

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

—————
Certiorari to Richland County

Honorable G. Thomas Cooper, Circuit Court Judge

—————
KRISTOPHER BLOCK,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2019-000480

—————
APPENDIX
—————

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S.C. SUPREME COURT

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 9 DEFENDANT.)

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JANUARY 12, 2016
 RICHLAND, SOUTH CAROLINA

B-E-F-O-R-E:

HONORABLE CLIFTON D. NEWMAN, JUDGE;

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

FOR THE PLAINTIFF:

HEATHER WEISE, ESQ.

FOR THE DEFENDANT:

TAYLOR BELL, ESQ.

I-N-D-E-X

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1 (The following proceedings were held on
2 January 13, 2016.)

3 THE CLERK: Please raise your right hand.
4 THEREUPON,

5 KRISTOPHER BLOCK

6 after having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 MS. WEISE: May it please the Court, Your Honor?

9 THE COURT: Yes.

10 MS. WEISE: Thank you. Before you is Mr. Block
11 with his attorney, Taylor Bell, of the public defender's
12 office. He's before you on indictment 2015-GS-40-0337, for
13 criminal sexual conduct with a minor. The victim was under
14 16 years of age, but he has a prior sex offense that was a
15 first-degree, and 2015-GS-40-06990, trafficking in persons,
16 victim under the age of 18. And the State will be
17 dismissing as a result of this plea 2015-GS-40-03736, which
18 is promotion of prostitution of a minor, as well as a
19 resisting arrest charge.

20 Your Honor, the Defendant has indicated after
21 negotiations with the defense attorney and talking with the
22 victim and law enforcement in this case that he would like
23 to plead guilty to the trafficking in persons victim under
24 18 and plead guilty under North Carolina v. Alford as to the
25 criminal sexual conduct with a minor. And the State has

1 entered a negotiation for a sentencing range of 10 to 15
2 years incarceration.

3 THE COURT: All right. Is all of that right,
4 Mr. Bell?

5 MR. BELL: It is, Your Honor.

6 THE COURT: Are you in agreement with the plea?

7 MR. BELL: I am, Your Honor.

8 THE COURT: Mr. Block, how are you doing?

9 THE DEFENDANT: I'm fine.

10 THE COURT: Are you here to plead guilty to these
11 two charges?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And the one charge, sex with a minor
14 under 16, you want to plead guilty under North Carolina v.
15 Alford?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And understanding that under North
18 Carolina v. Alford, you're not admitting guilt, but the
19 Court will find you a guilty upon a showing by the State?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: With regard to the other charge of
22 trafficking in persons under 18, are you guilty of that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: As you stand before me, you're
25 presumed to be not guilty. You have the right to have a

1 jury trial and you have the right to require the State to
2 prove you guilty beyond a reasonable doubt. You have a
3 right to have your lawyer present any defense that you might
4 have to challenge any evidence the State would have against
5 you, and you have the right to remain silent concerning all
6 these matters. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You want to give up those rights and
9 plead guilty?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, other than the -- there being a
12 negotiation of the sentence range between 10 years and 15
13 years, has anyone promised you anything else to get you to
14 plead guilty?

15 THE DEFENDANT: No, sir.

16 THE COURT: Have you had enough time to make up
17 your mind as to whether or not you want to plead guilty?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Are you satisfied with the help your
20 lawyer, Mr. Bell, has given you on this case?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Have you been mistreated by anyone in
23 this case, police, State, anyone?

24 THE DEFENDANT: No, sir.

25 THE COURT: Do you believe that you fully

1 understand the nature of the charges and the possible
2 punishment against you?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And understanding all of that, with
5 regard to this trafficking in persons under age 18 you're
6 pleading, are you guilty or not guilty?

7 THE DEFENDANT: Guilty.

8 THE COURT: And what makes you guilty of that
9 crime?

10 THE DEFENDANT: As in -- what do you mean?

11 THE COURT: What did you do that makes you guilty?

12 THE DEFENDANT: I guess promoted prostitution.

13 THE COURT: And you're guilty of doing that --

14 THE DEFENDANT: Yes, sir.

15 THE COURT: -- involving someone who was under 18?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And under the law, do you believe that
18 makes you guilty of trafficking in persons under 18?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right.

21 Ms. Weise.

22 MS. WEISE: Thank you, Your Honor. These
23 incidents occurred on or about December 4th, 2014, at the
24 Days Inn on Park Lane Road, which is in Richland County.
25 That was the day that the victim was located. The victim

1 had been missing and reported missing by her mother, Gwen
2 Stuetz, who is here present today and would like to address
3 the Court at the appropriate time.

4 The victim is 14 years old and had gotten mad at
5 her mom, left the home in the middle of the night.
6 Contacted someone she knew from school and was headed out
7 and ended up in the middle of something totally different
8 from what she ever could have expected. She ended up over
9 in the Park Lane Road area, got with some people that she
10 thought were being friendly, hung out with them. She was
11 spending time with them and that's where she came in contact
12 with Kristopher Block as well as one of the other
13 codefendants, Devonte Maze-Wise, who is still charged with
14 these same offenses, Your Honor.

15 She was talking to them. They went over to the
16 Days Inn. At some point, the third codefendant in this
17 case, who was Jim Stevenson, came up. She didn't know who
18 he was. This Defendant went over to the car, talked to him
19 and Stevenson went inside the Days Inn and paid for the room
20 that Mr. Block, Mr. Maze-Wise, Mr. Stevenson and the victim
21 all went up to. Mr. Stevenson stayed there for a little
22 while and then he left.

23 After he left, then Mr. Block had sex with the
24 victim, which I know he is pleading under North Carolina v.
25 Alford. According to the victim, he had sex with the victim

1 and then he took pictures of her with his cell phone.
2 Posted those pictures and advertised her for sale to other
3 men. At that time, other men came to the door. She said
4 that she ended up having sex with three black males and one
5 white male who responded to the ad. She was advertised on
6 Craig's List. She showed a Craig's List ad where he had
7 posted her. And when she initially indicated she didn't
8 want to participate, he hit her and told her she was going
9 to take off her clothes. And that's when everything began.
10 She wanted to leave and that was not an option until she had
11 made some money.

12 She was able -- so basically, Mr. Block indicated
13 it was time -- they were going to go to a different hotel to
14 try to get some more clients. He walked out of the hotel
15 with her, at which time, law enforcement had been able to
16 locate her due to some information they had got from her
17 mom. They were able to locate her and saw her as she was
18 walking out with Mr. Block. They got her, separated her
19 from Mr. Block and were able to detain him.

20 He gave -- he did confess -- he did not confess to
21 having intercourse with her, but he did confess to being a
22 part of advertising her for sale, being part of the
23 prostitution. He claimed he did not know how old she was;
24 however, one, that doesn't matter, and two, the victim
25 indicates that she told him how old she was, that this was

1 not something that she wanted to participate in.

2 And, Your Honor, those are the underlying facts
3 for the trafficking in persons and the criminal sexual
4 conduct with a minor.

5 As far as his priors --

6 THE COURT: Just a moment.

7 Mr. Block, do you dispute any of the facts stated
8 by the solicitor?

9 THE DEFENDANT: Yes, sir, I do.

10 THE COURT: Okay. Which facts do you dispute?

11 THE DEFENDANT: My statement, she said she never
12 told me whatsoever how old she was. She said she thinks
13 Devonte Maze that she never had that conversation with me.

14 THE COURT: Aside from that, do you dispute any
15 other facts stated by the State?

16 THE DEFENDANT: No, sir.

17 THE COURT: All right. And in regard to whether
18 or not she said I'm 15, 14, 10, eight, under the law, does
19 that matter?

20 MS. WEISE: No, sir, Your Honor.

21 THE COURT: All right.

22 MS. WEISE: And he does have a prior -- Mr. Block
23 does have a prior record out of Mecklenburg County for
24 indecent liberties with a child where he was charged in 2010
25 and plead guilty in what appears to be 2011 -- or no,

1 November 1st of 2010.

2 THE COURT: Let me ask you this, what's the
3 maximum penalty under this trafficking in persons under 18?

4 MS. WEISE: Your Honor, the way that the law is
5 written, it is zero to 15 for trafficking in persons, and
6 then if the victim is under 18, the judge may add up to an
7 additional 15 years.

8 THE COURT: So possibly punishment of up to 30
9 years?

10 MS. WEISE: Yes, sir, Your Honor.

11 THE COURT: And then the CSC with a minor victim
12 under 16 is?

13 MS. WEISE: For the first degree, it's 10 to 30.

14 THE COURT: Ten to 30?

15 MS. WEISE: Because he has the prior indecent
16 liberties.

17 THE COURT: Do you understand that as being the
18 maximum penalty of what you are charged with?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right.

21 Okay. And prior record?

22 MS. WEISE: His prior record -- and from what I
23 understand --

24 THE COURT: Just one additional thing. I hate to
25 keep interrupting you.

1 MS. WEISE: Yes, sure.

2 THE COURT: I need to be sure to cover what I must
3 cover.

4 Do you understand, also, that these two offenses
5 are classified in the law as being most serious offenses?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And if you are convicted of any other
8 most serious offense during your lifetime, you can be
9 sentenced to prison for life without the possibility of
10 parole?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right.

13 MS. WEISE: Thank you, Your Honor. So 2010, it
14 appears from looking at the North Carolina record, there was
15 a breach of peace as well as the indecent liberties with a
16 child, which is followed up by a probation violation on
17 those charges. In 2012, he was convicted of accessory
18 before the fact of a felony for which he received a YOA
19 suspended -- or with probation for four years. Also, use of
20 a vehicle without permission with intent to deprive. It was
21 three different counts, but it was use of vehicle without
22 permission. And then in 2013, he had giving false
23 information to police, a sex offender violation, and then he
24 was violated on the other two as a result of those charges.
25 And that is the extent of his prior record, Your Honor, as

1 far as understand it.

2 THE COURT: Is that your prior record as far as
3 you understand, sir?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. And where there's a
6 negotiated sentence, I will either accept the guilty plea
7 and give you the sentence that was negotiated, and in this
8 instance, a sentence of between 10 to 15 years, or I will
9 not accept your guilty plea. You understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you want me to accept your guilty
12 plea and follow this sentence that you, your lawyer and the
13 State have negotiated?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Mr. Bell.

16 MR. BELL: Thank you, Your Honor. Your Honor, did
17 you want to hear from the victim's mother?

18 THE COURT: Sure, I do.

19 SOLICITOR: Okay.

20 MR. BELL: I believe that's the State's side
21 first.

22 VICTIM'S MOTHER: My name is the Gwen Stuetz and I
23 am the victim's mom. From the beginning of time up until
24 now, it was a nightmare having to go through this situation
25 of that's -- that type of situation. Everyday since it

1 happened, it hasn't really been the same. Everyday has been
2 a day-to-day type of situation where I had to wonder and
3 worry about the safety of my child. We going through
4 counseling and still, I just have no peace of mind knowing
5 that there may be some other predators out there who's
6 lurking to, you know, take advantage of some young
7 individual, not just my child, but any other child.

8 So with that being said, you know, I'm just taking
9 it one day at a time trying to get myself strong enough to
10 be there for her and to direct her in the right direction so
11 she won't have to face anything of this nature, regardless
12 of our differences and what we disagree with. I just
13 basically want her to sit here and see that these situations
14 are real, and it do happen to people. And I just want
15 whatever you decide, to give him the max, you know. So
16 that's all I want.

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

18 Anything else from the State?

19 MS. WEISE: That's all from the State, Your Honor.

20 THE COURT: All right. Mr. Bell.

21 MR. BELL: Thank you, Your Honor. Your Honor,
22 standing before is Kristopher Block. He's 23 years old. He
23 was originally born in California, although moved to South
24 Carolina in 2007, Your Honor. The only real family in his
25 life would be his mother, Your Honor, grew up raised by his

1 mother. She lives here in Columbia. She works full time.

2 He also, though, has a son that's his child that's
3 four years old, Your Honor. He's here taking responsibility
4 for his actions. He's pleading guilty to the trafficking of
5 persons under the age of 18. He admitted that from the
6 beginning, he said I did that. I did that and I want to
7 plead to that. I'm ready to accept responsibility.

8 You know, these are sad cases for everybody, Your
9 Honor. You're going to sentence a man to up to 15 years in
10 prison underneath this plea possibly, and we're going to
11 leave a son out there without a father for up to 15 years,
12 so it's difficult on all ends, Your Honor.

13 THE COURT: A son who himself might be subject to
14 being trafficked. Not only is there human trafficking going
15 on with girls who may be exploited, there's human
16 trafficking going on with boys who may be trafficked.

17 MR. BELL: That's absolutely correct.

18 THE COURT: If they find themselves in a
19 vulnerable situation.

20 MR. BELL: Absolutely. You know, but, you know, I
21 think he's taking a step forward by accepting responsibility
22 for this, Your Honor. He's looking to move forward so he
23 can put this all behind him. He regrets his actions and
24 apologizes for it. While that's not going to all of a
25 sudden make everything right, I think it's a first step

1 toward closer in everything here in this matter for all
2 parties.

3 Your Honor, I'm asking that you go along with the
4 negotiations to allow him to go to spend his time in the
5 Department of Corrections. Hopefully, he spends it
6 productively learning a trade. He does have his GED. He
7 got kicked out of AC Flora, but has his GED and was working.
8 But, you know, in the Department of Corrections, he can
9 learn a trade, welding, carpentry. And hopefully, when he
10 gets out, he will have his mind right to be a good father
11 and, hopefully, be able to rekindle a relationship with his
12 son. So I'm asking that you follow the recommendations.
13 That's all I have for you, Your Honor.

14 THE COURT: All right. Mr. Block, what would you
15 like to say, if anything?

16 THE DEFENDANT: I would just like to apologize to
17 the victim and the victim's family. You know, I admit I was
18 wrong. But, you know, that's all I really want to say.

19 THE COURT: All right.

20 Anything further by the State or the Defense?

21 MS. WEISE: No, Your Honor.

22 THE COURT: You know, obviously, this human
23 trafficking is a real problem. It's been a problem in many
24 states. It's becoming more of a problem in the State of
25 South Carolina, so much -- so much so that new laws are

1 being passed to address the issue of human trafficking.
2 Young girls who leave home often find themselves captured by
3 some predator lurking outside who exploit the situation and
4 force them into bad situations. You know, many of the major
5 cities are establishing special units to deal with this
6 problem and to get people like Mr. Block off the streets and
7 into prison because of the detrimental impact they have on,
8 in many instances, innocent young people.

9 I'm going to accept the guilty plea and I'm going
10 follow the recommendation of the parties. I'm going to
11 follow the negotiations of the parties and I'm going to
12 impose a sentence of 15 years on each count to run
13 concurrent with his receiving credit for time served.

14 That amount of time having been served is how many
15 days?

16 MR. BELL: 405 days, Your Honor.

17 THE COURT: He receives credit for time served
18 with 405 days. Good luck to you, sir.

19 MS. WEISE: And, Your Honor, may we just -- this
20 is more for peace of mind, I don't think this is going to
21 happen, but put no contact with the victim or the victim's
22 family.

23 THE COURT: All right. What kind of registry will
24 he be on?

25 MR. BELL: Sex offender registry, Your Honor.

1 MS. WEISE: Yes, Your Honor. And he's already on
2 the sex offender registry and the GPS.

3 THE COURT: Life sex offender registry, lifetime
4 monitoring, no contact with the victim or victim's family.

5 MR. BELL: Thank you, Your Honor.

6 MS. WEISE: Thank you, Your Honor.

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1 COUNTY OF RICHLAND)

2 CERTIFICATE OF REPORTER

3 I, Crystal Holmes, hereby certify that I reported
4 the preceding case entitled State of SC V. Kristopher Block
5 Case No. 2015-GS-40-06990, at the Richland County
6 Courthouse, January 13, 2016.

7 I FURTHER CERTIFY that the foregoing pages 1
8 through 18 constitute a true, accurate and full transcript
9 of said hearing.

10 I FURTHER CERTIFY that I am not employed by any of
11 the parties hereto and I have no financial interest in the
12 outcome of said case.

13 IN WITNESS WHEREOF, I have heretofore set my hand
14 and seal at Richland County on this 9th day of June, 2016.

15

16 _____
Crystal Holmes, Official Court Reporter

17

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2016 C P 4001511

STATE OF SOUTH CAROLINA

County of Richland

In the Court of Common Pleas

Mirskovics m Block 355461
Full name and prison number (if any) of Applicant,

vs.

Name of Respondent.

APPLICATION FOR
POST-CONVICTION RELIEF

JEANETTE W. HEBRIDE
C.C.P. & G.S.

2016 MAR -8 PM 12: 27

RICHLAND COUNTY
FILED

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 it clear to which question any such continued answer refers.

Since every application must be sworn to 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 applicant was convicted.

1. Place of detention currently Kirkland Reception & evaluation center

2. Name and location of Court which imposed sentence Richland county judicial center /
general sessions: 1701 Main st, Columbia, SC 29201

3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:

- (a) A A
- (b) _____
- (c) _____

4. The date upon which sentence was imposed and the terms of the sentence:

- (a) 15 years violent, January 13, 2016
- (b) 15 years violent, January 13, 2016
- (c) _____

5. Check whether a finding of guilty was made

- (a) after a plea of guilty Yes and for the other charge i pleaded under NC.V. Alford
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere Yes for 1 charge if this means NCXS Alford

6. Did you appeal from the judgment of conviction or the imposition of sentence?

No I did not

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

- i. _____
- ii. _____
- iii. _____

(b) the result in each such Court to which you appealed:

- i. _____
- ii. _____
- iii. _____

(c) the date of each such result:

- i. _____
- ii. _____
- iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. _____
- ii. _____
- iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

- (a) Was not sure how to.
- (b) I felt my lawyer thought i was guilty and so he wasnt putting enough effort to
- (c) No resources around me at hickory etc that can enlighten me on appeal

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

- (a) The victim gave inconsistent statements to the police, Hospital, News media
- (b) Lack of evidence against me
- (c) The CSC charge was based off allegation

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) In 1st statement to investigators she claims she was forced to sleep → Read scratch paper
- (b) The police stated they have craigslist ads and the email account → scratch paper
- (c) In the victim statement to the hospital she said she → scratch paper

Question #9

- 1) a co-defendant Jim T Stevenson, got charges dismissed/pledged to contribute to delinquency/innocence
- 2) lawyer failed to mention my mental health history or get me evaluated
- 3) Victim is unreliable

21

Question #10

- 1) With so many guys she couldn't sleep or remember her statement to investigators she claims it was only 3 black guys and 1 white being subjected to prostitution or posted on Craigslist/backpage. But writes another statement to investigators and says "owe her/still have 2800 of her dollars, which is clearly her implying she was working willingly."
(Incident was said to start Dec 1st - Dec 4th)
- 2) Also in 1 statement to investigators she claims she never knew she was being subjected to prostitution or posted on Craigslist/backpage. But writes another statement to investigators and says "owe her/still have 2800 of her dollars, which is clearly her implying she was working willingly."
- 3) In victim's statement, she stated on leisure time we would smoke weed. But in the hospital report claimed Jim T Stevenson would force her to smoke.
4) She told the hospital people she was choked and I had knife but failed to mention to police. "Why (if it really happened)"
- 5) She tells the news/media we threatened to kidnap her family so she did what she had to do to prostitute to keep her family safe. But she never mentioned that to police. (we have copy of her statement on news)
- 6) 1) of who posted it, in which they concluded it was not in my name but in codefendants - Devante
2) They found the victim's clothing etc. in a hotel room registered to a codefendant in Stevenson. Not my name.
3) There were receipts at the same hotel in my name, but was no trace of the victim in that room. Nor can they put me at the scene with victim.
4) When police stopped us we were in front of a storage place, gas station and various restaurants. So if she was held against her will why didn't she get help or if I had knife on me like she claimed where was it when I was searched. She also hid her phone on her, she could have called police.
- 7) 1) She had sex with me, co-defendant Jim Stevenson, co-defendant Devante with out condom but there was no dna found.
2) She said she had just had sex with me the night prior to my arrest if no dna was found once again.
- 8) The hospital said she had gonorrhea and other STDs I didn't have none of that in my blood work when I was tested in county jail and in prison. Also we can check my medical file. There's no mention of any of that.

Then to back for facts of d3e

1) My 22 codefendant Jim Stevenson's charges were dismissed and we were both charged based off victim's statements.

2) How was the CSC charge dismissed for him and not me, when the victim clearly states she had sex with him. via doctors report. - There was no DNA on him or me

3) In the victim's statements she said we would both split the so-called prostitution money.

4) The hotel room where they found her belongings was in his name not mine.

5) Our codefendant detente says Jim Stevenson had a lot of girlfriends.

They drop his charges and plead to contributing to minor - time served.

6) I would have never pleaded if I knew I could want home.

7) There is no where on file where my lawyer mentioned I was mental health my whole life.

8) The victim is a known runaway. She recently ran away a week or 2 after I was sentenced. I was on news, media and news websites.

Kristopher M Black



11. 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 petitions in State or Federal Courts for habeas corpus or post-convictions relief? no
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? no
- (d) any other petitions, motions or applications in this or any other Court?
no

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(b) the name and location of the Court in which each was filed:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

- i. _____
- ii. _____
- iii. _____
- iv. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

no

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

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

- i. _____
- ii. _____
- iii. _____

15. If any ground set forth in (9) 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) I was just convicted
- (b) didn't know how to raise it
- (c) I have no access to the library in the island

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

- (a) your arraignment and plea? Yes a public defender
- (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? _____

17. If you answered "yes" to one or more parts of (16), list:

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

- i. Mr Bell 1701 main st public defender office
- ii. _____
- iii. _____

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

- i. trial hearing
- ii. _____
- iii. _____

18. State clearly the relief you seek in filing this application.

The relief in seeking is to have the CSC charge thrown out and time reduced to at least 10 years and lifetime gpr removed.

I now live under the mercy of the court.

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

No

STATE OF SOUTH CAROLINA

VERIFICATION

County of Richland

I, Kristopher M Block, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

[Signature]

SWORN to and subscribed before me this 22nd day of Feb 2016
[Signature] (L.S.)
Notary Public

My Commission Expires: Apr. 12, 2023

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF

I, Kristopher M Block, 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 therefor.

[Signature]
Applicant

RICHLAND COUNTY
 FILED
 2016 MAR -8 PM 12: 27
 JEANETTE W. HEARD
 C.C.P. & C.S.

SWORN or affirmed to and subscribed before me this 22nd day of Feb 2016
[Signature]
Notary Public

My Commission Expires Apr. 12-2023

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 Kristopher Block,)
 S.C.D.C. No. 355461,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 OF THE FIFTH JUDICIAL CIRCUIT

Case No.: 2016-CP-40-1511

**RETURN AND PARTIAL
 MOTION TO DISMISS**

In response to Applicant’s post-conviction relief application filed March 8, 2016, Respondent would show this Court:

I.

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Richland County Clerk of Court’s orders of commitment. The Richland County Grand Jury indicted Applicant at the July 2015 term for criminal sexual conduct with a minor under 16 (2015-GS-40-3737), and the December 2015 term of the Richland County Grand Jury indicted Applicant for trafficking in persons, victim under 18 (2015-GS-40-6990). Taylor Bell, Esquire, represented Applicant.

On January 12, 2016, Applicant pled guilty, as indicted, to the human trafficking charge, and pled guilty under NC v. Alford to the CSC charge, as indicted. The State negotiated a sentence of ten to fifteen (10-15) years’ imprisonment in exchange for Applicant’s pleas. The Honorable Clifton D. Newman accepted Applicant’s plea and sentenced him to fifteen (15) years’ imprisonment for both charges, to be served concurrently. Judge Newman also sentenced

Applicant to lifetime sex offender registry, lifetime GPS monitoring, and no contact with the victim or victim's family. The court credited Applicant with 405 days' of time served. Applicant did not appeal his conviction or sentences.

II.

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

1. "The victim gave inconsistent statements to the police, hospital, news, media about prostitution."
2. "Lack of evidence against me."
3. "The CSC charge was based off allegation."
4. "A co-defendant got charges dismissed/pleaded to contributing to the delinquency of a minor."
5. "Lawyer failed to mention my mental health history or get me evaluated."
6. "Victim is unreliable."

Respondent denies Applicant is entitled to relief on these claims, and demands strict proof thereof. Any claims not specifically enumerated in the application or amendments thereto will be opposed by Respondent at the evidentiary hearing. All amendments should be made well in advance of hearing and should be filed in compliance with Rule 11, SCRPC.

Attached to this return and incorporated herein are the records of the Richland County Clerk of Court regarding the subject conviction, the plea transcript, Applicant's records from the South Carolina Department of Corrections, and the records of this action. Any records not attached will be forwarded upon receipt. Respondent reserves the right to amend this return upon receipt of any relevant materials.

III.

Respondent construes Applicant's allegations in numbers 1, 2, 3, and 6 to allege that insufficient evidence was presented by the State to support his convictions. The post-conviction

relief court cannot consider the sufficiency of the evidence against a convicted defendant. S.C. Code Ann. § 17-27-20(a)(6) (1985). Also, a guilty plea generally acts as a waiver of all non-jurisdictional defects and defenses. State v. Munsch, 287 S.C. 313, 338 S.E.2d 329 (1985). The plea admits all elements of the offense charged and “leaves open for review only the sufficiency of the indictment and waives all other defenses.” Id. at 314, 338 S.E.2d at 330; cf. United States v. Broce, 488 U.S. 563, 569, 109 S.Ct. 757, 102 L.Ed.2d 927 (1989). The Uniform Post-Conviction Procedure Act is not a substitute for remedies that were available before and during the original trial or by review on motion for a new trial or on appeal. Irick v. State, 264 S.C. 632, 216 S.E.2d 545 (1975); Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1975). Therefore, the Court should be summarily dismissed with prejudice.

IV.

Respondent interprets Applicant’s allegation in number 4 as a complaint regarding disparity between the sentence he received and the sentence one of his co-defendants received. Respondent denies Applicant is entitled to relief on this claim because a trial judge generally has wide discretion in determining what sentence to impose. It is also true that before making that determination, a judge may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information he may consider or the source from which it may come. U.S. v. Magliano, 336 F.2d 817 (4th Cir. 1964); North Carolina v. Pearce, 395 U.S. 711, 89 S.Ct. 2072 (1969). When the record clearly reflects an appropriate basis for a disparate sentence, the sentencing judge may impose a different sentence on a co-defendant in a criminal trial. State v. Follin, 352 S.C. 235, 257, 573 S.E.2d 812, 824 (Ct. App. 2002). This Court does not have jurisdiction to review a sentence, provided it is within the limits provided by statute for the

discretion of the trial court, and is not the result of prejudice, oppression or corrupt motive. *State v. Goodall*, 221 S.C. 175, 178, 69 S.E.2d 915, 916 (1952). Respondent submits that it does not appear the Court's discretion in sentencing was exercised arbitrarily or was the result or oppression or corrupt motive. Therefore, this issue is not proper for review on post-conviction relief and should be summarily dismissed with prejudice.

V.

Respondent interprets allegation number 5 as ineffective assistance of counsel. Respondent submits Applicant's allegation of ineffective assistance of counsel is without merit. Respondent asserts Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

A defendant must be mentally competent to stand trial to assist counsel in his defense. *Drope v. Missouri*, 420 U.S. 62 (1975). In determining if counsel is ineffective for failing to request a competency hearing, an applicant must show that a reasonable probability exists that he would be found incompetent at the time of this trial or plea. *Jeter v. State*, 308 S.C.230, 417 S.E.2d 594 (1992). Counsel may reasonably rely on his own perceptions in deciding if a client is competent to stand trial. *Id.*

Where ineffective assistance of counsel is alleged 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 on as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation

within the range of competence required in criminal cases. The courts presume counsel “rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel’s deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

Respondent submits 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. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

VI.

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

VII.

WHEREFORE, having made its Return, Respondent requests that a hearing be held and counsel appointed to represent Applicant solely on the issue of ineffective assistance of counsel, and that all other allegations be dismissed with prejudice.

Respectfully submitted,

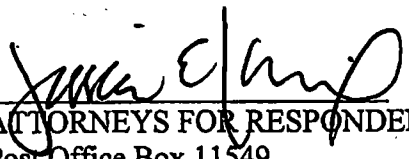
ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

JESSICA E. KINARD
S.C. Bar #77889
Assistant Attorney General

By:


ATTORNEYS FOR RESPONDENT
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

December 16, 2016

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 KRISTOPHER BLOCK, #355461,)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent,)
 _____)

IN THE COURT OF COMMON PLEAS

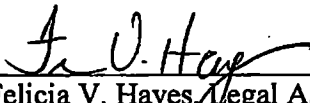
2016-CP-40-1511

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:

Jonathan D. Waller, Esquire
Giese Law Firm
1315 Blanding Street
Columbia, SC 29201

DATED this the 16th day of December, 2016.



 Felicia V. Hayes, Legal Assistant
 For Respondent

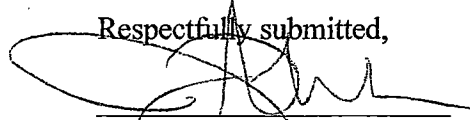
STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	FIFTH JUDICIAL CIRCUIT
)	
KRISTOPHER BLOCK, #355461,)	2016-CP-40-1511
Applicant,)	
v.)	
)	Amendment to Application for
State of South Carolina,)	Post Conviction Relief
<u>Respondent.</u>)	

Applicant, by and through his Attorney, Jonathan D. Waller, Esquire, would amend his Application for Post Conviction Relief filed March 8, 2016, by adding the specific claims and allegations of ineffective assistance of counsel of counsel and adding a prayer for alternative relief:

1. Counsel was ineffective for failing to properly advise applicant that his sentence would be served day for day. Counsel specifically told Applicant and others that his sentence was not day for day.
2. Counsel was ineffective for failing to procure results of DNA testing as a potential defense.
3. Counsel was ineffective for failing to conduct a complete and thorough investigation into the full facts and circumstances of Applicant’s case.
4. Counsel was ineffective for failing to ensure that the plea agreement was followed in that Applicant pled guilty on the condition that other pending charges would be dismissed. Upon information and belief, those charges are still pending and have not been dismissed, causing Applicant’s custody status within the Department of Corrections to be negatively impacted.

5. Applicant prays that this Court grant him the alternative relief of specific performance of his plea agreement should the Court not find in his favor as to an involuntary guilty plea due to ineffective assistance of counsel.

Respectfully submitted,



Jonathan D. Waller
Attorney for Applicant
The Giese Law Firm, LLC
1315 Blanding Street
Columbia, South Carolina 29201

July 10, 2017
Columbia, SC

State of South Carolina
County of Richland

Court of Common Pleas

Kristopher Block)	
)	
Applicant,)	Transcript of Record
v.)	2016-CP-40-01511
)	
State of South Carolina)	
)	
<u>Respondent.</u>)	

July 21, 2017
Columbia, South Carolina

B E F O R E:

The Honorable G. Thomas Cooper, Judge.

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

Jonathan Waller, Esquire
Attorney for the Applicant

Jessica Kinard, Esquire
Attorney for the Respondent

Bethanie K. Creppon
Circuit Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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(No Exhibits.)

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P R O C E E D I N G S

* * *

THE COURT: You may proceed, Ms. Kinard. This is Kristopher Block?

MS. KINARD: Yes, Your Honor. Thank you, may it please the Court. This is the matter of Kristopher Block vs. The State of South Carolina. It's case number 2016-CP-40-1511. We're before the Court on an application for postconviction relief that was filed March 8th, 2016, and amended July 10th, 2017.

Mr. Block is presently incarcerated with the South Carolina Department of Corrections pursuant to the Richland County Clerk of Court's orders of commitment. The Richland County Grand Jury indicted him in the July 2015 term for criminal sexual conduct with a minor under the age of 16, and then the December 2015 term for trafficking in persons with a victim under 18. He was represented by Taylor Bell.

On January 12th, 2016, Mr. Block pled guilty as indicted to the human trafficking charge and pled guilty under North Carolina vs. Alford to the CSC charge. The State negotiated a sentence of 10 to 15 years' imprisonment in exchange for the pleas. They

1 also dismissed a charge of promotion of prostitution
2 of a minor and the charge of resisting arrest.

3 The Honorable Clifton D. Newman accepted his
4 plea and sentenced him to 15 years' imprisonment for
5 both charges to be served concurrently. He also
6 sentenced him to lifetime sex offender registry,
7 lifetime GPS monitoring. And no contact with the
8 victim or the victim's family. Mr. Block was also
9 credited with 405 days of time served. He did not
10 appeal his conviction or sentences.

11 The State is present and ready to proceed.
12 Mr. Block is present and represented by Jonathan
13 Waller.

14 THE COURT: Mr. Waller, you may proceed.

15 MR. WALLER: Thank you, Your Honor. Just real
16 quickly, Your Honor, we filed an amendment last week
17 to his application. And one of the things we raised
18 was that the State had breached a plea agreement by
19 not dismissing another pending charge at the time of
20 his plea. We're going to withdraw that at this
21 time.

22 THE COURT: Which number is that?

23 MR. WALLER: Number four.

24 THE COURT: All right.

25 MR. WALLER: We'd call Kristopher Block.

1 THE COURT: Let me ask the Attorney General.
2 It says return a partial motion to dismiss. What --

3 MS. KINARD: Yes, Your Honor. I'd be happy to
4 address that. I apologize for not doing it. His
5 original application included six allegations. The
6 State interpreted allegations one, two, three, and
7 six, which alleges insufficient evidence claims,
8 which are not valid PCR claims.

9 We also interpreted allegation number four as a
10 complaint regarding a disparity of sentencing
11 between him and the co-defendants. And that was
12 also argued to be not a proper PCR allegation. And
13 then we construed allegation number five to be an
14 allegation of ineffective assistance of counsel.

15 If the Applicant is going forward on any of
16 one, two, three, four, or six, we would maintain our
17 motion to dismiss. And I don't know Mr. Waller's
18 position on that.

19 MR. WALLER: Your Honor, I believe his entire
20 claim is that his attorney failed to investigate the
21 complete allegations against him and failed to
22 properly advise him to enter into the plea. We're
23 certainly not alleging that there was in evidence,
24 but we're going to get into each of those issues,
25 but not -- not on the individual claim, but as a

1 total ineffective assistance of counsel.

2 THE COURT: So under the heading of ineffective
3 assistance?

4 MR. WALLER: Yes, sir, Your Honor.

5 THE COURT: All right. Go ahead.

6 MR. WALLER: We'd call Kristopher Block, Your
7 Honor.

8 THE CLERK: State your full name, please.

9 THE WITNESS: Kristopher Block.

10 KRISTOPHER BLOCK

11 being first duly sworn, testified as follows:

12 THE WITNESS: I do.

13 THE CLERK: Thank you. You can have a seat.

14 DIRECT EXAMINATION

15 BY MR. WALLER:

16 Q. Good morning, Mr. Block. How are you today?

17 A. I'm good.

18 Q. Mr. Block, do you remember when you first got
19 arrested?

20 A. Yes.

21 Q. Okay. What were the charges you were
22 originally arrested for?

23 A. Promoting prostitution of a minor and CSC.

24 Q. Did you later have another charge added to
25 that?

- 1 A. Yes.
- 2 Q. What was that charge?
- 3 A. Trafficking a person.
- 4 Q. Who was your attorney?
- 5 A. At the time, Christian Grant.
- 6 Q. Did you get another attorney later on?
- 7 A. Yes.
- 8 Q. Who was that attorney?
- 9 A. Mr. Bell.
- 10 Q. Taylor Bell?
- 11 A. Yes.
- 12 Q. Was Mr. Bell appointed to represent you?
- 13 A. Yeah, he was appointed.
- 14 Q. And that's because he was a public defender?
- 15 A. Right.
- 16 Q. When did you first meet with Mr. Bell?
- 17 A. I mean, I probably say about three months
- 18 before I pleaded out, three or four months before I
- 19 got pleaded out.
- 20 Q. How many times do you think you met with him?
- 21 A. Two or three.
- 22 Q. If you can recall, and I know it's been a long
- 23 time, what did y'all talk about in your first
- 24 meeting?
- 25 A. I mean, we was waiting on evidence, you know,

1 the motion to come out. That was the first meeting.
2 He was telling me he was my new attorney and he had
3 to get the motion.

4 Q. So the first time you met him, you didn't
5 have -- your discovery motion had not been provided
6 to you; is that right?

7 A. Right.

8 Q. He didn't have a copy either?

9 A. Not yet.

10 Q. Okay. How about the second time you met with
11 him?

12 A. He was getting pieces by pieces.

13 Q. So he didn't get it all in a lump sum, he got
14 it a piece at a time?

15 A. Yes.

16 Q. Do you remember who was prosecuting your case?
17 Was it the Solicitor's Office?

18 A. Originally. And then the Attorney General, I
19 think Heather Weiss.

20 Q. Heather Weiss?

21 A. Heather Weiss, yeah.

22 Q. So the second time y'all met, he didn't have
23 all of your discovery?

24 A. Yeah, he had some.

25 Q. What about the third time?

1 A. Third time, a little more, like phone records.

2 And we was talking about, like, if I plead out.

3 Q. Okay. At any time you met with him, did he
4 have a complete copy of discovery?

5 A. No.

6 Q. Okay. What were some of the things that you
7 knew had been done but you didn't have a copy of
8 yet?

9 A. As in like -- what exactly are you referring
10 to?

11 Q. What do you think was missing?

12 A. Stuff like DNA results and I mean -- what else?

13 Q. How do you know that DNA was done in this case?

14 A. I mean, because in, like, the motion, it says
15 it was taken and they swabbed and did a lot of DNA
16 tests on a lot of stuff. But we never got any
17 results.

18 Q. So you knew it had been taken, but you didn't
19 have the results?

20 A. Right.

21 Q. The victim in this case gave, at least, one
22 statement; is that right?

23 A. Yeah. More than that.

24 Q. Did y'all discuss the statement?

25 A. Not really.

1 Q. Okay. When you say not really, what did you
2 discuss about it?

3 A. We discussed her claim and allegations or
4 whatnot, but we didn't go into it as we should.

5 Q. Okay. When you say you didn't go into it as
6 you should, what do you mean?

7 A. I mean it was about four different statements
8 that just didn't make sense, that contradicted, you
9 know, from, like, the hospital. And then she told
10 the news people some story, like, forcing, you know
11 what I'm saying, in the prostitution thing. And it
12 just ain't made sense.

13 Q. So you thought there was some inconsistencies
14 with her statements?

15 A. A lot of inconsistencies.

16 Q. Did y'all talk about the inconsistencies?

17 A. No, not really. When the Attorney General's
18 Office got it, it was over with.

19 Q. Did y'all talk about any defenses that you
20 might have?

21 A. Not really. I mean, about her statements, we
22 tried to kill her credibility, but not really.

23 Q. So you talked about trying to attack the
24 credibility of the person who have given those
25 statements?

1 A. Right.

2 Q. Did you talk about anything else as far as
3 defenses go?

4 A. No, because he really hadn't been on my case
5 that long.

6 Q. Had you talked about that with your previous
7 attorney?

8 A. Yes, but she didn't stay on it long either.

9 Q. How long from when you got arrested until when
10 you ultimately pled guilty are we talking?

11 A. I pled guilty March of -- about a year and a
12 half -- less than a year and a half.

13 Q. Okay. If you go back to the DNA that was
14 swabbed for a minute, you testified that in your --
15 in discovery that you had, it referenced that DNA
16 was taken from people.

17 A. Right.

18 Q. Okay. Did you and Mr. Bell discuss him trying
19 to get those results?

20 A. No.

21 Q. Did you ask him to get those results?

22 A. I mean, I -- I believe so, because I asked
23 about many things, you know, because the day -- the
24 last time we talked, that's when I had the day of
25 court and I just found out somebody else had the

1 same claims, you know, the co-defendant had went
2 home the day before. And at the time, I really
3 didn't want to plead out. That's how I pled under
4 North Carolina vs. Alford because I was like, oh,
5 no, we'll get DNA, this, that, and the third.

6 Q. I'm going to slow you down just a little bit
7 there and take those one at a time. You said the
8 day you went to court, you still thought you were
9 going to get the DNA results?

10 A. Yeah. I really wanted it then. Yeah.

11 Q. What did you think you were going to court for
12 that day?

13 A. I mean, I knew I was pleading, but when I had
14 found out through somebody else that my co-defendant
15 had went home, I was like, oh, no, I need --
16 basically, I-need-those-results type thing.

17 Q. You had co-defendants in the case; is that
18 right?

19 A. Right.

20 Q. How many did you have?

21 A. Two other ones.

22 Q. Okay. Did you and Mr. Bell discuss your
23 co-defendants?

24 A. No, we didn't. We didn't discuss them until
25 that day of sentencing.

1 Q. Okay. And you had a prior criminal record; is
2 that correct?

3 A. Right.

4 Q. When you went to court and found out your
5 co-defendant had gotten released?

6 A. Right.

7 Q. Okay. You said you thought you were going to
8 get -- you needed the DNA results at that point?

9 A. Yeah. That's when I -- I really ain't want to
10 plead out that day.

11 Q. What changed? Why did you plead?

12 A. Why did I plead?

13 Q. Yes, sir.

14 A. Because I felt like I was by myself, like I
15 ain't had no attorney, like if I go to trial, it
16 would be worse.

17 Q. When were you supposed to go to trial?

18 A. I honestly don't know. Everything started
19 happening so fast. It was really so fast.

20 Q. Okay. What did you ask Mr. Bell to do as far
21 as getting the DNA results?

22 A. I mean, what did I ask him to do? What did I
23 ask him? I really can't remember everything I asked
24 him, but I know I asked for everything --

25 Q. Okay. Well --

1 A. -- as far as DNA, you know, because we had
2 had -- there's a lot of confusion, you know, like
3 the evidence, what they took and what all they
4 swabbed, you know, I asked him about that. And then
5 he showed me a paper a co-defendant said I wrote,
6 but it was two copies. The other copy I never
7 received. But I never wrote it. But if we would
8 have went into that and investigated that, we could
9 have proved I didn't write it.

10 Q. Okay. So there was a statement supposedly
11 written by you?

12 A. Yeah, that said I got the hotel in my name for
13 him.

14 Q. But you say it wasn't written by you?

15 A. No. He showed me one. It was two different
16 papers.

17 Q. When did you find that out?

18 A. That same day when I had him ask about my
19 co-defendant going home.

20 Q. Well, I need to ask you again. So your
21 co-defendant -- you find out your co-defendant is
22 going home, at that point you say I need to get this
23 DNA?

24 A. Right.

25 Q. You also find out there are supposedly

1 statements that you have written that you say you
2 did not write?

3 A. Right.

4 Q. Why did you then plead guilty?

5 A. Why did I then? I ain't have no help. I
6 didn't have no help as far as lawyer-wise. And then
7 the 10 to 15, I was thinking more of my son. And I
8 was like, well, with 10 or 15, worst-case scenario
9 I'll do 12 years and nine months and I'll be out for
10 my son when he's 18. So I went ahead and did it
11 instead of taking a chance.

12 Q. Did you understand the charges against you, the
13 potential penalties?

14 A. As in -- I mean, I knew, you know, 10 to 15 and
15 the GPS and all that.

16 Q. Okay. Had you and Mr. Bell ever kind of
17 developed a strategy of what you were going to
18 challenge or what you weren't going to challenge?

19 A. No.

20 Q. Did y'all ever talk about going to trial?

21 A. Yeah. He just told me he didn't think it was a
22 good idea.

23 Q. Mr. Block, what do you think Mr. Bell did wrong
24 in your case?

25 A. I mean, he failed to investigate a lot of

1 things. You know, her credibility is one thing.
2 Then he rushed -- we rushed into court too fast,
3 that's what went wrong. He didn't have my case a
4 year and I think we had no time to investigate.

5 Q. If he had done that investigation, would you
6 have still pled guilty or would you have gone to
7 trial?

8 A. I think I would have went to trial. I honestly
9 believe I would have went to trial.

10 Q. We mentioned the DNA, we mentioned the
11 statements, we mentioned the statements that you
12 supposedly gave. What else do you think he needed
13 to investigate?

14 A. Okay. Like the sentencing, you know, I go 10
15 to 15, Judge Newman says 15 years; I get to SCDC,
16 they say it's mandatory day-for-day. I never agreed
17 to any of that.

18 Q. What did you -- what was your understanding of
19 what you would end up doing on a 15-year sentence on
20 these charges?

21 A. Eighty-five percent of it, you know, which
22 would be calculated by SCDC.

23 Q. Why did you think you would be doing 85
24 percent?

25 A. I mean, when me and the lawyer talked about it,

1 I was like, I don't want to plead to CSC, I'll take
2 the 10 to 15, I'll just take the trafficking charge.
3 He said, it's the same thing, you might as well take
4 it, worst-case scenario, you know, you'll do the
5 time.

6 Q. When you say the lawyer, who do you mean?

7 A. Taylor Bell.

8 Q. Okay. So you were under the impression that it
9 was an 85-percent offense?

10 A. Right.

11 Q. Okay. Now, why do you think it's not now?

12 A. Well, because when I talked to classification,
13 they telling me it's mandatory sentence. When you
14 look online -- even my classification papers in my
15 folder by SCDC saying it's a day-for-day sentence
16 and the way they got my custody level.

17 Q. Okay. If you had known it was day-for-day,
18 would you have pled guilty?

19 A. I would not. I would have went to trial.

20 Q. Mr. Block, I've asked you all the questions
21 that I have for you. Is there anything else you
22 think I've left out that the Court needs to be aware
23 of about Mr. Bell's representation?

24 A. No, sir.

25 Q. Okay. Please answer any questions Ms. Kinard

1 might have.

2 THE COURT: Ms. Kinard?

3 CROSS-EXAMINATION

4 BY MS. KINARD:

5 Q. Mr. Block, did you ever tell Mr. Bell that you
6 wanted a trial?

7 A. Yes.

8 Q. You did?

9 A. Yes.

10 Q. How early on?

11 A. Well, he only had my case a couple months, so
12 about -- I think about the second or third month --
13 by the second month -- about a month before I
14 pleaded.

15 Q. And did you testify that he didn't talk to you
16 about the potential penalties of these charges?

17 A. As far as mandatory sentencing, we didn't talk
18 nothing about mandatory.

19 Q. Okay. And what do you mean about mandatory?
20 Mandatory minimum?

21 A. Yeah, mandatory day-for-day.

22 Q. Day-for-day. Okay.

23 Now, you talked a lot about getting DNA
24 evidence. What did you think that was going to
25 prove?

1 A. I mean, that basically what she been saying was
2 false, that her statements is coerced and a lot of
3 lies in it, her credibility.

4 Q. Did she allege that you slept with her?

5 A. Yes.

6 Q. Okay. And you felt that the DNA would disprove
7 that?

8 A. Oh, yes, it will. I know it will.

9 Q. Okay. And you provided a DNA swab as part of
10 the investigation?

11 A. They already got it on file, they told me.

12 Q. Okay. You stated you pled because you felt
13 like you didn't have an attorney to help you.

14 A. Right.

15 Q. And you thought it would be worse at trial?

16 A. Yes.

17 Q. Did you provide him the names of any witnesses
18 to investigate?

19 A. I tried to. I told him stores, days of things
20 that happened. And when the girl said she been with
21 me, I was like, well, the mall that day, it can
22 prove I been by myself that whole day, so she
23 couldn't have been held against her will to
24 prostitute because I been other places. I mean, I
25 got pictures in my sister's phone and other phones.

1 I been with my son, you know, on certain days that
2 she say all this been going on. So, yeah, I said
3 that.

4 Q. You told him that. Did you give him contact
5 information?

6 A. Yes. He talked to my mother on the regular.
7 And she's out there (indicating).

8 Q. So he talked to your witnesses. Did he let you
9 know what happened?

10 A. Well, when the Attorney General's Office picked
11 up the case, he was really not trying to go to
12 trial. He thought the 10 to 15 would have been the
13 best way out. So, you know, trusted the lawyer, not
14 knowing no better.

15 Q. So he advised you that he felt that was in your
16 best interest was to plead?

17 A. Yes.

18 Q. Do you know what you were facing if you went to
19 trial?

20 A. Sixty years.

21 Q. Sixty years. Did you feel like you were
22 getting a good deal when you pled?

23 A. At first.

24 Q. At first. And you said you felt like Mr. Bell
25 rushed into court?

1 A. Right.

2 Q. Do you believe he asked for your plea to be
3 placed on the docket?

4 A. Yes, I do.

5 Q. All right. I have no further questions. Thank
6 you.

7 MR. WALLER: Just brief redirect, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. WALLER:

10 Q. Mr. Block, you actually, during your plea, told
11 the Court you did not agree with the victim's
12 statement; is that right?

13 A. Right.

14 Q. Okay.

15 MR. WALLER: Nothing further, Your Honor.

16 That's the Applicant's case.

17 THE COURT: You may come down. Thank you.

18 MS. KINARD: The State calls Taylor Bell.

19 THE CLERK: State your full name, please.

20 THE WITNESS: Taylor Bell.

21 TAYLOR BELL

22 being first duly sworn, testified as follows:

23 THE WITNESS: I do.

24 THE CLERK: Thank you. Have a seat.

25

DIRECT EXAMINATION

1

2 BY MS. KINARD:

2

3

Q. Thank you for being here, Mr. Bell.

4

A. Yes. No problem.

5

Q. How long have you been practicing law?

6

A. 2011 is when I was sworn in.

7

Q. Have you been with the public defender's office

8

the whole time?

9

A. I have.

10

Q. And so you were appointed to this case; is that

11

correct?

12

A. I was. It was -- Christian Grant left our

13

office -- well, she left our office subsequent to

14

this. But she left our office and this case was

15

assigned to me.

16

Q. Did you or your office file a Rule 5 or

17

discovery motion?

18

A. Initially one was filed by Christian Grant with

19

the Solicitor's Office. I then -- once I learned

20

that it was transferred to the Attorney General's

21

Office, I filed a Rule 5 with the Attorney General's

22

Office.

23

Q. How was discovery received? Was it in lumps,

24

different sections at a time?

25

A. It was.

1 Q. Do you feel like anything was missing from the
2 discovery you received?

3 A. The -- there were things that were not
4 provided, yes. But I had discussions about those
5 items with Mr. Block, specifically the DNA results.

6 Q. Did you hear him testify about how he wished he
7 had those?

8 A. I did hear that testimony, yes.

9 Q. Can you tell me some more about your
10 discussions with him about the DNA results and the
11 importance of those or lack of importance?

12 A. Yes, I did. From the get-go, Mr. Block, his
13 objective was to get out of Richland County as quick
14 as possible. I think I did file a motion to
15 reinstate bond after he had maxed out his time on
16 the resisting charge, which was holding him there.
17 I filed the motion to reinstate his bond because he
18 served the maximum amount of time for the resisting
19 arrest charge and they could no longer be bond
20 revoked on that because there was no valid bond on
21 that.

22 I filed that motion and, you know, I then got
23 word from the Attorney General's Office that they
24 were wanting to make a plea offer. And Mr. Block,
25 the entire time, his demeanor was he didn't want to

1 go to trial, it was he wanted me to get the best
2 possible plea offer in the case.

3 We did discuss the DNA that was swabbed and
4 that I had not gotten results. And we discussed
5 that at trial, if that were the case -- a lot of the
6 items were some stains on some doors, they were some
7 cups, I believe, from McDonald's, some other, I
8 think, clothing items from inside the hotel room.
9 There were a few -- there were several list of items
10 in there.

11 Q. Those were items that were swabbed to compare?

12 A. Yes, they were. And we discussed whether or
13 not we actually wanted to -- in cases, not always
14 does the prosecution run tests on these items. They
15 swab a lot of things. Sometimes they run tests,
16 sometimes they don't. Sometimes they pick and
17 choose which tests they run. And I've seen it
18 sometimes to be advantageous if they haven't run
19 tests on items because then you knock the
20 credibility of their case; well, you collected it,
21 you didn't test that, you don't have results here
22 for us in front of a jury. And we did discuss that
23 during my representation of him.

24 His -- his belief was that he wanted to get
25 this over with as soon as possible, get out of

1 Richland County, to go on to SCDC. So he wanted me
2 to work out a plea. And I was able to get them to
3 come up with a range of 10 to 15 in this case.

4 Q. Did you feel like that was a good range, a good
5 deal?

6 A. I did. The trafficking persons is zero to 15
7 on just trafficking persons. If it involves a
8 minor, it's an additional zero to 15. And then the
9 CSC, because he has a prior, under the statute, it
10 becomes CSC first with a minor, which is 10 to 30.
11 So we're at the mandatory minimum of 10, obviously,
12 and then a cap of 15 on that. You know, given the
13 prior, I thought that was a good cap in his
14 situation.

15 Q. Okay. Did you discuss the elements of these
16 charges with Mr. Block?

17 A. I did.

18 Q. Do you believe Ms. Grant did as well?

19 A. To be honest, I don't know what she did. I'm
20 not here to judge her abilities.

21 Q. To better phrase that question, did you file
22 anything in the file about discussions she may have
23 had with Mr. Block?

24 A. I did. I did.

25 Q. Was it the basic introductory things, talking

1 about the charges, elements, things like that?

2 A. Basic, yeah. She did do a few things in the
3 case, some that I may have not done. But she did a
4 few things.

5 Q. Did Mr. Block provide you information with any
6 potential leads or witnesses?

7 A. Not that I recall of any potential witnesses.
8 No, not that I recall. I do remember speaking with
9 his mother, as he mentioned, on the phone several
10 times, but he never was able to provide me with any
11 type of alibi, that he-wasn't-there situation.

12 Q. Did you hear his testimony that he told you
13 about photos of him with his son that his sister may
14 have or video from the stores at the mall that might
15 be an alibi?

16 A. I don't recall that. If he would have, I would
17 have looked it up.

18 Q. It would have been your practice to follow
19 through?

20 A. It would have.

21 Q. So is it safe to say you didn't develop
22 anything useful from those?

23 A. I would assume, but that's just me assuming.

24 Q. Did Mr. Block express to you the day of his
25 plea that he wanted his DNA results before he pled?

- 1 A. No, he didn't.
- 2 Q. Did he express to you that he found out his
3 co-defendant went home or got out and that that
4 concerned him?
- 5 A. No, he did not.
- 6 Q. Did he talk to you about the paper that his
7 co-defendant said he wrote?
- 8 A. Yes, I have copies of that. I had discussions
9 with him about those letters. They were two
10 letters, two different letters. I looked through
11 the file briefly and I did see those.
- 12 Q. Okay. Do you think those would have been
13 harmful at trial?
- 14 A. I do.
- 15 Q. What is your assessment of the likelihood of
16 him prevailing at trial?
- 17 A. I mean, I can't put a percentage on it. But I
18 think it was in his best interest to plead guilty.
- 19 Q. And before he pled guilty, did you go over the
20 rights that he was waiving?
- 21 A. I did.
- 22 Q. Such as to a jury trial, to confront accusers
23 and to remain silent?
- 24 A. Yes.
- 25 Q. Did he understand that?

1 A. He appeared to.

2 Q. Did you ever have any issues communicating with
3 Mr. Block?

4 A. I didn't.

5 Q. You felt he asked intelligent and pertinent
6 questions?

7 A. For the most part. Some were not necessarily
8 relevant to the case, but for the most part, yes.

9 Q. He seemed to feel comfortable communicating
10 with you about any concerns he had?

11 A. Yes, ma'am.

12 Q. Did he ever express any concerns about his own
13 mental health to you?

14 A. So Ms. Grant had an evaluation done of
15 Mr. Block, which I probably would not have done
16 because I didn't see any competency issues. But
17 there was an evaluation done by Jeffrey Key who does
18 sexual deviancy evaluations and forensic
19 psychological evaluations. Given his prior
20 conviction, I likely would not have had one done.
21 And one was done and it was not beneficial for our
22 case.

23 Q. But you saw no competency issues yourself. And
24 did the evaluation cause you to question his ability
25 to stand trial?

1 A. No, it did not.

2 Q. My last questions are about your investigation.
3 Most of Mr. Block's allegations are about your
4 failure -- alleged failure to investigate. Do you
5 believe you conducted a thorough investigation in
6 this matter?

7 A. I do.

8 Q. You believe you conducted -- you looked into
9 everything that was necessary and relevant in order
10 to support him?

11 A. I did. And, again, the DNA, if he would have
12 been dead-set on wanting a trial, maybe I would have
13 talked to him a little more about that. But we
14 discussed it and we discussed the lack thereof being
15 there at trial could benefit us. But he was more
16 dead-set on getting out of Richland County and
17 wanting a plea as soon as possible was his mindset
18 after the motion to reinstate bond.

19 He was given somewhere around a \$200,000 surety
20 bond, something that he couldn't make. And after he
21 was given that bond, I think he had the belief that
22 he was going to get out after bond was reinstated.
23 And then bond was set on the new directly presented
24 human trafficking of persons charge. And once that
25 was set, he was more I want out of here, let's get

1 this worked out and get me out of here. And that
2 was his mindset, in my opinion, and how I took the
3 communications between us.

4 Q. You stated in the trial that -- excuse me, the
5 plea, that he accepted responsibility from the
6 beginning.

7 A. He did.

8 Q. He did? And that's still your memory and your
9 recollection?

10 A. Yeah. I mean, he -- you know, he did. He was
11 wanting to get this case done and over with pretty
12 much from the beginning of my representation.

13 Q. My last questions are regarding the Alford
14 plea. How did the idea of an Alford plea come up?

15 A. Well, he accepted the responsibility for the
16 prostitution of the minor from the get-go, which was
17 the trafficking of persons, that he was advertising
18 her on Backpage or one of those -- I can't recall if
19 it was Backpage or another type of online internet
20 marketplace.

21 The Attorney General's Office was not willing
22 to come off of the CSC with a minor charge. He was
23 already on the sex offender registry prior to this
24 arrest out of, I think, some charges out of North
25 Carolina. And that was -- trafficking of persons

1 requires a registry as well as the CSC. And we came
2 to the agreement that, you know, he'll admit to the
3 trafficking of persons, but he's not going to
4 dead-set say that he slept with her.

5 There were videos on cell phones of her dancing
6 on him in the records and T-shirts were the same as
7 the T-shirts she was wearing in the nude photos that
8 were posted of her on Craigslist or Backpage. I
9 don't recall which one. But we compared and that
10 was one of the shirts that was collected.

11 And we discussed the evidence and whether or
12 not if we went to trial about whether or not he
13 would be found guilty and the likelihood of it and
14 we discussed that. And he was okay with the
15 Alford-type plea in that situation, given what I
16 discussed and the evidence they'd likely present
17 against him and what they wouldn't present against
18 him.

19 And, again, if this had gone to trial, if he
20 had wanted one, do I think he would have gotten a
21 15-year sentence? No. So it was my -- I advised
22 him this was a reasonable plea offer and could be in
23 his best interest if he accepted it, but it was
24 ultimately his decision.

25 Q. And it was ultimately his decision?

1 A. It was.

2 Q. Those are all the questions I have. Do you
3 have anything else you'd like the Court to know
4 about your representation?

5 A. No.

6 MS. KINARD: Thank you.

7 MR. WALLER: Just briefly.

8 CROSS-EXAMINATION

9 BY MR. WALLER:

10 Q. Mr. Bell, you testified the DNA results,
11 sometimes they pick and choose?

12 A. They do.

13 Q. And that you like that at trial because you can
14 point to the stuff they didn't test and say, well,
15 they didn't even test this?

16 A. Every case is different. And sometimes they
17 pick and choose what they test, sometimes they don't
18 test anything they swab. Sometimes I do want to
19 force them to test certain items and then I have to
20 file motions because I'm not the testing agency.
21 You know, SLED or Richland County here, given the
22 circuit, is the most testing agencies. You know,
23 I've done that in cases, I've not done that in
24 cases.

25 Q. In this situation, they didn't pick and choose,

1 they just hadn't tested anything?

2 A. No, they didn't.

3 Q. Would the results, either way, would that have
4 changed your strategy? If they had come back with
5 Mr. Block's DNA on some of the cups or some of the
6 other items or if there had been no DNA at this
7 point whatsoever, would that have changed your
8 strategy?

9 A. Well, Mr. Block never disputed being at the
10 hotel, so if it had come back as, you know, his DNA
11 on some items, it might not have been as -- it might
12 not have raised as many questions, then I would have
13 been able to raise, during cross-examination, about,
14 you know, other people maybe having been in there.
15 That's a strategy call that I think we discussed
16 during our review of discovery and everything.

17 Q. He disputed the CSC charge though; is that
18 correct?

19 A. That's correct.

20 Q. And the only evidence of that was her
21 statements; is that right?

22 A. And videos of her dancing, cell phone videos on
23 top of him in footage. And it was pretty clearly
24 the same individual that was in the postings.

25 Q. Would those videos alone have been enough to

1 support a CSC charge?

2 A. Well, they were corroborating her story and
3 they were pretty sexually suggestive video dancing.
4 So I think it could have, yes. Would it say that
5 there was DNA inside her vagina, no, that's not what
6 it would say, but the manner of the dancing was --
7 it was strip club dancing.

8 Q. Did he give a statement in this case to law
9 enforcement?

10 A. You know, I don't remember off the top of my
11 head. I'd have to look.

12 Q. If he had, would y'all have discussed it?

13 A. We would have.

14 Q. Did you have any discussions with him about the
15 amount of time he would have to serve on a sentence
16 of a particular number of years?

17 A. Yes. Nonviolent offense, generally 55, 65
18 percent; violent offense, 85 percent with release on
19 community supervision. And in all technicality, the
20 human trafficking is actually a nonviolent offense,
21 they're zero to 15, zero to 15. Those are both
22 nonviolent -- they must be run concurrently with
23 each other, both nonviolent offenses though. The
24 CSC was a violent offense and it's 85 percent.

25 Q. So that's what you would have advised him?

1 A. Yes. Actually, the only two charges that I
2 know that are day-for-day is murder charge as well
3 as failure to register as a sex offender second
4 offense, which is 366 days, day-for-day.

5 MR. WALLER: I beg the Court's indulgence.

6 Nothing further, Your Honor. Thank you.

7 THE COURT: Anything further?

8 MS. KINARD: No, Your Honor.

9 THE COURT: You may come down. May this
10 witness be excused?

11 MS. KINARD: Yes, Your Honor.

12 MR. WALLER: Yes, Your Honor.

13 THE COURT: Without objection, you're free to
14 go. Thank you.

15 MR. KINARD: That's the State's case, Your
16 Honor.

17 THE COURT: All right. 30 days.

18 MR. WALLER: Thank you, Your Honor.

19 MS. KINARD: Thank you, Your Honor.

20 -- END OF TRANSCRIPT OF RECORD --

21

22

23

24

25

C E R T I F I C A T E

1
2
3 STATE OF SOUTH CAROLINA
4 COUNTY OF LEXINGTON
5

6 I, the undersigned, Bethanie K. Creppon, Circuit
7 Court Reporter for the Second Judicial Circuit of
8 the State of South Carolina, do hereby certify that
9 the foregoing is a true, accurate and complete
10 transcript of record of all the proceedings had and
11 the evidence introduced in the hearing of the
12 captioned cause, relative to appeal in the Circuit
13 Court for Richland County, South Carolina, on the
14 21st of July, 2017.

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

18 March 19, 2018
19

20 s/Bethanie K. Creppon

21 Bethanie K. Creppon
22 Circuit Court Reporter
23
24
25

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
 Kristopher Block, SCDC #355461,)
 Applicant,)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2016-CP-40-01511

ORDER OF DISMISSAL

2018 APR 18 PM 2:55

This matter comes before the Court by way of an application for post-conviction relief filed on March 6, 2016, and amended on July 10, 2017, filed by Kristopher Block (Applicant). The State (Respondent) made its return on December 16, 2016. An evidentiary hearing into the matter was convened on July 21, 2017, at the Richland County Courthouse. Applicant was present at the hearing and represented by Jonathan D. Waller, Esquire. Jessica E. Kinard, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Applicant and his plea counsel, Taylor Bell (counsel), testified at the hearing. The Court had before it a copy of the plea transcript, the records of the Richland County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the pleadings in this action. After reviewing the record and evidence presented at the evidentiary hearing, this Court finds Applicant has failed to meet his requisite burden of proof and denies this application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. During its July 2015 term, the Richland County Grand Jury indicted Applicant for first-degree criminal sexual conduct with a

minor (2015-GS-40-3737). Subsequently, during its December 2015 term, the Richland County Grand Jury indicted Applicant for trafficking in persons-victim under 18 (2015-GS-40-6990). Taylor Bell, Esquire, represented Applicant. Senior Assistant Deputy Attorney General Heather S. Weise of the South Carolina Attorney General's Office prosecuted the case.

On January 12, 2016, Applicant appeared in the Richland County Court of General Sessions before the Honorable Clifton D. Newman, circuit court judge, where he pled guilty as indicted to trafficking in persons-victim under 18 and guilty pursuant to North Carolina v. Alford¹ to first-degree criminal sexual conduct with a minor. Pursuant to negotiations between Applicant and the State for concurrent sentence between ten to fifteen years imprisonment, Judge Newman sentenced Applicant to fifteen years' imprisonment for both offenses with the sentences to be served concurrently. Judge Newman also ordered that Applicant be subject to lifetime sex offender registry, lifetime GPS monitoring, and have no contact with the victim or victim's family. Applicant did not appeal his conviction or sentences.

SUMMARY OF GUILTY PLEA PROCEEDING

At the guilty plea proceeding, Applicant informed the court that he wanted to plead guilty to trafficking in persons-victim under 18 and was guilty of this offense, stating he promoted prostitution of a person under 18. Applicant then informed the court he wanted to plead guilty pursuant to Alford to first-degree criminal sexual conduct with a minor and that he understood this would mean the court would find him guilty based on a showing by the State. Applicant informed the court he understood his constitutional rights to proceed to trial and require the State to prove his guilt beyond a reasonable doubt, to present a defense, and to remain silent, and that he wanted to waive these rights to enter a guilty plea. He stated he had not been made any other promises beyond the negotiations he entered into with the State. Applicant informed the court he

¹ North Carolina v. Alford, 400 U.S. 25 (1970)

was satisfied with the services of counsel and had not been mistreated by law enforcement, the State, or anyone else involved with his case. Applicant informed the court he fully understood the nature of the charges and possible punishments he was facing.

The State presented the following facts in support of both convictions:

These incidents occurred on or about December 4th, 2014, at the Days Inn on Park Lane Road, which is in Richland County. That was the day that the victim was located. The victim had been missing and reported missing by her mother . . .

The victim is 14 years old and had gotten mad at her mom, left the home in the middle of the night. Contacted someone she knew from school and was headed out and ended up in the middle of something totally different from what she ever could have expected. She ended up over in the Park Lane Road area, got with some people that she thought were being friendly, hung out with them. She was spending time with them and that's where she came in contact with Kristopher Block as well as one of the other codefendants, Devonte Maze-Wise, who is still charged with these same offenses, Your Honor.

She was talking to them. They went over to the Days Inn. At some point, the third codefendant in this case, who was Jim Stevenson, came up. She didn't know who he was. This Defendant went over to the car, talked to him and Stevenson went inside the Days Inn and paid for the room that Mr. Block, Mr. Maze-Wise, Mr. Stevenson and the victim all went up to. Mr. Stevenson stayed there for a little while and then he left.

After he left, then Mr. Block had sex with the victim . . . According to the victim, he had sex with the victim and then he took pictures of her with his cell phone. Posted those pictures and advertised her for sale to other men. At that time, other men came to the door. She said that she ended up having sex with three black males and one white male who responded to the ad. She was advertised on Craig's List. She showed a Craig's List ad where he had posted her. And when she initially indicated she didn't want to participate, he hit her and told her she was going to take off her clothes. And that's when everything began. She wanted to leave and that was not an option until she had made some money.

She was able -- so basically, Mr. Block indicated it was time -- they were going to go to a different hotel to try to get some more

1. Counsel was ineffective for failing to properly advise Applicant that his sentence would be served day for day. Counsel specifically told Applicant and others that his sentence was not day for day.
2. Counsel was ineffective for failing to procure results of DNA testing as a potential defense.

the following reasons:

In his amended application, Applicant alleged he is being held in custody unlawfully for

ALLEGATIONS

Counsel presented mitigation on Applicant's behalf, including informing the court that Applicant was apologizing for his actions and was accepting responsibility by entering this guilty plea. Applicant then apologized to the victim and her family. The court then sentenced Applicant in accordance with the plea negotiations to a term of imprisonment for fifteen years.

his guilty plea.

Applicant disputed that he knew the victim's age, but otherwise agreed with the facts as presented by the State. Applicant's prior record included North Carolina convictions for indecent liberties with a child, which resulted in him being placed on the sex offender registry. The court reviewed the possible punishments for each offense and the classifications, and Applicant confirmed he knew the penalties and classifications for each. Applicant asked the court to accept

He gave -- he did confess -- he did not confess to having intercourse with her, but he did confess to being a part of advertising her for sale, being part of the prostitution. He claimed he did not know how old she was; however, one, that doesn't matter, and two, the victim indicates that she told him how old she was, that this was not something she wanted to participate in.

clients. He walked out of the hotel with her, at which time, law enforcement had been able to locate her due to some information they had got from her mom. They were able to locate her and saw her as she was walking out with Mr. Block. They got her, separated her from Mr. Block and were able to detain him.

3. Counsel was ineffective for failing to conduct a complete and thorough investigation into the full facts and circumstances of Applicant's case.
4. Counsel was ineffective for failing to ensure that the plea agreement was followed in that Applicant pled guilty on the condition that other pending charges would be dismissed. Upon information and belief, those charges are still pending and have not been dismissed, causing Applicant's custody status within the Department of Corrections to be negatively impacted.

Allegation (4) was withdrawn at the start of the hearing. (PCR Tr. 5)

SUMMARY OF TESTIMONY FROM EVIDENTIARY HEARING

At the evidentiary hearing, Applicant testified on his own behalf. Applicant testified he was originally charged with promoting prostitution and criminal sexual conduct with a minor when arrested. He testified he was later charged with trafficking in persons-victim under 18. He testified he was originally represented by another public defender before counsel Taylor Bell was appointed. He testified he first met counsel three to four months before his plea and met with him a total of two to three times. Applicant testified counsel spoke with his mother on a regular basis. He testified the first meeting was before he or counsel had any discovery. He testified his case was originally prosecuted by the solicitor's office, but was eventually handled by the Attorney General's Office.

Applicant testified counsel had received some discovery material by the second time they met, but never provided him with a complete copy of all materials. He testified he believes results from DNA testing were missing from his discovery materials and he thinks he asked counsel to try to obtain these. He testified he wanted to review the DNA results to disprove the allegation that he had sexual intercourse with the victim. He testified the victim gave statements and he did not "really" discuss these statements with counsel. He elaborated they discussed the

GLS

victim's claims and allegations, but they "didn't go into it as [they] should." He stated the victim's statements were conflicting and did not make sense to him. He testified he and counsel discussed highlighting these inconsistencies as a defense, but they did not discuss any other possible defenses. He testified he pled guilty less than a year-and-a-half after he was arrested.

Applicant testified he had two other co-defendants, but he did not discuss them with counsel until the day of his plea. He testified he learned one of his co-defendants had been released. Applicant testified he wanted to proceed to trial, but elected to plead guilty because he felt like he did not have an attorney and it would "be worse" if he went to trial. He testified he told counsel early in his representation that he wanted to proceed to trial. He testified he pled guilty because he wanted to accept the State's plea offer for ten to fifteen years imprisonment so he could be released from imprisonment by the time his son was 18 years old. He testified he understood the terms of the plea agreement, including the sentencing range and GPS monitoring. He testified counsel advised him to plead guilty because a trial was not a good idea. He testified he pled guilty because he trusted his counsel and he thought the negotiated term was preferable to the sixty years he was facing if convicted at trial.

He testified he was shown a statement that he allegedly wrote, but he denied writing it and wanted counsel to investigate the statement. He testified he thinks counsel should have investigated more, including credibility issues with the victim, and he feels counsel rushed him to enter a guilty plea. He testified he believes he would not have pled guilty had counsel properly investigated his case. He testified counsel should have reviewed store surveillance footage, his sister's phone, and other phones to establish he was not with the victim. Applicant testified he was also misadvised about parole or early release eligibility, stating he thought he would have to serve eighty-five percent of his sentences, not day-for-day. Applicant testified he has since been



advised by the Department of Corrections that he will have to serve his sentence day-for-day and that he would not have pled guilty if he had known this.

Counsel testified next. He testified he was appointed to represent Applicant while employed at the Richland County Public Defender's office following Applicant's original counsel departing the public defender's office. Counsel testified he filed the appropriate discovery motions with the Attorney General's Office and received discovery materials. He testified the discovery did not contain DNA results, which he discussed with Applicant. He testified he reviewed the list of items that had been swabbed for DNA by law enforcement, as well as explained to Applicant that the State may not have tested every swab, which he could use to his benefit on cross-examination if Applicant wanted to proceed to trial. He acknowledged that in this case, the State had not tested any of the swabs by the time Applicant entered his guilty plea. He testified Applicant never stated he did not want to enter his guilty plea without reviewing the DNA results. He also testified that Applicant never denied being at the hotel with the victim, so he did not feel the DNA results from the collected swabs was critical to Applicant's decision to plead guilty. He testified there were also videos of the victim dancing provocatively on Applicant.

Counsel testified that Applicant never wanted to proceed to trial, but rather, his primary concern was negotiating the best possible plea offer and getting out of Richland County and on to SCDC as soon as possible. Counsel testified he was able to negotiate a sentence of ten to fifteen years imprisonment with the State, which he believed was a favorable plea offer based on the mandatory ten years up to sixty years that Applicant was facing if convicted at trial. He testified he discussed the elements of the charged offense with Applicant. Counsel testified Applicant did not give him any potential leads or witnesses to investigate and Applicant never

told him he was not present or had an alibi. He testified he did not recall Applicant asking him to look at his sister's phone or store surveillance video to account for his whereabouts, and if Applicant had asked him to do so, he would have. He testified he thinks he did a thorough investigation.

He testified he spoke with Applicant's mother by phone several times. He testified it was in Applicant's best interest to plead guilty. He testified he never had any communication issues with Applicant and Applicant expressed any concerns to him well. He testified he never had competency concerns about Applicant. Counsel testified Applicant's first public defender had him evaluated for sexual deviancy and forensic psychology and the results were not beneficial to Applicant. He testified Applicant wanted to plead guilty pursuant to Alford for the criminal sexual conduct with a minor charge because he acknowledged there was enough evidence to convict him but did not want to admit to having sexual intercourse with the victim. He testified it was solely Applicant's decision to plead guilty.

Counsel testified he advised Applicant that he would likely have to serve eighty-five percent of his sentence before being eligible for any type of early release because of the classification of the first-degree criminal sexual conduct with a minor offense.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the evidentiary hearing. The Court has further had the opportunity to observe the witnesses who testified at the hearing, and to closely pass upon their credibility. The Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80.

Ineffective Assistance of Counsel

The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008).

In a post-conviction relief action, an 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 [it] cannot be relied upon as having produced a just result." Strickland, 466 U.S. 668; Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, an applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have

been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

Based on the foregoing, this Court finds as below to each specific allegation of ineffective assistance of counsel:

Allegation: Failure to properly advise Applicant that his sentence would have to be served day-for-day

Applicant alleges trial counsel improperly advised him that he would be eligible for early release after serving eighty-five percent of his sentence. However, he asserts SCDC has advised him that he is now required to serve his sentence day-for-day and that he is not eligible for early release.² Counsel testified he advised Applicant he would be required to serve eighty-five percent of his sentence before being eligible for any early release. This Court finds Counsel properly advised Applicant, as he is eligible for early release after serving at least eighty-five percent of his sentence.

Applicant pled guilty to trafficking persons pursuant to S.C. Code Ann. § 16-3-2020, which reads in pertinent part:

A) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons.

...

(C) For a first offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years.

² Applicant presented no evidence or testimony from anyone at SCDC to support this assertion.

Cherry

....

(F) If the victim of an offense contained in this section is under the age of eighteen, an additional term of fifteen years may be imposed in addition and must be consecutive to the penalty prescribed for a violation of this section.

S.C. Code Ann. § 16-3-2020. Pursuant to the plea agreement entered into between Applicant and the State, Applicant was not sentenced the permissive additional consecutive term as proscribed in section (F). Trafficking in persons is a class D felony (S.C. Code Ann. § 16-1-90), and therefore is not a no-parole offense as set forth in S.C. Code Ann. § 24-13-100.

Applicant also pled guilty to first-degree criminal sexual conduct within a minor pursuant to S.C. Code § 16-3-655(A)(2) because the victim was under 16 years of age and he had a prior conviction requiring him to be placed on the sex offender registry. First-degree criminal sexual conduct with a minor is a no-parole offense as set forth in S.C. Code Ann. § 24-13-100. Therefore, Applicant must serve eighty-five percent of his sentence before being eligible for any form of release. S.C. Code Ann. § 24-13-150.

Therefore, Applicant is eligible for release after serving at least eighty-five percent of his sentence and counsel properly advised him. Counsel's performance was not deficient and this allegation is denied and dismissed.

Allegation: Failure to procure results of DNA testing as a potential defense

Applicant alleges counsel was ineffective for advising him to plead guilty without procuring the DNA results for various items or areas swabbed by law enforcement during the course of the investigation. Applicant testified he asked counsel to obtain these results prior to his guilty plea, but counsel failed to do so. Applicant did not present any evidence to show what the DNA testing would have established.

In response to this allegation, counsel testified none of the DNA swabs had been tested prior to Applicant's guilty plea, and he explained this to Applicant and how it could be used to his benefit at trial. He testified Applicant never told him he did not want to plead guilty without reviewing the DNA results, but rather, was interested in counsel securing him a favorable plea deal as quickly as possible so he could leave Richland County and get to SCDC to serve his sentence. Additionally, counsel also testified that Applicant never denied being at the hotel with the victim, so he did not feel the DNA results from the collected swabs was critical to Applicant's decision to plead guilty.

This Court finds Counsel's testimony as to this allegation is credible and should be afforded great weight and finds Applicant's testimony as to this allegation lacks credibility. Moreover, Applicant failed to present any evidence to show what potential benefit could have been realized from the DNA results. See Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995) (applicant's allegations and mere speculation, will not support a finding of prejudice when applicant claims counsel was ineffective for failing to investigate witnesses; instead, applicant must show the results of an investigation would have resulted in a different outcome at trial). Therefore, this Court finds this allegation must be denied and dismissed with prejudice.

Allegation: Failure to conduct a complete and thorough investigation into the full facts and circumstances of Applicant's case.

Applicant alleges counsel was ineffective for failing to fully investigate his case. At the hearing, Applicant testified he wanted counsel to retrieve video footage and pictures from stores and his sister's cell phone to establish he was not with the victim on the day of the offenses were committed. Applicant did not present any photographs, videos, or additional witnesses to support this allegation.

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Counsel refuted these claims and testified Applicant did not give him any potential leads or witnesses to investigate and Applicant never purported to have an alibi to him. He testified he did not recall Applicant asking him to look at his sister's phone or store surveillance video to account for his whereabouts, and if Applicant had asked him to do so, he would have.

This Court finds Counsel's testimony as to this allegation is credible and should be afforded great weight and finds Applicant's testimony as to this allegation lacks credibility. Moreover, Applicant failed to present any evidence to show what potential benefit could have been realized from additional investigation. See Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) (finding applicant failed to meet his burden of proof for his claim of ineffective assistance of counsel for failure to conduct an independent investigation where the allegation is supported only by mere speculation as to result). Therefore, this Court finds this allegation is denied and dismissed with prejudice.

CONCLUSION

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

This Court notes Applicant must file and serve a notice of appeal within thirty days from PCR 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, PCR 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.

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IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant will remain remanded to the custody of the Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 12 day of April, 2018.



G. THOMAS COOPER, JR.
Presiding Judge
Fifth Judicial Circuit

Claude, South Carolina

WITNESSES

(S) Holly Wagner
- Richland County Sheriff

DOCKET NO. 2015-GS-40-03737

The State of South Carolina
County of Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Kristopher Block

hereby appear in my own proper person and plead guilty to the within indictment or to

COURT OF GENERAL SESSIONS

AG
150

JULY TERM 2015

ARREST WARRANT NUMBER

2014A4010204235

[Signature]
Defendant

THE STATE
vs.

Witness

Kristopher Micheal Block

G.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

Deavrin Gardner
Foreperson of Grand Jury
Date: JUL 16 2015

VERDICT

Indictment for
CRIMINAL SEXUAL CONDUCT WITH
MINOR - VICTIM UNDER 16 YEARS OF
AGE

SC Code: 16-03-0655(A)(2)
CDR Code: 3022

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jacquette W. M. [Signature]
C.C.C.P&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Foreperson of Petit Jury
Date:

WITNESSES

HOLLY WAGNER, RCSD

ARREST WARRANT NUMBER

DP15330
Direct Presentment

ACTION OF GRAND JURY

TRUE BILL

[Signature]

Foreperson of Grand Jury

Date: DEC 15 2015

VERDICT

Foreperson of Petit Jury

Date:

Docket Number 2015-GS-40- 06990

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

DECEMBER ~~TERM~~ 2015

THE STATE

vs.

KRISTOPHER BLOCK

DEFENDANT

Indictment for

Trafficking in Persons, Victim Under 18

SC Code: 16-3-2020(A),(F)

CDR Code: 3680

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, Kristopher Block

hereby appear in my own proper person and plead guilty to the within indictment or to

x *[Signature]*
Defendant

Witness: CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeanette W. M. Brude
C.C.C.P.&G.S.

C.C.C. Pls. And ¹⁶ RICHLAND COUNTY
SOUTH CAROLINA

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeanette W. M. Brude
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL
SESSIONS


INDICTMENT

At a Court of General Sessions, convened on DECEMBER 15, 2015 the Grand Jurors of Richland County present upon their oath:

TRAFFICKING IN PERSONS UNDER THE AGE OF 18

On or about December 2014, the Defendant, Kristopher Block, did in Richland County commit trafficking in persons by recruiting, enticing, soliciting, isolating, harboring, transporting, providing, or obtaining, or so attempting, the victim, [redacted], who was under the age of 18, knowing that the victim would be subjected to sex trafficking and/or for the purposes of sex trafficking and/or benefitted financially or by receiving anything of value, from participation in a venture which has engaged in sex trafficking in violation of §16-3-2020(A),(F), Code of Laws of South Carolina, (1976), as amended.

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


ALAN WILSON (hsw)
SOUTH CAROLINA ATTORNEY GENERAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Richland

STATE

VS.

INDICTMENT/CASE#: 2015-GS-40-03737

Kristopher Block

A/W#: 2014A4010204235

AKA:

Date of Offense: 12/04/2014

Race: B Sex: M Age: 23

S.C. Code §: 16-03-0655(A)(2)

DOB:

CDR Code #: 3022

Address:

City, State, Zip:

DL#

SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Criminal Sexual Conduct With Minor, Victim Under 16 Years of Age

First Degree prior

In violation of § 16-03-0655(A)(2) of the S.C. Code of Laws, bearing CDR Code # 3022

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s Initials)

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

ATTEST:

Heather S. Weir 16700
Assistant Deputy Attorney General SC Bar #

[Signature] 10-15 years
Attorney for Defendant SC Bar # 100022

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2015-GS-40-06990
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. (405 days credit)

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

*Fine:		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Clerk of Court/Deputy Clerk: *Jeannette M. McBride*
Court Reporter: *Nalmes*

PTUP
days/hours Public Service Employment
CERTIFIED TRUE COPY OF ORIGINAL FILED,
Jeannette M. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY SOUTH CAROLINA

Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ Beginning \$ Paid to Public Defender Fund

Other: *No contact with victim or victims family.*

Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge: *[Signature]*
Judge Code: 2129
Sentence Date: *Jan 12, 2016*
JANUARY 12, 2016

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Richland

STATE

VS.

INDICTMENT/CASE#: 2015-GS-40 - 06990

Kristopher Block

AW#: DP15330

AKA:

Date of Offense: 12/04/2014

Race: B

Sex: M

Age: 23

S.C. Code §: 16-03-2020(A),(F)

DOB:

SS#:

CDR Code #: 3680

Address:

City, State, Zip:

DL#

SID#

*CDL Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or PLEADS

TO: Trafficking in Persons, Victim Under 18

In violation of § 16-3-2020(A),(F) of the S.C. Code of Laws, bearing CDR Code # 3680

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (def.'s initials)

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

ATTEST:

Heather S. Weir 16700
Assistant Deputy Attorney General SC Bar #

[Signature] 10-15 yrs
Defendant Attorney for Defendant SC Bar # 100022

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,

for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are

incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

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

Department of Corrections. (405 days credit)

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

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal

Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____

Set by SCDPPPS

Recipient: _____

*Fine:		\$
\$14-1-206 (Assessments 107.5%)		\$
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
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\$56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Clerk of Court/Deputy Clerk *Jaquette W. McBride*
Court Reporter: *Noelmas*

PTUP _____ **CERTIFIED TRUE COPY**
OF ORIGINAL FILED,
_____ days/hours Public Service Employment
Jaquette W. McBride
Obtain GED C.C.C.P.&G.S.
Attend Voc. Rehab. Or Job Corp. **RICHLAND COUNTY**
SOUTH CAROLINA

May serve W/E beginning _____
Substance Abuse Counseling

Random Drug/Alcohol Testing
Fine may be pd. In equal consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other: *No contact with*
Victim or Victims family

Appointed PD or appointed other counsel,
\$47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge *C. Neund*
Judge Code: *2129*
Sentence Date: *Jan 12, 2016*
January 12, 2016