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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Greenville County

Honorable Carmen T. Mullen, Circuit Court Judge  
\_\_\_\_\_

TYLER J. HILL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-001400  
\_\_\_\_\_

APPENDIX  
\_\_\_\_\_

JENNIFER E. ROBERTS  
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON  
Attorney General

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

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2014-GS-23-12375
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	)	2014-GS-23-12382
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
TYLER JERMAINE HILL,	)	
DEFENDANT.	)	
_____	)	

December 14, 2016  
Greenville, South Carolina

B E F O R E:

THE HONORABLE C. VICTOR PYLE, JR., JUDGE

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

KATRYNA SALISBURY, ESQ.  
Attorney for the Plaintiff

LAUREN MARIE TAYLOR, ESQ.  
Attorney for the Defendant

CHERYL A. SMITH  
Circuit Court Reporter

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
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There were no exhibits introduced.

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P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 11:33 a.m.)

THE CLERK: Your Honor, this is indictment  
2014-GS-23-12375, Tyler Jermaine Hill, indicted for  
conspiracy, pleading to the same, it is a true bill; and  
2014-GS-23-12377, indicted for assault and battery first  
degree, pleading to the same, it is a true bill; and  
2014-GS-23-12382, indicted for armed robbery, pleading to  
the same, it is a true bill.

WHEREUPON,

TYLER JERMAINE HILL

After having been duly sworn, testified as follows:

THE COURT: You are Tyler Hill?

DEFENDANT HILL: Yes, sir.

THE COURT: And how old are you, Mr. Hill?

DEFENDANT HILL: 23.

THE COURT: You said you're 23?

DEFENDANT HILL: Yes, sir.

THE COURT: And how much education do you have?

DEFENDANT HILL: I graduated from high school and  
from Job Corps.

THE COURT: And where do you work?

DEFENDANT HILL: Sir?

THE COURT: Where do you work?

1 DEFENDANT HILL: With my uncle cutting grass, lawn.

2 THE COURT: Okay. Now, Ms. Taylor is your lawyer?

3 DEFENDANT HILL: Yes, ma'am -- yes, sir.

4 THE COURT: Have you talked with her as often and  
5 for as long as you feel necessary for her to properly  
6 represent you?

7 DEFENDANT HILL: Yes, sir.

8 THE COURT: And when you talked with her, have you  
9 understood your talks with her?

10 DEFENDANT HILL: Yes, sir.

11 THE COURT: Has she done everything for you you've  
12 asked her to do?

13 DEFENDANT HILL: Yes, sir.

14 THE COURT: Has she done anything at all that you  
15 don't like?

16 DEFENDANT HILL: No, sir.

17 THE COURT: You are satisfied with her services?

18 DEFENDANT HILL: Yes, sir.

19 THE COURT: No complaint to make?

20 DEFENDANT HILL: No, sir.

21 THE COURT: Has anyone used any force or made any  
22 threats against you in order to get you to plead guilty?

23 DEFENDANT HILL: No, sir.

24 THE COURT: Has anybody promised you a lighter  
25 sentence if you pled guilty?

1 DEFENDANT HILL: No, sir.

2 THE COURT: Has anybody promised you anything?

3 DEFENDANT HILL: No, sir.

4 THE COURT: Are you pleading guilty voluntarily,  
5 that is, of your own free will?

6 DEFENDANT HILL: Yes, sir.

7 THE COURT: Now, you understand the maximum sentence  
8 on the armed robbery is up to 30 years, up to 10 years on  
9 the assault and battery, and up to five years for  
10 conspiracy?

11 DEFENDANT HILL: Yes, sir.

12 THE COURT: You still want to plead guilty?

13 DEFENDANT HILL: Yes.

14 THE COURT: You don't have to plead guilty. You've  
15 got a perfect right to a jury trial. You understand  
16 that?

17 DEFENDANT HILL: Yes, sir.

18 THE COURT: If you stood trial by jury, your lawyer  
19 could cross-examine all witnesses who testified against  
20 you. You would not have to take the stand and testify or  
21 present evidence because that's your constitutional  
22 right. The burden would be on the State to prove you  
23 guilty beyond a reasonable doubt. Do you understand all  
24 those rights?

25 DEFENDANT HILL: Yes, sir.

1 THE COURT: You give up all those rights when you  
2 plead guilty. Is that what you want to do?

3 DEFENDANT HILL: Yes, sir.

4 THE COURT: Are you under the influence of any  
5 alcohol, drug or any other substance right at this  
6 moment?

7 DEFENDANT HILL: No, sir.

8 THE COURT: You're sober, you know what you're doing  
9 and you want to plead guilty?

10 DEFENDANT HILL: Yes, sir.

11 THE COURT: And you knew what you were doing was  
12 wrong or against the law?

13 DEFENDANT HILL: Yes, sir.

14 THE COURT: All right, Solicitor. Tell me.

15 MS. SALISBURY: May it please the Court. Your  
16 Honor, the State's allegations are that on September 2nd  
17 of 2014 just before 10 p.m., officers with the Sheriff's  
18 Office responded to a reported robbery in a residence on  
19 Evelyn Drive in Greenville County. One of the victims  
20 told police that while she was on the front porch of the  
21 home, four to six masked individuals approached her and  
22 struck her in the head with a handgun before dragging her  
23 into the home as they forced their way inside. The  
24 intruders attacked three other individuals inside the  
25 home before taking cash and keys to two cars that they

1 then left with from the residence.

2 During an interview with the codefendant, the  
3 codefendant told police that the group walked to the  
4 victim's home, one codefendant beat the victim on the  
5 front porch while this defendant kicked the door open as  
6 the group went inside. Four of the codefendants  
7 participated in the robbery and were in the home while  
8 the group searched for items of value. All of those  
9 codefendants have pled guilty and been sentenced on those  
10 offenses.

11 Those are the facts as the State would have  
12 presented at trial.

13 THE COURT: All right. Mr. Hill, you've heard the  
14 facts related. Is that what happened?

15 DEFENDANT HILL: Yes, sir.

16 THE COURT: I will accept the plea as being  
17 voluntarily made and as having a sufficient factual  
18 basis.

19 Does he have a prior record?

20 MS. SALISBURY: Just a juvenile prior record, Your  
21 Honor. No adult record.

22 THE COURT: All right. Ms. Taylor?

23 MS. TAYLOR: Thank you, Your Honor. May it please  
24 the Court. My client did just have a baby girl on  
25 October 21st of this year. He has been in no trouble at

1 all, Your Honor, since this happened in 2014. Hasn't  
2 even gotten a traffic ticket. He is working at Street  
3 Sweeps currently in Simpsonville. He's also working at  
4 Magnum Drive fixing cars. And since his release on bond,  
5 he has been participating at the Rock of Ages Church.

6 I know that Your Honor is kind of tied, especially  
7 with the armed robbery here, but we would ask, due to his  
8 limited record and his not getting into any kind of  
9 trouble in the last two years, if there was any way we  
10 could work some kind of home incarceration for the  
11 balance of this. But he is fully taking responsibility  
12 today. I believe one of the other codefendants ---

13 THE COURT: I'm sorry. I cannot go along with that.

14 MS. TAYLOR: Okay. Yes, sir.

15 THE COURT: Does he still want to plead guilty?

16 MS. TAYLOR: Yes, sir.

17 THE COURT: Do you still want to plead guilty?

18 DEFENDANT HILL: Yes, sir.

19 THE COURT: And what was the sentence of the  
20 codefendants?

21 MS. SALISBURY: I believe that -- well, the  
22 codefendants were involved in a series of other offenses.  
23 Their sentences range from 10 years to 18 years.

24 SENTENCE OF THE COURT

25 THE COURT: All right. Mr. Hill, the sentence I'm

1 going to give you is considerably less than what I  
2 normally would give in this type of case. I'm taking  
3 into consideration that you have no prior criminal  
4 record, but these are very serious offenses which you  
5 committed.

6 DEFENDANT HILL: Yes, sir.

7 THE COURT: On the indictment for armed robbery, the  
8 sentence of the Court is you be committed to the  
9 Department of Corrections for a period five years, and on  
10 each of the other two cases, five years concurrent.

11 Okay?

12 MS. SALISBURY: Your Honor, if I may, the mandatory  
13 minimum on armed robbery is a 10-year sentence.

14 THE COURT: If that's it, then 10 years. I'm sorry.

15 (WHEREUPON, proceedings concluded at 11:39 a.m.)  
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth 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 Greenville County, South Carolina, on the 14th day of December, 2016.

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

August 14, 2017

Cheryl A. Smith

Cheryl A. Smith, CVR-M

Court Reporter

FORM 5

STATE OF SOUTH CAROLINA )  
 )  
 County of Greenville )  
 )  
Tyler J. Hill 370893 )  
 Full name and prison number (if any) of Applicant )  
 )  
 v. )  
 )  
 State of South Carolina )  
 )  
 )

IN THE COURT OF COMMON PLEAS

FILED-CLERK OF COURT  
 PAUL B. WICKESHAFF  
 GREENVILLE, S.C.  
 2017 JUL 21 PM 12:04

APPLICATION FOR POST-CONVICTION RELIEF

2017-CP-23-04499

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 Trenton Correctional Institution  
84 Greenhouse Rd. Trenton, S.C. 29847
2. Name and location of Court which imposed sentence General Session  
Courthouse 305 E. North Street Greenville, S.C. 29609
3. Name(s) of co-defendant(s) (if any) Quanley Harper, Mike Small  
Zyhera Harper, Jakob German
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) 2014GS2312377
  - (b) 2014GS2312382

- (c) \_\_\_\_\_
- 5. The date upon which sentence was imposed and the terms of the sentence:
  - (a) 12/14/2016
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_

- 6. Check whether a finding of guilty was made:
  - (a)  after a plea of guilty \_\_\_\_\_
  - (b) after a plea of not guilty \_\_\_\_\_
  - (c) after a plea of nolo contendere \_\_\_\_\_

7. Did you appeal from the judgment of conviction or the imposition of sentence?  
NO

- 8. If you answered "yes" to (7), list:
  - (a) the name of each Court to which you appealed:
    - i. N/A
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (b) the result in each such Court to which you appealed:
    - i. N/A
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (c) the date of each such result:
    - i. N/A
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (d) if known, citations of any written opinion or orders entered pursuant to such results:
    - i. N/A
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_

- 9. If you answered "no" to (7), state your reasons for not so appealing:
  - (a) Guilty plea
  - (b) ineffectively my ~~words~~ counsel never inform me of my rights to an appeal.

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

- (a) 6<sup>th</sup>-14<sup>th</sup> Amend violation of ineffective assistance of counsel
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

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

- (a) ineffectively my counsel allowed the state to indict
- (b) and convict me of this case. Even when I request
- (c) for a preliminary hearing ten days before the next General session term

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. N/A
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
  - i. N/A
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

11) B.) ineffectively my counsel did not inform me that Jakobe German stated my actual innocence of this crime. Where Jakobe German sentencing transcript pg. 15 Line 6 through 14 ~~stated~~ re ms. Salisbury. The prosecutor stated According to my notes from the plea on Monday, I don't know that I specifically covered issue that'll be relevant for purposes of future prosecution of some remaining co-defendants. I just want to ask the Defendant on the record, whether he's willing to acknowledge that Tyler Hill participated in the September 2nd home invasion where several people were injured inside the home and they took 2 cars from there home. The defendant said German, No Ma'am.

- (c) the disposition thereof:
  - i. N/A
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

- (d) the date of each such disposition:
  - i. N/A
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
  - i. N/A
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?  
NO

15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
    - i. N/A
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (b) the proceedings in which each ground was raised:
    - i. N/A
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_

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

- (a) N/A
- (b) N/A
- (c) N/A

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

- (a) your arraignment and plea? yes
- (b) your trial, if any? N/A
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
- (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. Lauren Taylor Law PO Box 31553  
Greenville, S.C. 29608 or 1205 E. Washington St.  
Greenville, SC 29601
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

20. Are you now under sentence from any other court that you have not challenged?  
no

STATE OF SOUTH CAROLINA )  
County of Greenville )

VERIFICATION

I, Tyler Hill, 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.

Tyler Hill 370893

SWORN to and subscribed before me this 17th day of July 2017

[Signature] (L.S.)  
Notary Public

My Commission Expires: 10-7-2024

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

I, Tyler Hill, 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.

Tyler Hill 370893  
Applicant

SWORN or affirmed to and subscribed before me this  
17th day of JULY, 2017.

[Signature]  
Notary Public

My Commission Expires: 10-7-2024

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	
Tyler J. Hill, #370893,	)	Case No.: 2017-CP-23-4499
	)	
Applicant,	)	
	)	<b>RETURN</b>
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

Respondent, making its Return to the application for Post-Conviction Relief ("PCR") filed on July 21, 2017, would respectfully show this Court:

**I. Procedural Posture**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenville County Clerk of Court. In March 2016, the Greenville County Grand Jury indicted Applicant for armed robbery (2014-GS-23-12382), conspiracy (2014-GS-23-12375), and assault and battery – first degree (2014-GS-23-12377).<sup>1</sup> The charges resulted from a September 2014 incident in which Applicant and codefendants robbed and assaulted four people at a home in Greenville County before leaving in vehicles they took from the victims. Lauren Taylor, Esquire represented Applicant. Katryna Salisbury, Esquire prosecuted the case. On December 14, 2016, Applicant pleaded guilty as indicted to all three charges before the Honorable C. Victor Pyle, Jr. Judge Dennis sentenced Applicant to imprisonment for ten years for armed robbery, five years for conspiracy, and five years for assault and battery – first degree, to be served concurrently. Applicant did not appeal his conviction or sentence.

---

<sup>1</sup> The indictments were listed as true billed in the hearing transcript as well as on the face of the indictment sheets. (Tr. p. 3). However, the sentencing sheets have "Waived presentment to grand jury" selected.

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

## II. Allegations

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," in that:
  - a. "Ineffectively my counsel allowed the State to indict and convict me even when I requested a preliminary hearing ten days before the next general session term."
  - b. "My attorney did not inform me that Jakobe German (codefendant) stated my actual innocence of this crime."  
 "Ms. Salisbury [at codefendant's proceeding] stated, 'I just want to ask the defendant on the record whether he's willing to acknowledge that Tyler Hill participated in the September 2nd home invasion where several people were injured inside the home and they took two cars from their home.' [Codefendant] said, 'No ma'am.'"

## III. Ineffective Assistance of Counsel

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, 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. 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).

Respondent therefore 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. State's Assertion and Reservation of Rights**

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), SCRCPP. 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, SCRCPP. 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), SCRCPP.

#### **V. Request for Evidentiary Hearing**

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel. As to all other allegations, Respondent moves for summary dismissal pursuant to § 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

#### **VI.**

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

**[Signature block on following page]**

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 TYLER J. HILL, 370893 )  
 )  
 Applicant, )  
 )  
 vs )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 Respondent. )

---

IN THE COURT OF COMMON PLEAS

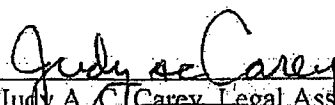
2017-CP-23-4499

AFFIDAVIT OF SERVICE BY MAIL

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

**Susannah C. Ross, Esquire**  
**Ross & Enderlin, PA**  
**330 East Coffee Street**  
**Greenville, SC 29601**

DATED this 20<sup>th</sup> day of October, 2017.

  
 \_\_\_\_\_  
 Judy A. Carey, Legal Assistant  
 For Respondent



UNIBRO



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**APPLICANT'S EXHIBITS**

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Letter Dated 9-7-17	9	10

ALL EXHIBITS WERE RETAINED BY THE  
GREENVILLE COUNTY CLERK OF COURT

1 MR. MITCHELL: May it please the Court?

2 THE COURT: Yes, sir.

3 MR. MITCHELL: This is 2017-CP-23-04499, Tyler  
4 Hill vs. State of South Carolina. The Applicant is  
5 presently confined in the South Carolina Department  
6 of Corrections pursuant to orders of commitment from  
7 the Greenville County Clerk of Court. On March 2016  
8 the Greenville County Grand Jury indicted the  
9 Applicant for armed robbery, conspiracy, assault and  
10 battery, first degree. The charges resulted from the  
11 September 2014 incident in which the Applicant and  
12 his co-defendants robbed a total of four people at a  
13 home in Greenville before leaving in vehicles they  
14 took from these people.

15 Ms. Lauren Taylor represented the Applicant. On  
16 December 14th, 2016, the Applicant pled guilty as  
17 indicted before the Honorable C. Victor Pyle, Jr.  
18 Judge Pyle sentenced Applicant to imprisonment for  
19 ten years for armed robbery, five years for  
20 conspiracy, five years for assault and battery, first  
21 degree. He sentenced concurrently. The Applicant  
22 did not appeal the sentence or conviction.

23 On July 21st, 2017, the Applicant filed a  
24 Post-Conviction Relief Application. He's present in  
25 the courtroom today represented by Susannah Ross.

1 THE COURT: All right, good morning, again.

2 MS. ROSS: Thank you, Your Honor, may it please  
3 the Court?

4 THE COURT: Yes.

5 MS. ROSS: Mr. Hill basically has two issues.  
6 One failure to investigate or meet with him enough  
7 prior to his plea. But his main issue is he failed  
8 to -- his lawyer failed to to tell him that a  
9 co-defendant, Jakobe German, in the body of the  
10 co-defendant's guilty plea, said the Defendant was  
11 not there. And it was exculpatory evidence that he  
12 was not aware of at the time of his plea. So that  
13 his plea was not knowingly and intelligently made.

14 THE COURT: Let me ask you, when was this given  
15 by one of the co-defendants? So, when did this  
16 occur?

17 MS. ROSS: So, the plea -- and I've got a copy,  
18 I should have printed out the whole transcript. The  
19 plea of the co-defendant Jakobe German, occurred 22nd  
20 and 25th.

21 THE COURT: Okay.

22 MS. ROSS: The plea and sentences.

23 THE COURT: Okay.

24 MS. ROSS: Of 2016.

25 THE COURT: Okay.

1 MS. ROSS: Mr. Hill's plea was in December of  
2 2016.

3 THE COURT: Okay.

4 MS. ROSS: And I just have this one copy. And I  
5 need to get a full copy for Your Honor and I can do  
6 that. This is an excerpt on Page 15, Line 10 is the  
7 part where the solicitor attempts to get Mr. German  
8 to comment on Mr. Hill's involvement.

9 THE COURT: Okay.

10 Okay, so I'm looking at the question it says, I  
11 just want to ask the Defendant on the record whether  
12 he's willing to acknowledge that Tyler Hill  
13 participated in the September 2nd home invasion where  
14 several people were injured?

15 And he says, No, ma'am.

16 So, basically in that he's saying he's not  
17 willing to acknowledge.

18 MS. ROSS: I understand.

19 THE COURT: I know you understand, obviously.  
20 That isn't the same thing as him saying you weren't  
21 there. It's just saying -- he's just saying I'm not  
22 willing to acknowledge that he was there.

23 MS. ROSS: Right.

24 THE COURT: And Mr. Hill, my understanding,  
25 subsequently pled guilty in December; is that

1 correct?

2 MS. ROSS: Yes.

3 THE COURT: And it also said in here that  
4 it's -- his other co-defendants -- excuse me,  
5 Mr. Hill's other co-defendants did implicate him; is  
6 that correct?

7 MR. MITCHELL: That's correct, Your Honor.

8 THE COURT: And how many were there? Was it  
9 one, two, how many other?

10 MR. MITCHELL: I think it was four or five,  
11 correct?

12 THE COURT: Total?

13 MR. MITCHELL: Four.

14 MS. ROSS: I think four.

15 THE COURT: Okay. all right. Any other issues?

16 MS. ROSS: No, Your Honor.

17 THE COURT: Any other testimony?

18 MS. ROSS: Yes, we call Mr. Hill to the stand.

19 THE COURT: Mr. Hill, come on forward to be  
20 sworn.

21 THE CLERK: Place your left hand on the Bible  
22 raise your right hand.

23 Tyler Hill, after being duly sworn, testified as  
24 follows:

25 THE CLERK: Thank you, you may be seated.

## TYLER HILL-DIRECT BY MS. ROSS

1 Please state your full name for the record.

2 THE WITNESS: Tyler Jermaine Hill.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION

5 BY MS. ROSS:

6 Q Okay, Mr. Hill, do you understand that if you're  
7 granted post-conviction relief your remedy is to be put  
8 back in the position you were in before your guilty plea?

9 A Yes, ma'am.

10 Q How do you wish to proceed?

11 A I want to proceed.

12 Q You wish to go forward?

13 A (The witness nods.)

14 Q Okay. What are your allegations? How many  
15 times did you meet with your attorney, Lauren Taylor?

16 A Like two times.

17 Q Where were those meetings?

18 A One the county, one the office.

19 Q And you were jailed and then released?

20 A Yes, ma'am.

21 Q And you came in for your plea from being  
22 released?

23 A Yes, ma'am.

24 Q Did you feel like she did everything you wanted  
25 her to do?

## TYLER HILL-DIRECT BY MS. ROSS

1           A     No, ma'am.

2           Q     Did she give you discovery?

3           A     No, ma'am. She gave me discovery but she didn't  
4 give me the transcripts and stuff. The stuff that I had  
5 asked for.

6           Q     All right. When did you receive the  
7 transcripts, the issue of this PCR proceeding?

8           A     It's been since been about -- good four -- every  
9 since I -- I can't. . .

10          Q     Do you have the cover letter in these materials  
11 that might assist you?

12          A     Yes, ma'am. September the 17th, 2017.

13          Q     Would you like for me to make that an exhibit?

14          A     Yes, ma'am.

15                MS. ROSS: Okay.

16                (WHEREUPON, Applicant's Exhibit No. Was marked  
17 for identification only.)

18 BY MS. ROSS:

19          Q     Can you identify this for the Court? What it  
20 is?

21          A     A cover letter.

22          Q     A cover letter. And when was it sent to you?  
23 Is there a date up there in the top center?

24          A     It ain't no date on it. But it's September the  
25 7th.

## TYLER HILL-CROSS BY MR. MITCHELL

1 Q And where was it sent?

2 A To the chain.

3 Q Is that where you were incarcerated?

4 A Yes, ma'am.

5 Q And so, with that cover letter, what did you  
6 get?

7 A Just I had gotten -- I had just gotten my  
8 transcript and stuff after I wrote and asked for it.

9 Q And with that did you get that German transcript  
10 from your co-defendant?

11 A Yes, ma'am.

12 Q And that's the first time you saw that?

13 A That's the first time I ever saw that.

14 Q Had your lawyer reviewed that with you prior?

15 A No, ma'am.

16 Q Would that changed your decision to plead  
17 guilty?

18 A Yes, ma'am.

19 Q How would that have changed your decision?

20 A I would have never pled guilty.

21 MS. ROSS: And I offer this as Applicant's  
22 Exhibit 1 at this time.

23 MS. ROSS: I've got no further questions.

24 CROSS-EXAMINATION

25

## TYLER HILL-CROSS BY MR. MITCHELL

1 BY MR. MITCHELL:

2 Q Mr. Hill, how are you today?

3 A I'm fine, how are you?

4 Q Good. Let me ask you a question. You say you  
5 got this transcript after you pled guilty, right?

6 A Yes, sir.

7 Q So, you read it yourself, right?

8 A Yes, sir.

9 Q Okay. So, in the transcript, I don't have a  
10 copy of it, but they essentially asking the co-defendant  
11 would he say that you're involved or something to that  
12 effect. He says no. Or would he be willing to, at least,  
13 admit to it. And he says no. Do you think that's the  
14 same thing as saying you weren't involved?

15 A No, sir -- yes, sir.

16 Q Which one, yes or no?

17 A Yes, sir.

18 Q So, you think that's the same thing, he saying  
19 you're not involved it in?

20 A Yes, sir.

21 Q So, you remember the guilty plea you did in  
22 front of Judge Pyle?

23 A No, sir.

24 Q You don't recall that at all?

25 A (The witness shook his head.)

## TYLER HILL-CROSS BY MR. MITCHELL

1 Q Okay. Do you recall the Judge asking you about  
2 the time that you might face if you pled guilty to the  
3 charges?

4 A No.

5 Q Do you recall the Judge asking you about the  
6 time you would face if you pled guilty to the charges?

7 A Oh, yes, sir.

8 Q So you recall the day you pled guilty?

9 A Yes, sir.

10 Q Okay. So, do you recall the solicitor reading  
11 the facts surrounding the case and the Judge asking you if  
12 you agree with those facts?

13 A Yes, sir.

14 Q Do you recall saying that you did?

15 A (The witness nods.)

16 Q And so, at that time when the Judge asked you if  
17 you were satisfied with your lawyer, if your lawyer had  
18 done everything for you and when you responded yes, why  
19 didn't you say something different?

20 A Because I didn't see the facts until I got --  
21 until I got new information, I never know.

22 Q So, you got new information after you pled  
23 guilty?

24 A Yes, sir.

25 Q Okay. You're saying that if you had known that

## TYLER HILL-CROSS BY MR. MITCHELL

1 then you would not have pled guilty?

2 A Yes, sir.

3 Q You would want to have gone to trial?

4 A Yes, sir.

5 Q Okay. So, withstand that one co-defendant who  
6 said that, what about the other three co-defendants who  
7 said that you were involved?

8 A They would have -- they would have said that  
9 too.

10 Q They would have said you were not involved?

11 A Yes, sir.

12 Q How do you know that?

13 A Cause.

14 Q Cause what?

15 A I had spoke to them before then.

16 Q So, if you spoke to them before then and now you  
17 have this transcript, why didn't you just tell Ms. Taylor  
18 they you would have been willing to say that you weren't  
19 involved?

20 A I don't know, sir.

21 Q Okay. So, co-defendant -- talk to co-defendants  
22 before, they said you weren't involved, you decided not to  
23 give that information to Ms. Taylor but have a transcript  
24 with this other co-defendant saying that you weren't  
25 involved. So, just why not talk to her about that?



LAUREN TAYLOR-DIRECT BY MR. MITCHELL

1 MS. ROSS: We have no further testimony.

2 THE COURT: Okay, anything further from anyone?

3 MR. MITCHELL: Yes, Your Honor, The State would  
4 call Ms. Taylor to the stand.

5 THE COURT: Come on forward, please.

6 THE CLERK: Ms. Taylor, how are you? Please  
7 place your left hand on the Bible raise your right  
8 hand.

9 Lauren Taylor, after being duly sworn, testified  
10 as follows:

11 THE CLERK: Thank you, you may be seated. And  
12 please state your full name for the record.

13 THE WITNESS: Lauren Marie Taylor.

14 DIRECT EXAMINATION

15 BY MR. MITCHELL:

16 Q Good morning, Ms. Taylor, how are you?

17 A I'm doing good.

18 Q Good. How long have you practiced law?

19 A I was sworn in at the end of May 2012.

20 Q Okay. How much of that time since then has been  
21 devoted to criminal law?

22 A I'd say probably about 50 percent of my  
23 practice.

24 Q Okay. Okay. Were you retained or appointed in  
25 this case?

## LAUREN TAYLOR-DIRECT BY MR. MITCHELL

1           A     I was appointed through the 608 Indigent Defense  
2 Program.

3           Q     Okay. And do you recall how the charges against  
4 the Applicant arose in this case?

5           A     You mean like the facts?

6           Q     The facts?

7           A     Yes, I do.

8           Q     Can you give a synopsis of the facts?

9           A     Sure. I believe it was September 2 of 2014,  
10 that it was alleged that Mr. Hill, along with about four  
11 co-defendants, I believe there were several burglaries or  
12 robberies that had taken place prior to Mr. Hill's  
13 involvement. But with the same co-defendants. There was  
14 an incident on Evelyn Road in Greenville County. Four  
15 men entered into a residence, there were some people  
16 sitting on the front porch. One of the ladies was pistol  
17 whipped, I believe, as the door was kicked in. They were  
18 held at gun point while they were inside the house for  
19 drugs and money. And I believe that also two automobiles  
20 were taken from the residence.

21          Q     Okay. And do you recall meeting with the  
22 Defendant to discuss the charges?

23          A     Yes. About four or five times, I believe.

24          Q     And during these meetings, did you talk about  
25 his Constitutional rights and the sentences he may face if

## LAUREN TAYLOR-DIRECT BY MR. MITCHELL

1 he was convicted?

2 A Of course. And this case was slated to be on  
3 the trial docket, I believe, in December of 2016. And I  
4 prepared a trial binder and went over exactly how that  
5 process was going to work, what was going to happen, and  
6 explained it to him the best I could.

7 Q Okay. Did he ever indicate to you that he  
8 didn't understand anything that you were saying to him?

9 A No, not that he didn't understand. I know he  
10 went back and forth about whether he wanted to accept the  
11 plea or go to trial. But most criminal defendants have  
12 hesitations about that.

13 Q So, let me ask you this. I know this incident  
14 occurred on a certain date, were there other robberies  
15 that the co-defendants were involved in prior to?

16 A Yes. I think it was several days earlier that  
17 all took place, I think, within about a 10 day time span.

18 Q Okay. I guess I should ask you, you heard that  
19 testimony from the Applicant that the co-defendant  
20 essentially was going to say that he was not involved in  
21 it, what was your understanding of that at the time prior  
22 to him pleading guilty?

23 A That was not my interpretation of what I read in  
24 the transcript. He was asked, I believe, she went and put  
25 on the record he was willing to testify that Tyler Hill

## LAUREN TAYLOR-DIRECT BY MR. MITCHELL

1 was involved. And his response was just no. Not no he  
2 wasn't, just no. So my interpretation of that was that  
3 Mr. German was not wanting to allocute on the record that  
4 Mr. Tyler Hill was involved.

5 Q And notwithstanding the co-defendants testimony  
6 or lack thereof, if you will, there were other  
7 co-defendants who potentially could have implicated the  
8 Applicant?

9 A Yeah. They're, actually, two other  
10 co-defendants whose transcripts were included in what I  
11 provided with Mr. Hill. And his name was mentioned by the  
12 solicitor in both sets of facts.

13 Q Okay. And let me ask you this, besides the  
14 testimony in your mind, was there other any information  
15 or, I guess, I should say evidence that directly tied the  
16 Applicant to the crime at all?

17 A I mean, there were several co-defendants  
18 statements, yes.

19 Q Okay. And how much weight do you give those?  
20 Do you consider those to be extremely -- say if you were  
21 going to trial?

22 A I mean, in this case, I feel like they were  
23 pretty consistent with their version of events.

24 Q Okay. And based on your conversations with the  
25 Applicant, whose discussion was it to plead guilty?



## LAUREN TAYLOR-CROSS BY MS. ROSS

1 have for you.

2 THE COURT: Ms. Ross.

3 MS. ROSS: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. ROSS:

6 Q Just a follow up. I believe it was Judge Pyle  
7 who the plea Judge; is that correct?

8 A I'm apologize, it was Judge Hill that did the  
9 transcript of German.

10 Q Okay. And so, was this a plea off the trial  
11 docket?

12 A I think so. I have a letter that I informed him  
13 that he was on the trial docket for December, I believe.  
14 I think if my recollection is right, he did plea off the  
15 docket.

16 Q Okay. I'm just going back over evidence, you  
17 had said that there were statements of co-defendants, was  
18 there any other evidence besides those statements  
19 implicating Mr. Hill in the case?

20 A I know the victims gave statements but I don't  
21 think they identified him.

22 Q Okay. And they identified four -- four young  
23 people came and busted in the house, essentially?

24 A I think there was four in one and six in  
25 another.

## LAUREN TAYLOR-CROSS BY MS. ROSS

1 Q Okay. And on the other, was Mr. Hill implicated  
2 in that other one?

3 A No, he was not.

4 Q So, there was the first one--

5 A I think there were two, yes, ma'am.

6 Q And to clarify on the record, I represented one  
7 of the co-defendants from the first one and I've discussed  
8 this with my client and there's no conflict. Because I  
9 did not represent anyone on the second one. But Mr. Hill  
10 is not at all implicated in the first one, only the second  
11 one?

12 A That's correct.

13 Q And as far as statements, the co-defendants were  
14 not specifically asked in their transcripts whether  
15 Mr. Hill was involved except for Mr. German?

16 A That's correct.

17 Q It's just included in the colloquy or the facts  
18 or presented as the facts, right?

19 A Yes.

20 Q Okay. Now, did you ever meet with or question  
21 Mr. German after his guilty plea?

22 A No.

23 Q And so, you said you interpreted his question  
24 saying no he wouldn't comment on Mr. Hill's involvement,  
25 as not that Mr. Hill wasn't involved. Yet, you didn't

## LAUREN TAYLOR-CROSS BY MS. ROSS

1 speak to Mr. German to confirm that?

2 A That's correct.

3 Q Okay. Did you talk to his lawyer at all to  
4 confirm that?

5 A Alex Kornfeld and I-- I think, actually, when we  
6 got this case he was appointed to Tyler Hill and I was  
7 appointed to Jakobe German. And then Alex had represented  
8 Jakobe before, so we switched the cases back off.

9 Q Okay.

10 A But yes, I discussed it with Alex at the time  
11 and he never indicated to me that his client was going to  
12 say that my client wasn't involved.

13 Q All right. And you discussed that prior to his  
14 plea?

15 A I don't remember exactly when it was but I know  
16 we had the discussion.

17 Q Okay. And did you tell Mr. Hill about that  
18 discussion?

19 A I don't recall.

20 Q Okay.

21 Beg the Court's indulgence. Okay, I've got  
22 no further questions.

23 MR. MITCHELL: No redirect, Your Honor.

24 THE COURT: Okay, you may step down, thank you.

25 Anything further from The State?

## LAUREN TAYLOR-CROSS BY MS. ROSS

1 MR. MITCHELL: Nothing further, Your Honor.

2 THE COURT: Anything?

3 MS. ROSS: No, Your Honor.

4 THE COURT: Okay, thank you, y'all.

5 All right, thank you, Mr. Hill, we'll let you  
6 know something, okay.

7 MR. HILL: Yes, ma'am.

8 THE COURT: Thank you, sir.

9 (WHEREUPON, the proceedings were concluded.)

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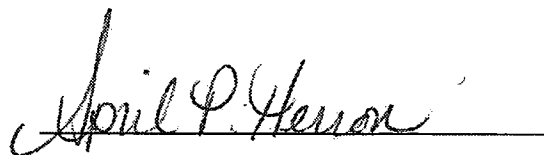
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA        )  
COUNTY OF GREENVILLE        )

I, APRIL P. HERRON, Official Court Reporter for  
the Thirteenth 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  
Common Pleas for Greenville County, South Carolina, on the  
17th day of April, 2018.

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

November 6, 2018



APRIL P. HERRON, Court Reporter

RECEIVED  
NOV 15 2018  
APPELLATE DEFENSE

STATE OF SOUTH CAROLINA  
 COUNTY OF Dillon

CASE # 17-4499

PLAINTIFF	<u>Tyler Hill</u>	PLAINTIFF'S ATTORNEY	<u>S. Ross</u>
DEFENDANT	<u>State</u>	DEFENDANT'S ATTORNEY	<u>D. Mitchell</u>
JUDGE	<u>Mullen</u>	DATE	<u>4-17-18</u>

Applicant

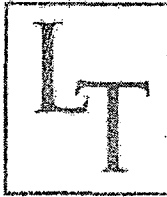
PLAINTIFF'S EXHIBITS	DEFENDANT'S EXHIBITS	COURT'S EXHIBITS
1 <u>Letter 9-7-17</u>	1	1
2	2	2
3	3	3
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COURT REPORTER: April Herron

CLERK OF COURT Jan White

DATE RECEIVED 4-17-18

1 4-17-18



LAUREN TAYLOR  
————— LAW —————

September 7, 2017

Tyler Hill 370893  
Trenton Correctional Inst.  
84 Greenhouse Rd.  
Trenton, SC 29847

~~Mr.~~  
Ms. Hill:

I am in receipt of your undated letter, wherein you request a copy of your discovery and transcripts.

I have included with this letter a copy of your entire file. Everything in here is all that I have in my possession. I do not have any other transcripts other than the one provided. If you are looking for a different transcript, you will have to contact your PCR attorney, and they will be able to obtain a copy of transcripts.

Let me know if I can be of any further assistance.

Best regards,

Lauren M. Taylor

Lauren Taylor Law  
PO Box 31553 Greenville, SC 29608  
(864) 907-4444  
(864) 751-4144 (fax)

STATE OF SOUTH CAROLINA )  
 COUNTY OF GREENVILLE )  
 Tyler J. Hill, #370893, )  
 Applicant, )  
 v. )  
 State of South Carolina, )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 IN THE THIRTEENTH JUDICIAL CIRCUIT

Case No.: 2017-CP-23-4499

**ORDER OF DISMISSAL**

ENTERED COMPUTER

18 JUN 21 PM 4:08  
 Paul Wickens@clerk.coc.sc.gov

This matter comes before the Court by way of an application for post-conviction relief filed on July 21, 2017 by Tyler J. Hill (Applicant). Respondent made its Return on or about October 20, 2017. An evidentiary hearing into the matter was convened on April 17, 2018, at the Greenville County Courthouse in Greenville, South Carolina. Applicant was present and represented by Susannah C. Ross, Esquire. Respondent was represented by DeShawn H. Mitchell, Esquire of the South Carolina Attorney General's Office.

At the hearing, Applicant testified on his own behalf. Applicant's Plea Counsel Lauren M. Taylor, Esquire also testified. This Court had before it a copy of the records of the Greenville County Clerk of Court regarding the Applicant's convictions; the transcript from Applicant's guilty plea, the PCR application, Respondent's Return and Applicant's records from the Department of Corrections. After reviewing the record and everything presented, this Court finds Applicant has failed to establish any constitutional deprivations entitling him to post-conviction relief and denies this application.

**PROCEDURAL AND FACTUAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenville County Clerk of Court. In March 2016, the

*Copy to AHys*

Greenville County Grand Jury indicted Applicant for armed robbery (2014-GS-23-12382), conspiracy (2014-GS-23-12375), and assault and battery – first degree (2014-GS-23-12377).<sup>1</sup> The charges resulted from a September 2014 incident in which Applicant and codefendants robbed and assaulted four people at a home in Greenville County before leaving in vehicles they took from the victims and cash. Lauren Taylor, Esquire represented Applicant. Katryna Salisbury, Esquire prosecuted the case. On December 14, 2016, Applicant pleaded guilty as indicted to all three charges before the Honorable C. Victor Pyle, Jr. Judge Dennis sentenced Applicant to imprisonment for ten years for armed robbery, five years for conspiracy, and five years for assault and battery – first degree, to be served concurrently. Applicant did not appeal his conviction or sentence.

### ALLEGATIONS

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

1. “Ineffective Assistance of Counsel,” in that:
  - a. “Ineffectively my counsel allowed the State to indict and convict me even when I requested a preliminary hearing ten days before the next general session term.”
  - b. “My attorney did not inform me that Jakobe German (codefendant) stated my actual innocence of this crime.”
 

“Ms. Salisbury [at codefendant’s proceeding] stated, ‘I just want to ask the defendant on the record whether he’s willing to acknowledge that Tyler Hill participated in the September 2nd home invasion where several people were injured inside the home and they took two cars from their home.’ [Co-defendant] said, ‘No ma’am.’”

### SUMMARY OF TESTIMONY PRESENTED AT THE EVIDENTARY HEARING

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<sup>1</sup> The indictments were listed as true billed in the hearing transcript as well as on the face of the indictment sheets. (Gp.Tr. p. 3). However, the sentencing sheets have “Waived presentment to grand jury” selected.

Applicant's Testimony

Applicant testified Plea Counsel represented him on his charges. He testified he met with Plea Counsel twice during her representation, once at the county jail and once in Plea Counsel's office. Applicant testified he was initially jailed when arrested but then released. He testified Plea Counsel did not do anything in his case. Applicant testified Plea Counsel gave him the discovery in his case but not the transcripts of one of his co-defendants' guilty plea who pled guilty before him. He testified he received a copy of one of his co-defendants' guilty plea transcript on September 7, 2017 after he had pled guilty. Applicant testified he reviewed the transcript and saw where his co-defendant stated that Applicant was innocent of the crime. He testified had he saw the guilty plea transcript from his co-defendant he would not have pled guilty.

On cross-examination, Applicant testified he got the guilty plea transcript of his co-defendant after he pled guilty. He testified his co-defendant acknowledged that Applicant was not involved in the crime. Applicant testified he recalled the plea judge going over sentencing with him. He testified he recalled agreeing to the facts of the case during sentencing. Applicant testified he did not become aware of his co-defendant's testimony at his guilty plea until after Applicant had pled guilty. He testified he would have not pled guilty if he would have seen his co-defendants' transcript. Applicant testified his other remaining co-defendants would have also said he was not involved in the crime as he had spoken to them after he pled guilty.

On re-direct, Applicant testified his co-defendants did not know why he was in prison because he was not involved in the crime.

Plea Counsel's Testimony

Plea Counsel testified she had been practicing law since May 2012 and fifty percent of her practice was devoted to criminal law. She testified she was appointed to represent Applicant. Plea Counsel testified the facts of the case were that Applicant along with four other co-defendants entered a house and pistol whipped the victim, ransacked the house, and took money and two cars. She testified she met with Applicant four or five times. During these meetings, Plea Counsel testified she discussed his constitutional rights and potential sentences. Plea Counsel testified Applicant never indicated he did not understand their conversations. She testified Applicant went back and forth about pleading guilty. Plea Counsel testified there were other robberies that Applicant's co-defendants had committed independent of Applicant's charges. She testified Applicant's other co-defendants were not willing to state on the record that Applicant was not involved in the robbery. Plea Counsel testified there were several statements given by Applicant's co-defendants that were consistent with the version of events. She testified it was Applicant's decision to plead guilty and the guilty plea was in Applicant's best interest.

On cross-examination, Plea Counsel testified Applicant's guilty plea came off of the trial docket. She testified the victims in the case gave statements but none of them identified Applicant. Plea Counsel testified Applicant's co-defendants were charged with multiple crimes but that Applicant was only implicated in the second set of crimes. She testified she never met with Applicant's co-defendant after his guilty plea but that she spoke with his attorney and they never indicated that he was going to say Applicant was not involved in the robbery.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has had the opportunity to observe the

witnesses presented at the hearing, and can weigh their testimony and credibility accordingly. These credibility findings have been applied to the Court's findings and conclusions set forth below. Below are the findings of fact and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2017).

In a post-conviction relief action, the 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). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 443, 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. Strickland, 466 U.S. at 689. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove that counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Id. (quoting Strickland v. Washington, 466 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. 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, 106 (1985).

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 alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Lockhart, 474 U.S. at 56. 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, an applicant's right to contest the validity of such a plea is usually 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)).

After careful review of the entire record, including the testimony presented at the evidentiary hearings, based on the standard discussed above, this Court finds Applicant has failed to carry his burden in this action regarding any of his allegations of ineffective assistance of counsel. This Court finds as follows on the following grounds presented by Applicant at the evidentiary hearing:

#### **Ineffective Assistance of Counsel**

##### *Failure to Investigate*

Applicant alleges Plea Counsel was ineffective in failing to investigate facts and adequately prepare. To show ineffective assistance in this regard, Applicant must present evidence to show what counsel could have discovered had he more fully investigated. Jackson v. State, 329 S.C. 345, 354, 495 S.E.2d 768, 772 (1998) (“Respondent failed to present any evidence of what counsel could have discovered or what other defenses respondent would have requested counsel pursue had counsel more fully prepared for the trial.”). Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result. Porter v. State, 368 S.C. 378, 385-

86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)). Here, Applicant testified that one of his co-defendants made statements in his guilty plea that Applicant was not involved in the robbery. Plea Counsel testified she never met with that codefendant after his guilty plea but that she spoke with his attorney and they never indicated that Applicant's co-defendant was going to say Applicant was not involved in the robbery. Based on this testimony this Court finds Plea Counsel did confer with the co-defendant's attorney concerning this issue. Further, Plea Counsel testified Applicant's remaining other co-defendants were not willing to state on the record that Applicant was not involved in the robbery either. This Court finds Counsel's investigation was reasonable. Therefore, Applicant has failed to meet his burden to prove Plea Counsel was ineffective. This allegation is denied and dismissed with prejudice.

#### *Involuntary Guilty Plea*

Applicant also contends his guilty plea was induced by ineffective assistance of counsel because Plea Counsel failed to inform him that one of his co-defendants stated during their guilty plea that Applicant was not involved in the crime. This Court finds Applicant has failed to meet his burden of proof. This Court finds Plea Counsel provided effective assistance in this case and Applicant's decision to plead guilty was made freely and voluntarily. Further this Court finds Applicant's testimony not credible regarding this allegation. This Court would note that testimony was presented that Applicant's other remaining co-defendants would not have testified that Applicant was not involved. Additionally, this Court finds Plea Counsel's testimony credible that Applicant's other co-defendants were not willing to state on the record that Applicant was not involved in the robbery.

This Court further finds the record reflects Applicant's plea was entered freely, voluntarily, knowingly, and intelligently. The plea judge explained the charges to Applicant, including the maximum penalties for each. The plea judge also went through Applicant's constitutional rights and questioned Applicant as to whether he understood those rights and wished to give them up to plead guilty. Applicant agreed that he did. Applicant admitted he was guilty of these offenses told the plea judge that he was satisfied with his attorney. Applicant further told the plea judge no one had threatened him or made him any promises to get him to plead guilty, and he was doing so of his own accord. Additionally, Applicant told the plea judge he did not have any physical or mental issues which would prevent him from understanding the proceeding, and Applicant indicated he understood all of the plea judge's questions and had answered them honestly. This Court therefore finds that Applicant understood the terms of the plea and the possible sentences he could receive.

Therefore, this Court finds Applicant has failed to prove the first prong of the Strickland test – that Counsel failed to render reasonably effective assistance under prevailing professional norms. Applicant failed to present compelling evidence that Counsel committed either errors or omissions in his representation of Applicant. This Court also finds Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Counsel's performance. This Court also finds that the record fully supports the knowing and voluntary nature of Applicant's guilty plea. See Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (holding defendant's knowing and voluntary waiver of statutory or constitutional rights in a guilty plea “must be established by a complete record, and may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both.”). In addition, Applicant has presented no evidence or valid reasons why he should be allowed to depart from the truth of his

statements made at the plea. See Dalton, 376 S.C. at 137, 654 S.E.2d at 874 (“[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.”). This Court concludes Applicant has not met his burden of proving Counsel failed to render reasonably effective assistance. The allegation is denied and dismissed.

### CONCLUSION

Based on all the foregoing, this Court finds and concludes that 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 (30) 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 (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. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED THAT:**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 11 day of June, 2018.



CARMEN T. MULLEN  
Presiding Judge  
Thirteenth Judicial Circuit

Beaufort, South Carolina

*MDS*

**WITNESSES**

D A Hoover

Greenville County Sheriffs Office

9/11/2014

**ARREST WARRANT NUMBER**  
2014A2330208371

**ACTION OF GRAND JURY**

TRUE BILL

*Thomas J. Proctor*

FOREMAN OF GRAND JURY

Foreperson of Grand Jury

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-23-<sup>KBS</sup> 012302

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

March TERM 2014 *rdg*

THE STATE

vs.

TYLER JERMAINE HILL

*Jayles*  
0139

Indictment for

ARMED ROBBERY

VIOLATION § 16-11-0330

ENTERED  
ACCT. *JCP*

**FILED**

**JAN 06 2015**

Clerk of Court  
Greenville County



Taylor

10-30 yrs Jail

STATE OF SOUTH CAROLINA )  
 COUNTY OF Greenville )  
 STATE VS. )  
 Tyler Jermaine Hill )  
 AKA: )  
 Race: Sex: M Age: 22 )  
 DOB: -1993 SS#: )  
 Address: )  
 City, State, Zip: Greenville, SC 29605 )  
 DL#: SID#: )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS2312382  
 A/W#: 2014A2330208371  
 Date of Offense: 9/2/2014  
 S.C. Code §: 16-11-0330(A)  
 CDR Code #: 0139

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO: ARMED ROBBERY

CONVICTED OF or  PLEADS

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. TH (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTORNEYS: Salisbury, Klatryna Bevis 73989 SC Bar# Juan M. Taylor 160417 SC Bar#  
 Defendant Attorney for Defendant

WHEREFORE the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

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

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$ 3.75
TOTAL		\$ 128.75

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

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

Clerk of Court/ Deputy Clerk: Paul B. Wislizenus  
 Court Reporter: C. Smith  
 SCCA/217 (03/2011)

Presiding Judge: C. Wickham  
 Judge Code: 2413 1070  
 Sentence Date: 1-2-14/15

*MRS*

**WITNESSES**

D A Hoover

Greenville County Sheriffs Office

9/11/2014

**ARREST WARRANT NUMBER**  
2014A2330208379

**ACTION OF GRAND JURY**

*Thomas J. Paden*  
FOREPERSON GRAND JURY

*Foreperson of Grand Jury*

**VERDICT**

*Foreperson of Petit Jury*  
Date:

**DOCKET NO. 2014-GS-23-** 012375  
KBS

**The State of South Carolina**

**County of Greenville**

**COURT OF GENERAL SESSIONS**

**March**

*rd/p*  
**TERM 2014**

**THE STATE**

**vs.**

**TYLER JERMAINE HILL**

*Taylor*

*0049*

**Indictment for**

**CONSPIRACY**

**VIOLATION §16-17-0410**

**FILED**

**JAN 06 2015**

Clerk of Court  
Greenville County

**ENTERED**  
**ACCT.** *fel*

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
CONSPIRACY

At a Court of General Sessions, convened on

MAR 22 2016

the Grand Jurors of Greenville

County present upon their oath:

That TYLER JERMAINE HILL did in Greenville County, on or about the 2<sup>nd</sup> day of September, 2014, willfully and unlawfully combine with at least one or more co-conspirator for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, to wit: Burglary and/or Armed Robbery and/or Attempted Murder and/or Assault and Battery. This is in violation of §16-17-410 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.

  
SOLICITOR

BAR # 73989

Taylor

Up to 6 yrs Jail

STATE OF SOUTH CAROLINA )  
 COUNTY OF Greenville )  
 STATE VS. )  
 Tyler Jermaine Hill )  
 AKA: )  
 Race: Sex: M Age: 22 )  
 DOB: -1993 SS#: )  
 Address: )  
 City, State, Zip: Greenville, SC 29605 )  
 DL#: SID#: )  
 \*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

IN THE COURT OF GENERAL SESSIONS  
 INDICTMENT/CASE#: 2014GS2312375  
 A/W#: 2014A2330208379  
 Date of Offense: 9/2/2014  
 S.C. Code §: 16-17-0410  
 CDR Code #: 0049

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lowd Act)  §17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury, TH (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTES: Salisbury, Karyna Bevis 73909 SC Bar# Jay Hill Defendant Paul B. Wickens Attorney for Defendant 100467 SC Bar# Taylor

WHEREFORE the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 5 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

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

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient: \_\_\_\_\_

*Fine:	\$
§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$ 3.75
TOTAL	\$ 128.75

\_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED   
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling   
 Random Drug/Alcohol testing   
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_  
 Appointed PD or appointed other counsel,  
 § 47.12 requires \$500 be paid to Clerk  
 during probation.

Clerk of Court/Deputy Clerk: Paul B. Wickens  
 Court Reporter: [Signature]  
 SCCA217 (03/2011)

Presiding Judge: [Signature]  
 Judge Code: 2115 2070  
 Sentence Date: 12/14/14

MDS

012377

**WITNESSES**

D A Hoover

Greenville County Sheriffs Office

9/11/2014

**ARREST WARRANT NUMBER**  
2014A2330208376

**ACTION OF GRAND JURY**

*Thomas J. Pugh*  
FOREPERSON GRAND JURY

*Foreperson of Grand Jury*

**VERDICT**

*Foreperson of Petit Jury*  
Date:

DOCKET NO. 2014-GS-23-  
KBS

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

March TERM <sup>2016</sup> 2014

THE STATE

vs.

TYLER JERMAINE HILL

Indictment for

✓ 3412

ASSAULT AND BATTERY 1ST DEGREE

VIOLATION §16-03-0600

ENTERED  
ACCT. *ACP*

**FILED**  
JAN 06 2015

Clerk of Court  
Greenville County

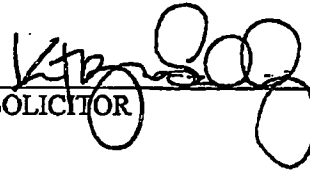
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
ASSAULT AND BATTERY 1ST DEGREE

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

That TYLER JERMAINE HILL did in Greenville County, on or about the 2nd day of September 2014  
unlawfully injure Heather Goodwin and the act occurred during the commission of a robbery, burglary,  
kidnapping or theft. This is in violation of 16-03-0600 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.

  
\_\_\_\_\_  
SOLICITOR BAR # 73989

Taylor

Up to 10yrs Jail

STATE OF SOUTH CAROLINA )  
 COUNTY OF Greenville )  
 STATE VS. )  
Tyler Jermaine Hill )  
 AKA: \_\_\_\_\_ )  
 Race: \_\_\_\_\_ Sex: M Age: 22 )  
 DOB: 08-01-1993 SS#: \_\_\_\_\_ )  
 Address: \_\_\_\_\_ )  
 City, State, Zip: Greenville, SC 29605 )  
 DL#: \_\_\_\_\_ SID#: \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS  
 INDICTMENT/CASE#: 2014GS2312377  
 A/W#: 2014A2330208376  
 Date of Offense: 9/2/2014  
 S.C. Code § : 16-03-0600(C)  
 CDR Code #: 3412

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO: ASSAULT & BATTERY 1ST DEGREE

CONVICTED OF or  PLEADS

in violation of § 16-03-0600(C) of the S.C. Code of Laws, bearing CDR Code # 3412  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC)  §17-25-45  
 w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. JH (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTORNEYS: Salisbury, Katelyna Bevis 73989 SC Bar# Sgt. Hill Defendant Jermaine Hill 100417 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 5 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
 probation, which are incorporated by reference.  
 CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
 by the State Department of Corrections.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
 Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient: \_\_\_\_\_  
 \*Fine: \_\_\_\_\_ \$  
 § 14-1-206 (Assessments 107.5 %) \_\_\_\_\_ \$  
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100  
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$  
 § 56-5-2995 (DUI Assessment) \$12 \$  
 § 56-1-286 (DUI Breath Test) \$25 \$  
 Proviso 47.9 (Public Def/Prob) \$500 \$  
 § 14-1-212 (Law Enforce. Funding) \$25 \$ 25  
 § 14-1-213 (Drug Court Surcharge) \$150 \$  
 § 50-21-114(BUI Breath Test Fee) \$50 \$  
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$  
 Proviso 90.5 (SCCA Surcharge) \$5 \$  
 3% to County (if paid in installments) \$ 3.75  
 TOTAL \$ 128.75

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

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

Clerk of Court/ Deputy Clerk Paul B. Wickerman  
 Court Reporter: \_\_\_\_\_  
 SCCA/217 (03/2014)

Presiding Judge C. V. B. B. B.  
 Judge Code: 2010  
 Sentence Date: 12/14/14