

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

—————
Certiorari to Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

—————
DEQUAN VEREEN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2020-000591

—————
APPENDIX
—————

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S.C. SUPREME COURT

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)	
STATE OF SOUTH CAROLINA,)	
)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
DEQUAN VEREEN,)	
)	
DEFENDANT,)	

July 30, 2015
Columbia, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

DANIEL GOLDBERG, ASSISTANT SOLICITOR
Attorney for the State

ALICIA GOODE, ASSISTANT PUBLIC DEFENDER
TRACY PINNOCK, ASSISTANT PUBLIC DEFENDER
Attorneys for the Defendant

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 DEQUAN VEREEN, after being duly sworn, testified as
2 follows:

3 THE COURT: Okay.

4 MR. GOLDBERG: Thank you, Your Honor. If it please
5 the Court. Dan Goldberg for the State. Before you is
6 Dequan Vereen with his attorney, Alecia Goode, of the
7 Public Defender's Office.

8 Mr. Vereen is before you to enter a guilty plea to
9 one count of voluntary manslaughter reduced from murder,
10 as well as one count of armed robbery and one count of
11 attempted murder for a negotiated 30 years to run
12 currently on all charges.

13 At this time, Your Honor, this case was -- is
14 scheduled to be first up for trial on this coming Monday.
15 Due to the somewhat last minute putting together
16 scheduling wise, the parties have agreed, and with Your
17 Honor's consent, to have the plea accepted at this time
18 and then withhold sentencing until family members from
19 both sides can be present next week.

20 THE COURT: So we're going to sentence him next week?

21 MR. GOLDBERG: Yes, sir.

22 THE COURT: Is that right?

23 MS. GOODE: Yes, Your Honor.

24 THE COURT: Okay. All right. How do you say your
25 last name?

1 THE DEFENDANT: Vereen.

2 THE COURT: Okay. Mr. Vereen, how are you?

3 THE DEFENDANT: I'm all right.

4 THE COURT: Okay. They tell me you want to plead
5 guilty to three separate charges; is that right?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are you under the influence of any
8 alcohol or drugs today?

9 THE DEFENDANT: No, sir.

10 THE COURT: Have you ever been treated for any mental
11 health issues?

12 THE DEFENDANT: No, sir.

13 THE COURT: All right. The three charges they tell
14 me you want to plead guilty to, number one -- these are in
15 no particular order, number one is attempted murder which
16 carries between zero and 30 years in prison. Do you
17 understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: The next charge is voluntary manslaughter
20 which carries a mandatory two up to 30 years in prison.
21 Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And the last is armed robbery which
24 carries a mandatory ten up to 30 years in prison. Do you
25 understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Each of these offenses that you're
3 pleading guilty to is designated by our legislature as
4 violent and most serious. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that will change your
7 classification at the Department of Corrections?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you also understand that because of
10 the most serious convictions were you to receive one more
11 most serious offense in your lifetime, you would be at
12 mandatory life without parole?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You also understand that all three of
15 these offenses are what we call no parole offenses. That
16 means there is not -- you will not be eligible for parole
17 in the Department of Corrections. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You also understand that when you are
20 released from the Department of Corrections, you will be
21 released onto what is know as the Community Supervision
22 Program. You can be monitored for up to two years, and
23 you can be re-incarcerated for any violations of the
24 Community Supervision Program. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Are you on probation or parole?

2 THE DEFENDANT: No, sir.

3 THE COURT: When you plead guilty, you give up
4 certain important rights. The first is your right to
5 remain silent. Do you understand that right?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you want to give up that right?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: The second is your right to a jury trial.
10 Do you understand what a jury trial is?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And do you want a jury trial, or do you
13 want to plead guilty?

14 THE DEFENDANT: Guilty.

15 THE COURT: Third is your Constitutional Right to
16 confront the witnesses the State would call against you,
17 to call witnesses on your own behalf and to present any
18 defense you may have. If you plead guilty, none of that
19 is going to happen. Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Your first indictment says that on or
22 about September 19th, 2013 you committed a voluntary
23 manslaughter against a Robert Jewell in Richland County.
24 How do you plead to that?

25 THE DEFENDANT: Guilty. Guilty.

1 THE COURT: The second indictment says that on or
2 about November 14th, 2012 you committed an armed robbery
3 at the Corner Pantry here in Richland County. How do you
4 plead to that?

5 THE DEFENDANT: Guilty.

6 THE COURT: The third indictment says that on or
7 about November 14th, 2012 you committed an attempted
8 murder against a Torrencio Koger here in Richland County.
9 How do you plead to that?

10 THE DEFENDANT: Guilty.

11 THE COURT: Now, this is a negotiated plea. Do you
12 understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Tell me in your own words what negotiated
15 means.

16 THE DEFENDANT: Negotiated is something that we
17 talked about. It's something I agreed on.

18 THE COURT: Okay. So the way I look at it, and the
19 way I want to make sure you understand it is even if I
20 wanted to give you less than 30 years, I couldn't. Do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Likewise, even if I wanted to give you
24 more than 30 years, I couldn't. Does that make sense?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: So when you walk out here after I hear
2 all the facts and everything and when your sentencing
3 comes around, I either give you the 30, or I just don't do
4 it at all because I'm not comfortable with the number.
5 Does that make sense?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: So there is no chance it goes less.
8 There is also no chance it goes more. Make sense?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. Besides that, has anybody promised
11 you anything to get you to plead?

12 THE DEFENDANT: No, sir.

13 THE COURT: How about forced you or threatened you to
14 get you to plead?

15 THE DEFENDANT: No, sir.

16 THE COURT: Are you pleading freely and voluntarily?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Are you satisfied with the services of
19 your lawyer?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And you met with her for as often and as
22 much as you deem necessary to be able to make this
23 decision?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Are you pleading guilty because you are,

1 in fact, guilty of the offenses?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Your time for appeal will run
4 from your sentencing date. That will be ten days from
5 that date. Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay.

8 Mr. Goldberg?

9 MR. GOLDBERG: Thank you, Your Honor. Two separate
10 incidents, the first one was November 14th, 2012 at 5413
11 Forest Drive here in Richland County. That's a Corner
12 Pantry convenience store.

13 The victim in that case, Torrencio Koger, reported
14 that three individuals entered the Corner Pantry store all
15 wearing black clothing and masks all armed or appearing to
16 be armed with handguns and demanding money from the
17 register and asking for lottery tickets.

18 An exchange of gunfire took place where the
19 assailants fired upon the clerk. The clerk actually fired
20 back and struck one of the suspects which later was
21 identified as Mr. Vereen.

22 Officers received word from a local hospital,
23 Providence Hospital, that a gunshot victim matching the
24 description of one of the suspects had come into the
25 hospital.

1 Upon responding, they encountered Mr. Vereen. He was
2 advised of his Miranda rights and did give a statement
3 admitting to actually buying the mask at the Wal-Mart
4 across the street from this location and entering the
5 Corner Pantry with these two other individuals to commit
6 this robbery and that they went in there seeking to steal
7 scratch off lottery tickets.

8 He did also acknowledge that he was shot during that
9 exchange. Obviously, that would be the armed robbery, as
10 well as the attempted murder for the shots fired at the
11 clerk.

12 The second incident in the case that was -- is
13 scheduled for trial on Monday took place on
14 September 19th, 2013, 7426 Hunt Club Road here in Richland
15 County. That is a Food Fare convenience store.

16 On that particular occasion at approximately
17 7:50 p.m., 7:40 p.m. a body was identified in the parking
18 lot as Robert -- 51-year-old Robert Jewell. He had been
19 shot once with a handgun and was found unresponsive. EMS
20 pronounced him dead on the scene.

21 The scene actually was covered by surveillance video
22 and did show the shooting. There was a getaway vehicle
23 that was identified from the video. The owner of the
24 vehicle was discovered.

25 The occupants of the vehicle later came forward to

1 the sheriff's department and provided information about
2 the persons who exited that vehicle and approached the
3 victim and did shoot him.

4 They identified the defendant, Dequan Vereen, as well
5 as a codefendant, Tevin Richardson (phonetic), as
6 approaching the victim, Mr. Jewell, engaging him in a
7 verbal discussion, and then the altercation took place
8 where Mr. Richardson actually punched the victim and
9 Mr. Vereen had the firearm in his hand that discharged and
10 shot Mr. Jewell.

11 The parties knew each other and the codefendant
12 Mr. Richardson was owed some money by the victim. He went
13 to collect the debt that was owed to him. Mr. Vereen was
14 along with him, and during the time that they were trying
15 collect it from him was when the shooting took place.

16 Upon being arrested, Mr. Vereen waived his Miranda
17 rights and did admit to his involvement, as well as
18 implicating Mr. Richardson. Mr. Richardson, upon arrest,
19 admitted his involvement and implicated Mr. Vereen, as
20 well. That would be the basic facts for purposes at this
21 time.

22 THE COURT: All right. Any record?

23 MR. GOLDBERG: No prior record.

24 THE COURT: Okay. Is that materially true,
25 Mr. Vereen?

1 THE DEFENDANT: Yes. Yes, sir.

2 THE COURT: Okay. Very well. I accept his plea. I
3 find there is a substantial factual basis for the plea. I
4 further find his decision to plead guilty to be freely,
5 voluntarily, knowingly, intelligently made; that he's had
6 the advice of a very competent attorney with whom he tells
7 me he is satisfied.

8 When are we going to set this up?

9 MR. GOLDBERG: Your Honor, I've been in contact with
10 the victim's family. They live in Florida. They're going
11 to let me know tomorrow if they can be here Monday or if
12 Tuesday may be better, but they seem to think that either
13 one of those days should be available.

14 THE COURT: Okay. Are you around next week?

15 MS. GOODE: Yes, Your Honor. We discussed Monday
16 afternoon possibly.

17 THE COURT: That's fine. I'll be here all those
18 times. Just let Karlen know when you schedule it --

19 MR. GOLDBERG: Yes, sir.

20 THE COURT: -- to make sure we block off enough time
21 so whoever wants to speak on whatever side of the case, so
22 no one feels rushed when doing so.

23 MR. GOLDBERG: Thank you, Your Honor.

24 THE COURT: Thank you very much, Mr. Vereen. See you
25 next week.

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(Whereupon, the proceedings were concluded.)

STATE OF SOUTH CAROLINA)	GENERAL SESSIONS
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County of Richland)	2014-GS-40-5488
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STATE OF SOUTH CAROLINA,)	
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vs.)	TRANSCRIPT OF RECORD
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DEQUAN VEREEN,)	
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DEFENDANT,)	

August 4, 2015
Columbia, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

DANIEL GOLDBERG, ASSISTANT SOLICITOR
Attorney for the State

ALECIA GOODE, ASSISTANT PUBLIC DEFENDER
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Attorneys for the Defendant

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 THE COURT: All right. We're on the record
2 in 2014-GS-40-5488, 5491, and 5493, the State of South
3 Carolina vs. Dequan Vereen.

4 The State is present and represented by Daniel
5 Goldberg of the Richland County Solicitor's Office. The
6 defendant is present and represented by Alecia Goode and
7 Tracy Pinnock of the Public Defender's Office. Was it
8 last week or the week before?

9 MR. GOLDBERG: Yes, sir. It was on Thursday,
10 July 30th.

11 THE COURT: So on July 30th we had a guilty plea
12 hearing. At that point in time, Mr. Vereen was present.
13 His attorney was present, and the State was present. At
14 that time, he pled guilty to three separate charges before
15 this Court: One of voluntary manslaughter, one for
16 attempted murder, and one for armed robbery.

17 At that time, all parties agreed to just take the
18 plea at that time and we would -- they would defer
19 sentencing so that family members on both sides of the
20 case could be present and be present for the sentencing
21 portion of the hearing. Is all that right, Mr. Goldberg?

22 MR. GOLDBERG: Yes, sir.

23 THE COURT: Is that right, Ms. Goode?

24 MS. GOODE: Yes, Your Honor.

25 THE COURT: Okay. Would you like to go first, Mr.

1 Goldberg?

2 MR. GOLDBERG: That would be fine, Your Honor.

3 THE COURT: Okay.

4 MR. GOLDBERG: As Your Honor is aware, there were two
5 separate incidents in this manner. The attempted murder
6 and armed robbery arose out of a robbery attempt at the
7 Corner Pantry convenience store in November of 2012.

8 Present from that incident is the clerk that was
9 working that night, Mr. Torrencio Koger. Present in the
10 courtroom here today --

11 THE COURT: Koger?

12 MR. GOLDBERG: Koger, K-O-G-E-R.

13 THE COURT: Okay.

14 MR. GOLDBERG: I'm not sure if Mr. Koger would like
15 to address the Court, but he is in the court.

16 (Pause).

17 I don't believe at this time he wishes to speak. If
18 something changes, I will let you know.

19 THE COURT: Okay.

20 MR. GOLDBERG: Also present in the courtroom from the
21 second incident chronologically for the voluntary
22 manslaughter conviction is the family of Mr. Robert
23 Jewell. If I may approach, I just have a couple of photos
24 of Mr. Jewell that the family asked me to hand up to the
25 Court.

1 THE COURT: Okay. Thank you.

2 MR. GOLDBERG: Present here today are his brother,
3 nephew, fiancée, her daughter, as well as his sister and
4 his son.

5 They are all present, and they traveled here from
6 Jacksonville, Florida to be here today for these
7 proceedings. We have kept them informed, and we met prior
8 to coming in here today. They were kept up to date with
9 the proceedings. I know that Mr. Jewell's brother, Mr.
10 Doug Freeman, would like to address the Court.

11 THE COURT: Okay.

12 All right. Where is Mr. Freeman?

13 (Indicating).

14 Okay. And where did you come in from, Mr. Freeman?

15 VICTIM'S BROTHER: I'm sorry?

16 THE COURT: Did you drive in for this hearing?

17 VICTIM'S BROTHER: Yes, sir.

18 THE COURT: And where did you drive in from?

19 VICTIM'S BROTHER: Jacksonville.

20 THE COURT: Okay. Thank you for being here.

21 VICTIM'S BROTHER: Having been involved in many court
22 cases over the years: Murder, traffic, homicide, rape,
23 robbery, I never imagined having to be on this side of the
24 courtroom.

25 On September 19th, 2013, you and your homeboy

1 murdered my brother, Robert Jewell. You shot and left him
2 to die next to his car in a convenience store parking lot
3 like an animal. Then you two fled like the cowards you
4 are.

5 I spoke to Robert on the phone earlier that morning
6 which we did several times a week, and he was always
7 excited to tell me about a new construction project he was
8 starting or had just completed.

9 Let me tell you a little bit about the man you
10 killed. He was a master carpenter. He took very much
11 pride in his work. He had worked extremely hard to open
12 his own business, and it was just starting to really take
13 off.

14 He was an outdoorsman who loved animals, especially
15 his dog and cat. His favorite pastime was fishing, and he
16 would go every chance he got. Foremost, he was a family
17 man. He was kind, loving. He would do anything for
18 anyone.

19 You took that all away from him. You took all of
20 that, this week, from us. Had I known I was going to
21 receive that dreaded phone call later that evening from
22 Robert's fiancée screaming that he was dead, I would have
23 talked to him longer that morning.

24 Because of you, I didn't have a chance to tell him
25 goodbye. Because of you, two days later me and my wife

1 had to drive to Columbia, identify my brother, load his
2 lifeless body into the back of our van and drive him back
3 to Jacksonville for the final time.

4 You just didn't take away a brother. You took away a
5 father, a son, a fiancée, a grandfather, an uncle, a
6 friend, a good man, but most importantly, you took away a
7 human being, a living person, something that could never
8 be replaced.

9 Why? Did having a gun that day make you feel like a
10 tough guy, make you feel like a man? Was it worth it?
11 Nothing that transpires here today will bring Robert back,
12 but maybe it will serve as a lesson to others what will
13 happen when someone takes another person's life without
14 fault or justification.

15 Your life was not threatened. You weren't fighting
16 for your country. You did not kill in the line of duty.
17 No. You just killed an innocent man who had stopped at
18 the store for a pack of cigarettes. Robert did not
19 deserve this. No one deserved it. Was it worth it?

20 Your blatant disregard for human life that day not
21 only affected my family but also affected yours. I don't
22 know what your family history is. I'm quite sure your
23 mother and father didn't raise you to be a thug and a
24 coldblooded killer. Did you think about them that day?
25 Did you think about your two children or your grandmother?

1 Did you think about your family and friends that you'll
2 now be leaving behind? Did you think about all the things
3 you'll miss out on for the next 30 years: Going to the
4 movies, going out on a date, hanging out with your
5 friends, going to a club on Friday night?

6 It's very sad because now, your only concern from
7 this point forward is whether or not you're going to have
8 visitors on the weekend, whether or not you're going to
9 have money in your commissary.

10 You'll have concerns about your personal safety.
11 You'll have concerns over your family's well-being.
12 You'll have concerns about many things, but then again
13 maybe you won't. Maybe you're just selfish and uncaring
14 but who knows. Was it worth it?

15 The fact that you was even out on bond for attempted
16 murder before you killed Robert is beyond comprehension.
17 What is even more incomprehensible is the fact that you
18 were shot and wounded by your last victim while robbing
19 her at the Corner Pantry.

20 Your actions have shown that you have zero regard for
21 human life or other people's property. There is no one to
22 blame but yourself. You have forfeited your right to live
23 freely in our society. Again, I have to ask was it worth
24 it?

25 In closing, I'd like to stress I do not hate you, nor

1 am I angry with you. There is already enough hate and
2 anger in this world. However, I do feel sort of a pity
3 for you, but more importantly your family because of the
4 poor choices that you made.

5 I hope that I'm still around in 30 years to see the
6 kind of man you have become, if and when you make it out
7 of prison. Hopefully you'll take this time to better
8 yourself and learn the meaning of just how important life
9 is. I hope every day you wake up thinking of Robert and
10 asking yourself, "Was it worth it?"

11 THE COURT: Thank you, Mr. Freeman.

12 MR. GOLDBERG: That will be all from the State, Your
13 Honor.

14 THE COURT: Okay. Does anybody else want to speak on
15 behalf of Mr. Jewell's family?

16 (There was no response.)

17 Okay. Thank you all for being here, and this was a
18 long drive and a drive you wish you didn't have to make.
19 I appreciate you taking the time to be here, and to
20 Mr. Koger, I also thank you for being present and sticking
21 with this case over the long period of time that you had
22 to wait for it to come to court.

23 Ms. Goode?

24 MS. GOODE: Thank you, Your Honor. May it please the
25 Court. I know that -- that nothing that we say from the

1 defense is going to make this any easier for either side.
2 It is -- it's a very unfortunate situation that brings us
3 to court today.

4 We do hope -- I know Dequan hopes that this gives Mr.
5 Jewell's family a little bit of peace.

6 I've had the pleasure of representing Dequan for
7 about eight months now. It's never been a situation where
8 he's taken this lightheartedly where he didn't express
9 anything other than remorse for what happened.

10 He -- in all of my conversations with him, that's --
11 that's all that came out of his mouth was how sorry he was
12 and how he knows that he -- no matter what he says, he
13 can't change what's already happened.

14 The only thing he can do is take responsibility for
15 what he's done. Your Honor, he does come from a very good
16 family, and I think that's evident from the amount of
17 people that are here in support of him today despite the
18 things that he has done.

19 We are grateful for the fact that he will be reunited
20 with them someday. He is -- he is going to miss out on a
21 huge part of his life, a huge part of his children's life,
22 but this is -- he understands that he is getting a benefit
23 here and he is not taking that lightly and does have --
24 does -- already has plans once he is released and when we
25 get there to take this lesson, a hard lesson, a lesson

1 that sometimes we don't understand why it happened the way
2 it happened but it did.

3 He -- he is a very smart young man, and I hate that
4 he is -- that we are in the situation that we are in on
5 both sides of the fence here.

6 Your Honor, I don't know if his family wishes to
7 address -- his mother, I believe, wants to address Your
8 Honor, and that's Ms. Juanita Horry.

9 THE COURT: Okay. What's your name, ma'am?

10 THE MOTHER: My name is Marie (phonetic) Horry.

11 THE COURT: Ms. Horry? Okay. What would you like to
12 tell me?

13 THE MOTHER: First of all, I just wanted to address
14 the Court and address the family of the victim. I
15 understand it's hard. It's very hard, and I apologize
16 from the bottom of my heart for the pain that you had to
17 endure for this child. And everybody else, we apologize
18 as a family because he is my own.

19 Y'all got something hard. You'll never get it back,
20 and my son, a lot of people don't know the real him, but
21 he does come from a good family. He does have a lot of
22 support, he does.

23 All we ask is -- the only thing I really wanted to
24 say was I apologize to your family. Just like I said, you
25 can never get your son back but we pray and we pray often

1 to give y'all strength. You do it day by day. It won't
2 happen all that much, day by day.

3 My boy is a -- is a -- up until this, this whole
4 thing -- my son is a good boy. He has three kids. From
5 16 he worked, went to school, took care of his kids,
6 that's the most for him in his life is his children.

7 I knew how he felt when this incident happened
8 because the first thing he says, "I took somebody's
9 father, brother." Everybody, it was a mistake, and I hope
10 y'all find it in your heart to forgive.

11 We just have to get over this stumble right here, and
12 you know, like I say, I have -- I had to come down to the
13 kids. They'll be all right, but I'm glad you stood up
14 like a man like I raised you to take responsibility for
15 what happened.

16 THE COURT: Thank you, Ms. Horry.

17 THE MOTHER: Thank you.

18 MS. GOODE: And, Your Honor, I believe that Dequan
19 does have something he wishes to say.

20 THE COURT: Okay. Yes, sir.

21 THE DEFENDANT: I'm saying this in regards to
22 Mr. Jewell's family. I know there is nothing I can say
23 standing up in front of this courtroom that will ease the
24 pain that you feel or even take back the terrible phone
25 call that you had that night.

1 I want to apologize, and I ask that you find it deep
2 down within your heart, because I know it's not at the
3 surface, to forgive my actions and my stupidity, please.

4 That's all I want say, Your Honor.

5 THE COURT: All right. Thank you, Mr. Vereen.

6 Anything further, Mr. Goldberg?

7 MR. GOLDBERG: No, sir.

8 THE COURT: Okay. All right. Just so that all the
9 families know and understand, this is what we -- because
10 you all weren't here when we took the plea, but this is
11 what we call a negotiated plea.

12 In South Carolina, that's a term of art. So that
13 means that the parties have already worked out the
14 specific sentence. I either go along with it, or I just
15 refuse to hear the case at all.

16 So this was a negotiated plea and negotiated terms
17 and conditions, and based upon what I've heard, I'm going
18 to follow the negotiations.

19 In -- you know, to Mr. Jewell's family and to
20 Mr. Koger, one of the things that when I'm out at what I
21 call nonlawyer events, people think, "You know, well, you
22 know, you gave him 30 years. He'll only do five or six
23 or" -- you know, that's not the way it works in South
24 Carolina.

25 These are no parole offenses. He will serve at least

1 85 percent of the sentence that I impose today before he
2 will even be eligible to be released.

3 I tell you that because I don't want there to be any
4 misconception about that. You know, this isn't something
5 where he is going to go do a quarter of the time and get
6 out or do a third of the time and get out.

7 He will do more than, way more than, the majority of
8 the time, somewhere north of 85 percent, before he will
9 even be eligible to be released. So just keep that in
10 mind.

11 There is nothing I can do to take away from you, Mr.
12 Koger, what you experienced that night, and there is
13 nothing I can do to bring Mr. Jewell back. I certainly
14 wish that there was. These things would be much easier if
15 we all had that ability but there is not.

16 I thank both families on both sides for being present
17 here today and showing support for your loved ones
18 regardless of which side of the case you are on.

19 That is very important for all of you that traveled
20 from out of state. Thank you for making the trip. I hope
21 you understand why we took the plea last week because he
22 was on the trial docket for this week.

23 I had to defer the sentencing until now so that you
24 could all be present. I want to thank each of you for
25 coming and making the trip and putting forth the effort to

1 be present for this.

2 All right. The sentence of the Court on the
3 attempted murder, the voluntary manslaughter, and the
4 armed robbery is that you be committed to the State
5 Department of Corrections for a determinate term of 30
6 years.

7 These are all to be run concurrent. You are to be
8 given credit for time served. You're not allowed to have
9 any contact with the victims directly or indirectly. Good
10 luck to you, sir.

11 MS. GOODE: Thank you.

12 MR. GOLDBERG: Thank you, Your Honor.

13 (Whereupon, the proceedings were concluded.)
14
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WITNESSES

(S) R Martin

- Richland County Sheriff

DOCKET NO. 2014GS4005488

The State of South Carolina

County of

Richland

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

Defendant

COURT OF GENERAL SESSIONS

AUGUST TERM 2014

74

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

ARREST WARRANT NUMBER

2013A4010203320

Defendant

**THE STATE
vs.**

Witness:

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

ACTION OF GRAND JURY

TRIP

Dequan Marquell Vereen

VERDICT

**Indictment for
Murder**

SC Code: 16-03-0010
CDR Code: 0116

**CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeannette Williams
C.C.C.P&G.S.
RICHLAND COUNTY
SOUTH CAROLINA**

Foreperson of Petit Jury
Date:

WITNESSES

(S) R Martin

- Richland County Sheriff

DOCKET NO. 2014GS4005489

The State of South Carolina

County of

Richland

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

Defendant

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

Defendant

Witness:

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

COURT OF GENERAL SESSIONS

AUGUST TERM 2014

74

THE STATE

vs.

Dequan Marquell Vereen

ARREST WARRANT NUMBER

2013A4010203321

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

AUG 14 2014

VERDICT

**Indictment for
Robbery / Attempted armed, or
allegedly armed, robbery**

SC Code: 16-11-0330(B)

CDR Code: 0026

Foreperson of Petit Jury

Date:

**CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeannette Williams
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA**

WITNESSES

(S) Joseph Clarke
- Richland County Sheriff

ARREST WARRANT NUMBER

2012A4010600405

ACTION OF GRAND JURY

TRIP CITY

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS4005491

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

AUGUST TERM 2014

74

THE STATE
vs.

Dequan Marquell Vereen

Indictment for
Attempted Murder

SC Code: 16-03-0029
CDR Code: 3410

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

Defendant

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

Defendant

Witness:

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

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeannette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

WITNESSES

(S) Joseph Clarke
– Richland County Sheriff

DOCKET NO. 2014GS4005493

The State of South Carolina

County of

Richland

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

Defendant

COURT OF GENERAL SESSIONS

AUGUST TERM 2014

74

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

ARREST WARRANT NUMBER

2012A4010400113

Defendant

THE STATE
vs.

Witness:

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

ACTION OF GRAND JURY

TRIE DII

Dequan Marquell Vereen

VERDICT

Indictment for
Robbery / Armed Robbery, robbery
while armed or allegedly armed with a
deadly weapon

SC Code: 16-11-0330(A)
CDR Code: 0139

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeannette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on August 13, 2014, the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That Dequan Marquell Vereen did in Richland County on or about November 14, 2012, commit robbery by feloniously taking from the person or presence of Terencio Koger, by means of force or intimidation, goods or monies of Corner Pantry, such goods or monies being described as US Currency, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of §16-11-330(A), SC Code of Laws (1976, as amended).

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland)

STATE VS.)

Dequan Marquell Vereen)

AKA: _____)

Race: BLACK Sex: M Age: 21)

DOB: _____ SS#: _____)

Address: _____)

City, State, Zip: _____)

DL#: _____ SID#: _____)

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Manslaughter / Voluntary manslaughter

INDICTMENT/CASE#: 2014GS4005488

A/W#: 2013A4010203320

Date of Offense: 9/19/2013

S.C. Code § : 16-03-0010

CDR Code #: 0116

RECOMMENDED

SENTENCE SHEET

NEGOTIATED

CONVICTED OF or PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

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

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: [Signature] 72620 [Signature] 100067
GOLDBERG, DAN SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

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

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning _____
Substance Abuse Counseling C.C.C.P.&G.S.
Random Drug/Alcohol testing _____
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund

Other: NO CONTACT WITH VICTIM(S) DIRECTLY OR INDIRECTLY

SENTENCING 8/4/15 Re Hood 2164

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

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

Presiding Judge Re Hood
Judge Code: 2164
Sentence Date: 7-30-15
PLSA ONLY

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland)
STATE VS.)

INDICTMENT/CASE#: 2014GS4005491

Dequan Marquell Vereen)

A/W#: 2012A4010600405

AKA: _____)

Date of Offense: 11/14/2012

Race: BLACK Sex: M Age: 21)

S.C. Code § : 16-03-0029

DOB: _____ SS#: 2)

CDR Code #: 3410

Address: _____)

RECOMMENDED _____
SENTENCE SHEET X
NEGOTIATED _____

City, State, Zip: _____)

DL#: _____ SID#: _____)

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was
TO: Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §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] 72620 [Signature] 100067
GOLDBERG, DAN SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

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

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

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

PTUP _____
_____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: NO CONTACT WITH VICTIM(S)
DIRECTLY OR INDIRECTLY

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeanette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Recipient: _____

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

SENTENCING 8/4/15 ReHood
 Appointed PD or appointed other counsel, 2164
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk: Jeanette W. McBride
Court Reporter: Ambrozick
SCCA/217 (03/2011)

Presiding Judge: ReHood
Judge Code: 2164
Sentence Date: 7-30-15
DLST-ONLY

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland)

STATE VS.)

Dequan Marquell Vereen)

AKA: _____)

Race: BLACK Sex: M Age: 21)

DOB: _____ SS#: _____)

Address: _____)

City, State, Zip: _____)

DL#: _____ SID#: _____)

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

INDICTMENT/CASE#: 2014GS4005493

A/W#: 2012A4010400113

Date of Offense: 11/14/2012

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

RECOMMENDED _____
SENTENCE SHEET 8
NEGOTIATED _____

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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: Dan Goldberg 72620 X Dequan Vereen 30 years conviction Attorney 100067

GOLDBERG, DAN

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 30 ~~months~~ years or under the Youthful Offender Act not to exceed _____ years

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

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

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

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ Substance Abuse Counseling _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

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

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

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

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

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

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

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

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

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

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

TOTAL \$ _____

Random Drug/Alcohol testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

NO CONTACT WITH VICTIM(S)

DIRECTLY OR INDIRECTLY

SENTENCING 8/4/15 Re Hood

Appointed PD or appointed other counsel, 8/4/15

§ 47.12 requires \$500 be paid to Clerk 2164

during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Ambrosiak

SCCA/217 (03/2011)

Jeanette W. McBride (PF)

Presiding Judge

Judge Code: _____

Sentence Date: _____

Re Hood
2164
7-30-15
PLEA ONLY

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeanette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

FORM 5

STATE OF SOUTH CAROLINA)
)
 County of Richland)
)
Dequan Vereen #504939)
 Full name and prison number (if any) of Applicant)

2016 CP 400 2141
 IN THE COURT OF COMMON PLEAS

v.

State of South Carolina)
)
)
)

APPLICATION FOR
 POST-CONVICTION RELIEF

2016 APR -7 PM 1:25
 RICHLAND COUNTY
 FILED

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 Corr. Inst. 430 Oaklawn Rd. Pelzer,
SC. 29569
2. Name and location of Court which imposed sentence Richland County General Sessions
3. Name(s) of co-defendant(s) (if any) Tevin Richardson
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 201304010200021 (manslaughter, armed robbery)
 - (b) _____

- (c) _____
- 5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) August 3, 2015 (33-years aggregated sentence).
 - (b) _____
 - (c) _____
- 6. Check whether a finding of guilty was made:
 - (a) after a plea of guilty plea of guilty
 - (b) after a plea of not guilty _____
 - (c) after a plea of nolo contendere _____
- 7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
- 8. If you answered "yes" to (7), list:
 - (a) the name of each Court to which you appealed:
 - i. S.C. Court of Appeals
 - ii. _____
 - iii. _____
 - (b) the result in each such Court to which you appealed:
 - i. lenial relief
 - ii. _____
 - iii. _____
 - (c) the date of each such result:
 - i. December 17, 2015
 - ii. _____
 - iii. _____
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. 2015-001719
 - ii. _____
 - iii. _____
- 9. If you answered "no" to (7), state your reasons for not so appealing:
 - (a) no
 - (b) _____

(c) _____

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

(a) ineffective assistance of counsel

(b) involuntary guilty plea

(c) denial of due process

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

(a) lack of pretrial investigation, failure to interview witnesses

(b) counsel rendered inadequate advice, a reasonably competent attorney

(c) would not have advised me to plead guilty

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

(a) any petition in a State Court under South Carolina Law? n/a

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? n/a

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? n/a

(d) any other petitions, motions or applications in this or any other Court? _____

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. _____

iii. _____

iv. _____

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

i. n/a

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

- i. n/a
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. n/a
- ii. _____
- iii. _____
- iv. _____

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

- i. n/a
- ii. _____
- iii. _____
- iv. _____

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?

first filing of PCR

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

(a) which grounds have been presented:

- i. n/a
- ii. _____
- iii. _____

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

- i. n/a
- ii. _____
- iii. _____

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) first filing of PPI
- (b) _____
- (c) _____

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

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

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

- (a) the name and address of each attorney who represented you:
 - i. Alicia D. Goode, Richland County Bar
 - ii. n/a
 - iii. same as above
- (b) the proceedings at which each such attorney represented you:
 - i. plea and sentencing
 - ii. _____
 - iii. _____

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

vacate sentence and conviction and resent for new trial, or in
the alternative offer the relief deemed just in this matter.

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

no

STATE OF SOUTH CAROLINA)
)
County of Greenville)

VERIFICATION

I, Dequan Vereen, 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.

Dequan Vereen

SWORN to and subscribed before me this 19th
day of April, 2016.

Nancy C. Meridian (L.S.)
Notary Public

My Commission Expires: 1-23-2023

RICHLAND COUNTY
FILED
2016 APR -7 PM 3:42
JENNIFER A. HARRISON
CLERK, S.C. J.S.

RECEIVED
APR 19 2016
PCI Mailroom

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

I, Dequan Vereen, 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.

Dequan Vereen
Applicant

SWORN or affirmed to and subscribed before me this

17th day of April, 2016.

[Signature]
Notary Public

My Commission Expires: 1-23-2023

RICHLAND COUNTY
FILED
2016 APR -7 PM 1:27
CLERK OF SUPERIOR
COURT

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
)
 DeQuan Vereen, #364939,)
)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 OF THE FIFTH JUDICIAL CIRCUIT

Case No.: 2016-CP-40-2141

RETURN

In response to Applicant’s present post-conviction relief application filed April 7, 2016, Respondent would show this Court:

I.

Applicant is currently incarcerated with the South Carolina Department of Corrections pursuant to the Richland County Clerk of Court’s orders of commitment. The Richland County Grand Jury indicted Applicant at the August 2014 term for two counts of attempted armed robbery (2014-GS-40-5489; -5493), attempted murder (2014-GS-40-5491), and murder (2014-GS-40-5488). Applicant was represented by Alicia D. Goode, Esquire.

On July 30, 2015, Applicant pled guilty before the Honorable Robert E. Hood to one count of voluntary manslaughter reduced from murder, one count of armed robbery, and one count of attempted murder for a negotiated thirty year sentence on each charge, to run concurrently. Sentencing was deferred until August 4, 2015 for family members to be present, at which time Judge Hood sentenced him to the negotiated terms. Applicant filed a timely notice of appeal on August 11, 2015. While his appeal was pending, Applicant filed his first PCR

application on November 3, 2015 (2015-CP-40-6525). Applicant's PCR application was dismissed without prejudice by the Honorable Alison R. Lee on November 24, 2015, until such time Applicant's appeal is resolved.

Applicant's appeal was dismissed by the South Carolina Court of Appeals and the remittitur was sent on January 6, 2016. (App. Case No. 2015-001719).

II.

In his current application for post-conviction relief, Applicant alleges he is being unlawfully held in custody for the following reasons¹:

1. Ineffective assistance of counsel.
 - a. "Lack of pretrial investigation, failure to interview witnesses."
2. Involuntary guilty plea.
 - a. "Counsel rendered inadequate advice, a reasonably competent attorney would not have advised me to plead guilty."
3. Denial of due process.

Respondent denies Applicant is entitled to relief on these claims, and demands strict proof thereof. Any claims not specifically enumerated in the application or amendments thereto will be opposed by Respondent at the evidentiary hearing. All amendments should be made well in advance of hearing and should be filed in compliance with Rule 11, SCRPC.

Attached to this return and incorporated herein are the records of the Richland County Clerk of Court regarding the subject conviction, the plea and sentencing transcripts, Applicant's records from the South Carolina Department of Corrections, and the records of this action. Any records not attached will be forwarded upon receipt. Respondent reserves the right to amend this return upon receipt of any relevant materials.

III.

Respondent asserts Applicant's allegation of ineffective assistance of counsel is without merit. Respondent asserts Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). 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

¹ The allegations in Applicant's 1st PCR are the *exact same* verbatim, as the allegations in the present application.

proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

Respondent submits Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

Respondent submits that any allegation that Applicant’s guilty plea was involuntary is without merit. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz, 338 S.C. at 363-64, 527 S.E.2d at 747 (citing Drayton v. Evatt, 312 S.C. 4, 430 S.E.2d 517 (1993); Hyman v. State, 278 S.C. 501, 299 S.E.2d 330 (1983); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993)). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citing Hill v. Lockhart, 474 U.S. 52; Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000); Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000); Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994)). An applicant alleging that his guilty plea was induced by ineffective assistance of counsel must

prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. at 56. "A guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. at 137-38, 654 S.E.2d at 874 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant's plea. However, allegations regarding the voluntariness of the plea may raise questions of fact the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper, 279 S.C. 264, 305 S.E.2d 247.

V.

Applicant alleges his constitutional rights were infringed upon by denying Applicant due process. However, Applicant does not explain with any specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires the Applicant to "specifically set forth the grounds upon which the application is based." S.C. Code Ann. § 17-27-50 (1985).

Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). This allegation is so vague that it is impossible for the State to respond. Since Applicant has not made the minimum *prima*

facie showing, the Court should dismiss this ground for failure to comply with the Uniform Post-Conviction Procedure Act.

VI.

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

VII.

WHEREFORE, having made its Return, Respondent requests that a hearing be held and counsel appointed to represent Applicant.

Respectfully submitted,

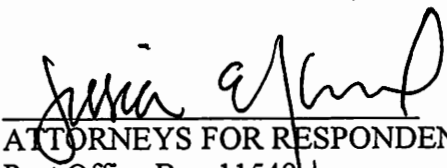
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By:


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December 9, 2016

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 DEQUAN VEREEN, #364939,)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent,)
 _____)

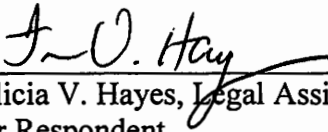
IN THE COURT OF COMMON PLEAS
 2016-CP-40-02141

AFFIDAVIT OF SERVICE BY MAIL

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

David K. Allen, Esquire
The Allen Law Firm, P.A.
P.O. Box 3241
West Columbia, SC 29171

DATED this the 9th day of December, 2016.



 Felicia V. Hayes, Legal Assistant
 For Respondent

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P R O C E E D I N G S

1

2

3 THE COURT: Let me start actually. I'm gonna start
4 with -- whenever you're -- I mean --.

5 MR. ALLEN: We're, we're ready, Judge.

6 THE COURT: Okay. Mr. Vereen, I'm gonna start out with
7 you. If you'd stand up, and raise your right-hand.

8 (WHEREUPON, the Applicant was placed under oath at this
9 time.)

10 THE COURT: All right. Mr. Vereen, I just want to
11 advise you just like I advised Mr. Hudson.

12 It appears to me, as best I can tell, you entered a
13 guilty plea in August, 2015 on armed robbery, voluntary
14 manslaughter or attempted murder, and you got a 30 year
15 sentence.

16 Now, you were originally charged with two counts of
17 attempted armed robbery, attempted murder, and murder.

18 You understand that?

19 THE APPLICANT: Yes, ma'am.

20 THE COURT: You understand that, at least on the murder
21 charge, the minimum sentence you could of gotten was 30
22 years?

23 You understand?

24 THE APPLICANT: Yes, ma'am.

25 THE COURT: So, if I go forward with your PCR

1 Application today, you understand all I can do is give you a
2 new trial. I can't declare that you're not guilty. I can't
3 give you a lesser sentence or anything like that.

4 The only thing I can do is to do away with your
5 conviction, and start you back at the beginning where you're
6 still charged with all these crimes.

7 You understand that?

8 THE APPLICANT: Yes, ma'am.

9 THE COURT: You understand that, if you're convicted
10 again, you are facing life imprisonment?

11 You understand that?

12 THE APPLICANT: Yes, ma'am.

13 THE COURT: That the 30 year sentence that you got is
14 the minimum sentence that you could get. You can't -- if
15 you're convicted of this again, you can't get any less time
16 that you have now.

17 You understand?

18 THE APPLICANT: (Nods affirmatively.)

19 THE COURT: You might be found not guilty, and I don't
20 know cause I don't know anything about the evidence in your
21 case. That is a possibility. You could be found not
22 guilty.

23 But if you are convicted, the only possibility is for
24 you to get more time than you have now.

25 You understand that?

1 THE APPLICANT: Yes, ma'am.

2 THE COURT: Okay. I just wanted to go through all that
3 because you don't have to go forward with your PCR
4 Application. You can if you want to. That's what I'm here
5 for. But I don't want you to get into a situation where you
6 could end up getting your PCR Application granted, you get a
7 new trial or a new plea, and then you end up doing life
8 instead of the 30 years.

9 You understand?

10 THE APPLICANT: Yes, ma'am.

11 THE COURT: Okay. You need a little bit of time to
12 think about it and talk to your friends and family?

13 THE APPLICANT: No, ma'am.

14 THE COURT: Okay. You want to go forward with it?

15 THE APPLICANT: Yes, ma'am.

16 THE COURT: All right. Just wanted to make sure.

17 THE APPLICANT: Thank you.

18 THE COURT: All right. You can have a seat.

19 MR. ALLEN: Thank you, Your Honor.

20 THE COURT: I'll hear from Ms. Kinard.

21 MS. KINARD: Thank you, Your Honor.

22 May it please the Court.

23 This is the matter of Dequan Vereen versus the State of
24 South Carolina. Case Number 2016-CP-40-2140. We're here
25 before the Court on the Applicant's Application for

1 Post-Conviction Relief that was filed April 7th, 2016.

2 Mr. Vereen's currently incarcerated with the South
3 Carolina Department of Corrections pursuant to Orders of
4 Commitment from the Richland County Clerk of Court. He was
5 indicted by the Richland County Grand Jury at the August,
6 2014 term for two counts of attempted armed robbery, one
7 count of attempted murder, and one count of murder. He was
8 represented by Alicia Goode.

9 On July 30th, 2015, Mr. Vereen pled guilty before the
10 Honorable Robert E. Hood to one count of voluntary
11 manslaughter reduced from murder, one count of armed
12 robbery, and one count of attempted murder for a negotiated
13 30 year sentence on each charge to run concurrently.
14 Sentencing was deferred until August 4th, 2015, so that
15 family members of the victims could be presented at which
16 time Judge Hood sentenced Mr. Vereen to the negotiated
17 terms.

18 Mr. Vereen filed a timely Notice of Appeal August 11th,
19 2015. while his appeal was pending he filed his first PCR
20 action, which was dismissed with prejudice by Judge Lee.
21 His appeal was dismissed by the South Carolina Court of
22 Appeals, and the Remittitur was sent January 6th, 2016.

23 The State is present and ready to proceed. Mr. Vereen
24 is present and represented by David Allen.

25 THE COURT: All right. Mr. Allen.

1 MR. ALLEN: Thank you, Your Honor.

2 May it please the Court?

3 THE COURT: Yes, sir.

4 MR. ALLEN: Your Honor, I would waive the opening
5 statement. The facts are, are straight forward, and, and if
6 it pleases the Court, we can proceed straight with
7 testimony.

8 THE COURT: Yes, sir. Call your first witness.

9 MR. ALLEN: Thank you, Your Honor.

10 I would call Alicia Goode.

11 THE BAILIFF: Place your left-hand on the Bible.

12 ALICIA GOODE, being first duly
13 sworn, testified as follows:

14 THE BAILIFF: Have a seat. Spell your last name for
15 the record.

16 THE WITNESS: Goode. G-O-O-D-E.

17 DIRECT EXAMINATION

18 BY MR. ALLEN:

19 Q Good morning again.

20 A Good morning.

21 Q Thank you for being here.

22 A Uh-huh. (Affirmative).

23 Q Ms. Goode, please tell the Court about your involvement
24 with Mr. Vereen.

25 were you the first attorney appointed?

Alicia Goode - Direct examination
by Mr. Allen

1 A No, I wasn't.

2 Q Who was, who was the first lawyer?

3 A That was Joanna Delany.

4 Q How far into the case did she get before you took over?

5 A Quite far. I believe she was ori -- so, Mr. Vereen was
6 arrested, I think, in -- I'll have to look. I believe it
7 was December of 2012 on the first set of charges, which
8 would of been attempted murder and attempted armed robbery I
9 believe. She represented him through that. I think he was
10 released on bond, and then he was rearrested for the murder,
11 and attempted armed robbery or armed robbery in -- somewhere
12 in 2013 I believe. Joanna Delany represented him up until I
13 think February of 2015, and then it was transferred to me.

14 Q So you had all three charges?

15 Both the---

16 A All four charges, yeah. She had both sets of charges,
17 yeah.

18 Q Okay.

19 A All incidences.

20 Q Well, were there four charges?

21 A I believe so. I believe it was -- the first set was
22 attempted murder, attempted armed robbery, or -- it was a,
23 an attempted murder and an armed robbery I believe, and then
24 the second set was murder and attempted armed robbery or
25 maybe they indicted an attempted armed robbery later on. If

Alicia Goode - Direct examination
by Mr. Allen

1 I can -- I'll have to look back in my notes.

2 (Pause.)

3 A Yeah, it was -- I apologize. I, I, I know it was two
4 separate incidents. I just don't know if the attempted
5 armed robbery for the -- that was associated with the murder
6 charge was a direct presentment on an, an initial charge. I
7 can't remember.

8 Q That's okay. I, I think -- I don't think we have an
9 issue there.

10 A Okay. Okay.

11 Q Well, let's take the first incident, which would of
12 been the convenience store incident.

13 A Right.

14 Q Correct?

15 A Yes.

16 Q Please just lay out the facts as presented to you in
17 discovery.

18 A The, the, the discovery that I received was, and
19 included a video, it was at a convenience store, and on the
20 video you see several people enter the store in like black
21 jumpsuits and masks. There's no sounds on the video. But
22 the -- it appears that whoever's there is attempting to rob
23 the store. They have guns. And, at some point, the clerk
24 behind the counter pulls out a gun and begins shooting in
25 the direction of the people, and it appears on the video one

Alicia Goode - Direct examination
by Mr. Allen

1 person is hit, and gunshots fired kind of back in the
2 direction of the clerk, and then the video ends or, you
3 know, the people leave the store.

4 Q So, the video's the main piece of evidence?

5 A The video is the main piece of evidence. I believe,
6 because of the gunshot that appeared to hit one of the
7 people involved, they were -- law enforcement called around
8 to several hospitals, I guess, looking for people that had
9 been admitted maybe possibly with gunshot wounds, and they
10 were able to get to Dequan. He had been checked into the
11 hospital, and then they were able to, I guess, speak with
12 him about that.

13 Q Was there a statement provided?

14 A Yes.

15 Q How long was that -- how long was that case pending --
16 strike that.

17 Had -- did you meet with Mr. Vereen before he was
18 charged with the second incident charges?

19 A No.

20 Q What happened in the second incident?

21 A The second incident was the murder allegation and
22 attempted armed robbery. That was, again, at a convenience
23 store. There's -- there was a video provided, and the video
24 just, you know, it showed someone pull up in a, in a
25 vehicle, go in a store, come out, and, as he was getting

Alicia Goode - Direct examination
by Mr. Allen

1 into the car and attempting to leave, two guys approached,
2 you know, the vehicle from opposite sides. One guy's trying
3 to kind of get in the vehicle on the passenger's side while
4 the driver's trying to back out. And then the other person
5 on the driver's side is kind of speaking with the driver of
6 the car. A gun gets pulled and then you see the two other
7 guys kind of run.

8 And so, based on that video, law enforcement, they were
9 able, I guess, to get to Mr. Vereen based on -- so I think
10 some witnesses that potentially were interviewed, and a, and
11 a statement was given in that case as well.

12 Q Okay. When you got involved, did you and Joanna
13 discuss this is the State's offer at this point?

14 A No, when I received the case, it was -- Ms. Delany had
15 taken another job. And so her cases went to our boss for
16 him to, you know, distribute out, and that's how I ended up
17 with Mr. Vereen's case. So, unfortunately, I wasn't able to
18 speak with her prior to her leaving the office.

19 Q So you were going in fresh with Mr. Vereen?

20 A Yes.

21 Q Did you review the discovery with him including the
22 videos?

23 A We eventually were able to look at the videos.
24 Specifically the one for the murder case, he was brought
25 over to the courthouse cause we received additional videos

1 later, you know, I think it was Summer of '15. We had
2 received -- it wasn't additional videos. They're just
3 different, different angles of the parking lot, the
4 convenience store. So he was transported from the jail, and
5 we were able to watch them down in holding.

6 Q Okay. Was he in jail after the second incident?

7 Was he in jail the entire duration of your
8 representation?

9 A Yes.

10 Q After reviewing the discovery, including the videos,
11 had -- did you enter into a discussion with Mr. Vereen about
12 possible outcomes?

13 A Yes.

14 Q What were the options on the table?

15 A At that point -- and let me try to find my notes here.

16 At that point, what I knew about the case, as far as
17 any sort of offers or anything like that, I don't think
18 anything had been relayed yet to Ms. Delany prior to her
19 departure from our office, but the codefendant, Tevin
20 Richardson, was---

21 Q On the second incident?

22 A Yeah, on the murder incident. I'm sorry. He was --
23 his lawyer had, I think, filed a motion for bond for
24 Mr. Richardson, and there was a status conference with, I
25 believe, Judge Hood, at that time, myself, I believe

Alicia Goode - Direct examination
by Mr. Allen

1 Mr. Richardson's lawyer, and the solicitor, the State, and
2 that was -- at that point, you know we were kind of given it
3 needs to be tried by this date, you know, and I explained to
4 the Judge, you know, this is something that I kind of
5 inherited from somebody that left. You know, I would --
6 there's not been an offer made at this point. You know, I
7 would like a little more time to kind of look into some
8 things, and I can't remember the exact conversation at that
9 point.

10 But the State was kind of agreeable on that too. They
11 understand and, you know, they weren't obviously trying to
12 rush any decisions that were made I believe. But it was,
13 you know, that -- at that point it was already getting kind
14 if -- almost two years old at that point. So, they were
15 kind of wanting to get some movement on it too.

16 Q Okay. Well, at what point did you get your first plea
17 offer?

18 A Well, let's look. It would of been -- so there was --
19 let's see.

20 All right. I met with the solicitor in the case on,
21 let's see, July 22nd to go over discovery to make sure
22 that I had everything in the case, and to, you know, go over
23 some questions that I had. At that time, the solicitor made
24 an offer of 30 to 40 years for all the charges, and that
25 would of been as charged.

1 Q Thirty to forty years negotiated range?

2 A Yes.

3 Q Did you take that offer back to Dequan?

4 A We, we had talked -- okay. So, maybe I got that before
5 cause it looks like we had talked about -- Dequan and I had
6 talked about that the same day cause I saw Dequan at the
7 jail that day. So, it looks like we may of had that offer,
8 and I talked to Dequan about it that day.

9 You know, he obviously didn't want that offer, and he
10 talked about maybe a plea to voluntary for a range of 10 to
11 15, and I informed Dequan at that time I had a meeting with
12 the solicitor the same day, and I would, I would take to
13 him, you know, our counteroffer.

14 And when I met with the solicitor that day, again, he
15 said it's thirty to four -- 30 to 40 years for all the
16 charges, and then, at that time, I said he doesn't want that
17 offer, and the solicitor indicated that he would send me a
18 revised offer. And, at that point, he had poss -- he said
19 possibly a range of 25 to 35.

20 Q The solicitor indicated that might be his---

21 A Yes.

22 Q ---next offer?

23 A That's what he said.

24 Q Was it a discussion about both incidents and both sets
25 of charges from the outset with your discussions with the

Alicia Goode - Direct examination
by Mr. Allen

1 Solicitor?

2 A Yes.

3 Q Did you think that that was in Dequan's best interests
4 to handle them all at one time?

5 A Yes, I did.

6 Q why?

7 A The -- obviously murder, and attempted murder, and
8 armed robberies, those are considered most serious offenses.
9 So they -- in the three strikes and you're out rule, they're
10 a strike and a half, and the intention of the State was to
11 go forward on the murder charge first, and -- the murder and
12 attempted armed robbery charge first. And I mean it was
13 the, the newer of the two cases. But that's the one that
14 they chose to prosecute first.

15 They were gonna call that one to trial, and then, if he
16 was found guilty at trial, would immediately schedule the
17 attempted murder and armed robbery case, and serve Dequan
18 with Notice of Intent to Seek Life without Parole.

19 Q Well, on that second incident, what was the motive as
20 indicated in discovery for the robbery, murder?

21 A I think it was just kind of assumed by law enforcement
22 that -- well, there was some indication that the victim in
23 the case, a Mr. Jewell, was a customer of Tevin Richardson.
24 He would buy drugs from him. So, there was, I think, some
25 assumption on the basis of, you know, on law enforcement

1 side that Tevin Richardson was there to kind of collect the
2 debt owed, and they were trying, I think, to infer that
3 Dequan was the muscle, you know.

4 Q How did you feel about the strength of that motive for
5 Dequan?

6 A I, I didn't have any indication that Dequan -- that
7 that was in his head, that he knew what, what their purpose
8 for talking about that. I don't think that he knew.

9 Q So, did you think that the murder charge was a
10 particularly strong charge?

11 A No.

12 Q Did you share that with Dequan?

13 A Yeah, the, the issue that we kind of ran into with the
14 murder charge was, and I think that's why they kind of --
15 the State kind of came to charge him with attempted armed
16 robbery as well. You know, the -- and when I say that
17 because that assumption that, you know, Mr. Richardson's
18 there to collect a drug debt from Mr. Jewell, and, you know,
19 hand of one, hand of all. That's why Dequan's there. He's
20 the, he's the muscle and, and I, you know, why, why he's
21 there is, is to help Mr. Richardson collect this debt.

22 So, I think that's -- instead of it just being a murder
23 case, that's why there was also an attempted armed robbery.
24 You know, the State may of felt that there would -- you
25 know, there wasn't any -- an intent there to, to murder

Alicia Goode - Direct examination
by Mr. Allen

1 anyone, but with the Felony Murder Rule, you know, it kind
2 of would of been problematic, you know, if the, if the --
3 you know, I felt like maybe, by looking at it, that, you
4 know, it was an accident. It didn't look like it was
5 something that it, you know, Dequan intended to do.

6 with the problems, you know, with the, with the
7 attempted armed robbery, and if they were able to prove
8 that, then that kind of, you know, gets to murder anyway
9 because they're gonna get that felony murder charge at
10 trial. So, that was my, that was my concern with them.

11 Q So there's two possible ways they could of gotten the
12 murder charge really?

13 A Right.

14 Q Okay.

15 A Yeah, if the jury bought that it was murder, then he's
16 found guilty of murder or if they think, okay, we don't
17 think that he was there to murder Mr. Jewell, but if they
18 believe that he was there to rob them, the potential for --
19 even if they think it was an accident or an involuntary
20 manslaughter or even a voluntary manslaughter, they could of
21 still found him guilty of murder.

22 Q Okay. So, given that, did you and Dequan at -- intend,
23 at any point, that this was a trial, that the murder charge
24 was too high, and this was a trial?

25 A Really what we were, we were trying to do, we were, for

1 the weeks leading up to the trial, it was a lot of back and
2 forth trying to negotiate. You know, try to get a deal
3 worked out for Dequan that was in his best interest.

4 Taking, obviously, you know, the State's -- you know,
5 the good facts and the bad facts of, of both cases cause I
6 do believe the State thought that they had some issues with
7 intent, but that they were still confident enough that they
8 could at least get the conviction on the attempted armed
9 robbery, which would get them, you know, a, a potential
10 murder conviction as well.

11 So -- and, and I do, with the -- with my conversations
12 with the solicitor, you know, I do believe that he, he felt
13 bad for Dequan too. He felt like, you know, it was
14 definitely an accident that kind of or that his intent --
15 not an accident necessarily, but that his intent that night
16 wasn't necessarily malicious. But that, you know, that
17 things kind of escalated to a, to a bad point.

18 Q Okay. Is it -- in your opinion, could the State have
19 tried both of these incidents together?

20 A No, I don't think so.

21 Q Okay.

22 A And I wouldn't of wanted that, I think, for Dequan
23 either.

24 Q So, how far into trial prep did you get?

25 what, what did you do as far as any trial prep or was

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1 it always a plea?

2 A It -- no, we, we were prepared for trial. I had
3 co-counsel. We -- I mean we were, we were, we were prepared
4 to go. We had gone through all of our witnesses, figure
5 out, you know, who the State would probably intend to call
6 several meetings with the, with the State to look over their
7 case file, to review evidence, those types of things.

8 So, you know, I was, I was always under the assumption
9 that this is a trial, and, you know, again, I try to tell my
10 clients that, you know, I'm, I'm in trial mode until
11 something stops that. Now I do know that, you know, most
12 cases plea out before trial. There's an, an overwhelming
13 statistic to support, 97 percent. So, I, I know that
14 there's -- you kind of have to have both hats on, but I
15 never assume that a case is gonna plea especially one where
16 there's so much time involved sentencing wise. So, I never
17 assume that.

18 Q Did, did you have a witness list finalized?

19 A Yeah. Well, what I like to do in each case is just go
20 through the discovery, and any name that's in there I put it
21 on a list so that I'm prepared for that person, and I did
22 have a potential witness list drawn up.

23 Q Well, who did you intend to call in the defense case?

24 A I don't believe -- I don't think we got that far.

25 Q Okay. You just have a potential list for who the State

1 may call?

2 A Right.

3 Q Okay.

4 A Yeah, the only person I would think that would have
5 been on our list would potentially be Dequan.

6 Q Okay. Did you have an investigator hired at any point?

7 A Not -- no.

8 Q Was the video of the first incident, I know I'm jumping
9 around---

10 A Uh-huh. (Affirmative).

11 Q ---on the first incident, was the video clear enough to
12 identify Dequan as the person in the Corner Pantry I think
13 it was?

14 A Right. No.

15 Q Okay. Was there any discussion with Dequan about
16 hiring an investigator to find out potential alternate
17 suspects?

18 A No.

19 Q Okay. You think that would of been helpful?

20 A Yeah, it could of been helpful.

21 Q Are you aware that Dequan actually has a twin brother?

22 A Yes.

23 Q Okay. Have you met that person?

24 A I may of met him the day of the plea I believe. He
25 wasn't, he wasn't there. No, he wasn't there. I know that

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1 we had -- he and I had talked about him before.

2 Q Was there gunshot residue tests conducted at either
3 incident?

4 A There was gunshot residue in the first incident. They
5 were at the hospital. I believe they swabbed his hands.

6 Q Okay. Dequan's hands at the hospital?

7 A Right.

8 Q Okay. And what as to the second one?

9 A I, I don't believe that they did a gunshot residue on
10 him on the second charge. I'd have to look back, but I
11 was -- it might of been the second one I'm thinking of. I
12 think there was a delay in them getting to Dequan between
13 the time of the incident until the time of the -- till the
14 time of the -- when they actually were able to speak with
15 him.

16 Q Okay.

17 A So, I'd have -- I mean I'd have to look back to see if
18 there was actual -- if they attempted to do that or not. I
19 know they -- I think they did on the, on the victim himself,
20 but --.

21 Q Okay. Well, what defenses did you discuss with Dequan,
22 and, if you would, just address both incidents?

23 A The -- we'll talk about the attempted murder first, the
24 Corner Pantry.

25 My big issue in that case was his statement. I would

1 have -- we would of challenged that pretrial, and I believe
2 he and I talked about that, the way in which the statement
3 was taken. You know, he had been admitted to the hospital
4 with a gunshot wound. He obviously was very medicated and
5 my issue in that case would have revolved about -- around
6 the statement primarily, and depending on what the Judge's
7 ruling was pretrial, again, try to do that---

8 Q The voluntariness---

9 A ---in front of the jury.

10 Q ---of the consent?

11 A Right.

12 Q Is that---

13 A Yeah---

14 Q Okay.

15 A ---the -- whether he was basically in a right state of
16 mind to even give a, a statement or, or talk with the
17 police.

18 Q Okay.

19 A Cause I believe -- and I don't know if I'm confusing
20 this case with another one. But I believe that there was --
21 I -- I may be con -- I thought there was maybe an audio of
22 it, but maybe I'm thinking of another case. But my --
23 the -- what jumped out to me about that specific case was
24 the statement, and, you know, because there was no positive
25 ID or anything of that nature because, you know, the

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1 allegations were that people came in. They were wearing
2 masks.

3 But I do believe -- based on, you know, if we were able
4 to keep the statement out, then we would of been able to
5 keep certain other evidence out that he was able to provide
6 as far as receipts and things like that for the purchase of
7 the mask, and gloves, and those types of things.

8 Q Okay. What other defenses on that first incident?

9 I know attacking the statement and then what else?

10 A Just trying to -- just to paint the picture to the jury
11 that, you know, that it wasn't -- there wasn't one person
12 there. It was -- there were, I think, it was three total.
13 There's no positive ID, and those types of things.

14 Q It's more or less the State's gonna have to, excuse me,
15 excuse me, prove it beyond a reasonable doubt --

16 A Uh-huh. (Affirmative).

17 Q -- without a statement?

18 A Right.

19 Q Without positive ID?

20 A Yeah. Without the statement, I don't believe they
21 would have much of a case.

22 Q Okay. As to the second incident, please just -- I know
23 you said that Dequan was your -- on your witness list for
24 that.

25 What was your defense or defenses discussed?

1 A For the murder charge?

2 Q Yes.

3 A For the murder charge, that was we focused more on
4 intent, and, you know, I start, start getting really
5 excited. I had some case law that would kind of support an,
6 an involuntary manslaughter kind of defense. And if we had
7 just had a murder charge, and not the associated attempted
8 armed robbery, I think that, again, maybe a, a better chance
9 of that. They would -- you know, the jury would have to
10 find him not guilty of both for that to work.

11 while they might not have thought that he had the
12 intent, you know, that his, his, his intent wasn't a, a
13 malice type thing, that even if they believed it was a
14 reckless disregard for human life, they could of still
15 potentially found him guilty of, of greater, you know,
16 murder charge.

17 Q Is the video in that case more clear about
18 identification?

19 A Well, for me, yeah, cause I, I know Dequan. I've, I've
20 seen him before. So, I knew, you know, who was who in the
21 video.

22 I, I think probably, at a jury trial, if the -- if they
23 saw the video, I mean it was in color. It's -- where the
24 car is in the parking lot is pretty -- I mean just like it
25 parked right underneath the camera. So it is -- it's,

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1 unfortunately, a pretty clear video.

2 Q And you said there were other witnesses that identified
3 him as well?

4 A Right.

5 Q Okay. So the voluntary manslaughter, did you have
6 discussion with Dequan about, and you may of already
7 mentioned it, counteroffering for a plea to that?

8 A I -- let's see.

9 Okay. So, it looks like -- so originally met with the
10 sol -- we were talking about, on July 22nd when we went
11 over the offer of 30 to 40 years, and then, on, on the
12 24th, two days later, go back and speak with Dequan about
13 the revised plea offer, which was reduce the murder to
14 voluntary, attempted armed robbery, armed robbery, for
15 negotiated 25 years, and then a consecutive zero to 10 on
16 the attempted armed robbery. Get to the sentencing range of
17 25 to 35 years.

18 And then we went over, you know, what their intention
19 was as far as calling the murder case first, and then, if
20 he's convicted at that point of either murder or voluntary
21 or the attempted armed robbery, that puts him on -- in a
22 position to where he could be found guilty or be served with
23 the notice of their intent to seek life without parole.

24 So, we went over that, and, at that point, he said he
25 would take 20 on everything. Again told him that I would

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1 relay that to the solicitor, but I didn't believe that he
2 was coming down any lower than 25 years based on our
3 conversations.

4 And, at that point, you know, I made a note here. He
5 kind of shut down on us, but that we were at least able to
6 go through what would happen during the trial, and he told
7 us that his family would be able to gather up clothing and
8 things for him to wear during a trial. And then I met again
9 with the solicitor that same day to talk about the case
10 again, and to go back to him with Dequan, you know, with our
11 counteroffer, and he re -- wouldn't agree to the 20 years
12 cause he couldn't do less than 25.

13 And, at that point, realized that there was an issue
14 with the consecutive part of his offer for the zero to 10 on
15 the attempted armed robbery. So, he's willing to work with
16 us on that. And so he was gonna go -- he was gonna think
17 about it over that weekend and get back to us.

18 And then the next day it looks like I did lots of, lots
19 of research on the Felony Murder Rule. That kind of made
20 our theory kind of not, you know, the -- where the intent
21 might not be there. For, for one, it would kind of be
22 problematic at trial going forward.

23 Q Did you discuss a potential defense of others defense
24 with Dequan on this second one?

25 A I can't remember. I know -- I'll have to look at what

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1 we -- I'd have to look at my handwritten notes to see. If
2 I -- I may not have discussed it with him. I can't, I can't
3 say for sure.

4 Q Do you recall what the victim in that case did for a
5 living?

6 If I told you he was in construction---

7 A Yeah, construction. I think that's right.

8 Q Okay. Do you recall if, if the evidence seemed to
9 indicate whether Dequan was at the vehicle first or the
10 codefendant?

11 A The codefendant was at the vehicle first I believe.

12 Q And, again, I think you already said the codefendant is
13 the one that was alleged to have been dealing drugs to the
14 victim?

15 A Right.

16 Q Okay. So, would it maybe have -- would it have been on
17 the table to say there's tools in this person's vehicle,
18 Dequan's friend is in an altercation --

19 A Uh-huh. (Affirmative).

20 Q -- with potentially weapons available to the victim?
21 would that be a defense in theory?

22 A It could be, yeah.

23 Q Okay. What about the victim who, again, the evidence
24 suggests was a drug user?

25 A Right.

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1 Q Was there any medical evidence collected as to the --
2 were there any drugs in the system of the victim?

3 A I can't remember. I could try to -- I think I brought
4 all of his, but I, I can't remember. But I do---

5 Q Well, do you remember having---

6 A ---know the two---

7 Q ---any discussion with Dequan about a potential defense
8 in favor of the involuntary manslaughter, that this person
9 was high at the time?

10 Was that discussion had?

11 A I can't remember.

12 Q Okay. The last thing I've got on the first incident.
13 Did Dequan discuss with you a potential alibi for his
14 whereabouts for that Corner Pantry incident?

15 A I can't say that he and I talked about that.

16 Q Do you recall any discussions about him being with a
17 female at the time, and that female having a boyfriend, and
18 that'd be the reason for his gunshot wound?

19 Does that ring a bell?

20 A No, it doesn't. I'm sorry. Maybe -- and that may be
21 something that -- with Joanna Delany maybe potentially. But
22 at that -- yeah, at the point that I came in, I -- yeah, I
23 don't remember anything like that.

24 Q Okay. Well then I'll wrap up with just asking was --
25 when was the change in attitude?

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1 I know you said you're always in trial mode until it's
2 a plea situation.

3 When was that situation?

4 A It was, it was probably the week before the trial.
5 After doing more research on the Felony Murder Rule and
6 things like that, you know, it, it kind of gave me concern
7 just because, you know, if he was found guilty of -- maybe
8 they didn't find him guilty of the murder or they found him
9 guilty of a lesser potentially or if, if they found him
10 guilty of either the armed robbery, the attempted armed
11 robbery or murder lesser, homicide, there's -- you know,
12 there was -- he was facing life without parole the next
13 time, and that, obviously, you know, concerned me.

14 Q Do you recall if you went so far as to advise him one
15 way or the other on a plea versus trial?

16 A Well, no, I mean what I, what I try to do in every
17 case, again, is just give them all the information that I've
18 got, and let them know either way he wants to go. You know,
19 I'm ready and I'm -- I support it. I -- you know, I
20 don't -- it doesn't, doesn't make me feel good to stand next
21 to somebody that gets 30 years or 10 years or whatever, and,
22 you know, I, I always try to do it or try to give my advice
23 on what I think is best holistically. Not just as it
24 relates to, you know, the case itself.

25 Q Did you think it was best that he take that plea offer?

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1 A Yeah, I think it was the -- definitely the safe way to
2 go.

3 Q And did you advise him of the Constitutional rights
4 that he'd be giving up?

5 A I did.

6 Q Did you discuss with him the questions the Judge was
7 gonna have---

8 A I did.

9 Q ---have with him?

10 A I did.

11 Q No further questions.

12 THE COURT: Cross-examination.

13 MS. KINARD: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. KINARD:

16 Q Thank you for being here, Ms. Goode.

17 I might have missed it the first time or on your
18 direct, but did you testify as to how many times you met
19 with---

20 A No, it was---

21 Q ---Mr. Vereen?

22 A I looked earlier this morning. I think from -- so,
23 I -- it looks like I got the case some time in February of
24 2015, and he pled I think it was -- whatever that week was
25 before trial, and then was sentenced the following week.

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by Ms. Kinard

1 So, you know, obviously leading up to trial there's several
2 more meetings, but it looks like -- let's see. Maybe around
3 --

4 Q It looks like it might of been about five months.

5 A Yeah. Yeah. So, it looks like about six or seven
6 times, yeah, cause a lot of it was going back and forth, you
7 know, with what my conversation with the State had produced
8 as far as new or, you know, kind of different revised plea
9 offers, and things of that nature. So, a lot of it was kind
10 of keeping him updated on that too.

11 Q Did you receive any discovery during that brief time
12 that you represented him?

13 A Well, I received, you know, from Joanna Delany, her
14 entire case file. So, I had that, but, yeah, there were
15 additional things that came in that, you know, when I was
16 doing my review of the file, that I realized may still be
17 kind of outstanding or that she hadn't received, but maybe
18 had requested.

19 Q So, you had your original packet and continued to
20 receive supplemental discovery?

21 A Yes.

22 Q And whenever you received that, did you review it with
23 Mr. Vereen?

24 A If we didn't look at it page for page, I, I would -- we
25 would at least talk about it I think.

1 Q So he was aware of what you had received?

2 A Yes.

3 Q Did you speak with him -- other than just relying on
4 your notes from Ms. Delany, did you have conversations with
5 him like you would in an initial consultation---

6 A Yes.

7 Q ---where you -- so you got his own version of the
8 facts?

9 A Yes. Well -- and I went through with him, you know,
10 cause I reviewed Joanna Delany's file prior to going and
11 seeing him so that we could have a meaningful conversation,
12 and it wasn't just, you know, hey, I'm introducing myself.
13 I'll be back in a little bit after I reviewed your case. I
14 wanted to reassure him that I had, you know, the information
15 and to go over with him. And, you know, really what we
16 talked more about, obviously, what was, you know, keeping
17 him in there, which was the murder charge, and that was --
18 because that was the information, you know, that I was kind
19 of getting from the State was that that was the one that
20 they were focused on as far as calling to trial first.

21 So, we -- that's kind of what we talked about, I think
22 initially, was more of the murder charge.

23 Q And I believe you testified that you spoke with him
24 about the State wanting to try that first, and what that
25 meant for potential sentencing consequences on his other

1 charges?

2 A Right.

3 Q And he understood what that meant, and how it could
4 lead the State to serve him with notice to intent to seek
5 life without parole?

6 A Right. I think taking the cases separately would of --
7 you know, if it was just the attempted murder and armed
8 robbery may of been a different result. And if it was just
9 maybe the murder and the attempted armed robbery again,
10 maybe a different result. When you've got kind of this
11 collective bunch of charges with very serious consequences
12 if he's even found guilty of one of the charges from each
13 is, you know, it kind of makes it a little different. So
14 --.

15 Q Is that what led you to work on negotiations for all
16 the charges in total?

17 A Yes.

18 Q And so you felt that was in his best interest to be
19 able to wrap all these up together, and not separate them,
20 and, therefore, exacerbate his potential consequences?

21 A Right. Even a plea on one of -- one set of charges,
22 again, even if it was just an attempted armed robbery or the
23 attempted murder could potentially -- and even if he got
24 time served on that would of -- could of put him in a very
25 bad situation.

1 Q Now, talking about the evidence that you had, is it
2 fair to say that you basically have two videos and two
3 confessions?

4 A Yeah.

5 Q Okay. And I'm certain that you talked to Mr. Vereen
6 about the, the content of these statements or confessions?

7 A Right.

8 Q And did he indicate to you that he gave these
9 statements because he was, in fact, guilty of the crimes?

10 A I don't know that we had that conversation. I think it
11 was -- like I try to do in each case, not necessarily figure
12 out or it's, it's not my job to find out if my client is
13 guilty of the crime. It's what issues there are. And so
14 with his statements, my -- what I wanted to know from him
15 were kind of the circumstances around giving those
16 statements.

17 And then, obviously, the first set of charges, the
18 circumstances was that he was admitted to the hospital for a
19 gunshot wound, and had had lots of medication. I think
20 surgery maybe regarding that. So, obviously my concern was
21 the circumstances in which that statement was obtained cause
22 it was obtained, if I remember correctly, at the hospital.

23 And then, you know, the second one, you know, again,
24 not necessarily what -- you know, we went through what
25 the -- was said in this statement, but my concern was more

1 so what were the circumstances around you giving that
2 statement, and what kind of law enforcement maybe said to
3 him during that.

4 Q Certainly. And I, I phrased that poorly. So, thank
5 you for answering the question that I meant to ask.

6 Did Mr. Vereen provide any leads or witnesses for you
7 to investigate that you would not have found through the
8 State's discovery?

9 A I don't believe so. No, I -- no, I don't believe so.

10 Q Do you feel like y'all had valuable conversations, that
11 you could freely communicate with each other, and you
12 understood each other?

13 A I think so. I -- you know, I think Dequan was kind of
14 in a, a rough situation in that he had built kind of a
15 relationship with Ms. Delany, and was very comfortable with
16 her obviously having her represented him for nearly two
17 years, and then here comes somebody that he's never seen or
18 met before, and says oh, we're ready for trial. You know,
19 that -- that's not an ideal situation.

20 And so I think, you know, there were some trust issues
21 kind of from the get go just because of that. Not because
22 of anything that he did or I did necessarily. But just
23 because, you know, it was a -- I, I can't imagine being in
24 that situation where I don't know what's gonna happen with
25 my life, and then here comes somebody else just out of the

1 blue saying hey, I'm your new lawyer. Let's talk.

2 And so I -- but given that, I do think that, or at
3 least on my side, I think that we had a good relationship
4 leading up to the, to the resolution.

5 Q Did you get the impression that he felt comfortable to
6 ask you questions?

7 A Yeah, I guess so. Yeah, I think.

8 Q Okay. And in your relationship and working through the
9 case, did y'all discuss potential defenses?

10 A Yeah, more so on -- especially on the first set of
11 charges with the, with the statement issue, and then, you
12 know, if, if we were to prevail on keeping the statement
13 out, that changes the face of that case, you know. Again,
14 that's a -- that's an if. You know, it all -- it's
15 discretionary to the Judge. So, we don't know.

16 We think we got stuff to maybe keep it out, maybe we
17 don't, and then, you know, our defense, at that point, is
18 then to try to hash that out in front of a jury cause, you
19 know, then it comes in, obviously, it's evidence and we have
20 to deal with that. And then, on the second one, you know,
21 more so focusing on what the intent was. You know, we --
22 there was some discussion over, you know, a struggle over
23 the gun and then that's how it went off.

24 So, again, that accident kind of defense or that, you
25 know, even the, the recklessness of, you know, the -- that

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1 kind of intent. So, you know, we talked about that, and
2 then, after my research more on the Felony Murder Rule and
3 how that works, and then kind of, you know, our discussions
4 kind of changed on well, we can still do that, and the jury
5 might say yeah, we think he's not guilty of murder or guilty
6 of a lesser charge like maybe voluntary or involuntary. But
7 also the attempted armed robbery, you know, it's still, you
8 know, that could -- it's, it's an inconsistent version.

9 It's happened, but, you know, they would -- the, the
10 jury would of gotten the instruction on the Felony Murder
11 Rule. So that, you know, that was something that even
12 though maybe the evidence didn't necessarily support murder
13 as it is, and the case law would of supported a conviction
14 or at least a charge to the jury on that law I think.

15 Q Now, I believe you stated that the plea offer he ended
16 up taking him the week before trial?

17 A Yes, I think what happened was we ended up -- I think
18 Dequan's conversation was that he wasn't comfortable with a
19 range. And so I asked him, you know, would it be something
20 that if we got a straight number, is that -- cause every
21 time that we had talked he was throwing out straight
22 numbers. It wasn't a range.

23 You know, some people like a range cause it gives them,
24 you know, hope that maybe they get the, the lesser number.
25 But there's, you know, obviously also the potential you get

1 the higher number. So, it -- I think, in his situation, it
2 was a range that kind of made him uncomfortable when we were
3 discussing potential pleas.

4 So, the -- on, let's see, July 27th, 2015, I called the
5 solicitor to try to come up -- try to see where he was on
6 kind of our counteroffer, and he, again, told me he was not
7 coming off of that range. Then, the next day, Dequan was
8 brought over to the courthouse. That's when we watched the
9 videos, and I expressed to him, at that point, that the
10 solicitor -- you know, we went over what he said as far as
11 the range. After going through, let's see -- went through
12 the research I did over the weekend with him regarding jury
13 charges and felony murder, and that's kind of said, you
14 know, at that point, didn't really want to go to trial, but
15 kind of wanted a solid number as part of a plea deal, and
16 they would take 25 straight.

17 Didn't want to do the range because of the uncertainty
18 of it. So, I told him I would talk to the solicitor about
19 that and I did. I spoke to the solicitor that same day. I
20 told him that, you know, what he said about the solid number
21 versus a range, and that's when he agreed to a 30 year
22 sentence or the range of 25 to 35 as previously offered.

23 So, went back down to holding, and spoke with Dequan
24 about it, gave him that offer. He wanted, obviously and
25 understandably so, more time to think about it, and we went

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1 through, you know, the difference in time with what the
2 range was versus or what he kind of wanted versus what the
3 State's offer was.

4 You know, he said he would do 25 and the State's said
5 30, and that it would be a difference of about four years
6 as, you know, service of time, and he -- yeah, he wanted the
7 night to think about it, and he asked me to come to the jail
8 the next day to talk with him more about it.

9 So, I went back the next day and spoke with him, and he
10 indicated, you know, that his -- he -- I think he had talked
11 with his family about it, and they kind of wanted him to
12 take it, but he kind of wanted more time to think about it.
13 So, I came back the next day to talk with him, and, at that
14 point, you know, he, he wanted to enter the plea.

15 So, we -- he was brought over to the courthouse at that
16 time, and that's when the plea was entered, just the plea
17 portion, and then we did the sentencing later so that his
18 family could be present, Dequan's family, three cousins, but
19 also the victim's family be present, and then I guess
20 anybody for the attempted murder case as well.

21 Q So, he certainly had adequate time to consider the plea
22 offer?

23 A Well, yeah, I mean he -- a weekend I guess. I mean a
24 few days. It sounds like once we -- I mean he -- we'd been
25 giving -- given plea offers. So, we knew kind of where the

1 State was. So, I think he kind of understood that, but
2 then, you know, we got to that point where, you know, this
3 is it, and if the plea isn't accepted by this time, then
4 we'd proceed to trial. And so, yeah, I think, you know,
5 maybe, maybe a weeks worth of time to consider what's,
6 what's happening for the next 30 years.

7 Q And within all that consideration, you spoke with him
8 about the -- his Constitutional rights, and what he was
9 giving up?

10 A Right.

11 Q And did you do an advice of rights form with him?

12 A Yes.

13 Q Okay. And so, ultimately, as you testified on direct,
14 you gave him all the information, asked him to make a
15 decision, and said you support him?

16 A Right.

17 Q Is that correct?

18 A Right.

19 Q And so he decided of his own free will to plead to this
20 charge --

21 A Yes.

22 Q -- or to these, excuse me, this term on these charges?

23 A Yes.

24 Q I have no further questions. Thank you.

25 MR. ALLEN: No redirect, Your Honor.

Dequan Vereen - Direct examination
by Mr. Allen

1 THE COURT: All right. Thank you, Ms. Goode.

2 THE WITNESS: Uh-huh. (Affirmative).

3 THE COURT: Let's take ten minutes before you call your
4 next witness.

5 MR. ALLEN: Okay.

6 (WHEREUPON, a short recess was taken at this time.)

7 THE COURT: All right. Call your next witness.

8 MR. ALLEN: Thank you, Your Honor.

9 I call Dequan Vereen.

10 THE COURT: He's still -- he's under -- you're still
11 under oath, sir.

12 THE BAILIFF: Go ahead.

13 THE WITNESS: All right.

14 DEQUAN VEREEN, having been
15 previously sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. ALLEN:

18 Q Dequan, please state your first and last name spelling
19 both for the record.

20 A Dequan, Dequan Vereen. D-E-Q-U-A-N. V-E-R-E-E-N.

21 Q Thank you.

22 Dequan, you've heard the background as to what you've
23 been charged with and what you've pled to.

24 All that's been accurate, correct?

25 A Yes, sir.

1 Q And you've heard the testimony that Joanna Delany
2 represented you at first?

3 A Yes, sir.

4 Q What was the timeframe that she represented you versus
5 the time that Ms. Goode represented you?

6 A Given or take two years. Given or take, almost two
7 years.

8 Q For Joanna?

9 A Just for Joanna---

10 Q Okay.

11 A ---period.

12 Q Joanna Delany?

13 A Yes, ma'am. Yes, sir.

14 Q And then what was the timeframe for Ms. Goode?

15 A Five, five, five to six months.

16 Q And how many visits during that five to six months?

17 A Four, four to five roughly. Four to five visits out of
18 five to six months.

19 Q And were those four or five visits full blown meetings
20 with you?

21 A No, not at all. Some of them I was running behind her
22 after she was seeing other clients trying to get -- trying
23 to see what was going on with my case.

24 Q So, just a brief --

25 A Just a brief hey, bye.

Dequan Vereen - Direct examination
by Mr. Allen

1 Q -- sentence or two?

2 A Yes, sir.

3 Q Okay. well, did you -- let's, let's take the first
4 incident, and by that I'm referring to the armed robbery
5 charge at the Corner Pantry, and the attempted murder
6 charge.

7 A Yes, sir.

8 Q what did you and Ms. Goode discuss as to possible
9 defenses?

10 A Me and Ms. Goode didn't discuss anything. Me and
11 Joanna Delany discussed that I was involved with a female,
12 and a, and a, and a boyfriend got with the whiff of it, and
13 that was retaliation. But as far as me and Jo -- Ms. Goode,
14 we didn't discuss anything on that.

15 Q And you said that was a retaliation.

16 what are you referring to?

17 A Me being intimate with somebody he's involved with and
18 getting back at me.

19 Q How did he retaliate?

20 A Shots fired.

21 Q And he shot you?

22 A Yes, sir.

23 Q where?

24 A Stomach and my arm.

25 Q And so that's how you ended up in the hospital?

1 A That's how I ended up in the hospital.

2 Q And you've heard Ms. Goode's testimony that the
3 hospitals were contacted by law enforcement as to anybody
4 that came in with a gunshot?

5 A Anybody came to a gunshot.

6 Q And you happened to be in the hospital on that day?

7 A Yes, sir.

8 Q And you did relate that to Joanna Delany is what you're
9 saying?

10 A I did relay that to Joanna Delany is what I'm saying.

11 Q Okay. What other defenses -- well, what defenses did
12 you discuss with Ms. Goode then?

13 A I mean it, it wasn't -- it's (sic) really wasn't no
14 defenses discussed because it was more focus on my second
15 case then the one that was already pending. So, given or
16 take, it was no conversation about my first case. It's like
17 my first pending case that was there pending, it, it wasn't
18 even there until I got to Court they're signed, you know
19 what I'm saying, the 30 years for everything ran concurrent.

20 Q Okay. But you've heard Ms. Goode talk about the
21 possible defense you had to the written statement provided
22 at the hospital?

23 A Yes, sir.

24 Q Tell the, tell the Judge about the circumstances
25 surrounding that.

Dequan Vereen - Direct examination
by Mr. Allen

1 A The circumstances surrounding that, I was armed -- I
2 was shot and it was upon -- it was recorded that I was
3 getting medicine every two hours. The investigator says
4 that he came to see me within four which meaning that I was
5 up under another dose of being shot after surgery as I --
6 that, that was that.

7 Q Did you write anything?

8 A I wrote -- I, I never wrote a statement. They say I
9 wrote a statement. The statement that's on there has my
10 signature. I asked well, if I gave you a statement, why
11 wasn't I able to sign it. He tell me that it was because a
12 bullet that was all the way up in my arm that I was not able
13 to use the bottom part of my hand. I don't understand. But
14 that's what -- that was the excuse that I was given.

15 Q So, do you think that, based on your discussions with
16 Ms. Goode, was a potentially good defense?

17 A I believe that it was a good offense because I don't
18 see why somebody that would be guilty be confessing to a
19 guilty charge not signing a statement.

20 Q Did you discuss any gunshot residue tests that were
21 done in that first incident?

22 A Never discussed any of that.

23 Q Were there any tests---

24 A If---

25 Q ---done on you?

1 A If there was, it was up under -- while I was up under
2 dosage of medicine or going -- undergoing surgery.

3 Q Do you have a twin bother?

4 A Yes, sir, I have a twin brother.

5 Q Does he look like you?

6 A He look like me. To my knowledge he look like me.

7 Q Are you told that he looks like you?

8 A I've been told that he looks just like me.

9 Q Did you discuss with Ms. Goode the possibility of
10 rounding up an alternate suspect including maybe your twin
11 brother?

12 A I did it -- I did. But---

13 Q Was---

14 A ---I don't feel as if it was -- it, it got nowhere from
15 there.

16 Q Did she hire an investigator to your knowledge?

17 A Not to my, not to my knowledge.

18 Q Let's move to the second incident.

19 A All right.

20 Q And you know what I'm referring to when I say the
21 second incident?

22 A Yes, sir.

23 Q Have you seen the video from that incident?

24 A I have seen the video from that incident.

25 Q How many times have you seen it?

Dequan Vereen - Direct examination
by Mr. Allen

1 A Give or take, I seen that video four times.

2 Q Okay.

3 A From the time that I got incarcerated till going
4 through the courtroom -- the Courts, I seen that video four
5 times.

6 Q Did it look the same to you every time?

7 A No, sir.

8 Q why?

9 what was different?

10 A It, it, it looks as if footage out the video was
11 missing. Now, it was stated that once we had -- it looked
12 like two peoples was getting out the car. I know for sure
13 that, being there at that store, they had it from different
14 angles. If they had it from different angles, they would of
15 saw that I purposely walked towards the store like I was
16 going in there to get something. I was paying for gas.
17 That's why the car was parked at the gas station.

18 But as far as every time I seen that video, it was like
19 more and more was missing. They never showed me touching
20 that handle or turning around to see my best friend and,
21 and, and, and the victim fighting or anything else. I never
22 seen that and they said that they have different angles of
23 this video. I never seen an angle of what I done.

24 Q Did you and Alicia discuss the possibility of lesser
25 charges from murder?

Dequan Vereen - Direct examination
by Mr. Allen

1 A Yes, I did.

2 Q Did you dis, discuss that in the context of what you
3 might be found guilty of in a trial?

4 Let me rephrase.

5 A Yeah. Please.

6 Q Did, did she discuss with you the possibility of going
7 to trial---

8 A No problem.

9 Q ---and getting convicted not of murder, but of some
10 lesser included charge?

11 A Yes, she did. As I recall, yes, she did.

12 Q What did she tell you were---

13 A Any---

14 Q ---possible outcomes?

15 A Anywhere from voluntary manslaughter to involuntary
16 manslaughter because murder wouldn't hold up in Court.

17 Q Okay. So, she did inform you that there's a
18 possibility of some lesser included convictions if you --
19 even if you went to trial initially charged with murder?

20 A Yes, sir.

21 Q Okay. Did you discuss with her a possible defense
22 of -- against murder for the defense of others?

23 A I did. I did bring that to her attention.

24 Q Okay. Did she, did she indicate to you that she
25 thought that was a good defense?

Dequan Vereen - Direct examination
by Mr. Allen

1 A Yes, she indicated that it was a good defense. But as
2 far as being interested in it, I, I feel as if that's just
3 what it was. She indicating that it would be a good
4 defense, but it wasn't gonna go no where from there.

5 Q Did she have some sort of evidence prepared to present
6 that showed tools in the victim's car?

7 A Not that I know of. I asked about all that, all those,
8 but I never even seen that in my motion.

9 Q Do you feel that she was prepared to present a full
10 blown defense for that?

11 A I don't feel like as if she was prepared to take on a
12 full defense. Personally, I wasn't even prepared, and
13 seeing a lawyer after having one for two years, almost two
14 years, and seeing one within five months, and with, with
15 four times, five times after that, it's kind of stressful to
16 go to trial, and put my trust in someone like that. I
17 don't, I don't -- I want to state that I don't feel as if
18 she was a bad lawyer. I just feel as if so many cases and
19 things that was going on would cause -- is what caused her
20 to be ineffective towards my case.

21 You know what I'm saying?

22 Q So many cases meaning?

23 A So many cases as in other people, and what they have --
24 what's, what's on her desk.

25 Q Okay. Other clients?

Dequan Vereen - Direct examination
by Mr. Allen

1 A Other clients.

2 Q And you had serious charges?

3 A Yes, sir. It was something I was fighting. I'm
4 fighting big football now as here saying. I -- just meeting
5 somebody in five months and trying to go to Court with them,
6 I, you know, I, I couldn't live with that, and I feel as if
7 I was forced into a plea because of those big numbers.

8 Q Now, still on that second incident, did you discuss
9 with her getting medical records from the victim to see what
10 may of been in his system?

11 A I did. I asked for -- I asked could she get a private
12 investigator or records from the hospital indicating that or
13 asking if he had drugs in his system. I never got a get
14 back on that.

15 Q And do you---

16 A And I feel as if -- I feel as if, if, if that was
17 there, drugs was in his system, the way everything took
18 place, it would of, it would of caused a different outcome
19 then what it was.

20 Q In other words, if he'd been high, you think that would
21 lend some credence to your defense?

22 A Yes, sir.

23 Q Do you know from any firsthand knowledge about his drug
24 habits?

25 A No firsthand knowledge cause I barely, I barely knew

Dequan Vereen - Direct examination
by Mr. Allen

1 him. So for me to tell you that I knew him or what was
2 going on in it, I, I never knew.

3 Q But did you know that he was a---

4 A I did know that he was a buyer.

5 Q Did you see those tools in the car?

6 A Yes, sir.

7 Q Did you tell Alicia about that?

8 A Yes, sir.

9 Q When the time came that you decided to take the plea,
10 did Alicia -- did Ms. Goode prepare you for what the Judge
11 was going to ask you?

12 A She prepared me for what the Judge was gonna ask me.
13 But, at the time that I took my plea, it was, it was bunched
14 up. It was so much going on that I was just ready to get it
15 over with.

16 Q And you're aware the transcripts shows that the Judge
17 asked you, as they almost always do if not always, the
18 questions like are you guilty, did you have enough time to
19 talk to your lawyer, do you understand the Constitutional
20 rights you're giving up?

21 You know that's in your transcript?

22 A I do know that's in my transcript.

23 Q why did you respond as if you understood those rights
24 and had all the time you needed?

25 A Because regardless of, excuse me, regardless of me

Dequan Vereen - Direct examination
by Mr. Allen

1 understanding those rights, I still had charges that either
2 way, if I was found convicted of one or not or the other, I
3 was still gonna catch numbers that was out of this world.
4 It was too much for a young guy like me to handle.

5 So, I felt as if going with the lesser included number
6 was the best thing to do. But living that life, and, and,
7 and, and reflecting off the decisions you made, I would of
8 never, I would of never took that plea.

9 Q And do you feel that the length of time and the amount
10 of meetings you had with Ms. Goode played into your decision
11 as to whether or not to go to trial?

12 A Absolutely. Absolutely. I feel -- five months, five
13 months ain't -- you going to trial for my life.

14 Q Is, is five months, and four to five meetings, enough
15 to be prepared to try a case for attempted murder, armed
16 robbery, murder, and attempted armed robbery?

17 A Not a lot.

18 MS. KINARD: Objection, Your Honor. Calls for a legal
19 conclusion.

20 THE COURT: It absolutely does. Sustained.

21 MR. ALLEN: No further questions. Thank you.

22 CROSS-EXAMINATION

23 BY MS. KINARD:

24 Q Good afternoon, Mr. Vereen.

25 A Good afternoon.

1 Q I want to follow-up on a few things that Mr. Allen just
2 asked you.

3 First of all, you mentioned the possible defense of the
4 fact that you were shot or the, the alleged fact that you
5 were shot by a boyfriend in retaliation. You said you
6 mentioned that to Ms. Delany.

7 A Yes, ma'am.

8 Q But you didn't mention that to Ms. Goode?

9 A No, ma'am.

10 Q Why not?

11 A Because when Ms. Goode got on my case, it was basically
12 more of the fresh case than the pending charge -- then the
13 pending. We never touched bases on the pending charge. The
14 focus was more on my murder, attempted armed robbery.

15 Q And did she talk to you about why that was, why that
16 focus was on that incident?

17 A No.

18 Q Did you hear her testify that that's cause the State
19 wanted to call that first?

20 A I can understand that.

21 Q Okay. And so did you -- you talked to her about the,
22 for lack of a better term, what we call collateral
23 consequences. So, the effects of the sentencing on you, and
24 how doing these charges separately might of led the State to
25 file a notice of life without parole on you.

1 A Uh-huh. (Affirmative).

2 Q And can you answer verbally for the court reporter?

3 A Verbally, we haven't talked about that. I believe it
4 was then five, four to five months, all that can not be ran
5 down for me to verbally understand. You know, I'm human.
6 That's why I feel as if everything was brushed on me when it
7 was time for me to take my appeal. I mean when it was time
8 for me to take my plea.

9 Honestly, like I said, again, I state again, I will
10 never took my plea if it wasn't for that. The reason Joanna
11 Delany, I feel as though I would of came into this courtroom
12 and been happy with whatever I got because that was the
13 relationship and there was a bond between the attorney and
14 client that I could, I could, I could withstand. I knew she
15 was gonna come in the courtroom and fight for me. But as
16 far as Ms. Goode, I met her, I met her within four to five
17 months.

18 THE COURT: well, how long do you think it takes to
19 prepare for trial?

20 THE WITNESS: I mean regardless of how long it take,
21 it -- I, I believe -- I believe present it's gonna take how
22 much time it is to take for me to understand. I never got a
23 chance to understand what I was coming up here to face.

24 THE COURT: well, how much time do you need?

25 If you think four to five months wasn't enough, how

Dequan Vereen - Cross-examination
by Ms. Kinard

1 much time did you need?

2 THE WITNESS: Well, me -- I been sitting in the county
3 for two years. Honestly, Judge, Your Honor, I don't know.

4 THE COURT: Okay.

5 THE WITNESS: But four to five months was, was not
6 enough for me to build a relationship to have faith within a
7 lawyer to come fight for me in a courtroom for my life. You
8 know, I'm living with that decision everyday. It was not
9 enough time for me to say okay, this what we gonna do, this
10 how we gonna do it, and that we win, we win. If we lose,
11 okay, so well be it. That was not enough time for me to
12 make that decision to go forward.

13 THE COURT: I got it.

14 Ms. Kinard, you may continue.

15 MR. KINARD: Thank you, Your Honor.

16 CONTINUED CROSS-EXAMINATION

17 BY MS. KINARD:

18 Q Moving on to some of the evidence that you and Mr.
19 Allen discussed.

20 Regarding the first incident, you never talked to a --
21 gunshot residue, residue testing---

22 A No, ma'am.

23 Q ---with Ms. Goode?

24 Okay. And you talked about the video of the second
25 incident --

1 A Okay.

2 Q -- and you felt it looked different every time.

3 A No, no, no, no, no, no. Not every time. It looked
4 different one time. You know what I'm saying?

5 It looked different that last time I came to Court when
6 they -- that was the video that was gonna be presented cause
7 I was coming in here in the impression of I was going to
8 trial. That was gonna be the video presented.

9 Them other three times roughly that I saw those videos,
10 it was not -- it was, it was -- it, it did not have the same
11 footage. The same footage was not there as it was on the
12 last one.

13 Q Meaning things were missing?

14 A Meaning things and clips out the video was missing.

15 Q I believe Ms. Goode testified that she got extra angles
16 from, from different cameras---

17 A Okay.

18 Q ---for you to view that last time.

19 A Okay.

20 Q Did -- is that correct?

21 A I did hear that.

22 Q Do you remember their being different angles?

23 A I know it was different angles cause it was different
24 cameras at that store. I knew it was different angles.

25 Q Okay. So, could that be an explanation in your mind

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by Ms. Kinard

1 for it looking slightly different?

2 A To be honest with you, I don't know. But, in my mind,
3 in my, in my -- if it was for me to give an opinion, I
4 believe that, since it was different angles of this video,
5 it should be every angle there instead of an angle that
6 looks to be like this or the angle that looks to be like
7 that. If, if this is the video, I feel as if this should be
8 video, and this what should be presented.

9 Q Thank you.

10 Ms. Goode testified about a concept called felony
11 murder.

12 A Okay.

13 Q Did you discuss that with her?

14 A I overheard her saying, but understanding even to this
15 day, I don't understand what that is.

16 Q Okay. So, you didn't understand that, if you were
17 convicted on a, on the -- I believe it's attempted robbery
18 that was associated with the murder---

19 A Uh huh. (Affirmative).

20 Q ---that even if you were found guilty of the lesser
21 included offense, it would still constitute murder because
22 there was a felony involved?

23 A Uh-huh. (Affirmative).

24 Q So you -- that was not discussed thoroughly with you?

25 A Not thoroughly for me to understand.

Dequan Vereen - Cross-examination
by Ms. Kinard

1 Q Okay. Now, without talking about the, the truth or
2 falsity of these things, do you agree that you gave a
3 statement regarding each incident?

4 A My first incident, no.

5 Q Okay. And that's, that's the one you just testified to
6 where you were in the hospital?

7 A Where I'm in the hospital, yes, ma'am.

8 Q And you, you -- just to make sure clear -- I'm clear,
9 and I'm sorry to interrupt you, you stated you -- because of
10 the nature of your injury to your arm, you could not have
11 written a statement?

12 A No, that's what they implied of me not signing my
13 statement, put my signature on my statement. They have a
14 statement with no signature.

15 Q And it -- they admit that it was written by somebody
16 else, and you certainly admit it was written by somebody
17 else I assume.

18 Is that correct?

19 A Yes, ma'am.

20 Q Okay. Now, the statement you did provide a
21 statement---

22 A I did provide a statement---

23 Q ---in the second one?

24 A ---in the second one.

25 Q Okay. Was that voluntary?

Dequan Vereen - Cross-examination
by Ms. Kinard

1 A That was voluntary.

2 Q Okay.

3 A The reason of being voluntary is because of what
4 happened, what happened at that gas station.

5 Q Okay.

6 A You know what I mean?

7 Q Right. We don't need to go into the content.

8 A Cool beans.

9 Q I don't, I don't want to challenge the evidence.
10 That's not why we're here.

11 A All right.

12 Q But -- and you realize that there were videos of each
13 incident?

14 A Yeah.

15 Q Okay.

16 A I do. I do realize that. In those videos, they had --
17 they, they -- it's, it's no pointing like -- as I recall as
18 Ms., Ms. Goode was up here, the first video you had three
19 people running into an establishment with gloves, masks,
20 jumpsuits, and everything else. How it -- how can you
21 positively -- how can you positively, without a doubt, say
22 that that was Mr. Vereen?

23 Q And I, I don't disagree with you, but, unfortunately,
24 that's not why we're here today. We're talking about what's
25 going on with your attorney, and, and why you took this

1 plea, which is my next question.

2 A I understand that.

3 Q So, they were played back and forth as Ms. Goode
4 discussed.

5 Do you agree with that, that there were offers and
6 counteroffers regarding a potential plea?

7 A Counteroffers, yes.

8 Q Okay. And do you agree with her testimony that you
9 seemed to want a number rather than a range?

10 A I don't agree with that.

11 Q Okay. Tell me why.

12 A I don't agree with that because that, that plea came up
13 at the last minute. That plea got signed at the last
14 minute. My whole mind state was focused on going to trial.

15 Yes, I know what I was faced against. I know what I
16 was up against. But I was willing to let that -- let the
17 proof come out within trial. You know what I mean?

18 Not, not -- I wanted to go to trial. I would of never
19 signed that plea. That plea got signed at the last minute.

20 Q Okay. Let, let me step back if I may.

21 A Okay.

22 Q My understanding from the way Ms. Goode testified was
23 that, over the course of at least a week, if not maybe a
24 couple of weeks, you had back and forths with the
25 solicitor's office about potential plea offers.

1 Is that correct?

2 A That is correct.

3 Q And every time an offer came down, you discussed it
4 with her, and talked to her about why you did or didn't like
5 it.

6 Is that correct?

7 A That wasn't correct. We -- it was basically more on
8 the terms as you coming with a different plea, we don't -- I
9 shut down. As she stated, he shut down. I want to go to
10 trial.

11 Q What was different about the plea offer you ultimately
12 accepted?

13 A I mean it was nothing really different about it. It
14 was just ten years of five years getting subtracted from
15 what it already was. I had a plea offer come and it was 60
16 years before. I turned it down. So, it -- they just kept
17 going down five to ten years. You know what I'm saying?
18 That's, that's all that was.

19 Q Is it fair to say that it got down to a level where you
20 were comfortable with it?

21 A Comfortable, no. Not at all.

22 Q Comfortable versus taking your chances at trial?

23 A Take my chances at a trial, I could of got 30 years.
24 So, me knowing that, and giving you an honest answer up
25 under oath, I, I couldn't get -- I could of went to trial

1 and got 30 years.

2 Q You could of gone to trial and gotten life.

3 A I could of got -- I could of went to trial and got
4 life, but you and I don't know that.

5 Q Right.

6 Is that why you made the decision you made?

7 A Is what why I made the decision I made?

8 Q Because you were facing life.

9 A No, even with me knowing that -- I was facing two life
10 sentences, and still wanting to go to trial. Even with me
11 knowing that, I was willing to go up against the odds of
12 feeling like I'm not guilty. I'm not guilty.

13 Q Did I misunderstand your testimony on direct that you
14 chose the plea because you thought it was the best in your
15 two options?

16 A No. I chose, I chose the plea because, like I say, it
17 was the best thing there at the time, and I was pushed into
18 it. I got two public defenders that I don't know from a can
19 of paint telling me well, this is a better plea. This,
20 this, this is the better route. Regardless of it -- if it
21 is or not, as a, as a defendant, if I'm asking my lawyer to
22 let's go to trial, I feel as if, after she said what she
23 said, and I said what I said, it -- it's my decision.

24 It's still my decision up to the end of the day. You
25 know what I'm saying? And that's, that's why I took that

1 plea because, at the end of the day, I feel as if the
2 representation and the adequate law assistance that I need I
3 didn't have at the time. I didn't have at the time.

4 Q It still sounds like that would change -- that would be
5 the same answer to my question, which was you took the plea
6 because it was the better option than going to trial.

7 A Okay.

8 Q Is that correct?

9 A That is correct.

10 Q Okay. And you understood what you were pleading to,
11 the 30 years?

12 A Uh-huh. (Affirmative).

13 Q And you made that decision after speaking with your
14 attorneys.

15 Is that correct?

16 A (Witness nods affirmatively.)

17 Q Please answer verbally for the court reporter.

18 A Yes, ma'am.

19 Q Thank you.

20 And you, you went over your Constitutional rights with
21 Ms. Goode?

22 A I can't recall.

23 Q And -- okay. Well, when we say Constitutional rights,
24 we mean you're giving up your right to a jury trial. You're
25 giving up your right to remain silent. You're giving up the

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1 chance to confront your accusers or present any cases on
2 your behalf.

3 Does that sound familiar?

4 A Yes, ma'am.

5 Q So you stopped -- you talked to her about all that?

6 A Yes, ma'am.

7 Q Okay. So you were fully informed of what you were
8 pleading to.

9 Is that fair?

10 A Yes, ma'am.

11 Q Okay. And you made that decision instead of rolling
12 the dice at trial?

13 A Yes, ma'am.

14 Q Okay. Thank you. No further questions.

15 A Uh-huh. (Affirmative).

16 THE COURT: Any redirect?

17 MR. ALLEN: Yes, ma'am, just a little.

18 REDIRECT EXAMINATION

19 BY MR. ALLEN:

20 Q Dequan?

21 A Yes, sir.

22 Q Towards the end of Ms. Kinard's questions she boiled it
23 down to you thought this was the best of the two options to
24 take this plea.

25 A Uh-huh. (Affirmative).

Dequan Vereen - Redirect examination
by Mr. Allen

1 Q Do you mean in the best two options period going to
2 trial versus taking a plea or do you mean it was the best
3 two options of going to trial under these circumstances with
4 these lawyers---

5 A It was the best---

6 Q ---at that time?

7 A It was the best -- it was the best option to go with
8 the circumstances that was at hand, and the lawyers that I
9 had fighting with me.

10 Q I think that's clear from your testimony, but I did
11 want to make sure, and towards the end you also said that
12 you were fully informed before taking the plea.

13 what do you mean by that?

14 A I don't feel as if -- I don't feel as if it --
15 everything that I needed to know was put on the table. I
16 felt as if my lawyers wanted me to take the plea versus them
17 having to do the work of going to trial.

18 Q And we've already talked about the defenses that you've
19 mentioned to Ms. Goode, not just to Ms. Delany, but also to
20 Ms. Goode, and you have already stated that most of them, if
21 not all of them, were not followed up on.

22 A Exactly.

23 Q So when you say fully informed, you didn't have that
24 information about what those possible leads---

25 A Not at all.

1 Q ---may come to?

2 A Not at all. I didn't even know if they took the
3 precaution of going and following up on those leads or even
4 doing them. I asked for an investigator here to be hired on
5 the angles of the camera because the video looked different.
6 Never knew nothing about that.

7 I asked for evidence of tools being in the car, of me
8 been afraid for my life, and the car was rolling backwards.
9 Nothing on that.

10 I even wrote the Courts trying to fire Ms. Goode
11 because I felt as if she was incompetent to my case. She
12 came and talked to me telling me that she can get fired for
13 that. Raised the -- you know what I'm saying?

14 Nothing -- this is my life that I'm up here fighting
15 for, and I feel as if, for me fighting for my life, the
16 representation that I had was not up to par or we didn't
17 have enough time to prepare that -- for the help that I
18 needed.

19 Q And back to being fully informed, did they -- did Ms.
20 Goode or Ms. Pennick ever tell you that you couldn't get the
21 funding on a murder case to get an investigator?

22 was there any roadblock that they communicated to you
23 about that?

24 A Not that I recall. I don't, I don't want to lie.

25 Q Are you aware of any, to the best of your memory, legal

1 block of you getting these defenses followed up on?

2 A No, sir.

3 Q Thank you.

4 THE COURT: All right, sir. You can go back and sit
5 back next to your lawyer.

6 All right.

7 MR. ALLEN: That's the Applicant's case, Your Honor.

8 MS. KINARD: Nothing else from the State, Your Honor.

9 THE COURT: All right. Do you want to make an
10 argument?

11 Do you want to put something in writing?

12 MR. ALLEN: I'm good with writing if that's good with
13 you.

14 THE COURT: That's good with me. Twenty days.

15 MR. ALLEN: Yes, ma'am.

16 MS. KINARD: Thank you, Your Honor.

17 THE COURT: I'll let you know something, sir.

18 MR. ALLEN: Thank you, Your Honor.

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21 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas Nonjury for Richland County, South Carolina, on the 29th day of March, 2017.

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

July 3rd, 2020

Pamela E. Green

PAMELA E. GREEN, Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

DeQuan Vereen (SCDC #364939),

Applicant,

v.

State of South Carolina

Respondent.

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH JUDICIAL CIRCUIT

Civil Action No. 2016CP4002141

ORDER OF DISMISSAL

JEANETTE W. BRIDGE
C.C.B., G.S., & F.C.

2020 MAR 25 AM 9:22

RICHLAND COUNTY,
FILED

This matter comes before the Court by way of Application for Post-Conviction Relief (“PCR Application”) filed on March 7, 2016. Respondent filed its return on December 9, 2016. An evidentiary hearing was held on March 29, 2017 at the Richland County Judicial Center. Applicant was present along with his attorney, David K. Allen, Esquire. Respondent was represented by Assistant Attorney General Jessica E. Kinard.

For the reasons set forth below, the Application for Post-Conviction Relief is DENIED; and this matter is DISMISSED WITH PREJUDICE.

FACTUAL AND PROCEDURAL HISTORY

Applicant is currently incarcerated at the South Carolina Department of Corrections (“SCDC”) pursuant to orders of commitment from the Richland County Clerk of Court. During its August 2014 term, the Richland County Grand Jury indicted Applicant for two counts of attempted armed robbery (2014-GS-40-5489 and -5493), attempted murder (2014-GS-40-5491), and murder (2014-GS-40-5488). Applicant was represented on these charges by Alicia Dyar Goode, Esquire (“Plea Counsel”).

On July 30, 2015, Applicant pled guilty before the Honorable Robert E. Hood (“Plea Court”) to one count of voluntary manslaughter (which was reduced from murder), one count of

armed robbery, and one count of attempted murder. His plea was in exchange for a negotiated thirty-year sentence on each charge, with all sentences to run concurrently. The Plea Court postponed imposition of the negotiated sentence until August 4, 2015, so that the crime victims and certain family members could attend.

Applicant timely filed a notice of appeal on August 11, 2015. While his appeal was pending, Applicant filed his first PCR Application on November 3, 2015 (2015-CP-40-6525). On November 24, 2015, the Honorable Alison R. Lee dismissed that PCR Application without prejudice, pending resolution of the appeal. Applicant's appeal was dismissed by the South Carolina Court of Appeals, and the Remittitur was sent on January 6, 2016. (App. Case No. 2015-001719). Applicant filed the instant PCR Application on March 7, 2016.

In his current PCR Application, Applicant alleges that he is being unlawfully held in custody for the following reasons:

1. Ineffective assistance of counsel
 - a. Lack of pretrial investigation, failure to interview witnesses
2. Involuntary guilty plea
 - a. Counsel rendered inadequate advice, a reasonably competent attorney would not have advised me to plead guilty
3. Denial of due process

The Court has had the opportunity to review the record in its entirety (including the trial transcript, records from the Richland County Clerk of Court, records from the South Carolina Department of Corrections, and Applicant's appellate records) and has heard the testimony and arguments presented at the evidentiary hearing. The Court has also had the opportunity to observe each witness who testified at the evidentiary hearing, to closely pass upon their credibility, and to weigh their testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. CODE ANN. §17-27-80 (2003).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Sixth and Fourteenth Amendments to the United States Constitution guarantee criminal defendants the right to the effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668 (1984). Where a PCR Application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” *Id.* at 686; *see also Butler v. State*, 286 S.C. 441 (1985). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Strickland*, 466 U.S. at 691. The applicant must overcome this presumption in order to receive relief. *Bell v. State*, 321 S.C. 238 (1996); *see also Cherry v. State*, 300 S.C. 238 (1989); Rule 71.1(e), SCRCF.

The court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel’s performance was deficient. Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” *Cherry*, 300 S.C. at 117 (citing *Strickland*, 466 U.S. at 688). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Id.* at 117-18. Specifically, where an applicant has pled guilty, he must prove that counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability that he would not have pled

guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985); *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

I. Involuntary Guilty Plea

Applicant alleges that Plea Counsel was deficient in her representation by failing to employ an investigator to assist in his defense, to interview witnesses, and to follow up on leads which could support his defense to the charges. According to Applicant, this lack of preparation on the part of Plea Counsel prejudiced him in that he felt forced to plead guilty instead of proceeding to trial. The Court disagrees that any of this rendered Applicant's guilty plea involuntary.

A defendant who pleads guilty on the advice of counsel may collaterally attack the voluntariness of the plea only by showing that (1) counsel's performance was deficient, and (2) there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty. *Johnson v. Catoe*, 336 S.C. 354, 520 S.E.2d 617 (1999); *Wolfe v. State*, 326 S.C. 158, 485 S.E.2d 367 (1997); *Satterwhite v. State*, 325 S.C. 254, 481 S.E.2d 709 (1997). In addition,

[I]n many guilty plea cases, the "prejudice" inquiry will closely resemble the inquiry engaged in by courts reviewing ineffective-assistance challenges to convictions obtained through a trial. For example, where the alleged error of counsel is a failure to investigate or discover potentially exculpatory evidence, the determination whether the error "prejudiced" the defendant by causing him to plead guilty rather than go to trial will depend on the likelihood that discovery of the evidence would have led counsel to change his recommendation as to the plea. This assessment, in turn, will depend in large part on a prediction whether the evidence likely would have changed the outcome of a trial.

Stalk v. State, 383 S.C. 559, 562, 681 S.E.2d 592, 594 (2009) (citing *Hill*, 474 U.S. at 52).

Similarly, "[W]here counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." *Watson v. State*, 370 S.C.

68, 72, 634 S.E.2d 642, 644 (2006) (citing *Stokes v. State*, 308 S.C. 546, 419 S.E.2d 778 (1992)). “Counsel’s performance is accorded a favorable presumption, and a reviewing court proceeds from the rebuttable presumption that counsel ‘rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.’” *Smith v. State*, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (quoting *Strickland*, 466 U.S. at 690). “Accordingly, when counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” *Id.* (citing *Caprood v. State*, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)). “Courts must be wary of second-guessing counsel’s trial tactics; and where counsel articulates a valid reason for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel. *Whitehead v. State*, 308 S.C. 119, 417 S.E.2d 529 (1992) (citing *Goodson v. U.S.*, 564 F.2d 1071 (4th Cir. 1977)).

Plea Counsel came to represent Applicant after his first appointed attorney – who had represented him for more than two years – left the Public Defender’s Office. The case was transferred to Plea Counsel in February 2015, approximately six months before Applicant entered his guilty plea. Applicant testified that the short duration of Plea Counsel’s representation was insufficient for him to trust her or feel comfortable going to trial with her as his attorney.

Applicant also testified that he disagreed with Plea Counsel’s decision not to hire an investigator to assist in preparing his defense. He believes that Plea Counsel should have challenged the written statement allegedly given by Applicant at the hospital, and that Plea Counsel should have conducted some investigation into the video evidence that the State intended to use against him (which, according to Applicant, varied each time he reviewed it). Applicant also complained that Plea Counsel never discussed potential defenses with him and

that when he tried to broach the subject, Plea Counsel didn't seem interested in discussing the topic. She focused her discussions on the second incident for which Applicant was charged, but Plea Counsel was less interested in discussing the details of the first incident.

Contrary to Applicant's belief, Plea Counsel testified that she was prepared for trial. Plea Counsel admitted not hiring an investigator to assist in preparing Applicant's case for trial and acknowledged that an investigator could have been helpful. However, Plea Counsel also stated that she reviewed all of the evidence for Applicant's case, including the videos and statements, and reviewed all of those things with Applicant.

Plea Counsel also gave credible testimony that she researched and considered possible defenses for Applicant's charges. Specifically, Plea Counsel testified that she did not believe that the "defense of others" claim would be viable for Applicant, and she had no information on which to base an alibi defense. She intended to challenge the voluntariness of the statement allegedly given by Applicant while he was hospitalized. She believed that to be the State's best evidence against Applicant for the first incident. As to the second incident, Plea Counsel evaluated the strength of the State's case and determined that although the law would support a lesser charge of voluntary manslaughter against Applicant, he could ultimately be convicted of murder anyway because of the associated felony. In addition, Plea Counsel noted the existence of an eyewitness and a clear video of the incident location showing Applicant.

In terms of strategy, Plea Counsel stated that she and Applicant always spoke of the two incidents together; however, they were both aware that the State wanted to the two cases separately. Trial of the second, more recent incident would happen first because the possible penalty upon conviction was greater and would have allowed the State, upon trial of the first incident, to serve notice of intent to seek life without parole on Applicant.

Plea Counsel testified that, after thoroughly discussing the laws of felony murder, she did not feel confident in taking the cases to trial; and she believed that dispensing of them in a joint plea was the best resolution. Ultimately, she gave all information that she had to Applicant and allowed him to make his own decision without attempting to sway his opinions. She recalled that he had a difficult time in discussing and negotiating plea offers because he wanted to be able to plead to a certain term of years, rather than to a sentencing range. After negotiating offers and counteroffers with the State, the decision to plead guilty was Applicant's.

Based on the foregoing, Applicant is unable to demonstrate that Plea Counsel was ineffective or that she did anything more than employ a valid strategy in resolving his case. Further, although Applicant claims that he only pled guilty because he would otherwise have to "go into trial blind," this is not supported by the evidence. Applicant's uninformed belief that Plea Counsel was not ready for trial is insufficient to sustain his burden of proof. Plea Counsel thoroughly investigated and prepared for trial and presented her progress to Applicant over the course of many meetings. Applicant understood the adversities and options that he faced and made an informed, voluntary decision to plead guilty. Therefore, these allegations are denied and dismissed with prejudice.

II. Due Process

Applicant also alleges that he was denied due process of law and that there was an infringement of his rights under certain amendments to the United States Constitution. However, Applicant failed to set forth with any specificity, either in his application or at the hearing, the grounds upon which these constitutional violations are based.

The Uniform Post-Conviction Procedures Act requires that an applicant must "...specifically set forth the grounds upon which the application is based." S.C. CODE ANN. §17-

27-50 (1976). In a PCR Application, it is incumbent upon the applicant to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965).

Here, Applicant has failed to make a *prima facie*, at any stage of this proceeding, that he is entitled to relief. Therefore, this allegation must be dismissed for failing to meet the requirements of the Uniform Post-Conviction Procedures Act.

III. Other Allegations

As to any and all allegations that were raised in the PCR Application or during the evidentiary hearing in this matter but not specifically addressed in this Order, the Court finds that Applicant failed to present any testimony, argument, or evidence regarding such allegations. Accordingly, the Court finds the Applicant has abandoned any such allegations.

CONCLUSION

Based on the foregoing, the Court finds and concludes that Applicant has not established any constitutional violations or deprivations which would require this Court to grant relief. Plea Counsel was not deficient in any manner, and Applicant was not prejudiced by Plea Counsel's representation. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

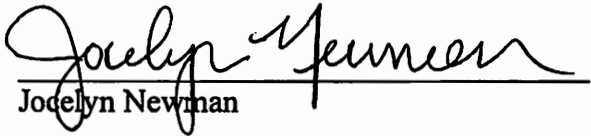
Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. *See* Rule 203, SCACR (providing the appropriate procedure to perfect an appeal). Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Further, Rule 71.1(g),

SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for the appropriate procedures for appealing a judgment in a PCR action.

IT IS, THEREFORE, ORDERED that the Application for Post-Conviction relief is DENIED and DISMISSED with prejudice.

IT IS FURTHER ORDERED that DeQuan Vereen (SCDC #364939) be remanded to the custody of the State of South Carolina.

AND IT IS SO ORDERED.


Jocelyn Newman

March 17, 2020
Columbia, South Carolina.