

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Colleton County

Honorable Diane Schafer Goodstein, Circuit Court Judge

TRAVIS JAVON HARRIS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-001578

APPENDIX

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF COLLETON) CASE NUMBERS: 2008-GS-15-889-892;

THE STATE OF SOUTH CAROLINA,)
)
)
 v.) TRANSCRIPT OF RECORD
)
 TRAVIS JAVON HARRIS,)
)
 DEFENDANT.)

DECEMBER 21st, 2011
WALTERBORO, SOUTH CAROLINA
BEFORE THE HONORABLE CARMEN T. MULLEN, JUDGE

APPEARANCES:

SOLICITOR DUFFIE STONE, ESQUIRE
Attorney for the State of South Carolina

MR. SCOTT LEE, ESQUIRE
MR. DUDLEY RUFFALO, ESQUIRE
Attorneys for the Defendant Harris

Rebecca H. Hill
Official Court Reporter

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EXHIBITS

NONE.

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EXHIBITS.

<u>NO.</u>	<u>DESCRIPTION</u>	
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1 SOLICITOR STONE: May it please the Court, Your Honor?

2 THE COURT: Certainly.

3 SOLICITOR STONE: Now standing before you is Travis
4 Javon Harris. He is here with his attorney, Mr. Scott Lee
5 and Mr. Dudley Ruffalo. And also here is Jacoby Germaine
6 Fields. Mr. Fields is here with his attorney, Boyd Young
7 and Drew Carroll. They are here on a number of indictments,
8 Your Honor, and I will read those off to you at this point.

9 As to Travis Javon Harris, indictment 2008-GS-15-889,
10 charging Mr. Harris with the offense of burglary in the
11 first degree. Indictment 2008-GS-15-890, charging Travis
12 Javon Harris with the offense of murder. Indictment 2008-
13 GS-15-891, charging Travis Javon Harris with the offense of
14 burglary in the first degree. Indictment 2008-GS-15-892,
15 charging Travis Javon Harris with the offense of burglary in
16 the second degree, as a violent offense. Indictment 2008-
17 GS-15-914, charging Travis Javon Harris with the offense of
18 burglary in the first degree. 2008-GS-15-915, charging
19 Travis Javon Harris with the offense of burglary in the
20 first degree.

21 It's my understanding that Mr. Harris, along with his
22 attorneys, are here asking that they be allowed to plead
23 guilty to these charges. This is a negotiated sentence and
24 this will be taken from the State's perspective along with
25 the following indictments.

1 These indictments charge Jacoby Germaine Fields with
2 the following offenses: Indictment 2008-GS-15-885, charging
3 Jacoby Germaine Fields with the offense of murder.
4 Indictment 2008-GS-15-886 charging Jacoby Germaine Fields
5 with the offense of burglary in the first degree.
6 Indictment 2008-GS-15-887 charging Jacoby Germaine Fields
7 with the offense of burglary in the first degree.
8 Indictment 2008-GS-15-888 charging Jacoby Germaine Fields
9 with the offense of burglary in the second degree; that is a
10 violent offense. 2008-GS-15-916 charging Jacoby Germaine
11 Fields with the offense of burglary in the first degree.
12 2008-GS-15-917 charging Jacoby Germaine Fields with the
13 offense of burglary in the first degree.

14 I'll hand these documents up to Your Honor. They have
15 been signed and executed by both the defendants and the
16 defense attorneys. This is a negotiated sentence, Your
17 Honor, which both of these individuals will receive life
18 sentences without a possibility of parole or any early
19 release.

20 THE COURT: All right. Gentlemen, I'm going to go
21 through a number of questions, both with the attorneys and
22 Mr. Harris and Mr. Fields. When I ask you a specific
23 question, you need to verbally answer for the record so that
24 my court reporter will be able to hear you and you need to
25 answer separately. So the way I'm going to do this is I'm

1 going to look at Mr. Fields first and then I'm going to look
2 at Mr. Harris. All right? Or I'll call your name one way
3 or the other. All right?

4 The first question is for the attorneys, and to begin
5 with, Pat, have we sworn them in?

6 MADAME CLERK: I have not.

7 THE COURT: Let's go ahead; Mr. Fields and Mr. Harris,
8 if you will please raise your right hand and let the Clerk
9 of Court swear you in. Pat, if you would do that.

10 MADAME CLERK: Please raise your right hand.

11 WHEREUPON, Mr. Travis Javon Harris and Mr. Jacoby
12 Germaine Fields is duly sworn.

13 THE COURT: Mr. Fields?

14 MR. FIELDS: Yes.

15 THE COURT: Mr. Harris?

16 MR. HARRIS: Yeah.

17 THE COURT: This first question is for your attorneys.
18 Have you explained and do your clients understand the six
19 charges against them, the possible punishment on each of the
20 charges, and their constitutional rights?

21 MR. YOUNG: Yes, ma'am.

22 MR. CARROLL: Yes, Your Honor.

23 THE COURT: Mr. Fields, do you want to plead guilty to
24 one count of murder, four counts of burglary in the first
25 degree, and one count of burglary, second degree, violent?

1 MR. FIELDS: Yes.

2 THE COURT: Mr. Harris, do you want to plead guilty to
3 one count of murder, four counts of burglary in the first
4 degree, and burglary in the second degree?

5 MR. HARRIS: Yes, Your Honor.

6 THE COURT: For the attorneys, based on your
7 investigation, does the State have adequate evidence to
8 prove your client's guilt on each of these charges beyond a
9 reasonable doubt?

10 MR. YOUNG: Yes, ma'am.

11 MR. RUFFALO: Yes, Your Honor. We believe they do.

12 THE COURT: Gentlemen, have either one of you taken any
13 medication or drank any alcohol within the last 24 hours;
14 Mr. Fields?

15 MR. FIELDS: No, ma'am.

16 MR. HARRIS: No, Your Honor.

17 THE COURT: Do either one of you suffer from any mental
18 or physical problem that would prevent you from
19 understanding what we're doing here today; Mr. Fields?

20 MR. FIELDS: No, ma'am.

21 MR. HARRIS: No, Your Honor.

22 THE COURT: Okay. Gentlemen, I'm going to go through
23 each one of the indictments and I am going to read them to
24 you and I am going to ask you if you are, in fact, guilty of
25 that charge.

1 Mr. Fields, the first indictment is 2008-GS-15-885. It
2 is for murder. This indictment states that Jacoby Germaine
3 Fields did in Colleton County, South Carolina, on or about
4 August 6th, 2008, did feloniously, willfully, and with
5 malice aforethought kill Deputy Dennis Compton by means of
6 shooting him, and that the said victim died as a result
7 thereof. Sir, do you understand the charge contained in the
8 indictment?

9 MR. FIELDS: Yes, ma'am.

10 THE COURT: And understanding the charge, sir, and you
11 understand that the lawyers have told you at length of the
12 theory of the hand of one is the hand of all, which simply
13 means that if you were at the burglary and one of you shot
14 and killed Deputy Compton, you are both culpable, just as if
15 you were the shooter; do you understand that, sir?

16 MR. FIELDS: Yes, ma'am.

17 THE COURT: Sir, understanding all of that, do you wish
18 to plead guilty to the murder of Deputy Compton?

19 MR. FIELDS: Yes, ma'am.

20 THE COURT: This indictment states that Jacoby Germaine
21 Fields did in Colleton County, South Carolina, on or about
22 August 6 of 2008, did feloniously, willfully and with malice
23 aforethought kill Deputy Dennis Compton by means of shooting
24 him and that the said victim died as a result thereof. Sir,
25 do you understand the charge contained in the indictment?

1 MR. FIELDS: Yes, Your Honor.

2 THE COURT: Understanding the charge, sir, and you
3 understand, I'm sure the lawyers have told you at length of
4 the theory of the hand of one is the hand of all which
5 simply means is that if you were at the burglary and one of
6 you shot and killed Deputy Compton, you are both culpable
7 just as if you were the shooter; do you understand that,
8 sir?

9 MR. FIELDS: Yes, ma'am.

10 THE COURT: Sir, understanding all that, do you wish to
11 plead guilty to murder of Deputy Compton?

12 MR. FIELDS: Yes, ma'am.

13 THE COURT: Sir, you need to appreciate, again, that
14 murder carries either death, life, or a thirty year
15 sentence. In this case, your attorneys have negotiated with
16 the Solicitor's Office for a life sentence on this charge
17 and all charges with absolutely no possibility of parole.
18 Do you understand that, sir?

19 MR. FIELDS: Yes, ma'am.

20 THE COURT: And understanding that, do you still wish
21 to plead guilty?

22 MR. FIELDS: Yes, ma'am.

23 THE COURT: Sir, you're also pleading in Indictment
24 Number 2008-GS-15-0886 to burglary in the first degree.
25 This indictment states that you, Jacoby Germaine Fields, did

1 in Colleton County, on August 6th of 2008, did willfully and
2 unlawfully enter the dwelling of [REDACTED] Sunflower Drive in
3 Smoaks, South Carolina, without their consent and with the
4 intent to commit a crime therein, and that you entered
5 during the hours of darkness and you were armed with a
6 deadly weapon, or took a deadly weapon from that residence.
7 Sir, do you understand the charge contained in the
8 indictment?

9 MR. FIELDS: Yes, ma'am.

10 THE COURT: How do you wish to plead to it, sir; guilty
11 or not guilty?

12 MR. FIELDS: Guilty.

13 THE COURT: Are you pleading guilty because you are, in
14 fact, guilty?

15 MR. FIELDS: Yes, ma'am.

16 THE COURT: Sir, do you understand burglary in the
17 first degree carries anywhere from fifteen years to life?

18 MR. FIELDS: Yes, ma'am.

19 THE COURT: And understanding that, sir, do you still
20 wish to plead guilty?

21 MR. FIELDS: Yes, ma'am.

22 THE COURT: Sir, your charged in 2008-GS-15-0887 with
23 burglary in the first degree. Again, sir, this indictment
24 states that you did in Colleton County, on or about August
25 29th of 2008, did willfully and unlawfully enter the

1 dwelling of a James Moresco at [REDACTED] Johnnie Circle without
2 his consent and with the intent to commit a crime therein,
3 and that, again, you did it during the hours of darkness and
4 or you were armed with a deadly weapon. Sir, do you
5 understand the charge contained in this indictment?

6 MR. FIELDS: Yes.

7 THE COURT: How do you wish to plead to it, sir; guilty
8 or not guilty?

9 MR. FIELDS: Guilty.

10 THE COURT: And are you pleading guilty because you
11 are, in fact, guilty?

12 MR. FIELDS: Yes.

13 THE COURT: Again, sir, you understand it carries from
14 15 years to life?

15 MR. FIELDS: Yes.

16 THE COURT: Sir, you were charged in 2008-GS-15-0888
17 with burglary second degree, violent. This indictment
18 states that you did in Colleton County, on or about August
19 5th of 2008, did commit the offense of burglary in the
20 second degree violent and that you did willfully and
21 unlawfully enter the Colleton County Sheriff's Office Sub
22 Station located at 116 Lodge Highway in Smoaks, South
23 Carolina, without their consent with the intent to commit a
24 crime therein, and you did it during the hours of darkness.
25 Sir, do you understand the charge contained in this

1 indictment?

2 MR. FIELDS: Yes.

3 THE COURT: How do you wish to plead to it, sir; guilty
4 or not guilty?

5 MR. FIELDS: Guilty.

6 THE COURT: Are you pleading guilty to this charge
7 because you are, in fact, guilty?

8 MR. FIELDS: Yes.

9 THE COURT: Sir, you understand it carries between zero
10 and 15 years?

11 MR. FIELDS: Yes.

12 THE COURT: And understanding all that, sir, do you
13 still wish to plead guilty?

14 MR. FIELDS: Yes.

15 THE COURT: Sir, you're charged in indictment 2008-GS-
16 15-916 with burglary first degree. This indictment states
17 that you did in Colleton County, on or about June 18th of
18 2008, did willfully and unlawfully enter the dwelling of a
19 Stephen Reynold Sims at [REDACTED] Churchill Road without his
20 consent and with the intent to commit a crime therein, and
21 that you entered either during the hours of darkness, and/or
22 that you were armed with a deadly weapon. Sir, do you
23 understand that charge contained in this indictment?

24 MR. FIELDS: Yes, ma'am.

25 THE COURT: How do you wish to plead to it; guilty or

1 not guilty?

2 MR. FIELDS: Guilty.

3 THE COURT: And are you pleading guilty to this charge
4 because you are, in fact, guilty.

5 MR. FIELDS: Yes, ma'am.

6 THE COURT: Again, sir, you understand this carries up
7 to life in prison?

8 MR. FIELDS: Yes, Your Honor.

9 THE COURT: Understanding that, sir, do you still wish
10 to plead guilty?

11 MR. FIELDS: Yes.

12 THE COURT: Sir, you're also pleading guilty to
13 Indictment Number 2008-GS-15-917 for burglary in the first
14 degree. This indictment states that you did in Colleton
15 County, on or about June 18th of 2008, did willfully and
16 unlawfully enter the dwelling of a Betty Hurlbutt at [REDACTED]
17 Churchill Road without her consent and with the intent to
18 commit a crime therein, and that you entered either during
19 the hours of darkness, and/or you were armed with a deadly
20 weapon. Sir, do you understand the charge contained in this
21 indictment?

22 MR. FIELDS: Yes, ma'am.

23 THE COURT: How do you wish to plead to it, sir; guilty
24 or not guilty?

25 MR. FIELDS: Guilty.

1 THE COURT: Are you pleading guilty to this charge
2 because you are, in fact, guilty?

3 MR. FIELDS: Yes, ma'am.

4 THE COURT: Again, sir, you understand it carries up to
5 life in prison; do you understand that, sir?

6 MR. FIELDS: Yes.

7 THE COURT: Understanding that, do you still wish to
8 plead guilty?

9 MR. FIELDS: Yes.

10 THE COURT: Mr. Harris, I'm going to go through your
11 indictments, sir. The first one is burglary in the first
12 degree. It's 2008-GS-15-0889. This indictment states that
13 Travis Javon Harris did in Colleton County, on or about
14 August 29th of 2008, did willfully and unlawfully enter the
15 dwelling of James Moresco at [REDACTED] Johnnie Circle without his
16 consent and with the intent to commit a crime therein, and
17 that you entered either during the hours of darkness and/or
18 you were armed with a deadly weapon. Sir, do you understand
19 the charge contained in the indictment?

20 MR. HARRIS: Yes, ma'am.

21 THE COURT: How do you wish to plead to it, Mr. Harris;
22 guilty or not guilty?

23 MR. HARRIS: Guilty.

24 THE COURT: Are you pleading guilty because you are, in
25 fact, guilty?

1 MR. HARRIS: Yes, ma'am.

2 THE COURT: You understand it carries up to life in
3 prison, sir?

4 MR. HARRIS: Yes, ma'am.

5 THE COURT: Understanding that, do you still wish to
6 plead guilty?

7 MR. HARRIS: Yes, ma'am.

8 THE COURT: Sir, your pleading guilty, next, to 2008-
9 GS-15-890. It is for murder. This indictment states that
10 you did in Colleton County, on or about August 6th of 2008,
11 did feloniously, willfully and with malice aforethought did
12 kill Deputy Dennis Compton by means of shooting and that
13 Deputy Compton died as a result of that shooting. Sir, do
14 you understand the charge contained in the indictment?

15 MR. HARRIS: Yes, ma'am.

16 THE COURT: How do wish to plead to it; guilty or not
17 guilty?

18 MR. HARRIS: Guilty.

19 THE COURT: Are you pleading guilty because you are, in
20 fact, guilty?

21 MR. HARRIS: Yes, ma'am.

22 THE COURT: Again, you understand that the charge of
23 murder carries up to life, death, or thirty years.

24 Understanding that sir, do you still wish to plead guilty?

25 MR. HARRIS: Yes, ma'am.

1 THE COURT: Understanding that, you want to go forward
2 and plead guilty today, sir?

3 MR. HARRIS: Yes, ma'am.

4 THE COURT: You're also pleading guilty to Indictment
5 Number 2008-GS-15-891 for burglary in the first degree.
6 This indictment states that you did in Colleton County, on
7 August 6th of 2008, did willfully and unlawfully enter the
8 dwelling at a [REDACTED] Sunflower Drive in Smoaks, South Carolina,
9 without their consent and with the intent to commit a crime
10 therein, and that you entered during the hours of darkness
11 and/or you were armed with a deadly weapon. Sir, do you
12 understand the charges contained in this indictment?

13 MR. HARRIS: Yes, ma'am.

14 THE COURT: How do you wish to plead to it, sir; guilty
15 or not guilty?

16 MR. HARRIS: Guilty.

17 THE COURT: Are you pleading guilty because you are, in
18 fact, guilty?

19 MR. HARRIS: Yes.

20 THE COURT: Again, you understand it carries up to life
21 in prison?

22 MR. HARRIS: Yes, I do.

23 THE COURT: Understanding that, sir, do you still wish
24 to plead guilty?

25 MR. HARRIS: Yes.

1 THE COURT: Sir, you're pleading guilty to 2008-GS-15-
2 892, which is burglary in the second degree, violent. This
3 indictment states that you did in Colleton County, South
4 Carolina, on or about August 5th of 2008, did commit the
5 offense of burglary in the second degree violent and that
6 you did willfully and unlawfully enter the Colleton County
7 Sheriff's Office Sub Station located at 116 Lodge Highway in
8 Smoaks, South Carolina, without their consent and with the
9 intent to commit a crime therein, and that you did it during
10 the hours of darkness. Sir, do you understand the charge
11 contained in this indictment?

12 MR. HARRIS: Yes, ma'am.

13 THE COURT: How do you wish to plead to it, sir; guilty
14 or not guilty?

15 MR. HARRIS: Guilty.

16 THE COURT: Are you pleading guilty because you are, in
17 fact, guilty?

18 MR. HARRIS: Yes, ma'am.

19 THE COURT: You understand that burglary in the second
20 degree violent carries up to 15 years?

21 MR. HARRIS: Yes, I do.

22 THE COURT: Understanding that, do you still wish to
23 plead guilty?

24 MR. HARRIS: Yes, ma'am.

25 THE COURT: Sir, you're charged in Indictment Number

1 2008-GS-15-914, burglary in the first degree. This
2 indictment states that you did in Colleton County, South
3 Carolina, on or about June 18th of 2008, did willfully and
4 unlawfully enter the dwelling of a Betty G. Hurlbutt at [REDACTED]
5 Churchill Road without her consent with the intent to commit
6 a crime therein, and that you entered during the hours of
7 darkness, and/or that you were armed with a deadly weapon.
8 Sir, do you understand that charge contained in this
9 indictment?

10 MR. HARRIS: Yes, ma'am.

11 THE COURT: How do you wish to plead to it; guilty or
12 not guilty?

13 MR. HARRIS: Guilty.

14 THE COURT: Are you pleading guilty because you are, in
15 fact, guilty?

16 MR. HARRIS: Yes.

17 THE COURT: Sir, you understand again, burglary in the
18 first degree carries up to a life sentence?

19 MR. HARRIS: Yes, I do.

20 THE COURT: Understanding that, do you still wish to
21 plead guilty?

22 MR. HARRIS: Yes.

23 THE COURT: Sir, lastly, you are pleading guilty to
24 2008-GS-15-915 for burglary in the first degree. This
25 indictment states that you did in Colleton County, South

1 Carolina on June 18th of 2008, did willfully and unlawfully
2 enter the dwelling of a Stephen Reynold Sims at [REDACTED]
3 Churchill Road without his consent and with the intent to
4 commit a crime therein and that you entered during the hours
5 of darkness, and/or were armed with a deadly weapon. Sir,
6 do you understand the charge contained in this indictment?

7 MR. HARRIS: Yes, ma'am.

8 THE COURT: How do you wish to plead to it, Mr. Harris;
9 guilty or not guilty?

10 MR. HARRIS: Guilty.

11 THE COURT: Are you pleading guilty because you are, in
12 fact, guilty?

13 MR. HARRIS: Yes, ma'am.

14 THE COURT: Again, sir, you understand that burglary in
15 the first degree carries up to a life sentence; do you know
16 that, sir?

17 MR. HARRIS: Yes, ma'am.

18 THE COURT: Understanding that, do you still wish to
19 plead guilty?

20 MR. HARRIS: Yes, ma'am.

21 THE COURT: Gentlemen, I need you to understand and
22 appreciate that this is a negotiated plea between your
23 lawyers and you and the State. I can either accept or
24 reject it, but I can not deviate from it. I want both of
25 you to understand and appreciate that by pleading guilty

1 here today you are both going to receive life sentences
2 without the possibility of parole; do you understand that,
3 Mr. Fields?

4 MR. FIELDS: Yes.

5 THE COURT: Do you understand that, Mr. Harris?

6 MR. HARRIS: Yes, Your Honor.

7 THE COURT: Understanding that, gentlemen, do you both
8 agree to plead guilty? Mr. Fields?

9 MR. FIELDS: Yes, ma'am.

10 THE COURT: Mr. Harris?

11 MR. HARRIS: Yes, ma'am.

12 THE COURT: Gentlemen, you both have the right to have
13 a jury trial, and as you know I've been the judge that has
14 been assigned to your case and we have had a number of pre-
15 trial motions in your cases, but I want to make sure that
16 you understand that you are presumed innocent.

17 The burden is on the State to prove your guilt on your
18 charges beyond a reasonable doubt. I want to make sure you
19 understand and appreciate that by pleading guilty here
20 today, you are waiving your right to a jury trial, you are
21 waiving all the other Constitutional rights that go along
22 with a jury trial. You understand you're coming forward to
23 the Court, you're telling me you're guilty of your six
24 charges, and you understand that I am going to sentence you
25 under the negotiated plea just as if a jury of twelve people

1 have convicted you. Do you understand that, Mr. Fields?

2 MR. FIELDS: Yes, ma'am.

3 THE COURT: Do you understand that, Mr. Harris?

4 MR. HARRIS: Yes, ma'am.

5 THE COURT: Do you understand that were you to go to a
6 jury trial, your attorneys would have the opportunity to
7 cross examine the state's witnesses, as well as present
8 witnesses in your defense. They can attempt to suppress
9 serious evidence in the case.

10 Again, gentlemen, I want to make sure you understand
11 and appreciate that you are waiving your right to a jury
12 trial; is that correct, Mr. Fields?

13 MR. FIELDS: Yes, ma'am.

14 THE COURT: Is that correct, Mr. Harris?

15 MR. HARRIS: Yes, ma'am.

16 THE COURT: Gentlemen, have you been completely
17 satisfied with how your attorneys have represented you; Mr.
18 Fields?

19 MR. FIELDS: Yes.

20 THE COURT: Mr. Harris?

21 MR. HARRIS: Of course. Yes, ma'am.

22 THE COURT: Have your attorneys done everything you've
23 asked them to do?

24 MR. FIELDS: Yes, ma'am.

25 MR. HARRIS: Absolutely.

1 THE COURT: Do you have any complaints against your
2 lawyers whatsoever. Mr. Fields?

3 MR. FIELDS: No, ma'am.

4 THE COURT: Mr. Harris?

5 MR. HARRIS: No, ma'am.

6 THE COURT: Gentlemen, you need to understand and
7 appreciate that you have ten days from today's date to
8 appeal this guilty plea and the sentence of this Court. If
9 you can't afford an attorney for an appeal, one will be
10 appointed for you, at no cost to you, if you request it. Do
11 you understand that Mr. Fields?

12 MR. FIELDS: Yes, ma'am.

13 THE COURT: Do you understand that, Mr. Harris?

14 MR. HARRIS: Yes, ma'am.

15 THE COURT: Gentlemen, has anyone promised you anything
16 or held out any hope of reward to get you to plead guilty
17 here today; Mr. Fields?

18 MR. FIELDS: No, ma'am.

19 THE COURT: Mr. Harris?

20 MR. HARRIS: No, Your Honor.

21 THE COURT: Has anyone pressured you, or threatened
22 you, or told you that you had to plead guilty here today;
23 Mr. Fields?

24 MR. FIELDS: No, ma'am.

25 THE COURT: Mr. Harris?

1 MR. HARRIS: No, Your Honor.

2 THE COURT: Has anyone from law enforcement, the
3 Solicitor's Office, or the attorney that has represented you
4 mistreated you in any way, regarding your charges; Mr.
5 Fields?

6 MR. FIELDS: No, ma'am.

7 THE COURT: Mr. Harris?

8 MR. HARRIS: No, ma'am.

9 THE COURT: Gentlemen, I want to make sure both of you
10 have met on sufficient occasions and had adequate time to
11 discuss with your lawyers your defenses, your
12 representations, and in reaching this plea here today. Have
13 you, Mr. Fields?

14 MR. FIELDS: Yes, ma'am.

15 THE COURT: Have you, Mr. Harris?

16 MR. HARRIS: What was the question?

17 THE COURT: I want to make sure, sir, that you have had
18 an opportunity to speak and meet with your lawyers
19 adequately to discuss your defenses in this case, as well as
20 your representation in this guilty plea here today?

21 MR. HARRIS: Yes, ma'am.

22 THE COURT: All right. Solicitor, why don't you tell
23 me about it.

24 SOL. STONE: May it please the Court, Your Honor.
25 Harris and Fields participated together in a string of

1 burglaries. These burglaries started on June 18th of 2008,
2 and concluded on August 29th of 2008. All of these
3 burglaries happened in Colleton County and at least a number
4 of them led up to the event of August 6th.

5 Let me start, Your Honor, from the very first one on
6 June 18th, 2008. This was about 11:00 at night, both of the
7 defendants broke into the home of a man named Stephen Sims.
8 Mr. Sim's home is on Churchill Road in Walterboro. Inside
9 the home -- he was not there; inside the home they took a
10 Mossberg 12 Gauge shotgun, and a bullet proof vest, and some
11 other items. He was a former military officer and had those
12 in his home. During the burglaries, the defendants caused
13 over \$1,000 worth of damages to Mr. Sim's home. Again, that
14 was on June 18th.

15 The next night, these two entered into the home of Ms.
16 Betty Hurlbutt; Ms. Hurlbutt was 80 years old at the time.
17 This was also on Churchill Road, also in Walterboro. She
18 was home during the burglary and surprised them. They fled
19 through a window, but before they fled, they stole a long
20 gun from her home and that was valued at approximately \$500.

21 On August 5th, this is the burglary in the second
22 degree of the Sheriff's Sub Station. It is second degree,
23 it's at night, the burglary took place at night, but of the
24 building does make it a violent offense. They broke into
25 the Sub Station. This is on Lodge Highway in Smoaks, not

1 far from where Deputy Compton was killed.

2 There were several files in the Sheriff's Office that
3 contained information that was stolen, and basically, the
4 place was ransacked, but other than that nothing else was
5 taken. A few hours later, and this of course goes into
6 August 6th, but it's basically the same timeframe, about
7 2:30 in the morning they burglarized the home of Ms. Helen
8 Beach. This is the Sunflower Drive address in Smoaks, South
9 Carolina. They went through and were stealing several items
10 of jewelry. During the burglary, when they went to the
11 burglary, they took with them, we believe, the same 12 Gauge
12 Shotgun that they had stolen at the very first burglary.

13 When they went into the house, one of them was in the
14 back of the house, literally moving her jewelry from the
15 back of her bedroom up to the front in an attempt to take it
16 away, when Deputy Compton arrived on the scene responding to
17 the alarm. When Deputy Compton got there, one of them
18 holding the 12 Gauge Shotgun turned it on Deputy Compton,
19 shot and killed him inside the house; they both fled.

20 Less than a month after that, these two defendants
21 broke into another home. This was in the home of James
22 Moresco at Johnnie Circle in Walterboro where they stole a
23 .22 Caliber Rifle. Now, during the investigation, in fact,
24 most of these burglaries, or all these burglaries were
25 solved, because of the investigation concerning Officer

1 Compton's death.

2 Law enforcement officers from literally everywhere in
3 South Carolina came to Colleton County to work this case and
4 it took them a number of weeks to develop suspects. There
5 was a lot of information and at some point that information
6 led them to Jacoby Fields. They listened to a conversation
7 that he had with another individual concerning some
8 burglaries that he and Harris committed.

9 The law enforcement agencies, at this point, SLED,
10 State Law Enforcement Division is in charge of most of the
11 investigation and they executed a search warrant on Mr.
12 Fields' girlfriend, or they actually searched her car and
13 found a number of the items that were stolen in some of the
14 previous burglaries.

15 When they took Fields into custody, he was Mirandized.
16 I know that we have already had Jackson Denno hearings on
17 both Harris and Fields; I know you have seen the statements.
18 That point is when Fields admitted to his participation in
19 the burglary, but pointed to Harris as the gunman.

20 Later on, a Miranda was given to Harris, the same SLED
21 agents were interviewing Harris; Harris admitted to his
22 involvement in the burglary, but again he pointed the finger
23 at Fields. Items were found relating to the burglaries and
24 associated with both Fields and Harris. The gun was found
25 at Harris' home; there were some other items found with

1 Fields' girlfriend from some of these burglaries.

2 Field's himself, as far as a prior criminal history, in
3 2006, a simple assault and battery and a disorderly conduct;
4 2008, an unlawful carrying of a weapon. Harris, 2005, has a
5 juvenile record consisting of a resisting arrest and a
6 malicious injury of personal property.

7 I will tell you, Your Honor, that I am asking you to
8 accept this plea. As far as I'm concerned there is no more
9 serious offense than killing a police officer. I think
10 killing a police officer is an assault on our entire
11 society. I will tell you that the only two people in this
12 world that know who the trigger man was are standing before
13 you, and that's Harris and Fields.

14 Despite tremendous work on the part of every law
15 enforcement agency in this State, we simply do not know
16 which one was the trigger man. Therefore, the Solicitor's
17 intent in this case is for two things: one is that they're
18 both being treated equally. That they are treated out of
19 the same sentence, that they will both receive the same
20 sentence and that they will both die in prison. That's what
21 we ask you today, to accept this guilty plea.

22 THE COURT: Mr. Fields, you've heard the facts, the
23 rendition by the Solicitor, of the five burglaries and the
24 shooting of Deputy Compton?

25 MR. FIELDS: Yes, ma'am.

1 THE COURT: Is he correct?

2 MR. FIELDS: Yes, ma'am.

3 THE COURT: I find a substantial factual basis for this
4 plea. That your decision to plead guilty has been made
5 freely, voluntarily, knowingly, intelligently, with consent
6 of confident counsel, with whom you tell me you're satisfied
7 and I am going to accept your plea.

8 Mr. Harris, you've heard the facts by the Solicitor?

9 MR. HARRIS: Yes, ma'am.

10 THE COURT: Are they correct?

11 MR. HARRIS: Yes, ma'am.

12 THE COURT: I find a substantial factual basis for your
13 plea.. That your decision to plead guilty has been made
14 freely, voluntarily, knowingly, intelligently, with the
15 consent of confident counsel, with whom you tell me you're
16 satisfied and I am going to accept your guilty plea, sir.

17 MR. HARRIS: Yes, ma'am.

18 THE COURT: Solicitor Stone, is there anyone that would
19 like to speak?

20 SOL. STONE: There are a number of family members, Your
21 Honor, and there are number of officers that I would like to
22 invite them to come speak to you and I'll ask them to give
23 you their names as they come up here. I also told them that
24 they could make that decision at the very last.

25 THE COURT: And additionally, Solicitor Stone, if they

1 maybe don't want to come up and speak, if they would just
2 stand, please, to show that they are here on behalf of
3 Deputy Compton.

4 SOL. STONE: Certainly. Would everyone here on behalf
5 of Deputy Compton, stand, please?

6 (NUMEROUS PEOPLE IN THE COURTROOM STAND.)

7 THE COURT: Thank you.

8 SOL. STONE: Thank you, Your Honor. This is Deputy
9 Compton's mother, Your Honor.

10 SPEAKERS: Hi, I'm Linda Compton. I am Deputy Dennis
11 Compton's mother and thank you for letting me speak today.
12 I come here today, I see these two. They look upon my face
13 today. They chose to kill my son and take him away from me.
14 They're being judged today, but one day they'll be judged by
15 a higher court and may they look upon my son's face. So, my
16 hope today is that they will have to live every day of their
17 life recreating the horrible crime they did to my son and it
18 stays with them every day of their lives. They should
19 realize that they had a choice to make that night and they
20 chose very badly. Thank you.

21 THE COURT: Thank you, Mrs. Compton.

22 SOL. STONE: Your Honor, this is Deputy Compton's
23 sister.

24 THE COURT: Ma'am, if you could give me your name for
25 the record, first.

1 MS. COMPTON-AUSTIN: My name is Lisa Compton-Austin,
2 and I would like to thank you for letting me come. Your
3 Honor, three years and two months ago these young men, who
4 are actually the same age as my sons at home, took someone
5 very dear from me; we can't bring him back. And they not
6 only hurt one family, and we're a very close knit family,
7 they hurt three, because their mothers and family will now
8 be losing them.

9 My heart goes out to your mothers, because I don't know
10 what I would do if I had to lose my children. I know what
11 my mother's gone through losing her son and I pray for you
12 daily. Actually, in my church they are praying for these
13 young men right now and may God bless you. Thank you.

14 THE COURT: Thank you, Mrs. Compton-Austin.

15 SOL. STONE: That's all, Your Honor.

16 THE COURT: All right.

17 MR. YOUNG: Your Honor, on behalf of Mr. Fields, I have
18 to say Mr. Fields was 18 years old when he got caught up in
19 this situation and then his actions led him here today.
20 Over the past few years, I have watched him grow and mature
21 as a person and a man, and I'm very proud of him for being
22 here today.

23 On October 22nd -- I would like to make one thing a part
24 of the record in this case, and we'll mark it as Defendant's
25 Exhibit Number One. Mr. Fields did take a polygraph test .

1 with regards to the incident where Mr. Compton was killed
2 regarding whether or not he pulled the trigger. We just ask
3 that the Court review it as part of the record.

4 (DEFENDANT FIELD'S EXHIBIT NUMBER ONE, POLYGRAPH TEST,
5 IS RECEIVED INTO EVIDENCE.)

6 THE COURT: Anything further from you, Mr. Young, or
7 Mr. Carroll?

8 MR. YOUNG: No, ma'am.

9 MR. CARROLL: No, ma'am.

10 THE COURT: Anything you would like to tell me, Mr.
11 Fields?

12 MR. FIELDS: No, ma'am.

13 THE COURT: All right. Mr. Ruffalo? Mr. Lee?

14 MR. LEE: Thank you, Your Honor. May it please the
15 Court? Judge, I'll be brief; I'm a little under the
16 weather. I know Mr. Ruffalo can finish up for me, but I
17 would echo everybody's thoughts. This has been a long and
18 twisted road for all of us. Travis himself has had six
19 lawyers appointed by the State that have been excused for
20 various reasons. He's been reporting from jail, he's been
21 in jail over three years, and he, too, is -- I've seen a
22 change from that first time I met Travis, I guess he was 19
23 and had a chip on his shoulder, he was street-smart, and he
24 had some real questions about me and the system.

25 As I followed him around the State to Charleston,

1 Ridgeland, and now Sumter where he's housed, he has shown a
2 development that quite frankly is a little unusual in these
3 types of clients. He has a good heart, he has a good head,
4 and he is going to make the most of it.

5 Mrs. Compton-Austin I think said it best when she said
6 that this is a tragedy for a lot of family. Travis' family
7 and friends are out in the audience and you know his mom
8 said it best when we were talking about it, she said that
9 she'd much rather visit him in jail than in the cemetery,
10 and that really is true.

11 On behalf of Travis, we sincerely thank the Compton
12 family for their graciousness and mercy in this matter; and
13 personally, I can't imagine myself being in their position,
14 but the grace and the class that they have shown towards us
15 is greatly appreciated, and I think that it is in
16 everybody's best interest to get this over with, quickly.
17 We're not here to argue about who did what; they're both
18 pleading guilty under the same theory and by this, we're all
19 allowed to avoid uncertainty of trial, the cost that this
20 would emotionally and financially would impose on everyone,
21 and while I think it's a overused and misused cliché to talk
22 about closure, it does give us some finality to look forward
23 rather than back.

24 Travis has a long road ahead of him and I told him the
25 other day when I was visiting him that I was trying a case

1 in front of Your Honor back in January and I've looked at
2 that South Carolina State Seal behind you, and it said "Dum
3 Spiro Spero" and I went back and looked it up, and it means
4 "While I breathe, I hope," and as long as Travis is
5 breathing, he is going to have hope, and he is hoping to do
6 good things, to make people proud of him and just realize
7 this is the worst thing he's ever done and he hates to be
8 judged by that.

9 Lastly, we will just try to reemphasize all of our
10 respect for law enforcement. When you work in this line of
11 work and do criminal defense work, these are the type of
12 things that remind you of how important they are to all of
13 us and how lucky we are to have these guys go out every day
14 and have our back.

15 So, I know Mr. Ruffalo is going to go into a little
16 more detail, but on behalf of Travis Harris and his family
17 and friends and all of us, we respectfully ask you to go
18 along with the plea that's been offered.

19 THE COURT: Thank you.

20 MR. RUFFALO: Judge, I don't want to belabor the point
21 anymore, and Mr. Lee has covered most of what I wanted to
22 say. I just want to remind the court that Travis is here
23 today to plead and has made his plea. He, of course, has
24 been properly evaluated. There are no conflict of issues,
25 and my position as mitigation person is I would have shown

1 that he was competent to stand trial, enter his plea, and
2 understand all of the nature of the legal arguments. He's
3 actually a quite clever young man and asked a lot of
4 questions in our meetings. I think in the six months that
5 I've been appointed to this case, I don't think there was a
6 Friday -- there was couple of Fridays I've missed where I'd
7 gone up to see him. He's been very insightful, very
8 inquisitive. I had the doctor, the neuropsychologist, here
9 today to look at him again. He has been in prison for quite
10 some time. We did a little mini-observation of him today
11 and there are no cognitive issues that the Court can be
12 concerned with. He is perfectly capable of making his plea.
13 At any trial, of course, we would have shown some statutory
14 mitigation; that would have been almost no criminal history
15 whatsoever, his age, there are other non-statutory
16 mitigation that we would have shown, of course, to the
17 Judge.

18 As Your Honor knows, the results of the polygraph are
19 not acceptable in any courtroom in this country, whatsoever.
20 However, neither of these defendants, I believe, have the
21 right in this preceding to try and point fingers of us in
22 their responsibility in this terrible, terrible crime. To
23 discuss what is, and what could have been, and who did what
24 and who didn't do what, is kind of what the philosophers
25 call arguendo ad finite; it just goes on forever. It's

1 useless speculation about something that will never have an
2 answer.

3 Fortunately, for us, it is up to God to separate the
4 truly wicked from the truly misguided. We are fortunate.
5 We have the law and we have to follow the law and that's all
6 we need to do. I want to thank the family of the deputy for
7 coming here today. The statements that were made by his
8 relatives were truly some of the finest things I've ever
9 heard people say of forgiveness.

10 The opportunity of the Court and the State and their
11 family has given to Travis by not seeking the death penalty
12 is what I call an opportunity of redemption; few of us get
13 that. My advice to him a few minutes ago was when you go
14 where you're going, try to be useful; and remember you have
15 been given an opportunity to be redeemed, and that is
16 something precious, and that is a gift from the Deputy's
17 family. Thank you very much.

18 THE COURT: Thank you, Mr. Ruffalo. Mr. Harris, do you
19 want to ---

20 MR. LEE: May he address the Court, briefly, Your
21 Honor.

22 THE COURT: Yes, sir.

23 MR. HARRIS: All I got to say is while I breathe, I
24 hope, and it ain't over. Thank you, Your Honor.

25 SOL. STONE: Your Honor, I'm sorry to interrupt.

1 Sheriff Malone has asked if he could address you.

2 THE COURT: Sure.

3 SHERIFF MALONE: First of all, as Sheriff of Colleton
4 County, I can truthfully say on the day this event took
5 place that was, and still is, the worst day of my tenure as
6 Sheriff. Hopefully, that will be the worst day in the
7 history of Colleton County, as far as law enforcement goes.

8 To these young men, I'll continue to pray for you and
9 additionally having to pray for myself, because I still have
10 some feelings of resentment I have to pray over. and with
11 God's help I'll get there. To Dennis' family, as Sheriff of
12 Colleton County, I feel like I owe you an apology for not
13 protecting your loved one like I should have. That's my
14 confession here today; I'll have to live with that. But I
15 do apologize publicly and privately for that, and I just
16 pray that they can forgive me, forgive these young men,
17 forgive us in Colleton County.

18 Dennis was an outstanding officer and young man. I
19 didn't work with him closely, because of my position being
20 what it is, I didn't have the opportunity to work with
21 Dennis in the field, but anytime that I came in contact with
22 Deputy Compton, it was always a positive contact.

23 He just had the type of personality that would
24 automatically just draw you to him in a positive way. And I
25 don't understand God's work; I never will. I don't question

1 it, but I can truthfully say God has removed one of our very
2 good and professional officers from our presence and for
3 whatever His reasons are for doing that, I just pray that
4 Dennis is comfortable where he is and I just pray that his
5 family can continue and move forward from this point from
6 whatever it has been for them until now.

7 I know it's been hard on them and again, I just want to
8 apologize to them, and if there's anything that we can do
9 from now forward, I would encourage them to contact us and
10 let us know. I thank you very much, Your Honor, for giving
11 me this opportunity.

12 THE COURT: Thank you, Sheriff. Anything further from
13 anyone?

14 SOL. STONE: No, Your Honor.

15 MR. LEE: No, ma'am.

16 MR. YOUNG: No, ma'am.

17 THE COURT: Well, I want to say to the Compton family
18 that I'm so sorry for your loss. I can't imagine to
19 experience yet another Christmas without your son and
20 brother. This truly is a tragedy, as so many people have
21 said. I think the only solace that maybe you can find from
22 today is that Deputy Compton passed while he was in service
23 to his community, and he was defending people, and he was an
24 honor to his uniform, and certainly to the people of
25 Colleton County.

1 To Mr. Fields and Mr. Harris, I can only hope that at
2 this point you understand the sanctity of life. You both
3 were so young when this occurred, and we recognize that, and
4 I want you to know that enormous resources have been spent
5 and your lawyers have vigorously defended you in the attempt
6 to spare you from the same fate that you brought on Deputy
7 Compton. I can only wish God's grace on everyone here
8 today. Again, it's a tragedy and I hope everyone goes home
9 with a renewed blessing of the holidays.

10 Mr. Fields, on Indictment 2008-GS-15-885, for murder,
11 the sentence of this Court is that you be committed to the
12 Department of Corrections for a period of life without
13 parole. On Indictment Number 2008-GS-15-886, for burglary
14 in the first degree, the sentence of this Court is that you
15 be committed to the Department of Corrections for a period
16 of life without parole. On Indictment 2008-GS-15-887, for
17 burglary in the first degree, the sentence of this Court is
18 that you be committed to the Department of Corrections for a
19 period of life without parole. On Indictment 2008-GS-15-
20 888, for burglary in the second degree, violent, the
21 sentence of this Court is that you be committed to the
22 Department of Corrections for a period of 15 years.

23 On Indictment 2008-GS-15-916, burglary in the first
24 degree, the sentence of this Court is that you be committed
25 to the Department of Corrections for a period of life

1 without parole. On Indictment 2008-GS-15-917, for burglary
2 in the first degree, the sentence of this Court is that you
3 be committed to the Department of Corrections for a period
4 of life without parole.

5 Mr. Harris, on Indictment Number 2008-GS-15-889, for
6 burglary in the first degree, the sentence of this Court is
7 that you be committed to the Department of Corrections for a
8 period of life without parole. On Indictment 2008-GS-15-
9 890, for murder, the sentence of this Court is that you be
10 committed to the Department of Corrections for a period of
11 life without parole. On Indictment 2008-GS-15-891, for
12 burglary in the first degree, the sentence of this Court is
13 that you be committed to the Department of Corrections for a
14 period of life without parole.

15 On Indictment Number 2008-GS-15-892, for burglary in
16 the second degree, violent, the sentence of this Court is
17 that you be committed to the Department of Corrections for a
18 period of 15 years. On Indictment Number 2008-GS-15-914,
19 for burglary in the first degree, the sentence of this Court
20 is that you be committed to the Department of Corrections
21 for a period of life without parole. On Indictment Number
22 2008-GS-15-915, burglary in the first degree, the sentence
23 of this Court is that you be committed to the Department of
24 Corrections for a period of life without parole.

25 I want to thank the Solicitor's Office and the

1 attorneys that have worked hard on this case.

2 SOL. STONE: Thank you, Your Honor.

3 MR. LEE: Thank you.

4 MR. RUFFALO: Thank you, Your Honor.

5 MR. YOUNG: Thank you, Your Honor.

6 MR. CARROLL: Thank you, Your Honor.

7 THE COURT: Thank you.

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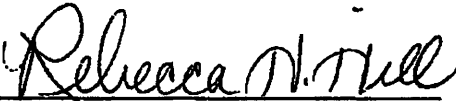
STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

CERTIFICATE

I, REBECCA H. HILL, Official Court Reporter for the Judicial Department of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had in the hearing of the captioned case, in the Court of General Sessions for Colleton County, South Carolina, on the 21st day of December 2011.

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

October 12, 2012


Rebecca H. Hill,
Official Court Reporter

FORM 5

STATE OF SOUTH CAROLINA

County of ColletonTravis Jayon Harris #349116

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

12-CP-15-991

APPLICATION FOR

POST-CONVICTION RELIEF

2012 DEC 28 AM 10:42
PATRICIA C. GRANT
COLLETON COUNTY
COMMON PLEASINSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention M^e Cormick Corr. Inst. 386 Redemption Way M^e Cormick, SC 29899
2. Name and location of Court which imposed sentence General Sessions Colleton Co. / Walterboro, SC
3. Name(s) of co-defendant(s) (if any) Jacoby Fields
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2008-GS-15-0889
 - (b) 2008-GS-15-0890-92 & 14-15

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) Dec 21 11 Life
- (b) Dec 21 11 / Life all other
- (c) Dec 21 11 / Burglary 2nd 15 yrs concurrent
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- | | | |
|------|----------|----------|
| i. | <u>N</u> | |
| ii. | | |
| iii. | | <u>A</u> |
- (b) the result in each such Court to which you appealed:
- | | | |
|------|----------|----------|
| i. | <u>N</u> | |
| ii. | | |
| iii. | | <u>A</u> |
- (c) the date of each such result:
- | | | |
|------|----------|----------|
| i. | <u>N</u> | |
| ii. | | |
| iii. | | <u>A</u> |
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- | | | |
|------|----------|----------|
| i. | <u>N</u> | |
| ii. | | |
| iii. | | <u>A</u> |
9. If you answered "no" to (7), state your reasons for not so appealing:
- | | | |
|-----|----------|----------|
| (a) | <u>N</u> | |
| (b) | | <u>A</u> |

- (c) N/A
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel
- (b) Guilty plea "was not" voluntarily or intelligently made
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) SEE ATTACHED SHEET 1-6
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? None
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- | | |
|------|----------|
| i. | <u>N</u> |
| ii. | |
| iii. | |
| iv. | <u>A</u> |
- (b) the name and location of the Court in which each was filed:
- | | |
|------|----------|
| i. | <u>N</u> |
| ii. | |
| iii. | |
| iv. | <u>A</u> |

(c) the disposition thereof:

i.	N
ii.	
iii.	
iv.	A

(d) the date of each such disposition:

i.	N
ii.	
iii.	
iv.	A

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

i.	N
ii.	
iii.	
iv.	A

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

NO

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

(a) which grounds have been presented:

i.	N
ii.	
iii.	A

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

i.	N
ii.	
iii.	A

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

(a) See (10 (a)) Applicant first time presenting ground
 (b) See (10 (b)) 1. " " " "
 (c) _____

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

(a) your arraignment and plea? YES
 (b) your trial, if any? None
 (c) your sentencing? YES
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? None
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? None

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

(a) the name and address of each attorney who represented you:
 i. Scott W. Lee, 1214 King St., P.O. Box 2124
Beaufort, SC 29901-2124
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. Plea & Sentencing
 ii. _____
 iii. _____

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

Vacate charges and sentences / New Trial, and any
other relief that I may be entitled to and
the court deems just and fair

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

NO

STATE OF SOUTH CAROLINA)

County of McCormick)

VERIFICATION

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

Travis Javon Harris

SWORN to and subscribed before me this 26
 day of Nov, 2012

George L. Lippert (L.S.)
 Notary Public

My Commission Expires: 10/1/2021

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

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

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

Travis J. Harris
applicant

SWORN or affirmed to and subscribed before me this

26 day of Nov, 2012

Joy L. Young
Notary Public

My Commission Expires: 10/12/2021

11.Ca) INEFFECTIVE ASSISTANCE OF COUNSEL

(1) Per. the Bill of Rights to the Federal Constitution I was denied the right to effective assistance of counsel per. the due process as guaranteed by BOTH the 6th and 14th Amendments to the U.S. Const. and S.C. Const. - Article I sec. 3 and sec 14. Also see: Strickland v Washington 104 S. Ct. 2052; Butler v State 334 SE2d 813; Cherry v State 386 SE2d 624

Here, Counsel Lee acts

and or omissions including but not limited to prejudiced me

Counsel misinformed me about the Miranda warning SEE: Miranda v

Arizona 384 U.S. 436. Which

prejudiced me by him failing to also advise me that my statement should have been inadmissible as a matter of law. Also see:

Shirley v State 410 SE2d 572

(2) Counsel further prejudiced me when he failed to inform me that I could attack the unlawful search warrant, 4th Amend. violation.

- (3) Moreover, counsel prejudiced me failed to inform me that any evidence of my guilt from my co-defendant, Jacoby Fields statement may could have been suppressed per. Bruton v U.S. 88 S Ct. 1620
- (4) Or that if my co-defendant did not testify, his statement would be no good SEE: State v LaBarge 268 SE2d 278 after co-defendant plea.
- (5) Further, counsel never inform me or investigate that there may have

been an agreement between the State and my co-defendant to testify against me SEE: State v Kennerly 503 SE2d 214; Arnette v State 413 SE2d 803.

- (6) Counsel never talk to me upon any kind of defense level(s).
- (7) Nor did he give me my Rule (5) evidence, to go over, to be able to aid in my own defense.
- (8) Moreover, Counsel prejudiced me when he did not inform or explain to me why I was not charged with poss. or

use of a firearm in the commission of a violent crime, if I did the crime.

(9) Counsel also never explain the elements of each charge to which I was pleading to SEE: Pittman v State 524 SE2d 623.

11.(6) GUILTY PLEA "WAS NOT" VOLUNTARILY OR INTELLIGENTLY MADE

(1) I argue all the above grounds and further argue that my guilty plea "was not" voluntarily nor intelligently made due to my lack of under-

standing of the crimes elements,
the consequences of my plea SEE:

Dover v State 405 SE2d 391; State v
Patterson 295 SE2d 264, and counsels

(2)
many errors/acts and omissions. And,

if it was not for counsel many
errors/acts and omissions. I would
not have pleaded guilty but would
have insisted on going to trial

SEE: Hill v Lockhart 106 S.Ct. 366;

Jivers v State 406 SE2d 154; Boylkin v

Ala. 395 U.S. 238 and Pittman v State

524 SE2d 623.

Date
11-26-12

Respectfully Submitted

696 Travis J. Harris

PROOF OF SERVICE 12-CP-15-991

I, Travis Javon Harris, certify that I have served my P.C.R. form upon the below Hon. Clerk of Ct. By placing the above said into the MS Corr. Inst. mail room on this 26 day of November, 12 to be placed in the U.S. mail with postage prepaid

SWORN to and subscribed before me
this 26 day of NOV 2012

James J. Young Notary Public Travis J Harris
My Commission Expires 10/1/2021

cc: Personal file

PATRICIA C. GRANT
COLLETON COUNTY
COMMON PLEAS
2012 DEC 28 AM 10:42

Date: 11-26-12

Dear Hon. Clerk of Ct.

Please find enclosed for filing
my P.C.-2 form. Would you be
so kind as to forward the Atty.
Gen's Office a copy, and me one
back.

Thanking you in advance,

cc: Personal File

Sincerely
Ira J. Harris

PATRICIA C. GRANT
COLLETON COUNTY
COMMON PLEAS
2012 DEC 28 AM 10:42

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON	)	
	)	
	)	2012-CP-15-991
	)	
Travis Javon Harris, #349116,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

The Respondent, making its Return to the application for post-conviction relief (PCR) filed December 28, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Colleton County Clerk of Court. The Applicant was indicted at the October 2008 term of the Colleton County Grand Jury for murder (2008-GS-15-0890), four counts of burglary (first-degree) (2208-GS-15-0889/91, 0914/15), and burglary (violent) (second-degree) (2008-GS-15-0892). Applicant was represented by Scott W. Lee, Esquire.

On December 21, 2011, the Applicant pled guilty as indicted. Applicant was sentenced by the Honorable Carmen T. Mullen to confinement for a period of life without parole (LWOP) for murder, LWOP for all burglary (first-degree), and fifteen (15) years for burglary (second-degree) (violent). The Applicant did not appeal his convictions or sentences.

Attached herewith and incorporated herein are the records of the Colleton County Clerk of Court regarding the subject convictions and the Applicant's records from the South Carolina

Department of Corrections. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. Ineffective Assistance of Counsel
2. Involuntary Guilty Plea

III.

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

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

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

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

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

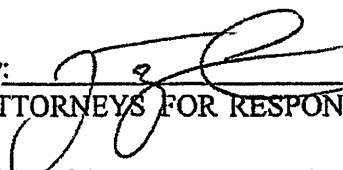
IV.

The Applicant's assertion that his guilty plea was involuntary is without merit. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). An Applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the Applicant would not have pled guilty and would have insisted on going to

trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An Applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985); Bennett v. State, 371 S.C. 198, 204, 638 S.E.2d 673, 675 (2006).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969). In Boykin, the United States Supreme Court held that before a court can accept a guilty plea, a criminal defendant must be advised of the constitutional rights he is waiving. Id. at 243, 89 S. Ct. at 1712. Specifically, the accused must be aware of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Id. Moreover, a criminal defendant entering a guilty plea "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999) (citation omitted). A criminal defendant's knowing and voluntary waiver of statutory or constitutional rights in a guilty plea "must be established by a complete record, and may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)).

When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) (citing Harres v. Leeke,

By: 

ATTORNEYS FOR RESPONDENT

Office of the Attorney General

P.O. Box 11549

Columbia, SC

29211

Telephone: (803) 734-3737

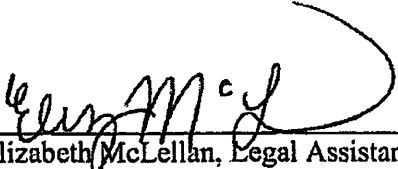
June 24, 2015

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON	)	
	)	
	)	2012-CP-15-0991
	)	
TRAVIS JAVON HARRIS, #349116,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

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

Tristan M. Shaffer, Esq.
 Axelrod & Associates, P.A.
 4701 Oleander Dr.
 Myrtle Beach, SC 29577

DATED this 24th day of June, 2015.


 Elizabeth McLellan, Legal Assistant
 For Respondent

State of South Carolina	)	Court of Common Pleas
	)	14 th Judicial Circuit
County of Colleton	)	Case No. 2012-CP-15-00991
	)	
Travis J. Harris,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
State of South Carolina,	)	
	)	
Defendant.	)	
	)	

June 4, 2018
Beaufort, South Carolina

B E F O R E:

The Honorable Diane Schafer Goodstein, Judge

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

James K. Falk, Esquire
Attorney for the Plaintiff

Christian Saville, Esquire
Attorney for the Defendant

Krystal J. Smith
Circuit Court Reporter

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18				
19	<u>COURT REPORTER LEGEND</u>			
20	dashes --	intentional or purposeful interruption		
21		or change in thought		
22	ellipses . . .	trailing off		
23	[ph]	phonetically written		
24	[sic]	written as said		
25				

1 JUNE 4, 2018

2 (WHEREUPON, the proceedings began at 10:25 a.m.)

3 THE COURT: All right. And -- and this is Mr. Harris?

4 MR. SAVILLE: Yes, Your Honor.

5 THE COURT: All right. And is Mr. Harris here?

6 THE APPLICANT: Yes, ma'am.

7 THE COURT: Hi, Mr. Harris.

8 THE APPLICANT: How are you?

9 THE COURT: All right. All right. Do you want him to
10 come on over to you, Mr. Falk?

11 MR. FALK: Yes, Your Honor.

12 THE COURT: All right. Come on, Mr. Harris.

13 All right. I'm listening to you, Mr. Christian. All
14 right. Yes, sir?

15 MR. SAVILLE: Your Honor, this is Travis Harris versus
16 the State of South Carolina, Docket Number 2012-CP-15-00991.
17 Mr. Harris was indicted at the October 2008 term of the
18 Colleton County Grand Jury for murder, four counts of first-
19 degree burglary, and burglary second-degree. He was
20 represented by Mr. Scott W. Lee, Esq., and Mr. Dudley
21 Ruffalo, Esq.

22 On December 21st, 2011, he pled guilty as indicted and,
23 pursuant to a negotiated plea agreement, he was sentenced by
24 the Hon. Carmen T. Mullen to confinement for life without
25 parole.

1 Mr. Harris filed an application for post-conviction
2 relief on December 28th, 2012, alleging that he was being held
3 in custody unlawfully based on numerous allegations of
4 ineffective assistance of counsel.

5 He is present today and represented by Mr. James K.
6 Falk, Esq., and I will turn it over to Mr. Falk. Thank you.

7 THE COURT: Yes, sir. Mr. Falk?

8 MR. FALK: Your Honor, my client is -- this is a guilty
9 plea case. My client is alleging that this was a coerced
10 guilty plea based on information he got from trial counsel
11 that was incorrect, and so he's -- his premise is guilty plea
12 based on bad information from his trial counsel.

13 I want the Court to note that we did file an amended PCR
14 in this case.

15 THE COURT: Okay.

16 MR. FALK: And really raising more mental health issues.
17 And some time back, the Court authorized funding for me to
18 retain Dr. Maddox. She interviewed him. We were first
19 considering whether or not there were possibly Blair issues.
20 And also, because of his relative age at the time of the
21 incident, whether or not this was potentially kind of an
22 Aiken v. Byers type --

23 THE COURT: Uh-huh.

24 MR. FALK: -- case and whether or not that type of
25 mitigating testimony should have been provided to the Court.

TRAVIS HARRIS - DIRECT BY MR. FALK

1 And again, Dr. Maddox was not held by that. So we're
2 not going forward on those two issues, and we're really going
3 forward on the issue of whether or not my client was coerced
4 into pleading guilty based on information he got from his
5 trial counsel which turned out not to be accurate.

6 THE COURT: Got it. Call your first witness.

7 MR. FALK: And then I would like to call Mr. Harris to
8 the stand.

9 THE COURT: Absolutely.

10 THE CLERK: Do you solemnly swear or affirm to
11 truthfully answer all questions asked of you by this Court,
12 so help you God?

13 THE APPLICANT: Yes, ma'am.

14 THE CLERK: State your name for the record, please.

15 THE APPLICANT: Travis Harris.

16 THE CLERK: Thank you, sir.

17 THE COURT: All right. Your witness.

18 TRAVIS HARRIS, being first duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. FALK:

22 Q: Could you please state your name and spell your last
23 name for the record?

24 A: Travis Javon Harris.

25 Q: Thank you. Mr. Harris, Mr. Lee and Mr. Ruffalo were

TRAVIS HARRIS - DIRECT BY MR. FALK

1 representing you in this case; is that correct?

2 A: Yes, that's correct, sir.

3 Q: Who were -- and you had -- did you have other lawyers in
4 this case?

5 A: Yes.

6 Q: Do you recall some of those lawyers?

7 A: Not really.

8 Q: Do you know how -- do you know why they got off your
9 case or why you ended up with Mr. Lee and Mr. Ruffalo?

10 A: They said conflict of interest.

11 Q: Okay.

12 A: It was, like, five or six of them, maybe seven different
13 lawyers before them.

14 Q: Okay. And so how many times do you think you met with
15 your lawyers prior to your entering a plea in this case?

16 A: I would say over several times. I would say Mr. Ruffalo
17 maybe three times, Mr. Scott maybe eight or nine.

18 Q: Okay. Now, I assume based on these charges you were
19 always in the Colleton County Detention Center?

20 A: No. I wasn't never at the Colleton County Detention
21 Center.

22 Q: I'm sorry. Were you always in custody?

23 A: Yes. I was always in custody.

24 Q: Okay. But this is a Colleton County case, is it not?

25 A: Yes, it is.

TRAVIS HARRIS - DIRECT BY MR. FALK

1 Q: And where were you in custody?

2 A: Two years in Charleston County, like eight months or
3 seven months in Jasper County, and like five months before I
4 went -- five months in Sumter County.

5 Q: Was it ever explained to you why you weren't in the
6 Colleton County Detention Center?

7 A: A conflict of interest. They said a conflict of
8 interest --

9 Q: They were separating you --

10 A: -- with the Sheriff's --

11 Q: -- from your co-defendant?

12 A: No, with the Sheriff's Office.

13 Q: Okay. I see. And who was your co-defendant in this
14 case?

15 A: Jacobi Fields.

16 Q: All right. Now, you said that you met with Mr. Lee
17 maybe seven or eight times and with Mr. Ruffalo. What were
18 they explaining to you? What was the -- what was their --
19 what's your recollection of what they told you was the
20 evidence against you in this case?

21 A: The evidence they said that they had against me was they
22 found the murder weapon in -- like, on my property -- on my
23 mom's property, and I gave a confession speaking -- saying
24 that it would -- it incriminated me, and they said that --
25 they also said that Jacobi Fields was going to testify

TRAVIS HARRIS - DIRECT BY MR. FALK

1 against me for the State.

2 Q: Okay. And in your confession, you didn't -- you didn't
3 confess to the shooting of Mr. -- of Officer Compton, did
4 you?

5 A: No, sir.

6 Q: So it was -- you had concerns that Jacobi Fields was
7 going to testify against you; is that correct?

8 A: Yes, sir. My counsel advised me that -- you know, he
9 advised me that my co-defendant, Mr. Fields, was going to
10 testify against me at trial.

11 Q: Okay. And did you have a -- and the murder weapon --
12 that was the Mossberg shotgun?

13 A: Yeah. They said that that was the murder weapon. They
14 did a ballistics on it, and they said that it was the murder
15 weapon and they found it in my yard -- in my mama's yard.

16 Q: Okay. You know, when I got assigned to this case --
17 well, no. I'm not going to testify here.

18 Let's see. You took a plea to life in prison; is that
19 correct?

20 A: Yeah. Counsel advised me to take that plea.

21 Q: Okay. Why don't you tell me how that advice went or how
22 those conversations went? Why would they advise you to take
23 a plea for life in prison?

24 A: Because around December, I was -- I was scheduled to go
25 to trial.

TRAVIS HARRIS - DIRECT BY MR. FALK

1 Q: Okay.

2 A: And Scott Lee told me while I was in Beaufort County
3 Detention Center that the solicitor is giving me until Monday
4 to take -- take a plea, and this was I think that Thursday or
5 that Friday when we had a pretrial motion hearing. So Scott
6 Lee -- I told him I'm not taking no plea. It's not
7 happening.

8 Scott Lee said it's only a two percent chance of me
9 winning and that, you know, they found the weapon in my yard
10 and Jacobi was going to testify. And he said, man, I don't
11 want this on my -- on my record. I don't want this. I can't
12 sleep with you getting the death penalty when -- when you
13 should plead guilty.

14 Q: Why did you think this was a death penalty case?

15 A: Because they -- he told me that they was going to try me
16 for the death penalty.

17 Q: And --

18 A: And then they -- they gave me a notice back in June of
19 2009 for -- for -- for seeking the death penalty.

20 Q: Okay. Did they explain to you that it was because it
21 was the death of a law enforcement officer?

22 A: I don't remember.

23 Q: So Mr. Lee told you that you needed to plead guilty
24 because you only had a two percent chance of winning?

25 A: Yes. Yes. Yes, sir.

TRAVIS HARRIS - DIRECT BY MR. FALK

1 Q: And did he -- what did he tell you if they were going to
2 go to trial? Was he concerned that you could get the death
3 penalty in this case?

4 A: Yeah. He said they were going to hang me. He said
5 that. He said it's Colleton County, predominantly Caucasian,
6 and it was a white cop that died and they was going to hang
7 me without a shadow of a doubt.

8 Q: Did you have an opportunity to talk to your parents or
9 did you consult with any of your family members?

10 A: I never could talk to none of my family or nothing. He
11 came and visited me in Beaufort County in the visiting room.
12 Once he said, man, you're either going to take the plea or
13 the solicitor is going to take it to trial.

14 Q: And --

15 A: And I advise you to take the plea.

16 Q: Let me try --

17 A: So I said I don't get it.

18 Q: Let me try to get the chronology here down, and then
19 I'll let you answer your question. So you pled on December
20 21st, 2011? That's the date on your transcript?

21 A: Yeah. That's -- that's the day that they said that --
22 yeah, I guess.

23 Q: Okay. So I'm just trying to -- just for the Court. So
24 this conversation with Mr. Lee -- when did that occur? How
25 many days before you were in the Colleton County courthouse?

TRAVIS HARRIS - DIRECT BY MR. FALK

1 A: Maybe two or three days, maybe.

2 Q: Okay. I think I interrupted you and I think you were
3 answering. So did you have an opportunity to consult -- so
4 he told you that a couple of days earlier. You said he
5 traveled down here?

6 A: Yeah. His office is in Hilton Head.

7 Q: Okay. And so he spoke with you here and he told you
8 about that you needed to plead guilty in this case; is that
9 correct?

10 A: Yes. Yes, sir.

11 Q: So let's assume this was maybe -- if that was December
12 11th, so let's assume that meeting took place -- excuse me.
13 That was the 21st. So that meeting maybe took place on the
14 17th or something, a couple of days before you went to
15 Colleton; is that correct?

16 A: Repeat, please?

17 Q: This meeting when he told you you needed to plea --

18 A: Right.

19 Q: -- and that there was a two percent chance that you were
20 going to win, and that if you didn't plead guilty, you were
21 going to get hung in Colleton County. I'm just trying to get
22 an idea. That was a couple of days before you went to
23 Colleton County; is that correct?

24 A: Yeah. That was -- that was, like, maybe two or three
25 days before I went there.

TRAVIS HARRIS - DIRECT BY MR. FALK

1 Q: At the end of the meeting, did you -- what did you tell
2 him? Did you tell him that you were going to plead guilty?

3 A: I told him I didn't want to plead guilty.

4 Q: Okay. So when you were in the -- so you went to the
5 courthouse on the 21st when you went to Colleton County. Did
6 everybody know that you were going to plead guilty that day
7 or was there still more conversations?

8 A: There was still more conversation, but Mr. -- Mr.
9 Ruffalo -- he met me in the basement and he had some papers,
10 some sentencing forms and he said, man, you know, you're
11 going to have to sign these and, you know, it'll be -- you
12 know, so you don't get the death penalty, man. You know,
13 you're going to have to sign these. There won't be no trial
14 and just -- we can just go ahead and get it out of the way.

15 I told him I didn't want to sign them initially. He
16 said, man, it's either this or the death penalty, man. So I
17 said, all right. I just went with my counsel's advice and
18 just -- and just rolled with the punches. I just went with
19 his advice.

20 Q: Were your lawyers getting emotional about this
21 recommendation?

22 A: Yeah. When Scott Lee came to visit me in Beaufort, you
23 know -- you know, some tears came down his eyes when he told
24 me he felt like I should take the plea. And -- and he left
25 me \$41.26, if I ain't mistaken, on my books and said, man, I

TRAVIS HARRIS - DIRECT BY MR. FALK

1 just -- I just hope everything will be all right with you
2 while you're up that road. If you appeal it -- you know, I
3 told him I wanted a direct appeal when I seen him, and he
4 said he felt like it would be frivolous for me to do a direct
5 appeal, but I told him I had some issues I wanted to bring up
6 on direct appeal.

7 Q: What were those issues that you wanted to bring up on
8 direct appeal?

9 A: It was some 14th amendment violations, due process
10 violations.

11 Q: Specifically, without making --

12 A: Dealing with the consent. Dealing with the consent to
13 search Mr. Drain's property and the 60 acres, you know,
14 behind -- behind my property down a dirt road and -- and I
15 wanted to bring that up as an issue to come back on direct
16 appeal because I just knew that they didn't find the stuff on
17 my property, but he didn't look into it, you know.

18 Q: Because you had concerns about the search of your
19 property; is that correct?

20 A: Yeah. I had concerns about the -- basically, I had
21 concerns about where they said they found these things. You
22 know what I mean? This evidence that they said that they had
23 against me.

24 Q: Well, the evidence we're talking about is the gun; is
25 that not correct?

TRAVIS HARRIS - DIRECT BY MR. FALK

1 A: Yeah. A gun. Yeah. Two guns or something like that,
2 yeah.

3 Q: Okay. Do you know anything about these guns? Where
4 were they disposed of?

5 A: They said that they found them in the woods. I got the
6 paperwork right here to show what --

7 THE APPLICANT: If it -- if it please the Court, I've
8 got the paperwork right here, Your Honor.

9 MR. FALK: May I see?

10 May I approach to see what he's pulling out?

11 THE COURT: Sure.

12 BY MR. FALK:

13 Q: Now, you had just shown me three pieces of paper. Can
14 you -- can you tell me what you believe those pieces of paper
15 are? How did you get the copies? How did you get in the
16 custody of those pieces of paper?

17 A: I got these pieces of paper with my Rule 5 motion of
18 discovery that Scott Lee gave me.

19 Q: So those were -- that was the Rule 5 that you got from
20 your -- from your trial counsel; is that correct?

21 A: Yes.

22 Q: Now, are there some -- are there some large numbers in
23 the bottom right-hand corner of those pages?

24 A: Uh-huh.

25 Q: Can you tell us what those are?

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1 A: 01131. That's the permission to search form.

2 01372. That right there is showing specifically what
3 they came to search and -- and the search warrant or
4 whatever.

5 01373.

6 Q: Okay.

7 A: You know, and that shows where they actually say they
8 found these things, and Lt. Inabinet is giving a report on
9 everything.

10 MR. FALK: Your Honor, I'd like -- I'm going to ask to
11 have those marked as exhibits.

12 THE COURT: For identification or --

13 MR. FALK: For identification --

14 THE COURT: Okay.

15 MR. FALK: -- at this time.

16 THE COURT: Okay.

17 THE APPLICANT: Exhibits 1 through 3? Oh.

18 (WHEREUPON, the permission to search form was marked as
19 Applicant's Exhibit Number 1 for identification, the
20 search warrant was marked as Applicant's Exhibit Number
21 2 for identification, and the incident report was marked
22 as Applicant's Exhibit Number 3 for identification.)

23 MR. FALK: All right.

24 BY MR. FALK:

25 Q: Mr. Harris, those pages now are all marked with a blue

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1 sticker down in the lower right-hand corner or whatever. So
2 when you're referring to those pages, can you just refer to
3 the exhibit numbers that are on there?

4 A: Sure.

5 Q: Okay. So now, I think we were asking a question about
6 Mr. Lee or you were talking about your attorneys telling you
7 about the gun being found on your property; is that correct?

8 A: Correct.

9 Q: And that's when you pulled out these papers. So what
10 did you find from that Rule 5?

11 A: Well, from my own investigation --

12 Q: No. Let's talk about what did those --

13 A: What? The Rule 5?

14 Q: What did the Rule 5 tell you?

15 A: Oh. The Rule 5 shows -- shows that Lt. Inabinet, Fred
16 Inabinet III, stated that he found these items of evidence on
17 my mom's property.

18 Q: Okay. Do you have a specific page that you want to
19 refer to?

20 A: And that would be -- and that would be Exhibit Number 2.

21 Q: Okay. So your lawyer told you that that was found on
22 your property?

23 A: Yes. Yes, sir.

24 Q: And I think I interrupted you when you were talking
25 about doing some independent investigation?

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1 A: Yeah. You know, after -- after -- you know, after my --
2 my counsel advised me to plead guilty and I was up the road,
3 I looked. I did my own studies and stuff, and I found out
4 that these things was not found on my property at all.

5 Q: How did you --

6 A: As a matter of fact, nothing to any crime that I've --
7 you know, that I've been advised to plead to has been found
8 on my possession or on my mom's property or anything, nothing
9 connecting me to any of these crimes.

10 Q: And how did you come about that information from your
11 own investigation?

12 A: Because I did adamant study. I did avid study while I
13 was up the road --

14 Q: Okay.

15 A: -- at SCDC, and I asked --

16 Q: So where do you think that -- where do you think that
17 gun was found?

18 A: It was found on Mr. Willie B. Drain's property on 57
19 acres in the woods.

20 Q: Okay. And is that in Colleton County?

21 A: Yes. That's in Colleton County.

22 Q: Now, is that property adjacent to yours or near yours?

23 A: It's near, but it's not adjacent. It's a barrier. It's
24 two fences and, like, a 20-foot ditch.

25 Q: Okay.

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1 A: So it's not -- it's not joint or adjacent to mine at
2 all.

3 Q: Does anyone own any property between your property and
4 Mr. Willie B. Drain's property?

5 A: No, sir.

6 Q: And could you spell his last name?

7 A: D-r-a-i-n.

8 Q: Drain?

9 A: Drain.

10 Q: Okay. And so based on your investigation, you found out
11 that that gun was not found on your property?

12 A: At all. And that the statement from Mr. Fred -- Lt.
13 Fred Inabinet III was a lie.

14 Q: Okay. Did you also come to some information about -- so
15 we talked a little bit about the gun, and your lawyers
16 advised you to plead guilty because they were telling you
17 that they could put the gun in your possession; is that
18 correct?

19 A: Yes.

20 Q: Okay.

21 A: They said that the State said that they could put the
22 gun in my possession because it was found on my property.

23 Q: All right. Now, what about Mr. Fields? Did you come to
24 any information about Mr. Fields?

25 A: Well, throughout -- throughout the time I was in the

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1 County, the only thing my attorneys had been telling me and
2 been giving the advice that he's been giving me has been
3 erroneous. He's been telling me that -- he's been stating to
4 me that the State is going to use Jacobi Fields to convict me
5 of cold-blooded murder.

6 Q: Okay. And why do you believe that that advice was
7 erroneous?

8 A: Because of the fact that the whole time during
9 throughout my pretrial process, Mr. Fields has been fighting
10 that his statement was coerced and that it was involuntary
11 and that everything he said in his statement was untrue.

12 Q: Okay. And that's the statement that he gave implicating
13 you; is that correct?

14 A: Yes.

15 Q: Okay. Was there any discussion about whether or not you
16 two would be tried together?

17 A: Yes. At one point in time, they was going to try to try
18 us hands of one/hands of all, and they was going to try us
19 together, I guess placing both of us on the scene or
20 whatever, whatever the case may be. I don't know too much
21 about that, but at that time, you know, counsel didn't try to
22 look for any type of defense or try to see what Mr. Fields
23 had to say or interview him at any time.

24 Q: So it's your understanding that neither of your lawyers
25 ever interviewed Mr. Fields; is that correct?

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1 A: None of my lawyers conducted a pretrial investigation on
2 what Mr. Fields had to say about this whole incident.

3 Q: Okay. And it's your belief that Mr. Fields, if he was
4 going to testify, would not testify against you at trial; is
5 that correct?

6 A: I didn't know that while I was in the County. You know
7 what I mean? I didn't know that, but after I got more of my
8 paperwork from Mr. Scott Lee, I have got transcripts of Mr.
9 Fields actually fighting, you know, his voluntariness of the
10 statement itself. And that actually, you know, broadened my
11 horizon on what actually happened while I was in the County
12 and didn't know. My -- my attorneys didn't tell me.

13 Q: Uh-huh. Did they tell you whether or not they thought
14 that his statement would come in or not against you?

15 A: They told me that the State was going to use Mr.
16 Fields's statement and Mr. Fields and -- and use the evidence
17 that they found on my property against me at trial and they
18 was going to convict me.

19 Q: Did -- was there any discussion about whether Mr. Fields
20 was going to get a plea deal?

21 A: No, sir. He told me -- he told me that he don't know
22 what type of deal that they're going to offer him, but as a
23 matter of fact, he did. I do remember. He told me that they
24 was going to give Mr. Fields life and they was going to give
25 me the death penalty.

TRAVIS HARRIS - DIRECT BY MR. FALK

1 Q: If they went at trial?

2 A: Yeah. Once I went to trial, that's what they was going
3 to do.

4 Q: Okay. Now, on the 21st of December when you were in
5 there, you had pled guilty not just to the murder but to some
6 other charges; is that correct?

7 A: Yes.

8 Q: Just to summarize them, is it safe to say that you pled
9 guilty to four counts of burglary first?

10 A: Yes.

11 Q: And did your lawyer tell you what the sentencing range
12 was for burglary first?

13 A: Counsel -- counsel just stated to me that a part of the
14 solicitor's deal was to plead to every single charge, every
15 charge, and get the max for every charge. That's what
16 counsel stated to me. He told me that, okay, just go ahead
17 and plead. He advised me -- trial counsel advised me to
18 plead to every single charge that I had based on what the
19 State put on the table.

20 Q: So just to -- just to be clear, you're not saying today
21 that the only thing that you were -- was coerced was your
22 pleading guilty to the murder charge? You're saying that you
23 were coerced really into pleading guilty in addition to the
24 four counts of burglary first; is that correct?

25 A: See, coerced is a kind of a word that I don't -- I don't

TRAVIS HARRIS - DIRECT BY MR. FALK

1 know if it -- if it fits the situation, but I would say
2 prejudiced. You know what I mean? I would say trial counsel
3 prejudiced me by advising me to plead guilty to all of these
4 charges when the evidence was -- was not that strong, you
5 know, based on now and what's really going on and actually
6 investigating the case and seeing what they actually had from
7 what the State told my attorney they had at that time.

8 Q: Well, are you saying that you pled guilty because you
9 got bad advice from your lawyer? Is that correct?

10 A: Yes. Yes, sir. I got erroneous legal advice that led
11 to a fundamental miscarriage of justice because I shouldn't
12 even be in prison right now.

13 Q: Okay. And so it's based on this bad advice from your
14 lawyer, in your words, and the threat of getting hung in
15 Colleton County is why you entered these pleas; is that
16 correct?

17 A: Absolutely. I entered them because, you know, I see
18 that my lawyer didn't want to fight. And then he said that
19 -- he said specifically that if I didn't take this plea in 24
20 hours, it's trial, and he said he was not ready for a trial.

21 Q: So was it your understanding that you were going to --
22 going to go to trial the week of the 21st?

23 A: Yes. Yes. I had the understanding that I was going to
24 trial and I had everything ready. I went through my pretrial
25 motion hearings and I was ready to go to trial.

TRAVIS HARRIS - DIRECT BY MR. FALK

1 Q: Had they picked a jury yet?

2 A: No. We didn't have the jury selection just yet, but it
3 was scheduled I think for the 17th or the 21st of that
4 December.

5 Q: You weren't -- now, the date on your transcript says
6 December 21st, 2011?

7 A: Yeah. That's the date I was supposed to go to trial.

8 Q: Okay. So you thought you were going to -- so you were
9 told that you were going to go to trial that day at least,
10 and you also testified earlier that about four days prior to
11 that --

12 A: Yeah. Right after the pretrial motion hearing -- you
13 know what I mean? That's -- that Monday -- that following
14 Monday is when -- you know what I mean?

15 Q: Okay.

16 A: When I went to court for sentencing and all that.

17 Q: So you thought possibly they were going to pull a jury
18 that next day or that afternoon and the jury -- your trial
19 was going to start the next day?

20 A: I didn't know. I was just listening to what counsel
21 told me. He just said, man, we can't win at trial. I don't
22 see us winning. I have no defense for you. I don't know
23 what -- what can we do here? And I --

24 Q: Well, if he said that he wasn't ready for trial, did you
25 ask for a continuance?

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1 A: I didn't know how to do all of that.

2 Q: Okay. Did you ask him to ask for a continuance?

3 A: No. He told me that there wasn't going to be no
4 continuance or none of that stuff or nothing. There wasn't
5 no more later dates. The prosecutor had said if I didn't
6 agree or my lawyer didn't get me to take this plea, trial was
7 going to be that next week.

8 Q: So it's your testimony today that you did not take part
9 in four burglary firsts, first-degree burglaries in Colleton
10 County?

11 A: No, I didn't.

12 Q: And it's your testimony today that you did not
13 participate in the murder of Officer Compton; is that
14 correct?

15 A: No, I didn't.

16 Q: And is it also your testimony that you weren't there
17 when Officer Compton was shot? Is that correct?

18 A: I wasn't there, sir.

19 Q: Okay. And without answering and asking a question a
20 couple of times, if that was all true, then why did you plead
21 guilty?

22 A: Because, man, they was going to give me the death
23 penalty, man.

24 Q: Okay.

25 A: You know? And Scott Lee put it as clear as day. You

TRAVIS HARRIS - DIRECT BY MR. FALK

1 are going to get -- you are going to get found guilty. They
2 have -- they found this evidence on your property and they
3 have your co-defendant to say that you was the shooter.
4 That's what he told me. That was his advice to me, which was
5 erroneous.

6 Q: And again, just so we're clear, why do you think that
7 advice was erroneous? Because the prop -- the gun was not
8 found on your property?

9 A: Because evidence was not found on my property and my co-
10 defendant was -- and Mr. Fields wasn't never going to testify
11 on me.

12 Q: Okay.

13 A: And therefore, the outcome of my case would have been
14 totally different. The whole outcome of my trial would have
15 been totally different, and I would be home right now with my
16 mother.

17 Q: And there was also a burglary, a burglary second. Is
18 that the one at the Stop & Shop or whatever was at the --

19 A: Yeah. They said something about -- yeah, it was, like,
20 a building or something.

21 Q: Okay. And you weren't -- and it's also your testimony
22 today that you did not participate in that burglary; is that
23 correct?

24 A: Yeah. I didn't participate in that. That was just
25 something that everybody heard about in the hood, but I

TRAVIS HARRIS - DIRECT BY MR. FALK

1 wasn't there.

2 Q: And you weren't present when that burglary took place?

3 A: No, sir.

4 Q: And I guess I didn't ask you specifically. You weren't
5 present when the other four burglary firsts took place; is
6 that correct?

7 A: No. I was not present, and there's nothing in my -- in
8 my documents, in my discovery, or in the State's discovery
9 that can say that I did any of those burglaries.

10 Q: But you realized when those words were coming out of
11 your mouth that you were going to go to prison for life; is
12 that correct?

13 A: Yes, sir.

14 Q: Now, you were -- you said earlier that you -- that you
15 talked about some type of appeal, that you wanted a direct
16 appeal?

17 A: Yes, sir. I wanted my -- my counsel to file for a
18 timely notice of direct appeal. I advised them to do so. He
19 said he was going to do so.

20 Q: What issues --

21 A: But he said it would be -- it would be frivolous to do
22 so. He said he was going to do it, but he said it would be
23 frivolous to do it because all they're going to do is bring
24 the death penalty back up again.

25 Q: What issues did you want to raise on appeal?

TRAVIS HARRIS - DIRECT BY MR. FALK

1 A: The consent to search. They didn't have consent to go
2 on Mr. Willie B.'s property. And then when they did get
3 consent, it was two hours after they already been on his
4 property -- you know what I mean? -- searching.

5 Q: Did your lawyer tell you that if you were going to plead
6 guilty, you were going to waive any claims to challenge the
7 sufficiency of the evidence or to --

8 A: No. From -- from counsel's, I guess, viewpoint and
9 angle, he felt like the evidence was found on my property
10 because when I mentioned it to him while I was in Jasper
11 County, he said that they're just going to say that it was on
12 your property. They are going to pin it on you anyway. So
13 don't even -- like, what I said was frivolous. You know what
14 I mean? So I was just, like, all right, you know.

15 Q: But you thought that you were going to still be able to
16 raise those issues even though you pled guilty; is that
17 correct?

18 A: Yes, Your Honor. That's the impression that I had that
19 I would be able to --

20 Q: She's Your Honor. I'm just a lawyer.

21 A: Well, yes, James. I figured that I could be able to,
22 you know, raise those issues during direct appeal.

23 THE APPLICANT: I apologize, Your Honor.

24 THE COURT: It's okay.

25 BY MR. FALK:

TRAVIS HARRIS - DIRECT BY MR. FALK

1 Q: And did you discuss -- and I think you've already
2 answered about the discussion with Mr. Lee about that; is
3 that correct?

4 A: Yeah. Mr. Lee said it would be frivolous and it would
5 -- you know, but he said he was going to do it. But I never
6 heard anything about it after I went up the road.

7 Q: Okay.

8 MR. FALK: Your Honor, I have no more questions for Mr.
9 Harris at this time.

10 THE COURT: All right. Cross-examination?

11 MR. SAVILLE: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. SAVILLE:

14 Q: Good morning, Mr. Harris. Thank you for being here.

15 A: Good morning.

16 Q: Now, Mr. Harris, do you recall the judge, when you pled
17 guilty, advising you that you could attempt to suppress
18 serious evidence if you went to trial?

19 A: Say that again, sir?

20 Q: Yes, sir. Do you recall the plea judge advising you
21 that if you went to trial, you could attempt to suppress
22 serious evidence in this case?

23 A: No, I don't remember that.

24 Q: Okay.

25 MR. SAVILLE: Just for the record, that is on page 20,

TRAVIS HARRIS - CROSS BY MR. SAVILLE

1 line 5, of the transcript, for the Court's --

2 THE COURT: Right.

3 MR. SAVILLE: -- information.

4 BY MR. SAVILLE:

5 Q: Now, Mr. Harris, do you also recall waiving your right
6 to a jury trial at your guilty plea?

7 A: Do I -- do I remember? Are you asking me do I remember
8 all of these things?

9 Q: Yes, sir. Do you recall waiving your --

10 A: Yeah. I remember that day when I took -- when I -- when
11 I -- when I had went for my sentencing and all that.

12 Q: And do you recall the plea judge telling you that you
13 would be waiving your right to a jury trial?

14 A: I remember listening. I remember hearing the judge. I
15 was kind of belligerent because I was so upset that I -- that
16 I was up there in the first place. You know what I mean? I
17 wasn't really hearing nothing that the judge was saying at
18 all. That's how mad and upset I was about actually going
19 with my counsels' advice to take the plea. I was highly
20 upset.

21 Q: Okay. Now, do you recall telling the judge that you
22 were completely satisfied with your attorneys' services?

23 A: Do I remember telling the judge that? I don't remember.

24 Q: Okay.

25 A: If I did, then -- but I don't -- I don't really

TRAVIS HARRIS - CROSS BY MR. SAVILLE

1 remember. I'm really just going with the flow. Whatever
2 they told me I had to say, then I just went along with the
3 flow and just whatever.

4 Q: Okay. Do you remember swearing to tell the truth that
5 day before you started taking the stand?

6 A: Do I remember --

7 Q: Do you remember swearing to tell the truth that day?

8 A: No. I don't even remember that neither.

9 Q: And do you recall telling the judge that plea counsel --
10 I'm sorry -- Mr. Ruffalo and Mr. Lee had done everything you
11 asked of them?

12 A: Say that again?

13 Q: Do you recall telling the judge that Mr. Ruffalo and Mr.
14 Lee had done everything you asked of them?

15 A: Yeah. Yeah, I probably did. Yeah.

16 Q: Okay. And do you recall telling the judge that you had
17 no complaints against them?

18 A: Probably did. If that's what you're reading from, then
19 that's -- and you see my name signed on there or you see it
20 anywhere on there, then that's probably what happened that
21 day.

22 Q: Yes, sir. That would be --

23 A: Due to the fact that it was a death -- they was trying
24 to give me the death penalty, I basically agreed to
25 everything that counsel told me to agree to.

TRAVIS HARRIS - CROSS BY MR. SAVILLE

- 1 Q: Okay. And do you recall also telling the judge that no
2 one was promising you or threatening you in order to plead
3 guilty?
- 4 A: The death penalty is a threat in itself.
- 5 Q: Okay.
- 6 A: Just facing the death penalty is a threat. So that
7 would be out of context, that question.
- 8 Q: So you would consider the death penalty a threat?
- 9 A: Absolutely.
- 10 Q: And you do recall telling the judge that you were not
11 threatened in order to plead guilty?
- 12 A: Well, if it's on there, then possibly so.
- 13 Q: Okay. Now, do you remember telling the plea judge that
14 you were indeed guilty?
- 15 A: I don't remember that, but if I did, then I probably did
16 it based on my lawyer letting me know that I needed to take
17 that plea.
- 18 Q: Yes, sir. Now, regarding your direct appeal, do you
19 remember -- did you make a request for an appeal in writing?
20 Do you have anything in writing to -- to show that?
- 21 A: Do I have anything in writing?
- 22 Q: Yes.
- 23 A: No. It was -- it was through visitation, through
24 visitation in Beaufort.
- 25 Q: And, Mr. Harris, it's your testimony today that you were

TRAVIS HARRIS - CROSS BY MR. SAVILLE

1 first under the impression that the murder weapon had been
2 found at [REDACTED] Drain Road?

3 A: Yeah. That's what the paperwork stated, that it was
4 found at [REDACTED] Drain Road pursuant to the search warrant.

5 Q: And that you later learned that it was actually found at
6 [REDACTED] Drain Road?

7 A: No. It wasn't never found at [REDACTED] Drain Road. It was
8 found on 57 acres down a dirt road behind my -- behind my
9 mom's property.

10 Q: Okay. So you do not own [REDACTED] Drain Road either?

11 A: Huh-uh.

12 Q: Okay. Do you recall evidence from the burglaries being
13 found in your girlfriend's car?

14 A: No. No, sir. I don't -- I don't recall that.

15 Q: Okay. Do you recall the State advising the Court that
16 there was evidence found in your girlfriend's car the day you
17 pled guilty?

18 A: No. That's untrue.

19 Q: Okay. Mr. Harris, could you take me through -- I guess
20 could you just kind of describe for me where the 12-gauge was
21 found in relation to where your mom's property is, about how
22 far away it was?

23 A: Well, I don't -- I don't -- me personally, I don't know
24 if it was a 12-gauge.

25 Q: Okay.

TRAVIS HARRIS - CROSS BY MR. SAVILLE

1 A: But I know the paperwork states that it was a 12-gauge
2 Mossberg, but I guess it was, like, a quarter-mile -- a
3 quarter-mile property behind the property probably a half a
4 mile, anywhere between there.

5 Q: Okay. Now, if you were in possession of a murder
6 weapon, would it make sense to hide it somewhere?

7 A: You said what?

8 Q: If you were in possession of a murder weapon, would it
9 make sense to you to hide it somewhere?

10 A: What kind -- are you -- is that a hypothetical question
11 or is that a literal question?

12 Q: I'm just asking your opinion.

13 A: I mean what -- what are you getting at?

14 Q: That -- that's -- that's -- that's just a question, sir.

15 A: Oh.

16 Q: If you were in possession of a murder weapon, would you
17 find it reasonable to --

18 A: I wouldn't know because I've never been in possession of
19 a murder weapon.

20 Q: Okay. And, Mr. Harris, just one last question. You --
21 you just testified that your lawyers told you that if
22 everything went to trial, Mr. Fields would get life, but you
23 would get the death penalty. Is that your testimony today?

24 A: Yeah. They said -- they said that. That's what Scott
25 Lee said. He said that Mr. Fields would get a deal for life

TRAVIS HARRIS - CROSS BY MR. SAVILLE

1 and I would get lethal injection, you know, or whatever they
2 do in South Carolina, whatever y'all do in South Carolina to
3 punish people with heinous crimes or whatever.

4 Q: Okay. But you understood when you were pleading guilty
5 that, in fact, even without you going to trial, Mr. Fields
6 was still getting life?

7 A: No, I didn't know that.

8 Q: Okay.

9 A: I found that out maybe -- maybe the same -- matter of
10 that, the same day in the basement because I heard them next
11 door yelling. You know what I mean? He was speaking, and he
12 was, like, man, you know, counsel told me to plead guilty,
13 man. So that's all I remember.

14 MR. SAVILLE: I beg the Court's indulgence.

15 THE COURT: All right.

16 BY MR. SAVILLE:

17 Q: Mr. Harris, do you remember the judge advising you of
18 the hand of one/hand of all theory when you pled guilty?

19 A: No, sir.

20 Q: So you don't recall telling the judge that you had
21 discussed that with your attorneys?

22 A: I don't remember.

23 Q: Okay.

24 MR. SAVILLE: That's all the questions I have. Thank
25 you.

TRAVIS HARRIS - REDIRECT BY MR. FALK

1 THE COURT: Redirect?

2 MR. FALK: Just briefly.

3 THE COURT: All right.

4 MR. FALK: Thank you.

5 REDIRECT EXAMINATION

6 BY MR. FALK:

7 Q: So in order to prepare you to go before the Court that
8 day, did your lawyers sort of give you an idea of what was
9 going to happen? Did they tell you that you were going to
10 have to admit to these crimes?

11 A: I want to say, yeah, he did. Scott Lee did tell me.
12 No. Matter of fact, it was Dudley Ruffalo that came in with
13 a -- with a -- with a signature form where I had to sign my
14 initials and he said, man, you've got to sign all these and
15 some of them, I was like, no, man, I ain't. Man, can we do
16 something else other than this because this ain't right? And
17 he said, man, it's the only option.

18 Q: So when you're saying the only option, did he tell you
19 that the judge was going to ask you some questions?

20 A: No. He didn't never tell me that.

21 Q: Okay. So did they tell you -- so then why did you
22 answer -- let me back up. Were you satisfied with the advice
23 your lawyers gave you?

24 A: I was not satisfied, but I felt that --

25 Q: Why did you say yes to the Court?

TRAVIS HARRIS - REDIRECT BY MR. FALK

1 A: Because, man, I just -- I ain't want to die. You know,
2 I just ain't want to die. My counsel wasn't going to fight
3 for me at all. You know, he ain't create no type of defense
4 at all and he ain't even properly investigated my case. So I
5 just was, like, I'm just going to go ahead and go with the
6 flow.

7 Q: So it's your testimony today that the truth is you were
8 not satisfied with your lawyers' advice; is that correct?

9 A: I was -- I was not satisfied, and I think the whole
10 court knew I wasn't satisfied because at the end of the court
11 session, I told them. I told them in Latin that as I
12 breathe, I hope it ain't over. I told them it ain't over.

13 Q: Did -- what did you think would happen if you would have
14 answered that question truthfully? What did you think would
15 happen if you would've told the Court you were not satisfied
16 with your lawyers?

17 A: The prosecutor was going to take me to trial with the
18 attorney that I had, and two percent chance I was going to --
19 you know, of actually having a victory. I was going to get
20 the lethal injection and I wouldn't be here today probably.

21 Q: So the Court also asked you had your lawyer done
22 everything you asked them to do and you answered yes; is that
23 correct?

24 A: Yeah.

25 Q: What did you think would happen? Is that answer

TRAVIS HARRIS - REDIRECT BY MR. FALK

1 truthful?

2 A: If I would have answered anything outside of what
3 Ruffalo and my attorney told me, you know, in the paper that
4 I signed, if I would have answered anything outside of that,
5 the prosecutor would snatch -- snatch -- snatch the whole
6 agreement off the table, and I would've immediately been
7 going to trial. That's the impression that I had.

8 Q: Fair enough. Did you have any -- were you ever given
9 any evidence that there was a search of your girlfriend's
10 car?

11 A: No. Absolutely not.

12 Q: Did you have any evidence that there was a search of
13 maybe Mr. Fields's girlfriend's car?

14 A: I don't know, but I don't -- I don't remember.

15 MR. FALK: May I approach the witness, Your Honor?

16 THE COURT: You may.

17 THE APPLICANT: Can you bring me some water too?

18 BY MR. FALK:

19 Q: I'm going to show you a page from your transcript from
20 the sentencing hearing on December 21st, 2011. Okay? And I
21 marked a paragraph on page 25 of that transcript. Okay? And
22 those are lines 9 through 14. Okay?

23 A: I don't have that transcript up here.

24 Q: I'm going to -- I'm going to show it to you right now.

25 A: All right. All right.

TRAVIS HARRIS - REDIRECT BY MR. FALK

1 Q: Now, what I want you to do is read that and see if that
2 refreshes your recollection.

3 A: From 9 to 14?

4 Q: It's marked there on the side.

5 A: All right. Thank you. Thank you.

6 Q: Tell me when you've had a chance to review that.

7 A: No. I wasn't aware of this.

8 Q: Does -- but does that refresh your memory of what the
9 prosecutor told the Court?

10 A: No. No. No. I don't remember. I don't remember that
11 at all.

12 Q: That's fine.

13 MR. FALK: I have no further redirect.

14 THE COURT: Recross?

15 MR. SAVILLE: No, Your Honor, but I would like to
16 clarify that I mis-spoke and it was actually Mr. Fields's
17 girlfriend's car which was found to have the stolen items.

18 THE COURT: All right.

19 MR. SAVILLE: It was not applicant's girlfriend.

20 THE COURT: Okay. Very well.

21 MR. SAVILLE: I apologize.

22 THE COURT: Okay. You can come back down to counsel
23 table, sir.

24 THE APPLICANT: All right. Thank you.

25 THE COURT: Uh-huh. All right. Call your next witness,

SCOTT W. LEE - DIRECT BY MR. FALK

1 please.

2 MR. FALK: I would call Scott Lee to the stand.

3 THE COURT: All right.

4 THE WITNESS: Judge, can I take my file up there with
5 me?

6 THE COURT: Yes.

7 THE CLERK: Do you solemnly swear or affirm to
8 truthfully answer all questions asked of you by this Court,
9 so help you God?

10 THE WITNESS: I do.

11 THE CLERK: Please state your name for the record.

12 THE WITNESS: Scott Wayne Lee, L-e-e.

13 THE COURT: Your witness.

14 SCOTT W. LEE, being first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. FALK:

18 Q: Please state your name and spell the last?

19 A: Scott Wayne Lee, L-e-e.

20 Q: Mr. Lee, how did you -- were you appointed to Mr.
21 Harris's case?

22 A: I was.

23 Q: And Mr. Harris testified that there were a couple of
24 other lawyers in front of you. Is that accurate?

25 A: That's correct. I do remember Doug Novak was in it for

SCOTT W. LEE - DIRECT BY MR. FALK

1 a while. I'm not sure who was before -- before him.

2 Q: Okay. And there was no question that this was a capital
3 case from the beginning; is that correct?

4 A: There was no question. And the reason I got appointed
5 is because I'm death penalty certified.

6 Q: Okay. How many conversations do you think you had with
7 Mr. Harris prior to December 21st, 2011?

8 A: How many conversations? I think he said eight. I would
9 -- I would think it would be more than that, but I don't -- I
10 don't know exactly what it was. In my opinion, certainly
11 enough to -- you know, we had some hearings and stuff. We
12 would talk at those, but as far as jail visits, I think it's
13 probably in the range of ten because he was in Charleston and
14 then he was in Jasper and then he was in Sumter-Lee, and we
15 were having to follow him wherever he was, none of which is
16 terribly close to Beaufort.

17 Q: I understand. Is it fair to say that the strongest
18 evidence -- there's testimony about the gun and that the
19 Mossberg pump -- whatever it was -- shotgun was found on his
20 property. Is that -- is it true that that's -- that was
21 evidence in this case?

22 A: That it was evidence?

23 Q: Yeah.

24 A: Yeah, it was evidence. Jacobi Fields told the
25 investigators where he believed it would be, and their

SCOTT W. LEE - DIRECT BY MR. FALK

1 original search warrant was for [REDACTED]. It appears that it was
2 found on adjoining property, and it appears it was found --
3 the real question was when it was found because they did get
4 a consent to search from Mr. Drain, who was on the adjoining
5 property, which seemed kind of odd for them to do that.

6 However, as I discussed with Mr. Ruffalo and Travis, the
7 problem is is we were -- we were stuck in a position where we
8 had no standing to challenge a search for something that was
9 found on somebody else's property. He had no expectation of
10 privacy on Mr. Drain's property.

11 We did challenge the actual -- the underlying search
12 warrant for the property at [REDACTED], and we had a pretrial
13 hearing in front of Judge Mullen. I wrote a memo on it about
14 the reliability of a co-defendant and whether that
15 established probable cause and that sort of thing.

16 So we were a little bit stuck, but we did challenge the
17 -- you know, I didn't -- we didn't know which position to
18 take about where it was found because it kind of -- it kind
19 of hurt us both ways.

20 Q: How so?

21 A: Well, if it's -- if it's found on his property --

22 Q: Sure.

23 A: -- there's more of a -- a link to him and you'd have to
24 challenge the probable cause underlying the search warrant.

25 If it was found on a neighboring property, he would have no

SCOTT W. LEE - DIRECT BY MR. FALK

1 standing to even challenge that search because he has no
2 expectation of privacy on somebody else's property where they
3 live.

4 Q: You've been practicing in this part of the state for a
5 while?

6 A: Yes. I graduated from law school in 1993. I clerked
7 for Judge Peeples for a year. I was a public defender in
8 Charleston.

9 Q: Not qualifications. I'm just -- had you ever had any
10 investigations or did you know anything about this Inv.
11 Inabinet?

12 A: Yeah. I'd had -- I'd had a few cases with him.

13 Q: And were you aware of his troubles with the law?

14 A: Yes.

15 MR. SAVILLE: Objection, Your Honor, under relevance.

16 Q: When did you become --

17 MR. FALK: If I could just -- I would ask to argue maybe
18 a couple -- ask a couple more questions, maybe establish the
19 relevance as to if he knew about -- he says he was aware that
20 Mr. Inabinet had some problems with the law. My point was
21 whether or not that should have caused him maybe to do
22 additional research as to the evidence that Officer Inabinet
23 developed in this case.

24 THE COURT: Very well. I will allow it on that basis.
25 You may proceed.

SCOTT W. LEE - DIRECT BY MR. FALK

1 BY MR. FALK:

2 A: I'm -- I'm just unsure of the timing. I know that
3 Inabinet did get in some trouble with the Sheriff's Office
4 and was fired. I'm not sure of the timing of that firing in
5 relation to this case.

6 Q: Okay.

7 A: As I sit here today, if that's what you're talking
8 about.

9 Q: That's fine. That's exactly what I'm talking about. So
10 did you go and speak with Willie B. Drain at any time?

11 A: Did I speak with who?

12 Q: Willie B. Drain. Mr. Drain. You were saying he was the
13 owner of the property where the gun was found.

14 A: I don't think I spoke to him personally, but we had two
15 female investigators from out of Charleston that I believe if
16 anybody spoke to Mr. Drain, it would have been them.

17 Q: When were you aware that they found the gun not on Mr.
18 Harris's property?

19 A: Well, I think -- I think -- I think when I was tipped
20 off about that first was when they -- they had a consent to
21 search the neighboring property, and I think we developed it
22 and figured it out because of that.

23 Q: What was your advice to him once you found out that a
24 gun was found on somebody else's property? Did you think
25 that would make the case stronger or less strong?

SCOTT W. LEE - DIRECT BY MR. FALK

1 That's a terrible question. I can probably rephrase it
2 better, but --

3 A: You know, I don't know. I mean it was -- I guess maybe
4 it -- if it wasn't on his property and on a neighboring
5 property, maybe it made it a little bit less strong, but, you
6 know, what's -- what nobody's talked about and I haven't
7 heard anybody talk about is that evidence was -- was icing on
8 a cake as far as I was concerned from the Solicitor's Office.

9 The -- the main problem with this case was the fact that
10 they had a confession from Mr. Harris at the jail that he was
11 at the scene when it happened. He was inside the house. He
12 blames Jacobi for shooting the officer.

13 The problem is they can pick their poison. They can do
14 hand of one is hand of all, they being the solicitor. They
15 can do felony murder. They can say he's a principal.

16 But that's what has been not talked about at all, and
17 that was the underlying problem that we had in this case the
18 entire time was his confession, and I know that he may say he
19 didn't say it or it was coerced. We talked about could we
20 keep it out.

21 I had a long discussion with him about the fact the
22 police lied to him when he gave that statement. It didn't
23 matter. They told him that they could ping his cell phone
24 and put him at the house at the time it happened, which was
25 patently untrue. They could not do that, but they told him

SCOTT W. LEE - DIRECT BY MR. FALK

1 that and it's my understanding that that's a lot of why he
2 said what he said.

3 So he -- he gave a statement on September 5th, the same
4 day as the search warrant, the same day he was arrested,
5 saying that he and Jacobi were there. They went in and that
6 he was off in some back bedroom, heard two shots, goes out
7 there, and Jacobi has shot the officer.

8 It's our position that it doesn't really matter who the
9 shooter is, and the solicitor put that in the final plea. He
10 says we will never know who the shooter was, and it doesn't
11 matter. That's why we're treating them the same. That was
12 the main problem with Travis's case. That was the main --
13 the strongest evidence.

14 Q: When did he make this statement?

15 A: According to the SLED report, September 5th, when he was
16 interviewed by Agent Harley.

17 MR. FALK: May I approach the witness?

18 THE COURT: You may.

19 BY MR. FALK:

20 Q: Just look at that for a second. Did you ever get a
21 transcript of that statement to -- was it Officer Branham
22 that the statement was made to? Mr. Harris's statement?

23 A: Did I ever get a transcript of the interview? Is that
24 what you said?

25 Q: Yeah.

SCOTT W. LEE - DIRECT BY MR. FALK

1 A: Yeah. And I had an audio recording of it as well. It
2 may have been video.

3 Q: Okay.

4 A: Yes.

5 Q: So my client has highlighted a section of that --

6 A: Uh-huh.

7 Q: -- towards the bottom.

8 A: Right.

9 Q: Somebody -- he's handed it to me and it's been
10 highlighted.

11 A: Right.

12 Q: So is he admitting to being at the robberies at that
13 point in the statement?

14 A: No. He denies it at this point.

15 Q: Okay. But it's your understanding that at some later
16 point he admitted to being present?

17 A: Yes. Which is consistent with them both being there.
18 That's also consistent with Jacobi Fields's statement, as
19 well as Jacobi Fields telling three or four other people what
20 happened.

21 Q: The plea transcript talks about a Jackson v. Denno
22 hearing. Is it your recollection that there was one prior to
23 the plea? I mean because there's been discussion of pretrial
24 hearings.

25 A: Yeah. There were a bunch of pretrial hearings on

SCOTT W. LEE - DIRECT BY MR. FALK

1 December 12th, which is nine days before the plea, and I -- I
2 see that there was, I believe, a pretrial motion filed asking
3 for one, but I don't independently sitting here right now
4 remember whether they actually had a Jackson v. Denno
5 hearing.

6 Q: Were you prepared to try and get the -- his statement
7 suppressed based on it being not voluntary?

8 A: Sure. I mean we were prepared and ready to do whatever
9 we could to try to help him, as we would on any case.

10 Q: It was Mr. Harris's testimony that on December 21st, you
11 were not ready for trial, but they were going to go to trial
12 that week. Is that your recollection of the facts?

13 A: No, no. I mean they have to summon a jury. I mean they
14 aren't going to start a death penalty case four days before
15 Christmas. They had to summon a jury. It wasn't close to
16 being scheduled for trial.

17 Q: Okay.

18 A: I mean they just wouldn't start a trial like that, and
19 it was not on the verge of -- like I said, yeah, December
20 21st, I was not ready to try a death penalty case. I will
21 agree to that, but there was no threat of an imminent trial
22 taking place.

23 Q: Mr. Harris testified that you started to get emotional
24 at some point when you were -- did you try to convince him to
25 take this plea?

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1 A: Yeah. I wanted him to take the plea because I didn't
2 want to see him die. I mean, we were trying for life, me and
3 Mr. Ruffalo. From the very beginning, I think that was our
4 goal, that we didn't want them to execute him.

5 And so, yeah. I mean I grew quite fond of Travis,
6 enjoyed speaking with him. We talked about all kinds of
7 stuff besides the case, and I liked him a lot and still like-
8 him a lot and I didn't want the State to kill him.

9 Q: Did you tell him that you thought that there would be a
10 two percent chance of --

11 A: I don't know. I don't use -- I don't -- I try not to
12 use numbers with clients because you never know with a jury,
13 but looking back, there was a lot going on in Colleton County
14 back then too that was not favorable for a trial. There was
15 a lot of gang violence going on. The state grand jury was
16 investigating a lot of things down there.

17 It just wasn't a very good climate for this type of
18 case, particularly when a police officer, a very well beloved
19 and respected police officer, is shot. Now, in speaking of
20 that, we even talked some about possible change of venue, but
21 that was way down the -- way down the road.

22 But I -- you know, if I -- if you'd have said you have
23 to answer the question, two percent? For one of these
24 trials, I'd probably say that's about right for winning a
25 murder trial. The problem is we had five other burglaries,

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1 four of which carried life in prison on their own.

2 Q: Is it -- did you ever tell him that he needed to plead
3 to all of the charges?

4 A: I told him that that's what the -- that's what the plea
5 offer was.

6 Q: Okay.

7 A: If he wanted to make it happen, that that's what the
8 offer was. I never told him he needed or had to do anything.

9 Q: But the -- it was -- you explained to him that the offer
10 was he had to plead to the max on the four burglary firsts;
11 is that correct?

12 A: That was the offer that was conveyed to me by the
13 Solicitor's Office.

14 Q: Okay.

15 A: That I took to him, yes.

16 Q: I know that you had said that you weren't ready for
17 trial on December 21st, but had you gotten to the point in
18 deciding what your trial strategy was going to be?

19 A: Yeah. I mean -- yeah.

20 Q: Reasonable doubt or what was it?

21 A: Well, it had to have been reasonable doubt. I'd have to
22 say that the co-defendant was lying. That he -- that they
23 coerced the -- the statement out of -- out of Travis. That
24 it was a coincidence that they found the murder weapon
25 adjacent to or on his property, and that all the people that

SCOTT W. LEE - DIRECT BY MR. FALK

1 had also claimed that Fields had confessed to them
2 essentially and that Travis was involved, that they all were
3 lying.

4 Q: Was there ever discussion with the solicitor in this
5 case that they were going to be tried jointly or was it
6 always going to be a separate trial do you think?

7 A: I got the impression from the very beginning it would be
8 a joint trial. I know that we -- we had prepared a motion to
9 sever, but I didn't hold out a lot of hope in getting that
10 granted simply because of the way the law is on severance.

11 Q: But there would be Bruton issues if you tried it?

12 A: Of course.

13 Q: Of this case?

14 A: We talked about that. No question.

15 Q: Okay. And what did you explain to Mr. Fields [sic]
16 about if these cases were tried together about that?

17 A: Bruton says a non-testifying co-defendant's statement
18 cannot be used against the other co-defendant. So they --
19 what they would have to do in that scenario is they would use
20 Fields's statement to say me and blank went to [REDACTED] Sunflower
21 Road. I was in the back room and blank shot the police
22 officer, and they'd leave it out, although it was kind of a
23 legal fallacy, I think, that jurors don't get that.

24 And then the State would follow that up with Travis's
25 statement that would also have to be redacted because they

SCOTT W. LEE - DIRECT BY MR. FALK

1 couldn't name Fields in it. He'd, you know, have to say me
2 and blank went to [REDACTED] Sunflower Road. I was in the back room
3 and blank shot the officer. I mean they matched up perfectly
4 and that was the problem. Bruton wasn't going to help us.

5 Q: Okay. So you did advise him of the potential Bruton
6 issues?

7 A: Yeah.

8 Q: But it was your advice that Bruton wasn't going to help?

9 A: No.

10 MR. FALK: One moment, Your Honor.

11 BY MR. FALK:

12 Q: Did you ever have a chance to talk with Mr. Fields?

13 A: No. I mean I'm certain his lawyer would not let me talk
14 to him, just like if they'd came and wanted to talk to
15 Travis, we would've locked the door and told them to get
16 lost. I have no idea, but I did not talk to Mr. Fields.

17 MR. FALK: One moment.

18 THE COURT: All right.

19 BY MR. FALK:

20 Q: You said that you had investigators on this case?

21 A: Yes.

22 Q: And could you sort of -- can you summarize the scope of
23 what they investigated and what witnesses they talked to?

24 A: I mean I don't know exactly. I don't know exactly what
25 witnesses. I know that on at least one occasion we met them

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1 over in Colleton County, Mr. Ruffalo and I, and we walked --
2 we walked the scene where they did the search warrant.

3 They were very self-driven investigators, and I'm sure
4 that if there was anything that was significant that -- that
5 they -- they looked into it. I know that -- I believe they
6 also went and saw a guy in jail. There was a last-minute
7 snitch from Charleston or something, but I -- my recollection
8 is they did everything we asked them to do and probably more,
9 and that anything that came up, they were on it and -- and
10 looked into it.

11 Q: Did you tell him how he needed to answer the judge's
12 questions? Did you prepare him for what was going to happen
13 when he went into court that day?

14 A: Well, I'm sure, like I do with any client, I tell them
15 that, if they're doing a guilty plea, that there are certain
16 questions that are going to be asked. And I try to give them
17 a heads up of what's going to be asked so that there won't be
18 any surprises or delays.

19 I never told him how to answer things. I told him what
20 the questions would be. A lot of times I will tell people
21 that one of the -- you know, the important part is is you
22 have to admit that you did it. You have to admit that nobody
23 has threatened you or promised you or coerced you in any way,
24 and you have to admit that you're not under the influence of
25 anything that would prevent you from understanding what's

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1 going on in court that day and that it was done freely and
2 voluntarily.

3 Q: Did you tell him that he needed to accept the plea that
4 day or otherwise it was going to be off the table?

5 A: I don't remember whether it was a deadline. I know that
6 it did happen kind of quick towards the end, like it often
7 does. I don't remember what I told him, if it was expiring
8 at a certain time or not. I can't answer that.

9 Q: And you expressed to him your concerns if they -- if you
10 tried this case in Colleton County?

11 A: Yes.

12 Q: And those concerns were that --

13 A: Well, I mean it's a -- it's a small, close-knit
14 community, and this officer had been working there a long
15 time and knew a lot of people. And there was a lot of public
16 outcry about it, even though when we did the plea, it was
17 three years later. This was a big deal over there. And it's
18 a tough jury pool sometimes, particularly over there. So I
19 was concerned about the fairness of what kind of a trial we
20 would have.

21 Q: Were you aware of any plea deal that was made to Mr.
22 Fields?

23 A: The only plea deal I'm aware of is he got the same plea
24 deal that Travis got.

25 Q: Mr. Harris, I think, was under the impression that Mr.

SCOTT W. LEE - DIRECT BY MR. FALK

1 Fields was going to get a deal for life if he would testify
2 against him. Was that -- I mean did you have that
3 conversation with Mr. Harris?

4 A: I don't remember. I mean if I --

5 Q: Okay.

6 A: -- if I did or not. I mean I'm sure that there would be
7 -- lawyers were trying to get him a deal.

8 Q: And it's your testimony that you didn't talk to Mr.
9 Fields in advance because you assumed that his lawyers
10 wouldn't let you talk to him; is that correct?

11 A: That's correct.

12 Q: On December 21st, what else did you think needed to be
13 investigated in this case?

14 A: What else needed to be investigated?

15 Q: Yeah. I mean you said you weren't really ready for
16 trial. I just wanted to know if there was any other
17 investigation --

18 A: Oh.

19 Q: -- that you think was warranted?

20 A: No. I mean, listen, we had a handle on the -- on the
21 facts of the case. We had a handle on what the testimony
22 would be. It was just a matter of being prepared for trial
23 --

24 Q: Sure.

25 A: -- and having subpoenas issued and stuff like that is

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1 what I'm saying. We hadn't issued subpoenas. We hadn't
2 gotten witnesses to say court is starting on this day, but
3 there was nothing else substantive that needed to be
4 investigated or looked into or anything like that. I just
5 wasn't ready to pick a jury on the -- on that day.

6 Q: Did --

7 A: There wasn't a jury coming in.

8 Q: Did Mr. Harris talk to you about wanting to appeal the
9 issue on the search of Mr. Drain's property?

10 A: We had talked about that search for a while prior to the
11 plea, but I don't remember any conversations with him after
12 the plea about any type of appeal.

13 Q: Okay. Would there -- after the plea, would there have
14 been a basis to challenge the constitutionality of the
15 search?

16 A: No, because he just -- he just waived that.

17 Q: You had said that there were conversations about the
18 search. Did he understand that he was waiving that issue?
19 Did you tell him that he was waiving that issue?

20 A: I go through a litany with clients, a litany of things
21 with clients before they plead, saying you're giving up
22 certain constitutional rights that you have by pleading
23 guilty. It's the same thing the judges -- the judge tells
24 them.

25 I got an impression he understood that. I got the

SCOTT W. LEE - DIRECT BY MR. FALK

1 impression from his signing the pretrial or the pre-plea
2 agreement -- I'm not exactly sure what it's called. I got
3 the impression from him testifying under oath to the judge
4 that he fully understood that.

5 Q: Okay. You said you filed a lot of pretrial motions.
6 Did you file a reveal the deal motion?

7 A: Yes, that was one of them.

8 Q: And did the State ever respond to that?

9 A: I never got anything from the State saying we have a
10 witness who is going to testify and get X in exchange for his
11 testimony.

12 Q: Okay.

13 A: And like I say, I don't know whether that was actually
14 filed, clocked in, but certainly that was one of the pretrial
15 motions that we -- one of the many that we had on our list.
16 Here's a notice of motion to reveal the deal.

17 Q: Okay. Were you aware that Mr. Fields was going to try
18 to argue that his statement was involuntary?

19 A: I don't know. I mean I'm sure they -- they didn't -- I
20 don't remember them telling me that.

21 Q: Okay.

22 A: It doesn't surprise me if he was going to try to do
23 that.

24 MR. FALK: I have no further questions.

25 THE COURT: All right. Yes, sir? Cross-examination?

SCOTT W. LEE - CROSS BY MR. SAVILLE

1 MR. SAVILLE: Thank you, Your Honor.

2 THE COURT: Uh-huh.

3 CROSS-EXAMINATION

4 BY MR. SAVILLE:

5 Q: Good morning, Mr. Lee. Thank you for being here today.

6 Now, Mr. Lee, whose decision was it to plead guilty?

7 A: Travis Harris's.

8 MR. SAVILLE: Mr. Falk has asked a lot of my questions.

9 I beg the Court's indulgence.

10 THE COURT: Yes.

11 BY MR. SAVILLE:

12 Q: Now, Mr. Lee, is your recollection that Mr. Drain's
13 property was near the property that was owned by Mr. Harris's
14 mother? Is that correct?

15 A: Yes.

16 Q: Now, was Mr. Drain ever a suspect in this case?

17 A: Not that I know of. I think he's, you know, a really
18 old fellow, if I remember correctly.

19 Q: Yes, sir. So no reason to suspect him in this case?

20 A: I know of no reason to suspect him.

21 Q: Now, did Mr. Harris ever tell you that he did not
22 understand something regarding his plea?

23 A: Did he ever -- can you repeat the question?

24 A: Did he ever tell you that he did not understand
25 something when y'all were discussing his plea?

SCOTT W. LEE - CROSS BY MR. SAVILLE

1 A: I don't remember him saying he didn't understand
2 something. We talked about it. I think he -- I believe he
3 understood it.

4 Q: Do you think there's enough evidence to support a
5 conviction in this case?

6 A: Yes.

7 Q: Is there anything else you'd like to tell the Court
8 regarding your representation of Mr. Harris?

9 A: No, sir.

10 MR. SAVILLE: That's all I have, Mr. Lee. Thank you
11 very much.

12 THE COURT: Yes, sir?

13 MR. FALK: No redirect.

14 THE COURT: All right. Thank you.

15 THE WITNESS: Thank you.

16 THE COURT: Is this witness free to leave? Any
17 objection?

18 MR. FALK: No objection.

19 MR. SAVILLE: Your Honor, I understand that Mr. Falk may
20 wish to recall the applicant based on our discussions and, if
21 that is the case, I would not -- I'd at least like to have
22 Mr. Lee on call, if necessary.

23 THE COURT: Okay.

24 THE WITNESS: I'll stay here.

25 THE COURT: Sure.

DUDLEY RUFFALO - DIRECT BY MR. FALK

1 MR. SAVILLE: Thank you very much.

2 THE COURT: Yes.

3 MR. FALK: We'd like to call Mr. Ruffalo to the stand.

4 THE COURT: Very well.

5 THE WITNESS: Can I set this over here, Judge?

6 THE COURT: Sure. Absolutely.

7 THE CLERK: Do you solemnly swear or affirm to
8 truthfully answer all questions asked of you by this Court,
9 so help you God?

10 THE WITNESS: So help me God.

11 THE CLERK: Please state your name for the record.

12 THE WITNESS: My name is Dudley Bradstreet Taft Ruffalo.

13 THE COURT: All right. Your witness.

14 DUDLEY RUFFALO, being first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. FALK:

18 Q: Mr. Ruffalo, were you appointed in this case?

19 A: I was.

20 Q: Were you and Mr. Lee appointed at about the same time?

21 A: I don't think so.

22 Q: Okay. Who was there first then?

23 A: I believe it was Mr. Lee. I was appointed after Mr.

24 Novak was relieved. I don't think I remember why. I don't
25 think he had been appointed a magistrate at that point. I

DUDLEY RUFFALO - DIRECT BY MR. FALK

1 just think he wanted to be relieved.

2 Q: Was there any question in your mind that this was going
3 to be a capital case?

4 A: No.

5 Q: Is that why you were appointed?

6 A: I believe so.

7 Q: Okay. We've heard testimony about the -- about the gun
8 in this case and it being found -- and that the police were
9 alleging that the gun was found on Mr. Harris's property. Is
10 that your recollection?

11 A: My -- my recollection is that they found a gun. I went
12 to that property three times, once with Mr. Lee and our two
13 investigators, Vicky Childs and Carolyn Graham, and then I
14 went back with a Colleton County police officer and then once
15 by myself. I mean there was a gun found close. I mean if I
16 recall, it was, like, from here to where Mr. Lee is standing
17 now. So from the house or maybe a little farther. It was
18 reasonably within close proximity.

19 Q: Was it your understanding that it was -- but you knew
20 that the gun was not found on his property?

21 A: If I recall, yes.

22 Q: Okay. Did you suggest that he should -- did you bring
23 him the plea offer in this case?

24 A: I did. I met with Travis, I believe -- well, see, he
25 had been taken up to Sumter-Lee Correctional, and I don't

DUDLEY RUFFALO - DIRECT BY MR. FALK

1 remember the reason why that was. I know they wanted to
2 separate them for some reason.

3 So I met with him. My notes reflected I met with him, I
4 think, 14 times or 15 times. I'd have to go through them all
5 individually. I remember that the plea deal was -- the plea
6 offer was there for a little while. We discussed it at great
7 length. I mean we actually spent a lot of time together.
8 I'd see him for about two -- two and ½ hours each time.

9 Q: Was it your understanding that this offer was going off
10 the table if he didn't accept it on December 21st?

11 A: You know, I think that's always a present threat. I'm
12 not sure whether they were, like, banging on the table and
13 saying do it now or it's forever gone. I don't recall if
14 that was the situation.

15 Q: But if the offer was off the table, it was your
16 understanding that they were going to go forward with a
17 capital case; is that correct?

18 A: Oh, yes.

19 Q: Did you ever indicate to him what you thought might
20 happen if he were tried in Colleton County on this charge?

21 A: In so many words, I believe I told him they'd give him a
22 fair trial and that they'd hang him. Well, not hang him.

23 Q: Execute? Well, execute a sentence?

24 A: In essence.

25 Q: So you told him that and then you told him that he

DUDLEY RUFFALO - DIRECT BY MR. FALK

1 should plead guilty in this case?

2 A: I told -- I don't kind of do that with people. I mean I
3 -- lawyers -- people often come in -- even in a DUI, they
4 come in your office and say what should I do. I say, well, I
5 can't tell you what to do. I can only tell you what's here,
6 what the offer is, and what my professional opinion is about
7 the scope and nature and probably end result of a trial.

8 People ask lawyers all the time what should I do. I
9 think ethically you're not permitted to tell them what to do.
10 You can only give them your best estimate, your best guess,
11 what you think is going to happen, what you've seen in the
12 past in other capital and death penalty cases.

13 Q: But it was -- so within that scope, you believe that if
14 he went to trial, he would probably be found guilty of
15 capital murder?

16 A: I used the term, in my professional opinion, you would
17 lose this trial.

18 Q: Okay. Now, were you talking to the solicitor about the
19 plea deal in this case or was it Mr. Scott?

20 A: I mean I talked to Mr. Lee and I also talked to Sean
21 Thorton a number of times. You know, we'd run into each
22 other in other courts. You know, we'd talk, and that was
23 pretty much the offer.

24 Q: And that he had to plead to everything; is that correct?

25 A: Well, there were I believe four burglaries. Let me --

DUDLEY RUFFALO - DIRECT BY MR. FALK

1 forgive me. Yes. This is a Defendant's Statement in Support
2 of Guilty Plea that Mr. Harris signed on the day of the plea,
3 and it lists -- and I believe I had gave an original to the
4 Court. This is another original, but it lists a burglary
5 first, murder, another burglary first, a burglary second, a
6 burglary first, and a burglary first. Would you like a copy
7 of this?

8 Q: I've seen it.

9 A: Okay.

10 Q: Did -- so did you walk him through what was going to
11 happen at the -- if he went into court on the 21st and the
12 judge was going to ask him questions?

13 A: Oh, yes. Well, first we had -- one of the experts that
14 I've used before in the past is a woman named Dr. Tora
15 Brawley, and she is a neuropsychologist. She deals with
16 organ deficit, not so much as the psychiatric end of it the
17 way Donna Maddox does. So we had him examined for, you know,
18 his condition and mental conditions, and she found him sound
19 and, you know, competent and all this stuff and no organicity
20 to speak of.

21 And then the morning of the plea, I had her drive to
22 Walterboro to Colleton County because one of the things in
23 these kind of cases you're afraid of is when a person sits in
24 jail for so long, things may happen to them mentally. So you
25 want to make sure the day of the plea that they get another

DUDLEY RUFFALO - DIRECT BY MR. FALK

1 kind of little mini review. So Dr. Brawley came in and did a
2 little sort of mini review and said, yes, he's fine, and then
3 I sat down with him for quite some time.

4 Q: So did you alert him to the fact that the judge was
5 going to ask him some questions?

6 A: Oh, yes.

7 Q: Did you --

8 A: Oh, yes. Well, and that's why I do this Defendant's
9 Statement in Support of Guilty Plea because it kind of goes
10 over every one of the questions. So -- and when I would come
11 and see him in Sumter-Lee, I would say this is what judges
12 do. They are -- they are constitutionally bound to make sure
13 that you understand if you want a trial, you can have one,
14 and they have to be convinced that you are voluntarily and
15 freely waiving -- you know, free, voluntary, intelligent and
16 knowing waiver.

17 Q: Did you tell him what would happen if he answered no to
18 any of those questions? For example, if he answered no
19 whether or not he was satisfied with his lawyers?

20 A: Yeah. I said judges -- what they typically do is they
21 just stand down a plea and say, you know, figure it out.
22 Where are you guys going? Are you going to trial? Are you
23 going to plead? What are you going to do?

24 Q: What was your understanding of when this case was going
25 to go to trial?

DUDLEY RUFFALO - DIRECT BY MR. FALK

1 A: Not four days before Christmas. I believe the plea was
2 on the 21st.

3 Q: Yes.

4 A: I mean I don't think they had -- they had sent out jury
5 notices or we'd sat down and discussed, you know, what we're
6 going to do in terms of staging and how we're going to do
7 things.

8 Q: Did you ever meet with Mr. Fields?

9 A: No, sir.

10 Q: And why was that?

11 A: Well, I know the answer.

12 Q: And what was that?

13 A: The same answer I would have given. No chance.

14 Q: Were you aware of any deals he was given?

15 A: Well, it was always our suspicion and, you know, that's
16 a hint hint kind of thing between prosecutors and defense
17 lawyers.

18 Q: And what was your suspicion?

19 A: Well, my suspicion was is that Jacobi would have
20 testified against Mr. Harris. He would have been given some
21 sort of life sentence, something of that nature, and he would
22 have been the witness. And if you recall, he was the one
23 that came forward first and confessed.

24 Q: Did you convey those suspicions to Mr. Harris?

25 A: Oh, absolutely. I mean we -- how do I explain this? I

DUDLEY RUFFALO - DIRECT BY MR. FALK

1 met with him a considerable amount of time, and I think
2 that's a lot of the essence of a defense in many ways.

3 I think the first couple times I met with Mr. Harris,
4 I'm not even sure we discussed the case at all. You really
5 sort of need to get to know who you're talking to, and we
6 talked about basketball and cars and life in general and
7 where he came from and his family and things.

8 You have to develop some basis of trust so that when you
9 do say something to someone, they kind of believe you.
10 You're not just the guy in the tie that came up and said,
11 gee, I've read the file and you've got to consider a plea.
12 You really have to establish a relationship with a person so
13 that you -- they feel you're being honest with them and you
14 feel they're being honest with you. I don't know how else to
15 describe it.

16 Q: So as part of those conversations you might have told
17 him that Mr. Fields was going to testify against you for some
18 kind of deal?

19 A: It would have been -- I would have certainly mentioned
20 it was a strong suspicion.

21 Q: Okay. And there's no doubt from what you were telling
22 him that you thought that -- you said lose the case, that Mr.
23 Harris -- that you expected Mr. Harris would understand that
24 that meant that he would be executed if he were found guilty?

25 A: Well, we talked for a considerable amount of time about

DUDLEY RUFFALO - DIRECT BY MR. FALK

1 that. I mean I just used that here as an expression to
2 convey to you what the gist of those conversations would have
3 been. You know, obviously, you describe them in many
4 different ways, but the gist of the conversation is is that I
5 felt that he would have been convicted.

6 Q: Do you think that the strength of Mr. Fields's testimony
7 would have been a significant factor in this case?

8 A: Well, my feeling of how strong it would be isn't
9 important. It's how those people over there felt, but I mean
10 here's the situation. You know, somebody testifying to say,
11 yeah, I was there and we were both involved. I mean to have
12 someone on the stand admitting that they were there, you tend
13 to believe them.

14 Q: Okay.

15 MR. FALK: I have no further questions.

16 THE COURT: Cross-examination?

17 MR. SAVILLE: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. SAVILLE:

20 Q: Good morning, Mr. Ruffalo.

21 A: Good morning, sir.

22 Q: Now, Mr. Ruffalo, do you feel there were any meritorious
23 issues that could have been raised on an appeal?

24 A: Not from my seat.

25 Q: And do you feel that the evidence was strong enough to

DUDLEY RUFFALO - CROSS BY MR. SAVILLE

1 support a conviction in this case?

2 A: Yes, sir.

3 Q: Is there anything else you'd like this Court to know
4 about your representation of Mr. Harris?

5 A: Well, we didn't have a lot of statutory mitigation. I
6 mean I've had death penalty clients where they have had
7 incredibly severe problems, parental torture, early
8 prostitution, and all sorts of horrible things.

9 I mean I hired a gentleman by the name of William P.
10 Ayres. He was a retired Marine colonel. He headed all of
11 the psychiatric -- psychiatric and social work in the Marine
12 Corps with PTSD. He was later temporary head of the
13 Department of Mental Health in South Carolina.

14 To put together, like, kind of a little rough genome. I
15 mean we were looking for anything. I mean the most we came
16 up with was he terribly burned his hand when he was seven and
17 he had a small fever.

18 You know, we just -- you know, if we ever got to the
19 mitigation phase, it would have been tough.

20 MR. SAVILLE: That's all the questions I have. Thank
21 you very much.

22 THE WITNESS: Thank you, sir.

23 THE COURT: Yes?

24 MR. FALK: Briefly.

25 THE COURT: Yes.

DUDLEY RUFFALO - REDIRECT BY MR. FALKREDIRECT EXAMINATION

1
2 BY MR. FALK:

3 Q: Did you have any conversation with Mr. Fields's lawyers
4 about whether or not he was going to try and challenge the
5 voluntariness of his statement under Jackson v. Denno?

6 A: There was an incident at the plea date itself. Let me
7 look at my notes.

8 I think what happened with Mr. Jacobi Fields's attorneys
9 is just as we were doing the plea and everyone has agreed to
10 the foundation of the plea and so forth, there was an attempt
11 by his lawyers to introduce testimony or evidence of a
12 polygraph of Mr. Fields in an effort to place something on
13 the record that would put Mr. Fields in the best light and
14 didn't fire the weapon or wasn't really involved and try to
15 shift blame, and I objected to it because they were both
16 there on an equal level basis.

17 And I think what they were trying to do was set him up
18 for a possible commutation of sentence 20 years down the road
19 or something. I don't know what they were trying to do. I
20 objected to it, I remember. I think -- I don't think we've
21 mentioned that. Yeah, I remember that. That was it.

22 MR. FALK: Thank you. No further questions.

23 THE COURT: Okay. Any recross?

24 MR. SAVILLE: Nothing more from the State, Your Honor.
25 Thank you.

WILLIE B. DRAIN - DIRECT BY MR. FALK

1 THE COURT: All right. Thank you, sir.

2 THE WITNESS: Thank you, ma'am.

3 THE COURT: Yes. Call your next witness, please.

4 MR. FALK: We would call Mr. Willie B. Drain.

5 THE CLERK: Please raise your right hand. Do you
6 solemnly swear or affirm to truthfully answer all questions
7 asked of you by this Court, so help you God?

8 THE WITNESS: Yes, ma'am.

9 THE CLERK: Thank you, sir. Please state your name for
10 the record.

11 THE WITNESS: Willie B. Drain.

12 THE CLERK: And spell your last name, please.

13 THE WITNESS: D-r-a-i-n.

14 THE CLERK: Have a seat. Sir, can you spell your first
15 name also as well?

16 THE WITNESS: W-i-l-l-i-e, Willie.

17 THE CLERK: Thank you.

18 THE COURT: Your witness.

19 WILLIE B. DRAIN, being first
20 duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. FALK:

23 Q: And your last name is Drain, D-r-a-i-n?

24 A: Yes, sir.

25 Q: Now, do you live near where Mr. Harris's family lives in

WILLIE B. DRAIN - DIRECT BY MR. FALK

1 Colleton County?

2 A: Yes, sir.

3 Q: How -- how close are your properties? How close

4 together are the properties?

5 A: My property is right around Tammy's.

6 Q: I beg your pardon?

7 A: It's right around her.

8 Q: Do you recall the police ever coming out? Do you recall

9 the shooting of Officer Compton in Colleton County? I mean

10 did you hear about that event?

11 A: Yes, sir.

12 Q: And do you recall the police officers ever -- or police

13 officers ever coming on your property?

14 A: Well, they had came up there that night sometime and,

15 actually, they were all out there and searched the property.

16 Q: And were you there when they searched the property?

17 A: No, sir. I wasn't there when they searched the

18 property.

19 Q: Do you know if a gun was found on your property?

20 A: No, sir.

21 Q: I'm sorry? You don't know if one was or not?

22 A: I don't -- I don't know whether it was found on my

23 property. I don't know where the gun was found at.

24 Q: Your property is behind the Harris's property?

25 A: Yes, sir.

WILLIE B. DRAIN - CROSS BY MR. SAVILLE

1 MR. FALK: I have no further questions.

2 THE COURT: All right. Cross-examination?

3 CROSS-EXAMINATION

4 BY MR. SAVILLE:

5 Q: Good morning, Mr. Drain. Thank you for being here.

6 Did you give the police consent to search your property?

7 A: Yeah. They come and asked me if it was all right they
8 could search the property.

9 MR. SAVILLE: That's all I have. Thank you, sir.

10 THE COURT: All right. Very well. Any -- any redirect?

11 MR. FALK: My client wants me to ask one more.

12 THE COURT: Sure.

13 REDIRECT EXAMINATION

14 BY MR. FALK:

15 Q: Mr. Drain, if you could, just one question?

16 A: Yes, sir.

17 THE COURT: Hold on one second.

18 THE WITNESS: Okay.

19 THE COURT: That's okay.

20 BY MR. FALK:

21 Q: Do you know if the police were on your property prior to
22 asking if they could search your property?

23 A: Sir?

24 Q: Do you know if the police were on your property prior to
25 -- you said that they came to ask if they could search your

WILLIE B. DRAIN - REDIRECT BY MR. FALK

1 property; is that correct?

2 A: Yes, sir.

3 Q: Do you know if they were there walking around before
4 they came and asked you?

5 A: Well, it was night when they came to my house. So I
6 don't know what they had did before.

7 Q: Okay.

8 MR. FALK: No further questions.

9 THE COURT: Okay. Thank you. All right. Call your
10 next witness.

11 MR. FALK: May I approach, Your Honor?

12 THE COURT: Sure.

13 (WHEREUPON, a bench conference was held off the record,
14 after which the proceedings resumed as follows.)

15 THE COURT: So why don't we take a -- we'll take a
16 little bit of -- a bit of a break as well. Take a little
17 comfort break.

18 (WHEREUPON, there was a break in the proceedings from
19 12:09 p.m. until 12:19 p.m., after which the proceedings
20 resumed as follows.)

21 THE COURT: Okay. All right. Mr. Falk, call your next
22 witness.

23 MR. FALK: Briefly, with the Court's permission?

24 THE COURT: Sure.

25 MR. FALK: We'd like to call Mr. Lee back for two

SCOTT W. LEE - DIRECT BY MR. FALK

1 questions.

2 THE COURT: Sure. Okay.

3 SCOTT W. LEE, being previously
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. FALK:

7 Q: Mr. Lee, did you see -- see a copy of the return from
8 the search warrant in this case?

9 A: Yes.

10 Q: Okay.

11 MR. FALK: May I approach the witness?

12 THE COURT: You may.

13 BY MR. FALK:

14 Q: Does that look to you like the return from the search
15 warrant?

16 A: It does.

17 Q: And that's signed off by the investigating officer, is
18 it not?

19 A: It looks like it's signed by a Stevens.

20 Q: Okay. And does that include saying that the -- a gun
21 was recovered?

22 A: The last item seems to say a 12-gauge Mossberg .22
23 rifle.

24 Q: Okay. And where was that recovered from?

25 A: I can't say where it was recovered from. I mean it is a

SCOTT W. LEE - DIRECT BY MR. FALK

1 search warrant return dated September 5th, 2008.

2 Q: Okay.

3 A: It says the following is an inventory of property taken
4 pursuant to the warrant. So --

5 Q: So was that the warrant of his property? Mr. Harris's
6 property?

7 A: I can only assume so.

8 Q: You assume so?

9 A: Yes.

10 Q: Okay. I'll grab that back from you. And you testified
11 later that you found out that the warrant -- that the
12 Mossberg might have been found on an adjacent piece of
13 property?

14 A: Yes.

15 MR. FALK: No further questions.

16 THE COURT: All right. Cross-examination?

17 CROSS-EXAMINATION

18 BY MR. SAVILLE:

19 Q: Mr. Lee, did Mr. Harris ever raise any concerns about
20 the placement of the shotgun to you?

21 A: Any placement of the shotgun?

22 Q: Yes, sir. The location I should say.

23 A: Where it was found?

24 Q: Yes, sir.

25 A: Yeah. We talked about that, yes.

SCOTT W. LEE - CROSS BY MR. SAVILLE

1 Q: Did he ever deny to you being at the scene altogether of
2 the crime?

3 A: I don't remember if at one time he may have said that.
4 I simply can't say.

5 Q: But the final story was that he was there but was not
6 the trigger man to you?

7 A: Well, put in this way. There was never any discussion
8 of alibi. There was no alibi ever presented to us. There
9 was no alternative theory presented to us to investigate.

10 MR. SAVILLE: That's all I have. Thank you very much.

11 THE COURT: All right. Yes, sir?

12 MR. FALK: No further questions.

13 THE COURT: Yes.

14 THE WITNESS: Thank you, Judge.

15 THE COURT: Uh-huh. Thank you. Yes?

16 MR. FALK: Your Honor, at this time, we'd like -- I'd
17 like to call Jacobi Fields.

18 And if I could just advise the Court of something on the
19 record?

20 THE COURT: All right.

21 MR. FALK: That I was first appointed to Mr. Harris's
22 PCR and I had probably been working on his case for about 12
23 months and then I got appointed to Mr. Fields's PCR, and we
24 were in this courtroom possibly back --

25 MR. JACOBI FIELDS: Well, I mean --

1 THE COURT: Well, whoa, whoa, whoa. Hold on because
2 he's talking.

3 MR. JACOBI FIELDS: I'm sorry.

4 THE COURT: I need him to listen.

5 MR. JACOBI FIELDS: Okay.

6 THE COURT: That's okay, Mr. Fields. You're worried
7 about your papers. You want to hold on to your papers.

8 MR. JACOBI FIELDS: No, ma'am. He was asking me to put
9 my hand on the Bible and I was just explaining to him that
10 I'm actually Muslim. So that's actually forbidden in my
11 religion as a -- and not only as a, you know, sentiment, but
12 a -- you know --

13 THE COURT: Sure.

14 MR. JACOBI FIELDS: It's mandatory.

15 THE COURT: That is absolutely not a problem.

16 MR. JACOBI FIELDS: So I don't mind saying what you need
17 me to say as far as --

18 THE BAILIFF: I was just holding it getting ready for
19 her.

20 THE COURT: We're going to handle this.

21 MR. JACOBI FIELDS: Yes, ma'am.

22 THE COURT: Do you solemnly swear or affirm that the --
23 or affirm that the testimony that you give will be the truth
24 and the whole truth?

25 MR. JACOBI FIELDS: Yes, ma'am.

1 THE COURT: All right. Now, Mr. Falk -- let me tell you
2 what he's doing. He's telling me about his -- he, at some
3 point, represented you. Do you remember that?

4 MR. JACOBI FIELDS: Yes, ma'am.

5 THE COURT: And I think there was some correspondence,
6 but he's been since relieved, and I think that's because he
7 was representing beforehand, as I understand it, your co-
8 defendant.

9 MR. JACOBI FIELDS: Right. I think what happened was --

10 THE COURT: Uh-huh.

11 MR. JACOBI FIELDS: -- was that I was actually in a
12 federal court -- federal habeas court and I was trying to get
13 my claims raised that my PCR attorney didn't raise, which has
14 a lot -- is juxtaposed in a large fashion to a lot of the
15 claims being raised today. I haven't had a chance to have
16 any of these claims heard neither.

17 When I had my first PCR, I had a real estate attorney
18 and, basically, he just told me to raise some -- some
19 frivolous duress defense issues, and it never panned out. It
20 was just ridiculous. It never panned out.

21 And I -- he never filed my appeal. I ended up raising
22 Martinez v. Ryan, which is a federal case, 653 F.3d 721,
23 2012. I raised this case in the federal court in order to
24 get my claims raised again, and they directed me back to this
25 court, saying that I needed to exhaust it in the state court.

1 So this is where I was, you know, instructed for an
2 Austin v. State proceeding. I got to the Austin v. State
3 proceeding where Mr. Falk was representing me, and he told --
4 and basically, the Court denied me of raising my claims at
5 that time. That's what happened on the record, but I don't
6 -- I can't explain anything else after that. I hadn't heard
7 anything. This was back on October 12th of last year.

8 THE COURT: That's really helpful for me. Thank you so
9 much.

10 Now, Mr. Falk, did you actually -- you didn't actually
11 -- as I understand it, you did not actually appear or did you
12 appear on --

13 MR. FALK: Well, I think we were up here and we were at
14 the table.

15 THE COURT: Okay. Okay.

16 MR. FALK: But I made the motion to be relieved.

17 THE COURT: Okay.

18 MR. FALK: I think there may have been a discussion
19 about these Austin claims. I just don't have any
20 recollection, but what I do know is that the Colleton County
21 Clerk's office --

22 THE COURT: Uh-huh.

23 MR. FALK: -- still shows this whole action as being
24 open, and so there has been no disposition on it.

25 THE COURT: Okay.

1 MR. FALK: And so maybe that's an answer to a different
2 question. That's why I thought I was no longer representing
3 him on this, but I don't think he was prejudiced by the
4 earlier appointment because I got relieved and his case is
5 still open. He just needs to have a new attorney appointed
6 in the PCR.

7 THE COURT: Listen, see if that's the State's
8 understanding. Hold on. Okay?

9 MR. JACOBI FIELDS: Okay.

10 THE COURT: Because that might give you some helpful
11 information. Okay?

12 All right. Yes, sir. Is that your understanding that
13 Mr. Fields's request has not been heard? Finally. I should
14 say finally heard because apparently you went to a hearing.

15 MR. JACOBI FIELDS: I did.

16 MR. SAVILLE: Your Honor, I still need to look into a
17 little more of his procedural history, but it is my
18 understanding that he is awaiting to be appointed counsel and
19 that we plan to do it as soon as we possibly can. Today, we
20 are actually addressing the issue back in Columbia with
21 appointing him counsel.

22 THE COURT: Okay. Okay.

23 MR. JACOBI FIELDS: Well, like I said, that day, the
24 Court, you know, unanimously denied me without questioning.
25 I tried to --

1 THE COURT: Now, let me -- let me ask you this question
2 though, because do you have an order in hand?

3 MR. JACOBI FIELDS: No.

4 THE COURT: Okay.

5 MR. JACOBI FIELDS: I think what I did was I just came
6 prepared for testimony today. I didn't bring any of my -- I
7 didn't bring my --

8 THE COURT: Your memory is fine. What is your memory?
9 Is your memory that you received a written order or that was
10 --

11 MR. JACOBI FIELDS: I had not. Oh, I can tell you that
12 I have not received an order.

13 THE COURT: Okay. Okay.

14 MR. JACOBI FIELDS: After the denial, you mean?

15 THE COURT: Yeah, yeah, yeah, yeah.

16 MR. JACOBI FIELDS: Yeah. I haven't received that
17 order. I mean, you know, I think they have, like, a year,
18 but I haven't received that order yet. And I guess the
19 reason why is because, like he said, I mean there's been no
20 disposition in my case yet I mean as far as pursuant to that
21 PCR proceeding of October 12th, 2017.

22 THE COURT: Well, there -- exactly. And if Mr. Falk
23 asked to be relieved at that point, then there would not have
24 been a -- there would not have been a disposition.

25 MR. JACOBI FIELDS: Well, I remember the judge telling

1 him I grant you a motion to be relieved, but then when he
2 tried to present -- okay. He said -- his specific words were
3 my client believes that he's entitled to have his claims
4 heard based upon this Martinez v. Ryan claim, which is a
5 federal claim. You know, I wasn't even going to bring this
6 claim to the state court, but the federal court directed me
7 to exhaust --

8 THE COURT: Sure.

9 MR. JACOBI FIELDS: -- the claim in state court first.

10 THE COURT: Sure.

11 MR. JACOBI FIELDS: I notified the federal court that
12 this would be moot because it's going to be denied. It's not
13 state. It's just a waste of time.

14 So what happened was they directed me -- well, I had
15 this Austin v. State proceeding to raise my grounds, my
16 Martinez grounds, because the attorney general wrote back in
17 his -- in his response that I would be able to be able to
18 raise these issues at this Austin v. State proceeding.

19 THE COURT: Uh-huh.

20 MR. JACOBI FIELDS: So I said cool.

21 THE COURT: Uh-huh.

22 MR. JACOBI FIELDS: So I came back, filed timely, came
23 back, they denied it for everything.

24 THE COURT: Federal or state?

25 MR. JACOBI FIELDS: This was state, right here in this

1 courtroom at that table right there on the last -- on the
2 term of October 12th last year, I was here.

3 MR. FALK: I don't believe that order -- I don't believe
4 that order has been issued. That is not my recollection.

5 MR. JACOBI FIELDS: And I'd like the Court to note that
6 this is the second time that I've had a, you know, PCR
7 proceeding where -- you know, the first time I had a real
8 estate attorney. I felt like he was highly incompetent, but
9 me being indigent and not having no other way, I felt like it
10 was the only way.

11 After him, I decided to take my own individual effort to
12 research my case. Okay? This was back in 2012. Now here we
13 are 2018. I know a little bit more; so I can't just be hit
14 with the runaround no more, you know.

15 So what I understand is this right here. He gave me a
16 denial with the Martinez v. Ryan issue. I know that for a
17 fact. He granted James Falk the motion to be relieved as
18 counsel because James Falk felt like there was a conflict of
19 interest because they appointed him as my PCR counsel and him
20 as my PCR -- well, they appointed him as Travis's PCR --

21 THE COURT: Exactly.

22 MR. JACOBI FIELDS: -- counsel and then appointed him as
23 my PCR counsel.

24 THE COURT: That's right.

25 MR. JACOBI FIELDS: So I didn't understand why that was,

1 but, you know, naturally, Travis -- he felt like that should
2 be -- he should be removed because he didn't feel comfortable
3 having to be represented by the same attorney.

4 THE COURT: Right.

5 MR. JACOBI FIELDS: You know what I'm saying?

6 THE COURT: That's right.

7 MR. JACOBI FIELDS: So that's how that played out.

8 THE COURT: That's right.

9 MR. JACOBI FIELDS: And if he's saying that there's no
10 disposition that came about, then I'm okay with that. Okay?
11 We can figure out where we -- where we're going, you know, at
12 a later time, but my main concern was that I hadn't heard
13 anything back, period.

14 THE COURT: I understand.

15 MR. JACOBI FIELDS: And, James Falk, I'm going to tell
16 you on the record that I was going to scream today when I got
17 here. I'm not going to lie. I was going to scream, but --
18 yeah.

19 THE COURT: Well, now, let me -- now -- well, here's
20 what I want to know. If the attorney general is still
21 checking into it, who handled it?

22 MR. FALK: It might have been Russ Lee [ph].

23 THE COURT: Yeah.

24 MR. FALK: But there was -- there's been no Form 4
25 because, you know, a lot of times that's why I think there

1 may be -- in my mind, I think it may be a misunderstanding
2 because a lot of times the judge issues -- will issue a Form
3 4, yes or no, formal order to follow. There is no Form 4
4 issued in this case.

5 THE COURT: Okay. Who was the trial -- do you remember?
6 PCR? Who had the term?

7 MR. SAVILLE: The PCR judge, Your Honor?

8 THE COURT: Yeah.

9 MR. JACOBI FIELDS: Which one? The first one? The
10 second one?

11 THE COURT: The one in October.

12 MR. JACOBI FIELDS: Was it Brown? No. I can't remember
13 specifically who it was.

14 THE COURT: Okay.

15 MR. JACOBI FIELDS: He's a big guy, wears glasses, real
16 laid-back guy. I can't remember his name, Your Honor.

17 MR. FALK: Your Honor, it seems like --

18 THE COURT: It might be Buckner, Judge Buckner.

19 MR. FALK: It was not Judge Buckner.

20 MR. JACOBI FIELDS: No. It wasn't Judge Buckner. I
21 know it wasn't Buckner. It wasn't Buckner, but it was --

22 THE COURT: It was not Judge Buckner?

23 MR. SAVILLE: There is a -- from September 2017, there's
24 a correspondence to Judge Young, Judge Roger Young.

25 THE COURT: It could be. Yeah. He's --

1 MR. JACOBI FIELDS: He's kind of a big, heavyset guy?

2 THE COURT: I would never say that about any of my
3 colleagues because I would not want them to say that about
4 me. You know what I mean?

5 MR. JACOBI FIELDS: See, I was extremely --

6 MR. FALK: Your Honor, I think there was --

7 THE COURT: Yeah.

8 MR. FALK: -- correspondence with Judge Young because
9 there was a brief period of time when Judge Young was the
10 chief administrative for the 14th, that they gave Mr. Buckner
11 -- Judge Buckner, I think, some time off.

12 THE COURT: Sure.

13 MR. FALK: I think any correspondence might've been with
14 Roger Young.

15 THE COURT: I understand.

16 MR. FALK: Because he was the chief admin judge.

17 THE COURT: Well, here -- let me -- let me -- here's
18 what I'm concerned about. And let me just put you in the
19 loop, Mr. Fields. Here's what I'm concerned about. You are
20 on the stand.

21 MR. JACOBI FIELDS: Yes, ma'am.

22 THE COURT: This is a PCR. Obviously, you were co-
23 defendants. You have a PCR and you have a federal habeas and
24 so -- and you have an Austin claim.

25 What I want to do is I want to be sure that -- I'm not

1 -- I'm concerned that you don't have a lawyer representing
2 you as you sit here today and so if the State is -- if the
3 State is going to appoint you a lawyer today -- and that's
4 counsel's position that that's happening today -- then what
5 that says to me is that your Austin claim is still alive and
6 well. Okay? It has not been determined.

7 But, you know, I'm assuming that. I don't know that.
8 I'm assuming that.

9 MR. JACOBI FIELDS: That's --

10 THE COURT: You know --

11 MR. JACOBI FIELDS: I don't know what's going on.

12 THE COURT: I know. And so -- well, why don't I just
13 ask you?

14 I want you to assume for the purposes of my question --
15 although, you know, I'm not sure because I don't know. How
16 do you feel about going forward today? You're testifying
17 today under oath in your co-defendant's PCR. How do you feel
18 about testifying without your lawyer present?

19 MR. JACOBI FIELDS: Well, I've been -- I've been working
20 pro se for maybe, like, the past three years now, and I think
21 the big issue that I've been focusing on is the
22 constitutionality of the confession that was given on
23 September 5th, 2008. I pretty much know the ins and outs of
24 that and the constitutional law, and I feel like that I can
25 prove in court that my statement was unconstitutionally

1 obtained by the record and by anything, and I can, therefore,
2 furthermore prove that any fruits therefrom that the State
3 claimed that they had were fruits of the poisonous tree.

4 THE COURT: All right. Now, let me -- let me ask you
5 this question.

6 MR. JACOBI FIELDS: This was --

7 THE COURT: Have you had your PCR hearing where you
8 raised that issue?

9 MR. JACOBI FIELDS: What happened was, like I said, my
10 first PCR was a real estate attorney.

11 THE COURT: Oh, you told me. You told me. I'm sorry.
12 I forgot.

13 MR. JACOBI FIELDS: He failed me tremendously. He
14 didn't raise the issues. He didn't appeal it. I worked the
15 federal court extremes on him. What are you doing? They
16 appointed -- they directed me back.

17 I'm trying to get these claims in because basically, in
18 essence, the only thing that I raised at my first PCR claim
19 was some frivolous duress defense that he was trying to -- he
20 was trying to -- he was trying to say that my attorney told
21 me that duress was not a defense to murder. Okay?

22 I argued that it could be. It's not a defense to
23 murder, but maybe to the underlying felony, which would
24 exempt you of the murder if you can prove that you were, you
25 know, placed under duress for the underlying felony.

1 So this is what -- this was my strategy the whole time
2 with him and he didn't even want to -- he didn't even want to
3 -- he didn't even want to argue it and stuff like that.

4 So when I figured out that he didn't know what he was
5 doing after he didn't even appeal my case, I decided to just
6 go ahead and do my own independent study because of duress.
7 I'm trying to say that I didn't even commit the crime.
8 That's what I'm trying to say.

9 THE COURT: I understand.

10 MR. JACOBI FIELDS: I'm trying to --

11 THE COURT: I understand.

12 MR. JACOBI FIELDS: So like I said, that's pretty much
13 how that went. As far as --

14 THE COURT: Well --

15 MR. JACOBI FIELDS: -- proceeding forth, I don't want to
16 because I feel like --

17 THE COURT: Okay.

18 MR. JACOBI FIELDS: -- me --

19 THE COURT: Okay.

20 MR. JACOBI FIELDS: -- without that Sixth Amendment
21 right would --

22 THE COURT: Stop. You don't have to say another word.

23 MR. JACOBI FIELDS: Okay.

24 THE COURT: You don't have to say another word. Do you
25 know what I mean?

1 MR. JACOBI FIELDS: Okay.

2 THE COURT: You know that the State is about to appoint
3 counsel for you and -- and you need say no more. Are you
4 with me?

5 MR. JACOBI FIELDS: Yes, ma'am.

6 THE COURT: Okay. All right. He wants -- he would
7 prefer to have a lawyer representing him. We have two
8 choices. One choice, of course, you're going to be back
9 later this week, Mr. Falk?

10 MR. FALK: Sure.

11 THE COURT: I think that the State -- are y'all -- are
12 y'all going to stipulate to use an earlier statement or do
13 you want to reconvene?

14 MR. FALK: My thought was that I do have John, a private
15 investigator, who went up and spoke with Mr. Fields.

16 THE COURT: Okay.

17 MR. FALK: And got a statement from him, and if that
18 comes in.

19 MR. SAVILLE: Your Honor, we would allow that statement
20 without objection.

21 THE COURT: Okay.

22 MR. SAVILLE: Of course, not based on its truthfulness,
23 but we would --

24 THE COURT: I understand. I understand. Well, very
25 well. Now, let me -- let me tell you this.

1 Christian, would you do this? Would you give Mr. Fields
2 just some contact information? Just because I would like him
3 to have the ability to -- because when you came in October,
4 probably Mr. Rushton was representing the attorney general at
5 that point, but what I'd like you to do is I'd like to have
6 the name of someone at the Attorney General's Office that you
7 have the ability to follow up with regards to your lawyer
8 being appointed.

9 Do you know what I mean, Mr. Fields?

10 MR. JACOBI FIELDS: Would the paper that shows you --
11 like, you know, when you get appointed counsel in a PCR
12 claim, you know, they send you this order back and they have
13 all these different references, like addresses that you can
14 go to. Does it state the Attorney General in specific on
15 that paper?

16 THE COURT: I have no idea.

17 MR. JACOBI FIELDS: Well, I --

18 THE COURT: But you know what I'm going to do? Here's
19 what I've got. I've got -- I'm going to have him do, like, a
20 sticky, a sticky with the name. I'd like him to get, like,
21 the name and the number. Do you know what I mean?

22 MR. JACOBI FIELDS: Okay.

23 THE COURT: Instead of the one that you can write to and
24 maybe get something back --

25 MR. JACOBI FIELDS: Yes, ma'am.

1 THE COURT: -- and you need to write somebody else and
2 you write that person and get one back and then you write
3 somebody else. You know what I mean?

4 MR. JACOBI FIELDS: I understand.

5 THE COURT: I'd like you to get the number to the
6 person.

7 MR. JACOBI FIELDS: The number to the person.

8 THE COURT: You know what I mean?

9 MR. JACOBI FIELDS: Absolutely, Your Honor.

10 THE COURT: Okay. Because I'd like you to know.

11 MR. JACOBI FIELDS: Thank you.

12 MR. SAVILLE: Court's indulgence, Your Honor.

13 THE COURT: That's okay. Maybe they are emailing, and I
14 can tell you who your lawyer is.

15 (WHEREUPON, there was a pause in the proceedings, after
16 which the proceedings resumed as follows.)

17 MR. SAVILLE: Your Honor, I have the -- I have the
18 direct line to the PCR now. I apologize for the --

19 THE COURT: That's great.

20 MR. SAVILLE: -- for the -- for the wait there.

21 THE COURT: That's okay. I'll tell you what. If you'll
22 just write it down for Mr. Fields.

23 MR. SAVILLE: Sure.

24 THE COURT: That would be great. And if you could give
25 him the name of somebody to talk to, that would be awesome,

1 because I'd like him to know who's representing him.

2 MR. JACOBI FIELDS: I mean how fast do you need his
3 number because right now the Department of Corrections is on
4 -- like, it's mass lockdown because of something that
5 happened, some murder that happened upstate. So I don't have
6 any way to get out of the room other than --

7 THE COURT: Well, here's what I want you to do. Here's
8 what you need to know today. Just they told me that they are
9 appointing you counsel today. So you ought to look for that
10 mail to be coming to you, I'd say within the next seven days.

11 MR. JACOBI FIELDS: I'm speaking on to reference of he
12 was telling me a number and a person.

13 THE COURT: But I want you to have this, just have it.

14 MR. JACOBI FIELDS: Just in case. Okay.

15 THE COURT: Just in case. Precisely. Exactly, Mr.
16 Fields. Just in case. But he's told me that they're doing
17 that today. Because you're getting this number, it's not
18 going to slow anything up. It's just you got it. See what
19 I'm saying?

20 MR. SAVILLE: And now, that is the number for post-
21 conviction relief, and that is the name of the legal
22 assistant who handles this circuit of court, as well as my
23 name.

24 MR. JACOBI FIELDS: Okay.

25 THE COURT: Oh, that's perfect.

1 MR. JACOBI FIELDS: Thank you.

2 THE COURT: That was a good trip. All right. All
3 right, Mr. Fields. Thanks a lot. All right.

4 MR. JACOBI FIELDS: You're welcome.

5 THE COURT: Yep.

6 MR. JACOBI FIELDS: You're very welcome.

7 THE COURT: You can head on out. You're okay. You're
8 done.

9 MR. JACOBI FIELDS: So I don't have to -- I mean I
10 thought he was going to -- I was going to testify.

11 THE COURT: No. Remember, because you want a lawyer,
12 I'm not going to let you testify without your lawyer.

13 MR. JACOBI FIELDS: Oh, okay. So you're saying at this
14 proceeding right here. I thought you was talking about in a
15 prior -- okay. See, I didn't understand what you were
16 saying.

17 THE COURT: No, no.

18 MR. JACOBI FIELDS: My sole purpose of being here is to
19 testify to get this on the record.

20 THE COURT: Testify in the other PCR, not in yours.

21 MR. JACOBI FIELDS: Okay.

22 THE COURT: But --

23 MR. JACOBI FIELDS: Well, yeah. I am going to testify
24 here.

25 THE COURT: All right. But here's -- all right. Pay

1 attention. You are under oath. There is going to be a
2 record.

3 MR. JACOBI FIELDS: Okay.

4 THE COURT: And --

5 MR. JACOBI FIELDS: That's what I'm trying to do.

6 THE COURT: My concern -- remember, my concern is is I
7 don't want to have -- the consideration or concern is that in
8 your case, you are about to have counsel appointed and the
9 question is is do you want to have your lawyer present for
10 this one too, because it can have an effect.

11 MR. JACOBI FIELDS: No. I see what you're saying. We
12 don't even have to go through all that now. I thought you
13 were speaking in reference to a later PCR and appointment of
14 counsel in that. No. I'm going to testify today as to the
15 -- to this PCR.

16 THE COURT: Okay. You are sure you're okay?

17 MR. JACOBI FIELDS: I'm positive with that.

18 THE COURT: All right. You understand you're under
19 oath?

20 MR. JACOBI FIELDS: Yes, ma'am.

21 THE COURT: It can have an effect on your --

22 MR. JACOBI FIELDS: Yes, ma'am.

23 THE COURT: -- circumstance.

24 MR. JACOBI FIELDS: Yes, ma'am.

25 THE COURT: And understanding all that, you are okay

JACOBI FIELDS - DIRECT BY MR. FALK

1 going forward without a lawyer?

2 MR. JACOBI FIELDS: Yes, ma'am.

3 THE COURT: Because I will not make you go forward
4 without a lawyer. Do you understand that?

5 MR. JACOBI FIELDS: Yes, ma'am.

6 THE COURT: But you're ready to go?

7 MR. JACOBI FIELDS: Yes, ma'am.

8 THE COURT: Okay.

9 MR. JACOBI FIELDS: Let's roll with it.

10 THE COURT: All right. In the words of Mr. Fields,
11 let's roll with it.

12 All right. Mr. Falk?

13 JACOBI FIELDS, being first duly
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. FALK:

17 Q: Mr. Fields, could you just give your name for the
18 record?

19 A: My name is Jacobi Jermaine Fields.

20 Q: Okay.

21 A: It's F-i-e-l-d-s.

22 Q: Now, when I walked in here this morning, you were under
23 the impression I was still representing you; is that not
24 correct?

25 A: Yes, sir, it's correct.

JACOBI FIELDS - DIRECT BY MR. FALK

1 Q: Okay. Is it now clear that I was relieved from your
2 case?

3 A: Absolutely.

4 Q: Okay. Now, you gave a statement to Colleton County
5 police; is that correct?

6 A: That's correct.

7 Q: And did that statement implicate Mr. Harris?

8 A: That's correct.

9 Q: And I'm not asking you what the truth is. I just want
10 to know what your old statement was. So your old statement
11 was what? Can you just paraphrase it?

12 A: Basically -- I mean, basically, it was that, you know, I
13 committed the crime, Travis committed the crime, we were both
14 there, but Travis was the shooter. This is what I was
15 directed to say.

16 Q: When you say directed to say, who directed you to say
17 that?

18 A: That day on September 5th -- and I know that, you know,
19 after hearing Travis's lawyer speak, I think that the best
20 thing that would have been to be done was for us to just
21 speak because at the outset of this investigation, I want the
22 Court to note that there was a \$10,000 reward out for anyone
23 with evidence that leads to the conviction for Deputy Dennis
24 Compton.

25 As a result of that, the investigation obtained over 300

JACOBI FIELDS - DIRECT BY MR. FALK

1 leads based on hearsay evidence before they ever got to my
2 name, which was they got to my name based on hearsay
3 evidence. Okay? Basically, he said this, he said that, he
4 told me this, and there was even one case where David Blocker
5 admitted that he committed the crime and threw the murder
6 weapon in a pond in another place.

7 MR. SAVILLE: I'm going to object under hearsay, Your
8 Honor.

9 THE COURT: Well --

10 MR. JACOBI FIELDS: I have all this.

11 THE COURT: Hold on one second. I think -- I don't
12 think it's admitted for the truth of the matter asserted. I
13 think he's just telling me that there were a number of people
14 who were --

15 MR. JACOBI FIELDS: Right.

16 THE COURT: -- saying lots of stuff.

17 MR. SAVILLE: Understood. Thank you.

18 BY MR. FALK:

19 A: And in the midst of that, my name came up because this
20 guy, Billy Green, said that I told him that I committed the
21 crime, that I committed that crime in particular, the murder
22 of Deputy Dennis Compton. The evidence that he used to
23 reference that were some text messages that he claimed that
24 me and him had made, you know.

25 I know it's not this Court's position right now to

JACOBI FIELDS - DIRECT BY MR. FALK

1 determine whether those were true or false, but I can say
2 this right here. There was a text message in the record
3 where he asked me specifically did I tell -- he said I don't
4 know whether you were dreaming or not -- whether I was
5 dreaming or not, but did you say that you killed that cop? I
6 said I don't know what you're talking about and you don't
7 need to be texting me this on the phone. Okay?

8 And that was claimed. They tried to suppress it. I had
9 to go through all type of things with my lawyer to get this
10 evidence. Finally, I came up with it, but my name came up in
11 the investigation. Okay?

12 They executed a search warrant, came in, arrested me,
13 took me in about 2 p.m. that day, September 5th, 2008, and
14 John Branham of SLED -- Special Agent John Branham and
15 Special Agent Sean Harley, both of SLED, I met them. They
16 were my interviewing officers.

17 So we spoke. They asked me about the crimes. I denied
18 vehemently that I didn't have nothing to do with it. I
19 pointed out that I was in college studying surgical
20 technology at the time. I had no time even to be in the
21 streets doing nothing like that. I had too much stuff going
22 on at the time anyway.

23 But I denied it, you know. They didn't give me a chance
24 to deny it. They didn't take that, and I think that the
25 majority of the case was hearsay. So they never gave me a

JACOBI FIELDS - DIRECT BY MR. FALK

1 chance to really deny it.

2 Otherwise, what they did was when they realized that I
3 was not going to confess to anything after three or four
4 hours, they leave out the room, go in the -- leave out, come
5 back maybe 10 -- 15 minutes later and says, well, look here.
6 We've got Travis Harris in the other room and he's spilling
7 his guts. He's telling us this. He's telling us you did
8 that. He's telling us you did this. He's telling us that
9 you did that. You did this.

10 I'm like, well, he's lying. I can't imagine him saying
11 something like that when he know good and well that I didn't
12 do that, you know, and this went on for another hour or two.
13 You know, I went through my spout of tears, my crying. You
14 know, I'm scared. I don't want nothing to do with this. Why
15 are y'all even bringing this upon me? You know what I'm
16 saying?

17 And basically, he said -- John Branham specifically said
18 this is the way it's going to handle. This is the way it's
19 going to pan out. Travis Harris is going to testify against
20 you in court because he already gave us a statement saying
21 that you did it and you were the shooter. Okay? If you
22 don't cooperate with us, you're going to get the death
23 penalty. This is exactly what Sean -- or John Branham told
24 me. Okay?

25 I didn't know what the death penalty meant at that time,

JACOBI FIELDS - DIRECT BY MR. FALK

1 you know. It was so much cop killing going on and so much
2 violence in Walterboro, I figured that the death penalty was
3 them just taking me down there and putting a bag over my head
4 and shooting me. I didn't know what that meant, you know,
5 and it was just a trying situation because they didn't even
6 give me a chance, in spite of all of my efforts to tell them
7 that I did not commit this crime.

8 Now, they spoke on some evidence that was found in my
9 car or my girlfriend's car. The evidence that was found was
10 tantamount to mere possession of stolen property and, like I
11 told the officers that day, that I did buy some stuff from
12 somebody. You know, a crackhead came around and I bought it.
13 I didn't think I wanted it at the time, but I bought it.
14 This was the story that I gave to them in reference to the
15 burglaries and all this stuff.

16 They did not want to go for it. They said that Travis
17 -- and they never even had spoke to Travis at this moment.
18 They never even had spoke to this man. They told me that
19 Travis was telling them that I was going to -- that I shot
20 the man and that I was -- he was at the crime scene and I was
21 at the crime scene at the same time, and they said that if I
22 didn't tell them that Travis was the shooter and that I was
23 at the crime scene and I committed these crimes, that I was
24 going to get the death penalty.

25 So I didn't know what else to think. I didn't know what

JACOBI FIELDS - DIRECT BY MR. FALK

1 else to say. I didn't know what else to do. I didn't know
2 what else to do; so I told them. I said, hey, okay, this is
3 what you want, then I'll do that to go home, because they
4 told me that I would go home if I did that. They told me
5 that I was going to go home. I had a pregnant girlfriend at
6 the time. I was in school, and I just wanted to go home. I
7 didn't want any parts of this.

8 So I did exactly what Sean Harley and John Branham told
9 me to do. They told me exactly what to say, they told me
10 exactly what to do, and they told me exactly basically how to
11 think.

12 MR. SAVILLE: Your Honor, I'm going to object to this as
13 hearsay.

14 MR. JACOBI FIELDS: If --

15 THE COURT: Hold on one second. Overruled.

16 MR. JACOBI FIELDS: Okay. Well, I do have the
17 transcript of my Denno hearing that I had on November 22nd,
18 2011, where John Branham specifically admitted on the stand
19 that he told me if I didn't cooperate that I would get the
20 death penalty. Sean Harley admitted on the stand --

21 THE COURT: I -- I overruled the objection. You can --
22 your testimony was fine.

23 MR. JACOBI FIELDS: Okay. You know --

24 THE COURT: All right. Would you have another question?

25 MR. FALK: Let me ask --

JACOBI-FIELDS - DIRECT BY MR. FALK

1 THE COURT: Yeah.

2 MR. FALK: I'm going to drop a question in here.

3 THE COURT: Sure.

4 BY MR. FALK:

5 Q: So you were told that if you're not giving that
6 statement, you are going to get the death penalty; is that
7 correct?

8 A: Correct. I was told in no unambiguous terms --

9 Q: So they --

10 A: -- that I would be --

11 Q: So they had spoken to you for about four hours and you
12 didn't tell them anything; is that correct?

13 A: No. They spoke with me from 2:00 p.m. that day until
14 7:00 p.m. -- about 7:45 p.m. that day.

15 Q: Okay.

16 A: There was one break.

17 Q: You said -- and I was just going back to your testimony.
18 You said there was a period of time that you were talking.
19 You weren't going to give a statement. They left the room
20 and then they came back; is that correct?

21 A: Yes.

22 Q: Okay. So how long was that period of time before they
23 left the room?

24 A: Like I said, maybe 10 -- 15 minutes. As the -- as the
25 record will reflect, there was a part of the video that was

JACOBI FIELDS - DIRECT BY MR. FALK

1 destroyed, and I imagine this is the part where they were
2 threatening me and all this, but it seems that, you know, the
3 investigator's mind was so botched at the Denno hearing that
4 they had been already knew that they were wrong.

5 They knew they were wrong, so much so to where Sean
6 Harley admitted on the stand that you have to dance with the
7 devil to get what you want. How is that constitutional? I
8 don't know. Judge Mullen still ruled my statement in and all
9 the evidence that came as a result of it.

10 Q: So let me -- let me just back up. Let me just back up.

11 So you gave a statement that implicated Mr. Harris?

12 A: I did.

13 Q: Is that correct?

14 A: I did.

15 Q: But it's your testimony today that you were coerced into
16 giving that statement; is that correct?

17 A: Yes. It's been my testimony --

18 Q: Because you were threatened?

19 A: -- from the very beginning.

20 Q: You were threatened with the death penalty; is that
21 correct?

22 A: Yes.

23 Q: And they had told you that Mr. Harris had flipped on
24 you; is that correct?

25 A: Yes.

JACOBI FIELDS - DIRECT BY MR. FALK

1 Q: So it's your testimony today that that statement was not
2 accurate?

3 A: No. Actually, in the record -- in the transcript that I
4 have here, you have where Sean -- John Branham actually
5 admits on the stand that when he told me that at that time
6 that Travis Harris was not even in custody. He admitted this
7 at the Denno hearing.

8 Q: Okay.

9 A: That he was not in custody.

10 Q: So -- but -- so you had -- so it is not correct that Mr.
11 Harris was the shooter?

12 A: It's not correct.

13 Q: Okay.

14 A: It's not. It's not correct that he was there.

15 Q: And you gave that statement because of the interrogation
16 and the coercion; is that correct?

17 A: Yes. I feared for my life and I just wanted to go home,
18 and I felt like that they left me with the understanding that
19 this was the only thing that I could possibly do to leave out
20 of here without getting the death penalty.

21 Q: Okay. You said that you've got -- you had a girlfriend
22 who was pregnant at the time?

23 A: Yes, sir.

24 Q: Did they tell you you are never going to see her again
25 unless --

JACOBI FIELDS - DIRECT BY MR. FALK

1 A: Multiple times, man. They -- they basically came into
2 the interrogation with the unfettered understanding that I
3 was just guilty of this, period. In spite of the fact that
4 they -- the whole case was centered around 300 -- 400 leads
5 of hearsay, which is tantamount to the same amount of
6 evidence that they had in the interrogation room at that
7 time.

8 Q: Let me just back up. So if you didn't give the
9 statement, you were never going to see your baby again and
10 you were going to get the death penalty?

11 A: I mean there were more representations than that. I
12 mean --

13 Q: What other representations like that were there?

14 A: Like I said, Travis was already there. Your
15 fingerprints are at the crime scene. Billy Green is going to
16 testify on you. You know, you're never going to see your
17 girlfriend again. What do you think your son is going to
18 think with you growing up on death row while he's out there
19 in society? All of these type of different representations
20 were made to me.

21 Q: What communications did you have with your lawyer about
22 your statement?

23 A: I told him this from the very jump. I told him this
24 from the very jump. My lawyer didn't want to help me.

25 Q: All right. Not your PCR lawyer, your trial lawyer.

JACOBI FIELDS - DIRECT BY MR. FALK

1 A: My trial lawyer did not want to help me. My trial
2 lawyer was Boyd Young. My trial lawyer was Boyd Young. He
3 was appointed from the SCCID. I told him that this was a
4 coerced confession. I passed the polygraph test and
5 everything like that.

6 All of this was on the record. I told him that this was
7 a coerced confession. I told him that we need to angle this
8 -- the whole investigation. I'm getting the statement thrown
9 out because it was unconstitutionally obtained. We had the
10 video evidence.

11 We had different -- you know, then we had my testimony.
12 You know, he decided not to put me on the stand at the Denno
13 hearing. For what reason, I don't know. I feel like that
14 would have shed more light to the Court and to the public of
15 what actually happened that day that I was in that
16 interrogation room and the tactics that they used in order to
17 coerce that confession out of me.

18 Q: So if this case were going to go to trial, the shooting
19 of Officer Compton -- if this case was going to go to trial
20 tomorrow in Colleton County, would you testify against Mr.
21 Harris?

22 A: No. No. I can't see myself being a standup guy of
23 integrity getting on the stand and telling them that Travis
24 was the shooter or even present at that crime scene when I
25 don't even know. I don't -- the truth of the matter is I

JACOBI FIELDS - DIRECT BY MR. FALK

1 don't know what happened. I don't know what happened.

2 And like I was explaining to them in the interrogation
3 room, whether he told you that or not, I don't know. I can't
4 speak for him, but how are you going to make me say that he
5 did the crime and then implicate myself?

6 Q: Were you present at any of the locations of the other
7 four --

8 A: No.

9 Q: -- burglary firsts?

10 A: No. There's no evidence linking me to that beside them
11 telling me that if I say this, I go home.

12 Q: My question was were you there?

13 A: No.

14 Q: Okay. Were you there present at the -- was it a Stop &
15 Shop for the burglary second?

16 A: No, I wasn't.

17 Q: Okay.

18 A: I wasn't.

19 Q: Do you know anything about the gun that was used to
20 shoot Officer Compton?

21 A: No. The only thing I know is that they told me that I
22 had to give them a murder weapon. I said I don't know.
23 Check Travis's house then. That's what I told them. That's
24 exactly what I told them. Check Travis's house, and then
25 whatever happened after that, happened.

JACOBI FIELDS - DIRECT BY MR. FALK

1 I didn't get any part of his -- you know, I didn't even
2 have a search warrant or nothing like that during the trial
3 phase or immediately after, but I didn't even know that the
4 property wasn't even found on his property. You know, I
5 didn't know any of that.

6 MR. FALK: Your Honor, I have no further questions.

7 THE COURT: All right. Cross-examination?

8 CROSS-EXAMINATION

9 BY MR. SAVILLE:

10 Q: Briefly, Mr. Fields. Do you remember swearing to tell
11 the truth when you pled guilty?

12 A: Yeah.

13 Q: Do you remember telling the judge that you were
14 satisfied with your counsel?

15 A: I do.

16 Q: Okay. Do you remember telling the judge that you were,
17 indeed, guilty?

18 A: I do.

19 Q: And do you remember agreeing with the facts as presented
20 by the State?

21 A: Yes, I do.

22 Q: Isn't it true that the polygraph that was submitted at
23 the guilty plea was actually just purporting that you were
24 not the shooter?

25 A: Yeah. That is true. I couldn't control what questions

JACOBI FIELDS - CROSS BY MR. SAVILLE

1 they asked me, but the floor was open.

2 Q: All right.

3 A: But I think that the gist of the -- the only thing that
4 my lawyer was trying to prove was that I wasn't the shooter.
5 He was never trying to prove that I wasn't at the crime
6 scene. So this is why he told the polygraph examiner to ask
7 me that direct line of questioning. He was never trying to
8 prove that I was innocent of the crime. He was trying to
9 prove that I wasn't the shooter, which was going to still
10 give me life in prison anyway.

11 Q: Okay. And do you recall the -- the judge asking you if
12 you had discussed the hand of one/hand of all theory with
13 your lawyer?

14 A: Yes. No, not particularly in that question, but I did
15 discuss the hand of one/hand of all theory with my attorney.

16 I don't specifically remember being -- like I said, at
17 that plea hearing, I -- dude, man, when I -- when I went up
18 for that plea, man, basically, my attorney came in with a
19 whole 'nother attorney that wasn't even a part of my case, a
20 black guy named Eduardo Curry. He's an NAACP attorney, and
21 this man basically forced a pen in my hand and made me sign
22 that plea agreement in the midst of me kicking and screaming
23 and crying that I did not want to sign this plea because I
24 did not do this crime.

25 Eduardo -- my lawyer knew unambiguously that I did not

JACOBI FIELDS - CROSS BY MR. SAVILLE

1 want to take that plea, that I was not going to take that
2 plea, and he told me so much so that if you decide that
3 you're not going to take this plea, you can fire me because
4 I'm not trying this case. This is what Boyd Young told me
5 out of his mouth. Okay?

6 He said, listen, if you don't take the plea in 24 hours,
7 the same thing that his attorney was telling him, you're
8 going to get the death penalty. That's exactly what he told
9 me.

10 In his follow-up, he told me whatever you say --
11 whatever she asks you at this plea hearing, just agree and
12 affirm it and everything is going to go good. So I was,
13 like, okay, you want me to just agree in the affirmative.
14 Off of his advice, I pled guilty, and I agreed in the
15 affirmative to everything the judge warned me about or didn't
16 warn me about. I admitted guilt to this because I didn't
17 want to die, which is what he told me was going to happen.

18 Q: Okay. And so you remember saying that you were not
19 threatened in order to plead guilty?

20 A: Right. And that was because my lawyer told me to speak
21 in the affirmative and not -- he specifically told me to
22 speak in the affirmative when the judge addresses me, and
23 that's what I did.

24 Q: Okay. And for those reasons, you said that you would
25 like to plead guilty?

JACOBI FIELDS - CROSS BY MR. SAVILLE

1 A: For those reasons I said I was guilty of the crime, that
2 I would plead guilty, that I would do whatever I had to do to
3 save my life.

4 Q: And how long have you been incarcerated, Mr. Fields?

5 A: I've been incarcerated since September 5th, 2008, and
6 continuing.

7 Q: And now you wish you would not have pled guilty?

8 A: I mean I didn't -- I feel like I didn't even have to
9 plead guilty. I mean why?

10 MR. SAVILLE: No further questions. Thank you.

11 THE COURT: All right. Yes, sir?

12 MR. FALK: No redirect.

13 THE COURT: Thank you so much. Now, remember, be on the
14 lookout for your lawyer appointment.

15 All right. Call your next witness, please.

16 MR. FALK: I'd call Mr. Harris's mother to the stand
17 briefly.

18 THE COURT: Surely. All right.

19 THE CLERK: Can you please raise your right hand? Do
20 you solemnly swear or affirm to truthfully answer all
21 questions asked of you by this Court, so help you God?

22 THE WITNESS: Yes.

23 THE CLERK: Please state your name for the record.

24 THE WITNESS: My name is Tammy Rochelle Durrant-Harris.

25 THE CLERK: And could you spell your last name, please?

TAMMY DURRANT-HARRIS - DIRECT BY MR. FALK

1 THE WITNESS: D-u-r-r-a-n-t.

2 THE CLERK: Thank you, ma'am.

3 THE WITNESS: Thank you.

4 THE COURT: Your witness.

5 TAMMY ROCHELLE DURRANT-HARRIS,
6 being first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. FALK:

9 Q: Ms. Harris, you are Travis's mother?

10 A: Yes, I am.

11 Q: Do you know anything about where the gun was located?

12 A: No, I don't.

13 Q: Where it was found?

14 A: No.

15 Q: Is there a ditch behind your -- at the back of your
16 property?

17 A: Probably about -- from where my house is at, the ditch
18 is probably 60 feet.

19 Q: Okay.

20 A: Seventy feet.

21 Q: And is the ditch the property line?

22 A: Yes.

23 Q: Okay. So was anything on the other side of your house
24 -- and so you have your house, the ditch. So everything over
25 there is not your property; is that correct?

TAMMY DURRANT-HARRIS - DIRECT BY MR. FALK

1 A: That is correct, sir.

2 Q: So if a gun was found over there, that would -- if the
3 ditch was found on your -- if the gun was found on the other
4 side of the ditch, that was not found on your property; is
5 that correct?

6 A: Yes, sir.

7 Q: Okay.

8 MR. FALK: No further questions.

9 THE COURT: Cross-examination?

10 MR. SAVILLE: No questions of this witness. Thank you.

11 THE COURT: All right. Thank you. You may come down.

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Thank you very much.

14 Yes, sir? Call your next witness.

15 MR. FALK: Your Honor, if I could just call my client
16 briefly --

17 THE COURT: Yes.

18 MR. FALK: -- back to the stand?

19 THE COURT: Sure.

20 You've already been sworn, sir.

21 All right. You may proceed.

22 MR. FALK: May I approach the witness?

23 THE COURT: Yes.

24 TRAVIS HARRIS, being previously
25 duly sworn, testified as follows:

TRAVIS HARRIS - DIRECT BY MR. FALK

DIRECT EXAMINATION

1
2 BY MR. FALK:

3 Q: Mr. Harris, have you ever seen that document before?

4 A: Yes. Yes, sir.

5 Q: And what is your understanding of what that is?

6 A: The officers telling me that if I don't admit to
7 anything --

8 Q: Let me back you up. Is that a transcript of something?

9 A: Yes. It's a transcript of my interview.

10 Q: Now, if --

11 A: September the 5th, 2008.

12 Q: If you read that whole page now, is that -- do you
13 remember making those statements?

14 A: Yes, sir. I remember them threatening me with the
15 electric chair because I wouldn't tell them nothing.

16 Q: Okay. And so at that -- is there any place on that page
17 in that statement where you confess to being present?

18 A: No, sir. They said since I ain't admit to anything and
19 since I won't -- since I won't tell them that I didn't -- I
20 wasn't there and I won't say that Jacobi wouldn't shoot --
21 was the shooter, that I was going to get the electric chair.

22 Q: Did you ever change your testimony and say that you were
23 there?

24 A: Yes. After -- after they told me I was going to get the
25 electric chair.

TRAVIS HARRIS - DIRECT BY MR. FALK

1 Q: Okay. Why did you change your testimony?

2 A: Because I thought I was about to get the electric chair.

3 Q: Okay. Was that ever -- do you recognize that?

4 A: Yes, sir. This is the return as far as the search
5 warrant -- as far as the search warrant from Lt. Inabinet,
6 sworn under oath September 11th with Judge Campbell.

7 Q: Was that provided to you as part of your Rule 5?

8 A: Yes, sir.

9 Q: Okay.

10 A: It was provided to me, and it said that he said he found
11 the weapons and stuff on my property, which was untrue. That
12 was totally untrue.

13 Q: Okay. Your Honor, I would like to have the return from
14 the search warrant marked as --

15 THE COURT: Sure.

16 MR. FALK: -- an identification exhibit, as well as the
17 page of the transcript from his confession.

18 THE COURT: Sure.

19 (WHEREUPON, the return to search warrant was marked as
20 Applicant's Exhibit Number 4 for identification, and the
21 transcript page was marked as Applicant's Exhibit Number
22 5 for identification.)

23 BY MR. FALK:

24 Q: I'm going to show you one more document. Can you tell
25 me what that document is?

TRAVIS HARRIS - DIRECT BY MR. FALK

1 A: It's showing exactly where Inabinet said he found these
2 things, all this stuff.

3 Q: Let me back up. What is that piece of paper?

4 A: It's a --

5 Q: Is that part of your discovery?

6 A: It's a -- yes, it's a part of the discovery. It's an
7 incident report from Lt. Inabinet.

8 Q: And was that provided to you as part of your discovery
9 in the case?

10 A: Yes, sir.

11 Q: And what does it say?

12 A: It says out -- it says what they found outside of the
13 residence, what they found across the ditch, backyard, and
14 what they found in the field -- in the field behind the
15 ditch.

16 Q: So is -- your mother testified that there's a ditch
17 behind the house; is that correct?

18 A: Correct.

19 Q: And is it your understanding that that ditch marks the
20 property line?

21 A: Yes. It's two -- it's two fences. It's a -- it's a
22 ditch and it's two fences.

23 Q: And that's showing that the -- and that's showing that
24 the gun was found on the other side of the ditch; is that
25 correct?

TRAVIS HARRIS - DIRECT BY MR. FALK

1 A: Yes. There wasn't never no -- no weapons found on my
2 property or nothing from none of the burglaries that I'm
3 charged with found on my property at all.

4 MR. FALK: All right. Thank you.

5 Your Honor, I'll have that as my last exhibit here.

6 THE COURT: Okay. Very well.

7 (WHEREUPON, the incident report was marked as

8 Applicant's Exhibit Number 6 for identification.)

9 BY MR. FALK:

10 Q: Now, Mr. Harris, we've been here a while. I think I've
11 covered all of your issues.

12 A: Yeah.

13 Q: I think we talked about the issue of you feeling that
14 you were coerced into --

15 A: Yes.

16 Q: -- making that statement?

17 A: Yes. I asked --

18 Q: That you were threatened by getting the electric chair?

19 A: I asked -- I asked to speak to my mother during the
20 interrogation and I asked for a lawyer, but they ain't
21 provided me with neither.

22 Q: Okay.

23 A: And they just kept questioning me and -- and then they
24 threatened me with the electric chair.

25 Q: Is there anything else you would like to say?

TRAVIS HARRIS - DIRECT BY MR. FALK

1 A: No, sir. The only thing -- the only thing I would like
2 to say is, you know -- you know, I apologize to Mr. Fields
3 for -- for them, you know, threatening me to say his name
4 when I know that he didn't have anything to do with anything.

5 MR. FALK: Thank you. No further questions, Your Honor.

6 THE COURT: All right. Cross-examination?

7 MR. SAVILLE: Briefly, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. SAVILLE:

10 Q: Mr. Harris, do you have it in writing where you asked
11 for a lawyer and they continued the questioning?

12 A: Scott Lee -- you know, he told me while we -- while I
13 was in Jasper County and we had an interview -- well, a
14 visit, not interview, but a visit, and he said that it's
15 funny, Travis, that there is black -- black -- it's sections
16 that black out. And when I told him that I asked for an
17 attorney and asked to speak to my mama, he said he didn't see
18 it because it blacks out on the -- the video, and he said
19 it's over several instances where the video is blacked out.

20 Q: Right. You know, and that's -- you know, and he told me
21 that the officers -- you know, the judge is not going to be
22 quick to believe what I say because they're going to take the
23 officers' word before my word, and I don't even got a record,
24 you know, but I understood where he was coming from. He was
25 right about that, but I didn't even get the chance to take

TRAVIS HARRIS - CROSS BY MR. SAVILLE

1 the stand at none of my pretrial motion hearings to show to
2 the judge that -- that what I'm saying is true and what
3 they're saying is propaganda.

4 MR. SAVILLE: That's all I have. Thank you.

5 THE COURT: Redirect?

6 MR. FALK: No redirect, Your Honor.

7 THE COURT: Thank you. You can come on back down, sir.

8 THE APPLICANT: All right.

9 THE COURT: All right.

10 MR. FALK: That's our case.

11 THE COURT: Very well.

12 THE APPLICANT: Can I show you -- can I show you --

13 Give me one second, Your Honor.

14 THE COURT: Sure, sure, sure.

15 MR. JACOBI FIELDS: I want to know, like, is there going
16 to be a time frame, like, for, like, my next PCR or if I can
17 file an application.

18 THE COURT: Yeah. I have no -- I have no idea. I'm so
19 sorry. I don't know.

20 MR. FALK: He's bringing something to my attention that
21 I think might be premature at this time.

22 THE COURT: Okay.

23 MR. FALK: All right. So again, we would rest.

24 THE COURT: Very well. Thank you.

25 Yes, sir?

SCOTT W. LEE - DIRECT BY MR. SAVILLE

1 MR. SAVILLE: Your Honor, the State would like to recall
2 Mr. Scott Lee briefly.

3 THE COURT: Okay. All right. Your witness.

4 SCOTT W. LEE, being previously
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SAVILLE:

8 Q: Thank you for rejoining us, Mr. Lee. Did you discuss
9 possible Miranda issues with Mr. Harris before the guilty
10 plea?

11 A: Of course.

12 Q: And had this proceeded to trial, are you -- would you
13 have been optimistic that you could have gotten his statement
14 suppressed?

15 A: I would not have expected a judge to suppress the
16 statements --

17 Q: Why --

18 A: -- based on research.

19 Q: Why do you feel that way?

20 A: Because I did the research and, essentially, the cops
21 can lie to you, but you can't lie to the cops. Unless
22 there's a completely overbearing -- you know, unless your
23 will is completely overborne, most statements come in.

24 Q: And do you think his will was completely overborne in
25 this case?

SCOTT W. LEE - DIRECT BY MR. SAVILLE

1 A: I don't think that -- I don't think we could have proven
2 it at a motion and prevailed on a motion to suppress it.

3 MR. SAVILLE: That's all I have. Thank you, Mr. Lee.

4 THE COURT: Cross-examination, Mr. Falk?

5 MR. FALK: No redirect.

6 THE COURT: All right. Very well.

7 All right. Call your next witness, please.

8 MR. SAVILLE: The State would briefly recall Mr.
9 Ruffalo, please.

10 THE COURT: All right.

11 DUDLEY RUFFALO, being
12 previously duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SAVILLE:

15 Q: Mr. Ruffalo, thank you for rejoining us. Just very
16 briefly, did Mr. Harris ever provide you with a viable alibi
17 defense?

18 A: No, sir.

19 MR. SAVILLE: That's all I have. Thank you.

20 THE COURT: Cross-examination?

21 MR. FALK: No redirect.

22 THE COURT: All right.

23 MR. FALK: Or cross rather.

24 THE COURT: Thank you.

25 THE WITNESS: Thank you.

1 THE COURT: All right. Call your next witness.

2 MR. SAVILLE: The State rests, Your Honor.

3 THE COURT: All right. Will there be any reply or
4 rebuttal?

5 MR. FALK: No, Your Honor.

6 THE COURT: All right. Very well. All right,
7 gentlemen.

8 MR. FALK: Your Honor, can we -- I would ask if we could
9 submit orders or unless you were ready to rule.

10 THE COURT: Oh, I am absolutely not. I would be
11 delighted to have the submission of orders. That would be
12 wonderful.

13 MR. FALK: Thank you, Your Honor.

14 THE COURT: Oh, yeah. Absolutely. Yeah. I was going
15 to take it under advisement, but that would be of great help.
16 Thank you.

17 Thirty days, gentlemen? If you need longer, get with
18 each other and let me know.

19 MR. SAVILLE: Thank you, Your Honor.

20 THE COURT: Thank you.

21 MR. SAVILLE: And I will note for the -- for the
22 interested parties in the courtroom, a request for an
23 appointment of counsel has been sent out from Columbia as we
24 sat here.

25 THE COURT: Oh, that's great.

1 MR. SAVILLE: Of course, once -- once Mr. Fields is
2 represented by counsel, we really can't talk to him about his
3 case once he's represented.

4 THE COURT: Gotcha. Did they tell you who it is?

5 MR. SAVILLE: We don't know yet, Your Honor. There are
6 not too terribly many in the 14th circuit.

7 MR. FALK: Just so long as it's not me.

8 MR. SAVILLE: The only certainty is it will not be Mr.
9 Falk.

10 THE COURT: Okay. All right. Very well. Thank you.

11 (WHEREUPON, the proceedings ended at 1:12 p.m.)

12

13 --- END REQUESTED TRANSCRIPT ---

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**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT**

Case # 12-CP-15-991
Colleton Co.

EXHIBITS

Plaintiff(s) Travis J. Hanes

vs.

Defendant(s) State of SC

CLERK OF COURT

PLAINTIFF'S EXHIBITS	DEFENDANT'S EXHIBITS	COURT'S EXHIBITS
1 permission to ⁽¹⁰⁾ search	1	1
2 search warrant ⁽¹⁰⁾	2	2
3 incident report ⁽¹⁰⁾	3	3
4 return ⁽¹⁰⁾	4	4
5 transcript ⁽¹⁰⁾ page	5	5
6 incident report ⁽¹⁰⁾	6	6
7	7	7
8	8	8
9	9	9
10	10	10
11	11	11
12	12	12
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16	16	16
17	17	17
18	18	18
19	19	19
20	20	20

Court
Reporter

Kristal J. Smith

Trial Judge

Gordstein

Clerk of Court

[Signature]

Date

6-4-18

SEP 18 '08: 142

COLLETON COUNTY SHERIFF'S OFFICE

PERMISSION TO SEARCH

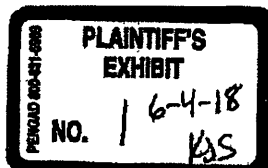
THE UNDERSIGNED, RESIDING AT [REDACTED] Drain Rd.

DOES HEREBY VOLUNTARILY AUTHORIZE CCSO
AND ANY OTHER OFFICERS HE MAY DESIGNATE TO ASSIST HIM OR HER, TO
SEARCH MY MOTOR VEHICLE, NAMELY MY gray 57 cc. pickup Drain Rd
BEARING LICENSE PLATE NUMBER properly only OF, THE STATE OF SC
PRESENTLY PARKED OR LOCATED AT _____

AND I FURTHER AUTHORIZE SAID OFFICERS TO REMOVE FROM MY RESIDENCE,
REAL ESTATE AND OR MOTOR VEHICLE, WHATEVER DOCUMENTS, OR ITEMS OF
PROPERTY WHATSOEVER WHICH THEY DEEM PERTINENT TO THEIR
INVESTIGATION, WITH THE UNDERSTANDING THAT SAID OFFICERS WILL GIVE
ME A RECEIPT FOR WHATEVER IS REMOVED.

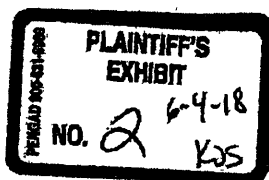
I AM GIVING THIS WRITTEN PERMISSION TO THOSE OFFICERS FREELY AND
VOLUNTARILY, WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE.

[Signature]
SIGNATURE

WITNESSES: [Signature][Signature]DATE: 9-5-08TIME: 10:16 pm

01131

211



Date: 10/09/08
Time: 9:24:12

COLLETON COUNTY SHERIFF'S OFFICE
INCIDENT REPORT

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1-08-004172 (Continued)

TO BE BROKEN. I OBSERVED THE KEYBOARD TO BE MISSING FROM THE
COMPUTER DESK AND PAPER WORK ON THE FLOOR. I SECURED THE BUILDING
AS BEST AS POSSIBLE AND NOTIFIED SGT. GRANT OF THE INCIDENT.
SGT. GRANT THEN NOTIFIED THE CHAIN OF COMMAND OF THE INCIDENT.

***** N A R R A T I V E # 8 *****
SUPPLEMENT Reported By: CRAWFORD, ROBERT L. 9/08/08
Entered By.: CRAWFORD, ROBERT L. 9/08/08

On Saturday September 6th, 2008 around 0200 hours SFC White and
I, Capt. Crawford Transported Jacoby Germaine Fields to the Hampton
Sheriff Office County Jail. We arrived at Hampton County Jail at
0145 hours with an ending mileage of: 123090.
We in return brought back from the Hampton County Detention Center
Mr. Robert B. Hogan and transported him to the Colleton County
Detention Center. Beginning Mileage and time for this transport was
0205 hours, mileage was 123090. We arrived in Colleton County at
0234 hours with ending mileage of: 123118

***** N A R R A T I V E # 9 *****
SEARCH WARRANT Reported By: INABINETT, FRED III A. 9/05/08
Entered By.: INABINETT, FRED III A. 9/10/08

Call#: 082490222 Beat: BELLS SUBSTATION
Units.: B539 Employees: 0000000539 DAVIS, JAMES
Units.: D172 Employees: 0000000172 STEPHENS, CHRISTI
Units.: D207 Employees: 0000000207 THOMAS, RIDDICK
Units.: D296 Employees: 0000000296 ROBERSON, PHILLIP
Units.: D308 Employees: 0000000308 INABINETT, FRED III
Units.: D321 Employees: 0000000321 STALLINGS, ANGELA
Units.: D391 Employees: 0000000391 SCOTT, JEFFREY
Units.: PB1 Employees: 0000000815 LEMACKS, JAY
Units.: R444 Employees: 0000000444 O'QUINN, FRANK
Units.: S370 Employees: 0000000370 BEACH, GERALD
Units.: S404 Employees: 0000000404 MARVIN, WADE
Units.: S428 Employees: 0000000428 ACKERMAN, BRIAN
Units.: S458 Employees: 0000000458 MOREHEAD, MARSHALL
Units.: S482 Employees: 0000000482 CROSBY, KEITH
Units.: S548 Employees: 0000000548 CARLTON, TERRY
Units.: Z194 Employees: 0000000194 GRANT, THERON
Units.: Z381 Employees: 0000000381 CAMPBELL, KEVIN
Call change from C77I to C15 BY STATION_1A P 01 0000000336
PER D321 RES IS SECURE
PER D321 ALMOST ALL OF SWAT AND CID ARE GOING TO THIS LOCN
WHEN THEY GO ON SCENE 10-0 THE RADIO

I DET. INABINETT, ALONG WITH DEPUTIES FROM THE SHERIFF'S OFFICE AND
AGENTS FROM SLED, CONDUCTED A SEARCH WARRANT AT [REDACTED] DRAIN RD, SMOAKS
SC, WHICH IS IN COLLETON COUNTY. AFTER THE ENTRY TEAM SECURED THE
DEFENDANT MR. TRAVIS HARRIS, I WAS NOTIFIED TO PROCESS THE SCENE.
EVIDENCE LOG AS FOLLOWS ..

COLLETON CO. SHERIFF'S OFFICE

01372

45

Oct 09 08 10:23a

CID_SEC

8435491967

P.2

Date: 10/09/08
Time: 9:24:12COLLETON COUNTY SHERIFF'S OFFICE
INCIDENT REPORTPage: 14
Program: CMS301L

1-08-004172 (Continued)

OUTSIDE RESIDENCE

1 SPENT SHOTGUN SHELL

2 SPENT SHOTGUN SHELL

3 SPENT SHOTGUN SHELL

4 POSSIBLE INNER PARTS OF A SAFE

5 COMBO KNOB OF SAFE

6 BASE PART OF WADDING (SHOTGUN SHELL)

ACROSS DITCH BACK YARD OF RESIDENCE

7 JEWELRY APPROX. 15x15ft SPREAD: SHOTGUN SHELL (SPENT): CELL PHONE:

COINS: SMALL WOODEN DRAWER

FIELD BEHIND DITCH

8 TWO (2) OLD LIVE SHOTGUN SHELLS

9 BLACK 12GA. SHOTGUN PUMP-ACTION SERIAL#J883431

22 CAL. RIFLE BOLT-ACTION WOODEN STOCK (NO SERIAL NUMBER)

10 HOTEL/MOTEL KEY CARD

 I DET. INABINETT, TRANSFERED CUSTODY OF THE MOSSBERG 12GA PUMP-ACTION SHOTGUN (SERIAL#J883431) TO AGENT BRANHAM FROM SLED, IN REFERENCE TO OCA 08-4172.

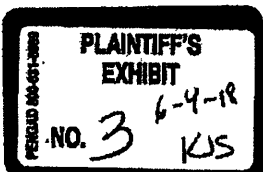
***** N A R R A T I V E # 10 *****
 SUPPLEMENT Reported By: SCOTT, JEFFREY S. 9/11/08
 Entered By.: SCOTT, JEFFREY S. 9/11/08

ON 9/5/08 I DET. SCOTT ALONG WITH DEPUTIES AND AGENTS FROM SLED EXECUTED A SEARCH WARRANT ON [REDACTED] DRAIN RD IN SMOAKS SC. AFTER THE SCENE WAS SECURED AND THE DEFENDANT HARRIS WAS TAKEN INTO CUSTODY WE STARTED THE SEARCH. I WAS ASKED BY CPT. JOHNSON TO PLACE PLACARDS BY ITEMS FOUND FOR PHOTOGRAPHING. I PLACED 10 PLACARDS TOTAL. PLACARDS 1 THRU 7 AND 9 WERE FOUND BY OTHER OFFICERS. PLACARDS 8 AND 10 WERE FOUND BY ME. AFTER THE PLACARDS WERE PLACED I SHIFTED TO EVIDENCE RECOVERY ON PLACARD NUMBER 7 WHICH WAS A LARGE AREA OF INTEREST.

***** N A R R A T I V E # 11 *****
 Aerial Photos Reported By: STANFIELD, EBEN T. 9/06/08
 Entered By.: STANFIELD, EBEN T. 10/07/08

On September 6, 2008, I flew (PIC) the [REDACTED] Drain Road location near Springtown/Smoaks in Colleton County and took several digital photos of the residence and surrounding area using the Sheriff's Office aircraft (C172). The photos were downloaded and supplied to the Colleton County Sheriff's Office Criminal Investigations Unit for their case file in reference to this incident.

***** END OF REPORT *****



COLLETON CO. SHERIFF'S OFFICE

01373

RETURN

I received the attached Search Warrant 9-5, 2008, and have executed it as follows:

On 9-5, 2008 at 2028 o'clock Pm, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with Residence
Name of the person searched or "at the place searched" together with a receipt of the items seized.

The following is an inventory of property taken pursuant to the warrant:

(OCO 08-4749)

- (1) Speed loader w/ 6 .357 Rounds
(1) 9mm Round
(1) Box (80 Rounds) 22 Long rifle plated Hollow Point
(1) Box Remington Buckshot 12 gauge shotgun shells (7)
(2) Boxes of 12 gauge 3" 00 Buckshot
(1 pr) Gray/white Nike Air tennis shoes sz. 11 1/2
(1) LG cell phone w/ camera Silver + Blk in color
(1 pr) yellow/Blue + white Air Nike tennis shoes
(1 pr) all white Nike Air tennis shoes
(1 pr) Light Brown Timberland boots
(1 pr) Brown (dark) + yellow Nike Air tennis shoes
(1 pr) Blk Jordan tennis shoes w/ grey patches
(1 pr) Silver/Burgundy + Blue Nike tennis shoes
(1) photo of a person's structure (nipple) w/ the mark
(1) Box of 38 shells : (1) spent shell (2) spent shell (3) spent shell
(4) parts of safe (5) Combo. Knob of safe (6) Base of window
(7) Jewelry (Pile) (8) 2 live shotgun shell rounds (9) 12 gauge Mossberg
and 22 rifle (10) motel room key card.

This inventory was made in presence of [Signature] 207

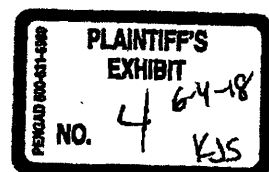
And [Signature] D308
I swear that this inventory is true and detailed account of all the property taken by me on the warrant

Sworn to before me this 11th

Day of Sept, 2008

[Signature] (L.S.)
Signature of Judge

[Signature]
(Signature of Officer Executing warrant)



TRANSCRIPTION OF TRAVIS HARRIS INTERVIEW
DATED 09/05/08

1 HARRIS: (CRYING)... I DIDN'T DO NOTHING. MAN...

2 S/A BRANHAM: YEAH, I'LL TELL YOU WHAT, YOU GONNA BE AN
3 OLD MAN BEFORE YOU GET OUT OF HERE...

4 HARRIS: MAN...

5 S/A BRANHAM: YOU'RE PROBABLY GONNA GET THE ELECTRIC
6 CHAIR... I MEAN, JUST CAUSE OF THE FACT YOU WON'T TELL THE
7 TRUTH. I MEAN YOU WILL NOT ADMIT TO ANYTHING...

8 HARRIS: (CRYING)... MAN...

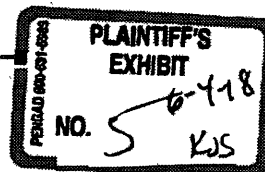
9 S/A BRANHAM: YOU'RE A ... YOU'RE A FOOL. BUT I MEAN, WE'VE
10 BEEN HONEST WITH YOU. I AIN'T PLAYED NO GAMES WITH YOU. WE
11 GAVE YOU EVERY CHANCE IN THE WORLD...

12 HARRIS: I DIDN'T DO IT, MAN. I AIN'T KILLED NO FUCKING COP.
13 MAN.

14 S/A BRANHAM: YEAH, BUT YOU WON'T EVEN ADMIT THAT YOU
15 WERE THERE. SO SEE WHAT I'M SAYING... HOW IN THE WORLD ARE
16 WE GONNA LET YOU OUT ON A BOND? YOU SEE WHAT I'M SAYING? I
17 MEAN, YOU AIN'T EVEN GOT THE HEART OR THE GUTS TO SAY. YEAH,
18 I WAS THERE, MAN, BUT I DIDN'T SHOOT HIM. I MEAN, YOU SEE
19 WHAT I'M SAYING? SO YOU UNDERSTAND WHERE WE'RE COMING
20 FROM, RIGHT?

21 HARRIS: (NO REPLY)...

22 S/A BRANHAM: YOU UNDERSTAND WHERE WE'RE COMING FROM,
23 RIGHT?



Date: 10/09/08
Time: 9:24:12

COLLETON COUNTY SHERIFF'S OFFICE
INCIDENT REPORT

Page: 14
Program: CMS301L

1-08-004172 (Continued)

****OUTSIDE RESIDENCE****

- *1* SPENT SHOTGUN SHELL
- *2* SPENT SHOTGUN SHELL
- *3* SPENT SHOTGUN SHELL
- *4* POSSIBLE INNER PARTS OF A SAFE
- *5* COMBO KNOB OF SAFE
- *6* BASE PART OF WADDING (SHOTGUN SHELL)

****ACROSS DITCH BACK YARD OF RESIDENCE****

- *7* JEWELRY APPROX. 15x15ft SPREAD: SHOTGUN SHELL (SPENT): CELL PHONE:
COINS: SMALL WOODEN DRAWER

****FIELD BEHIND DITCH****

- *8* TWO (2) OLD LIVE SHOTGUN SHELLS
- *9* BLACK 12GA. SHOTGUN PUMP-ACTION SERIAL#J883431
22 CAL. RIFLE BOLT-ACTION WOODEN STOCK (NO SERIAL NUMBER)
- *10* HOTEL/MOTEL KEY CARD

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***** END OF REPORT *****



COLLETON CO. SHERIFF'S OFFICE

01373

459

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

Travis Javon Harris, #349116,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

2012-CP-15-0991

ORDER OF DISMISSAL

PATRICIA Q. GRANT
COLLETON COUNTY
COMMON PLEAS
2018 AUG 17 AM 11:49

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on December 28, 2012, and later amended on September 24, 2017. Respondent submitted its return on June 24, 2015. An evidentiary hearing into the matter was convened on June 4, 2018, at the Beaufort County Courthouse. Applicant was present at the hearing and was represented by James K. Falk, Esquire. Respondent was represented by Assistant Attorney General Christian Saville of the South Carolina Attorney General's Office.

Before this Court are the records of the Colleton County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, the State's return, and the application. Based on these records and the testimony presented, the Court finds as follows:

I. PROCEDURAL HISTORY

The records before this Court indicate that Travis Harris ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Colleton County. During their October 2008 term, the Colleton County Grand Jury indicted Applicant for murder (2008-GS-15-0890), four counts of first-degree burglary (2008-GS-15-0889; -0891; -0914; -0915), and second-degree burglary (violent) (2008-

GS-15-0892). Scott W. Lee, Esquire ("Plea Counsel Lee"), and Dudley B. Ruffalo, Esquire ("Plea Counsel Ruffalo"), represented Applicant. Solicitor Duffie Stone prosecuted the case. On December 21, 2011, Applicant pled guilty as indicted to all charges before the Honorable Carmen T. Mullen. Pursuant to a negotiated sentence, Judge Mullen sentenced Applicant to imprisonment for life without parole ("LWOP") for murder, LWOP for each first-degree burglary charge, and fifteen years for second-degree burglary (violent). Applicant did not appeal from his guilty plea or sentences.

Facts to which Applicant pled guilty

Applicant and codefendant Jacoby Fields were involved in a string of burglaries beginning June 18, 2008, and concluding on August 29, 2008. The first burglary occurred around 11:00pm on June 18, 2008, when they broke into the home of former military officer Stephen Sims and stole a Mossberg 12 gauge shotgun, a bulletproof vest, and other items.

The next night, Applicant and his codefendant entered the home of an eighty-year old woman and stole a long gun from her home before fleeing through a window when she surprised them.

On August 5, 2008, Applicant and his codefendant broke into the Sheriff's Sub Station on Lodge Highway, stealing several files containing information and ransacking the building.

A few hours later, around 2:30am on August 6, 2008, Applicant and his codefendant were burglarizing the home of another woman and in Smoaks, South Carolina, while stealing several items of jewelry. They took with them the Mossberg 12 gauge shotgun stolen from the first burglary.

The murder occurred during the August 6, 2008, burglary. Deputy Compton arrived on the scene responding to an alarm. When he arrived, Deputy Compton was shot to death with the 12 gauge shotgun, killing him inside the house, and both fled.

Less than a month later, Applicant and his codefendant broke into yet another home where they stole a .22 caliber rifle.

Information led law enforcement agencies to identify Applicant's codefendant Jacoby Fields as a suspect. Mr. Fields admitted his participation in the burglary and identified Applicant as the gunman. Later, Applicant gave a statement to SLED after being Mirandized in which he admitted to his own involvement in the burglary, but identified Mr. Fields as the actual gunman. Some items from the burglaries were found in the car of Mr. Fields's girlfriend, but the Mossberg 12 gauge shotgun was found at Applicant's home. Tr. pp. 23-26. At his guilty plea hearing under oath, Applicant agreed with the facts as stated. Tr. p. 27, ll. 8-11.

II. ALLEGATIONS

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

1. "Counsel misinformed me about the Miranda warning."
2. "Counsel further prejudiced me when he failed to inform me that I could attack the unlawful search warrant, 4th Amendment violation."
3. "Failed to inform me that any evidence of my guilt from my co-defendant Jacoby Fields's statement could have been suppressed per Bruton v. U.S., 88 S.Ct. 1620 (1968)."
4. "Or that if my co-defendant did not testify, his statement would be no good. See State v. LaBarge, 268 S.E.2d 278 (1980)."
5. "Counsel never informed me there may have been an agreement between the State and my co-defendant to testify against me."
6. "Counsel never talked to me upon any kind of defense levels."
7. "Nor did he give me my Rule 5 evidence to go over."

8. "Counsel prejudiced me when he did not inform or explain to me why I was not charged with possession of a firearm during the commission of a violent crime if I did the crime."
9. "Counsel also never explained the elements of each charge to which I was pleading."
10. "Guilty plea was not voluntarily or intelligently made."

In his amended Application, Applicant alleges that he is being held in custody unlawfully

for the following reasons:

1. "Plea Counsel was unaware of Applicant's possible mental health issues yet failed to have him evaluated under 17-24-10(A) (1976) to determine if at the time of the shooting he was criminally responsible for his acts."
2. "Plea Counsel was aware of Applicant's possible mental health issues yet failed to have him evaluated under S.C. Code § 44-23-140 (1976) and State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) to determine whether he was competent to enter a guilty plea or otherwise competent to stand trial."
3. "Plea Counsel was ineffective in recommending Applicant to plead guilty and thereby waive any claims to challenge the validity of certain pieces of evidence seized in this case. On information and belief, Applicant believes that the black 12 gauge pump action shotgun serial# J883431 and the .22 caliber bolt action rifle (no serial number) were recovered from the property located at [REDACTED] Drain Road. Applicant further states that on information and belief that Detective Inabinnett entered upon the property under the color of a consent to search provided by Willie B. Drain of [REDACTED] Drain Rd. in Colleton County, however, Willie B. Drain was no the title owner to the property searched and as such had no authority to grant access to that property." Applicant maintains that the property seized from the property was obtained without a search warrant or consent of the landowner and such seizure was therefore unlawful under the 4th Amendment to the United States Constitution and Article 1, Section 10 of the Constitution of South Carolina.
4. "Plea Counsel was ineffective for not providing the sentencing court with mitigating evidence to show that in light of Applicant's relative age and other factors set forth in Miller v. Alabama, 567 U.S. 460, 132 S.Ct. 2455 (2012), that a life sentence would violate Applicant's rights under the 8th Amendment to the United States Constitution and Article 1 Section 15 of the Constitution of South Carolina.
5. "Plea Counsel was ineffective for failing to investigate the strength of the State's case against Applicant specifically whether the incriminating statement made by Applicant's co-defendant Jacoby Fields was obtained under conditions that were either coercive or otherwise resulted in a false confession."

Applicant, by way of counsel at the PCR hearing, explained he was "really" going forward on whether he was coerced to plead guilty.

III. SUMMARY OF RELEVANT TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. Both Plea Counsel Lee and Plea Counsel Ruffalo testified. Willie B. Drain, codefendant Jacoby Fields, and Applicant's mother also testified.

Applicant

Applicant estimated he met with Plea Counsel Scott eight times and Plea Counsel Ruffalo three times prior to his plea. Applicant testified they advised him the murder weapon was found on his mother's property, he had given an incriminating statement to police, and codefendant Jacoby Fields was going to testify that he was the shooter. When questioned why he was advised to take the plea, Applicant testified Plea Counsel Lee told him he only had a 2% chance of winning at trial and "would not be able to sleep" if he got the death penalty, as death penalty notice was served in June 2009. While he pled guilty on December 21, 2011, Applicant testified he told Plea Counsel Lee a couple days prior that he did not want to plead guilty.

Regarding the location where the murder weapon was found, Applicant testified his Rule 5 showed the gun being found on property owned by his mother, but that he later found out the gun was found on neighbor Mr. Drain's property, which was separated from his mother's property by fencing and a ditch.

Applicant recalled Plea Counsel never interviewed codefendant Jacoby Fields. According to Applicant, Plea Counsel did advise him Jacoby Fields could get a deal for life without parole and testify against Applicant. He asserted he received erroneous legal advice. Applicant also alleged his guilty plea was coerced and the case was going to be called to trial within a few days if he did not plead guilty.

Applicant conceded that he told the plea judge he was satisfied with his counsel, had no complaints with his attorneys whatsoever, and they had "absolutely" done everything he asked of them. Furthermore, Applicant recalled telling the plea judge that he was not promised anything, nor was he mistreated or pressured into pleading guilty. Applicant also recalled agreeing with the State's version of the facts at the plea hearing.

Willie B. Drain

Applicant called neighbor Willie B. Drain as a witness, who testified he did not know if the gun was found on his property. Mr. Drain recalled the police came to his property while he was not there.

Jacoby Fields

Mr. Fields took the stand pro se after being advised of his rights and testified he gave a statement to Colleton County police after his name came up in the investigation. Mr. Fields testified he was told he could go home if he gave them a statement and he was also threatened by the death penalty. Mr. Fields testified the statement he gave in which he implicated himself and identified Applicant as the shooter was incorrect.

Applicant's mother

Applicant's mother testified she does not know where the shotgun was found.

Plea Counsel Lee

Plea Counsel Lee explained this was "absolutely" a capital case, and he was appointed to this case because he is death penalty certified.

Plea Counsel Lee also explained the murder weapon being found on or adjacent to Applicant's mother's property was just "icing on the cake." Applicant gave an incriminating statement to law enforcement on September 5, 2011, in which he admitted to taking part in the

robberies and merely blamed codefendant Jacoby Fields for the actual shooting. Plea Counsel Lee recalled obtaining a transcript as well as audio and video of the interview. While Applicant may have been incorrectly informed by law enforcement his cell phone had "pinged" near the location of the incident, Plea Counsel Lee explained to Applicant this was not dispositive to the admissibility of his statement. Plea Counsel recalled discussing Miranda with Applicant. There was a Jackson v. Denno hearing held in an attempt to suppress the statements, and Plea Counsel Lee recalled being prepared and ready to do whatever they had to do. Furthermore, Plea Counsel Lee anticipated codefendant Jacoby Fields would obtain a deal for life without parole and testify against Applicant at trial.

Regarding the location of the murder weapon, Plea Counsel Lee recalled it was not entirely clear whether the property on which the shotgun was found was Applicant's mother's or Mr. Drain's, and he was aware of this. Plea Counsel Lee also explained this presented a problem either way, because if the shotgun was found on what was technically Mr. Drain's property next to Applicant's mother's, Applicant had no reasonable expectation of privacy. Plea Counsel Lee testified Mr. Drain was never a suspect in this case.

Contradicting Applicant's testimony, Plea Counsel Lee asserted the case was not close to going to trial had Applicant decided not to plead guilty that day. Regarding Applicant's assertion that he was told he only had a 2% chance at trial, Plea Counsel Lee clarified he tries not to use numbers, though he felt Colleton County was not a good climate for this kind of case, and they even discussed a change of venue. When asked if he told Applicant he would have to plead to all the charges, Plea Counsel Lee explained that was the offer which would avoid the death penalty.

Regarding communication with codefendant Jacoby Fields, Plea Counsel Lee explained Jacoby Fields was represented by counsel who would not let Fields talk to them just as Plea Counsel Lee and Plea Counsel Ruffalo would not let Applicant talk to the other counsel.

Plea Counsel recalled there was no talk of an appeal after Applicant's negotiated guilty plea, and it was not his opinion there were any meritorious Fourth Amendment challenges.

Plea Counsel Lee testified it was Applicant's decision to plead guilty.

Plea Counsel Ruffalo

Plea Counsel Ruffalo agreed there was no question this was a capital case. Contrary to Applicant's estimation that he and Ruffalo met three times, Plea Counsel Ruffalo recalled meeting with Applicant on approximately fourteen occasions and spending a lot of time together. Regarding the plea offer, Plea Counsel Ruffalo testified there is always a present threat an offer could be pulled but did not feel there was any "pounding on the table" in this case, and a trial was not about to go forward four days before Christmas.

As to communication with codefendant Jacoby Fields, Plea Counsel Ruffalo explained they never met with him because there was no chance, as Jacoby Fields's counsel would not allow it. It was always his suspicion Jacoby Fields would have testified against Applicant at trial and Jacoby Fields was the one who came forward first.

Plea Counsel Ruffalo testified they did retain an expert to examine Applicant's mental health. The doctor never found any mental issues with Applicant prior to the plea and also drove to Walterboro the day of the plea to examine him again, and found no issues.

Plea Counsel Ruffalo testified he does not tell people what to do, and he advised Applicant, "In my professional opinion, you would lose this trial."

IV. APPLICABLE LAW

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

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

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

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

INEFFECTIVE ASSISTANCE OF COUNSEL

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

After considering the testimony, judging the credibility of the witnesses, and reviewing the materials presented to the court, this Court finds Applicant has failed to meet his burden in proving counsel was ineffective in any regard. First, this Court finds the testimony of Plea Counsel Lee and Plea Counsel Ruffalo to be credible and persuasive. This Court finds the testimony of Applicant codefendant Jacoby Fields to be self-serving and not credible.

Both Plea Counsel Lee and Ruffalo testified to meeting with Applicant many times for extended periods of time. Plea Counsel Lee credibly testified their investigators did everything asked of them and more, and both Plea Counsel had a solid handle of the facts of this case. This is supported by Applicant's own admissions at his plea hearing that he was completely satisfied with his attorneys, his attorneys had done everything asked of them, and he had no complaints against his attorneys. Tr. p. 20, l. 16 – p. 21, l. 5. Furthermore, Plea Counsel Lee and Ruffalo credibly testified to advising Applicant regarding the Fourth Amendment implications of the evidence found on or adjacent to his mother's property, the possibility for codefendant Jacoby Fields to testify against him at trial, issues regarding the admissibility of his statement implicating himself in the crime, as well as their professional opinion on his chances at trial. Importantly, this Court finds Plea Counsel Lee and Ruffalo's testimony credible that it was Applicant's decision to plead guilty rather than proceed to a trial after he had already been served with death penalty notice. This Court recognizes and agrees with the plea judge's assertion that Applicant's attorneys spent enormous resources and vigorously defended him in their endeavor to prevent him from receiving the death penalty. Tr. p. 37, ll. 1-9.

Issues Regarding Applicant's Statement

Applicant alleges in his original application and amended application that Plea Counsel was ineffective regarding the incriminating statement he gave to law enforcement. In September 2011, Applicant gave a statement to law enforcement in which he placed himself at the scene of the burglary where a police officer was murdered. Plea Counsel Lee and Ruffalo credibly testified to advising Applicant on a myriad of issues including his statement, Miranda issues, and the fact that although Applicant alleges law enforcement incorrectly told him his cell phone "pinged" in the area, this did not render the statement inadmissible. Nevertheless, as Plea

Counsel testified, they were prepared to challenge the statement and ready to do whatever they had to do. Regardless, there is nothing in the record to suggest inadmissibility of Applicant's statement. Plea Counsel correctly advised Applicant the fact he may have been mistakenly told his phone had "pinged" at the incident location would not render his statement inadmissible. The record reflects Applicant freely and voluntarily waived his right to challenge his statements, and this Court finds this decision was based on reasonable and competent advice from counsel. For these reasons, Applicant has failed to meet his burden of proving both deficiency and prejudice regarding these allegations, and they are dismissed with prejudice.

Allegations regarding codefendant Jacoby Fields

Applicant alleges his counsel was ineffective for failing to advise him regarding the admissibility of a codefendant's statement against him, codefendant's potential plea deals, and in their investigation into the circumstances surrounding his codefendant's statement. Again, this Court finds these allegations to be meritless. Plea Counsel Lee and Ruffalo both credibly testified they would not be allowed to interview codefendant Jacoby Fields prior to Applicant's guilty plea because Fields was represented by his own counsel who would not allow it. Plea Counsel is not deficient for failing to interview a codefendant whose counsel would not allow them to speak with him, as Plea Counsel Lee and Ruffalo testified they would have done the same thing for Applicant. Notably, codefendant Fields turned himself in before Applicant, and Plea Counsel expected him to procure a deal and testify against Applicant had Applicant proceeded to trial. This suspicion is, of course, corroborated by a statement codefendant Fields gave to law enforcement in which he implicated himself as well as Applicant and named Applicant as the shooter. As Plea Counsel Lee testified, Fields ended up with the same deal as Applicant.

This Court finds Plea Counsel also adequately advised Applicant of issues related to Bruton v. United States, 391 U.S. 123 (1968). Plea Counsel Lee testified they discussed the possibility of moving for a severance and even prepared a motion for severance, but they did not feel good about it and did not feel Bruton was very helpful as both parties' were insistent that the other party was the shooter, but their own statements and evidence still placed both of them at the crimes.

While codefendant Fields took the stand to recant his earlier statement implicating himself and Applicant, this Court finds his testimony to be self-serving, not credible, and contradictory to both parties' previous statements and existing evidence. Plea Counsel also credibly testified Applicant never raised an alibi defense to them. Weighing Applicant's own statement, his communications with Plea Counsel, and the physical evidence involved in this case, this Court finds any assertion that codefendant Fields would have somehow provided anything other than harmful testimony at trial, much less an alibi defense for Applicant. For these reasons, Applicant has failed to satisfy his burden of proving Plea Counsel was deficient regarding codefendant Jacoby Fields, as well as prejudice therefrom. Therefore, these allegations are dismissed with prejudice.

"Trial" Preparation

Applicant alleges Plea Counsel was ineffective for failing to advise him of Fourth Amendment issues in this case, failed to talk to him about any kind of defenses, did not review Rule 5 with him, and did not explain the elements of his charges. This Court finds these allegations to be meritless. Plea Counsel Lee and Ruffalo credibly testified they met with Applicant many times, reviewed the evidence with Applicant, explained the elements of his charges, even talked about a change of venue, discussed issues with the search of the adjacent

property, and advised him he would probably lose at trial. The record reflects that after being fully apprised of the facts and circumstances of his case, Applicant freely waived his right to a jury trial and pled guilty. Tr. p. 19, ll. 12 – p. 20, l. 2. This Court also finds Plea Counsel Lee's testimony credible that their investigators thoroughly investigated the facts and circumstances of the case.

Trial Counsel Lee explained that had this case proceeded to trial, the strategy would essentially be "they're all lying," such as the codefendant and law enforcement, and try to challenge the issue that the murder weapon was found adjacent to Applicant's mother's property, although it is unclear whether the shotgun was technically on his mother's property or Mr. Drain's property. As Plea Counsel Lee testified there was a Jackson v. Denno hearing held, and they were unsuccessful in keeping out Applicant's own admission of guilt.

Applicant's allegation that the murder weapon was found on his neighbor's property adjacent to his mother's land is misplaced. As Plea Counsel Lee testified that he explained to Applicant, this would have been problematic as well because Applicant would not have a reasonable expectation of privacy on his neighbor's land, and therefore no standing to challenge the search.

This Court finds Plea Counsel was amply prepared for this case and amply advised Applicant of the evidence and law surrounding the case. For these reasons, these allegations are dismissed with prejudice.

"Failure to explain why I was not charged with possession of a firearm during the commission of a violent crime if I did the crime."

Applicant alleges in his original application that Plea Counsel was ineffective for failing to explain why he was not charged with possession of a firearm during the commission of a

violent crime. Applicant presented no evidence or testimony to support this allegation at his PCR hearing. Regardless, this Court does not find this allegation to support an assertion that if Applicant had known why he was not charged with the crime named, he would have proceeded to trial. This allegation is deemed abandoned and dismissed with prejudice.

Mental Health Issues

In his amended application, Applicant alleges Plea Counsel was ineffective for failing to investigate whether he was criminally responsible for his acts pursuant to 17-24-10(A) (1976), and also alleges Plea Counsel was ineffective for failing to have him evaluated to see if he was competent to enter a guilty plea or otherwise stand trial. This Court finds these allegations to be meritless. While Applicant presented no evidence to support these allegations, Plea Counsel Ruffalo credibly testified to retaining a doctor/expert he regularly uses. This doctor did examine Applicant prior to the guilty plea and found no mental problems. Moreover, Plea Counsel brought the doctor back for Applicant's guilty plea, and she was even able to examine him the day of his guilty plea to verify he was mentally competent. This is corroborated by Plea Counsel Ruffalo's representation to the plea judge that Applicant had been properly evaluated, was a clever young man who understood the nature of all the legal arguments, and again found no cognitive issues the day of the plea. Tr. p. 32, l. 20 – p. 33, l. 8. In fact, Applicant himself testified at his plea hearing that he suffered from no mental problems to prevent him from understanding the proceeding. Tr. p. 6, ll. 17-21. For these reasons, this Court finds Applicant has failed to establish deficiency on part of Plea Counsel as they clearly investigated any possible mental issues, and has failed to establish any prejudice from alleged deficiency in their investigation. Therefore, these allegations are dismissed with prejudice.

Miller v. Alabama allegation.

In his application, Applicant alleged Plea Counsel was ineffective for failing to present sentence mitigation pursuant to Miller v. Alabama, 567 U.S. 460 (2012). However, Applicant did not present any testimony or evidence to support this allegation at the PCR hearing. Therefore, this allegation is deemed abandoned.

Notwithstanding, this Court notes the South Carolina Supreme Court held in 2014 that sentences of life without the possibility of parole that were imposed on juveniles violated the Eighth Amendment under Miller and that those individuals are entitled to resentencing pursuant to the United States Constitution. Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014). The South Carolina Supreme Court specifically ordered “any individual affected by our holding may file a motion for resentencing within one year from the filing of this opinion in the court of general sessions where he or she was originally sentenced.” Id. at 545, 765 S.E.2d at 578 (emphasis added). Therefore, any challenges under Miller are not properly heard in a PCR action and such allegations must be summarily dismissed. Furthermore, Applicant freely and voluntarily pled guilty to a *negotiated* sentence in this case, told the plea judge he understood he would be sentenced to life without parole, was eighteen at the time of the crimes, and Plea Counsel presented mitigating testimony at his guilty plea proceeding. Tr. p. 19, l. 1.

This Court finds this allegation to abandoned and dismissed with prejudice.

INVOLUNTARY GUILTY PLEA

Applicant argues his plea was not entered freely and voluntarily. This Court disagrees and finds the record and testimony establishes that his plea was free and voluntary. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v.

Alabama 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975).

The guilty plea transcript reveals a more than adequate plea colloquy. The transcript shows Applicant was fully advised of his rights and the consequences of pleading guilty. Applicant testified on the record at the plea that he was not promised anything or threatened to plead guilty, and he had the opportunity to address the court with any concerns about the plea arrangement. Applicant also affirmed he had enough time with his Plea Counsel, was "absolutely" satisfied with them, suffered no mistreatment, and wanted to plead guilty understanding the negotiated sentence. Applicant told the plea judge he agreed with the facts as alleged by the state, and he gave a statement to law enforcement admitting that he was guilty. This Court finds that there was no coercion affecting Applicant's decision to plead guilty, the record reflects that Applicant was fully advised of the rights he was waiving by pleading guilty, and that his plea was entered into knowingly and intelligently. Applicant presented no credible

evidence as to why he should be able to depart from his statements at the plea hearing. Furthermore, Applicant has failed to present any probative or credible evidence that he did not knowingly and voluntarily plead guilty. By contrast, both Plea Counsel Lee and Ruffalo credibly testified it was Applicant's decision to plead guilty, and both refuted Applicant's allegation that he was going to be forced into a trial the next week if he did not plead guilty that day. This Court finds Applicant was not coerced, but pled guilty freely and voluntarily. As a result, Applicant has failed to meet his burden of proof, and this allegation is denied and dismissed.

{Conclusion and signature on following page}

VI. CONCLUSION

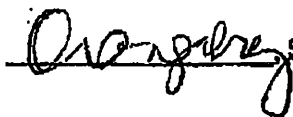
Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 20 day of August, 2018.

 South Carolina


 DIANE SCHAFER GOODSTEIN
 Presiding Judge
 Fourteenth Judicial Circuit

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

INDICTMENT

2008-GS-15-0892

At a Court of General Sessions, convened on October 9, 2008, the Grand Jurors of Colleton County present upon their oath:

Burglary/ Burglary (After June 20, 1985) 2nd Degree (Violent)

That Travis Javon Harris did in Colleton County on or about August 5, 2008, commit the offense of Burglary in the Second Degree (violent), in that he did willfully and unlawfully enter the Colleton County Sheriff's Office Substation located at 116 Lodge Highway in Smoaks, South Carolina, without consent and with the intent to commit a crime therein, and the defendant did enter during the hours of darkness. All in violation of S.C. Code of laws §16-11-312(B), as amended.

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



ISAAC M. STONE, III, SOLICITOR

'217

WITNESSES

A. Stallings, CCSO ✓

ARREST WARRANT NUMBER

M-100177

ACTION OF GRAND JURY

TRUE BILL

Jaqueline Callender

Foreperson of Grand Jury

Date: 10/9/08

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008-GS-15-0892

**The State of South Carolina
County of Colleton**

COURT OF GENERAL SESSIONS

OCTOBER TERM 2008

**THE STATE
vs.**

TRAVIS JAVON HARRIS

**Indictment for
BURGLARY 2ND DEGREE
VIOLENT**

SC Code: 16-11-312(B)

CDR Code: 0086

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.

COLLETON COUNTY
GENERAL SESSIONS COURT
2008 OCT -9 PM 5:02

James M. [Signature]

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

INDICTMENT

2008-GS-15-0891

At a Court of General Sessions, convened on October 9, 2008, the Grand Jurors of Colleton County present upon their oath:

Burglary/ Burglary (after June 20, 1985)- 1st Degree

That Travis Javon Harris did in Colleton County on August 6, 2008, willfully and unlawfully enter the dwelling at [REDACTED] Sunflower Drive, Smoaks, without consent and with the intent to commit a crime therein and the defendant entered during the hours of darkness and/or the defendant was armed with a deadly weapon, all in violation of Code Section §16-11-311, 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.



ISAAC M. STONE, III, SOLICITOR

219

WITNESSES

Stallings ✓
S. Harley, SLED

ARREST WARRANT NUMBER

M-100173

ACTION OF GRAND JURY

True Bill
Jaqueline Callender

Foreperson of Grand Jury

Date: Oct. 9 2008

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008-GS-15-0891

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

OCTOBER TERM 2008

THE STATE

vs.

TRAVIS JAVON HARRIS

Indictment for

BURGLARY/(AFTER 6/20/85)
1ST DEGREE

SC Code: 16-11-311

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.

Jaqueline Callender

COLLETON COUNTY
GENERAL SESSIONS COURT
2008 OCT -9 PM 5:02

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

INDICTMENT

2008-GS-15-0890

At a Court of General Sessions, convened on October 9, 2008, the Grand Jurors of Colleton County present upon their oath:

MURDER

That Travis Javon Harris did in Colleton County on or about August 6, 2008, feloniously, willfully and with malice aforethought, kill Deputy Dennis Compton by means of shooting him and that the said victim died as a proximate result thereof. All in violation of SC Code of Laws § 16-03-0010 (1976, as amended).

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



ISAAC M. STONE, III, SOLICITOR

221

WITNESSES

Stallings
S. Harley, SLED

ARREST WARRANT NUMBER

M-100171

ACTION OF GRAND JURY

True Bill
Jaqueline Callender

Foreperson of Grand Jury

Date: *Oct. 9 2008*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008-GS-15-0890

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

OCTOBER TERM 2008

THE STATE

VS.

TRAVIS JAVON HARRIS

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.

COLLETON COUNTY
GENERAL SESSIONS COURT
2008 OCT -9 PM 5:02

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

INDICTMENT

2008-GS-15-0889

At a Court of General Sessions, convened on October 9, 2008, the Grand Jurors of Colleton County present upon their oath:

Burglary/ Burglary (after June 20, 1985)- 1st Degree

That Travis Javon Harris did in Colleton County on August 29, 2008, willfully and unlawfully enter the dwelling of James Moresco at [REDACTED] Johnnies Circle, without consent and with the intent to commit a crime therein and the defendant entered during the hours of darkness and/or the defendant was armed with a deadly weapon, all in violation of Code Section §16-11-311, 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.



ISAAC M. STONE, III, SOLICITOR

223

WITNESSES

A. Stallings, CCSO

ARREST WARRANT NUMBER

M-100168.

ACTION OF GRAND JURY

True Bill
Jaqueline Callender
Foreperson of Grand Jury

Date: Oct. 9 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-15-0889

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

OCTOBER TERM 2008

THE STATE
vs.

TRAVIS JAVON HARRIS

Indictment for
BURGLARY/(AFTER 6/20/85)
1ST DEGREE

SC Code: 16-11-311
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.

COLLETON COUNTY
GENERAL SESSIONS COURT
2008 OCT -9 PM 5:02

Jaqueline Callender