

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Barnwell County

Honorable R. Scott Sprouse, Circuit Court Judge

BILL BREELAND,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-001417

APPENDIX

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S.C. SUPREME COURT

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STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL

CIRCUIT COURT
2014-GS-06-00107

STATE OF SOUTH CAROLINA,
-vs-
BILL BREELAND,
Defendant.

TRANSCRIPT OF RECORD

Heard on Tuesday, May 27, 2014
Barnwell, South Carolina

BEFORE:

THE HONORABLE EDGAR W. DICKSON

APPEARANCES:

Counsel on Behalf of the State:
Susanna M. Ringler, Esq.

Counsel on Behalf of the Defendant:
Laura A. McCann, Esq.

Cheri L. Young, RPR
Circuit Court Reporter
P O Box 5232
Aiken, SC 29804-5232

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EXHIBIT INDEX

(NO EXHIBITS INDENTIFIED/INTRODUCED.)

1 ON TUESDAY, MAY 27, 2014 AT 12:14 P.M.:

2 MS. RINGLER: Bill Breeland.

3 (Defendant placed under oath.)

4 THE COURT: Ms. Ringler?

5 MS. RINGLER: Thank you, Your Honor.

6 We have State versus Bill Breeland, Indictment
7 2014-GS-06-107. His name, I'm not sure -- I believe
8 Breeland with two Es is the correct spelling but the
9 paperwork has it with one E so I had the two Es as an AKA,
10 Your Honor, on this one.

11 THE COURT: Okay.

12 MS. RINGLER: But he was originally charged with
13 and is pleading to attempted murder. He has some other
14 shopliftings and a CDV charge that we will be dismissing
15 as part of this plea.

16 The victim in this case is in the front row, Your
17 Honor -- or the second row, Your Honor, Ms. Katrina
18 Breeland, the Defendant's wife is here, Your Honor. And
19 if she's capable -- she seems upset at the moment. I'm
20 not sure if she's going to be able to address the Court,
21 but she is here, Your Honor.

22 THE COURT: If she decides she wishes to address
23 the Court that will be fine.

24 MS. RINGLER: I think, and when we get to that
25 point, we'll check with her, Your Honor. I'm not sure

1 she'll be able to, Your Honor.

2 THE COURT: All right.

3 MS. RINGLER: His prior record, are you ready for
4 it now?

5 THE COURT: You can go ahead and give it to me now.

6 MS. RINGLER: Okay. He has a 2000, criminal
7 domestic violence.

8 2003, criminal domestic violence second offense.

9 2003, criminal domestic violence first offense. 2003,

10 criminal domestic violence third or subsequent, and an

11 ABHAN. 2003, malicious injury to personal property.

12 2009, public disorderly conduct. 2009, simple
13 assault.

14 And that would be his record, Your Honor. Oh, I'm
15 sorry.

16 He has a 2013 shoplifting. 2013, shoplifting.

17 MS. McCANN: Your Honor, for the record the 2009
18 simple assault he denies. He does admit everything else.

19 THE COURT: Okay. And Ms. McCann, you represent
20 Mr. Breeland?

21 MS. McCANN: I do, Your Honor.

22 MS. RINGLER: I'm sorry, Your Honor.

23 THE COURT: Not -- that's okay. Ms. Ringler, I was
24 asking her a question. Okay?

25 And does he indeed spell his last name with two

1 Es?

2 THE DEFENDANT: Yeah. Yes, sir.

3 THE COURT: Okay. All right. And Ms. McCann, you
4 have had an opportunity to sit down and meet with him and
5 go over the evidence the State has against him regarding
6 this charge?

7 MS. McCANN: I have, Your Honor.

8 THE COURT: And he is pleading guilty to attempted
9 murder?

10 MS. McCANN: He is, Your Honor.

11 THE COURT: And he's facing up to 30 years in jail.

12 MS. McCANN: Yes, sir, he is.

13 THE COURT: You have gone over with him his
14 constitutional rights?

15 MS. McCANN: I have.

16 THE COURT: Do you believe he has understood
17 everything that you've told him?

18 MS. McCANN: Absolutely, Your Honor.

19 THE COURT: Okay. At some point he indicated to
20 you that he wished to plead guilty to this charge?

21 MS. McCANN: Yes, sir.

22 THE COURT: Okay. And is there any kind of
23 recommendation from the State?

24 MS. RINGLER: No, Your Honor.

25 THE COURT: No recommendation. Okay. And he is

1 pleading guilty without any recommendation; is that
2 correct?

3 MS. McCANN: Yes, sir, Your Honor.

4 THE COURT: And you believe it's in his best
5 interests to do so?

6 MS. McCANN: Yes, sir.

7 THE COURT: Okay. Mr. Breeland, my sentencing
8 sheet indicates that you're 31; is that correct?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. How far did you go in school?

11 THE DEFENDANT: Ninth grade.

12 THE COURT: And what school were you attending when
13 you stopped?

14 THE DEFENDANT: Denmark-Olar.

15 THE COURT: Okay. And why did you stop?

16 THE DEFENDANT: (Don't know.)

17 THE COURT: You just got tired of it?

18 THE DEFENDANT: Essentially.

19 THE COURT: All right, sir. Have you ever gotten
20 your GED?

21 THE DEFENDANT: No, sir.

22 THE COURT: Do you have any kind of learning
23 disabilities?

24 THE DEFENDANT: Learning? No, sir.

25 THE COURT: Okay. All right, sir. Have you ever

1 been treated for any mental health issues?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you presently being treated for any
4 mental health issues?

5 THE DEFENDANT: Now. Yes, sir.

6 THE COURT: You're taking medication?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you mind telling me what it's for?

9 THE DEFENDANT: Depression and schizophrenia.

10 MS. McCANN: Paranoid schizophrenia.

11 THE COURT: Okay. And you took your medication
12 today?

13 THE DEFENDANT: Yes, sir.

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

16 THE DEFENDANT: No, sir.

17 THE COURT: Does the medication that you take
18 affect your ability to understand what you're doing here
19 today?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Oh, it does?

22 THE DEFENDANT: (Conferring with counsel.)

23 MS. McCANN: Tell him that.

24 THE DEFENDANT: No, not right now. No, sir.

25 THE COURT: Not right now. You say you do

1 understand.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You took the medicine, you understand
4 what you're doing here?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Now I'm told that you're
7 pleading guilty to an attempted murder charge.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Has anybody promised you anything or
12 threatened you in any way to get you to plead guilty here
13 today?

14 THE DEFENDANT: No, sir.

15 THE COURT: Okay. You're doing this freely and
16 voluntarily?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Now, Ms. McCann indicated that she had
19 met with you and gone over the evidence that the State has
20 against you regarding this charge; is that correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. She says she also told you
23 about, explained your constitutional rights to you.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Did you understand everything she told

1 you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Are you satisfied with her
4 services as your attorney?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you need any more time to talk with
7 her?

8 THE DEFENDANT: No, sir.

9 THE COURT: Do you want a jury trial on this
10 charge?

11 THE DEFENDANT: No, sir.

12 THE COURT: Do you understand you have the right to
13 remain silent but you give up that right if you plead
14 guilty because you have to admit you are guilty of this
15 charge?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. Do you still want to go forward
18 with a guilty plea?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Ms. Ringler, do you want to tell me
21 what happened?

22 MS. RINGLER: Yes, Your Honor.

23 This was on the early morning -- in the early
24 morning hours of January 5th, 2014. The victim in this
25 case, Ms. Katrina Breeland, she was leaving. She actually

1 had moved back in with her folks at Latrell Apartments in
2 Barnwell, South Carolina.

3 She was leaving that residence in the early morning
4 hours to go to school. She took the Local Motion bus here
5 in town, Your Honor. And so the bus had just kind of
6 pulled up into the cul-de-sac in front of her building.

7 As she left the building to walk towards the bus,
8 the Defendant came around the bush on the side of the
9 building. He had a knife with him. He then began to
10 stab the victim repeatedly. He stabbed her in the chest
11 multiple times. One was on her side. I can't remember if
12 it was the right or the left and that punctured her lung.
13 He also stabbed her in the eye and she did lose an eye as
14 a result of that stab wound, Your Honor.

15 She was in critical condition, taken to the
16 hospital but did fortunately survive, Your Honor, and is
17 here today although still suffering from her injuries.

18 The individuals on the bus witnessed the stabbing.
19 There was also video from the bus. The bus was equipped
20 with cameras. And so that would be -- and her father
21 probably saved her life. He came running out of the house
22 with a wrench and chased him off. The Defendant then ran
23 across the street to the Ramblewood Trailer Park where a
24 gentleman was warming up his car. It was a cold January
25 morning, and so he had the keys in the car with the car

1 running. The Defendant hopped in the car and drove to
2 Williston.

3 That's where he was apprehended, in Williston, at
4 that time in the stolen vehicle, actually at the Kent's
5 Korner there in Williston. He had stopped for gas and
6 they were able to apprehend him at that time, Your Honor.

7 THE COURT: Okay.

8 MS. RINGLER: The officer in that case is here.
9 Now -- then Officer, now, Investigator Owens. So he is
10 present here as is the victim.

11 THE COURT: Did Ms. Breeland want to address the
12 Court at all? I'll give her another opportunity after I
13 take the plea.

14 MS. RINGLER: I think just a little more time, Your
15 Honor. Thank you.

16 THE COURT: Mr. Breeland, you've heard what the
17 solicitor told me about the circumstances that led to your
18 arrest on this charge?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you agree with what I was told?

21 THE DEFENDANT: Some of it.

22 THE COURT: Okay. Well, the important part is
23 about attacking Ms. Breeland with a knife and stabbing
24 her. Do you agree with that part?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. All right, sir.

2 The indictment that I have, 2014-GS-6-107, is an
3 indictment for attempted murder, true billed by the grand
4 jury on May 22nd, 2014. The indictment alleges,
5 Mr. Breeland, that you did in Barnwell County on or about
6 January 6, 2014, feloniously, willfully, with the intent
7 to kill -- attempt to kill Katrina Breeland with malice
8 aforethought, either express or implied, in violation of
9 the laws of this state.

10 Do you understand the allegations contained in this
11 indictment?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: How do you plead to the charge of
14 attempted murder?

15 THE DEFENDANT: Guilty.

16 THE COURT: All right. Do you understand that
17 attempted murder is a violent and a most-serious offense?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And your attorney has explained the
20 strike against you?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. Do you understand if I accept
23 your guilty plea it will be a conviction on your record?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that there's no

1 recommendation as to sentence?

2 THE DEFENDANT: What that mean?

3 THE COURT: That means nobody has promised you
4 anything what the sentence is going to be; is that
5 correct?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And you know you're facing up to 30
8 years in jail?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. You know you got 10 days to
11 appeal my decision?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you want me to accept your guilty
14 plea?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. Mr. Breeland, I find your
17 decision to plead guilty is freely, voluntarily and
18 intelligently made. I find you've had the advice and
19 counsel of a competent lawyer. I find that you're
20 satisfied with the services of your lawyer. I find
21 there's a factual basis for you to plead guilty to this
22 charge. And I will accept your guilty plea to this
23 charge.

24 Now Ms. McCann, before you say anything, I'm going
25 to see if Ms. Breeland wants to say anything one more

1 time.

2 MS. McCANN: Sure.

3 THE COURT: Does -- she doesn't want to come up and
4 say something?

5 VICTIM ADVOCATE: Yes, sir.

6 THE COURT: Okay. If you'd ask her to come on up.
7 (Pause - fooling with inoperable courtroom PA system.)

8 THE COURT: Ms. Breeland, just give us your best
9 shot.

10 MS. K. BREELAND: Okay. Through all of this I had
11 lost an eye. I have a punctured lung. I can't do the
12 activities that I used to do with my kids. I can't
13 work. My medical bills is piling up and it has been
14 denied for Medicaid.

15 I don't really leave the home, like only time I
16 leave the home is to go to the doctor because I'm getting
17 threatening texts on my phone. And it's, you know, I
18 don't want to be in my father house, you know, because it
19 bring back so much memories of that morning that I got
20 stabbed. My daughter have nightmares because she seen
21 it, she witnessed it from beginning to end.

22 I don't know why it happened but it happened. And
23 now I just can't do the things that I used to do. And I
24 would like to see him punished for it.

25 THE COURT: Okay. Thank you, ma'am.

1 MS. K. BREELAND: You're welcome.

2 THE COURT: I appreciate you speaking to me. All
3 right. Ms. Ringler, anything else?

4 MS. RINGLER: Nothing from the State, Your Honor.

5 THE COURT: All right. Ms. McCann?

6 MS. McCANN: Your Honor, naturally I have a few
7 things to say.

8 Mr. Breeland may or may not choose to address the
9 Court. He has family members here and I know his sister
10 wanted to address the Court.

11 Yeah. You'll be able to say something.

12 He is 31 years of age as you know. He told you he
13 quit school in the ninth grade and he has no further
14 education beyond that point.

15 I had the opportunity to meet with his mother. And
16 I have talked to his mother and his sister, Tammy. His
17 mother came to my office and we had a sit-down
18 conversation about Bill and Bill growing up. Bill has
19 always had mental health issues. And while he is with
20 her, he is compliant with mental health medication and
21 going to mental health.

22 She tells me this has been going on with various
23 issues since he was a young boy with ADHD is what they
24 believed initially. He eventually was diagnosed with
25 paranoid schizophrenia and depression.

1 When he's not with Mom there's some complaints.
2 The time of this incident he was not on medication and not
3 attending treatment.

4 He was married to the victim. He has two
5 children. Both are boys. Of course, he does not have
6 custody of them. He's been incarcerated since this
7 incident. He used to work at Amick Farms in Batesburg,
8 but when he is not under medication -- not on medication
9 or under treatment he's not employed.

10 Ms. Ringler informed you this happened about six
11 o'clock in the morning. Katrina was leaving for work.
12 And I know Katrina. I've talked to Katrina. She's been
13 in the office several times with Bill previously. I was
14 kind of surprised this happened because they seemed to be
15 a fairly solid couple.

16 Bill tells me that what happened was was that he
17 found out that she was having an affair, that this
18 infuriated him. And he's going to talk a little bit about
19 that if he chooses to address the Court. He tells me
20 that when he confronted her about the affair that she made
21 taunting comments like "What does it matter, you're going
22 prison anyway," because he had these pending shoplifting
23 charges and charges that Ms. Ringler had referenced
24 earlier. This made him angry.

25 He didn't plan this out. He didn't threaten

1 anybody else or attack anybody else. This was between he
2 and his wife. In his mind he still believes this is just
3 between he and his wife.

4 He grabbed a kitchen knife. He did in fact stab
5 her. He has never denied it. He has always been
6 extremely cooperative with talking to me, keeping in mind
7 he is a paranoid schizophrenic and there was a period of
8 time where we -- it took awhile to develop a relationship
9 with some trust between us.

10 He was angry. He was angry over her behavior and
11 the taunting and he reacted absolutely inappropriately.

12 Out of curiosity, I had contacted -- we had
13 contacted his mental health worker and wanted the mental
14 health worker to come today and confirm the fact that he
15 is carrying these diagnoses and perhaps what some of the
16 symptomology (verbatim). He declined to get involved. He
17 said he's not here for court-related issues.

18 So I looked up online, good old Web MD and
19 Orthopedia and of the symptomologies (verbatim) for
20 paranoid schizophrenic clearly is violence.

21 I think for Bill to be more stable and more safety
22 for the community, he is going to have to have a long-term
23 treatment modality. I believe that treatment compliance
24 while he's with his mother is no problem. He absolutely
25 adores his mother and has got a terrific relationship with

1 her. She is extremely supportive of Bill and understands
2 his struggles.

3 He's been in jail for 130 days. He of course is
4 concerned that he gets credit for that.

5 He knows that he has got to be punished for what he
6 did and he knows he's going to prison today. One thing he
7 requests is that there be a plan kind of for him. Maybe
8 that's not the right word but he would like to see a
9 prison term of about eight years. We've talked about, he
10 says that this would give him time for separation to allow
11 Katrina to heal. Katrina certainly is entitled to some
12 healing time with him away safely.

13 It also allows him for consistent treatment for an
14 extended period of time through the Department of
15 Corrections. It provides punishment for him. It's an
16 85 percent violent offense therefore he will do 82 months
17 of prison time. It provides protection for the
18 community. It provides him an opportunity to get his
19 behavior in order as well as some good old fashioned
20 maturing. It also will provide for two years of community
21 supervision upon release.

22 I've talked to Mr. Graham about what's all involved
23 in that. And we can make it a mandated requirement of
24 treatment for his community supervision release. We can
25 also make a mandate, education, GED, or restraining order

1 which Mr. Breeland has no problem with following.

2 If they fail in any aspect of the order in the
3 community supervision they're automatically revoked for
4 one year at a time, according to Mr. Graham.

5 So I believe that not only will the prison sentence
6 provide some healing for all and treatment, consistent
7 treatment for him but also the community supervision will
8 be a good transition for him.

9 So on behalf of Mr. Breeland we're asking for an
10 eight-year term with specifics in his community
11 supervision, Your Honor, as well as the 130 days credit
12 for time served.

13 I do know that Mr. Breeland would like to talk to
14 you.

15 THE COURT: Okay.

16 MS. McCANN: I do know that he has family members
17 that would like to address the Court.

18 THE COURT: I'll be glad to hear from them.

19 THE DEFENDANT: Like I say, made no contest. I did
20 it. But I did it because I seen her cheating with my own
21 eyes and she treated me like I was nobody. Talked me
22 trashy down like I wasn't even existence. Like I wasn't
23 appear.

24 So basically she broke me down to my heart. She
25 broke me in my heart. That's the only reason why it was

1 like that, but it wasn't no plan like I was going to plan
2 on torture or kill her one that day. It wasn't like
3 that.

4 That's all I got to say.

5 THE COURT: Okay. Thank you, Mr. Breeland.

6 MS. McCANN: Mama, do you want to say something?
7 Would you like to say something? Come to the rail here.

8 THE COURT: Your name please, ma'am?

9 THE MOTHER: Mamie Breeland.

10 THE COURT: And Ms. Breeland, what would you like
11 to tell me?

12 MS. M. BREELAND: Yes, sir, Your Honor.

13 Bill, he's a very nice guy. But he been through so
14 much, even when he was a baby. I had problems with him, a
15 little boy and all. He seen a lot of -- I had abusive
16 husband and he seen that was going on. My husband used to
17 beat me all the time. And I think that's caused a lot to
18 do with it. He thought -- and me and his daddy was
19 separated and I had met another guy, and he was abusive
20 too. But Bill is a, he's a very nice boy and good boy.
21 But, as long as he ain't on his medicine, he do do things
22 like that.

23 THE COURT: Yes, ma'am. Anything else you want to
24 tell me?

25 MS. M. BREELAND: (Shakes head.)

1 THE COURT: Okay. Anything else, Ms. McCann?

2 MS. McCANN: Pardon me?

3 THE COURT: Anything else?

4 MS. McCANN: No, but thank you for asking.

5 THE COURT: All right. When you were talking about
6 the community supervision, what were you asking for in
7 addition?

8 MS. McCANN: Restraining order, mandated mental
9 health treatment.

10 THE COURT: All right. We can stand down for
11 about 10 minutes while I think about this.

12 MS. RINGLER: Yes, sir.

13 THE COURT: We'll take a break.

14 (Break taken at 12:36 P.M. until 12:43 P.M.)

15 THE COURT: All right. We're back on the record
16 with Mr. Breeland.

17 Mr. Breeland, THE SENTENCE OF THIS COURT IS:
18 YOU'RE COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS
19 FOR A PERIOD OF 20 YEARS. I'LL GIVE YOU CREDIT FOR THE
20 130 DAYS YOU'VE BEEN IN JAIL. WHILE YOU'RE IN JAIL I'M
21 REQUIRING YOU TO GET YOUR GED, COMPLY WITH MENTAL HEALTH
22 TREATMENT, AND UPON YOUR RELEASE YOU ARE TO BE RESTRAINED
23 FROM CONTACTING THE VICTIM.

24 MS. RINGLER: Thank you, Your Honor.

25 MS. McCANN: Thank you, Your Honor.

1 THE COURT: What's next?

2 END OF CASE: 12:45 p.m.

3 ***

4 CERTIFICATE OF REPORTER

5 STATE OF SOUTH CAROLINA)

6 COUNTY OF AIKEN)

7 I, Cheri L. Young, Registered Professional Reporter
 8 and Official Court Reporter for the State of South
 9 Carolina, Second Circuit-At Large, do hereby certify that
 10 the foregoing proceedings were written stenographically by
 11 me using computer-aided translation; further, that the
 12 foregoing is a true, accurate and complete record, to the
 13 best of my skill and ability, of all the proceedings had
 14 and evidence introduced in the hearing of the captioned
 15 case, relative to appeal, in the Court of General Sessions
 16 for Barnwell County, on the 27th day of May, 2014.

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

19 I have hereunder set my hand this 1st day of October,
 20 2014.

21 
 22 _____

23 Cheri L. Young, RPR
 24 Official Court Reporter

25

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF Darlington)

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

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2016-CP-06- 00326

APPLICATION FOR
POST-CONVICTION RELIEF

FILED FOR RECORD
2016 JUN 22 PM 3:27
MILTON O. HILLYER
CLERK OF COURT
DARLINGTON COUNTY, S.C.

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 veified (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 chr 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 threes 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 MCCormick CORR INST.
2. Name and location of Court which imposed sentence DARLINGTON Co. GENERAL SESSIONS
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2014-68-06-00107
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) May 27, 2014 (Attempted Murder) 20 YEARS
 - (b) _____

- (c) _____
- 6. Check whether a finding of guilty was made:
 - (a) after a plea of guilty ✓ _____
 - (b) after a plea of not guilty N/A _____
 - (c) after a plea of nolo contendere N/A _____

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

8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
 - i. South Carolina Court of Appeals _____
 - ii. _____
 - iii. _____

- (b) the result in each such Court to which you appealed:
 - i. Appeal Dismissed _____
 - ii. _____
 - iii. _____

- (c) the date of each such result:
 - i. August 28, 2015 _____
 - ii. _____
 - iii. _____

- (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. unpublished opinion NO. 2015-UP-419 _____
 - ii. _____
 - iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A _____
 - (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 Trial Counsel & Appellate Counsel
- (b) Denial of Due process clause
- (c) See Alback Amendment

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

- (a) Failure of Counsel to have independent mental evaluation
- (b) Applicant Reserves the right to Amend his original PCR Application
- (c) Failure to Allow Applicant to plea Guilty (6-14 AMENDMENTS)

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.
 - iii.
 - iv.
- (b) the name and location of the Court in which each was filed:
 - i. N/A
 - ii.
 - iii.
 - iv.
- (c) the disposition thereof:
 - i. N/A
 - ii.
 - iii.

iv. _____

(d) the date of each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

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

i. N/A

ii. _____

iii. _____

iv. _____

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

No

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

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

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

i. N/A

ii. _____

iii. _____

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

(a) This is the first opportunity.

(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? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

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

- (a) the name and address of each attorney who represented you:
 - i. Ms. Laura A. McCann, Esquire P.O. Box 267 Barnwell, SC 29812
 - ii. Ms. Laura R. Barr S. E. Appellate defense P.O. Box 11589 Columbia SC 29211
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Trial
 - ii. Appeal
 - iii. _____

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

The Applicant seeks relief for a new trial, due to his mental health and the 8 years

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

NO

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

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

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

B. H. Boone

Applicant

SWORN or affirmed to and subscribed before me this

21st day of July, 2016.

[Signature]

Michael Camare

Notary Public

My Commission Expires: July 09 2026

FILED FOR RECORD
2016 JUL 22 PM 3:27
RONDRA D. HCELVEEN
CLERK OF COURT
BARNWELL COUNTY, S.C.



Aiken-Barnwell Mental Health Center

Our Mission:

The Center aspires to be the premier provider of behavioral health services supporting the recovery of persons with mental illness in Aiken and Barnwell Counties.

To Whom It May Concern:

The attached or enclosed information has been disclosed to you from records whose privacy is protected from disclosure by federal and state law including, as applicable, 45 CFR Part 160 (HIPAA); 42 CFR Part 2, (alcohol and drug Treatment) and Section 44-22-100, Code of Laws of South Carolina. The applicable law or laws may prohibit you from making any further disclosure without the specific written authorization by the individual to whom it pertains or their authorized representative, or as otherwise permitted or required by law. A general authorization for release of information is not sufficient for this purpose unless it conforms to the specific requirements of the applicable law or laws. Further disclosure not in accordance with applicable federal law may result in civil and/or criminal penalties.

Sincerely,

Medical Records

Main Center
1135 Gregg Highway
Aiken, SC 29801
Phone: 803.641.7700
Fax: 803.641.7709

Hartzog Center
431 West Martintown Road
North Augusta, SC 29841
Phone: 803.278.0880
Fax: 803.278.6791

Polly Best Center
916 Reynolds Road
Barnwell, SC 29812
Phone: 803.259.7170
Fax: 803.259.2934

Exhibits 1

INITIAL/EXTENDED PHYSICIAN'S MEDICATION ASSESSMENT ORDERS AND SERVICE NOTES (PMA)						
Name: BILL BREELAND		ID: 9720677		Ticket No: 42957678		Date: 04/14/2014
DOB: [REDACTED]/1982						
Chief Complaint/Perception of Problem (use client's own words)						
31 yo referred from Barnwell DTC because of concern about depression and anxiety						
History of Present Illness						
Client recently incarcerated on charges of attempted murder after an incident in which he stabbed his wife for reportedly cheating on him. Client describes depressive symptoms of dysphoria, insomnia and decreased appetite. He also describes anxiety symptoms of excessive worry. Client reports history of problems with depression, anxiety and impulse control problems and reports having received mental health treatment in the past. He reports having been hospitalized at Aurora in the past for depression and suicidal gesture of overdose of medication. He also reports suicidal gesture of cutting his wrist about six months ago but did not seek help at that time.						
Pregnant: <input checked="" type="checkbox"/> N/A						
Substance/Alcohol Use						
None <input checked="" type="checkbox"/> Tobacco Caffeine <input checked="" type="checkbox"/> Alcohol <input checked="" type="checkbox"/> Street Drugs Other (if checked, describe) Reports regular use of alcohol and marijuana and reports using marijuana on a daily basis. Report having smoked about a pack of cigarettes per day.						
Psychiatric History/Hospitalizations						
Hospitalized at Aurora in 2009. Had been treated at Denmark MHC and Polly Best MHC in the past.						
Social History						
Had been living with mother Jenny Mae age 57 yo and works a cook at Huddle House. Destiny age 3 yo. Has two children Son Bill age 8 yo in good health 3rd grade in Bamberg. Son Imad age 12 yo in good health in fifth grade in Orangeburg						
Family History (medical, psychiatric, substance use)						
Family History of hypertension						
Medical History						
<input checked="" type="checkbox"/> N/R	Epilepsy	HIV/AIDS	Neurologic	<input checked="" type="checkbox"/> Other Allergies		
Cardiac	Gastrointestinal	Hyperlipidemia	Strokes			
Cancer	Genitourinary	Kidney disease	Surgery			
Diabetes	Heart disease	Migraine headaches	Thyroid disease			
Endocrine	High blood pressure	Musculoskeletal				
Allergies <input checked="" type="checkbox"/> This info was reviewed during this PMA visit						
Ibuprofen breaks him out						
Vital Signs and Measurements						
Srvc & Date	Height	Weight	Blood Pressure	Pulse	Waist Circumference	BMI FSBS
H012 04/14/2014	5FT6	180Lbs	116/80	72		29 -
Date of Last AIMS: N/A						
Current Psychiatric Medication						
Mental Health Medication			Dosage Frequency			
Mental Status Examination						
Sensorium	Alert: <input checked="" type="checkbox"/>	Oriented: <input checked="" type="checkbox"/>	Other: (describe)			
Appearance	Normal For Patient:		(if not, describe) dressed in orange jump suit			
Behavior			Suspicious: <input checked="" type="checkbox"/> (describe) noticeably suspicious during interview.			
Psychomotor Abnormalities	None: <input checked="" type="checkbox"/>		Other: (describe)			
Speech	Normal For Patient: <input checked="" type="checkbox"/>		(if not, describe)			
Cognition	Attention: <input checked="" type="checkbox"/>	Intact: <input checked="" type="checkbox"/>	(if not, describe)			
	Concentration: <input checked="" type="checkbox"/>	Intact: <input checked="" type="checkbox"/>	(if not, describe)			
	Memory: <input checked="" type="checkbox"/>	Intact: <input checked="" type="checkbox"/>	(if not, describe)			
Judgment	Good:		Fair: <input checked="" type="checkbox"/> Poor: (describe) impulsive and poor decision making			
Insight	Good:		Fair: <input checked="" type="checkbox"/> Poor: (describe) limited			
Emotion	Mood: Euthymic:	(if not, describe) anxious and depressed but brightens				
	Affect: Appropriate: <input checked="" type="checkbox"/>	(if not, describe)				
Thought Content	Hallucinations: No: <input checked="" type="checkbox"/>		Yes: (describe)			
	Delusions: No: <input checked="" type="checkbox"/>		Yes: (describe)			
Thought Process	Logical/Goal directed: <input checked="" type="checkbox"/>		Distractible: LOA: FOI:			
Suicidal Ideation	No: <input checked="" type="checkbox"/>		Yes: (describe)			

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Exhibits 2

Homicidal Ideation No: Yes: (describe)
 Abnormal Movement None: Face: Lips/Tongue: Trunk:
 Tics: No: Yes: (describe)

Diagnosis and Impression of Progress

Prim Dx Code Description
 Axis I: 309.28 Adjustment Disorder With Mixed Anxiety and Depressed Mood
 304.30 Cannabis Dependence
 Explanation of Axis I diagnosis:
 RO Impulse Control DO
 Prim Dx Code Description
 Axis II: No diagnosis for this axis
 Explanation of Axis II diagnosis:
 Deferred
 Axis III: Allergies
 Axis IV: Incarcerated
 GAF:48 | Additional Rating: (describe)

Target Symptoms for Treatment

AV hallucinations	Flashbacks	Mania/hypomania	Thought disorganization
Agoraphobia	Hyperactive/inattentive	Oppositional	Trauma
<input checked="" type="checkbox"/> Anxiety	Hyperverbal	Obsessive/compulsive	<input checked="" type="checkbox"/> Other
Delusions/paranoia	Irritability	SI/II/Ideation/attempts	Impulse control problems.
<input checked="" type="checkbox"/> Depression	<input checked="" type="checkbox"/> Legal problems	Sleep/appetite disturbance	

Are You Court ordered? No

Medication Ordered

Mental Health Medication	Dosage	Frequency	Amnt/Refills	Date D/C	Sample	Smp/Dsg	Smp/Amnt
(N) PAXIL	20mg	1 q am	30	2			
(N) TRAZODONE	50mg	1/2 hsx2; 1 hs	30	2			

Physical Healthcare Medication	Dosage	Frequency	Purpose	Date of Deletion
Zyrtec	10mg	1 q am		

Other: OTC, Herbals, Vitamins, etc. Dosage Frequency Purpose Date of Deletion
 No current medication

Medication Education Provided: Client Family

<input checked="" type="checkbox"/> Medication, dose, time to take	<input type="checkbox"/> Lab monitoring required/reason	<input type="checkbox"/> Financial availability	<input type="checkbox"/> Neuroleptic Consent
<input checked="" type="checkbox"/> Purpose/Expected benefits/Risk	<input checked="" type="checkbox"/> Expected length of tx.	<input checked="" type="checkbox"/> Alternative to medication/Risk of no treatment	
<input checked="" type="checkbox"/> Common side effects	<input type="checkbox"/> Effects on pregnancy/nursing	<input checked="" type="checkbox"/> Other (describe)	<input type="checkbox"/> Priapism

Justification for Continued Treatment

<input checked="" type="checkbox"/> Requires monitoring of response to medication	<input checked="" type="checkbox"/> Symptoms unstable	<input checked="" type="checkbox"/> Improve level of functioning
<input checked="" type="checkbox"/> Requires monitoring for medication side effects	<input checked="" type="checkbox"/> Prevent decompensation	<input checked="" type="checkbox"/> Prevent hospitalization

Follow-up: Days: Weeks: Months: 3-4 Other:

Extra Notes

Educational History-quit school in the ninth grade. Employment History-had worked at Amick's Chicken Farm in Batesburg in past and last worked in 2011. Abuse History-reports having witnessed domestic violence.

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Signed by: James E. Ford
 Report:
 Date & Time: 14 Apr 2014 10:52:59 AM

Exhibits 3

AIKEN-BARNWELL COMMUNITY MENTAL HEALTH CENTER
Discharge Summary or Transition Plan

This form is being used to (check one): Discharge from MHC services Transfer to another program

Client Name: Bill Breeland CID#: 9720677 Date of Admission: 01/13/2014 Date of Discharge/Transition: 06/12/2014

Reason for Discharge/Transition:
The client is being discharged due to the client being moved out of the local detention center and sent to prison.

Diagnosis at Admission: 300.02 Generalized Anxiety Disorder
Diagnosis at Discharge/Transition: 309.28 Adjustment Disorder with mixed Anxiety and Depressed Mood, 304.30 Cannabis Abuse

GAF at Admission: 50 GAF at Discharge/Transition: 40
Strengths: Draws
Likes watching television
Needs: Resolve legal issues
Comply with the law
Reduce impulsive behavior
Reduce anxiety
Improve attitude
Abilities: Expresses self well
Preferences: No preference

Current Medications (list medications, dosages):
The client was prescribed medication, Paxil 20 mg and Trazodone 50 mg.

Will the client be discharged/transferred on medication? Yes No
Explain. The chart is being closed due to the client being moved out of the area.

Presenting Condition/Problem(s)/Symptom(s):
(Seen at the Barnwell County Detention Center) The client reported he was depressed, has been unable to sleep and has had a loss of appetite. The client reported having a bad temper and reports this has been ongoing for a long time. The client said he is in jail for attempted murder.

What services were provided and what were the results of services/progress on recovery at the time of discharge/transition (include the following: Were goals/objectives met? Gains achieved? Progress in his/her recovery?):
The client was seen for assessment, PMA, and individual therapy sessions. The client made no progress in treatment, he blamed others for his behavior and expressed no remorse for what he has done in the past. The client admitted to a history of anger and blamed that on watching his stepfather assault his mother. The client did not practice his coping skills and was not sleeping well. The client's chart is being closed due to appearing in court and being sentenced to 20 years in prison.

Date of Last Contact: 5/23/2014 Client Status at Last Contact: Individual therapy session, blamed anger on others.

Recommendations for Follow-up/Support (include information about referrals to other agencies):
1). If symptoms re-appear you may return to the mental health center for further evaluation and treatment.
2). Referred to ABMHC Contact name & phone number: 803-259-7470.
Call the Polly Best Center for intake appointment.

Program Transfer Information:
Sending Staff: Edwin Elledge Receiving Staff: N/A
Transferred From: N/A Transferred To: N/A
Admission Date to Currently Assigned Program: 01/13/2014

Person participating in Discharge Summary/Transition Plan: Edwin Elledge

Staff Signature/Title/Date: Edwin Elledge 6/12/2014

Client received a copy of the Discharge Summary/Transition Plan: Yes No

AIKEN-BARNWELL MENTAL HEALTH CENTER
DISCHARGE CODES

Discharge Date: 6/12/2014

Discharging GAF Score: 40

✓ ID# 972 0677

Reason for Release Outpatient Services – (check only one)

- 01 No Further Care Indicated by this Facility
- 02 By Order of the Court
- 03 Appropriate Care Unavailable
- 04 Patient Dropped Out or Rejected Services
- 05 Patient Withdrew Other Reasons (Moved, Died, Etc.)
- 06 Appropriate Care Unavailable
- 99 Other

Discharging Staff ID: 0538

Diagnosis at Discharge (DSM IV for Psychiatric & A/D):

1st 309.28 Adjustment Disorder with Mixed Anxiety and Depressed Mood 2nd 304.30 Cannabis Abuse 3rd 4th 5th

Referral Upon Discharge – Disposition (check only one)

- | | | |
|--|--|---|
| SF <input type="checkbox"/> Self | FF <input type="checkbox"/> Family or Friend | CL <input type="checkbox"/> Clergy |
| SH <input type="checkbox"/> School/Special Class | PP <input type="checkbox"/> Private Physician/Psychiatrist | MH <input type="checkbox"/> Private MH Professional |
| MP <input type="checkbox"/> Other Medical Professionals | MR <input type="checkbox"/> Mental Retardation | CC <input type="checkbox"/> Community Care Home |
| DA <input type="checkbox"/> Drug and Alcohol | VA <input type="checkbox"/> Veteran's Administration | VR <input type="checkbox"/> Vocational Rehabilitation |
| OS <input type="checkbox"/> Out-of-State | YS <input type="checkbox"/> Youth Services | SS <input type="checkbox"/> Social Services |
| CR <input type="checkbox"/> Courts | LF <input type="checkbox"/> Law Enforcement/Corrections | GH <input type="checkbox"/> General Hospital |
| PH <input type="checkbox"/> Private Psychiatric Facility | NH <input type="checkbox"/> Nursing Home | HS <input type="checkbox"/> Margaret J. Weston CHC |
| 41 <input type="checkbox"/> SCSH | 42 <input type="checkbox"/> CFSH | 58 <input type="checkbox"/> WSHPI |
| 65 <input type="checkbox"/> Tucker | 46 <input type="checkbox"/> Bryan | 71 <input type="checkbox"/> Morris Village |
| 49 <input type="checkbox"/> Byrnes Medical Center | 44 <input type="checkbox"/> DGNCC-Columbia | 48 <input type="checkbox"/> DGNCC – Rock Hill |
| 47 <input type="checkbox"/> Harris | 67 <input type="checkbox"/> Campbell | 3A <input type="checkbox"/> Greenville MHC |
| 3B <input type="checkbox"/> Charleston/Dorchester MHC | 3C <input type="checkbox"/> Spartanburg MHC | 3D <input type="checkbox"/> Columbia Area MHC |
| 3E <input type="checkbox"/> Pee Dee MHC | 3F <input type="checkbox"/> Santee-Wateree MHC | 3G <input type="checkbox"/> Catawba MHC |
| 3H <input type="checkbox"/> Anderson-Oconee-Pickens MHC | 3J <input type="checkbox"/> Beckman MHC | 3K <input type="checkbox"/> Aiken-Barnwell MHC |
| 3M <input type="checkbox"/> Coastal Empire MHC | 3N <input type="checkbox"/> Tri-County MHC | 3P <input type="checkbox"/> Waccamaw MHC |
| 3R <input type="checkbox"/> Orangeburg MHC | 3S <input type="checkbox"/> Piedmont MHC | 3T <input type="checkbox"/> Lexington County MHC |
| 3W <input type="checkbox"/> Berkeley County MHC | 54 <input type="checkbox"/> WSHPI Outpt Services | OT <input type="checkbox"/> Other |
| ZZ <input checked="" type="checkbox"/> No Referral Made | | |


Follow-Up Date: The client's chart is being closed due to the client being sent to prison.

AIKEN-BARNWELL MENTAL HEALTH CENTER
6/12/2014 10:00 AM

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BARNWELL)
)
Bill Breeland, #316919)
 Plaintiff,)
 vs.)
)
State of South Carolina)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT
 CASE NO.: 2016-CP-06-0326

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: Lance S. Boozer, Bar No. _____ Address: 1400 Laurel Street, Ste 4A Columbia, SC 2921 Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Julie A. Coleman, Bar No. 102214 Address: PO Box 11549 Columbia, SC 29211-1549 Phone: 803-734-3737 Fax 803-734-4113 E-mail: _____ Other: _____																
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)																	
SECTION I: Hearing Information																	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO																	
SECTION II: Motion/Order Type																	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.																	
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant </div> <div style="text-align: right;"> January 25, 2017 Date submitted </div> </div>																	
SECTION III: Motion Fee																	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input checked="" type="checkbox"/> EXEMPT: (check reason) <table style="width:100%; margin-left: 20px;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> <td><input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> <td><input checked="" type="checkbox"/> Sexually Violent Predator Act</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status</td> <td><input checked="" type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication</td> <td><input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td colspan="2">Name of Court Reporter: _____</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Other: _____</td> </tr> </table>		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input checked="" type="checkbox"/> Sexually Violent Predator Act	<input type="checkbox"/> Indigent Status	<input checked="" type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Motion for Stay in Bankruptcy		<input type="checkbox"/> Motion for Publication	<input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions		Name of Court Reporter: _____		<input type="checkbox"/> Other: _____	
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<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions																	
Name of Court Reporter: _____																	
<input type="checkbox"/> Other: _____																	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____																
CLERK'S VERIFICATION																	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____																	

STATE OF SOUTH CAROLINA
 COUNTY OF BARNWELL

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT

Bill Breeland, #315919,

2016-CP-06-0326

Applicant,

RETURN

v.

State of South Carolina,

Respondent.

Respondent, making its Return to the application for post-conviction relief ("PCR") filed July 22, 2016, would respectfully show this Court:

I.

Bill Breeland ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Barnwell County Clerk of Court. Applicant was indicted at the May 2014 term of the Barnwell County Grand Jury for attempted murder (2014-GS-06-0107). Laura A. McCann, Esquire, represented Applicant. On May 27, 2014, Applicant pled guilty before the Honorable Edgar W. Dickson, as indicted. Judge Dickson sentenced Applicant to imprisonment for twenty years.

Applicant filed a timely notice of appeal and a brief was filed pursuant to Anders v. California.¹ Laura R. Baer, Esquire, represented Applicant on appeal. The South Carolina Court of Appeals dismissed Applicant's appeal on August 12, 2015. State v. Breland, Op. No. 2015-UP-419 (S.C. Ct. App. filed August 12, 2015). The Remittitur was returned on August 28, 2015.

¹ 386 U.S. 738 (1967).

II.

In his PCR application, Applicant alleges that he is being held in custody unlawfully for the following reasons²:

1. Ineffective assistance of trial counsel and appellate counsel
 - i. "Failur [sic] of counsel to have independant [sic] mental evaluation."
 - ii. "Failur [sic] to allow applicant to plea guilty (6 & 14 amendments)."
2. Denial of Due Process Clause.

Attached herewith and incorporated herein are the records of the Barnwell County Clerk of Court records regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the guilty plea transcript, direct appeal records and the records of this action. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

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 the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668; Cherry v. State, 300 S.C. 115, 117,

² Respondent notes that Applicant included four "Exhibits" with his application.

386 S.E.2d 624, 625 (1989). The applicant “must first demonstrate that counsel was deficient and then must also show the deficiency resulted in prejudice.” Walker v. State, 407 S.C. 400, 404-05, 756 S.E.2d 144, 146 (2014). “The two-part test adopted in Strickland also applies to challenges to guilty pleas based on ineffective assistance of counsel.” Holden v. State, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011).

First, the applicant must show that counsel’s performance “fell below an objective standard of 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, he would not have pleaded guilty, but would have insisted on going to trial.” Thompson v. State, 340 S.C. 112, 116, 531 S.E.2d 294, 297 (2000).

Respondent submits that 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.

The allegation that appellate counsel was ineffective is without merit. Respondent

contends that Applicant's appellate counsel rendered adequate assistance and provided representation within the range of competence required by appellate attorneys. A defendant is constitutionally entitled to the effective assistance of appellate counsel. Evitts v. Lucey, 469 U.S. 387, 105 S.Ct. 830 (1985). Where ineffective assistance of appellate counsel is alleged, Applicant must show that appellate counsel's performance was (1) deficient; and (2) that there was prejudice from the appellate counsel's deficiency. Southerland v. State, 337 S.C. 610, 524 S.E.2d 833 (1999). To be effective, appellate counsel must give assistance of such quality as to make appellate proceedings fair. Id. Appellate counsel must provide effective assistance but need not raise every non-frivolous issue presented by the record. Id. Appellate counsel has a professional duty to choose among potential issues according to their merit. Jones v. Barnes, 463 U.S. 745 (1983). Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment, the failure to appeal all trial errors is not ineffective assistance of counsel. Griffin v. Aiken, 775 F.2d 1226 (4th Cir. 1985).

When a claim of ineffective assistance of appellate counsel is based upon failure to raise viable issues, the court must examine the record to determine "whether appellate counsel failed to present significant and obvious issues on appeal." Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986). Generally, the presumption of effective assistance of counsel will be overcome only when the alleged ignored issues are clearly stronger than those actually raised on appeal. Id.

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test with regard to the ineffectiveness claims against appellate counsel. However, the allegation of ineffective assistance of appellate counsel probably raises questions of fact that cannot be conclusively refuted by the record. Therefore, Respondent requests an evidentiary hearing to fully resolve this issue. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Applicant alleges that he was denied due process of law. However, the Applicant fails to set forth with specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that the Applicant must "... specifically set forth the grounds upon which the application is based." S.C. Code Ann. § 17-27-50. In an application for post-conviction relief, it is incumbent upon the Applicant to make at least a *prima facie* showing that would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Since the Applicant has failed to make even a prima facie showing, the Respondent would submit that this allegation should be dismissed for failing to meet the requirements of the Uniform Post-Conviction Procedures Act. Furthermore, this allegation is so vague that it is impossible for the State to respond.

VI.

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

STATE OF SOUTH CAROLINA)

COUNTY OF BARNWELL)

BILL BREELAND #315919)

Applicant,)

vs)

STATE OF SOUTH CAROLINA,)

Respondent.)

IN THE COURT OF COMMON PLEAS

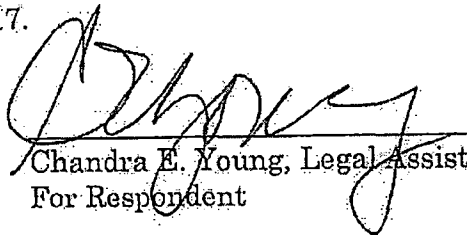
2016-CP-06-0326

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

Lance S. Boozer
 1400 Laurel Street, Suite 4A
 Columbia, SC 29201

DATED this 25th day of January, 2017.


 Chandra E. Young, Legal Assistant
 For Respondent

MIC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BARNWELL)
)
 Bill Breeland, #315919,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT
 C/A NO: 2016-CP-06-326

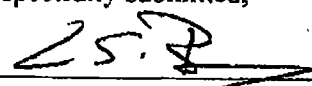
AMENDMENT TO PCR APPLICATION

FILED FOR RECORD
 APR 13 PM 1:08
 RONDA D. McELVEEN
 CLERK OF COURT
 BARNWELL COUNTY, S.C.

The Applicant, through appointed counsel below, makes the following additional claims and amendments to his prior application for post-conviction relief:

- 10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
 - (a) Involuntary guilty;
 - (b) Counsel failed to explain defenses or trial strategy.

Respectfully submitted,



Lance S. Boozer
 Attorney for Applicant
 1400 Laurel Street, Suite 4A
 Columbia, SC 29201
 Phone: (803) 608-5543
 Fax: (803) 926-3463

Columbia, South Carolina
 April 11, 2018

AFFIDAVIT OF SERVICE

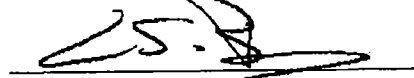
I, the undersigned, of the Boozer Law Firm, LLC, Attorney for Applicant, do hereby certify that I served the foregoing Amendment to Prior PCR Application upon the persons below-listed by placing a copy, postage prepaid, in the United States Mail, addressed as follows:

Julie Coleman
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211

2018 APR 13 PM 1:06
RHONDA D. INGELVEEN
CLERK OF COURT
LAWRENCE COUNTY, S.C.

FILED FOR RECORD

THE BOOZER LAW FIRM, LLC



Lance S. Boozer
Attorney for Applicant
1400 Laurel Street, Suite 4A
Columbia, SC 29201
Phone: (803) 608-5543
Fax: (803) 926-3463

Columbia, South Carolina
April 11, 2018

State of South Carolina)
County of Aiken)

In the Court of Common Pleas
Second Judicial Circuit
2016-CP-06-0326

Bill Breeland,)
Plaintiff,)

vs.)
The State,)
Defendant.)

Transcript of Record

May 7, 2018

Aiken, South Carolina

B e f o r e:

The Honorable R. Scott Sprouse, Judge

A p p e a r a n c e s:

Julie Coleman, Esquire
Attorney for the Plaintiff

Lance Boozer, Esquire
Attorney for the Defendant

Bonnie H. Kelly, CVR
Circuit Court Reporter

I N D E X

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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EV.</u>
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-- NO EXHIBITS ENTERED --

1 (On the record at 4:02 p.m.)

2 THE COURT: Ready?

3 MR. BOOZER: Yes, sir.

4 MS. COLEMAN: And if I may approach with this, sir?

5 THE COURT: Yes, ma'am.

6 MS. COLEMAN: Thank you. Here's a copy of the amended
7 application of the case that didn't make it into your file.

8 Okay. This is *Bill Breeland v the State of South*
9 *Carolina*, docket No. 2016-CP-06-326.

10 Applicant is presently confined in the South Carolina
11 Department of Corrections, pursuant to orders of commitment
12 of the Barnwell County Clerk of Court. Applicant was
13 indicted at the May 2014 term of the Barnwell Grand Jury
14 for attempted murder.

15 Laura McCann, Esquire, represented the applicant.
16 Suzanna Ringler prosecuted the case. On May 27, 2014,
17 Applicant pled guilty before th Honorable Edward W. Dixon
18 as indicted. Judge Dixon sentenced applicant to
19 imprisonment for 20 years.

20 Applicant filed a timely notice of appeal and a brief
21 was filed pursuant to *Anders v California*. Laura Brevair,
22 Esquire, represented Applicant on appeal. The South
23 Carolina Court of Appeals dismissed Applicant's appeal on
24 August 12, 2015, and the remittitur was returned on August
25 28, 2015.

1 Applicant filed a timely application for post
2 conviction relief on July 22, 2016, alleging that he was
3 being held in custody unlawfully based on the following
4 allegations: Ineffective assistance of trial counsel and
5 appellate counsel, failure of counsel to have an
6 independent mental evaluation, failure to allow Applicant
7 to plead guilty, and denial of due process.

8 The State filed it's return on January 25, 2017, and
9 the Applicant filed an amendment on April 11, 2018. The
10 Applicant is present today and is represented by Mr. Lance
11 Boozer.

12 THE COURT: All right. Mr. Boozer.

13 MR. BOOZER: Thank you, Your Honor. If it pleases the
14 Court?

15 In regard to one of the allegations which has to do
16 with failing to have an independent mental evaluation, that
17 would -- that will be something that we'll be withdrawing
18 today. We'll withdraw that application.

19 THE COURT: Okay. So noted.

20 MR. BOOZER: Your Honor, at this time, I'd call Mr.
21 Breeland to the stand.

22 BILL BREELAND, having been first
23 duly sworn, testifies as follows:

24 THE COURT: Now, you don't need to get real close, but
25 speak -- speak up, okay?

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THE WITNESS: All right.

DIRECT EXAMINATION

BY MR. BOOZER

Q Mr. Breeland, how are you doing today?

A I'm doing alright.

Q Okay. If you would just keep your voice up, okay?

Mr. Breeland, do you know what we're doing here today?

A We having a PCR hearing.

Q Okay. And -- and you filed an application for post conviction relief?

A Yes, sir.

Q All right. Mr. Breeland, I -- it's my understanding, having represented you for some time now, that you do have a history of some -- some mental health issues?

A Yes, sir.

Q Okay. And today, as we're sitting here talking, do you have any problems understanding what I'm telling -- what I'm talking about today?

A Yes, sir.

Q You do have problems Or you don't?

A Yeah, I got a problem -- no, I don't. No, no, no.

Q You understand what it -- what you're doing here?

A Yeah. I'm on a PCR hearing.

Q Okay. And you take -- do you normally take medication?

DIRECT EXAMINATION BY MR. BOOZER - MR. BILL BREELAND 7

- 1 A Yes, sir.
- 2 Q Have you taken what it is that you're supposed to take
3 today?
- 4 A No, sir.
- 5 Q You haven't taken it?
- 6 A No, sir.
- 7 Q Does that have any effect on you at all?
- 8 A Not at the moment, sir.
- 9 Q Okay. So -- but you feel okay and you feel clear
10 headed today?
- 11 A Yes, sir.
- 12 Q Okay. If there's anything that I ask you and you
13 don't understand, just let us know, okay?
- 14 A All right.
- 15 Q All right. What are you currently incarcerated for?
- 16 A Attempted murder.
- 17 Q All right. And did you enter a guilty plea or how did
18 that come about?
- 19 A Repeat that again now, sir?
- 20 Q Yeah. Did you plead guilty to that or did you have a
21 trial?
- 22 A I pled guilty to that.
- 23 Q All right. What was your sentence?
- 24 A Twenty years.
- 25 Q All right. Now, do you understand -- you and I've

1 obviously talked about post conviction relief and what this
2 Court can do for you. Do you understand that the only
3 thing this Court can do for you is to grant you a new
4 trial? You just start completely over. Do you understand
5 that?

6 A Yes, sir.

7 Q Do you understand that this Court cannot reduce your
8 sentence or make you parole eligible or anything like that?

9 A Yes, sir.

10 Q Okay. And you and I have discussed that there are
11 certainly some risks in going back and having a new trial.
12 If you went back and got found guilty, there's a chance you
13 could get more time than what you have left to serve; have
14 we discussed that?

15 A Yes, sir.

16 Q You understand that?

17 A Yes, sir.

18 Q And knowing that, do you still want to go forward with
19 your PCR?

20 A Yes, sir.

21 Q Okay. Who represented you for your plea?

22 A Ms. Laurie King.

23 Q Ms. McCann? Is that right?

24 A Yes. Yes, sir.

25 Q Okay. And you pled guilty, I think, back on May 27,

1 2014?

2 A Yes, sir.

3 Q Do -- do you know when you first got arrested?

4 A I -- I think, like, January the 6 or 5, one of them.

5 Q Of -- was it of 2014?

6 A '14, yeah.

7 Q All right. How did Ms. McCann come about representing
8 you? Did you hire her or was she appointed to you?

9 A She was appointed to me.

10 Q Did you have any other lawyer for those charges or was
11 it just her?

12 A It was just her.

13 Q Do you know about when she came onto your case?

14 A I'm really don't remember.

15 Q Okay. Do you know about how many times you may have
16 met with her?

17 A 'Bout three, three or four times.

18 Q About three or four?

19 A Yeah.

20 Q What would you do? Meet -- she'd meet with you at the
21 jail?

22 A Yeah, she'd come to the jailhouse.

23 Q All right. Well, what sort of -- what did you two
24 discuss about your case as far as having a trial or not
25 having a trial or defenses? Did she discuss any of that

DIRECT EXAMINATION BY MR. BOOZER - MR. BILL BREELAND 10

1 with you?

2 A Yes. Yes, sir.

3 Q Okay. Specifically, what did she talk about with you?

4 A About if I take it to trial, I might mess and get the
5 whole 30 years.

6 Q Okay. Now, in -- in your PCR application, you've
7 alleged -- in your original one that your lawyer allowed
8 you to plead guilty and denial of due process and that your
9 plea was involuntary and that your lawyer failed to explain
10 defenses and trial strategy to you, what exactly -- did she
11 explain any trial strategy to you?

12 A No, sir. I ---

13 Q Okay. So y'all never discussed ---

14 A --- don't know no ---

15 Q --- sort of, how y'all would defend the charges or
16 anything like that?

17 A All -- she just told me if I plead guilty to it, I'd
18 get -- if I -- if I -- if I go to trial and -- and I'm
19 guilty to it, they gonna, you know, let -- basically she
20 say I'm gonna get 30 year, basically what she say.

21 Q Okay. And she explained the sort of defenses that you
22 might have?

23 A No, sir. She -- 'cause the State wouldn't give me no
24 offer. Period.

25 Q Okay. Did y'all make any sort of trial preparations?

DIRECT EXAMINATION BY MR. BOOZER - MR. BILL BREELAND 11

1 A No, sir. As I remember.

2 Q Okay. Did you talk about sort of some of your mental
3 health history with Mrs. McCann?

4 A Yes, sir.

5 Q All right. Kind of describe for me -- did y'all have
6 a good relationship or -- or not a good one?

7 A I mean, I -- all I'm gonna say is it took me a long
8 time for me to trust -- trust her. I mean, just that I
9 didn't fell for it. I just didn't -- she just -- I mean,
10 'cause I figured that I asked -- asked her to go back to --
11 ask her to see if she could go back to get -- ask to get me
12 a deal for the solicitor, but it didn't -- it didn't work.
13 So I figured she was -- she was out to get me for some
14 reason.

15 Q Okay. Did you -- did you ever ask the Court, or
16 express to the Court, that you weren't happy with her or
17 anything like that?

18 A I mean, 'cause of -- 'cause she came to the county
19 jail and told me I was going to court. Then, when she came
20 into the court, she say I was on a -- on a jury trial if I
21 -- if I didn't take that plea. So me and my fellas got
22 scared. So we just told -- we went ahead -- we went to the
23 plea.

24 Q And -- and that was gonna be my next question. Why
25 did you plead guilty in this case?

DIRECT EXAMINATION BY MR. BOOZER - MR. BILL BREELAND 12

1 A 'Cause she told me at the last moment, out the blue, I
2 was going to a jury trial.

3 Q Okay. So you got scared because y'all were gonna go
4 have a jury trial?

5 A Yeah, and it was at the last moment.

6 Q And had y'all done anything to prepare for a jury
7 trial?

8 A I mean, basically, she told me if I didn't plea, **
9 going before me to a jury trial.

10 Q Okay. And you don't know if y'all had done any
11 preparations for it?

12 A No. Until last moment. That was it.

13 Q Okay.

14 A Last time she comes in.

15 Q So -- so if you would've had a little bit more time to
16 think about it and prepare for a jury trial, would you have
17 gone to trial, or would you have still pled guilty?

18 A I mean, I -- it -- it just depend on what the
19 obligation came out to. I mean, if -- I probably, you
20 know, my -- I probably would've took the trial. I probably
21 would've took to trial.

22 Q You probably would've taken it to trial? Okay.

23 THE COURT REPORTER: Excuse me. You probably
24 wouldn't? Would've?

25 THE WITNESS: I would've.

CROSS-EXAMINATION BY MS. COLEMAN - BILL BREELAND 13

1 THE COURT REPORTER: Okay.

2 THE WITNESS: Yeah.

3 Q Mr. Breeland, obviously, this is your day in court,
4 and you've been waiting for awhile to have this day. Is
5 there anything that we haven't covered in your PCR
6 application about your lawyer and what you feel like she
7 did or didn't do for you, or her -- about why you pled
8 guilty, why you want to tell this Court why you think you
9 should have a new trial?

10 A Now, repeat that again.

11 Q Yes, sir. I think that we've covered everything, but
12 I want to make sure. So I'm asking you is there anything
13 that you haven't told this Court about how your lawyer was
14 ineffective or about why you entered the plea or about why
15 you think you should have a new trial? Is there anything
16 we've left out today?

17 A No, sir.

18 Q Okay. Please answer any questions Madam Attorney
19 General may have for you.

20 CROSS-EXAMINATION

21 BY MS. COLEMAN:

22 Q Mr. Breeland, you testified you met with your attorney
23 three or four times before the plea; is that right?

24 A Yes, ma'am.

25 Q Okay. Did you review discovery with her during that

1 time?

2 A Yes, ma'am. Yes, she did. Yes, ma'am.

3 Q Okay. And did that include a video tape from the bus

4 ---

5 A No. I ain't ever seen none of ---

6 Q --- of you stabbing the victim? No? You did not see
7 a video tape?

8 A --- that.

9 Q At the guilty plea, do you remember waiving your
10 constitutional rights, like your right to remain silent and
11 your right to a jury trial?

12 A Yes, ma'am.

13 Q Do you remember telling the plea judge that you were
14 satisfied with your attorney's services?

15 A I mean -- yes, ma'am.

16 Q Okay. And you had no complaints against her at the
17 time; is that right?

18 A No, ma'am.

19 Q You don't know?

20 A I really -- I don't remember, to be honest with you.
21 I think no. I'm gonna say no, I don't know.

22 Q Do you remember telling the judge that no one was
23 promising or threatening you in order to plead guilty?

24 A Yeah. I mean, I guess I remember that, yeah.

25 Q Do you remember the judge asking if you needed more

DIRECT EXAMINATION BY MS. COLEMAN - LAURA MCCANN 15

1 time to think about it and you said, "No"?

2 A I probably did say that. I probably did.

3 Q Do you remember telling the judge that you were, in
4 fact, guilty of this crime?

5 A Yeah, I was -- I was guilty of the crime.

6 Q So there's no question that you're guilty?

7 A No.

8 Q That you did it?

9 A I pled guilty.

10 Q Nothing further, thank you.

11 THE COURT: Any redirect?

12 MR. BOOZER: No redirect, your Honor.

13 THE COURT: Thank you, Mr. Breeland. You can step
14 down.

15 (The witness complies.)

16 MS. COLEMAN: And the State would call lead counsel,
17 Laura McCann.

18 LAURA MCCANN, having been first
19 duly sworn, testifies as follows:

20 DIRECT EXAMINATION

21 BY MS. COLEMAN

22 Q Ms. McCann, how are you today?

23 A I'm great. How are you?

24 Q I'm fine, thank you. How long have you been
25 practicing law?

1 A Twenty eight years.

2 Q Okay. And where are you currently employed?

3 A I'm currently employed with the Barnwell/Bamberg
4 Public Defender's Office.

5 Q And how long have you been employed there?

6 A About nine years.

7 Q Were you appointed to this case or retained?

8 A Appointed.

9 Q And approximately how long did you represent the
10 applicant before his plea?

11 A I was -- I was appointed on other charges, and then he
12 offended with this charge. So I was originally appointed
13 on June 2, 2012. This charge I was actually appointed on
14 January 6, 2014, but the old charges hadn't been resolved.
15 So it was one long representation.

16 Q Okay. How many times did you meet with the Applicant
17 on this charge before his guilty plea?

18 A Well, they all run together 'cause they were all still
19 pending at the same time. There's 38 contacts either by
20 phone or in person with him.

21 Q Okay. Did you file any Rule 5 or *Brady* motions on
22 this charge?

23 A I did.

24 Q Okay. And did you review the discovery material with
25 the Applicant?

1 A I reviewed it with him, and I provided it to him on
2 two separate occasions.

3 Q Did this include a video tape from the bus?

4 A There was a video from the bus; however, I would not
5 provide it to him while he was incarcerated 'cause it's
6 against policy to give them a video.

7 Q Okay. What were the facts of this case that the State
8 alleged?

9 A Mr. Breeland was a well aware of the victim's
10 schedule. He went to where she was going to get the bs to
11 go to work that morning. He stabbed her four times, ythree
12 times in the upper chest and arm, and one time in the eye.
13 He alleges that she was having an affair and he was very
14 angry over that.

15 Q And did the Applicant agree with those facts?

16 A Yes. He was always absolutely honest with me. When
17 he did something, he always admitted to it.

18 Q Were there any issues in this case with the
19 Applicant's mental health history?

20 A He's a paranoid schizophrenic. He was well medicated
21 in -- in the jail. We had talked about his mental health
22 quite openly. We had talked about an evaluation. He did
23 not want one, nor had -- nor indicated that he would
24 cooperate with one.

25 He always seemed to understand everything that was

1 said. He asked good questions when he didn't understand
2 something.

3 Q And did you explain this, too, at the guilty plea to
4 the plea judge?

5 A It -- it is in the -- yes. Absolutely.

6 Q Did you discuss any possible defenses to use at trial
7 with the applicant?

8 A He never, ever, ever wanted a trial. He wanted -- he
9 was guilty. He always said he was guilty. There is --
10 he's admitted to it from the very first time I met with
11 him.

12 What he wanted was a non-violent plea and to get the
13 best deal he could. When I would ask him if he wanted to
14 go to trial, he would always say he did not want a trial.
15 So we never got to those issues.

16 Q Okay. What other evidence did the State intend to
17 present if you had gone to trial?

18 A They had seven witnesses. There was three passengers
19 on the bus, plus the driver was four; tvictim, who was his
20 wife; her father; and then there was a granddaughter there
21 that could all identify him. So there was seven eye
22 witnesses that were there.

23 Q How would you characterize the State's evidence?
24 Would you describe it as strong or ...

25 A Oh, very strong. Yes, ma'am.

1 Q Overwhelming or very strong?

2 A Oh, I'd -- it was overwhelming. He -- he -- he even
3 made statements at the police department that he had done
4 it, and he had asked whether she was dead or not. But he
5 was very honest with me about it, too, though.

6 Q Okay. Before the guilty plea, did you review the
7 Applicant's constitutional rights?

8 A I reviewed them with him -- we actually had him
9 brought over to plea on several occasions. He is a
10 paranoid schizophrenic, as he told you. He had some --
11 some hesitancy in trusting me at first, which I believe
12 goes along with the mental illness.

13 The Solicitor's Office was very good in -- in delaying
14 us for another term so that he had time to contact his
15 people and we had time to talk. So we had him brought over
16 a couple of times in order to plea. We reviewed all of
17 those every time he came over.

18 Q And what kind of plea negotiations did you have with
19 the State?

20 A I, of course, tried to get it down as far as I could
21 to a non-violent, but due to the injuries and the -- the
22 violence involved, they -- the solicitor would absolutely
23 refuse to do that. Eventually she presented us with an
24 offer to plea to attempted murder, dismissing five other
25 charges. But there was no sentencing negotiation.

1 Bill, at that time, accepted that offer, but he was
2 very reluctant. His reluctance came because, in his mind,
3 it was an open plea. There was no time constraints put on
4 there. Finally, we talked about what he wanted to see. I
5 argued for an eight-year cap and why we felt that was
6 appropriate since there was -- the solicitor refused to --
7 to consider sentencing.

8 Q Do you recall which charges were dismissed in exchange
9 for his plea?

10 A I do. I had -- well, I don't recall, but I got it in
11 writing. I just had it. Possession of weapon during a
12 violent crime; grand larceny, more than 2, less than
13 \$10,000; shoplifting, third or subsequent to shoplifting,
14 two charges of that; and a criminal domestic violence,
15 third offense or more.

16 Q Okay. Thank you.

17 A You're welcome.

18 Q Whose decision was it to plead guilty?

19 A It was Bill's decision. Bill had -- he had enough
20 experience with the legal system to ask good questions. He
21 was concerned about discussing it with his family, so that
22 was one time we continued it. He finally made the final
23 decision on whether he wanted to plea. His case was
24 getting older, it was coming up on the 545 list, and he was
25 informed that soon they were gonna take it to trial.

CROSS-EXAMINATION BY MR. BOOZER - LAURA MCCANN 21

1 Q Do you agree with his decision to plea?

2 A Absolutely.

3 Q Do you still agree with that decision?

4 A Absolutely, I do.

5 Q Okay. Thank you, nothing further.

6 THE COURT: Mr. Boozer.

7 MR. BOOZER: Thank you, Your Honor. If it pleases the
8 Court.

9 CROSS-EXAMINATION

10 BY MR. BOOZER

11 Q Ms. McCann, how are you?

12 A I'm good. How are you?

13 Q Doing fine. When did the plea actually come about; do
14 you recall?

15 A When did he actually plea?

16 Q No, ma'am. When did, sort of -- when did you and Mr.
17 Breeland have a discussion about, "Here's the offer. Do
18 you wanna take it or not?"

19 A On 4/17/2014, he agreed to accept the offer. However,
20 he expressed at that time that he would prefer a non -- a
21 non-violent offense. I went back to him again on
22 4/24/2014, and he actually signed to accept it.

23 Q Okay. What was -- was there any pressure at that
24 point that y'all were gonna have to try it?

25 A It was coming up on the 545, so he would hit the trial

1 list. That was explained on May 12 to him, that it was on
2 the 545 trial list; and that at that point, that they would
3 put more pressure on us to try it or make a decision. And
4 that was on May 12, 2014.

5 Q And do you think that had some, I guess, sway over him
6 to enter the plea?

7 A Every time -- every time we brought him over on the
8 17, the 24 through the 12, to plea, he said he would need
9 to talk to his people. I talked to the solicitor at those
10 times -- at that point, explaining that he was a paranoid
11 schizophrenic, he was reluctant, he -- that we needed some
12 more time so he could talk to his people.

13 He finally had family that did come and talk to him at
14 one of those dates to make sure he had everything he needed
15 to talk to his family about, but I don't believe he was
16 pressured. No sir.

17 Q Did y'all actually make any trial preparations?

18 A We did not 'cause we never got that far. He was very,
19 very clear he did not want a trial.

20 Q And I think you had indicated he may have had a little
21 bit of a difficult time of getting to the point of trusting
22 you.

23 A Absolutely.

24 Q How would you categorize the entire relationship?

25 A I feel ---

1 Q Was it difficult?

2 A No, not at all. Bill was never difficult to deal
3 with, but for he wanted a non-violent plea, he wanted as
4 little time as he could possible get, and I understand that
5 he was hesitant to walk into the courtroom to actually
6 plea. And I -- I attributed that to his mental health
7 illness.

8 Q Thank you, Ms. McCann. That's all the questions that
9 I have.

10 A You're welcome.

11 MS. COLEMAN: Nothing further.

12 THE WITNESS: Thank you.

13 THE COURT: Thank you, ma'am. You may step down.

14 THE WITNESS: Thank you, Your Honor.

15 (The witness complies.)

16 MS. COLEMAN: The State has no further witnesses.

17 THE COURT: Any reply?

18 MR. BOOZER: Nothing further, Your Honor.

19 THE COURT: We'll close the record. I'll take this
20 under advisement. I want to read his appeals.

21 MS. COLEMAN: Thank you, Your Honor.

22 (Off the record at 4:26 p.m.)

23

24

-- END OF TRANSCRIPT OF RECORD --

25

CERTIFICATE

1
2 I, the undersigned Bonnie H. Kelly, Official Court
3 Reporter for the Fifth Judicial Circuit of the State of
4 South Carolina, do hereby certify that the foregoing is a
5 true, accurate, and complete transcript of record of all
6 the proceedings had and evidence introduced in the hearing
7 of the captioned cause, relative to appeal, in the Second
8 Circuit Court for Aiken County, South Carolina, on the 7th
9 day of May, 2018.

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

12
13
14 E/Bonnie H. Kelly

15 Bonnie H. Kelly, CVR

16 Official Court Reporter

17
18 Columbia, South Carolina

19 September 1, 2018

STATE OF SOUTH CAROLINA)
 COUNTY OF BARNWELL)
 Bill Breeland, #315919,)
 Applicant,)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT

2016-CP-06-0326

ORDER OF DISMISSAL

FILED FOR RECORD
 2018 JUN 19 PM 12:59
 CLERK OF COURT
 JUDICIAL CIRCUIT
 2ND DISTRICT
 COLUMBIA, SC

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on July 22, 2016. Respondent submitted its Return on January 24, 2017. An evidentiary hearing into the matter was convened on May 7, 2018, at the Aiken County Courthouse. Applicant was present at the hearing and was represented by Lance S. Boozer, 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 Laura McCann, Esquire ("Plea Counsel"). This Court had before it the records of the Barnwell County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, the direct appeal records, 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 Barnwell County Clerk of Court. Applicant was indicted at the May 2014 term of the Barnwell County Grand Jury for attempted murder (2014-GS-06-0107). Laura A. McCann, Esquire, represented Applicant.

RSS

On May 27, 2014, Applicant pled guilty before the Honorable Edgar W. Dickson, as indicted. Judge Dickson sentenced Applicant to imprisonment for twenty years.

Applicant filed a timely notice of appeal and a brief was filed pursuant to Anders v. California.¹ Laura R. Baer, Esquire, represented Applicant on appeal. The South Carolina Court of Appeals dismissed Applicant's appeal on August 12, 2015. State v. Breeland, Op. No. 2015-UP-419 (S.C. Ct. App. filed August 12, 2015). The Remittitur was returned on August 28, 2015.

II. ALLEGATIONS

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

1. Ineffective assistance of trial counsel and appellate counsel
 - i. "Failur [sic] of counsel to have independant [sic] mental evaluation."
 - ii. "Failur [sic] to allow applicant to plea guilty (6 & 14 amendments)."
2. Denial of Due Process Clause.

Applicant filed an amended application on April 11, 2018, adding the following allegations:

- (a) Involuntary guilty [plea];
- (b) Counsel failed to explain defenses or trial strategy.

At the evidentiary hearing, Applicant informed this Court he was withdrawing his allegation of ineffective assistance of counsel for failure to have an independent mental evaluation.

III. SUMMARY OF RELEVANT TESTIMONY PRESENTED

Applicant's testimony

At the evidentiary hearing, Applicant testified he met with Plea Counsel three or four times at the jail before his guilty plea. He stated Plea Counsel basically told him he would get thirty years if he were convicted at trial. He stated the State would not give him a plea offer. Applicant stated it took a long time for him to be able to trust Plea Counsel. He testified that Plea

¹ 386 U.S. 738 (1967).

Counsel told him that they were going to trial, but he felt that there had been no preparation for a trial, so he decided to plead guilty at the last minute based on Plea Counsel's unpreparedness.

Plea Counsel's testimony

At the evidentiary hearing, Plea Counsel testified she was appointed to Applicant's case and represented him on other charges before he was charged with this crime. She stated her representation began on June 2, 2012, and continued with the current charge on January 6, 2014. Plea Counsel testified she met or spoke with Applicant in person or on the phone at least thirty-eight times. She stated she reviewed all discovery with Applicant and provided him with a copy of the materials twice, but she could not send him the video evidence because of jail policy. Plea Counsel stated that Applicant always admitted his guilt to her, and he told her he never wanted a trial—he always said he was guilty and he wanted a non-violent plea offer.

Plea Counsel testified the evidence against Applicant was overwhelming, and consisted of at least seven eye witnesses, included the bus driver and three passengers from the bus who all witnessed the stabbing, the victim, and the victim's family members who were going to testify at trial, as well as statements Applicant had given to law enforcement implicating himself in the crime. Plea Counsel testified that the State refused to give a non-violent plea offer, like Applicant wanted, but they did agree to dismiss five pending charges in exchange for his guilty plea. She stated it was Applicant's decision to plead guilty, and he had enough experience with the law to ask good, thoughtful questions about his plea, so she believed he understood his decision. She testified that Applicant never wanted to go to trial but always wanted a plea.

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 her 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 she reviewed the discovery with Applicant, which she believed was overwhelmingly against him, and that Applicant never wanted a trial but always wanted to plead guilty. Plea Counsel credibly testified

she thoroughly discussed the case with Applicant numerous times and answered all his questions, and she was able to get a plea deal from the State that resulted in the dismissal of five pending charges against Applicant.

This Court finds Plea Counsel's representation and advice was reasonable under the circumstances and nothing she did was outside the scope of reasonable professional norms. Plea Counsel thoroughly investigated the case and fully represented her client and advised him based on his best interests in light of the evidence against him, 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 failed to prepare his case for trial, and he felt he had no choice but to plead. This Court finds this testimony to be not credible. Plea Counsel credibly testified that Applicant always admitted his guilt to her and always wanted to plead guilty rather than go to trial. Their interest was in negotiating a favorable plea deal for Applicant, and at no point did Applicant wish to prepare for a trial.

At the guilty plea, the plea court advised Applicant of his right to a jury trial, and he informed the plea court that he wished to waive that right. Tr. 9, line 9. The plea court asked him if anyone had threatened him or promised him anything to get him to plead guilty, and Applicant responded no. Tr. 8, line 11. Applicant testified at the plea hearing that he was satisfied with his attorney and he did not need more time to consider his decision before pleading. Tr. 9, line 3 - 6. 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), SCRCP, 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.

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 14 day of June, 2018.


 R. SCOTT SPROUSE
 Presiding Judge
 Second Judicial Circuit

Waltham, South Carolina

WITNESSES

Barnwell Police Department

Brian Owens

Law Enforcement Case #: C14-01-0046

SMR

ARREST WARRANT NUMBER

2014A0620100009

ACTION OF GRAND JURY

Inu Bill

Captal Balz

Foreperson of Grand Jury

Date: May 22, 2014

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2014GS0600107

The State of South Carolina

County of Barnwell

COURT OF GENERAL SESSIONS

MAY TERM 2014

THE STATE

vs.

BILL DERESE BRELAND

A.K.A. BILL BREELAND

CDR #: 3410

Indictment for

ATTEMPTED MURDER

§ 16-03-0029(A)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF BARNWELL)
)

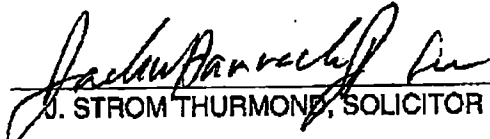
INDICTMENT FOR
ATTEMPTED MURDER

§ 16-03-0029(A)

At a Court of General Sessions, convened on May 26, 2014, the Grand Jurors of Barnwell County present upon their oath:

That **BILL DERESE BRELAND A.K.A. BILL BREELAND** did in Barnwell on or about January 6, 2014, feloniously, wilfully and the with intent to kill, attempt to kill [REDACTED] th malice aforethought, either expressed or implied. All in violation of Section 16-3-29 of the South Carolina Code of Laws (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

77

COUNTY OF Barnwell
STATE VS.
Bill Derese Breland
AKA: Bill Breland
Race: Black Sex: M Age: 31
DOB: 1982 SS#:
Address:
City, State, Zip: Barnwell, SC 29812-6327
DL#: SID#:

INDICTMENT/CASE#: 2014GS0600107
A/W#: 2014A0620100009
Date of Offense: 1/6/2014
S.C. Code §: 16-03-0029(A)
CDR Code #: 3410

SENTENCE SHEET
NMT 30yrs.

CONVICTED OF or PLEADS

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Attempted Murder

in violation of § 16-03-0029(A) of the S.C. Code of Laws, bearing CDR Code # 3410
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Ringler, Susanna Marie SC Bar# 74983
Defendant: Bill Breland
Attorney for Defendant: Laura Deel SC Bar# 15069

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 130 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: Defendant shall comply with mental
health treatment and shall be restrained
from contacting the victim.
Pay \$40 public defender Application
Appointed PD or appointed other counsel, fcc.
§ 47.12 requires \$500 be paid to Clerk
during probation.

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$173.90

Clerk of Court/Deputy Clerk: Sharon H. Ritchie
Court Reporter: Cheri Young
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2153
Sentence Date: 5/27/14

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Bill Derese Breland (aka Bill Breeland), Appellant.

Appellate Case No. 2014-001330

Appeal From Barnwell County
Edgar W. Dickson, III, Circuit Court Judge

Unpublished Opinion No. 2015-UP-419
Submitted July 1, 2015 – Filed August 12, 2015

APPEAL DISMISSED

Appellate Defender Laura Ruth Baer, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, and Senior
Assistant Deputy Attorney General Salley W. Elliott, all
of Columbia; and Solicitor James Strom Thurmond, Jr.,
of Aiken, for Respondent.

PER CURIAM: Dismissed after review pursuant to *Anders v. California*, 386 U.S. 738 (1967). Counsel's motion to be relieved is granted.¹

APPEAL DISMISSED.

FEW, C.J., and HUFF and WILLIAMS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.