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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County

Honorable Thomas A. Russo, Circuit Court Judge

RONNIE JOE BLACKWELL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000767

APPENDIX

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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,) TRANSCRIPT
PLAINTIFF,) OF
VS.) RECORD
RONNIE JOE BLACKWELL,) 2017-GS-42-2322, 2323
DEFENDANT.) 2016-GS-42-4074 - 4077
2016-GS-42-4080 - 4082
2016-GS-42-4478, 4479

May 23rd, 2017
Spartanburg, South Carolina

B E F O R E:
THE HONORABLE J. MARK HAYES, II, Judge, and a jury.

A P P E A R A N C E S:
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Attorney for the State

BEVERLY JONES
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Circuit Court Reporter
Seventh Judicial Circuit

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1 P R O C E E D I N G S

2

3 (WHEREUPON, the following takes place within the
4 presence of the jury panel.)

5 THE COURT: Good morning, ladies and gentlemen.

6 We are about to select the next jury, about to select
7 the jury in the case of the State versus Ronnie Joe
8 Blackwell.

9 Mr. Blackwell has been charged with the offense -- will
10 the lawyers approach just a moment?

11 (WHEREUPON, a bench conference was held out of the
12 hearing of the entire jury panel.)

13 THE COURT: Thank you.

14 Mr. Blackwell, has been charged with the offense of
15 petty larceny and also the offense of escape, and the
16 allegations are that they occurred in Spartanburg County,
17 and those two offenses occurred on or about April 5th, 2016.

18 Ladies and gentlemen, I have a series of questions that
19 I have to ask you before we actually begin the trial of this
20 case and select the jury.

21 So, at this time, I need for you to please stand and
22 raise your right-hand and let the Clerk of Court swear you
23 in.

24 (WHEREUPON, the jury panel was placed under oath at
25 this time.)

1 THE COURT: All right. Ladies and gentlemen, at this
2 time I'm gonna ask if Mr. Blackwell will please stand and
3 face the ladies and gentlemen of the jury.

4 (WHEREUPON, the defendant complies.)

5 THE COURT: Ladies and gentlemen, this is Mr. Ronnie
6 Joe Blackwell.

7 Is there any member of the jury panel who is related by
8 blood or marriage to Mr. Blackwell or do you have a close
9 personal or social relationship with Mr. Blackwell, if you
10 do, please stand at this time.

11 (No response.)

12 THE COURT: Thank you, Mr. Blackwell. You can be
13 seated.

14 (WHEREUPON, the defendant complies.)

15 THE COURT: Ladies and gentlemen, I'm now going to read
16 a list of names of people who may be called as witnesses in
17 this case. I need for you to please listen to these names
18 because, after I read all of these names, I'm gonna ask, if
19 you would, to please stand if you're related by blood or
20 marriage to any of these individuals, any of these
21 individuals, or if you have a close personal or social
22 relationship with any of these individuals.

23 The first name is Kim Cheeks with Spartanburg City
24 Police.

25 Eric Skoczlas of the Spartanburg County Sheriff's

1 Department who was previously with the City Police.

2 Daniel Salazar.

3 Jose Rosales.

4 Jose Diaz.

5 Eduardo Garcia Morris.

6 Jesus Arreguin.

7 George Arreguin.

8 Ladies and gentlemen, if you're related by blood or
9 marriage to any of those individuals or if you have a close
10 personal, social relationship with any of those individuals,
11 I need for you to please stand at this time.

12 (No response.)

13 THE COURT: All right. Ladies and gentlemen, at this
14 time I'm gonna ask the lawyers that will be participating in
15 the trial of this case to please stand and introduce
16 themselves to you.

17 SOLICITOR SMITH: My name is Spenser Smith. I work at
18 the solicitor's office here in Spartanburg.

19 MS. JONES: I'm Beverly Jones and I'm a public defender
20 for Spartanburg County.

21 THE COURT: Ladies and gentlemen, if any member of the
22 jury panel is related by blood or marriage to either of
23 these attorneys or if you have a close personal or social
24 relationship with either of these attorneys or if ever
25 you've been represented by either of these attorneys, I need

1 for you to please stand at this time.

2 (No response.)

3 THE COURT: Ladies and gentlemen, if any member of the
4 jury panel has ever been a victim of a crime that was
5 prosecuted by the Seventh Circuit Solicitor's Office or if
6 you have been accused of a crime that's been prosecuted by
7 the Seventh Circuit Solicitor's Office, I need for you to
8 please stand at this time.

9 (WHEREUPON, jurors stand.)

10 THE COURT: All right. We'll start over here.
11 Your juror number, sir?

12 THE JUROR: 27, Nick Carasino.

13 THE COURT: All right. You want to come forward.

14 (WHEREUPON, the following takes place outside of the
15 hearing of the remaining jurors, but within the hearing of
16 the attorneys.)

17 THE JUROR: You said victim, correct, sir?

18 THE COURT: Correct.

19 You were the---

20 THE JUROR: I was the victim.

21 THE COURT: Okay. The fact that that has occurred,
22 would that, in anyway, affect your ability to give both the
23 State and the defense a fair and impartial trial in the
24 event---

25 THE JUROR: Not at all.

7

1 THE COURT: ---you're selected?
2 All right. Thank you, sir.
3 THE JUROR: Thanks.
4 THE COURT: Yes, ma'am, your juror number?
5 THE BAILIFF: 47.
6 THE JUROR: 47.
7 THE COURT: Come forward.
8 You're Ms. Garrett?
9 THE JUROR: Yes, sir.
10 THE COURT: Yes, ma'am.
11 THE JUROR: Last year I got a truck stolen from us, and
12 the solicitor's office charged Jeffery William Huckaby. He
13 went to jail for eight years, and he owes us \$2,000 in
14 restitution.
15 THE COURT: Okay. And I appreciate you sharing that.
16 The fact that that has occurred, would that, in anyway,
17 affect your ability to give both the state and the defense a
18 fair and impartial trial?
19 THE JUROR: No, sir.
20 THE COURT: Thank you, ma'am.
21 THE JUROR: Thank you.
22 THE BAILIFF: Juror 123.
23 THE COURT: You're Mrs. Poates?
24 THE JUROR: It's Bennett.
25 THE COURT: Your first name is Stephanie?

1 THE JUROR: Yes, sir.

2 THE COURT: Yes, ma'am, Ms. Bennett. Tell me about it.

3 THE JUROR: My brother was a victim of a murder. It
4 was a home invasion and attempted robbery about five years
5 ago. He was tried here in this Court.

6 THE COURT: Okay. Ma'am, the fact that that has
7 occurred, would that, in anyway, affect your ability to give
8 both the State and the defense a fair and impartial trial---

9 THE JUROR: No, sir.

10 THE COURT: ---in the event you're selected on this
11 jury?

12 THE JUROR: No, sir.

13 THE COURT: Thank you, ma'am.

14 THE JUROR: Thank you, sir.

15 (WHEREUPON, the following takes place within the
16 hearing of the entire jury panel.)

17 THE COURT: Has any, has any member of the jury panel
18 formed or expressed any opinions about any issue or matter
19 that is involved in this case, if so, please stand at this
20 time.

21 (No response.)

22 THE COURT: Is there any member of the jury panel who
23 has been represented by the Seventh Circuit Public
24 Defender's Office, if so, please stand at this time.

25 (No response.)

1 THE COURT: Is there any member of the jury panel aware
2 of any bias or prejudice towards either the State or the
3 defendant in this case, if so, please stand at this time.

4 (No response.)

5 THE COURT: Is there any member of the jury panel that
6 was a member of the Grand Jury which issued the indictments
7 in this case, if so, please stand at this time.

8 (No response.)

9 THE COURT: Is there any member of the jury panel who
10 is a member of or a contributor to any group which has as
11 its primary concern the promotion of law enforcement or
12 victims rights?

13 Now, these groups would include, but certainly be not
14 limited to groups, such groups as MADD, SADD, or CAVE,
15 Citizens Against Violent Crimes, if so, please stand at this
16 time.

17 (WHEREUPON, jurors stand.)

18 THE COURT: All right. Yes, ma'am, your juror number?

19 THE JUROR: 127.

20 THE COURT: And, ma'am, the fact that that has
21 occurred, would that, in anyway, affect your ability to give
22 both the State and the defense a fair and impartial trial in
23 the event you're selected as a member of this jury?

24 THE JUROR: No.

25 THE COURT: Thank you, ma'am. You may be seated.

1 Yes, ma'am, your juror number?

2 THE JUROR: 107.

3 THE COURT: You're Mr. Mueller?

4 THE JUROR: Yes.

5 THE COURT: Sir, the fact that that has occurred, would
6 that, in anyway, affect your ability to give both the State
7 and the defense a fair and impartial trial in the event
8 you're selected as a member of this jury?

9 THE JUROR: No, sir.

10 THE COURT: Thank you, sir.

11 Yes, sir, your juror number again?

12 THE JUROR: 27.

13 THE COURT: 27?

14 THE JUROR: Yes, sir.

15 THE COURT: And, sir, the fact that that has occurred,
16 would that, in anyway, affect your ability to give both the
17 State and the defense a fair and impartial trial in the
18 event you're selected as a member of this jury?

19 THE JUROR: No, Your Honor.

20 THE COURT: Thank you, sir.

21 Yes, ma'am, your juror number?

22 THE JUROR: 170.

23 THE COURT: And, ma'am, the fact that that has
24 occurred, would that, in anyway, affect your ability to give
25 both the State and the defense a fair and impartial trial in

1 the event you're selected as a member of this jury?

2 THE JUROR: No, Your Honor.

3 THE COURT: Thank you, ma'am.

4 Does any member of the jury panel know of any reason
5 whatsoever why he or she should not serve as a juror in this
6 case with particular emphasis being placed on your ability
7 to be fair and impartial to both the State and the defense,
8 if so, please stand at this time.

9 (No response.)

10 THE COURT: Is there any member of the jury panel who
11 is related by blood or marriage to any type of law
12 enforcement officer, that'd be a state trooper, deputy
13 sheriff, or city, city police officer, if so, please stand
14 at this time.

15 (WHEREUPON, jurors stand.)

16 THE COURT: Yes, ma'am, your juror number?

17 THE JUROR: 39.

18 THE COURT: And, ma'am, the fact that that has
19 occurred, would that, in anyway, affect your ability to give
20 both the State and the defense a fair and impartial trial?

21 THE JUROR: No, sir.

22 THE COURT: Thank you. You may be seated.

23 Yes, sir, your juror number again?

24 THE JUROR: 27.

25 THE COURT: And, sir, the fact that that has occurred,

1 would, that, in anyway, affect your ability to give both the
2 State and the defense a fair and impartial trial?

3 THE JUROR: No, sir.

4 THE COURT: Thank you, sir.

5 Yes, sir, your juror number?

6 THE JUROR: 111.

7 THE COURT: And, sir, the fact that that has occurred,
8 would that, in anyway, affect your ability to give both the
9 State and the defense a fair and impartial trial?

10 THE JUROR: No, sir.

11 THE COURT: Thank you, sir.

12 Yes, ma'am, your juror number again?

13 THE JUROR: 170.

14 THE COURT: And, ma'am, the fact that that has
15 occurred, would that, in anyway, affect your ability to give
16 both the State and the defense a fair and impartial trial?

17 THE JUROR: No, Your Honor.

18 THE COURT: Thank you, ma'am.

19 Yes, ma'am, your juror number?

20 THE JUROR: Four.

21 THE COURT: Okay. Ma'am, the fact that that has
22 occurred, would it, in anyway, affect your ability to give
23 both the State and the defense a fair and impartial trial?

24 THE JUROR: No.

25 THE COURT: Thank you, ma'am.

1 Yes, ma'am, your juror number?

2 THE JUROR: 65.

3 THE COURT: And, Mrs. Hines, the fact that that has
4 occurred, would that, in anyway, affect your ability to give
5 both the State and the defense a fair and impartial trial?

6 THE JUROR: No, sir.

7 THE COURT: Thank you, ma'am.

8 Yes, sir, your juror number?

9 THE JUROR: Number 7.

10 THE COURT: Sir, the fact that that has occurred, would
11 that, in anyway, affect your ability to give both the State
12 and the defense a fair and impartial trial?

13 THE JUROR: No, sir.

14 THE COURT: Thank you, sir.

15 Yes, ma'am, your juror number?

16 THE JUROR: Number 42.

17 THE COURT: And, ma'am, the fact that that has
18 occurred, would that, in anyway, affect your ability to give
19 both the State and the defense a fair and impartial trial?

20 THE JUROR: No.

21 THE COURT: Thank you, ma'am.

22 Any additional questions from the State?

23 SOLICITOR SMITH: No, Your Honor.

24 THE COURT: Any from the defense?

25 MS. JONES: No, sir, Your Honor.

1 THE COURT: All right. Lawyers and Ashley approach.
2 (WHEREUPON, a bench conference was held out of the
3 hearing of the jury at this time.)

4 THE COURT: All right. We've agreed the strikes are
5 five and ten.

6 Is that correct?

7 SOLICITOR SMITH: Yes, Your Honor.

8 MS. JONES: Yes, sir, Your Honor.

9 THE COURT: Okay. All right. Ladies and gentlemen,
10 what we are, are going to attempt to do is the Clerk of
11 Court, through the art of electronics and wizardry, is going
12 to now randomly select a list of names from which then we
13 will engage in the striking part of the jury. Because it's
14 raining, we were having some technical difficulties. So,
15 bear us a little bit.

16 If this doesn't work, when I was a young lawyer, we
17 actually would bring someone in from the School for Deaf and
18 Blind that was visually challenged, and we would have them
19 comp up, and we would actually draw the names out one at a
20 time. We still have that barrel right behind this door.
21 So, if she can't get it to work, we're gonna bring the
22 barrel back out and just do it the old-fashioned way. But
23 jury selection process, in, in those days, I sort of say the
24 old days, when I was younger, you -- sometimes would take
25 several hours to do. So, hopefully, she can get it fixed.

1 (Pause.)

2 THE COURT: We're gonna go with one alternate?

3 MS. JONES: Yes, sir.

4 THE COURT: All right. Ladies and gentlemen, I need
5 for you to please listen to the Clerk of Court. She is
6 going to call the jurors that -- for the strike process.

7 when she calls your name, please come right up here and
8 stand with this bailiff, but, please, if you have any
9 personal belongings with you, please bring them with you
10 when you come up.

11 Yes, ma'am.

12 (WHEREUPON, the jury panel was selected at this time.)

13 THE CLERK: Jury selection has been completed.

14 THE COURT: Thank you, Madam Clerk.

15 Ladies and gentlemen, congratulations on being selected
16 our next jury. Give me just a moment. I need to address
17 those that are in the gallery.

18 (Pause.)

19 THE COURT: All right. Ladies and gentlemen,
20 congratulations on being selected as our next jury.

21 We are, in just a few moments, I'm going to excuse you
22 for the rest of the day and also for tomorrow. We're
23 actually gonna start the trial of this case Thursday
24 morning, but I need to give you some preliminary
25 instructions.

1 You have been selected now to be the jurors in this
2 case, and, when you begin your deliberations, which occurs
3 at the end of this trial, that is when you will start
4 discussing the case, and the evidence, and what's been
5 presented to you.

6 I need to instruct you that, until you begin your
7 deliberations, which is, again, at the end of this trial,
8 you are not to have any discussions about anything involving
9 this case with anyone, but that includes among yourselves,
10 but also that includes -- like, you're fixing to leave here.
11 You might go back to work. You might go home, be sitting at
12 the dinner table, someone in your family says well, what
13 kind of case is it? what is it about? Who, who is it
14 against?

15 All right. Who's the judge or who are the lawyers?

16 You're not to have any discussions with anyone about
17 anything involved in this case until you begin your
18 deliberations. So, you can politely tell that person that
19 well, I'm sorry. I can't talk to you right now about
20 anything involved in this case because the judge just told
21 me not to.

22 So, I also need to instruct you that you've heard some
23 preliminary information about this, about the case. I've
24 introduced you to the lawyers. You've been introduced to
25 the type of offenses that you're fixing to, to hear evidence

1 about.

2 Until you begin your deliberations, you are not to do
3 any type of independent research or investigation into this
4 case. That includes that even if -- so, don't go on
5 Facebook to look up who the lawyers are or don't, don't even
6 pull a dictionary off the shelf to look up -- maybe I've
7 used a word that you don't quite understand or you want to
8 look up well, what, what are these criminal offenses?

9 What do they mean?

10 Do not even pull a dictionary off the shelf and look at
11 anything else, because, when you engage in your
12 deliberations and you make the decisions that you're gonna
13 make in this case, it has to be based on the evidence and
14 information that you receive during the course of this
15 trial.

16 So, until you start your deliberations, allow -- keep
17 an open mind. Allow the lawyers to do their job. Allow me,
18 as the judge, to instruct you on what law you're gonna apply
19 to this case. Allow the Court system to actually work in
20 this courtroom.

21 So, do not have any discussions with anyone about
22 anything involving the case, and do not do any type of
23 independent research or investigation into anything involved
24 in the case.

25 Now, with that being said, I'm gonna let the -- again,

1 I'm gonna excuse you until 9:30 Thursday morning. I'm going
2 to ask the -- you to go with the bailiff. He will show you
3 where the jury deliberation room is and how to come and go
4 from, from the courthouse. But, again, I want to thank you
5 for your time and your patience while we went through this
6 process, and we will see you Thursday morning.

7 Thank you very much.

8 (WHEREUPON, the following takes place outside the
9 presence of the jury.)

10 THE COURT: Any objections or -- concerning the manner
11 and method of selection of the jury, from the State?

12 SOLICITOR SMITH: No, Your Honor.

13 THE COURT: Any from the defense?

14 MS. JONES: No, sir, Your Honor.

15 THE COURT: Okay. Are y'all ready to proceed with
16 pretrial matters?

17 MS. JONES: Yes, sir.

18 SOLICITOR SMITH: Yes, Your Honor.

19 MS. JONES: Do you have anything?

20 SOLICITOR SMITH: I do not.

21 MS. JONES: Okay. Your Honor, the first issue I think
22 we've agreed on. We had a preliminary discussion with each
23 other and with the Court yesterday with regard -- it's my
24 understanding one of the items that will be offered for
25 testimony or in evidence in this case is a video, car camera

1 video, showing some of the activities of my client. And,
2 Your Honor, it goes for a long period of time. And we have
3 agreed at a point in which we will stop that.

4 Now, it's my understanding, from talking to the
5 solicitor, their ability to dub a portion off of those kind
6 of videos because this is actually a video out of a car
7 camera. And so it, it -- when played, if offered to the
8 jury in the jury room, they're gonna have two alternative
9 views. They see what the inside camera gets from inside the
10 car, but there's also an outside shot from the front of the
11 patrol car, and you can just toggle back and forth.

12 They're only interested in the shot on the inside which
13 shows the activities of my client.

14 So -- apparently, and I'll let the solicitor speak at
15 this point about the ability to make a dubbed copy. So,
16 that would be what we send to the jury.

17 If you don't mind, Spenser?

18 SOLICITOR SMITH: With the City, you just have to break
19 it and encode it. I can try to get Tank to work on that.

20 There's a point, I think we're in agreement, it's about
21 13:30 in the video. I guess it's 1:30 in the afternoon in
22 which they place him back in the backseat of the car and he
23 screams some obscenities.

24 We're not -- don't want to play that. If you, if you
25 want, when we bring the jury back, if they want to review

1 the video, we could watch it in Court. I think that would
2 be easier than dubbing an entire new video.

3 I do -- there is a possibility I want to show that
4 video looking on the outside cause she might question
5 whether my witnesses are there, and, if their faces appear
6 on it, and that would be evidence that I would like to
7 introduce, but I don't have any interest in what happens
8 after he's placed in the backseat of the car after the
9 attempted escape.

10 THE COURT: Well, are, are we going to have an actual
11 video that will be presented in evidence?

12 SOLICITOR SMITH: Yes, Your Honor.

13 THE COURT: Okay. And so you're concerned about -- you
14 just want it stopped at a certain point?

15 MS. JONES: That's correct, and that, in any -- if the
16 jury should request to see it again, that they have to be
17 brought back so that we can control what part of the tape
18 they see and how much of it they see to -- because the --
19 not only is it -- does he become upset and say some
20 obscenities, but you -- it bleeds over, the conversation
21 between the two officers about other events they think he's
22 linked to that happened in the county earlier in the day
23 that are not subject to this trial.

24 THE COURT: Well, if y'all, if y'all agree on where to
25 stop. I, I try not to make a practice of sending evidence

1 back to a jury that requires them to do something because
2 you just don't -- if they're ever gonna do it, you know.
3 So, I would bring them back out to hear the video anyway.
4 Yeah.

5 MS. JONES: Okay. Thank you.

6 SOLICITOR SMITH: Your Honor, we'll -- when it --
7 Thursday or if, if you want to do it before, we probably
8 will go over with the officer in front of Your Honor
9 about -- cause there are a bunch of cases involved in this,
10 and just so she's clear that we're not gonna get into the
11 stolen status of his car and anything like that is not
12 relevant, and we're not gonna go into that, but we will do
13 that before she gets in front of the jury to testify.

14 THE COURT: Okay.

15 MS. JONES: And, Your Honor, that anticipates one of my
16 motions was to preclude any other mention of -- or preclude
17 mention of any other crimes he was believed to have
18 committed or has now been charged with other than the
19 larceny -- the alleged larceny of these two ladders from the
20 paint company, and the attempt to escape from the car.

21 SOLICITOR SMITH: We're, we're fine with that. We're
22 not, not gonna try to bring in other things.

23 MS. JONES: Okay. Also, I have a series of things I
24 need to, to clarify about discovery issues or items that are
25 mentioned in the incident report that I have not ever

1 received, and I need to know if he intends to try to use
2 them.

3 There is a mention, on the second page, with regard to
4 prints that were lifted from a vehicle. I have no
5 information other than what's noted in that incident report.

6 SOLICITOR SMITH: I do not intend to introduce prints,
7 Your Honor.

8 MS. JONES: Okay. Do you, do you intend to elicit any
9 kind of identification in Court from any of your witnesses?

10 SOLICITOR SMITH: Yes, Your Honor.

11 MS. JONES: Okay. Which ones would that be cause those
12 will require -- may require additional hearings?

13 SOLICITOR SMITH: That would be Jose Diaz, Eduardo
14 Morris, Jesus Arreguin, and Jorge Arreguin, and the officers
15 will also identify him.

16 MS. JONES: Okay. So, the paint crew, you intend --
17 each individual, you're gonna try to have them identify him?

18 SOLICITOR SMITH: Well, I'm not totally sure that all
19 of them are gonna come. He just gave me a list of everybody
20 that was there. I'm suppose to schedule with him, after
21 we're done here, about which ones are actually gonna appear,
22 but I would imagine they will identify Mr. Blackwell.

23 MS. JONES: Okay. And you intend to elicit, either
24 from the officer or any of those individuals, any statements
25 made by my client as I don't know that?

1 SOLICITOR SMITH: About what his explanation for the,
2 the ladder?

3 MS. JONES: Or statements.

4 SOLICITOR SMITH: Other than what's on the video, no.

5 MS. JONES: I don't follow that comment.

6 SOLICITOR SMITH: I mean -- and anything he says on the
7 video, and I guess would be a statement from him, we would
8 certainly be introducing all the audio of the in-car video.

9 MS. JONES: Except -- even after the, the---

10 SOLICITOR SMITH: No, no, no. Just the part we talked
11 about. The part we've agreed upon. He says things---

12 MS. JONES: Okay.

13 SOLICITOR SMITH: ---during that video, but I don't --.

14 MS. JONES: Okay. Well, I'm specifically asking you
15 about a---

16 SOLICITOR SMITH: Where he says that---

17 MS. JONES: ---a note in here where he says to somebody
18 that I'm a contractor and these are my ladders.

19 SOLICITOR SMITH: No.

20 MS. JONES: You don't intend to go into that?

21 SOLICITOR SMITH: No.

22 MS. JONES: Okay. And I think you've stated this when
23 you explained you didn't know the exact names of the paint
24 crew, but there are no actual witness statements of those
25 individuals, right?

1 SOLICITOR SMITH: There are not.

2 MS. JONES: Between now and the trial, you will get
3 their numbers and run their criminal histories as well,
4 right?

5 SOLICITOR SMITH: I can do that.

6 MS. JONES: Okay. Your Honor, I appreciate the
7 latitude Your Honor gave me. I think that's all that I have
8 at this point for clarifying.

9 THE COURT: All right.

10 MS. JONES: Oh, I'm sorry. I do have one other thing.
11 It says that there were photos made of the items that
12 Mr. Rosales recovered or retrieved.

13 Do you have those?

14 Do you intend to offer those?

15 SOLICITOR SMITH: The only photos I have are the
16 Sheriff's office file with the---

17 MS. JONES: Have you---

18 SOLICITOR SMITH: ---stolen Pathfinder case.

19 MS. JONES: Have you specifically picked out any
20 pictures yet?

21 SOLICITOR SMITH: I have not.

22 MS. JONES: Okay.

23 THE COURT: All right. Y'all approach for a moment.

24 (WHEREUPON, a bench conference was held at this time.)

25 THE COURT: All right. We'll go off the -- well, we're

1 gonna go in the back.

2 sir, we'll be right back.

3 (WHEREUPON, a short recess was taken at this time.)

4 THE COURT: Mr. Blackwell, you just stand right there.

5 SOLICITOR SMITH: Your Honor, before you is Ronnie Joe
6 Blackwell. He's here pleading guilty on a number of
7 indictments.

8 The first is 2016-GS-42-4074. True billed indictment
9 for petty larceny enhanced pleading as charged.

10 2016-GS-42-4075, true billed indictment, petty larceny
11 enhanced, pleading as charged.

12 2016-GS-42-4479. That was a true billed indictment for
13 escape. He's waiving presentment and pleading guilty to
14 Resisting Arrest A.

15 Next is 2016-GS-42-4478, true billed indictment for
16 petty larceny enhanced. Pleading as charged.

17 2016-GS-42-4082, true billed indictment for possession
18 of a stolen vehicle 10,000 or more. Pleading as charged.

19 2017-GS-42-2323, that is a true billed indictment for
20 possession of a stolen vehicle more than \$10,000. He's
21 pleading as charged.

22 2016-42-4080, breaking into motor vehicles. True
23 billed. Pleading as charged.

24 2016-GS-42-4081, petty larceny. Pleading as charged,
25 enhanced, true billed.

1 2016-GS-42-4077, breaking into motor vehicles. True
2 billed. Pleading as charged.

3 2017-42-2322. It was indicted as possession of crack
4 cocaine first offense. He's pleading guilty to first
5 offense. 2016 -- that's also true billed.

6 2016-GS-42-4076, breaking into motor vehicles. He's
7 pleading as charged. It was true billed.

8 2016-GS-42-4078, failure to stop for a blue light.
9 It's true billed. First offense. Pleading as charged.

10 2016-GS-42-4079 is a true billed indictment for
11 reckless driving. He's pleading as charged.

12 Your Honor, there's a recommendation in this case of a
13 ten year sentence with another five years to run consecutive
14 to that, and then another ten years to be suspended upon
15 probation to run consecutive to that. And that has all the
16 restitution, Your Honor. I'll hand up the restitution
17 order.

18 You signed this?

19 MS. JONES: Oh, he needs to sign it.

20 (WHEREUPON, the defendant was placed under oath at this
21 time.)

22 THE COURT: All right. You are Mr. Blackwell?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And, sir, it is your intent to enter a plea
25 to the 13 charges that were just announced by the solicitor?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: How old are you?

3 THE DEFENDANT: I'll be 46 in two weeks, sir.

4 THE COURT: How far did you go in school?

5 THE DEFENDANT: Tenth grade. I got -- well, I got a
6 technical degree.

7 THE COURT: Did you obtain a GED?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Married, single, divorced, widowed?

10 THE DEFENDANT: Divorced.

11 THE COURT: Children?

12 THE DEFENDANT: Got two.

13 THE COURT: How old?

14 THE DEFENDANT: I got a 20-year old and a 27-year old.

15 THE COURT: And, prior to your arrest on these charges,
16 did you have a job outside the home?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: What were you doing?

19 THE DEFENDANT: I was a licensed contractor for the
20 State of South Carolina from '94 to 2006, and then -- well,
21 I was currently employed with Renfrow Brothers in a
22 subcontracting manner.

23 THE COURT: Military?

24 THE DEFENDANT: No, sir.

25 THE COURT: How long have you been in jail on these

1 charges?

2 MS. JONES: Your Honor, he's been in a total of 409
3 days. It was split up between a 318 day stretch, and then
4 currently he's been in for 91 days.

5 THE COURT: So, a total of 409?

6 MS. JONES: Yes, sir.

7 THE COURT: Within the last 24-hours, have you consumed
8 any type of substance that is adversely affecting your
9 ability to understand what we're doing today?

10 THE DEFENDANT: No, sir.

11 THE COURT: Have you ever been treated for any type of
12 substance abuse issues for drug or alcohol problem?

13 THE DEFENDANT: No, sir.

14 THE COURT: Are you satisfied with the work that your
15 lawyer has done for you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you, do you feel like you've had enough
18 time to talk to her about the legal elements of the charges
19 that you're pleading to, the facts behind those charges, as
20 well as any possible defenses you might have?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And, sir, you -- beyond that which has been
23 stated in the courtroom today, has anybody come to you and
24 possibly threatened you in any way or promised you anything
25 in order to get you to make the decision to enter the plea?

1 THE DEFENDANT: No, sir.

2 THE COURT: Am I correct to conclude that your decision
3 to enter this plea -- these pleas that it is a free and
4 voluntary decision on your part?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Blackwell, I need for you to understand
7 that, under the law, you are presumed innocent of each one
8 of these charges, and you do have a right to have a jury
9 trial on each one of these charges. At any jury trial that
10 would take place, it would be the State that has the burden
11 of proof, and the State would have to convince all 12
12 members of a jury that you're, in fact, guilty beyond a
13 reasonable doubt of these charges.

14 Do you understand that you have a right to that jury
15 trial?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you wish to have a jury trial on any of
18 these charges?

19 THE DEFENDANT: No, sir.

20 THE COURT: Sir, I need for you to understand that
21 there are other very important Constitutional rights that
22 you are entitled to, but that you have to give up in order
23 to enter these pleas.

24 You have to give you your right to confront and
25 cross-examine the State's witnesses. You also have to give

1 up your right to present evidence which you or your lawyer
2 might feel would establish a defense, and you have to give
3 up your right of subpoena as well as your right to remain
4 silent.

5 Do you understand all those rights?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And do you wish to give up all those
8 rights?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Please listen to the solicitor. He is
11 going to tell us the facts.

12 SOLICITOR SMITH: Your Honor, on April 4th of 2016,
13 deputies responded to 2403 Fairforest Clevedale Road in
14 Spartanburg County for an auto break-in. The victim stated
15 his truck had been broken into between 6:00 and 7:30.
16 Various tools were taken from the truck.

17 The victim had security cameras which showed a white
18 male driving a silver F150 breaking into the truck.
19 Officers familiar with the defendant ID'ed him as the person
20 stealing the tools.

21 On April 5th, around 4:00AM, deputies responded to [REDACTED]
22 Carloe Street in Spartanburg County in reference to a
23 vehicle break-in. The victim stated he had heard a noise
24 and went outside to look and saw the silver pickup truck
25 speed off. He then noticed his truck had been entered. The

1 bed cover had been lifted and tools were removed.

2 A deputy responding to the scene saw a silver pickup
3 truck matching the description parked in a suspicious
4 manner. He drove past the vehicle to see who was inside and
5 the vehicle took off. The lengthy high speed chase ensued.
6 The truck eventually drove into a field where the driver
7 fled on foot. A wallet was found inside with the
8 defendant's ID on it. The defendant's fingerprints were
9 also on the door of the vehicle. There were also items from
10 other thefts inside this truck.

11 Another deputy found a truck in the area that had been
12 broken into. The victim stated tools were missing from that
13 as well.

14 April 5th, 2016, around 12:30 in the afternoon,
15 officers responded to Cici's Pizza on the west side for a
16 larceny. The victim stated they were inside eating pizza
17 when the defendant pulled up and began taking things from
18 their work van. They ran outside and detained him until the
19 police arrived. There were two ladders in the Pathfinder
20 the defendant drove to the scene. The defendant said that
21 the items were his.

22 He was front cuffed due to an alleged shoulder injury.
23 He ended up -- when the officers walked away, he kind of
24 jumped into the front seat of the officer's vehicle, and
25 there was a struggle to get him back into the back seat.

1 That would be the resisting arrest that came for the escape
2 indictment, Your Honor.

3 That Pathfinder was stolen from an auto shop earlier
4 around eleven o'clock, 11:30. It was waiting for service in
5 line and they saw a man that matched Mr. Blackwell's
6 description just walk up, grab it, and drive away from the
7 business, and then he went, I guess, to CiCi's Pizza.

8 On February 17th, 2017, deputies with home detention
9 were informed Mr. Blackwell could no longer live at the
10 residence he'd been staying at. He had cut his monitor
11 after bonding out. They went to try to find him. They were
12 not able to find him that day.

13 On February 17th, a 2000, a 2000 -- a black Escalade,
14 2014, was stolen from Atchinson's Transportation. This was
15 accomplished by ramming a work truck through the front gate
16 and then driving the Escalade out. The officer who
17 investigate that case found a vehicle matching the
18 description on February 23rd on New Cut Road parked in a
19 parking lot. He went up to the vehicle, found a white male
20 asleep in the driver's seat that matched the description of
21 Mr. Blackwell who was wanted for escape at that time. He
22 ran the license plate and it came back as the stolen truck
23 from Atchinson's Transportation.

24 They awoke the man, took him into custody for the
25 stolen truck. In plain sight on the driver's side was a

1 package containing a white rock like substance which tested
2 positive for crack.

3 He does have a prior record, Your Honor.

4 THE COURT: Mr. Blackwell, you were able to hear the
5 solicitor when he gave me the facts?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you believe that, as he stated the facts
8 to me, that he is substantially correct?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And, sir, do you understand that I'm not
11 bound by a recommendation made by the State?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. And the State's recommendation again
14 is -- tell me again.

15 SOLICITOR SMITH: A ten year sentence with another five
16 year consecutive to that, and then a ten year suspended
17 sentence with five years probation that would run
18 consecutive to that.

19 THE COURT: And, sir, you understand that I'm not bound
20 by that recommendation?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And do you understand that, on the reckless
23 driving charge, I could sentence you up to 30 days?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: The failure to stop for a blue light

1 charge, I could sentence you between 90 to three years in
2 the Department of Corrections?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: You understand that, on the breaking or
5 the -- you understand that, on the possession of meth
6 charge, I could sentence you up to three years?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Understand -- do you understand that, on
9 the breaking into motor vehicle charges, I could sentence
10 you up to five years on each one of those?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You under -- do you understand that, on the
13 resisting arrest, I could sentence you up to a year?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And do you understand that, on each of the
16 petty larceny charges, I could sentence you up to ten years
17 since those are enhanced property offenses?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you -- and do you understand that, on
20 the possession of a stolen vehicle value 10,000 or more,
21 that I could sentence you up to ten years on each of those
22 charges?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Understanding the possible sentences I
25 could impose, you still wish to enter these pleas?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you also understand that, by entering
3 these pleas, it will be a violation of your present
4 probation cases?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And you still wish to enter these pleas?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Are you, in fact, guilty of all four of the
9 petty larceny third and subsequent property offense cases?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you also guilty of both of the
12 possession of stolen vehicle \$10,000 or more cases?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Are you also guilty of the reckless driving
15 charge?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And are you also guilty of all three of the
18 breaking into motor vehicle cases?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And are you also guilty of the possession
21 of meth case --

22 THE DEFENDANT: Yes, sir.

23 THE COURT: -- or crack?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And are you also guilty of the failure to

1 stop for a blue light case?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And are you also guilty of the resisting
4 arrest case?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Sir, have all of your answers to my
7 questions today been truthful and honest?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Discovery's been shared with the defense?

10 SOLICITOR SMITH: Yes, Your Honor.

11 THE COURT: The prior record.

12 SOLICITOR SMITH: Your Honor, 1988, grand larceny and
13 trespassing.

14 '89, two assault and batteries and conspiracy.

15 '92, assault and battery.

16 '98, wearing masks and the like.

17 '99, receiving stolen goods.

18 2001, CDV times two.

19 2005, public disorderly conduct and CDV third or
20 subsequent.

21 2006, grand larceny and five subsequent property
22 crimes. He received a seven year sentence.

23 2008, no license, wrong way on road.

24 2009, breaking into motor vehicles, receiving stolen
25 goods, petty larceny.

1 2012, grand larceny times two, obtaining goods by false
2 pretenses, three petty larcenies, breaking into motor
3 vehicles, and two receiving stolen goods.

4 2013, possession of meth, grand larceny, shoplifting,
5 and malicious injury to personal property. I think he got a
6 ten suspended to five type sentence on that last string of
7 property crimes, Your Honor.

8 And the State will be dismissing an escape charge that
9 comes from cutting the home detention ankle bracelet after
10 the completion of the plea.

11 THE COURT: Do we have anything from the victims
12 besides the restitution?

13 SOLICITOR SMITH: No, Your Honor. They just wanted
14 their money back.

15 THE COURT: And he's presently on probation?

16 THE PROBATION AGENT: Yes, Your Honor.

17 May it please the Court.

18 On December the 18th of 2013, Mr. Blackwell was
19 before Your Honor on 11 different indictments. The first
20 one being 2012-GS-42-5570. That was a breach of trust
21 valued \$2,000 or less, and he received a sentence of ten
22 years, provided upon the service of five years, and the
23 balance was suspended with five years probation with special
24 conditions of 200 hours of public service, substance abuse
25 counseling, and random alcohol and drug testing and no

1 contact with the victims.

2 Also, that same day, 2012-GS-42-5572, grand larceny.
3 Ten years, provided upon the service of five years, balance
4 suspended with five years probation.

5 2012-GS-42-5575, receiving stolen goods. Ten years,
6 provided upon the service of five years, the balance is
7 suspended with five years probation.

8 2012-GS-42-5577, grand larceny. Ten years, provided
9 upon service of five years, balance suspended, five years
10 probation.

11 2012-GS-42-5579, simple larceny or petty larceny. Ten
12 years, provided upon service of five years, balance
13 suspended to five years probation.

14 2012-GS-42-5867, petty or simple larceny. Ten years,
15 provided upon the service of five years, balance suspended
16 to five years probation.

17 2012-GS-42-5868, petty or simple larceny. Ten years,
18 provided upon the service of five years, balance suspended
19 to five years probation.

20 2012-GS-42-5874, simple larceny. Ten years, provided
21 upon the service of five years, balance was suspended to
22 five years probation.

23 2012-GS-42-5875, receiving stolen goods. Ten years,
24 provided upon the service of five years, balance suspended
25 to five years probation.

1 2013-GS-42-1527, malicious injury to animals. Ten
2 years, provided upon the service of five years, balance was
3 suspended to five years probation.

4 2013-GS-42-4087, grand larceny. Ten years, provided
5 upon the service of five years, the balance was suspended to
6 five years probation.

7 Your Honor, he has completed 80 hours of that 200 hours
8 of public service since 2013. He also owes a restitution
9 balance of 1707.54.

10 THE COURT: Yes, ma'am.

11 MS. JONES: Thank you, Your Honor.

12 Procedurally, I have represented Mr. Blackwell since
13 April of last year. He was in jail for quite a while, 318
14 days. That was all the way until February.

15 We, at that time, we had had some discussions about how
16 to deal with this case. I don't recollect that he had yet
17 been on a trial docket, and then it kind of surprised me
18 when he bonded out. But he bonded out. It was a
19 substantial bond, and he went -- and he had a home detention
20 requirement, and he, and he bonded out, I believe,
21 February 18th of this year.

22 He tells me that he made that decision to do that. He
23 had a plan in place where he was gonna live with relatives,
24 get a job back with Renfrow. As he's told you, he was, at
25 one time, a licensed contractor.

1 There was a problem with where he had arranged to work,
2 which, you know, can be fatal, can be fatal when you're on
3 home detention. And, once the plan fell apart, he, he told
4 me, quite honestly, that he relapsed.

5 He was actually arrested on the 23rd, as the
6 solicitor said, passed out or asleep in the front seat of
7 the Atchinson Escalade, and he had, I think, a drug
8 paraphernalia and the residue of the drugs on him. He had
9 been gone all that way clean and, and left with great
10 aspirations, and then, when his, his plan fell apart, he
11 relapsed.

12 He admits, he freely admits to me, and he'll tell the
13 court, he's an addict. He was a contractor until the early,
14 I guess, I think he said 2006. He suffered some injury to
15 his back, I believe his shoulder or an arm, became addicted,
16 at that point, first from dealing with the pain, and then it
17 escalated.

18 You'll -- you can see the -- that's when his
19 substantial criminal history took off was that time with
20 multiples of the same kind of crimes we're seeing today.
21 He's been very forthright. We've had a good, good rapport
22 and a good relationship I believe.

23 During this plea, when the solicitor first said his
24 recommendation, Mr. Blackwell became very concerned and was
25 making facial gestures at me like he didn't understand that,

1 and I'll say I understand where we are in the plea. I've
2 understood -- I had great discussions with him today about
3 where I think we are practically with the Court, but, at, at
4 some point earlier this month, Mr. Smith sent me an offer.
5 I pleaded with him to just give me some kind of an offer,
6 and his offer was 25 years suspended to 15 with five years
7 probation.

8 I explained that, using the email itself, with
9 Mr. Blackwell and he rejected it. I -- it -- the way it's
10 being projected now is slightly different, but I wanted to
11 explain for him because he thinks I have not told him
12 something. I think you can tell by looking at his face, but
13 the, the offer, as it was proposed at that time, was
14 something we discussed. We rejected it. We were ready for
15 trial.

16 I also will tell Your Honor, and be honest, in that
17 Mr. Blackwell has been concerned, throughout my
18 representation, with the escape charges. As Your Honor
19 knows from looking at his record, he's been to prison enough
20 to know how things work. He, he firmly believes, and I
21 think he's correct in this, that if he has an escape
22 conviction on his record, he is almost -- well, he's very
23 unlikely to be allowed to participate in any kind of work
24 release or furlough or any other kind of programs within the
25 control of the Department of Corrections, and the main

1 marching order I always felt like I had for Mr. Blackwell,
2 as his attorney, was see if you can do something with the
3 escapes. If you could take -- those are, you know, going to
4 be very detrimental to me. I understand I'm gonna do time,
5 but I'm trying to make the time I do the best I can and the
6 most productive.

7 After our conversations today, I went to him and I
8 spoke to him about sentencing possibilities, and about the
9 fact that I have been able to negotiate away one escape
10 completely, have the other one a plea to resisting, and he
11 immediately, and Mr. Cheek can attest to this, he was there
12 for most of this, his mind immediately went into a
13 calculation mode and he told me well, that's good then
14 because I will begin -- I will be eligible, at some point,
15 to work at -- then in Prison Industries, and he said what is
16 this restitution? He said, well, can you ask the judge for
17 it to be ptup'ed? I may be able to work enough before I'm
18 even released that I can get the restitution down to very
19 little amount, and, you know, he, he's already thinking in a
20 positive progressive way to try to make, make the victims
21 whole, and work within the possible sentence he anticipates
22 getting.

23 I have also told him, after getting the information
24 from, from Agent Manigan about the 1707.54, that Your Honor
25 might include that amount since there are still victims that

1 are due in that, and he is agreement, if that is something
2 Your Honor wants to do.

3 I think he does want to speak to the Court, but I, I
4 hope I have allayed any confusion he might of had about what
5 the past offer from the solicitor was just for our PCR
6 purposes at the -- in the future.

7 THE COURT: All right. Mr. Blackwell, do you agree
8 with the statements that were just made by your lawyer?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. And, sir, is there anything
11 else that you would like to say or want me to know or
12 consider?

13 THE DEFENDANT: First of all, I'd like to say I
14 apologize for everything that's going on. I wasn't brought
15 up to be here.

16 I did shatter my arm in 2000, got hooked on pain pills,
17 and that, like my attorney said, escalated, got out of
18 control. I did hold my license, contractor's license from
19 '94 to 2006. I work for Renfrow on and off between my
20 prison visit unfortunately.

21 I'd just like to say that, you know, what I was on
22 probation for, you know, I paid over \$11,000 in restitution.
23 I've already went to Court. And then I wholeheartedly agree
24 with paying my restitution and, if I can do it while I'm in
25 prison, get it ptup'ed, that would help me out a great deal.

1 I appreciate the solicitor working with me to get my
2 charges negotiated. I just want a chance to get back out.
3 You know, I'm not getting any younger, and just trying to
4 get out, you know, to have as much life as I can left, and
5 have a more productive life.

6 THE COURT: Thank you, sir.

7 On the probation cases, I'll find that he's in willful
8 violation of the probation cases by having entered the plea.
9 We can do a full revocation on all of them. Let the -- give
10 him credit for 409 days. They -- the probation cases can
11 run concurrent with these cases, and then we can let the
12 time he's served satisfy any monetary obligations that it
13 can, and then we can transfer the restitution, and then I'll
14 tell you that case number shortly.

15 Could the lawyers approach just one moment?

16 (WHEREUPON, a bench conference was held at this time.)

17 THE COURT: For probation purposes, the transfer of the
18 restitution will be to Case Number 2016-GS-42-04075.

19 THE PROBATION AGENT: 0475?

20 THE COURT: Correct.

21 And, on, on the sentencing sheet that was prepared, it
22 was indicated as a negotiated sentence. I'm gonna mark out
23 that box.

24 SOLICITOR SMITH: On all, all of them or just one?

25 THE COURT: Just that one.

1 SOLICITOR SMITH: Okay. Sorry, Your Honor.

2 THE COURT: And I'm gonna do that as a recommendation.

3 All right. I'll find that there's a substantial
4 factual basis for the pleas.

5 On the failure to stop for blue light case, that's a
6 three year sentence at the State Department of Corrections.

7 Resisting arrest charge, that's a one year sentence at
8 the State Department of Corrections. They'll run concurrent
9 with each other. Gets 409 days worth of credit.

10 On the possession of meth or crack charge, that is a
11 three year sentence. Runs concurrent with the other charges
12 just announced. Gets credit for 409 days.

13 On the reckless driving, that's a 30 day sentence at
14 the County Detention Center. Gets credit for 409 days.

15 On the breaking into motor vehicle charges, three of
16 those, those are five year sentences at the State Department
17 of Corrections. They'll run concurrent with the charges
18 just announced and with each other. He gets credit for 409
19 days.

20 On the petty larceny charges under third and subsequent
21 property offenses under Indictments 4081 and 4074, those are
22 ten year sentences at the State Department of Corrections.
23 He'll get credit for 409 days. Restitution has been ordered
24 in all of these cases.

25 Consecutive to that case, to those cases just

1 announced, and consecutive specifically to Case Number
2 2016-GS-42-4081, there is the consecutive sentence under the
3 petty larceny third and subsequent property offense under
4 Indictment 4478, which is a ten year sentence. Again,
5 consecutive to 4081. Gets credit for 409 days. Restitution
6 has been ordered.

7 Concurrent with that sentence of 4478 is the sentence
8 under 4075. That is a ten year sentence at the State
9 Department of Corrections, which is suspended to time that
10 he has served of 409 days followed by five years of
11 supervision. That is, again, a ten year sentence.
12 Restitution has been ordered.

13 I have indicated on this sentencing sheet that, once
14 he's released, needs to be evaluated to determine what type
15 of treatment plan he needs. Needs to comply with that
16 treatment plan. Also needs to stay clean because they will
17 be random -- they will be doing random drug testing on you.

18 I have indicated that if, after 24-months, there has
19 been no violations of any term and condition of your
20 probation, that I would allow the case to terminate if all
21 monetary obligations have been satisfied, but there's no
22 violations. All monies paid.

23 Again, good luck to you, sir.

24 THE DEFENDANT: Thank you.

25 THE COURT: Oh, I'm sorry. I got---

1 SOLICITOR SMITH: Have possession of stolen vehicle.

2 THE COURT: Yeah.

3 I have possession of stolen vehicle cases, both of
4 those are ten year sentences. Runs concurrent with the
5 original sentences as well.

6 SOLICITOR SMITH: Thank you, Your Honor.

7 THE COURT: Thank you.

8 MS. JONES: Thank you, Your Honor.

9

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11 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 23rd day of May, 2017.

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

February 27th, 2018



PAMELA E. GREEN, Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Spartanburg)
)
 Full name and prison number (if any) of Applicant.)
Ronnie Joe Blackwell)
 v. #319549)
 State of South Carolina)
)

IN THE COURT OF COMMON PLEAS

2018CP4200179

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Broad River Correctional
2. Name and location of Court which imposed sentence Spartanburg County
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a)	_____	<u>2017 6542 02322</u>	<u>3 years</u>	<u>2016 6542 04079</u>	<u>30 Days</u>
		<u>2017 6542 02323</u>	<u>10 years</u>	<u>2016 6542 04077</u>	<u>5 years</u>
(b)	_____	<u>2016 6542 04082</u>	<u>10 years</u>	<u>2016 6542 04076</u>	<u>5 years</u>
		<u>2016 6542 04479</u>	<u>1 year</u>	<u>2016 6542 04080</u>	<u>5 years</u>
(c)	_____	<u>2016 6542 04074</u>	<u>10 years</u>	<u>2016 6542 04478</u>	<u>10 years run consecutive</u>
		<u>2016 6542 04078</u>	<u>3 years</u>	<u>2016 6542 04081</u>	<u>10 years</u>
				<u>2016 6542 04075</u>	<u>10 up to 5 years probation</u>
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) May 23, 2017
 - (b) 20 years 5 years probation

Amble

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ✓

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

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

NO

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

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

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) I did ask for a reconsideration

(b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: I WAS NOT TOLD ABOUT A LESSER OFFER.

I WAS TRICKED INTO THIS.

2013 JAN 18 PM 2:10
MILBONE ST. ASSAULT

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

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

- (a) The Solicitor said at Trial that I had been offered another
- (b) Sentence, My lawyer never told me.
- (c) _____

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

- (a) any petition in a State Court under South Carolina Law? no
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? no
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no
- (d) any other petitions, motions or applications in this or any other Court? no

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

- (a) the specific nature thereof:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (c) the disposition thereof:
 - i. _____
 - ii. _____
 - iii. _____

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 HARRIS COUNTY

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. _____

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

no

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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MIDWESTERN

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

(a) I am doing so now

(b) _____

(c) _____

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

Beverly Jones Spartanburg County Public Defender

- (a) your arraignment and plea? Yes
- (b) your trial, if any? _____
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? No
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? No

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

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

- i. Beverly Jones
- ii. _____ Spartanburg County 366 North Church Street
- iii. _____ Public Defenders Office SUIT 3000
Spartanburg SC 29303

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

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

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

Retrial / less Time

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

No

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STATE OF SOUTH CAROLINA)

County of *Spartanburg*)

VERIFICATION

I, *Rennie Joe Blackwell*, 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.

Rennie Joe Blackwell

SWORN to and subscribed before me this 10th day of JANUARY, 2018

Janelle T. Spearman (L.S.)
Notary Public

My Commission Expires **JANELLE T. SPEARMAN**
Notary Public State of South Carolina
My Commission Expires
August 26, 2025

2018 JAN 18 PM 2:10
JANELLE T. SPEARMAN

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

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

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

Ronnie Joe Blackwell
Applicant

SWORN or affirmed to and subscribed before me this
10th day of JANUARY, 2018

Janelle T. Spearman

NOTARY JANELLE T. SPEARMAN
Notary Public - State of South Carolina
My Commission Expires August 26, 2025

My Commission Expires

2018 JAN 18 PM 2:10
L. H. HARRIS, CLERK

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG)	FOR THE SEVENTH JUDICIAL CIRCUIT
)	
Ronnie Joe Blackwell, #319549)	Case No.: 2018-CP-42-0179
Applicant,)	
)	RETURN
v.)	
)	
State of South Carolina,)	
Respondent.)	

The State (Respondent), making its Return to the application for post-conviction relief filed on January 18, 2018, would respectfully show this Court:

I.

Ronnie Joe Blackwell (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. In July 2016, the Spartanburg County Grand Jury indicted Applicant for possession of stolen vehicle (2016-GS-42-4082), three counts of petit larceny (2016-GS-42-4074; 2016-GS-42-4075; 2016-GS-42-4081), three counts of breaking into motor vehicle (2016-GS-42-4080; 2016-GS-42-4077; 2016-GS-42-4076), reckless driving (2016-GS-42-4079), failure to stop motor vehicle (2016-GS-42-4078). In August 2016, the Spartanburg County Grand Jury subsequently indicted Applicant for escape (2016-GS-42-4479), petit larceny (2016-GS-42-4478). In May 2017, the Spartanburg County Grand Jury subsequently indicted Applicant for possession of a stolen vehicle (2017-GS-42-2323), and possession of cocaine base (2017-GS-42-2322). Applicant waived presentment to the grand jury for the charge of escape.

Assistant Public Defender Beverly D. Jones, Esquire represented Applicant. Assistant Solicitor Spenser H. Smith, Esquire prosecuted the case. On May 23, 2017, Applicant appeared in the Spartanburg County Court of General Sessions before the Honorable J. Mark Hayes, II,

and following jury selection and pre-trial matters, Applicant pled guilty to the above-referenced offenses. Pursuant to a recommendation by the State, Judge Hayes sentenced Applicant to imprisonment for concurrent terms of twelve months for escape, ten years for each count of petit larceny, ten years for each count of possession of stolen vehicle, five years for each count of breaking into motor vehicle, thirty days for reckless driving, three years for failure to stop motor vehicle, three years for possession of cocaine base, along with credit for time served of 409 days. Applicant did not appeal. Applicant's probation for prior charges was also revoked as part of this plea proceeding.

Attached to this Return and incorporated by reference are the records of the Spartanburg County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. Ineffective Assistance of Counsel
 - a. "The Solicitor said at trial that I had been offered another sentence, my lawyer never told me"
2. Involuntary Guilty Plea
 - a. "I was not told about a lesser offer. I was tricked into this."

III.

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's

conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 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 the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant asserts he was tricked into the plea. Respondent interprets this as an

involuntary guilty plea. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56 (1985). Further, "[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing." McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, "whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases." Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). Further, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant; thus, a

criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton, at 137–38, 654 S.E.2d at 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions “made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). “In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing.” Id. at 138–39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

Respondent submits the record supports the knowing and voluntary nature of Applicant’s plea. However, allegations regarding the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

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

amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCP.

VI.

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

VII.

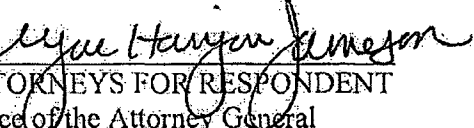
WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of plea counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

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

3/26, 2018

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF SPARTANBURG) COURT OF COMMON PLEAS NONJURY

3
 4 RONNIE JOE BLACKWELL,) TRANSCRIPT
 5 APPLICANT,) OF
 6 VS.) RECORD
 7 THE STATE OF SOUTH CAROLINA,)
 8 RESPONDENT.) 2018-CP-42-179

9
 10 March 4th, 2019
 11 Spartanburg, South Carolina

12
 13 B E F O R E :

14 THE HONORABLE THOMAS A. RUSSO, Judge.

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

17 RODNEY W. RICHEY
 18 ESQ.
 Attorney for the Applicant

19 JACOB A. ISENBERG and JOHNNY E. JAMES, JR.
 20 ASSISTANT ATTORNEY GENERAL
 Attorney for the Respondent

21
 22
 23 PAMELA E. GREEN
 24 Circuit Court Reporter
 25 Seventh Judicial Circuit

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P R O C E E D I N G S

MR. ISENBERG: Your Honor?

THE COURT: Yes, sir.

MR. ISENBERG: The State's ready to proceed.

THE COURT: All right.

MR. ISENBERG: Your Honor, the next case is Ronnie Joe Blackwell. He's presently confined in the South Carolina Department of Corrections. Case Number 2018, 2018-CP-42-00179.

He was sent -- confined to the Department of Corrections pursuant to Orders of Commitment of the Spartanburg County Clerk of Court. In July, 2016, the Spartanburg County Grand Jury indicted Applicant for possession of stolen vehicle, three counts of petty larceny, three counts of breaking into a motor vehicle, one count of reckless driving, one count of failure to stop motor vehicle. And, in August, 2016, the Spartanburg County Grand Jury subsequently indicted Applicant for escape and petty larceny.

In May, 2017, the Spartanburg County Grand Jurors subsequently indicted Applicant for possession of a stolen vehicle, and possession of cocaine base. And I apologize for the error. I think the Applicant did actually waive his presentment to the Grand Jury for the charge of escape. I

1 apologize for that.

2 Assistant Deputy Public Defender Beverly Jones
3 represented the Applicant, and the Assistant Solicitor,
4 Spenser Smith, prosecuted the case. On May 2017 -- May
5 23rd, 2017, the Applicant appeared in a Spartanburg County
6 Court of General Sessions before the Honorable, Honorable
7 Mark Hayes, and pled guilty to 12 charges as indicted, and
8 one lesser included offense for resisting arrest. That was
9 the lesser included offense of the charge of escape.

10 The State actually recommended that the Applicant serve
11 consecutive terms totaling up to 15 years with ten years of
12 probation. The Judge sentenced him to consecutive terms
13 totaling up to 20 years with five years of probation.
14 Credit for 409 days time served.

15 The Applicant did not appeal, and is also, at the date
16 of the plea hearing, his probation for prior charges was
17 revoked as part of the plea proceeding. In his
18 Post-Conviction Relief Application, he -- the Applicant
19 alleges ineffective assistance of counsel, and involuntary
20 guilty plea.

21 And, with that---

22 THE COURT: All right.

23 MR. ISENBERG: ---I'll turn it over to his counsel,
24 Rodney Richey.

25 THE COURT: Mr. Richey.

Ronnie Blackwell - Direct examination
by Mr. Richey

1 MR. RICHEY: Thank you, Your Honor.

2 We call Mr. Blackwell.

3 THE COURT: All right. Mr. Blackwell, sir, if you'd
4 come around, and I know it might be difficult with those
5 chains, but if you could put your left, left-hand on the
6 Bible. Raise your right-hand when you approach.

7 THE APPLICANT: Yes, sir.

8 RONNIE JOE BLACKWELL, being first
9 duly sworn, testified as follows:

10 THE COURT: Thank you, sir.

11 If you'd please have a seat there in the witness box,
12 and state your full name for the record.

13 THE WITNESS: Ronnie Joe Blackwell.

14 MR. RICHEY: Mr.---

15 THE COURT: All right. Mr. Richey.

16 DIRECT EXAMINATION

17 BY MR. RICHEY:

18 Q Mr. Blackwell, you filed an Application for
19 Post-Conviction Relief, correct?

20 A Yes, sir.

21 Q And who represented you on your charges?

22 A Beverly Jones.

23 Q And you believe that she did not properly represent
24 you, correct?

25 A That's correct.

Ronnie Blackwell - Direct examination
by Mr. Richey

1 Q And that the, the -- the issue you have for the Court
2 today is you wanted her to file a reconsideration.

3 Is that right?

4 A Yes, sir.

5 Q And was that done?

6 A On her bene -- part, no.

7 Q Okay.

8 A I mean I put in for it, but she didn't.

9 MR. RICHEY: Okay. Can I approach the witness a
10 second, Your Honor?

11 THE COURT: Yes, sir.

12 Q Sir, what is this a copy of?

13 A This is the request from the copies of where I had
14 wrote request from the kiosk in spartanburg County Jail.

15 Q And the kiosk would be the way you communicate with
16 your attorney?

17 A That's correct.

18 Q And, and you -- this is an accurate reflection of how
19 this thing is presented to you, correct?

20 A Yes, sir.

21 Q And so you wanted to have the judge reconsider your
22 sentence?

23 A That's correct.

24 Q Okay. And that's the issue you have before this Court
25 today.

Ronnie Blackwell - Cross-examination
by Mr. Isenberg

1 Is that correct?

2 A Yes, sir.

3 Q Okay. Thank you. Answer any questions the Attorney
4 General will have for you.

5 CROSS-EXAMINATION

6 BY MR. ISENBERG:

7 Q Mr. Blackwell?

8 A Yes, sir.

9 Q I have your Application right here for PCR.
10 I'm just wondering where in it you talk about the
11 motion for reconsideration?

12 A Well, when I put in for the PCR, I was not sure -- when
13 I, when I put in for the reconsideration, I had told her in
14 the courtroom because there's other issues, I mean I don't
15 know if I can bring up here, where I signed for 20 years
16 because I didn't know that there was any other offer. And
17 when I found out that they had actually offered me 15 years,
18 and she was standing in the courtroom telling me not to say
19 anything, and I'm saying -- so, I'm mouthing the words oh,
20 I'm getting 15, but that's the first time I've heard of 15.

21 I had to sign for 20. She told me not to say anything.
22 That's what originally I put in the PCR for cause she didn't
23 let me know of another offer.

24 But when I got the request forms from Spartanburg
25 County Jail showing that she was -- that she never told me

Ronnie Blackwell - Cross-examination
by Mr. Isenberg

1 about an offer, I seen where she had opened up the request
2 where I had put in for the reconsideration within the 10 day
3 time. See cause I got sent to R&E. So, I'm thinking that
4 she just didn't get it opened up in time.

5 And also there's one written to Clay Allen, her boss,
6 within the 10 day period of time as well where I'm telling
7 him to make sure she puts me in for a reconsideration, that
8 I have only have 10 days cause she's slow about opening up
9 her request forms from the Spartanburg County Jail.

10 Q So, you're testifying that she never told you about the
11 first plea offer?

12 A Oh, no, she never told me about it.

13 Q So, you didn't meet with her about the first plea
14 offer?

15 A No, there never, never was a plea offer until I went
16 to -- we picked the jury and the judge says can y'all not
17 work out a plea with him.

18 Q So, your testimony here today that your Public
19 Defender, your attorney, never showed you, provided you, or
20 even chatted with you about---

21 A Oh, no.

22 Q ---a plea offer the week before the plea here?

23 A No, if, if you'll hand me those request forms right
24 there, I'll show you where she told me that there's no news
25 about a plea offer.

Ronnie Blackwell - Cross-examination
by Mr. Isenberg

1 Q There's no news about a plea offer?

2 A No.

3 Q Okay.

4 A None.

5 Q And---

6 A This, this is on the, I believe the 17th, is when she
7 wrote those -- when I wrote the request and she answered it.
8 She's telling me there's no news about a deal.

9 Q Did you tell the Judge that at the plea hearing?

10 A No, because whenever they said 15 years, I look at her
11 and I go, and I'm mouthing the words, 15 years. She's
12 holding her fingers up to her lips, and shaking her head not
13 to say anything. So then my -- I'm going through my mind of
14 like what's going on here.

15 Q So, you're saying you knew that they had a plea offer
16 of 15 years?

17 A No, I did not know that until I had done agreed to 20,
18 and then, when I come into Court, the Solicitor says we had
19 offered him 15 years, and I'm looking at her like 15 years,
20 and she's telling me---

21 Q And, at that point, you got up and told the judge---

22 A No, she's telling me, with her finger to her lip,
23 not -- shaking her head back and forth not to do anything,
24 not to say anything, and then, whenever he says 15 years
25 again, I look at her, and I say oh, I'm getting 15? And

Ronnie Blackwell - Cross-examination
by Mr. Isenberg

1 she's got her finger to her lips, holding her hand up, not
2 saying anything, shaking her head yes. So, I'm thinking I'm
3 getting 15 years.

4 Q So, you're saying the solicitor said at the plea
5 hearing, we've previously offered 15 years, and then you got
6 up and said you didn't have any concerns with your attorney?

7 It's a yes or no question.

8 A No.

9 Q So, you didn't say that you had---

10 A I didn't---

11 Q ---no concerns with your attorney?

12 A No, because I had put all my faith and trust in her.
13 I'm thinking that I'm getting ready to get 15 years cause
14 she's telling me not to say anything.

15 Q So you---

16 A Why would I sign for 20 if, if I had been offered 15?

17 Q So, you remember the plea hearing, right?

18 A Yes, sir.

19 Q And you remember talking with the judge at the plea
20 hearing?

21 A Uh-huh. (Affirmative).

22 Q And you remember your lawyer talking to the judge at
23 the plea hearing?

24 A I also remember her saying that y'all can tell by
25 looking at his facial gestures and body movement that he

Ronnie Blackwell - Cross-examination
by Mr. Isenberg

1 understands -- he don't understand. He thinks I haven't
2 told him something, which was correct in her saying that
3 cause she never told me about a 15 year offer.

4 If she did, when did she tell me about it cause she
5 just wrote on that request right here from back to being
6 when I was in the county jail that there is no news?

7 MR. ISENBERG: Your Honor, I'm approaching opposing
8 counsel with the transcript.

9 THE COURT: All right.

10 A When, when was I showed an, an offer?

11 MR. ISENBERG: Your Honor, may I approach the witness?

12 THE COURT: Yeah.

13 Q I'm showing you Page 41 of the transcript.

14 If you could read over that for a moment and look up
15 when you're done?

16 A (Witness complies.)

17 Oh, yeah, I --.

18 Q I'm gonna read aloud Page 41 beginning at Line 4 and
19 you read silently.

20 A Yeah.

21 Q Your lawyer said, at some point earlier this month,
22 Mr. Smith sent me an offer. I pleaded with him to just give
23 me some kind of offer, and his offer was 25 years suspended
24 to 15 with five years probation. I explained that, using
25 the email itself with Mr. Blackwell, and he rejected that.

Ronnie Blackwell - Cross-examination
by Mr. Isenberg

1 Now, did I read that from the transcript correctly?

2 A Oh, yes.

3 Q All right. Now turn to Page 43. Go to Line 7. Now
4 I'm gonna read aloud --

5 A Uh-huh. (Affirmative).

6 Q -- and you read silently.

7 The judge said Mr. Blackwell, do you agree with the
8 statements that were just made by your lawyer. You said
9 yes, sir.

10 A That's correct.

11 Q Now, you agreed with the statement that your lawyer
12 read you the email from the first plea offer?

13 A Yeah, I did.

14 MR.. ISENBERG: No further questions, Your Honor.

15 THE COURT: Anything on redirect?

16 MR. RICHEY: Just a couple?

17 REDIRECT EXAMINATION

18 BY MR. RICHEY:

19 Q If you look on Page 41?

20 You got this transcript still there?

21 A Yes, sir.

22 Q Okay. You were referring to, on Page 41, Lines 11
23 through 15, is that correct, where it says but I wanted to
24 explain because he thinks I've not told him something. I
25 think you can tell by the look at his face, but the offer --

Ronnie Blackwell - Cross-examination
by Mr. Isenberg

1 is that what you referred to when you said you were in the
2 courtroom, and you were making faces like what's going?

3 A Yeah, cause I, I never heard -- she never told me --
4 she never presented me with a 15 year offer. And if you
5 look at those requests, she's telling me that he has not
6 made me an offer, and he's not gonna drop any charges. She
7 wrote in the -- on the kiosk, and then when I wrote her and
8 asked her did she hear any news, she writes there's no news.

9 Q So---

10 A ---about an offer.

11 Q So---

12 A And this is three days before my trial.

13 So, when did she show me this?

14 I know I agreed saying that she had, but I'm going
15 through the motions because I had done signed a plea deal
16 for 20, and, and the reason why I was acting out in Court is
17 because I had heard for the first time about a 15 year offer
18 --

19 Q So, let me, let me, let me ask you this question.

20 A -- that she never told me about.

21 Q So, so, you didn't know about the offer?

22 A Uh-huh. (Affirmative).

23 Q So, you're asking this Court to give you a new trial,
24 correct?

25 A Well, I'm just asking for a reconsideration that I also

Ronnie Blackwell - Cross-examination
by Mr. Isenberg

1 put in---

2 Q Okay.

3 A ---within the ten days.

4 Q well, let me ask this.

5 Are you asking the Court to grant you a new trial?

6 A Yes, sir.

7 Q Okay. And for you to start over from the beginning?

8 A That's correct.

9 Q Correct?

10 Okay. Thank you. No other questions.

11 MR. ISENBERG: Your Honor?

12 THE COURT: Anything further?

13 MR. ISENBERG: Yes.

14 RE CROSS EXAMINATION

15 BY MR. ISENBERG:

16 Q You're asking the Court for a new trial?

17 A If I can't get the reconsideration that, that I put in
18 for within the ten day period of time that the Court
19 requires, then I want a new case. I want a new trial.

20 Q So, you're asking the Court to recon---

21 THE COURT: Hold, hold on, Mr. Attorney General, if you
22 don't mind. Let me just clarify something.

23 Mr. Blackwell, you understand, if I grant your PCR and
24 give you a new trial, you understand that you're gonna go
25 back, and that all of the charges that you were facing come

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 back?

2 If there were, if there were any charges dismissed or
3 whatever, all of that comes back. You're facing everything
4 that you were facing back then, but without---

5 THE WITNESS: Yes, sir.

6 THE COURT: ---any deals or any offers?

7 THE WITNESS: Yes, sir.

8 THE COURT: And that's what you're asking for?

9 I can't give you a reconsideration. I'm just gonna
10 tell you that.

11 THE WITNESS: Okay.

12 THE COURT: The only authority that I have, I can not
13 alter anyone's sentence. I can not reconsider any, anyone's
14 sentence. The only authority that I have, if I were to
15 agree with your Application, is to put you back where you
16 were before any of this occurred -- back to where before
17 you -- any of this occurred. And then any offers or any
18 deals or anything that was made by the State, they're no
19 longer bound by those. I just want you to be clear on what
20 I can do---

21 THE WITNESS: Okay.

22 THE COURT: ---cause I, I can't---

23 THE WITNESS: So, there's no way for me to get my
24 reconsideration since I put in for it within the right
25 period of time?

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 THE COURT: That, that -- I mean that's not before me.

2 THE WITNESS: Yeah, I been knowing -- what I'm asking
3 is, is what -- is there anything I can do -- just to get the
4 reconsideration?

5 THE COURT: well, I mean that would be before, in this
6 case, I guess it was Judge Hayes.

7 THE WITNESS: Yeah.

8 THE COURT: Was it Mark Hayes?

9 MR. ISENBERG: Yes, Your Honor.

10 THE COURT: That would be something Judge Hayes would
11 have to consider.

12 THE WITNESS: Now, I mean I've wrote Beverly Jones.

13 THE COURT: Okay.

14 THE WITNESS: I've wrote the Clerk of Court about
15 getting my reconsideration. I mean I put in for it within
16 the, the timeframe that the Court says to put in for. It
17 was her job, that she did not do, to put me in for it. I
18 told her in the courtroom, and wrote her on the kiosk, and I
19 wrote Clay Allen. That's all I'm seeking is a
20 reconsideration, and if it stands for 20 years, even though
21 she didn't tell me about a 15 year offer, that's what I'll,
22 I'll stand with, but she didn't do her job.

23 THE COURT: But, but here --.

24 THE WITNESS: I don't want to go through with the PCR
25 as far as getting, getting a new trial, no.

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 THE COURT: Well---

2 THE WITNESS: I just want a reconsideration, and I, I
3 can't get anybody to tell me the right avenue, who to, what
4 do I need to do. I mean I filed a motion, but they said
5 they -- and I have in my packet over here where I filed a
6 motion with the Clerk of Court, and they sent it to her.
7 And I, I don't hear anything from her.

8 So, I've wrote her -- how many -- two or three letters
9 asking her about my reconsideration, and she never writes me
10 back. So, I don't know, you know.

11 where's the justice in that?

12 The Court says that you have ten days to put in for it.
13 I put in for it, and I don't get it because my lawyer does
14 not put me in for it. I do what the Court says do, and I
15 ain't -- I haven't got my reconsideration.

16 THE COURT: Well---

17 THE WITNESS: I mean I know I have her on ineffective
18 counsel cause she did not tell me about no offer. I have
19 the request forms there where she's writing me, and telling
20 me that he's not gonna drop any charges, he's not gonna give
21 you any plea deal, and then, later on, she writes me back
22 and tells me there is no news about an offer, and this is
23 just like three days before the trial.

24 So, when does she show me an email?

25 She never shows me an email.

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 THE COURT: All right. I'm gonna go back to my
2 original position so that -- cause I don't -- here's the
3 thing. I am more than happy to go forward with your PCR,
4 and have -- and hear from everybody and everything.

5 THE WITNESS: Yes, sir.

6 THE COURT: But the -- under -- and, again, I, I don't
7 mean to -- I understand your position regarding that, that
8 reconsideration, but I, I, I can't do anything about that.

9 THE WITNESS: Can someone tell me how to get my
10 reconsideration that the Court says that I am due if I put
11 in for it within the ten days, which I did?

12 THE COURT: I, I don't know---

13 THE WITNESS: That's all I want.

14 THE COURT: I don't know any of the facts surrounding
15 that.

16 THE WITNESS: Yeah. I'm told, if she's willing to put
17 me in for it, then I can get it. That's what I'm told.

18 THE COURT: I -- well, I, I don't --.

19 THE WITNESS: I mean I, I -- all I want is a
20 reconsideration from Judge Hayes.

21 THE COURT: well, that's not anything that I can do
22 here. And, and so that's -- again, again, if you want to go
23 forward with your PCR, if I agree with your PCR Application,
24 then the, the remedy that I would be allowed to give you is
25 to put you back before you entered any plea or drew any jury

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 or did anything.

2 THE WITNESS: So, I'd go back to the county jail from
3 here if I was, if I was granted the PCR?

4 THE COURT: Well, it, it -- well, it's not that cut and
5 dry. I mean if I were to grant your PCR, then it would
6 be -- it would be -- the State would have the right to
7 appeal that decision, and, if they did, then you have to
8 wait and let it go through the appellate process.

9 THE WITNESS: So, so, where do I go from here if I, if
10 I get my PCR granted?

11 THE COURT: Back, back -- where are you currently?

12 THE WITNESS: I'm at SCDC.

13 THE COURT: That's where you would go -- if, if I were
14 to grant your PCR, then the State has a period of time
15 within which they can appeal my decision. If they do, you'd
16 remain at SCDC until that appeal is heard.

17 THE WITNESS: Okay.

18 THE COURT: But if I, if I were to grant your PCR, and
19 they were to not prevail on their appeal, then you would be
20 sent back to the county facing all the charges that you were
21 facing back then. In other words, in other words, it, it
22 starts over. You---

23 THE WITNESS: Will I get credit that I've already
24 served in SCDC on these charges?

25 THE COURT: That I can't answer. I --.

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 MR. JAMES: Yes, any inmate is entitled to credit for
2 time served, anything that they've already served if their
3 PCR is granted. There was an erroneous position to the
4 contrary previously held by the Attorney General's Office,
5 and that was corrected in a published opinion in I think a
6 couple of years ago, but I can't remember the name of it.

7 THE COURT: Okay.

8 THE WITNESS: Well, I don't have anything to lose
9 cause, thanks to my attorney where I signed for 20 years, I
10 signed for the max.

11 THE COURT: Well, here -- let -- now, hold on. To make
12 a comment I don't have anything to lose, I'm, I'm not, I'm
13 not there.

14 You understand?

15 THE WITNESS: Yeah.

16 THE COURT: I don't know anything. I just have these
17 papers in front of me.

18 THE WITNESS: I understand.

19 THE COURT: But you understand -- how many charges were
20 you facing back then?

21 THE WITNESS: Fifteen.

22 THE COURT: Well, you understand you have something to
23 lose.

24 You got what -- you got a 20 year sentence?

25 THE WITNESS: Yes, sir.

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 THE COURT: All right. You could get three years, ten
2 years, ten years, one year, ten years, three years, five
3 years, five years, five years, ten years, ten years, and ten
4 years. That's what I'm seeing. You could get all that
5 consecutive.

6 THE WITNESS: But wouldn't it be vindictive of a
7 Court to sentence me to --?

8 THE COURT: I'm telling you what you could get if you
9 went back. I'm not saying you would.

10 THE WITNESS: Okay.

11 THE COURT: You understand?

12 I, I can't tell you what some judge will do in the
13 future. I just want you to make an informed decision.
14 That's all. I want you to make an informed decision.

15 So, to say that I have nothing to lose, that's not
16 accurate. You, you could go back and get less time. You
17 could go back and get time served or you could go back and
18 catch 10, 20, 30, 40, 50, 60, 70 -- 70 years. So, so, don't
19 just make the haphazard comment I got nothing to lose.

20 THE WITNESS: Well, I apologize for that comment.

21 THE COURT: Well, no, it's okay.

22 THE WITNESS: Okay.

23 THE COURT: I just don't want you to believe that.

24 THE WITNESS: Okay.

25 THE COURT: Because it's possible. But it's also

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 possible it could be better. I -- what I'm trying to do,
2 and I'm, I'm trying not to be -- to influence you in any way
3 other than to help you understand what it is that I can do
4 for you if I agree with your Application---

5 THE WITNESS: Yes, sir.

6 THE COURT: ---and if I grant it.

7 THE WITNESS: Yes, sir.

8 THE COURT: Cause I know what you want.

9 Okay. I'm just telling you. You want that
10 reconsideration to be heard. I, I can't do that.

11 THE WITNESS: Can someone tell me how to get it?

12 THE COURT: Someone might, but I, I can't cause I can't
13 give legal advice. If---

14 THE WITNESS: If I can get -- if someone can tell me
15 how to get the reconsideration that I asked for---

16 THE COURT: May I suggest---

17 THE WITNESS: ---then I will---

18 THE COURT: ---that we just suspend this proceeding.
19 If you need to talk a little bit -- we may need to pick it
20 right back up, but let there be some conversation to try to
21 -- cause I don't know. You know, I'm, I'm getting myself---

22 MR. RICHEY: Well, Judge, the only way -- I've
23 explained this. The only way he can do it is back through
24 Judge Hayes, and that's through the criminal process.
25 That's the only way that can be done, and I've explained it

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 to him that's how he has to do it. whether he writes Judge
2 Hayes, somebody. But this process is not gonna do it. He,
3 he, he just -- that's what he wants, and we can't get that.
4 And that's the process we have to go through, and I've
5 explained that to him.

6 THE COURT: Has, has anyone written Judge Hayes and
7 explained the situation and asked him?

8 THE WITNESS: Now, I have, up here in my paperwork,
9 where I wrote -- I petitioned the Court for a
10 reconsideration. I have it right here on, on his disk.
11 When they wrote me back and said Beverly Jones or they, they
12 sent it to the -- reported it to the Public Defender's
13 office. I have not heard anything from them, and this is
14 been -- I, I can't remember the date, but this has been in
15 '17 or -- well, '18 -- '17 or '18 when, when I done that.
16 They haven't got back to me as all the letters I wrote Ms.
17 Jones. She's only sent me one back that says she was
18 forwarding something to Mr. Richey.

19 MR. RICHEY: And, Judge, we, we, you know -- and just
20 for the Court's information, I, you know, and I told my
21 client this. I'm real weary of doing this cause, when this
22 whole thing is over, he's gonna be out. I mean we
23 believe -- me and him both have a good faith belief that
24 he's gonna be out. So, I'm real hesitant in my client
25 taking on this, but he has a right to present his case

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 however he wants to, but it's a dangerous deal what we're
2 doing.

3 THE COURT: Well, here's the thing, and, and, and --
4 now, Mr. Isenberg touched on it earlier, and I haven't
5 really -- I see on, on his Application where an answer to
6 Question 7, did you appeal from the judgment or conviction
7 or the imposition of sentence, and he writes no. And then
8 down on Number 9, it says if you answered no to 7, state
9 your reasons for not so appealing. He does write there that
10 I did ask for a reconsideration.

11 All right. But when it gets to the portion of the
12 Application where it says to state the facts which support
13 the grounds -- your grounds set forth in your Application,
14 it -- it's, it's all about the trial counsel and the offer
15 not being conveyed and all of that. So, the, the purpose
16 for this Application, the, the purpose for this
17 Post-Conviction Relief, in all candor, is not the
18 reconsideration issue.

19 MR. RICHEY: Your Honor?

20 THE WITNESS: See I didn't have the paperwork that I
21 have now when I filled that out as far as --.

22 THE COURT: I understand. So, so, so there's only --
23 there's, there's a couple ways you can go, and I don't know.
24 It, it may be beyond the, the, the time to be able to file
25 an amended application, but---

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 MR. ISENBERG: Your Honor, if I may?

2 I'd like to cross him on his grounds for what his
3 reconsideration would even be based upon. I mean if he's,
4 if he's had all the paperwork, and had all the time to
5 review it now, I'd like to at least ask him what he thinks
6 his reconsideration would even be based upon.

7 THE COURT: Well, if you want to go down that road,
8 then -- I mean if you're gonna take the position that you're
9 gonna agree to him orally amending his application here
10 today, then, and, and hearing that grounds (sic), I mean
11 cause that's not a, a current grounds (sic) in his
12 application. But you might want to talk to Mr. James about
13 that.

14 (Pause.)

15 MR. ISENBERG: Well, Your Honor, my first contention
16 would be that the allegation should be tossed because it
17 wasn't based in the facts, and he even said he had the
18 knowledge about the reconsideration issue at the time.

19 THE COURT: Yeah, I mean I'm not gonna, I'm not gonna
20 consider it as far as the PCR Application goes since it
21 wasn't part of the Application.

22 MR. ISENBERG: Okay.

23 THE COURT: So -- but, but what I'm -- here's, here's
24 what I'm getting at is I want Mr. Blackwell to be completely
25 informed about what it is that I can do or, or the whole

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 purpose for, for PCR.

2 And I don't want to misread you in anyway, but it
3 sounds like your, your, your main focus is getting in front
4 of Judge Hayes with that reconsideration.

5 THE WITNESS: That's correct.

6 THE COURT: And that you don't really want the relief
7 that I can give you in this hearing, which is to be put back
8 where you were before all this started.

9 THE WITNESS: Yes, sir.

10 THE COURT: It, it doesn't sound like you want that.

11 THE WITNESS: Not -- the only relief I'm asking for is
12 the lesser sentence, and I mean---

13 THE COURT: Okay.

14 MR. ISENBERG: ---it be considered---

15 THE COURT: And I, and I can't do a thing about that.

16 THE WITNESS: I understand.

17 THE COURT: And I can't -- so, the, the, the question
18 is, understanding there's nothing I can do about that, do
19 you want to go forward with your PCR?

20 THE WITNESS: Yes.

21 THE COURT: All right. Go ahead, solicitor --
22 Mr. Attorney General.

23 THE WITNESS: Unless someone can tell me how to get my
24 reconsideration, and then I'll forego this.

25 MR. ISENBERG: Well, I, I just have one more question.

Ronnie Blackwell - Recross examination
By mr. Isenberg

1 THE COURT: All right.

2 MR. ISENBERG: That's it.

3 THE COURT: You can go ahead.

4 CONTINUED RECROSS EXAMINATION

5 BY MR. ISENBERG:

6 Q Okay. Do you want a new trial?

7 A If that's what it takes to get lesser time, yes.

8 Q Okay. So, you, you want lesser time?

9 A Yes.

10 Q Okay. No further questions.

11 THE COURT: Mr. Richey.

12 MR. RICHEY: No questions.

13 We call Beverly Jones.

14 THE COURT: All right. Thank you, sir. You may step
15 down.

16 All right. Ms. Jones, if you'd come around and be
17 sworn please.

18 THE WITNESS: Yes, sir. One second.

19 THE COURT: All right. Ma'am, if you'd place your
20 left-hand on the Bible, and raise your right-hand.

21 BEVERLY JONES, being first duly
22 sworn, testified as follows:

23 THE COURT: Thank you, ma'am. And if you'd just state
24 your name for the record please.

25 THE WITNESS: I'm Beverly Jones.

Beverly Jones - Direct examination
by Mr. Richey

1 THE COURT: All right.

2 DIRECT EXAMINATION

3 BY MR. RICHEY:

4 Q All right. Ms. Jones, do you recall representing
5 Mr. Blackwell?

6 A Yes, I do.

7 Q And you've been in the courtroom during this time this
8 hearing's been going on.

9 Is that correct?

10 A That's correct.

11 Q And, and I'm gonna ask you, did, did he request you
12 file a reconsideration?

13 A He -- I did receive a kiosk request. I saw it on the
14 30th, and he had already been transported it's my
15 understanding. So, that's -- yes, I did.

16 Q Okay. And, and did you file a motion for
17 reconsideration?

18 A I did not.

19 Q Okay. And do you believe there was issues that could
20 be---

21 MR. ISENBERG: Your Honor, objection, as to the
22 relevance. As we discussed earlier, this motion to
23 reconsider -- reconsideration issue is not a part of the PCR
24 today.

25 THE COURT: Well --.

Beverly Jones - Direct examination
by Mr. Richey

1 MR. ISENBERG: And if, if not relevance, then 403 cause
2 there, there -- the substantial prejudicial effect of going
3 into this reconsideration issue is -- far outweighs any
4 probative value in this case.

5 THE COURT: Okay.

6 MR. ISENBERG: And --.

7 THE COURT: I'm gonna, I'm gonna overrule -- I'm gonna
8 overrule. I'm gonna, I'm gonna hear it. I -- we're not in
9 front of a jury. I, I can certainly separate the, the wheat
10 from the chaff so to speak. I'm, I'm, I'm gonna allow it.

11 MR. ISENBERG: Thank you, Your Honor.

12 Q Was there any issues that you could of reconsidered in
13 his sentence?

14 A Not in my opinion. I, I was unaware of anything. I
15 also would have been concerned that the outcome could have
16 been worse than it ended up being.

17 Q Okay. So, you believe that he could of got more time
18 on a reconsideration?

19 A Yes, I do believe that.

20 Q So, the judge doesn't always go lower. He can go
21 higher.

22 Is that what your testimony is?

23 A That's correct.

24 Q Okay. As to the, the plea itself, you've heard in the
25 courtroom on Page 41 about there was some explanation or he

Beverly Jones - Direct examination
by Mr. Richey

1 was looking funny about he didn't understand the plea offer,
2 but can you tell me whether you told him about the 15 year
3 plea offer?

4 A I did explain the offer to him, and I'm gonna make
5 reference to several documents as I do that. On -- well,
6 let me back up.

7 I had Mr. Blackwell's case, at the time of this plea,
8 for over a year, about a year and three months.

9 Consistently through that period he had been asking me for
10 an offer, for an offer, get me an offer, can you get me any
11 kind of offer. And I had been consistently conveying that
12 request, and I think I even say in the transcript that I was
13 begging at one point with Mr. Smith just give us a little
14 bit of something cause, at this point, you're putting us in
15 a straight up, you know, position on everything if there's
16 any plea at all.

17 This was on the trial docket for the week, I believe,
18 it's May 21st. The plea took place on a Wednesday, but it
19 was on the plea docket for this 21st. On May 17th,
20 which is a Wednesday, I received an email from Spenser Smith
21 with the first offer received, and he said I have an idea of
22 what I want to do, but need to nail it down exactly,
23 which -- of which case this would be suspended, which ones
24 would be active. The general outline of the deal would be
25 suspended to 15 with five years probation, and then it

Beverly Jones - Direct examination
by Mr. Richey

1 goes on to talk about well, what might be suspended, what
2 would be run consecutive and so forth.

3 That very day I went to the jail and spoke to him, and
4 conveyed the offer to him, and he told me, and I wrote this
5 down in quotes, "if the solicitor won't help me out, I'm not
6 going to help him. We're gonna make him work for it." And,
7 at that point, I made a notation jury trial, underlined it,
8 and then engaged in an action we always do right before
9 we're going -- we know we have a client who's on -- high on
10 the trial docket. I got his height, weight, shoe size,
11 waist size, and shirt size cause I knew I needed to get him
12 dressed for trial.

13 Later on, when I got back to the office, I got another
14 email from Spenser Smith that was a little more specific as
15 to which ones he wanted run concurrent, which ones
16 consecutive, and then my reply to him, at 4:07 was, can you
17 send me copies of all indictments. Later on, I got a kiosk
18 from Mr. Blackwell that he sent me at 4:37 saying Ms. Jones,
19 hoping you have some good news. Please let me know. Thank
20 you for everything you are doing for me, and, on that one --
21 to that I replied, on the 19th, which I believe would be
22 Friday, and said no news. Escape actually carries up to 15,
23 sorry, which was a correction of, of mistake I had conveyed
24 to him the -- what the wrong sentence was on the 17th when
25 we were there talking about the plea agreement.

Beverly Jones - Direct examination
by Mr. Richey

1 My notes are very brief, but just his -- my reference
2 back in the kiosk on Friday is a corroboration that we went
3 over in great detail all the charges and what they carried.

4 Q Okay. So, you say you conveyed this offer to him at
5 the meeting at the jail?

6 A I did.

7 Q What day was that meeting?

8 A The 17th.

9 Q Of --?

10 A May.

11 Q May.

12 Okay. And, and the kiosk, there was no conversation --
13 there was no notification on the kiosk that you're aware of?

14 A No, I, I don't necessarily find that to be a good
15 practice because you can't explain the ins and outs --
16 especially complicated offer like this where you're talking
17 about consecutive, concurrent, suspended. You can't do that
18 in writing, and I'm not sure that it's really -- we know
19 this is not a confidential communication. So, we're trying
20 to limit how much we tell them through the kiosk because the
21 solicitor -- solicitor's office has on, at least one
22 occasion, subpoenaed the conversations between our office
23 and a client, and we're -- so, we're circumstance -- we're
24 not gonna go through that lengthy conversation in a kiosk.

25 Q Okay. What was that you said, I'm sorry, the last

Beverly Jones - Direct examination
by Mr. Richey

1 part?

2 You said the kiosk is not confidential?

3 A That -- well, in the one occasion they have subpoenaed.
4 So, we try not to get terribly detailed in what we tell
5 them.

6 Q Okay. Can you -- do you have a copy of that email with
7 you?

8 Can I approach the witness, Your Honor?

9 A Which email?

10 Q The first email---

11 A The first?

12 Q ---from the solicitor---

13 A Okay.

14 Q ---about the offer.

15 MR. RICHEY: No other questions.

16 MR. ISENBERG: May it please the Court for cross, Your
17 Honor?

18 THE COURT: Are you done?

19 MR. RICHEY: Yes, sir.

20 THE COURT: I apologize. I was reading the transcript.
21 Yes, sir, go ahead.

22 MR. ISENBERG: Thank you.

23 CROSS-EXAMINATION

24 BY MR. ISENBERG:

25 Q So you're saying that your client did not accept the

Beverly Jones - Cross-examination
by Mr. Isenberg

1 first plea agreement?

2 A That's correct.

3 Q And you're saying he said, if the solicitor was not
4 going to help him, he was not going to help the solicitor?

5 A Right.

6 Q Did you---

7 A That's, in essence, what he said to me, yes.

8 Q Did he provide you any context as to why he didn't
9 accept the first plea agreement or the first plea offer?

10 I apologize.

11 A I just don't think he thought it was favorable. Now,
12 the other, other context running through this, and he had
13 asked at least once, maybe twice, about the specific escape
14 charge or charges. He had two separate charges of escape.
15 One from -- the first one involved trying to -- well,
16 successfully, getting from the back seat into the front seat
17 while handcuffed in a patrol car, and trying to leave the
18 scene after he'd been placed under arrest.

19 The second one involved cutting an ankle monitor off
20 after he had bonded out and was on home detention. He had
21 repeatedly expressed concern about those charges cause he
22 believed they would impact his custody status in the
23 Department of Corrections. But -- so that was an underlying
24 theme as well. But he, he just basically felt like they
25 weren't giving him anything, and it was not a good offer.

Beverly Jones - Cross-examination
by Mr. Isenberg

1 Q So, you're saying that the underlying escape charge
2 issue did impact his first notion that he did not want to
3 accept that plea offer?

4 A Well, clearly we discussed it or I would not have had
5 to go back in that email -- I mean that kiosk on Friday to
6 correct misinformation I gave him about escape. It's clear
7 indication we talked about the escape, that I felt like I
8 had to correct an error---

9 Q And so---

10 A ---about sentencing.

11 Q You get this email from the solicitor at two o'clock,
12 and then you go see your client about this plea offer, and
13 then you get this other email from the solicitor after you
14 get back?

15 A Correct.

16 Q Is that -- okay. And so your client did accept the
17 plea offer the next week, correct?

18 A He did.

19 Q And what was different about the first plea offer and
20 the second plea offer?

21 A The -- the primary difference was the escape or both
22 escapes, and I, I can explain. We -- he did not want to
23 accept the offer. We were called up for trial on Wednesday.
24 Mr. Smith had picked two cases out of the many cases there
25 were, and we started -- as you see from the transcript, we

Beverly Jones - Cross-examination
by Mr. Isenberg

1 picked the jury. We did some motions with -- it appeared we
2 were gonna have to do some more motions. But, during that
3 exchange, the judge, as you'll see in the transcript, calls
4 us up or calls us out basically. I think he said I want to
5 meet with y'all. We ended up in chambers, and the judge, at
6 that point, said what's going on here.

7 We've got 15 or 16 charges. You've got two charges up
8 for trial. Well, why, why are we -- what are we doing here?
9 And then I explained the process we had been where basically
10 I'd been begging for a plea offer, that he had gotten one,
11 he rejected it, and then I also segwayed into this issue
12 with the escape. And, at that point, I just kind of started
13 being creative because I knew that's what -- these escape
14 charges are what was bothering him.

15 So, I proposed to dismissing the cut off the ankle
16 bracelet escape cause I have some questions about whether
17 that's really an escape anyway, but -- and then proposed
18 calling the other one a resisting arrest, a one year
19 resisting.

20 The solicitor, at that point, said okay. Well, I think
21 I can do that. And so that kind of was the beginning of the
22 end the -- what resulted in the plea.

23 Q And so you took that plea offer from the judge's
24 chambers and relayed it to your client?

25 A Correct.

Beverly Jones - Cross-examination
by Mr. Isenberg

1 Q And he told you that he was willing to accept that
2 plea?

3 A Yes, at that point, he, he literally, and I said this
4 in the transcript, as soon as he understood the escape was
5 gonna be gone, he literally started that exercise that some,
6 some clients do, that prison math. He immediately started
7 talking about well, I can do this. I don't -- you know,
8 I'll have to do so much of this, and then I can get a work
9 release with Prison Industry, and some of that I explained
10 to the judge. I mean that was the -- the escape was the
11 lynchpin. Once that was gone, we were there.

12 Q So, his motivation to accept the plea was the escape
13 being dismissed and him having more access to jobs in
14 prison?

15 A And I believe, yeah. That appeared to me what his
16 motivation was.

17 Q And so he accepts the plea. He receives 20 years, and
18 then five years of probation.

19 Correct?

20 A That's correct, and, and --.

21 Q But the recommendation was 15 years in jail, and then
22 10 years probation?

23 A The recommendation was 25 years. What -- an
24 accumulated 25 years---

25 Q Right.

Beverly Jones - Cross-examination
by Mr. Isenberg

1 A ---suspended to 15 with five years following in
2 probation.

3 Q Okay.

4 A The way the judge sentenced is -- was two consecutive
5 10's, and concurrent to the second consecutive 10, he ran a
6 suspended probationary sentence. So, I'm not sure, from the
7 sentence construction standpoint, how -- what's gonna happen
8 with that probation.

9 Q So, you're saying the judge's sentence to his
10 confinement in jail was more years than the recommendation,
11 correct?

12 A Well, the active part of it, but not the overall
13 sentence.

14 Q Right.

15 But 15 years confinement to 20 years.

16 A I, I understand that. If you understand what I mean---

17 Q Yeah.

18 A ---by active.

19 Q Yeah, accumulation of 25 years. I'm talking about just
20 the confinement portion.

21 A Right.

22 Q Right.

23 So, if you were to file for a motion for
24 reconsideration, since the judge had already denied a
25 recommendation -- recommended sentence, then he could of

Beverly Jones - Cross-examination
by Mr. Isenberg

1 gotten even harsher with the confinement time?

2 A That's true. The other thing that was an issue here,
3 and could be an issue again if there's a reconsideration in
4 front of Judge Hayes, if you'll read in the transcript, I
5 think there's reference -- I know there's reference made to
6 the fact that he was on probation for a large number of
7 charges. Judge Hayes gave him that probation.

8 Q Right.

9 A So, there would be an inherent risk to going back again
10 to someone who gave you the chance on probation, you
11 violated it in a royal fashion. Now you're going back in
12 and telling them you don't think -- you don't like their
13 sentence, and you want another -- yet another bite at an
14 apple with the same judge.

15 Q Right.

16 And so, after reviewing this file, what, if any, issues
17 could you have brought on or would you have brought up on a
18 reconsideration?

19 A I'm not aware of any.

20 Q So, you're saying here today that you wouldn't --
21 there's nothing you would of brought up for motion -- a
22 motion for reconsider, reconsideration?

23 A Well, I'm not aware of any---

24 Q Right.

25 A ---issues.

Beverly Jones - Redirect examination
By Mr. Richey

1 Q Right.

2 You weren't aware of any then either?

3 A No.

4 MR. ISENBERG: No further questions, Your Honor.

5 THE COURT: Redirect.

6 REDIRECT EXAMINATION

7 BY MR. RICHEY:

8 Q Ma'am, I'm gonna give you back this email, this email
9 from the solicitor.

10 Are you positive that you showed him that email or gave
11 him that information about the deal?

12 A I am positive I conveyed the information. Whether I
13 showed him the email or not, I, I can't say. But in my
14 transcript, I tell the Court that I explained it to him
15 using the email itself. That doesn't mean I gave it to him.

16 Q Did you think you -- did you go back and try to get him
17 10 years from the solicitor?

18 Did you make any effort to get 10 years from the
19 solicitor in this case after you got the 25 year offer?

20 A The effort I made on his part was to try to better the
21 offer in the way that he conveyed to me that he wanted it.

22 Q Thank you, ma'am.

23 THE COURT: Anything further?

24 MR. ISENBERG: Just a couple of questions, Your Honor.

25 RE CROSS EXAMINATION

Beverly Jones - Recross examination
by Mr. Isenberg

1 BY MR. ISENBERG:

2 Q So, the second offer had a resisting arrest which was a
3 lesser charge for escape?

4 A It's not actually a lesser included, but it was -- it
5 was a waiver indictment -- a waiver charge pled on that
6 indictment.

7 Q Okay. And he wanted the escape charge dismissed for
8 his betterment at SCDC, correct?

9 A Yeah, he was -- like I said, he was always concerned
10 about the escapes because he believed they would have a
11 negative effect on him.

12 Q And, at the time, the resisting charge satisfied him to
13 the point where he wanted to accept the plea agreement,
14 correct?

15 A Oh, that's correct.

16 MR. ISENBERG: No further questions, Your Honor.

17 THE COURT: All right. Thank you very much, ma'am.
18 You may step down.

19 MR. ISENBERG: That's all the witnesses.

20 THE COURT: All right. Anything from the State?

21 MR. ISENBERG: We have nothing, Your Honor.

22 THE COURT: All right. I'll be happy to hear from you
23 then, Mr. Richey.

24 MR. RICHEY: Thank you, Your Honor.

25 My, my client testified that he was never presented the

1 15 year offer. The one thing that he relies upon is on the
2 transcript where he makes some facial reference about not
3 knowing about the offer, but he, he says that he never
4 received anything on the kiosk about an offer.

5 I understand Ms. Jones testimony was that she tried to
6 limit the information that she provides on the kiosk, but
7 it's his position that she did not convey the 15 year offer
8 to him, and, and that he would have accepted that had she
9 presented it to him instead of going to trial because of
10 what had happened -- what happened in the case was the case
11 was set for trial, and, and sometime when these cases are
12 set for trial, I wouldn't say you can get punished, but you
13 don't get the benefit prior to pleading before trial. But I
14 think he even said he would accept the 15 year.

15 So, we -- it's our position, based on the transcript,
16 his testimony, and the lack of the information being on the
17 kiosk, that he should be granted a new trial.

18 Thank you, Your Honor.

19 THE COURT: All right. Yes, sir.

20 MR. ISENBERG: Your Honor, it's the State's position
21 that the testimony here today, first from him, that he
22 wanted a lesser sentence, which is not a remedy for PCR.
23 So, he should not be granted a new trial.

24 Number two, the testimony from his attorney that she
25 talked about the notes she took from the meeting, and how he

1 wasn't gonna help the solicitor if the solicitor was gonna
2 help him, getting into the specific details as to his
3 motivations and the escape charge affecting his term at
4 SCDC, and he had served prior terms, the fact is that,
5 during the plea hearing, she said that she showed and
6 presented him an email and talked to him about that first
7 plea offer. And he got up there and said that it -- didn't
8 contradict that at all.

9 It's his contention here today that she never even
10 mentioned it to him, and the fact is there's, there's
11 nothing on the transcript where he, at the plea hearing,
12 where he indicates that he wasn't told about this first plea
13 offer. And so his motivation, like she said on the stand,
14 was that they dropped that escape charge, and they made it a
15 resisting arrest. And, when that happened, he was motivated
16 to accept that plea agreement. And, because of that, we,
17 like he said, he doesn't even want a new trial.

18 So, we, we contend that his case should be dismissed.

19 THE COURT: All right. The -- there was the, the
20 colloquy, but there -- during the offer, the plea offer or
21 the, or the plea where Ms. Jones explains to the Court that
22 she discussed with him that -- the, the plea offer. It
23 appears though, however, the plea offer that he said was
24 never conveyed, she says was conveyed, which was offered, I
25 guess, the wednesday before trial. That, that was the plea

1 offer that he pled guilty to.

2 So, he, he actually, whether they had the discussion or
3 not, the only offer ever made to Mr. Blackwell was 25
4 suspended to 15 and five years probation. You're shaking
5 your head no, but that's right here in the transcript. It's
6 the only offer that was ever conveyed to you that, that I'm
7 aware of, and that was the -- and when the State was before
8 the Court, and gave the Court the recommendation, they made
9 that recommendation to the Court.

10 Now, I understand the Court didn't follow it, but that
11 was the recommendation that the State made, and the, the
12 Court made it clear that they're not bound -- that he's not
13 bound by the recommendation, and, and he, in fact, didn't
14 follow it. I, I, I don't know what the final sentence ended
15 up being. It appears that it was a 20 year sentence.

16 MR. ISENBERG: Yes, Your Honor, 20 years of confinement
17 with five years probation that can be --

18 THE COURT: Okay.

19 MR. ISENBERG: -- terminated after, I think, 24 months.

20 THE COURT: So, it was kind of a -- he didn't follow
21 the recommendation. The recommendation was 25 suspended to
22 15, and five years probation. He, he didn't give him the
23 25. He gave him 20. But he also didn't give him the 15.
24 He gave him 20.

25 So, the bottom line is that Judge Hayes considered the

1 recommendation, did not follow it, and, therefore, I'm gonna
2 respectfully deny the PCR Application. I don't think that
3 the Applicant has met his, his burden under Strickland v.
4 Washington.

5 The, the issue with regards to the reconsideration,
6 and, and, Mr. Attorney General, I did overrule your
7 objection. It was an, it was an appropriate objection. I
8 did overrule it. I'll be candid with -- I, I wanted to hear
9 what, what happened with that. But I agree with you that it
10 was not part of the Application. Therefore, the Court can't
11 consider it as to my decision on his Application.

12 So, I, I don't consider it as, as I decide the case
13 based upon the Application, which was the -- whether or not
14 he was informed of the plea offer. But it, it appears,
15 from, from everything in this record, that he was informed
16 of the plea offer, or, if he wasn't, he wasn't candid with
17 the Court when the Court asked him the things that Ms. Jones
18 shared with the Court, are those things correct, and he
19 answered yes, sir, they are. And, in the colloquy, Ms.
20 Jones shared that she shared that, that plea with him.

21 There's really no, no harm, no foul so to speak because
22 the recommendation that he claims was never conveyed to him
23 was the, in fact -- was, in fact the recommendation that the
24 State make. It's just the judge didn't follow it. And so
25 I'm gonna respectfully deny his Application, and, and now

1 just -- I'm off-the-record.

2

3 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

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3 I, Pamela E. Green, Official Court Reporter for the
4 Seventh Judicial Circuit of the State of South Carolina, do
5 hereby certify that the foregoing is a true, accurate and
6 complete Transcript of Record of the proceedings had and
7 evidence introduced in the trial of the captioned case,
8 relative to appeal, in the Court of Common Pleas for
9 Spartanburg County, South Carolina, on the 4th day of March,
10 2019.

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

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16 June 14th, 2019

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21 PAMELA E. GREEN, Court Reporter
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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
Ronnie Joe Blackwell,)	Case No.: 2018-CP-42-0179
S.C.D.C. No. 319549,)	
)	
Applicant,)	
)	ORDER OF DISMISSAL
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	
)	

This matter comes before the Court by way of an application for post-conviction relief filed by Ronnie Joe Blackwell (Applicant) on January 18, 2018. Respondent served its return to the application on March 26, 2018. This Court convened an evidentiary hearing into the matter on March 4, 2019, at the Spartanburg County Courthouse. Applicant was present at the hearing and represented by Rodney Richey, Esq. Jacob Isenberg, Esq., and Johnny James, Esq., of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsel, Beverly Jones, Esquire (Counsel), also testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, the plea transcript, records of the Spartanburg County Clerk of Court regarding the subject convictions, and the pleadings. The Court finds Applicant has not met his burden of establishing any constitutional deprivations or other grounds entitling him to relief and denies and dismisses this application with prejudice.

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections (SCDC) pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Spartanburg County

Grand Jury indicted Applicant in July 2016 for possession of a stolen vehicle (2016-GS-42-4082), three counts of petit larceny (2016-GS-42-4074; 4075; 4081), three counts of breaking into a motor vehicle (2016-GS-42-4080; 4077; 4076), reckless driving (2016-GS-42-4079), and failure to stop motor vehicle (2016-GS-42-4078). In August 2016, the Spartanburg County Grand Jury subsequently indicted Applicant for petit larceny (2016-GS-42-4478) and Escape (2016-GS-42-4479). In May 2017, the Spartanburg County Grand Jury subsequently indicted Applicant for possession of a stolen vehicle (2017-GS-42-2323), and possession of cocaine base (2017-GS-42-2322).

Assistant Solicitor Spenser H. Smith, of the Seventh Circuit Solicitor's Office, prosecuted the case. On May 23, 2017, Applicant appeared in the Spartanburg County Court of General Sessions before the Honorable J. Mark Hayes, II, and following jury selection and pre-trial matters, he pled guilty to all of the above-mentioned offenses except for escape for which he pled to the lesser-included offense of resisting arrest¹. The State recommended Applicant be sentenced to a twenty-five year sentence, fifteen years of confinement and ten years suspended followed by five years of probation to run consecutively. However, Judge Hayes sentenced Applicant to confinement for twenty years followed by five years of probation. The concurrent sentences were three years for failure to stop for a blue light, twelve months for the lesser-included offense of resisting arrest, three years for possession of crack or methamphetamine, thirty days for reckless driving, five years each for of the three breaking-into-motor-vehicle charges. In addition, he received ten years consecutive for two charges of petit larceny. The third petit larceny charge was a ten year sentence suspended to five years of probation following confinement. Applicant's probation for prior charges was also revoked as part of this plea proceeding. Applicant did not

¹ Applicant waived presentment to the Spartanburg Grand Jury for the lesser-included offense of resisting arrest.

pursue a direct appeal.

II. PRESENT APPLICATION

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

1. Ineffective Assistance of Counsel
 - a. "The Solicitor said at trial that I had been offered another sentence, my lawyer never told me"
2. Involuntary Guilty Plea
 - a. "I was not told about a lesser offer. I was tricked into this."

Applicant stated he was seeking a new trial, lesser sentence, and the filing of a motion for Judge Hayes to re-consider his sentence. At the evidentiary hearing, Applicant proceeded forward on ineffective assistance of counsel for failure to communicate a plea offer, failure to file a motion for re-consideration, and involuntary plea for failure to consider the original offer.

III. SUMMARY OF TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

1. Applicant

Applicant testified on his own behalf at the evidentiary hearing. Applicant testified he was represented by Counsel for all fourteen charges. Applicant testified he asked Counsel for updates on a potential plea offer, and she responded "no news." Applicant testified the first time he heard about the initial plea offer was at his plea hearing. Applicant testified he would have accepted the initial plea offer because it was more beneficial to him. Applicant testified he did not believe the sentence properly reflected his plea agreement. Applicant testified he asked Counsel whether they should file a motion for re-consideration based upon his sentence. He further testified Counsel did not respond to this question. However, Applicant testified he never alleged the failure to file a

motion for reconsideration in his application. Applicant testified he does not want a trial, but also does not want to withdraw his post-conviction relief application. Applicant testified he just wants the plea judge to re-consider his sentence. However, the Applicant testified that if the Court could not re-consider his sentence, he was willing to go through with his PCR Application to try and get a new trial with the hope that starting over would result in a less lengthy sentence.

2. *Beverly Jones*

Counsel testified on behalf of Respondent. Counsel testified Applicant continually asked her to get a plea offer, but the assistant solicitor was reluctant to offer one. Counsel testified she received an email from the assistant solicitor on May 17, 2017, which contained Applicant's initial offer for a recommended sentence of "twenty-something years" with some of that time suspended and five years of probation. In that email, the assistant solicitor promised to follow up with details based upon how the offer would be structured.² Thereafter, Counsel testified she took the email with her to meet the Applicant at the jail. Counsel further testified she took notes during the meeting where Applicant rejected the initial plea offer. Counsel testified the meeting notes included Applicant stating he would not help the assistant solicitor because the plea offer did not help him. Furthermore, Counsel testified her notes reflected Applicant's primary concern was pleading guilty to an escape charge. Finally, Counsel testified she could not answer all legal questions about escape charges, but that she would research his concerns regarding the charge after their meeting.

Additionally, Counsel testified she received the offer's specific details from the assistant solicitor after meeting with the Applicant. The email confirmed this offer would require Applicant

² According to Counsel, the assistant solicitor's plea offer was complicated because it included all fourteen charges against Applicant.

to plead guilty to escape. Counsel testified she received a Kiosk email from Applicant asking for any news about a better offer. Counsel testified she responded "no news" because the assistant solicitor's follow-up email was merely clarification on how the original offer would work and because information relayed via kiosk is not confidential. Also, Counsel testified her supplemented response contained information relating to the charge of escape.

Counsel testified she was ready to proceed with trial on the day Applicant pled guilty. Counsel testified she selected the jury, and she moved forward with pre-trial motions. Thereafter, Counsel testified she notified the assistant solicitor of Applicant's unhappiness with the escape charge being included in his initial offer. Counsel testified the assistant solicitor offered to dismiss one of Applicant's Escape charges³ and to reduce his other Escape charge to resisting arrest with the same recommendation of twenty-five years confinement suspended to fifteen years confinement followed by five years' probation.

Subsequently, Counsel relayed this offer to Applicant. Furthermore, she notified Applicant she had no knowledge about how this plea would affect work assignments at SCDC. Thereafter, Applicant began doing the numbers based upon personal knowledge about SCDC working assignments and the actual time he would be confined in SCDC. According to Counsel's testimony, Applicant was satisfied with the second plea offer because he would not be pleading guilty to any charges of Escape.

Furthermore, Counsel testified she has no recollection of an email or a notification from Applicant asking her to file a motion for re-consideration. As a result, she did not respond to Applicant, and did not file a motion for re-consideration. According to Counsel, she only files motions for re-consideration when the client gives her a sufficient reason. In this situation, Counsel testified

³ The State dismissed Applicant's Escape Charge stemming from the removal of a home detention ankle bracelet.

she probably concluded there was no basis to file the motion, and he could be facing a greater prison sentence if she was to file a motion to re-consider.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

A. Ineffective Assistance of Counsel

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Butler, 286 S.C. at 442, 334 S.E.2d 441 (quoting Strickland v. Washington, 466 U.S. 668, 686 (1984)). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Strickland, 466 U.S. at 686.

"[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. 442, 334 S.E.2d at 814 (quoting Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989). "Judicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is

all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Strickland, 466 U.S. at 689; Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011). "[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 694). With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he or she would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. Strickland, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Id. at 696-97.

1. Failure to Communicate Plea Offer

Applicant alleges Counsel failed to communicate the first plea offer to him, and he was prejudiced because he would have accepted this offer. "[A]s a general rule, defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused." Missouri v. Frye, 566 U.S. 134, 145 (2012); See also Davie v. State, 381 S.C. 601, 609, 675 S.E.2d 416, 420 (2009) (adopting "rule that counsel's failure to convey a plea offer constitutes deficient performance"). When alleging plea counsel was deficient in his or her handling of a plea offer, an applicant "must demonstrate a reasonable probability that: (1) he 'would have accepted the earlier plea offer had [he] been afforded effective assistance of counsel;' (2) 'the plea would have been entered without the prosecution canceling it or the trial court refusing to accept it;' and (3) 'the end result of the criminal process would have been more favorable by reason of a plea to a lesser charge or a sentence of less prison time.'" Collins v. State, 422 S.C. 250, 262, 810 S.E.2d 871, 877 (2018) (citing Missouri v. Frye, 566 U.S. 134, 147 (2012)); see Lafler v. Cooper, 566 U.S. 156, 164 (2012) (stating "a defendant must show that but for the ineffective advice of counsel there is a reasonable probability that the plea offer would have been presented to the court (i.e., that the defendant would have accepted the plea and the prosecution would not have withdrawn it in light of intervening circumstances), that the court would have accepted its terms, and that the conviction or sentence, or both, under the offer's terms would have been less severe than under the judgment and sentence that in fact were imposed"). If an applicant is able to meet the requirements set forth above, the appropriate relief is to require the State to re-extend the previous plea offer to Applicant. Lafler, 566 U.S. at 174. ("The correct remedy in these circumstances, however, is to order the State to reoffer the plea agreement.")

Here, Applicant contends the meeting where Counsel communicated the first plea offer never happened. Neither witness disputes Applicant messaged Counsel for news about a plea offer, nor her response indicating no update. However, Applicant provided no explanation why Counsel included legal advice about his Escape charge in her response. On the other hand, Counsel provided an explanation about following up on a question from the meeting where she communicated this plea offer. Counsel further testified to showing Applicant a printed version of the emailed plea offer from the assistant solicitor at the meeting. Counsel also explained Applicant's unhappiness with the Escape charge was what caused him to reject the initial plea offer. Furthermore, Counsel testified she took notes during this meeting. This testimony is consistent with Counsel's recollection at the plea hearing on how the initial offer ended up being rejected. (Tr. 41, L. 4-18). Thereafter, Applicant even agreed with Counsel's recollection of how the first plea offer was rejected. (Tr. 43, L. 7-9). Thus, this Court finds the Applicant has failed to prove he would have accepted the first plea offer with effective assistance of counsel.⁴

Additionally, Applicant contends the allegedly uncommunicated plea offer was better than the one he accepted. Counsel testified the first offer included pleading guilty to escape with a recommendation of twenty-five years suspended to fifteen years confinement followed by five years of probation. The second offer dismissed one charge of Escape and reduced the other charge of Escape to resisting arrest with the same recommendation of twenty-five years suspended to fifteen years confinement followed by five years of probation. Therefore, the second offer was a better offer because it included the dismissal of one charge and the reduction of one charge to a

⁴ As a result, this Court declines to consider whether the State or plea court would have accepted the first offer.

lesser charge. Thus, this Court finds Applicant cannot prove the allegedly uncommunicated plea offer would have had a better result than the plea offer he accepted.

2. Failure to file a Motion to Reconsider

Respondent contends Applicant is procedurally barred from alleging Counsel was ineffective for failing to file a motion to reconsider. For relief, an applicant must raise PCR claims in the “original, supplemental or amended application.” S.C. Code Ann. § 17-27-90. The South Carolina Rules of Civil Procedure state that amendments should be allowed as a (1) matter of course within 30 days of filing; or (2) if “justice so requires” as long as the amendments do not “prejudice any other party.” Rule 15, SCRCP. The South Carolina Supreme Court clarified prejudice is some result flowing from the amendment that puts the non-moving party at an evidentiary or procedural disadvantage in defending the merits, which it would not have faced if the amendment had been included in the original pleading or timely motion. Patton v. Miller, 420 S.C. 471, 491, 804 S.E.2d 252, 262–63 (2017).

Here, Applicant filed an application on January 18, 2018. However, he did not attempt to amend it until 410 days later at the evidentiary hearing. As a result, Respondent had no opportunity to discuss the allegation with Counsel or the assistant solicitor beforehand. Therefore, Applicant’s allegation put Respondent at an evidentiary disadvantage sufficient to constitute prejudice. This Court finds Applicant is procedurally barred from raising this issue. However, as a cautionary measure, this Court will proceed based upon the merits.

As previously mentioned, a court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient

prejudice, that course should be followed. Strickland, 466 U.S. at 696-97. Therefore, this Court will proceed to the prejudicial prong of Applicant's claim.

Applicant contends the failure to file a motion for re-consideration prejudiced his sentence. Post-conviction relief is only proper where Applicant seeks to have their "sentence vacated, set aside or corrected." Tutt v. State, 277 S.C. 525, 526, 290 S.E.2d 414, 415 (1982). Furthermore, the remedy for applicants who present "evidence of material facts, not previously presented and heard" is vacation of their sentence." S.C. Code Ann. § 17-27-20(a) (4). Also, a judge does not have authority over the plea after sentencing unless either interested party files a timely post-trial motion. State v. Campbell, 376 S.C. 212, 217, 656 S.E.2d 371, 373 (2008) (finding plea judge lacked authority to re-sentence defendant, who did not testify against co-defendant after sentencing because interested party filed untimely post-trial motion where there was no after-acquired evidence). See Rule 29, SCRCrimP. (all post-trial motions shall be filed within ten days of sentencing unless their basis is after-discovered evidence).

Here, Applicant seeks for Counsel to file a motion for sentence reconsideration with the original plea judge. This is compelling evidence he does not want the sentence to be vacated and placed back at square one. Moreover, this is also not an argument that his sentence needs to be constitutionally or statutorily corrected. Instead, Applicant just wants the plea judge to re-consider his sentence. In practice, a motion for re-consideration at this point would be untimely without alleging after-discovered-evidence. However, Applicant has not offered, or even alleged, the surfacing of new evidence. Therefore, the original plea judge would not have authority to re-consider his sentence. Assuming *arguendo* after-discovered-evidence existed, this Court would only have the statutory authority to vacate Applicant's sentence. Accordingly, a request to order

2019 APR 3 AM 10:38
 CLERK OF COURT
 JUDICIAL BRANCH

this case re-start at the motion for sentencing re-consideration stage with the original plea judge is improper. Thus, Applicant's request is outside the scope of this Court's authority.

Additionally, Applicant contends the judge's failure to re-consider his sentence constitutes guilty plea prejudice. An applicant must show "but for counsel's errors, [he] would not have pled guilty and would have insisted on going to trial" to establish guilty plea prejudice. Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000). Here, Applicant's allegations are premised upon deficiencies that occurred after his plea hearing. Moreover, he fails to show how this effected his decision to plead guilty in the first place. Therefore, Applicant has not presented any evidence that Counsel's failure to file a motion to re-consider his sentence prejudiced his guilty plea.

3. *Involuntary Guilty Plea*

Applicant alleges his guilty plea was involuntary based upon not having a chance to review the first offer. To find a guilty plea voluntarily and knowingly, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Roddy v. State, 339 S.C. 29, 528 S.E.2d 418 (2000). Moreover, an applicant's statements during the plea hearing are considered "conclusive unless [he] presents valid reasons why he should be allowed to depart from the truth" of them. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007). Finally, the plea colloquy can cure any alleged deficiency if counsel had not properly advised an applicant about the consequences of accepting such offer. See Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997) (stating that plea counsel's deficient performance can be cured by the plea court's colloquy).

Here, Applicant contends his acceptance of the plea offer was involuntary because he did not know about the first offer. At the plea hearing, Counsel explained the contents of the first offer. (Tr. 41, L. 4-7). Counsel also told the plea judge she "explained" those contents to

Applicant. (Tr. 41, L. 8). Counsel further told the plea judge they discussed the offer and then ultimately rejected it. (Tr. 41, L. 14). Thereafter, Applicant confirmed to the plea judge his agreement with Counsel's story. (Tr. 43, L. 7-9). Applicant has not presented a reason to depart from his agreement with Counsel at the plea hearing. Therefore, this Court finds Applicant has failed to prove his guilty plea was involuntary based upon not knowing about the first offer. However, this Court notes that the Applicant did receive a greater active sentence than the sentence the assistant solicitor recommended to Judge Hayes. At the plea hearing, Judge Hayes did advise Applicant he was not bound by the assistant solicitor's recommendation. (Tr. 33). Therefore, this Court finds Applicant's plea to be knowing and voluntary.

V. CONCLUSION

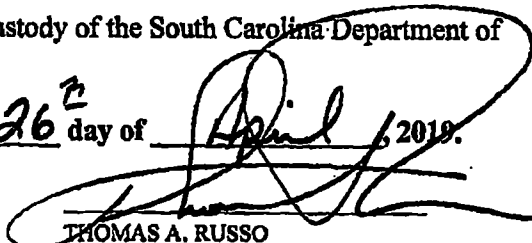
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

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

IT IS THEREFORE ORDERED:

1. The application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. Applicant must remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 26th day of April, 2019.



THOMAS A. RUSSO
Presiding Judge
Seventh Judicial Circuit

Florence, South Carolina

2019 MAY -3 AM 8:38
CLERK OF COURT
SOUTH CAROLINA

WITNESSES

Spartanburg Sheriff's Office

REFERENCE MADE

REPORT MADE *Completed*

INDEXED *Jimmy G. [Signature]*

CHECKED WARRANTS

RECORDED SIGNATURE

ASSESSMENT AND FINE CARD NUMBER **ARREST WARRANT NUMBER**

ORIGINAL COPY *7*

2017A4210200645

ACTION OF GRAND JURY

True Bill

AE
Foreperson of Grand Jury
Date: **MAY 05 2017**

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **17-GS-42-2322**

**The State of South Carolina
County of Spartanburg**

Barry J. Barnette, Solicitor

**COURT OF GENERAL SESSIONS
MAY 08 2017**

TERM

**THE STATE
vs.**

Ronnie Joe Blackwell

**Indictment for
POSSESSION OF COCAINE BASE**

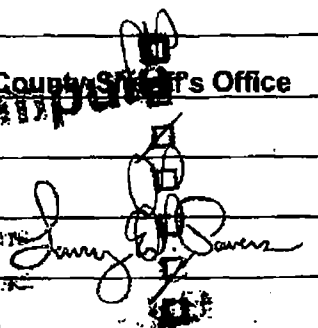
SC Code: 44-53-375

FILED
01/11/17

ae


WITNESSES

PRESENCE MADE
 Spartanburg County Sheriff's Office
 REPORT MADE
 PART FULLED
 WITNESS
 JURY FOREPERSON
 JURY SIGNATURE
 COURT AND
 DATE


 Barry J. Barnette

ARREST WARRANT NUMBER
 2017A4210200647

ACTION OF GRAND JURY
 True Bill


 Foreperson of Grand Jury
 Date: MAY 05 2017

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. -
17-GS-42-2323
 The State of South Carolina
 County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 08 2017
TERM

THE STATE vs.

Ronnie Joe Blackwell

Indictment for
POSSESSION OF A STOLEN VEHICLE

SC Code: 16-21-80
 CDR Code: 3468
 Class: FEL/E

MAY 08 2017
 COURT OF GENERAL SESSIONS
 CLERK OF COURT



WITNESSES

SCSO

SENTENCE MADE

REPORT ENDED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

ARREST WARRANT
ASSESSMENT AND
FINE CARD MADE

2016A4210101483

ACTION OF GRAND JURY

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

16-GS-42-4074

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

THE STATE

vs.

Ronnie Joe Blackwell

**Indictment for
PETIT LARCENY**

SC Code: 16-13-0030 (A), 16-1-57

CDR Code: 3596

Class FEL/E

FILED
2016 JUL 26 AM 10:52
92 TWP 9102

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

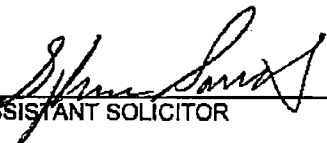
JUL 22 2016

At a Court of General Sessions, convened on _____, the Grand Jurors of Spartanburg County present upon their oath:

PETIT LARCENY

That Ronnie Joe Blackwell did in Spartanburg County on or about April 5, 2016, feloniously take and carry away the goods and/or monies of Jose Burciaga, of the value of less than Two Thousand Dollars, described as follows: hand tools, with the intent to deprive the owner permanently of such property, in violation of §16-13-0030 (A), 16-1-57, of *THE 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.



ASSISTANT SOLICITOR

WITNESSES

SCSO

SENTENCE MADE

REPORT MADE

CARD PULLED

INDEXED

CHECKED WARRANTS

CHECKED SIGNATURE

ARREST WARRANT
FINE CARD MADE

2016A4210101484

ACTION OF GRAND JURY

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **16-GS-42-4075**

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

**THE STATE
vs.**

Ronnie Joe Blackwell

**Indictment for
PETIT LARCENY**

SC Code: 16-13-0030 (A), 16-1-57
CDR Code: 3596
Class FEL/E

FILED
COURT OF GENERAL SESSIONS
2016 JUL 26 AM 10:52
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2016, the Grand Jurors of Spartanburg County present upon their oath:

PETIT LARCENY

That Ronnie Joe Blackwell did in Spartanburg County on or about April 5, 2016, feloniously take and carry away the goods and/or monies of Rivas Santiago, of the value of less than Two Thousand Dollars, described as follows: hand tools, with the intent to deprive the owner permanently of such property, in violation of §16-13-0030 (A), 16-1-57, of *THE 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.


 ASSISTANT SOLICITOR

WITNESSES

CONFERENCE MADE	<input checked="" type="checkbox"/>
REPORT MADE	<input checked="" type="checkbox"/>
SCSO	<input checked="" type="checkbox"/>
SEARCHED	<input checked="" type="checkbox"/>
<i>James G. Powers</i>	<input checked="" type="checkbox"/>
FIELD WARRANTS	<input checked="" type="checkbox"/>
ASSIGNMENT SIGNATURE	<input checked="" type="checkbox"/>
ASSESSMENT AND FINE CARD MADE	<input checked="" type="checkbox"/>

DOCKET NO. **16-GS-42-4074**

The State of South Carolina
County of Spartanburg
Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016 TERM

FILED
2016 JUL 26 AM 10:53
M. HOPE BLACKLEY

ARREST WARRANT NUMBER
2016A4210101485

THE STATE
vs.

ACTION OF GRAND JURY

Ronnie Joe Blackwell

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Indictment for
BREAKING INTO MOTOR VEHICLE

SC Code: 16-13-0160 (A) (1)
CDR Code: 258
Class FEL/F

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2016 the

Grand Jurors of Spartanburg County present upon their oath:

BREAKING INTO MOTOR VEHICLE

That the defendant, Ronnie Joe Blackwell, did in Spartanburg County on or about April 5, 2016 break into a 2007 Ford truck belonging to Jose Burciaga, with the intent to steal the same or anything of value therefrom, in violation of §16-13-160 (A) (1), *THE 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.



ASSISTANT SOLICITOR

WITNESSES

SENTENCE MADE

SCSO 1. REPORT ENDED *Dispute*

2. CARB PULLED *James W. Savers*

3. INDEXED

4. CHECKED VARIANTS

5. CHECKED SIGNATURE

6. ASSESSMENT AND FINE CARD MADE

ARREST WARRANT NUMBER

2016A4210101486

ACTION OF GRAND JURY

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

16-GS-42-4077
The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

**THE STATE
vs.**

Ronnie Joe Blackwell

**Indictment for
BREAKING INTO MOTOR VEHICLE**

SC Code: 16-13-0160 (A) (1)
CDR Code: 258
Class FEL/F

2016 JUL 26 AM 10:53

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

JUL 22 2016

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

BREAKING INTO MOTOR VEHICLE

That the defendant, Ronnie Joe Blackwell, did in Spartanburg County on or about April 5, 2016 break into a 2001 Chevy truck belonging to Jose Corrales, with the intent to steal the same or anything of value therefrom, in violation of §16-13-160 (A) (1), *THE 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.



ASSISTANT SOLICITOR

DOCKET **16-GS-42-4078**

WITNESSES

SCSO

SENTENCE MADE

REPORT MADE

ARREST MADE

INDEXED

INDEXED WARRANTS

CHECKED SIGNATURE

ASSESSMENT AND FINE CARD MADE

Complete

W. Davis

[Handwritten initials and marks]

ARREST WARRANT NUMBER

2016A4210201188

ACTION OF GRAND JURY

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016 TERM

THE STATE

vs.

RONNIE JOE BLACKWELL

Indictment for

FAILURE TO STOP MOTOR VEHICLE

SC Code: 56-5-750
CDR Code: 0065
Class MIS/A

FILED
2016 JUL 26 AM 10:53
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

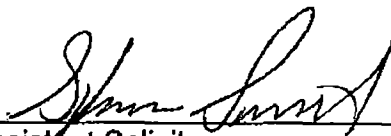
At a Court of General Sessions, convened on JUL 22 2016, the

Grand Jurors of Spartanburg County present upon their oath:

FAILURE TO STOP MOTOR VEHICLE

The defendant, Ronnie Joe Blackwell, did in Spartanburg County on or about April 5, 2016, fail to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, in violation of §56-5-750, *THE 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.


Assistant Solicitor

WITNESSES

SCSO

RETURN MADE
 REPORT ENDED
 FILED
 INDEXED
 CHECKED WARRANTS
 CHECKED SIGNATURE
 ASSESSMENT AND FINE CARD MADE
ARREST WARRANT NUMBER
 (Handwritten initials and marks)

2016A4210201189

ACTION OF GRAND JURY

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

16-GS-42-4079

The State of South Carolina

County of Spartanburg

Barry J Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

THE STATE

vs.

RONNIE JOE BLACKWELL

Indictment for

RECKLESS DRIVING

SC Code: 56-05-2920

CDR Code: 0657

Class MIS/UNC

FILED
 2016 JUL 26 AM 10:53
 M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)


INDICTMENT

At a Court of General Sessions, convened on JUL 22 2016 the
Grand Jurors of Spartanburg County present upon their oath:

RECKLESS DRIVING

That Ronnie Joe Blackwell did in Spartanburg County on or about April 5, 2016, willfully and unlawfully operate a motor vehicle upon the streets and highways of Spartanburg County, South Carolina, in a manner showing a willful disregard for the safety of persons and/or property, in violation of §56-05-2920, *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.


ASSISTANT SOLICITOR

WITNESSES

SCSO REPORT ENDED *[Signature]*

INDEXED *[Signature]*

CHECKED WARRANTS *[Signature]*

CHECKED SIGNATURE *[Signature]*

ASSESSMENT AND FINE CARD MADE *[Signature]*

ARREST WARRANT NUMBER
2016A4210101394

ACTION OF GRAND JURY

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **16-GS-42-4080**

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

**THE STATE
vs.**

Ronnie Joe Blackwell

Indictment for
BREAKING INTO MOTOR VEHICLE

SC Code: 16-13-0160 (A) (1)
CDR Code: 258
Class FEL/F

FILED
2016 JUL 26 AM 10:53
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

JUL 22 2016

At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

BREAKING INTO MOTOR VEHICLE

That the defendant, Ronnie Joe Blackwell, did in Spartanburg County on or about April 4, 2016 break into an enclosed utility trailer or container belonging to Alfred Frank Jackson, with the intent to steal the same or anything of value therefrom, in violation of §16-13-160 (A) (1), *THE 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.



ASSISTANT SOLICITOR

WITNESSES

Spartanburg Sheriff's Office

INDEXED

INDEXED

INDEXED

CHECKED WARRANTS

CHECKED SIGNATURE

ASSESSMENT AND
FEE TAKEN MADE

ARREST WARRANT NUMBER

2016A4210101395

ACTION OF GRAND JURY

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

16-GS-42-4081

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

THE STATE
vs.

Ronnie Joe Blackwell

Indictment for

Petit Larceny

SC Code: 16-13-0030 (A), 16-1-57

CDR Code: 3596

CLASS FEL/E

2016 JUL 26 AM 10:54

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

JUL 22 2016

At a Court of General Sessions, convened on _____,

the Grand Jurors of Spartanburg County present upon their oath:

PETIT LARCENY

That Ronnie Joe Blackwell did in Spartanburg County on or about April 4, 2016 feloniously take and carry away a delta miter saw and other goods owned by Alfred Fred Jackson, valued at less than Two Thousand Dollars, with the intent to deprive the owner permanently of such property, in violation of §16-13-30(A) and §16-1-57, *THE CODE OF LAW 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.


ASSISTANT SOLICITOR

DOCKET NO. **16-GS-42-4082**

WITNESSES

Spartanburg County Sheriff's Office

SENTENCE MADE

REPORT MADE *[Signature]*

FILED

INDEXED

CHECKED WARRANTS

CHECKED SIGNATURE

RECORDS AND COMMUNICATIONS

ARREST WARRANT NUMBER **2016A4210101396**

2016A4210101396

ACTION OF GRAND JURY

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date: *[Signature]*

VERDICT

Foreperson of Petit Jury
Date:

The State of South Carolina
County of Spartanburg
Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

THE STATE
vs.

Ronnie Joe Blackwell

Indictment for
POSSESSION OF STOLEN VEHICLE

SC Code: 16-21-0080, 16-1-57
CDR Code: 3615
Class FEL/F

2016 JUL 26 AM 10:54

M. HOPE BLACKLEY

FILED

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

JUL 22 2016

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

POSSESSION OF STOLEN VEHICLE

That the defendant, Ronnie Joe Blackwell, did on or about April 5, 2016, receive, possess, sell, conceal, or dispose of a stolen vehicle, valued at greater than Two Thousand Dollars but less than Ten Thousand Dollars, the defendant not being entitled to the possession of the vehicle, a 1999 Nissan Pathfinder belonging to Eugene Goodwin, knowing it to be stolen or converted under circumstances constituting a crime, in violation of §16-21-0080 and §16-1-57, *THE 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.


 ASSISTANT SOLICITOR

WITNESSES

Spartanburg Sheriff's Office

SEARCHED SIGNATURE

ASSESSMENT AND FINE CAPD MADE

INVESTIGATION COPY

ARREST WARRANT NUMBER

2016A4210201185

ACTION OF GRAND JURY

AUG 19 2016

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

16-GS-42-4478

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 22 2016

TERM

THE STATE

vs.

Ronnie Joe Blackwell

Indictment for

Petit Larceny

SC Code: 16-13-0030 (A), 16-1-57

CDR Code: 3596

CLASS FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2016 AUG 25 AM 9:39

M. HOPE BLACKLEY

DOCKET NO. -

16-GS-42-4479

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 22 2016

TERM

THE STATE

vs.

Ronnie Joe Blackwell

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 AUG 25 AM 9:39
M. HOPE BLACKLEY

WITNESSES

SENTENCE MADE

REPORT MADE

South Carolina Highway Patrol

RECEIVED

RECEIVED SIGNATURE

ASSESSMENT AND
FEE CARD MADE

VIOLATION COST

ARREST WARRANT NUMBER

2016A4210201186

ACTION OF GRAND JURY

AUG 19 2016

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Indictment for

Escape

SC Code: 24-13-410

CDR Code: 2527

Class FEL/D

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

AUG 19 2016


At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

ESCAPE

That Ronnie Joe Blackwell, did in Spartanburg County on or about April 5, 2016, attempt to escape while he was in the custody of Officer Kim Ritter, in violation of Section 24-13-410 of the 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.



Assistant Solicitor