

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas
Daniel D. Hall, Circuit Court Judge

RECEIVED

FEB 05 2016

Appellate Case No. 2015-001459

S.C. SUPREME COURT

Travell L. Hill, Respondent-Petitioner,

vs

State of South Carolina, Petitioner-Respondent.

SUPPLEMENTAL APPENDIX

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TRANSCRIPT OF RECORD OF TYR DENIESE ROGERS	1
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State of South Carolina

County of Anderson

In the Court of General Sessions

State of South Carolina,

Plaintiff,

-vs-

Tyra Deniese Rodgers,

Defendant.

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2008-GS-23-8043

May 12, 2010

Transcript of Record

B E F O R E:

The Honorable R. Lawton McIntosh, Judge

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

Jennifer Tessitore, Esquire
Assistant Solicitor for Thirteenth Judicial Circuit
Attorney for the State

Dan Fransworth, Esquire
Attorney for the Defendant

Renee H. Tollison
Circuit Court Reporter

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EXHIBITS

No	DESCRIPTION	ID	EV
	<i>No exhibits were presented during the hearing</i>		

1 **MAY 12, 2010**

2 (WHEREUPON, court convened with all parties present,
3 and the following proceedings were had commencing at
4 approximately 2:49 p.m.)

5 MS. TESSATORE: Tyra Rodgers, Zachary Williams,
6 Andrian Canada, Rebecca Bales, Anthony Epps. Ms. Rogers,
7 Mr. Williams, Canada, Bales, and Epps.

8 (Off record discussions)

9 MS. TESSATORE: And, Judge, just to let the
10 Court know, Anthony Epps who is at the end there with
11 Hoskinson, the recommendation in that case is a time
12 served recommendation. And I think the Defense is in
13 agreement. So we just wanted to let you know in case
14 there is a reason to handle that one first or ...

15 MR. HOSKINSON: I think it's DUI first and a
16 child endangerment.

17 THE COURT: Yes, I think somebody discussed
18 that with me earlier. But go ahead. And I don't see any
19 reason to do it any different than we always do.

20 THE CLERK: Okay. Just go in order. Okay.
21 We'll go in order.

22 THE COURT: Let me just say just for the record
23 -- and normally I will not accept a DUI first here in
24 this court, just remand it down to a magistrate's court.
25 But there's a child endangerment on this and a

1 recommendation. So because of those two factors, I
2 agreed in this circumstance to hear it. Otherwise, I
3 just normally don't.

4 MR. HOSKINSON: Okay.

5 THE CLERK: Thank you, Judge. Your Honor, this
6 is indictment 2008-GS-23-8043, Tyra Denise Rodgers,
7 indicted for trafficking cocaine, pleading to possession
8 of cocaine. It is a true bill.

9 Indictment 2009-GS-23-9775, Zachary Idrys Williams,
10 indicted for conspiracy, pleading to the same. It is a
11 waiver. Indictment 2009-GS-23-9776, Zachary Idrys
12 Williams, indicted for possession of controlled
13 substance, pleading to the same. And it's a waiver.

14 Indictment 2008-GS-23-7379, Andy Deshea Canada,
15 indicted for possession of cocaine base, crack cocaine,
16 pleading to the same. It is a true bill. Indictment
17 2009-GS-23-2277, Adrian Canada, indicted for forgery,
18 pleading to the same. It is a true bill. And there's an
19 order of restitution.

20 Indictment 2010-GS-23-0626, Rebecca Kay Bales,
21 indicted for financial transaction card fraud, pleading
22 to ---

23 THE COURT: What was her last name, please?

24 DEFENDANT BALES: Bales.

25 THE COURT: Bales.

1 DEFENDANT BALES: B-A-L-E-S.

2 THE COURT: Thank you.

3 THE CLERK: Pleading to the same. It is a
4 waiver.

5 Indictment 2010-GS-23-3571, Anthony Michael Epps,
6 indicted for driving under the influence, pleading to the
7 same. It is a waiver. Indictment 2010-GS-23-3572,
8 Anthony Epps, indicted for child endangerment, pleading
9 to the same. It is a waiver.

10 THE COURT: Thank you, ma'am.

11 (WHEREUPON, Tyra Deniese Rodgers, Zachary Idrys
12 Williams, Andy Deshae Canada, Rebecca Kay Bales, and
13 Anthony Michael Epps were duly sworn.)

14 THE COURT: You're Tyra Deniese Rodgers?

15 DEFENDANT RODGERS: Yes, sir.

16 THE COURT: Okay. And I need you to speak
17 loud.

18 DEFENDANT RODGERS: Yes, sir.

19 THE COURT: Okay. How old are you?

20 DEFENDANT RODGERS: Twenty-eight.

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

22 DEFENDANT RODGERS: I have my GED.

23 THE COURT: When did you get your GED?

24 DEFENDANT RODGERS: I got my GED 2001.

25 THE COURT: 2001?

1 DEFENDANT RODGERS: Yes.

2 THE COURT: What did you do? Where did you
3 work after you got your GED?

4 DEFENDANT RODGERS: I was working at York's
5 Associates.

6 THE COURT: York's Associates? What do they
7 do?

8 DEFENDANT RODGERS: They're in like relations
9 with ASAP, alcohol and substance abuse place. And I was
10 a receptionist there.

11 THE COURT: Okay. How long did you work there?

12 DEFENDANT RODGERS: I worked there for a couple
13 of months before I got into a bad car accident.

14 THE COURT: Okay. And have you worked since
15 you had your accident?

16 DEFENDANT RODGERS: Yes.

17 THE COURT: Okay. What kind of jobs have you
18 had since then?

19 DEFENDANT RODGERS: A lot of security jobs.
20 Security work.

21 THE COURT: Okay. What's your most recent
22 employment?

23 DEFENDANT RODGERS: Security.

24 THE COURT: Okay. How long have you done that
25 job?

1 DEFENDANT RODGERS: Well, that was back when I
2 was still living in Virginia, and I stopped working that
3 job after I had my last child. So that was back in like
4 October 2008.

5 THE COURT: October 2008?

6 DEFENDANT RODGERS: (Nodded head up and down in
7 the affirmative)

8 THE COURT: Are you married?

9 DEFENDANT RODGERS: Yes.

10 THE COURT: And how long have you been married?

11 DEFENDANT RODGERS: Going on three years.

12 THE COURT: And how many children do you have?

13 DEFENDANT RODGERS: I have two.

14 THE COURT: What are their ages?

15 DEFENDANT RODGERS: One and six.

16 THE COURT: Are they in your household?

17 DEFENDANT RODGERS: Yes, sir.

18 THE COURT: All right. Ms. Rodgers, are you
19 under the influence of any medications, drugs, or alcohol
20 today?

21 DEFENDANT RODGERS: No, sir.

22 THE COURT: Counsel, are you satisfied that Ms.
23 Rodgers is competent to plead guilty?

24 MR. FARNSWORTH: Yes, Your Honor.

25 THE COURT: And you're pleading guilty to

1 possession of cocaine; is that correct?

2 DEFENDANT RODGERS: Yes, sir.

3 THE COURT: Do you understand that despite the
4 fact that there may be a recommendation from the
5 Solicitor's Office that's been able to work out by your
6 attorney, I don't have to accept that?

7 DEFENDANT RODGERS: Yes, sir.

8 THE COURT: And I can sentence you to three
9 years and/or a fine of one thousand dollars. Do you
10 understand?

11 THE DEFENDANT: (Nodded head up and down in the
12 affirmative)

13 THE COURT: Knowing that, do you want to go
14 forward with your guilty plea today?

15 DEFENDANT RODGERS: Yes, sir.

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

17 Mr. Williams?

18 DEFENDANT WILLIAMS: Yes, sir.

19 THE COURT: And, again, I need you to speak
20 such so I can hear you. Speak loud and give us verbal
21 responses.

22 DEFENDANT WILLIAMS: All right.

23 THE COURT: How old are you?

24 DEFENDANT WILLIAMS: Twenty.

25 THE COURT: Twenty?

1 DEFENDANT WILLIAMS: Twenty, sir.

2 THE COURT: Step up. You're going to have to
3 do it so I can hear you. Twenty?

4 DEFENDANT WILLIAMS: Twenty, sir.

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

6 DEFENDANT WILLIAMS: I'm getting enrolled in
7 GED classes.

8 THE COURT: How far did you go before you
9 dropped out?

10 DEFENDANT WILLIAMS: Eleventh.

11 THE COURT: You started getting enrolled in
12 this GED right after you got arrested on these charges?

13 DEFENDANT WILLIAMS: Yes, sir.

14 THE COURT: Have you -- when's the last time
15 you had a formal job?

16 DEFENDANT WILLIAMS: I'm looking for one.
17 It'll be my first.

18 THE COURT: It'll be your first job?

19 DEFENDANT WILLIAMS: Yes, sir.

20 THE COURT: You've never had a formal job
21 before?

22 DEFENDANT WILLIAMS: No, sir.

23 THE COURT: Why is that?

24 DEFENDANT WILLIAMS: Getting in and out of
25 trouble. But I've been doing chores around the house and

1 cutting yards.

2 THE COURT: Are you married?

3 DEFENDANT WILLIAMS: No, sir.

4 THE COURT: Do you have children?

5 DEFENDANT WILLIAMS: No, sir.

6 THE COURT: Are you under the influence of any
7 medications or drugs or alcohol today?

8 DEFENDANT WILLIAMS: No, sir.

9 THE COURT: Counsel, are you satisfied that Mr.
10 Williams is competent to plead?

11 MR. FARNSWORTH: Yes, Your Honor.

12 THE COURT: And you are pleading guilty to
13 possession of a controlled substance and criminal
14 conspiracy; is that correct?

15 DEFENDANT WILLIAMS: Yes, sir.

16 THE COURT: And do you understand under the
17 possession of a controlled substance, I could sentence
18 you to six months? You understand that?

19 DEFENDANT WILLIAMS: Uh-huh (affirmative).

20 THE COURT: Give me verbal responses, please.

21 DEFENDANT WILLIAMS: Yes, sir. Sorry.

22 THE COURT: And do you understand that under
23 conspiracy, I can sentence you to five years? Do you
24 understand that?

25 DEFENDANT WILLIAMS: Yes, sir.

1 THE COURT: So regardless of any deal that's
2 been made, I can sentence you -- I can disregard that and
3 sentence you to five years and six months today. Do you
4 understand that?

5 DEFENDANT WILLIAMS: Yes, sir.

6 THE COURT: Knowing that, do you want to go
7 forward with your guilty plea?

8 DEFENDANT WILLIAMS: Yes, sir.

9 THE COURT: Thank you very much.
10 Mr. Canada?

11 DEFENDANT CANADA: Yes, sir.

12 THE COURT: How old are you?

13 DEFENDANT CANADA: Thirty-three.

14 THE COURT: Thirty-three?

15 DEFENDANT CANADA: (Nodded head up and down in
16 the affirmative)

17 THE COURT: How far did you get in school?

18 DEFENDANT CANADA: Eleventh grade, sir.

19 THE COURT: Do you have a GED?

20 DEFENDANT CANADA: No, sir.

21 THE COURT: Do you have any vocational
22 training?

23 DEFENDANT CANADA: Yes, sir.

24 THE COURT: What kind do you have?

25 DEFENDANT CANADA: I do side plumbing with my

1 uncle.

2 THE COURT: Sir?

3 DEFENDANT CANADA: Side plumbing with my uncle.

4 THE COURT: Site plumbing?

5 DEFENDANT CANADA: Side plumbing.

6 THE COURT: Side plumbing? What is side
7 plumbing?

8 DEFENDANT CANADA: Like doing side jobs with my
9 uncle, plumbing.

10 THE COURT: Okay. Have you had any technical
11 training of any type?

12 DEFENDANT CANADA: As far as?

13 THE COURT: Anything.

14 DEFENDANT CANADA: No, sir.

15 THE COURT: How long have you worked with your
16 uncle?

17 DEFENDANT CANADA: Usually when like side jobs
18 like -- anyway, he works for the county though. But when
19 he needs help doing jobs, I go with him.

20 THE COURT: And does he pay you cash under the
21 table?

22 DEFENDANT CANADA: Yes, sir.

23 THE COURT: Have you ever had a job where you
24 have a paycheck where they withhold taxes and FICA and
25 that kind of thing?

1 DEFENDANT CANADA: Yes, sir.

2 THE COURT: When's the last time you had one of
3 those type jobs?

4 DEFENDANT CANADA: Last year.

5 THE COURT: Last year. Who did you work for?

6 DEFENDANT CANADA: Zaxby's.

7 THE COURT: Zaxby's?

8 DEFENDANT CANADA: (Nodded head up and down in
9 the affirmative)

10 THE COURT: How long did you work there?

11 DEFENDANT CANADA: Almost a year.

12 THE COURT: Okay. Are you married?

13 DEFENDANT CANADA: Yes, sir.

14 THE COURT: How long have you been married?

15 DEFENDANT CANADA: Five years.

16 THE COURT: Do you have children?

17 DEFENDANT CANADA: Yes, sir.

18 THE COURT: How many children do you have?

19 DEFENDANT CANADA: Three.

20 THE COURT: What are their ages?

21 DEFENDANT CANADA: Five, three, and one.

22 THE COURT: Do they live in your household?

23 DEFENDANT CANADA: Yes, sir.

24 THE COURT: Are you under the influence of any
25 medications, drugs, or alcohol today?

1 DEFENDANT CANADA: No, sir.

2 THE COURT: Counsel, are you satisfied that Mr.
3 Canada is competent to plead guilty?

4 MR. FARNSWORTH: Yes, Your Honor.

5 THE COURT: And you're pleading guilty to
6 possession of crack base; is that correct?

7 DEFENDANT CANADA: Yes, sir.

8 THE COURT: And forgery?

9 DEFENDANT CANADA: Yes, sir.

10 THE COURT: Do you understand on the possession
11 of crack base, I can sentence you to three years?

12 DEFENDANT CANADA: Yes, sir.

13 THE COURT: And on the forgery I could sentence
14 you to five years?

15 DEFENDANT CANADA: Yes, sir.

16 THE COURT: So just like everybody standing in
17 front of you, I don't have to accept any recommendations
18 at all. Do you understand that?

19 DEFENDANT CANADA: Yes, sir.

20 THE COURT: That means I could sentence you to
21 eight years in prison today. Do you understand?

22 DEFENDANT CANADA: Yes, sir.

23 THE COURT: Do you want to go forward with your
24 guilty plea?

25 DEFENDANT CANADA: Yes, sir.

1 THE COURT: Thank you, sir.

2 Ms. Bales?

3 DEFENDANT BALES: Yes, sir.

4 THE COURT: How old are you?

5 DEFENDANT BALES: Thirty-five.

6 THE COURT: Thirty-five?

7 DEFENDANT BALES: Yes, sir.

8 THE COURT: How far did you get in school?

9 DEFENDANT BALES: Graduated.

10 THE COURT: High school?

11 DEFENDANT BALES: Yes, sir.

12 THE COURT: Have you worked since you
13 graduated?

14 DEFENDANT BALES: Yes, sir.

15 THE COURT: What kind of work have you done?

16 DEFENDANT BALES: Basically clerical work.
17 Like at -- working at gas stations.

18 THE COURT: When's the last time you had a job
19 where they withheld taxes and FICA and the standard stuff
20 that everybody else have taken from your check.

21 DEFENDANT BALES: Last year.

22 THE COURT: Last year?

23 DEFENDANT BALES: Yes, sir.

24 THE COURT: Where did you work?

25 DEFENDANT BALES: Columbia Farms in West

1 Columbia.

2 THE COURT: Columbia Farms. That's the chicken
3 place we hear about? How long did you work there?

4 DEFENDANT BALES: Almost a year.

5 THE COURT: Almost a year?

6 DEFENDANT BALES: Yes, sir.

7 THE COURT: Now, Ms. Bales, are you married?

8 DEFENDANT BALES: Divorced.

9 THE COURT: Do you have any children?

10 DEFENDANT BALES: Two.

11 THE COURT: What are their ages?

12 DEFENDANT BALES: Twelve and fourteen.

13 THE COURT: Where do they reside?

14 DEFENDANT BALES: They're with their dad right
15 now.

16 THE COURT: They're with their dad? Before you
17 went to prison, did they reside with their father, or did
18 they reside with you?

19 DEFENDANT BALES: With me.

20 THE COURT: Okay. Are you under the influence
21 of any medications, drugs, or alcohol today?

22 DEFENDANT BALES: No, sir.

23 THE COURT: Counsel, are you satisfied that Ms.
24 Bales is competent to plead guilty?

25 MR. FARNSWORTH: Yes, Your Honor.

1 THE COURT: All right. You're Anthony Michael
2 Epps?

3 DEFENDANT EPPS: Yes, sir.

4 THE COURT: How old are you?

5 DEFENDANT EPPS: Thirty-four.

6 THE COURT: How far did you get in school?

7 DEFENDANT EPPS: Eleventh grade. Eleventh
8 grade.

9 THE COURT: Do you have any kind of GED?

10 DEFENDANT EPPS: No, sir.

11 THE COURT: Vocational training?

12 DEFENDANT EPPS: I'm a framer. I frame houses.

13 THE COURT: How long have you been doing that?

14 DEFENDANT EPPS: About sixteen years.

15 THE COURT: Before you went to jail, were you
16 employed?

17 DEFENDANT EPPS: Yes, sir.

18 THE COURT: With whom?

19 DEFENDANT EPPS: M.R. Construction.

20 THE COURT: Who?

21 DEFENDANT EPPS: M.R. Construction.

22 THE COURT: And were you a framer with them?

23 DEFENDANT EPPS: Yes, sir.

24 THE COURT: And how long have you worked with
25 M.R. Construction?

1 DEFENDANT EPPS: About ten years.

2 THE COURT: Ten years?

3 DEFENDANT EPPS: Yeah.

4 THE COURT: Are you married?

5 DEFENDANT EPPS: No, sir. No, sir.

6 THE COURT: Do you have any children?

7 DEFENDANT EPPS: Two.

8 THE COURT: What are their ages?

9 DEFENDANT EPPS: Nine and eleven.

10 THE COURT: Where do they reside?

11 DEFENDANT EPPS: With their step-mama right

12 now.

13 THE COURT: That is your wife? No, that's

14 right. You said you're not married.

15 DEFENDANT EPPS: No. That's their aunt.

16 They've been with their aunt. Their mama passed away in

17 2001.

18 THE COURT: Excuse me. Do you pay support for

19 your children?

20 DEFENDANT EPPS: Yes, sir.

21 THE COURT: Through a court order?

22 DEFENDANT EPPS: No, sir.

23 THE COURT: How do you support them then?

24 DEFENDANT EPPS: I just pay it every week.

25 THE COURT: Every week?

1 DEFENDANT EPPS: Yes, sir.

2 THE COURT: Are you under the influence of any
3 medications, drugs, or alcohol today?

4 DEFENDANT EPPS: No, sir.

5 THE COURT: Counsel, are you satisfied Mr. Epps
6 is competent to plead guilty?

7 MR. HOSKINSON: Yes, Your Honor.

8 THE COURT: Here's what we're going to do.
9 We're going to start over here with Ms. Rodgers and go to
10 Mr. Williams, Canada, Bales, Epps. I'm going to ask a
11 question that's applicable to all five of you. I'm going
12 to point first to you, ma'am, then to you, then to you,
13 then to you, then to you. I need you to give me a verbal
14 response and stay in order so this lady sitting right
15 here in front of me on my left can get it all down.
16 Y'all understand?

17 DEFENDANT RODGERS: Yes, sir.

18 DEFENDANT WILLIAMS: Yes, sir.

19 DEFENDANT CANADA: Yes, sir.

20 DEFENDANT BALES: Yes, sir.

21 DEFENDANT EPPS: Yes, sir.

22 THE COURT: Okay. Has anybody forced,
23 threatened or promised you anything to get you to plead
24 guilty?

25 DEFENDANT RODGERS: No, sir.

1 DEFENDANT WILLIAMS: No, sir.

2 DEFENDANT CANADA: No, sir.

3 DEFENDANT BALES: No, sir.

4 DEFENDANT EPPS: No, sir.

5 THE COURT: Are you pleading guilty freely and
6 voluntarily?

7 DEFENDANT RODGERS: Yes, sir.

8 DEFENDANT WILLIAMS: Yes, sir.

9 DEFENDANT CANADA: Yes, sir.

10 DEFENDANT BALES: Yes, sir.

11 DEFENDANT EPPS: Yes, sir.

12 THE COURT: Okay. This question will go to Mr.
13 Williams and Ms. Bales and Mr. Epps. So Williams, Bales,
14 Epps, correct? No. You're Canada. Williams, Bales,
15 Epps. The three of you have a right to have the
16 indictments against you presented to the Greenville
17 County Grand Jury, and at least twelve of eighteen grand
18 jurors would have to vote to find probable cause to go
19 forward with the indictment. Do you understand that,
20 sir?

21 DEFENDANT WILLIAMS: Yes, sir.

22 DEFENDANT BALES: Yes, sir.

23 DEFENDANT EPPS: Yes, sir.

24 THE COURT: Do you wish to waive or give up
25 your right to have your indictment presented to the grand

1 jury and instead go forward with your guilty plea this
2 afternoon?

3 DEFENDANT WILLIAMS: Yes, sir.

4 DEFENDANT BALES: Yes, sir.

5 DEFENDANT EPPS: Yes, sir.

6 THE COURT: Okay. It's back to everybody. You
7 have -- do you understand that you have a right to a jury
8 trial on the charges against you? And in that trial you
9 would be presumed to be innocent, and the State would
10 have to prove each and every element of the charges
11 against you beyond a reasonable doubt. Do you understand
12 that?

13 DEFENDANT RODGERS: Yes, sir.

14 DEFENDANT WILLIAMS: Yes, sir.

15 DEFENDANT CANADA: Yes, sir.

16 DEFENDANT BALES: Yes, sir.

17 DEFENDANT EPPS: Yes, sir.

18 THE COURT: Do you wish to waive or give up
19 your right to a jury trial and continue with your guilty
20 plea this afternoon?

21 DEFENDANT RODGERS: Yes, sir.

22 DEFENDANT WILLIAMS: Yes, sir.

23 DEFENDANT CANADA: Yes, sir.

24 DEFENDANT BALES: Yes, sir.

25 DEFENDANT EPPS: Yes, sir.

1 THE COURT: You also have certain
2 constitutional rights which would include the right to
3 confront witnesses against you and cross-examine them,
4 the right to present competent evidence in your defense,
5 and the right to remain silent. Do you understand these
6 rights?

7 DEFENDANT RODGERS: Yes, sir.

8 DEFENDANT WILLIAMS: Yes, sir.

9 DEFENDANT CANADA: Yes, sir.

10 DEFENDANT BALES: Yes, sir.

11 DEFENDANT EPPS: Yes, sir.

12 THE COURT: If you went to trial on any of
13 these charges against you and you chose not to testify, I
14 would instruct -- or another judge would instruct the
15 jury that they can't hold that against you in any form or
16 fashion. Do you understand that?

17 DEFENDANT RODGERS: Yes, sir.

18 DEFENDANT WILLIAMS: Yes, sir.

19 DEFENDANT CANADA: Yes, sir.

20 DEFENDANT BALES: Yes, sir.

21 DEFENDANT EPPS: Yes, sir.

22 THE COURT: Do you wish to waive or give up
23 these constitutional rights and go forward with your
24 guilty plea this afternoon?

25 DEFENDANT RODGERS: Yes, sir.

1 DEFENDANT WILLIAMS: Yes, sir.

2 DEFENDANT CANADA: Yes, sir.

3 DEFENDANT BALES: Yes, sir.

4 DEFENDANT EPPS: Yes, sir.

5 THE COURT: Do you understand that if I accept
6 your guilty plea that you are admitting as true the
7 allegations contained in the indictments against you. Do
8 you understand that?

9 DEFENDANT RODGERS: Yes, sir.

10 DEFENDANT WILLIAMS: Yes, sir.

11 DEFENDANT CANADA: Yes, sir.

12 DEFENDANT BALES: Yes, sir.

13 DEFENDANT EPPS: Yes, sir.

14 THE COURT: Do you want to go forward with your
15 guilty plea this afternoon?

16 DEFENDANT RODGERS: Yes, sir.

17 DEFENDANT WILLIAMS: Yes, sir.

18 DEFENDANT CANADA: Yes, sir.

19 DEFENDANT BALES: Yes, sir.

20 DEFENDANT EPPS: Yes, sir.

21 THE COURT: Okay. Ms. Rodgers, are you guilty
22 of possession of cocaine?

23 DEFENDANT RODGERS: Yes, sir.

24 THE COURT: Cocaine is the charge, right?

25 MR. FARNSWORTH: Yes, sir.

1 THE COURT: Mr. Williams, are you guilty of
2 possession of a controlled substance?

3 DEFENDANT WILLIAMS: Yes, sir.

4 THE COURT: Are you also guilty of criminal
5 conspiracy?

6 DEFENDANT WILLIAMS: Yes, sir.

7 THE COURT: Mr. Canada, are you guilty of
8 possession of crack cocaine base?

9 DEFENDANT CANADA: Yes, sir.

10 THE COURT: And forgery?

11 DEFENDANT CANADA: Yes, sir.

12 THE COURT: Ms. Bales, are you guilty of
13 financial transaction credit card fraud?

14 DEFENDANT BALES: Yes, sir.

15 THE COURT: And Mr. Epps, are you guilty of ...
16 Is it DUI first that he's pleading to?

17 MS. TESSATORE: Yes, sir.

18 MR. HOSKINSON: Yes, sir.

19 THE COURT: DUI first offense?

20 DEFENDANT EPPS: Yes, sir.

21 THE COURT: And child endangerment?

22 DEFENDANT EPPS: Yes, sir.

23 THE COURT: All right. This is back to the
24 questions. Are you satisfied with the services of your
25 attorney?

1 DEFENDANT RODGERS: Yes, sir.

2 DEFENDANT WILLIAMS: Yes, sir.

3 DEFENDANT CANADA: Yes, sir.

4 DEFENDANT BALES: Yes, sir.

5 DEFENDANT EPPS: Yes, sir.

6 THE COURT: Has your attorney reasonably done
7 everything that you've asked him to do?

8 DEFENDANT RODGERS: Yes, sir.

9 DEFENDANT WILLIAMS: Yes, sir.

10 DEFENDANT CANADA: Yes, sir.

11 DEFENDANT BALES: Yes, sir.

12 DEFENDANT EPPS: Yes, sir.

13 THE COURT: As we sit here in court today, is
14 there anything that you contend that your attorney has
15 not done that he should have done to prepare your case
16 before coming to court today?

17 DEFENDANT RODGERS: No, sir.

18 DEFENDANT WILLIAMS: No, sir.

19 DEFENDANT CANADA: No, sir.

20 DEFENDANT BALES: No, sir.

21 DEFENDANT EPPS: No, sir.

22 THE COURT: Counsel, have y'all had the
23 opportunity to meet with your respective clients to
24 discuss the charges they're facing, the time they could
25 get for those charges, any defenses there may be to those

1 charges as well as your clients' constitutional rights.

2 MR. FARNSWORTH: Yes, Your Honor.

3 MR. HOSKINSON: Yes, Your Honor.

4 THE COURT: Do you believe that there is a
5 substantial factual basis for each of your client's
6 decision to plead guilty?

7 MR. FARNSWORTH: Yes, Your Honor.

8 MR. HOSKINSON: Yes, sir.

9 THE COURT: Do you agree with their decision to
10 plead guilty?

11 MR. FARNSWORTH: Yes, Your Honor.

12 MR. HOSKINSON: Yes, Your Honor.

13 THE COURT: Would you tell me about Ms.
14 Rodgers, please?

15 MS. TESSATORE: Yes, sir. On February 19th of
16 2008, she was a passenger in an SUV rental vehicle which
17 she had rented out of Virginia and which was stopped on
18 I-85 in Greenville County for a traffic violation. The
19 officer developed reasonable suspicion of illegal
20 activity and had a K-9 dog run on the car which alerted
21 to the presence of drugs. A search of the SUV revealed
22 eleven hundred and eighty-seven grams of cocaine on the
23 front passenger floor near where the Defendant was
24 seated.

25 THE COURT: Eleven hundred and eighty-seven

1 grams?

2 MS. TESSATORE: Yes, sir. She did testify in
3 the trial against the driver of the SUV, and he was
4 convicted. The agreement on behalf of the State was to
5 recommend probation because she has no prior record and
6 based on her cooperation, her testimony, truthful
7 testimony.

8 THE COURT: Probation?

9 MS. TESSATORE: Yes, sir.

10 THE COURT: Okay. I'll be glad to hear about
11 her.

12 MR. FARNSWORTH: Your Honor, she's told you
13 mostly about her work record, that of being a
14 receptionist and security jobs out of Virginia. Your
15 Honor, at the time this incident occurred, she was living
16 in Virginia, got involved with this guy who at the time
17 she didn't know he had drug charges in Virginia.

18 Just to try to tell you the facts as briefly as I
19 can, they went to Atlanta. She rented a car in a
20 friend's name because she couldn't rent one. And they
21 went to Atlanta to see some cousins of this guy. And
22 they were dating at that time. Well, they went in the
23 mall, and she got in there shopping around. In the
24 meantime, he'd gone outside and met with his cousins and
25 gotten a bunch of cocaine or crack or whatever it was. I

1 can't -- yeah, cocaine. So anyway, they come back to
2 Greenville -- through Greenville and going back to
3 Virginia. They're stopped.

4 The Solicitor in this case, Joyce Monts, was
5 convinced from the start that, you know, this girl was
6 probably used by renting the car for the guy. And she
7 probably didn't have knowledge, you know, about all this
8 amount of drugs. But anyway, she was a -- she had
9 remembered some things that he'd said about the drugs and
10 this type thing. So anyway, she testified. She's the
11 only one that could have, you know, helped convict him.
12 And she did. And she has no record.

13 She now lives in Charlotte. She's married since
14 this happened. And I think this thing goes back to 2008.
15 Well, it's not that old, but 2008. And she's been in no
16 trouble before. And I'm convinced of her involvement in
17 it. I think the Solicitor was too or the Solicitor
18 wouldn't have done this. And the guy got twenty-seven
19 years.

20 THE COURT: Ms. Rodgers, do you have anything
21 you want to add?

22 DEFENDANT RODGERS: No.

23 THE COURT: Is she going to need to transfer
24 her probation over to North Carolina?

25 MR. FARNSWORTH: Yeah. I think they would

1 allow that, Your Honor.

2 DEFENDANT RODGERS: I do have one question.

3 THE COURT: Let me say this. You might want to
4 talk to your lawyer before you do that.

5 (WHEREUPON Defendant Rodgers conferred with counsel
6 off the record.)

7 THE COURT: Did she serve any time?

8 MS. TESSATORE: Two days, Your Honor.

9 THE COURT: Now, Ms. Rodgers, did you have any
10 questions, or did your attorney satisfy the questions
11 that you had?

12 MR. FARNSWORTH: Yes, Your Honor. It was in
13 regard to a probation matter, an administrative matter.

14 THE COURT: Okay. All right. I'm going to
15 accept Ms. Rodgers' plea as knowingly, voluntarily, and
16 intelligently made with the advice of competent counsel
17 with whom she is well satisfied. I find there is a
18 substantial factual basis for the plea. I am going to
19 accept the recommendation and sentence you to the State
20 Department of Corrections for a period of twenty months
21 suspended on the service of two days. I give you credit
22 for time served. I'm going to put you on probation for
23 fifteen months. Okay? And I'm going to add that she may
24 transfer this to North Carolina.

25 MR. FARNSWORTH: Thank you, Your Honor.

1 THE COURT: Yes, sir.

2 MS. TESSATORE: Thank you, Your Honor.

3 With respect to Mr. Williams -- before I forget,
4 it's a hundred and thirty-nine days in jail. I can let
5 you know that later, but ---

6 THE COURT: Mr. Williams has a hundred and
7 thirty-nine?

8 MS. TESSATORE: Yes, sir.

9 THE COURT: Go ahead.

10 MS. TESSATORE: On September 17th of 2009, the
11 arresting officer working a special assignment at an
12 apartment complex on Cedar Lane Road in Greenville County
13 observed four younger males behind an apartment building.
14 The officer noticed this Defendant had a rubber glove on
15 his hand. He conducted a Terry frisk on one of the co-
16 defendants and found a gun, a ski mask, and rubber
17 gloves.

18 Two of the co-defendants gave a statement to police.
19 They told the police that the four of them were putting
20 rubber gloves and ski masks on in order to go and commit
21 a robbery of a Hispanic individual. During a search
22 incident to arrest, the officer found a hydrocodone pill
23 in this Defendant's pocket.

24 Your Honor, he has no prior record, and there is a
25 recommendation of probation. And I'll just let you know

1 that the co-defendants, one of them, is a juvenile, and
2 the other two are still pending at this time.

3 THE COURT: Did you say he has no priors?

4 MS. TESSATORE: No prior record, Your Honor.

5 THE COURT: All right.

6 Counsel?

7 MR. FARNSWORTH: Okay. Thank you, Your Honor.
8 Your Honor, he's told you he's twenty. He went to the
9 eleventh grade. Says he's been involved in GED classes.
10 He's single, no children. He lives ...

11 You live with your sister, right?

12 DEFENDANT WILLIAMS: Right.

13 MR. FARNSWORTH: Lives with his sister. And he
14 had a hundred and thirty-nine days in jail, and no prior
15 record.

16 THE COURT: Mr. Williams, do you have anything
17 you want to add?

18 DEFENDANT WILLIAMS: No, sir.

19 THE COURT: All right. I'm going to accept the
20 plea as knowingly, intelligently, and voluntarily made
21 with the advice of competent counsel with whom Mr.
22 Williams is well satisfied. I find that there is a
23 substantial factual basis for the plea. I will accept
24 the recommendation and sentence you to a term of twelve
25 months in the State Department of Corrections, suspended

1 -- and this is under indictment 775 for common-law
2 conspiracy, criminal conspiracy -- suspended on the
3 service of a hundred and thirty-nine days. Give him
4 credit for time served. And I'm going to put you on
5 probation for twelve months. Okay, sir?

6 DEFENDANT WILLIAMS: Yes, sir.

7 THE COURT: Under indictment 9776, possession
8 of controlled substance, I'm going to sentence you to six
9 months suspended on the service of a hundred and thirty-
10 nine days. Give him credit for time served. Okay.

11 DEFENDANT WILLIAMS: Thank you, sir.

12 MR. FARNSWORTH: Thank you, Your Honor.

13 THE COURT: Yes, sir?

14 MS. TESSATORE: Thank you, Your Honor.

15 With respect to Mr. Canada, on February 27th of
16 2008, members of the Greenville Police vice and narcotics
17 unit executed a search warrant at 315 Sullivan Street.
18 This Defendant was found inside the residence in
19 constructive possession of a quantity of cocaine base.
20 Two other individuals were also found inside the
21 residence. The total amount of crack cocaine found lab-
22 tested positive as point five four grams.

23 THE COURT: How much? Point five four?

24 MS. TESSATORE: Point five four. So a half a
25 gram.

1 THE COURT: Okay. Half, okay.

2 MS. TESSATORE: On the forgery, on June 20th of
3 2008, this Defendant presented a check in the amount of
4 three hundred and eighty-eight dollars to Parker Road
5 Drug Store. The Defendant presented the check belonging
6 to the victim, a construction company, made payable to
7 himself. The check, which had been reported stolen, was
8 endorsed without the consent, permission or the knowledge
9 of the victim. This occurred within Greenville County as
10 well.

11 And, Your Honor, he does have a prior record, and
12 there is a recommendation. The recommendation is time
13 served followed by probation with restitution. And the
14 restitution order should be with the Court.

15 THE COURT: I've got it.

16 MS. TESSATORE: Three hundred and eighty-eight
17 dollars.

18 And the prior record, Your Honor, is 1994,
19 interfering with police. In 1997, resisting arrest,
20 possession of crack cocaine and two counts of unlawful
21 carrying of a pistol. In 1999, possession with intent to
22 distribute crack cocaine and possession of a pistol. And
23 in 2006 a criminal domestic violence.

24 And I can also give you the jail time at this point
25 if that would be okay. Six days on the forgery, six days

1 on the drug charge, and a hundred and fourteen on failing
2 to appear. So a total of a hundred and twenty-six days.

3 THE COURT: So is he entitled to a hundred and
4 twenty-six on both?

5 MS. TESSATORE: I guess he would be if it was
6 on both.

7 THE COURT: What would that be, Counsel?

8 MR. FARNSWORTH: Judge, it's probably separate.
9 Once he got out ---

10 THE COURT: Does he get any credit, in your
11 opinion, for the failure to appear? Does he get any
12 credit for the failure to appear?

13 MR. FARNSWORTH: Generally, they do, Your
14 Honor.

15 Is that right, Solicitor? Is that correct?

16 MS. TESSATORE: Well, I think it's -- I mean,
17 my understanding is the Solicitor in this case has put
18 down the hundred and twenty-six, so they have no problem
19 with that credit being given. But I don't know if it's
20 automatic.

21 MR. FARNSWORTH: Well, it might not be. But
22 usually there's no bond with it, so that kind of makes it
23 another reason.

24 THE COURT: All right.

25 Okay. Tell me about Mr. Canada, please.

1 MR. FARNSWORTH: Okay, Judge. You've just
2 heard he's got a total in increments of a hundred and
3 twenty-six days in jail on these two charges. I'd like
4 to say that the house in which the search warrant was
5 executed was not his house. He was over there though and
6 takes responsibility for being in possession.

7 He's worked as a plumber, he tells me, most of his
8 adult life. His uncle's a plumber that works for
9 Greenville County. He's worked for Zaxby's ...

10 Is that what it is?

11 DEFENDANT CANADA: Zaxby's.

12 MR. FARNSWORTH: Excuse me. I couldn't
13 pronounce it right -- for one year. He's married. Has
14 three children, age five, three, and one. And a hundred
15 and twenty-six days, if you total it up, it would be
16 about, what, four months approximately he's been in jail
17 all together on these charges.

18 THE COURT: All right. I'm going to accept Mr.
19 Canada's plea as knowingly, voluntarily, and
20 intelligently made with the advice and consent of counsel
21 with whom he's satisfied. And I find there is a factual
22 basis for the plea. I will accept the recommendation.
23 And I'm going to sentence you under indictment 7379 --
24 that would be the possession -- for a term of eighteen
25 months in the State Department of Corrections, suspended

1 on the service of a hundred and twenty-six days. I give
2 him credit for time served. I'm going to put you on
3 probation for twenty months. Okay, sir?

4 DEFENDANT CANADA: Thank you, sir.

5 MR. FARNSWORTH: Thank you, Your Honor.

6 THE COURT: Also, concurrently under the
7 forgery, that will also be eighteen months suspended on a
8 hundred and twenty-six days, credit for time served. And
9 twenty months of probation there. Those are concurrent.

10 MS. TESSATORE: With the restitution as well,
11 Your Honor.

12 THE COURT: Thank you, ma'am. And I've signed
13 that restitution order. And that restitution is in the
14 amount of three hundred and eighty-eight dollars.

15 MS. TESSATORE: Yes, sir.

16 THE COURT: Okay. Good luck to you, sir.

17 MS. TESSATORE: Thank you, Your Honor.

18 With respect to Ms. Bales, on or about August 3rd of
19 2009 in Greenville County, she willfully used the
20 victim's stolen debit card to make twenty-one fraudulent
21 transactions at various merchants and ATMs in Greenville
22 County for a loss of thirteen hundred and twenty-four
23 dollars. This was also captured by video surveillance.

24 Your Honor, there is no recommendation in this case.
25 And she does have a prior history. And that begins in

1 1994 with petit larceny; 1998, another petit larceny;
2 1999, two counts of forgery and petit larceny; in 2000,
3 the possession of stolen goods; in 2002, financial
4 transaction card theft; in 2004, obtaining goods under
5 false pretenses as well as computer crime second offense
6 or second degree. I'm not sure. I can check that.
7 2005, forgery; 2006, two counts of fraudulent check. In
8 2008, six counts of forgery and a burglary second degree.
9 And in March of 2009, financial transaction card fraud.
10 I believe that's it. And I can check on that computer
11 crime.

12 MS. MONDAY: And she's currently on probation
13 out of Lexington County for the burglary second and the
14 financial transaction card fraud. It would be a
15 violation, and they'll have to handle that in Lexington
16 County.

17 THE COURT: Say that again, please?

18 PROBATION OFFICER: It would be a violation,
19 but they'll handle that in Lexington County.

20 THE COURT: Thank you very much.

21 MS. TESSATORE: Your Honor, it's a computer
22 crime act between a thousand and twenty-five thousand
23 dollars, second degree, first offense.

24 THE COURT: Counsel, what do you have to say?

25 MR. FARNSWORTH: Okay. Your Honor, first of

1 all, the Solicitor didn't say, but she's been in jail on
2 this charge since October the 4th.

3 MS. TESSATORE: I have two hundred and twenty-
4 days, Your Honor.

5 MR. FARNSWORTH: Two hundred and twenty days.
6 And, Your Honor, she is thirty-five years old. She did
7 finish high school. She worked, as she told you,
8 clerical jobs with different fast food or 7/11 type
9 convenience marts. Divorced, two children, twelve and
10 fourteen. She also worked in Greenville at Columbia
11 Farms. And I believe this card belonged to -- the card
12 belonged to the co-defendant's son.

13 Is that correct? Or brother?

14 DEFENDANT BALES: Brother.

15 MR. FARNSWORTH: Brother. So I don't know the
16 outcome of the co-defendant.

17 MS. TESSATORE: The co-defendant. It looks
18 like the co-defendant pled guilty and was ordered to pay
19 restitution.

20 THE COURT: Does she have any restitution in
21 this case?

22 MS. TESSATORE: Not in this case, Your Honor.

23 THE COURT: Okay. Ms. Bales, do you want to
24 say anything? And I'm not trying to cut you off,
25 Counselor.

1 MR. FARNSWORTH: No, sir. I'm finished.

2 THE COURT: Okay. Ms. Bales, do you have
3 anything you want to add?

4 DEFENDANT BALES: No.

5 THE COURT: I'm going to sentence you to five
6 years straight. I'll give you credit for two hundred and
7 twenty days.

8 MR. FARNSWORTH: Thank you, Judge.

9 THE COURT: Thank you.

10 MS. TESSATORE: With respect to Mr. Epps, Your
11 Honor, this incident occurred on January 30th of this
12 year at approximately five a.m. in the Walmart parking
13 lot in Traveler's Rest within Greenville County. The
14 Defendant, who was highly intoxicated, was waiting with
15 his twelve-year-old son in a parked car, waiting for his
16 ex-wife to return from the store. The ground was covered
17 in ice and snow. The Defendant got into the driver's
18 seat and began driving in circles around the parking lot
19 and at one point struck a curb and caused damage to the
20 passenger side of the vehicle. His ex-wife and two store
21 employees witnessed this driving around in the parking
22 lot in this reckless manner with his son still in the
23 car, and officers were called to the scene. They arrived
24 and observed that he was highly intoxicated. His speech
25 was slurred, and he was unsteady on his feet. He smelled

1 strongly of an alcoholic beverage. And the officers
2 found a shot glass and a half-empty bottle of liquor in
3 the car.

4 No field sobriety tests were administered due to the
5 adverse weather conditions. He was placed under arrest
6 and transported for the Breathalyzer, which he refused.

7 The recommendation is time served of a hundred and
8 two days. And he does have a prior record which includes
9 a DUI in 1999, a DUI in 2007, and driving under
10 suspension of which there are about five. And he has
11 been suspended as a habitual traffic offender.

12 THE COURT: Talk to me.

13 MR. HOSKINSON: Thank you, Judge. I think he's
14 done more time than the charges.

15 THE COURT: By far.

16 MR. HOSKINSON: He was charged with a DUI
17 second and charged HTO.

18 THE COURT: Oh, I got you.

19 MR. HOSKINSON: And we found some problems with
20 the State's case, and this is what we've worked out to
21 get him out of jail.

22 THE COURT: Okay. All right. I'm going to
23 accept Mr. Epps' plea as knowingly, intelligently, and
24 voluntarily made with advice of competent counsel with
25 whom he is well satisfied. I find that there is a

1 substantial factual basis for his plea to both charges.
2 I'm going to accept the recommendation since he's been in
3 jail for a hundred and thirty-two days. And, therefore,
4 I'd sentence you under indictment 3571, DUI, to two days
5 suspended on time served. Under indictment 3572, child
6 endangerment, I sentence you to one day suspended on time
7 served. Good luck to you.

8 DEFENDANT EPPS: Thank you, sir.

9 MS. TESSATORE: Thank you, Your Honor.

10 (WHEREUPON, the hearing ended at approximately 3:28
11 p.m.)

12 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

1

CERTIFICATE OF REPORTER

2 I, the undersigned Renee H. Tollison, Official Court
3 Reporter for the Thirteenth Judicial Circuit of the State
4 of South Carolina, do hereby certify that the foregoing
5 is a true, accurate, and complete transcript of record of
6 all the proceedings had and evidence introduced in the
7 trial/hearing of the captioned case, relative to appeal,
8 in the Circuit Court for Greenville County, South
9 Carolina, on the 12th day of May 2010.

10 This transcript may contain quoted material. Such
11 material is reproduced as read by the speaker.

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

14

November 24, 2014

15

16

A handwritten signature in cursive script that reads "Renee Tollison". The signature is written in dark ink and is positioned above a horizontal line.

17

Circuit Court Reporter

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