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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

—————
Certiorari to Sumter County

DeAndrea G. Benjamin, Circuit Court Judge

—————
JASON D. COMPTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-000844

—————
APPENDIX
—————

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State of South Carolina)
County of Sumter)

In General Session of the
Third Judicial Circuit
2014-GS-43-0716;
2015-GS-43-0939;
2015-GS-43-940

STATE OF SOUTH CAROLINA,)
Plaintiff,)
vs.)
JASON DUSTIN COMPTON,)
Defendant.)

Transcript of Record

Sumter, South Carolina
September 11, 2015

B E F O R E:

The Honorable Maite Murphy

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

Ms. Bronwyn McElveen, Esquire
Attorney for Plaintiff

Mr. Lir Patrick Derieg, Esquire
Attorney for Defendant

Lisa S. Carter
Circuit Court Reporter

I N D E X

WITNESSES

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(NO WITNESSES WERE INTRODUCED DURING THIS HEARING)

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1 MS. McELVEEN: Your Honor, this is the State of South
2 Carolina versus Jason Dustin Compton. There are multiple
3 indictments. The first indictment 2014-GS-43-0716,
4 charging him with murder, 2 counts of attempted murder, 2
5 counts of kidnapping. Then indictment 2015-GS-43-0939,
6 charging him with 2 counts of murder, arson in the first
7 degree, and burglary in the first degree. And, then,
8 finally indictment 2015-GS-43-0940, charging him with arson
9 in the third degree.

10 Your Honor, Mr. Compton was ordered to have a mental
11 evaluation and the Department of Mental Health did conduct
12 both a Blair and a M'Naughten evaluation. The dates of the
13 evaluation regards to the Blair, the capacity did, I'm
14 sorry, in regards to the Blair, currently the capacity to
15 stand trial, he was evaluated January 9th, 29th of this year
16 and April 16th of this year. He was found competent and
17 had the capacity to stand trial. I have passed to the
18 Court a copy of this report that was dated April 22, 2015
19 by Dr. Richard Frierson. We would like a finding -- we
20 request a finding on the record that he is capable of
21 standing trial and very capable to be before the Court
22 today.

23 MR. DERIEG: Mr. Derieg, do you have anything to add
24 or any questions regarding that?

25 MR. DERIEG: No, Your Honor. I would just agree

1 with the State's position that Mr. Compton is competent to
2 stand trial.

3 THE COURT: I have had the opportunity to fully
4 review the mental health examination report and the Court
5 does make a finding in concurrence with report and will
6 adopt it as a Court's Exhibit in this matter that Mr.
7 Compton does currently have capacity to stand trial.

8 MS. MCELVEEN: Thank you, Your Honor. And, then, he
9 was also ordered to undergo an evaluation under M'Naghten
10 and again the Department of Mental Health did evaluate him
11 on January 29th of this year and April 16th of this year
12 and made a finding that he would've been criminally
13 responsible on or about May 3, 2014, the date of the first
14 incident of which he was indicted. Dr. Frierson, again,
15 submitted a report on April 22, 2015 that the State has
16 passed up to, Your Honor, for her review and we would
17 request another finding of competency under M'Naghten, Your
18 Honor.

19 THE COURT: Mr. Derieg, is your position the same
20 on this matter?

21 MR. DERIEG: Yes, Your Honor, it is.

22 THE COURT: The Court, again, has had the
23 opportunity to fully review the report and the Court does
24 find and adopt the findings of the report that Mr. Compton
25 would've been criminally responsible on or about May 3,

1 2014 and that Mr. Compton would have had the capacity to
2 conform his behavior to the requirements of the law on May
3 3, 2014.

4 MS. McELVEEN: Thank you, Your Honor, would you like
5 for us to make these Court's exhibits?

6 THE COURT: Yes, ma'am.

7 (Whereupon, the SC Department of Mental Health (Blair)
8 Report has been marked and entered into evidence as State's
9 Exhibit No. 1)

10 (Whereupon, the SC Department of Mental Health
11 (M'Naughten) Report has been marked and entered into
12 evidence as State's Exhibit No. 2)

13 MS. McELVEEN: In light of this finding, Your Honor,
14 I'm sorry, in light of this finding, Your Honor, we'd like
15 to proceed with a guilty plea at this point with Mr. Jason
16 Justin Compton who is pleading guilty straight up to all
17 the charges as presented. He is represented by attorney,
18 Lir Derieg, and he wishes to take responsibility for these
19 acts today.

20 THE BAILIFF: Raise your right hand please. State
21 your name?

22 MR. COMPTON: Jason Compton.

23 THE BAILIFF: Do you solemnly swear or affirm your
24 testimony to the Court shall be the truth, the whole truth,
25 and nothing but the truth so help you God?

1 MR. COMPTON: Yes, sir.

2 THE BAILIFF: Thank you.

3 THE COURT: Mr. Derieg, have you explain to your
4 client the charges contained in each indictment and the
5 possible punishment AND his constitutional rights?

6 MR. DERIEG: I have, Your Honor.

7 THE COURT: In your opinion, does he understand
8 each indictments, the possible punishment and his
9 constitutional rights?

10 MR. DERIEG: He does.

11 THE COURT: How does he indicated to you that he
12 wishes to plea?

13 MR. DERIEG: He wishes to plea guilty, Your Honor.

14 THE COURT: Do you agree with your client's
15 decision to plead guilty?

16 MR. DERIEG: I do.

17 THE COURT: Based upon your investigation of the
18 facts and circumstances of each case, do you feel the State
19 could produce sufficient evidence to convince a jury your
20 client's guilt beyond a reasonable doubt and if he were to
21 stand trial his conviction would be probable?

22 MR. DERIEG: Yes, Your Honor.

23 THE COURT: Have you also explained to your client
24 the consequences of some of the these indictments that are
25 considered violent and most serious offenses?

1 MR. DERIEG: Yes, Your Honor.

2 THE COURT: And in your opinion, does he understand
3 the collateral consequences of those charges?

4 MR. DERIEG: He does.

5 THE COURT: All right. Mr. Compton, I have certain
6 questions for you. To ensure that your plea is freely,
7 knowingly and intelligently made, at any point you don't
8 understand something please stop to ask me, okay?

9 MR. COMPTON: Yes, ma'am.

10 THE COURT: All right, sir. How old are you?

11 MR. COMPTON: Thirty-five.

12 THE COURT: And how far did you go in school?

13 MR. COMPTON: tenth grade.

14 THE COURT: Did you get a GED?

15 MR. COMPTON: No, ma'am.

16 THE COURT: Did you work before?

17 MR. COMPTON: Yes, ma'am.

18 THE COURT: What type of work did you do?

19 MR. COMPTON: I'm a master plumber.

20 THE COURT: Were you married?

21 MR. COMPTON: One time before.

22 THE COURT: All right. Do you have any children?

23 MR. COMPTON: I got one little boy.

24 THE COURT: Have you ever been treated for the
25 abuse of drugs, alcohol or mental illness?

1 MR. COMPTON: Yes, ma'am.

2 THE COURT: What type of treatment did you receive?

3 MR. COMPTON: I went to Morris Village back in 2008
4 for drug and mental problems. I've been going to get
5 mental health my whole life.

6 THE COURT: And, actually, Mr. Compton that is
7 reflected in your mental evaluation report. So I have
8 reviewed that. Anything about that previous treatment that
9 prevents you from understand what you're doing here today?

10 MR. COMPTON: No, ma'am.

11 THE COURT: Within the last 24 hours have you had
12 any drugs, alcohol or prescription medication?

13 MR. COMPTON: No, ma'am.

14 THE COURT: Are you aware of any physical,
15 emotional or nervous problem that would prevent you from
16 understand what you're doing here today?

17 MR. COMPTON: No, ma'am.

18 THE COURT: You're pleading guilty to several
19 different indictment from different counts contained in
20 each indictment and I'm going to go through each one with
21 you, okay?

22 MR. COMPTON: Yes, ma'am.

23 THE COURT: The first indictment is 2014-GS-43-
24 0716, and that one count is for murder. That charge
25 carries a potential penalty of up to 30 years to life, you

1 understand that?

2 MR. COMPTON: Yes, ma'am.

3 THE COURT: The second count on this indictment, is
4 for attempted murder and that carries up to 30 years, do
5 you understand that?

6 MR. COMPTON: Yes, ma'am.

7 THE COURT: You have a count of kidnapping which
8 also carries up to 30 years, do you understand that?

9 MR. COMPTON: Yes, ma'am.

10 THE COURT: There's another count of attempted
11 murder which carries up to 30 years, you understand that
12 charge?

13 MR. COMPTON: Yes, ma'am.

14 THE COURT: And another count of kidnapping which
15 carries up to 30 years, you understand that?

16 MR. COMPTON: Yes, ma'am.

17 THE COURT: On the subsequent indictment which is
18 2015-GS-43-0940, you have a count of arson in the third
19 degree and that charge carries a potential penalty up to 15
20 years in prison, do you understand that?

21 MR. COMPTON: Yes, ma'am.

22 THE COURT: And in indictment 2015-GS-43-0939, you
23 have an indictment for murder which carries 30 years to
24 life, do you understand that?

25 MR. COMPTON: Yes, ma'am.

1 THE COURT: And another indictment for murder which
2 carries up to 30 to life, you understand that?

3 MR. COMPTON: Yes, ma'am.

4 THE COURT: And, then, the arson in the first
5 degree charge, pursuant to that indictment, the sentence is
6 not less than 30 years, you understand that?

7 MR. COMPTON: Yes, ma'am.

8 THE COURT: Burglary first degree on the count on
9 that indictment, carries between 15 to life, do you
10 understand that?

11 MR. COMPTON: Yes, ma'am.

12 THE COURT: You understand with all of these
13 indictments the potential sentence, obviously, you're
14 looking at a life sentence plus concurrent time after that
15 so you are looking at, potentially, never getting out of
16 prison, do you understand that?

17 MR. COMPTON: Yes, ma'am.

18 THE COURT: Knowing all of this information, do you
19 wish to proceed and plead guilty here today?

20 MR. COMPTON: Yes, ma'am.

21 THE COURT: All right, solicitor?

22 MS. McELVEEN: Yes, Your Honor, I'm going to go in
23 chronological order, although, it is out of order as far as
24 the indictments go.

25 First, Your Honor, on February 14, 2013 dispatch from

1 the Sumter County Sheriff's office received a 9-1-1 call
2 from a Mr. Edward Hall in reference to a house fire at [REDACTED]
3 [REDACTED] here in Sumter County. The victim
4 sounded somewhat disoriented and distress only stating
5 there was a fire. Officers were able to determine where
6 the call was coming from and dispatched officers to that
7 location. Fire units were also dispatched and about the
8 same time a second 9-1-1 call was received from Mr. Hall.
9 He was able to tell the dispatcher there was a fire and he
10 said it was blazing. At that point, the call was
11 disconnected. When fire units arrived at the scene, they
12 found the residence to have heavy fire showing from the
13 structure. They discovered his wife, Ms. Harriet Hall, in
14 the backyard just outside the residence, deceased. When
15 firefighters made an interior tack on the residence, they
16 found Mr. Edward Hall in the kitchen area of the residence
17 also deceased. There were able to pull him out of the
18 house though into the yard. Officers investigated the fire
19 and were unable to determine the cause. They did note
20 there was a point of origin in a room on the bottom floor
21 of the house.

22 Almost 2 years later July 28, 2015 after 9 PM this
23 defendant, Mr. Jason Compton, currently incarcerated for
24 another murder, made contact with an officer of the Sumter-
25 Lee Regional Detention Center and advised that he had

1 information on a murder that he committed, of which law
2 enforcement was not aware. Investigator Herbert, who is
3 present in the courtroom today, responded to the Sumter-Lee
4 Regional Detention Center to talk to Mr. Compton about the
5 information. Mr. Compton was mirandized in writing and
6 waived his rights and he proceeded to confess to setting
7 fire to a house on 261 between Thadden (sic) Store Highway
8 378 in Sumter County. He stated he was the one that set
9 the fire. Mr. Compton said that he, basically, he done
10 plumbing work for this couple and he broke into the house
11 in order to take a gun which he plan later used to go shoot
12 his ex-wife. Unfortunately, Mr. Edward Hall woke up to the
13 sound and encountered Mr. Compton in the hallway of the
14 residence. Mr. Hall had a walking cane that he was using
15 to walk and Mr. Compton push Mr. Hall down and took his
16 cane and struck Mr. Hall with his cane, two or three times.
17 He then took a lighter from his pocket and set the couch in
18 an adjacent room on fire. He then left the residence
19 driving a blue Nissan pickup truck with this company he was
20 working for at the time. He drove back around to look at
21 the house and he said, "the house was burning good." He
22 then went home and he said he did some drugs. He did not
23 call law enforcement.

24 July 31, 2015 officers just making sure that he
25 wasn't, it was a valid confession, picked Mr. Compton up,

1 put him in the car with consent of his attorney and after
2 being read miranda and driven by investigators to the house
3 where they suspected that he, the house that they were
4 talking about, not sure, he let them lead them there
5 himself. He gave details that officers did not know
6 before. Officers confirmed it with family members and on
7 that he was, on that he was charged, Your Honor. He
8 admitted to breaking to steal a gun and to stealing some
9 jewelry as well which led to the burglary in the first
10 degree.

11 As to the indictments, indictment ending in 940, on
12 February 24, 2014, 10 days, I guess after this last fire,
13 I'm sorry, a year, after the last fire, officers responded
14 to a scene here in Sumter County. Ms. Tracey Koepfler had
15 called saying that there was a house fire -- a house fire
16 had occurred, her wallet was missing but the house fire was
17 extinguished at that point. The investigator also spoke
18 with the defendant, who was at that time was dating the
19 victim. The person who lived in the house, the person who
20 called law enforcement, the person whose wallet was
21 missing. Mr. Compton spoke with law enforcement and stated
22 that he opened the bedroom door and was unable to enter due
23 to smoke and fire but he used a garden hose to extinguish
24 the fire. He stated that he cinched his eyebrows while he
25 was trying to put the fire out. The fire originated in the

1 back bedroom of the residence and the canine detected an
2 accelerant. Ms. Koepfler, at that point, found her wallet
3 under a tree in the bushes near their house. Officers
4 checked for fingerprints on the wallet, found nothing and
5 also kind of concluded the investigation, not finding any
6 evidence.

7 Later on, August 4, 2015, officer spoke again with Mr.
8 Compton. Mr. Compton, at that point, also admitted to
9 setting that fire. He was a suspect at the time. They
10 cannot prove it, though, especially since he was dating the
11 victim. They did not follow -- they did not see that he
12 had any role at that point for sure but after he confessed
13 again to this arson officers charged him with arson in the
14 third degree. There was no injury at that time, luckily.

15 And, finally, Your Honor, the indictment ending in
16 716, on May 3, 2014, officers with the sheriff's office
17 responded to [REDACTED] here in Sumter County.
18 Officers arrived and accounted the defendant outside the
19 residence smoking a cigarette. Ms. Hafling present in the
20 courtroom today came out of the residence bleeding from a
21 head injury and told officers that Mr. Compton has struck
22 her and her mother, Tracy, in the head with a hammer. Mr.
23 Compton was mirandized and told officers he didn't remember
24 any of it and he was arrested at that time. Ms. Koepfler
25 was found in the living room in a recliner. She had an

1 open head wound to her forehead. She was immediately
2 transported to Toumey Hospital where she was pronounced
3 dead. Also present at the scene were was Ms. Koepfler's
4 daughter, the one who responded, told law enforcement and
5 also a Ms. L.D. it was also present in the courtroom.
6 The daughter, Minor had a large laceration above her left
7 eye where she was struck by Mr. Compton with a hammer and
8 Ms. L.D. was also treated for an injury to her bottom lip.
9 Both of them were interviewed and they were recorded. From
10 what the victims that survived told us, there was an
11 argument over money. Mr. Compton and Ms. Koepfler were in
12 a relationship of some sort and the morning of this
13 incident Minor , the daughter, woke up around 6 AM because
14 she heard her dog whining to go outside. She walked
15 towards her door and the door flew open and Mr. Compton was
16 standing there. Mr. Compton grabbed her by the shirt and
17 told her to come with him or he was going to kill her. At
18 that point, Minor saw her mother sitting in the chair
19 but it was dark and she did not know what was wrong with
20 her. Mr. Compton try to get her into his room and,
21 instead, revealed got into Ms. L.D.'s room and Mr. Compton
22 grabbed both around the throat, choking them, telling them
23 they needed to shut up or he would kill them. Minor was
24 screaming for her mother. Did not know what was wrong with
25 her at that point. She got away from Mr. Compton but he

1 was able to pull her into his room shortly thereafter. He
2 told her to take off her shirt. She told him, no. She
3 went to the living room where her mom was and she saw the
4 injury to her mother. At that point, Mr. Compton insisted
5 again that she take off her shirt or he would hit her
6 again. Mr. Compton picked up the hammer and made the
7 daughter watch while he hit her mother again on the head
8 with a hammer. At that point, Minor realized the
9 severity of the situation. She told Mr. Compton, begged
10 with him and told him that she loved him and that she would
11 do anything he wanted if he would let her call an ambulance
12 for her mother. She took off her shirt like he requested
13 and then she said she would take off all of her clothes if
14 she could call the police. Mr. Compton allowed her to do
15 that. He was found on the front steps smoking a cigarette
16 when officers arrived. Both Minor and Ms. L.D.
17 survived. Ms. L.D. was interviewed at Tuomey. She agreed
18 on all the situation except she remembers also getting his
19 hands put on her face trying to smother both of them and
20 grabbing both of them around the throats threatening to
21 kill both Minor and Ms. L.D. . Mr. Compton spoke with
22 officers. He remembers having a hammer in his hand and he
23 remembers them both, both of these survivors, covered in
24 blood but he doesn't remember doing anything. He remembers
25 using cocaine all night. But at this point, Your Honor, I

1 believe after looking at many photos of the crime scene I'm
2 under the impression that he does now remember some of
3 these incidents. I know the victims would like to address
4 the Court and I know the Court -- I would like to address,
5 Your Honor, again. I have pictures from the incident that
6 I would like to pass up, if possible, and when you would
7 like to hear from the victims, we certainly have them
8 available.

9 THE COURT: I'll hear from them at the conclusion
10 of the plea. Mr. Compton, do you agree with the facts as
11 stated by the State?

12 MR. COMPTON: Not all of them, but, yeah.

13 THE COURT: Well, what do you not agree with?

14 MR. COMPTON: I wasn't dating the victim.

15 THE COURT: Regarding the physical violence, do you
16 agree with that?

17 MR. COMPTON: From what I can remember, yes, ma'am.

18 THE COURT: And regarding the arson and what led to
19 that, the victims in those incidences, do you agree with
20 that?

21 MR. COMPTON: With what I remember, yes, ma'am.

22 THE COURT: And the other arson, do you agree with
23 that?

24 MR. COMPTON: Yes, ma'am.

25 THE COURT: So on each of the indictments, you're

1 agreeing as to what the allegations are regarding the
2 crimes that you are charged with, is that correct?

3 MR. COMPTON: Yes, ma'am.

4 THE COURT: And are you guilty of all those
5 charges?

6 MR. COMPTON: Yes, ma'am.

7 THE COURT: All right. Mr. Compton, you understand
8 by pleading guilty you're waiving certain constitutional
9 rights. You're waiving your right to have a trial by a
10 jury and that the State would have the burden of proving
11 your guilt beyond a reasonable doubt. You're also waiving
12 the right to remain silent during that trial, at which
13 point, the judge would instruct the jury that they could
14 not use that against you. And you're waiving the right to
15 challenge the State's evidence as well as cross-examine
16 witnesses and present any defenses that you may have. And
17 you're also waiving the right to challenge any potentially
18 incriminating statements that you may have made, you
19 understand that your waiving each of those rights?

20 MR. COMPTON: Yes, ma'am.

21 THE COURT: You've been represented by counsel in
22 this matter, have you been satisfied with how he's advised
23 and represented you in this case?

24 MR. COMPTON: Yes, ma'am.

25 THE COURT: Have you spoken with him for as often

1 or as long as you feels it's necessary for him to properly
2 represent you?

3 MR. COMPTON: Yes, ma'am.

4 THE COURT: Have you understood your talks with
5 your attorney?

6 MR. COMPTON: Yes, ma'am.

7 THE COURT: Has he done everything for you that
8 you've asked him to do?

9 MR. COMPTON: Yes, ma'am.

10 THE COURT: Do you have any complaints against her
11 attorney?

12 MR. COMPTON: No, ma'am.

13 THE COURT: Do you need any more time to talk to
14 your attorney?

15 MR. COMPTON: No, ma'am.

16 THE COURT: Has anyone promised you anything thing
17 or held out any hope or reward to get you to plead guilty?

18 MR. COMPTON: No, ma'am.

19 THE COURT: Has anyone threaten or coerced you in
20 any way to get you to plead guilty?

21 MR. COMPTON: No, ma'am.

22 THE COURT: Has anyone associated with your case,
23 whatsoever, mistreated you in any way?

24 MR. COMPTON: No, ma'am.

25 THE COURT: Have you had enough time to make up

1 your mind as to whether or not you want to plead guilty?

2 MR. COMPTON: Yes, ma'am.

3 THE COURT: Are you pleading guilty of your own
4 free will?

5 MR. COMPTON: Yes, ma'am.

6 THE COURT: Have you understood all of my
7 questions?

8 MR. COMPTON: Yes, ma'am.

9 THE COURT: Has anyone suggested to you how to
10 answer my questions?

11 MR. COMPTON: No, ma'am.

12 THE COURT: Is each and every answer you've given
13 the Court be completely truthful and honest?

14 MR. COMPTON: Yes, ma'am.

15 THE COURT: You understand that you have 10 days to
16 appeal the guilty plea and the sentence of the Court and if
17 you cannot afford attorney one will be appointed to
18 represent you?

19 MR. COMPTON: Yes, ma'am.

20 THE COURT: I do find that there is substantial
21 factual basis for the plea. The defendant's decision to
22 plead guilty is freely, knowingly, and intelligently made
23 with the advice of counsel with whom he says he is
24 satisfied with. I'll accept the plea. Mr. Derieg?

25 MR. DERIEG: Thank you, Your Honor, May it please,

1 the Court? It's difficult to know quite what to say in a
2 situation like this. I think it's commendable that Mr.
3 Compton is willing to walk in here and admit to, Your
4 Honor, in front of the people who he's devastated their
5 lives what he did. He certainly could have drugged this
6 out and force them to take him to trial and prolong this
7 agony over the course of a week or longer and for that
8 decision I think that, that is a commendable decision here
9 at the end. And he tells me that, though, initially he
10 might not of been over the period of time and period of his
11 incarceration he's become very remorseful particularly
12 towards the violence towards the juvenile Minor .
13 I know that most especially is what he is most remorseful
14 for and when he and I've gone over his discovery and his
15 limited memory of what happened that night and really then
16 when he was able to see the photos of what it was he had
17 done, I think it, it really struck home. And has well over
18 the last course of fourteen months or so his remorse is
19 grown greatly and I think that at the end of this, Your
20 Honor, he does wish to address the Court on his own behalf
21 prior to sentencing. I was appointed to this case
22 approximately six to seven weeks ago, roughly, about the
23 time Mr. Compton had decided that he was going to come
24 forward and tell law enforcement about the arson and the
25 murders that happened inside that house. It's worth noting

1 that over repeated caution by members of the sheriff's
2 department about him having a lawyer and that he was
3 represented and that they're not asking him anything, he
4 repeatedly told -- they repeatedly said they had cautioned
5 him and he wanted to go ahead without the presence of
6 counsel because, roughly, at that point he was being
7 transferred from public defender's office to my office, but
8 without the benefit or presence of a lawyer he wanted to go
9 ahead and get it off his chest what he had done. Probably
10 the most confusing part about this is that giving his
11 history of non-violence, if you look at his prior record,
12 it deals with fraud and bad checks and possession of drugs.
13 He doesn't have any violence in his past. And I know in
14 speaking with some people that he was close with to some
15 degree is still able to be close with, you know, in
16 whatever form he's allowed these days, they express a great
17 deal of surprise and shock. I know that what Mr. Compton
18 did is incredibly shocking to the Sumter Community but to
19 the people that knew him the best I think it's even more
20 shocking because I've heard him describe by several people
21 as being the type of person that would, you know, give you
22 his shirt off his back if you wanted it. And, though, I
23 didn't know Mr. Compton before six weeks ago that I thought
24 I would express to the Court what it is, at least, some
25 people still say about him because they are so shocked and

1 it has been probably taking him standing up here and
2 admitting to, Your Honor, that he did these things for
3 certain of his friends to even believe that he really did
4 this. I know in trying to search for a reason why, he's
5 discuss with me the argument that he had that night but it
6 wasn't the first time that argument or similar arguments
7 had happened. But in searching for reason why it was that
8 he reacted like that, that night, I think in both of the
9 major incident dates where people passed away at his hands,
10 I think the two biggest common factors between those would
11 be his voluntary, his voluntariness of both being heavily
12 doped up on cocaine and not taking his mental health
13 medicine. And not to say that, that's an excuse, because
14 that certainly not a legal defense. He chose not to take
15 his meds. He chose to buy the cocaine. He chose -- he
16 chose to snort it both of these nights. I just think that
17 in an effort to try and explain why, that's been about the
18 best that I can come up with is that this is, we have two
19 incidences of a more or less perfect storm where
20 unmedicated mental health meets a cocaine addiction, run
21 wild. And he would go -- he tells me he's been on cocaine
22 off and on since about 2003 and that his period of time
23 where he would go on binges could last multiple weeks where
24 he didn't eat, didn't sleep, just did nothing but cocaine.
25 And again that's not to really mitigate but more to try and

1 offer the people that are still searching for a question or
2 searching for the answer as to why, is the best that I've
3 been able to come up with because Mr. Compton doesn't know
4 either. I've asked him several times if he knows why he
5 did this and he said that's, that's the most confusing part
6 about this to him is why he did this. He remembers it,
7 especially, since having seen the pictures, he's come to
8 talk about remembering even before it happened and while it
9 happened and then even afterwards while he was outside.
10 But he still doesn't know why. He's standing here before,
11 Your Honor, knowing that he's facing potentially multiple
12 life sentences but he's also standing before you remorseful
13 and wanting to take responsibility for what he did so that
14 everyone can move on with their lives. People that
15 desperately need closure. So one of the worst chapters of
16 theirs or their families lives can, to some degree, get as
17 close to closure as you can have for a situation like this
18 and so that the true healing process can actually begin for
19 the people that he's hurt. And again, Your Honor, he'd
20 like to address the Court at the appropriate time.

21 THE COURT: Mr. Compton, what would you like to
22 say?

23 MR. COMPTON: I mean, I don't know much about that
24 night. I do feel bad for what's happened and the loss of
25 everybody and that's all I really wanted to say. I can't

1 go back and change nothing. All I can do is go forward and
2 try to get help I need. I've got a mental problem and
3 there were things like that but, you know, everybody has
4 bashed me to be this monster that I'm really not. I don't
5 know what happened that night to cause me to do the things
6 that I done. And I'm here standing before you at the mercy
7 of the Court and I don't know why I'm done what I did. I
8 made a huge mistake and I hurt a lot of people's life and
9 I'm sorry.

10 THE COURT: Solicitor?

11 MS. McELVEEN: Yes, Your Honor, if we may present some
12 victims at this point.

13 THE COURT: Yes, ma'am.

14 MS. McELVEEN: Mr. Russell Pentz is representing the
15 family of Harriet and Edward Hall.

16 MR. PENTZ: Good afternoon, Your Honor, my name is
17 Russell Pentz, P-e--t-z.

18 (Whereupon, the victim starts to cry)

19 MR. PENTZ: Bear with me please.

20 THE COURT: Take your time.

21 MR. PENTZ: I'm here today to speak on behalf of
22 the Hall's family especially Sherry Salyer and her family.
23 I know they lost wonderful parents, grandparents, they had
24 number of kids. They had another grandchild, a great-
25 grandchild and they lost their great-great-grandparents.

1 I'm not related to them by blood but by marriage. I lost
2 three of my grandparents when I was very young and I do
3 consider them my grandparents. From day one, they were
4 very generous, kind and giving not only to me but everybody
5 I knew. And it did not change for the next 15 years until
6 they passed away. It did not change. And my wife went
7 over there about every day to take care of them and give
8 them food. I went over there every other day or every
9 third day to try to do things for them but my kids, their
10 great grandkids, love to go over there every single day to
11 see them and they can't do that anymore. Sherry can't see
12 her parents anymore. The grandkids cannot see their
13 granddad or their grandmom no more. But I just wanted you
14 to know that if something comes out of this, I just ask
15 that he asked for forgiveness for the sins that he's
16 committed and I have to forgive him for those. I have to
17 accept it that I am a Christian person and God wants me to
18 do that. I have to do that. And I hope he has done that in
19 the past or today. So that's all I've got to say. Thank
20 you.

21 THE COURT: Thank you, sir, for being here.

22 MS. McELVEEN: Next, Your Honor, Pat Kirk, mother of
23 Ms. Koepfler.

24 MS. KIRK: I want to show you pictures of my
25 daughter. No one knows, Tracey Koepfler, as a name on a

1 paper. This is her. This is her when she was 6 months
2 old. This is her when she was first started school. This
3 is with her senior picture. This is her brother. Her that
4 brother misses her so much. And what he did to my daughter
5 is unconstitutional to me. He has destroyed my family. We
6 think about her every day. Every time I think about what
7 he's done and where she's at, I really get sick to my
8 stomach because she don't belong there. She was a kind and
9 loving person. She was a kind and loving mother. She
10 loved her three daughters dearly. She would do anything
11 for them, anything for anybody in our family. She took him
12 off the street and gave him a place to live and this is the
13 thanks my daughter got, right here and it's not fair. It's
14 not fair for us not to see her anymore. It's not fair.
15 This is her three daughters, the goddaughter. This is when
16 she graduated from high school. This is when she got
17 married. This is her dad. And this is what we remember
18 today. We have nothing. He has destroyed my family and I
19 just want to know one thing, I want to know how he's going
20 to feel when his son grows up not having a dad, not ever
21 seen him again. I hope and pray that his son is grateful
22 for everybody here and that I hope he suffers in the most
23 awful'less (sic) way because that's what he's made our
24 family do. That's all I have to say.

25 MS. McELVEEN: Your Honor, Keisha Koepfler, one of the

1 daughters of Ms. Koepfler.

2 MS. KOEPFLER: Your Honor, Thank you. Okay. I am
3 Tracy Koepfler's oldest daughter my name is Keisha
4 Koepfler. / Last name K-o-e-p-f-l-e-r. It's going to be
5 hard. I can't believe this moment is finally here or that
6 we're even sitting in this room to begin with. I thought a
7 million times about all the things that I want to say to
8 Jason over the past year and a half but nothing will be
9 good enough and by the end of my statement will you
10 understand why. Growing up I thought I knew what
11 nightmares were. I was wrong. The real nightmare began on
12 May 3, 2014, when I received a phone call that my mom was
13 brutally murdered and my little sister was attacked. The
14 amount of emotions that were running through my body and my
15 mind were crazy. I have been living that same nightmare
16 ever since. I lay in bed at night staring at the ceiling
17 because I'm too afraid to close my eyes because I'm gonna
18 picture my mom the way that her life had ended or when I
19 look at my little sister's eye that I can take away all the
20 pain that she's been through. Daily living has gotten
21 harder. Like going to the hardware store, hanging up a
22 picture on the wall, watching my favorite TV shows or
23 movies and knowing that my mom will not be here next year
24 when I get married or eventually, when I have a baby. Also
25 she will not be there for my sisters milestones as well.

1 Nothing will ever be the same. Over the past year I've had
2 numerous panic attacks because I get flashbacks of
3 something I did not even witness. Every day I feel the
4 pain from my little sister in knowing that she was there
5 and that he made her watch. Our other sister, Taylor,
6 could not be here today because she could not face the fact
7 that she would have to see the person that did this to our
8 family. She deals with anxiety and depression on a daily
9 basis. She even thought about dropping out of school in
10 which she's majoring in criminal justice because she would
11 have panic attacks in class when they would discuss certain
12 things. But, however, she decided she's definitely not
13 going to drop out because she wants to be a helping hand
14 for people in similar situations as ours. The thing is,
15 though, my sisters and I will get through this eventually
16 and we will come out stronger than we were before because
17 that's how our mother raised us. When we were on our way
18 home from South Carolina dealing with the planning of our
19 mother's funeral I had this urge, I had the urge to know
20 exactly who Jason was so I began to search him online. I
21 will not go on and on about everything that I found because
22 most of us already know or have seen it. One thing I did
23 find was that he did have a son, an innocent little boy.
24 When I saw that picture of him I began to cry. Not for me,
25 not for my family, but for him. How sad it's going to be

1 that he is going to also have to grow up without a parent.
2 Although, he's on the opposite side of us he's still going
3 to question why, as well. I wanted to hug him and tell him
4 that everything was going to be okay. The feeling I had at
5 that moment is what separates those that are good and those
6 that are bad and that is why there is no reason to ask him
7 why he did this because the answer is simple, he does not
8 have those feelings and that is unfortunate. I also
9 remember my Nana calling me on a Saturday to let me know
10 the progress of the case and also to tell me that new
11 charges were being added regarding another family. I also
12 began to cry. Not because the case was progressing and we
13 would finally get closure but because of what he did to
14 their family, as well. Both situations were brutal and
15 monstrous. I feel so bad for that family, as well. They
16 may have been just getting over that in trying to get back
17 to their normal life. And to the family of Edward and
18 Harriet Hall, I feel for you. We will all get through this
19 together for our families and for them. Those are just
20 some of the reasons why nothing would be good enough.
21 Nothing will bring these three people back or allow my
22 little sister to have a life outside of a nightmare, I know
23 enough. To tell you exactly who my mom was and her
24 character, would take me eternity. To sum it up, she was a
25 great mom. Not always perfect, but who is. She sacrificed

1 so much for me and my sisters. Things that, growing up we
2 were kind of ungrateful for but, looking back on it now we
3 definitely appreciated everything. All of those that knew
4 her, loved her. She would always help anyone that was in
5 need, no matter who it was. She always saw the good in
6 people and she will be forever missed. Through all of
7 this, I know that normal people do not do these things. I
8 know that even though mine and my family's life is rocked
9 there are still good people in this world. Now, all we can
10 pray for is that justice will be served. Thank you, Your
11 Honor.

12 THE COURT: Thank you.

13 MS. McELVEEN: Your Honor, I believe that's all the
14 victims. If, Your Honor would like, we have his criminal
15 record.

16 THE COURT: Yes, ma'am.

17 MS. McELVEEN: January 8, 2002, postal inspector
18 fraud. May 2003, a probation violation, federal probation
19 violation. October 2008, simple possession of cocaine, a
20 petty larceny and 6 counts of fraudulent check. And then,
21 finally, August 2013, a hit and run with property damage.
22 I begged the Court's indulgence.

23 (Whereupon, the solicitor gets very emotional)

24 THE COURT: Take your time.

25 MS. McELVEEN: Seeing the pictures which I encourage

1 you to review, shows an extreme depraved indifference to
2 human life and many officers will tell you these are the
3 worst crime scenes they've ever responded to. The images
4 speak volumes and they affected me as prosecutor. These
5 families have suffered nightmares and I think we can all
6 agree that, the minor, at that time, maybe the biggest
7 Minor of them all to witness this. Mr. Compton has
8 changed their lives forever. At this point, the State
9 would request four consecutive life sentences, the max the
10 judge could sentence him to. Thank you, Your Honor.

11 MS. McELVEEN: Anything further from anyone?

12 MR. DERIEG: Your Honor, I'd just like to thank the
13 solicitor's office and the Sumter County Sheriff's
14 Department for their hard work and cooperation with me over
15 the last six weeks. It's, as you can imagine, it is quite
16 time-consuming to try and get up to speed on two, well,
17 three separate incidences, two of them is as brutal as
18 these are and I certainly wouldn't have been able to do
19 that had it not been for the cooperation of Ms. McElveen
20 and particularly Sergeant Dubose with the sheriff's
21 department. So I would like to thank, Your Honor, for
22 scheduling this for us today so that we can come in here
23 and get this done and try and move on. I just want to
24 extend my deepest condolences to the families of the
25 victims.

1 THE COURT: Thank you, Mr. Derieg.

2 MR. DERIEG: Thank you.

3 THE COURT: To the families of the victim,
4 certainly, there's nothing this Court can do to bring back
5 your loved ones or to make it better. I certainly hope
6 that, at least, you can find some solace that justice will
7 be done in this courtroom here today and hopefully you'll
8 leave as survivors and not victims and make you stronger
9 for it and for certain very graceful in your presentations
10 of losing your loved ones and certainly that can be a very
11 difficult thing to do.

12 Mr. Compton, there's just really no explanation. I
13 can see why you don't know why you did it because other
14 than just pure evil, there's no other explanation to do
15 something like this.

16 MR. COMPTON: No.

17 THE COURT: On indictment 2014-GS-43-0716, for the
18 count of murder, you're hereby committed to the State
19 Department of Corrections for a period of life. For the
20 count of attempted murder, you're hereby committed to the
21 State Department of Corrections for a period of 30 years.
22 On indictment -- on the count for kidnapping, you're hereby
23 committed to the State Department of Corrections for a
24 period of 30 years. For the second count of attempted
25 murder, you're hereby committed to the State Department of

1 Corrections for 30 years. The second count of kidnapping,
2 you're hereby committed to the State Department of
3 Corrections for a period of 30 years.

4 On indictment 2015-GS-43-0940 for the crime of arson,
5 you're hereby committed to the State Department of
6 Corrections for a 15 years.

7 On indictment 2015-GS-43-0939 for the count of murder,
8 you're hereby committed to the State Department of
9 Corrections for a period of life. On indictment -- on the
10 count for that same indictment on the second count of
11 murder, you're hereby committed to the State Department of
12 Corrections for a period of life. On the count for arson
13 in the first degree, you're hereby committed to the State
14 Department of Corrections for a period of 30 years. On the
15 count of burglary in the first degree, you're hereby
16 committed to the State Department of Corrections for a
17 period of life. Each of these indictments is consecutive
18 to the other.

19 MS. McELVEEN: Thank you, Your Honor.

20 (Whereupon, leaving the courtroom the defendant yelled out
21 in the courtroom, "I've got the hammer")

22 THE COURT: Mr. Derieg? Would someone grab him.
23 (Whereupon, the bailiff went to retrieve Mr. Derieg.

24 THE COURT: Ms. McElveen, I know Mr. Compton has
25 just been led out, however, the pictures were not formally

1 introduced as Court's Exhibit, would you like to do that?

2 MS. McELVEEN: Yes, Your Honor.

3 THE COURT: Any objection?

4 MR. DERIEG: No objection, Your Honor.

5 (Whereupon, the Photos (24) has been marked and entered
6 into evidence as State's Exhibit No. 3)

7 THE COURT: Just wanted to make sure the record was
8 clear.

9 MS. McELVEEN: Thank you. I didn't -- I published
10 them but I wanted them for your review if you'd like.

11 THE COURT: Thank you.

12 (CONCLUSION OF THE HEARING ON SEPTEMBER 11, 2015)

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FORM 5

STATE OF SOUTH CAROLINA

2016 SEP 9 9:06

IN THE COURT OF COMMON PLEAS

COUNTY OF Sumter

JAMES G. GIBBS

CLERK OF COURT

SUMTER COUNTY, S.C.

Jason D. Compton - # 331364
Full name and prison number (if any) of Applicant.

2016-CP-43-1674

v.

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Lee Correctional Institution
2. Name and location of Court which imposed sentence Sumter County Court of General Session
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2015-GS-43-0939; 2 counts of Murder, Arson 1st Degree, and Burglary 1st Degree
 - (b) 2015-GS-43-0940; Arson 3rd Degree
 - (c) 2014-GS-43-0716; Murder, 2 counts of Attempted Murder, and 2 counts of Kidnap
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) September 11, 2015, to life in a term of life
 - (b) Same as above

(c) Same as above

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:

Sentence.

(a) I was told that once I plead guilty, that I could not appeal my

(b) _____

(c) _____

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

- (a) Ineffective assistance of Counsel
- (b) _____
- (c) _____

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

- Voluntary.
- (a) I was coerced into pleading guilty and my plea wasn't knowingly and
 - (b) _____
 - (c) _____

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

- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. N/A
 - ii. N/A
 - iii. N/A
 - iv. N/A
- (b) the name and location of the Court in which each was filed:
 - i. N/A
 - ii. N/A
 - iii. N/A
 - iv. N/A
- (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) This is my first time presenting this issue to the courts.

(b) _____

(c) _____

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

- (a) your arraignment and plea? yes
- (b) your trial, if any? No
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? None

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. Not Sure of who my lawyer was at the time
 - ii. Tommy" Murphy
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Sentencing
 - ii. Arraignment and Plea
 - iii. _____

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

For the court to vacate and remand Conviction, So I can have a fair trial.

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

NO

STATE OF SOUTH CAROLINA)
)
County of)

VERIFICATION

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

Joan D Compton

SWORN to and subscribed before me this 7
day of Sept, 2016.

Debra Eastwood (L.S.)
Notary Public

My Commission Expires: 3/3/2021

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

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

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

Jaxon D Compton
Applicant

SWORN or affirmed to and subscribed before me this

7 day of Sept 2011

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

Debra Eastwood
Notary Public

My Commission Expires: 3/3/2011

STATE OF SOUTH CAROLINA)
 COUNTY OF SUMTER)
)
 Jason D. Compton, #331364,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 THIRD JUDICIAL CIRCUIT

Case No.: 2016-CP-43-1674

**RETURN AND MOTION
 FOR MORE DEFINITE STATEMENT**

The State (Respondent), making its Return to the application for Post-Conviction Relief filed on September 12, 2016, would respectfully show this Court:

I.

Jason D. Compton (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. In August 2014, the Sumter County Grand Jury indicted Applicant for murder, two counts of attempted murder, two counts of kidnapping, second degree criminal sexual conduct with a minor, and first degree criminal sexual conduct (2014-GS-43-0716). In September 2015, the Sumter County Grand Jury indicted Applicant for two counts of murder, first degree arson, and first degree burglary (2015-GS-43-0939), as well as third degree arson (2015-GS-43-0940). Lir Patrick Derieg, Esquire, represented Applicant. Assistant Solicitor Bronwyn McElveen, Esquire, prosecuted the case. On September 11, 2015, Applicant pled guilty as indicted to all charges before the Honorable Maité Murphy. Judge Murphy sentenced Applicant to imprisonment for consecutive terms of life for each count of murder, thirty years for each count of attempted murder, thirty years for each count of kidnapping, fifteen years for third degree arson, thirty years for first degree arson, and thirty years for first degree burglary. Applicant did not appeal

his conviction or sentence.

Attached to this Return and incorporated by reference are the records of the Sumter County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. Ineffective Assistance of Counsel
 - a. "I was coerced into pleading guilty and plea wasn't knowingly and voluntary."¹

III.

Applicant alleges ineffective assistance of counsel, but has wholly failed to set forth any facts to support this allegation. Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its

¹ Respondent interprets this to be an allegation of involuntary guilty plea by way of ineffective assistance of counsel.

“reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, 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 (1985).

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant also asserts his plea was involuntary. Applicant has failed to state with any specificity the specific facts giving rise to this allegation. Additionally, this allegation is not supported by any other additional information in the application. 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 who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56 (1985). 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, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, 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)).

In this case, the record refutes any allegation that Applicant did not knowingly enter his guilty plea. At the guilty plea hearing, Applicant was advised of the charges and testified that he understood them. (Tr. pp. 18-19). Applicant was also advised of his rights he would waive by pleading guilty, including the right to a trial, which Applicant testified he understood. (Tr. p. 19). Furthermore, Applicant testified he was pleading guilty because he was indeed guilty as charged, and was not promised anything in exchange for his guilty plea. (Tr. pp. 20-21).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant’s plea. However, allegations regarding the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules

15(a)-(b), SCRCP. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCP.

VI.

Respondent also hereby moves for a more definite statement. Applicant has failed to set forth any facts to "support each ground" or to explain with any specificity whatsoever the facts upon which his claims are based. The Uniform Post-Conviction Procedure Act requires the Applicant to "*specifically set forth the grounds upon which the application is based.*" S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Respondent respectfully submits that it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary hearing. Therefore, Respondent requests that Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

VII.

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel. As to all other allegations, Respondent moves for summary dismissal pursuant to § 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VIII.

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

IX.

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of plea counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JULIE A. COLEMAN
Assistant Attorney General

By: 
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February 10, 2018

STATE OF SOUTH CAROLINA)

COUNTY OF SUMTER)

JASON D. COMPTON, #331364)

Applicant,)

vs)

STATE OF SOUTH CAROLINA,)

Respondent.)

IN THE COURT OF COMMON PLEAS

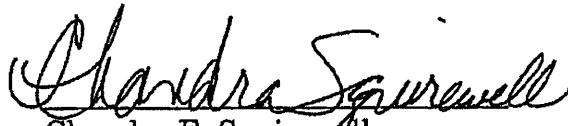
2016-CP-43-1674

AFFIDAVIT OF SERVICE BY MAIL

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 for More Definite Statement in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

Timothy L. Griffith, Esquire
 360 West Wesmark Blvd., 2ND Floor
 Sumter, SC 29150

DATED this 6th day of February, 2018.


 Chandra E. Squirewell
 Legal Assistant For Respondent

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(There were no exhibits submitted.)

1 MS. COLEMAN: May it please the Court,
2 this is Jason Compton versus the State of South
3 Carolina, docket number 2016-CP-43-1674. Applicant
4 is presently confined in the South Carolina
5 Department of Corrections pursuant to orders of
6 commitment of the Sumter County Clerk of Court. On
7 August, in August 2014 the Sumter County grand jury
8 indicted applicant for murder, two counts of
9 attempted murder, two counts of kidnapping, second
10 degree criminal sexual conduct with a minor, and
11 first degree criminal sexual conduct.

12 Subsequently, in September 2015 the Sumter
13 County grand jury indicted applicant for two counts
14 of murder, first degree arson, and first degree
15 burglary, as well as third degree arson. Lir
16 Patrick Derieg, Esquire, represented the applicant.
17 Assistant Solicitor Bronwyn McElveen, Esquire,
18 prosecuted the case. On September 11, 2015,
19 applicant pled guilty as indicted to all charges
20 before the Honorable Maite Murphy — excuse me, not
21 all charges, the State dismissed the criminal sexual
22 conduct charges and applicant pled guilty as
23 indicted to the rest of the charges.

24 Judge Murphy sentenced the applicant to
25 imprisonment for consecutive terms of life for each

1 count of murder, 30 years for each count of
2 attempted murder, 30 years for each count of
3 kidnapping, 15 years for third degree arson, 30
4 years for first degree arson, and 30 years for first
5 degree burglary. Applicant did not appeal his
6 conviction or sentence. Applicant filed a timely
7 application for post-conviction relief on
8 September 12th, 2016, alleging that he was being
9 held in custody unlawfully based on the following
10 allegations: Ineffective assistance of counsel, I
11 was coerced into pleading guilty and the plea wasn't
12 knowing and voluntarily. The State filed its return
13 and motion for more definite statement on February
14 6th, 2018, and he's present today and represented by
15 Mr. Timothy Griffith.

16 THE COURT: All right. Yes, sir,
17 Mr. Griffith, are you ready to proceed?

18 MR. GRIFFITH: Yes, Your Honor.

19 THE COURT: All right. Yes, sir, call
20 your first witness.

21 MR. GRIFFITH: Thank you, Your Honor. I
22 call Mr. Jason Compton.

23 THE CLERK: Place your left hand on the
24 Bible, raise your right hand. State your name.

25 THE WITNESS: Jason Compton.

PW - J. COMPTON - DIRECT

1 WHEREUPON,

2 **JASON COMPTON,**

3 having been duly sworn by the Clerk, testified
4 as follows:

5 THE CLERK: Thank you much. Step around
6 and watch where your step going up. State your name
7 and spell your last name for the record.

8 THE WITNESS: Jason Compton,
9 C-O-M-P-T-O-N.

10 MR. GRIFFITH: Thank you. May it please
11 the Court, Your Honor.

12 **DIRECT EXAMINATION**

13 BY MR. GRIFFITH:

14 Q And Mr. Compton, thank you for testifying for us
15 today. You and I have spoken several times; haven't
16 we?

17 A Yes, sir.

18 Q And you had — you remember pleading guilty to
19 three counts of murder and arson?

20 A I remember doing what Patrick Derieg told me to.
21 I was, you know, highly medicated on some
22 Haldol/Risperdal psychotic medication through the
23 county jail. They fed me so many medications that
24 morning before I even come to court, I didn't even
25 know I was in the world.

PW - J. COMPTON - DIRECT

1 Q Okay. And so what kind of, why were you taking
2 those kind of medications?

3 A They kept taking me to see mental health and a
4 psychiatrist at the jailhouse that kept opening the
5 doses.

6 Q Yes, sir. And how long had you been on those
7 medications before?

8 A I was on those medications at least seven months
9 before I went to court. They kept feeding them to
10 me. If I wouldn't take them they'd put me in lock
11 up.

12 Q So basically they forced you to you take them?

13 A Yes, sir.

14 Q And when you — do you remember speaking to your
15 attorney about your case?

16 A I remember seeing him on Tuesday. He said we
17 were going to court that Friday, and he said, you
18 know, sign some papers. I couldn't even hardly sign
19 them because I was so medicated. He said he would
20 take care of it and everything. Then we come here
21 and he met me downstairs and he told me just to go
22 with what he recommended, and the next thing I
23 know I had all this time.

24 Q And do you remember him talking to you about
25 whether or not you should plead guilty?

PW - J. COMPTON - DIRECT

1 A He said it would be better because if not I would
2 get the death penalty. He said that's — and then
3 we can come back to court on inefficient counsel.
4 He had already admitted he was not going to
5 represent me right 'cause he got, he got thrown
6 into my case. My lawyer quit in August, Timothy
7 Murphy, and we went to court in September right
8 shortly right after Timothy Murphy quit.

9 Q And so how did he convince you that you should
10 plead guilty?

11 A Basically if I didn't plead guilty they would
12 kill me. And I didn't want to die, I wanted to try
13 to fight for somewhat of my freedom back 'cause I
14 was conned by William Dubose and the lawyers about
15 two other charges I never did.

16 Q So he told you that they could well consider the
17 death penalty if you went forward with a trial?

18 A Yes, sir, I was scared to death. He scared me
19 into it.

20 Q And you were on medication, you didn't understand
21 what was going on?

22 A That's correct.

23 Q And in fact, are you innocent of some of these
24 crimes in which you pled guilty?

25 A Yes, sir.

1 Q Well, why did you plead guilty? Did you not
2 understand what was going on when they —

3 A No, sir, I did not. I've always, I've had a
4 learning disability and bipolar issue. I did not
5 understand what was going on.

6 Q Were you evaluated before the hearing?

7 A I was evaluated at the clinic in Columbia, and I
8 mean, it was like a, they set me in there for an
9 hour or two and they told me to leave and the next
10 thing I know I was found able to stand trial.

11 Q Did your attorney give you any opinion as to
12 whether or not you would be successful at trial?

13 A He didn't give me anything. The only thing he
14 told me, he said if I go to trial I'm gonna die,
15 they're gonna send me to death row.

16 Q Oh, so he told you that if you went to trial you
17 would be convicted?

18 A Yes, sir.

19 Q And how long were you convicted for, that is,
20 what is your sentence?

21 A My sentence here now?

22 Q Yeah.

23 A I have four life sentences and 165 years.

24 Q Four life sentences, plus 165?

25 A Plus 165, yes, sir.

PW - J. COMPTON - CROSS

1 Q And so you're, what you're here for today is that
2 you pled guilty even though you were not guilty?

3 A Yes, sir.

4 Q Under threat of a death penalty?

5 A Yes, sir.

6 Q On the advice of your attorney that you would be
7 found guilty?

8 A Yes, sir.

9 Q You also stated that you don't feel like
10 Mr. Derieg had enough time?

11 A He did not. I don't feel he did. I mean, how
12 can you be my lawyer for basically 12 to 15 days and
13 we go to court. He don't have time, he didn't have
14 no time to prepare. He didn't know anything about
15 me.

16 Q How many times did he come and visit you?

17 A Twice.

18 Q I have no further questions.

19 THE COURT: Yes, ma'am.

20 MS. COLEMAN: Thank you, Your Honor.

21 **CROSS-EXAMINATION**

22 BY MS. COLEMAN:

23 Q Good morning, Mr. Compton.

24 A Good morning.

25 Q You wanted to plead guilty; didn't you?

PW - J. COMPTON - CROSS

1 A To one of the murders, yes.

2 Q To one of them?

3 A Yes, ma'am.

4 Q What about the other one?

5 A I had nothing to do with it. I was in an
6 enclosed environment when that happened.

7 Q But that's not what you told the plea court,
8 right?

9 A I didn't know what was going on. He just told me
10 to follow what he said.

11 Q But the State recited the facts to that case on
12 the record and the Court asked you if you agreed
13 with those facts and you did, right?

14 A Ma'am, I was so medicated I couldn't even tell
15 you my name that day.

16 Q But you told the court that you were not on any
17 medication that day, right?

18 A No, I did not.

19 MS. COLEMAN: That's on page 9, Judge, at
20 line 6. The Court asked: Within the last 24 hours
21 have you had any drugs, alcohol, or prescription
22 medication; and you responded, no, ma'am. Is that
23 right?

24 A I had medication that morning when I left the
25 County jail; it's on record. My lawyer knew that

PW - J. COMPTON - CROSS

1 for the mental health.

2 Q Well, why didn't you tell the judge that?

3 A I did. I don't know why it's not documented
4 because I was on medication. I was, my family come
5 to see me the Thursday before I went to trial, and
6 they couldn't even talk to me in visitation because
7 I couldn't even sit there I was so drugged out my
8 mind.

9 Q Okay. You remember the plea judge advising you
10 of the rights that you were waiving by pleading
11 guilty?

12 A No, ma'am, I don't remember anything hardly.

13 Q Okay. And you told the plea judge that you were
14 satisfied with your attorney, right?

15 A I told her I was satisfied at that point, but I
16 thought he needed, you know, to follow the
17 recommendation but, you know. 'Cause I was scared.
18 I mean, they had Wayne Dubose, Edward McElveen, and
19 Derieg had been me scared I was going to die, they
20 were going to kill me. I'm guilty of one crime, and
21 I'm not the gonna deny that fact.

22 Q And which murder was that?

23 A Tracey Keffer (ph).

24 Q And that's the one with the hammer?

25 A Yes, ma'am.

PW - J. COMPTON - CROSS

1 Q Where you beat her to do death with a hammer?

2 A Yes, ma'am.

3 Q So you are guilty of that, no question?

4 A No question.

5 Q Okay. Why did you plead guilty to the other
6 crimes?

7 A Because they said if I didn't they would kill me.
8 My lawyer told me that in the lockup the day, that
9 Tuesday before we went to trial that Friday.

10 Q Did you want the death penalty?

11 A For what I did to Tracy. In a way I did, but
12 then I thought about my son and how much I love him.

13 Q But you told your attorney that you did want to
14 die?

15 A At one time I did, yeah, and I thought about my
16 son, I got right with God. I mean, I'm wrong for
17 what I did.

18 Q But you ended up pleading and getting a life
19 sentence instead of death penalty, correct?

20 A Yeah.

21 Q Okay. Did you ever want a trial in this case?

22 A Yes, I asked him about going to trial. He said I
23 would get the death penalty if I went to trial with
24 them, I'd be on death row.

25 Q Okay, nothing further. Thank you.

PW - J. COMPTON - REDIRECT

1 THE COURT: Yes, sir.

2 MR. GRIFFITH ATTORNEY: Just briefly, Your
3 Honor.

4 **REDIRECT EXAMINATION**

5 BY MR. GRIFFITH:

6 Q Mr. Compton, even though — the judge did ask you
7 if you were on medication, but you said that you had
8 taken medication that morning; is that right?

9 A That morning. I took, when they pulled me out of
10 lockup to come to my trial I kept knocking on the
11 door saying I've got to go to court. They drug me
12 and they took forever. And when I left out there
13 the little short nurse give me all my medicine at
14 the water fountain before I got in the, before I
15 walked out of lockup.

16 Q So did you —

17 A Probably within an hour of me coming to court.

18 Q So did you really understand what you were saying
19 while you were in there?

20 A No, sir.

21 Q I have no further questions.

22 THE COURT: All right. You may step down,
23 sir.

24 MR. GRIFFITH: I have no other witnesses,
25 Your Honor.

RW - L. DERIEG - DIRECT

1 MS. COLEMAN: The State calls Lir Derieg.

2 THE COURT: All right.

3 THE CLERK: State your name.

4 THE WITNESS: Lir Derieg.

5 WHEREUPON,

6 **LIR DERIEG,**

7 having been duly sworn by the Clerk, testified
8 as follows:

9 THE CLERK: Thank you much. Step around,
10 sir. Watch your step. State your name for the
11 record, spell your last name please.

12 THE WITNESS: Lir Derieg. First name,
13 L-I-R, last name D-E-R-I-E-G.

14 **DIRECT EXAMINATION**

15 BY MS. COLEMAN:

16 Q Good morning, Mr. Derieg.

17 A Good morning.

18 Q How long have you been practicing law?

19 A Nine years.

20 Q And do you do primarily criminal law?

21 A That's the bread and butter of my practice, yeah.

22 Q Are you in private practice?

23 A I am.

24 Q So were you appointed or retained in this case?

25 A I was appointed.

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1 Q Do you recall when you were appointed?

2 A Not the exact date, but it would have been late
3 July or early August of 2015.

4 Q Okay. Was Mr. Compton represented by counsel
5 before you were appointed to the case?

6 A He was.

7 Q And who was that?

8 A I believe it was Timothy Murphy.

9 Q Okay. Do you know why Mr. Murphy was relieved
10 from the case or why you took over?

11 A Not exactly. I typically don't get told exactly
12 why it is I get conflicted to a case. It's my
13 understanding that Mr. Murphy and Mr. Compton didn't
14 have the best of relationships, and they weren't
15 really getting along well; but I think that's as far
16 as I was told exactly why it was that the case was
17 conflicted to me.

18 Q Okay. How long did you represent Mr. Compton
19 before his plea?

20 A Roughly six or seven weeks.

21 Q Okay. And how many times did you meet with him
22 or discuss his case with him during that time?

23 A Can I refer to my notes please?

24 Q Sure, take your time.

25 A We met twice on August 6th of 2015, then again

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1 August 11th of 2015, August 26th of 2015,
2 September 8th of 2015, and then we met the morning
3 for briefly we met prior to his guilty plea on
4 September 11th of 2015. And then based on some
5 communication that I got from Mr. Compton I went to
6 Lee Correctional to visit him on September 9th of
7 2015.

8 Q Okay. Did you file any Rule 5 or Brady motions
9 in this case?

10 A I believe I filed a Rule 5 and a Brady motion. I
11 know Mr. Murphy had done so already, and typically
12 in my appointment cases I just more or less continue
13 the motion that has already been previously filed.
14 I can't remember whether or not I filed an actual
15 motion or just sent a letter in saying that I was
16 continuing Mr. Murphy's. I don't have a copy. All
17 I have of my file left are my handwritten notes from
18 the meetings I had with Mr. Compton because shortly
19 after he went to SCDC — well, in January of 2016 I
20 got a letter from Mr. Compton asking that I turn
21 over my complete case file to him, and I complied
22 with his request, and as such, only have my
23 handwritten notes left of my physical file.

24 Q Okay. Did you receive the discovery materials
25 from Mr. Murphy when you took over the case? Did he

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1 give you everything that he had for the case?

2 A He did. Both Mr. Murphy and the solicitor's
3 office were both very helpful in getting all that
4 stuff to me in a pretty timely manner. It's
5 actually one of the faster cases I've ever gotten
6 discovery on.

7 Q Okay. And did you review this material with the
8 applicant before his guilty plea?

9 A I did, multiple times.

10 Q Now there were a couple of different indictments,
11 maybe three different indictments in this case. Can
12 you just kind of briefly review the facts of each of
13 these, what the State was alleging the applicant had
14 done?

15 A Well, there's the — I guess chronologically the
16 first one would have been an, a house fire that two,
17 that an elderly couple died in as a result of what
18 Mr. Compton told the police was a intended burglary
19 from a plumbing job he had done a couple weeks
20 prior. Then, chronologically I think the next one
21 would have been the arson third that was, that he
22 had admitted to burning the trailer of an
23 ex-girlfriend. And then chronologically, the third
24 incident which is what he ultimately ended up being
25 arrested for and how all this other stuff came to

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1 light was for attempted murder on a young girl and
2 forcing that young girl to watch him beat her mother
3 to death with a ball ping hammer while she sat in a
4 chair. And then there was a disabled woman who also
5 lived at that residence that was in the back room
6 that says that he, I believe, attempted to either
7 strangle her or smother her throughout the, in same
8 process that was happening that night.

9 Q Did the applicant confess his guilt to any of
10 these crimes?

11 A Depends on the day. Sometimes yeah. Sometimes
12 no. Initially he told me -- well, prior to his
13 guilty plea he always said that he had committed the
14 murder of Tracey -- I forget Tracey's last name, but
15 the one with the hammer on. He had always told me
16 that prior to the guilty plea that he had committed
17 that murder. However, when I went and saw him in
18 December of 2015 he told me that he actually did not
19 commit the murder of Tracey, but rather, that her
20 daughter actually beat her in the head to death with
21 a hammer and that the reason Tracey got hit in the
22 head was because he came and took the hammer from
23 her and hit her after she had beaten her mother to
24 death; but that was the first time that he had told
25 me that he wasn't the one that had committed the

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1 murder of Tracey. He had told me from second one of
2 meeting him that he was guilty of that one.

3 In regards to the arson third, there wasn't
4 a whole lot of discussion about that to be quite
5 honest. He said he was mad at Tracey for getting
6 involved or trying to affect his ability to see his
7 son and that's why he lit that trailer on fire. I
8 think ultimately he ended up being the one to put it
9 out too. And then when it came to the arson first
10 and the burglary first and the two murders of the
11 elderly couple, initially that case was — I don't
12 even know that the case ever got criminally
13 investigated. I think when they first investigated
14 that scene of the fire, when they found the two
15 people dead they were unable to determine exactly
16 what caused the fire and I think it had — I don't
17 know if it was even a cold case status 'cause I
18 don't know that a criminal investigation was ever
19 initiated but. Prior to me being appointed to
20 Mr. Compton, I guess, kind of in the transition
21 between Mr. Murphy and myself, Mr. Compton decided
22 to tell the Sheriff's Department, particularly Wayne
23 Dubose, that he wanted to talk to him about an
24 unsolved murder that they didn't know anything
25 about. And he goes and tells them that he actually

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1 had done a plumbing job on these old peoples' houses
2 for approximately two weeks prior to the incident.
3 He was kind of casing the place out, saw a gun that
4 he liked, and that night was breaking in to steal
5 the gun. Unfortunately for the couple, the elderly
6 man was awake and there ended up being an
7 altercation between them. Ultimately he pours
8 accelerant all over the, I think the couch maybe,
9 and lit the couch on fire and ultimately burned the
10 house. And I listened to the audio recordings
11 because when he went — he goes and tells Wayne
12 Dubose this and they are repeatedly telling him, you
13 know, you can have a lawyer, you've kind of, you're
14 in a transition, you can wait, you can have counsel.
15 I mean, they repeatedly over and over again —

16 MR. GRIFFITH: Objection. Your Honor,
17 he's just basically covering way too irrelevant
18 information not relevant to the case.

19 MS. COLEMAN: I think that's relevant to
20 the charges at hand.

21 THE COURT: All right, objection is
22 overruled.

23 THE WITNESS: Okay. He — they warned him
24 several times that he could have representation; he
25 waived representation several times. And then they

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1 never even asked him questions. You wanted to talk
2 to us, what do you want to tell us. And that's when
3 he recited the story that I just gave you about
4 those arsons, or that arson and the two murders.
5 And they actually to corroborate him, make sure that
6 he wasn't just lying, they took him out to the scene
7 and he walked around and pointed out or told them
8 details about what was in the house and what had
9 happened that night that the police didn't even
10 know, but they were able to confirm with the family
11 of the deceased elderly couple so they felt
12 convinced that he was telling them the truth.

13 He did tell me a couple of times that he
14 did, in fact, commit those murders and that arson.
15 However, there were a couple of occasions where he
16 told me he did not commit that arson and those
17 murders; but rather, that his brother had committed
18 those and if he was going to jail for the rest of
19 his life anyway, then he was gonna go ahead and
20 plead guilty to those to protect his brother, even
21 though his brother wasn't under investigation for
22 the crimes.

23 Q Was there, in your opinion was there any legal
24 basis to move to suppress the statement that he had
25 given law enforcement about that arson and murder of

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1 the elderly couple?

2 A None that I could think of.

3 Q Did you believe this would come into evidence if
4 he had gone to trial?

5 A I do.

6 Q Okay. Was there ever any discussion about going
7 to trial?

8 A No.

9 Q Did the applicant ever want a trial?

10 A No.

11 Q Was the death penalty -- was the applicant ever
12 noticed for the death penalty?

13 A No.

14 Q Did you have any discussions about the
15 possibility of the death penalty?

16 A Lengthy discussions. In fact, Mr. Compton wanted
17 to die. He, in our very first meeting expressed his
18 desire to get the death penalty. And I can't
19 remember whether Solicitor Finney had made the
20 decision prior to me being appointed or whether it
21 was just after I was appointed; but the decision was
22 made at least in relation to my representation, the
23 decision was made relatively quickly that they
24 weren't going to proceed on death penalty, I think,
25 primarily because of the mental health issues that

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1 might ultimately prevent a death penalty case from
2 going forward anyway.

3 Q Did you ever threaten the applicant by telling
4 him that he would get the death penalty if he went
5 to trial?

6 A Quite the opposite. I actually apologized to him
7 on multiple occasions that — because the first
8 thing that I do when I talk to a client is I ask him
9 what their goal of the case is. And his first goal
10 was to get the death penalty, and I had to apologize
11 to him that that wasn't even an option.

12 Q What were some of his other goals that he
13 expressed to you?

14 A It was, the main goal was the death penalty; and
15 if no death penalty, then he would be willing to
16 just go ahead and plead to everything else as long
17 as the sex crime, or the CSC charge was dropped.
18 For one, there was no real sexual component of the
19 case. He made the young girl take her clothes off,
20 but it was more of a, more of a kidnapping tool to
21 be honest to make her stay in the house and to keep
22 from running away as opposed to anything sexual in
23 nature. And he knew that when they wouldn't give
24 him the death penalty that he was going to spend the
25 rest of his life in prison, and he did not want that

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1 CSC charge or conviction on his record spending the
2 rest of his life in prison. I think his words were,
3 I don't want to spend the rest of my life looking
4 over my shoulder and having to fight.

5 Q What other evidence did the State intend to
6 present against the applicant if he had proceeded to
7 trial?

8 A Well, there was the young girl who was a witness
9 against him. There was the elderly, disabled woman
10 who was in the back of the residence at the time of
11 the murder that was against him. There were
12 certainly all the officers that arrived on scene and
13 saw Jason sitting on the front porch smoking a
14 cigarette with Tracey beaten and bloodied sitting on
15 the chair just feet inside the front door from where
16 he was outside smoking a cigarette. There was his
17 confession.

18 Q How would you characterize this evidence? Would
19 you describe it as strong or overwhelming?

20 A Overwhelming was the word that I would have used.

21 Q Was the applicant evaluated for mental
22 competency?

23 A He was. As was documented at the, during the
24 plea, he was evaluated four different times, or
25 excuse me, three times. I believe January 29th,

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1 April 16th, and April 22nd of 2015.

2 Q What were the results of those evaluations?

3 A That he was competent to stand trial and that he
4 was criminally responsible.

5 Q Okay. Were those admitted, or was one of those
6 at least admitted as an exhibit in the guilty plea?

7 A I think two were admitted as -- the very first
8 thing that we did as part of the guilty plea was
9 Solicitor McElveen discussing the mental health
10 issues upfront, and we already submitted those
11 mental health reports from the evaluation. We'd
12 already given Judge Murphy those ahead of time so
13 she would have an opportunity to review them prior
14 to taking the Bench because they were some
15 extensive -- he does have extensive history of
16 medical health, or mental health, so we wanted to
17 give the judge an opportunity to really review that
18 prior to taking the Bench. So the first thing that
19 we did was to talk about the fact that there were
20 all these mental evaluations, that he had been found
21 competent, and he had been found criminally
22 responsible and then those were entered as -- I
23 don't know whether they initially got entered into
24 evidence, but I know at least at the end everything
25 was entered into evidence and it was a, I think a

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1 Court's exhibit, might have been a State exhibit,
2 but they were definitely part of the record.

3 Q During the course of your representation did the
4 applicant appear to comprehend and understand
5 everything that y'all were discussing about the
6 case?

7 A Yeah.

8 Q Okay.

9 A It was, it was odd that some days he would tell
10 me one thing and other days he would tell me
11 something completely different and mainly in
12 relation to the arson and murders of the two elderly
13 people.

14 Q But did that raise suspicions or concerns on your
15 end about him understanding your discussions?

16 A No.

17 Q Okay. Did he seem to understand the charges he
18 was facing?

19 A Yes.

20 Q Did he seem to comprehend the evidence that the
21 State was going to present against him at trial?

22 A Yes. I think he may have, I think he reviewed
23 his discovery with Mr. Murphy prior to me going over
24 discovery too 'cause he was beating me to stuff I
25 was gonna ask almost or tell me, you know, later in

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1 this, there's a sheet of paper that says X, Y, and
2 Z. I mean, he knew what was in the discovery.

3 Q Did the applicant ever express any concerns to
4 you about his mental capacity?

5 A No. Well, I take that back. He, as part of the
6 reason that I went to go see him in December of 2015
7 was — I forget exactly how long it was after his
8 guilty plea, but I think that he had already made it
9 into SCDC so he would have had to have gone to R&E
10 already so we're probably talking 30, 45 days.

11 After his guilty plea he contacted me and told me
12 that he'd been given a double dose of his medication
13 the morning of the plea and that he didn't know what
14 he was doing that day and he wanted his case
15 re-opened.

16 Q And was this past the deadline to file an appeal?

17 A Certainly.

18 Q Okay. Do you recall when the applicant told the
19 plea court that he was not on medication that day?

20 A I do.

21 Q Were you aware of any medications that he was on
22 at the time?

23 A I was aware of him being prescribed his
24 medication. I had questions as to whether or not he
25 was taking it because some days — part of, one of

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1 his disorders is bipolar and some days he would be
2 real up and excitable, and other days he would be
3 real down and slow, almost kind of, I describe it as
4 was living in quicksand. So I know that he was on
5 medication. He was probably on medication the day
6 of the plea. He wasn't doped up to where he didn't
7 understand what was going on, but it was one of the
8 more calm and even states of mind that I'd seen with
9 Jason. He wasn't, he didn't seem like he was real
10 depressive that day, and he also didn't seem super
11 excited or what some people might describe as manic
12 as I had seen him other times. It was one of the
13 more even keeled days of talking to Jason that I had
14 with him was the day of his plea so I'm -- I feel
15 sure that he was on his meds that day, but it wasn't
16 to the degree that I thought he was incapacitated.
17 And if anything, I thought it was maybe the most
18 lucid and even keel I'd experienced with him. And
19 then, like I said, some time after he got to SCDC he
20 told me that they had given him a double dose that
21 day.

22 Q Okay. If you had had any concerns at the time of
23 the plea that he might not understand what was going
24 on, what would you have done?

25 A I would have continued it or asked -- we wouldn't

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1 have gone forward for certain. I think one of the
2 things that I was very cognizant of in the very fast
3 representation I had of Mr. Compton was anticipating
4 a proceeding like this one day. And I didn't, I
5 didn't agree to go forward with anything until I
6 felt comfortable that I was up to speed on
7 everything, that my client was up to speed on
8 everything, that he knew what was going on, and that
9 he was making, making decisions freely and
10 voluntarily and that, you know, we were doing what
11 he wanted.

12 Q Overall, in your opinion based on your
13 relationship with the applicant and the proceedings
14 that day, did you, do you believe that the applicant
15 entered a knowing and voluntary plea?

16 A I do.

17 Q Did you review his constitutional rights with him
18 before the plea?

19 A We did at the jail, and I can't remember whether
20 or not we met in the attorney conference room
21 upstairs or downstairs in this building on the day
22 of the plea, but we went over it twice.

23 Q Okay. Were there ever any discussions about the
24 applicant being threatened or promised to plead by
25 anyone?

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1 A No, not at all. The closest that Mr. Compton
2 ever expressed of any of that to me would have been
3 when I went to see him in December of 2015. He
4 mentioned that Wayne Dubose had told him that
5 pleading guilty to the arson and the two, the two
6 murders of the elderly couple, would help convince
7 the State to drop the sex crime charge.

8 Q Did you ever do any investigation into
9 applicant's brother who he alleges actually
10 committed the crime?

11 A I did not.

12 Q Why not?

13 A To begin with I didn't have any information on
14 the defendant's brother. I actually still can't
15 tell you whether or not he, in fact, does have a
16 brother. And him telling me, telling me that it was
17 his brother that had actually done this, I think the
18 first time that he mentioned that was in that
19 meeting I had with him like three days before,
20 before his guilty plea. He told me twice. Like
21 three days before his guilty plea and then in
22 December of 2015 he told me that his brother had
23 done it; but prior to that, it was always that he
24 had done that and then just wanted to get it off of
25 his chest and come clean with everything. And I

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1 think actually he may have been trying to get
2 himself the death penalty by coming forward and
3 confessing to those crimes.

4 Q Okay. Whose decision was it to plead guilty?

5 A His. He told me from our very first conversation
6 within the first 15 minutes that he would plead
7 guilty if the CSC charge was dropped.

8 Q Okay, thank you. Nothing further.

9 THE COURT: Yes, sir.

10 MR. GRIFFITH: May it please the Court,
11 Your Honor.

12 **CROSS-EXAMINATION**

13 BY MR. GRIFFITH:

14 Q So you're aware he wanted to die?

15 A I am.

16 Q And it wouldn't be unusual for him to know a lot
17 about a house that he did plumbing, would it?

18 A No, it wouldn't.

19 Q So it's possible that he could tell the police a
20 lot of details about what was in that house?

21 A Yes.

22 Q Okay. And there were no actual other witnesses
23 to the murders of the elderly couple; is that
24 correct?

25 A Well, based on the story that he told me his

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1 brother would have been a witness as well.

2 Q There were no witnesses that the police were
3 aware of as to the crime where the two elderly
4 people were killed?

5 A That's correct.

6 Q And you knew that many times before the trial he
7 had had manic and depressive states. You testified
8 to that; is that correct?

9 A Yeah, some days he was, he seemed more up than
10 others and some days he seemed a little more down
11 than others.

12 Q And it's your testimony that you visited with him
13 on many occasions?

14 A Yes, sir.

15 Q Which he has testified that he doesn't remember
16 any of those, okay?

17 A That is what he testified to.

18 Q So you can't know for certain — I'm sorry, you
19 testified of the certainty of the evidence as to the
20 murder with the hammers?

21 A Yes.

22 Q But you were not talking about certainty of the
23 evidence as to the murders of the elderly couple;
24 isn't that right? In fact, there was no real
25 evidence other than him telling the police about it.

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1 A At first, sure, however, after him telling the
2 police about it and telling the police some details
3 that they themselves didn't know and telling the
4 police details that they did know that were never
5 released publically, they then did a little bit of
6 investigation and was able to corroborate the things
7 that he was saying with the elderly couple's family
8 members. So, basically the majority of the case
9 would have been the confession that he gave; but
10 there were some, there were some things that they
11 were able to corroborate or they were able to
12 corroborate enough of it at least to feel
13 comfortable with charging him with it.

14 Q But isn't it true that many of those things,
15 anyone who had been in the house and seen all the
16 house could have told the same kind of information
17 to the police; isn't that right?

18 MS. COLEMAN: Calls for speculation.

19 MR. GRIFFITH: I'm sorry?

20 MS. COLEMAN: Calls for speculation.

21 THE COURT: Sustained.

22 MS. COLEMAN: Thank you.

23 MR. GRIFFITH: Sustained?

24 THE COURT: Yes.

25 BY MR. GRIFFITH:

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1 Q You told us that he was evaluated three different
2 times; didn't you?

3 A Yes.

4 Q Do you have other clients that have been
5 evaluated more than one time?

6 A Yeah. It's rare, but it does happen
7 occasionally.

8 Q You yourself have?

9 A I got two of them right now.

10 Q Do you think they may have mental incapacity?

11 A I wouldn't have asked for evaluation if I didn't.

12 Q Okay.

13 A So yes.

14 Q That was my point. And in your experiences of
15 visiting with Mr. Compton, you know that when he was
16 on medication was when he was at his calmest; isn't
17 that correct?

18 A Yes.

19 Q And he appeared to you to have been on his
20 medications the day he gave his plea; isn't that
21 correct?

22 A Yes.

23 Q You testified to that.

24 A Yes.

25 MR. GRIFFITH: I have no further questions

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1 at this time, Your Honor.

2 THE COURT: Thank you.

3 MS. COLEMAN: Just briefly.

4 **REDIRECT EXAMINATION**

5 BY MS. COLEMAN:

6 Q Did, all three mental evaluations, did they find
7 that the applicant was competent to stand trial?

8 A No, some of the, at least one of the evaluations
9 was on his criminal responsibility so that one found
10 him to be criminal — like the one that was, there
11 was one that was just a couple of days apart and
12 that was because they had to kind of bifurcate the
13 evaluation for some reason. But like on, there was
14 an April 16th and April 22nd where one of those
15 would have been criminal responsibility and one of
16 those was competency; but they all came back either
17 competent or criminally responsible.

18 Q So when he was evaluated for competency to stand
19 trial was he found competent?

20 A Yes.

21 Q Thank you. Nothing further.

22 THE COURT: All right, you may step down.

23 THE WITNESS: Thank you, Your Honor.

24 MS. COLEMAN: The State has no further
25 witnesses.

1 THE COURT: All right, anything on reply?

2 MR. GRIFFITH: Other than a closing, Your
3 Honor.

4 THE COURT: All right. Yes, sir.

5 MR. GRIFFITH: Your Honor, Mr. Compton had
6 three different evaluations, and the reason he had
7 three evaluations would point to the fact that he
8 needed three evaluations. He had been on constant
9 medication. He had been on medication Mr. Derieg
10 testified, that the only time he was in his right
11 mind was when he was on medication. When he gave
12 his plea he testified that they gave him a double
13 dose of his medication that day. Mr. Derieg,
14 Attorney Derieg, testified that he figured he must
15 have been on his medications because he was so calm.

16 Your Honor, as also testified by both the
17 defendant, the plaintiff in this case, and Attorney
18 Derieg, that he had expressed that he wanted the
19 death penalty. He wanted the death penalty and so
20 it would not be hard to believe that knowing that if
21 he had, could show them that his crimes were heinous
22 enough because we tell our clients that, well, they
23 only give the death penalty for certain heinous
24 crimes, that he would have said, oh, yeah, I killed
25 two more people too. Having now had the opportunity

1 to realize that that was probably not the best
2 thing, it could very well be that he was not guilty
3 of these murders and he -- I have explained to him
4 that where he could be found guilty of one murder,
5 he would certainly be sentenced to 35 years to life,
6 the sentence would not change very much. But he is
7 interested in there being some resolution to those
8 cases and that he not be considered as having had
9 done them 'cause he says he didn't want, he didn't.
10 So he wanted to die so he confessed to those crimes
11 so that his crime would seem more heinous and he
12 would be given the death penalty, which he was not.

13 Also, though, in his manic times he would
14 want to live and so, because he's bipolar those
15 things would come and go, so obviously he would be
16 erratic in his communications with his attorney and
17 doesn't remember half of those. He has testified
18 that he does not remember half of those, excuse me.
19 And so, Your Honor, we would ask that the Court
20 consider re-trial, particularly on those two murder
21 cases, that is, or of course because he pled guilty,
22 all of it would be in consideration but. Your
23 Honor, that the Court look into that and grant his
24 petition for PCR.

25 THE COURT: All right, thank you.

1 Yes, ma'am.

2 MS. COLEMAN: Thank you, Your Honor. In
3 order to succeed and be granted post-conviction
4 relief on this guilty plea today he must prove, the
5 applicant must prove that his plea counsel was
6 deficient in some way and that if, that but for that
7 deficiency he would have gone to trial rather than
8 pleading guilty. He also alleges, of course, that
9 his plea was involuntary because he was so
10 medicated. First of all, I don't think that they
11 accomplished any deficiency by plea counsel today.
12 Plea counsel obviously had several discussions with
13 the applicant. He was well aware of the evidence on
14 the case. He had reviewed all of it with the
15 applicant.

16 The applicant confessed to him, although
17 he changed his story occasionally, some days he did
18 it, some days he did not. But the evidence he
19 testified was overwhelming against him if he had
20 gone to trial and likely would have been convicted
21 and received a similar sentence probably but. All
22 of that overwhelming evidence against him shows, and
23 the testimony today, shows the applicant never
24 wanted to go to trial. He never wanted a trial. He
25 always wanted to plea, and he wanted the death

1 penalty. So I don't think he's proven that he would
2 have gone to trial had it been for something that
3 plea counsel could have done differently.

4 Although there's testimony that the
5 applicant may or may not have been on medication at
6 the plea, he testified that he was not, in the plea
7 transcript there. Even if he was medicated, trial
8 counsel testified today that he believed he was
9 lucid, he was understanding, he understood what was
10 happening. If he had not understood what was going
11 on plea counsel testified he would not have gone
12 forward with the plea, they would have asked to
13 continue it. And even if he was on medication, just
14 because someone is medicated doesn't mean they're
15 not competent to stand trial. They could be very
16 well aware of what's going on even if they're
17 medicated. I don't think the applicant has met his
18 burden of proving today that he did not understand
19 what was happening at the plea.

20 I believe the evidence against him — and
21 you know, he says today that he did not kill the
22 elderly couple. But he confessed to the crime, he
23 went out of his way and waived his right to an
24 attorney. He confessed to law enforcement what he
25 had done in great detail. All those details were

1 corroborated. And he has no, he has no issue with
2 the murder but the hammer incident. He confesses to
3 that today, says he's, there's no doubt he's guilty
4 of that today so he would have pled to that. Your
5 Honor, we submit that he has not shown an
6 involuntary guilty plea or deficiency or prejudice
7 on behalf of plea counsel and ask that you deny
8 post-conviction relief. Thank you.

9 THE COURT: All right. Obviously I need
10 to read over the transcript, and I'll take your
11 arguments into consideration and get you all
12 something back soon.

13

14 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

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C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 27th day of July, 2018.

Frances B. Ray

FRANCES B. RAY, RPR

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED
IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
2018 APR 26 AM 7:26

Jason D. Compton, #331364,

JAMES C. CAMPBELL 2016-CP-43-1674
CLERK OF COURT
SUMTER COUNTY, S.C.

Applicant,

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on September 12, 2016. Respondent submitted its Return and Motion for More Definite Statement on February 6, 2018. An evidentiary hearing into the matter was convened on March 27, 2018, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Timothy Griffith, Esquire. Respondent was represented by Assistant Attorney General Julie A. Coleman of the South Carolina Attorney General's Office.

At the evidentiary hearing, Applicant testified on his own behalf. Respondent presented testimony from Lir Patrick Derieg, Esquire ("Plea Counsel"). This Court had before it the records of the Sumter County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

The records before this Court indicate Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. In August 2014, the Sumter County Grand Jury indicted Applicant for murder, two counts of attempted murder, two counts of kidnapping, second degree criminal sexual

conduct with a minor, and first degree criminal sexual conduct (2014-GS-43-0716). In September 2015, the Sumter County Grand Jury indicted Applicant for two counts of murder, first degree arson, and first degree burglary (2015-GS-43-0939), as well as third degree arson (2015-GS-43-0940). Lir Patrick Derieg, Esquire, represented Applicant. Assistant Solicitor Bronwyn McElveen, Esquire, prosecuted the case. On September 11, 2015, Applicant pled guilty as indicted to all charges before the Honorable Maité Murphy. Judge Murphy sentenced Applicant to imprisonment for consecutive terms of life for each count of murder, thirty years for each count of attempted murder, thirty years for each count of kidnapping, fifteen years for third degree arson, thirty years for first degree arson, and thirty years for first degree burglary. Applicant did not appeal his conviction or sentence.

II. ALLEGATIONS

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

1. Ineffective Assistance of Counsel
 - a. "I was coerced into pleading guilty and plea wasn't knowingly and voluntary."

III. SUMMARY OF RELEVANT TESTIMONY PRESENTED

Applicant's testimony

At the evidentiary hearing, Applicant testified he was highly medicated on the morning of his plea and he only did what his attorney told him to do. He stated he was on these medications for seven months before his plea, and he was forced to take them at the jail. He stated that he recalled telling the plea court he was not on any medications that day, and he was pleading voluntarily and was not being threatened or coerced by anyone to plead, but he was so "drugged

up" he did not know what they were asking him, and he does not remember any of the plea. He stated his plea was not knowing or voluntary.

Applicant testified Plea Counsel scared him into pleading guilty because he told him he would get the death penalty if he did not plead guilty. He stated that Timothy Murphy represented him on this case before Trial Counsel, but he was relieved in August before his plea. He testified he was evaluated for mental competency before the plea and he was found competent to stand trial. Applicant stated Plea Counsel did not have enough time to prepare his case and he only visited him two times before the plea. Applicant testified he did kill Tracy Koepfler by hitting her in the head with a hammer, but he was not guilty of the house fire and murder of the two elderly victims.

Plea Counsel's testimony

At the evidentiary hearing, Plea Counsel testified he met with Applicant at least six times regarding this case. He stated Applicant pled guilty to charges stemming from three different incidents. The first involved a house fire in the home of an elderly couple for which Applicant had allegedly done some plumbing work for. The State alleged Applicant broke into the house in an intended burglary, and the elderly man who lived in the home caught Applicant in the act. He stated the two got into an altercation and Applicant set the house on fire, which resulted in the death of both residents. Plea Counsel testified the second incident Applicant pled guilty to was the charge of third degree arson, and Applicant admitted to setting fire to his ex-girlfriend's trailer. He stated the third event was the attempted murder of a young girl, whom Applicant forced to watch him beat her mother, Tracy Koepfler, to death in the head with a hammer. He stated Applicant also attempted to smother a disabled woman who was present at the back of the house.

Plea Counsel testified Applicant always told him that he killed Tracy with a hammer, but at one point in December 2015, Applicant told him he did not kill her, but her daughter did. He stated Tracy's daughter intended to testify at trial that Applicant killed her mother, and also attacked her and forced her to remove her clothing to keep her from getting help. Plea Counsel stated he and Applicant did not have much discussion about the third degree arson charge, but he admitted that he set the fire, but he also put the fire out.

Plea Counsel testified the house fire and death of the elderly couple was actually a cold case for a period of time because law enforcement could not find the source of the fire and there was never a criminal investigation. He stated that, once Applicant was in custody for the death of Tracy Koepfler, he voluntarily gave a statement to the Sherriff's Department that he was the one who committed the unsolved murder of the elderly couple. He stated Applicant told them he poured an accelerant on the couch and lit it. Plea Counsel stated Applicant waived his right to representation and told law enforcement everything about the crime. He stated they took Applicant to the scene of the crime and let him lead the way, and he corroborated the story and gave them details even they did not know.

Plea Counsel testified Applicant told him a couple times that he set the fire that killed the elderly couple, but sometimes he told him he did not do it, but his brother did, and he wanted to take credit for the crime to protect his brother, since he was already facing a murder charge. He stated that he does not know anything about Applicant's brother, or if he even has a brother. Plea Counsel testified the State never filed notice of intent to seek the death penalty in Applicant's case. He stated Applicant told him he wanted to die, and he wanted the death penalty, but the State decided not to seek the death penalty because of Applicant's potential mental health issues. Plea Counsel testified he did not threaten Applicant by saying he would get the death penalty if

he did not plead guilty. He stated he told Applicant the death penalty was not an option. He stated Applicant told him that if he could not get the death penalty, then he wanted to plead guilty to all charges except the criminal sexual conduct charge, because there was no sexual component to the crime, but he told the young Minor to remove her clothes to keep her from running out of the house and calling for help when he murdered her mother.

Plea Counsel testified Applicant was evaluated for mental competency three times, and Applicant was found competent to stand trial and criminally responsible. Plea Counsel testified he knew Applicant was prescribed medication, but he did not know if he was taking them or not. He stated Applicant was bipolar, and he was probably on the medication he was supposed to be taking at the plea. Plea Counsel opined that Applicant was not so "doped up" that he could not understand the plea. He stated he felt sure that Applicant was on his medication but he was not medicated to the degree that he was incapacitated. Plea Counsel testified he would not have gone forward with the guilty plea if he did not think Applicant was comprehending the proceeding. Plea Counsel stated Applicant wanted to plead guilty and chose to accept this plea agreement because the State was willing to drop the criminal sexual conduct charge.

IV. APPLICABLE LAW

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty pleas, the applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985).

V. 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 further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

INEFFECTIVE ASSISTANCE OF COUNSEL

Applicant alleges Plea Counsel was ineffective in his representation surrounding his guilty plea. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985).

After considering the testimony, judging the credibility of the witnesses, and reviewing the materials presented to the court, this Court finds Applicant has failed to meet his burden in proving Plea Counsel was ineffective in any regard. Plea Counsel credibly testified he did not threaten Applicant with the death penalty to force him to plead guilty, but rather that Applicant informed him he wanted the death penalty. He testified he met with Applicant six times and fully reviewed the discovery with Applicant and the evidence against him, which included multiple confessions to the crimes. Plea Counsel reviewed Applicant's constitutional rights multiple times and helped him negotiate a plea deal that removed the criminal sexual conduct charge, as Applicant requested. He credibly testified that Applicant informed him he was on medication at the plea after the deadline to appeal the plea had already passed.

This Court finds Plea Counsel's representation and advice was reasonable under the circumstances and nothing he did was outside the scope of reasonable professional norms. Plea Counsel fully represented his client and advised him based on his best interests and what Applicant told him he wanted, which was to plead guilty. Accordingly, Applicant has failed to prove that Plea Counsel was deficient or that he would have gone to trial but for these deficiencies, and post-conviction relief is denied.

INVOLUNTARY GUILTY PLEA

Applicant alleges his guilty plea was not given freely and voluntarily. This Court finds otherwise and concludes Applicant's plea was entered freely and voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). 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 court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975).

Applicant alleges he was coerced into pleading guilty because his attorney threatened him by telling him he would get the death penalty if he did not plead guilty. The record and Plea Counsel's testimony clearly show Applicant was not threatened, forced, or coerced to plead guilty. Plea Counsel credibly testified the State never filed notice of an intention to seek the death penalty, and they did not want to seek death because of potential mental health issues. Furthermore, this Court finds very credible Plea Counsel's testimony that Applicant told him he wanted the death penalty, and he wanted to die. Plea Counsel credibly testified Applicant always wanted to plead guilty and never wanted to go to trial on these charges.

At the guilty plea, the plea court asked Applicant if anyone had threatened him or promised him anything to get him to plead guilty, and Applicant responded "no." Tr. 20, line 16-21. Applicant told the plea court at the plea that he had not had any drugs, alcohol, or prescription medication within the last twenty-four hours. Tr. 9, line 11-13. Although Applicant now alleges he was too medicated at the plea to understand what was being asked of him, Plea Counsel credibly testified that, in his opinion, Applicant fully understood what he was doing at the plea, and he would not have allowed the proceeding to go forward if he believed Applicant was not comprehending the proceeding. Applicant has failed to prove he was coerced into pleading guilty and would have gone to trial otherwise.

Notably the South Carolina Supreme Court has held "[a] guilty plea represents a break in the chain of events which has preceded it in the criminal process." *Id.* (citations omitted). "When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea." *Id.* (citing *Rice*, 401 S.C. at 332, 737 S.E.2d at 486). This Court finds Applicant has not presented any

credible evidence that he should be allowed to depart from the truth of the statements he presented to the plea court. Therefore, this Court finds the plea court correctly found Applicant's plea was freely, voluntary, and intelligently made. Accordingly, this allegation must be denied and dismissed.

VI. CONCLUSION

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

This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCR, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

[signature page to follow]



IT IS THEREFORE ORDERED:

1. That the application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 19 day of April, 2018.



DEANDREA G. BENJAMIN
Presiding Judge
Third Judicial Circuit

Columbia, South Carolina

24 /24

WITNESSES

E. Boland Sumter County Sheriff

09-19-2017

09:10:50 a.m.

ARREST WARRANT NUMBER

| | |
|-----------------|-----------------|
| 2014A4310200363 | 2014A4310200364 |
| 2014A4310200368 | 2014A4310200367 |
| 2014A4310200366 | 2014A4310200368 |
| 2014A4310200369 | |

ACTION OF GRAND JURY

True Bill

M. D. Anderson
 Foreperson of Grand Jury
 Date: 8-21-14

RDICT

Foreperson of Petit Jury
 Date:

8034362223

DOCKET NO. 2014-GS-43-0716

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

AUGUST TERM 2014

THE STATE

vs.

JASON DUSTIN COMPTON

Indictment for

Murder / Murder
 Attempted Murder (2 cnts)
 Kidnapping (2 cnts)
 Criminal Sexual Conduct with Minor 2nd degree
 Criminal Sexual Conduct 1st

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)

INDICTMENT FOR

Murder / Murder
 Attempted Murder (2 cnts)
 Kidnapping (2 cnts)
 Criminal Sexual Conduct with Minor 2nd degree
 Criminal Sexual Conduct 1st

At a Court of General Sessions, convened on August 21, 2014 the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE

MURDER

That Jason Dustin Compton did in Sumter County, on or about May 3, 2014, willfully, feloniously, and intentionally kill the victim, Tracey Koepfler, with malice aforethought, either express or implied, by means of bludgeoning the victim with a hammer in the head, and the victim did die as a proximate result thereof on or about May 3, 2014 in Sumter County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT TWO

ATTEMPTED MURDER

That Jason Dustin Compton did in Sumter on or about May 3, 2014, with intent to kill, attempt to kill another person, Minor , with malice aforethought, either express or implied, by striking the minor [REDACTED] in the face with a hammer and choking her; in violation of Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended.

COUNT THREE

ATTEMPTED MURDER

That Jason Dustin Compton did in Sumter on or about May 3, 2014, with intent to kill, attempt to kill another person, L.D. , with malice aforethought, either express or implied, by choking her; in violation of Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended.

COUNT FOUR

KIDNAPPING

That in Sumter County, South Carolina, on or about May 3, 2014, the Defendant, Jason Dustin Compton, unlawfully did seize confine, inveigle, decoy, kidnap, abduct or carry away the L.D. , without authority of law; all in violation of Section 16-3-910 of the Code of Laws of South Carolina, (1976, as amended).

KIDNAP

ATTACHED TO AND BECOMING PART OF THE ORIGINAL INDICTMENT FOR 2014-GS-43-716 WITH THE AFORESAID NAME OF JASON DUSTIN COMPTON SHOWN THEREON:

COUNT FIVE
KIDNAPPING

That in Sumter County, South Carolina, on or about May 3, 2014, the Defendant, Jason Dustin Compton, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the Minor, Minor, without authority of law; all in violation of Section 16-3-910 of the Code of Laws of South Carolina, (1976, as amended).

COUNT SIX
CRIMINAL SEXUAL CONDUCT WITH MINOR, 2ND DEGREE

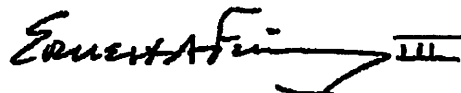
That in Sumter County, South Carolina, on or about, the Defendant, Jason Dustin Compton, did commit or attempt to commit a sexual battery upon a minor who was fourteen (14) years of age or less but who was at least eleven (11) years of age, to wit: defendant did attempt to force the minor to engage in sexual intercourse by threatening the Minor's life and by bludgeoning her mother in front of her while demanding she undress so he could sexually assault her, the minor [REDACTED] named Minor, date of birth [REDACTED], 1999; in violation of Section 16-3-655(2), S.C. Code of Laws, 1976, as amended.

COUNT SEVEN
CRIMINAL SEXUAL CONDUCT, FIRST DEGREE

That Jason Dustin Compton did in Sumter on or about May 3, 2014 engage in or attempt to engage in sexual battery with L.D., also a victim of forcible confinement or kidnapping by the defendant at the time of the sexual assault, in violation of Section 16-03-0652, S. C. 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



KIDNAP

11/24

WITNESSES

W. Dubose Sumter County Sheriff

T. Mims Sumter County Sheriff

09-19-2017

09:07:26 a.m.

DOCKET NO. 2015-GS-43-0939

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

THE STATE

vs.

JASON DUSTIN COMPTON

ARREST WARRANT NUMBER

2015A4310100594 2015A4310100595
2015A4310100596

2015A4310100597

Indictment for

Murder / Murder (2 counts)
Arson 1st degree
Burglary 1st degree

ACTION OF GRAND JURY

True Bill

Cl. AH
Foreperson of Grand Jury
Date: 9-3-15

Ernest A. Finney III

VERDICT

ERNEST A. FINNEY, III, SOLICITOR

803436223

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

INDICTMENT FOR

Murder / Murder (2 counts)
Arson 1st degree
Burglary 1st degree

At a Court of General Sessions, convened on September 3, 2015 the Grand Jurors of

SUMTER County present upon their oath:

COUNT ONE

MURDER

That Jason Dustin Compton did in Sumter County, on or about February 14, 2013, willfully, feloniously, and intentionally kill the victim, Edward Hall, with malice aforethought, either express or implied, by means of burning her house with him inside and/or thermal injury and/or carbon monoxide poisoning, and the victim did die as a proximate result thereof on or about February 14, 2013 in Sumter County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT TWO

MURDER

That Jason Dustin Compton did in Sumter County, on or about February 14, 2013, willfully, feloniously, and intentionally kill the victim, Harriett Hall, with malice aforethought, either express or implied, by means of burning her house with her inside and/or thermal injury and/or carbon monoxide poisoning, and the victim did die as a proximate result thereof on or about February 14, 2013 in Sumter County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT THREE

ARSON 1ST DEGREE

That in Sumter County, South Carolina, on or about February 14, 2013, the Defendant, Jason Dustin Compton, willfully and maliciously did cause an explosion, or set fire to, burn or cause to be burned a building or structure which caused death or serious bodily injury to Edward Hall and Harriett Hall; in violation of Section 16-11-110(A) of the South Carolina Code of Laws (1976, as amended).

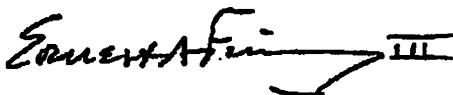
COUNT FOUR

BURGLARY 1ST DEGREE

That Jason Dustin Compton did in Sumter County, on or about February 14, 2013, enter the dwelling of Edward Hall and Harriett Hall, located at [REDACTED], Sumter, South Carolina, without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, the defendant did enter/remain in the nighttime and/or caused physical injury (death) to a non-participant in the crime; in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

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

Solicitor



ARSON

15/24
09-19-2017
09:08:19 a.m.

WITNESSES

Julian Blair Sumter County Sheriff
W. Dubose Sumter County Sheriff

T. Mims Sumter County Sheriff

ARREST WARRANT NUMBER

2015A4310100598

ACTION OF GRAND JURY

True Bill


Foreperson of Grand Jury
Date: 9-3-15

VERDICT

Foreperson of Petit Jury
Date:

8034362223

DOCKET NO. 2015-GS-43-0940

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

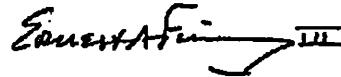
THE STATE

vs.

JASON DUSTIN COMPTON

Indictment for

Arson / Arson, Third Degree (effective 6/2/2010)



ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

INDICTMENT FOR
Arson / Arson, Third Degree (effective 6/2/2010)

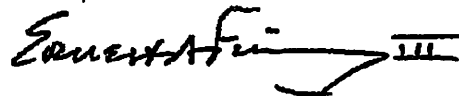
At a Court of General Sessions, convened on September 3, 2015 the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE
ARSON, THIRD DEGREE

That Jason Dustin Compton did in Sumter County, South Carolina, on or about February 24, 2014, willfully and maliciously cause an explosion, set fire to, burn or cause to be burned, or aided, counseled or procured the burning of a bed and/or residence located at [REDACTED], in violation of §16-11-110(c), S. C. 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



ARSON3