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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Hampton County

Honorable Thomas A. Russo, Circuit Court Judge

SEANDREA LAMONT JOHNSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000832

APPENDIX

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ATTORNEY FOR PETITIONER

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In the Court of Common Pleas for the
State of South Carolina, County of Hampton

Case No.: 2015GS2500072
2015GS2500067; 00065

State of South Carolina,
Plaintiff(s),

vs. Transcript of Record

SeanDrea Lamont Johnson
Defendant(s).

December 15, 2015
Hampton, South Carolina

BEFORE:
The Honorable G. THOMAS COOPER

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APPEARANCES

REPRESENTING PLAINTIFF(S) :

Steve Knight, Assistant Solicitor
14th Judicial Circuit Solicitor's Office
39 Sheridan Park Circle, Suite 2
Bluffton, SC 29910
843-255-5880

REPRESENTING DEFENDANT(S) :

Steve Plexico, Public Defender
1905 Duke Street, Room 260
PO Box 525
Beaufort, SC 29901-0525
843-255-5000

1 PROCEEDINGS

2 MR. KNIGHT: May it please the Court, Your Honor.
3 The State is ready in 2015GS2500065, the State versus
4 SeanDrea Johnson, indictment for possession of less
5 than one gram of cocaine base. That is zero to three
6 years.

7 2015GS250067, the State versus SeanDrea Johnson,
8 pointing and presenting a firearm. That is zero to
9 five years.

10 2015GS2500072, State versus SeanDrea Lamont
11 Johnson. That is an indictment for pointing and
12 presenting a firearm. That is zero to five years.
13 Each sentence in each of these cases would be
14 consecutive to each other.

15 THE COURT: That is your recommendation?

16 MR. KNIGHT: Yes, sir. And it would amount to a
17 total of 13 years, if you do the numbers. Five on the
18 pointing. Five on the pointing. And three on the
19 possession of crack cocaine.

20 THE COURT: You are forgetting I am from Clemson.

21 MR. KNIGHT: I apologize, Your Honor, I'm for
22 Carolina, so I have a little problem speaking English
23 and adding and subtracting. One other thing, all of
24 these sentences would run concurrent with
25 2006GS2500399. May I approach, Your Honor?

1 THE COURT: 0399?

2 MR. KNIGHT: Yes, sir.

3 THE COURT: 2006?

4 MR. KNIGHT: Yes, sir.

5 THE COURT: All right.

6 MR. KNIGHT: I'm going to nolle prose Indictments
7 2015-00066.

8 THE COURT: What are those for?

9 MR. KNIGHT: Proximity to a school on drugs.

10 THE COURT: All right.

11 MR. KNIGHT: And 2015GS0068, that is attempted car
12 jacking. And 2015-69, unlawful carrying of a pistol.
13 May I approach, Your Honor?

14 THE COURT: Yes, sir.

15 MR. KNIGHT: I left one out, Your Honor, 2015-70
16 is also nolle prosed. That is possession of a weapon
17 in the commission of a violent offense.

18 Thereupon,

19 SEANDREA JOHNSON

20 was called as a witness, having been first duly sworn,
21 was examined and testified as follows:

22 THE COURT: All right. Is he sworn?

23 THE CLERK: Yes, sir.

24 THE COURT: Mr. Plexico, you represent SeanDrea
25 Johnson?

1 MR. PLEXICO: Yes, Your Honor, I do.

2 THE COURT: You have advised your client the
3 charges contained in these indictments and his right to
4 a trial by jury.

5 MR. PLEXICO: I have, Your Honor.

6 THE COURT: And how does your client indicate he
7 wishes to plea?

8 MR. PLEXICO: Guilty to all three charges, Your
9 Honor.

10 THE COURT: Mr. Johnson, you are charged with
11 three different indictments here in front of me. They
12 are first a pointing and presenting a firearm, a charge
13 which carries a penalty of up to five years in jail.
14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. You are also charged in
17 the second indictment for pointing and presenting a
18 firearm, which additionally carries another penalty of
19 up to five years in jail. Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And you are charged in the third
22 indictment for possession of one gram of cocaine base.
23 That charge carries a penalty of up to three years in
24 jail. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand the Solicitor's
2 recommendation, that I -- if you plead guilty to these
3 charges, that I sentence you to consecutive periods of
4 time, which could result in a total sentence of up to
5 13 years? Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You understand the charges that you
8 face and the punishment that you could receive, how do
9 you wish to proceed? Guilty or not guilty?

10 THE DEFENDANT: Guilty.

11 THE COURT: On all charges?

12 THE DEFENDANT: On the three.

13 THE COURT: On those charges, on those three?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You understand that the rest of them
16 are being thrown out?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You understand that by pleading guilty
19 you are giving up your right to remain silent?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You understand that by pleading guilty
22 you are giving up your right to a trial by jury?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: If you requested or demanded a trial
25 by jury, the State would give you a trial. Do you

1 understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Adn at that trial you would have the
4 right to confront and cross-examine all witnesses
5 against you. Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You would have the right to challenge
8 the State's evidence, including the right to suppress
9 any evidence that you think might -- should be
10 suppressed. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: At trial you have the right, as I say,
13 to confront and cross-examine all witnesses, and you
14 have the right to testify in our own defense also if
15 you wish to do so, but no one can make you testify at
16 your own trial. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: If you decided to go to trial and not
19 testify, the Judge would tell the jury they couldn't
20 hold your failure to testify against you. In fact, the
21 jury could not even consider your failure to testify in
22 their deliberations on your guilt or innocence and you
23 would be presumed innocent throughout your trial.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: The State would have to prove you

1 guilty beyond a reasonable doubt to a jury of 12 people
2 and all 12 people would have to unanimously agree that
3 you were guilty in order for you to be convicted. Even
4 if you were convicted you would still have the right to
5 appeal that conviction. Do you understand your rights
6 with regard right to a trial by jury?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Understanding those rights, do you
9 still want to plead guilty?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Has anyone promised anything, held out
12 hope of reward or threatened you in any manner to make
13 you plead guilty?

14 THE DEFENDANT: No, sir.

15 THE COURT: Are you satisfied with the manner in
16 which your attorney have advised and represented you in
17 this case?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Did he go over your case thoroughly
20 with you?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Did he share with you the evidence
23 that the State has that could lead to your conviction?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. Has he done everything

1 that you asked him to do in preparation for this plea?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you satisfied with his advice?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Are you under the influence of any
6 alcoholic beverages, drugs, or prescription medication
7 at this time?

8 THE DEFENDANT: No, sir.

9 THE COURT: Are you aware of any mental condition
10 that would keep you from understanding what you are
11 doing here today?

12 THE DEFENDANT: No, sir.

13 THE COURT: You are pleaing guilty today of your
14 own free will and accord?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Give me the factual basis for this
17 plea.

18 MR. KNIGHT: Your Honor, on March the 7th, 2015,
19 at or about a little after 10 o'clock, law enforcement
20 was sitting at Hampton Police Department, responded to
21 a call at [REDACTED] in the town of Hampton here
22 in Hampton County. The response was with a man with a
23 gun. When they got there they discovered the Defendant
24 in close proximity to the vehicle that the victims in
25 this case ran. And I will tell you what one victim

1 indicated. Her name is Ms. Kelly. It is spelled
2 K-A-Y-A-M-M-I-A Kelly. She says that she was seated in
3 the rear -- she was seated in the right passenger seat.
4 The Defendant jumped in the back seat and put a gun to
5 her head. That satisfied the pointing and presenting
6 as to Ms. Kelly.

7 The same is applicable to Ms. Comier, Temple. And
8 I will spell her name also. C-O-M-I-E-R. She says
9 that he jumped in, in the car, and pointed a gun at me
10 and then he ran -- I ran. During the course of the
11 investigation they found a white rock-like substance
12 that was believed to be crack cocaine. It was sent to
13 the lab and came back positive from SLED as cocaine
14 base/crack, 1.38 grams. That covers all of the
15 elements of pointing and presenting, two counts, and
16 possession of crack cocaine or cocaine base.

17 His prior criminal history, Your Honor is --

18 THE COURT: Hold that just a second.

19 Mr. Johnson, you heard the facts as explained to
20 me by the Solicitor; are those facts true and accurate
21 to the best of your knowledge?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I find the decision of the Defendant,
24 SeanDrea Johnson, to plead guilty to be freely and
25 voluntarily made with adequate representation of a

1 competent attorney in person, Mr. Plexico, with whom he
2 says that he is satisfied with the factual basis for
3 the plea. Therefore, I'll accept the plea.

4 Mr. Johnson, if you disagree with the sentence I
5 give you, or the procedure we just completed, you have
6 ten days from today's date within which to file notice
7 of intent to appeal. Do you understand?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Now, what is his record, Solicitor?

10 MR. KNIGHT: Your Honor, in 2006, convicted of
11 possession of a stolen vehicle. 11-9-2006 he was
12 convicted of assault and battery with intent to kill
13 and he received a ten-year sentence. That is all that
14 I find.

15 THE COURT: Mr. Plexico.

16 MR. PLEXICO: Yes, Your Honor, my client is 30
17 years old. I talked with his mom, as a matter of fact
18 I talked to her this morning, she's real sick. She is
19 very worried about him. We are really sorry how all of
20 this turned out. He had just been released. This was
21 a day before his birthday, as a matter of fact.

22 THE COURT: Today is?

23 MR. PLEXICO: No, the date of the incident. It
24 was the day before his birthday and he partook in some,
25 obviously, illegal drugs, and I think that they had a

1 very negative effect on him and led him into making
2 this very bad decision about getting in the car to get
3 these people to drive him. There was no one injured.

4 I think that the plea is fair. We are grateful to
5 the Solicitor for accepting the plea. He had
6 originally offered another plea. My client wanted a
7 particular number. Worked at the indictments. And he
8 and I worked together to decide which ones we would
9 offer to plea to. This was a plea that my client's
10 making which he accepts today.

11 Again, no one was injured. Thank goodness none of
12 our fine officers or anyone at the apartment complex.
13 I think that he was just very high, but certainly self
14 intoxication is no excuse for anything. That is all
15 that I have to say.

16 Is there anything that you want to add,
17 Mr. Johnson?

18 THE DEFENDANT: No, sir.

19 THE COURT: Do you have any of the victims here?

20 MR. KNIGHT: No, sir.

21 THE COURT: Nothing you want to tell me,
22 Mr. Johnson?

23 THE DEFENDANT: You know, everybody makes mistakes
24 in life and, you know, something was slipped into my
25 drink and they took me to the EMS center and I was

1 evaluated by the mental health department and they said
2 that there wasn't anything wrong with me, with
3 pertained to me acting out and passing out on the night
4 of March 7th when I passed out in the Hampton detention
5 center. Okay. I was released. I was OR'd on
6 different charges and I was brought -- I was told that
7 they was looking for me for these non-processed
8 charges. I turned myself in to the HPD. It was Rosier
9 there by himself at the police, at the office on a
10 Sunday when I turned myself in on these charges.

11 THE COURT: On these charges?

12 THE DEFENDANT: Yes, sir, I was released and I
13 turned myself in.

14 THE COURT: I see.

15 THE DEFENDANT: You know, in March. My mother is
16 very sick, there's no telling who is going to be here
17 by the time I get back from prison. And you know, just
18 common sense, I don't care who is telling it. But I am
19 going to be a man. I am a man before anything else,
20 with pertaining to any different -- any type of amount.
21 Even though with the weapon, they didn't find anything
22 on my person except for the crack cocaine and that was
23 personal usage or whatever. And they didn't do the --
24 you know, with -- I mean, you know. I mean, it is
25 crazy, you know.

1 THE COURT: They took you to the hospital right
2 away?

3 THE DEFENDANT: Yes, sir, they took me to the
4 hospital. My eyes were rolled in the back of my head.
5 I don't know whether a toxicology report was believed
6 to have been taken at that time. But I would ask for
7 some type of mental, you know, evaluation or some type
8 of drug testing for me acting out this type of way.
9 You know, people say this and people say that. I just
10 came home from doing a decade in prison, you know. I
11 think this is the best thing for me to do because I
12 don't want to spend the rest of my life behind bars for
13 something --

14 THE COURT: How old are you?

15 THE DEFENDANT: I just turned 30.

16 THE COURT: Well, you are not going to spend your
17 whole life behind bars. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Ms. Chaires, you have something you
20 want to tell me?

21 MS. CHAIRES: Yes, sir. He is on community
22 supervision, so there will be a revocation for that
23 based on the new conviction.

24 THE COURT: Do you want to do that today?

25 MS. CHAIRES: Yes, sir.

1 MR. PLEXICO: We can do it right now too.

2 THE COURT: Yeah. How much time does he have left
3 on supervision?

4 MS. CHAIRES: We can revoke a year.

5 THE COURT: Well, revoke all that you can.

6 MS. CHAIRES: A year.

7 THE COURT: You understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. That is not going to
10 affect your sentence.

11 THE DEFENDANT: Okay. Your Honor, would I --
12 excuse me. Would I be able to get furlough with a
13 non-violent sentence, or is that not --

14 THE COURT: I'm not sure I understand your
15 question.

16 MR. PLEXICO: Your Honor, the question of furlough
17 or work release, that type of thing, is handled by
18 SCDC. I have given my client no advice whatsoever. I
19 have told him that because he has a prior violent
20 felony that he would max out his sentences.

21 THE COURT: I think that's right. I'm not in
22 control of that.

23 THE DEFENDANT: Okay.

24 THE COURT: The Department of Corrections has
25 their own set of rules and regulations and you will

1 just have to take it up with them if you have got a
2 problem.

3 THE DEFENDANT: Okay.

4 THE COURT: How long has he been in jail? What is
5 the pretrial time?

6 MR. KNIGHT: I can get it here. I have 282 days.
7 I could be wrong.

8 THE DEFENDANT: Nine months.

9 THE COURT: I'm going to give you as much credit
10 as I can.

11 MR. PLEXICO: 282 is more than nine months, so
12 that is fine.

13 THE COURT: You will take that?

14 MR. PLEXICO: Yes, Judge. Thank you.

15 THE COURT: Solicitor, what do you tell me about
16 0399 2006?

17 MR. KNIGHT: He was convicted of --

18 THE COURT: I know, but that doesn't affect this
19 sentence?

20 MR. KNIGHT: No, sir. We put everything
21 concurrent with that. You notice I said in the
22 beginning.

23 THE COURT: Why would it be concurrent with that?

24 MR. KNIGHT: That was just part of the plea deal.
25 The one year that you just gave him is concurrent with

1 that, but it's just additional time.

2 THE COURT: He's already served that sentence,
3 which one, with the exception of his community service?

4 MR. KNIGHT: Right, that is the only thing that we
5 are talking about, the one year we will run concurrent.

6 THE COURT: So, we are running it concurrent with
7 his community --

8 MR. KNIGHT: Yes, sir, that is correct.

9 THE COURT: Okay. I understand that. I think
10 that I have got it. All right.

11 Mr. Johnson, you are to be committed to the State
12 Department of Corrections for a period of three years
13 on your drug charge. On both of your pointing and
14 presenting firearm charges, you are sentenced -- the
15 sentence of the Court is that you will be committed to
16 the State Department of Corrections for a period of
17 five years on each of them. All sentences run
18 consecutive. And I'll run it concurrent with your
19 community service. Give you credit for 282 days
20 pretrial service jail time. Good luck to you, sir.
21 Take care.

22 (Proceeding concluded.)

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF BEAUFORT:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 5th day of September, 2016.

Mona L. Manley /s/
MONA L. MANLEY
Official South Carolina Court Reporter
Circuit Reporter for the 14th Circuit
(850) 893-6662
mmanley@sccourts.org

FORM 5

STATE OF SOUTH CAROLINA)
 County of Hampton, S.C.)
Scandrea Lamont Johnson #31860)
 Full name and prison number (if any) of Applicant)

2016-CP-25-225
 IN THE COURT OF COMMON PLEAS

v.)
 State of South Carolina)

APPLICATION FOR
 POST-CONVICTION RELIEF

BY
 HYLINDA D. HETTLER
 CLERK OF COURT
 HAMPTON COUNTY, S.C.
 2016 JUN 22 AM 10:52

FILED

INSTRUCTIONS - READ CAREFULLY

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

2. Name and location of Court which imposed sentence 1 Court House Square
Elm Street P.O. Box 7 Hampton, SC 29924

3. Name(s) of co-defendant(s) (if any) N/A

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2015 G 225-0072, b7 > 2015 G S 2500065
 - (b) 2006-25-0399 > 2015 A 2520300014

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American LegalNet, Inc.
 www.USCourtForms.com

Referred to Valenzuela/dm
 Answered _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 12-15-15 Dec. 15, 2015
- (b) Byrs. Non-Violent
- (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?
N/A: Due to movement of HSE center he been deprived from
usage like law library
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. N/A
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) County Jail doesn't have law library, no complement
of HSE center during processing.
- (b) Lack of updated material

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
 (c) ~~isolated cell prevented me from providing to next~~
~~best to find the burden was upon improve conditions~~

11. State concisely and in the same order the facts which support each of the grounds set out in (10):
 (a) ~~pointing's presenting got dropped and kept the other~~
 (b) ~~Council bid me that fire wasn't forensic nor ballistic to prove weapon~~
 (c) ~~was mine~~
 (c) ~~My 14th amendment & 5th amendment has been violated and it's a conflict of interest to have him represent me~~

12. Prior to this application have you filed with respect to this conviction:
 (a) ~~pointing's presenting / indictment clearly states what appear to be a knife or what~~
 (b) ~~it may be gun why there still pointing's presenting present when weapon charge dropped~~
 (c) ~~5th amendment provision for presentation or indictment of a grand jury 14th amendment right to due process clause no says to under statutory law present indictment~~

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
 (a) any petition in a State Court under South Carolina Law? The Supreme Court of South Carolina
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? The Supreme Court of South Carolina, Office of Disciplinary Council
 (d) any other petitions, motions or applications in this or any other Court? NO

(a) the specific nature thereof:
 i. He reported my Council to the Supreme Court of South Carolina
 ii. It's a conflict of interest to have him represent me, which I was in front of the FOR committee in 2007 for some but different issues that is relevant to this matter.
 iii. _____
 iv. _____

(b) the name and location of the Court in which each was filed:
 i. Jasper County Jail, he written a complaint from out of the
 ii. Jasper, Broad unit to.. The Supreme Court of South Carolina
 iii. Office of Disciplinary Council - Post Office Box 12159
 Jean Johnson Columbia S.C. Ms Barbara Hinson
 Jasper County Detention Center 29211
 iv. Post office / Drawer 2140
 Richland S.C.
 29936

(c) the disposition thereof:

- i. ~~Dismissing presenting a firearm~~ My counsel failed to file motions in this matter, motion to suppress evidence, should be filed regarding evidence to see if it was legally or lawfully obtained and to see if the motion to be taken care of diligently, truthfully without prejudice, a motion to produce forensic and ballistic material should be filed in support of my defense
- ii.
- iii.
- iv.

(d) the date of each such disposition:

- i. ~~Mar 7, 2015~~ Dismissing presenting a firearm and presenting closed Supreme Court hearing entered, collapsed & withdrawn both be vacated: ~~Mar 7~~ Dec County
- ii.
- iii.
- iv. Detention

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

- i. Fruit of poisonous tree doctrine, unlegally tainted fruit doctrine, ~~Florida vs. Moore~~ 131 F3d 399 1997 case
- ii.
- iii. The DOJ and presented is tainted in the justice system from truth and error on counsel
- 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 written complaint to be "Supreme Court of South Carolina" regarding towards ineffective assistance of counseling~~

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

(a) which grounds have been presented:

- i. My Constitutional Rights, My State Rights and all and all civil rights
- ii. oblige present in this matter, he documented almost of issue regarding Steven P. Lince was under investigation with respects to my complaint.
- iii.

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

- i. My seek a review of that decision by an investigative panel of the Commission on Lawyer Conduct, Ineffective assistance of counseling
- ii.
- iii.

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

- (a) Presence of ineffective assistant of counseling
- (b) to represent Client to the best of his
- (c) ability,

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

- (a) your arraignment and plea? Steven Pexico 15-DEL-369
- (b) your trial, if any? Steven Pexico
- (c) your sentencing? Steven Pexico
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NA
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

Written statements about Constitutional rights being violated

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. Steven Pexico
- 1000 Base Square Elm St.
- Hampton S.C.
- 29904
- ii. _____
- iii. _____

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

- i. Due process as guaranteed by the Fourteenth Amendment
- requires that no person shall be made to suffer
- ii. the pains of a criminal conviction except upon
- sufficient prob defined as evidence necessary to convince
- iii. a trier of fact beyond a reasonable doubt of the existence
- of every element of the offense." Jackson 13 Virginia
- 443 U.S. 307, 346, 99 S.
- Ct. 2781, 2787 (1979)

Revised 3/2003

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

Reconsideration of time in reference towards my Sentence
I request from the high courts to vacate all charges of
[unclear] and presenting of the same to reduce my Sentence later

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

STATE OF SOUTH CAROLINA)
County of _____)

VERIFICATION

I, Grandson Lamont Johnson, 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.

SWORN to and subscribed before me this _____ day of _____, _____.

Notary Public (L.S.)

My Commission Expires: _____

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

I, Sean D. Johnson, 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.

Sean D. Johnson
Applicant

SWORN or affirmed to and subscribed before me this day of

Notary Public

My Commission Expires:

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF HAMPTON)	FOURTEENTH JUDICIAL CIRCUIT
)	
SeanDrea Lamont Johnson, #318610,)	2016-CP-25-225
)	
Applicant,)	
)	RETURN
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	
_____)	

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed on June 22, 2016, would respectfully show this Court:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Hampton County. Applicant waived presentment to a Grand Jury and pleaded guilty to two counts of pointing and presenting a firearm (2015-GS-25-0067,-0072) and possession of less than one gram of cocaine base, first offense (2015-GS-25-0065). Applicant was represented by Steve Plexico, Esquire. Assistant solicitor, Steve Knight, prosecuted the case. On December 15, 2015, The Honorable G. Thomas Cooper sentenced Applicant to five years imprisonment for each count of pointing and presenting a firearm and three years imprisonment for possession of less than one gram of cocaine base, first offense. All sentences were consecutive, with credit for time served. Applicant did not appeal his plea or sentence.

Attached herewith and incorporated herein by reference are the records of the Hampton County Clerk of Court regarding the subject convictions, the transcript from Applicant's plea and

Applicant's records for the Department of Corrections. Respondent reserves the right to amend its return upon the receipt of other relevant records.

II. ALLEGATIONS

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

1. Ineffective Assistance of Counsel
 - a. "The other counsel told me that there weren't forensic nor ballistic to prove weapons was mine"
 - b. "My 14th and 5th amendment has been violated, and it's a conflict of interest to have him appointed to me"

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

III. INEFFECTIVE ASSISTANCE OF COUNSEL

Respondent interprets Applicant's claim as ineffective assistance of counsel. Nevertheless, Respondent contends that Applicant's counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, Applicant bears the burden of proving the allegations in their application. See Butler, 286 S.C. at 442, 334 S.E.2d at 814. Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial

cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 686 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. See Strickland, 466 U.S. at 669. Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove 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 Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. See Hill v. Lockhart, 474 U.S. 52, 52 (1985).

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test. However, where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record, a question of fact is raised which can only be resolved by an evidentiary hearing. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983). If the court does determine that Applicant's alleges

specific instances of ineffective assistance which are not conclusively refuted by the record, then Respondent would request an evidentiary hearing to fully resolve this issue.

IV. AMENDMENTS

Applicant must specify any claims he intends to raise at the PCR trial. Any claims not *specifically* laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code § 17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing.

{Conclusion and signature block on following page}

V. CONCLUSION

Each and every allegation contained within the application not either expressly admitted, qualified, or explained is hereby denied. WHEREFORE, having made its Return, Respondent requests that a hearing be held on the claim of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

MEGHAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

RUSTON W. NEELY
Assistant Attorney General

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

By: 
ATTORNEYS FOR RESPONDENT

April 19, 2017

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HAMPTON)
)
 SEANDREA LAMONT JOHNSON,)
 S.C.D.C. No. 318610,)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

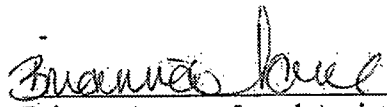
2016-CP-25-0225

AFFIDAVIT OF SERVICE BY MAIL

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

James Falk, Esquire
Falk Law Firm
PO Box 1058
Charleston, SC 29402

DATED this 19th day of April, 2017.


 Brianna Arnone, Legal Assistant
 For Respondent

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In the Court of Common Pleas for the
State of South Carolina, County of Hampton

Case No.: 2016CP2500225

SeanDrea Lamont Johnson,
Plaintiff(s),

vs.

Transcript of Record

State of South Carolina,
Defendant(s).

10-12-2017

Beaufort, South Carolina

BEFORE:

The Honorable Thomas A. Russo

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APPEARANCES

REPRESENTING APPLICANT/PLAINTIFF(S) :

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Cross Examination By Mr. Neely

25

1 PROCEEDINGS

2 MR. NEELY: The next case that the State would
3 call, SeanDrea Johnson versus State of South Carolina
4 case number 2016CP2500225. Applicant waived
5 presentment to a grand jury and plead guilty to two
6 counts of pointing and presenting a firearm, possession
7 of less than 1 gram of cocaine base, first offense. He
8 was represented by Steve Plexico at the plea on
9 December 15th, 2015. Honorable G. Thomas Cooper
10 sentenced up to five years imprisonment for each count
11 of pointing and presenting a firearm. And three years
12 imprisonment for possession of less than one gram
13 cocaine base, first offense. All sentences were
14 consecutive, credit for time served. Applicant didn't
15 appeal his plea or sentence.

16 THE COURT: Mr. Falk.

17 MR. FALK: Your Honor, my client would
18 characterize the grounds for his appeal is that,
19 because he wasn't apprised of the strength of the
20 evidence that is against him or the lack thereof. He
21 made his decision to plead guilty based on incomplete
22 and ineffective counsel from his client -- you know,
23 his lawyer didn't tell him, you know, how weak the
24 evidence was. And he took the plea based on bad
25 representation from his counsel.

CALLING OF THE CASE

1 And he's also alleged that there's a conflict of
2 interest in having Mr. Plexico appointed to him. And
3 I'll have him address that when he takes the stand.

4 So, this would be an involuntary guilty plea based
5 on, you know, not knowingly made. Mr. Plexico is back
6 there.

7 THE COURT: We need to give him a heads up that we
8 are on this case.

9 MR. FALK: I'm going now. Your Honor, I'll call
10 my client to the stand.

11 THE COURT: Come on around.

12 **Thereupon,**

13 SEANDREA LAMONT JOHNSON

14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows

16 DIRECT EXAMINATION

17 BY MR. FALK:

18 Q Could you please state your name, for the record?

19 A SeanDrea Johnson.

20 Q Okay. Mr. Johnson, what county do you reside in?

21 A Hampton County.

22 Q And how did Mr. Plexico come to represent you in
23 this case?

24 A He did not come to represent me to the best of his
25 ability.

DIRECT EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
FALK

1 Q Let me back up. I am just trying to get the time
2 line. Did you retain him; was he appointed to you?

3 A My mother gave him \$30 for the public defender fee
4 and he stated that I was going to get probation.

5 Q Okay. Just let me just back up. I'm just trying
6 to get -- so, he got appointed to you as a public defender?

7 A Yes, sir.

8 Q Was he the only public defender appointed to you?

9 A Yes, sir.

10 Q Okay. Now, were you in custody prior to when you
11 entered your plea?

12 A Yes, sir.

13 Q And how many times did Mr. Plexico come to see
14 you? So, you are in the Hampton County jail?

15 A I was in Hampton. And there was a point in time
16 when I was in Jasper.

17 Q Okay.

18 A Yes, sir.

19 Q Where were you last?

20 A Jasper.

21 Q Okay.

22 A Yes, sir.

23 Q Did Mr. Plexico go down to Jasper to talk to you?

24 A Yes, sir.

25 Q Okay. How many times did he talk with you?

DIRECT EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
FALK

1 A About twice.

2 Q All right. Did he bring you your Rule 5?

3 A Yes, sir.

4 Q Okay. And what was in the Rule 5?

5 A The Rule 5 is the?

6 Q Discovery.

7 A In the discovery, it said that on the pointing and
8 presenting what appeared to be a knife.

9 Q Okay.

10 A And the individual that wrote statements on me
11 dropped out of the running when it -- when it got farther
12 down the road. And what I would just argue with them, with
13 the pointing and presenting, that there was no forensic or
14 ballistics to contest that I was -- pointed and presented a
15 firearm at the person.

16 Q What do you mean, they dropped out of the running?

17 A There was just only just one statement left, one
18 individual.

19 Q What happened to the other individuals?

20 A I don't know.

21 Q Well, I mean you --

22 A I haven't the slightest idea.

23 Q Are you saying that they just no longer lived in
24 Hampton County, we don't know where they are?

25 A They live in Hampton County, but I guess they

DIRECT EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
FALK

1 didn't want anything to do with it. Yes, sir.

2 Q Okay. So you think -- so, it is your
3 understanding that they quit cooperating with the State?

4 A Yes, sir.

5 Q That is what you mean by dropped out of the
6 running?

7 A Yes, sir, exactly.

8 Q Now, was that both of the witnesses or just one of
9 them?

10 A One of them.

11 Q And what would you -- how would you contest the
12 pointing and presenting?

13 A There wasn't any forensic or -- forensics or
14 ballistics. He said that there wasn't any fingerprints to
15 point, or to shift the blame towards me. So, I was just
16 saying, why wasn't the hand of one the hand of all
17 implemented when there was three individuals that was in the
18 vehicle and it was found on the passenger's side?

19 Q I'm not sure that Judge Russo has seen much of the
20 factual basis here, so why don't you tell me what events led
21 to your arrest? You said there were three people and there
22 was a car and there was a knife?

23 A What they was saying that I had a firearm and they
24 said that I had a firearm. And when they, when they came in
25 the car they only removed me from the car. And what I'm

DIRECT EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
FALK

1 just asking, I'm going to take full responsibility of what
2 was found on my persons, but what was on the passenger's
3 seat wasn't mine. They didn't get it off of my persons.

4 Q What is your understanding of what was on the
5 passenger's seat?

6 A It was a handgun.

7 Q Okay. And it's your understanding that there were
8 no fingerprints on the handgun?

9 A No fingerprints, yes, sir.

10 Q Now, did you find that as part of reviewing the
11 discovery, or you found that out later?

12 A During the last -- when I was at Jasper, they came
13 and got me and we was getting ready to go into trial. When
14 I was briefing with my counsel, he said that there wasn't
15 any forensic or ballistics or none -- or any fingerprints
16 that was on the weapon.

17 Q So, on the day that you pled --

18 MR. FALK: Excuse me, Your Honor.

19 (Pause.)

20 BY MR. FALK:

21 Q So, you plead guilty on December 15th, 2015?

22 A Yes, sir.

23 Q Did you think that you were going to trial that
24 day?

25 A Yes, sir.

DIRECT EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
FALK

1 Q Okay. So, how did it go from being ready for
2 trial to pleaing?

3 A They came -- they made me, had me thinking if I
4 would have went to trial --

5 Q Who is the "they"?

6 A Steven, Mr. Steven Plexico.

7 Q Okay. I'm sorry that I interrupted you. So, you
8 said that Mr. Plexico had you thinking that you were going
9 to trial that day?

10 A Yes, sir.

11 Q Were you ready to go to trial?

12 A No, sir, because he had it where he made me felt
13 like he wasn't going to represent me to the best of his
14 ability.

15 Q And why was that?

16 A He didn't show any type of passion, like any type
17 of compassion about the minor charges that I was charged
18 with or had any, any interest in fighting for me.

19 Q Okay. What were you charged with?

20 A Two counts of pointing and presenting of a
21 firearm -- two counts of pointing and presenting, and simple
22 possession of crack cocaine, first offense.

23 Q Okay. And what did you plea to?

24 A Thirteen years, non-violent. I mean, they gave me
25 three for the simple possession of crack cocaine.

DIRECT EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
FALK

1 THE COURT: Were there other charges that were
2 dismissed pursuant to your plea?

3 THE WITNESS: Yes, sir.

4 MR. FALK: You can address that.

5 MR. NEELY: These charges, he -- they were not the
6 original charges that were going to be filed against
7 him. He waived presentment to a grand jury to have the
8 lesser included charges and he plead to them. It was a
9 recommendation for consecutive time on all three
10 charges, 13 years.

11 THE COURT: Okay.

12 BY MR. FALK:

13 Q So you felt that Mr. Burrows -- excuse me --
14 Mr. Plexico was not representing you diligently?

15 A Exactly.

16 Q All right. So, you are going -- so, you are going
17 back to the Hampton County courthouse. Had they started to
18 pick a jury?

19 A Yes, sir, they were getting into the processes of
20 that, until when they showed me the charge of simple
21 possession of crack cocaine. And it was a non -- going to
22 be a non-violent sentence and that going to trial wouldn't
23 have been a smart, a smart idea.

24 Q And that is what Mr. Plexico said?

25 A Yes, sir.

DIRECT EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
FALK

1 Q Okay. Okay. What is -- you made in your
2 application for PCR, you had talked about a conflict of
3 interest. What is that?

4 A What I mean, it was a conflict of interest while I
5 was in the Jasper County Detention Center, I reported him to
6 the disciplinary counsel board complaining about how I
7 didn't want him to represent me, that I wanted him gone off
8 of my case log. So, he said that it wasn't any way type of
9 way that I could -- that I had -- I had to keep him as a
10 lawyer.

11 Q So you filed a disciplinary grievance against
12 Mr. Plexico?

13 A Yes, sir. Yes, sir.

14 Q All right. Did you bring that to the Court's
15 attention?

16 A No, sir.

17 Q On the day of the plea?

18 A No, sir. No, sir.

19 Q Did you tell the Judge the day of the plea that
20 you wanted new counsel?

21 A No, sir, but like I was saying, when he brought
22 the plea agreement to me they made it sound like that that
23 was the right thing to do.

24 Q Okay. Now, I'm anticipating that Mr. Neely is
25 going to ask you some questions and I'm just going to ask

DIRECT EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
FALK

1 you them first.

2 A Okay.

3 Q You were told -- now, who was the sentencing
4 Judge? You told Judge Cooper that you were satisfied with
5 the services of your lawyer?

6 A Exactly.

7 Q And I am sure Judge Cooper asked you, You are
8 pleading guilty because you are in fact guilty?

9 A Yes, sir.

10 Q Okay. So, if you didn't want to do it, why did
11 you say yes?

12 A I wasn't going to chance anything by me going to
13 trial and getting a longer sentence, I wanted to be able to
14 come home and see my family. So, I took what was on the
15 table, what was lesser.

16 Q Was your fear that you were going to go to trial
17 with a lawyer who wasn't prepared?

18 A Exactly. And I also felt like that my, that my
19 Constitutional Rights had been violated, my 14th and my 8th.

20 Q And what was the basis for that? You mean the
21 conflict issue?

22 A Ineffective assistance of counsel and equal law
23 section.

24 Q Would you have been able to retain counsel?

25 A Sorry?

DIRECT EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
FALK

1 Q Would you have been able to hire counsel?

2 A Eventually, if I stayed in the county jail long
3 enough.

4 Q You had family who could throw some money in or
5 something?

6 A Yes, sir.

7 Q Is there anything else that you want to say about
8 Mr. Plexico?

9 A No, sir.

10 MR. FALK: I have no further questions.

11 THE COURT: Anything else?

12 MR. NEELY: Thank you, Your Honor.

13 CROSS EXAMINATION

14 BY MR. NEELY:

15 Q Just in reading what you told the Judge in the
16 guilty plea, you told the Judge that you don't even remember
17 what happened that night; is that right?

18 A Yes, sir.

19 Q Because you drink a lot?

20 A I told him, not only that I dranked a lot, that
21 somebody had slipped something in my drink, which I was
22 taken to the Hampton emergency room and they did a report
23 on it. And they didn't see anything about any drugs or
24 anything found in my system or whatever. It was a bad
25 chemical reaction to the alcohol.

CROSS EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
NEELY

1 Q They tested and they didn't find any drugs in your
2 system, right?

3 A Exactly.

4 Q And this wasn't your first run-in. You had had
5 Mr. Plexico on other charges before, right?

6 A Yes, sir.

7 Q And you always plead guilty before as well?

8 A I plead guilty because I know that I was wrong,
9 yes, sir.

10 Q Okay. In the transcript it says that, you know,
11 you pled guilty here because you wanted to make sure you go
12 see your family and not spend all of your time in jail as an
13 adult, right?

14 A Exactly.

15 Q So it sounds like you kind of weighed going to
16 trial and didn't want to do that?

17 A Exactly.

18 Q Right?

19 A Yes, sir.

20 Q Because it would be a lot more time you would be
21 facing if you went to trial?

22 A Exactly.

23 Q You had discussions with Mr. Plexico about how
24 much time you were facing at trial?

25 A Yes, sir. And way before then, when I reported

CROSS EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
NEELY

1 him to the disciplinary counsel board and said that I was
2 dissatisfied with him as being my lawyer, I was trying to
3 get him dismissed then from my case log.

4 Q That was on a prior plea?

5 A On the same plea, on this plea.

6 Q That was for this?

7 A Yes, sir.

8 Q Okay.

9 A Yes, sir.

10 Q But you did say that he brought you your
11 discovery?

12 A Yes, sir.

13 Q And went over them with you?

14 A Yes, sir. Yes, sir.

15 Q Okay. And what were -- what were you originally
16 indicted on, do you recall?

17 A It was two counts of pointing and presenting a
18 firearm and I want to say car jacking, attempt to car jack,
19 and possession of a firearm by a felon, which that got
20 dropped. And that was it.

21 Q So, it was the two car jacking charges?

22 A It was one car jacking charge.

23 Q One car jacking charge, I am sorry. And I believe
24 that is the one that carries, I believe, zero to 30?

25 A Yes, sir.

CROSS EXAMINATION OF SEANDREA LAMONT JOHNSON BY MR.
NEELY

1 Q Okay. And that was the kind of charge that you
2 were worried about?

3 A That charge was contested at the preliminary
4 hearing when they was going through the motions with the
5 Judge, which he forwarded it to the, to the general
6 sessions.

7 Q Right, so the preliminary court didn't dismiss it,
8 they sent it on to general sessions?

9 A Yes, sir, which in general sessions they dismissed
10 it for the lesser charges.

11 Q Right, for the lessers -- and for this plea?

12 A Yes, sir.

13 MR. NEELY: Thank you. That is all of the
14 questions that I have.

15 THE COURT: Anything further?

16 MR. FALK: No redirect.

17 THE COURT: Thank you very much, sir. You may
18 step down.

19 MR. FALK: I would like to call Mr. Plexico to the
20 stand.

21 THE COURT: Please come around and be sworn, sir.

22 Thereupon,

23 STEVEN PLEXICO

24 was called as a witness, having been first duly sworn,
25 was examined and testified as follows:

DIRECT EXAMINATION OF STEVEN PLEXICO BY MR. FALK

1 DIRECT EXAMINATION

2 BY MR. FALK:

3 Q Mr. Plexico, can you state your name, please, for
4 the record?

5 A Yes, Steven Plexico.

6 Q And you got appointed to Mr. Gardner's case --
7 excuse me, to Mr. Johnson's case?

8 A Yes, sir, I did.

9 Q Have you represented him in the past?

10 A Yes, I had.

11 Q Do you know about how many times?

12 A I had one big case with him a while back. He was
13 convicted of assault and battery intent to kill, I think
14 that he'd gotten a two-year sentence. He went to a record
15 store on Lee Avenue in Hampton, he went there to rob him.
16 And as the proprietor was giving him the money he panicked
17 and shot the proprietor in the chest. Somehow he lived. He
18 was grateful, the proprietor asked the solicitor not to
19 pursue him to the full extent that he could. And I was able
20 to get him a pretty good deal on the armed robbery and
21 shooting the man needlessly in that case.

22 Q So, December 15th, 2015. If you had gone to
23 trial, what kind of sentencing exposure did you think that
24 he had?

25 A Well, he had thirty years on the car jacking.

DIRECT EXAMINATION OF STEVEN PLEXICO BY MR. FALK

1 Possession of weapon, five years consecutive. Possession of
2 a weapon by a convicted felon. And then he had use of a
3 weapon during the commission of a violent crime, which is
4 five years day for day. And car jacking would have gone
5 into one of the other charges, I believe. And he had
6 pointing and presenting, you know, at the victims of the car
7 jacking, which I don't think -- I'm not quite sure how that
8 would go at trial.

9 He also had the gram and a half of crack.
10 And he, you know, that is PWID. They only indicted him, as
11 I told my client, for possession. But then they also
12 indicted for PWID within proximity of a school, which is a
13 three-strike crime, which they could have just proceeded
14 with that since they are independent crimes. But when you
15 start stacking up ten years for that and everything else,
16 with some 85 percent, and some 100 percent, you are getting
17 100 percent, you are getting up there.

18 Q Okay. Did you negotiate -- what was the
19 negotiations with the solicitor on this case?

20 A Well, we had Steve Knight, who is the solicitor
21 over in Colleton County who was filling in. We had our
22 local solicitor who was off at war serving in the reserve,
23 active reserve. He gave me a 15-year plea offer. I took
24 that to my client. We countered with five years on pointing
25 and presenting, five years on the other pointing and

DIRECT EXAMINATION OF STEVEN PLEXICO BY MR. FALK

1 presenting, and three years possession on the cocaine
2 charge, which Solicitor Knight bit on and we proceeded to go
3 ahead and do it.

4 Q The 15 years, what would you have had to plea --
5 what charges would that have covered?

6 A That, I'm not quite sure of. I didn't write it
7 down. I went back -- sorry, when it was fresher in my mind.
8 I wrote a letter in regards to the matter. And let me get
9 to that part. I just put on the letter that it was 15
10 years.

11 Q I'm just trying to sort out whether or not that
12 would have been 85 percent?

13 A I did not note that, sir. But these are
14 non-violent offenses that I pled him to.

15 Q Okay. Were you aware that he filed a complaint
16 with the disciplinary counsel?

17 A Yes. As a matter of fact, we were going back and
18 forth and finalizing what we were going to do, and I got the
19 letter. I sent a letter back. I have got the dismissal
20 form here. They dismissed it. You know they are slow as
21 ants. It is February the 12th, 2016. I told my client
22 that, you know, that didn't get you a continuance. This is
23 the same thing that you had before in the other thing, in my
24 prior representation.

25 He seems to think that if you write a letter

DIRECT EXAMINATION OF STEVEN PLEXICO BY MR. FALK

1 disparaging your lawyer that you will be granted an
2 automatic continuance. I assured him that -- that you will
3 automatically be replaced. I assured him that wasn't the
4 way that it was, that things happened quickly and he wanted
5 to go ahead and plea. It is the same behavior as before. I
6 mean, he was kind of in a jam.

7 Q The time line, so the plea was on December 15,
8 2015, correct?

9 A I got the complaint on October -- excuse me,
10 November 19th is when I received the complaint, that
11 complaint.

12 Q Okay. He filed previous ones on you?

13 A Yeah, he did. I think that it was -- he did it in
14 prior representation. I came out with what I thought was a
15 good deal in view of what he had done. He had filed a
16 complaint then. Back then I remember him. He's kind of a
17 unique character and his belief is that when you file a
18 complaint it is like getting granted a continuance. As a
19 matter of fact, I spoke to disciplinary counsel about that.
20 And they assured me that it was not. They try to dispel
21 beliefs like that. It is not unusual in my line of
22 business. I mean, you know.

23 Q How many times have your appointed clients --

24 MR. NEELY: Your Honor, I am going to object to
25 that question as to relevance.

DIRECT EXAMINATION OF STEVEN PLEXICO BY MR. FALK

1 THE COURT: Let's stick to the issues on the
2 application.

3 MR. FALK: I was just trying -- thank you, Your
4 Honor. I was just trying to see how common of an
5 occurrence this was.

6 BY MR. FALK:

7 Q Did he ask you, once he pled, to file for a
8 sentence reduction?

9 A No, I don't remember that.

10 Q Did he not ask you to try to get the second
11 pointing and presenting charge dismissed?

12 A We pled to that, so I didn't really understand. I
13 mean, once you plea to it, that is a done deal. It is over.
14 Then you file an appeal based on you talking about a guilty
15 plea -- well, part of appealing the guilty plea is putting
16 down what was wrong with the guilty plea and what you did to
17 correct it. And, you know, I have been through that process
18 before. And that is an extremely high hurdle to climb. And
19 you would just move to set the plea aside as opposed to
20 appealing the guilty plea if someone asked me to do that.
21 Of course probably you wouldn't be successful in doing that.

22 Judges, I don't think, would favor a plea
23 that is conditioned on, in a sense, that is a plea
24 conditioned on the defendant liking what he receives as a
25 sentence. I don't think that the Court would work that way.

DIRECT EXAMINATION OF STEVEN PLEXICO BY MR. FALK

1 Q You heard him testify that there was really no
2 forensic evidence tying him to the weapons?

3 A That is true. That is -- as I recall, that is
4 true. He did have the drugs. He would have the chemistry
5 on the drugs. Well, that is ten years by itself just on --
6 and then you have the problem of the car jacking and
7 everything else. So, I mean, you know, it is a violent
8 offense too, so . . .

9 He seems to discount the value of testimony
10 on evidence, as I explained to him. You know, I saw Joe,
11 you know, pull out the gun and shoot Bob. Well, you know,
12 whether you have a gun or not, whether you have any
13 fingerprints or not, the fact that you have a witness
14 testifying that, you know, you saw the defendant shoot Bob.
15 I mean, that is powerful evidence.

16 Here you had the victims testifying that you
17 have got -- well, this happened right after Clemente
18 Pinckney was shot. And he's in the projects, he's
19 intoxicated apparently, he's very high on something, he has
20 a gram and a half of crack in his pocket. Got a pistol
21 waving it around. He's shouting, I'm going to kill a bunch
22 of Ns, you know, the derogatory term. And he gets in the
23 car with the two girls and tells them to go.

24 About this time the police come up and, you
25 know, they are getting out of the car and, you know, just

DIRECT EXAMINATION OF STEVEN PLEXICO BY MR. FALK

1 getting out of there. They are scared to death. And they
2 found the gun in the car, of course. And his idea was, they
3 don't have any evidence on me because the gun becomes the
4 hand of one hand of all. I mean, he just -- he has heard of
5 the concepts, but he just doesn't have the ability to apply
6 it.

7 Q You heard his testimony that the victims no longer
8 wanted to cooperate?

9 A You know, that's -- sometimes that happens in this
10 business and I don't have any, any evidence that they had
11 refused to cooperate, they were unwilling to -- could not be
12 located. Whether someone wants to cooperate or not, courts
13 can't run without the power to enforce their subpoenas and
14 put someone on the witness stand under severe penalties if
15 they do not testify. You know, if the common person just
16 decides they are not going to rule -- obey the rules of
17 society and Court's rules, we wouldn't have much of a
18 society. So the Courts have methods to take care of people
19 who are resistant to testify.

20 Q As part of your investigation, did you find out
21 what -- did you actually send your investigator to talk to
22 the victims?

23 A No, I did not. I had their statements. I had no
24 reason to believe that there would be anything different
25 about them, that there would be anything different with

DIRECT EXAMINATION OF STEVEN PLEXICO BY MR. FALK

1 them.

2 MR. FALK: No further questions.

3 MR. NEELY: Just briefly.

4 CROSS EXAMINATION

5 BY MR. NEELY:

6 Q How many times did you meet with Mr. Johnson?

7 A I met with him numerous times. It happened on
8 March 7th and I had appointed -- we opened the file on April
9 the 7th. Apparently I had a letter, 4-21-15, I had a letter
10 from him, so I went and talked with him and we discussed the
11 letter. And then it progressed to another interview. For
12 instance, 5-6 I noted what he wanted on there. And then
13 there was one in July. I have one, I went to visit him and
14 I think that he was gone. He had been moved for some
15 problem to Jasper. And then I visited him in Jasper,
16 October 23rd. And went back on the 29th. Talked to his mom
17 on the 2nd.

18 On the 3rd I talked with him, November 3rd.
19 November 18th, 20th. On the 20th I took the 13-year plea
20 offer. I think that I had consistent meaningful dialogue
21 with him. I mean, there's just some things that he don't
22 want to, he doesn't understand, he is not -- doesn't know
23 legal concepts, he misapplied those. But, you know, I can
24 talk, but I don't think that he had a mental disability I
25 just don't think that he wasn't (inaudible).

CROSS EXAMINATION OF STEVEN PLEXICO BY MR. NEELY

1 Q Did Mr. Johnson ever request that you file an
2 appeal?

3 A No, sir.

4 MR. NEELY: That is all that I have, Your Honor.

5 THE COURT: Anything further?

6 MR. FALK: No redirect.

7 THE COURT: Thank you very much, sir. You may
8 step down.

9 Anything further from the applicant?

10 THE APPLICANT: No additional witnesses.

11 THE COURT: Anything from the State?

12 MR. NEELY: Nothing from the State, Your Honor.

13 THE COURT: I'll hear from you.

14 MR. FALK: Your Honor, my client certainly asserts
15 that he had been represented by Mr. Plexico on two
16 occasions. He was dissatisfied with his representation
17 on both of those occasions. He filed another
18 disciplinary grievance against him. And it would be my
19 client's position that Mr. Plexico was not willing to
20 make a full effort in this case because of possibly
21 being concerned or frustrated by the fact that he had
22 had two disciplinary grievances filed against my client
23 as asserting that. Mr. Plexico is, you know, out to
24 get him since he filed these grievances against him.

25 My client's position also is that he really went

CROSS EXAMINATION OF STEVEN PLEXICO BY MR. NEELY

1 in to plea because he was going in with a lawyer who he
2 didn't feel had his best interest at heart. And he is
3 in the Hampton County courthouse on the day of trial
4 and he was forced into having to choose whether or not
5 he was going to accept the plea or run the risk of all
6 of the time that he could have faced had he been
7 convicted on the charges. And he felt that there was a
8 risk of being convicted on the charges because he was
9 represented by a lawyer who didn't have his best
10 interest. That is my client's position. And I think
11 that we have established that. Thank you.

12 MR. NEELY: Very simply, Your Honor, this is a
13 guilty plea. In Mr. Plexico's testimony, numerous
14 times that he visited him. And even in Mr. Johnson's
15 testimony he gave him full discovery, went over the
16 full discovery with him. Mr. Johnson admitted his
17 guilt, said that he was satisfied with counsel at his
18 guilty plea. It seems like it was a very well
19 thought-out negotiation where the State made an offer
20 and Mr. Plexico spoke with Mr. Johnson and they made a
21 counteroffer. The counteroffer was accepted and
22 Mr. Johnson decided to plead guilty. Those are the
23 events that lead to this case.

24 MR. FALK: Nothing further, Your Honor.

25 THE COURT: All right. It is the -- it is the

CROSS EXAMINATION OF STEVEN PLEXICO BY MR. NEELY

1 same thing that I see over and over again. I wish that
2 I could tell people this. And I do on occasion. And
3 that is, you have to take seriously when you come
4 before the Court and you are placed under oath and you
5 are sworn to uphold -- to tell the truth. We place
6 people under oath and then we ask questions, as a
7 Judge, as the Court and as a jury in a trial, we are
8 supposed to be able to rely on the fact that when you
9 take an oath that you are going to tell the truth.

10 So, as I read through this plea, I'm -- I am
11 assuming that you are being truthful with the Court
12 when you discuss or answer the Court's questions,
13 Mr. Johnson. And there was some mention that when you
14 first took the stand here today you said that you
15 thought that you were going to get probation or that
16 you were promised probation, and it was clear that that
17 was never the case.

18 And Judge Cooper even pointed out, you understand
19 that this is what the State is recommending, you
20 understand that if I follow this recommendation that I
21 will be sentencing you to five years, five years, and
22 three years, for a total of 13 years. And you told him
23 that you understood that.

24 He asked whether or not, understanding that, do
25 you wish to go forward with your plea. You said that

CROSS EXAMINATION OF STEVEN PLEXICO BY MR. NEELY

1 you did. Then he went over all of your rights, your
2 rights to a trial, your rights, and you said that you
3 understood all of those rights.

4 And then he asked you about Mr. Plexico. He asked
5 you if you were satisfied with the representation. He
6 asked you has anyone promised you anything, held out
7 any hope of award or threatened you in any manner, and
8 you stated, No. "Are you satisfied with the manner in
9 which your lawyer has advised you and represented you?"
10 And you said, yes. "Did he go over your case fully
11 with you?" And you said, Yes. "Did he share with you
12 the evidence that the State has and that could possibly
13 lead to your conviction?" And you said, Yes. And then
14 he said, "Has he done everything that you have asked
15 him to do in preparation for this plea?" And you
16 stated that he has. "Are you satisfied with his
17 advice?" You said, Yes. And then he asked you if you
18 are under the influence of any drugs, alcohol, or
19 prescription medication, and you said that you were
20 not.

21 He looked to the solicitor and asked the solicitor
22 to give the facts about the case. The solicitor gave
23 the facts, and in those facts stated that you -- that
24 you had this cocaine in your possession, that you
25 pointed this firearm at these two ladies. And the

CROSS EXAMINATION OF STEVEN PLEXICO BY MR. NEELY

1 Judge asked you, he said, "Mr. Johnson, you heard the
2 facts as explained to me by the solicitor, are those
3 facts true and accurate to the best of your knowledge?"
4 And you said that they were.

5 All of the concerns about Mr. Plexico and his
6 representation and that he didn't do what he was
7 supposed to do, none of that was raised when Judge
8 Cooper was asking you at that point, at any time during
9 that exchange when he asked you, Are you satisfied with
10 your attorney, you could have said no. When he asked
11 you, Has he done everything that you have asked him to
12 do in preparation for this matter, you said yes. You
13 could have said, No, sir, he's not prepared, he's
14 not -- he doesn't have my best interest, I'm not
15 satisfied with my lawyer. But you didn't do that.

16 And so the first time that this is being brought
17 up is during this PCR application after the Judge has
18 sentenced you. Now, the concern that I have is, as you
19 took the stand today you were placed under oath, I
20 don't know whether or not you were telling the truth
21 today and lying back here, or if you were telling the
22 truth back here and lying today. There's no way that I
23 can know because I'm getting very conflicting messages
24 here.

25 Obviously, apparently Mr. Plexico testified that

CROSS EXAMINATION OF STEVEN PLEXICO BY MR. NEELY

1 this thing about filing a grievance, that you did that
2 before, that you have done it a couple of times in an
3 effort to get a matter continued or to buy more time,
4 or maybe you truly had those complaints, I just don't
5 know.

6 But I have to look at the case to determine
7 whether or not Mr. Plexico's representation was
8 reasonable under the professional norms that are set
9 for attorneys in this state, and I don't see anything
10 in the record that indicates that he was anything other
11 than reasonable and competent in his representation.

12 You indicated that he wasn't ready, yet there's
13 really no evidence that he wasn't ready. And it
14 appears that the results of these proceedings would not
15 have been any different. I just don't find -- I just
16 don't see any evidence to support the allegations
17 contained in the application. I'm going to
18 respectfully deny it.

19

20 (Whereupon, the case concluded.)

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CROSS EXAMINATION OF STEVEN PLEXICO BY MR. NEELY

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF BEAUFORT:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 22nd day of July, 2019.

Mona L. Manley /s/
MONA L. MANLEY
Official South Carolina Court Reporter
Circuit Reporter for the 14th Circuit
(850) 893-6662
mmanley@sccourts.org

for possession of less than one gram of cocaine base, first offense. All sentences were consecutive, with credit for time served. Applicant did not appeal his plea or sentence.

II. ALLEGATIONS

In his PCR application, Applicant alleged he is being held unlawfully for the following reasons:

1. Ineffective assistance of counsel.
 - a. "The other counsel told me that there weren't forensic nor ballistic to prove weapons was mine"
 - b. "My 14th and 5th amendment has been violated, and it's a conflict of interest to have him appointed to me"

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court reviewed the record in its entirety, listened to the testimony given, and heard the arguments presented at the evidentiary hearing. Moreover, this Court had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. This Court finds Counsel's testimony was credible and persuasive and Applicant's testimony was not credible. This Court dismisses Applicant's application for the reasons set out below:

A. Ineffective Assistance of Plea Counsel

This Court finds the record fully supports the knowing and voluntary nature of Applicant's guilty plea. Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). "A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but

would have insisted on going to trial. Thus, an applicant must show both error and prejudice to win relief in a PCR proceeding.” Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001).

The court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Counsel’s deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant’s right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he should be allowed to depart from the truth of his statements. See Crawford v. U.S., 519 F.2d 347, 350 (4th Cir. 1975) (overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir.1985)). Applicant presented no reasons to show that he should be allowed to depart from the truth of the statements he made during his guilty plea hearing. For the reasons set out below, this

Court finds the record and credible testimony support Applicant had a full understanding of the charges and consequences of his guilty plea:

1. Counsel did not advise Applicant that the forensic and ballistic reports tended to prove innocence.

Applicant asserts his guilty plea was entered involuntarily due to Counsel's failure to inform him of pertinent details of his discovery and case, namely that Applicant was told that his forensic and ballistic reports were favorable for his case. Applicant testified he met with Counsel twice and was shown the discovery, but not the forensic, ballistics, or fingerprint reports. Applicant also testified that he pleaded guilty because he weighed the potential sentence and decided that taking the plea deal was in his best interest. Counsel testified he met with Applicant numerous times, he had notes from meetings in April, May, July, twice in October, and twice in November. Counsel testified that there were no forensic, ballistics, or fingerprint report and he discussed that and the other applicable evidence with Applicant.

Accordingly, this Court finds Applicant failed to prove Counsel was deficient because there were no forensic or ballistic reports and Counsel discussed that with Applicant. Applicant also failed to prove he was prejudiced by Counsel's actions. Accordingly, this Court denies and dismisses this allegation.

2. Counsel had a conflict of interest due to Applicant's filed ODC complaint against Counsel.

Applicant asserts Counsel had a conflict of interest and, thus, rendered ineffective assistance of Counsel. Applicant testified he had filed a complaint against Counsel during Counsel's representation of him. Counsel testified Applicant filed the complaint because he believed it would result in a continuance of his trial. Counsel testified the complaint was dismissed and after further discussions with Applicant concerning his case, Applicant decided to plead guilty.

Accordingly, this Court finds Applicant failed to prove Counsel had a conflict of interest. This Court also finds Applicant failed to prove he was prejudiced by Counsel's actions. Accordingly, this Court denies and dismisses this allegation.

IV. CONCLUSION

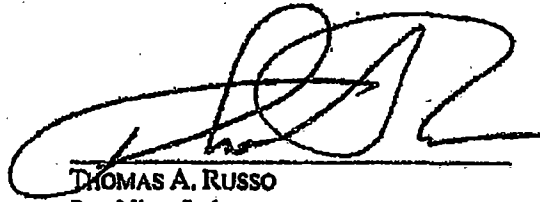
Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes Applicant must file and serve a notice of appeal within thirty (30) days from receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCR, provides that if Applicant wishes to seek appellate review, his post-conviction relief attorney must serve and file a notice of appeal on Applicant's behalf. Applicant and his attorney are directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for post-conviction relief is denied and dismissed with prejudice; and
2. Applicant is remanded to the custody of the Department of Corrections to complete service of his sentence.

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



THOMAS A. RUSSO
Presiding Judge
14th Judicial Circuit

Flowers, South Carolina

WITNESSES

D. Deloach

ARREST WARRANT NUMBER

2015A2520300014

Date of Arrest: March 8, 2015

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury

Date: **OCT 21 2015**

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2015GS2500065

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

October Term 2015

THE STATE

vs.

Seandrea Lamont Johnson

Indictment for

**Drugs / Possession of less than one gram of
meth. or cocaine base, 1st offense**

SC Code: 44-53-0375(A)
CDR Code: 3009

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

70

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

A TRUE COPY
[Signature]
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE: **7-12-16**

WITNESSES

D. DeLoach

ARREST WARRANT NUMBER

2015A2520300015

Date of Arrest: March 8, 2015

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: OCT 21 2015

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2015GS2500066

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

October Term 2015

THE STATE

vs.

Seandrea Lamont Johnson

[Signature] 12/15/15

Indictment for

Drugs / Distribute, sell, purchase, manuf. drug
other than crack cocaine, or pwid, near school

SC Code: 44-53-0445(B)(1)
CDR Code:0107

A TRUE COPY
[Signature]
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 7-17-16

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

72

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

WITNESSES

D. Deloach

ARREST WARRANT NUMBER

2015A2520300016

Date of Arrest: March 8, 2015

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

OCT 21 2015

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2015GS2500067

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

October Term 2015

THE STATE

vs.

Seandrea Lamont Johnson

Indictment for

Weapons / Pointing and presenting firearms at
a person

SC Code: 10-23-0410
CDR Code:0122

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

74

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

A TRUE COPY
Alinda D. Neides
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.

DATE

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2015GS2500067

At a Court of General Sessions, convened on 21, the Grand Jurors of Hampton County present upon their oath:

Weapons / Pointing and presenting firearms at a person

That in Hampton County, South Carolina, on or about March 7, 2015, the Defendant, Seandrea Lamont Johnson, did point or present a firearm at Kayennia Kelly; in violation of Section 16-23-410 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.

1183UPT

Isaac M. Stone, III
Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

A TRUE COPY
M. N. N. N. N.
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE *4-12-16*

WITNESSES

D. Deloach

DOCKET NO. 2015GS2500068

The State of South Carolina

County of Hampton

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

76

Defendant

COURT OF GENERAL SESSIONS

October Term 2015

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

ARREST WARRANT NUMBER

2015A2520300017

Date of Arrest: March 8, 2015

THE STATE

vs.

ACTION OF GRAND JURY

TRUE BILL

Seandrea Lamont Johnson

Defendant

Foreperson of Grand Jury

Date:

OCT 21 2015

Alphonse [Signature] 12/15/15

Witness:

VERDICT

Indictment for

Carjacking / Take or attempt a vehicle from person by force without great bodily harm

Foreperson of Petit Jury

Date:

SC Code: 16-03-1075(B)(1)

CDR Code:2599

C.C.C. PLS. and G.S.

INDICT

A TRUE COPY
Alfonso [Signature]
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 7-12-16

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT
2015GS2500068

At a Court of General Sessions, convened on 21, the Grand Jurors of Hampton County present upon their oath:

Carjacking / Take or attempt a vehicle from person by force without great bodily

That in Hampton County, South Carolina, on or about 2015-03-07, the Defendant, did take or attempt to take a motor vehicle from Temple Comier by force, violence or intimidation while Temple Comier was operating the vehicle or inside of the vehicle; in violation of Section 16-3-1075(B)(1), 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,

JUNE 2015

Isaac M. Stone, III
Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

A TRUE COPY
M. D. Nantz
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
9-12-12
STATE

WITNESSES

D. Deloach

DOCKET NO. 2015GS2500069

The State of South Carolina

County of Hampton

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

78

Defendant

COURT OF GENERAL SESSIONS

October Term 2015

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

ARREST WARRANT NUMBER

2015A2520300018

Date of Arrest: March 8, 2015

THE STATE

vs.

ACTION OF GRAND JURY

Seandrea Lamont Johnson

TRUE BILL

Defendant

Foreperson of Grand Jury
Date:

OCT 21 2015

Seandrea Lamont Johnson 12/15/16

Witness:

VERDICT

Indictment for

Weapons / Unlawful carrying of pistol

SC Code: 16-23-0020; 16-23-0050(A)
CDR Code:0044

Foreperson of Petit Jury
Date:

INDICT

C.C.C. PLS. and G.S.

A TRUE COPY
Miranda D. Neider
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 7-12-16

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2015GS2500069

At a Court of General Sessions, convened on 21, the Grand Jurors of Hampton County present upon their oath:

Weapons / Unlawful carrying of pistol

That in Hampton County, South Carolina, on or about March 7, 2015, the Defendant, Seandrea Lamont Johnson, unlawfully did carry about his person a handgun, described as follows: 9MM; in violation of Section 16-23-20, 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.

TRUE BILL

Isaac M. Stone, III
Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

A TRUE COPY
M. Stone
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 7-13-15

WITNESSES

D. Deloach

ARREST WARRANT NUMBER

2015A2520300019

Date of Arrest: March 8, 2015

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: **OCT 21 2015**

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2015GS2500070

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

October Term 2015

THE STATE

VS.

Seandrea Lamont Johnson

Adelle C. ... 12/15/12

Indictment for

**Weapons / Poss. weapon during violent crime,
if not also sentenced to life without parole or
death**

SC Code: 16-23-0490

CDR Code:0549

A TRUE COPY
Abigail D. Neales
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 7-12-16

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

08

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2015GS2500070

At a Court of General Sessions, convened on 21, the Grand Jurors of Hampton County present upon their oath:

Weapons / Poss. weapon during violent crime, if not also sentenced to life

That in Hampton County, South Carolina, on or about 2015-03-07, the Defendant, Seandrea Lamont Johnson, did possess a knife or visibly display what appeared to be a gun during the commission, or attempted commission, of Carjacking, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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

LIBRARY

Isaac M. Stone, III

Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

MADE COPY
Alfred S. Norder
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
7-12-16
DATE

WITNESSES

D. DeLoach

DOCKET NO. 2015 AR 250071

This indictment is DISMISSED on 3/15/15, 2015
for the following reason(s):

The State of South Carolina
County of Hampton

Dist. of DeLoach

COURT OF GENERAL SESSIONS

December Term 2015

ARREST WARRANT NUMBER

3/9/15 -

Date of Arrest:

2015A2520300020

Handwritten notes:
2015
AR
250071
3/9/15

THE STATE

vs.

Je. Andrea Lomat Johnson

Signature of Steve Knight
Steve Knight

Assistant Solicitor

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Indictment for

Poss. of Firearm a Dangerous Weapon by Felon

Foreperson of Petit Jury
Date:

SC Code: 16-23-0501 A
CDR Code: _____

INDICT

A TRUE COPY
Miranda D. Niles
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 7-12-15

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT

At a Court of General Sessions, convened on December 9, 2015, the Grand Jurors of Hampton County present upon their oath:

*On March 7, 2015 at approximately 1:10 PM in
The Town of Hough the Defendant did unlawfully
Remove a Loaded Handgun from the property of Hampton
County, said Defendant is a County Habitual
ADULT*

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



Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

MADE A TRUE COPY
Isaac M. Stone, III
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 1-13-16

WITNESSES

D. Deloach

ARREST WARRANT NUMBER

2015A2520300021

Date of Arrest: March 8, 2015

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: OCT 21 2015

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2015GS2500072

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

October Term 2015

THE STATE

vs.

Seandrea Lamont Johnson

Indictment for

**Weapons / Pointing and presenting firearms at
a person**

SC Code: 16-23-0410

CDR Code:0122

A TRUE COPY
Melinda D. Seales
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 7-12-16

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

84

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

Df

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2015GS2500072

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

Weapons / Pointing and presenting firearms at a person

That in Hampton County, South Carolina, on or about March 7, 2015, the Defendant, Seandrea Lamont Johnson, did point or present a firearm at *[Handwritten initials]* Kelly and *[Handwritten initials]* Temple Comer, in violation of Section 16-23-410 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.

[Handwritten signature of Isaac M. Stone, III]

Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

148E B11

A TRUE COPY
[Handwritten signature]
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
7-13-16
DATE