

**Vol. II of II**  
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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Greenville County

Honorable Alex Kinlaw, Circuit Court Judge

\_\_\_\_\_  
DAVID A. YOUNG,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-002043

\_\_\_\_\_  
APPENDIX  
\_\_\_\_\_

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1 Q What did you talk about?

2 A What they offering, what they doing, what's going on,  
3 you know.

4 Q So there were other plea offers?

5 A I didn't get but one plea offer. That was the week  
6 before he come to see me before trial.

7 Q So how long did these three meetings last?

8 A Roughly five, six, seven minutes. Because he had to  
9 see other clients.

10 Q Okay. So during those meetings, did you guys talk  
11 about any possible defenses that you might use?

12 A No, none -- none of that.

13 Q Did you tell Mr. Chambers that you weren't the  
14 shooter?

15 A Yeah. I told him that.

16 Q Okay. And so in terms of you telling him he [sic]  
17 wasn't the shooter, what type of trial strategy did he  
18 tell you that he had going forward?

19 A He didn't. There wasn't nothing about no trial  
20 strategy.

21 Q Okay. So you said you met with him a week before  
22 trial --

23 A Right.

24 Q -- what did you guys talk about during that meeting?

25 A He was telling me about the tapes that he heard, that

1 he listened to. And he told me about the plea offer.

2 They offered me 30 years.

3 Q Okay. So --

4 A And he, also, said, Well, if you take the 30, you  
5 know, you'll be 72 when you get out.

6 I said, Man, I'm not taking no 30 --

7 Q And --

8 A -- for something I didn't do.

9 Q And I apologize. I didn't mean to cut you off. I  
10 just want to be clear. You just testified that  
11 Mr. Chambers told you about the tapes that he heard about  
12 you confessing --

13 A Right.

14 Q -- so you knew about them before you went to trial;  
15 right?

16 A Yeah. But I didn't never listen to them. He never  
17 let me listen to them. I, actually, didn't physically  
18 hear the tapes. I was just going on what he said.

19 Q Okay. So let me ask you, that wasn't your voice on  
20 the tapes?

21 A What?

22 Q The tapes that were played at trial?

23 A No.

24 Q Okay. So Mr. Chambers did object during -- when the  
25 tapes were introduced; right?

1 A Yeah. He objected to them. He supposed to. Because  
2 they didn't have no voice specialist there. Just like  
3 they had the gun specialist there. Same way they had  
4 Ms. Outen [phonetic] there that's the forensics  
5 specialist. You see, there's certain elements and stuff  
6 during the trial you gots to have there to get a  
7 conviction.

8 Q Okay.

9 A And it wasn't there at my trial. Because I was blind  
10 to the law. Like I said earlier, I didn't know what I  
11 know now.

12 Q So your appellate lawyer appealed that issue, didn't  
13 he?

14 A Yeah. But he could have did a better brief than what  
15 he did.

16 Q Okay. So -- so the Court of Appeals reviewed that  
17 and had an opportunity to decide whether there was any  
18 issues with the trial in terms of your tapes coming in;  
19 right?

20 A Well, Mr. Dudek really -- it was just a brush off,  
21 just brush of, okay, we'll do this brief right here on him  
22 just to get him on through with, you know.

23 Q Okay. So I just want to make sure the record is  
24 clear. He told you about the tapes, but you didn't want  
25 to take the plea offer?

1 A Not no 30 years, no.

2 Q Okay. And so you're here today -- what -- what  
3 witnesses did you want Mr. Chambers to call on your  
4 behalf?

5 A Just like Mr. Walker that was sitting right there in  
6 the driver's seat that, actually, seen the crime. Carl  
7 Allen that was in the parking lot that was affiliated with  
8 the one that got shot, and the one that took the stand.  
9 He could have called the boy's sister as a witness to  
10 bring forth who said -- who robbed the victim.

11 There could have been a lot of things that could have  
12 been done that could have been a different outlook. Then  
13 people that was taking the stand couldn't even pick me at  
14 initiation of the drug deal because I wasn't there, that  
15 was taking the stand that -- against me for no reason.  
16 They don't know me, never saw me, never met me, none of  
17 that.

18 Q Okay. So --

19 A Same way with another fellow, [inaudible] Thomas, who  
20 knowed about a female that was an eye eyewitness that  
21 could have been brung forth, that could have been  
22 subpoenaed to come forth to identify the shooter. There  
23 was a lot of things that could have been done different  
24 that he could have done.

25 Q Sure.

1 A That would have made a lot of difference.

2 Q And so let me ask you, you said that during those  
3 calls, you -- and, again, you said it wasn't your voice.  
4 But you wanted to protect somebody; right?

5 A Yeah. Because if Porchae -- she was out there in the  
6 streets doing what she do. But she wouldn't degrade  
7 herself to do things that others do for things like that.  
8 So I respected that.

9 Q And so Porchae -- Ms. Adams, she was your  
10 co-defendant; right?

11 A Right.

12 Q And she testified at trial; right?

13 A Yeah. I never saw a statement. The only thing I did  
14 was -- they glanced it to me and said, okay, this is the  
15 statement she gave against you -- this is the statement  
16 she gave against you, Mr. Young. But, actually, got --  
17 physical of it, no. And then it was handed right back to  
18 the prosecutor. There you go.

19 Q So in her testimony when she said that you told her  
20 that you shot the guy or smoked the guy -- she testified  
21 to that at trial; right?

22 A I was cross-examined on that.

23 Q No, no. I'm talking about Ms. Adams' testimony. Did  
24 she or did she not --

25 A Yeah. She -- she, basically, got up there and -- and

1 farbicated [sic] a lot of stuff and lied. So, actually,  
2 you know, when I come out behind the club behind the  
3 fellow and he came between the cars and I was on the  
4 opposite -- other side of the cars, then I said, What you  
5 going to do about the bread, man? And he cussed me, or  
6 whatever, whatnot. And when he reached. And that's when  
7 she hollered his name. When -- and when he turned, that's  
8 when fires -- shots was fired.

9 So if I'm on the other side of the car, there ain't  
10 no way I could get to in a half inch or eight inches and  
11 shoot you between the eyes, no. It wasn't possible.

12 Q So I just wanted to be -- make sure we're clear for  
13 the record. Did you tell her that you shot the victim?

14 A Who? Porchae?

15 Q Yes.

16 A No. I never told her that.

17 Q You never told her that and you didn't --

18 A No. I didn't tell her that.

19 Q -- call from the jailhouse saying that you shot the  
20 guy either?

21 A Yeah. I did that at the jailhouse when I found out  
22 that they had locked her up. Because when I called her  
23 number, she had got rid of her cell phone. And I  
24 thought -- I said, oh, Lord, man, they're getting ready to  
25 kill her, bro.

1 Q So are you saying that you did make the calls, or  
2 not?

3 A I did in -- the first one, I made. But the other  
4 ones, I didn't.

5 Q Okay. So in that first phone call, did you confess  
6 to shooting the victim?

7 A I lied.

8 MR. MITCHELL: Okay. Thank you, Judge.

9 That's all the questions I have.

10 MR. RICHEY: Just --

11 THE COURT: Mr. Richey.

12 MR. RICHEY: -- a couple questions.

13 REDIRECT EXAMINATION

14 BY MR. RICHEY:

15 Q Are you asking the Court to give you a new trial?

16 A Yes, yes.

17 Q And -- and you believe that that's in your best  
18 interest?

19 A Yes.

20 MR. RICHEY: Okay. Thank you.

21 You can step down.

22 THE COURT: All right. I've just got one question.

23 EXAMINATION

24 BY THE COURT:

25 Q Why did you lie for?

1 A To protect Porchae.

2 Q Why would you want to do that?

3 A Because she was a young mother of a -- she's a single  
4 mother. And she was done wrong because they ain't had no  
5 business robbing the poor girl like that. That's just  
6 straight out robbery, just, you know -- that's no morals  
7 or no respect for a mother of a child.

8 Q All right. I'm -- I'm a little confused. Just one  
9 other question. I'm hearing on one hand you're saying it  
10 wasn't your voice because of the -- the tapes weren't  
11 authenticated. Then on the other hand, you're saying that  
12 you did say that and you lied. So I'm confused. If it  
13 wasn't your voice, who was saying that?

14 A The first day I got locked up, I said that. But  
15 anything after that, that wasn't me, Your Honor.

16 Q It was somebody else?

17 A It wasn't me. Because the voice is recorded. It's  
18 just like if I go to the phone and say David Young, it's a  
19 recording. Every time you pick up the phone and put your  
20 six digit pin code in there, it's going to have that same  
21 voice, David Young every time. It ain't like I'm going to  
22 make a new voice. It ain't -- it ain't like -- it ain't  
23 set up like that. It's not like that.

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

25 I don't have any other questions.

1 Anything further from either side?

2 MR. RICHEY: No, Your Honor.

3 MR. MITCHELL: No, Your Honor.

4 THE COURT: You can step down.

5 Any other witnesses for the Applicant?

6 MR. RICHEY: No, sir.

7 THE COURT: All right. Is the State ready to  
8 proceed?

9 MR. MITCHELL: We are, Your Honor.

10 The State would call Mr. Randall Chambers to the  
11 stand.

12 THE COURT: All right. Mr. Chambers, come forward.

13 THE CLERK: Mr. Chambers, please place your left hand  
14 on the Bible and raise your right hand.

15 WHEREUPON,

16 RANDALL LEE CHAMBERS,

17 after first having been duly sworn, testified as follows:

18 THE CLERK: Thank you.

19 You may be seated.

20 And please state your full name for the record.

21 THE WITNESS: My full name is Randall Lee Chambers.

22 DIRECT EXAMINATION

23 BY MR. MITCHELL:

24 Q Good morning, Mr. Chambers.

25 How are you?

1 A I'm doing okay.

2 How are you?

3 Q I'm doing well.

4 How long have you practiced law here in South  
5 Carolina?

6 A In South Carolina, since 1992.

7 Q Okay. And how much of that time -- I guess I should  
8 backtrack. Did you practice law someplace else besides  
9 South Carolina?

10 A Well, I was licensed to practice law in '88. And I  
11 was on active duty as a Navy JAG officer for four years.  
12 Then when I was discharged from the Navy, I moved here to  
13 South Carolina and started work at the Solicitor's Office.

14 Q Okay. And so how much of that time here in South  
15 Carolina has been devoted to criminal law?

16 A All of it.

17 Q All of it. Okay. And so you represented Mr. Young.  
18 Were you retained or appointed to represent him?

19 A That was an appointed case.

20 Q Okay. And if you can -- if memory serves you -- I  
21 know it's been a while. Could you tell me a little bit  
22 about the facts surrounding the charges that Mr. Young  
23 encountered?

24 A Well, the facts in the case were -- and this is  
25 coming from discovery, but, also, from my discussions with

1 Mr. Adams [sic] is that the victim was a known drug dealer  
2 in Greenville County. He and a friend were at this bar.  
3 I can't remember the name off the top of my head right  
4 now. And Mr. Adams -- or Mr. Young and Porchae Adams had  
5 gone there. Porchae was, actually, going there to buy  
6 some cocaine, I believe, from this drug dealer.

7 So they go. They make the purchase. I think  
8 Mr. Young was, basically, just her driver, sort of friend,  
9 you know, went with her. They went back to Ms. Adams  
10 house to cook up the cocaine into crack. And it wouldn't  
11 cook up because it wasn't cocaine. They had been sold  
12 something that had been represented to be cocaine. And  
13 that wasn't what it was.

14 So later in the day, they had gone back to this club  
15 to confront the victim about the bad drugs. The victim  
16 inside the bar had, essentially, laughed at Mr. Young and  
17 said, get out of my face, or something like that. And he  
18 then left the bar.

19 And at some point, the victim and a friend of his, a  
20 guy who had been there with him, walked out of the bar.  
21 And then the victim was shot and killed.

22 Q Okay. And so after you were appointed to represent  
23 the -- Mr. Young, do you recall how many times you met  
24 with him during the course of your representation?

25 A You know, I went back and looked through my notes.

1 I -- I'm much better at it now. But I didn't take very  
2 good notes back then. I met with him on several  
3 occasions. I would say that it was probably eight to 10  
4 times over the course of two years, which is not unusual.  
5 And there's a lot --- obviously, I never meet with them  
6 enough in their eyes. And I get that. I understand that  
7 completely.

8 But just because I'm not meeting with somebody  
9 doesn't mean that I'm not working on the case. And I try  
10 to communicate with my client any plea negotiations that  
11 are going on.

12 We always, at some point, go over the discovery. I  
13 want to get from them, you know, what they have to say  
14 about the case, if there are any witnesses that I need to  
15 talk to, where we need to go with the case. And we did  
16 that in this case. And we did it to my satisfaction.

17 And, again, I've never had a client yet who felt like  
18 I met with them enough. They want me over there all the  
19 time.

20 But I can -- I am confident that I met with him  
21 enough that I knew where he was coming from. I knew what  
22 I needed to know about the case. And I was prepared with  
23 the case going forward.

24 As far as plea negotiations go -- and I know you  
25 didn't ask about this, but it came up. There had been

1 some discussion back and forth about a possible  
2 manslaughter plea and 20 years. I don't think that was  
3 ever formally on the table.

4 But Mr. Young had indicated to me that there was no  
5 way he was going to take 20 years. He wasn't even going  
6 to entertain that. And there was no -- and I think at  
7 some point they did say, well, 30 is the best we're going  
8 to do. That probably was about a week before trial. And  
9 it wasn't really like a plea offer. It was, basically,  
10 the Solicitor going, he's going to plead to murder and  
11 I'll recommend 30 years. That's --

12 Q Let me stop you --

13 A -- the best I'm going to be able to do.

14 Q Let me stop you just really quickly. Did the State  
15 ever serve you with notice for life at all? Do you  
16 recall?

17 A Life without parole?

18 Q Yes, sir.

19 A You know what, I don't recall that.

20 Q Okay. You can go ahead.

21 A I'm finished.

22 Q Okay. And so let me ask you just to back up for a  
23 few minutes. During those initial meetings with him, did  
24 you go over the charges and the possible punishments that  
25 he could face if he -- if he was convicted?

1 A Yeah.

2 Q Okay. And the State's -- the State's burden of proof  
3 and his Constitutional rights?

4 A Yes.

5 Q Okay. So back into the plea offers that were  
6 extended by the State. Did I hear you correctly, you said  
7 there was never a formal offer?

8 A I don't think they ever came forward with it. That  
9 was -- basically, what I -- I went to the Solicitor and  
10 said, listen, what can we do in this case? And they felt  
11 like they had a really good case. And I said, I think  
12 best case scenario, this is a manslaughter case. Would  
13 you consider -- if my client's willing to go along with  
14 it, would you consider a plea to manslaughter?

15 And we kind of -- and -- and they didn't give me  
16 a definite no. Jeff and I just kind of went back on it --  
17 back and forth on it a little bit.

18 But when I talked to Mr. Young, he made it clear to  
19 me that he wasn't going to do anything that involved as  
20 much as 20 years. He was looking for something much less  
21 than that.

22 Q Okay. And let me ask you, in terms of investigation  
23 in this particular case, what type of investigation did  
24 you do, or did you think that you needed to do?

25 A Well, I mean, I didn't -- the investigation that I

1 did was to, obviously, you know, go over the discovery  
2 with him, talk to him. There weren't any witnesses that  
3 he was able to point out to me that I needed to try and  
4 track down. So I didn't -- I didn't really get into a lot  
5 of talking to witnesses, and things like that.

6 Q Okay. And so you reviewed the discovery with him.  
7 Now, there was a co-defendant who was charged in this  
8 case; correct?

9 A Porchae Adams.

10 Q Okay. And based on your understanding, was she going  
11 to testify or...

12 A I mean, I didn't know if she was going to testify or  
13 not.

14 Q Okay. Did you and Mr. Young have any discussions  
15 about her involvement?

16 A We talked about her a lot, her and -- and Jack Frost.

17 Q Okay. And who is this Jack Frost person?

18 A He was just the guy that was there. I don't think he  
19 was there for the earlier meeting when they first bought  
20 the cocaine. But I think he was just kind of along for  
21 the ride later on.

22 Q Okay. And did Mr. Young ever indicate to you that  
23 someone other than him -- maybe these two folks, Ms. Adams  
24 or Mr. Young [sic] was the shooter?

25 A He indicated that to me either the day of trial, or

1 it might have been the night before trial. Listen,  
2 there -- first of all, there were literally hundreds of  
3 these phone calls where he calls various people  
4 multiple -- you know, a few people multiple times talking  
5 about how he shot the victim in the case. I mean, I got  
6 tired of listening to the phone calls there were so many  
7 of them. They only offered a couple of them at trial.

8 It was him on the tapes, you know. I talked to him  
9 enough to recognize his voice. He indicated to me up  
10 until he told me that Porchae Adams was the shooter, which  
11 was either the day of trial or, like I said, it might have  
12 been the day before trial when we were talking about him  
13 testifying. He indicated to me that she was the shooter,  
14 you know.

15 My theory of the case all along -- and I believe that  
16 we could have won on this, had he not talked to everybody  
17 about how he killed this guy, was self-defense. I mean,  
18 this guy was a known drug dealer. He was known to be  
19 armed. I believe he was armed the day that he got shot.  
20 In fact, David told me that he could see a gun -- that he  
21 was going for a gun as he was coming out of the door.

22 There was a -- the friend that I eluded to earlier  
23 that was there at the bar with this drug dealer went to  
24 the body and then left the premises sort of inexplicitly.  
25 He was gone for a period of time and then came back. And

1 nobody could account for where he was or what he did.

2 You know, my theory was that he went and disposed of  
3 the gun when he did that. And we got into that at trial.  
4 You know, I think this would have been a good self-defense  
5 case.

6 Q Okay.

7 A But, you know, the tapes came in over my objection.  
8 And -- and it's exactly what Mr. Young was talking about.  
9 And that is, I -- listen, I get tons of phone calls from  
10 the jail. And it can be -- it'll -- sometimes on that  
11 security system, it'll say that it's David Smith. But  
12 when I get on the phone, somebody else is talking, or the  
13 inmate that called me is talking and they'll say, well,  
14 wait a minute, I want you to talk to so and so.

15 I get three-way calls from the jail. And they claim  
16 those can't happen, you know, but they do. You know,  
17 there's nothing foolproof about the securest telephone  
18 system that they use at the jail.

19 And I got into that when the guy -- when they were  
20 qualifying the guy. That's the reason I objected and  
21 said, you can't authenticate these calls. And you don't  
22 have anybody that can say that's David Young's voice.  
23 Judge Kelly didn't agree with me. He let those in. And,  
24 apparently, the Court of Appeals didn't agree either.  
25 Because they upheld the conviction.

1 MR. MITCHELL: Thank you, Mr. Chambers.

2 That's all the questions I have for you. Please  
3 answer any questions Mr. Richey may have.

4 THE COURT: All right. Mr. Richey.

5 CROSS-EXAMINATION

6 BY MR. RICHEY:

7 Q Mr. Chambers, I'll ask you a few questions here.  
8 Mr. Young, he was -- he was not part of the ones that,  
9 actually, paid for the drugs in the case?

10 A No. Porchae Adams was buying the drugs.

11 Q And was -- do you recall Mr. Young being like the  
12 tester? Did he -- tested or smoked the stuff and told  
13 them it's not real drugs?

14 A I don't think he did that, but I don't for sure  
15 recollect. But I don't believe he did. I think,  
16 essentially, he was just there.

17 They -- Jeff Weston described him as a -- as a  
18 protector. I don't think that was it. I just got the  
19 impression that David and Porchae were good friend and  
20 that maybe David got high with her. That -- I think that  
21 was the -- kind of what their relationship was.

22 Q And these tapes, did you review these tapes with  
23 Mr. Young before trial?

24 A Yeah. I think he's correct in that I didn't play  
25 them for him. I wanted to -- I was going to play them

1 and -- and I couldn't get them to play on the -- the  
2 computer that I had that I could take over there. But we  
3 talked about them a lot. We talked and -- and he  
4 acknowledged that he'd made them.

5 And he said that -- listen, that was just me -- that  
6 was just me -- I don't think he said that he was -- he was  
7 trying to protect Porchae. But it was more just kind of  
8 portraying himself as sort of a -- I don't even know how  
9 to say it, like a -- a big man like, yeah, I did that,  
10 dah, dah, dah. But it was sort of bluster, basically, was  
11 how he described it to me.

12 Q Okay. And -- and did you talk -- when y'all talked  
13 about the case -- correct me if I'm wrong -- your  
14 testimony was that you believed that there was a  
15 self-defense case?

16 A Yeah. We talked about that from probably the first  
17 time we talked to each other. And he told me from his  
18 side what had happened in the case. And I said, I think  
19 we've got a good self-defense case. I mean, I was  
20 disappointed when I started hearing all these jail calls.  
21 But we still -- I still think -- and we tried to make a  
22 case for that during the trial.

23 Q And at some point in the trial, he just -- he just  
24 said that Ms. Adams was the shooter; correct?

25 A Well, that's what he told me. And then I think what

1 he testified was that he didn't know for -- he knew that  
2 he wasn't the shooter. But that it was either Porchae or  
3 Jack Frost. He wasn't sure which one did it.

4 Q So -- so -- I'm trying to -- so y'all were going with  
5 self-defense. And all the sudden, it changes to these two  
6 other people shot him?

7 A That's exactly right. He told me that the reason  
8 that he hadn't shared that with me until now was he was  
9 trying to protect Porchae. He wanted to try to keep her  
10 out of it. But if she was going to throw him under the  
11 bus, that he was going to tell the truth. And that, you  
12 know, it -- it was her.

13 Q Okay. You went over the discovery with him?

14 A Yes.

15 Q Okay. And these tapes -- I think you testified to  
16 this. There was nobody to authenticate them, and all this  
17 stuff; correct?

18 A Yes.

19 Q And do you believe that it was reasonable for there  
20 to be a charge that the State had to prove that they were  
21 him first, and then consider whether they were true or  
22 not?

23 A Yeah. That probably would be reasonable.

24 MR. RICHEY: Okay. Thank you.

25 No other questions.

1 THE COURT: All right. Any other questions?

2 MR. MITCHELL: No additional questions.

3 THE COURT: All right. I have no questions.

4 Thank you, Mr. Chambers.

5 You can step down.

6 THE WITNESS: Thank you.

7 THE COURT: Any other witnesses for the State?

8 MR. MITCHELL: No, Your Honor.

9 THE COURT: All right.

10 MR. RICHEY: Your Honor --

11 THE COURT: Yes, Mr. Richey.

12 MR. RICHEY: I may have one reply witness.

13 THE COURT: Yes, sir.

14 (Pause.)

15 MR. RICHEY: We're going to call Mr. Young in brief  
16 reply, Your Honor.

17 THE COURT: All right. Mr. Young, come on back.

18 You're still under oath.

19 Just have a seat.

20 DIRECT EXAMINATION

21 BY MR. RICHEY:

22 Q Mr. Young, you heard that Mr. Chambers met with you  
23 eight to 10 times; is that correct?

24 A No, not that many times. No, not that many times.

25 Q Okay. And --

1 A No eight or 10.

2 Q And you heard the self-defense. Were you going for  
3 self-defense?

4 A Yeah. Because at the scene -- at the scene of the  
5 crime, the young man was reaching for a weapon. And, you  
6 know, fortunate, he got shot, you know. Because that  
7 easily could have been me laying there, you know.

8 Q And so -- okay. Go ahead.

9 A Because, you know, just like initiation of the  
10 actual -- I wasn't there. Like Mr. Chambers said, I was  
11 there when the young lady -- no, I wasn't there. It was  
12 him, Porchae, and the young man's girlfriend there, not  
13 me.

14 Q Okay.

15 A And the only thing I did when she come to cook it  
16 up -- it wasn't at her house, it was this girl named  
17 Laurel's house that I asked Mr. Chambers to call for. He  
18 never did. Okay. And I was there when she arrived. All  
19 I did, basically, was drove for her and smoked it up.  
20 That was it.

21 Q Okay. You were a driver and a smoker?

22 A Right, right.

23 Q So you were the person that smoked the drugs and told  
24 her it was not real?

25 A Yeah. What's real, what ain't, yeah.

1 Q What's that?

2 A Yeah, what's real, and what's not.

3 Q Right.

4 A Because she -- the only thing she did was just drink  
5 and smoke a little weed. She didn't do no drugs. She  
6 didn't get high with cocaine.

7 Q Okay. And that was your role. Your role was not a  
8 protector; correct?

9 A Well, sometimes, we might be in houses and I make  
10 sure people don't rob her, or stuff like that, or take  
11 advantage of her when she fall asleep, you know. I make  
12 sure they don't do her wrong.

13 MR. RICHEY: Okay. Thank you, sir.

14 THE COURT: Any questions?

15 MR. MITCHELL: Judge, I have no questions.

16 THE COURT: I've just got one question.

17 EXAMINATION

18 BY THE COURT:

19 Q I'm so confused. If -- okay. In your testimony a  
20 minute ago, you said you -- you weren't the shooter. And  
21 then you said that you said that, initially, at the jail  
22 because you wanted to protect Porchae. Then in response  
23 to Mr. Richey's questions a minute ago, you said that you  
24 were going to utilize self-defense. Why would you even  
25 think of that defense if -- if you weren't involved?

1 A Well, because of the simple fact when I went in the  
2 club to approach him, Keith Emmanuel Smith, better known  
3 as AKA2 and Jay Rock. Okay.

4 Q Jay Rock?

5 A Yeah. This other fellow that they didn't call forth.

6 Q That's Jay Rock?

7 A Yes. In fact, he lost his -- he just got out of the  
8 penitentiary not too long ago because he lost an eye.

9 Q Jay Rock lost an eye?

10 A Yeah.

11 Q All right.

12 A So on that -- when I went and approached him, he  
13 thought I was talking about that other money that they had  
14 robbed my other buddy for. I said, Nah, I'm not talking  
15 about that, when you took the money, too, and Boogie  
16 delivered the washing detergent. Because this is  
17 something them boys have been doing for years. Because  
18 they's in a gang called the unit. It's called the unit  
19 that's in Kennedy Park.

20 Q And Boogie is a part of that?

21 A Yeah. Him and -- him and Keith Emmanuel Smith.

22 Q Jay Rock and Boogie?

23 A No. Marcus McGee and Keith Emmanuel Smith a/k/a  
24 Boogie and a/k/a Hard Rock -- however many names he go by.  
25 It's a gang that was in KP called the unit that they was a

1 part of.

2 Q I see.

3 A Okay. Like I told them, I said I'm not talking about  
4 the \$14,000 that [inaudible] got you to deliver in the  
5 washing powder. Boogie -- I'm not talking about that.  
6 I'm talking about what you took from Porchae.

7 Because the whole time, I had a flip phone on me.  
8 And they heard the whole conversation out -- in the car,  
9 her and Jack Frost. Okay. So, you know, people just got  
10 tired of them robbing and taking their money.

11 Q Okay.

12 A Because they think it's okay to do that and it's all  
13 right, but it's not.

14 THE COURT: All right. Any other questions?

15 MR. MITCHELL: No other questions, Your Honor.

16 MR. RICHEY: No, Your Honor.

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

18 You can step down.

19 As is my custom -- any other witnesses?

20 MR. RICHEY: No, sir.

21 MR. MITCHELL: No additional witnesses.

22 THE COURT: As is my custom, Mr. Richey, I just ask  
23 for a little short argument from both sides before the  
24 Court rules.

25 MR. RICHEY: Your Honor, we just ask the Court to

1 consider Mr. Young's testimony and to grant his  
2 post-conviction relief. I think -- these tapes that were  
3 talked about, I think Counsel and him did admit that he  
4 did not hear them described -- until trial. I understand  
5 that Mr. Chambers said they talked about them and talked  
6 about them. But I think it was clear that he didn't  
7 listen to them before trial, regardless of whether they  
8 were him or not. Sometimes, you have to listen to them.

9 And my -- my main, I think, issue that I have with  
10 this case is I believe it was proper to have a charge  
11 on -- that the State had to prove that it was him on those  
12 tapes. That a jury had to make a determination that,  
13 number one, it was him. And, number two, to determine  
14 whether the truth or accuracy of them. I think that he  
15 was entitled to -- to that charge in the case.

16 Thank you, Your Honor.

17 THE COURT: All right. Mr. Mitchell.

18 MR. MITCHELL: Thank you, Your Honor.

19 I think based on the testimony that we've heard from  
20 trial counsel, he had a valid trial strategy going into  
21 the actual case.

22 While the Applicant did not listen to the tapes,  
23 there were numerous conversations between the two about  
24 his voice being on the actual tapes. So he was well aware  
25 of the evidence that the State had and they were intending

1 to use against him. So, certainly, he knew what was going  
2 to happen and he could have made a decision about whether  
3 he wanted to take a plea offer prior to going to trial.

4 In terms of failure to investigate. Mr. Chambers  
5 elaborated that Mr. Young did not provide him any  
6 witnesses that he wanted him to call.

7 In terms of the number of meetings. I think the  
8 South Carolina Supreme Court has made it clear that the  
9 number of meetings that an attorney has with his client is  
10 not dispositive or whether they're ineffective or not.

11 And based on Mr. Chambers's testimony, he met with  
12 Mr. Young several times, had enough time to prepare for  
13 the case, and was well prepared for trial.

14 For those reasons, I do not believe that Mr. Young  
15 has met the prongs of the Strickland test. And we would  
16 ask that the State dismiss his application.

17 THE COURT: All right. Well, it appears from my  
18 examination of the testimony and after listening to  
19 Mr. Young, as well as Mr. Chambers -- and you notice I  
20 kept using the word that I was a little confused. And the  
21 reason I was saying that is it appears that going in that  
22 apparently there was different strategies that Defense  
23 Counsel was pursuing.

24 One was self-defense, which he had discussed with  
25 Mr. Young. Mr. Young acknowledged on the witness stand

1 that that was a discussion about trial strategy. On the  
2 other hand, Mr. Young acknowledged that, at least, in one  
3 of the tapes he admitted that he was involved in the -- in  
4 the matter, and indicated that the reason he said he did  
5 the shooting was because he was trying to protect a -- a  
6 co-defendant, Porchae.

7 Now that's, obviously, inconsistent in terms of trial  
8 strategy being self-defense on one hand and then on the  
9 other hand one saying that if I said it, I said it on one  
10 tape and that was to protect Porchae. I think Counsel at  
11 the trial from what I read in the -- looking at the  
12 transcript, Counsel objected to the admissibility of the  
13 tapes. The Court overruled Counsel's objection and  
14 allowed the tapes to be admitted. The appellate court,  
15 obviously, agreed with the trial court and did not see  
16 that as being reversible error.

17 Utilizing the two prong strategy of -- two prong test  
18 as set forth in the Strickland case to determine  
19 ineffective assistance of Counsel, which is what this  
20 Applicant is alleging, the Court find that he's not met  
21 the two prong test to -- for this Court to make a finding  
22 that his Counsel at the time, Mr. Chambers, was  
23 ineffective.

24 And based on his failure to comply with those two  
25 tests as set forth in the Strickland case, which -- which

1 has been the standard for many, many years to determine  
2 ineffective assistance of Counsel, I would respectfully  
3 deny the Applicant's application.

4 And I'll ask you Counsel, Mr. Mitchell, to prepare  
5 the appropriate order.

6 MR. MITCHELL: Absolutely, Judge.

7 THE COURT: All right.

8 \*\*\*\*\*END OF TRANSCRIPT OF RECORD\*\*\*\*\*

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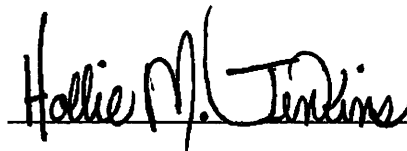
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA            )  
COUNTY OF GREENVILLE            )

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth 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 the evidence introduced in the captioned case, relative to appeal, in the Court of Common Pleas for Greenville County, South Carolina, on the 23rd day of October, 2018.

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

January 30, 2019



Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20



### PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenville County Clerk of Court. In November of 2013, the Greenville County Grand Jury indicted Applicant for murder and possession of a weapon during the commission of a violent crime (2013-GS-23-0607). Applicant was also indicted for failure to stop for a blue light (2013-GS-23-0608). Randall L. Chambers, Esquire, represented Applicant. Applicant proceeded to trial on February 9 2015, before the Honorable R. Keith Kelly, and a jury. The jury found Applicant guilty as indicted to all charges. The state had served its notice of intent to seek a life sentence if Applicant was convicted of murder. Thereafter, Judge Kelly sentenced Applicant to life imprisonment and imposed a one year concurrent term for failure to stop for a blue light.

Applicant filed a timely notice of appeal. Robert M. Dudek, Esquire, of the Office of Appellate Defense perfected the appeal. The South Carolina Court of Appeals dismissed Applicant's appeal after review pursuant to Anders v. California<sup>1</sup> on February 1, 2017. State v. Young, Op. No. 2017-UP-168 (S.C. Ct. App. filed April 19, 2017). The remittitur was returned to the circuit court on May 8, 2017.

### FACTUAL HISTORY

The shooting in this case occurred at about 5:30 a.m. at Bobby T's tavern on Whitehorse Rd. in Greenville where the decedent's dead body lying between two cars in the parking lot Tr. 88-95.

Elisha Green was the decedent's girlfriend. She did not know Applicant and she admitted that her deceased boyfriend was a drug dealer. Tr. 124-125. Green knew Porchae Adams, Applicant's co-defendant as "Chop." She remembered that boyfriend sold cocaine to Chop on

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<sup>1</sup> 386 U.S. 738 (1967).

the night before he was killed hours later. Tr. 126-128. He sold Chop cocaine that evening for \$1,350. The purchase price was \$1,400 but Chop was \$50 short. Tr. 128-130. Chop was very upset because the cocaine was either of very poor quality or it was fake. Green remembered that Chop "blew up his phone" telephoning the victim repeatedly to complain about the drugs that evening. Tr. 137-138. The victim later left Green alone at her house, and Green said she did not know where he was going.

Robert Bowens was the bouncer at Bobby T's that evening. Bobby T's was in a strip mall on Whitehorse Rd. Bowen's job was to "pat down" everyone before they went into the bar. Tr. 144-147. Bowens knew the victim from working security at different clubs in the area. He remembered the victim came to the bar about four or five in the morning. Bowens did not know Applicant. He did remember Applicant coming into the club, and then leaving. He said Applicant walked back into the club a second time, and walked past him. Tr. 147-152. Bowens maintained that while the victim was talking to "a few girls" he heard someone say to the victim: "I told you motherfuckers about fucking with me." Bowens then heard several gunshots. "I think it was three shots." Bowens said he saw the victim fell to the ground after being shot Tr. 153-155.

Porchae Adams testified that after the victim sold her bad drugs she called him about eight times that evening. She wanted the drugs replaced with real or better cocaine. Adams recalled she went with Applicant who was often her "driver" to Bobby T's about 4:30 or 5:00 in the morning. She saw the victim's car in the parking lot. Adams testified Applicant got out of the car and told her "he would handle it." Adams said she heard three or four gunshots, and she testified that Applicant came back outside and said he had killed the victim. Tr. 227-237.

Applicant would later testify that he was with Adams and another man "Jack Frost" at Bobby T's that morning. Applicant told the jury that he was standing nearby when either Adams

or Jack Frost shot the victim. Applicant said he saw the victim reach for something, and then Adams or Frost shot the victim. Tr. 372-374.

### ALLEGATIONS

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

1. Ineffective Assistance of Counsel
  - a. Trial Judge erred by allowing gun into evidence. Failure to object by counselor
  - b. Insufficient evidence
  - c. Failure to investigate
  - d. Counselor failure to protect clients due process rights, 6th and 14th const. Amend
  - e. Failure to investigate for the person who shot the deceased, the victim.
2. Failure to call witness
3. Failure to object to officer being qualified as voice expert
4. Failure to investigate the person that remove items / and weapons

### SUMMARY OF TESTIMONY PRESENTED AT THE EVIDENTARY HEARING

#### Applicant's Testimony

Applicant testified he was convicted following a jury trial. He testified Trial Counsel represented him on his charges. Applicant testified prior to trial, Trial Counsel came and discussed the case with him a week before trial and that Trial Counsel did not review the discovery in his case with him. He testified however that he did have a copy of the discovery. Applicant testified he received a plea offer a week before trial for thirty years but that he rejected the offer. He testified the incident was a shooting over a bad drug transaction. Applicant testified he saw his co-defendant purchase drugs from the victim and the drugs were of a bad quality. He testified he was his co-defendant's cousin so he went to confront the victim. Applicant testified a shooting took place but that he did not shoot the victim. He testified his co-defendant or a man named Jack Frost did the shooting. Applicant testified the issue of who shot the victim came out during the day of trial. He testified he told Trial Counsel he was not the shooter. Applicant

testified during trial there were phone calls introduced from the jail that were made by him in which he confessed to the shooting. He testified he told Trial Counsel that he confessed to protect his cousin who was his co-defendant. Applicant testified the State did not prove it was his voice on the recording prior to them being introduced into evidence. Applicant testified Trial Counsel did not talk about trial strategy with him or investigate his case. He testified he would have taken the plea offer if he would have heard the recordings.

On cross-examination, Applicant testified Trial Counsel met with him three times before going to trial. He testified during their meetings they never discussed possible defenses for Applicant. Applicant testified he confessed to the shooting on recordings from the jail he was housed in. He testified the issue of whether the recordings were properly authenticated prior to being admitted into evidence was raised in his direct appeal and the Court of Appeals affirmed his conviction. Applicant testified his co-defendant also testified against him at trial.

On redirect, Applicant testified Trial Counsel did not visit him enough during the course of his representation. He testified the trial strategy initially was self-defense. Applicant testified he asked Trial Counsel to get his witnesses to testify at his trial but Trial Counsel failed to do so.

#### Trial Counsel's Testimony

Trial Counsel testified he had practiced law in South Carolina since 1992 and all of that time had been devoted to criminal law. He testified he was appointed to represent Applicant on his charges. Trial Counsel testified the victim in the case was a drug dealer who was shot after a drug transaction involving Applicant and his co-defendant. He testified he met with Applicant between eight or ten times during the course of his representation. Trial Counsel testified during those meetings he discussed the indictments and the possible punishments Applicant was facing, Applicant's constitutional rights and the State's burden of proof. He testified Applicant never

pointed out any witnesses he wanted him to call or interview. Trial Counsel testified the State felt as though they had a good case and never made a formal plea offer. He testified there were discussion between him and the State for a plea deal of twenty years but the State would not offer that number. Trial Counsel testified Applicant was looking for a deal of less than thirty years in order to consider pleading guilty. He testified the State had numerous recordings of Applicant's jail calls in which he identified himself as the shooter. Trial Counsel testified Applicant indicated to him that his co-defendant was the shooter on the day of trial. He testified his theory of the case and strategy was that Applicant was acting in self-defense and the victim was armed and a drug dealer. He testified however the jail recordings came into the trial over his objection.

On cross-examination, Trial Counsel testified Applicant's co-defendant was the one who brought drugs prior to the incident. He testified he did not play the recordings of Applicant confessing to the shooting for Applicant while he was incarcerated but that he and Applicant had numerous discussions about the existence of the recordings and what they contained. Trial Counsel testified Applicant decided to testify at trial once his co-defendant decided to testify against him.

#### **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 had the opportunity to observe the witnesses presented at the hearing, and can weigh their testimony and credibility accordingly. These credibility findings have been applied to the Court's findings and conclusions set forth below. Below are the findings of fact and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2017).

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove that counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Id. (quoting Strickland v. Washington, 466 at 688). 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.

After careful review of the entire record, including the testimony presented at the evidentiary hearings, based on the standard discussed above, this Court finds Applicant has failed to carry his burden in this action regarding any of his allegations of ineffective assistance

of counsel. This Court finds as follows on the following grounds presented by Applicant at the evidentiary hearing:

**Ineffective Assistance of Counsel**

*Failure to Investigate*

Applicant alleges Trial Counsel was ineffective in failing to investigate his case. To show ineffective assistance in this regard, Applicant must present evidence to show what counsel could have discovered had he more fully investigated. Jackson v. State, 329 S.C. 345, 354, 495 S.E.2d 768, 772 (1998) (“Respondent failed to present any evidence of what counsel could have discovered or what other defenses respondent would have requested counsel pursue had counsel more fully prepared for the trial.”). 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) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)). Applicant has failed to show what beneficial information could have been discovered had Trial Counsel done more investigation. Even so, Trial Counsel testified credibly that he reviewed all of the discovery and met with Applicant on numerous occasions. Notwithstanding, this court finds Applicant has failed to produce any information that Trial Counsel would have found had he done more investigation. This Court finds Trial Counsel’s investigation was reasonable. Therefore, this Court finds Applicant has failed to prove the first prong of the Strickland test – that Trial Counsel failed to render reasonably effective assistance under prevailing professional norms. Applicant failed to present compelling evidence that Trial Counsel committed either errors or omissions in his representation of Applicant. This Court also finds Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Trial Counsel’s performance. This

Court concludes Applicant has not met his burden of proving Trial Counsel failed to render reasonably effective assistance. The allegation is denied and dismissed with prejudice.

*Failure to Call Witnesses*

Applicant alleges Trial Counsel was ineffective in failing to call certain witnesses during his trial. Applicant testified he asked Trial Counsel to get his witnesses to testify at his trial but Trial Counsel failed to do so. Trial Counsel testified Applicant never pointed out any witnesses he wanted him to call or interview. This Court finds Applicant has failed to show that Trial Counsel was ineffective for either not interviewing or calling witnesses for his trial. First, this Court notes any claims surrounding the failure to present testimony from a witness assumes the testimony from the witness would have been favorable to the defense and therefore affected the outcome of the trial. However, this contention is based on pure conjecture and speculation. Prejudice from trial counsel's failure to interview or call witnesses cannot be shown where the witnesses do not testify at post-conviction relief. Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Bassette v. Thompson, 915 F.2d 932 (4<sup>th</sup> Cir. 1990), cert. denied, 499 U.S. 982 (1991). Applicant's mere speculation as to what a witnesses' testimony would have been cannot, by itself, satisfy his burden of showing prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993); Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995). An Applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial. Bannister v. State, 333 S.C. 298, 509 S.E.2d 807 (1998). Because Applicant failed to produce the testimony of any witness, sufficient prejudice cannot be demonstrated by Applicant.

Secondly, this Court finds Trial Counsel's testimony on the issue more credible than that of Applicant. Trial Counsel testified Applicant did not provide him with the names of any

*[Handwritten signature]*

potential witnesses and therefore he did not know about them. Trial Counsel cannot be expected to interview a witness he does not know exists. Therefore, Applicant has failed to prove Trial Counsel was deficient or that he was prejudiced by any alleged deficiency. The allegation is denied and dismissed with prejudice.

*Failure to Object*

Applicant alleges Trial Counsel was ineffective in failing to object to an officer being qualified as a voice expert. Applicant testified during trial there were phone calls introduced from the jail that were made by him in which he confessed to the shooting. He testified he told Trial Counsel that he confessed to protect his cousin who was his co-defendant. Applicant testified the State did not prove it was his voice on the recording prior to them being introduced into evidence. Trial Counsel testified the State had numerous recordings of Applicant's jail calls in which he identified himself as the shooter. He testified he did not play the recordings of Applicant confessing to the shooting for Applicant while he was incarcerated but that Applicant and he had numerous discussions about the existence of the recordings and what they contained. This court finds Applicant has failed to show Trial Counsel was ineffective for failing to object to the introduction of the recordings at trial. A review of the record shows when the State sought to introduce the recordings into evidence, Trial Counsel objected to their introduction. (Tr.p.334). Here, Trial Counsel argued to the trial judge that the State had not properly authenticated the recordings and because of this they should not be admitted into evidence. (334-335). This court finds while ultimately unsuccessful, there is no question Trial Counsel attempted to keep the recordings from coming into evidence. Therefore, this Court finds Applicant has failed to prove the first prong of the Strickland test – that Trial Counsel failed to render reasonably effective assistance under prevailing professional norms. Applicant failed to

present compelling evidence that Trial Counsel committed either errors or omissions in his representation of Applicant. This Court also finds Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Trial Counsel’s performance. This Court concludes Applicant has not met his burden of proving Trial Counsel failed to render reasonably effective assistance. The allegation is denied and dismissed with prejudice.

### CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

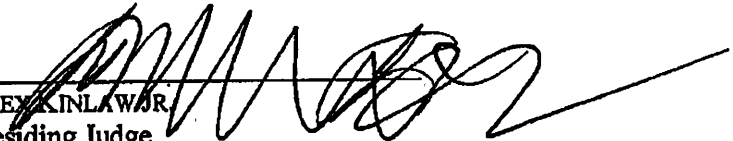
This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel’s assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRPC provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant’s behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.


*NY #11*

**IT IS THEREFORE ORDERED THAT:**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 5 day of April, 2018.

  
ALEX KINLAW  
Presiding Judge  
Thirteenth Judicial Circuit

 South Carolina

Copy mailed to  
Attorney Richey and A.G.  
on 11 / 7 / 2018.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
MURDER AND POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME

NOV 25 2013

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

**COUNT I - MURDER**

That DAVID ADAM YOUNG did in Greenville County, on or about the 13th day of January, 2013, unlawfully and with malice aforethought kill MARCUS MCGEE by means of shooting him and that MARCUS MCGEE died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

**COUNT II - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME**

That DAVID ADAM YOUNG did in Greenville County on or about the 13th day of January, 2013, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Murder. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

RECEIVED  
CLERK OF COURTS  
2013 NOV 25 11:00 AM

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

  
SOLICITOR

**WITNESSES**

Eric Whaley

Greenville County Sheriffs Office

1/13/2013

**ARREST WARRANT NUMBER**  
2013A2330200403 and 2013A2330200404  
Count I and II

**ACTION OF GRAND JURY**  
**TRUE BILL**  
*[Signature]*  
**FOREMAN GRAND JURY**

*[Signature]*  
Foreperson of Grand Jury

**VERDICT**  
*Guilty*

*[Signature]*  
Foreperson of Petit Jury  
Date: 11 FEB 2015

DOCKET NO. 2013-GS-23-  
WJW 010607

The State of South Carolina

County of Greenville

**COURT OF GENERAL SESSIONS**

November TERM 2013

THE STATE

vs.

DAVID ADAM YOUNG *[Signature]*

**RECEIVED**  
MAR 03 2015  
**SC Court of Appeals**

Indictment for  
0116/0549

**MURDER AND POSSESSION OF A WEAPON  
DURING THE COMMISSION OF A VIOLENT  
CRIME**

**VIOLATION § 16-03-0010 and § 16-23-0490**

*[Signature]*  
**ENTERED  
ACCT.**

Certified Cop:  
Paul L. Waldman  
Clerk of Court C.P. & G.S.  
Greenville County, SC  
Date: 2-16-2015

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
FAILURE TO STOP FOR A BLUE LIGHT

At a Court of General Sessions, convened on

NOV 26 2013

the Grand Jurors of Greenville

County present upon their oath:

That DAVID ADAM YOUNG did in Greenville County, on or about the 13th day of January 2013, willfully, knowingly, and unlawfully commit the offense of failure to stop for a law enforcement vehicle in that the said defendant while driving on a road, street or highway of the State did intentionally fail to stop when signaled to do so by a law enforcement vehicle using blue lights and/or siren. This is in violation of §56-5-750 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.

  
SOLICITOR

010608

DOCKET NO. 2013-GS-23-  
WJW

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

November TERM 2013

THE STATE

vs.

DAVID ADAM YOUNG 

WITNESSES

W A Watkins 

Greenville County Sheriffs Office

1/13/2013

ARREST WARRANT NUMBER  
2013A2330200401

ACTION OF GRAND JURY

~~TRUE BILL~~



FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty


Indictment for  
0065

FAILURE TO STOP FOR A BLUE LIGHT

VIOLATION § 56-05-0750

  
Foreperson of Petit Jury

Date: 11 FEB 2015

  
ENTERED  
ACCT.