

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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May 13 2020

S.C. SUPREME COURT

—————
Certiorari to Florence County

Honorable William H. Seals, Circuit Court Judge

—————
RAVON D. HAMER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO 2019-001495

—————
APPENDIX
—————

SARAH E. SHIPE
Appellate Defender

ALAN WILSON
Attorney General

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

BRIANA L. SCHILL
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

ATTORNEY FOR PETITIONER

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STATE OF SOUTH CAROLINA)	
)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE)	2015-GS-21-00883
)	
)	
)	
State of South Carolina))
)	
vs.	)	TRANSCRIPT OF RECORD
)	
Ravon D. Hamer))
<u>DEFENDANT</u>	)	December 7, 2016
		Florence, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE.

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

JOHN HOLT, ASSISTANT SOLICITOR
Attorney for the State

VICK MEETZE, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

KESHIA REED
Official Court Reporter

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(WHEREUPON, no witnesses were called.)

1 MR. HOLT: If it please the Court, Your Honor.
2 This is indictment number 2015-GS-21-883. The State of
3 South Carolina vs. Ravon Hamer. It's a four count
4 indictment, Judge. Each and every count is for burglary
5 in the first degree. The young man is represented by
6 Mr. Vick Meetze. I would love to tell you some of the
7 facts when it becomes time. And I also like to give you a
8 little bit of procedural background on this case to put on
9 the record. And I'll be happy to do either when you call
10 on me. And as well, Judge, I know that there are some
11 victims here that would like to be heard.

12 THE COURT: All right. Sir, if you'll raise
13 your right hand. You swear to tell the truth, the whole
14 truth, and nothing but the truth so help you God?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You are Ravon Dontay Hamer?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You ever been treated for alcohol
19 abuse, drug abuse or mental illness?

20 THE DEFENDANT: No, sir.

21 THE COURT: Sir?

22 THE DEFENDANT: No, sir.

23 THE COURT: Within the last 24 hours, have you
24 taken any medication drugs or alcohol?

25 THE DEFENDANT: No, sir.

1 THE COURT: You aware of any physical, emotional
2 or nervous problem that would prevent you or keep you from
3 understanding what's going on here today?

4 THE DEFENDANT: No, sir.

5 THE COURT: The State indicates you're pleading
6 guilty to four counts of burglary first degree; is that
7 correct?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand that you looking
10 at a minimum of 15 years on each count?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did they change the maximum penalty
13 on this?

14 MR. MEETZE: No, sir, Your Honor.

15 THE COURT: Still life, isn't it?

16 MR. MEETZE: It is.

17 THE COURT: Because you got 15 to 30 on here.

18 MR. HOLT: I apologize, Judge.

19 THE COURT: You understand the maximum penalty
20 on each of these counts is life imprisonment?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. The State's indicated
23 they're making a recommendation here today and that
24 recommendation being what, Mr. Holt?

25 MR. HOLT: Judge, the recommendation is for 15

1 these charges?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. In addition, you
4 understand that these offenses for which you stand before
5 the Court today are considered under South Carolina law to
6 be most serious offenses. You understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you understand that upon release
9 from the department of corrections if you are convicted by
10 plea or trial of another most serious offense and the
11 State is properly noticed of their intent to seek life
12 without parole, the Court would have no alternative but to
13 give you life. You understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You still want to plead guilty these
16 to charges?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Now, when you plead guilty, you give
19 up certain important constitutional rights. You have a
20 right to a jury trial. I would tell the jury that you are
21 presumed innocent, but the State has to prove you guilty
22 beyond a reasonable doubt. You would have the right to
23 question witnesses against you. You would the right to
24 remain silent. And if you did, I tell the jury that they
25 could hold that against you. You would have the right to

1 present a defense although you not required to do so. If
2 you made any incriminating statements, you have a right to
3 challenge the admissibility of those statements. Do you
4 understand those rights?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand when you plead
7 guilty you give up those rights?

8 THE DEFENDANT: Yeap.

9 THE COURT: Understanding your rights and
10 understanding that when you plead guilty you give them up,
11 how do you plead to each of these charges here today
12 guilty or not guilty?

13 THE DEFENDANT: Guilty.

14 THE COURT: You represented by Mr. Meetze. You
15 satisfied with his representation?

16 THE DEFENDANT: No.

17 THE COURT: You not? Well, you talk to him
18 enough?

19 THE DEFENDANT: Yep.

20 THE COURT: Do you need any more time to talk to
21 him?

22 THE DEFENDANT: Nope.

23 THE COURT: You got any complaints about him?

24 THE DEFENDANT: No, sir.

25 THE COURT: You indicated you not satisfied with

1 his representation that got anything to do with you
2 entering this plea today?

3 THE DEFENDANT: It got a whole lot to do with
4 it.

5 THE COURT: Tell me about it?

6 THE DEFENDANT: First, it ain't suppose to be no
7 15 suppose to be ten and he say, he say.

8 THE COURT: Go ahead, Mr. Holt.

9 MR. HOLT: I never said that, Judge. It's my
10 understanding before I inherited this case for a long time
11 the offer was burglary second violent ten. And the young
12 man who had been brought down several times to take that
13 offer for all four cases and each time he refused. After
14 I spent three months getting it ready, Mr. Meetze when I
15 told him I was bringing Mr. Hamer down, he ask me
16 again could he have that offer. And I said time for that
17 had come and gone, but that's before I got the case ready
18 and the best I could do at this time was 15.

19 THE COURT: You understand that, Mr. Hamer?

20 THE DEFENDANT: All that's a lie man.

21 THE COURT: Well, I'm telling you -- let me
22 explain this to you, Mr. Hamer. Mr. Holt here who's
23 prosecuting this, he doesn't have to offer you anything.
24 It appears on these sentence sheets that I'm looking at
25 let's see you got an offense that occurred -- allegedly

1 occurred on February 28th 2014 burglary first, an offense
2 that apparently occurred on May 3rd of 2014, another
3 burglary first that allegedly occurred on May 30th 2014,
4 as well an offense that allegedly occurred on May 22nd
5 2014. All of which are separate and distinct offenses.
6 Do you understand that?

7 THE DEFENDANT: Let me ask you something.

8 THE COURT: I'm going to let you talk in just a
9 minute. I'm trying to explain something to you first,
10 okay. Each of those offenses are separate and distinct.
11 What the State could do pick their best case try you on
12 burglary first. They get a conviction, they could ask for
13 life. If they don't -- say they do get a conviction and
14 you get 15 years, they could turn right back around and
15 try you on one of these others which is a most serious
16 offense and they notice you of their intent to seek life.
17 And at the end of that if you get convicted, I
18 wouldn't have -- me or no other judge would have
19 discretion. We have to give you life. You understand
20 that?

21 THE DEFENDANT: Yeah.

22 THE COURT: Okay. Now, you may not necessarily
23 be happy with what Mr. Meetze is telling you, but he
24 didn't make the facts in these cases. Mr. Meetze is a
25 very fine lawyer. You don't have to like him or not,

1 that's up to you. You understand that?

2 THE DEFENDANT: Yeah, I understand all that.

3 THE COURT: All right. Well, now I'll give
4 you -- you indicated you wanted to say something to me a
5 minute ago.

6 THE DEFENDANT: Man, them dates y'all just
7 called out, them wrong dates because I got my motion back
8 at Ridgeland saying something different.

9 THE COURT: Okay. And maybe they are:

10 THE DEFENDANT: They is. I didn't break in
11 nobody house in three times in one month.

12 THE COURT: Well, we fixing to find out. I'm
13 going to listen to the facts of these cases and either you
14 did or you didn't. I mean, you stand before this court
15 today indicating you want to plead guilty.

16 THE DEFENDANT: Yeah.

17 THE COURT: If you don't want plead guilty, you
18 don't have to plead guilty. We can set the case for day
19 certain come January and he can try his best case at that
20 point.

21 You be ready to go then, Mr. Holt?

22 MR. HOLT: Yes, sir.

23 THE COURT: It's up to you. Nobody's forcing
24 you to plead guilty here today.

25 THE DEFENDANT: I never said that.

1 THE COURT: That's entirely up to you. That's
2 entirely up to you. Now, do you want to go forward and
3 plead guilty here today or would you like to stand down
4 and we'll set the case for day certain trial come January?
5 That's up to you. I think, I'll be here the last week of
6 January. They can try the case in front of me.

7 THE DEFENDANT: What you sounding like that for?

8 THE COURT: So you'll know who you're getting
9 when you come back.

10 THE DEFENDANT: You saying that like what.

11 THE COURT: I'm just telling you the truth. I
12 will have good knowledge about the case. It's up to you
13 what you want to do, Mr. Hamer.

14 THE DEFENDANT: Let's go ahead and get this
15 thing over with man.

16 THE COURT: Are you plead guilty here today
17 because you are guilty?

18 THE DEFENDANT: I'm guilty man.

19 THE COURT: Sir?

20 THE DEFENDANT: It's over with. I just said I'm
21 guilty.

22 THE COURT: Okay. Now, let me ask you this
23 question -- I got some more questions I want to ask you,
24 okay. Do you need any more time to talk to your lawyer?

25 THE DEFENDANT: Nope.

1 THE COURT: All right. Has anyone promised you
2 anything or held out any hope of reward to get you to
3 plead guilty here today?

4 THE DEFENDANT: Naw (sic).

5 THE COURT: Has anyone used any threats, force,
6 pressure or intimidation to get you to plead?

7 THE DEFENDANT: Nope.

8 THE COURT: Has anyone mistreated you in anyway
9 whether it be law enforcement or the Solicitor's office?
10 Sir?

11 THE DEFENDANT: Nope.

12 THE COURT: All right. Have you had enough time
13 to make up your mind as to whether or not you want to
14 plead guilty or go trial on these charges?

15 THE DEFENDANT: I said I plead guilty.

16 THE COURT: That's not my question. I asked you
17 whether or not you've had enough time to make up your mind
18 as to whether or not you want to plead guilty or go to
19 trial?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And what do you wish to do?

22 THE DEFENDANT: Pleading guilty.

23 THE COURT: Are you pleading guilty as to each
24 of these charges of your own freewill?

25 THE DEFENDANT: Yep.

1 THE COURT: Have you understood my questions?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right, Mr. Holt.

4 MR. HOLT: Thank you very much, Judge.

5 February 22 of 2014 Ms. Tinesia Williams lives at [REDACTED]
6 Broad Drive here in the City of Florence and the County of
7 Florence. And, Judge, she left home early that morning
8 around 8:30 and she returned home a little after seven.
9 She notice that her black PS3 and several other objects in
10 her home were missing or stolen. Judge, the defendant's
11 fingerprints were actually found at the scene. At that
12 time this was a who done it case. Several more months
13 while those fingerprints were getting evaluated and until
14 that time the defendant was free.

15 On May 3rd the fingerprints had still not come
16 back and Mr. David Easler who then lived with his then
17 wife and I believe I'm correct in saying that, but you'll
18 hear from her in just a second, lived at [REDACTED] West
19 Florence Lake Drive, Judge. I just say 100 percent
20 certain on the facts for what they did that day, the
21 complainants left and they stated that sometime between
22 7:30 p.m. and 9:00 p.m. somebody burglarized their
23 residence. Judge, several thousand dollars worth of goods
24 were stolen handguns, a Rolex watch, television. A
25 T-shirt with human fecal matter was found outside the back

1 door close to the point of egress, Judge. When that fecal
2 matter was tried for DNA, it came back matching the
3 defendant's.

4 Judge, on May 30th, 2014, Ms. Amelia Matthews at
5 [REDACTED] County Creek Drive, Effingham, South Carolina left
6 for work. And sometime between eight o'clock and 11:30
7 they came back home to notice that their house had also
8 been burglarized TV was missing. Somebody had cut their
9 hand on the -- taking the television down. When the blood
10 was sent for DNA, it came back as well to Mr. Ravon Hamer.

11 Judge, on February 28th 2014, Ms. Betnia M.
12 Thomas of [REDACTED] South Aiken Drive apartment [REDACTED], Florence,
13 South Carolina. She left to go to work around 5:30. When
14 she came back the following morning, her 60-inch
15 television along with several other household items was
16 stolen, Judge. Police investigators looked for
17 fingerprints and sent those fingerprints off.

18 Now, Judge, by the time the initial crime SLED
19 had returned that paperwork, the defendant had completed
20 three crimes. Now, he's burglary first not because he
21 entered anyone's home with a gun, Judge, but because he
22 had two priors. I think the first prior just so I tell
23 you absolutely right. In 2008, he had a burglary second
24 degree which he got a YOA on. In 2013, he had a burglary
25 third degree. He got probation on. And then he was

1 convicted again in between this, Judge, for another
2 burglary. And I think he got around six years nonviolent.
3 I'm not 100 percent sure on his latest conviction, but
4 he's got those burglaries on his record and because of
5 that these are all burglary first.

6 Now, procedurally, Judge, this case was, of
7 course, up in front another judge previous time and it was
8 a negotiated sentence of 15 years. At that time I think
9 several of the victims were not quite happy with that. I
10 don't see Mr. Easler here today, Judge. My office of
11 course contacted them and wanted them to be apart of this
12 and was not trying to hide this from anybody. We did not
13 maybe take enough time explaining to them difference
14 violent and nonviolent time when we made that
15 recommendation, but I know they would like to be heard and
16 I know somebody is here.

17 THE COURT: I'll hear from them in just a
18 minute. What was the date on the first set of facts you
19 gave me? What was the date on the first set of facts you
20 gave me?

21 MR. HOLT: February 28th of 2014. Is the
22 earliest ---

23 THE COURT: Mr. Hamer, I'll let you talk just in
24 a minute, okay.

25 THE DEFENDANT: I was talking to my lawyer.

1 THE COURT: Well, if you need to step in the
2 back room, you can talk your lawyer, but while he's
3 talking, you need to be quiet.

4 (WHEREUPON, a break was taken.)

5 THE COURT: We're back on the record with
6 regards to Mr. Ravon Dontay Hamer. He indicated he wanted
7 to stand down and talk to his attorney in which I gave him
8 an opportunity to do so. We're back on the record.
9 Mr. Hamer, you had a chance to talk to your lawyer?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you need any more time to talk to
12 him?

13 THE DEFENDANT: No, sir.

14 THE COURT: Now, you heard the facts as stated
15 by the prosecutor as it relates to each these of charges.
16 Did you hear those facts?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you agree with those facts?

19 THE DEFENDANT: Not all of it.

20 THE COURT: Well, let's back up. Mr. Holt, go
21 to the February 28th 2014 incident.

22 MR. HOLT: Yes, sir.

23 THE COURT: Tell me the facts on that again.

24 MR. HOLT: Judge, Ms. Betnia M. Thomas lived at
25 ■ South Aiken Drive apartment ■ in Florence. She

1 stated she left for work around 7:30 and returned around
2 5:40. She stated when she went to open her door, she
3 realize the door was shaky. And once she pushed it, she
4 observed apart of the door frame had been kicked in. She
5 noticed her 60-inch television was missing along with two
6 remote controls. The television in her spare bedroom had
7 been unplugged and tampered with. It was a 50-inch TV,
8 Judge. She was in nursing school at the time. She stated
9 that she noticed fingerprints and she showed those to the
10 City of Florence Officer Goudy when he got there. He took
11 those fingerprints and then left. And then -- I don't
12 think they did much other investigations until the
13 fingerprints came back and then at that time Ashley
14 Anderson track down the defendant.

15 THE COURT: All right. Mr. Hamer, you heard the
16 facts as it relates to that case. Do you agree with those
17 facts?

18 THE DEFENDANT: Ain't talking about that one
19 right there. I'm talking about the other one.

20 THE COURT: Well, there's three other ones. We
21 going to talk about them one at the time so we clear on
22 the record what you agree with and what you don't agree
23 with, okay. Do you agree with the facts of that case?

24 THE DEFENDANT: Yeah.

25 THE COURT: Are you guilty that charge?

1 THE DEFENDANT: Yeah.

2 THE COURT: And do you plead to this particular
3 burglary first of February 28th 2014?

4 THE DEFENDANT: Oh, I'm guilty.

5 THE COURT: All right. I want to go through
6 them and I should have done this to start with go over the
7 next one which is May 3rd of 2014.

8 MR. HOLT: Yes, sir, Judge. And that's a county
9 case that was Mr. David Easler at [REDACTED] West Florence Lake
10 Drive in the County of Florence. And his wife is one of
11 the victims who's here today, Judge. And in that
12 particular case, on the 4th at 9:30 p.m. Detective Brown
13 was dispatch to Cashua Drive in Florence in regards to a
14 burglary. Spoke to the complaint Mr. Easler and he stated
15 that on the night prior sometime between 7:30 and
16 9:30 p.m. someone burglarized his residence.

17 He stated that the back door had been forced
18 open and belongings were scattered all about his bedroom.
19 He stated that his Nikon D710 camera and lenses were
20 stolen as well as an engagement ring. Ms. Hook who shared
21 a residence with him stated that her Rolex watch was
22 stolen that had been broken into. Mr. Easler stated that
23 about \$200 in cash and two customs .45 caliber handguns
24 had also been stolen. They did not observe any damage to
25 the doors or the windows at that time, Judge.

1 The police suspected that somebody who
2 previously lived in the apartment had a key floating
3 around. Mr. Easler got into an argue with his landlord
4 because they had not changed the locks from the last
5 person. But a shirt was found outside on the porch with
6 human matter on it, Judge. They were able to collect DNA
7 from the shirt that was not supposed to be here and a
8 bucket that look like it had been used. When they sent
9 the bucket and the shirt to SLED, several months later the
10 DNA came back to Mr. Hamer who's DNA was on file from a
11 previous burglary.

12 THE COURT: All right. Mr. Hamer, with regards
13 to that particular burglary, you agree with those facts?

14 THE DEFENDANT: Not all of them.

15 THE COURT: You agree that you went in this
16 apartment?

17 THE DEFENDANT: Yeah, but I ain't -- the door
18 was unlocked, door was unlocked and ain't no TV or none of
19 that came out of there.

20 THE COURT: Okay. Let me ask you this do you
21 agree you went in there?

22 THE DEFENDANT: Yeah, I just told you I did.

23 THE COURT: All right. Do you agree that you
24 went in there without authorization?

25 THE DEFENDANT: Yeah, it was unlock door.

1 THE COURT: Okay. All right. Next one.

2 MR. HOLT: Okay, Judge, this event occurring on
3 May 22nd 2014. And the first name here is Ms. Tinesia P.
4 Williams [REDACTED] Broad Drive, Florence, South Carolina.
5 Judge, officers with the City responded to a call of
6 burglary. Ms. Williams stated that she left around 6:50
7 in the morning and that her sister left around 8:30. When
8 she returned home at seven o'clock, they observed what
9 were pry marks around the dead bolt and the outside of the
10 door. The responding officer also noticed that wood
11 shattered around locks on the door. They say that
12 numerous items were taken from the residence a black
13 PlayStation 4 along with an iPhone 5 were taken from the
14 first floor in the living room. A PS3 and around 20 games
15 were taken from Ms. William's son bedroom upstairs. Wii
16 U, which is a type of Nintendo, Judge, a pair of Nike Air
17 Mission shoes, two computer laptops, cameras were also
18 stolen.

19 THE DEFENDANT: People lie to get that money.

20 THE COURT: Mr. Hamer, Mr. Hamer, I've already
21 asked you once not -- I'll give you every opportunity to
22 talk, okay.

23 THE DEFENDANT: All right.

24 THE COURT: I don't talk over you when you're
25 talking. Mr. Holt's not talking over you when you talk.

1 You can show the same respect. If I have to call you down
2 again, I'm going to hold you in contempt of court and run
3 whatever sentence I impose consecutive to it. You
4 understand that? You not allowed to disrupt court
5 proceedings as they go forward. I'll hear from you in a
6 minute.

7 All right, Mr. Holt. Go ahead.

8 MR. HOLT: Judge, the iPhone 5 that was stolen
9 was in an OtterBox protective case when the victim left
10 the house that day. When they got home, the phone was
11 missing, but the OtterBox was still there. The OtterBox
12 actually contained a fingerprint. When fingerprint
13 returned, it returned as belonging to Mr. Hammer.

14 THE COURT: All right. With regard to that
15 burglary, Mr. Hamer, you heard the facts as stated by the
16 prosecutor; is that correct? Sir?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You agree with those facts?

19 THE DEFENDANT: Yeah.

20 THE COURT: Are you guilty of that charge? Sir?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And how do you plead?

23 THE DEFENDANT: Plead guilty.

24 THE COURT: Okay, Mr. Holt.

25 MR. HOLT: Thank you very much, Judge. The

1 fourth and final incident we're here today about happen
2 May 30th. Ms. Amelia Matthews was the victim. She of
3 course lived at [REDACTED] Country Creek Drive in Effingham,
4 South Carolina. Officers responded to the home. Mr. Fray
5 stated that he and his wife stopped by to pick up some
6 items and noticed that the TV in the living room was
7 missing. They then noticed that a screw driver, a
8 flat-chisel type tool, had been used to gain entry to the
9 residence, that was left there. They also noted that a
10 55-inch television, a cooper money clip, a high school
11 class from 1959, a gold signet ring, a gold double knot
12 ring, an heirloom ring, a tea-color stone, diamond
13 solitaire pendant necklace, also a Px4 Storm Beretta,
14 which is a type of handgun was in a case that was there
15 that night it was stolen as well as some .40 caliber
16 ammunition.

17 THE COURT: All right. Is that it?

18 MR. HOLT: Judge, the pertinent facts, I guess,
19 about this case are that the defendant left actual blood
20 on the door handle from the chisel tool that he used to
21 gain entry into the home. That blood was collected and
22 the DNA within that blood came back to the defendant
23 Mr. Ravon Hamer.

24 THE COURT: All right. Mr. Hamer, as it relates
25 to this particular charge, you heard those facts?

1 THE DEFENDANT: Yeah.

2 THE COURT: You agree with those facts?

3 THE DEFENDANT: Yep.

4 THE COURT: Are you guilty of this charge?

5 THE DEFENDANT: Yep.

6 THE COURT: And how do you plead?

7 THE DEFENDANT: Guilty.

8 THE COURT: All right. I find that there is a
9 factual substantial basis for this defendant's plea as to
10 each of these charges. That his decision to plead guilty
11 as to each of these charges has been entered into freely,
12 voluntarily, knowingly and intelligently. He's had the
13 advice and counsel of an attorney with whom he may not
14 completely be satisfied with, but is not the basis of him
15 entering these pleas today. I'll accept his plea as to
16 each of these charges. Happy to hear from you,
17 Mr. Meetze.

18 MR. MEETZE: Your Honor, and I'll be happy to
19 talk now. You had indicated you wanted to hear from the
20 victims.

21 THE COURT: You're exactly right. I'm sorry.
22 Thank you.

23 Mr. Holt, which one of the victims is here?

24 MR. HOLT: Judge, Mr. Easler's ex-wife; is that
25 correct?

1 MRS. EASLER: No, I'm his current wife.

2 MR. HOLT: Current wife. I'm so sorry. You can
3 stand up and state your name.

4 THE COURT: Tell me your name please, ma'am?

5 MRS. EASLER: Deanna Easler.

6 THE COURT: Yes, ma'am. Happy to hear from you,
7 Mrs. Easler.

8 MRS. EASLER: Well, I guess, basically we just,
9 you know, we left out for an evening for a weekend and
10 came home and just -- this was so deliberate. There was
11 no force entry. We had just move there. So we did
12 believe that he had a key somehow. But the, you know --
13 and I guess, anybody who is a victim of this type of crime
14 does feel very violated especially when you have your --
15 your things in safekeeping in a safe and that safe is
16 taken out of a secure place and physically pried open to
17 get it, you know, personal sentimental belongings. You
18 know, those things that were taken cannot -- will not be
19 replaced. And we just wanted to actually face the person
20 who has no regard for anybody else's personal being,
21 safety or anything else.

22 THE COURT: All right. Thank you, ma'am.

23 MR. HOLT: And, Judge, just so everything's on
24 the record, even when it's against me. I think it would
25 be clear to say that her husband was not at all happy with

1 the 15 year violent crime offer. I do want to make that
2 apart of the record, so that, Your Honor, is aware of
3 that.

4 THE COURT: All right. Does anyone else wish to
5 speak that was involved in this.

6 MR. HOLT: Judge, I believe she's the only one
7 that showed up today.

8 THE COURT: Okay. All right. Okay. Mr.
9 Meetze, be happy to hear from you, sir.

10 MR. MEETZE: Thank you, Your Honor. May it
11 please the Court. Your Honor, I'll put on the record that
12 I been over with Mr. Hamer the charges that he's pleading
13 to today, all the collateral consequences of those
14 charges, the same as the court went over with him as he
15 did with the Court. He indicated to me that he understood
16 all of that with regards to the charges being violent with
17 him being no parole and falling under the 85 percent rule,
18 as well as them being most serious offenses and how that
19 pertains to two and three strikes law in this state. Your
20 Honor, he's been in jail since his arrest on these
21 charges, which is a total of 647 days. He was arrested
22 back on March the 2nd of 2015.

23 THE DEFENDANT: No, I was arrested in '14. I
24 got arrested August 12th 2014.

25 MR. MEETZE: Judge, we'll look into exactly

1 that, but I got that he was arrested on these charges in
2 2015. But in any event, he's currently serving time on a
3 probation revocation from previous cases that Mr. Holt had
4 gone over in going over everything with regard to this
5 case. The case he is currently serving time on indictment
6 number are 2011-GS-17-0753 and 2012-GS-17-0324.

7 Judge, I've been over with Mr. Hamer -- like I
8 said, all the collateral consequence of his pleas. All
9 previous recommendations that were made in this case were
10 fully explained to Mr. Hamer prior to him making the
11 decisions that he's made in this case prior. I certainly
12 agree with his decision to enter his pleas in this matter.
13 We believe that the recommendation the State has made for
14 a 15 year sentence understanding that that's a -- there's
15 no chance at release short of having done 85 percent of
16 that and that he may have to do all of it just depending
17 on how things go with the department of corrections. I
18 believe that that is a substantial sentence, believe that
19 that is a sentence that does reflect the seriousness of
20 the crimes as an appropriate punishment in this matter.
21 And we certainly are asking for that consideration in this
22 case and that it run concurrently to the charges he is
23 currently serving and that he receive the credit for the
24 time that he's served.

25 THE COURT: How much time is he currently

1 serving?

2 MR. MEETZE: Judge, I think, he ended up getting
3 like a four year revocation.

4 THE DEFENDANT: Four and half.

5 MR. MEETZE: Four and half. He had done a split
6 sentence. I think his original sentence was something
7 suspended to like a year or 18 months. And I think that
8 left with him four or four and a half left something along
9 those lines.

10 THE COURT: All right. Anything else, Mr.
11 Meetze?

12 MR. MEETZE: No, sir, Your Honor.

13 THE COURT: Okay, Mr. Hamer, I'll be happy to
14 hear from you, sir.

15 THE DEFENDANT: I ain't got nothing to say.

16 THE COURT: Sir?

17 THE DEFENDANT: I ain't got nothing to say.

18 THE COURT: Okay. Mr. Meetze, what day did you
19 have him having been locked up?

20 MR. MEETZE: Judge, I have that he was arrested
21 on these charge March the 2nd of 2015. Now, I think he
22 was incarcerated prior to that on the probation matter,
23 but as far as credit for these warrants, our records
24 indicate March 2nd of 2015. But he has been incarcerated
25 continuously since that time, that's 647 days.

1 THE COURT: Okay. And what were you saying
2 about the date, Mr. Hamer?

3 THE DEFENDANT: I got arrested August the 12th.

4 THE COURT: August 12th?

5 THE DEFENDANT: Yeah.

6 MR. MEETZE: Of 2014.

7 THE COURT: Of '14. Was that on your probation
8 matter or was on these charges?

9 THE DEFENDANT: I got caught out of state. I
10 was in North Carolina. They hold me over in North
11 Carolina.

12 THE COURT: On your probation matter?

13 THE DEFENDANT: Yep. Until Florence came and
14 got me.

15 THE COURT: Okay. When did they go and get you?

16 THE DEFENDANT: Florence didn't come get me
17 until March the 2nd. I sat in North Carolina six months.

18 THE COURT: Did you have any charges up there?

19 THE DEFENDANT: No. I was just out of state.

20 THE COURT: I mean, there typically some rules
21 in place that they can't detain you but so long.

22 THE DEFENDANT: We had got pull over. They ran
23 my name and they seen I had a warrant.

24 THE COURT: I understand that, but what I'm
25 getting at is another jurisdiction will not hold you over

1 indefinitely. They want hold you -- you understand what
2 I'm saying?

3 THE DEFENDANT: Yeah, I get what you saying
4 though, but I ain't lying though.

5 AGENT BYRD: We have it noted in there on
6 February 11th law enforcement contact that he was at the
7 Robeson county jail, verified subject was in jail on a
8 hold noted for Florence P.D. and they noted our office has
9 contact person once subject is extradited. No court date
10 scheduled at this time. Currently has six charges for
11 breaking into vehicles and damage to personal property.

12 THE COURT: In North Carolina?

13 AGENT BYRD: Yes.

14 MR. MEETZE: Judge, for the record, Agent Byrd
15 just did indicate that he's right about when he was locked
16 up in North Carolina. It was August the 12th and he was
17 released to Florence on March the 2nd, so it does appear
18 that it's quite possible that he would have been in their
19 on a hold for that period of time.

20 THE COURT: When did probation lodge its
21 detainer? You all entered it into NCIC?

22 AGENT BYRD: Without seeing the details, I'm not
23 sure that's what happened. The only reason they would
24 have notified us ---

25 THE COURT: Well, let me ask it this way then,

1 when would you all warrant been issued on this probation
2 matter? Does it tell you that?

3 AGENT BYRD: We issued our warrant on
4 December 4th 2014 and it was served on the May 1st 2015.

5 THE COURT: December 4th 2014?

6 AGENT BYRD: Yes, sir. December 9th 2014.

7 THE COURT: That's when the warrant was issued.

8 AGENT BYRD: Yes, sir, and served on May the 1st
9 2015.

10 THE COURT: But he was brought back here March
11 2nd of 2015.

12 AGENT BYRD: We have Form 9 sign by Judge Russo
13 June 26, 2015, revoke five years.

14 THE COURT: Okay. And, Mr. Hamer, you said you
15 were arrested in North Carolina when what day?

16 THE DEFENDANT: August the 12th.

17 THE COURT: August the 12th?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: When was your warrant issued
20 December the 9th is that what you told me?

21 AGENT BYRD: December the 9th is the issued
22 date.

23 THE COURT: When were you all notified that he
24 was detained in North Carolina?

25 AGENT BYRD: Looks like September 29th 2014.

1 Agent Anderson was notified by his mother on a home visit.

2 THE COURT: September 29th?

3 AGENT BYRD: September 29th. So our warrant was
4 issued after he was somewhere else, so it probably was not
5 in NCIC until they said we won't hold him unless he's in
6 NCIC. But he was already there on their charges.

7 THE COURT: Your charges in North Carolina they
8 been disposed of?

9 THE DEFENDANT: Yeah.

10 THE COURT: They been dealt with?

11 THE DEFENDANT: Yes, sir, had a failure to stop
12 for a blue light and possession of burglary tool. They
13 gave me time serve.

14 THE COURT: Okay. I'm just curious when was he
15 placed on probation with you all on those charges?

16 AGENT BYRD: August the 24th 2013.

17 THE COURT: August what?

18 AGENT BYRD: 24th. It's a split sentence when
19 he started his supervision was.

20 THE COURT: August 24th. Mr. Meetze, you said
21 he was brought back here March 2nd?

22 MR. MEETZE: That's correct.

23 THE COURT: All right, on 2015-GS-21-00883 as it
24 relates to each of these charges, the defendant is hereby
25 committed to the state department of corrections for a

1 period of 20 years, given credit for 647 days. They are
2 to run concurrent as to all the pleas entered this day and
3 also to run concurrent with 2011-GS-17-0753 and
4 2012-GS-17-0324. Thank you.

5 MR. MEETZE: Thank you, Judge.

6 MR. HOLT: Thank you, Judge.

7 END OF REQUESTED TRANSCRIPT

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FORM 5

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)
)
RANON D. Hamers # 328149)
)
Full name and prison number (if any) of Applicant.)

IN THE COURT OF COMMON PLEAS

20 12 CP 21 3305

v.)

APPLICATION FOR

State of South Carolina)

POST-CONVICTION RELIEF

2015 DEC - 4 PM 4: 34
RIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY

FILED

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (verbally 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 LIEBER CORR. INST.
2. Name and location of Court which imposed sentence COURT OF General Sessions Florence, S.C
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2015- GS- 21- 00883
 - (b) 2015- GS- 21- 00883
 - (c) 2015- GS- 21- 00883
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 12/7/16
 - (b) 12/7/16

(c) 12/7/16

6. Check whether a finding of guilty was made:

(a) after a plea of guilty

(b) after a plea of not guilty

(c) after a plea of nolo contendere

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

NO

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

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

i. _____

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 "no" to (7), state your reasons for not so appealing:

(a) counsel failed to inform me of DIRECT appeal

(b) counsel failed to inform me of DIRECT appeal

(c) counsel failed to inform me of DIRECT appeal

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) PROSECUTOR MISCONDUCT
- (c) INVALID INDICTMENT

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

SEE page B. ATTACHMENT

- (a) SEE ATTACHMENT A.
- (b) SEE ATTACHMENT B.
- (c) SEE ATTACHMENT 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? 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

ATTACHMENT 1 "ILLEGAL SENTENCE"

PETITIONER WAS NOT CONVICTED BY A GRAND JURY INDICTMENT.

All four counts of 1st Deg. Burglary on different dates are all

on single count indictment & none is a lesser included offense

State v. Fenwall 209 S.E.2d 433 (1974) ("separate offenses cannot be charged

in a single count indictment unless one is a lesser included offense of

the other.)" SEE EXH 11, ATTACHMENT "INVALID INDICTMENT"

The U.S. Supreme Court has established case law that sentencing courts have duty to correct illegal sentences.

U.S. vs. Mesa 641 F.2d 1096 (1980) ("It is duty of sentencing court to correct an illegal sentence");

U.S. vs. Chinnwright 938 F.2d 1096 ("court may correct an illegal sentence at any time");

U.S. vs. Becker 536 F.2d 291, 473 (1st Cir. 1976) ("Defining illegal sentence"

As among other things, a sentence which the judgment of conviction does not authorize");

2012 WL 10541809 ANTONIO D. BURDEAU vs. PETITIONER NO. 2012 U.P. 284 HEARD
 March 29-2012 Decided May 9-2012 ("Plea waived ineffective for faily to object to
 an illegal sentence");

U.S. v. Arnel 585 F.3d 182, 186 4th Cir. 2019 ("sentencing court must also ensure that the
 condition involves no greater deprivation of liberty than is reasonably necessary to afford
 adequate deterrence, protect the public from further crime, & to provide the defendant with
 training, care or treatment. 18 U.S.C. § 3583(d)(2)"); U.S. v. Dotson, 324 F.3d 256, 260-61
 4th Cir. 2003

"The condition must also be consistent with sentencing commission policy statements
 18 U.S.C. § 3583(d)(3)

ATTACHMENT E., "ILLEGAL SENTENCE"

CONTINUED:

U.S.V. Perazza Mercado, 553 F.3d 65, 70 (1st Cir. 2019) (But the sentencing court must adequately explain its decision & its reason for imposing the chosen condition. A.Mel. 585 F.3d at 181n.3;

488 Fed. App. 359 U.S.V. FRANK GUST ROGERS NO. 10-5099 1/27/12-3/6/12
 "DISTRICT COURT ABUSED ITS DISCRETION IN ITS IMPOSITION AS A CONDITION OF SUPERVISED RELEASE"

DUE TO ABOVE MENTIONED U.S. CASE LAWS PETITIONER MAKES HONORABLE COURT TO GRANT PCR, IMMEDIATE RELEASE OF PETITIONER AND BAR STATE FROM PROSECUTION!

iv. N/A

(d) the date of each such disposition:

i. N/A

ii. N/A

iii. N/A

iv. N/A

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

i. N/A

ii. N/A

iii. N/A

iv. N/A

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

N/A

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

(a) which grounds have been presented:

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

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

previously been presented:

(a) I.A.C counsel failed to notify Petitioner

(b) I.A.C counsel failed to notify Petitioner

(c) I.A.C counsel failed to notify Petitioner

SEE pg. 4. Attachment

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

Page 4. ATTACHMENT 1

16. D) I.A.C counsel failed to notify Petitioner
E) I.A.C counsel failed to notify Petitioner

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

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. _____
- ii. _____
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. (a) ARRAIGNMENT AND Plea
- ii. _____
- iii. (c) SENTENCING

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

SEE page 5. ATTACHMENT

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

NO

STATE OF SOUTH CAROLINA)
)
County of Florence)

VERIFICATION

I, RDH, 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.

Randall H. ...

SWORN to and subscribed before me this 28th
day of November, 2017.

Heather Bryant (L.S.)
Notary Public

My Commission Expires: May 26, 2020

2017 DEC -4 PM 4:34
DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

FILED

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

I, RDH, 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.

Pavon Dora Gomez

Applicant

SWORN or affirmed to and subscribed before me this
28th day of November, 2017.

Ludreen Bryant
Notary Public

My Commission Expires: May 26, 2020

DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

2017 DEC -4 PM 4: 34

FILED

10. STATE CONCISELY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOU ARE BEING HELD IN CUSTODY UNLAWFULLY:

- A) I.A.C
- B) PROSECUTOR MISCONDUCT
- C) INVALID INDICTMENT
- D) BRADY VIOLATION Rule 5
- E) ILLEGAL SENTENCE

11. STATE CONCISELY AND IN THE SAME ORDER THE FACTS WHICH SUPPORT EACH OF THE GROUNDS SET OUT IN (10):

- (A) I.A.C SEE ATTACHMENT A.
- (B) PROSECUTOR MISCONDUCT SEE ATTACHMENT B.
- (C) INVALID INDICTMENT SEE ATTACHMENT C.
- (D) BRADY VIOLATION Rule 5 SEE ATTACHMENT D.
- (E) ILLEGAL SENTENCE SEE ATTACHMENT E.

ATTACHMENT A, "I. A. C. INEFFECTIVE ASSISTANCE OF COUNSEL"

PETITIONER'S PUBLIC DEFENDER, [REDACTED] WAS INEFFECTIVE IN HIS ASSISTANCE AS COUNSEL VIOLATING 6TH AMEND. U.S.C.A. WHICH ENTITLES PETITIONER TO EFFECTIVE ASSISTANCE OF COUNSEL. PUBLIC DEFENDER CONDUCT AS COUNSEL WAS MALICIOUS, SARDINIC, ALSO VIOLATING 5TH AMEND. ACCESS TO COURTS; Rule 5 Brady DISCLOSURES; 8TH AMEND. CONSPIRACY WITH SOLICITOR'S OFFICE, DAVID RICHARDSON JR. ASST. SOL. 14TH AMEND. DUE PROCESS (SEE BELOW)

STICKLAND'S STANDARD SEE 466 U.S. 678 / THE COURT AGREED THAT THE 6TH AMEND. IMPOSES ON COUNSEL A DUTY TO INVESTIGATE, BECAUSE REASONABLY EFFECTIVE ASSISTANCE MUST BE BASED ON PROFESSIONAL DECISIONS & INFORMED LEGAL CHOICES CAN BE MADE ONLY AFTER INVESTIGATIONS OF OPTIONS. Id., 971251

A. Rule 5 BRADY DISCLOSURES,

1. COUNSEL CONSPIRED WITH ASST. SOL. DAVID A. RICHARDSON JR., AND DENIED PETITIONER THE RESULTS OF HIS DNA TEST RESULTS FROM ASST. SOL. DAVID A. RICHARDSON JR.'S, PETITIONER ORDER FOR BRIEF SWAB OF CHEEKS OF PETITIONER WHICH WAS GRANTED, JUNE 30-2015 BY JUDGE MICHAEL G. NETTLEY SEE, EXH A, CLERK'S TAMPED, JUNE 30-2015 1:48 PM BY, CLERK CONNIE REE. SHAWNEE;

2. CO-DEFENDANT'S WRITTEN STATEMENT, COUNSEL ALSO CONSPIRED WITH THE ASSISTANT SOLICITOR DAVID A. RICHARDSON JR.'S [REDACTED] MALICIOUS MINDSET TO NOT PRESENT STATEMENT;

Brady v. Maryland 393 U.S. 83, 83 S.Ct. 1147, 10 L.Ed. 2d 215 (1963);
Gibbs v. Maryland 386 U.S. 66, 87 S.Ct. 193 (1967) (PROSECUTOR HAS OBLIGATION TO PRODUCE AND ALL INVESTIGATORY REPORTS, INFORMATION MATERIAL ESTABLISHES INNOCENCE TO MITIGATE, IMPERCH, DISCREPIT TESTIMONY OF STATES WITNESSES)"

Attachment A, "I.A.C. INEFFECTIVE ASSISTANCE OF COUNSEL"

MARTINEZ V. RYAN (82 S.Ct. 1319 (2018)) "CERTIORARI WAS GRANTED BY SUPREME COURT
 JUSTICE KENNEDY REVERSED & REMANDED. STATE APPOINTED ATTORNEY FRANKS
 DURING AN DIRECT APPEAL IS INEFFECTIVE & STATE PRISONER HAS BEEN DENIED
 FOUR PROCEEDINGS THE OPPORTUNITY TO COMPLY WITH THE STATES PROCEDURES & OBTAIN AN
 ADJUDICATION ON THE MERITS OF HIS CLAIM (JUSTICE HALBERT V. MICHIGAN 545 U.S. 605,
 617, 125 S.Ct. 2582, 162 L.Ed.2d 552)

DUE TO ABOVE U.S. CASE LAWS I SEEK HONORABLE COURT TO GRANT PCR,
 IMMEDIATE RELEASE OF PETITIONER AND BAR STATE FROM REPROSECUTION.

Attachment 1, "I.A.C. Ineffective Assistance of Counsel"

B., COURSER FAILED TO MOTION TO SET ASIDE/DISMISS INDICTMENT.

All (4) FOUR (1st Deg. Burglary) charges on different dates the offenses take place
Allegedly. None however is a lesser included offense. Thus INDICTMENT
WAS NOT VALID TO PRESENT TO GRAND JURY, TO EVEN BRING CHARGES AGAINST
THE DEFENDANT/PETITIONER, VIOLATING HIS 5TH AMEND. U.S.C.A.

U.S. vs. DYE 297 F.3d 76 (9TH CIR. 2002) "Defendant has a 5TH Amend.
RIGHT TO GRAND JURY INDICTMENT!"

STATE vs. FENNELL 209 S.E.2d 433 (1974) "SEPARATE OFFENSES CANNOT
BE CHARGED IN A SINGLE COUNT INDICTMENT UNLESS ONE (1) IS A LESSER
INCLUDED OFFENSE OF THE OTHER!"

ANDERSON vs. STATE, 522 S.E.2d 394, 398 S.C. (2001) "A CONVICTION OBTAINED WITHOUT
THE PRESENTMENT OF A GRAND JURY WILL BE VOIDED ON APPEAL OR AFTER APPEAL, § 11"

U.S.V. FLEMING 215 F.3d 930 (9TH CIR. 2000) "A BILL OF PARTICULARS CANNOT CURE
ANOTHERWISE INVALID INDICTMENT!"

U.S. vs. CLEMENTE, 22 F.3d 183 (8TH CIR. 1994) "THE 5TH AMEND. REQUIRES THAT DEFENDANT
BE TRIED ONLY ON CHARGES HANDED DOWN BY GRAND JURY & THIS AFTER INDICTMENT HAS
BEEN RETURNED, IT'S CHARGES MAY NOT BE BRINGERED THROUGH AMENDED EXCEPT
BY GRAND JURY!"

S.C. 1987: (TRIAL COURT LACKS SUBJECT MATTER JURISDICTION TO ~~CONVICT~~
CONVICT DEFENDANT WHEN THERE IS NO INDICTMENT CHARGING HIM WITH THAT
OFFENSE AT TIME JURY IS SWORN) STATE vs. MUMFORD 357 S.E.2d 461, 292 S.C. 499

DUE TO ABOVE U.S. CIVIL PETITIONER MOVES HAYWARD COURT GRANT FOR IMMEDIATE
RELEASE OF PETITIONER AND BAR STATE FROM PROSECUTION!

ATTACHMENT A. "I. A. C. INEFFECTIVE ASSISTANCE OF COUNSEL"

C. FAILED TO NOTIFY PETITIONERS OF RIGHT TO DIRECT APPEAL.

COUNSEL ONLY SAW PETITIONERS TWICE AND AFTER PLEA WAS NOT INFORMED OF RIGHT TO APPEAL THE 20 YEAR SENTENCE GIVEN INSTEAD OF 15 YEARS PROMISED BY COUNSEL AND ASSIST. SCLICITOR.

THE U.S SUPREME COURT HAS ESTABLISHED CASE LAW OF VIOLATION OF PETITIONERS' APPEAL.

POWELL VS ALABAMA 287 U.S. 45 (1932), 53 S.Ct. 55, 77 L.Ed. 158 (1932) "THE DEFENDANT REQUIRES THE GUIDING HAND OF COUNSEL AT EVERY STEP IN THE PROCEEDINGS AGAINST HIM. WITHOUT IT THOUGH HE BE NOT GUILTY, HE FACES THE DANGER OF CONVICTION BECAUSE HE DOES NOT KNOW HOW TO ESTABLISH HIS INNOCENCE."

FRIEZE VS. SC 430 F.2d 69, 705 (4TH CIR. 2005) "IN TUNG (ANDERS V. CALIFORNIA 115 U.S. 138, 441 (1961)) A DEFENDANT HAS A RIGHT TO PURSUE A DIRECT APPEAL, EVEN IF FRIVOLOUS,"
DORSEY VS. STATE 2015 ("WE FIND PLEA COUNSEL WAS INEFFECTIVE DUE TO AN ACTUAL CONFLICT OF INTEREST THAT AROSE WHEN HE CONTINUED TO REPRESENT WILLIS DORSEY IN HIS UNDEFENDANT D. TAKES, AFTER TAKES DECIDED TO PLEAD GUILTY & TESTIFY AGAINST DORSEY.") WE REVERSE AND REMAND.

MARTINEZ VS. RYAN 132 S.Ct. 1309 (2012) (CERTIORARI WAS GRANTED SUPREME COURT JUSTICE KENNEDY REVERSED & REMANDED) STATE APPOINTED ATTORNEY'S ERRORS DURING AND DIRECT APPEAL IS INEFFECTIVE & STATE PRISONER HAS BEEN DENIED FAIR HEARING & THE OPPORTUNITY TO COMPLY WITH THE STATE'S PROCEDURES TO OBTAIN AN ADJUDICATION ON THE MERITS OF HIS CLAIM. IN TUNG (MARTINEZ V. MICHIGAN 543 U.S. 602, 125 S.Ct. 2582, 162 L.Ed.2d 552)

U.S. 6TH CIR. A. JUL. 7-2015 775 F.3d 937 (COURT ABUSE IT'S DISCRETION IN DENYING DEFENDANT'S REQUEST WITH THE KNOWLEDGE OF GUILTY PLEA TO WIFE FRODO WAS NOT HARMLESS, SINCE DEFENDANT DID NOT CLEARLY UNDERSTAND NATURE OF CHARGE TO WHICH HE WAS PLEADING GUILTY & THAT DEFICIENCY

ATTACHMENT A, "I. A. C. INEFFECTIVE ASSISTANCE OF COUNSEL"

C. FAILED TO NOTIFY PETITIONER OF RIGHT TO DIRECT APPEAL

- WENT TO VERY HEART OF PROTECTIONS AFFORDED BY CONSTITUTION AND RULE 11

U.S.C.A. 5TH Rule 11, 18.;

STATE VS. BRYANT 383 S.C. 410, 414, 680 S.E.2d 11, 13 (CT. APP. 2009) ("ERRONEOUS DEPRIVATION OF COUNSEL CONSTITUTES PER SE REVERSIBLE ERRORS");

LOCKHART V. TERLINE, 350 F.3d 1203 (9TH CIR. 2007) ("DEFENDANT'S 6TH AMEND. RIGHT TO COUNSEL INCLUDES THE RIGHT TO BE REPRESENTED BY AN ATTORNEY WITH UNDIVIDED LOYALTY");

STRICKLAND V. WASHINGTON 466 U.S. AT 678 ("THE COURT AGREED THAT 6TH AMEND. IMPOSES ON COUNSEL A DUTY TO INVESTIGATE, BECAUSE REASONABLY EFFECTIVE ASSISTANCE MUST BE BASED ON PROFESSIONAL DECISIONS & INFORMED LEGAL CHOICES CAN BE MADE ONLY AFTER INVESTIGATION OF OPTIONS... Id., AT 1251.

D. FAILED TO OBTAIN WITNESSES FOR DEFENDANT/CLIENTS

PETITIONER GAVE SEVERAL WITNESSES NAMES, #'S, ADDRESSES THAT WOULD PROVE HIS INNOCENCE BUT COUNSEL NEVER CONTACTED THEM.

"THE S.C. CONSTITUTION PROVIDES FOR COMPLEX PROCEDURE IN ART. 1, SEC. 14 (THOSE WHO CAN OFFER TESTIMONY THAT IS BOTH MATERIAL & FAVORABLE TO THE DEFENSE MAY BE REQUIRED TO TESTIFY)" (CHAMBERS V. MISSISSIPPI 410 U.S. 284 (1973)) ("THE COURT HAS ALSO HELD THAT A DEFENDANT MAY NOT BE RESTRICTED FROM SHOWING THAT ANOTHER PERSON HAS ALREADY CONFESSED TO CRIME)."

DUE TO ABOVE U.S. CASE LAWS PETITIONER WIVES UNDOUBTLE COURT TO GRANT PER. IMMEDIATE RELEASE OF PETITIONER AND PER. STATE FROM REPROSECUTION!

(b)

ATTACHMENT #1 "I.A.C. Ineffective Assistance of Counsel"

On Plead Deal VIOLATION: Counsel did conspire with ASTCPY. Dana A. Richardson, Esq. Promise Petitioner 15 yrs. However Petitioner was sentenced to 20 yrs. SEE EXH. I-IV. Sentencing sheet clocked stamped Clark Shara, with signature, 1 Dec. 7th 2016, "Counsel cannot deprive a defendant of the right to effective assistance by failing to render adequate legal assistance" *Culver vs. Sullivan*, 446 U.S. at 344, 100 S.Ct. at 1216 (1978-79).

Martinez v. Ryan 134 S.Ct. 1819 (2014) "CERTIORARI WAS GRANTED & Supreme Court Justice Kennedy Reversed & Remanded. STATE APPOINTED ATTORNEY'S ERRORS DURING AN DIRECT APPEAL IS INEFFECTIVE if state prisoner has been denied fair process... The opportunity to comply with the state's procedures. *Obertan* An adjudication in the merits of his claim *Quinn-Tamm v. Michigan* 349 U.S. 605, (1955) 125 S.Ct. 2580, 169 L. Ed. 2d 5527;

2012 U.S. 10841809 *ANTONIO D. BORDEAUX V. PETITIONER NO. 2012-UP-284*, March 29, 2012, Decided July 9, 2012, Reversed & Remanded "Plan Counsel Ineffective for failing to object to an illegal sentence";

Edman v. Lewis, 544 F.3d 566, 567-68 (7th Cir. 1978) "The accuracy & truth of a prisoner's denial of any threats including his guilty plea, given during an examination on the record at his sentencing... will be conclusively established by that proceeding... unless he offers (by allegations of his petition) a valid reason why he should be permitted to depart from the apparent truth of his earlier statement."

Due to above U.S. laws Petitioner moves United States District Court for immediate Release of Petitioner AND Bar State from Prosecution!

COUNTY OF Florence
STATE VS.
Ravon Donta Hamer
AKA:
Race: Black Sex: M Age: 26
DOB: [REDACTED] SS#: [REDACTED]
Address: Charles St.
City, State, Zip: Florence, SC 29505
DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2015-GS-21-00883
A/W#: 2014A2120200990
Date of Offense: 5/22/2014 ✓ Just
S.C. Code § : 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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

ATTEST: [Signature] 77495 Ravon Hamer [Signature] 15871
White, Ryan 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 20 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. 11-65-17-0322 and 12-65-17-0324
 CONCURRENT or CONSECUTIVE to sentence on: All plus 7 12-7-16
 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. 697 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

PTUP _____
_____ days/hours Public Service Employment

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
3% to County (if paid in installments)	\$	\$ <u>3.00</u>

TOTAL \$ 103.00

Clerk of Court/ Deputy Clerk [Signature]
Court Reporter: [Signature]
SCCA/217 (07/2016)

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

Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge [Signature]
Judge Code: 2160
Sentence Date: 12-7-16

CERTIFIED TRUE COPY
10/10/16
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

15-301/

COUNTY OF Florence
STATE VS.
Ravon Donta Hamer
AKA:
Race: Black Sex: M Age: 26
DOB: SS#:
Address: Charles St.
City, State, Zip: Florence, SC 29505
DL#: SID#:

INDICTMENT/CASE#: 2015-GS-21-00883
A/W#: 2014A2120200991
Date of Offense: 5/23/2014 S-30-14
S.C. Code §: 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: White, Ryan SC Bar# 77495
John Holt Defendant
Attorney for Defendant (10) 15871 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 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: All pleas 12-7-16
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. 847 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforc. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fec) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.00

TOTAL \$ 10300

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (07/2016)

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

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge
Judge Code: 2180
Sentence Date: 12-7-16

Handwritten notes and stamps: CERTIFIED TRUE COPY, CLERK OF COURT S.P. & G.C., FLORENCE COUNTY, S.C.

EXH. 3

1590 ✓

COUNTY OF Florence
STATE VS.
Ravon Donta Hamer
AKA:
Race: Black Sex: M Age: 26
DOB: [redacted] SS#: [redacted]
Address: Charles St.
City, State, Zip: Florence, SC 29505
DL#: [redacted] SID#: [redacted]

INDICTMENT/CASE#: 2015-GS-21-00883
A/W#: 2014A2120200993
Date of Offense: ~~5-22-2014~~ 2-28-14
S.C. Code §: 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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

ATTEST: [Signature] 77495 Ravon Hamer [Signature] 15571
John Holt 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 20 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: All pleas of 12-7-16
 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. 647 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 3.00
TOTAL	\$ 103.00

_____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____
CERTIFIED TRUE COPY
Clerk of Court C.P. & G.S.
FLORENCE COUNTY, S.C.

Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk [Signature]
Court Reporter: [Signature]
SCCA/217 (07/2016)

Presiding Judge [Signature]
Judge Code: 260
Sentence Date: 12-7-16

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

EXH 4

1530

COUNTY OF Florence
STATE VS.
Ravon Donta Hamer
AKA:
Race: Black Sex: M Age: 26
DOB: SS#:
Address: Charles St.
City, State, Zip: Florence, SC 29505
DL#: SID#:

INDICTMENT/CASE#: 2015-GS-21-00883
A/W#: 2014A2110201213
Date of Offense: 5/3/2014
S.C. Code §: 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Burglary / Burglary (After June 20, 1985) - First degree

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST: [Signatures] 77495 SC Bar# Defendant [Signature] Attorney for Defendant [Signature] SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Table with columns for Recipient, *Fine, and amounts. Rows include assessments, surcharges, and fees like DUI assessment, breath test, and probation costs.

TOTAL \$
Clerk of Court/ Deputy Clerk:
Court Reporter:
SCCA/217 (07/2016)

Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.
Presiding Judge:
Judge Code:
Sentence Date:

Attachment B, "Prosecutor Misconduct"

Petitioner was subjected to Prosecutor Misconduct by the
 Assist. Sol. David A. Richardson Jr.,

A.I. Assist. Sol. David A. Richardson Jr. did promise Petitioner 15 yrs. if
 he pled guilty. Petitioner was coerced to Plea and got 20 yrs.
 for each Burglary offense. Running concurrent with credit for
 647 days. SEE SENTENCING SHEET EXHIBITS I - IV.

B/ Assist. Sol. David A. Richardson Jr. did Petition Order that was granted
 June 30-2015, by Judge Michael G. Netter, clocked stamp, June 30-2015,
 1:48pm B/ Clerk Connie Reed Sherman, for DNA test of surb of cheeks of
 Petitioner. SEE EXH. A, Attachment (C) Brady violation Rule 5. The results
 were never revealed to Petitioner.

The Supreme Court of U.S. has established case law to protect Petitioner
 from Prosecutor Misconduct.

Berger v. U.S. 295 U.S. 98, 88, 55 S.Ct. 689 79 L.Ed. 1814 (1935) "IT IS AS
 MUCH A [PROSECUTOR'S] DUTY TO REFRAIN FROM IMPROPER METHODS calculated to
 produce a wrongful conviction AS IT IS TO USE EVERY LEGITIMATE MEANS TO
 BRING ABOUT A JUST ONE."

Conick v. Thompson — U.S. — 131 S.Ct. 1350, 1365, 179 L.Ed. 2d 417 (2011)
 "The role of a prosecutor is to see that justice is done."

TAL JUNDI vs. Mancusi 113 F.Supp.2d 441 (W.D.N.Y. 2000); Bragan vs.
 Ponder, 249 F.3d 476 (6th Cir. 2001) "A CRIMINAL PROSECUTION, WHICH WOULD
 NOT HAVE BEEN INITIATED BUT FOR VINDICTIVENESS IS CONSTITUTIONALLY PROHIBITED.

Attachment B, "Prosecutor Misconduct"

① The Remedy For Prosecutorial Vindictiveness is Dismissal of The Charges OR OTHER APPROPRIATE Remedies."

(KINZER V. JACKSON 316 F.3d 139 (2nd CIR. 2009)) (Freedom From Prosecution is A CONSTITUTIONAL RIGHT);

Brady v. Maryland 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed. 2d 215 (1963).

Giles v. Maryland 386 U.S. 66, 87 S.Ct. 1792 (1967) (Prosecutor has obligation to provide ALL INVESTIGATORY Reports, information material ESTABLISHES INNOCENCE, to mitigate, impeach, discredit testimony of state's witnesses)";

WASH. V. ILLINOIS 389 U.S. 906 (1967) (IT IS BY NO MEANS CLEAR THAT PETITIONER

MUST SHOW THAT THE PROSECUTORS KNOWING ACQUIESCENCE IN A MATERIAL falsehood

PREJUDICED HIM. THERE IS NO PLACE IN OUR SYSTEM OF CRIMINAL JUSTICE FOR

PROSECUTORIAL MISCONDUCT SEE GILES V. STATE OF MARYLAND 386 U.S. 66 (1967)

(OPINION OF BRENNAN (J.))

DUE TO ABOVE U.S CASE LAWS I SEEK BELOW!

PETITIONER MOVES YOUR HONORABLE COURT TO GRANT PCR, IMMEDIATE

Release of PETITIONER AND BAR STATE FROM REPROSECUTION!

BRAGON V. POINDEXTER, 249 F.3d 476 (6TH CIR. 2007) (A CRIMINAL PROSECUTION

WHICH WOULD NOT HAVE BEEN INITIATED BUT FOR VINDICTIVENESS IS CONSTITUTIONALLY PROHIBITED;

① The Remedy For Prosecutorial Vindictiveness is Dismissal of The Charges OR OTHER APPROPRIATE Remedies)"

(1)

Attachment C., "INVALID INDICTMENT"

PETITIONER HAS ALL (4) FOUR 1ST Deg. Burglary charges ON DIFFERENT DATES OF OFFENSES ON ONE (1) SINGLE COURT INDICTMENT AND NONE IS A LESSER INCLUDED OFFENSE. THIS IS NOT VALID INDICTMENT PRESENTED TO JURY GRAND JURY TO BRING CHARGES AGAINST PETITIONER. THE U.S. AS WELL AS S.C. SUPREME COURT HAS ESTABLISHED CASE LAWS THAT PETITIONER'S 5TH AMEND. RIGHT TO GRAND JURY INDICTMENT, SEE EXH. A.

U.S. V. DOE 297 F.3d 76 (2ND CIR. 2008) "DEFENDANT HAS A 5TH AMEND. RIGHT TO GRAND JURY INDICTMENT".

State v. Fenwick 209 S.E.2d 433 (1974) "SEPARATE OFFENSES CANNOT BE CHARGED IN A SINGLE COURT INDICTMENT UNLESS ONE IS A LESSER INCLUDED OFFENSE OF THE OTHERS."

Anderson v. State, 527 S.E.2d 398, 399 S.C. 629 "A CONVICTION OBTAINED WITHOUT THE PRESENTMENT OF A GRAND JURY WILL BE VOIDED ON APPEAL CONSTITUTIONAL ART. I, § 11"

U.S. V. FLEMING 215 F.3d 930 (9TH CIR. 2000) "A BILL OF PARTICULARS CANNOT CURE AN OTHERWISE INVALID INDICTMENT"

U.S. V. CLEMENTE, 22 F.3d 783 (8TH CIR. 1994) "THE 5TH AMEND. REQUIRES THAT DEFENDANT BE TRIED ONLY ON CHARGES HANDLED DOWN BY GRAND JURY & THIS AFTER INDICTMENT HAS BEEN RETURNED, IT'S CHARGES MAY NOT BE BROADERED THROUGH AMENDED EXCEPT BY GRAND JURY"

S.C. 1987: (TRIAL COURT LACKS SUBJECT MATTER JURISDICTION TO CONVICT DEFENDANT WHEN THERE IS NO INDICTMENT CHARGING HIM WITH THAT OFFENSE AT TIME JURY IS SWORN) State v. MUNN 351 S.E.2d 461, 298 S.C. 499;

ATTACHMENTS, "INVALID INDICTMENT"

S.C. Code ANN. § 17-19-10 2003 "NO PERSON SHALL BE HELD TO ANSWER IN ANY COURT FOR AN ALLEGED CRIME OR OFFENSE UNLESS 2/3RD INDICTMENT BY A GRAND JURY";

U.S. V. PERRY 757 F.3d 166, 171 (4TH CIR. 2014) "DISTRICT COURT LEGAL CONCLUSIONS WITH RESPECT TO A MOTION TO DISMISS INDICTMENT DEMAND 7 FEDERAL FINDING FOR CLEAR ERROR";

S.C. 1940: "A PRESENTMENT OF GRAND JURY IS "CONDITION PRECEDENT" TO TRIAL FOR A CRIME, EXCEPT FOR CERTAIN MINOR OFFENSES AS GRAND JURY IS CONSTITUENT PART OF COURT, WHICH HAS NO JURISDICTION OF CASE WITHOUT SUCH PRESENTMENT."

State v. HANN, 12 SC2d 220, 196-SC-211

DUE TO ABOVE VALID U.S. CASE / U.S. AND S.C. STATUTE(S) PETITIONER MAKES HONORABLE COURT TO GRANT PER, IMMEDIATE RELEASE OF PETITIONER AND BAR STATE FROM RE-PROSECUTION!

ATTACHMENT (D), BRADY VIOLATION Rule 5

PETITIONER DENIED BELOW Rule 5 BRADY DISCOVERY DISCLOSURES PROTECTED BY 5TH AMEND. U.S. CON. A.

A. ASST. SOL. DAVID A. RICHARDSON JR., DID PETITION ORDER FOR BRIEF SWAB OF CHEEKS OF PETITIONER WHICH WAS GRANTED, JUNE 30-2015, BY JUDGE MICHAEL G. NETTLES, SEE EXH. A, clocked stamped, JUNE 30-2015, 1:48 PM, BY CLERK CYNTHIA REEL-SHERWIN, AND EXH. B, AFFIDAVIT INVEST. JAMES ALLEN, PETITIONER WAS DENIED TEST RESULTS

B. THE STATE CLAIMED TO HAVE WRITTEN STATEMENT BY CO-DEFENDANT LINKING PETITIONER TO CRIME(S).

PETITIONER WAS DENIED WRITTEN STATEMENT OF CO-DEFENDANT []

THE U.S. SUPREME COURT CLEARLY ESTABLISHED CASE LAW PROTECTING 5TH AMEND. OF PETITIONER TO EVIDENCE FAVORABLE ETC. FROM STATE.

Brady v. Maryland 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed. 2d 215 (1963).

[Giles v. Maryland 386 U.S. 46, 87 S.Ct. 293 (1967)] "(PROSECUTOR HAS OBLIGATION TO PRODUCE ANY 'ALL INVESTIGATORY REPORTS', INFORMATION MATERIAL ESTABLISHING INNOCENCE, TO MITIGATE, IMPEACH, DISCREDIT TESTIMONY OF STATE'S WITNESSES)"

DUE TO ABOVE U.S. CASE LAW PETITIONER MOVES HONORABLE COURT TO GRANT PER, IMMEDIATE RELEASE OF PETITIONER AND PRO STATE FROM RE-PROSECUTION!

Ex. A.

Brady VIOLATION DOCUMENT

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

IN THE COURT OF GENERAL SESSIONS
TWELFTH JUDICIAL CIRCUIT
WARRANT NO(S): 2014A2110201213

EX PARTE:

DAVID A. RICHARDSON, JR.,)
ASSISTANT SOLICITOR,)

IN RE:)

THE STATE,)

VS.)

RAVON D. HAMER,)

Defendant.)

FILED
2015 JUN 30 PM 1:48
CORRIE KEEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

ORDER

This case comes before the Court by way of a Petition from David A. Richardson, Jr., Assistant Solicitor for the Twelfth Judicial Circuit and upon the record in this case.

It is a well-established principle of law that there is no constitutional prohibition, which holds the human body inviolate against the efforts of the State to seek evidence of the crime. Schmerber v. California, 384 US 757, 86 S. Ct. 1826 (1966). This is especially applicable to the collection of samples from the body, where the degree of intrusion to one's body is minimal and there is nothing in the procedure itself, which would endanger one's health, safety or life. State v. Allen, 277 S.C. 595, 291 S.E. 2d 459 (1982).

In light of the context of a valid arrest supported by probable cause, the defendant's expectations of privacy will not be offended by the minor intrusion of a brief swab of his cheeks. The DNA identification of arrestees is a reasonable search that can be considered part of a routine booking procedure. Maryland v. King, 569 U.S. ____ (2013).

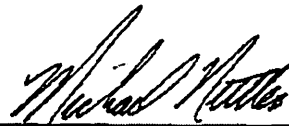
CERTIFIED A TRUE COPY
[Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

EXH. A. 2

Based on the information contained in the Petition, the defendant, **RAVON D. HAMER**, is hereby

ORDERED to provide the State and/or Investigators with the **Florence County Sheriff's Office**, or their designee with samples of his saliva and/or blood, to be drawn by a qualified medical technician, so that said samples may be sent to SLED for testing and comparison purposes, and for DNA testing.

AND IT IS SO ORDERED.



MICHAEL G. NETTLES
RESIDING JUDGE
TWELFTH JUDICIAL CIRCUIT

CONNIE KEEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

2015 JUN 30 PM 1:48

FILED

Florence, South Carolina

June 30, 2015

CERTIFIED - A TRUE COPY
[Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

EXH. B

BRADY VIOLATION DOCUMENT

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

AFFIDAVIT

The Affiant, first being duly sworn, deposes and says, as follows:

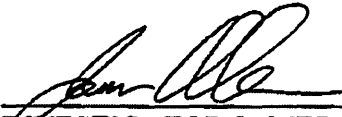
That on May 4, 2014 at approximately 9:30 P.M., Florence County E-911 received a call from David Easler who resides at [redacted] S Cashua Dr. Florence, SC, who reported that his residence had been burglarized. During the subsequent investigation Cpl Andrew Clendenin recovered a t-shirt belonging to the victims from inside the residence. Cpl Clendenin made a DNA swab from the armpit and neck area of the shirt and submitted them to the State Law Enforcement Division for testing.

On November 5, 2014 a CODIS Hit notification was received by Cpl Clendenin from SLED. The CODIS information indicated that an association was made between the sample submitted and Ravon Donta Hamer.

In order for SLED to establish a DNA connection to the subject identified from the initial CODIS hit a standard must be obtained from the subject in question. I am, therefore requesting that a DNA sample be obtained from Ravon Donta Hamer for the purpose of comparison. This officer has reason to believe that the evidence sought by this Affidavit is vital to the investigation into the burglary of Mr. Easler's residence.

2015 JUN 30 PM 4:48
CONNIE KEENE SHERIFF
CCCP & G.S. 17-3-10
FLORENCE COUNTY, SC

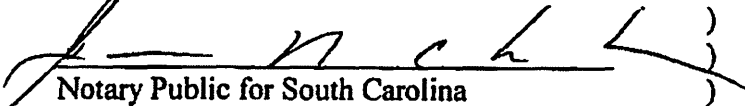
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INVESTIGATOR JAMES ALLEN
FLORENCE CO. SHERIFF'S OFFICE

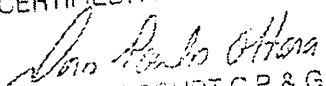
June 29, 2015

SWORN to and subscribed before me)

This 29th day of June, 2015)


Notary Public for South Carolina)

My Commission Expires: 7-2-2022)

CERTIFIED: A TRUE COPY

CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY S.C.

PAGE 5. ATTACHMENT

19) State clearly the Relief You seek in Filing This Application: CONTINUED

"PETITIONER SEEKS Relief of COURT BY GRANTING PER APPLICATION, GRANTING IMMEDIATE Release & BARRING RETRIAL / REPROSECUTION OF PETITIONER AN STATE'S FRENCHUS CASE. COURTS DECISION TO [BAR-REPROSECUTION] WOULD BE REVIEWED FOR ABUSE OF DISCRETION. SEE U.S CASE LAWS BELOW!

U.S.V. WILSON 624 F.3d 640, 649 (11th Cir. 2010) "Under an Abuse of Discretion Review, we should NOT DISRUPT the COURT'S Remedy unless we be it "acted [ARBITRARILY] OR [IRRATIONALLY], FAIL[ED] TO CONSIDER RECOGNIZED FACTORS CONSTRAINING ITS EXERCISE OF DISCRETION, RELIED ON [ERRONEOUS] [FACTUAL] OR [LEGAL PREMISES], OR COMMIT[ED] AN [ERROR] OF [LAW]";

The PUBLIC DEFENDERS OFFICE AND PROSECUTOR'S OFFICE [MALICIOUSLY] WITH A [SADISTIC HEART] AND [PREJUDICE MINDSET] VIOLATED INSPIRATORY PETITIONER'S CONSTITUTIONAL RIGHTS:

1) PROSECUTION ON INVALID INDICTMENT 5TH AMEND.

2) FAILED TO PROVIDE RULE 5 BRADY DISCLOSURES 5TH AMEND.

3) NO DNA TEST RESULTS; 4) NO CO-DEFENDANT'S STATEMENT; 5) FAILED TO CONTACT PETITIONER'S ALIBI WITNESSES ETC.;

6) ILLEGAL SENTENCE 5TH & 8TH AMEND.

7) I.A.C 6TH AMEND.

8) PROSECUTOR MISCONDUCT 5TH & 8TH AMEND.

THESE CONSTITUTIONAL VIOLATIONS CANNOT BE REMEDIED BY A [NEW TRIAL]!

THE VERY [LAWS] OF [OUR] [CONSTITUTION] WAS [MALICIOUSLY] VIOLATED BY [GOV. OFFICIALS]!

Page 6. Attachment

19) CONTINUED: SEE BELOW U.S. CASE LAWS!

e., g., Gilliam, 75 F.3d at 903 ("Re-prosecution would contravene the DOUBLE JEOPARDY CLAUSE");

[SOLEM V. BARTHELT, 465 U.S. 463, 481, 104 S.Ct. 1161, 79 L.Ed.2d 443 (1984)]
 ("STATE COURT LACKED JURISDICTION OVER THE PROSECUTION");

[SMITH V. GOGUEN, 415 U.S. 566, 94 S.Ct. 1242, 39 L.Ed.2d 605 (1974)]
 ("PETITIONER WAS CONVICTED UNDER AN UNCONSTITUTIONAL STATUTE");

[STRAUB V. U.S. 412 U.S. 434, 439-40, 93, S.Ct. 2260, 37 L.Ed. 56 (1973)]
 ("RE-PROSECUTION WOULD VIOLATE PETITIONER'S RIGHT TO A SPEEDY TRIAL");

THE VINDICTIVENESS OF PROSECUTOR'S OFFICE & THE [MALIGNANT] [CONSPIRATORIAL] ASSISTANCE OF THE PUBLIC DEFENDERS OFFICE WAS IN CONFLICT [DRACONIAN]!

"IT IS AS MUCH [A PROSECUTOR'S] DUTY TO REFRAIN FROM IMPROPER METHODS CALCULATED TO PRODUCE A WRONGFUL CONVICTION TO ~~AS~~ AS IT IS TO USE EVERY LEGITIMATE MEANS TO BRING ABOUT A JUST ONE" [BERGER V. U.S. 295 U.S. 78, 88, 555 S.Ct. 684 179 L.Ed. 1314 (1935)];

TO RE-PROSECUTE WOULD [HINDER] RATHER THAN FOSTER JUSTICE THROUGHOUT COURSE OF THIS CASE. THE CONSTITUTIONAL VIOLATIONS MUST BE REMEDIATED - IF IT WAS ~~RE~~ REMEDABLE THE COURT MAY BAR RETRIAL / RE-PROSECUTION EVEN WHEN CONSTITUTIONAL RIGHTS VIOLATION IS CAPABLE OF CORRECTION. SEE U.S. CASE LAWS BELOW!

MORANES V. PORTLAND 165 F. SUP. 2d 601, 609 (S.D. N. J. 1968) "BARRING RETRIAL WHERE "THE EVIDENCE STRONGLY SUGGESTS THAT [THE PETITIONER] ARE INNOCENT, " THEIR "ABILITY TO DEFEND AGAINST THE CHARGES IN A [NEW TRIAL] HAS BEEN HAMPERED" BY THE UNAVAILABILITY OF WITNESSES BECAUSE OF THE STATE'S DELAY & THAT HAVE SERVED EXTENDED & POTENTIALLY UNJUSTIFIED PERIODS OF INCARCERATION";

PAGE 5. ATTACHMENT

19.) (CONTINUED): GARCIA V. PORTUONDO 459 F.Supp. 2d 207, 214 (S.D.N.Y. 2006) "A COURT MAY BAR PETITION, EVEN IF THE CONSTITUTIONAL VIOLATION IS CAPABLE OF CORRECTION, "WHERE THE PETITIONER HAS SERVED AN EXTENDED & POTENTIALLY UNJUSTIFIABLE PERIOD OF INCARCERATION BEFORE THE WRIT WAS GRANTED)"

THE IMMEDIATE RELEASE OF PETITIONER & BARRING PROSECUTION IS ONLY RELIEF OF COURTS TO REMEDY PETITIONER'S CONSTITUTIONAL RIGHTS.

U.S. EX REL. SCHUSTER V. VINCENT 524 F.2d 153, 154, 138, 162 (2d CIR. 1975)

"(ORDERING A HONORABLE PETITIONER'S IMMEDIATE RELEASE) ABSOLUTE DISCHARGE WHERE HE HAD BEEN CONFINED IN A STATE HOSPITAL FOR OVER 30 YEARS WITHOUT THE OPPORTUNITY FOR A COMMITMENT HEARING THAT HE HAD BEEN IN PRISON FOR A TOTAL OF 44 YRS.)"

I SO RESPECTFULLY MOVE THIS HONORABLE COURT TO GRANT PCR, IMMEDIATE RELEASE OF PETITIONER AND BAR STATE FROM PROSECUTION!

Respectfully submitted,

NAME:

ADDRESS:

STATE OF S.C.

COUNTY OF FLORENCE

THE STATE

VS.

RAYMOND D. HAMER

APPLICANT

NOTICE AND MOTION FOR BRADY/ Rule 5 AND
Rule 6 DISCLOSURES OF DISCOVERY

COMES NOW THE P/R APPLICANT MARYS HONORABLE COURT AND SOLICITOR
OFFICE AS WELL AS PUBLIC DEFENDER OFFICE FOR BRADY DISCLOSURES OF S.C. RULES OF
COURT RULES 5 AND 6 TO BE PRODUCED TO APPLICANT TO PREPARE / AMEND P/R
APPLICATION TO BE PRODUCED TO APPLICANT WITHIN, 30 DAYS OF RECEIPT OF MOTION.

PETITIONER MOVES FOR PRODUCTION OF BELOW:

1/ PLEA ARRANGEMENT, 12/7/16, TRANSCRIPT;

2/ ANY AND ALL STATEMENTS OF CODEFENDANTS;

3/ ANY AND ALL DNA TEST RESULTS;

4/ ANY AND ALL STATEMENTS, RECORDS, DOCUMENTS ETC. THAT FAVORS
PETITIONER, AS WELL AS AGAINST

RULE 5 BRADY/ DISCLOSURES VIA U.S. CASE OF BRADY V. MARYLAND, 373 U.S. 83, 83
S.P. CT. 1194 (1963); GILGLO V. U.S. 405 U.S. 105, 92 S.P. CT. 763 (1972).

RULE 6 EXCULPATORY/ DISCLOSURES VIA U.S. CASES: ASHLEY V. TEXAS, 319 F.2D (RC)
5TH CIR. COURT DENIED, 315 U.S. 931, 84 S.P. CT. 331 (1963); KYLES V. WHITELY 514 U.S.
419, 131 L. Ed. 2d 490, 115 S.P. CT. 1555 (1995)

II.

PETITIONER DOES MAKE THE NECESSARY PART TO DISCLOSE ABOVE RULES 5 P6 Brady

Disclosures in 30 days with this day of, Month of, July, 2017 and
see/checked copy via Rule 26a. RESPECTFULLY SUBMITTED;

/
NAME:
ADDRESS

FILED

2017 OCT 30 AM 11:35

DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

Dear clerk of court,

I am writing you wanted to know can I get a copy
of my sentence sheet and my arrest warrants and
my motion of discovery if you don't mind can y'all
please be able to get the information to me thank
you for your time.

mailed
10/30/17
EL

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE)	
	)	IN THE TWELFTH JUDICIAL CIRCUIT
)	
Ravon D. Hamer, #328149,	)	Case No.: 2017-CP-21-3305
)	
Applicant,)	
	)	RETURN
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	
_____)	

The State (Respondent), making its Return to the application for Post-Conviction Relief filed on December 4, 2017, would respectfully show this Court:

I.

Ravon D. Hamer (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. In September 2015, the Florence County Grand Jury indicted Applicant for four counts of first degree burglary (2015-GS-21-0883). Public Defender William Vickery Meetze, Esquire, represented Applicant. Assistant Solicitor David Richardson, Jr., Esquire prosecuted the case. On December 7, 2016, Applicant pleaded guilty as indicted to all charges before the Honorable D. Craig Brown. Pursuant to the State's recommendation, Judge Brown sentenced Applicant to imprisonment for concurrent terms of twenty years for each count of first degree burglary, along with credit for time served of 647 days. Applicant did not appeal his conviction or sentence.

Attached to this Return and incorporated by reference are the records of the Florence 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 the right to amend this Return upon receipt of any relevant materials.

II.

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

1. “Ineffective Assistance of Counsel”
 - a. “Conduct as counsel was malicious, sadistic”
 - b. “Counsel conspired with Assistant Solicitor David A. Richardson Jr. and denied petitioner the results of his DNA test results.”
 - c. “Codefendant’s written statement, counsel also conspired with Assistant Solicitor David A. Richardson Jr.’s malicious mindset to not present statement”
 - d. “Failed to notify petitioner of right to direct appeal”
 - e. “Counsel only saw petitioner twice and after plea wasn’t informed of right to appeal the 20 year sentence given instead of 15 years promised before counsel and assistant solicitor.”
 - f. “Failed to obtain witnesses for defendant”
 - i. “Counsel never contacted them”
 - g. “Plea deal violation: Counsel did conspire with assistant solicitor David A. Richardson, promise petitioner 15 years; however petitioner was sentenced to 20 years.”
 - h. “Assistant solicitor did promise petitioner 15 years if he plead guilty, petitioner was coerced to plea and got 20 years.”¹
 - i. “Illegal Sentence”
 - i. “Petitioner was not convicted on a grand jury indictment.”
 - ii. “All four counts of first degree burglary on different dates are all on single count indictment, none is a lesser included offense.”
 - j. “Invalid Indictment”
 - i. “Counsel failed to do motion to squash/dismiss indictment”
 - ii. “All four first degree burglary charges on different dates the offenses take place allegedly. None however is a lesser included offense.”
 - iii. “This is not a valid indictment presented to jury grand jury to bring charges against petitioner.”
2. “Prosecutor Misconduct”
 - a. “Brady Violation Rule 5”
 - b. “Petitioner was denied test results.”
 - c. “Petitioner was denied written statements of codefendants.”

¹ Respondent interprets this to be an allegation of involuntary guilty plea by way of ineffective assistance of counsel.

III.

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 "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, 466 U.S. 668. First, Applicant must prove 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). 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 Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show 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, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

In his application, Applicant also claims he was denied effective assistance of counsel because his counsel failed to advise him of a direct appeal. While trial counsel is required to make certain the defendant is made fully aware of the right to appeal, the standard for a guilty plea differs. Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008). Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal) or when the defendant reasonably demonstrated an interest in appealing, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea. Id. at 225, 670 S.E.2d at 374 (citing Roe v. Flores-Ortega, 528 U.S. 470 (2000); Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995)). "Acts inconsistent with the continued assertion of a right, such as a failure to insist upon the right, may constitute waiver." Bonnette v. State, 277 S.C. 17, 18, 282 S.E.2d 597, 598 (1981) (citing 92 C.J.S. Waiver, p. 1063 (1955)). Applicant has failed to show such extraordinary circumstances. Therefore, Respondent submits that this allegation should be dismissed.

V.

Applicant also asserts he was coerced into his plea and was made promises by the State which were not honored. Respondent interprets this to be an allegation of an involuntary plea. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill, 474 U.S. 52, 56 (1985). Further, "[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing." McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, "whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases." Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421

(2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). Further, “[a] guilty plea is a solemn, judicial admission of the truth of the charges” against the applicant; thus, a criminal inmate’s right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton, at 137–38, 654 S.E.2d at 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions “made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). “In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing.” Id. at 138–39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant’s plea. However, allegations regarding the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

VI.

Applicant alleges he is serving an “illegal sentence.” Respondent submits this allegation is entirely without merit. Applicant’s sentence was well within statutory limits. Further, the record of the guilty plea clearly indicates that the plea was knowingly, intelligently, and voluntarily entered within the mandates of Boykin v. Alabama, 395 U.S. 238 (1969). See LoPiano v. State, 270 S.C. 563, 243 S.E.2d 448 (1978) (finding defendant’s guilty plea to

voluntary manslaughter and attempted housebreaking was voluntarily and intelligently given, inasmuch as record reflected defendant understood nature of crime with which he was charged and was fully advised of the sentence which he could receive). The record further reflects Applicant did not object to the court's sentence. Applicant's failure to object waived any challenge to the length of the sentence on appeal or collateral review absent an allegation of ineffective assistance of counsel. Cummings v. State, 274 S.C. 26, 260 S.E.2d 187 (1979); Peeler v. State, 277 S.C. 70, 283 S.E.2d 826 (1981). Applicant has not offered any reason to depart from the truth of his statements at the plea proceeding, and bare contradictions of these statements are not sufficient to overcome the finality of the conviction. Blackledge v. Allison, 431 U.S. 63 (1977); Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975).

However, this ground for relief may raise factual issues that are not conclusively refuted by the record. Respondent requests an evidentiary hearing on this allegation. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

VII.

Applicant also alleges prosecutorial misconduct. Applicant specifically alleges the State suppressed evidence. Brady v. Maryland, 373 U.S. 83 (1963), requires the State to disclose evidence in its possession favorable to the accused and material to guilt or punishment. Clark v. State, 315 S.C.385, 388, 434 S.E.2d 266, 268 (1993). A Brady claim is based upon the requirement of due process. Such a claim is complete if the accused can demonstrate (1) the evidence was favorable to the accused, (2) it was in the possession of or known to the prosecution, (3) it was suppressed by the prosecution, and (4) it was material to guilt or punishment. Gibson v. State, 334 S.C. 515, 524, 514 S.E.2d 320, 324 (1999). Impeachment or exculpatory evidence is material only if there is a reasonable probability that, had the evidence

been disclosed to the defense, the result of the proceeding would have been different. Clark, 315 S.C. at 388, 434 S.E.2d at 268 (citing U.S. v. Bagley, 473 U.S. 667 (1985)).

The requirements of Rule 5, as opposed to the constitutional dictates of Brady, are judicially created discovery mechanisms for use in criminal proceedings. State v. Gullede, 326 S.C. 220, 487 S.E.2d 590 (1997). Rule 5(a)(1)(C) requires:

Upon request of the defendant the prosecution shall permit the defendant to inspect and copy books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant.

Id. The definition of “material” for purposes of Rule 5 is the same as the definition used in the Brady context. See Fradella v. Town of Mount Pleasant, 325 S.C. 469, 482 S.E.2d 53 (Ct. App. 1997) (per curiam). In order for Applicant to prevail on a Rule 5 claim, he must show not only an actual violation, but also that he suffered prejudice as a result. State v. Wilkins, 310 S.C. 81, 425 S.E.2d 68 (Ct.App.1992); State v. Trotter, 322 S.C. 537, 473 S.E.2d 452 (1996).

Respondent submits that this ground for relief is without merit. However, the allegations concerning Brady and Rule 5 violations probably raise questions of fact that are not conclusively refuted by the record. Respondent requests an evidentiary hearing on this ground for relief. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

VIII.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules

15(a)-(b), SCRCPP. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCPP. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCPP.

IX.

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel, involuntary guilty plea, illegal sentence, and Brady violations. 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 those allegations should be dismissed as a matter of law.

X.

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

{Signature on following page.}

XI.

WHEREFORE, Respondent requests that an evidentiary hearing be held on Applicant's claims.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

LINDSEY MCCALLISTER
Assistant Attorney General

By:  for LAM
ATTORNEYS FOR RESPONDENT

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

April 5, 2018



June 14, 2019

The Honorable Doris Poulos O'Hara
Clerk of Court, Florence County
181 N. Irby Street, Suite 1100
Florence, SC 29501

Re: Ravon D. Hamer vs. State of South Carolina
C/A No: 2017-CP-21-3305

Dear Ms. O'Hara:

Please find enclosed one (1) original and one (1) copy of Applicant's Amendment to Application for Post Conviction Relief in the above referenced case. Please file the original and return the clocked copy to me in the enclosed envelope. Please note that PCR matters are **EXEMPT** from e-filing requirements. By copy of this letter, I am serving a copy on counsel for the Respondent.

If you have any questions, please do not hesitate to ask. My telephone number is 803-520-7278.

Sincerely,

Jonathan D. Waller

Enclosures

Cc: Samuel L. Key, Esq.

Waller Law Group
1116 Blanding Street, Suite 2B
Columbia, SC 29201

803-520-7278
www.wallerlawgroup.com
jonathan@wallergroupsc.com

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE)	
Ravon D. Hamer, 328149,	)	AMENDMENT TO APPLICATION FOR
	)	POST CONVICTION RELIEF
Applicant,)	
)	
Vs.	)	Case No. 2017-CP-21-3305
)	
State of South Carolina)	
)	
Respondent.)	

Applicant, by and through his Attorney, Jonathan D. Waller, Esquire, would amend his Application for Post Conviction Relief filed December 4, 2017, by adding the claims of ineffective assistance of to question 10 and by adding the following specific prayers for relief to his original allegations:

1. As to representation rendered by William Vickery Meetze, Esquire:
 - a. Counsel was ineffective for failing to properly convey plea offers to Applicant, including an explanation of the conditions of offers, thus depriving Applicant from making a knowing and voluntary decision whether to accept such plea offers.
 - b. Counsel was ineffective for failing to conduct adequate amount of meeting with Applicant to review discovery so that Applicant would know of the allegations against him, thus rendering Applicant's plea unknowingly and involuntarily entered into.
2. Applicant seeks the additional/alternative relief of specific performance of previous plea offers extended to Applicant and only rejected due to counsel's ineffectiveness.

Respectfully submitted,



Jonathan D. Waller
Waller Law Group
1116 Blanding Street
Suite 2B
Columbia, South Carolina 29201
ATTORNEY FOR APPLICANT

June 14, 2019

Columbia, South Carolina

STATE OF SOUTH CAROLINA)	
COUNTY OF FLORENCE	)	COURT OF COMMON PLEAS
	)	2017-CP-21-03305
)	
)	
)	
Ravon D. Hamer	)	TRANSCRIPT OF RECORD
vs.)	
State of South Carolina)	
)	
DEFENDANT	)	June 24, 2019
		Florence, South Carolina

B E F O R E:

THE HONORABLE WILLIAM H. SEALS, JR.

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

BRIANNA L. SCHILL, ASSISTANT ATTORNEY GENERAL
Attorney for the State

JONATHAN D. WALLER, ESQ.
Attorney for the Applicant

KESHIA REED
Official Court Reporter

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I N D E X

WITNESS DIRECT CROSS REDIRECT RECROSS

Ravon Hamer

 Mr. Waller 5 18

 Ms. Schill 15 20

Vick Meetze

 Ms. Schill 21

 Mr. Waller 28

Certificate of Reporter 34

1 THE COURT: I'm ready whenever you are. Go
2 ahead.

3 MS. SCHILL: The next matter is Ravon Hamer vs.
4 The State of South Carolina docket number 2017-CP-21-3305.
5 During it's September 2015 term, the Florence County grand
6 jury indicted applicant of four counts of first degree
7 burglary. A public defender, William Vickery Meetze,
8 represented applicant. Assistant Solicitor John Holt
9 prosecuted the case on December 7th of 2016. Applicant
10 pled guilty as indicted on all charges before the
11 Honorable D. Craig Brown.

12 Pursuant to the State's recommendation, Judge
13 Brown sentenced Mr. Hamer to imprisonment for concurrent
14 terms of 20 years for each count of first degree burglary
15 along with credit for time serve of 647 days. Applicant
16 did not appeal his conviction or sentence.

17 On December 4th 2017, applicant filed this
18 timely PCR application asserting various allegations of
19 ineffective assistance of counsel and involuntary guilty
20 plea. On June 4th 2019, applicant filed an amended
21 application asserting two additional allegations.
22 Applicant is present today and represented by Jonathan D.
23 Waller and I just ask that Mr. Waller verify the
24 allegations. It's our understanding that his amended
25 application was in addition to all other allegations and

1 first application, but I'm not sure about that.

2 MR. WALLER: Your Honor, that's correct. It was
3 in addition. To offer some clarification, Judge, I will
4 tell you Mr. Hamer initially raised an allegation of
5 illegal sentence. Judge, I don't believe the sentence was
6 illegal, so I don't have any issues there. Judge, with
7 that clarification, I also don't have any issues with the
8 indictment. Judge, this was a guilty plea. As part of
9 that, Mr. Hamer waives right to challenge the indictments.
10 I don't have any issues there as well, but with those two
11 clarifications, I will waive -- don't want to waive any of
12 Mr. Hamer's claims. Judge, this is essentially an
13 ineffective assistance of counsel and involuntary guilty
14 plea. We will flesh that out during the testimony, Your
15 Honor.

16 THE COURT: All right, I'm ready when you are.

17 MR. WALLER: Thank you, Your Honor. I'll call
18 Ravon Hamer.

19 THE CLERK: Please your left hand on the Bible
20 and raise your right hand as much as you can. Do you
21 swear to tell the truth, the whole truth, and nothing but
22 the truth so help you God?

23 THE WITNESS: Yes, ma'am.

24 THE CLERK: Thank you.

25 MR. WALLER: Thank you, Your Honor. May it

1 please the Court.

2 THE COURT: Yes, sir.

3 WHEREUPON,

4 Ravon D. Hamer,

5 after first having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WALLER:

8 Q Good morning, Mr. Hamer. How are you today?

9 A All right. And you?

10 Q I'm doing well. All right. Mr. Hamer, you were
11 charged with four separate and distinct counts of burglary
12 first degree, is that right?

13 A Yes, sir.

14 Q When you were -- were you charged with them all at
15 the same time or were you arrested on one and then some of
16 the other ones later or tell me how that went?

17 A I was charged with all of them at the same time.

18 Q Okay. So you were only arrested once?

19 A Yes.

20 Q Okay. When you were arrested, who was your lawyer?

21 A Mr. Meetze.

22 Q Okay. Vick Meetze?

23 A Yes, sir.

24 Q Okay. About how long after you got arrested did you
25 -- you think you first met with Mr. Meetze?

1 A I meet with Mr. Meetze after I was in the county. He
2 had -- I had come to court for my probation violation, I
3 had talk to him.

4 Q Okay. You were on probation?

5 A Yes, sir.

6 Q So you were -- you had a probation violation is that
7 when you first talked to him?

8 A Yes, sir.

9 Q Okay. What was the outcome of your probation
10 violation?

11 A A five year sentence.

12 Q Okay. Where did you go?

13 A I went to Ridgeland.

14 Q Okay. You went to Ridgeland down there almost to
15 Georgia?

16 A Yes, sir.

17 Q Straight down '95?

18 A Yes, sir.

19 Q Okay. Did you have a chance to meet with Meetze
20 while you were down at Ridgeland?

21 A Yeah, he came down there two times.

22 Q He came down there to see you twice?

23 A Yes, sir.

24 Q Okay. Did you have any other times you met with him
25 or talk to him while you were down at Ridgeland?

1 A No, I only talk to him the two times he had came.

2 Q Okay. Did you ever come back to Florence or were you
3 down there the entire time?

4 A I came back like two times.

5 Q Okay. I ask that question wrong. Did you finish
6 your five-year sentence and ever come back to the Florence
7 detention center?

8 A No, sir.

9 Q Okay. So when you ultimately pled guilty, you were
10 in SCDC custody still?

11 A Yes, sir.

12 Q Okay. All right. The two times you met with
13 Mr. Meetze what did y'all talk about?

14 A Pleaing.

15 Q Okay. And I know from your transcript you had some
16 difficulties with Mr. Meetze, is that right?

17 A Yes, sir.

18 Q Okay. We'll come back to those in a few minutes.
19 But when you say y'all talked about pleaing, what do you
20 mean?

21 A He try to get me to plead to ten years.

22 Q Okay. Backing up just a little bit, you have four
23 separate charges?

24 A Yes, sir.

25 Q The allegations were that on four different days you

1 had burglarized four different houses, is that right?

2 A Yes, sir.

3 Q Okay. Did you and Mr. Meetze have a chance to talk
4 about each one individually?

5 A No, sir.

6 Q Okay. Did y'all have any discovery that you got to
7 see about each one?

8 A Yes, sir.

9 Q Okay. Did you have any questions for Mr. Meetze
10 about it?

11 A No, sir.

12 Q Okay. There was DNA evidence from at least two of
13 them. Did you and Mr. Meetze have a chance to go over
14 that DNA evidence?

15 A No, sir. He just told me it was DNA for all four of
16 them.

17 Q Okay. All right. Outside of pleaing, what did you
18 and Mr. Meetze talk about, did you talk about the charges?

19 A We never talked about none of that. He just been
20 telling me to take the ten and plead, they gone drop all
21 four of them -- four burglaries to the second and told me
22 to plead out to ten years.

23 Q Okay. Did y'all have a chance to talk about your
24 constitutional rights?

25 A No, sir.

1 Q Okay. Did y'all discuss your right to remain silent?

2 A Yes, sir. Yes, sir.

3 Q Okay. Did y'all talk about your right to a jury
4 trial?

5 A Yes, sir.

6 Q Did you talk about your right to challenge the
7 evidence that the State had in each of the separate cases?

8 A No, sir.

9 Q Okay. At your plea you disagreed with some of the
10 facts the Solicitor put on the record to the judge. You
11 remember that?

12 A Yes, sir.

13 Q Did you and Mr. Meetze have a chance to talk about
14 your version of events or what you thought was wrong with
15 the State's evidence?

16 A No, sir. He was basically telling me I was guilty
17 because they had DNA. And if I ain't I plead out, I was
18 going to go to trial and catch life.

19 Q Okay. Did y'all talk about any potential defenses
20 that you might have?

21 A No, sir.

22 Q Okay.

23 A It was either plea to ten years and then went from
24 the ten to pleaing to 15. And if I ain't plead to 15, I
25 was gone go to trial. They were gone take me to trial and

1 I was gone catch life.

2 Q Okay. Did you give Mr. Meetze any information or any
3 witnesses you wanted him to investigate?

4 A No, sir.

5 Q Okay. You mention a couple of times that Mr. Meetze
6 told you there was a plea for ten years?

7 A Yes, sir.

8 Q Okay. Did y'all discuss the details of that outside
9 of him saying just ten years?

10 A No, sir, that why I never accepted it because it was
11 never no ten, 65, 10, 85. It was just to plea out to ten
12 years. They were gone drop all four counts of burglary
13 the second and wanted me to plead to ten years. So end of
14 the day, I was thinking back, oh, I'm going to do the
15 whole ten years that's why I never took the plea.

16 Q Okay. All right. Mr. Hamer, at some point you
17 rejected that ten year offer?

18 A Yes, sir, that's why I did it.

19 Q Okay. You didn't have an understanding of what the
20 offer was?

21 A I ain't had an understanding of none of that.

22 Q Okay. At some point you rejected that offer and you
23 came back to plead guilty later on and that offer was off
24 the table, is that right?

25 A Yes, sir.

1 Q Okay. What -- did you and Mr. Meetze have a chance
2 to talk about that?

3 A Yes, sir, he said the Solicitor ain't want to put it
4 back on the table because I turned it down two times, but
5 like I told him, the only reason I turned it down two
6 times because y'all kept saying pleaing to the whole ten
7 years. And in my head, I'm sitting here thinking doing
8 the whole ten year bid.

9 Q Okay. All right. Mr. Hamer, you and Mr. Meetze had
10 some difficulties, is that right?

11 A Yes, sir.

12 Q Okay. And you filed a motion or you asked the Court
13 to relieve him as your lawyer at some point, is that
14 right?

15 A Yes, sir.

16 Q And that was denied?

17 A Yes, sir.

18 Q And what were the problems you and Mr. Meetze had?

19 A He really wasn't trying to hear nothing I had to say.
20 He was really just been pushing the issue getting me to
21 plea out at the end of the day. Then at the end of the
22 day, they had gave me another plea told me to plea for 15.
23 Overtime, the plea wasn't even for 15. The plea was a
24 negotiable plea. And when I went in front of the judge,
25 I'm sitting here thinking I'm getting 15 years, I end up

1 getting 20 years because him and the Solicitor sat right
2 there with me and my mother that's back there right now
3 and told us this plea right here is for 15 years.

4 Overtime, the plea never was for 15.

5 Q Okay. Were the difficulties you and Mr. Meetze had
6 because you asked for him to be relieved before you pled
7 guilty?

8 A Yeah.

9 Q When did those come up, before ten year offer or?

10 A After the ten year offer.

11 Q Okay. Did those difficulties did it make it hard for
12 y'all to communicate?

13 A A little bit. I really ain't had nothing else to say
14 to him because he was not really breaking nothing down to
15 me. It's just to plea out -- plea out every time he came
16 to see me. It's plea to this ten years, plea to this ten
17 year. You can't win. You can't win. They got evidence.
18 You go to trial they gone present all the DNA that's when
19 everything was told to me.

20 Q Okay. Did y'all discuss how -- what the steps in a
21 trial will be if you had gone to trial?

22 A He just basically told me -- he just basically told
23 me if -- he told me and my mama that if I don't sign this
24 plea for 15 years, I was gone go to trial and catch a life
25 sentence. At the end of the day, I went ahead and sign

1 it. I went ahead and sign that plea.

2 Q Okay. Mr. Hamer, you raised allegations of
3 ineffective assistance of counsel, okay. Do you
4 understand that if Judge Seals grants your application
5 today, that you potentially would go back after facing all
6 four of these charges again?

7 A Yes, sir.

8 Q Okay. You understand that that could result in more
9 time than the 20 years that you got, is that right?

10 A Yes, sir.

11 Q Okay. Did you understand all that?

12 A Yes, sir.

13 Q Okay. Are you -- one of the things you already
14 testified to are you asking the Court to essentially
15 bring back the ten year plea offer?

16 A Ten or 15. It better than the 20.

17 Q Okay. Well, Mr. Hamer, my question is specifically
18 about the ten year offer. You testified earlier that you
19 didn't understand the actual details of it?

20 A I didn't because it was never no ten, 65, 10, 85. It
21 was just plea out to ten years every time I talk to him.

22 Q Okay. If you had understand -- if you had understood
23 that ten year offer, would you have accepted it?

24 A Yes, sir.

25 Q Okay. After that ten year offer was gone, right, I'm

1 kind of switching gears here. After that one was gone,
2 did you and Mr. Meetze ever talk about going to trial at
3 that point?

4 A No, sir, the only time trial was brought up when they
5 had brought me here and brought me back to court. And I
6 came to court and I ask them about the ten year plea. He
7 was like it was off the table. Then he was like plea for
8 15. He had told me and my mother if I don't take the 15
9 plea, they was gone send me to the county and I was going
10 back up the road and I was gone go to trial. And like I
11 go to trial, they would bring the evidence up and I was
12 gone catch a life sentence because he say they got
13 evidence of my DNA all the burglary charges.

14 Q Okay. After the ten year sentence excuse me --
15 after the ten year plea offer was gone, did you want to go
16 to trial?

17 A No, sir, because he said I ain't got a chance because
18 they got my DNA.

19 Q Okay. Did you ever see any of the DNA reports or
20 anything like that?

21 A I read it in my motion that they said they had got
22 DNA off of a shirt, off of a shirt.

23 Q Okay. Is that before or after you pled guilty?

24 A It was after I pled guilty.

25 Q Okay. So before you pled guilty, you hadn't seen any

1 of those reports?

2 A No, I just went off his word.

3 Q Okay. Mr. Hamer, I think I've asked you all the
4 questions that I have for you. Is there anything you can
5 think I have left out or the Court needs to know about
6 Mr. Meetze while he was representing you?

7 A No, sir.

8 MR. WALLER: Please answer any questions Ms.
9 Schill has for you, all right.

10 CROSS-EXAMINATION

11 BY MS. SCHILL:

12 Q Hi, Mr. Hamer, how are you?

13 A I'm doing fine. How you doing?

14 Q So I just want to clarify what you testified to
15 regarding your DNA results. So is it your testimony that
16 you did not see the DNA analysis report?

17 A No, ma'am. I just read about it in my motion.

18 Q Okay. So are you saying you were not aware that
19 there was any DNA of yours found at the scene?

20 A I just went off what Mr. Meetze said. He said they
21 had DNA. And when I read it in my motion they said that
22 they had hair DNA off a T-shirt I had on.

23 Q But are you saying that you were not aware of any DNA
24 whatsoever prior to you pleading guilty?

25 A No, sir -- no, ma'am, I'm sorry.

1 Q Do you remember giving up your constitutional rights
2 during your plea hearing?

3 A No, ma'am, been so long.

4 Q I like to hand up a copy of the transcript from your
5 plea hearing. I'm going to ask you to turn to page six.

6 MR. WALLER: And, Judge, I certainly don't won't
7 to deprive Ms. Schill of any cross-examination, but if
8 there's any question we -- the transcript is accurate and
9 reflects what he said. If she wants to ask that's fine,
10 but we would stipulate that the transcript is accurate.

11 MS. SCHILL: Okay. So I can -- I'll just direct
12 the Court's attention to page six lines -- line 18 through
13 page seven line 18. Long description from the judge there
14 regarding that.

15 BY MS. SCHILL:

16 Q Do you recall telling the judge that you were
17 pleading guilty on your own freewill and that you were not
18 threaten, coerced or promised anything else to plead
19 guilty?

20 A Yes, ma'am.

21 Q You remember that?

22 A Yes, ma'am.

23 Q Okay. And I know Mr. Waller kind of went over this,
24 but I just want to clarify. So you recall telling the
25 judge during your plea hearing that you were dissatisfied

1 with Mr. Meetze because of the fact that you had wanted a
2 ten year plea offer instead of the recommended 15?

3 A Yes, ma'am.

4 Q Okay. And you did not provide the judge with any
5 other reasoning, is that correct?

6 A Yes, ma'am.

7 Q Okay. And so you do you recall receiving the plea
8 offer of ten years prior to your guilty plea hearing,
9 correct?

10 A Yes, ma'am.

11 Q Okay. And you went over this with Mr. Waller, but
12 you refused them, correct, the ten year offers?

13 A Yes, ma'am.

14 Q Okay. Do you recall the judge telling you during
15 your plea hearing that he didn't have to accept the
16 recommended 15 year plea offer?

17 A Yes, ma'am.

18 Q Okay. Do you recall telling the judge that you had
19 enough time to talk to Mr. Meetze regarding your case?

20 A Yes, ma'am.

21 Q Do you recall the judge telling you that burglary of
22 the first degree it constitutes a violent and most serious
23 offense in the State of South Carolina?

24 A Yes, ma'am.

25 Q Okay. Do you recall the judge telling you that if

1 you're convicted by plea or trial of another most serious
2 offense, you could receive life without the possibility of
3 parole?

4 A Yes, ma'am.

5 Q Okay.

6 MS. SCHILL: Beg the Court's indulgence, Your
7 Honor.

8 THE COURT: Sure.

9 (WHEREUPON, a pause in the proceedings.)

10 BY MS. SCHILL:

11 Q Did you ever indicate to Mr. Meetze that you wanted
12 to go to trial?

13 A No, ma'am.

14 MS. SCHILL: Those are all the questions we
15 have, Your Honor.

16 THE COURT: Redirect.

17 MR. WALLER: Just briefly, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. WALLER:

20 Q Mr. Hamer, you just testified about some of the
21 things you told the judge during your plea hearing?

22 A Yes, sir.

23 Q When you were answering those questions particularly
24 about the DNA evidence and the State's evidence, were
25 those based on you actually viewing that evidence or based

1 on what Mr. Meetze was telling you?

2 A Based on what Mr. Meetze been telling me.

3 Q Okay. So it wasn't until after you got to SCDC and
4 had a chance to view everything that you got a chance to
5 see it yourself?

6 A Yes, yes, sir.

7 Q Okay. Ms. Schill asked you about Judge Brown
8 sentencing you under a recommended sentence. Did you
9 understand what a recommendation meant?

10 A No, no, sir.

11 Q Did you and Mr. Meetze have a chance to talk about
12 what a recommendation from the State versus a negotiation
13 versus a straight up plea? Did y'all talk about any of
14 that?

15 A No, sir, the last time we talk was me, him and the
16 Solicitor and my mother and the two officers from the
17 department of corrections. Plea was -- Solicitor said the
18 plea was for 15. They sat there and told my mom if I
19 don't sign the plea for the 15, I was going to trial and
20 could get possible life in prison, that's what we were
21 told, that's why I sign the plea. And then when I went in
22 front of the judge it came to a recommendation plea and
23 I'm sitting here thinking I'm getting 15 and he end up
24 giving me 20 years. When I got my time, I ask the
25 Solicitor out there in the hallway I said I thought you

1 said the plea was for 15 years and how I get 20 and the
2 plea was suppose to be for 15. I don't know nothing about
3 this court system stuff.

4 Q Okay. So you didn't understand what a recommendation
5 meant?

6 A I ain't understand none of that stuff.

7 MR. WALLER: Thank you, Mr. Hamer.

8 THE COURT: All right. Anything further?

9 MS. SCHILL: Just one question, Your Honor.

10 RE-CROSS-EXAMINATION

11 BY MS. SCHILL:

12 Q Mr. Hamer, so you just testified that you had heard
13 during your plea hearing that the assistant solicitor and
14 Mr. Meetze talking about your DNA, is that correct?

15 A Yes, sir.

16 Q Did you ever stop and say I don't want to plead
17 guilty or do anything further until I see these DNA
18 results?

19 A No, sir -- no, ma'am, because at the end of the day
20 cause he been like they got DNA. So I looked at it like
21 I'm guilty ain't no choice because him telling me if I
22 don't plea, I could go to trial and lose. And I lose
23 trial and get life because like he say he was telling me
24 that they got your DNA on all four houses.

25 MS. SCHILL: That's all, Your Honor.

1 MR. WALLER: Nothing further from the applicant.

2 THE COURT: You may step down. Thank you.

3 (WHEREUPON, the witness leaves the witness
4 stand.)

5 THE COURT: Call your next witness.

6 MR. WALLER: Nothing further from the applicant.

7 THE COURT: All right. The State's recognized.

8 MS. SCHILL: Yes, Your Honor. The State would
9 call Mr. Meetze.

10 THE CLERK: Do you swear to tell the truth, the
11 whole truth, and nothing but the truth so help you God?

12 THE WITNESS: I do.

13 WHEREUPON,

14 Vick Meetze,

15 after first having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. SCHILL:

18 Q Hi, Mr. Meetze. Thank you for being here. How long
19 have you been practicing law?

20 A Since 1998.

21 Q Okay. And how much of that has been in criminal law?

22 A Well, I was a clerk for a circuit judge for one year
23 and I started, I guess, actually practicing law in August
24 of '99, so since August of '99.

25 Q Okay. How did you become involved applicant's case?

1 A I was appointed. Our office was appointed to his
2 case and I was assign that case.

3 Q How many times did you meet with the applicant?

4 A I'm not a hundred percent sure exactly how many
5 times. He was brought over to court one time before his
6 probation revocation hearing. And then he was brought
7 back at least one other time while he was in SCDC after
8 his probation revocation. And then there was at least one
9 or two times that I went to Ridgeland to see him. And
10 then there would have been the day of the plea. So I
11 would say those would be the times.

12 Q Okay. Did you ever speak to him over the phone or by
13 letter or anything?

14 A I don't believe so.

15 Q Okay. Do you recall the facts of his case?

16 A Pretty good.

17 Q Okay. Would you just mind summarizing that for us?

18 A Well, there four separate burglaries of different
19 dwellings or homes. Each of which -- well, I will say
20 each of which I think there were three of the four that
21 had either DNA or fingerprints or both with regards to
22 them -- with regards to the evidence on those. I think
23 there was some -- each one would have been a burglary
24 first because he has two prior burglaries and they were
25 dwellings. There was at least one, I think, where an

1 allegation was that there was a handgun stolen which would
2 have been a separate aggravated circumstance that could
3 enhance it to a burglary first even if he didn't have the
4 two prior burglaries. And like I said there was DNA and
5 fingerprints in, I think, three of the four. So I felt
6 like the evidence was pretty overwhelming with regards to
7 the case.

8 Q Okay. Did you discuss applicant's version of the
9 case with him?

10 A I mean, we went over the allegations. Certainly,
11 Mr. Hamer had any opportunity to tell me anything he
12 wanted to about his case or his side of the case. I
13 always give clients that opportunity. Our case started
14 off -- the situation with Mr. Hamer's case was he had four
15 charges. He was also on probation with five years hanging
16 over his head. The Solicitor wanted to try to move the
17 case if he could and wanted to try to do it, you know, at
18 the same time he did the probation revocation. So the
19 Solicitor at the time was David Richardson. He made the
20 offer to reduce the charges from burglary first degree to
21 burglary second degree violent for ten years concurrent
22 and concurrent with his probation revocation hearing. So
23 he was brought over for me to talk about that with him and
24 he didn't like that offer. And I explain that offer to
25 him in full. He understood -- well, I say he understood.

1 He was told the difference between burglary second violent
2 and burglary first he was charged with. He was told it
3 wouldn't be 85 percent and what he was charged with was 85
4 percent. He was explained all of that. Now, whether he
5 heard it or not, I don't know because he was -- spent most
6 of that time telling me to F off and then to go F myself,
7 but he was told. So he didn't take the ten. He ended up
8 having his probation revoked and he got the full five
9 revocation on that. I talked to Mr. Richardson again
10 subsequent to that. I said -- because David --
11 Mr. Richardson had revoked the ten at that time. He was
12 sort of saying this is gone be your only chance at this
13 ten. I talk to Mr. Richardson about reoffering the ten
14 say he spent a little bit of time. Mr. Hamer's been down
15 the road for a little bit can we bring him back and give
16 him the opportunity at the ten on burglary second violent.
17 He said okay, brought him back, talk to him again, explain
18 everything to him again, same, you know, second verse same
19 as the first so to speak. And so that was the way we met
20 one another was, you know, the first time I met him was I
21 just got this offer from the Solicitor and talk to him
22 about that. He didn't like all that. So from jump
23 street, he didn't like me and showed it every opportunity
24 he got.

25 Q Okay. I guess, just to go over the guilty plea

1 offers a little more. He said no to the ten?

2 A Twice.

3 Q Twice. Okay. And then what happened after that?

4 A After that, the case was given to John Holt who had
5 been hired by the Twelfth Circuit as their violent crimes
6 prosecutor. And so Mr. Holt got the case and I went
7 Mr. Holt to ask him if he would give him another shot at
8 the ten, which he said he would not, but he would do a
9 negotiated 15 year sentence. So I went to Ridgeland to
10 talk about that, explain that to Mr. Hamer that the ten
11 was gone, but they would do a negotiated 15 year sentence
12 on burglary first degree. And he told me he did not want
13 a trial, he would do that. He wasn't happy about it, but,
14 I mean, at this point in time he was facing the potential
15 of going to trial at some point and all that. So any way
16 -- so with that in hand, we met -- when I say we, I mean,
17 Mr. Holt and myself. We met with several judges at least
18 three. I'm sure we met with Judge Alford, Judge Brown and
19 Judge Russo about it and explain to them the situation,
20 explain the negotiations and they all said independently
21 of one another they would not accept that as a
22 negotiation. So Mr. Holt said, well, I'll stand by what
23 I'm doing as far as that, but I can't do it -- obviously,
24 can't do it as a negotiation because we can't find a judge
25 that'll accept it, but I'll recommend -- still recommend

1 15 and we can go forward on that basis and that's what we
2 did.

3 Q Okay. Did you explain to the applicant the
4 difference between a negotiated and recommended and how
5 that -- the recommended aspect ---

6 A He knew -- I'm sorry I didn't mean to interrupt you.

7 Q Go ahead.

8 A He knew at the time the day he came to enter his plea
9 that it was a recommendation and that it was up to the
10 judge whether he got that or not. I did not promise him
11 he was getting 15 years or anything of that nature. I
12 told him that the State was recommending it, that we had
13 tried the negotiations in the past. We couldn't find a
14 judge that say they would accept the negotiations. So it
15 was now going forward as a recommendation which still left
16 it up to the judge.

17 Q Okay.

18 A But, again, he wasn't interested in listening to
19 anything I said. And at that point in time when we were
20 there and we were in the jury room on the fifth floor in
21 the old courthouse talking about it, he was just ready to
22 get it over with, all right. And didn't have much
23 interest in listening to much of what I had to say to him.

24 Q Okay. I just want to talk about the DNA analysis a
25 little bit. Do you ever give the DNA analysis to him

1 prior to his guilty plea hearing?

2 A I don't think I did. I sent -- I mailed him the
3 discovery to him at SCDC on March the 2nd of 2016. And,
4 of course, the incident reports have all that with regard
5 to the fingerprints and the DNA in there. I did not
6 actually get the DNA reports from SLED until August of
7 2016 and which was still before. And I don't know why I
8 didn't mail that to him after I had gotten them, but I
9 probably did not. So I did not show him those necessarily
10 before the plea, but we had certainly discussed it. He
11 was aware that there was DNA linking him to these cases,
12 that certainly went into his decision to enter his plea
13 and make no mistake about it he never indicated that he
14 wanted a trial. He wanted better deals, but he never
15 indicated he wanted a trial.

16 Q Okay. So he had never said to you I don't want to
17 plead guilty or anything until I see this DNA analysis?

18 A No, he did not.

19 Q Okay. Did you discuss with him the benefits -- the
20 pros and cons of pleading guilty versus going to trial?

21 A Well, I mean, I certainly explain to him the risk of
22 going to trial with the evidence that they had and they
23 had four cracks at him with DNA and or fingerprints or
24 both. And I felt like certainly under the facts of some
25 of these cases that if -- if he went to trial and he lost,

1 that -- it wouldn't have surprise me for a judge to give
2 somebody life under those circumstances. I certainly
3 didn't tell him he was going to get life if he went to
4 trial, but certainly he knew that was a possibility and I
5 would not have been surprised if a trial -- a guilty
6 verdict would have ended up in a life sentence in this
7 case.

8 Q Okay. So do you think it was in applicant's best
9 interest to plead guilty?

10 A Absolutely.

11 Q Okay. And if applicant had wanted a trial, what
12 would you've done?

13 A Oh, he would have had a jury trial.

14 MS. SCHILL: Beg the Court's indulgence, Your
15 Honor.

16 THE COURT: All right.

17 (WHEREUPON, a pause in the proceedings.)

18 MS. SCHILL: That's all, Your Honor. Thank you.

19 THE COURT: All right, Mr. Waller.

20 MR. WALLER: Thank you, Your Honor. May it
21 please the Court.

22 CROSS-EXAMINATION

23 BY MR. WALLER:

24 Q Good afternoon, Mr. Meetze. How are you today?

25 A I'm good.

1 Q Mr. Meetze, you testified that I think you had four
2 meetings with Mr. Hamer, is that right?

3 A I think so. It might not because he testified -- I
4 don't -- I know I went to Ridgeland once. I might have
5 gone twice, but it was in that ballpark three to four to
6 five in there if you include the day of the plea.

7 Q And so one -- okay, and I wasn't including the day of
8 the plea. So one before his probation revocation?

9 A Right.

10 Q One other time after that where he was transported
11 back to Florence from Ridgeland?

12 A Right, correct.

13 Q And then you went down to Ridgeland at least once
14 maybe twice?

15 A Right.

16 Q And then the day of his plea obviously?

17 A Right. And if there was any more mix in there, I'm
18 not positive. You know, could have been, but I don't
19 know.

20 Q Okay. Did you have discovery for all of those at the
21 time of all those meetings?

22 A I don't know if I had it. My own copies of discovery
23 that first time because -- but I could have, but I don't
24 know.

25 Q Would you have gotten everything all at once or would

1 you have been waiting on forensic testing?

2 A We would not have gotten everything all at once. We
3 would have gotten primarily reports and all first, but
4 like I said, we didn't get the actual DNA report from SLED
5 and the fingerprint reports from SLED and all until August
6 of 2016.

7 Q Okay. So after all of the -- after both of the ten
8 year offers were gone?

9 A Correct.

10 Q Okay. How about fingerprints?

11 A Same, same day August the 5th of 2016 it looks like
12 when we sign for receiving that discovery from the
13 solicitor's office.

14 Q Okay. Florence sends their forensic testing to SLED,
15 is that correct, is that your understanding?

16 A Yes, and that certainly it would appear to be the
17 case then.

18 Q Okay. They do some of their own drug testing, but
19 DNA and things like that go to SLED?

20 A That's right.

21 Q Okay. So there's a chance that you didn't have any
22 of the DNA or fingerprints when you met with Mr.
23 Hamer except for right before he pled guilty?

24 A That's right.

25 Q Okay. You testified a little bit about your

1 relationship with him and you had how some difficulties
2 communicating?

3 A I mean, all I did was try to explain the plea offer
4 to him and he lit into me like nobody's ever lit into me.
5 I mean, that was how it started and it never got any
6 better, but from my mind, it wasn't anything I said or did
7 because all I did was try to explain a plea offer to him.

8 Q Okay. Did your relationship get so bad that y'all
9 weren't able to communicate at all?

10 A No, sir.

11 Q Okay. So y'all were still communicating it just ---

12 A He rarely like what I had to say and he got mad, you
13 know, and would start to talk over me and things like
14 that. And when you do that you probably can miss some
15 things.

16 Q Okay. The meetings you testified about did you take
17 notes during your meetings or do you memorialize what
18 y'all talked about?

19 A Generally, no.

20 Q Okay.

21 A And I don't see where I took any notes here.

22 Q Okay. So you don't have written down what days you
23 gave the plea offers or what you specifically talked about
24 those dates?

25 A I don't have written down the dates or specifically

1 what I said. Now, I remember exactly what I said to him
2 with regards to the plea offers, you know, because it's
3 always difficult. Clients hear the word violent and they
4 think 85 percent. And you can talk 'til you're blue in
5 the face, but they're going to hear violent and they're
6 going to think 85 percent. And sometimes you cannot
7 convince them that they're wrong even when they are wrong.
8 And so that was the focus of what I was trying to explain
9 to Mr. Hamer with regards to that ten year offer because
10 it was for burglary second violent, try to explain to him
11 violent does not make something 85 percent. No parole
12 makes it 85 percent and trying to go over all that with
13 him, but all he heard was ten on a violent burglary
14 second. And after that he was not hearing another word I
15 said would be my guess because he like I said was not
16 happy with things and he showed that by what he would say
17 to me.

18 Q Okay. Did you follow up your meetings with any
19 letters of, hey, this is what we talked about or anything
20 like that?

21 A No, sir.

22 MR. WALLER: Beg the Court's indulgence please.

23 THE COURT: Yes.

24 (WHEREUPON, a pause in the proceedings.)

25 MR. WALLER: Thank you, Mr. Meetze, nothing

1 further.

2 THE COURT: All right, cross-examination.

3 MR. WALLER: Judge, that was cross.

4 THE COURT: Redirect, redirect I'm sorry.

5 MS. SCHILL: No, Your Honor. No further
6 questions. Thank you.

7 THE COURT: You may step down.

8 (WHEREUPON, the witness leaves the witness
9 stand.)

10 THE COURT: Any other witnesses from the State?

11 MS. SCHILL: No, we just ask that Mr. Meetze be
12 released from his subpoena.

13 THE COURT: All right. Any objection?

14 MR. WALLER: No objection, Your Honor.

15 THE COURT: All right, sounds good. I'll take
16 the matter under advisement and let you know something
17 this week.

18 MR. WALLER: Thank you, Judge.

19 MS. SCHILL: Thank you, Your Honor.

20 END OF REQUESTED TRANSCRIPT

21

22

23

24

25

STATE OF SOUTH CAROLINA)
 COUNTY OF FLORENCE)
)
)
 Ravon D. Hamer, #328149,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 OF THE TWELFTH JUDICIAL CIRCUIT

Case No.: 2017-CP-21-3305

ORDER OF DISMISSAL

2019 SEP -4 AM 11: 23
 EONIS FORTIOS OFFICINA
 C.O.C.P. & G.S.
 FLORENCE COUNTY, SC

FILED

This matter comes before the Court by way of Applicant’s post-conviction relief (PCR) application filed December 4, 2017. Respondent made its return April 5, 2018. On June 14, 2019, Applicant filed an Amended PCR Application. An evidentiary hearing on the matter was convened on June 24, 2019, at the Florence County Courthouse before the undersigned. Jonathan D. Waller, Esquire, represented Applicant. Brianna L. Schill, Esquire, of the South Carolina Attorney General’s Office, represented Respondent.

At the hearing, Applicant testified on his own behalf. William Vickery Meetze, Esquire, Applicant’s plea counsel (Counsel), also testified. At the conclusion of the hearing, this Court took the matter under advisement to review all of the relevant documentation. For the reasoning below, this Court now denies and dismisses the application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. In September 2015, the Florence County Grand Jury indicted Applicant for four counts of first degree burglary (2015-GS-21-0883). Assistant Public Defender William Vickery Meetze, Esquire, represented Applicant. Assistant Solicitor David Richardson, Jr., Esquire, initially prosecuted the case. However, Applicant’s case

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Don Paul Ottara
 CLERK OF COURT C.P. & G.S.
 FLORENCE COUNTY, S.C.

was reassigned to Assistant Solicitor John Holt, who ultimately represented the State at Applicant's guilty plea hearing. On December 7, 2016, Applicant pleaded guilty as indicted to all charges before the Honorable D. Craig Brown. Judge Brown sentenced Applicant to imprisonment for concurrent terms of twenty years for each count of first degree burglary, along with credit for time served of 647 days. Applicant did not appeal his conviction or sentence.

Applicant timely filed an application for post-conviction relief December 4, 2017.

SUMMARY OF FACTS ADDUCED AT APPLICANT'S GUILTY PLEA HEARING

On February 22, 2014, Ms. Tinesia Williams returned to her home in Florence to discover pry marks near the dead bolt of her door, indicating that someone had unlawfully entered her home. (GP Tr. 20). Ms. Williams discovered her black PlayStation 4 and an iPhone 5 were taken from her living room. (GP Tr. 20). Additionally, Ms. Williams discovered a PlayStation 3 gaming system along with twenty video games were stolen from her son's bedroom. (GP Tr. 20). Furthermore, the perpetrator stole a Wii U Nintendo gaming system, a pair of Nike Air Mission shoes, two laptops, and cameras. (GP Tr. 20). Fingerprints were located at the scene, which were evaluated and ultimately found to belong to Applicant. (GP Tr. 13).

On February 28, 2014, Betnia Thomas returned home after work to discover that her front door was "shaky" and her doorframe had been "kicked in." (GP Tr. 14). Ms. Thomas entered her home and noticed her sixty inch television was missing along with the corresponding remote controls. (GP Tr. 14). Additionally, the fifty inch television in her spare bedroom had been "tampered with." (GP Tr. 17). Once again, the perpetrator left fingerprints, which were ultimately evaluated and found to match Applicant. (GP Tr. 17).

On May 3, 2014, Mr. David Easler contacted police to inform them that someone had burglarized his home. (GP Tr. 13). The back door of Mr. Easler's home had been forced open

and many of his belongings were scattered about his bedroom. (GP Tr. 18). It was eventually determined that several thousand dollars' worth of goods - guns, a Rolex watch, a television, a Nikon D710 camera, camera lenses, and an engagement ring were missing. (GP Tr. 13). A t-shirt containing fecal matter was found "outside the back door" of Mr. Easler's home. (GP Tr. 13-14). The fecal matter was tested for DNA and ultimately matched Applicant. (GP Tr. 14).

On May 30, 2014, Ms. Amelia returned home after work to discover that her home had been burglarized and several items were missing. (GP Tr. 14). A "flat chisel type tool" had been used to gain entry into the residence. (GP Tr. 22). Two televisions, a money clip, several pieces of jewelry, and a handgun and ammunition were stolen from Ms. Mathews' home. (GP Tr. 22). The perpetrator left blood DNA evidence on the chisel tool that was used to gain entry into the home. This DNA evidence was tested and ultimately matched Applicant. (GP Tr. 14).

ALLEGATIONS

Applicant's original PCR application alleged the following claims:

- (1) "Ineffective Assistance of Counsel"
 - a. "Conduct as counsel was malicious, sadistic"
 - b. "Counsel conspired with Assistant Solicitor David A. Richardson Jr. and denied petitioner the results of his DNA test results."
 - c. "Codefendant's written statement, counsel also conspired with Assistant Solicitor David A. Richardson Jr.'s malicious mindset to not present statement"
 - d. "Failed to notify petitioner of right to direct appeal"
 - e. "Counsel only saw petitioner twice and after plea wasn't informed of right to appeal the 20 year sentence given instead of 15 years promised before counsel and assistant solicitor."
 - f. "Failed to obtain witnesses for defendant"
 - i. "Counsel never contacted them"
 - g. "Plea deal violation: Counsel did conspire with assistant solicitor David A. Richardson, promise petitioner 15 years; however petitioner was sentenced to 20 years."
 - h. "Assistant solicitor did promise petitioner 15 years if he plead guilty, petitioner was coerced to plea and got 20 years."
 - i. "Illegal Sentence"
 - i. "Petitioner was not convicted on a grand jury indictment."

- ii. "All four counts of first degree burglary on different dates are all on single count indictment, none is a lesser included offense."
- j. "Invalid Indictment"
 - i. "Counsel failed to do motion to squash/dismiss indictment"
 - ii. "All four first degree burglary charges on different dates the offenses take place allegedly. None however is a lesser included offense."
 - iii. "This is not a valid indictment presented to jury grand jury to bring charges against petitioner."
- (2) "Prosecutor Misconduct"
 - a. "Brady Violation Rule 5"
 - b. "Petitioner was denied test results."
 - c. "Petitioner was denied written statements of codefendants."

On June 14, 2019, Applicant amended his PCR application to assert the following claims:

- (1) Counsel was ineffective for failing to properly convey plea offers to Applicant, including an explanation of the conditions of offers, thus depriving Applicant from making a knowing and voluntary decision whether to accept such plea offers.
- (2) Counsel was ineffective for failing to conduct adequate amount of meeting with Applicant to review discovery so that Applicant would know of the allegations against him, thus rendering Applicant's plea unknowingly and involuntarily entered into.

At the outset of the evidentiary hearing, PCR counsel indicated Applicant would proceed only on the allegations set forth in the amended PCR application. Therefore, this Court finds all other allegations raised in Applicant's original application are waived and abandoned, and those allegations shall be denied and dismissed with prejudice.

TESTIMONY

Applicant's Testimony

Applicant testified he met with Counsel to discuss his case on two occasions while he was in custody and on two occasions in Florence, SC. Applicant testified he received all discovery except for the blood and fecal DNA evidence against him. Applicant testified Counsel informed him that the State had DNA evidence against him, but maintained that he was not "aware" of the

DNA evidence. Applicant testified he did not stop his guilty plea proceedings to ask questions after the DNA was mentioned because: he knew there was a possibility he could be found guilty with DNA evidence, and he “didn’t want to get life.”

Applicant testified Counsel reviewed each of his charges with him individually. Applicant testified when he met with Counsel, he did not have any questions for Counsel regarding his case. Applicant testified he and Counsel did not discuss Applicant’s version of the facts and that Counsel simply told him he was “guilty” because they had DNA evidence and he would “get life” if his case went to trial. Applicant testified there were no witnesses to the burglaries, and therefore, he did not provide any witness names to Counsel.

Applicant testified he and Counsel “only” talked about plea offers and that Counsel “tried” to get him to plead to ten years. Applicant recalled receiving a ten-year plea offer from Assistant Solicitor Richardson on two occasions. Applicant recalled this ten-year plea offer consisting of a charge reduction from first-degree burglary to second-degree burglary. Applicant testified he and Counsel did not discuss “percentages or anything” or whether the charge was considered a violent offense. Applicant testified he rejected the ten-year offer twice because the complete conditions of the offer were not conveyed adequately. Applicant testified if the ten-year offers had been conveyed adequately, he would have accepted a ten-year plea offer.

Applicant recalled telling the plea court that he was not satisfied with Counsel because he wanted to receive a ten year sentence and not the fifteen-year recommended sentence. Applicant again recalled rejecting the ten-year plea offer on two occasions. Applicant testified Assistant Solicitor Holt would not re-offer the ten-year plea deal once Holt inherited the case. Applicant testified Assistant Solicitor Holt only offered him a fifteen-year plea offer. Applicant testified he did not fully understand the fifteen-year plea offer, including whether it was considered a violent

offense. Applicant further testified he thought he would receive no more than fifteen years because he did not know whether the plea offer was a negotiated or recommended sentence, nor did he know what a negotiated or recommended sentence meant. Applicant testified he recalled the plea court informing him, on the record, that the plea court did not have to accept the State's fifteen-year recommendation.

Applicant testified he recalled the plea court informing him that first-degree burglary was a violent and most serious offense under South Carolina law. Applicant admitted he never told Counsel he wanted to go to trial. Applicant recalled giving up his constitutional rights at the plea hearing. Applicant recalled telling the plea court he was pleading guilty freely and voluntarily.

Counsel's Testimony

Counsel testified he met with Applicant several times, including one visit at the county detention center, one or two visits at Ridgeland Correctional Institution, and prior to his guilty plea hearing. Counsel recalled Applicant rejecting a ten-year plea offer on two occasions. Counsel testified after Assistant Solicitor John Holt inherited Applicant's case, the "best" plea deal Assistant Solicitor Holt offered was a fifteen-year negotiated sentence. Counsel testified when he informed Applicant about the fifteen-year negotiated sentence, Applicant "wasn't happy about it," but stated he would accept it. However, Counsel and Assistant Solicitor Holt met with "at least three different judges," and each judge stated they would not accept the fifteen-year negotiated plea. Accordingly, Assistant Solicitor Holt told Counsel he could only offer a recommended sentence of fifteen years. Counsel testified he informed Applicant of the fact that the plea offer would now be a recommended plea offer. Counsel testified he informed Applicant of the difference between a negotiated and a recommended sentence. Counsel testified Applicant understood the difference between a negotiated and recommended sentence. Counsel testified he

“didn’t promise” Applicant he would get fifteen years. Counsel testified he told Applicant the sentence was still left up to the judge.

Counsel testified he mailed Applicant all discovery in his possession in March 2016. Counsel testified that he did not receive the blood or fecal DNA results until August 2016. Counsel testified he did not think he showed Applicant the DNA analysis prior to Applicant’s guilty plea hearing. However, Counsel testified he informed Applicant the State had blood and fecal DNA evidence against him and described the results to him. Further, Counsel testified Applicant still chose to pursue a guilty plea, rather than a trial, despite knowing that there was a DNA report that Applicant had not viewed himself.

Counsel testified he discussed with Applicant the pros and cons to pleading guilty versus going to trial. Counsel testified he informed Applicant he could get life in prison and given the facts supporting Applicant’s indictments, it would not have surprised Counsel if Applicant received a life sentence. Counsel testified he believed it was in Applicant’s best interest to plead guilty, but if Applicant wanted to go to trial he would have taken Applicant’s case to trial.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the relevant portions of the record and has heard the testimony and arguments presented at the PCR hearing. This Court also had before it the records of the Florence County Clerk of Court regarding the subject conviction, Applicant’s records from the South Carolina Department of Corrections, the application, the State’s Return, and the plea transcript. This Court has reviewed the plea court record and has heard the testimony of both Applicant and Counsel. The Court finds Counsel’s testimony on these issues to be credible, while also finding Applicant’s testimony is not credible. This Court has therefore weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by S.C. Code Ann. Sec. 17-27-80 (2003).

In a post-conviction relief action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant 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.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. A PCR applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove counsel’s performance was deficient. Id. Under this prong, the court measures an attorney’s performance by its “reasonableness under professional norms.” Id. (quoting Strickland, 466 U.S. at 688). Second, counsel’s deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Id. at 117-18, 386 S.E.2d at 625. When there has been a guilty plea, the applicant must prove that counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985).

Issue #1: Failure to Adequately Convey Plea Offers

Applicant contends Counsel failed to adequately convey both his initial ten-year plea offers and the subsequent fifteen-year plea offer. This Court disagrees.

To be successful on an allegation of an un conveyed plea offer, Applicant must prove: (1) trial counsel's failure to communicate the State's initial plea offer constituted deficient performance, and (2) Petitioner was prejudiced by the deficient performance, or there was a reasonable probability that but for this deficient performance, he would have accepted he original plea offer. Davie v. State, 381 S.C. 601, 608, 675 S.E.2d 416, 420 (2009) (abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018)).

Applicant's Initial Ten-Year Plea Offers

This Court finds Counsel adequately conveyed Applicant's initial ten-year plea offers, and therefore, was not deficient. Counsel testified he thoroughly conveyed the ten-year plea offers to Applicant. Counsel testified he informed Applicant that the ten-year plea offer consisted of Applicant pleading guilty to second degree burglary, violent, in exchange for a ten-year negotiated sentence. Counsel testified he explained to Applicant the implications of pleading guilty to a violent crime. Counsel testified he explained the difference between a negotiated and a recommended sentence to Applicant. Counsel testified Applicant gave him no indication he failed to understand the information provided to him by Counsel. Further, Applicant cannot show prejudice, as both Applicant and Counsel testified Applicant rejected a ten-year plea offer on two occasions. Therefore, this Court finds Counsel was not ineffective, and accordingly, this allegation is denied and dismissed with prejudice.

Applicant's Subsequent Fifteen-Year Plea Offer

This Court also finds Counsel adequately conveyed Applicant's fifteen-year plea offer, and

therefore, was not deficient. Counsel testified he thoroughly explained the fifteen-year plea offer to Applicant. As stated above, Counsel testified the “best” plea deal Assistant Solicitor Holt offered was a fifteen-year negotiated sentence. Counsel testified when he informed Applicant about the fifteen-year negotiated plea offer, Applicant “wasn’t happy about it,” but stated he would accept it. However, Counsel and Assistant Solicitor Holt met with “at least three different judges” and each judge indicated they would not accept the fifteen-year negotiated plea. As such, Counsel recalled Solicitor Holt indicated he could only commit to a recommended sentence of fifteen years. Counsel testified he informed Applicant of the fact that the plea offer would now be a recommended plea offer. Counsel testified he informed Applicant of the difference between a negotiated and a recommended sentence. Counsel testified Applicant understood the difference between a negotiated and recommended sentence. Counsel testified he did not promise Applicant would get fifteen years. Counsel testified Applicant knew the consequences of pleading to a violent crime. Counsel testified he told Applicant the sentence was still left up to the judge. Accordingly, this Court finds Counsel was not ineffective, and accordingly, allegation is dismissed and denied with prejudice.

Issue #2: Failure to Adequately Review Discovery with Applicant

Applicant also contends Counsel was ineffective for failing to adequately review discovery with Applicant, particularly DNA evidence from blood and fecal matter. Applicant alleges this deficiency caused him to plead guilty involuntarily. This Court disagrees.

In evaluating issues concerning guilty pleas, this Court will consider the entire record, including the transcript of the guilty plea proceeding and the evidence presented at the post-conviction relief hearing. Roddy v. State, 339 S.C. 29, 528 S.E.2d 418 (2000). Voluntariness of a guilty plea is not merely determined by an examination of a specific inquiry by the plea court alone

but rather is determined by the record of both the guilty plea proceeding and the post-conviction relief hearing. *Id.* In order to find a guilty plea was knowingly and voluntarily entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. *Boykin v. Alabama*, 395 U.S. 238 (1969). Further, “[a] guilty plea is a solemn, judicial admission of the truth of the charges” against the applicant; thus, an applicant’s right to contest the validity of such a plea is usually foreclosed. *Dalton v. State*, 376 S.C. 130, 137–38, 654 S.E.2d 870, 874 (citing *Blackledge v. Allison*, 431 U.S. 63 (1977)). Therefore, admissions “made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” *Id.* (citing *Crawford v. United States*, 519 F.2d 347 (4th Cir. 1975)); *Edmonds v. Lewis*, 546 F.2d 566 (4th Cir. 1976).

As stated above, Counsel testified he mailed Applicant all discovery in his possession in March 2016. Counsel testified that he did not receive the blood and fecal DNA results until August 2016. Counsel testified he did not think he showed Applicant the DNA reports prior to Applicant’s guilty plea hearing. However, Counsel testified he informed Applicant the State had DNA evidence against him and described the results to him. Applicant knew of the existence of the results, and accordingly, Counsel was not deficient.

Additionally, Applicant did not satisfy the prejudice prong of the Strickland analysis. Both Counsel and Applicant testified Applicant still chose to pursue a guilty plea rather than a trial despite knowing that there were DNA reports that Applicant had not viewed himself. Therefore, this Court finds Counsel was not ineffective, and accordingly, this allegation is denied and dismissed with prejudice.

CONCLUSION


Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. Counsel was not deficient in any manner, nor was Applicant prejudiced by Counsel's representation. Therefore, this application for post-conviction relief is denied and dismissed with prejudice.

Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR (providing the appropriate procedure to perfect an appeal). Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Further, Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for the appropriate procedures for appealing a judgment in a PCR action.

IT IS THEREFORE ORDERED:

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

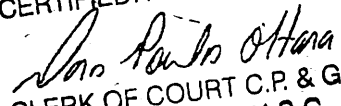
AND IT IS SO ORDERED.


 WILLIAM H. SEALS, JR.
 Presiding Circuit Court Judge
 Twelfth Judicial Circuit

August 29, 2019.

2019 SEP -4 AM 11:23
 FLORENCE COUNTY, SC
 CLERK OF COURT

FILED

CERTIFIED: A TRUE COPY

 CLERK OF COURT C.P. & G.S.
 FLORENCE COUNTY, S.C.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR BURGLARY FIRST DEGREE (4 COUNTS), WITH THE AFORESAID NAME OF RAVON DONTA HAMER SHOWN THEREON:

COUNT FOUR- BURGLARY FIRST DEGREE

CDR: 0079 16-11-0311

That Ravon Donta Hamer did in Florence County between the dates of May 3, 2014, and May 4, 2014, enter the dwelling of David R. Easler located at [REDACTED] S. Cashua Dr., Florence, SC without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, the defendant was armed with a deadly weapon, and the defendant had a prior record of two or more convictions for burglary or housebreaking, in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 BURGLARY FIRST DEGREE
 (4 COUNTS)

At a Court of General Sessions, convened on SEPTEMBER 3, 2015 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- BURGLARY FIRST DEGREE

CDR: 0079 16-11-0311

That Ravon Donta Hamer did in Florence County on or about February 28, 2014, enter the dwelling of Bettina M. Thomas located at ■■■ S. Aiken Dr., Apt. ■■■ Florence, SC without consent and with the intent to commit a crime therein, and the defendant had a prior record of two or more convictions for burglary or housebreaking, in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

COUNT TWO- BURGLARY FIRST DEGREE

CDR: 0079 16-11-0311

That Ravon Donta Hamer did in Florence County on or about May 22, 2014, enter the dwelling of Tanesia Williams located at ■■■ Broad Dr., Florence, SC without consent and with the intent to commit a crime therein, and the defendant had a prior record of two or more convictions for burglary or housebreaking, in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

COUNT THREE - BURGLARY FIRST DEGREE

CDR: 0079 16-11-0311

That Ravon Donta Hamer did in Florence County on or about May 30, 2014, enter the dwelling of Amelia Matthews located at ■■■ Country Creek Dr., Effingham, SC without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, the defendant was armed with a deadly weapon, and the defendant had a prior record of two or more convictions for burglary or housebreaking, in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

WITNESSES

Justin Head Florence Police Department

Ashley Anderson Florence Police Department

James Allen Florence County Sheriff

David A Richardson

ARREST WARRANT NUMBER

2014A2120200990 2014A2120200991
2014A2120200993

2014A2110201213

ACTION OF GRAND JURY

TRUE BILL

Veronica Lewis
Foreperson of Grand Jury

Date: 9-3-15

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-21-00883

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

THE STATE

vs.

RAVON DONTA HAMER

Indictment for

**BURGLARY FIRST DEGREE
(4 COUNTS)**

2015 SEP -3 AM 11:38
CORRIE REEF-SHEARIN
CCDP & GS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

15-30 /

COUNTY OF Florence
STATE VS.
Ravon Donta Hamer
AKA:
Race: Black Sex: M Age: 26
DOB: SS#:
Address: Charles St.
City, State, Zip: Florence, SC 29505
DL#: SID#:

INDICTMENT/CASE#: 2015-GS-21-00883
A/W#: 2014A2120200990
Date of Offense: 5/22/2014
S.C. Code §: 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

CONVICTED OF or PLEADS

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST: White, Ryan SC Bar# 77495 Defendant
Ravon Donta Hamer Defendant
John M. Ta (PO) 15871 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 647 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, 3% to County (if paid in installments) \$ 3.00

TOTAL \$ 103.00

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (07/2016)

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge
Judge Code:
Sentence Date: 12-7-16

STATE OF SOUTH CAROLINA

COUNTY OF Florence VS. STATE

Ravon Donta Hamer

AKA:

Race: Black Sex: M Age: 26

DOB: SS#: Address: Charles St.

City, State, Zip: Florence, SC 29505

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

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

IN THE COURT OF GENERAL SESSIONS

1931/

INDICTMENT/CASE#: 2015-GS-21-00883

A/W#: 2014A2120200991

Date of Offense: 5/22/2014 5-30-14

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: John Holt (Attorney) 77495 SC Bar# Defendant, [Signature] (Attorney) 15871 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 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: All pleas of 12-7-16 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. 647 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$ Obtain GED Attend Voc. Rehab. or Job Corp.

Payment Terms: Set by SCDPPPS May serve W/E beginning Substance Abuse Counseling

Recipient: Random Drug/Alcohol testing

*Fine: § 14-1-206 (Assessments 107.5 %) § 14-1-211(A)(1) (Conv. Surcharge) \$100 § 14-1-211(A)(2) (DUI Surcharge) \$100 § 56-5-2995 (DUI Assessment) \$12 § 56-1-286 (DUI Breath Test) \$25 Proviso 61.6 (Public Def/Probation) \$500 § 14-1-212 (Law Enforce. Funding) \$25 § 14-1-213 (Drug Court Surcharge) \$150 § 50-21-114(BUI Breath Test Fee) \$50 § 56-5-2942(J) (Vehicle Assessment) \$40/ca 3% to County (if paid in installments) \$ 3.00

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

TOTAL \$ 10300

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

Presiding Judge [Signature]

Judge Code: 260

Sentence Date: 12-7-16

COUNTY OF Florence VS. STATE

Ravon Donta Hamer

AKA:

Race: Black Sex: M Age: 26

DOB: SS#: [REDACTED]

Address: Charles St.

City, State, Zip: Florence, SC 29505

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

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

INDICTMENT/CASE#: 2015-GS-21-00883

A/W#: 2014A2120200993

Date of Offense: 5/23/2014 2-28-14

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: John Holt (SC Bar# 77495) Ravon Hamer (Defendant) [Signature] (Attorney for Defendant) [Signature] (SC Bar# 15571)

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 647 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, 3% to County (if paid in installments) \$ 3,000

TOTAL \$ 103.00

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge [Signature]

Judge Code: 260

Sentence Date: 12-7-16

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

15330
#1

COUNTY OF Florence
STATE VS.

Ravon Donta Hamer

AKA:

Race: Black Sex: M Age: 26

DOB: [redacted] SS#: [redacted]

Address: Charles St.

City, State, Zip: Florence, SC 29505

DL#: [redacted] SID#: [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No

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

INDICTMENT/CASE#: 2015-GS-21-00883
A/W#: 2014A2110201213
Date of Offense: 5/3/2014
S.C. Code § : 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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

ATTEST: [Signature] 77495 SC Bar# [Signature] Ravon Hamer Defendant [Signature] [redacted] (PD) 15871 SC Bar# [Signature]

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 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: 11-GS-17-0753 and 12-GS-17-0324
 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. 697 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____
*Fine: _____ \$
§ 14-1-206 (Assessments 107.5 %) _____ \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 61.6 (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$
3% to County (if paid in installments) \$ 3.00

TOTAL \$ 103.00

Clerk of Court/ Deputy Clerk: [Signature]
Court Reporter: [Signature]
SCCA/217 (07/2016)

Presiding Judge: [Signature]
Judge Code: 2760
Sentence Date: 12-7-16