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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Marion County

Honorable William H. Seals, Circuit Court Judge

AARON ALONZO BROWN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001377

APPENDIX

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State of South Carolina)	Court of General Sessions
)	Twelfth Judicial Circuit
County of Marion	)	Case No. 2016-GS-33-00371
)	
State of South Carolina,)	
)	
Plaintiff,)	
)	
-vs-	)	Transcript of Record
)	
Aaron Alonzo Brown,)	
)	
Defendant.)	
)	

May 12, 2017
Marion, South Carolina

B E F O R E:

The Honorable Michael G. Nettles, Judge

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

Todd Tucker, Esquire
Attorney for the Plaintiff

William Vickery Meetze, Esquire
Attorney for the Defendant

Krystal J. Smith
Circuit Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes --	intentional or purposeful interruption or change in thought
ellipses . . .	trailing off
[ph]	phonetically written
[sic]	written as said

1 MAY 12, 2017

2 (WHEREUPON, the proceedings began at 2:28 p.m.)

3 MR. TUCKER: Aaron Brown.

4 THE COURT: All right. Let's have quiet. Yes, sir?

5 MR. TUCKER: Thank you, Your Honor. May it please the
6 Court.

7 This is Indictment 2016-GS-33-0371, State of South
8 Carolina v. Aaron Alonzo Brown. Mr. Brown is pleading guilty
9 to one count of voluntary manslaughter for which he could get
10 up to 30 years. There's a recommendation of a cap of 25
11 years in this matter.

12 THE COURT: Mr. Meetze, do you represent Mr. Brown?

13 MR. MEETZE: I do.

14 THE COURT: Have you explained to him the offense of
15 voluntary manslaughter, the fact that he could be
16 incarcerated for a period of up to 30 years, the fact that
17 this offense falls within the very special category of
18 offenses in that it is violent and adversely affects his
19 custody status, a most serious offense, which is subject to
20 the two- and three-strike rule, the elements of the offense,
21 his potential defenses, and his constitutional rights?

22 MR. MEETZE: I have, Your Honor.

23 THE COURT: Does he -- have you discussed with him and
24 does he understand the collateral consequences of this plea?

25 MR. MEETZE: He does.

1 THE COURT: All right. And how does he wish to plead?

2 MR. MEETZE: Guilty, Your Honor.

3 THE COURT: Do you agree with his decision to do so?

4 MR. MEETZE: I do.

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

7 MR. MEETZE: I do.

8 THE COURT: All right. Mr. Brown, are you under the
9 influence of any drugs or alcohol here today?

10 THE DEFENDANT: No, sir.

11 THE COURT: Are you experiencing any kind of physical or
12 mental problem that would prevent you from understanding
13 what's going on here today?

14 THE DEFENDANT: No, sir.

15 THE COURT: Pay very close attention as the State
16 summarizes the facts that bring us here today.

17 MR. TUCKER: Thank you, Your Honor. May it please the
18 Court.

19 Your Honor, before I begin the factual recitation, I
20 wanted to make the Court aware of the family members of the
21 victim, Liston Phillips. He has two brothers and a daughter
22 who are present, and I'm sure some of them want to address
23 the Court at the appropriate time.

24 Also, to my right are Lt. Tony Flowers and Capt. Chris
25 Smith with the Marion Police Department. They were the

1 investigators who investigated this particular instance.

2 Your Honor, this occurred on January the 24th, 2016, just
3 after midnight. The incident location is the intersection of
4 Jones Avenue and Cherry Street, which is in the city of
5 Marion in Marion County.

6 Your Honor, essentially what happened on this date and
7 time, Marion police were summoned to the incident location in
8 reference to a shots-fired complaint. When they arrived,
9 they found a 2003 Mazda Protégé backed into a house with the
10 engine running. Upon closer inspection of the vehicle, they
11 found the driver of the vehicle they identified as the victim
12 in this matter, Mr. Liston Phillips.

13 Apparently, he was suffering some sort of distress. The
14 initial officer wasn't able to kind of make heads or tails
15 right away, but they could clearly tell he had been shot at
16 least once. I believe EMS arrived shortly thereafter. I
17 think one on the scene when the officer got there, but Mr.
18 Phillips was subsequently pronounced there at the scene, at
19 which point law enforcement began to canvas the area in hopes
20 of turning up additional evidence, possibly some
21 eyewitnesses. I don't think that evening they were able to
22 get a whole lot going into the morning hours.

23 Essentially and eventually, one of the people who came
24 forward indicated that they were staying in a place adjacent
25 to where this happened. They indicated that once they heard

1 the shots, this defendant, who the witness identified as
2 Aaron Brown, came into where she was and indicated that he
3 said that he had just shot the fellow. He was looking for
4 something to try to wash his hands or something to that
5 effect.

6 At any rate, with this knowledge, law enforcement tried
7 to identify him. She only knew him as a street name I think,
8 but ultimately, they were able to identify him as this
9 defendant, Aaron Brown.

10 When they made initial contact with Mr. Brown, he
11 voluntarily agreed to come back to -- with them to the police
12 department to give a statement. Eventually, it took a couple
13 of statements for Mr. Brown to tell what happened.

14 He subsequently gave a statement in which he admitted
15 that the purpose of the encounter was robbery. He indicated
16 there was a co-defendant who called the victim. The victim
17 apparently was selling liquor or something like that, but at
18 any rate, the ruse was to get him to bring the liquor there,
19 at which point he was going to be robbed.

20 The co-defendant got in the vehicle when Mr. Phillips
21 pulled up initially. This defendant got in the back of the
22 vehicle. Based on his statement, he indicated that the co-
23 defendant got out of the vehicle and went back into the house
24 and, at this point, he pulled a handgun on Mr. Phillips and
25 asked or demanded money.

1 He says in his statement that Mr. Phillips had a gun and
2 went to reach for it and he shot him or when he went
3 backwards the car lurched backwards and he was shot, but
4 ultimately, the autopsy revealed that Mr. Phillips was shot
5 twice in the back of the head, both of those being the
6 proximate direct cause of his death.

7 At any rate, he indicated that he jumped out of the
8 vehicle at that point and fled. They were never able to
9 recover the murder weapon.

10 SLED responded and processed the scene, but they weren't
11 able to find any usable prints or any DNA inside the vehicle,
12 but he was tested for gunshot residue. That came back as a
13 positive, indicating that he had handled or fired a gun in
14 proximity to the test at least being administered.

15 Your Honor, after that statement, he was charged. The
16 co-defendant was charged and, again, in terms of the -- I
17 think it was, like, a day or two of this thing all happening.

18 With regards to a prior record, Your Honor, he has a
19 rather lengthy record out of Florida. He has some South
20 Carolina convictions as well.

21 In terms of a South Carolina record, it looks like he's
22 got a 2012 conviction for unlawful use of telephone. It
23 looks like he's got a financial transaction card fraud
24 charge. It looks like he was sentenced to one year,
25 suspended upon time served. That was in 2013.

1 It looks like there was also a second conviction in 2013
2 for financial transaction card fraud, and it looks like that
3 was it for -- there was one or two other arrests, but nothing
4 that resulted in a conviction.

5 It looks like his Florida record starts in 2003. There
6 were numerous arrests, but as the case with most out-of-state
7 records, it's kind of hard to figure out what's a conviction
8 and what's not.

9 It looks like he had several arrests as a juvenile. In
10 terms of the ones that I can see in terms of a conviction, it
11 looks like he's got a 2008 conviction for selling cocaine.
12 There were numerous other arrests. It looks like there was a
13 2009 conviction for some sort of drug offense. There were
14 several other arrests.

15 There was one that was a robbery by snatching, but it
16 does not appear there was a disposition for that. It looks
17 like there was another drug offense sometime in 2009.

18 All of these were what we would consider to be General
19 Sessions offenses. And like I said, the robbery by snatching
20 -- I'm not showing a disposition where that was also in 2009.
21 But like I said, he's got several other arrests that aren't
22 showing any sort of dispositions.

23 And it looks like in 2011, there were at least one or
24 two other drug offenses. At some point during there, he also
25 had some sort of a probation revocation as well.

1 THE COURT: Very good.

2 MR. TUCKER: And, Your Honor, I would ask if I've left
3 anything out from a factual standpoint, if either Lt. Flowers
4 or Capt. Smith would care to add anything.

5 THE LAW ENFORCEMENT OFFICER: No, sir.

6 THE COURT: All right. Are those facts true and
7 accurate, Mr. Brown?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Are you indeed guilty of voluntary
10 manslaughter?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You stand before me pleading guilty, but you
13 don't have to plead guilty to anything. You could exercise
14 your right to a jury trial.

15 In that process, the jury would determine whether or not
16 the State could actually prove you guilty beyond a reasonable
17 doubt. I would charge the jury as a matter of law that
18 you're presumed to be innocent.

19 No one could require that you take the witness stand.
20 However, if you wanted to, you could. You could subpoena
21 witnesses on your own behalf. In addition to that, you and
22 your lawyer could cross-examine the State's witnesses and
23 have an opportunity to eyeball them and confront them as they
24 testified against you.

25 Do you realize by pleading guilty you're giving up all

1 these rights?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you still wish to plead guilty?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Are you indeed guilty?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Mr. Brown, do you understand that the State
8 has recommended a cap of 25 years? Is that your
9 understanding of the plea negotiations?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. Are you satisfied with your
12 lawyer?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Has anybody promised you or anything --
15 promised you anything, threatened you, pressured you in any
16 way, shape or form in an effort to get you to plead guilty
17 here today?

18 THE DEFENDANT: No, sir.

19 THE COURT: All right. Are you satisfied with your
20 lawyer?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Any complaints against him?

23 THE DEFENDANT: No, sir.

24 THE COURT: Do you need any additional time to discuss
25 this matter with him?

1 THE DEFENDANT: No, sir.

2 THE COURT: Any complaints whatsoever?

3 THE DEFENDANT: No, sir.

4 THE COURT: All right. Do you understand that you have
5 ten days to appeal any decision I might render here today?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Based on your testimony, I find there's a
8 substantial factual basis for your plea. That your decision
9 was made freely and voluntarily, knowingly and intelligently,
10 with the consent of competent counsel with whom you say
11 you're satisfied.

12 Would the victims like to say anything?

13 MR. TUCKER: Your Honor, I would ask if any of the
14 victim's family would care to say anything. If so, I would
15 ask them to stand and state your name for the record.

16 MS. DYKES: My name is Shavon Dykes. I'm the daughter
17 of --

18 THE COURT: Okay. I'm going to ask that you speak up a
19 little bit and make sure that the court reporter can hear
20 you. And your full name?

21 MS. DYKES: Shavon Dykes. I'm the daughter of Liston
22 Phillips.

23 THE COURT: Can you spell that last name for us?

24 MS. DYKES: D-y-k-e-s.

25 THE COURT: And your first name? How do you spell that?

1 MS. DYKES: S-h-a-v-o-n.

2 THE COURT: Very good. Thank you.

3 MS. DYKES: Uh-huh. But I just wanted, first of all, to
4 just say with the 25 years -- is that going to be every day,
5 the full 25 years?

6 THE COURT: Well, you're -- I'm -- the solicitor can
7 explain that to you, but as a general rule, it's an -- it's
8 subject to the 85 percent rule. It's to be served day for
9 day. However, it could be that they reduce it to 85 percent.
10 It's a non-parolable offense. It's not like a third or a
11 fourth or 65 percent.

12 MS. DYKES: Okay. Now, I'm just saying it being because
13 of the bragging about killing my father to other people in
14 jail and everything because he's not apologetic for nothing,
15 and my father was like my best friend and I just have nobody
16 to turn to like that. I just want to make sure that he don't
17 get out no time or get any lenient from that because he
18 really need more than 25 years.

19 THE COURT: Okay.

20 MS. DYKES: Yes, sir.

21 THE COURT: Well, one of the things you need to
22 understand is that the Department of Corrections decides --

23 MS. DYKES: Uh-huh.

24 THE COURT: -- whether he does 85 percent of it or the
25 entire amount of it, and that -- there's no way in the world

1 we can say with certainty how that's going to be handled.

2 MS. DYKES: Okay.

3 THE COURT: Okay?

4 MS. DYKES: Okay.

5 THE COURT: But it's sort of out of my hands in that
6 regard. The Department of Corrections will handle that, and
7 a lot of that will depend on his performance there in the
8 Department of Corrections.

9 MS. DYKES: Okay.

10 THE COURT: Very good.

11 MS. DYKES: That's all I've got to say.

12 THE COURT: Anything else from anybody?

13 MR. TUCKER: No, Your Honor. I believe that's it.

14 THE COURT: Okay. Mr. Meetze?

15 MR. MEETZE: Thank you, Your Honor. May it please the
16 Court.

17 Your Honor, I have represented Mr. Brown since he was
18 charged in this matter. He's done 474 days in detention
19 prior to entering his plea here today.

20 Judge, I do want to say one thing right off the bat, and
21 that is Mr. Tucker certainly has provided me with every shred
22 of discovery that I -- that I believe he has and all of that
23 and every statement that Mr. Brown has made, and we have not
24 been made aware of any statements within the detention --
25 within the jail regarding any kind of a bragging.

1 There hasn't been any -- anybody from the jail come
2 forth to offer testimony in regards to any kind of a
3 jailhouse communication of that nature. So I'm not aware of
4 that, and I don't think that anything like that could happen
5 on Mr. Brown's part.

6 And pretty much from the day he has been incarcerated,
7 for various reasons, the Marion County jail has had him in
8 other locations. He was at J. Reuben Long in Horry County
9 for a while, and he's been in the last -- last while in
10 Florence County, but I think for the most part he's been in
11 other county jails besides Marion County almost the entire
12 time, if not the entire time he's been incarcerated.

13 Judge, with regards to this case, Mr. Brown -- he did --
14 he did make a statement with regards to this case, and Mr.
15 Tucker went over some of the evidence with you. There was a
16 lady that made a statement with regards to letting Mr. Brown
17 -- said, you know, sort of what happened not long after it.

18 That statement was allegedly made in front of other
19 folks as well. Law enforcement interviewed everybody that
20 was around and would have been able to hear that statement,
21 but that one witness was the only person who alleged he made
22 those particular statements. I think that may have been a
23 young lady who they may have had a child in common or -- or
24 something. I may have that part of it wrong.

25 Just as far as putting forth for the Court a basis for

1 the State's offer and while we think it is a reasonable
2 offer, there was some evidence with regard to gunshot residue
3 on Mr. Brown's hands. One hand had, I think, a single
4 particle. One hand had a few and, of course, you know that
5 they're all microscopic. There was also witnesses that said
6 that they had seen Mr. Brown fire a gun in the air earlier in
7 the day, which could have explained that evidence as well.

8 He gave part of his statement that he did admitting his
9 involvement in the incident. There certainly were
10 inconsistencies with regard to that as it pertains to the
11 facts as well that certainly could have been brought out as
12 well.

13 So I think based on everything that the recommendation
14 Mr. Tucker has made or the State has made in this case is an
15 appropriate one and we believe that, and I'll tell you,
16 Judge, that Mr. Brown -- I talked to him. I've been to J.
17 Reuben Long and talked to him. I've talked to him in
18 Florence County and talked to him here, and he is sorry.

19 This is not -- obviously, there wasn't a good intent at
20 all and I don't mean to put that forth in any stretch of the
21 imagination, but certainly the end result of what all
22 happened was certainly not ever intended and is a tragedy and
23 certainly one he wishes he could take back and certainly one
24 to the family he's sorry for.

25 Judge, you mentioned the collateral consequences and

1 whether I had been over those with him and, Judge, you've
2 been over some of those with him as well with regards to this
3 being a no-parole offense, which falls under the 85 percent
4 rule. I've explained that to him. I've explained to him
5 that it is a violent offense and that also can affect custody
6 status.

7 I've also explained to him that this is a strike in both
8 of South Carolina's two- and three-strikes law. I've
9 explained to him that under the two-strikes law that
10 voluntary manslaughter is considered a most serious offense
11 and that, under the two-strikes law, if he were to be
12 convicted of two most serious offenses in his lifetime, as
13 long as the State served him with proper notice, upon a
14 conviction for a second most serious offense, he would get a
15 sentence of life without parole, and that would be a
16 mandatory sentence that the Court would not have any
17 discretion with regards to.

18 I also explained to him that under the three-strikes
19 rule, there are also offenses in South Carolina that are
20 considered serious offenses and, under that rule, if someone
21 is convicted of three serious offenses or a combination of
22 three serious and most serious offenses, that again, if the
23 proper notice is served on the third such conviction, the
24 Court would not have any discretion and would have to give a
25 life sentence as well.

1 He understands all of that and understands all of that
2 are consequences of his plea here today and, understanding
3 all that, still wished to go forward, and we support his
4 decision to do that. I agree that it is the correct
5 decision.

6 And, Judge, I wanted to ask the Court for a sentence of
7 somewhere in the ten- to twelve-year range. I believe that
8 would be appropriate on his behalf. And otherwise, Judge, he
9 understands that he does have to face the consequences and
10 that the sentencing is a function of the Court and will
11 respect that decision.

12 THE COURT: Mr. Brown, would you like to say anything?

13 THE DEFENDANT: I'm sorry, sir. I would like to confer
14 my condolences and my apologies. I'd like to apologize to
15 the Court about what happened. I wish it had never happened
16 again, but I do understand I've got to accept what comes
17 towards me.

18 THE COURT: Very good. Anything further, Mr. Meetze?

19 MR. MEETZE: No, sir, Your Honor. Thank you.

20 SENTENCE

21 THE COURT: Mr. Brown, on Indictment 2016-GS-33-00371,
22 voluntary manslaughter, the sentence of the Court is you be
23 committed to the State Department of Corrections for a period
24 of 25 years, given credit for 474 days.

25 Good luck to you.

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MR. TUCKER: Thank you, Your Honor.

MR. MEETZE: Thank you, Judge.

(WHEREUPON, the proceedings ended at 2:45 p.m.)

--- END REQUESTED TRANSCRIPT ---

1 State of South Carolina)
2) Certificate
3 County of Florence)
4
5 I, the undersigned, Krystal J. Smith, Notary Public and
6 Official Court Reporter for the Twelfth Judicial Circuit of
7 the State of South Carolina, do hereby certify that the
8 foregoing pages, numbered 1 through 19, constitute a true,
9 accurate, and complete Transcript of Record of all the
10 proceedings had and evidence introduced in the hearing of the
11 above captioned case, relative to appeal, in the Court of
12 General Sessions for Marion County, South Carolina, on the
13 12th day of May, 2017.
14 I do further certify that I am neither of kin, counsel,
15 nor interest to any party hereto.
16
17 Krystal J. Smith
18 Court Reporter
19
20 Florence, South Carolina
21 March 24, 2018
22
23
24
25

2017-6-33-519
FILED

FORM 5

STATE OF SOUTH CAROLINA)
County of Marion)
Aaron Alonzo Brown #372577)
Full name and prison number (if any) of Applicant)

IN THE COURT OF COMMON PLEAS 16
2017 JUL 17 PM 4:16
MARION COUNTY SC
CHRISTY M. GRAY
CLERK OF COURT

v.)
State of South Carolina)

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make 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 Kirkland Reception and Evaluation Center
2. Name and location of Court which imposed sentence Clerk of Courts Marion County
3. Name(s) of co-defendant(s) (if any) April Johnson
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Murder - Drop to Voluntary Manslaughter
 - (b) _____

(c) _____

5. The date upon which sentence was imposed and the terms of the sentence:
 (a) May 15, 2017 - Open Plea, Ranging from 2-25 years
~~X~~ and I got the max. N/A
~~X~~ N/A

6. Check whether a finding of guilty was made:
 (a) after a plea of guilty Yes
 (b) after a plea of not guilty N/A
 (c) after a plea of nolo contendere N/A

7. Did you appeal from the judgment of conviction or the imposition of sentence?
No

8. If you answered "yes" to (7), list:
 (a) the name of each Court to which you appealed:
 i. N/A
 ii. N/A
 iii. _____

(b) the result in each such Court to which you appealed:
 i. _____
 ii. N/A
 iii. _____

(c) the date of each such result:
 i. _____
 ii. N/A
 iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:
 i. _____
 ii. N/A
 iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:
 (a) Because I took a plea and my lawyer was asking for 10-12 years 85% and the Solicitor General have a problem with it.
 (b) N/A

(c) N/A

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

(a) Inconsistencies with the case

(b) They Only have gun shot residue

(c) They only have beer can

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

(a) Several people wrote statements saying I was shooting a gun earlier that Day at my Cousin house

(b) They don't have any evidence placing me at the scene

(c) My co-defendant even says that she did not see me no where in the area.

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

(a) any petition in a State Court under South Carolina Law? No

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

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

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

(a) the specific nature thereof:

i. _____

ii. N/A

iii. _____

iv. _____

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

i. _____

ii. N/A

iii. _____

iv. N/A

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

N/A

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

N/A

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

- i. _____
- ii. _____
- iii. _____
- iv. _____

N/A

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

No. Cause I haven't file one yet. This is my first Appeal.

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

(a) which grounds have been presented:

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

N/A

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

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

N/A

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

- (a) Because I didn't know who to talk to.
- (b) Public Defender told my mother it would be easier before I can
- (c) ^{appeal} And I didn't have the address to the Clerk of Courts.

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

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

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

- (a) the name and address of each attorney who represented you:
 - i. Victor Minzen - Public Defender Office
227 N. Main St. Marion, Sc 29571
 - ii. N/A
 - iii. N/A
- (b) the proceedings at which each such attorney represented you:
 - i. My Arraignments and Plea
 - ii. My Sentencing
 - iii. N/A

FILED

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

I'm filling out this application 2017 JUL 13 PM 1:17 sentence reduction cause I feel like I was sentenced with lack of evidence and inaccuracy with my case.

MARION COUNTY SC
CHRISTY H. GRAY
CLERK OF COURT

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

No.

STATE OF SOUTH CAROLINA)
County of Marion)

VERIFICATION

I, Aaron A. Brown, 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.

A. A. B.

SWORN to and subscribed before me this 13th day of July, 2017.

[Signature] (L.S.)
Notary Public

My Commission Expires:

DEVERLE ALBERT
Notary Public, State of South Carolina
My Commission Expires May 3, 2023

FILED

2017 JUL 17 PM 1:17

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF
WILKINSON COUNTY SC
CHRISTY M. GRAY
CLERK OF COURT

I, Aaron A. Brown, 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.

Aaron A. Brown
Applicant

SWORN or affirmed to and subscribed before me this

13th day of July, 2017.

Deverle Albert
Notary Public

My Commission Expires:

DEVERLE ALBERT
Notary Public, State of South Carolina
My Commission Expires May 3, 2023

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF MARION	)	IN THE TWELFTH JUDICIAL CIRCUIT
)	
)	
Aaron Alonzo Brown, #372577	)	Case No.: 2017-CP-33-0519
Applicant,)	
)	
v.	)	RETURN AND MOTION TO DISMISS
)	
State of South Carolina,)	
Respondent.)	
_____)	

The State (Respondent), making its Return to the application for post-conviction relief filed by Aaron Alonzo Brown (Applicant) on July 17, 2017,¹ would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Marion County Clerk of Court. In July 2016, the Marion County Grand Jury indicted Applicant for murder (2016-GS-33-0371). This charge resulted from an incident in which Applicant shot the victim multiple times resulting in the victim’s death. Assistant Public Defender William Vickery Meetze, Esquire, represented Applicant. Assistant Solicitor Tucker Todd, Esquire, prosecuted the case. On May 12, 2017, Applicant pleaded guilty to the lesser-included offense of voluntary manslaughter before the Honorable Michael G. Nettles. Pursuant to the State’s recommendation of a cap of twenty-five years, Judge Nettles sentenced Applicant to a term of imprisonment of twenty-five years for voluntary manslaughter, along with credit for time served of 474 days. Applicant did not appeal his conviction or sentence.

¹Respondent notes it did not receive a copy of the application until January 10, 2018.

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

II.

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

1. "Inconsistencies with the case"
 - a. "Several people wrote statements saying I was shooting a gun earlier that day at my cousin's house."
2. "They only have gunshot residue."
 - a. "They don't have any evidence placing me at the scene."
3. "They only have hearsay."
 - a. "My co-defendant even says that she did not see me nowhere in the area."

III.

Respondent submits the application should be dismissed for failure to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. §17-27-10 to -160. An applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or

6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy.... **Provided, however, that this section shall not be construed to permit collateral attack on the ground that the evidence was insufficient to support a conviction.**

S.C. Code Ann. § 17-27-20 (emphasis added). Further, section 17-27-20(B) expressly states PCR “is not a substitute for. . . direct review of the sentence or conviction.” Applicant’s allegations raise only direct appeal issues which are procedurally barred in PCR, and the Court should summarily dismiss these allegations.

PCR relief is only proper when the application collaterally attacks the validity of the conviction or sentence. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). “In a direct appeal, the focus generally is upon the propriety of rulings made by the circuit court in response to a party’s motions or objections. In PCR, the focus usually is upon alleged errors made by trial or plea counsel. Therefore, when asserting the erroneous admission of evidence, a violation of a constitutional right, or other errors in a proceeding, the applicant generally must frame the issue as one of ineffective assistance of counsel.” Id. at 363-64, 527 S.E.2d at 747. A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Applicant could have raised all of these issues on appeal, and his failure to do so has waived these allegations as grounds for relief.

Further, Applicant entered a guilty plea during which he admitted his guilt and agreed to the facts as presented by the State. Tr. p. 10. “The general rule is that guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including the claims of a violation of a constitutional right prior to the plea.” Whetsell v. State, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981). “The plea admits all elements of the offense charged, ‘leaves open for review only the sufficiency of the indictment and waives all other defenses.’” State v.

Thomason, 341 S.C. 524, 526, 534 S.E.2d 708, 710 (Ct. App. 2000) (quoting State v. Munsch, 287 S.C. 313, 314, 338 S.E.2d 329, 330 (1985)). Applicant has not alleged his guilty plea was involuntarily entered, nor has he alleged counsel's representation was deficient during the plea bargaining process.

For these reasons and pursuant to Rule 12(b)(6), SCRPC, the Court should dismiss Applicant's allegations for failing to state a cognizable claim for which relief can be granted under the Post-Conviction Relief Act.

IV.

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

V.

WHEREFORE, Respondent moves to summarily dismiss the application for failure to state a cognizable claim.

{Signature on following page.}

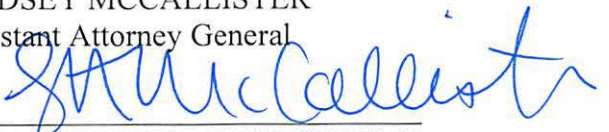
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

LINDSEY MCCALLISTER
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

7/1/20, 2018

STATE OF SOUTH CAROLINA)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF MARION)	
)	
	)	2017-CP-33-0519
)	
AARON ALONZO BROWN, #372577,)	
)	
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:

Jonathan D. Waller, Esquire
Waller Law Group, LLC.
1116 Blanding Street, Suite 2B
Columbia, South Carolina 29201

DATED this 30th day of April, 2018.



 Kaitlyn S. Slice, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARION)
)
 Aaron Alonzo Brown, #372577,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 TWELFTH JUDICIAL CIRCUIT

Case No.: 2017-CP-33-0519

**CONDITIONAL ORDER
 OF DISMISSAL**

This matter comes before this Court by way of an application for post-conviction relief (PCR) filed by Aaron Alonzo Brown (Applicant) on July 17, 2017, and received by Respondent on January 10, 2018.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Marion County Clerk of Court. In July 2016, the Marion County Grand Jury indicted Applicant for murder (2016-GS-33-0371). This charge resulted from an incident in which Applicant shot the victim multiple times resulting in the victim's death. Assistant Public Defender William Vickery Meetze, Esquire, represented Applicant. Assistant Solicitor Tucker Todd, Esquire, prosecuted the case. On May 12, 2017, Applicant pleaded guilty to the lesser-included offense of voluntary manslaughter before the Honorable Michael G. Nettles. Pursuant to the State's recommendation of a cap of twenty-five years, Judge Nettles sentenced Applicant to a term of imprisonment of twenty-five years for voluntary manslaughter, along with credit for time served of 474 days. Applicant did not appeal his conviction or sentence.

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 HERRICK COUNTY SC
 CHRISTY H. GRAY
 CLERK OF COURT

DCB
P. 1075

Before this Court are the records of the Marion County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, the PCR application, and Respondent's Return and Motion to Dismiss.

II. ALLEGATIONS

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

1. "Inconsistencies with the case"
 - a. "Several people wrote statements saying I was shooting a gun earlier that day at my cousin's house."
2. "They only have gunshot residue."
 - a. "They don't have any evidence placing me at the scene."
3. "They only have hearsay."
 - a. "My co-defendant even says that she did not see me nowhere (sic) in the area."

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the pleadings and relevant supporting documents. Pursuant to S.C. Code Ann. § 17-27-70(b), the Court makes the following findings of fact and conclusions of law:

The Court finds the current application for post-conviction relief should be summarily dismissed because it fails to state a claim cognizable in a post-conviction relief action. Under the Post-Conviction Procedure Act, an applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;

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 MARION COUNTY SC
 CHRISTY M. GRAY
 CLERK OF COURT
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5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy.... **Provided, however, that this section shall not be construed to permit collateral attack on the ground that the evidence was insufficient to support a conviction.**

S.C. Code Ann. § 17-27-20 (emphasis added). Further, section 17-27-20(B) expressly states PCR “is not a substitute for. . . direct review of the sentence or conviction.”

PCR relief is only proper when the application collaterally attacks the validity of the conviction or sentence. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). “In a direct appeal, the focus generally is upon the propriety of rulings made by the circuit court in response to a party’s motions or objections. In PCR, the focus usually is upon alleged errors made by trial or plea counsel. Therefore, when asserting the erroneous admission of evidence, a violation of a constitutional right, or other errors in a proceeding, the applicant generally must frame the issue as one of ineffective assistance of counsel.” Id. at 363-64, 527 S.E.2d at 747. A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993).

Further, Applicant entered a guilty plea during which he admitted his guilt and agreed to the facts as presented by the State. Tr. p. 10. “The general rule is that guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including the claims of a violation of a constitutional right prior to the plea.” Whetsell v. State, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981). “The plea admits all elements of the offense charged, leaves open for review only the sufficiency of the indictment and waives all other defenses.” State v. Thomason, 341 S.C. 524, 526, 534 S.E.2d 708, 710 (Ct. App. 2000) (quoting State v. Munsch,

DCB
p. 375

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CLERK OF COURT
CHRISTY G. GREY
HARRIS COUNTY, TEXAS

287 S.C. 313, 314, 338 S.E.2d 329, 330 (1985)). Applicant has not alleged his guilty plea was involuntarily entered, nor has he alleged counsel's representation was deficient during the plea bargaining process.

Therefore, this Court finds Applicant's allegations raise only direct appeal and/or "actual innocence" issues which are procedurally barred in PCR, assuming they were not waived by his guilty plea. Applicant could have raised all of these issues on appeal, and this Court finds his failure to do so has waived these allegations as grounds for relief. S.C. Code Ann. § 17-27-70(c) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." This Court finds that Applicant failed to comply with the filing procedures set forth in the Act. For these reasons and pursuant to Rule 12(b)(6), SCRCPP, the Court shall dismiss Applicant's allegations for failing to state a cognizable claim for which relief can be granted under the Post-Conviction Relief Act.

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CLERK OF COURT

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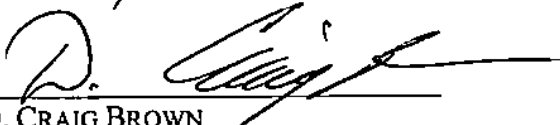
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CONCLUSION

Pursuant to S.C. Code Ann. §17-27-70(b), the Court intends to dismiss this Application with prejudice unless Applicant amends his Application and/or provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. Applicant is granted twenty days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any amendments or explanation he may have with the Florence County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Lindsey A. McCallister, Esquire
PCR Division
P.O. Box 11549
Columbia, SC 29211

AND IT IS SO ORDERED this 7 day of May, 2018.


D. CRAIG BROWN
Chief Administrative Judge
Twelfth Judicial Circuit

Florence, South Carolina

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HARIDON COUNTY SC
CHRISTY M. GRAY
CLERK OF COURT

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P-5-075

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARION)
)
 Aaron Alonzo Brown, #372577,)
 Applicant,)
)
 vs.)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 TWELFTH JUDICIAL CIRCUIT

 C/A NO.: 2017-CP-33-0519

 RESPONSE TO CONDITIONAL
 ORDER OF DISMISSAL

The Applicant, by and through his attorney, Jonathan D. Waller, would respectfully respond to the Conditional Order of Dismissal by submitting the below stated information in support of his Application for Post Conviction Relief and would also make the following amendments to Applicant’s Application.

1. Failure to State a Claim

The State has filed a motion to dismiss for Applicant’s failure to state a claim cognizable under the Post Conviction Procedure Act, S.C. Code Ann §17-27-10 to -160. Applicant filed his Application for Post Conviction Relief on the standard form provided by the Judicial Department as Common Pleas Court Form SCRCPPForm5. He did so, with little or no access to a legal library and without the assistance of counsel. §17-27-90, S.C. Code Ann., requires that all grounds for relieve be raised in the “original, supplemental, or amended application.” Clearly the legislature intended for Applicants to be able to amend their Applications either on their own or particularly following the appointment of counsel.

Further, Rule 15(a), SCRCPP, controls amendments made to pleadings¹ and with regards to a party making an amendment, instructs, “leave shall be freely given when justice so requires and does not prejudice any other party.” For the reasons stated above, Applicant hereby moves for leave of the court to amend his application to sufficiently plead his claims and to conform with the requirements of the Post Conviction Procedure Act.

FILED
 2018 JUL 18
 10:26 AM
 CLERK OF COURT
 1200 N. MARKET ST.
 COLUMBIA, SC 29201

¹ An Application for Post Conviction Relief is clearly a “pleading” for the purposes of the South Carolina Rules of Civil Procedure.

2. Amendment

Applicant would amend his Application for Post Conviction Relief filed July 17, 2017 by adding the following specific allegations of ineffective assistance of counsel:

- a. Counsel was ineffective in failing to provide or review discovery materials with Applicant, which rendered his decision to enter a plea of guilt unintelligent and unknowing. Applicant contends that when he obtained a copy of his discovery materials, he became aware of materials and evidence which would have provided Applicant with a valid defense, should he have had knowledge of such materials prior to entering his plea.

The Applicant would respectfully submit that he is entitled to an evidentiary hearing based upon his amended PCR Application and that the Conditional Order of Dismissal be vacated as Applicant has amended his Application to conform to the Post Conviction Procedure Act.

Respectfully submitted,



Jonathan D. Waller, Esquire
 Waller Law Group
 1116 Blanding Street
 Suite 2B
 Columbia, SC 29201
 (803) 520-7278
 ATTORNEY FOR THE APPLICANT

Columbia, South Carolina
July 8, 2018

2018 JUL 11 AM 10:12
 HARRISON COUNTY SC
 CLERK OF COURT

FILED

State of South Carolina	)	Court of Common Pleas
	)	Twelfth Judicial Circuit
County of Marion	)	Case No. 2017-CP-33-00519
)	
Aaron Alonzo Brown,)	
)	
Plaintiff,)	
)	
-vs-	)	Transcript of Record
)	
The State of South Carolina,)	
)	
Defendant.)	
)	

March 5, 2019
Florence, South Carolina

B E F O R E:

The Honorable William H. Seals, Jr., Judge

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

Jonathan Waller, Esquire
Attorney for the Applicant

Samuel L. Key, Esquire
Attorney for the State

Krystal J. Smith
Circuit Court Reporter

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I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
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Direct by Mr. Waller.....	5
Cross by Mr. Key.....	15
Redirect by Mr. Waller.....	18
Applicant Rests.....	20
William "Vick" Meetze	
Direct by Mr. Key.....	20
Cross by Mr. Waller.....	28
Redirect by Mr. Key.....	35
Jessica Crawford	
Direct by Mr. Key.....	37
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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes --	intentional or purposeful interruption or change in thought
ellipses . . .	trailing off
[ph]	phonetically written
[sic]	written as said

1 MARCH 5, 2019

2 (WHEREUPON, the proceedings began at 10:15 a.m.)

3 THE COURT: All right. If the State will call your
4 case.

5 MR. KEY: May it please the Court.

6 THE COURT: Yes, sir.

7 MR. KEY: This is Aaron Alonzo Brown versus the State of
8 South Carolina, Case Number 2017-CP-33-0519. The applicant
9 is presently confined in the South Carolina Department of
10 Corrections pursuant to orders of commitment of the Marion
11 County Clerk of Court.

12 In July of 2016, the Marion County Grand Jury indicted
13 applicant for murder. He was represented by Assistant Public
14 Defender William Vickery Meetze, and Assistant Solicitor Todd
15 Tucker prosecuted the case.

16 On May 12th, 2017, applicant pled guilty to the lesser-
17 included offense of voluntary manslaughter before the Hon.
18 Michael G. Nettles. Pursuant to the State's recommendation
19 of a cap of 25 years, Judge Nettles sentenced applicant to a
20 term of imprisonment of 25 years for voluntary manslaughter,
21 along with credit for time served of 474 days. He did not
22 appeal his conviction or sentence.

23 In the State's return, the State moved to dismiss this
24 action for failure to state a claim, and a conditional order
25 of dismissal was filed May 17th, 2018. Applicant responded to

AARON ALONZO BROWN - DIRECT BY MR. WALLER

1 the conditional order of dismissal on July 8th, 2018, amending
2 his PCR application to include ineffective assistance of
3 counsel as an allegation, and he is -- Mr. Brown is present
4 today and represented by Mr. Jonathan Waller. At this time,
5 I'll hand the case over to him.

6 THE COURT: All right. Mr. Waller?

7 MR. WALLER: Thank you, Your Honor. May it please the
8 Court.

9 THE COURT: Yes.

10 MR. WALLER: Your Honor, just as a housekeeping matter,
11 Mr. Brown was originally indicted for murder. He and I have
12 discussed that if he is successful, he would go back facing
13 that murder charge with the potential there for him to get
14 more time. He does understand that and does wish to go
15 forward today. So at this time, I would call Aaron Brown to
16 the stand.

17 THE CLERK: Place your left hand on the Bible and raise
18 your right hand as best as you can. Do you swear or affirm
19 to tell the truth, the whole truth, and nothing but the
20 truth, so help you God?

21 THE APPLICANT: I do.

22 AARON ALONZO BROWN, being
23 first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. WALLER:

AARON ALONZO BROWN - DIRECT BY MR. WALLER

1 Q: Good morning, Mr. Brown. How are you today?

2 A: I'm all right.

3 Q: All right. Mr. Brown, I want to take you back, if I
4 can, to when you were first arrested from this incident. Do
5 you recall that?

6 A: Yeah, I do.

7 Q: Okay. What were you originally charged with?

8 A: With murder.

9 Q: Okay. Was that the only charge you had?

10 A: Yes, sir.

11 Q: Okay. After you were arrested, did you -- did you have
12 an attorney?

13 A: Not at first, but when I -- before I went to trial -- I
14 mean before I had one.

15 Q: Okay. So eventually, you got appointed an attorney?

16 A: Yeah.

17 Q: And you were appointed one and you didn't hire one; is
18 that right?

19 A: Right.

20 Q: Okay. Who was that attorney?

21 A: Vick Meetze.

22 Q: Okay. About how long after you were arrested do you
23 think you met with Mr. Meetze?

24 A: Twice.

25 Q: How long afterwards do you think you met with him?

AARON ALONZO BROWN - DIRECT BY MR. WALLER

1 A: The first time was in J. Reuben Long, but it was around,
2 like, I would say between June or July.

3 Q: Okay. Why -- why were you at J. Reuben Long?

4 A: Because my co-defendant's family members was correction
5 officers at the jailhouse in Marion County. So they had me
6 housed at J. Reuben Long.

7 Q: Okay. So you were housed there for your safety and for
8 everybody --

9 A: Right.

10 Q: Okay. When you and Mr. Meetze met the first time, what
11 did y'all talk about?

12 A: Well, I talked about my -- my -- my -- my preliminary
13 hearing, my motion of discovery, and telling him I was
14 thinking about firing him and hiring another lawyer if he
15 wasn't successful with doing what he's supposed to do.

16 Q: Okay. That was y'all's first meeting?

17 A: Right. Because I was informed that they had within 90
18 days to get my motion of discovery and I hadn't got it yet.
19 So I was pressuring him the issue about getting my motion of
20 discovery.

21 Q: Okay. When you met with him, you think it was 90 days
22 after you'd been arrested?

23 A: Yeah. It was after, past 90 days.

24 Q: Okay. Did -- so did -- he did not have any discovery at
25 that time?

AARON ALONZO BROWN - DIRECT BY MR. WALLER

1 A: Right. He said they weren't ready for it yet.

2 Q: Okay.

3 A: I didn't get it. I didn't get it until the second time
4 I seen him, which was in August, August 4th of 2016.

5 Q: Okay. When y'all met that time, what did you talk
6 about?

7 A: Nothing. He just gave me my motion of discovery. That
8 was it.

9 Q: Okay. Did y'all ever have a chance to go over the
10 discovery?

11 A: No.

12 Q: Okay. Do you know if the discovery that you had in
13 August of 2016 was complete, a complete copy?

14 A: At first, I thought it was complete, but when I went --
15 when I got to prison, I was -- because I had sent my first
16 one home and when I requested for a second one, I got it and
17 it was stuff and evidence in there that wasn't in the first
18 one.

19 Q: Okay. What type of evidence?

20 A: The DNA results, the fingerprints results.

21 Q: Okay. Did you and Mr. Meetze have a chance to discuss
22 those things? Even if you didn't have the results, did y'all
23 ever talk about those?

24 A: I mean yeah. I asked him. I said -- when it was time
25 for me to get my other term, I asked him did they have any

AARON ALONZO BROWN - DIRECT BY MR. WALLER

1 other results besides the one they had. He told me no.

2 Q: Okay. So they did not have any results at that time?

3 A: No.

4 Q: Okay. Now, you gave a couple different statements to
5 law enforcement; is that right?

6 A: Right.

7 Q: Okay. Was it three? Is that right?

8 A: Right.

9 Q: All right. Did you and Mr. Meetze have a chance to talk
10 about each one of those statements?

11 A: No.

12 Q: Okay. You had a co-defendant in this case; right?

13 A: Right.

14 Q: A female?

15 A: Right.

16 Q: Okay. She gave several statements to law enforcement as
17 well; is that right?

18 A: Yeah.

19 Q: Did y'all have a chance to talk about her statements?

20 A: No.

21 Q: Okay. Mr. Brown, what did you and Mr. Meetze talk
22 about?

23 A: Basically, we just talked. When I first seen him, we
24 just talked about -- I asked him did they have the gun, did
25 they have fingerprints results, did they have my -- the

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1 person who I was with, did they have her testimony, which was
2 my alibi. I asked him how can they sit up here and go off of
3 my youngest daughter's auntie's conversation statement when
4 she wasn't nowhere in the area or nowhere at the scene of the
5 crime, and that I gave -- her statement being -- can they use
6 her statement as credible when she was in the house with
7 several other witnesses whose statements was different from
8 hers. So -- and that's about it.

9 Q: Okay. Did he ever respond to all those questions?

10 A: Basically, he said he feel fit for me not to go to
11 trial. When it was time for me to go to trial, he said he
12 feel fit for me not to go to trial. That they had me dead
13 right to wrong basically because of the -- the statement that
14 I gave them and not the physical evidence.

15 Q: Okay. Did y'all ever discuss actually going to trial
16 instead of pleading guilty?

17 A: Actually, I was pursuing to go to trial, but he was
18 telling me to go with the plea.

19 Q: Okay. What -- when y'all talked about trial, what were
20 y'all talking about?

21 A: Basically, I'm -- I'm trying to rush to get to trial
22 because, for one, I was up under the impression, like, for
23 them to have any type of arrest warrant for me, period, they
24 had to have some type of circumstantial or physical evidence
25 to have a warrant on me. So when I looked at my motion of

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1 discovery, I didn't see no type of circumstantial or physical
2 evidence. So I was in a rush to go to trial. I really was
3 wanting him to go to a speedy trial.

4 Q: Okay. Did y'all talk about what physical evidence means
5 or what circumstantial evidence means?

6 A: We just spoke about circumstantial evidence.

7 Q: Okay. You said you were in a rush to go to trial. Had
8 y'all started discussing how a trial -- you know, the
9 procedures of a trial, what would take place at a trial?

10 A: No.

11 Q: Okay. Did you all have a chance to discuss any
12 potential defenses that you might have?

13 A: No.

14 Q: Earlier, a second ago, you mentioned an alibi.

15 A: Right.

16 Q: Did you have a chance to talk to Mr. Meetze about your
17 alibi?

18 A: When I first seen him, I spoke to him about it.

19 Q: Okay.

20 A: But --

21 Q: Did you give him anybody's name to contact?

22 A: Yeah. Actually, the name was in the -- her information
23 was in my motion of discovery, but her statement wasn't in
24 there.

25 Q: Okay. Do you know, to your knowledge, did Mr. Meetze

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1 ever contact her?

2 A: No.

3 Q: Okay. Did you ask him about it?

4 A: At the time, I didn't.

5 Q: Okay. What -- why did you change from wanting to have a
6 speedy trial to ending up pleading guilty?

7 A: Because he told me that, if I go to trial, I would wind
8 up losing.

9 Q: Okay. Was there a trial scheduled in your case?

10 A: For May 15th.

11 Q: For May 15th?

12 A: 2017.

13 Q: Okay. And you pled guilty on May 12th; is that right?

14 A: Right.

15 Q: So your trial was already scheduled?

16 A: Right.

17 Q: Okay. And you testified earlier that you and Mr. Meetze
18 had not prepared for a trial?

19 A: Right.

20 Q: Okay. Did you think Mr. Meetze was prepared to go to
21 trial?

22 A: No.

23 Q: Okay. Is that why you pled guilty?

24 A: Right.

25 Q: Okay. When did you have a chance to see the forensic

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1 testing results, the DNA and the fingerprints?

2 A: I requested for my second Rule 5 in 2017. I got to
3 prison in 2017. So it was around, like -- around, like,
4 September, between September and November.

5 Q: Okay. So after you pled guilty?

6 A: Right.

7 Q: Okay. So you hadn't seen some of this stuff before you
8 pled guilty?

9 A: Right.

10 Q: Okay. There was a gunshot residue test done on your
11 hands?

12 A: Yes, sir.

13 Q: Okay. Did you and Mr. Meetze have a chance to talk
14 about the results of that test?

15 A: Yes, I did. When I spoke to him about it, it was around
16 the first time I seen him, which was at J. Reuben Long. They
17 said they had one particle on my right hand and 0.4 or 0.6 on
18 my left hand and which I told him that several witnesses
19 stated that I was shooting a gun earlier that date in the
20 daytime before, prior to the incident that happened that
21 night, and he said it doesn't matter. You made -- you made a
22 statement or a confession. No, that was before that. He
23 said -- he said something. Yeah, you got a statement or a
24 confession. That's all that matters. Like, it don't matter
25 if they've got a gun or whatever the case may be. That don't

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1 matter.

2 Q: Okay. Going back to your statement, the first two
3 statements you made were denying any involvement in this; is
4 that right?

5 A: Yes.

6 Q: Okay. And then the third statement, you admitted to
7 involvement?

8 A: Yes. The statement that I made was that they kept --
9 they came to me right before my bond hearing because I was
10 supposed to go to bond hearing that morning. So right before
11 I seen the judge, they came to me again telling me you know
12 you can get the death penalty because you do know it's a
13 premeditated murder. You'll wind up losing your child, never
14 seeing your child again. So I just got to the point to where
15 I was just like you know what? F it. Yeah, I did it. I
16 shot the man one time by accident. He was reaching for a gun
17 and that's what happened.

18 Q: Okay. Those things that you testified that law
19 enforcement said to you, did you have a chance to talk to Mr.
20 Meetze about -- about those -- those issues?

21 A: I did.

22 Q: Okay. Well, what was his response?

23 A: It wasn't a response.

24 Q: Okay. So you brought them up and he just sat there?

25 A: Yeah. It was like -- it was like he went on to a whole

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1 'nother subject, another matter.

2 Q: Okay.

3 A: Basically, I guess he was trying to say it doesn't
4 matter. The statement that I gave is all that they needed
5 pretty much.

6 Q: Okay. Did you and Mr. Meetze ever talk about coercion
7 or anything like that?

8 A: No.

9 Q: Okay. All right. Mr. Brown, I believe that I've asked
10 you all the questions that I have for you. Is there anything
11 you think I have left out or failed to bring to the judge's
12 attention that you think the judge needs to be aware of of
13 Mr. Meetze's representation of you?

14 A: No. Not -- pretty much, no.

15 Q: Okay.

16 MR. WALLER: Please answer any questions Ms. McAllister
17 or Mr. Key has. Thank you.

18 THE COURT: All right. Mr. Key?

19 CROSS-EXAMINATION

20 BY MR. KEY:

21 Q: Good morning, Mr. Brown.

22 A: Good morning.

23 Q: Now, I believe you just testified -- did your attorney
24 ever discuss the discovery of your case with you?

25 A: Which attorney?

AARON ALONZO BROWN - CROSS BY MR. KEY

1 Q: Mr. Meetze.

2 A: No, not at the time.

3 Q: He was just -- when he brought my Rule -- actually, when
4 he first brought my Rule 5, I discussed it with him and told
5 him that -- I wrote him several letters. I wrote the
6 Attorney General's Office, the Bar, the people that's over
7 him actually, and I wrote him as well about my motion of
8 discovery.

9 Q: So you did get a motion? You did get discovery?

10 A: Yeah. After 90 days. Like, I think it was probably
11 like 140 days or 130 days afterwards.

12 Q: Did you get it before you pled guilty?

13 A: Yeah.

14 Q: Okay. So you had the discovery before you pled guilty?

15 A: Right.

16 Q: Okay. And you discussed your discovery with Mr. Meetze?

17 A: No. I discussed it with my new lawyer.

18 Q: I believe you testified there was gunshot residue -- a
19 gun -- a GSR test done on you?

20 A: Right.

21 Q: Okay. Did you know the results of the GSR test?

22 A: Yes.

23 Q: Okay. Do you recall the day you pled guilty the State
24 going over the facts of the case?

25 A: Yes.

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1 Q: Okay. Do you remember agreeing that those facts were
2 accurate?

3 A: Yes, I do.

4 Q: Okay. Were those facts accurate?

5 A: No, they wasn't.

6 Q: Okay. So why did you agree that they were accurate?

7 A: Because my lawyer told me it wouldn't make sense to go
8 against it because that I would be found guilty if I went to
9 trial.

10 Q: Okay. Did -- do you -- did you want to go to trial?

11 A: Yes, I did.

12 Q: Okay. Did -- were you under any pressure to plead
13 guilty?

14 A: I pretty much was scared to go to trial. So I wouldn't
15 say I was up under pressure. I would say I was influenced to
16 plead guilty.

17 Q: So you were scared to go to trial?

18 A: Pretty much.

19 Q: And that's why you pled guilty?

20 A: Yes.

21 Q: And how many times did you meet with Mr. Meetze?

22 A: Twice.

23 Q: Twice?

24 A: Yeah. Twice.

25 Q: Did he ever come to you and say this is what the State

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1 is offering for you to plead guilty?

2 A: Well, yeah.

3 Q: Okay. And what did you --

4 A: The day before I went to -- the day before I went to a
5 plea hearing.

6 Q: And what did you tell him in response to this is the
7 State's offer?

8 A: That first I say I want to go to trial. He said it
9 wouldn't make sense to go because they have you dead wrong.
10 You'll be found guilty. So I said, well, is there any way
11 you can get me 10 years. He said I don't know. I'll work on
12 it. I'll try. I'm not making any promises. When we got in
13 front of the judge, he requested it. One of the family
14 members said something about 25 years and the judge gave me
15 25 years.

16 Q: Okay. Did he explain to you what the recommended cap of
17 25 years meant?

18 A: Not -- I don't recall.

19 MR. KEY: Thank you. No further questions, Your Honor.

20 THE COURT: All right. Mr. Waller?

21 MR. WALLER: Briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. WALLER:

24 Q: Mr. Brown, Mr. Key was asking you if you had the
25 discovery before you pled guilty. Did you have all of it

AARON ALONZO BROWN - REDIRECT BY MR. WALLER

1 before you pled guilty?

2 A: No.

3 Q: Okay. Were there some things that you did not have
4 until after you got to the Department of Corrections and
5 requested another copy?

6 A: Yes.

7 Q: Okay. The -- do you recall what the difference was?

8 A: Yes.

9 Q: What was in the new stuff?

10 A: That they said they found multiple DNA samples at the
11 scene of the crime and they excluded my DNA from being in
12 there, and they found multiple fingerprints at the scene of
13 the crime and they excluded my fingerprints from being in
14 there.

15 Q: Okay. So the fingerprint evidence and DNA evidence was
16 not included in the copy that you had prior to pleading
17 guilty?

18 A: Right. And no murder weapon.

19 Q: Okay. All right. You -- you pled guilty three days
20 before the trial was scheduled to start; is that right?

21 A: Yes.

22 Q: Okay. Had you and Mr. Meetze gotten ready to go to
23 trial at that point?

24 A: No.

25 Q: Okay. Were y'all prepared to go to trial?

AARON ALONZO BROWN - REDIRECT BY MR. WALLER

1 A: No.

2 Q: Okay. Is that why you pled guilty because you weren't
3 prepared?

4 A: Right.

5 Q: Okay.

6 MR. WALLER: Nothing further. Thank you.

7 THE COURT: All right. Anything further for this
8 witness from the State?

9 MR. KEY: No, Your Honor.

10 THE COURT: All right. You may step down.

11 Call your next witness.

12 MR. WALLER: Nothing further from the applicant, Your
13 Honor.

14 THE COURT: All right. Mr. Key?

15 MR. KEY: The State would call Mr. Vick Meetze.

16 THE CLERK: Do you swear or affirm that the testimony
17 you will give will be the truth, the whole truth, and nothing
18 but the truth, so help you God?

19 THE WITNESS: I do.

20 WILLIAM "VICK" MEETZE,
21 being first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. KEY:

24 Q: Good morning. Thank you for being here.

25 A: You're welcome.

WILLIAM "VICK" MEETZE - DIRECT BY MR. KEY

1 Q: Were you appointed to represent Mr. Brown?

2 A: I was.

3 Q: And is that with -- through your employment of the
4 Public Defender's Office?

5 A: That's correct.

6 Q: Do you recall how many times you met with Mr. Brown
7 after being appointed?

8 A: I don't recall the exact number, but I know I went to J.
9 Reuben Long to see him. I went to Florence County to see him
10 when he was housed there. I saw him in Marion County. I saw
11 him when he came over for his bond hearing. We had many,
12 many times that we talked about his case and I met him at
13 various facilities that he was being housed at for whatever
14 reason.

15 Q: Did he ever tell you that he wanted to go to trial in
16 this case?

17 A: He -- yes, and I'll explain the context. Marion -- I'm
18 just thinking how I want to put this. Of course, we're in
19 the 12th Circuit. It's Florence and Marion County. Mr.
20 Tucker was the prosecutor who primarily works in Florence
21 County.

22 Really, the only attention Marion would get from the
23 attorneys that work -- their primary office is Florence
24 County -- would be whenever we were in court in Marion. If
25 we weren't in court in Marion, there wasn't any Marion work

WILLIAM "VICK" MEETZE - DIRECT BY MR. KEY

1 going on.

2 So Mr. Brown's case languished for a good bit before an
3 offer was ever made. So the whole time he was charged with
4 murder and I would tell him the best he could get would be 30
5 years on a murder and that would be a day-for-day 30 years,
6 he had no interest in that.

7 So from that standpoint, he wanted a trial because for
8 the longest time he never had any offer. He never had any
9 option other than the possibility of maybe getting a 30-year
10 sentence on a murder case. So as long as it was in that
11 posture with no offer, he was not interested in pleading to
12 murder, and so from that standpoint he wanted a trial.

13 Q: Did you receive the discovery in this case?

14 A: We did.

15 Q: Did you get it all at once or was it as it came in?

16 A: As it came in. We, I think, got the bulk of the
17 incident reports all at one time, but the other things like
18 forensic testing results and things like that take longer to
19 -- to get.

20 Q: And as the discovery came in, did you discuss that with
21 Mr. Brown?

22 A: I did.

23 Q: Did you discuss the gunshot residue report?

24 A: I did.

25 Q: Okay. What -- what -- generally, what -- or briefly,

WILLIAM "VICK" MEETZE - DIRECT BY MR. KEY

1 what did the State have against Mr. Brown in this case?

2 A: It was a lot of circumstantial evidence, but also some
3 direct evidence. He puts himself there in the car with the
4 deceased in his statement to the police. There was a witness
5 that after the incident would have testified that he had made
6 a statement to her about what happened and things like that,
7 but I think the biggest evidence would have been, of course,
8 has -- his statement indicating what he said took place.

9 And there would have been others. There was a co-
10 defendant in the case. This was a gentleman that from what
11 the incident reports and all indicated was a bootlegger, I
12 guess, sold liquor and folks -- and things like that. This
13 was a set up.

14 The allegations were that the female co-defendant, Ms.
15 Johnson, placed a call to Mr. Phillips for him to bring some
16 liquor, some alcohol. That that was done as a set up. That
17 once he got there, the plan was to rob him. And in the
18 course of that robbery, things went bad and Mr. Phillips
19 ended up deceased as a result of the gunshots that the
20 allegations were that Mr. Brown was responsible for.

21 Q: And did you discuss what the State had with Mr. Brown?

22 A: I did.

23 Q: Okay. Did y'all discuss any defense strategies for
24 trial?

25 A: Well, he -- his statement to me was that Mr. Phillips

WILLIAM "VICK" MEETZE - DIRECT BY MR. KEY

1 had a gun and brandished a gun and that's when things sort of
2 went haywire. He ended up backing his car up and that his
3 shooting was sort of an accidental thing, but -- but was
4 brought about by Mr. Phillips brandishing a gun. But there
5 weren't any other weapons. There weren't any weapons found
6 that I'm aware of. There weren't any found that Mr. Phillips
7 may have had or anything of that nature, but that was his
8 statement to me, which didn't necessarily match up with what
9 he told the police.

10 And so, you know, you get into the story of the
11 situation of if we go to trial, his story is only going to
12 get in through him, the new story. It's going to be
13 different than what he told the police and you have,
14 certainly, credibility issues at that point in time and that
15 was a concern and that's one of the things that I talked to
16 him about.

17 Q: Did you discuss your concerns -- those concerns with Mr.
18 Brown?

19 A: I did.

20 Q: Did you recommend that he plead guilty in this case?

21 A: Once he got an offer, I really didn't have to. He got
22 an offer for a cap of 25 years to voluntary manslaughter. It
23 was late in the process, but he got it and when I went to
24 speak to him to relay that offer to him, as soon as I told
25 him the offer, he said I'll take it. He said that's -- he

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1 basically said that's what I've been waiting on. You know,
2 some opportunity to get less than 30 years essentially is
3 what he said. He had been waiting on it and as soon as I
4 relayed the offer to him, he told me he wanted to do it.

5 Q: Did he ever indicate to you that he did not want to take
6 the 25-year cap to voluntary manslaughter?

7 A: He did not.

8 Q: During the plea hearing, did he indicate to you or to
9 the judge that he did not want to go through with this plea?

10 A: He did not.

11 MR. KEY: I beg the Court's indulgence.

12 BY MR. KEY:

13 Q: I believe Mr. Brown testified he did not receive his
14 discovery on the fingerprints and the DNA until after he pled
15 guilty. Did you have that before he pled guilty?

16 A: I'm not a hundred percent sure the exact day we got it.
17 Yeah, I'm certain we had it before he pled guilty. The date
18 that SLED has for it that they completed it was May the 2nd of
19 2017, which was 10 days prior to his plea.

20 So we would have gotten it sometime in between that date
21 and the 12th, but it doesn't have a stamp as to exactly what
22 day we received it from the State. So I'm not sure, but it
23 was -- we didn't have it very long prior to him entering his
24 guilty plea. So it's not inconceivable -- so it -- very well
25 probably didn't give that to him because we never had it to

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1 give to him right up until almost the time the plea was going
2 to happen.

3 But we certainly talked about it and all of that. This
4 wasn't -- from a DNA/fingerprint standpoint, this wasn't a
5 whodunit, you know. This wasn't a case where the State was
6 needing that evidence to prove Mr. Brown's involvement. He
7 had told them of his involvement himself.

8 Q: Did -- did Mr. Brown ever give you any alibi witnesses,
9 any names?

10 A: Not that I can recall.

11 Q: Did you discuss any issues with his statement to the
12 police with Mr. Brown?

13 A: Yes. We discussed it. I mean we went over all of the
14 discovery. That included his statement to the police. We
15 went over how that was different than what he was telling me
16 as far as what happened in the case and things like that. We
17 went fully over the discovery. I was prepared to try that
18 case if we had maintained that posture, but we did not. He
19 decided to enter a guilty plea.

20 Q: Did -- did Mr. Brown ever tell you that the statement he
21 gave to the police was coerced or given under duress or
22 anything of that nature?

23 A: Yeah. I think he told me about the whole -- that they
24 threatened him with the death penalty thing. I mean I think
25 he told me what he testified to here today and -- and

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1 certainly, he could have testified to that as well at trial.
2 I don't -- I don't know that that cures the credibility
3 issues and I don't know what the law enforcement's response
4 would've been to that about whether they did that or not, but
5 certainly, they can, if they want to, use those kind of
6 things to get people to talk or whatever they may want to do.
7 But we did talk about that and he did tell me -- tell me
8 that.

9 Q: Did you discuss with Mr. Brown any strategy to get those
10 statements out, I guess, through a suppression hearing?

11 A: I don't recall whether we specifically talked about --
12 about that. I mean prior to his plea I would have gone over
13 the fact that he made a statement and that by pleading he was
14 giving up the right to challenge the admissibility of that
15 statement, but I don't know how far prior to the plea we
16 discussed specifically that.

17 Q: And did you discuss with Mr. Brown the constitutional
18 rights he was giving up in pleading guilty?

19 A: I did.

20 Q: And did you discuss with him his rights he would have if
21 he had gone to trial?

22 A: I did.

23 Q: Did you explain or did y'all discuss the nature of the
24 charge against him?

25 A: We did.

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1 Q: Did you discuss his exposure if he was convicted of
2 murder?

3 A: We discussed his exposure if he was convicted of murder.
4 We also discussed his exposure as it pertains to the offer
5 that was made. He was well aware of the fact that the offer
6 was a cap of 25 years, which meant he could get anywhere from
7 2 to 25 years by entering his plea. I told him that I would
8 ask for, you know, 10. I think 10 to 12 is what I asked for,
9 but he was aware that the judge could sentence him under the
10 parameters of that recommendation anywhere up to 25 years on
11 the voluntary manslaughter. There wasn't any question about
12 that, that he fully understood that.

13 Q: Did you explain to him the meaning of a recommended cap
14 of 25 years?

15 A: I did.

16 MR. KEY: No further questions.

17 THE COURT: All right. Cross?

18 MR. WALLER: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. WALLER:

21 Q: Mr. Meetze, there's been a lot of discussion about
22 circumstantial evidence. Did you explain to Mr. Brown what
23 circumstantial evidence was?

24 A: I don't -- I don't think we had specifically that
25 conversation as to what -- we talked about the evidence in

WILLIAM "VICK" MEETZE - CROSS BY MR. WALLER

1 the case. Whether I labeled any of it circumstantial or
2 direct, I don't think I did, but --

3 Q: Okay.

4 A: -- we certainly discussed the evidence in the case and
5 what it meant and all of that.

6 Q: Did you discuss with Mr. Brown how circumstantial
7 evidence can still be used against him?

8 A: I discussed how the evidence in his case could be used
9 against him, but like I said, I don't think I called it
10 circumstantial evidence. But I discussed how the evidence
11 that we went over helped him or hurt him or however it, you
12 know, was in his case.

13 Q: Did -- he gave multiple statements in this case; is that
14 right?

15 A: Right.

16 Q: Okay. I believe the first two were denying involvement
17 in it and the third one, the one he said was coerced, was
18 where he admitted involvement?

19 A: Right.

20 Q: Did you have a chance to discuss all three of the
21 statements or did you just focus on the one where he admitted
22 his involvement?

23 A: I mean we certainly -- I certainly would say that I
24 focused more on the one where he admitted his involvement,
25 but was certainly aware of the other and made him aware that

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1 all of them would be evidence if he went to trial. The jury
2 would find out about all of the statements that he had made
3 prior to going to trial.

4 Q: Okay. His co-defendant -- was she initially considered
5 a co-defendant or was she initially in the investigation kind
6 of just a witness? If you recall.

7 A: I don't know initially. Initially, she was developed as
8 a suspect quickly. I'm pretty sure of that. Whether it was
9 the exact same time I'm not sure, but I think they were
10 arrested separately. But I think that -- that when Mr. -- I
11 think Mr. Brown may have been arrested first, but I think at
12 the time he was taken into custody and served with his
13 warrant that they were actively searching for her as well.

14 So I don't -- I don't know for sure. I guess too long
15 of an answer to say I don't remember, but it was pretty quick
16 that I think she was a suspect.

17 Q: Okay. She gave multiple statements as well; is that
18 right?

19 A: Right.

20 Q: Okay. And in some of her statements, she denied her own
21 but also Mr. Brown's involvement? Is that your
22 understanding?

23 A: I think so.

24 Q: Okay. Did you have a chance to discuss all of her
25 different statements with Mr. Brown?

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1 A: We did. And again, I wasn't -- I don't know for sure.
2 I hadn't been told whether or not the State had worked
3 anything out with her or talked to her about testifying in
4 Mr. Brown's trial. If he went to trial, I certainly
5 suspected that she would, but I didn't know that for sure
6 and, of course, he was aware that if she did testify that
7 that would be evidence really that we may not even have yet
8 because she could testify differently on the stand than she
9 had in her previous statements. So -- but I didn't -- I
10 didn't know whether she was or not, but certainly, he was
11 aware of the possibility of that also being further evidence
12 against him.

13 Q: Okay. Did you discuss with Mr. Brown his ability to
14 either testify or not testify had the case gone to trial for
15 these charges?

16 A: Yes.

17 Q: Okay. You discussed earlier that he -- he had informed
18 you that -- that the deceased, the victim in this case, had a
19 weapon and that Mr. Brown was just defending himself. Did
20 you discuss how -- how you all would be able to prove that or
21 how you would attempt to be able to prove that if the case
22 went to trial?

23 A: I did. I went over self-defense with him. I told him
24 that, you know, in this case I didn't -- the first prong of
25 self-defense is you can't have done anything to have brought

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1 about the circumstances that led to you defending yourself,
2 and I didn't think that was a prong that we would be able to
3 successfully get around because I think, you know, based on
4 his statement and things like that I just -- I didn't think
5 self-defense would be a successful way to go and that was my
6 advice to him and we discussed that.

7 Q: Okay. You testified that the testing results and
8 certain -- certain pieces of the discovery got to you about
9 10 days before the plea?

10 A: At the absolute earliest because the date on there that
11 they, I guess, completed it was May the 2nd and then however
12 long -- I mean I think it goes online and I think the
13 Solicitor's Office can get it on their computer. I don't
14 think we have to wait for it to be mailed. So I would say,
15 you know, within two or three days after the 2nd we probably
16 would have had it.

17 Q: Okay. When was the offer extended to Mr. Brown?

18 A: I can't remember exactly, but it was very late in the
19 game, and that's not unusual for our Marion cases. You know,
20 certainly, offers aren't going to be made typically in a case
21 like this without the prosecutor sitting in person with the
22 victim's family, discussing it with them, and there's nothing
23 that says that the victim's family has to give their
24 blessing, so to speak, to a particular offer, but in a case
25 like this, that's typically going to -- you know, the

WILLIAM "VICK" MEETZE - CROSS BY MR. WALLER

1 solicitor is typically not going to make an offer without
2 that being the case and, obviously, I can't testify as to any
3 of Mr. Tucker's discussions with the victim's family, but
4 eventually, he did have discussions with them and subsequent
5 to those discussions this offer was made. This offer, I
6 don't know the exact date, but it would have been close to
7 the end of this run.

8 Q: Within a day or two or can you estimate?

9 A: I don't know. I mean I guess that's possible. It was
10 close. I mean, you know, it certainly could've been easily
11 within a week of when he could've been going to trial.

12 Q: How does a term of court in Marion work? I mean how is
13 it set up schedule-wise? Is it just one week or is it
14 multiple weeks? How does that usually work from a scheduling
15 standpoint?

16 A: There are two weeks. There's two weeks in February, two
17 weeks in May, two weeks in August, and two weeks in November,
18 and this would have been the May two-week term. Juries come
19 in both weeks. Typically, on the first week of court, the
20 jury doesn't come in until Tuesday. So -- and then on the
21 second week of court, the jury would come in on Monday
22 morning.

23 So both weeks are eligible to be -- to have jury trials.
24 Excuse me. Many times, they pick a jury one day and start
25 and do maybe any pretrial that same day and then start the

WILLIAM "VICK" MEETZE - CROSS BY MR. WALLER

1 trial with openings and everything the next day, but not
2 always. Sometimes we pick juries and just start running
3 right then. It just depends.

4 Q: Okay. Do you recall if this case was scheduled for
5 trial?

6 A: It was on the trial list. All right. The way things
7 work is about 10 days or so before a term of court starts,
8 we'll get a list of every case that's eligible to be called
9 for trial, and we'll have a roster meeting for those cases
10 that first Monday of the first week of court and we'll go
11 down each of those names. And those -- that list is normally
12 three pages long or so.

13 And going through those names, the judge is asking the
14 attorneys essentially is this going to be a plea or a trial.
15 So by the time we got to that point that Monday of the roster
16 meeting, the offer had been made. He had accepted it. Mr.
17 Tucker and I had talked about it. He may have been signed up
18 already. I don't know about that, but in any event, we were
19 able to tell the judge on that first day of court that it was
20 a plea and not a trial.

21 Q: Okay.

22 MR. WALLER: I beg the Court's indulgence, please.

23 THE COURT: Yes.

24 MR. WALLER: Thank you, Mr. Meetze. Nothing further.

25 THE COURT: All right. Any redirect?

WILLIAM "VICK" MEETZE - REDIRECT BY MR. KEY

1 MR. KEY: Briefly, Your Honor.

2 THE COURT: Sure.

3 REDIRECT EXAMINATION

4 BY MR. KEY:

5 Q: Did you discuss the results of the -- of the tests -- of
6 the evidence that came late before he took the plea with Mr.
7 Brown?

8 A: I don't remember specifically whether I did or not, to
9 be honest with you. I feel like I did, but I don't have a
10 specific memory of doing that because, like I said, I don't
11 even remember specifically when I actually saw it myself, you
12 know.

13 Q: And the State made the 25-year offer?

14 A: Yes.

15 Q: And you relayed that to Mr. Brown?

16 A: Yes.

17 Q: And he told you that he would accept the offer?

18 A: Yes.

19 Q: Okay. Did he say he didn't want to accept that offer at
20 any time before he pled?

21 A: He did not.

22 MR. KEY: No further questions.

23 THE COURT: Anything further?

24 MR. WALLER: Nothing further, Your Honor.

25 THE COURT: All right. You have a good day.

1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: All right. Any other witnesses?

3 MR. KEY: I beg the Court's indulgence.

4 THE COURT: Take your time.

5 MR. KEY: Your Honor, the victim's daughter, I believe,
6 is here today.

7 THE COURT: Right.

8 MR. KEY: And she has indicated to me that she wished to
9 address the Court and I would ask that she be allowed to do
10 that.

11 THE COURT: All right. Mr. Waller?

12 MR. WALLER: Judge, just I would object to that for two
13 reasons, Judge. First, we haven't been provided notice of --
14 of her testimony, I guess, for lack of a better word. She
15 has not been named as a witness in this case. And secondly,
16 Your Honor, that has no bearing on Mr. Brown's constitutional
17 rights and how that relates to his previous counsel's
18 representation. So I would object to it on those grounds.

19 THE COURT: All right. I'll tell you what. I'm going
20 to let her testify, if she would like, under oath, but if you
21 would like to talk to her briefly before we do so, that way
22 you have notice as to what she wants to say, I'll be glad to
23 let you do that.

24 MR. WALLER: Thank you, Your Honor. I don't believe
25 that would be necessary.

JESSICA CRAWFORD - DIRECT BY MR. KEY

1 THE COURT: All right.

2 MR. WALLER: Just please note my objection for the
3 record.

4 THE COURT: I do and I understand.

5 All right. If you want to call your witness, bring her
6 up here.

7 THE WITNESS: Jessica Crawford.

8 MR. KEY: This is Ms. Jessica Crawford.

9 THE COURT: All right. Go ahead and swear her in.

10 THE BAILIFF: Put your left hand on the Bible and raise
11 your right.

12 THE CLERK: Do you swear or affirm that the testimony
13 you give will be the truth, the whole truth, and nothing but
14 the truth, so help you God?

15 THE WITNESS: I do.

16 THE BAILIFF: Watch your step.

17 THE COURT: All right. Hold on one second. Let your
18 lawyer ask questions.

19 JESSICA CRAWFORD, being first
20 duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. KEY:

23 Q: Ms. Crawford, what is it that you would like to tell the
24 Court today?

25 A: I just want to speak about my father. He had nine kids

JESSICA CRAWFORD - DIRECT BY MR. KEY

1 that he left behind and a wife, and one of my sisters is
2 disabled and she depended on him solely. He worked his whole
3 life being an honest man, but he hurt his back falling off a
4 building doing construction and he didn't have much education
5 because he grew up on a farm.

6 And my family been through enough. This need to stop.
7 And we miss him greatly.

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

9 THE COURT: All right. Anything you'd like to ask, Mr.
10 Waller?

11 MR. WALLER: I don't have anything, Your Honor.

12 THE COURT: All right. Thank you for coming. I
13 appreciate that.

14 THE WITNESS: Thank you.

15 THE COURT: You have a good day.

16 Any other witnesses on behalf of the State?

17 MR. KEY: No, sir.

18 THE COURT: All right. Sounds good. I'll take it under
19 advisement and let you know something this week.

20 MR. WALLER: Thank you, Your Honor.

21 MR. KEY: Thank you.

22 THE COURT: All right.

23 (WHEREUPON, the proceedings ended at 11:05 a.m.)

24

25 --- END REQUESTED TRANSCRIPT ---

1 State of South Carolina)
 2) Certificate
 3 County of Florence)

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I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 38, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of Common Pleas for Marion County, South Carolina, held in Florence, South Carolina, on the 5th day of March, 2019.

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

s/Krystal J. Smith
 Court Reporter

Florence, South Carolina
 January 3, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF MARION	)	FOR THE TWELFTH JUDICIAL CIRCUIT
)	
Aaron Alonzo Brown, #372577	)	2017-CP-33-0519
)	
Applicant,)	
	)	ORDER OF DISMISSAL
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	
_____)	

The matter before the Court is an action for post-conviction relief (PCR) commenced by Aaron Brown (Applicant) on July 17, 2017. The State received the PCR application on January 10, 2018; thereafter, the State submitted its return and motion to dismiss for failure to state a claim on April 30, 2018. A conditional order of dismissal was issued on May 7, 2018, and Applicant responded to the conditional order on July 8, 2018. In his response to the conditional order, Applicant amended his PCR application alleging ineffective assistance of counsel which rendered his guilty plea unknowing and involuntary.

An evidentiary hearing convened on March 5, 2019, at the Florence County Courthouse before the undersigned. Applicant was present and represented by Jonathan D. Waller, 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 the Marion County Clerk of Court's order of commitment. Applicant was indicted at the July 2016 term of the Marion County Grand Jury for murder (2016-GS-33-0371). His charge resulted from

an incident in which Applicant shot the victim multiple times resulting in the victim's death. Assistant Public Defender William Vickery Meetze (Counsel) represented Applicant. Assistant Solicitor Todd Tucker prosecuted the case.

On May 12, 2017, Applicant pleaded guilty to the lesser-included offense of voluntary manslaughter before the Honorable Michael G. Nettles. Applicant pleaded guilty with the State's recommendation of a twenty-five year sentencing cap. Judge Nettles sentenced Applicant to twenty-five years' imprisonment. Applicant did not appeal.

PCR HEARING TESTIMONY

Applicant testified he met with Counsel two times prior to his guilty plea. Applicant stated Counsel did not show him any discovery during their first meeting; however, Counsel provided him a copy of the discovery during their second meeting. Applicant testified when he received the discovery of his case after he pleaded guilty, there were additional discovery documents he had never previously seen—specifically, DNA and fingerprint reports. Applicant explained no one ever advised him of the legal significance of these reports until he met with PCR counsel. Applicant felt as though this evidence was helpful to his defense claims and would have altered his decision to plead guilty. Applicant admitted he made inconsistent statements to the police, first admitting and later denying his involvement, and he told Counsel about his statements. However, Applicant claimed Counsel did not respond to his questions about his statements.

Applicant stated he pleaded guilty because Counsel advised him to because they would lose at trial. Applicant asked Counsel to try and obtain a ten year plea offer. Counsel told Applicant he would try to negotiate a ten year offer, but Counsel did not promise Applicant anything. Applicant stated Counsel informed him the State's offer was for a recommended twenty-

five years sentencing cap. Applicant testified he pleaded guilty because he did not feel as though Counsel was prepared for trial.

Counsel testified he met with Applicant many times, and recalled specific instances and places of some of the meetings. Counsel testified Applicant wanted a trial because the State originally made no offers. Applicant was indicted for murder, so the minimum he could receive if he pleaded as charged was thirty-years' imprisonment. Counsel testified he reviewed the discovery with Applicant as the discovery came in. Counsel stated the forensics took longer than the other discovery, and he discussed the reasoning for this with Applicant. Counsel recalled Applicant made an admission to a witness and to the police, which was the strongest evidence against him. Counsel also recalled Applicant made a second statement to the police denying any involvement. Counsel testified he explained the weaknesses in their defense to Applicant. Counsel testified Applicant claimed the victim also had a gun, but no other gun was found. Counsel testified he explained the possibility of presenting a defense of accident with Applicant. Counsel also testified he discussed with Applicant the possibility of pursuing self-defense. However, Counsel felt there would be difficulty getting past the first prong of self-defense, and he explained this difficulty to Applicant. Counsel testified he relayed the State's twenty-five year offer to Applicant, and Applicant wanted to accept the offer. Counsel testified Applicant wanted less than thirty years' imprisonment, and he got it.

Counsel recalled receiving the DNA and fingerprint results before the plea. Counsel testified he may not have given Applicant the paperwork of the reports, but he explained the results of the reports with Applicant. However, Counsel stated the State did not need this evidence to go forward with their case because the case was never a "who done it" because Applicant confessed. Counsel knew Applicant's co-defendant also gave differing statements to the police, and he

discussed the issues regarding the co-defendant's statements with Applicant. Counsel told Applicant the co-defendant would probably be a witness in his case.

Counsel testified the State's case was mostly circumstantial. Counsel stated he may not have explained the meaning of circumstantial evidence to Applicant, but he did review all the evidence with Applicant and explained to Applicant what the evidence showed. Counsel testified he explained to Applicant that if the case went to trial, the jury would likely hear all three of Applicant's previous statements. Counsel testified he was prepared to go to trial on the case, but Applicant wanted to plead guilty.¹

ISSUE

Applicant alleges ineffective assistance of counsel rendering his guilty plea unknowing and involuntary. Specifically, Applicant alleges:

1. Counsel was ineffective in failing to provide or review discovery materials with Applicant, which rendered his decision to enter a plea of guilt unintelligent and unknowing. Applicant contends that when he obtained a copy of his discovery materials, he became aware of materials and evidence which would have provided Applicant with a valid defense, should he have had knowledge of such materials prior to entering his plea.

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 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.

¹ While this Court allowed the deceased victim's daughter to testify, over Applicant's objection, at the PCR hearing, the Court clarifies the victim's daughter's testimony took no part in its decision. The Court allowed the testimony not because it had any relevance to the proceeding, but, rather, out of an abundance of caution in acknowledgement of the victim's rights.

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 for failing to provide or review the discovery materials with Applicant. Applicant further claims he would not have pleaded guilty and would have insisted on proceeding to trial absent the alleged deficiencies. 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). For the reasons discussed below, the Court concludes Counsel was not ineffective, and finds Applicant knowingly and voluntarily pleaded guilty.

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).

The Court finds the combined record from the plea hearing and the evidentiary hearing clearly establishes Applicant pleaded guilty freely and voluntarily. “[I]t is the prerogative of any person to waive his rights, confess, and plead guilty, under judicially defined safeguards, which are adequately enforced.” *Reed v. Becka*, 333 S.C. 676, 685, 511 S.E.2d 396, 401 (Ct. App. 1999). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel’s advice was not “within the competence demanded of attorneys in criminal cases.” *Hill*, 474 U.S. at 56. Further, 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. *Id.* at 59.

The plea transcript reflects Applicant entered his plea knowingly and voluntarily, engaged in an intelligent and coherent colloquy with the plea court, and gave appropriate responses to the plea court’s questions. Therefore, Applicant has failed to prove any prejudice resulted from Counsel’s alleged deficiency. *See Wolfe v. State*, 326 S.C. 158, 164, 485 S.E.2d 367, 370 (1997) (stating any possible misconceptions due to counsel’s alleged deficiencies can be cured by the plea court’s colloquy). At the beginning of the plea hearing, Applicant informed the court he was not under influence of any substance which would affect his ability to understand what he was doing. (Plea Tr. 5). Applicant affirmed to the plea court the facts as narrated by the State were accurate. (Plea Tr. 10). The plea court explained Applicant’s right to remain silent, right to a jury trial, the right to confront witnesses and present a defense, and the State’s burden of proof beyond a reasonable doubt. (Plea Tr. 10–11). Applicant indicated he understood his rights and wished to give them up in order to plead guilty. (Plea Tr. 11). Importantly, Applicant indicated no one had pressured him to plead guilty, he was satisfied with Counsel, and had no complaints against Counsel. (Plea Tr. 11).

Applicant's assertion Counsel failed to provide or review the discovery with him is contradicted by his own testimony at the PCR hearing. Applicant testified he met with Counsel two times prior to his guilty plea. Applicant stated Counsel did not show him any discovery during their first meeting; however, Counsel provided him a copy of the discovery during their second meeting. The Court finds not credible Applicant's testimony he was unaware of the DNA and fingerprint reports before he pleaded guilty. The Court finds credible Counsel's testimony he reviewed all the discovery with Applicant before Applicant pleaded guilty, discussed possible trial defenses with Applicant, and explained to Applicant the charge and exposure he faced if convicted at trial. While Counsel may not have provided Applicant with copies of the DNA and fingerprint reports, Counsel credibly testified he reviewed the contents of the reports with Applicant before Applicant pleaded guilty.

Counsel's credible testimony, along with the plea court's colloquy, show Applicant knowingly and voluntarily pleaded guilty. Counsel was not deficient in any way during his representation of Applicant, and Applicant has shown no prejudice as a result of the alleged deficiency. Therefore, Counsel was not ineffective. As such, this Court denies relief and dismisses this allegation with prejudice.

CONCLUSION

The Court finds Counsel's representation was neither deficient nor prejudicial. Applicant pleaded guilty pursuant to the advice of plea counsel. Applicant knew the meaning and consequences of pleading guilty to the charges and voluntarily chose to do so. Applicant failed to show Counsel was deficient in failing to review the discovery with him based on his own admission Counsel provided him discovery during their second meeting, and Counsel's credible testimony at the PCR hearing. Further, the Court finds the plea court's thorough colloquy cured any alleged


deficiencies of Counsel. Therefore, based on the foregoing, the Court denies relief on the allegation 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), SCRCR, 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 appropriate procedures for appeal.


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.



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

 _____, South Carolina

7/30, 2019.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARION)

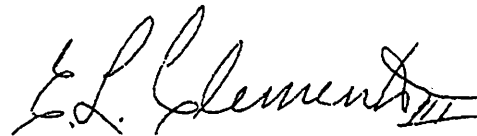
INDICTMENT FOR
 MURDER

At a Court of General Sessions, convened on JULY 21, 2016 the Grand Jurors of MARION County present upon their oath:

COUNT ONE- MURDER

That AARON ALONZO BROWN did in Marion County, on or about January 23, 2016, willfully, feloniously, and intentionally kill the victim, Liston Phillips (Deceased), with malice aforethought, either express or implied, by means of shooting him numerous times with a firearm, and the victim did die as a proximate result thereof on or about January 24, 2016 in Marion County, in violation of Section 16-03-0010, 16-03-0020, S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
 TWELFTH CIRCUIT SOLICITOR

00

WITNESSES

Tony Flowers Marlon Police Department

DOCKET NO. 2016-GS-33-00371

The State of South Carolina

County of

MARION

FILED

2016 JUL 21 PM 2:44

MARION COUNTY
SHERIFF & CLERK
CLERK OF COURT

COURT OF GENERAL SESSIONS

JULY TERM 2016

THE STATE

vs.

AARON ALONZO BROWN

Todd Tucker

ARREST WARRANT NUMBER

2016A3320100020

ACTION OF GRAND JURY

TRUE BILL

Alan Howard Williams
Foreperson of Grand Jury
Date: 7-21-16

VERDICT

Indictment for

MURDER

For person of Petit Jury

Date:

90
STATE OF SOUTH CAROLINA

COUNTY OF Marion
STATE VS.

Aaron Alonzo Brown

AKA: _____

Race: _____ Sex: M Age: 26

DOB: _____ SS#: _____

Address: Victoria Court

City, State, Zip: Marion, SC 29571-3717

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#: 2016-GS-33-00371

A/W#: 2016A3320100020

Date of Offense: 1/23/2016

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 §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. CAP of 25 yrs.

ATTEST: Todd Tucker 13601 SC Bar# Todd Tucker Defendant U. M. [Signature] Attorney for Defendant 15821 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 25 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. 474 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	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 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)		\$ <u>3.75</u>

TOTAL \$ 128.75

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.

Clerk of Court/ Deputy Clerk Christy M. Gray
Court Reporter: Kristal Smith
SCCA/217 (07/2016)

Presiding Judge Michael [Signature]
Sentence Date: May 12, 2017

FILED
2017 MAY 12 PM 4:09