

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lancaster County

Honorable D. Craig Brown, Circuit Court Judge

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S.C. SUPREME COURT

DANIELLE LAMAR PEAY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001692

APPENDIX

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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF LANCASTER
4 2016-GS-29-00303
5 State of South Carolina
6 vs.
7 Danielle Lamar Peay
8
9 Lancaster, South Carolina
10 July 21, 2017
11 Before the Honorable Daniel D. Hall

12
13 APPEARANCES
14 For the State: Lisa Collins, Randy Newman
15 For the Defendants: Kay Boulware
16
17 Reported by: Michael C. Watkins
18 Official Court Reporter
19
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21
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1 MS. COLLINS: Your Honor, Danielle Peay is present today
2 before you with appointed counsel Kay Boulware of the circuit
3 public defenders office. He is before you today having signed
4 sentence sheets indicating his intention to enter pleas of
5 guilty to the following charges: 2016-GS-29-303, an indictment
6 for attempted murder, he is pleading guilty as charged.
7 2016-GS-29-304, an indictment for murder, he is pleading guilty
8 to the lesser included offense of voluntary manslaughter
9 pursuant to a plea agreement with the State. 2016-GS-29-305,
10 he's pleading guilty to possession of a firearm or ammunition
11 by a person previously convicted of a violent felony crime.
12 2016-GS-29306, he is entering a plea to possession of a stolen
13 handgun. And 2016-GS-29-307, possession of a firearm or knife
14 by a person convicted of a violent crime. Your Honor, this is
15 a straight-up plea with the charges, although in discussing the
16 plea with Ms. Boulware I would often say that the defendant is
17 exposed to 60 years, and so beyond 60 we're not asking for
18 consecutive but I will be asking for consecutive sentences up
19 to the amount of 60 years on the charges. They did all arise
20 from one incident on the same date. I should note for purposes
21 of the record that there are numerous charges against Mr. Peay
22 which are pending which I am dismissing per the plea agreement
23 that are on unrelated incidents and I would like to due to the
24 nature of this case state those for the record.
25 2016-GS-29-159, an indictment for armed robbery, and 160 is the

1 indictment for possession of a handgun by a person convicted of
2 a crime of violence. 2016-GS-29-157, possession of a firearm
3 or ammunition by a person convicted of a prior violent felony
4 crime, that is from a different date than the prior two.
5 2016-GS-29-158, also as the latter, from September of 2015,
6 possession or display of a knife or a firearm during the
7 commission of a violent crime. He has received two charges
8 since being in the detention center that I am dismissing at the
9 conclusion of this plea pursuant to the plea agreement,
10 2107-GS-29-572, assault and battery by mob second degree.
11 2017-GS-29-924, exposure of private parts in a lewd lascivious
12 manner. At the proper time I have the facts of the case for
13 Your Honor as well as defendant's prior record. The family of
14 the victim is present, Delvelceo Kirk was 26 years old when
15 this incident happened. His family is present. His
16 stepfather, Ricky Wright, will be speaking on his behalf, as
17 will his cousin, Angela Blakeney. I know Your Honor will
18 notice that this is the same family members that were here
19 because the prior incident with Rashad Johnson, that actually
20 was his brother, so if you notice that's the same family
21 members that's why. The mother of both of these young men is
22 present, Tammy Wright, she does not wish to speak. She has met
23 with me several times along with numerous family members. She
24 as well as his two aunts who are present, Valerie and Luverne
25 Kirk, and Shateria (phonetically) Blackmon, a first cousin, are

1 present today, and while they will not be speaking they are
2 here to show how much Delvelceo was loved by the family and
3 missed. Investigator Jennifer Rumbaugh is present from the
4 sheriff's department on behalf of that agency and at the proper
5 time she would like to be heard as well. The family has
6 brought me several snapshots of the victim and I have shown
7 those to Ms. Boulware and at the proper time I would like to
8 hand those up as well. One moment, please. Mr. Newman told me
9 I might not have been clear. The victim in the Rashad Johnson
10 case was D'Angelo Kirk, was the brother of the victim in this
11 case, Delvelceo Kirk, he thought maybe I was not clear on the
12 nature of the parties so I just want to thank you, Mr. Newman,
13 for correcting me on that. I do have the defendant's prior
14 record at the proper time as well as the facts of the case.
15 Thank you.

16 THE COURT: All right, thank you. Ms. Boulware, you
17 represent Mr. Peay, am I pronouncing your name correct?

18 MS. BOULWARE: It is Peay, Your Honor.

19 THE COURT: You represent Mr. Peay on all of these
20 charges?

21 MS. BOULWARE: Yes, sir.

22 THE COURT: To these five charges that are before the
23 Court today, how does he indicate he wishes to plead?

24 MS. BOULWARE: Guilty, Your Honor.

25 THE COURT: And have you explained all of his rights to

1 him including the right to a jury trial and the rights
2 associated with that?

3 MS. BOULWARE: Yes, sir, Your Honor. I do have a plea
4 affidavit signed by Mr. Peay that we would like to --

5 THE COURT: All right. If you would pass that up let's
6 have that marked as a Court's Exhibit and make that part of the
7 record.

8 MS. COLLINS: Oh, Your Honor, before I forget, the victim
9 of the attempted murder, although it arose from the same
10 incident, Dayqwann Blakeney is the victim of that charge, he is
11 not present today. I wanted to make you aware, I have complied
12 with the Victim' Rights Act. I did speak with him along with
13 our victim advocate on the phone, I know that he had planned to
14 be here today. It's my understanding at the last minute he was
15 not able to be here, but he did express to me some remarks he
16 wanted to say if he was not emotionally able to and was here.

17 THE COURT: We'll hear those at the appropriate time. Mr.
18 Peay, how old are you?

19 THE DEFENDANT: Twenty-nine.

20 THE COURT: How far did you go in school?

21 THE DEFENDANT: Eleventh.

22 THE COURT: Have you ever been treated for any mental or
23 emotional disability?

24 THE DEFENDANT: No, sir.

25 THE COURT: Do you understand what you're doing here

1 today?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Mr. Peay, I'm going to go over all of your
4 rights with you that I'm required to by law, but before we do
5 that I want to ask you, I've been provided with an affidavit of
6 a defendant for a guilty plea. It appears that you have gone
7 through this affidavit, this document and signed it and dated
8 it today, and stating by the way you have checked or your
9 lawyer has checked on this affidavit of guilty plea that you
10 understand all of the rights that are in here, including the
11 right to a jury trial, and those rights in a jury trial and
12 that you're giving up those rights in order to enter a plea of
13 guilt today to these four charges; is that correct?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Is that your signature on this document with
16 today's date?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you have any questions about any of the
19 rights that are in this document, this affidavit of defendant
20 for guilty plea that you went over with Ms. Boulware?

21 THE DEFENDANT: No, sir.

22 THE COURT: Well, we'll make that a part of the record in
23 this case and I'm going to talk to you about some of those
24 rights that are in there. First thing, let me go over these
25 five indictments, those are the charging documents that bring

1 you in court today. All five of these indictments have been
2 true billed by the Lancaster County Grand Jury, but let me go
3 over those with you. Indictment 2016-GS-29-303 is an
4 indictment for attempted murder. That indictment alleges that
5 here in Lancaster County on or about November 25th of 2015 that
6 you did with intent to kill attempt to kill a Dayqwann Blakeney
7 with malice aforethought either expressed or implied by
8 shooting a handgun at the victim. That's the charge of
9 attempted murder, you can get up to 30 years in prison for
10 that, do you understand that?

11 THE DEFENDANT: Yes, sir.

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

13 THE DEFENDANT: Yes, sir.

14 THE COURT: That is a violent most serious offense, and
15 I'm going to talk about what the implications of that is in
16 just a moment. Indictment 2016-GS-29-304 is an indictment for
17 murder. That indictment alleges that on or about November 25th
18 of 2015 here in Lancaster County you did feloniously, willfully
19 and with malice aforethought kill and murder the victim,
20 Delvelceo Kirk, by shooting him in the head with a handgun
21 which caused his death. The State is allowing you to plead to
22 the lesser-included offense of voluntary manslaughter, that
23 carries up to 30 years in prison, it is a violent most serious
24 offense, do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: How do you plead to that charge?

2 THE DEFENDANT: Guilty.

3 THE COURT: Again, I ask you how do you plead to the
4 attempted murder charge?

5 THE DEFENDANT: Guilty.

6 THE COURT: Indictment 2016-GS-29-305 alleges that here in
7 Lancaster County on or about November 25th of 2015 you did
8 possess a handgun and you've been previously convicted of a
9 violent crime and you were not authorized or allowed under law
10 to possess a handgun because of your prior record, and you
11 could get up to five years in prison for that. How do you
12 plead to that charge?

13 THE DEFENDANT: Guilty.

14 THE COURT: 2016-GS-29-306 alleges that on or about
15 November 25th of 2015 you did possess a stolen handgun here in
16 Lancaster County. You could get up to five years in prison for
17 being in possession of a stolen handgun, do you understand
18 that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: 2016-GS-29-307 alleges that here in Lancaster
21 County on or about November 25, 2015 you did possess a handgun
22 during the commission of an attempted murder of Dayqwann
23 Blakeney and the murder of Delvelceo Kirk. You could get up to
24 five years in prison for that, do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: How do you plead to that charge?

2 THE DEFENDANT: Guilty.

3 THE COURT: The attempted murder and the voluntary
4 manslaughter are both violent most serious offenses. The
5 significance of that is that your status in the department of
6 corrections is likely to be determined by the classification of
7 those offenses as violent offenses, your parole eligibility is
8 affected by that. You have two serious, most serious
9 convictions as of today. In the future if you were released
10 from prison and you were convicted of a serious or a most
11 serious offense in the future the State could seek a life
12 without parole sentence against you because of your plea today,
13 do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Well, let me talk to you about your rights in
16 a jury trial to be sure that you understand. In addition to
17 what you have indicated that you clearly understand on this
18 affidavit of your guilty plea, that you understand your rights
19 in a jury trial. You're never required to prove your
20 innocence. You could simply ask for a jury trial, or you can
21 maintain your innocence, and before a jury could -- before the
22 State could convict you of any of these offenses a jury would
23 have to listen to the evidence, and based on what they hear
24 they would have to decide whether the State has proven their
25 case beyond a reasonable doubt on each one of these charges

1 before you could be convicted at trial. At trial you would
2 have a right to remain silent, you wouldn't have to say
3 anything, you wouldn't even have to put up a case, you could if
4 you wished. But if you exercised your right to remain silent
5 the Court would instruct a jury to not even consider that in
6 determining whether you're guilty or not guilty, because again,
7 the State has to prove your guilt beyond a reasonable doubt.
8 At trial you would have a right to be present in the courtroom.
9 The State would bring witnesses, evidence in the courtroom, you
10 would be able to hear those witnesses and see them. Your
11 lawyer could cross examine them on your behalf, that's called
12 the right to confrontation. At trial 12 jurors would have to
13 all unanimously agree that you are guilty before you could be
14 found guilty. Those are some of your rights in a jury trial.
15 Do you understand by entering your guilty plea you give up
16 those rights?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you still want to go forward with your
19 guilty plea today?

20 THE DEFENDANT: Yes sir.

21 THE COURT: Well, let me talk to you about your lawyer's
22 representation. You have on this affidavit of guilty plea
23 there's a part that talks about your satisfaction with your
24 attorney. Have you had plenty of time to meet with Ms.
25 Boulware about this case?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Has she provided you what we call discovery or
3 some people call their motion and the documents that she has
4 been provided by the solicitor, the incident reports, case
5 summaries, statements if they have statements, other
6 documentary evidence and told you about the evidence that the
7 State has in this case?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Have you been able to go over those with her?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you been able to talk with Ms. Boulware
12 about any possible defenses that you may or may not have, or
13 any witnesses that may have been witnesses to this case, have
14 you been able to talk to her about all of that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Are you satisfied with the way she has
17 represented you?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you have any complaints about your lawyer
20 and how she has represented you?

21 THE DEFENDANT: No, sir.

22 THE COURT: Do you have any complaints about the
23 solicitor's office or law enforcement, the detention center,
24 any complaints about the Court, do you have any complaints
25 today?

1 THE DEFENDANT: No, sir.

2 THE COURT: Are you pleading to these four charges of your
3 own free will?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Are you pleading to these four charges because
6 you, in fact, are guilty of these four offenses?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I find the decision of this defendant to plead
9 guilty to these four charges being freely, voluntarily,
10 intelligently made with the advice of a competent attorney with
11 whom he says he's satisfied. You have ten days from today's
12 date in which to appeal, if I make an error or if you disagree
13 with the sentence you would have to file an appeal within ten
14 days, and you normally start that process by notifying your
15 attorney. Let me ask you another question, have you been
16 promised anything or threatened in any way to get you to plead
17 guilty other than the solicitor has indicated that they would
18 seek -- they're asking for no more than 60 years, this is in
19 essence being treated as a straight-up plea but they're
20 dismissing a number of other charges, they've reduced the
21 murder to a voluntary manslaughter. Has there been anything
22 else promised you? Have you been threatened in any way in
23 order to get you to plead guilty today?

24 THE DEFENDANT: No, sir.

25 THE COURT: Is there anything else I need to add,

1 Solicitor?

2 MS. COLLINS: Yes, sir. And this was caught by Ms.
3 Boulware, I agree, you said several times during the plea
4 colloquy that the defendant is pleading to four charges and is
5 this what he wishes to do.

6 THE COURT: I'm sorry, there are five. Yeah, thank you.
7 Let me be sure that you understand that, and I apologize,
8 that's the Court's error in misstating the number of charges.
9 Let me go through those five charges again just so that you are
10 clear, I'm clear and the record is clear, Mr. Peay. You've
11 been charged on indictment 2016-303 with attempted murder, how
12 do you plead to that charge?

13 THE DEFENDANT: Guilty.

14 THE COURT: 2016-304 to murder and that has been reduced
15 to voluntary manslaughter, how do you plead to that charge?

16 THE DEFENDANT: Guilty.

17 THE COURT: 2016-305, possession of a firearm by a person
18 convicted of a felony violent crime, how do you plead to that
19 charge?

20 THE DEFENDANT: Guilty.

21 THE COURT: 2016-306, possession of a stolen handgun, how
22 do you plead to that charge.

23 THE DEFENDANT: Guilty.

24 THE COURT: And then lastly and fifthly, 2016-307,
25 possession of a firearm or a knife during the commission of a

1 violent crime, how do you plead to that charge?

2 THE DEFENDANT: Guilty.

3 THE COURT: And again I ask you, Mr. Peay, you're pleading
4 to these charges of your own free will and accord.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. Solicitor, tell me what happened.

7 MS. COLLINS: Thank you, Your Honor. This incident
8 happened within Lancaster County, South Carolina and was
9 investigated by the sheriff's department. The incident was on
10 November 25th, 2015. On that date near the intersection of Old
11 Landsford and Memorial Park Roads the investigation of the
12 sheriff's department revealed that the defendant, Mr. Peay, did
13 commit the offense of murder and attempted murder, again, he's
14 pleading to voluntary manslaughter on the murder charge, when
15 he shot and killed the victim, Delvelceo Kirk, and shot at
16 Dayqwann Blakeney as Mr. Blakeney was running away from him
17 after the incident. Basically these three gentleman were in
18 the same car. The car was being driven by the deceased, Mr.
19 Kirk. Mr. Peay, the defendant, was seated behind Mr. Kirk, Mr.
20 Blakeney was in the front passenger seat. Mr. Kirk and Mr.
21 Blakeney had previously picked up Mr. Peay to give him a ride.
22 Mr. Blakeney later revealed that during the time of them
23 driving that Mr. Peay had gotten and used some drugs and that
24 he also they realized had a firearm. But Mr. Blakeney stated
25 later when he was interviewed by law enforcement because he

1 survived this incident, that he wasn't afraid at that point
2 because he felt comfortable that with Mr. Kirk that nothing
3 would happen to him, Mr. Blakeney, but Mr. Blakeney was
4 worried, he had been told that there was a hit out on him, Mr.
5 Blakeney, again, this is the front passenger. In any event, as
6 they're driving suddenly without warning according to Mr.
7 Blakeney the defendant, Mr. Peay, shot Mr. Kirk in the back of
8 the head. Mr. Kirk -- the car did not wreck, the engine was
9 still running and his foot was engaged on the brake and still
10 running and the brake lights still engaged when law enforcement
11 came to the scene. But eye witnesses saw the -- heard a bang,
12 saw the car stop, saw Mr. Blakeney get out and run and saw Mr.
13 Peay, the defendant, get out and run. They saw Mr. Peay
14 running after Mr. Blakeney as he ran away and he was shooting
15 at Mr. Blakeney. He was not successful in shooting Mr.
16 Blakeney, he was not harmed. But the facts as to the voluntary
17 manslaughter, the reason we reduced it down was in part because
18 he is exposed to additional time for pursuing and shooting at
19 Dayqwann Blakeney, but also because when CSI came -- and this
20 was not seen at first by EMS, but when CSI came the victim was
21 dead at the scene. The victim was slumped over, when CSI
22 pulled him back they saw that there was a gun between the
23 victim's right thigh and the console of the car. Mr. Peay, and
24 I know in mitigation Ms. Boulware will address this, later gave
25 a statement that he felt that his life was in danger, and so I

1 point out that about the firearm. But it was there between the
2 two and, in fact, could not be seen at first when EMS came to
3 the scene. Mr. Blakeney, again, ran away and despite the
4 defendant chasing and shooting at him Mr. Blakeney survived.
5 When Mr. Blakeney first talked to law enforcement he was
6 terrified, he did not want to give the name of Mr. Peay, he
7 said that the victim, Mr. Kirk, and he had given a ride to
8 someone that then shot Mr. Kirk and then got out and chased him
9 as he was running away. I know he wanted to be here today
10 because -- Mr. Blakeney did because he knew that Ms. Wright,
11 Tammy, the mother of Mr. Kirk, does not have her son here. But
12 in a way I'm glad that he's not because -- and he should not be
13 ashamed of this, it's a natural reaction of the human body, but
14 when law enforcement spoke to him he was so distraught, he was
15 barely able to stand, they had to help assist him because he
16 almost collapsed before they could get him a chair to talk to
17 them, and he had urinated on himself as he ran away from the
18 defendant. And I share that because, again, law enforcement
19 said it was clear to them that he was very distraught and that
20 he, to them based on their years of experience, felt he'd been
21 involved in a very serious situation, that he was in fear of
22 dying at the hands of Mr. Peay, which is what Mr. Blakeney said.
23 In any event, law enforcement's investigation did lead them to
24 Mr. Peay. I would say on Mr. Peay's behalf that when they went
25 to his residence that Mr. Peay came out with his hands up, he

1 did not try to prolong the incident. I know Ms. Rumbaugh was
2 there and she'll speak further to that, but he came out with
3 his hands up. They did locate the firearm, it had been kind of
4 hidden in some of the attic insulation, they had gotten a
5 search warrant and were able to recover that. The defendant
6 waived his Miranda rights, he gave a statement, a minimum
7 statement but he did give a statement saying that he was afraid
8 for his life, and at the time proper time as to sentencing I
9 would like to address that. Mr. Blakeney when he did finally
10 give the name of Mr. Peay said, "I'm really scared to tell you
11 because I'm really afraid that he will kill me too," as he was
12 trying to do that day. The motive indicated from law
13 enforcement was again that Mr. Blakeney said that he thought
14 that he himself, the front passenger, had a hit out on him. He
15 said that the last thing Peay said to them before the shot was
16 he asked for a blunt of marijuana and that suddenly the shot
17 happened, he didn't hear the gun rack or anything, it was just
18 immediate, and the victim was shot just to the right of the
19 midsection in the back of his head and immediately died from
20 laceration of the brain and loss of blood to the head. The gun
21 was stolen, that's the fact pattern for possession of a stolen
22 gun. The defendant, as you will hear in a moment from his
23 record, has a prior violent felony crime which is the basis for
24 the charge of possession of a firearm by a person previously
25 convicted of a violent felony offense. Mr. Blakeney did not

1 indicate that at anytime did Mr. Kirk, the deceased, touch or
2 threaten Mr. Peay with the gun. But again, that gun was found
3 between his right thigh and the center console of the car.
4 There was still a single round, I believe, in the gun when they
5 recovered it from the attic of the defendant's home. And
6 again, this all happened in Lancaster County. I believe I have
7 covered the facts for all of the charges.

8 THE COURT: Let me do this before I hear his record. Mr.
9 Peay, you've heard what the solicitor has indicated was the
10 basis for these charges. During what -- her recitation of the
11 facts to the Court she indicated at one point in time you had
12 alleged to law enforcement that you were acting in
13 self-defense. I want you to be sure that when you plead guilty
14 that you give up any right you have to assert any defenses
15 including self-defense, do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And it is still your desire to plead guilty to
18 this charge and give up your right to any defenses that you may
19 or may not have had to these charges?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Thank you. Solicitor, give me his prior
22 record.

23 MS. COLLINS: Your Honor, he was convicted of burglary
24 second degree non-violent in 2006, he received at that time a
25 suspended youthful offender sentence. There's also a reference

1 on his record to a burglary third degree first offense
2 conviction that appears to be a juvenile adjudication prior to
3 that although it's listed subsequent to the rap sheet. He was
4 convicted of burglary second degree violent, so that's his
5 third burglary, one being non-violent second and one being
6 third degree and now burglary second degree violent in 2010.
7 At that time he was also convicted of possession of a firearm
8 during the commission of a violent crime. He was convicted of
9 assault of a police officer while resisting arrest in 2010, his
10 parole and his Y was revoked at that time. He subsequently was
11 convicted of resisting arrest section A, and that was in 2012.
12 In 2013 he was convicted of unlawful carrying of a weapon,
13 possession of a firearm by a person previously convicted of a
14 violent felony offense, and arson third degree, those were in
15 2013. In 2014 he was convicted of entering premises after a
16 warning and another unlawful carrying of a weapon, and
17 possession of a firearm by a person previously convicted of a
18 violent felony offense. In 2013 he was convicted of malicious
19 injury to personal property, his youthful offender was revoked
20 in 2013 for the prior offenses I have named. In 2014 he was
21 convicted of criminal domestic violence first offense and also
22 subsequently of criminal domestic violence second offense, for
23 the latter received a one year sentence in the department of
24 corrections. That's the extent of his prior record, Your
25 Honor.

1 THE COURT: I'll be glad to hear from anyone on the
2 victim's family.

3 MS. COLLINS: Okay. And may law enforcement also speak?

4 THE COURT: Yes.

5 MS. COLLINS: If I could address the Court briefly first,
6 Your Honor. Your Honor, the State is seeking consecutive
7 sentences, and the reason we're doing so is based upon a
8 multitude of reasons. The first it due to the cold and callous
9 nature in which Mr. Peay shot the victim, Mr. Kirk, as he was
10 driving a vehicle after he'd been kind enough to give Mr. Peay
11 a ride in his car. I would submit respectfully that that
12 coupled with the defendant's prior record in and of itself
13 would support a 30 year sentence on the voluntary manslaughter.
14 The reason I am seeking and ask that the Court consider
15 consecutive sentences is even taking into account that Mr. Peay
16 waived his Miranda rights and gave a statement indicating he
17 was in fear for his life, I would ask the Court to take note of
18 the action that Mr. Peay took at the point that he shot Mr.
19 Kirk who Mr. Peay said had the weapon and there was a weapon
20 found there beside his right leg. At that point Mr. Peay did
21 not get out of the car and run in the opposite direction, he
22 got out of the car and continued on the path of behavior
23 suggestive of someone seeking violence. He pursued Dayqwann
24 Blakeney, he chased after him, he shot him and by the grace of
25 God he was not able to wound him. He was at that point

1 shooting at the sole eye witness to a murder that he had just
2 committed. And Your Honor, his action in pursuing Daygwann
3 Blakeney and shooting at him does not speak to a man who is in
4 fear of his life, that man would have run away and no one would
5 have thought badly of him for doing so. The action speaks to
6 one who is intent upon committing and continuing to commit a
7 crime of violence and harm up to death of the sole eye witness
8 of the crime that he had just committed of the murder, and it
9 is for that reason that I believe very strongly that the Court
10 should consider consecutive sentences. I would like to hand up
11 the snapshots that I've shown Ms. Boulware of the victim and
12 his family, these are just some family shots that I asked the
13 family to bring so that for this brief moment in time while
14 we're all standing here together that Delvelceo at this point
15 can live again through these snapshots and become more than
16 just a name, to come again through these pictures, the father,
17 the brother, the cousin and the son that he was while he was
18 alive, so I would like to hand these up at this time. On the
19 first picture he is the second from the right. And as I do so
20 I would ask that Investigator Jennifer Rumbaugh come forward to
21 speak on behalf of law enforcement.

22 SPEAKER: My name is Jennifer Rumbaugh, I'm an
23 investigator for the Lancaster County Sheriff's Office. I was
24 present and assisted in this investigation with Mr. Peay, and I
25 would just like to say in the six years that I have worked for

1 the Lancaster County Sheriff's Office I have dealt with Mr.
2 Peay and his associates on countless cases. Also he is a very
3 well known associate of Mr. Johnson that you saw earlier that
4 this allegedly involved in the other homicide in Lancaster
5 County. This mother has lost two sons in 2016 to these
6 associates, and it was basically an execution of Mr. Kirk like
7 Mrs. Collins said where he was nice enough to give him a ride
8 and then tried to shoot Mr. Blakeney as well. I was present
9 also at his mother's house, it was in very close proximity to
10 where this incident occurred to where he went to on foot where
11 he had the house surrounded and it did take some time and
12 family members arriving on scene to get Mr. Peay to come
13 outside of the residence where we ended up getting a search
14 warrant and getting the clothes and the firearm from the attic.
15 And I would just ask that on behalf of the sheriff's office,
16 the family and the victim and the citizens of Lancaster County
17 that you seek the maximum on Mr. Peay to have him incarcerated
18 for the longest amount of time possible.

19 THE COURT: Thank you.

20 MS. COLLINS: Thank you, Your Honor. Your Honor, at this
21 time I will ask that Angela Blakeney, who was a cousin to the
22 victim, step forward, please.

23 THE COURT: Yes, ma'am. Tell me your name.

24 SPEAKER: Angela Blakeney.

25 THE COURT: Yes, ma'am?

1 SPEAKER: Yes. I would like to speak on behalf of our
2 family, the Kirk family and on behalf of my granny who
3 Delvelceo Kirk lived with at the time that he was taken away
4 from us, on behalf of his daughter who we've had to explain to
5 her that she is never going to see her father again, who went
6 from seeing her father every day to not seeing him at all, to
7 the first cousins who were more like siblings, our family is
8 not your normal family as far as family goes, cousins are
9 brothers and sisters. And that was taken away from us. You
10 know, to be kind enough to give someone a ride and to almost
11 have him home and he gets shots in the back of the head by
12 someone that was considered a friend. These boys have known
13 each other all of their lives, they've hung around each other
14 for years. He wasn't a stranger, he was someone that he knew,
15 someone that he trusted but he took his life. And Dayqwann
16 Blakeney is my nephew, he is still distraught over this. He
17 does not trust riding in vehicles if he doesn't have multiple
18 people in the car with him to make sure that he is safe. He
19 needs help now that we can't give him but he's going to need
20 that help because of what happened on this day. He can't
21 sleep, his mindset is not right, and like I said, to go
22 somewhere with me there has still got to be someone in that
23 back seat that's going to cover him to make sure that he's
24 getting from point A to point B safely, and that's not a way
25 for a person who live. So we as a family on behalf of the love

1 of his life, which was his daughter, Aleeya (phonetically)
2 Journey Kirk, we ask for the maximum sentence that you can give
3 him.

4 MS. COLLINS: Thank you. And I'm glad that Ms. Blakeney
5 brought up Dayqwann Blakeney, again, the victim of the
6 attempted murder because I did say to him that I would share
7 the statement he gave me on the phone if he wasn't able to be
8 here, and that was simply that, again, it was just such a shock
9 that from out of the blue suddenly Mr. Kirk was dead beside him
10 and suddenly he was thrown in the position of getting out of
11 the car and running from Mr. Peay. And he said at that point
12 he had no time to really process and grieve losing Mr. Kirk
13 right there beside him so quickly and so violently, and since
14 then he has continued to grieve and continued to question if
15 only, if only he had leaned over toward Mr. Kirk maybe it would
16 have been him, not Mr. Kirk that would have died. And I know
17 he's just struggling, he's struggling. But he is a separate
18 victim apart from Mr. Kirk and again, that's why I asked for
19 you to consider consecutive sentences. I will point out prior
20 to Ricky Wright speaking, the stepfather, that we have
21 mentioned that Delvelceo Kirk, the victim in this case, was the
22 brother of the victim in the Rashad Johnson case. I agree with
23 Ms. Boulware, I was just speaking with her to confirm, that
24 that really shouldn't be held against Mr. Peay because this
25 incident happened prior, this was the first incident, Mr. Peay

1 would not have known or could not have known the tragedy that
2 was to come in the coming months of this mother, Tammy Wright,
3 to lose two children, two sons to violent crimes, but this
4 incident did pre-date the incident of the other son being shot
5 and allegations of murder by Rashad Johnson, that was in May of
6 '16, this incident was six months before that in November of
7 '15. I did share with the Court this is the same family
8 because I know it would have been perhaps confusing to see the
9 same family speaking now as the one I referenced earlier, but
10 Mr. Peay's crime pre-dated the other one by six months. Ricky
11 Wright is the stepfather of the deceased, and at this time he
12 would like to come forward to speak on behalf of the family
13 specifically on behalf of Mr. Kirk.

14 THE COURT: I will be glad to hear from Mr. Wright. Mr.
15 Wright, if you would tell me your name.

16 SPEAKER: Ricky Wright.

17 THE COURT: Yes, sir?

18 SPEAKER: Good morning, Your Honor. I stand today on
19 behalf of me, my wife and the family. We feel that there's no
20 amount of time that you give him that would bring or son back,
21 but we feel that whatever the max is from this day on we can
22 get out of here knowing that justification has taken place.
23 Being in the same house with the mother of the victim I
24 witnessed what she go through, and it's kind of hard but to
25 lose one son, then turn around and lose another son, that's

1 tough. But I am the rock for her so that's why I stood today
2 to speak on her behalf. It's tough, but because our son is not
3 here today his life is -- we feel his life is in the Courts's
4 hands and healing will begin we feel after if you hand out the
5 max sentence. Thank you for letting me speak.

6 THE COURT: All right. Thank you.

7 MS. COLLINS: That's all on behalf of the State. Thank
8 you.

9 THE COURT: Let's do this, let's take a break for about
10 ten or 15 minutes and when we come back, Ms. Boulware, I'll be
11 glad to hear from you and anyone on behalf of the defendant.

12 (Break in proceedings.)

13 THE COURT: All right, Ms. Boulware, I'll be glad to hear
14 from you and anybody on behalf of your client.

15 MS. BOULWARE: Yes, sir. May it please the Court? Your
16 Honor, Mr. Peay, he's 29 years old as he told you earlier, he
17 grew up here in Lancaster. There's some confusion as to
18 whether he went through the 11th grade or 12th grade, but he
19 does have his GED, he did complete that. He has a four year
20 old son and a two year old daughter who live with their
21 grandmother. His mother, Angela Harris, is here along with
22 other members of his family, and if y'all wouldn't mind raising
23 your hands when I call your names. That's Ms. Harris. Jenya
24 (phonetically) Garris, that's his uncle -- that's his aunt,
25 cousin. Paula Hunter, Tamia Gladden, Angelia Hunter -- oh,

1 okay, Angela Harris, I had someone else take this list for me,
2 I'm sorry. And Demario Buchanan, which is his brother. And
3 Ms. Harris did indicate to me that she did not wish to speak
4 today, she's very sympathetic to the tragedy that the victim's
5 family have suffered, but she's had deaths in the family in the
6 past year. Her sister died within the last year, her mother
7 just passed on July 4th so she's endured a lot of stress over
8 the last year or so and with everything here, but she did wish
9 me to convey that she is very sympathetic to the victim's
10 family suffering. Your Honor, the facts that were given are
11 mostly the facts, but there is a lot of information behind
12 those facts that the victim, Dayqwann Blakeney, offered up
13 himself. And I know we're all familiar right now with what
14 happened a couple of days ago here in Lancaster, there was a
15 shooting live on Facebook, and this is -- I kind of want to
16 take you back to this time. This was about a little less than
17 two years ago, but this is the culture of paranoia that's here
18 in Lancaster with the youth here and it culminated, as I said,
19 just a couple of days ago in an actual live shooting on
20 Facebook. And I want to just kind of go through -- first I'm
21 going to start with the manslaughter charge and then go with
22 the attempted murder just to give an idea of all the issues
23 that were at hand during this incident. I'm actually going to
24 not directly quote but give you the timeline as provided by
25 Dayqwann Blakeney in his interviews with the Lancaster County

1 Sheriff's Office. What I'm asking you to consider, though, and
2 to keep in mind when I am going through the events of that day,
3 not just as per Mr. Peay's perspective but, again, as to the
4 surviving witness' perspective. We're asking for a sentence
5 between ten and 20 years on this all concurrent. His record is
6 extensive. If you would keep in mind the timeline we're
7 getting ready to go through, again, in the words of Mr.
8 Blakeney while considering that sentence. Mr. Peay and I have
9 discussed bond hearings a lot over the past -- I think I've
10 represented him now for a little over -- maybe not quite a
11 year, Mr. Justin Jones represented him before he left the
12 public defenders office here in Lancaster, and we've had long
13 conversations about bond hearings. Mr. Peay understood the
14 whole time he was going to do some significant time on this, so
15 as we would come up for bond hearings he sometimes would be
16 resigned and sit back and say, "I'm going to collect my time, I
17 understand that this is not going to result in me walking
18 free." However, other murders were committed in between that
19 time or even before, these folks were bonding out, Mr. Peay
20 noted that and said, "I've got a little bit different situation
21 and we've got other folks out on bond for the same charges I
22 have, I would actually like to have a bond hearing, they're not
23 bringing me to trial any time soon." And it stayed a trial
24 case almost the entire time until we finally got the offer for
25 the voluntary manslaughter, which we felt in a trial we would

1 try to get a jury charge for and we felt was more appropriate
2 for this case. But the reason why I'm asking for a sentence on
3 the lower end or the mid -- kind of in the middle of what that
4 carries is what I'm getting ready to tell you. Honestly, I
5 feel for Dayqwann Blakeney and the families of Delvelceo Kirk.
6 The hardest thing I think I have ever watched on any of the
7 videos I have seen during my time as a criminal defense
8 attorney was when Dayqwann Blakeney found out that his cousin
9 did not survive. That is a difficult, difficult thing to
10 watch, he was not in good condition. As the solicitor stated,
11 he was scared, had soiled himself and did not know the
12 condition, he just ran, he knew something bad was happening and
13 he went. So in the middle of his interview with the sheriff's
14 office is when he found out his cousin passed and it is not
15 easy to watch, so I do feel for his family and I feel for Mr.
16 Blakeney. But the statements that he did give -- he gave two
17 separate interviews, the statements he gives in both interviews
18 pretty much stay the same, a little bit more comes out in the
19 second interview, which may inform some of the situation that
20 arose that day. Dayqwann says often Delvelceo and Danielle
21 Peay were friends, they knew each other, nobody had any fear
22 picking up one another, get in the car with each other.
23 Dayqwann keeps saying he knows of no motive, he doesn't know
24 why this happened, he maintains that the whole time until he
25 gives a little more explanation, which I'll get into in just a

1 minute. Danielle Peay was walking home. It really doesn't
2 make sense if Danielle Peay had some intention for some reason
3 to kill Delvelceo Kirk that he would think, "Oh, this is
4 fortunate, I'll get in the car with him real quick." And this
5 is a little confusing in the interviews, but it seems that
6 Danielle Peay did not have a gun at the time he got in the car
7 with Delvelceo Kirk. However, Delvelceo Kirk did have a gun,
8 known, and according to Dayqwann it was Delvelceo's idea to
9 stop and pick up Mr. Peay. So what Dayqwann is saying about
10 Danielle not having a gun at that time, then Danielle gets into
11 the car gets into the car, "Wow, a gun," knowing good and well
12 Delvelceo Kirk probably has a gun on him. That just does not
13 sound like a hit situation. And really as far as the solicitor
14 did indicate, this was a cold and callous murder, or you know,
15 whatever -- that Mr. Peay was cold on his part, that doesn't
16 support that either. He was giving Delvelceo Kirk gas money to
17 drive him around. Again, I don't see how you would connect
18 giving gas money to someone you're getting ready to shoot if as
19 the State tries to say that was an intention the whole time.
20 But then that does get us to where we are today with the
21 manslaughter, but this, of course, is mitigation for sentencing
22 is what I'm asking for. Mr. Blakeney heard no conversation
23 between Danielle Peay or Delvelceo Kirk that indicated any kind
24 of animosity between them. Now, the information that came out
25 later in the second interview with Dayqwann Blakeney was a

1 little bit of a sub-story. He says he was purchasing a gun for
2 Mr. Peay, and if I understood the interviews correctly they
3 took Mr. Peay somewhere to pick up his gun and he was going --
4 Mr. Blakeney was going to purchase that gun, and this is where
5 we kind of tie in Rashad Johnson. Apparently there was some
6 rumor that Mr. Blakeney had heard that possibly Rashad Johnson
7 had a price on him for some reason, all rumors gossip.
8 Dayqwann Blakeney, of course, being fearful thought "Everyone
9 else is carrying a gun, I guess I need to as well." So there's
10 a little bit of negotiation going on during this ride for
11 Dayqwann Blakeney apparently to purchase Mr. Peay's pistol, the
12 murder weapon, what ends up being the weapon that Mr. Kirk was
13 killed with. Now, at the time of the shooting when you look at
14 the photos the car is still in the road for the most part.
15 Delvelceo Kirk's foot is pressing the brake, and Dayqwann
16 Blakeney, in his own statement, says he's looking out the
17 window, all he hears is music, he doesn't see what happens.
18 The jury could have inferred a self-defense on this particular
19 charge, you know, that Mr. Peay acted in self-defense just by
20 looking at the photos of the scene of the car when it was found
21 with Mr. Kirk's body in it. The gun placement, as the
22 solicitor brought up, was in a place where it would be easy for
23 Mr. Kirk to get ahold of, and there's several photographs of
24 where in the head he was shot on the right-hand side. If we've
25 got the gun right here he could have very well turned around

1 for some reason, pointed it at Danielle, Danielle says -- is
2 all the sudden saying, "Oh gosh, I'm getting ready to get shot
3 myself," pulls his gun, shoots Mr. Kirk. It indicates -- and
4 we're not at trial where we have experts testifying to this,
5 but if you just look at the photos you can sort of see where
6 that is a very real possibly from the angle he's turned or the
7 angle where he shot. It indicates that Mr. Kirk was not caught
8 by surprise, not an execution style killing like everyone -- or
9 the State seems to be trying to indicate here. And to address
10 the attempted murder, again, I cannot say enough how hard it
11 was to watch that video where Mr. Blakeney finds out his cousin
12 is deceased, I really do feel for him and I feel for his
13 family, but I'm also asking for that concurrent sentence of the
14 10 to 20 years on the attempted murder charge as well. We
15 don't have imperfect self-defense in South Carolina, but if we
16 did this would probably pretty much be it. I disagree strongly
17 that Mr. Peay was not in fear of his life even while chasing
18 Mr. Blakeney down the road. Mr. Blakeney tells law enforcement
19 in his interview "everyone carries a gun" so this is something
20 that's commonly known among these folks who know each other,
21 see each other, it's commonly known now with a Facebook live
22 video. He's talking about buying a gun, they haven't completed
23 that transaction yet, but he also has access to Delvelceo's gun
24 after Delvelceo is shot, it's right there across the seat from
25 him in the photos. Mr. Peay had no indication that this wasn't

1 some kind of hit on him, he doesn't know what's going on, so at
2 that point he doesn't know -- if Delvelceo turned on him he
3 doesn't know what Dayqwann Blakeney is going to do next. So I
4 think it's very reasonable, and a jury would also have found it
5 reasonable, for Danielle to believe that Dayqwann Blakeney
6 might turn on him too. It was an overreaction chasing him down
7 the road if you look at it just big-picture wise, which again
8 we don't have imperfect self-defense but that's kind of what
9 that is. But in the moment when all of this happens, it's not
10 a terribly unreasonable reaction. They were taking Danielle
11 Peay home, the road they're running down takes him to his
12 house, Danielle Peay is trying to get home too, Dayqwann
13 Blakeney is going the same way. For all he knows Delvelceo
14 Kirk just turned on him trying to shoot him, he doesn't know
15 what's in Dayqwann Blakeney's mind at that point so it's a free
16 for all in his head. These are the facts I would ask that you
17 take into consideration when sentencing. Mr. Peay is not going
18 to get out before his children probably have children of their
19 own so again, I would ask you to consider a sentence of
20 somewhere between ten, 20 years, give him some time while his
21 grandchildren are young at least. He feels terrible about this
22 situation but he didn't bring it on himself. So I would just
23 ask you to please consider all of that, all of the information
24 I have given when you are sentencing.

25 THE COURT: All right. Thank you, Ms. Boulware. Does

1 anyone wish to speak to the Court on his behalf?

2 MS. BOULWARE: No, Your Honor, his family indicated they
3 did not. His mother again has gone through some tragedies
4 herself recently and she said it was too stressful.

5 THE COURT: Thank you. Mr. Peay, anything you would like
6 to say?

7 SPEAKER: No, sir.

8 THE COURT: Anything further from the State?

9 MS. COLLINS: Solicitor Newman has something to add, he
10 actually went to the scene and wanted to comment.

11 THE COURT: Mr. Newman?

12 MR. NEWMAN: Your Honor, just to address -- she was
13 commenting on his foot was on the brake and whether or not he
14 could be turning to shoot. I was on the scene that day, his
15 foot was on the brake because there was a railroad track there,
16 a very not smooth railroad track, one that if you do not
17 slowdown, almost stop, you will almost wreck your car. Where
18 the car stopped was probably from me to you to the actual
19 track, so his foot was on the brake because he was stopping at
20 the railroad track.

21 THE COURT: All right. Thank you.

22 MS. COLLINS: That's all, Your Honor.

23 THE COURT: All right. Thank you. How many days has he
24 been incarcerated?

25 MS. BOULWARE: I believe it is 605 but let me double check

1 that, Your Honor.

2 (Break in proceedings.)

3 MS. BOULWARE: Yes, 605, Your Honor.

4 THE COURT: Indictment 2016-GS-29-0304, State versus
5 Danielle Lamar Peay having pled guilty to voluntary
6 manslaughter, sentence of the Court he be committed to the
7 department of corrections for a determinate term of 30 years,
8 credit for 605 days. Indictment 2016-GS-29-0303, State versus
9 Danielle Lamar Peay, having pled guilty to attempted murder,
10 sentence of the Court he be committed to the department of
11 corrections for a determinant term of ten years to run
12 consecutive to 2016-GS-29-0304, credit for 605 days.
13 2016-GS-29-0306, 2016-0305, 2016-307, sentence on each of those
14 are the same, for five years concurrent, credit for the 605
15 days. Thank you.

16 (End of the hearing.)

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1 I, the undersigned, Michael C. Watkins,
2 Official Court Reporter for the Sixth Judicial
3 Circuit of the State of South Carolina, do hereby
4 certify that the foregoing is a true, accurate and
5 complete transcript of the proceedings had and
6 evidence introduced in the trial of the captioned
7 case relative to appeal in the Court of General
8 Sessions for Lancaster County, South Carolina, on
9 the 21st day of July, 2017.

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

12

13

March 13, 2018

14

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16



Michael C. Watkins

17

Court Reporter

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FORM 5

STATE OF SOUTH CAROLINA)

County of Lancaster)

IN THE COURT OF COMMON PLEAS

2017-CP-29-01278

Danreke Peay)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

FILED
OFFICE OF CLERK
OF COURT
LANCASTER, SC
2017 DEC - 1 AM 10:24**INSTRUCTIONS B READ CAREFULLY**

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

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

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

1. Place of detention Broad River Correctional Institution
2. Name and location of Court which imposed sentence Lancaster, SC
3. Name(s) of co-defendant(s) (if any) Deyquann Blackeny
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2016 GS 2900304, 2016 GS 2900303, 2016 GS 2900307, 2016 GS 2900305, 2016 GS 2900306

- (b) _____
- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) July 21 2017 40 years
- (b) 30 years
- (c) 10 years ← CONSECUTIVE
6. Check whether a finding of guilty was made:
- (a) ☒ after a plea of guilty _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered Ayes@ to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeal
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Denied
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. South Carolina Court of Appeal (Aug 31, 2017)
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Denied
- ii. _____
- iii. _____
9. If you answered Ano@ to (7), state your reasons for not so appealing:
- (a) X

- (b) _____
 (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of counsel
 (b) Ineffective Assistance of appellate
 (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Counsel failed to do en vigate
 (b) Counsel failed to raise Direct of Appeal Issues
 (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
 (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
 ii. _____
 iii. _____
 iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
 ii. _____
 iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

NO

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) Never had a Appeal
 (b) _____
 (c) _____

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

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

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

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

i. Mary Kay Boulware
P.O. Box 1809 Lancaster SC 29720
 ii. _____
 iii. _____

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

i. plea, sentencing
 ii. _____
 iii. _____

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

New trial

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

NO

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of Lancaster)

VERIFICATION

I, Danielle Peay, 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.

Danielle Peay

SWORN to and subscribed before me this 20
day of Nov, 2017.

[Signature] (L.S.)
Notary Public

My Commission Expires: 3/3/2024

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

I, Danielle Peay, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Danielle Peay
Applicant

SWORN or affirmed to and subscribed before me this

20 day of Nov., 2017.

Diana Castaneda
Notary Public

My Commission Expires: 3/3/2018

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LANCASTER	)	FOR THE SIXTH JUDICIAL CIRCUIT
	)	
Danielle Lamar Peay, 318430	)	
	)	2017-CP-29-1278
Applicant,	)	
	)	
v.	)	
	)	RETURN
State of South Carolina,	)	
	)	
Respondent.	)	
	)	
	)	
	)	

Respondent, making its Return to the Application for Post-Conviction Relief ("PCR") filed on December 1, 2017, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lancaster County Clerk of Court. In February of 2016, the Lancaster County Grand Jury indicted Applicant for attempted murder (2016-GS-29-303), murder (2016-GS-29-304), possession of firearm or ammunition by person convicted of violent felony (2016-GS-29-305), possession of a stolen handgun (2016-GS-29-306) and possession or display of firearm or knife during the commission of a violent crime (2016-GS-29-307). Kay Boulware, Esquire, represented Applicant. Solicitor Randy Newman, Esquire and Assistant Solicitor Lisa Collins, Esquire, prosecuted the case. On July 21, 2017, Applicant pled guilty to attempted murder, the lesser included offense of voluntary manslaughter, possession of firearm or ammunition by person convicted of violent felony, possession of a stolen handgun and possession or display of firearm or knife during the commission of a violent crime before the Honorable Daniel D. Hall. Judge Hall sentenced Applicant to thirty years imprisonment for

voluntary manslaughter, ten years imprisonment for attempted murder to run consecutive to the voluntary manslaughter charge, five years imprisonment for possession of firearm or ammunition by person convicted of violent felony, five years imprisonment for possession of a stolen handgun and five years imprisonment for possession or display of firearm or knife during the commission of a violent crime.

Applicant filed a timely notice of appeal on November 14, 2016. The South Carolina Court of Appeals dismissed the appeal for failure to provide a sufficient explanation as required by SCACR Rule 203(d)(1)(B)(iv) by order filed August 31, 2017. State v. Peay, App. Case No. 2017-001623. The remittitur was returned on September 19, 2017.

Attached to this Return and incorporated by reference are the records of the Lancaster County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections and plea transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

This incident occurred on November 25, 2015 in Lancaster County. On that date near the intersection of Old Landsford and Memorial Park Roads, the investigation of the sheriff's department revealed that Applicant did commit the offense of murder and attempted murder when he shot and killed the victim, Delvelceo Kirk, and shot at Dayqwann Blakeney as Mr. Blakeney was running away from Applicant after the incident. These three gentleman were in the same car that was being driven by the victim. Applicant was seated behind the victim and Mr. Blakeney was in the front passenger seat. The victim and Mr. Blakeney had previously picked up Applicant to give him a ride. Mr. Blakeney later revealed that during the time of them driving Applicant had gotten and used some drugs and that he also had a firearm. Mr. Blakeney stated

later when he was interviewed by law enforcement because he survived this incident that he was not afraid at that point because he felt comfortable that with the victim that nothing would happen to him. Mr. Blakeney was worried as he had been told that there was a hit out on him. As they were driving suddenly without warning according to Mr. Blakeney, Applicant shot the victim in the back of the head. The car's engine was still running and the victim's foot was engaged on the brake and when law enforcement came to the scene. Eye witnesses heard a bang, saw the car stop and saw Mr. Blakeney get out and run as did the Applicant. They saw Applicant running after Mr. Blakeney as he ran away and he was shooting at Mr. Blakeney. Applicant was not successful in shooting Mr. Blakeney as he was not harmed. When Mr. Blakeney first talked to law enforcement he was terrified and did not want to give the name of Applicant. He said that he and the victim had given a ride to someone who shot the victim and then got out and chased him as he was running away. (GP. Tr. 15-19).

Law enforcement's investigation did lead them to Applicant and they went to his residence where they did locate the firearm that had been kind of hidden in some of the attic insulation. Applicant waived his Miranda rights and gave a minimum statement saying that he was afraid for his life. (GP. Tr. 15-19).

III.

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

1. Ineffective Assistance of Counsel
 - a. Counsel failed to do enigate [sic]
2. Ineffective Assistance of Appellate Counsel
 - a. Counsel failed to raise direct of appeal issues

IV.

Respondent interprets both of Applicant's allegations as ineffective assistance of counsel and submit they are without merit. In a post-conviction relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process" that the proceeding "cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The court strongly presumes counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

Respondent submits Applicant cannot satisfy either requirement of the Strickland test.

However, the allegation of ineffective assistance of counsel probably raises questions of fact the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

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

VI.

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

VII.

WHEREFORE, having made its Return, Respondent requests an evidentiary hearing be held on any claims so requiring one.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

DESHAWN H. MITCHELL
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

June 8, 2018

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LANCASTER	)	
	)	
	)	2017-CP-29-1278
	)	
DANIELLE L. PEAY,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
_____	)	

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

Donae A. Minor, Esquire
Minor Law Office, LLC
1750 Highway 160 W, Ste. 101 #259
Fort Mill, South Carolina 29718

DATED this the 8th day of June 2018.


 Kaitlyn S. Slice, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FOR THE 6 th JUDICIAL CIRCUIT
COUNTY OF LANCASTER	)	Case No.: 2017-CP-29-01278

Daniel Peay (318430),	)	
	)	
Applicant,	)	AMENDED POST-CONVICTION
	)	RELIEF APPLICATION

v.

State of South Carolina.

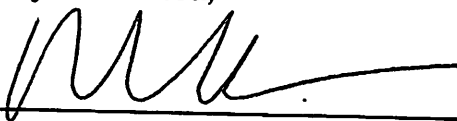
The Applicant, by and through his undersigned attorney, hereby amends his PCR application filed on December 1, 2017, to add the following allegations:

Ineffective Assistance of Counsel as to **Kay Boulware**, Esquire:

- a. Failure to properly investigate Applicant's Case including but not limited to interviewing potential witnesses and evaluating the veracity of evidence sought against Applicant
- b. Failure to adequately provide Applicant with all discovery and properly discuss all discovery and evidence sought against him prior to Applicant accepting his plea bargain
- c. Failure to properly counsel, discuss, and explain the pending charges sentencing, and consequences so that Applicant could make an informed decision as to whether to accept a plea bargain or pursue a trial
- d. Failure to discuss possible defense and challenges to the evidence with the Applicant
- e. Failure to sufficiently meet with Applicant to discuss case during the course of representation (Counsel only met with Applicant approximately twice during the course of representation)

Furthermore, the Applicant requests that he be permitted to amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application and this Amended Application. Amendments should be liberally allowed when no prejudice to the opposing party will result. See Simpson v. Moore, 367 S.C. 587, 627 S.E.2d 701 (2006).

Respectfully submitted,

By 

Donae A. Minor
Attorney for Applicant
1750 Highway 160
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Fort Mill SC 29708
Telephone: 844-878-2015
Email: donae@attorneyminor.com
South Carolina Bar No.: 102550

November 8, 2018

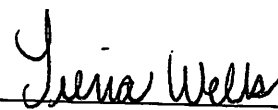
CERTIFICATE OF SERVICE

I certify that I have served this document via email and United States Postal Service mail to:

Samuel Key
Assistant Attorney General
Skey@scag.gov

S.C. Attorney General's Office
Rembert C. Dennis Building
Post Office Box 11549
Columbia, South Carolina 29211

This 13th day of November, 2018.


TIERRA WELLS, PARALEGAL
Minor Law Offices

1 STATE OF SOUTH CAROLINA

2 COURT OF COMMON PLEAS

3 COUNTY OF LANCASTER

4 2017-CP-29-1278

5 Danielle L. Peay

6 Vs.

7 State of South Carolina

8

9 Lancaster, South Carolina

10 July 29, 2019

11 Before the Honorable D. Craig Brown

12 APPEARANCES

13 For the State: Samuel L. Key

14 For the Applicant: Donae Minor

15

16 Reported by: Michael C. Watkins

17 Official Court Reporter

18

19

20

21

22

23

24

25

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1 MR. KEY: May it please the Court? This is Danielle
2 Lamar Peay vs. State of South Carolina, case number
3 2017-CP-29-1278. Applicant is currently confined in the
4 South Carolina Department of Corrections pursuant to orders
5 of commitment of the Lancaster County Clerk of Court in
6 February of 2016. The Lancaster County Grand Jury indicted
7 applicant for attempted murder, murder, possession of a
8 firearm or ammunition by a person convicted of a violent
9 felony, possession of a stolen handgun, and possession or
10 display of a firearm or a knife during the commission of a
11 violent crime. Kay Boulware represented applicant, and
12 Solicitor Randy Newman and Assistant Solicitor Lisa Collins
13 prosecuted the case. On July 21st, 2017 applicant pled
14 guilty to attempted murder, the lesser included offense of
15 voluntary manslaughter, possession of a firearm by a person
16 convicted of a violent felony, possession of a stolen
17 handgun during the commission of a violent crime before the
18 Honorable Daniel D. Hall. Judge Hall sentenced applicant to
19 an aggregate term of 40 years imprisonment; 30 years for
20 voluntary manslaughter, ten years for attempted murder to
21 run consecutive to voluntary manslaughter, five years for
22 possession of a firearm, and five years imprisonment for
23 possession of a stolen handgun, and five years for
24 possession or display of a firearm during the commission of
25 a violent crime. Applicant filed a timely notice of appeal

DANIELLE PEAY - DIRECT

1 on November 14th, 2016. The Court of Appeals dismissed the
2 appeal for failure to provide sufficient explanation as
3 required by Rule 203D1B4 of the South Carolina Appellate
4 Rules, and his appeal was dismissed August 31, 2017. The
5 case was remitted back to the circuit court on
6 September 19th of 2017. Mr. Peay through PCR counsel did
7 file an amendment to his PCR application on December 1st,
8 2017 containing allegations of ineffective assistance of
9 counsel. Judge, I have your packet. And, Your Honor, he is
10 represented by Donae Minor, and he and Ms. Minor are
11 present.

12 THE COURT: Thank you, sir. Ms. Minor?

13 MS. MINOR: Yes, Your Honor. May it please the Court?

14 I will call Mr. Danielle Peay as my first witness.

15 The witness, DANIELLE PEAY, was first duly sworn and

16 Testified as follows:

17 DIRECT EXAMINATION

18 BY MS. MINOR:

19 Q Please state your name for the record?

20 A Danielle Peay.

21 Q And earlier you heard the attorney general's office
22 state the charges that you pled to, were those charges
23 correct?

24 A Yes, ma'am.

25 Q You pled guilty to all of those charges and Kay

DANIELLE PEAY - DIRECT

1 Boulware, she was your attorney at that time, correct?

2 A Yes, ma'am.

3 Q And was Ms. Boulware appointed or hired counsel?

4 A Appointed.

5 Q And today you are here to claim ineffective assistance
6 of counsel against Kay Boulware; is that correct?

7 A Yes, ma'am.

8 Q And the grounds that you are claiming ineffective
9 assistance of counsel are based on her failure to properly
10 investigate your case.

11 A Yes, ma'am.

12 Q Her failure to discuss and evaluate the evidence that
13 was brought against you?

14 A Yes, ma'am.

15 Q Her failure to adequately counsel you regarding your
16 pending charges, consequences, as well as defenses?

17 A Yes, ma'am.

18 Q And those failures did not allow you to -- those
19 failures did not allow you to make an informed decision as
20 to whether to move forward with trial or enter the guilty
21 plea; is that correct?

22 A Yes, ma'am.

23 Q So when Ms. Boulware was appointed to represent you, do
24 you recall how many times you met with her?

25 A Like five or six times.

DANIELLE PEAY - DIRECT

1 Q Five or six times. And were those meetings in person?

2 A In person.

3 Q Tell me about those meetings. What did she discuss
4 during those times?

5 A She really didn't discuss too much with me, like as far
6 as like going over my case and telling me like what we was
7 going up against, like as far as my guilty plea. And she
8 said when we go to trial, if we go to trial I would catch
9 life due to a burglary I had on my record like eight years
10 ago. So I was like, "I will take the plea."

11 Q So during those meetings, did she provide you with
12 what's called discovery?

13 A Yes, ma'am.

14 Q Did you have a chance to review the discovery with Ms.
15 Boulware?

16 A Yes, ma'am.

17 Q Did she answer any questions regarding the discovery?

18 A Not really.

19 Q You understand that the discovery represents the
20 evidence that is against you.

21 A Yes, ma'am.

22 Q And did you ask her any questions about the discovery?

23 A Yeah, I asked her questions.

24 Q What questions did you ask her?

25 A As far as like what the concurrent and the consecutive

DANIELLE PEAY - DIRECT

1 sentence was going to be, but she never gave me the answer
2 to it.

3 Q So you asked her these questions and she didn't answer
4 those questions?

5 A Yes, ma'am.

6 Q So did she -- did you ever tell her that you didn't
7 understand the evidence?

8 A No, ma'am, I never told her.

9 Q So you understood the discovery.

10 A Yes, ma'am.

11 Q But when you asked her questions she didn't provide you
12 a sufficient answer.

13 A Yeah, sufficient answer.

14 Q And during those meetings when you felt like she didn't
15 provide you with sufficient answers, did you ever request
16 for her to meet with you again to explain further?

17 A No, ma'am. She was like she'll come back out and talk
18 to me again. But it always been the same thing when she
19 came out, we don't have no plea and if you go to trial you
20 will catch life.

21 Q If you felt like she didn't spend enough time with you
22 on your case discussing your case, why did you decide to
23 plead guilty?

24 A Because she was like, "Well, if you take the plea
25 you're not going to get no more than 20 years." It was a

DANIELLE PEAY - DIRECT

1 zero to 60 plea -- zero to 60 year plea and she was like,
2 "If you take the plea you probably won't get no more than 20
3 years." That's why I took it because I'm thinking she was
4 going to fight for me to get me the 20 years.

5 Q So did she promise you that you would get no more than
6 20 years?

7 A Yes, ma'am.

8 Q And in terms of an investigation of your case, what did
9 Ms. Boulware do to investigate your case?

10 A The investigator came out one time to see me. She was
11 like he was going to come out again to see me and talk about
12 going to talk to some of the victims that said they seen me
13 running, but he never came back out to see me again. He
14 came out one time.

15 Q Do you believe that Ms. Boulware properly investigated
16 your case?

17 A No, ma'am.

18 Q And why not?

19 A Because she didn't really explain herself to me every
20 time she came out, she kept saying the same thing.

21 Q Which was?

22 A If you go to trial you will catch life.

23 Q So your testimony is that every time that she met with
24 you she talked about the possibility of life.

25 A Yes, ma'am. And I never went up for a bond, none of

DANIELLE PEAY - CROSS

1 that.

2 Q Never explained the evidence that was sought against
3 you.

4 A Yes, ma'am.

5 Q Never explained any potential defenses.

6 A None of that.

7 Q Never answered any of your questions.

8 A No, ma'am.

9 Q Just focused on the possibility of life; is that
10 correct?

11 A Yes, ma'am.

12 Q Is it your testimony that if you -- if Ms. Boulware
13 took more time to sufficiently explain the evidence and
14 answer your questions that you probably would have opted for
15 a trial?

16 A I would have took it to trial.

17 Q And is there anything else that you would like the
18 Judge to know regarding Ms. Boulware's ineffective
19 assistance of counsel?

20 A No, ma'am.

21 MS. MINOR: Nothing further, Your Honor.

22 THE COURT: Cross examination.

23 CROSS EXAMINATION

24 BY MR. KEY:

25 Q Mr. Peay, you were aware of the discovery in your case

DANIELLE PEAY - CROSS

1 of the facts against you?

2 A Yes, sir.

3 Q But you're saying that Ms. Boulware just didn't explain
4 it to you.

5 A Yes, sir.

6 Q Did you ask her to explain it to you?

7 A Yes.

8 Q But she just didn't. Okay. Just a minute ago you said
9 that you knew you were pleading guilty with between zero to
10 60 years, correct? And you knew that going into your guilty
11 plea.

12 A Yes, sir.

13 Q Okay. But you said that Ms. Boulware told you you
14 would get 20 years?

15 A Yes, sir.

16 Q Did she promise you 20 years?

17 A Basically.

18 Q Well, not basically. Did she actually say you will get
19 20 years?

20 A She was like, "I'm going to try to get you 20 years."

21 Q So she said, "I will try to get you 20 years." But you
22 knew you were facing up to 60 years.

23 A Yes, sir.

24 Q Okay. And you said you had a prior burglary
25 conviction?

DANIELLE PEAY - CROSS

1 A Yes, sir.

2 Q And that's why you could face life?

3 A Yes, sir.

4 Q Did she explain to you that murder also carries life?

5 A I know that.

6 Q Okay. So you knew that you were facing life if you
7 went to trial.

8 A I was facing 30 years, zero to 30 years for
9 manslaughter, involuntary manslaughter.

10 Q But you were originally charged with murder.

11 A Yeah, they dropped it.

12 Q And let you plead to voluntary manslaughter.

13 THE COURT: Is that a yes?

14 A Yes.

15 Q But at trial you would have still faced murder.

16 A Zero -- yes.

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

18 THE COURT: Any redirect?

19 MS. MINOR: No, Your Honor.

20 THE COURT: Sir, you may step down, thank you. Call
21 your next witness, please.

22 MS. MINOR: Applicant calls Kay Boulware.

23 The witness, KAY BOULWARE, was first duly sworn and

24 Testified as follows:

25 DIRECT EXAMINATION

KAY BOULWARE - DIRECT

1 BY MS. MINOR:

2 Q Ms. Boulware, where are you employed?

3 A I am assistant public defender with the Sixth Circuit
4 Public Defenders Office.

5 Q Were you employed there and did you have that same
6 title when you were Mr. Peay's counsel?

7 A Yes.

8 Q And do you recall meeting with Mr. Peay several times
9 in preparation for his case?

10 A Yes, ma'am.

11 Q How many times did you meet with him?

12 A My notes indicate -- I've got about seven or eight
13 times documented, but it was probably several more times --
14 or at least -- I think I went out to see him maybe twice or
15 three times the week that he was to plead. I believe he
16 pled on a Friday of that week.

17 Q And during those seven or eight times that you met with
18 him, what did those -- what type of information, or what did
19 those meetings consist of?

20 A When I would meet with him -- and I'll back up just a
21 little bit. I actually replaced his original attorney, Mr.
22 Justin Jones, who had left the office, so I was his attorney
23 for maybe a year or so. But we would talk about whether or
24 not he wanted a bond hearing. Generally he would tell me he
25 did not want a bond hearing, he knew he was to get some time

KAY BOULWARE - DIRECT

1 for these charges so he just wanted to keep collecting his
2 time. I gave him a copy of his discovery, I do have a
3 letter where I sent him that, went out and talked with him
4 about that. Showed him all the autopsy photos, interviews,
5 videos, things of that nature.

6 Q So when you showed him that discovery, did you guys
7 review the discovery?

8 A Yes, ma'am, we did. What we mostly talked about was
9 that there was strong circumstantial evidence of the murder
10 victim had -- well, it might have been a good self-defense
11 case. The problem he was going to look at was on the
12 attempted murder. He's chasing the victim shooting at him
13 several times, which sort of -- we were planning on having a
14 stand your ground hearing, we had talked about that for the
15 murder part, the attempted murder would not have been a good
16 case for stand your ground at all. So where we got hung up
17 was he was also charged -- he was out on bond charged with
18 armed robbery when this incident occurred. He was facing
19 this charge -- or the murder charge, the attempted murder
20 charge, he picked up an assault by mob while he's at the
21 jail. And the whole time is did this stay a trial,
22 a murder, because the State would not give us anything less
23 than murder. I believe right towards the end -- I believe
24 we did a speedy trial motion at some point before that, and
25 the judge ordered that it be tried by June or July of that

KAY BOULWARE - DIRECT

1 year, and then the solicitor did offer me a voluntary
2 manslaughter plea on the murder, which is what I felt sure
3 we should be able to get at a trial. What the issue was is
4 if the offer was turned down, which is totally his decision
5 to do, the solicitor would also try the armed robbery
6 charge. So while we got a charge where he would be facing
7 life anyway, we've also got a situation because of his prior
8 burglary second violent conviction, we've got a situation of
9 life without parole, which was another issue that we
10 discussed.

11 Q And so all of that information was explained to him.

12 A Yes, ma'am.

13 Q Do you believe that he understood all of that
14 information?

15 A Yes, ma'am.

16 Q Did he ask you any questions about that information?

17 A Not that I -- not any specific questions that I recall.
18 I believe -- he would ask me frequently about the
19 sentencing. I felt like with the -- or the circumstances
20 surrounding the murder and the attempted murder that we
21 would be reasonable in asking for 20 years. But I was
22 never -- I have always made it clear to all of my clients I
23 cannot promise anything that a judge is going to do, so as I
24 did in this case have him sign a plea affidavit with the
25 understanding -- and I believe I wrote him a letter prior to

KAY BOULWARE - DIRECT

1 that with the understanding that this is a zero -- we're
2 looking at a zero to 60 situation. The solicitor and I did
3 have sort of an informal conference with the judge when we
4 were doing some scheduling for the docket to where the judge
5 who was going to hear the plea indicated to me and the
6 solicitor he would not -- he would not -- he didn't think he
7 would consider running anything consecutive, but then he
8 did, so I did pass this information on to Mr. Peay. I said,
9 "I talked with the judge and I just wanted to tell you he
10 doesn't say he intends to run anything consecutive but there
11 is that possibility."

12 Q And do you recall his response when you shared that
13 information with him?

14 A He hesitated I know during that week. Because the plea
15 offer came in at the last minute where it was finally down
16 to the voluntary, which we felt was way more reasonable than
17 murder. I don't think this was an actual murder situation.
18 He did hesitate, still didn't know what he wanted to do. I
19 believe he talked with his family during that week. And
20 when I talked with him, the closer we got to the plea he had
21 decided he did want to go ahead and do the plea straight up,
22 or the voluntary and the attempted murder straight up.

23 Q Do you believe that -- you mentioned that it was
24 hesitation, do you believe it was a rushed decision on his
25 behalf?

KAY BOULWARE - DIRECT

1 A I don't think so. And the reason why I say that is
2 because we had talked about the situation so much when we
3 met that if we ever got an offer for voluntary it would be a
4 serious consideration to take it, so I believe he thought
5 about it the whole time he was there. I think he hesitated
6 because of the situation around the murder, you know, the
7 way those facts were. But as far as the attempted murder,
8 we had serious issues with that case, which he and I did
9 discuss.

10 MS. MINOR: Beg the Court's indulgence.

11 THE COURT: Yes, ma'am.

12 (Break in proceedings.)

13 MS. MINOR: Nothing further of this witness, Your
14 Honor.

15 THE COURT: Mr. Key?

16 CROSS EXAMINATION

17 BY MR. KEY:

18 Q Ms. Boulware, did you explain to Mr. Peay your thoughts
19 on asking for 20 years was just your thoughts?

20 A Yes. I explained that I thought we might have a good
21 chance because of the informal conference we had with the
22 judge, but yet again it's no guarantee, it's a straight up
23 plea.

24 Q Okay. Did you promise him that he would get a 20 year
25 sentence?

KAY BOULWARE - CROSS

1 A No, sir.

2 Q And did he understand he was facing between zero and 60
3 years?

4 A Yes, sir.

5 Q Did you go over the exposure he was facing if he went
6 to trial?

7 A Oh yes, sir.

8 Q So he knew that he could get life if convicted of
9 murder at trial.

10 A Yes, sir. Not only the life that the charge itself
11 carried, but also the possibility that the solicitor would
12 go ahead -- if he was convicted of murder and he had the
13 other armed robbery, he was charged with that as well, he
14 was clearly in a serious life without parole situation.

15 Q And did Mr. Peay ever ask you to move for bond?

16 A He went back and forth on that. Mostly, though, what
17 he would say -- I think towards the end he started getting
18 antsy because he had been at the jail -- I think what I said
19 to the judge, I added up his time, about 600 days at that
20 point, so he was getting antsy and had seen other folks
21 charged with murder bonding out. And we had actually set
22 that day for the -- when we had the plea it was going to be
23 a bond hearing that day, but then we got the offer from the
24 solicitor for the voluntary and so we discussed that
25 instead.

KAY BOULWARE - CROSS

1 Q Okay. And did you discuss with him the possible
2 defenses y'all would pursue at trial?

3 A Yes, sir. Not only did I discuss this with him, he's a
4 pretty intelligent guy, he had some law books at the jail, I
5 believe he understood stand your ground, all of those kind
6 of defenses, self-defense, and I thought that was probably
7 going to be a good strategy if it was just a murder charge.
8 But as I said, the issue is the companion attempted murder.

9 Q And you explained all of this to him.

10 A Yes, sir.

11 Q Briefly, what was the State's theory of the case, or
12 the evidence against your client?

13 A Well, one of the pieces of evidence, of course, was an
14 eye witness, which was the attempted murder victim. The
15 theory of the State was this situation between Mr. Peay and
16 other folks in the community around that time was kind of --
17 not just Mr. Peay, but just these different factions of the
18 community was pretty volatile. There was some talk about
19 some folks having hits on some folks, things like that. The
20 State's theory, I believe, was that Mr. Peay got into the
21 car with the victim and the attempted murder victim in order
22 to do a hit on the murder victim, which frankly didn't make
23 any sense because he got in the car without a gun. So
24 that's why we thought that case -- that would have been a
25 great trial case, the attempted murder was what was going to

KAY BOULWARE - CROSS

1 be an issue.

2 Q And briefly, what were the issues with the attempted
3 murder case?

4 A Well, when the murder victim was shot Mr. Peay was in
5 the back seat -- they were in a car, the murder victim is
6 driving, the attempted murder victim, I believe, is in the
7 passenger seat, Mr. Peay is in the back seat. They had
8 picked him up, he was out walking and they had picked him up
9 to give him a ride somewhere. And the attempted murder
10 victim I don't believe saw -- I know he said he did not hear
11 any words exchanged between Mr. Peay and I believe victim
12 Delvelceo Kirk was his name, did not see either one of them
13 do anything, so he wasn't an eye witness as far as Mr. Peay
14 being the -- was the first aggressor towards Mr. Kirk. But
15 he left -- or he ran, or got out of the car and ran once
16 Mr. Peay shot Mr. Kirk. The problem is Mr. Peay -- and I
17 actually told the judge in the plea mitigation I understood
18 Mr. Peay's state of mind at that point is he didn't know
19 what the -- Mr. Blakeney was going to do at that point. It
20 was already a tense situation, a gentleman running I'm sure,
21 he starts shooting at Mr. Blakeney. Mr. Blakeney runs away,
22 and the problem is Mr. Peay is still chasing him and
23 shooting at that time. So that kind of flips from a
24 self-defense situation to if he had actually shot and killed
25 Mr. Blakeney would have probably been another voluntary

1 manslaughter case.

2 Q And you explained all of this to Mr. Peay?

3 A Yes, sir.

4 Q And these cases would have been tried together?

5 A That was my understanding from the solicitor, yes, sir.

6 MR. KEY: No further questions, Your Honor.

7 THE COURT: All right. Ms. Minor, anything else?

8 MS. MINOR: No questions, Your Honor. And the
9 applicant rests.

10 THE COURT: You may step down, thank you. Mr. Key?

11 MR. KEY: Your Honor, the only evidence the State would
12 submit at this time, there's a plea affidavit that Mrs.
13 Boulware provided to us this morning. I have shown it to
14 opposing counsel and she says that she does not have an
15 objection to it so we would just ask to enter it into
16 evidence.

17 THE COURT: All right. So admitted without objection.

18 (The plea affidavit was received as State's 1.)

19 THE COURT: Based upon my listening to the testimony of
20 the applicant as well as Ms. Boulware, who represented this
21 applicant at the time of his plea, based upon my review of
22 the file, specifically the application for post conviction
23 relief, as well as the amended application for post
24 conviction relief, the State's return, the plea transcript.
25 As the attorneys know the applicant must satisfy a two

1 pronged test as set forth in Strickland v. Washington.
2 First the applicant must prove counsel's performance was
3 deficient, in other words, the attorney's performance was
4 unreasonable and unprofessional under the prevailing
5 professional norms. And second, that such deficient
6 performance prejudiced the applicant such that there's a
7 reasonable probability that but for counsel's unprofessional
8 errors the result of the proceeding would have been
9 different. In a guilty plea the defendant or the applicant
10 must show or can attack only the voluntariness and
11 intelligent entry of such plea. Again, based upon what I
12 have heard here today and based upon my review of the file I
13 find the defendant or applicant has failed to show
14 ineffective assistance as to each of the alleged allegations
15 in his application for post conviction relief, therefore the
16 Court is respectfully denying such relief. Mr. Key, if
17 you'll get me an order, please, sir.

18 MR. KEY: Yes, Your Honor.

19 (End of the hearing.)

20

21

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23

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25

1 I, the undersigned, Michael C. Watkins,
2 Official Court Reporter for the Sixth Judicial
3 Circuit of the State of South Carolina, do hereby
4 certify that the foregoing is a true, accurate and
5 complete transcript of the proceedings had and
6 evidence introduced in the trial of the captioned
7 case relative to appeal in Court of Common Pleas for
8 Lancaster County, South Carolina, on the 29th day of
9 July, 2019.

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

12

13

January 6, 2020

14

15

16


Michael C. Watkins

17

Court Reporter

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25

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LANCASTER)
)
 STATE OF SOUTH CAROLINA,)
)
 VS.) AFFIDAVIT OF DEFENDANT FOR GUILTY PLEA
)
DANIELLE LAMAR PEAY,)
)
 Defendant.)
 _____)

The Defendant states to the Court that the Defendant wants to plead guilty to the following charge(s):

2015A2910101466 – Murder/Attempted Murder – 0-30 years

2015A2910101467 – Manslaughter/Voluntary Manslaughter – 0-30 years

2015A2910101468 – Possession of firearm or ammunition by person convicted of violent felony – 0-5 years

2015A2910101469 – Sale or delivery of pistol to, and possession by, certain persons unlawful; stolen pistol – 0-5 years

2015A2910101470 – Possession weapon during violent crime, if not also sentenced to life without 0549 parole or death – 5 years

In Connection with the plea, I certify that the answers to the following questions are true:

BACKGROUND OF DEFENDANT

- 1) How old are you? 29
- 2) How far did you go in school? 12th grade / GED
- 3) What kind of work do you do? Tyson / Construction
- 4) Have you ever been treated for abuse of alcohol and/or drugs or for mental illness? yes ☒ no
 If so, when? N/A
 For how long? N/A
 Did you successfully complete the program? yes ☐ no
- 5) Have you taken any medication, drugs, or alcohol in the last 24 hours? yes ☐ no ☒
 If yes, what? _____
 How much? _____



DP

Does this affect your ability to understand and comprehend what is going on here today

☐ yes ☒ no *N/A*

6) Are you today under the influence of any medication, drugs, or alcohol? ☐ yes ☒ no

7) Are you today aware of any physical, emotional, or nervous problem that might keep you from understanding what you are doing? ☐ yes ☒ no

8) Have you ever been ordered by a judge to submit to a mental evaluation to determine your competency to stand trial? ☐ yes ☒ no

WAIVER OF CONSTITUTIONAL RIGHTS

1) Do you understand that you have the right to remain silent, that is, your right against self-incrimination? You cannot be compelled to testify or give evidence against yourself. Do you understand this right? ☒ yes ☐ no

Do you wish to give up this right and plead guilty?

☒ yes ☐ no

2) Do you understand that you have a right to a jury trial, you have a right to have a jury decide whether or not you are guilty beyond a reasonable doubt. They would base their decision upon evidence which the state presents and on any evidence you might wish to introduce. In a trial, you would be presumed to be innocent, and the state would have to produce evidence that would convince all 12 members of the jury that you were guilty beyond a reasonable doubt. Do you understand this right?

☒ yes ☐ no

Do you wish to give up your right to a jury trial and plead guilty?

☒ yes ☐ no

3) Do you understand that you have the right to confront and be confronted by the witnesses against you, that is, the right to see, hear, and cross examine any witnesses that may be called against you during the trial and the right to subpoena and call witnesses on your own behalf? ☒ yes ☐ no

Do you wish to give up these rights and plead guilty?

☒ yes ☐ no

DP

- 4) If your case has not yet been before the grand jury, you have the right to have the case presented to the grand jury. After hearing evidence. 12 of the 18 people on the grand jury would have to agree that you were probably guilty before the charge against you could be reported out as a True Bill ready for trial. A grand jury might return a No BILL, which would mean that the charge would be dismissed. Do you understand this right?

☐ yes

☐ no N/A

Do you wish to give up your right to have the grand jury examine your case?

☐ yes

☐ no N/A

- 5) Do you understand that when you plead guilty you give up these constitutional rights?

☒ yes

☐ no

Is that what you want to do?

☒ yes

☐ no

Do you understand that you will not get a jury trial if you plead guilty?

☒ yes

☐ no

NATURE OF THE CHARGE AND CONSEQUENCES OF PLEADING GUILTY

- 1) Has your attorney discussed with you the charge(s) and possible punishments for the charge(s)?

☒ yes

☐ no

- 2) Are you pleading guilty for any other reason that the fact that you are guilty? ☐ yes ☒ no
If so what is the other reason?

- 3) As you understand, the possible penalty for this charge is:

- 4) If an offense with graduated penalties: Do you understand that if you plead guilty to this offense and you are convicted at a later time of a similar crime, the punishment will be higher next time?

☒ yes

☐ no

- 5) Do you have any questions about the nature of the charges against you?

☒ yes

☐ no

- 6) Do you understand that when you plead guilty you admit the truth of the charge(s) against you?

☒ yes

☐ no

DF

- 7) You may have defenses to the charge(s) against you. Do you understand that if you plead guilty you will waive or give up any defense to the charge(s)? ☒ yes ☐ no
- 8) You may have given an incriminating statement in this case. Do you understand that if you plead guilty you waive or give up the right to contest or challenge whether such a statement was freely and voluntarily given in accordance with your constitutional rights?
☒ yes ☐ no
- 9) Understanding the nature of the charge(s) against you and the consequences of a guilty plea, do you still wish to plead guilty?
☒ yes ☐ no

PLEA NEGOTIATIONS

- 1) Has any plea agreement been made by you with the solicitor's office?
☒ yes ☐ no

If so, exactly what do you understand the agreement to be?

- Plead straight up to charges listed on page one
- Recommended range 0-60 years

- 2) Other than this agreement, has anyone promised you anything else in regards to your sentence in this case? ☒ yes ☐ no

VOLUNTARINESS OF PLEA

- 1) Has anyone promised you anything or held out any hope of reward to get you to plead guilty?
☐ yes ☒ no
- 2) Has anyone threatened you or used force to get you to plead guilty?
☒ yes ☒ no
- 3) Has anyone used pressure or intimidation to cause you to plead guilty?
☐ yes ☒ no
- 4) Have you had enough time to make up your mind as to whether or not you want to plead guilty?
☒ yes ☐ no
- 5) Are you pleading guilty of your own free will and accord? ☒ yes ☐ no

SATISFACTION WITH ATTORNEY

- 1) Has your attorney reviewed this form with you and answered any questions you have about it?
☒ yes ☐ no
- 2) Are you satisfied with the manner in which your attorney has advised you and represented you?
☒ yes ☐ no
- 3) Have you talked with your attorney as often and for as long as you feel necessary for him/her to properly represent you?
☒ yes ☐ no
- 4) Do you need more time to talk with your attorney?
☐ yes ☒ no
- 5) Have you understood your talks with your attorney?
☒ yes ☐ no
- 6) Has your attorney done everything for you that you feel he/she could have done or should have done?
☒ yes ☐ no
- 7) Has your attorney done anything in this case that you feel he/she should not have done?
☐ yes ☒ no
- 8) Are you completely satisfied with your attorney's services?
☒ yes ☐ no
- 9) Do you have any complaint that you want to make about your attorney, the solicitor, or any of the police officers?
☐ yes ☒ no
- 10) Do you understand that you have a right to appeal your guilty plea and the sentence and that you must do this within 10 days of the sentence?
☒ yes ☐ no

CONCLUDING QUESTIONS

- 1) Do you understand all of these questions?
☒ yes ☐ no
- 2) Do you still want to plead guilty?
☒ yes ☐ no

PP

SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY, this 21st day
of July, 2017.

X Danielle Perez
DEFENDANT

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT

Danielle Lamar Peay, #318430,)

Case No.: 2017-CP-29-1278

Applicant,)

v.)

ORDER OF DISMISSAL

State of South Carolina,)

Respondent.)

FILED
CLERK OF COURT
LANCASTER, SC
2019 OCT -2 PM 2:19
U. COURT

The matter before the Court is an action for post-conviction relief (PCR) commenced by Danielle L. Peay (Applicant) on December 1, 2017. The State submitted its return on June 8, 2018, requesting an evidentiary hearing. In his PCR application, Applicant alleged ineffective assistance of counsel which rendered his guilty plea unknowing and involuntary.

An evidentiary hearing convened on July 29, 2019, at the Lancaster County Courthouse before the undersigned. Applicant was present and represented by Donae A. Minor, Esquire. Assistant Attorney General Samuel L. Key represented the State. Applicant and his former plea counsel testified at the hearing. After hearing the testimony at the PCR hearing and a full review of the record, the Court finds, as explained below, Applicant's allegations are without merit, denies relief, and dismisses the action with prejudice.

FACTS & PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lancaster County Clerk of Court. In February 2016, the Lancaster County Grand Jury indicted Applicant for attempted murder (2016-GS-29-303), murder (2016-GS-29-304), possession of firearm or ammunition by person convicted of violent felony (2016-GS-29-305), possession of a stolen handgun (2016-GS-29-306), and possession or display of firearm or

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knife during the commission of a violent crime (2016-GS-29-307). M. Kay Boulware, Esquire (Counsel), represented Applicant. Solicitor Randy Newman and Chief Deputy Solicitor Lisa Collins prosecuted the case.

Applicant's charges stem from an incident on November 25, 2015. Applicant was arrested for the murder of Delvesco Kirk and the attempted murder of Dayqwann Blakeney. (Plea. Tr. 15-19).

Kirk and Blakeney were in Kirk's car when they decided to give Applicant a ride. Kirk was driving, Blakeney was in the front passenger's seat, and Applicant rode in the back seat. Blakeney informed law enforcement that while they were all in the car, Applicant purchased and used drugs, and Applicant had a firearm. Blakeney later informed law enforcement he was nervous because he had recently learned there was a hit out on him and Kirk. However, he was not afraid of Applicant because he knew Applicant, and he believed he was safe because he was with Kirk. Suddenly, as they were driving, Applicant shot Kirk in the back of the head, and Blakeney immediately fled from the moving vehicle. When law enforcement arrived, the car's engine was running and Kirk's foot was on the brake. (Plea. Tr. 15-19).

When Blakeney first spoke to law enforcement, he was terrified and did not want to identify the shooter. Blakeney said he and Kirk had given a ride to the person who shot Kirk and tried to shoot Blakeney as he fled. However, after learning of Kirk's death, Blakeney implicated Applicant as the shooter. (Plea. Tr. 15-19).

Several eye witnesses informed law enforcement they heard a bang, saw the car stop, and saw Blakeney flee the vehicle. The witnesses also saw Applicant get out of the car and chase Blakeney, shooting at Blakeney as Blakeney fled. Luckily, Blakeney was unharmed. (Plea. Tr. 15-19).

After Blakeney identified Applicant as the shooter, law enforcement went to Applicant's residence with a search warrant and found a firearm hidden in the attic insulation. Applicant was then arrested, waived his *Miranda*¹ rights, and gave a minimal statement—he was afraid for his life. (Plea Tr. 15-19).

On July 21, 2017, Applicant pleaded guilty before the Honorable Daniel D. Hall to attempted murder, the lesser included offense of voluntary manslaughter, possession of a weapon by a felon, possession of a stolen handgun, and pointing and presenting a firearm. Judge Hall sentenced Applicant to an aggregate term of forty years' imprisonment: ten years for attempted murder consecutive to thirty years for voluntary manslaughter; and concurrent terms of five years for possession of firearm by a felon, five years for possession of a stolen handgun, and five years for pointing and presenting a firearm. Applicant appealed his convictions and sentences.

Counsel filed a timely notice of appeal on Applicant's behalf on November 14, 2016. However, the Court of Appeals dismissed the appeal for failure to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv), SCACR. *State v. Peay*, S.C. Ct. App. Order dated August 31, 2017. The case was remitted back to the circuit court on September 19, 2017.

ISSUES

In his original PCR application, Applicant alleged:

1. Ineffective assistance of plea counsel:
 - a. Failure to investigate.
2. Ineffective assistance of appellate counsel:
 - a. Failure to raise a direct appeal issue.

On November 13, 2018, Applicant, through PCR counsel, amended his application, alleging:

1. Ineffective assistance of counsel:

¹ *Miranda v. Arizona*, 384 U.S. 436 (1966).

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- a. Failure to investigate Applicant's case including but not limited to interviewing potential witnesses and evaluating the veracity of the evidence against Applicant;
- b. Failure to adequately provide Applicant with all discovery and properly discuss all discovery and evidence sought against him prior to Applicant accepting his plea bargain;
- c. Failure to properly counsel, discuss, and explain the pending charges, sentencing, and consequences so that Applicant could make an informed decision as to whether to accept a plea bargain or pursue a trial;
- d. Failure to discuss possible defenses and challenges to the evidence with Applicant; and
- e. Failure to sufficiently meet with Applicant to discuss the case during course of representation (Counsel only met with Applicant approximately twice during the course of representation).

At the outset of the PCR hearing, Applicant, through PCR counsel, stated he was proceeding on the allegations set forth in the amended application. To the extent the allegations set forth in Applicant's original application can be construed as separate grounds for relief from the grounds stated at the PCR hearing, this Court finds Applicant waived and abandoned those allegations.

PCR HEARING TESTIMONY

Applicant's Testimony

Applicant testified Counsel was appointed to represent him. Applicant recalled meeting with Counsel five or six times to prepare his case. Initially, Applicant claimed he and Counsel never discussed the evidence in his case or the difficulties Applicant would face had the case gone to trial. However, Applicant testified Counsel told him if he went to trial, he could receive life without parole (LWOP) due to a prior burglary conviction. Applicant testified he told Counsel he wished to plead guilty after learning the State could seek LWOP because of his prior conviction.

Applicant testified he was provided with the discovery, and he reviewed the discovery with Counsel. However, Applicant asserted Counsel did not answer any questions regarding the

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discovery. Even so, Applicant testified he understood the discovery represented the evidence against him, and he never told Counsel he did not understand the evidence against him. Applicant testified he understood the evidence against him. Applicant testified he asked Counsel what the concurrent and consecutive sentences would be, but Counsel did not answer these questions regarding sentencing. Applicant felt Counsel did not provide sufficient answers to his questions. Applicant testified every time Counsel returned to see him, their discussions remained the same—there was no plea offer from the State and if Applicant went to trial, he would catch life.

Applicant testified he pleaded guilty because Counsel promised him if he pleaded guilty, he would receive no more than twenty years' imprisonment. However, Applicant testified he knew he could receive up to sixty years by pleading guilty. On cross-examination, Applicant testified Counsel basically promised him he would receive twenty years because Counsel told him she would try to get him twenty years.

Applicant recalled Counsel's investigator coming to meet him one time. Applicant stated the investigator told Applicant he would come back to talk to Applicant after talking to the witnesses who saw Applicant chasing Blakeney, but the investigator never returned. Applicant testified Counsel did not really explain herself each time they met, but Counsel just kept saying the same thing about Applicant being exposed to life imprisonment if convicted at trial. Applicant testified if Counsel had taken more time to explain the evidence and answer his questions, he would have gone to trial.

Counsel's Testimony

Counsel testified she is an Assistant Public Defender, and she was in the same position when she represented Applicant. Counsel recalled meeting with Applicant six or seven times during her representation, and recalled she met with Applicant two or three times the week of

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Applicant's guilty plea. Counsel testified she replaced Applicant's original attorney who left the Public Defender's Office. Counsel recalled discussing with Applicant whether he wanted a bond hearing, and Applicant did not want a bond hearing because Applicant knew he would be sentenced to prison time. Counsel stated Applicant initially did not want bond because he wanted to keep earning credit towards his eventual sentence. However, Counsel recalled her conversations with Applicant regarding bond went back and forth because Applicant was getting antsy towards the end of the case because he was in jail for about 600 days. Counsel stated the plea hearing was originally set as a bond hearing, but then the State offered a plea to voluntary manslaughter instead of murder.

Counsel testified she and Applicant discussed possible defenses at trial, specifically pursuing self-defense as to the murder charge. In Counsel's opinion, they had a good strategy if Applicant only faced the murder charge, but the companion attempted murder charge presented a problem. Counsel recalled reviewing the discovery with Applicant, and she testified they mostly discussed the strong circumstantial evidence that made a good self-defense case as to the murder charge. However, Counsel testified the problem was the attempted murder charge because Applicant chased and shot at that victim several times. Counsel recalled discussing pursuing a stand-your-ground hearing for the murder charge, but the attempted murder facts were harmful to that strategy.

Counsel recalled the State's theory of the case was there was a volatile situation between Applicant and other people in the community. Counsel recalled people on both sides of the situation had taken hits out on each other. Counsel stated the State theorized Applicant got into the car with the victims to do a hit on them. Counsel stated the State's theory did not make much sense because Applicant entered the car without a gun. Counsel recalled the victims picked

Applicant up to give him a ride—Applicant was in the backseat, the murder victim was driving, and the attempted murder victim was in front passenger seat. The attempted murder victim did not hear any words spoken or see any aggression from either Applicant or the murder victim. However, the attempted murder victim jumped out of the moving car and ran once Applicant shot the driver. Then, Applicant started shooting at the attempted murder victim as that victim ran away, and Applicant chased after him and continued shooting. Counsel testified she explained all of these factors to Applicant, and that the murder and attempted murder charges would be tried together.

Counsel recalled Applicant was out on bond for an armed robbery charge when this incident occurred, and Applicant faced armed robbery; murder, attempted murder, and the weapons charges; plus an additional assault by mob charge he picked up while at the county jail.

Counsel recalled the State originally would not offer anything less than murder in exchange for Applicant's guilty plea. Counsel recalled moving for a speedy trial, and as a result, the judge ordered Applicant's murder case to be tried by June or July of 2017. Once the judge ordered the case to be placed on the June or July trial docket, the State made the voluntary manslaughter plea offer on the murder charge, which is what Counsel thought Applicant would be convicted of at trial. Counsel stated she explained to Applicant the exposure he faced if he went to trial, and Applicant knew he could receive a life sentence if convicted of murder at trial.

Counsel recalled if Applicant turned down the State's offer, the State would try the armed robbery charge separately, after the murder and attempted murder trial. Counsel testified Applicant had a prior conviction for second-degree burglary, which exposed him to LWOP if convicted of either of the murder or attempted murder charges at trial. Counsel explained to Applicant the State intended to seek LWOP on the pending armed robbery charge if he was

convicted of either murder or attempted murder at trial. Counsel testified she explained all these factors to Applicant and he understood what she explained to him.

Counsel testified Applicant would frequently ask her questions about sentencing. Counsel testified she felt it was reasonable to ask for twenty years with the circumstances surrounding the case, but Counsel always tells her clients she cannot promise what the judge will do. Counsel testified she spoke to the plea judge and the solicitor informally before the plea hearing, and the plea judge indicated he would probably not run the sentences consecutive; however, the plea judge did sentence Applicant to consecutive terms. Counsel thought Applicant had a good chance of receiving twenty years because of the conference with the plea judge, but Counsel told Applicant there was no guarantee because it was a "straight up" plea. Counsel testified she never promised Applicant he would receive twenty years. Counsel had Applicant complete a plea affidavit which she explained to him, and Counsel wrote Applicant a letter telling him he faced anywhere from zero to sixty years if he accepted the plea offer. Counsel recalled Applicant hesitated and did not know what he wanted to do; however, Applicant talked to his family during the plea week and decided he wanted to accept the State's offer.

Counsel felt as though Applicant's decision to plead guilty was not rushed because during their meetings, they discussed that if State ever offered voluntary manslaughter, the offer needed to be seriously considered. However, Counsel believed Applicant hesitated because of the facts surrounding the murder charge, but he ultimately understood there were serious problems with the attempted murder charge. Counsel reiterated she explained all these factors to Applicant.

DISCUSSION

This Court has reviewed the record and heard the testimony at the PCR hearing. This Court has observed the evidence and witnesses presented at the evidentiary hearing, judged their

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credibility, and weighed their testimony accordingly in its discussion below. Set forth below are findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code.

The issue before the Court is whether Applicant's guilty plea was the result of ineffective assistance of counsel. Specifically, Applicant alleges Counsel was ineffective rendering his guilty plea unknowing and involuntary. These allegations are properly before the Court as attacks on the knowing and voluntary nature of Applicant's plea. See *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (stating a defendant who entered a plea with the advice of counsel may only attack the voluntary and intelligent nature of the plea).

To establish ineffective assistance of counsel, the PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984); *Cherry v. State*, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989).

The test for determining the validity of a guilty plea is "whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." *North Carolina v. Alford*, 400 U.S. 25, 31 (1970). "[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). To prove prejudice, the applicant must show a reasonable probability he would not have pleaded guilty and would have insisted on going to trial absent plea counsel's alleged deficiency. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

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Applicant alleges his guilty plea was unknowing and involuntary because plea counsel: (a) failed to investigate and evaluate the veracity of the evidence against Applicant; (b) failed to adequately provide Applicant with all discovery and properly discuss all discovery and evidence sought against him prior to Applicant accepting his plea bargain; (c) failed to properly counsel, discuss, and explain the pending charges, sentencing, and consequences so that Applicant could make an informed decision as to whether to accept a plea bargain or pursue a trial; (d) failed to discuss possible defenses and challenges to the evidence with Applicant; and (e) failed to sufficiently meet with Applicant to discuss the case during course of representation. For the reasons discussed below, the Court concludes Applicant knowingly and voluntarily pleaded guilty; therefore, Counsel was not constitutionally ineffective.

a. Failure to investigate and evaluate the veracity of the evidence against Applicant.

Applicant alleges Counsel was ineffective for failure to investigate and evaluate the veracity of the evidence against him. The Court disagrees and finds reasonable Counsel's investigation and evaluation of the evidence in this case.

Counsel must, at a minimum, make some effort to interview potential witnesses identified by the defendant, and make an independent investigation of the facts and circumstances of the case. *Edwards v. State*, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011); *Walker v. State*, 407 S.C. 400, 405, 756 S.E.2d 144, 147 (2014). "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." *Watson*, 287 S.C. at 357, 338 S.E.2d at 637. To prove prejudice, the applicant must show a reasonable probability he would not have pleaded guilty and would have insisted on going to trial absent plea counsel's alleged deficiency. *Hill*, 474 U.S. at 59.

DCB
1.10.19

The Court finds credible Counsel's testimony on this issue. As stated above, Counsel recalled Applicant was out on bond for armed robbery when this incident occurred. Counsel testified Applicant faced armed robbery, murder, and attempted murder charges, plus an additional assault-by-mob charge he picked up while at the jail. Counsel recalled the State's theory of the case was there was a volatile situation between Applicant and other people in the community. Counsel recalled people from both sides of the situation had taken hits out on each other. Counsel stated the State theorized Applicant got into car with the victims to do a hit on them. Counsel stated the State's theory did not make much sense because Applicant got into the car without a gun. However, the problem with the attempted murder charge was the victims picked Applicant up to give him a ride—Applicant was in the backseat, the murder victim was driving, and the attempted murder victim was in front passenger seat. The attempted murder victim did not hear any words spoken or see any aggression from either Applicant or the murder victim. However, the attempted murder victim jumped out of the moving car and ran once Applicant shot the driver. Then, Applicant started shooting at the attempted murder victim as that victim ran away, and Applicant chased after him and continued shooting. In Counsel's opinion, they had a good strategy if Applicant only faced the murder charge, but the problem was the companion attempted murder charge. Counsel testified she explained all of these factors to Applicant, and that the murder and attempted murder charges would be tried together.

The Court finds Counsel's above referenced credible testimony shows that Counsel reasonably and thoroughly investigated Applicant's case and evaluated the veracity of the evidence against Applicant. Therefore, based on Counsel's credible testimony, the Court finds Counsel was not deficient for failure to investigate or evaluate the evidence against Applicant.

PCB
9/11/19

The Court further finds Applicant has failed to show any prejudice from Counsel's alleged failure to investigate and evaluate the evidence. The Court finds not credible Applicant's testimony he would have proceeded to trial had Counsel properly reviewed the discovery with him. However, Applicant testified he asked Counsel to enter plea negotiations on his behalf after Counsel explained to him he was LWOP eligible because of his prior burglary conviction. The Court finds this specific testimony by Applicant credible. This Court is not convinced Applicant would have proceeded to trial on the murder and attempted murder charges, rather than plead guilty, when the State indicated it would serve LWOP notice on Applicant if his armed robbery, murder, or attempted murder charges went to trial. Because the Court is not convinced Applicant would have proceeded to trial rather than plead guilty, Applicant has failed to show any prejudice resulted from Counsel's alleged failure to investigate and evaluate the veracity of the evidence.

Because this Court finds Counsel reasonably investigated and evaluated the veracity of the evidence against Applicant, Counsel was not deficient. Further, because the Court is not convinced Applicant would have proceeded to trial instead of pleading guilty, there was no prejudice from Counsel's alleged deficiency. Therefore, the Court concludes Counsel was not constitutionally ineffective as to this allegation, and this allegation is denied and dismissed with prejudice.

- b. **Failure to adequately provide Applicant with all discovery and properly discuss all discovery and evidence sought against him prior to Applicant accepting his plea bargain; and**
- c. **Failure to properly counsel, discuss, and explain the pending charges, sentencing, and consequences so that Applicant could make an informed decision as to whether to accept a plea bargain or pursue a trial.**

Applicant alleges Counsel was ineffective for failure to adequately provide Applicant with all discovery and properly discuss all discovery and evidence sought against him before Applicant accepted the State's plea offer. Applicant also alleges Counsel was ineffective for failure to properly counsel, discuss, and explain the pending charges, sentencing, and consequences so

Dec
1-17-19

Applicant could make an informed decision as to whether to accept a plea bargain or pursue a trial. The Court disagrees and finds both of these allegations are without merit.

The test for determining the validity of a guilty plea is "whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." *Alford*, 400 U.S. at 31. "[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." *Pittman*, 337 S.C. at 599, 524 S.E.2d at 624.

As for Counsel's alleged failure to provide Applicant with the discovery, the Court finds Applicant's testimony on this issue dispositive. Applicant testified he was provided with the discovery, and he reviewed the discovery with Counsel. Applicant testified he understood the discovery represented the evidence against him, and he never told Counsel he did not understand the evidence against him. Further, Applicant understood the evidence against him and testified he wanted to plead guilty after he realized he potentially faced LWOP if convicted at trial.

The Court finds Applicant's above referenced testimony shows that Applicant did receive and understand the discovery in his case. Because Applicant received the discovery and understood the evidence against him, Counsel was not deficient for failing to provide and explain the discovery with Applicant. Further, Applicant has failed to show prejudice because he testified that after discussing his case with Counsel and realizing he faced life imprisonment if convicted at trial, he told Counsel he wished to plead guilty. The State's offer of voluntary manslaughter took LWOP off the table; therefore, the Court is not convinced Applicant would have chosen to proceed to trial instead of pleading guilty. This allegation is denied and dismissed with prejudice.

As for Counsel's alleged failure to properly counsel, discuss, and explain the pending charges, sentencing, and consequences so Applicant could make an informed decision as to

whether to accept a plea bargain or pursue a trial, the Court finds Applicant and Counsel's testimony dispositive of these issues.

Applicant testified he knew he faced life imprisonment if he were convicted of murder at trial. Applicant also testified he knew, because of Counsel's advice he was LWOP eligible if he went to trial. Further, Applicant testified he knew he faced up to sixty years' imprisonment by pleading to his charges "straight up." Finally, Applicant testified Counsel promised him he would receive a twenty year sentence if he pleaded guilty; however, Applicant later testified he felt Counsel promised him twenty years because she told him she would try to get him twenty years. Counsel testified she never promised Applicant he would receive twenty years if he pleaded guilty. The Court finds credible Counsel's testimony she never promised Applicant he would receive a twenty year sentence by pleading guilty. Therefore, Counsel was not deficient for failing to advise Applicant of his potential exposure, and Counsel properly advised Applicant what she believed Applicant might receive if he pleaded guilty.

Additionally, from the overall testimony from Applicant and Counsel at the PCR hearing, this Court finds Applicant was aware he faced life imprisonment if convicted of murder at trial. The Court also finds Applicant understood he would become LWOP eligible if he did not dispose of all of his charges at the same time by pleading guilty. The State dropped the unrelated armed robbery charge in exchange for his guilty plea. (Plea Tr. 3). Applicant testified he knew he could get LWOP if he decided not to plead guilty and proceeded to trial. Counsel testified she explained to Applicant the State intended to try him for murder and attempted murder first, then separately try him for armed robbery.

Applicant's prior second-degree burglary conviction is a "serious" offense. S.C. Code Ann. 17-45-25(C)(2)(b) (2014 & Supp. 2018); *see also* 1997 Act No. 113, § 4. Applicant's murder,

DCB
1-17-19

attempted murder, and armed robbery charges were all classified as "most serious" offenses. S.C. Code Ann. 17-45-25(C)(1) (2014 & Supp. 2018). Applicant knew if he went to trial on the murder and attempted murder charges, the State intended to then try him on the armed robbery charge. Counsel explained to Applicant if he was convicted of murder or attempted murder at trial, the State intended to seek LWOP on the armed robbery charge. As admitted by Applicant at the PCR hearing, this advice from Counsel is what led him to accept the State's plea offer. Counsel's advice to Applicant regarding Applicant's sentencing exposure at trial, and pleading guilty, was correct. Therefore, Counsel was not deficient for failing to advise Applicant of his sentencing exposure.

It is also apparent from Applicant's and Counsel's testimony that Applicant knew the charges against him and the consequences of those charges. Applicant testified he knew he was LWOP eligible because of his prior burglary conviction. Because of his LWOP exposure, Applicant told Counsel he wanted to plead guilty. Counsel testified the State offered voluntary manslaughter, and Applicant thought about the plea offer before deciding to plead guilty.

Applicant received the discovery, and Counsel reviewed the discovery with him; Applicant knew the potential exposure he faced from the charges against him; and knew he faced life imprisonment had he been convicted at trial. Based on the totality of Applicant and Counsel's testimony, the Court finds Applicant knowingly and voluntarily elected to plead guilty. Therefore, these allegations are without merit, are denied, and dismissed with prejudice.

d. Failure to discuss possible defenses and challenges to the evidence with Applicant.

Applicant alleges Counsel was ineffective for failure to discuss the possible defense and challenges to the evidence with Applicant. The Court disagrees and finds Counsel's credible testimony on this issue dispositive.

DCB
1-15-19

As stated above, Counsel testified she and Applicant discussed possible defenses at trial, specifically pursuing self-defense as to the murder charge. In Counsel's opinion, they had a good strategy if Applicant only faced the murder charge, but the problem was the companion attempted murder charge. Counsel recalled the State's theory of the case was there was a volatile situation between Applicant and other people in the community. Counsel recalled people from both sides of the situation had taken hits out on each other. Counsel stated the State theorized Applicant got into car with the victims to do a hit on them. Counsel stated the State's theory did not make much sense because Applicant got into the car without a gun. However, the problem was with the attempted murder. The victims picked Applicant up to give him a ride—Applicant was in the backseat, the murder victim was driving, and the attempted murder victim was in front passenger seat. The attempted murder victim did not hear any words spoken or see any aggression from either Applicant or the murder victim. However, the attempted murder victim jumped out of the moving car and ran once Applicant shot the driver. Then, Applicant started shooting at the attempted murder victim as that victim ran away, and Applicant chased after him and continued shooting. Counsel testified she explained all of these factors to Applicant, and that the murder and attempted murder charges would be tried together. Further, at the plea hearing, Applicant indicated Counsel had reviewed all the discovery with him, and any possible defenses. (Plea Tr. 12).

The Court finds credible Counsel's testimony she discussed potential defenses with Applicant and advised Applicant how his self-defense claim would not apply to his attempted murder charge. Because Counsel discussed potential defenses and trial strategy with Applicant, Counsel was not deficient.

The Court further finds Applicant has failed to show any prejudice from Counsel's alleged failure to discuss potential defenses with Applicant. As stated above, Applicant testified he asked

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Counsel to enter plea negotiations on his behalf after Counsel explained to him he was faced life imprisonment if he proceeded to trial. The Court finds this specific testimony by Applicant credible. This Court is not convinced Applicant would have proceeded to trial rather than plead guilty. Further, Applicant did not present any evidence or defenses at the PCR hearing he could not present before because of Counsel's alleged failure. Therefore, Applicant has failed to show prejudice.

Counsel was not deficient because she discussed and explained potential defenses and trial strategy with Applicant. Further, the Court is not convinced Applicant would have proceeded to trial absent Counsel's alleged deficiency. Therefore, Counsel was not constitutionally ineffective on this allegation, and the allegation is denied and dismissed with prejudice.

e. Failure to sufficiently meet with Applicant to discuss the case during course of representation.

In Applicant's amended PCR application, Applicant alleged Counsel only met with him approximately two times during the course of Counsel's representation. However, at the PCR hearing, Applicant testified he met with Counsel five or six times. Further, Counsel testified she recalled meeting with Applicant six or seven times during her representation. The Court finds the PCR hearing testimony and the plea transcript dispositive of this issue.

At the plea hearing, Applicant informed the plea court he had plenty of time to meet with Counsel regarding this case. (Plea Tr. 11-12). Applicant indicated Counsel had reviewed all the discovery with him, and any possible defenses. (Plea Tr. 12). Finally, Applicant indicated he was satisfied with Counsel's representation and had no complaints against her. (Plea Tr. 12). The plea transcript shows Applicant was satisfied with Counsel's representation when he pleaded guilty. Therefore, the Court finds Counsel adequately met with Applicant while representing him. Further, based on Applicant and Counsel's testimony at the PCR hearing, the Court finds Counsel

and Applicant met a reasonable number of times to prepare the case for trial and the eventual guilty plea. Therefore, this allegation is denied and dismissed with prejudice.

CONCLUSION

The Court finds Counsel's representation was neither deficient nor prejudicial because Applicant knowingly and voluntarily pleaded guilty. Counsel (a) reasonably investigated and evaluated the veracity of the evidence against Applicant; (b) provided and properly discussed the discovery with Applicant; (c) properly advised Applicant of the charges against him, the exposure he faced, and the consequences of proceeding to trial versus pleading guilty; (d) discussed possible defenses and trial strategy with Applicant; and (e) met with Applicant a reasonable amount of times in preparation of the case. Therefore, Counsel was not deficient. Further, Applicant has wholly failed to show any prejudice resulted from any of Counsel's alleged deficiencies because the Court is not convinced Applicant would have proceeded to trial rather than plead guilty in this case. Therefore, based on the foregoing, the Court denies relief on the allegations and dismisses this PCR action with prejudice.

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

PCR
9-18-19

THEREFORE:

1. The Court denies relief and dismisses the action with prejudice; and
2. Applicant shall be remanded to the custody of the State.

AND IT IS SO ORDERED.

D. CRAIG BROWN
Presiding Judge
Sixth Judicial Circuit

3-27, 2019

DCB
P 190719

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

101

COUNTY OF Lancaster
STATE VS.Danielle Lamar Peay

AKA:

Race: BLACK Sex: M Age: 29DOB: 1987 SS#: 011-60-0000

Address:

City, State, Zip: Lancaster, SC 29720-3056DL#: 011-60-0000 SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Attempted MurderINDICTMENT/CASE#: 2016GS2900303A/W#: 2015A2910101466Date of Offense: 11/25/2015S.C. Code § : 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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:

Collins, Lisa07892 SC Bar#Danielle Peay DefendantKay Brulver Attorney for Defendant100816 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. 2016 GS 29 0304☐ 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. 60.5 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

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

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

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: _____

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

Presiding Judge

Judge Code:

Sentence Date:

Daniel O. Hill
2753
7-21-17

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

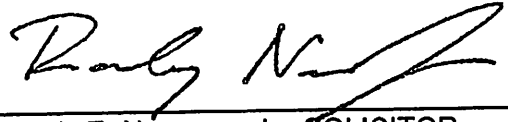
INDICTMENT

At a Court of General Sessions, convened on February 11, 2016, the Grand Jurors of Lancaster County present upon their oath:

ATTEMPTED MURDER

That Danielle Lamar Peay did in Lancaster County, South Carolina, on or about November 25, 2015, with intent to kill, attempt to kill Deyqwann Blakeney with malice aforethought, either expressed or implied, by shooting a handgun at the victim, in violation of Section 16-3-29 of the *Code of Laws of South Carolina, (1976), as amended*.

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



Randy E. Newman, Jr., SOLICITOR

WITNESSES

Rumbaugh/J. Lear - LCSO #15-55689

+ Adams

M. Bailey

ARREST WARRANT NUMBER/DOA

2015A2910101466 (DOA-11-26-15)

TRUE BILL
ACTION OF GRAND JURY

Joh T. Cahill

Foreperson of Grand Jury

Date: FEB 11 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-29-303

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2016

THE STATE

vs.

Danielle Lamar Peay

ATTEMPTED MURDER

SC Code: §16-3-29

CDR Code: 3410

Class: Felony A

FILED
OFFICE OF CLERK
OF COURT
LANCASTER, SC
2016 FEB 11 AM 11:57

ARREST WARRANT

2015A2910101466

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

THE STATE

15-55689

against

Danielle Lamar Peay

Address:

Lancaster, SC 29720-3056

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 11 Weight: 195DL State: SC DL #: _____DOB: 11/19/1987 Agency ORI #: SC0290000Prosecuting Agency: Lancaster County SheriffProsecuting Officer: J Rumbaugh - 0195Offense: Murder / Attempted MurderOffense Code: 3410Code/Ordinance Sec: 16-03-0029This 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 Danielle Lamar Peay
on 11/26/2015

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Lancaster County Magistrate
761 Lancaster Bypass East
Lancaster, SC 29720

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

Personally appeared before me the affiant J Rumbaugh
being duly sworn deposes and says that defendant Danielle Lamar Peay
did within this county and state on or about 11/25/2015 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Lancaster)
in the following particulars:DESCRIPTION OF OFFENSE: Murder / Attempted MurderI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on November 25, 2015, while near the intersection of Old Landsford and Memorial Park Roads, located within the boundaries
of Lancaster County, one Danielle Lamar Peay did commit the crime of Attempted Murder in that he did possess and fire a stolen,
silver and black in color Smith & Wesson 9mm firearm (Serial #:) at victim Deyqwann Blakeney with the intent to kill
and with malice aforethought. During the execution of a search warrant, shortly after the incident occurred, the firearm was located,
hidden in the defendant's residence.

Affiant J Rumbaugh and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

Affiant's Address 1520 Pageland HwyLancaster, SC 29720-Affiant's Telephone (803)283-2288

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 11/25/2015 defendant Danielle Lamar Peay
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Lancaster) as set forth below:DESCRIPTION OF OFFENSE: Murder / Attempted MurderHaving 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 11/26/2015Signature of Issuing Judge 7A Thoms? (L.S.)

Lancaster Central Court

Judge Code: 5974Judge's Address 761 Lancaster Bypass EastLancaster, SC 29721-Judge's Telephone (803)283-3983Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518104
who

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Lancaster

VS.

Danielle Lamar Peay

AKA:

Race: BLACK Sex: M Age: 29

DOB: -1987 SS#:

Address:

City, State, Zip: Lancaster, SC 29720-3056

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Manslaughter / Voluntary manslaughter

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS2900304

A/W#: 2015A2910101467

Date of Offense: 11/25/2015

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☐ 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 w/minor 1st or Lewd Act) ☐ §17-25-45The 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:

Collins, Lisa

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 30 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. 605 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Probation)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

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: _____

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

Presiding Judge

Judge Code: 2753

Sentence Date: 7-21-17

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

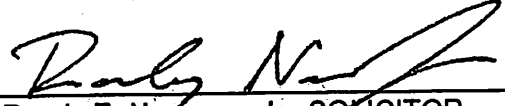
INDICTMENT

At a Court of General Sessions, convened on February 11, 2016, the Grand Jurors of Lancaster County present upon their oath:

MURDER

That Danielle Lamar Peay did at the intersection of Old Landsford Road and Memorial Park Road, in Lancaster County, South Carolina on or about November 25, 2015, feloniously, willfully, and with malice aforethought kill and murder the victim Delvelceo Kirk by shooting him in the head with a handgun which constituted as the proximate cause of the death of the victim on November 25, 2015, in violation of Section 16-3-10 of the *Code of Laws of South Carolina*.

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


Randy E. Newman, Jr., SOLICITOR

WITNESSES

Rumbaugh/J. Lear - LCSO #15-55689

+ Adams
+ M. Bailey

ARREST WARRANT NUMBER/DOA

2015A2910101467 (DOA-11-26-15)

TRUE BILL
ACTION OF GRAND JURY

John T. Cabell
Foreperson of Grand Jury
Date: FEB 11 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016-GS-29-304

The State of South Carolina
County of Lancaster

COURT OF GENERAL SESSIONS**FEBRUARY TERM 2016**

THE STATE
vs.

Danielle Lamar Peay**Indictment for****Murder**

SC Code: §16-3-10
CDR Code: 0116
Class: Felony, EXM

FILED
OFFICE OF CLERK
OF COURT
2016 FEB 11 AM 11:57
CLERK OF COURT
LANCASTER, SC

ARREST WARRANT

2015A2910101467

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

THE STATE

15-55689

against

Danielle Lamar Peay

Address:

Lancaster, SC 29720-3056

Phone: SSN:

Sex: M Race: B Height: 5 11 Weight: 195

DL State: SC DL #:

DOB: /1987 Agency ORI #: SC0290000

Prosecuting Agency: Lancaster County Sheriff

Prosecuting Officer: J Rumbaugh - 0195

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

11/26/2015

Signature of Notarizable Law Enforcement Officer

RETURN WARRANT TO:

Lancaster County Magistrate
761 Lancaster Bypass East
Lancaster, SC 29720

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

Personally appeared before me the affiant

J Rumbaugh

being duly sworn deposes and says that defendant

Danielle Lamar Peay

did within this county and state on or about

11/25/2015

State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Lancaster

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:

That on November 25, 2015, while near the intersection of Old Landsford and Memorial Park Roads, located within the boundaries of Lancaster County, one Danielle Lamar Peay did commit the crime of Murder in that he did possess and fire a stolen, silver and black Smith & Wesson 9mm firearm (Serial #:) at victim Delvelco Kirk, with the intent to kill and with malice aforethought. Peay, Kirk and a witness were all in the same vehicle. Kirk died as a result of a gunshot wound to the head caused by Peay. During the execution of a search warrant, shortly after the incident occurred, the firearm used to commit the murder, was located hidden in the defendant's residence. Affiant J Rumbaugh and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

Affiant's Address 1520 Pageland Hwy

Lancaster, SC 29720-

Affiant's Telephone (803)283-2288

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 11/25/2015

defendant Danielle Lamar Peay

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Lancaster

) 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 11/26/2015

Signature of Issuing Judge

Lancaster Central Court

Judge Code: 5974

Judge's Address 761 Lancaster Bypass East

Lancaster, SC 29721-

Judge's Telephone (803)283-3983

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

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

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

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

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

111

COUNTY OF Lancaster
STATE VS.Danielle Lamar Peay

AKA:

Race: BLACK Sex: M Age: 29DOB: 1-1987 SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Lancaster, SC 29720-3056DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADSTO: Weapons / Possession of Firearm or Ammunition by person convicted of violent felonyin violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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:

Collins, Lisa07892 x Danielle Peay
SC Bar#

Defendant

Kay B. [Signature]
Attorney for Defendant100816
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 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. 60.5 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

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

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: _____

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

Clerk of Court/ Deputy Clerk

Court Reporter: [Signature]

SCCA/217 (07/2016)

Presiding Judge

Judge Code: 2753Sentence Date: 7-21-17

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LANCASTER)

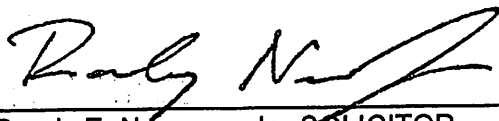
INDICTMENT

At a Court of General Sessions, convened on February 11, 2016, the Grand Jurors of Lancaster County present upon their oath:

**POSSESSION OF FIREARM OR AMMUNITION BY PERSON CONVICTED OF
 FELONY VIOLENT CRIME**

That Danielle Lamar Peay did in Lancaster County, South Carolina, on or about November 25, 2015, possess a firearm or ammunition, to wit: a handgun, within the state of South Carolina, the Defendant having been previously convicted of a violent crime defined in Section 16-1-60 of the Code of Laws of South Carolina that is classified as a felony offense in violation of Section 16-23-500 of the *Code of Laws of South Carolina*.

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


 Randy E. Newman, Jr., SOLICITOR

WITNESSES

Rumbaugh/J. Lear - LCSO #15-55689

+ Adams

+ M. Bailey

ARREST WARRANT NUMBER/DOA

2015A2910101468 (DOA-11-26-15)

TRUE BILL
ACTION OF GRAND JURY

Joh T. Cahill

Foreperson of Grand Jury

Date: FEB 11 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-29-305

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2016

THE STATE

vs.

Danielle Lamar Peay

**POSSESSION OF FIREARM OR AMMUNITION
BY PERSON CONVICTED OF FELONY
VIOLENT CRIME**

SC Code: §16-23-500

CDR Code: 3434

Class: Felony F

FILED
OFFICE OF CLERK
OF COURT
2016 FEB 11 AM 11:57
CLERK OF COURT
LANCASTER, SC

ARREST WARRANT

2015A2910101468

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

THE STATE

15-55689

against

Danielle Lamar Peay

Address:

Lancaster, SC 29720-3056

Phone: SSN: Sex: M Race: B Height: 5 11 Weight: 195DL State: SC DL #: DOB: 1987 Agency ORI #: SC0290000Prosecuting Agency: Lancaster County SheriffProsecuting Officer: J Rumbaugh - 0195Offense: Weapons / Possession of Firearm or Ammunition
by person convicted of violent felonyOffense Code: 3434Code/Ordinance Sec: 16-23-0500(A)This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality ofThe 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 Danielle Lamar Peay
on 11/26/2015

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Lancaster County Magistrate
761 Lancaster Bypass East
Lancaster, SC 29720

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of)

Lancaster)

Personally appeared before me the affiant J Rumbaugh
being duly sworn deposes and says that defendant Danielle Lamar Peay
did within this county and state on or about 11/25/2015 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Lancaster)
in the following particulars:DESCRIPTION OF OFFENSE: Weapons / Possession of Firearm or Ammunition by person convicted of violent felonyI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on November 25, 2015, while near the intersection of Old Landsford and Memorial Park Roads, located within the boundaries
of Lancaster County, one Danielle Lamar Peay did commit the crime of Possession of A Firearm by Person convicted of a Violent
Felony in that he did possess and fire a stolen, silver and black Smith & Wesson 9mm firearm (Serial #:) at victim
Deyqwann Blakeney during the commission of a Murder. While executing a search warrant, shortly after the incident occurred, law
enforcement located the firearm hidden in the defendant's residence. Peay was convicted of a Burglary 2nd Degree (Violent Felony)
charge in 2009. Affiant J Rumbaugh and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of)

Lancaster)

Affiant's Address 1520 Pageland HwyLancaster, SC 29720-Affiant's Telephone (803)283-2288

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 11/25/2015 defendant Danielle Lamar Peay
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Lancaster) as set forth below:DESCRIPTION OF OFFENSE: Weapons / Possession of Firearm or Ammunition by person convicted of violent felonyHaving 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 11/26/2015Signature of Issuing Judge J Rumbaugh (L.S.)
Lancaster Central Court
Judge Code: 5974Judge's Address 761 Lancaster Bypass EastLancaster, SC 29721-Judge's Telephone (803)283-3983Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518114
who

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

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

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

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Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Lancaster

VS.

Danielle Lamar Peay

AKA:

Race: BLACK Sex: M Age: 29

DOB: 1987 SS#: [REDACTED]

Address:

City, State, Zip: Lancaster, SC 29720-3056

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful, stolen pistol

in violation of § 16-23-0030; 16-23-0050(A) of the S.C. Code of Laws, bearing CDR Code # 2364

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

Collins, Lisa

SC Bar# 07892

Defendant Danielle Peay

Attorney for Defendant Kay Brown

SC Bar# 100816

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 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. 60.5 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

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

TOTAL

\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS2900306

A/W#: 2015A2910101469

Date of Offense: 11/25/2015

S.C. Code § : 16-23-0030; 16-23-0050(A)

CDR Code #: 2364

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

Presiding Judge

Judge Code:

Sentence Date:

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

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

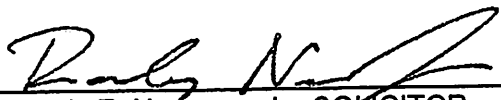
INDICTMENT

At a Court of General Sessions, convened on February 11, 2016, the Grand Jurors of Lancaster County present upon their oath:

POSSESSION OF A STOLEN HANDGUN

That Danielle Lamar Peay did in Lancaster County, South Carolina, on or about November 25, 2015, knowingly buy, sell, transport, pawn, receive, or possess a stolen handgun, in violation of § 16-23-30, *Code of Laws of South Carolina, (1976), as amended.*

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


Randy E. Newman, Jr., SOLICITOR

WITNESSES

Rumbaugh/J. Lear - LCSO #15-55689

+ Adams

M. Bailey

ARREST WARRANT NUMBER/DOA

2015A2910101469 (DOA-11-26-15)

ACTION OF GRAND JURY
TRUE BILL

John T. Cahill

Foreperson of Grand Jury

Date: FEB 11 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-29-306

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2016

THE STATE

vs.

Danielle Lamar Peay

Indictment for

Possession of a Stolen Handgun

SC Code: § 16-23-30, § 16-23-50(A)(1)

CDR Code: 2364

Class: Felony, F

FILED
OFFICE OF CLERK
OF COURT
2016 FEB 11 AM 11:53
CLERK OF COURT
LANCASTER, SC

ARREST WARRANT

2015A2910101469

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

THE STATE

15-55689

against

Danielle Lamar Peay

Address:

Lancaster, SC 29720-3056

Phone: SSN:

Sex: M Race: B Height: 5 11 Weight: 195

DL State: SC DL #:

DOB: /1987 Agency ORI #: SC0290000

Prosecuting Agency: Lancaster County Sheriff

Prosecuting Officer: J Rumbaugh - 0195

Offense: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful, stolen

Offense Code: 2364

Code/Ordinance Sec: 16-23-0030, 0050

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe 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 11/26/2015

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Lancaster County Magistrate
761 Lancaster Bypass East
Lancaster, SC 29720

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

Personally appeared before me the affiant J Rumbaugh who

being duly sworn deposes and says that defendant Danielle Lamar Peay

did within this county and state on or about 11/25/2015 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Lancaster)

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful, stolen pistol

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

That on November 25, 2015, while located within the boundaries of Lancaster County, one Danielle Lamar Peay did unlawfully possess and/or acquire a stolen silver and black Smith & Wesson 9mm firearm (Serial #:). The weapon was reported stolen by its rightful owner and victim, J Sutton, on October 27, 2014. Law enforcement found the weapon at the defendant's residence, subsequent to the execution of a search warrant. The weapon was used in Lancaster County during the commission of another crime (Murder) shortly beforehand. Affiant J Rumbaugh and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

Affiant's Address 1520 Pageland Hwy

Lancaster, SC 29720-

Affiant's Telephone (803)283-2288

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 11/25/2015 defendant Danielle Lamar Peay

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Lancaster) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful, stolen pistol

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 11/26/2015Judge's Address 761 Lancaster Bypass East
Lancaster, SC 29721-

Judge's Telephone (803)283-3983

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Judge Code: 5974

ORIGINAL

ORIGINAL

ORIGINAL

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

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

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
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Telephone: _____

Name: _____
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Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

CODEFENDANTS



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

121

COUNTY OF Lancaster
STATE VS.

Danielle Lamar Peay

AKA:

Race: BLACK Sex: M Age: 29

DOB: [REDACTED]-1987 SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Lancaster, SC 29720-3056

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

Collins, Lisa

SC Bar# 07892

Defendant Danielle Peay

Attorney for Defendant Kay Boud

SC Bar# 100816

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 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. 605 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

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

TOTAL

\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

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: _____

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

Presiding Judge

Judge Code: 2753

Sentence Date: 7-21-17

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

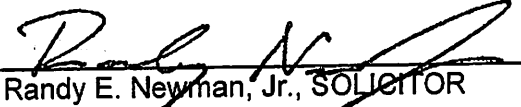
INDICTMENT

At a Court of General Sessions, convened on February 11, 2016, the Grand Jurors of Lancaster County present upon their oath:

**POSSESSION OR DISPLAY OF FIREARM OR KNIFE DURING COMMISSION OF A
VIOLENT CRIME**

That Danielle Lamar Peay did in Lancaster County, South Carolina, on or about November 25, 2015, possess or visibly display a firearm, to wit: a handgun during his/her commission of a violent crime, to wit: Attempted Murder of Deyqwaan Blakeney and the Murder of Delvelceo Kirk, in violation of §16-23-490, *Code of Laws of South Carolina, (1976), as amended.*

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


Randy E. Newman, Jr., SOLICITOR

WITNESSES

Rumbaugh/J. Lear - LCSO #15-55689

+ Adams
+ M. Bailey

ARREST WARRANT NUMBER/DOA

2015A2910101470 (DOA-11-26-15)

ACTION OF GRAND JURY

TRUE BILL

J. T. Cahill
Foreperson of Grand Jury
Date: FEB 11 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016-GS-29-307

**The State of South Carolina
County of Lancaster**

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2016

**THE STATE
vs.**

Danielle Lamar Peay

Indictment for

**Possession of Firearm or Knife During
Commission of a Violent Crime**

SC Code: § 16-23-490
CDR Code: 0549
Class: Felony, F

FILED
OFFICE OF CLERK
OF COURT
2016 FEB 11 AM 11:57
CLERK OF COURT
LANCASTER, SC

ARREST WARRANT

2015A2910101470

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

THE STATE

15-55689

against

Danielle Lamar Peay

Address:

Lancaster, SC 29720-3056

Phone: _____ SSN: _____

Sex: M Race: B Height: 5 11 Weight: 195DL State: SC DL #: _____DOB: 11/26/1987 Agency ORI #: SC0290000Prosecuting Agency: Lancaster County SheriffProsecuting Officer: J Rumbaugh - 0195Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathOffense Code: 0549Code/Ordinance Sec: 16-23-0490This 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 Danielle Peayon 11/26/2015Signature of Constable/Law Enforcement Officer #212

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Lancaster County Magistrate
761 Lancaster Bypass East
Lancaster, SC 29720

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

Personally appeared before me the affiant J Rumbaughbeing duly sworn deposes and says that defendant Danielle Lamar Peaydid within this county and state on or about 11/25/2015 violate the criminal laws of theState of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Lancaster)

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

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

That on November 25, 2015, while near the intersection of Old Landsford and Memorial Park Roads, located within the boundaries of Lancaster County, one Danielle Lamar Peay did commit the crime of Possession of A Firearm During the Commission of a Violent Crime in that he did possess and fire a stolen, silver and black Smith & Wesson 9mm firearm (Serial #:) at victims Deyqwann Blakeney and Delvelco Kirk during the commission of an Attempted Murder and a Murder. While executing a search warrant, shortly after the incident occurred, law enforcement located the firearm hidden in the defendant's residence. Affiant J Rumbaugh and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lancaster

Affiant's Address 1520 Pageland HwyLancaster, SC 29720-Affiant's Telephone (803)283-2288

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 11/25/2015 defendant Danielle Lamar Peay

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Lancaster) as set forth below:DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

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 11/26/2015Signature of Issuing Judge J A Thomas (L.S.)

Lancaster Central Court

Judge Code: 5974Judge's Address 761 Lancaster Bypass EastLancaster, SC 29721-Judge's Telephone (803)283-3983Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518124
who

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

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

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

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

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

