

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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S.C. SUPREME COURT

—————  
Certiorari to Florence County

Honorable Michael G. Nettles, Circuit Court Judge

—————  
MICHAEL R. FIELDS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-001777

—————  
APPENDIX  
—————

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State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2015-GS-21-00286
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
Michael Richard Fields Jr.,	)	
	)	
Defendant.	)	
	)	

June 16, 2016  
 Florence, South Carolina

**B E F O R E:**

The Honorable D. Craig Brown, Judge

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

Rick Hoefer, Esquire  
 Attorney for the Plaintiff

Daniel Jordan, Esquire  
 Attorney for the Defendant

Krystal J. Smith  
 Court Reporter

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(No Exhibits Presented)

1 JUNE 16, 2016

2 (WHEREUPON, the proceedings began at 4:43 p.m.)

3 MR. HOEFER: May it please the Court?

4 THE COURT: Yes.

5 MR. HOEFER: Indictment 2015-GS-21-00286. This is State  
6 v. Michael Richard Fields Jr.

7 Judge, this is a four-count indictment. Mr. Fields,  
8 along with William Robert Baylor and Amanda Gail Bryant are  
9 indicted for attempted murder, burglary in the first degree,  
10 strong-armed robbery, and conspiracy in the matter.

11 Mr. Fields is represented by Daniel Jordan of the Public  
12 Defender's Office. He's before the Court and would tender a  
13 plea of guilty to two counts of the indictment, that involving  
14 Count I, assault and -- attempted murder. He's pleading to  
15 assault and battery of a high and aggravated nature. Count  
16 II, he's pleading to burglary in the second degree.

17 Assault and battery of a high and aggravated nature  
18 carries up to 20 years. It's a violent felony. Burglary in  
19 the second degree carries up to ten years. We would ask the  
20 Court to inquire of the defendant as to his plea, but defer  
21 sentencing pending the trial next week.

22 THE COURT: All right. Ms. Crayton, I'll give you this.  
23 Sir, if you'll raise your right hand?

24 (WHEREUPON, the defendant complied.)

25 THE COURT: Do you swear to tell the truth, the whole

1 truth, and nothing but the truth, so help you God?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You're Michael Richard -- Michael Richard  
4 Fields Jr.?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have you ever been treated for alcohol abuse,  
7 drug abuse or mental illness?

8 THE DEFENDANT: No, sir.

9 THE COURT: Within the last 24 hours, have you taken any  
10 medication, drugs or alcohol?

11 THE DEFENDANT: No, sir.

12 THE COURT: Are you aware of any physical, emotional or  
13 nervous problem that would prevent you or keep you from  
14 understanding what's going on here today?

15 THE DEFENDANT: No, sir.

16 THE COURT: The State indicates you're pleading guilty to  
17 assault and battery of a high and aggravated nature. Is that  
18 correct?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand it carries up to 20 years?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: The State also indicates you're pleading  
23 guilty to burglary second degree non-violent. Is that  
24 correct?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand that carries up to ten  
2 years?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, the State has asked that I defer any  
5 sentencing in your case until next week. Do you understand  
6 that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, you understand that I could give you --  
9 based upon what you're pleading guilty to here today, I could  
10 give you up to 30 years next week?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Do you still want to go forward  
13 and plead guilty to these charges?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, when you plead guilty, you understand  
16 you give up certain important constitutional rights? You have  
17 a right to a jury trial. I'd tell the jury you're presumed  
18 innocent. That the State has to prove you guilty beyond a  
19 reasonable doubt.

20 You'd have the right to question witnesses against you.  
21 You'd have the right to remain silent and, if you did, I'd  
22 tell the jury they could not hold that against you. You'd  
23 have the right to present a defense, although you're not  
24 required to do so. If you made any incriminating statements,  
25 you'd have a right to challenge the admissibility of those

1 statements.

2 Do you understand those rights?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand when you plead guilty you  
5 give up those rights?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Understanding your rights and understanding  
8 that when you plead guilty you give them up, how do you plead  
9 here today? Guilty or not guilty?

10 THE DEFENDANT: Guilty, sir.

11 THE COURT: You're represented by Mr. Jordan. Are you  
12 satisfied with his representation?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you talked to him enough?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Understood your talks with him?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Need any more time to talk to him?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have any complaints about him?

21 THE DEFENDANT: No, sir.

22 THE COURT: Anyone promised you anything or held out any  
23 hope of reward to get you to plead guilty?

24 THE DEFENDANT: No, sir.

25 THE COURT: Anyone used any threats, force, pressure or

1 intimidation to get you to plead?

2 THE DEFENDANT: No, sir.

3 THE COURT: Anyone mistreated you in any way, whether it  
4 be law enforcement or Solicitor's Office?

5 THE DEFENDANT: No, sir.

6 THE COURT: Have you had enough time to make up your mind  
7 as to whether or not you want to plead guilty or go to trial  
8 on this charge -- these charges?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: What do you wish to do?

11 THE DEFENDANT: Guilty, sir.

12 THE COURT: All right. Hold on just a second. Are you  
13 pleading guilty of your own free will?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you understood my questions?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Now, let me ask you this. I didn't ask you  
18 this previously. You understand that the assault and battery  
19 of a high and aggravated nature -- that that charge you're  
20 pleading guilty to is considered under South Carolina law to  
21 be a violent offense? Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You further understand that it's considered  
24 to be a serious offense? Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Which falls under the three-strike rule. Do  
2 you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand further that whatever  
5 sentence the Court imposes on that particular charge, you can  
6 -- it's a no-parole offense? You can pretty much count on  
7 doing day for day. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you still want to plead guilty to these  
10 charges?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Have you understood all my questions?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Mr. Hoefer?

15 MR. HOEFER: Judge, the incident involved in this  
16 indictment was September 26<sup>th</sup>, 2014. The victim in the case,  
17 Mr. Carl Johnson Jr. -- Carl W. Johnson Jr. was at his  
18 residence on Carter Corner Road. A neighbor discovered him  
19 the morning of the 26<sup>th</sup>. He had been assaulted and was -- was  
20 laying in a front hallway of his home. He had been severely  
21 beaten by one or more individuals. He was taken to the  
22 hospital. He did survive that initial beating.

23 Law enforcement was able to determine through family  
24 members at the home -- his son is Tim Johnson. He's present  
25 in the courtroom. He's been sitting out here most of the

1 afternoon.

2           They were able to identify some items that they knew of  
3 that should have been in the home that were taken, one being a  
4 laptop computer, another one being a television set. There  
5 was some other items that were taken. I won't go into those  
6 right now.

7           Be that as it may, law enforcement, of course, was  
8 involved in the investigation trying to determine who did this  
9 using the forensic evidence available and that type of thing.  
10 Ultimately, Your Honor, law enforcement focused on the co-  
11 defendant, William Baylor, who is going to plead guilty  
12 tomorrow morning at 8:30.

13           Mr. Baylor acknowledged being present when the crime  
14 occurred. He indicated the involvement of Mr. Fields and the  
15 co-defendant, Amanda Bryant. Subsequently, all of the  
16 individuals were arrested. Mr. Fields also has given a  
17 statement indicating his involvement, Mr. Baylor's  
18 involvement, and Ms. Bryant's involvement.

19           Law enforcement through investigation was actually able  
20 to recover the laptop and the TV that were stolen during --  
21 during this assault through -- from an -- from an individual  
22 who identified Ms. Bryant as being the person that brought the  
23 laptop to his residence.

24           These individuals -- Mr. Baylor is out on bond, as you  
25 know. Mr. Fields and Ms. Bryant are currently housed in the

1 detention center. The State is prepared to go forward with  
2 trial on burglary in the first degree and attempted murder,  
3 conspiracy and robbery next week.

4 Judge, I believe that's enough of the -- the facts at  
5 this point. This did occur in Florence County.

6 I will tell the Court that Mr. Johnson subsequently  
7 passed away some two-and-a-half months after this. He  
8 survived that initial beating. He passed away. The State is  
9 not taking the position that he necessarily passed away  
10 because of this, but just to let the Court know that that's  
11 the status of the situation at this point.

12 In discussions with -- with Mr. Jordan, we are advised  
13 that Mr. Fields will testify consistent with what he has  
14 already provided law enforcement by way of information in this  
15 case next week. At such time, the State will have further  
16 recommendations to make to the Court.

17 THE COURT: All right. Mr. Fields, you heard the facts  
18 as stated by the prosecutor as it relates to this case. Do  
19 you agree with those facts?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you guilty of these charges?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And how do you plead? Guilty or not guilty?

24 THE DEFENDANT: Guilty.

25 THE COURT: All right. I find that there is substantial

1 factual basis for this defendant's plea as to each of these  
2 charges. That his decision to plead guilty as to each of  
3 these charges has been entered into freely, voluntarily,  
4 knowingly, and intelligently. That he's had the advice and  
5 counsel of an attorney with whom he's indicated he's  
6 completely satisfied.

7 I'll accept his plea as to each of these charges and I  
8 will defer any further action pertaining to this case until  
9 next week.

10 MR. HOEFER: Thank you, Your Honor.

11 THE COURT: All right.

12 MR. JORDAN: Thank you, Your Honor.

13 THE COURT: Mr. Hoefer, I'm going to give you these  
14 sentencing sheets back and we'll handle that next week. All  
15 right.

16 (WHEREUPON, the proceedings ended at 4:51 p.m.)

17

18 --- END REQUESTED TRANSCRIPT ---

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1 State of South Carolina )  
2 ) Certificate  
3 County of Florence )  
4  
5 I, the undersigned, Krystal J. Smith, Notary Public and  
6 Official Court Reporter for the Twelfth Judicial Circuit of  
7 the State of South Carolina, do hereby certify that the  
8 foregoing pages, numbered 1 through 12 constitute a true,  
9 accurate, and complete Transcript of Record of all the  
10 proceedings had and evidence introduced in the hearing of the  
11 above captioned case, relative to appeal, in the Court of  
12 General Sessions for Florence County, South Carolina, on the  
13 16<sup>th</sup> day of June, 2016.  
14 I do further certify that I am neither of kin, counsel,  
15 nor interest to any party hereto.  
16  
17 Krystal J. Smith  
18 Court Reporter  
19  
20 Florence, South Carolina  
21 June 17, 2016  
22  
23  
24  
25

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE	)	2015-GS-21-286
	)	
	)	
	)	
State Of South Carolina	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
William R. Baylor	)	
Michael R. Fields	)	)
<u>DEFENDANTS</u>	)	June 24, 2016
		Florence, South Carolina

B E F O R E:

THE HONORABLE THOMAS A. RUSSO, JUDGE.

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

RICK HOEFER, ASSISTANT SOLICITOR  
Attorney for the State

STEVEN DEBERRY, ESQ.  
Attorney for Defendant Baylor

DANIEL JORDAN, ASSISTANT PUBLIC DEFENDER  
Attorney for Defendant Fields

KESHIA REED  
Official Court Reporter

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(WHEREUPON, no witnesses were called.)

1           THE COURT: All right. We're on the record now  
2 with indictment 2015-GS-21-286. And the before the Court  
3 this afternoon is Mr. Michael Richard Fields, Jr. and  
4 William Robert Baylor. Both Mr. Fields and Mr. Baylor  
5 have entered pleas of guilt earlier -- well, Mr. Baylor  
6 earlier this week. I think, Mr. Fields last week, if I'm  
7 not mistaken. As to that indictment, both gentlemen have  
8 entered pleas if I'm correct of guilty as to Count 1 on  
9 the attempted murder. They have both entered pleas of  
10 guilt as to assault and battery of a high and aggravated  
11 nature. And as to the burglary Count 2 the burglary  
12 second -- first degree charge they have both entered pleas  
13 of burglary in the second degree under the nonviolent  
14 section of that statute. Counts 3 and 4 are being  
15 dismissed pursuant to their plea. And both Mr. Baylor and  
16 Mr. Fields were initially charged as co-defendants to Ms.  
17 Bryant, whose trial we just concluded. As I said,  
18 Mr. Fields entered his plea last week before Judge Craig  
19 Brown who -- and he's represented by Mr. Daniel Jordan.  
20 And, Mr. Jordan, if am I correct, I think, Judge Brown  
21 went through all the qualifications and the questions  
22 regarding that and just held sentencing in abeyance; is  
23 that correct?

24           MR. JORDAN: Yes, sir, Your Honor.

25           THE COURT: And I did the same thing with Mr.

1 Baylor earlier this week, I think, on Monday it was with  
2 Mr. Deberry present. And we did the same thing we  
3 qualified the plea and just held sentencing in abeyance,  
4 so we'll proceed with regards to that. And if I could  
5 though just -- and I apologize, Mr. Hoefer, I don't know  
6 if you readily have it available, but I wrote down -- I  
7 wasn't there for Mr. Fields' plea, but could you go over  
8 their prior records?

9 MR. HOEFER: Absolutely, Your Honor. I will  
10 start with Mr. Baylor. He had a burglary third degree in  
11 2000 along with a malicious injury to property,  
12 trespassing in 2001, a violation of the drug laws in 2004,  
13 giving false information in 2006, breaking into  
14 automobiles and forgery combined in 2009, another separate  
15 forgery in 2009, a burglary second degree in 2012. Judge,  
16 there's something from the state of Georgia, it's an out  
17 of state and quite frankly, Judge, I have difficulty  
18 because they use a different reporting format than we do  
19 and quite honestly I can't tell...

20 THE COURT: What was the charge?

21 DEFENDANT WILLIAM BAYLOR: My wife, the one I'm  
22 married to, she was 16 and I was 18. And her ex-boyfriend  
23 called the police and dude she's seeing is 18, she's 16  
24 and in the state of Georgia that's statutory rape.

25 THE COURT: So that's what that charge was?

1 DEFENDANT WILLIAM BAYLOR: Yes, sir.

2 THE COURT: Okay.

3 DEFENDANT WILLIAM BAYLOR: I done did my time  
4 for that and everything. We still married and got two  
5 beautiful kids together.

6 THE COURT: All right, that's fine.

7 As to Mr. Fields?

8 MR. HOEFER: As to Mr. Fields, got a possession  
9 of 28 grams or less of marijuana in 2012, a petty larceny  
10 in 2012 and that's it.

11 THE COURT: Okay. All right. Now, Mr. Hoefer,  
12 I'll be more than happy to hear from Mr. Johnson or any  
13 one if they wish to address the Court. And let me first  
14 talk with the attorneys as well as the defendants here.  
15 Gentlemen, I don't care who wants to go first. I'll be  
16 happy to hear from any one. Again, we're addressing the  
17 sentencing portion of this matter.

18 MR. DEBERRY: Thank you, Your Honor. May it  
19 please the Court.

20 THE COURT: Yes, sir.

21 THE DEFENDANT: And for the record I'm Mr.  
22 Deberry Mr. Baylor's attorney.

23 THE COURT: Yes, sir.

24 MR. DEBERRY: Judge, Mr. Baylor is 37 years old.  
25 I was appointed to represent him in this matter early on,

1 so, you know, it's been, I guess, 18 months or longer  
2 since I been representing him. Your Honor, Mr. Baylor  
3 from the very beginning has been cooperative. My  
4 conversations with Mr. Hoefer have been often and they  
5 began very early. I want the Court to understand and to  
6 recognize that for the longest time in this situation  
7 Amanda Bryant and Michael Fields were the ones that were  
8 heading for trial. I believe that but for Mr. Baylor's  
9 involvement and cooperation and him being on board, that's  
10 what put Mr. Fields in the position that he wound up in as  
11 well, Judge.

12 I want the Court and I beg the Court to please  
13 consider the testimony in the trial that you sat through  
14 all week. Judge, there's -- among all the inconsistencies  
15 there were a few consistencies that I want to point out,  
16 Judge, and they are that the fact that, I think,  
17 everybody's been consistent and testified as to what  
18 happened to Mr. Johnson that Mr. Baylor didn't participate  
19 in the violence and I ask the Court to consider that. And  
20 I've even talked to Mr. Johnson's son who's here in the  
21 courtroom about that and he understands that. And through  
22 our conversations, we each agreed that it wouldn't be  
23 equitable for Mr. Baylor and for Mr. Fields to receive the  
24 same type of sentence in this situation. And I asked that  
25 the Court take that into consideration, not only because

1 Mr. Baylor's been on board from the very beginning, but  
2 also because of the consistencies.

3 And, Your Honor, the plea brought me some  
4 heartburn so to speak because of the facts as Mr. Baylor  
5 puts them, there's a fine line as to whether or not, you  
6 know, it would have been somewhat defensible, but also  
7 very likely for a conviction. And the problem that he  
8 would have faced if he went to trial which he never  
9 considered going to trial, Your Honor, but the problem  
10 would have been that the only way to put forth his defense  
11 would have been for him to take the stand and that  
12 probably wouldn't have been a good idea with his record  
13 and what the situation. And so the cards have always been  
14 stacked against him, but that hasn't been a factor in his  
15 cooperation. I just sincerely believe that. You know, so  
16 if you take everything that Mr. Baylor said and testified  
17 to, I don't think that he took part in the beating of  
18 Mr. Johnson.

19 THE COURT: That I believe that. Based on the  
20 testimony, I believe that.

21 MR. DEBERRY: Furthermore, Judge, Mr. Hoefer's  
22 never been in a position to offer my client anything  
23 because of the nature of how you have to appear before the  
24 jury and, you know, not to allow the jury to hear that  
25 there's been any deals and there weren't any deals. And

1 been very clear with my client on that although that's  
2 been a point of conversation many times as you can  
3 imagine. But I do want to relay to the Court and that  
4 just over the time of my representation in my  
5 conversations with Mr. Hoefer that we spoke about a range  
6 of years many times. It was never offered and never could  
7 have been offered, but we spoke about six to eight years  
8 on several occasions. And it seem to be, you know, if  
9 everything kind of went on the course that it went on and  
10 Mr. Baylor did everything that he was suppose to do that  
11 wouldn't offend everybody's notion of justice so to speak.

12 Now, I know -- and I'm not sitting here saying  
13 that that was a deal or that that was an agreement or  
14 anything else. Also spoke with Mr. Johnson about, you  
15 know, what he thought. And Mr. Johnson told me just  
16 before the sentencing hearing, Your Honor, that, you know,  
17 that he believes the testimony insofar as that Mr. Baylor  
18 he doesn't believe he went there to inflict injury. He  
19 didn't believe he took part in the injury, probably didn't  
20 make the best decisions after what happened. But when it  
21 was time to make the decision, he was on board the very  
22 first and has been ever since. So in that regard, Judge,  
23 I mean, he thinks that whatever Baylor received should be  
24 may be half of what Mr. Fields received.

25 Mr. Baylor's got five kids, Your Honor. He was

1 able to make bond about half way through this  
2 representation time. So he did and I don't have those  
3 numbers. He did 409 days from the time he was arrested  
4 until the time he was able to be bonded out. And then he  
5 was re-incarcerated Saturday which would have been six  
6 days ago -- seven days. And so, you know, we certainly  
7 ask for him to receive credit for that time. But during  
8 the time that he was out on bond, Judge, he was able to  
9 get a job with New Growth Landscaping and the individual  
10 who runs that he wanted to be here today, Your Honor, but  
11 the timing and this week's been so tough on everybody. I  
12 been preparing for a trial next week. That -- he is not,  
13 but that is Mr. Linwood Cannon. He's also a pastor in the  
14 community, Your Honor, and he's got nothing but good  
15 things to say about Mr. Baylor. And he says, you know,  
16 that if he's still in business when Mr. Baylor finds  
17 himself back in the community, they certainly would hire  
18 him again.

19 I just say all that to let you know that he  
20 spent sometime out of jail. Judge, and he didn't get in  
21 any other trouble and he knew what he had to do and here  
22 is, you know, taking responsibility. And he's provided  
23 the information, you know, certainly for benefit of his  
24 behalf, but, I think, also for benefit of Mr. Johnson's  
25 behalf. And I just ask the Court to take all this into

1 consideration.

2           Also his record and, I think, he testified, you  
3 know, that he's an addict, that's just what he is, that's  
4 what he's become. It's an unfortunate situation. I know  
5 that in your profession, my profession we see these things  
6 on a daily basis and much more so than just common people  
7 of the community realize, you know, what grip these  
8 narcotics and drugs that lifestyle can have on us. And so  
9 I ask you to take that into consideration. And, you know,  
10 I think most these decisions that are made based on that  
11 grip, Your Honor. And I just ask you to take a look at  
12 the record that you heard and consider that because none  
13 of it contains any record of violence really. I don't  
14 think I heard any violent record that was read and all of  
15 it just speaks towards probably an addiction problem.  
16 And, you know, any time that he spends incarcerated in the  
17 department of corrections as a result of this situation  
18 hopefully can be rehabilitated on his addiction. And so  
19 we ask you to take all that into consideration. We ask  
20 you -- I ask you to consider that range of six to eight  
21 years, take into consideration what Mr. Johnson's son Mr.  
22 Tim Johnson here says today and just do the very best you  
23 can. Thank you.

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

25           Mr. Baylor, anything further, sir?

1                   DEFENDANT WILLIAM BAYLOR: Sir, I throw myself  
2 on the mercy of the Court and hope you have leniency. And  
3 I been helping from the beginning. And I want to try and  
4 change my life around. I got a good job. He says I still  
5 got my job when I come home if the business is still  
6 going. And I'm just now getting my life straight. I know  
7 I'm going to have go do some time, but just to give me a  
8 new chance and new start at the beginning of my life. I  
9 just hope I can see some of my kids grow up and be there  
10 for birthdays and Christmas and stuff like that.

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

12                   DEFENDANT WILLIAM BAYLOR: Thank you.

13                   THE COURT: Mr. Jordan.

14                   MR. JORDAN: Thank you, Your Honor. May it  
15 please the Court. Again, for the record, I'm Daniel  
16 Jordan. I represent Mr. Michael Fields in this matter.  
17 Your Honor, Mr. Fields has been incarcerated for 613 days  
18 in this matter. He's 25 years old. And Your Honor I have  
19 represented him virtually the entire time. I believe,  
20 Mrs. Crayton with the public defender's office initially  
21 had this case. And then I got it a few months after  
22 Mr. Fields was incarcerated. Your Honor, much as  
23 Mr. Deberry said, this was not a situation where and  
24 understandably with the charges where the Solicitor he was  
25 ever able make to a recommendation or a cap or sort of

1 deal with my client, Your Honor, and none has been made.  
2 Where I disagree with some of what Mr. Deberry said, Your  
3 Honor, Mr. Fields has been -- has not been intending to go  
4 to trial since the beginning of this thing. Mr. Fields  
5 initial statement while misleading, did not deny his  
6 involvement in this, Your Honor. He's admitted his  
7 involvement from the very start. If this was a case where  
8 this was Amanda Bryant going to trial, I don't believe  
9 that at any point in time he tried to shield himself from  
10 his responsibility, Your Honor. I would ask that you take  
11 that into consideration. I don't believe it had much of  
12 anything to do with Mr. Baylor. He potentially testified  
13 against him from the get go, Your Honor. He accepted his  
14 responsibility.

15 Your Honor, I can only imagine what it takes to  
16 come into court and to testify against a loved one.  
17 Mr. Fields had to do that here this week. He had been in  
18 a relationship with Amanda Bryant for quite sometime. He  
19 loved this woman. He love her children. They live  
20 together. He had a close relationship with her family,  
21 Your Honor. And so I don't know if I was placed in that  
22 position whether or not I would try to shield my loved one  
23 from responsibility or from being prosecuted or not. Your  
24 Honor, I imagine I might. However, when the rubber came  
25 to meet the road and he was -- gave his statement to law

1 enforcement, I believe, in July of last year. I believe  
2 that statement matches very closely with the testimony he  
3 gave here in court Your Honor. The truthful testimony  
4 regarding his involvement, regarding Amanda Bryant's  
5 involvement, Your Honor. And he came here and he did  
6 that. He had watch her, look at her boyfriend of many  
7 years. The man that she lived with. The man that helped  
8 raise her children. And he had to look at her while he  
9 told the truth. And I imagine that was very difficult,  
10 Your Honor. Your Honor, much like Mr. Baylor, Mr. Fields  
11 testified about his prior drug use, Your Honor. I believe  
12 that this is essentially his problem. I mean, Mr. Hoefer  
13 -- it was either Mr. Hoefer or Mr. Suggs asked him about  
14 going to work high and apparently that was something he  
15 did on a regular basis.

16 THE COURT: Yeah, I remember that.

17 MR. JORDAN: I would ask that any sort of prison  
18 sentence you give him would include some sort of referral  
19 to a drug treatment program, Your Honor. I believe  
20 probably both these defendants would benefit greatly from  
21 that.

22 Your Honor, Mr. Fields is only 25 years old. He  
23 has a minor prior record. He has owned up to what he did.  
24 He's always owned up to what he did. And so I would ask  
25 that you take that into consideration, that you take his

1 testimony take into consideration, take the fact that he  
2 had to come in here and testify against in essence his  
3 spouse into consideration as you sentence him, Your Honor.  
4 Otherwise be as merciful as possible, Your Honor.

5 THE COURT: All right. Mr. Fields, anything  
6 further, sir?

7 DEFENDANT MICHAEL FIELDS: Yes, sir. I like to  
8 apologize to the victim and his family and my family.  
9 It's been hard. I just meet with my family as well. I  
10 can't imagine what the victim's family been through. This  
11 never would have been something I would have done in a  
12 sober frame of mind. I just apologize.

13 THE COURT: Let me ask you all, I heard the  
14 testimony of everybody and there was obviously and usually  
15 always is going to be some discrepancies, but there was  
16 some consistencies. One of the consistencies was -- and I  
17 want make it at least be clear about it. Mr. Baylor, your  
18 observation was that Mr. Fields hit Mr. Johnson one time  
19 and knocked him down. At no other time did you see him...

20 DEFENDANT WILLIAM BAYLOR: No, sir, I didn't.  
21 When I saw Amanda stumping him, I thought maybe he was  
22 trying to pull Amanda off of him because he went to the  
23 hallway. He had hand his hand on her. I don't know if he  
24 was trying to pull her off of him ---

25 THE COURT: On her?

1                   DEFENDANT WILLIAM BAYLOR: Yeah, look like he  
2 was trying to pull her off because I heard somebody say no  
3 so...

4                   THE COURT: Mr. Fields, let me ask you and I  
5 really -- I know you can't crawl under somebody's head, I  
6 get that. But one of the things that is concern me  
7 throughout this trial has been why she would do that to  
8 this gentleman?

9                   DEFENDANT MICHAEL FIELDS: I have no idea,  
10 Judge. It caught ---

11                   THE COURT: Was she high at the time as well?

12                   DEFENDANT WILLIAM BAYLOR: Yes, sir, we all  
13 were.

14                   THE COURT: And she went off?

15                   DEFENDANT MICHAEL FIELDS: Yes, sir, like when I  
16 hit him and the man fell down on the ground. As I walked  
17 away, he was starting to get up and that's when she  
18 started stomping and kicking him.

19                   THE COURT: I heard both of you all. I think  
20 you all both thought that he was dead.

21                   DEFENDANT MICHAEL FIELDS: Yes, sir.

22                   THE COURT: Is that why there was no phone call  
23 for somebody to go help him?

24                   DEFENDANT MICHAEL FIELDS: Yes, sir.

25                   THE COURT: Okay.

1                   DEFENDANT WILLIAM BAYLOR: My entire life I  
2 ain't never been through nothing like that or seen nothing  
3 like that and I been in and out of prison just about my  
4 whole life and I ain't never seen nothing like that  
5 happen.

6                   THE COURT: Do you have any idea -- I didn't ask  
7 you, Mr. Baylor, because I just felt like Mr. Fields  
8 because he had a relationship with Ms. Bryant that he  
9 would be in a better position to know, but do you have any  
10 idea why she went off on him?

11                   DEFENDANT WILLIAM BAYLOR: I have no earthly  
12 idea why she would do that unless -- drugs is a very very  
13 bad thing. It gets ahold of you. It want you to keep  
14 wanting it and wanting it and you gone do whatever it  
15 takes to get what you need. I believe that's what  
16 happened at that point in time.

17                   THE COURT: All right. Mr. Hoefler, be happy to  
18 hear from you.

19                   MR. HOEFER: Judge, Mr. Tim Johnson may want to  
20 be heard or may want me to speak for him. I'll let him  
21 decide. He and I had a conversation right before we stood  
22 before you.

23                   THE COURT: I'm happy to hear from anyone who  
24 would like to address the Court.

25                   MR. JOHNSON: Your Honor, I kind of just rather

1 leave it in your hands. I really -- I am beside myself.

2 THE COURT: I understand, absolutely understand.

3 MR. JOHNSON: It's been two years.

4 THE COURT: Okay. Rick, I'll go ahead and hear  
5 from you in a moment.

6 (WHEREUPON, a pause in the proceedings.)

7 MR. HOEFER: Judge, as you can imagine on a case  
8 like this when you prepare it for trial, you live with it.  
9 You eat it and breathe it and everything. And Tim Johnson  
10 and I have got to know each other pretty well over that  
11 period of time, had a number of conversations. I can tell  
12 you that the lost of property nobody likes that, but that  
13 wasn't the big deal here. The burglary wasn't the big  
14 deal here. The big deal here were the injuries that his  
15 father incurred. And as he put it, you know, we couldn't  
16 prove that his death was proximately cause by these  
17 injuries, but we know it. I mean, as he said, he just  
18 never recovered, that's another way of saying it's the  
19 same thing. We've had discussions about Mr. Baylor.

20 Mr. Deberry's called me on a regular basis  
21 probably to the point where I treated him kind of rudely  
22 when I didn't have time to talk to him about it. But the  
23 fact remains even though Mr. Baylor has a record and has a  
24 record that's substantially more than Mr. Fields, it is  
25 most likely nonviolent offenses, all nonviolent offenses.

1 And he was the one that allowed law enforcement to break  
2 this case. It was his statement that lead to another  
3 conversation with Mr. Fields, also lead to discovering  
4 Mr. McIntosh and Ms. York who are very vital in the case  
5 against Amanda Bryant. And I told the jury I say, you  
6 know, what this is about is about accountability getting  
7 everybody who is accountable, doesn't mean they're all  
8 accountable in the same way, but I wanted the Court to  
9 know that.

10 With that in mind, Mr. Tim Johnson has indicated  
11 a willingness to recommend a cap for William Baylor at ten  
12 years. Now, everybody understands that a cap is nothing  
13 but a recommendation. The Court can abide by it, ignore  
14 it. You can go above it below it, whatever you want to  
15 do. But for the record, I advised the Court of that fact  
16 he was the first in and I recognize that without his  
17 assistance we probably wouldn't have made a case against  
18 Michael Fields. And, of course, without Michael Fields  
19 assistance and Baylor's assistance, we would not have been  
20 able to prosecute Amanda Bryant.

21 THE COURT: Okay. All right. Well, gentlemen,  
22 I will say this to both of you, I mean, I guess it goes  
23 without saying I can say a lot of negative things about  
24 the decision you made to do this. And everybody even you  
25 guys understand the wrongness of it. So let me just focus

1 on I appreciate the fact that you done wrong, but you at  
2 least were willing to step up and take responsibility,  
3 that's a large part of, I think, why Mr. Hoefer was  
4 willing to extend to you a reduction in these charge. And  
5 it's a large part of why, you know, I'm going to give you  
6 some degree of mercy and leniency for that. It doesn't  
7 take away the fact that of what occurred and this  
8 gentleman who basically suffered tremendously until he  
9 passed away. The last several months of his life were  
10 terrible because of what happened on this occasion.

11 The only ones who know what really happened are  
12 the three of you all. I really -- I do take into  
13 consideration that -- and it's one of the things I ask  
14 myself, you know, Mr. Fields that you're -- I know that  
15 was probably difficult -- had to be difficult to come in  
16 and testify and I don't -- and this probably goes to the  
17 credibility of folks. I don't know how the jury will look  
18 at it, but I just couldn't find anything in this case that  
19 would lead me to understand why you would make this up as  
20 to Ms. Bryant's activity. Some people say, well, he  
21 wanted to help himself. Well, I mean, if you wanted to  
22 help yourself with a lie, you and Ms. Fields -- you and  
23 Ms. Bryant could have come in here and said that William  
24 Baylor was the one who did this.

25 DEFENDANT MICHAEL FIELDS: Yes, sir.

1                   THE COURT: So I commend you that you didn't do  
2 that. And this is one man's thought, I had no idea what  
3 those folks back there are thinking, but I tend to believe  
4 you because of that. I don't know of any reason why in  
5 this case that you would come in here and make this up  
6 about her to save your skin, when the two of you could  
7 have made it up against Mr. Baylor and possibly save your  
8 skin and sent him a way. I think you were telling the  
9 truth to be candid.

10                   Mr. Baylor, I think, you been somewhat truthful.  
11 I don't think you saw Mr. Fields hit Mr. Johnson and then  
12 her stomp him out and then take off and run. I don't know  
13 that I believe that completely, but I do believe you  
14 weren't involved in the violence. And I am taking all  
15 this into consideration folks, but -- and the other thing  
16 I don't know what may occur is when I sentence you fellows  
17 and they find her not guilty of anything and she goes  
18 home. And if that's what happens, you know, whether you  
19 think that's fair or not, that's our system. It played  
20 out and that's what it was.

21                   For what it's worth and it's really not worth  
22 anything until the jury makes the decision, but I believe  
23 she was involved. And I believe she was involved to the  
24 extent you testified to. And so for my purposes of  
25 considering your sentences, I consider the fact that but

1 for your assistance justice wouldn't have a chance to be  
2 done in this case. It still may not be done, but I don't  
3 know. We'll wait and see what that does. But in any  
4 regard, I'm considering everything.

5           And guys I'm going to tell you now, which I say  
6 this often time to folks. I'm a man of faith. I'm a  
7 Christian. I adhere very closely to the word and what the  
8 Book of Micah says about doing justly, loving mercy and  
9 walking humbly with God. But here's the thing, I'll never  
10 tell anybody that what sentence I impose is correct  
11 because I don't know what's correct. But I do know this,  
12 whatever sentence I do impose, it will honest to goodness  
13 be what I believe is correct and you don't have to agree  
14 with it. I don't ask anybody to agree with it, but I just  
15 want you to understand that I'm trying to weigh justice  
16 and mercy in trying to do what I think is appropriate  
17 based on everything that's in front of me. And the one  
18 thing that I don't want to do is punish anyone more than  
19 what I think the facts and the circumstances require. So  
20 having said that, if you will give me just a few minutes.

21           (WHEREUPON, a pause in the proceedings.)

22           THE COURT: All right. As to indictment  
23 2015-GS-21-286 with regards to Mr. Fields on the assault  
24 and battery of a high and aggravated charge, the sentence  
25 of the Court is that you be committed to the state

1 department of corrections for a period of 15 years. As to  
2 the burglary charge, that you be committed to the state  
3 department of corrections for a period of ten years. I'm  
4 going to run those concurrent with each other, run them  
5 together and provide that you are to be given credit for  
6 613 days time served and that if there's space available  
7 that you get some assistance through the addictions  
8 treatment unit while in the department of corrections.

9 As to Mr. Baylor, on indictment 2015-GS-21-286  
10 as to the assault and battery high and aggravated charge  
11 as well the burglary second charge, sentence of the Court  
12 is that you be committed to the state department of  
13 corrections for a period of nine years. You are to be  
14 given credit for the 415 days that you have served. You  
15 are also ordered to receive -- to the extent there's space  
16 available assistance through the addictions treatment  
17 unit. That's to run concurrent. Good luck to you  
18 gentlemen.

19 MR. HOEFER: So nine years and nine years ---

20 THE COURT: Nine and nine concurrent, 15 and ten  
21 concurrent. Thank you folks. I'll lift whatever bench  
22 warrants.

23 MR. DEBERRY: Thank you, Your Honor.

24 END OF REQUESTED TRANSCRIPT

25

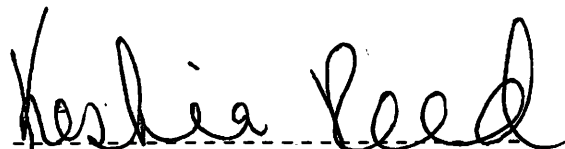
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FLORENCE, )

I, Keshia Reed, Court Reporter in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed paged, numbered 1 through 23, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of General Sessions for Florence County, South Carolina, on the 24th day of June, 2016.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 25th day of October, 2016.



Keshia Reed, Court Reporter

FILED FORM 5

20 17 CP 21 845

STATE OF SOUTH CAROLINA MAR 29 PM 1:01

IN THE COURT OF COMMON PLEAS

COUNTY OF BERKLEY )  
C. CP & GS )  
FLORENCE COUNTY ) SC

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

v. )

State of South Carolina )

APPLICATION FOR

POST-CONVICTION RELIEF

**INSTRUCTIONS - READ CAREFULLY**

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

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

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay 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 LEE Correctional Institution (Florence County Jail) Florence County Detention Center
2. Name and location of Court which imposed sentence City County Complex 150 N. Irby Florence SC
3. Name(s) of co-defendant(s) (if any) Amanda Bryant, William Baylor
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) Burglary 2nd 2015-GS-21-00286
  - (b) ABHAN 2015-GS-21-00286
  - (c) \_\_\_\_\_
5. The date upon which sentence was imposed and the terms of the sentence:
  - (a) ABHAN 15 yrs Violent 6/24/2016
  - (b) BURGLARY 2nd 10 yrs Non Violent 6/24/2016

to be run concurrent

- (c) \_\_\_\_\_
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. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (c) the date of each such result:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Council did not inform me on my right to appeal
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: ineffective assistance of council

- (a) false information from council
- (b) Misleading statements during sentencing
- (c) \_\_\_\_\_

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

- (a) Council told me I wouldn't get anymore time than codefend.
- (b) Prosecutor used persuasive statement
- (c) \_\_\_\_\_

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

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

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

(a) the specific nature thereof:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(b) the name and location of the Court in which each was filed:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(c) the disposition thereof:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

- iv. \_\_\_\_\_
- (d) the date of each such disposition:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
- No
15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (b) the proceedings in which each ground was raised:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) wasnt informed on how to appeal
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
17. Were you represented by an attorney at any time during the course of:

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

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

- (a) the name and address of each attorney who represented you:
  - i. a
  - ii. C
  - iii.
- (b) the proceedings at which each such attorney represented you:
  - i. a didn't say much to me
  - ii. C didn't do nothing bond he lied to me as well
  - iii.

- 19. State clearly the relief you seek in filing this application: Time reconsideration  
I want the same sentence my codefendant William Taylor got
- 20. Are you now under sentence from any other court that you have not challenged?  
NO

STATE OF SOUTH CAROLINA )  
 )  
County of )

VERIFICATION

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

Michael Feibel

SWORN to and subscribed before me this 14  
day of March, 2017.

Debra Sauter Day (L.S.)  
Notary Public

My Commission Expires: 3/3/2024

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

I, \_\_\_\_\_, 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.

Michael Fields  
Applicant

SWORN or affirmed to and subscribed before me this  
14 day of March, 2017.

Delma Eastwood  
Notary Public

My Commission Expires: 3/3/2021

in regards to ~~the~~ PCR Application

Question 11 a means

- a. me and Mr Baylor plead guilty to the same charges, And to the same sentence, 0-20. My lawyer Daniel T. Jordan, told me I wouldn't get anymore time than Mr Baylor, But at the hearing, I was sentenced to 15 years 85% and Mr Baylor was sentenced to 9 years 85%.

Question 11 b means

- b. My prosecutor informed the judge, that even though they couldn't prove the injuries that my victim recieved, They still know that's why he died. But his autopsy report said natural causes. That made the judge think worse on me. That is ~~that~~ misleading information.

in regards to ~~the~~ PCR Application

Question 11 a means

- a. me and Mr Baylor plead guilty to the same charges, and to the same sentence, 0-20. My lawyer Daniel T. Jordan, told me I wouldn't get anymore time than Mr Baylor, but at the hearing, I was sentenced to 15 years 85% and Mr Baylor was sentenced to 9 years 85%.

Question 11 b means

- b. my prosecutor informed the judge, that even though they couldn't prove the injuries that my victim received, they still know that's why he died. But his autopsy report said natural causes. That made the judge think worse on me. That is ~~not~~ misleading information.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE	)	
	)	
Michael R. Fields, Jr. , #368754,	)	Case No.: 2017-CP-21-0845
	)	
Applicant,	)	
	)	<b>RETURN AND PARTIAL MOTION</b>
v.	)	<b>TO DISMISS</b>
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed on March 29, 2017, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. In March 2015, the Florence County Grand Jury indicted Applicant for attempted murder, first-degree burglary, strong-arm robbery, and conspiracy (2015-GS-21-0286). Daniel Tindall Jordan, Esquire, represented Applicant. Frederick A. Hoefer, II, Esquire, of the Twelfth Circuit Solicitor’s Office prosecuted the case. On June 16, 2016, Applicant pleaded guilty to the lesser-included offenses of assault and battery of a high and aggravated nature (ABHAN) and second-degree burglary (non-violent) before the Honorable Thomas A. Russo. In exchange for the guilty plea, the State dismissed the charges of strong-arm robbery and conspiracy. On June 24, 2016, Judge Russo sentenced Applicant to imprisonment for concurrent terms of fifteen years for ABHAN and ten years for second-degree burglary. Applicant did not appeal his convictions or sentences.

Attached to this Return and incorporated by reference are the records of the Florence County

Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, the sentencing transcript, and the application.

## II.

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

1. "Ineffective Assistance of Counsel"
  - a. "False information from counsel"
  - b. "Counsel told me I wouldn't get any more time than co-defendant"
2. "Misleading statements during sentencing"
  - a. "Prosecutor used persuasive statement"

## III.

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 689 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland. First, Applicant must prove counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of

competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

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

#### IV.

Respondent interprets Applicant’s second claim as one of prosecutorial misconduct. However, Applicant has failed to set forth facts to “support each ground” or to explain with any specificity whatsoever the facts upon which this claim is based. The Uniform Post-Conviction Procedure Act requires Applicant to “*specifically set forth the grounds upon which the application is based.*” S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Respondent respectfully submits that it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary

hearing. Therefore, Respondent requests that Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

V.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only person authorized to file amendments to this application. See Rule 11, SCRPC. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRPC.

VI.

Respondent therefore requests this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel. As to all other allegations, Respondent moves for a more definite statement.

VII.

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

VIII.

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

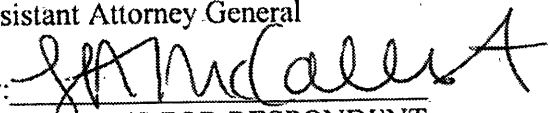
Respectfully submitted,

ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
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By:   
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11/9, 2017

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF FLORENCE )  
 )  
 )  
 MICHAEL R. FIELDS, JR., #368754 )  
 )  
 Applicant, )  
 )  
 vs )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 Respondent, )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

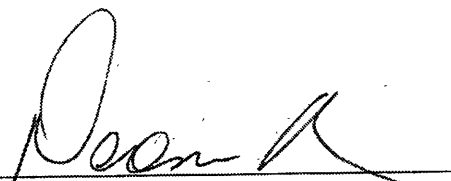
2017-CP-21-0845

AFFIDAVIT OF SERVICE BY MAIL

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

**Jonathan D. Waller, Esquire**  
**Giese Law Firm**  
**1315 Blanding Street**  
**Columbia, SC 29201**

DATED this the 9<sup>th</sup> day of November, 2017.

  
 \_\_\_\_\_  
 Deonna Rogers, Legal Assistant  
 For Respondent

State of South Carolina	)	Court of Common Pleas
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2017-CP-21-00845
	)	
Michael R. Fields, Jr.,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
State of South Carolina,	)	
	)	
Defendant.	)	
	)	

February 2, 2018  
Florence, South Carolina

B E F O R E:

The Honorable Michael G. Nettles, Judge

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

Jonathan Waller, Esquire  
Attorney for the Plaintiff/Applicant

Lindsey McCallister, Esquire  
Attorney for the Defendant

Krystal J. Smith  
Circuit Court Reporter

I N D E X

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7	Applicant Rests.....	13
8	Daniel Jordan	
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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes -- intentional or purposeful interruption

or change in thought

ellipses . . . trailing off

[ph] phonetically written

[sic] written as said

1 FEBRUARY 2, 2018

2 (WHEREUPON, the proceedings began at 10:39 a.m.)

3 THE COURT: Ms. McCallister, you're recognized.

4 MS. MCCALLISTER: Thank you, Your Honor. This is  
5 Michael R. Fields, Jr., versus the State of South Carolina,  
6 2017-CP-21-0845.

7 Your Honor, Mr. Fields was indicted in March of 2015 by  
8 the Florence County Grand Jury for attempted murder, first-  
9 degree burglary, strong-arm robbery, and conspiracy. He was  
10 represented on those charges by Daniel Jordan.

11 On June 16<sup>th</sup>, 2016, he pleaded guilty to the lesser-  
12 included offenses of assault and battery of a high and  
13 aggravated nature and second-degree burglary, nonviolent,  
14 before the Hon. Thomas A. Russo, and in exchange for that  
15 guilty plea, the State dismissed the charges of strong-arm  
16 robbery and conspiracy.

17 Sentencing was deferred and on June 24<sup>th</sup>, 2016, Judge  
18 Russo sentenced Mr. Fields to imprisonment for concurrent  
19 terms of 15 years for the ABHAN and 10 years for second-  
20 degree burglary. He did not appeal those convictions or  
21 sentences.

22 He filed a timely post-conviction relief action on March  
23 29<sup>th</sup>, 2017, and he is represented in this action by Mr.  
24 Jonathan Waller. Both Mr. Waller and Mr. Fields are present  
25 in the courtroom this morning, Your Honor.

1 THE COURT: Mr. Waller, you're recognized and, if you  
2 could, delineate the -- the claims that you're going forward  
3 with here today.

4 MR. WALLER: Certainly, Your Honor.

5 Your Honor, Mr. Fields filed his application for post-  
6 conviction relief alleging various instances of ineffective  
7 assistance of counsel. Your Honor, I filed an amendment to  
8 the application.

9 The grounds we are going forward on today are that  
10 counsel was ineffective for failure to properly investigate  
11 the facts and circumstances surrounding the allegations  
12 against applicant, rendering his plea unknowingly and  
13 involuntarily entered into.

14 And that counsel was ineffective for failing to conduct  
15 adequate preparation in meeting with the applicant to review  
16 the discovery so applicant would know the allegations against  
17 him.

18 THE COURT: And is that -- does that conclude the  
19 allegations?

20 MR. WALLER: That does, Your Honor.

21 THE COURT: You may call your first witness.

22 MR. WALLER: Thank you, Your Honor. I would call  
23 Michael Fields.

24 THE COURT: Mr. Fields, if you could, please come  
25 forward. I'm going to ask you, if you could, to place your

1 left hand on the Bible and raise your right. Watch your step  
2 down there. Very good.

3 THE CLERK: Do you swear or affirm that the testimony  
4 you give will be the truth, the whole truth, and nothing but  
5 the truth, so help you God?

6 THE APPLICANT: I do.

7 THE COURT: All right. Mr. Fields, have a seat in the  
8 witness chair, if you could, please, sir. I'm going to ask  
9 you to pull up real close to that microphone and speak  
10 loudly, clearly, and slowly in order that we can hear  
11 everything that you have to say, and let's start with your  
12 full name.

13 THE APPLICANT: Michael Richard Fields.

14 THE COURT: All right. Mr. Fields, I'm going to ask  
15 that you speak up so everybody can hear you. The State  
16 lawyers need to hear you, Mr. Waller does, and I need to and  
17 the court reporter needs to. So let's speak up loudly.  
18 Okay?

19 THE APPLICANT: Michael Richard Fields.

20 THE COURT: That's better. All right. Very good.

21 MICHAEL FIELDS, JR., being  
22 first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. WALLER:

25 Q: Good morning, Mr. Fields. How are you today?

1 A: Fine.

2 Q: All right. Mr. Fields, I'm going to take you back to  
3 when you were first arrested on the incident we're -- we're  
4 discussing here today. Do you recall that?

5 A: Yes, sir.

6 Q: Okay. When you were arrested, did you make bond or were  
7 you in the detention center?

8 A: I was in the detention center. They never give me a  
9 bond.

10 Q: Okay. And who was your attorney on these charges?

11 A: Emily Crayton was originally on my case. They switched  
12 me to Daniel Jordan shortly -- shortly after that.

13 Q: Okay. How many times do you think you met with Mr.  
14 Jordan?

15 A: I might have met with Mr. Jordan once. He never come to  
16 the county jail to meet with me or anything. The only time I  
17 ever seen him was when I was coming to court.

18 Q: Okay. He never came to the county jail? You only met  
19 with him up here in court?

20 A: Correct.

21 Q: Okay. When you met with him the one time, what did  
22 y'all discuss?

23 A: Just the plea hearing or the plea deal. That was it.

24 Q: Okay. Had you met with Ms. Crayton before?

25 A: No, sir.

1 Q: Okay. You never met with her either?

2 A: No, sir.

3 Q: Okay. When you met with Mr. Jordan, did y'all discuss  
4 the charges against you?

5 A: Yes, sir.

6 Q: Did you discuss the potential penalties of those  
7 charges?

8 A: Yes, sir.

9 Q: Did you discuss the evidence the State had against you?

10 A: No, sir.

11 Q: Okay. Did y'all discuss what the State would have to  
12 show in order for you to be found guilty if you had gone to  
13 trial?

14 A: No, sir.

15 Q: Okay. Did y'all discuss any defenses that you might  
16 have?

17 A: No, sir.

18 Q: Okay. Now, you had given a statement; is that right?

19 A: Yes, sir.

20 Q: Okay. You were one of three co-defendants; is that  
21 correct?

22 A: Yes, sir.

23 Q: Okay. Were you -- if you recall, do you know what order  
24 you were arrested in?

25 A: My -- let's see. Let's see. William Baylor and Amanda

1 Bryant were my co-defendants. William Baylor got arrested  
2 first, and me and Ms. Bryant got arrested at the same time.

3 Q: Okay. And had the other co-defendants given statements?

4 A: Yes, sir.

5 Q: Okay. Was your understanding you were arrested based on  
6 some of the information contained in their statements?

7 A: Yes, sir.

8 Q: Okay. Did you and Mr. Jordan ever discuss your co-  
9 defendants' statements?

10 A: No, sir.

11 Q: Okay. Did you give a statement?

12 A: Yes, sir.

13 Q: Okay. Did you and Mr. Jordan ever discuss your  
14 statement?

15 A: No, sir.

16 Q: All right. Ultimately, you pled guilty?

17 A: Yes, sir.

18 Q: Okay. And you -- why did you plead guilty?

19 A: Well, I didn't know too much about anything coming  
20 through here and, you know, I was told that if I didn't take  
21 a plea deal or something and I went to trial, I could be  
22 facing up to 30 years to life in prison.

23 Q: Okay. Prior to pleading guilty, had you discussed with  
24 Mr. Jordan about going to trial?

25 A: No, sir. We never mentioned anything about trial or

1 anything. I never spoke with him about it. He never come to  
2 see me to discuss anything.

3 Q: Okay. Did you ask him about going to trial?

4 A: No, sir.

5 Q: Okay. Did you want to go to trial?

6 A: Yes, sir.

7 Q: Okay. If you had had a knowledge of the discovery in  
8 your case, what would that have shown you?

9 A: I mean the discovery -- going through it, I didn't see  
10 anything in my discovery that has anything that links -- that  
11 says I was there. The only thing that gives me any kind of  
12 incrimination is my co-defendants' statements.

13 Q: Okay. So I'm going to ask you the question again. Why  
14 did you ultimately end up pleading guilty?

15 A: Because of -- I mean I really have no -- no reasonable  
16 explanation for that. I did it to avoid going to trial and  
17 catching the maximum sentence of being found guilty.

18 Q: Okay. What do you think Mr. Jordan should have done  
19 that he did not do?

20 A: I believe he should've explained to me what was going on  
21 a bit better. I mean I didn't -- like I say, going through  
22 my -- my discovery, there's nothing in there that -- that I  
23 see that even links me to that crime.

24 Q: Okay.

25 A: I mean he never explained to me anything that -- the

1 defense that we could have come up with at trial or anything.  
2 I mean he informed me that if we went to trial that it was --  
3 it didn't look good, but I mean I didn't see anything in my  
4 Rule 5 where there's anything that could've incriminated me  
5 for this.

6 Q: Okay. Did y'all discuss that if you went to trial, it  
7 would be your decision?

8 A: Yes, sir.

9 Q: Okay. All right. Did you ever have a copy of your  
10 discovery?

11 A: I did.

12 Q: You did? When did you get that copy?

13 A: It was a while after I was arrested, probably maybe six  
14 or seven months after I got locked up.

15 Q: But before you pled guilty?

16 A: Yes, sir.

17 Q: Okay. Did you and Mr. Jordan ever have a chance to  
18 discuss what was contained in there?

19 A: No, sir.

20 Q: Okay. Mr. Fields, I've asked you all the questions I  
21 have for you. Is there anything you think the judge needs to  
22 be aware of Mr. Jordan's representation of you?

23 A: I mean only that -- I mean I feel like if I could've had  
24 the chance to talk to him more and have him explain the case  
25 and about the trial situation and the evidence against me, I

1 feel like -- you know, I feel like I could have had a good  
2 chance at trial I mean. That's just -- that's all I really  
3 have to say.

4 MR. WALLER: Thank you. Please answer any questions Ms.  
5 McCallister has.

6 THE COURT: Ms. McCallister, you're recognized.

7 MS. MCCALLISTER: Thank you.

8 CROSS-EXAMINATION

9 BY MS. MCCALLISTER:

10 Q: Good morning, Mr. Fields.

11 A: Good morning.

12 Q: Okay. In regards to this plea that you did eventually  
13 enter, do you remember -- do you remember doing that and  
14 coming into the courtroom to do that?

15 A: Yes, ma'am.

16 Q: Okay. Do you remember talking back and forth to the  
17 judge and the judge asking you some questions?

18 A: Yes, ma'am.

19 Q: Okay. Do you remember him explaining to you that you  
20 had the right to go to trial if you wished?

21 A: Yes, ma'am.

22 Q: Okay. Do you remember telling him that you didn't want  
23 that? That you wanted to plead guilty?

24 A: Yes, ma'am.

25 Q: Okay. Do you remember telling him that you were

1 satisfied with Mr. Jordan's representation of you?

2 A: Yes, ma'am.

3 Q: Okay. Do you remember telling the judge that you had  
4 talked to him enough and that -- and that you didn't need any  
5 more time to talk to him?

6 A: Yes, ma'am.

7 Q: Okay. And you remember telling the judge that this was  
8 your decision and nobody threatened you or promised you to  
9 get you to plead guilty?

10 A: Yes, ma'am.

11 Q: Okay.

12 MS. MCCALLISTER: I think that's all the questions I  
13 have, Your Honor.

14 THE COURT: Any redirect?

15 MR. WALLER: Nothing further, Your Honor.

16 THE COURT: All right. You may step down. Thank you,  
17 sir. Watch your step. All right.

18 MR. WALLER: Nothing further from the applicant, Your  
19 Honor.

20 THE COURT: Okay. Ms. McCallister?

21 MS. MCCALLISTER: Your Honor, the State would call  
22 Daniel Jordan.

23 THE COURT: Mr. Jordan, please come forward. I'm going  
24 to ask you if you could place your left hand on the Bible and  
25 raise your right hand as the clerk administers the oath.

1 THE CLERK: Do you swear or affirm that the testimony  
2 you give will be the truth, the whole truth, and nothing but  
3 the truth, so help you God?

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Have a seat in the witness chair and pull up  
6 real close to that microphone and speak loudly, clearly, and  
7 slowly in order that we can hear everything that you have to  
8 say, and let's start with your full name.

9 THE WITNESS: Daniel Tindall Jordan.

10 THE COURT: Very good.

11 DANIEL JORDAN, being first duly  
12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. MCCALLISTER:

15 Q: Mr. Jordan, you were appointed on this case; is that  
16 correct?

17 A: Yes, ma'am.

18 Q: Okay. Do you know approximately when that was?

19 A: In I believe 2000 -- I mean early 2014.

20 Q: Okay. Do you know --

21 THE COURT: Are you a part-time public defender or a  
22 contract public defender?

23 THE WITNESS: I'm a part-time public defender, Your  
24 Honor.

25 THE COURT: Very good. Go ahead.

1 BY MS. MCCALLISTER:

2 Q: Okay. So you were appointed on this case in early 2014?

3 A: I was originally appointed to represent Mr. Fields on a  
4 hit-and-run charge, I believe, out of 2013. Then when he was  
5 arrested on these charges -- which it may have been late  
6 2014, but whenever he was, I was appointed to represent him  
7 at that time.

8 Q: Okay.

9 A: Ms. Crayton actually was the prosecutor on the hit-and-  
10 run charge.

11 Q: Okay. Okay. Do you recall how many times you met with  
12 Mr. Fields?

13 A: Mr. Fields's case -- you know, as he indicated, I  
14 believe it was Amanda Bryant, Michael Fields, and William  
15 Baylor. Their case was on the trial list at least three  
16 different times, I believe. I believe I met with Mr. Fields  
17 seven or eight times.

18 Q: Okay. Can you explain a little bit about the  
19 allegations and what Mr. Fields was alleged to have done?

20 A: Well, the allegations were that the three of them had  
21 gone to a house. They had broken into the house. The  
22 occupant was beaten severely and some items were taken. I  
23 believe, you know, some personal property and some drugs or  
24 drug paraphernalia was taken, as well as, I believe, the  
25 victim's car was stolen.

1 Q: Okay. And in terms of the evidence against Mr. Fields,  
2 what was the main evidence?

3 A: Well, the main evidence was the statement that Mr.  
4 Fields gave, as well as the statement that Mr. Baylor gave.  
5 I mean they were both very forthcoming with law enforcement.

6 Q: Okay. So Mr. Fields did not deny his involvement in  
7 this situation?

8 A: Not that I recall. No, ma'am.

9 Q: How did it -- how did this plea agreement come about?

10 A: The plea agreement came about as a result of the  
11 solicitor's investigation into the case and the solicitor's  
12 firm belief that the ringleader of this or the -- I guess,  
13 the impetus behind it was Amanda Bryant. And as a result,  
14 the solicitor, in preparing it for trial, desired the  
15 testimony of Mr. Fields and Mr. Baylor against Mrs. Bryant.

16 Q: And did Mr. Fields agree to do that?

17 A: He did.

18 Q: Okay. And did he actually end up testifying?

19 A: He did.

20 Q: Okay. So -- so the plea was entered and then sentencing  
21 was deferred until after that testimony; is that correct?

22 A: Yes, ma'am. The plea was entered into, I believe, the  
23 week before in front of Judge Brown.

24 Q: Okay.

25 A: The case against Ms. Bryant was tried the following week

1 in front of Judge Russo. And the decision was made by Judge  
2 Russo and Judge Brown that Judge Russo would conduct the  
3 sentencing portion, having heard the trial and the -- the  
4 co-defendant's testimony.

5 Q: Okay. So Judge Russo was fully aware of the extent of  
6 the cooperation given by Mr. Fields?

7 A: He was.

8 Q: At the time of sentencing?

9 A: Yes, ma'am.

10 Q: Okay. And he had actually heard all of the testimony?

11 A: Yes, ma'am.

12 Q: Okay. Was there any sort of deal with the State for a  
13 recommendation or anything like that?

14 A: Not that I can recall. It was just a reduced charge.

15 Q: Okay. Did you explain all of that to Mr. Fields?

16 A: Yes, ma'am.

17 Q: Okay. Did he ever tell you he didn't want this plea and  
18 that he desired a trial instead?

19 A: No, ma'am.

20 Q: Okay. Whose decision was it for him to plead guilty?

21 A: It was Mr. Fields's decision.

22 Q: Okay. At the time he made that decision, had you all  
23 discussed the evidence and what the State would have to prove  
24 against him?

25 A: Yes, ma'am.

1 Q: Okay. Did you feel that he understood that?

2 A: Yes, ma'am.

3 Q: Okay. And he had -- he had had a copy of his discovery?

4 A: Yes, ma'am.

5 Q: At that point?

6 A: Yes, ma'am.

7 Q: Okay. And you reviewed the statements of the co-  
8 defendants with him?

9 A: Yes, ma'am.

10 Q: Okay. Did you see any reason to challenge his statement  
11 to law enforcement?

12 A: No, ma'am.

13 Q: Did you see any possible defenses to these charges for  
14 him?

15 A: No, ma'am.

16 Q: Okay.

17 MS. MCCALLISTER: I think that's all the questions I  
18 have, Your Honor.

19 THE COURT: Mr. Waller?

20 MR. WALLER: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. WALLER:

23 Q: Mr. Jordan, did you and Mr. Fields ever discuss any  
24 potential sentences he might receive as it related to the co-  
25 defendants?

1 A: Yes.

2 Q: Okay. What -- what did y'all talk about?

3 A: Mr. Fields asked me what the sentence was for the  
4 charges or what the maximum sentences were for the charges  
5 that he was pleading guilty to, and we discussed that. We  
6 discussed the fact that there weren't -- there wasn't any  
7 recommendation.

8       However, I think Mr. Baylor was pleading to the same  
9 charges. And Mr. Fields was informed, as I was, that his  
10 sentence and the solicitor's potential recommendation at  
11 sentencing, if there was one, would depend upon his  
12 cooperation and his testimony against Ms. Bryant.

13 Q: Okay. Did you ever talk to Mr. Fields about how he  
14 would be sentenced in relation to Mr. Baylor?

15 A: The only thing that I remember talking to him about in  
16 relation to Mr. Baylor is his deal was the same.

17 Q: Okay.

18 A: That the sentence would likely be affected by their  
19 testimony and the amount of cooperation they provided.

20 Q: Were you present for the trial?

21 A: I was.

22 Q: For his testimony at least?

23 A: I was.

24 Q: Were you present for Mr. Baylor's testimony?

25 A: I was.

1 Q: Okay. Did Mr. Fields give one statement or more than  
2 one statement?

3 A: He gave one -- at least one statement to law enforcement  
4 and then about -- it changed several different times. The --  
5 I guess the core of the statement remained the same, but some  
6 of the outlying issues differed.

7 Q: Did he ever give a statement to law enforcement denying  
8 his involvement?

9 A: Not that I recall.

10 Q: Okay.

11 MR. WALLER: I beg the Court's indulgence.

12 Thank you, Mr. Jordan. Nothing further.

13 THE COURT: Yes, ma'am?

14 MS. MCCALLISTER: May I redirect briefly, Your Honor?

15 REDIRECT EXAMINATION

16 BY MS. MCCALLISTER:

17 Q: What -- what do you recall as, like, the core of the  
18 statement that you said remained the same?

19 A: From my memory, I believe that the core of the statement  
20 was that the three of them were together on that particular  
21 evening. They did go to that gentleman's house and they did  
22 leave the gentleman's house in his vehicle. As to the  
23 changes that I remember, it was as to what actually went on  
24 inside the house.

25 Q: Okay. And in terms of what went on inside the house,

1 you said the victim was severely beaten. Was that issue of  
2 the beating of the victim part of what was changing?

3 A: The issue as I recall was, one, whether or not they had  
4 been invited to the house.

5 Q: Okay.

6 A: The understanding of at least Mr. Fields and Mr. Baylor  
7 as to whether they had been invited to the house and who  
8 actually went into the house.

9 Q: Okay. And ultimately, Mr. Fields admitted in his  
10 testimony at the co-defendant's trial that he did go into the  
11 house; is that correct?

12 A: Yes, ma'am.

13 Q: Okay.

14 MS. MCCALLISTER: I think that's all I have.

15 THE COURT: All right. You may step down.

16 THE WITNESS: Thank you.

17 THE COURT: Any further witnesses?

18 MS. MCCALLISTER: No, Your Honor.

19 THE COURT: Mr. Waller, I'll be glad to hear from you.

20 MR. WALLER: Your Honor, certainly there was different  
21 testimony regarding the number of times the applicant and his  
22 counsel met. Mr. Jordan testified that it was on the trial  
23 docket or trial roster at least three times or three times,  
24 but he also testified that it was never anticipated to be a  
25 trial because of the cooperation by Mr. Fields.

1           Your Honor, Mr. Fields testified that he did have a copy  
2 of his discovery, but he never had an opportunity to go over  
3 it with Mr. Jordan.

4           Mr. Jordan testified that there was multiple statements  
5 given and while the crux of the overall scheme, so to speak,  
6 remained the same, there was variances in Mr. Fields's  
7 statements regarding whether he went in the house or  
8 regarding what his actual involvement was in what appears by  
9 the transcript to have been a situation that escalated.

10           So, Your Honor, I think those things needed to be --

11           THE COURT: Is that correct in that the transcript of  
12 the trial that he testified in he admitted going into the  
13 house?

14           MR. WALLER: Your Honor, that's my understanding.

15           THE COURT: Okay.

16           MR. WALLER: All right. Anything further?

17           MR. WALLER: Nothing further, Your Honor.

18           THE COURT: All right. Mr. McCallister?

19           MS. MCCALLISTER: Thank you, Your Honor.

20           As to the voluntariness of the guilty plea, I think the  
21 transcript is quite clear that there was a very thorough plea  
22 colloquy between Mr. Fields and the plea judge, and he  
23 specifically was asked by the judge if he had had enough time  
24 to talk to his attorney and if he had any more questions and  
25 was he satisfied with Mr. Jordan, and he said that he was.

1 He's -- he's testified here today that he had his  
2 discovery. He was given a copy of it.

3 You know, Mr. Jordan says they met seven to eight times  
4 and that he was thoroughly advised of the elements and what  
5 the -- what the State would have to prove and what  
6 information that the State had at the time that he decided to  
7 make this decision to enter the plea.

8 RULING

9 THE COURT: All right. I'm going to deny the  
10 application, and I think the plea transcript speaks for  
11 itself.

12 Clearly, any defenses that he might have was waived  
13 throughout the process of the plea. He indicated he was  
14 satisfied with his lawyer. There's good explanation on the  
15 record, which Mr. Fields indicated he understood that he was  
16 giving up his rights.

17 He discussed -- he indicated in his testimony that he  
18 had a thorough discussion with his lawyer and was satisfied  
19 with him and did not need any more time to discuss it with  
20 him. I think that's determinative with regard to that.

21 I've heard the testimony concerning the amount of times  
22 they met. Mr. Jordan indicated they met seven or eight  
23 times. It was a thorough discussion about the discovery and  
24 potential penalties and any defenses that he might have. I  
25 think it's appropriate and fair to say that the focus of

1 their defense was to cooperate, as opposed to go to trial, at  
2 the instructions of Mr. Fields.

3 If there was any -- any legitimate challenge to the  
4 statement, it was given up by the plea, and it would be  
5 incumbent upon the applicant to proffer evidence that would  
6 seem to indicate there was a legitimate claim that the  
7 statement was involuntary, and that has not happened here  
8 today.

9 So based on all of these things, I deny the application  
10 for post-conviction relief and wish you the best of luck, Mr.  
11 Fields. Good luck to you.

12 (WHEREUPON, the proceedings ended at 11:06 a.m.)

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14 --- END REQUESTED TRANSCRIPT ---

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State of South Carolina )  
 ) Certificate  
County of Florence )

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 24, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of Common Pleas for Florence County, South Carolina, on the 2<sup>nd</sup> day of February, 2018.

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

s/Krystal J. Smith

Court Reporter

Florence, South Carolina  
December 12, 2018

STATE OF SOUTH CAROLINA )  
 COUNTY OF FLORENCE )  
 Michael R. Fields, #368754, )  
 Applicant, )  
 v. )  
 State of South Carolina, )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 TWELFTH JUDICIAL CIRCUIT

C.A. No. 2017-CP-21-0845

**ORDER OF DISMISSAL**

2018 SEP 19 PM 2:21  
 DONIS POULOS O'HARA  
 CLERK OF COURT  
 FLORENCE COUNTY, SC

**FILED**

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed by Michael R. Fields (Applicant) on March 29, 2017. Respondent made its Return and Partial Motion to Dismiss on November 9, 2017. An evidentiary hearing into the matter was convened on February 2, 2018, at the Florence County Courthouse before the undersigned. Jonathan Waller, Esquire, represented Applicant. Lindsey A. McCallister, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

At the hearing, Applicant testified on his own behalf. Daniel Jordan, Applicant's plea counsel, testified on behalf of Respondent. This Court also had before it a copy of the records of the Florence County Clerk of Court, records from the South Carolina Department of Corrections, the application, Respondent's Return, and the plea transcript.

**PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. In March 2015, the Florence County Grand Jury indicted Applicant for attempted murder, first-degree burglary, strong-arm

CERTIFIED: A TRUE COPY  
*Donis Poulos O'Hara*  
 CLERK OF COURT C.P. & G.S.  
 FLORENCE COUNTY, S.C.

robbery, and conspiracy (2015-GS-21-0286). Daniel Tindall Jordan, Esquire, represented Applicant. Frederick A. Hoefler, II, Esquire, of the Twelfth Circuit Solicitor's Office prosecuted the case on behalf of the State. On June 16, 2016, Applicant pleaded guilty to the lesser-included offenses of assault and battery of a high and aggravated nature (ABHAN) and second-degree burglary - non-violent before the Honorable Thomas A. Russo. In exchange for the guilty plea, the State dismissed the charges of strong-arm robbery and conspiracy. On June 24, 2016, Judge Russo sentenced Applicant to imprisonment for concurrent terms of fifteen years for ABHAN and ten years for second-degree burglary. Applicant did not appeal his convictions or sentences.

### ALLEGATIONS

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

1. "Ineffective Assistance of Counsel"
  - a. "False information from counsel"
  - b. "Counsel told me I wouldn't get any more time than co-defendant"
2. "Misleading statements during sentencing"
  - a. "Prosecutor used persuasive statement"

On January 18, 2018, Applicant, through counsel, amended his application to add the following additional claims of ineffective assistance of counsel:

1. Failure "to properly investigate the facts and circumstances surrounding the allegations against Applicant, thus rendering Applicant's guilty plea unknowingly and involuntarily entered into."
2. Failure "to conduct adequate amount of meeting[s] with Applicant to review discovery so that Applicant would know the allegations against him, thus rendering Applicant's guilty plea unknowingly and involuntarily entered into."

At the beginning of the hearing, Applicant's counsel indicated he would proceed solely on the allegations in his amended application. Accordingly, this Court finds the allegations pleaded in

Applicant's original application have been abandoned, and they are hereby denied and dismissed with prejudice.

### **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 PCR 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 (2003).

Applicant alleges he received ineffective assistance of counsel. In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 443, 334 S.E.2d at 814. 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 689. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. Id. at 117, 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Id. (quoting Strickland, 466 U.S. at 688 (1984)). 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 the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). When there has been a guilty plea, the applicant must prove counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe, 345 S.C. at 20, 546 S.E.2d at 419. An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill, 474 U.S. at 56. Further, "[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing." McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, "whether a plea of guilty is unintelligent . . . depends as an initial

matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases." Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). "In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing." Id. at 138-39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

Applicant testified he remained in jail after his arrest on these charges and never posted bond. Applicant testified he was represented by one other attorney before Counsel was assigned to his case. According to Applicant, Counsel never came to visit him at the jail while he was incarcerated prior to his guilty plea, and he only met with Counsel one time at court. He testified this was the only time he met with any attorney; he never met with the first attorney assigned to his case.

Applicant testified the only issue discussed at the meeting was the guilty plea. Applicant testified he and Counsel discussed the charges and possible penalties, but not any of the evidence,

the elements the State would have to prove, or possible defenses. Applicant testified he and his two codefendants all gave statements to law enforcement, and Applicant received copies of discovery in his case, but Counsel did not review any of the statements or other discovery with him. According to Applicant, the statements of his codefendants were the only evidence linking him to the crime.

Applicant further testified he never discussed the possibility of going to trial with Counsel, and Counsel did not mention it or explain that option to him. Applicant testified he wanted a trial, but he agreed to plead guilty because he “didn’t know too much,” and he was afraid of facing a potential sentence of thirty years to life at trial. According to Applicant, he believes Counsel should have explained the State’s evidence and possible defenses more thoroughly, so Applicant “could have had a chance at trial.” However, on cross-examination, Applicant acknowledged the plea judge informed him of his right to a trial, but Applicant told the court he wished to plead guilty. Further, Applicant acknowledged telling the plea court he was satisfied with Counsel’s services, had enough time to discuss his case with Counsel, and no one had coerced him or promised him anything in order to induce his guilty plea.

Counsel testified he was appointed to Applicant’s case in early 2014 and met with Applicant seven to eight times prior to the guilty plea. According to Counsel, Applicant’s case was listed on the trial roster at least three times. Counsel testified Applicant and his codefendants broke into a house and severely beat the homeowner in the course of robbing the home. Counsel further testified all three gave statements implicating each other, and Applicant’s statements did not deny his involvement. Counsel testified the core of Applicant’s statement always remained the same in that he admitted he and the codefendants went to the house together and arrived and

left in Applicant's car. According to Counsel, the only thing that changed in Applicant's statement was whether or not they were invited to the house and who went inside. Counsel testified he discussed discovery, including the statements, with Applicant, and Applicant never said he wanted a trial. Counsel further testified there was no basis to challenge Applicant's statements nor did he believe Applicant had any other meritorious defenses.

Counsel testified the female codefendant was the ringleader, and the solicitor's office wanted Applicant and the third codefendant to testify against her, which they both did. Counsel further testified the only agreement with the State was to reduce the charge in exchange for Applicant's testimony, which was the same offer made to the other testifying codefendant, and Applicant was informed the recommendation from the State hinged on the extent of his cooperation. According to Counsel, Applicant entered his guilty plea and sentencing was deferred until after he gave testimony at the female codefendant's trial. Counsel further testified he was present for Applicant's testimony during the codefendant's trial, and Applicant admitted he had gone inside the house at that time.

This Court finds Applicant has failed to prove Counsel's performance was deficient in any way. The Court finds Counsel's testimony on these issues to be credible, while also finding Applicant's testimony is not credible. Counsel testified he met with Applicant numerous times, and reviewed discovery, including Applicant's statement and those of his codefendants with Applicant. Counsel further testified there was no basis to challenge Applicant's statement, and in fact, Applicant's testimony against his codefendant admitted his own involvement in the crime. "[C]riminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of

the facts and circumstances of the case.” Walker v. State, 397 S.C. 226, 235, 723 S.E.2d 610, 615 (Ct. App. 2012) (reversed on other grounds by Walker v. State, 407 S.C. 400, 756 S.E.2d 144 (2014)). However, in any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel’s judgments.” Wiggins v. Smith, 539 U.S. 510, 521-22 (2003). Here, Applicant himself did not allege in his testimony before this Court his statement was involuntary; thus, there was no issue for Counsel to investigate. Counsel testified Applicant never indicated he wanted a trial, and the sole focus of the defense was cooperation with the State, which Applicant gave, and for which he received a reduction of two of his charges and the dismissal of another two.

Further, this Court finds Applicant’s plea was knowingly and voluntarily entered. A defendant’s knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and “may be accomplished by colloquy between the court and defendant, between the court and defendant’s counsel, or both.” Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel’s errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel’s advice was not “within the competence demanded of attorneys in criminal cases.” Hill v. Lockhart, 474 U.S. 52, 56 (1985). “In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error

by counsel was cured by the information conveyed at the plea hearing.” *Id.* at 138–39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

This Court finds the statements Applicant made during his guilty plea are determinative as to the issue of the voluntariness of the plea. Applicant informed the plea court he was satisfied with Counsel’s services, did not need any more time to speak to Counsel, and he acknowledged he was voluntarily giving up his right to a jury trial and present a defense. *See* Tr. pp. 6-8. “The general rule is that guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including the claims of a violation of a constitutional right prior to the plea. Whetsell v. State, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981) (citing Rivers v. Strickland, 264 S.C. 121, 213 S.E.2d 97 (1975); State v. Fuller, 254 S.C. 260, 174 S.E.2d 774 (1970), modified and vacated on other grounds, 408 U.S. 937 (1972)). “A guilty plea is a solemn, judicial admission of the truth of the charges” against the applicant; thus, an applicant’s right to contest the validity of such a plea is generally 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 (1977)). Admissions “made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” *Id.* (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). This Court finds Applicant failed to present any such reason in this case. Accordingly, these allegations are denied and dismissed.

#### 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.

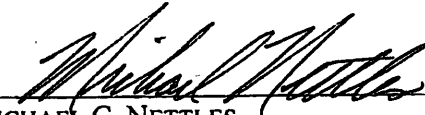
Counsel was not deficient in any manner, nor was Applicant prejudiced by counsel's representation. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt 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, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCR, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall be remanded to the custody of the Respondent.

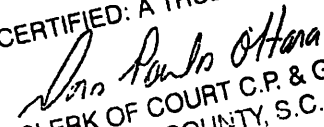
**AND IT IS SO ORDERED.**

  
 MICHAEL G. NETTLES  
 Presiding Circuit Court Judge  
 Twelfth Judicial Circuit

9-7, 2018

2018 SEP 19 PM 2: 21  
 EORIO POULOS O'HARA  
 C.C.P. & G.S.  
 FLORENCE COUNTY, SC

**FILED**

CERTIFIED: A TRUE COPY  
  
 CLERK OF COURT C.P. & G.S.  
 FLORENCE COUNTY, S.C.

**WITNESSES**

Jay McLaurin                      Florence County Sheriff

Frederick A. Hofer, II

**ARREST WARRANT NUMBER**

2014A2110201052	2014A2110201051
2015GS2100286A	2015GS2100286B
2015GS2100286C	2015GS2100286D
2015GS2100286E	2015GS2100286F
2015GS2100286G	2015GS2100286H
2015GS2100286I	2015GS2100286J

**ACTION OF GRAND JURY**

**TRUE BILL**

*Dorothy [Signature]*

Foreperson of Grand Jury

Date: 3-12-15

**VERDICT**

Foreperson of Petit Jury

Date:

**DOCKET NO. 2015-GS-21-00286**

The State of South Carolina

County of

**FLORENCE**

**COURT OF GENERAL SESSIONS**

March      TERM      2015

**THE STATE**

vs.

**AMANDA GAYLE BRYANT**

**MICHAEL RICHARD FIELDS JR**

**WILLIAM ROBERT BAYLOR**

Indictment for

**ATTEMPTED MURDER  
BURGLARY - 1ST DEGREE  
STRONG ARM ROBBERY  
CONSPIRACY**

2015 MAR 12 AM 11:43  
CONNIE REE-SEARCHER  
CCJP & GS  
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF FLORENCE )

INDICTMENT FOR  
 ATTEMPTED MURDER  
 BURGLARY - 1ST DEGREE  
 STRONG ARM ROBBERY  
 CONSPIRACY

At a Court of General Sessions, convened on March 12, 2015 the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE- ATTEMPTED MURDER**

**CDR: 3410 16-03-0029**

That AMANDA GAYLE BRYANT, MICHAEL RICHARD FIELDS, JR. and WILLIAM ROBERT BAYLOR did in Florence County on or about September 26, 2014, with intent to kill, with malice aforethought, either expressed or implied, attempt to murder one Carl W. Johnson, Jr., by attacking him, causing great bodily injury and/or substantial risk of death; in violation of Section 16-03-0029, S.C. Code of Laws, 1976, as amended.

**COUNT TWO- BURGLARY - 1ST DEGREE**

**CDR: 0079 16-11-0311**

That AMANDA GAYLE BRYANT, MICHAEL RICHARD FIELDS, JR. and WILLIAM ROBERT BAYLOR did in Florence County on or about September 26, 2014, enter the dwelling of Carl W. Johnson, Jr., located at [REDACTED] Carter Corner Road, Florence, SC, without consent and with the intent to commit a crime therein; and/or said defendant entered or remained in said dwelling in the nighttime; and/or when effecting entry or while in the dwelling or in immediate flight therefrom, and/or he/she or another participant in the crime caused physical injury to a person who is not a participant in the crime; and/or used or threatened the use of a dangerous instrument; and/or the said WILLIAM ROBERT BAYLOR has two or more prior convictions for Burglary or Housebreaking or a combination of both; in violation of Sections 16-11-0311, S.C. Code of Laws, 1976, as amended.

**COUNT THREE - STRONG ARM ROBBERY**

**CDR: 0137 16-11-0325**

That AMANDA GAYLE BRYANT, MICHAEL RICHARD FIELDS, JR. and WILLIAM ROBERT BAYLOR did in Florence County on or about September 26, 2014,, feloniously rob Carl W. Johnson, Jr., by means of force or intimidation, of goods or monies of the said Carl W. Johnson, Jr., in violation of Sections 16-11-0325, S.C. Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR ATTEMPTED MURDER, BURGLARY - 1<sup>ST</sup> DEGREE, STRONG ARM ROBBERY AND CONSPIRACY, WITH THE AFORESAID NAME(S) OF AMANDA GAYLE BRYANT, MICHAEL RICHARD FIELDS, JR. and WILLIAM ROBERT BAYLOR SHOWN THEREON:

**COUNT FOUR - CONSPIRACY**  
**CDR: 0049 16-17-0410**

That AMANDA GAYLE BRYANT, MICHAEL RICHARD FIELDS, JR. and WILLIAM ROBERT BAYLOR did in Florence County on or about September 26, 2014, unlawfully, willfully, knowingly, wickedly and feloniously unite, combine, conspire, confederate, agree between and among themselves, and have tacit understanding with each other and with divers other persons whose names are unknown to the Grand Jurors for the purpose of committing the crime of Attempted Murder, and/or Burglary, and/or Strong Arm Robbery; in violation of Section 16-17-0410, S.C. Code of Laws, 1976, as amended.

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



---

**E.L. Clements, III**  
**TWELFTH CIRCUIT SOLICITOR**