL

Personally appeared before me the affiant CAPTAIN WALTER B. GOSS who
 being duly sworn deposes and says that defendant DESHUAN ANTONIO DRAFTS
 did within this county and state on 09/13/2011 to 09/13/2011 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of BATESBURG-LEESVILLE)
 in the following particulars:
 DESCRIPTION OF OFFENSE: 16-11-0330 (A) / ARMED ROBBERY

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

THAT ON OR ABOUT 09-13-2011 AT 2300 HOURS, THE DEFENDANT, DESHUAN ANTONIO DRAFTS, DID COMMIT A ROBBERY
 WHILE ARMED WITH A DEADLY WEAPON BY TAKING MONEY, JEWELRY, MOBILE TELEPHONES, AND OTHER ITEMS FROM
 THE PURSES OF THE ADULT VICTIMS, PLACING THE VICTIMS IN FEAR FOR THEIR SAFETY. THE DEFENDANT
 PARTICIPATED IN THIS CRIME AS A MEMBER OF AND ALONG WITH TWO CO-DEFENDANTS. EVIDENCE IS PROVIDED IN THE
 FORM OF VICTIM STATEMENTS, ALONG WITH OTHER SUPPORTING EVIDENCE AND DOCUMENTATION. THIS INCIDENT
 OCCURRED AT [REDACTED] WITHIN THE TOWN OF BATESBURG-LEESVILLE, LEXINGTON COUNTY, SOUTH
 CAROLINA.

Signature of Affiant

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
 BATESBURG-LEESVILLE

Affiant's Address 660 WEST COLUMBIA AVENUE
BATESBURG-LEESVILLE SC 29006
 Affiant's Telephone (803) 532-4408

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
 on 09/13/2011 defendant DESHUAN ANTONIO DRAFTS

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of BATESBURG-LEESVILLE) as set forth below:

DESCRIPTION OF OFFENSE: ROBBERY / ARMED ROBBERY, ROBBERY WHILE ARMED OR ALLEGEDLY
ARMED WITH A DEADLY WEAPON

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

Sworn to and subscribed before me

on 09/15/2011

Robert Cook (L.S.)
 ROBERT COOK

Judge Code: 8339

Judge's Address 660 WEST COLUMBIA AVE.
BATESBURG-LEESVILLE SC 29006

Judge's Telephone 803-532-9661

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

Case: 11-1659

Lex. Co. C.O.C.P. U.S. & F.R.O.

BAIL set by

Judge _____
on _____
Type and Amount _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defense Attorney: _____
Declarant: _____

DISPOSITION before

Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition: _____
Sentence: _____

JURORS

WITNESSES

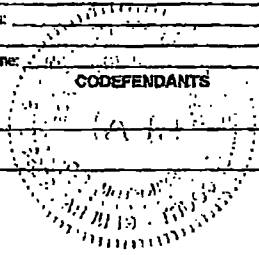
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Name: _____
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Telephone: _____



2011 SEP 19 PM 1:01
BETH A. JUDGE
CLERK
FBI/DOJ

ATTACHMENT NO. 2

11:55:17 Monday, January 30, 2017

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 01/30/17
OMCOMITA RELEASE DATE SCREEN C056427
SCDC# > 358211 LOC: LIEBER
DRAFTS, DESHUAN ANTONIO SCDC CLASSIFICATION... VIOLENT
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY... Y
SEXUAL PREDATOR...: NOT APP
DNA STATUS...: COMPLETED
GPS REQUIREMENT...: N
PREA DECISION...:
PREA PERP...:
PREA VICTIM...:
CURRENT SENTENCE: 030-00-000 CONSECUTIVE SENTENCE ...: N
030-00-000 CURRENT SENT START DATE: 09/15/2013
PROJECTED COMPLETION DATES
MAXOUT DATE ...: 03/10/2039 CURRENT EWC ..: 3 F 5
YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC
INITIAL PAROLE DATE: 00/00/0000 NEXT PAROLE HEARING DATE: 00/00/0000

TOTAL GT DAYS EARNED ...: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
TOTAL EARNED WORK CREDITS ...: 000289 LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS ...: 000000 CURRENT OR PRIOR SEX CONDUCT CONVICT
TOTAL EXTRA EARNED CREDITS ..: 000 SUPERVISED REENTRY DATE...: 00/00/00
TOTAL SERVICE TIME EARNED ...: 001215 ISS.....

PFKEYS: S:HISTORY OF DATE CHANGES

South Carolina Department of Corrections

Classification Summary Reports

Date: Monday, January 30, 2017

Classification Summary Reports

Inmate Number **358211**

Submit

Classification Summary Report for DRAFTS, DESHUAN ANTONIO :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 01/30/2017

SCDC# 00358211

DRAFTS, DESHUAN ANTONIO

FBI#

OFFENDER
TYPE: ADULT-STRAIGHT SENTENCE

INSTITUTION: LIEBER

SECURITY/CUST: 3 MINIMUM IN

CURR INCARC SENT: 30 YRS 0 MOS 0
DAYSVICTIM
WITNESS: SEPREQ:NMED
CLASS:INST
RESTRICT: NO RESTRICTIONMENTAL
CLASS: NMH (NO MENTAL HEALTH
TRECURRENT
PROGRAM: NO CURRENT PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 24



RESIDENT STABILITY: NA

DORMROOMBUNK_CODE: AA 0043 B

PROJ MAXOUT DATE: 03/10/2039

PROJ PAROLE DATE: -

EWC JOB: FOOD SERVICE AIDE

ASSIGNMENT: CAFETERIA

EWC
LEVEL: 3F5 EEC LEVEL:

EDUC PGM: NO CURR EDUC PROGRAM

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	YRS	MOS	DYS	COUNTY	SENTENCE	START	V/NV	CAT	INDICT
BURGLARY-2ND DEGREE	15	0	0	SALUDA	SENTENCE	09/15/2013	V	4	13GS41416

Classing Summary Reports - Report View

Page 2 of 3

GRAND LARCENY	4	0	306	LEXINGTON	09/15/2013	N	2	09GS322690
BURGLARY-3RD DEGREE	4	0	306	LEXINGTON	09/15/2013	N	2	09GS322689
BURGLARY-1ST DEGREE	30	0	0	LEXINGTON	09/15/2013	V	4	12GS3200565
KIDNAPPING	30	0	0	LEXINGTON	09/15/2013	V	5	12GS3200566
ARMED ROBBERY	30	0	0	LEXINGTON	09/15/2013	V	4	12GS3200567

COMPLETED OFFENSES

NO COMPLETED OFFENSES

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

BURGLARY-2ND DEGREE	WANTED	JUDGE WILLIAMSON	CATEG:4
BURGLARY-2ND DEG/NON-VIOL	WANTED	PRESIDING JUDGE	CATEG:3
PETIT OR SIMPLE LARCENY	WANTED	PRESIDING JUDGE	CATEG:1
BURGLARY-2ND DEGREE	WANTED	PRESIDING JUDGE	CATEG:4

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

01/15/2016	POSSESSION OF A WEAPON	CONVICTED	MAJOR DISC. HEARING	N
09/29/2014	STRIKING AN INMATE WITH/WITHOUT A WEAPON	DISMISSED	MAJOR DISC. HEARING	INMATE ASSAULT N

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

10/15/2016	INCITING/CREATING A DISTURBANCE	NOT GUILTY	MAJOR DISC. HEARING
04/01/2016	EXHIBITIONISM AND PUBLIC MASTURBATION	DISMISSED	MAJOR DISC. HEARING
09/14/2015	THREATENING TO INFLECT HARM ON EMPLOYEE	CONVICTED	MAJOR DISC. HEARING
09/14/2015	REFUSING OR FAILING OBEY ORDERS	CONVICTED	MAJOR DISC. HEARING
02/06/2015	USE,POSS NARC,MARIJ,UNAUTH DRUG,INHALANT	DISMISSED	MAJOR DISC. HEARING

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

04/15/2016	LIEBER	INCARCERATED	ADMINISTRATIVE
04/06/2016	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
04/06/2016	KIRKLAND	INCARCERATED	MEDICAL
08/11/2015	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
04/22/2015	LEE	INCARCERATED	RETURN FROM COURT
04/22/2015	LEXINGTON CO	AUTH ABSENCE (AWL)	TO COURT
10/15/2014	LEE	INCARCERATED	RETURN FROM COURT
10/15/2014	LEXINGTON CO	AUTH ABSENCE (AWL)	TO COURT
04/16/2014	LEE	INCARCERATED	RETURN FROM COURT
04/16/2014	LEXINGTON CO	AUTH ABSENCE (AWL)	TO COURT

Classing Summary Reports - Report View

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02/05/2014	LEE	INCARCERATED	ADMINISTRATIVE
12/18/2013	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
FOOD SERVICE AIDE	12/05/2016	-		3F5
GENERAL WORKER	08/11/2016	12/04/2016	LATERAL TRANSFER	3F5
WARDKEEPER ASSISTANT	05/02/2016	08/10/2016	LATERAL TRANSFER	3F5
WARDKEEPER ASSISTANT	04/28/2016	05/01/2016	CUSTODY REVIEW	5F5
FOOD SERVICE AIDE	10/20/2015	11/10/2015	PLACED IN ST/SP CUSTODY	3F5
LAUNDRY HELPER	08/13/2015	09/14/2015	PLACED IN ST/SP CUSTODY	3F5
WASH RACK ATTENDANT	07/24/2014	09/29/2014	PLACED IN ST/SP CUSTODY	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 8-11 HRS/WK	08/27/2014	09/29/2014	PLACED IN ST/SP CUSTODY

***** END OF REPORT *****

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 [Version: 1.4.12 Built: 02/03/2015 11:57:23 AM Time: 12:00:27 PM]

STATE OF SOUTH CAROLINA

County of Ruf
STATE VS.AKA: DeShawn DraftsRace: BSex: MDOB: [REDACTED]SSN: [REDACTED]SID#: 1931A31

IN THE COURT OF GENERAL SESSIONS

Indicent Number: 2009-GS-32-2690Probation C/W#s: W 35-13-0306Name of Original Offense: Brand LarcenyOriginal A/W#: 1022373Date of Original Offense: 6/25/09Conviction S.C. Code §: 44-13-0030 (B)(2)Conviction CDR Code #: 1 4 7 9Original Sentence: 5 yrs 59 days TS Bgs

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 6/25/10 in the Court of General Sessions of Ruf County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 11/12/13, as set forth in the attached warrant(s) or citation(s) dated 11/12/13. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 4 YEARS + 306 DAYS months/years, the remainder of the original sentence, and/or pay \$_____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$_____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Financial Obligations: Order satisfies: ☐ Department fees (arrearage) ☐ Civil Judgment: ☐ Department fees
☐ Fines and other fees (arrearage/balance) ☒ Fines and other fees
☐ Restitution (and 20%) (arrearage/balance) ☒ Restitution (and 20%)
- ☒ Additional Conditions ordered by the Court: on credit

☒ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

☒ The defendant has previously served 59 DAYS months/years on this sentence.
(split sentence time and/or prior partial revocation time)

☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 17 day of December, 2013,
LEXINGTON, SC

Re Hood
 Presiding Judge 17th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature _____

Witnessed by _____

Signed this _____ day of _____, at _____ SC
 Day Month Year City

TRUE COPY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of AW
STATE VS.Indictment Number: 2019 GS 52 2689
Probation C/W#s: W35-13-0306DeShawn Drafto
AKA: _____
Race: B Sex: M
DOB: _____
SSN: _____
SID#: 1936931Name of Original Offense: Burglary - 1st Off
Original A/W#: 1025375
Date of Original Offense: 6-25-09
Conviction S.C. Code §: 16-11-0312 (B)
Conviction CDR Code #: 0101816
Original Sentence: 5yr 355 days Sup
ORDER Prob.

The above named defendant has been charged with violating the conditions of probation ordered on 6/23/10 in the Court of General Sessions of AW County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 11/12/13. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 4 years + 306 days months/years; the remainder of the original sentence, and/or pay \$ _____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Financial Obligations: Order satisfies: ☐ Department fees (arrearage) Civil judgment: ☐ Department fees
☐ Fines and other fees (arrearage/balance) ☐ Fines and other fees
☐ Restitution (and 20%) (arrearage/balance) ☐ Restitution (and 20%)
- ☒ Additional Conditions ordered by the Court:
concurrent

☒ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

☒ The defendant has previously served 59 days months/years on this sentence.
(april sentence time and/or prior partial revocation time)

☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

TRUE COPYThis 17 day of December, 2013
AW SC10 Hood
Presiding Judge 114 Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature _____

Witnessed by _____

Signed this _____ day of _____, _____ at _____ SC
Day Month Year City

12/18/2013 15:07

8037851

PAGE 01

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Saluda

VS.

Deshaun Antonio Drafts

AKA:

Race:

B

Sex: M

Age:

20

DOB:

SS#:

Address:

City, State, Zip: Leesville, SC 29070

DL#:

SID#:

SC01936931

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

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

TO:

Burglary 3rd (B)

In violation of § 16-11-312(B) of the S.C. Code of Laws, bearing CDR Code # 086

☐ 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, 3D (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation,☒ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Drew S. Gresham
Solicitor11650
SC Bar#Deshaun Antonio Drafts
DefendantDeshaun Antonio Drafts
Attorney for Defendant73681
SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,

for a determinate term of

15

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:

2012-GS-32-0567.565.566

☒ 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 §17-25-133.

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. Waiver Hearing ☐ Ordered

FTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

§ 56-5-2995 (DUI Assessment)

\$12

§ 56-1-286 (DUI Breath Test)

\$25

Proviso 47.9 (Public Def/Prob)

\$500

§ 14-1-212 (Law Enforce. Funding)

\$25

§ 14-1-213 (Drug Court Surcharge)

\$150

§ 50-21-114 (BUI Breath Test Fee)

\$50

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

Proviso 90.5 (SCCA Surcharge)

\$5

3% to County (if paid in installments)

\$

TOTAL:

\$130

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-41-416

A/W#: DIRECT

Date of Offense: 8/31/2011

S.C. Code §: 16-11-0312

CDR Code #: 0080

RECOMMENDED

SENTENCE SHEET

NEGOTIATED

X

☐ CONVICTED OF or ☒ PLEADS

w/minor 1st or Lowd Act)

w/minor 1st or Lowd Act)

w/minor 1st or Lowd Act)

w/minor 1st or Lowd Act)

w/minor 1st or Lowd Act)

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w/minor 1st or Lowd Act)

STATE OF SOUTH CAROLINA

COUNTY OF Saluda
STATE VS.
Deshaun Antonio Drafts

AKA:

Race: B Sex: M Age: 20DOB: [REDACTED]Address: [REDACTED]City, State, Zip: Leesville, SC 29070DL#: [REDACTED]SID#: SC01936931*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Burglary 2nd (B)in violation of § 16-11-312(B) of the S.C. Code of Laws, bearing CDR Code #

☐ 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. JD (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Don S. Gish
Solicitor11650
SC Bar#Deshaun Drafts
DefendantDavid Lee
Attorney for Defendant73681
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 15 ~~months~~ years or ☐ under the Youthful Offender Act not to exceed — yearsand/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or paymentof \$ —; 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: 2012-GS-32-0567, 565, 566☒ 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 (07.5 %)) \$ —§ 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 \$ 5.003% to County (if paid in installments) \$ 130TOTAL \$ 130Clerk of Court/ Deputy Clerk: Ruth A. [unclear]Court Reporter: Karen [unclear]

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-41-416A/W#: DIRECTDate of Offense: 8/31/2011S.C. Code § : 16-11-0312CDR Code #: 0080

RECOMMENDED

SENTENCE SHEET

NEGOTIATED

X☐ CONVICTED OF or ☒ PLEADS

Presiding Judge

Judge Code: 2164Sentence Date: Dec 17, 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
 STATE VS.
Deshuan Antonio Drafts

INDICTMENT/CASE#: 2012GS3200565

AKA:

A/W#: 1022869Race: Black Sex: M Age: 20Date of Offense: 9/13/2011DOB: [REDACTED]S.C. Code §: 16-11-0311Address: [REDACTED]CDR Code #: 0079City, State, Zip: Leesville, SC 29070DL#: [REDACTED] SID#: SC019316931RECOMMENDED
SENTENCE SHEET
NEGOTIATED X*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degreein violation of § 16-11-0311

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

0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Daniel S. Gault
Solicitor11650
SC Bar#Deshuan Drafts
DefendantSandra Lee
Attorney for DefendantUGS1
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed — years
 and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment
 of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for —

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2013-GS-41-416 2012-GS-32-566,567
☒ 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 PTUPTotal: \$ — 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
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-3-2995 (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
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-3-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5
3% to County (if paid in installments)	\$	\$
TOTAL	\$130	\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA217 (03/2011)

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

Other:

NO contact with victim(s)
☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge

Judge Code:

Sentence Date:

Refford2164Dec 17 2013

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
 STATE VS.
Deshuan Antonio Drafts

AKA:

Race: Black Sex: M Age: 20DOB: [REDACTED]Address: [REDACTED]City, State, Zip: Leesville, SC 29070DL#: [REDACTED] SID#: SC 61936931*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
 TO: Kidnapping / Kidnapping

IN THE COURT GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3200566A/W#: 1022870Date of Offense: 9/13/2011S.C. Code §: 16-03-0910CDR Code #: 0095

RECOMMENDED

NEGOTIATED X☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Dani S. Galt
Solicitor11650
SC Bar#[Signature]
Defendant[Signature]
Attorney for Defendant73681
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 ~~months~~ years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; 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: 2012-GS-32-0567, 0565, 2013-GS-41-☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied 4/6

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 PTUPTotal: \$ 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
§ 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	\$0.5
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BU) (Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$5
3% to County (if paid in installments)	\$	\$
TOTAL	\$130	\$130

Clerk of Court/ Deputy Clerk [Signature]Court Reporter: [Signature]

SCCA/217 (03/2011)

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

Other:

* Sex Offender Registry *
NO contact w/ victim☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.Presiding Judge [Signature]Judge Code: 2164Sentence Date: Dec 17, 2013

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
 STATE VS.
Deshuan Antonio Drafts

AKA:

Race: Black Sex: M Age: 20DOB: [REDACTED]Address: [REDACTED]City, State, Zip: Leesville, SC 29070DL#: [REDACTED] SID#: SC 01936931*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weaponin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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

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

ATTEST:

Daniel S. Grah 11650 Deshuan Antonio Drafts 73651
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 ~~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
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 by the State Department of Corrections.

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

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

SPECIAL CONDITIONS:

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

Total: \$ — plus 20% fee: \$ —Payment Terms: —☐ Set by SCDPPPS —Recipient: —

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
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Clerk of Court/ Deputy Clerk Beth A. PaulCourt Reporter: Karen Mahwahab

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3200567A/W#: 1022871Date of Offense: 9/13/2011S.C. Code § : 16-11-0330(A)CDR Code #: 0139

RECOMMENDED
 SENTENCE SHEET
 NEGOTIATED X

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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 w/minor 1st or Lewd Act)

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Daniel S. Grah 11650 Deshuan Antonio Drafts 73651
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

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SCCA/217 (03/2011)

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§ 50		

ATTACHMENT NO. 3

STATE OF SOUTH CAROLINA	)	GENERAL SESSIONS
	)	
County of Lexington	)	2013-GS-32-565
		2013-GS-32-566
		2013-GS-32 567
County of Saluda	)	2013-GS-41-416
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
DESHAUN DRAFTS,	)	
	)	
DEFENDANT,	)	

County of Lexington	)	
	)	
STATE OF SOUTH CAROLINA,	)	2013-GS-32-589
	)	2013-GS-32-590
	)	2013-GS-32-591
vs.	)	
	)	
DEONDRE LEAPHART,	)	
	)	
DEFENDANT,	)	

County of Lexington	)	
	)	
STATE OF SOUTH CAROLINA,	)	2013-GS-32-537
	)	2013-GS-32-538
	)	2013-GS-32-539
vs.	)	
	)	
LAQUARIUS BRANNON,	)	
	)	
DEFENDANT,	)	

December 17, 2013
Lexington, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

SHAWN GRAHAM, ASSISTANT SOLICITOR
Attorney for the State

DAVID FARRELL, ESQ.
Attorney for Defendant Leaphart

SARAH HAHN, ESQ.
Attorney for Defendant Drafts

DAYNE PHELLIPS, ESQ.
Attorney for Defendant Brannon

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 THE CLERK: 2013-GS-32-537, State vs. Laquarius
2 Brannon, indicted for burglary first degree. He is
3 pleading as charged.

4 2012-GS-32-538, State vs. Laquarius Brannon, indicted
5 for kidnapping. He is pleading as charged.

6 2012-GS-32-539, State vs. Laquarius Brannon, indicted
7 for armed robbery. He is pleading as charged. All
8 indictments are true billed. He is represent by
9 Mr. Phillips.

10 2012-GS-32-589, State vs. Deondre Leaphart, indicted
11 for burglary first degree. He is pleading as charged.

12 2012-GS-32-590, State vs. Deondre Leaphart, indicted
13 for kidnapping. He is pleading as charged.

14 2012-GS-32-591, State vs. Deondre Leaphart, indicted
15 for armed robbery. He is pleading as charged. All
16 indictments are true billed. He is represented by
17 Mr. Farrell.

18 2013-GS-41-416, State vs. Deshaun Drafts, indicted
19 for burglary second degree violent. He is pleading as
20 charged. He is waiving presentment to the grand jury on
21 this charge.

22 2012-GS-32-565, State vs. Deshaun Drafts, indicted
23 for burglary first degree. He is pleading as charged.

24 2012-GS-32-566, State vs. Deshaun Drafts, indicted
25 for kidnapping. He is pleading as charged.

1 2012-GS-32-567, State vs. Deshaun Drafts, indicted
2 for armed robbery. He is pleading as charged. The
3 indictments are true billed. He is represented by
4 Ms. Hahn.

5 Raise your right hands, please.

6 LAQUARIUS BRANNON, after being duly
7 sworn, testified as follows:

8 DEONDRE LEAPHART, after being duly
9 sworn, testified as follows:

10 DESHAUN DRAFTS, after being duly
11 sworn, testified as follows:

12 PROBATION AGENT: Judge.

13 (Indicating).

14 (Pause).

15 Okay.

16 THE COURT: Okay. Russell?

17 PROBATION AGENT: Judge, Mr. Brannon is being
18 supervised in Aiken County. The plea will violate that
19 probation, and Aiken County will handle that violation.

20 THE COURT: Okay.

21 PROBATION AGENT: Mr. Drafts is on probation in
22 Lexington County. We served a warrant on him November of
23 this year, and the plea will also violate that.

24 THE COURT: Do you want to do that today?

25 MS. HAHN: Yes, sir.

1 THE COURT: All right. Now, Mr. Brannon, you want to
2 tell me what's going on?

3 MR. GRAHAM: Yes, Your Honor, they are pleading to
4 those charges. The State is dismissing several other
5 charges. They're pleading to a negotiated 30-year
6 sentence.

7 THE COURT: Okay. Everybody?

8 MR. GRAHAM: Yes, sir.

9 THE COURT: All right. Okay. This is what we call a
10 group plea.

11 Mr. Brannon, you're going to be first. Mr. Leaphart,
12 you're going to be second. Mr. Drafts, you're going to be
13 third.

14 I ask the same questions over and over again, so I'm
15 just going to ask the questions one time. If you'll
16 answer one, two, three, just like that, okay.

17 Are you under the influence of any alcohol or drugs
18 today?

19 THE DEFENDANT: No, sir.

20 THE DEFENDANT: No, sir.

21 THE DEFENDANT: No, sir.

22 THE COURT: Have you ever been treated for any mental
23 health issues?

24 THE DEFENDANT: No, sir.

25 THE DEFENDANT: No, sir.

1 THE DEFENDANT: No, sir.

2 THE COURT: Okay.

3 MR. FARRELL: Your Honor, if I may interject here.

4 THE COURT: Sure.

5 MR. FARRELL: He has been serviced by the Aiken
6 County Mental Health Center. He had a diagnosis for ADHD
7 and a learning disability.

8 THE COURT: Okay. Is that right, Mr. Leaphart?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand what's going on today?

11 THE DEFENDANT: No, sir.

12 THE COURT: Are you on any medicine for any mental
13 health conditions?

14 THE DEFENDANT: No, sir. No, sir.

15 MR. FARRELL: No, sir.

16 THE COURT: Have you understood your conversations
17 with Mr. Farrell?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Have you been able to go over your case,
20 talk about it and understand what's going on here today
21 with him okay?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Do you have a fourth charge?

24 MS. HAHN: He has a Saluda County burglary second
25 violent.

1 THE COURT: What's that? Does that carry 15?

2 MS. HAHN: Yes, sir.

3 MR. GRAHAM: It's ten, I believe, isn't it?

4 MS. HAHN: Violent.

5 THE COURT: So everybody has got a burg. first, armed
6 robbery, and a kidnapping.

7 Drafts has a burg. second violent out of Saluda,
8 correct?

9 MR. GRAHAM: Correct.

10 THE COURT: Okay. All right. Let's start with this
11 Saluda thing first, Mr. Drafts. Do you understand that
12 you have the right to have that case heard in Saluda
13 County?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. Do you want to give up that right
16 and go forward with your plea here today?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you believe that's in your best
19 interest?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And do you understand that if you looked
22 at me and said, "I want to have that case heard in
23 Saluda," that I couldn't hear that case today if I wanted
24 to. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. Do you agree with the decision to
2 have that case heard here today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Ms. Hahn, do you agree with that decision
5 as his lawyer?

6 MS. HAHN: Yes, sir.

7 THE COURT: All right. Very well.

8 Mr. Brannon, you're on probation; is that right?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Drafts, you're on probation; is that
11 right?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. Mr. Leaphart, you're in SCDC?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. All right. Are you on parole or
16 probation or anything like that, or are you just doing
17 straight time?

18 THE DEFENDANT: Straight time.

19 THE COURT: Okay. Very good. All right. Gentlemen,
20 they tell me you all want to plead guilty to burglary in
21 first degree which carries a mandatory 15 up to life;
22 armed robbery which carries a mandatory ten years in
23 prison up to 30 years in prison; and kidnapping which
24 carries up to 30 years in prison.

25 Mr. Drafts, you want to plead guilty to burglary

1 second degree violent which carries up to 15 years in
2 prison. Do you understand all of that?

3 THE DEFENDANT: Yes, sir.

4 THE DEFENDANT: Yes, sir.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Do you understand that these are
7 violent offenses and they are most serious offenses. That
8 changes what kind of facility you will be in in the
9 Department of Corrections.

10 It's considered a strike out of -- this is not a
11 three strike, you're out. That is a two strike, you're
12 out. Were you to receive one more most serious offense
13 for the rest of your life, you would be facing mandatory
14 life without parole. Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE DEFENDANT: Yes, sir.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you also understand that you will
19 serve at least 85 percent of whatever sentence is imposed
20 in this case before you will be eligible to be released?

21 THE DEFENDANT: Yes, sir.

22 THE DEFENDANT: Yes, sir.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. Are we doing registry?

25 MR. GRAHAM: They are. Yes, they're doing the sex

1 offense registry on the kidnapping charge.

2 THE COURT: Okay. Do you further understand that as
3 a result of the kidnapping charge, you will be placed on
4 the South Carolina Sex Offender Registry?

5 THE DEFENDANT: Yes, sir.

6 THE DEFENDANT: Yes, sir.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. Is this a sexual in nature case?

9 MR. GRAHAM: It is, Your Honor. There was originally
10 charges for criminal sexual conduct. They are not
11 pleading to those charges, though.

12 THE COURT: Okay. Do you also understand that before
13 you are released from the Department of Corrections, you
14 will be evaluated by the Sexually Violent Predator program
15 to determine even at the end of this lengthy prison
16 sentence whether you should be put back into society based
17 upon any sexual deviances or mental deficiencies that you
18 may have. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE DEFENDANT: Yes, sir.

21 (Pause.)

22 THE DEFENDANT: You didn't tell me that, man.

23 (Pause).

24 Yes, sir.

25 THE COURT: Okay. When you plead guilty, you give up

1 certain important constitutional rights. The first is
2 your right to remain silent. Do you understand that
3 right, and do you want to give it up?

4 THE DEFENDANT: Yes, sir.

5 THE DEFENDANT: Yes, sir.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Second is your constitutional right to a
8 jury trial. You have a right to have a jury in this
9 county hear your case which you would get to select that
10 jury along with your attorney.

11 During the trial, you would be presumed innocent.
12 You would have the right to remain silent. You would have
13 the right to confront and cross-examine the witnesses
14 called against you.

15 You would have the right to the subpoena power of the
16 court. However, if you plead guilty, none of that is
17 going to happen, and we're going to make a decision about
18 your case here today. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE DEFENDANT: Yes, sir.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Knowing all of that, do you still want to
23 go forward with your case?

24 THE DEFENDANT: Yes, sir.

25 THE DEFENDANT: Yes, sir.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Are all these indictments the same?

3 MR. GRAHAM: Yes, Your Honor.

4 THE COURT: Okay.

5 MR. GRAHAM: One of them does have an amendment, Your
6 Honor. There was a -- I don't remember. It would be on
7 Mr. Drafts.

8 The 566 indictment, I have the correct names of the
9 victims. That would have been for the kidnapping charge.

10 THE COURT: All right. Mr. Brannon, your indictment
11 says that you along with these two codefendants in
12 Lexington County on or about September 13th, 2011 did
13 enter without consent with the intent to commit a crime
14 therein, a dwelling of Ms. Victim1 and that you were
15 armed with a deadly weapon or used something else as a
16 level of aggravation to cause -- or this being in the
17 nighttime. How do you plead to that charge?

18 THE DEFENDANT: I plead guilty, sir.

19 THE COURT: Your second indictment says that on or
20 about September 13th, 2011 along with these two
21 defendants, you did kidnap, abduct or carry away
22 Ms. Victim2 or Ms. Victim1 or some children without
23 authority of law. How do you plead to that charge?

24 THE DEFENDANT: I plead guilty, sir.

25 THE COURT: Your last indictment says that on or

1 about September 13th of this year while knowingly and
2 willfully armed with a deadly weapon in Lexington County,
3 that being a handgun, you did steal something from the
4 person or presence of a Ms. Victim1 or a Ms. Victim2 by
5 means of force, threat or intimidation. How do you plead
6 to that charge?

7 THE DEFENDANT: I'm pleading guilty, sir.

8 THE COURT: All right. Mr. Brannon -- Mr. Leaphart,
9 I'm sorry, too much paperwork.

10 Your first indictment says that on or about
11 September 13th, 2011 in Lexington County, you along with
12 these two codefendants did kidnap, abduct or carry away
13 Ms. Victim1 or a Ms. Victim2 or some children. How do you
14 plead to that charge?

15 THE DEFENDANT: Guilty, sir.

16 THE COURT: Your second indictment says that on or
17 about September 13th, 2011 in Lexington County while you
18 were armed with a deadly weapon, that being a handgun, you
19 did steal something from a Ms. Victim1 or Ms. Victim2 by
20 force, threats or intimidation. How do you plead to that
21 charge?

22 THE DEFENDANT: Guilty, sir.

23 THE COURT: Your last indictment says that on or
24 about September 13th, 2011 in Lexington County you did
25 knowingly and willfully enter a dwelling without consent

1 with the intent to commit a crime therein while armed with
2 a deadly weapon or during the hours of nighttime. How do
3 you plead to that charge?

4 THE DEFENDANT: Guilty.

5 THE COURT: Mr. Drafts, your first indictment says
6 that on or about September 13th, 2011 along with these two
7 codefendants, you did knowingly and willfully while armed
8 with a deadly weapon, that being a handgun, you did steal
9 something from Ms. Victim1 or Ms. Victim2 by force, threats
10 or intimidation. How do you plead to that charge?

11 THE DEFENDANT: Guilty.

12 THE COURT: Your second indictment says that on or
13 about September 13, 2011 you did kidnap, abduct or carry
14 away a one, Ms. Victim1 or Ms. Victim2 or some children
15 without authority of law. How do you plead to that
16 charge?

17 THE DEFENDANT: Guilty, sir.

18 THE COURT: The last indictment for Lexington County
19 says that you did on or about September 13, 2011 knowingly
20 and willfully enter a dwelling without consent and with
21 the intent to commit a crime therein while armed with a
22 deadly weapon or during the hours of nighttime. How do
23 you plead that charge?

24 THE DEFENDANT: Guilty.

25 THE COURT: Your indictment from Saluda County which

1 you have signed a waiver on and which I questioned you
2 about says that you did in Saluda County on or about
3 August 31st, 2011 enter without consent and with the
4 intent to commit a crime therein Hendrix Used Cars, and
5 that it did occur during the nighttime. How do you plead
6 to that charge?

7 THE DEFENDANT: Guilty.

8 THE COURT: Okay. This is what we call a negotiated
9 plea. What that means is that the negotiation -- I want
10 make sure I state this right is that this is a 30-year
11 sentence, and that you will be on the sex offender
12 registry.

13 What that means is this: If I wanted to give you
14 more time, I couldn't. If I wanted to give you less time,
15 I couldn't. Essentially, if I decide to go along with
16 this, the way I look at it is my hands are tied. I have
17 to give you the 30 years.

18 If I thought that you deserved less or if I thought
19 that you deserved more, I couldn't do it because the -- by
20 virtue of it being a negotiated sentence, my discretion is
21 essentially gone. Does everybody understand that?

22 THE DEFENDANT: Yes, sir.

23 THE DEFENDANT: Yes, sir.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: So the good thing for you is that there's

1 no chance that it gets any worse. The bad thing for you
2 is that there's no chance that it gets any better, but you
3 know exactly what you're going to get if I decide go along
4 with it. Do you understand that, Mr. Brannon?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Leaphart?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Drafts?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Outside the negotiation, has anybody
11 promised you anything?

12 THE DEFENDANT: No, sir.

13 THE DEFENDANT: No, sir.

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anybody forced you or threatened you
16 to get you to do this?

17 THE DEFENDANT: No, sir.

18 THE DEFENDANT: No, sir.

19 THE DEFENDANT: No, sir.

20 THE COURT: Are you doing it freely and voluntarily?

21 THE DEFENDANT: Yes, sir.

22 THE DEFENDANT: Yes, sir.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Are you satisfied with the services of
25 your lawyer?

1 THE DEFENDANT: Yes, sir.

2 THE DEFENDANT: Yes, sir.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you need any more time to meet with
5 him or her or talk about your case in any way, shape or
6 form?

7 THE DEFENDANT: No, sir.

8 THE DEFENDANT: No, sir.

9 THE DEFENDANT: No, sir.

10 THE COURT: Are you pleading guilty because you are
11 guilty?

12 THE DEFENDANT: Yes, sir.

13 THE DEFENDANT: Yes, sir.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You have ten days from today's date to
16 appeal this plea. If you choose to do so, you must do so
17 in writing to this court. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE DEFENDANT: Yes, sir.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. Mr. Brannon.

22 MR. GRAHAM: Briefly, Your Honor, there are some
23 charges that are being dismissed.

24 THE COURT: Okay.

25 MR. GRAHAM: In relation to these specific charges

1 they're pleading to, there's a host of other charges from
2 that same incident.

3 There are charges for criminal sexual conduct that
4 are being dismissed. There are charges for possession of
5 a weapon during a violent crime. There is grand larceny
6 charges.

7 All of the associated charges with the event dealing
8 in these indictments are being dismissed. In addition,
9 there is another set of a home invasion on the same date
10 with a victim named Lonnie Hill. Those are being
11 dismissed. That's going to be a burglary first, armed
12 robbery, a kidnapping, and a possession of a weapon during
13 a violent crime.

14 THE COURT: All right. Is that right, Mr. Phillips?

15 MR. PHILLIPS: Right, Your Honor.

16 THE COURT: Is that right, Mr. Farrell?

17 MR. FARRELL: Correct, but he has other charges being
18 dismissed, as well.

19 THE COURT: Is that right?

20 MR. GRAHAM: Mr. Leaphart has another incident in
21 Lexington County involving a strong arm robbery and a
22 burglary first, and those charges are being dismissed, as
23 well.

24 THE COURT: Okay. Is all that on the record now,
25 Mr. Farrell?

1 MR. FARRELL: Yes, sir.

2 THE COURT: Okay. Ms. Hahn?

3 MS. HAHN: Yes, sir.

4 THE COURT: Okay. Everything is violent and most
5 serious, correct?

6 MR. GRAHAM: Correct, Your Honor.

7 THE COURT: Okay. Go ahead, Mr. Graham.

8 MR. GRAHAM: Thank you, Your Honor. The incident
9 occurred on September 13, 2011 in the Batesburg-Leesville
10 area of Lexington County at approximately 9:45 to 11:00.

11 The three defendants kicked in the front door of
12 Ms. Victim1 residence in Batesburg-Leesville. All three
13 were -- they were armed. They came in with a handgun, a
14 baseball bat, and a shotgun. The shotgun had actually
15 come from Mr. Hill's residence, the home invasion, earlier
16 that night.

17 The two women -- there was Ms. Victim1 and there was
18 Ms. Victim2. They were there with their -- between them,
19 there were five minor children. I believe the oldest at
20 the time was around eight.

21 They were ordered -- they were at gunpoint. They
22 were -- money, cell phone, jewelry and keys were taken out
23 of their purse. The defendants came in asking for money
24 and drugs. Ms. Victim1 was ordered to her room in the
25 residence. She was raped by all three of the suspects,

1 one after the other.

2 Ms. Victim2 was taken into another room where she was
3 raped by all three of the suspects, one after the other.
4 There were five children in the house. They were held by
5 one the suspects in the living room at all times.

6 A shotgun was placed in the face of each of the
7 children and all of the victims. They were all threatened
8 that if they cooperated, they wouldn't be killed.

9 Immediately after the suspects left the residence,
10 Ms. Victim1 observed a gray Crown Victoria being driven
11 from the scene. That ultimately turned out to be a stolen
12 vehicle. That was her vehicle. There was also a gold
13 Expedition that turned out to be a stolen vehicle taken
14 away.

15 They knew Mr. Deshaun Drafts, and identified him to
16 the police at the time. Subsequently, photo lineups were
17 shown of all three suspects, and all three suspects were
18 identified by both victims at approximately 11:49 on that
19 same night, Your Honor.

20 The women -- after it happened, around 11:30, they
21 left the -- the defendants left the house around 11. At
22 11:30, the victims had made it to it Batesburg-Leesville
23 Police Department reporting what had happened.

24 At approximately 11:49, Batesburg-Leesville police
25 officer, Officer Crow, who is present in the courtroom and

1 the charges related to this are actually being dismissed,
2 but he attempted to initiate a traffic stop on the -- a
3 Ford Expedition that was taken from the scene.

4 As he was in pursuit, one of the three suspects
5 leaned out the window and fired two rounds at his vehicle.
6 Speeds reached in excess of 100 miles an hour.
7 Eventually, Officer Chow lost contact with the vehicle,
8 and a nine millimeter spent shell casing believed to be
9 related to the incident was found near the roadway.

10 On September 14th, which is three days later, Your
11 Honor -- or excuse me, the next day at 2:25 a.m., the
12 defendant along with two codefendants were observed by
13 officers walking back into the town limits.

14 Officers ordered all three of them to stop.
15 Mr. Drafts complied, did a stop and was captured by law
16 enforcement at that time. He led officers to the gold
17 Expedition that was identified as being the one involved
18 in the car chase and the shooting with Officer Chow.

19 The other two suspects fled into the woods and were
20 captured at a later time. The officers located a nine
21 millimeter handgun in the woods near where the two
22 codefendants fled, and they also found Ms. Victim1 Crown
23 Victoria.

24 Stolen property was found on Mr. Drafts at the time.
25 All of them were interviewed, Your Honor. All of them

1 gave different stories but in one way or another
2 implicated themselves or the other codefendants as being
3 involved. DNA linking some of the codefendants were
4 linked to the sexual assault, and I believe fingerprints
5 of one of the defendants was found on the stolen vehicle.

6 The victims are present in the courtroom, Your Honor.
7 There's several family, five of them, here on this front
8 row. They understand it's a negotiated plea. They do not
9 wish to speak. I also have representatives from the
10 Batesburg-Leesville Police Department.

11 Chief Oswald is standing behind me. He has the case
12 officer, Officer Crow is present in the courtroom, Deputy
13 Chow who was shot at, and Lieutenant Clare is against the
14 wall who spent a ton of time on the crime scene.

15 I don't know whether the Chief wants to address the
16 Court, Your Honor.

17 THE COURT: I'll come back.

18 MR. GRAHAM: Okay.

19 THE COURT: Go ahead and give me --

20 MR. GRAHAM: They -- those are the facts of the case,
21 Your Honor. The only other thing that I -- if I'm trying
22 to remember to put on the record is that Mr. Drafts has
23 two pending burglaries in Aiken County, and I've been in
24 contact with Deputy Solicitor Bill Weeks there who has
25 agreed that those charges will run concurrent with these

1 charges, as well.

2 THE COURT: Okay.

3 MR. GRAHAM: The victim in the Saluda case was
4 notified, but he is not present.

5 THE COURT: Okay. I don't have any facts on the
6 Saluda case.

7 MR. GRAHAM: The Saluda case, Your Honor, thank you.
8 That occurred on September 1st, 2011 in Monetta, South
9 Carolina.

10 The victim was the Hendrix's Store. It was broken
11 into during the nighttime hour, and items were stolen.
12 There was alcohol and other merchandise. Latent prints
13 were found at the scene that were linked to the defendant,
14 Mr. Drafts.

15 I believe that he ended up ultimately giving a
16 statement to the police on the case, as well.

17 MS. HAHN: His codefendant implicated him.

18 MR. GRAHAM: I'm sorry?

19 MS. HAHN: His codefendant implicated him, Your
20 Honor.

21 THE COURT: All right.

22 MR. GRAHAM: They all have prior records whenever you
23 want to hear that.

24 THE COURT: I don't think I need to.

25 MR. GRAHAM: Okay.

1 THE COURT: Mr. Brannon, is all of that materially
2 true?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Leaphart?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Drafts?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. I'll accept their pleas. I find
9 there is a substantial factual basis for the plea. I
10 further find their decision to plead guilty to be freely,
11 voluntarily, knowingly and intelligently made; that they
12 all had the advice of a very competent attorney with whom
13 they tell me they are satisfied. All right. Anybody from
14 the police department or any victim want to speak?

15 CHIEF OSWALD: Your Honor, I just want to -- would
16 like to -- if it please the Court, I would just like to --

17 THE COURT: You're Chief Oswald?

18 CHIEF OSWALD: Yes. I'm Chief Oswald. I would just
19 like to reiterate beyond, of course, property crime here,
20 the violence of this crime considering the -- while these
21 women were being sexually assaulted, the children were
22 held at gunpoint while their mothers were being assaulted.
23 I think that makes this a particularly heinous crime.
24 Thank you, sir.

25 THE COURT: Thank you, Chief.

1 MR. GRAHAM: I do not believe that the victims have
2 anything they want to say, Your Honor. Thank you.

3 THE COURT: Okay. For whoever is here on this case,
4 let me say this: You waited a long time this morning, but
5 you've waited over two years for some kind of resolution
6 in this matter.

7 I'm going to -- it doesn't matter which side of the
8 case you're on, the length of time never seems fair to
9 anybody, and I know it's not easy. It causes you to have
10 a constant remembrance of it because of the lack of
11 resolution to the situation, so let me say that they way
12 the court system works and the speed with which it works
13 doesn't always make sense but cooperating something like
14 this and putting it all together and coming up with a
15 resolution is a very complicated process.

16 I'm not saying that to make any excuse for anybody
17 but just kind of explain it to you. I want to thank you
18 for being here, staying actively involved in the case.
19 More than two years later, Mr. Graham can tell you, the
20 victim advocate can tell you, they have plenty of victims
21 who fall all off the face of the earth. No one knows
22 what's happened to them. It makes it so difficult to
23 handle cases when that happens. Thank you for staying
24 actively involved in your case.

25 All right. Mr. Phillips?

1 MR. PHILLIPS: Thank you, Your Honor. This is
2 clearly a tragic case, especially for the victims, for the
3 families for all of these young boys and for the lost
4 years.

5 My client was 19 years old when this crime occurred.
6 Obviously, he is going to pay severely for his actions.
7 He has a ninth grade education, and to his credit,
8 whenever the solicitor gave the plea offer, he accepted
9 responsibility.

10 He didn't waffle. He didn't put the victim through a
11 trial. He's been incredibly remorseful the entire time.
12 He has a very supportive family. His mother and sister
13 are here, and I believe they do wish to address the Court.
14 He also has other family members in the audience. At this
15 time, I believe -- I'll pass it on to his mother.

16 THE COURT: Okay. What's your name, ma'am?

17 THE MOTHER: My name is Lakeisha Brannon.

18 THE COURT: Okay. What could you like to tell me,
19 Ms. Brannon?

20 THE MOTHER: I'd like to apologize to the family, the
21 children, for everything that's happened. I do -- I don't
22 condone what my son did, and it's just so hard right now
23 to see my baby go down the road for 30 years.

24 He is guilty. He knows he has done wrong, but he's
25 sorry, too. I don't -- I can't speak why he did it or

1 anything, but I know they done hurt these people out here,
2 and these people we know. We know them like we are
3 family. So that is really hard, you know, to look at
4 these people knowing what our sons have done and
5 corrupting and broken up the family.

6 I'm just really wanting to say we are very sorry, and
7 if we could do anything to help, we're here. We have no
8 grudges. You know, because the boys did it, and whatever
9 we could do, we'll help. We're sorry.

10 THE COURT: Thank you, Ms. Brannon. I appreciate
11 that.

12 THE SISTER: I just go sign to what she said.

13 THE COURT: Anything you want to tell me, sir?

14 THE DEFENDANT: Yes, sir. I would like to, you know,
15 say I'm sorry. I would like to apologize to the victims.
16 I was wrong, you know.

17 I would just like to say I hope that they find in
18 their hearts to forgive me, you know, because I wish a lot
19 that they would forgive me. I mean, if they would forgive
20 me, I can forgive myself. Thank you.

21 THE COURT: Thank you, sir. I appreciate that.

22 All right. Mr. Farrell?

23 MR. FARRELL: May it please the Court, Your Honor.

24 THE COURT: Yes, sir.

25 MR. FARRELL: Deondre is 20 years old, a tenth grade

1 education from South Aiken High School, presently serving
2 a youthful offender sentence for a burglary out of Aiken
3 County. Those warrants were served on him shortly after
4 his arrest on these charges.

5 He has a very good amount of family support, Your
6 Honor. His mother has been in contact with me, basically
7 since I was appointed on this case. He is also joined
8 here today by his grandmother, two uncles, an aunt, and
9 two cousins.

10 From my initial meeting with Deondre, he has told me,
11 "I did it. I know they got me. Do the best you can for
12 me," never once really seriously entertained the notion of
13 contesting those charges. He has never complained. He
14 has never tried to throw off on his codefendants. He has
15 accepted responsibility from his actions from day one.

16 THE COURT: Thank you. Anything you want to tell me,
17 sir?

18 THE DEFENDANT: I would like to say I apologize for
19 what happened, and I hope -- I hope they forgive me.

20 THE COURT: Thank you.

21 All right.

22 Ms. Hahn?

23 MS. HAHN: Thank you, Your Honor. Mr. Drafts is 20
24 years old now. He was 18 when this happened. Your Honor,
25 his family is not here today. I couldn't reach them, but

1 they have come to court for him before in the past. I
2 know they all have a very caring relationship. He loves
3 his family. His mother cares a lot about him and is just
4 torn up about this whole thing.

5 Your Honor, he is a young man, but he was working.
6 He had a job at the chicken plant. He worked in some fast
7 food restaurants. I represented him on a minor matter
8 several years ago, and I got to know him pretty well.

9 He is a friendly person. He just seemed to be a
10 generally nice guy, and it's shocking that he put himself
11 in this situation and made these decisions. He knows that
12 was a terrible mistake and something he can't take back.

13 Once he was eventually caught, he surrendered to law
14 enforcement. He helped them find the vehicle in the case,
15 and he confessed to most of the allegations, Your Honor.
16 I think he is doing everything he can to make it right
17 now.

18 THE COURT: Thank you. Anything you want to tell me,
19 sir?

20 THE DEFENDANT: Yes, sir. I'd like to say I'm sorry
21 for everything. I miss my baby.

22 THE COURT: Do you understand that your burglary
23 second degree violent charge is a serious offense?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. I wasn't sure I told you that

1 earlier.

2 All right. Who is on probation that I'm doing?

3 PROBATION AGENT: Mr. Drafts is on probation, and
4 we're going to handle that here.

5 THE COURT: Okay. How much time does he have hanging
6 over him?

7 PROBATION AGENT: He has four years, 306 days
8 remaining on the sentence, and there was restitution that
9 we would need to convert, probably, to a civil judgment.

10 THE COURT: Do you admit that you violated your
11 probation?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. Very well. Anything further,
14 Mr. Graham?

15 MR. GRAHAM: No, Your Honor.

16 THE COURT: Chief?

17 CHIEF OSWALD: No, sir.

18 THE COURT: All right. Any defense attorneys,
19 Mr. Phillips? Do you have anything else you want to tell
20 me?

21 MR. PHILLIPS: No, Your Honor.

22 THE COURT: This is a horrific case. It is just sad
23 beyond all comprehension.

24 Nothing that I can do here today can take away that
25 night for the victims, for the officers who were attacked

1 or anybody else.

2 I know that you three wished you could. You wish you
3 never would have done it. You now, I'm going to tell you
4 the one thing that you do need to be thankful for, you
5 need to be thankful for your attorneys because, you know,
6 short of this being a negotiated sentence, I'm not sure
7 that 30 years is enough for the violent, awful, horrific
8 things that you did.

9 So the hard work of your attorneys sticking by you
10 and doing everything they can for you and having victims
11 that are willing to -- I understand the pain of a trial
12 and everything else to come to a resolution like this is
13 really a gift to you.

14 The sentence of this court on this, all defendants is
15 the same: It's 30 years concurrent, credit for time
16 served, not to have any contact with the victims in any
17 way, shape or form.

18 On all the kidnapping charges, sex offender registry,
19 of course, the defendants have all been sentenced to. On
20 the additional burglary second violent, 15 years to run
21 concurrent, credit for time served, and revoke probation,
22 whatever you can revoke. Terminate, convert and run
23 concurrent. Good luck to you. Thank you.

24 MR. PHILLIPS: Thank you, Your Honor.

25 MR. GRAHAM: Thank you, Your Honor.

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(Whereupon, the proceedings were concluded.)

CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

I, Karen Ambroziak, Official Court Reporter for the
5th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Lexington County, South Carolina, on the 17th day of
December, 2013.

June 26, 2014

Karen Ambroziak

Karen Ambroziak, RPR
Circuit Court Reporter

ATTACHMENT NO. 4



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The South Carolina Court of Appeals

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March 28, 2014

The Honorable Beth Carrigg
205 E Main St Ste 146
Lexington SC 29072-3557

REMITTITUR

Re: The State v. Dyeshuan A. Drafts
Lower Court Case No. 2012GS3200565, 2012GS3200566, 2012GS3200567
Appellate Case No. 2013-002747

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Deshuan Antonio Drafts, 358211
Sarah Alice Hahn, Esquire
Robert Michael Dudek, Esquire
David Shawn Graham, Esquire
Salley W. Elliott, Esquire

The South Carolina Court of Appeals

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MAR 17 2014

file

The State, Respondent,

v.

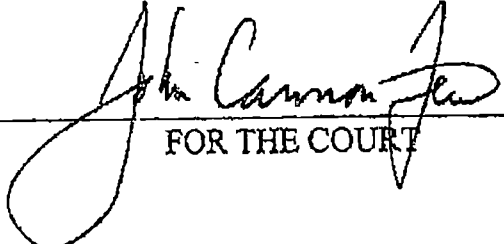
Dyeshuan Antonio Drafts, Appellant.

**ATTORNEY GENERALS
OFFICE**

Appellate Case No. 2013-002747

ORDER

Appellant has failed to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules (SCACR). Accordingly, this matter is dismissed, and the remittitur will be sent as required by Rule 221(b), SCACR.

 C.J.
FOR THE COURT

Columbia, South Carolina

cc:

Sarah Alice Hahn, Esquire
Robert Michael Dudek, Esquire
David Shawn Graham, Esquire
Alan McCrory Wilson, Esquire
Salley W. Elliott, Esquire

FILED

3/12/14

OFFICE OF THE PUBLIC DEFENDER

ELIZABETH FULLWOOD
Lexington Public Defender
407½ W. Main St.
Lexington, SC 29072
Telephone (803) 785-8873
Fax (803) 785-1443

ELEVENTH JUDICIAL CIRCUIT
Lexington, Saluda, Edgefield,
and McCormick Counties

ROBERT M. MADSEN
Circuit Public Defender

W. GREG SEIGLER
Tri-County Public Defender
Post Office Box 1852
McCormick, SC 29835
Telephone (864) 852-9555
Fax (864) 852-9554

December 23, 2013

The Honorable Jenny Kitchings
Clerk of Court for Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RE: The State v. Deshuan Antonio Drafts (Notice of Appeal)
Case Nos. 2013-GS-32-00565, -00566, and -00567

Dear Ms. Kitchings:

Enclosed, please find an original and one copy of the Notice of Appeal in the above matter for filing in your office. Please file the original and return the date and time stamped copy to me in the envelope provided.

I am, by copy of this letter, serving a copy of this Notice of Appeal on Deputy Solicitor Shawn Graham and Chief Appellate Defender Robert Dudek, together with my Certificate of Service.

Thank you for your assistance in this matter.

Sincerely,



Sarah Hahn
Assistant Public Defender

Enclosures (2)

cc: Shawn Graham, Deputy Solicitor
Lexington County Courthouse
205 E. Main St.
Lexington, SC 29072

Robert M. Dudek, Chief Appellate Defender
PO Box 11589
Columbia, SC 29211

Deshuan Antonio Drafts, Inmate Number: 00358211

Dorm Number: F2-226
Kirkland R&E
990 Wisacky Highway
Bishopville, SC 29010

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

THE HONORABLE ROBERT E. HOOD, Circuit Court Judge

Case Nos. 2012-GS-32-00565, -00566, and -00567

The State,

Respondent,

v.

Deshuan Antonio Drafts,

Appellant.

NOTICE OF APPEAL

Deshuan Antonio Drafts appeals his guilty plea and sentence in this case. The sentence was imposed by the Honorable Robert E. Hood on December 17, 2013. A written explanation supplementing this notice of appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR, is enclosed.



Sarah A. Hahn
407 1/2 W. Main St.
Lexington, SC 29072
(803) 785-8873
Attorney for Appellant

Other Counsel of Record:

Shawn Graham
Deputy Solicitor
205 E. Main St.
Lexington, SC 29072
(803) 785-8352
Attorney for Respondent

December 23, 2013

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

THE STATE)

vs.)

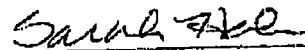
DESHUAN ANTONIO DRAFTS,)
Defendant.)IN THE COURT OF GENERAL SESSIONS
ELEVENTH JUDICIAL CIRCUITINDICTMENT NUMBERS:
2012-GS-32-00565; -00566; AND -00567

RULE 203(B) MEMORANDUM

Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that she does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence.

Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. *See Frazer v. South Carolina*, 430 F.3d 696, 706 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



Sarah A. Hahn
Attorney for the Defendant
407 1/2 W. Main St.
Lexington, SC 29072
(803) 957-8873

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

THE HONORABLE ROBERT E. HOOD, Circuit Court Judge

Case Nos. 2012-GS-32-00565, -00566, and -00567

The State,

Respondent,

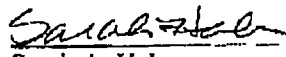
v.

Deshuan Antonio Drafts,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Shawn Graham by depositing a copy of it in the United States Mail, postage prepaid, on December 23, 2013, addressed to Shawn Graham, Deputy Solicitor, Lexington County Courthouse, 205 East Main Street, Lexington, SC 29072.


Sarah A. Hahn
407 1/2 W. Main St.
Lexington, SC 29072
(803) 785-8873
Attorney for Appellant

Other Counsel of Record:

Shawn Graham
Deputy Solicitor
205 E. Main St.
Lexington, SC 29072
(803) 785-8352
Attorney for Respondent

December 23, 2013

FORM 5

FILED

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF

LEXINGTON

2014 APR 15

IN THE COURT OF COMMON PLEAS

A 8:35

DESHAWN DRAFTS, ANTONIO, #3588

Full name and prison number (if any) of Applicant

BETH A. CARRIG
CLERK OF COURT
LEXINGTON

v.

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

2014CP3201434

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 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 Lee Correctional Institution 7D Wisacky Highway, Bishopville, South Carolina 29008
2. Name and location of Court which imposed sentence Lexington County Court of General Sessions
3. Name(s) of co-defendant(s) (if any) Rondue Leaphant, Lavondis Brannon
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012-95-32-00505
 - (b) 2012-95-32-00506
 - (c) 2012-95-32-00507
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) December 17, 2013; Thirty (30) years
 - (b) December 17, 2013; Thirty (30) years

A TRUE COPY

Lex. Co. C.C.C.P., G.S. § 7A.

- (c) December 17, 2013; Thirty (30) years
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?
Yes, I did.
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. March 12, 2014
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unknown
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Denial of Effective Assistance of Counsel
 (b) Unlawful Jury Hear
 (c) _____

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

- (a) Failure to conduct investigation of facts in case
 (b) Resulting from Ineffectiveness of Counsel
 (c) _____

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

- (a) any petition in a State Court under South Carolina Law? No.
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No.
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No.
 (d) any other petitions, motions or applications in this or any other Court? No.

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

(a) the specific nature thereof:

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

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

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

(c) the disposition thereof:

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

jv. _____
 (d) the date of each such disposition:
 i. N/A
 jv. _____
 jv. _____
 jv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
 i. N/A
 jv. _____
 jv. _____
 jv. _____

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?

No, they have not.

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

(a) which grounds have been presented:

i. N/A
 jv. _____
 jv. _____

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

i. N/A
 jv. _____
 jv. _____

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) (10)(a), First Collateral Attack
 (b) (10)(b), First Collateral Attack
 (c) _____

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

- (a) your arraignment and plea? Yes, I was.
- (b) your trial, if any? N/A
- (c) your sentencing? Yes, I was.
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes, I was.
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

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. Sarah A. Hahn, 407 1/2 West Main Street,
- ii. Lexington, South Carolina 29072
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. Plea, Sentencing, and Appeal
- ii. _____
- iii. _____

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

Convictions and Sentences Reversed/Remanded for New Trial.

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

No, I am not.

STATE OF SOUTH CAROLINA

VERIFICATION

County of

LEXINGTON

Deshaun Antonio DRAFTS, #358241

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

SWORN to and subscribed before me this 9
day of April, 2014.

Debra Surles (L.S.)
Notary Public

My Commission Expires: 11-4-2015

ORIGINAL

2014CP3201434

FILED
JUN APR 15 A 8:35
BETH A. CARRIE
CLERK OF COURT
LEXINGTON

188

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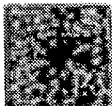
BETH A. CARRICK
CLERK OF COURT
LEVINSON



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT.

USPS 2011

100-35572
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 20 APR '14
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 Lexington Coast
 139 East Main
 Street, Room 107
 Lexington S.C. 29024



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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	ELEVENTH JUDICIAL CIRCUIT
	)	
Deshaun Drafts,	)	C.A. No. 2014-CP-32-1434
S.C.D.C. No. 358211,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed April 15, 2014, 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 Lexington County. Applicant was indicted at the March 2012 term of the Court of General Sessions for Lexington County for burglary, first-degree (2012-GS-32-0565), kidnapping (2012-GS-32-0566), and armed robbery (2012-GS-32-0567). He was represented by Sarah Mauldin¹, Esq. On December 13, 2013, Applicant entered a plea for a negotiated aggregate term of thirty (30) years imprisonment on all his charges². The Honorable Robert E. Hood accepted Applicant's plea and imposed the negotiated sentence³. Judge Hood sentenced Applicant to a term of thirty (30) years imprisonment for burglary, first-

¹ Formerly Sarah Hahn, Esq.

² Applicant also pled guilty to a Saluda County offense (2013-CP-41-416) that is collateral to this Lexington County PCR action.

³ Applicant's plea resulted in a probation revocation on two prior convictions (2009-GS-32-3670; -2689). Judge Hood imposed four years on each suspected sentence. The revocations were to run concurrent to thirty year aggregate sentence.

degree, a term of thirty (30) years imprisonment for kidnapping, and a term of thirty (30) years imprisonment for armed robbery. The sentences were to be served concurrently.

A notice of appeal was filed on Applicant's behalf. The South Carolina Court of Appeals denied and dismissed Applicant's appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR, for failure to provide a sufficient explanation to merit the appeal. State v. Dyeshaun A. Drafts, Appellate C.A. No. 2013-002747 (filed on March 12, 2014). The Remittitur was issued on March 28, 2014

Attached herewith and incorporated herein by reference are the records of the Lexington County Clerk of Court regarding the subject conviction(s), and the Applicant's records from the Department of Corrections, a copy of the Applicant's plea transcript, and Applicant's appellate records. Respondent reserves the right to amend its return upon the receipt of other relevant records.

II.

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

1. Ineffective Assistance of Trial Counsel;
 - a. "Failure to conduct investigation of facts in case;"
 - b. "Involuntary guilty plea resulting from ineffective assistance of counsel."

III.

The Applicant's first claim is an allegation of ineffective assistance of trial counsel. The Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

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

V.

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.

VI.

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

VII.

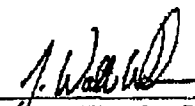
WHEREFORE, having made its Return, the Respondent requests that a hearing be held.

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

WALT WHITMIRE
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

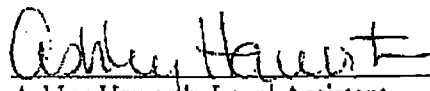
Sept. 17th, 2014

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	)	
	)	
	)	2014-CP-32-1434
DESHIAUN DRAFTS, #358211,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

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

Mrs. Anna Rawl Good
 Law Office of Anna Good, LLC
 1720 Main St. Ste. 303
 Columbia, SC 29201

DATED this 23rd day of September, 2014.


 Ashley Haworth, Legal Assistant
 For Respondent

ATTACHMENT NO. 7

ORIGINAL

FILED

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	)	ELEVENTH JUDICIAL CIRCUIT
Deshaun A. Drafts,	)	C.A. No. 2014-CP-32-1434
S.C.D.C. No. 358221	)	
Applicant,	)	
v.	)	ORDER OF DISMISSAL
State of South Carolina,	)	(with prejudice)
Respondent.	)	

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on April 15, 2014. Respondent made its return on September 17, 2014. An evidentiary hearing into the matter was convened on April 22, 2015, at the Lexington County Courthouse. Applicant was present at the hearing and was represented by Anna R. Good, Esq. Respondent was represented by Walt Whitmire, Esq., of the Office of the Attorney General.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Lexington County. Applicant was indicted at the March 2012 term of the Court of General Sessions for Lexington County for burglary, first-degree (2012-GS-32-0565), kidnapping (2012-GS-32-0566), and armed robbery (2012-GS-32-0567). He was represented by Sarah Mauldin¹, Esq. On December 13, 2013, Applicant entered a plea for a negotiated aggregate term of thirty (30) years imprisonment on all his charges². The

¹ Formerly Sarah Hahn, Esq.

² Applicant also pled guilty to a Saluda County offense (2013-CP-41-416) that is collateral to this Lexington County PCR action.

Honorable Robert E. Hood accepted Applicant's plea and imposed the negotiated sentence³. Judge Hood sentenced Applicant to a term of thirty (30) years imprisonment for burglary, first-degree, a term of thirty (30) years imprisonment for kidnapping, and a term of thirty (30) years imprisonment for armed robbery. The sentences were to be served concurrently.

A notice of appeal was filed on Applicant's behalf. The South Carolina Court of Appeals denied and dismissed Applicant's appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR, for failure to provide a sufficient explanation to merit the appeal. State v. Dyeshaun A. Drafts, Appellate C.A. No. 2013-002747 (filed on March 12, 2014). The Remittitur was issued on March 28, 2014

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

- (a) Ineffective assistance of counsel for failing to investigate the State's factual basis of Applicant's guilt;
- (b) Ineffective assistance of counsel for failing to negotiate a more favorable plea bargain during the course of the representation;
- (c) Ineffective assistance of counsel for representing despite a conflict of interest where counsel previously had represented a co-defendant on a separate matter;
- (d) Ineffective assistance of counsel for failing to advise Applicant that his guilty plea made him eligible for the SVP program.

SUMMARY OF TESTIMONY

At the PCR hearing, Applicant testified to his impressions of counsel and to his concerns on the competency of representation that he received. Applicant testified that counsel was substituted on his case. Applicant testified that he met with counsel six times prior to the disposition of his case. Applicant testified that they determined the defense strategy after their first consultation which was to negotiate a favorable plea bargain. Upon meeting with counsel to discuss the State's plea offer, Applicant found its terms to be unsuitable. Applicant gave

³ Applicant's plea resulted in a probation revocation on two prior convictions (2009-GS-32-3670; -2689). Judge Hood imposed four years on each suspected sentence. The revocations were to run concurrent to thirty year aggregate sentence.

conflicting testimony concerning his desire to proceed to trial. Ultimately, Applicant testified that he did not want to accept the State's offer but also did not want a trial. Applicant testified that on the day of his plea that he wanted to fire counsel. Applicant testified that he was concerned counsel represented one of his co-defendant's Brannon in 2009 and yet continued to represent him. Applicant also testified that he was upset counsel did not advise him about the SVP program before the guilty plea hearing.

Counsel testified to her course of conduct during the representation. Counsel testified that she was substituted onto Application's case after the original appointed attorney took a sabbatical from the practice of law. She testified that she met with Applicant eleven times in conjunction to communicating with Applicant through other means. Counsel gave a brief summary of the gruesome facts of the Applicant's offenses: Applicant and his co-defendant's committed an armed burglary, held the women and children in the home hostage where one assailant held the victims at gunpoint while they took turns raping the women; law enforcement apprehended Applicant soon after the offense where the victim's had identified him as one of the assailants; Applicant gave a full exculpatory statement to police. Counsel noted that Applicant disagreed with a limited portion of the State's evidence and narrative; Applicant told counsel that one of his sexual encounters during the burglary was consensual. However, counsel noted that Applicant relayed a different version to her investigator, Lee Connelly. As a result, Connelly conducted a follow up investigation that resulted in uncovering more inculpatory evidence against Applicant.

Counsel testified that impetus of the representation centered on negotiating a favorable plea bargain. Counsel testified that the State was only willing to come off of the negotiated thirty year sentence if one of the co-defendant's turned State's evidence and agreed to testify against

the other two. Counsel recalled advising Applicant on December 27, 2013 of the benefits of agreeing to cooperate with State in turn for a probable recommendation to a twenty year sentence. Counsel testified that Applicant rejected the State's offer because he did not want to "snitch" on his co-defendant cousin Brannon. Counsel engaged in further discussions on this matter on one more occasion; but Applicant's resolve remained firm.

Counsel testified to the Lexington County Public Defender's Office concerning its procedures to avoid conflicts. Counsel testified to the potential for a conflict of interest in the present case and noted that Applicant was well aware she represented co-defendant Brannon years back on a juvenile matter. She testified that Applicant never expressed any concerns or trepidations on the matter. Furthermore, counsel testified that she never held any knowledge that Applicant desired to have her substituted off of his case. On the contrary, counsel noted that she represented Applicant on numerous prior cases that resulted in her developing a good professional relationship with Applicant that aided her efforts in providing quality representation. Counsel further testified that if a conflict had developed because of her prior unrelated representation of Brannon, then she would have taken the appropriate action.

Last, counsel testified that she advised Applicant on several collateral consequences at play if he pled guilty that included registry on the sex offender list and effects of classification of the offenses on sentencing enhancement for future charges.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh

their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

As a matter of general impression, this Court finds Applicant's allegations were solely supported by his speculative and dubious testimony. In contrast, this Court was impressed by counsel's testimony that exhibited her diligence, competency, and effectiveness. This Court is inclined to most resoundingly agree with Judge Hood's statement at the guilty hearing that "I'm going to tell you the one thing that you do need to be thankful for, you need to be thankful for your attorneys because, you know, short of this being a negotiated sentence, I'm not sure that 30 years is enough for the violent, awful horrific things that you did. So the hard work of your attorneys sticking by you and doing everything they can for you... is really a gift to you." Plea Transcript p.32, ln. 3-13.

INEFFECTIVE ASSISTANCE OF COUNSEL

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must

overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985). After careful review based on the standard discussed above, the Applicant has failed to carry his burden in this action.

A.

This Court finds Applicant's allegation "(a) Ineffective assistance of counsel for failing to investigate the State's factual basis of Applicant's guilt" is without merit. "Criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011) (internal citations omitted). "A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that,

but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial." Kolle v. State, 386 S.C. 578, 588, 690 S.E.2d 73, 78 (2010)

In light of counsel's dispositive, convincing, and detailed testimony on the matter, Applicant failed to even make a prima facie case of just what counsel should have objectively investigated but did not do so. This Court finds the allegation is facially defective. Miller v. Johnson, 200 F.3d 274, 282 (5th Cir. 2000) (A conclusory allegation of ineffectiveness raises no constitutional issue because a petitioner must show how counsel was deficient and how there was prejudice). Regardless, this Court finds Applicant's convictions were supported by graphic overwhelming evidence of his guilt. See Franklin v. Catoe, 346 S.C. 563, 570 n. 3, 552 S.E.2d 718, 722 n. 3 (2001) (finding overwhelming evidence of guilt negated any claim that counsel's deficient performance could have reasonably affected the result of defendant's trial). Therefore, this allegation is readily denied and dismissed with prejudice.

Similarly, Applicant's allegation that "(d) Ineffective assistance of counsel for failing to advise Applicant that his guilty plea made him eligible for the SVP program" is also without merit. After Judge Hood advised Applicant on the matter, he still proceeded forward with the plea. In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. See Holden v. State, 393 S.C. 565, 713 S.E.2d 611, 614 (2011). Applicant has entirely failed to provide any compelling evidence or testimony to allow this Court to depart from the presumption of truthfulness in his assurances to Judge Hood. See Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L. Ed. 2d 136 (U.S.N.C. 1977) (Solemn declarations in open court carry a strong presumption of verity). This Court notes that the record shows Applicant's but/for motivation accepting a plea offer revolved around limiting his aggregate exposure to incarceration. Therefore, this allegation is readily denied and dismissed.



B.

Last, this Court finds Applicant's allegation "(b) Ineffective assistance of counsel for failing to negotiate a more favorable plea bargain during the course of the representation" to be fatally defective. Not only does the allegation concern a matter outside of purview of a Strickland review on deficient performance under the prevailing professional norms, it suggests ineffective assistance for a matter solely within the constitutional purview of the executive branch. "The Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record." S.C. Const. art. V, § 24. "Both the South Carolina Constitution and South Carolina case law place the unfettered discretion to prosecute solely in the prosecutor's hands." Ex parte Harrell v. Attorney Gen. of State, 409 S.C. 60, 69, 760 S.E.2d 808, 812 (2014). Furthermore, despite counsel's exceptional performance in advising Applicant on the benefits of turning evidence in consideration for an even better plea offer, Applicant made the knowing, intelligent, and voluntary decision to disregard counsel's advice. Therefore, this allegation is readily denied and dismissed with prejudice.

C.

This Court finds Applicant fell well short of meeting his burden to make a sufficient prima facie showing to prove the allegation "(c) Ineffective assistance of counsel for representing despite a conflict of interest where counsel previously had represented a co-defendant on a separate matter." To establish a violation of the Sixth Amendment right to effective counsel due to a conflict of interest arising from multiple representation, a defendant who did not object at trial must show an actual conflict of interest adversely affected his attorney's performance." Thomas v. State, 346 S.C. 140, 143, 551 S.E.2d 254, 256 (2001). "An

actual conflict of interest occurs where an attorney owes a duty to a party whose interests are adverse to the defendant's." Staggs v. State, 372 S.C. 549, 551, 643 S.E.2d 690, 692 (2007). "To be valid, a waiver of a conflict of interest must not only be voluntary, it must be done knowingly and intelligently." United States v. Swartz, 975 F.2d 1042, 1048-49 (4th Cir.1992).

This Court finds that in light of counsel's convincing and dispositive testimony on the matter, Applicant has produced no legitimate evidence to show that conflict developed during the representation that inured to his detriment. In contrast, this Court finds that counsel's substitution only yielded beneficial fruits to the quality of representation that Applicant received and to the favorable disposition of the case. Therefore, this allegation is readily denied and dismissed with prejudice.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

CONCLUSION

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

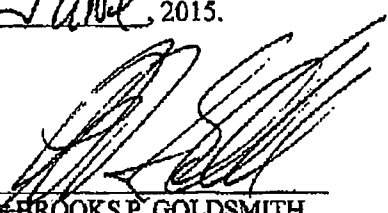
This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an

Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCR, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 3 day of JUNE, 2015.


HONORABLE BROOKS P. GOLDSMITH
Presiding Judge
Eleventh Judicial Circuit

_____, South Carolina

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2014CP3201434

Deshaun A Drafts

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a) SCRPC
☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☒ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on June 15, 2015 and a copy mailed, emailed or placed in the appropriate attorney's box on this June 15, 2015 to attorneys of record or to parties (when appearing pro se) as follows:

Anna R Good

Walt Whitnire

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Beth Carrigg /nh

ATTACHMENT NO. 8

01/05/2017 07:53

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PAGE 02/89

ORIGINAL FORM 3

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

County of LEXINGTONDeshaun A. Drafts #358211
Full name and prison number (if any) of Applicant

2016 CP 32 00570

v.

State of South Carolina

APPLICATION

POST-CONVICTION RELIEF

JEREMY A. HARRIS
CLERK OF COURT
LEXINGTON, SC

FEB 14 PM 3:32

FILED

INSTRUCTIONS B READ CAREFULLY

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

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

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

1. Place of detention Broad River Correction Institution
2. Name and location of Court which imposed sentence County of Lexington
ELEVENTH Judicial Circuit
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2013-GS-32-565 ¹² 2013-GS-32-566 ¹² 2013-GS-32-567

- (b) 2013-GS-41-416
- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) _____
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) ☒ after a plea of guilty 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?
Yes No
8. If you answered Ayes@ to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. N/A
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. _____
- iii. _____
9. If you answered Ano@ to (7), state your reasons for not so appealing:
- (a) _____

- (b) _____
 (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
 (a) Ineffective assistance of PCR Counsel
 (b) Pursuant to Austin v. State 409 SE 2d 395
 (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
 (a) PCR Counsel failed to file an appeal
 (b) of the PCR Court's order.
 (c) _____
12. Prior to this application have you filed with respect to this conviction:
 (a) any petition in a State Court under South Carolina Law? no
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? no
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no
 (d) any other petitions, motions or applications in this or any other Court? no
13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:
 (a) the specific nature thereof:
 i. _____
 ii. _____
 iii. _____
 iv. _____
 (b) the name and location of the Court in which each was filed:
 i. _____
 ii. _____
 iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

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

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

- (a) your arraignment and plea? _____
- (b) your trial, if any? _____
- (c) your sentencing? _____
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

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

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

- i. _____
- ii. _____
- iii. _____

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

- i. _____
- ii. _____
- iii. _____

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

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

Revised 3/2003

STATE OF SOUTH CAROLINA

County of LEXINGTON

VERIFICATION

I, Deshuan Drafts, 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.

Deshuan Drafts

SWORN to and subscribed before me this 21
 day of January, 2016.

Jacqueline Herrell (L.S.)
 Notary Public

My Commission Expires: 3/15/16

FILED
 2016 FEB 18 PM 3:32
 BETH A. CARRIGG
 CLERK OF COURT
 LEXINGTON SC

01/05/2017 07:53

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PAGE 08/09

2016CP3200570

ORIGINAL

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

I, Deshuan Drafts, 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:

- (X) I am the applicant in this action and I believe I am entitled to redress.
- (X) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Deshuan Drafts
Applicant

SWORN or affirmed to and subscribed before me this
21 day of January, 2016.

acquel Murrell
Notary Public

My Commission Expires: 3/15/16

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON SC

FEB 18 PM 3:32

FILED

STATE OF SOUTH CAROLINA **ORIGINAL** IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON

Deshawn A. Drafts

Plaintiff(s)

vs.

The State of South Carolina

Defendant(s)

Submitted By: Deshawn A. Drafts #358211

Address: B.R.C.T. BHU cell 123

9460 Broad River Road

Columbia S.C. 29210

CIVIL ACTION COVERSHEET

2016 CP 3200570

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|---|---|
| ☐ Contracts | ☐ Torts - Professional Malpractice | ☐ Torts - Personal Injury | ☐ Real Property |
| ☐ Construction (100) | ☐ Dental Malpractice (200) | ☐ Conversion (310) | ☐ Claim & Delivery (400) |
| ☐ Debt Collection (110) | ☐ Legal Malpractice (210) | ☐ Motor Vehicle Accident (320) | ☐ Condemnation (410) |
| ☐ General (130) | ☐ Medical Malpractice (220) | ☐ Premises Liability (330) | ☐ Foreclosure (420) |
| ☐ Breach of Contract (140) | ☐ Previous Notice of Intent Case # | ☐ Products Liability (340) | ☐ Mechanic's Lien (430) |
| ☐ Fraud/Bad Faith (150) | 20 - <u>NK</u> | ☐ Personal Injury (350) | ☐ Partition (440) |
| ☐ Failure to Deliver/
Warranty (160) | ☐ Notice/ File Med Mal (230) | ☐ Wrongful Death (360) | ☐ Possession (450) |
| ☐ Employment Discrim (170) | ☐ Other (299) | ☐ Assault/Battery (370) | ☐ Building Code Violation (460) |
| ☐ Employment (180) | | ☐ Slander/Libel (380) | ☐ Other (499) |
| ☐ Other (199) | | ☐ Other (399) | |
| ☒ Inmate Petitions | ☐ Administrative Law/Relief | ☐ Judgments/Settlements | ☐ Appeals |
| ☐ PCR (500) | ☐ Reinstatement License (800) | ☐ Death Settlement (700) | ☐ Arbitration (900) |
| ☐ Mandamus (520) | ☐ Judicial Review (810) | ☐ Foreign Judgment (710) | ☐ Magistrate-Civil (910) |
| ☐ Habeas Corpus (530) | ☐ Relief (820) | ☐ Magistrate's Judgment (720) | ☐ Magistrate-Criminal (920) |
| ☐ Other (599) | ☐ Permanent Injunction (830) | ☐ Minor Settlement (730) | ☐ Municipal (930) |
| | ☐ Forfeiture-Petition (840) | ☐ Transcript Judgment (740) | ☐ Probate Court (940) |
| | ☐ Forfeiture-Consent Order (850) | ☐ Life Sentence (750) | ☐ SCDOT (950) |
| | ☐ Other (899) | ☐ Transfer of Structured
Settlement Payment Rights
Application (760) | ☐ Worker's Comp (960) |
| ☐ Special/Complex /Other | | ☐ Confession of Judgment (770) | ☐ Zoning Board (970) |
| ☐ Environmental (600) | ☐ Pharmaceuticals (630) | ☐ Petition for Workers
Compensation Settlement
Approval (780) | ☐ Public Service Comm. (990) |
| ☐ Automobile Arb. (610) | ☐ Unfair Trade Practices (640) | ☐ Other (799) | ☐ Employment Security Comm (991) |
| ☐ Medical (620) | ☐ Out-of State Depositions (650) | | ☐ Other (999) |
| ☐ Other (699) | ☐ Motion to Quash Subpoena in
an Out-of-County Action (660) | | |
| ☐ Sexual Predator (610) | ☐ Pre-Suit Discovery (670) | | |

Submitting Party Signature: Deshawn Drafts

Date: 2-8-2016

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

Deshaun A. Drafts, #358211,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
IN THE ELEVENTH JUDICIAL CIRCUIT

Case No. 2016-CP-32-00570

AFFIDAVIT OF SERVICE BY MAIL

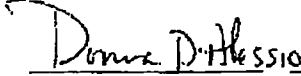
1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return**, with attachments, in the above-captioned matter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

Arthur K. Aiken, Esquire
2231 Devine Street, Ste. 201
Columbia, SC 29205

RETURN ATTACHMENT LIST:

1. Lexington County Clerk of Court Records – case history including indictments, arrest warrants, and sentencing sheets;
2. SCDC Records – inmate summary report dated January 30, 2017;
3. Guilty plea transcript;
4. Direct appeal documents;
5. First PCR application;
6. State's return;
7. Order of dismissal; and
8. Second PCR application.

DATED this 28th day of August, 2017.


Donna D'Alessio
Legal Assistant to Sherrie Butterbaugh
Assistant Attorney General



ALAN WILSON
ATTORNEY GENERAL

August 28, 2017

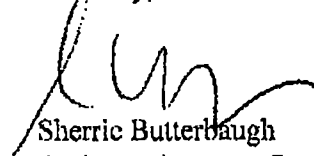
The Honorable Lisa M. Comer
Clerk of Court, Lexington County
205 E. Main St., Ste 128
Lexington, South Carolina 29072-3557

Re: Deshaun A. Drafts, #358211 vs. State of South Carolina
2016-CP-32-00570

Dear Ms. Comer:

Enclosed is the original **Return**, with attachments, and Affidavit of Service in the above-captioned case which we submit for filing in your office.

Sincerely,


Sherric Butterbaugh
Assistant Attorney General

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

2017 AUG 29 AM 11:58

FILED

SB:dmd

Enclosures

1. Lexington County Clerk of Court Records – case history including indictments, arrest warrants, and sentencing sheets;
2. SCDC Records inmate summary report dated January 30, 2017;
3. Guilty plea transcript;
4. Direct appeal documents;
5. First PCR application;
6. State's return;
7. Order of dismissal; and
8. Second PCR application.

cc: Arthur K. Aiken, Esq. (w/copies of encls.)

1 State of South Carolina Court of Common Pleas
2 County of Lexington Eleventh Judicial Circuit
3
4 Deshaun Antonio Drafts,) Transcript of Record
5 Applicant,)
6 vs.) 2016-CP-32-00570
7 State of South Carolina,)
8 Defendant.)

9
10 December 13, 2017
11 Lexington, South Carolina

12 B E F O R E:

13 The Honorable J. Cordell Maddox, Jr., Judge

14
15 A P P E A R A N C E S:

16 Arthur K. Aiken, Esquire

17 On behalf of the Applicant

18 Sherrie Butterbaugh, Assistant Attorney General

19 Melody Jane Brown, Assistant Attorney General

20 On behalf of the State of South Carolina

21

22

23 Stacy S. Johnson
24 Circuit Court Reporter

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I N D E X

PAGE

Certificate of Reporter 7

E X H I B I T S

DESCRIPTION

ID. EVD.

Court's 1 (Affidavit of Anna Good Browder) 4

1 (Whereupon, the following proceedings were held
2 December 13, 2017, beginning at 11:14 AM.)

3 **MS. BUTTERBAUGH:** Your Honor, may I -- may I approach
4 with the packet.

5 **THE COURT:** Uh-huh.

6 How you doing, Mr. Drafts? Come on in.

7 **MR. AIKEN:** Hello, Mr. Drafts.

8 **THE COURT:** Okay. This is Deshaun Drafts. Mr. Drafts
9 is present.

10 Yes, ma'am.

11 **MS. BUTTERBAUGH:** Yes, Your Honor. And like the last
12 case, we have a bit of an agreement with this one, a
13 consent.

14 And this is Deshaun Drafts v. State of South Carolina,
15 2016-CP-32-00570, a Lexington County case. The grand jury
16 indicted Applicant in March of 2012 for first degree
17 burglary, kidnapping and armed robbery. He pled guilty on
18 December 17th of 2013 before Judge Robert Hood. Sarah
19 Mauldin represented Mr. Drafts. Judge Hood found the
20 kidnapping was sexual in nature and sentenced Mr. Drafts
21 to a negotiated thirty years for each indicted offense to
22 be served concurrently.

23 Applicant filed a direct appeal, which was dismissed
24 by the Court of Appeals for failure to provide a sufficient
25 explanation to merit the appeal. Applicant filed for PCR

1 on April 15, 2014, alleging various claims of ineffective
2 assistance of counsel. Applicant was represented by Anna
3 Good, now Browder, at the evidentiary hearing. Judge
4 Brooks Goldsmith dismissed the action by order dated
5 June 3rd of 2015. Applicant did not appeal.

6 Mr. Drafts filed his second PCR action on February 18,
7 2017, alleging only ineffective assistance of prior PCR
8 counsel, and that counsel failed to file an appeal from the
9 order of dismissal in his first PCR action, and that is
10 what we -- after consulting with Anna Browder, who was not
11 available to be here to testify, we have an affidavit from
12 her that I would like make part of the record in which she
13 agrees -- she agrees that Mr. Drafts did tell her -- if I
14 could make this a Court's exhibit.

15 (Court's Exhibit Number 1 was marked for
16 identification.)

17 **MS. BUTTERBAUGH:** She agrees that he did indicate to
18 her that he wanted to appeal and she did not, so based on
19 that it's the State's position that he is entitled to a
20 belated appeal of his first PCR action pursuant to Austin
21 v. State.

22 I'm not sure if Mr. Aiken would like to add anything
23 to that.

24 **THE COURT:** Okay.

25 **MR. AIKEN:** We're in agreement, Your Honor, to the

1 entry of a consent order providing for the right to
2 Mr. Drafts to make a belated appeal under Austin v. State.

3 **THE COURT:** Okay. Mr. Drafts, you understand what's
4 going on here that I'm gonna grant?

5 **THE APPLICANT:** Yes, sir.

6 **THE COURT:** And you'll have an opportunity to appeal.

7 And, you know, I've got to tell you I appreciate
8 affidavits like that where somebody admits to making a
9 mistake. It just happens. It's nobody's fault and they
10 shouldn't be blamed for it.

11 **MS. BUTTERBAUGH:** And, Your Honor, I do have an
12 order that I put together. Mr. Aiken took a look at it
13 this morning. If Your Honor would like to sign it --

14 **THE COURT:** Sure.

15 **MS. BUTTERBAUGH:** -- it's basically kind of a
16 procedural history. Do you --

17 **MR. AIKEN:** No, no. I've got -- you gave me one.

18 **MS. BUTTERBAUGH:** I think I took it back.

19 **MR. AIKEN:** Okay. Well, I'll take one then.

20 **MS. BUTTERBAUGH:** Not intentionally though.

21 **THE COURT:** All right. Hold on a minute.

22 **MS. BUTTERBAUGH:** Do you want to switch back?

23 **THE COURT:** Yeah.

24 **MS. BUTTERBAUGH:** Okay.

25 **THE COURT:** All right. I've signed it.

1 Good luck to you, okay?

2 **THE APPLICANT:** All right. Thank you.

3 **THE COURT:** Be safe. Y'all be safe, too.

4 **MS. BUTTERBAUGH:** Thank you, Your Honor.

5 **THE COURT:** Thank you.

6 (Whereupon, the proceedings were concluded at

7 11:19 AM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned case in Circuit Court on the 13th day of December, 2017.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

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

April 2, 2018

/s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

IN THE COURT OF COMMON PLEAS
IN THE ELEVENTH JUDICIAL CIRCUIT

Deshaun A. Drafts, #358211,)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
Respondent.)

C/A No. 2016-CP-32-00570

**AFFIDAVIT OF
ANNA BROWDER, ESQ.**

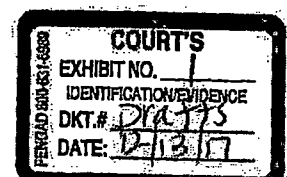
PERSONALLY APPEARED BEFORE ME THE ABOVE STATED AFFIANT WHO
MAKES THE FOLLOWING SWORN STATEMENT:

1. I, Anna Browder, Esq., am an attorney practicing in South Carolina. I graduated from the University of South Carolina School of Law in 2005 and was admitted to this state's bar on November 14, 2005. My experience has focused almost exclusively on criminal law, including time spent as an Assistant Solicitor for Richland County prior to opening a private firm in Columbia.

I am licensed to practice law in the state of South Carolina, the United States District Court in the District of South Carolina, and the Fourth Circuit Court of Appeals.

2. Mr. Drafts filed his first application for post-conviction relief (PCR) on April 15, 2014. I was appointed as his attorney in that action on May 13, 2014. An evidentiary hearing was held before the Honorable Brooks P. Goldsmith on April 22, 2015. The judge orally denied relief on the record at the end of the hearing.

3. As one of the contract attorneys on the 608 list for PCR actions at the time, it was and still is my normal practice to confer with every client at the end of his or her PCR evidentiary hearing to determine if they want to appeal the case should the judge deny relief.



This is so I can send a notice of appeal to the Clerk of Court as soon as possible following a dismissal of an application as per a client's request to move the case through the process.

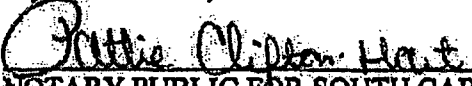
I confirmed prior to leaving the evidentiary hearing that Mr. Drafts wanted to file a notice of appeal upon receipt of the written order denying relief and made a note to do so. Mr. Drafts subsequently wrote to me on November 24, 2015 to inquire about his PCR action. A check of the Lexington County Public Index indicated the written order of dismissal was entered June 8, 2015, and a copy was mailed or emailed to me by the Clerk of Court on June 15, 2015. It is my belief this occurred near the time the Clerk's office began emailing orders to attorneys and the order was routed to a junk folder rather than to my inbox. Consequently, I did not receive a copy of the order and did not file an appeal on behalf of Mr. Drafts.

4. Believing any appeal to be untimely, I indicated to Mr. Drafts he should file a PCR action against me for failure to file a notice of appeal. It is further my belief Mr. Drafts is entitled to a belated appeal of his first PCR pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

THE AFFIANT FURTHER SAYETH NOT.


Anna R. Browder, Esq.

SWORN TO BEFORE ME this 1st
day of December, 2017.


NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires: 3/8/2026

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

Deshaun A. Drafts, #358211,

Applicant,

v.

State of South Carolina,

Respondent.

FILED
IN THE COURT OF COMMON PLEAS
IN THE ELEVENTH JUDICIAL CIRCUIT
2017 DEC 13 PM 4:02

LISA M. COMER 2016-CP-32-00570
CLERK OF COURT
LEXINGTON SC

ORDER GRANTING AN APPEAL
PURSUANT TO *AUSTIN v. STATE*¹

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed February 18, 2016. Respondent made its return on August 28, 2017, requesting an evidentiary hearing solely on the issue of whether applicant was entitled to belated appellate review of his first PCR action pursuant to *Austin*. An evidentiary hearing was convened on December 13, 2017, at the Lexington County Courthouse. Applicant was present at the hearing and represented by Arthur K. Aiken, Esquire. Assistant Attorney General Sherrie Butterbaugh represented the State.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. During its March 2012 term, a Lexington County grand jury indicted applicant for first-degree burglary, kidnapping, and armed robbery. (Indictment Nos. 2012-GS-32-565, -566, -567). Applicant appeared before the Honorable Robert E. Hood on December 17, 2013 to plead guilty. Sarah Hahn Mauldin, Esquire, represented applicant, and Shawn Graham, Esquire, represented the State. During the hearing, Judge Hood made a finding the kidnapping was sexual in nature, and sentenced

¹ *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

applicant to a negotiated term of thirty years' imprisonment for each of the indicted offenses, the sentences to be served concurrently.

A notice of appeal was filed on applicant's behalf. The South Carolina Court of Appeals dismissed the appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR, for failure to provide a sufficient explanation to merit the appeal. (Order in *State v. Drafts*, Appellate Case No. 2013-002747). The court issued its remittitur on March 28, 2014.

Applicant filed his first application for PCR on April 15, 2014, and alleged plea counsel was ineffective in failing to fully investigate the case and his plea was involuntary. (2014-CP-32-01434). The State made its return on September 17, 2014.

An evidentiary hearing was held before the Honorable Brooks P. Goldsmith on April 22, 2015. Applicant was present and represented by Anna Good (now Browder), Esquire, and Walt Whitmire, Esquire, represented the State. By order dated June 3, 2015, Judge Goldsmith denied applicant's claims and dismissed with prejudice his application.

Applicant did not appeal the dismissal of his first PCR action.

ALLEGATIONS

In his current application, applicant alleges only the following claim of error:

1. Ineffective Assistance of PCR Counsel
 - a. Failure to file an appeal from the denial of his first PCR application.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant alleges that he was denied the right to appeal the dismissal of his previous post-conviction relief application. Pursuant to *Austin*, a post-conviction relief applicant may petition the South Carolina Supreme Court for discretionary review of the dismissal of his prior PCR application. At the start of the hearing in applicant's current action, the State indicated to this

Court it would be consenting to the grant of an *Austin* appeal. The State explained it consented based upon discussion with prior PCR counsel, a review of the various documents filed in the previous and current actions, and discussion with applicant's current PCR Counsel.

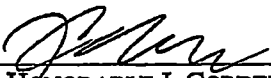
After review of the facts and circumstances surrounding the waiver of applicant's right to appeal the denial of a PCR action, this Court finds applicant is entitled to appeal the denial of his first application (2014-CP-32-01434) pursuant to *Austin*. This Court finds applicant did not voluntarily waive his right to appeal the post-conviction relief court's denial and dismissal of his prior action.

Based upon the foregoing, this Court finds the granting of an appeal of applicant's first post-conviction relief action (2014-CP-32-01434) pursuant to *Austin v. State* is warranted. The Court advises applicant that he must file a notice of intent to appeal within thirty (30) days from receipt of written notice of entry of this order to secure appellate review.

IT IS THEREFORE ORDERED:

1. That the Applicant be granted an appeal of case 2014-CP-32-01434 pursuant to *Austin v. State*; and
2. That applicant remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 13th day of December, 2017.


THE HONORABLE J. CORDELL MADDOX, JR.
Presiding Judge

Lexington, South Carolina.

WITNESSES

Batesburg Leesville Police Department

Cynthia Crow

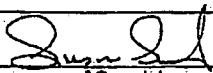
Law Enforcement Case #: 111659

DOCKET NO. 2012GS3200565**The State of South Carolina**

County of Lexington

DSGARREST WARRANT NUMBER

1022869

COURT OF GENERAL SESSIONSMARCH TERM 2012ACTION OF GRAND JURY**TRUE BILL**

Foreperson of Grand Jury

Date: 3-12-2012

VERDICT**THE STATE**

vs.

Deshuan Antonio Drafts

CDR #: 0079

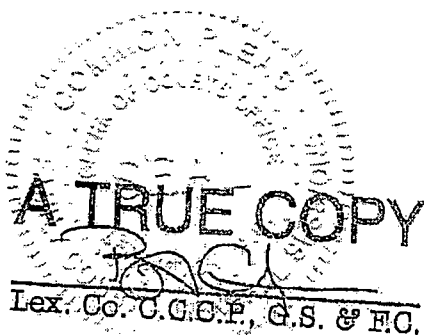
Indictment for

Burglary 1st Degree.

§ 16-11-0311

Foreperson of Petit Jury

Date:

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
Burglary 1st Degree

§ 16-11-0311

At a Court of General Sessions, convened on March 2012, the Grand Jurors of Lexington County present upon their oath:

That Deshuan Antonio Drafts along with Laquaris Brannon and/or Deondre

Leaphart did in Lexington County, South Carolina on or about September 13, 2011 did

knowingly and willfully enter a dwelling, to wit: [REDACTED] being the

dwelling of Victim 1 without consent and with the intent to commit a crime

therein and when, in effecting entry or while in the dwelling or in immediate flight, he or

another participant in the crime, was armed with a deadly weapon or explosive, and/or

caused physical injury to a person who is not a participant in the crime, and/or used or

threatened the use of a dangerous instrument, and/or displayed what was or appeared

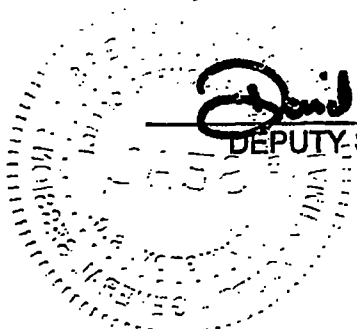
to be a knife, pistol, revolver, shotgun, machine gun, or other firearm, and/or the

entering or remaining occurred in the nighttime,

in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

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


DEPUTY SOLICITOR



STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.Deshuan Antonio Drafts

AKA:

Race: Black Sex: M Age: 20DOB: SSN: [REDACTED]

Address:

City, State, Zip: Leesville, SC 29070DL#: [REDACTED] SID#: SC01936931*CDI, Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3200565A/W#: 1022869Date of Offense: 9/13/2011S.C. Code §: 16-11-0311CDR Code #: 0079RECOMMENDED
SENTENCE SHEETNEGOTIATED X☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ 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:

Daniel S. Galt 11650 Deshuan Drafts See note #40 72631
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 ~~days~~ months or ☐ under the Youthful Offender Act not to exceed — yearsand/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or paymentof \$ —; 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: 2013-GS-41-416, 2012-GS-32-566, 567
☒ 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 PTUPTotal: \$ — plus 20% fee: \$ —

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforc. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$20/ea.	\$ <u>5</u>
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL		\$ <u>13</u>

Clerk of Court/ Deputy Clerk

Court Reporter: B. Ambrose

SCCA/217 (03/2011)

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

Other:

NO contact with victim(s)☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

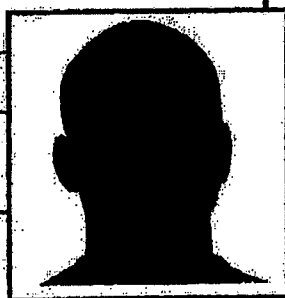
Lex. Co. C.O.C.P., G.S. & F.C.

ARREST WARRANT

I-022869

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
BATESBURG-LEESVILLE

THE STATE
against



DESHUAN ANTONIO DRAFTS

Address: BATESBURG-LEESVILLE SC 29070
Phone: SSN:
Sex: M Race: B Height: 6-0 Weight: 169
DL State: SC DL:
DOB: Agency ORID: SC0320100
Prosecuting Agency: BATESBURG-LEESVILLE POLICE
Prosecuting Officer: OFFICER CYNTHIA CROW
Offense: BURGLARY 1ST DEGREE
Offense Code: 0079
Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant DESHUAN ANTONIO DRAFTS
on 9-15-2011

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
CLERK OF COURT
660 WEST COLUMBIA AVE.
BATESBURG-LEESVILLE, SC 29006
(803) 532-9661

Lex. Co. C.C.C.P., G.S. & F.O.

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
BATESBURG-LEESVILLE

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
July 23, 1992

Personally appeared before me the affiant CAPTAIN WALTER B. GOSS who
being duly sworn deposes and says that defendant DESHUAN ANTONIO DRAFTS
did within this county and state on 09/13/2011 to 09/13/2011 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of BATESBURG-LEESVILLE)
in the following particulars:
DESCRIPTION OF OFFENSE: 16-11-0311 / BURGLARY 1ST DEGREE

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

THAT ON OR ABOUT 09-13-2011 AT 2300 HOURS, THE DEFENDANT, DESHUAN ANTONIO DRAFTS, DID BREAK AND ENTER A
DWELLING WITHOUT CONSENT AND WITH THE INTENT TO COMMIT THE CRIME OF LARCENY AND CRIMINAL SEXUAL
CONDUCT, WHILE ARMED WITH A DEADLY WEAPON BEING A FIREARM AND DURING THE HOURS OF NIGHTTIME, THE
DEFENDANT PARTICIPATED IN THIS CRIME AS A MEMBER OF AND ALONG WITH TWO CO-DEFENDANTS. EVIDENCE IS
PROVIDED IN THE FORM OF VICTIM STATEMENTS, ALONG WITH OTHER SUPPORTING EVIDENCE AND DOCUMENTATION.
THIS INCIDENT OCCURRED AT WITHIN THE TOWN OF BATESBURG-LEESVILLE, LEXINGTON
COUNTY, SOUTH CAROLINA.

Signature of Affiant

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
BATESBURG-LEESVILLE

Affiant's Address 660 WEST COLUMBIA AVENUE
BATESBURG-LEESVILLE SC 29006
Affiant's Telephone: (803) 532-4408

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 09/13/2011 defendant DESHUAN ANTONIO DRAFTS
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of BATESBURG-LEESVILLE) as set forth below:
DESCRIPTION OF OFFENSE: BURGLARY / BURGLARY (AFTER JUNE 20, 1985) - FIRST DEGREE

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

Sworn to and subscribed before me
on 09/15/2011
Robert Cook (L.S.)
ROBERT COOK
Judge Code: 6999

ORIGINAL

Judge's Address 660 WEST COLUMBIA AVE.
BATESBURG-LEESVILLE SC 29006
Judge's Telephone: 803-532-9661
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

Case: 11-1659

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____	_____
_____	_____
_____	_____

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

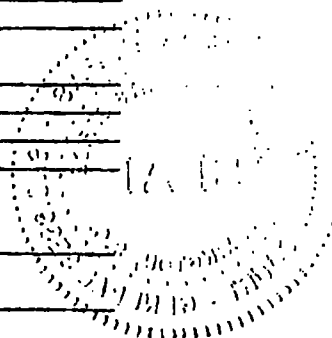
Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

_____	_____
_____	_____
_____	_____

BETH A. J. JUDGE
CLERK OF COURT
LEVINE & CO. PC

2011 SEP 19 PM 1:01

WITNESSES

Batesburg Leesville Police Department

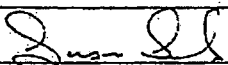
Cynthia Crow

Law Enforcement Case #: 111659

DSG

ARREST WARRANT NUMBER

1022870

ACTION OF GRAND JURY**TRUE BILL**
Foreperson of Grand Jury

Date: 3-12-2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS3200566**The State of South Carolina****County of Lexington**

COURT OF GENERAL SESSIONS**MARCH TERM 2012**

THE STATE**vs.****Deshuan Antonio Drafts**

CDR #: 0095**Indictment for****Kidnapping****§ 16-03-0910**

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Kidnapping

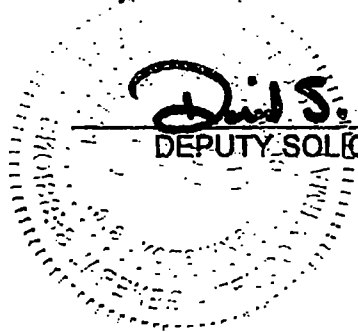
§ 16-03-0910

At a Court of General Sessions, convened on March 2012, the Grand Jurors of Lexington County present upon their oath:

That **Deshuan Antonio Drafts along with Laquaris Brannon and/or Deondre Leaphart** did in Lexington County, South Carolina on or about September 13, 2011, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Victim 1 and/or Victim 2 and/or 5 minor children by any means whatsoever without authority of law, and without their consent, to wit: , in violation of § 16-3-910 of the Code of Laws of South Carolina, 1976, as amended.

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


 DEPUTY SOLICITOR



STATE OF SOUTH CAROLINA

COUNTY OF Lexington
 STATE VS.
Deshuan Antonio Drafts

AKA:

Race: Black Sex: M Age: 20DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Lexville, SC 29070DL#: [REDACTED] SID#: SC 61936931*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
 TO: Kidnapping / Kidnappingin violation of § 16-03-0910of the S.C. Code of Laws, bearing CDR Code # 0095

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

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

A TEST:

Daniel S. G. [Signature] 11650 [Signature] 73681
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 ~~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: 2012-GS-32-0567, 0565, 2013-GS-41-
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied 4/6
 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 SCDPPPSObtain GED ☐Attend Voc. Rehab. or Job Corp. —May serve W/E beginning —Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ — beginning —\$ — paid to Public Defender Fund

Other:

* Sex Offender Registry
NO Contact w/ victim

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

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$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 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/cn	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$

3% in County (if paid in installments)

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter: K. G. [Signature]

SCCA/217 (03/2011)

A TRUE COPY

Lex. Co. C.C.C.P. & S.P.O.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3200566A/W#: 1022870Date of Offense: 9/13/2011S.C. Code §: 16-03-0910CDR Code #: 0095

RECOMMENDED

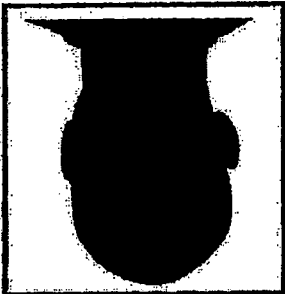
NEGOTIATED X☐ CONVICTED OF or ☒ PLEADS

Presiding Judge

Judge Code: 2164Sentence Date: Dec 17, 2013

Reffard

ARREST WARRANT
I-022870
STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
BATESBURG-LEESVILLE
THE STATE
against



DESHUAN ANTONIO DRAFTS
Address: BATESBURG-LEESVILLE SC 29070
SSN: [REDACTED]
Sex: M Race: B Height: 6-0 Weight: 169
DOB: [REDACTED]
Agency OR# SC0320100
BATESBURG-LEESVILLE POLICE
Prosecuting Agency: OFFICER CYNTHIA CROW
Prosecuting Officer: KIDNAPPING
Offense Code: 0095
Code/Ordinance Sec 16-03-0910
This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
The accused is to be arrested and brought before me to be
dealt with according to law.
Signature of Judge (L.S.)
Date:

RETURN WARRANT TO:
CLERK OF COURT
660 WEST COLUMBIA AVE.
BATESBURG-LEESVILLE, SC 29006
(803) 532-9661
A copy of this arrest warrant was delivered to
defendant DESHUAN ANTONIO DRAFTS
on 9-13-2011
Signature of Constable/Law Enforcement Officer
RETURN

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
BATESBURG-LEESVILLE
AFFIDAVIT
Form Approved by
S.C. Attorney General
1-022870
Personally appeared before me the affiant
CAPTAIN WALTER B. GOSS
being duly sworn deposes and says that defendant
DESHUAN ANTONIO DRAFTS
did within this county and state on 09/13/2011 to 09/13/2011
violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of BATESBURG-LEESVILLE
in the following particulars:
DESCRIPTION OF OFFENSE: 16-03-0910 / KIDNAPPING

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
THAT ON OR ABOUT 09-13-2011 AT 2300 HOURS, THE DEFENDANT, DESHUAN ANTONIO DRAFTS, DID UNLAWFULLY SEIZE,
CONFINED, AND KIDNAP WITHOUT THE AUTHORITY OF LAW, THE VICTIMS, VICTIM 2
AND FIVE CHILDREN, BY POINTING A FIREARM AT THE ABOVE VICTIMS WHILE COMMITTING OTHER CRIMES INSIDE THE
DWELLING. THE DEFENDANT PARTICIPATED IN THIS CRIME AS A MEMBER OF AND ALONG WITH TWO CO-DEFENDANTS,
EVIDENCE IS PROVIDED IN THE FORM OF VICTIM STATEMENTS, ALONG WITH OTHER SUPPORTING EVIDENCE AND
DOCUMENTATION. THIS INCIDENT OCCURRED AT [REDACTED] WITHIN THE TOWN OF
BATESBURG-LEESVILLE, LEXINGTON COUNTY, SOUTH CAROLINA.

Signature of Affiant
STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
BATESBURG-LEESVILLE
Affiant's Address 660 WEST COLUMBIA AVENUE
BATESBURG-LEESVILLE SC 29006
Affiant's Telephone (803) 532-4408
ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on 09/13/2011 defendant DESHUAN ANTONIO DRAFTS
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of BATESBURG-LEESVILLE) as set forth below:
DESCRIPTION OF OFFENSE: KIDNAPPING / KIDNAPPING

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered
to the defendant at the time of its execution, or as soon thereafter as is practicable.
Sworn to and subscribed before me
on 09/13/2011
(L.S.)

ORIGINAL
JUDGE ROBERT COOK
Judge's Signature
Judge's Telephone 803-532-9661
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit
Case: 11-1659
Lex. Co. Clerk, S.C. & H.C.

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(Indicate jury trial, bench trial, plea, nol. pro., etc.)

Disposition: _____

Sentence: _____

JURORS

_____	_____
_____	_____
_____	_____

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

BETH A. JONES
CLERK OF COURT
LEXINGTON, NC

2011 SEP 19 PM 1:01

WITNESSES

Batesburg Leesville Police Department

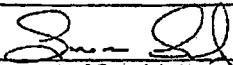
Cynthia Crow

Law Enforcement Case #: 111659

DSG

ARREST WARRANT NUMBER

1022871

ACTION OF GRAND JURY**TRUE BILL**

Foreperson of Grand Jury

Date: 3-12-2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS3200567**The State of South Carolina**

County of Lexington

COURT OF GENERAL SESSIONS**MARCH TERM 2012****THE STATE**

vs.

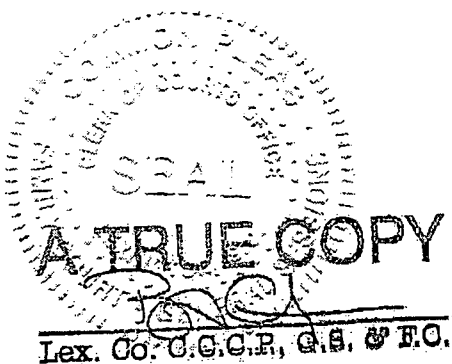
Deshuan Antonio Drafts

CDR #: 0139

Indictment for

Armed Robbery

§ 16-11-0330(A)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Armed Robbery
 § 16-11-0330(A)

At a Court of General Sessions, convened on March 2012, the Grand Jurors of Lexington County present upon their oath:

That Deshuan Antonio Drafts along with Laquaris Brannon and/or Deondre

Leaphart did in Lexington County, South Carolina on or about September 13, 2011

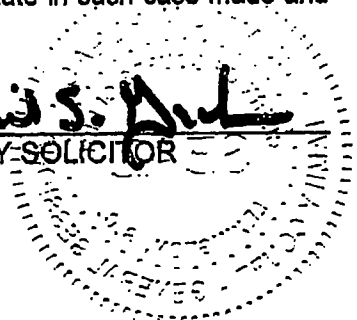
knowingly and willfully while armed with a deadly weapon to wit: a handgun did

feloniously take from the person or presence of Victim 1 and/or Victim 2

by means of force, threats or intimidation goods or monies being described as follows: Jewelry, Mobile Telephone, US Currency and other items from the victims purses with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended

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


 DEPUTY SOLICITOR



STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.Deshuan Antonio Drafts

AKA: _____

Race: Black Sex: M Age: 20City/State/Zip: Lexington, SC 29070SID#: SC 01936931*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weaponin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ § 17-25-45The 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.

ATTES:

Daniel S. Gish 11050 Deshuan Antonio Drafts 73661
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 ~~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 paymentof \$ —; 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: 2012-GS-32-0566, 565, 2013-GS-41-416☒ 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 PTUPTotal: \$ — 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
§ 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
§ 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
3% to County (If paid in installments)	\$	\$
TOTAL	\$	\$1075

Clerk of Court/ Deputy Clerk

Court Reporter: Karen Ambrose

SCCV217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3200567A/W#: 1022871Date of Offense: 9/13/2011S.C. Code §: 16-11-0330(A)CDR Code #: 0139RECOMMENDED
SENTENCE SHEET
NEGOTIATED X☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ § 17-25-45The 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.Daniel S. Gish 11050 Deshuan Antonio Drafts 73661
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 ~~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 paymentof \$ —; 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: 2012-GS-32-0566, 565, 2013-GS-41-416☒ 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 PTUPTotal: \$ — 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
§ 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
§ 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
3% to County (If paid in installments)	\$	\$
TOTAL	\$	\$1075

☐ Appointed PD or appointed other counsel, § 47-12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: _____

Sentence Date: _____

Lex. Co. C.C.P., C.D., & F.O.

Re Huel2164Dec 17, 2013

ARREST WARRANT

I-022871

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

BATESBURG-LEESVILLE

THE STATE

against



DESHUAN ANTONIO DRAFTS

Address: BATESBURG-LEESVILLE SC 29070

Phone: SSN:

Sex: M Race: B Height: 6-0 Weight: 169

Df. State: SC DL#:

Agency ORIN: SC0320100

Prosecuting Agency: BATESBURG-LEESVILLE POLICE

Prosecuting Officer: OFFICER CYNTHIA CROW

Offense: ARMED ROBBERY

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330 (A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

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

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant DESHUAN ANTONIO DRAFTS

on 9-15-2011

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CLERK OF COURT

660 WEST COLUMBIA AVE.

BATESBURG-LEESVILLE, SC. 29006

(803) 532-9661

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

BATESBURG-LEESVILLE

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 28, 1990
SCCA 516

ORIGINAL

Personally appeared before me the affiant CAPTAIN WALTER B. GOSS

who

being duly sworn, deposes and says that defendant DESHUAN ANTONIO DRAFTS

did within this county and state on 09/13/2011 to 09/13/2011

violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of BATESBURG-LEESVILLE)

In the following particulars:

DESCRIPTION OF OFFENSE: 16-11-0330 (A) / ARMED ROBBERY

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

THAT ON OR ABOUT 09-13-2011 AT 2300 HOURS, THE DEFENDANT, DESHUAN ANTONIO DRAFTS, DID COMMIT A ROBBERY WHILE ARMED WITH A DEADLY WEAPON BY TAKING MONEY, JEWELRY, MOBILE TELEPHONES, AND OTHER ITEMS FROM THE PURSES OF THE ADULT VICTIMS, PLACING THE VICTIMS IN FEAR FOR THEIR SAFETY. THE DEFENDANT PARTICIPATED IN THIS CRIME AS A MEMBER OF AND ALONG WITH TWO CO-DEFENDANTS. EVIDENCE IS PROVIDED IN THE FORM OF VICTIM STATEMENTS, ALONG WITH OTHER SUPPORTING EVIDENCE AND DOCUMENTATION. THIS INCIDENT OCCURRED AT [REDACTED] WITHIN THE TOWN OF BATESBURG-LEESVILLE, LEXINGTON COUNTY, SOUTH CAROLINA.

Signature of Affiant

Affiant's Address 660 WEST COLUMBIA AVENUE

BATESBURG-LEESVILLE SC 29006

Affiant's Telephone (803) 532-4408

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

BATESBURG-LEESVILLE

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 09/13/2011 defendant DESHUAN ANTONIO DRAFTS

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of BATESBURG-LEESVILLE) as set forth below;

DESCRIPTION OF OFFENSE: ROBBERY / ARMED ROBBERY, ROBBERY WHILE ARMED OR ALLEGEDLY ARMED WITH A DEADLY WEAPON

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

Sworn to and subscribed before me

on 09/15/2011

Judge's Address 660 WEST COLUMBIA AVE.

BATESBURG-LEESVILLE SC 29006

Judge's Telephone 803-532-9661

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

Case: 11-1659

Judge Code: 6399

ROBERT COOK

Lex. Co. C.C.P. & F.C.

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

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CODEFENDANTS

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