

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Spartanburg County

Honorable G. Thomas Cooper, Circuit Court Judge

ROBERT L. STEADMAN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2020-000074

APPENDIX

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S.C. SUPREME COURT

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1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF SPARTANBURG) COURT OF GENERAL SESSIONS

3
 4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
 5 PLAINTIFF,) OF
 6 VS.) RECORD
 7 ROBERT LEE STEADMAN,) 2014-GS-42-3566, 3567
 8 DEFENDANT.) 2014-GS-42-3953

9
 10 August 26th, 2014
 11 Spartanburg, South Carolina
 12

13 B E F O R E:

14 THE HONORABLE ROGER L. COUCH, Judge.

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

16 SCOTT SPIVEY and MEGHAN MORICLE
 17 ASSISTANT SOLICITORS
 18 Attorneys for the State

19 MICHAEL MORIN
 20 ESQ.
 21 Attorney for the Defendant

22
 23 PAMELA E. GREEN
 24 Circuit Court Reporter
 25 Seventh Judicial Circuit

1	<u>E X H I B I T S</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
3	<u>State's Exhibits</u>			
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P R O C E E D I N G S

THE COURT: All right. The solicitor is going to call the names of those who are here to offer guilty pleas. If you're in the box and he calls your name, stand up and keep -- remain standing. If you're out in the courtroom and your name is called, come forward over here to Officer Bishop. He will tell you where he wants you to stand. So, come up to him if your name is called.

Call the roll.

SOLICITOR SPIVEY: Thank you, Your Honor.

Desmond Bowman.

(Defendant stands.)

SOLICITOR SPIVEY: Samantha Brannon.

(Defendant stands.)

SOLICITOR SPIVEY: Darel Davis.

(Defendant stands.)

SOLICITOR SPIVEY: Catherine Emrich.

(Defendant stands.)

SOLICITOR SPIVEY: Mitchell Harris.

(Defendant stands.)

SOLICITOR SPIVEY: Jimmica Hawes.

(Defendant stands.)

SOLICITOR SPIVEY: Billy Henderson.

(Defendant stands.)

1 SOLICITOR SPIVEY: Robert Jessman.
2 (Defendant stands.)
3 SOLICITOR SPIVEY: Kelby Orr.
4 (Defendant stands.)
5 SOLICITOR SPIVEY: Robert Steadman.
6 (Defendant stands.)
7 SOLICITOR SPIVEY: Buddy Suttles.
8 (Defendant stands.)
9 SOLICITOR SPIVEY: Johnny Thomas.
10 (Defendant stands.)
11 SOLICITOR SPIVEY: Keith Martin.
12 (Defendant stands.)
13 SOLICITOR SPIVEY: Kelvin Lee.
14 (Defendant stands.)
15 THE COURT: Come forward.
16 (Defendant complies.)
17 SOLICITOR SPIVEY: Patrick Lewis.
18 (Defendant stands.)
19 SOLICITOR SPIVEY: Bridgette Tessnear.
20 (Defendant stands.)
21 THE COURT: Ma'am, you need to have a seat.
22 Thank you.
23 SOLICITOR SPIVEY: Brenda Whiteside.
24 (Defendant stands.)
25 SOLICITOR SPIVEY: Wallace Montgomery.

1 (Defendant stands.)

2 SOLICITOR SPIVEY: Joseph Roberts.

3 (Defendant stands.)

4 SOLICITOR SPIVEY: Christy Hess.

5 (No response.)

6 SOLICITOR SPIVEY: Your Honor, it appears Christy Hess
7 is not in the courtroom.

8 THE COURT: Not present.

9 SOLICITOR SPIVEY: Anyone else?

10 THE COURT: Okay. Ma'am, ma'am, all the way down.
11 Keep standing. Thank you. Thank you.

12 SOLICITOR SPIVEY: Latonya Haney.

13 (Defendant stands.)

14 SOLICITOR SPIVEY: Santiago Goode.

15 (Defendant stands.)

16 THE COURT: All right. We got, we got to seat a couple
17 over there. Let's do -- right there. There we go.

18 All right. You got a good list, Pam?

19 COURT REPORTER: Yes, sir.

20 THE COURT: All right. Swear the defendants who are
21 standing please.

22 THE CLERK: Yes, sir.

23 (WHEREUPON, all defendants were placed under oath at
24 this time.)

25 THE COURT: Please be seated.

1 (WHEREUPON, the defendants comply.)

2 THE COURT: Now, if any of you either failed or refused
3 to take the oath that was just administered by the clerk,
4 please stand.

5 (No response.)

6 THE COURT: The record will reflect that all defendants
7 have now been sworn for purposes of my discussion with you
8 this morning.

9 I am informed that you're here to offer a plea in your
10 case. Right now I'm not asking for your plea. Later on we
11 will call your name individually. You'll come in front of
12 me. At that point in time we'll go over the matters that
13 are specific to your case, and, at that time, we'll discuss
14 what your plea is going to be.

15 Right now I want to go over some matters that would be
16 the same in all of your cases should you later offer, offer
17 a plea of guilty or no contest.

18 Now, your attorney is present in the courtroom at this
19 time. If, at anytime during my discussion with you, you
20 feel that you need to talk over something with your lawyer
21 before you answer my question, please let me know. I'll be
22 glad to let you consult with your lawyer. You have every
23 right to talk to your lawyer at every stage of the
24 proceedings, and if your lawyer feels that they need to
25 consult with you, I'm sure they'll let me know that they

1 need to do that.

2 Now, first of all, I'm going to tell you I have not yet
3 seen the paperwork in your case. I will inform you that you
4 have a Constitutional right to have your case considered by
5 a Grand Jury before it comes to this Court for a trial or a
6 plea.

7 Now, the Grand Jury does not determine whether
8 anybody's guilty or innocent. What they decide is whether
9 the State has enough evidence to justify the case coming to
10 this Court for either a trial or a plea. Since they examine
11 only the State's evidence, neither you or your lawyer is
12 allowed to be present in those proceedings. They are
13 conducted in secret. Now, if the Grand Jury determines
14 there is sufficient evidence to justify the case moving
15 forward, they issue a true bill and the case comes to this
16 Court to be disposed of.

17 I can not take up your case unless your case has been
18 considered by the Grand Jury or you are willing to waive
19 that step in the proceedings. In other words, you want to
20 go forward with a plea before the Grand Jury has acted.

21 Now, when you come in front of me, I will get your
22 indictment and we'll talk about whether it's been before the
23 Grand Jury or not. If it has not been before the Grand Jury
24 we'll discuss whether you wish to waive that right or
25 whether you want the Grand Jury to consider your case. So,

1 we'll talk about that again when you come in front of me.

2 Also, when you come in front of me, we'll discuss your
3 relationship with your lawyer to be sure you're satisfied
4 with your representation, and if you're not represented by a
5 lawyer, I'll discuss whether or not I feel that you can
6 proceed without one. So, we'll go over those matters at
7 that point in time as far as your representation when you
8 come in front of me individually.

9 Now, I'm going to ask a series of questions again.
10 They apply to matters that would be the same for anyone
11 who's offering a guilty plea. If you have responses to the
12 questions I'll ask that you stand and I'll need to get your
13 name from you before we discuss what you'd like to discuss
14 on that point.

15 All right. The first question I have, do any of you
16 suffer from any mental, physical, or nervous conditions, or
17 any other conditions that would, in anyway, affect your
18 ability to reason, to make good decisions, or to be able to
19 handle your case today?

20 If you suffer from such a condition, please stand.

21 (No response.)

22 THE COURT: Now, if any of you have taken or used any
23 drugs, medications, or any substances that would affect your
24 ability to reason, to make good decisions, or to be able to
25 handle your case today, please stand.

1 (No response.)

2 THE COURT: Now, if anyone's done anything to you to
3 try to force you or make you offer a plea in your case, that
4 would be such things as put pressure on you, try to
5 intimidate you, threaten you with violence, or, or actually
6 try to have violence against you, anything to try to force
7 you to, to offer a plea, if that's occurred, please stand.

8 (No response.)

9 THE COURT: Now, if you come in front of me to offer a
10 plea, it's got to be done freely and voluntarily by you.
11 That means you've thought about your case. You've
12 considered the options, and you've decided that's the best
13 way to proceed of your own free will.

14 Now, if any of you were to be brought in front of me
15 later on to offer a plea, if somehow that would be something
16 that's against your will, something that you didn't want to
17 do, please stand.

18 (No response.)

19 THE COURT: Now, if any of you feel that you would like
20 to defend your case and you would like additional time to
21 prepare a defense, please stand.

22 (No response.)

23 THE COURT: If anyone has made any offers or promises
24 to you about anything in order to get you to plead, please
25 stand.

1 (No response.)

2 THE COURT: Specifically, if anyone has made any
3 promises or guarantees to you about such matters as pardon,
4 parole, probation, early release, or the length of sentence
5 you might receive, so if there's been any promises or
6 guarantees about any of those things, please stand.

7 (No response.)

8 THE COURT: Now, if you decide to plead later on
9 then -- and I accept the plea, you will be giving up your
10 rights under the Constitution. I have to be sure that you
11 do -- you're doing that knowingly and intelligently. In
12 other words, you know what your rights are. You've been --
13 you've made an intelligent decision to proceed with a plea
14 in spite of the fact that you give up those rights. So, I
15 have to make that determination.

16 Now, I'm going to go over your rights with you at this
17 time to be sure you understand what they are. So when I
18 finish this explanation, if you have any questions about
19 these rights, or you feel that you need additional
20 explanation, please let me know. I'll be glad to be sure
21 that you understand them before we go forward.

22 Two of your Constitutional rights we've already talked
23 about, and later on we'll talk about them again when you
24 come in front of me individually. One of those is your
25 right to have your case considered by a Grand Jury before it

1 comes to this Court. The other one is the right to have an
2 attorney and be satisfied with that legal representation.
3 So, we'll talk about that again when you come in front of me
4 individually.

5 Now, in addition to those two Constitutional rights,
6 you have a Constitutional right to have a trial by a jury.
7 Now, at a jury trial, under the law, all defendants are
8 presumed to be innocent. That presumption continues until
9 the State proves guilt and the State has to prove guilt to
10 the jury by proof beyond a reasonable doubt. A defendant,
11 for that reason, is not required to prove anything in a
12 trial since you're presumed innocent.

13 Now, at the trial, you'd have the right to have the
14 Clerk's Office issue subpoenas. Those subpoenas would
15 require witnesses to attend the trial. Perhaps they could
16 be required to testify on your behalf.

17 Also, at the trial, you would have the right to
18 question or confront anyone who, in fact, did testify at
19 your trial. You'd have the right to present any defense you
20 have to the charges. You'd have the right, at your trial,
21 to try to suppress any evidence the State may have against
22 you and that includes any statements you might have made
23 prior to the time of the trial.

24 Every defendant has the right to remain silent. At a
25 trial, if you chose to remain silent, the judge conducting

1 that trial is required to instruct the jury that your
2 silence could not be used against you in any manner
3 whatsoever.

4 Now, those are your Constitutional rights. If there's
5 anything about those rights that you do not understand,
6 please stand.

7 (No response.)

8 THE COURT: If you have a question and you'd like for
9 me to answer a question about those rights, please stand.

10 (No response.)

11 THE COURT: Now, it appears that you understand the
12 rights. So, I will advise you that if you plead guilty or
13 plead, plead no contest, and I accept the plea, once that
14 process is completed, you will be giving up or waived your
15 Constitutional rights as they relate to the charges that are
16 before the Court.

17 So, if there's any of those rights that you do not wish
18 to give up in connection with a plea today, please stand.

19 (No response.)

20 THE COURT: Now, there's several things I need to
21 advise you of before you proceed with a plea.

22 First of all, you've been placed under oath to tell the
23 truth to the Court today. So when you come in front of me
24 later on you will still be under oath at that time. So you
25 will still be sworn to tell the truth to the Court during

1 that process.

2 Now, if you have negotiated with your lawyer a
3 recommendation concerning sentencing from the State, it is a
4 recommendation. I do consider them. I give them deference,
5 deference in my decision making process. But I hope you
6 understand I am not required to follow a recommendation from
7 the State. I have the right and the authority, if I find it
8 necessary, to sentence any defendant up to the maximum
9 allowed by the law for the crime to which that person is
10 pleading.

11 So, I will listen to the recommendations. I do give
12 them great deference, but I am not required to follow those
13 recommendations.

14 Now, the last thing I'll advise you of is that, once
15 you've made your plea and you've received your sentence, you
16 have ten days from that date in which to file an appeal of
17 the plea process if you chose to do that.

18 Now, that completes my qualification process and I find
19 that those who are present are qualified to proceed with a
20 plea if you choose to do so.

21 Those of you who are not in custody, please have a seat
22 back in the courtroom.

23 Everyone else remain seated.

24 The State may call the first case to be handled.

25 (WHEREUPON, other guilty pleas were completed at this

1 time.)

2 (WHEREUPON, fourteen photographs were marked as State's
3 Exhibit Nos. 1 through 14 for identification purposes only
4 at this time.)

5 THE COURT: All right. Ms. Moricle, you may call the
6 case.

7 SOLICITOR MORICLE: Your Honor, before you is Mr.
8 Robert Lee Steadman. He's being represented by Mike Morin.
9 He's here on Indictment Number 2014-GS-42-3953 for
10 felony abuse to a child.

11 2014-GS-42-3567 for resisting arrest.

12 2014-GS-42-3566 for assault and battery third degree.

13 Your Honor, I am passing up State's Exhibits 1 through
14 14. The victim, the victim's grandmother is present and
15 would like to speak as well as the officers.

16 THE COURT: Any objection to my seeing the exhibits,
17 Mr. Morin?

18 MR. MORIN: No, Your Honor. I have seen them.

19 THE COURT: All right. Your Honor, the recommendation
20 by the State for the felony abuse is a cap of 15.

21 THE COURT: Thank you.

22 MR. MORIN: May I have a moment just -- Your Honor?

23 THE COURT: Yes, sir.

24 (Pause.)

25 THE COURT: All right. You ready, Mr. Morin?

1 MR. MORIN: Yes, Your Honor.

2 THE COURT: Okay. Sir, your name is Robert Lee
3 Steadman?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Steadman, you're in front of me today
6 on three charges. I'm going to go over the charges with you
7 so that I'm sure you understand the cases that have been
8 presented to me.

9 I've looked at the indictments. It doesn't appear that
10 any of them have gone to the Grand Jury yet. I'm gonna pass
11 them back. He's gonna have to waive on that.

12 Sir, these cases have not yet gone to the Grand Jury.
13 I'll let you talk to your attorney about that, but if you
14 wish to go forward today, you'll need to sign something for
15 me, and he can advise you concerning that matter.

16 THE DEFENDANT: Yes, sir.

17 (Pause.)

18 THE COURT: And, Mr. Steadman, it appears that you have
19 initialed these documents waiving your right to have them
20 presented to the Grand Jury. I went over that right with
21 you earlier.

22 Are you, in fact, waiving that right and asking the
23 Court to go forward today?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. Now, the first case I'll

1 discuss with you is a resisting arrest charge, 2014-3567.
2 That carries up to one year and/or a fine. It's being
3 presented to me -- I guess it would be technically under the
4 State's recommendation of a cap and concurrent sentencing.

5 Is that correct?

6 SOLICITOR MORICLE: Yes, Your Honor.

7 THE COURT: All right. The next case is abuse or
8 infliction of abuse or great bodily injury upon a child.
9 That carries up to 20 years in prison. That case you are
10 waiving indictment on.

11 Is that correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And the State is making a recommendation of
14 a cap of 15 years on that case.

15 The final case is an assault and battery in the third
16 degree. That carries up to 30 days and/or a fine. It has
17 not yet gone to the Grand Jury. You are waiving indictment
18 and there's a recommendation of concurrent sentencing by the
19 State.

20 Do you understand that charge?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Now, Mr. Morin is here.

23 Does he represent you on all of the charges?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Are you satisfied with what he's done for

1 you thus far?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you need to talk with him any further?

4 THE DEFENDANT: No, sir.

5 THE COURT: Is there anything else you feel that he
6 ought to do for you before we proceed in your case today?

7 THE DEFENDANT: No, sir.

8 THE COURT: All right, sir. Now, as to the charges, do
9 you understand those charges?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. And how do you plead on those
12 charges?

13 THE DEFENDANT: Guilty.

14 THE COURT: On all three of them?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Mr. Morin, I'm sure you've gone over these
17 charges with Mr. Steadman.

18 Is that correct?

19 MR. MORIN: That's correct.

20 THE COURT: I would suspect, among the many things you
21 would of talked to him about, you would of talked to him
22 about these charges that are before the Court, the potential
23 penalties that are involved, his eligibility, eligibility
24 for parole, if any, his defenses he may of had to these
25 charges, his rights under the Constitution as they apply to

1 these charges. That would of been among the many things you
2 would of talked to him about.

3 Is that correct?

4 MR. MORIN: Yes, Your Honor.

5 THE COURT: And are you satisfied Mr. Steadman
6 understood your discussions?

7 MR. MORIN: Yes, Your Honor.

8 THE COURT: He's indicated to me that he has made a
9 decision. His decision to me is that he is chosen to plead
10 guilty on all three charges.

11 Do you agree with the decision that Mr. Steadman has
12 made in the case?

13 MR. MORIN: Yes, Your Honor.

14 THE COURT: And is that based on your knowledge of the
15 case in this matter?

16 MR. MORIN: Yes, sir.

17 THE COURT: Has he been able to participate in and
18 assist you in his defense?

19 MR. MORIN: Yes, sir.

20 THE COURT: All right. Now, Mr. Steadman, you heard me
21 go over some things with your attorney.

22 Is that the advice that you're satisfied with in this
23 matter?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. Now, Mr. Steadman, you are 21

1 years of age.

2 Is that true?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And how far did you go in school?

5 THE DEFENDANT: Eighth grade.

6 THE COURT: Did you ever get your GED?

7 THE DEFENDANT: No, sir.

8 THE COURT: Have you ever attempted to do that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And how did that go?

11 THE DEFENDANT: I failed.

12 THE COURT: Okay. So you took the test --

13 THE DEFENDANT: Yes, sir.

14 THE COURT: -- but were unable to pass?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Okay. Now, are you married?

17 THE DEFENDANT: No, sir.

18 THE COURT: Do you have any children?

19 THE DEFENDANT: Two.

20 THE COURT: And tell me about their names -- their
21 ages.

22 THE DEFENDANT: One's five and one's three.

23 THE COURT: And do those children live in your home if
24 you're not incarcerated?

25 THE DEFENDANT: No, sir.

1 THE COURT: Now, were you employed when you got
2 arrested?

3 THE DEFENDANT: No, sir.

4 THE COURT: Had you been employed in the past?

5 THE DEFENDANT: No, sir.

6 THE COURT: Never had a job in your life?

7 THE DEFENDANT: No, sir.

8 THE COURT: Okay. Now, were you in school at that
9 time?

10 THE DEFENDANT: No, sir.

11 THE COURT: Okay. Now, has any -- well, let me ask Ms.
12 Moricle to go over with you the facts in this matter. I
13 want you to listen to what she tells me. When she finishes
14 I'll be asking you about these facts. So pay attention to
15 what she says.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Ms. Moricle, give me the facts in these
18 cases please.

19 SOLICITOR MORICLE: Your Honor, in regards to the child
20 felony abuse, on October 6th of 2013 Spartanburg County
21 Sheriff's Office responded to Spartanburg Regional Medical
22 Center in reference to an abuse of a small child, **Minor**
23 **██████████**, who was 22 months of age at the time. Kelly Clune,
24 the forensic nurse, advised that she had called the police.
25 Officers met with Ms. Doris Steadman, Jordan Trexler, and

1 the victim.

2 Doris Steadman, who is the defendant's grandmother,
3 told officers that she was home the evening before and heard
4 a loud noise early in the morning at 853 Fairfax Street here
5 in Spartanburg County where the child, Minor [REDACTED],
6 Jordan Trexler, Doris Steadman, Robert Steadman, and Estelle
7 Hooks reside.

8 After hearing the noise, she said she went to check on
9 the child and found the side of the pack and play collapsed
10 on her. She told officers she then put Minor [REDACTED] in the bed
11 with her. The mother, Jordan Trexler, who was at work, told
12 officers that when she arrived home she saw the injuries and
13 brought her to Spartanburg Regional.

14 Minor [REDACTED] had multiple visible bruises to her face, arms,
15 legs, torso along with bite marks, a swollen mouth, and
16 possible fracture to her arm and leg. Her mother, Jordan
17 Trexler, attributed the visible bruises and bite marks to
18 another child and her four year old son. After separating
19 Doris Steadman and Jordan Trexler, the officers were able to
20 determine the version -- the actual version of events.

21 Eventually Doris Steadman did admit that her grandson,
22 Robert Steadman, Jordan's boyfriend, actually had the
23 victim, Minor [REDACTED] in his room. She says she did not ever hear
24 the victim scream. She did notice something was wrong with
25 the child when Jordan came home and she brought her out of

1 the room and she couldn't straighten her leg.

2 She told the police that Robert is violent with
3 everyone. Jordan eventually told officers, when she got off
4 work, she came home and got in the bed with Robert and
5 Minor. She said Minor began to cry and she noticed that
6 she wasn't moving part of her body. She asked Robert
7 Steadman what happened and he told her he didn't know, that
8 she must of fallen out of the playpen. She did eventually
9 tell officers that he smokes crack, marijuana, and is
10 violent. She stated they got into a fight and he threw them
11 out and then she and Doris took the child to the ER.

12 Your Honor, Spartanburg County officers were able to
13 speak with Mr. Steadman. He was interviewed by the
14 Sheriff's Office on October 9th in regards to this
15 incident. He told officers he needed help with his anger
16 issues and drug problems.

17 He stated he had attempted to pick Minor up Saturday
18 night by arm one and one leg and dropped her and she hit her
19 head on the rail. He then stated he went to pick her up and
20 fell on her. He said he did pull the hair out of her head
21 because she wouldn't stop crying and he pulled her leg. He
22 stated he probably caused the injuries behind her ear, but
23 she doesn't remember -- but he doesn't remember and he told
24 officers he does bite her all the time. He also told, told
25 officers he was responsible for everything that happened to

1 her.

2 After the interview Mr. Steadman did write an apology
3 letter to [Minor]. [Minor] sustained several fractures. One
4 to her wrist, one to her arm, and one to her leg. She had
5 bruising that was new and old all over her body, bite marks
6 all over her body, and missing hair.

7 She has had to have surgery on her arm. She is seeing
8 a therapist who has diagnosed her with posttraumatic stress
9 disorder and it's gonna take some time for one of her arms
10 to heal.

11 In regards to the assault and battery third and
12 resisting, on May 21st of 2014 Spartanburg County
13 Sheriff's Office again responded to 853 Fairfax Street in
14 Spartanburg County in reference to someone beating up a
15 grandmother. The victim, Estelle Hooks, was on the front
16 porch when officers arrived in her wheelchair while her
17 grandson, Robert Steadman, was yelling at her. The parties
18 were separated and Ms. Hooks told officers that Robert
19 Steadman asked for cigarettes and she wouldn't give him any.
20 He said -- she then said that he got in her face and started
21 to threaten her. He grabbed her arm and her face and began
22 pushing her down. She did have some visible injuries to her
23 arms and face.

24 while officers were speaking to Ms. Hooks, another
25 officer had Mr. Steadman detained. Mr. Steadman was

1 attempting to pull away from the officer and had to be taken
2 to the ground because he continued to get away from the
3 officers.

4 Your Honor, both officers from Spartanburg County
5 Sheriff's Office would like to speak at the appropriate time
6 as would the victim in the felony abuse, her grandmother.

7 THE COURT: Thank you.

8 Mr. Steadman, you were present in the courtroom.

9 Did you hear what Ms. Moricle told me concerning the
10 facts in this case?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did you understand what she said?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Is that information true?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now I've also reviewed State's Exhibits 1
17 through 14.

18 Have you seen the photographs?

19 THE DEFENDANT: No, sir.

20 MR. MORIN: I believe we've seen them. I have seen
21 them.

22 THE COURT: Oh, I understand.

23 MR. MORIN: Yes, sir.

24 THE COURT: But I just wanted to be sure he agrees
25 that's the injuries to the child that occurred in this case.

1 (Pause.)

2 THE COURT: Now, Mr. Steadman, have you had a chance to
3 look at those exhibits?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Does that represent the injuries that
6 would -- that occurred to the child in this case?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. Now, Mr. Steadman, have, have
9 you told me the truth today?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Did anyone tell you how to respond to any
12 of my questions?

13 THE DEFENDANT: No, sir.

14 THE COURT: So the answers that you've given to me have
15 been your own answers, is that right?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Is there any part of what you and I have
18 discussed that you'd like to change any response that you
19 have given to the Court?

20 THE DEFENDANT: No, sir.

21 THE COURT: So if I were to ask the same questions I
22 asked when you were over in the box, if I asked those same
23 questions right now, would I get the same answers verbally?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Now, are you pleading guilty to this charge

1 because you are guilty of the charge?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you realize that, by doing so, you are
4 waiving or giving up the Constitutional rights that I've
5 explained to you already.

6 You understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, does that -- and does the fact that
9 you have to give up those rights, does that cause you to
10 want to change your plea in anyway?

11 THE DEFENDANT: No, sir.

12 THE COURT: So you are still pleading guilty to all
13 three charges?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. I'm gonna accept the plea.
16 It's my determination that it's been freely and voluntarily
17 given. The defendant is aware of the charges, the
18 penalties. He's had the advice of an attorney that he's
19 satisfied with. There's a factual basis for this plea.

20 So, at this time I'm going to hear from your attorney
21 and then, Mr. Steadman, I'll give you an opportunity to
22 speak to the Court.

23 Mr. Morin.

24 MR. MORIN: Please the Court, Your Honor?

25 THE COURT: Yes, sir.

1 MR. MORIN: Your Honor, I was appointed to represent
2 Mr. Steadman I believe last year on the felony abuse charge.
3 During that -- following that time I had a little bit of
4 trouble getting in touch with him. He was out on bond.
5 when he -- he'd only been in jail about a week or two before
6 he made bond, and he was out before I ever met him.

7 when he got arrested on the resisting arrest, and the
8 assault and battery third, obviously his bond on the other
9 was revoked and he's been in jail now for a total of about
10 75 days counting both times.

11 THE COURT: So you think he's entitled to a credit of
12 75 days of time?

13 MR. MORIN: Yes, Your Honor.

14 THE COURT: Any objection from the State?

15 SOLICITOR MORICLE: No, Your Honor.

16 THE COURT: All right. I'll give him credit for that.

17 MR. MORIN: As he's told you, he's 21 years old, and,
18 when I spoke to him about this case, and primarily this case
19 being the assault on the child, it became apparent to me,
20 when I first met with him, that he may have been under the
21 influence of some sort of illegal substance. My second
22 meeting went much better as that sort of got out of his
23 system.

24 In speaking with him, he tells me that a family member,
25 an uncle, introduced him to, he's not sure, it's either

1 crack or meth when he was about 13, and pretty much has had
2 a drug problem for the last seven or eight years of his
3 life.

4 Normally, Your Honor, I'd come to you and I'd, I'd say
5 that he's got some family here to support him. In this
6 particular case, I -- his family has supported him the whole
7 time. As he's told you, he doesn't have an education, and
8 he wasn't employed, but his mother or grandmother or great
9 grandmother is basically been supporting him since he left
10 school in the eighth grade.

11 He does understand what I've gone over with him. I --
12 he strikes me as somebody that, if he was ever to get away
13 from substance abuse, he could actually do something. He's
14 not -- he does have some wherewithal about him. Obviously,
15 and it's not a defense and we've gone over the fact that
16 voluntarily intoxication is not a defense, but he was
17 clearly under the influence of some sort of substance abuse
18 at the time that this occurred. I'm not so sure that there
19 weren't other members in the household who were also under
20 that based on how the case came about, but it's, it's
21 unfortunate.

22 It's something that, like I said, on the second meeting
23 I had met with him in the jail, he grasped the gravity of it
24 and what had happened. We had discussed the child's
25 injuries even if he hadn't seen the photographs.

1 He understands, obviously, this is an 80 percent, it's
2 a serious charge, and he's gonna have to do some time about
3 it. We -- I cut through, right through that, that with
4 we -- but what we'd ask you to do is at least work within
5 the cap that the State has recommended. He didn't want to
6 go to trial. We appreciate them at least reducing his
7 potential by that recommendation.

8 THE COURT: All right. Mr. Steadman, your lawyer did
9 touch on one thing and I mentioned it earlier about the
10 availability of, of parole in this case.

11 This is classified as a violent offense.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: The, the abuse case, and it would qualify
15 potentially as one of your strikes under the law.

16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And it will limit your ability to receive a
19 parole on this.

20 Do you understand that as well?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Any of those factors cause you to want to
23 change your plea in anyway?

24 THE DEFENDANT: No, sir.

25 THE COURT: All right, sir. I'll be happy to hear from

1 you, Mr. Steadman, if you'd like to speak.

2 THE DEFENDANT: Yes, I'd like to -- first of all, like
3 to thank you for your time, and I'd like to apologize to the
4 victim's family, and say that it's, it's not because of
5 drugs. It's just anger problems, and even -- no matter what
6 happens today, I'm gonna seek help for it, and it's did
7 nothing but tear my family apart.

8 THE COURT: Thank you.

9 You indicated that perhaps family members would like to
10 speak.

11 SOLICITOR MORICLE: Yes, Your Honor.

12 THE COURT: You want to call them forward and then I'll
13 hear from the officers.

14 SOLICITOR MORICLE: Yes, Your Honor.

15 THE COURT: Ma'am, if you would state your name for me.

16 MS. TREXLER: Mary Denise Trexler.

17 THE COURT: Yes, Ms. Trexler, I'll be happy to hear
18 from you.

19 MS. TREXLER: Judge, thank you for allowing Nava's
20 voice to be finally heard.

21 We pray that you will sentence him to the maximum
22 punishment with no parole allowed by man's laws because he
23 would eventually get what he deserves and I call it God's
24 grace. But enough said.

25 He brutally beat an innocent 21-month old, my precious

1 granddaughter. Enough on him. Now it's time for her to be
2 heard.

3 She's been diagnosed with severe PTSD. She has social
4 and mental anxiety. She is in therapy and she will be in
5 therapy the majority of her life. She will probably have to
6 have one of her arms and her leg re-broken because they're
7 starting to bow and not grow back right.

8 But by God's grace, he didn't take her life, judge, nor
9 her spirit completely. She is an active two and a half year
10 old who is full of anger, she's full of rage, but she's also
11 full of love, kindness, consideration, and she is God's gift
12 to me and her family.

13 She has a song by Katy Perry, it's called Roar, and she
14 will run around the house, as best that she can run and
15 play, and it says you knocked me down, but I got up. I'm
16 already wiping off the dust. Hear my voice. I'm making
17 sounds cause I'm a survivor and she is and she's a champion
18 and you're gonna hear me roar, and if you could see her do
19 that, judge, she is a miracle, and that's what she is, our
20 little survivor.

21 She is a strong, hard headed, but she's stable, she's
22 safe, and she's loved, and she's wanted, but she's also
23 not -- she doesn't sleep. Not even while she's sleeping
24 does she be still. She has nightmares and she has night
25 terrors. She starts crying uncontrollably. No matter what

1 I do to try to get her to open her eyes to calm her down,
2 she has to do it herself. She moans, she groans like an
3 animal in pain, and if I try to wake her up it gets worse.
4 So I sing her, sing to her and I rock her and I love her.
5 But she has to do it on her own. It's like she's reliving
6 the nightmares and the night terrors of that night where she
7 laid in pain while his family made up a cover story. She
8 laid 14 hours in pain before she got any kind of medical
9 attention.

10 She hardly ever takes a nap. The minute she starts
11 she, she don't stop. So that made us concerned about her
12 brain waves. We had an MRI done and we had everything else
13 checked out. She's just -- being positive for the cocaine.
14 They just say this it's something that doesn't affect your
15 brain waves. It just continuously keeps you going, but Nava
16 will overcome this, Your Honor.

17 She'll overcome it with her family, her therapy, and
18 those that love her, but things -- lately she is having
19 outburst. She will see a certain type of man and it will
20 frighten her. She will smell something and just start
21 crying uncontrollably.

22 Nava's been through heck and back, more than most
23 adults in their lives will go through, and all because of
24 this coward that abuses those that are helpless and can't
25 defend themselves.

1 Nava will never though ever have to experience anything
2 of that magnitude again. We will never know exactly what
3 all abuse he done to her that night because of the cover up
4 story made by her mother, his grandmother, but only by the
5 grace of God did a family member of his make them take her
6 to the hospital to be checked.

7 But I do know one thing. He won't watch his boys grow
8 up while I watch Nava. He won't have those precious moments
9 that I will. He'll miss the holidays. I won't. He'll miss
10 the birthdays, school events, and just if they want a hug
11 from their daddy, they won't get it because he'll be behind
12 a glass or he'll in-between bars, and I pray that because he
13 is like his dad that those boys who are innocent are not
14 like him. I pray for those children that are paying for his
15 mistakes as well.

16 He is changed so many lives in so many ways to where we
17 never dealt with anything like that. So we have to figure
18 it out, but we figure it out. It may take us longer to get
19 there, but we get there.

20 So, his choice of brutally attacking and trying to take
21 my precious little grand from me, he failed. So please
22 don't fail her. Please give him the maximum sentence with
23 no parole that you are allowed to do by man's law because
24 Nava will continue with -- she'll continue to survive.
25 She'll have struggles, no more, no less than normal. She

1 will succeed in her life. She will have an education. She
2 will be a product that society is proud of, and she will be
3 an asset to society and all the good that she deserved
4 because I refuse to let that monster and what he did to her
5 define her and what she will stand for, and I know, Your
6 Honor, in my soul she has a purpose and a meaning and that's
7 why she was spared and her life does have meaning.

8 On a daily basis I watch her improve knowing that she
9 will deal in the same form or another in her lifetime. He
10 will receive -- he will never receive enough time, but when
11 he gets out, Nava will still, for the rest of her life, deal
12 with the abuse that was inflicted on her from almost a year
13 ago.

14 By closing, Your Honor, when Nava lays her head down
15 tonight in her home where her family loves her and keeps her
16 safe, I pray that she will always know that her GG and Aunt
17 KK tried to prevent this with the system that happened to
18 her, but although she was still brutally abused, we are
19 trying to make sure that Nava gets all the justice from the
20 system that she deserves.

21 THE COURT: Thank you.

22 MS. TREXLER: I thank you for letting me speak for my
23 granddaughter.

24 THE COURT: Thank you.

25 Ma'am, I do want to mention to you, you, a couple

1 times, mentioned parole. That's not decided by this Court.
2 That's -- there's a Parole Board and other institutions that
3 decide that issue. But I appreciate your thoughts. Thank
4 you very much.

5 MS. TREXLER: Thank you.

6 THE COURT: Now, you indicated the officers wish to
7 speak.

8 SOLICITOR MORICLE: Yes, Your Honor.

9 THE COURT: Yes, ma'am, your name.

10 DETECTIVE MURRAY: Detective Murray with Spartanburg
11 County Sheriff's Office.

12 THE DEFENDANT: Yes, ma'am.

13 DETECTIVE MURRAY: I would just like to say that
14 Mr. Steadman did cooperate with us. He told us that, you
15 know, he'd been smoking crack in the room with the, the
16 child, and that's what all this stemmed from and so I don't
17 know if it's possible, but I would like to recommend some
18 kind of anger management, drug rehab if that's possible.

19 THE COURT: Thank you.

20 Sir, your name?

21 DETECTIVE DAVIS: Detective Davis --

22 THE COURT: Yes, sir.

23 DETECTIVE DAVIS: -- with the Sheriff's Office.

24 I got involved in both cases. Just wanted to point out
25 that even though it took an extended long period of time for

1 her to receive medical treatment, once I got to the hospital
2 and I believe Investigator Murray had already been there for
3 about two or three hours at that point, Nava was still
4 moaning and already in casts and the medical staff said they
5 done given her all her body could handle in pain medication
6 at that point. They couldn't give her safely any more, and
7 she was still in that amount of pain.

8 Also that, at that time, the extended family had told
9 us that his family would protect him at all cost and that's
10 what took a lot of this stuff forever to come to fruition
11 and probably for her to seek medical attention. But also
12 they indicated that his great grandmother, cause he refers
13 to both of them as grandma, that the assault and battery
14 third was on, they had told us that she had been injured in
15 the past from him, and that was the reason she was in the
16 shape and in the wheelchair that she was in at that time.

17 We questioned him, whenever he got arrested on these
18 charges, cause he had fled to his father's house, but
19 eventually did -- would turn himself in. He claimed no, he
20 would never hurt her or anything like that, and then there
21 we were a couple months later over that, and at the time the
22 family had told me, the extended family, that that was over
23 him not getting something he wanted, but we could never
24 verify anything, and I had asked the great grandma, when I
25 went back, she said no, she didn't know what I was talking

1 about. There was nothing we could do.

2 So, it does seem that there's a pattern of he has
3 terrorized the family to the points of where, you know, if
4 he, if he doesn't get some type of time here, they're gonna
5 be in the same situation as they were before.

6 THE COURT: Thank you, sir.

7 Anything further from the State?

8 SOLICITOR MORICLE: Your Honor?

9 THE COURT: Prior record on this gentleman.

10 SOLICITOR MORICLE: Yes, Your Honor.

11 In 2011, assault and battery second.

12 THE COURT: I didn't hear if there was anybody speaking
13 on his behalf.

14 Was there?

15 MR. MORIN: Yesterday his father and grandmother were
16 present. I don't---

17 MS. HOOKS: I'm the one that raised him. I'm his great
18 grandmother, but I raised him.

19 THE COURT: Does she wish to speak to the Court?

20 MR. MORIN: Do you wish to speak to the Court?

21 MS. HOOKS: Yes, I do.

22 THE COURT: Come forward.

23 MR. MORIN: I'm sorry, Your Honor. I recognized -- I
24 was looking for his father and the family member who was
25 here yesterday.

1 THE COURT: while she's coming forward, any objection
2 to Exhibits 1 through 14 made -- being made a part of the
3 record?

4 MR. MORIN: No, sir.

5 THE COURT: All right. They'll be made an exhibit to
6 the plea.

7 (WHEREUPON, State's Exhibit Nos. 1 through 14 were
8 received into evidence at this time.)

9 THE COURT: Your name is, ma'am?

10 MS. HOOKS: Estelle Hooks --

11 THE COURT: Yes, ma'am.

12 MS. HOOKS: -- and I'm his great grandmother.

13 THE COURT: Yes, ma'am.

14 MS. HOOKS: Me and my husband raised him, and they
15 making him sound like a monster, but that boy loved that
16 little girl, and she thought more of him than he -- she did
17 her mother. She'd go around the house hollering Lee, Lee,
18 Lee, and following him around when she wouldn't even go to
19 her mother cause her mama was rough with her.

20 Her mama worked and she come in tired, she didn't want
21 to fool with her, but he -- she followed him around. She
22 loved in. I bet you a dollar if he was in here right -- she
23 was in here right now she'd go to him and call him his name
24 cause she always did.

25 And I loved the little baby and wouldn't of had nothing

1 to happen to her for nothing in the world, and he wasn't the
2 only one in that room. Her mother was in there too when
3 that baby got hurt, and they ain't no way on this earth that
4 you'll ever make me believe that he hurt that baby cause
5 he -- his son was there at my house. We raised him too.
6 He's five. He starts school this year, and he been there
7 with him and he'd never hurt him. Never hurt him.

8 He'd play with him, but he wouldn't hurt him, and I
9 just don't believe -- I never knowed him ever hurting
10 babies. He loved children. He loved babies and they's no
11 way to make me believe that.

12 I'm sorry. I just -- Ms. Trexler is mad. I can
13 understand. That's your granddaughter, and I can understand
14 that cause I got lots of grandchildren, great grandchildren
15 too, but I also know that. I should. I been with him all
16 his life. I don't believe he hurt that baby.

17 THE COURT: Thank you, ma'am.

18 MS. HOOKS: Thank you.

19 THE COURT: All right. I've reviewed the case and the
20 factors that have been presented to the Court. I've
21 reviewed the evidence that's been presented.

22 I must say that what I've seen, as far as the injuries
23 to the child in this case, are shocking to the Court. I
24 don't think I've ever seen anything that severe.

25 There's a reason why our Legislature puts maximum

1 sentences on certain crimes, and, in this case, I'm
2 sentencing you to 20 years on the abuse charge.

3 I'm sentencing you to one year on the resisting arrest.
4 I'll run those concurrently.

5 Time served on the assault and battery.

6 Good luck to you, sir.

7 SOLICITOR MORICLE: Thank you, Your Honor.

8

9

10 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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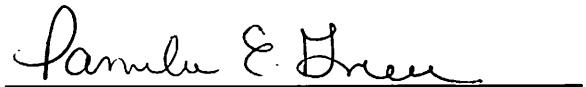
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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 26th day of August, 2014.

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

March 8th, 2015

A handwritten signature in cursive script, reading "Pamela E. Green", is written over a horizontal line.

PAMELA E. GREEN, Court Reporter

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE MADE

2. REPORT MADE

3. CARD FILLED

4. INDEXED

5. CHARGES WRITTEN

6. CHECKED SIGNATURE

7. ASSOCIATES FILED

CF
30 minutes

☒

CF

CF

☒

TRAFFIC WARRANT NUMBER
2014A4210201531

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO

14-GS-42-3566

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 25 2014

TERM

THE STATE
vs.

Robert Lee Steadman

Indictment for
ASSAULT AND BATTERY
2nd DEGREE

SC Code: 16-3-600 (D)(1)
CDR Code: 3413
Class: MIS/A

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

AUG 21 2014

At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

ASSAULT AND BATTERY 2nd DEGREE

That the Defendant, Robert Lee Steadman, did in Spartanburg County on or about the date of May 21, 2014, commit an assault and battery on the victim, Estelle Hooks, unlawfully injure the victim, or did offer or attempt to injure the victim with the present ability to do so and, moderate bodily injury to the victim resulted or moderate bodily injury to the victim could have resulted; to wit: by grabbing the victim by the face and pinning her arms to a bed, in violation of §16-3-600 (D)(1), of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended.)

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


ASSISTANT SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE MADE ☒

2. REPORT ENDED ☒

3. CARD FILLED ☒

4. INDEXED ☒

5. CHECKED W/... ☒

6. CHECKED SIGNATURE ☒

ARREST WARRANT NUMBER

2014A4210201532

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DECKET NO

14-GS-42-3567

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 25 2014

TERM

THE STATE

vs.

Robert Lee Steadman

Indictment for

RESISTING ARREST

SC Code: 16-9-320 (A)

CDR Code: 326

Class MIS-C

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

AUG 21 2014

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

RESISTING ARREST

That Robert Lee Steadman, did in Spartanburg County, on or about May 21, 2014, knowingly, willfully and unlawfully oppose and/or attempt to resist the effort of Deputy Michael Walsh, a law enforcement officer of this State, to make a lawful arrest of the said defendant, in violation of §16-09-320 (a), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


ASSISTANT SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE MADE

2. REPORT ENDED

3. CARD FILLED

4. INDEXED

5. CHECKED FOR RELEASE

6. CHECKED FOR FUGITIVE

7. ARRESTED

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. **14-GS-42-3953**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 25 2014

TERM

THE STATE
vs.

Robert Lee Steadman

Indictment for

CHILD ABUSE WITH GREAT BODILY
INJURY

SC Code: 16-3-95(A)

CDR Code: 2766

Class: FEL-C

RECEIVED
AUG 26 2014

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

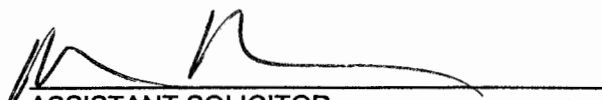
INDICTMENT

At a Court of General Sessions, convened on AUG 21 2014, the
Grand Jurors of Spartanburg County present upon their oath:

CHILD ABUSE WITH GREAT BODILY INJURY

That the defendant, Robert Lee Steadman, did in Spartanburg County on or between the dates of October 5, 2013 and October 6, 2013, inflict great bodily injury upon **Minor**, a child under the age of eleven (11), in violation of Section 16-3-95 (A) and (C) of the *SOUTH CAROLINA 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.


ASSISTANT SOLICITOR *Megan Monick*

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

48
COUNTY OF SPARTANBURG
STATE VS.
Robert Lee Steadman

AKA:
Race: WHITE Sex: M Age: 21
DOB: SS#:
Address: 853 Fairfax St
City, State, Zip: Spartanburg, SC 29301
DL#: SID#:
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2014GS4203566

A/W#: 2014A4210201531

Date of Offense: 5/21/2014

S.C. Code § : 16-03-0600(D)(1)

CDR Code #: 3413

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
TO: Assault and Battery 3rd Degree (0-30 days)

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0600(E)(1) of the S.C. Code of Laws, bearing CDR Code # 3414
☒ 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) BS
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State. CONCUR

ATTEST: MORICLE, MEGAN L. SC Bar# 100822 Robert Steadman Defendant Attorney for Defendant SC Bar# 65094

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center,
for a determinate term of 75 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: 8/26/14
☐ 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. 75 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 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient: _____

*Fine: \$
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$390
TOTAL \$ 133.90

_____ 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,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk _____
Court Reporter: _____

Presiding Judge _____
Judge Code: 2135
Sentence Date: 8/26/14

COUNTY OF SPARTANBURG

STATE VS.

Robert Lee Steadman

AKA:

Race: WHITE Sex: M Age: 21

DOB: SS#:

Address: 853 Fairfax St

City, State, Zip: Spartanburg, SC 29301

DL#: SID#:

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

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

TO: Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest (0-1 year and/or fine)

in violation of § 16-09-0320(A) of the S.C. Code of Laws, bearing CDR Code # 0326

☒ 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. 138 (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: MORICLE, MEGAN L. SC Bar# 100022 Defendant Robert Lee Steadman Attorney for Defendant 65094 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 1 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: 8/26/14☒ 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. 75 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 390
TOTAL		\$ 133.90

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,
§ 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: PC Green

CCA/217 (03/2011)

Presiding Judge

Judge Code: 2135

Sentence Date: 8/26/14

COUNTY OF SPARTANBURG

STATE VS.

Robert Lee Steadman

AKA:

Race: WHITE Sex: M Age: 21

DOB: SS#:

Address: 853 Fairfax St

City, State, Zip: Spartanburg, SC 29301

DL#: SID#:

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

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

TO: Abuse / To inflict great bodily injury upon a child (0-20 years) rec: cap of 15 years

in violation of § 16-03-0095(A) of the S.C. Code of Laws, bearing CDR Code # 2766

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ § 17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: MORICLE, MEGAN L.

100822 SC Bar#

Robert Steadman Defendant

Attorney for Defendant

65094 SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections. 75 days

§ 24-13-40 to be calculated and applied

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code

§ 17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

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Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

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§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$3.00 \$ 3.00

TOTAL \$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter: P. Green

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2014GS423953

A/W#: 2013A4210203653

Date of Offense: 10/5/2013

S.C. Code § : 16-03-0095(A)

CDR Code #: 2766

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

Presiding Judge

Judge Code: 2135

Sentence Date: 8/26/14

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)

IN THE COURT OF GENERAL SESSIONS
 FOR THE SEVENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

vs.)

ORDER AMENDING SENTENCING SHEET

Robert Lee Steadman,)

Indictment: 2014-GS-42-3953

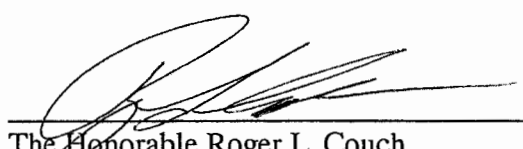
Defendant.)

This matter was before the Honorable Roger L. Couch on August 26, 2014 pursuant to a guilty plea being entered by the defendant Robert Lee Steadman to a charge of Felony Child Abuse.

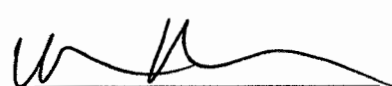
The Defendant was appraised of his rights and a guilty plea was entered and the defendant was sentenced on August 26, 2014. He was represented by his attorney Michael Morin, Esq.

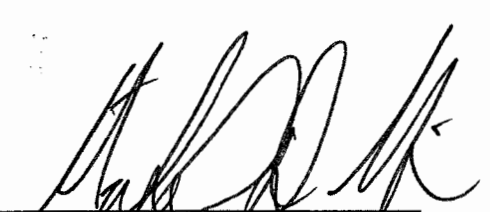
There was a scrivener's error on the sentencing sheet. In the space listed for a warrant number there is a warrant number but instead it should say direct indictment because this case was directly indicted. This in no way changes the plea entered on that day.

IT IS THEREFORE ORDERED that the sentencing sheet be amended to cross out the warrant number listed.


 The Honorable Roger L. Couch
 Presiding Circuit Court Judge

December 17, 2014
 Spartanburg, South Carolina


 Submitted by:
 Megan L. Moricle
 Asst. Solicitor


 Consent of:
 Michael Morin
 Attorney for Robert Lee Steadman

M. HOPE BLACKLEY
 2014 DEC 18 AM 11:56

FILED
 12/18/14

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE VS.

Robert Lee Steadman

AKA:

Race: WHITE Sex: M Age: 21

DOB: [REDACTED] SS#: [REDACTED]

Address: 853 Fairfax St

City, State, Zip: Spartanburg, SC 29301

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

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

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

TO: Abuse / To inflict great bodily injury upon a child (0-20 years) rec: cap of 15 years

in violation of § 16-03-0095(A) of the S.C. Code of Laws, bearing CDR Code # 2766

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ § 17-25-45

w/minor 1st or Lewd Act)

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

ATTEST: [Signature]

MORICLE, MEGAN L.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections. 75 days

§ 24-13-40 to be calculated and applied

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

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.00

TOTAL \$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS423953

A/W#: 2013A4210203633

Date of Offense: 10/5/2013

S.C. Code § 16-03-0095(A)

CDR Code #: 2766

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

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§ 24-13-40 to be calculated and applied

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

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.00

TOTAL \$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

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: ATU

Anger Management

☐ Appointed PD or appointed other counsel.

§ 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2135

Sentence Date: 8/26/14

FORM 5

STATE OF SOUTH CAROLINA)

County of Spartanburg)Robert Lee Steadman 361264)

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

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2018CP1203945

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 Perry Correctional Inst. 430 Oaklawn Road.
Pelzer, S.C. 29669
2. Name and location of Court which imposed sentence See reverse side of
Page.
3. Name(s) of co-defendant(s) (if any) Jordan Trexler.
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Child Abuse with Great Bodily Injury. 2014-GS-42-3953
 - (b) Resisting Arrest. 2014-GS-42-3567

2018 NOV 13 PM 1:16
FILED
CLERK OF COURT
SPARTANBURG COUNTY

(c) ASSault and Battery 2nd degree 2014-GS-42-3566

5. The date upon which sentence was imposed and the terms of the sentence:

(a) August, 26, 2014, child abuse great bodily Injury, 20 years

(b) August 26, 2014, Resisting arrest 1 year, Concurrent

(c) August 26, 2014 ASSault and battery 3rd Time Served

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ✓

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

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

NO

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

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

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

(c) the date of each such result:

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) I was misled to believe my lawyer Filed for an appeal.

(b) _____

FILED
CLERK OF COURT
HAWAII COUNTY
2016 NOV 13 PM 1:16
M. HOPE BLACKLEY

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) The violation of the 4th, 5th-6th and 14th Amendments of the ^{U.S.} Constitution
- (b) Violation of Article 1 Section 3 and Article 1 Section 15
- (c) of the S.C. Constitution
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) see attached memorandum
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

2018 NOV 13 PM 1:16
 CLERK OF COURT
 JUDICIAL DISTRICT OF CLAY COUNTY

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

No

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

(a) which grounds have been presented:

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

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

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

2018 NOV 13 PM 1:16
 MI HOPE BLACKBERRY
 IN THE COURT
 OF THE STATE OF MICHIGAN
 SOUTHERN DISTRICT OF INDIANA COUNTY

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) My lawyer told me he was going to file an appeal to the court.

(b) _____

(c) _____

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

(a) your arraignment and plea? ~~no~~ N/A

(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? no

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

no

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. Michael Morin

147 East Ste John St spartanburg SC 29303

ii. _____

iii. _____

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

i. Michael Morin

plea and sentencing.

ii. _____

iii. _____

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2018 NOV 13 PM 1:16
M. HOPE BLACKLEY

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

Sentence Reduction / Re-sentencing, new plea bargain

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

NO

STATE OF SOUTH CAROLINA)

County of Spartanburg)

VERIFICATION

I, Robert Lee Steadman #361264, 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.

Robert Steadman

SWORN to and subscribed before me this 16
day of October, 2018.

Tamara Cornwell (L.S.)
Notary Public

My Commission Expires: Sept-25-2023

CLERK OF COURT
SPARTANBURG COUNTY
2018 NOV 13 PM 1:16
M. HOPE BLACKLEY

Answer To Question 2.

Name and Location of court which imposed sentence.

Spartanburg County Courthouse.

180 Magnolia Street.

Spartanburg, S.C. 29301

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

I, Robert Lee Steadman #361264, 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.

Robert Steadman
Applicant

SWORN or affirmed to and subscribed before me this

16 day of October, 2018.

Tamara Conwell
Notary Public

My Commission Expires: Sept-25-2023

2018 NOV 13 PM 1:16
M. HOPE BLACKLEY

CLERK OF COURT
HARRIS COUNTY

I Robert Lee Steadman #361264 declare under penalty of perjury that the forgoing is true and to the best of my knowledge, that the forgoing is freely and voluntary of my own will without threats of promise of reward of anything.

I Robert Lee Steadman # 361264 was told by my attorney Michael Morin that he would file for an appeal after I was sentenced to twenty years in the South Carolina department of corrections on August 26th 2014.

Signed this 16

Day of OCT. 2018

Robert Steadman

Robert Steadman

M. HOPE BLACKLEY

2018 NOV 13 PM 1:16

FILED
CLERK OF COURT
CHARLESTON COUNTY

Sworn to me this 16

Day of October 2018

Notary public for S.C.

Tamara Conwell

my comm. EXP

Sept-25-2023

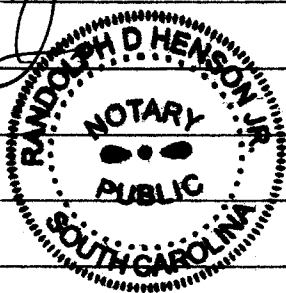
I Meghan Gossett declare under penalty of perjury that the foregoing is true and to the best of my knowledge, that the foregoing is freely and voluntarily of my own will without threats or promise of reward of anything.

I Meghan Gossett on August 26th 2014 was told by Michael Morion that he himself would file a application for appeal for my ex boyfriend Robert Steadman when he was sentenced to twenty years in the South Carolina department of corrections

Sworn to before me this 24th
Day of Sep. 2018

Notary Public for

Robert D. Steadman
my comm. EXP



Signed this 24th day
of Sep. 2018

Meghan Gossett

Meghan Gossett

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CLERK OF COURT
SPARTANBURG COUNTY
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M. HOPE BLACKLEY

State of South Carolina
County of Spartanburg

In the Court of
Common Pleas

Robert Lee Steadman
#361264

applicant

Case No. 2014-GS-42-3566,
2014-GS-42-3953, 2014-GS-42-
3567.

V.

State of South Carolina

Respondent

Memorandum In Support of
Application For
Post-Conviction Relief

I. Facts

1). Applicant plead guilty to:

Child abuse great bodily Injury, Indictment NO.
2014-GS-42-3953.

Resisting Arrest, Indictment NO. 2014-GS-42-3567.

Assault and Battery 2nd degree, Indictment NO.
2014-GS-42-3566. and received a twenty year
sentence.

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2.) Applicant asserts he is being held in custody unlawfully due to ineffective assistance of counsel in violation of the 4th, 5th, 6th, and 14th Amendments of the United States Constitution and in violation of Article 1 § 3 and 14 of the United States Constitution.

In addition, applicant was denied due process of law when applicants lawyer, Michael Morin of Spartanburg, S.C.

3.) Applicants lawyer failed to object to prejudicial pictures.

4.) Applicants lawyer failed to object to victim impact statements.

6.) Applicants lawyer failed to object to prejudicial statements to a testifying Detective.

7.) Applicants lawyer failed to object to the Assistant Solicitor stating that the applicant had a Prior record for assault and battery 2nd degree in 2011 when Applicant did not.

8.) Applicant attempted to fire his lawyer prior to court appearance and was told that he could not do

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SPARTANBURG COUNTY

So that if he did fire his lawyer he would have to represent himself and that due to conflict of interest he could not be appointed a public defender.

9.) Applicant lawyer failed to make appropriate motions to suppress unfavorable evidence.

10.) Applicant's lawyer failed to file an appeal on his guilty plea even after Applicant asked him to, and Applicant did not knowingly and intelligently waive the right to appeal.

II. Law

11.) the right to seek appellate review of a denial of a post-conviction relief is expressly authorized by state law. (S.C. Code Ann. § 17-27-100 (1985), Supreme Court Rule 50(a). Whether such review is granted is discretionary with this court (Knight v. State 284 S.C. 138 (1985); Anders v. California 386 U.S. 738 (1967) shall continue to apply in post-conviction relief matters (Johnson v. State 294 S.C. 310 (1988)) Anders requires appellate counsel to brief arguable issues, despite counsel's belief the appeal is frivolous, as a safeguard to the right to appeal. Supreme Court Rule 50(b) expressly provides for the appointment of counsel to seek appellate

Review on post-conviction relief.

12.) Under *Austin v. State* 305 S.C. 453 (1991) a defendant can appeal a denial of a post-conviction relief application if the statute of limitations has expired if the defendant either requested and was denied an opportunity to seek appellate review, or did not knowingly and intelligently waive the right to appeal (*King v. State* 308 S.C. 348 (1992)).

13.) Under the post-conviction rules an applicant is entitled to a full adjudication on the merits of the original petition, or "one bite at the apple" (*Aice v. State* 305 S.C. 448 (1991)) this bite includes an applicant's right to appeal the denial of a post-conviction relief application and the right to assistance of counsel in that appeal (*Aice* 305 S.C. at 448)).

14.) *Austin* appeal is used when an applicant is prevented from seeking appellate review of a denial of his or her post-conviction relief application, such as when an attorney fails to seek timely review (*Aice* at 448); (*Hope v. State* 328 S.C. 78 (1997)) A post-conviction applicant is entitled to an *Austin* appeal if the post-conviction relief judge affirmatively finds either:

- ① The applicant requested and was denied an opportunity to seek appellate review; or
- ② the right to appellate

review of a previous post-conviction order was not knowingly and intelligently waived (King 308 S.C. at 348)). If the post-conviction relief Court finds an applicant was denied his right to appeal, the applicant can petition for certiorari and this Court will review whether the petitioner was prejudiced by the failure to obtain appellate review (King 308 S.C. at 349); (Wicker v. State 310 S.C. 8 (1992))

15.) Under the post-conviction relief rules, a Court will appoint an attorney to a post-conviction relief applicant if:

① An evidentiary hearing is required;

② The applicant is indigent and wants to file an appeal (Whitehead v. State 310 S.C. 532 (1992) Rule 71.1 (g) S.C. R.C.P.

16.) In order to effectuate an applicant's right to appeal a post-conviction relief dismissal, this Court will require post-conviction relief judges to advise pro se applicants of both their right to appeal and also their right to appellate counsel when their post-conviction relief applications are summarily dismissed.

17.) The one year statute of limitations for post-

Conviction relief applications is not applicable to appeals filed pursuant to *Austin v. State* under S.C. Code Ann. § 17-27-45(A) (supp 1998). *Austin* appeals are considered "belated appeals" and are used to rectify unjust procedural defects such as when an attorney does not file a timely appeal (*Hope v. State* 328 S.C. 78 (1997)). The defendant is entitled to an evidentiary hearing on the issue of whether he voluntarily waived his right to a direct appeal and the one year limitations period in which to file a petition for post-conviction relief does not apply (*Wilson v. State* 348 S.C. 215 (2002)). To waive a direct appeal a defendant must make a knowingly and intelligent decision not to pursue the appeal (*Davis v. State* 288 S.C. 290 (1986); *White v. State* 263 S.C. 116 (1974)). In this case the defendant asked his lawyer to file an appeal and his lawyer did not do so. Viewed in the light of most favorable to the defendant the evidence suggest the defendant did not voluntarily waive his direct appeal. Every defendant has the right to file a direct appeal and one post-conviction relief (*Wilson supra*; *Poston v. State* 339 S.C. 37 (2000)).

18.) Summary dismissal of a post-conviction relief application without a hearing is appropriate only when:

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ACKLEY

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JANUARY COUNTY

① Its apparent on the face of the application that there is no need for a hearing to develop any facts.

② The applicant is not entitled to relief (S.C. Code Ann. § 17-27-70 (b)(c) (2014)). when considering a states motion for summary dismissal where no evidentiary hearing has been held the postconviction relief judge must assume facts presented by the applicant are true and view those facts in the light most favorable to the applicant (McCoy v. state 401 S.C. 363 (2013)) similarly when reviewing the propriety of a dismissal the S.C. Supreme Court must also view the facts in the same fashion (Leamon v. state 363 S.C. 432 (2005)).

19.) where an applicant alleges either the statute of limitations or the prohibition against successive post-conviction-relief application that the facts would establish an exception to these rules and those facts are not conclusively refuted by the record before the post-conviction relief court a question of fact is raised which can only be resolved by a hearing (McCoy 401 S.C. at 369)). The applicant asserts that the facts in this case establish an exception to the statute of limitations.

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SOUTH CAROLINA
JUDICIAL BRANCH
JULY 2018

Wherefore; the applicant is entitled to an
evidentiary hearing as a belated appeal on the
Issue set forth.

I Robert Lee Steadman #361264 swear under
penalty of perjury the above is true and
correct.

Signed this 16 day
of OCT. 2018

Robert Steadman
Robert Steadman

Sworn to before the 16 Day
of October 2018

Notary public for S.C.
Lamara Cnwell

my comm. EXP.
Sept-25-2023

2018 NOV 13 PM 1:16
M. HOPE BLACKLEY
CLERK OF COURT
WALDOUGH COUNTY

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG) FOR THE SEVENTH JUDICIAL CIRCUIT
)

Robert Lee Steadman,) Case No.: 2018-CP-42-03945
S.C.D.C. No. 361264,)
)

Applicant,)

v.)

State of South Carolina,)

Respondent.)
)

RETURN
(Counsel Appointed)

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In response to the application for post-conviction relief filed by Robert Lee Steadman (Applicant) on November 13, 2018, Respondent would show this Court:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was charged with assault and battery, third degree (2014-GS-42-03566), resisting arrest (2014-GS-42-03567), child abuse with great bodily injury (2014-GS-42-03953). Michael D. Morin, Esq. represented Applicant. Scott Spivey and Meghan Moricle, Esqs., of the Seventh Circuit Solicitor's Office, prosecuted the case. On August 26, 2014, Applicant waived presentment and pled guilty to the above indictments. Rejecting the State's recommendation of a sentencing cap of 15 years, the Honorable Roger L. Couch sentenced Applicant to imprisonment for concurrent terms of time-served for assault and battery, one year for resisting arrest, and 20 years for child abuse. Applicant did not appeal his plea or sentence.

II. STATEMENT OF THE FACTS

The underlying facts of the crimes for which Applicant is incarcerated were articulated by the State during the plea proceeding as follows:

Your Honor, in regards to the child felony abuse, on October 6th of 2013 Spartanburg County Sheriff's Office responded to Spartanburg Regional Medical Center in reference to an abuse of a small child, [Minor], who was 22 months of age at that time. Kelly Clune, the forensic nurse, advised that she had called the police. Officers met with Ms. Doris Steadman, Jordan Trexler, and the victim.

Doris Steadman, who is the defendant's grandmother, told officers that she was home the evening before and heard a loud noise early in the morning at [Home Address] here in Spartanburg County where the child, [Minor], Jordan Trexler, Doris Steadman, Robert Steadman, and Estelle Hooks reside.

After hearing the noise, she said she went to check on the child and found the side of the pack and play collapsed on her. She told officers she then put [Minor] in bed with her. The mother, Jordan Trexler, who was at work, told officers that when she arrived home she saw the injuries and brought her to Spartanburg Regional.

[Minor] had multiple visible bruises to her face, arms, legs, torso along with bite marks, a swollen mouth, and possible fracture to her arm and leg. Her mother, Jordan Trexler, attributed the visible bruises and bite marks to another child and her four year old son. After separating Doris Steadman and Jordan Trexler, the officers were able to determine the version – the actual version of events.

Eventually Doris Steadman did admit that her grandson, Robert Steadman, Jordan's boyfriend, actually had the victim, [Minor], in his room. She says she did not ever hear the victim scream. She did notice something was wrong with the child when Jordan came home and she brought her out of the room and she couldn't straighten her leg.

She told the police that Robert is violent with everyone. Jordan eventually told officers, when she got off work, she came home and got in bed with Robert and [Minor]. She said [Minor] began to cry and she noticed that she wasn't moving part of her body. She asked Robert Steadman what happened and he told her he didn't know, that she must of fallen out of the playpen. She did eventually tell officers that he smokes crack, marijuana, and is violent. She stated they got into a fight and he threw them out and then she and Doris took the child to the ER.

Your Honor, Spartanburg County officers were able to speak with Mr. Steadman. He was interviewed by the Sheriff's Office on October 9th in regards

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to this incident. He told officers he needed help with his anger issues and drug problems.

He stated he had attempted to pick [Minor] up Saturday night by [one arm] and one leg and dropped her and she hit her head on the rail. He then stated he went to pick her up and fell on her. He said he did pull the hair out of her head because she wouldn't stop crying and he pulled her leg. He stated he probably caused the injuries behind her ear, but she doesn't remember – but he doesn't remember and he told officers he does bite her all the time. He also told, told officers he was responsible for everything that happened to her.

After the interview Mr. Steadman did write an apology letter to [Minor]. [Minor] sustained several fractures. One to her wrist, one to her arm, and one to her leg. She had bruising that was new and old all over her body, bite marks all over her body, and missing hair.

She has had to have surgery on her arm. She is seeing a therapist who has diagnosed her with posttraumatic stress disorder and it's gonna take some time for one of her arms to heal.

In regards to the assault and battery third and resisting, on May 21st of 2014 Spartanburg County Sheriff's Office again responded to [Home Address] in Spartanburg County in reference to Someone beating up a grandmother. The victim, Estelle Hooks, was on the front porch when officers arrived in her wheelchair while her grandson, Robert Stedman, was yelling at her. The parties were separated and Ms. Hooks told officers that Robert Steadman asked for cigarettes and she wouldn't give him any. He said – she then said that he got in her face and started to threaten her. He grabbed her arm and her face and began pushing her down. She did have some visible injuries to her arms and face.

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While officers were speaking to Ms. Hooks, another officer had Mr. Steadman detained. Mr. Steadman was attempting to pull away from the officer and had to be taken to the ground because he continued to get away from the officers.

(Tr. 20-23). Upon inquiry by the Court, Applicant confirmed the above articulated facts, and upon review of photographs introduced to the Court, Applicant confirmed they represented the injuries he inflicted upon Victim. (Tr. 24-25)

III. CURRENT APPLICATION

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons, as excerpted from his eight page handwritten memorandum attached to the form application for relief:

1. Ineffective assistant of counsel, in that:
 - a. "Applicant's lawyer failed to object to prejudicial pictures."
 - b. "Applicant's lawyer failed to object to victim impact statements."
 - c. "Applicant's lawyer failed to object to prejudicial statements to a testifying detective."
 - d. "Applicant's lawyer failed to object to the assistant solicitor stating that the applicant had a prior record for assault and battery 2nd degree in 2011 when Applicant did not."
 - e. "Applicant attempted to fire his lawyer prior to court appearance and was told that he could not do so that if he did fire his lawyer he would have to represent himself and that due to conflict of interest he could not be appointed a public defender."
 - f. "Applicant lawyer failed to make appropriate motions to suppress unfavorable evidence."
 - g. "Applicant's lawyer failed to file an appeal on his guilty plea even after Applicant asked him to, and Applicant did not knowingly and intelligently waive the right to appeal."
 - i. "I . . . was told by my attorney Michael Morin that he would file for an appeal after I was sentenced to twenty years in the South Carolina Department of Corrections on August 26th, 2014."

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Applicant requests relief as follows:

- "Sentence reduction, resentencing, new plea bargain"

Attached to and incorporated herein are the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the current application for relief. Respondent reserves the right to amend this Return upon receipt of relevant information.

IV. RESPONSE TO ALLEGATION OF INEFFECTIVE ASSISTANCE OF COUNSEL

Ineffective Assistance of Plea Counsel, Generally

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland. First, Applicant must prove that counsel's performance was deficient. Strickland, 466 U.S. at 686; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would

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not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

White Claim

Applicant alleges that he was denied the right to a direct appeal of his plea and sentence. Though counsel is required to make certain that a defendant is made fully aware of his or her right to appeal after a *trial*, a different standard applies to a guilty plea:

Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal) or when the defendant reasonably demonstrated an interest in appealing, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea.

Turner v. State, 380 S.C. 223, 224-25, 670 S.E.2d 373, 374 (2008) (citations omitted); see also Roe v. Flores-Ortega, 528 U.S. 470, 480 (2000) (imposing the duty to consult when there is reason to think either that a rational defendant would want to appeal or that the particular defendant reasonably demonstrated interest in doing so); contra Frazer v. South Carolina, 380 F.3d 696 (4th Cir. 2005) (reading Flores-Ortega to mean counsel generally has a duty to consult with his client regarding whether to pursue an appeal). Therefore, in a collateral action attacking a guilty plea, the “bare assertion that a defendant was not advised of appellate rights is insufficient to grant relief.” Jones v. State, 382 S.C. 589, 598, 677 S.E.2d 20, 23-24 (2009) (quoting Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995)).

Where an Applicant reasonably demonstrates an interest in appealing, or where there is a reason to think a rational defendant would want to appeal, and where Counsel fails to either initiate that appeal or comply with Anders procedure, “White permits consideration of the full trial record on [an] issue in conjunction with appellate review of the PCR proceeding under an exception to the prohibition against appellate courts considering appeals in the absence of notice

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of direct appeal given and timely served.” Smith v. State, 309 S.C. 413, 415, 424 S.E.2d 480, 481 (1992) (citing Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986)).

Respondent lacks sufficient information to admit or deny this allegation at this time. Respondent requests an evidentiary hearing on this ground for relief. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

Conclusion and Action Requested

Applicant can satisfy neither requirement of the Hill test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V. ASSERTION OF RIGHTS TO NOTICE OF AMENDMENTS, EXPERTS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments *will be opposed by the State at an evidentiary hearing* pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a) and (b), SCRPC; Mangal v. State, 421 S.C. 85, 805 S.E.2d 568 (2017). All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRPC.

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests

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that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VI. GENERAL DENIAL

Respondent denies each allegation not expressly admitted, qualified, or explained.

VII. CONCLUSION

WHEREFORE, Respondent respectfully requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of plea counsel.

Respectfully submitted,

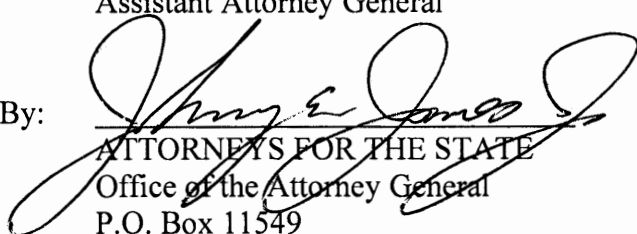
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
Assistant Attorney General

By:


ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

11 June, 2019

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF COMMON PLEAS

3
4 ROBERT L. STEADMAN,)
5 APPLICANT,) TRANSCRIPT OF RECORD
6 -VS-) 2018-CP-42-03945
7 STATE OF SOUTH) OCTOBER 8, 2019
8 CAROLINA,) SPARTANBURG, SOUTH CAROLINA
9 RESPONDENT.)

10
11 B E F O R E:

12 THE HONORABLE G. THOMAS COOPER, JUDGE.
13
14

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

16 RODNEY W. RICHEY, ESQUIRE
17 ATTORNEY FOR THE APPLICANT

18 JACOB A. ISENBERG, ASSISTANT ATTORNEY GENERAL
19 ATTORNEY FOR THE RESPONDENT
20
21

22 MICHAEL R. WATTS
23 CIRCUIT COURT REPORTER
24
25

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EXHIBITS

	NO.	DESCRIPTION	ID.	EV.
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1 (PROCEEDINGS, OCTOBER 8, 2019)

2 THE COURT: Anytime that you are ready.

3 MR. ISENBERG: Thank you, Your Honor.

4 The next case is Robert Steadman versus the State
5 of South Carolina, Case Number 2018-CP-42-03945.

6 The procedural history is he is confined in the
7 South Carolina Department of Corrections pursuant to the
8 orders of the Spartanburg County Clerk of Court.

9 He was charged with assault and battery in the
10 third degree, resisting arrest, child abuse with great
11 bodily injury.

12 Michael Morin, who is right here behind me,
13 represented him.

14 And Scott Spivey and Meghan Moricle of the Seventh
15 Circuit Solicitor's Office prosecuted the case.

16 On October 26th, 2014, he waived presentment and
17 pled guilty to the above-mentioned indictments.

18 Rejecting the State's recommendation of a
19 sentencing cap of 15 years, the Honorable Roger Couch
20 sentenced him to imprisonment for concurrent terms of time
21 served for assault and battery; one year for resisting
22 arrest; and 20 years for child abuse.

23 He did not appeal the plea or sentence.

24 And at this time I'll turn it over to his counsel,
25 Mr. Richey, to present his opening argument.

1 THE COURT: Mr. Richey?

2 MR. RICHEY: Your Honor, we would just like to
3 move forward on this.

4 We call Mr. Steadman, if we could. We call Mr.
5 Steadman.

6 THE COURT: Okay. Come on around, Mr. Steadman.
7 Come right up here.

8 Put your left hand on the Bible and raise your
9 right hand.

10 ROBERT L. STEADMAN, having been first duly sworn,
11 testified as follows:

12 THE WITNESS: I do.

13 DIRECT EXAMINATION BY MR. RICHEY:

14 Q. Sir, will you state your name, please?

15 A. Robert Steadman.

16 Q. And Mr. Steadman, are you currently in the Department
17 of Corrections?

18 A. Yes, sir.

19 Q. And what are you in the Department of Corrections for?

20 A. Child abuse great bodily harm.

21 Q. And what -- anything else?

22 A. Resisting arrest, Assault and battery.

23 Q. Okay. And who represented you on those cases?

24 A. Michael Morin.

25 Q. And you filed an application for post-conviction

1 relief, is that correct?

2 A. Yes, sir.

3 Q. And you believe that Mr. Morin did not effectively
4 represent you, is that correct?

5 A. Yes, sir.

6 Q. And you filed this application and you believe at your
7 plea that Mr. Morin didn't sufficiently protect your record,
8 is that correct?

9 A. Yes, sir.

10 Q. That he allowed the State to present evidence you think
11 he should have objected to?

12 A. Yes, sir.

13 Q. And are those items outlined in your application?

14 A. Yes, sir.

15 Q. And those -- do you have a copy of the application? Do
16 you have a copy of the --

17 A. Yes, sir.

18 MR. RICHEY: Can I approach the witness, Your
19 Honor?

20 THE COURT: Sure.

21 BY MR. RICHEY:

22 Q. Because the judge went over the cap in this case, is
23 that correct?

24 A. Yes, sir.

25 Q. And you believe he went over the cap because this type

1 of evidence was being able to be presented, correct?

2 A. Yes, sir.

3 Q. And is it your position that had this information not
4 been presented, then you would have got more in line with
5 the cap on that one?

6 A. Yes, sir.

7 Q. Okay. And that is why you believe that Mr. Morin was
8 ineffective?

9 A. Yes, sir.

10 Q. Okay. As to --

11 Now, you had desired to get another attorney, is that
12 correct?

13 A. Yes, I did.

14 Q. And what were you told when you --

15 A. I was told that if I fired Mr. Morin I would have to
16 represent myself.

17 Q. And you -- did you have the ability to retain counsel?

18 A. Not at the time.

19 Q. Okay. So would you be depending upon the Public
20 Defender's Office to give you another attorney?

21 A. Yes, sir.

22 Q. Okay. But you were told you could not do that?

23 A. Yes, sir.

24 Q. Okay. And this issue about an appeal, you asked him to
25 file an appeal on your case?

1 A. Yes, sir.

2 Q. And you have attached an affidavit to your application,
3 correct?

4 A. Yes, sir.

5 Q. And who was that from?

6 A. It's from Ms. Meghan Gossich.

7 Q. And who is Ms. Gossich?

8 A. An ex-girlfriend.

9 Q. Okay. And was she present in the conversation you had
10 with Mr. Morin?

11 A. She was present after -- after I was already sentenced
12 and he told my family that he would file an appeal.

13 Q. Okay. And the appeal -- you understand what the appeal
14 was? That appeal would be any errors that the judge made,
15 correct?

16 A. Yes, sir.

17 Q. We have talked about that.

18 And do you have any issues with what the judge did,
19 other than sentencing you?

20 A. No, sir.

21 Q. Okay. And it is your -- today you are requesting a new
22 trial, correct?

23 A. Yes, sir.

24 Q. That you want to go and start over, correct?

25 A. Yes, sir.

1 Q. And you got the maximum sentence, didn't you?

2 A. Yes, I did.

3 Q. So you would like to go back and have another crack at
4 this, right?

5 A. Yes, sir.

6 Q. Answer any questions the Attorney General has for you.

7 MR. ISENBERG: Beg the court's indulgence for just
8 one moment, Your Honor, to re-position.

9 (Off the record).

10 (Back on the record)

11 CROSS EXAMINATION BY MR. ISENBERG:

12 Q. Good morning Mr. Steadman.

13 A. Good morning.

14 Q. How are you doing today?

15 A. All right.

16 Q. You just testified that your only issue with the judge
17 was the sentence he handed down?

18 A. Yes, sir.

19 Q. Okay. Do you understand the sentence he handed down
20 was within the statutory limits, correct?

21 A. Yes, sir.

22 Q. Okay. So the issue you have with that is not the
23 Constitutional nature? It's just that you didn't like it?

24 A. Yes, sir.

25 Q. Okay. So you didn't like the sentence because he went

1 against the recommendation of the State, correct?

2 A. Yes, sir.

3 Q. Okay. And you understand that when he went against the
4 recommendation of the State, he made it clear that that's
5 being based upon the facts of the case, correct?

6 A. Yes, sir.

7 Q. Okay. And the solicitor gave the facts of the case at
8 your plea hearing, correct?

9 A. Yes, sir.

10 Q. And you agreed to those facts, correct?

11 A. Yes, sir.

12 Q. Okay. So you agreed that you did all of the very
13 harmful things that the solicitor said that you did,
14 correct?

15 A. Yes, sir.

16 Q. Okay. So the judge goes against the recommendation.
17 He says based upon the facts he sentences you within the
18 statute. Do you see any issue with that?

19 A. No, sir, not with that.

20 Q. Okay.

21 MR. ISENBERG: No further questions for this
22 witness.

23 MR. RICHEY: I got one.

24 REDIRECT EXAMINATION BY MR. RICHEY:

25 Q. Mr. Steadman --

1 THE COURT: Let me interrupt, Mr. Richey.

2 Is that the only issue?

3 MR. RICHEY: Well, no, the issue is that counsel
4 didn't object to all the photos and all that come in.

5 THE COURT: Well, they don't have anything like
6 that on the record.

7 MR. RICHEY: And the statements made by the
8 detective also in here.

9 Your Honor, there was the -- the State had these
10 photos is what he's referring to, and there was some
11 aggravation presented by one of the officers.

12 BY MR. RICHEY:

13 Q. Sir --

14 THE COURT: I don't have any of that.

15 The photos, were they viewed by the judge?

16 MR. RICHEY: Yes, sir. Typically --

17 THE COURT: He found them admissible?

18 MR. RICHEY: Yes, sir.

19 THE COURT: Okay.

20 MR. ISENBERG: Your Honor, I would just respond
21 that the applicant's testimony at this point has been he's
22 only had issues with the judge. He didn't mention any issue
23 with any pictures.

24 THE COURT: Well, I'm looking at his application.
25 That's all.

1 MR. ISENBERG: Yes, sir.

2 THE COURT: Is that it?

3 MR. RICHEY: No. I have a couple questions, Your
4 Honor.

5 THE COURT: Go ahead.

6 MR. RICHEY: Okay.

7 BY MR. RICHEY:

8 Q. Mr. Steadman --

9 A. Sir.

10 Q. -- did you hurt this child?

11 A. Yes, sir.

12 Q. You did?

13 A. Yes, sir.

14 Q. Okay. Thank you.

15 MR. RICHEY: No other questions.

16 THE COURT: All right.

17 Anything further?

18 MR. ISENBERG: Nothing further from the State,
19 Your Honor.

20 THE COURT: All right. You may come down.

21 MR. ISENBERG: Your Honor, I would call -- sorry,
22 go ahead.

23 MR. RICHEY: We call Mr. Morin.

24 MR. ISENBERG: Sorry about that.

25 THE WITNESS: Are you going to re-swear me, or --

1 THE COURT: I will, just for the record.

2 MICHAEL MORIN, ESQUIRE, having been first duly
3 sworn, testified as follows:

4 THE COURT: Have a seat.

5 DIRECT EXAMINATION BY MR. RICHEY:

6 Q. Sir, would you state your name, please?

7 A. Michael Morin.

8 Q. Mr. Morin, do you recall representing Mr. Steadman?

9 A. Yes, I do.

10 Q. And on this case it was -- was it a trial or a plea?

11 A. Plea.

12 Q. And was there a 15 year recommendation?

13 A. Yes.

14 Q. And did you -- were you -- did you feel confident that
15 the court would accept that recommendation?

16 A. Yes. I mean, there was always a chance that he might
17 go over, but I didn't think he would go where he went.

18 Q. And the issue was raised here about the photos that the
19 judge reviewed and the victim impact. Did you feel -- did
20 you feel that it was appropriate to object to that?

21 A. No.

22 Q. And could you tell me why?

23 A. Well, my client was pleading guilty to it and the State
24 was presenting its side of the evidence that they would show
25 at trial, and it's very common to do that, and I would have

1 liked to have objected to the pictures, if I had some reason
2 to, but there wasn't one that I knew of.

3 Q. And is there -- if you had objected, do you believe
4 that that would have jeopardized the guilty plea in any way?

5 A. No.

6 Q. Okay. And did Mr. Steadman --

7 In this case was there other people in the room when
8 this happened, do you recall?

9 A. It was at a house. The child's mother was there or not
10 there. I mean, I remember a little bit about it.

11 Q. Okay. Did he ever talk to you about someone else
12 committing this crime, other than him?

13 A. Not to my knowledge.

14 Q. Okay. And you heard the issue with the appeal. Were
15 you asked to file an appeal?

16 A. Not that I remember, but I don't have -- I don't have a
17 recollection one way or another on that.

18 Q. Okay. In reviewing the plea here and the possibility
19 of -- if you -- if you were asked, would you have filed an
20 appeal?

21 A. Yes.

22 Q. And what issues would you have raised, or tried to
23 raise?

24 A. I would have -- I don't know that I would have raised
25 any specific issue. I would have filed with Appellate

1 Defense and said my client has asked to do to this and --

2 Q. And you are familiar with the appellate rules where in
3 a guilty plea the courts require you to state the issues
4 that you feel appealable. Do you --

5 A. Right. I don't know of any.

6 Q. Okay.

7 A. But obviously, nonetheless, if he had asked me to do
8 it, then I would have done it.

9 Q. Okay.

10 A. Or if I thought there was one, I would have done it,
11 but --

12 Q. Do you recall -- do you recall any of his family
13 members asking you?

14 A. Well, family members often say they are going to appeal
15 or they want you to appeal, but that doesn't -- that's not
16 dispositive of what's going to happen.

17 Q. Okay. So it would have to be a directive from him?

18 A. Yes.

19 Q. Okay. And that day at the courthouse, did he --

20 A. I don't recall that. There was -- you know, he -- he
21 and I both were surprised by a maximum sentence. I think
22 that's fair to say.

23 Q. Thank you.

24 Answer any questions the Attorney General has for you.

25

1 CROSS EXAMINATION BY MR. ISENBERG:

2 Q. Good morning.

3 A. Good morning.

4 Q. You have been a criminal defense attorney for a total
5 of 16 years, correct?

6 A. Yes.

7 Q. And you have handled cases before where the solicitor
8 enters exhibits at plea hearings, correct?

9 A. Yes.

10 Q. And you traditionally don't object to the entrance of
11 these exhibits, correct?

12 A. Most of the time I do not.

13 Q. Okay. So there are circumstances where you object to
14 the entrance of exhibits?

15 A. Typically when officers or other people start talking
16 about things not charged in the case, or other events that
17 are not part of the case, I object to those things.

18 Q. Okay. And that's your common practice --

19 A. Yeah.

20 Q. -- for a plea hearing, correct?

21 A. Uh-huh.

22 Q. You didn't see any reason to object at this plea
23 hearing, correct?

24 A. No.

25 Q. Okay.

1 MR. ISENBERG: No further questions of this
2 witness.

3 MR. RICHEY: No questions.

4 THE COURT: You may come down.

5 THE WITNESS: Thank you, Your Honor.

6 MR. RICHEY: No other witnesses, Your Honor.

7 MR. ISENBERG: Anything from the State?

8 MR. ISENBERG: Your Honor, no witnesses from the
9 State. We would just request a brief closing argument.

10 THE COURT: Certainly.

11 MR. ISENBERG: Your Honor, based upon the
12 testimony here today it appears that the main issue that the
13 applicant has is the failure to appeal based upon the
14 judge's decision to sentence him to 20 years against the 15
15 year recommendation.

16 Now, the testimony from the applicant was that
17 after reviewing everything that I reviewed with him, the
18 facts the judge's sentence being within the statutory limits
19 and the charges he received based upon his plea agreement,
20 he did not see any issues with this case.

21 Counsel also testified that he would have filed an
22 appeal, had the applicant directed him to. That's his
23 traditional practice.

24 He also would have objected if he saw something at
25 the plea hearing. If he saw something, that's his

1 traditional practice, and just did not see that in this
2 case.

3 And for that reason we do not think the applicant
4 has met his burden to prove the sufficiency and the failure
5 to file an appeal or a failure to object to the plea hearing
6 based upon his traditional practice, and there was simply no
7 prejudice. I mean, there simply weren't any appealable
8 issues based upon the evidence in the record. We don't even
9 have the pictures, so we don't know if they were
10 prejudicial. We don't know what the Court of Appeals would
11 have decided.

12 So for that reason the State ask that you deny the
13 application and dismiss it with prejudice. Thank you.

14 THE COURT: Mr. Richey?

15 MR. RICHEY: Thank you, Your Honor.

16 Judge, I would rely on the applicant's testimony
17 in terms of wanting counsel to object. I understand the
18 legal ramifications of that.

19 The issue about appeal, you know, I don't know if
20 it's going to be able to show it as appealable issues, but
21 he did request counsel do that.

22 Thank you, Your Honor.

23 THE COURT: All right. Propose orders within 30
24 days.

25 MR. ISENBERG: Thank you, Your Honor.

MR. RICHEY: Thank you, Your Honor.

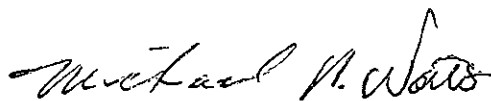
(END OF REQUESTED TRANSCRIPT OF RECORD)

CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Spartanburg County, South Carolina, on the 8th day of October, 2019.

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

MARCH 26, 2020



Michael R. Watts
Circuit Court Reporter

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG) FOR THE SEVENTH JUDICIAL CIRCUIT

Robert Lee Steadman,) Case No.: 2018-CP-42-03945
S.C.D.C. No. 361264,)

Applicant,)

ORDER OF DISMISSAL

v.)

State of South Carolina,)

Respondent.)

This matter comes before the Court by way of an application for post-conviction relief filed by Robert Lee Steadman ("Applicant") on November 13, 2018. Respondent made a return on or about June 11, 2019. The Court convened an evidentiary hearing into the matter on October 8, 2019, at the Spartanburg County Courthouse in South Carolina. Applicant was present at the hearing and represented by Rodney Richey, Esquire. Jacob Isenberg, of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsel Michael Morin, Esquire ("Counsel") also testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the original plea transcript, the records of the Spartanburg County Clerk of Court regarding the subject convictions and the pleadings. After thorough review of the available evidence and testimony, this Court finds the application shall be dismissed with prejudice.

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was charged with assault

and battery, third degree (2014-GS-42-03566), resisting arrest (2014-GS-42-03567), and child abuse with great bodily injury (2014-GS-42-03953). Michael D. Morin, Esquire, represented Applicant. Scott Spivey and Meghan Moricle, of the Seventh Circuit Solicitor's Office, prosecuted the case. On August 26, 2014, Applicant waived presentment and pled guilty to the above indictments. Rejecting the State's recommendation of a sentencing cap of 15 years, the Honorable Roger L. Couch sentenced Applicant to imprisonment for concurrent terms of time-served for assault and battery, one year for resisting arrest, and 20 years for child abuse. Applicant did not appeal his plea or sentence.

II. STATEMENTS OF THE FACTS

The underlying facts of the crimes for which Applicant is incarcerated were articulated by the State during the plea proceeding as follows:

In regards to the child felony abuse, on October 6th of 2014, Spartanburg County Sheriff's Office responded to Spartanburg Regional Medical Center in reference to an abuse of a small child [Minor], who was 22 months of age at that time. Kelly Clune, the forensic nurse, advised that she had called the police. Officers met with Ms. Doris Steadman, Jordan Trexler, and the Defendant

Doris Steadman, who is the defendant's grandmother, told officers that she was home the evening before and heard a loud noise early in the morning at [Home Address] in Spartanburg County where the child, Jordan Trexler, Doris Steadman, Robert Steadman, and Estelle Hooks reside.

After hearing the noise, she said she went to check on the child and found the side of the "pack and play" collapsed on her. She told officers she then put the child in bed with her. The mother, Jordan Trexler, who was at work, told officers that when she arrived home she saw the injuries and brought the child to Spartanburg Regional Hospital.

The child had multiple visible bruises to her face, arms, legs, and torso, bite marks, a swollen mouth, and possible fracture to her arm

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and leg. Her mother, Jordan Trexler, attributed the visible bruises and bite marks to another child and her four year old son.

After separating Doris Steadman and Jordan Trexler, the officers were able to determine the version – the actual version of events.

Eventually Doris Steadman did admit that her grandson, Robert Steadman, Jordan's boyfriend, actually had the victim child in his room. She said she did not hear the victim scream. She did notice something was wrong with the child when Jordan came home and she brought her out of Robert's room and couldn't straighten her leg.

She told the police that Robert is violent with everyone. Jordan eventually told officers, when she got off work, she came home and got in bed with Robert and the child. She said the child began to cry and she noticed that she wasn't moving part of her body. She asked Robert what happened and he told her he didn't know, that she must have fallen out of the playpen. She did eventually tell officers that he smokes crack, marijuana, and is violent. She stated they got into a fight and he threw them out and she and Doris Steadman took the child to the ER.

Spartanburg County officers were able to speak with Mr. Steadman. He was interviewed by the Sheriff's Office on October 9th in regards to this incident. He told officers he needed help with his anger issues and drug problems.

He stated he had attempted to pick the child up Saturday night by one arm and one leg and dropped her and she hit her head on the rail. He then stated he started to pick her up and he fell on her. He said he did pull the hair out of her head because she wouldn't stop crying and he pulled her leg. He stated he probably caused the injuries behind her ear, but he doesn't remember and he told officers he does bite her all the time. He also told the officers he was responsible for everything that happened to her.

The child sustained several fractures. One to her wrist, one to her arm, and one to her leg. She had bruising that was new and bite marks all over her body, and missing hair. Upon inquiry by the Court, Applicant confirmed the above articulated facts, and upon

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review of photographs introduced to the Court, Applicant confirmed they represented the injuries he inflicted upon Victim. (Tr. 24-25)

III. CURRENT APPLICATION

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons, as excerpted from his eight page handwritten memorandum attached to the form application for relief:

1. Ineffective assistant of counsel, in that:
 - a. "Applicant's lawyer failed to object to prejudicial pictures."
 - b. "Applicant's lawyer failed to object to victim impact statements."
 - c. "Applicant's lawyer failed to object to prejudicial statements to a testifying detective."
 - d. "Applicant's lawyer failed to object to the assistant solicitor stating that the applicant had a prior record for assault and battery 2nd degree in 2011 when Applicant did not."
 - e. "Applicant attempted to fire his lawyer prior to court appearance and was told that he could not do so that if he did fire his lawyer he would have to represent himself and that due to conflict of interest he could not be appointed a public defender."
 - f. "Applicant lawyer failed to make appropriate motions to suppress unfavorable evidence."
 - g. "Applicant's lawyer failed to file an appeal on his guilty plea even after Applicant asked him to, and Applicant did not knowingly and intelligently waive the right to appeal."
 - i. "I . . . was told by my attorney Michael Morin that he would file for an appeal after I was sentenced to twenty years in the South Carolina Department of Corrections on August 26th, 2014."

Applicant requests relief as follows:

- "Sentence reduction, resentencing, new plea bargain"

At the evidentiary hearing, Applicant proceeded forward only on one allegation of ineffective assistance of counsel based upon the failure to file an appeal to challenge the prejudicial sentence.

Accordingly, this Court finds all other claims are dismissed with prejudice based upon Applicant's failure to proffer evidence in support.

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IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

A. Ineffective Assistance of Counsel

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland. First, Applicant must prove that counsel's performance was deficient. Strickland, 466 U.S. at 686; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id.

(citing Strickland, 466 U.S. at 690). “When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect.” Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing Strickland, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. Cullen v. Pinholster, 563 U.S. 170, 196 (2011); Harrington v. Richter, 562 U.S. 86, 109-10 (2011). “[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.” Yarborough at 6; see also Murphy v. Davis, 901 F.3d 578, 592 (5th Cir. 2018) (“[C]ounsel’s performance need not be optimal to be reasonable”). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

Second, counsel's deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury.” United States v. Basham, 789 F.3d 358, 371-72 (4th Cir. 2015) (quoting Elmore v. Ozmint, 661 F.3d 783, 858 (4th Cir. 2011)).

In the context of a guilty plea, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he/she would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977) (“Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is

subject to summary dismissal, as are contentions that in the face of the record are wholly incredible.”). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he or she should be allowed to depart from the truth of his statements. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975)).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. Strickland, 466 U.S. at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Id. At 696-97.

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Failure to File Notice of Appeal

Applicant contends Counsel failed to file a Notice of Appeal at his request. Though counsel is required to make certain that a defendant is made fully aware of his or her right to appeal after a trial, a different standard applies to a guilty plea:

Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal) or when the defendant reasonably demonstrated an interest in appealing, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea.

Turner v. State, 380 S.C. 223, 224-25, 670 S.E.2d 373, 374 (2008) (citations omitted); see also Roe v. Flores-Ortega, 528 U.S. 470, 480 (2000) (imposing the duty to consult when there is reason to think either that a rational defendant would want to appeal or that the particular defendant reasonably demonstrated interest in doing so); contra Frazer v. South Carolina, 430 F.3d 696 (4th Cir. 2005) (reading Flores-Ortega to mean counsel generally has a duty to consult with his client

regarding whether to pursue an appeal). Therefore, in a collateral action attacking a guilty plea, the “bare assertion that a defendant was not advised of appellate rights is insufficient to grant relief.” Jones v. State, 382 S.C. 589, 598, 677 S.E.2d 20, 23-24 (2009) (quoting Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995)).

Where an applicant reasonably demonstrates an interest in appealing, or where there is a reason to think a rational defendant would want to appeal, and where Counsel fails to either initiate that appeal or comply with Anders procedure, “White permits consideration of the full trial record on [an] issue in conjunction with appellate review of the PCR proceeding under an exception to the prohibition against appellate courts considering appeals in the absence of notice of direct appeal given and timely served.” Smith v. State, 309 S.C. 413, 415, 424 S.E.2d 480, 481 (1992) (citing Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986)).

Here, Counsel testified he does not remember Applicant making a request to file notice of appeal. Moreover, Counsel stated he would have filed an appeal if Applicant made such a request. Counsel also testified he did not see anything appealable in Applicant’s case. Therefore, Counsel does not believe they had this discussion. Applicant testified he only took issue with the sentence. He testified he understood it was within the range of potential punishment and he agreed with the facts presented at the hearing.

Accordingly, this Court finds Applicant understood he received a sentence within the statutory range. Furthermore, this Court finds Applicant understood he received a sentence based upon the facts of the case. This Court finds Counsel presented credible testimony that no discussions about filing an appeal happened. Therefore, this Court finds Applicant has failed to overcome the burden to prove Counsel was deficient in failing to file an appeal.

To reiterate, Counsel only has a duty to consult with their client about an appeal when they have reason to believe either: 1) a rational defendant would want to appeal; or 2) this particular defendant reasonably demonstrated interest in appealing. Roe, 528 U.S. at 480. This Court finds the record reflects Counsel did not reasonably believe Applicant had an appealable issue. Moreover, this Court finds Applicant has failed to establish he had a legitimate basis to appeal. Accordingly, this Court finds Applicant has failed to overcome the burden to prove prejudice on this issue.

V. CONCLUSION

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

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and

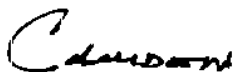
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2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 27 day of December, 2019.



G. THOMAS COOPER
Presiding Judge
Seventh Judicial Circuit



, South Carolina

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