

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Charleston County

S.C. SUPREME COURT

Honorable Bentley Price, Circuit Court Judge

ROLANDO ALDAMA-OCAMPO,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001129

APPENDIX

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

COURT OF GENERAL SESSIONS
2017-CP-10-05336

STATE OF SOUTH CAROLINA)	TRANSCRIPT OF RECORD
-vs-)	August 13, 2018
ROLANDO ALDAMA-OCAMPO,)	Charleston, South Carolina
Defendant.)	

B E F O R E:

The Honorable R. Markley Dennis, Judge.

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

Culver Kidd, IV, Assistant Solicitor
Attorney for the State

Mark Andrew Peper, Sr., Esquire
Attorney for the Defendant

Reported By:

Amanda Kelly Haffenden, RPR, CRR
Circuit Court Reporter for the
Ninth Judicial Circuit

1 (August 13, 2018.)

2 THE COURT: All right. You are Rolando
3 Ocampo?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Ocampo -- is it Ocampo?
6 You're standing with your lawyer. Has he explained to
7 you the nature of the charge contained in 2017-5336,
8 that's a charge of murder? Do you understand that? Do
9 you understand that? He's explained that charge carries
10 30 years to life. Do you understand that?

11 THE DEFENDANT: Yeah.

12 THE COURT: And you're pleading or offering
13 to plead to voluntary manslaughter. Is that right?

14 THE DEFENDANT: Yes, sir.

15 MR. PEPPER: And, Your Honor, I apologize.
16 That's under Alford, and I should have made that on the
17 sentencing sheet. I should have alerted you to that. I
18 apologize.

19 THE COURT: And negotiated for what time?

20 MR. KIDD: Thirty years.

21 THE COURT: You understand that, sir? Your
22 lawyer has explained to you what an Alford plea means?

23 THE DEFENDANT: Yes.

24 THE COURT: Now, Mr. Peper, I need you to
25 make a statement for the record so we don't see something

1 coming back later.

2 MR. PEPER: Yes, and I appreciate that.

3 THE COURT: That this is a case that we've
4 had set for trial to begin on August the 20th, and we
5 were getting interpreters for this defendant.

6 MR. PEPER: We were getting interpreters for
7 witnesses that the State was going to call. My client
8 understands the English language.

9 THE COURT: He does?

10 MR. PEPER: He does, Your Honor; however, I
11 do have my own interpreter in the courtroom. I explained
12 to Mr. Ocampo that if at any point in time he does not
13 understand your questions, he needs to stop you, and
14 we'll address it.

15 THE COURT: I just want to have that
16 statement because I want to make sure that's clarified
17 for purposes if it ever comes up again.

18 Mr. Ocampo, is that true, sir?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Either through his interpreter or
21 just your understanding of the English language, you had
22 a chance to talk and communicate with your lawyer about
23 what an Alford plea is; is that right?

24 THE DEFENDANT: He already talked to me,
25 yeah.

1 THE COURT: And I understand you consider it
2 to be a benefit to be able to plead to the voluntary
3 manslaughter?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You understand that you're
6 getting what would be the minimum sentence for murder
7 except for one thing: Murder is 30 years day for day.
8 Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: But you consider it a benefit to
11 have a 30-year sentence which allows you to be released
12 after serving 85 percent of that sentence?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: And that is something you want to
17 achieve? You want that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You think that's a benefit to
20 you?

21 THE DEFENDANT: It's a benefit to me.

22 THE COURT: Okay. You understand that you
23 will have a record for voluntary manslaughter?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you understand that voluntary

1 manslaughter is a most serious offense. Do you
2 understand that?

3 THE DEFENDANT: Yeah.

4 THE COURT: Because if you were to pick up
5 another most serious offense, the State could proceed and
6 seek life without parole. Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: In fact, if you picked up a
9 serious offense, they could do that. Do you understand
10 that?

11 THE DEFENDANT: Yes.

12 THE COURT: You understand that you're going
13 to have to serve the remaining portion of that 30-year
14 sentence, that there's a requirement that once released
15 after 85 percent that you would be required to complete a
16 two-year community supervision program.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: And that would mean that you'd
20 have to serve -- if you did it in the two years, you
21 could be fined, but the State -- if you violate that
22 community supervision program, you have four-and-a-half
23 years that you have hanging over your head that you could
24 be returned to prison for up to one year until that
25 four-and-a-half years is satisfied.

1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 MR. KIDD: Your Honor, I don't want to
4 interrupt. I don't think that would be applicable
5 because there's an ICE hold. I think upon release he
6 will be deported.

7 THE COURT: Thank you. I appreciate that.
8 So there's no -- well, assuming within 25-and-a-half
9 years there is an organization known as ICE.

10 You understand that, sir?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And thank you very much,
13 Solicitor. You're very appropriate to do that because I
14 don't control the federal; do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And you understand you have an
17 ICE hold?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You are not a citizen of the
20 United States?

21 THE DEFENDANT: That's correct.

22 THE COURT: So this -- assuming things don't
23 change, there is no question that you will be deported.
24 When that deportation will occur, I don't make any
25 promises; do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: But you won't be allowed to live
3 in this country again as a free man; do you understand
4 that?

5 THE DEFENDANT: Yes.

6 THE COURT: Still your desire that I accept
7 an Alford plea; is that correct?

8 THE DEFENDANT: Right.

9 THE COURT: Totally satisfied with your
10 lawyer; is that correct?

11 THE DEFENDANT: Correct.

12 THE COURT: Solicitor, any other aspects of
13 the negotiated sentence?

14 MR. KIDD: The only other thing I would add,
15 Judge, is there's a number of smaller charges that I want
16 to nolle prosequere, just for efficiency. There's a
17 trafficking charge that ultimately was possession with
18 intent to distribute. There was another possession with
19 intent to distribute, identity fraud charges, things of
20 that nature, all of which will be nolle prosequere upon the
21 conclusion of this plea.

22 THE COURT: Mr. Peper, is that your
23 understanding, sir?

24 MR. PEPPER: Yes, sir.

25 THE COURT: Mr. Peper, you've had the

1 opportunity to discuss this matter fully with your
2 client?

3 MR. PEPER: I have, Your Honor.

4 THE COURT: And you have explained to him the
5 rights he's relinquishing and the consequences of his
6 plea?

7 MR. PEPER: Yes, sir, I have.

8 THE COURT: And you've also, as you've
9 indicated, explained to him the concept of an Alford
10 plea?

11 MR. PEPER: Yes, sir.

12 THE COURT: Do you agree with your client's
13 assessment that if he went to trial a jury most probably
14 would find him guilty of murder?

15 MR. PEPER: I do, Judge.

16 THE COURT: So you consider this Alford
17 negotiated sentence to be in his best interest?

18 MR. PEPER: Absolutely.

19 THE COURT: And it obviously meets the test
20 of Alford because it is a significant benefit.

21 MR. PEPER: Correct. Yes, sir.

22 THE COURT: He's been advised of the rights
23 he will be relinquishing?

24 MR. PEPER: Yes, sir, he has.

25 THE COURT: Mr. Ocampo, is all that true?

1 THE DEFENDANT: Yes.

2 THE COURT: Based on what your lawyer has
3 explained to you the State was prepared to prove and
4 based on your knowledge of what happened, you're
5 convinced that if you went to trial a jury would probably
6 find you guilty of murder, correct?

7 THE DEFENDANT: Correct.

8 THE COURT: You understand if I accept your
9 Alford plea you will not have a jury trial. Do you
10 understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And it's not offensive to me.
13 This lady who is seated next to me is doing extra duty
14 this week because she's not supposed to have to be here,
15 and I thank her for that. She's taking down everything
16 you and I say, so we need to speak with words, okay?

17 You understand if you have a trial you would
18 have the right to confront witnesses because the State
19 has the burden of proving you guilty; do you understand
20 that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: That won't happen now because
23 you're pleading guilty; do you understand that? Do you
24 realize that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You understand also you have the
2 right to remain silent. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: By entering your guilty plea
5 under Alford, you're giving up your right to remain
6 silent. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Anybody threaten you in any way
9 to get you to plead?

10 THE DEFENDANT: No, sir.

11 THE COURT: Other than the negotiated
12 sentence?

13 THE DEFENDANT: No, sir.

14 THE COURT: That's it. Are you under the
15 influence of any alcohol or any medication today?

16 THE DEFENDANT: No.

17 THE COURT: Have you consumed any alcohol or
18 taken any type of medication in the last 24 hours?

19 THE DEFENDANT: No.

20 THE COURT: Okay. All right. The solicitor
21 is going to tell me the facts. I understand you're not
22 agreeing to everything he's saying, but my question to
23 you, when you hear him tell you the facts, do you
24 believe there is a witness or witnesses who will come in
25 and testify to what he's saying? In other words, a jury

1 will hear that testimony, and it's your belief that once
2 a jury hears that, most probably they'll find you guilty
3 beyond a reasonable doubt. Okay?

4 THE DEFENDANT: Okay.

5 THE COURT: All right. Solicitor?

6 MR. KIDD: Thank you, Your Honor. May it
7 please the Court: The victim in this case is Jose
8 Rolando Martinez Castro. He was a Honduran immigrant who
9 was in a romantic relationship with this defendant
10 throughout the middle -- their relationship, I believe,
11 started the middle of 2015. As their relationship --
12 they were cohabiting together in the defendant's
13 apartment above La Bomba Bar & Grill, which is a
14 restaurant/bar in the city of North Charleston.

15 Their relationship -- I guess they began to
16 break up. The victim ended up absconding with the
17 defendant's niece, a minor niece, and they had a sexual
18 relationship as well. They absconded in the defendant's
19 car, which was the motive for his ultimate murder. I
20 have obtained through a number of Facebook messages and
21 through the defendant's cellphone the motive that was
22 established through the communication between this
23 defendant and his victim, not just not their
24 relationship, but also his anger about his fleeing with
25 the defendant's niece.

1 On November 18 of 2015 the victim returned.
2 There was a series of communications on Facebook I
3 uncovered that have them meeting up early in the morning,
4 about 8 or 9 a.m. on November 18, 2015, and that's the
5 last that anyone ever hears of the victim.

6 On December 3, 2015, two witnesses, a Danabi
7 Isosol (phonetic) and Marianna Ortega-Diaz, come into
8 North Charleston police department and indicate their
9 suspicion of the defendant's involvement in the victim's
10 death, or disappearance at that point. Danabi had gone
11 to a Wal-Mart and purchased five five-pound bags of salt
12 at the defendant's request and responded to that
13 location. That salt was ultimately used in a shallow
14 grave where the defendant's body was recovered
15 approximately five months later, on November the 12th of
16 2016.

17 The defendant was interviewed by the North
18 Charleston police department and ultimately by my office
19 as well where a number of admissions were made by the
20 defendant. While he never admitted, necessarily, to
21 killing the victim by himself, he definitely admitted to
22 his involvement with some co-defendants in his
23 disappearance.

24 It has been my theory all along that he was
25 the perpetrator of the crime, although I do believe he

1 had help from the co-defendants who there are warrants
2 for that remain unarrested and unaccounted for. There is
3 also the Marianna Ortega-Diaz, the witness who came in in
4 December also came back in November -- excuse me, in
5 April of 2016 and indicated that when she confronted the
6 defendant about the victim's disappearance that he
7 confessed to her as to killing the victim.

8 The body was, as I indicated, recovered in
9 April of 2016. It was -- the victim died from a stab
10 wound to the chest, but the body was also -- apparently
11 he suffered not just a beating but also desecrated in a
12 fashion that the eye was cut out, apparently, and some
13 other injuries sustained to the body, to the hands and
14 face.

15 Judge, this plea is hard to come by, from my
16 standpoint too. In a lot of scenarios, this could almost
17 be a death penalty case, but at the same time, for
18 economy's sake, for a lot of the language barrier issues
19 that we have and the ability to convey this case to a
20 jury in a meaningful way, we thought this negotiation was
21 in our best interest as well, and considering the fact
22 that whenever his sentence is culminated that he'll be
23 deported, we think this is a good resolution that
24 protects our community and accomplishes our goals as the
25 prosecution.

1 THE COURT: Thank you, Solicitor.

2 Mr. Ocampo, the facts or recitation by the
3 solicitor, those are the facts that you would have faced
4 if you went to trial, correct?

5 THE DEFENDANT: Correct.

6 THE COURT: And that's what you want to
7 avoid, correct? Because you're convinced there are
8 witnesses who will testify to what he's just said?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: It's your desire that I accept
11 your guilty plea under Alford, correct?

12 THE DEFENDANT: Correct.

13 THE COURT: Because that's a benefit you want
14 to achieve to get a 30-year sentence?

15 THE DEFENDANT: Correct.

16 THE COURT: And then most probably will be
17 deported, correct?

18 THE DEFENDANT: Correct.

19 THE COURT: Totally satisfied with your
20 lawyer, correct?

21 THE DEFENDANT: Yes.

22 THE COURT: I find there is a sufficient
23 factual basis to support the plea. I find that
24 Mr. Ocampo certainly had the benefit of very competent
25 counsel with whom he's indicated he is totally satisfied.

1 Based on the solicitor's recitation and the
2 confirmation that their witnesses will testify, there is
3 no question there's a benefit for the Alford plea here,
4 and let me say too to the solicitor and his office, thank
5 you very much for your consideration. I agree with you
6 that this would probably warrant a life sentence if it
7 went to trial, but I think it's an efficient way to
8 resolve this case in a practical way, and I appreciate
9 the State's willingness.

10 Mr. Peper, I'll be happy to hear from you now
11 as to why I should accept the Alford plea because it's
12 horrific facts.

13 MR. PEPER: Yes, sir. May it please the
14 Court: Mark Peper on behalf of Mr. Ocampo.

15 Judge, this has been one of the tougher cases
16 that my office has taken on, really, in my career from
17 the initial onset of murder, or at least missing person
18 as it was at the time Ephi and I sat down. Obviously,
19 that was his romantic partner that he was involved with.

20 I will say a couple quick things regarding
21 the facts because I do think that goes in to your
22 consideration for an Alford plea. There is no doubt in
23 my mind that everything stated by the State would be not
24 only presented at a trial in this case, but also proven
25 beyond a reasonable doubt. We have close to 20,000 pages

1 of communication in written form. We have audio
2 messages.

3 While the direct evidence only makes up a
4 minor portion, the circumstantial evidence that would be
5 presented to this jury is overwhelming: A, my
6 investigation revealed that it was more likely than not
7 and most probable that he would be convicted of murder;
8 and, B, that a likely sentence, a reasonable sentence
9 upon conviction, would be life in prison.

10 We discussed that at length. He does not
11 agree with every fact, but he does agree those facts
12 would be proven to a jury, and to have the opportunity to
13 at least potentially remove himself, not only from the
14 custody of this state, but also to give back to his home
15 country, outside of a wooden box, is a benefit that we
16 had to explore and one that we were able to achieve, and
17 so Mr. Ocampo and I are standing here before you,
18 pleading guilty to voluntary manslaughter under Alford,
19 for a negotiated 30-year sentence with credit for time
20 served from April 12, 2016 and ask that you accept the
21 plea.

22 Thank you, Your Honor.

23 THE COURT: Thank you. Mr. Ocampo, anything
24 you want to tell me?

25 THE DEFENDANT: No, sir.

1 THE COURT: I'll accept the Alford plea. You
2 say from April when?

3 MR. PEPPER: April 12, 2016.

4 THE COURT: It is the sentence of the Court
5 you be committed to the department of corrections for a
6 term of 30 years. I'll give you credit for time served
7 from April 12, 2016. Good luck to you, sir.

8 - - -

9 (Whereupon, the proceedings were concluded.)

10 - - -

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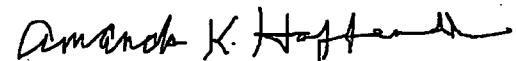
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25

I, the undersigned, Amanda Kelly Haffenden, RPR, CRR, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Charleston County, South Carolina, on the 13th of August 2018.

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

January 13, 2019



Circuit Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)
County of Charleston)

2018-CP-10-5115
IN THE COURT OF COMMON PLEAS

#377384
Rolando Aldama Ocampo)
Full name and prison number (if any) of Applicant)

v.)
State of South Carolina)

APPLICATION FOR
POST-CONVICTION RELIEF

2018 OCT 23 PM 4:28
FILED
CLERK OF COURT

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 KIRKLAND CORRECTIONAL INST.
4344 BROAD RIVER RD. COLUMBIA, SC 29210
2. Name and location of Court which imposed sentence Ninth Circuit
101 Meeting St. 4th Floor, Charleston, S.C. 29401
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) MURDER-2016A1021000314 (Voluntary Manslaughter)

(b) FINANCIAL IDENTITY FRAUD-2016A1010201624

(c) TRAFFICKING ICE/CRACK-2016A10102016644

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

(a) 8-13-2018 - 30 yrs (THIRTY years) SCD

(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?

N/A

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

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

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

(c) the date of each such result:

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

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

(a) Ineffective assistance of Counsel

- (b) Subject matter jurisdiction
- (c) Violation of constitutional rights

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

- (a) Ineffective assistance of counsel
- (b) Subject matter jurisdiction
- (c) Violation of constitutional rights

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

- (a) ineffective assistance of counsel
- (b) Subject matter jurisdiction
- (c) Violation of constitutional rights

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

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

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

- (a) the specific nature thereof:
 - i. N/A
 - ii. 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?

NO

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) ineffective assistance of counsel / step 1
- (b) subject matter jurisdiction / step 1
- (c) Violation of constitutional Rights / step 1

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? ~~YES~~
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

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

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

- i. Mark A. Peper, Esq.
548 Savannah Highway
- ii. Charleston SC, 29407
- iii. _____

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

- i. My arraignment and plea, my trial, and my sentencing
- ii. _____
- iii. _____

19

State clearly the relief you seek in filing this application:

a new trial, or the negotiated plea offer of 15yrs
That was agreed, TO by the Solicitor Office,
my lawyer and me. "Reverse and Remand"

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

NO

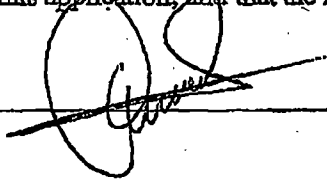
Revised 3/2003

STATE OF SOUTH CAROLINA)

County of Charleston)

VERIFICATION

I, Rolando Aldama Ocampo #377384, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.



SWORN to and subscribed before me this 15 day of October, 2018.

Melissa Spring (L.S.)
Notary Public

My Commission Expires: Dec. 1, 2025

MARK A. PEPER, ESQ.
MARK@PEPERLAWFIRM.COM



THE PEPER LAW FIRM, PA

548 Savannah Highway
Charleston, SC 29407
843.225.2520 (O)

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843-225-2959 cell

WWW.PEPERLAWFIRM.COM

December 15, 2017

VIA LEGAL MAIL

Sheriff Al Cannon Detention Center
Rolando Aldama-Ocampo
Inmate #0001537688
3841 Leeds Avenue
North Charleston, SC 29405

Epi.

I hope this correspondence finds you doing well, and appreciate your letter dated 11/29/17. I was able to get it translated earlier this week and am responding accordingly after looking into the issues outlined in your letter, including the DNA results that are still pending, and the persons of interest included in the letter.

I met with the solicitor assigned to your case in an effort to resolve the case before he leaves for another job at the end of the year. He has received permission to offer a plea of Voluntary Manslaughter with a penalty range of between 15-20 years. When we last talked, I relayed to you that I was working on a plea offer under the 20-year range, and am glad I was able to accomplish it for your consideration. At the upcoming status conference hearing on January 4, we will need to notify the Judge as to whether we accept the plea offer or whether we want to go to trial. If we reject the plea, the Judge will set a trial date, most likely for the spring or summer so the new solicitor that is taking over your case has enough time to prepare. Further, we are still waiting on the DNA results and can't go to trial until we receive them.

I have also received additional discovery including most all of the jail calls you have made since your incarceration, and am in the process of translating them. From the ones I've listened to, I'm concerned with how many people you are talking to about bringing you money, since there is no good reason that you need that large amount of money while incarcerated and I'm concerned that the jury might view it as a criminal act. That said, please be smart about asking people for money on the phone, and as I've stated in the past, please don't talk to anyone in jail or over the phone about your case.

Please think about your final decision whether to accept a plea or proceed to trial, so that when I come visit you the week of December 25, we can thoroughly discuss and make a final decision before the court date on January 4.

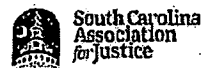
With best regards, I am

Sincerely,


Mark A. Peper, Esq.

proof for question 19

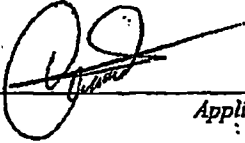
When I pled guilty I was under the impression from my lawyer that I was accepting a negotiated plea agreed to by the solicitors office for a sentence of 15 years for manslaughter and to dismiss the remaining charges. I was manipulated, deceived, and tricked by my lawyer over money and my broken English.



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

I, Rolando Aldama Olampo #377384, 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.



 Applicant

SWORN or affirmed to and subscribed before me this
15 day of October, 2018.



 Notary Public

My Commission Expires: Dec. 1, 2025

STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)
)
 Rolando Aldama-Ocampo, #377384)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT

Case No.: 2018-CP-10-5115

**RETURN AND MOTION
 FOR MORE DEFINITE STATEMENT**

The State (Respondent), making its Return to the application for Post-Conviction Relief ("PCR") filed on October 23 2018, would respectfully show this Court:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. In August 2017, Applicant was indicted by the Charleston County Grand Jury for murder (2017-GS-10-5336), trafficking meth and identity fraud. The charges resulted from a November 2015 incident in which Applicant fatally stabbed the victim. Mark Peper, Esquire represented Applicant at trial. Assistant Solicitor Culver Kidd, IV prosecuted the case. On August 13, 2018, Applicant pleaded guilty to the lesser included offense of voluntary manslaughter¹ before the Honorable R. Markley Dennis, Jr. Pursuant to a negotiated sentence between the State and the Applicant, Judge Dennis sentenced Applicant to imprisonment for 30 years. Applicant did not appeal his conviction or sentence.

Attached to this Return and incorporated by reference are the records of the Charleston County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the application. Respondent reserves

¹ The remaining charges were nolle prossed.

the right to amend this Return upon receipt of any relevant materials.

II. Current Application

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

1. "Ineffective Assistance of Counsel"
2. "Subject matter jurisdiction"
3. "Violation of constitutional rights"

III. Response to Allegations of Ineffective Assistance of Counsel

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

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

Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, Respondent acknowledges the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute, Applicant has failed to set forth any facts to support this ground or to explain with any specificity whatsoever the facts upon which this claim is based. The Uniform Post-Conviction Procedure Act requires Applicant to "*specifically set forth the grounds upon which the application is based.*" S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Respondent therefore moves for a more definite statement as to this ground and submits it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which this allegation is based so Respondent may adequately prepare for an evidentiary hearing. Applicant's allegations are so vague and ambiguous that Respondent cannot be reasonably required to frame a responsive answer. Therefore, Respondent requests Applicant be required to amend his application to set forth specifically the grounds on which his claims are based. Respondent reserves the right to move for dismissal of this allegation should Applicant fail to amend the application.

IV. Response to Allegations of Constitutional Violations

Applicant alleges violations of constitutional rights. Applicant's allegation claims infringement of his rights under certain amendments to the United States Constitution. However, Applicant fails to set forth with specificity grounds upon which these constitutional violations are

based. The Uniform Post-Conviction Procedure Act requires that the Applicant must "... specifically set forth the grounds upon which the application is based." S.C. Code § 17-27-50 (2003). In an application for post-conviction relief, it is incumbent upon the applicant to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Since the Applicant has failed to make even a *prima facie* showing that his due process and other constitutional rights were violated, the Respondent would submit that this allegation should be summarily dismissed for failing to specifically set forth the grounds upon which the application is based.

V. Response to Allegations of a Lack of Subject Matter Jurisdiction

Applicant has claimed that the trial court lacked subject matter jurisdiction. Defects in the indictment do not affect subject matter jurisdiction. See State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005); U.S. v. Cotton, 535 U.S. 625, 122 S.Ct. 1781 (2002). The indictment is a notice document, and any challenges to its sufficiency must be made in accordance with S.C. Code Ann. § 17-19-90 (2003). See also S.C. Code § 17-19-20 (2003). Subject matter jurisdiction is the power of a court to hear a particular class of cases, and it has nothing to do with the indictment document. See Gentry, supra; Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994).

In post-conviction relief, an Applicant wishing to raise challenges to the sufficiency of an indictment must do so in the context of ineffective assistance of counsel, essentially alleging that his trial counsel failed to properly move to quash the indictment in accordance with S.C. Code Ann. § 17-19-90 (2003). Applicant's allegation of ineffective assistance of counsel has been addressed above in this return.

An Applicant may still challenge the subject matter jurisdiction of the trial court, and such a claim is one that may be raised at any time. See Brown v. State, 343 S.C. 342, 540 S.E.2d 846

(2001), *overruled in part by Gentry, supra*. However, “[c]ircuit courts obviously have subject matter jurisdiction to try criminal matters.” *Gentry, supra*, 610 S.E.2d at 499; *See also* S.C. Const. Art. V, § 7. Thus, Applicant must present evidence that his case is of some class over which the circuit court does not have the authority to preside. Applicant’s conviction involved a criminal charge in General Sessions Court. Therefore, the circuit court had subject matter jurisdiction.

VI. Any Future Amendments

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

VII. Response to Any and All Other Allegations

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

VIII. Request for an Evidentiary Hearing and Partial Summary Dismissal

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

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

BENJAMIN LIMBAUGH
Assistant Attorney General

By: Benjamin Limbaugh
ATTORNEYS FOR RESPONDENT

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Columbia, SC 29211
Telephone: (803) 734-3737

Jan 31, 2019

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	2018-CP-10-05115
ROLANDO ALDAMA-OCAMPO,)	
Applicant,)	Transcript of Record
vs.)	
)	May 20, 2019
STATE OF SOUTH CAROLINA,)	
Respondent.)	

B E F O R E:

Honorable Bentley Price
Charleston County Courthouse
Charleston, South Carolina

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

Christopher L. Murphy, Esquire
Attorney for Applicant

Jacob A. Isenberg, Esquire
Attorney for Respondent

Kay H. Richardson
Circuit Court Reporter

1	<u>I N D E X</u>		
2	<u>MAY 20, 2019</u>		<u>Pg.</u>
3	By the Court		3
4	Rolando Aldama-Ocampo		
5	Direct by Murphy		6
6	Cross by Isenberg		11
7	By the Court		18
8	Mark Peper		
9	Direct by Isenberg		20
10	Cross by Murphy		30
11	By the Court		31
12	Recross by Murphy		33
13	Ruling of the Court		34
14	Certificate of Court Reporter		35

15			
16	<u>E X H I B I T S</u>		
17	<u>No.</u>		<u>ID</u> <u>EV.</u>
18	C1 09-25-18 Letter (English)		33
19	C2 09-25-18 Letter (Spanish)		33

20
 21
 22
 23
 24
 25

Ocampo v. State - 2018-CP-10-05115
BY THE COURT

3

1 MAY 20, 2019 - 10:48 A.M.

2 BY THE COURT:

3 MR. ISENBERG: And, Your Honor, before we begin formally
4 with this proceeding, the State would request a colloquy on
5 the rights and remedies of PCR. It's our indication from the
6 plea transcript that Mr. Ocampo will be subject to ICE
7 deportation if -- once he's released from jail, so we would
8 just request that a thorough colloquy of what his rights and
9 remedies are, what a PCR is so he's fully aware of what could
10 potentially happen if he wins this hearing today.

11 THE COURT: Is he moving forward with the hearing?

12 MR. MURPHY: We are, Your Honor.

13 THE COURT: Okay.

14 All right. Good morning, Mr. Ocampo. How are you?

15 MR. OCAMPO: Good.

16 THE COURT: Good. You understand everything I'm saying?

17 MR. OCAMPO: (Indicates affirmatively.)

18 THE COURT: You have to respond back so she can put it
19 down. Okay?

20 MR. OCAMPO: Okay.

21 THE COURT: Just say yes, sir or no, sir. Okay?

22 MR. OCAMPO: Okay.

23 THE COURT: All right.

24 MR. MURPHY: And, Judge, this is another case where he
25 pled guilty to -- he was charged with murder, pled to

Ocampo v. State - 2018-CP-10-05115
BY THE COURT

4

1 voluntary manslaughter and is thus going down 10 years
2 approximately from the 30 years -- most likely a 20-year
3 sentence. I have explained to him about the ICE hold that he
4 would have on him and the most likely scenario is that they
5 would deport him after serving those 20 years. That's
6 something that he understands and he wants to happen.

7 THE COURT: So, let me make sure I'm advising him
8 correctly. He understands that there is an ICE hold and
9 potentially upon his release from the South Carolina
10 Department of Corrections that ICE is going to deport him and
11 he wants to be deported?

12 MR. MURPHY: That is correct.

13 THE COURT: All right. Okay.

14 MR. ISENBERG: I just wanted to make sure that he was
15 very aware of that.

16 THE COURT: Okay.

17 MR. ISENBERG: With that -- I'm sorry, Your Honor -- with
18 that, the State is ready to proceed with the procedural
19 history.

20 THE COURT: Okay. Go ahead.

21 MR. ISENBERG: Your Honor, this is the State of South
22 Carolina versus Rolando Aldama-Ocampo, case number 2018-CP-10-
23 5115. He's presently confined in the South Carolina
24 Department of Corrections pursuant to orders of commitment
25 from the Charleston County Circuit Court. In August of 2017,

Ocampo v. State - 2018-CP-10-05115
BY THE COURT

5

1 he was indicted by the Charleston County Grand Jury for
2 murder, trafficking meth, and identity fraud. Mark Peper,
3 Esquire, represented him at trial and Assistant Solicitor
4 Culver Kidd, IV prosecuted the case. On August 13th, 2018, he
5 pled guilty to the lesser included offense of voluntary
6 manslaughter before the Honorable Markley Dennis, Jr.
7 Pursuant to a negotiated sentence between the state and the
8 applicant, Judge Dennis -- Judge Dennis sentenced Applicant to
9 imprisonment for 30 years and Mr. Ocampo did not appeal his
10 conviction or his sentence. And with that, I will let
11 opposing counsel proceed with his opening.

12 THE COURT: All right.

13 MR. MURPHY: Thank you, Your Honor. We would call Mr.
14 Ocampo as our first witness.

15 THE COURT: Okay. Mr. Ocampo, come on up.

16 ROLANDO ALDAMA-OCAMPO, HAVING BEEN
17 DULY SWORN, TESTIFIED AS FOLLOWS:

18 MR. OCAMPO: (Indicates affirmatively.)

19 THE COURT: You have to say yes, ma'am or no, ma'am.

20 MR. OCAMPO: Yes.

21 CLERK: If you would please have a seat. And for the
22 record, will you please state your name and spell your last
23 name.

24 MR. OCAMPO: My name is Rolando Aldama-Ocampo.

25 DIRECT EXAMINATION OF ROLANDO ALDAMA-OCAMPO BY MR. MURPHY:

Ocampo v. State - 2018-CP-10-05115
ROLANDO ALDAMA-OCAMPO - DIRECT BY MURPHY

6

1 Q: Mr. Ocampo, first let me ask you, you understand a little
2 bit of English; is that correct?

3 A: Yeah, a little bit.

4 Q: And how much English do you understand? Have you had
5 problems communicating with folks in America?

6 A: Yeah, now I know a little bit more because somebody, the
7 one help me write the letter for you in the room teaching me a
8 little more, but yeah, my English not really ---

9 Q: Let me ask you this, if there's a point that you don't
10 understand what we're saying, you'll let me know.

11 A: Yes, sir.

12 Q: Now, originally, where are you from, sir?

13 A: Mexico.

14 Q: Mexico, all right. And when did you come to this
15 country?

16 A: I was 14, 15 years old, 14 years old.

17 Q: And you came here illegally, correct?

18 A: Correct.

19 Q: And have you had any contact with ICE or U.S. Immigration
20 at all?

21 A: No.

22 Q: You know what ICE is; is that correct?

23 A: Si.

24 Q: Okay. Now, when you came to the United States, at some
25 point you were charged with some crimes, correct?

1 A: No, I haven't ---

2 Q: Do you recall being with the state that the police were
3 charging you with murder?

4 A: This time, yes.

5 Q: Yes. And that's the charges we're here today about,
6 correct?

7 A: Correct.

8 Q: And you had an attorney represent you, right?

9 A: Correct.

10 Q: And that attorney was Mr. Peper?

11 A: Yes.

12 Q: Now, was Mr. Peper -- did you pay Mr. Peper to represent
13 you?

14 A: Yes.

15 Q: And do you recall how much you paid him?

16 A: No amount -- don't know how much, my brother paid for it.

17 Q: And did you meet with Mr. Peper to discuss your charges?

18 A: Yeah, a few times.

19 Q: Okay. And did he explain to you what you were charged
20 with and the potential sentence or how long you could stay in
21 jail?

22 A: In the start, beginning, I got a letter from my lawyer
23 saying you'll get 15 years. And then, then I tell him 15
24 years okay, I said, and then wait I don't know how long when
25 they say maybe go to trial and request for my family \$5,000 or

Ocampo v. State - 2018-CP-10-05115
ROLANDO ALDAMA-OCAMPO - DIRECT BY MURPHY

8

1 expert witness, I don't know what is for, hire people for my
2 trial, and after that, they bringing me to court for ---

3 Q: All right. Let me ask you this. When Mr. Peper was
4 representing you, did you understand, comprendo everything he
5 was saying to you?

6 MR. ISENBERG: Your Honor, if I can interject for a
7 second. The state would request you to speak into the
8 microphone. I'm having trouble hearing him fully.

9 BY MR. MURPHY:

10 Q: Talk into it.

11 A: Okay.

12 Q: And you've got to speak up so we can all hear you. Okay?

13 A: Okay.

14 Q: Now, the question was, did you understand Mr. Peper when
15 he was talking to you about your charges in this case?

16 A: Not really.

17 Q: Okay. Did you understand bits of it, a part -- a little
18 bit and maybe not the whole thing or ---

19 A: No. I -- they got -- I got a letter for 15 and when I
20 come in, they got 30, I don't know.

21 Q: Let me ask you, what is your language that you can speak?

22 A: Spanish.

23 Q: Spanish. Does Mr. Peper speak Spanish?

24 A: No.

25 Q: Did he ever speak Spanish to you?

- 1 A: No.
- 2 Q: Did he have a translator with you at any of the meetings?
- 3 A: No. You mean the last ---
- 4 Q: You said he sent you a letter saying 15 years, correct?
- 5 A: Si.
- 6 Q: How did you understand that?
- 7 A: Because somebody helped me in the county jail read my
- 8 letters and they write me in English when I got it write to
- 9 someone.
- 10 Q: Now, is it fair that you thought your sentence would be
- 11 15 years; is that correct?
- 12 A: Yes.
- 13 Q: Okay. Now, did you understand that a murder charge
- 14 carried a 30-year sentence, at least a 30 -- I'm sorry -- 30
- 15 to life.
- 16 A: Yes.
- 17 Q: And do you understand -- do you have a -- do you know
- 18 when you're going to be released for your current sentence?
- 19 A: No.
- 20 Q: We're talking about errors or mistakes that your attorney
- 21 did today; do you understand that?
- 22 A: Si.
- 23 Q: And when you went to your guilty plea before the Judge,
- 24 what did you think was going to happen?
- 25 A: Fifteen.

Ocampo. v. State - 2018-CP-10-05115
ROLANDO ALDAMA-OCAMPO - DIRECT BY MURPHY

10

1 Q: You would get 15 years? And why did you think that?

2 A: Because his letter, yes.

3 Q: All right. Other than the letter, did you have any other
4 conversations with Mr. Peper about the sentence that you would
5 get?

6 A: The last day he say we're gonna get less and that's it --
7 and they came and say they can do nothing else. I ask him why
8 because in my case it is another person involved and some --
9 the guys testify and I can -- or the witness or whatever. I
10 don't know what the call them, witnesses, and they lie and try
11 making worse in my case because they take business -- me go to
12 prison because they taking from me my business, my money,
13 because they -- the peoples witness in my case, they got all
14 my business in his name because I not have no social security
15 number, and I put that in his name. And they say one the
16 witnesses against me. And that person, they give you fake
17 name, so -- I don't know when they gonna testify for making me
18 look bad and he -- he put -- make like woman. He's no woman.
19 He's a man dressed like woman and he didn't want testify
20 against me and he give wrong name, he not give you his right
21 name.

22 Q: So, you're saying you had some defenses, correct?

23 A: Yeah.

24 Q: And did you think that 30 years was a possible sentence
25 that you would get if you went to court?

1 A: No, because I got a lot of things that can go help me and
2 the peoples, they got to know because my testimony, a lot of
3 my testimony is nobody -- my whole testimony, nobody asked me
4 no more questions, not -- they listen the circumstance,
5 circumstance, something for make me guilty for something I not
6 did.

7 Q: If you knew that you were going to get 30 years or
8 thought that was a possibility, would you have pled guilty?

9 A: No.

10 MR. MURPHY: Okay. That's all I have, Your Honor.

11 THE COURT: All right.

12 MR. ISENBERG: Beg the Court's indulgence, Your Honor, a
13 moment while I get set up on the stand over there.

14 CROSS EXAMINATION OF ROLANDO ALDAMA-OCAMPO BY MR. ISENBERG:

15 Q: Good morning, Mr. Ocampo.

16 A: Good morning.

17 Q: So, it's your testimony here today that your lawyer
18 didn't listen to your defenses, correct?

19 A: Yes.

20 Q: And do you remember your plea hearing?

21 A: The day of the plea here?

22 Q: Yes. Do you remember the hearing where the Judge talked
23 to you about pleading guilty and then sentenced you?

24 A: Yeah, I -- yeah.

25 Q: Do you remember telling the Judge that, you know, you

Ocampo v. State - 2018-CP-10-05115
ROLANDO ALDAMA-OCAMPO - CROSS BY ISENBERG

12

1 knew the facts that the solicitor presented at the hearing
2 were going to be presented at trial?

3 A: I -- my lawyer talking to me say when you got to say yes
4 to the Judge, I said, okay, that's what I did, I said yes to
5 the Judge.

6 Q: Okay. Do you remember being under oath?

7 A: Don't understand that part.

8 Q: Do you remember doing what you did today at the plea
9 hearing?

10 A: No, I don't -- I never touch no Bible or nothing.

11 Q: You never did that at the plea hearing?

12 A: No.

13 Q: Okay. Well, do you remember telling the solicitor that
14 the witnesses that he talked about were going to be present --
15 be testifying at trial?

16 A: Yeah, they say, yeah.

17 Q: Yeah. And so you remember that the solicitor said that
18 he found hundreds if not thousands of Facebook messages
19 through your cell phone to establish the motive of the killing
20 that you committed?

21 A: No.

22 Q: You don't remember him stating that you were in a
23 relationship with the victim?

24 A: Yeah, this is the relationship that I'm -- I know in my
25 phone I don't have no message about kill somebody.

1 Q: You don't remember him talking about your anger when it
2 came to your -- the person you were in a relationship with
3 having a side relationship with your niece?

4 A: Yeah, but I never got -- I didn't never say nothing, I
5 don't kill nobody, they never had my phone ---

6 Q: You don't remember him talking about finding, digging up
7 a shallow grave with the victim's body in it?

8 A: Huh-uh, (negative response).

9 Q: You don't remember him talking about that?

10 A: No.

11 Q: You don't remember him talking about the fact that you
12 had coerced someone into going to Walmart and buying five
13 pounds of salt?

14 A: Yeah, he say that.

15 Q: And they found that salt that the person bought from
16 Walmart next to the victim's grave, correct, or inside the
17 victim's grave?

18 A: What they say, yeah.

19 Q: Right. Do you remember him talking about that in your
20 hearing?

21 A: Yeah, he say that, yeah.

22 Q: So, you understood him when he talked about that?

23 A: He say it was salt or something like that.

24 Q: So, you understood him talking about the salt but now
25 you're saying you didn't understand anything else?

Ocampo v. State - 2018-CP-10-05115
ROLANDO ALDAMA-OCAMPO - CROSS BY ISENBERG

14

1 A: I not understand much -- I understand some, yeah.

2 Q: Okay.

3 THE COURT: Well, hold one, let's be clear, you had an
4 interpreter available to you at your sentencing and your plea,
5 correct?

6 A: They say -- there ---

7 THE COURT: There was an interpreter available for you at
8 your plea, correct?

9 A: I never see one.

10 THE COURT: All right. Well, in the record, Mr. Peper
11 indicates that -- just so you don't have to keep going down
12 this line.

13 MR. ISENBERG: Yes; yes, Your Honor.

14 THE COURT: Mr. Peper indicates that his client can speak
15 English, says, however, I do have my own interpreter in the
16 courtroom. I explained to Mr. Ocampo that, if at any point in
17 time he does not understand your questions, he needs to stop
18 you and we'll address it at that time. So, there was an
19 interpreter in there during your plea, correct?

20 A: That's what it say, yep.

21 THE COURT: Go ahead.

22 BY MR. ISENBERG:

23 Q: And you remember the solicitor talking about Marianna
24 Ortega Diaz, correct?

25 A: Yeah, he talked about Marianna. He say Marianna, yeah,

1 he said -- he said, one witness that I got, yeah.

2 Q: Right. And you remember him saying that Marianna's
3 intention was to testify that you had confessed to her that
4 you killed the victim, correct?

5 A: He said he didn't want the witnesses lie against me. Is
6 the one -- he know this name, Marianna, his name is Blas Diaz
7 (spelled phonetically), he's not a woman, he's dressed like
8 woman. And they lied to immigration law and lied to y'all,
9 this is not a real person. He the one doing -- that got a bad
10 record and do a lot of crimes in United States. For one he
11 lied to immigration laws and he the one taking all my money
12 and my business. She's not a -- his name Marianna Diaz. He's
13 no woman, he's a man.

14 Q: Okay. But you do remember him talking about her at the
15 hearing, right? You ---

16 A: Marianna Diaz, yes, yes.

17 Q: And so based upon all that, you pled to be sentenced for
18 30 years based upon negotiation with the solicitor, correct?

19 A: Can you repeat me that question?

20 Q: Based upon all that you pled to be -- to a negotiated
21 sentence of 30 years or you -- your lawyer, based upon all
22 that, your lawyer negotiated a sentence for you for 30 years,
23 correct?

24 A: Not to me, my plea to -- maybe they miscommunication, I
25 no understand. I say 15 to 20, I write a letter for the 15 or

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ROLANDO ALDAMA-OCAMPO - CROSS BY ISENBERG

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1 20 years, and ---

2 Q: So, you're saying now that you wanted 15 to 20 years and
3 your lawyer negotiated 30; is that what you're saying?

4 A: That's what I think it says right there something ---

5 Q: So, you would've pled to 15 to 20?

6 A: Cause they not give me any chance and nobody got my -- I
7 got for defend myself.

8 Q: They didn't give you a chance? Well, they had 20,000
9 messages in written audio form from you to other people,
10 correct?

11 A: I never seen one. They never give me one because I never
12 tell something online or something like that because they know
13 they looking for other person, they never looking for the
14 other person. I told my lawyer, Mark Peper, at the time, he
15 live right in the street and never the police go get him. He
16 got me and give me -- sentence me for somebody else.

17 Q: Okay. So, you didn't understand your lawyer when you
18 told the Judge that you were taking this plea because you
19 didn't want to risk leaving the jail in a wooden box?

20 A: My -- the one thing is -- and I don't know why they give
21 me 30 years for something I not commit.

22 Q: Okay. So, you don't know why they gave you 30 years?

23 A: No.

24 Q: Well, did you -- you've understood all the questions I've
25 just asked you, right?

1 A: Almost.

2 Q: You understood all the facts that we were going through
3 that they had that they were going to present at trial, right?
4 And so you pled because you were afraid that if they presented
5 those facts at trial you might serve life in prison, right?

6 A: They don't give me no chance to ---

7 Q: I'll take a yes or a no. You pled because you were
8 afraid if they offered those facts and those witnesses at
9 trial, you might serve life in prison, right?

10 A: Well, I don't have another thing like what happened,
11 yeah.

12 Q: So, is that a yes?

13 A: I don't what can -- I don't know what I can tell you,
14 cause I don't know.

15 Q: Were you afraid that you were gonna serve life in prison
16 when you ---

17 A: Yeah, because he know some person they give him anything,
18 you know, and my -- no can know no grounds in here that --
19 cause they only see me, I know from this country that they
20 made me guilty when not let me ---

21 Q: Okay, so, it's your understanding that you wanted to plea
22 so that you could get out of prison with some time left,
23 correct?

24 A: If it -- my plea to 15 or 20, not 30.

25 Q: All right. So, you did want to plea to avoid serving

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1 life, right? I'm just trying to get a yes or a no because I
2 think you've been kind of beating around the bush. So, you
3 pled to avoid serving life, correct?

4 A: I don't know, I can't tell you (inaudible) ---

5 THE COURT: Mr. Campo, you've got to speak up.

6 A: Yeah, because they give me ---

7 Q: So, that's a yes?

8 A: --- taking me to the court like -- one -- you got to do
9 this, you go out there and answer every question yes, yes,
10 that's what I did.

11 Q: Yeah. Okay. I was just wondering cause that's what it
12 looks like in the transcript, you pled so -- because you were
13 afraid that they were gonna give you life if you got convicted
14 at trial.

15 A: Yeah, cause they train me, you got to say this and this
16 ---

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

18 MR. MURPHY: Nothing further.

19 THE COURT: All right. While he's still under oath ---

20 BY THE COURT:

21 THE COURT: MR. Ocampo, you understand if I grant this,
22 you can go to trial; do you understand that?

23 MR. OCAMPO: Si.

24 THE COURT: And you understand that you can put forth any
25 witnesses that you have on your own behalf? You understand

1 that?

2 MR. OCAMPO: Yeah.

3 THE COURT: And you understand that the state can present
4 evidence against you, correct? You understand that?

5 MR. OCAMPO: Yeah.

6 THE COURT: And if you understand -- and you understand
7 that if you go forward at a trial and you are convicted that
8 could potentially spend the rest of your life in prison; do
9 you understand that?

10 MR. OCAMPO: Yeah.

11 THE COURT: All right. And by you pleading under *Alford*,
12 you received a benefit and are only going to spend 20 years or
13 so in prison; you understand that?

14 MR. OCAMPO: No, they say 30, they give me 20, 15 or 20,
15 the plea I'm looking -- they offer me or they give it to me
16 but I don't know why they give me 30.

17 THE COURT: Okay. And you understand that if you are
18 convicted of murder and given 30 years, you'll spend day-to-
19 day in prison; do you understand that?

20 MR. OCAMPO: That's what he tell me now, yeah.

21 THE COURT: Okay. You're excused, you can have a seat
22 next to your attorney. Okay?

23 All right. Yes, sir?

24 MR. MURPHY: And we would rest with that, Your Honor.

25 THE COURT: Okay.

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MARK PEPPER - DIRECT BY ISENBERG

20

1 Do y'all have any witnesses?

2 MR. ISENBERG: Yes, Your Honor. We'll just call Mr.
3 Peper to the stand.

4 THE COURT: Okay.

5 MARK PEPPER, HAVING BEEN DULY SWORN,
6 TESTIFIED AS FOLLOWS:

7 CLERK: Sir, if you would please have a seat and for the
8 record, will you please state your name and spell your last
9 name.

10 MR. PEPPER: Mark Peper, P-E-P-E-R.

11 DIRECT EXAMINATION OF MARK PEPPER BY MR. ISENBERG:

12 Q: Good morning, Mr. Peper.

13 A: Good morning.

14 Q: How long have you been practicing law?

15 A: Since 2005, so 14 years.

16 Q: And out of those 14 years, how long have you been doing
17 criminal defense?

18 A: All 14 years.

19 Q: Fourteen years? And in your 14 years of practice what if
20 any sort of policies or customs do you have in regards to
21 sending letters to clients?

22 A: I don't know that we have any written policy and
23 procedures but certainly it's our custom and practice at my
24 firm to forward a copy of anything that we receive from the
25 state's office or from my investigator for that matter, pretty

1 much anything that we do, whether it goes out of our office or
2 comes in our office gets copied to the client.

3 Q: Right. Okay. And I just wanted to touch on that really
4 quickly. Do you remember Mr. Ocampo's case?

5 A: Oh, yeah.

6 Q: Okay. How did you get to be involved with him?

7 A: I was retained very early on, within I would say a couple
8 of days of the arrest being made. And I presented immediately
9 to the North Charleston Police Department and attended a
10 voluntary interview, which I typically don't do, but by the
11 time I was retained, he had already given an interview, which
12 I felt was coercive to say the least. As a result of the
13 initial interview prior to my representation, arrest warrants
14 were sworn out based on his quote/unquote confession, which I
15 did not believe it was a confession. So, within a few days of
16 that, we sat for another interview and cleared some factual
17 discrepancies. And then I represented him from that point
18 forward.

19 Q: Do you remember how many times you met with him?

20 A: I don't -- way too many to count, I mean. I think my
21 representation was over two years or so.

22 Q: Was he incarcerated at any point during your
23 representation?

24 A: The entire time.

25 Q: And was there any kind of communication in written form

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1 during his incarceration?

2 A: Yes, both from my office and received from him. He -- we
3 were very communicative.

4 Q: Do you remember any of the letters that he may've
5 presented personally?

6 A: Yeah.

7 Q: Okay. And what did those letters contained, sort of
8 information wise?

9 A: So, initially, a lot of it had to do with when we would
10 move for a bond setting. Then it became a bond
11 reconsideration. A lot of communications were strategic
12 conversations regarding getting him back into court for a
13 reduction of bond. We had multiple written communications
14 regarding a proffer that I was able to work out with the
15 state, which he attended and sat for. We had several
16 communications regarding the merits of the case, the facts of
17 the case, the witnesses, his defenses, the elements of the
18 crime, the discovery to include waiting on DNA results from
19 SLED. We had multiple conversations and communications
20 regarding plea versus trial. Any offer that was extended was
21 relayed to him.

22 Q: Did you take any steps to ensure that he understood these
23 written forms of communication?

24 A: So, Epi speaks English and there was never a time where I
25 felt as though it was necessary to have a translator with me.

1 Now, I will say this, for instance you asked him earlier do
2 you remember taking an oath. Okay. Well, he doesn't
3 necessarily understand that but that's not due to a language
4 barrier, that's just due to he just doesn't understand what an
5 oath means. Now, if you turn around and say, did you swear to
6 tell the truth, then he'll understand that and answer that.
7 So, a lot of our communications were longer than normal
8 because I had to break it down in very simple terms, all of
9 which he understood. Having said that, a number of the fact
10 witnesses in the case did not speak English. And so not only
11 were there written statements and their audio/video statements
12 that I was provided from the solicitor's office, I did have to
13 have those translated. And actually for this specific client,
14 I actually hired a Spanish speaking translator as a paralegal
15 to come on board and she's been with me since, and that was
16 really just so we could properly relay -- well, first of all,
17 so that they could properly -- my paralegal could relay to me
18 what the witnesses were stating and so that I could then
19 properly relay that to him.

20 Q: So, it was your practice in his representation to have
21 this Spanish speaking paralegal take care of any
22 miscommunications between you and Mr. Ocampo?.

23 A: That's correct. For instance, if you look through my
24 file for each -- not every letter, but there are a number of
25 letters that I would dictate and send to him in English, my

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MARK PEPPER - DIRECT BY ISENBERG

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1 paralegal would also send him that same letter verbatim in
2 Spanish, just out of an abundance of caution.

3 Q: And during his cross examination, we touched on a lot of
4 the facts that were going to be presented at trial?

5 A: Uh-huh, (affirmative response).

6 Q: To the best of your knowledge, was he aware of those
7 facts before the plea hearing?

8 A: Yes.

9 Q: Okay. So, he was aware of the thousands of messages the
10 solicitor had collected?

11 A: He was aware of everything. The issue with Epi, and I
12 don't necessarily blame him, is that it was all -- well, a
13 majority of it was circumstantial. Okay? The only direct
14 evidence was gonna be from two witnesses whom he strongly
15 believed were lying. And to be honest with you, I don't
16 disagree that they were going to lie on the stand. The issue
17 though is, whether they're lying or not, we have to look at it
18 is from a criminal defense standpoint is are they a credible
19 witness, is the jury going to believe what they're saying and
20 if so how much weight are they gonna give to the testimony.
21 And so, he agreed with the fact that there was overwhelming
22 circumstantial evidence. He also agreed that there would be
23 at least two witnesses that would testify against him. One of
24 whom would allow a text message to come into evidence,
25 arguably over my objection, and I don't whether it would've

1 survived or not, whether he had essentially confessed to her
2 or at least she had sent a text message to somebody else
3 saying that he had done that. Now, of course, he denied that.

4 Q: But he had all of this ---

5 A: He had every bit of information that I had, and we went
6 over it ad nauseam. And Epi is pretty smart. I mean, Epi
7 would review the evidence and he would respond in English
8 written letters back to me pointing out inconsistencies in
9 statements. So, he contributed to his defense greatly. I
10 wish my other clients did.

11 Q: And based upon the transcript, you discussed the fact
12 that he may be looking at life in prison if he went to trial?

13 A: So, that -- that's the nail on the head. This entire
14 case came down to best interest of the client. Right?

15 Q: Right.

16 A: Unfortunately, the assistant solicitor who I was working
17 with for a year and half, two years on the case, arguably at
18 best had a plea offer pulled from him by his boss. Okay? And
19 therefore, the only offer formally that we were given leading
20 up to the trial was the minimum 30 years on murder. Okay?
21 And it took a long time in personal meetings with his boss to
22 get her to come off of that. But, the only way she would do
23 so is if it was the maximum 30 on the manslaughter. We had
24 numerous conversations the two weeks leading up to that date
25 certain trial date. We were number one on the docket. We had

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MARK PEPPER - DIRECT BY ISENBERG

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1 a consent scheduling order because of the all the translators
2 that were gonna be required by the Court. And leading up to
3 that it then became the analysis of, if you are convicted,
4 it's a minimum 30 up to life, and it's more likely than not in
5 my opinion that this specific judge based on these facts, if
6 you were to be convicted, would sentence you to life without
7 parole.

8 Q: Right.

9 A: And I think I even put in writing to him that the only
10 way to 100 percent guaranty that he does not die in prison
11 would be to accept a plea offer.

12 Q: Right.

13 A: Once he wrapped his head around that, it just became what
14 type of plea offer, what charge could I get the solicitor's
15 office to finally commit to and then at what number.

16 Q: And you communicated that original plea offer with him 15
17 to 20 years before it was pulled, right?

18 A: So, in December of 2017, I had a informal conversation
19 with Mr. Kidd and he indicated to me that he could receive --
20 I guess it depends on who you ask how the conversation went.
21 My understanding of the conversation with Mr. Kidd was that he
22 had received, as in past tense, permission to extend an offer
23 between 15 and 20 years on a manslaughter. Okay? Which I
24 then relayed to my client because I was extremely happy, I'd
25 been working on him for a year and half to get me there. And

1 that letter, I believe, was attached to his PCR application.
2 And, as you'll note in the letter, we statused the matter for
3 the first week of January and it became a moot point because
4 when we met over the holidays, Mr. Ocampo, at that point was
5 -- did not give me permission to accept a 15 to 20-year plea
6 offer on his behalf.

7 Q: So, when you communicated that was -- I'm sorry, I'll
8 rephrase it. After you communicated the plea offer with him
9 he did not give you permission to accept an offer of 15 to 20
10 years?

11 A: No, at that time, leading up to the January 4th, 5th,
12 6th, whatever it was, the first week in January status
13 conference, I was not able to get expressed permission to
14 offer or accept a plea offer of 15 to 20 years from Epi.

15 Q: And did you indicate to him in that letter that the offer
16 was going to expire the first of the year?

17 A: No, I didn't, because I don't think we had an expiration.
18 I think what I explained to him was that I need -- we need to
19 make a decision between now and the first of the year because
20 when we go the status conference, the status conference is to
21 determine whether it's gonna be a trial or not. And then, if
22 so, we're gonna pick a date certain.

23 Q: Right.

24 A: I don't want to go back into chambers with Judge Dennis,
25 the administrative judge, and tell him, you know, it's going

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1 to be a plea and then, you know, he gets mad at us because we
2 didn't schedule it before. I don't want to -- I need to know
3 before I go back in there.

4 Q: Right.

5 A: And I wasn't able to get his authority to inform the
6 Court that this would be a plea.

7 Q: And before he gave you any decision on the matter, they
8 pulled the plea offer?

9 A: You know, I don't know -- I don't know. And it's a
10 strange answer, but there was some strange communications
11 going on in the solicitor's office during this time where I
12 don't know if some of the assistant solicitors had the
13 authority to extend offers or at least they thought they had
14 the authority but didn't. The bottom line is that as the
15 trial date got closer and closer and the conversations between
16 myself and the state got longer and longer, it became evident
17 that 15 to 20 years was never going to be an offer for me to
18 take back to my client.

19 Q: And he was well aware that that 15 to 20 years was taken
20 off?

21 A: Oh, yeah, that -- I mean, trust me, I wasn't happy about
22 it and so, you know, like I said, there were numerous meetings
23 between myself and the higher ups and I just couldn't get it
24 back on. And each time I had a conversation, whether it was
25 written or orally, I would notify Epi. Epi was well aware for

1 at least a month prior to the date certain trial date in
2 August that, at best, it might be in the mid-20 range, but
3 that 15 to 20 was never going to be on the table.

4 Q: And then so after all that, just to summarize, before
5 y'all walked into the plea hearing, you had made him well
6 aware that the negotiation was 30 years, correct?

7 A: And I was not happy about it and he wasn't happy about it
8 and, to this day, I'm still not happy about it. But, that was
9 the choice, 30 years negotiated, plea under *Alford* to
10 manslaughter, all other charges dismissed, or pick a jury that
11 same day.

12 Q: Right. And so you're saying even though he wasn't happy,
13 you made him aware that his benefit was ---

14 A: It was in his -- I'm sorry to interrupt you. It was 100
15 percent in his best interest to accept the plea but I am still
16 upset with how it got to that point or maybe better said that
17 I couldn't get him something less than 30.

18 Q: Right. But everything that happened that, you know, I
19 understand that you're upset about was out of your control,
20 correct?

21 A: Yeah.

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

23 MR. MURPHY: May it please the Court, Your Honor?

24 THE COURT: Sure.

25 CROSS EXAMINATION OF MARK PEPER BY MR. MURPHY:

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MARK PEPER - CROSS BY MURPHY

30

1 Q: Mr. Peper ---

2 THE COURT: Hold on a second. Madam Court Reporter, do
3 you need to take a break?

4 COURT REPORTER: I'm fine. Thank you.

5 BY MR. MURPHY:

6 Q: Mr. Peper, is Mr. Obama -- or Mr. Ocampo's English better
7 or worse than when you were representing him?

8 A: You mean today?

9 Q: Yes.

10 A: The communication or lack thereof between you and Mr.
11 Ocampo and the state and Mr. Ocampo today is far worse than it
12 was when I represented him.

13 Q: Okay. But in terms of his English, you heard him testify
14 on the stand?

15 A: Just now, that's what I'm saying. What he -- today's
16 colloquy was far worse than any conversation I've had. Our
17 conversations were much easier back and forth in English than
18 they were today.

19 Q: So, you're telling me his English got worse than since
20 when you were representing him?

21 A: I don't know whether it got worse or not. What I'm
22 saying is that he seemed to not understand your questions
23 today yet, in my communications with him, he understood them.

24 Q: Well, let's not talk about what you understood or
25 anything. I'm just talking about his simple understanding of

1 the English language ---

2 A: And, Chris, what I'm telling you is I don't know -- I
3 can't tell you whether his English is worse or better today.
4 I don't know.

5 Q: And you don't speak Spanish, do you?

6 A: No.

7 Q: Okay.

8 A: Well, I understand some Spanish, but I don't speak it.

9 Q: All right. Did you ever speak Spanish with Epi or ---

10 A: No, not in any meaningful way, no.

11 Q: All right. And you testified that you had a paralegal
12 that spoke Spanish; is that correct?

13 A: Correct.

14 Q: And that was the bridge between you and Mr. Ocampo; is
15 that correct?

16 A: That's correct.

17 Q: That's all I have. Thank you.

18 BY THE COURT:

19 THE COURT: Briefly, Mr. Peper, do you have a copy of the
20 one of the letters from your paralegal to Mr. Ocampo in
21 Spanish?

22 A: Yes, sir. On September 25, 2018, I sent him a letter and
23 this is the attached one in Spanish, and there's others I can
24 ---

25 THE COURT: Yeah, I just want to see one of your letters.

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MARK PEPPER - BY THE COURT

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1 All right. Y'all are more than welcome to take a look at
2 these. Come on up and take a look. I'm gonna make them part
3 of the Court's file.

4 MR. MURPHY: Judge, the only question -- I have one
5 follow-up question with regard to this.

6 THE COURT: Also, I need to show that Mr. Ocampo -- I
7 don't want him to think there's something he doesn't have
8 access to, and show the state as well. Ask him if that in
9 English matches what it says in Spanish?

10 MR. ISENBERG: Your Honor, briefly, while they're taking
11 a break, I just want to make you aware that one of the letters
12 that counsel sent Mr. Ocampo is attached in his application.
13 I believe it's the one dated December 15th, 2017.

14 THE COURT: Correct. I read it.

15 MR. ISENBERG: Okay. Thank you, Your Honor.

16 MR. MURPHY: Judge, he says he understands the Spanish
17 one but can't be certain that it's the same as the English
18 version.

19 THE COURT: All right. That's fair enough. I understand
20 his position.

21 All right. I'm gonna make this Court's Exhibits 1 and 2.

22 May I keep these, Mr. Peper?

23 A: Yes, sir.

24 THE COURT: Okay.

25

COURT'S EXHIBITS 1 AND 2

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RULING OF THE COURT

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1 were adamant that you wanted to go to trial and, thus, I told
2 the solicitor that I didn't believe a plea in that high of a
3 range would result in a plea agreement.

4 Anything else?

5 MR. MURPHY: Nothing, Your Honor.

6 THE COURT: I don't need to hear any closing arguments.

7 RULING OF THE COURT:

8 THE COURT: All right. Based on the information that I
9 have already indicated in the record, I feel as though Mr.
10 Ocampo was certainly well advised, certainly was well aware of
11 what he was transpiring. I believe the letter indicated -- or
12 dated September 25th goes directly against his petition which
13 indicates that he was told it was a 15 to 20-year plea. It's
14 on the record that he admitted to everything and has pled
15 guilty in front of Judge Dennis, whereby Mr. Peper also
16 provided a translator, and so his petition -- second prong,
17 that he was -- had broken English and wasn't unaware of what
18 was going on, I find to be unfounded. Therefore, I'm gonna
19 deny his petition.

20 All right? Just get me an order as well within 30 days.

21 Mr. Peper, you're excused. Thank you very much.

22 MR. PEPER: Thank you, Judge.

23 ADJOURNED - 11:33 A.M.

24

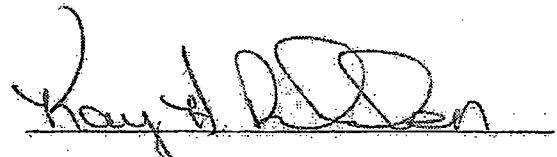
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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of Rolando Aldama-Ocampo v. State of South Carolina, held in the Court of Common Pleas for Charleston County, Charleston County Courthouse, Charleston, South Carolina, on May 20, 2019.

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



Kay H. Richardson
Official Court Reporter

October 6, 2019.

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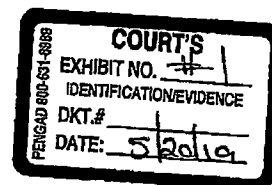
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September 25, 2018

VIA LEGAL MAIL

Kirkland Correctional Institution
 Rolando Aldama-Ocampo #00377384
 4344 Broad River Road
 Columbia, SC 29210



RE: Response Letter

Dear Epi:

I hope this correspondence finds you doing well, and I appreciate your letter received September 10, 2018 in my office. I mailed this letter to Al Cannon Detention Center on September 11, 2018 and it was returned to my office. Please allow this correspondence to serve as a formal response to the specific questions and concerns included in your letter.

First and foremost, you are correct; in late 2017, the State and I discussed a Voluntary Manslaughter plea with a sentencing range of 15 to 20 years, however, that never was formally offered to us. At the time, the Solicitor (not the Judge) was preparing to leave for private practice and suggested that he would seek permission from his boss for a plea in that range IF you and I decided we would enter into a plea agreement. We spoke at length about a plea for this amount of time, and you were adamant that you wanted to go to trial, thus I told the Solicitor that I didn't believe a plea in that high of a range would result in a plea agreement. Based on these informal discussions, he never sought approval from his boss and thus never extended a formal plea offer. Even if he had, we had already decided we would not accept it.

In late July and early August of this year, we most certainly discussed the cost/benefit of going to trial on Murder, a charge that carries a minimum of 30 years and up to Life without Parole. Given the facts of the case, the Judge who was scheduled to try the case, and the State's position that they would be asking for a sentence of LWOP following a conviction, I explained to you that IF you were convicted at trial, I felt very confident that the Court would sentence you to Life without Parole. If I said it once, I said it 100 times to you; the ONLY way to definitively avoid the potential of dying in prison was to enter into a plea deal with the State, thus you instructed me to do so.

While I agree with you that your immigration status *may* have played a role in the trial of the case, it was only because of the current climate of our country. The Court would have instructed the jury not to consider your immigration status, or that of the victim, but I was always concerned that a jury would ignore the instruction. In short, while your immigration status did not

have any role in the plea offer or sentence, it very well *could* have had an impact on the jury, which was yet another consideration of the legal team in fashioning a resolution that was in your best interests.

As the Judge stated the day of your plea, and as I reminded you on the phone later that day, you had 10 days to appeal the Court's sentence. I also informed you that you have 1 year from the date of your sentence to file for Post-Conviction Relief, thus I would remind you that you still can do so if you believe you have valid claims. If you choose to file a PCR, you will then be given the opportunity to apply for an appointed attorney to represent you in the civil action.

Regarding the ICE hold, I agree with you that it makes more sense to focus your efforts on convincing the federal government to commute your sentence and deport you back to your home country as soon as practicably possible. I would encourage you to keep working with your immigration attorney who is also helping you with the civil case from your injuries while incarcerated. Writing the Supreme Court is not the proper way to address this issue, but you can most certainly tell your attorney that you want to explore this issue.

In closing, please know that we worked extremely hard on your behalf to effectuate this resolution. As the trial date got closer and closer, the State's case against you got better and better, and our defenses remained the same. The circumstantial evidence was overwhelming, and the State's witnesses were ready and willing to testify against you, thus I remain confident that accepting a plea was in your best interests.

I will be thinking about you, encourage you to keep your head up, and if I can help you in any way, please don't hesitate to contact me.

With best regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Peper', written in a cursive style.

Mark A. Peper, Esq.

MARK A. PEPPER, ESQ.
MARK@PEPPERLAWFIRM.COM
MARVIN R. PENDARVIS
MARVIN@PEPPERLAWFIRM.COM



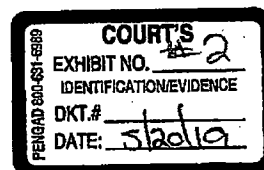
THE PEPPER LAW FIRM, PA
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Charleston, SC 29407
843.225.2520 (O)
843.225.2554 (F)

WWW.PEPPERLAWFIRM.COM

September 25, 2018

VIA LEGAL MAIL

Kirkland Correctional Institution
Rolando Aldama-Ocampo #00377384
4344 Broad River Road
Columbia, SC 29210



RE Carta de respuesta

Querida EPI:

Espero que esta correspondencia te encuentre bien, y aprecio tu carta recibida el 10 de septiembre de 2018 en mi oficina. Envié esta carta al centro de detención de al Cannon el 11 de septiembre de 2018 y fue devuelta a mi oficina. Por favor permita que esta correspondencia sirva como una respuesta formal a las preguntas y preocupaciones específicas incluidas en su carta.

En primer lugar, estás en lo correcto; en el último 2017, el estado y yo discutimos una súplica voluntaria del homicidio con una gama de la sentencia de 15 a 20 años, sin embargo, que nunca fue ofrecido formalmente a nosotros. En ese momento, el abogado (no el juez) se preparaba para salir para la práctica privada y sugirió que él buscaría el permiso de su jefe para una súplica en esa gama si usted y yo decidíamos entrar en un acuerdo de la súplica. Hablamos extensamente acerca de una súplica por esta cantidad de tiempo, y usted era inflexible que usted quería ir a juicio, así que le dije al abogado que yo no creía que una súplica en ese colmo de una gama daría lugar a un acuerdo de la súplica. Basándose en estas discusiones informales, nunca buscó la aprobación de su jefe y por lo tanto nunca amplió una oferta formal de súplica. Incluso si lo hubiera hecho, ya habíamos decidido que no lo aceptaría.

A finales de julio y principios de agosto de este año, sin duda discutimos el costo/beneficio de ir a juicio por asesinato, un cargo que lleva un mínimo de 30 años y hasta la vida sin libertad condicional. Dados los hechos del caso, el juez que estaba programado para juzgar el caso, y la posición del estado que iban a pedir una sentencia de perpetuas después de una condena, le expliqué que si usted fue condenado en el juicio, me sentí muy seguro de que el Tribunal enviaría la vida sin libertad condicional. Si lo dijera una vez, lo dije 100 veces; la única manera de evitar definitivamente el potencial de morir en prisión fue entrar en un trato con el estado, así que me ordenó que lo hiciera.

Mientras estoy de acuerdo con usted que su estatus migratorio *Puede* han desempeñado un papel en el juicio del caso, fue sólo por el clima actual de nuestro país. El Tribunal habría instruido al jurado No para considerar su estatus migratorio, o el de la víctima, pero siempre me preocupaba

que un jurado ignorara la instrucción. En Resumen, mientras que su estatus migratorio no tienen ningún papel en la oferta o la oración de la súplica, él muy bien *Podría* han tenido un impacto en el jurado, que era otra consideración del equipo legal en la moda de una resolución que era en su mejor interés.

Como el juez dijo el día de su súplica, y como le recordé por teléfono más tarde ese día, usted tuvo 10 días para apelar la sentencia de la corte. También le informé que tiene 1 año a partir de la fecha de su sentencia para solicitar un alivio después de la condena, por lo que le recuerdo que todavía puede hacerlo si cree que tiene reclamos válidos. Si usted decide presentar una PCR, se le dará la oportunidad de solicitar un abogado designado para representarle en la acción civil.

En cuanto al ICE hold, estoy de acuerdo con usted en que tiene más sentido centrar sus esfuerzos en convencer al gobierno federal para que conmute su sentencia y deportarlo de vuelta a su país de origen tan pronto como sea posible. Le animo a seguir trabajando con su abogado de inmigración que también le está ayudando con el caso civil de sus lesiones mientras está encarcelado. Escribir la Corte Suprema no es la manera correcta de abordar este asunto, pero usted puede ciertamente decirle a su abogado que usted desea explorar este problema.

Para concluir, por favor sepan que hemos trabajado muy duro en su nombre para efectuar esta resolución. A medida que la fecha del juicio se acercaba más y más, el caso del estado contra usted era mejor y mejor, y nuestras defensas seguían siendo las mismas. Las pruebas circunstanciales eran abrumadoras, y los testigos del estado estaban listos y dispuestos a testificar en su contra, así que me quedo confiado que aceptar una súplica era en su mejor interés.

Voy a estar pensando en usted, le animo a mantener la cabeza hacia arriba, y si puedo ayudarle de alguna manera, por favor no dude en ponerse en contacto conmigo.

Con los mejores saludos, estoy

Sinceramente,



Mark A. Peper, Esq.

Cc
AG
AT
BS
SOL

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Rolando Aldama-Ocampo,)
S.C.D.C. No. 377384,)

Case No.: 2018-CP-10-5115

Applicant,)

ORDER OF DISMISSAL

v.)

State of South Carolina,)

Respondent.)

FILED
2019 JUN 14 AM 10:14
JULIE J. ARMSTRONG
CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief filed by Rolando Aldama-Ocampo ("Applicant") on October 23, 2018. Respondent made its return on or about January 31, 2019. The Court convened an evidentiary hearing into the matter on May 20, 2019, at the Charleston County Courthouse in South Carolina. Applicant was present at the hearing and represented by Christopher Ocampo, Esq. Jacob A. Isenberg and Benjamin Limbaugh of the South Carolina Attorney General's Office, represented Respondent.

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

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. In August 2017, Applicant was indicted by the Charleston County Grand Jury for murder, trafficking meth, and identity fraud. Assistant Solicitor Culver Kidd, IV prosecuted the case. On August 13, 2018, Applicant pled guilty to the lesser included offense of voluntary manslaughter before the Honorable R. Markley Dennis, Jr. Pursuant to a negotiated sentence, Judge Dennis sentenced Applicant to imprisonment for 30 years. Applicant did not appeal his conviction or sentence.

II. POST-CONVICTION RELIEF ALLEGATIONS

In his post-conviction relief application, Applicant originally alleged he was being held unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
2. Subject Matter Jurisdiction
3. Violation of constitutional rights

Applicant requests a new trial or a negotiated plea offer of fifteen years. At the evidentiary hearing, Applicant proceeded forward on ineffective assistance of counsel based upon the failure to communicate a plea offer and involuntary plea based upon the failure to understand the colloquy communicated by the court.

III. SUMMARIZATION OF TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

Applicant

Applicant testified on his own behalf at the evidentiary hearing. Applicant testified he did not understand the numerous letters Counsel sent over the course of his case. Applicant

testified he did not speak English. Applicant also testified he could not understand the Judge at his plea hearing. Applicant testified Counsel only met with him a couple of times. Applicant testified he would have accepted the initial plea offer when of fifteen years.

Applicant testified he learned a little bit of English in jail while trying to understand Counsel's letters. Applicant testified he is in the country illegally, and is aware he will be deported if released.

Counsel

Counsel testified on behalf of the Respondent at the evidentiary hearing. Counsel testified he represented Applicant for over two years. Counsel testified he hired a paralegal who spoke Spanish for the sole purpose of Applicant's case. Counsel further testified Applicant spoke good English, and there was never an issue with communication. Counsel also testified he sent every letter to Applicant in English and Spanish throughout the course of his representation.

Additionally, Counsel testified there was a fifteen year offer sent by the original Solicitor Applicant's case. Counsel testified the offer was based upon the Solicitor trying to wrap up cases before leaving the office. Counsel testified he requested approval from Applicant to accept this offer by letter. Counsel further testified to laying out a deadline in that letter before the offer's expiration. Counsel testified Applicant had not given him authority to accept the offer at the deadline. Furthermore, Counsel testified he later found out the Head Solicitor was not going to approve this fifteen year offer.

Counsel testified he later found out the next Solicitor assigned to this case made it clear the only formal offer would be thirty years. Counsel recalled the next Solicitor reviewing the evidence, and indicating his belief the offer was too lenient on Applicant. Counsel testified there was a large amount of physical evidence against Applicant from the scene where the body was

recovered, videos, and cell-phone tracking. Counsel testified this Solicitor was put on the case who offered thirty years. Thereafter, Counsel testified the Solicitor's office made it clear this was the only offer on the table unless they went to trial.

Counsel testified he had a thorough conversation with Applicant about accepting the offer of thirty years for manslaughter. Thereafter, Counsel testified he never believed Applicant did not understand their conversations. Additionally, Counsel testified Applicant appeared to have researched and studied the issues based upon his depth of knowledge on each subject. Furthermore, Counsel testified there was a Spanish translator present at Applicant's plea hearing to ensure he understood everything.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

A. Ineffective Assistance of Counsel

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

measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Id.

“[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Butler, 286 S.C. at 442, 334 S.E.2d at 814 (quoting Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989). “Judicial scrutiny of counsel’s performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel’s assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel’s defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable.” Strickland, 466 U.S. at 689; Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011). “[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 688). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 694). With respect to guilty plea counsel, Applicant must show that there is a

reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

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

1. Failure to Communicate Initial Plea Offer

Applicant contends Counsel was deficient for failing to communicate the fifteen year plea offer. . "[A]s a general rule, defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused." Missouri v. Frye, 566 U.S. 134, 145 (2012); see also Davie v. State, 381 S.C. 601, 609, 675 S.E.2d 416, 420 (2009) (adopting "rule that counsel's failure to convey a plea offer constitutes deficient performance"). When alleging plea counsel was deficient in his or her handling of a plea offer, an applicant "must demonstrate a reasonable probability that: (1) he 'would have accepted the earlier plea offer had [he] been afforded effective assistance of counsel;' (2) 'the plea would have been entered without the prosecution canceling it or the trial court refusing to accept it;' and (3) 'the end result of the criminal process would have been more favorable by reason of a plea to a lesser charge or a sentence of less prison time.'" Collins v. State, 422 S.C. 250, 262, 810 S.E.2d 871, 877 (2018) (citing Missouri v. Frye, 566 U.S. 134, 147 (2012)); see Lafler v. Cooper, 566 U.S. 156, 164 (2012) (stating "a defendant must show that but for the ineffective advice of counsel there is a reasonable probability that the plea offer would have been presented to the court (i.e., that the

defendant would have accepted the plea and the prosecution would not have withdrawn it in light of intervening circumstances), that the court would have accepted its terms, and that the conviction or sentence, or both, under the offer's terms would have been less severe than under the judgment and sentence that in fact were imposed"). If an applicant is able to meet the requirements set forth above, the appropriate relief is to require the State to re-extend the previous plea offer to Applicant. Lafler, 566 U.S. at 174. ("The correct remedy in these circumstances, however, is to order the State to reoffer the plea agreement.")

A) Evidence of Acceptance with Effective Counsel

Here, Counsel credibly testified he communicated the initial offer to Applicant. Counsel credibly testified he sent Applicant letters in English and Spanish there were no communication issues. The English and Spanish letter were both entered into the record at this PCR hearing. In that letter, Counsel communicated the deadline for acceptance of this plea offer was January 4, 2018. Applicant testified towards the belief he was entering into this agreement at the eventual hearing based upon that letter. However, Applicant did not present evidence or testimony to indicate he attempted to accept the offer before the deadline laid out in that letter. Furthermore, Counsel credibly recalled Applicant did not respond to his letter before that deadline. Therefore, this Court finds Applicant has not overcome the burden to prove he would have accepted the initial offer with effective counsel.

B) Evidence Solicitor Would Have Formally Offered

Here, Counsel credibly recalled the Head Solicitor relaying information the fifteen year offer would not have been approved. Furthermore, Counsel credibly assessed the only formal offer was thirty years. Finally, Counsel credibly testified the Solicitor who took the case over stated this would be the only offer after reviewing the evidence. On the other hand, Applicant testified

his belief that this was the offer entered at the plea hearing. However, a review of the plea hearing record clearly shows Applicant entered into a deal for thirty years. Therefore, Applicant has failed to overcome the burden to prove the Solicitor would have formally offered a fifteen year plea.¹

Accordingly, Applicant has not satisfied the burden to prove Counsel was ineffective based upon the failure to communicate a plea offer.

2. Involuntary Plea

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

Here, Applicant testified his belief he entered into a fifteen year sentence. However, Counsel credibly testified Applicant had no difficulty understanding the English language while representing him. Counsel further credibly recalled having an interpreter in the courtroom at the plea hearing for Applicant's benefit. At the plea hearing, Applicant confirmed he understood English and knew the interpreter was there to assist with any language barriers. (Tr. 3, L. 19). Applicant testified he should be allowed to depart from this statement because he did not

¹ As a result, this Court declines to consider whether the end result of the criminal process would have been better than Applicant's current sentence and charges.

understand the sentence was going to be thirty years. However, Applicant confirmed to the court at the plea hearing he knew the negotiated sentence was for thirty years. (Tr. 4, L. 13). Furthermore, there is nothing in the record to indicate he did not understand the court or needed assistance at all. Therefore, this Court finds Applicant has failed to overcome the burden to prove his plea was involuntary based upon misunderstanding the terms of his negotiated sentence.

3. Subject Matter Jurisdiction

Applicant contends, without specificity, there was a subject matter jurisdiction violation during the course of his case. In South Carolina, circuit courts have subject matter jurisdiction to try criminal matters. State v. Gentry, 363 S.C. 93, 100, 610 S.E.2d 494, 498 (2005) (explaining 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). The lack of subject matter jurisdiction may not be waived, even by consent of the parties. Id. Here, Applicant did not testify about specific subject matter jurisdiction issues. A review of the record reflect Applicant pled guilty in the Charleston County Court of General Session within the Ninth Circuit. Therefore, this Court finds Applicant has failed to overcome the burden to prove there was a lack of subject matter jurisdiction in his case.

IV. CONCLUSION

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

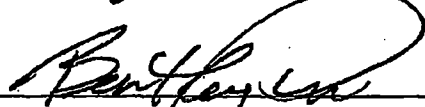
This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the

appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 14th day of June, 2019.


 BENTLEY PRICE
 Presiding Judge
 Ninth Judicial Circuit

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley Price, Circuit Court Judge

Case No.: 2018-CP-10-5115

Rolando Aldama-Ocampo, SCDC No. 377384 Appellant

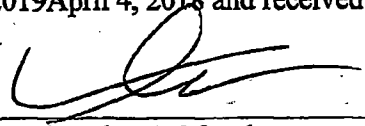
v.

State of South Carolina Respondent

NOTICE OF APPEAL

Appellant appeals the Court's denial of his application for post-conviction relief.
Attached is the order from the court dated June 14, 2019 April 4, 2018 and received July 9, 2019.

July 10, 2019



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THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley Price, Circuit Court Judge

Case No.: 2018-CP-10-5115

RECEIVED
JUL 12 2019
S.C. SUPREME COURT

Rolando Aldama-Ocampo, SCDC No. 377384 Appellant

v.

State of South Carolina Respondent

PROOF OF SERVICE

I certify that I have served APPELLANT'S NOTICE OF APPEAL by delivering a copy via U.S. Mail First-Class postage prepaid on the 10th day of July, 2019, on the following:

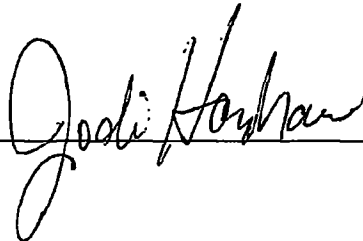
Jacob A. Isenberg, Esquire
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The Honorable Bentley Price
100 Broad Street, Suite 432
Charleston, SC 29401

The Honorable Julie J. Armstrong
Clerk of Court, Ninth Judicial Circuit
100 Broad Street, Suite 106
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Rolando Aldama-Ocampo, SCDC #377384
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010



ECK/0316467
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER
2016-010706

ARREST WARRANT NUMBER
2016A1021000314

DATE OF ARREST

04/15/2016

ACTION OF GRAND JURY

TRUE BILL

J. A. O.
Foreperson of Grand Jury AUG 08 2017 Date:

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2017-GS-10-05336

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
AUGUST TERM 2017

THE STATE

VS.

ROLANDO ALDAMA OCAMPO
W/M DOB: [REDACTED]

Indictment for

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

FILED

8/14/2017 11:17:54 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened August 2017, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County, South Carolina on or about November 18, 2015, the defendant, Rolando Aldama Ocampo, feloniously, willfully and with malice aforethought, did kill and murder Rolando Jose Castro by means of stabbing, and Rolando Jose Castro did die in Charleston as a proximate result thereof on or about November 18, 2015; in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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


CULVER KIDD
ASSISTANT SOLICITOR