

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Laurens County

Honorable Brian M. Gibbons, Circuit Court Judge

MARVIN WATSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000308

APPENDIX

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF LAURENS) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE)

5 -vs-)

6 MARVIN MOLIQUE WATSON,)

7 DEFENDANT.)

TRANSCRIPT OF RECORD

2015-GS-30-01681

2015-GS-30-01682

MARCH 2, 2017

LAURENS, SOUTH CAROLINA

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9
10 B E F O R E:

11 THE HONORABLE FRANK ADDY, JR., JUDGE.
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13
14
15

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

17 WARREN MOWRY, ASSISTANT SOLICITOR
18 ATTORNEY FOR THE STATE

19 CHELSEA MCNEILL, ASSISTANT PUBLIC DEFENDER
20 ATTORNEY FOR THE DEFENDANT
21
22

23 MICHAEL R. WATTS
24 CIRCUIT COURT REPORTER
25

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WITNESSES

PAGE

(NO WITNESSES CALLED)

EXHIBITS

1	NO.	DESCRIPTION	ID.	EV.
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3		(NO EXHIBITS MARKED)		
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1 (PROCEEDINGS, MARCH 2, 2017)

2 THE COURT: All right, Mr. Mowry, if you will go
3 ahead and call the next case, please.

4 MR. MOWRY: Your Honor, if it please the court,
5 this is with regard to Marvin Molique Watson.

6 Mr. Watson is before Your Honor on two
7 indictments: 15-1681 and 1682 charging him with murder and
8 possession of a weapon during the commission of a violent
9 crime.

10 He is entering a guilty plea as charged on both
11 these indictments.

12 He's represented by his attorney Ms. McNeill.

13 THE COURT: All right. And according to the
14 sentencing sheet, there are no recommendations or
15 negotiations involved in this case?

16 MR. MOWRY: That is correct, Your Honor.

17 THE COURT: All right. And this is the case --

18 I pulled my notes, but this is the case that we
19 had a brief teleconference back on February the 7th of this
20 year, at around 12:30, correct?

21 MR. MOWRY: Yes.

22 MS. MCNEILL: Yes.

23 THE COURT: The same one that we discussed?

24 MS. MCNEILL: Yes.

25 MR. MOWRY: Yes.

1 THE COURT: Ms. McNeill, you are representing Mr.
2 Watson, is that correct?

3 MS. MCNEILL: Yes, sir.

4 THE COURT: I'm told that he had -- or that he
5 desires to plead guilty to two charges.

6 Obviously the offense of murder carries a minimum
7 of thirty years and a maximum of life imprisonment.

8 Any sentence that he receives from the court he
9 has to search day for day.

10 Of course, it's also classified as a most service
11 and a violent offense.

12 Have you reviewed with Mr. Watson the elements of
13 that offense, as well as the elements of possession of a
14 weapon during a violent crime? I think that carries up to
15 five years.

16 You have reviewed all that with him and discussed
17 with him the elements of these crimes?

18 MS. NCNEILL: Yes, sir, I have gone over those.
19 It's a felony. It's a violent crime, most service strike
20 offense. I explained what strike offenses mean in this
21 state.

22 I have explained to him that it's a day for day
23 crime. No parole eligibility. That it's a minimum of
24 thirty, obviously, and a maximum of life.

25 A crime of violence.

1 No foster care or adoption, obviously.
2 Child abuse registry, if a child is involved.
3 And the DNA database as well.

4 And I have also gone over the elements of that,
5 along with the elements of possession of a weapon during a
6 violent crime.

7 THE COURT: All right.

8 Do you agree with his decision to plead guilty in
9 this case?

10 MS. MCNEILL: I do.

11 THE COURT: And from your investigation of the
12 facts and circumstances and allegations, do you believe that
13 the State possesses sufficient credible evidence to prove
14 his guilt to a jury beyond a reasonable doubt and if he were
15 to stand trial, his conviction would be likely?

16 MS. MCNEILL: Yes, sir.

17 THE COURT: Mr. Watson, if you would, just raise
18 your right hand, sir. I need to put you under oath, please,
19 as best you can, sir.

20 MARVIN MOLIQUE WATSON, having been first duly
21 sworn, testified as follows:

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Thank you.

24 You can put your hand down, Mr. Watson.

25 Sir, are you Marvin Molique Watson?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Mr. Watson, your attorney tells me
3 that you want to plead guilty to two charges.

4 The less serious of the charges is the possession
5 of a weapon during the commission of a violent crime. Do
6 you understand that carries up to five years?

7 The murder charge carries a minimum of thirty
8 years and a maximum of life imprisonment. Do you understand
9 that, sir?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: What that means, Mr. Watson, is that
12 if I accept your plea today, I have to sentence you to a
13 minimum of thirty years, but you are looking at anywhere
14 between thirty years and life, in terms of the potential
15 sentence, because technically there are no negotiations or
16 recommendations in the case. Do you understand that, sir?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Now, on the teleconference I mentioned
19 a few moments ago we did discuss kind of the procedural
20 history of this case where things had been, but you
21 understand that ultimately whatever sentence that you
22 receive is entirely up to me, sir?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And obviously if I impose -- whatever
25 sentence I do impose, you have to serve it day for day;

1 meaning, if I give you a thirty year sentence, you will have
2 to -- you will -- the soonest you will be able to get out of
3 prison is, assuming you don't get credit for any time
4 served, which by law you will, but the soonest you would be
5 able to get out of prison is sometime around March the --
6 sometime before March the 3rd of 2047.

7 Do you understand that, sir, if you were to get a
8 thirty year prison; ditto for a forty year sentence?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Now, Mr. Watson, in the last
11 twenty-four hours have you taken any medication or any
12 substance that affects your thinking right now?

13 THE DEFENDANT: No, sir.

14 THE COURT: And have you ever been treated for or
15 do you suffer from any problems understanding what's taking
16 place, memory problems, memory lapses, things of that
17 nature?

18 THE DEFENDANT: No, sir.

19 THE COURT: Have you ever received any kind of
20 mental health treatment?

21 THE DEFENDANT: At a young age, sir.

22 THE COURT: At a young age.

23 What was your diagnosis, sir?

24 THE DEFENDANT: Hyperactivity.

25 THE COURT: Hyperactivity?

1 MS. MCNEILL: Yes, sir.

2 THE COURT: ADHD. Okay.

3 Mr. Watson, have you ever -- have you ever been in
4 any kind of special ed -- any special ed classes when in
5 school?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And I think you told me in that
8 conference call, Ms. McNeill, that there are some cognitive
9 deficits involved here?

10 MS. MCNEILL: Yes, sir.

11 May I approach?

12 THE COURT: Please.

13 MS. MCNEILL: Your Honor, Mr. Mowry also has a
14 copy of this. This is your copy. This is the evaluation
15 that my office had done for competency evaluation and that
16 one is from DDSN. He was found competent to stand trial.

17 As Your Honor will see, his diagnosis is
18 adjustment disorder with depressed mood and borderline
19 intellectual functioning.

20 I have included the entire report so that Your
21 Honor can have the opportunity to read over it, if you would
22 like.

23 THE COURT: All right. You are satisfied with his
24 ability to proceed here, though?

25 MS. MCNEILL: I am, judge. I don't have a concern

1 that he lacks competency.

2 THE COURT: All right.

3 Okay. This appears to be consistent with our
4 discussions on the 7th.

5 Mr. Watson, how do you wish to plead to these
6 charges, sir?

7 THE DEFENDANT: Guilty, sir.

8 THE COURT: I need you to pay attention to what
9 Mr. Mowry tells me happened. When he's done speaking I'll
10 then ask you if that's what you did, okay, sir? So I need
11 you to pay very, very close attention to what he says took
12 place. All right, sir?

13 Go ahead.

14 MR. MOWRY: Thank you, Your Honor.

15 You can see a lot of folks here in the courtroom
16 that are here in support of Nancy Anderson, the wife of the
17 victim. She's standing here to my right, along with Greta
18 Christian, and -- our victim advocate, and Walter Bentley,
19 our investigator.

20 Many of these people have also submitted letters,
21 copies of which I gave to Ms. McNeill, but -- that I have
22 provided to you yesterday so that you could review them
23 overnight.

24 The only person that would address the court is
25 Ms. Anderson. She would like to talk to you, but we did

1 want to make the thoughts of other people known to you as
2 well.

3 Your Honor, this event occurred on August 16th of
4 2015, about 2:30 in the afternoon, at the Corner Mart, which
5 is a convenience store and gas station on Highway 76 in
6 Clinton.

7 Your Honor, it is shocking in both its callousness
8 and its randomness and it was recorded on the store's
9 security video.

10 The victim in this case is David Anderson. He was
11 fifty-five years old at the time of his murder. He was a
12 native of Minnesota. He was a graduate of the University of
13 Kansas. He played minor league baseball in the St. Louis
14 Cardinal's organization, and he was employed as a supervisor
15 at the V.C Summer Nuclear Plant. He lived with his wife,
16 Ms. Anderson, who is a public school teacher outside of
17 Clinton.

18 On the day of this incident the victim and Ms.
19 Anderson had been working in their yard and he had driven
20 his 1998 Ford F-150 pickup to the store to gas up for the
21 week in his commute to work and to get drinks for himself
22 and his wife.

23 Your Honor, he is seen on the security video
24 making multiple trips into the store to initiate the
25 purchases and to get change. So the entire transaction

1 while he was there took several minutes.

2 Sometime after Mr. Anderson arrived another car is
3 seen pulling onto the opposite side of the island from Mr.
4 Anderson's truck.

5 Mr. Anderson is shown going into the store for a
6 final time to complete his business and he returned to his
7 vehicle, apparently preparing to depart. At no time, either
8 going into the store or returning to his truck, does the
9 video show that Mr. Anderson exchanged any communication or
10 even acknowledged the occupants of the other car. In fact,
11 according to the co-defendant Zarekia Copeland's statement,
12 she said that he only smiled a polite greeting to her.

13 Mr. Anderson is shown getting into his truck and
14 beginning to drive off, but he stopped, evidently to secure
15 his gas tank lid. He got out, once again making no contact
16 with the occupants of the other car.

17 At that point the passenger, later determined to
18 be this defendant, but at that time only seen to be a black
19 male wearing a red top or hoodie stepped out of the vehicle
20 and without any justification, or excuse, or even prelude,
21 Your Honor, he shot the victim twice; according to the
22 pathologist, once a through and through wound that damaged
23 his stomach and his kidney, once to his chest that caused
24 the fatal wounding to his heart and both lungs.

25 The assailant then got back into the car, which

1 immediately fled the scene.

2 Mr. Anderson is seen taking a few steps, then
3 collapsing, where he died at the scene.

4 Your Honor, I would like to show just a portion of
5 this video. Mr. Anderson has already been there for a few
6 minutes before the car pulls in, but that is the point that
7 we are picking this up.

8 THE COURT: Ms. Anderson, I'm sure that you have
9 seen this before. If you don't want to see it again, that's
10 fine.

11 MRS. NANCY ANDERSON: I'm okay.

12 (Whereupon, a portion of the videotape was played
13 to the court)

14 MR. MOWRY: We are going to stop it there, Your
15 Honor.

16 Your Honor, law enforcement and EMS were called
17 and arrived shortly thereafter.

18 While law enforcement was still collecting
19 evidence at the scene they received a call from a female in
20 Saluda who identified herself as a friend of the person who
21 turned out to be the driver of the car, Zarekia Copeland.
22 The friend said that Ms. Copeland, who is charged as a
23 co-defendant with accessory after the fact in this case, had
24 called the witness and had related to the witness that Ms.
25 Copeland's boyfriend, this defendant, had quote, "shot a guy

1 for no reason," end quote.

2 Ms. Copeland related to the witness that she
3 needed her to come pick her up and to give her a place to
4 hide, and that witness knew that the defendant was her
5 boyfriend.

6 Investigators went to Saluda to meet with the
7 witness and actually had her initiate a call with Copeland.
8 She told the witness that she was at her mother's. It
9 turned out her mother's house was in Joanna. The witness
10 gave the name of both the suspects and described the
11 co-defendant's car.

12 After determining the location of Copeland's
13 mother's home in Joanna they went there. They did locate
14 the car and called a SLED crime scene unit to the scene to
15 process it. Latent prints, later determined to be the
16 defendant Watson's, were lifted from the rear passenger side
17 door of the vehicle, as well as from the front passenger
18 door.

19 Officers began to comb the area, Your Honor, and a
20 short time later about a half mile away officers found
21 Watson and placed him under arrest. He did not have the
22 gun.

23 A tracking dog team from SLED arrived to search
24 the area between the car and the site of Watson's arrest
25 hoping to find the weapon used in the murder, but it was

1 never located, nor has it been to this day.

2 Ultimately Copeland turned herself into the
3 Clinton Department of Public Safety. Officers Mirandized
4 her and obtained a statement from her in which she
5 implicated Watson as the shooter.

6 And then after his arrest, Your Honor, and during
7 his incarceration a phone conversation between Watson and
8 his mother was recorded. In it Watson described the prelude
9 to the confrontation and the murder. He put himself at the
10 scene as the passenger that is seen emerging from the car
11 and shooting Mr. Anderson. But once he had related the
12 story of the arrival of the car, he said "that's probably
13 all I should say," but he surely put himself there and the
14 video certainly told the rest of the story, Your Honor.

15 Your Honor, Ms. Anderson would like to address the
16 court whenever you deem it appropriate.

17 THE COURT: All right. Very good.

18 And I think you indicated to me that he had a
19 prior conviction for assault and battery in '05, and a
20 narcotics offense a year or two after that?

21 MR. MOWRY: Yes, sir, I put it on a victim
22 impact -- or, excuse me, a guilty plea information sheet.

23 THE COURT: All right.

24 MR. MOWRY: I can --

25 THE COURT: I got it.

1 MR. MOWRY: Good.

2 THE COURT: I see it now. Thank you.

3 Ms. Anderson, I'll let you speak in a moment.

4 Okay, ma'am?

5 Mr. Watson, you heard what the State alleges
6 happened on or about August the 16th of 2015. Is it true,
7 sir? Is what they say true?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: So you did, in fact, murder David
10 Anderson, is that correct?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Mr. Watson, I need to review with you
13 rights that you are giving up by pleading guilty.

14 If at any time you don't understand something I'm
15 telling you, or if you need a break, or need advice, I want
16 you to stop me. I'll let you talk to Ms. McNeill as long as
17 you need to. Okay, sir? Do you understand, sir?

18 THE DEFENDANT: I understand, sir.

19 THE COURT: Do you understand, Mr. Watson, you do
20 not have to plead guilty? You can have a jury trial on this
21 case. Do you understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: In a trial, Mr. Watson, you and your
24 attorney would help pick twelve people from Laurens County.
25 They would be the jury.

1 The State would have the burden of proving your
2 guilt beyond a reasonable doubt to the unanimous
3 satisfaction of all twelve members of that jury. Do you
4 understand, sir?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Up until such time as all twelve
7 thought you were guilty of this crime you would not be
8 punished in any way, shape or form for this offense. Do you
9 understand that, sir?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: The way the State would go about
12 trying to meet its burden is they would call witnesses who
13 one by one would come forward. They would be sworn and you
14 and Ms. McNeill would have an opportunity to see, confront,
15 and cross-examine those witnesses, meaning you could ask
16 them any question that's relevant to any issue involving
17 this case.

18 Now, in a criminal trial, Mr. Watson, at all times
19 the burden of proof is on the State to prove your guilt
20 beyond a reasonable doubt. You don't have to prove the
21 first thing. Do you understand that, sir?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: If you wanted to, however, you could
24 certainly present your own defense. You could call
25 witnesses, if you wanted to do so. If those witnesses were

1 reluctant to come to court, you could use the subpoena power
2 of the court to force them to come in here. Do you
3 understand that, sir?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Additionally, at trial, Mr. Watson, if
6 you wanted to take the witness stand in your own defense,
7 you would certainly be free to do that. You would be
8 subject to the same rules of questioning and
9 cross-examination as pretty much any other witness.

10 So if you decided that you didn't want to take the
11 stand, I would instruct the jury that they couldn't hold
12 that against you. They couldn't discuss it. They couldn't
13 bring it up in the jury room. They couldn't use it as
14 evidence of guilt in any way, shape or form. Do you
15 understand that, Mr. Watson?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: That's your Fifth Amendment. Right
18 against self-incrimination. By pleading guilty you waive
19 that, in that you admit to me that you did, in fact, commit
20 these crimes. Do you understand that, Mr. Watson?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Additionally, at trial, sir, you would
23 be presumed innocent.

24 The way I typically describe the presumption of
25 innocence is it's like a robe of righteousness placed about

1 the shoulders of the defendant and it remains with you until
2 such time as it's been stripped from you by the jury.

3 Do you understand now, right now, Mr. Watson, in
4 the eyes of law, the law considers you innocent of this
5 crime, because obviously I have not accepted your plea yet
6 and you have not been convicted at trial. So right now as
7 you stand in front of me you are an innocent man in the eyes
8 of the law. Do you understand that, sir?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: If you plead guilty, though, obviously
11 you waive that presumption of innocence and you admit that
12 you did commit these crimes.

13 Mr. Watson, at trial do you understand that you
14 would be able to present any defense to this charge? I have
15 no way of knowing if you have any defense or not. It could
16 be -- self-defense could be a potential defense.

17 I'm sure that you have discussed this topic with
18 Ms. McNeill, is that correct?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand that if you plead
21 guilty, you waive any defense? You waive your right to
22 present any defense or argue any defense to this court or to
23 a jury. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And, finally, Mr. Watson, do you

1 understand that at trial you could challenge any of the
2 evidence the State has against you?

3 I have only been given a very brief overview of
4 what evidence they have against you, all right? And I'm
5 sure that you have had a chance to talk to Ms. McNeill about
6 the evidence in this case, is that correct?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you understand that if you gave any
9 statement to the police, if there was any evidence seized
10 from your house or your person and you wanted to challenge
11 it, you could challenge it at trial. If the court agreed
12 with you that it was illegally obtained evidence, then
13 perhaps the jury would never even hear about it.

14 If you plead guilty, though, you waive your right
15 to challenge any of the State's evidence, however it was
16 collected. Do you understand that, sir?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Mr. Watson, all these are very
19 important rights guaranteed to you under the laws of our
20 state and our country. Are you certain that you want to
21 give up all these rights and plead guilty?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And, Ms. McNeill, are you satisfied
24 with the discovery response from the State in this case?

25 MS. MCNEILL: Yes, sir.

1 THE COURT: And you have reviewed it with Mr.
2 Watson, to the extent that he's wanted or needed to see it?

3 MS. MCNEILL: Yes, sir.

4 THE COURT: Mr. Watson, are you happy with the way
5 that Ms. McNeill has represented you on this case?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Have you understood all your
8 conversations with her?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And has she done everything that you
11 wanted her to do?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Is there anything that she has failed
14 to do that she needs to do?

15 THE DEFENDANT: No, sir.

16 THE COURT: And have you understood -- you have
17 understood all your conversations with her?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Have you had enough time to talk to
20 her?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you need any more time to discuss
23 anything with her?

24 THE DEFENDANT: No, sir.

25 THE COURT: So you are totally satisfied with her

1 help?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Mr. Watson, do you have any complaints
4 to make against the solicitor's office, law enforcement,
5 court personnel, anyone involved with the prosecution of
6 this case?

7 THE DEFENDANT: Could you run that back to me one
8 more time?

9 THE COURT: Sure.

10 Do you have any complaints to make against the
11 solicitor's office, law enforcement, the police, court
12 personnel, anyone involved with the prosecution of this
13 case? Have you been treated unfairly by anyone?

14 THE DEFENDANT: Oh, no, sir.

15 THE COURT: Okay. So you don't have any
16 complaints to make about your treatment by any law
17 enforcement person, by the court, anyone else?

18 THE DEFENDANT: No, sir.

19 THE COURT: All right. Mr. Watson, has anyone
20 promised you anything or held out any other hope of reward
21 for you in return for your guilty plea?

22 THE DEFENDANT: No, sir.

23 THE COURT: And has anyone tried to threaten you,
24 force you, coerce you in any way to get you to plead guilty
25 to this charge?

1 THE DEFENDANT: No, sir.

2 THE COURT: So you are pleading guilty then of
3 your own free will?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Watson, are you pleading guilty
6 because you are, in fact, guilty of this crime?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have you understood my questions?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Is there anything that you need to
11 discuss with your attorney or with me, any questions that
12 you need to ask either of us at this point?

13 THE DEFENDANT: No, sir.

14 THE COURT: Mr. Watson, are you quite sure that
15 you want to waive your right to a jury trial and enter this
16 plea?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand that you are looking
19 at thirty years to life, if I accept your plea? There is no
20 way around that. Do you understand that, sir?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. And you still want to go
23 forward with this plea?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Very good.

1 I do find there is a substantial factual basis for
2 this plea. It is freely, voluntarily, knowingly and
3 intelligently made.

4 Mr. Watson is satisfied with the advice of
5 counsel, who is very, very competent.

6 The court will accept his plea.

7 All right. At this point, solicitor, I ask that
8 the record reflect that last evening I did review the many,
9 many, many letters. I just read them at the kitchen table
10 at my house last night that were submitted on behalf of Mr.
11 Anderson, and I don't always do it, but I would like to do
12 it in this case. I would like to make these part of the
13 record, part of the clerk's file for posterity, because
14 clearly Mr. Anderson was an incredible man, who is greatly
15 missed by a large number of people, so I'm going to ask the
16 clerk to add these to the file, but I want to thank everyone
17 who did submit something to the court.

18 MR. MOWRY: Thank you, Your Honor.

19 THE COURT: Ms. Anderson, I'm happy to hear
20 anything that you want to tell me, ma'am.

21 Just take your time. If you need a break, tell
22 me, okay?

23 MRS. NANCY ANDERSON: Thank you, sir.

24 On August 16th, 2015, at about 4:50 my world
25 changed forever. Life as I knew it suddenly ceased to

1 exists and the future I had imagined, it vanished like a
2 vapor. In a matter of mere seconds I was forced to become a
3 widow at the hands of a stranger in a premeditated,
4 calculated act of pure evil and hatred. The best man I have
5 ever known, my best friend, the absolute love of my life and
6 my sweet husband, David Wade Anderson, was murdered.

7 Imagine or consider your worst fear or your most
8 vivid nightmare, your deepest pain and your darkest tragedy.
9 Now imagine that they all collide at once, plunging you into
10 a place filled with grief so overwhelming and heartbreak so
11 intense that you fear for your very existence.

12 Try to imagine or consider this is beyond
13 excruciating, but to try to survive it is a daily battle for
14 me. Because of the actions of the murderer, survival just
15 simply survival is a daily struggle. Finding healing and
16 discovering joy again at times seem to be out of reach for
17 me forever.

18 My heart and my life has been shattered into a
19 million tiny sharp shards. And even now, one year, six
20 months and fifteen days later the shards cut as deeply as
21 the day my David died. Time does not heal, nor does it help
22 to ease the reality of the nightmare you are forced to
23 navigate.

24 Putting into words how the murder of my husband
25 has impacted me, my family, and all those who loved, admired

1 and respected my Dave is next to impossible. He was more
2 than just my beloved husband. He was a son, a brother. He
3 was a father, a stepfather, an uncle, a grandfather,
4 son-in-law, a brother-in-law, and a friend to so many.

5 How do you translate a broken heart, a shattered
6 future, financial insecurity, and an unraveled sense of
7 stability and safety into words? I don't know.

8 How do you convey sleepless nights that never seem
9 to end or a grief so deep that you feel your heart will stop
10 beating? I don't know.

11 How do you describe adequately the sensation of a
12 giant weight pressing so hard on your chest that you
13 struggle to breath? I can say like in simply getting out of
14 bed would be the hardest thing that you have to do each day.

15 How do you explain the breath and the deep sighs
16 that you take because your only defense against the tears
17 that you always feel burning in your eyes, the way you find
18 the strength and the will to move forward yet another day to
19 go to work and to complete the chores of living when your
20 heart is bleeding? I don't know that either.

21 How are you supposed to find your new normal or to
22 move forward in this world when your world has come to an
23 abrupt, violent, senseless end?

24 And how are you supposed to regain your ability to
25 concentrate, make decisions, remember ordinary things,

1 remember important things?

2 How do you get back the place where you care again
3 about things that were once so important to you?

4 And how do you continue to pretend to be okay so
5 those around you will be comfortable? I'm not sure of that
6 either.

7 I'm not sure how to celebrate holidays, or
8 anniversaries, or even have a normal day without being
9 tormented by the thought of the crime, the cruel suffering
10 of my husband and the enormous hole in my life.

11 I don't know how to plan for my future, because
12 it's one I never asked for and I was thrust into because of
13 a murderer. I wish somebody could tell me because I never
14 know the answer myself.

15 On August 16th I was robbed of my sense of trust,
16 of security, and my childhood notion that this world is a
17 safe place. I learned that day that pure evil does exists
18 much closer to home than I ever imagined.

19 I learned on that terrible Sunday that bad things
20 do happen to good people.

21 I learned that my perception of life can change in
22 just a mere matter of seconds and that due to actions beyond
23 my comprehension or control that my life has instantly been
24 altered forever.

25 I learned that an ordinary day can change your

1 life and be your last, that no one is immune to crime, nor
2 can crime always be anticipated.

3 I learned how fragile a human life really is. And
4 that's your only guarantee in that moment in which you
5 actually exists.

6 I learned not to be trusting and to always look
7 over my shoulder in the most ordinary of places.

8 And, sadly, I learned that human life is not
9 something that all in our society value or hold sacred.

10 Finally, I learned that the victim of a crime is
11 punished on a level that far exceeds any that the law might
12 ever impose.

13 On the day my husband died I considered that I
14 received a life sentence and my sweet husband received a
15 death sentence.

16 I learned the true meaning of emptiness, a grief
17 like no other.

18 There is no way to fix what's been done to me and
19 to all those who loved my Dave.

20 The lessons of death are hard, but I have also
21 learned that through faith, the love of my family and my
22 dear friends, and through the support of those in the
23 Criminal Justice System that I'm not alone in my fight to
24 survive this violent senseless death of my husband.

25 I pray every day that my Dave's murder was quick.

1 I hope his death was quick. I pray that he never felt
2 scared or alone or that he ever felt the pain of those two
3 fatal gunshot wounds. And I pray that God's love and his
4 perfect peace surrounded him as he soared to heaven.

5 I pray for myself that one day the pain of the
6 memories of that dark horrific day will cost him like my
7 frantic attempt to locate him when I sensed something was
8 terribly wrong, like my family members faces and their
9 hushed tones as they rushed me to the hospital, being
10 quietly ushered into the family room, being informed that my
11 husband was dead. And then, Your Honor, being escorted to
12 his lifeless body and both of my hands were held so I could
13 not touch him as not to disturb evidence.

14 I pray that one day these memories won't steal my
15 heart and won't pull me down like a tidal wave. I have
16 intense heart rate and horror and grief, leaving me
17 breathless, speechless, and unable to move.

18 There will never be any measure of justice equal
19 to the measure of devastation that this crime left in its
20 wake, not for me and not for all the people who love my
21 David.

22 On that beautiful Sunday afternoon the murderer
23 extinguished the most beautiful, kind, genuine, and gentle
24 soul I have ever known.

25 The premeditated and calculated brutal and

1 senseless murder of an innocent man demands a punishment
2 equal to such of a crime. The murderer showed no mercy
3 toward my husband. None at all. No leniency, no
4 compassion. The coward shot my husband, a stranger to him,
5 multiple times, not once, and left him to die alone on a
6 hard, cold, dirty cement block as he sped away from the
7 scene of the crime.

8 It is my sincere plea and hope and prayer that
9 this murderer will be sentenced to life in prison with no
10 chance of parole, not ever.

11 It's my desire that he will be locked away for the
12 rest of his live in retribution for this precious life he
13 took.

14 May his life in prison remind him daily of the
15 unspeakable evil and overwhelming loss and grief he
16 inflicted upon Dave and upon so many other innocent victims
17 of this crime. May his daily struggle in prison remind him
18 of the daily struggles I face because of what he did.

19 In closing, Your Honor, I pray that this lifetime
20 of incarceration will spare another family from the pain and
21 the undescribable heartbreak that is inflicted upon mine.

22 On August the 16th, 2015, my world changed
23 forever. My husband's world ended. Neither of us wanted
24 anything more than to grow old together. We had a
25 beautiful, beautiful love story.

1 I'm reminded of the words that his close friend
2 said to me, on August the 16th, 2015 "the worst of humanity
3 met with the best of humanity."

4 Thank you for your time and for your consideration
5 in my words and your sentencing, Your Honor.

6 THE COURT: Thank you, Ms. Anderson.

7 All right, solicitor, anything further from the
8 State on this question?

9 MR. MOWRY: No, sir, Your Honor.

10 THE COURT: I did have one question. Did Ms.
11 Copeland give any sort of indication as to what precipitated
12 this?

13 MR. MOWRY: No, sir.

14 THE COURT: All right. Ms. McNeill, I'll be happy
15 to hear from you, ma'am.

16 MS. NCNEILL: Thank you, Your Honor.

17 Judge, I would like to make that evaluation part
18 of the record.

19 MR. MOWRY: And I would concur in that, Your
20 Honor.

21 THE COURT: Very good. We will simply add it to
22 the clerk's file. I think there may already be a copy in
23 it, but if there is not, we will make sure that the copy
24 that was given to me is included in the record.

25 MS. NCNEILL: And, judge, on page four of eight of

1 that evaluation, under personal history, family additional
2 history, I would just like -- it's very short. I would just
3 like Your Honor to read that to yourself. I'm not going to
4 read that into the record.

5 This is a day today that it's about this family,
6 Mr. Anderson's family, Ms. Nancy Anderson, her family and
7 friends that are here in the courtroom today. And this is a
8 day that I hope will bring this family and friends of this
9 family some level of closure to this horrible nightmare that
10 I know that they have been living through for one year, six
11 months and fifteen days, since August 16th of 2015. This is
12 the day of this incident and Marvin Watson has been in jail
13 since that date.

14 Your Honor, Mr. Mowry handed me all of those
15 letters that the friends and family of David Anderson
16 submitted to him. I know that I briefly talked to the
17 family in the courtroom today, particularly to Ms. Nancy
18 Anderson, to express my condolences. I know that it's hard
19 for her to be here today, and I was told that there were
20 more letters that they had brought today, which I did not
21 read, but I'm certain that I -- I can tell you what is in
22 those letters. Mr. Anderson was clearly an amazing person.
23 And last night I took those letters over to the detention
24 center and Marvin and I went through each one individually
25 and read each letter individually. And after reading each

1 letter individually, we discussed what the author of that
2 respective letter, what Mr. Anderson meant to that person on
3 an individual level, and the fact that Marvin's senseless
4 act on August 16th, 2015 created such a void for each
5 individual author of each individual respective letter. And
6 Marvin did become emotional. He does have extreme remorse
7 for what he has done to the friends and family, particularly
8 to Mrs. Nancy Anderson. And he and I decided that --
9 actually he decided that he wanted to write a letter for me
10 to read today, and I have provided a copy to Mr. Mowry.

11 He's also written a letter to his own family, and
12 I have provided a copy of that to them today. There is --
13 his family is Deborah Watson, who is sitting on the left.
14 That's his grandmother. And his mother, Vanessa Watson.
15 Those are the two that made it here today, judge.

16 And in relation to that, Your Honor can focus on
17 the page four of the evaluation. Out of respect for
18 everybody, I'm not going to read that out loud.

19 THE COURT: I have read it.

20 MS. MCNEILL: This is the letter that Marvin has
21 asked me to read in open court to the friends and family of
22 Mr. Anderson. And I just want to say that by me reading it
23 instead of Marvin reading it, I hope that that does not take
24 away the meaning that he really truly does mean behind it.
25 He simply does not read well. He told me what to write. I

1 typed it up for him and he has signed it.

2 "To the family and friends of Mr. Anderson.

3 "I, Marvin Watson, would like to apologize for
4 putting you all through so much. I didn't wake up planning
5 on doing this to you all. I pray and hope that one day you
6 could all please forgive me and not continue to look at me
7 as a monster in your life. I was not raised to be the
8 person that I had become on that day. I was on drugs real
9 bad. I lost my job and the mother of my child told me I was
10 a horrible father. I was going through so much depression.
11 There is no excuse and if I could take this all back I
12 certainly would. My lawyer read all of your letters to me.
13 I had no idea that he was a guy like this, especially
14 working for the Lord. When I was listening to each of your
15 letters I felt so completely worthless. You all are very
16 bright and have the right to feel the way that each of you
17 feel about me. You all have the right to stand around me
18 and hang me. As I go along I just truly hope that I can
19 find a way to help you all heal from what I have done and
20 not put any more hurt in your lives than I already have been
21 responsible for.

22 "To Mrs. Nancy Anderson.

23 "I am truly sorry for putting you through the pain
24 and suffering for now having to live without your husband.
25 When I listened to my lawyer read all of the letters I

1 realized how much pain I put you in. You had to go through
2 so much pain and grief and I could not be more sorry for
3 that. I truly hope that one day you can find it in your
4 heart to forgive me. I wish you nothing but peace and I
5 hope that you find peace as soon as possible. He was an
6 innocent man and deserved to never meet me. I hate what I
7 have done, not only to Mr. Anderson, but to all of you who
8 clearly were touched by his kindness and love. I hate
9 knowing I am responsible for a life lost. As difficult as
10 it was to listen to each and every one of the sixteen
11 letters my lawyer read to me, I am glad I heard them all. I
12 have learned how much my stupidity has affected so many.
13 After my lawyer read each individual letter to me, we talked
14 about how that person was touched by Mr. Anderson and how
15 now they have pain and a void in their life from me taking
16 him. I hurt knowing that I have caused so many pain and I
17 hate knowing that I am the cause of the taking of a truly
18 innocent life. You all are right. What I did was murder.
19 You all are right in what I did was senseless. You all are
20 right in what I did was selfish. It was stupid. It was
21 brutal. It was violent. It was wrong and it was horrible.
22 I feel bad that I caused all this to happen to Mr. Anderson
23 and to everyone's life he touched. Drugs cause people to
24 play in the devil's playground and on that Sunday I was in
25 the devil's playground. It is no excuse for what I did.

1 There is never going to be an excuse for what I did. I can
2 never take your pain away. I can never make you whole
3 again. I can never be punished enough to right this wrong.
4 I know that if I were you all I would want to forget about
5 me for the rest of time after today. However, should any of
6 you want to reach out to me, I am open to that. I am open
7 to communicating with anyone that has any interests in
8 communicating with me. I am open to hearing your pain past
9 today's plea. I am open to doing anything I can and playing
10 any role I can to try and help heal this family.

11 Sincerely, Marvin Watson."

12 And I am going to give this to Mrs. Nancy
13 Anderson.

14 Judge, this is a copy. I'm just going to hand it
15 to you of the letter that he wrote to his family.

16 THE COURT: Thank you.

17 MS. MCNEILL: And I'm also handing up a packet of
18 information I would like for Your Honor to consider in
19 sentencing. Mr. Mowry has seen this. It's the life
20 expectancy in the South Carolina Department of Corrections.

21 THE COURT: All right. I'm actually familiar with
22 these statistics and I think that we discussed these in our
23 teleconference as well.

24 MS. MCNEILL: Yes, sir.

25 THE COURT: But I am very familiar and I'll be

1 more than happy to make this as a part of the record as
2 well.

3 MS. MCNEILL: Thank you.

4 Judge, Marvin is thirty-two years of age. He
5 turned thirty-two last week. He has a minimal record, as
6 Your Honor well knows.

7 This was a senseless act.

8 I know the one question that this family and the
9 friends of this family have is why. This man went to a gas
10 station to get gas in his truck and never came home. And if
11 that happened to me, I would want to know why. I would want
12 to demand some answers.

13 I have talked to Marvin about this extensively.

14 Marvin was supposed to plead guilty in December.
15 The recommendation at that time was a cap of forty. As Your
16 Honor well knows, that plea fell apart. Mr. Tom Adducci was
17 Marvin's attorney when he was arrested until he left my
18 office to go to Greenville in January of this year.

19 Mr. Adducci and I had a transition meeting with
20 Marvin so that Marvin could understand that Tom was no
21 longer his lawyer and I was going to be his lawyer, and I
22 have been meeting with Marvin, along with my investigator
23 who is here with me today, Mr. Jimmy Powers, and we have
24 spent significant time with Marvin since the day that I took
25 this case.

1 What I understand, after communicating extensively
2 with Marvin, is that breakdown in communication and rapport
3 occurred between Mr. Watson and Mr. Adducci and that was the
4 primary reason that this did not go forward in December.

5 When Marvin started to get to know me and Mr.
6 Powers he was always wanting to take responsibility for
7 this. And so here we are today.

8 The big question of why I cannot answer for this
9 family. This was literally a very senseless stupid act.
10 Marvin was on drugs that day. I think that he had a lot
11 going on in his head, which is no excuse.

12 His co-defendant girlfriend, now ex-girlfriend,
13 was eight months pregnant with his child. That child was
14 born while she was in the Laurens detention center. I think
15 that the relationship he had with her was extremely
16 unhealthy. I think that she provoked a lot of negative
17 behaviors, including this one. It's still no excuse.

18 The question of why just cannot be answered and I,
19 as a lawyer, cannot be more sorry for this family for that.

20 I'm asking Your Honor to take into consideration
21 that Marvin is extremely sorry. He could not be more
22 remorseful. The man that I have gotten to know since
23 representing him is not this brutal monster that you see on
24 that video that clearly has no regard to life. The Marvin
25 that I have gotten to know and that Mr. Jimmy Powers has

1 gotten to know is a soft spoken individual. He's always
2 extremely nervous when we talk to him. He shakes violently.
3 I'm sure that Your Honor has seen some of that today in
4 court. He is extremely well mannered, has treated me with
5 the upmost respect; treated Mr. Powers with the upmost
6 respect.

7 I'm asking Your Honor to consider the fact that he
8 is accepting responsibility. He is not the same person that
9 I have gotten to know as he was on that video. I think that
10 Marvin is turning over a new leaf -- has turned over a new
11 leaf, and I think he will continue to walk a better path in
12 life. I hope that he finds his own peace in prison.

13 As Your Honor well knows, even if the offer of a
14 cap of forty was still on the table, if he had gotten all
15 forty years, he would be seventy years old. That is a life
16 sentence. According to these statistics that I have given
17 to Your Honor and Mr. Mowry has seen, almost anything that
18 you give him is a life sentence.

19 I'm asking for Your Honor to provide some ray of
20 hope that he may die a free man. I think that if a man has
21 some hope, it will encourage him to find purpose and meaning
22 in his life. We are a Christian society, a forgiving and
23 compassionate society. He has committed the ultimate
24 wrongdoing. He is sincerely sorry and we are asking for
25 mercy on him today, judge.

1 I am asking Your Honor to consider between
2 thirty-five and thirty-eight years.

3 Thank you.

4 THE COURT: Thank you, Ms. McNeill.

5 Is there anything that the Watsons wanted to say
6 or -- I know that you have spoken to them. Anything that
7 they wanted to relate to the court or you wanted to relate
8 to the court on their behalf?

9 MS. MCNEILL: I beg the court's indulgence.

10 THE COURT: Yes, ma'am.

11 (Off the record)

12 (Back on the record)

13 MS. MCNEILL: Judge, while Mr. Powers is
14 communicating with his family, Mr. Watson does have one
15 brief thing that he wants to say.

16 THE COURT: I'll be glad to hear from you, Mr.
17 Watson.

18 THE DEFENDANT: Everything that she mostly said in
19 the letter is everything that I was wanting to say towards
20 the courtroom and towards the family and I am truly sorry
21 that this happened.

22 And I'm sorry, Mrs. Anderson, that this happened
23 and if there is any way that I could take this back, I
24 would, but he was the wrong guy -- it was -- I mean he was
25 the wrong guy, Ms. Anderson. I didn't mean to do that to

1 him and I'm so sorry. I'm sorry.

2 THE COURT: Thank you, sir.

3 MS. NCNEILL: And, judge, Mr. Powers has just
4 related that Ms. Vanessa and Deborah Watson, who is
5 grandparent and mother of Marvin, wanted to say, through me,
6 that they are incredibly sorry for the Anderson family and
7 friends of the family for their loss.

8 THE COURT: I do understand.

9 Ms. McNeill, anything further from you?

10 MS. NCNEILL: No. No, judge.

11 THE COURT: Anything further from the State?

12 MR. MOWRY: No, sir, Your Honor. I believe it's
13 all been said.

14 THE COURT: Thank you.

15 For the record, Ms. McNeill, he's been in jail
16 continuously for 452 days?

17 MS. MCNEILL: That's correct, Your Honor.

18 THE COURT: Is that the amount?

19 MS. NCNEILL: Yes.

20 THE COURT: All right. Ms. Anderson, you know
21 sometimes sorry just doesn't cut it, but I don't know what
22 else to say, ma'am. I am sorry.

23 Before I had this job I was the probate judge in
24 Greenwood and people would come in to me who lost loved
25 ones, friends, family members, and I was the one that was

1 supposed to try and help make things a little bit better for
2 them from a financial standpoint, or whatever, trying to
3 help them through the process, but I never could think of
4 something better to say to these people who have just lost
5 someone that they loved than I'm sorry. And even saying
6 that they are in a better place, which for your husband is
7 certainly the case, even that doesn't -- it sounds -- it
8 rings hollow, and I just wish that there was something that
9 I could do to fix this for you, ma'am, and there is not.
10 And you correctly point that out when you say that there is
11 no measure of justice that equals what has been taken from
12 you, what's been taken from your husband, and that is what
13 is so frustrating when I have to sit here as part of this
14 job and try to make a decision on what's appropriate.
15 Nothing is appropriate. If there was perfect justice, Ms.
16 Anderson, he would be able to exchange his life and we would
17 get your husband back. Okay. That's the only thing that I
18 can think of and that's beyond my power, perhaps even beyond
19 the power of God, I don't know, but there is nothing I can
20 do to actually render justice in this case, and that is what
21 is so terribly frustrating.

22 I balance that against what I truly believe in my
23 heart to be right. If I adopt the idea that no one is
24 capable of redemption, that someone has done something so
25 horrible, that they are beyond redemption, then there is no

1 point in any of this and there is no point in what I do or
2 what Mr. Mowry does. There is no meaning to it if somebody
3 is truly that horrible.

4 I will say that just based upon the brutality of
5 this and the senselessness of it and the fact that there is
6 no explanation to the question of why, why did this happen,
7 this is probably the closest I think that I have come
8 perhaps to someone who at that moment in time was so
9 completely brutal, whose actions were so base and morally
10 bankrupt, that it's genuinely frightening to me.

11 At the same time, again, I don't think that it is
12 appropriate, and my faith tells me that it's not
13 appropriate, to judge a man by the worst thing that they
14 have done in their life. If that is the way that we are
15 judged, we are all in a lot of trouble.

16 Mr. Anderson was an incredible man.

17 And Mr. Watson, I believe that you are genuine in
18 your remorse, but understand, sir, in your letter to your
19 kids you make the statement "we all have chances to fix
20 things." There is no way to fix this, sir. There is no way
21 to fix this for Mr. Anderson, Mrs. Anderson, these people
22 out here, and that's where the outrage is coming from.
23 That's where -- that's where they are justifiably furious
24 with you.

25 And if I had some sort of an explanation, Mr.

1 Anderson (sic), as to how you could do something like this,
2 then it would be a lot easier for the court to extend to you
3 the kind of mercy that your attorney is asking me for.

4 And I understand your background. I understand
5 your upbringing and I understand all of that, Mr. Watson,
6 but what you have to understand is what you say here is
7 wrong. "We all have chances to fix things." No, there is
8 no way that you can fix this. Not in a million years can
9 you fix this. And there is no reason to it.

10 Mr. Watson, there are two things that are working
11 in your favor, and the only two things that this court has
12 taken into account, in addition to the material that your
13 attorney has provided, but the main two things that I am
14 taking into account in the sentence that I impose is your
15 lack of any real prior criminal history and the fact that
16 you are admitting responsibility for this. Okay?

17 I know that it is not an easy thing to stand up in
18 front of a judge, in front of all these people, and admit to
19 being the monster that you are. All right, sir? And I'm
20 being generous with that characterization, because you have
21 snuffed out a life that we can't bring back. And if there
22 was some way that I could exchange yours for his, I would do
23 it in five seconds, like I told Ms. Anderson.

24 I firmly believe that the most severe penalty of
25 life has got to be reserved for those individuals who have

1 repeatedly demonstrated that they are simply incapable of
2 living in civilized society.

3 Statistically speaking, Mr. Watson, your attorney
4 is correct. The sentence that I impose here should result
5 in a life sentence for you, and I genuinely hope, Mr.
6 Watson, that this does actually be a life sentence for you,
7 that this is a situation where you never breath free again.

8 That said, in light of your willingness to plead
9 guilty as opposed to proceed to trial, in light of your
10 willingness to spare the Anderson family and these other
11 people the ordeal of five days of trial, and in light of
12 your relatively limited criminal history, on the murder
13 charge, Mr. Watson, the court has imposed a sentence of
14 forty years.

15 On the firearms charge, the sentence is five
16 years.

17 You will receive credit for the 452 days that you
18 have served previously in jail.

19 The sentences will run concurrently with each
20 other.

21 Mr. Watson, if you die in prison, so be it.
22 That's only a small measure of justice that you can offer up
23 to these people and to the court. I do, however, wish you
24 luck.

25 You have ten days to file notice of intent to

1 appeal this court's decision. If you choose to appeal,
2 communicate that immediately to Ms. McNeill.

3 You have one year after exhausting all appeals to
4 file any action for post-conviction relief.

5 Good bye, sir.

6 Ms. Anderson, I'm truly sorry, ma'am.

7 MR. MOWRY: Thank you, Your Honor.

8 THE COURT: The record is closed on this matter.

9 (END OF REQUESTED TRANSCRIPT OF RECORD)

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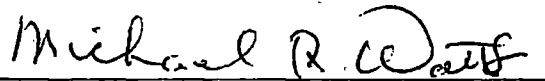
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CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Laurens County, South Carolina, on the 2nd day of March, 2017.

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

OCTOBER 5, 2017



Michael R. Watts
Circuit Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)
 LYNN W. LANCASTER)
 County of LAURENS) 2017 AUG 14 PM 12:52 IN THE COURT OF COMMON PLEAS
Marvin Malique Watson)
 #371663)
 Full name and prison number (if any) of Applicant)
 CLERK OF COURT)

v.

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

2017 CP30-667

INSTRUCTIONS - READ CAREFULLY

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

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

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Kirkland Correctional Institution
4344 Broad River Rd. Columbia, SC 29210
2. Name and location of Court which imposed sentence Laurens County
Clerk of Court: P.O. Box 287 Laurens S.C. 29360
3. Name(s) of co-defendant(s) (if any) Zechara Capelad
(estimated spelling)
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 15 GS 30-1682
 - (b) 15 GS 30 1681

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) March 2, 2017 5 years concurrent
- (b) March 2, 2017 40 years concurrent
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. _____
- 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. N/A
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Counsel failed to appeal
- (b) Counsel failed to appeal

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Counsel fail to object to Court remark, Cause Conflict
- (b) Counsel fail to object to Court remark, Cause Conflict.
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Court made a remark during sentence was Prejudice
- (b) Court made a remark during sentence was Prejudice
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? _____
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. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

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

(a) which grounds have been presented:

- i. N/A
- ii. _____
- iii. _____

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

- i. N/A
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) Counsel fail to appeal
 (b) Counsel fail to appeal
 (c) _____

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

(a) your arraignment and plea? Yes
 (b) your trial, if any? _____
 (c) your sentencing? _____
 (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. Chelseab McNeill
Laurens County Courthouse P.O. Box 114 Laurens SC 29360

ii. 11

iii. _____

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

i. Plea arraignment

ii. _____

iii. _____

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

Remand for re-sentence

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

NO

STATE OF SOUTH CAROLINA)

County of Laurens)

VERIFICATION

I, Marvin M. Watson, 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.

Marvin M. Watson

SWORN to and subscribed before me this 8
day of August, 2017.

Melissa Spry (L.S.)
Notary Public

My Commission Expires: Dec. 1, 2025

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

I, Marvin M. Watson, 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.

Marvin M. Watson
Applicant

SWORN or affirmed to and subscribed before me this

8 day of August, 2017.

Melissa Dwyer
Notary Public

My Commission Expires: Dec. 1, 2025

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LAURENS	)	FOR THE EIGHTH JUDICIAL CIRCUIT
	)	
Marvin Molique Watson,	)	2017-CP-30-667
SCDC #371663,	)	
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

Respondent, making its Return to the application for Post-Conviction Relief (PCR) filed on August 14, 2017, would respectfully show this Court:

I.

Procedural History

Applicant is presently in the South Carolina Department of Corrections. Applicant was indicted at the October 2015 term of the Laurens County Grand Jury for murder (2015-GS-30-1681) and possession of a firearm during the commission of a violent crime (2017-GS-30-1682). Chelsea McNeil, Esquire, represented Applicant. Assistant Solicitor Warren Mowry, Esquire, prosecuted the case. On March 2, 2017, Applicant appeared with his counsel before the Honorable Frank R. Addy, Jr., and pled guilty as indicted. He was sentenced to imprisonment for forty years for murder and five years for the firearms charge. Applicant did not appeal his guilty plea or sentence.

Factual History

The following facts were presented at the plea hearing and acknowledged as correct by Applicant:

On the day of this incident the victim and Ms. Anderson had been working in their yard and he had driven his 1998 Ford F-150 pickup to the store to gas up for the week in his commute to work and to get drinks for himself and his wife.

Your Honor, he is seen on the security video making multiple trips into the store to initiate the purchases and to get change. So the entire transaction while he was there took several minutes.

Sometime after Mr. Anderson arrived another car is seen pulling onto the opposite side of the island from Mr. Anderson's truck.

Mr. Anderson is shown going into the store for a final time to complete his business and he returned to his vehicle, apparently preparing to depart. At no time, either going into the store or returning to his truck, does the video show that Mr. Anderson exchanged any communication or even acknowledged the occupants of the other car. In fact, according to the co-defendant Zarekia Copeland's statement, she said that he only smiled a polite greeting to her.

Mr. Anderson is shown getting into his truck and beginning to drive off, but he stopped, evidently to secure his gas tank lid. He got out, once again making no contact with the occupants of the other car.

At that point the passenger, later determined to be this defendant, but at that time only seen to be a black male wearing a red top or hoodie stepped out of the vehicle and without any justification, or excuse, or even prelude, Your Honor, he shot the victim twice; according to the pathologist, once a through and through wound that damaged his stomach and his kidney, once to his chest that caused the fatal wounding to his heart and both lungs.

The assailant then got back into the car, which immediately fled the scene. Mr. Anderson is seen taking a few steps, then collapsing, where he died at the scene.

Guilty Plea hearing transcript p. 11-13.

II.

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

1. Ineffective assistance of counsel
 - a. "Counsel fail to object to court remark, cause conflict"
 - b. "Court made a remark during sentence was prejudice."

Attached herewith and incorporated herein by reference are the records of the Laurens County Clerk of Court regarding the subject convictions and the transcript from Applicant's guilty plea. Respondent reserves the right to amend its return upon the receipt of other relevant records.

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

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

III.

Applicant alleges ineffective assistance of counsel. These allegations are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon

as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that there is a reasonable probability that, but for counsel's unprofessional errors, he would not have pleaded guilty, but would have insisted on going to trial. Thompson v. State, 340 S.C. 112, 116, 531 S.E.2d 294, 297 (2000).

Respondent submits that Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. Respondent requests an evidentiary hearing to fully resolve this issue. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

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

V.

WHEREFORE, having made its Return, Respondent requests that an evidentiary hearing be held.

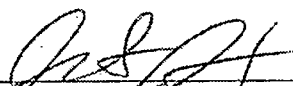
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JUSTIN J. HUNTER
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-3737

October 16, 2017

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

MARVIN MOLIQUE WATSON, #371663

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

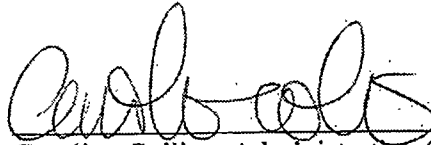
IN THE COURT OF COMMON PLEAS

2017-CP-30-667

AFFIDAVIT OF SERVICE BY MAIL

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

Carson McCurry Henderson, Esquire
The Henderson Law Firm, PC
109-B Oak Avenue
Greenwood, South Carolina 29646

DATED this 16th day of October, 2017.


Caroline Collins, Administrative Coordinator
 For Respondent

1 STATE OF SOUTH CAROLINA) IN THE COURT OF
) COMMON PLEAS
 2 COUNTY OF GREENWOOD) OF THE EIGHTH
) JUDICIAL CIRCUIT
 3)
)
 4 MARVIN MOLIQUE WATSON,)
 5 Applicant,) TRANSCRIPT OF RECORD
 6 vs.) 2017-CP-30-00667
 7 THE STATE OF SOUTH CAROLINA,)
 8 Respondent.)
 9)

10

11

October 15, 2018
 Greenwood, South Carolina

12

13

B E F O R E:

14

HONORABLE BRIAN M. GIBBONS, Judge.

15

16

A P P E A R A N C E S

17

CARSON M. HENDERSON, ESQUIRE
 For The Applicant

18

19

JANELL GREGORY, ASSISTANT ATTORNEY GENERAL
 For The State

20

21

22

23

24

Julie A. Cendroski,
 Circuit Court Reporter
 Seventh Judicial Circuit

25

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EXHIBITS

MARKED

ENTERED

NO EXHIBITS PROFFERED

1 MARVIN MOLIQUÉ WATSON VS. THE STATE OF SOUTH CAROLINA

2 MS. GREGORY: Your Honor, we're gonna call the
3 matter of Marvin Watson.

4 THE COURT: Marvin Moliqúe Watson?

5 MS. GREGORY: Yes, sir.

6 THE COURT: Okay. Mr. Watson, you can just be
7 seated right there beside your lawyer there.

8 Yes, ma'am.

9 MS. GREGORY: May it please the Court? This is
10 the matter of Marvin Watson. Applicant is currently
11 incarcerated with the South Carolina Department of
12 Corrections pursuant to the Laurens County Clerk of
13 Court's orders of commitment.

14 Applicant was indicted at the October 2015 term
15 of the Laurens County grand jury for murder and
16 possession of a firearm during the commission of a
17 violent crime. On March 2nd, 2017, Applicant appeared
18 before the Honorable Frank Addy, Jr., and pled guilty as
19 indicted. Assistant Solicitor, Elizabeth White,
20 prosecuted this case. Applicant was represented by
21 Chelsea McNeill, esquire.

22 Pursuant to a recommendation, Applicant was
23 sentenced to imprisonment for 40 years for murder and
24 five years for the firearm charge. Applicant filed a
25 timely application for post-conviction relief on August

1 14th, 2017, alleging that he was being held in custody
2 unlawfully based on ineffective assistance of counsel
3 and failure to file an appeal. Applicant is present
4 today represented by Carson Henderson.

5 THE COURT: All right. And Mr. Henderson, are
6 you ready to proceed with the Applicant's case?

7 MR. HENDERSON: I am, Your Honor. I call Marvin
8 Watson.

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

10 Come around, sir. Have a seat right over here.
11 Just go ahead and have a seat, sir.

12 (Witness takes witness stand.)

13 All right. Mr. Watson, do you swear to tell the
14 Court the truth, the whole truth, and nothing but the
15 truth so help you God?

16 THE WITNESS: Yes, sir.

17 THE COURT: All right. You gotta answer up.

18 THE WITNESS: Yes, sir.

19 THE COURT: All right, thank you. You've been
20 sworn. Your witness, Mr. Henderson.

21 MARVIN MOLIQUE WATSON,
22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. HENDERSON:

25 Q. Now I understand, Marvin, you are a little bit

1 hard of hearing.

2 A. Yes, sir.

3 Q. Okay. I just want to make sure that you can hear
4 me and hear what the judge was saying, okay?

5 A. Yes, sir.

6 Q. Okay. And you might need to speak a little bit
7 louder too.

8 A. Yes, sir.

9 Q. Because we are kind of in small confines here.
10 Now, you understand, Marvin, that you filed a
11 post-conviction relief action seeking a new trial and/or
12 new sentencing; is that correct?

13 A. Yes, sir.

14 Q. And then this stems from a guilty plea; is that
15 correct?

16 A. Yes, sir.

17 Q. And your trial counsel was Ms. McNeill, who is
18 sitting in here, correct?

19 A. Yes, sir.

20 Q. And, again, not going into our conversations or
21 our communications, but you understand what a
22 post-conviction relief hearing is?

23 A. No, sir.

24 Q. Okay. That it's not to determine guilt or
25 innocence, it's to determine whether or not you're

1 entitled to a new trial and/or a new sentence.

2 A. Yes, sir.

3 Q. You understand this isn't a case, this is --
4 we're not here to relitigate the facts of the case, so
5 to speak?

6 A. Yes, sir.

7 Q. Okay. I just want to make sure you understand
8 that. Now, in your application, you've alleged that Ms.
9 McNeill did not do some things that you wanted her to
10 do; is that correct?

11 A. Yes, sir.

12 Q. Okay. And I want to kind of run down that you
13 said that Ms. McNeill failed to file an appeal; is that
14 correct?

15 A. Yes, sir. I wanted, I wanted an appeal. I
16 wanted an appeal on my, on my case. I wanted an appeal.
17 I didn't get an appeal just for the simple fact I should
18 have took my case to trial instead of taking the rap for
19 someone else. So that...

20 Q. How did you communicate to Ms. McNeill that you
21 wanted her to file an appeal on your behalf?

22 A. Well, at the time I was emotional and I felt like
23 she was emotional for me because she kind of didn't like
24 the way that everything turned out to be inside court.
25 But, like I said, I had no arguments with her, you know

1 what I'm saying? I felt like she tried to help me out
2 the best way she could but, you know what I'm saying, I
3 was emotional, she was emotional at the time.

4 And, like I was saying, that the appeal, I wanted
5 an appeal. I didn't -- I don't think I falsely wanted
6 to say I was accepting the 40 years that I had gotten.

7 Q. Now, if I'm not mistaken, and tell His Honor,
8 that this was an open plea and it was without
9 negotiations or recommendations, correct?

10 A. Yes, sir.

11 Q. And I think that the Court even told you in the
12 transcript that he could have to give you at a minimum
13 30 years up to your natural life?

14 A. Yes. Yes, he did.

15 Q. Okay. And you think Ms. McNeill was deficient by
16 not filing an appeal for you?

17 A. Well I mean if I wanted it, yes. Yes, sir. I
18 wanted appeal.

19 Q. And, again, maybe you told the Court and maybe I
20 missed it, I apologize.

21 A. Yes, sir.

22 Q. That how did you communicate with Ms. McNeill
23 that you wanted an appeal, was it verbally or was it in
24 writing?

25 A. I don't think -- well, I think I did. Did I

1 write you? I don't know if I wrote her a letter or not.
2 But, like I said, when we went back in the chamber in
3 the back of the courtroom, you know what I'm saying,
4 like I said, everything was emotional, but I believe I
5 told her that I wanted to appeal it.

6 Q. Okay. That was after, after the guilty plea?

7 A. After the guilty plea.

8 Q. There in the courthouse?

9 A. Yes, sir.

10 Q. Okay. And you also said in your application that
11 you were concerned about some of the remarks that Judge
12 Addy made during sentencing.

13 A. Yes, sir.

14 Q. Okay. I'll get into that with you.

15 A. All right.

16 Q. But is that a yes?

17 A. Yes, sir.

18 Q. Okay. And, again, it's my understanding -- now,
19 correct me if I'm wrong -- that there was some prior
20 talks between Ms. McNeill, the solicitor, and Judge Addy
21 about what type of sentence he would give; is that
22 correct?

23 A. Yes, sir.

24 Q. And I think that was off the record back in
25 chambers or maybe even on the telephone. Is that your

1 understanding?

2 A. Yes. Yes, sir, I think so.

3 Q. Okay.

4 A. Yeah.

5 Q. You weren't a party to those conversations?

6 A. No. No, sir.

7 Q. And it's my understanding from looking in the --
8 through the transcript and whatnot that Judge Addy said
9 he couldn't give you any more than 40 years. Is that
10 your understanding?

11 A. Yes, sir. Yes, sir.

12 Q. Okay. That he didn't promise any time, but that
13 he wouldn't give you any more than 40 years.

14 A. Yes, sir.

15 Q. Okay. Now, going back to during the -- after
16 your plea that Judge Addy, you believe, said some stuff
17 that, that you've complained about in your application.
18 Tell His Honor about that.

19 A. Well, in the plea deal that I, you know, saying I
20 took, they say in the Bible that two wrongs don't make a
21 right, you know what I'm saying? So by his hideous
22 words were was, okay, I understand the family, they
23 wanted to see somebody pay for something like this, but
24 for me to die and for you to look for me to die in
25 prison, I felt like that was hideous and harsh words

1 that you could never say to a, to another person.

2 And especially if you said you're trying to help
3 him, well, why would you spit in their face after you
4 say you tried to help him, you know what I'm saying? So
5 that's how I felt like he, he came at me in a harsh way
6 where he said, Mr. Watson, I sentence you to 40 years.
7 And if you die in prison, Mr. Watson, oh, well, so be
8 it. You know what I'm saying?

9 And maybe that's the type of sympathy for this
10 family, you know what I'm saying? So it's like
11 basically I felt like you're looking for me to die in
12 prison and I'm just here to prove him wrong. I'm not
13 trying to die in prison with six kids.

14 Q. I understand. Now, let me go down some other
15 concerns that you have. What's this, what's this about
16 that the State had recommended 25 years? What is that
17 about?

18 A. Well, at first when I was -- when me and Chelsea
19 started talking, you know what I'm saying, you know she
20 was giving me kind of leeways of what might could
21 happen, you know what I'm saying, in the case. You know
22 what I'm saying? So by her saying 25 years, it kind of
23 put me on the edge. Okay, well, maybe I need to take
24 the rap up for this, you know what I'm saying, for the
25 mother of my child because, like I said, I never want to

1 see my child grow up without a mother, you know what I'm
2 saying?

3 Q. Let me ask you, Walter, did the State ever offer
4 25 years either in writing or verbally? Did they ever
5 make a firm offer to you or do you know?

6 A. Well, my last lawyer gave me a writing. It was
7 stated in writing, which I got that in some of my
8 papers.

9 Q. But what offer was that? What amount of years?

10 A. Twenty-five years, if I can get a manslaughter.

11 Q. Right. Did the State ever make you an offer of
12 manslaughter?

13 A. That's what he told me and a plea.

14 Q. That the State had made you a firm offer or he
15 was trying to get it?

16 A. He was trying to get the plea for 25 years.

17 Q. Okay. And did you discuss that with Ms. McNeill?

18 A. Ms. McNeill wasn't my attorney at the time.

19 Q. I understand, but when it came time that she was
20 your attorney, did you discuss that with her?

21 A. Yes, sir, I think I did.

22 Q. Okay. And were there any plea offers on the
23 table when she started representing you?

24 A. Well, they took it off the table.

25 Q. Okay.

1 A. They took it off the table and she, she tried her
2 best to get it back on the table for me when I tried to
3 go back and tell her that, you know, I did this when I
4 really didn't do it.

5 Q. Let me ask you again, was the State receptive? I
6 mean, would the State agree to put any prior offers back
7 on the table?

8 A. At first it was kind of hard for her to get it on
9 the table again. She was telling me that by you turning
10 it down the first time, which I turned it down. I think
11 I turned it down about two or three times when I had my
12 last, my last public defender I turned it down like
13 three, three times. But it was kind of hard to get it
14 back on the table, but she was working to get it back on
15 the table for me.

16 Q. Right.

17 A. But she told me that she knew Judge Addy, so I
18 obviously knew that she probably had a whole
19 conversation with him.

20 Q. Now, again, it's my understanding, Marvin, I
21 think you just testified to this, but when you
22 ultimately pled, it was an open plea without any
23 negotiations or recommendations; is that correct?

24 A. Would open the pled (sic) -- or now you misled
25 me, but I did ---

1 Q. Straight up. I mean, you pled straight up.

2 A. Yeah. And I pled to something that I really
3 didn't do, sir.

4 Q. Well, I understand that. You recognize, too,
5 that I just want to make sure that when you pled it
6 wasn't to a certain amount of years. I know Judge Addy
7 had indicated to your, to your lawyer --

8 A. Yeah.

9 Q. -- that he wouldn't go over 40.

10 A. Yeah, yeah.

11 Q. But there wasn't any hard number on the table,
12 was there?

13 A. No. No, no, no, no, no. She told me the cap was
14 40.

15 Q. Okay, I got ya. And then I'm looking at some of
16 your allegations, Marvin, that you're alleging that Ms.
17 McNeill failed to tell you that you don't have to accept
18 the State's offer and could go to trial.

19 A. Yeah, she did tell me that.

20 Q. Okay.

21 A. She said if you want to take this thing to trial,
22 so be it. Let's, let's crank it out, you know what I'm
23 saying? Which I would have felt comfortable taking it
24 to trial. You got all these private investigators and
25 stuff, like that coming in the room with us, you know?

1 And, you know, by her telling me what's real and
2 what's not, you know what I'm saying, made me feel like
3 maybe she's right, you know what I'm saying? Basically
4 I got feared and scared with the life, the life sentence
5 (sic). But now that I see, I wish I would have took it
6 to trial and took a -- and had a -- and then got a life
7 sentence and then had a chance to come back to fight.
8 But now it's kind of hard for me to come back because I
9 waive my rights to something I didn't understand.

10 Q. And, Marvin, I'm looking at your next allegation
11 against Ms. McNeill, that I guess that you're saying
12 that she didn't inform you and you had the opportunity
13 to enter a plea of no contest or an Alford plea.

14 A. She, she informed me. She informed me about
15 certain things and the case. Yes, she informed me.

16 Q. Okay. And then again it looks like that you're
17 saying that Ms. McNeill didn't inform you of the
18 essential elements of the crimes that you're accused of.

19 A. She informed that too, you know what I'm saying?
20 She informed that too. She informed me about the crimes
21 that I was, I was going against in this plea.

22 Q. Right. Okay. And you're saying that Ms. McNeill
23 didn't inform you of the minimum and maximum sentences
24 or possible sentences for murder and possession of a
25 weapon?

1 A. Yes, she, she informed me on that too.

2 Q. Okay. And, again, you're saying again that, that
3 she didn't help you or failed to directly appeal the
4 guilty plea.

5 A. The guilty plea?

6 Q. Right. That she didn't appeal them.

7 A. No.

8 Q. Okay.

9 A. I'm not satisfied with that part right there. I
10 did want to appeal my case.

11 Q. Okay. And you're saying that also in one of your
12 allegations that, that Ms. McNeill didn't -- that she
13 failed to provide you an adequate defense.

14 A. Could you describe that to me?

15 Q. I mean basically that she didn't provide you a
16 defense, a proper defense. She didn't defend you the
17 best way she could.

18 A. In the way that I was gonna die I felt that way,
19 yes, sir.

20 Q. Okay. And then tell the Court why that was,
21 okay?

22 A. Because in a way I really wanted to take this
23 case to trial, sir. You know what I'm saying? I wanted
24 to take this case to trial for the evidence that I had
25 against me were very, very bogus. To tell you that,

1 that ain't even the guy that you -- the guy that they
2 got on the tape in the video tape, the guy got braids.
3 I had -- I got short -- I had short hair all my life,
4 you know what I'm saying? And it's just not me, you
5 know what I'm saying?

6 And the day that they caught me, they caught me
7 in my own clothes that I had all day. I had them
8 clothes. I had the same clothes on that whole day.
9 Same sneakers and everything. In the tape is a totally
10 different person.

11 Q. And then did you express those concerns to Ms.
12 McNeill?

13 A. Who are you talking about?

14 Q. Yeah, you ---

15 A. Yes. Yes.

16 Q. What you just told the judge, did you express
17 that to Ms. McNeill?

18 A. Yes. Yes, I did.

19 Q. Okay. And then did she have an investigator
20 involved in this matter?

21 A. Involved with it. And I was telling her to tell
22 him, which I really wanted to tell her I plead the Fifth
23 because I didn't trust them from the jail. I mean,
24 just, you know, from the kinds of what I was going
25 through.

1 Q. You didn't trust who now? Be clear for the
2 Court.

3 A. The, the investigator, you know what I'm saying?
4 I'm feeling like the investigator's working against me
5 and not for me, you know what I'm saying? So I, I felt
6 like, okay, I gave him my trust a little bit, you know
7 what I'm saying? So I was telling him certain people
8 around my way that knew where I was at this certain time
9 when this crime was committed.

10 Q. And did you let Ms. McNeill know that?

11 A. Yes.

12 Q. Okay.

13 A. Yes, sir. I'm sorry. I'm struggling.

14 Q. No, that's fine. And do you know whether she
15 followed up on those, on the leads you provided?

16 A. I don't think she followed up on those leads
17 because I, like I say, I had that talk with the mother
18 of my child. And then I came in her office the next day
19 and gave her the story that I gave you.

20 Q. Okay. And, again, uh -- and, again, it looks
21 like you've got a complaint that she didn't have you
22 mentally evaluated for a second time; is that correct?

23 A. Yeah. I wasn't evaluated the second time. I'd
24 been evaluated with the first public defender I had, but
25 he was telling me I had another evaluation before I go

1 through a plea. I don't know if he informed her that I
2 had another evaluation. I don't know nothing about
3 that, but I know I had another evaluation to go to.

4 The lady even said it in my first evaluation
5 that, you know what I'm saying, he kind of understands.
6 Not too much wrong, but in a way he cannot hear out of
7 his right ear where he'd been shot at because I'd been
8 asking the questions and he's very forgetful. He don't
9 understand too many things that come his way. And it's
10 written in the paperwork of what she said.

11 Q. Let me ask you, are you asking the Court, Marvin,
12 to grant you a new trial or a new sentencing hearing or
13 both?

14 A. I'm gonna try to -- I'm asking the Court to grant
15 me a trial.

16 Q. Okay. And you believe that if you go to trial
17 that first time, do you think the results would be any
18 different than your guilty plea?

19 A. It would have been a lot different in my case.

20 Q. Okay. Any other complaints that you have to make
21 against Ms. McNeill?

22 A. Like I said, I have no, you know what I'm saying,
23 like I don't want to put this in street terms, but I
24 have no beef with her. You know what I'm saying? It's
25 just that I just want a fair trial, that's all, to get

1 back to my children. I can't do no 40 years, man. I'm
2 just being honest. I can't do it. I can't do it, man.
3 I'm -- I've been trying to lay down and lay down
4 and lay down and lay down for what I can't lay down no
5 more. I just can't do it, not knowing that I've got six
6 kids out there that really want me back home.

7 Q. And just to be clear, anything else that you
8 allege or that you're alleging that Ms. McNeill did and
9 shouldn't have done or didn't do and should have?

10 A. All I'm saying is she should have took that
11 appeal when I wanted that appeal.

12 Q. Okay. And, again, you think you had that
13 conversation with her post your guilty plea?

14 A. I was trying to have that conversation with her,
15 but I have a -- like she's a busy woman so I understand
16 she probably didn't catch some of my letters.

17 Q. Okay. I mean did you, did you put -- again now,
18 it's crucial, did you let her know in writing that you
19 wanted her to appeal it?

20 A. Yes, sir.

21 Q. Okay. And you mailed her a copy of that letter?

22 A. I, I think so.

23 Q. Okay.

24 A. You know?

25 Q. Okay. Anything else you want to tell the judge

1 right now before the solicitor, before the Attorney
2 General gets to ask questions?

3 A. Basically, Your Honor, all I said is I want
4 another trial and a fair trial this time, you know what
5 I'm saying? At least could we just try to see if we
6 could find the truth in this case and that some type of
7 lateral (sic). That is basically all I could say cause
8 I'm really trying to get back home to my children. I
9 love my children and I know they love me too.

10 You know, I wrote a letter to my kids. Me and
11 the children, we did a letter, you know what I'm saying?
12 And one of my sons, you know what I'm saying, said,
13 daddy, is it true that judge says you're gonna die in
14 jail? And didn't even have no idea he knew nothing
15 about that.

16 Did he really say I'm gonna die in there? I'm
17 not, I'm not trying to put that on him. My son said,
18 daddy, if you die, that's all I got. He just lost his
19 granddaddy last year, so all I said is can I do a fair
20 trial.

21 I lost and I lost my grandmother last year over
22 this for a year to pleaded out to. Because she couldn't
23 understand why would you take a plea if you know you
24 didn't do it. So she died out of worries.

25 MR. HENDERSON: And, Your Honor, I don't have

1 anything else regarding him.

2 THE COURT: Ms. Gregory.

3 CROSS-EXAMINATION

4 BY MS. GREGORY:

5 Q. Mr. Watson, how many times did you meet with your
6 attorney prior to your guilty plea?

7 A. My attorney?

8 Q. Yes, Ms. McNeill.

9 A. About two or three.

10 Q. Two or three times. Do you recall going over
11 discovery with her? The evidence that she obtained from
12 the State.

13 A. Yes.

14 Q. Yes?

15 A. Yes, ma'am.

16 Q. Do you recall discussing possible defenses with
17 your attorney?

18 A. Like for me?

19 Q. Right. Right.

20 A. Yes, ma'am.

21 Q. You do?

22 A. (Nods head up and down.)

23 Q. Did your attorney investigate anything specific?
24 Like did you guys talk about specifics? Like did you
25 give her witnesses to go and talk to and everything?

1 A. Yes, ma'am.

2 Q. Okay.

3 A. Yes, ma'am. Yeah.

4 Q. Do you recall giving up your constitutional
5 rights during the plea hearing?

6 A. Yes, ma'am.

7 Q. Do you recall agreeing with the facts that the
8 State recited in the plea -- in the hearing, hearing
9 plea?

10 A. Yes, ma'am.

11 Q. Do you recall telling the judge that you didn't
12 burn Mr. Anderson?

13 A. Yes, ma'am.

14 Q. Do you recall telling the judge that you were
15 happy with your attorney and she did everything you
16 wanted her to do?

17 A. Yes, ma'am.

18 Q. Do you recall telling the judge that you had
19 sufficient time to talk with your attorney?

20 A. I think I did, but all that was saying that I was
21 saying yes.

22 Q. Do you recall saying that nobody had promised you
23 or threatened you --

24 A. Nobody ---

25 Q. -- to get you to plead guilty?

1 A. Yes, ma'am.

2 Q. And do you recall telling the judge that you were
3 pleading guilty out of your own free will?

4 A. Yes, ma'am.

5 Q. And you were pleading guilty because you were
6 guilty, are guilty?

7 A. Yes, ma'am.

8 Q. And you wrote an apology letter to the family.
9 Do you remember Ms. McNeill reading that?

10 A. Yes, ma'am.

11 Q. And do you remember discussing the apology
12 letters with the Court during the hearing?

13 A. Yes, ma'am.

14 MS. GREGORY: No further questions, Your Honor.

15 THE COURT: Any redirect?

16 MR. HENDERSON: No, sir, Your Honor.

17 THE COURT: Mr. Watson, thank you, sir. You may
18 be seated again by your lawyer.

19 (Witness leaves witness stand.)

20 Mr. Henderson, you may call your next witness.

21 MR. HENDERSON: Your Honor, Petitioner rests.

22 THE COURT: All right. Ms. Gregory, you may call
23 your witness.

24 MS. GREGORY: Ms. McNeill.

25 THE COURT: All right, ma'am.

1 (Witness comes forward.)

2 THE WITNESS: Good morning.

3 THE COURT: All right. Do you swear to tell the
4 Court the truth, the whole truth and nothing but the
5 truth so help you God?

6 THE WITNESS: Yes, sir, I do.

7 THE COURT: Thank you.

8 CHELSEA MCNEILL,
9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. GREGORY:

12 Q. Good morning, Ms. McNeill.

13 A. Hi.

14 Q. Hi. How long have you been practicing law?

15 A. Since 2011.

16 Q. '11. How long -- how much of that has been
17 within the criminal field?

18 A. All of it.

19 Q. Were you appointed or retained on this?

20 A. Appointed.

21 Q. How long did you represent the Applicant before
22 his guilty plea?

23 A. If I could just refer to my notes.

24 Q. Sure.

25 A. So before I started representing Mr. Watson, Tom

1 Adducci was a public defender with our warrants office.

2 Q. Uh-huh.

3 A. And he was initially appointed to represent Mr.
4 Watson. Tom Adducci then left in January of this year
5 to go to the Greenville Public Defender's Office.

6 Q. Okay.

7 A. And so January I inherited Mr. Watson's case and
8 I went and met him with Mr. Adducci to introduce me and
9 kind of have a more fluid transition.

10 Q. Okay. Did you file the Rule 5 and Brady motions
11 in this case, or had he done that and you inherited that
12 as well?

13 A. That's correct.

14 Q. Okay.

15 A. Mr. Adducci would have filed it.

16 Q. Okay. And did you go over all of that with the
17 Applicant in this case?

18 A. I ---

19 Q. And the discovery?

20 A. Right. So how I handled Mr. Watson's case, along
21 with all the other cases that I inherited from Mr.
22 Adducci, is I started from scratch. So I would have
23 gone over all the discovery on my own with him once
24 again that the State had provided to me at that time.
25 And then if there was any outstanding evidence, I would

1 have sought to get that and gone over it with him as
2 well.

3 I also would have re-explained all of his rights
4 to a trial, explained that process, and explained the
5 difference between that versus a guilty plea and how my
6 role changes depending on if he wants to go to trial
7 versus if he wants to plead guilty.

8 Q. Okay. And did you discuss his version of the
9 facts?

10 A. Yes.

11 Q. Okay. Was he ever -- I mean, hinting he was not
12 the person that shot Mr. Henderson?

13 A. Mr. Watson would go back and forth with both Mr.
14 Adducci and myself.

15 Q. Okay.

16 A. Whether or not he was the person in the video
17 versus if he wasn't the person in the video. But then
18 when we really got into the evidence that the State has
19 against him and the video.

20 Also his co-defendant, who was his then
21 eight-month pregnant girlfriend, was the driver of the
22 vehicle and she was represented by Townes Jones. She
23 had retained him, and that girl gave a statement against
24 Mr. Watson saying that she was the driver of the vehicle
25 and that Mr. Watson was the shooter. So he would go

1 back and forth.

2 Q. Okay.

3 A. And then ultimately admitted that he had done
4 that.

5 Q. Okay. Did you see the video that he was
6 discussing?

7 A. Yes. And the video was also played at the guilty
8 plea.

9 Q. Okay.

10 A. Where Judge Addy could view.

11 Q. Okay. And he alluded to some alibi witnesses,
12 that maybe he wasn't there at the time. Was that
13 brought up at all during your representation of him?

14 A. He would try to give an explanation about where
15 he was when he was saying that he wasn't the man on the
16 video. And then eventually he told us that he was the
17 man on the video, so the alibi witnesses didn't check
18 out.

19 Q. Okay.

20 A. I did interview people though.

21 Q. And you investigated the case?

22 A. Yes.

23 Q. Did -- and you went over his constitutional
24 rights prior to the plea?

25 A. Yes. Of course I did.

1 Q. Did he ever not understand something? Did he
2 ever indicate that he did not want to plead guilty?

3 A. Mr. Watson is -- has a low functioning
4 comprehension level, but he's competent. And so how I
5 deal with communicating with individuals who have a
6 harder time understanding through learning disabilities
7 and so on and so forth, is I usually talk on a six-grade
8 term. And he was able to comprehend that just fine.

9 Q. Okay. And what were the plea offers in this
10 case? Like how did that all come about?

11 A. So when Mr. Adducci represented Mr. Watson, he
12 had an offer on the table of a cap of 40 years from
13 Deputy Solicitor Warren Mowry. It's my understanding
14 that Mr. Watson was going to accept that offer. And so
15 Mr. Mowry, I think -- this is my understanding from
16 talking to him and Tom Adducci. Mr. Mowry communicated
17 with the family that Mr. Watson was going to accept
18 responsibility and enter a guilty plea. And I believe
19 that was in December before, you know, holiday recess.

20 But then Mr. Watson backed out of it. And I
21 believe that when Mr. Watson testified that he had
22 rejected the offer two or three times, I think that's
23 pretty accurate. So then the offer went away.

24 When I inherited the case in January, I went to
25 Warren Mowry, who was the prosecutor, and we were going

1 to prepare this for a trial. Because I had inherited
2 about four murder cases from Mr. Adducci, Mr. Mowry was
3 going to place it on the trial docket in April to give
4 me enough time to prepare for a trial.

5 I then, after talking to Mr. Watson, got the
6 impression that perhaps rapport had broken down between
7 Mr. Adducci and Mr. Watson. And so I felt that that was
8 part of the reason that the plea agreement fell through.

9 Q. Okay.

10 A. Mr. Watson then asked me if I could get the offer
11 back on the table. I went to Mr. Mowry and told him,
12 you know, is this something that we can do? He said,
13 I'm sorry, I can't jerk this family around, which I
14 understood completely. And so I asked him if he'd be
15 willing to conference the case at minimum with Judge
16 Addy and he agreed to do that.

17 So we both had a phone conference between myself,
18 Mr. Mowry and Judge Addy. And we presented the issues
19 and Judge Addy said that he would honor the agreement of
20 a cap of 40. And on the record it was gonna be straight
21 up. So my understanding is, you know -- and I trust
22 Judge Addy.

23 Q. Right.

24 A. If he's gonna honor a cap of 40, which is pretty
25 much the equivalent of a life sentence anyway.

1 Q. Right. Okay. But there was never a 25-year or
2 anything for the --

3 A. Not to my ---

4 Q. -- plea or something?

5 A. Not to my knowledge. And I know that he said
6 that he had some paperwork that Tom Adducci sent him
7 with that plea offer on paper. I've never seen it and
8 it's not in the file.

9 Q. Okay. And it was the Applicant's decision to
10 plead guilty?

11 A. Yes.

12 Q. And you would have taken it to trial had you
13 wanted to go to trial at the time?

14 A. Yes.

15 Q. During the guilty plea the judge made some
16 comments. Do you recall those comments?

17 A. Yes.

18 Q. Were any of them objectionable?

19 A. Judge Addy is known for giving life in a lecture.
20 That's how we refer to it as. So he does speak very
21 harshly to defendants in cases that are of this nature.

22 Q. Uh-huh.

23 A. He did say some pretty gruesome comments. For
24 example, I recall one that said the only way to bring
25 justice back to this family is if I could resurrect the

1 victim from the ground and put you in the ground.
2 Called him a monster, I believe. And, you know, did say
3 probably somewhere along the lines that if you die in
4 prison you deserve it or something along the lines of
5 that.

6 But in my legal opinion those are not things that
7 are objectionable because I'm sorry that those comments
8 hurt Marvin Watson's feelings, but my job is to protect
9 his legal rights, not necessarily his feelings. And so
10 if Judge Addy had said all that and then not honored the
11 agreement and had even gone 40 years and one day, you
12 know, one day over the agreement, then I would have
13 obviously placed objections on the record at that moment
14 and then pursued a proper recourse for Mr. Watson.

15 Q. And since he honored that 40 years, that's what
16 Mr. Watson had expected when he was out there, so he
17 wasn't prejudiced by those remarks in any way?

18 A. Right. I, when we explained -- when I explained
19 all of this to Mr. Watson prior to the plea, I told him
20 his range would be between 30 and 40.

21 Q. Uh-huh.

22 A. I told him that I would anticipate him to get the
23 40, the absolute max of the cap. So when we went in, he
24 was anticipating to get 40 years, and that is what he
25 ended up getting.

1 Q. Okay. Did he ever ask you to appeal? Mr. Watson
2 ever ask you to appeal?

3 A. He did not. And he did say, I heard him testify
4 that it was a very emotional time. It was a very
5 emotional plea. There was a lot of pain in that room
6 that day from both his family and for the victim's
7 family and friends as well.

8 Q. Uh-huh.

9 A. So it was an extremely emotional plea. The set
10 of facts in this case were pretty, really terrible.
11 And, you know, I know that Marvin was very emotional.
12 And so when we went back into the holding cell after the
13 plea, he hugged me and thanked me for my job. And he
14 did not tell me that he wanted to appeal because he had
15 gotten what he anticipated to get.

16 Q. Did you ever receive a letter from him later
17 indicating that he wanted to appeal?

18 A. I did not receive a letter. I did receive a copy
19 of a PCR filled out form.

20 Q. Okay.

21 A. But I did not receive a letter asking to appeal
22 the case.

23 Q. Did you see any meritorious grounds for appeal in
24 this case?

25 A. No. The only thing I would have suggested is

1 file a motion to reconsider the sentence, which Judge
2 Addy would have ultimately denied. But because we got
3 what we anticipated --

4 Q. Right.

5 A. -- there was no reason for me to do that and
6 Marvin didn't ask me to.

7 MS. GREGORY: Thank you. No further questions.

8 THE COURT: All right. Mr. Henderson.

9 CROSS-EXAMINATION

10 BY MR. HENDERSON:

11 Q. Now, you said it was an emotional time after the
12 plea.

13 A. Yes, sir.

14 Q. Okay. And, again, you've said -- you testified
15 you didn't see anything in writing from Marvin about an
16 appeal.

17 A. I saw a filled out form that he mailed me for a
18 PCR claim.

19 Q. Right.

20 A. But not for appealing the sentence, no.

21 Q. Okay. And, again, during this time of emotion,
22 are you sure he didn't ask you to appeal?

23 A. I'm sure.

24 Q. Okay.

25 A. Yeah, I would have in this case, would have asked

1 him if he, you know, wanted to file a motion to
2 reconsider, but on that day Marvin's whole theme for his
3 guilty plea was remorse. And he did write a letter with
4 my assistance to the family, as well as to his family.
5 And it outlined how sorry he was, so that's why it was
6 so emotional. It was just a very hard thing for him to
7 admit out in the open in front of his family that this
8 had happened.

9 Q. It also -- you testified that you didn't object
10 to Judge Addy's comments.

11 A. Correct.

12 Q. That you even acknowledge were very harsh.

13 A. Yes.

14 Q. And then, like I said, life in a lecture, so to
15 speak.

16 A. That's typically how Judge Addy, if I'm pleading
17 somebody to a serious crime and I anticipate they're
18 gonna get either natural life or the equivalent of life,
19 more times than not he gives life and a lecture or the
20 equivalent of life and a lecture.

21 Q. But you didn't object to those remarks?

22 A. No, I did not.

23 Q. Okay. And you didn't file a motion to reconsider
24 the sentence based upon those remarks?

25 A. No, I did not. Because, again, he anticipated

1 the 40 and he gave the 40.

2 Q. And I think in the transcript you actually
3 suggested to the judge between 35 and 38?

4 A. Yes, sir.

5 Q. In that neck of the woods.

6 A. Yes, sir.

7 Q. Under the 40.

8 A. Yes, sir.

9 Q. But obviously above the statutory minimum of 30.

10 A. Yes, sir.

11 Q. Okay. And, and are you aware that Marvin had an
12 offer of 25 years at one time? Have you ever seen that?

13 A. No, I have not and I've not heard of that.

14 Q. Okay. Did you have that discussion with Mr.
15 Adducci?

16 A. No, I did not. And when I talked to the
17 prosecutor about the case, I mean it was always a murder
18 case. So in order for him to get that kind of offer, he
19 would have had to have been offering to reduce it from
20 murder to voluntary manslaughter.

21 Q. And you said that you went out and identified or
22 interviewed some witnesses. You or Mr. Powell was
23 interviewing some witnesses.

24 A. Yes, sir.

25 Q. Any of the alibi witnesses?

1 A. I think that I talked to some friends and his
2 family members. And he had claimed that he had been at
3 home or something of that nature at one point. And --
4 but when we talked to them, they admitted that he had
5 been with his child's mother, who was pregnant at the
6 time, and that they were at her house moving a crib or
7 something like that and some baby furniture in her house
8 and then they left and, you know, went to the gas
9 station.

10 There was a huge gap of time that was not
11 accounted for, except for the fact that the car that
12 they were driving was on the video at the gas station.
13 So we knew when the car was there.

14 Q. And how many friends and family members did you
15 speak with?

16 A. Oh, if you just give me a moment I can probably
17 find that information. And also there were jail calls
18 in this case. And I have a note that says at the end of
19 track two defendant makes statements that place him at
20 the scene of the crime, so that was also problematic for
21 defensive alibi.

22 Q. Did you discuss that with Marvin?

23 A. Yes. I believe he heard those jail calls. It
24 looks like I might have spoken to about four people.

25 Q. And how many times did you meet with Marvin

1 during your representation? I think you said you took
2 over in January of '17. This plea was on March the 2nd
3 of '17.

4 A. Right. Let me look in my notes. So okay, the
5 first time I met with Marvin would have been December
6 27th, 2016. And that was my first meeting with Marvin
7 at the Laurens jail, along with Tom Adducci.

8 And it says: Sole purpose of meeting was for Tom
9 to introduce me to the client as his new lawyer because
10 Tom in leaving our office to work in Greenville office.
11 And the solicitor had already notified me of a date
12 certain trial, Monday, April 24th.

13 Let's see. I also met with Investigator Jimmy
14 Powers on that same day. And then the next meeting was
15 January 12th, 2017. And then January 25th, 2017. And
16 then February 21st, 2017. February 27th, 2017. And
17 then March 2nd was when he pled. And it looks like each
18 meeting that I had lasted a minimum of two hours and one
19 of them lasted four hours.

20 Q. When did Marvin make the decision to plead? At
21 what meeting?

22 A. I'm sorry, my notes are pretty extensive because
23 of the amount of time. I'm looking for that now.

24 Okay. On January 25th, 2017, I have a note that
25 says: Client asked me to get the recommendation from

1 the State back. Explained to him the difference between
2 a straight-up plea, a recommendation and a cap
3 recommendation. Asked him to repeat to me what I
4 explained to him, and he was able to tell me the
5 difference.

6 Told him that it would be difficult for me to get
7 the recommendation of a cap of 40 back for him from
8 Warren and told him that it also takes work for the
9 State to get the victims and their families on board
10 with a recommendation in cases, especially of this
11 nature.

12 Told him if I was able to get it back, that he
13 would be expected to plead very soon. Told him that he
14 was always entitled to a trial and could, of course,
15 back out of any plea agreement, even last minute, but
16 that it was not always smart or wise to do that.

17 Told him that he would be about 70 years of age
18 at the time he would be eligible for release. Told him
19 I would hope he would live to see the day he would be
20 set free again, but there was no guarantees. Life is
21 hard enough in CDC and life expectancy shortened.

22 He said he just wanted the hope that he would
23 live to see his kids again when he is free. We went
24 over that. In this situation the goal is to die a free
25 person and he grasped that concept. So that was the day

1 that he asked me to get the recommendation of a cap of
2 40 back.

3 Q. And from that point forward, from that January
4 25th conversation, was the -- did you all have a plea
5 date set or was there a trial date set?

6 A. The trial date was for April. But Mr. Mowry made
7 it very clear that he was only willing to conference the
8 case with Judge Addy. If Judge Addy was willing to
9 follow the original recommendation of a cap of 40, that
10 Mr. Mowry would expect Marvin to plea immediately so
11 that he didn't back out and yank the family around again
12 and we would move forward for a trial in April.

13 MR. HENDERSON: I don't have anything further,
14 Your Honor.

15 THE COURT: Any redirect?

16 MS. GREGORY: No, sir.

17 THE COURT: Thank you, ma'am, you may step down.

18 THE WITNESS: Thank you.

19 (Witness leaves witness stand.)

20 THE COURT: All right. The State would call its
21 next witness.

22 MS. GREGORY: We have no further witnesses, Your
23 Honor.

24 THE COURT: All right. The State rests. All
25 right. Anything in reply?

1 MR. HENDERSON: No, sir, Your Honor.

2 THE COURT: All right. Let's hear argument.

3 First from, I'll give you two bites at the apple, Mr.

4 Henderson. Do you have any arguments you wish to make?

5 Then I'll let the State go and then I'll let you reply.

6 MR. HENDERSON: Very briefly, Your Honor. You
7 heard Marvin's claims about that Ms. McNeill didn't file
8 the appeal that he asked her to. Also, that he doesn't
9 believe that she adequately investigated these potential
10 alibi witnesses; folks that can put him someplace else
11 differently than the crime scene.

12 You know, you heard his testimony that there was
13 an Alford plea 25 years on the record -- on the table of
14 some point in time. And, again, I think Your Honor, you
15 were listening to his testimony. You've got a good idea
16 of what my clients' allegations and claims are. And you
17 heard him say that he'd like to have a complete new
18 trial.

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

20 Ms. Gregory?

21 MS. GREGORY: Applicant's own testimony indicates
22 he doesn't have a complaint with Ms. McNeill. He did
23 not ask for an appeal. She testified to that. Had he
24 asked for an appeal, she would have done the appeal.

25 It's clear it doesn't meet the burden set forth

1 in Strickland. He was not prejudiced. He received the
2 40 years that he went in there knowing he was going to
3 get. And Ms. McNeill had detailed notes explaining her
4 investigation. And as much time as she put into this
5 case, he was not prejudiced.

6 THE COURT: All right. Anything else you'd like
7 to tell me?

8 MR. HENDERSON: No, sir, Your Honor.

9 THE COURT: All right. Let me take this matter
10 under advisement back *in chambers*. I will be out
11 shortly to render my decision. Y'all give me about 10,
12 15 minutes, okay?

13 (A recess was had at the hour of 10:49 a.m. -
14 11:05 a.m.)

15 ORDER OF THE COURT

16 THE COURT: All right. In the matter of Marvin
17 Watson versus The State of South Carolina, Docket
18 17-CP-30-667, based upon the testimony and evidence
19 presented, I find Ms. McNeill's testimony to be more
20 credible than the Applicant's testimony, plus my review
21 of the record submitted to the Court. And considering
22 all these circumstances, as well as arguments of the
23 law, I respectfully deny this PCR application. That's
24 the order of the Court.

25 MS. GREGORY: Thank you, Your Honor.

1 THE COURT: If you'll prepare an order, Ms.
2 Gregory.

3 MS. GREGORY: Yes, sir. May I have a moment with
4 the victims?

5 THE COURT: Yes.

6 MS. GREGORY: Thank you.

7 (Hearing concluded at 11:12 a.m.)
8
9
10

11 --- THIS ENDS REQUESTED TRANSCRIPT ---
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1 COURT REPORTER CERTIFICATE

2
3 I, the undersigned Julie A. Cendroski, Court
4 Reporter for the Seventh Judicial Circuit Court of the
5 State of South Carolina, do hereby certify that to the
6 best of my ability the foregoing is a true, accurate,
7 and complete transcript of record of all the proceedings
8 and evidence introduced in the hearing and/or trial of
9 the captioned case, relative to appeal, in the Court of
10 Common Pleas in Greenwood County, South Carolina, on the
11 15th day of October, 2018.

12 I do further certify that I am neither of kin,
13 counsel, nor interest to any party hereto.
14
15
16
17

18 s/Julie A Cendroski
19 Julie A. Cendroski
20 Circuit Court Reporter
21 Seventh Judicial Circuit
22
23
24
25

STATE OF SOUTH CAROLINA)
COUNTY OF LAURENS)

IN THE COURT OF COMMON PLEAS
FOR THE EIGHTH JUDICIAL CIRCUIT

Marvin Watson, #371663,

2017-CP-30-667

Applicant,

ORDER OF DISMISSAL

v.

State of South Carolina,

Respondent.

LAURENS COUNTY
CLERK OF COURT
2019 JAN 23 AM 9:30
LYNN W. LANCASTER

This matter comes before the Court by way of an application for post-conviction relief filed on August 14, 2017, by Marvin Watson ("Applicant"). The State ("Respondent") filed a Return on October 19, 2017, requesting an evidentiary hearing. An evidentiary hearing into the matter was convened on October 15, 2018, at the Greenwood County Courthouse. Applicant was present at the hearing and represented by Carson Henderson, Esquire. Assistant Attorney General Janell H. Gregory of the South Carolina Attorney General's Office appeared on behalf of Respondent. At the hearing, Applicant testified on his own behalf. Plea counsel, Chelsea McNeil of the Eighth Circuit Public Defender's Office, ("Counsel") also testified. After a review of the record and all evidence presented, this Court finds Applicant has failed to meet his requisite burden of proof and denies this application.

I. PROCEDURAL HISTORY

The records before this Court establish Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Laurens County Clerk of Court's order of commitment. During the October 2015 term, the Laurens County Grand Jury indicted Applicant for murder (2015-GS-30-1681) and possession of a firearm during the commission of a violent crime (2015-

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Laurens County CCCP & GS



GS-30-1682). Counsel represented Applicant. Assistant Solicitor Warren Mowry of the Eighth Circuit Solicitor's Office prosecuted the case.

On March 2, 2017, Applicant appeared with Counsel before the Honorable Frank R. Addy, Jr. and pled guilty as indicted. Judge Addy sentenced Applicant to forty years imprisonment on the murder charge and five years for the firearm charge. Applicant did not appeal his guilty plea.

II. SUMMARY OF FACTS

On August 16, 2015, David Anderson ("Victim") drove to the Corner Mart store on Highway 76 in Clinton around 1430 hours to fill his truck up with gas and get drinks for him and his wife. (GP Tr. 11.) Based on security footage at the store, Victim makes a couple of trips inside the store to purchase gas and other items. (GP Tr. 11.) Shortly after Victim's arrival, Applicant's vehicle pulls up on the opposite side of gas pump island from Victim's truck. (GP Tr. 12.) The security footage shows Victim and Applicant did not exchange communication or even acknowledge each other prior to the incident. (GP Tr. 12.) Applicant's co-defendant later told officers Victim "smiled a polite greeting to her." (GP Tr. 12.) Victim gets into his truck and begins to drive off, but he stopped and got out to secure his gas lid. (GP Tr. 12.) At that time, Applicant got out of the passenger side of the vehicle and without any justification, excuse, or prelude shot Victim twice. (GP Tr. 12.) Victim died as a result of his injuries as one of the bullets went into his chest wounding his heart and both lungs. (GP Tr. 12.) Applicant got back into the vehicle and immediately fled the scene. (GP Tr. 12.)

III. ALLEGATIONS RAISED

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

1. Ineffective Assistance of Counsel:
 - a. "Counsel fail to object to court remark, cause conflict."



- b. "Court made remark during sentence was prejudice."

An evidentiary hearing was held on October 15, 2018, Applicant informed this Court he intended to proceed on the following grounds for relief:

1. Ineffective Assistance of Counsel
 - a. Counsel failed to file an appeal.
 - b. Counsel failed to object to remarks made by Judge Addy during the plea hearing.

IV. TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

Applicant's Testimony

During the evidentiary hearing, Applicant testified on his own behalf. Applicant testified he met with Counsel two or three times while he was in jail. Applicant testified Counsel failed to file an appeal. Applicant testified he was not sure if he wrote Counsel asking for an appeal, but he believes he told Counsel he wanted an appeal at the courthouse after the plea hearing. Applicant testified he should have taken his case to trial. Applicant testified the State offered him a twenty-five year plea for voluntary manslaughter, but he turned it down two or three times. Applicant testified Counsel attempted to get the offer back but the State refused. Applicant testified his plea was an open plea without sentence negotiations or recommendations. Applicant testified Counsel spoke to Judge Addy prior to the plea hearing and Judge Addy said he would not give Applicant more than forty years. Applicant testified he was emotional at the time of the plea hearing and so was Counsel. Applicant testified he was concerned about Judge Addy's comments during the plea hearing. Applicant testified he believes it was harsh for Judge Addy to say Victim's family wanted him to die in prison.

Applicant testified the evidence against him is bogus because the guy on the video had braids and he has always had shorter hair. Applicant testified the video shows a totally different person. Applicant testified he reviewed discovery with Counsel and gave her possible defenses.

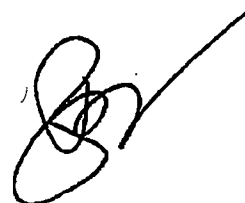


Applicant testified Counsel had an investigator, but he did not trust him. Applicant testified he believed the investigator was working against him. Applicant testified he is not sure if his alibi defense was investigated or if the leads he provided to Counsel were investigated. Applicant testified he was only evaluated one time and believes he should have been evaluated twice. Applicant testified Counsel told him she would take his case to trial and he would have been comfortable going to trial until Counsel started reviewing evidence with him. Applicant testified he wish he had gone to trial and received a life sentence so he could challenge it now.

Applicant testified he recalled telling Judge Addy he was satisfied with Counsel. Applicant testified he did not have any issues with Counsel and he just wants to get a new trial so he can get less than forty years. Applicant testified he cannot do forty years because he has kids. Applicant testified he is not trying to die in jail. Applicant testified he recalled writing an apology letter to Victim's family.

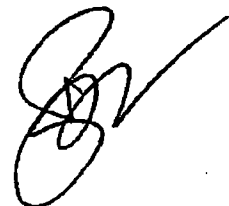
Counsel's Testimony

Counsel also testified at the post-conviction relief hearing. Counsel testified she has been practicing law since 2011 and was appointed to represent Applicant in this case. Counsel testified prior being assigned this case another attorney, Tom Adducci, had the case and, once she inherited it, she met with Adducci and Applicant together. Counsel testified she started from scratch and reviewed all discovery, charges, and constitutional rights with Applicant. Counsel testified she met with Applicant five times and all meetings lasted between two and four hours. Counsel testified during one of the meetings she explained the difference between a negotiated sentence, recommended sentence, and a straight up plea. Counsel testified the State had set Applicant's trial for a date certain in April 2018. Counsel testified Applicant was evaluated and was found competent but low functioning, so she would usually talked to him in sixth grade terms.

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'B' shape followed by a long, sweeping horizontal line extending to the right.

Counsel testified she did investigate Applicant's case. Counsel testified she discussed Applicant's version of the facts and Applicant went back and forth with her and Adducci as to whether he was the person in the video or not. Counsel testified Applicant's co-defendant was his girlfriend, who was eight months pregnant at the time of the incident, and she provided a statement to law enforcement against Applicant. Counsel testified Applicant attempted to provide an alibi, but then said he was the man on the video, so he did not have an alibi. Counsel testified she interviewed witnesses, friends, and family members and all admitted Applicant was with his girlfriend at the time of the incident. Counsel testified the people she interviewed said the car in the gas station video was Applicant's girlfriend's car. Counsel testified Applicant made jail calls in this case and during those calls Applicant placed himself at the scene of the murder. Counsel testified she had Applicant listen to the phone calls with her.

Counsel testified Applicant was going to plead guilty in December 2016, but Applicant changed his mind and backed out. Counsel testified she got the case in January 2017 and talked to the State and had the case on track for trial. Counsel testified she believes Applicant's relationship with Adducci had broken down and that is why Applicant backed out of the plea. Counsel testified she never saw any paperwork for a twenty-five year plea offer. Counsel testified this was always a murder case and the State never made an offer for a lesser offense. Counsel testified Applicant did not want to die in prison and wanted to see if Counsel could get a cap of forty years. Counsel testified the State was willing to hold a phone conference with Judge Addy to see if he would go along with a cap of forty years. Counsel testified during the phone conference, Judge Addy agreed he would not give Applicant more than forty years if he pled guilty. Counsel testified Judge Addy honored the forty year agreement at the plea hearing.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a checkmark-like flourish.

Counsel testified Judge Addy is known for giving "life and a lecture," and is known to make harsh comments. Counsel testified Judge Addy called Applicant a monster and said if Applicant dies in prison, he deserves it. Counsel testified the comments were harsh, but not legally objectionable. Counsel testified she asked Judge Addy for less than forty years, but explained to Applicant prior to the plea hearing that he should expect to get forty years. Counsel testified Applicant never asked for an appeal. Counsel testified she never received a letter asking her to appeal his case. Counsel testified she did not see any meritorious grounds for an appeal. Counsel testified everyone was emotional during the plea hearing because the facts of the case were really terrible. Counsel testified Applicant wrote an apology letter to Victim's family, which was presented during the hearing. Counsel testified after the plea hearing Applicant hugged her and thanked her for everything. Counsel testified Judge Addy would have denied any motion to reconsider Applicant's sentence.

V. APPLICABLE LAW

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

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 300 S.C. 115. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any 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 117-18, 300 S.C. 115. With respect to guilty plea counsel, the applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

VI. FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This Court viewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the plea transcript, and Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Set forth below are the relevant findings of fact and conclusion of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

This Court finds Applicant has failed to meet his burden of proving he is entitled to post-conviction relief on any of his allegations of ineffective assistance of counsel. Applicant has failed to prove both deficiency on the part of Counsel and any prejudice therefrom. Moreover, this Court



notes the record reflects the knowing and voluntary nature of Applicant's guilty plea. Furthermore, after observing the witnesses and passing on their credibility, this court finds Counsel's testimony to be credible. By contrast, this Court finds Applicant's testimony lacks credibility.

Counsel failed to file an appeal

Applicant alleges Counsel was ineffective for failing to file an appeal. Through post-conviction relief, an applicant can assert he is entitled to a belated review of direct appeal issues pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974), by asserting his counsel failed to file a direct appeal on his behalf when requested. When the question is whether counsel was ineffective in failing to file a direct appeal from a conviction and sentence, the United States Supreme Court has held that counsel has a constitutionally-imposed duty to consult with a defendant about an appeal when there is reason to think either: (1) that a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. Roe v. Flores-Ortega, 528 U.S. 470 (2000). There is no constitutional obligation necessitating plea counsel inform a criminal defendant of his right to appeal, following a guilty plea. Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995); See also Simuel v. State, 390 S.C. 267, 270 n. 1, 701 S.E.2d 738, 739 n. 1 (2010) (reaffirming the standard attorneys shall meet for appealing from guilty pleas following the United States Supreme Court decision of Roe v. Flores-Ortega, 528 U.S. 470, (2000)).

This Court finds credible Counsel's testimony that Applicant did not ask her to file an appeal. This Court also finds credible Counsel's testimony that she did not see any meritorious grounds to appeal Applicant's guilty plea. This Court finds Counsel was not deficient in failing to appeal Applicant's guilty plea as Applicant has failed to show either condition under Roe existed.

Therefore, Applicant has failed to meet his burden and this allegation must be denied and dismissed with prejudice.

Counsel failed to object to the comments made by Judge Addy during the plea hearing

Applicant asserts counsel was ineffective for failing to object to comments made by Judge Addy during the plea hearing. Applicant testified Judge Addy made harsh and improper comments about him during the plea hearing. Applicant failed to testify that he would have proceed to trial but for Judge Addy's comments. Counsel testified Judge Addy is known to give "life and a lecture" to defendants. Counsel testified the comments were harsh, but not legally objectionable. Counsel also testified she had a phone conference with Judge Addy and the State regarding Applicant's plea, and during that phone conversation Judge Addy agreed not to sentence Applicant to more than forty years. Counsel testified, even though Judge Addy made harsh comments, he honored the forty year maximum sentence for Applicant.

This Court finds credible Counsel's testimony that Judge Addy's comments were not legally objectionable. This Court also finds Applicant has failed to show how he was prejudiced by Judge Addy's comments since Judge Addy did not exceed the forty year cap when he sentenced Applicant. This Court finds Applicant has failed to meet his burden to show how Counsel was deficient or how he was prejudiced by Counsel's representation. Therefore, this allegation must be denied and dismissed with prejudice.

VII. CONCLUSION

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

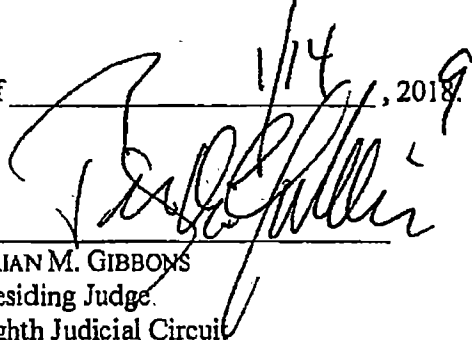


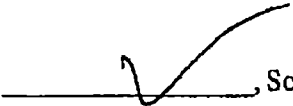
The Court notes Applicant must file and serve a notice of appeal within thirty days from post-conviction relief counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

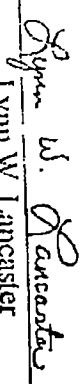
IT IS THEREFORE ORDERED THAT:

1. The application for post-conviction relief is denied and dismissed with prejudice; and
2. Applicant will remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this _____ day of 1/14, 2018.


 BRIAN M. GIBBONS
 Presiding Judge
 Eighth Judicial Circuit

 _____, South Carolina

A TRUE COPY OF ORIGINAL

 Lynn W. Lancaster
 Laurens County CCCP & GS

WITNESSES

Jawarski Shelton
Laurens County Sheriff

WARRANT NUMBER

2015A3010101236

True Bill

Marcella Thompson

Foreman of the Grand Jury

Date: *10-30-15*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2015

Indictment # 15GS30- *1682*

THE STATE

vs.

Marvin Moliue Watson

INDICTMENT FOR

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

CDR: 0549

A TRUE COPY OF ORIGINAL

Lynn W. Lancaster
Lynn W. Lancaster
Laurens County CCCP & GS

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

INDICTMENT FOR

**Possession of a Firearm during the
Commission of a Violent Crime
§16-23-490**

At a Court of General Sessions, convened on the 30th day of October, 2015, the Grand Jurors of Laurens County present upon their oath:

That Marvin Molique Watson did, on or about August 16, 2015, in Laurens County, possess a firearm or visibly displayed what appeared to be a firearm, during the commission of a violent offense, to wit: Murder, or any lesser included violent offense, in violation of Section 16-23-490 of the South Carolina Code of Laws, 1976, as amended.

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


Deputy Solicitor

WITNESSES

Jawarski Shelton
Laurens County Sheriff

WARRANT NUMBER

2015A3010101234

True Bill

Maritta Thompson

Foreman of the Grand Jury

Date: *10-30-15*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2015

Indictment # 15GS30- *1681*

THE STATE

vs.

Marvin Molique Watson

INDICTMENT FOR

Murder
§16-03-0010

CDR: 0116

A TRUE COPY OF ORIGINAL

Lynn W. Lancaster
Lynn W. Lancaster
Laurens County CCCP & GS

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

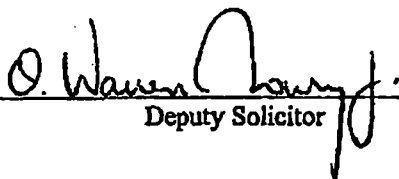
INDICTMENT FOR

Murder
§16-03-0010

At a Court of General Sessions, convened on the 30th day of October, 2015, the Grand Jurors of Laurens County present upon their oath:

That Marvin Molique Watson did, on or about August 16, 2015, in Laurens County, willfully, feloniously, and with malice aforethought kill one David Anderson by means of shooting him with a firearm, and that the said David Anderson did die in Laurens County as a proximate result thereof on or about August 16, 2015, in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

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


Deputy Solicitor