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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Greenville County

Honorable Robin B. Stilwell, Circuit Court Judge

JOSEPH CHRISTOPHER WALKER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-000752

APPENDIX

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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

COURT OF GENERAL SESSIONS
2012-GS-23-01286
2012-GS-23-01287
2012-GS-23-02002
2012-GS-23-02020

STATE OF SOUTH CAROLINA,

vs.

JOSEPH CHRISTOPHER WALKER,
DEFENDANT.

TRANSCRIPT OF RECORD

ORIGINAL

June 6, 2013
Greenville, South Carolina

B E F O R E:

THE HONORABLE D. GARRISON HILL, JUDGE.

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

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Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

THE CLERK: Your Honor, in the case of 2010-GS-23-3860, the State v. Travis Lamont Gibson, indicted for possession of marijuana with intent to distribute, pleading to possession of less than 28 grams first offense. And, Your Honor, this is true billed.

In the case of 2012-GS-23-4576, the State v. Shirley Lynn Blackwell, she's indicted for resisting arrest, pleading to the same. And, Your Honor, this is true billed.

In the case of 2013-GS-23-1887, the State v. Robert Wayne Mahon, he is indicted for domestic violence. He's pleading to criminal domestic violence second offense. And this is a waiver. In the case of 2013-GS-23-4070, Mr. Mahon is, also, indicted for domestic violence. He's pleading to criminal domestic violence in the second offense. And this is a waiver as well.

In the case of 2012-GS-23-4385, the State v. Timothy Keats Hudson, he is indicted for leaving the scene of an accident with property damage. He is pleading to the same. And, Your Honor, that is true billed. Also, in the case of 2012-GS-23-4386, Mr. Hudson is, also, indicted for driving under the influence, and he is pleading to the same as a first offense. In the case of 2012-GS-23-2669, Mr. Hudson is indicted for attempted murder. He is

1 pleading to assault and battery of a high and aggravated
2 nature. And that is true billed.

3 In the case of 2012-GS-23-1286, the State v. Joseph
4 Christopher Walker, he is indicted for distribution of
5 cocaine base within a half-mile of a school, park, or
6 playground. He is pleading to same. In the case of
7 2012-GS-23-1287, Mr. Walker is, also, indicted with
8 distribution of cocaine base within a half-mile of a
9 school, pleading to the same. As well as 2012-GS-23-2002,
10 the same, possession of cocaine base with intent to
11 distribute, pleading to the same. And in the case of
12 2012-GS-23-2020, Mr. Walker is indicted for murder and
13 possession of a weapon during the commission of a violent
14 crime. He is pleading to voluntary manslaughter. And,
15 Your Honor, that one is true billed.

16 All right. Would you, please, raise your right hand?
17 WHEREUPON,

18 TRAVIS LAMONT GIBSON,

19 SHIRLEY LYNN BLACKWELL,

20 ROBERT WAYNE MAHON,

21 TIMOTHY KEATS HUDSON,

22 JOSEPH CHRISTOPHER WALKER,

23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you very much.

25 THE COURT: All right. Good morning.

1 If you would, just tell me how far you've gone in
2 school, and what kind of work you do or have done in the
3 past, Mr. Gibson.

4 DEFENDANT GIBSON: I made it through the ninth --
5 ninth grade. I ain't never really did no work. I have
6 worked at like Augusta Road Blockhouse, Boston Market,
7 Wendy's on 291.

8 THE COURT: Can you read and write, sir?

9 DEFENDANT GIBSON: Yes, sir.

10 THE COURT: Ms. Blackwell?

11 DEFENDANT BLACKWELL: I went to the ninth grade. I
12 worked at Mission Hospital in Asheville, North Carolina,
13 doing environmental service -- I was an environmental
14 service technician for 17 years.

15 THE COURT: Can you read and write, ma'am?

16 DEFENDANT BLACKWELL: Yes, sir.

17 THE COURT: Thank you.

18 Mr. Mahon?

19 DEFENDANT MAHON: I have my GED, sir. And I, also,
20 have my work keys silver degree that I acquired. As far
21 as work, I've worked at Dairy Queen, Lube Automotive, just
22 little odds and ends here and there.

23 THE COURT: Thank you.

24 Mr. Hudson?

25 (WHEREUPON, there was no response.)

1 THE COURT: You're Mr. Hudson?

2 DEFENDANT HUDSON: Yes, sir.

3 MR. SHEEK: Yes, sir.

4 Do you want us to move, Your Honor?

5 THE COURT: Yes. If y'all don't mind switching.

6 DEFENDANT HUDSON: I completed the tenth grade. I
7 got my GED. And I was doing diesel technology at
8 Greenville Tech. I worked two years at Northside
9 Greenhouses, two years at GC Chemical, and was currently
10 working at KC Chemical when I was arrested.

11 THE COURT: All right. Thank you.

12 Mr. Walker?

13 DEFENDANT WALKER: Yes, sir.

14 I finished the eleventh grade. And I worked at
15 Burger King on Haywood Road and the West End Detail clean
16 up shop, sir.

17 THE COURT: Thank you.

18 Are you under the influence of any alcohol, drugs, or
19 medication, or do you have any physical, mental, or
20 emotional condition that might keep you from understanding
21 what's happening here today, Mr. Gibson?

22 DEFENDANT GIBSON: No, sir.

23 THE COURT: Ms. Blackwell?

24 DEFENDANT BLACKWELL: No, sir.

25 THE COURT: Mr. Mahon?

1 DEFENDANT MAHON: No, sir.

2 THE COURT: Mr. Hudson?

3 DEFENDANT HUDSON: No, sir.

4 THE COURT: Mr. Walker?

5 DEFENDANT WALKER: No, sir.

6 THE COURT: Have you had enough time to talk to your
7 lawyer about your case, and are you fully satisfied with
8 your lawyer's services, Mr. Gibson?

9 DEFENDANT GIBSON: Yes, sir.

10 THE COURT: Ms. Blackwell?

11 DEFENDANT BLACKWELL: Yes, sir.

12 THE COURT: Mr. Mahon?

13 DEFENDANT MAHON: Yes, sir.

14 THE COURT: Mr. Hudson?

15 DEFENDANT HUDSON: Yes, sir.

16 THE COURT: Mr. Walker?

17 DEFENDANT WALKER: Yes, sir.

18 THE COURT: Did you have enough time to review the
19 three-page acknowledgement of rights form, and did you
20 understand the questions, and were the answers you gave
21 truthful, Mr. Gibson?

22 DEFENDANT GIBSON: Yes, sir.

23 THE COURT: Ms. Blackwell?

24 DEFENDANT BLACKWELL: Yes, sir.

25 THE COURT: Mr. Mahon?

1 DEFENDANT MAHON: Yes, sir.

2 THE COURT: Mr. Hudson?

3 DEFENDANT HUDSON: Yes, sir.

4 THE COURT: Mr. Walker?

5 DEFENDANT WALKER: Yes, sir.

6 THE COURT: Are you pleading guilty because you are
7 guilty, Mr. Gibson?

8 DEFENDANT GIBSON: Yes, sir.

9 THE COURT: Ms. Blackwell?

10 DEFENDANT BLACKWELL: Yes, sir.

11 THE COURT: Mr. Mahon?

12 DEFENDANT MAHON: Yes, sir.

13 THE COURT: Mr. Hudson?

14 DEFENDANT HUDSON: Yes, sir.

15 THE COURT: Mr. Walker?

16 DEFENDANT WALKER: Yes, sir.

17 THE COURT: Do you understand by pleading guilty, you
18 give up certain valuable Constitutional rights, which are
19 discussed in the form? These rights include the right to
20 be presumed innocent at your trial, the right to have the
21 burden of proof solely on the State, and the right to a
22 unanimous jury. In other words, that you could not be
23 convicted unless all 12 members of the jury believed the
24 State had proven each and every element of the crimes
25 against you beyond a reasonable doubt. And that verdict

1 must be unanimous.

2 Do you understand those things, Mr. Gibson?

3 DEFENDANT GIBSON: Yes, sir.

4 THE COURT: Ms. Blackwell?

5 DEFENDANT BLACKWELL: Yes, sir.

6 THE COURT: Mr. Mahon?

7 DEFENDANT MAHON: Yes, sir.

8 THE COURT: Mr. Hudson?

9 DEFENDANT HUDSON: Yes, sir.

10 THE COURT: Mr. Walker?

11 DEFENDANT WALKER: Yes, sir.

12 THE COURT: At your trial, you could see and hear the
13 witnesses, confront the evidence against you. You could
14 bring witnesses in using the subpoena power of the Court.
15 You could have your lawyer assist you in any defense you
16 wish to make, or challenging you wish to make for the
17 State's case. And you could, also, choose to remain
18 silent.

19 If you chose to remain silent, the Court would tell
20 the jury you have the absolute right to do so. And they
21 could not hold that against you in any manner in
22 determining whether you were guilty or not guilty.

23 Do you understand those things, Mr. Gibson?

24 DEFENDANT GIBSON: Yes, sir.

25 THE COURT: Ms. Blackwell?

1 DEFENDANT BLACKWELL: Yes, sir.

2 THE COURT: Mr. Mahon?

3 DEFENDANT MAHON: Yes, sir.

4 THE COURT: Mr. Hudson?

5 DEFENDANT HUDSON: Yes, sir.

6 THE COURT: Mr. Walker?

7 DEFENDANT WALKER: Yes, sir.

8 THE COURT: Do you understand further that if you
9 plead guilty, you must give up all of these rights I've
10 gone over with you and, also, the right to challenge or
11 contest any of the evidence in the case, present any
12 defenses you may have under the facts or the law,
13 challenge any searches that may have been conducted, or
14 testing that was done or should have been done?

15 Do you understand that, Mr. Gibson?

16 DEFENDANT GIBSON: Yes, sir.

17 THE COURT: Ms. Blackwell?

18 DEFENDANT BLACKWELL: Yes, sir.

19 THE COURT: Mr. Mahon?

20 DEFENDANT MAHON: Yes, sir.

21 THE COURT: Mr. Hudson?

22 DEFENDANT HUDSON: Yes, sir.

23 THE COURT: Mr. Walker?

24 DEFENDANT WALKER: Yes, sir.

25 THE COURT: Mr. Hudson, do you understand that you're

1 pleading guilty to an offense that's classified as a
2 violent offense, sir?

3 DEFENDANT HUDSON: Yes, sir.

4 THE COURT: And do you understand the consequences of
5 pleading to a violent offense?

6 DEFENDANT HUDSON: Yes, sir.

7 THE COURT: Has anyone predicted or promised when you
8 might be paroled or eligible for parole if you were
9 sentenced to prison?

10 DEFENDANT HUDSON: I didn't understand.

11 THE COURT: Has anybody promised or predicted when
12 you'll be paroled or eligible for parole if you were
13 sentenced to prison?

14 DEFENDANT HUDSON: No, sir.

15 THE COURT: Mr. Walker, you're, also, pleading guilty
16 to an offense that's classified as violent and most
17 serious. Do you understand the consequences of pleading
18 to an offense that is so classified?

19 DEFENDANT WALKER: I do.

20 THE COURT: Do you understand the two strikes and
21 three strikes law, sir?

22 DEFENDANT WALKER: Yes, sir.

23 THE COURT: Do you understand that if you were ever
24 to be convicted again of an offense that was a serious or
25 a most serious offense, you could be subject to a

1 mandatory life sentence without any possibility or hope of
2 parole?

3 Do you understand that, Mr. Walker?

4 DEFENDANT WALKER: Yes, I do.

5 THE COURT: And, knowing that, do you still want to
6 enter your plea here today?

7 DEFENDANT WALKER: Yes, sir.

8 THE COURT: And the distribution of crack cocaine
9 charges within proximity are both classified as serious
10 offenses as well.

11 Do you understand that?

12 DEFENDANT WALKER: I do.

13 THE COURT: And there are three --

14 Is that right? Three of those charges?

15 MR. MOYER: Yes, sir.

16 THE COURT: And has anyone predicted or promised you
17 when you would be paroled or eligible for parole, sir?

18 DEFENDANT WALKER: No, sir.

19 THE COURT: All right. Have you understood all of my
20 questions, Mr. Gibson?

21 DEFENDANT GIBSON: Yes, sir.

22 THE COURT: Ms. Blackwell?

23 DEFENDANT BLACKWELL: Yes, sir.

24 THE COURT: Mr. Mahon?

25 DEFENDANT MAHON: Yes, sir.

1 THE COURT: Mr. Hudson?

2 DEFENDANT HUDSON: Yes, sir.

3 THE COURT: And Mr. Walker?

4 DEFENDANT WALKER: I do.

5 THE COURT: Has anyone told you how to answer my
6 questions, Mr. Gibson?

7 DEFENDANT GIBSON: Sir?

8 THE COURT: Has anyone told you or coached you into
9 how to answer my questions?

10 DEFENDANT GIBSON: No, sir.

11 THE COURT: Ms. Blackwell?

12 DEFENDANT BLACKWELL: No, sir.

13 THE COURT: Mr. Mahon?

14 DEFENDANT MAHON: No, sir.

15 THE COURT: Mr. Hudson?

16 DEFENDANT HUDSON: No, sir.

17 THE COURT: Mr. Walker?

18 DEFENDANT WALKER: No, sir.

19 THE COURT: All right. Listen carefully. The State
20 is going to set forth the facts. I'm going to ask you if
21 you agree with the State's version.

22 MS. TESSITORE: As to Mr. Gibson --

23 THE COURT: Ms. Tessitore.

24 MS. TESSITORE: Thank you, Your Honor.

25 On September 9th of 2010, Mr. Gibson was in

1 possession of 9.2 grams of marijuana in the presence of a
2 Greenville County Sheriff's Office confidential informant.
3 The incident was recorded on surveillance equipment.

4 And the recommendation is time served, Your Honor.

5 THE PROBATION AGENT: He is on probation.

6 When was the offense?

7 MS. TESSITORE: The offense was September 9th of
8 2010.

9 THE PROBATION AGENT: The one charge he's on
10 probation for, it is not a violation. But one, it is a
11 violation. I don't know if you want to handle that today
12 or not.

13 DEFENDANT GIBSON: I don't.

14 THE PROBATION AGENT: You don't?

15 DEFENDANT GIBSON: No, ma'am.

16 THE PROBATION AGENT: Okay. We'll schedule it later.
17 Thank you.

18 MS. TESSITORE: And he has 29 days, Your Honor.

19 THE COURT: All right. Is that what happened?

20 DEFENDANT GIBSON: Yes, sir.

21 THE COURT: All right. Yes, ma'am.

22 MS. WICKER: Your Honor, we just ask you to follow
23 the recommendation of time served.

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

25 DEFENDANT GIBSON: No, sir.

1 THE COURT: All right. The sentence is time served.
2 Thank you very much.

3 MS. WICKER: Thank you, Your Honor.

4 MS. TESSITORE: As to Ms. Blackwell, on April 21st of
5 2012, while the Defendant was being taken into custody for
6 public disorderly conduct in Greenville County, she
7 refused to comply with the deputies instructions and tried
8 to pull away from him while he was handcuffing her.

9 There's no recommendation, Your Honor. And her prior
10 is public disorderly conduct.

11 THE COURT: How long has she been in jail?

12 MS. TESSITORE: 54 days.

13 THE COURT: All right. Is that what happened, ma'am?

14 DEFENDANT BLACKWELL: Yes, sir.

15 I was -- I'm bipolar. And I had not been on my
16 medicine in a long time, and had been struggling with a
17 drug addiction. And I was trying to get money for my
18 son's birthday. And everything went -- just went chaotic.
19 And I spazzed [phonetic] out. And it just -- it was just
20 too much.

21 THE COURT: Okay. And is that the entire agreement
22 you have -- well, you don't have an agreement with the
23 State. You don't have any kind of plea agreement, do you?

24 DEFENDANT BLACKWELL: No.

25 MS. WICKER: No, sir.

1 THE COURT: I find there's a factual basis for the
2 plea.

3 Yes, ma'am, Ms. Wicker.

4 MS. WICKER: Thank you, Your Honor.

5 Just briefly. As she told you, she does have a drug
6 and alcohol addiction that she's had for the past several
7 years. She has looked into a facility in North Carolina,
8 Recovery Connection Community.

9 DEFENDANT BLACKWELL: Yes.

10 MS. WICKER: It's a two-year intensive drug and
11 alcohol treatment. Her mother is going to help her get
12 there and help her get enrolled. I know she really wants
13 to get help.

14 She respectfully requests the Court to consider a
15 time-served sentence so she can go to North Carolina and
16 get that treatment, Your Honor.

17 THE COURT: Thank you.

18 Anything you want to tell me, ma'am?

19 DEFENDANT BLACKWELL: I just apologize for my actions
20 that day. You know, I know that I'm between my mental
21 state and my drug addiction, and it, you know, required me
22 to act that way.

23 So I just apologize to any of the men in duty and
24 officers that -- you know, that I gave him a difficult
25 time trying to do his job, because I did. And I'm sorry.

1 THE COURT: Well, I'm sure he appreciates that.

2 All right. The sentence is six months suspended to
3 time served. Probation for nine months, obtain your GED,
4 substance abuse counseling, and random drug and alcohol
5 testing. I order that you stay on all your medications,
6 follow your mental health treatment as prescribed by a
7 physician or mental health professional. I'm going to
8 waive all the supervision fees. Hopefully, that will give
9 you time to get back on your feet.

10 DEFENDANT BLACKWELL: Thank you.

11 MS. WICKER: Thank you, Your Honor.

12 MS. TESSITORE: As to Mr. Mahon. On December 20th of
13 2012, the Defendant escalated an argument with his wife,
14 Ashley Mahon, with physical violence. He punched her
15 several times leaving visible swelling on her left eye,
16 scratches, as well as bleeding to her nose. The incident
17 occurred at their home in Greenville County. The
18 responding officer described the Defendant as exhibiting
19 indicators that he was on some type of drugs.

20 Then on April 26th of 2013, the Defendant, again,
21 escalated an argument with physical violence with his wife
22 at their home in Greenville County. He shoved her,
23 punched her twice, and knocked her glasses off causing
24 visible injuries again.

25 Your Honor, the recommendation is time served and

1 probation, to complete batterer's treatment, and substance
2 abuse counseling.

3 The victim is present, but does not wish to be -- to
4 speak at this time.

5 THE COURT: I don't know if I've got his
6 acknowledgement of rights form up here.

7 MR. ROBINSON: I gave it to you.

8 MS. TESSITORE: I believe it was with that paperwork
9 that he was signing the waiver on. And I remember seeing
10 it.

11 There was some shuffling of papers, Your Honor, with
12 the waiver of the Grand Jury that he had to initial. I
13 remember seeing it on the...

14 THE COURT: Okay. Well, we'll find it.

15 What was the agreement again?

16 MS. TESSITORE: Your Honor, it was time served to be
17 followed by probation, and completing batterer's
18 treatment, as well as substance abuse counseling.

19 THE COURT: All right. Is that the entire agreement
20 you have with the State, sir?

21 DEFENDANT MAHON: Yes, ma'am -- I mean, yes, sir.
22 Excuse me.

23 THE COURT: Is that what happened?

24 DEFENDANT MAHON: Yes, sir.

25 THE COURT: I find there's a factual basis for the

1 plea. And it's been entered into freely and voluntarily.

2 Yes, sir, Mr. Robinson.

3 MR. ROBINSON: May it please the Court.

4 If the Court's inclined, I would ask the Court to
5 accept the recommendation in this case. I do have his
6 wife here today, who is, also, in agreement with this
7 recommendation.

8 MS. TESSITORE: He's got 85 days in jail, Your Honor.

9 THE COURT: I found it. It was my fault. I had it
10 the whole time, the acknowledgement form.

11 Anything you want to tell me, sir?

12 DEFENDANT MAHON: Yes, sir.

13 I'd like to say that I'm deeply apologetic and sorry
14 for my actions. I love my wife, I really do. I was, at
15 the time, under the influence of drugs. And that's why
16 I'm seeking substance abuse counseling as part of my
17 agreement.

18 Like I told Scott, today is the last day for my kids
19 school. I want to get home to my young'uns. I miss them.
20 And they miss me. That's it, Your Honor.

21 THE COURT: Thank you.

22 How many days did you say?

23 MS. TESSITORE: 85 days, Your Honor.

24 THE COURT: All right. The sentence on the CDV
25 second is one year suspended to time served, probation for

1 one year, complete batterer's treatment, substance abuse
2 counseling, and random drug and alcohol testing. On the
3 -- that's on case 4070.

4 On case 1887, it's one year concurrent, suspended
5 during probation.

6 Okay. Thank you.

7 DEFENDANT MAHON: Thank you, Your Honor.

8 MR. ROBINSON: Thank you, Judge.

9 MR. VARNER: Your Honor, with the Court's indulgence,
10 I've got some people that would like to speak. And, out
11 of courtesy to co-counsel, if we could switch order --

12 THE COURT: Yes. Sure.

13 Thank you.

14 MR. MOYER: May it please the Court, Your Honor.

15 All the -- the three drug cases before you happened
16 on different dates in September of 2011 -- actually,
17 September 22nd, November 11th, and November 15th. The
18 Defendant sold cocaine base on each of those occasions to
19 confidential informants working for the Greenville County
20 Sheriff's Office. They all happened within proximity of a
21 school or park.

22 Your Honor, the other case, the voluntary
23 manslaughter case, the Defendant -- the incident happened
24 on November the 25th of 2011. The Defendant -- or the
25 victim was a 28-year-old man by the name of Jonathan

1 Young. And he was found lying on Sullivan Street on that
2 date with four gunshot wounds.

3 A witness by the name of Elijah White told the police
4 that he witnessed the shooting. He said that he saw the
5 incident begin with the victim and the Defendant arguing.
6 They then started taking off their coats like they were
7 about to fight. The victim walked away. And the
8 Defendant told the witness that if he sees the victim walk
9 back towards him with a gun, then he would shoot the
10 victim.

11 The witness then saw the victim walking back towards
12 them. The Defendant and the victim exchanged some more
13 words. The Defendant pulled out a pistol and fired
14 multiple shots. The witness did not see a gun on the
15 victim. And no gun was found on the victim by the police.

16 The Defendant was arrested on December the 1st, 2011.
17 He's been incarcerated ever since.

18 There are a few family members here who would like to
19 address the Court. I'll tell you, the recommendation,
20 Your Honor, is for 30 years for the voluntary
21 manslaughter, and for 10 years for the three drug cases.

22 I'll, also, tell the Court that the Defendant is
23 serving a life sentence. He was taken to trial a couple
24 of months ago for attempted murder. He was found guilty.
25 And, under our state's life without parole statute, he was

1 sentenced to life without parole at that time.

2 THE COURT: Would you mind, for the record, just
3 stating any minimum and mandatory sentences?

4 MR. MOYER: Yes, sir.

5 THE COURT: And the maximum sentences on each one of
6 these cases.

7 MR. MOYER: I will.

8 The voluntary manslaughter is two to 30 years. And
9 the charges for the cocaine base -- selling the drugs
10 within proximity of a school is up to 10 years and/or
11 \$10,000.

12 THE COURT: Do you understand those minimum and
13 mandatory maximum sentences, sir?

14 DEFENDANT WALKER: I do, sir.

15 THE COURT: Okay. Thank you.

16 And you heard the summary. Is that what happened in
17 these cases, sir?

18 DEFENDANT WALKER: No, sir.

19 Actually, I'm pleading, sir, to keep from -- I'm
20 already serving a life sentence, sir. This murder charge
21 and -- I didn't -- but I was out there selling drugs and
22 everything, sir. So it's like I'm stuck between a rock
23 and a hard place, sir.

24 So I would just ask that you, you know, just have
25 mercy on me. Because it's like I'm forced to make a plea

1 today, sir. Because, you know, a life after another life
2 after another life means the rest of my life behind the
3 wall, sir.

4 So it's like I'm having to plead to a voluntary
5 manslaughter today. Because if I don't, it's like I've
6 got to go to trial again for -- you know what I'm saying?
7 It's just a rock between -- a rock between a hard place,
8 sir. So it's like I'm forced, basically, to plead today,
9 sir.

10 THE COURT: Okay. Well, Mr. Walker, I noticed on
11 this acknowledgement of rights form, you said you were
12 threatened with trial and another life sentence. And I
13 was going to ask you about that anyway.

14 But since you brought this up, I want you to
15 understand that whether you enter your plea or not is
16 entirely up to you.

17 DEFENDANT WALKER: I do --

18 THE COURT: You have the right to a jury trial. I've
19 gone over the basic Constitutional rights and essential
20 rights you have at such a trial. I'm confident Mr. Sheek
21 has discussed that with you. And I'm confident that you,
22 based on your experience with the justice system, know
23 what those rights are.

24 So you may be in a difficult position. But the Court
25 is not going to force you or threaten you to enter this

1 plea. You have the right to go to trial, as you well
2 know. And if you want to exercise that right, everyone
3 here will, certainly, agree to your request to have the
4 jury decide these cases.

5 So let's just be clear and find out if you do want to
6 go to trial, or you want to enter the plea. Now, you
7 mentioned that you accepted responsibility for the drug
8 offenses. But you seem to deny responsibility for the
9 voluntary manslaughter charge.

10 DEFENDANT WALKER: Correct.

11 THE COURT: So you're under oath. And you know what
12 that means as well. So you tell me, is -- are you telling
13 me you want to withdraw your plea?

14 DEFENDANT WALKER: No.

15 I'm telling you I'm going to -- I'm entering the
16 plea. But I just wanted to put it out there that, you
17 know, I'm, basically, being forced, also, sir.

18 THE COURT: No. You can't have it both ways.

19 DEFENDANT WALKER: I'm entering the plea, sir.

20 THE COURT: You can't cook ice. All right. You've
21 got to tell me what you want to do.

22 DEFENDANT WALKER: Yes, sir.

23 THE COURT: You told me you were guilty under oath
24 earlier, and now you're telling me you're not.

25 DEFENDANT WALKER: I'm entering the plea, sir.

1 THE COURT: Sir, I want you to tell me the truth
2 about this offense of voluntary manslaughter. You heard
3 what the Solicitor said. And the indictment says that the
4 victim here was shot multiple times and died as a
5 proximate result thereof. And you're signed up to plead
6 guilty to the voluntary manslaughter of Mr. Young.

7 So if you don't want to do that, I understand
8 completely. And it's within your rights to do that. But
9 I just have to make sure that you're doing this freely and
10 voluntarily, and nobody is coercing you or threatening you
11 as you seem to be claiming they are.

12 DEFENDANT WALKER: You asked me if -- was I being
13 threatened. Is that what you're asking me, sir?

14 THE COURT: You already told me you felt that you
15 were threatened. You wrote on this sheet that you felt
16 that you were threatened. So you, obviously, want to
17 withdraw your plea, which I'll be glad to let you do.

18 DEFENDANT WALKER: No. I'm not -- what I'm saying
19 is, sir, the murder charge, period. If I could take it to
20 trial, I would, sir. That's --

21 THE COURT: You can take it to trial. That's the
22 whole point I'm trying to make to you. You have the right
23 to do it. So -- but you can't have it both ways.

24 All right. If you --

25 DEFENDANT WALKER: I understand.

1 THE COURT: -- want a trial --

2 DEFENDANT WALKER: I understand.

3 THE COURT: -- we'll be glad to have the trial.
4 Everybody in here will be glad for you to have a trial.

5 So what I'm saying is if you want to enter your plea,
6 you can't continue to say that the only reason you're
7 pleading is because you're not being allowed to take it to
8 trial. Because you know full well that you have the full
9 right to do that.

10 (Pause.)

11 THE COURT: So what are you going to do?

12 DEFENDANT WALKER: I'm entering the plea, sir.

13 THE COURT: So you're telling me that what the
14 Solicitor said about the voluntary manslaughter of
15 Mr. Young is correct and that you committed that act?

16 DEFENDANT WALKER: Yes, sir.

17 THE COURT: And that's the truth?

18 DEFENDANT WALKER: Yes, sir.

19 THE COURT: And your decision to plead guilty is one
20 you're making of your own free choice and will after
21 consultation with Mr. Sheek; is that right?

22 MR. SHEEK: I beg the Court's indulgence.

23 THE COURT: Sure.

24 MR. SHEEK: He's expressing concern over the murder
25 charge. And what I'm telling him is if he does not want

1 to enter a plea, now is the time.

2 THE COURT: Do you want to --

3 DEFENDANT WALKER: That's what I'm saying, Your
4 Honor --

5 THE COURT: Do you want to take a break and talk to
6 Mr. Sheek? I'll be glad to let you do that.

7 DEFENDANT WALKER: Yes.

8 That's what I'm saying, Your Honor. That's what I
9 was trying to ask my lawyer. Now, I'm willing to take a
10 plea with the drugs.

11 Like I said, it's not willing -- it's not -- I can
12 have it one way and not the other. So that's what -- I'm
13 willing to and I want to take the murder charge to trial
14 because I'm falsely accused, sir.

15 But the drug charges, I want to plead to it, sir.
16 That's what I was talking about.

17 THE COURT: All right. Well --

18 MR. MOYER: Judge, if it please the Court.

19 The only other thing I was going to suggest is maybe
20 if we could have a few minutes to talk and discuss an
21 Alford plea. I don't know if that's a probability. I
22 don't know what your position would be on it. We would,
23 certainly, be willing to take that.

24 THE COURT: Yes.

25 I mean, I think it would be wise to let Mr. Walker

1 have the full opportunity to talk to Mr. Sheek and -- so
2 he doesn't feel pressured in any way, because I don't want
3 you to. Because these are important decisions. It's your
4 decisions that are effecting your life.

5 So you take whatever time you need, sir. And if you
6 don't want to go through with this, I'll understand.
7 Nobody is going to be holding that against you.

8 But what I don't want to happen is you to come back
9 out here unless you're 100 percent ready to go forward
10 with the plea agreement. If you work out something else,
11 that's fine, too. So we'll take a break and let y'all
12 discuss it.

13 Thank you.

14 (WHEREUPON, a break was taken.)

15 THE COURT: Yes, sir, Mr. Moyer.

16 MR. MOYER: If it please the Court, Your Honor.

17 It's my understanding the Defendant is willing to
18 enter an Alford plea for the voluntary manslaughter. The
19 State is willing to allow him to do so. I believe you've
20 heard all the facts and...

21 THE COURT: Is that right, Mr. Walker?

22 DEFENDANT WALKER: Yes, sir.

23 THE COURT: And do you understand what an Alford plea
24 is?

25 DEFENDANT WALKER: Yes, sir.

1 THE COURT: And tell me what it is in your own words,
2 sir.

3 DEFENDANT WALKER: It's when I don't admit anything,
4 sir.

5 THE COURT: But you acknowledge that the evidence at
6 trial would be overwhelming and it would be likely you'd
7 be convicted in exchange for receiving the benefit or
8 asking the Court to accept a plea under the North Carolina
9 v. Alford case; is that right?

10 DEFENDANT WALKER: Yes, sir.

11 THE COURT: Do you have any questions of me about the
12 significance of the Alford plea or the consequences of
13 making such a plea?

14 DEFENDANT WALKER: No, sir.

15 THE COURT: Do you understand it has the same force
16 and effect as a pleading of straight-up guilty or a
17 conviction after a trial, except for the fact that you're
18 not admitting the guilt?

19 DEFENDANT WALKER: I do, sir.

20 THE COURT: Okay. And I believe we've established an
21 adequate factual basis for the plea.

22 And the plea agreement again, Mr. Moyer, is what?

23 MR. MOYER: 30 years for the voluntary manslaughter,
24 and 10 years each for the drug charges.

25 THE COURT: Okay.

1 MR. SHEEK: Concurrent.

2 MR. MOYER: Concurrent, yes, sir.

3 THE COURT: All right. I find the plea has been
4 entered freely, voluntarily, and intelligently.

5 Mr. Walker, do you need any more time to talk to
6 Mr. Sheek?

7 DEFENDANT WALKER: No, sir.

8 THE COURT: All right.

9 MR. MOYER: Your Honor, may the victims address you
10 briefly?

11 THE COURT: Oh, absolutely. I'll be glad to hear
12 from anybody who wishes to speak.

13 MS. SHARHONDA VALENTINE: Hello. My name is
14 Sharhonda [phonetic] Valentine, Jonathan's fiancée.

15 THE COURT: Yes, ma'am, Ms. Valentine.

16 MS. SHARHONDA VALENTINE: And I just want to let
17 Joseph Walker know how much pain that he has caused me and
18 my kids for the last year and a half. He won't ever get
19 to see his kids grow. He won't ever attend any awards,
20 graduation, walk his baby down the aisle when she get
21 married. Those things you have took away from me and my
22 kids.

23 You are sick. You are sick, a sick individual to do
24 what you have done to Jonathan.

25 MS. FLORA YOUNG: I'm his grandma --

1 THE COURT: All right. What's your name, ma'am?

2 MS. FLORA YOUNG: Flora Young.

3 THE COURT: All right.

4 MS. FLORA YOUNG: I'm his grandma.

5 The last word I said to Jonathan was to -- he visit
6 me and my sister for the last time. And they told me
7 somebody had killed him. I didn't believe it.

8 You are -- I don't know what. You shouldn't have
9 done that. You shouldn't have done that.

10 I'll never get over it. He was the oldest grandson I
11 had.

12 THE COURT: Thank you, ma'am.

13 MS. KAY YOUNG: I'm Jonathan Young's mother. My name
14 is Kay Young.

15 I don't understand you, Joe.

16 I think about my son every day. Even when I be
17 walking home from work, and going to work, and getting up
18 in the morning. He's gone. I don't know how can you kill
19 somebody.

20 I know I supposed to forgive you, but I can't forgive
21 you for what you did to my son.

22 MR. MOYER: Thank you, Judge.

23 THE COURT: Thank you.

24 Yes, sir, Mr. Sheek.

25 MR. SHEEK: Thank you, Your Honor.

1 If it please the Court.

2 I'm standing up here in a difficult situation. I've
3 never lost anybody like these people have. And I can't
4 imagine the pain that they feel.

5 Joe is entering a plea to the counts that you've
6 heard about, the manslaughter, as well as the drug
7 charges.

8 Joe is a young man. He's got four children. He's
9 got a life that he needs to be living. He doesn't need to
10 be where he is but for his own choices. He is -- and he
11 stands before you today entering the plea. What Joseph
12 wants is to be able to have a future. And he knows it's
13 going to be a ways down the road. But a future that gives
14 him the possibility to come back and have a relationship
15 with his children and, hopefully, one day his
16 grandchildren.

17 What he's asked me to convey -- I know there's a
18 recommendation of 30. And that's the plea we've agreed
19 to, and the State's made a recommendation. He's asked me
20 to ask the Court to consider a 25-year sentence. And I
21 know that's not something that's normal in a
22 recommendation. But that's what he's asked me to convey.
23 And I do convey that.

24 I think the Solicitor has told you about his prior
25 record. It's a tragedy when you have somebody that has

1 lost their life. It's a tragedy that Joseph's life so
2 much of it has been forfeited, even in the best of
3 circumstances, so much of it's been forfeited. Nobody
4 walks out of here a winner. It's a difficult situation.

5 I would, certainly, invite Joe to say anything to the
6 Court he wishes to say. I just would ask the Court to
7 follow the recommendation, Your Honor.

8 THE COURT: Thank you.

9 Mr. Walker, anything you'd like to say, sir?

10 DEFENDANT WALKER: Yes, sir.

11 I would like to say that I was a friend of Jonathan
12 Young's, J. Rod. And the people who did the -- the actual
13 investigation into this, sir, overlooked a lot of things.
14 You know what I'm saying?

15 I've got a past record that helped me get to where
16 I'm at right now, sir. And I don't want to point fingers
17 at nobody. I know I'm taking the blame. I'm taking it
18 right now for these people so they can have some type of
19 closure. But that was my friend, too.

20 So when y'all look at me and --

21 THE COURT: Wait a minute. Wait a minute --

22 DEFENDANT WALKER: -- y'all say --

23 THE COURT: -- wait a minute --

24 DEFENDANT WALKER: -- I don't want --

25 THE COURT: -- you can address your comments to me,

1 sir.

2 DEFENDANT WALKER: Yes, sir.

3 I don't want nobody to think that -- you know what
4 I'm saying? -- I'm this type of animal, or whatever that
5 I'm being accused -- what I'm being charged with today.
6 You know what I'm saying, sir?

7 Because they did a poor job on the investigation,
8 sir, a very poor job. And that's one reason why I'm
9 entering this type of plea, sir.

10 And that's all I want to say, sir. I just want to
11 apologize to everybody.

12 THE COURT: All right. Thank you, Mr. Walker.

13 DEFENDANT WALKER: Yes, sir.

14 THE COURT: How long has he been in custody?

15 MR. MOYER: He has been in since -- he has a total of
16 541 days, Judge, credit.

17 THE PROBATION AGENT: And, Your Honor, he does have
18 two probation cases, distribution of crack. And we would
19 ask that they be terminated due to receiving a substantial
20 sentence today.

21 THE COURT: Okay. They'll be terminated.

22 THE PROBATION AGENT: Thank you.

23 THE COURT: The sentence on voluntary manslaughter is
24 you be committed to the Department of Corrections for a
25 period of 30 years.

1 On the distribution of crack within proximity, the
2 sentence is 10 years each. They're all concurrent
3 sentences. Credit for 541 days as to each.

4 Good luck, sir.

5 *****END OF TRANSCRIPT OF RECORD*****
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CERTIFICATE OF REPORTER

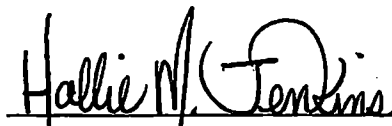
STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 6th day of June, 2013.

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

March 10, 2015



Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

FORM 5

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

County of Greenville)Joseph Christopher Walker #285497)

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

v.)

State of South Carolina)

2014-CP-23-03382

APPLICATION FOR
POST-CONVICTION REVIEWFILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMMER
2014 JUN 17 PM 4 37**INSTRUCTIONS - READ CAREFULLY**

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

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

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

1. Place of detention SCDC at Perry Correctional Institution, 430
Corktown Road, Pelzer, S.C. 29669
2. Name and location of Court which imposed sentence General Sessions
Court for Greenville, S.C.
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012-05-23-2090 (Murder) (pleaded to lesser included offense of manslaughter)
 - (b) 2012-05-23-1286 (Distribution of Crack Cocaine/Proximity of School or Park)

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P.C.I. MAILROOM

- (c) 2012-65-23-12876 Distribution of Crack Cocaine 1/2 mile of School or Park
 (d) 2012-65-23-12876 Distribution of Crack Cocaine 1/2 mile of School or Park
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) _____
 (b) _____
 (c) _____
 (d) _____
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?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
 ii. N/A
 iii. N/A
- (b) the result in each such Court to which you appealed:
- i. N/A
 ii. N/A
 iii. N/A
- (c) the date of each such result:
- i. N/A
 ii. N/A
 iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
 ii. N/A
 iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Applicant was not informed of right to appeal
 (b) if

- 3

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

No

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

(a) which grounds have been presented:

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

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

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

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) The ground raised are exclusively PCR issues
 (b) 11
 (c) 11

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

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

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

(a) the name and address of each attorney who represented you:
 i. Cassandra Gorton, Esq., 1754 Wadsworth Rd. # 144,
Greenville, SC 29607
 ii. Christopher L. Sheck 600 Monument St. Park Plaza building #203
Greenwood, S.C. 29648
 iii. _____

 (b) the proceedings at which each such attorney represented you:
 i. Trial / Guilty Plea

 ii. _____

 iii. _____

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

That applicant's convictions and sentences be reversed
for a new trial

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

NO

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Greenville)

I, Joseph Christopher Walker #285497, 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.

Joseph C. Walker

SWORN to and subscribed before me this 5
 day of June, 2014.

H. Amara Conwell (L.S.)
 Notary Public

My Commission Expires September 25, 2023

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

I, Joseph Christopher Walker #285497, 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.

Joseph C. Walker
Applicant

SWORN or affirmed to and subscribed before me this
5 day of June 2014.

Tamara Caswell
Notary Public

My Commission Expires
My Commission Expires: September 25, 2023

April 29, 2014

Paul J. MacKinnon
305 East North Street
Bloomington, IL 61701

Re: Joseph Christopher Walker #285497 v. State
Post-Conviction Relief

Dear Clerk:

Enclosed please find my original Post-Conviction Relief Application for filing with your office. I have enclosed a self-addressed envelope for your return to me blocked-stamped copy of the application for my records.

Thank you for your assistance in this matter.

Sincerely,

Joseph J. Walker
Joseph Christopher Walker #285497
Perry Correctional Institution
430 Champaign Road - Bldg. 8/
Petersburg, S.C. 29669

Note: Please send me a PER Application to challenge my separate convictions

cc: file

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Joseph Christopher Walker,
S.C.D.C. No. 285497,

Applicant,

vs.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
2014-CP-23-3382

ENTERED COMPUTER

RETURN AND MOTION TO DISMISS

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL E. WICKENSIMMER
2014 AUG 22 PM 2 00

The Respondent, making its Return to the application for post-conviction relief (PCR) filed June 17, 2014 would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenville County Clerk of Court. The Applicant was indicted at the December 2011 term of the Greenville County Grand Jury for attempted murder (2011-GS-23-8458). He was represented by C. Lance Sheek, Esquire.

After the State brought the case to trial, the Applicant was found guilty. On April 22, 2013, the Honorable C. Victor Pyle, Jr. sentenced the Applicant to life imprisonment without parole.

Counsel for the Applicant filed a notice of appeal. On June 13, 2014, Robert M. Dudek, Esquire of the South Carolina Commission on Indigent Defense, Division of Appellate Defense perfected an appeal in the nature of an Anders brief. The appeal is pending.

II.

The Respondent notes PCR is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). "An application for post-conviction relief cannot be made while an appeal from the conviction or sentence is pending or during the time in which an appeal may be perfected." Rule 71.1(b), SCRPC (emphasis added). Accordingly, post-conviction relief is unavailable to the Applicant at this time. Since the Applicant's direct appeal is currently pending, the Court should deny and dismiss the post-conviction relief application without prejudice. The Applicant would be able to file a new PCR application after the conclusion of his direct appeal.

III.

WHEREFORE, having made its Return and Motion to Dismiss, the Respondent requests that the matter be summarily dismissed without prejudice.

Respectfully submitted,

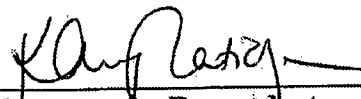
ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for Respondent

8/15, 2014

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

2014-CP-23-3382

JOSEPH CHRISTOPHER WALKER, 285497)

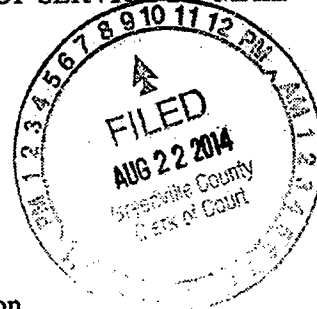
Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

STATE OF SOUTH CAROLINA,)

Respondent.)



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

**Joseph Christopher Walker, 285497
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669**

DATED this 15th day of August, 2014.

Judy A.C. Carey
Judy A.C. Carey, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

Joseph Christopher Walker,
S.C.D.C. No. 285497,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
2014-CP-23-3382**ORDER OF DISMISSAL
WITHOUT PREJUDICE****ENTERED COMPUTER**FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL S. WICKENSIMER
2014 SEP 4 PM 1 57*ju*

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed June 17, 2014. The Respondent filed a Return, requesting the application be summarily dismissed because of the Applicant's pending direct appeal.

The Applicant was indicted at the December 2011 term of the Greenville County Grand Jury for attempted murder (2011-GS-23-8458). He was represented by C. Lance Sheek, Esquire. After the State brought the case to trial, the Applicant was found guilty. On April 22, 2013, the Honorable C. Victor Pyle, Jr. sentenced the Applicant to life imprisonment without parole.

Counsel for the Applicant filed a notice of appeal. On June 13, 2014, Robert M. Dudek, Esquire of the South Carolina Commission on Indigent Defense, Division of Appellate Defense perfected an appeal in the nature of an Anders brief. The appeal is pending.

As the matter is presently pending on appeal, jurisdiction is in the South Carolina Court of Appeals. In accordance with Rule 243, SCACR, and S.C. Code Ann. § 17-27-20(b) (1985), this Court finds that at the present time, post-conviction relief is not available to the Applicant because the direct appeal is pending in the South Carolina Court of Appeals. See Al-Shabazz v. State, 338 S.C. 354, 367, 527 S.E.2d 742, 749 (2000). Therefore, this Court finds this PCR

Or

application must be summarily dismissed without prejudice until such time as the direct appeal is resolved. The Applicant may file a PCR application within one (1) year after the resolution of his direct appeal. See S.C. Code Ann. § 17-27-45(a) (Supp. 2003).

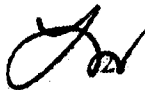
IT IS THEREFORE ORDERED that the application filed on June 17, 2014 be denied and dismissed without prejudice.

AND IT IS SO ORDERED this 18 day of Aug., 2014.



Letitia H. Verdin
Chief Administrative Judge
Thirteenth Judicial Circuit

Greenville South Carolina.



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STATE OF SOUTH CAROLINA
 COUNTY OF GREENVILLE
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2014CP2303382

FILED-CLERK OF COURT
 GREENVILLE CO., S.C.
 PAUL B. WICKENSIMER
 2014 SEP 4 PM 57

Joseph Christopher Walker vs. South Carolina State Of

CHECK ONE:

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; ☐ Statement of Judgment by the Court:

Dated at Greenville, South Carolina, this .

Court Reporter: _____

PRESIDING JUDGE - Letitia H Verdin

This judgment was entered on the , and a copy mailed first class this , to attorneys of record or to parties (when appearing pro se) as follows:

Joseph Christopher Walker 285497 Perry
 Correctional Institute 430 Oaklawn Rd Pelzer, SC
 29669

Karen Ratigan Attorney General Office

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court
 - Clerk of Court

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Joseph Christopher Walker, 285497

☐ Plaintiff

v.

State Of South Carolina

☒ Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.

2014-CP-23-3382

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Plaintiff's Attorney:
Joseph Christopher Walker, 285497, Bar No.
Address:
Perry CI 430 Oaklawn Road Pelzer SC 29669
phone: fax:
e-mail: other:

Defendant's Attorney:
Karen C. Ratigan, Sadag, Bar No. 68331
Address:
Post Office Box 11549 Columbia SC 29211-1549
phone: (803) 734-3737 fax: (803) 734-4113
e-mail: other:

- ☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion:

Estimated Time Needed: Court Reporter Needed: ☐ YES / ☐ NO

SECTION II: Motion/Order Type

- ☐ Written motion attached
☒ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Karen C. Ratigan
 Signature of Attorney for ☐ Plaintiff / ☒ Defendant

August 15, 2014

Date submitted

SECTION III: Motion Fee

- ☐ PAID - AMOUNT:
☒ EXEMPT: ☐ Rule to Show Cause in Child or Spousal Support
 (check reason) ☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☒ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter:
☐ Other:

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of the attached order.
☐ Other:

JUDGE

CODE:

Date:

CLERK'S VERIFICATION

Date Filed:

Collected by: _____

- ☐ MOTION FEE COLLECTED: _____
☐ CONTESTED - AMOUNT DUE: _____

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE)

ENTERED COMPUTER

Joseph C. Walker #285497) C/A No.2014-CP-23-33
Applicant,)
-Vs-) APPLICANT'S OPPOSITION TO
State of South Carolina) PROPOSED ORDER OF DISMISSAL
Respondent,)
_____)

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKS
2014 SEP 11 PM 2 08

TO THE HONORABLE Letitia H. Verdin, Presiding

COMES NOW, Joseph C. Walker, above captioned Applicant, pro-se respectfully lodging his opposition to the State's proposed order of dismissal in the above captioned case number.

In support of this opposition, Applicant would respectfully show unto this Court the following:

(1). Applicant agrees that he was indicted for attempted murder in case number 2011-GS-23-8458), in which Applicant proceeded to trial and was represented by C. Lance Sheek, Esquire, and that that case is presently pending in the South Carolina Court of Appeals.

(2). Applicant would respectfully point out to this Court that at the instant post conviction relief application is not in reference to the case pending on appeal, but rather stems from a separate unrelated set of offenses as was set forth in the application filed in the instant matter. The instant PCR application at 4

(a), (b) and (c) lists four unrelated offenses to which Applicant entered an Alford plea to on June 6, 2013, (a). 2012-GS-23-2020; (b), 2012-GS-23-1286 and (c) 2012-GS-23-1287 and 2012-GS-23-2002) and the only direct correlation between the instnt pending PCR application and the case pending on direct appeal is Applicant had the same counsel, C. Lance Sheek, Esquire.

It is counsel Sheek that Applicant filed the instant PCR application against claiming numderous grounds of ineffective assistance of counsel.

Since Applicant entered a Alford plea regarding the four above captioned indictment numbers based on Counsel Sheeks advice, Applicant is entitled to contest the validity of that plea by way of post conviction relief, and is entitled to the appointment of counsel to assist him in that regarding, See Rule 71.1(d), SCRCP.

Therefore, the instant application should not be dismissed as the one-year statute of limitations has begun to run on the above captioned indictment numbers June 6, 2013, therefore the application is ripe as well as timely and should not be dismissed.

CONCLUSION

WHEREFORE, based on the foregoing, Applicant would respectfully ask this Honorable Court to deny the State's request to dismiss the instant application and appoint Applicant counsel to assist his pursuant to Rule 71.1(d), SCRCP and set the matter for an evidentiary hearing.

Respectfully Submitted,

/s/ Joseph C. Walker
Joseph C. Walker,

Applicant, pro-se

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

C/A No.2014-CP-23-3382FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER

2014 SEP 11 PM 2 08

Joseph C. Walker -- Applicant,

-Vs-

State of South Carolina -- Respondent,

CERTIFICATE OF SERVICE

The undersigned, Applicant Joseph C. Walker, pro-se, hereby certifies he has served a true and correct copy of the enclosed opposition to this Court signing the State proposed order on the attorney for the Respondent, Ms. Karen C. Ratigan, P.O. Box 11549 Columbia, SC. 29211, and further that the Original was mailed to the Greenville County Clerk of Court for filing the same day stated herein, Mr. Paul B. Wickensimer, Clerk of Court, 305 East North Street, Greenville, SC. 29601,

this was done by placing the aforementioned documents in properly addressed, first-class postage affixed envelopes and placed in the U.S. Mail this 25 day of August 2014.

Sworn to and Subscribed Before Me

Respectfully Submitted,

this 25 day of August 2014

/s/

Joseph C. Walker

Tamara C. Powell
NOTARY PUBLIC

MY Comm. Expires

Sept-25-2023

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE)

Joseph Christopher Walker)

C/A No.2014-CP-23-3382

Applicant)

-Vs-)

ENTERED COMPUTER

State of South Carolina)

NOTICE OF APPEAL

Respondent,)

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2014 OCT 28 PM 2 50

NOTICE IS HEREBY GIVEN, above captioned Applicant, Joseph Christopher Walker, pro-se, appeals the Order of dismissal entered in the above captioned case number by the Honorable Letitia H. Verdin August 18, 2014.

A copy of the Order is attached hereto.

Respectfully Submitted,

/s/

Joseph Walker
Joseph C. Walker

CERTIFICATE OF SERVICE

C/A No.2014-CP-23-3382

The undersigned hereby certifies he has served a true and correct copy of the enclosed Notice of Appeal on the Attorney for Respondent, Ms. Karen Ratigan, P.O. Box 11549, Columbia, SC 29211.

The Original was also filed with the South Carolina Supreme Court Clerk, Mr. Daniel Shearouse, P.O. Box 11330, Columbia, SC 29211, and a copy was also mailed to the Greenville County Clerk of Court, Mr. Paul B. Wickensimer, 305 East North Street, Greenville, SC. 29601.

This was done by placing the afore documents in a properly addressed, first-class postage affixed envelopes and placed in the U.S. Mail this 16th day of September, 2014.

Sworn to and Subscribed Before Me
this 16th day of September, 2014
Jamara Conwell
NOTARY PUBLIC

My Commission Expires
MY Comm. Expires September 25, 2023

Respectfully Submitted,
/s/ Joseph C. Walker
Joseph C. Walker

FILED-CLERK OF COURT
GREENVILLE, SC.
PAUL B. WICKENSIMER
2014 OCT 28 PM 2:50

The Supreme Court of South Carolina

Joseph Christopher Walker, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-002187

ORDER

On April 2, 2013, petitioner was convicted of attempted murder. He was sentenced to life imprisonment without parole. On April 11, 2013, he filed a notice of appeal in the Court of Appeals. That appeal remains pending.

On June 6, 2013, petitioner pled guilty to three drug charges and one count of voluntary manslaughter. A notice of appeal was not filed.

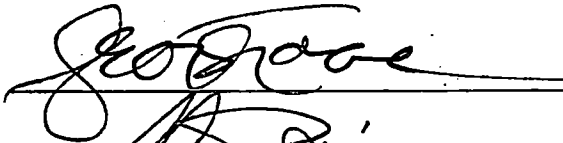
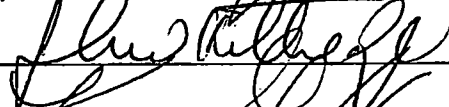
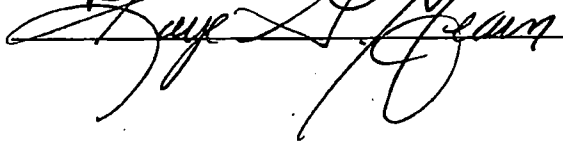
However, on June 17, 2014, petitioner filed an application for post-conviction relief (PCR) as to the charges to which he pled guilty. The State filed a return requesting the application be summarily dismissed because of petitioner's pending appeal on the *unrelated* conviction for attempted murder.

By order filed September 4, 2014, the circuit court, noting petitioner was indicted in December 2011 for attempted murder, was convicted in April 2013, and has an appeal from the conviction pending before the Court of Appeals, dismissed the PCR application without prejudice "until such time as the direct appeal is resolved" despite the fact that the PCR application did not involve the attempted murder conviction. The order stated petitioner may file a PCR application within one year after resolution of his direct appeal.

On September 11, 2014, petitioner filed an objection to the order of dismissal, which we construe as a Rule 59(e), SCRCP, motion, pointing out that the PCR application did not involve the case pending on appeal, but stemmed from a

separate *unrelated* set of offenses as set forth in the application. That motion has never been ruled upon.

On October 9, 2014, petitioner filed a notice of appeal. We hereby remand this matter to the circuit court for consideration of petitioner's objection to the order of dismissal, and dismiss the notice of appeal without prejudice to petitioner's right to file another notice of appeal, if necessary, once a ruling is issued on his objection to the order of dismissal.

	C.J.
	J.
	J.
	J.
	J.

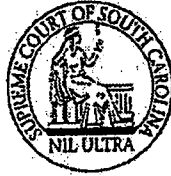
Columbia, South Carolina

November 19, 2014

cc:

Karen Christine Ratigan, Esquire

Joseph Christopher Walker, #285497



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080

FAX: (803) 734-1489
www.sccourts.org

December 08, 2014

The Honorable Paul B. Wickensimer
Courthouse
305 E North St
Greenville SC 29601-2121

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2015 JUN 5 AM 10 03

REMITTITUR

Re: Joseph Walker v. State
Lower Court Case No. 2014CP2303382
Appellate Case No. 2014-002187

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Daniel E. Shearouse

CLERK

cc: Karen Christine Ratigan, Esquire
Joseph Christopher Walker, #285497

Called AG Office

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	2014-CP-23-3382
COUNTY OF GREENVILLE	)	
	)	
Joseph Christopher Walker,	)	
S.C.D.C. No. 285497,	)	
	)	
Applicant,	)	
	)	AMENDED RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

In response to the post-conviction relief application dated June 5, 2014 and filed June 17, 2014, the Respondent would show this Court:¹

I.

The Applicant is incarcerated with the South Carolina Department of Corrections. The Greenville County Grand Jury indicted the Applicant at the May 2012 term of General Sessions for two counts of distribution of cocaine base within proximity of a school (2012-GS-23-1286, -1287), possession with intent to distribute cocaine base within proximity of a school (2012-GS-23-2002), murder (2012-GS-23-2020, count 1), and possession of a weapon during commission of a violent crime (2012-GS-23-2020, count 2). Lance Sheek, Esquire represented the Applicant.

On June 6, 2013, the Applicant pled guilty to voluntary manslaughter and three counts of

¹ Respondent notes it submitted a return and motion to dismiss and proposed order of dismissal without prejudice on August 15, 2014. The chief administrative judge filed the order of dismissal on September 4, 2014 and Applicant filed a document in opposition on September 11, 2014. Applicant filed a notice of appeal at the South Carolina Supreme Court. By order dated November 19, 2014, the Court remanded the matter for Applicant's filing to be considered as a Rule 59(e), SCRCF motion. In the interest of judicial economy, Respondent concedes the propriety of Applicant's filing and acknowledges the initial return and motion to dismiss and proposed order of dismissal without prejudice were submitted in error.

distribution of cocaine base within proximity of a school.² The Honorable D. Garrison Hill sentenced the Applicant to concurrent terms of 30 years for voluntary manslaughter and 10 years for each count of distribution of cocaine base within proximity of a school. The Applicant did not appeal.

Attached herewith and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding the subject convictions and the Applicant's records from the South Carolina Department of Corrections. The plea transcript will be forwarded upon receipt.

II.

In his application for post-conviction relief, the Applicant alleges he is being held in custody unlawfully for the following reason:

1. Ineffective assistance of counsel.
 - a. "Applicant was not represented by counsel a[t] guilty plea proceedings."
 - b. "Applicant was not informed of right to appeal."

III.

The Respondent asserts the Applicant's allegation that his attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441,

² Respondent notes the Applicant had been sentenced to life imprisonment without parole on April 22, 2013 for attempted murder (2011-GS-23-8458).

442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel “rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). 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. “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

The Respondent denies each allegation not expressly admitted, qualified or explained.

V.

WHEREFORE, having made its Amended Return, the Respondent requests a hearing be held and counsel appointed to represent the Applicant.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for Respondent

January 7, 2015

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

2014-CP-23-3382

JOSEPH CHRISTOPHER WALKER, 285497)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

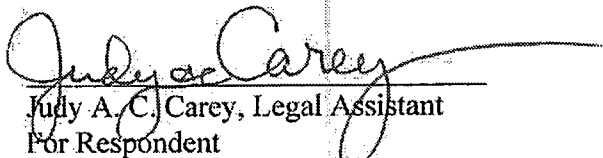
STATE OF SOUTH CAROLINA,)

Respondent.)

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

Joseph Christopher Walker, 285497
 Perry Correctional Institution
 430 Oaklawn Road
 Pelzer SC 29699

DATED this 7th day of January, 2015.


 Judy A. C. Carey, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Joseph Walker #285497

Applicant,

v.

The State,

Respondent.

IN THE COURT OF COMMON PLEAS

Case No. 2014-CP-23-03382MEMORANDUM OF LAW
IN SUPPORT OF APPLICATION
FOR POST-CONVICTION
RELIEF

ENTERED COMPUTER

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENS
JUL 27 AM 11 33

Come now, the applicant presents his Memorandum of Law in Support of his Application for Post-Conviction Relief and would show the following unto the Honorable Court.

STATEMENT OF THE CASE

The applicant was indicted by the Greenville County Grand Jury for murder (2012-GS-23-02020) during the May 29, 2012 term of general Sessions Court. He went to trial on this charge on June 6, 2013, before the Honorable Judge Hill. He was represented by Lance Sheek, Esq., and the State was represented by Mark Moyer, Assistant Solicitor for Greenville County. The applicant pled guilty to the lesser-included offense of manslaughter, and Judge Hill sentenced him to thirty (30) year. No appeal was filed on applicant's behalf.

ARGUMENT

The applicant was denied the right to effective assistance of trial Counsel who advised him to plead guilty to a lesser-included manslaughter offense without signing a waiver of presentment for this offense.

A defendant who pleads guilty upon advice of Counsel may only attack voluntary and intelligent character of guilty plea by showing that advice he received from Counsel was not within range of competence demanded of attorneys in criminal cases. Carter v. State, 495 S.E.2d 713 (S.C. 1998).

In support of his claim, the applicant was indicted for murder (2012 GS 2302020); however, upon advice of his Counsel, he pled guilty to the lesser-included offense of manslaughter without signing any waiver of presentment of an indictment for this offense. Accordingly, in the absence of any signed waiver, the applicant, his Counsel, and the Solicitor agreed to allow the applicant to orally waive presentment of the manslaughter offense. The Court has held that an oral waiver of indictment fails to comply with statutory requirements with regards to non-indicted offense to which a defendant pleads. See e.g., State v. Clarkson, 523 S.E.2d 817 (S.C. App. 1999); S.C. Code, §§ 17-23-130; 17-23-140 (acknowledging that a signed waiver of indictment is statutorily required for waiver of unindicted offenses).

In further support of his claim, the applicant submits that his Sentencing Sheet/Commitment order shows that he, his trial Counsel, and the Solicitor signed it consenting to applicant's oral waiver of a lesser-included manslaughter offense to which he pled. However, the Sentencing Sheet/Commitment order clearly shows that the applicant failed to check the box indicating his waiver of presentment for the manslaughter offense to which he pled, and also failed to include his initials for such a waiver in violation of statutory requirement and case law as set forth above. Clarkson, *infra*, §§ 17-23-130 and 17-23-140

The applicant finally contends that his Counsel's advice for him to plead guilty to an unindicted manslaughter offense without a proper waiver of presentment for this offense was not within the range of competence demanded of attorneys in criminal cases and should entitle him to a vacation of his conviction. Carter, Supra.

The trial Court lacked Subject-matter Jurisdiction to accept the applicant's guilty plea to an unindicted manslaughter offense where there was no indictment charging him with this offense nor was there any waiver of indictment for this offense.

The applicant contends that he was indicted for murder, but pled guilty to manslaughter without signing a waiver of presentment of the manslaughter offense prior to entering his plea to this offense. As a result, he contends that the trial court lacked Subject-matter Jurisdiction to accept his guilty plea to the unindicted manslaughter offense. A Circuit Court does not have Subject-matter Jurisdiction to hear a guilty plea unless there has been an indictment by a grand jury or a "valid waiver of presentment." Carter, Supra. Also, see Plante v. State, 446 S.E.2d 437 (1994) (holding that parties cannot confer Subject-matter Jurisdiction by Consent).

CONCLUSION

Wherefore, for the above reasons, the applicant request the Honorable Court vacate his conviction and sentence.

Respectfully Submitted

LSI Joseph C. Walker
Joseph Walker #285497
Perry Correctional Inst.
430 Oaklawn Road-04
Pelzer, S.C. 29669

This 12 day of
July, 2015

Date: July 13, 2015

cc: [unclear]
[unclear]

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

Re: Post-Conviction Relief Application
Joseph Walker #258497 v. State

Dear Clerk:

Enclosed please find my original PCR Application and Memorandum of Law in Support of PCR Application for filing with your office. I have enclosed a self-addressed stamped envelope for your return to me. I have also enclosed stamped copies of these documents for my records.

Thank you for your assistance in this matter.

Sincerely,

15/ Joseph C. Walker
Joseph Walker #258497
Perry Correctional Inst.
430 Oaklawn Road-Q4B1
Pelzer, S.C. 29669

cc: file

Date: July 13, 2015

Law Office of Brian P. Johnson
522 North Church Street
Greenville, S.C. 29601

Re: Joseph Walker #285497 v. State

Dear Mr. Johnson

Enclosed please find my original Memorandum of Law
in Support of Application for Post-Conviction Relief (PCR) that
I am requesting you to submit to the Court on my behalf.

Sincerely,

161 Joseph C. Walker
Joseph Walker #285497
Perry Correctional Inst.
430 Oaklawn Road-04
Pelzer, S.C. 29669

cc: I/M's file

ATTACHMENT For 10(a) And 11(a) of PCR Application
Argument(d) of 11.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Joseph Walker #288497,

Applicant,

v.

The State,

Respondent.

IN THE COURT OF COMMON PLEAS

MEMORANDUM OF LAW
IN SUPPORT OF APPLICATION
FOR POST-CONVICTION RELIEF

ENTERED COMPUTER

FILED IN COURT
GREENVILLE CO. S.C.
PAUL J. KENSIMER
2015 JUL 11 11 37 AM

Come now, the applicant presents his Memorandum of Law and would show the following unto the Honorable Court.

STATEMENT OF THE CASE

The applicant was indicted by the Greenville County Grand Jury for attempted murder (2011-GS-23-0845A) during the December 11, 2011 term of General Sessions Court. He went to trial on April 12, 2013, before the Honorable L. Victor Pyle, Jr., and Jury. He was represented by Christopher Lance Sheek, Esq.; and the state was represented by L. Mark Moyer, Assistant Solicitor for Greenville County. The Jury found him guilty of attempted murder, and Judge Pyle sentenced him to a life sentence without parole pursuant to S.C. Code § 17-25-45. A timely notice of appeal was filed on behalf.

The applicant was represented on appeal by Robert Cudek of the S.C. Office of Appellate Defense. The South Carolina Court of Appeals denied the appeal in Opinion No. 2013-000766 on May 26, 2015.

ARGUMENT

The applicant was denied the right to effective assistance of trial Counsel by Counsel's failure to move to quash an indictment that insufficiently charged an attempted murder offense.

To Establish Claim of ineffective assistance of Counsel errors, an applicant for post-conviction relief must prove that Counsel's performance was deficient and that, but for Counsel's errors, there was reasonable probability results of trial would have been different; in such context, reasonable probability is one sufficient to undermine confidence in outcome. German v. State, 478 S.E.2d 687 (S.C. 1996).

In applicant's case, he was charged with "attempted murder" in an indictment that alleged this offense as follows:

That on or about July 20, 2011, that Joseph Walker (applicant) unlawfully and with malice aforethought and with the intent to kill attempted to kill Tyler Mattress by means of pointing a gun and firing at him.

The applicant accordingly contends that his indictment did not sufficiently charge him with an "attempted murder" offense. The true test of the sufficiency of an indictment is not whether it could be made more certain, but whether it contain the necessary elements of the offense intended to be charged and sufficiently appraise the defendant of what he must be prepared to meet. To determine the sufficiency of an indictment, the court must first look to statutory history, mindful that it is the Legislature, not the court, that is responsible for determining a crime under a penal statute. See State v. Knuckles, 560 S.E.2d 426 (S.C. App. 2002).

A review of the Legislature's determination of the crime "attempted murder" shows that its 2010 Act No. 273, Section 7.C. provides as follows:

Whenever in the 1976 Code of Law a reference is made to the common law of assault and battery of a high and aggravated nature it means assault and battery with intent to kill, as contained in repealed section

16-3-620, and except for references in Section 16-1-60 and Section 17-25-45, wherever in 1976 Code reference is made to assault and battery with intent to kill, it means attempted murder as defined in Section 16-3-29.

As shown above, the S.C. Legislature has repealed the "assault and battery with intent to kill (ABWIK)" offense to include all the elements of murder except the death of the victim. In Conjunction, Case law defining "attempted murder" (repealed ABWIK) shows that attempted murder requires at least a general intent to kill, which can be inferred from the use of a deadly weapon in a manner reasonably calculated to cause death or great bodily harm; the manner in which the weapon was used; the purpose to be accomplished; "and the resulting injuries" to prove the intent to kill with malice aforethought. See State v. Dennis, 742 S.E.2d 21 (S.C. App. 2013).

Moreover, by repealing ABWIK to mean "attempted murder," it is clear that the S.C. Legislators intended to include the element of a "battery and/or an infliction of a wound with malice aforethought," as an essential element of attempted murder. This interpretation is amply supported by a review of case history, which defined the repealed ABWIK/attempted murder offense, as follows: State v. Foust, 479 S.E.2d 50 (S.C. 1996) (an ABWIK offense can be determined from the wound inflicted); State v. Tyndal, 518 S.E.2d 278 (S.C. App. 1999) (ABWIK is the unlawful infliction of an injury on the person of another with malice aforethought); State v. Wild, 584 S.E.2d 138 (S.C. App. 2003) (To be convicted of ABWIK, jury must be satisfied... that had victim died from injury inflicted defendant would have been guilty of murder instead of ABWIK).

Notwithstanding, while the applicant's indictment did not sufficiently charge an "attempted murder" offense, it did, as a matter of law charge instead the offense of "assault with intent to kill (AWIK). Accordingly, the elements of ABWIK are (1) the "unlawful attempt"; (2) to commit a violent injury; (3) to the person of another; (4) with "malicious intent"; (5) accompanied by present ability to complete the act. See, e.g., State v. Burton, 589 S.E.2d 283 (S.C. 2003). See also, State v. Sutton, 532 S.E.2d 283 (S.C. 2000).

With regards to applicant's ineffective assistance of Counsel claim, our Supreme Court has held that when a defendant is tried upon an indictment which insufficiently states the offense he must object to it before the jury is empaneled and sworn. The Court further held that assuming the defendant's failure to object was attributable to his counsel's error, he must raise the error under an ineffective assistance of Counsel claim within one year after his conviction, or, if there is an appeal from his conviction, within one year of the disposition of his direct appeal. See Gentry v. State, 610 S.E.2d 494 (S.C., 2005).

The applicant finally contends that inasmuch as his indictment insufficiently charged him with an "attempted murder" offense, his counsel's failure to move to quash his indictment was ineffective assistance that prejudiced his right to a fair trial. German, Supra, accord Strickland v. Washington, 104 S.Ct. 2052 (1984).

The applicant was denied the right to effective assistance of trial counsel by counsel's failure to object to the State's improper "Notice to seek life without parole."

To establish a claim of ineffective assistance of trial counsel, a PCR applicant has the burden of proving counsel's representation fell below an objective standard of reasonableness and, but for counsel's errors, there is a reasonable probability that results of trial would have been different. Johnson v. State, 480 S.E.2d 733 (S.C., 1997).

The applicant submits that prior to his trial the Solicitor served him with a "Notice to seek life without parole." The notice informed him that he would be eligible for a sentence of life without parole if he was convicted of his attempted murder offense based on his two prior convictions for "serious offenses" of distribution of controlled substances within proximity of schools or parks (Indictments 2007-GS-23-4285, 4287). The applicant contends that even if he had been convicted for two prior distribution/proximity offenses he was not not eligible for a life sentence without parole.

In support of his claim, he contends that one of his distribution/proximity offenses (2007-GS-23-4285) was his

first such conviction and did not subject him to a sentence of thirty (30) years to qualify as a "serious offense" as defined under S.C. Code 17-25-45. Accordingly, under 17-25-45, a "serious offense" is defined as any offense which carries a sentence of thirty (30) years. The applicant submits that his first distribution/proximity convictions only carried sentences of fifteen (15) years for distribution under ~~sections 44-53-375~~ sections 44-53-375, and 376, and ten (10) years for proximity offense under section 44-53-445, respectively, for a total of twenty-five (25) years. Thus, since applicant's first distribution/proximity offenses did not carry sentences totaling thirty (30) years, he was not eligible for a life sentence under the general statute of section 17-25-45. It is well-settled law that the specific statute defining punishment controls over a general statute that merely classify an offense. See Knuckles v. State, 566 S.E.2d 426 (S.C. App. 2002).

The applicant contends that Counsel's failure to object to the State's improper notice and failure to argue the correct interpretation of statutory requirements was ineffective assistance of Counsel that was prejudicial insofar as Counsel's error subjected him to an illegal life sentence.

The applicant was denied the right to effective assistance of Counsel by Counsel's failure to object to the solicitor's testimony as a witness.

During cross examination of Tyler Mattress, the victim of applicant's attempted murder offense, applicant's Counsel questioned him about his appearance in Municipal Court to testify against the applicant on a related charge of "discharging a firearm in the City limits". Although Mattress had previously accused applicant shooting at him, he told the Municipal Judge that he didn't remember what happened regarding the shooting incident. As a result, Mattress was charged with perjury. Tr. p. 45-48; Tr. p. 69, L. 24-p. 70, L. 1.

On redirect examination regarding Mattress's perjury charge, the solicitor, in an attempt to rehabilitate his credibility, asked him "if he had met with him (solicitor) several times in the past few months to talk about his

perjury charge and about his testimony about what happened during applicant's shooting (attempted murder) incident in an effort to assure the Jury of Mattress's Credibility. When a Solicitor Comments as to facts not only outside of the record but also to matters within his personal knowledge, he essentially becomes a witness against the defendant and places his own Credibility in issue before the Jury. See Hall v. United States, 419 F.2d 582 (8th Cir. 1969).

Furthermore, improper suggestions, insinuations, and, especially assertions of personal knowledge by Solicitor are apt to carry much weight against the accused when they should properly carry none. See Berger v. United States, 295 U.S. 98, 88 (1935). Moreover, the Solicitor's Statements deprived applicant of the right to confront the Solicitor as a material witness. The right to Confrontation is essential to a fair trial in that it promotes reliability in criminal trials and ensures that convictions will not result from testimony of witnesses who cannot be challenged at trial. See, e.g., California v. Green, 399 U.S. 149 (1970).

The applicant finally contends that Counsel's failure to object to the Solicitor's improper redirect examination was ineffective assistance of Counsel that prejudiced his right to a fair trial. See Edmond v. State, 534 S.E.2d 682 (S.C. 2000).

The applicant was denied the right to effective assistance of Counsel by Counsel's failure to object to Solicitor's improper closing argument that appealed to the passion and prejudice of the Jury.

During closing argument, the Solicitor made the following argument that improperly appealed to the passion and prejudice of the Jury regarding applicant's alleged attempt to shoot the victim:

Solicitor: If it were not for some good fortune, Mr. Mattress could have been killed that day. If it were not for

Some fortune, "a child could have been hit". There's no telling where those bullets could have gone when they were flying ground in that parking lot. Tr. p. 235, L. 2-6.

Here, the Solicitor's improper statement in closing concerning injuries to children was clearly made to arouse the passion and prejudice of the jury. An argument of this nature addressed to the jury tends to completely destroy and nullify all sense of the jury's impartiality and encourage them to convict applicant to ensure the safety of the children in the community rather than upon the evidence presented.

The proper course to be pursued when counsel makes an improper argument is for opposing counsel to immediately object, have record made of statement complained of, and request for a distinct ruling thereon. State v. Black, 462 S.E. 2d 311 (S.C. App. 1995). Here, applicant submits that his counsel's failure to object to the Solicitor's argument was ineffective assistance that was per se prejudicial.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Honorable Court should hold an evidentiary hearing to reverse applicant's conviction.

Respectfully Submitted,

Joseph C. Walker
Joseph Walker #288497
Perry Correctional Inst.
430 Oaklawn Road - 248/
Pelzer, S.C. 29669

Date: 7-10-, 2015

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

Re: Joseph Walker #285497 v. State
Case No. 2015-CP-23-04239

Dear Clerk:

Enclosed please find my Memorandum of Law in Support of Application for Post-Conviction Relief for filing with my PCR Application that I previously submitted to your office.

I am also sending you a self-addressed stamped envelope for return to me clocked-stamped copies of my memorandum of law.

Sincerely,

1st Joseph C. Walker
Joseph Walker #285497
Perry Correctional Inst.
430 Oaklawn Road-A4A
Pelzer, S.C. 29669

cc: I/M's file

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE) COURT OF COMMON PLEAS
2014-CP-23-3382
JOSEPH CHRISTOPHER WALKER)
APPLICANT)
vs.) TRANSCRIPT OF RECORD
THE STATE OF SOUTH CAROLINA)
RESPONDENT)

ORIGINAL

December 11, 2017
Greenville, South Carolina

B E F O R E:

THE HONORABLE ROBIN B. STILWELL, Judge.

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

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

DESHAWN H. MITCHELL, ESQ.
Attorney for the Respondent

APRIL HERRON
Official Court Reporter

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1 THE COURT: Okay, Mr. Mitchell, you may call
2 your next case, sir.

3 MR. MITCHELL: Thank you, Your Honor. This is
4 2014-CP-23-3382, Joseph Walker vs. The State of South
5 Carolina. The Applicant is incarcerated at the South
6 Carolina Department of Corrections pursuant to
7 orders of the Greenville County Grand Jury. He was
8 indicted at the May 2012 term of general sessions for
9 two counts of distribution of cocaine base within
10 proximity of a school, possession with intent to
11 distribute cocaine base within proximity of a school,
12 murder and possession of a weapon during the
13 commission of violent crime. Mr. Lance Sheek
14 represented The Applicant.

15 On June 6th, 2013, The Applicant pled guilty to
16 voluntary manslaughter and three counts of
17 distribution of cocaine base within a proximity of a
18 school. The Honorable D. Garrison Hill sentenced The
19 Applicant to concurrent terms of 30 years to
20 voluntary manslaughter and 10 years for each count of
21 distribution of cocaine base within proximity of a
22 school. The Applicant did not appeal. He is present
23 in the courtroom today and represented by Mr. Mills
24 Ariail.

25 THE COURT: Okay, Mr. Ariail.

JOSEPH WALKER-DIRECT BY MR. ARIAIL

1 MR. ARIAIL: Thank you, Your Honor, may it
2 please the Court. I'd like to call Mr. Walker to the
3 stand.

4 THE COURT: Okay.

5 Mr. Walker, you may come up, sir.

6 THE CLERK: Mr. Walker, please place your left
7 hand on the Bible, raise your right hand.

8 Joseph Walker, after being duly sworn, testified
9 as follows:

10 THE CLERK: Thank you, you may be seated.
11 Please state your full name for the record.

12 THE WITNESS: Joseph Christopher Walker.

13 DIRECT EXAMINATION

14 BY MR. ARIAIL:

15 Q Mr. Walker, how you doing today?

16 A Okay.

17 Q Good. And this is the second PCR I have
18 represented you in regards to it; is that correct?

19 A That is correct.

20 Q And during our conversations together, you've
21 put together a packet of information, actually, a good bit
22 of information that you have asked me to present to The
23 Court in your favor; is that correct?

24 A That is correct.

25 Q Okay. You wanted Judge Stilwell to have this so

JOSEPH WALKER-DIRECT BY MR. ARIAIL

1 that he can review this and be able to look at it while he
2 goes through your PCR; is that correct?

3 A That is correct.

4 Q Okay. And this information that we've discussed
5 today is what you have designated as information that you
6 want me to present; is that correct?

7 A That's correct.

8 MR. ARIAIL: Your Honor, if I can make this a
9 Court's Exhibit to be able to put part of a packet to
10 be able to review his PCR, that would be greatly
11 appreciated. And I have provided a copy of this
12 information to Mr. Mitchell to let him know what I'm
13 submitting.

14 THE COURT: Okay.

15 What's the position of The State, Mr. Mitchell?

16 MR. MITCHELL: Your Honor, The State would have
17 to object to it as amended but if Your Honor wants to
18 take it as a Court's Exhibit, that's certainly fine.

19 THE COURT: Okay, I'll allow it in. This is an
20 important proceeding for Mr. Walker and I want to
21 give him the opportunity to fully articulate and vet
22 his grievances with The Court. Therefore, I will
23 make it a Court's Exhibit, Court's Exhibit No. one
24 and I'll review the same.
25

JOSEPH WALKER-DIRECT BY MR. ARIAIL

1 (WHEREUPON, Court's Exhibit No. 1 was marked for
2 identification and received into evidence.)

3 BY MR. ARIAIL:

4 Q Mr. Walker, now we've discussed this
5 information, I want to go back a little bit. I
6 represented you on a previous PCR. What I want to do is
7 these charges that we have discussed now, I know Mr. Sheek
8 represented you on a previous attempted murder charge
9 also. We're concentrating on these charges now. To ones
10 that, I guess, you were indicted in May 2012 General
11 Sessions term of court which were two counts of
12 distribution of cocaine base, possession with intent to
13 distribute cocaine base within a proximity of a school,
14 murder and possession of a weapon during the commission of
15 a violent crime, okay. Those are the charges we're
16 discussing today, correct?

17 A That's correct.

18 Q Okay. Now, let's go back a little bit because I
19 know it's a little convoluted in regards to the
20 representation and some issues you have. Mr. Sheek, was
21 he appointed to represent you on these charges?

22 A No, he was hired as my attorney, sir. We hired
23 him.

24 Q Okay, he was hired?

25 A Yes, sir.

JOSEPH WALKER-DIRECT BY MR. ARIAIL

1 Q Okay. Now, at some point in time did you have
2 another attorney who was involved or you were speaking
3 with by the name of Cass Gordon?

4 A That is correct. Cassandra Gordon was a court
5 appointed attorney and she had my case before I hired
6 Mr. Sheek as my trial attorney.

7 Q Okay. Now, I know this is one of the key issues
8 in your case. Apparently, she was appointed for these
9 charges and then it transferred into Mr. Sheek; is that
10 correct?

11 A Well, once I paid Mr. Sheek to represent me,
12 Cassandra Gordon, she was no longer my attorney. But
13 she -- she asserted herself day in -- well I say week,
14 after week coming to see me while I was in the county,
15 county jail, waiting to go to trial. And that's how me
16 and her -- well, that's the reason for all the -- this
17 packet coming in is to show that she pretty much asserted
18 herself in my case and I brought it to Mr. Sheek's
19 attention, Your Honor. I know my case is a little
20 complicated so if you will, please bear with me.

21 THE COURT: Sure.

22 THE WITNESS: I let him know, I let Mr. Sheek
23 know maybe two, maybe three times during telephone
24 conversation and once when he came to see me that I
25 didn't feel comfortable as paying him as my attorney

JOSEPH WALKER-DIRECT BY MR. ARIAIL

1 and discussing my case with another attorney. Which
2 was Cassandra Gordon. And I came up with some emails
3 that the mother of my child went to, I believe, it
4 was 500 Monument Road which is in Greenwood, South
5 Carolina, obtained these emails through Katrina
6 Davis, who, I believe, Mr. Sheek's paralegal at the
7 time. So, that's where the emails come from, Your
8 Honor.

9 Q Okay. Let me go back, I'm just going to try to
10 summarize this and try to explain exactly what you're
11 looking for. Ms. Gordon was representing you as appointed
12 counsel at some point. And then you transferred over to
13 Mr. Sheek. Was she still giving you legal advice and
14 helping you in dealing with your case after Mr. Sheek was
15 retained?

16 A That's correct, sir. Every two weeks she was
17 coming to see me asking me about the case. I was telling
18 her because I wasn't able to contact Mr. Sheek. And after
19 a while I just, certain issues that she was asking me
20 about getting me to go into, I just didn't feel
21 comfortable. And I let Mr. Sheek know, we talked about it
22 in the courthouse, here in the courthouse downstairs. I
23 talked to both of them about it. Actually, he let me
24 confront her -- well not confront her but bring it to her
25 attention in front of him. And it was just a lot of

JOSEPH WALKER-DIRECT BY MR. ARIAIL

1 things being back and forth said that she was bringing me
2 a reprimand, where he had been reprimanded at the bar
3 association is telling me Mr. Walker you need to fire him,
4 he's not representing you. She came to see me while I was
5 at Kirkland, brought me sentencing sheets at Kirkland.
6 Also, she wrote me while I been at Perry Correctional
7 Institution. And the information is all in the packet,
8 Your Honor, if you will. But--

9 THE COURT: Okay.

10 THE WITNESS: But I was just letting Mr. Sheek
11 know that I felt pretty much to [indiscernible] make
12 the plea. I wanted to go to trial. I want to go to
13 trial for the murder charge. And I felt somewhat not
14 the same about the drug charges but I was telling
15 Ms. Gordon can she please contact Mr. Sheek for me,
16 which he told me she had. And I just I wish I had
17 went to trial. Because I told Mr. Sheek -- at the
18 time, I believe, Mr. Sheek had -- I believe, I was
19 told that he was a solicitor, again, with the eighth
20 circuit, which is Greenwood, South Carolina. And he
21 just never paid any attention to my upcoming plea
22 proceeding after I was sentenced for the attempted
23 murder trial while I waited at Kirkland. He just --
24 he never came to visit, he never got into contact
25 with me. So, that was the reason why the mother of

1 my child, my children, Tamika Dennis, drove to his
2 office. To try to talk with him. And Ms. Katrina
3 Davis, which is his paralegal, gave her a packet.
4 And we continued to call to no avail. We never got
5 in contact with him after that.

6 Q Okay. Let me -- I'm going to try to break this
7 down a little bit so we can kind of shed some points here.
8 Was Ms. Gordon telling you things differently than what
9 Mr. Sheek was telling you?

10 A Well, I never really got to talk to Mr. Sheek
11 besides the time that we met in the courtroom and the day
12 of the plea. The plea proceeding. That was the only time
13 I got to speak with Mr. Sheek. And yes, there was -- it
14 was both pretty much telling me that, you know, since I
15 done got found guilty on the attempted murder, there's no
16 need to go to trial anymore.

17 Q Right.

18 A For the remaining charges. So, I was like, you
19 know, telling him and -- you know, I was telling her and
20 him at the time, the same day of the plea, that, you know,
21 I want to go to trial for murder, I want to. Because it's
22 just some allegations throwed my way by an individual that
23 was found with the individual's phone and then he just
24 threw it on me. So, I wanted to get into the facts so I
25 could fight that but she -- she was representing me a

JOSEPH WALKER-DIRECT BY MR. ARIAIL

1 little bit more than he was and both of them was telling
2 me that I need to plea out. I need to plea out.

3 Q So, both of them were telling you to plead; is
4 that correct?

5 A Yes, sir.

6 Q Okay. So, I mean, I guess what I'm trying to
7 make sure of, are you concerned or are you raising any
8 issues that Mr. Sheek was saying one thing and then she
9 was saying another and you were confused or?

10 A I was confused. Because for one, I didn't know
11 who was -- who was actually representing me during the
12 plea because the only person I got to talk to, like I said
13 again, was Ms. Cassandra Gordon.

14 Q Uh-huh.

15 A And I wanted to talk to Mr. Sheek. I want to
16 talk to him bad about this. Because I wanted to weigh my
17 options and go to trial and see exactly what trial
18 strategy would we use if we was to go to trial for this
19 here. I couldn't get in contact with him at all, sir.

20 Q Okay. So, and let's go back and I maybe passed
21 this when I shouldn't have. When you retained him, how
22 many times you think you met him to discuss your case? On
23 these charges?

24 A Maybe, maybe a little less a handful. Maybe
25 five, four or five times, sir.

1 Q Did y'all go over the fact of the case, I mean,
2 what they were going to have to prove in regards to this
3 distribution, the murder charge, the evidence they had
4 against you?

5 A Well, no, sir. We -- we mainly talked about
6 which case would they be taking to trial. Because he was
7 not sure of what the solicitor -- what trial the solicitor
8 was going to choose first as far as charges because I have
9 a good many of charges that I was waiting to go to trial
10 for. He was not sure. So, he just -- he just, like,
11 waited, I guess. He was just. . .

12 Q Right. There were some emails as part of the
13 packet that you sent that he was going to come down and
14 discuss with you, I guess, the audio or video they had of
15 these distributions charges, did he do that? Did he come
16 down and discuss that with you?

17 A No, he didn't. The last time we discussed the
18 charges we was -- we was at trial for the attempted
19 murder. And I asked about the videos. And he did, he
20 went and got the videos from -- well he had Mr. Mark Moyer
21 going and obtain the videos and letting me see -- I
22 believe I got to watch one video where I wasn't -- I -- I
23 was not on the video. And, I believe, one of them I may
24 have been I couldn't see good. But, you know, it was --
25 it was enough to say it could have been me, maybe, but

JOSEPH WALKER-DIRECT BY MR. ARIAIL

1 that was it.

2 Q Okay. Now, I know we've -- you're going to be
3 asked this question in regards to it, you pled guilty to
4 these charges; correct?

5 A Well, I -- yes, sir, I pled an Alford plea. And
6 at the time that I did plea Alford me, the Judge asked me
7 did I know what an Alford plea was. And I didn't, I never
8 had heard of Alford plea before. I was aware of what a
9 guilty plea was.

10 Q Uh-huh.

11 A And Mr. Sheek took me back and talked to me. He
12 was like, well, the solicitor wants you to plea to Alford
13 plea and it's pretty much a guilty plea where you're just
14 not admitting any guilty on the record.

15 Q Uh-huh.

16 A So therefore, you know you can still fight it.
17 You still got all your rights. And I was, like, I still
18 got all my rights. I ain't never heard of an Alford plea,
19 never knew what it was. And he was like, you're going to
20 be fine, you're going to be fine. And that was pretty
21 much it. I came in, I pled the Alford plea and. . .

22 Q And The Judge asked you certain questions and I
23 know--

24 A He did.

25 Q -- going through these questions that you were

1 doing this, I guess, under your own free choice and after
2 consultation with Mr. Sheek; do you remember those
3 questions?

4 A Yes. When he asked me the questions, he asked
5 me have I been threatened. And at the time when Cassandra
6 Gordon came to see me at Kirkland, she was telling me that
7 they was trying to give me a life sentence for each charge
8 had I go to trial again.

9 Q Uh-huh.

10 A And she said, you know how hard it is giving one
11 life sentence back. But she showed me an email where
12 Mr. Mark Moyer said that if I do win my appeal and decide
13 to go to trial, he would be back in the position to give
14 me five -- five more times with this LWOP, which means
15 life without parole. So, it scared me when she showed me
16 the email, it did.

17 Q Okay.

18 A Yes, sir.

19 Q Okay. Now, I've gone through and we've
20 discussed this and I want to make sure I've submitted all
21 the information as far as that packet, which backs up what
22 you want. Are there other issues that I have left out or
23 that we have discussed that you want to tell The Court
24 about to make sure they're part of the record?

25 A Yes. Actually, it's pretty much the same thing.

JOSEPH WALKER-CROSS BY MR. MITCHELL

1 I wish I had not taken the plea. And I had kept all my
2 constitutional rights and went to trial because I feel
3 like my 6th and 14th Amendment was violated by him not
4 bringing it to The Court's attention. One, that I had two
5 counsels representing me for the same said charges. Also,
6 I feel like that Mr. Sheek could have talked to me and
7 advised me better or given me better counsel than he did
8 instead of abandon me once I was found guilty of the first
9 charge. And advising me that, you know, it's a -- I'm at
10 a lose-lose situation. So, I might as well plead. And I
11 brought this to his attention. And like I said, he let me
12 somewhat confront Ms. Gordon. And, you know, in front of
13 him. So, I mean, I feel like all of that should have been
14 brought to The Court's attention.

15 Q Okay. All right.

16 Those are all the questions I have for you,
17 answer any questions that Mr. Mitchell has for you.

18 THE WITNESS: Yes, sir.

19 MR. ARIAIL: Thank you, Mr. Walker.

20 MR. MITCHELL: May it please the Court, Your
21 Honor?

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. MITCHELL:

25 Q Good morning, Mr. Walker, how are you?

JOSEPH WALKER-CROSS BY MR. MITCHELL

1 A I'm okay, sir. How are you?

2 Q Good. I just have a few questions for you. Do
3 you remember the proceeding where you pled guilty to the
4 voluntary manslaughter and the drug charges?

5 A I do, sir.

6 Q Okay. And do you remember The Judge advising
7 you about potential sentences that you could face if you
8 pled guilty?

9 A No, I do not, sir.

10 Q You don't remember that?

11 A I don't recall the minimum -- the minimum and
12 the maximum sentence, no, sir, I don't remember that.

13 Q Okay.

14 Judge, I would note for the record on Page
15 22 of the guilty plea transcript, Lines 2 through 14 where
16 Judge Hill advises The Applicant of the mandatory and
17 minimum sentences for the alleged charges.

18 THE COURT: Yes, sir.

19 BY MR. MITCHELL:

20 Q Let me ask you this, do you remember The Judge
21 advising you about your constitutional rights?

22 A Yes, I remember when The Judge -- when I told
23 the Judge that I didn't feel comfortable pretty much
24 taking the plea to the murder charge, the voluntary
25 manslaughter charge. He told me I couldn't have it both

JOSEPH WALKER-CROSS BY MR. MITCHELL

1 ways. And I told him that I was pretty much stuck in a
2 rock between the hard place, which is what was basically
3 said to me before I came into court and took the plea by
4 my counsel. And I don't know, I was really confused at
5 the time. And I didn't -- I didn't know that I couldn't
6 take a plea to the murder charge and that I could take a
7 plea to the -- I thought that I could do either or. And
8 The Judge told me that I couldn't have it that way. I
9 couldn't cook -- I believe he said I couldn't cook ice, I
10 believe, that's what he said, his exact words.

11 Q So, you couldn't --

12 A But I did tell him that I wanted to take the
13 murder charge to trial, yes, sir.

14 Q Okay. But you ended up pleading guilty to the
15 murder charge, correct?

16 A Yeah, I pled to it, yes, sir.

17 Q Under Alford?

18 A Sir?

19 Q Under Alford? It was an Alford plead, correct?

20 A Well, the solicitor while in court he just came
21 out of nowhere and said, So, we'll allow him to take an
22 Alford plea. I never knew what it was, yes, sir.

23 Q Did Mr. Sheek discuss with you or talk to you
24 about the Alford plea or what it was?

25 A No. Somewhat. He told me that it wouldn't

JOSEPH WALKER-CROSS BY MR. MITCHELL

1 be -- it would be me admitting to a charge but not saying
2 it in open court. That's what he said.

3 Q Okay. And you were okay with going forward
4 after that?

5 A No, sir.

6 Q You weren't?

7 A No, sir, no, sir. I told The Judge I wasn't but
8 he told me that I couldn't have it both ways. I wanted to
9 plead to the drug offense, that I may have been on the
10 video selling drugs. But I told him I wanted to take the
11 murder charge to trial. And I was aware that I was going
12 to be facing a life sentence on either charge that I get
13 found guilty of. And I was never fully explained what the
14 difference was, would I be given life for the drug charge
15 if I was found guilty at trial, would I be found guilty --
16 I mean, given life -- another life sentence for the murder
17 charge had I been found got at trial? And I was found
18 guilty for attempted murder. So, I was real confused.
19 And I felt like I was pretty much under duress because I
20 couldn't get in contact with my counsel. So, that's
21 really what made it a lot harder for me. And I just felt
22 like I didn't get a good shot or good advice by my counsel
23 from the first trial, so.

24 Q Well, let me ask you this--

25 A That's what made me plead, sir.

JOSEPH WALKER-CROSS BY MR. MITCHELL

1 Q I apologize, I didn't want to interpret you.

2 A Oaky.

3 Q Let me ask you this, I know you were talking
4 about the previous attempted murder charge.

5 A Yes, sir.

6 Q When you came to court that day, you were aware
7 that you were pleading guilty to the drug charges and the
8 voluntary manslaughter, charge; correct?

9 A Actually, I wanted to go to trial when I talked
10 to my attorney. And it was like he just basically told me
11 that I have no option -- well no, let me take that back.
12 He told me that it would be better for me to go ahead and
13 take the plea, so to speak, because I'm already found
14 guilty. And with a murder charge with a life sentence or
15 attempted murder with the life sentence already, so.

16 Q Okay.

17 A I feel like I was coerced pretty much to take
18 the plea, sir, if that's what you're asking me.

19 Q When The Judge asked if you were satisfied with
20 your attorney, what was your response?

21 A I give a response, I believe -- I believe I
22 might have said, yes. I might have said, yes.

23 Q Okay. And you said you don't remember pleading
24 guilty under Alford or taking an Alford plea at all?

25 A I mean, how was I rewarded for it? I don't feel

JOSEPH WALKER-CROSS BY MR. MITCHELL

1 like I was rewarded for taking the plea.

2 Q I understand your answer but the question I
3 asked, yes or no, do you recall pleading guilty pursuant
4 to Alford?

5 A I do recall, yes, sir, I do recall.

6 Q Okay. Do you recall The Judge explaining to you
7 what an Alford plea was?

8 A But at the time, sir -- I do recall that. But
9 when The Judge asked me these questions, I tried to let
10 The Judge know on Page 27, Line 3, 8 and 14, Your Honor.

11 THE COURT: Yes, sir.

12 THE WITNESS: If you will.

13 THE COURT: What page?

14 THE WITNESS: Page 27.

15 THE COURT: Twenty-seven?

16 THE WITNESS: Yes, sir.

17 THE COURT: Okay.

18 THE WITNESS: Me, The Defendant, saying, That's
19 what I'm saying, Your Honor.

20 That's Line 3 and 4.

21 Line 8, That's what I'm saying, Your Honor.

22 That's what I was trying to ask my lawyer. Now, I'm
23 willing to take a plea with the drugs.

24 Line 11, like I said, it's not willing, it's not
25 I can have one way or the other, so that's what I'm

JOSEPH WALKER-CROSS BY MR. MITCHELL

1 willing to and I want to take the murder charge to
2 trial because I'm falsely accused, sir.

3 And like I said, I was trying to tell The Judge
4 at the time but I know he have a certain job he have
5 to do too. And certain rules to the court that he
6 has to do also. Because, you know, you can't have it
7 one way and the another. So, I should have -- facing
8 all this time and facing -- and doing the time that
9 I'm doing now for the attempted murder, I should
10 have -- I should have preserved all my constitutional
11 rights and went to trial. Because, you know, after
12 doing it I felt bad. I wish I could take it back
13 because I was never fully aware of what I was waiving
14 once I waived them. Do you follow, sir?

15 BY MR. MITCHELL:

16 Q I do. So, you said you were never fully aware?

17 A Yes, sir.

18 Q Previously you had gone to trial on the
19 attempted murder charge and found guilty, correct?

20 A Correct, correct.

21 Q And so, I'm assuming during that particular
22 trial, The Judge informed you of your constitutional
23 rights for that charge?

24 A Yeah, yeah, he did, yes, sir.

25 Q So, is it fair to say that you were pretty well

JOSEPH WALKER-CROSS BY MR. MITCHELL

1 informed about what constitutional rights you had?

2 A No, I was -- I was -- I'm still not aware of all
3 of my constitutional rights, sir. And I wasn't then. And
4 I wasn't at the trial either, sir, so.

5 Q Fair enough.

6 A No, sir, I wasn't.

7 MR. MITCHELL: Thank you so much, Mr. Walker.

8 MR. WALKER: You're welcome, sir.

9 MR. MITCHELL: That's all the questions I have,
10 Judge.

11 THE COURT: Okay.

12 Any redirect, sir?

13 MR. ARIAIL: No further questions, Your Honor.

14 THE COURT: All right, thank you, Mr. Walker,
15 you may step down. I appreciate your being here.

16 MR. WALKER: Yes, sir, thank you, Judge.

17 MR. ARIAIL: Your Honor, that's our case.

18 THE COURT: Okay.

19 Anything from The State?

20 MR. MITCHELL: Your Honor, The State would call
21 Mr. Lance Sheek.

22 THE COURT: All right.

23 THE CLERK: Mr. Sheek, place your left hand on
24 the Bible, raise your right hand.

25 Lance Sheek, after being duly sworn, testified

LANCE SHEEK-DIRECT BY MR. MITCHELL

1 as follows:

2 THE CLERK: Thank you. Please state your full
3 name for the record.

4 THE WITNESS: My name is Christopher Lance
5 Sheek. That is S-H-E-E-K.

6 DIRECT EXAMINATION

7 BY MR. MITCHELL:

8 Q Good morning, Mr. Sheek, how are you?

9 A Good morning. Good, sir.

10 Q Good. How long have you practiced law here in
11 South Carolina?

12 A Since 1992, so 25 years this year.

13 Q How much of that time has been devoted to
14 criminal law?

15 A All of it.

16 Q All of it. Okay. Now, I think we have heard
17 testimony from The Applicant that you were retained for
18 this particular case; is that correct?

19 A That is correct.

20 Q Can you tell me a little bit about the
21 underlining facts and how The Applicant was charged, if
22 you recall?

23 A Yeah, he had a charge for attempted murder that
24 occurred at the apartment complex of the mother of his
25 child. Where he was alleged to have gotten into a verbal

LANCE SHEEK-DIRECT BY MR. MITCHELL

1 altercation, I think, with the current boyfriend of hers.
2 And the testimony at trial was that he had come over and
3 gotten out of the car and fired several shots at this
4 person. And that is what they had testified to and that
5 was the facts.

6 Then he had the multiple distribution
7 charges that had been alluded to, distribution of crack
8 cocaine, the attempted proximity charges. Those were part
9 of an undercover operation. They were using a CI, video
10 tapes were retained on all of those instances. And then
11 there was a murder charge unrelated to any of those facts.
12 Were pretty much as Mr. Walker just testified, the facts
13 attaching him to that murder were somewhat tenuous. The
14 State had evidence but not as good a evidence as they had
15 on the other charges.

16 Q Fair enough. Let me ask you this, once you got
17 the discovery from The State, did you go over all that
18 information with Mr. Walker?

19 A I did. And it was a lot of information because
20 there were so many charges. As he indicated, Cassandra
21 Gordon had been involved. She had provided me a notebook,
22 which she had created, which was very helpful. Listed
23 some information that was missing that we had followed up
24 with The State to get. And on several occasions I drove
25 up to the detention center and met with Mr. Walker. His

LANCE SHEEK-DIRECT BY MR. MITCHELL

1 previous testimony was correct. Initially, we didn't know
2 what charges would be proceeding first. So, we were kind
3 of sketchy, kind of going over everything, nothing in
4 depth until we identified which case they were going to
5 try.

6 Q I guess, let me ask you this, backing up,
7 because this resulted in a guilty plea. But prior to
8 there was a trial which resulted in a guilty verdict,
9 correct?

10 A That is correct, yes.

11 Q Okay.

12 A Yes, what happened was is we were meeting with
13 Mr. Walker, was served with notice, as The State had told
14 me they were going to do. That they intended to seek live
15 without parole because he had two serious conviction. And
16 so, that put him at risk for life sentences on the
17 distributions, which were serious; of course, the murder
18 as well as the attended murder. So, we met and discussed
19 that after he got served. Obviously, he was wanting to
20 know what that meant. And we proceeded from there.

21 We ended up in trial here in Greenville
22 County. During that trial Mark Moyer, for The State,
23 handled all the cases. And mark was adamant that he
24 wanted a serious sentence. During the trial we were able
25 to get Mark to agree to waive the seeking of life without

LANCE SHEEK-DIRECT BY MR. MITCHELL

1 parole. He offered a 30 year sentence, concurrent, on the
2 attempted murder and the distributions. But Mark wanted
3 Mr. Walker to pled to the murder. But Mr. Walker was
4 adamant that he didn't have anything to do with the
5 murder. Some how or another, I got Mark to agree to
6 actually just leave that one out. We would plead to the
7 others, all would be concurrent, waive the LWOP and we
8 would have the opportunity to go to trial on the murder
9 charge.

10 Mr. Walker was uncomfortable with the 30
11 year recommendation and ultimately declined that. And we
12 proceeded on with the trial. And unfortunately, the jury
13 found him guilty. He was under the notice of live without
14 parole and that was the sentence.

15 Q And the rest of these charges were still
16 outstanding after he was sentenced to that?

17 A That is correct, they were all outstanding.

18 Q Okay. And turning your attention back to the
19 present charges for which he's filed the application, is
20 it fair to say that you discussed all possible defenses
21 with him in regards to these charges?

22 A We did. I always felt the murder was
23 defensible. I always told Mr. Walker that I felt it was
24 defensible. He maintained his innocence in that. You
25 know, as Mr. Steele testified earlier, there's always a

LANCE SHEEK-DIRECT BY MR. MITCHELL

1 possibility of conviction, but it was a defensible case.

2 The drugs were much more serious. Mark had
3 allowed me to see the videos, he wouldn't allow me copies
4 of them but he did allow me copy of the still shot showing
5 Mr. Walker in the videos. And a couple of those
6 Mr. Walker got a chance to look at. Because we discussed,
7 actually, what you could see in the background was the
8 area near where Mr. Walker lived and some things of that
9 nature.

10 Q Let me ask you this, the solicitor, I guess I
11 should say assume, but he pled guilty to all the charges
12 at one time. Was the solicitor ever willing to, I guess,
13 try one of the cases and plead guilty to the drugs?

14 A No. After the conviction, when Mr. Walker
15 received the life sentence, Mr. Moyer's position then was,
16 of course, a plea to a serious offense under the notice of
17 a LWOP is another life sentence. So, I tried to get to
18 him to agree to a 30 year sentence on the, concurrent, on
19 the drugs and allow us to try the murder. The State was
20 not interested in that.

21 Q So, you tried everything you could to separate
22 those charges?

23 A Well, I mean, we could have tried them all
24 separately. We could have declined the recommendation and
25 tried them all. And as Mr. Walker testified, when I

LANCE SHEEK-DIRECT BY MR. MITCHELL

1 discussed with him, he was in a horrible situation at that
2 time. I told him that I felt like our chance of
3 succeeding with an acquittal on the drug charges was very
4 slim because of the videos. And that if we lost any of
5 those, that was going to be another life sentence on him.
6 And that's what, basically, we would have been forced to
7 do in order to try the murder, we would have either been
8 forced to plead straight up on the crack charges or go to
9 trial on them.

10 Q Okay. And in regards to the actually plea date
11 that day, did you discuss with him -- because I think
12 there's been some discussion about whether he knew what an
13 Alford plea was. Did you discuss with him what an Alford
14 plea was?

15 A Yeah, we did. And the reason it came up is I
16 told Mr. Moyer that Mr. Walker was just adamant that he
17 was not going to admit to having any part of that murder.
18 Originally, Mr. Moyer was not inclined to do an Alford
19 plea. But I told him that Mr. Walker was not going to
20 stand up here under oath and say that he did it. That
21 plea -- it was offered that if The Judge would take it, we
22 could present it under Alford. And that's what Mr. Walker
23 was talking about when I told him that you don't admit to
24 guilt. But you receive a sentence, it goes on your record
25 just as if it was a guilty plea.

LANCE SHEEK-CROSS BY MR. ARIAIL

1 Q Okay. And he was well aware of that?

2 A Yes.

3 Q Okay.

4 Mr. Sheek, that's the questions I have for
5 you, please and any questions that Mr. Ariail may have.

6 THE WITNESS: Thank you.

7 MR. ARIAIL: Thank you, Your Honor, may it
8 please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. ARIAIL:

12 Q Mr. Sheek, how you doing today?

13 A I'm doing good, sir.

14 Q Good. Now, your representation, I guess, with
15 Mr. Walker overlapped? I mean, you had the attempted
16 murder charge and then you have these new charges, I
17 guess, he retained you on everything; is that correct?

18 A He retained me on everything with the exception
19 of there was a charge. And I don't remember if it was
20 intimidation of a witness or obstruction of jail property.
21 It was something that had occurred while he was in jail
22 that Ms. Gordon still represented him on.

23 Q Okay. She had him, and this is what I want to
24 kind of get into a little bit. Is Ms. Gordon had him at
25 some point, representing him on these charges that we're

LANCE SHEEK-CROSS BY MR. ARIAIL

1 here today on; is that correct?

2 A That is correct.

3 Q Okay. So, at some point in time he retained you
4 to take those charges over and she continued to have
5 conversations with him, are you aware of that?

6 A Yeah, I was aware of that. She was still
7 representing him on this other charge. She had indicated
8 to me that, of course, when she would visit him that he
9 would have questions from time to time that would involve
10 these charges. And she asked if I had a problem with them
11 having that discussion. Mr. Walker and I talked about
12 that. He didn't have a problem with it, I didn't have a
13 problem with it just so long as I knew what the nature of
14 those discussions were.

15 Q Okay. And it appears from some of the emails
16 that she was, I guess, doing some work on the case, I
17 think it was the murder charge and asking Paul Salvaggio
18 to check on some items do some things --

19 A Correct?

20 Q --were you aware of those?

21 A Yes.

22 Q Okay. Was there any, I guess, looking back at
23 it now, was there any confusion that he had or anything
24 that would have created a problem for him during that
25 representation based upon her doing work and you doing

LANCE SHEEK-CROSS BY MR. ARIAIL

1 work?

2 A I'm not aware of whether it created any
3 confusion for Mr. Walker. I did ask Ms. Gordon to go
4 down, as he indicated, so that we both could talk to him
5 together. So that there would be no confusion whatsoever.
6 If he had questions of either of us, he could ask us there
7 together. And then I remember, of course, that we both
8 also said in addition to speaking to us both together,
9 obviously, we can talk to you individually about your
10 respective charges if you need to do that also.

11 Q Right. Was there ever any issue or did he raise
12 any concerning, well Mr. Gordon told me one thing and
13 you're telling me something different. Any conflicts like
14 that that arose that you're aware of?

15 A I don't recall that. I recall him asking me
16 some questions. But it wasn't in the vain, to my
17 recollection, of well she told me differently so why are
18 you telling me this.

19 Q Okay. So, there was nothing that stood out to
20 you to say, Hold on, I got to stop this and get Ms. Gordon
21 out of this because she's saying something different than
22 I am?

23 A No, if that was going on I wasn't aware of it.

24 Q Okay.

25 A I understand that he's testified to that, I

LANCE SHEEK-CROSS BY MR. ARIAIL

1 wasn't aware of that.

2 Q Right. Was there anything that you were aware
3 of -- I mean, you went forward, you had the plea, did he
4 at any time tell you, Well, I'm not going to do this
5 because Ms. Gordon told me that I can get this or this or
6 some other items?

7 A I don't recall that, no, sir.

8 Q Okay. Now, you went over with him, I guess, the
9 discussion about the murder charge that were certain
10 things that were beneficial to him and, I guess, that's
11 why y'all worked that down to voluntary manslaughter?

12 A That is correct, yes. The murder was a
13 defensible case.

14 Q Okay. The distribution, you said he was on tape
15 on one of those, at least, that--

16 A He was on tape on a couple of them.

17 Q Okay.

18 A And the one that sticks out in my mind, he had
19 on a sweatshirt with a hood and through a lot of it you
20 couldn't really see his face, which was encouraging to me.
21 And then he suddenly turns sort where the hidden camera
22 was and you just got this very clear face shot. And that
23 was the still shot that we, actually, looked at and talked
24 about.

25 Q Okay. So, he was -- when you say he looked at

LANCE SHEEK-CROSS BY MR. ARIAIL

1 the still, did you take it down to him at the law
2 enforcement center or?

3 A No, that was actually here. We had it on the
4 computer. And we stopped the proceedings and The Judge
5 gave us an opportunity to talk about resolving everything.
6 And we pulled up several different stills on the computer
7 and looked at those.

8 Q Okay. And that's when, I guess, after y'all
9 looked at those, that he decided to plead guilty? Is that
10 the same time?

11 A That was actually during the trial.

12 Q That was during the trial.

13 A And that was when we had worked out this plea
14 offer and he declined that?

15 Q Okay, got you. Okay. So, the 30 years for
16 voluntary manslaughter and ten years for distribution,
17 that's what he got in regards to these charges and pled
18 guilty to those?

19 A That's correct.

20 Q Okay. Now, do you feel like you had the time to
21 talk with him and go over all the discovery that he had in
22 this case?

23 A Yes.

24 Q You think he was well aware of what he was
25 looking at and the what -- what was going to be used

LANCE SHEEK-CROSS BY MR. ARIAIL

1 against him at trial?

2 A Yes. Because at the time we entered these
3 pleas, like I said, we had already tried the attempted
4 murder. And I remember, as I say, I mean, he was in a
5 terrible position as far as negotiations. And I told him
6 that the notice of appeal, of course, had been filed on
7 the attempted murder conviction, Appellate Defense had
8 that. And that he also had some PCR avenues that would be
9 available to him that I wasn't comfortable advising him
10 on, you know, whether or not I was ineffective.

11 Q Right.

12 A But that if he wanted some light at the end of
13 the tunnel, a subsequent conviction on any of these drug
14 charges was going to hinder that. Because then he would
15 have another life sentence basically on it.

16 Q Right. Right. Did you know of Ms. Gordon
17 continued to talk with him and work with him after he had
18 been convicted of these charges?

19 A I do not know if she continued to work with him
20 after his plea.

21 Q Okay.

22 Your Honor, I have no further questions.

23 THE COURT: Okay.

24 Any redirect, sir?

25 MR. MITCHELL: No, Your Honor.

LANCE SHEEK-REDIRECT BY MR ARIAIL

1 THE COURT: All right, thank you, Mr. Sheek, you
2 can step down. I appreciate your being here.

3 All right, anything further from The State?

4 MR. MITCHELL: No, nothing further, Your Honor.

5 THE COURT: All right.

6 Any arguments you need to place on the record,
7 sir?

8 MR. ARIAIL: Your Honor, I think my client
9 wanted one more question in regards to Mr. Sheek.

10 THE COURT: Okay.

11 All right, Mr. Sheek, you stay right there, stay
12 right there. You continue under oath.

13 Go ahead, ask it.

14 REDIRECT EXAMINATION

15 BY MR. ARIAIL:

16 Q Did Ms. Gordon ever tell you that she went to
17 see him down in Kirkland after his conviction?

18 A Mr. Ariail, I could not with absolute certainty
19 said she's never said that, I don't recall it.

20 Q Okay.

21 MR. ARIAIL: Your Honor, I have no further
22 questions.

23 THE COURT: Okay.

24 Thank you, Mr. Sheek, I appreciate it.

25 Okay. All right, counsel and sir, I'll take the

1 matter under advisement. You have given me,
2 Mr. Walker, all these documents and I'll go through
3 them, and I'll read them in conjunction with the
4 transcript of the record and all of the documents
5 which have been submitted to me, which includes your
6 application and also the response. Okay.

7 Yes, sir.

8 MR. WALKER: Your Honor, if I may?

9 THE COURT: Yes, sir.

10 MR. WALKER: I had asked that Ms. Cassandra
11 Gordon be here today. Because I know I have a lot of
12 allegations because I was dealing with two counsel
13 representing me for the same charges. So, I don't
14 know why Mr. Ariail didn't --

15 Did you try to get her here, Mr. Ariail, sir?

16 MR. ARIAIL: Your, if I can--

17 THE COURT: Yeah, sure.

18 MR. ARIAIL: The reason, and I talked to him in
19 regards to this, the allegations are ineffective
20 assistance of counsel in regards to Mr. Sheek. He's
21 testified what he believed and got that in. Through,
22 it was probably hearsay, in regards to what she said
23 and some of those items. I think he's got in what is
24 needed. Also, I don't know, based upon what he's
25 asked me to put in through Ms. Gordon, how that would

1 prove the ineffective assistance of counsel of
2 Mr. Sheek. And I've also been able to put in the
3 information through emails, that are related to her
4 showing the items that he wanted to raise that we're
5 about here today.

6 THE COURT: Okay.

7 MR. WALKER: Your Honor, I'm not use to doing
8 this. I'm trying to be real, I'm sorry for The
9 Court's time but I feel like I was represented by two
10 counsel for same the charges and I thought they both
11 would be here today.

12 THE COURT: Yes, sir.

13 MR. WALKER: So, they can both be on the stand
14 so I can, you know, raise my issues and put my claims
15 on the record. So, when I see only one of them here,
16 it's like -- it's like a magic trick almost. Because
17 it was like, you know, he was there but he's
18 ineffective for not being there period. And allow me
19 to proceed with Ms. Gordon giving all this. You see
20 what I'm saying? That's the picture I'm trying to
21 tell, sir.

22 THE COURT: I understand, sir. Did you, in your
23 application, and in all of these documents that you
24 have provided to the court, do you say what your
25 issue with Ms. Gordon is?

1 MR. WALKER: I do, yes sir. Yes, Your Honor.

2 THE COURT: All right. Well, I've allowed all
3 of this in. Now, it's over objection from The State.
4 And in all honesty, probably a good portion of this
5 is not admissible. But I wanted to give you the
6 opportunity to put into the record everything you
7 needed to put into the record. If you fully
8 articulated, that is you described in this document
9 what Ms. Gordon did or didn't do, then I'll consider
10 that, okay.

11 MR. WALKER: Thank you, Your Honor.

12 THE COURT: All right, good luck to you, sir.
13 Have a Merry Christmas.

14 (WHEREUPON, the proceedings were concluded.)
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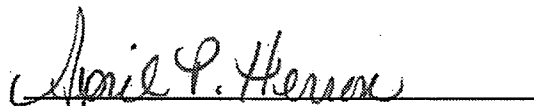
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for
the Thirteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the trial of
the captioned case, relative to appeal, in the Court of
Common Pleas for Greenville County, South Carolina, on the
13th day of December, 2017.

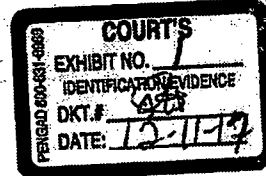
I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

July 8, 2018



APRIL P. HERRON, Court Reporter

Joseph C. Walker #285497
Perry, Conn. Inst.
436 Oaklawn Rd.
Pelzer, S.C. 29669



November 29, 2017

R. Mills Aivail, Jr.
11 North Irvine Street
Greenville, S.C. 29601

Re: Joseph C. Walker vs. State of South Carolina
Case No: 2015-CP-23-04239

Dear Mr. Aivail:

Please be advised that I am respectfully requesting that you, as my attorney, amend my case no: 2015-CP-23-04239. P.C.R. application and also have all e-mails and other materials that included in this packet be authenticated and be entered into the record as Exhibits to help me show and prove my burden. I also respectfully request that you subpoena Ms. Cassandra Barton for my up-coming hearing.

Thank you for your consideration of this letter.

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NOV 30 2017

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1 of 2

#285497
Joseph C. Walker
436 Oaklawn Rd.
Pelzer, S.C. 29669

Joseph C. Walker
 Perry Conn. Inst.
 430 Oaklawn Rd.
 Pelzer, S.C. 29669

R. Mills Atrial, Jr.
 11 North Lurine Street
 Greenville, S.C. 29601

November 29, 2017

Re: Joseph C. Walker vs. State of South Carolina
 Case No: 2015-CP-23-04239

Dear Mr. Atrial:

Please be advised that I am respectfully requesting that you, as my attorney, amend my case no: 2015-CP-23-04239. PCR application and also have all e-mails and other materials that included in this packet be authenticated and be entered into the record as Exhibits to help me show and prove my burden. I also respectfully that you subpoena Ms. Cassandra Gorton for my up-coming hearing.

Thank You for your consideration of this letter.

Joseph C. Walker #285497
 430 Oaklawn Rd.
 Pelzer, S.C. 29669

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PCI Mailroom

Applicant's 6th and 14th Amendment rights were violated in that trial counsel coerced applicant to plead Alford when S.C. Code Am. § 17-23-80 bar courts from accepting an Alford plea coupled with innocent claims.

The United States Supreme Court in Alford stated that state and lower federal courts are divided upon whether a guilty plea can be accepted when it is accompanied by protestations of innocence and hence contain only a waiver of trial but no admission of guilt. Some courts giving expression of the principle that "our law only authorizes a conviction where guilty is shown", Horris v. State, 76 Tex. CR 126, 131, 192 S.W. 975, 977 (1915) requires that trial judges reject such pleas. See e.g. Halsey v. United States, 369 F.2d 284, 287 (1966); United States ex rel Elkins v. Gilligan, 256 F.Supp. 244, 255-257 (S.D.N.Y. 1066); People v. Morrison, 348 Mich. 88, 81 N.W. 2d 667; State v. Real, 26 N.J. 222, 139 A.2d. 300 (1958); State v. Leyba, 453 P.2d 211, 214 (1969); State v. Stacy, 261 P.2d 400, 402-403. In it's strictest sense an "Alford" refer to a defendant who pled guilty but maintained that he is innocent. See United States v. Horlan, 35 F.3d 176, 180 n. (5th Cir. 1994) and in "Aford" the U.S. Supreme Court held "states may bar their courts from accepting guilty pleas from any defendant who assert their innocence, U.S.C.A. Const. Amend 14.

Applicant Walker entered his plea to voluntary manslaughter pursuant to "Alford", See Trans, page # 29, which was accepted by the court as a guilty plea. See Transcript pg# 27.

The court was given adequate notice that applicant was claiming innocence to murder and voluntary manslaughter. Both counsel and applicant entered the facts of his innocence into the record. Under S.C. statutory law a guilty plea cannot be accepted by the court unless a defendant expressly admits guilt. S.C. Code Ann § 17-23-80 (1976):

"Manner by which persons who have been indicted may be convicted....

No person indicted for an offense
shall be convicted thereof unless by
confession of his guilt in open court,
by admitting the truth of the charge
against him by his plea of demurrer
by the verdict of jury accepted and
recorded by the court, or as provided
in § 17-23-40".

In constructing a statute, words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute. See State v. Sims, 304 S.C. 409, 405 S.E.2d 377(1991) cert. denied ___ U.S. ___, 112 S.Ct. 1193, 117 L.Ed 434 (1992). The language of S.C. Code § 17-23-80 (1976) is plain, concise and can only be interpreted as banning a guilty plea conviction unless a defendant confess in open court.

Therefore, §17-23-80 bars defendant's guilty plea under Alford where it was entered coupled with claims of innocence.

The cardinal rule of statutory interpretation is to ascertain and effectuate the intention of the legislature. Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E. 2d 578, 580 (2000). That it's the courts primary function in interpreting a statute. State v. Blackman, 304 S.C. 270, 273, 403 S.E.2d 660, 662 (1991). If a statute's terms are clear and unambiguous on their face, there is no room for statutory interpretation and courts must apply the statute according to it's literal meaning. Carolina Power and Light Co. V. City of Bennetville, 31 S.C. 137, 139, 442 S.E.2d 177, 179 (1994); Holly v. Mount Mills Inc., 312 S.C. 320, 323, 440 S.E.2d 373, 374 (1994) and the court has no right to look for or impose another meaning. See Pascal v. State Electric Commission, 317 S.C. 434, 454 S.E.2d 890, 892, " the state's legislative power is the supreme authority except as limited by the constitution of the state", McPerson v. Blacker, 146 U.S. 1, 25, 13 S.Ct. 3, 36 L.Ed. 869 (1892).

S.C. Code Ann § 17-23-80 (1976) established procedural safeguards outlining the manner by which defendant(s) could be convicted under guilty plea(s). Applicant did not waive his right to these statutory safeguards, and the S.C. Supreme Court in State v. Orr, 304 S.C. 185, 403 S.E.2d 623 (1991) held that a waiver of a constitutional or statutory right be clearly shown on the record, which shall reflect that the applicant made such waiver knowingly and intelligently. If Judge Hill had insisted on applicant confessing guilt in open court as required by § 17-23-80, the facts and circumstances of applicant's conflict between waiver of continued trial and claims of innocence would have been revealed, See. Tr. Transcript, p# 27. Applicant was and is innocent of the voluntary manslaughter but pled guilty via the Alford plea because counsel was not adequately prepared to represent applicant as counsel was ill prepared to support with documentation.

A situation like this is exactly what § 17-23-80 was enacted to safeguard against. Further, counsel failed to even make or attempt to impeach the State's main witness even though applicant had provided counsel with detailed information which could have called the credibility of witnesses statement/testimony into question.

Clearly applicant's guilty plea entered under Alford with claims of innocence attached violated section § 17-23-80 and cannot be accepted unless the record shows a knowing and intelligent waiver of rights. That will not happen in this case and the error affects substantive rights and cannot be considered harmless. Applicant was denied a fair proceeding.

Based on the foregoing, applicant moves this court to find his conviction and sentence of voluntary manslaughter be void.

The facts and evidence in this case conclusively demonstrate that the applicant's conviction is in violation of constitutional and statutory law. The violations arose because the voluntary manslaughter guilty plea entered under Alford in violation of section § 17-23-80.

Subject: Fwd: Joseph Walker

From: Cass Gorton (cassgorton@yahoo.com)

To: davedra47@yahoo.com;

Date: Tuesday, March 13, 2012 9:10 AM

Please print
Thanks
Sent from my iPad

Begin forwarded message:

From: Cassandra Gorton <cassgorton@yahoo.com>
Date: February 6, 2012 7:08:45 PM EST
To: Paul Silvaggio <paul@silvaggioinvestigations.com>
Subject: Joseph Walker
Reply-To: Cassandra Gorton <cassgorton@yahoo.com>

This is case #3.

Est to start, to explore whether defense exists = 15-20 hours

Joseph Christopher Walker
M803214 Poss weapon during
M803213 Murder

Need to know time of incident.

Def was in jail on incident date of 11/25, not released until after lunch

Then claims less credible alibis for remainder of day (mom and girlfriend, who are both under the impression he did it but acted in self defense)

Assuming the offense was later in the day, I need you to explore his claim and belief of alt perp as follows:

vic was Johnathan Shawn young

he and def had been friends since teens

Def had been in SCDC (a & B w/ intent to kill)

and had been released April 2011

When he came home and wanted to hook up w/ vic, friends said stay away, turned snitch

I already pulled vic's records, and this actually appears to be a credible claim.....

Anyway, Def says that he believes the following

- that the person who ID ed Def as the perp (Nicholas Williams) had been snitched on by the vic
- also believes that Nicholas Williams had been a suspect when questioned, needed to move the heat off

-Def also heard that there were 3-4 other people IDed as suspects before him

-That Carolyn Anderson (Sutherland Street) gave a statement

- that Kevin Martin gave a statement.

Def wants us to canvas the street for witnesses.

I think we need to do this initial stuff first.

If canvassing, know his mom lives there, and she's willing to help point out who is who

Mom = Lilly Nesbitt 271-0971 16 Sutherland Street

Def has 8 other pending charges.

2 VOPs

2 set re Attempted murder in July 2011

4 set of drug related

2 set of drug related

he had just been released on bond on a set of drug charges the day of the incident.

Rumor re vic being a snitch could easily bite us in the ass....

My goal is to learn and document what we can expect at trial as far in advance as possible,

and possibly shift the client's focus/priority to a wrap deal

Cass

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COPY

GEOLY, SHEEK & MERRITT, LLC

1225 South Main Street
Greenwood, SC 29646
Attorneys at Law

Stephen D. Geoly
C. Lance Sheek
Robert E. "Bob" Merritt

864-223-3352
864-223-3400 fax

June 15, 2012

Mark Moyer
Assistant Solicitor
13th Judicial Circuit
305 East North St Suite 325
Greenville, SC 29601-29185

Re: Plea Offer for State v. Joseph Christopher Walker

Dear Mr. Moyer:

Thank you for plea offer dated June 7, 2012 regarding the above referenced Defendant. Please note that this offer was sent to an old address and I did not receive the same until June 13, 2012. Please note my current address at the top of this letterhead and forward all future correspondences to me at this location.

I have reviewed the discovery responses provided to Mr. Walker's previous attorney and have met with Mr. Walker on numerous occasions. At this time, all along with Bob Merritt, my law partner, have serious questions and concerns regarding the investigation and these discovery responses. I would like to schedule a time to meet with you to review the materials provided with us compare it with your file to ensure that we have full and complete response to our discovery request. I will have my secretary call your office to schedule this meeting.

In regards to your offer, once we have had a chance to review the full discovery we will provide you with a response on or before the date indicated in your letter. At this time, I do not anticipate Mr. Walker tendering guilty plea as the evidence provided to me appears, in my opinion, to be insufficient to convict him on the crime of which he is charged.

I look forward to hearing from you soon.

The State will make the following sentence recommendations/negotiation:

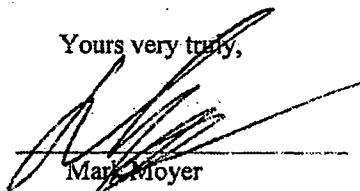
Please let me know if your client is willing to plead guilty to a reduced charge of voluntary manslaughter rather than murder and I will see if that is something I can do. If we are going to be able to work out a guilty plea for all of these charges, we need to do so by the date indicated.

Other conditions/comments:

Also, please note that the defendant is eligible for mandatory sentence of life without parole (due to his prior convictions for PWID drugs within proximity of a school) if we serve him with notice of intent to seek such sentence and if he is convicted of attempted murder, murder, or voluntary manslaughter.

Please contact me as soon as possible with your client's response as plea negotiations must be concluded and the guilty plea entered before 10/30/2012 or this and any other offers are automatically withdrawn. If your client does not plead guilty by this date, the case(s) will be placed on the trial calendar for disposition without further negotiation.

Yours very truly,



Mark Moyer
Assistant Solicitor

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

6/7/2012

C. LANCE SHEEK
414 MONUMENT ST. STE B
GREENWOOD, SC 29646

RE: Plea Offer for State v. Joseph Christopher Walker

Dear C. lance Sheek :

I am willing to make the following proposal to your above-referenced client in order to dispose of these charges by way of a guilty plea:

The Defendant will plead guilty to the following:

Warrant Number: Charge:

M802025 Attempted Murder

M802027 Pointing and presenting firearms at a person

M803113 Manufacture, distribution, etc. of cocaine base, 3rd

M803114 Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

M803115 Manufacture, distribution, etc. of cocaine base, 3rd

M803116 Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

M803213 Murder

M803214 Poss. weapon during violent crime

M803548 Manufacture, distribution, etc. of cocaine base, 3rd

M803549 Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

N210250 Intimidation of court officials, jurors, or witnesses

RECEIVED
BY MAIL / DATE 6/13

127

PJV004R

10/18/2015 2:16:22PM
Job Number 1268077

Greenville County Detention Center

Inmate Visits

Page 1 of 3
JMORAN

COPY

Inmate 0420 WALKER, JOSEPH CHRISTOPHER Sex M Race B DOB 06/24/1984 Booked 12/01/2011 Cell ID Pack# 0185898

From Date	Time	To Date	Time	Type	Visitor	Status
03/31/2013	19:45	03/31/2013	20:20	Professional	SHEEK, LANCE CHRISTOPHER	Visited
03/27/2013	12:27	03/27/2013	13:26	Professional	SHEEK, LANCE CHRISTOPHER	Visited
03/27/2013	12:27	03/27/2013	13:26	Professional	DAVIS, KATRINA	Visited
03/21/2013	09:37	03/31/2013	11:31	Professional	GORTON, CASS	Visited
03/10/2013	08:58	03/10/2013	11:30	Professional	GORTON, CASSANDRA	Visited
03/01/2013	15:19	03/01/2013	16:27	Professional	GORTON, CASS	Visited
02/17/2013	09:51	02/17/2013	10:47	Professional	GORTON, CASSANDRA	Visited
02/07/2013	13:08	02/07/2013	15:00	Professional	SHEEK, LANCE	Visited
02/03/2013	10:10	02/03/2013	10:58	Professional	GORTON, CASS	Cancelled App (Phone
01/31/2013	13:00	01/31/2013	14:30	Professional	SHEEK, LANCE	Visited
01/26/2013	13:15	01/26/2013	14:52	Professional	GORTON, CASS	Visited
01/19/2013	09:41	01/19/2013	10:16	Professional	GORTON, CASS	Visited
01/06/2013	09:58	01/06/2013	11:22	Professional	GORTON, CASS	Visited
12/24/2012	09:37	12/24/2012	10:57	Professional	GORTON, CASS	Visited
12/24/2012	08:37	12/24/2012	09:35	Professional	GORTON, CASS	Visited
12/07/2012	13:41	12/07/2012	14:41	Professional	GORTON, CASS	Visited
11/29/2012	10:45	11/29/2012	11:08	Professional	GORTON, CASS	Visited
11/19/2012	12:42	11/19/2012	13:15	Professional	GORTON, CASS	Visited
11/02/2012	14:20	11/02/2012	15:20	Professional	SHEEK, CHRISTOPHER	Visited
10/27/2012	08:30	10/27/2012	09:44	Professional	GORTON, CASS	Visited
10/13/2012	09:30	10/13/2012	11:19	Professional	GORTON, CASS	Visited
10/05/2012	13:39	10/05/2012	14:32	Professional	GORTON, CASS	Visited
09/22/2012	08:50	09/22/2012	09:50	Professional	GORTON, CASS	Visited
09/18/2012	13:25	09/18/2012	13:27	Professional	LYNCH, MARTHA	No Show
09/16/2012	09:53	09/16/2012	10:58	Professional	GORTON, CASS	Visited
09/09/2012	09:40	09/09/2012	10:22	Professional	GORTON, CASS	Visited
09/06/2012	14:17	09/06/2012	15:08	Professional	SHEEK, LANCE CHRIS	Visited
08/26/2012	09:10	08/26/2012	09:35	Professional	GORTON, CASS	Visited
08/04/2012	12:19	08/04/2012	12:41	Professional	GORTON, CASS	Visited
07/27/2012	10:15	07/27/2012	11:12	Professional	GORTON, CASS	Visited

PJV004R

10/18/2015 2:16:22PM

Job Number 1268077

Greenville County Detention Center

Inmate Visits

Page 2 of 3

JMORAN



Inmate 0420 WALKER, JOSEPH CHRISTOPHER				Sex M Race B	DOB 06/24/1984	Booked 12/01/2011	Cell	ID Pack# 0185898
From Date	Time	To Date	Time	Type	Visitor		Status	
07/15/2012	08:30	07/15/2012	09:57	Professional	GORTON, CASS		No Show	
07/05/2012	12:35	07/05/2012	14:00	Professional	GORDON, CASS		Visited	
06/24/2012	09:24	06/24/2012	09:46	Professional	GORTON, CASS		Visited	
06/17/2012	09:09	06/17/2012	10:00	Professional	GORTON, CASS		Visited	
06/13/2012	13:00	06/13/2012	14:30	Professional	MERRITT, ROBERT		No Show	
06/13/2012	10:10	06/13/2012	10:27	Professional	MERRITT, ROBERT		Visited	
06/10/2012	13:07	06/10/2012	13:11	Professional	GORTON, CASS		Visited	
05/27/2012	08:52	05/27/2012	09:31	Professional	GORTON, CASS		Visited	
05/11/2012	09:13	05/11/2012	10:07	Professional	MERRITT, BOB		Visited	
04/18/2012	12:49	04/18/2012	13:29	Professional	SHEEK, CHRISTOPHER		Visited	
04/06/2012	14:00	04/06/2012	14:30	Professional	CHEEK, CHRISTOPHER		No Show	
03/23/2012	18:45	03/23/2012	19:01	Professional	GORTON, CASS		Visited	
03/22/2012	08:54	03/22/2012	09:56	Professional	GORTON, CASS		Visited	
03/20/2012	14:30	03/20/2012	15:30	Professional	WALKER, JOSEPH		No Show	
03/09/2012	17:45	03/09/2012	18:26	Professional	GORTON, CASS		Visited	
03/02/2012	10:34	03/02/2012	11:25	Professional	GORDON, CASS		Visited	
02/27/2012	18:00	02/27/2012	18:15	Professional	SHEER, CHRISTOPHER		Visited	
02/23/2012	19:00	02/23/2012	19:43	Professional	SHEEK, LANCE		Visited	
02/17/2012	14:30	02/17/2012	16:10	Professional	GORDON, CASS		Visited	
02/10/2012	08:25	02/10/2012	08:49	Professional	ROBINSON, SCOTT		Visited	
02/06/2012	13:40	02/06/2012	14:00	Professional	ROBINSON, SCOTT		Visited	
02/03/2012	12:35	02/03/2012	13:14	Professional	GORDON, CASS		Visited	
01/17/2012	12:42	01/17/2012	13:10	Professional	MUSSETTO, JOHN		Visited	
01/15/2012	09:00	01/15/2012	09:55	Professional	CONNLEY, LEE		Visited	
01/10/2012	14:35	01/10/2012	14:44	Professional	SMITH, TOM		Visited	
01/05/2012	18:50	01/05/2012	19:18	Professional	ROBINSON, SCOTT		Visited	
12/30/2011	12:46	12/30/2011	13:11	Professional	POSEY, CHRIS		Visited	
12/23/2011	10:11	12/23/2011	10:28	Professional	ROBINSON, SCOTT		Visited	
12/22/2011	13:40	12/22/2011	14:39	Professional	ROBINSON, SCOTT		Visited	
12/22/2011	09:00	12/22/2011	09:30	Professional	CONNOLLY, LEE		Cancelled App (Phone	

PJV004R

10/18/2015 2:16:22PM
Job Number 1266077

Greenville County Detention Center

Inmate Visits



Page 3 of 3
JMORAN

Inmate 0420 WALKER, JOSEPH CHRISTOPHER Sex M Race B DOB 06/24/1984 Booked 12/01/2011 Cell ID Pack# 0185898

From Date	Time	To Date	Time	Type	Visitor	Status
12/21/2011	12:23	12/21/2011	12:35	Professional	POSEY, CHRIS	Visited
12/21/2011	08:42	12/21/2011	09:36	Professional	POSEY, CHRIS	Visited
12/20/2011	17:57	12/20/2011	19:15	Professional	ROBINSON, SCOTT	Visited
12/20/2011	12:31	12/20/2011	13:07	Professional	POSEY, CHRIS	Visited
12/20/2011	09:01	12/20/2011	10:00	Professional	ROBINSON, SCOTT	Visited
12/14/2011	12:22	12/14/2011	13:15	Professional	POSEY, CHRIS	Visited
12/12/2011	12:20	12/12/2011	12:40	Professional	BEASLEY, RYAN	Visited
12/12/2011	12:18	12/12/2011	12:35	Professional	POSEY, CHRIS	Visited
12/08/2011	12:33	12/08/2011	13:18	Professional	POSEY, CHRIS	Visited
12/07/2011	09:38	12/07/2011	09:58	Professional	ROSS, SUSANNAH	Visited
12/06/2011	13:30	12/06/2011	13:34	Professional	POSEY, CHRIS	Visited
12/04/2011	14:00	12/04/2011	14:30	Professional	POSEY, CHRISTOPHER	Visited
12/02/2011	13:29	12/02/2011	13:42	Video - Professional	AUSTIN, ROBIN	Visited

*****End of Report*****



Department of Public Safety
Records Management Services Division

Jinny Moran, Captain
County Records Manager
(864) 467-5211
www.greenvillecounty.org

October 16, 2015

Joseph C. Walker #285497
Perry Correctional Inst
430 Oaklawn Road
Pelzer, SC 29669

RE: PRO V report (last incarceration date)

Dear Mr. Walker:

We have received your letter requesting the above report. A copy of the Professional Visitor List for your booking date of 12/01/2011 to 04/03/2013 is enclosed. Per your request, Ms. Tomeka Dennis will pick up the report on Monday, 10/19/2015.

Sincerely,

Jinny Moran, Captain
County Records Manager



Joe Walker

Cassandra Gorton <cassgorton@yahoo.com>

Wed, Jul 18, 2012 at 2:18 PM

Reply-To: Cassandra Gorton <cassgorton@yahoo.com>

To: Lance Sheek <sheeklaw@yahoo.com>, Robert Merritt Attorney at Law <merrittlaw@nctv.com>

Dear Bob and Lance:

Before filing the additional ppwk required to get a bond hearing, I called Probation to verify Joe's belief that his probation officer Michelle Buncomb was "cool" and probably willing to postpone the VOP til the dispo of his cases. What I learned is that his files had been transferred to Agent Amanda King (not my favorite). King called me back, leaving a voice mail, and stated that she was trying to schedule the VOPs for hearing sooner vs later, and further stated that the new charges were the basis for the VOP, and that she was seeking full revocation at his full exposure, which is 9 years.

I then left a message for her, asking her to please hold off til the dispo of the cases, but I probably need to hand this over to you (she has not responded to my pleas), as the VOPs are yours.

Bottom line, which I've already explained to Joe, is

that this lady is not the most agreeable person, and that the ONLY chance (and a slim chance) that you have in getting her to wait until the new cases are resolved is if you agree to leave him in jail until then, foregoing the bond reduction motion (that is not likely to be an amount he can pay anyway) BUT that's better than getting 9 years now. ...

He understand and agrees, but would like to discuss the VOPs further with you when you get a chance.

BTW- if I'm stepping on toes, please say so.

Cass

201-1604

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re this Friday's hearing. ... it's coming to you via separate email

Cass

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From: "Robert E. Merritt, Attorney at Law" <merrittlaw@nctv.com>

To: Cassandra Gorton <cassgorton@yahoo.com>

Sent: Monday, July 9, 2012 10:10 AM

Subject: Joseph Walker

[Quoted text hidden]

PEGGY MERRITT <merrittlaw@nctv.com>

Mon, Jul 9, 2012 at 12:37 PM

Draft To: Cassandra Gorton <cassgorton@yahoo.com>

Thanks. This is a lot more complicated on the Solicitor's end than it needs to be. Lance is in trial, but I will let him know.

[Quoted text hidden]

<https://mail.google.com/mail/u/0/?ui=2&ik=258d8cf8cc&view=pt&search=inbox&th=1386c135ea2c4991>

Subject: RE: Joseph Walker
From: Moyer, Mark (MMoyer@greenvillecounty.org)
To: geolysheekmerritt@yahoo.com;
Date: Thursday, May 31, 2012 1:14 PM

I am afraid the warrant number you referenced is not for Joseph Walker. Joseph Walker's most recent arrest warrant is N210250 (intimidation of a witness)

From: Geoly, Sheek, & Merritt [mailto:geolysheekmerritt@yahoo.com]
Sent: Thursday, May 31, 2012 12:15 PM
To: Moyer, Mark
Subject: Re: Joseph Walker

Joseph
Walker

Mark,

Here is the letter of rep on Joseph Walker

Geoly, Sheek, and Merritt, LLC
1225 Main Street South
Greenwood, SC 29646

864-223-3352 (O)
864-223-3400 (F)



E-MAILED
Came in 5/31

MEMO TO FILE
JOSEPH WALKER
November drug sales

SUMMARY: Two sales, occurring on
November 11 @ 3:41 p.m. \$40 for 2 rocks from a cookie
November 15 @ 5:04 p.m. \$50 for 2 rocks from a cookie
Both dates say LEOs approached by CIs who name Joe Walker as seller

This CI is #GW 96-41 (unknown reliability)
Who also happens to be the one who ID'ed Joseph Walker as the seller in the
9/29/11 video on 10/20/11

Both deals audio/ video recorded, CI on bike both times
Again, the simple issue is whether Def is on the video or not.

LEO witnesses

Brown	Main Detective – served as surveillance officer in September 29 buy
Hyatt	Served as surveillance officer on Nov 11 buy (not the 15 th) & Sept buy
Pomeroy	Served as surveillance officer on Nov 11 buy (not the 15 th) & Sept buy
Cox	Served as only surveillance officer besides Brown on Nov 15 th buy

Cass to Do:

Get video via supplemental discovery request

Research double jeopardy re 0108 & 3039 as to each buy

Distance from school already measured via Google Earth
Research = distance measured as the crow flies

NOTE: THIS DEAL MAY BE IMPORTANT TO THE MURDER CASE & STATE'S
THEORY OF MOTIVE

Subject: Joseph Walker
From: Cassandra Gorton (cassgorton@yahoo.com)
To: MMoyer@greenvillecounty.org;
Bcc: ltcinvestigations@juno.com;
Date: Wednesday, March 21, 2012 6:52 PM

Mr. Moyer:

I have had an opportunity to review the discovery in the first three cases and have discovered some missing items. I am requesting that they be provided pursuant to Brady v. Maryland, as they are likely to contain impeaching and/or exculpatory information.

Attempted Murder 7/20/11

- Information pertaining to Tyler Mattress perjury charge, including the detailed nature of the statements which constituted perjury
Warrant # 802735

- Any statement (or lack thereof) taken from Sharanda Ray
- Any statement (or lack thereof) taken from Miranda Ray
- The prior convictions of Tyler Mattress, Bobby Golden, and Amanda Ray

Drug Sale September 29, 2011

- A copy of the audio/video of the sale

Drug Sales in November ,2011

- A copy of the audio/ video recording the November 11 sale
- A copy of the audio/ video recording of the November 15 sale

With Best Regards,

Cass Gorton

MEMO TO FILE
JOSEPH WALKER
September drug sale

SUMMARY: This is actually a single sale, occurring on September 29, 2011
Sale = \$20 for a single rock of crack
2 sellers – one in black shirt, another in white tank
White tank hands to black shirt, who hands to CI buyer, CI # GW 11-32.
CI 11-32 can't ID the sellers, Officer Owens reviews video and says guy in black is Andre Fields.

CI # GW 96-41 (unknown reliability) sees video on 10/20/11 and identifies Def as seller in white tank.

An audio/ video recording of the sale was made, which was not provided in original discovery packet.

Simple issue of whether the Defendant is on there or not.

Other suspects = Antonio Ashmore, also charged with this U/C buy
M 802674 & M802675
19 Skyland Drive Greenville SC 29607

Andre Fields – in black shirt per cop ID via video, but CI # GW 11-32 can not identify in photo line up. Suggests quality of video is poor.

NOTE: only two sellers, adding Def into list of suspects = 3

LEOs (Greenville Police Department)

Irvin, R.T.	Wrote report re 9/29/11 purchase
Brown	served as surveillance officer during buy
Pomeroy	"
Hyatt	"
Owens	Reviewed video & Identified Fields as seller on 9/29/11
Sanders	Served warrant on Antonio Ashmore on 10/7/11
Browning	Served warrant on Def on 1/24/12

**Warrant not issued until 1/3/12 * why?*

Cass to Do:

Get video via discovery (not provided in original packet)

Research double jeopardy issue w/ single buy & criminal code 3014 & 0108

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. WALTER WILKINS

June 28, 2012

C. Lance Sheek, Esquire
1225 South Main Street
Greenwood, South Carolina 29646

RE: State v. Joseph Christopher Walker

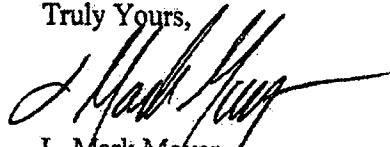
Dear Mr. Sheek:

I am in receipt of your letter dated June 25, 2012, in which you ask to meet with me to discuss the discovery response and plea offer for your above-referenced client. I am happy to do so. Please feel free to contact me either by telephone or email (mmoyer@greenvillecounty.org) to schedule an appointment.

I also want to ask you about your client's charge of intimidation of a witness (warrant number N210250). I sent you an email about this earlier today so you may have already addressed this issue. You sent us a letter dated May 30, 2012, notifying us that you represent the defendant on this charge. However, you subsequently told me during a telephone conversation that you will not be representing him. I would ask that you kindly send me a letter clarifying whether you represent him or not on this charge.

Thank you for your attention in these matters. With kind regards, I am

Truly Yours,



L. Mark Moyer
Assistant Solicitor

Walker

Search Mail

Search Web

Hi,
Cassandra

INBOX

CONTACTS

CALENDAR

SEARCH: Walker

RE: Joseph walker

FW: Walker's pendin...

Compose

Delete

Move

Spam

Actions

Inbox (187)

F Walker's pending charges

Sun, Apr 7, 2013 at 7:16 PM

Conversations

From: Moyer, Mark

Drafts (181)

To: Cass Gorton

Sent

Spam (500)

Trash (3)

The last sentence refers to the fact he told me he is (or may, I'm not positive) be going back to work for the Greenwood Solicitor's Office. If that happens, I wonder if you will be getting his cases?

FOLDERS

Notes

Synced Messages (10)

L. Mark Moyer, Assistant Solicitor
Greenville County Courthouse
305 East North Street, Ste. 305
Greenville, South Carolina 29601
Phone: 864-467-8638
Facsimile: 864-467-8610

MESSENGER

APPLICATIONS

From: Moyer, Mark
Sent: Thursday, April 04, 2013 10:04 AM
To: 'Lance Sheek'
Subject: Walker's pending charges

Lance,

After talking this over with Betty Strom, I have a proposal as to Walker's remaining pending charges. If he will plead guilty, we will recommend 30 years for voluntary manslaughter (reduced from murder) and 10 years concurrent on the 3 charges of distribution of crack cocaine within proximity of a school. The remaining charges will be dismissed.

Walker gets a benefit from this because should he win his appeal, we won't be able to go after him for LWOP on any charge other than the attempted murder. If he turns down the plea and wins the appeal, I will be back in the position of having 5 opportunities to get him for LWOP.

Is this worth pursuing? If so, we can have him transported from SCDC in May and give it a try. I guess factoring into the equation is when you will be going back to the solicitor's office.

Thanks,

L. Mark Moyer, Assistant Solicitor
Greenville County Courthouse
305 East North Street, Ste. 305
Greenville, South Carolina 29601
Phone: 864-467-8638
Facsimile: 864-467-8610

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moyer



Search Web



Hi!
Cassandra

INBOX

CONTACTS

CALENDAR

RE: Joseph walker

RE: Joseph walker

RE: Joseph walker

RE: Joseph walker

SEARCH: moyer

Compose

Delete

Move

Spam

Actions

Inbox (171)

RE: Joseph walker from Moyer, Mark to you

Mon, 8:38 PM

Conversations

Drafts (187)

OK, I emailed the sentencing sheets. Thank you for taking care of this.
I have no idea what Lance Sheek's position is regarding his
representation of Walker. He will not return emails or calls.

Sent

Spam (514)

As for [REDACTED] he was convicted of grand larceny in 2002 and
shoplifting in 2003.

Trash (4)

Also, [REDACTED] was transferred to Kimberly Howard to prosecute. She has
one of the co-defendants.

FOLDERS

Notes

Synced Messages (10)

If you would, please respond so I will know you got this email and the
sentencing sheets. I got a "would not deliver" message the last time I
tried to email you, late last week

MESSANGER

APPLICATIONS

L. Mark Moyer, Assistant Solicitor
Greenville County Courthouse
305 East North Street, Ste. 305
Greenville, South Carolina 29601
Phone: 864-487-8838
Facsimile: 864-487-8610

-----Original Message-----
From: Cass Gorton [mailto:cassgorton@yahoo.com]
Sent: Saturday, April 20, 2013 7:16 AM
To: Moyer, Mark
Subject: Joseph walker

I am going to see Joe this Thursday the 25th
I will discuss your plea offer w him, including Lance's remaining
cases, which presumably will be mine- eventually.
Would you please send me sentencing sheets per the plea offer?
Thank You,
Cass

Sent from my iPad

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information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of
the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise
have reason to believe that you have received this message in error, please immediately notify the sender and
delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing,
or copying of this e-mail is strictly prohibited.

CASSANDRA GORTON, Esq.

Criminal Trials and Appeals since 1993
Licensed in South Carolina and Florida

April 11, 2013

Mr. Joseph Walker # 00285497
c/o Kirkland Correction Institution
Reception and Evaluation Center
4344 Broad River Road
Columbia SC 29210

Dear Mr. Walker:

I first want to express my sincere condolences to you and your family. I am sure that last week's trial and outcome were a shock to you. For what it is worth, I heard that Lance Sheek did a great job, but that the jury was very stern.

I have also heard that you are filing an appeal. I asked the prosecutor about your remaining cases, including those currently assigned to me. He responded by sending an email he had sent to Lance, which I have enclosed.

If Lance does go to the solicitor's office, I fully expect that I would get all of your cases back. I frankly do not remember the details, so what I say here is not based on the facts of your case. It is based on the ever present risk that no matter how favorable the facts, there is always the unknown of a jury verdict.

Please consider the offer being made by the State very seriously.

Sincerely,



Cassandra Gorton
Attorney at Law

Phone (864) 201-1604

Mailing Address: 1754 Woodruff Rd. #144 Greenville, SC 29607

CASSANDRA GORTON, Esq.

Criminal Trials and Appeals since 1993
Licensed in South Carolina and Florida

April 29, 2013

Mr. Joseph Walker # 00285497
c/o Kirkland Correction Institution
Reception and Evaluation Center
4344 Broad River Road
Columbia SC 29210

Dear Mr. Walker:

I have had a chance to convey your counter offer of 25 years to Mr. Moyer, which he immediately rejected. I attempted to engage in a discussion, but he firmly and sincerely indicated he was unwilling to negotiate any further. He stated that you will be transported on May 9, at which time you may either accept his offer or reject it on the record. The offer will not be available after May 9, and thereafter he will proceed to prepare for trial.

Please consider the offer being made by the State very seriously.

Sincerely,



Cassandra Gorton
Attorney at Law

Phone (864) 201-1604

Mailing Address: 1754 Woodruff Rd. #144 Greenville, SC 29607

Cass Gorton, Esq.
1754 Woodruff Rd #144
Greenville, S.C. 29607

KCI MAILROOM

APR 15 2013

LEGAL MAIL

Attorney-Client Privilege Applies



12 APR 2013 PM 3:1

GREENVILLE SC 296

29210401044



0900

c2/18

Joseph Walker #00285497
c/o Kirkland CI
Reception + Eval Center
4344 Broad River Rd
Columbia, SC 29210

Cass Gorton, Esq.
1754 Woodruff Rd #144
Greenville, S.C. 29607

KCI MAILROOM

MAY 01 2013

29210401044



0906

LEGAL MA

Joseph Walker #00285497
c/o Kirkland CI
Eval Center

A1/618

144

Search Walker Hi, Cass

SENT CONTACTS CALENDAR Fastcase Document ...

Joseph Walker

Compose

Delete

Move

Actions

Inbox (131)

Joseph Walker from Cassandra Gorton to 1 recipient

2:00 PM

Conversations

Drafts (165)

Lance:

Sent

Spam (401)

Trash

FOLDERS

Notes

Synced Messages (18)

MESSENGER

APPLICATIONS



I saw Joe today, and he asked me to contact you on his behalf.

He is very anxious to review any audio and video on the alleged drug transactions.

He is aware that those drug charges may render the rest of the cases meaningless, and understands that the video/ audio tapes may determine the tone for the defense.

I am not sure if you are familiar with the local rules and quirks,

so I will tell you that you will need to get pre-approval to bring in your laptop and share those with him.

Your first step is to call Sgt. Dana Lewis, at 467- 2416

Once you have her approval, you will need to contact Colleen, at professional visitation, explain that although Walker is at the old jail you need to arrange a visit in Pro-V at the new jail, in order to use your laptop to review audio/ video material.

Colleen's number is 467 - 2370, or you can fax her a request re the same at (864) 467-2472

Be aware that certain times will be off limits due to meals, count, etc

Some of those "off limits" times include 10:30-12:30, 2:30 - 5:00 etc

I hope this helps. Good luck!

Cass

Attention: Katrina Davis

Show Details

Ms. Davis,

Pursuant to our conversation earlier today on the telephone, here are the warrant numbers for the charges that are pending against Joseph Walker. I have underlined the warrant numbers you referenced in your letter. When we spoke, you acknowledged confusion as to which cases you are going to represent him on. Therefore, I am going to wait before replying to your discovery request until you clarify this matter. Please feel free to call if you have any questions.

- 1st case: M802025 - attempted murder
M802027 - pointing and presenting a firearm
- 2nd case: M803113 - distribution of cocaine base
M803114 - distribution of cocaine base within 1/4 mile of school
- 3rd case: M803115 - distribution of cocaine base
M803116 - distribution of cocaine base within 1/4 mile of school
- 4th case: M803548 - distribution of cocaine base
M803549 - distribution of cocaine base within 1/4 mile of school
- 5th case: M803213 - murder
M803214 - possession of a weapon during a violent crime

L. Mark Moyer, Assistant Solicitor
Greenville County Courthouse
305 East North Street, Ste. 305
Greenville, South Carolina 29601
Phone: 864-467-8638
Facsimile: 864-467-8610

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Reply to Moyer, Mark

J. Walker all
Charges-



Register a Criminal, PCR, SVP Case

A case will not be considered registered until all required information below has been provided.

1 Attorneys Appointed under SCACR 608 are eligible for professional liability coverage through SC Bar. You must notify the SC Bar of your appointment to obtain coverage. To comply with requirements of the carrier, please complete the Direct Intake form and return with a copy of the Order of Appointment to the Pro Bono Program within 72 hours of the appointment. Please contact Rose Dean at 803-799-6653 Ext.164 for further information.

1. Attorney Information

Date of Appointment*

05/24/2012



County of Appointment*

Greenville

Appointing Judge*

Select the Judge

Don't see your judge?

Add a Judge

I am providing these services free of charge (Pro Bono). *(Amendable)

☒ Yes ☐ No

I am replacing a previously appointed attorney in this case.*

☒ Yes ☐ No

This includes a probation violation from another case.*

☒ Yes ☐ No

*Additional case
no re-appointment
Nix + Higgins
Brown Johnson
as asked
on clerk website*

2. Case Information

Case Name*

State v. Joseph Walker

608 Contract Case*

☒ Yes ☒ No

Case Type*

Felony (Non-Capital)

County of Indictment*

Greenville

Court Type*

General Sessions

Charge 1:

Warrant #: N210250

CDR #: 2451 - Courts / Intimidatio
court officials, jurors, or
witnesses (after April 1, 19

3. Client Information

Client's First Name*

Jospeh

Middle Initial

Client's Last Name*

Walker

Date of Birth*

*Dismissed.
6-10-13*

06/24/1984

Gender*

☒ Male ☐ Female

Defendant Race*

Black

Victim Race

Select Victim Race

Permanent Residential Address*

McGee Street

Additional Address Information

City*

Greenville

State*

South Carolina

Zip Code*

29601

Add Another Client

**You have submitted the Voucher associated with this case. This case information is locked.
You must contact Jean Tinder or Lori Frost at 803-734-1343 to unlock this registration form to make any changes.**

Return to MY CASES Any changes will be discarded.



Register a Criminal, PCR, SVP Case

A case will not be considered registered until all required information below has been provided.

① Attorneys Appointed under SCACR 608 are eligible for professional liability coverage through SC Bar. You must notify the SC Bar of your appointment to obtain coverage. To comply with requirements of the carrier, please complete the Direct Intake form and return with a copy of the Order of Appointment to the Pro Bono Program within 72 hours of the appointment. Please contact Rose Dean at 803-799-6653 Ext.164 for further information.

1. Attorney Information

Date of Appointment*

02/02/2012



County of Appointment*

Greenville

Appointing Judge*

Select the Judge

Don't see your judge?

Add a Judge

I am providing these services free of charge (Pro Bono).*(Amendable)

☒ Yes ☐ No

I am replacing a previously appointed attorney in this case.*

☒ Yes ☐ No

Scott Robinson

This includes a probation violation from another case.*

☒ Yes ☐ No

2. Case Information

Case Name*

State v. Joseph Christopher Walker

608 Contract Case*

☒ Yes ☐ No

County of Indictment*

Greenville

Case Type*

Felony (Non-Capital)

Court Type*

General Sessions

Charge 1:

Warrant #: M803548

CDR #: 3014 - Drugs / manufacture
distribution, etc. of cocaine
base, 1st

*Dismissed
6-10-13*

Charge 2:

Warrant #: M803549

CDR #: 176 - Drugs / Poss. of narc
Schedule I(b),(c), LSD &
Schedule II - 1st offense

*Lance took
check case
per court website
10/1/13*

Charge 3:

Warrant #: M803214

CDR #: 157 - Miscellaneous /
Miscellaneous and
non-discernible (use specific
offense whenever
possible)(see 2520, 2521)

*Dismissed
6-10-13*

Charge 4:

Warrant #: M803213

*from murder &
Vol Manslaughter*

*Lance took
check case
per court website
3/1/14*

CDR #: 116 - Murder / Murder

Charge 5:

Indictment #: 07-GS-23-4285

Charge 6:

Indictment #: 07-GS-23-4285

3. Client Information

Client's First Name*

Joseph

Middle Initial

Christopher

Client's Last Name*

Walker

Date of Birth*

02/02/2012

Gender*

☒ Male ☐ Female

Defendant Race*

Black

Victim Race

Select Victim Race

M 802025
Murder / ~~M~~ Murder

taken by
Lance Creek
LWOP sentence

M 8027 - dismissed
M 803113 dismissed
M 803115 dismissed
M 803116 10yrs drugs
M 803114 10yrs drugs

taken by
Lance Creek
per state
warrant

Permanent Residential Address*

125 Lions Club Rd Apt 118

Additional Address Information

City*

Greenville

State*

South Carolina

Zip Code*

29611

Add Another Client

**You have submitted the Voucher associated with this case. This case information is locked.
You must contact Jean Tinder or Lori Frost at 803-734-1343 to unlock this registration form to make any changes.**

Return to MY CASES

Any changes will be discarded.

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

In the Matter of Christopher Lance Sheek, Respondent

Appellate Case No. 2012-212394

Opinion No. 27163

Submitted July 16, 2012 – Filed August 29, 2012

PUBLIC REPRIMAND

Lesley M. Coggiola, Disciplinary Counsel, and Sabrina
C. Todd, Assistant Disciplinary Counsel, both of
Columbia, for Office of Disciplinary Counsel.

Christopher Lance Sheek, of Greenwood, *pro se*.

PER CURIAM: In this attorney disciplinary matter, the Office of Disciplinary Counsel (ODC) and respondent have entered into an Agreement for Discipline by Consent (Agreement) pursuant to Rule 21 of the Rules for Lawyer Disciplinary Enforcement (RLDE) contained in Rule 413 of the South Carolina Appellate Court Rules (SCACR). In the Agreement, respondent admits misconduct and consents to the imposition of an admonition or public reprimand. Respondent further agrees: 1) to pay the costs incurred in the investigation and prosecution of this matter by ODC and the Commission on Lawyer Conduct (the Commission) within thirty (30) days of the imposition of a sanction; 2) to complete the Legal Ethics and Practice Program Ethics School within one (1) year of the imposition of a sanction; and 3) to retain and work with a law office management advisor for two (2) years following the imposition of a sanction. We accept the Agreement and issue a public reprimand. In addition, we impose the conditions of discipline agreed to by the parties. The facts, as set forth in the Agreement, are as follows.

Facts

Matter I

Client A hired respondent to represent him on appeal from his criminal conviction. Respondent failed to timely file the record on appeal and the appeal was dismissed. Respondent moved for reconsideration of the dismissal, but failed to respond in writing to two letters from the court and his motion was dismissed. Respondent failed to inform Client A of the dismissal of the appeal and his failure to have the appeal reinstated.

Client A discovered his appeal had been dismissed when he wrote to the appellate court. An attorney with the Office of Appellate Defense later had Client A's appeal reinstated and Client A prevailed on appeal.

Matter II

Respondent represented Client B in a probate court appeal. The appeal was dismissed when respondent failed to appear for a roster meeting. Respondent maintains he was unaware of the roster meeting until the clerk's office called on the morning of the meeting; however, several weeks earlier the clerk's office had sent a memorandum advising that the roster had been posted online.

Respondent moved for reconsideration, but submitted the motion to the wrong judge. Respondent was advised he had ten (10) days to submit the motion to the judge who had dismissed the appeal. Respondent failed to timely submit the motion to the correct judge, but the judge learned of the motion and issued an order denying the motion for reconsideration. When respondent notified Client B that the motion for reconsideration had been denied, she terminated the representation.

Matter III

Respondent represented Client C, the wife, in a domestic action which did not result in a divorce. Several years after he was initially hired, respondent met with Client C and her husband about a change of custody. Respondent was advised the parties had agreed to divorce and for the husband to have custody of the couple's minor children. Respondent prepared the proposed agreement as Client C's attorney.

After the parties executed the agreement, Client C advised respondent that she did not want to proceed with the agreement. Respondent refused the husband's demands that he file the agreement, but did write a letter on the husband's behalf advising the school that the husband had joint custody of the couple's son and should be notified if anyone tried to remove the child from school. Respondent did not have Client C's permission to write the letter and admits his conduct violated the Rules of Professional Conduct.

Matter IV

Respondent represented the widow in an estate in which the widow and the decedent's child were the only heirs. The probate court removed the widow as personal representative, replacing her with the decedent's child. Both heirs agreed for respondent to serve as the special administrator.

As the special administrator, respondent failed to diligently pursue the closing of the estate. The probate court repeatedly wrote respondent in an effort to get him to take the steps necessary to close the estate. On one occasion, the court noted respondent had failed to respond to an earlier inquiry and, on another occasion, the court threatened to issue a rule to show cause. Eventually, the probate court administratively closed the estate with leave to restore.

Matter V

Respondent represented Client D at trial on criminal charges. Client D was convicted and sentenced to life imprisonment. Thereafter, Client D wrote respondent twice requesting a complete copy of his file and information about his appeal. Respondent did not respond to Client D's first two letters.

More than a year after the second letter, Client D wrote respondent, again demanding his file. In response, respondent wrote Client D indicating the file was too voluminous to mail to the prison and stating he had explained this several times to Client D's family. Eventually, respondent had the file delivered to the prison.

Matter VI

This matter arises from respondent's representation of a father in a child custody action. The complaint was filed by the child's mother who appeared *pro se* throughout the litigation.

Respondent prepared the proposed order; he failed to submit a copy of the proposed order to the mother. Further, respondent submitted the proposed final order to the judge in an untimely manner and accidentally failed to include a restraining order as well as some details regarding visitation. The order was signed and filed before respondent realized the omissions in the order.

Law

Respondent admits that by his conduct he has violated the following provisions of the Rules of Professional Conduct, Rule 407, SCACR: Rule 1.1 (lawyer shall provide competent representation to client); Rule 1.3 (lawyer shall act with reasonable diligence and promptness in representing client); Rule 1.4 (lawyer shall keep client reasonably informed about the status of matter; lawyer shall promptly comply with reasonable requests for information); Rule 1.7 (lawyer shall not represent client if the representation involves concurrent conflict of interest); Rule 1.16(d) (upon termination of representation, lawyer shall take steps to the extent reasonably practicable to protect client's interests, such as giving reasonable notice to client, allowing time for employment of other counsel, and surrendering papers and property to which client is entitled); and Rule 8.4(e) (it is professional misconduct for lawyer to engage in conduct prejudicial to administration of justice).

Respondent also admits he has violated the following Rules for Lawyer Disciplinary Enforcement, Rule 413, SCACR: Rule 7(a)(1) (it shall be ground for discipline for lawyer to violate Rules of Professional Conduct).

Conclusion

We find respondent's misconduct warrants a public reprimand. Accordingly, we accept the Agreement and publicly reprimand respondent for his misconduct. Respondent shall: 1) pay the costs incurred in the investigation and prosecution of this matter by ODC and the Commission within thirty (30) days of the date of this opinion and 2) complete the Legal Ethics and Practice Program Ethics School within one (1) year of the date of this opinion. Respondent shall provide the Commission with proof of his completion of the Legal Ethics and Practice Program Ethics School within ten (10) days of the conclusion of the program.

Further, respondent shall retain a law office management advisor approved by the Commission who shall work with respondent for a period of two (2) years from the date of this opinion. The advisor shall conduct a thorough review of respondent's

law office management practices. Within ninety (90) days of the date of this opinion, the advisor shall submit a report to the Commission which contains an analysis of and recommendations concerning respondent's law office management practices. For the remainder of the two (2) year period, respondent shall meet with the advisor on at least a quarterly basis and the advisor shall submit quarterly reports concerning the status of respondent's law office management practices to the Commission. Respondent shall be responsible for payment of the advisor and for timely submission of the advisor's reports. Respondent's failure to comply with any of the conditions of discipline set forth in this opinion or with the advisor's recommendations shall constitute grounds for discipline.

PUBLIC REPRIMAND.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
concur.**

Issues

1. Trial Counsel Should've brought it to the courts attention / When I told him that I did not feel comfortable talking to Ms. Gorton everyday about the cases that I paid him (Mr. Sheek) to represent me on, I saying that the ~~inappropriateness~~ whole impropriety of it violated the Ethical Wall. (Ms. Gorton Ass took it upond herself to assent herself with me and my pending cases after I told her and my attorney, that I wasn't

On 2-2-12. Ms. Lorton was appointed to represent me on Attempted Murder, Murder, Dist. X3, VOP x2.

On _____ I hired Mr. Shek to represent me on the same said charges, relieving Ms. Lorton.

On 5/12 Ms. Lorton was re-appointed to represent me on an intimidation of witness charge.

After being re-appointed on the intimidation of witness charge. Ms. Lorton visited me week after week at the detention center, advising, gathering, and giving me information concerning the Attempted Murder, Murder, Dist. X3, VOP x2. for some unknown reason. Ms. Lorton made it her duty to act as my counsel on the Attempted Murder, Murder, Dist. X3, VOP x2. Also, telling me after each visit. That she (Ms. Lorton) could get into alot of trouble for asserting herself with my cases.

counsel to immediately object, have record made of statement complained of, and request for a distinct ruling thereon. State v. Black, 462 S.E.2d 311 (S.C. App, 1995).

The Applicant was denied the right to effective assistance to trial counsel by counsel's failure to object to the state's erroneous classification of his prior drug offenses as "serious offenses" to subject him to a life sentence under section 17-25-45, pursuant to 44-53-0045(b)(c).

The applicant was separately indicted for two counts of distributing a quantity of cocaine base (crack cocaine) within $\frac{1}{2}$ mile proximity of the Sullivan Center 44-53-0445(b)(2). (Indictment No's: 2007-GS-23-4287 and 2007-GS-23-4285). The state dropped the predicate distributions offenses to the alone proximity offenses in exchange for applicant's guilty pleas. See, Strickland v. Washington, 104 S.Ct. 2052 (1984).

The Applicant was denied the right to effective assistance of counsel by trial counsel's failure to raise and argue that his drug offense should have been considered as one offense, notwithstanding under the law they constitute separate and distinct offenses.

Walker

Search Walker
Hi, Cassandra

INBOX CONTACTS CALENDAR SEARCH: Walker RE: Joseph walker FW: Walker's pendin...

Compose

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Spam

Actions

Inbox (167)

Conversations

Drafts (181)

Sent

Spam (500)

Trash (3)

FOLDERS

Notes

Synced Messages (10)

MESSENGER

APPLICATIONS

F Walker's pending charges

Sun, Apr 7, 2013 at 7:16 PM

From Moyer, Mark

To Cass Gorton

The last sentence refers to the fact he told me he is (or may, I'm not positive) be going back to work for the Greenwood Solicitor's Office. If that happens, I wonder if you will be getting his cases?

L. Mark Moyer, Assistant Solicitor
Greenville County Courthouse
305 East North Street, Ste. 305
Greenville, South Carolina 29601
Phone: 864-467-8638
Facsimile: 864-467-8610

From: Moyer, Mark
Sent: Thursday, April 04, 2013 10:04 AM
To: 'Lance Sheek'
Subject: Walker's pending charges

Lance,

After talking this over with Betty Strom, I have a proposal as to Walker's remaining pending charges. If he will plead guilty, we will recommend 30 years for voluntary manslaughter (reduced from murder) and 10 years concurrent on the 3 charges of distribution of crack cocaine within proximity of a school. The remaining charges will be dismissed.

Walker gets a benefit from this because should he win his appeal, we won't be able to go after him for LWOP on any charge other than the attempted murder. If he turns down the plea and wins the appeal, I will be back in the position of having 5 opportunities to get him for LWOP.

Is this worth pursuing? If so, we can have him transported from SCDC in May and give it a try. I guess factoring into the equation is when you will be going back to the solicitor's office.

Thanks,

L. Mark Moyer, Assistant Solicitor
Greenville County Courthouse
305 East North Street, Ste. 305
Greenville, South Carolina 29601
Phone: 864-467-8638
Facsimile: 864-467-8610

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moyer

Search Web

Hi, Cassandra

INBOX CONTACTS CALENDAR RE: Joseph walker RE: Joseph walker RE: Joseph walker RE: Joseph walker SEARCH: moyer

Compose Delete Move Spam Actions

Inbox (171)

Conversations

Drafts (187)

Sent

Spam (514)

Trash (4)

FOLDERS

Notes

Synced Messages (10)

MESSANGER

APPLICATIONS

RE: Joseph walker from Moyer, Mark to you

Mon, 8:38 PM

OK, I emailed the sentencing sheets. ~~Thank you for taking care of this.~~
I have no idea what Lance Sheek's position is regarding the
representation of Walker. He will not represent me in court.

As for ~~David~~, he was convicted of grand larceny in 2002 and
shoplifting in 2003.

Also, ~~David~~ was transferred to Kimberly Howard to prosecute. She has
one of the co-defendants.

If you would, please respond so I will know you got this email and the
sentencing sheets. I got a "would not deliver" message the last time I
tried to email you, late last week

L. Mark Moyer, Assistant Solicitor
Greenville County Courthouse
305 East North Street, Ste. 305
Greenville, South Carolina 29601
Phone: 864-467-8838
Facsimile: 864-467-8810
—Original Message—

From: Cass Gorton [mailto:cassgorton@yahoo.com]
Sent: Saturday, April 20, 2013 7:18 AM
To: Moyer, Mark
Subject: Joseph walker

I am going to see Joe this Thursday the 25th
I will discuss your plea offer w him, including Lance's remaining
cases, which presumably will be mine- eventually.
Would you please send me sentencing sheets per the plea offer?
Thank You,
Cass

Sent from my iPad

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Subject: Joseph Walker

From: Cassandra Gorton (cassgorton@yahoo.com)

To: MMoyer@greenvillecounty.org

Date: Friday, March 9, 2012 8:22 AM

Mark:

I understand that you are trying to catch up, but when you get to the discovery for Joseph Walker, please be sure to include all exculpatory and impeaching information re Mr. Mattress, the alleged victim in the July 2011 Attempted Murder case. I understand that he went to jail during the preliminary hearing, and third party reports are that he is currently being "threatened" with up to 5 years imprisonment.

As to the murder case, I am being told that the alleged victim was working with law enforcement.

Please let me know if I need a court order to get the name of those he had been targeting, or if that will be provided in our discovery packet pursuant to Rule 5/6.

Also, if prior discovery has already been provided to prior counsel please advise of the same, and to whom.

The public defender, Scott Robinson, and Chris Posey have all been involved.

Thank You,
Cass Gorton

Subject: Joseph Walker
From: Cassandra Gorton (cassgorton@yahoo.com)
To: MMoyer@greenvillecounty.org
Bcc: ltcinvestigations@juno.com;
Date: Wednesday, March 21, 2012 6:52 PM

Mr. Moyer:

I have had an opportunity to review the discovery in the first three cases and have discovered some missing items. I am requesting that they be provided pursuant to Brady v. Maryland, as they are likely to contain impeaching and/or exculpatory information.

Attempted Murder 7/20/11

- Information pertaining to Tyler Mattress perjury charge, including the detailed nature of the statements which constituted perjury
Warrant # 802735
- Any statement (or lack thereof) taken from Sharanda Ray
- Any statement (or lack thereof) taken from Miranda Ray
- The prior convictions of Tyler Mattress, Bobby Golden, and Amanda Ray

Drug Sale September 29, 2011

- A copy of the audio/video of the sale

Drug Sales in November ,2011

- A copy of the audio/ video recording the November 11 sale
- A copy of the audio/ video recording of the November 15 sale

With Best Regards,

Cass Gorton

Bob:

I am obviously going to have to file a Motion to Compel in the Walker case,
so I am going to need something from your and/or Lance explaining your position.

Indigency defense did send me a second order of appointment today, as to the same case, hoping that would end it.

It obviously has not.

Cass

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CASSANDRA GORTON, Esq.

Criminal Trials and Appeals since 1993
Licensed in South Carolina and Florida

April 11, 2013

Mr. Joseph Walker # 00285497
c/o Kirkland Correction Institution
Reception and Evaluation Center
4344 Broad River Road
Columbia SC 29210

Dear Mr. Walker:

I first want to express my sincere condolences to you and your family. I am sure that last week's trial and outcome were a shock to you. For what it is worth, I heard that Lance Sheek did a great job, but that the jury was very stern.

I have also heard that you are filing an appeal. I asked the prosecutor about your remaining cases, including those currently assigned to me. He responded by sending an email he had sent to Lance, which I have enclosed.

If Lance does go to the solicitor's office, I fully expect that I would get all of your cases back. I frankly do not remember the details, so what I say here is not based on the facts of your case. It is based on the ever present risk that no matter how favorable the facts, there is always the unknown of a jury verdict.

Please consider the offer being made by the State very seriously.

Sincerely,



Cassandra Gorton
Attorney at Law

Phone (864) 201-1604

Mailing Address: 1754 Woodruff Rd. #144 Greenville, SC 29607

CASSANDRA GORTON, Esq.

Criminal Trials and Appeals since 1993
Licensed in South Carolina and Florida

April 29, 2013

Mr. Joseph Walker # 00285497
c/o Kirkland Correction Institution
Reception and Evaluation Center
4344 Broad River Road
Columbia SC 29210

Dear Mr. Walker:

I have had a chance to convey your counter offer of 25 years to Mr. Moyer, which he immediately rejected. I attempted to engage in a discussion, but he firmly and sincerely indicated he was unwilling to negotiate any further. He stated that you will be transported on May 9, at which time you may either accept his offer or reject it on the record. The offer will not be available after May 9, and thereafter he will proceed to prepare for trial.

Please consider the offer being made by the State very seriously.

Sincerely,



Cassandra Gorton
Attorney at Law

Phone (864) 201-1604

Mailing Address: 1754 Woodruff Rd. #144 Greenville, SC 29607

The State will make the following sentence recommendations/negotiation:

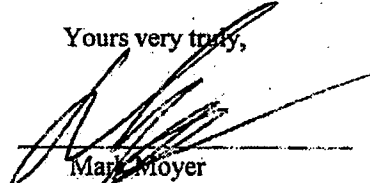
Please let me know if your client is willing to plead guilty to a reduced charge of voluntary manslaughter rather than murder and I will see if that is something I can do. If we are going to be able to work out a guilty plea for all of these charges, we need to do so by the date indicated.

Other conditions/comments:

Also, please note that the defendant is eligible for mandatory sentence of life without parole (due to his prior convictions for PWID drugs within proximity of a school) if we serve him with notice of intent to seek such sentence and if he is convicted of attempted murder, murder, or voluntary manslaughter.

Please contact me as soon as possible with your client's response as plea negotiations must be concluded and the guilty plea entered before 10/30/2012 or this and any other offers are automatically withdrawn. If your client does not plead guilty by this date, the case(s) will be placed on the trial calendar for disposition without further negotiation.

Yours very truly,



Mark Moyer
Assistant Solicitor

PJV004R

10/18/2015 2:16:22PM
Job Number 1266077

Greenville County Detention Center

Inmate Visits

Page 1 of 3
JMORAN

Inmate 0420 WALKER, JOSEPH CHRISTOPHER Sex M Race B DOB 06/24/1984 Booked 12/01/2011 Cell ID Pack# 0185898

From Date	Time	To Date	Time	Type	Visitor	Status
03/31/2013	19:45	03/31/2013	20:20	Professional	SHEEK, LANCE CHRISTOPHER	Visited
03/27/2013	12:27	03/27/2013	13:26	Professional	SHEEK, LANCE CHRISTOPHER	Visited
03/27/2013	12:27	03/27/2013	13:26	Professional	DAVIS, KATRINA	Visited
03/21/2013	09:37	03/31/2013	11:31	Professional	GORTON, CASS	Visited
03/10/2013	08:58	03/10/2013	11:30	Professional	GORTON, CASSANDRA	Visited
03/01/2013	15:19	03/01/2013	16:27	Professional	GORTON, CASS	Visited
02/17/2013	09:51	02/17/2013	10:47	Professional	GORTON, CASSANDRA	Visited
02/07/2013	13:08	02/07/2013	15:00	Professional	SHEEK, LANCE	Visited
02/03/2013	10:10	02/03/2013	10:58	Professional	GORTON, CASS	Visited
01/31/2013	13:00	01/31/2013	14:30	Professional	SHEEK, LANCE	Cancelled App (Phone
01/26/2013	13:15	01/26/2013	14:52	Professional	GORTON, CASS	Visited
01/19/2013	09:41	01/19/2013	10:16	Professional	GORTON, CASS	Visited
01/06/2013	09:58	01/06/2013	11:22	Professional	GORTON, CASS	Visited
12/24/2012	09:37	12/24/2012	10:57	Professional	GORTON, CASS	Visited
12/24/2012	08:37	12/24/2012	09:35	Professional	GORTON, CASS	Visited
12/07/2012	13:41	12/07/2012	14:41	Professional	GORTON, CASS	Visited
11/29/2012	10:45	11/29/2012	11:08	Professional	GORTON, CASS	Visited
11/19/2012	12:42	11/19/2012	13:15	Professional	GORTON, CASS	Visited
11/02/2012	14:20	11/02/2012	15:20	Professional	SHEEK, CHRISTOPHER	Visited
10/27/2012	08:30	10/27/2012	09:44	Professional	GORTON, CASS	Visited
10/13/2012	09:30	10/13/2012	11:19	Professional	GORTON, CASS	Visited
10/05/2012	13:39	10/05/2012	14:32	Professional	GORTON, CASS	Visited
09/22/2012	08:50	09/22/2012	09:50	Professional	GORTON, CASS	Visited
09/18/2012	13:25	09/18/2012	13:27	Professional	LYNCH, MARTHA	Visited
09/16/2012	09:53	09/16/2012	10:58	Professional	GORTON, CASS	No Show
09/09/2012	09:40	09/09/2012	10:22	Professional	GORTON, CASS	Visited
09/06/2012	14:17	09/06/2012	15:08	Professional	SHEEK, LANCE CHRIS	Visited
08/26/2012	09:10	08/26/2012	09:35	Professional	GORTON, CASS	Visited
08/04/2012	12:19	08/04/2012	12:41	Professional	GORTON, CASS	Visited
07/27/2012	10:15	07/27/2012	11:12	Professional	GORTON, CASS	Visited

PJV004R

10/18/2015 2:16:22PM
Job Number 1266077

Greenville County Detention Center

Inmate Visits

Page 2 of 3
JIMORAN

Inmate 0420 WALKER, JOSEPH CHRISTOPHER Sex M Race B DOB 06/24/1984 Booked 12/01/2011 Cell ID Pack# 0185898

From Date	Time	To Date	Time	Type	Visitor	Status
07/15/2012	08:30	07/15/2012	09:57	Professional	GORTON, CASS	No Show
07/05/2012	12:35	07/05/2012	14:00	Professional	GORDON, CASS	Visited
06/24/2012	09:24	06/24/2012	09:46	Professional	GORTON, CASS	Visited
06/17/2012	09:09	06/17/2012	10:00	Professional	GORTON, CASS	Visited
06/13/2012	13:00	06/13/2012	14:30	Professional	MERRITT, ROBERT	No Show
06/13/2012	10:10	06/13/2012	10:27	Professional	MERRITT, ROBERT	Visited
06/10/2012	13:07	06/10/2012	13:11	Professional	GORTON, CASS	Visited
05/27/2012	08:52	05/27/2012	09:31	Professional	GORTON, CASS	Visited
05/11/2012	09:13	05/11/2012	10:07	Professional	MERRITT, BOB	Visited
04/18/2012	12:49	04/18/2012	13:29	Professional	SHEEK, CHRISTOPHER	Visited
04/06/2012	14:00	04/06/2012	14:30	Professional	CHEEK, CHRISTOPHER	No Show
03/23/2012	18:45	03/23/2012	19:01	Professional	GORTON, CASS	Visited
03/22/2012	08:54	03/22/2012	09:56	Professional	GORTON, CASS	Visited
03/20/2012	14:30	03/20/2012	15:30	Professional	WALKER, JOSEPH	No Show
03/09/2012	17:45	03/09/2012	18:26	Professional	GORTON, CASS	Visited
03/02/2012	10:34	03/02/2012	11:25	Professional	GORDON, CASS	Visited
02/27/2012	18:00	02/27/2012	18:15	Professional	SHEER, CHRISTOPHER	Visited
02/23/2012	19:00	02/23/2012	19:43	Professional	SHEEK, LANCE	Visited
02/17/2012	14:30	02/17/2012	16:10	Professional	GORDON, CASS	Visited
02/10/2012	08:25	02/10/2012	08:49	Professional	ROBINSON, SCOTT	Visited
02/06/2012	13:40	02/06/2012	14:00	Professional	ROBINSON, SCOTT	Visited
02/03/2012	12:35	02/03/2012	13:14	Professional	GORDON, CASS	Visited
01/17/2012	12:42	01/17/2012	13:10	Professional	MUSSETTO, JOHN	Visited
01/15/2012	09:00	01/15/2012	09:55	Professional	CONNLEY, LEE	Visited
01/10/2012	14:35	01/10/2012	14:44	Professional	SMITH, TOM	Visited
01/05/2012	18:50	01/05/2012	19:18	Professional	ROBINSON, SCOTT	Visited
12/30/2011	12:46	12/30/2011	13:11	Professional	POSEY, CHRIS	Visited
12/23/2011	10:11	12/23/2011	10:28	Professional	ROBINSON, SCOTT	Visited
12/22/2011	13:40	12/22/2011	14:39	Professional	ROBINSON, SCOTT	Visited
12/22/2011	09:00	12/22/2011	09:30	Professional	CONNOLLY, LEE	Cancelled App (Phone

PJV004R

Greenville County Detention Center

Inmate Visits

10/18/2015 2:16:22PM
Job Number 1266077

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Page 3 of 3
JMORAN

Inmate 0420 WALKER, JOSEPH CHRISTOPHER Sex M Race B DOB 06/24/1984 Booked 12/01/2011 Cell ID Pack# 0185898

From Date	Time	To Date	Time	Type	Visitor	Status
12/21/2011	12:23	12/21/2011	12:35	Professional	POSEY, CHRIS	Visited
12/21/2011	08:42	12/21/2011	09:36	Professional	POSEY, CHRIS	Visited
12/20/2011	17:57	12/20/2011	19:15	Professional	ROBINSON, SCOTT	Visited
12/20/2011	12:31	12/20/2011	13:07	Professional	POSEY, CHRIS	Visited
12/20/2011	09:01	12/20/2011	10:00	Professional	ROBINSON, SCOTT	Visited
12/14/2011	12:22	12/14/2011	13:15	Professional	POSEY, CHRIS	Visited
12/12/2011	12:20	12/12/2011	12:40	Professional	BEASLEY, RYAN	Visited
12/12/2011	12:18	12/12/2011	12:35	Professional	POSEY, CHRIS	Visited
12/08/2011	12:33	12/08/2011	13:18	Professional	POSEY, CHRIS	Visited
12/07/2011	09:38	12/07/2011	09:58	Professional	ROSS, SUSANNAH	Visited
12/06/2011	13:30	12/06/2011	13:34	Professional	POSEY, CHRIS	Visited
12/04/2011	14:00	12/04/2011	14:30	Professional	POSEY, CHRISTOPHER	Visited
12/02/2011	13:29	12/02/2011	13:42	Video - Professional	AUSTIN, ROBIN	Visited

*****End of Report*****

Search Web Hi, Cass:

SENT CONTACTS CALENDAR Fastcase Document ... Joseph Walker

Compose

Delete

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Actions

Inbox (131)

Joseph Walker from Cassandra Gorton to 1 recipient

2:00 PM

Conversations

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Sent

Spam (401)

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MESSENGER

APPLICATIONS

Lance:

I saw Joe today, and he asked me to contact you on his behalf.

He is very anxious to review any audio and video on the alleged drug transactions.

He is aware that those drug charges may render the rest of the cases meaningless, and understands that the video/ audio tapes may determine the tone for the defense.

I am not sure if you are familiar with the local rules and quirks,

so I will tell you that you will need to get pre-approval to bring in your laptop and share those with him.

Your first step is to call Sgt. Dana Lewis, at 467- 2416

Once you have her approval, you will need to contact Colleen, at professional visitation, explain that although Walker is at the old jail you need to arrange a visit in Pro-V at the new jail, in order to use your laptop to review audio/ video material.

Colleen's number is 467 - 2370, or you can fax her a request re the same at (864) 467-2472

Be aware that certain times will be off limits due to meals, count, etc

Some of those "off limits" times include 10:30-12:30, 2:30 - 5:00 etc

I hope this helps. Good luck!

Cass





Re: Joseph Walker - update

Cassandra Gorton <cassgorton@yahoo.com>
Reply-To: Cassandra Gorton <cassgorton@yahoo.com>
To: "Robert E. Merritt, Attorney at Law" <merrittlaw@nctv.com>

Thu, Jun 21, 2012 at 1:11 PM

Dear Bob and Lance:

As expected, the Solicitor reacted strongly to both OUR Motion for Bond and my subpoena to the jail. He contacted the Office of Indigent defense and complained that I was asserting myself into a case for which YOU represent a client, and asked them to close the indigency case AND instruct me to do the same. The head guy, Zach Klebe, is on vacation, so his assistant Betty did as instructed.

I faxed back a note to Betty and followed up with your contact info to verify that you do NOT represent Walker on this new charge, as it would be a separate trial, you were not paid to include it, etc etc. I also explained the situation with the solicitor trying to get me off, and that I was determined to protect the client from this type of over reaching. As Betty was gone for the day, I explained all this to Porter, who is second in command at our local SCCID office. Porter is going to send me a follow up to disregard the previous correspondence, but may be calling to verify the status of things w/ your office first.

In the meantime, the Public Records custodian is refusing to honor my subpoena unless/ until the solicitor approves. I

will send you that correspondence separately. Next stop:
Ex parte Motion/Order for issuance/compliance of said
subpoena

Don't you just love our work?

Cass

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From: "Robert E. Merritt, Attorney at Law" <merrittlaw@nctv.com>

To: Cassandra Gorton <cassgorton@yahoo.com>

Cc: sheeklaw@yahoo.com

Sent: Monday, June 18, 2012 9:54 AM

Subject: Re: Joseph Walker - Motion to Set Bond

Thanks. I believe you are right on point reference the bond hearing. Lance and I will get together and see when we can all meet to go over this one. Keep us informed and we will do the same. Bob

On Sun, Jun 17, 2012 at 9:28 PM, Cassandra Gorton <cassgorton@yahoo.com> wrote:

Bob:

I got the Motion, and will be filing it in the morning. I've already warned Joe it probably won't be heard this Friday,



Joseph Walker - Motion to Set Bond

Robert E. Merritt, Attorney at Law <merrittlaw@nctv.com>

To: cassgorton@yahoo.com

Cc: sheeklaw@yahoo.com

Sun, Jun 17, 2012 at 5:49 PM

Cass, let me know if you got the motion to set bond and if you get a chance to drop it by the Court House. Let us know what else we need to do to clarify that we are in tandem on this one and you are lead on the intimidating a witness, charge. Look forward to working with you. Please do hesitate to let us know what we can do on this end. Bob PS, I hit some key and a bunch of emoticons popped up. If any show up on this e mail, it was not my intent. Don't know how to shut them off.

Robert E. "Bob" Merritt, Attorney at Law
Geoly, Sheek, and Merritt, LLC
1225 South Main Street
Greenwood, SC 29646

864-223-3352 (O)
864-377-4326 (Cell)

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Cassandra Gorton <cassgorton@yahoo.com>

Reply-To: Cassandra Gorton <cassgorton@yahoo.com>

To: "Robert E. Merritt, Attorney at Law" <merrittlaw@nctv.com>

Sun, Jun 17, 2012 at 9:28 PM

Bob:

I got the Motion, and will be filing it in the morning. I've already warned Joe it probably won't be heard this Friday, as the prosecutor is likely to react and keep it from being on this week's docket... we are probably looking at 3 weeks out. AND that my recommendation is to cancel and

postpone even beyond that if it's a Judge Hill week (vs Miller or Verdin) which he agrees, and I hope you do too. Joe asked for my estimate and I said no way less than 100K, and I am expecting it to be in the 200K-500K range. This because his last bond on the drug case was 70K, and in the solicitors opinion, he posted bond, hunted down his alleged snitch and killed him within hours of posting. Joe gets it. He's hoping for the best but prepared for the worst.

I see my case as merely a piggy back to yours, so for all practical purposes, I am following your lead.

Let me know what you need, even if it's just meeting w. Joe and passing info. I am at the jail every week, and all my clients are on a two week rotation, unless more frequent contact is needed. I'd be seeing Joe whether you asked me to do so or not, so it's really not a problem to be your messenger.

My plan is to subpoena a load of documents from the Greenville Count Detention Center, which is NOT part of the sheriff's office (just another example of how Greenville is different). As soon as I get the subpoena drafted, I will send you a copy.

Maybe we should plan to get together in a few weeks to discuss an overall strategy?

Cass
864-201-1604

From: "Robert E. Merritt, Attorney at Law" <merrittlaw@nctv.com>
To: cassgorton@yahoo.com
Cc: sheeklaw@yahoo.com

<https://mail.google.com/a/nctv.com/?ui=2&ik=258d8cf8cc&view=pt&search=inbox&th=137fc8bfcbb32e42>

Subject: Joseph Walker
From: Cassandra Gorton (cassgorton@yahoo.com)
To: MMoyer@greenvillecounty.org
Bcc: ltcinvestigations@juno.com;
Date: Wednesday, March 21, 2012 6:52 PM

Mr. Moyer:

I have had an opportunity to review the discovery in the first three cases and have discovered some missing items. I am requesting that they be provided pursuant to Brady v. Maryland, as they are likely to contain impeaching and/or exculpatory information.

Attempted Murder 7/20/11

- Information pertaining to Tyler Mattress perjury charge, including the detailed nature of the statements which constituted perjury
Warrant # 802735

- Any statement (or lack thereof) taken from Sharanda Ray
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Drug Sale September 29, 2011

- A copy of the audio/video of the sale

Drug Sales in November ,2011

- A copy of the audio/ video recording the November 11 sale
- A copy of the audio/ video recording of the November 15 sale

With Best Regards,

Cass Gorton

Walker

Search Web

Hi,
Cassandra

INBOX

CONTACTS

CALENDAR

SEARCH: Walker

RE: Joseph walker

FW: Walker's pendin...

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Spam

Actions

Inbox (187)

Conversations

Drafts (181)

Sent

Spam (500)

Trash (3)

FOLDERS

Notes

Synced Messages (10)

MESSENGER

APPLICATIONS

F Walker's pending charges

Sun, Apr 7, 2013 at 7:16 PM

From: Moyer, Mark

To: Cass Gorton

The last sentence refers to the fact he told me he is (or may, I'm not positive) be going back to work for the Greenwood Solicitor's Office. If that happens, I wonder if you will be getting his cases?

L. Mark Moyer, Assistant Solicitor
Greenville County Courthouse
305 East North Street, Ste. 305
Greenville, South Carolina 29601
Phone: 864-467-8638
Facsimile: 864-467-8610

From: Moyer, Mark
Sent: Thursday, April 04, 2013 10:04 AM
To: 'Lance Sheek'
Subject: Walker's pending charges

Lance,

After talking this over with Betty Strom, I have a proposal as to Walker's remaining pending charges. If he will plead guilty, we will recommend 30 years for voluntary manslaughter (reduced from murder) and 10 years concurrent on the 3 charges of distribution of crack cocaine within proximity of a school. The remaining charges will be dismissed.

Walker gets a benefit from this because should he win his appeal, we won't be able to go after him for LWOP on any charge other than the attempted murder. If he turns down the plea and wins the appeal, I will be back in the position of having 5 opportunities to get him for LWOP.

Is this worth pursuing? If so, we can have him transported from SCDC in May and give it a try. I guess factoring into the equation is when you will be going back to the solicitor's office.

Thanks,

L. Mark Moyer, Assistant Solicitor
Greenville County Courthouse
305 East North Street, Ste. 305
Greenville, South Carolina 29601
Phone: 864-467-8638
Facsimile: 864-467-8610

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Joe Walker

Cassandra Gorton <cassgorton@yahoo.com>

Wed, Jul 18, 2012 at 2:18 PM

Reply-To: Cassandra Gorton <cassgorton@yahoo.com>

To: Lance Sheek <sheeklaw@yahoo.com>, Robert Merritt Attorney at Law <merrittlaw@nctv.com>

Dear Bob and Lance:

Before filing the additional ppwk required to get a bond hearing, I called Probation to verify Joe's belief that his probation officer Michelle Buncomb was "cool" and probably willing to postpone the VOP til the dispo of his cases. What I learned is that his files had been transferred to Agent Amanda King (not my favorite). King called me back, leaving a voice mail, and stated that she was trying to schedule the VOPs for hearing sooner vs later, and further stated that the new charges were the basis for the VOP, and that she was seeking full revocation at his full exposure, which is 9 years.

I then left a message for her, asking her to please hold off til the dispo of the cases, but I probably need to hand this over to you (she has not responded to my pleas), as the VOPs are yours.

Bottom line, which I've already explained to Joe, is

that this lady is not the most agreeable person, and that the ONLY chance (and a slim chance) that you have in getting her to wait until the new cases are resolved is if you agree to leave him in jail until then, foregoing the bond reduction motion (that is not likely to be an amount he can pay anyway) BUT that's better than getting 9 years now. ...

He understand and agrees, but would like to discuss the VOPs further with you when you get a chance.

BTW- if I'm stepping on toes, please say so.

Cass

201-1604

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From: "Robert E. Merritt, Attorney at Law" <merrittlaw@nctv.com>
To: cassgorton@yahoo.com
Cc: sheeklaw@yahoo.com
Sent: Sunday, June 17, 2012 5:49 PM
Subject: Joseph Walker - Motion to Set Bond

Cass, let me know if you got the motion to set bond and if you get a chance to drop it by the Court House. Let us know what else we need to do to clarify that we are in tandem on this one and you are lead on the intimidating a witness, charge. Look forward to working with you. Please do hesitate to let us know what we can do on this end. Bob PS, I hit some key and a bunch of emoticons popped up. If any show up on this e mail, It was not my intent. Don't know how to shut them off

--

Robert E. "Bob" Merritt, Attorney at Law
Geoly, Sheek, and Merritt, LLC
1225 South Main Street
Greenwood, SC 29646

864-223-3352 (O)
864-377-4326 (Cell)

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Subject: Attn: Lance Sheek (Joseph Christopher Walker – warrant number N210250)

From: Moyer, Mark (MMoyer@greenvillecounty.org)

To: geolysheekmerritt@yahoo.com;

Date: Thursday, June 28, 2012 3:59 PM

Mr. Sheek:

You sent us a letter dated May 30, 2012, notifying us that you represent Joseph Walker on warrant number N210250 (intimidation of a witness). You subsequently told me in a telephone call that you will not be representing Mr. Walker on this charge. I would ask that you kindly send me a letter clarifying whether you represent him or not on this charge.

Thank you for your attention in this matter. With kind regards,

L. Mark Moyer, Assistant Solicitor

Greenville County Courthouse

305 East North Street, Ste. 305

Greenville, South Carolina 29601

Phone: 864-467-8638

Facsimile: 864-467-8610

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RECEIVED
BY Email DATE 6/28

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

In the Matter of Christopher Lance Sheek, Respondent

Appellate Case No. 2012-212394

Opinion No. 27163

Submitted July 16, 2012 – Filed August 29, 2012

PUBLIC REPRIMAND

Lesley M. Coggiola, Disciplinary Counsel, and Sabrina
C. Todd, Assistant Disciplinary Counsel, both of
Columbia, for Office of Disciplinary Counsel.

Christopher Lance Sheek, of Greenwood, *pro se*.

PER CURIAM: In this attorney disciplinary matter, the Office of Disciplinary Counsel (ODC) and respondent have entered into an Agreement for Discipline by Consent (Agreement) pursuant to Rule 21 of the Rules for Lawyer Disciplinary Enforcement (RLDE) contained in Rule 413 of the South Carolina Appellate Court Rules (SCACR). In the Agreement, respondent admits misconduct and consents to the imposition of an admonition or public reprimand. Respondent further agrees: 1) to pay the costs incurred in the investigation and prosecution of this matter by ODC and the Commission on Lawyer Conduct (the Commission) within thirty (30) days of the imposition of a sanction; 2) to complete the Legal Ethics and Practice Program Ethics School within one (1) year of the imposition of a sanction; and 3) to retain and work with a law office management advisor for two (2) years following the imposition of a sanction. We accept the Agreement and issue a public reprimand. In addition, we impose the conditions of discipline agreed to by the parties. The facts, as set forth in the Agreement, are as follows.

Facts

Matter I

Client A hired respondent to represent him on appeal from his criminal conviction. Respondent failed to timely file the record on appeal and the appeal was dismissed. Respondent moved for reconsideration of the dismissal, but failed to respond in writing to two letters from the court and his motion was dismissed. Respondent failed to inform Client A of the dismissal of the appeal and his failure to have the appeal reinstated.

Client A discovered his appeal had been dismissed when he wrote to the appellate court. An attorney with the Office of Appellate Defense later had Client A's appeal reinstated and Client A prevailed on appeal.

Matter II

Respondent represented Client B in a probate court appeal. The appeal was dismissed when respondent failed to appear for a roster meeting. Respondent maintains he was unaware of the roster meeting until the clerk's office called on the morning of the meeting; however, several weeks earlier the clerk's office had sent a memorandum advising that the roster had been posted online.

Respondent moved for reconsideration, but submitted the motion to the wrong judge. Respondent was advised he had ten (10) days to submit the motion to the judge who had dismissed the appeal. Respondent failed to timely submit the motion to the correct judge, but the judge learned of the motion and issued an order denying the motion for reconsideration. When respondent notified Client B that the motion for reconsideration had been denied, she terminated the representation.

Matter III

Respondent represented Client C, the wife, in a domestic action which did not result in a divorce. Several years after he was initially hired, respondent met with Client C and her husband about a change of custody. Respondent was advised the parties had agreed to divorce and for the husband to have custody of the couple's minor children. Respondent prepared the proposed agreement as Client C's attorney.

After the parties executed the agreement, Client C advised respondent that she did not want to proceed with the agreement. Respondent refused the husband's demands that he file the agreement, but did write a letter on the husband's behalf advising the school that the husband had joint custody of the couple's son and should be notified if anyone tried to remove the child from school. Respondent did not have Client C's permission to write the letter and admits his conduct violated the Rules of Professional Conduct.

Matter IV

Respondent represented the widow in an estate in which the widow and the decedent's child were the only heirs. The probate court removed the widow as personal representative, replacing her with the decedent's child. Both heirs agreed for respondent to serve as the special administrator.

As the special administrator, respondent failed to diligently pursue the closing of the estate. The probate court repeatedly wrote respondent in an effort to get him to take the steps necessary to close the estate. On one occasion, the court noted respondent had failed to respond to an earlier inquiry and, on another occasion, the court threatened to issue a rule to show cause. Eventually, the probate court administratively closed the estate with leave to restore.

Matter V

Respondent represented Client D at trial on criminal charges. Client D was convicted and sentenced to life imprisonment. Thereafter, Client D wrote respondent twice requesting a complete copy of his file and information about his appeal. Respondent did not respond to Client D's first two letters.

More than a year after the second letter, Client D wrote respondent, again demanding his file. In response, respondent wrote Client D indicating the file was too voluminous to mail to the prison and stating he had explained this several times to Client D's family. Eventually, respondent had the file delivered to the prison.

Matter VI

This matter arises from respondent's representation of a father in a child custody action. The complaint was filed by the child's mother who appeared *pro se* throughout the litigation.

Respondent prepared the proposed order; he failed to submit a copy of the proposed order to the mother. Further, respondent submitted the proposed final order to the judge in an untimely manner and accidentally failed to include a restraining order as well as some details regarding visitation. The order was signed and filed before respondent realized the omissions in the order.

Law

Respondent admits that by his conduct he has violated the following provisions of the Rules of Professional Conduct, Rule 407, SCACR: Rule 1.1 (lawyer shall provide competent representation to client); Rule 1.3 (lawyer shall act with reasonable diligence and promptness in representing client); Rule 1.4 (lawyer shall keep client reasonably informed about the status of matter; lawyer shall promptly comply with reasonable requests for information); Rule 1.7 (lawyer shall not represent client if the representation involves concurrent conflict of interest); Rule 1.16(d) (upon termination of representation, lawyer shall take steps to the extent reasonably practicable to protect client's interests, such as giving reasonable notice to client, allowing time for employment of other counsel, and surrendering papers and property to which client is entitled); and Rule 8.4(e) (it is professional misconduct for lawyer to engage in conduct prejudicial to administration of justice).

Respondent also admits he has violated the following Rules for Lawyer Disciplinary Enforcement, Rule 413, SCACR: Rule 7(a)(1) (it shall be ground for discipline for lawyer to violate Rules of Professional Conduct).

Conclusion

We find respondent's misconduct warrants a public reprimand. Accordingly, we accept the Agreement and publicly reprimand respondent for his misconduct. Respondent shall: 1) pay the costs incurred in the investigation and prosecution of this matter by ODC and the Commission within thirty (30) days of the date of this opinion and 2) complete the Legal Ethics and Practice Program Ethics School within one (1) year of the date of this opinion. Respondent shall provide the Commission with proof of his completion of the Legal Ethics and Practice Program Ethics School within ten (10) days of the conclusion of the program.

Further, respondent shall retain a law office management advisor approved by the Commission who shall work with respondent for a period of two (2) years from the date of this opinion. The advisor shall conduct a thorough review of respondent's

law office management practices. Within ninety (90) days of the date of this opinion, the advisor shall submit a report to the Commission which contains an analysis of and recommendations concerning respondent's law office management practices. For the remainder of the two (2) year period, respondent shall meet with the advisor on at least a quarterly basis and the advisor shall submit quarterly reports concerning the status of respondent's law office management practices to the Commission. Respondent shall be responsible for payment of the advisor and for timely submission of the advisor's reports. Respondent's failure to comply with any of the conditions of discipline set forth in this opinion or with the advisor's recommendations shall constitute grounds for discipline.

PUBLIC REPRIMAND.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
concur.**

RESOLUTION OF FEE DISPUTES BOARD OF THE SOUTH CAROLINA BAR

APPLICATION FOR RESOLUTION OF DISPUTED FEE

Please answer every question. If more space is needed, you may attach additional pages.

Submit copies of all documentation which may support your position, including canceled checks, receipts, letters, settlement statements, and statements for services rendered. Do not submit originals.

IF YOUR DOCUMENTATION CONSISTS OF 25 PAGES OR MORE, YOU MUST INCLUDE THREE (3) COPIES AS PART OF THE ORIGINAL APPLICATION AND DOCUMENTATION.

Please type or legibly print:

1. AMOUNT IN DISPUTE: \$

2. Your full name: Joseph Christopher Walker
 Your address: 125 Lions Club Rd. Apt. #118
 City/State/Zip: Greenville, South Carolina, 29617
 Telephone Numbers:
 Work: _____ Home: _____ Cell: (864) 230-6975
 Email address: _____
☐ I consent to receive notification via email ☐ I do NOT consent to receive notification via email
 Are you active military? Yes: ☐ No: ☒
 If yes:
 Are you currently deployed? Yes: ☐ No: ☒
 Are you scheduled for deployment? Yes: ☐ No: ☒
 If yes:
 Date of Deployment: _____

3. Who is the Lawyer whose fee you are disputing?
 Lawyer's Name: Christopher Lance Sheek
 Lawyer's Address: 1201 E. Cambridge Ave. Greenwood South Carolina 29646
 Lawyer's Telephone Number: _____
 Lawyer's Email Address: _____

4. Do you have a written fee contract with the Lawyer? Yes: ☒ No: ☐
 If yes, attach a copy. If no, set out the terms of your oral fee agreement with the Lawyer.

5. When did you hire the Lawyer? (Date) 2-27-12

6. When did a dispute concerning the fee arise? (Date) _____

7. Describe the legal services the Lawyer was hired to perform for you: (For example, will preparation, real estate transaction, insurance claim, divorce or domestic matter, criminal case, personal injury, or other) Criminal Case Criminal Case

8. List below the amounts and dates of all payments actually made to the Lawyer: (Attach copies of any documentation of payments and copies of billing statements you may have.)

DATE PAID	AMOUNT PAID
<u>2-27-12</u>	\$ <u>5,000</u>
	\$
	\$
	\$
	\$

Has the Lawyer billed you for fees that you have not yet paid? Yes: ☐ No: ☒

If yes, what amount of additional fees does the Lawyer seek? \$

9. Why are you disputing the fees charged by the Lawyer? (Be very specific with your answer.)

10. Did you pay court costs or filing fees in advance? Yes: ☐ No: ☐
If yes, what amount? \$ _____
Do you have any receipts? If so, submit copies.
11. List, as best you can recall, each time you met with the Lawyer and state how long each office visit lasted:

12. List, as best you can recall, each time you discussed your legal matter by telephone with the Lawyer and state how long each telephone call lasted: _____

13. List all legal papers, if any, the Lawyer prepared for you. Attach copies to this application:

14. List all court appearances the Lawyer made on your behalf and state the amount of time each hearing or trial lasted.

15. What is the status of your legal matter at this time? _____

16. List names, addresses, and telephone numbers of individuals who may have information about your fee dispute AND would be comfortable speaking to the board if we cannot locate you:

NAME	ADDRESS	TELEPHONE #
Tomeka Dennis	125 Lions Club Rd. Greenville, S.C. 29617	(864) 230-6975

17. Describe what you have done to try to resolve this dispute with the Lawyer (and/or partners or associates of the Lawyer) (for example, telephoned, wrote letters, sued, etc.) and the outcome of your attempts to resolve this dispute. Attach copies of any relevant documents:

18. Has the Lawyer acknowledged to you that your request for a refund is valid?

Yes ☐ No ☐

If yes, explain:

19. Describe any civil, criminal, or disciplinary proceedings you intend to bring or that you have already begun against the Lawyer based on the facts set forth in this application. Include the location and status of any such proceeding(s), as well as your involvement and any amounts awarded to you in such proceeding(s):

20. If you have been reimbursed by anyone for any portion of the fees you paid, state the amount received, the person/entity who made the payment, and the date of payment:

21. How did you learn of the Resolution of Fee Disputes Board?

23. Do you have an attorney representing you in this fee dispute? If so, please list:

Current Attorney's Name: _____

Current Attorney's Address: _____

Current Attorney's Telephone Number: _____

24. If you wish to designate another person to act on your behalf regarding this dispute and to receive correspondence or notices for you, please identify that person.

Name: _____

Address: _____

Telephone Number: _____

PLEASE CONTINUE TO THE NEXT PAGE

IMPORTANT: LIMITATIONS AND AGREEMENTS

1. I hereby apply to the South Carolina Bar and to the Resolution of Fee Disputes Board to inquire into and resolve what I believe to be a dispute about the legal fee of a South Carolina attorney who represented me in an attorney-client relationship. I understand that by filing this application, I consent to the Board's hearing this matter, and I agree to abide by the Board's decision in the matter. I understand that I may withdraw this application at any time prior to a final disposition by the Board or any assigned member acting for the Board by giving written notice to the South Carolina Bar of my withdrawal of the application. Should I withdraw my application, I understand that I may not thereafter re-file an application involving this same claim with the South Carolina Bar.

2. I hereby certify that the dispute has not previously been submitted to a court, commission, judge, or tribunal for disposition and that there is no action now pending before any court, commission, judge or tribunal to resolve this dispute.

3. I HEREBY ACKNOWLEDGE THAT I MUST KEEP THE CHAIR INFORMED, OF ANY CHANGE IN MY ADDRESS. I UNDERSTAND THAT MY CLAIM MAY BE DISMISSED IF THE CHAIR OR THE INVESTIGATING MEMBER CANNOT FIND ME TO DISCUSS MY CLAIM.

4. I HEREBY CERTIFY THAT I AM THE ACTUAL CLIENT IN THIS MATTER.

I, the undersigned say: I am the Applicant in the above matter, I have read the foregoing Application for Resolution of Disputed Fee and have read the Rules of Procedure, I know the contents thereof, and I certify that the same is true of my knowledge, except as to the matters and things which are therein stated upon my information or belief, and that as to those matters and things I believe them to be true.

I certify (or Declare) under penalty of perjury that the foregoing is true and correct.

Name of Applicant: Joseph Christopher Walker
 Street Address: 20 Mc Gee St.
 City: Cressville
 State: South Carolina Zip: 29605
 Signature of Applicant: Joseph Christopher Walker
 Date: _____

Mail or deliver the completed application to:
 Resolution of Fee Disputes Board
 South Carolina Bar
 Post Office Box 608
 Columbia, SC 29202-0608

SCBAR

[Home](#) [Committees](#) [Resolution of Fee Disputes Board](#) [FAQ by Clients](#)

FAQ by Clients

Frequently Asked Questions – by Clients

What is the Fee Disputes Program?

How does the process work? Can I appeal the decision?

Can I settle this fee dispute myself with my attorney?

Will I have to travel?

How long does this take?

Is it a fair process?

Does the attorney have to follow the same rules?

Is there a cost involved?

Do I need an attorney to represent me in this fee dispute?

Can I still talk with my attorney? Who will handle my legal case during all this?

Do I send you my original documents?

Do you handle all claims?

I paid the attorney bills for someone else, but was not otherwise involved in the legal matter. Can I file a claim?

I am in jail, hospitalized or otherwise unable to meet with the investigator or hearing panel. Can I still participate?

What about conflicts of interest? Aren't all attorneys in cahoots together?

How do I get started? Who do I call with questions about my claim once I have started?

What is the Fee Disputes Program?

It is a free program by the South Carolina Bar and Supreme Court of South Carolina for resolving fee disputes between you and your attorney, without need for going to court or other more formal processes. It is run by the Resolution of Fee Disputes Board ("Board") housed at the South Carolina Bar, P.O. Box 608, Columbia, SC 29202. Read below to learn what disputes are covered, how the process works, and how to contact us.

How does the process work? Can I appeal the decision?

Rule 416 of the South Carolina Appellate Court Rules (SCACR) has sub-rules that spell out the full fee dispute process. In a nutshell, this is a voluntary arbitration where you and your attorney both tell an Assigned Member from your community your side of the story regarding the fees you dispute. The Assigned Member investigates the matter and helps you and your attorney to reach a compromise or settlement, if possible and appropriate. Otherwise, the Assigned Member within 30-90 days of his/her appointment makes a recommendation to a local Circuit Chair of how the matter should be resolved. The Circuit Chair will either issue a decision agreeing with that recommendation, or will refer your dispute to a hearing panel of three assigned members for their review. (If the amount in dispute is over \$5,000, you or your attorney can appeal the Chair's decision to a hearing panel anyway.) Once a hearing panel hears both sides and issues a decision, that decision is final unless you or your attorney appeal it to your local circuit court within 30 days. A court can vacate – i.e., strike down – a Board decision only for one of five very specific reasons spelled out in Rule 20, mostly dealing with how the Board processed your complaint and not on the merits or facts of your complaint. To ensure finality of your fee dispute decision, an appeal will be limited to only these five reasons; neither you nor your attorney will be allowed to re-argue the facts and merits of your fee dispute, except to the extent those facts relate to these five grounds for appeal.

Can I settle this fee dispute myself with my attorney?

Yes, please do; but do not feel you must, and certainly feel free to consult another attorney before you do. Compromise is encouraged where feasible and appropriate and can be written or oral – albeit written is preferred, since it avoids misunderstandings. If you have already filed a fee dispute claim with us, then any such compromise or consent agreement you might reach with your attorney should be

communicated immediately to the Circuit Chair, who will send you and your attorney a letter confirming that agreement. Your compromise or agreement becomes the final decision of the Board fifteen (15) days after the date of that letter by the Circuit Chair. See Rule 11, ¶3.

Will I have to travel?

Usually not. The volunteers assigned to investigate or hear your fee dispute are selected in or near the county where your attorney's principal practice is located. If you hired an attorney far from where you currently live or work, than you may need to travel for this process.

How long does this take?

The process starts as soon as you file your claim with us, and should take no longer than six months, although sometimes it can. Deadlines and timelines appear in the rules. Various factors can impact the timing of your claim, including how complete and clear your application is, how quickly you and everyone else responds to inquiries and requests by the Board, and whether appeals are taken by you or your attorney.

Is it a fair process?

Yes. You are given every opportunity to explain to one or more unbiased third persons your side of the story. If at any time prior to a final decision, you change your mind and want out, you need only withdraw in writing. See Rule 16 (Voluntary Termination). Even after a final decision, you can appeal it to a circuit court, but only on narrow grounds such as fraud, bias, overreaching, no notice, and the like; you cannot re-argue the facts or merits of your case. See Rule 20 (Appeals). This is a voluntary process; you need not participate if you do not want to. [However, if you do choose to participate, your attorney must also participate – he/she has no choice. See Rule 9 (Rule Exclusive Upon Consent).]

Does the attorney have to follow the same rules?

Yes. If you choose to participate, then the attorney must participate. See Rule 9 (Rule Exclusive Upon Consent). Moreover, both you and the attorney must abide by the decision of the Board, which can be enforced like a judgment in court. See Rule 19 (Compliance). If a decision issues against an attorney and the attorney does not comply, the Supreme Court's Commission on Lawyer Conduct is notified and can also take action against the attorney. See Rule 19 (Compliance).

Is there a cost involved?

No, this is a free process funded by the South Carolina Bar. The investigators and panelists hearing your case are volunteers and are not paid for their services.

Do I need an attorney to represent me in this fee dispute?

Not necessarily. This process is designed to simplify as much as possible the resolution of claims by average citizens. You are welcome to hire an attorney to advise and help you with this process, but it is not required and rarely done. In addition to hiring an attorney, should your matter go before a hearing panel, under Rule 14, you may ask for a member of the Board to represent you. However, in that event, you are not guaranteed an attorney; it is up to the discretion of the Circuit Chair who will look at your income, your education, and your overall situation. See above to learn more about hearing panels and the fee dispute process. If the legal matter for which you hired your attorney is ongoing and unresolved, then you should be sure to at least discuss your options with both your current attorney and a prospective new attorney.

Can I still talk with my attorney? Who will handle my legal case during all this?

That is up to you. If a new attorney represents you already, please discuss this issue with him or her. Generally, fee dispute claims should be filed only as a last resort, after a client and attorney have talked the matter over and are unable to reach an agreement on the bill. If the legal matter for which you hired your attorney is still ongoing or unresolved, then you should be sure to at least discuss your options with your current attorney and a prospective new attorney, and to reach some agreement on who is handling your legal case going forward. Do not count on deadlines in your underlying legal matter to be extended or excused because you filed a fee dispute claim with this program; please consult your current or future attorney on this question, since the Board will only resolve your fee dispute and is not able to advise you on these other matters.

Do I send you my original documents?

No, please do not send us your original documents; the only originals we want are your application explaining to us your fee dispute. While you may attach copies of receipts, checks, invoices and other documents to support your application, please send us only copies of them, keeping your originals yourself in a safe place.

Do you handle all claims?

No. Rule 2 describes what claims are eligible for this program. The Board will only consider fee disputes and not other complaints you might have against your attorney. For purposes of this program, a "fee" includes payments for legal services as well as for costs or expenses of litigation; it also includes disbursements related to your legal case, claim or matter (e.g., amounts your attorney may have withheld from a settlement or judgment). The Board will not consider claims: equal to or over \$50,000; more than 3 years old; involving dissolutions of law partnerships or attorney businesses; already covered by other courts, commissions or tribunals; or attorney-attorney fee disputes (unless all parties agree and the dispute arises out of a single case or fee sharing arrangement).

I paid the attorney bills for someone else, but was not otherwise involved in the legal matter. Can I file a claim?

No. Only the "client" may file the claim. See Rule 2. As the person paying the bills, you are a possible witness and may or may not be heard on the matter; but for the claim to even be processed, the person represented by the attorney must sign and file the application.

I am in jail, hospitalized, or otherwise unable to meet with the investigator or hearing panel. Can I still participate?

Yes, you can still participate, but likely only by a written statement or by written responses posed by the Assigned Member or Hearing Panel, unless other arrangements are made. See Rule 11, ¶12 and Rule 15, ¶13.

What about conflicts of interest? Aren't all attorneys in cahoots together? No. The volunteers in this program are ethically and legally bound to follow these rules and strict codes of ethics and procedure to ensure you receive a fair shake. If you know of any specific conflict of interest with the persons assigned to hear your claim, please let us know immediately. Under Rule 18, reassignments to other volunteers can cure the problem or even the appearance of a problem.

How do I get started? Who do I call with questions about my claim once I have started?

To start the process, or to answer your general questions, contact Michelle Dennis at the South Carolina Bar: mdennis@scbar.org or 803-799-4015, ext. 163. If you have no questions, complete and return to Ms. Dennis this application. Our mailing address is Resolution of Fee Disputes Board, c/o South Carolina Bar, P.O. Box 608, Columbia, SC 29202. Once a claim has been filed, we send it to a Circuit Chair who sends it to an Assigned Member in your community. See above. At that point, you can still contact us if you need, but please directly contact the Circuit Chair or Assigned Member with information or

documents he or she might request or need to investigate your claim.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Joseph Christopher Walker, #285497

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

2014-CP-23-3382

ORDER OF DISMISSAL

ENTERED COMPUTER

2015 MAR 26 10 11 AM

This matter comes before the Court by way of an application for post-conviction relief filed on June 17, 2014 by Joseph Christopher Walker (Applicant). Respondent made its original Return and Motion to Dismiss on or about August 15, 2014. Respondent filed an amended return on January 7, 2015.¹ An evidentiary hearing into the matter was convened on December 11, 2017, at the Greenville County Courthouse in Greenville, South Carolina. Applicant was present and represented by R. Mills Arial Jr., Esquire. Respondent was represented by DeShawn H. Mitchell, Esquire of the South Carolina Attorney General's Office.

At the hearing, Applicant testified on his own behalf. Applicant's Plea Counsel C. Lance Sheek, Esquire also testified. This Court had before it a copy of the records of the Greenville County Clerk of Court regarding the Applicant's convictions, the transcript from Applicant's guilty plea, the PCR application, Respondent's Return and Applicant's records from the Department of Corrections. After reviewing the record and everything presented, this Court finds

¹ Respondent notes it submitted a return and motion to dismiss and proposed order of dismissal without prejudice on August 15, 2014. The chief administrative judge filed the order of dismissal on September 4, 2014 and Applicant filed a document in opposition on September 11, 2014. Applicant filed a notice of appeal at the South Carolina Supreme Court. By order dated November 19, 2014, the Supreme Court remanded the matter for Applicant's filing to be considered as a Rule 59(e), SCRCP motion. In the interest of judicial economy, Respondent conceded the propriety of Applicant's filing and acknowledged the initial return and motion to dismiss and proposed order of dismissal without prejudice were submitted in error as Applicant had a separate and distinct PCR action from this one filed with different charges.

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Am 9

Applicant has failed to establish any constitutional deprivations entitling him to post-conviction relief and denies this application.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. The Greenville County Grand Jury indicted the Applicant at the May 2012 term of General Sessions for two counts of distribution of cocaine base within proximity of a school (2012-GS-23-1286, -1287), possession with intent to distribute cocaine base within proximity of a school (2012-GS-23-2002), murder (2012-GS-23-2020, count 1), and possession of a weapon during commission of a violent crime (2012-GS-23-2020, count 2). Lance Sheek, Esquire represented the Applicant. On June 6, 2013, the Applicant pled guilty to voluntary manslaughter and three counts of distribution of cocaine base within proximity of a school.² The Honorable D. Garrison Hill sentenced the Applicant to concurrent terms of 30 years for voluntary manslaughter and 10 years for each count of distribution of cocaine base within proximity of a school. The Applicant did not appeal.

ALLEGATIONS

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

1. Ineffective assistance of counsel.
 - a. "Applicant was not represented by counsel a[t] guilty plea proceedings."
 - b. "Applicant was not informed of right to appeal."

SUMMARY OF TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

Applicant's Testimony

Applicant testified Cassandra Gorton, Esquire was court appointed to represent him but

² Respondent notes the Applicant had been sentenced to life imprisonment without parole on April 2, 2013 for attempted murder (2011-GS-23-8458) after being convicted at trial.

² *Am*

she was relieved and Plea Counsel was retained to represent him. Applicant testified Ms. Gorton was still helping him with his case even though Plea Counsel had been paid to represent him and that he was confused as to who represented him on the charges. He testified he wanted to go to trial on the murder charge but not the other charges. Applicant testified he only met with Plea Counsel four or five times. He testified the court should have told him he had two attorneys representing him at the same time. Applicant also testified Plea Counsel had been reprimanded by the South Carolina Supreme Court for being a bad lawyer.

Plea Counsel's Testimony

Plea Counsel testified he had been practicing law for twenty-five years and all of that time had been devoted to criminal law. Plea Counsel testified he met with Applicant several times and went over Applicant's discovery with him in his case. He testified he discussed Applicant's potential defenses and presented plea offers the State extended to Applicant. Plea Counsel testified the State would not separate Applicant's charges and allow him to plead to some and go to trial on the other. Plea Counsel testified Cassandra Gorton, Esquire represented Applicant on separate charges. Plea Counsel testified both Ms. Gorton and himself explained to Applicant that they represented him on different charges. Plea Counsel testified he did not remember Ms. Gorton giving Applicant any advice about the charges he represented Applicant on. Plea Counsel testified the murder charge was a defensible case but the drug case was not because Applicant was on camera committing the offense.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

These credibility findings have been applied to the Court's findings and conclusions set forth below. Below are the findings of fact and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2017).

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

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

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

In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Lockhart, 474 U.S. at 56. Further, "[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing." McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, "whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases." Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). Further, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant; thus, an applicant's right to contest the validity of such a plea is usually foreclosed. Dalton, at 137-38, 654 S.E.2d at 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions

“made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). “In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing.” Id. at 138–39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

Ineffective Assistance of Counsel/Involuntary Guilty Plea

Regarding Applicant’s claim his guilty plea was induced by ineffective assistance of counsel, this Court finds Applicant has failed to meet his burden of proof. This Court finds Counsel provided effective assistance in this case and Applicant’s decision to plead guilty was made freely and voluntarily. Counsel is a trial practitioner who had experience in the trial of criminal offenses. Counsel conferred with Applicant on multiple occasions, during which Counsel discussed the pending charges, the State’s evidence, possible defenses and courses of action, and answered all of Applicant’s questions.

This Court further finds the record reflects Applicant’s plea was entered freely, voluntarily, knowingly, and intelligently. The plea judge explained the charges to Applicant, including the maximum penalties for each. The plea judge also went through Applicant’s constitutional rights and questioned Applicant as to whether he understood those rights and wished to give them up to plead guilty. Applicant agreed that he did. Applicant admitted he was guilty of these offenses told the plea judge that he was satisfied with his attorney. Applicant further told the plea judge no one had threatened him or made him any promises to get him to

plead guilty, and he was doing so of his own accord. Additionally, Applicant told the plea judge he did not have any physical or mental issues which would prevent him from understanding the proceeding, and Applicant indicated he understood all of the plea judge's questions and had answered them honestly. This Court therefore finds that Applicant understood the terms of the plea and the possible sentences he could receive.

Therefore, this Court finds Applicant has failed to prove the first prong of the Strickland test – that Counsel failed to render reasonably effective assistance under prevailing professional norms. Applicant failed to present compelling evidence that Counsel committed either errors or omissions in his representation of Applicant. This Court also finds Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Counsel's performance. This Court also finds that the record fully supports the knowing and voluntary nature of Applicant's guilty plea. See Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (holding defendant's knowing and voluntary waiver of statutory or constitutional rights in a guilty plea "must be established by a complete record, and may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both."). In addition, Applicant has presented no evidence or valid reasons why he should be allowed to depart from the truth of his statements made at the plea. See Dalton, 376 S.C. at 137, 654 S.E.2d at 874 ("[Admissions] made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements."). This Court concludes Applicant has not met his burden of proving Counsel failed to render reasonably effective assistance. The allegation is denied and dismissed.

Failure to File Notice of Appeal

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A33

Applicant alleges plea counsel was ineffective for failing to file a notice of appeal after his guilty plea. Though counsel is required to make certain that a defendant is made fully aware of his or her right to appeal after a *trial*, a different standard applies to a guilty plea:

Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal) or when the defendant reasonably demonstrated an interest in appealing, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea.

Turner v. State, 380 S.C. 223, 224-25, 670 S.E.2d 373, 374 (2008) (citations omitted).

The Court finds no deficiency on the part of plea counsel or prejudice therefrom. The Court relies upon the credibility findings already set forth above, and finds Applicant never asked for an appeal and no other reason existed for plea counsel to believe Applicant wanted or would want an appeal. Accordingly, Applicant's request for relief by way of this allegation is denied and dismissed.

Disciplinary Action

Applicant alleged at the PCR hearing he had proof that Plea Counsel was not a good lawyer as Plea Counsel had been reprimanded by the South Carolina Supreme Court. This Court finds any disciplinary action taken by the Supreme Court against Plea Counsel is not relevant to the Applicant's Post-Conviction Relief Application and is not evidence of any deficiency. As such this Court will not consider it. Accordingly, Applicant's request for relief by way of this allegation is denied and dismissed.

CONCLUSION

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

This Court notifies Applicant that he must file and serve a notice of appeal within thirty (30) days from receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. *See* Rule 203, SCACR. An applicant has a right to an appellate counsel's assistance when they are seeking review of the denial of PCR. Austin v. State, 305 S.C. 453 (1991). If an applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. See Rule 71.1 (g), SCRCP. Reffer to Rule 243 of the South Carolina Appellate Court Rules for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

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

AND IT IS SO ORDERED this 21st day of March, 2018.



ROBIN B. STILWELL
Presiding Judge
Thirteenth Judicial Circuit

Greenville, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
DISTRIBUTION OF COCAINE BASE WITHIN 1/2 MILE OF A
SCHOOL/PARK/PLAYGROUND

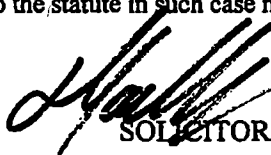
At a Court of General Sessions, convened on
County present upon their oath:

MAY 29 2012

the Grand Jurors of Greenville

That JOSEPH CHRISTOPHER WALKER did in Greenville County, on or about the 11th day of November, 2011, distribute a quantity of Cocaine Base (Crack Cocaine), a controlled substance, while being within one-half (1/2) mile proximity of the Sullivan Center. This is in violation of §44-53-0445 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

WITNESSES

P M Brown

Greenville Police Department

11/23/2011

DOCKET NO. 2012-GS-23-
LMM

001286

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2012

6-6-13

THE STATE

vs.

ARREST WARRANT NUMBER
M803114

JOSEPH CHRISTOPHER WALKER

ACTION OF GRAND JURY

TRUE BILL

John H. P. [Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0108

DISTRIBUTION OF COCAINE BASE WITHIN 1/2
MILE OF A SCHOOL/PARK/PLAYGROUND

VIOLATION § 44-53-0445

Foreperson of Petit Jury
Date:

RECEIVED

MAR 01 2012

Clerk of Court
Greenville County

ARREST WARRANT

M-803114

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

11-94384

against

Joseph Christopher Walker

Address:

Greenville, SC -

Phone: SSN:

Sex: M Race: B Height: 5 10 Weight: 165

DL State: SC DL #:

DOB: /1984 Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: P M Brown - 0499

Offense: Drugs / Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

Offense Code: 0108

Code/Ordinance Sec: 44-53-0445(B)(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Joseph Walker on 11-23-11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29601

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant P M Brown who

being duly sworn deposes and says that defendant Joseph Christopher Walker

did within this county and state on or about 11/11/2011

violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

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

The affiant states that on or about 11-11-11, a confidential informant with the Greenville Police Department did purchase a quantity of beige, rock-like substance, which did field test positive as cocaine base, using Greenville Police funds, from the accused, Joseph Christopher Walker, who was positively identified by the confidential informant. The accused has at least two prior convictions for distribution related offenses involving cocaine base. This incident occurred within the city limits of Greenville, SC, and within one half mile of the Sullivan Center, located at 206 Wilkins Street, which is also within the city limits of Greenville, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET
GREENVILLE, SC 29601-

Affiant's Telephone

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 11/11/2011 defendant Joseph Christopher Walker

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

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

DESCRIPTION OF OFFENSE: Drugs / Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

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

Sworn to and subscribed before me

on 11/18/2011

Signature of Issuing Judge Mark W. Hartle (L.S.)

Mark Hartle

Judge Code: 6511

Judge's Address 426 North Main Street

Greenville, SC 29601-

Judge's Telephone (864)467-6657

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SOCA 618

212

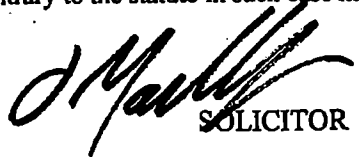
STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
DISTRIBUTION OF COCAINE BASE WITHIN 1/2 MILE OF A
SCHOOL/PARK/PLAYGROUND

At a Court of General Sessions, convened on MAY 29 2011 the Grand Jurors of Greenville
County present upon their oath:

That JOSEPH CHRISTOPHER WALKER did in Greenville County, on or about the 15th day of November,
2011, distribute a quantity of Cocaine Base (Crack Cocaine), a controlled substance, while being within one-half
(1/2) mile proximity of the Sullivan Center. This is in violation of §44-53-0445 of the South Carolina Code of
Laws (1976) as amended.

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


SOLICITOR

WITNESSES

P M Brown

Greenville Police Department

11/23/2011

ARREST WARRANT NUMBER
M803116

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-23-
LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2012

6-6-12

THE STATE

vs.

JOSEPH CHRISTOPHER WALKER

Indictment for

0108

**DISTRIBUTION OF COCAINE BASE WITHIN 1/2
MILE OF A SCHOOL/PARK/PLAYGROUND**

VIOLATION § 44-53-0445

001287

RECEIVED

MAR 01 2012

**Clerk of Court
Greenville County**

214

332 ARREST WARRANT

M-803116 6360

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

11-95529

against

Joseph Christopher Walker

Address:

Greenville, SC -

Phone: SSN: Sex: M Race: B Height: 5 10 Weight: 165

DL State: SC DL #: DOB: 1984 Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: P M Brown - 0499

Offense: Drugs / Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

Offense Code: 0108

Code/Ordinance Sec: 44-53-0445(B)(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on Joseph Christopher Walker 11-23-11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29601

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant P M Brown

being duly sworn deposes and says that defendant Joseph Christopher Walker

did within this county and state on or about 11/15/2011

violate the criminal laws of the

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

In the following particulars:

DESCRIPTION OF OFFENSE Drugs / Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

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

The affiant states that on or about 11-15-11, a confidential informant with the Greenville Police Department did purchase a quantity of beige, rock-like substance, which did field test positive as cocaine base, using Greenville Police funds, from the accused, Joseph Christopher Walker, who was positively identified by the confidential informant through a six person line-up. The accused has at least two prior convictions for distribution related offenses involving cocaine base. This incident occurred within the city limits of Greenville, SC, and within one half mile of the Sullivan Center, located at 206 Wilkins Street, which is also within the city limits of Greenville, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 11/15/2011 defendant Joseph Christopher Walker

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

☐ County/ ☒ Municipality of Greenville

) as set forth below.

DESCRIPTION OF OFFENSE: Drugs / Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

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

Sworn to and subscribed before me

on 11/18/2011

Signature of Issuing Judge (L.S.)

Mark Hartle

Judge Code: 6511

Judge's Address 426 North Main Street

Greenville, SC 29601-

Judge's Telephone (864)467-6657

Issuing Court ☐ Magistrate ☒ Municipal

☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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

216
STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF COCAINE BASE WITH INTENT TO DIST. 1/2
MILE FROM A SCHOOL/PARK/PLAYGROUND

At a Court of General Sessions, convened on MAY 29 2012 the Grand Jurors of Greenville
County present upon their oath:

That JOSEPH CHRISTOPHER WALKER did in Greenville County, on or about the 29th day of September, 2011, willfully and unlawfully possess with the intent to distribute a quantity of Cocaine Base (Crack Cocaine), a controlled substance. The incident occurred within one-half (1/2) mile from Juanita Butler Center. This is in violation of §44-53-0445 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

WITNESSES

R T Irvin

Greenville Police Department

1/24/2012

DOCKET NO. 2012-GS-23-
LMM

002002

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2012

6-6-13

THE STATE

vs.

JOSEPH CHRISTOPHER WALKER

ARREST WARRANT NUMBER
M803549

ACTION OF GRAND JURY

TRUE BILL

Joseph P. Davis
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0108

POSSESSION OF COCAINE BASE WITH INTENT
TO DIST. 1/2 MILE FROM A
SCHOOL/PARK/PLAYGROUND
VIOLATION § 44-53-0445

Foreperson of Petit Jury
Date:

RECEIVED

MAR 21 2012

Clerk of Court
Greenville County

ARREST WARRANT

M-803549

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

11-080301

against

Joseph Christopher Walker

Address:

Greenville, SC -

Phone: SSN: [REDACTED]

Sex: M Race: B Height: 5 10 Weight: 168

DL State: DL #:

DOB: [REDACTED]/1984 Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: R T Irvin - 0491

Offense: Drugs / Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

Offense Code: 0108

Code/Ordinance Sec: 44-53-0445(B)(2)

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

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

(L.S.)

Date: 1-23-12

RETURN

A copy of this arrest warrant was delivered to

defendant on

Joseph C Walker
1-24-12Jeff Brumby #415
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29601

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared, before me the affiant R T Irvin

being duly sworn deposes and says that defendant Joseph Christopher Walker

did within this county and state on or about 09/29/2011

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Greenville) who violate the criminal laws of the

DESCRIPTION OF OFFENSE Drugs / Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

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

AFFIANT STATES THAT BETWEEN 9-20-11 AND 10-10-11 A DOCUMENTED, RELIABLE CONFIDENTIAL INFORMANT WITH THE GREENVILLE POLICE DEPARTMENT DID PURCHASE A QUANTITY OF COCAINE FROM THE ACCUSED, JOSEPH C. WALKER, USING GREENVILLE POLICE FUNDS. THE ACCUSED WAS POSITIVELY IDENTIFIED BY A CONFIDENTIAL INFORMANT THROUGH A SIX PERSON PHOTO LINEUP. THIS INCIDENT OCCURRED AT SULLIVAN STREET AND DOBBS STREET, WHICH IS WITHIN 1/2 MILE OF THE JUANITA BUTLER CENTER LOCATED AT 2 BURNS STREET.

Signature of Affiant

Russell Irvin #491

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET
GREENVILLE 29601-

Affiant's Telephone

COMPUTER ENTERED

JAN 24 2012

ARREST WARRANT

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

I, appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/29/2011

defendant Joseph Christopher Walker

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

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

DESCRIPTION OF OFFENSE: Drugs / Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

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

Sworn to and subscribed before me

on 01/03/2012

John Barksdale (L.S.)

Signature of Issuing Judge
John Barksdale

Judge Code: 6361

Judge's Address 426 North Main Street

Greenville, SC 29601-

Judge's Telephone (864)467-2405

Issuing Court ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 515

218

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

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

MAY 29 2011

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

COUNT I - MURDER

That JOSEPH CHRISTOPHER WALKER did in Greenville County, on or about the 25th day of November, 2011, unlawfully and with malice aforethought kill JONATHAN YOUNG by means of multiple gunshot wounds, and that JONATHAN YOUNG died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

**COUNT II - POSSESSION OF A WEAPON DURING THE COMMISSION
 OF A VIOLENT CRIME**

That JOSEPH CHRISTOPHER WALKER did in Greenville County, on or about the 25th day of November, 2011, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: murder. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

WITNESSES

B W Lusk

Greenville Police Department

12/1/2011

DOCKET NO. 2012-GS-23-
LMM

002020

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2012

6-6-13

THE STATE

vs.

JOSEPH CHRISTOPHER WALKER

ARREST WARRANT NUMBER
M803213 and M803214

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0116 and 0549

MURDER

And

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-03-0010 and § 16-23-0490

Foreperson of Petit Jury
Date:

RECEIVED

MAR 21 2012

Clerk of Court
Greenville County

ARREST WARRANT

M-803213

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

THE STATE

11-088288

against

Joseph Christopher Walker

Address:

Greenville, SC 29611-

Phone:

SSN:

Sex: M Race: B Height: 5 10 Weight: 162

DL State: SC DL #:

DOB: 1/1984 Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: B W Lusk - 0381

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☒ County/☐ Municipality of

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

L.T. Simmons (L.S.)
Signature of Judge

Date: 11/29/11

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Joseph Walker

12-1-11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29601

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

Personally appeared before me the affiant B W Lusk

being duly sworn deposes and says that defendant Joseph Christopher Walker

did within this county and state on or about 11/25/2011

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

Greenville

in the following particulars:

DESCRIPTION OF OFFENSE Murder / Murder

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

On 11-25-2011, the defendant, Joseph Christopher Walker, became involved in a verbal altercation with the victim, Jonathan Shawn Young. A short time later the defendant returned with a gun, with malice aforethought, and shot the victim multiple times. The victim died as a result of the gunshot wounds. Affiant has a statement from a witness that identified the defendant as the shooter and the defendant was positively identified from a photo line-up. This incident occurred in the immediate area of [REDACTED] Street which is within the City limits of Greenville, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

Affiant's Address

4 MCGEE ST

GREENVILLE, SC 29601-

Affiant's Telephone

(864)271-5333 x 0000

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 11/25/2011

defendant

Joseph Christopher Walker

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

☐ County/☒ Municipality of

Greenville

) as set forth below.

DESCRIPTION OF OFFENSE: Murder / Murder

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

Sworn to and subscribed before me

on 11/29/2011

Signature of Issuing Judge

Lashawn Nuhu

Judge Code: 6934

Judge's Address

426 North Main Street

Greenville 29601-

Judge's Telephone

(864)467-6650

Issuing Court:

☐ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
U.S. Attorney General
April 21, 2003
SCCA 618

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Greenville

VS.

Joseph Christopher Walker

AKA:

Race: BLACK Sex: M Age: 28

DOB: [REDACTED]-1984

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Greenville, SC 29617

DL#: [REDACTED]

SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Distribution of crack cocaine within 1/2 mile of school or park

in violation of § 44-53-0445(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0108

☒ 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:

Moyer, Mark

64155
SC Bar#Joseph Walker
DefendantSam Shih
Attorney for Defendant65396
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

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

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

2138

6-6-13

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Greenville

VS.

Joseph Christopher Walker

AKA:

Race: BLACK Sex: M Age: 28

DOB: [REDACTED]-1984 SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Greenville, SC 29611

DL#: [REDACTED] SID#: [REDACTED]

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

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

TO: Distribution of crack cocaine within 1/2 mile of school or park

INDICTMENT/CASE#: 2012GS2301287

A/W#: M803116

Date of Offense: 11/15/2011

S.C. Code § : 44-53-0445(B)(2)

CDR Code #: 0108

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0445(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0108

☒ 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:

Moyer, Mark

SC Bar# 64155

Defendant

Attorney for Defendant

SC Bar# 65396

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPSObtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

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

\$ _____ paid to Public Defender Fund

Other:

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

Recipient:

*Fine:

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

Clerk of Court/ Deputy Clerk

Court Reporter: Jenkins

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2138

Sentence Date: 6-6-13

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Joseph Christopher Walker

AKA:

Race: BLACK Sex: M Age: 28DOB: 1984 SS#: Address: City, State, Zip: Greenville, SC 29611DL#: SID#: *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Distribution of crack cocaine within 1/2 mile of a school or park

in violation of § 44-53-0445(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0108

☒ 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:

Moyer, Mark

SC Bar# 64155

Defendant

Attorney for Defendant

SC Bar# 65316

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

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

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

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

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter: Jenkins

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2138Sentence Date: 6-6-13

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATEGreenville
VS.

Joseph Christopher Walker

INDICTMENT/CASE#: 2012GS2302020

A/W#: M803213

Date of Offense: 11/25/2011

S.C. Code § : 16-03-0010, 0020

CDR Code #: 0116

AKA:

Race: BLACK Sex: M Age: 28

DOB: [REDACTED]-1984 SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Greenville, SC 29611

DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

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

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

TO: Manslaughter, Voluntary

☐ CONVICTED OF or ☒ PLEADS

in 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 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:

Moyer, Mark

SC Bar# 64155

Defendant Joseph Walker

Attorney for Defendant [Signature]

SC Bar# 65396

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 2541 days, 914☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPSObtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other:

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

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

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

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

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

§ 50-21-114(BUI Breath Test Fee) \$50 \$

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

Proviso 90.5 (SCJA Surcharge) \$5 \$

3% to County (if paid in installments) \$

TOTAL \$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

2138

6-6-13