

RECEIVED
MAY 19 2018
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lexington County

Honorable Alison Renee Lee, Circuit Court Judge

MARGARET M. DRIGGERS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-000497

APPENDIX

KATHRINE H. HUDGINS
Appellate Defender

ALAN WILSON
Attorney General

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

KELLY OPPENHEIMER
Assistant Attorney General
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

ATTORNEY FOR PETITIONER

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South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
PHONE: (803) 734-1800
FAX: (803) 734-0269

December 15, 2016

Deonna Rogers
Legal Assistant
P.O. Box 11549
Columbia, SC 29211

In re: Driggers v State of South Carolina

Dear Ms. Rogers:

This is to follow up on the letters your office has sent concerning the transcript in this matter. I spoke to Brionna Arnone this morning and let her know that I would respond in writing promptly. Unfortunately, we are unable to produce this transcript because the hard drive Ms. Thueme delivered appears to be corrupted. As you know, Ms. Thueme is no longer employed by S.C. Court Administration. I have tried every way I know to contact her and was finally able to reach her in early November. At that time she indicated that she did not have any other records, the transcript could not be produced, and that she was not doing well.

Court Administration has exhausted all avenues for the production of this transcript, and unfortunately, it cannot be reproduced. I sincerely regret the inconvenience this causes you and all parties involved. If I can assist you further, do not hesitate to contact me.

Sincerely,



Desiree R. Allen
Court Reporter Manager



ALAN WILSON
ATTORNEY GENERAL

June 30, 2016

Carol M. Thueme, Court Reporter
S.C. Court Administration
1220 Senate Street
Columbia, SC 29201

Re: Margaret M. Driggers v. State of South Carolina
2014-GS-32-0897 thru 899

Dear Ms. Thueme:

Please prepare a Guilty Plea Hearing transcript taken April 11, 2014 of the above named individual, before the Honorable Thomas A. Russo for the term of the Court of General Sessions in Lexington County. This transcript was originally requested on March 2, 2015. This is our second request for this transcript your prompt attention to this matter would greatly be appreciated. If this transcript no longer exists, please send a letter to that effect.

Please note that Rule 243(f)(3), SCACR, now requires as detailed an index for PCR hearings as for trial transcripts filed in the Supreme Court. The index should include all exhibits. If exhibits were not introduced, then please note that no exhibits were submitted at the hearing. Please prepare the transcript in accordance with the format requirements as set forth in the Court Reporter Manual.

If the cost of this transcript will exceed \$500, please inform me in writing before you complete the transcript. If you will prepare this transcript and forward it to me along with your statement, I will arrange for payment. Please note that all statements are to be signed

Sincerely,


Deonna Rogers
Legal Assistant
(803) 734-2567
drogers@scag.gov

cc: Desiree R. Allen, Court Administration

WITNESSES

Lexington County Sheriffs Department

J. Chappell

Law Enforcement Case #: 11024110

DSG

ARREST WARRANT NUMBER

M302882

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: 3/10/14

VERDICT

Foreperson of Petit Jury
Date: 3/10/14

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

DOCKET NO. 2014GS3200897

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MARCH TERM 2014

**THE STATE
vs.**

Margaret Marie Driggers

CDR #: 0116

Indictment for

Murder

§ 16-03-0010; 16-03-0020

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

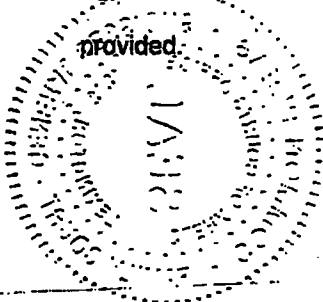
INDICTMENT FOR
Murder

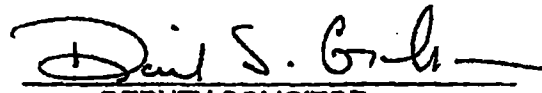
§ 16-03-0010; 16-03-0020

At a Court of General Sessions, convened on March 2014, the Grand Jurors of Lexington County present upon their oath:

That Margaret Driggers along with Kenneth Walters and/or Demitrius Glenn did in Lexington County on or about June 26, 2011 willfully, feloniously and with malice aforethought, kill one Timothy Tice by striking him in the head with a blunt object, and the victim died as a approximate result thereof , in violation of § 16-3-10, code of Laws of South Carolina, 1976, as amended.

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




DEPUTY SOLICITOR

WITNESSES

Lexington County Sheriffs Department

J Chappell

Law Enforcement Case #: 11024110

DSG

ARREST WARRANT NUMBER

13-STR-00110

DOCKET NO. 2014GS3200898

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MARCH TERM 2014

THE STATE

vs.

ACTION OF GRAND JURY

Margaret Marie Driggers

TRUE BILL

Foreperson of Grand Jury

Date: 3/10/14

VERDICT

CDR #: 0139

Indictment for

Armed Robbery

§ 16-11-0330(A)

DONALD V. MYERS, SOLICITOR

Foreperson of Petit Jury

Date:

A TRUE COPY

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

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

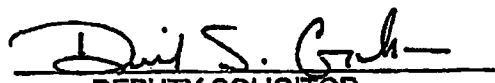
INDICTMENT FOR
Armed Robbery

§ 16-11-0330(A)

At a Court of General Sessions, convened on March 2014, the Grand Jurors of Lexington County present upon their oath:

That **Margaret Marie Driggers and/or Kenneth Walters and/or Demitriss Glenn** did in Lexington County, South Carolina on or about June 26, 2011 knowingly and willfully while armed with a deadly weapon feloniously take from the person or presence of the victim, Timothy Tice, by means of force, threats or intimidation, firearm(s) and/or other personal property belonging to the victim, with intent to deprive the victim of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended

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


DEPUTY SOLICITOR

WITNESSES

Lexington County Sheriffs Department

J Chappell

Law Enforcement Case #: 11024110

DSG

ARREST WARRANT NUMBER

11-STR-00065

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 3/10/14

VERDICT

Foreperson of Petit Jury

Date:

A TRUE COPY

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

DOCKET NO. 2014GS3200899

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MARCH TERM 2014

THE STATE

vs.

Margaret Marie Driggers

CDR #: 0079

Indictment for

Burglary 1st

§ 16-11-0311(A)(1)(a)(b)(c)(d)(3)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Burglary 1st

§ 16-11-0311(A)(1)(a)(b)(c)(d)(3)

At a Court of General Sessions, convened on March 2014, the Grand Jurors of Lexington County present upon their oath:

That Margaret Marie Driggers and/or Kenneth Walters and/or Demitris Glenn did in Lexington County, South Carolina on or about June 26, 2011 willfully and unlawfully enter the dwelling of Timothy Tice at [REDACTED] Road lot E, without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, she or another participant in the crime, was armed with a deadly weapon, and/or caused physical injury to a person who is not a participant in the crime, and/or used or threatened the use of a dangerous instrument, and/or displayed what was or what appeared to be a pistol, revolver, or other firearm and/or the entering or remaining occurred in the nighttime, in violation of § 16-11-311(A)(1)(a)(b)(c)(d)(3) of the Code of Laws of South Carolina, 1976, as amended.

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


 DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.Margaret Marie Driggers

AKA:

Race: White Sex: F Age: 29DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] StreetCity, State, Zip: Columbia, SC 29209DL#: [REDACTED] SID#: SC01693501*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Manslaughter / Voluntary manslaughter

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3200897A/WH: 2014GS3200897Date of Offense: 6/26/2011S.C. Code §: 16-03-0010CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Daniel S. Gish 11650 [Signature] 74901
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014-GS-32-898 + 899
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. Credit for 472 days time served☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (DUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$130.00

A TRUE COPY

Clerk of Court/Deputy Clerk

Court Reporter

Lexington County, S.C., G.S. & F.G.

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/F 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: 2191Sentence Date: 4-11-2014

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.Margaret Marie Driggers

AKA:

Race: White Sex: F Age: 29DOB: [REDACTED] SS# [REDACTED]Address: [REDACTED] StreetCity, State, Zip: Columbia, SC 29209DL#: [REDACTED] SID#: SC01693501*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weaponin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTENTION:

Derek S. Graham
Solicitor11650
SC Bar#[Signature]
Defendant[Signature]
Attorney for Defendant74981
SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014 GS-32-897 + 899☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit for 472 days time served.☐ 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 Practice Funding) \$25 \$ 25.00

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

§ 56-21-114 (DUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(a) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00

39700 Penalty (if paid in installments) \$ _____

Total \$ 130.00Clerk of Court / Deputy Clerk: [Signature]Lex. Co. C.G.C. # 11650

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3200898A/W#: 2014GS3200898Date of Offense: 6/26/2011S.C. Code §: 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTENTION:

Derek S. Graham
Solicitor11650
SC Bar#[Signature]
Defendant[Signature]
Attorney for Defendant74981
SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014 GS-32-897 + 899☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit for 472 days time served.☐ 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 Practice Funding) \$25 \$ 25.00

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

§ 56-21-114 (DUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(a) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00

39700 Penalty (if paid in installments) \$ _____

Total \$ 130.00Clerk of Court / Deputy Clerk: [Signature]Lex. Co. C.G.C. # 11650

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3200898A/W#: 2014GS3200898Date of Offense: 6/26/2011S.C. Code §: 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTENTION:

Derek S. Graham
Solicitor11650
SC Bar#[Signature]
Defendant[Signature]
Attorney for Defendant74981
SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014 GS-32-897 + 899☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit for 472 days time served.☐ 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 Practice Funding) \$25 \$ 25.00

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

§ 56-21-114 (DUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(a) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00

39700 Penalty (if paid in installments) \$ _____

Total \$ 130.00Clerk of Court / Deputy Clerk: [Signature]Lex. Co. C.G.C. # 11650

SCCA/217 (03/2011)

_____ 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: 2141Sentence Date: 4-11-2014

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Margaret Marie Driggers

AKA:

Race: White Sex: F Age: 29DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] StreetCity, State, Zip: Columbia, SC 29209DL#: [REDACTED] SID#: SC01693501*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3200899A/W#: 2014GS3200899Date of Offense: 6/26/2011S.C. Code § : 16-11-0311CDR Code #: 0079

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079.☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Daniel S. Gish 11/4/50 [Signature] 7/4/98
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/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: 2614-65-32-897 + 398
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. Credit for 472 days time served.☐ 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	\$
§ 56-5-2993 (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	\$
§ 50-21-114(B)(1) Breath Test Fee	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)	\$	\$132.00

_____ 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: 2141Sentence Date: 4-11-2014

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Notary Public/Deputy Clerk

Lex. Co. C.C.C.P. G.S. & F.C.
Sec 7-2-1 (b) 2011

ORIGINAL

FORM 5

JM

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF)

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

2015 CP3200887

v.)

APPLICATION FOR

State of South Carolina)

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 to which question any such continued answer refers.

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

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

- Place of detention Camille Graffin Graham CC
- Name and location of Court which imposed sentence Lexington
- Name(s) of co-defendant(s) (if any) 2
- The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) 2014 GS 3200898(b) 2014 GS 3200897(c) 2014 GS 3200899

- The date upon which sentence was imposed and the terms of the sentence

(a) 4-11-14 30 YRS(b) 4-11-14 30 YRS

BETTY A. CAMPBELL
CLERK OF COURT
LEXINGTON

2015 MAR -6 A 9:42

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Revised 3/2003

- (c) 4-11-1432/15
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. Lexington County
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. no
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. may 6, 14
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Not Known
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Did not appeal in timely manner.
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

BEVERLY C. TIGGS
CLERK OF COURT
LEXINGTON, SC

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ORIGINAL

- (a) Ineffective Assistance of counsel
 (b) _____
 (c) _____

2015 CP3200881

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

- (a) See attached
 (b) _____
 (c) _____

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

- (a) any petition in a State Court under South Carolina Law? yes reconsideration
 (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. motion to reconsideration
 ii. _____
 iii. _____
 iv. _____

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

- i. Lexington County Court house
 ii. 205 East main street
 iii. _____
 iv. _____

- (c) the disposition thereof:

- i. _____
 ii. _____
 iii. _____

DEPT. A. OFFICE
 CLERK OF COURT
 LEXINGTON, SC

2015 MAR -6 A 9 42

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11. (A)

2015 CP3200881

Attorney did not have enough time to prepare my case considering the charges I had. I was only shown my motion Discovery the day before sentencing.

Attorney did not interview any of my witnesses.

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LEXINGTON, SC

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2015 CP3200881

ORIGINAL

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?

N/A

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

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) N/A

(b) _____

(c) _____

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

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BETH A. CULBERTSON
 CLERK OF COURT
 LEXINGTON, SC

2015 MAR -6 A 4:42

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- 2015 CP3200881
ORIGINAL
- (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? yes

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

- (a) the name and address of each attorney who represented you:
- Emily B. Howard
 - 203 West main st suit F-2
 - Lexington South Carolina 29072
- (b) the proceedings at which each such attorney represented you:
- plea
 - _____
 - _____

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

To Resentence

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

No

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LEXINGTON SC

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

2015 CP 3200881

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

ORIGINAL

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

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

Margaret M. Origgers
Applicant

SWORN or affirmed to and subscribed before me this
2nd day of March, 2015.

Lina W. Gled
Notary Public

My Commission Expires: May 24, 2016

BEA. J. ORRIS
CLERK OF COURT
LEXINGTON, SC

2015 MAR -6 A 9:42

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

2015 CP 3200881

STATE OF SOUTH CAROLINA)

County of Lexington)

VERIFICATION)

Margaret M. Driggs

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



SWORN to and subscribed before me this 2nd
day of March, 2015.

Jina W. Todd (L.S.)
Notary Public

My Commission Expires: May 24, 2016

BE. H. A. CAMPBELL
CLERK OF COURT
LEXINGTON, SC

2015 MAR -6 A 9:42

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

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	FOR THE ELEVENTH JUDICIAL CIRCUIT
	)	
Margaret Driggers,	)	C.A. No. 2015-CP-32-0881
S.C.D.C. No. 359524,	)	
	)	
Applicant,	)	RETURN¹
	)	
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

In response to the post-conviction relief (PCR) application filed on March 6, 2015, Respondent would show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. Applicant was indicted at the March 2014 term of the Lexington County Grand Jury for murder (2014-GS-32-0897), armed robbery (2014-GS-32-0898), and burglary – first degree (2014-GS-32-0899). On April 11, 2014, Applicant appeared before the Honorable Thomas A. Russo and pleaded guilty to the lesser included offense of voluntary manslaughter and pleaded guilty to the remaining charges as indicted. Emily Howard, Esq. represented Applicant. Judge Russo sentenced Applicant to a term of imprisonment for thirty (30) years for voluntary manslaughter; to a term of imprisonment for thirty (30) years for armed robbery; and to a term of imprisonment for thirty (30) years for burglary – first degree, all to be served concurrently.

¹ By Order dated April 29, 2015, Aimee Zmroczek, Esq. has been appointed as counsel.

Applicant filed a timely notice of appeal and one was perfected on her behalf by Emily Howard, Esq., who also filed a 203(b) explanation of her lack of a good faith basis to believe any issues were properly before the court to appeal. By Order filed September 23, 2014, the South Carolina Court of Appeals dismissed the appeal for failure to provide a sufficient guilty plea explanation. The Remittitur was issued on October 15, 2014.

Attached herewith and incorporated herein are the records of the Lexington County Clerk of Court regarding the subject guilty pleas, Applicant's records from the South Carolina Department of Corrections, and Applicant's appellate records. Applicant's transcript is unavailable.² Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. "Ineffective Assistance of Counsel"
 - a. "Attorney did not have enough time to prepare my case considering the charges I had. I was only shown my motion [for] discovery the day before sentencing."
 - b. "Attorney did not interview any of my witnesses"

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRPC.

² Per letter dated December 15, 2016 from South Carolina Court Administration, Applicant's transcript is unavailable because the court reporter's hard drive is corrupted. Letter is included as part of this Return packet.

III.

Respondent submits Applicant's allegation of ineffective assistance of plea counsel is without merit. In a PCR action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of plea counsel as a ground for relief, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process" that the plea proceedings "cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The court strongly presumes plea counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove plea counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, plea counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result

of the proceeding would have been different.” Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of plea counsel probably raises questions of fact 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.

Respondent denies each and every allegation not hereinbefore expressly admitted, qualified, or explained.

V.

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 well in advance of the PCR hearing will be opposed by the State at an evidentiary hearing. S.C. Code Ann. § 17-27-10 *et seq.*; Rule 71.1, SCRCP. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. Rule 15(a), SCRCP. Because Applicant has been appointed an attorney, the attorney is the only individual authorized to file amendments to this application, and filings by Applicant will not be considered at the PCR hearing. See Rule 11, SCRCP.

VI.

WHEREFORE, having made its return, Respondent requests an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

Dec. 19, 2016



ALAN WILSON
ATTORNEY GENERAL

December 19, 2016

The Honorable Beth Carrigg
Clerk of Court, Lexington County
205 E. Main St., Ste 146
Lexington, SC 29072-3557

Re: Margaret Driggers, #359524 v. State of South Carolina
2015-CP-32-0881

Dear Ms. Carrigg:

Enclosed please find the original **Return** of the Respondent, in the above-captioned case, for filing in your office.

Sincerely,


Johanna C. Valenzuela
Senior Assistant Deputy Attorney General

JCV/bea

Enclosures

PCR Application

Lexington County Clerk's Records

SCDC Records

Appellate Records

Letter from South Carolina Court Administration dated December 15, 2016

cc: Aimee J. Zmroczek, Esquire

Court of Common Pleas

Transcript of Record
15-CP-32-0881

August 10, 2017
Lexington, South Carolina

The Honorable Alison Renee Lee, Judge.

Aimee J. Zmroczek, Esquire
Attorney for the Applicant

William Joseph Maye, Assist. Attorney General
Attorney for the State

Stacy L. Sheppard, RPR
Official Court Reporter

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4	Direct Examination By Mr. Maye	8	
5	Cross-Examination By Ms. Zmroczek	22	
6	Margaret Marie Driggers		
7	Direct Examination By Ms. Zmroczek	29	
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1	E X H I B I T S			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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1 (The following proceedings were held on
2 August 10, 2017.)

3 **THE COURT:** This is docket number
4 2015-CP-32-00881. The Applicant is represented by
5 Aimee Zmroczek. The State's represented by Joe
6 Maye. And we're here on an application for
7 post-conviction relief.

8 Mr. Maye, any preliminary matters you want to
9 put on the record first?

10 **MR. MAYE:** Yes, Your Honor. If it's all right
11 with the Court, I would like just to put a little
12 bit of procedural posture on the record, as well as
13 inform the Court of the matter that we have with
14 lack of a guilty plea transcript, if that's all
15 right with you.

16 **THE COURT:** Yes, sir.

17 **MR. MAYE:** May it please the Court.

18 Your Honor, we're here for Margaret Driggers'
19 merits evidentiary hearing PCR application.
20 Ms. Driggers was originally indicted for murder,
21 burglary first and armed robbery. On April 11th,
22 2014, Ms. Driggers accepted the State's plea offer
23 and pled guilty to voluntary manslaughter, burglary
24 first and robbery -- armed robbery under a
25 negotiated sentence range of 15 to 30 years.

1 Judge Russo heard the sentencing phase, as well
2 as the guilty plea and sentenced Ms. Driggers to 30
3 years for each crime to run concurrently. A motion
4 to consider was heard subsequent to that hearing,
5 which was also denied.

6 Counsel for Ms. Driggers, which was Emily
7 Howard at the time, filed a Rule 203 explanation
8 with the Court of Appeals for lack of finding any
9 real basis to make an appeal on May 14th, 2014. The
10 Court of Appeals sent Ms. Driggers directly a
11 correspondence requesting that she make her basis
12 for why she believed her guilty plea should be
13 overturned, and no response was given by
14 Ms. Driggers. So the Court, in it's order dated
15 September 23rd, 2014, dismissed that appeal.

16 Ms. Driggers' application for a PCR was filed
17 on March 6th, 2015, alleging ineffective assistance
18 of counsel on basically two grounds. And direct
19 quotes from the application are, Attorney did not
20 have enough time to prepare my case considering the
21 charges I had. I was only shown my motion discovery
22 the day before sentencing. And the second being,
23 Attorney did not interview any of my witnesses.

24 I'm sure opposing counsel will get into more
25 detail on the application itself, but, for the

1 record, I wanted to put it in there.

2 The State served its timely return on December
3 19th, 2016.

4 Your Honor, as I've made the Court aware
5 already, we do not have a guilty plea transcript in
6 this matter. Essentially, we contacted and made
7 request of that transcript, and the court reporter's
8 administration informed us that due to a corrupted
9 hard drive, it could not be recovered. If I may
10 approach, Your Honor?

11 **THE COURT:** Is that the letter from Desiree
12 Allen?

13 **MR. MAYE:** Yes, it is.

14 **THE COURT:** I have a copy.

15 **MR. MAYE:** You have a copy. Excellent.

16 If the Court would permit, I'd like to make
17 that Court's Exhibit Number 1.

18 **THE COURT:** Yes, sir.

19 (Court's Exhibit Number 1, letter, marked
20 for identification.)

21 **MR. MAYE:** Your Honor, we also made attempts to
22 try and get the transcript from the motion to
23 reconsider, and I was informed, somewhat remarkably,
24 that that transcript is also not available due to
25 the court reporter's car being broken into and

1 equipment being stolen. I'm not sure how much it
2 would have been of use, but I'm unable to produce
3 that one as well.

4 **THE COURT:** And you have a letter to that
5 effect as well?

6 **MR. MAYE:** I have an e-mail. I failed to print
7 it out. Can I provide it at a later date, Your
8 Honor?

9 **THE COURT:** Certainly. You can -- have you
10 sent a copy of that to Ms. Zmroczek?

11 **MS. ZMROCZEK:** (Ms. Zmroczek nodded head.)

12 **MR. MAYE:** Since we're here for a PCR
13 application of Ms. Driggers in the context of a
14 guilty plea, none of her actual application grounds
15 directly challenge the voluntariness of a unwilling
16 -- of the unknowingness of her guilty plea, but
17 since Hill v. Lockhart requires that Strickland v.
18 Washington be applied in the context of whether or
19 not her guilty plea was made voluntary and
20 knowingly, counsel and I have agreed that a, sort
21 of, reconstruction would be necessary so the Court
22 can actually make a ruling in this matter and find
23 that the plea was entered correctly.

24 At which point, I'm prepared to go forward with
25 the PCR hearing. And since we have witness

1 scheduling issues, if the Court is ready, I'd like
2 to call Rick Hubbard.

3 **THE COURT:** Do you have any objection with him
4 going first?

5 **MS. ZMROCZEK:** I do not, Your Honor.

6 **THE COURT:** Step forward, please, and be sworn.

7 RICK HUBBARD,
8 having been duly sworn, testified as follows:

9 **THE COURT:** Have a seat and state your full
10 name, please.

11 **THE WITNESS:** My name is Rick Hubbard, R-i-c-k
12 H-u-b-b-a-r-d.

13 DIRECT EXAMINATION

14 BY MR. MAYE:

15 **Q** Good morning, Mr. Hubbard. How are you doing
16 today?

17 **A** Doing very good. Thank you.

18 **Q** Glad to hear it. I know we're on a little bit
19 of time constraints, so I'll do my best to make it
20 as --

21 **A** I appreciate you working with me.

22 **THE WITNESS:** And I apologize.

23 **THE COURT:** Not a problem.

24 BY MR. MAYE:

25 **Q** Mr. Hubbard, if you could, can you just state

1 your current occupation for the record?

2 **A** I'm the solicitor of this circuit.

3 **Q** And how long have you been in that position?

4 **A** Since January.

5 **Q** And were you the solicitor in charge of
6 prosecuting Ms. Margaret Driggers?

7 **A** I was the deputy solicitor. I worked the case
8 with Shawn Graham. It was actually assigned to him,
9 but we worked it as a team.

10 **Q** How well do you remember this particular case?

11 **A** I remember it quite well.

12 **Q** Can you, for the record, just provide a little
13 bit of basic facts surrounding the charges and the
14 crime?

15 **A** Sure. The victim in the case was Timothy Tice,
16 a man that lived out on the lake. There were three
17 individuals that were charged in this case. There's
18 Ms. Driggers. There was a guy by the name of
19 Demetriss Glenn, who went by the name of Shawn, and
20 then Walters -- I'm trying to remember his first
21 name. But, anyway, three people were charged with
22 this case.

23 Basically, information that we ended up getting
24 was that the three of them went over there.
25 Mr. Tice had spoken to Ms. Driggers. She, frankly,

RICK HUBBARD - DIRECT BY MR. MAYE

10

1 had been working as a prostitute and was going over
2 there ostensibly for that purpose, that the --

3 What we would have presented at trial was that
4 there was a plan to bring these other two fellows
5 along with her, unbeknownst to Mr. Tice, that she
6 would go in, get Mr. Tice in a compromised position,
7 the other two would come in and rob him. They would
8 come into that house without authorization and then
9 rob him and then they would all get away, and she
10 would look like she was a victim as well. Things
11 didn't work out like that at all.

12 She gets to the house. She goes in. Mr. Tice
13 isn't feeling well. She texts the two men in the
14 car waiting outside saying he's asleep. The next
15 thing, Mr. Walters goes in the house. He was a
16 small build, slight man. He comes in with a mask
17 on. Mr. -- and a gun. Mr. Tice, who was a very
18 large man, defended himself and, basically, started
19 beating the heck out of Mr. Walters.

20 At that time, Ms. Driggers ran outside to get
21 Mr. Glenn, who was a large man, say, You need to go
22 in; your friend's going to get killed. Mr. Glenn
23 goes in the house, grabs a wine bottle, hits the
24 victim, Mr. Tice, over the head with it, stuns him,
25 doesn't even kill him with that, and then takes a

1 stool and beats him to death. It was a very bloody
2 scene. That's -- that was the murder we had.

3 Q Thank you. Do you recall who represented
4 Ms. Driggers?

5 A She had -- initially, it was a fellow by the
6 name of Mark Schnee. And by the end of it, it was
7 Emily Howard.

8 Q Can you, please, describe your office and the
9 authority's conversations, communications with
10 Ms. Driggers throughout the course of her
11 prosecution?

12 A What we did in this case is we tried to figure
13 out who was the primary in this case. It was
14 Mr. Glenn. We wanted to see if either or both of
15 the co-defendants would be willing to cooperate.
16 And the way we do that in this office is we don't
17 cut a deal on the front end, we just approach them,
18 let them talk, let them know that any conversation
19 about what happens to their charge will be after
20 we're through with the primary suspect.

21 Mr. Schnee was agreeable, brought Ms. Driggers
22 in, and we had what was probably one of the longest
23 interviews I've ever been involved in in my career.
24 We went, literally, all day. In fact, at one point
25 during the day, he broke it off and they were

1 leaving and then he knocks on the door and comes
2 back.

3 The reason for that is her testimony -- her
4 statements to us just kept changing. Now, that's
5 not unusual in these cases. What we're looking for
6 is not are they going to say what we want, but can
7 they say -- is what they're saying believable and is
8 it corroborated by our evidence. If not, we don't
9 use them, which is ultimately what happened here.

10 But we talked to her at length, and her story
11 went, from the very beginning, something to the
12 effect of she's just going over there and these guys
13 are either going to just drop her off or wait for
14 her, there's no talk of a robbery, and then some
15 small man comes in with a mask and she thinks it
16 might have been Walters. And -- and it goes from
17 that to, over a period of interviews, that there's a
18 planned robbery.

19 In fact, the last interview, I think, there's a
20 planned robbery, that there's supposed to be a drug
21 dealer that's supposed to come by, deliver drugs to
22 Mr. Tice, Ms. Driggers is supposed to go in and get
23 completely unclothed so that Mr. Tice has to go
24 outside to meet the drug dealer. These two
25 individuals, Glenn and Walters, are going to rob the

1 drug dealer and Mr. Tice, but the drug dealer's in
2 on it. We never know who this drug dealer is. And
3 then they were going to return the drugs to the drug
4 dealer at a later time and buy them back at half
5 price. That was her story. It was so farfetched,
6 we were just -- we told Ms. Howard, We'll just see
7 you in court.

8 Q Could you say, in the course of prosecution,
9 when these conversations took place? You said there
10 were many conversations with Ms. Driggers?

11 A There were. I can't remember when our initial
12 one was with Ms. Driggers and Mr. Schnee. I know
13 that -- but like I said, we talked at length. And
14 we just confronted her with what we had. And every
15 time we confronted her, she would cry and sob
16 saying, Why don't you believe me?

17 We'd confront her, and I've never had a witness
18 quite do this, she would just change her story, and
19 then without explaining anything, move on to a whole
20 nother story and then cry and sob and say, Why don't
21 you believe me? We'd confront her again. She'd,
22 like she was turning on a dime, change her story and
23 cry and sob, Why don't you believe me?

24 And the last interview was in, I think, March
25 of '14. The plea was in April. I think it was in

RICK HUBBARD - DIRECT BY MR. MAYE

14

1 March. It was sometime before the plea. And we may
2 have met with Ms. Howard and Ms. Driggers, may have
3 been once, but it may have been twice, but it was a
4 full opportunity just talk to us with no deals.
5 And, again, we were just left scratching our heads.

6 **Q** Could you tell the Court a little bit more
7 about the co-defendants in this case and how their
8 cases were viewed by your office?

9 **A** Sure. Obviously, we focused on Mr. Glenn. We
10 had two witnesses in this case. And what made the
11 case difficult is both of them were inmates.

12 One of them was a man who was charged with
13 murder by the name of Charlie Plumley who had
14 confessed to murder and testified in the trial of
15 his co-defendant, and basically took the stand
16 saying, I'm guilty of murder, burg first and armed
17 robbery. He had information that the only way he
18 could have it is to have had a conversation.
19 Because what we did is verify there was no discovery
20 materials in the jail cell, and so the information
21 he had was only information we in law enforcement
22 had about the wine bottle, about the break-in, about
23 Ms. Driggers, how she set it up. We had that.

24 And then we had a guy by the name of Tyrone
25 Williams who Mr. Glenn knew as his uncle. There was

1 no physical relationship, but -- and he met
2 Ms. Driggers and said the first time he met her she
3 was trying to set up a robbery of a white guy that
4 lived out on the lake, which is where this occurred,
5 how he wouldn't participate and then later how his
6 -- the guy he knew as his nephew, Mr. Glenn,
7 confessed to him about what happened, how
8 Ms. Driggers was the one that knew the guy, set it
9 up, how Walters went in, got beaten up, how he went
10 in, took a wine bottle, dazed him over the head, and
11 then killed him with a stool. So all of our focus
12 initially was on Mr. Glenn.

13 Mr. Walters, we never used him either because
14 his story was, I'm sitting in the car and Mr. Glenn
15 tells me to go get her, Ms. Driggers, because she's
16 taking too long.

17 Now, his story, he had variations on his story
18 as well. So we were left with a very difficult
19 case. We had DNA on Walters and Driggers, but none
20 on Mr. Glenn, the guy that we had -- all our
21 information said was the murderer. So we had a
22 tough case. And we prepared the family.

23 And I even went in and told Solicitor Myers,
24 Donnie, I think we're going to lose this one, but
25 we've got to try it. And we're going to be doing it

1 without help from co-defendants because we do not
2 believe them and, ethically, do not believe we can
3 put them on the stand. We think we'd be furthering
4 their lies.

5 Q Did the solicitor's office ultimately deem
6 Ms. Driggers an unreliable witness as far as
7 testifying against co-defendants?

8 A Absolutely. And it's not unusual to have
9 somebody come in and lie. We try to give them a
10 chance to rehabilitate themselves, earn our trust,
11 but we have to compare it to what we have. And
12 never, at any time, did we even get an inkling that
13 she was willing to tell the truth. And what
14 disturbed us is how easy she seemed to feel about
15 lying.

16 Q During the discussions that your office had
17 with her, did she ever identify any witnesses that
18 would be able to corroborate any of her stories or
19 give favorable testimony for her?

20 A No. We were asking, Look, if you have
21 something, we'll look at it. So we had nothing.

22 MR. MAYE: Court's indulgence for a moment.

23 (Pause.)

24 Q You spoke about the testimony of Tyrone
25 Williams. Had he already testified in open court

1 before Ms. Driggers was given a plea offer and pled
2 before Judge Russo?

3 **A** Yes. What we did is we tried Mr. Glenn. We
4 got a conviction and a life sentence in front of
5 Judge Russo. Then we did the plea with Mr. Walters,
6 and he was offered the same plea offer as
7 Ms. Driggers, except it was an Alford. The judge
8 took that, sentenced him. And then we --
9 Ms. Driggers was the last one that pled.

10 **Q** As far as discovery goes, are you aware of any
11 issue involving discovery where it was provided late
12 or even received late by your office, anything of
13 that nature that would have complicated the plea or
14 the case?

15 **A** No. No. In fact, I know -- we made sure, and
16 Shawn Graham and Rhonda Robinson, the paralegal
17 who's in the courtroom, made sure that all that was
18 handed over to Mr. Schnee. Every time we talked to
19 a witness like Ms. Driggers, we would turn that
20 information over to the other attorneys as well
21 because that's impeachable. So besides that ongoing
22 turning over conversations we're having with
23 co-defendants, we had turned everything over.

24 And we wanted to make sure -- we knew
25 Ms. Howard got in it very late in the day -- wanted

1 to make sure she was up to speed. And, frankly,
2 having worked with her, she's OCD like me, that's
3 not a derogatory, that's a compliment because she is
4 very prepared, very organized, and we wanted to make
5 sure she had a comfort level both with her client
6 and with the case before we went forward.

7 **MR. MAYE:** One moment, Your Honor.

8 (Pause.)

9 **MR. MAYE:** May I approach the witness, Your
10 Honor?

11 **THE COURT:** Yes.

12 BY MR. MAYE:

13 **Q** Mr. Hubbard, do you recognize this document?

14 **A** Actually, Mr. Graham will probably be able to
15 identify this one because -- but it does look like
16 the case we have in our PCMS system where you can go
17 in and open up, turn over -- shows what we've turned
18 over, when we turned it over. It shows the
19 discovery as we've turned it over. But, again,
20 Mr. Graham would probably be the best one to answer
21 that.

22 **Q** Mr. Hubbard, turning to -- turning to the plea,
23 can you discuss the plea that was given, the plea
24 offer that was given to Ms. Driggers and how that
25 proceeded?

1 **A** Sure. We had already gotten a conviction on
2 Mr. Glenn for life. The plea offer we offered her
3 was the same as Mr. Walters, which was -- I think it
4 was burg first, armed robbery and manslaughter --
5 voluntary manslaughter, 15 to 30 years. Other than
6 that, there was nothing else on the table.

7 Now, what we did with Mr. Walters, we -- with
8 the judge accepting it, he did that as an Alford
9 plea. This one was a straight-up plea.

10 **Q** And were you present for Ms. Driggers' plea
11 hearing?

12 **A** I was.

13 **Q** And how well do you recall that hearing?

14 **A** Pretty well.

15 **Q** If you could, tell the Court who the judge was
16 that heard that plea.

17 **A** That was also Judge Russo who, as I had said,
18 tried the case of Mr. Glenn and had just, not long
19 ago, had done the plea with Mr. Walters.

20 **THE WITNESS:** And the actual colloquy, Your
21 Honor, I don't remember. I know what we listen for
22 is what is the judge missing, if he happens to
23 forget something.

24 **A** Mr. Graham presented the facts in the case.
25 Judge Russo was intimately familiar with those facts

1 and said so. I remember in his sentencing, he did
2 make a point to say he had given Mr. Walters 20
3 years. And he said, Ms. Driggers, you're different.
4 Basically, but for you, this wouldn't have happened.

5 I realize Mr. Glenn actually did the killing,
6 but he ranked them as far as their level of
7 culpability. Obviously, Mr. Glenn was the most
8 culpable, but he said, you know, but for your
9 actions in this, none of this would have happened.
10 This family wouldn't be here. Mr. Tice would be
11 here. Mr. Walters wouldn't have gotten involved in
12 this.

13 He minimized -- and in our mind, Walters was
14 kind of the third wheel, but he used that to justify
15 giving the full 30. He basically said, You've
16 already gotten mercy because you've gotten a
17 manslaughter offer and this 15 to 30 range.

18 Q Regarding the colloquy of Judge Russo, are you
19 comfortable saying that there was nothing absent
20 from that colloquy that would bring into question
21 the voluntariness or the knowingness of the plea?

22 A Absolutely. And the reason why, again, what we
23 do in those pleas is we sit there and check as we
24 go, Did he cover all his bases? Because we knew he
25 knew this case really well, so sometimes a judge

1 might think he's covered something because he
2 thought about it, so that's -- we were on alert, and
3 we did not have to notify him that he missed
4 anything. He was very thorough.

5 I think he also understood Ms. Howard entered
6 this case late in the game, so he covered that
7 extremely well too with her and Ms. Driggers.

8 **Q** And how did Ms. Driggers plea that day?

9 **A** She pled straight up guilty and there didn't
10 seem to be any hesitation. I mean, she knew she was
11 looking at some big time, she was nervous, but I
12 think she knew exactly what she was looking at.

13 **Q** And was Ms. Driggers sentenced directly after
14 the guilty plea?

15 **A** She was. He gave her 30 years.

16 **Q** And was that within the parameters of the plea
17 offer that your office provided?

18 **A** Absolutely. It was at the top end. And,
19 again, the judge justified it based on her level of
20 culpability and that we had already offered her,
21 basically, a deal. She could have been convicted of
22 murder if we had gone to trial.

23 **MR. MAYE:** Thank you. No further questions.

24 **THE COURT:** Cross?

25 **MS. ZMROCZEK:** Thank you.

1 CROSS-EXAMINATION

2 BY MS. ZMROCZEK:

3 Q Solicitor Hubbard, I was looking over your --
4 the sheet that y'all provided to the AG today. And
5 it looks like this case was originally -- it was
6 originally brought in 2011; is that correct?

7 A That may be. I'd have to look at the sheet. I
8 can't remember the year it was actually brought in.

9 Q Okay. And then Mark Schnee, was he appointed
10 or was he retained or do you --

11 A I don't know.

12 Q Okay. But you met with him several times?

13 A Yes.

14 Q And you would agree with me that it's over a
15 thousand hard pages of discovery, plus digital
16 discovery as well, including cell phones, text
17 messages, DNA, those kinds of things?

18 A I would not deny that. I don't have a number
19 count, but we turned over quite a good bit.

20 Q And do you know why Mark Schnee left the case?

21 A I do not. I will tell you, since you've asked,
22 why I think. I believe that he couldn't put her up
23 on the stand, that he had an ethical issue. I know
24 he was as frustrated as we were. He was trying to
25 help her, the train was coming, it was going to be a

1 murder trial. And every opportunity we gave her to
2 tell the truth, she lied, and I don't think he could
3 put her on the stand ethically. So that was our --
4 our perception of it.

5 Q But she was never going to go on the stand
6 anyway; is that correct?

7 A If she went on to trial. Now, obviously, that
8 would have been her right, so.

9 Q Right. And then you said that you interviewed
10 Mr. Walters several times?

11 A We did.

12 Q And his story was also inconsistent?

13 A It was.

14 Q And so he was -- he was not used in the trial
15 either?

16 A That's correct for the same reason.

17 Q Right. And he was the one who actually caused
18 some physical harm to Mr. Tice; is that correct?

19 A Whether he did or not, he might have, but we do
20 know this, Mr. Tice beat the daylights out of
21 Mr. Walters. Mr. Tice was a big man. And if it was
22 just Mr. Walters, Mr. Tice would be here today.

23 Q And do you recall who represented Mr. Walters?

24 A Yes. It was Beth Fullwood.

25 Q Okay.

1 **A** Who's with the public defender's office.

2 **Q** Okay. And it was a straight-up plea as well
3 for Mr. Walters?

4 **A** It was an Alford.

5 **Q** An Alford plea?

6 **A** Yes.

7 **Q** And under Alford, so without accepting any
8 responsibility, he received 20 years?

9 **A** No. He accepted responsibility. What it is,
10 he could not deny the facts, but, basically, we had
11 to show he's getting a deal, which he was because we
12 could put him in the house, convict him of murder,
13 and it was in his best interest to take it. And his
14 lawyer had to say that there was a high likelihood
15 he would be convicted if he went to trial of murder.
16 So it was a deal.

17 **Q** And then -- and so the witnesses that you were
18 left with were Mr. Plumley, correct?

19 **A** Correct.

20 **Q** And Mr. Plumley testified that this was all --
21 that originally it was -- he had been told that it
22 was Ms. Driggers and Mr. Walters' plan?

23 **A** He had, at one point, been in the same cell
24 with both Mr. Walters and Mr. Glenn, so he had
25 information on both of them. And the way we

1 corroborated it is there was no paper trail in the
2 jail cells to show that he could have seen their
3 cases. We always check on that.

4 And the best description he got came from
5 Mr. Glenn. It was basically a partial confession
6 involving the wine bottle, that Ms. Driggers was the
7 one that set this up and that the wine bottle was
8 used. He said, I know they're looking at a stool,
9 but the wine bottle was used. And it was. There
10 was a broken wine bottle on the floor.

11 **Q** And then you said that Ms. -- you kept saying
12 Ms. Howard came into it late, right?

13 **A** She did.

14 **Q** Do you recall when she -- when she received
15 discovery?

16 **A** I do not. I do not. Again, I defer to
17 Mr. Graham and Ms. Robinson to do that.

18 **Q** Do you recall what mitigation was provided on
19 behalf of Ms. Driggers?

20 **A** You know, I know she tried to -- Ms. Howard
21 tried to talk about her -- basically, putting her in
22 the same light as Mr. Walters, but it was just clear
23 the judge wasn't buying that. He had heard it all,
24 and he knew she was the but-for cause for them being
25 there.

1 **Q** And when you had -- you made the same plea
2 offer to Mr. Walters that you did to Ms. Driggers?

3 **A** Yeah.

4 **Q** And did she plea under Alford as well?

5 **A** She pled straight up. There were some issues
6 with Mr. Walters where, in some of his stories, he
7 talked about he didn't know what was going on, and
8 so we left that -- if the judge had said we're not
9 doing this as an Alford, we either would have
10 dropped back to see if it would be a straight plea
11 or a trial. So that was Judge Russo's discretion on
12 that.

13 And to me, as far as the sentence, it had
14 nothing to do with the sentence. And the judge made
15 a point of saying with Ms. Driggers how he
16 differentiated her activity from Mr. Walters, not
17 about the nature of the plea.

18 **Q** And what do you recall -- when you presented
19 her case to Judge Russo, what do you recall,
20 specifically, you saying -- was it you or
21 Mr. Graham?

22 **A** It was Mr. Graham.

23 **Q** Okay. Do you recall what was said or what was
24 requested as far as a sentence -- I mean, who used
25 the words "but for"? Did that come from the State

1 or from the judge?

2 **A** Those are mine. Those are mine. I don't know
3 that the judge used those exact words, but
4 basically, to sum it up, it was, But for you doing
5 this. And he may have used those words, but I don't
6 have a distinct memory of that. That is just how he
7 -- how he presented it, that this wouldn't have
8 happened had you not gotten the ball rolling.

9 **Q** And do you recall what the State, since you
10 were there, what y'all presented as far -- was that
11 your position as well?

12 **A** No. I think what Mr. Graham did is, by this
13 point, the judge had heard the facts in detail in a
14 trial, he had also heard the same facts, because we
15 tell what everybody did in the, you know, in the
16 first place, and so Mr. Graham did not give a
17 convoluted factual summation. He just said, Judge,
18 as you know. And then the judge picked up on it,
19 said, I remember. And so it was not a very long,
20 inflammatory set of facts. We didn't need to.

21 **Q** Okay. And do you recall how many times you met
22 with Ms. Howard regarding the offer?

23 **A** How many times --

24 **Q** What kind of negotiations or how many -- or --

25 **A** I don't know how many times she may have talked

1 directly to Mr. Graham. I know we met maybe once or
2 twice, may have been twice, but I know it was not
3 long before the trial, there was, like, one last
4 attempt anyway to -- before the plea -- one last
5 attempt to, you know, we were told she had some more
6 information and so this was her opportunity to come
7 in and talk. And that's when we got the really
8 outlandish -- the most outlandish story of all.

9 MS. ZMROCZEK: I don't have any further
10 questions, Your Honor.

11 THE COURT: Any redirect?

12 MR. MAYE: No redirect, Your Honor. Thank you.

13 THE COURT: Thank you. You may step down.

14 MR. MAYE: And we'd ask that the witness be
15 excused.

16 THE COURT: Any objection?

17 MS. ZMROCZEK: No objection.

18 THE COURT: You may be excused. Thank you very
19 much.

20 THE WITNESS: Thank you, Your Honor.

21 MR. MAYE: Your Honor, at this point, since we
22 went out of order just so that we can get
23 Mr. Hubbard's testimony in before leaving, I would
24 proceed to allow Ms. Zmroczek to proceed.

25 THE COURT: Yes, ma'am.

1 **MS. ZMROCZEK:** Thank you, Your Honor. I would
2 call Margaret Driggers to the stand.

3 **THE COURT:** Step forward, please, to be sworn.

4 MARGARET MARIE DRIGGERS,
5 having been duly sworn, testified as follows:

6 **THE COURT:** State your full name, please.

7 **THE WITNESS:** Margaret Marie Driggers.

8 DIRECT EXAMINATION

9 BY MS. ZMROCZEK:

10 **Q** I know that you're soft spoken. I'm going to
11 need you to, I think, maybe pull the mic a little
12 closer, just make sure you speak up. I know you're
13 nervous, but make sure that you speak up. Okay?

14 **A** Margaret Marie Driggers.

15 **Q** Ms. Driggers, how old are you?

16 **A** I'm 32.

17 **Q** How far did you go in school?

18 **A** Eighth grade.

19 **Q** Eighth grade?

20 **A** Yes, ma'am.

21 **Q** Can you read and write?

22 **A** Yes, ma'am.

23 **Q** When you were -- do you recall when you were
24 arrested for the charge for what you're doing time?

25 **A** Yes, ma'am.

1 Q How old were you at that time?

2 A I was 26 years old.

3 Q What -- what issues were you having at that
4 time?

5 A I mean, I just, you know, I can't explain, you
6 know, what was going -- I left the father of my
7 kids. I was on my own, but, you know, I was in a
8 very abusive relationship. That doesn't excuse
9 anything that happened, so I can't elaborate what I
10 was going through to excuse anything, so I'm just
11 saying I was going through a hard time, you know.

12 Q And you -- you were arrested and put in the
13 Lexington County Detention Center?

14 A Yes, ma'am.

15 Q Did you ever receive a bond?

16 A No, ma'am, until a year, then I received a
17 bond.

18 Q Okay. Talk to me about your attorney
19 situation. So -- had you ever been arrested before
20 this?

21 A I think one time when I was, like, maybe when I
22 was 19 or 20. I can't remember. I was young the
23 two times I was arrested.

24 Q And what were those for?

25 A Drunk -- like, public drunk.

1 **Q** They were misdemeanors?

2 **A** Yes, ma'am.

3 **Q** Public drunk?

4 **A** Yes, ma'am.

5 **Q** Had you ever been arrested for a felony before?

6 **A** No, ma'am.

7 **Q** Okay. You've never been to big court before?

8 **A** No, ma'am.

9 **Q** Ever had a lawyer before?

10 **A** No, ma'am.

11 **Q** All right. When you -- describe how --

12 describe your lawyer situation. Were you appointed

13 a lawyer?

14 **A** Yes. Mark Schnee was appointed to me, but I

15 only met with him various times. And, like, the one

16 time -- the first time I met him I was in county.

17 The second time I met him was in front of my

18 solicitor's office to meet my solicitors.

19 **Q** And is that when you sat down and gave a

20 statement?

21 **A** Yes, ma'am.

22 **Q** Okay. How many times did you sit down with

23 Mr. Schnee and the solicitors to give a statement,

24 if you recall?

25 **A** Quite a few times.

1 **Q** Okay. At what point did he get off your case?

2 **A** It was like -- I can't remember around the
3 time, but it was -- I was given -- I would go all
4 the way around everything, you know. I did
5 elaborate on the story a lot. I was put in a room
6 -- like I say, on the solicitor's office, I probably
7 did waste a lot of time, but I'm in a room and
8 there's these pictures there that happened, but, of
9 course, I'm going to be upset. And I did, like, go
10 around everything. Of course, I don't know -- I'm
11 scared. You know, my lawyer hasn't told me anything
12 before I go in there to meet with them, so I'm not
13 even prepared when I meet them.

14 **Q** Had you seen the discovery before --

15 **A** No.

16 **Q** When was the -- when did you see your
17 discovery?

18 **A** Mark Schnee showed while they were in there,
19 you know, there was a little bit, but he was looking
20 at it. I didn't see it then because we left; we
21 parted ways. Emily showed it to me, like, four days
22 before she came in. We went in a room and she was
23 going through it. It wasn't like I really saw it.
24 We talked about different things, you know, so.

25 **Q** And had you -- were you aware of what the plea

1 offer was?

2 **A** That was the day before the day Kenneth got
3 offered his plea was the day that she came in that
4 night, late at night. They pulled me into the --
5 where the detectives do investigation. She had my
6 mom on the phone. And my mom told me I needed to
7 take the plea, that Emily had told her that I
8 probably wouldn't get no more than 21 years.
9 Kenneth had got 20 years, that she didn't look at me
10 to get 17, but I'll probably get the same amount as
11 Kenneth. And my mama begged me because I would
12 probably get life if I went to trial.

13 **Q** Okay. What -- in your application, you said
14 that -- that nobody investigated witnesses, talk to
15 the court or -- what witnesses did you --

16 **A** No. I said there wasn't -- I even said to them
17 there's no witness. I didn't talk about this to
18 nobody. It wasn't something that I even wanted to
19 talk -- I didn't talk to my mom. You know, the
20 things that my mom knows now is from court. You
21 know, she knew when I got out on bond how bad I
22 struggled, you know, but other -- I didn't
23 elaborate. You know, I didn't know when I filled
24 out this PCR, I don't know the whole things. I
25 didn't have anybody help me.

1 **Q** Let me ask it this way: What is it that you
2 wanted your lawyer to do for you before you pled?

3 **A** Okay. The day I was pleading and the day
4 before, like, I begged. I was not going to take the
5 first degree burglary charge. I did not break in
6 nobody's home. And I didn't know what Ken -- I knew
7 about a robbery.

8 And I even -- there's a -- there's one
9 statement, like they said, the one time I went in
10 there and it's, like, the second -- like, the last
11 to the second time I met them, the phone records and
12 everything matched this. And this is what I want to
13 look at where Tim did have his dealer coming. And I
14 had talked to him, I knew he was coming. And I
15 don't know, Rex or something, his name is. I knew
16 the dude was coming. And, yes, I did give Demetriss
17 and them permission to rob this guy, and I didn't
18 care because I didn't know him.

19 So when I text them to tell them that he was
20 asleep, I was just saying, you know, I didn't know
21 if the guy was coming or not. So it was -- I was in
22 there for 30 minutes before Kenneth came in. I ran
23 out. I didn't say I seen any of that fight. I knew
24 they were fighting. Of course, I run out. I knew
25 all this because I'm there, I'm outside. And I did

1 tell Demetriss to run in, that Tim was going to kill
2 him because Tim kept guns right there.

3 You know, I would have never said to rob a man.
4 And if you checked, he had no money because he told
5 me he didn't cash his check till Monday. I knew all
6 this. This is a man that would give me anything.
7 So I knew his check -- his check was in his work
8 truck. He told me he was cashing it on Monday. Why
9 would you rob somebody that didn't have any money,
10 that you knew was not going to have any money? I
11 would not offer to rob him.

12 Q So what you -- what I hear you saying, and if I
13 misstate it, please correct me, what I hear you
14 saying is you wanted her to present some of the
15 physical evidence at your plea --

16 A Yes, ma'am.

17 Q -- so that the judge had a better understanding
18 of the situation?

19 A Yes, ma'am.

20 Q Okay. And you had been told what Mr. -- you
21 keep calling him Kenneth. You're talking about
22 Mr. Walters, right?

23 A As far as --

24 Q What your co-defendant had received. Did he
25 plea before you?

1 **A** Yes, ma'am.

2 **Q** And you had been told what he received?

3 **A** She told me the night before, you know, he got
4 20 years and that, you know, she looked, you know,
5 for me to get between 17 -- but she said I would
6 probably get a little bit more time. And she -- my
7 mom told me on the phone, Baby, you're not -- she
8 said I wouldn't get no more than 21 years for that,
9 that I really needed to take this plea, because I
10 wasn't going to go and take it. I really was very
11 adamant because of the charges. The first degree
12 burglary was the main one.

13 **Q** Tell me about you said that there was a motion
14 to reconsider.

15 **A** Yes.

16 **Q** What new evidence or what new facts were
17 brought out at the motion to reconsider?

18 **A** I don't think there was any brought out. Emily
19 did -- it was just -- she told the judge that day,
20 she said, I feel like maybe I didn't do my job as
21 quite as properly as I could. And the judge told
22 her, Ms. Emily -- Ms. Howard, you did your job
23 properly.

24 **Q** And, to your knowledge, there was nothing new
25 presented?

1 **A** I mean, no, ma'am.

2 **Q** Okay. And what -- why had you asked her to --
3 did you ask her to file that motion to reconsider or
4 did she file it?

5 **A** She told me that day she was going to file it
6 when we left the courtroom. She was going to
7 file -- she asked me and I told her yes.

8 **Q** Okay. And then -- so when you took the plea,
9 it was your understanding -- you knew that you were
10 facing 30 years?

11 **A** 15 to 30, yes, ma'am.

12 **Q** 15 to 30. And your reliance on taking that
13 plea was based on your understanding of what you
14 would have received. Where did you get that
15 information from?

16 **A** From Ms. Emily, ma'am.

17 **Q** Okay. And was a number ever given to you?

18 **A** From who?

19 **Q** From Ms. Howard.

20 **A** She just told me -- her and my mom told me that
21 night, they had me in the little room talking, she
22 was calling on her cell phone, told me I would get
23 no more than 21 years, but, you know, it was very --
24 because it went very well for Mr. Walters the day
25 before, that, you know, she couldn't promise me

1 anything, but, you know, I could probably get less,
2 that this is a good offer.

3 **MS. ZMROCZEK:** Please answer any questions the
4 State might have.

5 **THE COURT:** Cross?

6 **MR. MAYE:** Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. MAYE:

9 **Q** Ms. Driggers, you just stated that your
10 attorney, Ms. Howard, could not promise you any
11 certain number of years aside from the fact that it
12 was within the 15 to 30 range; is that correct?

13 **A** No. I said that she had promised me under the
14 20 years. She had told me -- she said -- this is
15 exactly what she said, my mom got her on the phone,
16 she said I would get no more than probably 21 years,
17 but she was hoping that I would get a lot less, but
18 she could not promise that. That's what the words
19 were.

20 **Q** Are you aware that that's contradictory to what
21 your testimony was about five minutes ago?

22 **A** I mean, you could -- I don't know -- that's the
23 words I just said. I mean...

24 **Q** But your position right now is that your
25 attorney guaranteed you no more than 21 years?

1 **A** Yes. My mom -- I mean, that's -- my mom --
2 this is my mom calling me in the jail, she's got her
3 own cell phone, telling me this or I would --
4 because I was not going to take the plea. Plus, it
5 was Clint Matthews and my mom also. There was two
6 phone calls I made that was called for me to be able
7 to take this plea because I was not going to take
8 it.

9 **MR. MAYE:** Your Honor, if we could, I'd like to
10 have the court reporter read back the last portion
11 of the direct. The specific phrase I have written
12 down was, Could not promise her. And I believe
13 she's already stated that her attorney did not
14 promise her any specific number of years.

15 **THE COURT:** Can you find it, Madame Court
16 Reporter?

17 **COURT REPORTER:** I can find it.

18 **MS. ZMROCZEK:** Your Honor, we don't dispute --
19 I mean, we won't dispute the record.

20 **MR. MAYE:** Okay.

21 **THE COURT:** So you don't need her to read it
22 back?

23 BY MR. MAYE:

24 **Q** Ms. Driggers, one last time before I proceed
25 any further, are you stating right now that your

1 attorney promised you a specific number of years no
2 more than?

3 **A** I'm just saying I said -- and I told you, she
4 did promise me that I would get no more than 21
5 years, but she did say she could not promise me --
6 when she said the 17 years, that she could not
7 promise me no many years like that. She did -- and
8 I did say that before all that, but I -- she could
9 not promise me that. She did say that.

10 **Q** She couldn't promise you any certain number of
11 years?

12 **A** Yes.

13 **Q** Just so we're clear, she couldn't promise you
14 any certain number of years and didn't?

15 **A** Okay. Yes, sir.

16 **Q** Okay. You also stated on direct just now that
17 during your motion to reconsider, the judge actually
18 confirmed on the record that Ms. Howard had done a
19 good job for you?

20 **A** He felt like, yes, she -- when she said that,
21 he said that, yes, he did.

22 **Q** Ms. Driggers, when do you concede is the first
23 time you saw any discovery personally?

24 **A** I seen, like, three pages before, but on my
25 discovery period, I didn't -- and that was just a

1 statement that I said to the solicitors I got back,
2 you know, like a piece of paper I got. But as far
3 as my discovery goes, I didn't see it for, like, I
4 think four days before when all this, you know, was
5 about to take place. There should be a record at
6 the --

7 Q So let me make sure I understand correctly.
8 You're testifying that you did not see any discovery
9 relating to your charges in your case until four
10 days before you pled?

11 A Yes, sir.

12 Q That's your testimony?

13 A Yeah.

14 Q So you did not meet with your attorney,
15 Ms. Howard, on January 28th to review your
16 discovery; is that your testimony?

17 A Yes. I mean, we spoke, but I never seen my
18 discovery. The only time I seen it was right before
19 I got sentenced.

20 Q And is it your testimony today that you also
21 did not meet and discuss your case with your
22 attorney on February 7th?

23 A Yeah. I met with her plenty of times, several
24 times to be exact.

25 Q When you met with your attorney, did you

1 discuss your discovery?

2 **A** No. We discussed just the facts of what
3 happened in the case. We spoke a lot about the
4 facts. I never seen my discovery, none.

5 **Q** That wasn't my question. My question was did
6 you discuss your discovery with your attorney prior
7 to four days before your --

8 **A** I do not believe so, sir, because all I know is
9 we spoke about the facts. She wanted to go over the
10 facts several times about what happened.

11 **MR. MAYE:** One moment, Your Honor.

12 (Pause.)

13 **MR. MAYE:** May I approach, Your Honor?

14 **THE COURT:** Yes, sir.

15 BY MR. MAYE:

16 **Q** Ms. Driggers, I am handing you a stack of
17 papers. Do you recognize this at all? Take your
18 time.

19 **A** I mean, I remember having this in my
20 solicitor's office, like, the tape. She would mark
21 this stuff in my solicitor's office when we met.

22 **Q** Okay. Do you see a sticky note on that?

23 **A** Yes.

24 **Q** Okay. And does the sticky note begin with M?

25 **A** Yes.

1 **Q** Do you believe that to be a sticky note
2 directed to you?

3 **A** Yes.

4 **Q** And can you read that sticky note that's on
5 that document?

6 **A** It says, You can just ignore the tabs on the
7 side, but keep them in place because they will make
8 it much easier, much easier for us to review. I
9 will be back on Friday to go through all of this
10 with you, so read it carefully and take good notes.
11 Thank you so much.

12 **Q** Okay. And would you mind flipping through that
13 and telling me if you see any of your own
14 handwriting in pencil on those pages?

15 **A** Yes.

16 **Q** And would that appear to be discovery for your
17 case?

18 **A** It's in the statements of us, yes, it seems
19 like.

20 **Q** That's all I need.

21 **A** But this is stuff that we went over together
22 too, together sitting through a glass. I would push
23 it back to her under the glass. We have a glass
24 thing and we would -- that day right before. And
25 then we ended up going to a big -- what would make

1 it easier for us, we went to an office, a big office
2 behind the jail. There's an office for us to go to.
3 That's where -- we decided to go there where she
4 could go over my motion. I mean, that was, like,
5 four or five days before my thing.

6 **Q** Ms. Driggers, is this discovery in your case?

7 **A** Yes. It's statements. I just read them.

8 **Q** And you just stated that you received this,
9 were able to make handwritten notes so that your
10 attorney and you could go over it?

11 **A** Didn't I just say we did that together though.
12 We went over that, because I ended up not keeping
13 anything because I had a roommate, Desiree Almgren,
14 and then I had Tricia Provuncher, because of the
15 inmates -- because Desiree had got moved out of her
16 room because of that, because she would testify -- I
17 mean, make statements, that's why I was moved out of
18 her room. We didn't keep nothing.

19 **MS. ZMROCZEK:** Your Honor, I think we need to
20 approach.

21 **THE COURT:** Okay.

22 (Whereupon, a bench conference was held off
23 the record.)

24 **MS. ZMROCZEK:** Sorry. I'm not trying to
25 interrupt his questioning, but I needed to ask you a

1 question.

2 EXAMINATION

3 BY MS. ZMROCZEK:

4 Q You said that you had a roommate named Tricia
5 Provuncher?

6 A Yes, ma'am.

7 Q And why is it -- why were you concerned about
8 that?

9 A No. I got moved to her room the last part of
10 my thing.

11 Q Okay. So you got moved to her room?

12 A Yeah. I got moved out of Desiree Almgren
13 because of, you know, of me hearing her talking to
14 the police and stuff like that. So I didn't -- I
15 never even had -- I had three sheets and it was
16 three -- three sheets and they were statements I
17 said to the solicitor, you know what I'm saying.

18 Q Right. But there was no problem with Tricia
19 Provuncher?

20 A No.

21 MS. ZMROCZEK: Okay. I have no problem. Thank
22 you, Your Honor.

23 MR. MAYE: Are we okay to continue?

24 MS. ZMROCZEK: Yes.

25 *****

1 CROSS-EXAMINATION cont.

2 BY MR. MAYE:

3 Q Ms. Driggers, you stated earlier on direct
4 examination that, while you were meeting with the
5 solicitor and authorities, that there weren't any
6 witnesses to your -- to the crime, to your story,
7 anything like that; is that correct?

8 A Yes, sir.

9 Q Are you aware that one of your grounds in the
10 application is that your attorney did not interview
11 your witnesses?

12 A Like I said, I don't know -- when I wrote my
13 PCR, I don't know anything about a PCR. I had a
14 person in the library of our institution help me,
15 so. And that's been two years ago, so.

16 MR. MAYE: Court's indulgence for just a
17 moment, Your Honor.

18 (Pause.)

19 Q Ms. Driggers, Judge Russo heard your guilty
20 plea; is that correct?

21 A Yes.

22 Q Do you recall your guilty plea hearing?

23 A Uh-huh.

24 Q And did the court speak directly to you and ask
25 you a series of questions?

1 **A** Yes.

2 **Q** Were you -- did he ask you if you were under
3 the influence of drugs, alcohol or medications at
4 the time of your hearing?

5 **A** Yes, sir.

6 **Q** And did you respond that you were not?

7 **A** Yes.

8 **Q** And did he read the indictments and the crimes
9 you were charged with?

10 **A** (Witness nodded head.)

11 **THE COURT:** You need to answer verbally.

12 **THE WITNESS:** Yes, sir.

13 BY MR. MAYE:

14 **Q** And did you understand those when he read those
15 to you?

16 **A** Yes, sir.

17 **Q** So you understood your charges?

18 **A** Yes, sir, I did.

19 **Q** Did he describe the minimum/maximum sentences
20 you would be facing with those charges?

21 **A** Yes, sir. He had --

22 **Q** And you understood that as well?

23 **A** Yes.

24 **Q** Do you recall the State giving a brief
25 statement of facts as to the crime's history and

1 what they were charging you with?

2 **A** Yes, sir.

3 **Q** And did the court ask you if you had any
4 disagreement with the facts that were stated?

5 **A** Yes, sir.

6 **Q** And did you state to the court that you did not
7 have any disagreement?

8 **A** Yes, sir.

9 **Q** Did you -- did the court ask you if you wanted
10 to plead guilty that day?

11 **A** Yes.

12 **Q** And did he ask you that you were guilty of the
13 charges that day?

14 **A** Yes.

15 **Q** And did you respond to both of those questions
16 yes and yes?

17 **A** Yes.

18 **Q** Were -- did the court ask you if you were
19 threatened, forced or coerced into pleading guilty?

20 **A** Yes, sir.

21 **Q** And did you inform the court that you had not
22 been threatened, coerced or forced?

23 **A** Yes, sir. I was told of all the questions
24 before I went, because, like I said, I didn't see my
25 motion until four days before and I didn't really

1 see it that day, but I was told, you know, I had to
2 lay eyes on it because he was going to ask me that
3 day. I knew the questions they were going to ask
4 because Emily had already told me, so, yes.

5 **Q** Okay. So your attorney went over these
6 questions before your plea?

7 **A** Yes.

8 **Q** And you heard them again --

9 **A** And then she told me, yes.

10 **Q** Did the court explain your constitutional
11 rights that you would be waiving in pleading guilty
12 to the charges?

13 **A** Yes, sir.

14 **Q** And did those rights include your right to
15 confront witnesses?

16 **A** Yes, sir.

17 **Q** And did he inform you of your right for a jury
18 trial?

19 **A** Yes, sir.

20 **Q** And did he inform you of your right against
21 self-incrimination under the Fifth Amendment?

22 **A** I don't know what that is, but, yes, sir.

23 **Q** Did you inform the court that you were prepared
24 to waive those rights?

25 **A** Yes, sir.

1 Q Did he ask you if you were satisfied with your
2 attorney?

3 A Yes.

4 Q And did you respond to the court that you were
5 satisfied with your attorney?

6 A Yes.

7 Q And did he -- did the court ask you if you
8 needed any additional time to confer with your
9 attorney before pleading guilty?

10 A We conferred before, you know, we did. Like I
11 said, I even asked her to go out because the first
12 degree burglary, I'm still stuck on that because I
13 asked her that day to, please, I did not want to
14 sign that. That was one of the -- the only one I
15 did not want to sign. I understand the other ones
16 because I was there, you know. I have to take
17 responsibility for the choices, but the first degree
18 burglary, I -- but she said I had to take that or I
19 would go to trial for murder, and I know what
20 Kenneth got, not Kenneth, but...

21 Q Okay. So you knew that if you didn't accept
22 the plea, you would be going to trial for murder.
23 And you knew that if you went to trial for murder,
24 there was a possibility that you would receive a
25 life sentence?

1 **A** Yeah. I mean, I was basically convinced that I
2 would get life, but now I feel like I should have
3 took my case to trial for, you know, better
4 represented, for the whole thing to be heard, my
5 side, you know.

6 **Q** But you understood that you had a plea offer on
7 the table that was better than your possible
8 sentence than if you went to trial?

9 **A** Yes, sir.

10 **Q** And you accepted that plea knowing that?

11 **A** Yes, sir.

12 **Q** Did you also ask Ms. Howard if she would assist
13 you in a family court custody matter?

14 **A** With my kids?

15 **Q** Yes.

16 **A** I was asking her some questions that day. She
17 came to see me at the jail right before my kids --
18 right before Christmas. And my father of my kids
19 had just got in trouble, and I was asking her
20 questions about it that day. I did -- did she know
21 somebody. I didn't ask her. I asked did she know
22 somebody because I didn't know -- she's the one that
23 called my mom that day to get her to get Christmas
24 gifts for my kids, told them what I wanted, so.

25 **MR. MAYE:** No further questions, Your Honor.

1 **THE COURT:** Any redirect?

2 **MS. ZMROCZEK:** Just briefly.

3 REDIRECT EXAMINATION

4 BY MS. ZMROCZEK:

5 **Q** I wanted to ask you a few things. I wanted to
6 clarify, obviously you said that she couldn't
7 promise you anything, but when she gave you that
8 range, were you relying on that range?

9 **A** Yes, ma'am.

10 **Q** Okay. What -- he said -- he asked you about
11 feeling threatened or coerced. And so what would
12 happen if you didn't answer their questions the way
13 that y'all practiced answering them?

14 **A** I mean, I would at least said -- I mean, I
15 would have not said I'm going to get 30 years. I
16 would've -- I don't know how I would have said it,
17 so I can't say that.

18 **Q** Let me ask the question this way: If you
19 didn't plea, was your case scheduled for trial on
20 April 21st?

21 **A** April the 21st.

22 **Q** Okay. So it was either plea or go to trial on
23 April 21st?

24 **A** Uh-huh.

25 **Q** You have to say yes or no. I'm sorry.

1 **A** Yes, ma'am.

2 **Q** And did you feel that your attorney was
3 prepared to go to trial on April 21st?

4 **A** No.

5 **Q** Okay. Those are all the questions -- oh, wait.
6 He showed you, I believe, about 60 or so pages where
7 you had written notes.

8 **A** Yes.

9 **Q** Had you seen the over 1100 pages --

10 **A** No, I didn't.

11 **Q** -- for that?

12 **A** No, ma'am.

13 **Q** Ever seen phone records?

14 **A** No. We seen them inside the solicitor's
15 office. They had them. I was never -- had them,
16 no, ma'am.

17 **Q** Okay. Never went through them?

18 **A** No, ma'am. Because about four days before
19 the -- I took my plea, I know there was a whole
20 bunch of stuff, but for me to be able to take this
21 plea, I had to say that I seen my motion.

22 **MS. ZMROCZEK:** Those are all the questions I
23 have. Thank you.

24 **MR. MAYE:** Brief recross?

25 **THE COURT:** Yes.

RECROSS-EXAMINATION

BY MR. MAYE:

Q Ms. Driggers, did your attorney inform you that there was a substantial amount of information in the discovery that was not pertinent to your defense?

A I don't understand what you're...

Q I'll rephrase. Did your attorney inform you that of the materials that she had been provided in discovery, that a lot of it didn't have anything to do with you?

A I mean, no.

Q You don't recall that?

A No.

MR. MAYE: No further questions.

THE COURT: You may step down.

MS. ZMROCZEK: Your Honor, that's the only witness that we'll be calling.

THE COURT: So no further witnesses by the Applicant; is that correct?

MS. ZMROCZEK: Correct.

THE COURT: Mr. Maye.

MR. MAYE: Your Honor, Respondent would call Shawn Graham.

THE COURT: Step forward, please; be sworn.

* * * *

1 DAVID SHAWN GRAHAM,
2 having been duly sworn, testified as follows:
3 **THE COURT:** State your full name, please, and
4 spell your first name.
5 **THE WITNESS:** David Shawn Graham. First name
6 is spelled David, D-a-v-i-d. And I go by Shawn.
7 **THE COURT:** And how do you spell Shawn?
8 **THE WITNESS:** S-h-a-w-n.
9 **THE COURT:** Thank you.

10 DIRECT EXAMINATION

11 BY MR. MAYE:

12 **Q** Good morning, Mr. Graham. How are you doing
13 today?

14 **A** I'm good. How are you?

15 **Q** Good. Glad to hear it.

16 If you could, state your occupation for the
17 record.

18 **A** I'm deputy solicitor with the Eleventh Circuit
19 Solicitor's Office. And I've been with this office
20 for almost 19 years and a prosecutor for over 20.

21 **Q** Okay. And were you the solicitor in charge of
22 prosecuting Ms. Driggers?

23 **A** I was.

24 **Q** And how well do you remember her particular
25 case?

1 **A** How well do I remember --

2 **Q** Her particular case?

3 **A** Pretty well.

4 **Q** And can you, please, provide the Court just a
5 very basic background of the crime that was
6 involved?

7 **A** Sure. And I was in here when Mr. Hubbard
8 testified.

9 Timothy Tice lived over at Jake's Landing,
10 which is on Lake Murray, not very far from here.
11 And he was --

12 **MS. ZMROCZEK:** Your Honor, I just -- I believe
13 the facts will be substantially the same. I don't
14 know that this goes to the voluntariness of her
15 plea.

16 **MR. MAYE:** I'm fine with that.

17 BY MR. MAYE:

18 **Q** We can move on from the facts, but I will ask
19 you, were you present for meetings with Ms. Driggers
20 with your office?

21 **A** I believe I was probably present for every one
22 of them.

23 **Q** And were there multiple meetings with her?

24 **A** Yes.

25 **Q** Can you describe those for me?

1 **A** Each time that we met with her, she would have
2 been there with her attorney, so it would have been
3 either Mr. Schnee or Ms. Howard. I think they were
4 all done in either one of two conference rooms
5 upstairs in this courthouse on the fourth floor.
6 And it would have been myself, for sure, probably an
7 investigator from our office, and for sure a member
8 of law enforcement to document the interview.

9 **Q** And was --

10 **A** And each one of those times -- I'm sorry. At
11 that time, you know, in most every interview I've
12 had -- obviously, we're looking -- Mr. Glenn was the
13 person who we believed and who was convicted of
14 killing Mr. Tice. We were looking to get
15 cooperation from Ms. Driggers. We were looking to
16 get corroboration from Mr. Walters.

17 They would have come in with their attorney,
18 and we would have read them their rights and told
19 them that it was their choice if they wanted to
20 speak, they didn't have to, and -- but if they did
21 say something, that it would be used against them
22 later and made that very clear to them, that if they
23 wanted to stop the interview at any time, they could
24 stop, and that if they wanted to ask their attorney
25 questions during the interview, that they could do

1 that. And that's how each one of those interviews
2 would have been conducted.

3 **Q** And in those interviews, did Ms. Driggers agree
4 to speak with you?

5 **A** Yes, every time.

6 **Q** And was the goal, hopefully, to have her
7 testify against Mr. Glenn?

8 **A** Yes. We would have -- with her and with
9 Mr. Walters or with anybody else, when -- except for
10 very rare instances -- when I interview a, what I'm
11 hoping to be, is a cooperating co-defendant, you
12 know, we go over the fact that they're charged with,
13 in her case, it would have been murder, burglary
14 first, armed robbery, and I think she may have
15 originally been arrested for misprision of a felony
16 on this case, but that, you know, we were not there
17 to make any promises, that it was my understanding
18 that she was there because she was trying to help
19 herself on the case and come and tell the truth, and
20 that, you know, if it turned out that we got to the
21 point where we believed what she was saying and it
22 turned out that she chose to testify for us, then we
23 would talk about any, you know, possible reduction
24 in sentence or a plea offer later at a later date.

25 **Q** All right. And how did the content of

1 Ms. Driggers' conversations with your office affect
2 you in going forward with having her testify --
3 hopefully, having her testify in Mr. Glenn's trial?

4 **A** You know, obviously, we wanted to have her
5 testimony, we wanted to have Mr. Walters' testimony,
6 so that's why we talked to her numerous times and
7 her story kept changing. Her attorney kept saying,
8 There's more; she wants to come talk to you again.

9 The physical evidence against Mr. Glenn --
10 there wasn't any DNA in the house from him. You had
11 Mr. Tice's DNA. You had Ms. Driggers' DNA from the
12 Solo cup that contained wine which matched the story
13 that, you know, I think all of her stories, she
14 admitted that she was over there and had wine. And
15 then there was a broken handgun, and I can't
16 remember whether it was -- I think it was a
17 semiautomatic -- a broken semiautomatic that was
18 found at the scene that I believe contained DNA from
19 Mr. Walters. And there was also a bloody handprint
20 on the door exiting Mr. Tice's house that was, I
21 believe, was Mr. Walters' DNA as well.

22 So there was physical evidence linking both of
23 those, but not Mr. Glenn. So, obviously, we were
24 trying to find a corroborating story from both of
25 the co-defendants.

1 **Q** And was Ms. Driggers able to provide that for
2 you?

3 **A** I don't remember all of her stories. Most of
4 them were self-serving, self-serving, self-serving.
5 We would confront her with information that we were
6 receiving from other people, whether that was from
7 the interview with Mr. Walters, Mr. Plumley or
8 Tyrone Williams, but her story would change. But
9 she did put herself there.

10 But in all honesty, I don't -- I have to go
11 back and look at the exact dates. I'm not sure of
12 Mr. Glenn's trial date. She ultimately came and
13 implicated herself in a burglary and an armed
14 robbery, but I believe that was after Mr. Glenn's
15 trial.

16 But, regardless, we never believed her. And I
17 wasn't going to put up -- even if there were pieces
18 of her story that would have helped, because, I
19 mean, she described Mr. Glenn being there and she
20 described seeing Mr. Glenn, I believe, and
21 Mr. Walters both in, you know, a struggle with
22 Mr. Tice, but our decision was that we weren't going
23 to -- if we didn't believe her, we weren't going to
24 put her up. Either we were going to get the whole
25 truth and use her or if it was self-serving, I

1 didn't want to -- I didn't want to put up a witness
2 that wasn't telling the truth that I didn't believe
3 them because I want the jury to believe what's being
4 said and I want the jury to believe me.

5 **Q** During those discussions, did she identify any
6 witnesses that would help her case?

7 **A** No. And I remember what she testified to up
8 here is what she told us at the time, that she did
9 not talk about this case with anybody. So the only
10 people would have been, from what she told us, I
11 think, would have been Mr. Glenn and Mr. Walters.
12 And she barely knew Mr. Walters. I think she met
13 him that night, maybe.

14 **Q** And are you familiar with the discovery phase
15 of this case?

16 **A** Yes.

17 **Q** Generally speaking, do you recall any issues
18 involving production of discovery to Ms. Driggers?

19 **A** No, not on this case. We -- my paralegal is
20 back there smiling at me right now. When we get
21 discovery in, we turn it over. In a rare instance,
22 if there's time-sensitive stuff, we may hold back a
23 witness who could open themselves up to being
24 intimidated or threatened, and that would come at an
25 appropriate time, but this --

1 You know, you had showed Mr. Hubbard a
2 document. I'm the one that printed that off from
3 our PCMS system which shows the date that the
4 discovery was created. It doesn't necessarily show
5 the date that it was delivered or handed to
6 somebody, but it does show we number stamp and date
7 it. So that would show the discovery from 2011
8 through, you know, right before this plea. It shows
9 that...

10 **MR. MAYE:** May I approach, Your Honor?

11 **THE COURT:** Yes, sir.

12 BY MR. MAYE:

13 **Q** Mr. Graham, do you recognize this document?

14 **A** I do. I printed it off from our computer
15 system this morning.

16 **Q** Can you tell me exactly what that document is?

17 **A** Sure. For -- PCMS -- and I don't know what
18 PCMS stands for, court management system. Each of
19 our defendants is put in there. It shows their
20 charge when a warrant comes in or straight
21 indictments when it's created. One of the things it
22 does is that we upload our discovery into that
23 system and then we create redactions to take out
24 sensitive information before it gets sent out to
25 defense attorneys on the case.

1 But what this does is for each batch of
2 discovery that goes out, it creates a particular
3 file showing the date and time. It also has it when
4 it's redacted, which is where myself or my paralegal
5 would go through and redact the information out, and
6 then it often times shows when a discovery letter
7 would be created as well.

8 **Q** All right. And is it a fair and accurate
9 representation of the discovery records in your
10 system?

11 **A** It is for this case.

12 **MR. MAYE:** Unless there's an objection, I would
13 offer this as Respondent's Exhibit 1.

14 **MS. ZMROCZEK:** No objection. I just ask if
15 they can make me another copy before we leave.

16 **THE COURT:** Sure. It's admitted.

17 (Respondent's Exhibit Number 1, discovery
18 log, marked and admitted into evidence.)

19 BY MR. MAYE:

20 **Q** Mr. Graham, in reviewing that document, can you
21 point to the last discovery that was provided by
22 your office?

23 **A** There's a discovery letter that's dated March
24 27th, 2014. And on the same date, it looks like
25 that a PDF, which would be a document, a one-page

1 document, was sent as well.

2 **Q** Okay. And are you able to tell by that record
3 what the basic content of that discovery would have
4 been?

5 **A** I had gone through, after I pulled up the PCMS
6 system and looked through, I looked to see what some
7 of the last discovery that was sent on this case.
8 The last -- most recent -- and I think it's the last
9 thing that was sent. Three -- I don't know if it's
10 3/27 or not. I don't know. Let me see -- it looked
11 like -- the last couple of things that were sent had,
12 to do with interviews with Ms. Driggers. The
13 3/27/2014 discovery is date stamped, but it's
14 actually showing notes from an interview with
15 Ms. Driggers that occurred on February 27, 2014.

16 **Q** Okay. So would it be accurate that the
17 discovery that was provided on March 27th was
18 nothing that Ms. Driggers was not already aware of?

19 **A** No. It was a summary of her interview actually
20 and then -- I don't know why the dates are a little
21 different -- on 3/17, so ten days prior to that
22 discovery, we had sent, which I really believe is
23 the last time we spoke with Ms. Driggers was on
24 March 14th of 2014, we sent out discovery dated
25 March 17th, 2014, and that would have detailed the

1 last interview we have. And I believe those two are
2 the last two items of discovery that were sent on
3 the case.

4 **Q** Thank you.

5 Do you recall her plea hearing?

6 **A** Yes.

7 **Q** Do you recall it well?

8 **A** Fairly well, yes.

9 **Q** Are you able to say confidently that Judge
10 Russo did not leave out anything in his colloquy
11 that would render her plea involuntary or unknowing?

12 **A** No. He went through -- he went through all the
13 proper questions. I mean, like I said, I've been a
14 prosecutor for 20 years, the last 10 years has been
15 pretty much basically murder cases with a lot of
16 testifying co-defendants, so I've been present in a
17 lot of pleas for serious cases that I do not want to
18 come back for a PCR. If Judge Russo would have left
19 out something such as voluntariness, notifying her
20 that these were strikes or most serious offenses,
21 that they were violent offenses, the amount of time,
22 you know, that she would have to serve on those kind
23 of offenses or anything regarding the negotiations
24 on the case or charges being dismissed or her
25 rights, I would have nicely brought that to the

1 judge's attention.

2 Q But you didn't have to do so that day?

3 A No. If -- no.

4 Q And did Ms. Driggers plead that day?

5 A She did.

6 Q And what are the charges she pled to?

7 A She pled to -- we reduced the murder down to a
8 voluntary manslaughter. She pled to a burglary
9 first and she pled to an armed robbery with a
10 negotiated range of 15 to 30 years concurrent. And
11 I believe, like I said, there was a misprision of a
12 felony charge, so that would have been dismissed.
13 If there would have been any other associated
14 charges, I can't remember whether there was a
15 possession of a weapon during a violent crime or
16 anything like that, that would have been dismissed
17 as well.

18 Q And were you present for the subsequent
19 sentencing?

20 A I believe I was.

21 Q And do you recall what she was sentenced to?

22 A Well, she was sentenced -- it was a motion to
23 reconsider, the second hearing. The first one she
24 was sentenced to 30 years.

25 Q Did anything change after the motion to

1 reconsider?

2 **A** No.

3 **Q** And was the sentence provided within the
4 parameters of the offer that your office gave her?

5 **A** It was.

6 **MR. MAYE:** Beg the Court's indulgence for a
7 moment.

8 (Pause.)

9 **MR. MAYE:** No further questions, Your Honor.

10 **THE COURT:** Any cross?

11 **MS. ZMROCZEK:** Thank you.

12 CROSS-EXAMINATION

13 BY MS. ZMROCZEK:

14 **Q** Mr. Graham, you would agree with me that there
15 was a -- from 2011, a voluminous amount of discovery
16 from this case, correct?

17 **A** No question. In every murder case, there is.

18 **Q** Okay. And by my count, when you send
19 discovery, you identify it, identify the pages, how
20 many there are, and discs, et cetera --

21 **A** Correct. For what we call date stamp. So each
22 batch of physical paperwork, it would have the date
23 that that batch of discovery was being created and
24 it would have a number of, say, 1 through 200, and
25 then we'd go through that count. And then discovery

1 -- paper discovery that was sent on another day
2 would be the same with a different date.

3 **Q** And do you recall when Ms. Howard was assigned
4 this case?

5 **A** I do not.

6 **Q** Do you recall when you would have sent her that
7 discovery?

8 **A** The original discovery would have been sent to
9 Mr. Schnee. Once she got switched over and we got
10 the new letter of representation, we would have sent
11 the new stuff to her.

12 **Q** And I'm just going to show you something that
13 may refresh your recollection.

14 **A** Okay. Apparently, it looks like -- which I
15 didn't know I was going to ask the question. What
16 you have showed me is a letter that I would have
17 asked my paralegal to create and I signed. It looks
18 like it went back and detailed everything that we
19 had previously provided to Mr. Schnee to make sure
20 that Ms. Howard received it from Mr. Schnee in case
21 that -- because I'm sure I would have asked her if
22 she got -- Did you get the case file or do you want
23 a new one? I don't know what her answer was,
24 whether she got it from Mr. Schnee, and this was,
25 okay, confirming with you this is what you should

1 have. It says a CD, so I'm assuming that we just
2 gave her everything again.

3 **Q** Okay. And what date is on there?

4 **A** The date on that letter you showed me is
5 December 17th of 2013.

6 **Q** And then you said that there were -- according
7 to your log, there were a few more dates in March
8 that you provided additional discovery?

9 **A** Yes. And if you want to show it to me, I can
10 look and see if there's more. There may have been
11 some in February or January as well.

12 **Q** And you would agree with me that there were --
13 I'm not going to make you add the numbers. But
14 looking at the numbers, especially including the --
15 yeah, the large number at the bottom, that it could
16 be over 1100 pages?

17 **A** No question. The one that you pointed to is
18 942 pages. So it's probably easily over a thousand,
19 1100. And then it looks like we also sent videos of
20 video cameras, and it also looks like a bunch of
21 phone records were sent as well.

22 **Q** And phone records are -- they're comprehensive
23 Excel files, correct?

24 **A** Right. That would be -- depending on the dates
25 that the search warrant got from the cell phone

1 provider, those are voluminous as well.

2 Q So you would agree with me that there were at
3 least 19 CDs, a lot with different cell phone
4 provider records on them, correct?

5 A I would have to go back and look. I see you
6 holding a lot. And I know that other list you
7 showed me, that there were more than, you know, more
8 than ten and I would have to see. I know some of
9 them were cameras and some of them were cell phones.

10 Q And they were also jail phone calls?

11 A Yeah. Apparently, four of these so far are
12 jail phone calls. Phone report, I don't know, that
13 may be a phone extraction if they recovered a phone.
14 Some of these are not labeled. Some of them were
15 labeled by phone, and that they say the phone -- the
16 letter that you showed me earlier actually probably
17 had a better description of what these are rather
18 than what's written on the outside of them. But,
19 yeah, I mean, if you say there's 19, I believe you.
20 There's a lot of them in my hands.

21 Q Okay. And you had sent Ms. Howard an e-mail
22 advising her of your intention to call this case for
23 trial on April 21st if she didn't -- if she,
24 Ms. Driggers, did not plea; is that correct?

25 A Do you have a copy of it?

1 Q I do.

2 A I know that we had tried Mr. Glenn's case --

3 Q In November.

4 A -- and, obviously, we had tried to get
5 Mr. Walters and Ms. Driggers to testify for us, that
6 didn't turn out, that -- I know that we were then,
7 honestly, probably going to Mr. Walters next to see
8 whether Mr. Walters wanted to come and testify
9 against Ms. Driggers and that didn't happen
10 apparently, and we did a plea on him.

11 What you handed me is -- looks like an e-mail I
12 sent. And it says that we are planning on calling
13 her case for trial on the 21st as we have discussed.
14 If she wants to come speak to us prior plea -- if
15 Ms. Driggers wishes to come speak to us plea prior
16 to trial on March, and then in parentheses, March
17 10th and potentially testify against her
18 co-defendant, she needs to do so now.

19 So I guess this would have been sent, it says,
20 on February 18th. So that would have been before we
21 -- apparently, at that point, we were looking at
22 trying Mr. Walters and we were trying to give her
23 another opportunity to come in and talk to us, which
24 I guess is where those other discovery dates came
25 for her story on that, asking her to come in by the

1 week of March 10th.

2 **Q** And so had she not pled, you were prepared and
3 intending to call her case for trial for murder,
4 burglary first, armed -- and armed robbery on April
5 21st?

6 **A** That's what I wrote in that letter or e-mail
7 from February 28th. I actually have the offer
8 letter that I wrote, which I don't know whether you
9 have or the assistant attorney general has. If you
10 want to take a look at that, I can tell you exactly
11 what it says. Whether that trial date changed or
12 not, I don't know.

13 **Q** I don't have that, but maybe they can find it.
14 And is there a reason that this case wasn't
15 indicted until March 10th of 2014?

16 **A** No, I don't know why. I don't know whether
17 I'd -- is that -- I'm not doubting it. Is that for
18 every -- I'm wondering whether it's every one of the
19 defendants and not anybody -- anybody on the case or
20 was it just hers.

21 **Q** Well, I believe the trial of Mr. Glenn was
22 November 5th through 7th of 2013.

23 **A** The burglary first -- and when I went back and
24 looked on our PCMS system, she had multiple charges,
25 and I'm thinking that there was something wrong with

1 the warrants because the one you handed me is the
2 indictment for burglary first, what's on top, and
3 that's 2014-GS-32-00899. It is not based on a
4 warrant, it's based on a straight indictment number,
5 which is over here in the warrant. The --

6 Q And that was on March 10th, 2014?

7 A Yes. The murder indictment, looks like it was
8 based on a warrant, and it was also done at the same
9 time. I can't tell you why it was not done earlier.
10 And then the armed robbery also looks like it was a
11 straight indictment that was done -- all of them
12 were done at the same time.

13 Q Okay. And you mentioned that there may have
14 been problems with the warrants the first time
15 around?

16 A When I looked at the PCMS this morning and went
17 into it, it looked like, and I can't say -- I don't
18 want to say there was two murders and two armed
19 robberies and two burglaries, but there were way
20 more charges associated with her than just murder,
21 burglary and armed robbery.

22 Q Okay.

23 A It very well could have, likely, have gone back
24 -- and I would have to look to see if they were
25 indicted earlier. A lot of times, as we're going to

1 trial, they get reindicted because the original one
2 may say that Margaret Marie Driggers did, in
3 Lexington County, on or about this date, with malice
4 aforethought, kill Tim Tice. What we may have done
5 is gone back and included all of the co-defendants,
6 and it would have had Demetriss Glenn and/or
7 Margaret Driggers and/or Kenneth Walters. That's my
8 guess of why.

9 Q Okay. And I don't have any information about
10 the date moving -- the trial date moving, but you
11 were certainly ready and prepared to go forward on
12 April the 21st of 2014?

13 A I would like to see the actual offer letter
14 that the attorney general has because I don't know
15 -- that e-mail was written in February. I'm not
16 sure whether we were still sticking to that date or
17 not.

18 I know that Ms. Howard, when she was
19 appointed -- yes, it still looks like it was our
20 intention to try the case April 21st, 2014.

21 Q Even though Ms. Howard had just received the
22 bulk of the discovery in December of 2013?

23 A Right. I don't remember, at any time, Ms.
24 Howard telling me that she needed more time.

25 MS. ZMROCZEK: Okay. Those are all the

1 questions I have.

2 **THE COURT:** Any redirect?

3 **MR. MAYE:** Briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. MAYE:

6 **Q** If Ms. Howard had asked you that she needed
7 more time to review discovery or prepare the case in
8 the event that she was not going to -- her client
9 was not going to plea, would you have been able to
10 grant that for her?

11 **A** In this case, because she did just get the case
12 in December, I'm sure that we wouldn't have even had
13 to go before a judge and I probably would have
14 rescheduled that for a later date.

15 **Q** Is there any statute of limitations on
16 indictments, anything that would cause these
17 indictments to be delayed or improper?

18 **A** There's an administrative court order, and I
19 don't remember which justice signed it years ago,
20 that I said -- that they ask us or direct us to do
21 it within 180 days, but I don't believe that there's
22 a statute of limitations on when they have to be
23 done.

24 **Q** And you were asked about the volume of
25 discovery. Would that discovery also include any

1 materials relating to other suspects?

2 **A** Sure. It would have been -- not on different
3 cases, but it would have been on this case. So you
4 would have had all of the investigation. You would
5 have had all of the interviews. You would have had,
6 you know, with -- not only the co-defendants, but
7 any potential witnesses, any other people who
8 testified, like at Mr. Glenn's trial, Mr. Plumley
9 who had been a cellmate, his was in there, Tyrone
10 Williams, his information would have been in there,
11 their rap sheets would have been in there. And we
12 would have had as many -- you would have had all the
13 SLED documentation for the DNA testing, all of the
14 chain of custody. I mean, there is a lot of stuff.

15 **Q** Does it -- would it be fair to say that there's
16 a portion of the discovery that would not have been
17 directly related to the defense of Ms. Driggers?

18 **A** Well, sure, if you want to -- if you wanted to
19 look at the case -- if we went to trial on
20 Ms. Driggers, the case would have been presented
21 like this, to the best of my recollection:

22 We had phone records that she had acknowledged
23 to us that was her phone. It showed multiple
24 contact between her and Mr. Tice that day and the
25 day before. I believe we had text content as well.

1 We also had cell tower location. So we would have
2 seen -- if I remember correctly that day, she
3 initiated contact with Mr. Tice, and it was back and
4 forth. And she had talked about him, you know,
5 coming over, and I think they agreed for her to come
6 over.

7 And then -- I can't remember. I don't believe
8 that Mr. Glenn had a phone. I believe Mr. Walters
9 had a phone. I can't remember -- other than the
10 text that she sent, which she acknowledged that she
11 sent inside out, I think that went to Mr. Walters'
12 phone, so we had his records, and that would have
13 reflected, I think, on both ends, about that he's
14 asleep.

15 We also had cell tower locations. And so we
16 were able to map on her phone -- you could see the
17 matching the movement and the story of pretty much
18 where she said -- ultimately, where she said she
19 went from Columbia, and I don't want to say where
20 all they went, but they came over to Lexington
21 County. She had, actually, I think in our last
22 interview, had talked about going -- stopping at a
23 convenience store in Lexington to try to buy ski
24 masks. And they couldn't find them there and had to
25 go back to downtown Columbia, the Five Points area

1 or somewhere. You could see -- you could see that
2 matching up with the last story.

3 And you could also -- there were also
4 locations, I don't remember whether it was directly
5 covering Mr. Tice's house, but there were cell
6 towers that covered the Lake Murray area. So we
7 would have presented that information along with all
8 of her -- all of her interviews with us.

9 Her last -- her last interview, which would
10 have been after Mr. Glenn's trial; my memory was
11 that -- and I printed out and looked at it this
12 morning -- was that she acknowledged that there was
13 a plan to commit a robbery. She said it wasn't her
14 plan, but there was a plan to commit a robbery.
15 They were going to rob a drug dealer, that she was
16 going to go inside and that Mr. Tice was going to
17 call the drug dealer to get a drug dealer over there
18 to deliver drugs, that she was supposed to be naked
19 and that way Mr. Tice had to answer the door and
20 that Mr. Glenn and Mr. Walters were going to rob
21 both the drug dealer and Mr. Tice.

22 I was in the courtroom when she testified
23 saying about Mr. Tice not having money, but her own
24 last statement to us, and I think when she
25 testified, talked about Mr. Tice having money to buy

1 drugs. We don't know the amount of money that he
2 had on him.

3 There was -- he was a firearms collector. I
4 don't even know how many -- nobody could ever
5 determine how many of the firearms were taken from
6 the house. One was recovered that was identified.
7 And there was also jewelry and ammunition that was
8 taken from the house as well, which, in various
9 interviews, she corroborated those things. She
10 talked about the guns being taken. She actually
11 said that there was a Crown Royal bag that contained
12 bullets, and she said that Mr. Glenn made her touch
13 each one of those bullets. I guess she was worried
14 about having her DNA on those bullets.

15 And if my memory serves me correctly, when
16 Tyrone Williams -- Tyrone Williams would have
17 testified against her as well. Tyrone Williams was
18 the one that Mr. Glenn called Unc. When
19 Mr. Glenn -- after the -- after Mr. Tice's murder,
20 he went over there and I believe he told them that
21 he had heard, I think the word was a cracker, and
22 that -- I think it was before the death was
23 announced on the news. And he had him hold the gun
24 and I also believe the Crown Royal bag with bullets.
25 I could be wrong, that could be that's just coming

1 from Ms. Driggers and her saying that.

2 But Mr. Williams would have been a star witness
3 in a case against Ms. Driggers because he would have
4 testified that Mr. Glenn and her had a relationship,
5 that he had been around them just prior to this
6 incident for multiple times over a course of days.
7 And it would be his testimony, what he told us was,
8 that it was her idea, that she was saying that she
9 knew a guy that lived over by the lake that had
10 money and had guns and jewelry, and that it would be
11 easy to rob him and wouldn't put up a fight, and
12 that she was the one that came up with this plan.

13 And then he also would have said that after the
14 -- afterwards, after he got the gun, which was
15 identified, that he met with her and that
16 Ms. Driggers would have -- his testimony was
17 Ms. Driggers was continuing to fuss at Mr. Glenn not
18 for having to kill Mr. Tice, but because they ran
19 out of there too quick and didn't get enough stuff.

20 Q So in addition to Mr. Williams' testimony, you
21 had the statements of Ms. Driggers. If she decided
22 to go to trial, you would have had these statements
23 available to your office in prosecuting her; is that
24 correct?

25 A Sure. Like I said, the main evidence against

1 her would have been her DNA at the scene, her cell
2 phone records showing phone calls, texts, and also
3 cell tower locations that put her there, the DNA
4 that put her there, and then the testimony of Tyrone
5 Williams implicating her, and also all her own
6 varying statements, which, like I said, her --

7 Every time we'd confront her with something,
8 she would continue to develop a story to try to
9 explain it or just switch without explaining why she
10 told something different earlier. But her ultimate
11 statement implicated herself in a burglary and armed
12 robbery, and, as far as the murder, would have been
13 under the hand of one hand of all, that although it
14 may not have been a planned murder, that, you know,
15 and I can't remember the exact jury charge because
16 it's not -- we don't -- it's called something
17 different in South Carolina, but when you plan --
18 when you know you're going to commit an armed
19 robbery or you know you're going to commit a
20 burglary, that a natural consequence of murder can
21 occur, you're just as responsible as if you planned
22 it.

23 MR. MAYE: Nothing further, Your Honor.

24 THE COURT: Recross?

25 MS. ZMROCZEK: Just very briefly.

1 RECROSS-EXAMINATION

2 BY MS. ZMROCZEK:

3 **Q** I heard you, what I think, discussing felony
4 murder?

5 **A** Thank you. Except it's not called felony
6 murder in South Carolina. It's called something
7 else, but, yes, that's correct.

8 **Q** Okay. But you would agree that the phone
9 records also show that Mr. Tice had contacted
10 Ms. Driggers -- the phone records show that he had
11 contacted her as well, correct?

12 **A** Oh, there's no question. I just think that she
13 -- if my memory serves me, she initiated contact
14 that day. But there's no question that there was
15 back and forth calls and texts between them.

16 **Q** And there were drugs in the house?

17 **A** I don't remember.

18 **Q** Okay. And there were drugs in Mr. Tice's
19 system?

20 **A** I don't remember. I mean, their relationship,
21 my understanding was, is that she was a prostitute,
22 and I believe that he did do drugs. I don't
23 remember whether he had any in that system, but if
24 you say he did, that doesn't surprise me.

25 **MS. ZMROCZEK:** Okay. Thank you. No further

1 questions.

2 **THE COURT:** You may step down. Thank you.

3 **THE WITNESS:** Thank you, Judge.

4 **MR. MAYE:** Respondent calls Emily Howard.

5 EMILY BROOKS HOWARD,

6 having been duly sworn, testified as follows:

7 **THE COURT:** Please state your full name.

8 **THE WITNESS:** My full name is Emily Brooks
9 Howard.

10 **THE COURT:** Thank you.

11 DIRECT EXAMINATION

12 BY MR. MAYE:

13 **Q** Good morning, Ms. Howard.

14 **A** Good morning.

15 **Q** How are you doing today?

16 **A** Okay.

17 **Q** Good.

18 If you could, would you please state your
19 current occupation?

20 **A** Currently, I am a financial adviser at
21 Northwestern Mutual.

22 **Q** And when did you begin serving as a financial
23 adviser?

24 **A** It'll be two years this November.

25 **Q** And are you still bar certified in South

EMILY BROOKS HOWARD. - DIRECT BY MR. MAYE

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1 Carolina as a lawyer?

2 A I am. My license, as of January 1st this year,
3 I just put it on inactive status because I cannot
4 practice law and give financial advice.

5 Q Sure. Prior to your current profession, where
6 were you employed?

7 A I had my law office, the law office of Emily B.
8 Howard, right here on Main Street in Lexington.

9 Q And before your private practice, what area of
10 law did you focus in?

11 A Criminal defense.

12 Q And how long did you practice criminal defense?

13 A For four and a half to five years. It's a
14 little hazy.

15 Q And prior to that, were you a lawyer in
16 criminal law in general?

17 A I was. I started -- I clerked for a year and a
18 half for a judge who -- for a circuit judge, but who
19 did 90 percent general sessions cases. And then I
20 was employed at the solicitor's office here in
21 Lexington. Then I joined Willie Bradley in his
22 practice where we mostly focused on criminal defense
23 and then opened my own firm.

24 Q So, collectively, how long would you say you've
25 been practicing or participating in criminal law?

1 **A** Nine years.

2 **Q** Do you recognize the Applicant, Ms. Margaret
3 Driggers?

4 **A** Yes.

5 **Q** And why is that?

6 **A** I represented Ms. Driggers in 2014.

7 **Q** And can you recall about when in 2014 that
8 would have been?

9 **A** I received notice that I had been appointed on
10 her case just before Christmas. And I cannot
11 remember if I met Ms. Driggers in December of 2013
12 or after the holidays, in the beginning of January
13 2014, but right around there.

14 **Q** All right. And were you her first counsel or
15 were you subsequent counsel?

16 **A** I was subsequently appointed to her case.

17 **Q** Who was original counsel?

18 **A** Mark Schnee.

19 **Q** And did you have any communications with
20 Mr. Schnee?

21 **A** I did not. When I was first appointed on the
22 case, I knew that -- well, I didn't know until I was
23 told, but I found out that Mr. Schnee had previously
24 been her attorney. I did give him a call at his
25 office, just left a voice mail. I think most of it

1 was probably to see about discovery, what he had,
2 what he'd given. He never returned my call, and I
3 never reached out to him again.

4 **Q** Okay. And how well would you -- excuse me --
5 how would you describe your recollection of her
6 case? Would you describe it well or --

7 **A** Yes, well.

8 **Q** And why is that?

9 **A** It wasn't, obviously, a very long, drawn out
10 process for me. I mean, it was in a succinct time
11 period, and it was coming in in the middle of a
12 murder case, you know. I mean, it -- it was the
13 forefront of my legal activity during the time
14 period when I had Ms. Driggers as a defendant.

15 **MR. MAYE:** Your Honor, may I approach?

16 **THE COURT:** Yes.

17 **BY MR. MAYE:**

18 **Q** Ms. Howard, do you recognize what I'm handing
19 you?

20 **A** I do.

21 **Q** And can you tell the Court what that is?

22 **A** This is a sheet that I -- as soon as I get
23 charges or get warrants, I always do this for my own
24 benefit, for the benefit of my clients. It's a --
25 it's a sheet where I write down the charges, the CDR

1 codes, all of the elements of the punishment of the
2 offense, such as 85 percent, violent felony. And I
3 keep the original copy and give my client a copy.
4 And my cell number is written at the bottom of this
5 in pencil.

6 **Q** Is that the original copy from your notes?

7 **A** Actually -- well, the original in pen is in my
8 notebook, but --

9 **Q** Does that appear to be a fair and accurate
10 copy --

11 **A** I'm sorry. Yes, this is my handwriting. This
12 is a copy of the original, absolutely. Sorry.

13 **Q** And do you provide this to your clients?

14 **A** Always.

15 **Q** Always? So you do this for every single client
16 you have?

17 **A** It's just a good reference sheet for me and
18 them always.

19 **MR. MAYE:** Your Honor, I'd offer this as
20 Respondent's Exhibit 2.

21 **THE COURT:** Any objection?

22 **MS. ZMROCZEK:** No objection.

23 **THE COURT:** Let the court reporter mark it.
24 It's admitted.

25 (Respondent's Exhibit Number 2, reference

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1 sheet, marked and admitted into evidence.)

2 BY MR. MAYE:

3 Q Ms. Howard, this particular note deals with the
4 precise charges that were indicted for Ms. Driggers;
5 is that correct?

6 A Yes. Although, I'm going to say indicted might
7 be a loose word. There was something going on with
8 the indictments. These are the charges that I
9 received in discovery through warrants.

10 Q And you stated earlier that you provide these
11 to your clients?

12 A Yes.

13 Q Did you discuss these -- did you discuss this
14 document with your client?

15 A Yeah. This is always the first thing I go over
16 with a client.

17 Q And if you could, just go through the document
18 and tell the Court exactly what all information
19 you're providing to your client when you go over
20 this.

21 A It's -- the first charge is murder. It gives
22 the punishments, and it gives the statutory code and
23 the CDR code. The second is accessory after felony
24 A, B, C or murder. Third is burglary first. And
25 the last is for armed robbery. And I keep this at

1 the forefront of my file always because my prior
2 experience, half the time a CDR code isn't right or
3 a statutory description is not necessarily right, so
4 I just always have this on hand.

5 Q By the time you were assigned to Ms. Driggers'
6 case, had she already communicated with the
7 solicitor's office and authorities?

8 A She had. She had communicated with
9 authorities, authorities not associated with the
10 solicitor's office, and she had communicated with
11 the solicitor's office, and sometimes represented by
12 counsel in those communications and sometimes not.

13 Q All right. And if you had to say -- how many
14 times would you say she actually spoke with the
15 solicitors?

16 A I believe she spoke with the solicitor's office
17 twice. It may have been three times before I was
18 put on the case. And then she had spoken with law
19 enforcement also.

20 Q If you can, describe your efforts that you
21 might have taken to negotiate a deal in exchange for
22 her testimony against the co-defendants.

23 A When I was first appointed on the case, I had a
24 long conversation with Shawn Graham, who was the, I
25 would say, lead prosecutor on this case, to kind of

1 get up to speed and also to figure out really where
2 Margaret stood with them because, again, she had
3 given multiple statements. I know -- I knew that
4 they had already tried one co-defendant and he had
5 gotten a life sentence, so I was just trying to
6 figure out kind of where we stood with Margaret and
7 with the other co-defendant.

8 And, at that time, I was told that even though
9 she had given some untruthful statements, or what
10 they believed to be untruthful and some conflicting
11 statements, they were still willing to entertain her
12 and possibly use her against Kenneth Walters, but if
13 and only if she told the truth.

14 Q All right. And did that ultimately end up
15 happening?

16 A Which part? I'm sorry.

17 Q Was she ultimately able to testify against the
18 co-defendants on behalf of the State?

19 A She did not.

20 Q And why was that?

21 A I do feel like some of her statements -- I do
22 feel like some of her statements helped push Kenneth
23 Walters into a plea. I can't say that; I wasn't his
24 attorney. But I do feel like her statements had a
25 hand in Kenneth Walters taking a plea deal rather

1 than going to trial.

2 **Q** Let's talk about discovery. When you came on
3 to the case, what was the status of discovery?

4 **A** I never knew. I never heard back from
5 Mr. Schnee. I asked Margaret if she had discovery,
6 had seen discovery. You know, I just asked her what
7 was going on. And she told me that Mr. Schnee had
8 never given her any discovery and she'd never seen
9 any.

10 **Q** Okay. So -- about what time would that have
11 been?

12 **A** That -- like I said, when I first met with her,
13 I can't remember if it was the very end of December
14 or early January, but it would have been our first
15 meeting over at the jail.

16 **Q** So with that being the case, how did you
17 proceed?

18 **A** I mean, I was a little bit baffled, but I just
19 proceeded as if we're starting from scratch, you
20 know. I mean, the case was two and a half years
21 old, almost exactly two and a half years old, so
22 that was quite baffling to me, but I just decided
23 we'll just start over.

24 **Q** The fact that the case was that old, did it --
25 how would you describe your feelings about

1 Margaret's statement that she had never seen any
2 discovery at that point?

3 MS. ZMROCZEK: Objection to speculation, Your
4 Honor.

5 THE COURT: Rephrase the question.

6 MR. MAYE: I believe I asked how she felt about
7 her client's statements. I'll ask it again.

8 BY MR. MAYE:

9 Q You informed the Court that Ms. Driggers had
10 told you she had not received any discovery,
11 correct?

12 A Correct.

13 Q How did you receive that information? Did you
14 find it believable?

15 A I found it to be odd that a defense attorney
16 would have a case for two and a half years, allow
17 his client to talk to solicitors and law enforcement
18 when he wasn't there and do all of that without ever
19 having, A, given the defendant discovery, and, B,
20 gone through it with her. I found that pretty
21 incredulous.

22 Q With the discovery that you were ultimately
23 provided, did you go through it?

24 A Yes, a lot of it. I mean, all of it. It was a
25 lot.

1 **Q** How thoroughly?

2 **A** Very thoroughly.

3 **Q** And can you describe, in general, what the
4 discovery entailed and how you went through it
5 basically, what your process was?

6 **A** The original discovery was the paper, was just
7 the letter, I believe, that's already been marked as
8 an exhibit, and then everything was in CD form. So,
9 you know -- and, honestly, I can't remember if the
10 CDs -- if I marked some on the CDs -- Aimee's had
11 them for a while, so I'm not sure. I can't remember
12 if I marked some on the CDs, I probably did, or if I
13 just kept them already marked.

14 But at any rate, I went through every CD.
15 While what the solicitor's office gave me was
16 helpful, it was not -- I needed a much more in depth
17 table of contents as to what exactly was on each CD
18 because you would open it up and there would be,
19 like, a chapter one or a chapter two. And so each
20 CD didn't contain just one -- you didn't just open
21 it and just the one thing that you needed popped up.
22 You'd have to go back in and really dig around and
23 find other things in there. So I did a very
24 thorough table of contents with page numbers, the
25 subject matter, where it was.

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1 **Q** All right. And did you use that table of
2 contents in discussions with Ms. Driggers as to what
3 her discovery entailed?

4 **A** Yes.

5 **Q** And did you -- let me back up. Was any of the
6 discovery in the however many number of discs you
7 were provided, did it have -- was some of it
8 completely irrelevant to your ability to defend
9 Ms. Driggers?

10 **A** I would say -- I don't want to say a large
11 major -- quite a bit of the discovery had nothing to
12 do with where the case was when I received it --
13 when I was appointed on it, not when I received the
14 discovery, but when I was appointed on it.

15 There were somewhere between 20 and 30
16 witnesses -- excuse me -- there were 20 -- somewhere
17 between 20 to 30 suspects that were originally
18 looked at that had absolutely nothing to do with
19 this case. They happened to be in Mr. Tice's cell
20 phone records. And so the police got all those
21 people cell phone records. They pulled statements
22 from them in some cases. They had investigative
23 reports about going out and talking to these people.
24 They had each one of their driver's license records,
25 their rap sheets.

1 You know, I mean -- so there was a lot of -- by
2 the time I got this case and learned the procedural
3 posture of it and the substance of it, there was a
4 lot of superfluous discovery on those discs.

5 **Q** And you were able to go through that and
6 determine, in your professional opinion as a lawyer,
7 what was relevant to her defense and what was not?

8 **A** Absolutely.

9 **Q** And after doing so -- you stated you used a
10 table of contents -- did you still make those
11 portions that you didn't believe relevant at least
12 known to Ms. Driggers that they existed?

13 **A** I did. I mean, she -- the whole time I
14 defended Ms. Driggers, she was at Lexington County
15 Detention Center. So if she had asked for a
16 thousand pages of superfluous phone records, I would
17 have brought them to her. But in my experience and
18 in my experience in this case, she didn't want all
19 that there, you know. A lot of people want -- they
20 don't want any pictures of a victim. They don't
21 want -- they don't want a lot of discovery laying
22 around. There's not a lot of privacy there.

23 **Q** Did she -- did she indicate that the portions
24 you deemed irrelevant, did she indicate that she
25 wanted them?

1 **A** No, she did not. And I went through that with
2 her very specifically, you know, the person's name.
3 I mean, I had the page number. So this page such
4 and such belongs to Judge Lee and these are her
5 phone records from that day and, you know, here's
6 her criminal record or she doesn't have a criminal
7 record, this shows that -- I let her know everything
8 that was on those CDs.

9 **Q** Was Ms. Driggers able to provide you with any
10 witnesses to corroborate her story or help her
11 defense?

12 **A** No.

13 **Q** Were there any witnesses in the case that you
14 were aware of?

15 **A** Yeah, there were witnesses. There were
16 witnesses for the State. I didn't have -- other
17 than Margaret, I didn't have any witnesses to call
18 on her behalf.

19 **Q** Are you aware of any witnesses that she
20 informed you of that you failed to interview?

21 **A** No, not for the case in chief and not for
22 mitigation.

23 **Q** What -- if you could, just describe briefly the
24 evidence that existed against Ms. Driggers.

25 **A** The cell phone records, DNA that she had left

1 there, DNA that Kenneth Walters had left there.
2 Tyrone Williams, who Margaret called Unc, was a
3 pretty strong witness for the State. There was
4 Charles Plumley who probably wouldn't have been a
5 very strong witness against Margaret at all, but he
6 was against her co-defendants and corroborated a lot
7 of the other evidence. There was a Crown Royal bag
8 of some bullets or ammunition. There was some -- I
9 think there were two bracelets in the -- in the
10 story, but I believe only one was eventually in
11 evidence. There was a gun. There was quite a bit
12 of evidence.

13 **Q** And was there any evidence available -- through
14 everything you've just discussed and all the
15 discovery you went through, did you find anything
16 that provided you with a reasonable defense or a
17 theory for the case?

18 **A** Not -- no, I didn't find anything that would --
19 that jumped out at me that would help me in defense
20 of Margaret, no.

21 **Q** Would more time -- let me back up. You
22 testified that you were assigned to the case in
23 December and had discovery probably by early
24 January; is that accurate?

25 **A** Yes.

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1 **Q** Would more time, with the materials that you
2 had, been able to change anything regarding your
3 ability to defend Ms. Driggers?

4 **A** No, there was nothing else for me to have or go
5 over. I will say that I asked -- I knew -- when I
6 got this case, I was told that Judge Russo retained
7 jurisdiction over this case and that there was -- it
8 was the hope -- it was his hope, as I think then he
9 was chief admin judge here in Lexington, it was his
10 hope, the solicitor's office hope, it was
11 everybody's hope that this case was not going to
12 drag on another two and a half years. So I did know
13 that time was a factor in this.

14 And I knew that a co-defendant had already been
15 tried before I was on this case, so I wasn't able --
16 normally, I would have come in and watched some of
17 these witnesses or seen what happened in that trial.
18 I wasn't able to do that because I didn't know about
19 it at the time. So I did ask for a trial transcript
20 of Demetriss Glenn's trial, not that I was
21 necessarily entitled to it by discovery, but I
22 asked, and that request went out. And I think, at
23 the time, court reporter's might have had 90 days,
24 but I'm a little bit hazy on that, but -- so that
25 request went out and I did say, If we go to trial, I

1 want that transcript.

2 And I do feel like it would have been necessary
3 to double check the State's case and impeach
4 witnesses, if necessary, but for whatever reason,
5 that transcript never came and that's the only thing
6 that I think would have made a difference time-wise.

7 But I say that that didn't -- once Margaret
8 decided to plea, a transcript becomes irrelevant and
9 I don't think it -- I think it would only have been
10 relevant in her decision to plea by probably pushing
11 her more towards a plea. But all that said, had
12 Margaret wanted to go to trial, I certainly would
13 have asked Judge Russo and Shawn, and I believe
14 would have been granted, extra time to prepare for
15 trial needing that transcript.

16 Q As far as the transcript is concerned, even
17 though you had not seen the transcript language
18 itself, did you have -- you knew the content of the
19 witness testimony, specifically Mr. Williams?

20 A I did.

21 Q So you were comfortable knowing the content and
22 being able to relay that to Ms. Driggers?

23 A Right.

24 Q Was that transcript crucial for your ability to
25 evaluate the case and advise Ms. Driggers to plea?

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1 **A** No, not at -- no.

2 **MR. MAYE:** Your Honor, if I may approach?

3 **THE COURT:** Yes.

4 BY MR. MAYE:

5 **Q** I'm handing you a manila envelope of papers.

6 Do you recognize that?

7 **A** I do.

8 **Q** Can you tell the Court what that is?

9 **A** This is discovery -- this is an envelope that I
10 created with my address on it and -- this must be
11 what Shawn must have sent. Anyway, I cut off the
12 metallic part, the metal part, tape it up and take
13 it to my clients at Lexington County. So that's
14 what this is.

15 **Q** And what is the contents of that?

16 **A** Inside are some of the documents that I gave to
17 Margaret as discovery. There's some tabs on here,
18 because you can't put the plastic, you know, the
19 plastic thing, so I just cut them up with a Post-it
20 note. There's a Post-it note in here to Margaret.
21 And there's some underlined -- there's some
22 underlined portions in here and some portions where
23 -- here on the side says, No, I didn't, in pencil.

24 **Q** Okay. Is that discovery in Ms. Driggers' case?

25 **A** Yes.

1 **Q** And --

2 **A** It is some discovery in Ms. Driggers' case.

3 **Q** Was that -- in your recollection of what you
4 provided, was that necessarily all of it or was
5 there potentially more?

6 **A** No, there was more, but this is what --
7 Margaret gave this back to me before she went to
8 SCDC.

9 **Q** And do you recall when you provided, at least
10 the documents that you're holding, when you provided
11 that to her?

12 **A** I have a sheet. I think it's January 20
13 something. I think January 28th, but I could be
14 confused on that, sometime in January of 2014.

15 **Q** Okay. Well before four days before her plea?

16 **A** Very well before four days before her plea.

17 **Q** Does that appear to be an accurate copy of the
18 materials you just looked at?

19 **A** Yes.

20 **MR. MAYE:** Your Honor, I move to have this
21 entered as Respondent's Exhibit 3.

22 **MS. ZMROCZEK:** No objection.

23 **THE COURT:** Which one? The original?

24 **MR. MAYE:** Yes.

25 **THE COURT:** Without objection, it's admitted.

1 (Respondent's Exhibit Number 3, discovery,
2 marked and admitted into evidence.)

3 BY MR. MAYE:

4 Q Ms. Howard, you looked at that document earlier
5 and you noted that there were handwritten portions
6 on top of the pages provided, handwritten notes?

7 A My handwritten notes --

8 Q I'll rephrase it, terrible question.

9 In the documents you provided, was it clear
10 that Ms. Driggers had taken the documents you'd
11 provided to her and made handwritten notes in them?

12 A Yes.

13 Q And any idea why she would do that?

14 A Well, I asked her to.

15 Q Is there a sticky note in that document?

16 A Yes.

17 Q And what does that sticky note request that she
18 do?

19 A Go through all of this -- I will be back on
20 Friday to go through all of this with you, so read
21 it carefully and take good notes. Thanks so much.
22 See you soon. And I signed it.

23 Q And you're confident that this was well before
24 her plea was to take place?

25 A Absolutely.

1 **MR. MAYE:** Beg the Court's indulgence for one
2 moment.

3 (Pause.)

4 **A** Also, the folded sheet that has her charges on
5 it was in that envelope as well.

6 **Q** In your communications with Ms. Driggers, was
7 she adamant about going to trial?

8 **A** No.. She -- to be honest, she was never
9 necessarily adamant either way.. She was more -- at
10 first, she had been put back in jail on a bond
11 recommittal. So the beginning of my representation,
12 she was more concerned about getting -- having a
13 recommittal hearing and getting back out on bond
14 than the actual, what I would call, the meat of the
15 case, the charges. So that was -- that was her
16 initial concern was what happened with bond and why
17 her bondsman put her back in. And then as we went
18 through discovery and everything else progressed,
19 you know, it wasn't necessarily about plea or trial,
20 it was about how much time.

21 **Q** How much time she would receive?

22 **A** Right.

23 **Q** Are you comfortable saying today that you had
24 ample opportunity to review every bit of discovery
25 in her case?

1 **A** Yes.

2 **Q** Had she been adamant about going to trial, do
3 you believe you would have had sufficient time to
4 prepare for trial?

5 **A** I do believe that, but, again, I certainly
6 would have made a motion, you know, immediately
7 because her case was -- her offer was, You plea
8 today or tomorrow, as it turned out, or you go to
9 trial and we're not going to keep this offer open.

10 So if she didn't plea on Friday, the 11th of
11 April, I knew we were going to trial. However, I
12 certainly planned on asking Judge Russo -- he wasn't
13 handling anything else much that week -- that we
14 receive a continuance because, at that point, I
15 still had not been provided a transcript, so, you
16 know, certainly would have changed course some, but,
17 you know, I can't even remember the original
18 question. I'm sorry.

19 **Q** Given the timing of when the plea, if she had
20 not pled --

21 **A** Would I have had time to prepare for trial.

22 **Q** -- would you have time to prepare for trial?

23 **A** Yes.

24 **Q** Any question in your mind about that?

25 **A** Not at all, but I would have made it very known

1 that I wanted that transcript.

2 **MR. MAYE:** Your Honor, may I approach?

3 **THE COURT:** Yes.

4 BY MR. MAYE:

5 **Q** Ms. Howard, do you recognize that document?

6 **A** I do. This is -- I received this case as a 608
7 contract attorney with the Commission on Indigent
8 Defense, and so, at the end of a case or during a
9 case, we have to go in and fill out dates, times,
10 hours. So this is the final -- the final sheet that
11 I submitted to DOI -- sorry -- CID.

12 **Q** Is that document created in the regular course
13 of business as a lawyer for you?

14 **A** As a 608 attorney, yes, it is.

15 **Q** And it was created to, basically, indicate the
16 work you performed, the time you spent and the date
17 you did it?

18 **A** Yeah. And also, as terrible as it sounds,
19 that's how you get paid as a 608 attorney is you
20 fill this in and put the conclusion of the case.
21 Actually, no, they didn't. They ended up changing
22 that. Now you get it at the beginning. But either
23 way, yeah, this is -- you have to fill this out.

24 **Q** Is that an accurate representation of the work
25 you performed?

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1 **A** Yes.

2 **MR. MAYE:** Your Honor, I move to have this
3 admitted as Respondent's Exhibit 4.

4 **THE COURT:** Any objection?

5 **MS. ZMROCZEK:** 4 or 5?

6 **MR. MAYE:** I think 4, but if I'm wrong --

7 **COURT REPORTER:** 4.

8 **MS. ZMROCZEK:** Thank you. No objection.

9 **THE COURT:** It's admitted.

10 (Respondent's Exhibit Number 4, Commission
11 on Indigent Defense document, marked and admitted
12 into evidence.)

13 **BY MR. MAYE:**

14 **Q** Looking at Respondent's Exhibit 4, can you
15 inform the Court, based on these records, when you
16 received notice of appointment?

17 **A** December 19th, 2013.

18 **Q** Is that entry one on this record?

19 **A** Yes.

20 **Q** And if you'll look down, can you find entry
21 number seven and indicate for the Court what that
22 states?

23 **A** It states, January 28th, 2014, discovery
24 review, took client discovery to LCDC, which is the
25 detention center, for review. And there's three

1 hours written beside it or three hours indicated
2 beside it.

3 **Q** And apologies to hop around. Can you indicate
4 for the Court what entry number five is?

5 **A** Entry number five says, January 16th, 2014,
6 meeting with Assistant Solicitor Shawn Graham at
7 solicitor's office to discuss case history and get
8 up to speed with what previous attorney had done,
9 co-defendant's dispositions, et cetera, and also
10 discovery review.

11 **Q** So is it fair to say that you had begun your
12 discovery review as of January 16th?

13 **A** Yes.

14 **Q** And on entry number six, January 24, can you
15 provide the description of that work?

16 **A** Lexington County Detention Center visit with
17 client to discuss speaking with assistant solicitor
18 and bond issues.

19 **Q** And would that be the first time you met with
20 your client?

21 **A** No. The first time I met with my client was on
22 January 3rd, number two, and -- that's the first
23 time I met with her.

24 **Q** Okay.

25 **A** At that time, I don't think I had possession of

1 discovery.

2 Q Okay. Can you please inform the Court entry
3 number nine?

4 A February 7th, 2014, LCDC visit with client to
5 discuss events of incident in case up until my
6 appointment. It's five hours.

7 Q Okay. And number 11?

8 A February 21st, 2014, Lexington County Detention
9 Center visit with client to discuss proffer and
10 review statements and discovery.

11 Q And --

12 A One point six hours.

13 Q How many hours?

14 A One point six.

15 Q And number 16?

16 A Discovery -- I'm sorry -- March 7th, 2014,
17 discovery review and visit with client at LCDC, 6.35
18 hours.

19 Q And number 17?

20 A March 11th, 2014, Lexington County Detention
21 Center visit with client to discuss interview and
22 other information client may have, 2.2 hours.

23 Q And are all those dates before four days before
24 her plea?

25 A Yes.

1 **Q** And did you go over discovery with her in
2 person on those dates?

3 **A** Yes.

4 **Q** And, for the record, what date did she plea?

5 **A** April 11th, 2014.

6 **Q** Ms. Howard, is there any form of discovery that
7 you did not have and did not have an opportunity to
8 go over with Ms. Driggers prior to her plea?

9 **A** No. Anything that I did not physically hand to
10 her, we discussed in depth what it was, what it
11 contained.

12 **Q** And by the time the plea offer was provided to
13 you, were you comfortable in your professional
14 opinion advising her to plea in these circumstances?

15 **A** Yes.

16 **Q** At any time prior to Ms. Driggers entering her
17 plea, did she express any concern for missing
18 discovery of any kind?

19 **A** No, she did not.

20 **Q** Let's move on to the actual plea offer. When
21 did you receive it? Tell me about that.

22 **A** The -- Mr. Walters was supposed to plea earlier
23 in the week. And, for whatever reason, I believe --
24 somebody wasn't in town, something happened. I'm
25 not sure what it was, but, at any rate, he ended up

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1 pleading the day before Margaret did. So he pled on
2 the 10th of April. And I was here for his plea. I
3 came to hear it.

4 And afterwards -- actually before, Shawn had
5 told me that he was going to give me Margaret's plea
6 offer after Walters pled. He showed me the envelope
7 before the plea. And then after Kenneth Walters
8 pled, we walked back to his office and he gave me
9 the envelope that contained her plea negotiations or
10 her plea offer.

11 Q Okay. And what was that plea offer?

12 A It was the same as Kenneth Walters, except it
13 was not under Alford. It was plea to voluntary
14 manslaughter, armed robbery and burglary first. And
15 she was going to receive a negotiated sentence in
16 the range of -- or she was going to receive -- there
17 was a sentence. It was negotiated in the range of
18 15 to 30 years.

19 Q And prior to receiving that offer, had you
20 discussed potentially pleading guilty with
21 Ms. Driggers?

22 A Yes, absolutely.

23 Q Can you tell me about that?

24 A I mean, we discussed it, obviously, throughout
25 my representation, but, specifically -- really,

1 beginning the very end of March up through the 11th,
2 that's when we really focused on what would happen
3 during a plea, what was going on, everything like
4 that.

5 And then, of course, the week of -- the week of
6 her plea, I believe Monday was the 7th, but I spent
7 almost -- I spent most of my time that week with
8 Margaret or on Margaret's case or up here listening
9 to Mr. Walters' plea. I knew that we were going to
10 be under the gun and so I spent a lot of time with
11 her so that I didn't have to do what she has told
12 the Court, which is come in at the 11th hour
13 literally that night and say, here's what a plea is,
14 here's what's going down, take it or leave it. I
15 made every effort for that not to be the case, and
16 it wasn't the case.

17 **Q** When you brought the plea offer that the
18 solicitor provided to you to Ms. Driggers, was that
19 the day that you got the offer?

20 **A** Yes. And, as a matter of fact, my car broke
21 down that day, so I -- I left this courthouse and I
22 had to get one of the bailiffs to drive me over to
23 the detention center to meet with Margaret. So, I
24 mean, I went straight from this courthouse to the
25 detention center to meet with Margaret.

EMILY BROOKS HOWARD - DIRECT BY MR. MAYE

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1 **Q** And when you went to the detention center and
2 reviewed the plea offer, how did that conversation
3 go with your client?

4 **A** It was a long afternoon. It was not at night
5 as she stated earlier. It was a very long
6 afternoon. We were in one of the interview rooms.
7 I'd requested an interview room so that we could
8 really, you know, kind of interact and talk freely.
9 I requested that her restraints be removed. You
10 know, we were in there for hours together.

11 Margaret wanted to use my cell phone, which, of
12 course, was fine by me. She talked to a man named
13 Clint who she met before she was recommitted on
14 bond. I talked to Clint. We talked to him together
15 on speaker phone. She talked to him by herself. I
16 probably even -- I think I even left the room to run
17 to the restroom and left her in there with my phone,
18 you know. I mean, we spent the afternoon there.
19 She also talked to her mother, and then she talked
20 to Clint again.

21 **Q** In your conversations, what was the ultimate
22 conclusion with Ms. Driggers about whether she would
23 accept or decline the offer?

24 **A** She was going to accept the offer, and she was
25 going to take the plea.

1 **Q** All right. Did you guarantee her any certain
2 number of years except that it would be within the
3 negotiated range?

4 **A** No. I guaranteed the negotiated range. We
5 talked a lot -- I took a lot of notes on
6 Mr. Walters' plea. We talked a lot about that in
7 depth what happened during his plea and the fact
8 that he got 20 years.

9 Margaret's criminal history was much less or
10 less, if not pretty much equal, to Kenneth Walters.
11 And by that, I mean, I think she had -- she -- her
12 last something was in 2008. I believe it was a DUI.
13 Before that, she had, like, a public disorderly and
14 a trespassing. So -- and his record, I don't have
15 it in front of me, but it was pretty much the same.
16 He might have had a simple possession or something,
17 but they both had only magistrate charges.

18 You know, we talked so much about the
19 similarities that I saw in the case that I planned
20 on, you know, trying to paint Margaret or place
21 Margaret in the same position as Kenneth Walters was
22 in and hoped, hoped that she would receive a
23 sentence similar to his. Never did I promise that
24 she would receive any amount of years.

25 **Q** Did you go over what to expect at the plea

1 hearing, the rights she might waive and the
2 questions she might get asked?

3 **A** We did, but we'd already done that earlier in
4 the week. Like I said, I went over to really try
5 to, you know, get us in a position where Thursday
6 afternoon we were concentrating on what she wanted
7 to do and not me having to say a judge is going to
8 ask you if you've taken medicine. I tried to get
9 those things out and finished with before -- before
10 she had to sit down and just really make that
11 decision.

12 **Q** Moving ahead to the actual plea hearing, how
13 well are you able to recall the specific colloquy to
14 the judge?

15 **A** You know, I'll be perfectly honest, it was a
16 long colloquy. It wasn't a packed courtroom like
17 plea court normally is. This was pretty much the
18 only thing we were dealing with. I don't remember
19 anything sticking out to me. I probably was also
20 thinking about what I was about to say to Judge
21 Russo, but it was a well-qualified plea.

22 **Q** Do you have any reason to believe that
23 Ms. Driggers' guilty plea was anything other than
24 voluntary, knowingly and intelligently made?

25 **A** Not at all.

1 **Q** And did Ms. Driggers plead guilty that day?

2 **A** She did.

3 **Q** And to the charges of voluntary manslaughter,
4 burglary first and armed robbery?

5 **A** Yes.

6 **Q** And was she sentenced after her guilty plea?

7 **A** Yes.

8 **Q** What sentence did she receive?

9 **A** She received 30 years concurrent.

10 **Q** And is that within the range and the parameters
11 of the plea agreement that you had discussed?

12 **A** Unfortunately, it was the very top of the
13 range, but it was the range.

14 **Q** Is there anything about this plea hearing that
15 stuck out that would make you think there was an
16 issue during the hearing?

17 **A** No.

18 **MR. MAYE:** That's all the questions I have.

19 Thank you, Your Honor.

20 **THE COURT:** Cross?

21 **MS. ZMROCZEK:** Thank you.

22 CROSS-EXAMINATION

23 BY MS. ZMROCZEK:

24 **Q** Ms. Howard, I guess I want to go through your
25 -- the -- Respondent's Exhibit 2 first where you had

1 listed out the charges and the --

2 A Yeah.

3 Q -- CDR codes. You had first was murder, second
4 was accessory after the fact of murder?

5 A Yeah. It was -- I mean, that's how it's in the
6 red book. It's accessory after felony A, B, C, D.
7 I just really go very strictly on that.

8 Q Okay. So you would agree with me that there
9 were some -- there were some issues that could have
10 been explored with regards to the validity of the
11 indictments?

12 A I'm not sure -- I'm not sure I'm following you.
13 I mean, I tried very hard to work out something with
14 accessory after -- if that's what you're asking me.
15 I'm not -- yeah, I mean, I tried to --

16 Q I mean, would -- I'm sorry. I didn't mean to
17 cut you off. When you said that you got assigned
18 the case, you wrote down the charges they already
19 had her --

20 A Yeah. And there was some wiggle room, yes,
21 definitely. I mean, I didn't take it just on its
22 face value and roll with it, I guess, if that's what
23 you're asking.

24 Q I guess, what I'm asking is, was she charged
25 with accessory after the fact?

1 **A** Yes. She had a warrant that said accessory
2 after the fact.

3 **Q** And she was charged with murder?

4 **A** Yes. Accessory after the fact was not -- I
5 think accessory after the fact, if I'm correct and I
6 may not be, was never even processed. Like, for
7 instance, I think when she received her original
8 bond, I do not believe -- and, again, I would need
9 to look at something -- I do not believe that that
10 was even still being charged. I don't believe that
11 that was a part of the original bond.

12 **Q** Okay. You received the voluminous discovery,
13 right? You said you went through every piece of it?

14 **A** Yes.

15 **Q** So you would agree then that the -- her
16 version, at least her final version, and the letter
17 that she had written to the family that she had
18 wanted to present at her plea was corroborated by
19 the text message? Meaning Mr. Tice was asking for
20 drugs --

21 **A** Okay.

22 **Q** Yeah. That's a multi-question.

23 Okay. Did she write a letter that she wanted
24 read or given to the family for the plea?

25 **A** Yeah. I advised her, you know, put it down,

1 because people tend to get emotional up there, you
2 know, what they want to say doesn't necessarily come
3 out. So, yeah, I advised her, you know, write it
4 down, and if you can't get through it or if you get
5 emotional, hand it to me and I'll finish reading it
6 for you.

7 **Q** Was that read?

8 **A** Yes, it was.

9 **Q** Okay. So you never said to her that the
10 judge -- if it was read -- or you never made her
11 take a portion of what she wrote down out because if
12 it was said, the judge wouldn't have accepted her
13 plea? Or there were things that she would want to
14 say that would have made the judge not be able to
15 qualify her plea?

16 **A** I don't think so. I mean, there were certainly
17 some -- I mean, usually kind of looking over
18 anybody's, what they've written down, I might say,
19 you know, I would use a different word here or I
20 would rephrase that. But I don't -- I don't recall
21 that.

22 I do recall Margaret was very -- she was really
23 disturbed by burglary first all along because she
24 said that -- she had a -- I don't want to say a hang
25 up. She had something that bothered her about going

1 into somebody's home.

2 **Q** Well, she was invited into the home, correct?

3 **A** Yes.

4 **Q** Okay. So that was an issue that she struggled
5 with because burglary first carried the mandatory
6 minimum of 15 to life, correct?

7 **A** Uh-huh.

8 **Q** And it was always her position, and I believe
9 it's always been, that she was invited into the
10 home?

11 **A** Yes.

12 **Q** And that was corroborated by the phone records?

13 **A** I mean, there was a lot of phone records back
14 and forth between her and the victim, so, I mean, as
15 much as it can be corroborated, yeah. Yeah. They
16 talked a lot that night back and forth.

17 **Q** And so she really had a problem with the
18 burglary first?

19 **A** Yes, but it wasn't -- she had a problem with --
20 she kept saying she wouldn't go into somebody's home
21 and set them up. She wouldn't go into somebody's --
22 there was a problem with, like, the door, I mean,
23 just the barrier of an actual home. I don't know
24 why that was so important to her, but it was, like,
25 a personal thing. She was just -- had a problem

1 with being in someone's home.

2 Q Do you have a copy of the letter that she read?

3 Do we know where that went?

4 A Aimee, I have no idea. I really don't.

5 Q Okay. All right. And you provided everything
6 that you had, right?

7 A Yes. I don't know where that went. I don't
8 know where the actual plea offer that Shawn gave me
9 the day before and the envelope, I don't know where
10 either of those are.

11 Q Okay. That's fine.

12 I want to talk about, so you got the plea
13 offer. According to State's Exhibit 4, you received
14 that plea offer on April 10th, 2014?

15 A Uh-huh.

16 Q And so that was four days before the plea?

17 A No. It was the day before.

18 Q You received the plea offer the day before?

19 A Yes.

20 Q Okay. But you had gone down on April 6th to
21 discuss possible trial and plea, correct?

22 A Uh-huh.

23 THE COURT: You need to answer yes or no.

24 THE WITNESS: I'm sorry. Gosh. Yes.

25 BY MS. ZMROCZEK:

1 **Q** So that's five days before the plea, right?

2 **A** Yes.

3 **Q** And that visit was three hours and 45 minutes?

4 **A** I cannot -- I don't still have a copy of that.
5 I'm sorry.

6 **Q** I'm sorry. I'm looking at entry number 24.

7 **A** Yes. That was -- I'm sorry. I forgot your
8 question, but, yes, that's a correct representation
9 of me being there.

10 **Q** Okay. And you had a piece of paper, it wasn't
11 marked, but there's a date in it that says April
12 9th. Is that -- do you recognize this piece of
13 paper?

14 **A** Yes.

15 **Q** Okay. So -- and it looks like it has a bunch
16 of different mitigation things checked off?

17 **A** Yes.

18 **Q** What do those checks indicate?

19 **A** This was --

20 **MS. ZMROCZEK:** And just to make it easier, Your
21 Honor, we're probably --

22 **Q** Are these your notes?

23 **A** Yes.

24 **MS. ZMROCZEK:** Just to make the record more
25 clear, I'll probably make this Applicant's 1, if

1 that's okay.

2 **THE COURT:** Applicant's 2?

3 **MS. ZMROCZEK:** Yeah, I think it's Applicant's
4 1.

5 (Applicant's Exhibit Number 1, list, marked
6 and admitted into evidence.)

7 BY MS. ZMROCZEK:

8 **Q** I'm showing you Applicant's 1. You have some
9 things circled and some things checked. Why are
10 there different marks on there?

11 **A** This is a list that I wrote before I went to
12 see her obviously, and I just wanted to make sure we
13 -- like I said, we were crunched for time, so I
14 spent that week trying to get as much done as
15 possible before that Thursday afternoon. So this is
16 a list of some topics, her criminal record, the
17 option -- the plea -- the outside consequences
18 besides just a year sentence, and it is discovery --
19 key issues in discovery, key points of discovery,
20 and then a Jackson v. Denno.

21 **Q** Okay. And is there a reason that you had some
22 of the DVDs and the phone records circled and not
23 checked off?

24 **A** No, I don't know why. Probably because those
25 are the pieces that Margaret and I talked about, but

1 didn't physically --

2 **Q** She never physically saw.

3 **A** Yes. I mean, I guess, Aimee. It's been --
4 it's been a little bit of time, but that's kind of
5 what stands out to me now.

6 **Q** Okay. What sort of mitigation were you able to
7 present to Judge Russo for the initial plea?

8 **A** So I had been in touch with Margaret. I asked
9 her who to call, you know, on her behalf and have
10 there. So she gave me a list. I can't remember if
11 it was three or four people. But Margaret's mom and
12 sister ended up talking to me, you know, the most
13 about her life and all of that, and they both came
14 to the plea. I tried to get in touch with her
15 grandparents who pretty much raised her. Honestly,
16 I don't remember what happened with that. I really
17 don't. I'm not sure. And I believe there was also
18 an aunt. She may have been at the plea. I'm not
19 positive.

20 **Q** Okay. And did any of them speak on her behalf?

21 **A** At the plea?

22 **Q** Yes.

23 **A** Yes.

24 **Q** Okay. And --

25 **A** But -- I'm sorry.

1 **Q** Go ahead.

2 **A** In mitigation, Margaret has not had a good
3 life. I mean, she's been through a lot. She's been
4 through sexual abuse, physical abuse. She's been
5 bounced around from home to home since she was a
6 child. She -- her mother gave her cocaine, I can't
7 remember the exact age, but it was a preposterous
8 age for a mother to give their child cocaine. I
9 mean, Margaret -- Margaret had a lot of mitigation
10 because of the life that she had had, in my opinion.

11 **Q** Is it reasonable that, as her attorney and as
12 her advocate, that but for her actions, this whole
13 plan would not have been set into place?

14 **A** (No response.)

15 **Q** The other two co-defendants had at least drug
16 charges and one of them had more serious charges
17 prior, correct?

18 **A** Yes.

19 **Q** I don't know if you were in here for the
20 testimony of --

21 **A** I've been here.

22 **Q** Okay. Mr. Hubbard indicated that Judge Russo
23 -- it was Judge Russo who said that but for her
24 actions that set all of this in motion --

25 **A** Yeah. He said -- I mean, it was -- but for is

1 probably a paraphrase, you know. But, like I said,
2 I'd been at Walters' plea the day before. I'd hoped
3 that Margaret would be treated with the same
4 temperament and the same -- I'd hoped that she'd be
5 sentenced pretty close to what Kenneth Walters got.

6 **Q** And did you relay that to her?

7 **A** Yes. And Judge Russo, because of her past --
8 and by past, I mean because of the mitigation that I
9 just talked about -- and because of her prior
10 criminal history, which was, in the grand scheme of
11 things, pretty much nil, and because that night I
12 pointed out a lot of similarities between her and
13 Walters and even where I thought that she was
14 certainly less culpable than Walters, it was my hope
15 and it was my intention, and I relayed it to
16 Margaret, that I hoped that Judge Russo would treat
17 her very closely to the way that he treated Kenneth
18 Walters, and that did not happen.

19 **Q** And is that why you filed the motion to
20 reconsider?

21 **A** Yes.

22 **Q** And what new evidence was presented or
23 information was presented at the motion to
24 reconsider?

25 **A** If you want me to be completely honest,

1 probably not any. I mean, I filed the motion to
2 reconsider because -- because I wanted Margaret to
3 have it and because I really hoped that I could
4 convince Judge Russo to come back down somewhere
5 near where he put Kenneth Walters. So as far as new
6 evidence or anything brought to light, there really
7 wasn't any, but I filed the motion in the hopes that
8 he would hear it and, you know, he did. He agreed
9 to hear it, so he did two weeks later.

10 **Q** Do you recall Mr. Graham, Assistant Solicitor
11 Graham or Deputy Solicitor, Senior Deputy Solicitor,
12 asking for a specific number within that range?

13 **A** No, I do not. And I think if he was going to
14 do that, we would have discussed that beforehand.
15 That's kind of how things run in Lexington is, you
16 know, if a -- at least if a solicitor's going to
17 ask, they'll tell us.

18 **Q** You said that you found it shocking that
19 Mr. Schnee had not provided Ms. Driggers with
20 discovery, right?

21 **A** I find -- I mean, shocking may not be the right
22 word, but I don't find that -- that that's a very
23 good practice.

24 **Q** Right. And you reached out to him, right?

25 **A** I did.

1 **Q** And he never returned your call?

2 **A** He didn't, but, you know, I mean -- and I guess
3 I could have reached back out. The thing is he got
4 off the case, so I just assumed he had his reasons
5 for getting off and probably didn't really want to
6 discuss it with me.

7 **Q** Okay. Had there ever been discussions about a
8 continuance request if she had decided not to plea,
9 or was she under the impression, she, Ms. Driggers,
10 under the impression that she was going to trial
11 April 21st?

12 **A** She was under the impression that if she didn't
13 plea on the 11th, that she was going to trial and
14 she was going to trial on murder. I can't -- I
15 can't really recall -- I don't know the answer to
16 the second part of your question. I really don't.
17 There was a lot going on. She knew I'd asked for
18 the transcript and that we hadn't gotten it, so --
19 but, honestly, I'm a little bit -- I'm not
20 remembering that very well.

21 **Q** And --

22 **A** Shawn was aware that I was going to ask for the
23 transcript.

24 **Q** Okay. And you said one of the key witnesses
25 against her was Mr. Williams, right?

1 **A** Yes.

2 **Q** So it would help for you to know what he had
3 said during that trial?

4 **A** Right. I mean, I knew the gist. I knew -- we
5 had statements. I knew the gist. I'd also talked
6 to Demetriss Glenn's attorney, you know. So I knew
7 what was -- what he was going to offer on behalf of
8 the State, but I certainly, you know, for
9 impeachment purposes and, really, just for a lot of
10 purposes, wouldn't have gone forward on a trial
11 without a transcript unless forced.

12 **Q** So you did not know that the majority of his
13 testimony ended up being suppressed because it was
14 hearsay? You weren't aware of that at the time?

15 **A** I was aware that a lot of what he said was
16 considered hearsay.

17 **Q** Okay.

18 **MS. ZMROCZEK:** Your Honor, I believe those are
19 all the questions I have -- I'm sorry. One more
20 question.

21 **Q** The 60 or so pages that are in as Respondent's
22 Exhibit 4, you said that she gave these two you the
23 day she pled, right?

24 **A** She either gave them to me the day that she
25 pled or the day before when I left the jail.

1 Honestly, I don't necessarily remember the handoff.

2 I just know that she didn't want them at SCDC.

3 **Q** Right. But you said that there was clearly
4 other discovery, but she didn't have it, right?

5 There was other discovery in the case, but this was
6 all that she ever actually physically touched?

7 **A** Yes. That envelope is -- I mean, I found it
8 when I was pulling out my case file, so that is as
9 it was when it was handed to me.

10 **Q** Okay. And that's -- and that's the only
11 evidence or physical, you know, the only discovery
12 that she actually got to see and hold and respond to
13 and write notes on?

14 **A** No, that's not. I gave her other discovery.
15 This is what she gave back to me. So this has
16 been -- this part has been the same since she handed
17 it back to me.

18 **Q** Okay. And do you know what...

19 **A** What's missing?

20 **Q** Yeah.

21 **A** I really don't. I mean, I have my notebook
22 over there. Pretty much what was in my notebook is
23 what was transferred to Margaret. So I haven't
24 compared the two in preparation for this, but, you
25 know, I mean, everything that I looked at and was

1 relevant and wanted to have with me when I discussed
2 the case with her and all of that is my notebook, so
3 that would have been what I gave to her.

4 **MS. ZMROCZEK:** Beg the Court's indulgence.

5 (Pause.)

6 **MS. ZMROCZEK:** Thank you. Those are all the
7 questions.

8 **THE COURT:** Any redirect?

9 **MR. MAYE:** No redirect, Your Honor.

10 **THE COURT:** You may step down.

11 Any additional witnesses?

12 **MR. MAYE:** None, Your Honor.

13 **THE COURT:** Anything further from the
14 Applicant?

15 **MS. ZMROCZEK:** I'm sorry, Your Honor?

16 **THE COURT:** I said is there anything further
17 from the Applicant?

18 **MS. ZMROCZEK:** No further witnesses, Your
19 Honor.

20 **THE COURT:** Any further discussions at this
21 particular point?

22 **MS. ZMROCZEK:** Your Honor, just given kind of
23 the nature, because the record had to be
24 reconstructed, I would ask to be able to submit
25 maybe a memo to supplement any argument that we

1 would have just based on I didn't have a record
2 before, so it was difficult to kind of prepare an
3 argument.

4 **THE COURT:** Sure.

5 **MS. ZMROCZEK:** I would just ask for maybe ten
6 days to be able to supplement.

7 **THE COURT:** Do you all want to do proposed
8 orders?

9 **MS. ZMROCZEK:** Yes, Your Honor, yes, ma'am.

10 **MR. MAYE:** That's fine.

11 **THE COURT:** How about submit them
12 electronically in Word format August 21st.

13 **MS. ZMROCZEK:** That's acceptable. Thank you,
14 Your Honor.

15 **MR. MAYE:** That's fine, Your Honor. Thank you
16 very much.

17 **THE COURT:** And then you can just include all
18 your arguments within that and we don't have to do
19 an additional argument for the record.

20 **MR. MAYE:** That's fine.

21 **MS. ZMROCZEK:** Absolutely.

22

23 **END OF PROCEEDINGS**

24

25

C E R T I F I C A T E

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

I, the undersigned, Stacy L. Sheppard, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Circuit Court for Lexington County, South Carolina, on the 10th of August, 2017.

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

May 18, 2018

s/Stacy L. Sheppard

Stacy L. Sheppard, RPR
Official Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL DISTRICT

Margaret M. Driggers, #359524)
Applicant,)

v.)

State of South Carolina,)
Respondent.)

MOTION TO RECONSIDER

NOW COMES, Applicant, Margaret Driggers, by and through her undersigned counsel, and moves pursuant to Rule 59(e) SCRCP for an order altering or amending the court's prior order filed on December 4, 2017, denying Applicant's claim and dismissing with prejudice. While the court has ruled in the State's favor, the Applicant submits this motion to ensure that she has "enable[d] the lower court to rule properly after it has considered all relevant facts, law, and arguments." *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 546, 546 (2000).

Specifically all allegations submitted in the memoranda by Applicant regarding:

1. Ineffective assistance of counsel;
2. Failure to properly prepare case for trial;
3. Failure to timely provide discovery to Applicant; and
4. Failure to interview Applicant's witnesses.

THEREFORE, counsel requests that Order be reconsidered for the above listed specific

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CLERK OF COURT
ELEVENTH JUDICIAL DISTRICT

reasons and issues not specifically listed above but raised during the trial of this matter.

Respectfully Submitted,



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Counsel for Applicant

Columbia, South Carolina
Dated: December 18, 2017

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Margaret M. Driggers, #359524,
Applicant,

-vs-

State of South Carolina,
Respondent.) IN THE COURT OF GENERAL SESSIONS
) ELEVENTH JUDICIAL CIRCUIT
)) 2015-CP-32-00881
)) CERTIFICATE OF SERVICE
)
)

I certify that, on this date, I served a copy of the Motion to Reconsider dated December 18, 2017, by depositing it in the U.S. Mail in an envelope with sufficient postage affixed, addressed as follows:

W. Joseph Maye
Assistant Attorney General
SC Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549


Christina A. Metz

Columbia, South Carolina

Dated: 12/18/17

2017 DEC 18 PM 12:50
CLERK
LEXINGTON

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

Margaret M. Driggers, #359524,

) Docket No.: 2015-CP-32-00881
)) Applicant,
)) v.
)**ORDER DENYING
MOTION TO RECONSIDER**) State of South Carolina,
)) Respondent.
)
)

This matter comes before the Court by way of a Rule 59(e), SCRCF motion filed by Applicant to alter or amend this Court's Order filed December 4, 2017. The Motion for Reconsideration was filed with the Clerk of Court on December 18, 2017.

After careful consideration of the record in this case and the submissions of the parties, this Court is unable to discover any new material fact or any principle of law that was either overlooked or disregarded in the previous Order. Accordingly, this Court hereby **DENIES** Applicant's Motion to Reconsider this Court's previous Order denying Applicant's claim and dismissing with prejudice filed December 4, 2017. Pursuant to Rule 59(f), oral argument is not necessary.

AND IT IS SO ORDERED.


ALISON RENEE LEE
Presiding Judge

Columbia, South Carolina
February 20, 2018

LISA M. COOPER
CLERK OF COURT
LEXINGTON SC

2018 FEB 23 AM 10:41

FILED

To go over on Wednesday: 4/9/14

✓ school
✓ work
✓ church
✓ children
✓ childhood

✓ Record: '06 Public Disorderly
Entering Premises after Warning
07 Speeding
DWI
'08 DWI

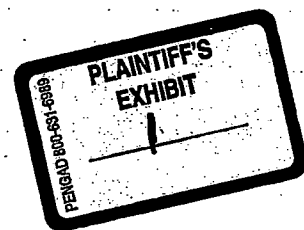
Discovery: Copy of statement from 3/14

② phone records

③ indictments

④ DVD's

⑤ DNA solo cup



Jackson v. Demos on voluntariness of all confessions/statements

Plea options + consequences ✓ Holcomb

strikes

85% + community supervision

✓ 30P

✓ witness/confirm

✓ 5th AM

✓ appeal

✓ satisfied with me

Margaret Marie Driggers	2014GS3200897	2014GS3200897	3/10/2014	Murder / Murder	DISP	11024110	DSC	GS
Margaret Marie Driggers	M302878		6/30/2011	Misprision / Misprision of a Felony (neglect	CLOD	11024110	DSC	GS
Margaret Marie Driggers	M302882	2011GS3203195	7/1/2011	Murder / Murder	CLOD	11024110	DSC	GS

Filing Code	Filing Desc	Details	Filing User	Filing Date	Last Change Date	Size	Status	Filing Time	Image ID
IE	appeal	driggers.pdf	Bhensell	1/8/2013	0/0/0000	0	Not Made Avail	10:53:18	A-2011-32-01813
IE	appeal dismissed	SKMBT_42314092909541.pdf	Bhensell	9/29/2014	0/0/0000	0	Not Made Avail	9:53:39 a	A-2011-32-01813
IE	Driggers appeal.doc		Bhensell	5/20/2014	0/0/0000	0	Not Made Avail	11:57:42	A-2011-32-01813
Letter	Offer Letter		robinson	4/17/2014	0/0/0000	0	Not Made Avail	10:38:09	A-2011-32-01813
SENT	2014GS3200897-IE1		SGraham	4/11/2014	0/0/0000	0		9:06:39 a	2014GS3200897-
DISCO	Discovery Cover Letter - PDF		dreynolds	3/27/2014	0/0/0000	0	Not Made Avail	10:46:00	M302882-DISCO
IE	discovery 032714 1 page.pdf		robinson	3/27/2014	0/0/0000	0	Not Made Avail	10:45:42	A-2011-32-01813
DISCO	Discovery Cover Letter - PDF		dreynolds	3/17/2014	0/0/0000	0	Not Made Avail	2:45:38 p	M302882-DISCO
IE	discovery 031714 1-2.pdf		robinson	3/17/2014	0/0/0000	0	Not Made Avail	2:45:09 p	A-2011-32-01813
DISCO	Discovery Cover Letter - PDF		dreynolds	3/14/2014	0/0/0000	0	Not Made Avail	1:11:09 p	M302882-DISCO
IE	Margaret Driggers.msg		robinson	12/2/2013	0/0/0000	0	Not Made Avail	2:58:01 p	A-2011-32-01813
IE	Brady Letter email		robinson	11/2/2013	0/0/0000	0	Not Made Avail	12:31:29	A-2011-32-01813
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IE	Tyrone Williams rap sheet		robinson	11/1/2013	0/0/0000	0	Not Made Avail	2:40:51 p	A-2011-32-01813
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IE	discovery 103113 1-2.pdf		robinson	10/31/201	0/0/0000	0	Discovery View	10:49:13	A-2011-32-01813
IE	discovery 103013 1-3.pdf		robinson	10/31/201	0/0/0000	0	Discovery View	10:49:08	A-2011-32-01813
DISCO	Discovery Cover Letter - PDF		dreynolds	10/24/201	0/0/0000	0	Not Made Avail	10:31:47	M302882-DISCO
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DISCO	Discovery Cover Letter - PDF		dreynolds	10/21/201	0/0/0000	0	Discovery View	3:27:13 p	M302882-DISCO
DISCO	Discovery Cover Letter - PDF		dreynolds	10/21/201	0/0/0000	0	Not Made Avail	11:40:09	M302882-DISCO
IE	discover 102113 1-42.pdf		robinson	10/21/201	0/0/0000	0	Discovery View	3:26:47 p	A-2011-32-01813
SLED	SLED Reports 102113 1-6		robinson	10/21/201	0/0/0000	0	Discovery View	11:39:32	A-2011-32-01813
DISCO	Discovery Cover Letter - PDF		dreynolds	10/17/201	0/0/0000	0	Not Made Avail	1:03:23 p	M302882-DISCO
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IE	discovery 101613 1-20 redacted.pdf		robinson	10/17/201	0/0/0000	0	Discovery View	1:02:51 p	A-2011-32-01813
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DISCO	Discovery Cover Letter - PDF	dreynolds	10/16/201	0/0/0000	0	Not Made Avail	1:43:47 p	M302882-DISCOVI
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DISCO	Discovery Cover Letter - PDF	dreynolds	10/3/2013	0/0/0000	0	Not Made Avail	1:51:57 p	M302882-DISCOVI
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COME	Come to Court	dreynolds	9/27/2013	0/0/0000	0	Not Made Avail	11:39:03	M302882-COMETC
DISCO	Discovery Cover Letter - PDF	dreynolds	8/26/2013	0/0/0000	0	Not Made Avail	9:07:38 a	M302882-DISCOVI
IE	Autopsy photos	MMartin	8/26/2013	0/0/0000	0	Discovery View	9:07:04 a	A-2011-32-01813-I
IE	Coroners photos	MMartin	8/26/2013	0/0/0000	0	Discovery View	9:06:50 a	A-2011-32-01813-I
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IE	SLED report 071213.pdf	robinson	7/12/2013	0/0/0000	0	Discovery View	1:29:14 p	A-2011-32-01813-I
DISCO	Discovery Cover Letter - PDF	dreynolds	4/11/2013	0/0/0000	0	Not Made Avail	10:30:24	M302882-DISCOVI
IE	discovery 041013 1-17 redacted.pdf	robinson	4/11/2013	0/0/0000	0	Discovery View	10:29:55	A-2011-32-01813-I
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Disc	Discovery 032813 1-8	robinson	3/28/2013	0/0/0000	0	Discovery View	2:26:22 p	A-2011-32-01813-I
DISCO	Discovery Cover Letter - PDF	dreynolds	3/14/2013	0/0/0000	0	Not Made Avail	11:17:32	M302882-DISCOVI
RULE	Rule 5 Motion	dreynolds	3/14/2013	0/0/0000	0	Not Made Avail	10:57:37	M302882-RULE55
SLED	SLED Reports	robinson	10/31/201	0/0/0000	0	Discovery View	10:23:57	A-2011-32-01813-I
DISCO	Discovery Cover Letter - PDF	dreynolds	10/13/201	0/0/0000	0	Not Made Avail	1:19:48 p	M302882-DISCOVI
INDIC	Indictment	dreynolds	10/12/201	0/0/0000	0	Not Made Avail	2:21:16 p	M302882-INDICT3
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APPEA	Appearance Package	robinson	7/7/2011	0/0/0000	0	Not Made Avail	9:53:35 a	A-2011-32-01813-I

① Murder : 30 years to life

(§16-3-0010 / CDR: 0116)

- violent / crime of violence
- most serious
- sentenced day for day
- no parole
- child abuse registry
- DNA database

② Accusory After Felony B&C or Murder : up to 15 years

(§16-1-0055 / CDR: 2413)

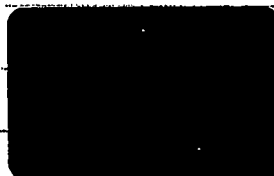
- DNA database

③ Burglary 1st : 15 years to life

(16-11-311 / CDR: 0079)

- violent / crime of violence
- most serious
- DL code
- no parole
- no YOA
- DNA database

Cell - [REDACTED] 6658



(16-11-330(A)/CDE: 139)

④ Armed Robbery : 10-30 years

- Violent / crime of violence

- Most serious

- No parole

- No suspended sentence / mandatory minimum

- DL code required

- Eligible for work release within 3 years of release date if

sentence involves no other violent crime

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/10/2013

Lexington County Sheriff's Department

OCA: 11024

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **ARRESTED**Case Mng Status: **ARRESTED**

Occurred: 06/26

Offense: **MURDER/NONNEGLIGENT MANSLAUGHTER**

On 7/18/2012 at approximately 1330 hours, I attended the polygraph examination of Marie Driggers. Mr. present. During the pre-test interview, Marie stated that she had seizures in the past. The examiner was perform the test until a medical waiver was signed by a doctor. I gave Mr. Schnee the waiver and he stated that would have Marie get evaluated for the exam.

As of 10/24/2012, I have not received notification that a medical waiver has been signed by a doctor for the polygraph examination for Marie Driggers. I received one email from Mr. Schnee that Marie saw one doctor who would not sign her waiver but they were in the process of getting clearance through another doctor.
 [10/24/2012 16:08, CHAPPELLJ, 345, LCSD]

M-you can just ignore the tabs on the side but keep them in place because they will make it much, much easier for us to review. I will be back on Friday to go through all of this with you so read it carefully & take good notes. Thanks so much!

See you soon,
 Emily

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 09/11/2013 11:31

Lexington County Sheriff's Department

OCA: 11024110

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **ARRESTED**Case Mng Status: **ARRESTED**

Occured:

Offense: **.F.**Investigator: **CHAPPELL, JOSEPH C (E73432)**Date / Time: **09/11/2013 09:01:01, Wednesday**Supervisor: **(0)**Supervisor Review Date / Time: **NOT REVIEWED**

Contact:

Reference: **Investigative Supplemental**

On 1/2/2013 at approximately 1654 hours, I called Mrs. Linda Tice with no answer and left a voicemail.

On 1/3/2013 at approximately 1456 hours, I called Mrs. Tice again and spoke with her granddaughter. I asked her to have Mrs. Tice call me back in reference to a crown royal bag with bullets recovered from Tyrone and a outback style hat found in Timmy Tice's house. She stated that the hat, without seeing it, sounded like something Timmy wore but she would have Mrs. Tice call back. She said she would also have Greg Tice, Timmy's brother, call me about the bullets.

no I didn't

At approximately 1600 hours, I signed out evidence from the case for further processing and secured it in locker #3 in the crime lab. I examined the broken glass originally obtained from Tice's residence for more blood but did not see any on the glass.

On 1/4/2013 at approximately 0814 hours, I received a voicemail from Timmy's sister in reference to the outback style hat. She stated that she had a photograph of Timmy in a hat similar to the one I described and would have it available to verify that it belonged to Timmy.

At approximately 1400 hours, I spoke with Mrs. Tice by telephone. She stated that her daughter had the photograph and would hold it until we met again for verification. She also stated that she would contact Greg about the crown royal bag with bullets. She did not know if Timmy kept bullets like that.

At approximately 1640 hours, I processed the bullets from the crown royal bag (PR#59401, 59402 and 59403) for latent prints with negative results. I swabbed the pistol grip from a handgun (PR #59176) for touch DNA. I packaged, sealed and initialed the swab before securing it in locker #3. I examined the micro SD card (PR#59399) that we received from Tyrone. There were four photographs on the card but all were too dark to tell who it belonged to or what was on the photographs. I made copies of the gas station surveillance videos (PR#59155 and 59156). I downloaded the phone that belonged to Jennifer Wall, Motorola Boost Mobile WX400/SN M78CPL17TV (PR #59172). On the phone were photographs of Jennifer and Margaret Driggers and Timmy Tice's house posing with guns. I attempted to download two phones obtained from Timmy Tice's truck. One phone, Motorola i880/SN 364VHLN3J2 (PR #59132) did not have a battery or SIM card and I was unable to download it. The second phone Motorola i880/SN 364VJG4BQ2 (PR #59131) was downloaded. The data on the phones were copied to a CD.

On 1/7/2013, I returned the evidence to the evidence room at approximately 0900 hours along with entering the swab.

On 4/23/2013, with the court order CSI G. Ross and I went to the detention center and obtained a DNA Buccal Swab from Demetriss Glenn and Kenneth Walters. I emailed both attorneys and neither stated that needed to be present for the swabs. I packaged the swabs in front of Demetriss Glenn and Kenneth Walters. The swabs were entered into evidence at approximately 1445 hours.

I contacted Marie Driggers at approximately 1450 hours at 803-236-2460. She stated that she would not be available until Thursday. She would call back when she could meet.

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CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 09/11/2013 11:31

*Lexington County Sheriff's Department*OCA: **11024110**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **ARRESTED**Case Mng Status: **ARRESTED**

Occured:

Offense: **.F.**

On 4/26/2013, I contacted Marie Driggers by telephone and asked her if she would be available around lunch for a meeting. She said she could meet near her home in Sumter. I went to Sumter and met with Marie at 4340 Confederate Rd, Cherryvale Community Center. I obtained a buccal swab from her and then transported the swab back to the Sheriff's Department. I entered the swab into evidence at approximately 1400 hours.

[09/11/2013 09:01, CHAPPELLJ, 345, LCSD]

CASE SUPPLEMENTAL REPORT

Printed: 10/30/2013 10:17

Lexington County Sheriff's Department

OCA: 11024110

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **ARRESTED**Case Mng Status: **ARRESTED**

Occurred: 06/26/2011

Offense: **MURDER/NONNEGLIGENT MANSLAUGHTER**Investigator: **MEFFORD, R. E. (E70647)**

Date / Time: 10/30/2013 10:15:56, Wednesday

Supervisor: **MEFFORD, R. E. (E70647)**

Supervisor Review Date / Time: 10/30/2013 10:16:09, Wednesday

Contact:

Reference: *Investigative Supplemental*

10/29/2013

At 1600hrs I arrived at the Lexington County Judicial Center to meet with Solicitor Shawn Graham to conduct an interview with Tyrone Williams in reference to the Timothy Tice homicide trial. Upon my arrival I introduced myself to Williams and Sgt. Sowards left the room and Solicitor Graham arrived a few minutes later and we began the interview. Solicitor Rick Hubbard would later arrived several minutes into the interview. Sgt. Sowards also returned well into the interview. Williams began by explaining that he knew Demetrius Glenn as "Shaun" and that is how he referred to him throughout the interview. He states he met Shaun through his cousin Keith Hipps and knew Shaun for approximately 10 years. He states that Shaun looked up to him like an uncle and called him "unk". He states that he has met the girl involved in the incident a few times, however did not really know her. He states Shaun and her dated for a couple of months or so and that is was a girl/pimp type situation between them with a boyfriend/girlfriend relationship also. He states that the girl would trick out of the motel to make Shaun money and he would also sell small amounts of Crack Cocaine to make extra money and get high in the process. He states that before the incident out of the blue the girl started to tell him and Shaun about a trick that would be easy for them to rob. She described him as being white and living in Lexington and that he had a safe and he was easygoing would not put up a fight. He states that he does not know if the man she wanted to have them rob was the man that was killed. He states that he told her he was not going to be involved in any robbery. He states that they had no car and that Shaun would give him money to take him places and that they tried to get him to do the robbery because he had transportation.

He states that the first time Shaun said anything about the incident he went to a motel and saw that Shaun had not shirt on and looked nervous. He asked him what was wrong and Shaun said to him that he fucked up and that he had to mess a cracker up. He states Shaun told him he hit a dude with a bottle or vase and he kept coming so he hit him with a stool. He states that Shaun told him that he blanked out while hitting the guy with the stool and could not stop. Shaun said that he along with Roxy and another guy planned to rob one of Roxy's tricks. Shaun said when they arrived to do the robbery Roxy went in to distract the guy. Shaun told Williams he did not go in the house when the other guy did and stayed in the car. He states that Shaun told him he was passed out in the car and Roxy came out to get him because a dude they were with was getting beat up in the house by the guy they were going to rob. He states he went in the house and the guy was beating the little guy's ass and he hit him with the bottle and that stunned him but didn't put him out so he picked up the stool. He thinks when he had this first conversation with Shaun it was the morning after the incident. He states that over the next few days he would learn more about the incident from Shaun and the girl he know as Roxy.

He states that the next day after he saw him at the motel Shaun and another unknown black male came to his house and asked him to stash a rifle wrapped in a sheet and a Crown Royal bag filled with something in his back bedroom. He states he later gave these items to the police. He states that he took an s/d card out of the phone Shaun had with him at

Investigator Signature: _____

r_supp3

Page 1

CASE SUPPLEMENTAL REPORT

Printed: 10/30/2013 10:17

Lexington County Sheriff's Department

OCA: 11024110

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *ARRESTED*Case Mng Status: *ARRESTED*

Occurred: 06/26/2011

Offense: *MURDER/NONNEGLIGENT MANSLAUGHTER*Investigator: *MEFFORD, R. E. (E70647)*

Date / Time: 10/30/2013 10:15:56, Wednesday

Supervisor: *MEFFORD, R. E. (E70647)*

Supervisor Review Date / Time: 10/30/2013 10:16:09, Wednesday

Contact:

Reference: *Investigative Supplemental*

his house and hid it under his carpet because he knew something was not right about the stuff and he wanted something to show the police if they came.

He states that the next day he gave Shaun and Roxy a ride over to the Columbia College area to buy some crack. He states on the ride there and back Shaun and Roxy were talking about the incident and Roxy was upset with Shaun for taking too long to come inside the house after she left the door open and that he should not have sent that "little pussy" in by himself. She further explained to him that the other person involved in the incident, who Williams did not know, came in to rob the victim and was getting his ass beat and that she had to run outside and get Shaun by knocking on the car window. He states that he had not heard anyone talk about them using a weapon to rob the victim. He states that she was also upset with Shaun because they did not get enough stuff from the house and that they did not have to rush out like they did and that they did not go into ~~that closet~~ ^{under the bed}. He states that while talking about the incident Roxy never showed remorse for the victim. She talked about calling the victim to let him know she was coming over and that she left the door cracked and not just unlocked. He states that she specifically talked about money and jewelry that they stole that was silver and that a relative of hers had a pawn shop and she was going to sell it. He states that she was wearing some jewelry on her fingers at that time and showed it to him. He states that she talked a lot about the jewelry. She was stating how she called Shaun on the phone at the house and did her part and they took too long to come in. Shaun laughed it off and said to her "I handled it, didn't I?" He states that Shaun and her rarely had money and gave him a few dollars here and there for rides for them to buy small amounts of crack. He states that now Shaun was giving him \$20 for rides and bought over \$200 worth of crack and paid for a hotel room for several nights.

The next day he received a call from Shaun and he stated he heard a rumor that the guy he beat died and that he needed a ride to his mother's. He states Shaun told him the guy was alive when they left the house, but he was down and bleeding. Williams believes he drove Shaun to the Rock Hill area. He states that Shaun was worried because the guy they did the robbery with got his ass beat by the guy and that he was bleeding in the house. He states that Shaun knew the man that died and had taken Roxy there before to trick. They went to his family's house in Rock Hill and Shaun left for several hours and when he returned he was talking to Roxy and he said he needs to get back to her. He states that when they got back to Columbia they went to the store and used a card Roxy had given Shaun to get beer and snacks on N. Main. He states that he dropped him off with Roxy.

The next day he received a call from Shaun who stated the guy was dead Shaun said police came to see Roxy to talk to her about it and saw him, however they did not ask him anything about the incident. He states that he needed to leave town again and he was coming over. He states that later on the police came to the house looking for Shaun and he told them Shaun said he was on his way over and the police hid in the area waiting and he did not show. He states that later on he met with Shaun and arranged for the police to stop them at the gas station to arrest him.

Investigator Signature: _____

Supplements [Edit]

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CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 10/01/2013 14:32

Lexington County Sheriff's Department

OCA: 11024110

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Case Status: **ARRESTED**Case Mng Status: **ARRESTED**

Occurred:

Offense: **.F.**Investigator: **CHAPPELL, JOSEPH C (E73432)**Date / Time: **10/01/2013 10:31:00, Tuesday**Supervisor: **(0)**Supervisor Review Date / Time: **NOT REVIEWED**

Contact:

Reference: **Investigative Supplemental**

9/18/2013 - At approximately 0953 hours, Shawn Graham, Matt Martin, Angela Plumley, Angela's lawyer and I met at the Solicitor's Office. Angela stated that she was a roommate with Marie Driggers for 3-4 months while at Lexington County Detention Center. She said she first met Marie when Marie was first arrested and she was in on a shoplifting charge. Angela then got out and when she was arrested for the murder she again saw Marie in D-Pod. They later became cell mates in D-Pod and friends. Angela said that Marie spoke about the murder with Tice one time while they were cell mates. Marie did not have her discovery papers in the cell with them. The following is what Angela told us that Marie had shared with her. Marie was having bad dreams and could not sleep. Angela said that Marie told her the story and began talking without being asked by her. She also said Marie was receiving letters from Demetriss saying he and the other guy would take the blame while telling police Marie was not involved. Marie did not write Demetriss back because she did not want Demetriss to try to use any information against her. Angela stated that one of the letters Demetriss wrote mentioned meeting Marie and Tice near the Speedway about one year prior in a van when he sold them pills. Marie did not remember that meeting and told Angela she was confused why he wrote that to her. Angela said that Demetriss was a crack dealer and Marie worked off of BackPage. She said Demetriss wanted Marie to stop smoking crack and did not like it when Marie would leave him alone to go do other things. Marie needed money and went to Tice's house that night for money. She said Marie told her that Tice kept money and drugs at his house. He had a few "girls" that would come to his house and he kept drugs for them. Angela believed that Marie was trying to get around \$300 but did not know how much she ultimately received. Marie told her that Demetriss and "Little Guy" went with her. Angela did not know the name of the second male but referred to him as "Little Guy." Demetriss and the little guy were on ecstasy. When they arrived at Tice's house, Marie went inside. While inside, she smoked cigarettes and drank some wine but she did not know how long Marie was inside. The little guy came inside and Marie said she acted like she did not know him. Marie left the house to get Demetriss. Demetriss was outside in the car smoking when Marie came out and told him to go get his "homeboy." Demetriss and Marie went back inside and she witnessed Demetriss hit Tice over the head with the bottle. Marie said that Tice was on his knees in front of the little guy when Demetriss hit Tice on the head. Marie then told Angela that Tice started speaking about his brother coming over. From what she heard from Marie, she did not think that Tice saw the strike coming. Marie said she heard a "bone crack" or a "pop." Marie told Angela that she knew it was "bad." Marie said "they" looked around but she did not go into much detail about that part. Marie, Demetriss and the little guy then took a rifle and money before leaving. She believes that Marie told her that she already received money from Tice. Marie also mentioned something about a wallet being taken but Angela did not have too much information about that. When they left, Marie described going to her neighborhood in the Starlite Community and Demetriss bragging to other people about what happened. Marie was upset and wanted Demetriss to stop telling people about the murder. Demetriss was also trying to sell the rifle to people in the neighborhood. Marie stated that later, Demetriss' uncle made her ride with him and told her not to tell anyone about what had happened. Angela did not know what time the incident occurred but knew it was dark out. Angela stated that Marie told her that Tice would have given them all the money they wanted and they did not have to rob him. Angela knew the victim as Tim.

When asked about any gang affiliation with Demetriss, Angela said that she heard from Charlie and Marie that he may have been with the Bloods. She said that Laura Winters and Amanda Furr were also cellmates of Marie. She said that Juan Jordan was her boyfriend when Marie bonded out but they are not together anymore.

9/18/2013 - At approximately 1415 hours, Shawn Graham, Matt Martin and I met with Jennifer Walls at her residence,

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██████████ Jennifer was a friend of Marie. Jennifer stated that when she was arrested she asked another girl in the pod to find out from Marie what happened in the murder. She said that she could not remember the lady's name but said she was older, with gray and blonde hair. She said that Roni Arnick may remember her name because they were friends as well. She said the lady spoke with Marie and gave her a letter stating what happened. She said that Marie planned the robbery. Jennifer said she had the letter for a long time but never met with investigators to hand it over. Jennifer stated that Marie always "lied." She always wanted to get high and spoke to her about robbing another friend of theirs, Kenny. She did not know Kenny's last name but they referred to him as "White Boy." Jennifer stated that Marie spoke to her about robbing Kenny about one week before the murder. She also stated that she met Demetriss in the hotel they stayed at. She said she spoke with Demetriss while in a car. He told her that if he could get one good "lick" he would get out of there. She said they were in Kenny's car outside Driggers' house when they had that conversation. She said they were talking about when police had you in the system, you would always be in the system, so they wanted to get away from there. Jennifer also referred us to Preston Holston ██████████ who drove a cab around that time and drove them places. She believes that Preston may have taken Marie to Tice's house a few times. Jennifer stated that she met Tice twice, one time with Marie and the other time was with Rex. She said that Marie asked her to steal handguns from Tice which she did. She then said that Marie told Tice that she stole the guns, which is why she never saw Tice other than being with Rex to drop off drugs.

9/19/2013 - At approximately 0945 hours, Shawn Graham, Matt Martin, Marion Moses, Billy Patrick Hutto and I met at Kirkland, SCDC. Patrick stated that he was cellmates with Charlie Plumley and Demetriss Glenn in A-Pod #7 for about 5 months. He said that he was with Demetriss without Plumley for another 2 months when Plumley moved out and Justin Washington moved in. The following is what Demetriss told Patrick while they were in the cell together. Demetriss did not share with Patrick his relationship with Marie but Patrick understood that Demetriss had "casual sex" with her. Demetriss told Patrick the story about what happened multiple times, he recalls it being around 12 times. Two of those times, Demetriss told Patrick that he hit Tice in the head with a bottle, the other times Demetriss said that the victim got hit with a bottle. Patrick said that Demetriss wanted to talk about his case many times but he did not ask any questions about the case. Demetriss did not talk about a gang affiliation. Patrick said he called Demetriss "Shawn" but Demetriss wanted to be known as "West Hell" by others. Demetriss was in prison before for about 7 years for guns and drugs. Demetriss said he and two others went to the victim's house. Patrick heard it was around the Jake Knotts' bridge but did not know its address. Demetriss said that he was with Marie and another guy known as "K-Dog." Demetriss stated that he was in the back seat of the car at the victim's house sleeping when he heard a noise. Demetriss said he was woken up by Marie and went inside. Demetriss saw the victim and K-Dog fighting so he attempted to break up the fight. The two broke up but then tried to start fighting again so he hit the victim on the head with a bottle. Patrick thought the bottle was either a liquor bottle or a wine bottle. Demetriss said the victim "passed out" or "blacked out." Demetriss said that all three of them were inside the house. Demetriss did not mention to Patrick hitting the victim with any other object or mention any weapons involved other than the bottle. Patrick remembered Demetriss mentioning a rifle taken from the house but did not specify who took it or what happened to the rifle. At one time Demetriss said Marie and K-Dog took it but others he said "we" took it. Demetriss asked Patrick to call his parents and ask them to research how much pressure it took to fracture a skull. Patrick said Demetriss kept focusing on that area and saying the victim was hit once and Demetriss did not believe that a skull could be fractured with only one hit. Demetriss then stated that police would not find his DNA at the scene. He also spoke about police having phone records that put the other two at the scene but trying to use his phone to place him somewhere else. Demetriss also said the victim had other lacerations according to the discovery and he said he did not cause those other injuries. As they were leaving the incident location, he found out from Marie and the other guy that they had planned the robbery.

9/20/2013 - At approximately 1120 hours, I called Juan Jordan at ██████████ Juan was Marie's ex-boyfriend. I asked Juan if Marie told him anything about the murder incident. He stated that the only story he heard was the one

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version she told investigators while he was present at the Solicitor's office. Juan said Marie told him that she would tell him the whole story once the trial was over. Juan also stated that everything that Marie says is lies. He said that she could not keep up will all her lies and he caught her in lies with her family. Juan was currently living in Virginia.

9/23/2013 - At approximately 1500 hours, I called Preston Holston [REDACTED] who was the cab driver who drove Marie and Jennifer around. There was no answer and I left a voicemail message.

9/25/2013 - At approximately 2030 hours, I spoke with Preston Holston by telephone. He gave me his work number which he could be reached directly during the day as [REDACTED]. Preston stated that he never took Marie to Jake's Landing. He stated that he took Marie to meet Tice at a hotel between 2 weeks and a month before the murder. He said he saw Demetriss once before at a hotel about one week before Marie got arrested. He said he took Marie somewhere. Preston stated that neither Marie or Jennifer Walls spoke about the murder. He said he keeps in contact with Jennifer and she does not know much about the murder.

9/26/2013 - At approximately 1400 hours, Shawn Graham, Rick Hubbard, Matt Martin and I were present for a telephone interview with Juan Jordan. Juan stated that he heard about the incident on two occasions from Marie. The first time was while he was in the meeting with Marie and her lawyer before the meeting with the Solicitor. He said the last time he spoke with Marie as by telephone 2.5 to 3 months ago. He first heard about her involvement in the murder after she was arrested and her heard it from Marie's mother and step-father. Juan heard from Marie that she was at the victim's house with Demetriss and the other guy. Juan said that Marie told him that she was inside the house when a guy with a mask entered the residence. She went outside and noticed one of the two males in the car was missing. She told the guy in the car to get the other one inside. Marie went back inside the hose and saw Tice "gasping" on the floor. Marie said they left and Demetriss threatened her to not tell.

10/1/2013 - I called Angel Adkins [REDACTED] with no answer and left a voicemail.

At approximately 1020 hours, I spoke with Angel Adkins by telephone, [REDACTED]. She stated that she has not spoken with Demetriss for awhile. She said they were "talking" before the murder but she stopped speaking with him about one week before he was locked up because he hit her. She said that they spoke while he was in jail, just to talk but she said she just stopped talking with him. I asked her if Demetriss ever mentioned the incident to her and she said she never wanted to know because she did not want to be involved. I asked Angel if she received letters from Demetriss about the murder. She said the only thing he would tell her is that he was innocent and the other guy would admit to the murder. Angel said Demetriss told her that the other guy "did it" and Demetriss would be out soon. I asked her why Demetriss would not tell her about the incident and she replied that he knew she did not want to know and did not want to be involved, so he would not tell her. She said she did not know anything about the murder and Demetriss did not tell her anything.

[10/01/2013 10:31, CHAPPELLJ, 345, LCSD]

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Printed: 10/03/2013

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Lexington County Sheriff's Department

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Case Status: **ARRESTED**Case Mng Status: **ARRESTED**Offense: **.F.**Investigator: **ETHEREDGE, CATHY SHERVONNE**Date / Time: **10/02/2013 21:22:05, Wednesday**Supervisor: **(U)**Supervisor Review Date / Time: **NOT REVIEWED**

Contact:

Reference: **Investigative Supplemental**

6-26 1410hrs. I/O was notified by Detective Chappell to respond to 220 E. Jakes Landing Road to a Signal 9 where the death of the victim was foul play. Upon my arrival, I met with Sgt. Correll and Detective Chappell who advised that we needed to get statements from everyone that entered the residence prior to our arrival. I ascertained statements from Charles R. Kelly, Dana Wideman, Regina O. Kelly, Mike Ray and Edwin Oswalt each of them stated they all walked in and turned around when they saw the body. None of them touched the body. I spoke with a neighbor, Gurtile Branham, that resides at Jakes Landings. Mrs. Branham was very familiar with Timothy Tice. She stated at approximately 11:00p.m., she heard his truck coming in, but about a week ago, she heard Timothy and his girlfriend "cussing and screaming at each other." Shortly after finishing with the statements, Sgt. Correll instructed me to prepare a Search Warrant for the residence of a David Moore at [REDACTED]. I responded to Headquarters and prepared the Search Warrant and presented the fact to the Judge for his signature. I left the Judge's house and responded to [REDACTED] for execution of the Search Warrant. Detective Freund had been standing by at the residence until the Search Warrant and CSI arrived. I met Detective Freund on the scene and we awaited the arrival of CSI Strickland and CSI Ross. Upon their arrival, the search of the grounds, the pump house and the vehicles on the property, which belonged to David Moore, began. No items were located that could be connected to the death of Timothy Tice.

Once the search ended at [REDACTED], ended, Sgt. Correll requested I respond to secure another Search Warrant for the residence of Timothy Tice, 220 [REDACTED] Jakes Landing, Lexington, SC. This Search Warrant was to recover any statement, bank records, transactions and other relevant banking information for Timothy Tice, and his cell phone and possibly his ATM records. This search produced a State Credit Union Business Card, a State Credit Union Checkbook with a burgundy cover containing consecutively numbered checks # [REDACTED] through # [REDACTED], BB&T blank Deposit Slip, State Credit Union Receipt and a State Credit Union Savings Account Statement (two pages). As we ended our search, we (Detective Chappell, Detective Freund and I) secured the residence and proceeded to HQ.

6-27 0905hrs. I went to Wiley's Landscaping on Augusta Road, West Columbia, SC to get information on Timothy Tice from his employer. I met with the owner to find out if Timothy possibly had a checking or saving account that he was aware of. The owner, Wally, stated Timothy worked with him on the weekends and had helped him to establish his Landscaping business. He told me that Timothy worked full time with Eagle Excavating located at 230 Wildlife Road, Lexington, SC. He gave me their phone number of [REDACTED]. Wally stated that Timothy had his dump truck and trailer and I informed him that he may go to Timothy's to secure his property. I asked if the Bobcat at Timothy's was his and he stated I may want to check with Eagle Excavating because all of his equipment was accounted for.

1015hrs. I called Eagle Excavating as I was en route to their business to get more information on the banking status of Timothy. I spoke with Crystal Egerton, the office manager who told me she would have to speak with the owner and get that information. I provided her with my call back number and she stated she would call when she got the information.

1033hrs. I received a call from the owner, Lynn, and she stated that Timothy cashed his check on Friday at

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Offense: .F.

Carolina First Bank in the amount of \$673.19. Timothy did not have a checking account.

1524hrs. Met with Melissa Hayes, at her residence, [REDACTED] SC. Melissa stated she had been at Timothy's residence most of the day Saturday and left there at approximately 11:00p.m. She stated she had only known him for about two weeks, and she met him through her dad, Billy Hayes. Melissa said Timothy always keeps his phone on his clip, or on the wooden table in the kitchen area. Melissa stated Tonya owed a guy a bunch of money. She was very controlling and very jealous. The door was opened when she arrived, she stepped in and called out "Timmy T" and saw him lying on the floor in a lot of blood.

1028hrs. I received a LEAD ASSIGNMENT WORKSHEET that a Sheri Anderson had provide information about her daughter knowing Timothy and going to his residence. She stated we should call her daughter, "Roxy" Margaret Marie Driggers, who was at the Master's Economy Inn, Room [REDACTED]. I called both Master's in Cayce and found out that she was at the Master's on Commerce Drive. I spoke with a female that was in Room [REDACTED] and she was very evasive about who she was, and stated she was not "Roxy" nor Margaret Marie Driggers. She asked what this was all about and would not talk to me.

6-28 1024hrs. I called Sheri Anderson to make sure this was the right information that was provided on the LEAD ASSIGNMENT WORKSHEET. Sheri said her daughter, Marie, called her house and asked if the kids could spend the night. The children were picked up by her other daughter at 4:00p.m. from Room [REDACTED]. Sheri said Marie was shocked to know the police were looking for her. Sheri said Marie is with a Black male that goes by the name of "Rest" from Fairfield. Sheri did not know Marie's cell number because she had recently gotten a new one. I called Room [REDACTED] again and asked to speak to Marie and the female stated she was Marie. I told her I needed some information from her about Timothy Tice. I asked her if she could meet me and she said she was about to get in the shower. I asked when was the last time she saw Timothy and she said "I usually go and see him every week. I either saw him on Thursday or Friday. No, it was Friday about 9:30 or 10:00p.m. cause I left at 10:30p.m. cause he was tired. She said she knew it was 10:30p.m. because she made it to Shaggy's before 12:30a.m. I met with Margaret Marie Driggers and she said Timmy was asleep when she got there. He does Meth and he was waiting on somebody that night. She didn't know who. She said Timmy stays up for long periods of time because he does Meth. He had family staying with him from out of town two weeks ago. Marie said she and Timmy had oral sex, they were good friends. She would bring him somebody "off the street or the call service." He gave her \$100 about a month ago. Marie said Timmy called her that night even after she left him. He called her to make sure she got home. While she was there he drank a little bit of Bud Light. Marie said she drank wine. She was taken there by a Black female, Mrs. Sharon, who drove an old brownish-gold Ford and she lives off North Main Street. Marie said while she was there, she noticed some "women's stuff at his kitchen table...flip flops."

At approximately 4:56p.m., Marie Driggers called me and said the man with the Meth is Rox. There's a female hooker, Alex, that is at the Bush River Road Motel that has a bar in it. She believes this is where Timmy gets his Meth. Timmy would keep the little baggies everywhere, top of the frig. He would keep money under the lamp.

6-29 at approximately 7:20a.m., I received information that a golf cart was moved from Thomas Chumley, Sr. Mr. Chumley stated he went down to try and find the golf cart at about 9:30 Sunday morning and saw the door wide open. He found out that the cart was back at Billy's house.

At 10:24 I went to the Shell Station to see Terry who worked with Timmy, but she was not in at the time.

At 12:40p.m., I received a call from Marie Driggers and she advised that she was out at Timmy's house on Friday night

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from 9:30p.m until 10:30p.m. and Saturday night from 9:30 until 12:00. Marie's story had now changed because she was adamant when I first spoke to her that she was there on Friday night only. She said Timmy was almost sleep when she left and he had company coming. I called Detective Chappell and his phone went to voice mail. I then called Detective Freund and advised him they needed to go talk to Marie Driggers because her story had changed.

At 7:44p.m., I went to Shaggy's on Sunset Blvd., to find out if they had cameras. The owner, Sonny, was not in at the time. I was given his cell number() and I called him but had to leave a message for a return call.

6-30 at 7:55a.m., I called Sonny to set up a time to come in and view some video.

At 8:18a.m. I called Master's Inn on Commerce Drive and asked Marcus to check for video of Marie and a Black male with braids.

At 1130a.m. I called Sonny again and was advised to call back after 4:00p.m. or call and speak with Leah or Abby at Shaggy's.

At 1202hrs., Detective Chappell and I went to Richland County to execute an arrest warrant. He had notified Richland County and we were met by a Deputy with Richland County at the residence of Marie Driggers, . We were there quite some time knocking on her door, both the front door and the door in the carport. Marie finally came to the door, she was placed under arrest by Richland county and turned over to us. Marie was handcuffed and double-locked, then transported to Lexington County Sheriff's Department. While we were in route Marie said she wanted to talk to us. She told me she knew she had not been honest with me at the motel, but she wanted to talk. As Marie was sitting in the back seat, she saw a photograph of Demetrius Glenn that was with the file. She said the photograph was her boyfriend, Demetrius Glenn.

At approximately 1:00p.m., I went into the interview room to speak with Marie Driggers. Detective Chappell Mirandized her and she agreed to talk about the incident. Marie began by saying a female named Alex wanted to do a big "lick" and leave town. This Alex hung out with a young white male named Kenny that had a number. Timmy asked her to come out to his house by herself, but according to Marie, he usually wanted her to bring another female. Marie said last week she took \$100 from Timmy and was supposed to bring a girl back for him, but she didn't. Timmy sent her a text telling her he hoped it was worth it. Marie went out to his house and when she got there he was on the couch and she didn't stay long. She was trying to give Timmy oral sex, but he gave her \$40 to go and get some marijuana and come back. She left and tried to buy the marijuana, but couldn't. She went back to Demetrius and they rode around for a while. For some reason, Marie gave Demetrius \$20 and she kept the other \$20. She said "I left Demetrius at Shaggy's with his friends. While Marie was going to Timmy's house, she called Demetrius's friends to find out where he was. When I got there the door was closed. She heard Timmy snoring from the outside of the trailer and it was around 2:00a.m. She saw the mess inside Timmy's trailer and ran to her car. She said she ran because if Alex or anybody was out they would have seen her run to the car. She said she met Demetrius about a month ago.

7-01 at approximately 5:40p.m., Marie asked to speak to investigators again. I asked Detective Govan to sit in on the interview with me. I Mirandized Marie and she said she felt bad and had not been able to sleep because of her friend being dead. Marie said they (Demetrius, another Black male and her) went out to Timmy's place. She went in and Timmy was asleep on the couch. She went over and started "playing with it" meaning his penis and then giving him oral sex. Timmy woke up and while she was giving him oral sex, she heard the doorknob on the back door "jiggle." She said "Timmy somebody's at the door. She said that was when the guy that rode up there with them, that was asleep on the back seat, came into the trailer with a gun and a black mask over his face. Timmy got up and started fighting

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with the black male. Marie ran out of the house and to the car where Demetrius was sitting, and told Demetrius that he needed to go inside because that "Little Dude" was fighting with Timmy. Demetrius went inside the trailer and shortly after returned with the black male. As they were leaving the trailer, Demetrius asked the "Little Dude" what was wrong with him and told him he lost it and was acting crazy. Marie said they carried some things from Timmy's house in a sheet and one of them had a Crown Royal bag that was taken from Timmy's house. Marie said "Demetrius volunteered to ride with her to Timmy's. He wanted me to tell them that I was attacked by Tim and they came in and helped me!" Marie began crying uncontrollably and said "Tim was my friend. He was a good man!" She said when "they (Demetrius and Little Dude) came out of the trailer, I looked at him! Little Dude, and he had a black eye. His left eye. They brought stuff out of Timmy's house and put it in the car!" Demetrius kept saying to Black male in the car "dude you went crazy in there!"

Marie was crying and kept saying she wouldn't be able to see her kids anymore. I told her that she needed to consider the fact that Timmy Tice also had a mother and she would like to know what happened to her son.

Marie said on the ride back to West Columbia, Demetrius and the other Black male were throwing thing out of the window that they had taken from Timmy's trailer. Marie said they went to Washington Street complex "the spot. Little Dude hadn't been in no trouble according to West that night." She described "Little Dude" as a Black male in his 30's, about 5'10, 150lbs., short hair cut, but straight, brown skinned and was wearing a shirt, shoes, white hat, sunglasses and had been beaten up. She could see that his eye was swollen. They dropped the black male off near Washington Street. Marie said when they got back to the Master's Economy a Black male came to their room(her and Demetrius). He spoke with her and Demetrius. She described him as being bald-headed, sunglasses on his head, skinny and short. The black male was "pissed because they were so late and it was almost daylight getting back with the car." The Black male told Marie "you done seen too much!" Demetrius and the male went outside and when they came back upstairs, the Black male told Demetrius "you know what you need to do! She done seen too much!" The Black male asked Marie "do you love Demetrius, my nephew? He loves you. Go ahead and talk to me! You gotta take it to the grave! You gotta ride or die niggal!" The Black male told her she and Demetrius needed to get married. Marie said Demetrius has family in Starlite and Bluff Estates. unk

Detective Chappell advised me that he had received information that the Black male that went with Demetrius was Kenneth Walters and he lived on the end of Washington Street in an apartment complex, which was where Marie said they dropped him off.

At approximately 7:45p.m., I went into the interview room with Detective Chappell as he interviewed Demetrius Glenn after he was arrested. Detective Chappell Mirandized him and his statements were evasive and he told Detective Chappell to write down his questions that he had for him and he would take it back to his cell and get back with him with his answers.

On Saturday, 7-02 Detective Freund and I went and watched the complex, which was about 10-12 duplexes. I advised Detective Freund that since we did not have an exact apartment number, I would go door to door asking if they knew Kenneth Walters. As I entered the parking lot, an older Black male was selling watermelons. I talked with him and he knew Kenneth, because he was very familiar with Kenneth's mother, Willia. Pearson. He told me that Kenneth was staying down in the country. I told him that I was investigating a fight that Kenneth was in back on last Sunday. He said "yeah, Kenny got a black eye and he said a tree limb hit him." The male had to leave before I could get the apartment number. The first apartment of three Black males stated they did not know him. The next apartment I went to was directly across from his apartment, #7. The older Black female advised that they were home, Kenneth stayed there with his mother. She told me to keep knocking because they are there. I made contact with Kenneth's mother, Mrs.

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CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 10/03/2013 08:33

Lexington County Sheriff's Department

OCA: 11024110

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **ARRESTED**Case Mng Status: **ARRESTED**

Occured:

Offense: .F.

Pearson. She told me that she would get in touch with Kenneth and have him to call me. She said he worked at Carolina Ale House and Mezza's.

7-04 at 8:30a.m. I went to Carolina Ale House and a black male there states he let Kenny go three weeks ago due to him always being late. But he stated Kenny now works at Mezza Hookah Lounge.

At 8:39a.m. I went to Mezza Hookah Lounge (Gervais Street) and they were closed until 11:00a.m.

At 12:20p.m. Kenneth called me from phone number [REDACTED]-9671. He was calling from the Sunoco on Garner's Ferry Road. Detective Chappell and I went to the Sunoco to meet with Kenneth and he still had a black eye. He agreed to come back to the Sheriff's Department to speak with us about the fight.

Detective Chappell Mirandized Kenneth after we arrived in the interview room at LCSD. Kenneth stated he stayed the night at Moses's house on last Saturday. He said he last worked at Mezza Saturday, 7-02 during the morning. He stated he fell on his shoe on the floor about three weeks ago and injured his left eye. He said they had been to the Farmer's Market and the Flea Market. Moses works at Club Blue.

Detective Chappell informed Kenneth that we had knowledge that he had been to a house here in Lexington County where a man was killed. Kenneth replied "I ain't killed nobody." He was consistent with the statement that he had not killed anyone.

I advised Kenneth that today was the Fourth of July, the day our country celebrates our independence. I know that what happened has weighed heavy on him and he has not been able to sleep. With today being the Fourth of July, make this day your day of independence. Set yourself free. Kenneth immediately started crying and admitted that he was at "the man's house. I had been drinking and I took a pill and I went to sleep in the car. I'm sorry I lied. I was woke up when I heard the girl screaming from inside the house. I ran in and saw a man laying on the floor snoring. I got back in the car and they came out and we left. They was arguing and I couldn't hear what they was saying cause the radio was so loud." I left the interview room.

On 7-05 at 9:30a.m., I told that Marie wanted to talk to an investigator. I brought her to an interview room, Mirandized her again and she stated she wanted to talk to an investigator. She stated she saw that a third person was arrested in the case. She saw him back in booking and said that was the guy that went up there with them. When they got there she heard Tim yell out. She ran in and there was blood. On the ride back Demetrius said "you know too much!" She was now saying that she believed they planned this, but she had no part in it. They were suppose to drop me off and come back in an hour and get me. She heard them talking and thought they might kill her. This was now a different story that Marie had told us.

[10/02/2013 21:27, ETHEREDGE, 346, LCSD] [10/02/2013 21:27, ETHEREDGE, 346, LCSD]

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INVESTIGATIVE REPORT

LCSD CASE# 11-024110

Investigator Matt Martin
11th Circuit Solicitor's Office



Interview with Amanda Furr

This interview took place on October 1, 2013 at Leath Correctional Institution. Present for the interview was Deputy Solicitor Rick Hubbard and myself. The interview began at 10:35am. During the interview, Furr gave the following information concerning Marie Driggers.

- Furr stated that she and Driggers were not roommates but were very close. Furr stated that she was in the Lexington County Detention Center for 2 years waiting on her case to be resolved and that she believes that Marie was in for approximately 9 months before making bond. They were housed in Delta Pod and possibly on the 3rd floor together.
- Furr stated that Marie had a friend named Juan Jordan. They communicated frequently through mail and by phone. Juan has seen Amanda since she arrived at SCDC on a few occasions.
- Furr stated that Marie lied about the incident at Jakes Landing at first. She stated that according to Marie, the victim was named Tim. The 2 guys that were with her on her escort call to Tim came in behind her and one of them hit Tim in the head with a wine bottle. Marie told Furr that she freaked out and they went back to the hotel. Marie told Furr that she was upset because the hotel had a video camera and that she was wearing some of the jewelry taken from Tim's place.
- Furr stated that Marie explained that she was seeing one of the guys involved and that this was the reason that she was lying to the police. Marie told Furr that she was still trying to protect this guy when she was bonding out of jail.
- Furr stated that she has not kept up with Marie but has heard that she is pregnant by a co-worker.
- Furr further explained that Marie made out like this was a service call and that she had taken the 2 guys with her. According to Furr, Marie stated that she knew she should not have taken them with her although she did not explain why. Marie told Furr that she was not in the trailer very long and both came in behind her. Furr stated that Marie did not convey to her whether the 2 guys were armed or wearing masks. Marie told her that one of the guys hit Tim in the head with a wine bottle. She stated that she went back to the hotel. Marie stated that she felt like an idiot because she was wearing some of the jewelry from Tim's and that the hotel had a video camera that may have recorded her. Marie stated that the guys may have taken money from the trailer.
- Furr stated that over time, Marie changed her story about what had happened. At first, Marie told her that she took 2 guys over to the trailer

(14)

**INVESTIGATIVE REPORT****LCSD CASE# 11-024110****Investigator Matt Martin
11th Circuit Solicitor's Office**

and that the guys beat and robbed the victim. Marie told Furr that one of the guys was her boyfriend and had dreads and Furr remembers him being across the hall in another pod at LCDC. Furr stated that Marie and the guy exchanged mail. Later, Furr stated that Marie told her that it was a call and that she knew the victim and his family. Marie told Furr that she took the two guys over with her on the call and that she was getting money from escorting. Marie told Furr that she had texted one of the guys while inside and was worried about the police getting her phone records.

- Furr stated that Marie was conflicted about whether to cooperate with police or protect her boyfriend.

The interview concluded at 10:54am.

END

On October 4, 2013 I was asked to prepare a brief report regarding blood stains that were photographed pursuant to the homicide of Timothy Tice that took place on June 26, 2011 within Lexington County, SC.

In review of the photographs; it appears that a struggle took place within the "living area" of the residence. This is based on several patterns and stains found throughout this area.

There are several different locations where either medium velocity impact or "coughed blood" stains are located. (Very difficult to say exactly which they are from the photographs This could actually be a combination of both.)

There are transfer stains and at least one dropped blood stain on the sofa. The transfer stain noted in photograph number 520282 could possibly be a palm print.

There are transfer stains and what could either be "coughed blood" stains and/or medium velocity stains at the door.

There are "cast-off" stains noted on the ceiling and in photograph number 520279 (I do not see a reference photograph of exactly where this-520279-stain is located.)

In the area where the body was located, there is evidence of both medium velocity impact stains and "coughed blood stains."

Lieutenant Scottie Frier
Lexington County Sheriff's Department

Lieutenant Scottie Frier currently serves as the Commander of Violent Crimes Unit within the Lexington County Sheriff's Department in South Carolina. This unit consists of Major Violent Crimes Detectives, CSI Detectives, AFIS Fingerprint Technicians and the Forensic Drug Lab. Lieutenant Frier began his law enforcement career with the City of Clemson Police Department in 1985 before being hired with Lexington County in 1987. Lieutenant Frier became a Criminal Investigator in 1989 and was placed on the Major Crimes Unit upon its inception in 1994.

Lieutenant Frier has received over 80 hours of specialized training in the field of Blood Spatter Analysis along with over 250 training hours relating to violent crime investigations, crime scene analysis, processing, and reconstruction.

Lieutenant Frier is certified as an instructor with the South Carolina Criminal Justice Academy and has authored a lesson plan approved through the South Carolina Criminal Justice Academy for 16 Continuing Education Credit hours which has been taught to officers representing local, city, county, state and federal agencies across South Carolina. He has been recognized as an expert in South Carolina Circuit Court in the area of Bloodstain Analysis.

Lieutenant Frier has also been published in Law Officer Magazine (September 2006 Vol. 2 Issue 7) pertaining to an article on Bloodstain Recognition and Application.

Lieutenant Frier has served as a guest lecturer at both The University of South Carolina and the Charleston Southern University Criminal Justice Programs for both the undergraduate and master's degree programs as well as the Criminal Justice Program at Midlands Technical College. Lieutenant Frier has also lectured at several conferences and seminars throughout the eastern United States to professional, legal groups and associations.

On the morning of June 28, 2011, while I was at the Master's Economy on Commerce Drive in Cayce speaking with Margaret Marie Driggers, we were sitting in the parking lot in my vehicle. As we sat in the parking lot closest to Room [REDACTED], I observed a tall, dark-skinned, black male with braids and wearing a red shirt looking at my vehicle. I asked Marie if she knew that Black male on the balcony? She stated she did not know him. I told her I would move to the side down from the office, so no one would think she was a snitch. So I parked between the buildings. Marie said she didn't care what the people out there thought because she really didn't know anyone out there.

A few minutes after I move my vehicle, I looked up at the balcony and the same tall, dark-skinned, black male, with braids, that was wearing a red shirt, was standing in plain view staring at my vehicle. Again, Marie said she did not know him.

She finished her statement and got out of my vehicle and went upstairs because she said a ride was coming for her because she had to be out of the motel room by 11:00a.m.

I sat there in the parking lot for approximately ten minutes, when I noticed a dark red four door Cadillac pull into the parking lot. The driver was a heavy set white female. About five minutes after the vehicle pulled in, Marie Driggers came downstairs with bags and placed them in the Cadillac. I noticed that the same tall, dark-skinned, Black male with braids, wearing a red shirt came down with Marie, and placed his bag in the Cadillac and they drove off. How ironic, the same person Marie did not know, she was now riding off with him. I decided to drive beside the vehicle to let Marie know that I saw her and the male. The license plate on the vehicle was [REDACTED] and was registered to Tammie Marie Laycock-Bond, 2035 Augusta Road, Lot [REDACTED], West Columbia, SC 29169.

When Marie was arrested and I sat in on the interview with Detective Chappell, she looked over to me and stated "and I apologize for lying to you that day at the motel, when you asked me if I knew that guy. That was my boyfriend, Demetrius. I know you saw us when you pulled up beside us." The next time I saw the Black male with braids was after he was arrested and sitting in an interview room with Detective Chappell and I. The Black male was Demetrius Glen.

CASE SUPPLEMENTAL REPORT

Printed: 10/30/2013 10:17

Lexington County Sheriff's Department

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSON

Case Status: **ARRESTED**Case Mng Status: **ARRESTED**Occurred: **06/26/2011**Offense: **MURDER/NONNEGLIGENT MANSLAUGHTER**Investigator: **MEFFORD, R. E. (E70647)**Date / Time: **10/30/2013 10:15:56, Wednesday**Supervisor: **MEFFORD, R. E. (E70647)**Supervisor Review Date / Time: **10/30/2013 10:16:09, Wednesday**

Contact:

Reference: **Investigative Supplemental****10/29/2013**

At 1600hrs I arrived at the Lexington County Judicial Center to meet with Solicitor Shawn Graham to conduct an interview with Tyrone Williams in reference to the Timothy Tice homicide trial. Upon my arrival I introduced myself to Williams and Sgt. Sowards left the room and Solicitor Graham arrived a few minutes later and we began the interview. Solicitor Rick Hubbard would later arrived several minutes into the interview. Sgt. Sowards also returned well into the interview. Williams began by explaining that he knew Demetrius Glenn as "Shaun" and that is how he referred to him throughout the interview. He states he met Shaun through his cousin Keith Hipps and knew Shaun for approximately 10 years. He states that Shaun looked up to him like an uncle and called him "unk". He states that he met the girl involved in the incident a few times, however did not really know her. He states Shaun and her dated for a couple of months or so and that is was a girl/pimp type situation between them with a boyfriend/girlfriend relationship also. He states that the girl would trick out of the motel to make Shaun money and he would also sell small amounts of Crack Cocaine to make extra money and get high in the process. He states that before the incident out of the blue the girl started to tell him and Shaun about a trick that would be easy for them to rob. She described him as being white and living in Lexington and that he had a safe and he was easygoing would not put up a fight. He states that he does not know if the man she wanted to have them rob was the man that was killed. He states that he told her he was not going to be involved in any robbery. He states that they had no car and that Shaun would give him money to take him places and that they tried to get him to do the robbery because he had transportation.

He states that the first time Shaun said anything about the incident he went to a motel and saw that Shaun had not shirt on and looked nervous. He asked him what was wrong and Shaun said to him that he fucked up and that he had to mess a cracker up. He states Shaun told him he hit a dude with a bottle or vase and he kept coming so he hit him with a stool. He states that Shaun told him that he blanked out while hitting the guy with the stool and could not stop. Shaun said that he along with Roxy and another guy planned to rob one of Roxy's tricks. Shaun said when they arrived to do the robbery Roxy went in to distract the guy. Shaun told Williams he did not go in the house when the other guy did and stayed in the car. He states that Shaun told him he was passed out in the car and Roxy came out to get him because a dude they were with was getting beat up in the house by the guy they were going to rob. He states he went in the house and the guy was beating the little guy's ass and he hit him with the bottle and that stunned him but didn't put him out so he picked up the stool. He thinks when he had this first conversation with Shaun it was the morning after the incident. He states that over the next few days he would learn more about the incident from Shaun and the girl he know as Roxy.

He states that the next day after he saw him at the motel Shaun and another unknown black male came to his house and asked him to stash a rifle wrapped in a sheet and a Crown Royal bag filled with something in his back bedroom. He states he later gave these items to the police. He states that he took an s/d card out of the phone Shaun had with him at

Investigator Signature: _____

r_supp3

Page 1

CASE SUPPLEMENTAL REPORT

Printed: 10/30/2013 10:17

Lexington County Sheriff's Department

OCA: 11024110

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Case Status: **ARRESTED**Case Mng Status: **ARRESTED**

Occurred: 06/26/2011

Offense: **MURDER/NONNEGLIGENT MANSLAUGHTER**Investigator: **MEFFORD, R. E. (E70647)**

Date / Time: 10/30/2013 10:15:56, Wednesday

Supervisor: **MEFFORD, R. E. (E70647)**

Supervisor Review Date / Time: 10/30/2013 10:16:09, Wednesday

Contact:

Reference: *Investigative Supplemental*

his house and hid it under his carpet because he knew something was not right about the stuff and he wanted something to show the police if they came.

He states that the next day he gave Shaun and Roxy a ride over to the Columbia College area to buy some crack. He states on the ride there and back Shaun and Roxy were talking about the incident and Roxy was upset with Shaun for taking too long to come inside the house after she left the door open and that he should not have sent that "little pussy" in by himself. She further explained to him that the other person involved in the incident, who Williams did not know, came in to rob the victim and was getting his ass beat and that she had to run outside and get Shaun by knocking on the car window. He states that he had not heard anyone talk about them using a weapon to rob the victim. He states that she was also upset with Shaun because they did not get enough stuff from the house and that they did not have to rush out like they did and that they did not go into "that" closet. He states that while talking about the incident Roxy never showed remorse for the victim. She talked about calling the victim to let him know she was coming over and that she left the door cracked and not just unlocked. He states that she specifically talked about money and jewelry that they stole that was silver and that a relative of hers had a pawn shop and she was going to sell it. He states that she was wearing some jewelry on her fingers at that time and showed it to him. He states that she talked a lot about the jewelry. She was stating how she called Shaun on the phone at the house and did her part and they took too long to come in. Shaun laughed it off and said to her "I handled it, didn't I?" He states that Shaun and her rarely had money and gave him a few dollars here and there for rides for them to buy small amounts of crack. He states that now Shaun was giving him \$20 for rides and bought over \$200 worth of crack and paid for a hotel room for several nights.

The next day he received a call from Shaun and he stated he heard a rumor that the guy he beat died and that he needed a ride to his mother's. He states Shaun told him the guy was alive when they left the house, but he was down and bleeding. Williams believes he drove Shaun to the Rock Hill area. He states that Shaun was worried because the guy they did the robbery with got his ass beat by the guy and that he was bleeding in the house. He states that Shaun knew the man that died and had taken Roxy there before to trick. They went to his family's house in Rock Hill and Shaun left for several hours and when he returned he was talking to Roxy and he said he needs to get back to her. He states that when they got back to Columbia they went to the store and used a card Roxy had given Shaun to get beer and snacks on N. Main. He states that he dropped him off with Roxy.

The next day he received a call from Shaun who stated the guy was dead. Shaun said police came to see Roxy to talk to her about it and saw him, however they did not ask him anything about the incident. He states that he needed to leave town again and he was coming over. He states that later on the police came to the house looking for Shaun and he told them Shaun said he was on his way over and the police hid in the area waiting and he did not show. He states that later on he met with Shaun and arranged for the police to stop them at the gas station to arrest him.

Investigator Signature: _____

Supplements [Edit]

Page 2

The night it happen we had to get money to pay our rent! From work

CASE SUPPLEMENTAL REPORT

Printed: 10/30/2013 10:17

Lexington County Sheriff's Department

OCA: 11024110

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **ARRESTED**Case Mng Status: **ARRESTED**

Occurred: 06/26/2011

Offense: **MURDER/NONNEGLIGENT MANSLAUGHTER**Investigator: **MEFFORD, R. E. (E70647)**

Date / Time: 10/30/2013 10:15:56, Wednesday

Supervisor: **MEFFORD, R. E. (E70647)**

Supervisor Review Date / Time: 10/30/2013 10:16:09, Wednesday

Contact:

Reference: *Investigative Supplemental*

[10/30/2013 10:16, MEFFORDR, 436, LCSD] [10/30/2013 10:16, MEFFORDR, 436, LCSD]

Investigator Signature: _____

Supplements [Edit]

Page 3

CASE SUPPLEMENTAL REPORT

Printed: 10/30/2013 14:19

Lexington County Sheriff's Department

OCA: 11024110

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Case Status: *ARRESTED*Case Mng Status: *ARRESTED*

Occurred: 06/26/2011

Offense: *MURDER/NONNEGLIGENT MANSLAUGHTER*Investigator: *MEFFORD, R. E. (E70647)*

Date / Time: 10/30/2013 14:18:35, Wednesday

Supervisor: *MEFFORD, R. E. (E70647)*

Supervisor Review Date / Time: 10/30/2013 14:19:17, Wednesday

Contact:

Reference: *Investigative Supplemental*

10/30/13

On Monday October 7th 2013 I met with Solicitor Rick Hubbard, Shaun Graham, Matt Martin, Marie Driggers, and her attorney Mark Schnee for a follow up interview in reference to the Timothy Tice homicide. Det. Chappell originally met with the same individuals on Friday the 4th. In this interview Driggers went over the incident again and clarified how many times she went to the door during the assault of the victim.

Driggers states that when she ran out to get Demetrius and he went into the house to help the other guy she stopped at the door and didn't see anything, however heard rumbling and noise like they were fighting. She states Demetrius told her to stop and closed the door on her. When the door closed she heard Tice saying there is someone coming and they can take what they want.

She states that she opened the door and went in by the washing machine and saw all three (Tice, Walters, and Glenn) wrestling and she went back out and shut the door. She states that she saw something in Demetrius' hand, however does not know what it was. She states that Walters was wrestling with Tice trying to get him down.

She states that she heard Tice scream and she went in again. She stood in the kitchen and saw Tice on the ground face down. She states that he was gurgling and breathing. She states that she does not see Walters and sees Demetrius pounding on Tice from head to foot.

Driggers left with her attorney. A few minutes later she returned with her attorney and wanted to provide details she left out. She states that a few weeks prior to the incident she was hanging out with a young white male that she was tricking with. She states that Demetrius wanted her to take the white male to a motel under the premise of prostitution and Demetrius would rob him. She states that she agreed at first, however later changed her mind and the robbery never occurred. She states that she did not disclose this earlier because she knew it looked bad.

[10/30/2013 14:18, MEFFORDR, 436, LCSD] [10/30/2013 14:18, MEFFORDR, 436, LCSD]

Investigator Signature: _____

r_supp3

Page 1



Lexington County Sheriff's Department LEAD ASSIGNMENT WORKSHEET



CASE NUMBER: 11024110 LEAD NUMBER: 2
 FROM: Corbett DATE ASSIGNED: _____
 ASSIGNED TO: _____ DUE DATE: _____
 REFERENCE: _____

INFORMATION RECEIVED BY:

☒ TELEPHONE ☐ PERSON ☐ INMATE REQUEST ☐ CRIME STOPPERS
☐ OTHER: _____

INFORMATION RECEIVED FROM:

NAME: AJ SS#: _____
 ADDRESS: _____ DOB: _____
 CONTACT #'S: _____ E-MAIL: _____

INSTRUCTIONS: Interview

Caller stated he was a former cab driver that took
two women to visit Tice at his residence.
The girls were on the "Back Page". Caller only remembered one
of the girls names. "Roxie" Margaret Marie.
Roxie lives on Corbett St off of Eastern Dr. off of
Bluff Rd. The residence should be the seventh on the right.
Stated crazy stuff going on at residence.
Used math at residence & were hopped up!
last dropped off at Tice's residence, 2 mo. ago.
Roxie red hair, 502, 26-27 YOA, W/F

ACTION TAKEN:

MARGARET MARIE DRIGGERS 4.1.85
SHERI ANDERSON
Corbett St
MOVED A WEEK AGO

LCSD 170, Revised 10/04

24
351
357

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CRIME STOPPERS OF THE MIDLANDS

PO BOX 8385, COLUMBIA, SC 29223

Phone: 803-896-7174 Fax: 803-896-7041

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TipSoft Generated Fact Sheet for Law Enforcement Use Only

REPORT #: 11-1449
ALT ID:
OTHER ID:
CASE NO.:

RECEIVED: 06/29/2011
DUE DATE: 07/29/2011

TAKEN BY:
OFFENSE TYPE: HOMICIDE
LOCATION: LEXINGTON COUNTY
DELIVERED TO: LEXINGTON CO SO (5018) - D DANIELS

TIME TAKEN: 04:32 PM

[Click here to let the sending agency know that you have received this tip.](#)

Caller stated that David Moore might be involved with the Timothy Tice Case.

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TipSoft Generated Fact Sheet for Law Enforcement Use Only

REPORT #: 11-1430

ALT ID:

OTHER ID:

CASE NO.:

RECEIVED: 06/28/2011

DUE DATE: 07/28/2011

TAKEN BY:

TIME TAKEN: 12:25 PM

OFFENSE TYPE: HOMICIDE

LOCATION: LEXINGTON COUNTY

DELIVERED TO: LEXINGTON CO SO (5018) - D DANIELS

[Click here to let the sending agency know that you have received this tip.](#)

Regarding the homicide of Timothy Edward Tice: caller said a month or two ago, Tice was involved in a dispute with Michael Hopper over an air conditioner or some piece of equipment. Caller said Hopper has been known to go after other people with a boat paddle. Caller also said Jennifer LNU, known as Jen, and Charley LNU have keys to Tice's residence. Caller said there is a lot of drug activity in the area and Jen and Charley are known to be marijuana users. Caller also said that Tammy Handy and her then-boyfriend Dean LNU had been spending time in the area. Caller said Handy and Dean had been involved in a CDV incident very recently and Dean was an extremely jealous now ex-boyfriend. Caller only knew that Dean often arrived at Tice's house by water.

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Report 11-1430

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REPORT #: 11-1422
 ALT ID: P9B9
 OTHER ID:
 CASE NO.:

RECEIVED: 06/27/2011
 DUE DATE: 07/27/2011

TAKEN BY: SMS Tipster
 OFFENSE TYPE: OTHER
 LOCATION:
 DELIVERED TO: LEXINGTON CO SO (5018) - D DANIELS

TIME TAKEN: 06:17 PM

[Click here to let the sending agency know that you have received this tip.](#)

SMS CRIME TIP

Tipster - 6/27/2011 6:17:00 PM

Tipsc Fwd: Fwd: In reference to the death of Timothy Tice. I spoke with Timmy Ty at 1: 09 am Sunday morning. We spoke multiple times a day. He mentioned to me h

Tipster - 6/27/2011 6:17:00 PM

e had been threatened by a man. Timmy had helped a female friend out, in which her boyfriend is the one that threatened his life.

Agency - 6/27/2011 6:25:00 PM

What city did this incident happen in and when?

Agency - 6/27/2011 6:25:00 PM

Your tip number is 11-1422.

Tipster - 6/27/2011 6:27:00 PM

Lexington, sc and timothy edward tice was found yesterday just b4 noon beat to death in his home on lake murray, sc 11-1422

Agency - 6/27/2011 6:28:00 PM

What was the name of the male who threatened him?

Tipster - 6/27/2011 6:30:00 PM

I'm sorry I so not know the name. I know that he had helped the girl out, I did not get her name either. Apparently this had been going on for a couple of weeks

Tipster - 6/27/2011 6:30:00 PM

I don't won't olive at my home

Tipster - 6/27/2011 6:31:00 PM

Don't want police at my home*

Agency - 6/27/2011 6:33:00 PM

You don't want what at your home.....no one will know who gave us this information.

Tipster - 6/27/2011 6:38:00 PM

11-1422 Timmy and I were close and spoke many times a day. I don't know the people he helped out on that side of the damn. Many knew he was in love with me but

Tipster - 6/27/2011 6:38:00 PM

I did not associate with that set of his friends

Agency - 6/27/2011 6:40:00 PM

Ok, thank you for your information, the information has been sent to Lexington County.

Tipster - 6/27/2011 6:42:00 PM

He stated he had just come into a substantial amount of money from a job.

Agency - 6/27/2011 6:43:00 PM

thanks for the new information.

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 PO BOX 8385, COLUMBIA, SC 29223
 Phone: 803-896-7174 Fax: 803-896-7041
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 TipSoft Generated Fact Sheet for Law Enforcement Use Only

REPORT #: 11-1425
 ALT ID: K6U2
 OTHER ID:
 CASE NO.:

RECEIVED: 06/27/2011
 DUE DATE: 07/27/2011

TAKEN BY: SMS Tipster
 OFFENSE TYPE: OTHER
 LOCATION:
 DELIVERED TO: LEXINGTON CO SO (5018) - D DANIELS

TIME TAKEN: 10:33 PM

[Click here to let the sending agency know that you have received this tip.](#)

SMS CRIME TIP

Tipster - 6/27/2011 10:33:00 PM

tipsc tim TICE went to sonners almost every night and may have left there with them on the night of his death

Agency - 6/27/2011 10:34:00 PM

May have left with whom?

Agency - 6/27/2011 10:35:00 PM

Your tip number is 11-1425.

Tipster - 6/27/2011 10:36:00 PM

Im not sure he was very friendly but someone up there might know who he was hanging out with

Agency - 6/27/2011 10:38:00 PM

Thank you.

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Chappell, Joseph

From: Murrah, Erik
Sent: Monday, June 27, 2011 12:18 PM
To: Chappell, Joseph
Subject: Facebook message

Sheriff Metts,

I am not sure who the investigating officer is on the death of Timothy Tice at Jakes Landing, I am a neighbor and family friend and was contacted by Mendy in regards to details of death when she informed me of the Facebook comments on her page which I have copied and attached with this message

You may reach me at _____ if you or someone else needs further information as we are all looking for closure in this tragedy.

c/o

Mendy Amick Miller Yes elena .. the one we know! They are saying he had a heart attack .. is that what you know, candace?

34 minutes ago · LikeUnlike.

Candace Edwards NO he did not have a heart attack he was beat in the head at 4 am this morning

Jennifer Taylor

Erik L. Murrah

Social Media Coordinator

Lexington County Sheriff's Department

(c)803.546.5404

emurrah@lcsd.sc.gov



AGENCY I.D. SCO320000	LEXINGTON COUNTY SHERIFF'S OFFICE INVESTIGATIVE REPORT	CASE NUMBER 11024110
☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY ☐ STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY		
PAGE <u>1</u> of <u>1</u> PAGES.		

ORIGINAL COMPLAINANT ☐ OR VICTIM ☒	
NAME: Tice, Timothy	DATE OF BIRTH:
STREET ADDRESS:	RACE: SEX:
CITY - STATE - ZIP:	AGE:
INCIDENT TYPE: Death Under Investigation	
ORIGINAL SUSPECT:	
NAME: unknown	DATE OF BIRTH:
STREET ADDRESS:	RACE: SEX:
CITY - STATE - ZIP:	AGE:

RECOVERED PROPERTY DOLLAR AMOUNT: \$ _____

CANCEL NCIC ENTRY: YES _____ NO _____

On July 1st, 2011 I assisted with this murder investigation by completing a search warrant. I was approached by Sgt Correll and Detective J. Chappell and I learned that a witness by the name of Tyrone Williams had come forward and he provided information about this case. I further learned that Williams implicated a person of interest as being involved in this murder and further offered a long gun that Williams believed was taken from the victim, Timothy Tice's, residence and given to him by someone shortly after the murder. Chappell advised me that he was heading over to Williams' residence to obtain a statement from him. Soon after I was contacted by Chappell and Sgt Sowards who was at Williams' residence assisting with this case as well and Sowards provided me with a description of Williams' residence located at ██████████ Dundee Lane in Columbia City.

I went by the office of the Olympia Magistrate Judge Harold A. Cuff located at 1601-B Shop Road Columbia South Carolina 29201, Phone number 803-576-2550. I briefly apprised Judge Cuff of the details of this case and what was recently learned about Williams and the location to be searched and Judge Cuff signed the search warrant.

I arrived at ██████████ Dundee Lane and met with Detectives Joe Chappell and Bill Freund and CSI Detective Renee Strickland. I provided Strickland with this search warrant. Strickland seized a long gun and several other items believed to be Tice's property.

On July 12th, 2011 I went by 1400 Huger Street and met with Judge Cuff and he signed the return of this warrant. I will forward this search warrant and my report to Chappell for his investigation. (21)

SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE	☐ ARRESTED UNDER 18	☐ EX-CLEAR 16 AND OVER
YES ☐	NO ☐	YES ☐	NO ☐	☐ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 16 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ VICTIM/WITNESS DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE, NO ARREST						
REPORTING OFFICER Ed Prestigiaco	DATE 7/12/11	UNIT NUMBER 315	APPROVING OFFICER		DATE	UNIT NUMBER
REPORTING OFFICER	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER

LE 7726 (HPV 4/98) | CSO 002 - Revised 8/04

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 08/04/2011 21:22

Lexington County Sheriff's Department

OCA: 11024110

THE INFORMATION BELOW IS CONFIDENTIAL FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **ARRESTED**Case Mng Status: **ACTIVE**

Occured: 06/26/2011

Offense: **MURDER/NONNEGLIGENT MANSLAUGHTER**Investigator: **CHAPPELL, JOSEPH (E73432)**

Date / Time: 08/04/2011 21:17:29, Thursday

Supervisor: (0)

Supervisor Review Date / Time: **NOT REVIEWED**

Contact:

Reference: *Investigative Supplemental*

was playing in that she was affiliated with. She said he came by that Friday while she was mowing her lawn. She said he stayed in his truck and they spoke briefly. Janice said Timmy called her last Monday or Tuesday and left a voicemail saying he had found some of her "matching bowls" and wanted to get them back to her. She said she only text messaged him back. She said she then text messaged him back a second time instructing him to drop the bowl with her daughter at Travinia. I/O asked Janice where she was on Saturday night. She said she was with her boyfriend, Mike Snyder, in Rock Hill at the Hampton Inn. She said they were there until Sunday. Janice why she checked Timmy's email and if he knew she checked it. Janice said she checked Timmy's email "curious" about his life when she was not there and she did not think he knew that she checked it. She was given the passwords by Timmy while they were dating and helped him set up his email. I/O asked about Timmy's drug use and she replied that he did not use drugs in front of her. She believes that while they were dating she kept his "straight." Janice did not know about any other girlfriends. She said the email with the girl's photographs was the first one she had seen like that.

At approximately 1042 hours, I/O received a call from Donald Powell. He stated that Timmy told him a guy named Rex offered Timmy money to beat up his daughter's friend. He thought it may be helpful to the case. He also stated that Rex may have been into cocaine. Donald also said Timmy told him that someone owed him money that may have been in the "thousands." Donald did not have any more information.

At approximately 1154 hours, I/O met with Tammy Handy and Terry Wiscaver (DoB [REDACTED] Ph [REDACTED]-0085) at lot [REDACTED] in Jakes Landing. Tammy said that Timmy may have used drugs to get girls to the house. She used to clean the house for Timmy and that is what she thought. I/O had obtained a voicemail from Timmy's phone with what sounded like a female cussing at Timmy for hanging up on them. I/O played that voicemail for Terry and Tammy but they did not recognize the voice. They said they would have to hear a clear version of the recording. I/O advised them to come to the Sheriff's Department to hear it again. Tammy stated that she just cleaned the house on Wednesday and Timmy was complaining of an ex-girlfriend, Janice. She said Timmy told her Janice had been calling him possibly wanting to get back together. I/O asked about Rex. Tammy said Rex was a "good friend." Terry stated that "people thought he was a drug dealer" referring to Timmy but she did not think that. She also said that people claimed that his work dump truck had been moved that morning but when she saw it on Sunday, the ramps were down on the trailer making it immovable. I/O obtained a voluntary DNA buccal swab from Tammy Handy.

I/O obtained phone records for David Moore, Timothy Tice and Tanya Powell. The phone records for Tanya Powell and David Moore show that they were making phone calls that were picked up by cell towers in Hopkins and not near the incident location. This information was consistent with their account of Saturday night.

At approximately 1400 hours, I/O and Det. Freund met with Margaret Marie Driggers at her residence on [REDACTED] Corbett Street in Columbia. Margaret gave phone number is [REDACTED]-0374 which is her mother's home phone number. While

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at the residence, I/O met Marie's boyfriend, a black male with dread locks that identified himself as Demetrius Floyd (DoB PH [REDACTED]-8659). I/O also met with Robert Isaac who is Marie's stepfather. Margaret went by the name Marie and will be referred to as Marie in this report. Marie voluntarily agreed to ride with I/O to Lexington County Sheriff's Department and participate in an interview. While at the house, I/O met a black male that Marie identified as her boyfriend. I/O spoke with the male and he said his name was Demetrius Floyd with a DOB [REDACTED]. I/O and Det. Freund then transported Marie back to Lexington County Sheriff's Department.

At approximately 1509 hours, I/O and Det. Freund began the interview with Marie in the interview room at the Sheriff's Department. Marie went to the restroom before she sat down in the interview room and had a large sports drink that she needed since she had been throwing up earlier. The following is what Marie told I/O during the interview. Marie said she went by the name "Roxy" for her work but did not use that name much. She identified her boyfriend as "Demetrius" and also knew he went by "West." She could not tell I/O his last name. Marie met Timmy through an escort service, Southern Hospitality, about five to six months ago. Her relationship with Timmy consisted of sexual favors for money and friendship. She would give him oral sex with and without a condom. Marie would also bring other girls along so that she would not have to have sex but would still get paid. The last two times she brought a girl over, it was a girl named "Alex." Timmy used methamphetamine while she was over at the house but she did not use any drugs while at his house. Alex would use methamphetamine with Timmy. Marie said Timmy would get his drugs from a white male that she believes is named "Rex." She said that she has not used methamphetamine in about five years. She drinks alcohol now but no drug use. While at the house, Timmy would take photographs of her and Alex nude. Alex would also take photographs of herself for Timmy. Marie said she and Alex would use some of the photographs for their advertisements on Backpage.com. I/O asked her when the last time she saw Timmy was. Marie said she saw him on Friday or Saturday. She went back and forth with the days and said it had to be Saturday. She was over at Timmy's house between 2200-2300 hours. She went to Timmy's house to get \$40 to go to the club with. Marie said she drank a cup of wine from a bottle that she opened. Marie could not tell I/O what type of cup or what color the cup was that she drank from on Saturday. Marie said that Timmy keeps wine at his house for her. While in the kitchen, she saw a beach bag with women's clothes inside and flip-flops. Marie stated that she thought Timmy had guests over or was going to have guests over. She told I/O that Timmy told her that he was expecting someone. Between 0030-0100 hours, Marie arrived at Shaggy's, a bar in West Columbia. Marie said that she did not stay long at Timmy's house; she planned to go back after she went out. While at the house, Marie sat on the black ottoman while Timmy lay on the couch. Marie drove a brown sedan, which she believed was a Ford Taurus, but did not know who the vehicle belonged to. I/O asked Marie who she thinks would have killed Timmy and she responded that her friend Alex may have had something to do with it. I/O asked her why she thought that and she replied that she had been thinking about the incident. The only one she could have thought would have killed him was Alex. She also said that Alex told her that she wanted to "hit a big lick" before leaving town. Marie said she has not seen Alex in about two weeks, so she may have already left town. I/O asked Marie when the last time she spoke to Timmy by phone and she replied that it was around 0100 hours. She said Timmy called to "check on" her. Marie said Timmy wanted to make

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sure she made it to the bar safely. Marie said she was at Shaggy's Bar until about 0300 hours. I/O had phone records for a phone that was registered to Marie, [REDACTED]-6436. I/O asked Marie what her cell phone number was and she said she could not remember it was. I/O advised her that investigators had phone records for that phone and it showed she was the registered owner. Marie replied that it was "probably" hers. I/O also advised her that the phone showed she called her mother's phone number and called Timmy's number at the time she spoke to him. She replied that it was her phone then. I/O told Marie that her phone records show her phone pinging off a cell tower on North Lake Drive around 0152 hours. She said that her phone went "dead" meaning the battery lost charge, at the bar and she has not seen her phone since Saturday night. I/O asked her why then was her mother's home phone number called on Sunday when she lost her phone on Saturday night. Marie replied that someone else must have taken the phone and went through the call log to make calls. I/O asked how if her phone went dead how was it able to turn back on and make phone calls. She replied that she did not know how. Marie told I/O that someone must have stolen the phone. I/O asked Marie how she carried her phone, such as in her purse, on a clip or in her pocket. Marie said it depended on what she had with her but she would carry it all the ways mentioned. I/O asked Marie how she was carrying the phone on Saturday night and she replied that she did not remember. I/O asked her if she set the phone down and it got stolen from there but she could not tell I/O. I/O asked Marie about what time her phone went dead and she replied that it was shortly after she got to the bar, Shaggy's. I/O asked her again how her phone was making calls traveling toward Timmy's house but she said it went dead. Marie became agitated and told I/O that the phone needed to be called to determine who had the phone. Marie kept saying when asked that she was only at Timmy's once that night and it was between 2200-2300 hours. I/O advised Marie that 2 other people already completed statements saying that they left Timmy's house between 2230-2300 hours. She said that all the residents around Lakes Landing were "meth heads" and they were lying. I/O asked if someone else borrowed her phone and she said that she did not know. I/O again asked why it was making calls after she said it went dead. Marie replied that she bought a phone for Alex and put it in her own name. I/O advised her that this phone that is being referred to is her phone since the phone calls are to her mother and to Timmy as she described earlier. Marie then told I/O that she "maybe" needed to have someone in the room with her during questioning. I/O asked her who she wanted and she replied her stepfather. I/O told her that she was an adult and her stepfather would not be in the room at this time. We again began speaking about her phone calls that were made around 0200 hour time frame and her proximity to Jake's Landing. Marie said she did not go back to Timmy's house after she left and was only there between 2200-2300 hours. Marie could not tell I/O where her cell phone currently was and said she never went back to Timmy's house. Marie then stated that maybe she should talk to a lawyer or have someone there with her. I/O asked her who she wanted there with her and she replied that she wanted a lawyer with her. The interview was stopped and I/O advised her to call her stepfather, Robert Isaac to give her a ride home.

At approximately 1839 hours, I/O made contact with Mike Pressley at [REDACTED] Bonnie Forest Blvd in Columbia since that is the address that was listed for Demetrius Floyd. I/O wanted to speak to Demetrius about what Marie said happened on Saturday. Mike told I/O that Demetrius did not live there regularly and would only be in and out. Mike then

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advised I/O that he would call his fiancée, Shirley Jones who is Demetrius' mother. I/O spoke with Shirley Jones at [REDACTED]-7541. She told I/O that she did not know where her son was staying but he did not stay at her house. She also could not provide I/O with a phone number. I/O advised her that the driver's license photo of Demetrius did not look like the black male, I/O made contact with at Marie's house and I/O wanted to verify that with her son. She stated that she would attempt to contact him and call I/O at a later time.

At approximately 1900 hours, I/O called Robert Isaac's phone to speak with him about phone calls from Marie's phone after the incident. I/O wanted to confirm that Marie had the phone because her phone records show that she called her house number on Sunday. A female answered the phone and I/O asked if it was Marie since I/O did not think so got a ride home so quickly. Marie stated that it was her and told I/O that she needed to say something. Without pausing, Marie told I/O that she had been talking to her stepfather on the way home and had to tell I/O something. Marie told I/O that she went back to the house and saw Timmy's dead body. She said when she entered the house, Timmy was already dead. I/O advised Marie that if she wanted to speak more about the incident she would have to call I/O and initiate the incident and the phone was disconnected. I/O then called back and Marie answered. I/O asked for Robert Isaac. I/O asked Robert if he could come meet I/O at the Sheriff's Department for an interview and he agreed.

Richland County was contacted to search their names database to see if they had anyone identified that goes by the name "West" or "Rest." Richland County returned with the name Demetriss Alshawn Glenn (DoB [REDACTED] who was known by "West." I/O pulled a DMV photograph for Demetriss and recognized him as the black male that was spoken to outside of Marie's house on Corbett Street. Detective Freund also recognized him as the same black male that identified himself as Demetrius Floyd.

I/O spoke with Shirley Jones at around 1930 hours and she asked about the female that this black male was with that I/O was asking about. I/O told her that it was a white girl and she responded that her son did not date white girls so the male I/O spoke with was more than likely not her son. She also said that her son did not have long hair like the male I/O spoke with. I/O still asked her to meet with her son so positive verification could be made. She said she would call back.

At approximately 2103 hours, I/O met with Robert Isaac (DoB [REDACTED] Cell [REDACTED]-6489) at the Sheriff's Department. Robert told I/O that he was told by Marie that she went back to Timmy's house and saw Timmy in a pool of blood. He told I/O that Marie did not tell I/O because she was afraid. He said she told him that while he was driving her back to their house. Robert said that Marie also had a friend that was called Alex who she has been with for the past 2-3 weeks. I/O asked about Marie's boyfriend and he replied that he believes they knew each other from school a long time ago. He knew the boyfriend as West, Rest or Shawn. He said that Marie stayed at hotels because they did not want her and her boyfriend at the house. I/O asked Robert about Marie's cell phone. He said that Marie is "inseparable" from her cell phone until the past couple of days. Robert said he noticed that her boyfriend has had the

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Contact:

Reference: *Investigative Supplemental*

phone since the 27th of this month. Her boyfriend has been calling the house with Marie's cell phone and Robert recognizes the phone number. Robert said this boyfriend called this morning around 0350 hours and it showed up as Marie's phone number. He said he answered the phone and the male did not say anything. Robert also said that Marie has been spending time with about three other people: Alex, "Rest" and a white male. He described the white male as "scary." Robert said about one week ago, Marie came to the house with this white male driving. Robert asked this white male to leave and the white male told him, "not without our money." He described that the white male appeared to be on some sort of drug and did not move his head or look at Robert. He said that he scared him. I/O asked about Alex and Robert says he has heard Alex uses methamphetamine with needles. He heard she got kicked out of hotels for drugs. Robert said Alex and Marie were last together about one week ago and Marie is "easily manipulated." Robert also said Marie told him that Alex was going to hit "one big lick" and leave town. Robert completed a written statement.

6/30/2011 At approximately 0900 hours, I/O obtained an arrest warrant for Marie for Misprison of a Felony for not telling investigators about returning to Timmy's house and actively covering it up between two interviews. She had spoken to Detective Etheredge once before in Lexington County at the Master's Inn. Both times she told investigators that she did not return to the incident location after leaving there. The arrest warrant was placed on NCIC. *

At approximately 1200 hours, I/O and Detective Etheredge met with Deputy Jones from Richland County Sheriff's Department at Marie's home [REDACTED] Corbett Street. Deputy Jones knocked on the door about five minutes and Marie came to the door. Marie was placed under arrest and I/O transported Marie to Lexington County Sheriff's Department. While in route to the detention center, Marie told I/O that she wanted to talk to investigators before being booked into the detention center. While in the back seat with Marie saw a photograph of Demetriss Glenn that was on his driver's license printout. Detective Etheredge was in the back seat with Marie and had the printout in her file on her lap. Marie said, "That's him." Detective Etheredge said, "That's who?" Marie said that is Demetriss, her boyfriend.

At approximately 1256 hours, I/O interviewed Marie with Detective Etheredge in the interview room at the Sheriff's Department. Marie was asked if she needed to use the restroom which she refused. I/O advised Marie of her 5th Amendment rights in accordance with the United States Constitution. She initialed by each right signifying that she understood each right. Marie said she did not have any questions and agreed to speak with investigators without a lawyer present. The following is Marie's account of the incident and surrounding events. Marie last saw Alex at Traveler's Inn where Marie paid for two rooms. Alex told Marie that she wanted to hit one "big lick" and leave town by herself. Alex hung out with a white male named, Kenny. She described Kenny as a white male, 23-24 years old, tall, skinny. Kenny drove a small 2 door sedan, possibly white or silver. The last time she spoke to Kenny, he had been stranded in Gaston by someone. Marie said I/O should be able to find his number in her cell phone history since she spoke to him after the 24th of June. She said Kenny had a 615 area code. Marie took \$100 from Timmy last week and was suppose to return with another girl but she never returned. She received a text message from Timmy later

Supplements [Edit]

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she said she lost the phone. Marie stated that she gave the phone to Demetriss and he has had it since around Sunday. I/O asked Marie what Demetriss' last name was and she responded that he never told her because he had arrest warrants.

At approximately 1649 hours, I/O met with Susan AL-Naqeeh at the Sheriff's Department. Based on Timmy's phone records, Susan was one of the last people that Timmy called the night of his death. Susan had been contact by Detective Freund by telephone and she told him that Timmy had left her a voicemail. She wanted investigators to hear the voicemail. Susan stated that she knew Timmy about 4-5 years. She last went to his house on Friday around 1300 hours to repay him \$40 that she had borrowed earlier. Susan said that when she saw Timmy on Friday, he was lying on the couch and complaining about his job. Susan has a child with another friend of Timmy's, Billy Hayes. Susan said that on Saturday night she was with her boyfriend, Lloyd Buff in South Congaree at his residence with is on Edmund Highway. I/O asked if she knew about Timmy's drug use and she said that they were not close enough to know about that. She also did not know about any of his girlfriends. Susan completed a written statement.

Detective Freund made contact with the female identified as Alex who is Jennifer Renee Walls (DoB Detective Freund found her at [REDACTED] Calhoun Street in Swansea. Detective Freund ran her history and Jennifer had active bench warrants from Lexington County. She was placed under arrest and transported to Lexington County Sheriff's Department. When she arrived at the department, I/O asked Jennifer if she could be asked questions regarding Marie and her boyfriend, who she knew as "Shawn." She agreed and was interviewed in the interview room. Jennifer said she went by the name "Alex" while working. She used backpage.com. Jennifer said she met Timmy through Marie and Marie took her to his residence once. Jennifer said while there she took photographs with Marie for her web advertisements and for Timmy. They used her cell phone, and his cell phone to take photographs. Jennifer said she was out at Timmy's house one other time with a guy named, "Rex" by boat. She said she believed Rex was delivering drugs but she did not know for sure. She told I/O that she used drugs with Rex. Another time, she was at out Jake's Landing swimming and saw Timmy's house but was not out there to visit him. Jennifer said the time she went with Marie was about 2-4 weeks ago. Jennifer said she spoke to Timmy twice by phone, once for a ride and once to try to get him to help tow a trailer for a friend. She said she deleted his number out of her phone because he did not call her back. She believed Marie was speaking of her badly. She thought that she and Timmy got along well which bothered Marie. Jennifer said that she had the same "drug of choice" as Timmy which was methamphetamine. Jennifer also stated that she heard Timmy used cocaine but only saw him using methamphetamine. Jennifer said that Marie's drug of choice was crack. I/O asked Jennifer what she did other than take photographs at Timmy's house. She said she "helped" with oral sex but she did not have sex with him. She said Marie performed oral sex on Timmy. The last time she spoke to Marie was about one week ago when Marie did not pay for their rooms at the hotel. I/O asked Jennifer who else was in their group of immediate friends. She replied that it was her, Marie, Shawn (a black male

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Printed: 08/04/2011 21:22

Lexington County Sheriff's Department

OCA: 11024110

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Case Status: *ARRESTED*Case Mng Status: *ACTIVE*

Occured: 06/26/2011

Offense: *MURDER/NONNEGLIGENT MANSLAUGHTER*Investigator: *CHAPPELL, JOSEPH (E73432)*Date / Time: *08/04/2011 21:17:29, Thursday*Supervisor: *(0)*Supervisor Review Date / Time: *NOT REVIEWED*

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with dreadlocks) and a white male called Kenny. Jennifer told I/O that Marie wanted to try and rob Kenny one time. She said Marie asked Jennifer to keep Kenny busy while she tried to take his laptop computer. Jennifer said she did not want to help because she said Kenny did not deserve that. I/O asked Jennifer to describe Kenny. She said he was a white male, 23-24 years old, possibly Jewish and innocent. She said he drove a Honda Civic and had a cell phone with a 615 area code. She knew Kenny stayed off of Rosewood Drive. I/O asked Jennifer what she thinks happened to Timmy and she replied that she believed Marie robbed him or led on to someone to rob him. I/O asked her why she thought that and she replied that the first thing she thought about when she heard Timmy was killed was that Marie was involved. I/O asked Jennifer where she was at on Saturday night. She replied that she was staying with Nikki and Billy on Chadwood Circle. She did not know their last names or their exact address. She also stated that she went to the Gilbert area with Mike (unknown last name) on Saturday night to visit Theresa (unknown last name) but was under the influence of drugs and could not be specific. Jennifer said she has not been anywhere near the lake in the past week. She said Marie would go to the lake at least once a week. Jennifer said the last time she saw Marie, she remembers Marie telling her that Timmy owed him money. She said Marie had brought Timmy a box of Sudafed which normally pays about \$30-40/box but she never received money for it. Jennifer also said Marie told her she did not get paid for some of the time she spent with Timmy. She stated that Marie's boyfriend, Shawn told her that if he could hit one "big lick" he would leave town. Jennifer said that Marie tried to get her to steal for her. She said that while at Timmy's house, Marie asked her to take something since Timmy had not been paying her. She said Marie asked her to take some guns and Jennifer told Marie to put them in her purse. While Timmy was giving Jennifer a ride, she told Timmy that the guns had been taken from his house and she gave them back. I/O asked Jennifer if she believed that Marie also called Timmy to tell that Jennifer stole the guns. She said that that "made sense" because she never really talked to Timmy after that. I/O showed Jennifer a photograph of Demetriss Glenn and asked if she knew that male. She identified the male as Marie's boyfriend or "Shawn." Jennifer told I/O that she had Demetriss' phone number in her cell phone which was at Calhoun Street where she was located. She told I/O that her phone could be looked through to obtain the phone number for him. She said she only sent him a text message that said "Alex" so he would have her phone number. Jennifer's phone records were obtained and are consistent with her story about her actions on Saturday night. Her phone made calls throughout the night on Saturday night and no calls were made near the incident location.

I/O obtained a search warrant for [REDACTED] Calhoun Street in Swansea for Jennifer's cell phone to get the phone number out of it. At approximately 2300 hours, I/O served the search warrant and made contact with Kenneth Hoffman (Ph: [REDACTED]-7335 Ph: [REDACTED]-2915) who was the home owner. He said that Jennifer came to stay with him a couple of days ago. I/O obtained a Motorola Boost Mobile Cell phone that belonged to Jennifer Walls and a wall charger. The serial number for the phone is M78CPL17TV and the phone number is [REDACTED]-5912.

7/1/2011 - At approximately 1020 hours, I/O again looked through Marie's phone records. At 0152 hours, [REDACTED]-3712 was called and Marie's phone was near North Lake Drive close to Jakes Landing. I/O called

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██████████-3712 to find out who Marie was calling while they were close to the incident location. A male answered the phone and he identified himself as Kenneth. I/O asked "Kenneth, what?" The male replied "Kenneth Walters." I/O identified himself as an investigator with the Sheriff's Department. I/O asked Kenneth if he could be met with about some phone calls made to him on Saturday. Kenneth asked if he needed a lawyer. I/O advised him that he only needed to be asked a few questions for about five minutes but he could have anyone he wanted present with him. Kenneth stated that he was at work and could not meet. I/O asked if he could be met after work and what time he got off work. Kenneth said he got off work at 1500 hours but he would call I/O back about the meeting. I/O again asked what his name was and Kenneth stated that he did not want to give that information out.

I/O then called the next phone number called after Kenneth's number which was ██████████-8792 with no answer.

I/O was then notified by SGT Sowards that he was with a black male that wanted to talk to investigators about information he had received from Demetriss. This male was at ██████████ Dundee Road in Columbia and could give investigators "the suspect." Demetriss had an active bench warrant from Richland County for Failure to Appear. This male at ██████████ Dundee Road also stated that Demetriss was coming to his house. I/O was advised the US Marshals Task Force along with Richland County Sheriff's Department would be waiting in the area until Demetriss arrived to take him into custody for the bench warrant. I/O and Detective Freund traveled towards that area to meet with the black male. I/O and Detective Freund arrived in the area and waited until told to enter by SGT Sowards. Demetriss never showed up at ██████████ Dundee Road and I/O traveled there. At approximately 1256 hours, I/O made contact with Tyrone Williams (DoB ██████████ Ph: ██████████-2314) and his wife, Sandra Williams. Tyrone told I/O that he knew the black male that I/O was looking for and knew him as "Shawn." I/O asked Tyrone to describe Shawn and he stated that he was 6'2" and about 190-200 pounds. Tyrone said he knew Shawn a long time but only knew him as Shawn. He knew Shawn was the male I/O was looking for because Tyrone said Shawn admitted to him that he "may have killed" someone. Tyrone was shown a line up by Detective Prestigiaco with Demetriss and asked if he recognized anyone in the lineup. Tyrone pointed at Demetriss and said that he was the one he knew as "Shawn" and the one that told him that he may have "killed" someone. Tyrone was asked to circle the number that he recognized as Demetriss and initial. Tyrone knew Demetriss Alshawn Glenn as Shawn but he will be referred to Demetriss in the incident report and the following is what was told to I/O by Tyrone. Tyrone made contact with Demetriss back in May at a relative's graduation. He gave Demetriss his phone number and one week later Demetriss called. Tyrone described Demetriss as a "petty drug dealer." He knew Demetriss to have two girls: Roxy (Marie) and Ange. Tyrone did not know Roxy's real name but by Marie's admission to I/O she was known by Roxy to certain people. He said Demetriss told him that Angel was not involved. Tyrone was told by Demetriss that Demetriss met with investigators at Corbett Street when Marie was spoken with. Tyrone told I/O that Demetriss said he gave investigators his "brother's" name, Demetrius Floyd who is known by Tyrone as "Meatball." Tyrone was called by Demetriss for a ride and he met him at Master's Inn. Demetriss came down the stairs and made contact with Tyrone with a shirt on. Demetriss told Tyrone that he may have killed someone and he "bust" someone in the head. I/O asked Tyrone what room Demetriss was staying in at

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saying "I hope it was worth it" referring to her taking his money. On Saturday night Timmy asked her to "come alone" which she thought was odd because Timmy usually did not mind her bringing other girls and never asked her to come alone before. Marie went to Timmy's house around midnight and Timmy was on the couch. She stated that she only stayed about 30 minutes and got \$40 from Timmy. Marie had a glass of wine from a bottle that she opened. Marie said she tried to give Timmy oral sex but he told her that she could wait until she came back. When she was leaving Timmy asked her "Red, you promise you are coming back?" Marie took the \$40 to buy marijuana. She said she was planning on returning with the marijuana because she could not smoke it anywhere else. She said Timmy did not have a lot of money and she knew that because he gave her a bunch of small bills, like ones and fives. Marie then left and went back to her room at the Master's Inn. She picked Demetriss up and rode around. She and Demetriss went to Shaggy's bar and tried to buy marijuana but it was too expensive. People at the bar tried to sell her a bag for about \$75. Marie said that Timmy called her back not to "check on" her but to ask her when she was coming back. She and Demetriss rode around to find any other sources for marijuana. They could not find anywhere else to buy marijuana and Timmy kept calling her so she dropped Demetriss off at a club. Marie said it was near Jimmy John's Sandwich shop in Columbia. The bar had a red sign. She gave Demetriss \$20 and she kept \$20. She then headed back to Timmy's house while Demetriss "hung out" with his friends. I/O asked if Demetriss and his friends hurt Timmy. She said that if they did then they got to his house "super fast." I/O asked Marie who she was calling while heading to Timmy's since her phone was still making calls and what time she went back to Timmy's. Marie said she went back to Timmy's house around 0200 hours and she made calls to Demetriss' friends to find out where he was going. I/O asked why she was calling for Demetriss when she knows where she dropped him off. She said she was very "possessive" and wanted to know where she could pick him back up along with where he was going. When Marie got to Timmy's, she pulled to the side of the mobile home. Marie grabbed the door and stepped inside. She could only see his feet and only made one step inside the home. Marie could hear Timmy snoring from outside as she approached. I/O asked Marie what she touched while inside the house and she replied that she did not touch "nothing." She told I/O that the house was "messed up." She described that she only stepped into the house, saw Timmy's feet and leaned to her side to see his "fat part" which she later clarified to be his stomach. Marie then ran out of the house and left the incident location. I/O asked Marie that if she only stepped into the house as she described, how she knew the house was messed up. Marie said again that she only stepped into the house and said what she saw in the house from the door was messed up. I/O asked Marie why she left the house and she replied that she was "scared." I/O asked Marie who she was scared of and she replied that "Alex may have seen her." She then said that the people inside may have seen her and hurt her. I/O asked why she mentioned Alex and she replied that she did not know but she did not see anyone inside the house. I/O asked Marie if she heard anyone in the house and she replied that she did not. She said she was scared because she may get hurt by the same people that hurt Timmy if she was seen. Marie then left the residence and went to pick up Demetriss. I/O asked where Demetriss was picked up and she said it was "up the cut" which she clarified to be a side street near where she dropped him off. She and Demetriss went to Shaggy's and then to his friend's house. She said they also drove around all night. On Sunday, Marie was taken to see her children. Marie also admitted she told her mother about finding Timmy's body on the floor. I/O asked where her phone went since the last time she was asked

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Master's Inn and his wife answered that it was room [REDACTED]. Tyrone asked Demetriss if he was sure that this man was dead and Demetriss replied that he was not sure. The same day that Tyrone met with Demetriss at Master's Inn, Sandra Williams took Marie to get her children in Barnwell. Demetriss gave them \$40 for driving Marie to her children. He said while he was at the hotel he saw a blond white male and a blond white female with Marie and Demetriss. Tyrone said that he got home and called a friend that he called "Virginia." He asked her to do an internet search on the local news. Virginia told him that there was a white male killed in Greenville who was around 74 years old. Tyrone said he hung up in "her face" once he heard that someone was killed. He said he did not find out until later that it was someone else that had been killed. While speaking to Tyrone, he called Virginia and asked her to speak to I/O. I/O identified her as Latonya Sumler who said she only saw that an "old guy", white male was beat to death and he was in his seventies. Tyrone then later spoke to Demetriss on Washington Street and Demetriss said "I think he's dead." Demetriss told Tyrone, "we didn't have to kill him," and Tyrone asked, "why?" Demetriss said that "the man" gave him \$50 last week for giving Marie a ride to his house. Tyrone asked Demetriss if he killed that man and Demetriss replied, "I think so." Demetriss told Tyrone that Timmy had called Marie and said he had what she needed which he thought was alcohol or drugs. Demetriss told Tyrone that he also thought Timmy had money, methamphetamine and a safe. Tyrone asked Demetriss about the time the incident happened and he was told that it was around 0400 hours. Demetriss told Tyrone that "they all" had popped ecstasy pills before the incident. Demetriss told Tyrone that he was asleep outside with the other black male who Tyrone did not know while Marie was inside Timmy's house. Tyrone said Demetriss did not tell him who the other male was. Demetriss said that the other black male had not been in much trouble so his DNA should not be on file. Tyrone understood that Demetriss saying the other black male not being in much trouble meant he never went to prison where they would have had DNA on file. Marie text messaged Demetriss that Timmy was sleeping. Marie texted them awhile before the other black male entered the residence. While Demetriss was sleeping in the car, the other black male entered the residence and "jiggled" the doorknob too hard which alerted Timmy. Timmy jumped up and began fighting the other black male that entered the residence. Marie ran outside and woke Demetriss up telling him to help the black male inside. Demetriss was worried that Timmy could recognize him since he dropped Marie off last week. When Demetriss ran inside, he told Timmy to get down and stop fighting which he did. He told Timmy to "lay down" and Timmy got down. The other black male would not stop hitting Timmy like he was upset for getting beat up. Demetriss tried to keep the other black male from hitting Timmy but he would not stop. Demetriss knew that Timmy had guns but told Tyrone he did not see them and they may have been moved outside. Marie did not know where the drugs were hidden. During the incident, Demetriss admitted to Tyrone that he hit Timmy with a bar stool and then wiped it down. When they left the incident location, Tyrone and the black male were arguing that the black male lost a piece of a gun he brought with him. Demetriss told Tyrone that the other black male lost a pistol grip to his gun inside the residence. Marie also took a rifle out of the bedroom when she was leaving. Demetriss told Tyrone not to tell Marie that he had told him the incident. Tyrone said he went back to the hotel at a later date that he could not remember exactly. He said he sat down in the hotel room with Marie and Demetriss. He said Marie told him the same exact story that Demetriss told him about the incident. Tyrone heard from Demetriss that Marie set it up but did not physically assault Timmy. Demetriss also told Tyrone that Marie said she

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would not tell on him and was not going to tell on herself. Marie left the door unlocked when she entered so that that entry could be made to the home. While speaking to Tyrone, he handed I/O a mini SD card that he said was from a phone that Demetriss destroyed at his house. Tryone said he thought Demetriss told him that they burned their clothing from the incident. Tyrone then said that Demetriss brought over a rifle wrapped in a white sheet and a Crown Royal bag filled with bullets. He said that Demetriss asked him to see if he could get any money for it. I/O started to get a written statement from Tyrone but Tyrone had been drinking alcohol. His demeanor was consistent throughout the interview and his speech was not slurred. He retold the story at least twice with some sections more and there were no changes in the incident. He became upset when the talk about crimestoppers came up so I/O began writing the statement as he spoke. He told I/O that he was helping with the investigation and wanted a guarantee that his family would be protected. He also requested that they received money from crimestoppers so he could take care of his family. I/O advised him that the proper method for reporting tips through crimestoppers and any compensation received. The statement was then stopped when the Search Warrant for the rifle was conducted. A search warrant was completed for [REDACTED] Dundee Road and the rifle, sheet, Crown Royal bag with ammunition and SD card was taken into evidence. I/O told Tyrone that he would be contacted tomorrow to complete his written statement. He did saw that Demetriss told him that the other black male got beat up by Timmy and would have a black eye. It was injured to the point that while leaving the residence, the eye was already swollen. He did not know which eye. Tyrone told I/O before I/O left that Demetriss would call him and he would let I/O know.

While I/O was speaking to Tyrone, Detective Etheredge and Detective Govan interviewed Marie. See Detective Etheredge's supplement for information regarding the interview. Based on the information received from Tyrone and Marie warrant M-302883/Murder was obtained for Demetriss Alshawn Glenn. Detective Stoner completed the arrest warrant for Demetriss. The warrant was entered into NCIC.

I/O then received a phone call from Tyrone around 1800 hours. Tyrone stated that Demetriss called him and wanted a ride to Rock Hill. I/O notified SGT Sowards who coordinated with the U.S. Marshals Fugitive Task Force and Richland County Sheriff's Department for assistance in apprehending Demetriss. Tyrone told I/O that he was picking Demetriss up "around the corner" from his house. Tyrone stated that he would need to get gas and would stop at the Shell gas station on Farrow Road and Parklane Road in Columbia. He and his wife would get out, enter the store and allow law enforcement to apprehend Demetriss. I/O asked Tyrone if he could direct law enforcement to Demetriss current location and be "late" in his coming so Demetriss could be arrested without worry of kidnapping him and his wife. Tyrone told I/O that he accepted this danger and just requested that law enforcement be present at the Shell station. I/O advised SGT Sowards who coordinated a response. I/O and Detective Freund met with two Richland County deputies and SGT Sowards near the Shell station at Parklane and Farrow Road. SGT Sowards told I/O that there was an unmarked U.S. Marshals agent watching the gas station awaiting Tyrone's arrival. I/O advised the agent of the description of Tyrone's vehicle which was a brown Ford Taurus. I/O was notified that Tyrone had pulled into the Shell station. Tyrone and his wife entered and there was one black male in the rear of the vehicle. I/O traveled to

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the Shell station and observed while Richland County deputies and the U.S. Marshal placed Demetriss Glenn in custody. I/O then moved up and placed Demetriss into our vehicle. While placing him in the vehicle, I/O asked him what his name was and he responded, Demetriss Glenn. I/O confirmed his date of birth and advised him that he was under arrest for Murder. Demetriss then asked why I/O did not arrest him the day he was seen at Marie's house. I/O asked him if he wanted to speak to I/O about the charges and he replied that he did. I/O told him that he would be advised his Miranda Rights when they get back to the Sheriff's Department and an interview could be conducted. Demetriss asked I/O what would be done with Tyrone. I/O advised him that Richland County deputies would determine what would be done with Tyrone. He asked that Tyrone not get in trouble because he was only giving him a ride.

At approximately 1938 hours, I/O arrived at the Lexington County Sheriff's Department. Demetriss was asked if he needed to use the restroom which he refused. I/O advised Demetriss of his 5th Amendment rights in accordance with the United States Constitution. He initialed by each right signifying that he understood each right. Demetriss said he did not have any questions and agreed to speak with investigators without a lawyer present. Detective Etheredge sat in with I/O during the interview with Demetriss. The following is what was told to I/O by Demetriss about the incident. Demetriss and Marie have been together for about one month. He knew that Marie received money from people for going "on a call." I/O asked him to describe what Marie did on a call and he said he did not know. Then he claimed he did know what she did and hinted at escorting. When asked what Demetriss did on Saturday, he replied that he made "a few rounds." Demetriss said he "probably" went to Shaggy's in West Columbia and then went "hood hoppin'." Marie left and then they met back up and went to their room. I/O asked Demetriss about a vehicle and he replied that Marie "might" have had someone's car but could not describe it. I/O asked Demetriss about his phone and he said that the phone number he gave I/O at the first meeting was the correct one. 8659. Demetriss said that he did not remember much from Saturday night because he was intoxicated and described himself as "messed up." I/O again asked Demetriss what he did on Saturday night and he kept replying that he got drunk and rode around but could not remember any more details because he was intoxicated. I/O asked Demetriss what he did on Sunday and he replied that he rode across town drank alcohol and smoked. Demetriss said that when he gets drunk he gets "buck naked" and wild. I/O asked where he was staying with Marie. Demetriss said he was at the Traveler's Inn and the Master's Inn. I/O then asked if he was with another male on Saturday. He said he did not remember exactly but did spend time with a "Lil Jerry" or a "Lil Scary." Demetriss said he believed his name was Jerry but they called him Lil Scary who was a slim dark skinned black male. I/O then asked if Demetriss was homeless and he replied that he was. I/O asked where he kept his clothing and he replied he kept them at Ty's house, Tammy's house and Robert's house off of Bluff Road. I/O then asked what happened on Saturday night with Marie and he replied that nothing happened except for drinking and smoking. I/O asked about Demetriss going anywhere and he replied that he did not remember. Demetriss then told I/O that he would like to take a note pad to jail to write down all he remembers about Saturday for I/O. He then asked I/O to write down all the questions I/O had and he would get back with I/O about the answers. I/O advised him that it would be better to answer the questions while he is sitting in front of I/O. Demetriss then asked for a lawyer and the

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interview was stopped. Detective Etheredge served warrant M-302883 on Demetrius. I/O walked Demetriss to the Detention Center and booked him in.

7/1/2011 While at the booking desk, I/O was advised that there was a female yelling for an investigator. I/O transferred Demetriss to jail staff and made contact with that female who was Marie Driggers around 2230 hours. I/O asked Marie what she needed and said she remembered that there was a gun involved in the incident. She said that Demetriss and the other male were fighting in the car because the other black male left a pistol grip at the incident location. She said that they kept saying, "We fucked up" multiple times. She told I/O that she got a good look at the other male as he was leaving the car so she could identify him later since she never saw him before that night. ★

7/2/2011 - At approximately 1000 hours, I/O attended Bond Court for Marie and Demetriss. Marie was approved for a public defender but did not request one while in the court. Demetriss was not approved for a public defender since he claimed too much income. He did not make any requests in court to include any mention of a lawyer. I/O made contact with Timmy's family and received a Consent for Search for Timmy's residence from Courtney Tice, Timmy's daughter. She stated that I/O could go with her step-father, Barry Wright and look at anything else in the house. Courtney stated that Barry Wright could escort I/O or any other investigator there on her behalf.

I/O then looked up Kenneth Walters on SCDMV since I/O spoke with him on the phone the day prior and was unable to follow up since Tyrone Williams called investigators to his residence. On SCDMV it showed Kenneth Walters' address as [redacted] Washington Street Ap [redacted] in Columbia. Detective Freund was out in that area the day prior looking for friends of Demetriss and had information from the community that the other black male involved lived out there. Marie also had told I/O that the other black male was dropped off around Washington Street. I/O began attempting to locate Kenneth Walters for questioning since he was also called by Marie's phone at 0152 hours the day of the incident.

7/2/2011 At approximately 1400 hours, I/O obtained a photograph lineup containing Kenneth Walters in it to show Marie. Marie stated that none of the men looked like the one that was involved because the males in the photographs were "not old enough." The only photograph available for Kenneth Walters was from SCDMV and last updated in 2005.

At approximately 1448 hours, I/O met with Tyrone Washington at [redacted] Dundee Road to obtain a written statement about what he told I/O on Friday. I/O went to the residence with Detective Ellis. Tyrone said the same story as he told I/O before and the only change was that he told I/O that Demetriss placed his clothing in a trash dumpster. Demetriss then watched a garbage truck take the trash away. I/O obtained a written statement from Tyrone. Tyrone told I/O that he would call once he got information about the other black male that was involved.

7/3/2011 - At approximately 0845 hours, I/O and Detective Etheredge met with Tyrone Williams at his residence.

Supplements [Edit]

Page 22.

*let's
document this
statement about
burning clothes*

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 08/04/2011 21:22

Lexington County Sheriff's Department

OCA: 11024110

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *ARRESTED*Case Mng Status: *ACTIVE*

Occured: 06/26/2011

Offense: *MURDER/NONNEGLIGENT MANSLAUGHTER*Investigator: *CHAPPELL, JOSEPH (E73432)*

Date / Time: 08/04/2011 21:17:29, Thursday

Supervisor: (0)

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Investigative Supplemental*

Tyrone stated that he just received information about a credit card that he had that was related between Demetriss and Marie. Tyrone said a friend of his and Demetriss named, "Black" told him about a credit card that Demetriss had in his possession. Tyrone handed I/O a credit card with Marie's name on it. Tyrone did not know Black's real name. The credit card was for Marie's school program that she was taking and it deposited about \$140 per month for living expenses. Marie gave the card to Demetriss the day I/O initially questioned Marie. Tyrone said he was told Marie gave the card to Demetriss so he could "run" and live off of for awhile. Tyrone said that he took Demetriss to a Bank of America ATM on North Main Street and tried to withdraw about \$140 but was only able to get \$110 on Friday morning. Demetriss then wanted to look for marijuana. When they were unable to located drugs, Demetriss went to the El Cheapo gas station, down the street from the ATM. Demetriss bought Tyrone some beer and bought himself some snacks (Vienna sausage and soda)

7/4/2011 - At approximately 1000 hours, I/O and Detective Etheredge met with Tammy Laycock at the West Columbia Wal-Mart. Tammy wanted to show investigators where Demetriss had "hid out" in the past off of Mineral Springs Road. I/O and Detective Etheredge drove Tammy to Hidden Valley Mobile Home Park but she could not exactly identify which mobile home that she dropped Demetriss off at. She gave I/O about 4 that could have been the mobile home in the "A" section of the park.

I/O was notified by Detective Etheredge that she made contact with Kenneth Walters by telephone. Through investigation conducted by Detective Etheredge and Detective Freund, it was found that Kenneth currently has a black eye and has not been seen for the past couple of days. Kenneth's criminal history had three misdemeanor charges but nothing in Lexington or Richland County which was consistent with what Tyrone heard about the other black male not having an extensive criminal history. I/O and Detective Etheredge traveled to the Sunoco on Garner's Ferry Drive in Columbia to meet with Kenneth. Kenneth was sitting in the parking lot and I/O observed that his left eye was blood shot. It also appeared that the skin around his left eye was still bruised. His darker skin helped conceal some of the injury. I/O asked Kenneth if he would ride with I/O back to Lexington County Sheriff's Department to make a statement concerning this incident. Kenneth agreed and voluntarily got in to I/O's vehicle.

I/O and Detective Etheredge were present for the interview. I/O advised Kenneth of his 5th Amendment rights in accordance with the United States Constitution. He initialed by each right signifying that he understood each right. Kenneth said he did not have any questions and agreed to speak with investigators without a lawyer present. I/O what he knew about Demetriss. He said that Demetriss came by the neighborhood often but did not know him "that well." He said he knew Demetriss by the name of "West." I/O then asked where he worked. He said he used to work at Carolina Ale House but now works at Mezza. I/O asked Kenneth what he did Saturday night. He said he worked at Mezza and then went home. I/O asked if anyone was home with him and he replied that Moses came home late but he was already sleeping. I/O then asked what happened to his eye. Kenneth stated that he was drunk, tripped and fell hitting a boot. Kenneth said that this happened 3-4 weeks ago. I/O then asked what Kenneth did on Sunday and he

Supplements [Edit]

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CASE SUPPLEMENTAL REPORT
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Lexington County Sheriff's Department

OCA: 11024110

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Supervisor: (0)

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Contact:

Reference: **Investigative Supplemental**

replied that he did not do anything but sit around the house. I/O asked Kenneth when he left Washington Street for Garners Ferry Road. He said he went that way this past Saturday, 7/2/2011, after work. I/O again asked what Kenneth did on Saturday night, 6/25/2011. He said he got off of work and did not go anywhere. He said he drank some alcohol and passed out. I/O asked Kenneth what his phone number was and he replied that he could not remember. He said it began with [REDACTED]. I/O asked about that phone and he said he lost it about three weeks ago. I/O asked Kenneth if he remembered talking to I/O on the phone, 7/1/2011. He said he did not. I/O advised Kenneth of what was said by I/O and what Kenneth said during the conversation. He again said he did not remember. While discussing how the incident affected the victim's family and Kenneth's family, Kenneth began crying. He then admitted that he was at the incident location. Kenneth said he had been drinking and took a "pill." He said he was very "intoxicated" that night. Kenneth said he was sorry for lying about the phone call to I/O and he did remember it. Kenneth said that Saturday night, very late, he was picked up by Demetriss and Marie. Kenneth said that he only remembers leaving his driveway and he "passed out." Kenneth said that he woke up to "screaming." I/O asked who was screaming and Kenneth replied, "Marie." Kenneth said that he ran inside the house they were at and saw a man laying on the floor "snoring." I/O asked if there was any blood and Kenneth replied that he did see blood around the male. Kenneth then said he got back into the back seat and they left. I/O asked if anything was taken from the house. He said he saw Marie in the trunk of the car so she may have taken something. I/O asked Kenneth about the car. He said it was a 4 door car but could not tell anything more about it. Kenneth said that Demetriss and Marie were arguing in the car on the way to drop him off but the radio was too loud to hear what was said. I/O asked Kenneth if he wanted to write the incident on paper and Kenneth agreed. He completed a written statement. Kenneth then wrote in his statement that when he got back into the car, Demetriss and Marie were already inside. After the statement, I/O asked Kenneth if he had a bigger part in the incident or if he left a pistol grip inside the house. Kenneth said he did not go inside except as he described. Kenneth said he did not want to talk anymore and just wanted to "lay down." He told I/O that he would talk later.

7/5/2011 7/5/2011 At approximately 0938 hours, Detective Etheredge brought Marie Driggers to the interview rooms to speak with her. I/O and Detective Etheredge were present for the interview. I/O advised Marie of her 5th Amendment rights in accordance with the United States Constitution. She initialed by each right signifying that she understood each right. Marie said she did not have any questions and agreed to speak with investigators without a lawyer present. Marie stated that she would speak but she did not want to write anything. Marie told I/O that she had been thinking about the incident while she has been in jail. I/O advised Marie that a third male had been arrested. She said she saw him back there and heard him crying last night. I/O asked Marie if she recognized him and she stated that she did. I/O asked Marie why she did not pick him out of the lineup. She did not respond but stated that the black male who was just arrested was the guy that was with her and Demetriss. I/O asked Marie what she took from the house. She said she did not take anything from the house. I/O advised that a search warrant was conducted on a friend of Demetriss' house and a rifle was found. I/O showed Marie a photograph of the rifle with sling that was found in Tyrone's house. Marie immediately stated that the rifle belonged to Timmy. Marie said "Timmy's Daddy" gave him that gun. She said she had taken photographs with that rifle. She said she did not know how they got the gun and said Timmy must have.

Supplements [Edit]

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CASE SUPPLEMENTAL REPORT
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had it out. Marie said "that's what they must have had in that shirt." I/O asked her to describe and she said both males came out with something in a white shirt or white sheet. I/O asked her which one was holding the item and she said they came out together. I/O then asked Marie what happened that night. She said she and Demetriss were supposed to drop the other male off but he rode with them which she thought was strange. Marie said Demetriss bought all three people "rolls." I/O asked what the "rolls" were and she replied they were ecstasy with either a cocaine or heroin base. She did not take hers because she did not know how it would affect her. She said they arrived at Timmy's house and it was "late." I/O asked what was late for her and she said near 0400 hours. She said she went in and told the two males to wait until she came out. She said she went inside and Timmy was sleeping on the couch. She sat on the black ottoman and began fondling Timmy. They both heard the door knob rattle. The other black male that I/O identified as Kenneth entered the residence with a mask on and a handgun. The black male approached Timmy fast and she left around the other side of the ottoman. Timmy yelled that the guy had a gun but Marie ran out the door saying she was "freaked out." Marie said she went to Demetriss and told him to get "that dude out of there from Tim." Marie said she stayed outside while Demetriss went inside. She heard a big thud and Timmy yell out. She said she was inside the car when the two males came out. She went back inside and saw Timmy on the floor in the pool of blood. Marie said that she saw Demetriss in the holding cell and looked into his eyes. She said that his eyes did not show any emotion like she was showing or the other guy was showing yesterday. She stated that she thinks this incident did not bother him and she believes that he may have planned this all along. Marie said that the other black male was quiet and she did not think he would do "something like this." She said Demetriss could "pump" people up and may have "pumped" the other male up. Marie said that when they got into the car, Demetriss told her that she "knew too much" and she thought that they would kill her. Marie said she and Demetriss got mad at her when he asked her if she took her "roll." She said she initially said no and he got mad so she finally told him the truth and gave the "roll" to him to take. Marie stated that Demetriss changed after that incident and was not the same in attitude or how he treated her. I/O asked why Demetriss and Kenneth were with her. She said the original plan was for them to drop her off and pick her up later since she was going to spend about one hour with Timmy. She then said that she did not want them leaving her there and asked them to just wait in the car. Marie thinks that Timmy wanted her to come over because he wanted to speak to her about the \$100 she took from him last week. Timmy gave her \$100 and she was supposed to return with another girl but never did. That is when he sent her the text message saying, "I hope it was worth it." I/O then asked Marie about the credit card Demetriss had. She said she gave it to him so he could get a room that night. She said he did not have any money. I/O asked what the card was for and she said it was for living expenses while she obtained her GED. I/O then asked what clothes she wore the night of the incident. She said her shirt was with her, she wore it when arrested. The khaki shorts are at her mother's house. I/O asked about her shoes. She said they were at her mother's house too; she did not get rid of anything. She stated that the "little dude" or other black male told them to "ditch" their shoes. Marie said Kenneth was stripping in the back seat while they were driving to drop him off. She said he got out of the car with nothing but boxer shirts on. She thought they were blue boxers. I/O asked if she knew this was planned and she said if it was planned then she was not told. Marie said that Demetriss told her to tell law enforcement, if asked, that she was not there. She did tell her mother about the incident but it took her a day or two. I/O asked why

Supplements [Edit]

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CASE SUPPLEMENTAL REPORT
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both she and Kenneth first claimed that they only "found" Timmy dead. She stated that they meaning her Demetriss and Kenneth talked about that while in the car on the way home. She did not remember who brought it up but it was said that if law enforcement asks, they only found the body and had no involvement. Marie told I/O that if she would not have told Demetriss to go in there, none of this would have happened. I/O asked Marie what Demetriss and Kenneth said in the car. She said Demetriss was yelling at Kenneth, "why did you keep doing that?" She heard Kenneth reply, "I know I fucked up." Then she said that is when Demetriss got mad at her for not having her "roll." He told her that he would "kill" her "too." Marie was then escorted back to jail by Detective Etheredge.

At approximately 1500 hours, I/O attended Bond Court for Kenneth Walters. Kenneth did not for a lawyer while in bond court. I/O then made contact with Robert Tice, Timmy's brother. Robert had previously told I/O that he could identify the rifles Timmy had because their father gave them to him. I/O showed the photograph to Robert. Robert stated that he recognized the rifle as Timmy's. He said that it was a 30/30 rifle and lever action. He said it was either Winchester or Marlin. He said the only difference is ejection port. Robert said that Timmy put that sling on there because it was not there when their father gave it to him. Robert said that Timmy leaves that rifle in his kitchen near the table. He stated that he has fired that gun before. Robert also stated that Timmy has had that rifle for about 15-20 years. I/O wrote the statement at the request of Robert. Robert read the statement and signed it.

7/7/2011 - Based on the new information from Tyrone Williams about Demetriss using the bar stool in the residence to hit Timmy, I/O met with Barry Wright at Jakes Landing who had consent and the residence keys from Courtney Tice. I/O and CSI Strickland entered the residence with consent and obtained the bar stool for evidence and processing.

At approximately 1500 hours, I/O obtained a phone order for Kenneth Walter's phone [REDACTED]-3712 and Demetriss Glenn's phone [REDACTED]-8659.

8/4/2011 - I/O received the final autopsy report for Timothy Tice and his death is ruled as a Homocide.

I/O recommends the case be closed by arrest.

[08/04/2011 21:22, CHAPPELLJ, 345, LCSD] [08/04/2011 21:22, CHAPPELLJ, 345, LCSD]



Lexington County Sheriff's Department



VOLUNTARY STATEMENT

(Not Under Arrest)

I, Robert Isaac, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to DET. T.L. Stoner. I volunteer the following information as it may serve. I am 50 years of age, and I live at 50

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

STE SHEL RL
On the June 29 Margaret said she went back to Tim's house and saw him on the floor lying on his back, and she went back out of the house.

Q. What is Margaret's last name? Deiggers
A.

Q. What is her relation to you? Step Daughter
A.

Q. Who is Tim? Friend
A.

Q. Where does Tim live? JACK Landing RL
A. JACK Landing

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained here in are true and correct.

Dated at

this 30 day of JUNE 20 11

Det. T.L. Stoner, LCSO
Det. J.D. Stoner, LCSO

X Robert Isaac
Signature of person giving voluntary statement.

LCSD 005 06/07

(24)
944-
796



Voluntary Statement (con't.)



Victim/Witness



Suspect/Defendant

Page 2 of 3 pagesDate 6/30/11

Q Did Marie say she was with anyone when she found Tim? Did not say

A

Q What night did she say that she found Tim on the floor of his house? Did not say

A

Q How does she know Tim? - From the service

A. exact service

Q What happened on Sunday? her mother had talk A. to Margaret about the phone at the motel. She was going to talk to the police. Then her father came by. And we did hear anything from her.

Q Have you ever been to Tim's house? yes to

A. when he was

Q Did Marie do drugs with Tim? I think so

A

Q Who was the friend that Marie talked to?

A. I don't know him he is Black about 6'2" 160 lbs. Marie Bladen.

I have read this page, initialed any corrections or changes, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Sworn to before me this 30 day of June, 2011

DET. J. STONER, LCSO

☐ Witness or ☐ Notary Public

DET. T. STONER, LCSO

My Commission expires

Robert Dan
Signature of person giving voluntary statement

VOLUNTARY STATEMENT

Page 3 of 3 pages.Q What is Marie's full name? MARGARET MARIE DRISCOLL

A.

Q What motel was Marie ~~sitting~~ staying at?

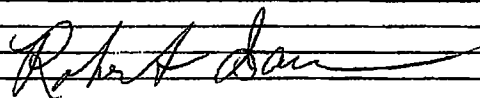
A. It's at the Air Port Exit

Q Describe the friend Marie was with at the motel? BLACK guy 6'2" on 6'3" Slim AT 180 POUNDSA. Very nice, ~~him~~ in his hairQ Did Marie ever tell you how Tim ended up on the floor of his house bleeding? NO

A.

Q What times & how many was Marie at Tim's house on Saturday night & Sunday morning? SHE DID NOT SAY.

A.



I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Signature of person giving voluntary statement



VOLUNTARY STATEMENT

Victim / Witness

Case # 11024110

JOB _____ Sex: F Home Phone # 803 454 5912 Beeper Phone # _____ Location: _____
 SS: # _____ Work Phone # 11 Other Phone # _____ Time _____

Name of someone with whom you wish to report this matter: _____
 Name of someone with whom you wish to report this matter: _____

Where, on this date: _____

Where, on this date: _____

Place:

Address:

City:

State:

I, Jennifer Walls, am not under arrest, nor am I being detained for any criminal offenses concerning

Victim/Witness Name (Print, Address, Last)

the events, am about to make known to _____

J. Chappell

Deputy/Investigator Name

Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I voluntarily provide the following information of my own free will, for whatever purpose I may serve.

I am 31 years of age, and I live at _____

I met Timmy T. approximately in May, around the beginning of May. ~~Marie~~ Marie, AKA, Boxi introduced me to him as the man who paid her for sexual favors & companionship and did a lot of meth w/ her. She finally took me to his house one night. We did some drugs (meth) and I tried on a cowboy hat & took pictures holding his guns with the hat on. She did too. We performed oral sex on him, I helped (or so I think I remember helping) I took lots of pictures of both of us. Marie said to steal something while we were there because he hadn't paid us (although I was getting dope rather than money) I told her to put two guns in my purse and after we got down the road I later told Timmy I had the guns & gave

I have read each page of this statement consisting of 4 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and received a copy of each page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Sworn to before me this _____ day of _____, 20____

☐ Witness or ☐ Notary Public

My Commission expires _____

Signature of person giving voluntary statement

LCF 421 (Rev. 12/99)



Voluntary Statement (con't.)

☒ Victim/Witness

☐ Suspect/Defendant
Page 2 of 4 pagesDate 6/30/2011

them back because I felt guilty. ~~Marie~~ I
 I called Timmy several times after that
 night but he did not return my calls.
 I only talked to him maybe 2 x's after
 that night. Once was when Rex took
 me to his house very late @ night (we
 went by boat) and one other time was
 when my friend Jessica needed someone to
 move her camper/PV and I thought he could
 help. I deleted Timmy's # from my phone
 approximately 2-4 weeks after meeting him.
 Marie and I kept in contact sporadically
 and also have a mutual friend Cab driver
 Preston. He would fill me in on Marie
 when I didn't hear from her. Marie smokes
 crack and seemed to be telling a lot of lies
 surrounding her money, what happened to it &
 the last time I recall talking to Marie was
 at the Travelers Inn. She met some new
 boyfriend - who called himself Shawn and he
 seemed to be a drug dealer of some sort
 a black guy w/ dreads and he stayed @ the
 hotel & shared a room w/ Marie. When I
 came to the hotel I asked her to put a
 room in her name because I had no I.D.

I have read this page, initialed any corrections or changes, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Sworn to before me this _____ day of _____, 20____

☐ Witness or ☐ Notary Public

My Commission expires _____

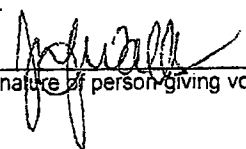
Signature of person giving voluntary statement

VOLUNTARY STATEMENT

Page 3 of 4 pages.

She Agreed I gave her \$10 for the favor. She also borrowed another \$10 from me - She asked for \$20 but I would only give \$10. I called a Crack Dealer for her & she smoked crack for several hours but was checking around behind her new boyfriend. I needed a ride to go get something & she called Kenny. Kenny is a young white boy who Marie knew & who drove a silver Honda Civic. He came and I ended up not needing a ride but he and I became friends. The next morning Marie asked him to take her somewhere & please allow me to use Kenny's laptop while they were gone. He did but her boyfriend (Shaun) showed up & wanted to take it downstairs. I wouldn't let him. Shaun discovered he was locked out of his room & Marie was gone so he sat in mine. (Marie was to have paid both rooms before she left) He told me a little about himself at that time, including that he had warrants and if he could catch a good tick, he'd be gone. After Marie finally got back w/ Kenny, Shaun & I had both been kicked out of our rooms by hotel staff w/ all our stuff locked inside. Shaun had to borrow money to get us in. Kenny's \$1500 laptop was also in my room. Marie seemed to have tricked us all by trying to get us to believe she had paid for both spots when she hadn't. I was almost lost our stuff. After gathering my stuff and Shaun, Kenny & I left. I was very mad @ Marie. She had borrowed money from everyone & seemed to have no concern for her belongings. The night before Marie also seemed to have been visiting. She wanted to rob Kenny, the young white guy - she knew where he lived and seemed to be insinuating that I should keep him busy while she robbed him but I told her he was of more benefit as a ride. Plus I believe in Karma. The last time I was @ Lakes Landing was about two-three weeks ago when I had nowhere to go and my friend dropped me off there. I was hoping Rex may come get me on the boat or my old friend David Scott still had his place out there and maybe would help me out, but a new girl had moved in to David's place & I met a guy named Chris who was drinking on his porch. He took me to the pier, I dove off and swam out in the lake. Chris said he knew Timmy and I recognized Timmy's property from the water. I believe it was far out hard to see that I saw Timmy sitting w/ some people but Tim not possi- to have made. No phone calls to him nor have had contact w/ him other than these times I've mentioned.

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.


Signature of person giving voluntary statement

JW

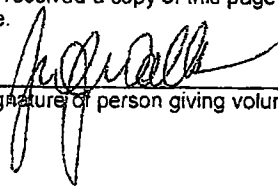
VOLUNTARY STATEMENT

Page 4 of 4 pages.

When I called my sister Kristen Rautz today she told me about the murder, I called Dex, tried to call Marie, and a mutual friend Preston - Preston said Marie called him several days ago crying hysterically and told him that Tim was dead.

END OF STATEMENT

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.


 Signature of person giving voluntary statement



Lexington County Sheriff's Department



VOLUNTARY STATEMENT

(Not Under Arrest)

I, Tyron Williams, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to J. Chappell. I volunteer the following information of my own free will for whatever purposes it may serve. I am _____ years of age, and I live at _____

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

I hadn't heard from Shawn in 3 1/2 days. Then out of the blue, He called me at [REDACTED] -2314. He then asked me to come to a motel room (The Masters Inn) on Airport Blvd. I didn't know what I was going for. I was thinking here's 10 or 15 dollars to take him somewhere. He then ran downstairs and literally told ~~me~~ me (unk) I think I done bust somebody's head, which is street slang for I done killed somebody. He then told me not to say nothing about it to Roxie. He said I need you to get my clothes and shoes. (He was barefooted) I said "Goddamn, I know you like to be naked." He said that "man, I think he's dead" in a passionate way. He said I'm going to talk to Roxie and she if she want to pick the kids up since they ain't got no money to pay for the rooms. Shawn told me "all hell was going to break loose" I asked why and he said Roxie's parents do not want her to be around or be seen w/ a black man. I said that Roxie's mom is with a black man.

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained here in are true and correct.

Dated at _____, this _____ day of _____, 20____

Signature of person giving voluntary statement _____

VOLUNTARY STATEMENT

Page ____ of ____ pages.

Shawn went upstairs. It took them 15 min. to come back. Shawn came back by himself and he said he did not know what he was going to do. I asked what he meant and he said he would probably just "thru it out". He said he would just stay and there and asked if my wife could help pick up the kids. Shawn said that Robert's step dad was "willing out". At this point she started to know that I knew he came back downstairs by himself, no shirt on. I said "Well go ahead and thru it out" and we will take her to get the kids if you pay me. She had just that somebody, Shawn said that when the hotel found out he was there the room costs \$50. A single person would pay \$10. I told them if they gave me \$40 I would take him. He then told me "Man, you I'm gonna have to thru it out". He said her sister may take her to get the kids. He went back upstairs. I thought he went to kill her. He would just walk the streets. My wife told me that she had \$140. I began blowing my nose because I'm sick of this. I called a few times before I blew the phone. She had turned the phone off the 4-7 number. The next thing I know, he picks up over the balcony. He says "What's up WNK?" I said man, my wife will loan you the money and everything will be good. The next thing you know, she starts out the door with a blond haired child. This was after my wife took her to get the kids. She walks by and didn't say a word. I believe she went to pay the room. He then, uh, she stayed. I took him to Washington St. He went up there to tell the other boy that the beat is on because apparently the cars had been to his mamma's house. That's where I see that that little really did tell a mother-fucker. Shawn told me that they had been to the club and that man kept calling kept calling. He said they may have been to 2-3 clubs but this other guy was with them. Shawn would try to stay on the DL and the recruiting. He said man we did not have to kill him. I said man are you sure he's dead? He said I don't know. That's when I came home and got this number 434-200-064. I called it from [redacted] 23/4. I called a girl and asked her if there was any deaths since I had missed the news. I told her to check WLS and Fox News for I don't know if it was WIS or Fox. It popped up immediately. She said she they got a 74 year old man from Bereaville found blunt trauma to the head. It was on the porch. I thought that is what they did and I hung up in her face. I talked to him the next morning he asked me to come get him. I was looking for my \$20. I nearly took him to get dope. The man he every had was \$12.50.

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Signature of person giving voluntary statement



Lexington County Sheriff's Department

VOLUNTARY STATEMENT

(Not Under Arrest)



I, Margaret Driggers, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to Det. C. G. Herd. I volunteer the following information of my own free will, for whatever purposes it may serve. I am 26 years of age, and I live at Columbia, SC 29209

Alternate Contact Name: Sheri Anderson Phone (H) 803 6950874 (C) _____

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

MD Tim call every day. And so do I. He helped me out a lot. He gave me money. Sometimes I brought other girls with me so he could sleep with them. I didn't see him doing any drugs that night.

He had his work truck so he couldn't take me home. He ask me drive out there and a girl but didn't take her out.

MD I got there about 9:30pm. I left no later than 11:00 pm then went to Shaggy's Club. There was women belonging on table. They were in a tough bag. I saw sleep floors.

I had a half a glass of wine. A fruity wine. I opened it. I can ask him could I open it. MD

End of Statement
6-28-11
(MD)

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained here in are true and correct.

Dated at Masters Ln, this 28th day of June 20 11

Margaret Driggers
Signature of person giving voluntary statement.

STATEMENT

Page 1 of 1 pages.

Q: How long have you known Tim?

A: 7 to 8 months

Q: Did you know if Tim did any kind of drugs?

A: Yes meth

Q: Where did he get them (the drugs) from?

A: I don't know. Older white man

Q: Do you know any of the people he got his drugs from?

A: No I don't

Q: Did you have a sexual relationship with Tim?

A: No

Q: What color was the bag you saw at the table with women's stuff in it?

A: Like a beach bag.

Q: You drank wine at Tim. Where did it come from?
Yes I did. It was on the
counter. He bought it for me.

Sworn to before me this ___ day of ___ 20__.

Notary Public of South Carolina

LCSD 173, Revised 11/04

C. Etheredge, Detective

Signature of person giving statement



Lexington County Sheriff's Department Statement Form



DATE 7/4/2011 PLACE 521 Gibson Rd TIME STARTED 1316 P M

I, the undersigned, Kenneth Darrell Walters, am 26 years of age, my date and place of birth being the _____ at Clarendon

I completed GED grade(s) in school. I can read and write. KDW (Initials)

CONTACT NUMBERS: H) _____ W) _____ C) _____

ALTERNATE CONTACT: Name _____ Phone Numbers: _____

Before answering any questions or making any statements, J. Chappell

a person who identified him/herself as a Investigator

duly warned and advised me that:

- 1) I HAVE THE RIGHT TO REMAIN SILENT. KDW
- 2) ANYTHING I SAY, CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW. KDW
- 3) I HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ASKED ANY QUESTIONS AND TO HAVE HIM OR HER PRESENT WITH ME DURING QUESTIONING. KDW
- 4) IF I HAVE NO MONEY FOR LAWYER'S FEES, THE COURT WILL APPOINT ONE TO REPRESENT ME WITHOUT COST TO ME IF I WISH. KDW
- 5) IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, I WILL STILL HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME. I ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANYTIME UNTIL I TALK WITH A LAWYER. KDW

I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. KDW I MAKE THE FOLLOWING STATEMENT:

I worked that day came home took a shower, eat, already had beer + liquor so I started drinking + I had a pill I got about a month ago from some guy I took that around about midnight + continued drinking, so I'm feeling intoxicated now and then hour later I saw a guy Name West so I asked to go to the store, I remember getting in the car + last thing I remember was rolling out my drive way and when I woke up everyone was gone out the car the window was window down so I could throw up if I needed + I heard a female screaming on the inside of a house we was in front of

Witness _____

Notary Public _____

LCSD 173, Revised 11/04

My Commission expires _____

Person giving Statement _____

Date _____

Pg 1 of 2 pgs

STATEMENT

Page 2 of 2 pages.

so I quickly got out side and the girl was running out screaming still was a ~~big~~^{KDW} mess up I ~~was~~^{KDW} ran to the house a when I went in the kitchen a man was bleeding lying down snoring so when I saw this I ~~was~~^{KDW} ran back to the car and west got in but the girl was already in the crying about a guess what had happen so ~~we~~^{KDW} I told them to take me home & that was the last I saw west & the girl.

/// ~~KDW~~ END of STATEMENT ~~KDW~~ ///

Sworn to before me this ___ day of ___ 20__.

Notary Public of South Carolina

LCSD 173, Revised 11/04



Signature of person giving statement



Lexington County Sheriff's Department

VOLUNTARY STATEMENT



(Not Under Arrest)

I, Tyrone Williams, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to Det. J. Chappell. I volunteer the following information of my own free will, for whatever purposes it may serve. I am _____ years of age, and I live at _____

Alternate Contact Name: _____ Phone (H) _____ (W) _____

Alternate Contact Name: _____ Phone (H) _____ (W) _____

Shawn told me that when the investigators were at Boxie's house. He was present and that "gall" were stupid. He said "they" meaning the investigators had me "Unk". He calls me "Unk". I asked him "what do you mean". He then said that he wasn't afraid. He said that he gave "gall" meathalls name, Demetrious Jones. And "gall" let him walk away. He then told me "ol girl" meaning "Boxie", gave him a card and told him don't worry I got this. He said that she told him that she had direct deposit. And that 1400\$ would hit the card at 2:00 A.M. on Friday morning. The 1st of the month. And that he could survive off of that while she sit. She told him that she was gonna go ahead and admit that she was a witness to the crime. But she would not turn him up.

/// END of STATEMENT ///

I have read each page of this statement consisting of 1 page(s). each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained here in are true and correct.

Dated at Dundee Rd, this 3 day of July 20 11

Tyrone Williams
Signature of person giving voluntary statement.

LCSD 305 06/07

User: MEFFORDR

LEXINGTON COUNTY SHERIFF'S DEPARTMENT

09/30/2013

Supplements - Case #: 11-024110 : Supplement

On 090513 at 1430hrs I met with Solicitors Graham and Hubbard to interview Charles Carlisle Plumley with his attorney Brad Kirkland. The meeting was in reference to information Plumley received in the LCDC about the murder of Timothy Tice.

The interview began with Plumley being asked to go through the information he had. Plumley began by voicing his concerns about his safety if he cooperated. He advised that he was already assaulted by Kenneth Walters in the jail. He states that after the assault Walters made the comment that Plumley was "on his case". Plumley states is what people say to individuals who are cooperating with police or solicitors on someone else's case. Plumley then wanted to know what he would get in return for his assistance in this case. He was advised that he was not going to be promised anything in return for his assistance. This was also explained to him by his attorney.

Plumley then began to explain his knowledge of the case. He advised that he was roommates with the two male co-defendants Demetrius Glenn and Kenneth Walters. He states that he also knows Walters as K-Dog and Glenn as Shawn and began to refer to them by those names during his interview. He knew the name of the female co-defendant, Margret Driggers, and referred to her as Marie.

Plumley states that Shawn(Demetrius Glenn) told him the following information about the case while they were in the same housing unit:

On the night of the incident Shawn, K-Dog, and Marie were out drinking and taking ecstasy at a bar when Marie got a call from Tice. Marie was a prostitute and Tice was one of her tricks. Shawn said that Marie began to tell them about money, guns, and drugs that Tice had and that is was her idea to pull the "lick". On the way to the victim's house K-Dog and Marie were planning the "lick" while Shawn was half passed out in the back seat. During the robbery the victim started beating K-Dog and Marie ran out to the car to get Shawn. Shawn then went into the house and hit the man over the head with a bottle. Shawn said the police thought it was a stool but it was not. Shawn said the man's last words were gurgling and calling out to his brothers and that they were coming. Marie took the man's cell phone and guns. He described the guns as shot guns and rifles. The guns that were taken ended up at a dude named Ty's house. Shawn says that Ty is the same person that set him up with the police and drove him to the gas station where he was arrested. The victim's phone was thrown in a dumpster and the police found K-Dogs phone on him. Ty gave 1 gun to the police and sold the others. When the police came to pick up Marie Shawn states Marie told him to go out the window, but he did not. Shawn told him that during the police interview he did not talk and was given a Marlboro Light by the detective. *DC STOP DTC*

Plumley states that Shawn knew K-Dog from him (Shawn) selling crack to his mother and that K-Dog began selling crack for Shawn. Plumley states that all the information he got from Shawn. He states that he believes they went to an apartment in the vista after the incident and split up to get rid of the guns. He thinks they were in a vehicle Marie may have borrowed from a friend or her stepdad. *no shawn*

Plumley states that K-Dog(Kenneth Walters) was in a cell with him twice for a few hours and told him the following:

K-Dog says the man jumped on him in the house and that he "was not the one who delivered the devastating lick". K-Dog blames Marie for the incident and hates her. He said that he was with Shawn and Marie at Shaggy's Bar drinking and taking X when Marie got a call from the victim. K-Dog stated Shawn was passing out in the back and he was talking about the lick with Marie on the way to the victim's house. He says that Marie sent him a text and the man was supposed to be sleeping and he took a gun in the house to do the "lick". The gun belonged to Shawn and the handle broke in the house and was left behind. Shawn was pissed about the handle breaking and being left in the house. K-Dog stated that his DNA came back on the victim and that he says his plan is to put everything on Shawn.

[09/13/2013 11:12, MEFFORDR, 436, LCSD]

sdm memo

Page 1

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 09/30/2013 13:49

Lexington County Sheriff's Department

OCA: **11024110**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **ARRESTED**

Case Mng Status: **ARRESTED**

Occurred: **06/26/2011**

Offense: **MURDER/NONNEGLIGENT MANSLAUGHTER**

Investigator: **MEFFORD, R. E. (E70647)**

Date / Time: **09/13/2013 11:10:36, Friday**

Supervisor: **MEFFORD, R. E. (E70647)**

Supervisor Review Date / Time: **NOT REVIEWED**

Contact:

Reference: **Investigative Supplemental**

crack for Shawn. Plumley states that all the information he got from Shawn. He states that he believes they went to an apartment in the vista after the incident and split up to get rid of the guns. He thinks they were in a vehicle Marie may have borrowed from a friend or her stepdad.

Plumley states that K-Dog(Kenneth Walters) was in a cell with him twice for a few hours and told him the following:

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[09/13/2013 11:12, MEFFORDR, 436, LCSD]

Investigator Signature: _____

Supplements [Edit]

Page 2



Lexington County Sheriff's Department

VOLUNTARY STATEMENT



(Not Under Arrest)

I, Tyrone Williams, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to Det J. Chappell. I volunteer the following information of my own free will, for whatever purposes it may serve. I am _____ years of age, and I live at _____.

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

On May 25th me and my wife went to Shirley's house (Demetrius Jones Mother). To celebrate "Shawn's" "sisters" graduation. While playing cards, "Shawn" showed up. He arrived late. He and I exchanged numbers. He then left abruptly 15 minutes later. Due to a beef he and his cousin had over some shoe that he "Shawn" had allegedly stole, "Shawn" called me 3 days later and we spoke about the N.B.A. playoffs. He then asked me to give him and his friend "Moxie" a ride. I picked him up and dropped her off to her Mother's house. At this time I was thinking that she was just a drug addict or a trick/prostitute. That he had just spent a little time with. I dropped him off on Washington St. He called me maybe 7 or 8 times after that within the next couple of days for 10 and 20 dollar rides. Mostly to and from the room and Washington St. Then all of a sudden after me gettin used to the little cash from transporting him. He stopped calling for 2 1/2 days.

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained here in are true and correct.

Dated at 102 Dundee Rd Columbia, this 2 day of July 20 11

Tyrone Williams
Signature of person giving voluntary statement.

CSO 1005 06-07

VOLUNTARY STATEMENT

Page 2 of 3 pages.

When he did call back, He told me that he and Roxie was so high off "Ecstasy" til he had literally forgot my number. He then said that he had a car for those 20 days anyway. He then asked me was I busy. I said no. He then asked if I would go and pick up his clothes from Ingo. And to make sure I bring his shoes because he was barefooted. I then went to Ingo. I got his clothes and shoes. When I got to him at Masters Inn (Airport Blvd). He came downstairs by himself, with no shirt and some long cut to the knee shorts that were 2 sizes too big. He got in the back seat and said "Wk. I had to bust a motherfucker head." I then asked him "What do you mean." He then said "I think I killed somebody." He then told me not to tell Roxie.

Shawn flat out told me the next day that the man was dead. And that he knew he was dead, before he left. He then told me that they didn't have to kill him. He said that the only thing that could mess them up was that Roxie had left a cigarette butt in the ashtray. And that he was sure that. The other accomplice had left DNA because the victim had beaten the other accomplice ass ~~thoroughly~~ thoroughly. He said Roxie went in first. Then left them 30 min later. The text said "hes asleep." The other accomplice came to the door which Roxie had left unlocked. And rattled it too much. I guess nervous. The victim became alarmed. Ran to the door and attacked the assailant. After a prolonged scuffle she ran to the car to get Shawn. And informed

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Tyrone Williams
Signature of person giving voluntary statement

VOLUNTARY STATEMENT

Page 3 of 3 pages.

that his partner was getting beat up. Shawn reluctantly went in because he knew that the guy knew him from bringing Roxie to see him before. The guy had give him 50\$ to bring her a week before that. Shawn admitted to me, That he ended up killing the man with a series of blows to the head with a stool. He then wiped the stool down to get rid of fingerprints. Roxie went in a room and took some jewelry and artillery and they left.

/// END OF STATEMENT ///

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Tyrone Williams
Signature of person giving voluntary statement

Attorney: Emily B Howard
 Defendant: Margaret M. Driggers
 SCCID Number: D-2013-03098

Date	Activity for Margaret M. Driggers	Out-of-Court Time	In-Court Time
1 12-19-13	Received Notice of Appointment. Drafted Rule 5, etc...	0.20	0.00
2 01-03-14	LCDC visit with client to discuss charges, case, previous work by former attorney, recommitment proceedings. Phone call to previous attorney Mark Schnee - no response.	1.20	0.00
3 01-07-14	Phone call to Brad's Bail Bonding to discuss Motion to be Relieved on Bond.	0.30	0.00
4 01-14-14	Follow-up phone call to Brad's.	0.25	0.00
5 01-16-14	Meeting with ASOL Shawn Graham at Solicitor's Office to discuss case history and get up to speed with what previous attorney had done, co-defendant's dispositions, etc... Discovery review.	4.20	0.00
6 01-24-14	LCDC visit with client to discuss speaking with ASOL, bond issues.	1.30	0.00
7 01-28-14	Discovery review. Took client discovery to LCDC for review.	3.00	0.00
8 02-06-14	Discovery and caselaw review.	4.50	0.00
9 02-07-14	LCDC visit with client to discuss events of incident and case up until my appointment.	5.00	0.00
10 02-18-14	Discussion with ASOL regarding sitting down with client to discuss case and bond hearing. LCDC visit with client to finish discussing events of incident.	3.30	0.00
11 02-21-14	LCDC visit with client to discuss proffer and review statements and discovery.	1.60	0.00
12 02-25-14	Phone call to ASOL and Brad's to discuss bond hearing. LCDC visit with client to review her story.	1.10	0.00
13 02-27-14	Bond recommitment hearing. Discussions with client.	1.30	0.25
14 02-27-14	Meeting with client and ASOL's Shawn Graham and Rick Hubbard at Solicitor's Office to discuss events of incident.	4.00	0.00
15 03-05-14	Meeting with ASOL to discuss client's interview and discovery.	0.50	0.00
16 03-07-14	Discovery review and visit with client at LCDC.	6.35	0.00
17 03-11-14	LCDC visit with client to discuss interview and other information client may have.	2.20	0.00
18 03-14-14	Follow-up meeting with client, ASOL, & detectives at Solicitor's Office to discuss prior statement, new info, etc...	3.25	0.00
19 03-27-14	LCDC visit with client to discuss proffer and co-defendant's offer, etc...	1.20	0.00
20 03-31-14	Meeting with ASOL to discuss case, cooperation, plea offer, etc... LCDC visit with client to discuss same.	2.60	0.00
21 04-05-14	Discovery and casefile review.	4.45	0.00
22 04-06-14	LCDC visit with client to discuss plea, procedure, possible trial, etc... Phone calls to client's family.	1.30	0.00
23 04-08-14	Casefile review and phone call to ASOL to discuss client.	1.50	0.00
24 04-09-14	LCDC visit with client in attorney room to discuss history, discovery, statements, plea options and consequences, etc...	3.45	0.00
25 04-10-14	Sat in on co-defendant's plea. Received offer from ASOL and discussed case and plea offer with him.	2.00	0.00
26 04-10-14	LCDC visit with client in interview room to discuss plea offer, co-defendant's plea, letter to victims, trial and plea options, discovery, plea process and rights review, etc...	4.25	0.00
27 04-11-14	Plea accepted by Judge Russo.	1.20	1.00
28 04-16-14	SCDC visit with client at Graham Correctional to discuss plea, sentence, Motion to Reconsider, etc... Drafted and filed Motion to Reconsider. Phone calls to client's family.	3.60	0.00
29 04-30-14	SCDC visit with client at Graham to discuss upcoming Motion to Reconsider, etc... Phone calls to family.	2.60	0.00
30 05-05-14	Review of case and Motion to Reconsider argument.	1.50	0.00
31 05-06-14	Motion to Reconsider heard and denied.	1.10	0.25
Hours Total		74.30	1.50



South Carolina Court Administration
 South Carolina Supreme Court
 Columbia, South Carolina

ROSALYN FRIERSON
 DIRECTOR

1220 SENATE STREET, SUITE 200
 COLUMBIA, SOUTH CAROLINA 29201
 PHONE: (803) 734-1800
 FAX: (803) 734-0268

December 15, 2016

Deonna Rogers
 Legal Assistant
 P.O. Box 11549
 Columbia, SC 29211

In re: Driggers v State of South Carolina

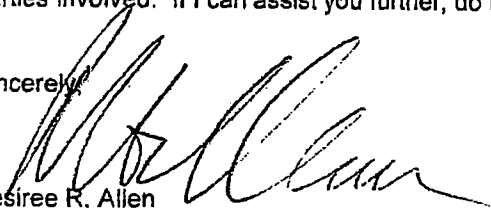


Dear Ms. Rogers:

This is to follow up on the letters your office has sent concerning the transcript in this matter. I spoke to Brionna Arnone this morning and let her know that I would respond in writing promptly. Unfortunately, we are unable to produce this transcript because the hard drive Ms. Thueme delivered appears to be corrupted. As you know, Ms. Thueme is no longer employed by S.C. Court Administration. I have tried every way I know to contact her and was finally able to reach her in early November. At that time she indicated that she did not have any other records, the transcript could not be produced, and that she was not doing well.

Court Administration has exhausted all avenues for the production of this transcript, and unfortunately, it cannot be reproduced. I sincerely regret the inconvenience this causes you and all parties involved. If I can assist you further, do not hesitate to contact me.

Sincerely,


 Desiree R. Allen
 Court Reporter Manager

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

Margaret M. Driggers, #359524,

Applicant,

v.

State of South Carolina,

Respondent.

FILED

2017 DEC -4 AM 11:30
IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

LISA M. COLEMAN
CLERK OF COURT
LEXINGTON SC
Case No.: 2015-CP-32-00881

ORDER OF DISMISSAL

ORIGINAL

This matter comes before this Court by way of an application for post-conviction relief filed March 6, 2015, by Margaret M. Driggers (Applicant) alleging trial counsel was ineffective for failing to sufficiently prepare Applicant's case for trial, failing to timely review discovery with Applicant, and failing to interview Applicant's witnesses. Respondent made its Return on December 19, 2016, requesting an evidentiary hearing be held.

An evidentiary hearing into the matter was convened August 10, 2017, at the Lexington County Courthouse. Applicant was present at the hearing and represented by Aimee Zmroczek, Esquire. Respondent was represented by Assistant Attorney General W. Joseph Maye of the South Carolina Attorney General's Office. Applicant testified on her own behalf; no other witnesses were called by Applicant. The State presented testimony from Lexington County Solicitor Rick Hubbard, Deputy Solicitor Shawn Graham, and plea counsel Emily Howard, Esquire.

In addition to the presentation of testimony relevant to the allegations of the Application, the parties also conducted an examination of witnesses for the purposes of reconstructing the guilty plea hearing of Applicant. Respondent provided communications from Court

Administration indicating that the transcripts from Applicant's guilty plea hearing and Motion to Reconsider hearing were not available. At the conclusion of the hearing, this Court requested proposed orders from both parties.

This Court had before it Applicant's appellate records, Lexington County Clerk of Court's records regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, and the Lexington County Clerk of Court records for this current proceeding. After reviewing the record in its entirety, along with the testimony and evidence presented at the evidentiary hearings, this Court finds Applicant has failed to establish any constitutional deprivations or other grounds entitling her to relief and is denying and dismissing this application with prejudice.

PROCEDURAL HISTORY

The records before this Court establish Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. During its March 2014 term of court, the Lexington County Grand Jury indicted Applicant for Murder (2014-GS-32-00897), Armed Robbery (2014-GS-32-00898), and Burglary First Degree (2014-GS-32-00899). She was represented originally by Mark Schnee, Esquire. Mr. Schnee's request to be relieved as counsel was granted, and Ms. Emily Howard was assigned to the case on December 19, 2013. Deputy Solicitors Shawn Graham and Rick Hubbard¹ prosecuted the case.

On April 10, 2014, Applicant was presented with an offer to plead guilty to Voluntary Manslaughter, Armed Robbery, and Burglary First Degree, with a negotiated range of 15-30

¹ Mr. Rick Hubbard has since been elected to the position of 11th Circuit Solicitor.

*Am.
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years for each offense, each sentence to run concurrently. On April 11, 2014, Applicant proceeded to a plea hearing before the Honorable Thomas A. Russo, where she plead guilty to the negotiated charges. Judge Russo sentenced Applicant to thirty (30) years imprisonment for each charge, all sentences to run concurrently. A Motion to Reconsider was heard by Judge Russo on May 6, 2014, but Judge Russo did not alter Applicant's sentence.

Counsel for Applicant, Emily Howard, filed a Rule 203(d)(B)(iv), SCAR Explanation, noting that she could not find any good faith basis for appeal. On September 23, 2014, the Court of Appeals dismissed the action for lack of basis to challenge the guilty plea. The Remittur was sent October 16, 2014. No further action was taken by Applicant on direct appeal.

SUMMARY OF FACTS ADDUCED AT HEARING

The witness presented at the evidentiary hearing testified extensively, the facts adduced from their respective testimonies are summarized as follows:

Solicitor Rick Hubbard

Mr. Hubbard prosecuted the case against Applicant alongside Mr. Shawn Graham, and was present for the various interviews Applicant had with the solicitor's office, as well as for the plea hearing held before Judge Russo. Mr. Hubbard testified that he recalls this particular case quite well and was able to provide a detailed description of the State's theory of the case, the evidence involved, the prosecution of the case prior to Applicant's plea, and the plea hearing.

According to Mr. Hubbard, Applicant, along with co-defendants Demetriss Glenn (hereinafter "Glenn") and Kenneth Walters (hereinafter "Walters"), were arrested in connection with the robbery and murder of Timothy Tice. Tice was found in his home dead as a result of blunt force trauma to the head. Applicant was charged with murder, armed robbery, and burglary

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in the first degree. Applicant's co-defendant's were identically charged. Applicant was initially represented by Mark Schnee, but Mr. Schnee was permitted to be relieved as counsel. Emily Howard was assigned as new counsel in late 2013.

According to Mr. Hubbard, the State's theory of the case was that Applicant had planned the robbery and brought Glenn and Walters to assist her. Her plan was to go to Tice's home, as she has done in the past. Once Tice was asleep, Driggers would text the other two co-defendants to come in and rob the home. Problems arose when only co-defendant Walters came in to perform the robbery, and Tice did not remain asleep while the robbery ensued. Tice, a very large statured man, was involved in a physical altercation with Walters. As Tice began to overpower Walters during the altercation, Applicant alerted Glenn to come help. Glenn came into the home to help Walters and Tice was ultimately killed in the altercation after being struck in the head repeatedly with a blunt object, believed to be first with a wine bottle, and then a stool.

Mr. Hubbard described the substantial evidence which inculpated Applicant and the two co-defendants. The State had two witnesses, Charles Plumley and Tyrone Williams, who were able to testify on behalf of the State, support the State's theory of the case, and inculpate all three co-defendants. Both witnesses had already testified against co-defendant Glenn, who was convicted and sentenced to life in prison.

Forensic and physical evidence corroborated the state's theory as the injuries were consistent with blunt force trauma from these types of objects. DNA evidence was found linking Applicant and Kenneth Walters to the crime scene. Cell phone evidence demonstrated communications between Applicant and Tice earlier that night, as well as communications between Applicant and her co-defendants while she was in Tice's home.

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After her arrest, Applicant spoke numerous times with authorities and the Solicitor's in her case. The Solicitor's office hoped to have Applicant serve as a witness on behalf of the State in the trial against co-defendant Glenn. Mr. Hubbard conceded that the lack of DNA connecting Glenn to the crime made his case the weakest of the three co-defendants. However, Applicant was deemed an unreliable witness by the Solicitor's office due to her changing her story multiple times. Mr. Hubbard testified substantially as to the complete lack of credibility Applicant showed during her interviews with the Solicitor's office.

Over the course of those communications, the Solicitors received statements from Applicant that inculpated her in the events of that night, and her numerous story changes would have severely limited her credibility to testify before a jury.

Discovery was ongoing from the time of Applicant's arrest, and Mr. Hubbard does not recall any issues concerning delayed discovery production from the Solicitor's office. Furthermore, Mr. Hubbard confirmed that Applicant never provided names of witnesses that could support a defense to the charges she faced.

Co-defendant Glenn was tried and convicted of murder, armed robbery, and burglary in the first degree, and was sentenced to life in prison. At the time of Glenn's trial, Co-defendant Walters and Applicant had yet to plea.

Mr. Hubbard recalls that co-defendant Walters and Applicant were both given the same plea offer of a reduced charge of voluntary manslaughter, armed robbery, and burglary first, with a negotiated sentencing range of 15 to 30 years, each to run concurrently. Both Applicant and co-defendant Walters accepted the Solicitor's plea offer and plead guilty. However, Walters did so

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under *Alford*.² At the plea hearing for Applicant, Mr. Hubbard understood Judge Russo to view Applicant's role in the crime differently than her co-defendants, that she was a "but/for" reason that the crime ever occurred.

Mr. Hubbard admits that he is not able to recall each colloquy question specifically. However, he testified that he and his solicitors always pay close attention to ensure that a colloquy is thorough, and are prepared to stand and alert the court to any inadequacy in qualifying the plea. Mr. Hubbard said he does not recall anything out of the ordinary during the plea hearing, does not recall any inadequacy in qualifying the plea, and was confident that there was no need to supplement the colloquy in any way.

Margaret Driggers

Applicant Margaret Driggers was called to testify after Mr. Hubbard.³ At the time of hearing, Applicant was 32 years old and had an 8th grade education. Prior to these charged crimes, Applicant had only two prior misdemeanors on her record.

Applicant began her testimony with information about her difficult background growing up, but also states that it does not excuse anything that happened regarding Tice. She confirms that she met quite a few times with the Solicitor's office to provide her statement, but states that she merely elaborated on her story. Applicant claims that she was scared, upset, and lacked information and discovery to prepare for her meeting with the Solicitor. Applicant testified that she does not have any witnesses to aid in her defense, and that her listing of this as an allegation

² Walters requested an *Alford* plea, and the Solicitor's office acquiesced. There was no testimony from any witness indicating Applicant requested an *Alford* plea.

³ In order to accommodate Mr. Hubbard's scheduling needs, this Court and the parties agreed to allow Mr. Hubbard to testify first. Following the conclusion of his testimony, the evidentiary hearing then proceeded in proper order with Applicant's case in chief.

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was a result of her just not understanding the PCR process. However, Applicant adamantly asserts that she did not see any discovery until approximately four days before she was required to enter her plea.

Applicant was shown a packet of discovery materials, she conceded that those materials were directed to her with a note from her attorney that she should read and review the materials thoroughly so that they could review them when Ms. Howard returns "on Friday". Applicant also concedes that those materials had her own hand written notes throughout the pages. Applicant maintains that she was not shown any discovery until approximately four days before her plea.

In consideration of the plea offer from the Solicitor's office, Applicant provided contrasting testimony as to whether her attorney "promised" her a set number of years in sentencing. Ultimately, Applicant conceded that she was not guaranteed any certain number of years by anyone, aside from the negotiated range of the plea deal. In consideration of the plea, Applicant spoke at length with Ms. Howard and her mother.

Applicant's guilty plea hearing was conducted on April 11, 2014. Applicant recalls her guilty plea hearing before Judge Russo and that Judge Russo asked her numerous questions during the hearing. During cross-examination, Applicant testified that she confirmed for Judge Russo the following responses during colloquy:

- 1) She confirmed she was not under the influence of drugs or alcohol during her plea;
- 2) She understood the charges she faced as well as the plea offer given by the State;
- 3) She confirms that she understood the minimum and maximum sentences that accompanied her charges;
- 4) She confirms that the Solicitor conducted a recitation of facts and evidence against her, and that she did not disagree with Solicitor's recitation;
- 5) She confirmed for Judge Russo that she had not been threatened, coerced, or forced to plead guilty;
- 6) She confirmed that she understood the rights and protections she was waiving in deciding to plead guilty;

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- 7) She confirmed that she willingly waived those right and plead guilty;
- 8) She confirmed that she was in fact guilty of the crimes for which she was pleading guilty; and
- 9) She expressed satisfaction with the services provided by her attorney, Ms. Howard.

Applicant indicated during her testimony that she had been made aware of all of these questions before her plea hearing as a result of her discussions with Ms. Howard. The only colloquy question for which Applicant did not provide an unequivocal confirmation was that she did not need any additional time with her attorney. Applicant testified that she did not believe her attorney had sufficient time to prepare for trial and claims that this fact influenced her decision to plead guilty. She now feels she should have gone forward with trial and presented her side of the story.

Shawn Graham

Deputy Solicitor Shawn Graham was called by Respondent to testify. Mr. Graham's testimony was markedly similar to the testimony provided by Rick Hubbard, and the evidence against the Applicant was again described for the court. Mr. Graham confirms that the Solicitor's office had hoped to use Applicant as a witness for the state in prosecuting co-defendant Glenn. However, her story kept changing with each interview. Mr. Graham adds that the last interview was inculpatory as to Applicant's role in the events leading to Tice's murder.

Mr. Graham was confident that no discovery production issues arose in this case and that all materials had been properly provided to Applicant's attorney. Through documentary evidence, Mr. Graham was able to confirm that the last discovery disclosure (a record of the interview Applicant had with the Solicitor's office) was provided on March 27, 2014. Mr. Graham concedes that there was a substantial amount of documents and discovery materials produced in this case. However, he agrees that much of it would not be relevant to Applicant's

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defense. In addressing the potential trial of Applicant, should she decline the plea offer, Mr. Graham noted that trial had been set for April 21, 2014. However, he agrees that he would have consented to a request for continuance given that Applicant's attorney, Emily Howard, had only recently been assigned as counsel.

Mr. Graham was present for the guilty plea hearing and confirms that he does not recall any need to supplement the colloquy of the judge. Like Mr. Hubbard, Mr. Graham cannot recall each specific colloquy question, but reiterates that he is always listening closely to ensure no questions are left out of the Judge's qualification of the plea. He does not recall anything out of the ordinary or lacking concerning Applicant's plea and Judge Russo's qualification and acceptance of the plea.

Emily Howard

Ms. Emily Howard was called by Respondent to testify as to her legal representation of Applicant. Ms. Howard had worked in criminal law in various capacities for nine years, before becoming a financial advisor. Ms. Howard received the Notice of Appointment for Applicant's case on December 19, 2013, and recalls the case quite well.

Her first efforts included attempting to contact prior counsel, Mark Schnee. However, her call was never returned and Ms. Howard proceeded with the case as if "starting from scratch". Ms. Howard met with Applicant for the first time on January 3, 2014. Over the course of the next four months of representation, Ms. Howard testified that she met with her client numerous times for the purpose of reviewing Applicant's case and to review the discovery materials. This testimony is corroborated in detail by the task and timesheet records kept by Ms. Howard which were admitted at hearing (See Respondent's Exhibit 4). These records set forth that discovery

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materials were first provided to Applicant on January 28, 2014. Ms. Howard identified some of those discovery materials to be the packet of papers that Applicant had reviewed and put handwritten notes on. These discovery materials with notations were also admitted into evidence, and Ms. Howard testified that she believed they had been provided to Applicant on January 28, 2014. (Respondent's Exhibit 3). The task and timesheet records indicate that Ms. Howard visited Applicant for review of the case fourteen times; five of those times explicitly identify discovery review as a task conducted during the visit. (See Respondent's Exhibit 4, entries 2, 6, 9, 10, 12, 16, 17, 19, 20, 22, 24, & 26). This exhibit also demonstrates that discovery was reviewed by Ms. Howard and/or discussed with the Solicitor four more times, totaling more than thirteen additional hours. (*Id.* at entries 5, 8, 15, & 21).

Ms. Howard testified that she thoroughly reviewed all discovery provided to her and did not have discovery materials withheld or delayed in any way. Ms. Howard did comment that she had hoped to acquire a copy of the trial transcript of co-defendant Glenn's trial. However, this was admittedly not "discovery" required from the State. Furthermore, Ms. Howard knew the general content of the witnesses who testified against Glenn.

Ms. Howard agrees that there was a good deal of discovery, but much of it was not relevant as it included a great deal of information on the State's early suspects in the case. After ruling some of the discovery materials irrelevant, Ms. Howard concedes that she did not show every single page of discovery to LCDC for her client to review. After assessing the discovery and evidence against Applicant, Ms. Howard was not able to identify any reasonable theory of defense for the case, nor did Applicant provide any witnesses for Ms. Howard to interview. Accepting a favorable plea offer was Ms. Howard's advice to Applicant in this case.

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During her testimony, Ms. Howard noted that Applicant was more concerned with her bond and how much time she may face, not with whether or not to maintain her innocence and proceed with a trial. After receiving the plea offer from the Solicitor on April 10, 2014, Ms. Howard took the offer to Applicant and discussed the offer at length with her. Ms. Howard had also begun having discussions with Applicant as to the possibility of entering a guilty plea well in advance of the offer being provided by the State.

During her discussions with Applicant, Ms. Howard conveyed what had taken place at co-defendant Kenneth Walter's plea hearing, but never guaranteed any certain number of years for Applicant's sentencing. After the thorough discussion, Ms. Howard confirmed that Applicant decided to accept the plea offer that night. Ms. Howard was confident that if Applicant had instead wished to proceed with trial on the April 21, 2014 date, she would have had enough to time to prepare; she would nevertheless have requested a continuance for additional time and to obtain co-defendant Glenn's trial transcript.

Ms. Howard recalls the plea hearing well, but like the solicitors in the case, is unable to recall explicitly each colloquy question asked by Judge Russo. However she does not recall anything out of the ordinary occurring, does not recall anything lacking in the qualification of the pleas, and does have any reason to believe that Applicant's plea would be involuntary or unknowingly made for any reason.

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 hearings. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh

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

Ineffective Assistance of Counsel

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRPC; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. 441, 334 S.E.2d 813. The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Butler*, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this presumption to receive relief. *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989). Judicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel's assistance after conviction or adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable. *Strickland*, 466 U.S. at 689. The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice,

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that course should be followed. *Strickland*, 466 U.S. 668. “[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” *Smith v. State*, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing *Caprood v. State*, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” *Cherry*, 300 S.C. at 117, 385 S.E.2d at 625 (citing *Strickland*). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625.

In the context of guilty pleas, *Strickland* is still the applicable test, but it’s application is directed toward determining whether the plea was voluntarily, knowingly, and intelligently entered. *Hill v. Lockhart*, 474 U.S. 52, 57, 106 S. Ct. 366, 370 (1985); *Hyman v. State*, 397 S.C. 35, 43, 723 S.E.2d 375, 379 (2012) (citing *Anderson v. State*, 342 S.C. 54, 57, 535 S.E.2d 649, 651 (2000)).

A defendant who enters a plea on advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel’s representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel’s errors, the defendant would not have pled guilty, but would have insisted on going to trial.

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Hyman, at 379 (citing *Holden v. State*, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011)). A plea is proper if it can be shown that a defendant was “aware of the nature and crucial elements of the

offense, the maximum and any minimum penalty, and the nature of the constitutional rights being waived." *Id.* at 380.

After careful review of the entire record, including the testimony presented at the evidentiary hearings, based on the standard discussed above, this Court finds Applicant has failed to carry her burden in this action regarding any of her allegations of ineffective assistance of counsel. Below are this Court's specific finding regarding each of Applicant's allegations of ineffective assistance of counsel:

Allegation: Failure to properly prepare case for trial

While the allegation is not clearly articulated in the Application, Applicant appears to first allege that her decision to plead guilty was influenced by the limited amount of time that plea counsel would have had to prepare for trial, had she decided to decline the plea offer. This claim is essentially a claim of ineffective assistance of counsel for failing to properly prepare her case for trial. Specifically, Applicant alleges: "Attorney did not have enough time to prepare my case considering the charges I had." (PCR Application, pp. 4). Linked to this allegation in the PCR Application is also an assertion that Applicant was not shown her discovery until the day before sentencing; while tangentially related, this Court addresses this allegation separately (*Supra*).

In support of her inadequate preparation claim, the limited testimony and arguments presented by Applicant at trial can be summarized as follows:

1. Ms. Howard was assigned to represent Applicant and only had approximately four months in which to familiarize herself with the case, review discovery, and prepare herself for a potential trial.
2. The volume of discovery materials was extensive, and Applicant claims to have not seen any of it until just days before her plea.

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3. Applicant testified that in retrospect she was not comfortable in confirming for Judge Russo that she did not need more time with her attorney in consideration of her plea and case.
4. Believed that she would possibly get life if she did not plea, but now feels that she should have gone to trial to present her side of the story.

The facts on the record show that Ms. Howard was assigned to represent Applicant on December 19, 2013, and the plea hearing was conducted April 11, 2014. The record also shows that the total amount of discovery, as a whole, was extensive. Applicant however *fails* to demonstrate any communications she had where she explicitly made her desire to go to trial, if not for her concern of the shortened timeframe to prepare, known to Ms. Howard. In contrast, Ms. Howard testified that during her discussion with Applicant, Applicant was more concerned with her bond options and with the amount of time she would ultimately be sentenced to serve. Applicant's own testimony at hearing demonstrated a similar focus on the number of years she may receive as opposed to contemplation of inadequate trial preparation. Applicant likewise fails to demonstrate that she made any such concern known to Judge Russo at her hearing, despite being asked directly about her satisfaction with her attorney and whether she needed any more time to meet with her attorney.

In response to this allegation, the State provided evidence addressing the timeframes at issue. First, Deputy Solicitor Shawn Graham explicitly testified that he would have consented to a continuance for purposes of trial preparation, given the relatively short timeframe since Ms. Howard had been assigned as counsel. Additionally, Ms. Howard testified that had she needed to go to trial with Applicant's case, the time between the April 11th plea and the set trial date of April 21st would have been sufficient for her to adequately prepare for trial. She also adds that, while she would have had enough time to prepare without a continuance, she would have moved

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for continuance nonetheless in order to acquire the trial transcript of co-defendant Glenn. Ms. Howard also explains that while there was a substantial amount of discovery, based simply on the number of pages produced by the State, a great deal of that discovery was easily dispensed with as irrelevant to Applicant's case.

On cross examination Applicant confirmed that she was asked all of the necessary colloquy questions by Judge Russo which were needed to render her plea voluntary, knowingly, and intelligently made. In response to each of Judge Russo's questions, she affirmed for the court as needed and did not raise any concerns as to her willingness to plead guilty. Applicant also confirmed that she was in fact guilty of the charges against her. Lastly, in the process of discussing her plea offer and her decision of whether or not to accept it, Applicant was aware that her co-defendant Glenn had already proceeded to trial, been convicted, and sentenced to life in prison.

Applicant bears the burden of showing deficient error below acceptable standards of representation and prejudice resulting from the error such that, had the error not occurred, Applicant would probably have proceeded to trial. *Hill v. Lockhart*, 474 U.S. 52, 57, 106 S. Ct. 366, 370 (1985); *Hyman v. State*, 397 S.C. 35, 43, 723 S.E.2d 375, 379 (2012). Based on the evidence presented, this Court finds that Applicant has failed to meet her burden and this claim must be denied and dismissed with prejudice.

First, Applicant has failed to show any actual deficiency in the representation provided by Ms. Howard. Ms. Howard was presented with the plea offer and spent many hours in person with Applicant discussing the offer in detail. The record shows that Applicant was well informed as to the nature and elements of the offense, the maximum and any minimum penalty, and the

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nature of the constitutional rights she chose to waive. Applicant also had an opportunity to discuss the plea with family before deciding. Applicant confirms that her attorney reviewed and explained all aspects of the plea necessary for proper qualification of a guilty plea. See *Anderson v. State*, 342 S.C. 54, 57, 535 S.E.2d 649, 651 (2000). In short, the record shows that Applicant knew that she faced potential life sentence if she went to trial, discussed what potential sentences she might receive if she plead, weighed the risks, and chose to waive her rights and plead guilty. A perceived limit of trial preparation time by the client, not once uttered to their attorney or the judge, is not an error attributable to counsel. Further, Ms. Howard is given deference in her professional judgment that she had sufficient time to prepare for a trial if necessary. *Strickland*, 466 U.S. at 689. To the extent that the claim of belated discovery review can be considered as a basis supporting the claim of lack of preparation, this Court does not find Applicant's testimony regarding belated review of discovery at all credible (*supra*). This Court can find no error by counsel under *Strickland*, and therefore the first prong has not been met.

This Court likewise does not find any prejudice to Applicant stemming from this claim. The position of Applicant, as it is asserted in this matter, is ultimately untenable. The Supreme Court of South Carolina has previously held that an Applicant cannot claim they would have insisted on going to trial, if not for their attorney's lack of attentiveness or preparation, without also showing that the absence of such inattentiveness would have produced additional evidence favoring the defense. See *Stalk v. State*, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Prejudice on the basis of lack of preparation cannot be demonstrated when an Applicant presents no witnesses or any specific testimony establishing he would have had a defense if he had had additional time to prepare for trial." *Davis v. State*, 326 S.C. 283, 288, 486 S.E.2d 747, 749



(1997). "*Hill* makes clear that this prejudice prong ordinarily requires more than simply a defendant's assertion that but for counsel's deficient performance he would not have pled but would have gone to trial." *Stalk*, at 595. The record makes clear that Ms. Howard thoroughly reviewed all available discovery and evidence and was not able to create a theory of defense for Applicant in this case. Further, there is no argument or testimony showing that any beneficial facts or evidence were left undiscovered. The rulings from *Stalk* and *Davis* are applicable in this matter to the extent that simply believing that not enough time exists for trial preparation is, by itself, insufficient to establish prejudice. No prejudice has been demonstrated by Applicant.

In consideration of Applicant's first allegation, Applicant has failed to satisfy either prong necessary under *Strickland* and cannot show that her plea was involuntarily, unknowingly, or unintelligently made under *Hill*. This court hereby dismisses Applicant's claim that counsel was ineffective for failing to properly prepare the case for trial.

Allegation: Failure to timely provide discovery to Applicant

Applicant's second basis for post-conviction relief is an ineffective assistance of counsel claim on the basis that her attorney was untimely in providing her with discovery materials. Specifically, Applicant alleges: "I was only shown my motion discovery the day before sentencing." (PCR Application, pp. 4) (errors in original).

At hearing, Applicant testified that she was not shown any of her discovery materials until four days before her guilty plea hearing was held. Under cross examination, Applicant was shown a set of documents, which Applicant agreed were discovery materials for her case.⁴ Within these documents, Applicant confirmed that there was a post-it note attached from Ms.

⁴ This set of documents was later admitted without objection as Respondent's Exhibit 3, during the testimony of Ms. Emily Howard.

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Howard instructing her to review these materials so that they could go over them when she returns "on Friday". Applicant also confirmed that she had made handwritten notations throughout these discovery materials. Despite these confirmations during cross examination, Applicant still maintained that she was not provided these materials any sooner than four days before her plea hearing. Applicant also admitted on cross examination that she informed Judge Russo that she was satisfied with the services that Ms. Howard had provided her.

It is worth noting that Applicant's hearing was conducted on Friday, April 11, 2014. Had these documents been provided to Applicant only four days before her hearing, as Applicant alleges, then that would mean Ms. Howard intended to return Lexington County Detention Center on the day of the hearing to review discovery materials with her client. Such an intention is unlikely, is not supported by Ms. Howard's task and timesheet records, and is not supported by any witness the testimony.

Ms. Howard testified that the discovery materials entered as Exhibit 3 were provided to Applicant sometime in January, and believes that specific day to be January 28, 2014. This recollection is corroborated by her task and time records, wherein entry 7, dated January 28, 2014, indicates "Discovery review. Took client discovery to LCDC for review." (See Respondent's Exhibit 4). Ms. Howard's testimony, corroborated by her task and time records, indicates that she visited LCDC and reviewed discovery with Applicant numerous times, most occurring well before the date of Applicant's plea hearing. Ms. Howard agrees that she did not present every single piece of paper in the discovery to Applicant, but again indicates that much of it simply did not have relevance to the case.

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Again, in order to show ineffective assistance of counsel, Applicant bears the burden of showing deficient error and prejudice such as to render the plea involuntary, unknowingly, or unintelligently made. *Hill*. Applicant has failed to carry her burden of proof.

This Court does not find Applicant's testimony regarding discovery review to be credible. Outside of Applicant's testimony, there is no other basis to support her claim. In contrast, Ms. Howard's testimony regarding her efforts to review the discovery and discuss the discovery with her client is credible and corroborated by multiple exhibits. There is no error of counsel demonstrated by Applicant and this Court finds Ms. Howards efforts regarding discovery to be exemplary in nature.

Applicant has also failed to demonstrate how prejudice would ensue even if her allegations were accurate. The allegation only asserts that she herself had not been shown discovery until just days before the plea. Such would not detract from an attorney's well reviewed and thoughtfully evaluated opinion of discovery, and then advising their client that no reasonable defense to the charges is available and that a negotiated guilty plea is the best course of action when compared to proceeding to trial. Applicant has failed to show how receiving her discovery earlier would have had any influence on her decision to plead guilty. This Court finds that Applicant has failed to demonstrate prejudice as to this claim.

In consideration of Applicant's second allegation, Applicant has failed to satisfy either prong necessary under *Strickland* and cannot show that her plea was involuntarily, unknowingly, or unintelligently made under *Hill*. This court hereby dismisses Applicant's claim that counsel was ineffective for failing to timely provide Applicant with her discovery.

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Allegation: Failure to interview Applicant's witnesses

Applicant alleges plea counsel was ineffective for failing to interview witnesses. Specifically, Applicant alleges: "Attorney did not interview any of my witnesses." (PCR Application, pp. 4).

By Applicant's own admission, she did not have any witnesses to aide in her defense and asserts that the claim was a consequence of her lack of understanding for the PCR process. Likewise, Rick Hubbard, Shawn Graham, and Emily Howard all testified that they were never informed of witnesses that could provide a defense for Applicant, nor witnesses that should be interviewed by counsel. This Court finds that there is no evidentiary basis to support this claim and hereby dismisses the same with prejudice.

CONCLUSION

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

This Court notes Applicant must file and serve a notice of appeal within thirty days from the receipt of this Order by counsel of record to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

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IT IS THEREFORE ORDERED:

1. This application for post-conviction relief must be denied and dismissed with prejudice; and
2. The Applicant shall remain in the custody of the State.

AND IT IS SO ORDERED this 30th day of November, 2017.


ALISON RENEE LEE
Presiding Judge
11th Judicial Circuit

Columbia, South Carolina

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LISA M. COMER
CLERK OF COURT
LEXINGTON SC

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