

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

Honorable Daniel D. Hall, Circuit Court Judge

CONRAD ANTONIO ALLEN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-000410

APPENDIX

DAVID ALEXANDER
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

DESHAWN H. MITCHELL
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE) COURT OF GENERAL SESSIONS

State of South Carolina,)
))
Plaintiff,)
v.) Case No. 14-GS-23-10986 et al
))
Conrad Antonio Allen,)
))
Defendant.)

TRANSCRIPT OF HEARING

The within Hearing in the above-captioned matter was held October 12, 2015, before The Honorable Perry H. Gravely in the Court of General Sessions for Greenville County, South Carolina; attended by counsel as follows:

APPEARANCES:

Sloan Ellis, Assistant Solicitor
William Timmons, Esq.
13th CIRCUIT SOLICITOR'S OFFICE
305 East North Street, #325
Greenville, South Carolina 29601
Appearing for State of South Carolina

Michael D. Brown, Esq.
145 North Church Street
Spartanburg, South Carolina 29306

Deborah Garrison
Circuit Court Reporter – 13th Judicial Circuit
P O Box 27145
Greenville, South Carolina 29615
dgarrison@sccourts.org

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1

2

(STATUTORY JURY QUALIFICATION)

3

(IN CHAMBER CONFERENCE)

4

5

THE COURT: All right. What are we
doing?

6

7

8

9

SOLICITOR ELLIS: Thank you, Your
Honor, if it pleases the Court. The State's
ready to proceed. This is the State versus
Conrad Allen.

10

11

THE COURT: Oh, I'm sorry. Let's
let him get in here.

12

(DEFENDANT ENTERING COURTROOM)

13

14

THE COURT: I'm sorry. Good
morning, Mr. Allen.

15

(DEFENDANT PRESENT)

16

17

SOLICITOR ELLIS: This is the State
versus Conrad Allen.

18

19

THE COURT: Hold on. I'm sorry.
Are y'all ready to proceed?

20

MR. BROWN: We're ready.

21

22

23

THE COURT: All right. Okay. I'm
sorry. I was jumping ahead. Now, I'll hear
from you, Solicitor.

24

25

SOLICITOR ELLIS: Thank you, Your
Honor. May it please the Court. This is the

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1 State versus Conrad Allen. This is warrant
2 number, indictment numbers 2014-GS-23-10986,
3 10987, and 11096. He's charged with murder,
4 possession of a weapon during the commission
5 of a violent crime, attempted armed robbery
6 and conspiracy.

7 The State is ready to go to trial
8 and I believe the Defense has some issues to
9 discuss with the Court.

10 THE COURT: All right. I'll be
11 glad to hear from you, Mr. Brown.

12 MR. BROWN: May it please the
13 Court, Your Honor. On last Wednesday my
14 client and I were preparing to go forth to
15 enter a guilty plea. As I understood it,
16 during the pendency of this case, based upon
17 my prior conversations both with Mr. Allen
18 and his family, they came to the conclusion,
19 along with my advice in terms of working with
20 them on the underlying charges, that this
21 would be a plea.

22 On Wednesday, Your Honor, Mr. Allen
23 related to me that he felt he was having some
24 -- what he described to be mental issues.
25 And he requested that I would request of the

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1 Court at the first opportunity we could, to
2 request for the Court's consideration some
3 form of mental evaluation.

4 I discussed with him the realities
5 of the time period involved and the fact that
6 after a number of occasions of having this
7 case potentially go forth before this Court
8 for a plea, that he was requesting a mental
9 evaluation. I simply told him I would put it
10 to the Court's consideration.

11 In light of that, Your Honor, he
12 still says he would like to go forth with the
13 plea if he can still have the opportunity for
14 a mental evaluation. I just spoke with him
15 and I think he still maintains that.

16 THE COURT: So, I mean, let me
17 make sure. So are you requesting then at
18 this time that we order a mental evaluation
19 or are you saying that you're going forward
20 on the plea? I just want to make ---

21 MR. BROWN: Well, Your Honor ---

22 THE COURT: Are you kind of trying
23 to do it both ways?

24 MR. BROWN: Well, Your Honor, in
25 light of understanding this was never going

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1 to be a trial.

2 THE COURT: Yes.

3 MR. BROWN: And I understand that,
4 it is my request, based upon his request of
5 me, with the understanding that he does have,
6 as I understand it in recent times, some
7 mental issues that have never been brought to
8 my attention.

9 THE COURT: I ---

10 MR. BROWN: I did speak with his
11 family members this past weekend. And they
12 related to me that at some point in time he
13 had sought some mental illness treatment from
14 the Greenville County Mental Health
15 facilities here, as well as some additional
16 treatment, I think, in Simpsonville with a
17 private doctor.

18 Additionally, I did find out this
19 morning that as he relates to me he's on a
20 number of medications, psychotropics that
21 include, but not limited to Seroquel, Prozac,
22 and he said he's also taking depression
23 medication. That has never been brought to
24 my attention. But he simply relates that to
25 me.

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1 I did ask of him the cursory
2 questions as it relates to his ability to
3 understand what's going on in court today.
4 He was able to engage me. But, again, I
5 would leave that to the Court's consideration
6 in light of what he's requested of me to
7 request of the Court.

8 THE COURT: Now, how long has he
9 been incarcerated? Since he was arrested?

10 MR. BROWN: Yes, Your Honor.

11 THE COURT: All right. And, I
12 mean, is this something that has been, these
13 medications, something that's prescribed
14 since he has been incarcerated or something
15 beforehand?

16 MR. BROWN: In speaking with his
17 grandmother, she said previously he had some
18 form of medication, hadn't been to a doctor,
19 really hadn't been in the household to
20 receive any kind of care. Since that time
21 period, he informs me that he's worked
22 directly with the detention facility and the
23 mental health professionals there. And at
24 some point, they did get him on a round of
25 treatments. I just want to inform the Court.

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1 THE COURT: But I mean, what I'm
2 saying is that it sounds like though -- there
3 have been -- if there was any evaluations or
4 any issues, they were done before he was also
5 incarcerated, which I assume he's been on
6 that since he was incarcerated. So, you
7 know, I think that to come up here as we were
8 doing the jury qualification -- I know, on
9 Wednesday.

10 MR. BROWN: Yes, sir.

11 THE COURT: I'm not sure that, you
12 know, we would -- without anything more. Do
13 you have any other information that the Court
14 needs to consider?

15 MR. BROWN: That's all I've been
16 informed of, Your Honor.

17 THE COURT: All right. Well, I'm
18 going to deny your request for a mental
19 evaluation. I know that's something that we
20 did talk about in chambers prior to coming in
21 here. So, like I said, I'd be glad to hear
22 anything else that you had. And I think you
23 must have talked to the family and gotten
24 some -- a little additional information, but
25 I don't believe that that is sufficient at

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1 this point to, you know, order a mental
2 evaluation or delay the trial any further.

3 SOLICITOR ELLIS: Thank you, Your
4 Honor. One thing from the State is I'm
5 handing the Court a copy of my response to
6 his Motion. And I would at this time like to
7 make the jail call phone calls that I
8 referenced in chambers a Court's Exhibit just
9 for purposes of the record.

10 THE COURT: Okay.

11 SOLICITOR ELLIS: And to put on the
12 record the Defendant is talking with someone
13 who appears to be his sister about quote,
14 "acting crazy" in court and trying to get a
15 mental evaluation. So I've got three of
16 those jail calls marked as Court's Exhibit
17 Number 1. Just to be a part of the record on
18 appeal here.

19 THE COURT: Okay. Is this
20 something we need to listen to, or you just
21 putting it in.

22 SOLICITOR ELLIS: I'm just putting
23 it, just in case.

24 THE COURT: All right.

25 Any objection or comments?

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1 MR. BROWN: Yes, Your Honor, I
2 would object. With the anticipation of any
3 conversations, I know the prosecution does
4 have the ability to listen jail calls to
5 anticipate any kind of conversations. With
6 that being said, it would not be something
7 the defense would automatically think I would
8 need to see, to get information from via any
9 type of subpoena power. For that, I have not
10 had a chance to review those calls. I never
11 anticipated having to review any phone calls,
12 especially in light of our proceedings here
13 today. So I would object to their
14 presentation at this time.

15 THE COURT: And let me -- and I'm
16 not sure what the procedure is. I'm sure
17 that they have either a recording or a sign
18 or -- what's the ---

19 SOLICITOR ELLIS: Yes, sir, Your
20 Honor.

21 THE COURT: Notifying the person
22 that they're being recorded?

23 SOLICITOR ELLIS: Yes, sir. And I
24 do have the custodian of records at the
25 detention center available to come testify if

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1 the Court would like to hear, if you would
2 like custodian to authenticate those records.
3 But they do -- if we want to play one, Your
4 Honor, we can play five minutes of a call so
5 the Court can hear that he's being informed
6 that it's recording. The person on the other
7 end is actually also informed that it's
8 recorded. And if the Court is so inclined,
9 I'm happy to have the custodian of records
10 come authenticate those calls.

11 THE COURT: Well, and I guess --
12 I mean, do you have any question that he was
13 informed that he's being recorded?

14 MR. BROWN: If it's the customary
15 type of phone calls that those who are in
16 detention are advised of, no, Your Honor.

17 THE COURT: Okay. And I guess
18 that goes to -- even though his attorney was
19 not aware of this conversation, he obviously
20 was. So ---

21 MR. BROWN: That's correct, Your
22 Honor. Of course, he was represented
23 obviously at the time and I was not made
24 privy to it. That's why I'm objecting.

25 THE COURT: Right. Well, I am

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1 going to -- and then again, if you have any
2 issues with him being notified of the
3 recording or anything else dealing with it,
4 I'll be glad to hear from you. Otherwise, I
5 mean, we can listen to it if you need to. I
6 mean, if you don't have any issue with that
7 then I'm going to go ahead and allow those
8 in.

9 MR. BROWN: Yes, Your Honor.

10 THE COURT: And we had been
11 provided in the memo of the State's response,
12 there was a brief transcript of the record-
13 ing, I guess the relevant portion of that
14 portion.

15 Again, I will accept that unless the
16 Defense attorney has any questions and need
17 to have that authenticate.

18 MR. BROWN: None, Your Honor.

19 THE COURT: All right. All right.
20 I'll accept those in -- they're marked as
21 State's Exhibit -- you just have them as one?

22 SOLICITOR ELLIS: Yes, sir. Court's
23 Exhibit 1.

24 THE COURT: Okay. Court's Exhibit
25 1.

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1 (SO ENTERED AS COURT'S EXHIBIT 1)

2 COURT REPORTER: And I do not have
3 the transcript.

4 THE COURT: And, you know, based
5 on that and the lack of any additional
6 information regarding any prior psychiatric
7 evaluation or mental issues, I am going to
8 deny the defense's Motion for an evaluation
9 at this time.

10 In light of that, are we going to be
11 proceeding forward? I'll be glad to hear
12 from ---

13 SOLICITOR ELLIS: Thank you, Your
14 Honor, the first pre-trial issue we've got to
15 talk about is the *Jackson v. Denno* hearing.

16 THE COURT: Well, now are we going
17 to go through the Motions? I mean, y'all --
18 that's what I'm --

19 MR. BROWN: Your Honor, I've
20 already stated my -- I understand the zealous
21 nature of the prosecution. This won't be a
22 trial. There might be a ruling.

23 THE COURT: All right. Do y'all
24 need a minute to chat?

25 MR. BROWN: We would. I think

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1 there would have to be sentencing sheets that
2 would have to be looked at.

3 THE COURT: All right. Why don't
4 y'all look ---

5 SOLICITOR ELLIS: I've got them
6 right here, Your Honor.

7 THE COURT: All right. Well,
8 y'all chat and look at them and we'll be
9 ready to go. We'll give you ten minutes to
10 discuss that and talk with your client. So
11 we'll be at-ease for about ten minutes.

12 SOLICITOR ELLIS: Thank you, Your
13 Honor.

14 COURT REPORTER: Solicitor, do you
15 have a copy of the transcript referenced?

16 SOLICITOR ELLIS: It's part of my
17 Motion, yeah.

18 (BRIEF RECESS)

19 THE COURT: All right. I under-
20 stand we're ready to proceed?

21 SOLICITOR ELLIS: Yes, sir, Your
22 Honor. I've been informed it's a guilty
23 plea.

24 THE COURT: Do we have THE
25 sentencing sheet(s)?

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1 THE CLERK: Yes, sir. I have them
2 right here.

3 Your Honor, in the case of 2014-GS-
4 23-10987, the State versus Conrad Antonio
5 Allen. He's indicted for murder and
6 possession of a weapon during the commission
7 of a violent crime. He is pleading to murder
8 and the possession of a weapon during the
9 commission of a violent crime.

10 In the case of 2014-GS-23-10986,
11 Mr. Allen's indicted for attempted armed
12 robbery. He is pleading to the same.

13 In the case of 2014-GS-23-11096, Mr.
14 Allen is indicted for conspiracy. He is
15 pleading to the same.

16 Your Honor, these are all True
17 Billed.

18 And, sir, would you please raise
19 your right hand as best you can.

20 (WHEREUPON DEFENDANT DULY SWORN)

21 THE COURT: All right. Are you
22 Conrad Antonio Allen?

23 DEFENDANT ALLEN: Yes, sir.

24 THE COURT: How old are you, Mr.
25 Allen?

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1 DEFENDANT ALLEN: I just turned
2 eighteen.

3 THE COURT: And how far did you go
4 in
5 school?

6 DEFENDANT ALLEN: Tenth grade.

7 THE COURT: Tenth grade. Did you
8 ever work anywhere?

9 DEFENDANT ALLEN: No, sir.

10 THE COURT: All right. Is there
11 any reason or any condition that would keep
12 you from understanding what's going on here
13 today?

14 DEFENDANT ALLEN: No, sir.

15 THE COURT: Okay. Now, are you
16 under the influence of any alcohol or drugs
17 that would make you intoxicated today?

18 DEFENDANT ALLEN: I'm on my
19 medication.

20 THE COURT: All right. And,
21 again, that was discussed in a pre-trial
22 motion. But tell me what kind of medication
23 you're on?

24 DEFENDANT ALLEN: I'm on Seroquel,
25 and Effexor and Prozac, I think.

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1 THE COURT: What's the first one?
2 What's it for?

3 DEFENDANT ALLEN: The first one is
4 for like depression and sleep.

5 THE COURT: All right. And what's
6 the second one?

7 DEFENDANT ALLEN: For just only
8 depression.

9 THE COURT: Okay. And the third
10 one?

11 DEFENDANT ALLEN: It's for the same,
12 depression.

13 THE COURT: All right. And those
14 are things that you've been prescribed
15 through -- at the detention center?

16 DEFENDANT ALLEN: Yes, sir.

17 THE COURT: And do any of those
18 make you where you where you don't understand
19 what's going on here?

20 DEFENDANT ALLEN: The Seroquel, it
21 just has me a little drowsy and sleepy.

22 THE COURT: All right. But you
23 understand what's going on here. And you
24 understand my question. There's no reason
25 why we shouldn't go forward; is that correct?

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1 DEFENDANT ALLEN: Yes, sir.

2 THE COURT: Okay. Now, you are
3 being represented by Michael Brown?

4 DEFENDANT ALLEN: Yes, sir.

5 THE COURT: Okay. Now, have you
6 had sufficient time to talk to Mr. Brown this
7 morning and throughout your case?

8 DEFENDANT ALLEN: Yes, sir.

9 THE COURT: All right. And has he
10 answered all your questions satisfactorily
11 and done all the investigation that you felt
12 was needed in this matter?

13 DEFENDANT ALLEN: Yeah.

14 THE COURT: Do you have any
15 complaints against Mr. Brown or anybody in
16 his office?

17 DEFENDANT ALLEN: No, sir.

18 THE COURT: Are you completely
19 satisfied with his representation of you in
20 this pending -- for these charges?

21 DEFENDANT ALLEN: Yes, sir.

22 THE COURT: Okay. Now, we have --
23 let me make sure we go through. We have the
24 charge of murder, possession of a weapon
25 during the commission of a violent crime. We

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1 have conspiracy, and we have attempted armed
2 robbery. All right. Do you understand each
3 of those charges?

4 DEFENDANT ALLEN: Yes, sir.

5 THE COURT: All right. And how do
6 you wish to plead?

7 DEFENDANT ALLEN: Guilty.

8 THE COURT: To all four charges?

9 DEFENDANT ALLEN: Yes, sir.

10 THE COURT: Is that correct?

11 DEFENDANT ALLEN: Yes, sir.

12 THE COURT: There are four of
13 them? Yeah.

14 All right. And you realize that the
15 murder is -- it falls within thirty to life?

16 SOLICITOR ELLIS: Yes, sir, Your
17 Honor.

18 THE COURT: And the possession of
19 a weapon during a violent crime is how much?

20 SOLICITOR ELLIS: Zero to five.

21 THE COURT: Zero to five years.
22 And the conspiracy?

23 SOLICITOR ELLIS: Is also zero to
24 five.

25 THE COURT: Conspiracy is zero to

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1 five years. And attempted armed robbery?

2 SOLICITOR ELLIS: Is zero to twenty,
3 Your Honor.

4 THE COURT: Zero to twenty.

5 All right. You realize that, again,
6 the murder carries a maximum sentence of
7 life, and a minimum of thirty years. Do you
8 understand that?

9 DEFENDANT ALLEN: Yes, sir.

10 THE COURT: And the rest of the
11 charges carry a maximum of thirty years, all
12 right?

13 DEFENDANT ALLEN: Yes, sir.

14 THE COURT: And in addition these
15 are Violent and Most Serious charges.

16 The attempted armed robbery and the
17 murder are Violent. They're designed as
18 Violent and they're also designated as Most
19 Serious. Do you understand that?

20 DEFENDANT ALLEN: Yes, sir.

21 THE COURT: All right. Based on
22 -- you know, regardless, and I'm not sure
23 there is any recommendation -- which this
24 indicates there's no recommendation. But you
25 realize that I can sentence the maximum

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1 amount on each of those and I can make
2 consecutive so that you would have to serve
3 the maximum amount on each charge?

4 DEFENDANT ALLEN: Yes, sir.

5 THE COURT: All right. Has
6 anybody promised you anything to plead
7 guilty?

8 DEFENDANT ALLEN: No, sir.

9 THE COURT: Has anybody threatened
10 you to plead guilty?

11 DEFENDANT ALLEN: No.

12 THE COURT: Are you pleading
13 guilty totally freely and voluntarily?

14 DEFENDANT ALLEN: Yes, sir.

15 THE COURT: Now, all of these
16 matters have been submitted to the grand jury
17 but in addition you have certain
18 Constitutional rights. I want to go through
19 those with you and make sure you understand
20 them. I'm sure that your attorney has
21 discussed those with you. But I want to make
22 sure that you understand those on the record.
23 And if you don't understand any of these you
24 need to let me know, okay?

25 DEFENDANT ALLEN: Okay.

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1 THE COURT: First of all, you have
2 a right to a jury trial. And a jury trial
3 will be made up of twelve members of a jury
4 panel. And we were ready to, in fact, select
5 that jury this morning when you indicated
6 that you wished or your attorney indicated
7 that you wished to plead. Now, that would be
8 -- twelve members of the jury panel would be
9 selected and they would hear all the evidence
10 in the case and they would make a determina-
11 tion whether you were guilty or not guilty.
12 And they would apply that to each of these
13 charges. Do you understand that?

14 DEFENDANT ALLEN: Yes, sir.

15 THE COURT: All right. You also,
16 until you are found guilty or until you plead
17 guilty, you have the presumption that you are
18 innocent. Do you understand that?

19 DEFENDANT ALLEN: Yes, sir.

20 THE COURT: All right. And you
21 also have -- the State has its burden to
22 prove -- if you went to trial, the State
23 would have the burden to prove that you were
24 guilty beyond a reasonable doubt on each of
25 the charges and to every element of each of

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1 those charges. Do you understand that?

2 DEFENDANT ALLEN: Yes, sir.

3 THE COURT: In addition, you have
4 the right to confront or cross-examine any
5 witnesses that the State has against you.
6 You would also have a right to examine all
7 the evidence that they have against you. And
8 you would have the right to present your own
9 evidence and present your own witnesses. Do
10 you understand that?

11 DEFENDANT ALLEN: Yes, sir.

12 THE COURT: All right. Now, you
13 also have the right to remain silent. And
14 what that means is if you went to trial, you
15 could not be forced to testify. You would
16 have -- and if you did -- you know, the jury
17 would be instructed that they were not to
18 consider that you didn't testify in their
19 deliberations. And that the State would
20 still have the burden to prove you guilty
21 beyond a reasonable doubt. So you have not
22 only the right to remain silent, do you
23 realize that remaining silent cannot be held
24 against you? Do you understand that right?

25 DEFENDANT ALLEN: Yes, sir.

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1 THE COURT: All right. And I've
2 discussed all these rights with you. And do
3 you totally understand those rights?

4 DEFENDANT ALLEN: Yes, sir.

5 THE COURT: And you realize you're
6 giving those rights up by pleading guilty
7 here this morning?

8 DEFENDANT ALLEN: Yes, sir.

9 THE COURT: All right. Well, let
10 me just kind of let everybody know how I like
11 to do the pleas. What I'm going to do at
12 this point is listen to the Solicitor on the
13 facts of the case.

14 Then I'm going to ask if you
15 basically agree with those facts, okay? And
16 I realize there may be some details, some
17 little differences that you have. But the
18 basic facts supporting the charges.

19 Then I will hear your prior record
20 and any time you've served in jail. And then
21 I will be glad -- And I may hear from your
22 attorney anything you want to tell me.

23 I will also then at that point hear
24 from, any victims that want to testify or the
25 victim's family if they want to testify.

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1 All right. At this time I'll be
2 glad to hear from you?

3 SOLICITOR ELLIS: Thank you, Your
4 Honor. If it pleases the Court? With me
5 today, I've got Investigator Newman. He was
6 the lead investigator on the case. And after
7 my presentation, he can answer any questions
8 the Court might have.

9 Also, in the courtroom is Clarissa
10 Sonnenberg, the victim's fiancé; Juan Campos,
11 the victim's father; along with several other
12 friends and family members.

13 Edwardo Campos, the victim is a
14 thirty-year-old electrician. He had two
15 children, Alexis who is five and Arianna who
16 is three. He was engaged to the mother of
17 the two little girls, Clarissa, and they'd
18 been together for five years. They lived in
19 Greenville County at Lot ■ on ■ Dixie
20 Circle.

21 Earlier in the night on November 8,
22 2013, he and his family had visited his
23 father and been to the store. They were
24 driving back to their home a little after
25 7:00 p.m. According to a Mirandized

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1 statement from the defendant and his co-
2 defendant, which were recorded, around the
3 time the Campos family was visiting his
4 father, the defendant and co-defendant were
5 drinking and discussing at some point that
6 they wanted to hit a lick. They wanted to
7 quote "hit a lick" or maybe a "house lick",
8 meaning break into someone's house.

9 During the statement, the Defendant
10 also told investigators that he usually
11 didn't quote "hit licks in Mexican world
12 because of the high risk of being caught."
13 But since it was quote, "Friday in Mexican
14 world, people might have some money." The
15 co-defendant had a .22 pistol with him that
16 night. At approximately 7:15 the Defendant
17 and his co-defendant were walking down Dixie
18 Circle when they saw the victim and his
19 family drive by and turn into the driveway
20 next to their home. The defendant and his
21 co-defendant pulled hoodies over their heads
22 and put white bandannas over their faces.
23 This individual, this Defendant, Conrad
24 Allen, took the gun away from the co-
25 defendant or was given the gun by the co-

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1 defendant according to the recorded
2 statements that he and the co-defendant made.
3 They both saw that there were two children in
4 the car before they confronted the victim.
5 When Mr. Campos parked his car, Ms.
6 Sonnenberg got out of the car. She got
7 Alexis, the five-year-old and walked up to
8 unlock the door of their home. Mr. Campos
9 was getting Ariana the three-year-old out of
10 the back seat of the car and her car seat
11 when this defendant approached him.

12 The Defendant, after seeing Ms.
13 Sonnenberg and Alexis walk up to the porch,
14 with his mask and hood on, pointed the gun at
15 Mr. Campos. The co-defendant was standing
16 approximately twenty feet away, we believe,
17 serving as a lookout. According to pretty
18 much everyone involved, the Defendant pointed
19 the gun at Mr. Campos and said "give it up."
20 Mr. Campos turned to the Defendant and said
21 "do I need to call the police?" The
22 Defendant apparently replied, "I don't care
23 what you do. Give it up." At this point,
24 Ms. Sonnenberg turned around and saw this
25 defendant fire one shot into Mr. Campos'

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1 chest. Ms. Sonnenberg, Alexis and Arianna
2 either saw the shot or the immediate
3 aftermath.

4 According to the medical examiner,
5 the bullet entered Mr. Campos upper right
6 chest area, passed through the upper and
7 lower right lung and ended up in the lower
8 left lung. Evidence that we were going to
9 present at trial would have shown that the
10 bullet path was so unusual because the victim
11 was bending over in a way that only could
12 have been to shield his three-year-old
13 daughter from the gunshot.

14 The defendant and co-defendant ran
15 away. And Ms. Sonnenberg called 9-1-1 and
16 Mr. Campos passed away when she was at his
17 side and the children were three feet away.

18 A manhunt started. Investigators
19 talked to someone at the scene that night
20 that said a guy named Damian Robinson and
21 someone named C.J. were involved. They were
22 later arrested. An excellent investigation
23 by the sheriff's office and an excellent
24 interview by investigators Bailey and Newman,
25 both from the defendant and his co-defendant

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1 after a *Miranda* waiver gave lengthy
2 confessions where they admitted to
3 substantially the facts as I have presented.

4 I do have some -- these are some
5 crime scene photos I'd like to pass up to the
6 Court in case you're interested.

7 That's the facts as they would have
8 been presented at trial today, Your Honor.
9 The State would like to heard on sentencing
10 at the appropriate time, and the victims
11 would also like to talk.

12 THE COURT: Have you seen the
13 photos?

14 MR. BROWN: I haven't, Your Honor.

15 THE COURT: Show those to Mr.
16 Brown, (tendering).

17 MR. BROWN: Thank you,
18 (reviewing).

19 THE COURT: All right. That's the
20 extent of the facts?

21 SOLICITOR ELLIS: That's the extent
22 of the facts, yes, sir.

23 THE COURT: All right. Mr. Allen,
24 is that basically what happened out there
25 that evening?

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1 DEFENDANT ALLEN: Your Honor, I
2 don't agree with -- I didn't know that there
3 was anybody in the car.

4 THE COURT: Okay. But other than
5 that, then you're -- that's what happened?

6 DEFENDANT ALLEN: Yeah. Yes, sir.

7 THE COURT: All right. Mr. Brown,
8 have you ---

9 Well, let me go back to you, Mr.
10 Allen. Based on everything you've heard, you
11 still wish to plead guilty to all four of
12 these charges?

13 DEFENDANT ALLEN: Yes, sir.

14 THE COURT: All right. Mr. Brown,
15 have you had sufficient time to talk with
16 your client about his case and any defenses
17 or issues that he may have?

18 MR. BROWN: I have, Your Honor.

19 THE COURT: Have you also
20 discussed with him his rights? Do you
21 believe he understands those rights and do
22 you believe that he knows what he's doing by
23 entering this plea this morning?

24 MR. BROWN: I do, Your Honor.

25 THE COURT: I realize that you

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1 have raised some -- you've made a request for
2 some -- for an evaluation. But other than
3 the information you provided, do you know of
4 any issues with competency relating to your
5 client?

6 MR. BROWN: Not beyond what I've
7 raised it to the Court, Your Honor.

8 THE COURT: And do you believe
9 that all of that is appropriate, that his
10 plea is appropriate under the circumstances
11 of this case?

12 MR. BROWN: Absolutely.

13 THE COURT: All right. Mr. Allen,
14 I will accept your plea. I find that has
15 been made knowingly, intelligently and
16 voluntarily with the advice of competent
17 legal counsel, with whom you've indicated
18 that you're satisfied with his representation
19 of you throughout this matter. I find there
20 is a substantial factual basis for the plea.

21 All right. And at this time jail
22 time would be?

23 SOLICITOR ELLIS: Your Honor, it is
24 five hundred and eighty-seven (587) days.

25 THE COURT: All right. Is that

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1 what y'all have?

2 MR. BROWN: That's right, Your
3 Honor.

4 THE COURT: All right. And any
5 prior record?

6 SOLICITOR ELLIS: Your Honor, he's
7 just got a juvenile record, a 2012 possession
8 of marijuana, auto breaking and receiving
9 stolen goods, as well as a probation
10 violation. But those are all juvenile.

11 THE COURT: I'll be glad to hear
12 from the victim, any of the victims at this
13 point.

14 SOLICITOR ELLIS: Yes, sir, Your
15 Honor. Please tell the Court your name.

16 MS. SONNENBERG: My name is Clarissa
17 Sonnenberg. I just wanted to basically paint
18 a picture of how this crime has affected my
19 life and my children's lives. Since this
20 murder, it's caused me so much stress that I
21 can't even get out bed at least one week of
22 each month, having severe seizures. My
23 children have been asking where their father
24 is. And they're worried that he's -- they're
25 worried that he is going to come back to

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1 murder me. My daughter has been to
2 counseling. I am trying to get back into
3 counseling now. It's been hard for us to
4 move on. I just -- I'm just wanting
5 (emotional). It's been hard for us to move
6 on. I just -- I just -- I just want justice.

7 THE COURT: Thank you.

8 MR. JUAN CAMPOS (via Spanish-to-
9 English interpreter): Good morning, my name
10 is Juan Campos. I'm the father of the
11 victim.

12 COURT REPORTER: I apologize, but
13 you're going to need to speak up.

14 MR. JUAN CAMPOS (via interpreter):
15 It's very difficult for me to be here today.
16 It is very hard to loss a child.

17 INTERPRETER: He said that he was --
18 it has been very hard to have lost his son
19 because he was with him all of the time and
20 he misses him a lot. He said he had a
21 younger son too and he misses his brother as
22 well. Everybody misses him and he just wants
23 to thank everybody and asks that justice be
24 served for his son today. That's all. Thank
25 you.

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1 THE COURT: Thank you. All right.
2 I'll be glad to hear from you, Mr. Brown.

3 MR. BROWN: Your Honor, may it
4 please the Court. As I walked in here today,
5 just like most of the days in which I've gone
6 to see Conrad in our county detention
7 facility, it's just been me and Conrad. I
8 got introduced to this young man by way of my
9 partner who does Social Security Disability
10 and some domestic relations. She grew up
11 actually with his uncle and understood the
12 history of Conrad and the challenges that his
13 family's had. Based on my time as a criminal
14 defense attorney, the family came in and
15 asked me to assist in this case. The
16 unfortunate part about Conrad is I'm not
17 related to him. I only get to see him on a
18 limited basis and I'm not a member of his
19 family. I haven't had a chance to be a part
20 of his life, and indeed this situation and
21 anything that could happen before dealing
22 with the time period of his very short life.
23 I say that to say no one here from his family
24 is here today in the courtroom.

25 The events that surround this time

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1 period that we're facing these charges was a
2 time period in which Conrad found himself as
3 a young boy of sixteen years old. When this
4 unfortunate situation occurred, he found
5 himself hanging with an older kid and was on
6 the streets essentially. His grandmother had
7 done her best to try to raise him. As he
8 relates to me, his mother has had her
9 challenges both in and out of the court
10 system, has had different situations in her
11 life and never really was there. He doesn't
12 know his father. And as I alluded to, his
13 uncle that I did have the chance to speak
14 with on different occasions, he's constantly
15 on the road as a truck driver. That's
16 probably why he's not here today, Your Honor.

17 But I understand that those things
18 -- he did tell you he was in the tenth grade.
19 Marginally, was he in tenth grade, never
20 really was a student that performed in a
21 manner that would ultimately would sustain
22 him wanting to stay in school. He said he
23 was in the tenth grade, but he hadn't gone to
24 school that year. No one really came after
25 the initial rounds of the truancy officers

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1 making contact with his grandmother, placing
2 her on notice that at some point a family
3 court hearing would ensue. In the interim,
4 unfortunately, this situation occurred.

5 Conrad is a very straightforward
6 individual. It's just unfortunate that his
7 level of sophistication up until this point
8 hadn't deemed him the opportunity to grow in
9 life. For him to tell me that he's been
10 drinking, smoking, and as he said during this
11 time period, popping mollies, since he was
12 nine years old is something I couldn't
13 fathom, having a fourteen-year-old son myself
14 who, obviously, is an African-American male.
15 The young man facing the things that he's had
16 to face in his life. He's had to try to make
17 decisions and in my initial conversations, in
18 all candor, I don't think he understood the
19 breadth and gravity of what he was facing
20 because he was very straightforward in our
21 conversations in talking about this older
22 gentleman, Mr. Robinson.

23 And to no dispersion to be casts
24 upon law enforcement, it's just very
25 unfortunate that the only person that could,

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1 at the outset, relay any information about
2 this is the young man that handed him the
3 pistol. I know there's an identification of
4 some sort of an individual that had the same
5 exact name of his co-defendant in this case,
6 the young man that gave him the gun. And he
7 was identified by the family in a photo
8 lineup. The unfortunate part, that
9 individual was not the right individual.

10 And so in speaking with Conrad about
11 the realities of the case, understanding that
12 he was young at the time of his alleged
13 interrogation by law enforcement, we could
14 have gone forth and tried to seek a
15 suppression of his statement. There could
16 have been information that could have been
17 shared about his codefendant, who was older,
18 who did, indeed, admit that he handed the
19 hand gun that evening. But also the
20 competing information that we heard, both in
21 the tape and from his codefendant and what
22 Conrad shared with law enforcement openly was
23 the fact that someone alluded to the fact
24 that there was supposedly a robbery. But
25 Conrad said he accidentally shot the gun. I

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1 think that would have been the information
2 that we would have said that could have made
3 this potentially a question for a jury to
4 consider voluntary manslaughter.

5 With that being said, Your Honor,
6 Conrad knows that he stands here today for
7 his life forever changed. He knows he
8 unfortunately took someone's life. He says
9 to me he didn't mean to take the person's
10 life, but he understood the gravity of what
11 was going on at the time period.

12 For that, Your Honor, throughout
13 this time period with me telling him the
14 minimum amount of time that could be imposed
15 in this case and the maximum amount of time,
16 he simply said 'Mr. Brown, if you could, just
17 beg for an opportunity. I was young, didn't
18 understand everything. And as you've talked
19 to me about this time period, I understand it
20 more.'

21 Knowing that he could have had some
22 conversations with his sister, who I'd never
23 met, up until this past weekend,
24 understanding the challenges that he's had,
25 there could have been a conversation that was

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1 of some sort for him to say 'I know
2 something's not quite right with me and I
3 would like to have someone consider that.'
4 Well, I've placed that before the Court to
5 consider, that he has relayed to you that he
6 clearly does have some challenges. Having
7 done a number of commitment hearings over the
8 years, Seroquel is something that involves
9 oftentimes hallucinations and some sort of
10 auditory and sometimes visual, but it is a
11 sort that would cause him to be unsorted in
12 his thinking. A very young man who with
13 biological maturation didn't have the chance
14 to grow up to be an older person that could
15 handle the realities of being on drugs, the
16 alcohol that he said he was drinking that
17 evening, along with the mollies as he's
18 described to me. We just simply ask the
19 Court to recognize that ultimately with
20 everything that I've discussed with him about
21 trial, he said from that time period up until
22 today, 'I don't want to take this family
23 through going through a trial. I don't want
24 to hurt them anymore than I have. I know
25 they have stuff they have to deal with. I

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1 know I've hurted -- as he said, "hurted" --
2 in my life from not having a family, not
3 having a father and having gone through a
4 number of things that I've seen my family go
5 through with law enforcement.'

6 He said he would simply ask me to
7 ask you to consider obviously a time period
8 that clearly he will be away as a young man
9 and he will be an old man, if the Court would
10 be inclined to one day allow him to reenter
11 society, since he really hasn't been a part
12 of society. A sixteen year old kid out there
13 with an older person, receiving a handgun,
14 and he said he was startled and didn't know
15 what he was doing. And unfortunately, he's
16 here today and knows that it's time for him
17 to face these charges.

18 For that, Your Honor, we did speak
19 with the prosecution. At some point there
20 was -- we discussed an actual time period was
21 placed -- I know the Assistant Solicitor has
22 done the best that he could under the
23 circumstances considering all factors of the
24 family, of the victim, as well as the charges
25 that my client is facing. We would ask the

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1 Court to consider a range that will give him
2 the ability to get out and receive,
3 hopefully, at some point if the Department of
4 Corrections is treating him, to deal with any
5 issues that he has mentally, to give him a
6 chance to at least be able to return at some
7 point to society, to pay for what he has done
8 but also to receive the help that he needs.

9 I know there are number of things
10 the Department of Corrections can try to put
11 in place for him. Of course, unfortunately
12 it will be the only stability he's ever had
13 in his very young life.

14 THE COURT: Mr. Allen, I'll be
15 glad to hear from you if you'd like to tell
16 me anything.

17 DEFENDANT ALLEN: Sir?

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

20 DEFENDANT ALLEN: About what, sir?

21 THE COURT: Just anything you want
22 to tell me before I ---

23 DEFENDANT ALLEN: Oh, yes, sir. I
24 wanted -- I wanted to say something to the
25 family. I wanted to tell them that I'm very

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1 sorry for what I did. I know what I did
2 wasn't right. And I hope they forgive me in
3 their heart because I'm very sorry for what I
4 did. I did not mean to do what I did. But I
5 can't change it like -- I want to, but I
6 can't. I want them to have -- I didn't want
7 to have them come up here and give them more
8 pain than I already did. So I'm just asking
9 them for their forgiveness. That's all I
10 have to say, sir.

11 SOLICITOR ELLIS: Just very briefly,
12 Mr. Timmons wants to talk about sentencing,
13 Your Honor.

14 THE COURT: All right.

15 SOLICITOR TIMMONS: May it please
16 the Court. My remarks will be brief
17 regarding the State's position on sentencing.
18 I think it's important for the Court to know
19 that the State had planned to ask for Life if
20 the victim had to relive the worst day of her
21 life on the stand. That's not something we
22 would do lightly. But we believe the heinous
23 nature and senseless nature of the crime
24 would have warranted it after a guilty
25 verdict from a jury. While we're no longer

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1 asking for Life, we do want to request a
2 sentence substantially longer than thirty
3 years. Mr. Campos was an electrician pursuing
4 the American dream. He was a son, a father,
5 a fiancé. His family was shattered on the
6 day that this occurred.

7 After the murder and before the
8 Defendant was arrested, the Defendant was
9 also charged with two burglaries that are
10 currently pending.

11 Also pending is an assault and
12 battery by mob, second degree, where Mr.
13 Allen and other inmates fiercely assaulted
14 another inmate. And that man was
15 hospitalized as a result.

16 The Defendant should have pled
17 guilty six months ago. His refusal to take
18 responsibility for his actions caused the
19 victims incredible stress while the State
20 prepared for trial.

21 I also want to talk about
22 deterrence. And this is really important to
23 me because I've been here for four years and
24 this is the third time in so many years that
25 individuals set out to hit a lick. "Hit a

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1 lick" is a term that just drives me up the
2 wall. There's something that needs to be
3 done in our society where we deter future
4 instances of hitting a lick. I think a
5 lengthy sentence will send a message. Thank
6 you, Your Honor.

7 THE COURT: Anything further from
8 the defense?

9 MR. BROWN: Nothing, Your Honor.

10 THE COURT: Anything further?

11 SOLICITOR ELLIS: Nothing from the
12 State, Your Honor. Thank you.

13 MR. BROWN: Your Honor, I guess
14 for the purpose of the Court's information, I
15 think Mr. Sloan and I had originally talked
16 about a forty-year sentence. But, you know,
17 I would argue for something much less -- but
18 it was never a solid recommendation.

19 SOLICITOR ELLIS: That's correct,
20 Your Honor. I told Mr. Brown if his client
21 was willing to plead to murder, that I would
22 consider a forty year recommendation. But
23 that was six months-plus ago, before any
24 trial preparation started.

25 THE COURT: Well, I'd actually

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1 written this before y'all said that, so --

2 All right. The sentence of the
3 Court:

4 This is indictment 2014-GS-23-10987,
5 the sentence of the Court is forty (40) years
6 in the State Department of Corrections,
7 credit for time served.

8 On the possession of a weapon during
9 a crime, that's 2014-23-10987, that's five
10 (5) years to run concurrent.

11 The conspiracy, 2014-23-11096, five
12 (5) years to run concurrent with all those.

13 Credit for time served on all of
14 those.

15 Attempted armed robbery, 2014-GS-23-
16 10986 fifteen (15) years to run consecutive.

17 Mr. Allen, you do have ten days in
18 which to appeal this plea and the sentence.

19 SOLICITOR ELLIS: Thank you, Your
20 Honor.

21 THE COURT: Good luck to you.

22 MR. TIMMONS: Your Honor, was the
23 last sentence consecutive?

24 THE COURT: Yes.

25 (TRANSCRIPT CONCLUDED)

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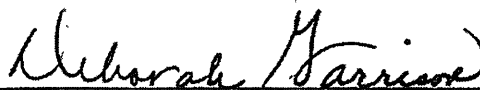
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STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF GREENVILLE)

I, the undersigned Deborah Garrison,
Circuit Court Reporter for the 13th Judicial
Circuit, hereby certify that the foregoing is a
complete and accurate transcript of the hearing
held in the within action heard on October 12,
2015, before The Honorable Perry H. Gravely;

I further certify that I am neither kin nor
counsel to any of the parties and have no interest
in the outcome of this action.



Deborah Garrison

Greenville, South Carolina

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Conrad H. Allen #365848
 Full name and prison number (if any) of Applicant.

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2016-CP-23-0400

APPLICATION FOR

POST-CONVICTION RELIEF

FILED-CLERK OF COURT
 GREENVILLE, S.C.
 PAUL B. WICKENHED
 2016 JUN 27 PM 13

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Greenville County
2. Name and location of Court which imposed sentence Greenville County General Sessions Court
3. Name(s) of co-defendant(s) (if any) Darrian R. Robinson
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed: I don't know
 - (a) NA
 - (b) NA
 - (c) NA
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) NA
 - (b) NA

- (c) NA
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty NA
- (c) after a plea of nolo contendere NA
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. NA
- ii. NA
- iii. NA
- (b) the result in each such Court to which you appealed:
- i. NA
- ii. NA
- iii. NA
- (c) the date of each such result:
- i. NA
- ii. NA
- iii. NA
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. NA
- ii. NA
- iii. NA
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Because I did not know anything about a PCR, I found
- (b) NA out about it when I came to prison,
- (c) NA
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: My allegation is it wasn't justifiable to sentence me to 55 years because Murder is 30 years and a weapon poss. is 5 to 15 years that they over 2 sentence me and I'm trying to give some of this time back.

(a) NA(b) NA(c) NA

11. State concisely and in the same order the facts which support each of the grounds set out in (10): The facts are that when I was in the courtroom, I was high off the medicine, and they don't support to keep going in court they support to send me back to the County Jail, and look they gave me 5 years.

(a) NA(b) NA(c) NA

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. NAii. NAiii. NAiv. NA

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

i. NAii. NAiii. NAiv. NA

(c) the disposition thereof:

i. NAii. NAiii. NA

- iv. NA
- (d) the date of each such disposition:
- i. NA
- ii. NA
- iii. NA
- iv. NA
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. NA
- ii. NA
- iii. NA
- iv. NA
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
15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
- i. NA
- ii. NA
- iii. NA
- (b) the proceedings in which each ground was raised:
- i. NA
- ii. NA
- iii. NA
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: *I don't know why any of them did not show up to my court date.*
- (a) NA
- (b) NA
- (c) NA
17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? yes
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NA

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

- (a) the name and address of each attorney who represented you: attorney name is Michael D. Brown and his address is 145 N. Church Street, Suite 21
 - i. NA
 - ii. NA Spartanburg, SC 29306.
 - iii. NA
- (b) the proceedings at which each such attorney represented you: a pay Lawyer
 - i. NA
 - ii. NA
 - iii. NA

19. State clearly the relief you seek in filing this application. I just want another change at
I just messup I was young an falling the wrong crowds, But this help me out
to got my mind right physical an mientel I was hoping to give some of the time
 20. Are you now under sentence from any other court that you have not challenged? back, This change

NO

My whole mind an
Because one man
Can change your
life,

STATE OF SOUTH CAROLINA)

County of)

- VERIFICATION)

I, _____, 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.

Conrad Allen

SWORN to and subscribed before me this 15thday of January 2016

Debra L. Sheppard (L.S.)
Notary Public

My Commission Expires: April 12, 2023

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

I, _____, 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.

X Conrad Allen

Applicant

SWORN or affirmed to and subscribed before me this
15TH day of JANUARY, 2016.

Michael D. Allen - Notary
Notary Public

My Commission Expires: April 12, 2023

Conrad
Kirkland R&E Center
4344 Broad River Rd.
Columbia, SC 29210

2000 1212210362

53



2016-CP-23- 00400

RE

JAN 19 2016

SCDC KIRKLAND R&E CENTER
MAILROOM

FEB 15 2016

MAIL ROOM

LEGAL
MAIL
ONLY

Paul B. Wickensimer
Greenville County Clerk of Court
305 East North Street
Greenville, South Carolina 29601

State of South Carolina
County of Greenville

CONRAD ALLEN #365648
Applicant,

VS.

State of South Carolina

Case # 2016-CP-2300400 Respondent.

Amended Argument
Claims And Brief,

ENTERED COMPUTER

Application for
post-conviction
Relief

FILED: CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMMER
2016 MAR 16 AM 11 34

ju

CLAIM

Attorney MICHAEL D BROWN Was
Ineffective Assistant of Counsel When
He Promised me I would Receive
40 years Max out in 20 years, But I
Received 55 years over the 40 DO
20 years I was promised, Both By
Lawyer And District Attorney who
Presented my Case - IN VIOLATION
OF 6TH And 14TH Amendment Violations -

A Greenville County Grand Jury indicted Applicant for Murder and possession of a weapon. During the Commission of a violent crime. Applicant's Defense Counsel promised Applicant that he would receive 40 years to 20 years to Max out - Instead of receiving 40 years to 20; Applicant received 55 years on all charges - The District Attorney promised Applicant he would receive 40 years to 20 to Max out - Instead Applicant received 55 years - This being in violation of Applicant's 6th Amendment Right to Representation of Counsel and Sufficient Representation at Guilty Plea Kaze - Also violating Applicant's 14th Amendment Right to Fair Trial By The State - If Applicant would have known he would receive

55 years Instead of 40 Do 20 - Applicant
 would Have Insisted That He Go's To Trial
 If He Had Know He Would Receive Any
 Thing More Than 20 years Max out -

The Benchmark For Judging
 Any Claim of Ineffectiveness Must Be
 Whether Counsel's Conduct so undermined
 the proper functioning of the adversarial
 process that the trial cannot be
 relied on as having produced a just
 result. "Strickland v. ~~Washington~~ Washington
 466 U.S. 668, 686 (1984)

To prove Ineffective Assistance of
 Counsel "the Defendant must show that
 Counsel's performance was Deficient" and
 "that the Deficient performance prejudiced
 the Defense - It's a reasonable probability
 that if Defense Counsel would Have Adequately
 Represented Applicant He would Have Received
 40 years Do 20 to Max out As the Plea
 Agreement was - The prejudice Nature of
 Representation was that Attorney And

District Attorney Promised Applicant
40 years Do 20 In violation of A
Fair Trial By the State —

If Applicant Had known He
Was Going To Receive ~~105~~ 55 years
He would Have Insisted upon going to Trial —
Applicant Did Not Receive A
Reasonable probability sufficient to
undermine the confidence in the outcome —

Therefore Trial Counsel was Insufficient
And Attorney General violated Applicant's
14th Amendment Right when He Rasked
To stand up to His promise of 40 years
Do 20 —

Relief

Applicant Request Vacation of His
Conviction And Reversal of His
Sentence With A Jury Trial on All
Charges To Adequately present His Defense —

~~SIGN~~ ~~CONRAD ALLEN~~ Truly yours,
 CONRAD Allen #365648

Lee Correctional Institution
 990, WISACKY Hwy -
 Bishopville South Carolina,

29010 -

Please send (1) copy BACK
 To Applicant written (5)
 Working Days -

Office of The Clerk of Court
Case # 2016-cf-2300400. Greenville
County.

CONRAD A ALLEN # 365648

Applicant

VS.

State of South Carolina,
 Greenville County

Respondents.

3-3-16
 FILED
 CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL J. WICKENSIMER
 2016 MAR 16 AM 11:34

Motion TO
Amend post-
Conviction
APPLICATION.

PLEASE BE ADVISED THAT I WOULD
 LIKE TO AMEND MY POST-CONVICTION
 APPLICATION TO CORRECT AND AMEND MY PREVIOUS
 POST-CONVICTION APPLICATION TO ADEQUATELY
 EXPLAIN BY LAW MY ARGUMENT AND REASONING.

which was not sufficiently raised in the
first post conviction application which is
still pending - Also to Adequately
Raise my Claims -

Truely yours,

Signature: X Conrad Allen

CONRAD ALLEN #365648

Lee Correctional Institution

990, WISACKY HWY

Bishopville, South Carolina,
29010 -

STATE OF SOUTH CAROLINA
COUNTY OF Greenville

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

Conrad Antonio Allen, #365648,

2016-CP-23-0400

Applicant,

v.

RETURN¹

State of South Carolina,

Respondent.

Respondent, making its Return to the application for post-conviction relief (PCR) filed January 27, 2016, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenville County Clerk of Court. Applicant was indicted by the August 2015 term of the Greenville County Grand Jury for murder and Possession of a weapon during the commission of a violent crime (2014-GS-23- 10987), attempted armed robbery(2014-GS-23-10986) and conspiracy (2014- GS-23-11096) . Michael D. Brown, Esquire, represented Applicant. On October 12, 2015, Applicant pled guilty as indicted to all charges. The Honorable Perry H. Gravely sentenced Applicant to imprisonment for forty years consecutive for murder, fifteen years consecutive for attempted armed robbery, five years concurrent for possession of a weapon during the commission of a violent crime, and five years concurrent for conspiracy.

Attached herewith and incorporated herein are the records of the Greenville County Clerk of Court regarding the subject conviction(s), Applicant's records from the South Carolina

¹ Respondent requests that counsel be appointed.

Department of Corrections, and the transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

The Applicant claims he is being held in custody unlawfully for the following reasons:

1. Sentence was too harsh

- a. " My allegation is it wasn't justifiable to sentence me to 55 years because murder is 30 years and a weapon poss. Is 5 to 15 years that they over sentence me and I'm trying to give some of this time back".
- b. "The facts are that when I was in the courtroom, I was high off my medicane (sic) and they support (sic) to keep going they support (sic) to send me back back to the county jail, and look they gave me 55 years.."

Respondent denies Applicant is entitled to relief on any of these claims and demands strict proof thereof. 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.

III.

The Applicant alleges that his sentence is too harsh. A trial judge generally has wide discretion in determining what sentence to impose. State v. Franklin, 267 S.C. 240, 226 S.E.2d 896 (1976). It is also true that before making that determination, a judge may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information he may consider or the source from which it may come. U.S. v. Magliano, 336 F.2d 817 (4th Cir. 1964); North Carolina v. Pearce, 395 U.S. 711, 89 S.Ct. 2072, 23 L.Ed.2d 656 (1969). The State is correct in its assertion that this Court has no jurisdiction to review a sentence, provided it is

within the limits provided by statute for the discretion of the trial court, and is not the result of prejudice, oppression or corrupt motive. State v. Goodall, 221 S.C. 175, 178, 69 S.E.2d 915, 916 (1952). 'It does not appear here that the trial court's discretion was exercised arbitrarily, or for reasons clearly untenable or unreasonable.' State v. Franklin, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976)

A trial court has broad discretion in imposing criminal sentences within the limits prescribed by law. State v. Franklin, 267 S.C. 240, 226 S.E.2d 896 (1976); Clark v. State, 259 S.C. 378, 192 S.E.2d 209 (1972). The courts normally have no discretion to correct a sentence given within statutory limits. To be entitled to relief, the Applicant must prove that the alleged excessive sentence was the result of partiality, prejudice, oppression or corrupt motive, or that the sentence constitutes cruel and unusual punishment per se. Clark, Id.; State v. Cogdell, 272 S.C. 563, 257 S.E.2d 748 (1979). The Applicant has failed to show his sentence was a result of any of these factors. Accordingly, this Court should summarily dismiss with allegation as being without merit.

IV.

Respondent interprets Applicant's remaining allegations as claims of ineffective assistance of counsel. In a post-conviction relief action, Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant 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, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

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

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

[Signature follows]

V.

WHEREFORE, having made its Return, the State requests that counsel be appointed counsel and an evidentiary hearing be held on Applicant's allegations.

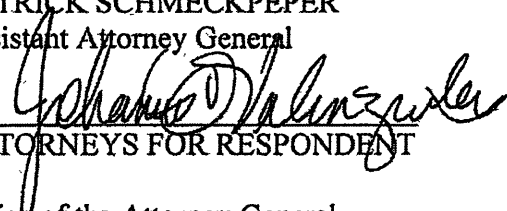
Respectfully submitted,

ALAN WILSON,
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

PATRICK SCHMECKPEPER
Assistant Attorney General

By: 

ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

12 Jan., 2016.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
	)	2016-CP-23-0400
CONRAD ANTONIO ALLEN, #365648,	)	
Applicant,	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	
_____	)	

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

**Conrad Antonio Allen, #365648
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669**

DATED this the 12th day of January, 2017.



Felicia V. Hayes, Legal Assistant
For Respondent



Office of the Clerk of Court

Paul B. Wickensimer
Clerk of Court for Greenville County
Greenville, South Carolina

www.greenvillecounty.org

January 9, 2017

Conrad Allen 265648
Perry Correctional Institute
430 Oaklawn Rd
Pelzer SC 29669

ENTERED COMPUTER

Mr. Allen

2016 CP2300400

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2017 JAN 9 AM 11 25

Jm

We have not received a return from the State of South Carolina regarding your PCR. You have not been appointed an attorney at this time. You may wish to contact the Attorney General Office on this matter.

Thank you for your attention in this matter.

*Greenville County Clerk of Court Office.
Civil Records*

C.C. Attorney General Office

Dear Clerk of Court,

I send you \$2850 For all of the statements, like mine, my co-defense, and my co-defense Mother statement and the victim statements that will be all in till I find off more info. I have to ask you this question, when do I get my lawyer to come to see me on this case I'm fight right now. And if it's not a offer of money I'm ~~sending~~ sending you then I just want my statement and co-defense statement and I need that information asap.

Case # 2016-CP-2300400. Greenville County

Sincerely,

Conrad Allen

Conrad Allen # 365648 CY-11
430 Oaklawn Rd.
Pelzer, SC 29669

GREENVILLE
SC 296
14 DEC '16
PM 4 L

RECEIVED

DEC 13 2016

PCI Mailroom

Paul B. Wickensimer
Greenville County Clerk of Court
305 East North Street
Greenville, SC 29601

SCDC

JAN 03 2017

29601-219099

|||||

SMU

R. MILLS ARIAIL, JR.
ATTORNEY AT LAW

11 NORTH IRVINE STREET, SUITE 11 • GREENVILLE, SC 29601
PHONE 864.232.9390 • FAX 864.232.9392 • E-MAIL MILLS@RMALAWOFFICE.COM

FILED CLERK OF COURT
GREENVILLE, S.C.
2017 APR 11 2:38
TIME STAMP CANCELLED
DATE 4-18-17
FAMILY COURT

April 7, 2017

Greenville County Clerk of Court
Civil Records
305 East North Street
Greenville, SC 29601

RE: Conrad Allen vs. State of South Carolina
Case number: 2016-GR-23-0400

ENTERED COMPUTER

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2017 APR 25 09:11:48

Dear Clerk:

Enclosed for filing, please find a letter from my client which raises issues he would like for me to bring before the Court. I have also included a copy. Please return a filed copy to my office in the envelope provided for your convenience.

Thank you for your consideration of this letter.

Sincerely,
LAW OFFICE OF R. MILLS ARIAIL, JR.
Attorney at Law

R. Mills Ariail

R. Mills Ariail, Jr.

RMAjr/dl

2017 APR 18 2017 APR 18 2017 APR 18 2017 APR 18

Perr C.I.
430 Oaklawn Rd.
Pellissippi SC 29601
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER

2017 APR 25 AM 11 47

Thursday, February 2, 2017

FILED CLERK OF COURT
GREENVILLE, S.C.
TIME STAMP CANCELLED
DATE 4-18-17 BY P 2:38
FAMILY COURT

R. Aricail Mills, JR.
Attorney at Law
11 North Irvine St. #11
Greenville, SC 29601
Ph: (864) 232-9390

RE: Conrad Allen #365648 v. State of SC.
CIA No. 2016-CP-23-0400

Dear Mills:

I'm the Applicant in the above-Referenced case, and It's to my understanding that you have been appointed as my Attorney of Record. I attempted to Amend my original P.C.R. Application, to include written Arguments, however, in the state's return I was informed by the Court that "I'm not authorized to ~~file~~ file Amendments," and Pursuant to SCRPC Rule 11 Filings by inmates will not be considered at the P.C.R." With this being said I'm sending you this correspondence to Request that pursuant to Rule 15 (A) of the SCRPC you amend my applicative to include the following grounds, to support ineffective assistance of Counsel: (1) Plea Counsel Failed to advise applicant of direct appeal; (2) Plea Counsel Failed to File Notice of appeal pursuant to State v. Thomas, 341 S.C. 524, 526, 534 SE.2d 708, 710 (Ct. App. 78 S.C. 70 C2008); (3) Applicant was Incompetent during Guilt Phase, due to the effects of controlled substance(s) (Anti-Depressants); (4) Applicant was denied Competency hearing, In violation of His Right to Due Process of the Law (Article I § 3 U.C. Constitution); And (5) Applicant Request that a subpoena be filed upon Greenville County Detention Center for a complete copy of Applicant's Mental Health/medical Records. Applicant also Request that you include: (1) The probability of rehabilitation; (2) Applicant's Background; (3) Applicant's past Criminal Record; and (4) Maximum sentence received for first Felony offence, to support the unduly harsh and/or excessive sentence argument. I contend that my sentence of 25 YRS. Constitutes Cruel; Unusual Punish, In which at trial first Degree Murder

7th day of July 1979 - the imprisonment, the Trial (Plea) Judge
abused his discretion By Sentencing me to 40 Yrs. Consecutive for murder, which
is outside the murder statute, for the State of S.C. upon your Receipt of this
correspondence I request that the grounds for relief mentioned above are
immediately amended, and that you forward me a copy of the Amended
Application, with your drafted Arguments. Please Note: The Perry C.I. Administration
is denying me access to the west law computer; the Law Library System is
inadequate, In which I'm unable to conduct sufficient legal research. Due to
the deprivation of access to the Courts I ask that you provide me w/ the following
materials: Boydin v. Alabama, 89 S.C.T. 1709 (1969), A sample motion of a Notice
of Appeal, the two cases State v. Thrift & State v. Thomas mentioned above, and
a copy of the S.C. Constitutional Amendments. Thank you for your time & Assistance
Sincerely,

Conrad Allen

P.S. In my Amended Complaint for my relief I'm not requesting a new Trial. I'm
Requesting a Competency evaluation (Hearing), and a ~~vacation~~ vacation of the 55 year
Sentence, Issued By the Greenville County General Session Court, for resentencing with
Instructions that I'm sentenced to a Reasonable Sentence Range.

God Knows Best

3

IN God we TRUST!

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	2016-CP-23-0400
COUNTY OF GREENVILLE	)	
	)	
	)	
	)	
CONRAD ANTONIO ALLEN,	)	
APPLICANT,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
STATE OF SOUTH CAROLINA,	)	
RESPONDENT.	)	
_____	)	

June 28, 2017
Greenville, South Carolina

B E F O R E:

THE HONORABLE DANIEL DEWITT HALL, JUDGE

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

R. MILLS ARIAIL, JR., ESQ.
Attorney for the Applicant

DeSHAWN MITCHELL, ESQ.
Attorney for the Respondent

CHERYL A. SMITH
Circuit Court Reporter

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
-----------	--------------------	-----------	------------

There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 10:35 a.m.)

THE COURT: Mr. Ariail, are you and your client ready to proceed?

MR. ARIAIL: Yes, Your Honor. We are.

THE COURT: All right. Mr. Mitchell?

MR. MITCHELL: Your Honor, this next case is Conrad Allen, 2016-CP-23-0400. The applicant is presently incarcerated, confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenville County clerk of court. He was indicted by the August 2015 term of the Greenville County grand jury for murder and possession of a weapon during the commission of a violent crime, attempted armed robbery and conspiracy. Mr. Michael D. Brown represented applicant.

On October 12, 2015, applicant pled guilty as indicted to all charges. The Honorable Perry H. Gravely sentenced applicant to imprisonment for 40 years -- for a 40-year sentence for murder, consecutive, 15 years consecutive for attempted armed robbery, five years concurrent for possession of a weapon during the commission of a violent crime, and five years concurrent for conspiracy.

He is present in the courtroom today represented by

1 Mr. Ariail.

2 THE COURT: Mr. Ariail?

3 MR. ARIAIL: Yes, Your Honor. I represent Mr. Allen.
4 We're ready to proceed.

5 THE COURT: All right. Call your first witness.

6 MR. ARIAIL: I call Conrad Allen.

7 THE CLERK: Mr. Allen, please place your left hand on
8 the Bible and raise your right hand.

9 WHEREUPON,

10 CONRAD ANTONIO ALLEN

11 After having been duly sworn, testified as follows:

12 THE CLERK: Please state your full name for the
13 record.

14 THE WITNESS: Conrad Antonio Allen.

15 THE CLERK: Thank you. You may be seated.

16 DIRECT EXAMINATION

17 BY MR. ARIAIL:

18 Q All right. Mr. Allen, how are you doing today?

19 A I'm doing fine, sir.

20 Q Good. If you can speak into that, everybody can hear
21 you a little better. If you need to move it towards you,
22 let me know. Is it good right there?

23 A Yes, sir.

24 Q Perfect. Okay.

25 I want to go through a little bit. You were

1 represented by Michael Brown in regards to the charges the
2 attorney general stated; is that correct?

3 A Yes, sir.

4 Q Okay. Now, as part of your representation, did you
5 meet with him and discuss your case -- cases?

6 A Oh, yes, sir.

7 Q Okay. Did you go over what the evidence was against
8 you, one of which was a murder charge? In other words,
9 attempted armed robbery, did you discuss those items with
10 him?

11 A Yes, sir.

12 Q Did you understand what the State was going to
13 present against you at trial?

14 A No, sir.

15 Q When you say you weren't aware of that, what do you
16 mean? Did he --

17 A I didn't have my Rule 5.

18 Q Okay. Did he go over it with you and present you a
19 copy of the discovery against you?

20 A No.

21 Q Okay. Did he take out any statements or any evidence
22 or any items that you had that he had received from the
23 Solicitor's Office and explain it to you?

24 A No, sir.

25 Q Okay. Now, I know you went on at some point in time

1 and pled guilty to these, correct?

2 A Yes, sir.

3 Q At any time during this process, did you raise that
4 issue to the solicitor or to the judge or any court
5 official about you not being able to see your discovery?

6 A No, sir. Because I was on all type of mental health
7 medication, so I didn't understand anything of what was
8 going on.

9 Q Okay. So you're saying you had issues understanding
10 what was -- I guess about the process?

11 A Yes, sir.

12 Q Did you tell him that?

13 A I told him I was on all type of medication when I
14 went in the courtroom. I got the facts here right now.

15 Q Okay. But here's what I'm trying to figure out is
16 you're incarcerated during this period of time, correct?

17 A Yes, sir.

18 Q You didn't get out on bond?

19 A No.

20 Q Okay. So he came to see you, correct?

21 A Yeah. A few times.

22 Q A few times?

23 A Yeah.

24 Q All right. During those few times, did y'all, well,
25 I'm not understanding what's going on because I'm on

1 medication?

2 A Basically, yeah.

3 Q Because you told him -- and did you tell him what
4 your medication was?

5 A Yes, sir.

6 Q What did you tell him you were on?

7 A I was on Seroquel and Prozac and other mental health
8 medication and stuff.

9 Q Why are you on that medication?

10 A For antidepressation and for nightmares I'd be having.

11 Q Okay. Have you been diagnosed with any mental health
12 disorders?

13 A ADHD, AD -- ADHD and schizophrenic, right?

14 Q Okay. You're schizophrenic?

15 A Yeah. A little bit.

16 Q Okay. Who has diagnosed you with schizophrenia?

17 A When I went to Perry Correction Institution when I
18 was -- when I was talking to the physiologist.

19 Q Psychiatrist?

20 A Yeah.

21 Q Okay. Have you been diagnosed before you had these
22 charges with any type of schizophrenia?

23 A No, sir.

24 Q Okay. At the point in time you were going through
25 these charges, did you explain to Mr. Brown that you were

1 not understanding the charges that were against you?

2 A Yes, sir. When I went in the courtroom.

3 Q Okay. And what was his response when you went in the
4 courtroom?

5 A He said the best thing for us to do is try to do our
6 best when we go in there and stuff like that. And I was
7 telling him I was on my medication and stuff. Then when I
8 went in there, I tell the judge that I was on the
9 medication.

10 Q You told the judge you're on medication?

11 A Yes, sir.

12 Q Did the judge inquire as to whether or not you
13 understood what was going on that day?

14 A Nah.

15 Q You don't think the judge asked you questions in
16 regards to your fitness to be able to go through the jury
17 plea -- I mean the guilty plea?

18 A I can't really remember because I was really asleep
19 in the courtroom.

20 Q Okay. So based on that, you're saying you didn't
21 freely and voluntarily enter into this plea because you
22 didn't understand what was going on?

23 A No, I didn't.

24 Q Okay. Did you, at any time, ask Mr. Brown during
25 this process to stop this or to not plea?

1 A Yeah. I asked him to, but he was like we should just
2 go ahead and proceed into the plea hearing.

3 Q Why didn't you, during this process, tell the judge I
4 don't understand what's going on or I don't want to do
5 this?

6 A I did. I tell him I fully don't understand, but I
7 understand a little bit what y'all are saying. But when I
8 was going to sleep in the courtroom, they could tell I was
9 asleep.

10 Q Okay. Now, as a part of that, you said that there
11 was some issue you had in regards to the sentence that you
12 received, correct?

13 A Yes, sir.

14 Q Okay. You received I think it was 55; is that right?
15 Somewhere in there?

16 A Yes, sir.

17 Q Okay. Now, tell me, understanding the sentence you
18 received, what is the issue that you had, I guess, with
19 receiving the amount of time that you got?

20 A You said -- can you repeat that?

21 Q Well, basically, what I'm asking is I think you got a
22 total of 55 years -- actually, 55 and there was a
23 concurrent five years for the possession of a weapon,
24 another five years for conspiracy. I think you told me
25 that there was an issue you had with receiving 40 years

1 for the murder charge.

2 A Due to -- yeah. Because Mr. Brown never told me the
3 minimum of the murder charge. He didn't tell me I could
4 have got 30 years for murder, so I didn't know I could get
5 30 years for the murder charge. So ---

6 Q What did you think you could get for the murder
7 charge?

8 A A lot of time. That's all I understood at the time.
9 But to -- I really just went to the law library and really
10 just started studying, and then I found out the cases and
11 stuff like that.

12 Q Right. But you understand you could have gotten life
13 for the murder charge.

14 A Yeah. 30 to life.

15 Q Okay. Well, you got 40, and you're saying he didn't
16 explain to you the minimum and maximums of those charges?

17 A Yes, sir.

18 Q Okay. And you understand you got 40 and didn't get
19 life.

20 A Right.

21 Q Okay. So what are you saying he did wrong in regards
22 to that?

23 A Because there's only two things you can get, 30 or
24 life.

25 Q You're not saying -- you're saying ---

1 A Basically, what I'm saying is this right here. You
2 want to give me 30 for this murder charge or you're going
3 to give me a life sentence. That's minimal and the
4 maximum.

5 Q Okay. So that's your view of what it is.

6 A That's what -- that's what it is.

7 Q Okay. Now, as to the 15 consecutive, do you have any
8 issues with that or is that ---

9 A Can you repeat the question?

10 Q What I'm understanding is you had a problem with the
11 amount of time you got for the murder charge. Do you have
12 any problems or anything that he did ineffective in
13 regards to the sentence of 15 years for the attempted
14 armed robbery?

15 A Right. This -- this is all I have a problem with.
16 When they gave me the wrong person name at the court, they
17 saw my transcript, they charged me with somebody else.
18 They gave me Aguando [phonetic]. That's not -- that's not
19 the person I was supposed to be charged with. They --
20 they messed up, give me the wrong name in my transcript,
21 and I was wondering why he did not object to it.

22 Q So you're saying there's a problem with the
23 individual listed ---

24 A Right.

25 Q --- is the one that was killed?

1 A Right.

2 Q So there should have been some objection to that.

3 A Right.

4 Q Okay. I'm looking back at my notes. I think those
5 are the items we had discussed. Are there any other
6 things that you want to raise to the judge in regards to
7 your PCR?

8 A Yes. It's about my indictment at trial.

9 Q Okay. What about your indictments?

10 A The indictments, you're supposed to take 90 and to an
11 extension is 91 days. That's six months. You don't take
12 a year and six months to indict somebody on the charge
13 they're supposed to be indicted on. So the murder and the
14 possession of a weapon, it's on the same indictment
15 papers, but it's supposed to be on separate papers.

16 MR. ARIAIL: Okay. Your Honor, that's all the
17 questions I have.

18 THE COURT: Thank you.

19 Mr. Mitchell?

20 MR. MITCHELL: Thank you, Your Honor.

21 CROSS EXAMINATION

22 BY MR. MITCHELL:

23 Q Good morning, Mr. Allen. How are you?

24 A I'm doing fine.

25 Q Good.

1 How many times did you meet with Mr. Brown?

2 A Twice or three times.

3 Q And during your meetings, did you discuss with him
4 about the facts of your case?

5 A Yes, sir.

6 Q And you had an opportunity to talk to him about it,
7 talk to him how you felt about the case, correct?

8 A Correct.

9 Q And you were able to share your viewpoint and what
10 you wanted to get out of this, correct?

11 A Right.

12 Q Did you guys develop a defense at all?

13 A Can you repeat the question?

14 Q Did you guys develop a defense or a strategy?

15 A No.

16 Q No?

17 A No.

18 Q So did you ever talk about pleading guilty or going
19 to trial at all?

20 A Yeah. Trial. But he insisted on me pleading out
21 because I got the life sentence situation.

22 MR. MITCHELL: Your Honor, may I approach?

23 THE COURT: Yes, you may.

24 BY MR. MITCHELL:

25 Q You were present at the hearing that day, correct?

1 A Correct.

2 Q I'm handing you the transcript. Would you like to
3 take a look at it here?

4 Do you see where the judge asked you about a life
5 sentence and what it carries, that you have the potential
6 to be sentenced to life and there's a minimum of 30 years
7 that you could be sentenced to?

8 A Right.

9 Q And do you see what your answer is?

10 A Yes.

11 Q I'm sorry?

12 A Yes.

13 Q Okay. And also, you said that you were having some
14 mental health issues. You were under medication?

15 A Right.

16 Q Okay. Do you recall at the plea hearing that the
17 solicitor brought up information about a phone call from
18 the jail that you made?

19 A Not recently, but I heard of it when I read my own
20 transcript.

21 Q So you recall that?

22 A Yeah. When I read my transcript when I got sober.

23 Q So do you recall calling your sister from the jail
24 and telling her that you want to act crazy to ---

25 A Not necessarily crazy, right? But if you could say

1 it like that, but it's really not that way.

2 Q Okay, okay. And prior to this, did you have any type
3 of issues? Had you been diagnosed with schizophrenia
4 prior to this?

5 A No, sir.

6 Q Any -- besides ADHD, any type of mental illnesses,
7 had you been diagnosed with them before?

8 A I can't recently -- I recently don't really know
9 right now.

10 Q Do you have any paperwork with you today saying that
11 you've been diagnosed with any mental illnesses?

12 A No, sir. I should have brought them, but I didn't.

13 MR. MITCHELL: Thank you, Judge. Those are all the
14 questions that I have.

15 THE COURT: Thank you.

16 Anything further?

17 MR. ARIAIL: No redirect, Your Honor.

18 THE COURT: All right. Thank you, Mr. Allen. You
19 can step down. Thank you.

20 MR. ARIAIL: Your Honor, that is our case.

21 THE COURT: All right. Mr. Mitchell?

22 MR. MITCHELL: Your Honor, the State would call
23 Michael Brown to the stand.

24 THE CLERK: Mr. Brown please place your left hand on
25 the Bible and raise your right hand.

1 WHEREUPON,

2 MICHAEL BROWN

3 After having been duly sworn, testified as follows:

4 THE CLERK: You may be seated. And please state your
5 full name for the record.

6 THE WITNESS: Michael Demorris Brown.

7 DIRECT EXAMINATION

8 BY MR. MITCHELL:

9 Q Good morning, Mr. Brown. How are you?

10 A Good, sir.

11 Q How long have you been practicing law here in South
12 Carolina?

13 A I came back from Florida after I clerked. About 15,
14 16 years now.

15 Q How much of that has been dedicated to criminal law?

16 A The entire time.

17 Q Entire time.

18 A Yes, sir.

19 Q Fair to say you're pretty experienced in criminal
20 law?

21 A Yes, sir.

22 Q Okay. Were you appointed or retained for this case?

23 A Retained by the family of Mr. Allen.

24 Q And to the best of your recollection, tell me a
25 little bit about the facts surrounding this case.

1 A Mr. Allen and a codefendant were at a local
2 neighborhood, and what was being attributed to I guess
3 ongoing activities of the two individuals going from place
4 to place, attempting to break into cars. At the time
5 period in which this incident occurred, Mr. Allen and a
6 friend were at a particular car, and they were just about
7 to go into that car. The friend was a lookout. Mr. Allen
8 was -- had made his way to this particular vehicle, and
9 there was a minor child in the car.

10 At that moment, the parents of the child were coming
11 out of the house, and in particular, the mother was still
12 at the door of the house, the father had made his way to
13 the car. Mr. Allen had a gun in his hand, and as he
14 related to me during the time period, he had the gun
15 pointed at the father. His intention was to rob him.
16 That was the conversation that he had with the father.

17 The father apparently had indicated that he did not
18 understand English. Mr. Allen was insisting for him to
19 give it up, or essentially monies that I guess he assumed
20 the father would have. What he told me was the mother
21 came out of the house and startled him, and at that
22 moment, the gun accidentally went off and he shot the
23 father. And the father succumbed to the gunshot at some
24 point and died.

25 Q How many times did you meet with your client during

1 the course of this?

2 A I think three times after I got the discovery. I
3 think there was an initial time period soon after he got
4 arrested. So at least four times.

5 Q Okay. And do you recall what you guys discussed in
6 this meeting or these meetings?

7 A We did. In fact, the issue of the gun being found
8 on Mr. Allen or Mr. Allen admitting that he had the gun,
9 how did he get the gun, and in particular what his
10 codefendant had shared with law enforcement, ultimately
11 was going to share with the State about the way of
12 potential testimony.

13 Q So were there any ultimate statements given, to your
14 knowledge? Do you know at all?

15 A Yeah. I think statements both by Mr. Allen and his
16 codefendant.

17 Q Essentially confessing to the crime?

18 A Yes. I think Mr. -- there was some confusion
19 initially as related to it, Mr. Robinson being involved in
20 the case and law enforcement tracked the individual down
21 in terms of him being employed at one point in Greenville
22 and obviously having the employment in Atlanta, if he had
23 any type of bearing or influence over Mr. Allen or the
24 codefendant, if he had any involvement. Ultimately, he
25 was found not to have any involvement. And, of course,

1 the information came directly from Mr. Allen as well as
2 his codefendant about what happened that evening.

3 Q Did you discuss the indictments and the elements of
4 the crimes?

5 A I did.

6 Q Okay. And did you tell the client about potential
7 sentences that each charge carried?

8 A I did.

9 Q Did he seem to understand you?

10 A He definitely did.

11 Q Okay. Did you discuss his constitutional rights with
12 him?

13 A I did.

14 Q Okay. And did you discuss the State's burden that
15 they had to prove?

16 A Yes, I did.

17 Q Okay. Did he ever indicate to you that he didn't
18 understand anything that you were saying to him or any
19 other things that you discussed with him?

20 A No, he didn't.

21 Q Okay. I want to talk a little bit about was there
22 any type of investigation -- well, I guess I should back
23 up. After your meetings with him, was this going to be on
24 a plea route or was this going to be on a trial route?

25 A Ultimately, once we had a chance to take a look at

1 discovery, what was being said in regards to what happened
2 that evening, especially in the manner in which the State
3 was going to present how the father was shot and
4 ultimately killed, Mr. Allen and I discussed the
5 possibilities of trial, what he was facing and if there
6 was, indeed, any potential for him to have that
7 opportunity to possibly be found not guilty. Mr. Allen,
8 at that point, said, you know, he wanted to go forward
9 with the plea. He was hoping to get the minimum of
10 30 years, but there was, obviously, no guarantee based
11 upon what was being described.

12 Q Was there a recommendation in the case at all? Do
13 you recall?

14 A I don't recall. I know ultimately there was a
15 conversation about 40 years from the prosecution in terms
16 of they were -- when I went and relayed to Mr. Allen that
17 they were going to request 40 years directly to the Court.
18 However, there was some last-minute information that came
19 from a phone call that Mr. Allen made apparently from the
20 jail as they were monitoring his phone calls, as I tried
21 to explain to both he and his family. And at the very
22 last minute, the State said that they would have been
23 inclined to ask for more, but they were going to hold with
24 the 40 years in terms of that request.

25 Q I just want to back up a little bit. Before the

1 actual guilty plea, you guys had a hearing related to his
2 competence, correct?

3 A We didn't.

4 Q Okay. Can you tell me the substance of that hearing?

5 A We did not.

6 Q You guys did not?

7 A No.

8 Q Do you recall if you made any arguments, you
9 presented any information to the judge about Mr. Allen's
10 competency to stand trial?

11 A Well, in regards to receiving information that he had
12 had a phone call with his sister apparently relating to
13 his competence status as well as him telling me on that
14 day that he was taking a number of medications at that
15 point through the jail, hadn't been told anything like
16 that before by Mr. Allen, we did raise that issue to the
17 judge in terms of what he had shared with me, how he said
18 he was feeling and thinking during that time period. And
19 we simply relayed that to the Court.

20 Q And the substance of those phone conversations, would
21 you agree that Mr. Allen may have indicated that he would
22 be pretending or acting or there was a possibility?

23 A Yeah. I think that was the substance of it, and in
24 particular that he wanted -- he was going to try to get me
25 to push it back for a number of months based upon him

1 coming to court and saying that he was having these mental
2 issues.

3 Q But during this whole time that you represented him,
4 you never felt like there was any competency issues at
5 all?

6 A No. I had discussed, obviously, his background, his
7 school performance, his understanding, his prior issues,
8 if any, with law enforcement with both he and his family,
9 and ---

10 Q And nothing ever came up?

11 A --- nothing ever came up.

12 MR. MITCHELL: All right. Judge, that's all the
13 questions I have for Mr. Brown.

14 THE COURT: All right. Thank you.

15 Anything, Mr. Ariail?

16 MR. ARIAIL: Yes, Your Honor. May it please the
17 Court.

18 CROSS EXAMINATION

19 BY MR. ARIAIL:

20 Q Mr. Brown, how are you doing today?

21 A Good, sir.

22 Q Go back a little bit about the discovery and
23 information you received. Do you remember getting
24 discovery and going over it with him?

25 A I do.

1 Q Okay. I guess he was incarcerated during this period
2 of time, so you would have met with him and discussed all
3 that?

4 A Yes.

5 Q During your conversation, you believe he understood
6 it?

7 A Most -- yes. Most definitely.

8 Q Okay. And he was aware that he was charged with
9 murder and, I guess, the ramifications for that.

10 A Yes.

11 Q Okay. Did y'all discuss the ranges? I mean, he's
12 saying I didn't understand murder was 30, I didn't know I
13 could get 40. It was either 30 or life. Do you remember
14 having this conversation with him?

15 A Never either/or conversation. He understood the
16 maximum he could get was life, and I do recall telling him
17 that the minimum at least what murder could carry.

18 Q Okay. And he also understood, based on your
19 conversations, that, I mean, all these other charges could
20 be consecutive to that?

21 A Yes. And it was up to the judge.

22 Q Okay. And these were only -- I guess you had -- I
23 mean, the judge was going to make the decision. He
24 understood that the judge could go whichever direction he
25 wanted to.

1 A Yes, sir.

2 Q Okay. The issue in regard to his mental competence,
3 I guess you had him reviewed at some point in time.

4 A That was a request that the Court would have
5 considered the information that was coming at the last
6 minute from him saying that he was on a number of
7 medications, so I made that request of the Court.

8 Q Okay. And the Court inquired as to what that was?

9 A Yes.

10 Q And the Court made a decision to go forward with the
11 plea.

12 A That's correct.

13 Q And he was questioned in regards to that.

14 A Yes, sir.

15 Q At any time during the plea or before the plea, did
16 he say to you, I don't understand what's going on?

17 A No, sir.

18 Q Okay. If he had said that, what would have been your
19 position in regards to going forward with the plea, I
20 guess?

21 A That we couldn't have been in a position to go forth
22 with the plea.

23 Q Okay. He's raised an issue, and I've gone back and
24 looked at a little bit, the warrant, or there was some
25 issue in regards to different names for the individual who

1 was murdered. Do you remember anything coming up about
2 that or if that would affect how, I guess, this went
3 about?

4 A No, I don't.

5 Q Okay. I mean, did you see anything procedurally that
6 you could have done to potentially keep this murder charge
7 out or to get it dismissed?

8 A Not that I recall about any issues with the
9 indictments, you know. Trying to quash the indictments, I
10 don't -- I didn't see anything.

11 Q From your understanding, what you had seen was there
12 was a statement from him acknowledging that a gun
13 discharged sometime during an attempted robbery and
14 someone died.

15 A Yes. Clearly there was a difference in terms of the
16 rendition of the facts as what the State ultimately
17 presented to the judge and what Mr. Allen was saying. We
18 were saying that, yes, he was there to attempt a robbery,
19 accidentally the gun went off and unfortunately killed the
20 gentleman. The State relayed directly to the judge there
21 was more of a shielding by the father to protect the minor
22 child that was in the car, and the father literally,
23 according to the State, crouched down, covered the
24 daughter, and in that moment, Mr. Allen shot him anyway.

25 Q And during the plea, and I know there was -- I've

1 gone over this a little bit, were you aware of how much of
2 the medication that Mr. Allen had taken or did y'all
3 discuss anything in regards to that?

4 A I inquired that he didn't have any type of
5 milligrams. I never saw any bottles. I don't recall him
6 bringing anything to court with him. He never told me
7 that he took one, two, three that day, two the night
8 before. I mean, he -- I never got any specifics from him
9 in regards to that. I'm not saying that wasn't the case,
10 because, of course, I did make the Court aware that
11 Mr. Allen had shared with me that he was under some form
12 of medication for mental issues.

13 Q Okay. And based upon your information you provided,
14 you let him know that he was looking at potentially life
15 for this murder charge.

16 A From the outset and throughout the entirety of our
17 conversations.

18 MR. ARIAIL: Okay. I have no further questions, Your
19 Honor.

20 THE COURT: Mr. Mitchell?

21 MR. MITCHELL: Nothing further, Your Honor.

22 THE COURT: All right. Mr. Brown, you can step down.
23 Thank you.

24 MR. MITCHELL: Your Honor, that's all the witnesses
25 that I have.

RULING BY THE COURT

THE COURT: I find that the petitioner in this case has not met his burden of proof to prove the allegations of his petition, and therefore, I'm going to deny his petition. Thank you.

Mr. Mitchell, if you will prepare an order.

(WHEREUPON, proceedings concluded at 11:03 a.m.)

1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)4 COUNTY OF GREENVILLE)
5
6

7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 Common Pleas for Greenville County, South Carolina, on the
14 28th day of June, 2017.

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

17

18 March 23, 2018
19

20
21 *Cheryl A. Smith*

22 Cheryl A. Smith, CVR-M

23 Court Reporter
24
25

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Conrad Antonio Allen, #365648,

2016-CP-23-0400

Applicant,

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

FILED
2018 FEB -2 PM 9:51

This matter comes before the Court by way of an application for Post-Conviction Relief filed on January 27, 2016. Respondent made its Return on or about January 12, 2017. An evidentiary hearing into the matter was convened on June 28, 2017 at the Greenville County Courthouse in Greenville, SC at which time the Applicant was present in court and represented by R. Mills Ariail, Esquire. The Respondent was represented by DeShawn H. Mitchell, Esquire of the South Carolina Attorney General's Office.

At the hearing, Applicant testified on his own behalf. Applicant's plea counsel, Michael D. Brown, Esquire also testified. This Court had before it a copy of the records of the Greenville County Clerk of Court regarding the Applicant's convictions, the transcript from Applicant's guilty plea, the PCR application, Respondent's Return, and Applicant's records for the Department of Corrections.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenville County Clerk of Court. Applicant was indicted by the August 2015 term of the Greenville County Grand Jury for murder and Possession of a weapon during the commission of a violent crime (2014-GS-23- 10987), attempted armed robbery(2014-

GS-23-10986) and conspiracy (2014- GS-23-11096) . Michael D. Brown, Esquire, represented Applicant. On October 12, 2015, Applicant pled guilty as indicted to all charges. The Honorable Perry H. Gravely sentenced Applicant to imprisonment for forty years consecutive for murder, fifteen years consecutive for attempted armed robbery, five years concurrent for possession of a weapon during the commission of a violent crime, and five years concurrent for conspiracy.

ALLEGATIONS

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

1. Sentence was too harsh
 - a. "My allegation is it wasn't justifiable to sentence me to 55 years because murder is 30 years and a weapon poss. Is 5 to 15 years that they over sentence me and I'm trying to give some of this time back".
 - b. "The facts are that when I was in the courtroom, I was high off my medicane (sic) and they support (sic) to keep going they support (sic) to send me back back to the county jail, and look they gave me 55 years.."

Applicant subsequently amended his application on April 25, 2017 making the following allegations:

1. Plea Counsel failed to advise Applicant of Direct Appeal.
2. Plea Counsel failed to file Notice of Appeal.
3. Applicant was incompetent during Guilt Phase due to the effects of controlled substances. (antidepressants)
4. Applicant was denied competency hearing in violation of his right to due process of the law.

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 had the opportunity to observe the witnesses presented at the hearing, and can weigh their testimony and credibility accordingly. Below are the findings of fact and conclusions of law as required pursuant to S.C. Code Ann.

§17-27-80 (2017). This Court finds the testimony of Counsel to be credible. This Court further finds that the testimony by Applicant is not credible.

Ineffective Assistance of Counsel

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel 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. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove that counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Id. (quoting Strickland v. Washington, 466 at 688). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable

probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 (1985).

Applicant testified he met with Counsel and he discussed charges with Counsel. Applicant testified he never saw any discovery materials or a file Rule five Motion for discovery. He further testified he had issues with medicine and was on medicine at the time of the guilty plea but the plea judge never inquired as to whether he was taking any medicine. On cross-examination, Applicant testified he had not been diagnosed with any mental illness before the evidentiary hearing. Applicant testified he did not have any medical documents with him that would show he had been diagnosed with a mental illness. Applicant further testified he called his sister in jail and told her he was going to pretend to act "crazy" prior to pleading guilty.

Counsel testified about the facts of the case. Counsel testified he met with Applicant and discussed the charges and the potential sentences those charges carried. Counsel testified Applicant never indicated he did not understand the discussions there were having about the case. Additionally, Counsel testified the Solicitor's office did have a recording of Applicant making a phone call to his sister.

After careful review of the entire record, including the testimony presented at the evidentiary hearings, based on the standard discussed above, this Court finds Applicant has failed to carry his burden in this action regarding any of his allegations of ineffective assistance of counsel. Applicant also failed to prove he was prejudiced by the alleged deficiencies. As a matter of general impression, this Court finds the testimony of Applicant's counsel to be credible and persuasive on all matters. These credibility findings have been applied to the Court's findings and conclusions set forth below.

Allegation #1

Applicant alleges that his sentence was too harsh. Applicant was charged with murder which carries a sentence of thirty years to life imprisonment, possession of a weapon during the commission of a violent offense which carries zero to five years imprisonment, attempted armed robbery which carries zero to twenty years imprisonment and conspiracy which carries zero to five years imprisonment. After a review of the guilty plea transcript it is clear from the colloquy between the plea judge and Applicant that Applicant understood what sentences each charge carried. Furthermore, the sentences handed down by the plea court were appropriately issued. A trial court has broad discretion in imposing criminal sentences within the limits prescribed by law. State v. Franklin, 267 S.C. 240, 226 S.E.2d 896 (1976); Clark v. State, 259 S.C. 378, 192 S.E.2d 209 (1972). The courts normally have no discretion to correct a sentence given within statutory limits. To be entitled to relief, the Applicant must prove that the alleged excessive sentence was the result of partiality, prejudice, oppression or corrupt motive, or that the sentence constitutes cruel and unusual punishment per se. Clark, Id.; State v. Cogdell, 273 S.C. 563, 257 S.E.2d 748 (1979). The Applicant has failed to show his sentence was a result of any of these factors. Accordingly, this Court finds that this allegation is denied and dismissed.

Allegation #2

Applicant alleges that plea counsel failed to advise him of a direct appeal and failed to file a notice of appeal for him. Applicant did not present any evidence on this allegation at the PCR hearing. Accordingly, this Court finds Applicant failed to prove Counsel was deficient or that Applicant was prejudiced by Counsel's performance. Accordingly, this Court denies and dismisses this allegation.

Allegation #3

Applicant alleges that he was incompetent during guilty plea due to the effects of controlled substances. This Court interprets this allegation as Applicant asserting his guilty plea was involuntary. This Court finds Applicant has failed to carry his burden regarding this allegation. This Court finds the record reflects Applicant's plea was entered freely, voluntarily, knowingly, and intelligently. The plea judge explained the charges to Applicant, including the maximum penalties for each. The plea judge also went through Applicant's constitutional rights and questioned Applicant as to whether he understood those rights and wished to give them up to plead guilty. Applicant agreed that he did. Applicant admitted he was guilty of these offenses and did not challenge the facts presented by the State at the plea. Applicant told the plea judge that he was satisfied with his attorney, that Counsel had done everything Applicant had asked of him, and he did not need any more time to discuss this matter with Counsel. Applicant further told the plea judge no one had threatened him or made him any promises to get him to plead guilty, and he was doing so of his own accord. Additionally, Applicant told the plea judge he did not have any physical or mental issues which would prevent him from understanding the proceeding, and Applicant indicated he understood all of the plea judge's questions and had answered them honestly. This Court therefore finds that Applicant understood the terms of the plea and the possible sentences he could receive and that his plea was not involuntary. Accordingly, this Court finds that this allegation is denied and dismissed.

Allegation #4

Applicant alleges he was denied competency hearing in violation of his right to due process of the law. This Court finds Applicant has failed to carry his burden regarding this allegation. Counsel testified he never thought Applicant lacked the ability to comprehend or was

incompetent. "When a PCR applicant raises issues of competency in the context of a plea proceeding, the two-prong Strickland analysis still applies; however, because of the nature of the claim, proof of deficiency of counsel is intertwined with prejudice." Ramirez v. State, 419 S.C. 14, 21, 795 S.E.2d 841, 844-45 (2017). "Specifically, when establishing Strickland prejudice in the context of plea counsel's failure to request a mental competency evaluation, 'the [applicant] need only show a 'reasonable probability' that he was ... incompetent at the time of the plea.' " *Id.* (quoting Jeter v. State, 308 S.C. 230, 233, 417 S.E.2d 594, 596 (1992)); see also Matthews v. State, 358 S.C. 456, 458-60, 596 S.E.2d 49, 50-51 (2004) (expanding the reasonable probability standard as the burden for proving both the deficiency of counsel and the prejudice prongs). This Court finds Applicant has failed to meet his requisite burden of proof as to either deficiency of counsel or prejudice. Therefore, this allegation is denied and dismissed.

Therefore, Applicant having failed to prove any deficiency by Counsel as required by Strickland, his application is denied and dismissed with prejudice.

CONCLUSION

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

This Court notifies Applicant that he must file and serve a notice of appeal within thirty (30) days from receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. An applicant has a right to an appellate counsel's assistance when they are seeking review of the denial of PCR. Austin v. State, 305 S.C. 453 (1991). If an applicant wishes to seek appellate review, PCR counsel must serve and file a Notice

of Appeal on the Applicant's behalf. See Rule 71.1 (g), SCRPC. Refer to Rule 243 of the South Carolina Appellate Court Rules for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The application for Post-Conviction Relief is denied and dismissed with prejudice;
2. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 13th day of February, 2018.



DANIEL D. HALL
Presiding Judge
Thirteenth Judicial Circuit

Yock

, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Conrad Antonio Allen

AKA:

Race: BLACK Sex: M Age: 18DOB: -1997 SS#: Address: City, State, Zip: Greenville, SC 29605DL#: SID#: *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Attempted Armed Robbery

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS2310986A/W#: 2014A2330201915Date of Offense: 11/8/2013S.C. Code § : 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS
in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
☐ 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:

Ellis, Sloan77364
SC Bar#Conrad Allen
DefendantAttorney for DefendantSC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 10/12/15

☒ 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. 587 days

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

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

SPECIAL CONDITIONS:

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

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

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/ Deputy Clerk

Court Reporter: D. Harrison

CA/217 (03/2011)

Presiding Judge

Judge Code: 2754Sentence Date: 10-12-15

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED ARMED ROBBERY

AUG 25 2015

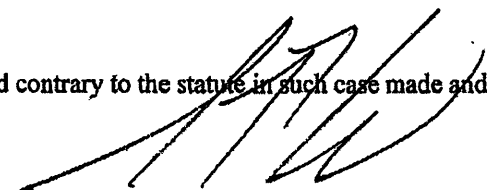
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That CONRAD ANTONIO ALLEN did in Greenville County, on or about the 8th day of November, 2013, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, attempt to take by means of force or intimidation, goods or monies described as: money from the person or presence of EVERADO CAMPOS. This is in violation of §16-11-330 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.


SOLICITOR

BAR # 77364

010936

WITNESSES

Lloyd C Newman

Greenville County Sheriffs Office

3/4/2014

ARREST WARRANT NUMBER
2014A2330201915

ACTION OF GRAND JURY
TRUE BILL

Wayne Shephardson
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-23-
SPE

The State of South Carolina

Juel
County of Greenville

COURT OF GENERAL SESSIONS

August

2015
TERM 2014

THE STATE

vs.

CONRAD ANTONIO ALLEN *CA*

Indictment for

0026

ATTEMPTED ARMED ROBBERY

VIOLATION §16-11-0330

FILED

DEC 16 2014

Clerk of Court
Greenville County

JOE
**ENTERED
ACCT.**

ARREST WARRANT

2014A2330201915

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE

1-13-178665

against

Conrad Antonio Allen

Address:

Greenville, SC 29605-

Phone: SSN:

Sex: M Race: B Height: 5 7 Weight: 158

DL State: DL #:

DOB: /1997 Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriff's Office

Prosecuting Officer: L Newman - 1173

Offense: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Cagle
Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant L Newman

who

being duly sworn deposes and says that defendant Conrad Antonio Allen

did within this county and state on or about 11/8/2013

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenville)

in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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:

On or about November 8th 2013 while at Dixie Cir., Lot Greenville, SC 29605 the defendant, Conrad Antonio Allen, did commit the act of Armed robbery in that he and a co-defendant, while in possession of an operable firearm, did demand money from the victim Eyerado Campos. The defendant provided a written statement in support. This offense occurred within the jurisdiction of Greenville County South Carolina.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address 4 Mcgee Street

Greenville, SC 29601-

Affiant's Telephone (864)467-5210

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF 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 or about 11/8/2013 defendant Conrad Antonio Allen

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

☒ County/ ☐ Municipality of Greenville) 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 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 3/4/2014

Signature of Issuing Judge

Letonya T. Simmons

Judge Code: 5077

Judge's Address

Simpsonville, SC 29680-

Judge's Telephone (864)963-3457

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Conrad Antonio Allen

AKA:

Race: BLACK Sex: M Age: 18

DOB: -1997 SS#:

Address:

City, State, Zip: Greenville, SC 29605

DL#: SID#:

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

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS230987

A/W#: 2014A2330201914

Date of Offense: 11/8/2013

S.C. Code §: 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ 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:

Ellis, Sloan

77364
SC Bar#

Defendant

Attorney for Defendant

69749
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 40 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: 10/12/15
☒ 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. 587 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

1522092

IN THE COURT OF GENERAL SESSIONS

0.5

COUNTY OF Greenville
STATE VS.

Conrad Antonio Allen

AKA:

Race: BLACK Sex: M Age: 18

DOB: 11-19-1997 SS#:

Address:

City, State, Zip: Greenville, SC 29605

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Possession of a Weapon During the Commission of a Violent Crime

INDICTMENT/CASE#: 2014GS2310987

A/W#: 2014A2330201916

Date of Offense: 11/8/2013

S.C. Code §: 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

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

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

Ellis, Sloan

77364
SC Bar#

Defendant

Attorney for Defendant

69549
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10/12/15☒ 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. 587☐ 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	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL	\$	\$ 133.90

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

Clerk of Court/ Deputy Clerk

Paul B. Wickens

Court Reporter:

D. Harrison

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

2785

10-12-15

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER and POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

AUG 25 2015

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

COUNT I:

That CONRAD ANTONIO ALLEN did in Greenville County, on or about the 8th day of November, 2013, unlawfully and with malice aforethought kill EVERARDO CAMPOS by means of shooting, and that EVERARDO CAMPOS died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

COUNT II:

That CONRAD ANTONIO ALLEN did in Greenville County, on or about the 8th day of November, 2013, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: MURDER. This is in violation of §16-23-490 of the South Carolina code of Laws (1976) as amended.

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

SOLICITOR

BAR # 77364

010987

116

WITNESSES

Lloyd C Newman

Greenville County Sheriffs Office

3/4/2014

DOCKET NO. 2014-GS-23-

SPE

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS
August

2015
TERM 2014

THE STATE

vs.

CONRAD ANTONIO ALLEN

ARREST WARRANT NUMBER

2014A2330201914

2014A2330201916

ACTION OF GRAND JURY

TRUE BILL

Wayne H. Hefner
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0116 and 0549

MURDER and POSSESSION OF A WEAPON
DURING THE COMMISSION OF A VIOLENT
CRIME

VIOLATION 16-03-0010 and §16-23-0490

Foreperson of Petit Jury

Date:

FILED

DEC 16 2014

Clerk of Court
Greenville County

CC
RECEIVED
CLERK OF COURT
GREenville COUNTY

ARREST WARRANT

2014A2330201914

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE

1-13-178665

against

Conrad Antonio Allen

Address:

Greenville, SC 29605-

Phone: SSN:

Sex: M Race: B Height: 5 7 Weight: 158

DL State: DL #:

DOB: /1997 Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: L Newman - 1173

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Conrad Allen
on 3-4-14C. Hawkins 1434 (544)
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Cagle
Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518Personally appeared before me the affiant L Newman who
being duly sworn deposes and says that defendant Conrad Antonio Allen
did within this county and state on or about 11/8/2013 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenville)
in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

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:On or about November 8th 2013 while at Dixie Cir., Lot Greenville, SC 29605 the defendant, Conrad Antonio Allen, did
commit the act of murder in that he, with malice aforethought, caused the shooting death of Everado Campos. The defendant
provided a written statement in support. This offense occurred within the jurisdiction of Greenville County South Carolina.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address 4 Mcgee StreetGreenville, SC 29601-Affiant's Telephone (864)467-5210

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF 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 or about 11/8/2013 defendant Conrad Antonio Allen

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

☒ County/ ☐ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

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 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 3/4/2014L.T. Simmons (L.S.)
Signature of Issuing Judge

Letonya T. Simmons

Judge Code: 5077

Judge's Address

Simpsonville, SC 29680-Judge's Telephone (864)963-3457Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

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117

ARREST WARRANT

2014A2330201916

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE
against

1-13-178665

Conrad Antonio Allen

Address:

Greenville, SC 29605-

Phone: SSN:
Sex: M Race: B Height: 5 7 Weight: 158DL State: DL #: DOB: 1997 Agency ORI #: SC0230000Prosecuting Agency: Greenville County Sheriffs OfficeProsecuting Officer: L Newman - 1173Offense: Weapons / Possession of weapon during violent
crime, if not also sentenced to life without paroleOffense Code: 0549Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Conrad Allen
on 3-4-14C. Hawkins *634 (544)
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Cagle
Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant L Newman whobeing duly sworn deposes and says that defendant Conrad Antonio Allendid within this county and state on or about 11/8/2013

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenville)

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

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:

On or about November 8th 2013 while at Dixie Cir., Lot Greenville, SC 29605 the defendant, Conrad Antonio Allen, did commit the act of possessing a deadly weapon during the commission of a violent crime. The defendant was in possession of an operable firearm while committing the act of murder which result in the shooting death of victim Everado Campos. The defendant provided a written statement in support. This offense occurred within the jurisdiction of Greenville County South Carolina.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address 4 Mcgee StreetGreenville, SC 29601-Affiant's Telephone (864)467-5210

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF 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 or about 11/8/2013 defendant Conrad Antonio Allen

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

☒ County/ ☐ Municipality of Greenville) as set forth below:DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

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 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 3/4/2014

Signature of Issuing Judge

Letonya T. Simmons

Judge Code: 5077

Judge's Address

Simpsonville, SC 29680-Judge's Telephone (864)963-3457Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

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Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

118

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Conrad Antonio Allen

AKA:

Race: BLACK Sex: M Age: 18

DOB: -1997 SS#:

Address:

City, State, Zip: Greenville, SC 29605

DL#: SID#:

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

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS2311096

A/W#: 2014A2330201917

Date of Offense: 11/8/2013

S.C. Code §: 16-17-0410

CDR Code #: 0049

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

☒ 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:

Ellis, Sloan

77364
SC Bar#

Defendant

Attorney for Defendant

69748
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*, the balance is suspended with probation formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 587 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

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

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CONSPIRACY

AUG 25 2015

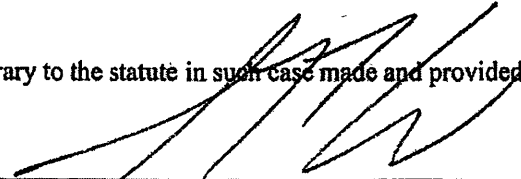
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That CONRAD ANTONIO ALLEN did in Greenville County, on or about the 8th day of November 2014, willfully and unlawfully combine with at least one or more co-conspirator for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, to wit: Attempted Armed Robbery. This is in violation of §16-17-410 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.


SOLICITOR

BAR # 77364

WITNESSES

Lloyd C Newman

Greenville County Sheriffs Office

3/4/2014

ARREST WARRANT NUMBER
2014A2330201917

ACTION OF GRAND JURY
TRUE BILL

Wayne Hubbardson
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-23-SPE

011076

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August TERM 2014

THE STATE

vs.

CONRAD ANTONIO ALLEN

Indictment for

0049

CONSPIRACY

VIOLATION § 16-17-0410

FILED

DEC 16 2014

Clerk of Court
Greenville County

ARREST WARRANT

2014A2330201917

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Greenville

THE STATE
against

1-13-178665

Conrad Antonio Allen

Address:

Greenville, SC 29605-

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: 5 7 Weight: 158

DL State: [REDACTED] DL #: [REDACTED]

DOB: [REDACTED]/1997 Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: L Newman - 1173

Offense: Conspiracy / Criminal Conspiracy, Common Law
conspiracy defined

Offense Code: 0049

Code/Ordinance Sec: 16-17-0410

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Conrad Allen
on 3-4-14C. Hawkins #1634 (544)
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Cagle
Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Greenville

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violate the criminal laws of the

State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Greenville

in the following particulars:

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

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:On or about November 8th 2013 while at Dixie Cir., Lot [REDACTED] Greenville, SC 29605 the defendant, Conrad Antonio Allen, did
commit the act of criminal conspiracy in that he conspired with co-defendant, Darnel D. Robinson, to commit the criminal act of
Armed Robbery against the victim, Everado Campos. The defendant provided a written statement in support. This offense occurred
within the jurisdiction of Greenville County South Carolina.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Greenville

Affiant's Address 4 Mcgee StreetGreenville, SC 29601-Affiant's Telephone (864)467-5210

ARREST WARRANT

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Greenville

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soon thereafter as is practicableSworn to and subscribed before me
on 3/4/2014L. T. Simmons (L.S.)
Signature of Issuing Judge

Letonya T. Simmons

Judge Code: 5077

Judge's Address

Simpsonville, SC 29680-

Judge's Telephone

(864)963-3457

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

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Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518