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STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

S.C. SUPREME COURT

Certiorari to Spartanburg County

Honorable Robin B. Stilwell, Circuit Court Judge

TRAVIS NAPOLEON DAVIS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-000077

APPENDIX

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1 STATE OF SOUTH CAROLINA } COURT OF GENERAL SESSIONS
2 COUNTY OF SPARTANBURG }

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 VS.) RECORD
7 TRAVIS NAPOLEON DAVIS,) 2013-GS-42-3900 - 3903
8 DEFENDANT.) 2013-GS-42-2946 - 2950

9
10 June 16th, 2015
11 Spartanburg, South Carolina
12

13 B E F O R E:

14 THE HONORABLE ROGER L. COUCH, Judge.

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

16 SAM BASS
17 ASSISTANT SOLICITOR
18 Attorney for the State

19 CANDACE LAPHAM
20 ESQ.
21 Attorney for the Defendant

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

I N D E X O F W I T N E S S E S

(There were no exhibits marked during this hearing.)

P R O C E E D I N G S

THE COURT: Yes, sir, you may proceed.

SOLICITOR BASS: Yes, Your Honor.

Before you you have Travis Davis. He's represented by Attorney Candace Lapham.

He is pleading, Your Honor, today to trafficking cocaine second, possession with intent to distribute heroin second, possession of marijuana, a second, manufacturing crack second, possession of a weapon by a person convicted of a violent crime, and a possession with intent to distribute heroin second, another charge of possession of a weapon by a person convicted of a violent crime, and failure to stop for a blue light.

This is a negotiated sentence, Your Honor, of 15 years. These are true billed indictments 2013-GS-42-03900, 3901, 3902, and 3903, as well as true billed Indictment 2014-GS-42-029 -- 2946, 2947, 2948, 2949, and 2950.

THE COURT: Thank you.

(WHEREUPON, the Defendant was placed under oath at this time.)

THE COURT: Your name is Travis Napoleon Davis?

THE DEFENDANT: Yes, sir.

THE COURT: Mr. Davis, you're in front of me on several charges. I'm going to go over those charges with you in

1 just a moment.

2 As I do that I'll be telling you the possible maximum
3 sentences that are -- can be levied for these particular
4 offenses. However, I have been informed by the State that
5 you and your attorney have negotiated a sentence of 15 years
6 in this case.

7 Let me ask the State.

8 I assume that would be on all charges---

9 SOLICITOR BASS: That---

10 THE COURT: --that they run concurrent?

11 SOLICITOR BASS: Yes, sir, Your Honor.

12 THE COURT: Okay.

13 SOLICITOR BASS: Fifteen across the board.

14 THE COURT: Or to the extent I can sentence him---

15 SOLICITOR BASS: Yeah, I don't think---

16 THE COURT: ---up to fifteen?

17 SOLICITOR BASS: ---you can give him 15 on the failure
18 to stop.

19 THE COURT: Yes.

20 SOLICITOR BASS: But, yes, Your Honor, fifteen across
21 the board.

22 THE COURT: That's what I'm saying.

23 SOLICITOR BASS: Yes, sir.

24 THE COURT: So that's your understanding as well, Ms.
25 Lapham?

1 MS. LAPHAM: Yes, sir, Your Honor.

2 THE COURT: All right. So, Mr. Davis, that is a
3 negotiated sentence. Now, I was not involved in those
4 negotiations. I'm going to listen to your case this
5 morning. Later on, if I decide that I can not accept the
6 negotiation that's gone on between the State and your
7 lawyer, I will advise you of that fact and, at that time, I
8 would give you an opportunity or a chance to withdraw your
9 plea.

10 Do you understand what I'm saying as to how I'll handle
11 that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And is that how you expected me to handle
14 it?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. Now, on all of these charges I
17 believe you are represented by Ms. Lapham.

18 Am I correct in saying that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And are you satisfied with what she's done
21 for you in this case?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you need to consult with her any
24 further?

25 THE DEFENDANT: No, sir.

1 THE COURT: Is there anything else you feel that she
2 ought to do before we go forward in your case?

3 THE DEFENDANT: No, sir.

4 THE COURT: Now, Mr. Davis, do you suffer from any
5 mental, physical, or nervous problems, any conditions
6 whatsoever, that would affect your ability to reason or to
7 make good decisions or to be able to handle your plea today?

8 THE DEFENDANT: No, sir.

9 THE COURT: Have you taken or used any drugs,
10 medications, any substances that would have that affect on
11 you?

12 In other words, affect your reasoning abilities or your
13 ability to handle your plea?

14 THE DEFENDANT: No, sir.

15 THE COURT: So, Mr. Davis, I assume then you know what
16 this hearing is about?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And I assume that you believe that you have
19 the ability to handle this matter this morning?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Now, the first case I'll talk
22 to you about is Case Number 2013-3900, possession with
23 intent to distribute heroin second, and I'll tell you, as to
24 all of these drug offenses, if you plead guilty to these,
25 they can be used in the future to make future sentences

1 possibly more severe. Just as in this case, this is a
2 second offense. Because you apparently were involved in
3 some drug offense before as the first offense, that's raised
4 the possible sentence.

5 Do you understand how that works?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. Now---

8 SOLICITOR BASS: And, Your Honor, just a clarification?

9 THE COURT: Yes.

10 SOLICITOR BASS: And I'll get to this with his record
11 but these are -- should be thirds. We're pleading down to
12 seconds.

13 THE COURT: I see.

14 Okay.

15 SOLICITOR BASS: Yes, sir.

16 THE COURT: But the State's willing to accept a plea to
17 second?

18 SOLICITOR BASS: Yes, Your Honor.

19 THE COURT: And so, Mr. Davis, you're fully aware of
20 the enhancement feature in drug offenses?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: The sentence enhancement.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Now, I will tell you that this
25 particular offense is also classified as a serious offense.

1 That means, in the future, if you were to plead guilty to
2 other crimes that were similarly classified, your plea in
3 this case could be used again to enhance sentences because
4 of the classification of the crime. It could result in a
5 possible sentence in the future, Mr. Davis, of life in
6 prison without ever being paroled.

7 Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And have you discussed that with your
10 lawyer?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Now, that particular offense carries
13 a sentence of anywhere from five to thirty years and/or a
14 fine of not more than \$50,000.

15 The next charge is Case Number 2013-3901, possession of
16 one ounce or less of marijuana, or ten grams or less of hash
17 second. It carries not more than a year and/or a fine of
18 between two hundred and a thousand dollars.

19 The next offense is manufacturing/distribution of crack
20 cocaine second. That carries a sentence of from five to
21 thirty and/or a fine of not more than 50,000. Again, it's a
22 serious offense and you have -- I've explained that
23 classification to you.

24 Next is Case Number 2013-3903. That's trafficking in
25 ice, crank, or crack ten grams or more but less than

1 28-grams second. That also has a sentence of five to thirty
2 and/or a fine of not more than 50,000. It's classified as a
3 violent and serious offense and, therefore, has those
4 enhancement features.

5 The next one is possession of a firearm while -- by a
6 person convicted of a felony. That's Case Number 2014-2946.

7 Is that a correct statement of the case number on that,
8 2014---

9 SOLICITOR BASS: I think---

10 THE COURT: ---2946?

11 The reason I'm asking is the number on here is -- it
12 says 42 but then it says 29 and then it says 29 again 46.
13 So it's a number that's obviously wrong.

14 THE CLERK: I saw that.

15 THE COURT: So I just need to know what the right
16 number is.

17 SOLICITOR BASS: It would -- it should just be 2946---

18 MS. LAPHAM: 2946.

19 SOLICITOR BASS: ---Your Honor.

20 THE COURT: Okay. I'm gonna make that change on the
21 sentencing sheet.

22 Any objection to my doing that?

23 MS. LAPHAM: No objection, Your Honor.

24 THE COURT: All right. All right. So it is Case
25 Number 2946. It's, again, carrying of a firearm by a person

1 convicted of a violent felony and that carries not more than
2 five years and/or a fine of not more than \$2,000.

3 Next is Case Number 2014-2947. Again, possession with
4 intent to distribute heroin second. Carries from five to
5 thirty years and/or a fine of not more than 50,000. It's
6 classified as a serious offense.

7 Next is the failure to stop for a blue light first
8 offense. It carries not more than three years and/or a fine
9 of not less than \$500.

10 Next is another carrying of a firearm by a person
11 convicted of a violent felony. It carries up to five years
12 and/or a fine of not more than \$2,000.

13 Finally -- and that was Case Number 2014-2949.

14 Then we have Case Number 2014-2950 and that is
15 manufacture or distribution of cocaine base second. Again,
16 it's five to thirty and/or a fine of not more than \$50,000.

17 Now, Mr. Davis, do you understand all those charges?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And do you understand that if I was
20 normally sentencing you I could take all of those maximum
21 sentences I could -- just went over and I could add them
22 together and that would be the maximum length of time that
23 you would be facing in this case, and then -- and by the
24 same token, you could take the maximum fines and add those
25 together. That would be the maximum fines you'd be facing

1 in these cases.

2 So, do you understand that as well?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. Now, Mr. Davis, as to all of
5 these charges you have the right, to any one of them, to
6 plead either guilty or not guilty.

7 How are you pleading in this case?

8 THE DEFENDANT: I plead guilty, Your Honor.

9 THE COURT: To all of the charges I just went over?
10 Is that right?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Ms. Lapham, have you discussed
13 your client's situation and his plea with him?

14 MS. LAPHAM: Yes, sir, Your Honor.

15 THE COURT: And did you go over the things that you
16 normally discuss with people in his situation?

17 MS. LAPHAM: Yes, sir, Your Honor.

18 THE COURT: Are you satisfied that Mr. Davis was able
19 to understand your advice?

20 MS. LAPHAM: He was, Your Honor.

21 THE COURT: He's indicated to me that he's made a
22 decision to enter a guilty plea given the negotiated
23 sentence in this case, and based on what you know about his
24 case, do you agree with that decision?

25 MS. LAPHAM: Yes, sir, Your Honor.

1 THE COURT: Has he been able to assist you in the
2 preparation and defense of his case?

3 MS. LAPHAM: He has, Your Honor.

4 THE COURT: Mr. Davis, you're 32 years of age?

5 THE DEFENDANT: Yes, sir.

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

7 THE DEFENDANT: I've got -- I went to tenth grade but I
8 received my GED.

9 THE COURT: Good.

10 Are you married, Mr. Davis?

11 THE DEFENDANT: I'm separated, Your Honor. Yes, sir.

12 THE COURT: So -- but you're still married?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. You got children?

15 THE DEFENDANT: Yes, sir, I have four kids.

16 THE COURT: All right. And what ages are the children,
17 Mr. Davis?

18 THE DEFENDANT: I have one that's 17 and one thirteen
19 and one that's eleven and I have one that is six.

20 THE COURT: All right. Do those children live with
21 their mother?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Did you have a job on the
24 outside?

25 THE DEFENDANT: Yes, sir, I had my own pressure washing

1 business, sir. I use to wash 18-wheelers and I wash houses
2 for a living, sir.

3 THE COURT: I see.

4 Okay. Now, Mr. Davis, has anyone done anything to you
5 such as threaten, threaten you, put pressure on you, tried
6 to intimidate you, in other words taken any action against
7 you in an effort to try to force you or make you offer a
8 plea in your case?

9 THE DEFENDANT: No, sir.

10 THE COURT: So are you offering the plea that you've
11 offered freely and voluntarily?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Have you had enough time to consider this
14 matter?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have you had enough time to prepare
17 defenses if you wanted to do that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Has anyone offered you anything to get you
20 to plead?

21 THE DEFENDANT: No, sir.

22 THE COURT: Has anyone made a promise or guarantee
23 about such matters as pardon, parole, probation, early
24 release, or length of sentence other than the negotiated
25 sentence in this case?

1 THE DEFENDANT: No, sir.

2 THE COURT: All right. Mr. Davis, if I accept your
3 guilty pleas later on you will be giving up or waiving your
4 Constitutional rights as they relate to these charges I've
5 gone over with you. It's my responsibility to be sure you
6 understand what your rights are, you understand what you're
7 giving up by entering this plea. So I'm going to go over
8 those rights with you.

9 When I finish, if you have a question about anything
10 I've told you, please let me know. I'll be glad to give you
11 further explanation until you do understand.

12 So you understand what I'm doing now?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Two of your Constitutional
15 rights we'll go over. I may of already discussed with you.
16 Each of the charges, as I went through, I verified all have
17 been indicted by the Grand Jury. So they're properly before
18 the Court. So -- and you also have a Constitutional right
19 to an attorney and your attorney is here. So those two
20 Constitutional rights have been satisfied.

21 In addition to that you have other Constitutional
22 rights that primarily relate to the trial of your case. You
23 have a right to have your case tried in front of a jury,
24 and, at a jury trial, under the law, you would be presumed
25 to be innocent. That presumption would continue until such

1 time as the State proved your guilt to the jury and the
2 State would have the only burden of proof at the trial.
3 That is to prove your guilt to the jury by proof beyond a
4 reasonable doubt. You would not have to prove anything at a
5 trial since you're presumed innocent.

6 Do you understand how that would work?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, in addition, at the trial, you'd have
9 the right to have the clerk issue subpoenas to witnesses to
10 require that they attend and possibly testify possibly in
11 your favor. You would have the right to confront or
12 question anyone who, in fact, testified at your trial. You
13 would have the right to present all the defenses you have to
14 the charges, and during the trial, you'd be given the
15 opportunity to try to suppress any evidence the State has
16 against you. That includes any statements you might have
17 made prior to that time.

18 Now, at all times, Mr. Davis, you have the absolute
19 right to remain silent and if you chose to remain silent
20 during your trial, if you had a trial going on and you
21 decided not to speak, then the judge handling that trial is
22 required to instruct the jury that your silence could not be
23 used against you in any manner whatsoever.

24 Now, do you understand the rights I've just gone over?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you have any questions about them?

2 THE DEFENDANT: No, sir.

3 THE COURT: Do you realize that if I accept your plea,
4 once I do that, you've given up or waived those
5 Constitutional rights as they relate to these charges?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Now, does that fact cause you to want to
8 change or withdraw your plea?

9 THE DEFENDANT: No, sir.

10 THE COURT: Are you pleading guilty to these charges,
11 Mr. Davis, because you are guilty of the charges?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. At this time I'm going to ask
14 the solicitor to go over the facts they're alleging in your
15 case. Listen to Mr. Bass. When he finishes I'm going to
16 ask you about what he said.

17 Mr. Bass.

18 SOLICITOR BASS: Yes, Your Honor.

19 On, excuse me, December 21st, 2012, officers observed
20 a vehicle driving on Franklin Street here in Spartanburg
21 County at 35 -- going 35-miles per hour in a 25-mile per
22 hour zone. A traffic stop was initiated and officers
23 detected the odor of marijuana. This defendant was in the
24 passenger seat and was asked to step out.

25 During a Terry Frisk officers felt what they believed

1 to be narcotics and the defendant pulled out a bag
2 containing 8.4 grams of marijuana. Also in the defendant's
3 pants were 2.4 -- 2.04 grams of heroin, 8.27 grams of crack,
4 and 2.1 grams of cocaine.

5 On November 1st, 2013, Spartanburg County Sheriff's
6 office executed a search warrant at ■■■ Evil Court in
7 Spartanburg County. The defendant arrived at the scene
8 during the execution of the search warrant and admitted to
9 living at the residence. During the search officers located
10 a bulletproof vest, an Uzi style .25 caliber firearm, and a
11 .40 caliber pistol, multiple rounds of ammunition, digital
12 scales with white residue, whisk, baking soda, a microwave
13 with white residue, and Pyrex mixing bowls with white
14 residue. The white residue tested positive for cocaine.

15 On April 9th, 2014, Spartanburg Sheriff's Office went
16 to ■■■ ■■■ ■■■ in Spartanburg County to serve an arrest
17 warrant on the defendant. The officers observed the
18 defendant driving nearby in a burgundy Tahoe and began a
19 pursuit. The vehicle pulled into a gas station at Union
20 Street, and as officers verified the defendant was driving
21 the vehicle -- sorry, Your Honor. Driving the vehicle, the
22 vehicle did not stop while at the gas station and began
23 accelerating at a high rate of speed. Officers initiated
24 blue lights and siren. The defendant continued not to stop.
25 The defendant made several turns before coming to a dead end

1 street, which is at the [REDACTED] residence. The
2 defendant then jumped out of the moving vehicle and ran
3 behind the house. Deputies pursued the defendant on foot
4 and observed him throw an object on the ground.

5 The defendant was eventually taken into custody. The
6 defendants recovered the thrown package and discovered 2.79
7 grams of heroin in the package. At the same time that the
8 officers were pulling up to that residence they observed Ms.
9 Shamir Sanders trying to leave the residence and a search
10 of, of her person revealed 54.07 grams of cocaine base she
11 appeared to be trying to remove from the residence.

12 As part of this, Your Honor, the defendant is claiming
13 responsibility for those 54-grams of cocaine base as part of
14 this plea, Your Honor.

15 THE COURT: All right. Mr. Davis, were you able to
16 listen to what Mr. Bass told me?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Did you understand what he said?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: The information that he gave me, is that
21 true?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, have you been truthful with me today?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: The answers you've given me, were they your

1 own?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: So that's not just something somebody told
4 you to tell me?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Now, is there any part of what you
7 and I have discussed today that you'd want to change
8 anything that I've asked you?

9 THE DEFENDANT: No, sir.

10 THE COURT: Still pleading guilty?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: I'm gonna accept the pleas as having been
13 freely and voluntarily entered. He's aware of the charge,
14 the penalties, and had the advice of counsel, satisfied with
15 that advice. There's a factual basis for the plea.

16 I'm gonna hear from your attorney, and, Mr. Davis, I'll
17 give you a chance to speak once she's finished.

18 THE DEFENDANT: Thank you, sir

19 THE COURT: Yes, ma'am.

20 MS. LAPHAM: Thank you, Your Honor.

21 If it may please the Court.

22 I've been working with Mr. Davis on and off now for
23 probably going on two and a half to three years of us
24 knowing each other.

25 THE COURT: All right.

1 MS. LAPHAM: He's been a very pleasant person, very
2 honest with me, which I truly appreciate. Trying to be a
3 good father to his children, and by trying to be a good
4 father by supporting them, we end up here, Your Honor, with
5 15 years.

6 Okay. He wasn't a drug user with a drug problem. He
7 made some poor choices, Your Honor, and then, throughout
8 this entire time period, he's being extremely cooperative.

9 He turned himself in on a voluntary bond revocation
10 order, Your Honor. He served approximately 425 days in
11 totality from all the charges together, Your Honor.

12 I know prior plea discussions really are not pertinent
13 here today because we are here on a 15 year negotiation but
14 I think, for the benefit of his codefendant who will be
15 coming next, we would of been here today, Your Honor, with a
16 seven to ten year recommendation.

17 Okay. I know I've represented plenty of codefendants
18 who they all talk. Who's gonna claim this, who's gonna
19 claim this. Your Honor, he claimed the drugs and we went
20 from the seven to ten to fifteen because they were his.
21 They were not Ms. Sanders. I know she's here today on some
22 sort of, you know, lesser charge, Your Honor, but he did the
23 right thing because they were his.

24 I'm asking this Court to please, you know, to please,
25 at this point, to please accept the negotiation, Your Honor.

1 THE COURT: All right.

2 MS. LAPHAM: I appreciate it.

3 THE COURT: Mr. Davis, anything you want to tell me?

4 THE DEFENDANT: Yes, sir, I just want to say -- I want
5 to apologize first to Ms. Sanders for getting her in the
6 middle of all this, sir, you know. She a good woman. You
7 know, she take care of our child right. She raised him as
8 much as our child going to college.

9 THE COURT: Uh-huh. (Affirmative.)

10 THE DEFENDANT: And that been my whole purpose in life
11 to make sure my kids get something that I ain't receive,
12 Your Honor.

13 Next I want to apologize to the Court---

14 THE COURT: Thank you.

15 THE DEFENDANT: ---for even bringing this in front of
16 y'all, you know. I was just trying to provide for my
17 family, sir. I'm just, you know, I hate I made the bad
18 choices but I'm here to accept my consequences as they is,
19 sir. I just want -- for the sake -- for the courts to have
20 mercy on me and Ms. Sanders. Particularly, Ms. Sanders,
21 sir, because she a good woman. She ain't had nothing to do
22 with none of this, sir. It's all my fault. It's all me,
23 sir. That's all I wanted to ask of the court.

24 THE COURT: Thank you.

25 Prior record, Mr. Bass.

1 SOLICITOR BASS: Yes, Your Honor.

2 2001, public disorderly conduct.

3 2005, ABHAN.

4 2009, possession of crack.

5 2009, possession with intent to distribute cocaine, a
6 North Carolina charge, and a possession with intent to
7 distribute marijuana. That's a North Carolina charge as
8 well, Your Honor.

9 THE COURT: Mr. Davis, it's unfortunate that you got
10 involved in this endeavor to try to support your family.
11 Obviously I think it, over the next few years, your family
12 may suffer as a result of those actions as opposed to
13 accomplishing what you intended to accomplish. Someone with
14 children such as yourself, it's always something that I
15 think about is, is how you would feel if someone were
16 selling drugs to your children such as you were doing to
17 other peoples' children cause everybody's somebody's child.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: So that's regrettable that you decided that
20 was the way to go because it could of reaped and it may have
21 reaped havoc in other peoples' lives. It's unfortunate that
22 you went that way.

23 I hope, over the next few years, you think about that
24 and you get out and hopefully you'll have some of your life
25 left to try to straighten that out. I hope you decide to go

1 that way.

2 All right. The cases are 2013-3900, possession with
3 intent to distribute heroin, that is a 15 year sentence.

4 In all these cases I gave 425 days of credit and ran
5 them concurrent.

6 Next case is 2013-3901, it's possession of marijuana,
7 the sentence is one year concurrently.

8 Case Number 2013-3902, manufacturing/distribution of
9 cocaine base second, 15 years run concurrently. Again,
10 credit for 425.

11 Next is Case Number 2013-3903, trafficking in ice,
12 crack, or crank 10-grams or more, sentence is 15 years run
13 concurrently with credit for 425 days.

14 Next is Case Number 2014-2946, possession of a firearm
15 by a person convicted of a felony, five years run
16 concurrent. Credit for 425 days.

17 Next is Case Number 2014-2947, possession with intent
18 to distribute heroin second, sentence is 15 years run
19 concurrent with credit for 425 days.

20 Next is failure to stop for a blue light, sentence is
21 three years run concurrent with credit for 425 days.

22 Next is possession of a firearm by a person with a
23 violent felony, that's 2014-2949, it's five years run
24 concurrent with credit for 425.

25 Finally, Case Number 14-2950, manufacture, distribution

1 of cocaine base second, Sentence is 15 years run
2 concurrently with credit for 425 days.

3 I've accepted the negotiation.

4 Good luck to you, Mr. Davis.

5 THE DEFENDANT: Thank you, sir.

6 THE COURT: Thank you.

7 MS. LAPHAM: Thank you, Your Honor.

8

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10 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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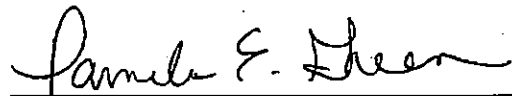
25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 16th day of June, 2015.

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

March 27th, 2016



PAMELA E. GREEN, Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)

County of Spartanburg)Travis Napoleon Davis #315472)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2016-CP-42-812

APPLICATION FOR

POST-CONVICTION RELIEF

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 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 Lee Correctional Institution
2. Name and location of Court which imposed sentence Spartanburg County Courthouse, 180 Magnolia Street, Spartanburg, S.C. 29309
3. Name(s) of co-defendant(s) (if any) Steven L. Huey, Skarmis Sanders
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2013GS4203703 Trafficking in re. crack or crack - 2nd
 - (b) 2013GS4203702 Drugs/Manufacture, distribution - 2nd

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CLERK OF COURT
SPARTANBURG COUNTY

(c) Drugs/Manufacture, Distribution - 2nd 2014GS4262350

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

(a) 6/16/15 violent 15 yrs.

(b) 6/16/15 non-violent 15 yrs.

(c) 6/16/15 non-violent 15 yrs.

6. Check whether a finding of guilty was made:

(a) after a plea of guilty yes

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

no

8. If you answered "yes" to (7), list:

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

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) my lawyer told me that I couldn't appeal guilty plea

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M. HOPE BLACKLEY

- (b) The judge stated in my guilty plea that I gave up my rights.
 (c) _____

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

- (a) ineffective assistance of counsel
 (b) violation of due process
 (c) improper plea / breach of plea agreement

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

- (a) violating my 14th amendment
 (b) allowing me to plea in double jeopardy
 (c) allowing me to plea to the time for charges I didn't receive

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. _____
 ii. _____
 iii. _____
 iv. _____

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

- i. _____
 ii. _____
 iii. _____
 iv. _____

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 M. HOPE BLACKLEY

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

no

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

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

- i. _____
- ii. _____
- iii. _____

JEFFERSON COUNTY
 2016 MAR -7 PM 2:32
 A. HOPE BLACKLEY

Revised 3/2003

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

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

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

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

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

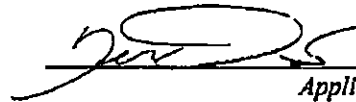
(a) the name and address of each attorney who represented you:
 i. Candice K. Lopham, Law Office of Candice K. Lopham, LLC
194 North Daniel Morgan Ave. Spartanburg, SC 29306
 ii. Travis Moore
240 Magnolia Street Spartanburg, S.C. 29306
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. my plea agreement
 ii. sentencing of my plea
 iii. before the indictments of said charges

SPARTANBURG COUNTY
 2016 MAR -7 PM 2:32
 M. HOPE BLACKLEY
 Revised 3/2003

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

I, Travis Napoleon Davis, hereby apply for leave to proceed in this action without prepayment of fees or costs or security thereof. In support of my application I declare under penalty of perjury that the following facts are true:

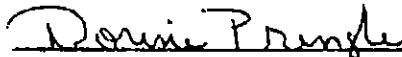
- (a) I am the applicant in this action and I believe I am entitled to redress.
- (b) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


Applicant

SWORN or affirmed to and subscribed before me this

23rd day of Feb

Lee Corr., Inst.,
990 Wisacky Highway
Bishopville, SC 29010-1775


Notary Public

My Commission Expires: 9/27/2023

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 14. HOPE BLACKLEY
 Revised 3/2003

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

I'm seeking the relief of my 15 yr violent sentence
to the 7-10 non-violent sentence I would have
received if I was going to plea guilty.

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

no

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Spartanburg)

I, Travis Napoleon Davis, 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 at this time for vacating, setting aside or correcting the convictions and sentence attacked in this application; and that the matters and allegations therein set forth are true and correct.

[Signature]

SWORN to and subscribed before me this 23rd

day of Feb.

[Signature] (L.S.)
 Notary Public

My Commission Expires: 9/27/2023

SPARTANBURG COUNTY
 2016 MAR -7 PM 2:38
 M. HOPE BLACKLEY
 Rev 3/2003

October 2, 2016

Travis N. Davis

SCOC # 313423

Lee Ann Innis (F-5-124)

990 Wisacky Hwy

Bishopville, SC 29010

Clerk of Court
Common Pleas Division
180 Magnolia Street
Spring SC 29304

Re: Davis v State PCR Case No. ?
Crim. # 2013-42-05-3901-3903

Dear Honorable Clerk:

A few months ago I mailed your office my PCR application. Although I did get a paper advising that attorney would be appointed I never did receive my clock-filed copy of original PCR. Can your office please send me a clock-filed copy of my original filed PCR application so I can have it in my files??

Thank you very much for your time & concern in this matter.

RESPECTFULLY,

Travis Davis

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HORE BLACKLEY

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
Travis Napoleon Davis, #313423,	)	Case No.: 2016-CP-42-0872
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed on March 7, 2016, would respectfully show this Court:

I.

Travis Napoleon Davis ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the August 2013 term of the Spartanburg County Grand Jury for trafficking in cocaine, 10-28 grams, second offense (2013-GS-42-3903) and possession with intent to distribute heroin, second offense (2013-GS-42-3900), manufacturing crack, second offense (2013-GS-42-3902) and a possession of marijuana, second offense, and. Applicant was subsequently indicted at the July 2014 term for manufacturing crack cocaine, second offense (2014-GS-42-2950), possession with intent to distribute heroin, second offense (2014-GS-42-2947); two counts of possession of a weapon by a person convicted of a violent crime (2014-GS-42-2946, and -2949); and failure to stop for a blue light (2014-GS-42-2948). Candace Lapham, Esquire, represented Applicant. On June 16, 2015, Applicant pleaded guilty as indicted before the Honorable Roger L. Couch. Pursuant to a negotiated sentence, Judge Couch sentenced Applicant to imprisonment for concurrent terms of 15 years for each count of possession with

intent to distribute heroin, manufacturing of cocaine base, and trafficking in cocaine base, five years for both counts of possession of a firearm, three years for failure to stop for a blue light, and one year for possession of marijuana. Applicant did not appeal his guilty plea or sentence.

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

II.

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

1. "Ineffective Assistance of Counsel"
 - a. "Violating my 14th Amendment"
2. "Violation of Due Process"
 - a. "Allowing me to plea in double jeopardy"
3. "Improper plea/breach of plea agreement"
 - a. "Allowing me to plea to the time for charges I didn't receive"

III.

Respondent interprets Applicant's first and third allegations as claims of ineffective assistance of counsel. These allegations are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his 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 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, he would not have [pleaded] guilty, but would have insisted on going to trial." Thompson v. State, 340 S.C. 112, 116, 531 S.E.2d 294, 297 (2000).

Applicant can satisfy neither 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).

IV.

Applicant's second claim is that he was denied due process of law. Applicant states only "allowing me to plea in double jeopardy" but has failed to set forth with any specificity the grounds upon which this allegation is based. This allegation is so vague that it is impossible for the State to respond. The Uniform Post-Conviction Procedure Act requires that Applicant must

"specifically set forth the grounds upon which the application is based." S.C. Code Ann. § 17-27-50. Further, it is incumbent upon Applicant to make at least a *prima facie* showing that would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Since Applicant has failed to make even a *prima facie* showing that he is entitled to relief, this allegation should be summarily dismissed.

V.

Respondent interprets Applicant's last claim as an allegation that his guilty plea was involuntary. This allegation is without merit. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Fvatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). An Applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the Applicant would not have pleaded guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An Applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985); Bennett v. State, 371 S.C. 198, 204, 638 S.E.2d 673, 675 (2006).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969). In Boykin, the United States Supreme Court held that before a court can accept a guilty plea, a criminal

defendant must be advised of the constitutional rights he is waiving. Id. at 243, 89 S. Ct. at 1712. Specifically, the accused must be aware of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Id. Moreover, a criminal defendant entering a guilty plea "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). A criminal defendant's knowing and voluntary waiver of statutory or constitutional rights in a guilty plea "must be established by a complete record and may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000). When determining issues relating to guilty pleas, the Court will consider the entire record, including the transcript of the guilty plea and the evidence presented at the PCR hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant's plea. However, allegations regarding the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. at 265, 305

VI.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments *will be opposed by the State at an evidentiary hearing* pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual

authorized to file amendments to this application. See Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing. Respondent will move to strike any amendments withheld until the last minute where such amendments result in prejudice to Respondent. See Rules 15(a)-(b), SCRCP.

VII.

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

VIII.

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

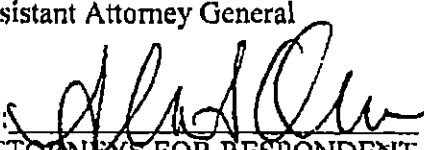
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

ALICIA A. OLIVE
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

October 25, 2016

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TRAVIS DAVIS

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Cross By Ms. Giovanoli 20
Redirect By Mr. Richey 25

There were no exhibits.

» > o < «

Certificate of Reporter 28

1 MS. GIOVANOLI: Your Honor, we're on the record
2 of the case of Travis Davis vs. The State of South
3 Carolina. That's case number 2016-CP-42-0872. We're
4 before the court on a Application for Post-Conviction
5 Relief filed on March 7th, 2016. Applicant is
6 presently incarcerated. He was indicted at the
7 August 2013 term of the Grand Jury for trafficking in
8 cocaine, 10 to 28-grams. And possession with intent
9 to distribute heroin, manufacturing crack and
10 possession of marijuana. Applicant was subsequently
11 indicted at the July 2014 term for manufacturing
12 crack cocaine, possession with intent to distribute
13 heroin, two counts of possession of a weapon by a
14 person convicted of a violent crime. And failure to
15 stop for a blue light.

16 Candice Lapham represented The Applicant. On
17 June 16th, 2016, Applicant pled guilty to the lesser
18 offenses of second offense on the drug charges and as
19 indicted on all other charges. The Honorable
20 Roger L. Couch sentenced Applicant to imprisonment
21 for concurrent terms of 15 years for each count of
22 possession with intent to distribute heroin,
23 manufacturing of cocaine base and trafficking in
24 cocaine base, five years for both counts of
25 possession of a firearm. And three years for failure

CANDICE LAPHAM-DIRECT BY MR. RICHEY

1 to stop for a blue light. And one year for
2 possession of marijuana. Applicant did not appeal
3 his guilty plea or his sentence.

4 The State is present and ready to proceed.
5 Applicant is also present and he is represented by
6 Mr. Rodney Richey, who I will hand it over to now.

7 THE COURT: Yes, sir.

8 MR. RICHEY: Thank you, Your Honor, we call
9 Candice Lapham to the stand.

10 THE COURT: Ms. Giovanoli, do you have judge's
11 package for me?

12 MS. GIOVANOLI: Yes, I apologize.

13 THE COURT: That's okay.

14 Place your left hand on the Bible and raise your
15 right.

16 Candice Lapham, after being duly
17 sworn{,}testified as follows:{F}

18 THE COURT: Please have a seat.

19 THE WITNESS: Thank you.

20 THE COURT: Yes, ma'am.

21 DIRECT EXAMINATION

22 BY MR. RICHEY:

23 Q Ma'am, did you represent Travis Davis?

24 A Yes, I did.

25 Q And do you recall what charges you represented

CANDICE LAPHAM-DIRECT BY MR. RICHEY

1 him on?

2 A I represented him on, I would say, various drug
3 charges and a failure to stop for a blue light.

4 Q Okay. And did you represent him in Spartanburg
5 County?

6 A Yes, I did.

7 Q And these were drug cases?

8 A Yes, they were.

9 Q Okay.

10 MR. RICHEY: Your Honor, can I approach the
11 witness, please?

12 THE COURT: Yes, sir, you may.

13 BY MR. RICHEY:

14 Q Ma'am, I am giving you what are the indictments
15 in this case. And I would like you to look over those?

16 A (The witness complies.)

17 Okay.

18 Q You've looked over those indictments?

19 A Yes, I have.

20 Q Okay. And do you find anything wrong with those
21 indictments?

22 A Not that I can see.

23 Q Okay.

24 A On the face.

25 Q Okay. Thank you. One of these indictments

CANDICE LAPHAM-DIRECT BY MR. RICHEY

1 alleges that he was trafficking in 10 grams or more?

2 A Correct.

3 Q Ten grams or more. And--

4 May I approach the witness again, Your
5 Honor?

6 THE COURT: Yes, sir. You don't have to
7 continue to ask me, you an approach as you need.

8 MR. RICHEY: Yes, sir.

9 BY MR. RICHEY:

10 Q I want you to turn to Page 17 of the transcript.

11 A All right.

12 Q And at Lines 1 through 4.

13 A All right, I see lines 1 through 4.

14 Q And you see where the facts alleged that he had
15 8.2 grams of crack and 2.1 grams of cocaine?

16 A Correct.

17 Q Okay. And he's charged with 10 grams or more of
18 cocaine?

19 A Correct.

20 Q If I'm looking at this, did they combine those
21 two weights to get to 10 grams?

22 A They combined those two weights and also he had
23 a co-defendant on the scene, that also had some drugs
24 located in her purse. And so, but for him specifically,
25 those two were combined initially, but he was charged with

CANDICE LAPHAM-DIRECT BY MR. RICHEY

1 conspiracy with the co-defendant because there were extra
2 drugs found in her purse.

3 Q Okay. Okay. So -- so, he had two separate
4 incidents?

5 A Correct.

6 Q Okay.

7 A Correct.

8 Q And the first incident was in 2012 and that's
9 where they combined the weights, which I'm referring to in
10 the transcript.

11 A Right. They combined 8.27 with the 2.1 for the
12 indictment that you showed me. Specifically for that one.

13 Q Okay. And if you turn over to Page 18, there
14 was -- at the lady's house they found drugs?

15 A Correct.

16 Q And that's correct?

17 A Correct.

18 Q Okay. And he was ultimately not charged with
19 drugs at the lady's house, in terms of the plea, he pled
20 to this 8.27 and 2.1, that's what he pled to?

21 A Correct.

22 Q Okay. So, the basis for the 10 or more grams,
23 came from the combination, not the second part that he
24 pled to?

25 A Correct.

CANDICE LAPHAM-CROSS BY MS. GIOVANOLI

1 Q Okay. Did you discuss with him the combining of
2 the drugs?

3 A I did. And when we actually went to court the
4 morning of the plea, he had a window of seven to ten years
5 for the plea. Which is something that he was hoping to
6 achieve. However, they were getting ready to try his
7 co-defendant and he felt responsible for the drugs that
8 were on her. And so, he ended up claiming the drugs and
9 we came to the negotiated 15 globally for all of his
10 charges.

11 Q Okay. So, the drugs that she was given to stand
12 trial date, they essentially stopped that trial and came
13 in and gave that weight amount to him and let her go?

14 A Well, actually, he was concerned about her going
15 to trial for something that may have been his in her
16 purse. And so, he felt, you know, ethically compelled to
17 say those aren't hers, those are mine, I don't want to see
18 anything happen to her. And that's how, at that point we
19 ended up with the 15 negotiated.

20 Q Okay.

21 No other questions for this witness, Your
22 Honor.

23 THE WITNESS: Thank you.

24 CROSS-EXAMINATION

25

CANDICE LAPHAM-CROSS BY MS. GIOVANOLI

1 BY MS. GIOVANOLI:

2 Q Good morning, Ms. Lapham, how are you?

3 A Good morning, doing well, thank you.

4 Q Okay. So, just a little background, how many
5 years have you been practicing law?

6 A I've been practicing law now going on 12 years.

7 Q Twelve years. And how much of that has been
8 criminal law?

9 A All of it.

10 Q Okay. And when you came to represent Mr. Davis,
11 were you retained or appointed?

12 A I was retained.

13 Q Okay. Now, with regard to the indictments,
14 there was a combined weight, did you say 8.72, and I
15 apologize, I actually have the transcript in front of me.

16 A No problem.

17 Q And 2.1 grams?

18 A It was 8.27 and 2.1.

19 Q Okay. And is that legal to combine weights of
20 drugs found in order to indict for more than 10 grams?

21 A Yes, it is.

22 Q Okay. And going also to the drugs that were
23 found at the lady's house in this case.

24 A Yes, ma'am.

25 Q He was not charged for those and he didn't plead

CANDICE LAPHAM-CROSS BY MS. GIOVANOLI

1 to those but he did take responsibility for those, didn't
2 he?

3 A Yes, correct.

4 Q Okay. And in your direct testimony you actually
5 said that he felt an ethical obligation to stop his friend
6 from being charged for drugs that may have been his. But
7 isn't it true that he actually took responsibility for
8 those drugs?

9 A He took responsibility that those were his drugs
10 in her purse.

11 Q Okay.

12 A And he was fleeing from the scene, she had them
13 in her purse. And that's how they obtained them on the
14 property.

15 Q And so, the drugs against the young lady, they
16 were dismissed. Was that a part of this plea arrangement?

17 A Pursuant to this plea, they ended up giving her
18 a lesser charge. Due to the fact if she had knowledge of
19 what was in the home. And actually, she was tied into the
20 conspiracy theory, basically, aiding and abetting.
21 However, they were going to try her for trafficking
22 earlier. And that was the concern.

23 Q Okay. Now, these drug offenses were all third
24 or subsequent, correct?

25 A Correct.

CANDICE LAPHAM-CROSS BY MS. GIOVANOLI

1 Q And you're -- the plea bargain you enabled The
2 Defendant plead to second, which is a lesser offense,
3 correct?

4 A Correct.

5 Q How many charges were there in this case --
6 excuse me, were there nine charges?

7 A There were nine initially.

8 Q Okay. And I'm going to ask generally that you
9 did make a motion for discovery and review that discovery;
10 is that correct?

11 A I did.

12 Q Did you review it with Mr. Davis?

13 A Yes, I did.

14 Q Okay. Do you recall -- did he have any
15 confusion or indication that he didn't understand what was
16 going on?

17 A The only question that he had throughout the
18 case is there was a video that our policy here is if you
19 do not go to trial the CI video, The Defendant cannot
20 view. We can view it, they can give us still frames,
21 things of that nature. So, I was able to go to the
22 solicitor's office, view the video, get the still frame,
23 show him those. That was the only question that we had
24 because that video was not actually released.

25 Q Okay. And based on your review of that video,

CANDICE LAPHAM-CROSS BY MS. GIOVANOLI

1 as well as the rest of the discovery, it was in your
2 opinion, that it was in his best interest to plead guilty?

3 A Correct.

4 Q Okay. Did he ever express any desire to go to
5 trial on these charges?

6 A No.

7 Q Was it his decision to plead guilty?

8 A Yes, it was.

9 Q Okay. Did you advise him of his right to a jury
10 trial?

11 A Yes, I did.

12 Q Okay.

13 I have no further questions, thank you.

14 THE COURT: Yes, sir.

15 MR. RICHEY: No more questions for her.

16 THE COURT: Okay. All right, thank you,

17 Ms. Lapham.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: Please stand down, I appreciate it.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: Mr. Richey.

22 MR. RICHEY: We call Mr. Davis at this time.

23 THE COURT: All right, sure.

24 If you'd come up, Mr. Davis.

25 MS. GIOVANOLI: Your Honor, may this witness be

TRAVIS DAVIS-DIRECT BY MR. RICHEY

1 excused?

2 THE COURT: Mr. Richey, I presume you don't have
3 an issue with that?

4 MR. RICHEY: No, sir, I do not.

5 THE COURT: Certainly, you may be excused, have
6 a great day.

7 MS. LAPHAM: Thank you, Your Honor.

8 THE COURT: Place your left hand on the Bible,
9 raise your right hand to the extent you can.

10 Travis Davis, after being duly sworn{,}testified
11 as follows:{F}

12 THE COURT: Take your seat, please. State your
13 name for the record.

14 THE WITNESS: My name is Travis Napoleon Davis.

15 DIRECT EXAMINATION

16 BY MR. RICHEY:

17 Q Mr. Davis, are you currently in the Department
18 of Corrections?

19 A Yes, sir, I am.

20 Q And what are you in SCDC for?

21 A Various charges, mostly drug offenses.

22 Q Okay. And were you represented by Ms. Lapham on
23 June the 16th, 2005?

24 A June 16th, 2015.

25 Q 2015, I'm sorry.

TRAVIS DAVIS-DIRECT BY MR. RICHEY

1 A Yeah, 2015.

2 Q Yes, sir. 2015. And you believe that she did
3 not effectively represent you, is that correct?

4 A Yes, sir.

5 Q Okay. Your main issue about her representation
6 deals with the trafficking charge, correct?

7 A Yes, sir.

8 Q And that trafficking charge, you pled to 10
9 grams or more; is that correct?

10 A Yes, sir.

11 Q And after you pled, you reviewed your discovery
12 and you believe that that plea was improper, correct?

13 A Yes, sir.

14 Q And can you tell me why you believe that plea
15 was improper?

16 A Due to the facts that constitutes trafficking, I
17 didn't have that weight. I didn't have the weight to
18 constitute trafficking. As you can see, the court -- mind
19 if I read it it says, On 12/21/2012, approximately 2318
20 hours, K-9 Officer Lawson, K-9 Officer Rampey and I PSO
21 Matthis, stopped at 2008 Saturn Vue at Franklin Street and
22 Hane Street. The vehicle turned onto Franklin Street and
23 slowed to approximately 15 miles per hour. Then sped up
24 to 35 miles per hour. Then slowed back down to 15 miles
25 per hour several times while traveling down the street.

TRAVIS DAVIS-DIRECT BY MR. RICHEY

1 The vehicle was a burgundy Saturn with South Carolina tag
2 IMA 898.

3 K-9 Officer Lawson initiated a traffic stop
4 on the vehicle and we pulled into the corner store,
5 convenience store. K-9 Officer Lawson approached the
6 drive and identified her as Christy Williams. K-9 Lawson
7 aks [verbatim] the driver to step to the rear of the
8 vehicle where I was standing and she exited the vehicle.
9 I could smell a strong odor of marijuana coming from the
10 vehicle. I stood with Ms. Williams while K-9 Lawson aksed
11 [verbatim] the passenger, who was identified as Travis
12 Napoleon Davis, to step out the vehicle. K-9 Lawson then
13 performed a pat down on Mr. Davis. And I stood by with
14 Mr. Davis and Ms. Williams.

15 K-9 Lawson advised that he could feel a
16 large bulge in the waist area of Mr. Davis. I then asked
17 Mr. Davis again if he had anything on his person?

18 And he stated, No.

19 I advised him that I was going to check him
20 again.

21 He stated, Go ahead, I don't have anything.

22 I checked his pockets and around his
23 waistband area. When I felt around his waistband area I
24 removed his shorts. And it made the smell of marijuana
25 stronger. Mr. Davis turned around and I checked his pants

TRAVIS DAVIS-DIRECT BY MR. RICHEY

1 legs and felt up to his groin area. Once I felt the
2 bottom of his groin area, I felt two distinct bulges in
3 the bottom of his pants. I advised that I would get it --
4 he advised that he would get it for me.

5 Three separate baggies were removed from
6 his pants. Mr. Davis removed a baggy of green plant
7 material, approximately 9.4 grams, that I believe to be
8 marijuana.

9 He also removed a smaller baggy that
10 contained a brown powder substance, approximately 2.4
11 grams, that I believe to be heroin. Mr. Davis then
12 advised that that was all he had in his pants. But a
13 second search of his pants, I could still feel a bulge in
14 the bottom of his pants.

15 Mr. Davis then removed a third bag that
16 contained three separate, individually, wrapped bags. Two
17 bags contained an off-white rock substance. One
18 approximately 7.8 grams and one approximately 1.2 grams,
19 that I believe to be crack cocaine. Also, one bag that
20 contained a white powder substance, approximately 2.4
21 grams, that I believe to be powdered cocaine. Mr. Davis
22 was then placed under arrest, handcuffed, checked in,
23 double clicked.

24 So, by the police report, I didn't have 10
25 grams of cocaine or 10 grams of crack. So, I didn't

TRAVIS DAVIS-DIRECT BY MR. RICHEY

1 constitute trafficking.

2 Q You don't believe it constitutes trafficking in
3 crack cocaine?

4 A No, sir.

5 Q Okay. And so, you believe your lawyer was
6 ineffective for allowing you to plead to that?

7 A Yes, sir.

8 Q Okay. Let me ask you about in this transcript,
9 it appears to be other cases you pled to. This is the
10 only one you have is problem with, right?

11 A Yes, sir.

12 Q Okay. And so, you believe that if your lawyer
13 had reviewed that, that you would not have pled to that
14 charge?

15 A Yes, sir.

16 Q The stuff about the girlfriend pleading next
17 door and all of that and you accepted those drugs, did
18 that have anything to do with this case?

19 A Really, sir, not really. Because I never was
20 charged with them. I accepted the responsibility, that
21 was part of the plea. That for me to get 15 years, I have
22 the charge. I have her charge. I've never received it.
23 So, that's also ineffective on my lawyer there.

24 Q Okay. Your position, let me make it clear, is
25 that you were never charged with the actual drugs that you

TRAVIS DAVIS-DIRECT BY MR. RICHEY

1 supposedly accepted from her?

2 A Yes.

3 Q So, you're saying that you were never indicted
4 or anything on those?

5 A Yes, sir, I was never indicted.

6 Q They just simply said you take these charges
7 without any kind of form of legal process?

8 A Yes, sir.

9 Q Okay. And you believe that because of that,
10 your lawyer was ineffective by having you plead to this
11 amount?

12 A Yes, sir.

13 Q And you're asking The Court for a new trial on
14 this particular charge?

15 A Yes, sir. Actually, I'm just asking The Court
16 to just remove the trafficking off. Because it's making
17 me have a mandatory sentence. I'm not really contending
18 with rest of my charges, you know.

19 Q Right.

20 A Because I pled guilty to those charges. I'm not
21 really contending to arguing those charges, I pled guilty
22 to it. So, it must be some kind of guilt there. I just
23 want the courts to do the things that I -- the crimes that
24 I never committed. I never committed the crime of
25 traffick. So, how is it I'm being punished for a charge I

TRAVIS DAVIS-CROSS BY MS. GIOVANOLI

1 never committed crimes to?

2 Q Well, you're asking The Court to vacate that
3 sentence, correct?

4 A Yes, sir.

5 Q Okay.

6 Thank you, answer any questions that the
7 Attorney General has for you.

8 MS. GIOVANOLI: Thank you.

9 CROSS-EXAMINATION

10 BY MS. GIOVANOLI:

11 Q Good morning.

12 A Good morning.

13 Q You realize that you pled to a global negotiated
14 sentence, correct?

15 A Yes.

16 Q And that was 15 years for all nine of those
17 charges?

18 A No, 15 years -- the global was 10 but the 15
19 years was for receiving Shamira's [ph] charge.

20 Q But all of the charges are running concurrent,
21 so you're serving 15 years?

22 A Yes, ma'am.

23 Q Okay. And you realize that if you get a new
24 trial on this trafficking, that all of the other -- you're
25 going to get a new trial on all the other charges as well

TRAVIS DAVIS-CROSS BY MS. GIOVANOLI

1 because that was part of the plea negotiations?

2 A Okay.

3 Q You stated on direct that after you pled, then
4 you reviewed the discovery. But isn't it true that
5 Ms. Lapham reviewed the discovery with you prior to your
6 entering the plea?

7 A And Ms. Lapham knew I was going to trial.
8 Ms. Lapham knew I talked about trial. I wanted trial
9 because I didn't feel right with the charges when we went
10 over the discovery.

11 Q Okay. I understand but wasn't it your decision
12 to plead guilty?

13 A To try to keep Shamira out of trouble but yes,
14 ma'am.

15 Q But you made a decision to plead guilty --

16 A Yes, ma'am --

17 Q -- based on keeping your friend out of trouble?

18 A Yes, ma'am.

19 Q You were being offered 15 years in this case,
20 correct?

21 A Yes, ma'am. No, I was offered seven to ten
22 years. That was for all the charges. Seven to ten was
23 for all the charges, globally.

24 Q But that was before you accepted responsibility
25 for your friend's drugs?

TRAVIS DAVIS-CROSS BY MS. GIOVANOLI

1 A Yes, but I never received that responsibility.

2 Q You never -- Can you clarify that?

3 A I just got the time. I didn't -- I have the
4 time for the charges that -- for crimes I didn't commit.
5 Like, I didn't even receive. Like, she didn't even get no
6 relief.

7 Q Okay. So, do you recall during the guilty plea,
8 and I'm referencing Page 21, Lines 13 through 23. And I'm
9 just going to quote you there.

10 You said, Next I want to apologize to The
11 Court.

12 The Court says, Thank you.

13 Then you continue, For even bringing this
14 in front of you all, you know. I was just trying to
15 provide for my family, sir. I'm just, you know, I hate I
16 made bad choices but I'm here to accept my consequences as
17 they is, sir. I just want for the sake for the courts to
18 have mercy on me and Ms. Sanders. Particularly
19 Ms. Sanders, sir, because she's a good woman. She ain't
20 got nothing to do with none of it, sir. It's all my
21 fault, it's all me, sir. That's all I wanted to ask of
22 The Court.

23 So, in reading that, do you now recall that
24 you accepted responsibility for all of the drugs in this
25 case?

TRAVIS DAVIS-CROSS BY MS. GIOVANOLI

1 A Yes.

2 Q And that's why The State's offer was 15 years,
3 correct?

4 A The State offers 10 -- 7 to 10. And I thought I
5 was supposed to been indicted or charged, legal process,
6 charged wit [verbatim] these -- wit the -- wit Shamira's
7 charges. But. . .

8 Q You had in your possession 8.27 grams of crack
9 and 2.1 grams of pure cocaine, correct?

10 A Correct.

11 Q And do you understand that those, in
12 combination, equal more than 10 grams of crack cocaine?

13 A You cannot combine the substances due to the
14 trafficking statute.

15 Q And what statute is that?

16 A I have it here. Trafficking 44-53-375.

17 Q Okay. And what does that say? Do you have
18 that?

19 A A person who knowingly sells, manufactures,
20 delivers, purchases or brings into this state or who
21 provides for natural assistance or otherwise aids, abets,
22 attempts or conspires to sell, manufacture, deliver,
23 purchase or bring into the state or who is knowingly and
24 in actual or constructive possession of 10 grams or more
25 of methamphetamine or cocaine base. As defined -- as

TRAVIS DAVIS-CROSS BY MS. GIOVANOLI

1 defined and otherwise limited in Section 44-53-110,
2 44-53-210(d)(1) or 44-53-210(d)(2), is guilty of a felony
3 which is known as trafficking in methamphetamine or
4 cocaine base.

5 Q Okay. And that doesn't that say you can't
6 combine weights of 8.27 grams of cocaine base and 2.1
7 grams of cocaine.

8 A Those are two different substances. In the
9 other statutes it breaks them down. In 44-53-210(d)(2) it
10 breaks it down.

11 Q But and those statutes also doesn't say that you
12 can't combine weights; isn't that correct?

13 A I don't have those combined weights, I don't
14 have those written down.

15 Q Okay, I'll move along. Do you recall being
16 sworn in at the time of your guilty plea?

17 A Yes, ma'am.

18 Q And that was swearing to tell the truth,
19 correct?

20 A Yes, ma'am.

21 Q Okay. And when you were read the charges and
22 there was a recitation of the facts, you agreed with those
23 facts; isn't that correct?

24 A As I was pleading guilty, I couldn't challenge
25 those facts. That came from the advice of my lawyer. If

TRAVIS DAVIS-REDIRECT BY MR. RICHEY

1 I challenged those facts, I would be interrupting my
2 guilty plea. And like I say, we already knew and
3 understood from the beginning I wanted to go to trial.
4 And--

5 Q So, your testimony today is that you wanted to
6 challenge those facts?

7 A Yes. And my lawyer knew that..

8 Q But your testimony is that you also chose to
9 plead guilty?

10 A Yes.

11 Q And in pleading guilty, you understood that you
12 were waiving your rights?

13 A I was waiving my right to -- yes.

14 MS. GIOVANOLI: Okay, I have no further
15 questions, Your Honor.

16 THE COURT: Mr. Richey, any questions?

17 MR. RICHEY: Just one question.

18 REDIRECT EXAMINATION

19 BY MR. RICHEY:

20 Q Did you -- the stuff that Shamira had, was she
21 charged -- she was charged with that right?

22 A Yes.

23 Q Did you have the discovery on those cases?

24 A No, they never gave me discovery on those cases.

25 Q Do you know whether the actual weight that was

TRAVIS DAVIS-REDIRECT BY MR. RICHEY

1 found that she had was 54 grams?

2 A No.

3 MR. RICHEY: Okay, thank you.

4 THE COURT: Okay, any recross based upon that
5 redirect, ma'am?

6 MS. GIOVANOLI: No, Your Honor, nothing further
7 for the witness.

8 THE COURT: Thank you, Mr. Davis, I appreciate
9 it, you may step down.

10 MR. RICHEY: We have no other witnesses, Your
11 Honor.

12 THE COURT: Okay. All right.

13 Anything from The State?

14 MS. GIOVANOLI: No, Your Honor, The State would
15 rest.

16 THE COURT: All right. Any arguments,
17 Mr. Richey, that you would like to offer?

18 MR. RICHEY: Your Honor, I would say this case,
19 they state basically, essentially, 12 charges, weight
20 from one courtroom to another courtroom to increase
21 his sentence. I think at very minimum he should have
22 been provided with the discovery from those charges
23 to, in fact, prove that the actual weight that was
24 given to him. It's his position that he was never
25 indicted for the charges, he was never presented a

1 warrant or anything. It was improper for The State
2 to basically enhance his sentence based on drugs from
3 another person in another courtroom. I realize the
4 transcript says what it says but that is his
5 position.

6 THE COURT: Thank you, Mr. Richey, I appreciate
7 it.

8 I have had the opportunity to read the
9 transcript in anticipation of the hearing. In
10 reading the transcript, it appears that it is an
11 exhaustive colloquy, which fully sets forth his
12 rights. And the facts and allegations that were
13 before The Court. It's clear from the transcript of
14 record that the plea was entered freely and
15 voluntarily with the full advisement of rights. And
16 that all of the information that has been put before
17 The Court today was clearly available at the time of
18 the plea as well.

19 And I wish you no ill will, Mr. Davis, but I'm
20 going to deny your Application for Post-Conviction
21 Relief. All of the issues that you brought before
22 The Court could have properly been investigated and
23 could have been raised at the time of the plea. I
24 recognize the exceptions that you take, but those are
25 the types of exceptions that you take in either

1 anticipation of either a trial or a plea. And you
2 challenge those at the time of a hearing on the
3 merits. If you elect to plead guilty, then you waive
4 all of those issues. And clearly, through the guilty
5 plea hearing and proceeding, you made a knowing,
6 intelligent and free waiver of the those issues that
7 you brought before The Court today.

8 So, I find that The Applicant has failed to meet
9 his burden of proof of demonstrating the deficiency
10 or otherwise meeting his burden of proof for
11 Post-Conviction Relief Application and I respectfully
12 deny the same.

13 Ms. Giovanoli, if you will draft me an Order and
14 send it to me, I'd appreciate it, ma'am.

15 MS. GIOVANOLI: Yes, sir. Is 30 days okay?

16 THE COURT: Yes, ma'am, that's fine.

17 MS. GIOVANOLI: Thank you, Your Honor.

18 THE COURT: Make sure, of course, that
19 Mr. Richey gets a copy.

20 MS. GIOVANOLI: Yes, sir. Thank you.

21 THE COURT: Yes, ma'am, thank you.

22 (WHEREUPON, the proceedings were concluded.)
23
24
25

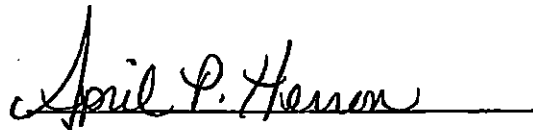
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Spartanburg County, South Carolina, on the 28th day of June , 2017.

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

May 7, 2018



APRIL P. HERRON, Court Reporter

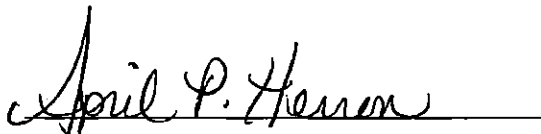
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May 7, 2018



APRIL P. HERRON, Court Reporter

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	
Travis Napoleon Davis, #313423,	)	Case No.: 2016-CP-42-0872
	)	
Applicant,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	WITH PREJUDICE
State of South Carolina,	)	
	)	
Respondent.	)	

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SPARTANBURG COUNTY
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N HOPE BLACKLEY

This matter comes before the Court by way of an application for Post-Conviction Relief (PCR) filed on March 7, 2016. Respondent made its Return on or about October 25, 2016, requesting an evidentiary hearing be convened. An evidentiary hearing into the matter was convened on June 28, 2017, at the Spartanburg County Courthouse. Rodney Richey, Esquire, represented Applicant. Valerie Garcia Giovanoli, Esquire, of the South Carolina Office of the Attorney General, represented Respondent.

At the hearing, Applicant testified on his own behalf. Applicant's plea counsel, Candace Lapham, Esquire, ("Counsel") also testified. This Court had before it a copy of the records of the Spartanburg County Clerk of Court regarding the subject 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

Travis Napoleon Davis ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the August 2013 term of the Spartanburg County Grand Jury for trafficking in cocaine base (crack), 10-28 grams (2013-GS-42-3903), possession with intent

to distribute heroin (2013-GS-42-3900), manufacturing cocaine base (crack) (2013-GS-42-3902) and possession of marijuana (2013-GS-42-3901). Applicant was subsequently indicted at the July 2014 term for manufacturing crack cocaine (2014-GS-42-2950), possession with intent to distribute heroin (2014-GS-42-2947), two counts of possession of a weapon by a person convicted of a violent crime (2014-GS-42-2946, and -2949), and failure to stop for a blue light (2014-GS-42-2948). Candace Lapham, Esquire, represented Applicant. Assistant Solicitor Samuel Bass prosecuted the case.

On June 16, 2015, Applicant pleaded guilty to the lesser offenses of second offense for all drug charges and as indicted on all others before the Honorable Roger L. Couch. Pursuant to a negotiated sentence, Judge Couch sentenced Applicant to imprisonment for concurrent terms of 15 years for each count of possession with intent to distribute heroin, manufacturing cocaine base, and trafficking in cocaine base, five years for both counts of possession of a firearm, three years for failure to stop for a blue light, and one year for possession of marijuana. Applicant did not appeal his guilty pleas or sentences.

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

1. "Ineffective Assistance of Counsel"
 - a. "Violating my 14th Amendment"
2. "Violation of Due Process"
 - a. "Allowing me to plea in double jeopardy"
3. "Improper plea/breach of plea agreement"
 - a. "Allowing me to plea to the time for charges I didn't receive"

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SUMMARY OF TESTIMONY

I. Applicant testified to the following:

Applicant's main concern with his convictions was regarding his conviction for trafficking, 10-28 grams. Applicant disagreed that the State could add the amounts of cocaine and crack he possessed to arrive at a combined total for purposes of indicting him with trafficking in cocaine base (crack), 10-28 grams. Applicant insisted he did not see the police report in his discovery until after he pled guilty. According to the police report, Applicant was in possession of 8.27 grams of crack and 2.1 grams of cocaine.

Applicant recognized that he pled guilty to nine charges, all the drug charges to which he pled were lesser offenses of second offense, rather than third or subsequent, and he pled pursuant to a negotiated sentence of fifteen years. Applicant does not take issue with any of the other eight guilty pleas, only the trafficking charge. Applicant admits it was his decision to plead guilty. Applicant claims that had Counsel reviewed the police report, he would have had defense and would not have pled to the trafficking charge. Applicant testified that other eight cases had nothing to do with the trafficking case.

II. Counsel testified to the following:

Counsel has been practicing exclusively criminal law for twelve years. She was retained to represent Applicant on various drug charges in Spartanburg County. Counsel recalled that Applicant was found in possession of 8.27 grams of crack and 2.1 grams of cocaine for a combined weight of more than 10 grams. Counsel also recalled Applicant's co-defendant also had drugs in her purse for which Applicant took responsibility. Counsel testified there was nothing unusual about the State combining the weights of cocaine and crack cocaine in order to get a combined total of crack cocaine.

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 M. HOPE BLACKLEY

Counsel testified she fully discussed the case with Applicant. Applicant was hoping for a 7-10 year window. Counsel was able to negotiate a global resolution for all of his pending charges for 15 years.

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).

Ineffective Assistance of Counsel

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

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

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this

prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E. 2d 417, 419 (2001) (citations omitted). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill, 474 U.S. at 56. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238 (1969).

Failure to investigate

This Court finds Applicant's allegation that he received ineffective assistance of counsel for failing to investigate the facts surrounding his trafficking charge to be meritless. This Court finds Applicant's self-serving testimony not credible. The record is clear that he was advised of the charges against him and the possible penalties. Under oath, Applicant admitted to the plea court that the facts as presented to the court by the Assistant Solicitor were true. (Plea Tr. p. 18, ll. 20-22). Furthermore, this Court finds Counsel's testimony credible that she reviewed the

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 SCOTLAND COUNTY

discovery and fully discussed the case with Applicant. Regardless, Applicant's contention that it is impermissible for the State to combine the weights of the crack cocaine and cocaine found in his possession in order to determine his charge is simply an incorrect statement of the law. This would not have been a defense to the charge of trafficking in cocaine base, 10-28 grams. Applicant has failed to meet his burden to prove Counsel was deficient or that he was prejudiced by such deficiency. Therefore this allegation is denied and dismissed with prejudice.

Improper plea/breach of plea agreement

In his PCR application, Applicant alleges Counsel allowed him to plead to charges he did not receive. However, Applicant presented no evidence to support these allegations. Counsel's credible testimony was that Applicant was hoping for 7-10 years, but that she was only able to negotiate a global resolution for all nine of Applicant's criminal charges of 15 years. This Court notes that Applicant was facing a possible sentence of 164 years with all of his charges combined. Not only was the 15 year plea deal Counsel's negotiated reasonable, it was the deal of a lifetime. And Applicant is aware of this fact as evidenced by his testimony that he had no complaint with the other 8 guilty pleas that were part of this global plea offer. Just the trafficking in cocaine base, 10-28 grams, 3rd or subsequent charge for which he was indicted carried a *minimum* mandatory sentence of 25 years. Counsel negotiated for Applicant to plead to the lesser second offense, which lowered the minimum mandatory sentence to 10 years and allowed Applicant to receive 10 years less the mandatory minimum for which he was indicted. Most notably, this was a negotiated sentence to which Applicant indicated on the record during his plea hearing that he understood. (Plea Tr. p. 5, ll. 2-11).

139

CLERK OF COURT
SPRINGFIELD, MA
JUN 9 2017
10:07-4 PM
J. HOSEBLY
CLERK

Therefore, Applicant has failed to meet his burden of proving this allegation. Counsel was not deficient and Applicant was not prejudiced by any deficiency. This allegation is denied and dismissed with prejudice.

Due Process Violation

Applicant's second claim in his PCR application is that he was denied due process of law. Applicant states only "allowing me to plea in double jeopardy," but has failed to set forth with any specificity the grounds upon which this allegation is based or to present evidence to prove this allegation by a preponderance of the evidence. Therefore, Applicant has failed to meet his burden of proof and this allegation 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. This Court finds that Applicant has failed to prove any deficiencies on the part of counsel and further, Applicant has failed to prove prejudice from any alleged deficiencies in counsel's representation of him. Therefore, as Applicant has failed to meet his burden of proof in this post-conviction relief action, his application is denied and dismissed with prejudice.

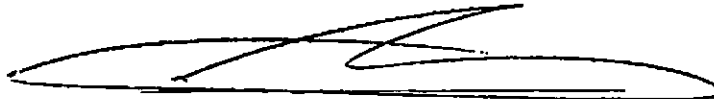
This Court notifies Applicant that he must file and serve a notice of appeal within thirty (30) days from receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. An applicant has a right to an appellate counsel's assistance when they 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), SCRCP. You must look at Rule 243 of the South Carolina Appellate Court Rules for appropriate procedures for appeal.

CLERK OF COURT
SOUTH CAROLINA
2017 OCT -4 PM 1:05
M. HOPE BLACKLEY

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 2 day of OCT, 2017.



ROBIN B. STILWELL
Presiding Judge
Seventh Judicial Circuit

GVILLE, South Carolina

CLERK OF COURT
SPARTANBURG COUNTY
2017 OCT -4 PM 1:05
M. HOPE BLACKLEY

WITNESSES

1. SERVICE OF PROCESS ☒
2. REPORT MADE ☒
3. COURT REPORT ☒
4. SPTBG CITY PUBLIC SAFETY ☒
5. DEPT OF CORRECTIONS ☒
6. COUNTY CLERK ☒
7. JAIL ☒
8. PROBATION ☒
9. OTHER ☒

ARREST WARRANT NUMBER

2012A4210201850

ACTION OF GRAND JURY

AUG 22 2013

Harold J. True
True Bill
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-3901

The State of South Carolina

County of Spartanburg

Barry J Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 26 2013

TERM

THE STATE
vs.

TRAVIS NAPOLEON DAVIS

Indictment for

POSSESSION OF MARIJUANA
SC Code: 44-53-370

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 AUG 28 AM 11:55
M. HOPE BLACKLEY

As

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

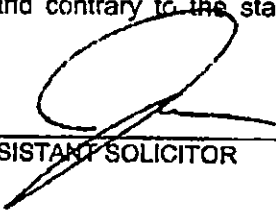
INDICTMENT

At a Court of General Sessions, convened on AUG 22 2013, the
Grand Jurors of Spartanburg County present upon their oath:

POSSESSION OF MARIJUANA

That Travis Napoleon Davis, did in Spartanburg County on or about
December 21, 2012, knowingly or intentionally possess a quantity of
Marijuana a Schedule I controlled substance, in violation of § 44-53-370,
THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Travis Napoleon Davis

AKA:

Race: BLACK Sex: M Age: 32

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

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

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

☐ CONVICTED OF or ☒ PLEADS

TO: Poss. of 28g (1 oz) or less of marijuana or 10g or less of hash - 2nd (Not more than 1 year a/o \$200-\$1000)

in violation of § 44-53-0370(d)(4) of the S.C. Code of Laws, bearing CDR Code # 0182

☒ 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:

BASS, SAMUEL R.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*: the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 425 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	\$
§ 56-5-2993 (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	\$ 150.00
§ 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)		\$ 8.40
TOTAL		\$ 288.40

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:

DOCKET NO.

13-GS-42-3902**The State of South Carolina****County of Spartanburg*****Barry J. Barnette, Solicitor*****COURT OF GENERAL SESSIONS****AUG 26 2013****TERM**

IBER

**THE STATE
vs.****TRAVIS NAPOLEON DAVIS**

RY

~~2-2-2013~~**Je Bill****Indictment for****POSSESSION WITH INTENT TO DISTRIBUTE
COCAINE****SC Code: 44-53-370****FILED
CLERK OF COURT
SPARTANBURG COUNTY****2013 AUG 28 AM 11:55****M. HOPE BLACKLEY**

STATE OF SOUTH CAROLINA }
 }
COUNTY OF SPARTANBURG)

INDICTMENT

AUG 22 2013

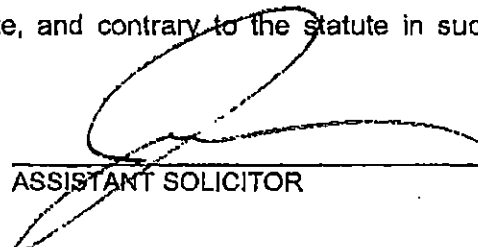
At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE

That Travis Napoleon Davis did in Spartanburg County on or about December 21, 2012 manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity Cocaine, a schedule II controlled substance or controlled substance analogue, in violation of § 44-53-370, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.*

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



ASSISTANT SOLICITOR

COUNTY OF SPARTANBURG
 STATE VS.
Travis Napoleon Davis
 AKA:
 Race: BLACK Sex: M Age: 32
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: Spartanburg SC 29302
 DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2013GS4203902
 A/W#: 2012A4210201851
 Date of Offense: 12/21/2012
 S.C. Code §: 44-53-0370(b)(1)
 CDR Code #: 0185

SENTENCE SHEET

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

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

☐ CONVICTED OF or ☒ PLEADS

TO: Drugs / Manufacture, distribution, etc. cocaine base, 2nd offense (5-30 years a/o not more than \$50000)

in violation of § 44-53-0375(B)(2) of the S.C. Code of Laws, bearing CDR Code # 3015

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

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

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

ATTEST: [Signature] 77507 [Signature] 73714
BASS, SAMUEL R. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 425 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 \$ 150.00

§ 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) \$ 8.40

TOTAL \$ 288.40

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 [Signature]

Court Reporter: [Signature]

SCCA/217 (03/2011)

Presiding Judge [Signature]

Judge Code: 2135 6/16/15

Sentence Date: 6/16/15

12-28-12

851

A
City of

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Personally appeared before me the affiant Brendall K Mathis who

being duly sworn, deposes and says that defendant Travis Napoleon Davis

did within this County and state on or about 12/21/2012

violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 3rd or sub. offense

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

That on December 21, 2012 in the city of Spartanburg, one Travis Napoleon Davis did possess, with intent to distribute cocaine a schedule (I/II) controlled substance, jet

Warrant based upon police investigation

DEC 28 2012

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 145 West Broad Street

Spartanburg 29306-

Affiant's Telephone (864)596-2035

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 12/21/2012 defendant Travis Napoleon Davis

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

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

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 3rd or sub. offense

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 his execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 12/22/2012

James E. Talley (L.S.)

Signature of Issuing Judge

James E. Talley

Judge Code: 7024

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-2335

Judge's Telephone (864)596-3424

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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DOCKET NO. **13-GS-42-3903****The State of South Carolina****County of Spartanburg****Barry J. Barnette, Solicitor****COURT OF GENERAL SESSIONS****AUG 26 2013****TERM**

IMBER

**THE STATE
vs.**URY
2013**TRAVIS NAPOLEON DAVIS**

22 2013

e Bill**Indictment for****TRAFFICKING IN COCAINE BASE
AND/OR CRACK COCAINE****SC Code: 44-53-375****FILED
CLERK OF COURT
SPARTANBURG COUNTY****2013 AUG 28 AM 11:55****M. HOPE BLACKLEY****FILED**

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

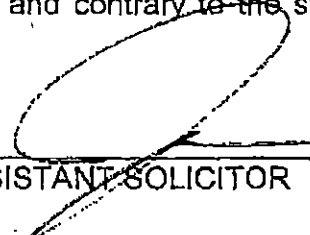
AUG 22 2013

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

TRAFFICKING IN COCAINE BASE AND/OR CRACK COCAINE

That Travis Napoleon Davis did in Spartanburg County on or about December 21, 2012, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or did knowingly actually or constructively possess, or did knowingly attempt to actually or constructively possess more than (10) ten grams of Cocaine Base and/or Crack Cocaine, a schedule II controlled substance, in violation of §44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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



ASSISTANT SOLICITOR

86

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE VS. Travis Napoleon Davis

AKA:

Race: BLACK Sex: M Age: 32

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED] St

City, State, Zip: [REDACTED] SC 29322

DL#: [REDACTED] STD#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Trafficking in ice, crack or crack - 10 g or more, but less than 28 g - 2nd (5-30 years a/o not more than \$50000)

in violation of § 44-53-0375(C)(1)(b) of the S.C. Code of Laws, bearing CDR Code # 0451

☐ 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:

BASS, SAMUEL R.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6/16/15☒ 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. 425 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	\$ 150.00
§ 50-21-114 (DUI 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)		\$ 8.40
TOTAL		\$ 288.40

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: PO New

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2135Sentence Date: 6/16/15

12-28-12

849

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Department

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cocaine base - 10 g
offense

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STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
Spartanburg)

AFFIDAVIT

ORIGINAL

S.C. ASSAULT FIREARM
April 21, 2003
SCCA §18 87

Personally appeared before me the affiant Brendall K Mathis who
being duly sworn deposes and says that defendant Travis Napoleon Davis
did within this county and state on or about 12/21/2012 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Spartanburg)
in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in meth. or cocaine base - 10 g or more, but less than 28 g - 1st offense

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

That on December 21, 2012 in the city of Spartanburg, one Travis Napoleon Davis did knowingly possess 10 grams or more of
crack cocaine a schedule II controlled substance without authority to do so, jet

Warrant based upon police investigation.

Signature of Affiant

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
Spartanburg)

Affiant's Address 145 West Broad Street
Spartanburg 29306-
Affiant's Telephone (864)596-2035

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 12/21/2012 defendant Travis Napoleon Davis
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Spartanburg) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in meth. or cocaine base - 10 g or more, but less than 28 g - 1st offense

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 12/22/2012

Signature of Issuing Judge

James E. Talley

Judge Code: 7024

(L.S.)

Judge's Address Spartanburg County Judicial Center
Spartanburg, SC 29306-2335
Judge's Telephone (864)596-3424

Issuing Court ☒ Magistrate ☐ Municipal ☐ Circuit

WITNESSES

SPTBG CITY PUBLIC SAFETY

1. SPTBG CITY PUBLIC SAFETY

2. REPORTED BY

3. CASE NUMBER

4. DATE

5. CASE NUMBER

6. CASE NUMBER

ARREST WARRANT NUMBER

7. DATE OF ARREST

8. ARRESTED BY

2012A4210201848

ACTION OF GRAND JURY

AUG 22 2013

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-3900

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 26 2013

TERM

THE STATE

vs.

TRAVIS NAPOLEON DAVIS

Indictment for

POSSESSION WITH INTENT TO DISTRIBUTE
HEROIN

SC Code: 44-53-370

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 AUG 28 AM 11:55

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

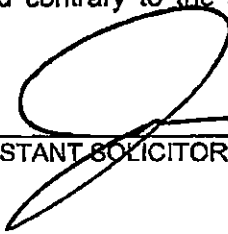
AUG 22 2013

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

POSSESSION WITH INTENT TO DISTRIBUTE

That Travis Napoleon Davis did in Spartanburg County on or about December 21, 2012 manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity Heroin, a schedule I controlled substance or controlled substance analogue, in violation of § 44-53-370, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.*

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
 STATE VS.
Travis Napoleon Davis
 AKA:
 Race: BLACK Sex: M Age: 32
 DOB: SS#:
 Address: 5142 St
 City, State, Zip: Spartanburg, SC 29302
 DL#: SID#:

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

In disposition of the said indictment comes now the Defendant who was
 TO: Poss. with intent to distribute heroin - 2nd (5-30 a/o not more than \$50000)

INDICTMENT/CASE#: 2013GS4203900 ✓

A/W#: 2012A4210201848

Date of Offense: 12/21/2012

S.C. Code § : 44-53-0370(b)(1)

CDR Code #: 0183

SENTENCE SHEET

in violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0184
☒ 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: BASS, SAMUEL R. 7607 J. Davis de la Cruz 13014
 SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6/16/15
☒ 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. 425 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
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$288.40

_____ 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 C. Davis

Court Reporter: P. Green

SCCA/217 (03/2011)

Presiding Judge P. H. H.

Judge Code: 2135

Sentence Date: 6/16/15

WITNESSES

SPTG CO SHERIFF'S OFFICE

1. SENTENCE MADE ☒
2. REPORT MADE ☒
3. CHARGE MADE ☒
4. INDEXED ☒
5. CHECKED BY OFFICE ☒
6. CHECKED BY OFFICE ☒

ARREST WARRANT NUMBER
TRAFFIC VIOLATIONS CODE
13778GG

ACTION OF GRAND JURY

True Bill
Chad
Foreperson of Grand Jury
Date:
JUL 17 2014
VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

14-GS-42-2948
The State of South Carolina
County of Spartanburg

Barry J. Barnette Solicitor

COURT OF GENERAL SESSIONS
JUL 21 2014
TERM

THE STATE
vs.
TRAVIS N. DAVIS

Indictment for

**FAILURE TO STOP MOTOR VEHICLE
WHEN SIGNALLED BY OFFICER**
SC Code: 56-5-750
CDR Code: 0065
Class MIS/A

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 JUL 23 AM 9:45

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

JUL 17 2014

At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

FAILURE TO STOP MOTOR VEHICLE WHEN
SIGNALED BY A LAW ENFORCEMENT VEHICLE

That Travis N. Davis did in Spartanburg County on or about April 9, 2014, fail to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, in violation of §56-5-750, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


Assistant Solicitor

COUNTY OF SPARTANBURG
 STATE VS.
Travis Napoleon Davis
 AKA:
 Race: BLACK Sex: M Age: 32
 DOB: SS#:
 Address:
 City, State, Zip: Spartanburg SC 29302
 DL#: SID#:

INDICTMENT/CASE#: 2014GS4202948
 A/W#: 13778GG
 Date of Offense: 4/10/2014
 S.C. Code §: 56-05-0750(B)(1)
 CDR Code #: 0065

SENTENCE SHEET

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

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
 TO: Traffic / Failure to stop for a blue light, no injury or death - 1st offense (Not more than 3 year or not less than \$500)

in violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §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: BASS, SAMUEL R. SC Bar# 77607 Defendant C. [Signature] Attorney for Defendant 73214 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6/16/15
☒ 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. 425 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: \$ days/hours Public Service Employment

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

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 [Signature]
 Court Reporter: P. Green
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code: 2135
 Sentence Date: 6/16/15

WITNESSES

SPTG CO SHERIFF'S OFFICE

1. SUBPOENAED ☒2. REPORTED ☒3. GRAND JURY ☒4. INDICTED ☒5. CHARGE ☒6. DISPOSITION ☒7. ARRESTED ☒8. RELEASED ☒

ARREST WARRANT NUMBER

2013A4210104354

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

JUL 17 2014

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

14-GS-42-2950**The State of South Carolina****County of Spartanburg**

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 21 2014

TERM

THE STATE

v.

TRAVIS NAPOLEAN DAVIS

Indictment for

MANUFACTURING COCAINE BASE

SC Code: 44-53-375

FILED
CLERK OF COURT
SPARTANBURG COUNTY
JUL 23 AM 9:45

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

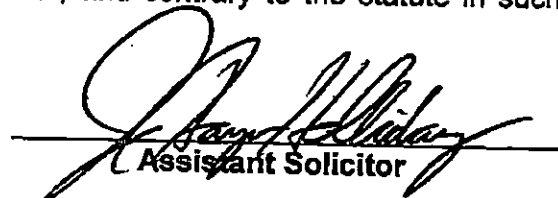
INDICTMENT

At a Court of General Sessions, convened on JUL 17 2014 the
Grand Jurors of Spartanburg County present upon their oath:

MANUFACTURING COCAINE BASE

That Travis Napoleon Davis did in Spartanburg County on or about
November 1, 2013, manufacture, distribute, dispense, deliver, purchase, or
otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense,
deliver, purchase, or possess with intent to distribute, dispense, or deliver Cocaine
Base, in violation of the provisions of Section 44-53-375, all in violation of S.C.
CODE ANN. §44-53-375 (Law. Co-op. 1976).

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


Assistant Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
 STATE VS.
Travis Napoleon Davis
 AKA:
 Race: BLACK Sex: M Age: 32
 DOB: SS#:
 Address: Siapa St
 City, State, Zip: Spartanburg 29322
 DL#: SID#:

INDICTMENT/CASE#: 2014GS4202950A/W#: 2013A4210104334Date of Offense: 11/1/2013S.C. Code § : 44-53-0375(B)(2)CDR Code #: 3015

SENTENCE SHEET

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

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

☐ CONVICTED OF or ☒ PLEADSTO: Drugs / Manufacture, distribution, etc. cocaine base, 2nd offense (5-30 a/o not more than \$50000)in violation of § 44-53-0375(B)(2) of the S.C. Code of Laws, bearing CDR Code # 3015
☒ 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:

BASS, SAMUEL R.SC Bar# 77507

Defendant

Attorney for DefendantSC Bar# 13714WHEREFORE, 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: 6/16/15☒ 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. 425 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: _____ \$ _____

_____ days/hours Public Service Employment

Payment Terms:

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: _____

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	\$ <u>150.00</u>
§ 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>3.40</u>
TOTAL		\$ <u>288.40</u>

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.
Clerk of Court/ Deputy Clerk C. CrumCourt Reporter: P. Green

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2135Sentence Date: 6/16/15

WITNESSES

DOCKET NO.

14-GS-42-2946

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 21 2014

TERM

THE STATE

vs.

TRAVIS NAPOLEAN DAVIS

Indictment for

POSSESSION OF FIREARM BY
PERSON CONVICTED OF
VIOLENT CRIME

SC Code: 16-23-500

SPARTANBURG CO SHERIFF'S OFFICE

2. REPORT ENDED

3. CARD FILED

4. INDEXED

5. CHECKED

6. CHECKED/RECORDED

7. REVIEWED

ARREST WARRANT NUMBER

ISSUING AGENCY COPY

DIRECT INDICTMENT (2014 A4210201034)

ACTION OF GRAND JURY

True BillForeperson of Grand Jury JUL 17 2014
Date:

VERDICT

Foreperson of Petit Jury
Date:FILED
CLERK OF COURT
SPARTANBURG COUNTY
2014 JUL 23

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

JUL 17 2014

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

**POSSESSION OF FIREARM BY PERSON CONVICTED OF VIOLENT
CRIME**

That Travis Napoleon Davis did in Spartanburg County on or about April 9, 2014, possess a firearm and/or ammunition having been convicted of a violent crime as defined by Section 16-1-60, in violation of §16-23-500, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

99

COUNTY OF SPARTANBURG
STATE VS.
Travis Napoleon Davis

AKA:

Race: BLACK Sex: M Age: 32

DOB: SS#:

Address:

City, State, Zip:

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 Firearm or Ammunition by Person Convicted of Violent Felony (Not more than 5 year a/o not more than \$2000)

in violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434

☒ 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:

BASS, SAMUEL R.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 425 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	\$ 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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2014GS420292946 2946

A/W#: 2014A4210201024

Date of Offense: 4/9/2014

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

6/16/15

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.

Presiding Judge

Judge Code: 2175

Sentence Date: 6/16/15

WITNESSES

SPARTANBURG CO SHERIFF'S OFFICE

1. SENTENCE MADE ☒2. REPORT FILED ☒3. CHARGE FILED ☒4. INDEXED ☒5. UNDERWRITTEN ☒6. PROSECUTED ☒7. RETURNED TO ☒

ARREST WARRANT NUMBER

2014A4210201021

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: JUL 17 2014

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

14-GS-42-2947

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 21 2014

TERM

THE STATE

vs.

TRAVIS NAPOLEAN DAVIS

Indictment for

POSSESSION WITH INTENT TO
DISTRIBUTE HEROIN

SC Code: 44-53-370

FILED
CLERK OF COURT
SPARTANBURG COUNTY
JUL 23 AM 9:44

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

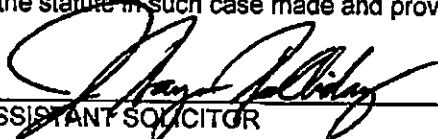
JUL 17 2014

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

POSSESSION WITH INTENT TO DISTRIBUTE

That Travis Napoleon Davis did in Spartanburg County on or about April 9, 2014, manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Heroin, a schedule I controlled substance, in violation of § 44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended, such distribution not having been authorized by law.*

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


 ASSISTANT SOLICITOR

102 STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
STATE VS.
Travis Napoleon Davis
AKA:
Race: BLACK Sex: M Age: 32
DOB: Sex:
Address:
City, State, Zip: Spartanburg 29302
DL#: SID#: 29302

INDICTMENT/CASE#: 2014GS4202947
A/W#: 2014A4210201021
Date of Offense: 4/9/2014
S.C. Code §: 44-53-0370(b)(1)
CDR Code #: 0184

SENTENCE SHEET

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

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Poss. with intent to distribute heroin - 2nd offense (5-30 year a/o not more than \$50000)

in violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0184
☒ 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: 77507 Defendant 73714 Attorney for Defendant
BASS, SAMUEL R. SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6/16/15
☒ 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. 425 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: \$ _____ days/hours Public Service Employment

Payment Terms: Obtain GED ☐

☐ Set by SCDPPPS Attend Voc. Rehab. or Job Corp. _____

Recipient: May serve W/E beginning _____

*Fine: Substance Abuse Counseling ☐

§ 14-1-206 (Assessments 107.5 %) Random Drug/Alcohol testing ☐

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ pmts. of \$ _____ beginning _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

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

§ 14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

§ 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) \$ 8.40

TOTAL \$ 288.40

Clerk of Court/ Deputy Clerk PC

Court Reporter: PC

SCCA/217 (03/2011)

Presiding Judge 2135

Judge Code: 4/16/15

Sentence Date: 4/16/15

WITNESSES

SPARTANBURG CO SHERIFF'S OFFICE

1. SENTENCE MADE ☒2. REPORT MADE ☒3. CHARGE MADE ☒4. INDEXED ☒5. CHECKED FOR P. 100 ☒6. CHECKED FOR P. 100 ☒7. ARREST WARRANT NUMBER ☒8. CHECKED FOR P. 100 ☒

DIRECT INDICTMENT (2013A4210104337)

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

JUL 17 2014

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

14-GS-42-2949

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 21 2014

TERM

THE STATE

vs.

TRAVIS NAPOLEAN DAVIS

Indictment for

POSSESSION OF FIREARM BY
PERSON CONVICTED OF
VIOLENT CRIME

SC Code: 16-23-500

FILED
CLERK OF COURT
SPARTANBURG COUNTY
JUL 23 AM 9:45

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 17 2014 the

Grand Jurors of Spartanburg County present upon their oath:

**POSSESSION OF FIREARM BY PERSON CONVICTED OF VIOLENT
CRIME**

That Travis Napoleon Davis did in Spartanburg County on or about November 1, 2013, possess a firearm and/or ammunition having been convicted of a violent crime as defined by Section 16-1-60, in violation of §16-23-500, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
 STATE VS.
Travis Napoleon Davis
 AKA: _____
 Race: BLACK Sex: M Age: 32
 DOB: SEC# _____
 Address: _____
 City, State, Zip: SPARTANBURG, SC 29307
 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 Firearm or Ammunition by Person Convicted of Violent Felony (Not more than 5 year a/o not more than \$2000)

in violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434

☒ 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:

BASS, SAMUEL R.

77507 SC Bar#

Travis Davis Defendant

C. L. ... Attorney for Defendant

13714 SC Bar#

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

for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 425 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

Clerk of Court/ Deputy Clerk C. L. ...

Court Reporter: P. C. ...

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2014GS4202949

A/W#: 2013A4210104337

Date of Offense: 11/1/2013

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

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

Presiding Judge

Judge Code: 2135

Sentence Date: 6/16/15