

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County

Honorable Donald B. Hocker, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RONALD DUYANE DAVIS,

APPELLANT

APPELLATE CASE NO. 2018-000651

RECORD ON APPEAL

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INDEX

INDEX	i
PLEA HEARING TRANSCRIPT (MARCH 28, 2018).....	1
GUILTY PLEA.....	2
SENTENCING	22
MOTION HEARING TRANSCRIPT (APRIL 19, 2018).....	24
MOTION TO WITHDRAW PLEA.....	26
COURT'S RULING	51
ORDER DENYING MOTION TO WITHDRAW PLEA (FILED APRIL 19, 2018).....	53
INDICTMENTS	54
SENTENCE SHEETS	58
CERTIFICATE OF COUNSEL	60

STATE OF SOUTH CAROLINA

EIGHTH JUDICIAL CIRCUIT
IN THE COURT OF GENERAL SESSIONS

COUNTY OF LAURENS

STATE OF SOUTH CAROLINA,)

2016-GS-30-01382

PLAINTIFF,)

2016-GS-30-01383

-VS-)

TRANSCRIPT OF RECORD

RONALD DUYANE DAVIS,)

DEFENDANT.)

MARCH 28, 2018
LAURENS, SOUTH CAROLINA

BEFORE:

THE HONORABLE DONALD B. HOCKER, JUDGE, AND A JURY

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

O. WARREN MOWRY, JR., DEPUTY SOLICITOR
JARED SIMMONS, ASSISTANT SOLICITOR

ATTORNEYS FOR DEFENDANT:

CHELSEA MCNEILL, ESQUIRE
TRISTAN SHAFFER, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

1 wants to, in which case --

2 MR. MOWRY: No, that's fine.

3 MR. SHAFFER: -- they're more than welcome to.

4 THE COURT: All right. I was confused then. I thought
5 Mr. McInville had the scheduling issue. Okay.

6 We're going to take a 10 minute break. And, Mr. Bolt,
7 if you'll go back to the jury room and just tell them that
8 we're going to be ready for them in about 10 minutes.

9 THE BAILIFF: I just told them you was working and I'd
10 get back with --

11 THE COURT: Oh, you've already told them we're working?

12 THE BAILIFF: Yeah.

13 THE COURT: Okay, then that's fine. That's good
14 enough.

15 (Whereupon, a 15 minute recess was held.)

16 THE COURT: We'll go back on the record. The lawyers
17 have informed me that Mr. Davis has elected to tender a plea
18 of guilty to manslaughter and to the offense of possession
19 of a weapon during the commission of a violent crime. Madam
20 Clerk, would you swear Mr. Davis in, please.

21 RONALD DUYANE DAVIS, having first
22 been duly sworn, testified as follows:

23 THE COURT: Mr. Davis, I'm going to ask you a series of
24 questions. It is extremely important that you pay very
25 close attention to the questions I ask you. If at any time

1 you don't understand completely the questions I ask or any
2 question, or more than question that I ask, please let me
3 know that, and I'll either try to repeat, rephrase the
4 question, or even give you an opportunity to step back and
5 talk with Mr. Shaffer and Ms. McNeill. Okay? Okay?

6 THE DEFENDANT: Okay.

7 THE COURT: All right. You are Ronald Duyane Davis,
8 correct?

9 THE DEFENDANT: Yes.

10 THE COURT: And you are 42 years of age?

11 THE DEFENDANT: Yes.

12 THE COURT: How far did you go in school, sir?

13 THE DEFENDANT: GED.

14 THE COURT: Okay. What type of work have you normally
15 done?

16 THE DEFENDANT: Truck driver.

17 THE COURT: Truck driver, okay. Now, is it correct
18 that you are pleading guilty to two offenses, voluntary
19 manslaughter, which has been reduced from murder, and
20 possession of a weapon during the commission of a violent
21 crime? Are you pleading guilty to those two offenses?

22 THE DEFENDANT: Yes.

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

25 MS. MCNEILL: Beg the Court's indulgence. This is

1 emotional for him.

2 THE COURT: I'm sure it is. Mr. Davis, the point I
3 want to emphasize with you, of course, I don't want you to
4 plead guilty to anything that you don't believe you're
5 guilty of. Okay? I would never want that. I would never
6 want you to do that.

7 Also, I need to make sure that your plea is completely
8 voluntary, has been freely made, has been intelligently
9 made. You've got two excellent lawyers, and I know you've
10 been spending a lot of time with them. Well, a lot of time
11 over the course of this whole case, but this afternoon when
12 discussions were being had about maybe a guilty plea being
13 offered in this -- in this case. So that's what I want you
14 to make sure where I'm coming from. Okay? All right?

15 Again, are you pleading guilty today to these two
16 offenses, voluntary manslaughter and possession of a weapon
17 during the commission of a violent crime because, in fact,
18 you are guilty?

19 THE DEFENDANT: Yes.

20 THE COURT: Sir?

21 THE DEFENDANT: Yes.

22 THE COURT: Are you certain of that? Has anyone forced
23 you, coerced you, promised you anything, done anything
24 whatsoever to get you to plead guilty today against your
25 will?

1 THE DEFENDANT: No, sir.

2 THE COURT: Are you pleading guilty today to these two
3 offenses freely, voluntarily, and intelligently?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you admit, Mr. Davis, that you committed
6 these two offenses on or about July 3, 2016 as it relates to
7 Shana Prophet?

8 THE DEFENDANT: Would you repeat the question, please,
9 sir?

10 THE COURT: I'll be glad to. Do you admit that on or
11 about July 3rd of 2016 you committed these two offenses, the
12 voluntary manslaughter and the possession of a weapon during
13 the commission of a violent crime, as it relates to Shana
14 Prophet?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you admit that by your actions with a
17 weapon, firearm, that you killed Shana Prophet on or about
18 July 3rd of 2016?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, you understand, Mr. Davis, that the
21 offense of voluntary manslaughter is classified in our law
22 as being a violent offense. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And by virtue of it being classified as a
25 violent offense, the Department of Corrections will use that

1 in determining how much time you have to serve. I cannot
2 tell you how much time you'll have to serve. That's up to
3 the Department of Corrections by the fact that it is a
4 violent offense, and I know you've had discussions with your
5 lawyers about that. Do you understand that will affect how
6 much time -- as determined by the Department of Corrections
7 how much time you'll have to serve in prison? Do you
8 understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And you understand that is the manslaughter
11 -- voluntary manslaughter is also classified as a most
12 serious offense. And, once upon your release, if you were
13 to engage in further criminal activity and commit offenses
14 that have a classification of most serious, or serious, that
15 could end up resulting at some point in time in the future
16 you serving a life sentence without parole if you were
17 convicted of those future charges. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Sir?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Now, you understand -- and we've, of
22 course, gone through pretrial that you've been a part of,
23 we've gone through three days of trial, you understand that
24 when you plead guilty you give up your rights that you were
25 exercises during this whole proceeding? Do you understand

1 that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You understand by pleading guilty you give
4 up your right to further proceed with this trial that we
5 started on Monday. Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Is it your desire to stop this trial right
8 now by virtue of this guilty plea?

9 THE DEFENDANT: Yes, sir, but I just --

10 THE COURT: I'm sorry. I can't hear you.

11 THE DEFENDANT: I said, yes, sir. But I just --
12 honestly, I just don't -- yes, sir.

13 THE COURT: You can give me any explanation you wish to
14 give me if you would like to?

15 THE DEFENDANT: I just wish that out of due respect to
16 the State, to you, to the lawyers, to the family, that I
17 just could have had until tomorrow just to pray about it and
18 to think about it. If this offer was still on the table on
19 the table tomorrow. That's what I wish.

20 THE COURT: Let me talk with the lawyers for just a
21 minute.

22 (Whereupon, a brief sidebar was held off the record.)

23 THE COURT: We're back on the record. Mr. Davis, if
24 you are wanting to go forward with your guilty plea then
25 we're going to do it now as opposed to your request to give

1 you overnight and you said to pray about it. But if you
2 want to go forward with this guilty plea, then we're going
3 to do it now. Do you understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: So are you prepared to stop this trial and
6 waive your right to further trial proceedings? Jury trial
7 proceedings?

8 THE DEFENDANT: Yes.

9 THE COURT: And you further understand that by stopping
10 this trial that you give up your rights to proceed on any
11 self-defense theory that was -- been argued and offered in
12 this trial? That you give up -- and any other defenses that
13 you may have. You're giving all that up. Do you understand
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Is that what you want to do is give up your
17 right to claim self-defense and any defenses that you have?

18 THE DEFENDANT: Yes.

19 THE COURT: And you further understand that by pleading
20 guilty you give up your rights for your lawyers to make any
21 other legal arguments, file legal motions, make legal
22 challenges concerning any witnesses or evidence that the
23 State may have, as well as give up your right for your
24 lawyers on your behalf to confront and cross examine State's
25 witnesses? Is that what you want to do? You want to give

1 up those rights?

2 THE DEFENDANT: Yes, sir.

3 THE DEFENDANT: You understand, Mr. Davis, that when
4 you were arrested originally on these charges, you were
5 automatically presumed to be innocent, and that presumption
6 of innocence has carried with you all the way up until now.
7 But when you offer a plea of guilty you give up that right
8 to be presumed guilty. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And you understand that if we were to
11 proceed forward with this trial, I would have instructed --
12 we've already mentioned to the jury that the State has the
13 burden of proof to prove each and every element of the
14 offenses beyond a reasonable doubt standard. That's the
15 highest standard of proof that we have, and I will tell the
16 jury that. But when you plead guilty the State has no
17 burden of proof whatsoever. You understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now, are you satisfied with the legal
20 representation afforded you by both Ms. McNeill and Mr.
21 Shaffer?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Have they done everything you've asked them
24 to do?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Have they done everything that you expected
2 that they would do on their behalf?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have you had every opportunity to discuss
5 this case with them, review the discovery file? I think I
6 saw you one day, you had a packet of files or documents. I
7 assume that to be discovery material, but I don't know that.
8 But have you had full opportunity to review the discovery
9 material and all the evidence in this case with your
10 lawyers?

11 MR. SHAFFER: Your Honor, the one thing that we haven't
12 printed out for him is about 1,200 pages of stuff from the
13 cell phone, and that's -- and then the 750 pictures that
14 SLED took. He had a chance to review them. But he
15 requested that he print out all that stuff, and we said
16 that's going to have to wait until after the trial, because
17 it's just too much.

18 THE COURT: Other than the voluminous cell phone
19 documentation and the multiple pictures, as far as actually
20 giving you a copy, you've had a chance to at least review
21 everything if not having an actual copy made for your
22 possession; is that correct?

23 THE DEFENDANT: Yes, sir.

24 MS. MCNEILL: And I also did hand him a copy of the
25 text messages that were pulled off of his cell phone and

1 that the State is presenting in evidence.

2 THE COURT: Have you had any complaints against Ms.
3 McNeill, Mr. Shaffer, anyone in the PD's Office, anyone in
4 the Solicitor's Office, any of the law enforcement personnel
5 that was involved in this case? Do you have any complaints
6 against any of those individuals?

7 THE DEFENDANT: No, sir.

8 THE COURT: Is that a no, sir?

9 THE DEFENDANT: No, sir.

10 THE COURT: Your answer to the question was no, sir?

11 THE DEFENDANT: Yeah.

12 THE COURT: You understand, Mr. Davis, that if you had
13 a legal basis to challenge this guilty plea that you're
14 making today that you only have 10 days to file a notice of
15 intent to appeal with a higher court? Do you understand
16 that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And again, I want to ask you again. Are
19 you pleading guilty to voluntary manslaughter and possession
20 of a weapon during the commission of a violent crime
21 because, in fact, you are guilty?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And are you pleading guilty to these two
24 offenses freely, voluntarily, and intelligently with
25 knowledge of the rights that you have that are afforded to

1 you by the laws of this State and by the US Constitution?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you understood all of the Court's
4 questions?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have all your answers been truthful?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have all your answers been accurate?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you have any questions of your own, sir?

11 THE DEFENDANT: No, sir.

12 THE COURT: Thank you very much, sir. Let the record
13 reflect that there is a factual basis for this plea. This
14 plea has been made freely, voluntarily, and intelligently by
15 Mr. Davis, and he's done so with competent counsel with
16 whose services he expresses satisfaction with.

17 I don't think it was put on the record, and I just kind
18 of overlooked this for some reason, that there's a
19 recommendation made by the State?

20 MR. MOWRY: Yes, sir. There's a recommendation and
21 that's after consultation with the victim's family, with her
22 mother.

23 THE COURT: Okay. And I'll hear from them in a minute,
24 or at least for Ms. Prophet.

25 MR. MOWRY: Yes, sir.

1 THE COURT: Can you state on the record the
2 recommendation that you -- that the State has made?

3 MR. MOWRY: There's a recommendation, Your Honor, of 25
4 years incarceration on the voluntary manslaughter charge and
5 a concurrent sentence on the pistol charge.

6 THE COURT: Very good. Is that your understanding of
7 the recommendation made by the State, Mr. Davis?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Let me hear Ms. Prophet. I need to have
10 you sworn in, either though you were sworn in Monday or
11 yesterday. Madam Clerk.

12 LATRON PROPHET, having first been
13 duly sworn, testified as follows:

14 THE COURT: You're Latron Prophet?

15 MS. PROPHET: Yes, sir.

16 THE COURT: And you are the mother of Shana Prophet?

17 MS. PROPHET: Yes, sir.

18 THE COURT: And are you in agreement with the
19 recommendation made by the State that I sentence Ms. Davis
20 to a 25 year sentence on the voluntary manslaughter and a
21 concurrent five year sentence on the weapons charge?
22 Concurrent meaning it would run at the same time?

23 MS. PROPHET: Yes.

24 THE COURT: You understand that he will get credit for
25 whatever number of days that he has already been

1 incarcerated presumably since his arrest, I'm guessing? You
2 understand that?

3 MS. PROPHET: Yes.

4 THE COURT: Are you -- are you reasonably satisfied
5 with this recommendation?

6 MS. PROPHET: Yes.

7 THE COURT: All right.

8 MS. MOWRY: I think -- I think she would emphasize
9 reasonably, Your Honor.

10 MS. PROPHET: Right.

11 THE COURT: I understand.

12 MR. MOWRY: It's not perfect by any stretch of the
13 imagination?

14 THE COURT: There's no amount of time that I can give
15 to bring Shana back.

16 MS. PROPHET: Right.

17 THE COURT: If I could, I would, but I can't. So
18 understanding that, do you want me to accept the
19 recommendation from the State?

20 MS. PROPHET: Yes.

21 THE COURT: And I know you've got some family members
22 that have been with you. Do you speak for them?

23 MS. PROPHET: Yes.

24 THE COURT: All right. Anything else you want to tell
25 me, ma'am?

1 MS. PROPHET: I just want to say I thank everybody for
2 their hard work. I know you done been in here plenty,
3 plenty days with this case. I thank the Solicitors for
4 working on the case. And I know this won't bring Shana
5 back. Shana was a good daughter, a good mother, a good
6 sister, a good granddaughter, and I know it won't bring her
7 back. But I just thank everybody for this closure. So I
8 thank you all.

9 THE COURT: Thank you, ma'am, very much.

10 MR. MOWRY: And, Your Honor, if I --

11 THE COURT: And, again, I'm sorry for your loss.

12 MS. PROPHET: Thank you.

13 MR. MOWRY: I'm sorry, Your Honor. If I could just say
14 that Ms. Prophet has been one of the most stoic victims that
15 I've ever been associated with.

16 THE DEFENDANT: Your Honor, may I say something.

17 THE COURT: I'm going to give you an opportunity in
18 just one minute. Does Mr. Davis have any significant prior
19 record?

20 MR. MOWRY: Yes, sir. And that is part of the reason
21 that we recommended 25 years. He has a pointing a firearm
22 and discharging a firearm in Newberry back in '98, petit
23 larceny and CDV in '99. Almost all of these offenses are
24 Newberry. I'll tell you if it's otherwise. Resisting
25 arrest in Newberry inn 2000, CDV in Newberry in 2000, public

1 intoxication 2000, CDV 3rd 2001, trespass and public drunk
2 2001, CDV in 2005. An aggravated assault in 2005. A
3 hindering an officer in 2010, and a CDV in 2011. That was
4 in Laurens.

5 THE COURT: Anything further from the State before I
6 turn it over to the Defense?

7 THE COURT: Your Honor, the only evidence that you did
8 not hear was going to be the text messages. Essentially the
9 victim had sent the Defendant text messages that she didn't
10 want him -- didn't want to be with him anymore and to come
11 and get his clothes. In fact, she said, "I'll have them in
12 your car for you in the morning."

13 THE COURT: Very good. Now, Ms. McNeill, Mr. Shaffer,
14 and then we'll give Mr. Davis an opportunity to speak. You
15 want him to go ahead and speak now or you want to speak
16 first?

17 MS. MCNEILL: I'll go ahead and speak first. I have
18 been representing Ronald -- well, actually, Mr. Tom Adducci
19 was appointed to represent Ronald at his arrest, which he
20 has -- he was arrested on July 3, 2016. By my calculations,
21 that's 633 days jail credit he's entitled to.

22 THE COURT: Okay.

23 MS. MCNEILL: As you heard, Mr. Davis -- you know,
24 obviously there was some sort of struggle in that room that
25 night, and Mr. Davis called 911 almost immediately according

1 to the neighbor's witness statement that we heard testimony
2 from. He was on the phone with law enforcement throughout
3 the night, as we also heard testimony. He was cooperative.
4 He gave law enforcement the addresses that he was associated
5 with. The one address that he gave, it was like Green
6 Meadow in Newberry, that actually was another address he was
7 associated with. I don't know if the State knows that was
8 his ex-wife Marlana Davis' mother's address.

9 MR. MOWRY: We did know that, Your Honor.

10 MS. MCNEILL: Okay. So none of the locations that he
11 gave to law enforcement ever showed that he was trying to
12 necessarily evade law enforcement. I think that no one
13 would be able to say what a reasonable reaction to something
14 like this is or would be. I can't imagine what I would do
15 in this situation. But Ronald first called his mom and then
16 called 911 and stayed on the phone with Bryant Cheek, the
17 lieutenant we heard testimony of. He stayed on the phone
18 with dispatch, 911. He then peacefully turned himself in to
19 Laurens County Jail directly by having his ex-wife take him
20 there. I think that the biggest reason that he went back to
21 Newberry was to say goodbye to his children that he has with
22 Marlana before turning himself in. That was the reason.
23 Certainly we heard that there was a small child located in
24 the house. Luckily, as Your Honor would have heard in the
25 recorded statement, that Lieutenant Cheek, also Ben Blackman

1 and Lieutenant Keith McIntosh had video recorded with Ronald
2 when they interrogated him at the jail. At the end
3 Lieutenant Cheek said, you know, this is all a tragedy. I'm
4 just really glad that that little boy never woke up. He
5 never heard the shots. He never woke up to see his mom.
6 That would have been tragic had he seen her. I can tell
7 Your Honor, in talking with Ronald, he was obviously not
8 thinking about the child after this happened. I think that
9 he went into a state of shock. He talks about blacking out,
10 going into kind of a state of shock with law enforcement
11 during that recorded interview, and I think all he was
12 thinking about was what do I do now. Call his mom, crying
13 hysterically, and then call the law enforcement and reported
14 himself. And then went down to Newberry to say goodbye to
15 his kids, and then Marlena took him and turned him in to the
16 Laurens Jail where he sat outside on a bench, outside of the
17 jail, where he was told to sit until they got the proper
18 officers to come and accept him into the jail and dress him
19 out and put him on suicide watch.

20 Judge, I can tell you that through my conversations
21 with him he has been extremely remorseful about what
22 happened that day. I know that only he and Shana really
23 know what happened that day. I'm just going to say that,
24 you know, I think that voluntary manslaughter is a proper
25 and fair resolution to this. I think that that's really

1 what this was, is voluntary manslaughter.

2 Ronald has seven children. He's got two sets of twins.

3 His youngest boy, Cam Davis, who was listed on some of the
4 text messages -- Cam had his own cell phone. I think he was
5 seven at the time that this happened. And Cam -- Cam and
6 Ronald are the closest, and I know that this is just going
7 to be the hardest part is being away from his family.

8 Tristan and I have done so much -- put in so many man hours
9 in this case, and we are honored to do so. We have met with
10 his first cousin, and like a brother to him, Demarcus
11 Barksdale, and Demarcus' girlfriend, Stevie Cannon. And
12 both of them are incredible people, loving people. We met
13 them at Tristan's office in Chapin. Spent a good amount of
14 time with them. We also met Marlena Davis, Ronald's ex-wife
15 in Charles Verner's private practice office down in Newberry
16 and spent a lot of time with her. He's got quite a lot of
17 support through his family. He's loved by a lot of people.

18 While I know that, you know, Ronald really is having a
19 tough time pleading today, I think that it all boils down
20 to, you know, this will allow him to probably survive his
21 prison sentence and get back to his family and see
22 grandchildren be born. I know he that he already has a
23 couple grandchildren because he's got some older children in
24 their 20s.

25 Ronald was a truck drive. He has a CDL. He is a man

1 of God. He is very strong in his faith. And when Tom
2 Adducci left out office to go to the Greenville Public
3 Defender's Office and I took over the case, I remember our
4 first conversation at the jail and I said, you know, I know
5 that you've been working with Tom and I'm going to take over
6 your case. Is that okay with you? And he just said, I've
7 never been asked if that's okay for me to have a lawyer.
8 And I was like, you're not picking me. I'm appointed to you
9 and I just want to make sure you're comfortable. And we had
10 a very candid conversation that he felt I was placed on his
11 case for a reason, and until I gave him a reason to, you
12 know, not trust me, then we were all good. And Ronald and I
13 have had some tough conversations, but they have all been
14 genuine. They have been emotional. They have been
15 intimate, and very private and personal to him.

16 I am honored that Tristan Shaffer joined our defense
17 team. Tristan met Ronald back in December, I believe, for
18 the first time and the three of us have really formed, you
19 know, a hard working team. All three of us have worked very
20 hard.

21 We appreciate the State allowing this resolution to
22 happen. I would like to say on the behalf of the Defense,
23 which would include myself, Tristan Shaffer, and my client
24 Ronald Davis, to the family of Shana Prophet that we are so
25 sorry for your loss. We really are. And I hope that you

1 know that, you know, we have a job to do and that's the job
2 that we're doing and defending Ronald's constitutional
3 rights. Ronald is extremely sorry, and I believe that he
4 would like to take a moment to express that sincere apology
5 to the family.

6 THE COURT: Okay. Very well. Mr. Davis, be glad to --
7 be glad to hear from you, sir.

8 THE DEFENDANT: First, respect to you, to the State, and
9 to the family. Your Honor, just to give you a little
10 history about me. I did do time in 2005. I changed my -- I
11 changed my life. I went to seminary school to be a pastor.
12 I pastored a church from 2009 to 2014. I stepped down, and
13 I really -- when I went to my bond hearing, when Mr. Mowry
14 used to ready my record he said -- I used to have a problem
15 with it, because I know I had changed my life for the best,
16 and I had no -- I just prayed for that situation. And first
17 I really want to apologize to the family with my deepest
18 heart. I really do. I apologize with all my heart. I
19 never intentionally meant to take your daughter's life.
20 Shana was a good girl. I'm not fixing to take that from
21 her. I can't say nothing bad about her. I would never say
22 nothing bad about her. She was a good good good lady. I
23 hate what happened that night. If I can change that night I
24 would have changed that night, July the 3rd, when it
25 happened, but I really can't change it. I'm sorry from the

1 bottom of my heart. I mean that. I do.

2 THE COURT: All right. Thank you, Mr. Davis. You said
3 you had some strong faith, and that strong faith will get
4 you through the next number of years that you'll be in the
5 Department of Corrections. This is a tragedy both ways. I
6 believe that this is a good, fair, resolution to this case
7 and I will accept the recommendation from the State. And I
8 would commend the lawyers on both sides for their hard work.
9 It's evident that there's been a lot of time put into this
10 case from both sides, along with your respective staffs.
11 And then I always appreciate hard work and I expect nothing
12 less from these lawyers from both sides and their respective
13 staffs.

14 Mr. Davis, the sentence of the Court is on the
15 voluntary manslaughter indictment charge, it will be a 25
16 year commitment to the Department of Corrections, credit for
17 633 days. Concurrent with that sentence is a five year
18 sentence on the weapons charge. Same amount of credit. Good
19 luck to you, sir. Good luck to the family.

20 MR. MOWRY: Thank you, Your Honor.

21 THE COURT: We need to -- go ahead, Sheriff, if you
22 would take -- retain custody of Mr. Davis, and I need to get
23 this jury out so I can get them dismissed.

24 (Whereupon, Defendant was taken into custody.)

25 MS. MCNEILL: Judge, I'm just going to say my apologies

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Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Laurens County, South Carolina, on the 28th day of March, 2018.

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

Tara T. Scott

Tara T. Scott, CVR

Circuit Court Reporter

October 4, 2018

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2016-GS-30-1382
COUNTY OF LAURENS	)	2016-GS-30-1383
	)	
	)	
	)	
THE STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
RONALD DUYANE DAVIS,	)	
DEFENDANT.	)	
	)	

April 19, 2018
Laurens, South Carolina

B E F O R E:

THE HONORABLE DONALD B. HOCKER, JUDGE

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

OLIVER WARREN MOWRY, JR., ESQ.
Attorneys for the Plaintiff

CHELSEA BROOKE McNEILL, ESQ.
TRISTAN MICHAEL SHAFFER, ESQ.
Attorneys for the Defendant

CHERYL A. SMITH
Circuit Court Reporter

INDEXPAGE

Motion to Withdraw Plea
Certificate of Reporter

3
29

EXHIBITSNODESCRIPTIONIDEVD

There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 9:35 a.m.)

THE COURT: We're on the record this morning in the matter of State of South Carolina vs. Ronald Davis, a motion having been filed by his attorney Tristan Shaffer seeking to withdraw a plea that he entered on March 28th of this year.

Mr. Shaffer is present, Warren Mowry of the Solicitor's Office is also present representing the State.

Mr. Shaffer, this is your motion. I'll be glad to hear from you, sir.

MR. SHAFFER: Yes, Your Honor. I had received the pro se letter that was on there. In that he said that he felt coerced into pleading. As a result of that, I sort of liberally construed that as him requesting to withdraw his guilty plea because it was still within the ten days. I filed that on, I think, May 6th.

And then, Your Honor, in just full candor to the Court, apparently, he had also prepared a pro se notice of appeal which was mailed off. It was dated the 28th of March. It was notarized on the 5th of March, but according to the Court of Appeals, was not mailed to them. The letter was actually dated, postmarked the 10th of April. So it ended up being that I believe that this --

1 we do actually have jurisdiction. Based off of that, I
2 confirmed it with my client this morning that he mailed
3 out the letter because he was on lockdown, but that that
4 notice of appeal would have been, I guess, a little
5 premature because this motion had been filed. So ---

6 THE COURT: Right. Well, even though maybe his
7 appeal was filed untimely, does not the Court of Appeals
8 have jurisdiction until they make a determination that the
9 appeal was not filed timely?

10 MR. SHAFFER: And, Your Honor, I have had that issue
11 before, and I mentioned it to the clerk's office at the
12 Court of Appeals. In the past, what they have said is,
13 basically, that the appeal is not -- is premature if
14 there's a pending posttrial motion. And I mentioned it to
15 the Court of Appeals whenever I spoke to them. I spoke to
16 them over the phone, the clerk's office there, and they
17 said, basically, just send a letter and we'll just say
18 it's going to be -- we'll hold it in abeyance, basically,
19 until y'all figure out -- have a ruling on the posttrial
20 motion. So ---

21 THE COURT: Okay. All right. So just so I'm clear,
22 of course, I've got a copy of the letter that he wrote the
23 clerk's office here, and it was evidently received
24 April 4th, would have been signed March 27th. Are you
25 saying that the appeal filed with the Court of Appeals was

1 not received until April 10th?

2 MR. SHAFFER: It was received on April the 11th.

3 THE COURT: 11th.

4 MR. SHAFFER: It was mailed on April 10th. The
5 postmark on the envelope -- the clerk's office told me the
6 postmark on the envelope said the 10th because I was
7 asking, because if it had been mailed -- if it had been
8 placed in the mail before I filed that motion, then we
9 would have no -- the General Sessions Court would have no
10 jurisdiction to hear it.

11 THE COURT: All right. Okay. All right. So this
12 motion was filed before the Court of Appeals' appeal was
13 filed. Is that what you're saying?

14 MR. SHAFFER: That's correct. Yes, Your Honor.

15 THE COURT: Okay. All right. I'll be glad to hear
16 from you concerning the merits of your motion.

17 MR. SHAFFER: And, Your Honor, essentially, the
18 motion, what I would like to do is allow my client to
19 actually speak to it because of the fact that he is -- I
20 think in that letter, he said that he felt coerced.
21 Obviously, that's a subjective thing. I personally didn't
22 see objectively anywhere where he was coerced into doing
23 anything.

24 THE COURT: Right.

25 MR. SHAFFER: With that being said, I think it would

1 be appropriate to let him speak to it.

2 THE COURT: Okay. All right. Mr. Davis, I'll allow
3 you to remain where you are, but I'll need to have you
4 sworn in.

5 Madam Clerk, would you swear Mr. Davis in, please.

6 (WHEREUPON, RONALD DUYANE DAVIS is duly sworn.)

7 THE COURT: You can have a seat, sir.

8 You want to examine your client, Mr. Shaffer, or you
9 want him just to ---

10 MR. SHAFFER: I will just ask him an open-ended
11 question, which is, why did you feel like you were coerced
12 into pleading guilty?

13 DEFENDANT DAVIS: Well, Chelsea McNeill, she told me
14 that if I didn't take this plea, that I would receive
15 35 years or life in prison. It had been told by the jury
16 that they would convict me. And I told her that I don't
17 think a jury will convict me. And she told me I had to
18 take this plea. If I didn't take this plea, her and
19 Solicitor Warren Mowry, they dictate who go to prison and
20 who don't go to prison.

21 And I asked her, I said, So what you're saying, this
22 already set up. I said, I told you I ain't feel that I
23 was going to have a fair trial here in Laurens County
24 anyway. And I told you do a change of -- a motion for a
25 change of venue.

1 And she told me that she couldn't do it.

2 I said -- so I said, I don't feel I'm going to have a
3 fair trial because Judge Hocker, he did my bond hearing
4 and he know the facts of the case surrounding the case
5 already. And I just don't feel that he's going to give me
6 a fair trial.

7 And then she told me, she said, You might be right,
8 just like that.

9 And then when she told me that, I said, So you're
10 going to do the change of venue?

11 She told me, No. We're going through with the trial.

12 And then she called my family and told my family that
13 I had to take this plea and all this because the jury is
14 going to convict me on murder and all this. And she
15 called my wife and had my wife get on the phone with me
16 and told my wife to tell me I need to take this plea. And
17 then she called my cousin and told my cousin to tell me to
18 take this plea.

19 And I told Chelsea, I said, No. I'm going to keep
20 rolling the dice. I said, I don't feel that a jury would
21 convict me on this.

22 And she said, No. You've got to take this plea.
23 You've got to take this plea.

24 I said, No. Chelsea, I'm going to keep rolling the
25 dice on this. I said, I want to keep going on with my

1 trial.

2 She told me, No. I can't do nothing else for you,
3 just like that, so you have no choice but to take this
4 plea.

5 I told her, No. I'm not going to take this plea..
6 I'm going forward with my trial.

7 So then when she called me wife -- my cousin and told
8 him to tell me that I need to take this plea. I told my
9 family, No. I'm not going to take this plea, just like
10 that.

11 And then when my wife -- I called my wife, and she --
12 my ex-wife, Marlana, and that when they told me take the
13 plea, I told them, No, no, no, just like that. I said, I
14 feel that I don't want this trial of self-defense, just
15 like that. And that when my wife, Chelsea get back on the
16 phone and tell her, No. You need to tell him to take this
17 plea, take this plea, because we can't help him no more.
18 We can't do nothing for him, just like this.

19 So that when Chelsea leave out the room, and I told
20 her, I said -- I mean, she leave out the room, then when
21 she come back in and tell me, Here, you need to sign this
22 plea, just like that.

23 I told her, No. I still want to go through with my
24 trial.

25 So that's why I feel like she coerced me.

1 And then she told me back in April 2017 when she came
2 and saw me, I told Chelsea, I said, I don't feel that
3 you're doing nothing for me, just like that. So I said, I
4 need you off my case, just like that.

5 And then she told me she had a trial, I think his
6 name was Lee Evans or something like that, she had his
7 trial to do. And she'll take me up, and if I'm not
8 mistaken, in June or July, the next court term, and she'll
9 be dismissed off my case.

10 And then so the next week she came back, her case
11 calendar, I told Chelsea the same thing. Before she came
12 back, I had her, my wife, call her and tell her I want
13 her off my case because I don't feel like she's doing
14 nothing for me. And then when her case calendar come back
15 the next following week before we had trial, she had, and
16 I told her what was going on. And then she told me she
17 was going to take me up and get off my case, just like
18 that.

19 And then when it never -- it never happened. So she
20 told me, she said, If -- she came and talked to me one
21 day. She said, If the GSR come back on the victim
22 100 percent, she said, Mr. Davis, I promise you,
23 80 percent chance we'll win this trial, just like that.

24 So I told Chelsea, I said, All right. I'm going to
25 give you a chance then, just like that.

1 So the GSR came back, and she -- she told me she'll
2 win this trial. So she lied to me. And then she got me
3 back in the back and told me I need to take this plea.

4 THE COURT: All right.

5 MR. SHAFFER: Your Honor, Ms. McNeill, obviously, is
6 not present. She had called me a few minutes ago saying
7 that she was on her way but running behind. Obviously, we
8 didn't want to hold up the civil jury to have her here.
9 If the Court needed her here, obviously, she'll be here in
10 a little bit and we can take this matter up later. But
11 that's all.

12 Essentially, I was going to let him explain what had
13 happened. I'm not in a position to make any arguments on
14 this case at this time.

15 THE COURT: Right. I mean, for purposes of the
16 record, Mr. Shaffer, if you feel like it would be
17 appropriate for Ms. McNeill to testify concerning this
18 motion, then I'll be glad to allow that to happen. We'll
19 just have to work it in probably this afternoon. I know
20 that Solicitor Mowry, you're in the middle of some other
21 matters, and I understand that and appreciate that, but if
22 you want the Court to hear from Ms. McNeill, I'll be glad
23 to hear from her. I'm going to allow you to make that
24 call.

25 MR. SHAFFER: And, Your Honor, I was actually

1 planning on deferring to the State and the Court on that.

2 THE COURT: Okay.

3 MR. SHAFFER: I would imagine Ms. McNeill, you know,
4 from my dealings whenever I was with her, she didn't do
5 anything inappropriate or anything like that.

6 THE COURT: Right.

7 MR. SHAFFER: Obviously, during part of this
8 conversation we were out here arguing something, he had
9 waived his presence during one of those motion hearings so
10 he could discuss it with ---

11 THE COURT: Right. Yeah.

12 MR. SHAFFER: --- discuss the plea offer while we
13 were doing the pre or in-camera hearing on the cell phone
14 expert.

15 THE COURT: Right.

16 MR. SHAFFER: So I wasn't present during a lot of
17 that. I'm happy to try to work that in if the State would
18 like if the Court thinks it's necessary.

19 THE COURT: Do you have a spare 15, 20 minutes maybe
20 this afternoon?

21 MR. MOWRY: If Your Honor deems that necessary,
22 that's fine.

23 THE COURT: Okay.

24 MR. MOWRY: I was interested to hear from Mr. Davis
25 that I have powers I didn't know I had, but in any

1 event ---

2 THE COURT: Right. Okay. Well, let's -- if the
3 Department of Corrections, I hate to keep you folks
4 hanging around, but since I'm in the middle of a civil
5 trial which, I mean, probably get it to them by 12:00, if
6 y'all could hang around for a couple hours, that would be
7 appreciated. Is that going to be an imposition on the
8 Department of Corrections folks?

9 UNIDENTIFIED: No.

10 THE COURT: You're okay with that?

11 UNIDENTIFIED: We can stay.

12 THE COURT: Okay. All right. Let's plan on around
13 12:00. I think I'll be getting the case to the jury in
14 that time frame.

15 So, Mr. Davis, we're going to just kind of delay
16 this, give Ms. McNeill an opportunity to add whatever she
17 feels like she needs to add, and then I can make a
18 decision. You understand, sir?

19 DEFENDANT DAVIS: Yes, sir.

20 THE COURT: Is there anything else you want to tell
21 me concerning this request to withdraw your plea?

22 DEFENDANT DAVIS: Yes, sir.

23 THE COURT: Okay. If you could speak up a little bit
24 louder, okay?

25 DEFENDANT DAVIS: All right, sir.

1 And yes, sir. I feel that they could have done
2 better during my trial because there was some of these
3 state witness, they could impeach them.

4 I know in the paperwork, my motion, I didn't get my
5 full motion. I -- I feel that I should have been served
6 my indictment, presented with my indictment charging me
7 with this murder from the grand jury, my grand jury
8 indictment. I never received that indictment. I've never
9 seen this indictment. It's not in my Rule 5. I don't
10 have my complete motion. Nothing like this.

11 I -- we really went in this trial kind of blind. The
12 only thing I really had was my statements on the polices,
13 and police . . .

14 MR. SHAFFER: And, Your Honor, which we discussed
15 during the plea hearing, we had not provided him a copy of
16 the 700-some-odd pictures that was provided or the
17 2,000-some-odd pages of cell phone records or the digital
18 stuff. Because of the fact he couldn't see it, we did
19 give him an opportunity to view that. But that being
20 said, I think he had all the other written discovery, was
21 my understanding that he did. So I can add that, too.

22 THE COURT: Okay. All right. Anything else,
23 Mr. Davis?

24 DEFENDANT DAVIS: Yes, sir. I didn't have all that.
25 The GSR results, I didn't have it. I still haven't seen

1 the results of none of this. I don't know if mine came
2 back positive or not. I don't have this in my motion. I
3 didn't see this. I still haven't seen it with my own
4 eyes.

5 THE COURT: Okay. All right.

6 DEFENDANT DAVIS: A lot of this stuff that was
7 brought in this trial, I didn't -- I wasn't aware about
8 this.

9 MR. SHAFFER: Your Honor, in the meantime, I'm happy
10 to go print off a copy of everything we have in the file
11 that's printable so that he has a copy of it.

12 THE COURT: Okay. Whatever you want to do,
13 Mr. Shaffer.

14 Anything else Mr. Davis?

15 What we'll do since we're kind of -- we're going to
16 readjourn this in a couple hours. If there's anything
17 else you think of that you feel like it's important for me
18 to hear, then I'm going to give you that opportunity to do
19 that, okay?

20 DEFENDANT DAVIS: All right, sir.

21 THE COURT: All right. Very good. So we'll continue
22 this until around 12:00 or thereabouts, okay?

23 MR. MOWRY: Thank you, Your Honor.

24 THE COURT: Thank you.

25 (WHEREUPON, proceedings recessed at 9:51 a.m.)

1 (WHEREUPON, proceedings reconvened at 1:34 p.m.)

2 THE COURT: Okay. This is a continuation of the
3 State vs. Ronald Davis, a motion having been filed for a
4 withdrawal of Mr. Davis's plea on March 28th of this year.

5 Earlier today the Court heard briefly from
6 Mr. Shaffer, but primarily from Mr. Davis. And since his,
7 Mr. Davis's comments were pretty much directed towards
8 Ms. McNeill, for purposes of the record, the Court felt
9 like it would be appropriate to hear from Ms. McNeill.

10 And so, Mr. Shaffer, do you want to -- I don't think
11 you need to examine Ms. McNeill. I'm sure you informed
12 her basically what Mr. Davis had indicated today.

13 MR. SHAFFER: Yes, Your Honor. I haven't gone too
14 far into detail about the specific allegations.
15 Essentially, what I informed her is that it's similar to
16 what was placed into the document he sent the Court of
17 Appeals and that, essentially, he's alleging that
18 Ms. McNeill basically coerced him and had some sort of
19 dealings with the Solicitor's Office and was coercing him
20 into . . .

21 THE COURT: Okay. All right.

22 Ms. McNeill, would you like to make any comment
23 concerning Mr. Davis's allegations?

24 MS. MCNEILL: Sure, Judge. I feel like this is more
25 of a PCR type of hearing rather than a withdrawal for -- a

1 motion to withdraw his guilty plea. But I just want to be
2 clear that, no, I, of course, never coerced Mr. Davis into
3 entering a guilty plea.

4 He and I spent extensive time in the holding cell of
5 this courthouse discussing his options. We had very
6 intimate conversations about his life. I allowed him to
7 speak to his ex-wife Marlena Davis at his request, so we
8 called her and spoke with her. And then I also allowed
9 him to call DeMarcus Barksdale, who is his cousin but he
10 considers this guy a brother, so that he could get input
11 from both his ex-wife, who he, you know, obviously
12 respects and cares about her opinion, and along with his
13 first cousin and brother, DeMarcus Barksdale. And, of
14 course, I've met, along with Mr. Shaffer, with both of
15 those individuals face-to-face.

16 You know, I know that Mr. Davis was on the fence
17 about what the right thing to do was. We talked about the
18 fact that he's 42 years old. If he loses the trial on
19 murder, then he cannot get less than 30 years and it's day
20 for day, and he could get up to his natural life. We
21 talked about the fact that if the jury comes back not
22 guilty on murder however guilty on voluntary manslaughter
23 and guilty on possession of a weapon during a violent
24 crime, that he could be sentenced up to 35 years, and that
25 the best-case scenario would be that the jury would come

1 back and unanimously acquit, decide to acquit Mr. Davis
2 and he would walk free.

3 We talked a lot about the evidence that had already
4 been heard at the trial, because, obviously, as Your Honor
5 well knows, the trial started Monday, and the offer from
6 the State was made, I think, on Wednesday around 1:30 p.m.
7 when we were coming back to resume the trial. Mr. Davis
8 waived his presence to be in court during a pretrial --
9 I'm sorry -- a motion in limine that Mr. Shaffer was
10 having with I think it was cell phone geo-mapping time.
11 And so while the trial moved forward, Mr. Davis and I had
12 ample opportunity to discuss all this along with allowing
13 his family to provide their input.

14 And then as Your Honor well knows, he came into the
15 courtroom, and I believe the TV screen was up against this
16 area over here in the courtroom where the clerk staff
17 sits, and we had the sentencing sheets there. Mr. Davis
18 was hesitant to sign them. I told him I'm just going to
19 tell him that this is off so that we can move forward with
20 the trial, because as you know, we had a time issue
21 because it was already Wednesday, and at this point it was
22 Wednesday late afternoon, early evening.

23 When I said, No. I'm just going to tell Mr. Mowry
24 that, you know, we need to just move forward, he stopped
25 me and said, No. And he signed the plea sheets.

1 I said, Are you sure? you know.

2 Mr. Shaffer had come in during part of that
3 conversation, and Mr. Davis decided that he wanted to have
4 a chance to outlive his sentence, and on a 25-year plea to
5 voluntary manslaughter with the credit that he had
6 pretrial, he would have to do about 19 1/2 more years,
7 which would allow him the chance to survive his sentence
8 and to be reunited with his family. And I think that was
9 the ultimate goal for him.

10 Obviously, as Your Honor well knows, we had a couple
11 of pretrial motions in Greenwood and then again here in
12 Laurens before his case was called for trial. We had been
13 working around the clock. Mr. Shaffer and I had met with
14 Mr. Davis numerous hours at the jail, met with his family
15 individually in Chapin and in Newberry. We went to them.
16 We worked around their work schedule meeting them at
17 night. We did an incredible amount of investigation.

18 I understand one of the allegations against my office
19 that he has submitted to the Court of Appeals is that he
20 is claiming that he was having a sexual relationship with
21 my investigator, our investigator in Greenwood, Nicole
22 Hurley, which I was shocked to read that. He had never
23 disclosed that information to me, nor to Mr. Shaffer. And
24 I haven't addressed it with him, but I think that that's
25 in his description of explanation for appeal.

1 Certainly, Mr. Shaffer and I hold ourselves to a very
2 high ethical standard, and I believe that due to the fact
3 that I've been practicing in front of Your Honor for
4 several years now and I've been, you know, Mr. Mowry's
5 adversary, I think he can vouch for this, too, when I'm in
6 trial, I give it my absolute 100 percent all.

7 MR. MOWRY: And I will just echo that, Your Honor. I
8 will say we have an adversarial, not antagonistic, but
9 definitely an adversarial relationship.

10 THE COURT: Right. I understand that.

11 MS. MCNEILL: And, you know, as Your Honor knows,
12 Mr. Davis was in those pretrial matters and in the trial
13 of his case, and he saw that adversary nature. He did
14 repeatedly tell us that we were doing a good job, he
15 repeatedly thanked us throughout the trial.

16 I understand that he's having some regrets about
17 entering his plea. I think that he feels he had a better
18 chance to be acquitted on everything. However, you know,
19 I always tell him how big of a gambling man are you. Do
20 you want to roll the dice on 30 to life or potential
21 voluntary where you're facing up to 35 with that
22 possession of a weapon charge in addition to voluntary?

23 We had hard facts against us. You know, the deceased
24 was shot five times. There was a lot of discord in the
25 room. There was testimony about that. Certainly, law

1 enforcement could have done more to listen to the evidence
2 presented before them which we were able to bring out.
3 But the State was obviously not done presenting their
4 case, and we did have a plan to put up a case for his
5 defense. However, this is -- this is where we are.

6 So I am asking Your Honor to consider allowing
7 Mr. Davis to withdraw his guilty plea and to set this case
8 for a new trial.

9 THE COURT: Thank you, Ms. McNeill.

10 Oh, you want to add something, Mr. Shaffer?

11 MR. SHAFFER: Yes, Your Honor. Earlier I didn't
12 mention this, but Ms. McNeill is correct. She actually,
13 during about 10, 15 minutes of that discussion, she
14 actually stepped out, I stepped back in. It was after we
15 did the pretrial stuff. It was right around the time
16 Mr. Mowry actually told me he was going to withdraw the
17 plea offer if they didn't go ahead and -- if he didn't go
18 ahead and accept. I then went back to tell him that.

19 I think immediately after that, I came back to tell
20 Mr. Mowry that he was going to accept, and I went to go
21 initially get him to sign the paperwork. During the
22 course of me getting him to sign the paperwork, I did
23 advise him, without going into attorney-client stuff, I
24 did say, Hey, it's your choice. Whatever you want to do.
25 I mean, like you can either take the risk or not take the

1 risk. And if you don't want to take the risk, then take
2 the plea, you know. I probably did say something like,
3 you know, the plea would probably get you out alive. If
4 we lose at trial, you're probably not going to get out
5 alive. That's probably what I had told him, something to
6 that extent. But I definitely did say it's your choice.
7 Whatever you want to do, you do.

8 And, Your Honor, also, he had indicated, Mr. Davis
9 had indicated that he had not received his discovery.
10 What I am doing now, I condensed about 2,000 pages into
11 this stack of paperwork. I've also given him the option,
12 I've got 12 CDs and a flash drive in here that's the
13 digital stuff from the discovery. I gave him the option.
14 He wanted me to send it to his ex-wife, so that's what
15 we're going to do. We no longer have the file in this
16 case. But he is going to have everything that was readily
17 easily printable, and Marlana Davis, who he designated, is
18 going to have all the other stuff. So they will -- he
19 will have all the discovery.

20 THE COURT: All right. Very good.

21 MS. McNEILL: And I just want to be very clear that
22 this is the only copy of these disks that we have. We are
23 not burning additional copies. So we are, in essence,
24 transferring our possession of his file over to him and to
25 Marlana Davis. So my office will not have another copy

1 available.

2 THE COURT: Okay. All right. Are you in agreement
3 for the discovery materials to be handled in that fashion?

4 DEFENDANT DAVIS: Yes.

5 THE COURT: Okay. Now, is there anything else you
6 would like to tell me?

7 He can keep his seat. I allowed him to earlier.

8 Is there anything else in addition to what you told
9 me earlier this morning concerning this motion to withdraw
10 your plea that you would like to tell me now? Anything in
11 addition?

12 DEFENDANT DAVIS: Yes, sir.

13 THE COURT: Okay.

14 DEFENDANT DAVIS: I can refer to these notes.

15 THE COURT: I need for you to speak up a little
16 louder. I know you're somewhat soft-spoken so I need for
17 you to speak up a little louder.

18 DEFENDANT DAVIS: Before Chelsea took my case, I
19 asked Tom Adducci to subpoena the jail records -- I mean
20 the jail cameras showing that I wasn't charged with the
21 serving the warrants or whatever. Then when Chelsea took
22 over my case, I asked Chelsea numerous time to get the
23 camera footage of the jail, that it can show that I never
24 was charged, served no warrants charging me with this
25 crime because I was on suicide watch. And I had five

1 cameras monitoring me at all times, I had two cameras
2 monitoring my door. They said I had to be on suicide
3 watch because of the nature of my charge.

4 I told -- I asked her to get the camera footage of
5 this that would prove that I never was served any
6 warrants, no one never came to my door, serve me no
7 warrants, nothing like this and everything else. I asked
8 her to get it when Lieutenant Bryant Cheeks, I gave him
9 the written statement from back in attorney-client room,
10 which ain't no camera back there, but it was brought to
11 the front. And he typed off the written statement that I
12 had. If the camera -- if the jail camera footage would
13 have been subpoenaed or they had all this, it would have
14 proved everything I was saying.

15 And then I also asked Ms. McNeill to get a copy of my
16 medical records stating that I have a medical problem with
17 my back. I have back issues. I was on medication when I
18 was on the street, and that I was -- I have short-term
19 memory loss because I had suffered a concussion. I asked
20 her to get my medical records proving all of this. It
21 never was done.

22 And I also asked them to suppress the motion -- I
23 mean to do a motion suppression on the warrants that were
24 issued at C.R. Koon Highway because it was two warrants
25 issued in this case. They served -- they left one warrant

1 with me at my residence. My ex-wife Marlana, she mailed
2 me that warrant. The warrant that they had in the
3 discovery is a whole different warrant. It contained
4 different name -- a different judge name on it, the
5 different -- they taped the name on it that signed off on
6 it, and some of the evidence is -- everything different
7 about these two warrants. I asked them to suppress this
8 issue. They didn't do that.

9 I also was told -- I also did mention to Ms. McNeill
10 one time that me and Nicole Hurley, we was sexually
11 involved. Yes. I told her this.

12 MS. MCNEILL: Judge, I have to say that he is
13 committing perjury at this very -- I mean, I don't know if
14 you swore him in, but ---

15 THE COURT: Well, I think as far as any alleged
16 relationship with somebody else really kind of goes beyond
17 the scope of this hearing, Mr. Davis. I have to determine
18 whether or not to allow you to withdraw your plea. And
19 any allegations concerning a relationship with somebody,
20 that really is not a part of this proceeding here.

21 DEFENDANT DAVIS: Okay. The reason why I said that,
22 Your Honor, because when me or Ms. Hurley was in a
23 relationship, she got mad at me. And I didn't know that
24 Ms. Hurley was the investigator on this case. I met
25 another guy from the beginning on this case as the

1 investigator. At the end of this case when my trial
2 started, that's when Ms. Hurley come in on the end of
3 this. And Ms. McNeill told me she was -- investigate some
4 of the facts already. But I told her that she wasn't
5 going to do a good job because me and her had been
6 sexually involved.

7 MS. MCNEILL: Obviously, Judge, my stance is that
8 conversation absolutely never took place. It was
9 Ms. Nicole Hurley who helped us to locate his guy that he
10 considers his brother, DeMarcus Barksdale, and the girl
11 Stevie, who's DeMarcus's fiancée. And my client would
12 never give me their location, and so Nicole Hurley found
13 these people who are very important defense witnesses.

14 THE COURT: Okay. I understand.

15 Anything further on this motion to withdraw?

16 DEFENDANT DAVIS: I didn't know -- I didn't know
17 their location, sir, because they had moved from the
18 location, and they had moved to Columbia. That's why I
19 didn't never disclose this information to her because I
20 never knew this information.

21 THE COURT: All right. Anything else?

22 DEFENDANT DAVIS: Yes. And I had brought to
23 Ms. McNeill's attention that I was -- had been touched by
24 my roommate in the SC -- I mean in Laurens County
25 Detention Center, and that I had filed a privel [phonetic]

1 on this matter. And the Investigator Honeycutt told me
2 that I was able to press charges because this guy, he had
3 been doing this. And then he told me it had to go to the
4 solicitor. And it was Solicitor Warren Mowry, he referred
5 to that couldn't no charge be brought because it was all
6 no witness there. It was hearsay.

7 THE COURT: Again, what -- I need for you to
8 concentrate on a basis for me to allow you to withdraw the
9 plea. As far as any sort -- a third party and whether or
10 not Solicitor Mowry could bring charges, that doesn't have
11 anything to do with your plea. You're basically saying
12 that your plea was not voluntary because it was coerced,
13 and so that's what I need for you to center on. And I
14 don't need all this other stuff because that's not going
15 to help me. Okay?

16 DEFENDANT DAVIS: All right, sir. That's it, Your
17 Honor.

18 THE COURT: Is that it? Okay. Thank you, Mr. Davis.
19 Anything further from Mr. Shaffer, Ms. McNeill or
20 Solicitor Mowry?

21 MS. MCNEILL: I just am asking that Your Honor
22 consider allowing him to withdraw his guilty plea and
23 schedule a new trial.

24 THE COURT: Okay.

25 MR. MOWRY: Your Honor, it is a cynical attempt to

1 avoid a guilty verdict. He's obviously been down at SCDC,
2 and now, all of a sudden, where he's going to be for the
3 next 20 years has hit home. He had his opportunity. I
4 was ready to go forward, but he determined that he was
5 willing to plead guilty and end the trial, and he does not
6 deserve a second bite of the apple.

7 THE COURT: All right. Well, I do recognize that on
8 March 28th, that Wednesday afternoon, when -- after I was
9 informed that there had been some plea negotiations that,
10 Mr. Davis, there was some hesitancy, some trepidation on
11 your part to proceed forward with a guilty plea.
12 Recognizing that, I think I went to great lengths to make
13 sure that your plea was freely, knowingly, voluntarily and
14 intelligently made, free of any coercion, threats,
15 pressure or anything that would cause you to enter this
16 guilty plea against your will. And after going through
17 all of that, I made the finding, and I would not have if I
18 was concerned, in any way whatsoever, about your plea, but
19 I made the finding that your plea was freely, voluntarily
20 and intelligently made. You answered that there was no
21 coercion, that there was no threats, that there was no
22 pressure, that there was nothing down to cause you to
23 plead guilty against your will. You specifically told me
24 that. And I asked you on more than one occasion were you
25 pleading guilty because, in fact, you were guilty, and you

1 answered in the affirmative. I realize that you hesitated
2 somewhat at times, but I think, without question, that
3 your plea was freely, voluntarily and intelligently made,
4 free of any coercion, pressure or duress.

5 Consequently, Mr. Davis, I'm going to deny your
6 motion to have your plea withdrawn. I will issue an
7 appropriate order and furnish a copy of the same to the
8 attorneys.

9 Thank you very much. The best of luck to you, sir.

10 MR. MOWRY: Thank you, Your Honor.

11 (WHEREUPON, proceedings concluded at 1:58 p.m.)
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1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF GREENVILLE)

5
6
7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Laurens County, South Carolina, on
14 the 19th day of April, 2018.

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

17
18 July 5, 2018

19
20
21 Cheryl A. Smith

22 Cheryl A. Smith, CVR-M

23 Court Reporter
24
25

STATE OF SOUTH CAROLINA)
)
COUNTY OF LAURENS)
)
State of South Carolina)
)
vs.)
)
Ronald D. Davis,)
)
Defendant.)
_____)

Court of General Sessions

Case Number 2016A3010200117, 118

BENCH ORDER

THIS MATTER CAME FOR HEARING before the undersigned on April 19, 2018 pursuant to Defendant's Motion to Withdraw Plea, filed on April 6, 2018. He filed this Motion prior to filing an appeal document with the Court of Appeals.

The Defendant plead guilty to Voluntary Manslaughter and Possession of a Weapon during the Commission of a Violent Crime on March 28, 2018. The Defendant claims he was coerced by his attorneys to plead guilty. The Court disagrees and finds the plea to have been freely, voluntarily, and intelligently made, free of any coercion.

Motion denied.

Laurens, SC
April 19, 2018



Donald B. Hocker
Circuit Court Judge

RECEIVED

APR 30 2018

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

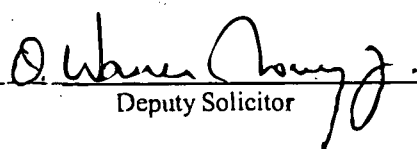
INDICTMENT FOR

Murder
§16-03-0010

At a Court of General Sessions, convened on the 16th day of September, 2016, the Grand Jurors of Laurens County present upon their oath:

That Ronald Duyane Davis did, on or about July 3, 2016, in Laurens County, willfully, feloniously, and with malice aforethought kill one Shana Prophet by means of shooting her with a firearm, and that the said Shana Prophet did die in Laurens County as a proximate result thereof on or about July 3, 2016, in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

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


Deputy Solicitor

WITNESSES

Keith McIntosh
Laurens County Sheriff

WARRANT NUMBER

2016A3010200117

True Bill
Louis Clark
Foreman of the Grand Jury
Date: 9/16/16

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

September Term, 2016

Indictment # 16GS30- 1382

THE STATE

vs.
Ronald Dwayne Davis

INDICTMENT FOR

Murder
§16-03-0010
CDR: 0116

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

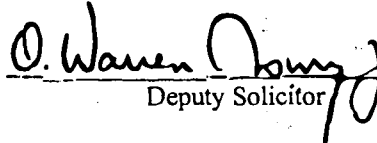
INDICTMENT FOR

Possession of a Firearm during the
Commission of a Violent Crime
§16-23-0490

At a Court of General Sessions, convened on the 16th day of September, 2016, the Grand Jurors of Laurens County present upon their oath:

That Ronald Duyane Davis did, on or about July 3, 2016, in Laurens County, possess a firearm or visibly displayed what appeared to be a firearm during the commission of a violent offense, to wit: Murder, or any lesser included violent offense, in violation of Section 16-23-490 of the South Carolina Code of Laws, 1976, as amended.

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


Deputy Solicitor

WITNESSES

Keith McIntosh
Laurens County Sheriff

WARRANT NUMBER

2016A3010200118

True Bill
Louis Chitt
Foreman of the Grand Jury
Date: 9/16/16

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

September Term, 2016

Indictment # 16GS30-1383

THE STATE

vs.

Ronald Dwayne Davis

INDICTMENT FOR

Possession of a Firearm during the
Commission of a Violent Crime
§16-23-0490

CDR: 0549

COUNTY OF LAURENS

STATE VS.

RONALD DUYANE DAVIS

AKA:

Race: Black Sex: M Age: 42

DOB: SS#:

Address:

City, State, Zip: Fountain Inn, SC 29644

DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or☒ PLEADS

TO: Voluntary Manslaughter

In violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☐ As indicted, ☒ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☒ Recommendation by the State

ATTEST:

O. Warren Mowry, Jr., Deputy Solicitor

4124
SC Bar #

Defendant

Attorney for Defendant

78940
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: PD App Fee \$ 40.5

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 4.95

TOTAL \$ 169.95

Clerk of Court/Deputy Clerk:

Court Reporter:

SCCA/217 (07/2016)

Presiding Judge:

Judge Bar ID:

Sentence Date:

☐ Appointed PD or appointed other counsel, Proviso §61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Judge Code:

2535

2167

3/28/18

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

59

COUNTY OF LAURENS

STATE VS.

RONALD DUANE DAVIS

AKA:

Race: Black Sex: M Age: 42

DOB: SS#:

Address:

City, State, Zip: Fountain Inn, SC 29644

DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Possession Of A Weapon During The Commission Of A Violent Crime

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or Lewd Act)
The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

O. Warren Mowry, Jr., Deputy Solicitor SC Bar # 4124

Defendant

Attorney for Defendant

78940 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 16-65-30-1382☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Credit 633 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Ordered PTUP

_____ days/hours Public Service Employment

Obtain GED ☐☐ Set by SCDPPPS

Recipient: _____

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 3.75TOTAL \$ 128.75

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

Proviso §61.6 requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge: _____

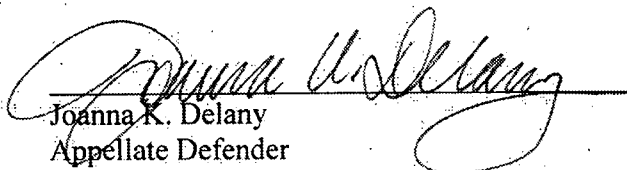
Judge Bar ID: 2535Sentence Date: 3/28/18Judge Code: 2167Clerk of Court/Deputy Clerk: Lyn W LancasterCourt Reporter: Scott

SCCA/217 (07/2016)

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Joanna K. Delany
Appellate Defender

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

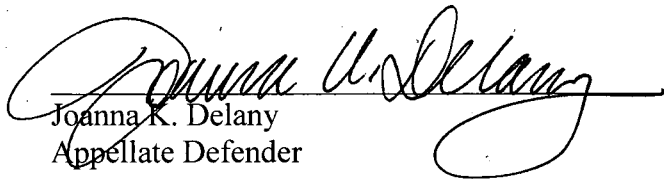
ATTORNEY FOR APPELLANT

This 5th day of June, 2019.

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,


Joanna K. Delany
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 5th day of June, 2019.

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JUN 05 2019
SC Court of Appeals