

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Michael G. Nettles, Circuit Court Judge

ARTHUR PETERSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000829

SUPPLEMENTAL APPENDIX

WANDA H. CARTER
Deputy Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
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MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

RECEIVED

Jun 19 2020

S.C. SUPREME COURT

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A P P E A R A N C E S

For the State:

BRUCE DuRANT

For the Defendant:

ROSE MARY PARHAM

Reported by:
ROLAYNE M. VOLPE, CCR, RPR

Sentencing Hearing
State vs Arthur Peterson, Jr.
May 28, 2013

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E X H I B I T S

DESCRIPTION	I.D.	ADMITTED
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(No exhibits were tendered.)

Reported By:
Rolayne M. Volpe, CCR, RPR

Sentencing Hearing
State vs Arthur Peterson, Jr.
May 28, 2013

1 wish to say before I impose sentence?

2 THE DEFENDANT: No, your Honor.

3 THE COURT: As I understand, when I took your
4 plea back in -- January 31st of this year, it was a
5 negotiated sentence of 24 years. I am going to order
6 placement at Kirkland, but you understand that by
7 putting it on the sentencing sheet does not guarantee
8 that that's where your placement will be. Was that a
9 yes?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: All right. I need you to speak so
12 that my court reporter --

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Thank you.

15 And, Mr. Peterson, have you accomplished what
16 you needed to accomplish at the Charleston County
17 Detention Center?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Tell me about that.

20 THE DEFENDANT: I've spent the past two years
21 at Charleston County Detention Center. On November
22 15th, I was moved in the general population. I led a
23 Bible study there and was a trustee, which is a unit
24 worker, for approximately a year.

25 THE COURT: All right. It's the Order of the

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Rolayne M. Volpe, CCR, RPR

Sentencing Hearing
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May 28, 2013

1 Court, on Indictment 2011-GS-10-4154, that you be
2 committed to the State Department of Corrections for a
3 term of 24 years. Give you credit for the time that you
4 have served. You pled guilty, but mentally ill, on
5 January 31st of 2013. I am going to order placement at
6 Kirkland.

7 Ms. Parham, I have a sentencing order, in
8 addition to the sentencing sheet. Have you reviewed
9 that?

10 MS. PARHAM: Yes, your Honor, I have.

11 THE COURT: Any objections or corrections that
12 need to be made to that?

13 MS. PARHAM: No, your Honor. Other than I had
14 February 1st. And if it's January 31st, then I'm
15 incorrect. I'm not --

16 THE COURT: I have written January 31st.

17 MS. PARHAM: I will check that.

18 MR. DURANT: I had January 31st too, but, of
19 course, I had the wrong judge, so don't --

20 MS. PARHAM: I will double-check that. But if
21 it needs to be corrected, that's the only correction
22 that I see in the order.

23 THE COURT: Thank you. My records reflect that
24 it was January 31st.

25 Mr. Peterson, do you remember what day I

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Rolayne M. Volpe, CCR, RPR

Sentencing Hearing
State vs Arthur Peterson, Jr.
May 28, 2013

1 sentenced [sic] you?

2 THE DEFENDANT: I thought it was January 28th.

3 THE COURT: All right.

4 MR. DURANT: I have 31st written on my file,
5 but I --

6 MS. PARHAM: I believe it was the 31st.

7 THE COURT: The common date seems to be
8 January 31st, so that is the one that I'm going on.
9 I'll make the correction on the sentencing order.

10 MS. PARHAM: Thank you, your Honor.

11 THE COURT: Mr. Peterson, good luck to you.

12 MR. DURANT: Thank you, your Honor.

13 MS. PARHAM: Thank you, your Honor.

14 (The hearing of this cause concludes
15 at 9:20 p.m., on May 28, 2013.)

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Sentencing Hearing
State vs Arthur Peterson, Jr.
May 28, 2013

REPORTER'S CERTIFICATE

STATE OF SOUTH CAROLINA)
) ss.
COUNTY OF BERKELEY)

I, **ROLAYNE M. VOLPE**, Certified Court Reporter, CCR,
and Registered Professional Reporter, RPR, do hereby
certify that the transcript of the foregoing proceedings
accurately reflects the events that occurred before me
to the best of my ability at the time and place set out
on the caption hereto, the witnesses having been duly
cautioned and sworn, or affirmed, to tell the truth, the
whole truth, and nothing but the truth.

I FURTHER CERTIFY that I am neither counsel for,
related to, nor employed by any of the parties to the
action in which these proceedings were taken or to any
attorney or counsel employed by the parties hereto, nor
financially interested, directly or indirectly, in the
outcome of this action.

CERTIFIED AND SIGNED on this 10th day of November,
2014.

ORIGINAL

Rolayne M. Volpe
ROLAYNE M VOLPE, CCR, RPR
Certified Court Reporter and
Registered Professional Reporter
Commission Expires: 8/31/2021
NOTAR PUBLIC
SOUTH CAROLINA

Reported By:
Rolayne M. Volpe, CCR, RPR

General Sessions

CASE HISTORY FOR CASE M610236

The State of South Carolina VS Arthur F Peterson

FILED DATE: 3/15/2011

CASE TYPE: GS

STATUS: Disposed

JUDGE: Clerk Of Court C P, G S, And Family Court

ARRESTING AGENCY: Charleston City Police Department

CASE PARTIES:

Defendant Peterson, Arthur F
Wellington Dr, Charleston, SC 29412-0000

Victim Fields, Gwendolyn
deceased, Charleston, SC 29407

Victim Fields, Emma
1841 Taberwood Circle, Charleston, SC 29407

Officer Kosarko, Craig
Lockwood Blvd., Charleston, SC 29403

Victim Gates, Lawanna
Eastway Street, North Charleston, SC 29418

Court Reporter Volpe, Rolayne

CASE HISTORY FOR CASE M610236

Peterson, Arthur F Wellington Dr Charleston, SC 29412-0000	Age: 38 DL#: [REDACTED]	DOB: [REDACTED]/1976 SSN: 2 [REDACTED]
---	----------------------------	---

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
0217 Manslaughter / Voluntary manslaughter	3/14/2011	Pled Guilty	1/31/2013

SENTENCING

Deferred Sentence
Sentenced - 24Y

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Manslaughter / Voluntary manslaughter				
Fine to State 44%	\$0.00	\$0.00	\$0.00	999
Fine to General Fund	0.00	0.00	0.00	999
Victim Services Asm 38.0013% / 5.78%	0.00	0.00	0.00	999
Victim Conviction Surcharge \$100 / \$2	100.00	100.00	0.00	999
Law Enforcement Funding Surcharge \$	25.00	25.00	0.00	999

Print Date: 05/05/2014
Print Time: 4:47:57PM
Requested By: COCBLC

CaseHistory.rpt

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

DOCKET NO.: 2011GS1004154

vs.)

ARTHUR F. PETERSON,)
Defendant.)

SENTENCING ORDER

January 31, 2013

This matter was before the Court on ~~February 1, 2013~~, at the time of Defendant's plea to guilty but mentally ill to the charge of Manslaughter and on May 28, 2013, at the Defendant's sentencing hearing, wherein the Defendant was committed to the custody of the South Carolina Department of Corrections (SCDC) for a term of twenty four (24) years imprisonment.

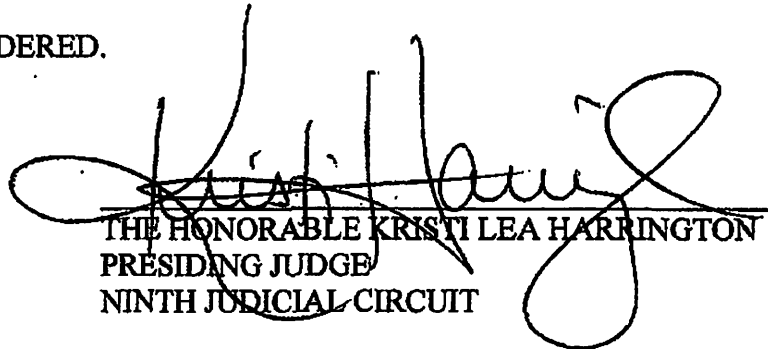
After hearing from the defense and with the agreement of the State, I find and conclude that based upon the facts and circumstances surrounding this case that the Defendant should be evaluated for any and all appropriate mental health treatment while in SCDC and that based upon pretrial publicity the Defendant should not be housed at the Lieber Correctional Institution or the Lee Correctional Institution. I further find that the Defendant should be housed at a Level 2 or Level 1 security facility for the duration of his sentence, and if this is not possible, that the Defendant be housed at the Kirkland Correctional Institution until SCDC allows the Defendant to be transferred to a Level 2 or Level 1 facility.

WHEREFORE, it is ORDERED, ADJUDGED AND DECREED that:

KCH
1/32

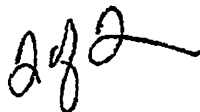
- (1) The Defendant should be evaluated for and receive any and all appropriate mental health treatment.
- (2) The Defendant shall not be housed at the Lieber Correctional Institution or the Lee Correctional Institution.
- (3) The Defendant shall be housed at a Level 2 or Level 1 security facility for the duration of his sentence, and in the event that this is not possible for this Defendant, that the Defendant be housed at the Kirkland Correctional Institution until he is allowed to be transferred to a Level 2 or Level 1 facility.

AND IT IS SO ORDERED.



THE HONORABLE KRISTI LEA HARRINGTON
PRESIDING JUDGE
NINTH JUDICIAL CIRCUIT

Charleston, South Carolina
May 28, 2013



DBD20110301501

WITNESSES

Craig Kosarko

Charleston City Police Department

AGENCY CASE NUMBER

1103960

ARREST WARRANT NUMBER

M610236

DATE OF ARREST

March 15, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

JUL 12 2011

VERDICT

Foreperson of Petit Jury

Date:

INDICT.DOT

DOCKET NO. 2011GS1004154

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

July 2011 Term

THE STATE

vs.

ARTHUR F PETERSON

DOB: 1976

W/M

Indictment for

MURDER

FILED

8/4/2011 2:58:05 PM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA

Plea accepted IN THE COURT OF GENERAL SESSIONS
sentence deferred 5/28/13

COUNTY OF Charleston
STATE VS.
Arthur F Peterson
AKA: _____
Race: WHITE Sex: M Age: 36
DOB: -1976 SS#: _____
Address: Wellington D.
City, State, Zip: Charleston, SC 29412-0000
DL#: _____ SID#: SC01001573
*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Voluntary Manslaughter

INDICTMENT/CASE#: 2011GS1004154
A/W#: M610236
Date of Offense: 3/14/2011
S.C. Code § : 16-03-0010, 0020
CDR Code #: 0116

SENTENCE SHEET
Guilty but Mentally Ill
 CONVICTED OF or PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

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

ATTEST [Signature] 1801 [Signature] 17032
DuRant, D. Bruce 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 24 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

Recipient: _____

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

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Other: Placement @ Killland

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: _____
Sentence Date: 5/28/13
Plea accepted
sentence deferred 5.28.13

ARREST WARRANT

M-610236

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE
against

Arthur F Peterson

Address: Wellington Dr
Charleston, SC 29412

Phone: (000)000-0000 SSN: [REDACTED]
Sex: M Race: W Height: 5 10 Weight: 223
DL State: SC DL #: [REDACTED]
DOB: 7/1976 Agency ORI #: SC0100100
Prosecuting Agency: Charleston City Police Department
Prosecuting Officer: Roger Owen - 0347 ROSARDO
Offense: Murder / Murder

Offense Code: 0116
Code/Ordinance Sec: 16-03-0010, 0020

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

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant _____
on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

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STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Charleston)

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

Personally appeared before me the affiant Roger Owen who
being duly sworn deposes and says that defendant: Arthur F Peterson
did within this county and state on or about 3/14/2011 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Charleston)
in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

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

see attached affidavit

Signature of Affiant

[Signature]

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Charleston)

Affiant's Address 108 Lockwood Blvd.
Charleston, SC 29403-
Affiant's Telephone (843)577-7434

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 3/14/2011 defendant Arthur F Peterson
did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

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

Sworn to and subscribed before me
on 3/15/2011

Signature of Issuing Judge
[Signature]
Linda Schwartz Lombard
Judge Code: 7004

(L.S.)

Judge's Address 3870 Leeds Avenue, Suite 106
North Charleston, SC 29405-7469
Judge's Telephone (843)746-9822

Issuing Court: Magistrate Municipal Circuit

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BAIL set by

Judge Lombard
on 3/15/11
Type and Amount: NO BOND
Name of Surety:

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, trial, prob., etc.)
Disposition: _____
Sentence: _____

BY
JULIE J. HODGINS
CLERK
F. COURT
2011 MAR 5 AT 9:28
JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____



CODEPENDANTS

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one ROGER AVER,
who first being duly sworn deposed and says that Arthur F. Peterson Jr.

Did with in this county and state on the 14 March 2011 violate the criminal laws of the State of South
Carolina in the following particular:

DESCRIPTION OF OFFENSE

16-3-10 Murder

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth
and that such probable cause is based on the following facts:

That on 3-14-11 at approximately 10:53 A.M. the above named defendant did shoot the victim three times in
the chest while inside the residence at 1841 Taborwood Rd. Charleston, S.C. The deceased who is identified as
Gwendolyn Fields B/M, 45 years of age was in the kitchen of the residence at the time of the
incident. Charleston Police Officers Sgt. Harry Mills and Off. Casey Havers were at the residence in reference to
another complaint, and while Off. Havers was in the living room he heard three gunshots and observed the
above named defendant coming out of the kitchen where the deceased was while armed with a firearm. Off.
Havers told the defendant to drop the firearm, which he did, and was taken into custody. The deceased was
inside the kitchen where the defendant was exiting and the only two people in the room ^{WERE} the defendant and
the victim. That the victim expired at the hospital, Medical University Hospital a short time later. That at the time
of the incident the above named defendant was armed with a Glock 9 MM Model 19 serial number FD 6637
which was recovered in the kitchen area.

That above is true and believable based on the personal observations of Off. Havers of the Charleston Police
Department who witnessed the incident inside of 1841 Taborwood Rd..

SWORD TO AND SUBSCRIBED BEFORE ME

THIS 15 DAY OF MARCH 2011, 2011

SIGNATURE OF JUDGE

(L.S.)

COMPLAINT #:

Sgt

AFFIANT

Charleston Police Department
180 Lockwood Blvd
Charleston, SC 29403
(843) 577-7434