

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

J. Ernest Kinard, Jr., Circuit Court Judge

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S.C. Supreme Court

ERNEST DINKINS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2013-000236

APPENDIX

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

CIRCUIT COURT
2010-GS-40-02384, 02386,
2010-GS-40-04305, 05351

STATE OF SOUTH CAROLINA,

-vs-

TRANSCRIPT OF RECORD

ERNEST J DINKINS,
Defendant.

Heard on Tuesday, October 11, 2011
Columbia, South Carolina

BEFORE:

THE HONORABLE W JEFFREY YOUNG

APPEARANCES:

Counsel on Behalf of the State:
Britton All, Esq.

Counsel on Behalf of the Defendant:
Renee Lipson, Esq.

Cheri L. Young, RPR
Circuit Court Reporter
P O Box 1154
Aiken, SC 29802-1154

received
11/25/12

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EXHIBIT INDEX

(NO EXHIBITS IDENTIFIED/INTRODUCED.)

1 ON TUESDAY, OCTOBER 11, 2011 AT 11:42 A.M.:

2 MS. ALL: Your Honor, standing before you is Ernest
3 Dinkins represented by Renee Lipson of the public
4 defenders office. He's pleading guilty to auto breaking,
5 petty larceny, failure to stop for a blue light and
6 financial identity fraud without recommendations or
7 negotiations.

8 In exchange for his plea the State is dropping a
9 second auto breaking charge which is related to the
10 financial identity fraud in a separate incident.

11 THE COURT: Ms. Lipson, have you had an opportunity
12 to explain to Mr. Dinkins the charges contained in the
13 different indictments, the possible punishments and his
14 constitutional rights?

15 MS. LIPSON: Yes, Your Honor.

16 THE COURT: And do you believe he's understood what
17 you've told him?

18 MS. LIPSON: Yes, Your Honor.

19 THE COURT: And does he wish to plead guilty or not
20 guilty?

21 MS. LIPSON: Guilty, Your Honor.

22 THE COURT: Do you agree with his decision to plead
23 guilty?

24 MS. LIPSON: Yes, Your Honor.

25 THE COURT: Based upon your investigation of the

1 facts and circumstances concerning all these indictments,
2 do you believe if this case were to go to trial that there
3 would be a substantial likelihood he'd be found guilty
4 beyond a reasonable doubt?

5 MS. LIPSON: Yes, Your Honor.

6 THE COURT: Now, I see where some of these -- under
7 indictment -- does he understand that under indictment
8 5351 that he would have a right to have this presented to
9 the grand jury prior to coming here?

10 MS. LIPSON: Yes, Your Honor.

11 THE COURT: And he wishes to waive that?

12 MS. LIPSON: Yes, Your Honor.

13 THE COURT: As well as under indictment 4305?

14 MS. LIPSON: Yes, sir.

15 THE COURT: All right. Mr. Dinkins, I need to ask
16 you a series of questions to make sure you're entering
17 into the plea freely, voluntarily, knowingly and
18 intelligently.

19 But the first question I have is: Are you under the
20 influence of alcohol or drugs today?

21 THE DEFENDANT: No, sir.

22 THE COURT: Are you taking any medication that would
23 cloud your judgment?

24 THE DEFENDANT: No, sir.

25 THE COURT: Are you aware of any physical, any

1 emotional or nervous condition that would keep you from
2 understanding what's happening in this courtroom today?

3 THE DEFENDANT: No, sir.

4 THE COURT: All right. Now, you understand that on
5 three of your indictments you would have an opportunity to
6 present these to a grand jury prior to coming into this
7 courtroom. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And only after they had found you, or
10 found that there was probable cause to bring it to this
11 court, only then would it become a case for the court of
12 general sessions. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you wish to waive that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, are you under the influence of
17 alcohol or drugs today?

18 THE DEFENDANT: No, sir.

19 THE COURT: Are you taking any medication that would
20 cloud your judgment?

21 THE DEFENDANT: No, sir.

22 THE COURT: Are you aware of any physical, emotional
23 or nervous condition that would keep you from
24 understanding what's happening today?

25 THE DEFENDANT: No, sir.

1 THE COURT: You are?

2 THE DEFENDANT: No, sir.

3 THE COURT: You shook your head. I'm just making
4 sure.

5 All right. Under indictment 2011-2386 which charges
6 you with petty larceny, it reads: That Ernest Jerome
7 Dinkins did in Richland County on or about September 11th,
8 2010, take and carry away the personal goods of Kristie
9 Wilson valued at \$2,000 or less, described as a green
10 purse and its contents, with the intent to deprive the
11 owner permanently of such property, and to convert the
12 goods to his personal use, in violation of Section 16-13-
13 30-A of the South Carolina Code.

14 Is what's stated in this indictment the truth, sir?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Under indictment 2011-GS-40-5351 it
17 says: That Ernest Dinkins did in Richland County on or
18 about September 11, 2010, while operating a motor vehicle
19 on a road, street or highway of the State of South
20 Carolina, fail to stop his or her motor vehicle when
21 signaled to do so by a law enforcement vehicle by means of
22 siren and/or flashing light, in violation of 56-5-750-B-1
23 of the South Carolina Code of Laws.

24 Is what's stated in this indictment the truth?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Under indictment 2011-GS-40-2384 it
2 states: That Ernest Jerome Dinkins did in Richland County
3 on or about September 11th, 2010, break into a motor
4 vehicle of one Kristie Wilson with intent to steal the
5 same or anything of value therefrom in violation of
6 Section 16-13-160 of the South Carolina Code of Laws.

7 Is what's stated in this indictment the truth?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And then under indictment 2011-GS-40-
10 4305, states that Ernest J Dinkins did in Richland County
11 on or about April 29th, 2010, without authorization or
12 permission of the victim, Guadalupe Lugo, and with the
13 intent to unlawfully appropriate the victim's financial
14 resources to his own use or to the use of a third party,
15 obtain or record identifying information that would assist
16 in accessing the victim's financial records, or did access
17 or attempt to access the victim's financial resources
18 through the use of identifying information, in violation
19 of Section 16-13-510 of the South Carolina Code.

20 Is what's stated in this indictment the truth?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Madam Solicitor, what are the facts of
23 each case?

24 MS. ALL: Yes, Your Honor. On April 29th, 2010, at
25 victim Lugo reported an auto

1 breaking, rear driver's side window was busted, a
2 pocketbook with financial cards and multiple other items
3 stolen, including her child's bank information, her bank
4 cards and her husband's personal identification
5 information, all of which were in her wallet.

6 A short time later several of the victim's cards were
7 used to purchase gas at the Flying J to fill the tanks of
8 multiple vehicles. Video surveillance shows the Defendant
9 yielding the cards to fill his gas tank and several
10 others. Using multiple cards, the Defendant spent --
11 multiple of the victim's cards and other cards, he spent
12 \$245.46 at the Flying J.

13 The victim's cards were also used at several other
14 locations around the same time.

15 The Defendant was charged with auto breaking and
16 financial identity fraud. The State's dismissing the auto
17 breaking. The victim's pocketbook, wallet and bank cards
18 have never been recovered, but she has been made whole
19 financially by her bank.

20 On September 11th --

21 THE COURT: And that carries up to 10 years?

22 MS. ALL: Yes, Your Honor. On September 11th, 2010
23 at [REDACTED], the Defendant and co-Defendant,
24 Rodney Gallman, who's already pled guilty were seen by a
25 witness breaking into the victim's car by prying open the

1 door and breaking the window and stealing her purse.

2 The Defendant got back into the driver's seat and he
3 and the co-defendant drove off. The witness followed them
4 while relaying a description to the police until officers
5 were able to locate the car.

6 THE COURT: That charge carries 10 years?

7 MS. ALL: Auto breaking is zero to five.

8 THE COURT: Okay.

9 MS. ALL: The Defendant was driving, refused to stop
10 after officers activated blue lights. The suspect's
11 vehicle was relocated, stopped and the suspects were
12 detained. The Defendant gave consent to search the
13 vehicle and officers located the property stolen from the
14 victim's vehicle.

15 The Defendant was charged with auto breaking, petty
16 larceny and failure to stop for blue light.

17 THE COURT: And that carries?

18 MS. ALL: Zero to three. The co-defendant was
19 charged with auto breaking and property third. The
20 Defendant gave a verbal recorded confession to the
21 investigator and was cooperative. He explains he was
22 broke and needed money. Said he went to pick up his
23 childhood friend who's co-defendant, Rodney Gallman.

24 Because Mr. Gallman's car had broken down, he admits
25 to driving, pulling up to a group of cars, exiting with

1 the co-defendant, seeing the person in plain view in
2 victim's car, breaking into the car and then driving off.

3 Said he didn't have a driver's license so he panicked
4 when he saw police.

5 He refused to discuss the co-defendant's involvement
6 too much but he did state the co-defendant was in the
7 passenger seat taking inventory of the purse as they were
8 driving off.

9 The State's been unsuccessful in contacting the
10 victim of the September auto breaking, the second one
11 despite multiple attempts by phone and mail over several
12 weeks.

13 On August 11, 2011, the co-defendant pled guilty to
14 auto breaking and property third. Judge Benjamin
15 sentenced him to five years on the auto breaking and seven
16 years on the property third concurrent with each other.
17 And with the five-year sentence he received two weeks
18 prior and less than ten for two counts of auto breaking
19 and a conspiracy charge.

20 THE COURT: Is what she stated the truth?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Are you in fact guilty as she states?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand that on the petty
25 larceny I can sentence you up to 30 days?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand that on the failure to
3 stop for a blue light I can sentence you up to three
4 years?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand on the breaking into a
7 motor vehicle I can sentence you up to five years?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And you understand that on the financial
10 identity fraud I can sentence you up to 10 years?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So if I choose to do so, I can sentence
13 you up to 16 years and 30 days, if I run them
14 consecutive?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you fully understand the charges
17 contained in the indictments and the possible punishment
18 that you face?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And you understand some of these are
21 property charges so therefore if you should get another
22 property charge and steal a piece of bubble gum or
23 something like that, you could get 10 years in jail?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you also understand that when you

1 plead guilty you waive certain constitutional rights. The
2 first right you waive is your right against self-
3 incrimination. Not in this court or any other court in
4 this land would you ever be required to testify against
5 yourself. However, when you plead guilty you're doing
6 just that. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And so you wish to waive your right
9 against self incrimination at this time?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, you're also waiving your right to
12 have a jury trial. In a jury trial you would be presumed
13 to be innocent. The State would have the burden of
14 proving your guilt beyond a reasonable doubt. If you
15 decided not to take the stand in the trial, I would
16 instruct the jury that they could not hold that against
17 you.

18 Now in a trial your attorney would have the
19 opportunity to cross-examine the witnesses presented by
20 the State and if she thought it was in your best interests
21 she could call witnesses on your behalf. But when you
22 plead guilty, the State does not have to prove anything
23 and you don't get to ask any questions about the evidence
24 or how it was collected.

25 Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And you wish to waive your right to have
3 a jury trial and confront the witnesses against you?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Now have you had time to speak to your
6 attorney concerning these charges?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And do you think she's had enough time to
9 review the facts and circumstances of these charges in
10 order to properly represent you?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Has anybody threatened you in any way to
13 get you to plead guilty?

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anybody promised you anything to get
16 you to plead guilty?

17 THE DEFENDANT: No, sir.

18 THE COURT: Is the only reason that you're pleading
19 guilty is because you are, in fact, guilty?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Now have you understood all of my
22 questions today?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you have any questions for me?

25 THE DEFENDANT: No, sir.

1 THE COURT: Under -- and do you understand that if
2 you change your mind about your decision to plead guilty
3 or the sentence that I give you, that you will only have
4 10 days in which to file an appeal?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Under indictment 2011-GS-40-4305 charging
7 you with financial identity fraud, how do you plead;
8 guilty or not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: Under indictment 2011-GS-40-2384 charging
11 you with breaking into a motor vehicle, how do you plead;
12 guilty or not guilty?

13 THE DEFENDANT: Guilty.

14 THE COURT: Under indictment 2011-GS-40-5351 charging
15 you with failure to stop for a blue light, how do you
16 plead; guilty or not guilty?

17 THE DEFENDANT: Guilty.

18 THE COURT: And under indictment 2011-GS-40-2386 how
19 do you plead; guilty or not guilty?

20 THE DEFENDANT: Guilty.

21 THE COURT: All right. I find a substantial factual
22 basis for the plea. I find that the Defendant has entered
23 into it freely and voluntarily. He has had the advice of
24 counsel with whom he says he is well pleased.

25 What is his criminal history?

1 MS. ALL: Yes, Your Honor. In 1989 he got a
2 possession of crack for which he got a suspended YOA.

3 In 1993, possession of cocaine, active YOA.

4 Parole revocation in '94. Petty larceny in '94.

5 Four counts of forgery and purse snatching in '95 for
6 which he received three years suspended on probation.

7 YOA parole revocation in '96.

8 In 2000 he got 17 counts of fraudulent check for
9 which he got 30 days consecutive, then five counts of
10 fraudulent check for which he got 50 days consecutive, 10
11 counts for which he got 30 days concurrent, and two counts
12 of fraudulent check for which he got 10 days concurrent.

13 It appears as though he was revoked on those
14 forgeries that he got probation on and had to serve 18
15 months, and was also revoked on the purse snatching.
16 Served 18 months on those two from '95.

17 He got an ABHAN in 2003 and a failure to comply with
18 police command, 18 months on those.

19 CDV first in 2006.

20 CDV second in 2007.

21 An auto breaking in 2008 for which he received two
22 years.

23 THE COURT: Is that correct?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. Yes, ma'am?

1 MS. LIPSON: Thank you, Your Honor. May it please
2 the Court.

3 Standing before you, is Ernest Dinkins. He's 38
4 years old. He's from Columbia and he's been married for
5 six years to his wife Lashawn. He has a 19-year-old
6 daughter. He does have a tenth-grade education and before
7 he was arrested on these charges he was pursuing odd jobs
8 and doing whatever he could to make some money. His wife
9 is a hair stylist, Your Honor.

10 Your Honor, Mr. Dinkins has been incarcerated for 13
11 months. He was arrested September 11th of 2009 (sic).
12 While he has been incarcerated he's been very active at
13 Alvin S Glenn. He's been going to NA and AA meetings
14 every week. He also holds some certificate for programs
15 he did at the Alvin S Glenn including successful
16 completion of the Visions Program, six weeks of alcohol
17 and drug abuse education classes through Loraid Act at
18 Alvin S Glenn along with a certificate of participation in
19 the prison fellowship reentry life plan.

20 Your Honor, I think that's pretty obvious from
21 Mr. Dinkins' record that there's some sort of a drug
22 problem there. However, looking at his co-defendant's
23 record who got seven years when he pled, Your Honor, I
24 think it's obvious he also had a drug problem, but he also
25 seems to have a more violent record than --

1 THE COURT: It probably can't be any longer than his,
2 though.

3 MS. LIPSON: Probably not, Your Honor. But, Your
4 Honor, if I may go through Mr. Gallman's record so you can
5 hear what the judge --

6 THE COURT: I don't care about that one. I'm dealing
7 with him today.

8 MS. LIPSON: Okay. Yes, Your Honor.

9 Your Honor, like I said, Mr. Dinkins has been
10 incarcerated for 13 months. He has -- he did give a
11 statement to the police and he cooperated with the
12 police.

13 He did wish to do a bit more which I had spoken to
14 Ms. All about it at one point but that didn't come to
15 fruition.

16 Your Honor, what we would be requesting at this time
17 would be a sentence of about three years, Your Honor. As
18 to -- he has been active at Alvin S Glenn doing what he
19 can to better his life and to get some alcohol and drug
20 abuse counseling while he's been there.

21 And -- (conferring with Defendant). May we
22 approach?

23 THE COURT: Yes -- no. Let's keep it on the record.

24 MS. LIPSON: Your Honor, I believe at this time that
25 Mr. Dinkins would like to withdraw his plea.

1 THE COURT: There were no recommendations in this
2 case.

3 MS. LIPSON: I understand that, Your Honor.

4 THE COURT: Okay. He does not get -- I'm not going to
5 let him withdraw his plea at this point in time.

6 MS. LIPSON: Your Honor, at this time he would also
7 like to have me relieved as counsel.

8 THE COURT: That's too late.

9 MS. LIPSON: Your Honor, at this time we would be
10 asking for a short active sentence in this matter so that
11 he can get back to his wife. His wife's father just
12 passed away. She's in New York, otherwise I would have
13 contacted her to be here today.

14 THE COURT: Thank you. Would he like to say anything
15 at this point?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right.

18 THE DEFENDANT: I mean, I had a drug problem and, you
19 know, what I did was wrong. I do admit that, you know.
20 And to be honest with you, in a sense, yeah, I do have a
21 drug problem. I do. I've been battling with crack
22 cocaine ever since I was 17 years old. I'll be honest
23 with you. I caught my first charge when I was 17, and
24 I've just been out there for a long time.

25 And the last, since I got married I've kind of, you

1 know, stepping in and out of life, you know what I mean.
2 You know, I didn't really know what it was to grow up, to
3 be a man. I always depended on other people to take care
4 of me, you know what I'm saying.

5 So therefore I know what I did was wrong. I know
6 when I get out of here this time here, I'm through, you
7 know. I got to get my life together. I got grand kids.
8 I got three grand kids out there. I got a wife that loves
9 me and cares about me. I'm surprised she's not through
10 with me now, everything I took out of her life, you know
11 what I mean.

12 THE COURT: Anything further from the State?

13 MS. ALL: No, Your Honor.

14 THE COURT: Anything further?

15 THE DEFENDANT: No, sir.

16 THE COURT: All right. Mr. Dinkins, I've considered
17 everything you told me. I listened to your attorney but
18 you are the picture of a career criminal. Every
19 opportunity you've been given -- I bet you told every
20 judge going back to 1989 that that's the last time he's
21 going to see you.

22 It's going to be a while before I see you again,
23 that's for sure.

24 SENTENCE OF THIS COURT: UNDER INDICTMENT 2011-GS-40-
25 2386 ON THE CHARGE OF PETTY LARCENY IS THAT YOU BE

1 COMMITTED TO THE STATE DEPARTMENT OF -- OR ACTUALLY TO THE
2 COUNTY DETENTION CENTER FOR A PERIOD OF 30 DAYS.

3 UNDER INDICTMENT 2011-GS-40-5351 CHARGING YOU WITH
4 FAILURE TO STOP FOR A BLUE LIGHT, THE SENTENCE OF THE
5 COURT IS THAT YOU BE COMMITTED TO THE STATE DEPARTMENT OF
6 CORRECTIONS FOR A PERIOD OF THREE YEARS.

7 UNDER INDICTMENT 2011-GS-40-2384 CHARGING YOU WITH
8 BREAKING INTO A MOTOR VEHICLE, THE SENTENCE OF THE COURT
9 IS THAT YOU BE COMMITTED TO THE STATE DEPARTMENT OF
10 CORRECTIONS FOR A PERIOD OF FIVE YEARS.

11 UNDER INDICTMENT 2011-GS-40-4305 IT'S THE SENTENCE OF
12 THE COURT THAT YOU BE COMMITTED TO THE STATE DEPARTMENT OF
13 CORRECTIONS FOR 10 YEARS.

14 YOU WILL BE GIVEN CREDIT FOR TIME SERVED ON THESE
15 CHARGES ONLY. And I am going -- the only break I'm going
16 to cut you is THEY ARE GOING TO RUN CONCURRENTLY.

17 Good luck to you.

18 MS. ALL: Thank you, Your Honor.

19 END OF CASE: 12:06 p.m.

20

* * * *

21

CERTIFICATE OF REPORTER

22

I, Cheri L. Young, Registered Professional Reporter,

23

and Official Court Reporter for the State of South

24

Carolina, do hereby certify that the foregoing transcript

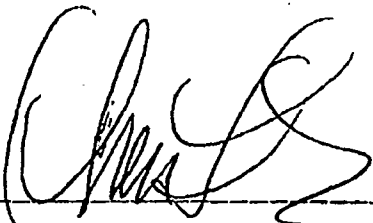
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of proceedings heard on Tuesday, October 11, 2011, in

1 Columbia, South Carolina, was reported by me using machine
2 shorthand and realtime computer-aided translation and is a
3 true, accurate and complete transcript of the proceedings
4 had and evidence introduced in the hearing of the matter.

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

7 I have hereunto set my hand this Thursday, the 19th
8 day of January, 2012.

9
10
11 

12 Cheri L. Young, RPR
13 Official Court Reporter
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2011CP4008298

STATE OF SOUTH CAROLINA

County of Richland

In the Court of Common Pleas

Ernest Dinkins #197016
Full name and prison number (if any) of Applicant,

vs.

Name of Respondent.

APPLICATION FOR
POST-CONVICTION RELIEF

RICHLAND COUNTY
FILED
2011 DEC -6 AM 11:44
JEANNETTE W. MCBRIDE
C.C.P. & C.S.

INSTRUCTIONS — READ CAREFULLY

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

Since every application must be sworn to 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 applicant was convicted.

- Place of detention Alvin S. Glenn Det. Ctr.
- Name and location of Court which imposed sentence Richland County Judicial Center
1701 Main Street Cola. S.C. 29201
- The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - I892624 Financial ID Fraud
 - 37045FK Fail to Stop Blue light 1st
 - _____
- The date upon which sentence was imposed and the terms of the sentence:
 - I892624 Financial ID Fraud 10yrs 10/11/11
 - 37045FK Fail to Stop Blue light 3yrs 10/11/11
 - _____

received
11/4/12

5. 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

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

NO

7. If you answered "yes" to (6), list

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

i.

N/A

ii.

iii.

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

i.

N/A

ii.

iii.

(c) the date of each such result:

i.

N/A

ii.

iii.

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

i.

N/A

ii.

iii.

8. If you answered "no" to (6), state your reasons for not so appealing:

(a) My attorney told me not to

(b)

(c)

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

(a) Ineffective assistance of Counsel

(b)

(c)

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) My attorney didnt correctly explain My side of the story

(b) during my sentencing.

(c)

11. 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 petitions in State or Federal Courts for habeas corpus or post-convictions relief? no

(c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? no

(d) any other petitions, motions or applications in this or any other Court?
no

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. N/A

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. N/A

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. N/A

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

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

i. N/A

ii. _____

iii. _____

iv. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

- i. N/A
- ii. _____
- iii. _____

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

- i. N/A
- ii. _____
- iii. _____

15. If any ground set forth in (9) 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) NO
- (b) _____
- (c) _____

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

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

17. If you answered "yes" to one or more parts of (16), list:

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

- i. Rence Lipson Public Defender Office 1701 Main Street
Colo. S.C. 79201
- ii. _____
- iii. _____

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

- i. Sentencing
- ii. _____
- iii. _____

18. State clearly the relief you seek in filing this application.

I'm seeking a time cut

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

NO

STATE OF SOUTH CAROLINA

VERIFICATION

County of Ernest Dinkins^(C) Spartanburg

I, Ernest Dinkins, 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.

Ernest Dinkins

SWORN to and subscribed before me this 30

day of November, 192011

Cornie C. Smith (L.S.)
Notary Public

My Commission Expires: 8/29/11

2011 DEC -6 AM 11:44
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

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

I, Ernest Dinkins, 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 therefor.

Ernest Dinkins

Applicant

SWORN or affirmed to and subscribed before me this

30 day of November, 192011

Cornie C. Smith
Notary Public

My Commission Expires 8/29/11

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	
)	
DINKINS Ernest -)	2011CP4008298
# 00197016,)	
)	
Applicant,)	
)	
v.)	RETURN
)	
State of South Carolina,)	
)	
Respondent.)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed December 6, 2011, would respectfully show this Court:¹

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. The Applicant was represented by Renee Lipson, Esquire. On October 11, 2011, following a guilty plea, the Applicant was sentenced by The Honorable W. Jeffrey Young. The Applicant had been indicted and/or convicted of the following: Failure to

¹
<http://www4.rcgov.us/publicindex/PCCaseDetails.aspx?County=40+&Casenum=2011CP4008298&CourtType=G&CaseType=Civil&CourtAgency=40002>

received
1/25/12

Stop Blue Light/Siren 1st Offense and Financial Identity Fraud - (2011-GS-40-05351;04305).

According to SCDC, he is serving the following sentence:

Offender Type Adult-straight Sentence Offense Breaking Into Motor Veh Sentence Start Date
09/11/2010 Sentence Length 10 YRS, 0 MOS, 0 DYS Admission Date 10/13/2011 Committing
County Richland Location Livesay Projected Release Date 11/12/2015 Projected Parole
Eligibility 11/04/2012 Supervised Furlough Eligibility Not Eligible Sex Offender Registry No

2

II.

Attached herewith and incorporated herein are the records of the Richland County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, and the trial transcript, and the Applicant's applicable direct appeal files. The Respondent reserves the right to amend this Return upon receipt of any relevant materials or submit an amended Return to reflect any amended allegations and/or to provide a more detailed procedural history.

Direct Appeal

The Applicant did not appeal his conviction and/or sentence .

The application for post conviction relief (PCR) was filed December 6, 2011.

III.

² <https://sword.doc.state.sc.us/scdc-public/inmateDetails.do?id=+00197016>

For the purposes of this Return, the Respondent interprets each of the Applicant's allegations to be claims that he received ineffective assistance of counsel. The Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, the Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was

deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). Even with respect to guilty plea counsel, the applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985)

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The 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.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied. The Respondent therefore requests that this Court convene an evidentiary hearing solely on the

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

V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held. The Respondent will coordinate with the Applicant's attorney who is, according to the Respondent's file, TBT, Esquire regarding when the hearing should be set.³

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

BRIAN T. PETRANO
Assistant Attorney General

By: B
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737
bpetrano@scag.gov

December 13, 2011

³ The current PCR Roster for the 5th Circuit is available at <http://www.scag.gov/criminal-litigation/postconvictionrelief>

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

DINKINS Ernest -
00197016,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS


2011CP4008298

CERTIFICATE OF SERVICE

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

DINKINS Ernest, 197016 – Alvin S. Glenn Detention Center, 201 John Mark Dail Drive, Columbia, SC 29209

DATED December 20, 2011.


 Jean R. Indriago
 Legal Assistant

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) COURT OF COMMON PLEAS
2011CP4008298

Ernest Dinkins,)
Plaintiff,)
vs.) TRANSCRIPT OF RECORD
State of South Carolina,)
Defendant.)

September 12, 2012
Columbia, South Carolina

B E F O R E :

THE HONORABLE J. ERNEST KINARD, JR., JUDGE.

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

PATRICK J. CLEARY, ESQ.
Attorney for the Plaintiff

ROBERT D. CORNEY, ASSISTANT ATTORNEY GENERAL
Attorney for the Defendant

DEBORAH M. McCURDY, RPR
Official Court Reporter

1 The remaining counts of autobreaking -- the
2 remaining counts of autobreaking were nol-prossed
3 by the State.

4 He did not have a direct appeal, but filed a
5 timely PCR application November 6, 2011.

6 And if I missed anything in that procedural
7 history I'm sure I will be corrected in just a
8 minute. If so, I apologize.

9 Thank you, Your Honor.

10 THE COURT: All right.

11 MR. CLEARY: Your Honor, Patrick Cleary for
12 Mr. Dinkins. I would like to call him to the
13 stand.

14 THE COURT: All right, Mr. Dinkins, come
15 around.

16 (Witness complies.)

17 THE COURT: Mr. Dinkins, do you swear or
18 affirm you will truthfully testify?

19 THE WITNESS: Yes, sir.

20 THE COURT: Take the stand.

21 (Witness complies.)

22 THE COURT: I don't know anything about it,
23 but it looks like you got hammered pretty good on
24 sentencing.

25 THE WITNESS: Man, whew.

1 THE COURT: Go ahead.

2 MR. CLEARY: Thank you, Your Honor.

3 ERNEST DINKINS,

4 after being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. CLEARY:

7 Q Mr. Dinkins, who was your Public Defender when you
8 pled guilty?

9 A Ms. Renee Lipson.

10 Q What was the first time that you met with
11 Ms. Lipson?

12 A Whew. I can't remember, because I had three
13 different Public Defenders.

14 Q Did Ms. Lipson ever tell you the maximum or minimum
15 sentence that you could get?

16 A I -- I don't -- I mean, I -- well, no, not really,
17 she didn't.

18 Q Okay. When you were talking with Ms. Lipson, did
19 you ever discuss a guilty plea with her?

20 A Yes. I was trying to get one, you know.

21 Q And did you have any expectations of what you
22 wanted from your guilty plea?

23 A I think I kind of mentioned to her that I was
24 trying to get five years with everything, you know.

25 Q Yes, sir. When did you first hear that you were

1 going to go before Judge Young on October 11th,
2 2011? When did Ms. Lipson first tell you?

3 A The day -- the morning they woke me up.

4 Q That morning of the 11th?

5 A Yes.

6 Q Okay. And you were in the county prison at the
7 time?

8 A Yes, sir.

9 Q Did Ms. Lipson tell you anything about Judge Young
10 before the hearing?

11 A Not really. She was just -- I mean, she had said
12 to me that I think one of her colleagues or friends
13 might have known the judge, that he was fair, and
14 stuff like this right here and things, and that was
15 about it.

16 Q Why did you want to proceed before Judge Murray
17 instead of Judge Young?

18 A Who is Judge Murray?

19 Q Judge Manning, I'm sorry.

20 A Oh. Because, I mean, he -- I mean, he is more of a
21 fair judge, you know, and I believe he would
22 probably honor my deal, you know, because my record
23 is not that bad.

24 Q And so why did you plead guilty on the morning of
25 October 11th?

1 A I pled guilty, you know, hoping that I -- well,
2 praying that I would have got five years because I
3 told her, I said, well, I am going to trust you,
4 you know what I'm saying, which she kept telling me
5 that the, you know, the lawyer[verbatim] was fair,
6 he was lenient, you know. But if I had of known
7 like he was, I would have just told them to take me
8 back to the county.

9 Q What would you have wanted to know?

10 A I mean, I want to know what kind of judge I'm
11 going -- what kind of person I'm dealing with, you
12 know. This is my life, not hers. This is my life.

13 Q During the plea hearing you moved to withdraw the
14 plea. Why did you do that?

15 A Because I felt like she didn't represent me to the
16 fullest, you know. Because like the judge, her and
17 the judge, I don't know if they had some kind of
18 conflict or he was mad at her or, you know, he
19 just -- that is -- when I seen that, I was like, I
20 just want to withdraw my plea. He wouldn't accept
21 it.

22 Q What would -- let me withdraw that question. Why
23 did you file a PCR?

24 A Because I feel like I was railroaded. I feel like,
25 I mean, they gave me too much time. My first

1 offense for failure to stop for a blue light, the
2 man gave me three years. When I was in the county,
3 people got 90 days, you know. I didn't hurt
4 nobody, you know, I just went two blocks.

5 Q I have no further questions for you, Mr. Dinkins.
6 If the State has any, please answer them.

7 MR. CORNEY: Just very briefly.

8 CROSS-EXAMINATION

9 BY MR. CORNEY:

10 Q Judge Young at the plea hearing reviewed with you
11 what the potential sentences you were facing were,
12 didn't he?

13 A As far as, what you mean, how much time I was going
14 to get?

15 Q How much time you potentially could have gotten,
16 correct?

17 A Well --

18 Q You said that was something Ms. Lipson never
19 reviewed with you, but that was something that
20 Judge Young did review with you at your plea
21 hearing, right?

22 A Five years for the autobreaking, three years for
23 the failure to stop for blue light. And the credit
24 card fraud, I mean, I thought it was like two
25 years. I didn't know it was ten years.

1 Q Okay. Judge Young didn't tell you on Page 11 of
2 that transcript, do you understand this is
3 financial identity fraud, I can sentence you up to
4 ten years, and you said, yes, sir?

5 A I think he did say something like that, but I
6 wasn't expecting him to give me the whole ten for
7 first offense.

8 Q You said you wanted to go before Judge Manning
9 because he was a fair judge, is that what you said?

10 A I mean, he is more lenient, he is fair, you know.

11 Q And you are familiar with that because you are
12 not -- this wasn't your first rodeo in the criminal
13 justice system, was it?

14 A No, sir.

15 MR. CLEARY: Objection. Prejudicial.

16 THE COURT: Well, he doesn't ever have the
17 right to pick and choose judges he pleads in front
18 of. The Solicitor controls the docket.

19 Go ahead.

20 MR. CORNEY: Your Honor, and the reason I was
21 going into that as a follow-up question is, I
22 mean --

23 THE COURT: Judge Benjamin had just sentenced
24 you to five years, hadn't she?

25 THE WITNESS: I mean, maybe. Ms. Benjamin.

1 THE COURT: Well, I was just reading in here
2 that Judge Benjamin a couple of months before
3 sentenced you to five years on autobreaking and
4 seven years on property third.

5 THE WITNESS: No, that is not me. That is my
6 Co-Defendant.

7 THE COURT: Oh, the Co-Defendant. Yes, I see.

8 THE WITNESS: That is what Ms. Lipson and the
9 judge was going to -- she was talking about my
10 Co-Defendant.

11 THE COURT: I got you.

12 THE WITNESS: And the judge kind of got --

13 THE COURT: The Co-Defendant got seven years.

14 BY MR. CORNEY:

15 Q And the reason I asked that question is because
16 just before sentencing didn't Judge Young say that
17 you were the picture of a career criminal in his
18 opinion?

19 A That is what he said.

20 Q Okay. So that is -- I mean, based on your prior
21 criminal history; I mean, that is probably the
22 reason that you got such a harsh sentence
23 potentially?

24 A But that was after the fact.

25 Q Okay.

1 A I said -- he told me did I have anything to say. I
2 said what I had to say. Then after that, you are a
3 career criminal, you know, and he just went on.

4 MR. CORNEY: That's all the questions I have,
5 Your Honor. Thank you.

6 MR. CLEARY: Your Honor, may Mr. Dinkins be
7 excused?

8 In follow-up to that, I would like to call
9 Ms. Renee Lipson to the stand.

10 THE COURT: Well, I haven't heard him say why
11 he thinks he should get out, so far. You haven't
12 asked him that, just a general question.

13 Because this is your last day. So far I
14 haven't heard anything other than you didn't like
15 Judge Young after you heard that he gives stiffer
16 sentences than Judge Manning. It depends on what
17 you have done. Everybody varies. Like some judges
18 for failure to stop for a blue light always give
19 you the maximum. I usually don't unless you run
20 through a neighborhood and chase people off the
21 road. But that is -- you get stuck with the judge
22 you got.

23 THE WITNESS: Yes, sir.

24 THE COURT: Other than that, what is your
25 complaint?

1 THE WITNESS: I mean, I just felt like I
2 wasn't -- if she would have gave me more
3 information about what I was going up against, I
4 would have never went to court. I would have
5 stayed in the county another six more months, or
6 whatever.

7 THE COURT: All right.

8 THE WITNESS: I had been there 13 months
9 already, you know.

10 THE COURT: Got it.

11 THE WITNESS: I would have sit some more.

12 MR. CLEARY: I have no further questions for
13 Mr. Dinkins, Your Honor.

14 THE COURT: All right, you can step down.

15 (Mr. Dinkins steps down.)

16 (Ms. Lipson approaches.)

17 THE COURT: Do you swear or affirm you are
18 going to truthfully testify?

19 THE WITNESS: Yes, Your Honor.

20 RENE E A. LIPSON,
21 after being duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. CLEARY:

24 Q Good morning, Ms. Lipson.

25 A Good morning, Mr. Cleary.

1 Q When were you first appointed Public Defender for
2 Mr. Dinkins?

3 A I believe I got his file sometime in April of 2011.
4 He had had a couple of other Public Defenders
5 before me.

6 Q How many times did you meet with him?

7 A According to my notes, I met with him on
8 April 22nd, July 8th, and August 19th, and then on
9 his plea date.

10 Q Yes. When did you first hear that the State wanted
11 to have a plea hearing on the morning of October
12 the 11th?

13 A I don't recall off the top of my head. I'm sure
14 the Solicitor and I discussed it. The Solicitor is
15 obviously the one that controls the docket, but she
16 probably e-mailed me beforehand sometime that week
17 saying, can we bring Mr. Dinkins over.

18 Q Did you tell him when you heard about that?

19 A No, I hadn't seen him until that day.

20 Q Did you tell him that -- did you tell Mr. Dinkins
21 that Judge Young was going to --

22 A Yes.

23 Q -- conduct the plea?

24 A Yes.

25 Q Did you tell Mr. Dinkins that he was a former

1 Solicitor?

2 A No. I didn't know that.

3 Q Did he ask you about that?

4 A Not that I recall.

5 Q What did he ask you about what -- how Judge Young
6 would do sentencing?

7 A As far as I recall and judging by my notes, from
8 what I can recall, he asked how Judge Young had
9 been, and I said that morning when I had observed
10 Judge Young he had been fair. That was all that
11 I --

12 Q Did Mr. Dinkins ever say he wanted to wait until
13 Judge Manning could hear the case?

14 A He did say that he wanted Judge Manning to hear the
15 case. However, I told him that he doesn't get to
16 necessarily pick the judge, that the Solicitor runs
17 the docket and the Solicitor could call it to trial
18 at any point at that time. And we had some pretty
19 notoriously rough judges coming up that he could
20 potentially end up in front of.

21 Q But did he ever say, I want to wait and not go
22 October 11th?

23 A Well, when he said that he would prefer to go in
24 front of Judge Manning, but we went through his
25 Advice of Rights and he did hem and haw about

1 waiting, but we ended up -- he said he would go
2 forward.

3 Q And did Mr. Dinkins tell you why he wanted to
4 withdraw the guilty plea that day?

5 A No. From reading the transcript and remembering
6 this in my notes, because I felt this was coming,
7 when I started to discuss the Co-Defendant's record
8 in front of Judge Young, Judge Young said,
9 essentially, I don't care about the Co-Defendant's
10 record. And he was maybe a little forceful when he
11 said that. And at that point, that is when
12 Mr. Dinkins -- I told Mr. Dinkins that he should
13 probably address the Court. We did a little side
14 bar, and I told Mr. Dinkins he should address the
15 Court. And he told me he wanted to withdraw his
16 plea.

17 MR. CLEARY: I have no further questions.

18 MR. CORNEY: I don't believe I have any
19 questions of this witness, Your Honor. Thank you.

20 THE COURT: You can step down.

21 THE WITNESS: Thank you.

22 (Witness steps down.)

23 MR. CLEARY: Your Honor, I have no further
24 witnesses.

25 THE COURT: Okay.

1 MR. CORNEY: Your Honor, I don't have any
2 witnesses. At this point in time I would move for
3 a summary dismissal of his application. I don't
4 think he set forth anything that entitles him to
5 PCR.

6 THE COURT: No, he didn't. I have now
7 finished reading the 21-page transcript. Of course
8 he asked to withdraw it right after Judge Young
9 said, the Co-Defendant's record couldn't be worse
10 than his, which would make your heart go
11 pitter-patter, I understand that, if you are
12 standing out there, because I have been doing it 25
13 years, you know.

14 And then he did say you were a career
15 criminal. But, then again, he read the whole
16 record. I am not going to read it in there, but I
17 did read it. It went back a while. And I
18 recognize you had a drug problem and I recognize
19 you have been incarcerated for a while and you were
20 helping them out at Glenn. You were doing pretty
21 good. Your lawyer asked for three, which is a
22 reasonable request. But Judge Young gave you more
23 time than that.

24 And I -- the fact that he gave you too much
25 time in your opinion, I can't help you with that.

1 It is within the sentences that he clearly
2 explained. I think he mentioned it twice on each
3 one going through there. So you knew what you were
4 facing.

5 And you also have grandkids, huh?

6 MR. DINKINS: I have got three of them.

7 THE COURT: But I can't help you with that.
8 It is pretty tough to win in a PCR, in any event,
9 and it is really tough to win on a plea situation,
10 if the judge crosses the x's and dots the i's and
11 crosses the t's, you know. You say you understand
12 everything and everything is all right, and so
13 forth so forth and so forth. You just get bound by
14 that.

15 And, again, you have got ten days you can
16 appeal.

17 Just prepare an order. He didn't meet the
18 two-prong Strickland test.

19 MR. CORNEY: And, Your Honor, just to put on
20 the record, he has 30 days' time period to appeal.

21 THE COURT: I mean, I know.

22 MR. CORNEY: Yes, sir, I just want to make
23 sure the record is clear on that. I understand
24 Your Honor knows that too.

25 Thank you, Your Honor.

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MR. CLEARY: Thank you, Your Honor.

(WHEREUPON; the proceedings were concluded.)

(END OF TRANSCRIPT)

CERTIFICATE OF REPORTER

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STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Richland County, South Carolina, on the 12th day of September, 2012.

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

February 19, 2013

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS)
FOR THE FIFTH JUDICIAL CIRCUIT)

Ernest Dinkins, # 197016,)

2011-CP-40-08298)

Applicant,)

v.)

ORDER OF DISMISSAL)

State of South Carolina,)

Respondent.)

RICHLAND COUNTY
FILED
2013 JAN -7 PM 12:05
JEANETTE W. McBRIDE
C.C.P. & G.S.

This matter comes before the Court by way of an application for Post-Conviction Relief (PCR) filed December 6, 2011. An evidentiary hearing was convened into the matter before this Court on Wednesday, September 12, 2012, at the Richland County Courthouse. Applicant was present at the hearing with counsel, Patrick Cleary, Esquire. The Respondent was represented by Robert D. Comey of the South Carolina Attorney General's Office.

At the hearing, Applicant testified on his own behalf. Also present and testifying was Applicant's former plea counsel, Renee Lipson, Esquire. This Court had before it copies of the records of the Richland County Clerk of Court, the records of Applicant's guilty plea hearing and Applicant's records from the South Carolina Department of Corrections.

PROCEDURAL HISTORY

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Richland County Clerk. On October 11, 2011, Applicant appeared with counsel, Renee Lipson, Esquire, at the Richland County Courthouse before the Honorable W. Jeffrey Young where he waived presentment to the grand jury and pled guilty to Petit Larceny (Value \$2,000 or Less), Financial Identity Fraud, Failure to Stop for a Blue Light and two (2) counts of Breaking Into a Motor

Vehicle (2011-GS-40-2384, -2386, -4305; -5351). Judge Young sentenced Applicant to ten (10) years imprisonment for Financial Identity Fraud, five (5) years imprisonment for Breaking Into a Motor Vehicle, three (3) years imprisonment for Failure to Stop, and thirty (30) days imprisonment for Petit Larceny, all to run concurrently. The remaining Breaking Into a Motor Vehicle charge was *nolle prossed* by the state as a result of the plea. No direct appeal was filed.

In the current action, Applicant alleges he is being held in custody unlawfully based upon the following:

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

- (a) Ineffective assistance of Counsel
 (b) _____
 (c) _____

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) My attorney didnt correctly explain My side of the story
 (b) during my sentencing.
 (c) _____

18. State clearly the relief you seek in filing this application.

I'm seeking a time cut

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

Involuntary Guilty Plea

This Court has interpreted Applicant's vague allegation to be that his guilty plea was not entered freely, voluntarily and intelligently as a result of counsel's alleged ineffective representation.

Applicant testified he was appointed three different public defender's to represent him on the underlying charges, eventually having counsel take over his case. Applicant stated counsel never reviewed the maximum or minimum potential sentences with him that he was facing on the charges, and noted it was his desire to get a five (5) year sentence by pleading guilty. Applicant said he only found out the morning of his plea hearing that he would be going to court to plead guilty. He alleged counsel did not "tell him anything" about Judge Young, who would be the plea judge, except to say that he "was fair". Applicant said he wanted to enter his plea before Judge Manning because he "is more fair". Applicant went on to say he believes he was "railroaded" by entering his plea because he received too harsh of a sentence considering the crimes he committed "didn't hurt anybody". On cross-examination, Applicant conceded Judge Young reviewed the potential sentencing range he was facing during the course of the plea hearing, and agreed Judge Young made a specific comment prior to sentencing about Applicant's very lengthy criminal record.

Counsel testified she took over representation of Applicant from another public defender, after which she met with Applicant roughly five (5) times to discuss the charges. She stated she likely got notice of the plea hearing from the solicitor's office via e-mail and probably had short notice of it as well. Counsel stated she informed Applicant Judge Young would be the plea judge and said although she didn't tell Applicant Judge Young is a former solicitor, she believed he was the most lenient judge scheduled to hear pleas during the next few terms. Counsel noted

Applicant asked to withdraw his plea which counsel requested of Judge Young, but said that request was denied.

After a thorough review of the record and testimony presented, this Court finds Applicant has failed entirely to meet his burden in proving how counsel's representation was objectively unreasonable in any way, or how any alleged deficiency on her part prejudiced his case. Regarding counsel's advice to Applicant pre-plea, this Court finds Applicant's testimony to be not credible, while conversely finding counsel's testimony to be entirely credible. Applicant has failed to establish any grounds upon which relief can be granted. Further, Applicant's claim that he was sentenced too harshly by Judge Young is not a cognizable ground for post-conviction relief where the sentence is within the statutory limits set forth for the crime. Applicant was given a legal, valid sentence which will not be disturbed by this Court simply because Applicant is unhappy with it. For those reasons, this application for post-conviction relief must be denied in its entirety and dismissing with prejudice.

CONCLUSION

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

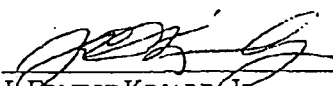
This Court advises Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR, provides that if the applicant wishes to seek appellate

review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 31 day of Dec, 2012.



J. ERNEST KINARD, JR.
Presiding Judge
Fifth Judicial Circuit

Camden, South Carolina.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGM. T IN A CIVIL CASE

CASE NUMBER: 2011CP4008298

Ernest #197016 Dinkins

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried, heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): Affirmed; Reversed; Remanded; Other _____

RICHLAND COUNTY
FILED
2011 JAN 9 AM 10:56
JANETTE W. BRIDE
CLERK OF COURT

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20 _____ and a copy mailed first class or placed in the appropriate attorney's box on this 9 January 2013 to attorneys of record or to parties (when appearing pro se) as follows:

Ernest #197016 Dinkins

Courtney Crook Shytle

Brian T. Petrano

Ernest #197016 Dinkins

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W. Bride

WITNESSES

(S) John Baker - Richland County Sheriff

ARREST WARRANT NUMBER

1892624

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011-GS-40-04305

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

TERM 2011

159

**THE STATE
vs.**

Ernest J Dinkins

**Indictment for
FINANCIAL IDENTITY FRAUD**

SC Code: 16-13-0510
CDR Code: 2813

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Ernest Dinkins

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

James M. ...
C.C.C. PLS. AND G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

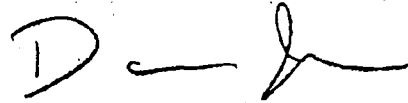
INDICTMENT

At a Court of General Sessions, the Grand Jurors of Richland County present upon their oath:

FINANCIAL IDENTITY FRAUD
 CDR 2813, 16-13-0510

That Ernest J Dinkins did in Richland County on or about April 29, 2010, without authorization or permission of the victim, GUADALUPE LUGO and with the intent of unlawfully appropriating the victim's financial resources to his/her own use or the use of a third party, obtain or record identifying information that would assist in accessing the victim's financial records or did access or attempt to access the victim's financial resources through the use of identifying information, in violation of Section 16-13-0510, S. C. Code of Laws, 1976, as amended.

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE VS.)
Ernest J Dinkins)
 AKA: _____)
 Race: _____ Sex: M Age: 38)
 DOB: 12-07-1972 SS#: _____)
 Address: _____)
 City, State, Zip: Columbia, SC 29203-512)
 DL#: _____ SID#: _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS4004305
 A/W#: I892624
 Date of Offense: 4/29/2010
 S.C. Code § : 16-13-0510
 CDR Code #: 2813

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: FinanTC / Financial identity fraud, obtains/records identify. info., access/att. access finan. recor

in violation of § 16-13-0510 of the S.C. Code of Laws, bearing CDR Code # 2813
 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. E.D. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: ALL, BRITTON 78660 Ernest Dinkins Denise 73948
 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 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
 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: _____

Recipient: _____

*Fine: _____

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

Clerk of Court/ Deputy Clerk Jennette McBride
 Court Reporter: C. Young
 SCCA/217 (06/2010)

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

Presiding Judge W. Jeffery
 Judge Code: 2156
 Sentence Date: 11/2/2011

CERTIFIED TRUE COPY
 MICHELE M. SUTHERLAND
 CLERK OF COURT
 SOUTH CAROLINA
 11/2/2011

WITNESSES

(S) JL Vanhouten - Columbia Police Department

ARREST WARRANT NUMBER

37045FK

ACTION OF GRAND JURY

Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2011-GS-40-05351

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

TERM 2011

THE STATE
vs

Ernest Dinkins

Indictment for
FAILURE TO STOP BLUE LIGHT/SIREN
1ST OFFENSE

SC Code: 56:05-0750(B)(1)
CDR Code: 0065

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Ernest Dinkins
Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE
CP ORIGINAL
[Signature]
C.C.C.
RICHLAND
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, the Grand Jurors of Richland County present upon their oath,

FAILURE TO STOP FOR BLUE LIGHT/SIREN - 1ST OFFENSE

CDR: 0065 56-05-0750(B)(1)

That Ernest Dinkins did in Richland County on or about September 11, 2010 while operating a motor vehicle on a road, street, or highway of the State of South Carolina, fail to stop his/her motor vehicle when signaled to do so by a law enforcement vehicle, by means of a siren and/or flashing light, in violation of Section 56-05-0750(B)(1), S. C. Code of Laws, 1976, as amended.

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE VS.)
Ernest Dinkins)
 AKA: _____)
 Race: _____ Sex: M Age: 38)
 DOB: 12-07-1972 SS#: _____)
 Address: _____)
 City, State, Zip: Irmo, SC 29063)
 DL#: _____ SID#: _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS4005351
 A/W#: 37045FK
 Date of Offense: 9/11/2010
 S.C. Code §: 56-05-0750(B)(1)
 CDR Code #: 0065

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

in violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065
 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. ED (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 78660 x Ernest Dinkins [Signature] 73948
 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 3 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

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

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

SPECIAL CONDITIONS:

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

Recipient: _____
 *Fine: _____

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

_____ 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: _____

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

Clerk of Court/ Deputy Clerk Jeanette McBride C.C. Presiding Judge [Signature]
 Court Reporter: C. Yang Judge Code: 8156
 SCCA/217 (06/2010) Sentence Date: 11/04/2011