

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Berkeley County

Honorable Deadra L. Jefferson, Circuit Court Judge

FELICIA N. COOPER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-002181

APPENDIX

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JUN 17 2019

S.C. SUPREME COURT

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1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF BERKELEY) COURT OF GENERAL SESSIONS
 2015 GS 08 1159 ; 1160; 1161;
 1162; 1163

3
 4 STATE OF SOUTH CAROLINA)
 5)
 6 versus) TRANSCRIPT OF RECORD
 7)
 8 FELICIA NICOLE COOPER)
 9 Defendant)

10 Moncks Corner, South
 11 Carolina
 June 15, 2016

12 B E F O R E :

13 HONORABLE G. THOMAS COOPER, JR., Judge Presiding

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

16 For the State: ANNE WILLIAMS, Esq.
 Assistant Solicitor
 17 For the Defendant: WILLIAM RUNYON, Esq.
 18 Reporter Present: MIA PERRON

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HARRIET P. BENNETT
 Reporter, S.C. Court Administration
 46 Regency Oaks Drive
 Summerville, S.C. 29485

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EXHIBITS

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Court's Exhibit 1 - Mental Eval. Report, p. 12

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Court's Exhibit 2 - Letter of CS [REDACTED], p. 17

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1 (The within matter came before the Court for hearing on
2 June 15, 2016)

3 THE COURT: Felicia Nicole Cooper.

4 (Whereupon, Defendant Felicia Nicole Cooper was sworn by
5 the Clerk)

6 THE COURT: All right, Solicitor.

7 SOLICITOR: Thank you, Your Honor. Ms. Cooper is here
8 represented by her lawyer, Bill Runyon, and she is here to
9 plead guilty without recommendation to Indictment Number 2015
10 GS 08 01159, attempted murder; to 01160, attempted murder; to
11 01161, attempted murder; 01162, possession of a weapon during
12 the commission of a violent crime; and 01163, possession of a
13 handgun with the serial number obliterated.

14 THE COURT: All right. Mr. Runyon, you represent the De-
15 fendant, Ms. Cooper?

16 MR. RUNYON: Yes, Your Honor.

17 THE COURT: Have you advised her of the charges contained
18 in the Indictments and her right to a trial by jury?

19 MR. RUNYON: Yes, Your Honor.

20 THE COURT: How does your client indicate she wishes to
21 plead?

22 MR. RUNYON: She wishes to plead as tendered by the Indict-
23 ments.

24 (Brief pause in the proceeding)

25 THE COURT: Ms. Cooper, you are charged in several

1 Indictments. You are charged with three counts of attempted
2 murder, each of which carries a penalty of up to thirty years
3 in jail.

4 Do you understand that?

5 DEFENDANT: Yes, sir, I do.

6 THE COURT: And you are also charged with two weapons
7 charges, one being possession of a weapon during the commission
8 of a violent crime and the second being possession of a handgun
9 which had the serial number obliterated.

10 Each of those charges carries a penalty of up to five
11 years in jail. Do you understand those charges?

12 DEFENDANT: Yes, sir, I do.

13 THE COURT: Do you understand the charges you face require
14 that you plead guilty or not guilty; that is, guilty of all
15 charges or not guilty?

16 DEFENDANT: Yes, sir.

17 THE COURT: You have the right to remain silent, but do
18 you understand that by pleading guilty you give up your right
19 to a trial by jury?

20 DEFENDANT: Yes, sir.

21 THE COURT: If you determined to have a trial by jury the
22 State would give you a trial by jury. Do you understand that?

23 DEFENDANT: Yes, I do.

24 THE COURT: At that trial, you would have a right to con-
25 front any witnesses the State put up to testify against you, to

1 have your lawyer cross examine those witnesses during a trial,
2 and you would have a right to present any evidence in your own
3 defense.

4 You would be able to testify in your own defense if you
5 wished to do so but no one could make you testify at your own
6 trial.

7 If you decide you wanted a trial and did not want to tes-
8 tify, the Judge would tell the jury that they could not hold
9 the fact that you did not testify against you. In fact the
10 jury could not even consider the fact that you did not testify
11 during deliberations on your guilt or innocence.

12 That you would be presumed innocent throughout your trial,
13 and the State would have to prove you guilty beyond a reason-
14 able doubt to a jury of twelve people. Twelve people would
15 have to unanimously agree that you were guilty of the charges
16 before they could convict you.

17 That if you were convicted, you would have the right to
18 appeal that conviction.

19 Do you understand all of that?

20 DEFENDANT: Yes, sir, I do.

21 THE COURT: Understanding your right to a trial by jury,
22 do you still want to plead guilty?

23 DEFENDANT: Yes, sir.

24 THE COURT: Has anyone promised you anything or held out
25 any hope of reward to get you to plead guilty?

1 DEFENDANT: No, sir.

2 THE COURT: Are you satisfied with the manner in which your
3 attorney has advised and represented you in this case?

4 DEFENDANT: Yes, sir.

5 THE COURT: Has he done everything you've asked him to do
6 in his representation of you and preparation for this plea?

7 DEFENDANT: Yes, sir.

8 THE COURT: Are you satisfied with his advice?

9 DEFENDANT: Yes, sir.

10 THE COURT: Are you under the influence of any alcohol or
11 drugs or prescription medication at this time?

12 DEFENDANT: No, sir.

13 THE COURT: Are you aware of any mental or emotional con-
14 dition that would prevent your understanding of what you are
15 doing here today?

16 DEFENDANT: No, sir.

17 THE COURT: Are you pleading guilty here today of your own
18 free will and accord?

19 DEFENDANT: Yes, sir.

20 THE COURT: Mr. Runyon, do you believe that this plea is
21 in the best interests of your client?

22 MR. RUNYON: Yes, Your Honor.

23 THE COURT: All right, Solicitor. Give me the facts be-
24 fore we go forward.

25 SOLICITOR: Thank you, Your Honor.

1 By way of background, Your Honor, the victims in this case
2 are Mr. Shivers, Shawn Shivers and their thirteen year old
3 daughter, CS [REDACTED], and Mr. Shivers had an affair with the
4 Defendant in this case.

5 During that period of time she accused him of domestic vio-
6 lence, and in doing an analysis of all the evidence in that
7 case it was determined that that charge was actually fabricated
8 by her.

9 There was a tape recording of the period of time she said
10 he beat her, and the officer who investigated would say that it
11 was proof that it never happened.

12 She was told the day before the events regarding this par-
13 ticular plea that -- the day before she was told by the Soli-
14 citor's Office they would be dropping the charge, and she did
15 not take the news well.

16 The very next day she went to the victim's house and she
17 knocked on the door. Behind the door Mr. Shivers was watching
18 a basketball game, the victim in this case, with his thirteen
19 year old daughter. This was at night. His wife was upstairs.

20 They looked through the peep hole and there was nobody
21 there, and this went on two or three times. They kept looking
22 out and nobody was there.

23 Finally, Mrs. Shivers came downstairs and looked through
24 the window, and at that minute the Defendant fired a weapon at
25 her.

1 I think her husband or her daughter --they were sitting
2 just behind that window watching the game. At that time they
3 didn't know who was shooting in at them.

4 Mr. Shivers then ran out the door at which point he re-
5 cognized Ms. Cooper. She fired the weapon at him too, and dur-
6 ing that time in that residential neighborhood there were peo-
7 ple around. Ms. Cooper fired the weapon at him two more times.

8 A neighbor called the police, and the police then re-
9 sponded.

10 Ms. Cooper eventually ran away and dropped the weapon.
11 Mr. Shivers watched all of this happen under the cover of a
12 pickup truck that he had been hiding behind after she fired
13 the weapon at him.

14 She was later picked up, and I think it was also note-
15 worthy that before these events occurred and for a couple of
16 years Ms. Cooper was harrassing and stalking the wife of Mr.
17 Shivers, one of the victims in the case.

18 In fact, she had gotten a Restraining Order against her in
19 2010 and 2011.

20 Ms. Cooper would follow her to her work place which was
21 MUSC. She could call her house, and eventually there was a
22 harrassment charge against Ms. Cooper and she pled guilty to
23 that charge in January of this year, and that is the extent of
24 her criminal record.

25 Additionally, I think it is important for the Court to

1 also know that this was not the first time that Ms. Cooper had
2 engaged in this kind of behavior.

3 Back in 2007 there was another police officer that she
4 accused of domestic violence, and ultimately that charge was
5 determined to be not true and certainly not proveable. Those
6 charges were dropped.

7 Mr. Shivers is here today with his wife, Shawn Shivers,
8 and they both would like to address the Court at the appropri-
9 ate time.

10 Mr. Shivers is well aware of his responsibility in the
11 matter, and I don't think a day goes by that he does not feel
12 remorse for his actions and the way it has affected his family.

13 I think also that the Court has seen a mental evaluation
14 that I believe Mr. Runyon would like to make a part of the re-
15 cord, and I think it is note-worthy that under the M'Naghten
16 Standard she would be criminally responsible. She does know
17 the difference between right from wrong, and she does not meet
18 the criteria of guilty but mentally ill.

19 In other words, she reported her behavior to the law, and
20 when she dropped the weapon, Your Honor, it was retrieved by
21 the law and noted that the serial number was obliterated.

22 Again, I would ask you to please note the harrassment
23 charge that was connected to this series of events, and I think
24 it would be fair to say that the victims have had the most peace
25 they have had since 2010 while the victim remained in jail.

1 She is not harrassing them, not stalking them, and they
2 don't have any worries about the safety of their daughter.

3 At the appropriate time I know Shawn Shivers would like
4 to address the Court. I'm not sure whether Mr. Shivers would
5 like to as well.

6 THE COURT: Ms. Cooper, the facts that have been related
7 to me, you heard those facts?

8 DEFENDANT: Yes, sir.

9 THE COURT: Are they correct?

10 DEFENDANT: Yes, sir.

11 THE COURT: I find that the decision of the Defendant to
12 plead guilty to these Indictments was freely, voluntarily and
13 intelligently made, and that she has had the advice and counsel
14 of a competent attorney, Mr. Runyon, with whom she says she is
15 satisfied.

16 I find there is a factual basis for the pleas and will ac-
17 cept them, Ms. Cooper.

18 If you disagree with the sentence I give you or any of the
19 proceedings we have just completed, you have ten days from to-
20 day's date in which to file a notice of intent to appeal. Do
21 you understand that?

22 DEFENDANT: Yes, sir.

23 THE COURT: Mr. Runyon, if you will address first the is-
24 sue of the mental evaluation?

25 MR. RUNYON: Well, Your Honor, the evaluation is fairly straight-

1 forward, and if it is made a part of the record it will be
2 available should anyone need it.

3 SOLICITOR: We would have no objection to it.

4 THE COURT: If you would go ahead and mark it.

5 REPORTER: Yes, sir.

6 (Mental evaluation report marked Court's Exhibit 1)

7 MR. RUNYON: We believe it is relevant as to any future
8 proceedings or inquiry or what have you.

9 In addition to that, Your Honor, I know the Court has had
10 an opportunity to review it, and while the conclusion of the
11 psychiatric review was, as Ms. Williams said, related to crim-
12 inal responsibility and ability to go forward as to competence,
13 I would call the Court's attention to the pages three and four
14 of the report.

15 The third page goes to the educational history, vocational
16 history and also with regards to her legal history which is
17 relatively positive.

18 If you look at page four as to her psychiatric history,
19 while she is not mentally incompetent, she has had through the
20 years extensive contact with psychiatric forums of the medical
21 profession.

22 It is clearly set out there that she has been hospitalized
23 in the past. She was hospitalized at Palmetto Behavioral, and
24 in fact she was arrested by the Berkeley County Sheriff's Of-
25 fice on the night in question, and after the folks at St.

1 Francis had reviewed her and had given up her treatment to
2 Palmetto Behavioral. After her arrest she was taken there by
3 her father who had found her that night.

4 Your Honor, this is a situation, you know, that -- she
5 has seen me throughout this. In June of 2000 she assisted a
6 Ms. Margaret Butler in North Charleston to such an extent that
7 she received appreciation from Mayor Summey for her assistance
8 to her.

9 She has worked in day care, she has worked various places.
10 Needless to say, her difficulties stem from her relationships,
11 particularly with Mr. Shivers, and I don't want to be graphic
12 and go into too much detail and I'm sure it was traumatic for
13 everyone involved, but it was extremely traumatic for her.

14 The result was when she went to the house, seeking to do
15 whatever she intended to do, and I assume based on talking to
16 her that she wanted to somehow cement the relationship, but you
17 don't cement a relationship with a gun.

18 The relationship was undocumented and went back and forth.
19 Even when Mr. Shivers' marriage was on-going he would go to her
20 house or that of her parents. Her parents are here, and he
21 would go to her house with them. Things of that sort, and so,
22 Your Honor, we can't tell you that is any excuse for what hap-
23 pened, but we could also point out that this was not some ran-
24 dom act.

25 This was something which -- I think they made a very

1 famous movie out of this kind of a relationship and the problems
2 that come from them.

3 Therefore, I would ask the Court to consider all of these
4 factors. It is well documented that but for this situation,
5 this relationship -- obviously she was seeking a permanent re-
6 lationship with someone and maybe he wanted a relationship with
7 her. I don't know, but the simple fact is that that is what
8 led us to this particular situation.

9 She was arrested on that particular night, and she has
10 been in jail ever since then. We would ask the Court to con-
11 sider all of that imposing a sentence.

12 THE COURT: All right. Thank you.

13 MR. RUNYON: She was raised in North Charleston. Her
14 mother and father are here, and I assume they may want to ad-
15 dress the Court.

16 MR. COOPER: My name is Edward Cooper, and I'm her father.
17 I would like to tell the Court that this was an ongoing situa-
18 tion between my daughter and Mr. Shivers.

19 I kept telling her that I wanted it to end because I
20 would tell her he was married, but he continued to come to my
21 house to see my daughter. It was ongoing, and it all started
22 because of him -- because of him, an ongoing thing.

23 (Portion inaudible)

24 He was married and she was a single woman and he kept
25 coming to my house, to my home. Everything that happened is on

1 him, and everything that happened -- we didn't raise her that
2 way.

3 THE COURT: Thank you.

4 MR. RUNYON: Your Honor, the Cooper Family has lived in
5 North Charleston all their lives and raised Felicia. She did-
6 not complete high school but she did get her GED.

7 They are a church-going family, and as you heard from Mr.
8 Cooper, the intercession of her family didn't help the situa-
9 tion to end, without question.

10 Obviously, Judge, this is serious and these people could
11 have been injured or worse. He should not have been the ob-
12 ject of her affections.

13 The decision is left to you as to what to do with her.
14 She obviously is going to need some assistance over the coming
15 years to take care of her problems. She is going to have to
16 have continued treatment just because she's got this long his-
17 tory of having sustained psychiatric treatment.

18 THE COURT: Is she on medication now?

19 MR. RUNYON: No, Your Honor. She is not on medication
20 now. She was stabilized for a while at the Berkeley County
21 Jail and then they changed the -- they got a new situation with
22 a doctor, but he doesn't practice law and I don't practice
23 medicine, so -- I think it was determined that they didn't need
24 to continue what had been ongoing there for her at the jail.

25 THE COURT: Anything further from the State?

1 SOLICITOR: Yes, Your Honor, and I neglected to put the
2 State's position on sentencing on the record. We are asking
3 for the maximum amount of time that you can give her. The
4 maximum is thirty years.

5 When I look at the pages that Mr. Runyon pointed out on
6 the mental evaluation, I am struck by the fact that this woman
7 has had mental health care since the age of seventeen, and it
8 honestly has not worked.

9 The care she's been getting has led to nothing but more
10 problems, and she has not responded to the care she has been
11 given, a lot of care.

12 I would also like to remind the Court that not only were
13 these people at risk but there were neighbors around where she
14 was shooting. This could have led to a much more serious
15 charge.

16 It is the State's position that we are asking for signifi-
17 cant time, as close to the thirty years as the Court would wish
18 to go.

19 I know that Ms. Shivers wishes to speak to the Court, and
20 this is the wife of Mr. Shivers who was standing at the window
21 when she shot the gun the first time.

22 MS. SHIVERS: Your Honor, I'm Shawn Shivers, and I would
23 just like to say that I understand Mr. Cooper's point of my
24 husband having an affair with Felicia, but what he doesn't un-
25 derstand is that I have done everything the law would allow to

1 keep her away from us but nothing helped, and to what point did
2 it help for her to come to my front door and shoot at my fam-
3 ily. I never came at her. She always came at me.

4 We were there on a Saturday night and I had ordered pizza.
5 Suppose someone in there had opened the front door thinking it
6 was the pizza? It is just unfair that she can continue to do
7 these things to people and I don't understand. She has done
8 this before.

9 (Portion inaudible)

10 I just don't want to hear that she has gone through so
11 much. I understand she has problems but (portion inaudible).
12 My daughter could have gotten hurt. It is just unfair she's
13 done this and continued to do it. Please understand that I
14 have been totally at peace now for the last year because she
15 was locked up. I'm just -- I don't want us to have to suffer
16 any more or worry about her doing harm to us. No family
17 should have to go through this. I've just worried about it
18 for so long, and I am glad it is finally over.

19 MS. WILLIAMS: Your Honor, we have a letter from Miss
20 Shivers as well. We would make that Court's Exhibit 2.

21 MR. RUNYON: We have a copy of that, Judge. There's no
22 objection.

23 (Letter marked Court's Exhibit 2)

24 (Portion inaudible that is noted on Reporter's notes
25 as statement by Mr. Shivers.)

1 MR. SHIVERS: Judge, she would come to my job when I was
2 working but when she came to my house -- she came to my house
3 with my daughter there. If she had wanted to get me she
4 could have done that somewhere else, but she come to the front
5 door and she started shooting.

6 That's it for me. That's beyond (portion inaudible).

7 THE COURT: All right, thank you.

8 Anything further from anyone?

9 MR. RUNYON: Judge, I would just want to make one more
10 point. The State has alerted the Court to the fact that over
11 the years there has been a problem in the care of mentally ill
12 prisoners.

13 Certain Jurists have addressed those issues, and that some
14 twenty to thirty percent of prisoners in this State are mentally
15 ill and do not receive the correct mental health treatment,
16 those who are guilty but mentally ill.

17 I would therefore ask the Court to take that into consid-
18 eration. We have a problem here and we can do one of two things.
19 We can address the problem or just lock it up.

20 THE COURT: I would say that I have some difficulty with
21 that, and I realize there is a problem.

22 MR. RUNYON: My client would like to address the Court,
23 Judge.

24 THE COURT: Yes, maam.

25 DEFENDANT: I can appreciate that I was in a relationship

1 that was going nowhere. It was always that he was just play-
2 ing with me, and I have told him no before.

3 The incidents I had with Ms. Shivers -- I wasn't harrassin
4 her. She would come downtown to Charleston to the area where I
5 was working, and she would go in a store right across the street
6 from where I work at and remain there. She would do that and
7 after that is when I got arrested.

8 I didn't know she was taking me to Court until I got ar-
9 rested, and I got arrested on my job going to work. She tell
10 them that I was harrassing her but I was only going back and
11 forth to work. I got arrested at my job.

12 Then she say that I harrass her, and I had no idea of no-
13 thing going on.

14 (Portion inaudible)

15 I'm not the one that's married. You understand? He came
16 around after I said no, and for her to say that I was harrass-
17 ing her as much as she said I was, it would be that I didn't go
18 to work or do anything else but that, which is not true.

19 MR. RUNYON: Your Honor, she's trying to tell you some of
20 the history that led to this event.

21 THE COURT: She hasn't told me anything about the shooting
22 itself.

23 DEFENDANT: The shooting -- when I found out that once
24 again that I was going to have to go before the Court I was
25 angry, and so I flipped out. My decision was not to do anything

1 to the child whatsoever. I didn't know that Shawn was there
2 either. I went there with no clue those three were in the
3 house, and I did what I did in my anger.

4 I didn't want to hurt anybody. I just wanted to make sure
5 they would leave me alone. I didn't want to have contacted with
6 them any more and for them to leave me alone. I didn't want to
7 hurt nobody.

8 I wanted to scare him so that he would leave me alone.

9 THE COURT: Anything further, Mr. Runyon?

10 MR. RUNYON: We commend the matter to the Court, and ask
11 for your consideration. We're here for you to make a decision.

12 THE COURT: Anything further?

13 SOLICITOR: No, Your Honor.

14 THE COURT: All right. As to the gun charges, the sentence
15 of the Court is that you be committed to the State Department
16 of Corrections for a period of five years.

17 On the three attempted murder charges, the sentence of the
18 Court is that you be committed to the State Department
19 of Corrections for a period of twenty years; provided, however,
20 that upon the service of twelve years the balance of the sen-
21 tence would be suspended and that you would be placed on proba-
22 tion for a period of three years.

23 The sentence on the gun charges are to run concurrent
24 with the attempted murder sentence given to you.

25 ----- END OF REQUESTED TRANSCRIPT OF RECORD-----

CERTIFICATE

I, HARRIET P. BENNETT, Court Reporter for South Carolina Court Administration, hereby certify that the foregoing Transcript was prepared from the records of Mia Perron to the best of my ability, having been heard in the Court of General Sessions for Berkeley County on June 15, 2016.

FURTHER, I certify that I am neither of kin nor counsel to any party to this action, nor do I have any interest in the same.

February 15, 2016

Harriet P. Bennett

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF

Felicia Nicole Cooper

366402
Full name and prison number (if any) of Applicant.

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2016-CP-08-2207

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS B 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 Berkeley County Detention Center.
2. Name and location of Court which imposed sentence Berkeley County, SC
3. Name(s) of co-defendant(s) (if any) NA
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2015-GS-08-01159
 - (b) 2015-GS-08-01160
 - (c) 2015-GS-08-01161
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 6-15-16
 - (b) _____

FILED
2016 SEP 19 PM 4:24
HARRY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

4. 2015-GS-08-01162
2015-GS-08-01163

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty X
- (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 Ayes@ 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 Ano@ to (7), state your reasons for not so appealing:
- (a) See back of page 2.
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Counsel: Mislead me with misleading statements.

9. I did try to have my case appealed but my attorney William Runyon would not speak with me or my family after court. I did write the Court of appeals to try and get an appeal on my own, but they responded back with a letter stating that my lawyer had to file the appeal for me and I still have both my letter which the court of appeals stamped and sent back and their response.

- (b) Ineffective Counsel: Attorney failed to properly investigate my case
 (c) Ineffective Counsel: Attorney explained one plea I signed for but not what I was sentenced.
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) see back of page 3.
 (b) _____
 (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
 (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered Ayes@ 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 was told by my lawyer William Runyon that I was signing a guilty plea that he and both solicitors working on my case had agreed upon which was 6 years probation, community service along with 15 months time served in County. I would have never signed a plea for 20 years suspended to 12, with probation. Especially after William Runyon my lawyer told me and my family I was going home and he even had my family bring me clothes to leave in because I had none at the County. I also never had a Prelim or bond Reconsideration because my lawyer told me to sit with that bond until my plea and it would help me go home.

- 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) See back of page 4.

(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? NO

(c) your sentencing? yes

I had my Attorney for 15 months and when I finally got to court he barely knew my case. He was studdering and overwhelmed every time he needed to speak. Any time he was asked a question he had to ask me for the answer.

Attorney was ineffective he Refused to talk to me after Verdict to explain why I Recieved a different plea than what we agreed and what he explained for me to sign.

- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO
18. If you answered Ayes@ to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. William Runyon, Charleston, SC
- ii.
- iii.
- (b) the proceedings at which each such attorney represented you:
- i. plea
- ii. sentencing
- iii.
19. State clearly the relief you seek in filing this application:
- Time served, New Trial, Sentence Reduction, Dismissal,
- Sentence vacated, Sentence Set aside, Acquittal,
20. Are you now under sentence from any other court that you have not challenged?
- NO

STATE OF SOUTH CAROLINA)

VERIFICATION)

County of)

I, Felicia Cooper

, 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.

[Signature] 366402

SWORN to and subscribed before me this 16th
day of September, 2016

[Signature] (L.S.)
Notary Public

My Commission Expires: July 22nd 2026

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

2016 SEP 19 PM 4:24

FILED

STATE OF SOUTH CAROLINA)

VERIFICATION

County of)

Felicia Cooper

I, Felicia Cooper, 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.

[Signature] 366402

SWORN to and subscribed before me this 12th
day of September, 2016.

[Signature] (L.S.)
Notary Public

My Commission Expires: July 22nd 2026

2016 SEP 19 PM 4:28
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

TSM

FILED

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

Felicia Nicole Cooper, #366402,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Case No. 2016-CP-08-2207

RETURN

Respondent (the "State"), making its Return to the application for post-conviction relief filed on September 19, 2016, would respectfully show this Court:

I. Procedural History

Felicia Nicole Cooper ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. In July 2015, the Berkeley County Grand Jury indicted Applicant for three counts of attempted murder (2015-GS-08-1159, -1160, -1161), possession of a weapon during the commission of a violent crime (2015-GS-08-1162), and possession of a handgun with an obliterated serial number (2015-GS-08-1163). William Runyon, Esquire, represented Applicant. Assistant Solicitor Anne Williams, Esquire, prosecuted the case. On June 15, 2016, Applicant pled guilty as indicted to all three counts of attempted murder and possession of a weapon during the commission of a violent crime before the Honorable G. Thomas Cooper, Jr. Applicant also pled guilty to unlawful sale or delivery of a pistol and possession by certain persons. Judge Cooper sentenced Applicant to imprisonment for concurrent terms of twenty years, suspended upon service of twelve years with three years' probation for each attempted murder charge. Applicant was sentenced to five years for each weapons charge. Applicant did not appeal her conviction or sentence.

II. Factual Summary

Applicant was engaged in an affair with a married man and, during their relationship, accused him of domestic violence. (Tr. 8). After an investigation, law enforcement determined Applicant had fabricated the evidence and the charges against him were dropped. (Tr. 8). The next evening, Applicant went to his home, where he was watching television with his daughter; his wife was also home. (Tr. 8-9). Applicant rang the doorbell several times until his wife eventually came to the door. (Tr. 9). Upon seeing her at the door, Applicant shot at her, and then eventually shot at her lover. (Tr. 9). She continued to fire the gun multiple times before eventually dropping the weapon and running away. (Tr. 9). Law enforcement arrived on the scene and found Applicant's discarded weapon, which they discovered had an obliterated serial number. (Tr. p. 10).

III. Allegations Raised

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

1. "Ineffective Counsel: Mislead me with misguiding statements."
2. "Ineffective Counsel: Attorney failed to properly investigate my case."
3. "Ineffective Counsel: Attorney explained one plea I signed for, but not what I was sentenced. I was told by my lawyer William Runyon that I was signing a guilty plea that he and both solicitors working on my case had agreed upon which was 6 years' probation, community service along with 15 months time served in county. I would have never signed a plea for 20 years suspended to 12, with probation. Especially after William Runyon my lawyer told me and my family I was going home and he even had my family bring me clothes to leave in because I had none at the county. I also never had a prelim or bond reconsideration because my lawyer told me to sit with that bond until my plea and it would help me go home."

Attached to this Return and incorporated by reference are the records of the Berkeley County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the guilty plea transcript, and the post-conviction relief application. The State reserves the right to amend this Return upon receipt of any relevant materials.

IV.

The State submits Applicant's allegations of ineffective assistance of counsel are without merit. In a post-conviction relief action, Applicant bears the burden of proving the allegations in her 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 that "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 (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, 466 U.S. 668. First, Applicant must prove that 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). The 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 the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty 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, 106 (1985).

The State 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, the State requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Applicant must specify any claims she intends to raise at the post-conviction relief evidentiary hearing. Any claims not specifically laid out in this post-conviction relief 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 individual 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.

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

VII.

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

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

By: Megan Harrigan Jameson
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

6/21, 2017

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BERKELEY	)	
	)	
	)	2016-CP-08-2207
FELICIA NICOLE COOPER,	)	
S.C.D.C. No. 366402,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

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

Rodney Davis, Esquire
Lowcountry Law Office
4000 Faber Place Drive, Suite 300
Charleston, SC 29405

DATED this 21st day of June, 2017.


 Brianna Arnone, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA	)	THE COURT OF COMMON PLEAS
	)	
COUNTY OF BERKELEY	)	DOCKET NO. 2016-CP-08-2207
	)	
	)	
FELICIA N. COOPER	)	
	)	
Applicant	)	
	)	
vs.	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
Respondent	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

July 23, 2018
Charleston, South Carolina

B E F O R E:

THE HONORABLE DEADRA L. JEFFERSON, JUDGE

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

RODNEY D. DAVIS, ESQ.
Attorney for the Applicant

KELLY OPPENHEIMER, ESQ.
Attorney for the State

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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 No exhibits were introduced

Felicia N. Cooper v State
Post Conviction Relief Hearing
July 23, 2018

1 PROCEEDINGS

2 THE COURT: This is Felicia Cooper versus the
3 State, 2016-CP-08-2207. It's before the Court on an
4 application for post-conviction relief. The amended
5 application was filed July 13th of 2018 and the return
6 was subsequently filed -- Mr. Davis, are you ready to
7 proceed?

8 MR. DAVIS: I am, Your Honor.

9 THE COURT: It was filed on June 26 -- the original
10 return was filed June 26th and I assume an amended
11 response was ---

12 MS. OPPENHEIMER: --- Your Honor, the State did not
13 do an amended return.

14 THE COURT: Okay, perfect.

15 MR. DAVIS: The only addition, Your Honor was the
16 claim of not making the appeal on behalf of the client.
17 So the State is aware that we didn't expect a return.

18 THE COURT: Okay. Call your first witness.

19 MR. DAVIS: Your Honor, if I could just very
20 briefly at the very beginning. And this is a Berkeley
21 case ---

22 THE COURT: --- I've read the whole file. I did it
23 during my chambers. I read ahead of time so we can make
24 time as a premium.

25 MR. DAVIS: I'm just saying she will waive

Felicia N. Cooper v State
Post Conviction Relief Hearing
July 23, 2018

1 jurisdiction and it will be handled here in Charleston.

2 One other matter Your Honor, just ---

3 THE COURT: --- well, the venue not jurisdiction.

4 MR. DAVIS: Venue; I apologize. Your Honor, in
5 looking through prior records of my client, and I've
6 spoken with her about this, she actually handled -- Your
7 Honor handled the plea on December 15. It was a one-year
8 suspended to time served. She has no issue ---

9 THE COURT: --- December 15 of '17?

10 MR. DAVIS: December 11th of '15.

11 THE COURT: December 11th of '15? I heard her
12 guilty plea?

13 MR. DAVIS: Yes, Your Honor.

14 THE COURT: And it was on -- I thought she looked
15 familiar -- it was on a different charge though unrelated
16 to this case?

17 MR. DAVIS: It was, Your Honor. But just in an
18 abundance of caution she is aware of it, she has no issue
19 with you hearing this case and we're happy to deal with
20 this today to accommodate Mr. Runyon's schedule. We
21 understand what he's been through and it's been
22 rescheduled several times but we're happy to do it today.

23 Finally Judge, I have gone over with her the fact
24 that if we are -- if we go forward and is successful she
25 would be starting over with three attempted murder

Felicia N. Cooper, v State
Post Conviction Relief Hearing
July 23, 2018

1 charges. She understands the potential punishment and to
2 go ---

3 THE COURT: --- are they out of the same incident
4 or separate incidents?

5 MR. DAVIS: One incident, Your Honor.

6 THE COURT: Does she have any other most serious
7 offenses?

8 MR. DAVIS: No, Your Honor. What I mentioned the
9 2015 and this is her entire record.

10 THE COURT: Okay. Call your first witness.

11 MR. DAVIS: Thank you, Your Honor.

12 THE COURT: You're welcome.

13 MR. DAVIS: We'd call Ms. Cooper to the stand.

14 THE COURT: Ma'am, if you would stand for me please
15 and raise your right hand to be sworn.

16 [Whereupon, the witness complies]

17 [Whereupon, the witness is duly sworn by the Court]

18 THE COURT: You can put your right hand down. If
19 you would take your seat, state your full name for the
20 record, spell your last name for the court reporter and I
21 need you to speak loudly and clearly so she can take down
22 everything you say.

23 THE WITNESS: Felicia Nicole Cooper, C-O-O-P-E-R.
24
25

Felicia N. Cooper v State
Post Conviction Relief-Felicia Cooper-Direct Examination by Mr. Davis
July 23, 2018

1 MR. DAVIS: Your Honor would I allowed to sit here
2 and question her rather than stand at the podium? Or
3 would that be a problem?

4 THE COURT: You can stand where you are; just as
5 long as she projects her voice toward the court reporter
6 and you project yours toward the court reporter.

7 MR. DAVIS: Yes, Your Honor.

8 THE COURT: Thank you.

9 - - - - -

10 FELICIA COOPER,

11 { Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. DAVIS:

15 Q. Felicia, could you quickly tell the Judge where you
16 were born and where you grew up?

17 A. From North Charleston, South Carolina.

18 Q. And where did you go to school?

19 A. North Charleston High School.

20 Q. Did you graduate?

21 A. No. I went and got my GED.

22 Q. Okay. Did you have your GED prior to the conviction
23 we're here about today?

24 A. Yes, sir.

25 Q. What about family; do you still have family in the

Felicia N. Cooper v State
Post Conviction Relief-Felicia Cooper-Direct Examination by Mr. Davis
July 23, 2018

1 area?

2 A. Yes, sir.

3 Q. And I think there are some in the courtroom with us

4 today?

5 A. Yes, sir.

6 Q. Now we were talking to you about the five charges I

7 just mentioned to the Court. Who was your attorney for

8 the five charges that we're dealing with today?

9 A. William Runyon.

10 Q. And how was he hired do you know?

11 A. By my Dad.

12 Q. Now jumping ahead to when Mr. Runyon worked for you

13 approximately how many times would you say that he met

14 with you prior to going to court?

15 A. Probably three or four times about ten or 15 minutes

16 each time.

17 Q. Okay. Now did you make bond on these charges or did

18 you remain in jail?

19 A. I remained in jail.

20 Q. Okay. And ultimately you went to court on June

21 15th, 2016 for a guilty plea, is that right?

22 A. Yes, sir.

23 Q. Was there an additional meeting at the courthouse

24 prior to that plea?

25 A. Yes for about five minutes just for me to sign a

Felicia N. Cooper v State
Post Conviction Relief-Felicia Cooper-Direct Examination by Mr. Davis
July 23, 2018

1 piece of paper but I didn't know what it was. He just
2 wanted me to sign it because he already spoke to the
3 Solicitor about it.

4 Q. Okay. We'll come back to that in just a bit. As to
5 the five charges you were facing at any point did he
6 review with you the elements of the different offenses?

7 A. No.

8 Q. So did he ever talk to you about what the State
9 would have to prove to convict you of attempted murder?

10 A. No.

11 Q. Did he ever talk to you about what the State would
12 have to prove to convict you of -- forgive me, Your
13 Honor; I want to get the gun charges correct --
14 possession of a weapon ---

15 THE COURT: --- obliterated serial number and
16 possession of a weapon during the commission of a violent
17 crime.

18 MR. DAVIS: Thank you, Your Honor.

19 Q. [Mr. Davis] As to those two weapons charges did he
20 ever tell you what the State would have to prove to
21 convict you of those charges?

22 A. No, sir.

23 Q. In these three or four meetings prior to the
24 courthouse meeting was there ever a discussion about the
25 burden of proof or what the State would have to show for

Felicia N. Cooper v State
Post Conviction Relief-Felicia Cooper-Direct Examination by Mr. Davis
July 23, 2018

1 a conviction to happen?
2 A. No, sir.
3 Q. What the legal phrase of beyond a reasonable doubt?
4 Was that ever discussed?
5 A. No, sir.
6 Q. Now did Mr. Runyon talk to you about potential
7 sentences for these charges?
8 A. --
9 THE COURT REPORTER: I'm sorry; I didn't hear your
10 answer.
11 A. No, sir.
12 Q. [Mr. Davis] Did he indicate to you what each of the
13 three attempted murder charges would carry?
14 A. Yes, sir.
15 Q. And what did he say they might carry?
16 A. Up to 30 years for each.
17 Q. Okay. And what about for the weapons charges?
18 A. Ten years.
19 Q. Was there any discussion during these three or four
20 meetings with Mr. Runyon about what is called most
21 serious offenses?
22 A. No, sir.
23 Q. Or even serious offenses?
24 A. No, sir.
25 Q. What about the term no parole offense?

Felicia N. Cooper v State
Post Conviction Relief-Felicia Cooper-Direct Examination by Mr. Davis
July 23, 2018

1 A. No, sir.

2 Q. What about a discussion of serving 85 percent of a
3 sentence that you'd be given?

4 A. No, sir.

5 Q. Finally was there any discussion about what is
6 called community supervision?

7 A. No, sir.

8 Q. Can you tell Judge Jefferson if there was any
9 discussion at all about a trial on these charges?

10 A. No, sir.

11 Q. Any discussion at all about any defenses for these
12 charges?

13 A. No, sir.

14 Q. Now in your time at the jail before you went to
15 court were you able to review what we would call
16 discovery or Rule 5, the police reports and that type of
17 stuff?

18 A. No, sir.

19 Q. Mr. Runyon never sent that to you?

20 A. I have some things with a couple of statements but
21 that's it.

22 Q. Some statements of witnesses?

23 A. Yes.

24 Q. What about any police reports?

25 A. No.

Felicia N. Cooper v State
Post Conviction Relief-Felicia Cooper-Direct Examination by Mr. Davis
July 23, 2018

1 Q. And were those sent to you for you to review or
2 would he come by and go through them with you?

3 A. He never went through anything with me.

4 Q. Ultimately did he give you an opinion about whether
5 you should go to trial or plead guilty on these charges?

6 A. No.

7 Q. What did he tell you about going to court on June
8 15th, 2016?

9 A. When I was going to court I was told that I was
10 going to get a 15 month time served, six years probation,
11 and community service and that was it --

12 THE COURT REPORTER: Ma'am, would you repeat that
13 answer one more time for me.

14 A. I was told I was going to get 15 months time served,
15 six years probation, and community service.

16 Q. [Mr. Davis] And when would he have told you that?
17 During one of the three or four meetings prior to court
18 or the day you actually showed up for court?

19 A. The day I showed -- before I got to court and when I
20 came to court it was discussed again right before I
21 signed that paper.

22 Q. And so when you say you signed the paper you knew
23 through discussions that for that result you were having
24 to plead guilty, was that your understanding?

25 A. Yes, sir.

Felicia N. Cooper v State
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1 Q. And was Mr. Runyon's suggestion that you actually
2 sign the papers and do that or instead go to trial?

3 A. Yes, sir.

4 Q. Which one?

5 A. It was his decision for me to sign the paper and
6 take it.

7 Q. Now just before we started your testimony we
8 mentioned that back in 2015 that you had been to General
9 Sessions Court to plead guilty, correct?

10 A. Uh Huh.

11 THE COURT: Ma'am, you have to say yes or no.

12 A. Yes, sir.

13 THE COURT: Thank you.

14 Q. [Mr. Davis] Have you ever been through a trial in
15 South Carolina State Court?

16 A. No, sir.

17 Q. Other than the time in December of 2015 had you ever
18 been to General Sessions Court?

19 A. No, sir.

20 Q. Did you and Mr. Runyon ever discuss the fact that
21 there was an identification made of you by a witness or
22 witnesses?

23 A. What was the question?

24 Q. Did you and Mr. Runyon ever discuss that there was
25 an identification made of you of a witness or witnesses?

Felicia N. Cooper v State
Post Conviction Relief-Felicia Cooper-Direct Examination by Mr. Davis
July 23, 2018

1 A. Yes.

2 Q. Did he ever discuss any strategy in dealing with
3 that?

4 A. No, sir.

5 Q. Did he ever use the term Biggers hearing?

6 A. No, sir.

7 Q. What, if any, investigation was shared with you by
8 Mr. Runyon to look into the facts of this incident?

9 A. What was the question again?

10 Q. What was shown to you by Mr. Runyon to demonstrate
11 any investigation into the facts of this incident?

12 A. Nothing.

13 Q. What about into the relationship to the parties?

14 A. He knew what the relationship with me and one of the
15 victim's was but that was about it.

16 Q. Was there something more that you asked him to look
17 into?

18 A. Yes.

19 Q. And what was that? Can you tell the Court?

20 A. The prior police reports that I've made on one of my
21 victims for CDV there was several different reports; not
22 just one.

23 Q. And were you shown any evidence that Mr. Runyon
24 followed up on that or investigated that in any way?

25 A. No, sir.

Felicia N. Cooper v State
Post Conviction Relief-Felicia Cooper-Direct Examination by Mr. Davis
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1 Q. Did you observe anything in the meetings with Mr.
2 Runyon that would have led you to believe he was prepared
3 to go to trial if you had asked for a trial?

4 A. No, sir.

5 Q. So you arrived to court on June the 15th 2016 and
6 you were shown some sheets, is that right?

7 A. Uh Huh. Yes, sir.

8 Q. And when you were shown these sheets did you
9 understand what they were?

10 A. No, sir.

11 Q. What were you asked to do with each of the sheets?

12 A. I was told to sign it right before we went into
13 court because that's what the Solicitor had agreed upon
14 with him, Mr. Runyon.

15 Q. Okay. And did you think you were going into court
16 to have a trial, going into the court to plead guilty;
17 what was going to happen when you went in the courtroom?

18 A. I thought that I was going to plead guilty to the 15
19 months, six years, the community service and go home.

20 Q. Other than indicating where to sign on the sheets
21 was there any review of the sheets by Mr. Runyon with
22 you?

23 A. No, sir.

24 Q. Can you tell the Judge what, if any, issues you had
25 about you trying to make contact with and have

Felicia N. Cooper v State
Post Conviction Relief-Felicia Cooper-Direct Examination by Mr. Davis
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1 | communications with Mr. Runyon during the time you were
2 | in jail?

3 | A. When I tried to call myself I couldn't get through
4 | because I was in County the entire time so all the
5 | contact came through my parents.

6 | Q. And did you -- do you have a recollection of how
7 | many attempts you would have made to try to reach Mr.
8 | Runyon on your own?

9 | A. Several. I can't really count how many.

10 | Q. If you would have had the financial means would it
11 | have been your decision to stay with the attorney your
12 | father hired or hire someone else?

13 | A. Hire someone else.

14 | Q. And I believe you may have already said this but you
15 | remained in jail from the time of arrest up until your
16 | guilty plea, right?

17 | A. Yes, sir.

18 | Q. Was there ever an attempt by Mr. Runyon to reduce
19 | your bond?

20 | A. No, sir. Each bond hearing that I had for my
21 | reduction was cancelled.

22 | Q. And how many times would that have happened?

23 | A. I believe it was three.

24 | Q. Were you given any explanations why they were
25 | cancelled?

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1 A. No, sir.

2 Q. Did you have the opportunity to speak with Mr.
3 Runyon at all following the guilty plea and sentencing?

4 A. Yes, sir.

5 Q. And where would that have been?

6 A. In the parole office at Berkeley County.

7 Q. And how long was that meeting?

8 A. About five minutes.

9 Q. At that time did you have any questions for him
10 following this guilty plea and sentencing?

11 A. Yes, sir.

12 Q. And what were your concerns?

13 A. My questions was how did I get that time if I signed
14 for a different guilty plea and I also asked about the 85
15 percent because I didn't understand any of that and I was
16 told that by a bailiff.

17 So whenever I went by asking him what was the 85
18 percent he stated what the 85 percent was and then told
19 me that he would try to get it changed to 65 somehow.

20 Q. And when you say he who are you talking about there?

21 A. Mr. Runyon. But he never got back in contact with
22 me or my family.

23 Q. And was the time calculation at the Department of
24 Corrections ever changed from 85 percent to 65 percent?

25 A. No, sir.

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1 Q. After that meeting did you have any discussions with
2 Mr. Runyon?

3 A. No, sir.

4 Q. What, if anything, did you attempt to do following
5 that meeting about the percents?

6 A. I had my sister Tiana [phonetic] call and my parents
7 my Dad and Mom called to see about getting it appealed.
8 And we were told that he was no longer handling my case.
9 So I tried to file an appeal myself and got a rejection
10 letter saying that I could not file an appeal myself; my
11 attorney had to.

12 Q. And where would you have filed that appeal?

13 A. The Appeal Courts. And then I found out about the
14 PCR's.

15 Q. Felicia, if you hadn't talked about trial or
16 defenses or anything like that and you didn't feel that
17 Mr. Runyon was prepared in that way why is it that you
18 came into court and pled guilty to three attempted
19 murders and two gun charges?

20 A. Because of what he told me about the time and me
21 going home I was willing to take that to go home with my
22 family.

23 Q. You understand, and we talked about this a little
24 bit at the beginning of the hearing, you understand that
25 if we're successful you start over and you face all the

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1 charges again.

2 A. Yes, sir.

3 Q. If you hadn't pled guilty you would have been facing
4 all three charges upwards of 100 years.

5 A. Yes, sir.

6 Q. And knowing what you could have faced at trial would
7 you have pled guilty or gone to trial?

8 A. Gone to trial.

9 Q. If you'd know there wasn't this deal with the 15
10 months to serve, suspended to six years probation and
11 three years supervision if you had known that really
12 didn't exist or even technically couldn't exist if you
13 had known that it wasn't available would you have gone
14 ahead and pled or would you have gone to trial?

15 A. Gone to trial.

16 MR. DAVIS: Your Honor, if I could have just one
17 moment.

18 [Whereupon, Mr. Davis reviews documents]

19 MR. DAVIS: Your Honor, thank you. That's all the
20 questions I have.

21 THE COURT: Any questions for the witness?

22 MS. OPPENHEIMER: Briefly, Your Honor. May it
23 please the Court?

24

25

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1 CROSS-EXAMINATION

2 BY MS. OPPENHEIMER:

3 Q. So you were dating the victim, correct?

4 A. Yes, ma'am.

5 Q. And you had pled guilty to harassing his wife before

6 this incident, correct?

7 A. Yes, ma'am.

8 Q. And then you went to his house with a gun, right?

9 MR. DAVIS: Your Honor, I'm going to object to its

10 relevance.

11 THE COURT: Please repeat the question. I

12 apologize; I couldn't hear you.

13 Q. [Ms. Oppenheimer] You went to his house with a gun?

14 THE COURT: Overruled.

15 Q. Correct?

16 A. Uh Huh.

17 THE COURT REPORTER: Is that yes?

18 A. Yes, ma'am.

19 Q. [Ms. Oppenheimer] And you shot into their home three

20 times, right?

21 A. [No response]

22 MR. DAVIS: And Your Honor we would object to the

23 factual. It's not a trial on guilt or innocence; it's a

24 PCR so deals with her understanding at the time of the

25 guilty plea.

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1 THE COURT: But it also goes to why she may have
2 taken a plea and how exacerbated the situation was and
3 all that plays into your decision-making as to whether
4 when you go to trial as to whether you might get the
5 maximum versus pleading guilty and getting less than the
6 maximum based on the facts of the case. Overruled.

7 MR. DAVIS: And lastly Judge we would argue it's
8 already in the record.

9 THE COURT: Pardon me?

10 MR. DAVIS: We'd lastly argue it's already in the
11 record. The State is ---

12 THE COURT: --- it's cross-examination, wide
13 latitude; overruled. Ma'am, do you remember the question
14 or do you need it repeated?

15 A. No, I got the question, yes ma'am.

16 THE COURT: You may answer the question.

17 A. Yes, ma'am.

18 Q. [Ms. Oppenheimer] Okay. Now based on this incident
19 you were charged with three counts of attempted murder,
20 correct?

21 A. Yes, ma'am.

22 Q. And do you recall Judge Cooper telling you that each
23 of those charges carried up to 30 years?

24 A. --

25 THE COURT REPORTER: I'm sorry?

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1 A. Yes, ma'am.

2 Q. [Ms. Oppenheimer] And that each weapons charge also
3 carried up to five years?

4 A. Yes, ma'am.

5 Q. And you also told Judge Cooper that you were
6 satisfied with Mr. Runyon, correct?

7 A. Yes, ma'am.

8 Q. And you were satisfied with his advice and
9 representation?

10 A. Yes, ma'am.

11 Q. And he had done everything you asked of him,
12 correct?

13 A. Yes, ma'am.

14 Q. Now, was it your decision to plead guilty?

15 A. Yes, ma'am.

16 Q. I'm sorry, what was that?

17 A. Yes, ma'am.

18 Q. And you told Judge Cooper that no one had made any
19 promises to you to plead guilty.

20 A. Yes, ma'am.

21 Q. And you also told him that you were pleading guilty
22 of your own free will, correct?

23 A. Yes, ma'am.

24 Q. And Judge Cooper went over each of your rights at
25 trial with you, correct?

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1 A. Yes, ma'am.

2 Q. And you understood you were waiving those rights by
3 pleading guilty, right?

4 A. Yes, ma'am.

5 Q. And you told him that understanding those rights
6 that you wanted to plead guilty.

7 A. Yes, ma'am.

8 Q. And do you recall Judge Cooper telling you that you
9 had ten days to file a notice of appeal?

10 A. Yes, ma'am.

11 Q. And you understood that, correct?

12 A. Yes, ma'am.

13 MS. OPPENHEIMER: No further questions, Your Honor.

14 THE COURT: Any redirect?

15 MR. DAVIS: Yes, Your Honor.

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1 MR. DAVIS: Yes, Your Honor. I would call Ms.
2 Cooper's father.

3 [Whereupon, Mr. Cooper comes forward]

4 THE COURT: Sir, if you would take the stand please
5 so we can swear you.

6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]

8 CLERK OF COURT: State your first and last name and
9 spell your last name loudly and clearly into the
10 microphone.

11 THE WITNESS: Edward B. Cooper --

12 THE COURT: I'm sorry, sir I need you to repeat
13 that please.

14 THE WITNESS: Edward B. Cooper.

15 THE COURT: A as in Apple?

16 THE WITNESS: Edward B. Cooper.

17 THE COURT: B? I couldn't understand it, sir. You
18 may proceed.

19 MR. DAVIS: Thank you, Your Honor.

20 - - - - -

21 EDWARD COOPER,

22 Having been first duly sworn,

23 Was examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MR. DAVIS:

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1 Q. You were involved in hiring Mr. Runyon to represent
2 your daughter on these five charges, is that right?

3 A. Yes.

4 Q. I want to cut to one specific issue. Do you recall
5 being notified by Mr. Runyon's office about the plea date
6 scheduled for June 15th, 2016?

7 A. Yes.

8 Q. And can you tell the Judge when prior to the 15th
9 you were told about the court date?

10 A. Repeat that for me, please?

11 Q. Sure. When were you told by Mr. Runyon's office
12 about the June 15th court date?

13 A. [No response]

14 Q. Did they notify you a month before, a week before, a
15 day before ---

16 A. --- about a week before.

17 Q. Okay. And not getting into what Mr. Runyon said but
18 in addition to other family members was there anything
19 specifically that you took with you to the courthouse on
20 June 15th, 2016?

21 A. Yes, I took her clothing and everything for her to
22 come home.

23 Q. Do you recall -- can you recall to Judge Jefferson
24 what you actually packed up?

25 A. A shirt, sneakers, trousers; things that she needed

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1 to dress for the street. She was coming home.

2 Q. She dressed for what?

3 A. Coming home.

4 Q. The street?

5 A. The street.

6 Q. That's okay; yes sir. And you packed those clothes
7 after a conversation with Mr. Runyon's office about the
8 court date, right?

9 A. Yes.

10 Q. Thank you. No other questions.

11 THE COURT: Any questions for the witness?

12 MS. OPPENHEIMER: No questions, Your Honor.

13 THE COURT: Sir, you may step down.

14 [Whereupon, the witness is excused and exits the
15 witness stand]

16 THE COURT: Any further witnesses?

17 MR. DAVIS: Your Honor, we would rest on that
18 presentation.

19 THE COURT: The State may proceed.
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Post Conviction Relief-William Runyon-Direct Examination by Ms. Oppenheimer
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1 MS. OPPENHEIMER: The State calls William Runyon.
2 THE COURT: Mr. Runyon, if you would come forward.
3 [Whereupon, Mr. Runyon comes forward]
4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]
6 CLERK OF COURT: Please state your first and last
7 name and spell your last name loudly and clearly into the
8 microphone.
9 THE WITNESS: William L. Runyon, Jr., R-U-N-Y-O-N.
10 THE COURT: You may proceed.
11 - - - - -
12 WILLIAM RUNYON,
13 Having been first duly sworn,
14 Was examined and testified as follows:
15 DIRECT EXAMINATION
16 BY MS. OPPENHEIMER:
17 Q. Good afternoon Mr. Runyon. How long have you been
18 practicing law?
19 A. Since September 13th, 1967.
20 Q. So roughly 50 years?
21 A. Going on 51.
22 Q. And where do you work ---
23 A. --- it seems longer.
24 Q. Where do you work?
25 A. I work -- my office is presently for the last 10

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1 years has been in my wife's building at Number 3 Gamecock
2 Avenue.

3 Q. So you have your own practice?

4 A. Yes, ma'am.

5 Q. And what percentage of your practice is criminal
6 work?

7 A. It varies but it's usually around 50 percent
8 minimum.

9 Q. Now do you recall if you were appointed or retained
10 on this case?

11 A. I was retained on this case.

12 Q. Do you recall the date that you were retained?

13 A. No. As a matter of fact I don't have my file, I
14 believe someone from the Cooper family picked up the file
15 so I didn't make reference to anything before I came down
16 here.

17 Q. All right ---

18 A. -- but it was a substantial period of time prior to
19 the plea.

20 Q. Okay. How many times did you meet with Ms. Cooper
21 prior to the plea?

22 A. I met with Ms. Cooper a minimum of six times. It
23 was supposed to be more and then she confessed to me that
24 her original story was in fact not truthful about how the
25 whole thing came about.

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1 Q. And did you file any Brady or Rule 5 motions?

2 A. I filed a Brady motion, filed a Rule 5 motion and
3 received all the discovery. I received -- I interviewed
4 Mr. Cooper, Ms. Cooper.

5 I received a packet of among other things of
6 photographs showing Ms. Cooper, the defendant, in
7 compromising intimate situations with the sergeant who
8 was the victim, who was the intended victim of -- who was
9 the original intended victim although there were more
10 victims.

11 Q. Okay. And did you review that discovery material
12 with Ms. Cooper?

13 A. Yes. I went over it with her particularly the
14 pictures because you've got to understand she was -- the
15 sergeant was carrying on this relationship with her.
16 This all sprang out of law enforcement association.
17 And even after some harassment and some physical
18 altercations and what have you Ms. Cooper and the
19 sergeant, the victim, continued their relationship.

20 It was a typical, I want to say typical it was your
21 typical battered wife or battered companion situation
22 going on where he would abuse her but then they would go
23 back together. There was the as I recall there was talk
24 although I don't believe we medically could prove it
25 there was talk about a pregnancy and an abortion. We

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1 never did confirm that.

2 Q. Okay. Did you do any independent investigation?

3 A. Yes. The circumstances were that someone walked up
4 to the sergeant's house one night, knocked on the door or
5 rang the doorbell; I don't know which. I believe he --
6 I'm not sure whether he came to the door or whether his
7 wife came to the door but the person at the door
8 proceeded to fire through the front door.

9 The sergeant, his wife, and his daughter were
10 effectively in the cone of fire. Ms. Cooper had
11 indicated when I got retained that she had been
12 kidnapped. Originally she said she had been kidnapped,
13 locked in the trunk of her car and someone else had done
14 this and then they let her out.

15 My recollection was that Mr. Cooper, the father,
16 went out looking for her that night and found her hiding
17 in some woods. And after getting into it and hearing
18 about all the goings on back and forth and some mental
19 health counseling that Ms. Cooper had had earlier on in
20 life I went to the County jail and I talked to her.

21 And she indicated that that story was not accurate
22 about being kidnapped and someone else trying to kill the
23 police sergeant.

24 Q. All right ---

25 A. --- and that colored what we did thereafter. I mean

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1 basically she told me that she had -- I mean to be quite
2 honest about it the sergeant deserved shooting, okay. He
3 abused her over the period of their relationship. He had
4 taken advantage of her.

5 She had -- her view on this whole relationship was
6 not what it was. He was terribly taking advantage of her
7 and he wasn't going to marry her or anything of that
8 sort. And I'm not saying he deserved killing but he
9 deserved shooting.

10 Q. Now prior to the plea did you discuss with Ms.
11 Cooper the elements that the State would be required to
12 prove at trial?

13 A. Yes.

14 Q. For each charge?

15 A. Yes.

16 Q. Did you discuss potential sentences?

17 A. Well, I told her what the maximum sentences were.
18 Frankly, we had a frank discussion about the fact that
19 had the wife and daughter not being in the line of fire,
20 the cone of fire, I wouldn't hesitate to ask the Judge to
21 consider probation.

22 But as I thought seriously while I would ask for
23 probation if possible that I didn't see where this kind
24 of circumstances and this level of violence was going to
25 end in anything but some incarceration. And what we were

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1 trying to do was limit the exposure to incarceration
2 because the wife and the daughter they hadn't done
3 anything so.

4 Q. Did you ever ---

5 A. --- and they were victims of the shooting too.

6 Q. Did you ever make any promises to Ms. Cooper?

7 A. No. And we did discuss the fact -- and one reason
8 why we didn't ask for bond -- there were two reasons why
9 we didn't ask for bond reduction. One, was because I
10 anticipated that she would get either -- the Court would
11 want to place her in some confinement and this would give
12 her credit.

13 The second reason was that the Court may in fact
14 consider that as sufficient confinement because sometimes
15 these cases take some period of time. And the Court
16 might consider giving a substantial period of
17 incarceration the time she had already served.

18 And then the second reason why I was concerned about
19 getting a bond reduction was I was certain that if we got
20 her out of jail she would probably try to kill him again.

21 Q. Did you discuss any possible defenses with Ms.
22 Cooper?

23 A. Yes although quite frankly I could not find a
24 defense for walking up to someone's front door and
25 shooting -- trying to kill them through the front door.

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1 I looked hard but couldn't find one.

2 Q. Did you inform her of the consequences of her plea?

3 A. Absolutely, that she was going to be found guilty
4 and a Court would give her a substantial period of time.
5 If we were lucky that they suspended any portion of it
6 she would have a long period of probation no more than
7 five years to stay out of trouble or else she could be
8 sent to prison.

9 Q. Did you ever promise Ms. Cooper that she would get a
10 probationary sentence?

11 A. No, I never promised her probation. I said the only
12 as a matter of fact in discussions of probation you
13 discuss these things as possibilities. You don't tell
14 defendants this is what is going to happen unless you cut
15 a clear cut deal.

16 But the simple fact is that I never suggested that
17 she was going to get probation because of the wife and
18 the daughter. The wife and the daughter were in the
19 front room.

20 And as I recall, and I could be mistaken about this,
21 but as I recall the front door had enough glass in it or
22 the front entranceway had enough glass if you looked hard
23 you could have seen that there were other people around
24 prior to discharging that weapon.

25 Q. Okay. Did you inform Ms. Cooper of her

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1 constitutional rights prior to her plea?

2 A. Yes.

3 Q. Did she ever tell you that she didn't understand
4 anything?

5 A. No. As a matter of fact she had her association
6 with law enforcement gave us a leg up on her
7 understanding of what was going on.

8 Q. And was it ultimately her decision to plead guilty?

9 A. Yes. It was her decision to plead guilty. And we
10 had frank discussions with her about had it just been him
11 I would have suggested we go to trial and take our
12 chances with the jury finding something less than
13 attempted murder because he really did take advantage of
14 her. Even after he had a charge originally with certain
15 things he continued to abuse her and use her and what
16 have you.

17 Q. Did she ever indicate to you that she wanted to go
18 to trial?

19 A. No.

20 Q. Did she ever ask you to appeal?

21 A. No. She never asked me to appeal. As a matter of
22 fact my contract specifically has a provision in it that
23 says if you want to appeal you have to have a separate
24 contract for that. And frankly the sentence that she got
25 was a fair sentence. I wouldn't want the Court of

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1 Appeals to review that and send it back and vacate the
2 sentence for a new sentence because the wife and the
3 daughter were clearly had done nothing to deserve
4 shooting like the sergeant had.

5 MS. OPPENHEIMER: Nothing further, Your Honor.

6 THE COURT: Mr. Davis?

7 MR. DAVIS: Thank you, Your Honor.

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1 CROSS-EXAMINATION

2 BY MR. DAVIS:

3 Q. Mr. Runyon, as to the last thing you talked about
4 there the contract you no longer have that?

5 A. No, I don't have that contract with me. And frankly
6 when we went to look for the file I couldn't find what
7 little was left of the file. It probably got given out.

8 Q. And so you began by talking about how you believe
9 that a family member requested Ms. Cooper's file from you
10 at some point prior to today?

11 A. Yes, sir. And as a matter of fact the pictures that
12 Mr. Cooper had brought in to me I know they picked up
13 with the file so I assume it all got picked up.

14 Q. So now would you now given them your work product as
15 well then?

16 A. Sometimes when you have temporary help in the office
17 they don't always follow instructions.

18 Q. But your testimony is today as far as this case is
19 concerned your office retains no paperwork in
20 relationship to this case.

21 A. We did not photocopy the file, no.

22 Q. Okay. And so when you're testifying ---

23 A. --- and I don't mean to interrupt but usually what
24 happens is when I turn over the file it's usually turns
25 over to another lawyer such as appellate counsel or

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1 another defense lawyer or what have you. And so we can
2 always track the file.

3 Q. So when you're testifying about the language of the
4 contract that's basically your memory of your general
5 language of your contracts, not that we have this one
6 specifically, is that fair?

7 A. That's correct. I can't tell you that it hasn't
8 been torn up or what have you.

9 Q. When you're testifying similarly about the number of
10 meetings with Ms. Cooper you're doing that from memory,
11 not from consulting your work log.

12 A. Yes. As a matter of fact I have long held an
13 opinion that defense lawyers should not have an awful lot
14 of notes and should rely -- not only does it give you
15 intimate knowledge of the file but the simple fact of the
16 matter is that sooner or later somebody is going to try
17 to get into the defense lawyer's file, as they did with
18 President Trump and apparently have been successful. So
19 it's been 50 years coming but my prediction came true.

20 Q. And I'll kind of do a general question on that. So
21 as far as specifically what you went over prior to the
22 guilty plea violent versus non-violent, serious, most
23 serious, 85 percent those types of things what you
24 testified today would be based on your memory of your
25 general practice, is that fair?

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1 A. My memory, my general practice and specifically Ms.
2 Cooper's case because this was one of my more -- I should
3 say one of my more recent memorable cases given the
4 nature of law enforcement involvement and the fact that
5 she had been taken advantage of at least emotionally.

6 Q. You made a comment earlier something to the effect
7 of you didn't believe there is any defense to this kind
8 of case when somebody knocks on the door and fires into
9 the residence.

10 Identity would have been an issue had this gone to
11 trial, correct? That would have been a defense you could
12 have claimed?

13 A. There is no question about that.

14 Q. Okay. And yet you didn't discuss the ability to
15 attempt to block an I.D. at the beginning of trial by a
16 Biggers hearing; you did not have that discussion with
17 Ms. Cooper did you?

18 A. We did not have a discussion about having a specific
19 Biggers hearing, that's correct. On the other hand the
20 statements that had been made prior to my entry into the
21 case her original statement about being kidnapped and all
22 that sort of stuff the case was substantially compromised
23 in my view. And I've been right as many times as I've
24 been wrong, but it had been substantially compromised in
25 my view so that it was time to particularly after she

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1 told me that she hadn't been kidnapped and someone else
2 hadn't done this and what have you that we ought to take
3 a more direct approach to trying to get the best
4 situation for her in a right serious case. I mean this
5 wasn't some situation where she just got slapped around a
6 little bit.

7 Q. Which leads me to two follow-ups. To get the best
8 result this was a straight up plea to all of her charges
9 though, correct?

10 A. It was a straight up plea to all of her charges
11 after some extensive -- I spent my time at the courthouse
12 in Moncks Corner talking to the Assistant Solicitor in
13 charge of this case and cajoling and begging and what
14 have you in all candor.

15 Q. Ms. Williams would not reduce any charges or dismiss
16 any charges, correct?

17 A. That's right.

18 Q. And in fact on the sentence sheet it indicates no
19 recommendation or negotiation, correct?

20 A. That's right.

21 Q. And then at the guilty plea though Ms. Williams and
22 this is at page 16 line 2. We are asking for the maximum
23 amount of time that you can give her. The maximum is 30
24 years so in fact she is pleading straight up with the
25 State asking for the maximum on one of the highest

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1 charges, right?

2 A. And the State didn't get the maximum.

3 Q. I understand. But they did ask -- so you pled
4 straight up and the State was asking for the worst
5 concurrent sentence that could be given, correct?

6 A. Mr. Davis, there is no question about the fact the
7 State had to keep their skirts clean from the viewpoint
8 of they had the North Charleston Police Department was
9 right upset about this case.

10 I was looking for the best thing I could for Ms.
11 Cooper. And I didn't care what she said as long as I
12 knew that deep down inside that we were going to come out
13 okay.

14 And I think we came out okay considering the hundred
15 plus years that she was facing. Now, I got some relief
16 for her. If that's not good enough go back and try all
17 the cases. It doesn't bother me one bit.

18 Q. Now circling back for a second talking about the
19 nature of their relationship, law enforcement and the
20 nature of the personal relationship you've talked about
21 how significant it was.

22 Couldn't that have been an issue that you could have
23 presented to a jury that again back to identification
24 back on who was being accused that the victim, the
25 husband the Sergeant had a bias and a reason to blame Ms.

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July 23, 2018

1 Cooper even if it wasn't Ms. Cooper.

2 A. I mean if it was just one on one with her trying to
3 shoot him we could have gone to trial and maybe we got a
4 little jury nullification. Quite frankly -- I'm not
5 being sarcastic about that.

6 You've handle enough of these kind of cases. You
7 know that somebody who is taking advantage of somebody
8 like he did her you get people on the jury they might
9 find them guilty of something lesser; that sort of thing.
10 But the wife and the daughter were in the front room too.

11 And you know when I'm gambling with somebody else's
12 time I'm cognizant of that fact. And it didn't bother me
13 that I was saying some not nice things about a ranking
14 officer up in North Charleston because I've never had any
15 cross words with him before. But the simple fact is that
16 this is not something that you play with -- and it was of
17 a very dark seamy relationship, okay.

18 Q. So there were potential defenses but it was your
19 opinion that they were too risky, is that fair enough?

20 A. That's correct. And that's what -- but Mr. Davis I
21 was, I felt assurances from the Solicitor's office that
22 they were going to do the political thing but that I was
23 going to wind up with something that was far more
24 acceptable than the maximum sentences. And it's done all
25 the time and it was done in this case. And if Ms. Cooper

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1 wants to chuck it all, fine; I did wrong.

2 Q. Help me understand something there Mr. Runyon. You
3 had assurances from the State that you would get an
4 acceptable result. Was there some agreement the State
5 had with Judge Cooper?

6 A. No.

7 Q. Then how could they control what Judge Cooper would
8 sentence especially when they asked for the maximum?

9 A. Well, all I can tell you is you have these chambers
10 conversations and you can get a feel for what is going to
11 happen. And if my experience has told me that I had a
12 correct field then I did the correct thing. If she got
13 30 years I didn't do the correct thing.

14 Now Judge Cooper never participated in the
15 negotiations. He didn't promise anything. But I was
16 very well assured and I told Ms. Williams that I realized
17 the Solicitor's office was going to have to do the
18 political thing. And that's what I did. If you talk
19 about river boating a little bit, we river boated a
20 little bit.

21 Q. So there was a discussion you, Ms. Williams, and
22 Judge Cooper in chambers prior to the plea?

23 A. No, it wasn't done that way, no.

24 Q. Can you help Judge Jefferson and myself understand
25 because I'm not sure what happened here?

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1 A. There was a discussion with Judge Cooper that as a
2 visiting Judge we were bringing this case before him.
3 And there was a discussion of the relationship that was
4 involved in the case.

5 And I told Judge Cooper why I didn't want to try the
6 case with the wife and daughter. And Ms. Williams
7 acknowledged the fact that the pictures and all the seamy
8 side of the relationship was, in fact, accurate.

9 That's why I say if you want me to tell you I was
10 river boating a little bit I did river boat a little bit.
11 But I was trying to make sure that she didn't go to
12 prison for essentially the rest of her life when she
13 didn't deserve to go to prison for the rest of her life.

14 Q. And I may have just rephrased in wrong as far as far
15 held in chambers. All I'm getting at is there was a
16 discussion with the Judge prior to?

17 A. No. There was not a discussion. The Judge was
18 advised of the circumstances of the case and why this
19 case was brought before him versus one of the resident
20 Judges.

21 Q. Okay. So y'all talked to the Judge and he had no
22 input, is that fair then?

23 A. That's fair enough.

24 Q. Okay. Isn't it true that when you called her father
25 you told him to bring clothing because she could be going

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1 home?

2 A. No. I told him -- he wanted to make sure she made
3 the best presentation. I said well, you can bring
4 clothing. They're not going to let her dress out but if
5 you want to bring clothes I'll ask them. And it was no
6 way I could tell him that she was going home because I
7 anticipated that she was going to get some time anyway.

8 And like I said there were two reasons why I didn't
9 move to reduce the bond. Number one, I wanted that time
10 to count in arguing for a lenient sentence and number
11 two, if she got out she was going to kill him.

12 MR. DAVIS: Your Honor, I'd ask that be stricken as
13 speculation.

14 THE COURT: Overruled.

15 MR. DAVIS: Could I have a moment with my client?

16 THE COURT: Pardon me?

17 MR. DAVIS: Just one moment.

18 THE COURT: Sure.

19 [Whereupon, Mr. Davis confers with his client]

20 MR. DAVIS: Thank you, Mr. Runyon. Thank you, Your
21 Honor. No other questions.

22 THE COURT: Any questions for the witness? Any
23 redirect?

24 MS. OPPENHEIMER: Just very briefly, Your Honor.

25

Felicia N. Cooper v State

Post Conviction Relief-William Runyon-Redirect Examination by Ms. Oppenheimer

July 23, 2018

1 REDIRECT EXAMINATION

2 BY MS. OPPENHEIMER:

3 Q. You testified on cross-examination that identity
4 would have been an issue at trial. Did the victim have
5 any question in his mind about who shot into his home?

6 A. Identify can always be an issue. And if you posture
7 it right, it might have been a significant issue. But
8 what I said was by the time I got into the case there was
9 no issue as to who the gunman -- gunperson was.

10 That she had in fact done this because it didn't
11 take me long to find out the story about being kidnapped
12 just wasn't true. And then there were some statements
13 that had been made -- family members and things like that
14 and so I didn't see that as a significant issue upon
15 which to base a defense when you had the rest of your
16 life to depend upon it.

17 Q. Thank you Mr. Runyon. No further questions.

18 THE COURT: Any objection to Mr. Runyon being
19 excused from the State?

20 MS. OPPENHEIMER: None, Your Honor.

21 THE COURT: From the applicant?

22 MR. DAVIS: No, Your Honor.

23 THE COURT: Sir, you're excused.

24 THE WITNESS: Thank you very much, Your Honor.

25 THE COURT: You're welcome. Have a good day.

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July 23, 2018

1 [Whereupon, the witness is excused and exits the
2 witness stand]

3 THE COURT: Any further witnesses from the State?

4 MS. OPPENHEIMER: No further witnesses, Your Honor.

5 THE COURT: Anything further, Mr. Davis?

6 MR. DAVIS: No, Your Honor.

7 THE COURT: I'll be glad to hear any argument.

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Felicia N. Cooper v State
Post Conviction Relief-Closing Arguments-Remarks by Mr. Davis
July 23, 2018

CLOSING ARGUMENTS

BY MR. DAVIS:

Your Honor, I will not rehash the entire testimony. But it's basically this as you know the standard we are required to prove that but for attorney's performance that my client would not have entered the plea and would have instead gone to trial. The very end of her testimony she answers that question under oath for you that even knowing what the potential punishment was and the risk she would have done that.

She stated quite clearly that she pled guilty primarily based on the promises and statements from her attorney about what the sentence would be. If that is found credible by the Court we have met our burden simply to her testimony. I also called her father to support and corroborate the fact that it was their understanding that she was coming home that day and that's why they brought clothing to the courthouse.

In 23 years I don't think I've ever asked for that or had clients do that other than when we're going to trial. And so we would argue that adds creditability to the belief that my client had when she pled guilty. I'll not go through the litany of other matters that were not discussed or the lack of a plausible other option of going to trial based on that preparation. I think we

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July 23, 2018

1 have met our burden simply as to what her understanding
2 was of the effects of the guilty plea, they were
3 inappropriate promises and therefore she indicates that
4 had her attorney performed his job effectively she would
5 not have pled guilty and she would have instead gone to
6 trial. We would ask that you grant her post-conviction
7 relief and vacate her convictions. Thank you, Your
8 Honor.

9 THE COURT: The State may proceed.

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Felicia N. Cooper v State
Post Conviction Relief-Closing Arguments-Remarks by Ms. Oppenheimer
July 23, 2018

CLOSING ARGUMENTS

BY MS. OPPENHEIMER:

Your Honor, the applicant testified that at her plea she said that no one had promised her anything and no one had coerced her into pleading guilty. It was her decision to plead guilty based on her own free will. Judge Cooper specifically went over each of her rights at trial with her and understanding that she was going to waive those rights by pleading guilty she indeed plead guilty. Mr. Runyon also testified that he never made any promises to her regarding any kind of sentence. They had lengthy discussions about it. This was three counts of attempted murder. The belief that she would get out on a probationary sentence was just completely unfounded as the Court went over specifically each attempted murder charge carried up to 30 years in prison and each weapons charge carried up to five each. So we believe that she was fully aware of her rights. She voluntarily and freely waived those rights. She waived them knowingly and intelligently. She has made no indication that she would have insisted on going to trial particularly in light of the fact that she told Judge Cooper that she was waiving her rights at her plea to go to trial. And we'd ask that you deny the application.

THE COURT: Anything further?

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Post Conviction Relief-Closing Arguments-Reply by Mr. Davis
July 23, 2018

1 MR. DAVIS: Yes, just briefly. I'm so sorry, Your
2 Honor. I should have said this the first time up. We
3 also brought up testimony as to her desire to have this
4 conviction appealed which was not acted upon. She
5 attempted to herself as best she could so we would argue
6 that if you do not find that we have successfully proven
7 our case to vacate her convictions on the PCR we would
8 ask you to grant her a belated appeal based on the
9 testimony presented today.

10 THE COURT: Would there even be any basis for
11 prevailing on an appeal even if a belated appeal were
12 given? You're not going to be able to raise anything she
13 just testified to on an appeal in this record on its face
14 would withstand an appeal. It would be dismissed as
15 having -- I don't want to speak for appellate defense but
16 I've seen too many of those briefs on its face is enough
17 to dismiss an appeal. I don't think it would be
18 fruitful. I don't see the point of a belated appeal.

19 MS. OPPENHEIMER: Your Honor?

20 THE COURT: Yes, ma'am.

21 MS. OPPENHEIMER: Your Honor, if I may just respond
22 briefly?

23

24

25

Felicia N. Cooper v State
Post Conviction Relief-Closing Arguments-Response from Ms. Oppenheimer
July 23, 2018

1 MS. OPPENHEIMER: Following a guilty plea counsel
2 has no right to inform a defendant of their right to
3 appeal unless there are exceptional circumstances; one
4 being had the defendant asked about the right to appeal.
5 It's very clear from Mr. Runyon's testimony that Ms.
6 Cooper never asked him to appeal, never got that separate
7 contract about the appeal. And Judge Cooper informed her
8 that she had ten days to appeal and she never asked Mr.
9 Runyon to file an appeal on her behalf. So we'd ask that
10 you deny that as well.
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Felicia N. Cooper v State
Post Conviction Relief-Ruling by the Court
July 23, 2018

1 RULING BY THE COURT

2 THE COURT: Addressing them in backward order the
3 only reason I asked about an appeal is for PCR's. I
4 don't ask for them because there is any realistic thought
5 that somebody pleading guilty is going to prevail on an
6 appeal; it's unlikely. You've waived all of your rights.
7 We only ask that because we are eclipsing someone raising
8 it on a PCR and it just eliminates one issue on post-
9 conviction relief.

10 But there is absolutely no basis for a belated
11 appeal under these circumstances nor is there any
12 evidence that she would prevail on a belated appeal. In
13 all likelihood it would just result in a brief dismissing
14 it based on the appropriate standards that appellate
15 defense would employ in taking up the matter.

16 Preliminarily I do not find the testimony of the
17 applicant credible. I do find Mr. Runyon's testimony to
18 be credible. He did have -- well, I'm sort of going in
19 backwards order. There has been a great deal of
20 testimony about defenses, potential defenses. Basically
21 what Mr. Runyon has articulated is he was going to take a
22 shot at a nullification. Somebody treating you bad is
23 not a reason to shoot them. There has been no testimony
24 in the record -- or shoot at them. There is no testimony
25 in the record to support that they were involved in an

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July 23, 2018

1 accident of some sort, that there was some -- that she
2 was overwrought by emotion and therefore shot someone
3 such that it would have amounted to some form of
4 diminished capacity or some form of self-defense or some
5 form of something that would have supported a lesser
6 included offense that dealt with the heat of passion.
7 The record is just simply devoid of any of those facts.

8 So to the extent that he may have made a shot at
9 nullification, in other words making the jury believe
10 that Mr. Shivers was just a rotten person and therefore
11 deserved to be shot; that's a long shot. People can
12 dislike a victim but still find someone guilty; it
13 happens every day. And that's a lot to be risking on the
14 life of a young person. While he has made that
15 observation it really doesn't amount to a tangible
16 defense.

17 Also, there has been discussion regarding -- and the
18 other thing that would mitigate against that would be the
19 fact that there were innocent people. And the facts as
20 articulated in the transcript indicate that when his wife
21 came to the door is when the shots came through the door
22 and that an innocent child was also in that living room
23 and could have been killed. And so all of those things
24 really would mitigate against him running the risk of
25 offending a jury and proceeding on that type of defense

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July 23, 2018

1 or even thinking you could prevail on it. In addition to
2 that based on what I can glean from the facts that were
3 placed on the record and agreed to by the defendant as
4 well as the statements made by Ms. Shivers, the wife of
5 the sergeant in this case is that -- and I would assume
6 this would have been articulated or presented at trial
7 was that the applicant in this case was stalking her;
8 that it had come to a point where it was unmanageable and
9 that she had become a significant threat to their family.
10 And that it may have been precipitated by some
11 psychological impairment issues; none of which rose to
12 the level of her being found incompetent or unable to
13 stand trial or understand the proceedings against her.

14 I do not find credible any testimony that they would
15 have brought clothing to the courthouse thinking she was
16 going home. I find Mr. Runyon's testimony credible that
17 they thought it would make a better presentation and that
18 he indicated to them she would not be allowed to dress
19 out but if they wanted to bring the clothes they could do
20 that.

21 The record is really clear and I'm not going to
22 belabor the hour as it is already 5:02 regarding her
23 understanding the plea, the nature of the plea, the
24 nature of her consequences to plead guilty as well as her
25 constitutional rights. The Court thoroughly covered

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July 23, 2018

1 those issues and they are in the record and I will make
2 specific findings of fact regarding that in the final
3 order. In addition to that which mitigates against any
4 defenses the fact that she was found shortly after the
5 incident with the gun with the obliterated serial number
6 according to the facts that are in the record. So any
7 questions regarding her identification really are not
8 supported by the facts. And the facts as they are
9 presented in this transcript are uncontradicted; she
10 allocuted to them which means she agreed that these were
11 in fact, this is in fact what took place.

12 And I'm referring to -- in addition to that while
13 I'm going through the facts of it apparently she had
14 filed several unwarranted domestic violence complaints
15 which the police had investigated and found to be
16 unsubstantiated, which also was difficult in terms of any
17 kinds of defenses to be presented.

18 [Whereupon, the court reviews documents]

19 THE COURT: I misspoke. Mr. Cooper indicated that
20 he observed her after she fired the weapon at him
21 additionally that she discarded the weapon with the
22 obliterated serial number and that he watched all of this
23 under the cover of a pickup truck where he had been
24 hiding and therefore, he was able to identify her. I
25 think as a practical matter he could have asked for a

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July 23, 2018

1 Biggers hearing but when you know someone you really
2 don't have to have a Biggers hearing. It wasn't a six
3 pack lineup, it wasn't a show-up; he said he knew her.
4 And apparently they had been involved in extensive
5 intimate relationship and I think he could identify who
6 shot at him. And so I don't know that there is any
7 validity to that as well. Well, I would find there is no
8 validity to it; not such that you would take the chance
9 of pressing and insisting on going to trial.

10 I do not find credible her testimony that she
11 thought she would have gotten 15 months suspended to six
12 years and then some type of community service. It just
13 does not under the facts of this case even sound remotely
14 plausible. And I don't think any portion of a sentence
15 of this type could be suspended or probation given. And
16 I think that you would have to have -- you have to give
17 straight time, but I might be wrong so I don't want to
18 misspeak on that.

19 But in the range of what she's indicated she thought
20 she was getting it's just not plausible to the Court, nor
21 do I find it credible or believable. She might have
22 hoped for that but I don't find her credible that Mr.
23 Runyon ever represented that to her. Based on the
24 allocution of the facts and the representations of the
25 victim extensive history of stalking, harassment which

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1 she had pursued -- and I do find Mr. Runyon credible that
2 he -- I don't know -- I guess -- and I'm going to address
3 it although it really has no rational relationship to
4 whether he was effective or not following a bond hearing
5 it is unlikely with these charges her bond would have
6 been reduced, especially if it had been set by another
7 circuit Judge.

8 And under the facts and circumstances considering
9 danger to the community it is unlikely that a bond
10 hearing would have made any appreciable difference or
11 that she ever would have been let out regarding these
12 especially if the Shivers showed up and wanted to be
13 heard at the bond hearing. But it is unlikely under
14 these circumstances that her bond would have been reduced
15 in any appreciable way considering her danger to the
16 community.

17 But I don't think it really has any import on
18 whether he was effective or not or whether he fell below
19 an objective standard. It has nothing to do with whether
20 she would have insisted on going to trial or not or
21 whether she would have pled guilty. So it's not
22 dispositive of the issue but I addressed it because it
23 was raised during the testimony. But I do find him
24 credible that he perceived and believed based on his
25 years of experience and based on his interaction with her

Felicia N. Cooper v State
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July 23, 2018

1 that if she had been let out that she would have tried
2 and made another attempt to harm him.

3 [Whereupon, the court reviews documents]

4 THE COURT: I think what I was referring to earlier
5 is on page 10, line 19. [Reading] In other words she
6 reported her behavior to the law and when she dropped the
7 weapon, Your Honor, it was retrieved by the law and noted
8 that the serial number was obliterated.

9 That is what I was making reference to earlier.
10 But clearly based on the record her desire and her
11 decision to plead guilty was hers. She made it freely,
12 voluntarily, knowingly, and intelligently. That she had
13 the advice of counsel. She indicated to the Court she
14 was satisfied with her lawyer's services; she had no
15 complaints. In addition to that she was clearly told
16 about the range of penalty, her constitutional rights and
17 otherwise.

18 So based on what has been presented to the Court I
19 can find no basis for relief and therefore the motion or
20 the application for post-conviction relief is denied.
21 The State needs to provide the Court with a proposed
22 order within 15 days of today in Word format to
23 djeffersonsc@sccourts.org. Please copy Mr. Davis on that
24 in the event that he wants to have any input. But I
25 think you all have known me long enough to know that I

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1 never sign anything the way it is submitted to me so it's
2 going to be changed in some particulars. And of course I
3 will provide you all with a copy of the filed order once
4 it is done. Thank you very much.

5 MS. OPPENHEIMER: Thank you, Your Honor.

6 THE COURT: Y'all have a good afternoon.

7 *****END OF TRANSCRIPT OF RECORD*****
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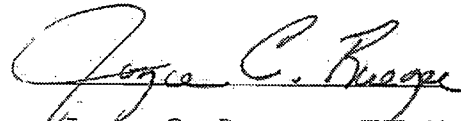
Felicia N. Cooper v State
Certificate of the Court Reporter
July 23, 2018

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of Common Pleas for Charleston County, South
Carolina on the 23rd day of July, 2018.

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

January 11, 2019



Joyce C. Rueger, CWR-M

Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

Felicia N. Cooper, #366402,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Case No. 2016-CP-08-2207

ORDER OF DISMISSAL

Presiding Judge:
Applicant's Attorney:
Respondent's Attorney:
Plea Counsel:
Date of Hearing:
Court Reporter:

Honorable Deadra L. Jefferson
Rodney Davis, Esq.
Kelly Oppenheimer, Esq.
William Runyon, Esq.
July 23, 2018
Joyce C. Rueger

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed September 19, 2016 by Felicia N. Cooper (Applicant). The Respondent made its Return on or about June 21, 2017. Thereafter, on July 13, 2018, Applicant, through her counsel, filed an amendment to the application for post-conviction relief. An evidentiary hearing into the matter was convened on July 23, 2018 at the Charleston County Courthouse.¹ The Applicant was present at the hearing and was represented by Rodney D. Davis, Esquire. Kelly Oppenheimer, Esquire of the South Carolina Attorney General's Office was present on behalf of the State of South Carolina. Applicant's plea counsel, William L. Runyon, Jr., was also present. Testimony was taken from William Runyon, the Applicant, and the Applicant's father. The Court was also presented with the guilty plea transcript, the records of the Berkeley County Clerk of Court, the

¹ At the onset of the hearing, Applicant waived jurisdiction to have her Berkeley County case disposed of in Charleston County.

10/16
[Signature]

Applicant's records from the South Carolina Department of Corrections, the PCR application, and Respondent's Return. After a review of the record and all evidence presented, this Court finds that Applicant has failed to meet her burden of proof and denies the application with prejudice.

FACTS

The Applicant was engaged in an affair with a married man, and during their relationship, accused him of domestic violence via formal complaint. (Transcript of Plea at 8: 3-6, State v. Felicia Cooper, June 15, 2016). After an investigation into this accusation, law enforcement determined that the Applicant had fabricated the evidence against her lover and the charges against him were dropped. (Id. at 8:6-8). The next evening, the Applicant went to her lover's home where he was watching television with his daughter; his wife was also home. (Id. at 8:17-19). Applicant knocked on the door several times until the wife eventually came to the door. (Id. at 8: 23-24). Upon seeing the wife at the door, Applicant shot at her, and then shot at her lover when he approached her. (Id. at 8:24-9:7). Applicant continued to fire the gun at her lover two more times before dropping the weapon and running away. (Id. at 9:5-10). Law enforcement eventually arrived on the scene and found the Applicant's discarded firearm, which was later discovered to have an obliterated serial number. (Id. at 10: 20-21).

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. The Applicant was indicted at the July 2015 term of the Berkeley County Grand Jury for: (1) three counts of Attempted Murder² (2015-GS-08-01159; 2015-GS-08-01160; 2015GS-08-01161); (2) Possession of a

² Attempted Murder is a violent and most serious felony, punishable by up to thirty (30) years in prison. See S.C. CODE ANN. § 16-3-29 (2005). A sentence for Attempted Murder may not be suspended nor probation granted. Id.

2/16
[Signature]

Weapon during the Commission of a Violent Crime³ (2015-GS-08-01162); and (3) Possession of a Handgun with an Obliterated Serial Number⁴ (2015-GS-08-01163).

The Applicant appeared before the Honorable G. Thomas Cooper, Jr. on June 15, 2016 and pled guilty as indicted to all charges. William L. Runyon, Jr., Esquire represented the Applicant at the plea. Anne M. Williams, Esquire of the Ninth Circuit Solicitor's Office represented the State. Judge Cooper sentenced the Applicant to a term of imprisonment of twenty (20) years, suspended to upon the service of twelve (12) years followed by three years probation⁵ for each Attempted Murder charge and five (5) years for each weapons charges. Credit was given to the Applicant for pretrial detention time served pursuant to SC Code Ann. §24-13-40. These sentences were to run concurrently. Applicant did not appeal her plea or sentence.

ALLEGATIONS

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

1. Ineffective Assistance of Counsel: Counsel Misled me with misleading statements
2. Ineffective Assistance of Counsel: Counsel failed to properly investigate my case
3. Ineffective Assistance of Counsel: Counsel explained the plea but not the sentence

³ Possession of a Weapon during a Violent Crime is felony punishable by five (5) years in prison, in addition to the punishment provided for the principal crime. See S.C. CODE ANN. § 16-23-490 (2005). Service of the five-year sentence is mandatory unless a longer mandatory minimum term of imprisonment is provided by law for the violent crime. Id. The court may impose this mandatory five-year sentence to run consecutively or concurrently. Id.

⁴ A person in Possession of a Firearm from which a serial number has been removed or obliterated is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both. See S.C. CODE ANN. § 16-23-50 (2005).

⁵ Probation was tolled during the service of the Applicant's active sentence.

3 of 16
JH

In an amendment to the original application for post-conviction relief, submitted by counsel, Applicant raised the following additional ground for relief:

1. The Applicant amends the original Application to include a claim that she made a request for an appeal and her attorney failed to act on this request.

At the evidentiary hearing, Applicant proceeded forward on the allegations raised in her original and amended application for post-conviction relief. All other allegations are hereby deemed to have been abandoned.

SUMMARY OF TESTIMONY AT THE EVIDENTIARY HEARING

Applicant testified on her own behalf and presented the testimony of her father, Edward Cooper, at the evidentiary hearing. Respondent elicited the testimony of plea counsel, William L. Runyon, Jr. (hereinafter "Counsel"), and Applicant cross-examined him.

The first witness to testify at the hearing was the Applicant, Felicia Cooper. Applicant testified that her father retained William Runyon to represent her on these charges while she was incarcerated. Applicant testified that she met with Counsel approximately three to four times, with each meeting lasting about ten to fifteen minutes. Applicant claimed that Counsel failed to review the discovery, specifically the police and incident reports, with her during these meetings. Applicant further testified Counsel did not thoroughly investigate the facts of her case. She elaborated that Counsel was aware of the relationship between her and the victim, but never investigated any of the prior domestic violence incident reports against him. Applicant also testified that she never discussed the elements of the offenses, the State's burden of proof, the potential sentences, serious and most-serious classifications, the eighty-five percent rule, parole eligibility, or any potential defenses with Counsel.

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Applicant further testified that she met with Counsel for five minutes prior to her plea, but stated that Counsel did not ask for her input regarding whether to plea or go to trial. She testified that Counsel decided that she would plead guilty, and she agreed because Counsel told her that she would be going home. Applicant testified Counsel told her she was going to get probation, community service, and a time served sentence. She claimed she would not have pled if she knew she was not going to be released, and would have instead insisted on proceeding to trial. Applicant testified she did not understand the sentencing sheets, but Counsel told her to sign them without an explanation. She stated that she thought she was pleading to fifteen months with six years' probation and community service when she signed the sentencing sheets.

Applicant further testified that she spoke with Counsel for approximately five minutes after her plea. She allegedly asked Counsel whether she would have to serve eighty-five percent of her sentence. Applicant testified that Counsel informed her that he would attempt to get her sentence reduced from eighty-five percent to sixty-five percent. Counsel allegedly failed to contact the Applicant or her family after this brief conversation. Applicant explained that she had her sister, mother, and father call Counsel in order to inquire about an appeal. She testified that she attempted to file an appeal, but was informed that her attorney would have to file one on her behalf. Applicant stated that Counsel neglected to file the Appeal.

Following Applicant's testimony, Applicant's father, Edward Cooper, testified. Mr. Cooper testified that he hired William Runyon, Jr. to represent Applicant on these charges. He further testified that Mr. Runyon's office notified him of Applicant's plea date approximately one week beforehand. He explained he took Applicant's clothes to the courthouse with him on the day of the plea as it was his belief that the Applicant would be released after the plea.

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The Respondent then presented the testimony of counsel, William Runyon, Jr., Esquire. Mr. Runyon testified that he has been practicing law for approximately fifty-one (51) years. He informed the Court that he has owned his own practice for the last ten years, and that fifty percent (50%) of his caseload involves criminal work.

Counsel testified that he was retained to represent Applicant by her father. He testified that he met with Applicant approximately six (6) times during the course of his representation. He explained that they reviewed the elements the State would be required to prove for each charge, the potential sentences, possible defenses, and Applicant's constitutional rights during these meetings. He further testified that he filed Brady and Rule 5 motions on Applicant's behalf, and that he received all of the discovery and reviewed it with the Applicant. Counsel further testified that he conducted an independent investigation of the case during which he discovered that the Applicant and victim were having an affair. He also discovered photographs of Applicant and Sergeant Shivers in a compromising position and also discovered that the relationship was riddled with harassment and physical altercations.

Counsel further testified that he discussed potential defenses with the Applicant, and even explored a "battered wife" defense, but ultimately determined that the best option was to plead. Given the facts and circumstances of this case, there was no question in Counsel's mind that Applicant was the individual who shot into the victim's home as she was identified by the victim, with whom she had an intimate relationship. Counsel also found it problematic that the Applicant shot into her lover's home with his wife and young daughter present and within "the cone of her fire." Because of their presence, Counsel believed that Applicant would be incarcerated for a

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period of time, which he explained to the Applicant. He further explained that his strategy was to limit Applicant's sentence exposure.

Counsel testified that it was ultimately the Applicant's decision to plead guilty. He informed Applicant that the plea was straight up to all charges, without recommendation or negotiation, but that the State was seeking the maximum sentence. Counsel testified that he did not make any promises to Applicant regarding her sentence, and that he never promised Applicant she would get probation, although they did discuss probation as a possibility. He stated that he never told the Applicant or her father that she would be released upon pleading guilty. It was counsel's understanding that Applicant's father brought clothing to the plea to ensure that Applicant would look presentable to the Court.

Lastly, Counsel testified that he informs all of his clients that they will need a separate contract if they wish to appeal their sentence or conviction. He testified that Applicant never asked him to appeal, and that, in any event, he did not believe an appeal would be successful since the sentence was fair.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, closely pass upon his or her credibility, and weigh his or her testimony accordingly. Upon doing so, this Court finds Counsel's testimony to be credible whereas Applicant's testimony is not. The Court has detailed its relevant findings of facts and conclusions of law as required by S.C. Code Ann. § 17-27-80 (1985), below.

A handwritten signature in black ink, appearing to be "T. J. [unclear]", is written over the bottom of the page.

I. Ineffective Assistance of Counsel

The Applicant seeks relief from her conviction on the basis that she received ineffective assistance of counsel at her criminal trial in violation of the Sixth Amendment. The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland, 466 U.S. at 686, 104 S. Ct. at 2064; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

In evaluating allegations of ineffective assistance of counsel, the reviewing court must apply a two-pronged test. Strickland, 466 U.S. 668, 104 S. Ct. at 2064. First, the applicant must prove that 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, 104 S. Ct. at 2064). The proper measure of performance is whether an 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, 104 S. Ct. at 2064). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Once the Applicant has established deficient performance by counsel, he must then establish that counsel's

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performance 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.” *Id.* 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, 186, 480 S.E.2d 733, 735 (1997) (citing *Strickland*, 466 U.S. at 694, 104 S. Ct. at 2068). After careful review based on the above standard, this Court finds that the Applicant has failed to carry her burden in this action. Below are this Court’s findings in regards to each of Applicant’s allegations of ineffective assistance of counsel.

A. Failure to Investigate

Applicant first alleges that Counsel was ineffective for failing to investigate her relationship with the victim, specifically her reports to law enforcement of abuse as well as her version of events. Counsel is required to conduct a reasonable investigation into potential defenses; however, our courts do not “impose a constitutional requirement that counsel uncover every scrap of evidence that could conceivably help their client.” *Tucker v. Ozmint*, 350 F.3d 433, 442 (4th Cir. 2003) (quoting *Green v. French*, 143 F.3d 865, 892 (4th Cir. 1998)). Indeed, “failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result.” *Porter v. State*, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006) (abrogated on other grounds by *Smalls v. State*, 422 S.C. 174, 810 S.E.2d 836, 839 (2018)). “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, 123 S. Ct. 2527, 2535 (2003).

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Here, Counsel credibly testified that he conducted an independent investigation into Applicant's version of the facts as well as her relationship with the victim. He further testified that Applicant later admitted that her story or version was untrue. Moreover, Applicant informed the plea court that Counsel had done everything she asked of him during the course of his representation and preparation for the plea. (Transcript of Plea at 7:5-7, State v. Felicia Cooper, June 15, 2016). The Court, thus, finds that Counsel did, in fact, investigate the facts and circumstances of Applicant's case. Applicant has wholly failed to establish any deficiency on the part of Counsel.

Likewise, this Court finds that Applicant has failed to establish any resulting prejudice from this alleged deficiency. Applicant did not offer any testimony regarding a benefit or advantage she would have received from additional investigation. See Porter, 368 S.C. at 386, 629 S.E.2d at 358 (finding counsel was not ineffective when Petitioner failed to present any evidence showing how additional investigation would have changed the result). This allegation is therefore denied and dismissed with prejudice.

B. Failure to Explain Plea

Applicant further alleges that Counsel was ineffective for failing to explain the plea to her. This allegation is clearly refuted by Counsel's testimony and the record itself. Counsel credibly testified that he discussed whether to plea or go to trial with the Applicant, with particular emphasis on the fact that an acquittal would be unlikely because of the nature of the crime and victims involved. Moreover, Applicant indicated to the plea court that she understood her option to plead guilty or not guilty to these charges as well as her constitutional rights at trial. (Transcript of Plea at 5:13-6:20, State v. Felicia Cooper, June 15, 2016). She further indicated that she understood her

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rights, and still desired to plead guilty to these charges. (*Id.* at 6:21-22). In light of the foregoing, this Court finds that the Applicant has wholly failed to establish Counsel was deficient for allegedly failing to explain the plea or discern any resulting prejudice therefrom.

Applicant further contends that Counsel was ineffective for ensuring her a probationary sentence rather than active time. This assertion is also clearly refuted by Counsel's testimony and the record. Counsel credibly testified that he made Applicant aware of the range of penalty and potential sentences on these charges. Counsel was adamant that he never promised Applicant a probationary sentence. In fact, Counsel informed Applicant that the possibility of her receiving a probationary sentence was minimal in light of the innocent victims involved. Additionally, Applicant indicated to the plea court that she understood that each charge of Attempted Murder carried up to thirty (30) years imprisonment. (*Id.* at 5:1-5). She further indicated that she understood each weapons charge carried up to five (5) years imprisonment. (*Id.* at 5:6-12). Furthermore, Applicant informed the plea court that no one had promised her anything or held out any hope of reward in order to cause her to plead guilty. (*Id.* at 6:24-7:1). As such, Applicant has failed to establish any deficiency on the part of Counsel with regards to this allegation, nor has she established any resulting prejudice from the alleged deficiency. Accordingly, this allegation is denied and dismissed with prejudice.

C. Failure to Appeal

Applicant alleges Counsel was ineffective for failing to file an appeal. Counsel has a constitutionally-imposed duty to consult with a defendant about an appeal when there is reason to believe that: (1) that a rational defendant would want to appeal or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. Roe v. Flores-Ortega, 528

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U.S. 470, 480, 120 S. Ct. 1029, 1036 (2000). In the event of a guilty plea, “there must be proof that extraordinary circumstances exist, such as where a defendant inquires about an appeal, in order for counsel to be required to advise a defendant of the right to appeal.” Rolen v. State, 384 S.C. 409, 415, 683 S.E.2d 471, 474-75 (2009) (citing Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995)). When counsel has consulted with the defendant regarding the right to appeal, “[c]ounsel performs in a professionally unreasonable manner *only* by failing to follow the defendant’s express instructions with respect to an appeal.” Flores-Ortega, 528 at 478, 120 S. Ct. at 1036 (emphasis added).

In this case, Counsel credibly testified that Applicant was aware she would need a separate contract with him in the event of an appeal. However, per counsel’s testimony, the Applicant never ask him to appeal the sentence. Further, the plea court advised the Applicant of her right to appeal, and notified her that she would have ten days from sentencing in which to file a Notice of Intent to Appeal. (Transcript of Plea at 11:18-21, State v. Felicia Cooper, June 15, 2016). Applicant then indicated that she understood her right to appeal and the time constraints in which she would be required to do so. (Id. at 11:22) Due to Applicant’s complete lack of inquiry into an appeal, this Court does not find that there were extraordinary circumstances that would require Counsel to advise Applicant of her right to appeal. Moreover, this Court finds that Applicant was clearly aware of her right to appeal and wholly failed to request that Counsel file a Notice of Intent to Appeal on her behalf. In light of the foregoing, this Court finds that the Applicant has failed to establish that Counsel was deficient or that she suffered any prejudice from this alleged deficiency. Accordingly, this allegation is denied and dismissed with prejudice.

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II. Involuntary Guilty Plea

Lastly, Applicant alleges that her guilty plea was involuntary since it was based on Counsel's misrepresentations to her. In evaluating issues concerning guilty pleas, this Court will consider the entire record, including the transcript of the guilty plea and the evidence presented at the post-conviction relief hearing. Roddy v. State, 339 S.C. 29, 528 S.E.2d 418 (2000). The voluntariness of a guilty plea is not merely determined by an examination of a specific inquiry by the plea court alone but rather is determined by the record of both the guilty plea proceeding and the post-conviction relief hearing. Id. In order to make a finding that a guilty plea was knowing and voluntary, the record must establish that the defendant had a full understanding of the consequences of her plea and the charges against her. Boykin v. Alabama, 395 U.S. 238, 242, 89 S. Ct. 1709, 1712 (1969). Further, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant; as a result, an applicant's right to contest the validity of such a plea is usually foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1631 (1977)). Thus admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why [s]he should be allowed to depart from the truth of [her] 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 this allegation to be without merit. Applicant's plea was entered into freely and voluntarily. Plea counsel credibly testified that he conferred with the Applicant prior to her guilty plea and adequately advised her of her constitutional rights, the elements of the offenses, the potential sentences, and the consequences of her guilty plea. Counsel further informed Applicant that the plea was straight up to all charges, without recommendation or negotiation, but

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that the State was seeking the maximum sentence. Counsel testified that he did not make any promises to Applicant regarding her sentence, although they did discuss probation as a possibility. Applicant testified that it was ultimately her decision to plead guilty.

Moreover, the record reflects that the Applicant wished to plead guilty to the charged offenses and that the Applicant entered his plea freely, voluntarily, knowingly, and intelligently. (Transcript of Plea at 11:11-15, State v. Felicia Cooper, June 15, 2016). The Applicant told the Court that she was not under the influence of alcohol, drugs, or prescription medication at the time of the plea (Id. at 7:10-12). The Applicant further testified that she was satisfied with her attorney's representation, advice, and preparation of her case. (Id. at 7:1-9).

The Applicant was advised of and waived her right to a jury trial and accompanying constitutional rights, such as the right to confront witnesses, the right to present evidence in her own defense, and the right to remain silent. (Id. at 5:24-6:11). Applicant was also advised of the presumption of innocence and the State's burden of proof by the Court. (Id. at 6:12-16). In response, the Applicant told the Court that she understood the proceedings, and was pleading guilty of her own free will and accord. (Id. at 7:13-19). The Applicant advised the Court that she wished to plead guilty to three (3) counts of Attempted Murder, Possession of a Weapon during the Commission of a Violent Crime, and Possession of a Firearm with an Obliterated Serial Number, and further informed the Court that she understood the penalty range for each of these offenses. (Id. at 4:25-5:16). Applicant testified that she was not induced to plead guilty by a false promise or hope of reward, and reiterated that she was doing so of her own free will (Id. at 6:24-7:1)

In light of the foregoing, this Court finds that Applicant has failed to meet her burden of proof in establishing that the plea was involuntary. The Applicant had a full understanding of the

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consequences of her plea and the charges against her, and the plea court correctly found Applicant's plea was freely, voluntarily, knowingly, and intelligently made. Additionally, the Applicant was represented by competent counsel at the plea. Counsel conducted a proper investigation, adequately conferred with the Applicant, and provided thorough representation. Plea counsel demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 5, 239 S.E.2d 750, 752 (1977). Accordingly, this allegation must be denied and dismissed with prejudice.

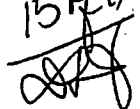
CONCLUSION

This Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require the Court to grant his application. Counsel was not deficient and the Applicant was not prejudiced by counsel's representation. The Application is therefore denied and dismissed with prejudice.

The Court advises the Applicant that she must file and serve a notice of appeal within thirty (30) days from the receipt of this Order if she wants to secure the appropriate appellate review. See Rule 203, SCACR. The Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief; however, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf pursuant to Rule 71.1(g), SCRCP. See Austin v. State, 305 S.C. 453 (1991). The Applicant is hereby directed to South Carolina Appellate Court Rule 243 for the appropriate procedures for appeal.

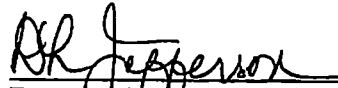
IT IS THEREFORE ORDERED:

1. That this application for post-conviction relief must be denied and dismissed with prejudice; and

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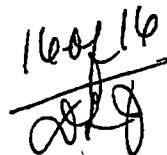
2. The Applicant must be remanded to and remain in the custody of the State

AND IT IS SO ORDERED this 8th day of Nov, 2018.



DEADRA L. JEFFERSON
Presiding Judge
Ninth Judicial Circuit

Charleston, South Carolina
at chambers

160416


JGN/0303220
WITNESSES

Summerville Police Department

H. TANNER

AGENCY CASE NUMBER

2015-024462

ARREST WARRANT NUMBER

K203683

DATE OF ARREST

03/30/2015

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury

7-14-15

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-08-01159

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

JULY TERM 2015

THE STATE

VS.

FELICIA NICOLE COOPER

B/F DOB: [REDACTED]

Indictment for

ATTEMPTED MURDER

SC Code: § 16-03-0029

CDR Code: 3410

MAITY D. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

15 JUL 14 PM 2:13

FILED

JH

JH

115

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened on July 14, 2015, the Grand Jurors of Berkeley County present upon their oath:

ATTEMPTED MURDER

That in Berkeley County, South Carolina, on or about March 28, 2015, the Defendant, Felicia Nicole Cooper, did, with intent to kill and malice aforethought, attempt to kill Sierra Devonte Shivers. This is in violation of Section 16-3-29 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 case made and provided.



JESSICA G. NICKLES
ASSISTANT SOLICITOR

JGN/0303220
WITNESSES

Summerville Police Department

AGENCY CASE NUMBER

2015-024462

ARREST WARRANT NUMBER

2015A1820500202

DATE OF ARREST

03/30/2015

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

7-14-15

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-08-01160

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

JULY TERM 2015

THE STATE

VS.

FELICIA NICOLE COOPER

B/F DOB: [REDACTED]

Indictment for

ATTEMPTED MURDER

SC Code: § 16-03-0029

CDR Code: 3410

FILED
15 JUL 14 PM 2:12
JANET E. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

JH

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened on July 14, 2015, the Grand Jurors of Berkeley County present upon their oath:

ATTEMPTED MURDER

That in Berkeley County, South Carolina, on or about March 28, 2015, the Defendant, Felicia Nicole Cooper, did, with intent to kill and malice aforethought, attempt to kill Shaune Shivers. This is in violation of Section 16-3-29 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 case made and provided.


JESSICA G. NICKLES
ASSISTANT SOLICITOR

JGN/0303220
WITNESSES

Summerville Police Department

AGENCY CASE NUMBER
2015-024462

ARREST WARRANT NUMBER
2015A1820500201

DATE OF ARREST
03/30/2015

ACTION OF GRAND JURY
True Bill

[Signature]
Foreperson of Grand Jury

7-14-15
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-08-01161

The State of South Carolina
County of Berkeley

COURT OF GENERAL SESSIONS
JULY TERM 2015

THE STATE

VS.

FELICIA NICOLE COOPER
B/F DOB: [REDACTED]

Indictment for
ATTEMPTED MURDER

SC Code: § 16-03-0029
CDR Code: 3410

15 JUL 14 PM 2:12
MARY D. BLOUNT
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED

[Signature]

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened on July 14, 2015, the Grand Jurors of Berkeley County present upon their oath:

ATTEMPTED MURDER

That in Berkeley County, South Carolina, on or about March 28, 2015, the Defendant, Felicia Nicole Cooper, did, with intent to kill and malice aforethought, attempt to kill Ciera Shivers. This is in violation of Section 16-3-29 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 case made and provided.


JESSICA G. NICKLES
ASSISTANT SOLICITOR

JGN/0303220
WITNESSES

Summerville Police Department

AGENCY CASE NUMBER

2015-024462

ARREST WARRANT NUMBER

2015A1820500203

DATE OF ARREST

03/30/2015

ACTION OF GRAND JURY

Arpe Bill
Arpe Bill
Foreperson of Grand Jury

7-14-15
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-08-01163

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

JULY TERM 2015

THE STATE

VS.

FELICIA NICOLE COOPER

B/F DOB: [REDACTED]

Indictment for

POSSESSION OF A HANDGUN WITH
SERIAL NUMBER OBLITERATED

SC Code: § 16-23-0030
CDR Code: 2364

15 JUL 14 PM 2:12
MARY P. LINDSEY
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

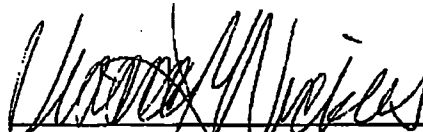
INDICTMENT

At a Court of General Sessions, convened on July 14, 2015, the Grand Jurors of Berkeley County present upon their oath:

Possession of a Handgun with Serial Number Obliterated

The defendant, Felicia Nicole Cooper, did on or about March 28, 2015, in Berkeley County, South Carolina, unlawfully possess or acquire a handgun from which the original serial number had been removed or obliterated. All in violation of 16-23-0030 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 case made and provided.


JESSICA G. NICKLES
ASSISTANT SOLICITOR

JGN/0303220
WITNESSES

Summerville Police Department

AGENCY CASE NUMBER

2015-024462

ARREST WARRANT NUMBER

2015A1820500200

DATE OF ARREST

03/30/2015

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-08-01162

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

JULY TERM 2015

THE STATE

VS.

FELICIA NICOLE COOPER

B/F DOB: [REDACTED]

Indictment for

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT
CRIME

SC Code: § 16-23-0490
CDR Code: 0549

15 JUL 14 PM 2:12
CLERK OF COURT
BERKELEY COUNTY S.C.

FILED

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

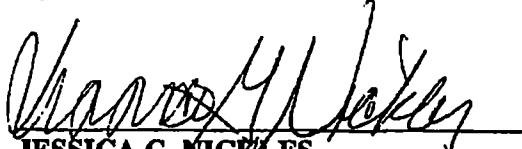
INDICTMENT

At a Court of General Sessions, convened on July 14, 2015, the Grand Jurors of Berkeley County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That in Berkeley County, South Carolina, on or about March 28, 2015, the Defendant, Felicia Nicole Cooper, did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Attempted Murder; in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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


JESSICA G. NICKLES
ASSISTANT SOLICITOR