

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Paul M. Burch, Circuit Court Judge

RANDEVIOUS H. SIMS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2019-001318

APPENDIX

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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF FAIRFIELD
4 2011-CP-20-00409
5 State of South Carolina
6 vs.
7 Randevious Sims
8
9 Winnsboro, South Carolina
10 June 15, 2015
11 Before the Honorable Diane Goodstein

12
13 APPEARANCES
14 For the State: Riley Maxwell
15 For the Defendant: Tyree Lee
16
17 Reported by: Michael C. Watkins
18 Official Court Reporter
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20
21
22
23
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NO EXHIBITS

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1 THE COURT: All right. You are Randall Sims?

2 THE DEFENDANT: Randevious.

3 THE COURT: Say again for me.

4 THE DEFENDANT: Randevious.

5 THE COURT: All right. Mr. Sims, spell your first
6 name for me.

7 THE DEFENDANT: R-a-n-d-e-v-i-o-u-s.

8 THE COURT: Got it. Very well. Now, Mr. Sims, you
9 are represented by Mr. Lee?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: All right. And it is my understanding,
12 Mr. Sims, that you intend to plead guilty to a number of
13 offenses, some here in Fairfield County and then some in
14 Newberry County. Now, here we've got a couple of rules I
15 want to establish, okay?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: First of all in just a moment I'm going to
18 be asking your lawyer some questions, I want you to listen
19 very carefully, and if you have any questions about, "Why
20 did you ask my lawyer that," I want you to feel very free
21 to ask me that, okay?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: And then I have many questions for you,
24 Mr. Sims, and the reason is is that I need to be sure that
25 you're entering into these proceedings freely, voluntarily

1 knowingly and intelligently. Now, if you don't understand
2 my question I want you not to answer it. In other words,
3 if you don't understand it don't answer it, okay?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: But what I do want you to do is to let me
6 know that you don't understand my question, okay?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: You know, Mr. Sims, there are many ways to
9 explain any one thing so if you don't understand my
10 question initially, if you would let me know that then what
11 I will do is I will attempt to explain it to you in a
12 different way, okay?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: So that if you answer my question I'm
15 going to presume that you understood it, okay?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: The other thing that I want to be real
18 clear with you about, Mr. Sims, this morning, is this is
19 not a forced march, so if you need to stop for any reason
20 particularly to talk to Mr. Lee, I want you to feel very
21 free to do that. You just say, "You know what, Judge, hold
22 on, let me talk to Mr. Lee about that." Or if you want to
23 take a break you feel free to do that, okay?

24 THE DEFENDANT: Okay.

25 THE COURT: Now, I'm going to just observe, Mr. Sims,

1 that you have very good volume in your voice and I
2 appreciate that a lot because I don't want our court
3 reporter to have to struggle to hear you and I'm having no
4 trouble hearing you so I appreciate that. And secondly,
5 I'm going to ask you -- because we're going to be in a
6 little bit of a conversation, it's normal when you are
7 conversing to go uh-huh or nuh-uh or nod, that's normal.
8 But in response to my questions this morning I actually
9 need you to answer with your voice because our court
10 reporter is taking down everything that you are saying, I
11 don't want him to have to interpret what you mean, I want
12 it to be very clear what you mean, so if you would answer
13 with your voice I would appreciate that. Now, if you
14 forget don't worry about it because I'm here to remind you,
15 okay?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Very well. Now, as I said I had some
18 questions that I wanted to ask Mr. Lee. And again, if you
19 wonder why I ask him this question or the questions that
20 I'll ask him, feel free to ask me that, okay?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: All right. Now, Mr. Lee, you represent
23 Mr. Sims?

24 MR. LEE: I do, Your Honor.

25 THE COURT: Very well. How long approximately have

1 you represented Mr. Sims?

2 MR. LEE: Your Honor, I've represented him I think
3 since 2011, I believe.

4 THE COURT: Okay. In other words for a long time.

5 MR. LEE: Yes, Your Honor.

6 THE COURT: Very well. Now, have you explained to Mr.
7 Sims the nature of these offenses, all of them, each of
8 them, the maximum possible penalty that he could receive,
9 the consequences of each and every one of these offenses?

10 MR. LEE: I have, Your Honor.

11 THE COURT: And in your opinion does he understand the
12 nature of each of these offenses, the maximum possible
13 penalty of each of these offenses, does he understand those
14 matters?

15 MR. LEE: I believe that he does, Your Honor. We've
16 discussed some and talked about them and I think he had a
17 little problem initially understanding the concept of what
18 we sometimes call the hand of one, hand of all, but I
19 believe he does understand that now and that -- he appears
20 to. He's asked me questions and I believe that he
21 understands those.

22 THE COURT: Have you had ample opportunity to discuss
23 with Mr. Sims his constitutional rights?

24 MR. LEE: I have, Your Honor.

25 THE COURT: Do you believe he understands those as

1 well?

2 MR. LEE: I believe that he does, Your Honor.

3 THE COURT: Now, as to each and every one of the
4 offenses for which I have plea sheets, tell me how he
5 wishes to plead.

6 MR. LEE: Your Honor, on the initial charge where he
7 was indicted for murder, he's been offered to plead to
8 voluntarily manslaughter, he has indicated to me that he
9 wishes to enter a plea of guilty to that.

10 THE COURT: And with regards to the other offenses, he
11 wishes to plead guilty?

12 MR. LEE: Yes, ma'am, to each and every other offense,
13 Your Honor.

14 THE COURT: Now, do you concur with his decisions?

15 MR. LEE: I do, Your Honor.

16 THE COURT: With regards to the offenses from Newberry
17 County, obviously he's waiving venue, yes?

18 MR. LEE: That is correct, Your Honor.

19 THE COURT: And have you had an opportunity to explain
20 to him the concept of venue?

21 MR. LEE: We've talked about it a little bit and I
22 think he understands that he could have this heard in
23 Newberry County, but that he would have to give up that
24 right and that he would be willing to take care of it today
25 here in Fairfield County.

1 THE COURT: Very well. And do you concur with all of
2 his decisions?

3 MR. LEE: I do, Your Honor.

4 THE COURT: Now, do you have any concerns regarding
5 his competency?

6 MR. LEE: No, Your Honor.

7 THE COURT: With regards to each and every one of
8 these offenses, do you believe that the State could produce
9 sufficient evidence to convict and establish Mr. Sims
10 guilty beyond a reasonable doubt?

11 MR. LEE: I do, Your Honor.

12 THE COURT: Do you believe if he was to go to trial
13 that he would be found guilty?

14 MR. LEE: I do, Your Honor.

15 THE COURT: Very well. Now, Mr. Sims, I have now
16 finished the questions that I'm going to ask your lawyer.
17 Do you have any questions regarding what I've just asked
18 him?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: All right. Now, remember two things,
21 number one, if you don't understand my question don't
22 answer it, but do let me know that you don't understand my
23 question. Secondly, if you need to stop particularly to
24 speak to Mr. Lee you feel free to do that, okay?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: All right. Tell me how old you are.

2 THE DEFENDANT: Twenty.

3 THE COURT: Tell me how far you went in school.

4 THE DEFENDANT: Ninth grade.

5 THE COURT: Do you have your GED?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: Were you in regular classes or were you in
8 resource or special classes?

9 THE DEFENDANT: I was in regular classes.

10 THE COURT: Why did you stop school in the ninth
11 grade?

12 THE DEFENDANT: When I caught the charge I was not
13 allowed to go back to school.

14 THE COURT: Involved in these things, these matters?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Okay. And when you stopped going to
17 school in the ninth grade you were in regular classes?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And where were you going to school?

20 THE DEFENDANT: Newberry High School.

21 THE COURT: What grade were you in?

22 THE DEFENDANT: Ninth grade.

23 THE COURT: So you had not been held back, you were
24 right on schedule?

25 THE DEFENDANT: No, ma'am. I had -- I was supposed to

1 have been in the tenth grade.

2 THE COURT: I got you. Which grade were you held
3 back?

4 THE DEFENDANT: In fourth.

5 THE COURT: Fourth grade? Okay. Do you know why you
6 were held back in the fourth grade?

7 THE DEFENDANT: My grades wasn't up.

8 THE COURT: Did you have a particular problem like in
9 reading or math or that you remember?

10 THE DEFENDANT: It was like social studies and
11 reading.

12 THE COURT: And did you get a little extra help in
13 social studies and reading?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: And then progressed?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: And you were not held back over the fourth
18 grade?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: And you were not in anymore resource
21 classes.

22 THE DEFENDANT: No, ma'am.

23 THE COURT: Now, in your whole life, Mr. Sims, have
24 you ever had any treatment for any kind of alcohol abuse?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: Any kind of drug abuse?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: All right. Any kind of mental health
4 challenges?

5 THE DEFENDANT: No, ma'am.

6 THE COURT: Did you go to the guidance counselor when
7 you were in school?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Now, since you have been detained in the
10 detention center, have you had any mental health counseling
11 since you have been in the detention center?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Have you felt like you needed any?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: All right. So in your whole life you've
16 never received any sort of treatment for alcohol or drug
17 abuse or any mental health challenges?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: In the last 72 hours, in the last 72 hours
20 have you had any alcohol?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: Have you had any drugs?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Have you had any medicine to include but
25 not be limited to a baby aspirin?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: No medicine at all?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Now, Mr. Sims, this is going to be a real
5 general question, and just so you know I mean it to be
6 general, okay? Are you aware of any issues or challenges
7 or problems that you have? And let me give you some
8 examples; a physical problem, a mental problem, a nervous
9 problem, a drug problem or an alcohol problem. Are you
10 aware of any problem or any issues or any challenges that
11 you have in your life that might or that could keep you
12 from knowing exactly what you're doing here today?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Are you aware of any issues or challenges
15 or problems that you have in your life that might interfere
16 with your ability to know what you're doing here today?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: In other words, are you satisfied that you
19 know exactly what you're doing here today?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Now, let's talk about --

22 MR. MAXWELL: Your Honor, may we approach briefly for
23 one quick issue?

24 THE COURT: Yeah.

25 (A bench conference was held.)

1 THE COURT: Okay. Now, Mr. Sims, I want to begin --
2 we're going to now talk about the different offenses, but
3 before get into that I want to talk about something called
4 venue. And what venue means, Mr. Sims, is that you are
5 entitled to -- you are entitled under our law to have the
6 offenses which are committed in a particular place resolved
7 in that place. Now, there are three matters here that the
8 information that I am given indicate that these matters
9 occurred in Newberry County. You are obviously this
10 morning here in Fairfield County, you are not in Newberry
11 County and you are entitled, Mr. Sims, to have these three
12 matters resolved in Newberry County, that is the
13 appropriate venue, do you understand that?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Okay. Now, do you understand that you and
16 only you can waive venue and have these matters resolved in
17 Fairfield County, do you understand that?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Do you understand that you are the captain
20 of that ship, just you and you alone make that decision?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: All right. Now, Mr. Sims, tell me with
23 regards to the common law robbery, it's also known as
24 strong armed robbery, unlawful carrying of a handgun and a
25 contraband matter that allegedly occurred in Newberry

1 County, do you want to have those matters heard in Newberry
2 County?

3 MR. LEE: No, ma'am.

4 THE COURT: Do you wish to have those heard today?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: You understand you're in Fairfield County.

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: And then do you wish to what's called
9 waive venue so that these matters that occurred in Newberry
10 County can be resolved here in Fairfield County?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: I think there's a document here too where
13 you have indicated in writing by signing this document that
14 you wish to resolve these Newberry matters here in
15 Fairfield County; is that right?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Okay. So do you understand then that
18 these matters that occurred in Newberry County will be
19 resolved here today in Fairfield County?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Okay. Now, let's talk about these matters
22 then from Newberry. I'm going to ask you some questions
23 about the ones in Newberry County and then I'm going to
24 shift to the ones here in Fairfield, okay?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you understand, Mr. Sims, that strong
2 armed robbery carries a maximum possible penalty of 15
3 years?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: In prison?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Okay. Do you understand that unlawful
8 carrying of a handgun carries up to five years in prison?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Okay. Do you understand that the
11 contraband matter carries up to ten years in prison or a
12 fine of up to \$10,000?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Do you understand that just on the
15 Newberry offenses alone that you could receive up to 30
16 years in prison?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: And that is the Newberry offenses. Now,
19 hearing that you still want to continue to waive venue and
20 have these matters resolved here in Fairfield County?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Okay. Now, I'm going to shift on you and
23 I'm going to talk about the Fairfield County matters, okay?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: All right. Now, Mr. Sims, voluntary

1 manslaughter carries up to 30 years in prison, do you
2 understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Attempted armed robbery. Attempted armed
5 robbery carries up to 15 years in prison, do you understand
6 that?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Gentleman, we think it might be 20. Why
9 the difference?

10 MR. MAXWELL: I may have just put that down by memory
11 and my memory may have been in error.

12 THE COURT: Let's everybody hold on and check.

13 (Break in proceedings.)

14 MR. MAXWELL: I agree it's 20 years, Your Honor.

15 THE COURT: Twenty years? Do you understand that, Mr.
16 Sims?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: All right. Do you have any questions
19 about that?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: Because I don't want to mess you up. I
22 don't want to mess you up by giving you conflicting
23 information, but 20 years, you've got that?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Okay. And burglary in the first degree,

1 Mr. Sims, carries a minimum of 15 years up to life in
2 prison, do you understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Do you know that life is real live life?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: It means you would die in prison, do you
7 understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Now, I want to pause here for just a
10 moment, Mr. Sims, because this is real important. Under
11 your particular case there has been what's called a
12 negotiation, a negotiation, which means that the State and
13 your attorney, Mr. Lee, have met and they have agreed that
14 there would be a cap on this offense, a cap, of 30 years,
15 do you understand that?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: All right. So what I want you to
18 understand, Mr. Sims, that this particular offense under
19 our statute carries the maximum possible penalty of life in
20 prison without the possibility of parole, what's important
21 for you to know is under your particular case the State and
22 Mr. Lee have agreed, I gather you have agreed, that there
23 will be a cap of no more than 30 years, do you understand?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Now, what that means is is you're not

1 exposed based on the agreement, you would not be exposed to
2 the possibility of life in prison for burglary in the first
3 degree, do you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Okay. And is that your negotiation as you
6 understand it?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: All right, very well. In other words on
9 this one, what happens to the Court, me, the judge, I
10 thumbs it up or I thumbs it down. In other words, I can't
11 change that one, you understand?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Now, I'm going to shift a little bit with
14 you because I want to talk about two concepts, and the
15 reason I can do this instead of doing it for each one of
16 these offenses, I can do it in general, because the two
17 consequences to your plea that we're going to talk about in
18 just a moment apply to all three of these offenses. What
19 I'm talking about is that all three of these offenses, each
20 one of these offenses; voluntary manslaughter, attempted
21 armed robbery and burglary in the first degree, all of
22 these are violent offenses, do you understand?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Each one of these offenses is a violent
25 offense, do you understand?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: And each one of these offenses also has a
3 special classification of being most serious, do you
4 understand that?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: All of these three offenses here in
7 Fairfield County are all most serious, do you understand?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Let's talk about what that means. Mr.
10 Sims, under our law when an offense has the special
11 classification of being a violent offense that has a number
12 of consequences that attach, a number of them. We're not
13 going to talk about all of them, but if you have questions
14 I want you to ask me, I certainly want you to ask Mr. Lee,
15 okay?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: All right. When an offense is a violent
18 offense it dictates things such as the facility where you
19 will be housed with the department of corrections, do you
20 understand that?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: It will dictate your inability, your lack
23 of ability to earn any kind of educational credits or work
24 credits while with the South Carolina Department of
25 Corrections, do you understand that?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Do you understand that it will further
3 dictate consequences when you are released, if you are
4 released, when you are released from the South Carolina
5 Department of Corrections such as you can never work for a
6 school district, do you understand that?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Okay. You can never have certain licenses
9 like for nursing homes and things like that, there's
10 certain consequences to the fact that you would have a
11 conviction for a violent offense, do you understand that?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Okay, very well. Understanding that this
14 is a violent offense -- I'm sorry about that -- your folks
15 back here, I know that's a distraction. Now, understanding
16 that this is a violent offense, do you still want to
17 continue with your plea?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Okay. Now, Mr. Sims, as I mentioned to
20 you before, each one of these offenses is a most serious
21 offense, do you understand that?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: All right. And I want to talk about what
24 that means. Mr. Sims, this is also known as the two
25 strike, three strike rule, the statute is 17-25-45. And

1 what happens is that when you have convictions for a most
2 serious offense unless they are pled together as they are
3 today, if there were to be held -- any of the trials held
4 separately, if you have a prior conviction for a most
5 serious offense and you are then charged with a second most
6 serious offense, if the State sends you notice that the
7 State intends to seek a penalty of life in prison without
8 the possibility of parole and you are then convicted of
9 that second most serious offense, then in that event it is
10 mandatory that the Judge give you a sentence of life in
11 prison without the possibility of parole, do you understand
12 that?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: That is a consequence to your plea here
15 today, do you understand?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Okay. Now, there's another consequence
18 that plays into this and we have to talk about that. If
19 over the course of your life you are ever charged with a
20 serious offense, a serious offense, because you will have
21 convictions for two most serious offenses, if you're ever
22 charged in the future with a serious offense and the State
23 sends you notice that the State intends to seek a sentence
24 of life without the possibility of parole and you are then
25 convicted of that serious offense, it is mandatory that the

1 Judge give you a sentence of life without the possibility a
2 parole, do you understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Tell me what it means to you, a sentence
5 of life without the possibly of parole, what in your words
6 does that mean?

7 THE DEFENDANT: That I will never be able to get out.

8 THE COURT: You would die in prison, yes? Do you
9 understand that?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: You would go out horizontally. Yes?
12 That's a very serious consequence of your plea here today,
13 do you understand?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Okay. So to be absolutely candid, when
16 you get out if you were to ever be charged with a most
17 serious or a serious offense you need to know that it is --
18 that the State is going to serve you with that notice, and
19 if you are convicted you will spend the rest of your life
20 in prison without the possibility of parole, do you
21 understand that?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: You understand that that is a consequence
24 of your plea here today?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: I'm going to do something a little bit
2 different, Mr. Sims, and I'm doing it just for the sake of
3 clarity, okay?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And I am going to begin by asking Mr.
6 Maxwell. Mr. Maxwell, do you agree that when Mr. Sims goes
7 to the department of corrections that given the scenario
8 that you all have put together on this plea, that the South
9 Carolina Department of Corrections could not, could not
10 under the circumstances here today say that Mr. Sims,
11 because he's been convicted of two most serious and --
12 actually would be three most serious offenses, that he must
13 spend the rest of his life in prison without the
14 possibility of parole, do you agree with that?

15 MR. MAXWELL: That they --

16 THE COURT: Could not do that.

17 MR. MAXWELL: Could not do that, yes, ma'am.

18 THE COURT: You agree with that, Mr. Lee?

19 MR. LEE: Yes, Your Honor.

20 THE COURT: And you agree with that too, Mr. Sims?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: And that forms a part of the decision for
23 your decision to plead here today?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: And if you were to go to the department of

1 corrections and they were to say, "We're real sorry, Mr.
2 Sims, but you've got to spend the rest of your life in
3 prison without the possibility of parole," you would want
4 to raise up a flag and call Mr. Lee, wouldn't you?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: You would say that's wrong, right?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Because it is your understanding that they
9 could not do that based on the scenario of your plea here
10 today.

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: But you understand that when you get out
13 of the department of corrections if you ever are charged
14 with a most serious or a serious offense, that you would --
15 then if convicted probably -- because I would think the
16 State would serve you with that notice given your record at
17 that point, but assuming they would serve you with the
18 notice, you understand you would spend the rest of your
19 life in prison without the possibility of parole.

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: I am satisfied for the record that you
22 very well understand what's called the recidivism statute,
23 or 17-25-45, or the two strike/three strike rule involving
24 serious and most serious, I am very convinced that you
25 understand that quite fully. Do you have lingering

1 questions about the consequence of serious and most
2 serious?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Do you have any lingering questions about
5 what it means to be convicted of a violent offense?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: Now, Mr. Sims, do you understand that your
8 exposure here today, instead of considering that the --
9 instead of considering that the burglary is life I'm going
10 to consider -- because of the negotiation I'm not going to
11 consider that, but you know that -- well, let me do it this
12 way. Given the amount of time that you could receive you
13 understand that you could receive life in prison based on
14 all of these charges?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Okay. Very well. Now, I'm going to go
17 back for just a moment, the unlawful carrying of a handgun.

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: It also carries a forfeiture of a weapon,
20 you understand that?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: Okay. In other words, if somebody
23 unlawfully has a handgun in their possession, one of the
24 consequences of a plea or a conviction is that the State
25 can take away that handgun. Now, I don't know if they have

1 the handgun or not, I really don't, but if they do then the
2 State could say we -- "You forfeit the handgun and we will
3 tab the handgun," do you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. Very well. Mr. Sims, here is
6 what you have told me to this point, that you understand
7 these offenses, the maximum possible penalty, the
8 consequences of your plea here today, and I have a little
9 bit of information based on what the lawyers have told me.
10 You are not on probation or parole right now; is that
11 correct?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: You have told me then that you understand
14 the nature of the offenses, all of them, each of them, the
15 maximum possible penalties and the consequences of your
16 plea here today. Keeping all of these matters, Mr. Sims,
17 in the forefront of your mind, tell me, sir, how do you
18 plead to common law or strong armed robbery?

19 THE DEFENDANT: Guilty.

20 THE COURT: How do you plead to unlawful carrying of a
21 handgun?

22 THE DEFENDANT: Guilty.

23 THE COURT: How do you plead to the contraband
24 violation?

25 THE DEFENDANT: Guilty.

1 THE COURT: How do you plead to voluntary
2 manslaughter?

3 THE DEFENDANT: Guilty.

4 THE COURT: How do you plead to attempted armed
5 robbery?

6 THE DEFENDANT: Guilty.

7 THE COURT: And to burglary in the first degree?

8 THE DEFENDANT: Guilty.

9 THE COURT: Do you understand, Mr. Sims, that when you
10 plead guilty you give up certain very important
11 constitutional rights?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: We are going to talk about some of them,
14 we will not talk about them all, but if you have a
15 questions ask me to pause and ask Mr. Lee, okay?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: We are going to begin by me telling you
18 and asking you, do you understand that you give up your
19 right to remain silent?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: We are talking, you're not silent, right?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: That makes sense.

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: You are giving up your right against self

1 incrimination, do you understand that?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: That's your 5th Amendment Right, it's a
4 constitutional right, but you just told me you were guilty,
5 that's about as incriminating as it gets, isn't it?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: So you just gave up that right, didn't
8 you?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: It really does make sense. So you give up
11 your 5th Amendment Right against self incrimination, do you
12 understand that?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: You give up your right to require the
15 State prove you guilty beyond a reasonable doubt if they
16 can, do you understand that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: You give up your right to have your lawyer
19 subpoena witnesses to come testify in your defense, do you
20 understand?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: You give up your right to present
23 defenses, do you understand?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: You give up your right to have your lawyer

1 cross examine any and all witnesses who would testify
2 against you, do you understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: You give up your right to a jury trial, do
5 you understand that?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And do you understand, Mr. Sims, that if
8 you wanted a jury trial that you would have a jury trial?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: And do you understand that at that jury
11 trial it would be left up to you, you would make the
12 decision whether you wanted to testify or not?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Do you know that if you wanted to go to
15 trial and you chose not to testify, do you understand that
16 the Judge would tell the jury trying your case that the
17 jury could not consider your decision not to testify if
18 that was your decision?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And that the Judge would tell the jury
21 that they were not even allowed to discuss your decision
22 not to testify, if that was your decision, they couldn't
23 even talk about it in the jury room.

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: And the reason for that, Mr. Sims, is

1 because the burden of proof, the burden of proof of the
2 State to prove your guilt beyond a reasonable doubt stays
3 on the State, you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And the Judge would tell the jury that.

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Now, Mr. Sims, there are other rights that
8 we have that you waive when you plead guilty that we have
9 not specifically discussed, but these rights are preserved
10 for you at that trial, do you understand that?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And you waive them when you plead guilty,
13 do you understand that?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: And is that what you wish to do?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: Okay. That's okay.

18 (Break in proceedings.)

19 MR. LEE: Your Honor, I think he just misunderstood.

20 THE COURT: I know it, let me back up a little bit,
21 because that's scary when somebody says are you ready to
22 give up all of your constitutional rights. You don't give
23 up all of your constitutional rights, do you understand
24 what I'm saying?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: But there are certain very, very important
2 ones like the one to remain silent, like your jury trial
3 right, those are really important constitutional rights
4 that you give up when you plead guilty, do you understand
5 that?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Let me give you a couple of other ones.
8 You have a 4th Amendment right to challenge any stops or
9 searches or seizures that you think were not done
10 correctly, do you understand that?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Well, when you plead guilty you give that
13 one up, that makes sense, doesn't it?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: And you may have made some statements in
16 this case, and if you were to go to trial your lawyer could
17 contest those statements that you gave, do you understand
18 that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Well, when you plead guilty then you give
21 up the right to have your lawyer challenge those statements
22 that you may have made, do you understand that?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Because you just told me you're guilty so
25 what difference does it make what statements you made, do

1 you see what I'm saying?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: It really actually makes sense, but it's
4 so important that you understand that when you plead guilty
5 that you give up some very important rights that are
6 preserved for you at trial, yet you waive them when you
7 plead guilty, do you understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And do you have any questions about that?

10 THE DEFENDANT: No, ma'am.

11 THE COURT: And is that what you wish to do?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: All right. Now, do you clearly
14 understand, Mr. Sims, that when you plead guilty you give
15 up your right to have a jury determine if you're guilty or
16 not guilty?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you know that if I accept your plea I
19 will sentence you?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: I want to pause right here because I want
22 to talk about what you've told me so far. You have told me
23 that you understand the nature of these offenses each and
24 every one of them; that you understand the maximum possible
25 penalty; that you understand the consequences of your plea;

1 now you've told me that you understand your constitutional
2 rights. Mr. Sims, we're going to pause right here and I
3 want you to keep all of this in the forefront of your mind,
4 Mr. Sims, and I want you to think about at this point do
5 you still wish to continue with your plea of guilty to each
6 and every one of these offenses?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: I want to talk about what happens next,
9 and I should have told you this because this is going to be
10 a little bit different for you. What at this juncture I'm
11 going to ask the solicitor to do is I'm going to ask him to
12 go through each one of these offenses, and when he is
13 finished going through the facts that the State stands
14 ready to present at trial for the purpose of proving your
15 guilt, he's going to pause after each one of them and I'm
16 going to ask you if that's what happened, I need you to
17 correct anything that needs correcting to make sure that I
18 have an accurate picture of what occurred. The reason for
19 that, Mr. Sims, is that every plea has to be supported by a
20 factual basis, okay? And I'm just going to ask him to
21 begin, and what Mr. Maxwell is going to tell me is based
22 upon his investigation and that of law enforcement. If
23 anything needs to be corrected I want you to correct it,
24 okay? Because I have to know what happened, I have to have
25 an accurate picture, okay?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Tell me first of all which one you will be
3 talking about.

4 MR. MAXWELL: Yes, Your Honor. I'll start, Your
5 Honor, with the robbery from Newberry County.

6 THE COURT: That's fine. You're going to want to tell
7 me his record, I want you to hold that for me, and
8 certainly statements from the victims, I certainly want to
9 hear, I want you to hold all of that right now, I just want
10 to get a factual basis.

11 MR. MAXWELL: Yes, ma'am. Your Honor, the Newberry
12 County robbery took place on October 22nd of 2013. The
13 victim of case is J. W. Bookman, it took place at his
14 residence on Fire Tower Road in Prosperity in Newberry
15 County. Mr. Bookman states about it looks to be probably
16 5:00 or so in the afternoon, he's taking his dog outside,
17 he's also taking the trash out when he's approached by
18 three black males that are all armed, they demand money
19 from him, he gives them \$800. They then take him inside
20 the house, hold him at gunpoint inside, he decided to fight
21 back and there was a brief struggle inside the residence.
22 Three of these individuals fled out the residence, I think
23 he gave some chase to them. While he was chasing them he
24 says one of them fired back at him, didn't hit him, not
25 sure what it hit, there was a shell casing found on the

1 ground outside Mr. Bookman's residence. Mr. Sims was
2 identified as one of these three individuals, not clear
3 about which one exactly was and whether they fired or not.

4 THE COURT: Okay. And is that what happened?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Okay. Next?

7 MR. MAXWELL: Your Honor, the next case would be the
8 unlawful carrying of a pistol, a Newberry County charge.
9 It took place on October 26th of 2014. Mr. Sims was a
10 passenger in a car that approached a public safety
11 checkpoint at the intersection of Highway 76 and 391 also
12 near Prosperity in Newberry County. I believe Mr. Sims was
13 a rear passenger. I think it was the highway patrol was
14 conducting the checkpoint along with the sheriff's office,
15 they smelled marijuana in the car, they ended up checking
16 who the people were inside. When they identified Mr. Sims
17 he was actually -- they had the outstanding warrant for the
18 robbery charge in Newberry County and I believe we also had
19 the bench warrant for him here in Fairfield County, that
20 all was checked out through NCIC where they detained him.
21 I think they arrested the other individuals for possession
22 of marijuana. In checking the car they found a .380 pistol
23 inside the car, Mr. Sims gave a subsequent statement
24 admitting that the gun was his.

25 THE COURT: Is that what happened?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Okay.

3 MR. MAXWELL: Your Honor, the next charge of
4 possession of contraband in the county jail, very simply on
5 February 9th, 2015 marijuana was found in Mr. Sims'
6 possession while he was an inmate in the Newberry County
7 jail.

8 THE COURT: Is that what happened?

9 THE DEFENDANT: Yes, ma'am.

10 MR. MAXWELL: Your Honor, the next -- all of the
11 Fairfield charges are from one single incident. It took
12 place on July 23rd of 2011 on Dave Cole Road here in
13 Fairfield County. The victim in the case is Leon Wright,
14 Mr. Wright was 64 years old. He resided at Dave Cole Road,
15 the incident happened at his residence. About two tenths
16 of a mile from Mr. Wright's residence at the time he
17 operated a store where people kind of gathered all hours
18 throughout the day, kind of a place where people in the
19 community would come and hang out. At about 11:30 on the
20 night of -- well, let me start at another place. Mr.
21 Wright left his store to go home about 9:15 or so that
22 Saturday night. About 11:30 that night a friend, or
23 someone who was familiar with Mr. Wright, passes his house,
24 sees his door open and the lights were on, thought it was
25 suspicious but didn't report it at that point in time. The

1 next day at 11:30 a.m. Sunday morning, the same individual
2 passes by, sees the door open, goes to Mr. Wright's store,
3 he would usually be there, Mr. Wright is not there. They
4 end up getting in contact with Mr. Wright's sister who
5 lives next door to Mr. Wright, she goes next door and finds
6 him basically deceased in his house. The sheriff's
7 department is called, they respond about lunchtime that
8 Sunday afternoon. Mr. Wright was deceased just to the
9 right of the door near a bedroom doorway, he had a unloaded
10 .410 rifle close to his body, there was no ammunition for
11 the rifle found. There were signs of forced entry to the
12 front door, the doorframe was damaged. Mr. Wright had over
13 \$14,000 cash either on his person or somewhere in the
14 house. The sheriff's department called SLED, SLED crime
15 scene came up. They found a 7.62 semiautomatic bullet in
16 the medicine cabinet behind where Mr. Sims' (sic) body was
17 found. They found a casing that matched that bullet near
18 the front door. There was a bullet hole in the wall just
19 right at the front door. So essentially what was
20 determined happened was the front door being in this
21 position, there's a bedroom kind of off to the right with a
22 hallway leading to it, when entry is made by these
23 individuals Mr. Wright is near the bedroom doorway with the
24 rifle, the unloaded rifle. There is a bullet fired from
25 around the doorway that travels through a wall, the bedroom

1 wall, I believe Mr. Wright jumps back into the bedroom at
2 that point in time where he's struck in the chest. The
3 bullet enters his chest, exited his back and ended up in
4 the wall, which is the medicine cabinet behind him which
5 is -- the bathroom would have been behind the bedroom. Mr.
6 Wright, his left lung was severed along with his spinal
7 cord, he would have died almost instantly from being struck
8 by the bullet. They also found a .22 bullet in the
9 exterior wall as well, no casing was found for that. When
10 the investigation began it took a couple of hours to start
11 to develop suspects. One name that came up was Christopher
12 Martin, Mr. Martin is a codefendant in the case. A lot of
13 people were putting Mr. Martin as kind of around the store,
14 that he was trying to sell a weapon that night and the word
15 was kind of getting around the community that he was
16 involved. He was taken into custody that Sunday night
17 close to midnight, I believe. On Monday some other --
18 another individual, a Kadeem Johnson, was also brought in
19 as a person of interest. They were talking to Mr. Martin
20 and Mr. Johnson on Monday afternoon, basically at the same
21 time. After some back and forth they were able to
22 determine that there was six other individuals involved,
23 basically gave them the names without really giving them
24 the whole story about what happened. Those other
25 individuals that were identified that Monday afternoon, one

1 was Mr. Sims, Xavier Wadlington, Leonardo O'Neal,
2 Christopher Williams, Theory Maybin and Demonta Ruff. Four
3 of the individuals are from Fairfield County, that being
4 Christopher Martin, Kadeem Johnson, Xavier Wadlington,
5 Leonardo O'Neal. The other four individuals from Newberry
6 County, that being Mr. Sims, Christopher Williams, Theory
7 Maybin and Demonta Ruff. They were able to have all of
8 these individuals identified basically that Monday
9 afternoon, they got some warrants I think Monday evening,
10 Tuesday morning they rounded up. The Newberry guys and
11 Mr. Wadlington all on that Tuesday afternoon and --
12 essentially all of those individuals ended up giving
13 statements admitting to their involvement in this case.
14 Essentially what happened, Your Honor, was beginning with
15 Mr. Martin and Mr. Wadlington, they're brothers, they live
16 in the same area of the victim. They had developed --
17 there was inconsistent statements on some details, but they
18 developed some kind of a plan or talk about some plan to
19 rob a drug dealer, not Mr. Wright, the victim, a drug
20 dealer that went by the nickname of Boogabear
21 (phonetically.) Mr. Wadlington is friends or knows Mr.
22 Ruff from Newberry, they talk on the phone about this plan,
23 I don't think it was a very thorough plan. They ended up
24 coming -- the Newberry guys come to Fairfield County, this
25 is in the Blair area of Fairfield County, the western part

1 of the county just bordering Newberry County they were
2 driven by Mr. Maybin. Mr. Sims, Mr. Williams and Mr. Ruff
3 all come with Mr. Maybin to meet with Mr. Wadlington and
4 Mr. Martin nearby or in this same community in Fairfield
5 County. They end up going, I guess, around dusk or sunset
6 going to nearby Mr. Wright's store. There are two stores
7 that are very close to each other, probably 25 or 30 yards
8 apart where again people hang out. One of those stores is
9 Mr. Wright's, I think they were hanging out kind of at the
10 other store essentially waiting on Boogabear, the drug
11 dealer, to show up so they could rob him, never got a good
12 idea of what their plan exactly was, who was going to do
13 what. He doesn't show. Around that time, 9:00 or 9:15 Mr.
14 Wright leaves his store and has to drive by where they're
15 hanging out in order to go to his house. Mr. Wadlington
16 admitted that when Mr. Wright's van drove by that he said
17 something along the lines of, "There goes the man with some
18 money." They wait few seconds -- a few minutes or so, they
19 get into Mr. Maybin's car that they all came from Newberry,
20 six individuals get in the car, there was only eight people
21 charged but only six get in the car, Mr. Sims is one of
22 those individuals. They go up the road, they pass by Mr.
23 Wright's house, someone kind of points out "that's where he
24 lives," they park a little ways up the road, and the four
25 Newberry guys; Mr. Sims, Mr. Williams, Mr. Maybin and Mr.

1 Ruff get out of the car and make their way to the house on
2 foot. Kind of depending on who you talk to, two or three
3 of them were trying to kick in the door, some admitted it
4 themselves some kind of fingered other individuals in
5 regards to that part. I think it was about six or seven,
6 eight kicks as described by some of the co-defendants is
7 how many times it took them to get into the door
8 essentially. I think it's believed that once they got in
9 and got through the door, that Mr. Wright was there with
10 the gun and they began shooting. Mr. Christopher Williams,
11 one of the Newberry guys, was armed with a Mack 90 assault
12 rifle type weapon that ended up matching both the bullet
13 found near the medicine cabinet and the casing near the
14 front door is believed to have fired the fatal shot that
15 struck Mr. Wright. Mr. Sims admitted to possessing a .22
16 pistol, he began shooting at one time. In his statement he
17 said he knocked on the door, they started -- "Theory
18 started kicking it in and when we got in I heard gunshots
19 so I shot and ran." Essentially other witnesses describe
20 him kind of running away from the house hiding. Again,
21 that bullet -- the .22 bullet was found in the exterior of
22 the home, that .22 gun was never found so there's never any
23 testing on that. They did not get any money I don't
24 think -- they did gain entry, I don't think they got in
25 very far and didn't get anything. The last one arrested

1 was Demonta Ruff, he was arrested that following Thursday.
2 He did direct law enforcement to the Mack 90 that ended up
3 matching the bullet and the casing that was found on the
4 porch. I think all of them again gave statements admitting
5 to some of their involvement and that does include Mr.
6 Sims.

7 THE COURT: All right. Now, Mr. Sims, Mr. Maxwell has
8 been through a number of information that I need in terms
9 of who got questioned, and obviously you wouldn't know that
10 because you were not there with regards to who got
11 questioned when. What I'm going to ask you is the event
12 that occurred at the residence of Mr. Wright, is that what
13 happened?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: And it was in the nighttime?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Very well. And you had a .22 caliber gun
18 with you?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: All right. And all of these events
21 occurred in Fairfield County?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Not all of them that we're talking about
24 now, we've already talked about the Newberry matters, but
25 the events that night occurred in Fairfield County.

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Now, I know that there have been plea
3 negotiations, I'm aware of those, I've talked to counsel in
4 chambers. My next question does not involve the plea
5 negotiations, has anyone promised you anything or held out
6 any hope of any kind of a reward to get you to plead
7 guilty?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Has anyone tried to force you to cause you
10 to plead guilty?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: Anyone threaten you to plead guilty?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Has anyone overcome your will to cause you
15 to plead guilty?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: Are you pleading guilty here today freely
18 and voluntarily?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Are you pleading guilty because you are,
21 in fact, guilty of each and every one of these offenses?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Now, I want to talk about your
24 relationship with Mr. Lee. Have you talked to Mr. Lee for
25 as many times as you think appropriate?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Have you talked to Mr. Lee for as long a
3 period on each of those occasions as you believe to be
4 appropriate for him to properly represent you?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: All right. And you probably didn't come
7 prepared today having counted the numbers of times that you
8 have spoken to Mr. Lee, but approximately how many times
9 have you talked to Mr. Lee?

10 THE DEFENDANT: Over ten or 15 times.

11 THE COURT: Ten or 15 times, maybe more?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: All right. But you don't think less than
14 ten times.

15 THE DEFENDANT: No, ma'am.

16 THE COURT: Very well. Has Mr. Lee -- I don't know
17 that he gave you copies of what's called the discovery, do
18 you know what I mean when I talk about discovery?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: The evidence that the State has available
21 to present at trial?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Has he been over that with you?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: And I don't know that you have copies of

1 it, but you know if you want to have copies of it he will
2 give you copies of that, you know that, right?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Now, has Mr. Lee investigated your case?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: All right. And I don't know that you
7 asked him to talk to any particular folks but if you did,
8 did he?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Okay. And has he investigated your case
11 you believe adequately?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: And appropriately?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Has Mr. Lee done all those things in his
16 representation of you that you believe he should have done
17 or could have done to properly represent you?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Has he done anything in his representation
20 of you that you think he should not have done?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: Do you believe that -- Mr. Sims, do you
23 believe that Mr. Lee has explained to you each and every
24 charge?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you believe that he's taught you about
2 any potential or possible defenses?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And has he talked to you, you believe,
5 about your constitutional rights?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And you believe you understand those?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And have you understood each and every
10 conversation that you have had with Mr. Lee?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Are you completely, completely satisfied
13 with his representation of you?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: All right. As you stand here at this
16 moment, do you have, Mr. Sims, any lingering questions that
17 you want to ask of Mr. Lee?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: Now, Mr. Sims, I know that there were
20 conversations and the attorney/client privilege and I don't
21 want to know about those because those belong to the two of
22 you, but I want you to understand that whatever sentence I
23 give you here today, do you understand that I expect you, I
24 expect you to understand that you will spend every day of
25 that sentence in the department of corrections?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: If you have any questions about that I
3 want you to ask that now, do you understand?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Do you have any questions?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: In other words, if I give you a sentence I
8 want you to count on serving that sentence, do you
9 understand?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And when I say serve that sentence, I'm
12 talking day for day.

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Now, has anyone, and I'm talking about
15 your lawyer, Mr. Maxwell or anybody in the solicitor's
16 office, anyone at the detention facility, either the one in
17 Newberry or the one here in Fairfield, has anyone
18 associated with your case mistreated you in any way?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: Now, Mr. Sims, have you understood my
21 questions here today?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Each and every one of them?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Do you have any questions of me about what

1 we've just been over?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: Do you understand, Mr. Sims, that you have
4 a right to appeal your plea here today?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Do you understand that you have a right to
7 appeal the sentence that I give you?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you understand that if you wish to
10 appeal that you must appeal within ten days?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Do you understand that if you wish for Mr.
13 Lee to appeal for you, you need to let him know quickly
14 enough so that he has an opportunity to do that for you?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: He is also limited by the ten days, do you
17 understand?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: It would be a good idea if you want him to
20 appeal that you put that in writing but you have to do it
21 very quickly, do you understand?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Because you have a right to appeal, an
24 absolute right to appeal but you must do that within ten
25 days, do you understand?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Now, Mr. Sims, with respect to each and
3 every answer that you've given me here today, have you been
4 absolutely 100 percent candid with me?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Have you been absolutely 100 percent
7 honest with me?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Have you told me the truth?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Now, have your answers been your own?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Has anyone told you how to answer my
14 questions?

15 THE DEFENDANT: No, ma'am.

16 THE COURT: Tell me whose answers you have given me
17 here today.

18 THE DEFENDANT: My own.

19 THE COURT: Now, I find that there is a factual basis
20 for the plea here today in regards to each and every one of
21 these offenses, I find that the decision of Mr. Sims to
22 plead guilty is freely and voluntarily, knowingly and
23 intelligently made. He's had the advice of counsel in Mr.
24 Lee with whom he tells me he is completely satisfied and I
25 will accept the plea. I think the record ought to reflect

1 also that Mr. Sims, while he is a young man, he makes
2 fantastic eye contact, is very self-assured, he has not
3 been hesitant. He certainly appears to be someone who
4 knows his own mind, who has made this decision and doesn't
5 seem to be hesitant, and I would like the record to reflect
6 that he certainly appears very bright, even though I know
7 he went through the ninth grade only he certainly is a
8 young man that certainly appears articulate and bright, and
9 I will accept the plea. Talk to me about record and then
10 I'll be happy to hear from any of these victims.

11 MR. MAXWELL: Your Honor, Mr. Sims does not have any
12 prior record. Present in the courtroom today are Mr.
13 Wright's daughters, Laquanda Stone and Tyronda Stone; Mr.
14 Wright's sister, Shirley Davis; Mr. Wright's brother, James
15 Wright; Mr. Wright's nephew, LaMarcus Wright. I believe
16 Mr. LaMarcus Wright, his nephew, would like to address the
17 court.

18 THE COURT: I want to hear from him. Mr. Wright, I
19 would like you to -- do you mind coming a little bit
20 closer? Now listen, I want to know about your uncle, I
21 want you to take your time.

22 THE SPEAKER: Yes, ma'am, my uncle, he was --

23 THE COURT: What was his first name?

24 THE SPEAKER: Leon Wright.

25 THE COURT: Leon Wright.

1 THE SPEAKER: He was a nice guy. He had his own
2 store, like the gentleman said, and he used to take me and
3 his two daughters fishing when we were little.

4 THE COURT: And I would like for them to raise -- I
5 want to know who his daughters are.

6 THE SPEAKER: Your Honor, I came up here to speak on
7 behalf of my uncle.

8 THE COURT: Tell me how old you are.

9 THE SPEAKER: Me? 29.

10 THE COURT: You are 29 years old?

11 THE SPEAKER: Yes, ma'am.

12 THE COURT: And did you grow up near your uncle?

13 THE SPEAKER: Yes, ma'am.

14 THE COURT: How far away?

15 THE SPEAKER: Like all of us stayed on all of the
16 land, they've got land all of us was close by.

17 THE COURT: Sure.

18 THE SPEAKER: Like two minutes, we was within walking
19 distance.

20 THE COURT: So you grew up around him.

21 THE SPEAKER: Yes, ma'am.

22 THE COURT: Your whole life?

23 THE SPEAKER: Yes, ma'am.

24 THE COURT: Grow up in the store?

25 THE SPEAKER: Yes, ma'am.

1 THE COURT: Would you help him in the store?

2 THE SPEAKER: Yes, ma'am, sometimes.

3 THE COURT: And want a snack sometimes and go see your
4 uncle?

5 THE SPEAKER: Yes, ma'am.

6 THE COURT: Get a little something so eat?

7 THE SPEAKER: Yes, ma'am.

8 THE COURT: Tell me about him.

9 THE SPEAKER: He was a nice man, like I was saying.

10 But really I came up here to speak on behalf of my uncle
11 for justice to make sure that nobody else family have to go
12 through this what we go through. Late at night I wake up
13 at night tossing and turning, having nightmares wishing my
14 uncle was still here. I just want to make sure, like I
15 said, make sure that nobody else's family, not only my
16 family but the community, anybody in here family don't have
17 to deal with what's going on. So I would like for him to
18 be put away for a good little while to just make sure it
19 don't happen to your family or anybody else's, ma'am.

20 THE COURT: Because it's horrible.

21 THE SPEAKER: Yes, ma'am.

22 THE COURT: It's a nightmare, it's never-ending. It
23 stays with you everyday, doesn't it?

24 THE SPEAKER: Yes, ma'am.

25 THE COURT: This young man needs to understand that

1 there are many victims, there are many victims to something
2 like this, yes?

3 THE SPEAKER: Yes, ma'am.

4 THE COURT: I mean, you're a victim.

5 THE SPEAKER: Yes, ma'am.

6 THE COURT: You're a man and you know -- you don't
7 think you are supposed to cry and yet your heart is full,
8 isn't it?

9 THE SPEAKER: Yes, ma'am.

10 THE COURT: Absolutely. And you've watched his
11 daughters.

12 THE SPEAKER: Yes, ma'am. They're really like my
13 sisters, all of us stayed together, all of us has been
14 raised by everybody. Like his daddy -- her daddy like my
15 daddy, my daddy back there, like they're all of us just
16 stayed together, played together like a big happy family.

17 THE COURT: Exactly. You probably went from one house
18 to another house.

19 THE SPEAKER: Yes, ma'am.

20 THE COURT: In and out of everyone's -- what a
21 wonderful way to grow up.

22 THE SPEAKER: Yes, ma'am.

23 THE COURT: And he wanted to just provide for his
24 family, yes?

25 THE SPEAKER: Yes, ma'am.

1 THE COURT: And that's why he got up and went to work
2 everyday there in that store himself.

3 THE SPEAKER: Yes, ma'am.

4 THE COURT: Now, are you still living here?

5 THE SPEAKER: Yes, ma'am, [REDACTED] Dave Cole Road. They
6 stay in Columbia but they come back and forth from their
7 daddy's house because it's a pain for them to be there, see
8 where your daddy been shot and killed.

9 THE COURT: Of course it is. Anything else you want
10 to tell me because I want to hear it?

11 THE SPEAKER: No, ma'am, that's all.

12 THE COURT: Thank you very much.

13 THE SPEAKER: Thank you for hearing me.

14 THE COURT: Anyone else? Happy to hear from you.
15 Anything else on behalf of the State?

16 MR. MAXWELL: Just a couple of things I don't think I
17 stated earlier. We do believe that Mr. Christopher
18 Williams is the one who fired the fatal shot. He pled on
19 August the 9th of 2012, he actually pled to murder, he was
20 18 years old at the time of the incident, he received a 30
21 year sentence. He also pled to the underlying robbery --
22 attempted robbery and the burglary as well, but received a
23 30 year concurrent sentence. The recommendation in this
24 case is a cap of 30 years concurrent on all charges.

25 THE COURT: And the folks from Newberry County, they

1 were aware -- the victims were aware of today's plea?

2 MR. MAXWELL: Your Honor, my understanding is the
3 victim did not wish to be present in that case.

4 THE COURT: Okay, very well. All right. Mr. Lee, I'm
5 listening to you.

6 MR. LEE: Thank you, Your Honor. May it please the
7 Court?

8 THE COURT: Yes, sir.

9 MR. LEE: Your Honor, as the Court has been informed
10 Mr. Sims today is 20 years of age, at the time this
11 occurred he was only 16. He was in the ninth grade at
12 Newberry High School, and, in fact, when he got released on
13 bond he went back to the school and, of course, they said
14 "You've got pending charges, serious charges against you,
15 you can't come back until something is resolved on it," but
16 he did want to go back to do that. Your Honor, I have
17 talked with Mr. Sims and members of his family, and there
18 are some of -- his mother and the mother of his children
19 are here and also I believe his sister-in-law I believe he
20 told me are here. And I talked with Mr. Sims about this,
21 he came from kind of a bad situation. He didn't get along
22 with his father and as a consequence there really was no
23 male figure in the household for him to identify with. He
24 was doing okay in school, he had a little bump in the
25 fourth grade but he was doing okay in school and wanted to

1 finish it up. On the night that this occurred he was in
2 Newberry and he was going to his uncle's house and he ran
3 into these people, the other three members from Newberry,
4 who I think a couple of them are actually kin to him. He
5 asked them for a ride and they essentially told him "Well,
6 we'll give you a ride but we've got to go somewhere first,
7 come on and go with us," and he didn't know at the time
8 what they were planning on doing. But he went over and
9 they brought him over to Fairfield County, he really had no
10 idea where he was, that part of Fairfield County is
11 sparsely populated. At some point they told him they were
12 going to rob a drug dealer. Your Honor, I don't know, at
13 16 it's hard to say, "Wait, I don't want to have anything
14 to do with this, let me out," particularly if you don't
15 know where you are, and so he stayed with them. When they
16 got to Mr. Wright's house he didn't have a gun, one of the
17 individuals, Mr. Ruff, gave him the pistol. Mr. Ruff also
18 supplied the assault rifle, but he gave Mr. Sims his
19 pistol. They went up to the house. I think the solicitor
20 has explained essentially what happened there, the door got
21 kicked in, Mr. Wright either came around the corner or he
22 was there, the assault rifle being what it was, it could
23 penetrate -- Mr. Williams, who pled to murder and who was
24 actually what I called the trigger man, he actually shot
25 through the wall and killed Mr. Wright in that way. Mr.

1 Sims has said as they were running away from the house that
2 he thought somebody was still shooting at him and he just
3 turned around and shot back in the general direction of the
4 house. They got back -- I think it's noteworthy on his
5 account that once he was confronted by the police he
6 confessed, he told them what he had done, he admitted that.
7 Your Honor, I talked with him initially not too long after
8 he got out on bond, we talked a number of times over the
9 course of that time. He did get in trouble in Newberry
10 County. He was originally charged with some serious
11 offenses over there, Newberry has looked into the case and
12 determined that what he's pled guilty to today was what his
13 involvement was over there. Your Honor, he was out, my
14 understanding is that in a sense he didn't run away
15 anywhere, he was just there in Newberry County, they just
16 didn't pick up on him. But at some point he went to a road
17 block and they got his name and that's how he was arrested,
18 never gave the police any trouble in any of those
19 situations. Your Honor, I think we have to look at -- of
20 course, this situation is a tragedy. It was a tragedy, of
21 course, for Mr. Wright and his family, but it's also a
22 tragedy for Mr. Sims. Here is a young man who is 16 years
23 old who may have been able to go on and finish school and
24 got a job and some training. Of course, that's all stopped
25 now. But he's always been forthright with me, he's always

1 talked to me, but I think it's an indication of sort of
2 there's been a lot of studies and of course I'm sure you're
3 aware of the case that is at the U. S. Supreme Court, they
4 say the juvenile mind doesn't really mature until 25 or
5 maybe even later than that. And I think that that's -- it
6 has been obvious here. We appeared before the Court the
7 last term of court, he was going to plead and like a lot of
8 young people, he just got cold feet, it wasn't the fact
9 that he was denying anything, he just couldn't do it. We
10 talked some more and he realized that that was a mistake,
11 he should have gone ahead and entered the plea and so he's
12 now in front of the Court today doing that. But I think
13 that's an example of some o of the thinking that goes on
14 with young people sometimes. He had no prior record, he
15 had no juvenile record, he was not known to the DJJ people
16 in Newberry County and I think that anybody that knew him
17 was probably surprised that he got involved in this. I
18 think had he not met up with the people that are relatives
19 of his where he sort of had a false sense of security that
20 they were friends, they were neighbors, they're not going
21 to do anything and not gotten involved in this I think we
22 probably would be in a different situation today. I think
23 we would probably -- he would probably have graduated from
24 Newberry High School and would be out looking for a job
25 somewhere. Unfortunately he knows that he's facing a very

1 large sentence and that he would -- that that avenue is
2 closed, and hopefully once whatever sentence he gets when
3 he gets out that he will -- I hope he will use the
4 opportunity and I believe he will if he can, to try to
5 further his education while he's in the department of
6 corrections, but I hope that he will do that. Your Honor,
7 as I said, he has a young lady that he has two children by,
8 he has one son that's one year old and I think his daughter
9 is two years old, and he's been concerned with them and
10 their welfare obviously. He's not been able to see them.
11 He can -- they can bring them to the jail in Newberry, but
12 anytime he talked to anybody it was behind glass, he
13 couldn't see them. And I think it's been the -- I don't
14 think he's actually seen anybody here in Fairfield because
15 their visitation policies are different and people just
16 couldn't get over here to see him so he's really had very
17 little contact with them. As I said, they are here today,
18 his mother is here, the mother of his two children are here
19 and there's another relative that is here also. Your
20 Honor, this is a situation we just really ask the Court to
21 be lenient on him. I know on one hand you have the
22 situation on him where somebody is killed, and I have given
23 them time and time again in talking with them the analogy
24 of the scales of justice, you put what you're accused of on
25 one bucket and it goes down and you try to put as much as

1 you can in the other bucket to bring it back up again. He
2 had that advantage. His age certainly is a very big plus,
3 no prior record in my mind is a big plus, because a lot of
4 times when I represent people they've been in trouble in
5 the juvenile system and they've just gotten into something
6 more serious, in this case he did not have any. But we
7 would ask the Court to be as lenient as possible with him,
8 if the Court could fashion its sentence towards the
9 minimum, I think the minimum he could get for anything is a
10 total of 15 years and we would ask the Court to consider
11 that possibility. But we do ask the Court to be as lenient
12 as possible with him. I don't know, he may want to address
13 the Court if he chooses to do so, we would ask the Court to
14 entertain hearing from him.

15 THE COURT: Absolutely. I would hear from him or any
16 family members that wishes to speak on his behalf,
17 absolutely, Mr. Lee.

18 MR. LEE: Do you want to say anything?

19 THE DEFENDANT: Yes, ma'am. I would like to apologize
20 to the family. I mean, I know there's nothing I can do to
21 bring him back but I would like to let y'all know that I am
22 sorry. I would also like to apologize to my family for all
23 of the trouble and pain I done brought to y'all too. And
24 that's it.

25 MR. LEE: I'm not sure if any of his family wants to

1 say anything.

2 THE COURT: Happy to hear from anyone that wishes to
3 speak on his behalf.

4 MR. LEE: I don't believe they want to, Your Honor,
5 but they're here. And I see another family member that
6 showed up also.

7 THE COURT: Wonderful, I appreciate them being here.
8 All right. Now, counsel, just -- we decided -- we
9 discussed at the side bar but I wanted to be clear on the
10 record that because burglary in the first degree carries
11 the potential of a life sentence under our new case, that
12 could trigger the need for some sort of presentencing
13 report study and the like. But as I understand it because
14 there is, under your negotiations, not the possibility of a
15 life sentence, that both the State and the defense believe
16 that my hearing the information today, which is a lot of
17 information about this young man, that that is sufficient;
18 is that correct?

19 MR. MAXWELL: That's the State's position, Your Honor.

20 MR. LEE: We believe so too, Your Honor.

21 THE COURT: Very well.

22 MR. LEE: Your Honor, one other thing I would mention,
23 this has nothing to do with this, but because he hasn't
24 been able to see his family -- and I know you don't control
25 security in the courtroom and that sort of thing, but we

1 would ask if it's at all possible that he be able to meet
2 with his family for a few minutes because they've really
3 had no face to face contact in the last month.

4 THE COURT: I understand that fully, I'll leave that
5 up to security, they have to make that determination. All
6 right. Does anyone at this time know of any reason why I
7 should not pass sentence on Mr. Sims on behalf of the
8 State?

9 MR. MAXWELL: None from the State, Your Honor.

10 THE COURT: On behalf of the defense?

11 MR. LEE: No, Your Honor.

12 THE COURT: Very well. All right. I have entered
13 sentence now, and I guess I would make this observation.
14 Mr. Sims, you look for the best that you can look for in a
15 young man, and what troubles me, obviously, are the
16 terrible events that happened to Mr. Wright beginning to
17 end. And I know that you were not the trigger person whose
18 shot caused the death of Mr. Wright and I'm aware of that.
19 What concerns me so much about you, though, is while you
20 were out on bond that the events occurred as they occurred
21 in Newberry County, and yet you were armed again and
22 someone else was robbed, that is so troubling to me. And
23 then when at last you were taken into custody that while
24 you certainly had candor when law enforcement asked you
25 questions, you were found yet with another weapon, that's

1 so disconcerting for me, and I share that with you. It is
2 my hope that as you serve this time that I'm about impose
3 on you that you remind your children that they can chose a
4 different life and a different path, and be mindful that
5 they need to hear that from you. With regards to
6 2011-GS-20-409, which is voluntary manslaughter, Mr. Sims,
7 I'm going to commit you to the State Department of
8 Corrections for a period of 30 years. With regard to
9 2011-GS-20-411, which is the indictment for attempted armed
10 robbery, Mr. Sims, I am going to commit you to the State of
11 Department of Corrections for a period of 15 years. With
12 regard to 2011-GS-20-412, which is the indictment for
13 burglary in the first degree, Mr. Sims, I'm going to commit
14 you to the State Department of Corrections for a period of
15 30 years. With regard to 15-GS-36-26, which is the
16 indictment for Newberry County for common law strong armed
17 robbery, I am going to commit you to the State Department
18 of Corrections for a period of 15 years. With regards to
19 15-GS-36-29, unlawful carrying of a handgun, I will commit
20 you to the State Department of Corrections for a period of
21 five years. With regards to 15-GS-36-187, the contraband
22 charge I am going to commit you to the State Department of
23 Corrections for a period of one year. These sentences will
24 run concurrent, you will be given credit for the time that
25 you have served. Good luck, Mr. Sims.

1 (Break in proceedings.)

2 THE COURT: I have changed the sentence from five
3 years down to one year on the unlawful carrying of a
4 pistol.

5 (End of the hearing.)

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1 I, the undersigned, Michael C. Watkins,
2 Official Court Reporter for the Sixth Judicial
3 Circuit of the State of South Carolina, do hereby
4 certify that the foregoing is a true, accurate and
5 complete transcript of the proceedings had and
6 evidence introduced in the trial of the captioned
7 case relative to appeal in the Court of General
8 Sessions for Fairfield County, South Carolina, on
9 the 15th day of June, 2015.

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

12

13

October 5, 2016

14

15

16


Michael C. Watkins

17

Court Reporter

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FORM 5

2016-CP-20-250

STATE OF SOUTH CAROLINA

COUNTY OF

Randevious Hi-Keem Sims, 364413

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2016 JUL 12 PM 3 15
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention LEE CORRECTIONAL INST.
2. Name and location of Court which imposed sentence FAIRFIELD COUNTY & NEWBERN COUNTY
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) 2011-GS-20-409, 2011-GS-20-411, AND 2011-GS-20-412
 - (b) 2015-GS-36-026, 2015-GS-36-029
 - (c) 2015 GS-36-187
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 6-23-2015
 - (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?
YES
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. FAIRFIELD COUNTY COURT OF GENERAL SESSION
- 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. MILLER-V-ALABAMA U.S 132 Ct (2012)
- ii. GRAHAM-V-FLORIDA 130 Ct 2011 (2009)
- iii. ROPER-V-SIMMONS 543 U.S 551 (2005)
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) N/A
- (c) N/A
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- TRIAL JUDGE ABUSE OF DISCRETION WITH THE SENTENCE OF AN EXCESSIVE AMOUNT OF TIME

- (a) INSUFFICIENT EVIDENCE
 (b) CONVICTED UNLAWFULLY AND UNCONSTITUTIONAL
 (c) NEVER A WAIVER FROM FAMILY COURT
11. State concisely and in the same order the facts which support each of the grounds set out in (10): SENTENCE TO 30 YEARS FOR INVOLUNTARY MANSLAUGHTER.
 (a) NO VALUABLE EVIDENCE IMPLICATING
 (b) DEFENDENT OF THE ELEMENTS OF CHARGE
 (c) COERCED TO MAKE AN INVOLUNTARY PLEA
 (c) WAS 16 YEARS OLD BUT WAS SENTENCED AT
12. Prior to this application have you filed with respect to this conviction: THE AGE OF 16
 (a) any petition in a State Court under South Carolina Law? N/A
 (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)? N/A
 (d) any other petitions, motions or applications in this or any other Court? N/A
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. N/A
 iii. N/A
 iv. N/A
-
- (b) the name and location of the Court in which each was filed:
 i. N/A
 ii. N/A
 iii. N/A
 iv. N/A
- (c) the disposition thereof:
 i. N/A
 ii. N/A
 iii. N/A

- iv. N/A
- (d) the date of each such disposition:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
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?
N/A
15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
- i. N/A
- ii. N/A
- iii. N/A
- (b) the proceedings in which each ground was raised:
- i. N/A
- ii. N/A
- iii. N/A
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) TRIALS: JUDGE NEVER QUESTIONED WERE THE
- (b) A WAIVER FROM FAMILY COURT TO GENERAL
- (c) SESSION THEREBY LACK SUBJECT MATTER OF
JURISDICTION TO SENTENCE.
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? PLEA ✓
 (c) your sentencing? YES ✓
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES "NOTICE OF APPEAL",
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? YES

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. TYRE DOUGLAS LEE JR.

ii. _____

iii. _____

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

i. PLEA BARGAINING AND OR THE GUILTY PLEA.

ii. _____

iii. _____

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

TIME REDUCED AND PROPER WAY TO ENTERTAIN SUCH CASE.

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

NO

STATE OF SOUTH CAROLINA

County of _____

))
VERIFICATION

I, R.H.S , 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.

Randerious H. Keem Sims

SWORN to and subscribed before me this _____
day of _____, 2_____.

Notary Public (L.S.)

My Commission Expires: _____

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

I, R. #5, 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.

Randevious Hi-Keem Sims
Applicant

SWORN or affirmed to and subscribed before me this
_____ day of _____, 2_____.

Notary Public

My Commission Expires: _____

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

Randevious Hi-Keem Sims, #364413,

2015-CP-20-0250

Applicant,

v.

**RETURN AND PARTIAL
MOTION TO DISMISS**

State of South Carolina,

Respondent.

Respondent, making its Return to the application for post-conviction relief (PCR) filed July 12, 2016, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Fairfield County Clerk of Court. Applicant was indicted by the October 2011 term of the Fairfield County Grand Jury for one count of Murder (2011-GS-20-409), one count of attempted armed robbery (2011-GS-20-411), and one count of Burglary in the first degree (2011-GS-20-412). Applicant was subsequently indicted in Newberry County¹ at the January 2015 term for one count of robbery/Armed while armed or allegedly armed with a deadly weapon (2015-GS-36-0026), and one count of weapons/unlawful carrying of weapons (2015-GS-36-0029). Applicant was also indicted by the May 2015 term for possession of contraband (2015-GS-36-0187). Tyree Lee, Esquire represented Applicant. On June 15, 2015, Applicant pled to a lesser included charge for manslaughter/ voluntary manslaughter and pled as indicted to all other charges. The Honorable Diane Goodstein sentenced Applicant to incarceration for concurrent terms of thirty (30) years for manslaughter, fifteen (15) years for

¹ Applicant waived his right to have his Newberry charges heard in Newberry county; he pled guilty to each of these charges in Fairfield County.

robbery/attempted robbery, thirty (30) years for burglary in the first degree, fifteen (15) years for robbery/common law, strong arm robbery, one (1) year for unlawful carrying of handgun, and one (1) year for possession of contraband. The sentences are set to run concurrently. Applicant did not appeal his conviction or sentence.

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

II.

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

1. "Trial Judge abuse of discretion (sic) with the sentence of an excessive amount of time."
 - a. "sentence to 30 years for involuntary manslaughter."
2. "insufficient evidence"
 - a. "No valuable implicating defendant (sic) of the elements of the charge."
3. "convicted unlawfully and unconstitutional"
 - a. "coerced to make an involuntary plea"
4. "Never a waiver from family court."
 - a. "was 16 years old but was sentenced at the age of 19."

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRPC.

III.

Respondent interprets applicant's first claim as allegations that his sentence is too harsh. A trial judge generally has wide discretion in determining what sentence to impose. State v. Franklin, 267 S.C. 240, 226 S.E.2d 896 (1976). It is also true that before making that determination, a judge may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information he may consider or the source from which it may come. U.S. v. Magliano, 336 F.2d 817 (4th Cir. 1964); North Carolina v. Pearce, 395 U.S. 711, 89 S.Ct. 2072, 23 L.Ed.2d 656 (1969). The State is correct in its assertion that this Court has no jurisdiction to review a sentence, provided it is within the limits provided by statute for the discretion of the trial court, and is not the result of prejudice, oppression or corrupt motive. State v. Goodall, 221 S.C. 175, 178, 69 S.E.2d 915, 916 (1952). 'It does not appear here that the trial court's discretion was exercised arbitrarily, or for reasons clearly untenable or unreasonable.' State v. Franklin, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976).

A trial court has broad discretion in imposing criminal sentences within the limits prescribed by law. State v. Franklin, 267 S.C. 240, 226 S.E.2d 896 (1976); Clark v. State, 259 S.C. 378, 192 S.E.2d 209 (1972). The courts normally have no discretion to correct a sentence given within statutory limits. To be entitled to relief, the Applicant must prove that the alleged excessive sentence was the result of partiality, prejudice, oppression or corrupt motive, or that the sentence constitutes cruel and unusual punishment per se. Clark, Id.; State v. Cogdell, 272 S.C. 563, 257 S.E.2d 748 (1979). The Applicant has failed to show his sentence was a result of any of these factors. Accordingly, this Court should summarily dismiss with allegation as being without merit.

IV.

The Applicant also alleges his guilty plea was involuntary. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the Applicant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984). The transcript reflects that the guilty plea was knowingly and voluntarily entered with a full understanding of the charges and consequences of the plea. Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, [an Applicant's] right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621 (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. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975) overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir.1985). This Court finds that the 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.

An Applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360,

426 S.E.2d 795 (1993). Given the Applicant's burden of proof and the analysis to be applied to this claim, the Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

V.

Respondent interprets applicant's last claim as allegations that the trial court lacked subject matter jurisdiction. The Respondent submits that this claim is without merit. Subject matter jurisdiction is the power of a court to hear and determine cases of the general class to which the proceedings in question belong. Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994). A review of the record clearly indicates that there is no basis upon which to conclude that the trial court lacked subject matter jurisdiction. Further, the Applicant's indictments are facially valid and proper. An indictment is adequate and valid on its face if the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, the defendant to know what he is called upon to answer, and acquittal or conviction to be placed in bar to any subsequent prosecution. State v. James, 472 S.E.2d 38 (S.C. 1996); State v. McIntire, 221 S.C. 504, 71 S.E.2d 410 (1952). The indictments in this case are facially valid because they contain all the necessary elements of the offenses intended to be charged, state the date of the offenses, and the name of the accused. The respondent moves for summary dismissal pursuant to South Carolina Code Ann. 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that this allegation should be dismissed as a matter of law.

VI.

Respondent further submits that Applicant's second claim should be dismissed for failure to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. § 17-27-10

to -160 (2003). An applicant may commence a post-conviction relief action on the following grounds:

1. United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20.

“Insufficient evidence” is not a claim cognizable under the act. Applicant is not collaterally attacking his guilty plea or sentence, but rather seeks to collaterally attack his previous collateral attack. Applicant’s contention that such a ground is impliedly created by S.C. Code Ann. § 17-27-90 is meritless, as that section does not pertain to *what* may be raised, but *how* valid grounds must be raised.

For these reasons and pursuant to Rule 12(b)(6), SCRCPP, the Court shall dismiss the Application for failing to state a cognizable claim for which relief can be granted under the Post-Conviction Relief Act.

VII.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VIII.

WHEREFORE, having made its Return, the State requests that counsel be appointed and an evidentiary hearing be held solely on the claim of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

PATRICK SCHMECKPEPER
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

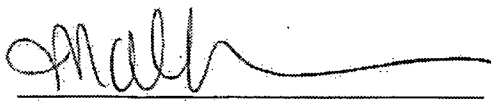
November 22, 2016.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF FAIRFIELD	)	
	)	
	)	2015-CP-20-0250
RANDEVIOUS H. SIMS, 364413,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

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:

Ashley A. McMahan, Esquire
 Mac | Vance Attorneys, LLC
 PO Box 5501
 West Columbia, SC 29169

DATED this 22nd day of November, 2016.



 Mallory Morris, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FOR THE 6 th JUDICIAL CIRCUIT
COUNTY OF FAIRFIELD	)	Case No.: 2016-CP-20-00250
Randevious Hi-Keem Sims, #364113,	)	
	)	
Applicant,	)	AMENDED POST-CONVICTION
	)	RELIEF APPLICATION
v.	)	
	)	
State of South Carolina.	)	
_____	)	

The Applicant, by and through his undersigned attorney, hereby amends his PCR application filed on July 12, 2016, to add the following allegations:

1. Ineffective Assistance of Counsel – Charles V. Verner (Newberry charges)
 - a. Mr. Verner failed to discuss the evidence related to the Newberry charges and the possibility that a co-defendant/eye witness could testify against the Applicant and that the Applicant could challenge that witness statement. Had Mr. Verner discussed the evidence and possible challenges to witnesses statements, Mr. Sims would have chosen to proceed to trial and not plead guilty.
 - b. Mr. Verner met with the Applicant on one occasion and it was not to discuss the charges against him nor the evidence. Mr. Sims met with Mr. Verner's assistant on the day of the guilty plea and not Mr. Verner. Mr. Verner failed to complete any investigation into the charges against the Applicant. See Von Dohlen v. State, 360 SC 598 (2004).
 - c. Had the Applicant been informed of the circumstances surrounding the plea to the Newberry charges, he would not have plead guilty to the Newberry charges. See Turner v. State, 335 SC 382 (1999).
2. Ineffective Assistance of Counsel – Tyre D. Lee, Jr. (Fairfield charges)
 - a. Mr. Lee was ineffective for failing to ensure there was a Family Court waiver in which to have Mr. Sims brought into General Sessions Court.
 - b. Mr. Lee failed to ensure that Mr. Sims was charged with the same crime as the other co-defendants who did not kill the victim.

SIGNATURE ON NEXT PAGE

Respectfully submitted,



ASHLEY A. MCMAHAN, ESQUIRE

MAC | VANCE ATTORNEYS, LLC

PO Box 5501

West Columbia, SC 29171

803-219-1110

ashley@macvance.com

SC Bar No. 71676

ATTORNEY FOR APPLICANT

West Columbia, South Carolina
December 28, 2016

STATE OF SOUTH CAROLINA)

COURT OF COMMON PLEAS)

FOR THE 6TH JUDICIAL CIRCUIT)

COUNTY OF FAIRFIELD)

Case No.: 2016-CP-20-00250

Randevious Hi-Keem Sims, #364413.)

Applicant.)

Certificate of Service)

v.)

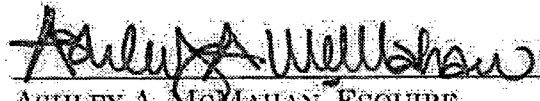
State of South Carolina.)
_____)

The undersigned hereby certifies that a true copy of the Amended Post-Conviction

Relief Application has been served upon the Respondent via email, addressed to:

Patrick L. Schmeckpeper
Assistant Attorney General
pschmeckpeper@scag.gov &
sixthcircuitpcr@scag.gov

This 28th day of December, 2016.



ASHLEY A. McMAHAN, ESQUIRE

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ATTORNEY FOR APPLICANT

STATE OF SOUTH CAROLINA
FAIRFIELD COUNTY

IN THE GENERAL COURT OF JUSTICE
CIRCUIT COURT DIVISION
2016-CP-20-0250

-----X		
STATE OF SOUTH CAROLINA,	:	
	:	
vs.	:	TRANSCRIPT OF RECORD
	:	
RANDEVIOUS H. SIMS,	:	
	:	
Defendant.	:	
-----X		

January 22, 2019
Lancaster, South Carolina

B E F O R E

The Honorable Paul M. Burch, Judge Presiding.

A P P E A R A N C E S

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State of South Carolina
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Official Court Reporter
P.O. Box 283
Pineville, North Carolina 28134

STATE OF SOUTH CAROLINA v. RANDEVIOUS H. SIMS – 2016-CP-20-0250

I N D E X

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Redirect Examination	16
WITNESS: CHARLES VERNER, ESQ.	
Direct Examination	17
Cross-Examination	21
WITNESS: TYRA LEE, ESQ.	
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STATE OF SOUTH CAROLINA v. RANDEVIOUS H. SIMS – 2016-CP-20-0250

P R O C E E D I N G S

* * *

TUESDAY, JANUARY 22, 2019

LANCASTER, SOUTH CAROLINA

* * *

THE COURT: Mr. Attorney General.

MR. KEY: The State will call Randevious Sims v.
The State of South Carolina. Case Number
2015-CP-20-00250.

The Applicant is currently confined in the South
Carolina Department of Corrections pursuant to Order of
Commitment of the Fairfield County Clerk of Court. The
Applicant was indicted by the October 2011 term of
Fairfield County Grand Jury for one count of murder, one
count of attempted armed robbery, and one count of
first-degree burglary.

Applicant was subsequently indicted in Newberry
County at the January 2015 term for one count of armed
robbery and one count of possession of a weapon
unlawfully.

Applicant was also indicted on the May 2015 term of
the Newberry Grand Jury for possession of contraband.

Tyra Lee represented Applicant on the Fairfield
County charges, and Charles Verner represented him on
the Newberry charges.

STATE OF SOUTH CAROLINA v. RANDEVIOUS H. SIMS – 2016-CP-20-0250

1 On June 15, 2015, Applicant pled guilty to the
2 lesser-included offense of voluntary manslaughter. He
3 pled as indicted on all of the charges in Fairfield
4 County before The Honorable Diane Goodstein.

5 Judge Goodstein sent the Applicant to incarceration
6 for concurrent terms of imprisonment of 30 years for
7 manslaughter, 15 years for attempted robbery, 30 years
8 for Burglary I, 15 years for commonlaw robbery, one year
9 for unlawful carrying of a handgun, and one year for
10 possession of contraband. The sentences were run
11 concurrently.

12 Applicant denied to appeal his conditional
13 sentence. He is represented today by Nathan Sheldon.

14 The first condition on his release application was
15 amended on December 29, 2016. The State would just ask
16 Mr. Sheldon on the record what allegations he is going
17 forward on today.

18 THE COURT: All right.

19 MR. SHELDON: Thank you, Your Honor. May it
20 please the Court. I apologize for being here so late,
21 but I had a hearing in Columbia. So thank you for
22 hearing this case today.

23 THE COURT: I understand.

24 MR. SHELDON: Judge, this hearing -- we are here on
25 a de novo hearing, obviously; however, this case was

1 previously tried in front of Judge Goldsmith who had to
2 mistry the case because a material witness, Mr. Virgil,
3 was not available when we started.

4 We tried to conclude the case in front of Judge
5 Goldsmith during his last term of PCRs. Now he is in
6 Horry County, and the hurricane came through the week
7 before.

8 So instead of trying to reschedule this case on
9 Judge Goldsmith's docket, we all agreed -- essentially
10 it would just be declared a mistrial and we would start
11 over today.

12 So procedurally, I will be happy to announce what
13 we are going forward on, but the Attorney General's
14 Office has already heard this presentation once. It's
15 not like they are just hearing this today for the first
16 time.

17 What we will be going forward on today will be a
18 generic ineffective assistance of counsel claim, based
19 off the lack of understanding of the impact the Newberry
20 charges had on the Fairfield sentence. Obviously, we
21 will explore that more fully.

22 Essentially, what we have is a set of charges in
23 Newberry County that were picked up after the charges in
24 Newberry county. He pleads to all charges at once in
25 Fairfield County. The transcript is very, very

STATE OF SOUTH CAROLINA v. RANDEVIOUS H. SIMS – 2016-CP-20-0250

1 thorough. There is a waiver to have the plea heard in
2 Newberry on those charges.

3 He essentially wraps them up all at once. It's an
4 ineffective assistance claim based on his understanding
5 as to the impact those charges would have had on the
6 Fairfield plea.

7 We are ready to go forward whenever the Court is
8 ready.

9 THE COURT: Thank you. Let me ask you now, Mr.
10 Sheldon, have you explained to him the normal pitfalls
11 that could happen if he were to prevail on this
12 petition?

13 MR. SHELDON: Of course, Your Honor. In this case
14 in particular with the fact that he was originally
15 charged with murder, the pitfalls are quite severe in
16 that either/or the Burglary I could carry the possible
17 life sentence of life without parole.

18 THE COURT: If you have done that, then there is
19 no point in me repeating that.

20 MR. SHELDON: I will put it on the record. It has
21 been put on the record once as my standard beginning
22 question. I will be happy to go over that.

23 THE COURT: You may proceed.

24 MR. SHELDON: We will call Randevious Sims.

25 * * *

STATE OF SOUTH CAROLINA v. RANDEVIOUS H. SIMS – 2016-CP-20-0250

1 RANDEVIOUS SIMS,
2 called as a witness by and on behalf of
3 the defense to testify, being first duly
4 sworn was examined and testified as follows:

5 * * *

6 DIRECT EXAMINATION

7 BY MR. SHELDON:

8 Q Mr. Sims, please state your name for the
9 record.

10 A Randevious Sims.

11 Q How old are you?

12 A Twenty-four.

13 Q You heard the sentence the Attorney General
14 mentioned.

15 You are currently serving what amounts to a 30-year
16 sentence for manslaughter and Burglary I; is that
17 correct?

18 A Yes, sir.

19 Q Where are you incarcerated at?

20 A Perry Correctional Institution.

21 Q As the Judge stated earlier, you and I have had
22 enough time to talk about the potential consequences of
23 a PCR; is that right?

24 A Yes, sir.

25 Q You understand that the only relief that a Judge

STATE OF SOUTH CAROLINA v. RANDEVIOUS H. SIMS – 2016-CP-20-0250

1 can grant today is essentially vacate the sentence and
2 remand this case back to the trial court.

3 A Yes, sir.

4 Q If the Court were to do that, you would be facing
5 all of the charges that you were originally charged
6 with, including potentially the murder, the Burglary I,
7 and things like that.

8 A Yes, sir.

9 Q Both the murder and the Burglary I in and of
10 themselves carry up to life without the possibility of
11 parole?

12 A Yes, sir.

13 Q So you understand that even if you win today, you
14 could end up with more time?

15 A Yes, sir.

16 Q Knowing all of that, you still want to go forward?

17 A Yes, sir.

18 Q As I mentioned before, we had previously -- you
19 have testified before, but we are starting brand new.
20 You understand that?

21 A Yes, sir.

22 Q Briefly describe this to the Court.

23 Who represented you on the Fairfield set of
24 charges?

25 A Tyra.

1 Q When were you charged with that original set of
2 charges?

3 A With the manslaughter case?

4 Q Yes.

5 A 2011.

6 Q How soon after you were charged did Mr. Lee get
7 appointed?

8 A Within, like, a month or so.

9 Q At some point, did you get out on bond?

10 A Yes, sir.

11 Q You got out on bond on the manslaughter charge or
12 the murder charge that was reduced to manslaughter?

13 A Yes, sir.

14 Q Were you re-arrested in Newberry County?

15 A Yes, sir.

16 Q How soon after you got out on bond -- when did you
17 get out on bond? Do you remember, roughly?

18 A Within, like, the same month. I didn't stay no
19 longer than a month.

20 Q At that time, you were 16 years old; correct?

21 A Yes, sir.

22 Q You understand that even though you were 16 at the
23 time -- I forgot to mention this earlier -- that a Court
24 could still sentence you to life without parole after
25 hearing all the mitigating factors that the Supreme

STATE OF SOUTH CAROLINA v. RANDEVIOUS H. SIMS – 2016-CP-20-0250

1 Court has enumerated?

2 A Yes, sir.

3 Q So the fact that you were under 18 did not prevent
4 you from getting a life-without-parole sentence; correct?

5 A Yes, sir.

6 Q Going back to the actual facts of this case -- you
7 get out a couple of weeks or a month after you were
8 arrested; is that right?

9 A Yes, sir.

10 Q Why did you end up in Newberry County?

11 A Burglary charge.

12 Q Were you living in Fairfield or were you living in
13 Newberry?

14 A I lived in Newberry.

15 Q That is where you were living at?

16 A Yes, sir.

17 Q Before you get arrested, you end up back in
18 Newberry because you lived there?

19 A Yes, sir.

20 Q How soon after getting out on bond did you get
21 arrested in Newberry?

22 A 2014.

23 Q A couple of years later?

24 A Yes, sir.

25 Q Nothing had happened with the Fairfield charges?

1 A No, sir.

2 Q After you got incarcerated in Newberry, do you get
3 out of jail after that?

4 A No, sir.

5 Q Because you have the pending charges in Fairfield
6 and now new charges in Newberry, the Judge denies bond?

7 A Yes, sir.

8 Q You end up pleading to these charges in June of
9 2015; is that right?

10 A Yes, sir.

11 Q Who represented you on the Newberry charges?

12 A Charles Verner.

13 Q Were both Mr. Lee and Mr. Verner appointed to
14 represent you?

15 A Yes, sir.

16 Q So they were Public Defenders or Court-appointed
17 lawyers?

18 A Yes, sir.

19 Q Let's start with the Fairfield charges since they
20 happened first. You were represented on those charges
21 by Mr. Lee.

22 Describe your interactions with Mr. Lee on that set
23 of charges?

24 A Repeat yourself.

25 Q Describe the interactions that you had with Mr. Lee

STATE OF SOUTH CAROLINA v. RANDEVIOUS H. SIMS -- 2016-CP-20-0250

1 regarding that set of charges -- the Fairfield charges.

2 How often did you meet with him? Did you see the
3 discovery, things like that?

4 A I met with him quite a few times.

5 Q You were able to meet with him quite a few times?

6 A Yes, sir.

7 Q Did he share all the discovery with you?

8 A Yes, sir.

9 Q Did he bring to you all of the offers that the
10 State had made, things like that?

11 A Yes, sir.

12 Q Ultimately, you end up pleading in Fairfield
13 County; is that right?

14 A Yes, sir.

15 Q Describe for the Court how you ended up pleading
16 to all of the charges?

17 A Because I was told that if my charges ran
18 concurrent -- it would be best to have them concurrent.
19 Like, I could go down the road and come back and have my
20 cases separated.

21 Q Who had that conversation with you?

22 A Tyra Lee.

23 Q You met with Tyra Lee, and he essentially said that
24 it's best to plead to all of the charges at once?

25 A Yes. Have them concurrent.

1 Q What was the offer that Mr. Lee relayed to you?

2 A I could get 15 to 30 years.

3 Q So your understanding walking into the courtroom on
4 the day you pled is that the Judge could sentence you
5 anywhere from 15 to 30?

6 A Yes, sir.

7 Q In fact, you end up with a 30-year sentence; is
8 that right?

9 A Yes.

10 Q You understood that you could possibly end up with
11 a 30-year sentence?

12 A Yes, sir.

13 Q What did Mr. Lee describe about the impact that the
14 Newberry charges would have on the Fairfield sentence?

15 A I was told that the Newberry charges wasn't going
16 to be brought up.

17 Q But you were pleading to those charges?

18 A I was pleading to the charges, but I was told it
19 wasn't going to be brought up in court, like, and affect
20 me. But it was brought up in court, and it affected me.

21 Q What do you mean by they were not going to affect
22 you?

23 A Not like it wasn't going to -- like the time or
24 nothing. I knew that if my Newberry charges was
25 brought up, the Judge could have a different outcome on

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1 what she is going to sentence me.

2 Q Speaking of the Newberry charges, what, if any,
3 conversations did you have with Mr. Verner regarding
4 those charges?

5 A I never seen my evidence. I didn't see anything,
6 like.

7 Q Did you ever even meet with Mr. Verner?

8 A No, sir.

9 Q So at no point in time on the Newberry charges did
10 the lawyer appointed to represent you ever speak with
11 you?

12 A No.

13 Q Did Mr. Lee speak to you about those charges?

14 A Yes, sir. He didn't know nothing about it. He
15 just asked me about it.

16 Q So neither Mr. Verner or Mr. Lee ever actually
17 shared the discovery with you on those charges?

18 A No, sir.

19 Q Why did you end up agreeing to plead to those
20 charges?

21 A I was just trying to get it ran concurrent and not
22 trying to come back or whatnot.

23 Q You were just trying to get them to run
24 concurrent?

25 A Yes. I thought it was the best thing to

1 do.

2 Q What was your understanding of the impact that that
3 would have on your sentence as a whole?

4 A Like I said, I didn't think it was going to be
5 brought up in the courtroom. I was told it wasn't going
6 to be brought up.

7 MR. SHELDON: Judge, I don't have anymore
8 questions for this witness.

9 THE COURT: Mr. Key.

10 * * *

11 CROSS-EXAMINATION

12 BY MR. KEY:

13 Q Good afternoon.

14 A Good afternoon.

15 Q What was your understanding -- explain to me how
16 you could plead to the Newberry charges without having
17 them be brought up when you pled.

18 A Say that again.

19 Q You just said that you knew that you were pleading
20 to the Newberry charges?

21 A Uh-huh.

22 Q But you didn't know that those charges would be
23 brought up when you were pleading?

24 A I didn't know the Judge was going to speak on it.

25 That was my understanding; that the Judge wasn't going

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1 to speak on the charges and whatnot.

2 I was going to be sentenced, but she wasn't going
3 to speak on the charges.

4 She spoke on the charges, and it had a different
5 outcome on my sentence. She didn't like that I got out
6 on bond and then got caught with a weapon when I was
7 out.

8 Q You said you pled because you wanted your
9 sentences to run concurrent?

10 A Yeah. I was told my sentences would be ran
11 concurrent. I was going to trial.

12 Q Were your sentences run concurrent?

13 A Yes. My sentences were run concurrent.

14 MR. KEY: No further questions.

15 MR. SHELDON: One brief redirect question, Your
16 Honor.

17 * * *

18 REDIRECT EXAMINATION

19 BY MR. SHELDON:

20 Q Had you known that the Judge was going to bring up
21 the Newberry charges, would you have taken those charges
22 to trial?

23 A Yes, sir.

24 MR. SHELDON: No more questions, Judge.

25 MR. KEY: Nothing further.

1 THE COURT: Thank you.

2 MR. SHELDON: We would call Charles Verner to the
3 stand.

4 * * *

5 CHARLES VERNER, ESQ.,
6 called as a witness by and on behalf of
7 the Defense to testify, being first duly
8 sworn was examined and testified as follows:

9 * * *

10 DIRECT EXAMINATION

11 BY MR. SHELDON:

12 Q Mr. Verner, please state your name for the
13 record.

14 A Charles Verner, V-e-r-n-e-r.

15 Q Are you practicing in Newberry County?

16 A I am.

17 Q Were you appointed to represent Mr. Sims on his --
18 what we are calling his Newberry charges, essentially?

19 A I wouldn't be appointed, but I would have picked up
20 his case as a Public Defender.

21 Q You were at the Public Defender's Office at the
22 time?

23 A Right. Because he was in jail, I would not have
24 been appointed. I would be automatically picked up.

25 Q I'm sorry. I didn't realize you were in private

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1 practice.

2 A Yes. I think the answer fundamentally is yes. We
3 would have claimed his case.

4 Q During the time that you claimed this case up to
5 the time that he ends up pleading in Winnsboro, how many
6 times did you meet with him?

7 A I reviewed my file. I only met with him once on
8 May 5. I cannot remember the circumstances. My
9 assumption would be that he would have been brought over
10 as an
11 inmate to the courthouse, I think, probably from
12 Fairfield County.

13 The Solicitor probably made some kind of plea offer
14 to him. My notes indicate that the Solicitor turned
15 over the file to me. I would have read the incident
16 report and the witness statements and whatnot to
17 Randevious. It was clear he had a pending murder charge
18 in another county.

19 I told him, and I remember telling him, that they
20 are not going to do anything with you in Newberry until
21 you get the murder charge disposed of, and depending on
22 how things go with that murder charge, I feel pretty
23 sure that the Newberry charges will run in to the
24 sentence.

25 I don't have a clear memory, but I do have somewhat.

1 of a memory of telling him that your problems aren't in
2 Newberry. Your problems are in Fairfield. Get those
3 charges resolved, and I am sure Newberry will run theirs
4 in.

5 Q So it's fair to say that your involvement in the
6 entire case was relatively minimum?

7 A Yes. That is the only time I spoke to Randevious.

8 Q What about with Mr. Lee? Did you have
9 communications with him?

10 A On May 18th, I got an email from Mr. Lee. I met
11 with Randevious on May 5th. That was probably at the
12 courthouse. It was probably for review of his file and
13 the plea offer.

14 I told him that we are not doing anything with your
15 case until you deal with your murder case. That was May
16 5, 2015.

17 My notes indicate that on May 18th, I got an email
18 from Mr. Lee in Fairfield indicating that Randevious was
19 on the trial docket in Fairfield County. They had a
20 plea offer from the Solicitor, and he was inclined to
21 run the Newberry charges in with the plea deal. That is
22 what the Solicitors in Newberry had indicated they were
23 going to do.

24 So he basically just said that, "We have a plea
25 worked out for Randevious in Fairfield. He is on the

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1 trial docket, if he doesn't take it. Newberry has
2 agreed to run their charges in with this case, and we
3 will just resolve it over here in Fairfield County."

4 I wrote back, "Thank you. That would be great."

5 Q Essentially, in whatever case management system
6 you are using, those are the only two annotations that
7 you have on the case?

8 A No. I have a couple of more emails from Tyra Lee.
9 The only one that involved Randevious would be the one
10 time I met him on May 5th. On May 18th, I think I got
11 an email after then saying that the plea deal fell
12 through for whatever reasons.

13 I was in an email chain, but I was really
14 uninvolved with the -- probably five or six or maybe ten
15 emails. My role was no more than just being in the
16 email chain as they were discussing court dates. There
17 was nothing that I would consider useful for the case,
18 other than that these are his court dates. We have all
19 agreed we are going to do this. I would just be in the
20 email chain.

21 Q At any point in time during that, did you share
22 the discovery with Mr. Lee?

23 A No. I know I spoke with him by phone. I don't
24 think it would have been an in-depth review of the case.

25 My understanding was that the Newberry Solicitors

1 had taken the case file to Fairfield County; that Mr.
2 Lee was going to go over the Newberry County charges
3 with Randevious if he needed to.

4 I had gone over the charges. I read the incident
5 reports and witness statements and gone over anything in
6 the police file that was in there.

7 My understanding -- and I think we had a talk on it
8 -- if Randevious needed to see the Newberry file, the
9 Solicitors in Newberry were bringing the case file,
10 obviously, when they did the plea.

11 Whether that was actually ever opened up for
12 Randevious or explored in detail, I don't know.

13 Q So it would have been at the same time as the plea?

14 A Presumably, it would be just before. The
15 Solicitors brought their case file to Fairfield County.
16 My understanding was that they were going to go over it
17 again if necessary; but that the Solicitors would have
18 it in Fairfield County. It would be made available for
19 them.

20 MR. SHELDON: Thank you. I don't have anymore
21 questions.

22 THE COURT: Mr. Key.

23 * * *

24 CROSS-EXAMINATION

25 BY MR. KEY:

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1 Q Mr. Verner, you said you only met with Mr. Sims one
2 time?

3 A That's correct, to my knowledge.

4 Q Did he ever try to reach out to you on the Newberry
5 charges?

6 A No.

7 Q Did he ever have any questions about the Newberry
8 charges running with the Fairfield charges?

9 A Other than that I told him initially that I assumed
10 the Newberry charges will run into -- you have murder
11 charges in Fairfield, which are much more serious. My
12 understanding was that Newberry charges would run into
13 your -- the email chain seems to indicate to me that the
14 lawyers were negotiating with both counties to try to
15 work out some kind of joint plea.

16 I didn't have details of the Fairfield County
17 charge, so I didn't tell him much more than just reading
18 the file to him and telling him that your case isn't
19 going to go anywhere until Fairfield has been resolved.

20 Q Did you speak to Mr. Sims about if the Fairfield
21 charges are resolved, then you will meet with him again
22 about the Newberry charges?

23 A It seems to indicate that I told him that he would
24 be back probably in Newberry to resolve his Newberry
25 charges.

1 I seem to recall I told him it was possible that
2 maybe they will dismiss the Newberry charges. I don't
3 think I would have. I don't think that is likely, but I
4 do think that I probably said, "Newberry most likely
5 will run into Fairfield when you get Fairfield
6 resolved."

7 Q Did you advise Mr. Sims that if the Newberry
8 charges were going to run into the Fairfield charges,
9 that was a good idea?

10 A It's very possible. I don't remember specifically
11 saying that, but I probably would have said, "Your
12 problems are in Fairfield. If you can get those charges
13 resolved, Newberry would be easily -- I would have at
14 least implied that that would have been beneficial to
15 get something worked out.

16 Q You did go over the discovery file with him?

17 A My notes indicate I got a copy of the State's file
18 -- whatever was in the State's file at that time -- I
19 went over it with Randevious. My typical practice is I
20 will start with the incident report and read the
21 incident reports. If there are witness statements --
22 co-defendants and whatnot. I know there were some
23 co-defendants in this case.

24 I will share the full file with him one by one. I
25 will not get him a copy at that point, because I don't

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1 have a copy myself. It would not necessarily be an
2 in-depth review that, this is our trial strategy. It's
3 just basically reviewing the facts, and I would probably
4 get an understanding of what his initial defenses are.

5 In this case it was probably not detailed. I am
6 sure I told him to get Fairfield handled, and Newberry
7 will be resolved, probably, as part of that deal.

8 Q Is there anything else that comes up of your
9 representation of Mr. Sims?

10 A I had a very minor role in this thing. All I can
11 say is that I would have initially gone over the file
12 with him, but the case transferred over to Fairfield
13 County. He was never held in Newberry. Until he pled,
14 he was always in Fairfield County. I think the only
15 time they brought him over was a transport from another
16 county to see if the State could get lucky trying to
17 plead him out.

18 We basically said, "No. We are not pleading until
19 Fairfield is resolved."

20 MR. KEY: Thank you. No further questions.

21 THE COURT: Anything else?

22 MR. SHELDON: No, sir.

23 (Whereupon, the witness exited the witness stand.)

24 MR. SHELDON: I don't have a problem with this
25 witness being excused, Judge.

1 THE COURT: Okay. Thank you.

2 MR. SHELDON: We will call Tyra Lee to the
3 stand.

4 * * *

5 TYRA LEE,
6 called as a witness by and on behalf of
7 the Defense to testify, being first duly
8 sworn was examined and testified as follows:

9 * * *

10 DIRECT EXAMINATION

11 BY MR. SHELDON:

12 Q Mr. Lee, will you please state your name for the
13 record.

14 A Tyra Lee.

15 Q Are you currently employed with the 6th Circuit
16 Public Defender's Office?

17 A I am. That's correct.

18 Q You represented Mr. Sims on the Fairfield charges;
19 is that correct?

20 A That's correct.

21 Q Mr. Sims was originally arrested in 2011 on those
22 charges; is that right?

23 A That's correct.

24 Q Ultimately, he ended up pleading guilty to the
25 manslaughter, Burglary I -- that set of charges -- along

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1 with the Newberry set of charges in June of 2015?

2 A I believe that is correct.

3 Q So there is about a four-year-ish span between the
4 Fairfield charges and this plea; is that right?

5 A That is correct.

6 Q Would you agree right off the bat that the majority
7 of time after the Newberry charges, Mr. Sims was
8 actually held in Newberry County, wasn't he?

9 A He was in Newberry County. That's correct. I
10 don't remember the exact date the Newberry charges were
11 heard. He was not arrested right away. He didn't show
12 up, and there was a bench warrant in the Fairfield
13 County case. It was some period of time, maybe six
14 months, a year later, before he was actually arrested.
15 He was arrested in Newberry County. He didn't leave
16 Newberry County until May.

17 Q He was held there up until the time of trial?

18 A That's correct.

19 Q It would have been eight or nine months?

20 A Some long period of time.

21 Q It wasn't that he was in Fairfield County the
22 whole time after he got picked up?

23 A That's correct.

24 Q You reached out to Mr. Verner or vice versa about
25 dealing with the Newberry charges and wrapping them up

1 with a Fairfield plea; is that right?

2 A I am pretty sure I approached Mr. Verner about it.
3 In the Newberry charges, Mr. Sims was charged with
4 kidnapping, armed robbery, several other offenses. That
5 would have had the effect of being a second strike. He
6 was facing, if he was convicted of both of them, life
7 without parole.

8 In trying to help him out, the two lawyers were
9 trying to get some sentence that wouldn't give him more
10 time.

11 Q So essentially, it would have been considered a
12 second strike if he pled or was found guilty on the
13 first set of charges. Then, also, pled or found guilty
14 on the second set of charges?

15 A That's correct.

16 Q It wasn't in and of itself a second strike that he
17 was facing. It was only if it was in conjunction with,
18 essentially, a different plea date on the Fairfield
19 charges?

20 A That's correct.

21 Q The Fairfield charges would have triggered the
22 first strike, the most serious strike. Then the
23 Newberry charges could have potentially exposed him
24 also; correct?

25 A That's correct. My understanding is that if the

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1 plea occurred on the same day, there is no actual second
2 strike.

3 Q He wouldn't have been facing life without parole on
4 the day of the plea?

5 A That's correct.

6 Q Is it fair to say that throughout the entire
7 process, other than the May 5th meeting that Mr. Verner
8 references -- which I am assuming you were not there;
9 correct?

10 A No. Actually, we were planning it in May. He
11 probably doesn't remember it, but he was there in
12 Fairfield when Sims backed out of it. I believe he was
13 scared. Mr. Sims didn't want to do it.

14 Q Because of the amount of time involved?

15 A Yes. We didn't know exactly what we are going to
16 have. We knew he wasn't going to get more than 30
17 years. We knew he would get at least 15 years.

18 Q What conversations did you have with Mr. Sims
19 regarding the underlying facts that rose to the Newberry
20 charges?

21 A Not a great deal. I had incident reports. We did
22 talk about it a little bit. Mr. Sims essentially -- he
23 was a little hesitant. He never said, "I am not guilty
24 of them." He said " I can beat those charges."

25 I said "I don't know, but here is what you are

1 facing and you need to consider that you could end up
2 with life without parole."

3 That was the main fear I had.

4 Q Is it fair to say that other than the meeting that
5 Mr. Verner had with him at the Newberry County
6 Courthouse, nobody really went over the Newberry
7 discovery with him, other than the incident reports?

8 A I don't think I had a full set of the Newberry
9 discovery. I had incident reports, and that's about
10 what I had.

11 Q Would it be fair to say that, based on your
12 conversations with him, that you believed it was a good
13 idea for him to plead guilty to the Newberry charges
14 simply so they could all be run concurrent with each
15 other?

16 A That was sort of my thinking.

17 Q And then he wouldn't be exposed to life later on?

18 A That's right.

19 Q What explanation did you give him regarding the
20 impact that the Newberry facts that he was pleading to
21 would have on the plea as a whole?

22 A That he really wouldn't be able to get any more
23 than he was going to get. The maximum sentence he got
24 would be what he could get.

25 Q Did you explain to him that because he picked up

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1 these charges while he was out on bond, the Newberry
2 charges could have a big impact on the sentence itself?

3 A I am pretty sure I explained to him that the Judge
4 would take that into consideration; that that might
5 increase what he was going to get if he just pled to the
6 one.

7 Q You agree in this case that the Judge did take
8 that into consideration?

9 A I think that was one of the factors that she
10 looked at.

11 Q Have you had an opportunity to review the
12 transcript?

13 A The last time. I haven't reviewed it
14 lately.

15 Q I am reading on Page 62 of the transcript,
16 beginning at Line 17. The Judge prior to issuing the
17 sentence said, "I know that you are not the trigger
18 person whose shot caused the death of Mr. Wright, and I
19 am aware of that.

20 What concerns me so much about you, though, is that
21 while you were out on bond, the events occurred as they
22 occurred in Newberry County."

23 A That's correct. My understanding was they were
24 similar-type situations, except in the Newberry County
25 the individual didn't get shot or killed. There was a

1 burglary charge and a kidnapping charge. Both were very
2 serious charges.

3 I can't say exactly what the Judge's reasoning
4 was, but I think that factored into it. Here we have
5 someone who is charged with very serious charges in
6 Fairfield County, and then he gets charged while he is
7 out on bond of something very similar.

8 The other facts -- I'm not sure if she said this in
9 the transcript -- each time he got arrested, there was a
10 firearm involved. In the Fairfield case, there was a
11 firearm involved. He didn't do the killing, but he had
12 a firearm.

13 In the Newberry case, he was alleged to have had a
14 firearm in that one. When he was arrested, he was found
15 in possession of a firearm.

16 Q Both you and Mr. Verner are recommending that he
17 sort of wrap this all up concurrent; is that right?

18 A That is my understanding. Like I said, Mr. Verner
19 was there in the May term of court when he tried to plea
20 in Fairfield County.

21 We were looking to go to trial on the Fairfield
22 cases on the next term of court. I talked to the
23 Solicitor, and they let me have one more try to see if
24 he could plea.

25 I told Mr. Verner -- he expressed some hesitation

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1 about coming over to Fairfield again. I said, "If you
2 will let me handle it, I will do it for him."

3 He said, "That is fine."

4 Either he had a conflict at that period of time, or
5 he didn't want to make the trip up to Fairfield.

6 Q In general when you represent a defendant, prior to
7 them agreeing to plea, do you go over all of the
8 discovery with them?

9 A I showed them the pictures. From the very first
10 time I talked to him about what he is charged with, what
11 the sentences could be. In the sentencing case, I will
12 go over it three and four times.. I will have them sign
13 a form that I use. He understood what the situation
14 was. I think one of them said it about the Newberry
15 cases.

16 Q The Newberry cases as to possible punishment,
17 things like that?

18 A That's correct.

19 Q But, again, not the underlying discovery, other
20 than perhaps incident reports?

21 A The only thing that I had that I looked through was
22 incident reports and maybe indictments or something like
23 that. That is about all I had.

24 MR. SHELDON: Thank you, Your Honor. I don't have
25 any other questions.

* * *

CROSS-EXAMINATION

3 BY MR. KEY:

4 Q Good afternoon, Mr. Lee.

5 A Good afternoon.

6 Q You were just referencing a plea form.

7 Do you have that form with you?

8 A Somewhere. I will have to dig it out. It sets out
9 pretty much in detail -- this is the last one I did. I
10 am always changing forms and trying to improve them.

11 The very first time I talked to Mr. Sims, I would
12 say it was the first one. It was just on one page on
13 the back of a sheet. It spelled out everything.

14 Q Mr. Lee, you said you went over everything in this
15 form, and Mr. Sims signed it at the end?

16 A That's correct. I tried to follow as much as what
17 a Judge would say in the plea to inform him.

18 I also put on there, "If you don't understand
19 anything, if you have anything else to ask, then don't
20 sign this form."

21 This was actually done on May 14th in Newberry, in
22 the Newberry jail.

23 Q This has been in your criminal defense file?

24 A That's correct.

25 Q Do you recognize -- is it your handwriting?

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1 A Yes.

2 MR. KEY: Judge, at this point the State would
3 introduce this as State's Exhibit 1.

4 MR. SHELDON: No objection.

5 THE COURT: Entered without objection.

6 (The aforementioned item was marked as
7 State's Exhibit 1 for identification and was
8 admitted into evidence.)

9 BY MR. KEY:

10 Q Mr. Lee, did Mr. Sims ever indicate to you that he
11 did not want to plead to the Newberry charges?

12 A Just to the extent that what I said that he told
13 me; that was that he was a little hesitant. He didn't
14 say, "I am not guilty." He never said that "I am not
15 guilty."

16 He said, "I think I can beat this one."

17 My understanding is that it was -- sort of a
18 feeling that Newberry charges involved a person who was
19 a drug dealer. Law enforcement in Newberry wasn't
20 pushing it that much on his case.

21 The danger, of course, is that if he went to trial
22 and he got convicted, that would have been a second
23 strike.

24 Q Do you recall what the plea was for all the
25 charges.

1 A It was to be no more -- murder was reduced to
2 manslaughter. Everything else would run concurrent. He
3 would get no sentence more than 30 years as the maximum
4 on the manslaughter. At least 15, but the Solicitor
5 said he would ask for 30. We didn't do it like a
6 negotiated plea, in the sense that that is going to be
7 the sentence.

8 The Solicitor really didn't care if the Judge gave
9 him less than that. If it went to 15, the Solicitor
10 wouldn't have been happy with that, but if the Judge
11 wanted to give him 25 or 20, they would have been okay
12 with that.

13 Q Did the Newberry charges tying into the Fairfield
14 charges affect the negotiation of the sentencing?

15 A I'm sorry?

16 Q If he had pled only to the Fairfield charges, was
17 there a different deal?

18 A No. This was mainly to try to take care of
19 everything at one time.

20 Q I know you answered this for Mr. Sheldon earlier.
21 Did you go over the discovery of the Newberry charges
22 with Mr. Sims?

23 A Only to the extent of saying, "This is what they
24 have got."

25 We may have read the incident reports. That is

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1 about all I had in my file was the Newberry incident
2 reports. I might have had a copy of the indictments and
3 the warrants. That is about all I had, as far as the
4 Newberry cases went.

5 Q Did it seem like he knew what he was pleading to?

6 A I thought that he did. He didn't ask me any
7 questions about the charges other than saying "I think I
8 can beat the Newberry cases."

9 There was some discussion about perhaps the victim
10 in the Newberry cases would want it dropped or
11 something. The feedback I was getting is this guy was a
12 drug dealer, and law enforcement wasn't too disappointed
13 with the fact that he got involved.

14 Q Did he ever indicate to you that his pleading to
15 the charge was involuntary?

16 Did he want to plead?

17 A Eventually. The first time he couldn't make
18 himself do it in May. We came back the next day and
19 tried again and didn't get anywhere at all.

20 The first time we were there, we got through part
21 of the discussions with the Judge about it, and then he
22 said, "I don't want to do this."

23 So we stopped. In June the Solicitor said, "If he
24 wants to, we will give him one more chance if he wants
25 to try to plead with the same deal that we had. If he

1 doesn't want to, we are going to trial in June."

2 I was ready to go to trial if I had to, but he went
3 ahead and took the plea with a different and a harder
4 sentence.

5 Q Was his hesitation at the first plea that he
6 didn't want to plead to all of the charges together or
7 he just didn't want to plead guilty to any of the
8 charges?

9 A I am not sure which one it was. Like I said, he
10 got to the point where he started to plea, and then he
11 said he didn't want to do it. We had some long
12 discussions about that.; That if he got convicted on
13 the Fairfield case, it was a much stronger case. I
14 said, you won't make it to manslaughter. It will be
15 murder.

16 It was difficult for him, as a lot of people don't
17 understand. You know, the hand of one/hand of all was
18 my understanding of what was going on with it. He
19 didn't do the shooting. He was in the house with this
20 other man who actually pulled the trigger.

21 He was upset about the fact afterwards that he
22 essentially got the same sentence that the triggerman
23 got. If he didn't get into trouble, he gets good-time
24 credit, but the triggerman actually has to do his day
25 for day.

STATE OF SOUTH CAROLINA v. RANDEVIOUS H. SIMS – 2016-CP-20-0250

1 MR. KEY: Thank you. Nothing further.

2 MR. SHELDON: I don't have any other questions.

3 That is the Applicant's case, Your Honor.

4 THE COURT: Anything else?

5 MR. KEY: Nothing from the State.

6 THE COURT: Anything else for the record?

7 MR. SHELDON: No, sir, Your Honor. I would just
8 ask that you grant the Applicant's petition.

9 MR. KEY: Nothing from the State.

10 THE COURT: All right. Gentleman, let me take a
11 little time later on this week to go over the documents
12 that I have. I will have my law clerk be in touch with
13 you if I need further action I need you-all to
14 take.

15 MR. SHELDON: Thank you, Your Honor.

16 MR. KEY: Thank you.

17 - - -END OF TRANSCRIPT- - -

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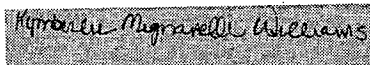
25

CERTIFICATE OF REPORTER

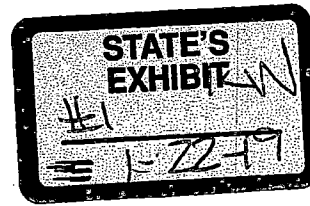
I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the Sixth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Fairfield County, South Carolina, on the 22nd day of January, 2019.

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

This, the 20th day of September, 2019.



KYMBERLEE M. WILLIAMS, CSR/RPR



**CLIENT'S ADVICE OF RIGHTS
OFFENSE INFORMATION
AND
POTENTIAL SENTENCES**

2019 JAN 25 PM 12:33
FAIRFIELD COUNTY
CLERK OF COURT
JUDY M. GANDS

(Containing 3 pages with Attachment 1)

ADVICE OF RIGHTS, SENTENCING AND OFFENSE INFORMATION

PRELIMINARY INFORMATION

CLIENT'S NAME: RANDEVIOUS HI-KEEM SIMS AGE: 20 FILE No.: 11GS20-138

CHARGES: (See ATTACHMENT 1)

CLIENT'S ACKNOWLEDGMENTS:

(Check as discussed)

- ☒ I Understand I am charged with the crimes listed on ATTACHMENT 1 which accompanies this document and is made a part of it. This Attachment explains the charges I am facing and explains what may happen to me, what the State must prove, and any other things which may affect how long I must serve.

PRE-TRIAL RIGHTS

- ☒ 1. I understand that I **DO NOT** have to talk to the police, but if I do talk to them, I have the right to have an attorney present if I do talk to them. I further understand that my attorney has told me NOT to talk to the police unless my attorney is there.
- ☒ 2. I understand I have the right to have an attorney appointed without cost if I am indigent and can not afford one.
- ☒ 3. I have the right to have my attorney present at all critical stages of proceedings against me.
- ☒ 4. I have the right to plead Guilty or Not Guilty. That decision is mine alone. I understand my Attorney can not and will not make that decision for me. Initials: RRS

SENTENCING ALTERNATIVES

- ☒ 5. If I have more than one charge, I may receive either CONSECUTIVE or CONCURRENT sentences. This means the sentences may either run together (concurrent) as if I received one sentence or I may be required to serve each sentence separately (Consecutive). They may be concurrent or consecutive to any sentence I am currently serving; (active, parole or probation) or subsequent sentence I may receive.
- ☒ 6. I understand that the Penalties may be increased if I have previous convictions for the same types of offenses. A conviction for a 2d violent crime could result in No Parole. A conviction for a 3d Violent crime might result in a sentence of Life with out Parole.
- ☒ 7. I understand that if I am convicted for a Violent Crime committed with a weapon (Possession; display or just the appearance), I may be a sentenced to an additional 5 years Concurrent or Consecutive.
- ☒ 8. If I am on either Parole or Probation, it may be affected by plea of guilty or a conviction. I understand I may be eligible for Parole for Violent Crime only after the service of 1/3 of total time and then only once every 2 years if rejected. There may be restrictions on parole county, etc. Some offenses may require me to serve either 50% of my sentence or even 85% before I am eligible for Parole.
- ☒ 9. Probation and Parole are different; Special conditions are possible: intensive probation; house arrest (home detention); EM, drug screening, restitution.
- ☒ 10. If I Receive Probation, I may have to perform Public Service Work up to 500 hours per year.
- ☒ 11. A Community Penalties Program may be available BUT only for Non-violent Crimes.
- ☒ 12. I have a Right to a Restitution Hearing for discrepancies in what I might owe the victim.
- ☒ 14. Work/Punishment Program; Non-work or school time in Jail; Costs paid by me
- ☒ 15. I understand that the Youthful Offender Act is available for certain offenses. If I qualify, I may be sentenced to NMT 6 years, (Eligible for YOA Parole after 13 months). GED and skill training and other opportunities, are available. For qualifying offenses, YOA is nondiscretionary between the ages of 17-21 years; 21-25 years old may request it (Not available for AR and certain Violent offenses.). A special Burglary Statute requires the service of 3 years before parole.

- ☒ 16. I may be sentenced to a special type of YOA, known as Shock Incarceration. To receive it, I must be facing more than a 5 year sentence. I must serve a 90+ day sentence; cannot be over 25 years old; and must meet strict physical requirements
- ☒ 17. Violation of Special Sentences may be treated as Contempt of Court. I can be sentenced to an additional 1 year, fined \$1500, and receive 300 hours PSW.
- ☒ 18. Civil rights are lost by a convicted felon: firearms; Federal prosecutions; jury service, right to vote, etc.; crimes of moral turpitude.

TRIAL RIGHTS

- ☒ 19. I understand I have the Right to a jury trial; 12 people will serve on the jury; I have some choice in their selection; Some people may be excused (strikes) without a reason by either the State or my Attorney; all jurors must agree to find me guilty OR NOT Guilty (unanimous verdict); If they can not agree, a mistrial will be declared; I may be retried for this offense at a later date and with a different jury.
- ☒ 20. I understand I have the Right to be presumed innocent and that the burden is on State to prove the charges against me beyond a reasonable doubt.
- ☒ 21. I have the Right to confront and cross-examine witnesses through my attorney as guaranteed by 6th Amendment.
- ☒ 22. In a trial, I have the Right to remain silent and not be compelled to testify against myself as guaranteed by 5th Amendment; a Judge would instruct my Jury that my silence can't be used against me.
- ☒ 23. I have the Right to testify in own behalf BUT I give up my 5th Amendment protection if take stand. I will be subject to cross examination by State including about any prior record I may have.
- ☒ 24. I have the Right to contest the voluntariness of any statement or confession given and I may object to any illegal search and seizure under 4th Amendment. This objection follows certain Procedures.
- ☒ 25. I have the right to subpoena witnesses and evidence in my behalf and present same in Court.
- ☒ 26. I have the right to appeal any conviction to State Supreme Court. The Notice of Appeal has a 10 **DAY LIMIT** I MUST notify my Attorney if I wish to appeal so that this limit is met.

Initials: RHJ

EFFECTS OF A PLEA (GUILTY, ALFORD OR NOLO CONTENDRE)

- ☒ 30. If I Plea I waive or give up my right to a trial, and any trial rights above, and there will be NO trial.
- ☒ 31. A Plea allows the Judge to ask me questions about my offense(s). I understand I give up my 5th Amendment protections to remain silent in a plea.
- ☒ 32. A Plea waives or gives up any defects in State's case and defenses to the charges I might have.
- ☒ 33. A Plea must be informed and be freely and voluntarily made.
- ☒ 34. A Plea can not be based on any promises by anyone as to what sentence I receive, any treatment I receive in the Department of Corrections, or parole eligibility I have. Initials: RHJ
- ☒ 35. I understand any recommendations as to sentence or other things made by the State or my attorney are only that, recommendations. The sentencing Judge does not have to accept them.
- ☒ 36. A Plea can not be result of force or pressure on me, but must be my free and clear decision.
- ☒ 37. I have the Right to waive or give up presentment of my indictment to the Grand Jury if my charges have not been presented (functions of Grand Jury) and I may waive having the case in the county where the crime occurred (Jurisdiction).
- ☒ 38. I have the Right to Appeal exists even on a plea. The same conditions as to time limitations as above: **10 DAYS** to file in Columbia. Probabilities of success.
- ☒ 39. I understand my attorney is under a court-ordered obligation to file a No Grounds Known Certificate with the Appellate Court if my attorney knows of no grounds for appeal from a plea.

DEFENDANT'S OBLIGATIONS

- ☒ 40. I understand I will be expected to have told my attorney everything about my case, all possible witnesses, and all requests. Anything I discuss with my attorney is Confidential.
- ☒ 41. I understand my attorney can not knowingly allow perjury by me or any witnesses, and must reveal a prior record to Court if asked.
- ☒ 40. If I am out on bond, I must honor the conditions of my bond. I must be present in Court when required to be there. Entreatment of Bond; Trial in absence; Bench warrant; Failure to Appear offence.
- ☒ 41. I should not discuss my case with anyone, particularly other prisoners or the Press.
- ☐ 42. I understand that statements to Court by me or made by my attorney on my behalf without objection are considered to be true.

WARNING! DO NOT SIGN THIS FORM UNLESS YOU UNDERSTAND WHAT YOU HAVE BEEN TOLD AND HAVE NO QUESTIONS!

THE ABOVE INFORMATION, RIGHTS, AND OBLIGATIONS AND ANY ATTACHMENTS HAVE BEEN FULLY EXPLAINED TO ME BY MY ATTORNEY. I FURTHER ACKNOWLEDGE BY SIGNING THIS DOCUMENT THAT MY ATTORNEY HAS NOT MADE ANY PROMISES TO ME CONCERNING ANY SENTENCE I MAY RECEIVE, MY PAROLE ELIGIBILITY, OR ANY KIND OF SPECIAL TREATMENT I MIGHT RECEIVE. I UNDERSTAND THAT ANY PLEA OFFERS ARE CONDITIONAL ON THE PRESIDING JUDGE AGREEING TO THEM.

SIGNED ON THIS DATE: May 14, 2015 AT NCDC, Newberry, SC

ATTORNEY'S SIGNATURE:

[Handwritten Signature]

CLIENT'S SIGNATURE:

RHS Pandeyious Scies

ATTACHMENT 1 - SENTENCING

p1 of 12

Charge No. 1: MURDER

State Must Prove (Elements): 1. KILLING OF PERSON

2. WITH MALICE PROPOSITO 3. EXPRESS OR IMPLIED 4. DELIBERATE DESIGN

Maximum Sentence: LIFE Minimum Sentence: 30y

Mandatory Min.: ☒ YES ☐ NO Violent Crime: ☒ YES ☐ NO

Most Serious: ☒ YES ☐ NO Parole: ☒ YES ☐ NO (After)

Lessor Included Offenses (1): VOLUNTARY MANSLAUGHTER

State Must Prove (Elements): 1. INTENTIONAL AND

VOLUNTARY KILLING WITHOUT MALICE 3. SUDAN
HEART AND PAIN

Maximum Sentence: 30y Minimum Sentence: 15y

Mandatory Min.: ☒ YES ☐ NO Violent Crime: ☒ YES ☐ NO

Most Serious: ☒ YES ☐ NO Parole: ☒ YES ☐ NO (After 85y)

Lessor Included Offenses (2): IN VOLUNTARY

MANSLAUGHTER

State Must Prove (Elements): 1. UNINTENTIONAL

KILLING PERSON 2. WITHOUT MALICE

3. RECKLESS DISREGARD OF HUMAN LIFE

Maximum Sentence: 5y Minimum Sentence: 0

Mandatory Min.: ☐ YES ☒ NO Violent Crime: ☐ YES ☒ NO

Most Serious: ☒ YES ☐ NO Parole: ☒ YES ☐ NO (After 10y)

Charge No. 2: BURGLARY 1ST DEGREE

State Must Prove (Elements): 1. UNLAWFUL ENTRY

3. DWELLING 4. NIGHTTIME 5. INTENT TO COMMIT

A CRIME 6. ARMED OR BECAME ARMED

Maximum Sentence: LIFE Minimum Sentence: 15y

Mandatory Min.: ☒ YES ☐ NO Violent Crime: ☒ YES ☐ NO

Most Serious: ☒ YES ☐ NO Parole: ☒ YES ☐ NO (After 85y)

Lessor Included Offenses (1): BURGLARY 2ND (Viol)

State Must Prove (Elements): 1. SWUNG AS #2

BUT NO NIGHTTIME NO DWELLING,

NOT ARMED

Maximum Sentence: 10 Minimum Sentence: 5

Mandatory Min.: ☐ YES ☒ NO Violent Crime: ☒ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Lessor Included Offenses (2): TRIPASSING

(NOT AVAILABLE)

State Must Prove (Elements): 1.

Maximum Sentence: Minimum Sentence:

Mandatory Min.: ☐ YES ☐ NO Violent Crime: ☐ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Charge No. 3: CONSPIRACY (Chatter 1 Mal)

State Must Prove (Elements): 1. PLANNING 2. BETWEEN

2+ PEOPLE 3. TO COMMIT CRIME

Maximum Sentence: 5y Minimum Sentence: 0

Mandatory Min.: ☐ YES ☒ NO Violent Crime: ☐ YES ☒ NO

Most Serious: ☐ YES ☐ NO Parole: ☒ YES ☐ NO (After 15y)

Lessor Included Offenses (1): ATTEMPT

State Must Prove (Elements): 1.

Maximum Sentence: Minimum Sentence:

Mandatory Min.: ☐ YES ☐ NO Violent Crime: ☐ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Lessor Included Offenses (2):

State Must Prove (Elements): 1.

Maximum Sentence: Minimum Sentence:

Mandatory Min.: ☐ YES ☐ NO Violent Crime: ☐ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Charge No. 4: ATTEMPTED ARSON 2ND DEGREE

State Must Prove (Elements): 1. SAME AS BEING BURNED

2. VOLUNTARY TAKING, CARRYING AWAY 3. GOODS OF ANOTHER 4. USE OF FORCE, THREAT OF FORCE 5. WITH

Maximum Sentence: 20y Minimum Sentence: 10y

Mandatory Min.: ☒ YES ☐ NO Violent Crime: ☒ YES ☐ NO

Most Serious: ☒ YES ☐ NO Parole: ☐ YES ☐ NO (After 10y)

Lessor Included Offenses (1): ATTEMPTED

State Must Prove (Elements): 1. SAME AS

WORKING

Maximum Sentence: 15 Minimum Sentence: 0

Mandatory Min.: ☐ YES ☒ NO Violent Crime: ☐ YES ☒ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Lessor Included Offenses (2):

State Must Prove (Elements): 1.

Maximum Sentence: Minimum Sentence:

Mandatory Min.: ☐ YES ☐ NO Violent Crime: ☐ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Charge No. 5:

State Must Prove (Elements): 1.

Maximum Sentence: Minimum Sentence:

Mandatory Min.: ☐ YES ☐ NO Violent Crime: ☐ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Lessor Included Offenses (1):

State Must Prove (Elements): 1.

Maximum Sentence: Minimum Sentence:

Mandatory Min.: ☐ YES ☐ NO Violent Crime: ☐ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Lessor Included Offenses (2):

State Must Prove (Elements): 1.

Maximum Sentence: Minimum Sentence:

Mandatory Min.: ☐ YES ☐ NO Violent Crime: ☐ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Charge No. 6:

State Must Prove (Elements): 1.

Maximum Sentence: Minimum Sentence:

Mandatory Min.: ☐ YES ☐ NO Violent Crime: ☐ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Lessor Included Offenses (1):

State Must Prove (Elements): 1.

Maximum Sentence: Minimum Sentence:

Mandatory Min.: ☐ YES ☐ NO Violent Crime: ☐ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

Lessor Included Offenses (2):

State Must Prove (Elements): 1.

Maximum Sentence: Minimum Sentence:

Mandatory Min.: ☐ YES ☐ NO Violent Crime: ☐ YES ☐ NO

Most Serious: ☐ YES ☐ NO Parole: ☐ YES ☐ NO (After)

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF GENERAL SESSIONS

STATE

vs.

WAIVER OF RIGHTS
AND
REQUEST TO PLEAD GUILTY
IN FAIRFIELD COUNTY

Randevious Hi-Keem Sims
Defendant.

15GS36-0026; 0029; 0187

I have been advised that I have the legal right to have my case heard and tried in Newberry County, and I understand this right. But, I give up and waive this right.

I want to plead guilty in Fairfield County. This is my decision, and I know what I am doing. I have been advised, and I know, that I cannot be forced or made to plead guilty in Fairfield County. I am the only person who can make this decision.

It is my decision, and I ask the Judge to let me plead guilty in Fairfield County. I do not want to be tried or plead guilty in Newberry County. This is my decision and my choice, and I understand what I am doing.

Randevious Hi-Keem Sims
Randevious Hi-Keem Sims, Defendant

June , 2015

ATTEST:



TYRE D. LEE, JR
Attorney for Defendant

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

Randevious Hi-Keem Sims, #364413,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT

2016-CP-20-0250

ORDER OF DISMISSAL

2019 JUN 18 AM 9:37
FAIRFIELD COUNTY
CLERK OF COURT
JENNIFER C. BEE

The matter before the Court is an action for post-conviction relief (PCR) commenced by Randevious Sims (Applicant) on July 12, 2016. The State submitted its return and motion to dismiss on November 22, 2016. Applicant amended his PCR application on December 28, 2016, alleging ineffective assistance of counsel.

An evidentiary hearing convened January 22, 2019, at the Lancaster County Courthouse before the undersigned. Applicant was present and represented by Nathan J. Sheldon, Esquire. Assistant Attorney General Samuel L. Key represented the State. Applicant testified on his own behalf at the hearing. Charles Verner, Esquire, and Tyree D. Lee, Esquire, also testified at the hearing. After hearing the testimony at the PCR hearing and a full review of the record, the Court finds, as explained below, Applicant's allegations are without merit, denies relief, and dismisses the action with prejudice.

I. FACTS & PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Fairfield County Clerk of Court. Applicant was indicted by the October 2011 term of the Fairfield County Grand Jury for murder (2011-GS-20-409), attempted.

armed robbery (2011-GS-20-411), and first-degree burglary (2011-GS-20-412). Applicant was represented by Tyree Lee, Esquire, on his Fairfield County charges.

Applicant's Fairfield County charges stem from a single incident that occurred on July 23, 2011. That night, Applicant and seven co-defendants burglarized, robbed, shot, and killed Leon Wright in Wright's home. (Plea Tr. 36-42). Applicant was arrested in connection to Wright's murder, but was subsequently released on bond.

Applicant was then indicted by the January 2015 term of the Newberry County Grand Jury for common law robbery (2015-GS-36-0026), and unlawful possession of a firearm (2015-GS-36-0029). Applicant was subsequently indicted at the May 2015 term of the Newberry County Grand Jury for possession of contraband (2015-GS-36-0187). Charles Verner, Esquire, represented Applicant on his Newberry County charges.

Applicant's Newberry County charges stem from three separate incidents. First, Applicant's common law robbery charge stems from an incident that occurred on October 22, 2013. Applicant and two other men, all armed, robbed J.W. Bookman outside of Bookman's house. (Plea Tr. 34-35). Then, on October 26, 2014, Sims was a passenger in a car stopped at a highway patrol check-point in Newberry County. The officers smelled marijuana coming from the car, and everyone exited the vehicle. Applicant had two outstanding bench warrants—one from the Newberry County common law robbery charge, and the other from the Fairfield County charges. Applicant was arrested and found in possession of a stolen pistol. (Plea Tr. 35). Finally, on February 9, 2015, Applicant was found in possession of marijuana at the Newberry County jail. (Plea Tr. 36).

On June 15, 2015, Applicant waived venue of his Newberry County charges and pleaded guilty in Fairfield County to the lesser-included offense of voluntary manslaughter on the

Fairfield County murder charge, and as indicted on all other Fairfield and Newberry County charges before the Honorable Diane Schafer Goodstein. Applicant pleaded guilty pursuant to a negotiated sentencing cap of thirty-years' imprisonment. Judge Goodstein accepted Applicant's guilty plea and sentenced him to concurrent terms of imprisonment of thirty years for voluntary manslaughter, thirty years for first-degree burglary, fifteen years for attempted armed robbery, fifteen years for common law robbery, one year for the weapons charge, and one year for possession of contraband. Applicant did not appeal his guilty plea or sentence.

II. ISSUES

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

1. The plea court abused its discretion by sentencing Applicant to an excessive amount of time;
 - a. Sentencing to thirty years for involuntary manslaughter;
2. Insufficient Evidence;
3. Involuntary Guilty Plea; and
4. Never a waiver from family court because Applicant was sixteen-years' old when he committed the crimes charged, and was nineteen-years' old when pleaded and sentenced.

At the PCR hearing, Applicant, through PCR counsel, amended his allegations as follows:

1. Ineffective assistance of counsel for:
 - a. Failing to explain how pleading guilty to the Newberry County charges would impact the Fairfield County charges; and
 - b. Failing to explain the potential pitfalls of pleading guilty to Applicant.

To the extent the allegations set forth in Applicant's original application can be construed as separate grounds for relief from the grounds stated at the PCR hearing, this Court finds those claims were voluntarily waived and abandoned, and those claims are therefore denied and dismissed with prejudice.

III. PCR HEARING TESTIMONY

Applicant's Testimony

Applicant testified on his behalf at the PCR hearing and stated he was currently twenty-four years' old serving a thirty-year sentence. Applicant testified he understood that if he is granted relief, all of his original charges are reinstated, and he could possibly end up receiving a life without parole (LWOP) sentence. Applicant testified he still wished to proceed with his PCR action.

Applicant testified Lee was appointed to represent him on his Fairfield County charges, and he was granted a bond on those charges. However, while out on bond for his Fairfield County charges, he was arrested for the Newberry County charges. Applicant testified he was not granted a bond for his Newberry County charges, and he remained in the Newberry County jail until he pleaded guilty. Applicant stated Verner was appointed to represent him on his Newberry County charges.

Applicant recalled meeting with Lee many times to discuss his Fairfield County charges, and he recalled Lee reviewing all the discovery with him. Applicant testified he chose to waive venue and plead to all of the charges at one time because Lee told him he was more likely to receive concurrent sentences if he pleaded to all charges at the same time. Lee advised Applicant that Applicant risked having all of his charges run consecutively if he did not plead to all charges at the same time. Applicant testified he understood he was pleading to an open plea of fifteen to thirty years, and he understood he could receive a thirty year sentence. However, Applicant claimed he was told the Newberry County charges would not be brought up during the plea hearing, even though he was also pleading guilty to the Newberry County charges.

Applicant testified he never spoke with Verner about his Newberry County charges, and he never saw the evidence against him on those charges. Applicant testified he pleaded guilty so his sentences would run concurrent, and he felt as though pleading was his best option. However, Applicant thought his Newberry County charges would never be brought up during the plea hearing.

On cross-examination, Applicant admitted he knew he was pleading guilty to the Newberry County charges, he just did not know the plea court would consider them how it did during sentencing. Applicant testified the plea court did not like him getting arrested with a weapon while he was out on bond. Applicant testified if he had known the Newberry County charges would be brought up the way they were during the plea hearing, he would have chosen to go to trial on those charges.

Verner's Testimony

Verner testified he was the public defender appointed to represent Applicant on the Newberry County charges. Verner recalled meeting with Applicant one time regarding Applicant's Newberry County charges and testified he and Applicant went through all the discovery on those charges. Verner testified he told Applicant not to worry about the Newberry County charges until Applicant's Fairfield County charges were resolved because the Fairfield County charges were more serious. Verner recalled speaking to Lee by telephone, and Lee told Verner Applicant's Fairfield County charges were on the trial docket; however, the State offered for Applicant to plead to the Newberry County charges along with the Fairfield County charges. Verner testified he understood, from Lee, the State's offer was for the Newberry County charges to run concurrent with the Fairfield County charges.

Lee's Testimony

Lee testified he was appointed in 2011 to represent Applicant on the Fairfield County charges. Lee testified he approached Verner about dealing with both the Fairfield and Newberry County charges together because Applicant was young and, if convicted of the Fairfield County charges, then the Newberry County common law robbery would be Applicant's second strike under the LWOP statute. Lee testified he made this suggestion in an attempt to limit Applicant's exposure to LWOP because if Applicant pleaded to the charges the same day, then it would only count as one strike on his record.

Lee testified Applicant felt he could "beat" his Newberry County charges, but Applicant was concerned about serving life in prison. Lee testified he explained to Applicant that if Applicant was convicted of the Newberry County charges after he was convicted of the Fairfield County charges, then Applicant would be subject to LWOP. Lee testified avoiding LWOP was Applicant's biggest concern.

IV. DISCUSSION

This Court has reviewed the record and heard the testimony at the PCR hearing. This Court has observed the witnesses presented at the evidentiary hearing, judged their credibility, and weighed their testimony accordingly in its discussion below. Set forth below are findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code.

The issue before the Court is whether Applicant's plea was the result of ineffective assistance of counsel rendering his guilty plea unknowing and involuntary. Specifically, Applicant alleges plea counsel was ineffective for failing to explain how pleading guilty to the Newberry County charges would impact the Fairfield County charges, and failing to explain the

potential pitfalls of pleading guilty to all the charges at the same time. For the reasons discussed below, the Court disagrees.

To establish ineffective assistance of counsel, the PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Strickland v. Washington*, 466 U.S. 668, 687–88 (1984); *Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989).

The test for determining the validity of a guilty plea is "whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." *North Carolina v. Alford*, 400 U.S. 25, 31 (1970). "[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). To prove prejudice, the applicant must show a reasonable probability he would not have pleaded guilty and would have insisted on going to trial absent plea counsel's alleged deficiency. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

1. Prejudice

As an initial matter, the Court finds Applicant has failed to show any prejudice resulted from either Lee or Verner's allegedly deficient representation. As mentioned above, Applicant testified he chose to waive venue and plead to all of the charges at one time because Lee told him he was more likely to receive concurrent sentences if he pleaded to all charges at the same time. Applicant testified Lee advised him he risked having all of his charges run consecutively if he

did not plead to all charges at the same time. Importantly, Applicant testified he understood he could receive anywhere from fifteen to thirty years for his charges, and he understood he could receive a thirty year sentence. Applicant testified he felt his best option was to plead guilty so his sentences would run concurrent.

The Court finds credible Applicant's specific testimony referenced immediately above. Applicant knew when pleading he could receive between fifteen and thirty years' imprisonment for pleading to all the charges at the same time. However, the Court finds not credible Applicant's testimony he was told the Newberry County charges would not be brought up during the plea hearing, even though he admitted he knew he was pleading to those charges. Applicant is clearly unhappy he was sentenced to the maximum of his negotiated sentencing cap; however, as he admitted, he knew he could receive a thirty-year sentence. Therefore, the Court finds and concludes Applicant has failed to meet his burden regarding prejudice.

2. Deficient Performance

Applicant alleges Lee and Verner were ineffective for failing to explain how pleading guilty to the Newberry County charges would impact the Fairfield County charges and failing to explain the potential pitfalls of pleading guilty to Applicant. The Court disagrees.

"[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." *Pittman*, 337 S.C. at 599, 524 S.E.2d at 624. "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." *Watson*, 287 S.C. at 357, 338 S.E.2d at 637.

Lee credibly testified he approached Verner about dealing with the Fairfield County and Newberry County charges together because Applicant pleading to all charges at the same time

meant Applicant was only subject to one strike appearing on his record. Additionally, Lee credibly testified he devised this approach to keep Applicant from being exposed to LWOP.

Verner recalled meeting with and reviewing the Newberry County discovery with Applicant. Verner testified he told Applicant the Fairfield County charges, which included murder and first-degree burglary, were much more serious than the Newberry County charges. Finally, Verner told Applicant the Fairfield charges would be handled first, as those charges were more serious, before anything happened with the Newberry County charges.

The Court finds reasonable both Lee and Verner's representation of Applicant. Clearly, Applicant's Fairfield County charges were more serious than his Newberry Charges; therefore, it was reasonable for Verner to advise Applicant to dispose of those charges first. Further, from Lee's credible testimony, he reviewed the discovery of all the charges with Applicant and advised Applicant of the sentences Applicant faced if he went to trial on his charges separately. Applicant knew the rights he was waiving by pleading guilty and was reminded of those rights by the plea court. *See Wolfe v. State*, 326 S.C. 158, 164, 485 S.E.2d 367, 370 (1997) (stating any possible misconceptions due to counsel's alleged deficiencies can be cured by the plea court's colloquy). Finally, Applicant's own testimony was he knew the exposure he faced if he proceeded to trial on the charges, which is why he chose to plead guilty so the charges would run concurrent as negotiated. Lee also credibly testified Applicant's main concern was the LWOP implications, which contributed to Applicant wanting to plead to all the charges at the same time.

Based on the foregoing, the Court finds Lee and Verner were not ineffective. Therefore, relief is denied, and the allegations are dismissed with prejudice.

V. CONCLUSION

The Court finds both Lee's and Verner's representation were neither deficient nor prejudicial. Applicant pleaded guilty pursuant to the advice of both counselors. Applicant knew the meaning and consequences of pleading guilty to the charges and voluntarily chose to do so. Therefore, based on the foregoing, the Court denies relief on all allegations and dismisses this PCR action with prejudice.

Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review pursuant to Rule 203, SCACR. Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Rule 71.1(g), SCRPC, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for appropriate procedures for appeal.

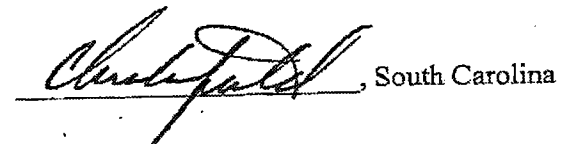
THEREFORE:

1. The Court denies relief and dismisses the action with prejudice; and
2. Applicant shall be remanded to the custody of the State.

AND IT IS SO ORDERED.



PAUL M. BURCH
Presiding Judge
Sixth Judicial Circuit



South Carolina

 2019.

WITNESSES

☒ Pendergrass-FCSO

DOCKET NO. 2011-GS-20-409

The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2011

ARREST WARRANT NUMBER/DOA

M405100 (DOA-07-27-11)

ACTION OF GRAND JURY

TRUE BILL 10-4-11

THE STATE
vs.

Randevious Sims

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

2011 OCT -4 A 11:54

[Signature]
Foreperson of Grand Jury
Date:

VERDICT

BW 1-16-14

Indictment for
Murder

SC Code: §16-3-10
CDR Code: 0116
Class: Felony, EXM

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

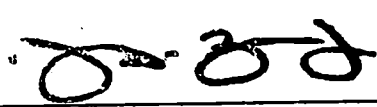
INDICTMENT

At a Court of General Sessions, convened on October 4, 2011, the Grand Jurors of Fairfield County present upon their oath:

MURDER

That Randievious Sims did in Fairfield County on or about July 23, 2011, feloniously, willfully and of his malice aforethought kill and murder Leon Wright by shooting the victim Leon Wright in the chest and the victim did die as a proximate cause then and there of, July 23, 2011 in violation of the common law of South Carolina and §16-3-10, *Code of Laws of South Carolina*.

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



Douglas A. Barfield, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Fairfield
STATE VS.Rand/evous Sims

AKA:

Race: BLACK Sex: M Age: 20DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] HILLER ST [REDACTED]City, State, Zip: WINNSBORO, SC 29108DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Manslaughter / Voluntary manslaughter

IN THE COURT OF GENERAL SESSIONS

141

INDICTMENT/CASE#: 2011-GS-20-409A/W#: M405100Date of Offense: 7/23/2011S.C. Code §: 16-03-0010; 16-03-0020CDR Code #: 0116SENTENCE SHEET 30 yrs.☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0050of the S.C. Code of Laws, bearing CDR Code # 0217☐ 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. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST

Maxwell, Riley J74878
SC Bar#Rand/evous Sims
Defendant[Signature]
Attorney for Defendant3195
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 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: 6-15-2015☒ 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

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	\$ 100.00
§ 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	\$ 25.00
§ 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	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

PTUP

_____ 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

Court Reporter: Mike Watkins

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2112Sentence Date: 6-15-2015

DOCKET NO. 2011-GS-20-411

WITNESSES

✓ Pendergrass-FCSO

The State of South Carolina

County of Fairfield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2011

ARREST WARRANT NUMBER/DOA

M401368 (DOA 07-27-11)

ACTION OF GRAND JURY

TRUE BILL

10-4

20-7

THE STATE

vs.

Randevious H. Sims

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

BW 1.16.14

Indictment for

Attempted Armed Robbery

SC Code: § 16-11-0330(B)

CDR Code: 0026

Class: Felony, C

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO PECKHAM

2011 OCT -4 A 11:54

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)

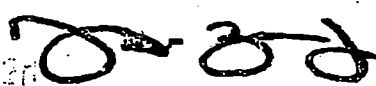
INDICTMENT

At a Court of General Sessions, convened on October 4, 2011, the Grand Jurors of Fairfield County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Randevious H. Simsf did in Fairfield County on or about July 23, 2011, attempt, while armed with a deadly weapon, to wit: a firearm, to feloniously take and carry away from the person or presence of Leon Wright by means of force, threats or intimidation goods or money of Leon Wright with the intent to deprive the owner permanently of such property, in violation of § 16-11-0330(B) in violation of §(code section), *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.



Douglas A. Barfield, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Fairfield

VS.

Randlevious Sims

AKA:

Race: BLACK Sex: M Age: 20

DOB: SS#:

Address: HILLER ST

City, State, Zip: WINNSBORO, SC 29108

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Robbery / Attempted armed, or allegedly armed, robbery

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011-GS-20-411

A/W#: M401368

Date of Offense: 7/23/2011

S.C. Code § : 16-11-0330(B)

CDR Code #: 0026

SENTENCE SHEET 15 yrs

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: Maxwell, Riley J. SC Bar# 74878, Randlevious Sims Defendant Attorney for Defendant SC Bar# 3175

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6-15-2015
☒ 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

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	\$ 100.00
§ 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	\$ 25.00
§ 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	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

PTUP _____

_____ 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.

Presiding Judge: [Signature]

Judge Code: 2112

Sentence Date: 6-15-2015

Clerk of Court/ Deputy Clerk: [Signature]

Court Reporter: Mike Watkins

SCCA/217 (03/2011)

WITNESSES

✓ Pendergrass-FCSO

DOCKET NO. 2011-GS-20- 412

The State of South Carolina

County of Fairfield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2011

ARREST WARRANT NUMBER/DOA

M401391 (DOA 07-27-11)

ACTION OF GRAND JURY

TRUE BILL

10-4-2011

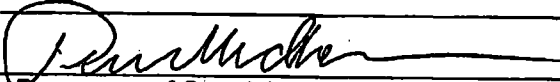
THE STATE

vs.

Randevious H. Sims

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO RECKHAM

2011 OCT -4 A 11:54



Foreperson of Grand Jury

Date:

VERDICT

BW 1-16-14

Indictment for

Burglary, First Degree

SC Code: §16-11-311(A)(1)(a)

CDR Code: 0079

Class: Felony, EXM

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

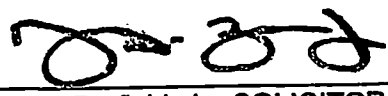
INDICTMENT

At a Court of General Sessions, convened on October 4, 2011, the Grand Jurors of Fairfield County present upon their oath:

BURGLARY, FIRST DEGREE

That Randevious H. Sims did in Fairfield County on or about July 23, 2011, enter the dwelling of Leon Wright in the nighttime without consent and with intent to commit a crime in the dwelling and while effecting entry or while in the dwelling or in immediate flight from the dwelling, he or another participant in the crime was armed with a deadly weapon or explosive, in violation of §16-11-311(A)(1)(a), *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.



Douglas A. Barfield, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Fairfield
 STATE VS.
Rand/evious Sims

AKA:

Race: BLACK Sex: M Age: 20

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED] HILLER ST [REDACTED]

City, State, Zip: WINNSBORO, SC 29108

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Burglary / Burglary (After June 20, 1985) - First degree

in violation of § 16-11-0311

of the S.C. Code of Laws, bearing CDR Code # 0079

☐ 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 (defendant's initials)
 The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Maxwell Riley J

74878
 SC Bar#

2 Rand/evious Sims
 Defendant

[Signature]
 Attorney for Defendant

3795
 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 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: 6-15-2015
☒ 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	\$ 100.00
§ 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	\$ 25.00
§ 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	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

_____ 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

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

IN THE COURT OF GENERAL SESSIONS

147

INDICTMENT/CASE#: 2011-GS-20-412

A/W#: M401391

Date of Offense: 7/23/2011

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET 15 yrs - Life

☐ CONVICTED OF or ☒ PLEADS

WITNESSES

Ryan Dickert
Newberry County Sheriff

WARRANT NUMBER

2013A3610100457

TRUE BILL

Phyllis Sanders

Foreman of the Grand Jury

Date: 1-5-15

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

January Term, 2015

Indictment # 15GS36-00216

THE STATE

vs.

Randevious Hi-Keem Sims

INDICTMENT FOR

Robbery / Armed Robbery, robbery while armed or
allegedly armed with a deadly weapon

§16-11-0330

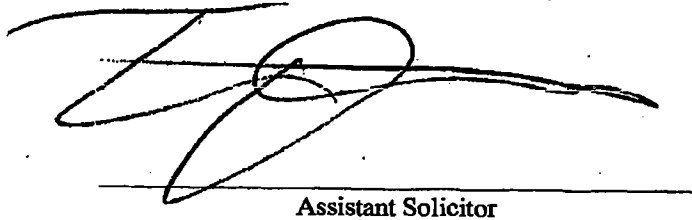
CDR: 0139

THE STATE OF SOUTH CAROLINA**INDICTMENT FOR****COUNTY OF NEWBERRY****Robbery / Armed Robbery, robbery while armed or
allegedly armed with a deadly weapon
§16-11-0330**

At a Court of General Sessions, convened on the 5th day of January, 2015, the
Grand Jurors of Newberry County present upon their oath:

That Randevious Hi-Keem Sims did, on or about October 22, 2013, in Newberry County, willfully and unlawfully while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take from the person or presence of J.W. Bookman, Jr. by means of force or intimidation, goods or monies described as follows: U.S. currency, with intent to deprive the owner permanently of such property, in violation of Section 16-11-330(A) of the South Carolina Code of Laws, 1976, as amended.

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


Assistant Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF Newberry
 STATE VS.
Randevous Hi-Keem Sims
 AKA: [REDACTED]
 Race: [REDACTED] Sex: M Age: 20
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: [REDACTED]
 DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Robbery / Common law robbery, strong arm robbery

in violation of § 16-11-0325 of the S.C. Code of Laws, bearing CDR Code # 0137
☒ 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,
 The plea is: ☐ Without Negotiations or Recommendation,

☐ Defendant Waives Presentment to Grand Jury.

(defendant's initials)

☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Scott, C. Dale

73081
 SC Bar#

Randevous Sims
 Defendant

[Signature]
 Attorney for Defendant

3/75
 SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,

☐ County Detention Center,

for a determinate term of 15 days/months/years or

☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of

 days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with

probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code 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

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	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 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	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

Clerk of Court/Deputy Clerk [Signature]

Court Reporter: Mike Watkins

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 15GS36-0026
 A/W#: 2013A3610100457
 Date of Offense: 10/22/2013
 S.C. Code §: 16-11-0330
 CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

6-15-2015
 § 24-13-40 to be calculated and applied

PTUP
 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.

Presiding Judge [Signature]

Judge Code: 211

Sentence Date: 6-15-2015

WITNESSES

Robert Dennis
Newberry County Sheriff

WARRANT NUMBER

40075FY

TRUE BILL

Phyllis Sanders

Foreman of the Grand Jury

Date: 1-5-15

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

January Term, 2015

Indictment # 15GS36- 0029

THE STATE

vs.

Randevious Hi-Keem Sims

INDICTMENT FOR

Weapons/Unlawful Carrying of Handgun

§16-23-0020

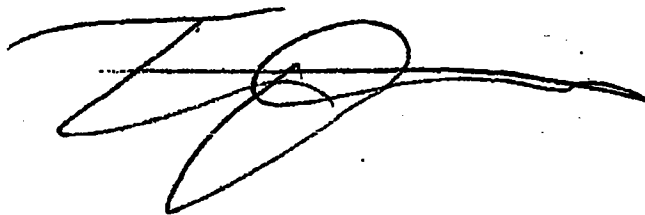
CDR: 0044

THE STATE OF SOUTH CAROLINA**COUNTY OF NEWBERRY****INDICTMENT FOR****Weapons/Unlawful Carrying of Handgun
§16-23-0020**

At a Court of General Sessions, convened on the 5th day of January, 2015, the
Grand Jurors of Newberry County present upon their oath:

That Randevious Hi-Keem Sims did, on or about October 26, 2014, in Newberry County, willfully and unlawfully carry about the person a handgun, in violation of Section 16-23-20 of the South Carolina Code of Laws, 1976, as amended.

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



Assistant Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Newberry

VS.

Randevious Hi-Keem Sims

AKA:

Race:

Sex: M

Age:

20

DOB:

SS#:

Address:

Byrd Street

City, State, Zip:

Prosperity, SC 29127

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Weapons/Unlawful Carrying of Handgun

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 15GS36-0029

A/W#: 40075FY

Date of Offense: 10/26/2014

S.C. Code §: 16-23-0020

CDR Code #: 0044

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-23-0020 of the S.C. Code of Laws, bearing CDR Code # 0044

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Scott, C. Dale

SC Bar#

Randevious Hi-Keem Sims
Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ yearsand/or to pay a fine of \$ 0; 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 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

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	\$ 100.00
§ 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	\$ 25.00
§ 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	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL	\$	\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP _____ 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.

Presiding Judge

Judge Code: 2112

Sentence Date: 6-15-2015

WITNESSES

Michael Stribble
Newberry County Sheriff

WARRANT NUMBER

2015A3610100061

TRUE BILL

Phyllis Sanders

Foreman of the Grand Jury

Date: 5-1-15

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

May Term, 2015

Indictment # 15GS36-0187

THE STATE

vs.

Randevious Hi-Keem Sims

INDICTMENT FOR

Possession of Contraband in a
County Jail

§24-07-0155

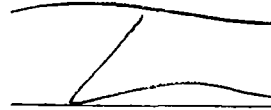
CDR: 0437

THE STATE OF SOUTH CAROLINA**INDICTMENT FOR****COUNTY OF NEWBERRY****Possession of Contraband in a
County Jail
§24-07-0155**

At a Court of General Sessions, convened on the 1st day of May, 2015, the Grand Jurors of Newberry County present upon their oath:

That Randevious Hi-Keem Sims did, on or about February 9, 2015, in Newberry County, willfully and unlawfully furnish or attempt to furnish any prisoner in any county or municipal jail, prison, work camp, or overnight lockup facility with any matter declared by the superintendent of such facility to be contraband; or did willfully and unlawfully as a prisoner of such facility possess any matter declared to be contraband, to wit: the said defendant did possess marijuana, which is an illegal Schedule I controlled substance while being housed as an inmate at the Newberry County Detention Center, in violation of Section 24-7-155 of the South Carolina Code of Laws, 1976, as amended.

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



Assistant Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF Newberry
 STATE VS.
Randevious Hi-Keem Sims
 AKA: _____
 Race: _____ Sex: M Age: 20
 DOB: [REDACTED] SS#: [REDACTED]
 Address: Byrd Street
 City, State, Zip: Prosperity, SC 29127
 DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Prisoners / Contraband, furnish, or poss., county or municipal prisons prohibit

in violation of § 24-07-0155 of the S.C. Code of Laws, bearing CDR Code # 0437
☒ 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. (defendant's initials)
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.
 ATTEST: Scott, C. Dale 73081 Randevious Hi-Keem Sims [Signature] 3-75
 SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 1 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: 6-15-2015
☒ 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	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 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	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk Judy M. Bonds

Court Reporter: Mike Watkins

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 15GS36-0187
 A/W#: 2015A3610100061
 Date of Offense: 2/9/2015
 S.C. Code § : 24-07-0155
 CDR Code #: 0437

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

Presiding Judge [Signature]

Judge Code: 2112

Sentence Date: 6-15-2015