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S.C. Supreme Court

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Florence County

William H. Seals, Jr., Circuit Court Judge

DAVID WILSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-212407

APPENDIX

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STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)

STATE,)

v.)

DAVID WILSON,)

DEFENDANT.)

TRANSCRIPT OF RECORD
10-GS-21-0322, 0323, 0324
December 15, 2010
Florence, South Carolina

BEFORE:

THE HONORABLE MICHAEL G. NETTLES, JUDGE

APPEARANCES:

FITZLEE MCEACHIN, ESQ.
Assistant Solicitor

KAREN E. PARROTT, ESQ.
Assistant Public Defender

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

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(There were no exhibits submitted.)

MR. MCEACHIN: May it please the Court, Your Honor, standing before you is David Wilson. He'll be pleading guilty on three separate indictments, the first being indictment number 2010-GS-21-322. On that indictment he'll be pleading guilty to one count of distribution of cocaine base, second offense. On indictment number 2010-GS-21-323, on that indictment he'll be pleading guilty to one count of distribution of cocaine base, second offense. And indictment number 2010-GS-21-324, on that he'll be pleading guilty to one count of distribution of cocaine base, second offense. He's represented by Karen Parrott of the Public Defender's Office, and the State and the Defense have negotiated a 12 year sentence in this matter, Your Honor. In addition, the State would ask that the bench warrant be lifted against Mr. Wilson once he completes the plea.

THE COURT: Ms. Parrott, do you represent Mr. Wilson?

MS. PARROTT: Yes, Your Honor.

THE COURT: Have you explained to him the offense of distribution of cocaine base second offense, the fact he could receive a minimum mandatory 5, maximum 30? Have you explained to him the elements of the offenses, potential defenses, and his constitutional rights?

MS. PARROTT: Yes, Your Honor.

THE COURT: How does he wish to plead?

MS. PARROTT: Guilty, Your Honor.

THE COURT: You agree with his decision to do so?

MS. PARROTT: Yes, Your Honor.

THE COURT: You feel if called upon to do so the State could prove him guilty beyond a reasonable doubt?

MS. PARROTT: Yes, Your Honor.

THE COURT: Does he understand he has three separate and distinct offenses for distribution of cocaine base second?

MS. PARROTT: Yes, Your Honor.

THE COURT: He understands that this falls within a very special category offense known as a serious offense subject to the three strike rule, does he understand that?

MS. PARROTT: Yes, Your Honor.

THE COURT: If he gets three, if he gets three serious strikes or most serious strikes, then he'll be subject to life without parole. Does he understand that?

MS. PARROTT: Yes, Your Honor.

THE COURT: He understands he's got three separate and distinct ones right here. Does he understand that?

MS. PARROTT: Yes, Your Honor.

THE COURT: Does he understand if he continues to mess around with dope the penalty gets worse? I think he's aware of that now because of his situation. Isn't

that correct?

MS. PARROTT: That is correct, Your Honor.

THE COURT: Does he understand that probably the least of his troubles but these adversely affect his driving privilege. He understand that?

MS. PARROTT: Yes, Your Honor.

THE COURT: All right. Does he also understand that this is a nonparoleable offense which means that he'll have to serve this sentence day for day subject to the 85 percent rule. Does he understand that?

MS. PARROTT: Yes, Your Honor.

THE COURT: And how does he wish to plead?

MS. PARROTT: Guilty, Your Honor.

THE COURT: You agree with his decision to do so?

MS. PARROTT: Yes, Your Honor.

THE COURT: You feel if called upon to do so the State could prove him guilty beyond a reasonable doubt?

MS. PARROTT: Yes, Your Honor.

THE COURT: All right. Let's place Mr. Wilson under oath if we could.

CLERK OF COURT: Raise your right hand.

WHEREUPON,

DAVID WILSON,

having been duly sworn by the Clerk of Court, testified as follows:

THE COURT: Mr. Wilson, are you under the influence of any drugs or alcohol here today?

THE DEFENDANT: No, sir.

THE COURT: You need to speak up so I can hear you.

THE DEFENDANT: No, sir.

THE COURT: You experiencing any kind of physical or mental problem that could prevent you from understanding what's going on here today?

THE DEFENDANT: No, sir.

THE COURT: Pay very close attention as Mr. McEachin summarizes the facts that bring us here today.

MR. MCEACHIN: Thank you, Your Honor. First with regard to indictment number 2010-GS-21-322, that incident occurred back on August 20th, 2009. On that date an officer with the Florence County Sheriff's Office narcotics unit utilized a confidential informant in order to do a controlled buy. The confidential informant went to _____ in Coward here in the County of Florence and was able to purchase a quantity of what was believed to be cocaine base from the defendant David Wilson. The substance was sent to SLED and came back positive for cocaine base in the amount of .16-grams.

With regard to indictment number 2010-GS-21-323, that incident occurred on August 27th, 2009. On that date

officers with the Florence County Sheriff's Office narcotics unit utilized a confidential informant to conduct a controlled buy. Again, the informant went to _____ in Coward here in the County of Florence and was able to purchase what was believed to be a quantity of cocaine base from the defendant David Wilson. The substance was sent to SLED and came back positive cocaine base in the amount of .10-grams.

With regard to indictment number 2010-GS-21-324, that incident occurred on September the 10th, 2009. On that date officer with the Florence County Sheriff's Office narcotics unit utilized a confidential informant to conduct a controlled buy. Again, the informant went to _____ in Coward, which is here in Florence County, and purchased what was believed to be cocaine base or crack cocaine from the defendant David Wilson. The substance was sent to SLED and came back positive for cocaine base in the amount of .53 grams. All of these were captured on video, Your Honor.

In addition, the defendant's prior record consists of a distribution of cocaine base within the proximity of '92; armed robbery in '96; a distribution -- a proximity charge in '96; possession of cocaine base and a possession of cocaine in 2006.

THE COURT: Those facts true and accurate,

Mr. Wilson?

(Attorney Parrott confers with defendant.)

MS. PARROTT: Your Honor, he just disputes the drug charge from 1996, but I believe the State has still provided ---

THE COURT: I won't even take that in consideration but other than that, the facts that give rise to these charges are true and accurate?

THE DEFENDANT: Yes, sir.

THE COURT: You need to answer up so I can hear you.

THE DEFENDANT: Yes, sir.

THE COURT: Are you indeed guilty of three separate and distinct offenses of distribution of cocaine base second offense?

THE DEFENDANT: Yes, sir.

THE COURT: You stand before me pleading guilty, but you don't have to plead guilty to anything. You could exercise your right to a jury trial. In that process the jury would determine whether or not the State could actually prove you guilty beyond a reasonable doubt. I would charge the jury as a matter of law that you're presumed to be innocent. No one could require that you take the witness stand; however, if you wanted to you could. You could subpoena witnesses on your own behalf.

In addition to that, you and your lawyer could cross-examine the State's witnesses. You'd have an opportunity to eyeball them and confront them as they testified against you. You realize by pleading guilty you're giving up all these rights?

THE DEFENDANT: Yes, sir.

THE COURT: You still wish to plead guilty?

THE DEFENDANT: Yes, sir.

THE COURT: Are you indeed guilty?

THE DEFENDANT: Yes, sir.

THE COURT: Plea negotiations from the State, I understand, is a negotiated 12 year sentence; is that correct?

MR. MCEACHIN: Concurrent on all charges, Your Honor.

THE COURT: Is that your understanding, Ms. Parrott?

MS. PARROTT: Yes, Your Honor.

THE COURT: Is that your understanding, Mr. Wilson?

THE DEFENDANT: Yes, sir.

THE COURT: Mr. Wilson, are you satisfied with your lawyer?

THE DEFENDANT: Yes, sir.

THE COURT: You understood all your conversations with her?

THE DEFENDANT: Yes, sir.

THE COURT: You need any additional time to confer with her?

THE DEFENDANT: No, sir.

THE COURT: All right. Has anyone promised you anything, threatened you, pressured you, mistreated you in any way, shape, or form in an effort to get you to plead guilty here today?

THE DEFENDANT: No, sir.

THE COURT: It's been your decision to plead guilty?

THE DEFENDANT: Yes, sir.

THE COURT: Are you indeed guilty?

THE DEFENDANT: Yes, sir.

THE COURT: You understood all my questions?

THE DEFENDANT: Yes, sir.

THE COURT: Have your answers been truthful?

THE DEFENDANT: Yes, sir.

THE COURT: You understand you have ten days to appeal any decision I might render here today?

THE DEFENDANT: Yes, sir.

THE COURT: Based on your testimony I find there's a substantial factual basis for your plea; that your decision was freely and voluntarily entered into knowingly, intelligently, with consent of competent

counsel with whom you say you're satisfied. I'll accept your plea. I'll be glad to hear from you and your lawyer with regard to mitigation.

Ms. Parrott.

MS. PARROTT: Thank you, Your Honor, may it please the Court. Your Honor, Mr. Wilson is in on a bench warrant. We would ask, of course, also this be lifted and when this plea is accepted if you choose to do so. I've met with Mr. Wilson many times prior to that bench warrant being issued; and in fact, he was informed on March the 23rd of the original offer in this matter which was for 25 years. And at that time he was also explained that life without parole was possible given his prior record which included the prior convictions for not only a proximity charge which would be obviously a strike also at that time, but the armed robbery offense which would have been a most serious. And I've explained to him again yesterday that for the most serious he only needs two, for the serious he needs three, and actually to get a combination thereof and the right combination it still could be life without parole. And at this point if he ever gets in trouble again for anything that amounts to either a serious or most serious he will have given them the ability to seek that if they choose do so.

As far as our representation Mr. McEachin did, in

fact, talk and was going to serve notice of life without parole on Mr. Wilson, and we've had many frank talks about exactly what that would be so I know that he's had plenty of time to think about what could happen in this matter. I've looked at the three videos with Mr. McEachin. I've explained to Mr. Wilson what was on those videos that I saw because, of course, to protect the confidential informant they're not showing him the video but I told him exactly what I saw and what identified him to me in those videos.

So in discussing all of this with him, as well as the fact that it's 58 percent, at least he needs to count on doing a hundred percent of it, but he may get his way, or get out with doing as little as 85 percent of those 12 years. I believe he's taken this under serious considerations and has made this decision with all the information that is necessary so we would ask if you would accept the negotiated sentence, Your Honor.

THE COURT: Very good, Ms. Parrott.

Mr. Wilson, you are in a position where you're subject to life without parole. And the way that exists in the State of South Carolina now is if you get a life sentence that means they carry you out in a pine box. It doesn't mean that you're eligible for parole. It means you die in prison. You understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that the way the criminal system is set up, they categorize certain sentences as serious and most serious. And one of the things that's kind of what you need to be made aware of, if you were to, you know, you're gonna end up doing better part of this 12 years. When you get out, if you were to just get a small amount of marijuana and be anywhere in Florence County, you're within a half of a mile of a school or a park, and that would be possession with intent to distribute, if you had any quantity at all or if it's separated in different baggies, and then you'll be subject to possession with intent to distribute within proximity of a school which would be a serious offense and then you'll be gone for life. You understand that?

THE DEFENDANT: Yes, sir.

THE COURT: All right. You understand all the collateral consequences of this offense; don't you?

THE DEFENDANT: Yes, sir.

THE COURT: All right, very good. Mr. Wilson, on indictment 2010-GS-21-0322, distribution of cocaine base, second, the sentence of the Court is that you be committed to the State Department of Corrections for a period of 12 years. This sentence is to run concurrent with all other sentences here today. With regard to indictment

2010-GS-21-0323, distribution of cocaine base second, the sentence of the Court is you be committed to the State Department of Corrections for a period of 12 years, sentences to run concurrent. With regard to indictment 2010-GS-21-0324, distribution of cocaine base second, the sentence of the Court is you be committed to the State Department of Corrections for a period of 12 years, sentences to run concurrent. Bench warrant is lifted. And good luck to you.

MS. PARROTT: Your Honor, credit for any time served?

THE COURT: How much is that?

MS. PARROTT: Your Honor, I'm not sure because he was -- he's in on this bench warrant now. It was 12 ---

(Attorneys confer.)

THE COURT: I'll say two months and of course the Department of Corrections will calculate that.

MS. PARROTT: Thank you, Your Honor.

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

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Twelfth Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 3rd day of October, 2011.

Frances B. Ray

FRANCES BAKIS-RAY, RPR
My Commission Expires: 9-13-2014

STATE OF SOUTH CAROLINA

County of Florence

IN THE COURT OF COMMON PLEAS

2011-CP-21-2313

David Wilson, 192503
Full name and prison number (if any) of Applicant

v.

State of South Carolina

CERTIFIED: A TRUE COPY
Anna Hel...
CLERK OF COURT C.P & G.S
FLORENCE COUNTY, S.C.

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS B READ CAREFULLY

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

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

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

1. Place of detention Lee Correctional Institution, 990 Wisacky Hwy,
Rishopville, South Carolina 29010
2. Name and location of Court which imposed sentence Florence County Court
of General Sessions; Florence, South Carolina
3. Name(s) of co-defendant(s) (if any) none
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2010-GS-21-0322

2011 AUG 30 PM 1:09
CLERK OF COURT C.P & G.S
FLORENCE COUNTY, S.C.

FILED

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

- (a) 12/15/10; 12 years concurrent
- (b) _____
- (c) _____

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty XX
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____

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

No

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

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

- i _____
- ii _____
- iii _____

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

- i _____
- ii _____
- iii _____

(c) the date of each such result:

- i _____
- ii _____
- iii _____

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

- i _____
- ii _____
- iii _____

9. If you answered Ano to (7), state your reasons for not so appealing:

- (a) Was not aware the sentence was appealable

- (b) _____
- (c) _____

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

- (a) My sentence was enhanced in violation of the applicable SCLL. _____
- (b) _____
- (c) _____

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

- (a) I have only 2 indictments for possession, yet sentenced for 3 _____
- (b) _____
- (c) _____

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

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

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

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

- iv. _____
- (c) the disposition thereof
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (d) the date of each such disposition:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____

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

No

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

- (a) which grounds have been presented:
 - i. _____
 - ii. _____
 - iii. _____
- (b) the proceedings in which each ground was raised:
 - i. _____
 - ii. _____
 - iii. _____

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

- (a) This is my first application for appeal
- (b) _____
- (c) _____

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? _____
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence?
N/A
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

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

- (a) the name and address of each attorney who represented you:
 - i. Karen Parrot
Florence County Complex - Public Defender office
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. General Session / December 16th Court term
 - ii. _____
 - iii. _____

19. State clearly the relief you seek in filing this application:
To have my sentence corrected as a 2 time offender, no enhancement

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 _____)

VERIFICATION

I, _____, 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.

David Wick

SWORN to and subscribed before me this 25 day of July 2011.
Bracef Juma (L.S.)
Notary Public

My Commission Expires: 5-16-11

FILED
2011 AUG 30 PM 1:09
CONNIE REEL-SHEARIN
Clerk of Court
FLORANCE COUNTY, SC

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

I, David Wilson, 192503, 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.

David Wilson
Applicant

SWORN or affirmed to and subscribed before me this
25 day of Aug. 2011.
[Signature]
Notary Public

My Commission Expires: 5-16-17

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)
)
 David Wilson,)
 #192503)
)
 Applicant,)
)
)
 VS.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 C.A. NO. 11-CP-21-2313

RETURN AND MOTION TO DISMISS

In response to the post-conviction relief application (PCR) filed August 30, 2011, Respondent would show this Court:

I.

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Florence County Clerk of Court's orders of commitment. Applicant was indicted at the April 2010 term of the Florence County Grand Jury for Distribution of Cocaine Base (2010-GS-21-322), Distribution of Cocaine Base and Distribution of a Controlled Substance (2010-GS-21-323), and Distribution of Cocaine Base (2010-GS-21-324). Karen E. Parrott, Esquire, represented Applicant. On December 15, 2010, Applicant pled guilty to three counts of Distribution of Cocaine Base, second offense and was sentenced, pursuant to a negotiated sentence, by the Honorable Michael G. Nettles to twelve years imprisonment. Applicant did or did not appeal his conviction or sentence.

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

Department of Corrections, and the guilty plea transcript.

Respondent reserves the right to amend its return upon the receipt of further information or materials.

II.

In his current application, Applicant alleges his sentence was improperly enhanced. Applicant requests to have his sentence corrected "as a 2 time offender, no enhancement."

III.

Respondent denies each allegation and that Applicant is entitled to relief.

IV.

After the court which sentenced the Applicant ends its term of General Sessions, neither this Court nor the sentencing court may grant a change in the Applicant's sentence. State v. Best, 257 S.C. 361, 186 S.E.2d 272 (1972). If this Court finds a defect in the original trial/plea proceedings, the only relief available to the Applicant would be a new trial on the original indictments. Gilstrap v. State, 252 S.C. 625, 168 S.E.2d 88 (1969).

Therefore, the Court should summarily dismiss the Application. The reviewing court need not pass upon post-conviction relief, if any, that has not been requested. Gilstrap, Id.; Young v. State, 250 S.C. 476, 158 S.E.2d 764 (1968). Even if the Applicant sought relief that could be granted, the Respondent submits that the allegation has no merit.

V.

The Respondent denies each allegation that is not expressly admitted, qualified or explained.

VI.

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

VII.

WHEREFORE, having made Return, Respondent requests that this Court dismiss this Application with prejudice.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

DAVID SPENCER
Senior Assistant Attorney General

By: 
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November 7, 2011.

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE }

COURT OF COMMON PLEAS

DAVID WILSON)
192503)
PETITIONER,)

v.)

TRANSCRIPT OF RECORD
11-CP-21-2313

STATE OF SOUTH CAROLINA,)
RESPONDENT.)

February 03, 2012
Florence, South Carolina

BEFORE :

THE HONORABLE WILLIAM H. SEALS, JUDGE

APPEARANCES:

CHARLES T. BROOKS, III, ESQ.
Attorney for the Petitioner

DAVID SPENCER, ESQ.
Attorney for Respondent

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

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(There were no exhibits submitted.)

1 MR. SPENCER: The last case I'd call would
2 be David Wilson. Your Honor, the last case of the
3 week I would call would be David Wilson versus South
4 Carolina. That's 2011-CP-21-2313. He's represented
5 by Mr. Charles Brooks. I think there might be a
6 motion for a continuance. I also have a motion to
7 dismiss this case and then we'll be prepared to go
8 forward otherwise.

9 THE COURT: Mr. Brooks.

10 MR. BROOKS: May it please the Court,
11 Judge, we just ask the Court for a continuance in
12 this matter. My client indicates he needs a bit
13 more time. Apparently one of the things he's
14 concerned about is whether or not he should go
15 forward as I was explaining to him in the back what
16 the potential remedy is versus risk and reward. I
17 did explain to him that Your Honor would reaffirm
18 what I indicated to him. In his situation he pled
19 guilty but he asked that he wanted to have a little
20 more time —

21 THE COURT: Let me put it to you this way,
22 I was over here in Florence a couple of years ago
23 and there was a lady that had been charged with
24 murder. They allowed her to plead to a lesser
25 offense; she received ten years. She had about six

1 to go. She filed a PCR application that was
2 granted. It was affirmed on appeal. She came back,
3 they indicted her for murder. She was tried and
4 found guilty, and she is this day serving life. So
5 think about that. I mean, you can be worse off than
6 you are right now, no question about it, and you
7 need to understand that. However, it's your choice.
8 It is your right to go forward on this application
9 if you would like. You can withdraw it if you would
10 like. If you would like a couple of minutes to talk
11 with your lawyer you can do that.

12 MR. BROOKS: He wants to know if the judge
13 will grant him a continuance.

14 THE COURT: I'm not going to continue it;
15 but I'll give you a few minutes for y'all to discuss
16 it, think about it, and talk about it.

17 MR. BROOKS: What you want to do?

18 THE COURT: There's no rush. You can sit
19 down and talk for a few minutes.

20 MR. BROOKS: You ready to go forward?

21 PETITIONER WILSON: Yes.

22 MR. BROOKS: My client indicates he's
23 ready to go forward.

24 THE COURT: Anything from the State before
25 we go forward?

PW - D. WILSON - DIRECT

DIRECT EXAMINATION

1

2 BY MR. BROOKS:

3 Q Now Mr. Wilson, we've already talked about the
4 background issues as far as PCR and how it pertains
5 to your situation. It's your desire to go forward;
6 is that correct?

7 A Yes, sir.

8 Q Okay. Now you pled guilty. You had Ms. Parrott
9 as your lawyer; is that correct?

10 A Yes, sir.

11 Q Now you've alleged that she was ineffective in
12 her representation?

13 A Yes, sir.

14 Q And as a result, that deprived you and you should
15 be granted a new trial. Tell the Court what you
16 think Ms. Parrot did wrong?

17 A First, well, the first time I talked to her,
18 consulted with her, she came to me with 15 years.
19 The next time she came to me it was with 20 years.
20 The next -- the last time she came to me was 25 to
21 life. So I went before the judge, before Judge
22 Nettles, to have her relieved as my counsel.

23 Q Okay.

24 A And so I feel -- I felt like she wasn't doing,
25 you know, doing nothing for me of with my case.

PW - D. WILSON - DIRECT

1 Q Well, let me ask you this, David, 'cause you know
2 this question is going to come up. We talked about
3 it back there. Why did you plead guilty?

4 A I had no other choice. He wouldn't fire her off
5 my case so I have no other way. I had no money. I
6 was indigent so I couldn't afford a lawyer so I felt
7 like she was the only one, you know.

8 Q You — and this gentleman over here, he might ask
9 you this question. I've seen him do it all the
10 time. Why didn't you go to trial?

11 A Go to trial with her?

12 Q Well —

13 A When I know I'm fixing to get a life sentence?

14 Q Well, but understand — now I want to make sure
15 you understand that now, Mr. Wilson. The judge has
16 kind of talked on this. Forget about Ms. Parrot.
17 If I go over here and I'm representing you now on
18 this PCR. And Mr. David over here, he'll tell you
19 that, Mr. Spencer will tell you he wants a PCR. And
20 you get a new trial, you go back and face all that
21 time. You know, we talked about that back there.

22 A What I'm saying —

23 Q So what about Ms. Parrot — I'm saying whether
24 Ms. Parrot was your lawyer or not, you press the
25 reset button on this computer game I told you about,

PW - D. WILSON - DIRECT

1 the PCR, you get the whole thing over again. So
2 what happens then when you're sitting at the table
3 and you got another lawyer and you're going to
4 trial, you understand you're going back and facing
5 all that time? You still want to do that, right?

6 A Yeah.

7 Q Okay, all right. Now is that the reason why you
8 pled guilty because you felt like you had no other
9 choice?

10 A Right.

11 Q Because of Ms. Parrot, your lawyer?

12 A Right.

13 Q Okay. Now is there anything else that you want
14 to tell the judge about why Ms. Parrot was a bad
15 lawyer for you?

16 A No, I mean, that basically it.

17 Q Are you sure?

18 A Yeah.

19 Q Is there anything else you want to say so we can
20 get you to try to convince the judge to give you
21 this new trial now?

22 A No, that's it.

23 Q All right. Answer any questions Mr. Spencer
24 has.

25

CROSS-EXAMINATION

PW - D. WILSON - CROSS

1 BY MR. SPENCER:

2 Q So you didn't want to go to trial 'cause you were
3 afraid you were going to end up with, potentially
4 end up with life imprisonment if you got convicted
5 on all these charges?

6 A Yes, sir.

7 Q All right. And so you pled guilty to avoid that
8 harsh sentence?

9 A Well, basically that, and I didn't have no other
10 representation so I just pled guilty.

11 Q Okay. And so --- and so you pled guilty before
12 Judge Nettles?

13 A Right.

14 Q And he started asking you some questions, right?

15 A Right.

16 Q And you told him you wanted to plead guilty?

17 A Yeah, that was after me and her, me and Karen
18 Parrot and the Solicitor talked and came up with a
19 12 years. I just went ahead with the 12 years. I
20 couldn't 'cause I tried to fire her as a lawyer but
21 he wouldn't. I went before Michael Nettles to have
22 her relieved as my counsel and he didn't grant it.

23 Q And so you decided you'd better take that 12 year
24 sentence, right?

25 A Yeah.

PW - D. WILSON - CROSS

1 Q Because a known is better than the unknown; isn't
2 it?

3 A Right.

4 Q And he asked you if you were satisfied with your
5 lawyer and you told him you were; didn't you?

6 A Yeah, but he already know I tried to fire her so.

7 Q He asked you if you understood all your
8 conversations with her, right?

9 A I don't remember. I don't recall that.

10 Q You don't recall that? Have you had a chance to
11 look at your plea transcript?

12 A No, I don't have it. I never was sent one.

13 Q Go ahead. Just read to yourself. You don't have
14 to read out loud. I'm gonna hand you page 9. It's
15 the last two lines. They didn't number these. Read
16 the Court's question and then the other side, your
17 answer, and then the next question and your answer
18 to that one. Let me know when you're ready.

19 A Next page?

20 Q Right, read that question. So you indicated to
21 Judge Nettles you understand your conversations with
22 her?

23 A Yes, sir.

24 Q And you told Judge Nettles you didn't need any
25 additional time to confer with her, right?

PW - K. PARROT - DIRECT

1 A Right.

2 Q I have no further questions.

3 THE COURT: All right. Mr. Spencer,
4 anything further?

5 MR. BROOKS: No other questions.

6 THE COURT: You may step down.

7 MR. BROOKS: We call Ms. Parrot to the
8 stand.

9 THE CLERK OF COURT: If you would place
10 your left hand on the Bible and raise your right
11 hand.

12 WHEREUPON,

13 **KAREN ELIZABETH PARROT,**

14 **having been duly sworn by the Clerk of Court,**

15 **testified as follows:**

16 THE CLERK OF COURT: Be seated and state
17 your name for the record.

18 THE WITNESS: It's Karen Elizabeth Parrot.

19 **DIRECT EXAMINATION**

20 BY MR. BROOKS:

21 Q Ms. Parrot, you were representing Mr. Wilson ---

22 A I was.

23 Q ---in your capacity as public defender?

24 A Yes, sir.

25 Q Now was there a motion where Mr. Wilson asked the

PW - K. PARROT - DIRECT

1 court to have you relieved as his counsel?

2 A It was, and it was on November the 29th of 2010 I
3 believe.

4 Q And what was the nature of that? What was the
5 nature of his complaint?

6 A I believe he wasn't happy because of the possible
7 sentences that he faced, and he'd made that clear to
8 me since the first time he met with me on
9 December 21st of 2009 and so —

10 Q And so the judge decided not to relieve you; is
11 that correct?

12 A That is correct.

13 Q And how did it at that point? How did the
14 conversation go with you and him as far as this
15 thing progressing to a plea?

16 A I met with him again on — he told me at the time
17 he was gonna hire a private attorney, and so I met
18 with him again down at the jail on November the
19 30th. He was — my notes say, saw the defendant at
20 the jail again, brought up by the guards and again
21 confirmed he's hiring a private attorney. He was
22 brought over on December 14th and offered a minimum
23 of 15 and with no recommendations, and we were able
24 to talk to Mr. McEachin who was the prosecutor who
25 decided — actually Mr. Wilson initiated that

PW - K. PARROT - DIRECT

1 conversation because Mr. McEachin had actually --
2 let me back this up a second. When I first met with
3 Mr. Wilson the plea sheet which normally would have
4 a number for what they would recommend or what
5 they'll offer said, needs to discuss. So there was
6 no offer made on the first time that I met with him
7 and that was in December of 2009. But I did go
8 ahead and explain to him that based on his prior
9 record that this would be a third and that because
10 these are all three distributions, he had three
11 different pending charges, that it was possible to
12 have life if you were to stack them all up. And he
13 said that he would have to check into it because he
14 didn't believe me as to what the possible sentences
15 were and what was that, what was going on there.
16 His initial -- excuse me, his docket appearance was
17 then on March the 23rd of 2010, and Fitzlee and I
18 discussed the case by that point and he came back
19 and actually made a note and signed his initials
20 beside it saying that he would offer 25. But again,
21 explaining that life without parole was possible and
22 he told me that, again, he was hiring a private
23 attorney. I went ahead and watched all these
24 videos. He talked with Hank Anderson about it.
25 Hank told me he was not gonna be able to afford his

EW - K. PARROT - DIRECT

1 services. That was on April the 6th of 2010. On
2 April the 8th of 2010 Mr. Wilson was on the list to
3 come to court, and he said he had an appointment
4 with Hank. And I had already talked with Hank
5 again, and Hank was insisting that, no, that wasn't
6 going to happen so at that point the offer went down
7 to 20. I talked with him about what that was, and
8 he said he still wanted to hire his own attorney.
9 And I let him go at 3:30 telling him to go ahead and
10 do it because life was out there as a possibility.
11 And I let him know what the video showed and that
12 included that he's got Annie tattooed on his arm on
13 the inside of his arm and on the first video it's a
14 dead ringer shot of it. And the second video is of
15 the deal in the house, and the third video was one
16 out the door and it showed a really good face shot
17 of it and it was the same house, same porch, on
18 every video. Then November the 29th he came to
19 court -- excuse me, we talked, I talked with him
20 down at the jail. Fitzlee brought it down to 15 so
21 we've gone from no offer to 25 to 20 to 15, and he
22 was brought to court then on December 14th and it
23 got it down to 12.

24 Q All right.

25 MR. BROOKS: Beg the Court's indulgence.

PW - K. PARROT - CROSS

1 No other questions.

2 THE COURT: All right, Mr. Spencer.

3 **CROSS-EXAMINATION**

4 BY MR. SPENCER:

5 Q I think I just have one question, Ms. Parrott.

6 Whose decision was it to plead guilty?

7 A It's the client's. They sign the sheet. They
8 have to stand and answer the questions before the
9 judge.

10 MR. SPENCER: I have no further questions.

11 THE COURT: Anything you need to put on
12 the record, Mr. Brooks?

13 MR. BROOKS: No other questions of
14 Ms. Parrot, Judge.

15 THE COURT: You may step down.

16 MR. BROOKS: While she's coming down I'd
17 briefly say that you've heard from my client, you've
18 heard from me. You heard me ask him about these
19 questions about running the risk. He indicates he
20 is well aware of that. He wishes to have his
21 post-conviction relief granted, granting him a new
22 trial so that he can vigorously defend these
23 charges.

24 THE COURT: All right. Mr. Spencer?

25 MR. SPENCER: Your Honor, he had a chance

1 to vigorously defend these charges. Unfortunately
2 for him his crimes are videotaped and that caused
3 him to want to plead guilty. And there hadn't been
4 any showing that Ms. Parrot, Ms. Parrott provided
5 any deficient performance. There hasn't been any
6 evidence that anything that would have changed his
7 mind to go to trial under the circumstances so
8 didn't present any evidence of prejudice. Your
9 Honor, I'd ask this application be denied.

10 THE COURT: I agree. Not only was she not
11 deficient, it sounds like you did an outstanding job
12 from taking it from life to 12. I'm gonna deny the
13 application.

14
15 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Twelfth Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 25th day of September, 2012.

Frances B. Ray

FRANCES BAKIS-RAY, RPR

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

David Wilson,
#192503)

Applicant,)

VS.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
C.A. NO. 11-CP-21-2313

ORDER OF DISMISSAL

FILED
2012 JUN 19 PM 3:46
CLERK OF COURT
FLORENCE COUNTY, SC

This matter is before this Court by way of an application for post-conviction relief (PCR) filed August 30, 2011. The State made its return on November 7, 2011. A hearing into the matter was convened at the Florence County Courthouse on February 3, 2012. Applicant was present and represented by Charles T. Brooks, III, Esquire. The State was represented by David Spencer of the South Carolina Attorney General's Office.

Applicant testified on his own behalf. Also testifying was Applicant's plea counsel, Karen Parrott, Esquire. This Court had before it the PCR application, the State's return, the Clerk of Court's records regarding the subject convictions, and the transcript of Applicant's guilty plea proceeding.

PROCEDURAL HISTORY

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Florence County Clerk of Court's orders of commitment. Applicant was indicted at the April 2010 term of the Florence County Grand Jury for Distribution of Cocaine Base (2010-GS-21-322),

Distribution of Cocaine Base and Distribution of a Controlled Substance (2010-GS-21-323), and Distribution of Cocaine Base (2010-GS-21-324). Karen E. Parrott, Esquire, represented Applicant. On December 15, 2010, Applicant pled guilty to three counts of Distribution of Cocaine Base, second offense and was sentenced, pursuant to a negotiated sentence, by the Honorable Michael G. Nettles to twelve years imprisonment. Applicant did or did not appeal his conviction or sentence.

ALLEGATIONS

In his current application, Applicant alleges his sentence was improperly enhanced. Applicant requests to have his sentence corrected "as a 2 time offender, no enhancement."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (1985).

Ineffective Assistance of Counsel and Involuntary Plea

Applicant makes various allegations of ineffective assistance of counsel. The burden of proof is on the applicant in a PCR proceeding to prove the allegations in his application. Bell v. State, 321 S.C. 238, 467 S.E.2d 926 (1996); Rule 71.1(e), SCRCP.

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing

professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Judge v. State, 321 S.C. 554, 471 S.E.2d 146 (1996). In order to prove prejudice, an applicant must show that but for counsel's errors, there is a reasonable probability the result at trial would have been different. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Id. Where trial counsel articulates a valid reason for employing certain trial strategy, such conduct should not be deemed ineffective assistance of counsel. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1995); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992). With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985); Stalk v. State, 383 S.C. 559, 681 S.E.2d 592 (2009); Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001).

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

Applicant testified that he wanted his public defender relieved but he could not afford an attorney. Applicant complained that he was afraid to go to trial because he was facing a life sentence and so he pled guilty. Applicant testified that he did not want a new trial. Applicant testified he felt a known was better than an unknown.

Counsel testified that Applicant did move for her to be relieved. Counsel testified that Applicant's dissatisfaction was with the potential sentences he was facing. Applicant was facing a potential life without parole sentence if the State successfully tried each of the three drug charges. Indeed, the transcript reveals the prosecution's intention to serve a notice of life without parole if the cases proceeded to trial. Applicant was charged for selling cocaine base to a confidential informant on three separate occasions. All were videotaped. Counsel testified that Applicant was readily identifiable in the videos. Counsel was able to negotiate with the State and have the offer brought down from twenty-five years to fifteen years, and then eventually the negotiated sentence of twelve years.

This Court finds that Applicant has not met his burden of proving either prong of Strickland and further finds that Applicant's decision was freely and voluntarily made. The record and testimony reveals that Applicant pled guilty to avoid harsher punishment and that he was facing likely conviction on the multiple charges. Further, this Court finds Counsel's testimony credible and gives it great weight. This Court finds Counsel's performance fell well within the range of professional norms and was not deficient. Further, this Court finds Applicant has failed to show he was prejudiced by any alleged deficiency. This application is therefore denied.

CONCLUSION

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

This Court advises the parties that in order to secure the appropriate appellate review, notice of appeal must be served and filed within thirty (30) days after receipt by counsel of notice of entry

of this order. See Rules 203 and 243 of the South Carolina Appellate Court Rules. This Court notes that post-conviction relief counsel must advise an applicant of the right to seek appellate review of a post-conviction relief order. State v. Bray, 366 S.C. 137, 620 S.E.2d 743 (2005). Also, 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 post-conviction relief. Rule 71.1(g), SCRCR, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on an applicant's behalf.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 18 day of June, 2012.



William H. Seals, Jr.
Presiding Judge
12th Judicial Circuit

Martin, South Carolina

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas
Honorable William H. Seals, Jr., Circuit Court Judge

Case No: 2011-CP-21-2313

David Wilson.....Appellant
S.C.D.C. No.: 192503

v.

The State.....Respondent

PROOF OF SERVICE

I, the undersigned, do hereby certify that on this 21st day of June, 2012, I served the foregoing Notice of Appeal, Order of Dismissal, as well as Proof of Service in this matter by depositing a true copy of it in the United States Mail, postage prepaid, on June 21, 2012 addressed to the following as indicated below:

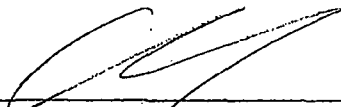
South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

South Carolina Office of Appellate Defense
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29211-1589

Office of Attorney's General
Attn: David Spencer, Esquire
Post Office Box 11549
Columbia, South Carolina 29211-1549

David Wilson, 192503
Lee Correctional Institution
990 Wisacky Highway
Bishopville, S. C. 29010

Dated: June 21, 2012


Charles T. Brooks, III
Attorney for the Appellant
309 Broad Street
Sumter, South Carolina 29150
(803) 418-5708

WITNESSES

DOCKET NO. 2010-GS-21-0322

M R Rhodes

Florence County Sheriff

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

APRIL TERM 2010

THE STATE

vs.

DAVID WILSON

FITZLEE H MCEACHIN

ARREST WARRANT NUMBER

M280064

ACTION OF GRAND JURY

TRUE BILL

Denise Panoz

Foreperson of Grand Jury

Date: 4/1/10

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

DISTRIBUTION OF COCAINE BASE

FILED

2010 APR - 1 PM 1:14

CONNIE REED-SHEARIN
CLERK
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

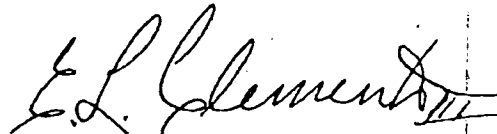
INDICTMENT FOR
DISTRIBUTION OF COCAINE BASE

At a Court of General Sessions, convened on APRIL 1, 2010 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- DISTRIBUTION OF COCAINE BASE

That DAVID WILSON did in Florence County, on or about August 20, 2009, distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver a quantity of Cocaine Base, a controlled substance under provisions of Section 44-53-110, et. seq., Code of Laws of South Carolina, 1976, as amended, such distribution not having been authorized by law, and being in violation of Section 44-53-375(B), S. C. 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.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

WITNESSES

DOCKET NO. 2010-GS-21-0323

M R Rhodes Florence County Sheriff

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

APRIL TERM 2010

THE STATE

vs.

DAVID WILSON

FITZLEE H MCEACHIN

ARREST WARRANT NUMBER

M280065 M280066

ACTION OF GRAND JURY

TRUE BILL

Denise Pardo
Foreperson of Grand Jury

Date: 4/1/10

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

DISTRIBUTION OF COCAINE BASE,
DISTRIBUTION OF CONTROLLED
SUBSTANCE

2010 APR - 1 PM 1:14
CORRIE REEL-SHEPHERD
CCJP & GS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR
DISTRIBUTION OF COCAINE BASE,
DISTRIBUTION OF CONTROLLED SUBSTANCE

At a Court of General Sessions, convened on APRIL 1, 2010 the Grand Jurors of FLORENCE County present upon their oath:

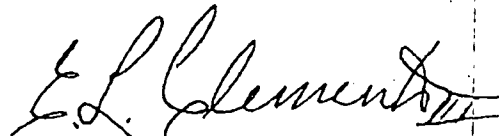
COUNT ONE- DISTRIBUTION OF COCAINE BASE

That DAVID WILSON did in Florence County, on or about August 27, 2009, distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver a quantity of Cocaine Base, a controlled substance under provisions of Section 44-53-110, et. seq., Code of Laws of South Carolina, 1976, as amended, such distribution not having been authorized by law, and being in violation of Section 44-53-375(B), S. C. Code of Laws, 1976, as amended.

COUNT TWO- DISTRIBUTION OF CONTROLLED SUBSTANCE

That DAVID WILSON did in Florence County, on or about August 27, 2009, distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver a quantity of Percocet, a Scheduled II Controlled Substance under provisions of Section 44-53-370, et. seq., Code of Laws of South Carolina, 1976, as amended, such distribution not having been authorized by law, and being in violation of Section 44-53-375(B)(2), S. C. 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.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

WITNESSES

Bradley Bazen

Florence County Sheriff

DOCKET NO. 2010-GS-21-0324

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

APRIL TERM 2010

THE STATE

vs.

DAVID WILSON

FITZLEE H MCEACHIN

ARREST WARRANT NUMBER

M270701

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 4/1/10

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

DISTRIBUTION OF COCAINE BASE

2010 APR - 1 PM 1:14
CORNIE REEL-SHEARIN
CCJF & OS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

INDICTMENT FOR

DISTRIBUTION OF COCAINE BASE

At a Court of General Sessions, convened on APRIL 1, 2010 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- DISTRIBUTION OF COCAINE BASE

That DAVID WILSON did in Florence County, on or about September 10, 2009, distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver a quantity of Cocaine Base, a controlled substance under provisions of Section 44-53-110, et. seq., Code of Laws of South Carolina, 1976, as amended, such distribution not having been authorized by law, and being in violation of Section 44-53-375(B), S. C. 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.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

(5-30 yrs)

INDICTMENT/CASE#: 2010-GS-21-0322

AW#: M280064
Date of Offense: 8/20/2009
S.C. Code §: 44-53-0375(B)(3)
CDR Code #: 3039

VS.
David Wilson
AKA:
Race: B Sex: M Age: 37
DOB: SS#:
Address:
City, State, Zip:
DL# 004048394* SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Drugs / Distribution of cocaine base, 2nd offense

In violation of § 44-53-0375(B)(2) of the S.C. Code of Laws, bearing CDR Code # 3015
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
12 mos (concurrent)

ATTEST: *[Signature]* Solicitor SC Bar # 75437 *[Signature]* Defendant
[Signature] Attorney for Defendant SC Bar # 1573

WHEREFORE the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 12 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on: 12-15-10
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 2 months
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: _____

Set by SCDPPPS

Obtain GED

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ Beginning \$ Paid to Public Defender Fund

Other: _____

Recipient:	_____	\$
*Fine:	_____	\$
§14-1-206 (Assessments 107.5%)	_____	\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$ 100.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
§44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	_____	\$
TOTAL	_____	\$ 205.00

Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge *[Signature]*

Judge Code: _____

Sentence Date 12/15/10

Clerk of Court/Deputy Clerk *[Signature]*

Court Reporter: *[Signature]*
SCCA217 (08/2010)

STATE OF SOUTH CAROLINA
COUNTY OF Florence
STATE

IN THE COURT OF GENERAL SESSIONS

57

David Wilson

VS.

AKA:
Race: B Sex: M Age: 37
DOB: SS#:

Address:
City, State, Zip: 7
DL# 004048394* SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Drugs / Distribution of cocaine base, 2nd offense

In violation of § 44-53-0375(B)(2) of the S.C. Code of Laws, bearing CDR Code # 3015

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

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

ATTEST:

[Signature] Solicitor *75137* SC Bar # *[Signature]* Defendant *[Signature]* Attorney for Defendant *156* SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 12 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on: 12-15-10

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. 2 months

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:
 RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

Set by SCDPPPS Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____
*Fine: \$ _____
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

§14-1-206 (Assessments 107.5%) \$ _____
§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00
§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
§56-5-2995 (DUI Assessment) \$12 \$ _____
§56-1-286 (DUI Breath Test) \$25 \$ _____
Proviso 47.9 (Public Def/Prob) \$500 \$ _____
§14-1-212 (Law Enforce. Funding) \$25 \$ _____
§14-1-213 (Drug Court Surcharge) \$150 \$ 100.00
§50-21-114 (BUI Breath Test Fee) \$50 \$ _____
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
§44-53-450(C) (Conditional Discharge) \$350 \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ 205.00

Other: _____

Conditional Discharge, §44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel,
§47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk *[Signature]* Presiding Judge *[Signature]*

Court Reporter: *[Signature]* Judge Code: _____

SCCA/217 (08/2010) Sentence Date 12/15/10

(5-30 yrs)

INDICTMENT/CASE#: 2010-GS-21-0324
 AWW#: M270701
 Date of Offense: 9/10/2009
 S.C. Code §: 44-53-0375(B)(3)
 CDR Code #: 3039

VS.
 David Wilson
 AKA:
 Race: B Sex: M Age: 37
 DOB: SS#:
 Address:
 City, State, Zip:
 DL# 004048394* SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Drugs / Distribution of cocaine base, 2nd offense
 In violation of § 44-53-0375(B)(2) of the S.C. Code of Laws, bearing CDR Code # 3015
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45
 (CSC w/minor 1st or Lowd Act)

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

ATTEST: *[Signature]* 75437 *[Signature]* *[Signature]*
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
 for a determinate term of 12 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 12-15-10
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
 Department of Corrections. 2 months
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:
 RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED
 Set by SCDPPPS Attend Voc. Rehab. Or Job Corp. _____

Recipient:		
*Fine:		\$ _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso 47.9 (Public Def/Prob)	\$500	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ _____
§14-1-213 (Drug Court Surcharge)	\$150	\$ 100.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
§44-53-450(C) (Conditional Discharge)	\$350	\$ _____
3% to County (if paid in installments)		\$ _____
TOTAL		\$ 205.00

May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol Testing
 Fine may be pd. in equal consecutive weekly/monthly
 pmts. of \$ _____ Beginning
 \$ _____ Paid to Public Defender Fund

Other: _____
 Conditional Discharge, §44-53-450(C) requires
 \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel,
 \$47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/Deputy Clerk: *[Signature]*
 Court Reporter: *[Signature]*
 SCCA217 (08/2010)
 Presiding Judge: *[Signature]*
 Judge Code: _____
 Sentence Date: 12/15/10

65

M-280064

STATE OF SOUTH CAROLINA

County/ Municipality of

Florence

THE STATE 20090080632
against

David Wilson

Address:

Phone: SSN:
Sex: M Race: B Height: 5 6 Weight: 160

State: SC DL #:
Agency ORI #: SC0210000

Prosecuting Agency: Florence County Sheriff

Prosecuting Officer: M R Rhodes - 834

Offense: Drugs / Manufacture, distribution, etc. of cocaine base, 1st

Offense Code: 3014

Code/Ordinance Sec: 44-53-0375 (B) (1)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant David Wilson on 8/20/09

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Court
M S C-E 180 North Irby Street
Florence, SC 295013456

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

County/ Municipality of
Florence

AFFIDAVIT

SCCA 518

Personally appeared before me the affiant M R Rhodes who being duly sworn deposes and says that defendant David Wilson did within this county and state on or about 08/20/2009 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Florence) in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manufacture, distribution, etc. of cocaine base, 1st

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on August 20, 2009 in the county of Florence, one David Wilson did knowingly and without authorization distribute crack cocaine, a Schedule II Controlled Substance. This incident occurred at Coward, SC.

Signature of Affiant

MR Rhodes

STATE OF SOUTH CAROLINA
 County/ Municipality of
Florence

Affiant's Address 6719 Friendfield Road
Effingham, SC 29541-
Affiant's Telephone (843)665-2121

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/20/2009 defendant David Wilson did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Florence) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of cocaine base, 1st

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable
Sworn to and subscribed before me

on 10/06/2009
Sandra M. Grimsley (L.S.)
Signature of Issuing Judge
Sandra M. Grimsley
Judge Code: 5006

Judge's Address Post Office Box 39
Lake City, SC 29560
Judge's Telephone (843)394-5461

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

M-280065

61

STATE OF SOUTH CAROLINA

County/ Municipality of

Florence

THE STATE 20090080955
against

David Wilson

Address:

Phone: SSN:
Sex: M Race: B Height: 5 6 Weight: 160

State: SC DL#:

Agency ORI #: SC0210000

Prosecuting Agency: Florence County Sheriff

Prosecuting Officer: M R Rhodes - 834

Offense: Drugs / Manufacture, distribution, etc. of cocaine base, 1st

Offense Code: 3014

Code/Ordinance Sec: 44-53-0375 (B) (1)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant David Wilson on 10/16/09

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Court
M S C-E 180 North Irby Street
Florence, SC 295013456

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Florence
Personally appeared before me the affiant M R Rhodes who
being duly sworn deposes and says that defendant David Wilson
did within this county and state on or about 08/27/2009 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Florence)
in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manufacture, distribution, etc. of cocaine base, 1st

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on August 27, 2009 in the city/county of Florence, one David Wilson did knowingly and without authorization distribute Crack Cocaine, a Schedule II Controlled Substance. This incident occurred on Coward, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA
 County/ Municipality of
Florence

Affiant's Address 6719 Friendfield Road
Effingham, SC 29541-
Affiant's Telephone (843)665-2121

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/27/2009 defendant David Wilson
did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Florence) as set forth below.

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of cocaine base, 1st

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable
Sworn to and subscribed before me

on 10/06/2009
Sandra M. Grimsley (L.S.)
Signature of Issuing Judge
Sandra M. Grimsley
Judge Code: 5006

Judge's Address Post Office Box 39
Lake City, SC 29560
Judge's Telephone (843)394-5461

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

63

M-280066

STATE OF SOUTH CAROLINA

County/ Municipality of

Florence

THE STATE 20090080955
against

David Wilson

Address:

Phone: SS#
Sex: M Race: B Height: 5 6 Weight: 160
State: SC DL #:
Agency ORI #: SC0210000

Prosecuting Agency: Florence County Sheriff

Prosecuting Officer: M R Rhodes - 834

Offense: Drugs / Administer, distribute, etc. Sched. I(b) or (c) or Sched. II drug, LSD, narcotic drug - 1st

Offense Code: 2584

Code/Ordinance Sec: 44-53-0370(g)(1)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant David Wilson on 10/6/09

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Court
M S C-E 180 North Irby Street
Florence, SC 295013456

ORIGINAL

ORIGINAL

County/ Municipality of)

Florence)

AFFIDAVIT

Apr 21, 2003
SCCA 518

Personally appeared before me the affiant M R Rhodes who being duly sworn deposes and says that defendant David Wilson did within this county and state on or about 08/27/2009 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Florence) in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Administer, distribute, etc. Sched. I(b) or (c) or Sched. II drug, LSD, narcotic drug - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 8-27-09, David Wilson did distribute a controlled substance to a confidential informant of the Florence County Sheriff's Office. This incident occurred at _____, which is in Florence County.

Signature of Affiant

STATE OF SOUTH CAROLINA
 County/ Municipality of
Florence

Affiant's Address 6719 Friendfield Road
Effingham, SC 29541-
Affiant's Telephone (843)665-2121

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/27/2009 defendant David Wilson did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Florence) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Administer, distribute, etc. Sched. I(b) or (c) or Sched. II drug, LSD, narcotic drug - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)
on 10/06/2009)
Sandra M. Grimsley (L.S.))
Signature of Issuing Judge
Sandra M. Grimsley)
Judge Code: 5006)

Judge's Address Post Office Box 39
Lake City, SC 29560
Judge's Telephone (843)394-5461

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

M-270701

STATE OF SOUTH CAROLINA

County/ Municipality of

Florence

THE STATE
against

David Wilson

Address:

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 6 Weight: 160
Date: SC DL #: _____
DOB: _____ Agency ORI #: SC0210000

Prosecuting Agency: Florence County Sheriff
Prosecuting Officer: Bradley Bazen - 1055

Offense: Drugs / Manufacture, distribution, etc. of cocaine base, 1st

Offense Code: 3014
Code/Ordinance Sec: 44-53-0375 (B) (1)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of _____
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to
defendant David Wilson
on 10-16-09

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Court
M S C-E 180 North Irby Street
Florence, SC 295013456

ORIGINAL

ORIGINAL

County/ Municipality of)

Florence)

Personally appeared before me the affiant Bradley Bazen who
being duly sworn deposes and says that defendant David Wilson
did within this county and state on or about 09/10/2009 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Florence)
in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manufacture, distribution, etc. of cocaine base, 1st

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on or about 9/10/2009, One David Wilson did distribute a quantity of crack cocaine to a confidential informant of the Florence
County Sheriff's Office. This violation took place at _____ located near Coward in Florence County, South
Carolina. This being in violation of the South Carolina code of laws, 1976, as amended, case# 09-09-361

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Florence

Affiant's Address 6719 Frindfield Road
Effingham, SC 29541-

Affiant's Telephone (843)665-2121

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/10/2009 defendant David Wilson
did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of Florence) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of cocaine base, 1st

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me)

on 10/16/2009)

[Signature] (L.S.))
Signature of Issuing Judge

Belinda B Timmons
Judge Code: 7065)

Judge's Address 6719 Frindfield Road
Effingham, SC 29541-

Judge's Telephone (843)665-3095

Issuing Court: Magistrate Municipal Circuit

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