

5

21518

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

APPEAL FROM KERSHAW COUNTY

OCT 17 2014

Robert E. Hood, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

FRANK TERRANCE SINGLETON, III,

APPELLANT

APPELLATE CASE NO. 2014-000598

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

ALAN WILSON
Attorney General

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

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

Attorney for Appellant

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-6305

DANIEL E. JOHNSON
Solicitor, Fifth Judicial Circuit
Post Office Box 192
Columbia, SC 29202-0192
(803) 576-1800

Attorneys for Respondent

INDEX

INDEXi

GUILTY PLEA HEARING TRANSCRIPT (MARCH 10, 2014) 1

COLLOQUY 3

RULING BY THE COURT 33

SENTENCING HEARING TRANSCRIPT (MARCH 12, 2014) 34

COLLOQUY 36

SENTENCING 96

INDICTMENTS AND SENTENCING SHEETS 97

CERTIFICATE OF COUNSEL 111

| | | |
|--------------------------|---|----------------------|
| STATE OF SOUTH CAROLINA |) | GENERAL SESSIONS |
| |) | |
| County of Kershaw |) | 2013-GS-28-251 |
| | | 2013-GS-28-253 |
| | | 2013-GS-28-254 |
| | | 2013-GS-28-255 |
| | | 2013-GS-28-256 |
| |) | |
| |) | |
| STATE OF SOUTH CAROLINA, |) | |
| |) | |
| |) | |
| vs. |) | TRANSCRIPT OF RECORD |
| |) | |
| FRANK SINGLETON, III, |) | |
| |) | |
| DEFENDANT, |) | |

March 10, 2014
Camden, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

JOANNA MCDUFFIE, ASSISTANT SOLICITOR
KATHRYN LUCK CAMPBELL, ASSISTANT SOLICITOR
DANIEL COBLE, ASSISTANT SOLICITOR
Attorneys for the State

JASON KIRINCICH, ASSISTANT PUBLIC DEFENDER
DOUGLAS STRICKLER, PUBLIC DEFENDER
Attorneys for the Defendant

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF WITNESSES:

> > > < < <

CERTIFICATE OF REPORTER 40

COURT'S EXHIBITS

| <u>NO</u> | <u>DESCRIPTION</u> | <u>ID</u> | <u>EV</u> |
|-----------|--------------------|-----------|-----------|
| 1 | Mental evaluation | 4 | |

1 (WHEREUPON, Court's Exhibit No. 1 was marked for
2 identification only.)

3 THE COURT: All right. Ready to proceed?

4 MR. STRICKLER: Yes.

5 THE COURT: All right. Mr.~Singleton, please stand
6 up.

7 Swear him in.

8 FRANK SINGLETON, III, after being duly
9 sworn, testified as follows:

10 THE COURT: All right. He is pleading to five
11 charges today; is that right?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Or four?

14 MS. McDUFFIE: There's five.

15 THE COURT: Okay. Hold on one second.

16 (Pause.)

17 Okay. All right. Who is talking over here?

18 All right. Mr. Kirincich, do you represent Frank
19 Terrance Singleton, III?

20 MR. KIRINCICH: Yes, Your Honor, I do.

21 THE COURT: And have you explained to him the charges
22 contained in the indictments, the possible punishments,
23 and his constitutional rights?

24 MR. KIRINCICH: I have, Your Honor.

25 THE COURT: All right. And everything has been

1 indicted; is that right?

2 MS. McDUFFIE: Yes, Your Honor.

3 THE COURT: Okay. And in your opinion, does
4 Mr. Singleton understand these rights?

5 MR. KIRINCICH: Yes, Your Honor.

6 THE COURT: And how does he indicate to the charges
7 that I have before me today that he wishes to plea?

8 MR. KIRINCICH: Your Honor, he is -- he is pleading
9 guilty to all five charges, and I want to put on the
10 record for everybody's knowledge that this is under the
11 hand of one, hand of all theory. I explained that to him,
12 and he is pleading guilty.

13 THE COURT: All right. Do you agree with your
14 client's decision to plead guilty?

15 MR. KIRINCICH: I do, Your Honor.

16 THE COURT: And from your investigations of the facts
17 and circumstances of this case, do you feel that the State
18 could produce sufficient evidence to convince a jury of
19 Mr. Singleton's guilt beyond a reasonable doubt and that
20 if he were to stand trial, his conviction would be
21 probable?

22 MR. KIRINCICH: Yes, sir.

23 THE COURT: All right. Do we -- where is the doctor?

24 MS. McDUFFIE: Your Honor, Dr. Musick is in the
25 courtroom. He is present today. This defendant was

1 is able to adequately communicate with his attorneys in
2 preparation of his case?

3 THE WITNESS: I do, Your Honor.

4 THE COURT: Okay. Anything further you want me to
5 ask, Ms. McDuffie?

6 MS. McDUFFIE: No, Your Honor.

7 THE COURT: All right. Mr. Strickler?

8 MR. STRICKLER: No, sir. Thank you.

9 THE COURT: Thank you, Dr. Musick. Thank you for
10 being here, sir.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: Any objection to this witness being
13 excused?

14 MS. McDUFFIE: None from the State.

15 MR. STRICKLER: Nothing.

16 THE COURT: Okay. So Court's Exhibit No. 1.

17 Thank you, Dr. Musick. You are excused.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: I appreciate your service and patience
20 today.

21 THE WITNESS: Yes.

22 THE COURT: Okay.

23 All right. Mr. Singleton, if you will stand up for
24 me, again. I now need to ask you certain questions to
25 ensure that your guilty plea is knowing -- is knowingly,

1 intelligently and voluntarily entered with a full
2 understanding of the nature of the offenses that you are
3 pleading to and the consequences of your plea.

4 Now, none of the questions that I'm going to ask you
5 are meant to be trick questions. None of them are meant
6 to confuse you in any way, shape, or form.

7 The purpose of this questioning is for me to make
8 sure, and for you to make sure, that you understand what
9 you're doing and this is your decision upon what you're
10 doing. You're doing it freely and voluntarily. No one is
11 forcing you or threatening you or promising you anything
12 to get you to do this?

13 So if at any time during my questioning you need to
14 speak to Mr. Kirincich or you need to speak with
15 Mr. Strickler, you just let me know. I'll give you as
16 much time as you need to to discuss anything with him. Do
17 you understand that so far?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And do you understand me okay?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: How far did you go in school?

22 THE DEFENDANT: Tenth grade.

23 THE COURT: The 10th grade, and where did you grow
24 up?

25 THE DEFENDANT: In Camden, South Carolina.

1 THE COURT: And where did you actually go to high
2 school?

3 THE DEFENDANT: Camden High School.

4 THE COURT: All right. And how old are you right
5 now?

6 THE DEFENDANT: Twenty-six.

7 THE COURT: And before you were incarcerated on these
8 charges, what were you doing for a living?

9 THE DEFENDANT: Working with my father doing
10 carpentry work.

11 THE COURT: Okay.

12 THE DEFENDANT: Doing things like --

13 THE COURT: Is that like building houses or
14 remodeling, what kind of stuff?

15 THE DEFENDANT: Remodeling, roofing, things like
16 that.

17 THE COURT: Okay. Is your dad here today?

18 THE DEFENDANT: (Indicating in the negative.)

19 THE COURT: Okay. That's fine. That's fine, but you
20 were doing some work with him --

21 THE DEFENDANT: Yes, sir.

22 THE COURT: -- working on houses; is that right?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. And are you married?

25 THE DEFENDANT: No, sir.

1 THE COURT: Do you have any children?

2 THE DEFENDANT: No, sir.

3 THE COURT: Okay. All right. Now, have you ever
4 been treated for the abuse of alcohol or drugs or any
5 mental illness?

6 (Pause.)

7 MR. KIRINCICH: Your Honor, he was previously
8 prescribed medication for a mental illness.

9 THE COURT: Okay.

10 MR. KIRINCICH: He was taken off of that, Your Honor.

11 THE DEFENDANT: Yes, sir. I was on medication, sir.

12 THE COURT: Oh, for some mental health issues?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And how long has it been since you've
15 been off of that?

16 THE DEFENDANT: I wanted to be back on it, but they
17 took me off when they had me at Lee CI.

18 THE COURT: When they had you at Lee, they took you
19 off of that?

20 THE DEFENDANT: Yes, when I went to Lee.

21 THE COURT: Okay. Now, do you understand what's
22 going on here today?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Do you understand that
25 Mr. Kirincich and Mr. Strickler represent you in this

1 matter; is that right?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And that the solicitor's office is
4 representing the State?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And what is -- what is my role in today's
7 hearing?

8 THE DEFENDANT: To help me.

9 THE COURT: Okay. And whose side am I on?

10 THE DEFENDANT: Nobody's.

11 THE COURT: Okay. Good. That's right. I'm on
12 nobody's side. I sit here fairly and impartially taking
13 every case as they come before me. Do you understand
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand it's Mr. Kirinchic and
17 Mr. Strickler's job to advocate for you, to fight for you,
18 whether that be in a plea or in a trial either one, they
19 have a responsibility to advocate on your behalf. Do you
20 understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And do you understand that the State's
23 job is to represent the State of South Carolina in this
24 matter, essentially the prosecution or the police? Do you
25 understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. Very well. Now, in the past 24
3 hours, have you taken any drugs or alcohol?

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. Are you aware of any
6 physical, emotional or nervous problem that would keep you
7 from understanding what you are doing today?

8 (Pause.)

9 THE DEFENDANT: Yeah, I understand. Yes, sir. I
10 understand.

11 THE COURT: Okay. Now, are you nervous?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. I mean, this is a very big day.
14 You understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, everybody is a little nervous, okay,
17 even me. All right. Is that fair enough?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: But you're not so nervous to the point
20 where you don't understand what you're doing; is that
21 correct?

22 THE DEFENDANT: I understand what I'm doing.

23 THE COURT: Okay. Very good. All right. Now, I
24 have before me five different indictments that they tell
25 me you want to plead guilty, to, okay.

1 What I'm going to do is I'm going to go over them to
2 make sure that you understand what you're pleading guilty
3 to and what that carries. Do you understand why I'm doing
4 that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. All right. So the first charge
7 that they tell me that you want to plead guilty to is a
8 murder that allegedly occurred on or about May 16th
9 of 2011 here in Kershaw County. Are you aware of that
10 charge?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And are you aware of the incident
13 surrounding that charge?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Out of the same incident,
16 they also tell me that you want to plead guilty to one
17 count of armed robbery.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: One count of burglary in the first
20 degree.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: One count of kidnapping.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And another count of kidnapping.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Is all that right?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Is there any sex offender issue on
4 the kidnapping?

5 MS. McDUFFIE: No, sir.

6 THE COURT: Okay. Okay. So we're going to go
7 through each one of these charges, Mr. Singleton. The
8 first is murder. Murder in South Carolina carries a
9 mandatory 30 years in prison. That means no matter what I
10 wanted to give you, even if I wanted to give you less than
11 30 years, I could not give you less than 30 years. It
12 carries a maximum of life without the possibility of
13 parole. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, this case, this murder, is
16 designated by our State Legislature as a violent offense
17 and a most serious offense, and those terms have very
18 specific meanings. What most serious means that it is a
19 strike. Have you and your attorneys talked about what a
20 strike means?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. And there are different kinds of
23 strikes in this state. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: There are serious strikes, and there are

1 most serious strikes. Those are different. Do you
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. Now, this is a most serious. What
5 most serious means is that you get two in your life, and
6 on your second most serious, you are facing mandatory life
7 without parole. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. Now, so on your murder charge,
10 you're facing a mandatory 30 years in prison up to life
11 without parole. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you understand that life without
14 parole means in South Carolina that you would not leave
15 the Department of Corrections until you are deceased?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. Now, also you need to understand
18 that on your murder charge, that it is what we commonly
19 call a day-for-day charge, meaning that you need to assume
20 that you will serve every single day of whatever sentence
21 is imposed. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: It is a no parole offense. Do you
24 understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Now, the second charge that I've
2 discussed with you is for armed robbery. Armed robbery
3 carries a mandatory minimum of ten years in prison up to
4 35 years in prison. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: That is also a violent offense and a most
7 serious offense. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: That is what we call a no parole
10 offense, and in that case, it means you will serve at
11 least 85 percent of whatever sentence I give you on the
12 armed robbery before you will be released. Do you
13 understand that?

14 THE DEFENDANT: Yes, sir.

15 MR. KIRINCICH: Your Honor, I think we just wanted to
16 clarify.

17 MS. McDUFFIE: Armed robbery only carries 30 years,
18 Your Honor, not 35.

19 THE COURT: Oh, did I say 35?

20 MR. STRICKLER: Yes, sir.

21 THE COURT: Oh, I'm sorry. My bad.

22 Ten up to 30, I apologize. If I said 35, I spoke
23 incorrectly. The maximum sentence on an armed robbery is
24 30 years. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: The next charge that they tell me that
2 you want to plead guilty to is burglary in the first
3 degree. It is also a violent offense and a most serious
4 offense. It carries a mandatory minimum of 15 years in
5 prison up to life. Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: The next charge that they tell me that
8 you want to plead guilty to is kidnapping. There are
9 actually two counts of kidnapping related to this
10 incident, and that carries between zero and 30 years in
11 prison. Each of them are violent and most serious
12 offenses. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Now, the kidnapping, the armed robbery
15 and the burglary are all 85 percent offenses. That means
16 you would serve at least 85 percent of the sentence before
17 you would ever be released, but all that will be
18 essentially trumped by the murder which is a day-for-day
19 sentence. Do you understand that?

20 (Pause.)

21 (Conferring with attorneys.)

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Now, are you on probation or
24 parole now?

25 THE DEFENDANT: No, sir.

1 THE COURT: Okay. All right. Mr. Singleton, when
2 you plead guilty, you give up certain important
3 constitutional rights, the first is your right to remain
4 silent. Do you understand your right to remain silent?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And do you want to give up your right to
7 remain silent?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: The second is your constitutional right
10 to a jury trial. As to these charges stemming from an
11 incident on or about May 16th of 2011, you have a
12 constitutional right to a jury trial, which my
13 understanding is that the State and your attorneys are
14 prepared to go forward on today. However, if you were to
15 plead guilty, there would not be any jury trial. Do you
16 understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: During that jury trial, you would have a
19 constitutional right to confront the witnesses that the
20 State would call against you, to call witnesses on your
21 own behalf through the subpoena power of the court and to
22 present any defense you may have, but if you plead guilty,
23 none of that is going to happen. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Here is the bottom line, Mr. Singleton:

1 You have a constitutional right to a jury trial. At a
2 jury trial, I would instruct the jury that there is a
3 presumption that you are innocent.

4 The State would have the burden of proving that you
5 were guilty beyond a reasonable doubt. You would have the
6 right to question any and all witnesses against you, as
7 well as the right to present witnesses on your own behalf.

8 You would have the right to the subpoena power of the
9 court to force witnesses to come in and testify. You
10 would also have the right to remain silent. If you did
11 not testify, I would tell the jury that they could not
12 even hold that fact against you and that it should not and
13 will not be discussed in the jury room. You would also
14 have the right to present any defense that you might have
15 to the charges against you.

16 If you made any incriminating statements to the
17 charges, you would have the right to challenge those
18 statements. Do you understand these rights and what a
19 jury trial would entail?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you have any questions -- excuse me.
22 Do you have any questions about that at all?

23 THE DEFENDANT: No, sir.

24 THE COURT: Now, by pleading guilty, you are giving
25 up all of of these rights in relation to the incident that

1 occurred on or about February 6th -- I mean, May 16th,
2 2011. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, one thing that I want to make sure
5 that you understand before we go any further,
6 Mr. Singleton, is that you have a number of charges that
7 are still pending in this county. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You have a possession of a stolen motor
10 vehicle. Do you understand that?

11 (Pause.)

12 (Conferring with attorneys.)

13 THE COURT: It's got a K warrant number, so it was a
14 long time ago.

15 MR. KIRINCICH: Truthfully, Your Honor, I don't think
16 we've ever talked about a possession of a stolen motor
17 vehicle.

18 THE COURT: All right. You have an assault and
19 battery first degree pending. Do you understand that?

20 THE DEFENDANT: Yes, sir; yes, sir.

21 THE COURT: You have a murder case that is still
22 pending in this county. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You have a burglary first case that is
25 still pending in this county. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You have an armed robbery case that is
3 still pending in this county. Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You have a kidnapping case which is still
6 pending in this county. Do you understand that?

7 (Pause.)

8 (Conferring with attorneys.)

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You have a possession of a weapon during
11 the commission of a violent crime that is still pending in
12 this county. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You have an armed robbery which is still
15 pending in this county. Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You have another burglary first which is
18 still pending in this county. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You have another burglary first which is
21 still pending in this county. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You have another armed robbery which is
24 still pending in this county. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And you have an assault and battery by a
2 mob which is still pending in this county. Do you
3 understand that?

4 (Pause).

5 (Conferring with attorneys.)

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. Now, pursuant to this plea today,
8 there's going to be a -- two conspiracies and a possession
9 of a stolen pistol dismissed; is that correct,
10 Ms. McDuffie?

11 MS. McDUFFIE: Yes, Your Honor, it is.

12 THE COURT: And is that your understanding,
13 Mr. Singleton?

14 (Pause.)

15 (Conferring with attorneys.)

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And is that right, Mr. Kirincich?

18 MR. KIRINCICH: Yes, Your Honor, it is.

19 THE COURT: Okay. So do you understand that based
20 upon the charges that are still pending regardless of what
21 happens with this case today and regardless of what
22 sentence I eventually impose in the case that you're
23 pleading guilty to today, you are still facing up to life
24 without parole on the pending charges were you to be
25 convicted or by plea or trial on the other pending murder

1 charge?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And do you understand that the State
4 could serve you notice based upon the strike here today of
5 a most serious offense, notice of mandatory life without
6 parole on your other pending charges?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. Your first indictment that is
9 before me, Mr. Singleton, is an indictment for murder. It
10 states that you did in Kershaw County on or about May 16th
11 of 2011 willfully, feloniously and intentionally kill the
12 victim, Michael Hayes, with malice aforethought either
13 express or implied by means of a gunshot wound and that
14 the victim did die as a proximate result thereof in
15 violation of the South Carolina Code of Laws. How do you
16 plead to that charge, sir?

17 THE DEFENDANT: Guilty.

18 THE COURT: The second indictment before me is for
19 armed robbery. It states that you did in Kershaw County
20 on or about May 16th of 2011 commit robbery by feloniously
21 taking from the person or presence of Michael Hayes by
22 means of force or intimidation goods or monies of Michael
23 Hayes, such goods or monies being described as US currency
24 and/or safe and/or contents of a safe with the intent to
25 deprive the owner permanently of the property while you

1 were armed robbery with a pistol, dirk, slingshot, metal
2 knuckles, razor or other deadly weapon or while allegedly,
3 either by actions or words, that you were armed while
4 using a representation of a deadly weapon during the
5 commission of the robbery. How do you plead to that
6 charge, sir?

7 THE DEFENDANT: Guilty.

8 THE COURT: The next indictment before me is burglary
9 in the first degree. It states that you did in Kershaw
10 County on or about May 16th of 2011 enter the dwelling of
11 Michael Hayes at [REDACTED] in Kershaw County without
12 consent and with the intent to commit a crime therein, and
13 when effecting entry or while in the dwelling or in
14 immediate flight, you were armed with a deadly weapon
15 and/or remaining -- or this occurred during the hours of
16 darkness or you caused injury to a nonparticipant in the
17 crime or threatened the use of a dangerous instrument
18 and/or displayed what appeared to be a --

19 THE DEFENDANT: Oh man.

20 THE COURT: -- knife, pistol, revolver or some form
21 of a firearm.

22 (Pause.)

23 (Crying.)

24 THE DEFENDANT: That man wasn't supposed to die,
25 right. It wasn't supposed to happen like that.

1 MR. STRICKLER: He's just asking you if you're
2 pleading guilty to it.

3 THE DEFENDANT: I plead guilty, sir.

4 THE COURT: Okay. Do you need to take a moment,
5 Mr. Singleton?

6 THE DEFENDANT: Yes, sir. I need to take a moment,
7 sir.

8 THE COURT: Okay. Just sit down for a second. Sit
9 down.

10 (Pause.)

11 MR. STRICKLER: Thank you, Your Honor.

12 THE COURT: All right. Mr. Singleton, are you
13 prepared to go forward?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. And I know this takes a long time,
16 and I know there's a lot of information that I have to
17 cover with you. I'm required to ask you all of these
18 questions, and this is part of the process of entertaining
19 or handling a guilty plea.

20 So none of these questions am I asking just to ask.
21 They all -- they all must be asked. If you need a moment,
22 you just need to let me know, okay.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You're not going to bother me or upset
25 me. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. The next indictment before me is
3 for kidnapping. It states that you did on or about
4 May 16th of 2011 in Kershaw County unlawfully seize,
5 kidnap, abduct or carry away one Crystal Shepherd without
6 authority of law. How do you plead to that charge?

7 THE DEFENDANT: Guilty.

8 THE COURT: The last indictment before me is for
9 kidnapping, and it states that you did in Kershaw County
10 on or about May 16th of 2011 unlawfully seize, kidnap,
11 abduct or carry away a minor child without any -- without
12 authority of law. How do you plead to that charge?

13 THE DEFENDANT: I plead guilty.

14 THE COURT: All right. And are there any plea
15 negotiations in the case other than the dismissal of
16 charges, Ms. McDuffie?

17 MS. McDUFFIE: None, Your Honor.

18 THE COURT: Okay. Is that correct, Mr. Kirincich?

19 MR. KIRINCICH: That's correct.

20 THE COURT: Is that right, Mr. Strickler?

21 MR. STRICKLER: No negotiations as to sentence, the
22 agreement to defer sentencing, Your Honor.

23 THE COURT: Right. And is your -- is that correct,
24 Mr. Singleton?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: There is no agreement as to the sentence
2 that will be imposed. However, there is an agreement that
3 we will defer sentencing until a later date. Do you
4 understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Now, the next thing I need to
7 discuss with you, Mr. Singleton, is your satisfaction with
8 your attorneys. Are you satisfied with how your lawyers
9 have advised you and represented you in this case?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you talked with your lawyers as
12 often and for as long as you feel is necessary for them to
13 properly represent you on this specific case?

14 You still have pending charges. That's a different
15 issue, but on this specific case, have you talked with
16 them for as often and as long as you feel is necessary to
17 make a decision about pleading guilty?

18 I understand that you will still need to meet with
19 them to prepare for a sentencing hearing, but to make a
20 decision about a guilty plea, have you met with them for
21 as often and for as long as you feel is necessary?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, besides preparing for a sentencing
24 hearing, do you need any more time to talk to your lawyers
25 before deciding to plead guilty here today?

1 (Pause.)

2 (Conferring with attorneys.)

3 THE DEFENDANT: No, sir, I don't. No, sir. I don't
4 need no time.

5 THE COURT: Have you understood your talks with your
6 lawyers?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have your lawyers done everything for you
9 that you believe they -- they should have done or could
10 have done?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Have your lawyers done anything in this
13 case that you feel they should not have done?

14 THE DEFENDANT: No, sir.

15 THE COURT: Are you completely satisfied with your
16 lawyers' services?

17 THE DEFENDANT: Yes, sir. They tried their best.

18 THE COURT: Do you have any complaints at this time
19 that you want to make against your lawyers?

20 THE DEFENDANT: No, sir.

21 THE COURT: Now, has anyone promised you anything
22 other than the dismissal of the charges which we have
23 previously stated or held out any hope of reward to get
24 you to plead guilty?

25 THE DEFENDANT: No, sir.

1 THE COURT: Has anyone suggested that you will
2 receive any specific sentence, condition of sentence or
3 other similar type of suggestion?

4 THE DEFENDANT: No, sir.

5 THE COURT: Has anyone threatened you or used force
6 to get you to plead guilty?

7 THE DEFENDANT: No, sir. I'm willing to plead
8 guilty.

9 THE COURT: Has anyone used any pressure or
10 intimidation to cause you to plead guilty?

11 THE DEFENDANT: No, sir.

12 THE COURT: Has anybody connected with this case,
13 that includes the solicitor's office or any law
14 enforcement officers, mistreated you in any way?

15 (Pause.)

16 (Conferring with attorneys.)

17 MR. KIRINCICH: The only -- the only concern that
18 Mr. Singleton has, Your Honor -- I'll put it out there
19 because I was the one that relayed it -- he asked to speak
20 to law enforcement a long time ago and was told at that
21 time that law enforcement did not want to speak to him;
22 that they already had the story and that part of the
23 reason for the deferred sentencing is that he does have an
24 opportunity to talk to law enforcement.

25 THE COURT: Okay. And that's fair enough. What I

1 mean by mistreatment is any type of physical torture or
2 anything like that?

3 THE DEFENDANT: No, sir.

4 THE COURT: Okay. Have you had enough time to make
5 up your mind as to whether or not you want to plead
6 guilty?

7 THE DEFENDANT: Did I make up my mind if I wanted to
8 plead guilty?

9 THE COURT: Have you had enough time to make up your
10 mind about pleading guilty to these charges?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. And are you pleading guilty
13 freely and voluntarily?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you understood my questions?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you been absolutely truthful in each
18 and every answer that you have given me?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. Are you pleading guilty to
21 these charges because you are, in fact, guilty?

22 (Pause).

23 (Conferring attorneys.)

24 MR. KIRINCICH: I'm sorry, Your Honor. He is asking
25 me something.

1 (Pause.)

2 MR. KIRINCICH: I'm sorry. Will you ask him the
3 question again, Your Honor?

4 THE COURT: Are you pleading to these charges because
5 you are, in fact, guilty of these charges?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. All right. Ms. McDuffie?

8 MS. McDUFFIE: Thank you, Your Honor. As has already
9 been put on the record, the defense has requested that
10 sentencing be deferred so that Mr. Singleton can talk to
11 law enforcement.

12 Your Honor, we're just asking that we be given an
13 opportunity at the time of sentencing to do a full factual
14 presentation and also to do victim impact at this time.
15 We are prepared to go forward today with a factual
16 recitation if Your Honor may accept the plea.

17 THE COURT: Okay. Here is how -- here is how we're
18 going to do this: What I want at this point in time is
19 enough facts to be able to accept the plea. I'm going to
20 defer sentencing.

21 When we have a sentencing hearing -- and this is for
22 the lawyers and for the families on both sides -- when we
23 reconvene for that sentencing hearing, I will let the
24 State make a full presentation, hear any victim impact
25 testimony that they need to be presented. I'll be happy

1 to hear from law enforcement or whoever else on the
2 State's side of the aisle needs to be heard from.

3 Likewise, I will also allow the defense to come
4 forward and make a full presentation in mitigation,
5 whether it be information about the defendant or
6 information about any potential cooperation or whatever it
7 may be. Today is not the day that we are going to do all
8 of that.

9 Today is the day that we are just taking the plea,
10 and I will defer sentencing, but I promise the lawyers and
11 each of the families, you know, a full opportunity to be
12 heard before any sentence in this particular case is
13 rendered.

14 Does that meet with your satisfaction, Mr. Kirincich?

15 MR. KIRINCICH: Yes, sir.

16 THE COURT: All right. Ms. McDuffie?

17 MS. McDUFFIE: Yes, Your Honor.

18 THE COURT: Okay. Just give me the facts enough to
19 accept the plea.

20 MS. McDUFFIE: Thank you, Your Honor. This incident
21 did occur on May 16th, 2011 at [REDACTED] which
22 is located in Richland County. This defendant along --
23 I'm sorry, in Kershaw County.

24 This defendant, along with Jerome Lewis and Arthur
25 Macklin, did enter the home of Michael Hayes and Crystal

1 Shepherd, a home that they shared with their five-day-old
2 daughter.

3 They did force entry into the house. When they
4 forced entry, both this defendant and Mr. Jerome Lewis,
5 were armed with a handgun at that point this time.
6 Mr. Lewis and this defendant did take the victim,
7 Mr. Michael Hayes, into a bedroom and demand that he open
8 a safe.

9 While they were in the bedroom with him demanding him
10 to open a safe, Ms. Crystal Shepherd was in the living
11 room with a five-day-old child. Mr. Arthur Macklin picked
12 up a shotgun and was holding them at gunpoint in the
13 living room, Your Honor.

14 Mr. Hayes did not open the safe fast enough or did
15 not do as this defendant and Mr. Jerome Lewis instructed
16 him to, and at one point, Mr. Hayes tried to run and
17 escape from this defendant and Mr. Lewis, at which point
18 Mr. Hayes was shot three times which resulted in his
19 death, Your Honor.

20 These defendants then forced Ms. Shepherd and the
21 five-day-old baby into Ms. Shepherd's car. They took Ms.
22 Shepherd's car and drove from [REDACTED] in
23 Kershaw County to a location where they had another
24 codefendant waiting for them to drive them back to where
25 they were staying at that time, Your Honor.

1 They instructed Ms. Shepherd to lie down, not to move
2 and not to do anything until they left, Your Honor, which
3 she then did, Your Honor. They then loaded the safe in
4 their getaway car, and they drove off.

5 Ms. Shepherd was able to escape with her five-day-old
6 child and drive back to her residence where she
7 encountered a neighbor, and the neighbor called 9-1-1 and
8 the police were notified.

9 Your Honor, that's the factual basis we would submit
10 at this time for these charges, Your Honor, and would
11 reserve the right to put the rest of the facts on the
12 record at sentencing.

13 THE COURT: All right. Mr. Singleton, do you
14 materially agree with the facts as presented by the State
15 here today?

16 (Pause.)

17 (Conferring with attorneys.)

18 THE DEFENDANT: I will agree, Your Honor.

19 THE COURT: All right.

20 MR. KIRINCICH: And, Your Honor, just to -- that was
21 a discussion with Mr. Singleton. This is -- under hand of
22 one, hand of all, he doesn't agree with everything that
23 was said. He did specify he does materially agree at that
24 point. He understands what he's doing, what he's pleading
25 to.

1 THE COURT: All right. I'll accept your plea, this
2 plea. I'll find there is a substantial factual basis for
3 the plea. I also find that the defendant's decision to
4 plead guilty is freely, voluntarily, knowingly and
5 intelligently made; that he's had the advice of two very
6 competent attorneys with whom he tells me he is satisfied,
7 and I will accept his plea of guilty.

8 Now, one more issue, my understanding of the
9 kidnapping statute is that he has to go on the sex
10 offender registry because it was a minor child.

11 MS. McDUFFIE: Your Honor, I'd have to double check
12 that.

13 MR. KIRINCICH: Your Honor, I think there would have
14 to be some kind of -- I'll double check the law, as well.
15 We can -- we can decide that, come to some agreement.

16 THE DEFENDANT: A sex offender registry?

17 MR. KIRINCICH: We'll double check, as well. We can
18 figure that out before sentencing.

19 THE COURT: Okay. Okay. And I'm just telling you
20 what -- the way I read the statute, but I'm open to other
21 interpretations of it.

22 Okay. All right. Thank you very much. The next
23 time we'll convene on this matter will be for a sentencing
24 hearing, and court is in recess.

25 MR. KIRINCICH: Thank you, Your Honor.

| | | |
|--------------------------|---|----------------------|
| STATE OF SOUTH CAROLINA |) | GENERAL SESSIONS |
| |) | |
| County of Kershaw |) | 2013-GS-28-251 |
| | | 2013-GS-28-253 |
| | | 2013-GS-28-254 |
| | | 2013-GS-28-255 |
| | | 2013-GS-28-256 |
| |) | |
| |) | |
| STATE OF SOUTH CAROLINA, |) | |
| |) | |
| |) | |
| vs. |) | TRANSCRIPT OF RECORD |
| |) | |
| FRANK SINGLETON, III, |) | |
| |) | |
| DEFENDANT, |) | |

March 12, 2014
Camden, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

JOANNA MCDUFFIE, ASSISTANT SOLICITOR
KATHRYN LUCK CAMPBELL, ASSISTANT SOLICITOR
DANIEL COBLE, ASSISTANT SOLICITOR
Attorneys for the State

JASON KIRINCICH, ASSISTANT PUBLIC DEFENDER
DOUGLAS STRICKLER, PUBLIC DEFENDER
Attorneys for the Defendant

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S
INDEX OF WITNESSES:

(No witnesses were called).

(No exhibits were introduced).

> > > < < <

CERTIFICATE OF REPORTER 86

1 THE COURT: Okay. We're on the record in the State
2 of South Carolina vs. Frank Terrance Singleton, III.
3 Mr. Singleton pled guilty before this court on March 10th,
4 2014 to one count of murder, to one count of armed
5 robbery, one count of burglary in the first degree, and
6 two counts of kidnapping.

7 At that point in time, I agreed to defer sentencing
8 to allow Mr. Singleton the opportunity to cooperate with
9 law enforcement, and as to whatever pans out, and that
10 pans out, I promised both sides, the State and the
11 defense, an opportunity to do a full sentencing hearing
12 and allow them to present any information that they wish
13 to before sentence is given.

14 At this point in time, we are prepared to go forward
15 with his sentencing hearing, and I'll be happy to hear
16 from anybody on the State's side.

17 MS. McDUFFIE: Thank you, Your Honor. May it please
18 the Court. At the initial guilty plea on Monday, we put a
19 brief factual basis for this plea on the record.

20 We'd like at this time to tell Your Honor the facts
21 that we believe would have been presented at trial. As
22 you're aware, we were prepared to call the case to trial
23 on Monday, March 10th. However, the defendant pled guilty
24 prior to the start of the trial.

25 We did meet with all witnesses. We had flown several

1 witnesses in, in preparation for trial, so we were
2 prepared to go forward. Your Honor, we believe that the
3 facts would have shown -- and would have conclusively
4 proven -- that this defendant, along with a codefendant,
5 Jerome Lewis and Jerome Lewis' cousin Randy Lewis, were
6 involved in the days leading up to this murder in several
7 home invasion, armed robberies.

8 Your Honor, the sheriff's department in the week
9 leading up to this murder was inundated with these home
10 invasion, armed robberies. There were four that the
11 sheriff's department linked to Mr. Singleton and
12 Mr. Lewis, too.

13 The MO of these robberies is that they would go in;
14 they would kick down the door; force their way into the
15 home. They would both have weapons and demand money,
16 sometimes drugs, Your Honor, in these robberies.

17 The ones immediately prior to this murder occurred on
18 May 14th, 2011. The first one of those, the victim was
19 Mr. Gustavos Anino El Nino (phonetic).

20 Your Honor, he lived on [REDACTED] here in
21 Kershaw County. He -- his home was broken into, and he
22 was held at gunpoint and forced -- or demanded money from
23 Mr. Lewis, Mr. Jerome Lewis, and this defendant, Frank
24 Singleton.

25 They then fled the residence on foot, and a shoe

1 print was able to be lifted from that home. There was
2 also ammunition that was found in the back door to the
3 residence which was able to be linked to these defendants,
4 as well. That was on May 14th, 2011 shortly after
5 midnight that night.

6 About 24 hours later, Your Honor, shortly before
7 midnight on the 15th, Jerome Lewis and Frank Singleton
8 broke into the home of Robert Cash. That was on -- like I
9 said, that as on [REDACTED], Your Honor, here in
10 Kershaw County.

11 Mr. Cash was home alone. He was held at gunpoint by
12 the defendants. They demanded money and anything of value
13 from him. He stated that he didn't have money in the car,
14 but he was afraid of getting shot. I'm sorry. He didn't
15 have any money in the home. He was afraid of getting
16 shot, so he told the defendants that he had money in his
17 car. They then forced him at gunpoint to his car where
18 Mr. Cash was able to give them the \$200 that he had in his
19 car.

20 During this altercation, Mr. Lewis was armed with a
21 .380, and that gun did discharge. The bullet didn't
22 strike Mr. Cash, but it did land in a post that was
23 outside. Law enforcement was able to recover that, as
24 well, Your Honor.

25 When law enforcement responded to that scene, there

1 was a team of dogs that were sent out, as well. Those
2 dogs tracked from Mr. Cash's home to 56 Pathfinder Trail
3 literally, Your Honor, to the doorstep of that residence.
4 That residence was actually the home of Mr. Randy Lewis
5 who was also involved in driving him places and things
6 like that, not actually involved in going in and doing the
7 robberies with Jerome Lewis and Frank Singleton.

8 The dogs actually tracked to the doorstep of that
9 house. Police got a search warrant. They set up a
10 perimeter. They closed off the area. In doing so, there
11 was a car that was leaving the area. Investigator Dill
12 actually stopped the occupants of that car to determine
13 who they were and what their identity was.

14 In that car was Randy Lewis and a female named Ashley
15 Sumter. Law enforcement searched the home. They found
16 ammunition, clothing that, you know, was consistent
17 with -- with the stuff that was described in the prior
18 armed robberies, Your Honor.

19 Investigator Dill went later that day and took a
20 statement from Ashley Sumter. He asked her who was at the
21 home right before the police came or who came to the home
22 between the time of the robbery and the police showed up.
23 She identified both this defendant, Frank Singleton, and
24 Jerome Lewis. That's how law enforcement first realized
25 that Randy Lewis, Jerome Lewis, and Frank Singleton could

1 be involved in this case.

2 The next night, Your Honor, which was May 16th, 2011
3 at approximately 11:00 p.m., this defendant, Frank
4 Singleton, Arthur Macklin, Curtis Drakeford, Randy Lewis
5 and Jerome Lewis were all together.

6 They devised a plan to rob Mike Hayes who lived at
7 [REDACTED]. The plan was to rob him. They had
8 heard that he won -- by some witnesses, they say it was
9 \$50,000 in the lottery, and that was their plan, to rob
10 him.

11 Depending upon the codefendants' versions, they all
12 differ in minor respects, Your Honor, but basically the
13 information that law enforcement learned was that
14 Mr. Singleton and Mr. Macklin had planned to do a robbery
15 with Jerome Lewis and Randy Lewis and Curtis Drakeford.

16 Initially, Mr. Singleton and Mr. Macklin went to do
17 the robbery. They were hiding in the woods. They were
18 dropped off by Mr. Drakeford. They were hiding in the
19 woods outside of the residence and about to go in the
20 residence when this defendant, Frank Singleton, got bitten
21 by a spider.

22 They called Mr. Drakeford to back come and pick them
23 up, which he then did do. Mr. Jerome Lewis was also
24 present then at that time. Then all three of them decided
25 to do the robbery together at that point: Jerome Lewis,

1 Frank Singleton, and Arthur Macklin. Both Mr. Singleton
2 and Jerome Lewis were armed, all in black clothing and
3 masks.

4 When they got to [REDACTED] -- once again,
5 they were dropped by Mr. Drakeford. When they got to the
6 residence, Mr. Macklin and Mr. Lewis went around to the
7 back of the residence.

8 Mr. Singleton laid up front in wait. They checked
9 out the back of the residence. They thought that Mike
10 Hayes was home alone, so they decided to go into the
11 house.

12 When they got to the front door, this defendant, Your
13 Honor, who was armed with a .40-Caliber handgun kicked in
14 the front door of the residence. They encountered Mike
15 Hayes who was in the living room with his five-day-old
16 child, Your Honor.

17 His girlfriend, Crystal Shepherd, who was also a
18 victim in this case is here in the courtroom today, was in
19 the bedroom. She heard a commotion. That commotion would
20 be Jerome Lewis and this defendant fighting with Mike
21 Hayes. During that fight, Jerome Lewis took some jewelry
22 off of Mr. Hayes.

23 Your Honor, Ms. Shepherd was ordered by the third
24 codefendant, Arthur Macklin, to get down. There was a gun
25 in the residence, a rifle, a .22-Caliber rifle, Your

1 Honor.

2 Mr. Macklin's statement was that Ms. Shepherd went to
3 the rifle. She doesn't remember that, Your Honor.

4 However, Mr. Macklin then took the rifle and held the
5 rifle on Ms. Shepherd while Mr. Jerome Lewis and this
6 defendant, Frank Singleton, had Mr. Hayes at gunpoint.

7 They were demanding him to open the safe that was in the
8 bedroom.

9 The two of them went into the bedroom with Mike
10 Hayes. They both demanded for him to open the safe.
11 Mr. Hayes did not comply, was not complying quick enough.

12 At one point, Your Honor, we believe he tried to run,
13 tried to escape these defendants and ran into a bathroom
14 that was immediately adjacent to the bedroom, at which
15 point this defendant fired three shots, Your Honor, all
16 three shots potentially fatal. One was almost a
17 near-contact shot.

18 Dr. Ross would testify that this shot was fired
19 within 12 inches from Mike Hayes. All three shots, Your
20 Honor, were to the back or to the side. They entered the
21 body and pierced the heart, the lungs. Mr. Hayes died
22 instantly as a result of Frank Singleton's actions.

23 Your Honor, after this, they then held Ms. Shepherd,
24 Ms. Crystal Shepherd, and the five-day-old baby at
25 gunpoint, forced them into her car where they drove to the

1 meeting point with Curtis Drakeford.

2 They threatened to kill her if she looked at them, if
3 she did anything. Once they got to the meeting spot with
4 Mr. Drakeford, they then took the safe out of the car that
5 they had placed in there earlier from the robbery.

6 Mr. Singleton actually placed that into Mr. Drakeford's
7 trunk, and Jerome Lewis put the keys on top of the car for
8 Crystal Shepherd and told her not to do anything, not to
9 look up until they left, which she did, Your Honor. She
10 was allowed to -- she was left unharmed at that point.

11 Your Honor, they then proceeded to Curtis Drakeford's
12 apartment which is [REDACTED] here in Camden. When
13 they got there, they tried to open the safe. It actually
14 came open when they tried to open it. In the safe were
15 various papers and personal effects of Mr. Hayes along
16 with \$3,000.

17 The money was split between them, Your Honor. It was
18 \$1,000 for Mr. Singleton; \$1,000 for Mr. Lewis; \$1,000 for
19 Mr. Macklin. Mr. Macklin then divvied up his share and
20 kept some for himself and some for Mr. Drakeford and
21 Mr. Randy Lewis, Your Honor.

22 In the car on the way back to Mr. Drakeford's
23 apartment that night in the car were Mr. Curtis Drakeford,
24 Jerome Lewis, this defendant Frank Singleton, and also
25 Arthur Macklin.

1 In the car, Jerome Lewis would have testified along
2 with Arthur Macklin and Curtis Drakeford that Mr. Lewis
3 kept asking Frank why he shot. He shouldn't have done
4 that. He didn't need to do that. Why did he shoot him,
5 and Mr. Singleton replied that it was because he saw his
6 face, Your Honor. Repeatedly, he was asked why did he
7 shoot; why did he do that. The answer was it was because
8 he saw his face.

9 Mr. Drakeford, Mr. Lewis, and Mr. Macklin would all
10 testify that this defendant was the shooter. While
11 Mr. Drakeford wasn't there, he heard several statements
12 made by Mr. Singleton admitting to being the shooter that
13 evening.

14 As I said, when they got back to the apartment, they
15 divvied up the money that was in the safe. They also hid
16 the shotgun and the .38-Caliber gun in Mr. Drakeford's
17 home.

18 Your Honor, this incident happened at eleven -- 11:15
19 on the 16th. Police were dispatched out at 11:24 which is
20 when Ms. Shepherd was able to make it back to her
21 neighborhood or to her home and knock on her neighbor's
22 door and call 9-1-1. They had broken both phones that she
23 had.

24 When police responded, they immediately recognized
25 this as being very similar to the other robberies that had

1 occurred in the area, and they focused then on the
2 suspects they had from those robberies, those suspects
3 again being Frank Singleton and Jerome Lewis.

4 Your Honor, at about two that morning on the 17th,
5 Mr. Singleton was a suspect. They went to his mother's
6 house. The mother told law enforcement that Mr. Singleton
7 lived there, but he was not there right now.

8 She gave them consent to search the home. They then
9 proceeded to search for Mr. Lewis and -- Mr. Jerome Lewis
10 and this defendant, Frank Singleton.

11 I think a week prior or a few days prior to this
12 incident, Your Honor, the Camden Police Department had
13 initiated a traffic stop on a vehicle that was actually
14 driven by Curtis Drakeford.

15 When they initiated the traffic stop on
16 Mr. Drakeford, Mr. Singleton was also in this car, and he
17 fled from law enforcement and was able to escape from law
18 enforcement.

19 Because of that, they had an incident report that
20 linked Mr. Drakeford to Frank Singleton. So, Your Honor,
21 because of that, the Camden Police Department went to go
22 look for Mr. Drakeford to see if they could go find him
23 and found out that he lived on Broad Street, Your Honor.
24 Their attention then began to focus there. That morning
25 law enforcement was searching the area again for all of

1 the suspects, and they kind of closed in on this Broad
2 Street location, Your Honor.

3 Your Honor, they were able to make contact with
4 Curtis Drakeford. Curtis Drakeford he had gone to work.
5 that morning at Lugoff Toyota, and he did give them
6 consent to search the apartment.

7 While they were doing this, they were also searching
8 for Mr. Singleton. They had gotten a report from
9 Mr. Singleton's girlfriend and her friend that she -- that
10 Mr. Singleton was in the car with his girlfriend, Valerie
11 McCrea (phonetic) or Valeria Turner that she sometimes
12 goes by and that he had jumped out of the car in the BP
13 Station close to the apartment that Mr. Drakeford lived
14 in. Your Honor, law enforcement then began to focus into
15 that location looking for Mr. Singleton.

16 Through Investigator Dill's investigation, he
17 encountered an individual between the BP and the
18 apartment. That individual said that a man approached him
19 and asked him to hold a gun. He refused to hold a gun,
20 and the man went in the direction of the apartments, Your
21 Honor, which would prove very important later on.

22 While this was going on, Mr. Singleton was calling
23 9-1-1 and law enforcement and telling them that he would
24 turn himself in but he was on the other side of town, Your
25 Honor, which wasn't at all true. He was actually inside

1 Curtis Drakeford's apartment.

2 When he tried to leave Mr. Drakeford's apartment, he
3 literally ran into Lieutenant Coleman with the Camden
4 Police Department, and he was taken into custody at that
5 time.

6 Your Honor, law enforcement subsequently searched
7 Mr. Drakeford's apartment. In the initial search of the
8 apartment, they found the safe belonging to Mike Hayes.
9 They found the .22 rifle that was taken from Mr. Hayes'
10 home, and they found a .38-Caliber handgun which was also
11 used by Jerome Lewis during these robberies.

12 Ballistically, they were able to match that to the
13 projectile that was used in the prior robbery of Robert
14 Cash -- I'm sorry, Your Honor. It was a .380, I apologize
15 for that, that was used in the robbery of Robert Cash.

16 Your Honor, Investigator Dill knew that a .40-Caliber
17 handgun was used in this case, and he had a witness that
18 said that he saw Mr. Singleton with that gun prior to law
19 enforcement apprehending him shortly before noon on the
20 17th.

21 So there was a very small area where it could be
22 between where he was last seen with the gun and the
23 apartment. Law enforcement spent a considerable amount of
24 time searching the exterior, you know, around the
25 apartment complex in the path that they believe he would

1 have run searching for the gun.

2 About a week later, Investigator Justin Dill was with
3 SLED agent Kevin Baker. They were right around tying up
4 some loose ends. Investigator Dill said that he wanted to
5 go search that area one more time.

6 They began searching the exterior of the apartment.
7 When they got closer to the apartment, the landowner or
8 the homeowner of that apartment was actually present.

9 Mr. Drakeford, obviously, was in custody, and he had
10 moved out of the apartment, and the landlord was
11 inspecting the property for any damage that would need to
12 be repaired prior to moving a new tenant into that
13 apartment.

14 Investigator Dill and Agent Baker asked the landlord
15 for consent to search the main apartment, which she then
16 gave them. They then again looked through the apartment.

17 Investigator Dill noticed that there was a heating
18 and air return in one of the upstairs bedrooms where the
19 other gun was found. He took that off and began to look
20 in there. He thought he saw what was a shoe lace in that.
21 So he then stuck a camera phone in there and took pictures
22 trying to see if he could determine what was in there.

23 Your Honor, ultimately hidden in the walls of that
24 home were the .40-Caliber handgun and also the shoes worn
25 by Frank Singleton on the night of the murder.

1 SLED agent Vicky Hallman who is an expert of tire
2 tread and footwear impressions conclusively would say that
3 the shoe print on the door where Mr. Singleton kicked it
4 in was consistent with the shoe that Investigator Dill
5 found in the apartment that evening.

6 Further, Your Honor, Dan DeFreese who had been with
7 SLED for 45 years as a ballistics expert would come in and
8 testify that the projectiles recovered from Mr. Hayes'
9 body, the cartridge casings at the scene, all matched the
10 weapon, the .40-Caliber handgun that Mr. Singleton had
11 that night hidden in the walls of the apartment, Your
12 Honor. All of that was recovered by law enforcement.

13 Your Honor, Curtis Drakeford and Mr. Singleton were
14 arrested on the 17th. Mr. Drakeford was brought to the
15 Kershaw County sheriff's office headquarters, and he
16 ultimately did give a statement that he was the driver of
17 the vehicle that night; that he was present in the car
18 when he took Mr. Singleton to the location and that he was
19 present afterwards when he heard Mr. Singleton make
20 admissions to shooting the victim in this case.

21 Your Honor, he also gave them information on the
22 other codefendants. Ultimately, through the course of
23 their -- their investigation, Randy Lewis, Jerome Lewis,
24 Arthur Macklin, and Curtis Drakeford would all admit to
25 their involvement in this case.

1 Their stories as to what happened were very similar,
2 very consistent, in the facts that transpired on that
3 evening, and all codefendants have said that this
4 defendant, Frank Singleton, is the shooter in this case.

5 Your Honor, in preparing for this trial, we
6 discovered that this defendant was housed at Lee County
7 next to an individual named Anthony Jones. Mr. Jones also
8 had pending charges and was being housed in safekeeping,
9 as well.

10 We learned of his name, and Ms. Campbell and I
11 interviewed him last week. The information that Mr. Jones
12 would have told the court is that Frank Singleton admitted
13 to his involvement in the robberies and also to him being
14 the shooter and that he had been asked by Mr. Singleton to
15 get on the stand and lie and say that Jerome Lewis was the
16 shooter, as well.

17 We also heard from several sources, although never
18 talked to directly, that an individual named Brian Evans
19 who was also housed with this defendant was asked to get
20 on the stand and lie and say that Jerome Lewis was the
21 shooter and not this defendant, Your Honor, asked by
22 Mr. Singleton.

23 Your Honor, we believe that the facts conclusively
24 show that the jury would have convicted him on all counts
25 that he's charged with, your Honor. This was a brutal,

1 vicious murder, Your Honor.

2 Mr. Hayes was gunned down in his home. He was shot
3 at near-contact range by this defendant. Your Honor,
4 there is no testimony that anyone other than this
5 defendant was the shooter. There is no -- there would
6 have been no testimony that anyone other than this
7 defendant killed Mike Hayes, Your Honor.

8 This defendant and Mr. Jerome Lewis were on a robbery
9 spree, and Your Honor, it is only because of the
10 excellent, excellent work of the Kershaw County Sheriff's
11 Department that this spree did not continue and that more
12 people were not killed and injured as a result of
13 Mr. Singleton's reckless actions.

14 Respectfully, Your Honor, on behalf of the State, we
15 would ask for a sentence of life in prison for
16 Mr. Singleton. As Your Honor is aware, he has a series of
17 other pending charges, including another murder charge,
18 from a home invasion, robbery that Mr. Singleton committed
19 in 2008 which the State will be prepared to try in May,
20 Your Honor.

21 Your Honor, also present in the courtroom today are
22 numerous friends and family members of Mike Hayes. Your
23 Honor, also Crystal Shepherd who was the victim of the
24 kidnapping and who is the mother of the five-day-old
25 little girl that was kidnapped along with her. Your

1 Honor, I believe that the victims would like to address
2 the Court at the proper time.

3 Your Honor, as you're aware, this defendant was
4 allowed -- Your Honor allowed the sentencing deference
5 so -- at his request to provide information to law
6 enforcement. He did provide that information to
7 Investigator Dill.

8 As we discussed earlier in chambers with defense
9 counsel present, the State is of the position that that
10 information was of no use in any way to the State, and
11 Investigator Dill can go into more information on that if
12 Your Honor would like.

13 Your Honor, at this time, I believe two members of
14 the family would like to speak. If we could have a
15 minute.

16 THE COURT: Yes. While they're coming up, can you
17 give me his criminal history?

18 MS. McDUFFIE: Your Honor, he has no criminal adult
19 history. He did have several burglaries that were
20 dismissed prior to this incident.

21 THE COURT: All right.

22 Yes, ma'am, on the far right. What's your name?

23 VICTIM'S COUSIN: I'm sorry. My name is Keisha
24 Hayes. I'm Mike's first cousin.

25 THE COURT: Okay. Ms. Hayes, I'll be happy to hear

1 from you.

2 THE DEFENDANT: Oh.

3 VICTIM'S COUSIN: Thank you.

4 Loving, caring, funny, kind, sweet, supportive,
5 helpful, determined, family centered, positive, outspoken.
6 I could go on and on naming so many characteristics that
7 describe our family member, Michael Hayes.

8 We are left without him now, and we ponder and wonder
9 all day and night asking that familiar question: Why?
10 Why? Why would someone disrupt his life, bother him when
11 he wasn't bothering anyone else, take his life so
12 viciously, leaving him left to die in his own home, to
13 suffer?

14 What must it have been like for him to have that
15 happen to him? We know he was scared. We know he fought,
16 but we were not there to save him, to help him the way he
17 would have wanted to do if any of his family was hurt or
18 needed him.

19 Now, he can no longer do the great things that he did
20 in this community, like feed the homeless when there were
21 people that didn't have any food to eat, give them a place
22 to stay.

23 He even opened up his own home to provide that for
24 them, give side jobs to those who didn't or couldn't get
25 jobs, give people rides who had no transportation to and

1 from work or wherever they needed to go, inspire those to
2 make it in life, motivate others to do whatever they set
3 their minds to do.

4 A child no longer has a father; a sister lost her
5 brother; a mom no longer has her son. His physical body
6 was taken, but his spirit and memories live and we all
7 live with a piece of his legacy.

8 May God help those that committed this harsh sin and
9 give justice to the family that will forever have to live
10 with this again and again. I ask, Your Honor, that you
11 please consider the maximum sentence of life for him.

12 THE COURT: Thank you, Ms. Hayes.

13 Yes, sir. What is your name?

14 MR. GARY: Bobby Gary.

15 THE COURT: The last name is Gary?

16 MR. GARY: Yes, sir.

17 THE COURT: Okay. I'll be happy to hear from you,
18 Mr. Gary.

19 MR. GARY: Thank you, Your Honor.

20 Two significant tragedies happened over our history
21 in life: One was Cain killed Able, and when Cain killed
22 Able, God came to him and asked him, "Where is your
23 brother?"

24 He said he didn't know, and so Cain said to -- to God
25 then, "Well, am I my brother's keeper?" That's the

1 question I should leave out there, and another tragedy
2 that happened was when Jesus was offered up, and he was
3 betrayed and denied even though he didn't forget who did
4 that to -- to him, but he did forgave [sic].

5 So I'm saying unto the young man, we do forgive you
6 as a -- because for me to move on, I shall have to
7 forgive. So can I ask for the life sentence? No, Your
8 Honor, it's not my place to ask for that, because I went
9 through the same tragedy before with my cousin back in the
10 '90s when he was killed by a neighbor that lived across
11 the street.

12 How could our family move on? We forgave. So I'm
13 saying to the family, we don't have to forget to move on
14 to be able -- to be -- have a personal relationship, what
15 we say, our Lord and Savior, Jesus Chris. We are going to
16 have to move on.

17 So to you, young man, I forgive.

18 THE DEFENDANT: Thank you, sir.

19 THE COURT: Thank you, Mr. Gary.

20 Take your time, Ms. Shepherd. There is no rush.

21 THE DEFENDANT: Lord, I'm sorry. I didn't mean for
22 them to kill that man. You know, I'm telling you the
23 truth.

24 THE GIRLFRIEND: May 16th, 2011 will be forever
25 remembered as the worst day of my life. Not a day goes by

1 that I don't think about what happened that night.
2 Because of the choices that were made that night, my
3 daughter has to grow up without a father. Mikayla never
4 even got a chance to know who her father was.

5 Birthdays and holidays are supposed to be joyous
6 occasions, but for me, I have to take my daughter to a
7 cemetery to put flowers on her father's grave.

8 She is too young to understand what happened that
9 night, but I already dread the day when she comes home and
10 asks why she doesn't have a daddy. I will have to be
11 there to tell her what happened.

12 This is something that will never go away, and we
13 have to deal with that night for the rest of our lives.
14 Mike will not be there to see his baby graduate from
15 school, walk her down the aisle or just be there when his
16 daughter needs her dad.

17 She is a beautiful, smart little girl, looks just
18 like her daddy, and I know he is watching down on her
19 every day.

20 You might have come in that night and took him from
21 me, but you will never take away the love and memories I
22 have of him, and I will share them with her every day.

23 THE COURT: Thank you, Ms. Shepherd.

24 Anybody else, Ms. McDuffie?

25 MS. McDUFFIE: Not at this time, Your Honor.

1 THE COURT: All right. Investigator Dill, could you
2 give me some information about what transpired or what, in
3 your opinion, transpired as far as the cooperation went?

4 INVESTIGATOR: Yes, sir. May it please the Court.
5 As you know, I met with Mr. Singleton and his attorney,
6 Mr. Kirinchic, at the office later that same day on
7 Monday, the 10th.

8 I first spoke to Mr. Singleton about this particular
9 case, Mr. Hayes' case. Basically, Mr. Singleton explained
10 to me what he says the reason that they were robbing
11 people was to come up with money that they owed to another
12 drug dealer over in Richland County.

13 He attempted to point the finger at others as being,
14 you know, the person that shot Mr. Hayes. Although,
15 through physical evidence and corroboration of that
16 evidence, we can show that the shooter was actually
17 Mr. Singleton.

18 We also spoke with -- about some information about
19 some narcotics things going on over in Richland, as well
20 as moving over to Kershaw County. "

21 I spoke with a couple of SLED agents that were
22 familiar with these individuals and this case. That case
23 has already been made. Those individuals have already
24 been prosecuted, so that information was no longer valid.
25 We also spoke about another incident that he had been

1 charged in, and he wanted to give me his side of that
2 story. But that case has been taken care of, as well.

3 THE COURT: It wasn't -- on the Richland County drug
4 information, it wasn't that the information he provided
5 was incorrect?

6 INVESTIGATOR: Right. It was correct but --

7 THE COURT: It was just the case --

8 INVESTIGATOR: The case has already been taken care
9 of and prosecuted.

10 THE COURT: Thank you.

11 INVESTIGATOR: Now, just some of the information
12 wasn't valid, Judge. It was factual information, but it
13 wasn't anything to move forward with, take care of
14 anything else.

15 THE COURT: Understood. Thank you, Investigator.
16 Anything else, Ms. McDuffie?

17 MS. McDUFFIE: Not at this time, Your Honor.

18 THE COURT: All right. Mr. Kirincich?

19 MR. KIRINCICH: Your Honor, this has obviously been a
20 long process for not only the State and the victims but
21 also for Mr. Singleton and his family. I would like to
22 recognize he has a number of family members here. His
23 mother and his stepfather and other family members.

24 Your Honor, right now Mr. Singleton is 26 years old.
25 When this was happening, he was 23. Law enforcement has

1 THE COURT: Thank you, Mr. Jackson.

2 THE DEFENDANT: Your Honor, I'm very sad about the
3 death of Mike Hayes, what happened to him. Everybody's
4 story, all of my codefendants, honestly, they're not
5 telling the truth.

6 I talked to Justin Dill and told him the whole truth
7 and nothing but the truth. I don't know why he didn't
8 tell everything exactly the whole story to you, but
9 really, what happened and what was the reason that Michael
10 Hayes and all of these robberies took place.

11 (Conferring with counsel.)

12 (Pause).

13 I'd rather tell him.

14 I wasn't the killer. I wasn't the shooter. If it
15 wasn't for me trying to stop Jerome Lewis, Jerome Lewis
16 was going to shoot Crystal Shepherd. He forced her to get
17 the keys to the car. The baby was laying on the couch.
18 I'm telling him, "Man, what is wrong with you? You got an
19 innocent woman and a baby. They don't have nothing to do
20 with these drugs. You're going to force a gun to her head
21 and make her show you where the car at" [sic]?

22 I'm already fussing at him, leave her and this baby
23 in the house. He pulls the gun out on me, forces me out
24 of the house. Before we even go to the house, I was
25 scared to even go in the house.

1 If I didn't have to go in the house, he was going to
2 go ahead and call Valerie, my fiancée. She was the one
3 working for the big-time drug dealers. They were
4 Jamaicans.

5 They was threatening to kill my mother and my sister
6 if we didn't come up with the money. I got tied up and
7 caught up, and I don't even sell drugs. This is my
8 fiancée and Jerome Lewis. They are dealing together with
9 them drugs, Your Honor.

10 (Conferring with counsel).

11 (Pause).

12 I want to tell the story.

13 MR. STRICKLER: Tell the story.

14 THE DEFENDANT: Mr. Gary, thank you for forgiving me.
15 Ms. Crystal, thank you for forgiving her.

16 The family, thank you for forgiving me, but please
17 don't seek life on me. God knows, please give me another
18 chance. I've learned my lesson. Honestly, I've learned
19 my lesson.

20 I was 23 years old when all of this occurred. I
21 didn't even want to go in the house. My mother and my
22 sister's life was in danger. Jamaicans was going to kill
23 them. Jerome Lewis influenced my mind, and he threatened
24 that he was going to call and tell them I am not going to
25 come up with the money.

1 I didn't want to go in that house. I didn't want to
2 be involved in none of this stuff, but at the same time,
3 if I didn't have to go in the house, Jerome Lewis probably
4 would have killed Crystal.

5 It still plays in the back of my mind everything I
6 seen when we was in that bedroom, and I seen Jerome Lewis
7 shot Mike because Mike Lewis [sic] jumped away from Jerome
8 Lewis like he was trying to go for a gun that -- to save
9 his family.

10 Honestly to God, my right hand to God, I did not kill
11 Mike, honestly. Your Honor, I did not kill Mike, and all
12 my codefendants are trying to just point the finger at me,
13 but nobody is not telling the story about these Jamaicans.
14 Nobody is not -- they're not telling the truth. They're
15 lying.

16 I had to sit down and talk to Justin Dill in the
17 interrogation room, and I sat down and told him the whole
18 truth with the whole story and the whole matter, Your
19 Honor. I'm very sad about this man got killed, but I'm
20 not the killer, Your Honor.

21 Now, I do plead guilty. I was -- I was there. I was
22 there. I wasn't going to kill him. It wasn't my idea to
23 force Crystal Shepherd and her baby, her innocent child,
24 out of that house. I tried to stop all of that.

25 If I was caught up, Your Honor, 23 years old, I'm

1 caught up in the middle of everything because of a girl
2 who I thought loved me that was 30 years old who was
3 working for these big-time drug dealer Jamaicans, and then
4 Jerome Lewis who working with her [sic], then they got me
5 tied up and they're lying on me saying that I got hands in
6 it when I was never selling drugs, Your Honor.

7 They got me caught up in it. They put my mother and
8 my little sister's life -- my little sister was ten years
9 old. They got my mother and my little sister's life in
10 danger because of a bunch of foolishness because they're
11 owing money to drug dealers. They got me tied up in the
12 middle of it.

13 She got \$19,000 missing out of her house, and they're
14 missing other money and got me tied up and taking me over
15 there to the Jamaicans one night, and they said, "You got
16 one week to come up with the money." He pulls the gun on
17 me.

18 I'm trying -- I'm asking him, "What is going on?" I
19 don't know nothing about this situation. She is lying
20 trying to cover herself and got me tied up in the middle
21 of it.

22 Now, all of my codefendants, they're getting lesser
23 time, and I wanted to take the 30-year plea because I know
24 I should have -- I tried to go to law enforcement, but
25 they told me that they have law enforcement working for

1 them.

2 The Jamaicans said, "If you go to the law, we're
3 going to know, and we're going to come kill your mother
4 and your sister, too, because we got the police working
5 for us."

6 I'm 23 years old, Your Honor. I'm scared for my
7 life. I don't know what to do. I don't know who to turn
8 to. All I have is God. All I have is God, Your Honor.

9 I'm 23 years old, Your Honor. I'm 23 years old going
10 through all of this nonsense, all of this foolishness,
11 over drugs, stuff that I don't even sell, stuff that the
12 guy got caught up into, in the middle of it when I should
13 have never got caught up and should have never been in the
14 middle of it from the beginning.

15 And I'm very sorry for what happened to him, but
16 honestly, I'm not the killer. Honestly, I'm not the
17 killer, but Jerome Lewis, they're putting everything on
18 me. I'm in the county jail. Kemo Smith, he tells me to
19 take the wrap for Jerome Lewis because Jerome Lewis was
20 the one trying to put in all the work to come up with the
21 money, and you -- so I don't want to use profanity. I'm
22 such a so and so.

23 I'm scared not to -- even try to go up in the house
24 and try to help this man get this money from this man
25 because Jerome Lewis stated to me that he was selling

1 cocaine and marijuana to Mike Hayes. He was selling
2 cocaine and marijuana to Mike Hayes.

3 I'm trying to figure out what is going on. So when
4 we get to -- when we get there, I'm scared. They're
5 talking about a spider bit me on the neck. I went in the
6 woods. Now, that was a lie.

7 I was scared to even go in the house, Your Honor. I
8 did not even want to go in that house. The only reason
9 why I went in the house is because Jerome Lewis said he
10 was going to call Valerie and use time and prayer. Justin
11 Dill knows her. That was my -- that was my fiancée back
12 then. She was working for the drug dealers, still do.

13 He was going to call her and tell her that I'm not
14 even trying to help come up with the money. He already
15 said, "You know the Jamaicans are going to kill your mama
16 and sister."

17 I went up in the house. The first thing we went up
18 in the house. Jerome Lewis went through the door first.
19 I never had a gun. Jerome Lewis had the .40-Caliber
20 handgun. Arthur Macklin had the .380. I'm in the middle.

21 Jerome Lewis kicks the front door in. The facts that
22 they're telling you, those are not the facts. I'm not
23 going to sit up here and going to lie. My right hand to
24 God, I'm not going to lie to you, Your Honor.

25 When Jerome Lewis kicked that front door in, I came

1 in behind him. Mike tackles him, grabs me. I have no
2 gun. Jerome Lewis kicked Mike Hayes upside the head and
3 starts arguing with Mike Hayes. Arthur Macklin runs to
4 Crystal Shepherd saying that she was about to grab some
5 type of long rifle to protect her family.

6 Arthur Macklin runs up on her and tells her that,
7 "You don't want to do that." Jerome Lewis grabs Mike and
8 pulls Mike to the bedroom, and he tells me to come over to
9 the back.

10 I said, "No, man. I got to get out of here. I can't
11 do this." He pulls the gun on me.

12 "You're going to have to come in here. You're
13 already in here. You already know what the Jamaicans is
14 going to do. You don't want me to call Valerie and tell
15 her that you ain't trying to help her."

16 So I'm scared. I'm scared for my life now because I
17 already know that these Jamaicans, these Jamaicans will
18 murder my family. These Jamaicans will murder my family.

19 We goes [sic] into the bedroom. Mike Hayes, Mike
20 Hayes, he's -- he's -- he's scared. I'm scared. Jerome
21 Lewis is arguing at Mike Hayes. Mike Hayes is trying to
22 open the vault.

23 Mike Hayes jumps away from the vault, away from
24 Jerome. Jerome shoots him. I'm still looking like, "Man,
25 what is you doing? He done shot this man for nothing."

1 This man jumps away. He jumps away from him like he
2 was going for a gun. Like he was trying -- this is -- you
3 invaded his home. This man is trying to protect his
4 family.

5 Then Jerome Lewis, he goes into the front room, and
6 he orders Crystal Shepherd, that young lady right there,
7 he pulls the gun to her head and make [sic] her go get the
8 key, telling her he is going to blow her brains out if she
9 don't get the keys to the car so we can hurry up and get
10 on out of there.

11 I'm arguing with him, saying, "Man, please don't kill
12 her. Why is you going to kill her? She has nothing to do
13 with this." He is arguing and fussing at me calling me
14 all kind of punk this and that, da, da, da, tells me to go
15 get the safe.

16 He pulls the gun on me. "Man, go get the safe." I
17 grabs [sic] the safe. I come back in the front room.
18 Crystal, she is crying. I'm looking. I'm scared. The
19 baby is on the couch. I put the safe down.

20 I said, "Man, I can't do this, Rome. I can't do
21 this, Rome." So he grabs Crystal, puts the gun to her
22 head, tells her to get the keys. She grabs the keys.
23 "I'm going to blow your brains out if you don't hurry up
24 and get these keys."

25 So the whole time, she is crying. I'm telling Rome,

1 "Man, why is [sic] you doing is this? Why is you doing
2 this, Rome?"

3 He pushes Crystal towards the door. Crystal Shepherd
4 goes and grabs for her child, her innocent baby on the
5 couch. Arthur Macklin, he still got the other gun.
6 Arthur Macklin grabs the rifle.

7 I'm standing behind Crystal and the baby. I'm
8 telling Rome, "Man, please leave them in this house, Rome.
9 Don't take this baby and this woman out of this house.
10 What is you [sic] going to do with them?"

11 "She got to go, too. She ain't going to call the
12 police. If I got to kill her, I got to kill her because
13 I'm not going to jail."

14 I said, "Rome, why is you [sic] going to do this to
15 her? This woman ain't did nothing to nobody. Why is this
16 woman got an innocent baby with her? Why is you going to
17 take them out there in the cold?"

18 Jerome Lewis goes off on me and pulls the gun on me.
19 So me and Crystal and the baby, we got to go out the front
20 door. Me and them -- Crystal Shepherd and the baby, we're
21 going out the door first.

22 Jerome Lewis and Arthur Macklin is behind us with the
23 gun. Arthur Macklin grabs the safe because I'm scared.
24 "Y'all put the safe down." Arthur Macklin grabs the safe.
25 Jerome Lewis told me and Crystal to get in the back seat

1 of the car; that Crystal Shepherd gave the keys to Jerome
2 Lewis.

3 Now, we're in the back seat of the car. The whole
4 time, she is crying on my shoulder. She is crying.
5 Arthur Macklin gives me the safe. She is telling me,
6 "Please don't let them kill me. Please don't let them
7 hurt me."

8 Jerome Lewis told her to keep her damn -- excuse me
9 my language. Jerome Lewis is telling her to keep her head
10 down. She is telling me, "Please don't let them kill me.
11 Please don't let them kill me."

12 I'm telling her, "I promise. I'm not going to let
13 them kill you. I'm not going to let them kill you."

14 Jerome Lewis is arguing with me, "Man, you shut up.
15 That's what's wrong with you. You're trying to comfort
16 this B. You're trying to comfort her. We got things to
17 do."

18 I said, "Man, I ain't going -- I ain't got nothing to
19 do with this. Y'all -- y'all are forcing this woman out
20 of this house with her child. They ain't got nothing to
21 do with this, Rome." He's arguing with me like he is
22 about to be shoot me.

23 Now, he calls Quandel. Quandel comes around the
24 curve to meet up. We pull out of the yard. Crystal is
25 crying the whole time. I'm telling her, "I'm not going to

1 let them kill you. I'm not going to let them hurt you."

2 We goes [sic] to the dropoff spot. We goes to the
3 dropoff area. Now, when we get there, Curtis Drakeford
4 pulls up. He backs out. Jerome Lewis gets out of the
5 car. Jerome Lewis is arguing something about he is about
6 to kill her. He is about to kill her because they
7 ain't -- it ain't going down like that. He is not going
8 to jail.

9 I said, "Rome, please do not kill this woman. Please
10 don't kill her." So he snatched the safe out of my arm
11 because I'm in the back seat of the car with her. Arthur
12 Macklin handed me the safe.

13 He snatched the safe out of my arms and put it in the
14 trunk of Curtis Drakeford's car, my first cousin. He puts
15 the trunk -- he puts the safe in the back seat in the
16 trunk of the car.

17 Now, Jerome Lewis got the keys. He was the driver.
18 Jerome Lewis was the driver. Like they said that he put
19 the keys on top of the car. I thought he threw the keys
20 in the woods, but like he said, he put the keys on top of
21 the car.

22 The whole time I'm trying to tell her, "I'm not going
23 to let them kill you" or Jerome Lewis arguing with me,
24 "Man, hurry up and get the F up out of the car. Get the F
25 up out of the car."

1 So I got up out of the car. The whole time I'm
2 watching him making sure that he doesn't goes [sic] back
3 to shoot her.

4 I'm young. I'm scared, Your Honor. I don't know.
5 I'm caught up. I'm caught up in a situation where I
6 should have never been caught up because I meet a fiancée
7 who is a big-time drug dealer working for Jamaicans.

8 Jerome Lewis and Randy Lewis is working for her
9 selling drugs. This is my fiancée. I'm 23 years old.
10 She is 30 years old. I love her. She has three babies.
11 Take this to Jerome Lewis then.

12 Where we lived at, right there in Shepherd Acres.
13 Where we lived at, Jerome Lewis and Randy Lewis lived like
14 just right around the corner. "Take this around there to
15 them."

16 So I'm thinking it's nothing. You're not going to
17 tie me up into this drugs [sic] and these money. You're
18 not going to tie me up in it. I'll take this to her.
19 Just drop this off to me. I'm coming right back home.
20 I'm coming right back home because I worked with my
21 father. I do carpentry work. I do roofing. I done
22 worked with Bob. I done worked with Bob Baker.

23 He -- if he was here, he would tell you, I work. I
24 does [sic] a lot of work. I do side work working with my
25 father. I works [sic]. I'm not no drug dealer, Your

1 Honor.

2 I got caught up with drug dealing with a fiancée who
3 was a big time drug dealer. I got caught up, and they're
4 putting me in the middle of all of this. They're putting
5 me in the middle of the whole situation instead of she
6 owning up to what her and Jerome Lewis and Randy Lewis is
7 doing, she puts all the blame on me and takes me over
8 there to the Jamaican and tells them that I'm responsible
9 for this and that with the drugs, me, Jerome Lewis, Randy
10 Lewis when the whole time, she is responsible for all of
11 this.

12 I don't deal drugs. I don't sell no drugs, but
13 you're lying on me. I'm supposed to be your husband one
14 day. You're lying on me telling me that -- telling the
15 Jamaicans that I'm the one who messed up all of the drugs
16 and the money when I'm not even a drug dealer.

17 I work for a living. I learned my lesson from
18 juvenile custody. Like my mother said, she sent me there
19 for my little wrongdoing, acting up in school, violating a
20 little probation. I was sent to a marine institution. I
21 was sent to a marine institution. I graduated the
22 program. -I did good. I went back to school. I worked.

23 Then I -- I come back from Sumter. I met Valerie
24 Turner. I met her. Then I get tied up into a bunch of
25 foolishness. I get tied up into a bunch of foolishness,

1 23 years old.

2 I've learned my lesson. I just pray to God and pray
3 for forgiveness from y'all.

4 Y'all, please forgive me for what I've done because
5 I'm not no killer. I'm not no killer, but the
6 codefendants, they're trying to put all of the blame on
7 me. They're not sitting back telling law enforcement the
8 story about the Jamaicans. They're not telling them
9 nothing.

10 They're just sitting back telling a bunch of lies
11 about how I got bit by a spider and everything. That's a
12 lie. I was scared to even go in the house. I didn't even
13 want to go in the house.

14 The only reason why I went in the house, because
15 Jerome Lewis said he was going to call Valerie and tell
16 her that I'm not trying to help them come up with the
17 money. Out of all the robberies the whole week, that was
18 the first robbery that I went onto.

19 I didn't rob Robert Cash. Arthur Macklin and Jerome
20 Lewis robbed Robert Cash. Randy Lewis, he put them up to
21 it because my god brother, Michael Smith -- God bless his
22 soul. He got killed on 521, McDonald's. He got killed.
23 His mother, Joley Smith, she used to work at Plums where
24 Robert Cash used to work. Robert Cash owned.

25 They were supposed to have been robbed that place

1 because Marcelious is jealous, Joley's husband, he told
2 Randy about the situation about the robbery. Now, when
3 he -- Randy, they never did the robbery, so Randy Lewis
4 told Jerome Lewis and Arthur Macklin about it. They went
5 and robbed Robert Cash that night.

6 I never was there. That night that happened, I was
7 at my cousin, Terry Jackson's house, Sabrina's brother in
8 the wheelchair. Randy Lewis came there that next day --
9 well, that same night. He came there that same night,
10 late that night, and told me and my cousin, Terry
11 Jackson -- if he was here, he would verify this, that
12 Randy Lewis came there and told us that the police was at
13 his house. They got the dogs and everything there.

14 He stays the night there, and that next morning, he
15 goes back to his house. He comes back and tells us that
16 the police then tore his house apart looking for guns and
17 looking for bullets and looking for everything. He came
18 back and told us what all was missing out of his house.

19 He tells me then about they done got the shoes; that
20 they had got the wrong shoes. They got the wrong --
21 Jerome, it's Rome. I call him Rome. They came him
22 Sticky. They got the shoes out of the front room. He
23 said that was Rome's room because Rome be wearing [sic]
24 those shoes. He was wearing those shoes on different
25 things he goes onto and stuff like that, on different

1 robberies and stuff. So he -- Randy say [sic] they
2 probably done took that in for evidence to see what -- to
3 see what is what.

4 Now, when I go through my motion of discovery, Your
5 Honor, I find out, they charged me with possession of a
6 .40-Caliber pistol the day I turned myself in.

7 My fingerprints is not even on the .40-Caliber, but
8 I'm supposed to be the killer. I supposed to be the
9 killer, but I find out my fingerprints is not even on this
10 murder weapon.

11 Then I'm sitting back telling Justin Dill the whole
12 truth and nothing but the truth, but I'm still supposed to
13 be the killer. Now, I was wrong for going in there. Yes,
14 I was wrong for going in there.

15 I should have went to the police and told them about
16 these Jamaicans and all of this situation. The only
17 reason why I didn't go because Valerie and the Jamaicans
18 told me that they got the police working for them. "If
19 you go to the police, we are going to know, and you --
20 we're going to kill you and your mother and your little
21 sister."

22 My little sister was ten years old then, Your Honor.
23 I feared for my sister's life, my mother's life, and my
24 life. I'm scared. I'm 23 years old. I don't know what
25 to do. I don't know who to turn to.

1 Jerome Lewis, them are way older than me. I can't
2 say he -- he put a gun to my head and made me go in the
3 house. He didn't put a gun to my head and made me go in
4 the house, but he pointed a gun at me a couple of times
5 when I was in that house when I was trying to stop him
6 from killing Crystal Shepherd because she was crying so
7 much, not going, getting the kids and doing this, doing
8 that. I'm trying to stop him from hurting her.

9 He is forcing them out of the house and all of this,
10 a bunch of foolishness, but I supposed to be [sic] the bad
11 guy. I have a heart. I have a heart, Your Honor. I have
12 a little sister. I wouldn't want nobody to put no gun to
13 my little sister's head, put no gun to my mother's head
14 and force them around the house and make them do what they
15 want them to do and threaten to kill them and blow their
16 brains out.

17 I wouldn't want nobody to do that to my family, so
18 why should I just sit back and just let this man blow her
19 brains out instead of talking to him and try to save her
20 life? Do you get what I'm trying to say, Your Honor?

21 But I'm supposed to be the bad guy. I'm supposed to
22 be the bad guy, but my codefendants, they're not sitting
23 back telling everybody the truth. I tried to talk to
24 Brett Perry and to law enforcement.

25 They say they already had the story, but you was

1 supposed to get my side of the story. I wanted to take
2 the 30-year plea day for day because I know I went in that
3 house. I wanted to take a plea, 30 years day for day, to
4 wrap everything up, to live -- to learn from my mistake
5 and come on home to my family. At least I -- at least I
6 can see my little sister again. At least I can see my
7 little sister again, Your Honor.

8 But now, it's all up to you and God. I just pray
9 that the Lord, Heavenly Father, tenders, tenders the
10 family's heart, my family's heart, your family's heart,
11 all the -- the Court's, everybody's heart, to please give
12 me another chance. I've learned my lesson.

13 This right here really taught me a valuable lesson.
14 Watch who you be around. Watch different females, who you
15 be with. Everybody who you think you can trust, you can't
16 trust. The only person you can trust is God. That's the
17 only person you can trust.

18 Every night I get on my knees and I pray. Every
19 night, I get on my knees, and I pray, Your Honor, to
20 forgive me for my sin and what has happened to that man,
21 Michael Hayes. I pray every night, Your Honor.

22 Now, my little cousin, Mill Mill (phonetic), her son,
23 that's Michael Hayes' son. He is not even mad at me
24 because my little cousin know [sic] I'm not the killer. I
25 tried to call my family and tell him that I apologize for

1 what happened, but see, he's too young. He doesn't really
2 understand about the whole situation.

3 He doesn't really understand about the whole
4 situation, but I still got to look at my little cousin's
5 face and explain to him what happened and what tookspired
6 [sic] because one day, he want to know what happened to
7 his father and why his own cousin was involved into that
8 situation.

9 He wants to know it. He is going to wants [sic] to
10 know this, so I got to man up and tell him the truth, just
11 like I'm telling the family and I'm telling the courts the
12 truth, that what really happened and what really was the
13 whole situation about.

14 I can -- I put my right hand on the Bible, but
15 everything up here I'm saying is the truth, but my
16 codefendants, they're lying. They're not telling the law
17 enforcement about the Jamaicans and the big cartel and
18 everything. They're leaving everything out.

19 Jerome Lewis ain't telling about how he put that gun
20 to that woman's head right there and forced her and
21 threatened to blow her brains out. He is not telling all
22 of this, but everybody done put the finger on me.

23 I'm in the county jail. They're telling me that
24 they're going to kill me when I go to prison with them.
25 Other codefendants with them on other cases, Randy Lewis

1 talked to them because you can have -- they have cell
2 phones in prison. Inmates have cell phones in prison.

3 Randy Lewis told me about my other codefendants that
4 they said they're going to kill me when I go to prison.
5 They want me to take the wrap, the Jamaican Kemo, he
6 wanted me to take the wrap for Jerome Lewis because Jerome
7 Lewis is putting in all of the work trying to help them
8 come up with the money.

9 I'm not going to take the wrap for a man who I didn't
10 kill. God, God Almighty know [sic] I didn't kill this
11 man. I was there. Yes, I was there, but I wasn't the one
12 that pulled that trigger.

13 Jerome Lewis pulled that trigger, but it's me against
14 the world. It's me against my codefendants. My own
15 cousin, Curtis Drakeford, knows that's a lie. How is you
16 [sic] going to sit back and say I told you I killed this
17 man, but I'm in front of y'all telling y'all the truth.

18 Why Curtis Drakeford ain't told them about the
19 Jamaicans, how I used to ask him, "Cuz, let me borrow some
20 money so I can help pay this off" and do this and do that
21 to try to clear myself.

22 He even tried to help me come up with the money, but
23 he couldn't do but so much as -- the little job he had,
24 and the little money I had, we got -- he tried to help me
25 but he couldn't help me.

1 Now, when I was in the county jail talking to my
2 lawyer -- my lawyer verified this. We were sitting down
3 going over the video clippings of what everybody was
4 saying.

5 He comes to the door, and I tells him, "Man, how is
6 you going to do me like this? Why is you lying. Is you
7 scared of Jerome Lewis?"

8 He said no, he ain't scared of Jerome Lewis. I said,
9 "Well, why is you trying to cover up for him?"

10 Now, Randy Lewis, Mike Lewis and all of them --
11 Jerome Lewis is their cousin. Why sure, they don't want
12 their cousin to do prison. They want to cover up for
13 their own cousin. They want to cover up for their cousin.

14 Brother Lewis is Jerome Lewis' own grandfather. I
15 wish he was here. He even told me on the phone, he said,
16 "I know you're not the killer." He knows his grandson.

17 Jerome Lewis is a robber. Jerome Lewis got a record.
18 Jerome Lewis is a known drug dealer. I'm not no known
19 drug dealer. I'm not no drug dealer. I work. Plenty of
20 people will tell you I work. I'm not a drug dealer. I'm
21 not a bad guy. Yes, I made mistakes, and I pray that God
22 Almighty forgives me for those mistakes I made, but I
23 don't have to be in prison for the rest of my life for
24 them, for those mistakes. I can at least be forgiven.

25 I pray that y'all will please forgive me and give me

1 another chance. I wanted to take the 30 years day for
2 day. I -- honestly, I did want to take it, but I felt it
3 wasn't right that I take 30 years day for day, day for
4 day, 30 years day for day. I know I'm coming home one
5 day.

6 I pray to God that my mother, that she will still be
7 living. I know my little sister, she might be still
8 living because she would have been 40 years old when I
9 come home. My mother might be 80. I'll be 53 years old
10 when I come home if I had to take 30 years day for day
11 when Mr. Brent [sic] Perry right there, Mr. Brent Perry
12 wanted to wrap everything up. He wanted to wrap
13 everything up for 30 years day for day. I wanted to do
14 that, but I said, "Let me tell you my side of the story.
15 It's not right for me to take 30 years day for day, but
16 Jerome Lewis and the rest of these guys, they're telling
17 you a bunch of lies, and they're getting lesser time than
18 me. They're getting 20 years. I got to do 30 years day
19 for day. I'm willing to take 30 years day for day for my
20 wrongdoing, but Jerome Lewis and them gets 20 years, and
21 Jerome Lewis was the man who shot and killed this woman's
22 child, this woman's husband? He put a gun to her head and
23 forced her and her baby out of the house, and I'm trying
24 to stop him. And he gets lesser time? Instead of all my
25 codefendants getting 30 years day for day because all of

1 us was wrong, but everybody gets lesser time than me? I
2 got to take the wrap? The Jamaican telling me I got to
3 take the wrap for Jerome Lewis because he is putting in
4 all of the work?"

5 I told Justin Dill about this. I don't know why he
6 ain't sitting back there standing up and just told the
7 whole truth and let you see the video clipping when I was
8 in the interrogation room about what -- about what was
9 said about the whole situation.

10 I don't know why he didn't stand up, and he just said
11 about the whole situation to get it all on record, but I'm
12 going to stand up here and I'm going to tell the truth on
13 record.

14 I'm not going to lie to you, Your Honor, because when
15 you come into court, you swear your right hand to God, and
16 God is my Lord and Savior, Jesus Christ. I'm not going to
17 sit here and lie. I'm going to tell you the truth.

18 Honest to God, I'm very sad, and I'm sorry about that
19 man's life getting taken. I was young. I was caught up
20 with the wrong people at the wrong time and a bunch of
21 foolishness and a bunch of foolishness that never should
22 have happened.

23 I was scared. I didn't even want to go in the house.
24 The only reason why I went in the house, because this man
25 was going to call my fiancée and tell her and them

1 Jamaicans that I'm not trying to help come up with the
2 money, because I'm not trying to help come up with all of
3 that money. Where am I going to get 20-some-thousand
4 dollars from? Where am I going to get that in one week?

5 And that was the first robbery I've been on. Honest
6 to God, that was the first robbery I've been on. They had
7 all of that week that robbing spree. That was the first
8 robbery I'd been on.

9 They ain't telling about Arthur Macklin and them when
10 they robbed the Mexicans, when they went in the house and
11 they broke in the Mexican's house and they robbed them,
12 tied them up and do all of this. They're not telling
13 everybody the truth.

14 I'm willing to sit down and tell law enforcement the
15 truth about the whole situation what's going on, but my
16 codefendants, they're leaving out bits and pieces.
17 They're trying to cover theirselves [sic].

18 I'm not trying to cover nobody. I'm trying to tell
19 the truth. Because like -- just like everybody says, "God
20 knows the truth will set you free." I'm not going to sit
21 back and lie no more, but it's not right for me to have to
22 take the blame for a murder, for shooting a person, when I
23 didn't even pull the trigger, when I didn't even have a
24 gun.

25 I'm trying to stop this man from killing these

1 people, but I don't have a gun. I supposed to have a gun
2 and supposed to kill these people, everybody pointing the
3 finger at me talking about I'm the killer. I'm not no
4 killer, Your Honor. My right hand to God, I'm not no
5 killer. I'm not a cold-blooded killer. I'm not a robber.
6 I'm not a drug dealer, but everybody is trying to point
7 the finger at me and make me look bad, but I'm the only
8 first one to took the plea because I know if I go to trial
9 what's going to happen. Everybody going to get up there
10 and lie. Everybody is going to lie.

11 Brian Evans, I thought I could trust him. Brian
12 Evans done told me that Jerome Lewis said that he got a
13 cold case; that he did this; that he did that thinking you
14 -- they was going to come to testify and tell the truth.

15 Nobody wants to tell the truth. Everybody wants to
16 turn the stories around and said I said this and I said
17 that, but I already done told them the truth. I put
18 myself at the crime scene, told them the truth.

19 I'm not leaving out nothing. I'm letting them know
20 about the drug cartel and everything. I'm letting them
21 know about the night I went to the restaurant, and they
22 told me I had one week when the Jamaican pulled the gun
23 out, put it to my head and told me I got one week.

24 I'm begging for my life, but I supposed [sic] to be
25 the killer. I supposed to be the big time drug dealer

1 when I'm not none of this. I'm only 23 years old.

2 All of my codefendants are older than me. All of my
3 codefendants are older than me, so the youngest one, 23
4 years old and you got a man 30-something years old. You
5 got other codefendants, 26, 28, 29, but you got a
6 23-year-old young man. He is supposed to be the killer?
7 He is supposed to pull the man to the back room and put a
8 gun to his head and shoot him up?

9 This 23-year-old man is supposed to grab this
10 innocent woman and put a gun to her head and force her and
11 tell her, "Get the keys or else?" This 23-year-old young
12 man? But I supposed [sic] to be the killer. I'm not no
13 killer, and I'm telling the family I'm not no killer.
14 Honestly, I'm not no killer.

15 Please forgive me. Please forgive me. Every night I
16 wake up. I have nightmares about that incident. The rest
17 of them codefendants, they don't -- they don't care. They
18 don't have no sympathy.

19 When the day I came in here to take the plea, I
20 wanted to talk to the family, but I wasn't allowed to talk
21 to the family, but now, I'm in here begging for your
22 sympathy, begging for your forgiveness.

23 Where is the mother to Michael Hayes?

24 MS. McDUFFIE: Your Honor, we ask that he direct his
25 comments to the Court.

1 THE COURT: You need to talk to me.

2 THE DEFENDANT: Sorry, Your Honor.

3 Forgive me. Please forgive me.

4 THE COURT: All right.

5 THE DEFENDANT: Please show mercy upon my soul.

6 THE COURT: All right. Raise your right hand.

7 FRANK SINGLETON, after being duly
8 sworn, testified as follows:

9 THE COURT: Do you admit or do you deny that you
10 actively participated in the murder of Michael Hayes?

11 THE DEFENDANT: I was there.

12 THE COURT: Do you admit or do you deny that you
13 actively participated in the murder of Michael Hayes?

14 THE DEFENDANT: Yes, I participated.

15 THE COURT: Do you admit or do you deny that you
16 actively participated in the burglary first degree that
17 occurred in Kershaw County on or about May 16th, 2011?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you admit or do you deny that you
20 participated in an armed robbery on or about May 16th
21 of 2011 involving Michael Hayes?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And do you admit or do you deny that you
24 actively participated in the kidnapping of Crystal
25 Shepherd and a five year old -- a five-day-old child in

1 Kershaw County on or about May 16th of 2011?

2 (Pause.)

3 THE DEFENDANT: I didn't force them.

4 (Pause.)

5 I plead to the hand of one, hand of all, Your Honor.

6 THE COURT: Do you admit or do you deny that you
7 actively participated in the kidnapping of Crystal
8 Shepherd and a five-day-old child?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And by saying, "Yes, sir," are you
11 agreeing with me that you admit -- are you agreeing that
12 you admit to actively participating in those crimes?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right.

15 Anything further, Mr. Strickler?

16 MR. STRICKLER: I have a few things, Your Honor.

17 THE COURT: Okay. I'll be happy to hear from you.

18 MR. STRICKLER: First of all, sir, lest it be lost, I
19 have to convey sincere apologies to the family of Mr.
20 Hayes. No one deserves to have that happen to them.

21 Similarly, no one wants to see their loved one spend
22 the rest of their life in prison, so while it's trite, it
23 is true that the tragedy encompasses everyone in the
24 courtroom.

25 What I'd like to bring to the court -- or just to

1 summarize for the Court is that Jerome Lewis, who my
2 understanding is a Blood, is the main problem here as far
3 as Mr. Singleton proceeding earlier in disposing of this
4 case. He is substantially older than Frank, and as you've
5 heard, it was a motivating factor in this as far as Frank
6 is concerned.

7 The story about Jamaicans, one could discount, though
8 that was something that Mr. Kirincich had information
9 about independent of this case, part of what they talked
10 with the police about earlier this week, and surprisingly,
11 we heard from Mr. Drakeford regarding exactly that.

12 So perhaps you make this part of that. What you have
13 heard is Frank saying that he participated in the hand of
14 one, hand of all, accomplice liability and perhaps he
15 acted under duress. So duress in this particular
16 situation doesn't get him any help in this situation.

17 I -- I would say to you additionally that as far as
18 the facts in the case -- the links to Mr. Singleton as the
19 person who fired a gun in this case come from the
20 codefendants.

21 The forensic evidence doesn't say one way or the
22 other. It certainly says a weapon was fired. Which
23 weapon it was, his hand involved in it comes from the
24 testimony of the codefendants.

25 I would also submit that Frank has taken the first

1 step to rehabilitation which is admitting to his
2 involvement in this matter and goes back to what
3 Mr. Kirincich said earlier.

4 So I would join the requests of others before you
5 asking for your mercy in this matter purely as an act of
6 mercy. I would also just bring to the Court's attention,
7 I submit that there should be no sentence imposed on the
8 counts of kidnapping in this matter just as a matter of
9 law.

10 THE COURT: Now, say that last line again.

11 MR. STRICKLER: The Court should impose no sentence
12 as to the two counts of kidnapping. The plea is entered.
13 No sentence should be imposed.

14 In that regard, I just refer to 16-3-910, the
15 kidnapping statute which says that the penalty must be
16 imprisonment for a period not to exceed 30 years, unless
17 the sentence for murder as provided in 16-3-20, he is
18 being sentenced today for murder as provided in 16-3-20.
19 There is a huge body of case law to the effect that no
20 sentence is imposed for kidnapping under those
21 circumstances.

22 I'd cite Owens v. State, 503 S.E.2d, 6--- 462, a '98
23 case and just read it briefly, Your Honor. "The Court has
24 summarily vacated life sentences for kidnapping when the
25 defendant received a concurrent sentence under the murder

1 statute." It then goes on to cite about a dozen cases in
2 that regard. This took place -- this case took place
3 after the sentence was changed from a life sentence to 30
4 years maximum.

5 The Court also notes, "Effective June 5th, '90/'91,
6 the penalty for kidnapping was reduced to a maximum period
7 of 30 years imprisonment. The prohibition against
8 concurrent sentences for murder and kidnapping was
9 retained."

10 So to my knowledge, there is no case law which
11 authorizes this court to impose a sentence for kidnapping
12 when it is imposed -- it is concurrent to a sentence
13 imposed for a murder.

14 THE COURT: Well, wouldn't that be if the victims
15 were the same?

16 MR. STRICKLER: Well...

17 THE COURT: I mean, if the kidnapping charge was on
18 Mr. Hayes --

19 MR. STRICKLER: I understand, Your Honor.

20 THE COURT: -- that's one thing, but the kidnapping
21 charge is on Ms. Shepherd and the child. So I guess --
22 now I'm not reading the statute as you're sitting here
23 quoting it to me -- and I'm not saying that you're quoting
24 it wrong but --

25 MR. STRICKLER: Yes, sir. That's the very thought I

1 was going over in my mind as I drove over here this
2 morning. I'm unaware of any cases that directly address
3 that. I could be wrong. I'm not aware of any cases that
4 address it.

5 THE COURT: Well, under statutory construction, the
6 kidnapping offenses would both be separate offenses,
7 separate and distinct from the murder charge upon Mr.
8 Hayes because they involve different victims. Therefore,
9 they involve different elements. Therefore, they are --
10 actually, the kidnappings in and of themselves are
11 separate and distinct from each other because of the
12 different victims within.

13 So what you're telling me is that there's no case law
14 on point on that in this state?

15 MR. STRICKLER: Not that I'm aware of, Your Honor.

16 THE COURT: Okay.

17 MR. STRICKLER: It was --

18 THE COURT: In the case that you quoted me, was the
19 murder victim and the kidnapping victim --

20 MR. STRICKLER: Yes, sir.

21 THE COURT: -- the same person?

22 MR. STRICKLER: Yes, sir.

23 THE COURT: Okay.

24 MR. STRICKLER: The issue before the Court was
25 petitioner -- and that's the case. That situation was one

1 in the same person as far as both the murder and the
2 kidnapping.

3 The issue, as the Court frames it, he contends the
4 kidnapping statute prohibits concurrent life sentences
5 where a defendant is also convicted of a murder which
6 occurs during the commission of the kidnapping. We agree,
7 okay.

8 The statute, I don't know what it says, so I'm just
9 putting that on the record at this point in time.

10 THE COURT: Thank you.

11 MR. STRICKLER: And I can make it bad law later on.

12 THE COURT: Thank you.

13 What else, Mr. Strickler?

14 MR. STRICKLER: Nothing; no, sir.

15 THE COURT: Okay.

16 Do you want to respond to that, Ms. Campbell?

17 MS. CAMPBELL: Your Honor, if I could just respond to
18 some of the assertions made by Mr. Singleton during his
19 account of things.

20 At the time that he was arrested, he did give a
21 statement to police which we were not intending to offer
22 in our case in chief, however, we would have used for
23 impeachment should Mr. Singleton have testified.

24 At that point, Your Honor, it's my understanding in
25 that statement that he blamed not the Jamaicans but the

1 Bloods. He indicated that he was a Crip and that the
2 Bloods were the ones that were around him.

3 In that same statement, he also did his best to
4 distance himself from his own nickname of May May
5 (phonetic) because that was how he was referred to by the
6 codefendants in that case.

7 So at that point -- the first time we've ever heard
8 anything about any Jamaicans was Monday of this week,
9 three years later.

10 He also indicated that he is the youngest one, and he
11 didn't know any better. He is the one that actually
12 recruited his own cousin, Mr. Drakeford, who was the
13 youngest one. He is younger than this young man by two
14 years.

15 Also Mr. Drakeford, who had his allegiance -- he just
16 met Mr. Lewis, I believe right around the time of this
17 robbery. His allegiance would be to his cousin. However,
18 Mr. Drakeford in his statements to us indicated that the
19 defendant admitted to him he was the shooter.

20 So any allegiance or any bias or prejudice would be
21 there for Mr. Drakeford, it would be there towards, for
22 this defendant.

23 In his version, Your Honor -- and I double checked
24 with the victim in this case with the surviving victim,
25 Ms. Shepherd. His version of how he was the victim in

1 this case, how he was just made to do this, how the gun
2 was put to his head, how he was begging for this victim's
3 life is totally contradicted by any testimony she would
4 have given. It simply did not happen that way.

5 Your Honor, we would submit she would be more
6 credible. The other thing I would point out, Your Honor,
7 is that during the course of this, he did recruit his
8 friend, Mr. Jones, to get him to lie for him.

9 Your Honor, as far as -- I would just note that the
10 shoes were recovered from both Mr. Lewis and I believe
11 Mr. Macklin, as well as this defendant. The .40-Caliber
12 gun that was used in this case was recovered with his
13 shoes which would have matched the shoe print that was on
14 the front door. They kicked in that door. That's all we
15 have.

16 THE COURT: What's your position on this kidnapping
17 thing?

18 MS. CAMPBELL: Your Honor, we agree with your
19 assessment. I would -- I understand what Mr. Strickler
20 was talking about as far as if it's the same victim.
21 However, Your Honor, these are distinct offenses. It's a
22 separate crime with separate victims.

23 There is no similarity, because I believe if you look
24 at the reasoning in those cases, it's because it's the
25 same set of events on this person.

1 If you would give me a few minutes, Your Honor, I'll
2 be glad to -- I would be glad to have Ms. McDuffie look
3 into it.

4 THE DEFENDANT: I'll tell you something else.

5 (Pause.)

6 (Conferring with attorneys.)

7 (There was no response).

8 THE COURT: I just wanted to make sure the footnote
9 is correct.

10 All right. While she is pulling that up, let me say
11 this. This hearing is about to adjourn. We're not going
12 to take a break. We've been going now for a significant
13 period of time, and I'm sure the court reporter is past
14 her breaking point of doing things to the best of her
15 ability.

16 I'm about to render a sentence in this case, and if
17 you cannot control yourself when I do this, then now is
18 your free pass to exit the courtroom now.

19 I'm saying that very seriously. I understand people
20 are emotional. I understand that people are upset
21 regardless of which side of this courtroom that you sit
22 on, but this court will not tolerate anything beyond
23 crying.

24 This is a very sad day. This is a sad day regardless
25 of which side of this courtroom that you sit on. So if

1 you cannot control yourself -- and I mean this
2 seriously -- you need to exit the courtroom now. Somebody
3 can tell you what happened, but if there's going to be
4 anything beyond people crying, you need to leave now.

5 If you do not, you will be spending the rest of the
6 day, at least, at the Kershaw County Detention Center.

7 (There was no response.)

8 Okay. First thing, first and foremost, the sentences
9 in all of these cases is going to be concurrent.
10 Secondly, the sentences in all these cases, Mr. Singleton,
11 is going to be given credit for his time served.

12 Do you have a calculation on that, Mr. Kirincich?

13 MR. KIRINCICH: No, Your Honor. We can run it from
14 May 17th, 2011. That would be accurate.

15 THE COURT: Okay. Is that the date that he was
16 arrested?

17 MS. McDUFFIE: It was, Your Honor.

18 THE COURT: Okay. So I'm going to put on here
19 May 17th, 2011 for the purposes of that calculation. And
20 last, before I render sentence, Mr. Singleton, you are not
21 allowed to have any contact with any of the members of
22 Mr. Hayes' family.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: One thing I will tell you, Mr. Singleton,
25 that I did not advise you on Monday, but I do need to

1 advise you at this point that if you wish to appeal the
2 plea and sentence of this Court, that you have ten days
3 from today to do so. Do you understand that right?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: If you choose to file an appeal in this
6 case, it must be filed with this Court directly. Do you
7 understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: The sentencing on the kidnapping, both
10 counts, the armed robbery, and the burglary in the first
11 degree is all of the sentences -- that Mr. Singleton be
12 committed to the State Department of Corrections for a
13 determinate term of 30 years.

14 On the murder charge, the sentence of the State of
15 South Carolina vs. Frank Terrance Singleton, III, the
16 sentence of this Court is that you be committed to the
17 State Department of Corrections for a period of 50 years.
18 They're all to be run concurrent, credit for time served.
19 Good luck to you.

20 Court is in recess.

21 (Whereupon, the proceedings were concluded.)
22
23
24
25

COUNTY OF Kershaw VS. Frank Terrance Singleton III

INDICTMENT/CASE#: 2013-GS-28-0251
A/W#: M099331
Date of Offense: 5/16/2011
S.C. Code §: 16-03-0010
CDR Code #: 0116

SENTENCE SHEET

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

CONVICTED OF or PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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: Perry, Brett SC Bar# 77003 Defendant
Attorney for Defendant SC Bar# 76892

WHEREFORE, the Defendant is committed to State Department of Corrections, County Detention Center,
for a determinate term of 50 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. May 17, 2011
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Recipient:

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(I) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

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:

NO contact w/ victim family

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: James M. ...
Court Reporter: Kara ...
SCCA/217 (03/2011)

Presiding Judge: Pettwood
Judge Code: 2164
Sentence Date: 3/10/14
SENTENCING 3-12-2014

STATE OF SOUTH CAROLINA)
 COUNTY OF KERSHAW)

INDICTMENT

At a Court of General Sessions, convened on MAY 15, 2013, the
 Grand Jurors of Kershaw County present upon their oath:

MURDER

That Frank Terrance Singleton III did in Kershaw County, on or about May
 16, 2011, willfully, feloniously, and intentionally kill the victim, MICHAEL
 HAYES, with malice aforethought, either express or implied, by means of
 gunshot wound, and the victim did die as a proximate result thereof all in
 violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended

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


 DAN JOHNSON, SOLICITOR

66

WITNESSES

**(S) Christopher Phillips – Kershaw
County Sheriff**

ARREST WARRANT NUMBER

M099331

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: **FEB 26 2014**

VERDICT

Foreperson of Petit Jury
Date:

Amended

DOCKET NO. 2013-GS-28-0251

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

MAY TERM 2013

K96

THE STATE

vs.

Frank Terrance Singleton III

AMENDED

**Indictment for
MURDER**

SC Code: 16-03-0010

CDR Code: 0116

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
2014 FEB 26 AM 10:27
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

100
 STATE OF SOUTH CAROLINA)
 COUNTY OF Kershaw)
 STATE VS.)
 Frank Terrance Singleton III)
 AKA:)
 Race: BLACK Sex: M Age: 26)
 DOB: [REDACTED] SS#: [REDACTED])
 Address: [REDACTED])
 City, State, Zip: Camden, SC 290200000)
 DL#: [REDACTED] SID#: [REDACTED])

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-28-0253
 A/W#: M099333
 Date of Offense: 5/16/2011
 S.C. Code §: 16-11-0330(A)
 CDR Code #: 0139

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

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

ATTEST: Janna McNeill 77063 Frank T. Singleton III 76892
 Perry, Brett SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 30 ~~days~~ months 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. May 17, 2011
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

| | | |
|--|---------|------------------|
| *Fine: | | \$ |
| § 14-1-206 (Assessments 107.5 %) | | \$ |
| § 14-1-211(A)(1) (Conv. Surcharge) | \$100 | \$ <u>100.00</u> |
| § 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 | \$ <u>25.00</u> |
| § 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 (SCCJA Surcharge) | \$5 | \$ <u>5.00</u> |
| 3% to County (if paid in installments) | | \$ <u>3.90</u> |
| TOTAL | | \$ <u>133.90</u> |

— 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: —
No Contact w/ Victims
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Jenna M. Donald
 Court Reporter: Laura Ambrose
 SCCA/217 (03/2011)

Presiding Judge: Pet Hood
 Judge Code: 2164
 Sentence Date: 3/10/14
 SENTENCED 3/12/2014

STATE OF SOUTH CAROLINA)
 COUNTY OF KERSHAW)

INDICTMENT

At a Court of General Sessions, convened on MAY 15, 2013, the
 Grand Jurors of Kershaw County present upon their oath:

ARMED ROBBERY

That Frank Terrance Singleton III did in Kershaw County on or about May 16, 2011, commit robbery by feloniously taking from the person or presence of MICHAEL HAYES, by means of force or intimidation, goods or monies of MICHAEL HAYES, such goods or monies being described as US Currency and/or safe and/or contents of safe, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of §16-11-330(A), SC 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.


 DAN JOHNSON, SOLICITOR

WITNESSES

(S) Christopher Phillips – Kershaw
County Sheriff

ARREST WARRANT NUMBER

M099333

**ACTION OF GRAND JURY
TRUE BILL**

Foreperson of Grand Jury
Date:

FEB 26 2014

VERDICT

Foreperson of Petit Jury
Date:

AMENDED

DOCKET NO. 2013-GS-28-0253

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

MAY TERM 2013

K96

**THE STATE
vs.**

Frank Terrance Singleton III

AMENDED

**Indictment for
ARMED ROBBERY**

SC Code: 16-11-0330(A)

CDR Code: 0139

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
2014 FEB 26 AM 10: 27
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)

INDICTMENT

At a Court of General Sessions, convened on MAY 15, 2013, the Grand Jurors of Kershaw County present upon their oath:

BURGLARY, 1ST DEGREE

That Frank Terrance Singleton III did in Kershaw County on or about May 16, 2011, enter the dwelling of MICHAEL HAYES located at [REDACTED], without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, the defendant was armed with a deadly weapon and/or entry or remaining occurred during the hours of darkness and/or caused injury to a nonparticipant in the crime and/or uses or threatens the use of a dangerous instrument and/or displays what is or appears to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm, all in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

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



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Christopher Phillips – Kershaw
County Sheriff

ARREST WARRANT NUMBER

M099334

**ACTION OF GRAND JURY
TRUE BILL**

Foreperson of Grand Jury

Date:

FEB 26 2014

VERDICT

Foreperson of Petit Jury

Date:

Amended

DOCKET NO. 2013-GS-28-0254

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

MAY TERM 2013

K96

THE STATE

vs.

Frank Terrance Singleton III

AMENDED

**Indictment for
BURGLARY 1ST DEGREE**

SC Code: 16-11-0311

CDR Code: 0079

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD

2014 FEB 26 AM 10: 27

JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

COUNTY OF Kershaw
STATE VS.
Frank Terrance Singleton III

INDICTMENT/CASE#: 2013-GS-28-0255
A/W#: M099335
Date of Offense: 5/16/2011
S.C Code § : 16-03-0910
CDR Code #: 0095

AKA:
Race: BLACK Sex: M Age: 26
DOB: SS#:
Address:
City, State, Zip: Camden, SC 290200000
DL#: SID#:

SENTENCE SHEET

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

CONVICTED OF or PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
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:
Brett SC Bar#
Frank T. Singleton Defendant
Attorney for Defendant
SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on:
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. May 17, 2011
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to, S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Recipient:

Table with 2 columns: Description and Amount. 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 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$133.90

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:

NO CONTACT w/ Victim

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk:
Court Reporter:
SCCA/217 (03/2011)

Presiding Judge:
Judge Code:
Sentence Date:
SENTENCING 3/12/2014

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

AMENDED
INDICTMENT

At a Court of General Sessions, convened on MAY 15, 2013, the
Grand Jurors of Kershaw County present upon their oath:

KIDNAPPING

That Frank Terrance Singleton III did in Kershaw County on or about May 16, 2011, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one CRYSTAL SHEPPARD, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended

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


DAN JOHNSON, SOLICITOR

107

WITNESSES

(S) Christopher Phillips – Kershaw
County Sheriff

ARREST WARRANT NUMBER

M099335

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

JUN 19 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-28-0255

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

MAY TERM 2013

K96

THE STATE

vs.

Frank Terrance Singleton III

AMENDED

Indictment for
KIDNAPPING

SC Code: 16-03-0910

CDR Code: 0095

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
2013 JUN 19 PM 12: 13
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

108 OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Kershaw VS. STATE

Frank Terrance Singleton III

INDICTMENT/CASE#: 2013-GS-28-0256

A/W#: M099336

Date of Offense: 5/16/2011

S.C. Code § : 16-03-0910

CDR Code #: 0095

AKA:

Race: BLACK Sex: M Age: 26

DOB: SS#:

Address:

City, State, Zip: Camden, SC 290200000

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Kidnapping / Kidnapping

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury (defendant's initials)

The plea is Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Joanna M. ... SC Bar# 77603 Frank T. Singleton III SC Bar# 76892

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 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. May 17, 2011

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP 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:

Recipient:

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 (SCJA Surcharge) \$5, 3% to County (if paid in installments) \$390, TOTAL \$133.90

NO CONTACT WITH VICTIM

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

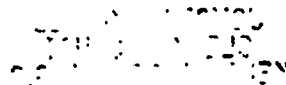
Clerk of Court/ Deputy Clerk Court Reporter: SCCA/217 (03/2011)

Presiding Judge Judge Code: 2164 Sentence Date: 3/10/14

SENTENCING 3/12/2014

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

**AMENDED
INDICTMENT**



At a Court of General Sessions, convened on MAY 15, 2013, the
Grand Jurors of Kershaw County present upon their oath:

KIDNAPPING

That Frank Terrance Singleton III did in Kershaw County on or about May
16, 2011, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry
away one MINOR CHILD, (M.S.), without authority of law, in violation of
Section 16-03-0910, S. C. Code of Laws, 1976, as amended

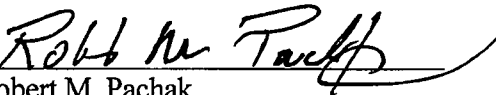
Against the peace and dignity of the State, and contrary to the
statute in such case made and provided.

DAN JOHNSON, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

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

October 17, 2014


Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

WITNESSES

(S) Christopher Phillips – Kershaw
County Sheriff

ARREST WARRANT NUMBER

M099336

ACTION OF GRAND JURY

TRUE BILL

Cathy C. Zobel
Foreperson of Grand Jury
Date: JUN 19 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013-GS-28-0256

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

MAY TERM 2013

K96

THE STATE

vs.

Frank Terrance Singleton III

AMENDED
Indictment for
KIDNAPPING

SC Code: 16-03-0910

CDR Code: 0095

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

Defendant

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

Defendant

Witness:

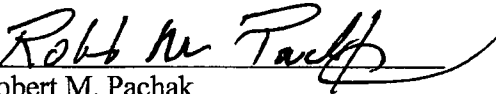
C.C.C. PLS. AND G.S.

FILED FOR RECORD
2013 JUN 19 PM 12:13
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

CERTIFICATE OF COUNSEL FOR APPELLANT

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

October 17, 2014


Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

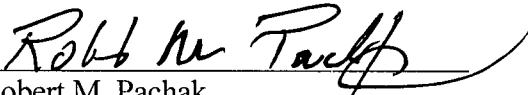
OCT 17 2014

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

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

October 17, 2014


Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

OCT 17 2014

SC Court of Appeals