

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

AUG 24 2017

Certiorari to Charleston County

Honorable R. Markley Dennis, Circuit Court Judge

S.C. SUPREME COURT

DION O. TAYLOR,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2015-001397

SUPPLEMENTAL APPENDIX

LARA M. CAUDY
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General
P.O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

ATTORNEY FOR PETITIONER

INDEX

INDEX	i
RETURN AND MOTION TO DISMISS.....	1

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Dion O. Taylor,
S.C.D.C. No. 335089,

2012-CP-10-8090

Applicant,

v.

RETURN AND MOTION TO DISMISS

State of South Carolina,

Respondent.

FILED
2014 APR -3 PM 1:43
JULIE J. ARMSTRONG
CLERK OF COURT
BY

The Respondent, making its Return to the Application for post-conviction relief filed December 11, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Charleston County. The Applicant was indicted at the January 2009 term of the Charleston County Grand Jury for criminal domestic violence (CDV) – 2nd or subsequent offense (2009-GS-10-0031) and armed robbery (2009-GS-10-0030). He was represented by Cody Groeber, Esquire.

On June 3, 2009, the Applicant pled guilty as indicted. Pursuant to a negotiated plea agreement, the Honorable Roger M. Young, Sr. sentenced the Applicant to imprisonment for ten (10) years on the armed robbery and three (3) years imprisonment for CDV. The sentences were to run concurrently with each other and concurrently with a probation revocation. The Applicant did not appeal.

2009-CP-10-6320

The Applicant filed an application for post-conviction relief (PCR) on October 6, 2009 (2009-CP-10-6320). In that application, the Applicant raised the following grounds for relief:

1. Ineffective assistance of counsel.
 - a. Gave erroneous evidence.
 - b. Failed to investigate.
 - c. Failed to get another mental evaluation for Applicant.
 - d. Failed to inform plea judge that Applicant was not on medication at time of the offense.

The Respondent made its Return on February 1, 2010. The court initially appointed John T. Chakaris, Esquire to represent the Applicant. On June 21, 2011, through counsel John T. Chakaris, Applicant made a request to amend the petition. In the proposed amendments, counsel attached a *pro se* pleading of the Applicant's in which Applicant alleged:

- I. Pleas counsel deprived mentally ill defendant his Sixth and Fourteenth Amendment rights when ineffective counsel:
 - A. Counsel was ineffective when counsel provided me erroneous, inaccurate and untrue to get me to plead guilty.
 - B. Counsel withheld evaluation reports that was considered prior to 9/24/08 from myself, from judge show transcript.
 - C. Provided state evaluation report to the judge while Applicant was medicated for mental illness.
 - D. Failed to withdraw applicant's guilty plea.
 - E. Failed to request a Blair hearing to decide whether mentally ill Applicant was competent during the time at criminal act when I was not medicated.
 - F. Failure to investigate and contact witnesses and discover exculpatory evidence and get witnesses who would testify and to present evidence showing applicant mental state, just months before crime.
 - G. Failure to consult with Defendant (i.e. direct appeal, about state eval, etc.).
 - H. Failure to advise defendant about a potentially affirmative defense to charged crime.
 - I. State evaluation discrepancies, issues, prove incompetence, prejudicial by never being.
2. Rule 11 (B).
3. Judge Abused his discretion.

4. Transcript discrepancies.
5. State return - no direct appeal , no statement of confession.

On November 18, 2010, Mr. Chakaris was relieved as counsel by Judge Kristi Harrington. On December 7, Florence Scarborough, Esquire, was appointed by the Clerk's office. An evidentiary hearing into the matter was convened on March 1, 2011 at the Charleston County Courthouse before the Honorable R. Markley Dennis, Presiding Judge. At the outset, counsel was relieved and the Applicant chose to appear *pro se* at the hearing and represented himself *pro se*. Matthew J. Friedman, Esquire, of the South Carolina Attorney General's Office represented the Respondent. Judge Dennis entered a written order of Dismissal dated April 5, 2011 and filed April 13, 2011.

The Premature March 2011 Notice of Appeal

After the hearing, Respondent submitted a proposed order to Judge Dennis. On March 14, 2011, the Applicant made a notice of appeal. On April 12, 2011, the South Carolina Supreme Court entered an Order of Dismissal of the appeal because a final order of dismissal was not provided to the Supreme Court. Applicant then filed a "Motion to Alter and/or Amend Judgment" in which he asserted that he provided the court with an unsigned and undated copy of the order of dismissal, which the Supreme Court construed as a motion to reinstate the appeal. In an Order dated April 21, 2011, the Supreme Court of South Carolina stated that it had reviewed the records of the Charleston County Clerk of Court's website which indicated that the Order of Dismissal was signed April 5, 2011 and entered in the Clerk's Office on April 13, 2011. The Supreme Court then concluded the filed notice of appeal was premature because it was filed prior to the entry of the final order in the case, citing SCACR Rule 243 (b), Rule 203(B)(1). The Court denied the request to reinstate the appeal.

However, the Supreme Court concluded:

Since this order serves as written notice that the order of dismissal has been entered by the Charleston County Clerk of Court, petitioner shall have thirty days from the date he receives this order to serve and file another notice of appeal, which must include proof of service on the Attorney General's Office and a copy of the signed and dated order of dismissal. Rule 243(b) and 203(b)(1).

Dion Orlando Taylor v. State, Order (S.Ct. S.C. April 21, 2011).

The Proceedings after the May 13, 2011 Notice of Appeal and Dismissal.

The Applicant, *pro se*, filed a Notice of Appeal based upon the Supreme Court order on May 13, 2011. On May 16, 2011, the Clerk of Court of the Supreme Court requested a copy of the final order of dismissal because none was provided with the motion. On August 3, 2011, the Supreme Court of South Carolina entered an "Order of Dismissal." Dion Taylor v. State, Order (S.C.S.Ct. August 3, 2011)(dismissing for failure to order transcript of hearing). The order stayed dismissal until after 15 days. On August 22, 2011, the South Carolina Supreme Court issued its remittitur in the action.

Federal Habeas Corpus

The Applicant subsequently filed a *pro se* Petition for Writ of Habeas Corpus in the United States District Court for the District of South Carolina (0:11-CV-01456-CMC-PJG). The Respondent made its Return and Memorandum of Law in support of Motion for Summary Judgment on August 22, 2011. On November 14, 2011, the Honorable Paige J. Gossett, United States Magistrate Judge, entered the Report and Recommendation that the petition be dismissed, and the motion for summary judgment be granted. In the Opinion and Order filed December 19, 2011, the Honorable Cameron McGowan Currie, United States District Judge, denied the petition.

The Applicant subsequently appealed to the United States Court of Appeals for the Fourth Circuit. In an unpublished per curiam opinion, decided April 3, 2012, the Court dismissed the appeal. The Mandate was issued on July 5, 2012.

II.

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

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
 - (a) Brady v. Maryland, 373 U.S. 83 (1963) violation (prosecution)
 - (b) Ineffective assistance of counsel (not purchasing signed written statement)
 - (c) Ineffective assistance of counsel (evidence from crime, victim T. S. having
(Affirmative defense of not guilty) injury
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
 - (a) In plea hearing transcript, solicitor can be heard stating
 - (b) In letter dated 11-18-08, Applicant's attorney, Croeben
 - (c) Counsel was ineffective because the dollar amount that was

[Continued on following page]

II. Continued

These issues could have been presented to his client, as stated potentially a jury opposing what evaluators had found. In addition, based on his client's MDC "ICP" Summary Discharge showing how his client needed medications & he had lost edge & his client's conditions worsened upon his release from mental hospital.

- (D). Counsel was ineffective for not informing of Affirmative defenses of either not guilty or insanity defense. At applicant's plea hearing, counsel is found producing numerous contradictory points which would have established an affirmative defense, moreover PCL judge found that counsel's testimony was credible.
- (E). Counsel was ineffective for not questioning the evaluations when the reports about of any reference to his client not being medicated & how this could have affected his mental state. Failed to interview other doctors who diagnosed applicant to oppose or mediate responsibility & capacity to condemn a firmation.
- (F). S. C. min 10 yr min for armed robbery w/out gun when defendant was charged. In nature of a crime, its relation to stream and robbery which is a non-violent sentence & victim injuries, & it is min failed to judge on case by case basis.
- (G). Rules of Criminal Procedure state judge must advise of appellate rights even after a guilty plea. This was not done. Plea hearing records ~~show~~ show plea was made under some duress, counsel never informed of right to appeal, counsel knows how he had never been to prison so he wouldn't have known about this procedure. S. C. Appellate procedure invalid for it does not afford Appellant counsel not proceeding with his case, state let appellant w/out counsel on appeal, as a result direct appeal filed & dismissed due to issues not being able to be reviewed under state law.
- (H). Evidence will show Applicant was not on his psychiatric meds before & at PCL hearing, evidence will also show Applicant was not taken care of & not able to present issues adequately.

For the purposes of this Return, the Respondent incorporates herein and by reference the records of the Charleston County Clerk of Court, the prior PCR records, the Applicant's records from the Department of Corrections, and the appellate records. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

The Respondent submits that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offenses he challenges in this Application on June 3, 2009. This Application was filed on December 11, 2012, which was well after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, the Respondent requests that this Court summarily dismiss the application for post conviction relief for failure to file within the time mandated by the Post Conviction Procedure Act.

IV.

Respondent submits that the current application for post-conviction relief must be summarily dismissed because it is successive to Applicant's prior application for post-conviction relief. S.C. Code Ann. §17-27-90 provides that:

All grounds for relief available to an application under this chapter must be raised in his original, supplemental or amended Application. Any ground finally adjudicated or not so raised, knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding Applicant has taken to secure relief, may not be the basis for a subsequent Application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended Application.

Successive applications are disfavored and the burden is on Applicant to establish that any new ground raised in a subsequent application could not have been raised by him in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 309 S.C. 157, 420 S.E.2d 834 (1992).

Respondent submits that the current allegations were or could have been raised in the proceedings based on Applicant's prior application for post-conviction relief and thus the current application is successive and barred under S.C. Code § 17-27-90. Applicant has failed to establish sufficient reason why he could not have raised his current allegations in his previous application for post-conviction relief; therefore, he has failed to meet the burden imposed upon him. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980); Aice v. State, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 420 S.E.2d 834 (1992).

V.

The Respondent denies each allegation that is not expressly admitted, qualified or explained.

VI.

WHEREFORE, Respondent moves to summarily dismiss the application because it was filed after the statute of limitations had expired, and it is successive to the Applicant's prior application for post-conviction relief..

Respectfully submitted,

ALAN WILSON
Attorney General

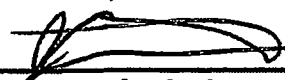
JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

J. CROOM HUNTER
Staff Attorney

P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for the Respondents

Columbia, South Carolina

March 31, 2014

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

2012-CP-10-8090

DION O. TAYLOR, #335089

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

AFFIDAVIT OF SERVICE BY MAIL

FILED
2014 APR -3 PM 1:43
JULIE J. ARISTARONG
CLERK OF COURT

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

Dion O. Taylor, #335089
Allendale Correctional Institution
PO Box 1151
Fairfax, SC 29827

DATED this 31st day of March, 2014


Anne R. Henley, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA

COUNTY OF Charleston

IN THE COURT OF COMMON PLEAS

Dion O. Taylor

Plaintiff(s)

CIVIL ACTION COVERSHEET

2012-CP-10-8090

vs.

State of South Carolina

Defendant(s)

(Please Print)

Submitted By: Dion O. Taylor

SC Bar #:

Telephone #:

Address: #325 089 - 3mug #115-A

Fax #:

Allendale Correctional Institution

Other:

P.O. Box 1151, FAYETTE, SC 29527

E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|---|--|
| ☐ Contracts | ☐ Torts - Professional Malpractice | ☐ Torts - Personal Injury | ☐ Real Property |
| ☐ Construction (100) | ☐ Dental Malpractice (200) | ☐ Assault/Slander/Libel (300) | ☐ Claim & Delivery (400) |
| ☐ Debt Collection (110) | ☐ Legal Malpractice (210) | ☐ Conversion (310) | ☐ Condemnation (410) |
| ☐ Employment (120) | ☐ Medical Malpractice (220) | ☐ Motor Vehicle Accident (320) | ☐ Foreclosure (420) |
| ☐ General (130) | Previous Notice of Intent Case # | ☐ Premises Liability (330) | ☐ Mechanic's Lien (430) |
| ☐ Breach of Contract (140) | <u>20</u> -CP- | ☐ Products Liability (340) | ☐ Partition (440) |
| ☐ Other (199) | ☐ Notice/ File Med Mal (230) | ☐ Personal Injury (350) | ☐ Possession (450) |
| | ☐ Other (299) | ☐ Wrongful Death (360) | ☐ Building Code Violation (460) |
| | | ☐ Other (399) | ☐ Other (499) |
| ☒ Inmate Petitions | ☐ Judgments/Settlements | ☐ Administrative Law/Relief | ☐ Appeals |
| ☐ PCR (500) | ☐ Death Settlement (700) | ☐ Reinstate Driver's License (800) | ☐ Arbitration (900) |
| ☐ Mandamus (520) | ☐ Foreign Judgment (710) | ☐ Judicial Review (810) | ☐ Magistrate-Civil (910) |
| ☐ Habeas Corpus (530) | ☐ Magistrate's Judgment (720) | ☐ Relief (820) | ☐ Magistrate-Criminal (920) |
| ☐ Other (599) | ☐ Minor Settlement (730) | ☐ Permanent Injunction (830) | ☐ Municipal (930) |
| | ☐ Transcript Judgment (740) | ☐ Forfeiture-Petition (840) | ☐ Probate Court (940) |
| | ☐ Lis Pendens (750) | ☐ Forfeiture-Consent Order (850) | ☐ SCDOT (950) |
| | ☐ Transfer of Structured Settlement Payment Rights Application (760) | ☐ Other (899) | ☐ Worker's Comp (960) |
| | ☐ Other (799) | | ☐ Zoning Board (970) |
| ☐ Special/Complex /Other | | | ☐ Administrative Law Judge (980) |
| ☐ Environmental (600) | ☐ Pharmaceuticals (630) | | ☐ Public Service Commission (990) |
| ☐ Automobile Arb. (610) | ☐ Unfair Trade Practices (640) | | ☐ Employment Security Comm (991) |
| ☐ Medical (620) | ☐ Out-of State Depositions (650) | | ☐ Other (999) |
| ☐ Other (699) | ☐ Sexual Predator (310) | | |

Submitting Party Signature:

Dion O. TaylorDate: 11-28-12

FORM 5

STATE OF SOUTH CAROLINA

County of CharlestonDion Colombo Taylor #335C89
Full name and prison number (if any) of Applicant

v.

State of South Carolina

2012-CP-10-8090
IN THE COURT OF COMMON PLEASFILED
2012 DEC 11 PM 4:54
JULIE CLERK OF COURTAPPLICATION FOR
POST-CONVICTION RELIEFINSTRUCTIONS - 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 Allen de Conceptional Institution, P.O. Box 1151, Fairfax, SC 29827
2. Name and location of Court which imposed sentence County General Sessions, Chas. County Court of Common Pleas, Chas. SC
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) Armed Robbery

- (b) CRV 3rd
- (c) probation violation
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 6/3/09 - 10 yrs all charges ran concurrent
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
- yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. S.C. Court of Appeals
- ii. S.C. Supreme Court
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. dismissed because issues not preserved under state law for review
- ii. failure to provide PCL application
- iii. _____
- (c) the date of each such result:
- i. N/A
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____

- (b) _____
 (c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) BRADY V. MARYLAND 373 U.S. 83 (1963) violation (prosecution)
 (b) Ineffective assistance of counsel (not properly signed after statement)
 (c) Ineffective assistance of counsel (evidence from crime, within T.S. hearing, (Affirmative defense of not guilty))

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

- (a) In plea hearing transcript, solicitor can be heard stating
 (b) In letter dated 11-18-08, Applicant's attorney - Green
 (c) Counsel was ineffective because the dollar amount of that was

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

- (a) any petition in a State Court under South Carolina Law? _____
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? yes
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? yes
 (d) any other petitions, motions or applications in this or any other Court? yes

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

- (a) the specific nature thereof:
 i. Habeas corpus petition
 ii. Post conviction
 iii. writ of certiorari - as of date - not docketed
 iv. _____
 (b) the name and location of the Court in which each was filed:
 i. U.S. District Court, Columbia SC
 ii. Court of Common Pleas, CHAS. SC
 iii. U.S. Supreme Court, Washington DC

PCE Application

I.

Continued

10. (c). Ineffective for not informing of an affirmative defense
 (e). Ineffective for not questioning medical doctor findings about effects of not being on prescribed meds & on being misdiagnosed & taking wrong meds
 (f) 8th (Eighth) Amendment violation. S.C. min 10yr on armed robbery not on case by case basis, circumstances of applicant's case (ie no gun, ect) 10yr min excessive in comparison w/ other sentences in other jurisdictions
 (g). not informed by counsel of court's right to appeal by writ

11 (a). That defendant gave a signed written confession to the crime. Even though this is accurate, it was done while defendant was not locked & he never had an opportunity to compare his written version to the typed version of detective. The only confession produced & in evidence was/is a typed version by the detective has many discrepancies. Voluntariness of the confession would have been challenged by defendant at or before a trial that he desired, likelihood of success can be premised upon said discrepancies & counsel admitted that his client desired trial & that his client ~~was~~ was interviewed at time of the crime, & confession (ie same day) There would be no need to tell or give detective a statement as the typed version states, what there was/is a written one.

(b) states he received Rule 5 discovery requests. Counsel should have been aware of the signed written confession. At pre hearing, solicitor states applicant gave a signed, written confession, not the typed version of the Rule 5. Considering the knowledge counsel had he should have conferred w/ his client about the confession & the nature of it & requested this & produced signed written confession for examination.

(c). Recovered from robbery does not match the dollar amount the business was deprived of & there is a substantial difference in the two, & this is shown on several official documents. Victim of crime identified applicant as her assailant, but in her statement her back was to the door & it stated assailant came from behind & pushed her, no weapons mentioned in her written statement & this differs from the affidavit stating assailant had a weapon. N. Chas. Police Dept states they someone fitting description from the crime, yet several others used to identify the assailant were not & a drawing of the applicant at time of apprehension. Counsel had knowledge of his client falling through a building at evaluation it was noted that there was no injury, counsel notes state injury was sustained from 12 to 15 ft building on the ground & his head, but counsel didn't take his client then brain scan to see if there was an opportunity to present favorable evidence of brain defect along w/ the established mental illnesses of his client, to a potential jury. ~~Defense~~ defense of not guilty should have been presented as an option due to these various discrepancies, for there would have been reasonable doubt due to the evidence attack ~~thereof~~

- iv. _____
- (c) the disposition thereof:
- i. dismissed
- ii. dismissed
- iii. _____
- iv. _____
- (d) the date of each such disposition:
- i. 11-14-11
- ii. 3-11-11
- 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?

yes.

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

- (a) which grounds have been presented:

- i. Ineffective assistance of counsel ^{not independent of an affirmative defense}
- ii. Failure to inform of right to counsel appeal
- iii. ~~_____~~

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

- i. PCR court petition
- ii. habeas petition
- 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) Brady violation - did not have attorney at trial, was separated from back
 (b) Counsel not properly signed - confessed - same reason as letter (a) & b
 (c) Ineffective assistance of counsel (Victim T.D. heard in evidence → back
 (2) & (3) on back

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

- (a) your arraignment and plea? yes
 (b) your trial, if any? _____
 (c) your sentencing? _____
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

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

- (a) the name and address of each attorney who represented you:

- i. Cody J. Groves, North Creek Public Defender
Beakley - Chas County, O.T. Wallace County Office Bldg 101 Meeting St, Stillton
Back

- ii. _____

 iii. _____

- (b) the proceedings at which each such attorney represented you:

- i. Plea hearing

 ii. _____

 iii. _____

- (a) From legal property from County transfer to prison
 Never recovered. Still haven't seen written statement, (i.e. written)
 for comparison to typed detective records
- (b) Same reasons as (a) & (b) i didn't receive another Rule 5 on
 the Attorney's court file until 9-17-12 to identify issues &
 evidence
- (c) Did not have an opportunity to address appropriately at
 initial PCR hearing, & subsequent appeals dismissed at S.C.
 Court of Appeals & Fed. Court level for procedural reasons
 same reasons as (a) thru (c)
- (d) Constitutional implications: not known at time of filing PCR
 initially
- * For all above applicant never knew of right to direct appeal
 was neither informed by counsel or court at that right
- (H) Attempted to access writ of certiorari? Denied access to courts
 by prison ever heard represented, as of date of this app. U.S. Supreme
 Court has not accepted writ of certiorari

18. (i) Charleston, SC 29401-2214

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

vacating or setting aside of conviction

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

NO

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of Charleston)

VERIFICATION

I, Dion O. Taylor, 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.

Dion O. Taylor

SWORN to and subscribed before me this 27 day of Nov., 2012

Cynthia G. Sanders (L.S.)
Notary Public

My Commission Expires: 3/9/21

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

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

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

Dion O Taylor
Applicant

SWORN or affirmed to and subscribed before me this
27 day of Nov., 2012

Cynthia S. Sanders
Notary Public

My Commission Expires: 3/9/21

General Sessions

CASE HISTORY FOR CASE K351324

The State of South Carolina VS Dion Orlando Taylor

FILED DATE: 9/29/2008

CASE TYPE: GS

STATUS: Disposed

JUDGE: Clerk Of Court C P, G S, And Family Court

ARRESTING AGENCY: North Charleston Police Department

CASE PARTIES:

Defendant Taylor, Dion Orlando

[REDACTED] Lee Street, North Charleston, SC 294180000

Officer Jetteaux, Joe

Court Reporter Haffenden, Amanda K.

Post Office Box 424, Summerville, SC 29484

Victim Rollerson, Inoma

[REDACTED] Orleans Rd, Charleston, SC 294070000

Defendant Attorney Groeber, Cody J.

Charleston City Public Defender's Office, Ot Wallace Office Bldg. 101 Meeting St., Charleston, S

CASE HISTORY FOR CASE K351324

Taylor, Dion Orlando

[REDACTED] Lee Street

Age: 38

DL#: [REDACTED]

DOB: [REDACTED]

SSN: [REDACTED]

North Charleston, SC 294180000

CHARGE	VOL. DATE	DISPOSITION	DISP. DATE
0139 ARMED ROBBERY	9/24/2008	Pled Guilty	6/3/2009

SENTENCING

10Y10Y

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: ARMED ROBBERY				
Collection Fee for Converted Cases	\$3.90	\$3.90	\$0.00	999
SC Criminal Justice Academy Training	5.00	5.00	0.00	999
Law Enforcement Funding Surcharge \$	25.00	25.00	0.00	999
Victim Conviction Surcharge \$100 / \$2	100.00	100.00	0.00	999
Total:	\$133.90	\$133.90	\$0.00	

DATE	TIME	EVENT DESCRIPTION
9/25/2008	10:00 AM	Court event: Bond Hearing
10/30/2008	3:00 PM	Court event: Preliminary Hearing Scheduled w/ Notices

Print Date: 12/11/2012

Print Time: 4:52:04PM

Requested By: CQCBLC

CaseHistory.rpt

Page 1 of 2



ALAN WILSON
ATTORNEY GENERAL

January 14, 2012

Ms. Janice Kenealy
Office of Inmate Records
SC Department of Corrections
Post Office Box 21787
Columbia SC 29221

Dion O Taylor, #335089

Dear Ms. Kenealy:

Please forward us a copy of the Department of Corrections records for the below individual(s). Thank you for your assistance.

Sincerely,

Anne R. Henley

Anne R. Henley
Legal Assistant

INMATE RECORDS OFFICE
2013 JAN 17 PM 4:16

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RECORD SUMMARY REPORT DATED 01/28/13

C0239

TAYLOR, DION - FBI # 957784RA6 SID# SC00888343 SCDC # 335089

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ...: ALLENDALE CORR INST

SECURITY/CUST.: 2 ADULT-STRAIGHT SENTENCE

CURR INCARC SENT...: 10 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: YES

SOCIAL SECURITY #....:

DORM.....: MA0115Z

RACE.....: B SEX....: M

PROJ MAXOUT DATE: 02/12/2018

PROJ PAROLE DATE: 00/00/0000

EWC JOB...: NO CURRENT JOB

EDUC PGM.: NO CURR EDUC PROGRAM

EWC LEVEL: 0 EEC LEVEL:

ASSIGNMENT...: LOCKED - UP

CURRENT PROGRAM...: NO CURRENT PROGRAM

AGE...: 38 DATE OF BIRTH...:

PREVIOUS NUMBERS:

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE			COUNTY	SENTENCE			V/NV	CATEGORY
	YRS	MOS	DYS		START				
FAIL TO STOP FOR OFFICER	1	0	219	CHARLESTON	9/29/20	8	N		2
CDV 1/2/3-NON-MAND	3	0	0	CHARLESTON	9/25/20	8	N		3
ARMED ROBBERY	10	0	0	CHARLESTON	9/24/20	8	V		4

PRIOR COMMITMENTS OVER 90 DAYS:

6/25/ 1 *CDV-1ST OR 2ND

0 YRS 0 MOS 114 DYS

DETAINERS (HOLD, WANTED, NOTIFY):

NO DETAINERS

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES WHILE IN CUSTODY

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

1/27/10 STRIKING AN EMPLOYEE WIT CONVICTED

MAJOR STAFF

NON-ASSAULTIVE DISCIPLINARIES:

DATE	OFFENSE	STATUS	STAFF
6/20/12	DISRESPECT	CONVICTED	MAJOR
6/18/12	THREATENING TO INFLICT H	CONVICTED	MAJOR
5/18/12	THREATENING TO INFLICT H	CONVICTED	MAJOR
10/ 2/11	THREATENING TO INFLICT H	CONVICTED	MAJOR
9/28/11	THREATENING TO INFLICT H	CONVICTED	MAJOR
7/13/11	USE OBSCENE, VULGAR, PROFA	CONVICTED	MAJOR
7/12/11	THREATENING TO INFLICT H	CONVICTED	MAJOR
7/ 5/11	USE OBSCENE, VULGAR, PROFA	CONVICTED	MAJOR
7/ 5/11	USE OBSCENE, VULGAR, PROFA	CONVICTED	ADMIN
5/ 4/11	DISRESPECT	CONVICTED	MAJOR
3/22/11	REFUSING OR FAILING OBEY	CONVICTED	MAJOR
3/22/11	THREATENING TO INFLICT H	CONVICTED	MAJOR
2/28/11	DISRESPECT	CONVICTED	MAJOR
2/28/11	DAMAGE, DESTROY PROP. VAL	CONVICTED	MAJOR
2/28/11	DISRESPECT	CONVICTED	MAJOR
2/22/11	REFUSING OR FAILING OBEY	CONVICTED	MAJOR
9/10/10	REFUSING OR FAILING OBEY	CONVICTED	MAJOR
9/10/10	REFUSING OR FAILING OBEY	CONVICTED	MAJOR
8/ 9/10	REFUSING OR FAILING OBEY	DROPPED	CHARG
7/15/10	THREATENING TO INFLICT H	CONVICTED	MAJOR
6/11/10	THREATENING TO INFLICT H	DROPPED	MAJOR
10/ 7/ 9	REFUSING OR FAILING OBEY	CONVICTED	MAJOR
6/11/ 9	DISRESPECT	CONVICTED	MAJOR

HISTORY OF MOVEMENTS:

11/ 9/12 ALLENDALE
11/ 9/12 BEAUFORT CO

INCARCERATED
AUTH ABSENCE (AWL)

RETURN FROM COURT
TO COURT

TAYLOR, DION - FBI # 957784RA6 SID# SC00888343 SCDC # 335089 (CONTINUED)

11/ 8/12	BEAUFORT CO	AUTH ABSENCE (AWL)	TO COURT
11/ 7/12	ALLENDALE	INCARCERATED	RETURN FROM COURT
11/ 7/12	BEAUFORT CO	AUTH ABSENCE (AWL)	TO COURT
11/ 5/12	ALLENDALE	INCARCERATED	RETURN FROM COURT
11/ 5/12	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
6/20/12	ALLENDALE	INCARCERATED	RETURN FROM COURT
6/20/12	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
6/19/12	ALLENDALE	INCARCERATED	RETURN FROM COURT
6/19/12	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
6/18/12	ALLENDALE	INCARCERATED	RETURN FROM COURT
6/18/12	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
6/ 5/12	ALLENDALE	INCARCERATED	RETURN FROM COURT
6/ 5/12	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
5/29/12	ALLENDALE	INCARCERATED	ADMINISTRATIVE
5/29/12	KIRKLAND	INCARCERATED	MEDICAL
4/11/12	ALLENDALE	INCARCERATED	RETURN FROM COURT
4/11/12	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT
6/15/11	ALLENDALE	INCARCERATED	RETURN FROM COURT
6/15/11	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
3/ 3/11	ALLENDALE	INCARCERATED	ADMINISTRATIVE
3/ 2/11	KIRKLAND	INCARCERATED	RETURN FROM COURT
2/28/11	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
2/14/11	ALLENDALE	INCARCERATED	ADMINISTRATIVE
11/22/10	RIDGELAND	INCARCERATED	ADMINISTRATIVE
11/18/10	KIRKLAND	INCARCERATED	RETURN FROM COURT
11/17/10	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
8/11/ 9	RIDGELAND	INCARCERATED	ADMINISTRATIVE
6/ 4/ 9	KIRKLAND	INCARCERATED	R&E PROCESSING
6/ 4/ 9	LIEBER	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB	START	END	TERMINATION	JOB
DESCRIPTION	DATE	DATE	REASON	LVL
WARDKEEPER	08/13/09	10/ 7/ 9	PLACED IN ST/SP CUSTODY	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC	START	END	TERMINATION
DESCRIPTION	DATE	DATE	REASON

NO SCHOOL ASSIGNMENTS

***** END OF REPORT *****

TP331
Created by the South Carolina Department of Probation, Parole and Pardon Services
STATE OF SOUTH CAROLINA

#3

IN THE COURT OF GENERAL SESSIONS

County of Charleston
STATE VS.

INDICTMENT#: 04 GS 10 08376
Probation C/W#: W-10-08-2257 (J.M. 29.08)
W-10-08-1872 (4-28-08)
Name of Original Offense: Failure to stop for a blue light
Original AWW#: I 097878
Date of Original Offense: 9-7-04
Conviction S.C. Code #: 56-5-750
Conviction CDR Code #: 0101615
Original Sentence: 200 days 146 days a l.p. prob.

Dion Taylor
AKA: _____
Race: B Sex: M
DOB: _____
SSN: _____
SID#: 0000034211111911

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 1/31/05 in the Court of General Sessions of Charleston County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 2/21/08 as set forth in the attached warrant(s) or citation(s) dated 4-22-08. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)
1, 2, 4, 5, 10, 11, 12

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 2 months/years, the remainder of the original sentence, and/or pay \$ _____
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____, thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense appearing on the indictment).
- ☐ Additional Conditions ordered by the Court:

TEST: A TRUE COPY
JULIE J. ARMSTRONG
CLERK, C.P. AS
DEPUTY CLERK

- ☐ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 7146 days on this sentence 5/2/09 (split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 3 day of June 2009
Charleston SC

Presiding Judge 919 Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature Walter K. 200 Witnessed by [Signature]
Signed this 3 day of June 2009 at Charleston SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.
DION ORLANDO TAYLOR

INDICTMENT/CASE#: 2009GS1000030
A/W#: K351324
Date of Offense: 9/24/2008
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

AKA: _____
Race: B Sex: M Age: 35
DOB: _____ SS#: _____
Address: RUGHEIMER AVE #6
NORTH CHARLES, SC 294060000
DL#: _____ SID#: _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Armed Robbery (10-30 years)

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lowd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant Initial)

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

ATTEST: A. Riesen 71084 Dion Taylor Cody J. Grocher 76627
Riesen, Trip SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: CDU charge and probation revocation

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 232 Days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ set by SCDPPPS

Recipient:	
*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§ 56-5-2995 (DUI Assessment)	\$12 \$
§ 56-1-286 (DUI Breath Test)	\$25 \$
§ 35.13 (Public Def/Prob)	\$500 \$
§ 73.3, 1B TP (Law Enforc. Funding)	\$25 \$ <u>25.00</u>
§ 33.7, 1B TP (Drug Court Surcharge)	\$100 \$
§ 50-21-114(BUI Breath Test Fee)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	\$ <u>3.90</u>
§ 90.11 TP (SCCJA Surcharge)	\$5 \$ <u>5.00</u>
TOTAL	\$ <u>133.90</u>

_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: SCDC to continue medication
For Mental Health problems

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Callal
Court Reporter: A. Haffner

PRESIDING JUDGE [Signature]
Judge Code: 211314
Sentence Date: 6/15/9 SCCA/217 (03/2009)

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Dion Taylor, #335089,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS

2009-CP-10-6320

ORDER OF DISMISSAL

FILED
CLERK OF COURT
APR 13 AM 9:10
J. FRIEDMAN

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed October 6, 2009. The Respondent made its Return on February 1, 2010. An evidentiary hearing into the matter was convened on March 1, 2011 at the Charleston County Courthouse. The Applicant was present at the hearing and represented himself *pro se*. Matthew J. Friedman, Esquire, of the South Carolina Attorney General's Office represented the Respondent.

Applicant testified on his own behalf at the PCR hearing. Applicant's plea counsel, Cody Groeber, Esquire, also testified at the hearing. This Court had before it the guilty plea transcript, the records of the Charleston County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the PCR application, Respondent's Return thereto, the psychiatric report, a letter from former PCR attorney John Chakeris to Applicant, and an Order dismissing the direct appeal.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. The Applicant was indicted at the January 2009 term of the Charleston County Grand Jury for criminal domestic

RMD

violence (CDV) – 2nd or subsequent offense (2009-GS-10-0031) and armed robbery (2009-GS-10-0030). Cody Groeber, Esquire, represented the Applicant. On June 3, 2009, the Applicant pled guilty as indicted. Pursuant to a negotiated plea agreement, the Honorable Roger M. Young, Sr. sentenced the Applicant to confinement for ten (10) years for armed robbery and three (3) years for CDV – 3rd offense. The sentences were to run concurrently with each other and concurrently with a probation revocation.

ALLEGATIONS

The Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel in that counsel
 - a. Gave erroneous advice.
 - b. Failed to investigate.
 - c. Failed to get another mental evaluation for Applicant.
 - d. Failed to inform plea judge that Applicant was not on medication at the time of the offense.

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 and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon his or her credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

The Applicant testified that he had a state evaluation, but he did not get another mental evaluation. He testified that he did not review the mental health reports with counsel. He asserted that if the MUSC report had been presented, then the plea judge could have ruled differently. Applicant testified that he was not taking his medication at the time of the offense.

RMD2

He asserted that counsel failed to withdraw the guilty plea or advise Applicant of his right to a direct appeal. He also testified that counsel failed to investigate.

Plea counsel testified that he met with Applicant at least 25 times during his representation. He testified that he did not have any problems communicating with Applicant. Counsel testified that Applicant did not have a defense based on the psychiatric report and evaluation. He testified that there was no evidence to present at trial to establish an insanity defense. Counsel testified that he discussed the mental evaluation and insanity defense with Applicant. He asserted that the plea court was aware that Applicant was not on medication at the time of the armed robbery. Counsel testified that he asked the plea court to allow Applicant to plead guilty but mentally ill, but the judge found that based on the evaluation Applicant did not meet the criteria for a guilty but mentally ill plea. Counsel asserted that he explained the significance of a negotiated sentence to Applicant. He testified that the only time he could challenge the voluntary nature of a statement would be at trial, and he asserted that it was Applicant's decision to plead guilty and accept the negotiated sentence. Counsel testified that his investigation focused on Applicant's mental health status, but he also reviewed the discovery, spoke with the victims, and spoke with Applicant. He asserted that Applicant did not ask him to withdraw the guilty plea or file a notice of appeal.

Ineffective Assistance of Counsel

The Applicant alleges that he received ineffective assistance of counsel. In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be

relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 334 S.E.2d 813.

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. 668. The applicant must overcome this presumption in order to receive relief. Cherry, 386 S.E.2d 624.

Courts use a two-pronged test to evaluate allegations of ineffective assistance of counsel. First, the applicant must prove that counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Id. at 625 (citing Strickland, 466 U.S. 668). 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.” Id. at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). When there has been a guilty plea, the applicant must prove that counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). When determining issues relating to guilty pleas, the court will consider the entire record, including the

transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) (citing Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984)). When a defendant pleads guilty on the advice of counsel, the plea may only be attacked through a claim of ineffective assistance of counsel. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2002) (citations omitted).

This Court finds that counsel's testimony is credible. This Court finds that counsel is a trial practitioner who has experience in the trial of serious offenses. Counsel conferred with the Applicant on numerous occasions. During conferences with the Applicant, counsel discussed the pending charges, the elements of the charges and what the State was required to prove, Applicant's constitutional rights, Applicant's version of the facts, and possible defenses or lack thereof. This Court finds that the record reflects that Applicant's plea was entered freely, voluntarily, knowingly, and intelligently. Applicant acknowledged that he understood the terms of the negotiated sentence. He told the court that no one had threatened him or promised him anything to get him to plead guilty. He admitted that he was, in fact, guilty of these offenses. Applicant told the plea court that it was his decision and his decision alone to plead guilty. He also indicated that he was satisfied with plea counsel and did not need more time to speak with him. This Court finds that it was Applicant's decision to plead guilty with a full understanding of the consequences of the plea.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court finds that Applicant's attorney 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, 239 S.E.2d 750 (1977); Strickland, 466 U.S. at 668; Butler, 286 S.C.

441, 334 S.E.2d 813. This Court further finds counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation. Counsel successfully negotiated a favorable sentence for Applicant. This Court finds that counsel's representation did not fall below an objective standard of reasonableness.

This Court finds that the plea court was well aware of the mental health issues in this case. A guilty but mentally ill plea does not change the sentence, but rather it merely changes where the inmate is housed. Mental illness is not a defense in South Carolina. This Court finds that counsel properly explored a potential insanity defense, but counsel articulated that he had no evidence to present at trial to establish insanity. This Court finds that counsel did exactly what he should have done in negotiating a favorable sentence for Applicant.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test, specifically that counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that counsel committed either errors or omissions in his representation of the Applicant. The Applicant failed to show that counsel's performance was deficient. This Court also finds the Applicant has failed to prove the second prong of Strickland, specifically that he was prejudiced by plea counsel's performance. Applicant's complaints concerning counsel's performance are without merit and are denied and dismissed.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they

are hereby denied and dismissed.

CONCLUSION

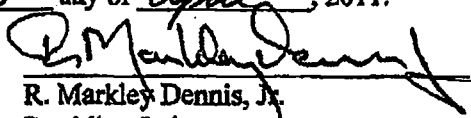
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner, nor was the Applicant prejudiced by counsel's representation. Therefore, this application for PCR must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of written notice of entry of this Order to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely served and filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 5th day of April, 2011.


R. Markley Dennis, Jr.
Presiding Judge
9th Judicial Circuit

Charleston, South Carolina.

RMD7

Lonnie Brawley - Activity in Case 0:11-cv-01456-CMC Taylor v. Warden of Allendale Correctional Institution Order on Motion to Alter Judgment

From: <SCDEfilingstat@scd.uscourts.gov>
To: <scd_ecf_nef@scd.uscourts.gov>
Date: 12/19/2011 11:47 AM
Subject: Activity in Case 0:11-cv-01456-CMC Taylor v. Warden of Allendale Correctional Institution Order on Motion to Alter Judgment

ATTORNEY GENERAL'S OFFICE

RECEIVED

ADMINISTRATIVE INSTRUCTIONS

HAVE COPIES MADE

ROUTE TO:

ORDER: TRANSCRIPT

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS There is no charge for viewing opinions.

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 12/19/2011 at 11:44:23 AM EST and filed on 12/19/2011

Case Name: Taylor v. Warden of Allendale Correctional Institution

Case Number: 0:11-cv-01456-CMC

Filer:

WARNING: CASE CLOSED on 12/06/2011

Document Number: 35

Docket Text:

OPINION AND ORDER denying [34] Motion to Alter Judgment Signed by Honorable Cameron McGowan Currie on 12/19/11.(jda,) Modified on 12/19/2011 to edit text(jda,).

0:11-cv-01456-CMC Notice has been electronically mailed to:

Donald John Zelenka agdzelenka@scag.gov, aglbrawley@ag.state.sc.us

0:11-cv-01456-CMC Notice will not be electronically mailed to:

Dion Orlando Taylor
 335089
 Allendale Correctional Institution
 PO Box 1151
 Fairfax, SC 29827

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1091130295 [Date=12/19/2011] [FileNumber=4731711-0] [ba2b795656dfce167841fd44b465d2ef76db5154a66b00219c2dab043188a9c28fb3cbafd7941da32ab8fcdf85ff5ce5d09cf6d4e1899448f190fafb11aea5bf]]

This is a re-generated NEF. Created on 12/19/2011 at 11:46 AM EST

--- Scanned by M+ Guardian Messaging Firewall ---

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Dion Orlando Taylor,	)	C/A NO. 0:11-1456-CMC-PJG
	)	
Petitioner,	)	
	)	OPINION and ORDER
v.	)	
	)	
Warden of Allendale Correctional	)	
Institution,	)	
	)	
Respondent.	)	

This matter is before the court on Petitioner's *pro se* motion to Alter or Amend Judgment.
ECF No. 34 (filed Dec. 14, 2011).

The Fourth Circuit Court of Appeals has interpreted Rule 59(e) of the Federal Rules of Civil Procedure to allow the court to alter or amend an earlier judgment: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” *Becker v. Westinghouse Savannah River Co.*, 305 F.3d 284, 290 (4th Cir. 2002) (quoting *Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998)). “Whatever may be the purpose of Rule 59(e) it should not be supposed that it is intended to give an unhappy litigant one additional chance to sway the judge.” *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625 (S.D. Miss. 1990).

Petitioner's motion is reargument of material submitted in opposition to the Report and Recommendation of the Magistrate Judge. Petitioner's motion is an attempt to have “one additional chance to sway the judge.” *Id.* Therefore, Petitioner's motion is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
December 19, 2011

11-2379

Appeal: 12-6066

Doc: 14

Filed: 07/05/2012

Pg: 1 of 1

FILED: July 5, 2012

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

ATTORNEY GENERAL'S OFFICE

RECEIVED 7-5-12

ADMINISTRATIVE INSTRUCTIONS

No. 12-6066
(0:11-cv-01456-CMC)

FILE OPEN END

PAGE COPIES MADE

ROUTE TO:

ORDER: TRANSCRIPT

RECORDS CLERK RECORDS

OTHER:

DION ORLANDO TAYLOR

Petitioner - Appellant

v.

WARDEN OF ALLENDALE CORRECTIONAL INSTITUTION

Respondent - Appellee

MANDATE

The judgment of this court, entered 4/03/2012, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

/s/Patricia S. Connor, Clerk

Lonnie Brawley - 12-6066 Dion Taylor v. Warden of Allendale Corr Inst "Mandate issued" (0:11-cv-01456-CMC)

From: <ecfnoticing@ca4.uscourts.gov>
 To: <aglbrawley@scag.gov>
 Date: 7/5/2012 9:29 AM
 Subject: 12-6066 Dion Taylor v. Warden of Allendale Corr Inst "Mandate issued" (0:11-cv-01456-CMC)

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Fourth Circuit

Notice of Docket Activity

The following transaction was entered on 07/05/2012 at 9:28:42 AM EDT and filed on 07/05/2012

Case Name: Dion Taylor v. Warden of Allendale Corr Inst

Case Number: 12-6066

Document(s): Document(s)

Docket Text:

Mandate Issued. Referencing: [10] Judgment order, [9] Unpublished per curiam Opinion. Originating case number: 0:11-cv-01456-CMC. [12-6066] (RHS)

Notice will be electronically mailed to:

Larry W. Proppes, Clerk of Court: fillingdocs_ecf_cola@scd.uscourts.gov
 Mr. Donald John Zelenka, Deputy Assistant Attorney General: agdzenlenka@scag.gov, aglbrawley@scag.gov

Notice will not be electronically mailed to:

Dion Orlando Taylor
 ALLENDALE CORRECTIONAL INSTITUTION
 P. O. Box 1151
 Fairfax, SC 29827-0000

The following document(s) are associated with this transaction:

Document Description:

Original Filenames: /opt/ACECF/live/forms/rsewell_126066_998888600_MandateAllCaseTypes_221.pdf

Electronic Document Stamp:

[STAMP acedStamp_ID=1105645354 [Date=07/05/2012] [FileNumber=998888600-0]

[9758d8f6763d512d57d0b0efb34d48eba3274b25d8ab649a92b4d5dbc3e8ee3cd24cad3d7798fe92f012a21e7b9f53ff19595a28b43bc2f637c46272ba1d1480]]

Recipients:

- Larry W. Proppes, Clerk of Court
- Dion Orlando Taylor
- Mr. Donald John Zelenka, Deputy Assistant Attorney General

--- Scanned by H+ Guardian Messaging Firewall ---

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6066

DION ORLANDO TAYLOR,

Petitioner - Appellant,

v.

WARDEN OF ALLENDALE CORRECTIONAL INSTITUTION,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Cameron McGowan Currie, District Judge. (0:11-cv-01456-CMC)

Submitted: March 29, 2012

Decided: April 3, 2012

Before WILKINSON, KING, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Dion Orlando Taylor, Appellant Pro Se. Donald John Zelenka, Deputy Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dion Orlando Taylor seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2006) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2006). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2006). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85.

We have independently reviewed the record and conclude that Taylor has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED



State of South Carolina
The Circuit Court of the Ninth Judicial Circuit

Deborah A. Garrison
Circuit Court Reporter

April 20, 2011

P O Box 901
Johns Island, SC 29457

Dion Taylor
335089 p SMU207-A
Allendale Correctional Institute
P O Box 1151
Fairfax, SC 29827

Re: Transcript Request
Dion Taylor v State of South Carolina
09-CP-10-6320
Hearing of March 1, 2011
Before The Honorable R. Markley Dennis, Jr.

Dear Mr. Taylor:

I have received your letter requesting a transcript of the Hearing in the above-captioned heard before The Honorable R. Markley Dennis, Jr. on March 1, 2011.

A review of the records indicates that a deposit of \$350.00 is required in order to accept your request. The requested deposit is an estimated amount. If the transcript cost is more than the deposit requested, you will be notified of the amount to be paid before delivery. If the cost of the transcript is less than the deposit, a refund check will accompany your transcript on delivery. This requirement applies to all parties, including indigent or pro se litigants.

Please send the deposit, payable to Deborah Garrison, to the above address. Upon receipt of a valid deposit, your transcription request will be accepted and placed in line for production. Transcripts are to be delivered within sixty days of acceptance of a transcript order unless an extension for cause is granted.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Garrison".

Deborah Garrison

/dg

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

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

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

Dion O Taylor
Applicant

SWORN or affirmed to and subscribed before me this

27 day of Nov., 2012

Cynthia S. Sanders
Notary Public

My Commission Expires: 3/9/21

General Sessions **CASE HISTORY FOR CASE K351324**

The State of South Carolina VS Dion Orlando Taylor

FILED DATE: 9/29/2008

CASE TYPE: GS

STATUS: Disposed

JUDGE: Clerk Of Court C P, G S, And Family Court

ARRESTING AGENCY: North Charleston Police Department

CASE PARTIES:

Defendant Taylor, Dion Orlando

Lee Street, North Charleston, SC 294180000

Officer Jeffeaux, Joe

Court Reporter Haffenden, Amanda K.

Post Office Box 424, Summerville, SC 29484

Victim Rollerson, Inoma

Orleans Rd, Charleston, SC 294070000

Defendant Attorney Groeber, Cody J.

Charleston Cty Public Defender's Office, Ot Wallace Office Bldg.101 Meeting St., Charleston, S

CASE HISTORY FOR CASE K351324

Taylor, Dion Orlando
Lee Street

Age: 38
DL#:

DOB:
SSN:

North Charleston, SC 294180000

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
0139 ARMED ROBBERY	9/24/2008	Pled Guilty	6/3/2009

SENTENCING

10Y10Y

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: ARMED ROBBERY				
Collection Fee for Converted Cases	\$3.90	\$3.90	\$0.00	999
SC Criminal Justice Academy Training	5.00	5.00	0.00	999
Law Enforcement Funding Surcharge \$	25.00	25.00	0.00	999
Victim Conviction Surcharge \$100 / \$2	100.00	100.00	0.00	999
Total:	\$133.90	\$133.90	\$0.00	

DATE	TIME	EVENT DESCRIPTION
9/25/2008	10:00 AM	Court event: Bond Hearing
10/30/2008	3:00 PM	Court event: Preliminary Hearing Scheduled w/ Notices

Print Date: 12/11/2012

Print Time: 4:52:04PM

Requested By: COCBLC

CaseHistory.rpt

Page 1 of 2

General Sessions

CASE HISTORY FOR CASE H02589

The State of South Carolina VS Dion Orlando Taylor

FILED DATE: 9/29/2008

CASE TYPE: GS

STATUS: Disposed

JUDGE: Clerk Of Court C P, G S, And Family Court

ARRESTING AGENCY: North Charleston Police Department

CASE PARTIES:

Defendant Taylor, Dion Orlando

Lee Street, North Charleston, SC 294180000

Affiant Denmark, Zevon

Herman Ln, Charleston, SC 294920000

Officer Jeffeau/affiant

Court Reporter Haffenden, Amanda K.

Post Office Box 424, Summerville, SC 29484

Defendant Attorney Groeber, Cody J.

Charleston Cty Public Defender's Office, Of Wallace Office Bldg.101 Meeting St., Charleston, S

CASE HISTORY FOR CASE H02589

Taylor, Dion Orlando
Lee StreetAge: 38
DL#:DOB:
SSN:

North Charleston, SC 294180000

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
0685 CDV 3RD	9/25/2008	Pled Guilty	6/3/2009

SENTENCING

3Y3Y

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: CDV 3RD				
Collection Fee for Converted Cases	\$3.90	\$3.90	\$0.00	999
SC Criminal Justice Academy Training	5.00	5.00	0.00	999
Law Enforcement Funding Surcharge \$	25.00	25.00	0.00	999
Victim Conviction Surcharge \$100 / \$2	100.00	100.00	0.00	999
Total:	\$133.90	\$133.90	\$0.00	

DATE	TIME	EVENT DESCRIPTION
9/26/2008	10:00 AM	Court event: Bond Hearing
10/30/2008	3:00 PM	Court event: Preliminary Hearing Scheduled w/ Notices

Print Date: 12/11/2012
 Print Time: 4:51:23PM
 Requested By: COCBLC

CaseHistory.rpt

Page 1 of 2

General Sessions

CASE HISTORY FOR CASE W10020348

The State of South Carolina VS Dion Orlando Taylor

FILED DATE: 4/19/2002

CASE TYPE: GS

STATUS: Transferred

JUDGE: Clerk Of Court D P, G S, And Family Court

ARRESTING AGENCY: S C Probation Parole And Pardon

CASE PARTIES:

Defendant Taylor, Dion Orlando

Piney Grove Road Country, Town Apartments Apt [REDACTED] Columbia, SC 292100000

Officer Meekins, Officer

CASE HISTORY FOR CASE W10020348

Taylor, Dion Orlando

Piney Grove Road Country

Town Apartments Apt 2a

Columbia, SC 292100000

Age: 38

DL#:

DOB:

SSN:

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
0157 PROBATION VIOLATION	4/19/2002	Other / Transferred-other county/circuit	4/22/2002

SENTENCING

PROBATION CASEPROBATION CASE

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
------	----------	-------------	-----------	--------------

Total:

DATE	TIME	EVENT DESCRIPTION
4/19/2002	3:15 PM	Court event: Bond Hearing
4/22/2002	6:00 PM	Court event: Hearing
4/22/2002	12:00 AM	ORIGINAL CASE #2001-GS-10-6209
6/10/2002	12:00 AM	Filing recorded: PROBATION ORDER SEE FREEFORM
4/19/2002	12:00 AM	Filing recorded: TRANSFERED FROM: CASE ID: 2002SU83002967 DEFENDANT: A COUNT
4/19/2002	12:00 AM	Bond 1 was set in the amount of 1000 by
4/19/2002	12:00 AM	Bond was posted in the amount of 1000 by Dion Orlando Taylor
4/19/2002	12:00 AM	recorded the following Case Note: OW102002001932
6/10/2002	12:00 AM	recorded the following Case Note: PROBATION ORDER SEE FREEFORM;THE SUS SENTENCE IS REVOKED AND THE DEF IS REQUIRED TO SERVE 90 DAYS, REVOKE 90 DAYS AND CONTINUE PROBATION, CONCURRENT WITH FAMILY COURT, PAY FINE AT \$26 PER MONTH UPON RELEASE.;JEFFERSON
4/19/2002	12:00 AM	recorded the following Case Note: TRANSFERED FROM: CASE ID: 2002SU83002967 DEFENDANT: A COUNT: 01

Print Date: 12/11/2012
 Print Time: 4:52:38PM
 Created By: COBCLC

CaseHistory.rpt

Page 1 of 1

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
 STATE VS.
DION ORLANDO TAYLOR

AKA: _____
 Race: B Sex: M Age: 35
 DOB: _____ SS#: _____
 Address: RUGHEIMER AVE #6
NORTH CHARLES, SC 294060000
 DL#: _____ SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS1000031

A/W#: 1102589

Date of Offense: 6/24/2008

S.C. Code § : 16-25-0040

CDR Code #: 0685

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Criminal Domestic Violence - 3rd (90 days - 3 years) - 1 - 5 years

in violation of § 16-25-0040 of the S.C. Code of Laws, bearing CDR Code # 0685

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

ATTEST: A. Puri 71084 Dion Taylor Colby J. Gruber 7/6/09
 Riesen, Trip SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

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

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

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

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

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

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

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

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

3% to County (if paid in installments) \$ 3.90§ 90.11 TP (SCCA Surcharge) \$5 \$ 5.00TOTAL \$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter: A. Haffner

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PP or appointed other counsel \$35.13 TP
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 111314Sentence Date: 6/27/09

SCCA/217 (03/2009)

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

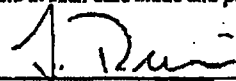
INDICTMENT

At a Court of General Sessions, convened on January 5, 2009 the Grand Jurors of Charleston County present upon their oath:

Criminal Domestic Violence, 2nd or Subsequent Offense

That in Charleston County, South Carolina, on or about June 2, 2008, the Defendant, DION ORLANDO TAYLOR, did cause physical harm or offer or attempt to cause physical harm to Zevon Denmark, a family or household member, with apparent present ability under circumstances reasonably creating fear of imminent peril; said Defendant having being convicted of Criminal Domestic Violence on at least 2 prior occasions. This is in violation of Section Code 16-25-20 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.


TRIP RIESEN
ASSISTANT SOLICITOR

FWR20080905813

WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2008024862

ARREST WARRANT NUMBER

1102589

DATE OF ARREST

September 25, 2008

ACTION OF GRAND JURY

TRUE BILLForeperson of Grand Jury
Date: JAN 07 2009

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2009GS1000031

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

January Term 2009

THE STATE

vs.

DION ORLANDO TAYLOR

DOB: [REDACTED]
B/M

08-5987 (11)

Indictment for

Criminal Domestic Violence, 2nd or
Subsequent Offense

FILED

2009 JAN -9 PM 2:44
JULIE J. ARMSTRONG
CLERK OF COURT

ARREST WARRANT

I-102589

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
North Charleston

2008024662 THE STATE
vs. HUNTER
Dion Orlando Taylor

Address: Jessamine Hwy 161 #20
Ravenscroft, SC 29407

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 Weight: 160
DL State: SC DL #: DLR
DOB: _____ Agency OR#: _____
Prosecuting Agency: North Charleston Police Department
Prosecuting Officer: Affiant Affiant
Offense: Criminal Domestic Violence 3rd 16-25-30
Offense Code: 03058
Criminal Domestic Violence 3rd 16-25-30

This warrant is CERTIFIED FOR SERVICE in the
☐ County ☐ Municipality of _____
is to be arrested and brought before me to be
duly taken according to the law.

Signature of Affiant _____ (p. 2)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Dion Taylor
on 9-9-08
M. Victor Ravelis
Judge of the Court

RETURN WARRANT TO:
North Charleston Municipal Court
2536 Fourth St
North Charleston, SC 29405

missed court

STATE OF SOUTH CAROLINA)
☐ County ☒ Municipality of)
North Charleston)

AFFIDAVIT

Notarized by
1 C. Notary Public
09/11/08
00000000

ORIGINAL

Personally appeared before me the affiant Zevon L. Denmark who
being duly sworn deposes and says that defendant Dion Orlando Taylor
did within this county and state on 06/24/2008 violate the criminal laws of the
State of South Carolina (for violation of ☐ County ☒ Municipality of North Charleston)
in the following particulars:
DESCRIPTION OF OFFENSE: Criminal Domestic Violence 3rd 16-25-30

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

OCA #2008024662
IA

Signature of Affiant _____

STATE OF SOUTH CAROLINA)
☐ County ☒ Municipality of)
North Charleston)

Affiant's Address: 5114 Seawee Drive
Awendaw, SC 29468
Affiant's Telephone: (843) 330-0724

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 06/24/2008 defendant Dion Orlando Taylor
did violate the criminal laws of the State of South Carolina (for violation of ☐ County ☒ Municipality of North Charleston) as set forth below:
DESCRIPTION OF OFFENSE: Criminal Domestic Violence 3rd 16-25-30

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his arrest, or as
soon thereafter as is practicable.

Sworn to and subscribed before me
on 09/09/2008
M. Victor Ravelis
Judge of the Court

Judge's Address: _____
Judge's Telephone: _____

Judge Code: _____

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA

ORIGINAL

COUNTY OF CHARLESTON
CITY OF NORTH CHARLESTONAFFIDAVIT
OCA# 2008024862

Personally appeared before me, a magistrate of this County, one Zevon L. Denmark who, first being duly sworn, deposes and says that

DION ORLANDO TAYLOR

Did within this County and State on the 2nd day of June 2008, did violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
Criminal Domestic Violence
3rd or Greater

16-25-20

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on or about June 24, 2008, at approximately 9:00 PM, while at [REDACTED] Rivers Ave., in the City of North Charleston, County of Charleston, and State of South Carolina the defendant, **Dion Orlando Taylor**, did commit the offense of *Criminal Domestic Violence 3rd* in violation of section 16-25-20 of the South Carolina Code of Laws of 1976, as amended. In that she did willfully and unlawfully strike the victim/affiant, Zevon L. Denmark in the mouth with his fist.

The facts to establish the aforesaid are that the defendant and victim have cohabited together for the past several months and that she is pregnant with the defendant's child. The defendant had asked the victim to meet him at the Siesta Motel to discuss their relationship where he became angry with the victim because he thought she was cheating on him with other men. The defendant then began to strike the victim in the face with his fists. The defendant has at least two previous convictions for criminal domestic violence. His NCIC criminal history reveals that on January 1, 1999, he was convicted of Criminal Domestic Violence in Charleston County Magistrates Court, case # 98-04857B, warrant # F-869498. On October 17, 2001, the defendant was convicted in the Court of General Sessions of Criminal Domestic Violence, case # 2001021585N, warrant # G-706676. The victim gave a written, signed statement to the assault. The victim/affiant is a witness to prove same. All against the Law, Peace and Dignity of the State of South Carolina.

Sworn to and Subscribed before me
this 24 day of SEP
2008.

Zevon L. Denmark
(AFFIANT)

M. Victor Revelise
Signature of Judge

Address: _____

Phone: _____

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
 STATE VS.
DION ORLANDO TAYLOR

AKA: _____
 Race: B Sex: M Age: 35
 DOB: _____ SS#: _____
 Address: RUGHEIMER AVE #6
NORTH CHARLES, SC 294060000
 DL#: _____ SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS1000030A/W#: K351324Date of Offense: 9/24/2008S.C. Code § : 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
 TO: Armed Robbery (10-30 years)

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: A. Riesen 71084 Dion Taylor 6/13/09 6/13/09 76627
 Riesen, Trip SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: CDU change and probation revocation
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 232 DAYS

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding)

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(I) (Vehicle Assessment)

3% to County (if paid in installments)

§ 90.11 TP (SCCA Surcharge)

TOTAL

	\$	
	\$	
	\$100	\$100.00
	\$100	\$
	\$12	\$
	\$25	\$
	\$500	\$
	\$25	\$25.00
	\$100	\$
	\$50	\$
	\$40/ea	\$
	\$	\$3.90
	\$5	\$5.00
		\$133.90

Clerk of Court/ Deputy Clerk

Court Reporter: A. Haffner

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: SCDC to continue medication
for mental health problems

☐ Appointed PD or appointed other counsel, §35.13 TP
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 21314Sentence Date: 6/13/09

SCCA/217 (03/2009)

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

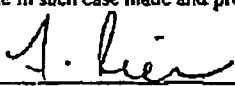
INDICTMENT

At a Court of General Sessions, convened on January 5, 2009 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about September 24, 2008, in Charleston County, South Carolina, the Defendant, DION ORLANDO TAYLOR, while at [REDACTED] Rivers Avenue, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or other object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Inoma Rollerson with the intent to permanently deprive the victim of possession thereof, in violation of Section 16-11-330(A) 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.



TRIP RIESEN
ASSISTANT SOLICITOR

FWR20080905824

WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER
2008042931

ARREST WARRANT NUMBER
K351324

DATE OF ARREST
September 24, 2008

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury **JAN 17 2009**
Date:

VERDICT

Foreperson of Petit Jury **Date:**

INDICT

DOCKET NO. 2009GS1000030

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS

January Term 2009

THE STATE

vs.

DION ORLANDO TAYLOR
DOB: **B/M**

Indictment for
Armed Robbery

FILED

2009 JAN -9 PM 2:44
JULIE J. ARMSTRONG
CLERK OF COURT

08 5975

ARREST WARRANT
K- 351324
 STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
CHARLESTON

THE STATE
 against

DION ORLANDO TAYLOR
 Address: **RUGHEIMER AVE #6**
NORTH CHARLESTON, SC 29405
 Phone: _____ SSN: _____
 Sex: **M** Race: **B** Height: **57** Weight: **200**
 D.O.B.: _____ Agency OR#: _____
 Prosecuting Agency: **NCPD**
 Prosecuting Officer: **JEFFREUX**
 Offense: **ARMED ROBBERY**
 Offense Code: _____
 Code/Ordinance Sec: **COMMON LAW**

This Warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____ The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge _____ (L.S.)

Date: _____

RETURN
 A copy of this arrest warrant was delivered to
 defendant _____
 on _____

Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
CHARLESTON

AFFIDAVIT

Form Approved by
 U.S. Attorney General
 April 17, 2003
 25CA 615

Personally appeared before me the affiant **R.B. STONE** who
 being duly sworn deposes and says that defendant **DION ORLANDO TAYLOR**
 did within this county and state on **09-24-2008** violate the criminal laws of the
 State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of **CHARLESTON**)
 in the following particulars:
ARMED ROBBERY
COMMON LAW

I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

Signature of Affiant **R.B. Stone**
 STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
CHARLESTON
 Affiant's Address: **4900 LACROSS RD**
NORTH CHARLESTON, SC 29405
 Affiant's Telephone: **843-334-3700**

ARREST WARRANT
 TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
 It appearing from the above affidavit that there are reasonable grounds to believe that
 on **09-24-2008** defendant **DION ORLANDO TAYLOR**
 did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of **CHARLESTON**) as set forth below:
ARMED ROBBERY
COMMON LAW

Having found probable cause and the above sworn before me, you are empowered and directed to arrest the said
 defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
 the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me
 on **September 23, 2008**

Signature of Issuing Judge _____ (L.S.)
 Judge Code: **7000/SL/ABC**

Judge's Address: **3870 LEROX AVENUE, SUITE 106**
N. CHARLESTON, SC 29405
 Judge's Telephone: **843-746-9522**
 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

~~DIST. COM. 2025-01-15~~

1970-12-01

[illegible]

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON
CITY OF NORTH CHARLESTON

AFFIDAVIT

Inv. Officer Jeffreux

OCA#2008042931

Personally appeared before me, a magistrate of this County, one RESTON who first being duly sworn, deposes and says that (name of the defendant)

DION ORLANDO TAYLOR

did within this County and State on the 24th day of September 2008, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

ARMED ROBBERY

Common Law

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on 9-24-2008, at approximately 1:02 p.m., while at [REDACTED] Rivers Avenue, The Maxway Store, located in the City of North Charleston, South Carolina, the defendant, Dion Orlando Taylor did willfully, unlawfully, and feloniously commit the offense of **ARMED ROBBERY**, in violation of Common Law of South Carolina Code of Laws of 1976, as amended. In that the defendant did willfully and unlawfully take approximately \$444.00 of cash from the victim by demanding her to open the cash register while armed with a utility knife with the intent to deprive the business of the money.

The facts to establish the above are that the defendant approached the victim from behind and demanded the victim to open the register while holding a utility knife. The defendant then pushed the victim towards the register and stated "Open the register, I don't want to kill you." The defendant then reached into the cash drawer and removed \$444.00 in cash. The defendant then fled the store on foot. The victim later positively identified the defendant at 1413 Bexley Street where he was apprehended. Mrs. Inoma B. Rollerson, Corporal G. Zimmer, and Officer J. Jeffreux are witnesses to prove the same. All against the law, peace and dignity of the State of South Carolina.

Sworn to and Subscribed before me
this _____ day of SEP 25 2008
2008.

[Signature]
Signature of Judge

RESTON
(AFFIANT)

Address: 4900 Lacross Road
N. Charleston S.C. 29406
Phone: 843-554-5700

TP331

Created by the South Carolina Department of Probation, Parole and Pardon Services
STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Charleston
STATE VS.

Dion Taylor
AKA: _____
Race: B Sex: M
DOB: _____
SSN: 5
SID#: 00888343

INDICTMENT#: 10-08376
Probation C/W#: 10-10-08-2237 (S.M. 29.03)
2009 10-10-08-1877 (4-28-08)
Name of Original Offense: Failure to stop for blue light
Original MVA: E 097878
Date of Original Offense: 9-7-04
Conviction S.C. Code §: 56-5-750
Conviction CDR Code #: 01 01 615
Original Sentence: 2 yr 4 mo 146 days + 1 yr prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 1/31/05 in the Court of General Sessions of Charleston County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 02-25-2008, as set forth in the attached warrant(s) or citation(s) dated 4-22-08. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)
1, 2, 4, 5, 10, 11, 12

Therefore, IT IS ORDERED that:

☒ the suspended sentence be revoked and the above named defendant be required to serve 2 months/years, the remainder of the original sentence, and/or pay \$ _____.

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☐ Additional Conditions ordered by the Court:

☐ The defendant is given credit for pre-arrest hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

☒ The defendant has previously served 146 days on this sentence.
(split sentence time and/or prior partial revocation time)

☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 3 day of June, 2009
Charleston, SC

Presiding Judge [Signature] Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature [Signature]

Witnessed by [Signature]

Signed this 3 day of June, 2009 at Charleston, SC



ALAN WILSON
ATTORNEY GENERAL

March 31, 2014

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Re: Dion O. Taylor, # 335089 v. State of South Carolina
2012-CP-10-8909

Dear Ms. Armstrong:

Enclosed please find the original Return and Motion to Dismiss of the Respondent, in the above-captioned case, for filing in your office.

Sincerely,

J. Croom Hunter
Attorney with Attorney General

JCH/arh

Enclosure

Charleston County Clerks Records
PCR Application
SCDC Records
Prior Appellate Records

cc: Dion O. Taylor, #335089