

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Honorable Roger E. Henderson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TRAVIS SEMAJ HUTCHINSON,

APPELLANT

APPELLATE CASE NO 2018-000271

RECORD ON APPEAL

RECEIVED

JUL 10 2018

SC Court of Appeals

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1 STATE OF SOUTH CAROLINA

2 -----x

3 STATE,

4 Plaintiff,

5 Case Numbers

6 -against- 2018-GS-46-00204,

7 TRAVIS SEMAJ HUTCHINSON, 2018-GS-46-00205

8 2018-GS-46-00213

9 Defendant.

10 -----x

11 February 13, 2018

12 York, S.C.

13

14 B E F O R E:

15 HONORABLE ROGER E. HENDERSON

16

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

18 MARINA HAMILTON, Esquire

19 Attorney for the State

20

21 DEVON NIELSON, Esquire

22 Attorney for the Defendant

23

24 Aileen Butler

25 Official Court Reporter

1 THE COURT: All right, Mr. Nielsen.

2 MR. NIELSEN: Yes, Your Honor. The defense at
3 this point has brought Mr. Hutchinson, Mr. Travis
4 Hutchinson into the courtroom. Mr. Hutchinson and I
5 were discussing in the back what his options today
6 were. I had explained to him that his options are to
7 either plead straight up as charge to possession of
8 heroin, third offense; possession of cocaine --
9 possession with intent to distribute heroin, third
10 offense; possession of cocaine, second or third
11 offense and escape, and plead straight up as charged.
12 He understands the minimum that he could receive on
13 those is 11 years at this point and that his other
14 option we have a jury waiting for trial downstairs and
15 he wishes to address your Your Honor. At this time he
16 has refused to either sign the the paper work and go
17 forward with the plea. Also refused to give the size
18 of clothing for him to change out of his jail orange.

19 I am asking Your Honor to have a conversation
20 with him about what he wants to do.

21 THE COURT: Yes, sir, Mr. Hutchinson. What would
22 you like to say.

23 THE DEFENDANT: I have been trying to get this man
24 off of the case. It went from good to worse. He
25 tells me and my wife take, you know, they offer me two

1 years and this two years just went off the table just
2 like that. All the way up to ten years, 11 years he
3 is telling me all of this stuff at the end.

4 I know I am guilty. I don't mind doing the time
5 but he is telling me all of this stuff at the end. I
6 don't feel like I have been treated right.

7 THE COURT: You didn't show up yesterday afternoon
8 when you were suppose to be here and that might have
9 some effect on your case, the fact that you you didn't
10 show up.

11 THE DEFENDANT: I was here yesterday morning.

12 THE COURT: But you weren't here yesterday
13 afternoon when you were suppose to be so we could
14 start a trial yesterday afternoon.

15 THE DEFENDANT: When he was talking about trial I
16 ain't know that he was talking a trial trial.

17 THE COURT: What else is there besides a trial?

18 THE DEFENDANT: I thought he was talking about
19 signing for a plea or something. That type of trial.

20 THE COURT: You have enough experience that you
21 know what a trial means and you know what a plea
22 means, don't you? You've been in the system for a
23 while I understand, correct?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. You know the difference between

1 a trial and a plea don't you?

2 THE DEFENDANT: Yes, sir, but I ain't know.

3 THE COURT: Well, this is your day in court. We
4 are going forward with your case one way or the other.
5 If you want a trial you have a constitutional right to
6 have a trial. I got a jury waiting downstairs and can
7 be brought up here and we will select a jury and get
8 started this morning or you have the right to enter a
9 plea.

10 Now, whether you want to wear the right kind of
11 clothes or not that is up to you. I don't care. But
12 that would certainly prejudice you with regards to a
13 jury. They will see you in an orange jumpsuit. You
14 would be better off if you to put on some decent
15 clothes that Mr. Nielson has. He has got them
16 somewhere.

17 MR. NIELSON: Yes, Your Honor.

18 THE COURT: So, you're not getting out of trial.
19 You are not getting a new lawyer. This is the day.
20 We are going forward.

21 THE DEFENDANT: I ain't mind going forward.

22 THE COURT: If you don't want to participate in
23 the trial I will try you in your absence. You have
24 been informed about that before I'm sure. If you
25 refuse to cooperate.

1 THE DEFENDANT: I'm going to cooperate. I'm a
2 grown man just like he is. This man, ain't treat me
3 with no respect. I mean he's just telling me all
4 sorts and types of stuff at the end.

5 THE COURT: You realize I told you that a few
6 minutes ago because this is at the end and you are
7 responsible for some of what has changed at the end by
8 not showing up yesterday. I had to issue a bench
9 warrant to have you picked up. Don't you think that
10 has some effect on what the State is offering? We had
11 to go to considerable trouble to get you.

12 THE DEFENDANT: I came here yesterday morning.

13 THE COURT: I understand you came yesterday
14 morning but were you suppose to be here two o'clock
15 yesterday Mr. Nielson?

16 MR. NIELSON: Yes, Your Honor.

17 THE COURT: And you weren't here.

18 THE DEFENDANT: I was trying to get my wife home
19 sir.

20 THE COURT: Well, when you got court here this
21 takes priority over getting your wife home.

22 THE DEFENDANT: I was trying to make it back up
23 here yesterday as well.

24 THE COURT: The Court was open until five o'clock
25 sir and you never showed back up.

1 THE DEFENDANT: They said court ended around one
2 something when I called back.

3 THE COURT: Well, I told you it's your choice and
4 your decision now. Either we go forward with a plea
5 on these charges that have been stated or you go for a
6 trial and ask for a trial. So you got to make a
7 decision and let me know what it is.

8 THE DEFENDANT: I will go with a plea.

9 THE COURT: Sir?

10 THE DEFENDANT: I will go with the plea.

11 THE COURT: Do you understand that it's going to
12 be what is called a straight-up plea. Everything is
13 going to be left in my discretion. The State is not
14 making any kind of recommendation. I understand you
15 understand the plea process.

16 Do you need a few more minutes?

17 MR. NIELSON: We do need to sign paperwork. We
18 will need to go back.

19 THE COURT: If he changes his mind again I will
20 call the jury up here and we'll will get started.

21 MR. NIELSON: All right. Thank you, Your Honor.

22 THE COURT: Okay. Thank you sir.

23 (WHEREUPON, there was a brief recess.)

24 MR. NIELSON: Your Honor, I will tell the Court he
25 actually signed the grand jury part of the one

1 indictment but he signed on both. He signed on the
2 wrong line the the first time.

3 TRAVIS SEMAJ HUTCHINSON, having been duly sworn by
4 the clerk, was examined and testified as follows:

5 THE COURT: Yes ma'am.

6 MS. HAMILTON: Thank you, Your Honor.

7 This is Travis Hutchinson, he is appearing today
8 represented by his attorney, Devon Nielson from the
9 Public Defender's Office. The defendant is pleading
10 guilty on true bill Indictments for possession with
11 intent to distribute heroin, third offense; possession
12 of cocaine, third offense and escape. He has served
13 69 days in jail.

14 The State has a recommendation in this case. This
15 is a straight-up plea. Your Honor, I do want to
16 address the matter as to the amendment of the CDR code
17 which the State believes is merely a sentencing
18 matter. Not anything that would go to the sufficiency
19 of the Indictment and I want to address that at the
20 appropriate time.

21 THE COURT: All right. You said possession of
22 cocaine, third offense?

23 MS. HAMILTON: Yes, Your Honor, possession with
24 intent to distribute heroin, third offense and
25 possession of cocaine, third offense.

1 And I did hand up and provide to the defense the
2 case the State verses Crivin (phonetics) which does go
3 to the nature of what I just stated as to Indictments
4 are sufficient to supply -- confer subject matter
5 jurisdiction on this Court in that the CDR code and
6 the enhancement of the second or greater offense do
7 not involve elements of the offense. The State would
8 just ask the CDR code be amended on the Indictments as
9 to the sentencing matter at this time.

10 THE COURT: All right. Mr. Nielson.

11 MR. NIELSON: Your Honor, we would object to that.
12 We had previously asked that he be allowed to go
13 forward as a second offense. There are some definite
14 differences sentencing wise and what we can ask for
15 and what he could get in the Department of Corrections
16 that are changed by making it a third instead of a
17 second. I understand his record is such that we have
18 no argument that it is truly a third. We would just
19 ask the solicitor to be allowed to plea as he was
20 indicted or going to let Your Honor decide on that.

21 THE COURT: Okay. Anything else Miss Hamilton?

22 MS. HAMILTON: No, Your Honor.

23 THE COURT: Okay. All right. Miss Hamilton, I am
24 going to grant your motion to amend. With regards --
25 this is definitely a sentencing issue with regards to

1 whether it is a second or third. I understand their
2 could be some issues with the Department of
3 Corrections Mr. Nielson, but had he gone to trial and
4 been convicted it still would have come time at
5 sentence it would still be a third offense and he
6 would have been sentenced accordingly.

7 MR. NIELSON: Yes, Your Honor.

8 THE COURT: So I will grant the motion Miss
9 Hamilton.

10 MS. HAMILTON: Thank you, Your Honor. And I
11 actually have if we could, certified convictions. I
12 don't know if you wanted to put those in the record in
13 case there are issues as to him appealing this.

14 MR. NIELSON: Your Honor, she has sent me copies
15 of four certified convictions that I'm sure she plans
16 on handing up.

17 MS. HAMILTON: Just so that if he does plan to
18 appeal this we have this on the record.

19 THE COURT: Sure.

20 MS. HAMILTON: Thank you, Your Honor.

21 THE COURT: It will be admitted as State's one.

22 MS. HAMILTON: Thank you.

23 (State's Exhibit One, Convictions, received in
24 evidence as of this date.)

25 THE COURT: Anything else before I question Mr.

1 Hutchison?

2 MS. HAMILTON: Nothing from the State.

3 MR. NIELSON: Nothing from the defense Your Honor.

4 THE COURT: All right. Mr. Hutchison, how do you
5 pronounce your middle name.

6 THE DEFENDANT: Semaj.

7 THE COURT: So you are Travis Semaj Hutchison?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You are 37 years old?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you live in York County, South
12 Carolina?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Did these three offenses that I
15 understand you wish to plead to, did they all take
16 place in York County, South Carolina?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Now, do you understand that possession
19 with intent to distribute heroin, third offense,
20 carries from ten to thirty years in the Department of
21 Corrections. Do you understand that? That is the
22 potential sentence do you understand that, ten to
23 thirty years?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. And do you understand that the

1 possession of cocaine, third offense, carries up to
2 ten years in prison. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Speak up.

5 THE DEFENDANT: Yes, sir. Yes, sir.

6 THE COURT: Okay. And then the escape charge to
7 which I understand you wish to plead, that carries
8 from one to 15 years in prison. Do you understand
9 that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: So do you clearly understand what it
12 is your pleading guilty to?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You had time to talk to your lawyer
15 about these three offenses, correct?

16 THE DEFENDANT: Right.

17 THE COURT: And you understand what those offenses
18 are?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: So you clearly understand what you are
21 pleading guilty to?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, knowing the potential sentences
24 do you in fact wish to plead guilty or how do you wish
25 to plead to these three offenses; guilty or not

1 guilty?

2 THE DEFENDANT: Guilty?

3 THE COURT: Speak up.

4 THE DEFENDANT: Guilty.

5 THE COURT: To all three?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay.. Mr. Hutchison, has anybody
8 threatened you in any way in order to get you to plead
9 guilty?

10 THE DEFENDANT: No, sir.

11 THE COURT: Has anybody promised you anything in
12 order to get you to plead guilty?

13 THE DEFENDANT: No, sir.

14 THE COURT: Okay. Are you under the influence of
15 any alcohol or drugs today?

16 THE DEFENDANT: I was -- I'm just coming down off
17 of heroin.

18 THE COURT: Okay, just come down.

19 THE DEFENDANT: Coming down off of it.

20 THE COURT: Sir?

21 THE DEFENDANT: Coming down off of it.

22 THE COURT: Coming down off of it. So when did
23 you last use?

24 THE DEFENDANT: Yesterday.

25 THE COURT: When yesterday?

1 THE DEFENDANT: Morning.

2 THE COURT: Yesterday morning. So it has been
3 about 24 hours?

4 THE DEFENDANT: I guess.

5 THE COURT: Well, you said you used it yesterday
6 morning. It's morning time now.

7 THE DEFENDANT: Yes, sir. Morning.

8 THE COURT: So it has been about 24 hours since
9 you used.

10 THE DEFENDANT: I guess.

11 THE COURT: Correct?

12 THE DEFENDANT: Yes.

13 THE COURT: How long does it normally take you to
14 get a clear head after using heroin.

15 THE DEFENDANT: I don't know.

16 THE COURT: Sir?

17 THE DEFENDANT: I don't know.

18 THE COURT: Well, how often have you used heroin?

19 THE DEFENDANT: On a day-to-day basis.

20 THE COURT: Well, you should know how long it
21 takes you to come down then. How long it takes you to
22 get your head clear. You appear to be able to answer
23 all of my questions here this morning so far.

24 THE DEFENDANT: Yeah, I can answer questions.

25 THE COURT: So the fact that you used heroin

1 yesterday morning, does that effect your ability right
2 now to be able to think, reason and understand?

3 THE DEFENDANT: No, sir.

4 THE COURT: So you ever been able to understand
5 everything we talked about so far?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Earlier before you came in here to
8 enter this plea and since we started this plea --

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You've understood everything we talked
11 about?

12 THE DEFENDANT: Right.

13 THE COURT: Now, understanding you may be coming
14 down it may cause you to have some sort of physical
15 problems but mainly you're okay. You are telling me
16 that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. Mr. Hutchison -- and I'm sure
19 your lawyer has been over this with you and I talked
20 about it to you earlier -- you have the right to a
21 trial by jury and if you decide you want a jury trial
22 you and your lawyer, Mr. Nielson, can participate in
23 the selection of that jury. In other words you will
24 have some say so of who sits in judgement of you. If
25 you decide to go to trial then Miss Hamilton, who

1 represents the State of South Carolina, she would have
2 the burden of convincing the jury of your guilty
3 beyond a reasonable doubt and she will have to
4 convince all 12 jurors. In other words the verdict
5 would have to be unanimous before you can be found
6 guilty.

7 If you go to trial then Mr. Nielson has the right
8 to confront any witnesses that testify for the State
9 against you in the course of that trial. That means
10 he can ask them questions or cross examine them during
11 the trial. Then you have the right after the State
12 puts up its case, you have the right to put forth a
13 defense on your behalf. That means you can call
14 witnesses that you want to call to testify for you.
15 You yourself can testify if you want to or if you wish
16 to remain silent which is your constitutional right
17 you can remain silent throughout the entire trial and
18 that can not be held against you in any way whatsoever
19 and the jury would be so informed. And you also have
20 the right to obtain from the State -- and I am sure
21 this has already been done -- but you have the right
22 to obtain from the State any and all evidence that it
23 has in its position that can benefit you in the
24 preparation of your defense.

25 Do you understand these rights Mr. Hutchison?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand that by pleading
3 guilty you give up all of these rights?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: So are you telling me now that you are
6 freely and voluntarily giving up all of your rights in
7 order to plead guilty to these three offenses?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. Now you are represented by Mr.
10 Nielson?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And he has been representing you for
13 how long?

14 THE DEFENDANT: Since the case going on. Since
15 August I guess.

16 MR. NIELSON I believe he was represented in
17 September Your Honor.

18 THE COURT: And during that course of that time
19 you've had discussions with Mr. Nielson about this
20 correct, during the course of his representation?

21 THE DEFENDANT: Uh-uh.

22 THE COURT: Are you saying you haven't talked to
23 him?

24 THE DEFENDANT: No, not in the course of this.

25 THE COURT: Not in what?

1 THE DEFENDANT: Not in the mix of all of this. I
2 ain't been talking to him like that. I'm just
3 starting to talk to him at this time.

4 THE COURT: Mr. Nielson, in your representation
5 you went I'm sure to the jail to talk to him.

6 MR. NIELSON: I did not. There was actually --
7 and I will correct the record a little bit. Melissa
8 Inzerillo actually represented him at first and she
9 helped get to the point of bond.

10 I believe he was in jail for about 70 days and
11 then the case got transferred to me after that. I
12 know that we had an investigator meet with him at
13 least one time while I was in jail. I know Miss
14 Inzerillo met with both him and his wife while he was
15 in jail before he bonded out. I met him in my office
16 on at least two occasions before this week that I can
17 remember. Once in early January and once last week.
18 And so we have met. We have talked. We've discussed
19 the evidence. I've shown him the videos, all of that
20 and shown the video that I believe was pertinent that
21 would show the possession of the drugs and that kind
22 of stuff. So we have talked and I believe we have
23 talked about the evidence to the point where he
24 understands what he's facing.

25 THE COURT: So Mr. Hutchison, do you agree that

1 someone else from the public defender's office has
2 discussed this with you besides Mr. Nielson, another
3 public defender and an investigator?

4 THE DEFENDANT: You said should they.

5 THE COURT: No, I said, you acknowledge that they
6 did. Mr. Nielson tells me that these folks did talk
7 to you.

8 THE DEFENDANT: Yeah, they came. The investigator
9 came down to the jail but after that I ain't talked to
10 him. Melissa Inzerillo wasn't on it. I don't know
11 where that come about. But a couple -- about a week
12 before, right before this day, he started talking to
13 me more about the case.

14 THE COURT: Okay. Let me ask you this. Do you
15 think of anything that Mr. Nielson should have done
16 for you that he hasn't done for you in his
17 representation as far as preparation for the trial of
18 this case or the entry of this plea? Can you tell me
19 anything that needed to be done that wasn't done?

20 THE DEFENDANT: Well, I was offered two years.

21 THE COURT: I understand about an offer. An offer
22 has nothing to do with regards to trial preparation.
23 Do you understand that? As far as trial preparation,
24 is there anything that he didn't do or he didn't show
25 you that he should have shown you, or that he should

1 have done for you that you can tell me specifically on
2 the record now?

3 THE DEFENDANT: No, sir.

4 THE COURT: So, the next question is then he has
5 done everything he can for you under the circumstances
6 as your attorney, correct? Disregarding anything
7 about offers or pleas.

8 THE DEFENDANT: Yeah.

9 THE COURT: We've already covered that you, by
10 your actions, caused some problems with the offer that
11 was made. Do you understand that? I talked to you
12 about that earlier.

13 THE DEFENDANT: Yes.

14 THE COURT: Now you ensconced yesterday in
15 leaving. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: But as far as his representation he
18 has done everything he can for you under the
19 circumstances, you admit that, correct?

20 THE DEFENDANT: Yes.

21 THE COURT: So then you are satisfied with his
22 services based on that?

23 THE DEFENDANT: Right.

24 THE COURT: Okay. At this time Mr. Hutchison, I
25 am going to ask Miss Hamilton, the solicitor, to state

1 to me the facts which support these three charges.
2 Listen carefully because when she finishes I will have
3 a couple more questions for you.

4 Miss Hamilton.

5 MS. HAMILTON: Thank you, Your Honor. On
6 September 15th of 2017, the defendant was pulled over
7 by Rock Hill PD officers within York County. He
8 actually was driving under suspension. He was
9 arrested for driving under suspension. At that time
10 officers searched him incident to arrest. He did
11 consent to a search of his person. Upon searching him
12 officers did find in his pants pocket that he was
13 wearing at that time 17 bindles of heroin laced with
14 fentanyl measuring out to be on the drug report point
15 six grams total of the 17 bags. That's five times the
16 inference level for heroin. Additionally on his
17 person in his pocket was point seven -- point three
18 seven grams of cocaine in his possession. That did
19 test positive for cocaine on the drug report. He was
20 arrested for all of those items. He initially had
21 \$91.35 on his person at that time. He was charged
22 with possession with intent to distribute due to the
23 inference level and the packaging of the drugs; 17
24 separate bags, all measured to approximately the same
25 weight which is evidence of distribution.

1 He does have multiple drug convictions but the
2 most recent one to enhance this to a third offense is
3 possession with intent to distribute a scheduled one
4 through three controlled substance, second offense,
5 2015 possession of cocaine second offense. And those
6 are convictions that I have admitted as State's
7 Exhibit Number One for the the record.

8 The next charge as to the escape on September 17th
9 of 2017 when the defendant was being transported from
10 the Rock Hill Police Department holding cell in a
11 transport van to Moss Justice Center where we are
12 currently located the defendant as the officer was
13 pulling onto Moss Justice Boulevard which is right
14 outside of this courtroom, within York County, the
15 defendant did jump out of the back of that transport
16 van fleeing across the street and into some woods in
17 the back. Subsequently hiding in a barn about three
18 quarters of a mile down the road. Less than that.
19 Canine was subsequently called when the officer
20 driving the transport vehicle was alerted to the
21 defendant leaving and jumping out. Canine did track
22 the defendant from that transport vehicle, steady
23 track all the way to the location that he subsequently
24 was found hiding in that barn. When he was found in
25 that barn he did have Rock Hill issued handcuffs on

1 his person. They were attached and cuffed, both of
2 them to that one arm. Additionally the suspects in
3 the back -- not suspects, defendants on other cases,
4 inmates that were also being transported; a male and a
5 female, did state that defendant jumped out. One of
6 them stated the defendant said, "I'm getting out of
7 here" and proceeded to jump out of the transport van.

8 Your Honor, the State would like you to hear the
9 full record in this case. Additionally, the State
10 would be asking over the minimum. We are not giving a
11 specific number but due to the nature of his crimes
12 and to his history and his failure to conform to the
13 laws of this state and what he made -- a bunch of
14 people -- it was probably 10 to 15 officers I think
15 responded to the escape charge. So it was a lot of
16 manpower due to the fact that he decided he just
17 wanted to run from that van.

18 His prior convictions are 2017 failure to stop for
19 a blue light. Possession with intent to distribute a
20 controlled substance, second offense; distribution of
21 cocaine, second offense; two counts of that,
22 distribution of cocaine second offense; 2015
23 possession of cocaine, second offense; 2014 receiving
24 stolen goods, four counts; 2013 petit larceny
25 enhanced; 2011 resisting arrest; driving under

1 suspension, third offense; violation of drug
2 distribution law; 2009 driving under suspension, third
3 offense; violation of drug distribution law; 2007
4 possession with intent to distribute cocaine, second
5 offense; possession of intent to distribute within
6 proximity of a school or park; possession of
7 contraband by a prisoner; habitual traffic offender
8 and receiving stolen goods; 2005 habitual traffic
9 offender; 2004 possession of marijuana second or
10 subsequent offense.

11 In 1999 he was revoked on YOA. That YOA was given
12 to him in 1997 on a burglary third degree, resisting
13 and three counts of petit larceny. And I think I
14 misspoke as to the recent 1017 distribution of
15 cocaine, second offense, two counts. I think I said
16 possession of cocaine. But the State's position is he
17 received more than the mandatory 11 in this case and I
18 will leave that to the discretion of Your Honor.

19 THE COURT: Mr. Hutchison, as far as the facts
20 that were stated -- forget about the statements
21 concerning your record -- but the facts that support
22 these three charges, do you agree that what Miss
23 Hamilton just said to me is substantially correct?

24 THE DEFENDANT: Yeah, but about the escape no
25 manpower -- I mean, the van door came open.

1 THE COURT: What?

2 THE DEFENDANT: The back van door came open for
3 the escape charge. I mean, the back door came open.

4 THE COURT: But you left the van didn't you?

5 THE DEFENDANT: Yeah, so I wouldn't get hurt. I
6 was withdrawing off of heroin so I mean, I didn't have
7 no choice.

8 THE COURT: And you ran somewhere and were hiding
9 in a barn?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: So you don't dispute that statement of
12 the facts then? You left the van. Nobody made you
13 leave the van. The other people stayed. You went
14 somewhere and hid in a barn, correct? And the dogs
15 had to come after you.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Right. Okay, so you acknowledge that.
18 Okay. And you agree that the other statement of facts
19 concerning the two drug charges that statement of fact
20 is substantially correct too, correct?

21 THE DEFENDANT: Right.

22 THE COURT: Okay. All right. After hearing the
23 statement of facts and considering all the other
24 questions that I asked you and taking into
25 consideration the fact that this is what we call a

1 straight-up plea and any sentence will be in my
2 discretion. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Is it still your desire to plead
5 guilty to these three charges?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Mr. Nielson, do you believe your
8 client fully understands all of his rights?

9 MR. NIELSON: I do, Your Honor.

10 THE COURT: And are you satisfied as his attorney
11 that he has been able to fully comprehend and
12 understand all of my questions here this morning?

13 MR. NIELSON: I am, Your Honor.

14 THE COURT: Okay. Do you also concur in his
15 decision to plead guilty to all three of these charges
16 based on the facts and circumstances presented.

17 MR. NIELSON: Based on where we are and facts and
18 circumstances, yes, but I will get a little more into
19 that in mitigation.

20 THE COURT: Sure. Okay. I am satisfied that the
21 facts support the plea to all three charges. I find
22 that his plea has been entered freely, voluntarily and
23 intelligently. He has done so with the advice of very
24 competent counsel with whom he has indicated he is
25 satisfied. Therefore I am going to accept his guilty

1 plea to all three of these charges; possession with
2 intent to distribute heroin, third offense; escape;
3 and possession of cocaine, third offense as well.

4 Now Mr. Nielson, I will be glad to hear from you
5 sir.

6 MR. NIELSON: Yes, Your Honor. I will tell you
7 that Mr. Hutchison is a man that cares very deeply
8 about his family. His family cares deeply about him.
9 They tried to hire an attorney yesterday to get a
10 second view of this case and make sure he was doing
11 the right thing and they were willing to pay money to
12 do that. I think that shows despite the fact they
13 don't have a lot of money that they care deeply about
14 what's happening to him today.

15 His wife is not able to be here today but she was
16 in out office all morning long yesterday with him and
17 is in support of him. I would like to go a little bit
18 into the history of what happened in this case. Mr.
19 Hutchison has been eluding to it but in mitigation I
20 would like to talk about it a little bit.

21 This is a case where we were initially offered two
22 years Your Honor, and Mr. Hutchison has brought that
23 up many times as he has been trying to talk to you.
24 That offer was put on the table and we were given a
25 deadline to accept that offer. I asked the State and

1 they granted me a two week extension on their original
2 deadline because he is currently on probation and has
3 ten years hanging over his head on probation. That's
4 where we got in trouble with the offer, Your Honor,
5 and me and my client had a misunderstanding and I
6 understand why he's upset and why he thinks he was
7 treated unfairly as to that but he was suppose to be
8 back and he thought I was suppose to call him. And so
9 when he missed his deadline I tried to call him and he
10 did not answer his phone and the deadline passed and
11 they withdraw the offer which is their right. And he
12 doesn't like that but I think he understands that is
13 their right if they want to do that.

14 I bring all that up, all that happened within the
15 last month or so, Your Honor. I believe the original
16 deadline was somewhere around January 10th if I am
17 remembering right. It was our first term in January
18 of this year. I bring all of that up to say that one
19 month ago that he could have plead and had a
20 recommendation of two years in jail. I believe that
21 five and a half times that is plenty to punish
22 somebody not for exercising their constitution right,
23 but for the problems he had in the months since then.
24 As he told you he is a user of heroin. He is a user
25 of cocaine. He's struggle with it throughout much if

1 not all of his adult life and he will continue to
2 struggle with it when he gets out of prison and he
3 knows that the only way he is going to get clean is if
4 he wants to get clean and wants to stay clean. His
5 eyes got really big when I said that because I know he
6 wants to stay clean and I know he wants to get out and
7 do well for his family.

8 We are asking Your Honor to consider something in
9 the neighborhood of the minimum time which would be
10 eleven years and to run any charge on the cocaine
11 concurrent with whatever you give on the possession of
12 heroin. He understands that he is going to have to go
13 to prison and do 85 percent of whatever you give him
14 on the the heroin charge. And so he's looking at
15 doing eight and a half years without parole on that
16 and then he's going to have to do time consecutive to
17 that on the escape for at least one year.

18 We're asking Your Honor to consider that as being
19 enough in this case. The longest amount of time he
20 has ever spent in the department of corrections up
21 until now is three years. So that 11 years is nearly
22 four times longer than he has ever spent in the
23 department of corrections and we ask you to consider
24 all of those things in sentencing him and we would ask
25 for the minimum in this case, Your Honor.

1 THE COURT: Thank you Mr. Nielson. Mr. Hutchison,
2 do you agree with what your lawyer just said?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Is there anything you want to say to
5 me.

6 THE DEFENDANT: No, sir.

7 THE COURT: Anybody want to speak on your behalf?

8 THE DEFENDANT: No, sir.

9 THE COURT: Okay.

10 MR. NIELSON: I would say his wife would if she
11 was here Your Honor.

12 THE COURT: All right. Anything else from the
13 State?

14 MS. HAMILTON: Nothing else from the State.

15 THE COURT: All right. Mr. Hutchison, with
16 regards to Indictment 2018-GS-46-00205 -- excuse me, I
17 am sorry -- 00204, the possession with intent to
18 distribute heroin, third offense, the sentence of the
19 Court is you be committed to the State Department of
20 Corrections for a term of 14 years.

21 With regards to Indictment 2018-GS-46-00205,
22 possession of cocaine, third offense, sentence of the
23 Court is you be committed to the State Department of
24 Corrections for a term of five years. This sentence
25 will run concurrent with the sentence on the

1 possession with intent to distribute heroin, third
2 offense. And with regards to the escape charge,
3 sentence of the Court is you be committed to the State
4 Department of Corrections for a term of one year.
5 That sentence runs consecutive to the sentence on the
6 2018-GS-46-00204, the possession with intent to
7 distribute heroin, third offense. That's a total of
8 15 years.

9 Good luck to you.

10 MS. HAMILTON: Thank you, Your Honor. And we
11 would request a lifting of the bench warrant.

12 THE COURT: Yes.

13 MR. NIELSON: Thank you, Your Honor.

14 (END OF TRANSCRIPT)

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C E R T I F I C A T E

I, the undersigned Aileen Butler, Official Court Reporter for the 16TH 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 in the captioned case, in the Circuit Court for York County, South Carolina, on the 13th day of February, 2018.

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

May 3, 2018

Aileen Butler

WITNESSES

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2017A4610201868

ACTION OF GRAND JURY

TRUE BILL

ml B
Foreperson of Grand Jury

Date: 1-18-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-00213

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

TRAVIS SEMAJ HUTCHINSON

INDICTMENT FOR

ESCAPE

SC Code: § 24-13-0410

CDR Code: 2527

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury. 32

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Travis Semaj Hutchinson
Defendant

Witness:

L. Bonfield Court Specialist
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

ESCAPE

The defendant, Travis Semaj Hutchinson did on or about September 17, 2017 in York County, while lawfully confined in a prison, local detention facility or while in the custody of an officer, did escape, attempt to escape or have in his possession tools, weapons or other items which could be used to facilitate an escape. All in violation of 24-13-0410, *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.


MARINA B. HAMILTON
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: Tripp

ARREST WARRANT NUMBER

2017A4620301826

**ACTION OF GRAND JURY
TRUE BILL**

ML Bando
Foreperson of Grand Jury
Date: 1-18-18

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018-GS-46-00204

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

TRAVIS SEMAJ HUTCHINSON

INDICTMENT FOR

**POSSESSION WITH INTENT TO
DISTRIBUTE HEROIN**

SC Code: § 44-53-370
CDR Code: 0184

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury. ³⁴

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

[Signature]
Defendant

Witness:

L. Benjamin Court Specialist
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

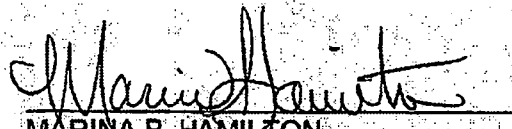
INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE HEROIN

The defendant, Travis Semaj Hutchinson, did on or about September 15, 2017, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase heroin, a schedule I controlled substance narcotic, all in violation of Section 44-53-370, Code of Laws South Carolina (1976, as amended).

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


MARINA B. HAMILTON
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: Tripp

ARREST WARRANT NUMBER

2017A4620301827

**ACTION OF GRAND JURY
TRUE BILL**

W. B. B.
Foreperson of Grand Jury
Date: 1-18-18

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018-GS-46-00205

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

TRAVIS SEMAJ HUTCHINSON

**INDICTMENT FOR
POSSESSION OF COCAINE**

SC Code: § 44-53-370
CDR Code: 3012

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Travis Semaj Hutchinson
Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to _____

Travis Semaj Hutchinson
Defendant

Witness:

L. B. B. Court Specialist
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

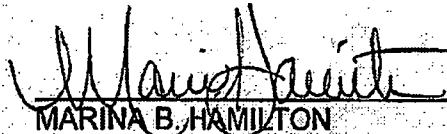
INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

POSSESSION OF COCAINE

The defendant, Travis Semaj Hutchinson, did on or about September 15, 2017, in York County, South Carolina, knowingly or intentionally possess cocaine, all in violation of Section 44-53-370, 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.



MARINA B. HAMILTON
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

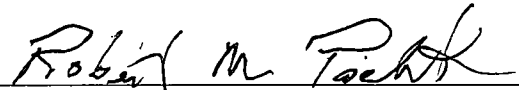
ATTORNEY FOR APPELLANT

This 10th day of July, 2018.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 10th day of July, 2018.

RECEIVED
JUL 10 2018
SC Court of Appeals