

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Charleston County

Honorable R. Markley Dennis, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTONIO O. SIMMONS,

APPELLANT

APPELLATE CASE NO. 2020-00088

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
)
-vs-) TRANSCRIPT OF RECORD
)
) March 20, 2018
ANTONIO SIMMONS,)
) Charleston, South Carolina
Defendant.)

B E F O R E:

The Honorable R. Markley Dennis, Judge.

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

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Attorney for the State

Michael Apicella, Esquire
Attorney for the Defendant

Reported By:

Amanda Kelly Haffenden, RPR, CRR
Circuit Court Reporter for the
Ninth Judicial Circuit

E X H I B I T S

<u>COURT'S</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>ADMITTED</u>
1	Doctor Report	12	--
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1 (March 20, 2018.)

2 (1:38 p.m., in open court, defendant and
3 counsel present.)

4 THE COURT: Good afternoon, Mr. Simmons.
5 You're here with your attorney, Mr. Apicella; is that
6 correct?

7 THE DEFENDANT: Yes.

8 THE COURT: It's my understanding we were
9 going to have a hearing, but you've had a chance to talk
10 with the examining doctor, and you agree with his
11 conclusion that he is competent?

12 MR. APICELLA: Well, yes, Your Honor.

13 THE COURT: I mean, he's been able to talk
14 with him and you're able to communicate?

15 MR. APICELLA: I have. We have just been
16 downstairs. I first met with Mr. Simmons, and my expert,
17 Dr. Mulbry, met with him, and, after that, Dr. Gottlieb,
18 I was present for that also, and I also got the
19 opportunity to speak with Mr. Simmons. The last I spoke
20 to him was yesterday. I've spoken to him many times.

21 THE COURT: And he understands what this
22 process was about?

23 MR. APICELLA: Well, Your Honor, yesterday I
24 wasn't sure. I thought perhaps he was off his meds and
25 wasn't competent. I communicated that to the State. I

1 think Dr. Godfrey got that message also, but today he's
2 different than he was yesterday. He appears --
3 Dr. Mulbry, my expert, says that he's competent, and
4 based upon my conversations with him, he appears to be
5 competent.

6 THE COURT: And so we're here then. The
7 purpose of this is to determine -- there's been a plea
8 offer?

9 MR. OSBORNE: There has, Your Honor. He's
10 been charged with ten counts of armed robbery, ten counts
11 of possession of a weapon during the commission of a
12 violent crime. The offer is a negotiated range to plead
13 to five armed robberies, dismiss everything else, and the
14 range will be 17 to 28 years.

15 THE COURT: Seventeen to twenty eight?

16 MR. OSBORNE: Yes, Your Honor.

17 THE COURT: And that will be concurrent,
18 concurrent sentences?

19 MR. OSBORNE: Yes, Your Honor.

20 THE COURT: And that's just the armed
21 robberies and not the guns.

22 MR. OSBORNE: Yes, Your Honor.

23 THE COURT: And he's facing how many?

24 MR. OSBORNE: Ten.

25 THE COURT: Ten. He's pleading to half of

1 them, and are they -- they are arising out of the same --
2 is there a series in a row, or is there periods of time
3 in between?

4 MR. OSBORNE: There is a period of time in
5 between, from December the 10th until March the 30th,
6 from 2014 to 2015, and I have discussed that with Mr.
7 Apicella. So in all candor to the Court, my initial
8 thought on this was to try to pick a couple, try them,
9 get a conviction, see what the sentence was, and then
10 serve him with LWOP, and go from there.

11 THE COURT: Because armed robbery would be
12 most serious. If he was convicted of two, then it would
13 be life without parole.

14 MR. OSBORNE: That's correct, Your Honor.

15 THE COURT: And is that your understanding,
16 Mr. Apicella?

17 MR. APICELLA: Yes, Your Honor. If I could
18 just elaborate on that, just for sake of the record.

19 Mr. Simmons was previously represented by the
20 public defender's office. They were in this situation a
21 few years ago. The offer then was a range of between 20
22 and 25. State was free to argue for the maximum.
23 Defense was free to argue for the minimum, and that was
24 rejected, and the judge at that time, after interacting
25 with Mr. Simmons, thought there might be mental issues

1 and thought that new counsel would be appointed, yours
2 truly should investigate that.

3 We did. He was found to be incompetent. Now
4 he's found to be competent, and my negotiations with
5 Mr. Osborne have been ongoing since I came into the case,
6 and he's been very candid from day one, saying that his
7 intent was to try to lock up Mr. Simmons for the rest of
8 his life, convict him on two of them and then move for
9 LWOP, and Mr. Simmons has heard that from me, many, many
10 times.

11 The plea bargain has now changed, based upon
12 my efforts to try to get a lower sentence for Mr.
13 Simmons. Mr. Osborne has agreed to come down in the
14 range to 17, but in his position, which we agreed was to
15 go up three years on the maximum, so --

16 THE COURT: The beauty of what I'm hearing,
17 what I heard, is that five -- 25 to 30 was original?

18 MR. OSBORNE: Twenty to twenty-five.

19 THE COURT: Twenty to twenty-five.

20 MR. APICELLA: So the 25 has gone up to 28.

21 THE COURT: Yeah, but 20 down to 17, and this
22 is, Judge, and that would be a negotiated sentence, but
23 the most important part -- and, Mr. Simmons I'm talking
24 about this so that you'll hear me say this too, because
25 before I took this job -- and I'm not trying to tell you

1 what you need to do at all. I'm just talking to you and
2 just discussing it as I would have discussed to a client
3 I had who was charged with what you're charged with.

4 You're charged with ten different counts of
5 armed robbery, which, as I know your lawyer has explained
6 to you, has a minimum sentence. The best you could hope
7 for is ten. The most that could be imposed would be, for
8 one charge, would be 30. They all are the same as far as
9 nonparolable. They all are the same as far as carrying a
10 most serious designation, which means that's -- I call
11 it, basically, a major strike, because if you get two of
12 those, then there's nothing anybody can do.

13 The only sentence -- and I've had to
14 unfortunately do that -- and I say that sincerely,
15 unfortunately had to impose a life without parole three
16 times in my 24 years. I didn't enjoy doing that. You
17 know why? Because if I would have had the discretion to
18 impose the sentence, I wouldn't sentence the person to
19 life.

20 It just wasn't an appropriate punishment, in
21 my opinion, but I took an oath to uphold the law, and
22 that's what the law says. There's no option. If you're
23 convicted of two -- and, basically what I'm hearing, you
24 got ten times. If you win eight times, you still lose.

25 Did he have a record before this?

1 MR. OSBORNE: He does.

2 THE COURT: Any robberies?

3 MR. OSBORNE: Well, we had to dismiss two
4 before, but as far as convictions, nothing that would
5 enhance him.

6 THE COURT: But, I mean, does he have --
7 showing a propensity to take -- or propensity for
8 violence?

9 MR. OSBORNE: Malicious injury to property,
10 larceny, simple assault.

11 THE COURT: Those are showing a tendency
12 that, if I'm a sentencing judge, just a straight-up
13 sentence without any parameters, I'm going to factor
14 those in, and then the multiple ones are really what are
15 going to be over a period of time.

16 Was he out on bond at the time he committed
17 the others?

18 MR. OSBORNE: No, he was not. When it came
19 together, it all came together at one point in time. I
20 will point out one other thing, though. I don't believe
21 we have any witness here for the case, and I'm not so
22 sure if that would remain the same during trial.

23 MR. APICELLA: We do have a mitigation record
24 and a psychiatric report from Dr. Mulbry.

25 THE COURT: I appreciate him being here. I

1 appreciate all that he does for this community in many
2 ways, and I respect him implicitly. When he says the
3 person is, I'm comfortable and very confident that person
4 is absolutely competent, because I know this gentleman.
5 He's a consummate professional, and I'm proud to be a
6 part of a community where we cross paths from time to
7 time, and I know you feel the same way about it.

8 MR. APICELLA: We have used him on more cases
9 than I can count.

10 THE COURT: He doesn't always say what we
11 want him to say, and sometimes I'm sure the State would
12 feel the same way, but the bottom line is, he's going to
13 be true to his profession and true to his honest belief
14 about things, and you can't ask more from a professional,
15 that's for sure.

16 What does your client indicate --

17 MR. APICELLA: As I know -- I don't know.
18 Well, I want you to do this. I want you to take a moment
19 and talk to him, because what we want to do, Mr. Simmons,
20 is we need to plan, and this is for my benefit. I'm what
21 they -- every circuit has in General Sessions, criminal
22 court, has what they call an administrative judge, and in
23 addition to being a trial judge, I also have to be the
24 administrative judge, which means I have to manage the
25 docket. I have to control what cases are scheduled, when

1 they're scheduled, and these are old cases, as I recall.

2 MR. OSBORNE: They are some of the oldest on
3 our list.

4 THE COURT: And under the old system --
5 heretofore, and I'm not faulting the solicitors anywhere,
6 but the solicitor used to control the docket. They call
7 the cases they wanted to call. Well, January 2017, I
8 took over this job, and one of the things the chief
9 justice asked me to do is implement a system that
10 basically is consistent with a decision by the Supreme
11 Court several years ago that says the solicitor doesn't
12 need to be in charge of managing the docket. That needs
13 to be the Court.

14 So I've taken that, and the order that I
15 prepared is being modified, but not this part. You go to
16 the oldest cases first, and some cases, not yours, but we
17 have some that are being treated and they are in
18 treatment now. We're not calling those cases, but if the
19 case is otherwise ready to go, then it's the case that
20 comes up first, and I will tell you now, whatever you
21 decide -- again, I respect that you're as innocent of
22 these charges, in my eyes, as I am, I'm a little guilty
23 than you and you know more than I do right now. That
24 only changes when a jury, after the State proves your
25 guilt beyond a reasonable doubt, says so, they agree that

1 they've established that, or you plead guilty.

2 Then you're changing your status of how I see
3 you, and I respect the right -- and I even say this
4 sometimes. You may be able, in your mind -- and I don't
5 want your answer to this question. I want you to talk
6 with your lawyer, because I had clients that told me,
7 when I represented them in the confines of that
8 conversation, I did it, but what can you do to help me?

9 And we tried to work out the best deal we
10 could, but, you know, what I think I did have to do one,
11 maybe two trials in my career, where I knew they said
12 that. Can't let them testify to something that would be
13 a lie, but I could make the State prove their case. We
14 can't perpetrate a fraud, but you don't have to say a
15 word, and you may be totally guilty, and if the State
16 can't prove you guilty, that's it.

17 It's just what I told this jury when we
18 started. In a criminal case, and you know this, guilty
19 means the State proved every element of that crime beyond
20 a reasonable doubt. Not guilty doesn't mean you're
21 innocent, and that's what a lot of people try to say.
22 Not guilty means innocent. No, no. It can, but what it
23 means is this: The State was unable to prove every
24 element of the crime beyond a reasonable doubt, and if
25 that be the case, you walk, but in this situation, they

1 have ten times, ten shots at that, and if they're
2 successful on two of them, we'll know what's going to
3 happen. Okay?

4 So I want you to talk with him, Mr. Apicella.
5 See what he wants to do, because before he leaves today,
6 I want to put on the record that he's either going to
7 accept the offer or he's going to reject the offer.
8 Okay?

9 MR. APICELLA: Thank you.

10 THE COURT: Thank you, sir. Take a minute
11 and talk with your lawyer.

12 (Brief recess.)

13 (Court's Exhibit 1 marked for
14 identification.)

15 MR. OSBORNE: If I may, I have the evaluation
16 of Dr. Godfrey, who is here in court, on April the 28th
17 when he was found not competent, but likely. Also, her
18 evaluation report on October 16 where he was found
19 competent, and also the criminal responsibility report
20 where he was found to be criminally responsible on
21 November the 3rd.

22 THE COURT: Let's mark it as a package. I've
23 had Dr. Mulbry's report marked Court's Exhibit 1, so
24 we'll mark those collectively as Court's Exhibit 2.

25 (Court's Exhibit 2 marked for

1 identification.)

2 MR. APICELLA: And, Your Honor, one thing I
3 should have mentioned and we didn't, there's also a
4 violation of probation.

5 THE COURT: Well, good. We'll take care of
6 that too. He's on probation for what?

7 MR. APICELLA: For a lottery ticket case and
8 use of firearms. It involved --

9 THE COURT: No problem.

10 MR. APICELLA: -- damaging a showerhead while
11 he was incarcerated.

12 THE COURT: No problem. I'll take care of
13 that. All right.

14 Good afternoon, Mr. Simmons. All right, sir.
15 After our discussion you talked with your lawyer further;
16 is that correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And according to this, I have
19 five sentencing sheets that you've signed, and it's
20 indicated to me that you want to accept the negotiated
21 offer that the State has made to you.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And, basically, so that I
24 understand it, because it will deal with whether I accept
25 it or not, the active time that I would impose would be

1 between 17 and 28 years.

2 MR. OSBORNE: That's correct, Your Honor.

3 THE COURT: But it's important to me that it
4 deals with the active time, because I'm accepting this,
5 and I just need to make sure of this because it allows me
6 to do something in structuring the sentence that wouldn't
7 necessarily require him to do any more active time, but
8 it will afford the opportunity for that, should
9 something -- and I want to make a part of this community
10 supervision, because as you've been aware, Mr. Simmons,
11 that while these sentences will be concurrent and I will
12 not impose any more active time than 28 years or less
13 than 18 years, you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And whatever time I impose, your
16 lawyer has explained that you will have to serve 85
17 percent of that, correct?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And let's just, for the sake of
20 discussion -- I'm not telling you I'm going to sentence
21 you to 20 years. It's easier for me to do the math for
22 20 years than it is another number, but if I were to
23 sentence you to 20 years' active time, then you would
24 have to do 17 years before you would be able to be
25 released.

1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And the remaining three years you
4 would serve what we call community supervision, but it's
5 really probation for two years. If you successfully
6 complete that, you're done.

7 You understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: So while you had an active time
10 of three years, if you were to complete the two-year
11 sentence, you'd never have to do the remaining one year.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: But if you violate it, a judge
15 can return you one year at a time until you finish either
16 on supervision or serving the three-year remaining
17 sentence.

18 Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And you want me to accept the
21 negotiated sentence; is that right?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And that would be a concurrent
24 sentence of no more than 28, no less than 18 on these
25 seven -- 17, excuse me, 17 years on these five; is that

1 right?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Do you think the
4 negotiated sentence is in your best interest, given the
5 circumstances?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: What you're avoiding -- and I
8 know you've talked about this and thought about this, and
9 I explained to you my honest -- and that was truly my
10 feeling. There wouldn't be anything I could do. I mean,
11 if I wanted to say if you were convicted on the third
12 one, the second one, and I said, well, I'll give him the
13 maximum 30, I couldn't do that. I'd have to give you
14 life.

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: But this avoids that. Do you
18 understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: And that's a major benefit, do
21 you agree?

22 THE DEFENDANT: Yes.

23 THE COURT: You are satisfied with your
24 lawyer?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And you hesitated, and let me say
2 this to you: I was just telling -- I'm fortunate to have
3 this lady sitting with me this week here. Hired her to
4 keep me straight. She's one of our new judges and she
5 was just elected, and as a new judge, you have to sit
6 with another judge for -- is it four now? They increased
7 it. Probably that's why they said I'm an example of why
8 they needed to do four. I should have done four and only
9 did three, but be that as it may, I was talking to her
10 about these situations and telling her that, you know,
11 this is a tough -- she's been a judge on the magistrate
12 side, and sentencing is really tough.

13 She practiced law for a good while, just like
14 I did, and the beauty of practicing law and the beauty of
15 being privileged to do what your lawyer, Mr. Apicella,
16 has done is represent people like you accused of crimes,
17 is you get to talk to them, and it helps me understand
18 some of your thought process because I can promise you,
19 you hesitated.

20 Some of my clients didn't like what I told
21 them either, and they get upset about it, and I
22 appreciate that. I understand that, but I would tell
23 them, you don't want somebody to pat you on the back and
24 said everything is okay and it's not. In a setting where
25 the only people that know about whatever he told you or

1 you told him is the two of you, and that's the beauty of
2 attorney-client privileges.

3 So I know that you don't necessarily agree
4 with everything he said, but, as I told my clients, if I
5 didn't tell you what I honestly feel, then you've wasted
6 your time with me. I haven't done what I'm supposed to
7 do and tell you my honest opinion, and, yeah, they didn't
8 like it sometimes, but the bottom line is, it's their
9 call, but we are called upon to tell you how you would
10 honestly feel, but you're satisfied with Mr. Apicella's
11 job?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Well, it's obvious, and I
14 appreciate the solicitor's willingness to do some things,
15 and be open to that, and certainly Mr. Apicella has
16 lowered your exposure, in one sense, by lowering the
17 minimum sentence at the base, so he has done a great
18 service for you.

19 Do you agree with that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you under the influence of
22 any alcohol or medication today other than any prescribed
23 medication?

24 THE DEFENDANT: No, sir.

25 THE COURT: Have you taken any medication

1 today?

2 THE DEFENDANT: Last night.

3 THE COURT: Did you take the amount as
4 prescribed? And the reason I ask you this, one of the
5 reason things I noticed in Dr. Mulbry's report is your
6 condition is certainly something that, as he says, is
7 treatable with medication, but when you're not on your
8 meds, there's a problem, as it's indicated.

9 But you're taking your medication as
10 prescribed; is that true?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. And it helps you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: It does. Okay. Good.

15 Put the full extent of the negotiated plea is
16 on the record now, Solicitor.

17 MR. OSBORNE: Thank you, Your Honor. I would
18 like to thank Dr. Emily Godfrey.

19 THE COURT: Yes, thank you, Dr. Godfrey.

20 MR. OSBORNE: She met with the defendant on
21 three different occasions, and she also met with him
22 today, and she too was prepared, if necessary, to testify
23 that she found the defendant competent after speaking
24 with him today.

25 The facts on this case, Your Honor, are

1 between the dates of December the 10th of 2013 and March
2 the 30th of 2014. Charleston County sheriff's office as
3 well as CPD investigated a series of armed robberies, all
4 to businesses in the James Island and West Ashley area.
5 The robberies were believed to be committed by the same
6 individuals based on the MO, as well as the clothing, the
7 mask, and the gloves, and the same combination of the
8 weapons used in each robbery, and I'll just go through
9 each robbery, and then I'll talk about how they tied it
10 in to the defendant.

11 The first incident that he's pleading to ends
12 in warrant number 1854. That occurred on January the
13 12th of 2014. It was about 11:40 p.m. The defendant and
14 another individual entered a Circle K at 2407 Ashley
15 River Road. Defendant was armed with a pistol. He
16 demanded money and took money from the cashier from the
17 register.

18 The second incident is an armed robbery
19 ending in warrant number 276. That occurred the next
20 day, on January 13th of 2014 at 10:38 p.m. Defendant and
21 another subject entered a Kangaroo at 107 Main Street.
22 Defendant was armed with a handgun, took money and
23 cigarettes.

24 The next incident ends in warrant number 193.
25 That occurred on March 13, 2014, and that was at 2:20 in

1 the morning. Again, the defendant and another subject
2 entered McDonald's at 2007 Magwood. He at this time was
3 armed with a Tec-9 type of weapon. He demanded and took
4 money from the register and safe.

5 The fourth incident ends in 229. That
6 occurred on March the 23rd of 2014 at about 9:50 p.m. The
7 defendant and another subject enter a CVS at 1739 Maybank
8 Highway. He was armed again at this time with a Tec-9.
9 Took money from register and safe. The last incident
10 ends in warrant number 231. That was on the same date
11 and the same shopping center. About 20 minutes later,
12 the defendant entered the Barberito's at 1739 Maybank,
13 again with a Tec-9, took money from the register and the
14 safe.

15 While the detectives were investigating it on
16 January 17th, 2014, they had the occasion to speak to the
17 defendant on an unrelated matter. They obtained his
18 cellphone number. They searched -- got a search warrant
19 for the phone records. They tracked the defendant to the
20 majority of the robberies, put his cellphone in that area
21 during the time frame.

22 On March the 31st, detectives conducted a
23 trash pull on the defendant's home. They found Latex
24 gloves and a partially burnt mask, which appeared to
25 match one of the robberies. On April 6th of 2014, the

1 defendant was pulled over in a traffic stop. The
2 defendant stayed with the car. Two unknown subjects fled
3 and were running from the police, and on April the 11th,
4 the defendant was interviewed post-Miranda. He ended up
5 confessing to two of the robberies, one on January 12th
6 and one on January the 13th.

7 And, lastly, with the robbery on March the
8 13th, detectives executed a warrant on the defendant's
9 home, and they found a pair of shoes in there that
10 matched the shoe prints from the McDonald's robbery.
11 Once the defendant was arrested, he had a co-defendant.
12 He was also arrested. No other robberies of this nature
13 have occurred.

14 And I think you can tell, Your Honor,
15 individually they might have caused somewhat of a
16 difficulty to prosecute, and that's why we were going to
17 go for multiple ones at one time, which is primarily the
18 reason why we agreed on this plea offer.

19 THE COURT: So some of them weren't so easy
20 to prosecute?

21 MR. OSBORNE: Not until he confessed to them.

22 THE COURT: Mr. Apicella, you have
23 investigated this matter on behalf of your client; is
24 that correct?

25 MR. APICELLA: I have, Your Honor.

1 THE COURT: And you shared fully the result
2 of that investigation with him?

3 MR. APICELLA: Yes, sir.

4 THE COURT: Basically, your investigation and
5 your discussions confirmed what the solicitor has stated.

6 MR. APICELLA: Yes, sir.

7 THE COURT: He had requested -- once you
8 appointed to, as I understand from your recitation, this
9 was after he had declined the previous offer; is that
10 correct?

11 MR. APICELLA: That is correct, Your Honor.

12 THE COURT: And asked that you do something
13 that's not always easy to do, and that is to have it
14 reopened for consideration; is that true?

15 MR. APICELLA: It is true.

16 THE COURT: And you were able to do that and
17 accomplish that?

18 MR. APICELLA: I was, Judge. I have to say
19 that the State, I thought, behaved admirably in
20 consenting to that. I agree with that and thank
21 Mr. Osborne for his reasonableness in that, but your
22 persistence in asking -- because, as I told the lawyer
23 who asked me something yesterday, I said I'm not going to
24 do it. He said don't be offended. And I said, offended?
25 How do you know if you're going to get it if you don't

1 ask? So you did, and you were able to retain a result.

2 First of all, based on the evidence that you
3 have shared with your client, do you concur with his
4 decision to enter the guilty plea in each case?

5 MR. APICELLA: I do, Your Honor.

6 THE COURT: And based on your discussions
7 about some other things that we've already talked about
8 on the record, and you've talked with him, I'm sure, at
9 length about this, the risk of a possible life without
10 parole, this negotiated sentence is clearly in his best
11 interest?

12 MR. APICELLA: Clearly.

13 THE COURT: In his best interest?

14 MR. APICELLA: Yes, Your Honor.

15 THE COURT: And you support the findings of
16 both psychiatrists who have indicated he is competent; is
17 that correct?

18 MR. APICELLA: I do, Your Honor. I was
19 present for interviews this morning, before we came to
20 court. I was fully prepared to contest the finding if
21 the need arose. I have Dr. Mulbry here, and I also have
22 our investigator who investigated the case and was going
23 to testify.

24 THE COURT: Well, you've seen him in good and
25 bad times.

1 MR. APICELLA: Yes.

2 THE COURT: And today he's in much better
3 condition and shape and understanding and being able to
4 comprehend than some of the times you've seen him.

5 MR. APICELLA: Yes, sir. He is competent
6 today.

7 THE COURT: Mr. Simmons -- and you've advised
8 him fully of the rights he will be relinquishing if I
9 accept the negotiated sentence?

10 MR. APICELLA: I have, Judge.

11 THE COURT: And he understands fully that and
12 the consequences of his decision?

13 MR. APICELLA: Yes, Your Honor.

14 THE COURT: Mr. Simmons, is all that true,
15 sir?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: The statements and facts as
18 stated by the solicitor, are those accurate?

19 THE DEFENDANT: Not all of it.

20 THE COURT: Well, did you commit the
21 robberies that you're going to plead to?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: No question about that? There
24 may be aspects of it that you don't agree with, but
25 insofar as doing these crimes, you're guilty of doing

1 these crimes?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And no question?

4 THE DEFENDANT: No, sir.

5 THE COURT: You understand that each of these
6 indictments -- and that's 20147111, 7123, 7142, 7145, and
7 7147, that each of those indictments charge you with the
8 offense of armed robbery.

9 Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And, furthermore, as your lawyer
12 and you and I have discussed, each of those charges carry
13 a potential sentence normally of up to 30 years in jail.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: With a minimum sentence of ten
17 years in jail. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And you also understand there are
20 some gun charges being dismissed that carry a potential
21 five-year sentence, a day-for-day five-year sentence.

22 Do you understand?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: But those are being dropped. You
25 understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: And the other five armed
3 robberies are being dropped?

4 MR. OSBORNE: Yes, Your Honor.

5 THE COURT: And you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And you understand the terms of
8 violent offense, what that means?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And really doesn't have a lot of
11 significance with a nonparolable offense because you're
12 going to serve a minimum of 85 percent of any sentence I
13 impose.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: But it's a most serious offense,
17 and you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And, of course, while you're
20 avoiding a life without parole, you're also setting up --
21 if you were to commit a serious offense or a most serious
22 offense, they would be able to notice you with life
23 without parole after you get out.

24 Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You understand you're not going
2 to have a jury trial?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: On any of these?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Therefore you're not going to
7 have a right to confront witnesses against you, and you
8 have given up the right to remain silent. Do you
9 understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And that's an important right,
12 because as your lawyer has said, and what I told this
13 jury, persons accused of committing offenses don't have
14 to say a word.

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You don't have to prove your
18 innocence, and you sure don't have to put any evidence
19 in, so giving up that right is pretty significant and
20 important. Do you realize that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: But that's what you choose to do?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Any threats? Did anybody
25 threaten you in any way, sir, to get to you plead guilty?

1 THE DEFENDANT: No, sir.

2 THE COURT: Other than the promises which
3 we've talked about, the promise of no less than 18, no
4 more than 28 years --

5 MR. APICELLA: 17 years.

6 THE COURT: I keep saying that. You may know
7 where I'm going.

8 THE DEFENDANT: Could I ask my lawyer a
9 question, please?

10 THE COURT: Mr. Simmons, I want you to talk
11 to your lawyer and, I want you to be comfortable with
12 what you're doing, because let me tell you something:
13 That little discussion I had with you, that's something
14 that -- I say this not infrequently. I probably say it
15 when I'm doing guilty pleas, I would say on average at
16 least once a term, sometimes more than that.

17 I see people start looking, and one thing
18 I've learned in this job, and I learned it when I was a
19 lawyer and just learned it in life: You can listen to
20 what somebody tells you, but you can watch their body
21 language and their facial expressions. That speaks a lot
22 louder than people's words, and I'm watching yours, and I
23 see some concern on your face, some worry, and I will
24 tell you this: You have to convince me that you're
25 guilty, because otherwise I'm not accepting it because I

1 believe these rights that we talked about, real quickly,
2 are probably some of the most significant rights we have
3 as citizens in this country, and I don't take them
4 lightly, and I don't expect people to take them lightly.

5 I know there are benefits. As I said, I
6 practiced law for 21 years. There's a cost benefit
7 analysis in everything we do, and I'm not talking about
8 dollars and sense, I'm talking about time, that what
9 you're facing here and what I hold in my hand, I don't
10 know whether a jury would believe your confession or not.
11 That would be up to a jury, but there are two of them,
12 and if he fails on those, he's got eight other shots to
13 do, and all he's got to do is get two convictions and
14 that's it. It's over. Done.

15 All that aside, you have every right to make
16 the State prove you ten times, and if you work through
17 ten of them, you go. You walk, but if you don't, the
18 judge can give you -- I can structure a sentence on one
19 conviction with a gun, if I ran the armed robbery
20 consecutive to the gun charge, you'd have to serve the
21 five years before you start earning any credits. You've
22 got to do it day-for-day, so you would have to do -- that
23 is 29 years that you would actually serve.

24 There are ways to structure this thing to
25 make it a life sentence without it being a life sentence,

1 but all of that to say to you, I'm responding to your
2 reaction. I'm reluctant to accept your plea unless
3 that's something you tell me you want to do.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Yes, sir, what? You want to
6 withdraw your plea?

7 MR. APICELLA: May I, Judge?

8 THE COURT: I don't what the concern was.
9 What is his concern?

10 MR. APICELLA: Allow me to elaborate, if I
11 may. He's concerned about the violation of probation.

12 THE COURT: I'm getting ready to do that,
13 because all he's got to do is accept the plea and that
14 will take care of that.

15 MR. APICELLA: I know, Judge, but to you and
16 I and those involved --

17 THE COURT: What is his concern?

18 MR. APICELLA: His concern is part of the
19 original finding of incompetency has to do with his
20 obsession about the fact that he was illegally on
21 probation.

22 THE COURT: Well, he's not going to be on
23 probation anymore.

24 MR. APICELLA: I have investigated that ad
25 nauseam. He was legally on probation.

1 THE COURT: You know what? If the probation
2 doesn't exist anymore, then what does it matter?

3 MR. APICELLA: Exactly, Judge.

4 THE COURT: You agree with that?

5 THE DEFENDANT: Right.

6 THE COURT: I mean, probation is gone. It
7 doesn't matter whether you were legally or illegally,
8 it's over. Do you agree?

9 THE DEFENDANT: Yeah.

10 THE COURT: It's going to be over, okay?
11 Terminate probation.

12 MR. APICELLA: Thank you. That was his
13 concern.

14 THE COURT: He's on bond. I assume he's been
15 able to make any bond raising, so it doesn't matter about
16 that. This will take over, regardless.

17 So are you comfortable now?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: That didn't make you suddenly say
20 I'm guilty just to convince me you want to be guilty.
21 You are guilty of these offenses?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. You want me to accept the
24 plea?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Mr. Apicella, I'll be happy to
2 hear from you.

3 His plea has been freely, voluntarily,
4 knowingly, intelligently made, and I thank Dr. Godfrey
5 and Dr. Mulbry for their participation and assistance in
6 this, and I'm making -- I think the package that you
7 submitted, Solicitor, is Court's Exhibit 2, and the
8 package from Dr. Mulbry is Court's Exhibit 1. They are
9 part and parcel of this plea and significant reasons for
10 why I'm willing to accept the plea.

11 Mr. Apicella, I'll be happy to hear from you
12 as to what range I should impose, sir.

13 MR. APICELLA: Yes, Your Honor. Well, I
14 think we have to begin with the nature of the crimes and
15 the seriousness of them, and I think it's everyone's
16 worst nightmare to be a victim of an armed robbery. It's
17 a most serious offense in South Carolina for good reason,
18 as it is in every jurisdiction that I've ever practiced
19 in and that I know about. Armed robbery is an extremely
20 serious crime.

21 Given that, Judge, we submit there are some
22 significant mitigating circumstances involved with Mr.
23 Simmons that are detailed in Dr. Mulbry's report. Just
24 to summarize, Judge, he's been documented with
25 schizophrenia for a long, diagnosed with borderline

1 intellectual functioning, which seems to vary, depending
2 on the stage of his life and who's evaluating him, but
3 there's no question, at least from my interactions with
4 him and Dr. Mulbry's interaction with him, that he is
5 functioning at a borderline normal level, and that's part
6 of the problem. And his longstanding mental illness, the
7 schizophrenic syndrome, can be controlled with proper
8 medication. When he's taking his meds, he's fine.

9 Present in the court is his aunt
10 Ms. Peterson. I've spoken to her many times.
11 Dr. Godfrey has spoken to her. She was one of the
12 reasons why I believe Dr. Godfrey first found my client
13 incompetent back in April of 2017. She's now found that
14 he is competent, and we do agree with that, but it began
15 in first grade when he was left back, Judge. He was then
16 diagnosed with various disorders and was given
17 medication, didn't do well in school, is not a good
18 reader, although he can read. He's taught himself to
19 write. He's written many, many, many letters to me, to
20 judges, to Courts.

21 He has done his own legal research since he's
22 been in. Some of it has been very, very good; some I
23 disagree with, but he doesn't lack for effort, and he's
24 done everything he possibly can to educate himself on the
25 law in this case and how the law applies in this case,

1 but based upon his documented mental history, Judge, and
2 the fact that we do have prior findings of incompetence,
3 I would ask for you see a way to sentence him in the
4 lower range of this sentencing range, which is a
5 significant range, 17 to 28.

6 Seventeen is not an insignificant sentence,
7 Judge, and you're well aware of how much time he does
8 have to do. I would ask you is, based upon Dr. Mulbry's
9 mitigating exam and also the fact that, as he stands
10 before you today, he accepts responsibility, accepts the
11 enormity of the wrong that he did, and factor that in and
12 sentence him to 17 years.

13 THE COURT: Thank you, sir.

14 Mr. Simmons, is there anything you wish to
15 add, sir?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Let me say, your response, both
18 facially and body language, when we're talking about
19 life, you were very well aware of that, about my assuming
20 control of the docket and the problems associated with
21 that. I notice your affirmation of that and agreement
22 with that, which shows and, again, demonstrates and
23 confirms for me that you do have an understanding of
24 what's going on, and I am grateful that you're able to
25 reach that point, and with medication -- I wish there

1 would be something that I could do that would rid you of
2 the medical issues, the mental issues that you've had to
3 deal with in your life.

4 I really wish I could, but we know there is
5 nothing, but the beauty of it is with the assistance of
6 wonderful physicians like Dr. Mulbry and Dr. Godfrey, you
7 could lead a productive life. It's not as great as maybe
8 some others that don't have to fight that every day, but
9 you can function and function well. I hope that.
10 Probably wishful thinking on my part. One of my dreams
11 is that this state and every state in the United States
12 recognizes that people who have mental illness deserve to
13 be treated in some form or fashion -- whether they're out
14 or whether they're in prison, they are human beings, and
15 when we put somebody behind bars and just throw them in a
16 cell, shame on us. We ought to be -- that's just --
17 we're going to answer to for that, I think, one day, we
18 really are, and it's just my personal belief, and I hope
19 and pray that this state and other states will wake up
20 and provide assistance and treatment for persons with
21 your situation.

22 I hope they will. Please, if they do become
23 available, take advantage of those things, because you
24 know why? Because you deserve it. Okay? You deserve to
25 be treated as anybody is treated. You make some mistakes

1 and you're going to be punished, but if we can give you
2 some help, we ought to do that.

3 THE DEFENDANT: Thank you.

4 THE COURT: Sentence of the Court is this:
5 Solicitor, you are being extremely fair, and I will do it
6 because of what I find in that package. I think this man
7 is, unfortunately, the victim of himself and his
8 condition and the tendency of all of us who have had a
9 medical condition that we won't take our meds as
10 prescribed, and there are consequences for that, and I'm
11 not sure -- when we look at all the complete package, I'm
12 not sure that he has everything there that will assist
13 him in making a very prudent decision. Sometimes, Lord
14 knows I don't deal with his disorder, but I'm going to
15 structure something so that I think society will be
16 protected, and I'm delighted that we have this
17 opportunity.

18 On one of the indictments -- I don't think I
19 have to do it on all of them. Indictment 2014-1711 will
20 be the controlling one. I'm sentencing you to 30 years
21 but suspending that to 18. Now, what does that mean? It
22 means simply this: As for that charge, you will serve
23 15.3 years' time, and then you will be released, and part
24 of the community -- I've written in, and I know I can't
25 control it, community supervision program, he must take

1 all meds as prescribed. I'm sure that will be a
2 condition, but I'm writing that in there specifically,
3 and any treatment and counselling that is deemed
4 necessary.

5 If you don't do that, it's a violation, and
6 if it's a violation, I don't know who's going to do * it
7 because I'm going to be statutory and senile before you
8 get out, but you will have the remaining what, I totalled
9 at -- that would leave about three years, just rounded
10 off, not quite three, but you have 15 -- you'd have 15
11 more that you've got to do because you've got till 30,
12 and that means that you'll have 15 times that they can
13 send you back to jail if you don't complete the two-year
14 supervision.

15 So you understand that, Mr. Apicella?

16 MR. APICELLA: Yes, Your Honor, but did you
17 mean to say 28 years rather than 30?

18 THE COURT: No. That's why I asked you:
19 Active time, I'm giving you what you want, your active
20 time. I didn't exceed 28 years. He only has exposure
21 time now. That's in his control. I don't have anything
22 to do with that. He'll serve 15. That's the only way
23 I'll accept that, because I've got the right to go to the
24 maximum on one, and he's going to serve 18 years.

25 If he does his two-year program, he'll never

1 serve the remaining year. If he abides by these
2 conditions -- listen to this, Mr. Simmons. If you get --
3 in 15 years -- you're how old today?

4 THE DEFENDANT: 35.

5 THE COURT: You'll be 50, thereabout, a
6 little older. If you get out and within the next two
7 years you go to counselling, you take your meds, you
8 don't violate any law, you are finished. You're done.
9 You won't ever have to serve that remaining portion.

10 If you don't, year one, you come out and you
11 don't take your meds or you don't go to counselling,
12 Judge can say, okay. He violated his community
13 supervision. One year and you go back. You come out,
14 you start the two years all over again, and you keep
15 doing that, and it could be up to 15 times, but that's
16 not -- that's the active sentence he's doing, not me.

17 It's in his control. So no, I think I've
18 complied with the negotiated sentence in every respect
19 because all you talked about was how much active time
20 he's going to serve today, and how much time has he
21 served? How much has he already served?

22 MR. APICELLA: 15.3, sir.

23 THE COURT: No, sir. He's been in jail for
24 how long?

25 MR. APICELLA: Four years.

1 THE COURT: Since January of what?

2 MR. OSBORNE: 2016.

3 THE COURT: Credit for time served since
4 January -- what date in January?

5 MR. OSBORNE: I'm sorry. April 11, 2014 is
6 when he was arrested.

7 THE COURT: I'll credit time served since
8 April 11th, 2014. The sentence on the remaining
9 indictments is 18 years. They're concurrent. Credit for
10 time served since April 11, 2014.

11 Good luck to you, sir. Thank you.

12 - - -

13 (Whereupon, at 2:39 p.m., the proceedings
14 were concluded.)

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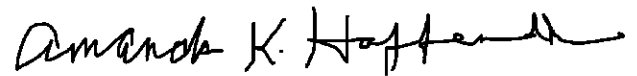
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25

I, the undersigned, Amanda Kelly Haffenden, RPR, CRR, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Charleston County, South Carolina, on the 20th of March 2018.

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

September 3, 2018



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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Antonio Simmons,
S.C.D.C. No. 279418,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE NINTH JUDICIAL CIRCUIT

) Case No.: 2018-CP-10-4505

) **ORDER GRANTING RELIEF IN PART AND**
) **DISMISSAL IN PART**

FILED
2019 OCT -1 AM 10:00
JULIE J. ARMSTRONG
CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief filed by Antonio Simmons (“Applicant”) on September 18, 2018. Respondent made its return on or about January 10, 2019. The Court convened an evidentiary hearing into the matter on July 23, 2019, at the Charleston County Courthouse. Applicant was present at the hearing and represented by Christopher Murphy, Esquire. Jacob Isenberg, of the South Carolina Attorney General’s Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant’s plea counsel, John Apicella, Esquire (“Counsel”) also testified. The Court had before it Applicant’s records from the South Carolina Department of Corrections, a copy of the original plea transcript, the records of the Horry County Clerk of Court regarding the subject convictions, and the pleadings. After a thorough review of the evidence and testimony in the record, the Court finds as follows Applicant’s sentence shall be vacated and he shall be granted a new sentencing hearing. However, the Court also finds all other claims brought by Applicant shall be dismissed with prejudice.

I. PROCEDURAL HISTORY

Applicant is presently confined pursuant to orders of the Charleston County Clerk of Court. In December 2014, the Charleston County Grand Jury indicted Applicant for five counts of Armed Robbery (2014-GS-10-07111/2014-GS-10-07123/2014-GS-1007142/2014-GS-10-07145/2014-GS-10-07147).

Michael Apicella, Esquire represented Applicant. Assistant Solicitor David Osborne, Esquire prosecuted the case. On March 20, 2018, Applicant pleaded guilty as indicted to all charges before the Honorable R. Markley Dennis. Judge Dennis sentenced Applicant to a negotiated 28 years suspended on the service of 18 years on indictment 2014-GS-10-01711 and the other indictments were dismissed as part of the plea. Applicant did not appeal his conviction or sentence.

II. CURRENT ALLEGATIONS

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

1. Due Process Violations
2. Prosecutorial Misconduct
3. Ineffective Assistance of Counsel
4. Violation of Equal Protection Law

Applicant requests relief as follows:

- Vacate plea follow by a new trial.

At the evidentiary hearing, Applicant proceeded forward on ineffective assistance of counsel based upon the following: 1) Failure to investigate; 2) Failure to review discovery; and 3) Failure to communicate; and 4) Failure to pursue a double jeopardy claim. Applicant also proceeded forward with a claim that he is serving an illegal sentence. Applicant requested to be resentenced to remedy the illegal sentence.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

A. Ineffective Assistance of Counsel

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

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

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

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

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

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

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

1. Failure to Investigate Double Jeopardy Defense

Applicant contends Counsel failed to investigate material grand jury transcripts. In reviewing a claim that defense counsel failed to properly investigate a defense to a crime, a court’s principle concern is whether the investigation “was itself reasonable.” Taylor v. State, 404 S.C. 350, 364, 745 S.E.2d 97, 104 (2013).

Here, Counsel credibly testified Applicant guaranteed a favorable grand jury transcript was available for their review. Specifically, Counsel credibly recalled Applicant claiming this transcript was the key getting current charges dismissed. Further, Counsel credibly recalled Applicant expressing personal belief this piece of evidence would get his charges thrown out for double jeopardy. However, Counsel credibly testified he advised Applicant the alleged circumstances did not amount to a claim of double jeopardy.

Additionally, Counsel credibly testified Applicant told him investigate relevant records in Horry County. Counsel further credibly recalled Applicant claiming to have several charges dismissed in Horry County. Thereafter, Counsel credibly testified he had an investigator check in Horry County to see if there were any relevant records available. However, Counsel credibly testified his investigator could not find anything related to Applicant.

Accordingly, this Court finds Counsel delivered credibly testimony on this issue. It appears Counsel followed through with investigating relevant evidence in Horry County even though he was suspicious anything existed. The investigator delivered news that confirmed Counsel's suspicions. Therefore, this Court finds Counsel conducted a reasonable investigation into relevant records at the request of Applicant. This Court further finds Applicant has failed to prove Counsel was deficient based upon a failure to investigate.

Applicant contends grand jury transcripts exist which would have led to a dismissal of his charges based upon double jeopardy. To establish counsel failed to adequately investigate a defense, applicant must present evidence of what counsel could have discovered or what other defenses could have been pursued had counsel more fully prepared. Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998); Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998) (failure to conduct an independent investigation does not constitute ineffective assistance of counsel where the allegation is supported only by mere speculation as to the result).

Here, Counsel credibly testified there was no transcript available from previous grand jury proceedings based upon charges against Applicant. Further, Counsel credibly testified transcripts are not customarily recorded for grand jury proceedings. On the other hand, Applicant testified his grand jury transcript exists. Applicant further testified this transcript was wrongly withheld from him. However, Applicant did not specify the charges dismissed. Applicant also did not

specify the month or year these charges were dismissed. As a result, this Court finds no credible testimony or evidence in the record corroborates a relevant grand jury transcript exists. Therefore, this Court finds Applicant is merely providing insufficient speculation to support his claim. This Court further finds he has failed to overcome the burden to prove a failure to investigate prejudiced his double jeopardy defense.

Additionally, Applicant contends double jeopardy attaches after a grand jury dismisses an indictment. The submission of an indictment by the government attorney to the grand jury, and the examination of witnesses before them, do not amount to the institution of a prosecution. *Ex parte United States*, 161 U.S. 583 (1896). Moreover, the double jeopardy clause protects against second prosecution for same offense, after conviction or acquittal, and multiple punishment for same offense *Jivers v. State*, 304 S.C. 556, 406 S.E.2d 154 (1991).

Here, Applicant testified the transcript would be from a grand jury proceeding dismissing previous indictments. He further testified this is sufficient for double jeopardy. However, grand jury indictment are not considered prosecution. The double jeopardy clause provides protection where there has already been previous prosecution. Therefore, this Court finds a grand jury dismissal on any charges would not be sufficient to satisfy the previous prosecution requirement of double jeopardy. Accordingly, this Court finds Applicant did not suffer prejudice in failing to acquire a grand jury transcript for the purposes of arguing double jeopardy.

2. *Failure to Communicate*

Applicant contends Counsel deficiently failed to communicate the availability of material evidence throughout his representation.

Here, Counsel credibly testified he met with Applicant about seventy time about this case. Furthermore, Counsel credibly testified they discussed the transcript issue numerous times.

Finally, Counsel credibly testified he advised Applicant the transcript from a grand jury did not exist. Contrarily, Applicant testified a transcript existed from the grand jury who dismissed his charges. Applicant testified Counsel failed to meet with him about the status of collecting this transcript. Applicant further testified he believed he was supposed to get the relevant transcript. However, Applicant testified the state withheld it.

Accordingly, this Court finds Counsel delivered credible testimony on this issue. It appears Counsel entertained the issue in several meetings, but always responded with accurate legal advice. Therefore, this Court finds Counsel reasonably communicated with Applicant about grand jury transcripts. This Court further finds Applicant has failed to overcome the burden to prove Counsel was deficient based upon a failure to communicate.

Applicant contends he was not able to notify Counsel about material evidence that would have resulted in his charges being dismissed. Mere speculation as to what might have happened had defense counsel independently investigated is not sufficient for prejudice, where the record indicates an investigation would have resulted differently. Kibler v. State, 267 S.C. 250, 256, 227 S.E.2d 199, 202 (1976) (finding applicant suffered no prejudice where he could not corroborate an investigation would have produced evidence he did not possess necessary intent to commit the crime).

Here, Applicant reiterated the material evidence was this grand jury transcript. Further, Applicant testified this transcript was violating his due process based upon double jeopardy. Finally, Applicant testified the Assistant Solicitor withheld the transcripts in an effort to get him to plead guilty. On the other hand, Counsel credibly testified grand jury proceedings are not traditionally recorded with a transcript. Further, Counsel credibly testified a previous failure to indict was not, by itself, material evidence.

Accordingly, the issue is whether this alleged grand jury transcript can be considered material evidence. Applicant has not provided any context about the basis for these alleged grand jury proceedings. Applicant has not provided any evidence about the basis for this alleged dismissal. Therefore, no credible evidence in the record corroborates this alleged transcript would contain material evidence. Accordingly, this Court finds the record indicates an investigation into the alleged grand jury transcript would not have produced material evidence sufficient for dismissal.

Additionally, the South Carolina Supreme Court has found deficient counsel does not prejudice an applicant where the basis for their decision to avoid trial was a favorable plea. Gons v. State, 397 S.C. 568, 575, 726 S.E.2d 1, 4 (2012). (finding no prejudice where evidence showed Applicant accepted the plea after State offered to dismiss certain charges).

Here, Counsel credibly testified the Assistant Solicitor was ready to go to trial any of the ten armed robbery charges. Thereafter, Counsel credibly recalled the Assistant Solicitor intended to prosecute Applicant as many times as it took to get life without parole. Counsel credibly testified he notified Applicant of the Assistant Solicitor's LWOP intention. Counsel credibly testified the Assistant Solicitor offered a range of twenty to twenty five years. Subsequently, Counsel credibly testified Applicant said he would accept a negotiated range contingent upon lowering the minimum to seventeen years. Counsel credibly testified the Assistant Solicitor agreed to seventeen years contingent upon raising the potential maximum to twenty eight years. Finally, Counsel credibly testified all parties agreed to a negotiated range of seventeen to twenty eight years on five armed robbery charges. Counsel also credibly testified the agreement further stipulated the other fifteen charges would be dismissed.

Accordingly, this Court finds Counsel has provided credibly testimony on the issue. The testimony indicates Applicant pled with the motivation to avoid LWOP exposure. Further it indicates Applicant pled with the motivation to potentially receive the lower end of a negotiated range. Finally, it indicates Applicant pled with the motivation to have fifteen other charges dismissed. Therefore, this Court finds Applicant has failed to overcome the burden to prove he pled in reliance upon any deficient behavior by Counsel.

3. *Failure to Conduct Mental Evaluation*

Applicant contends Counsel deficiently failed to have him evaluated for legal incompetency based upon mental health issues.

At the plea hearing, Counsel notified the court of mental health concerns. (Tr. 33-4). He made the court aware Applicant had a longstanding illness of schizophrenia. (Tr. 34). Counsel also indicated he hired had two mental health experts evaluate Applicant. (Tr. 34). Counsel further stated Applicant was fine when he took his medication. (Tr. 34).

Here, Counsel credibly testified he suspected Applicant had mental health issues during their first meeting. Thereafter, Counsel credibly testified he pulled previous documents on Applicant which indicated mental health issues. Counsel credibly testified he had a mental health evaluation conducted where Applicant was found to be incompetent. Counsel credibly recalled improvements after medical experts gave Applicant appropriate medication. Subsequently, Counsel credibly testified Applicant was found to be competent in October 2017. The plea hearing was not until March 20, 2018. Accordingly, this Court finds Counsel took reasonable steps in evaluating competency. This Court further finds Applicant has failed to overcome the burden to prove Counsel was deficient in having him mentally evaluated.

Applicant contends he was legally incompetent to voluntarily enter into a negotiated sentence. The test for competency to stand trial or continue trial is whether the defendant has the sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational, as well as a factual, understanding of the proceedings against him. McLaughlin v. State, 352 S.C. 476, 481, 575 S.E.2d 841, 843 (2003). The defendant bears the burden of proving his incompetence to stand trial by a preponderance of the evidence. Id.

Here, Counsel credibly recalled Applicant became competent after he was put on the proper medication. This is consistent with his mitigation statements at the plea hearing. (Tr. 34). Further, this is consistent with one expert's evaluation which was submitted to the plea court. (Tr. 34).

On the other hand, Applicant testified he was incompetent on the day of the plea hearing. However, this is not consistent with the record. An expert originally found Applicant to be legally incompetent on April 28, 2017. (Tr. 12). Thereafter, the same expert found Applicant to be legally competent on October 16, 2017. (Tr. 12). Further, Applicant was found to be criminally responsible in a report compiled on November 3, 2017. All three of these evaluations were submitted to the plea court on March 20, 2018. Accordingly, this Court finds Applicant has provided insufficient evidence to conclude he would have successfully been found incompetent when the negotiated sentence was entered. Therefore, this Court finds Applicant has failed to overcome the burden to prove he was prejudiced by not being evaluated for competency before entering a negotiated sentence.

IV. ILLEGAL SENTENCE

Applicant contends the plea court imposed an illegal sentence. A person who commits robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon,

or while alleging, either by action or words, he 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, is guilty of a felony and, upon conviction, must be imprisoned for a mandatory minimum term of not less than ten years or more than thirty years, *no part of which may be suspended* or probation granted. A person convicted under this subsection is not eligible for parole until the person has served at least seven years of the sentence S.C. Code Ann. § 16-11-330 (a) (emphasis added). The issue regarding whether an applicant is serving an illegal sentence is a question of law. Bordeaux v. State, 410 S.C. 495, 765 S.E.2d 143 (2014). Post-conviction relief may be tailored to remedy the precise prejudice resulting from constitutional violations. Boan v. State, 388 S.C. 272, 277, 695 S.E.2d 850, 852 (2010).

At the plea hearing, Applicant entered into a negotiated sentencing range of seventeen to twenty eight years based upon the charge of armed robbery. (Tr. 35). However, Applicant was sentenced to thirty years suspended upon the service of eighteen. (Tr. 37). As a matter of law, Applicant's sentence for armed robbery cannot be suspended. Accordingly, this Court finds Applicant is serving an illegal sentence. This Court finds the appropriate remedy is to vacate the sentence and afford Applicant a new sentencing hearing.

V. CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has established the sole constitutional violation in that he is serving an illegal sentence. Therefore, this application for post-conviction relief must be granted in-part and denied in-part.

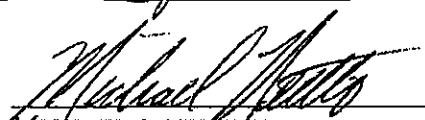
This Court notifies both parties they must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453,

409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Applicant's sentence be vacated; Applicant be remanded to Charleston County Detention Center; and Applicant be re-sentenced.
2. That the other claims in this Application for Post-Conviction Relief must be denied and dismissed with prejudice.

AND IT IS SO ORDERED this 19 day of Sept, 2019.


 MICHAEL G. NETTLES
 Presiding Judge
 Ninth Judicial Circuit

Florence, South Carolina

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2014-GS-10-7147
	)	2014-GS-10-7142
	)	2014-GS-10-7111
	)	2014-GS-10-7123
	)	2014-GS-10-7145
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
ANTONIO O. SIMMONS	)	
	)	
Defendant	)	
	)	
	)	
	)	
_____	)	TRANSCRIPT OF RECORD
		January 10, 2020
		Charleston, South Carolina

B E F O R E:

THE HONORABLE R. MARKLEY DENNIS, JR., JUDGE

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

DAVID L. OSBORNE, ESQ.
Attorney for the State

CHRISTOPHER R. GEEL, ESQ.
Attorney for the Defendant

JOYCE C. RUEGER,
Certified Verbatim Reporter-Master
Circuit Court Reporter

[Certified Transcript Provided for: SCCID]

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No exhibits were introduced

State v Antonio Orlando Simmons
Motion to Reconsider Sentencing
January 10, 2020

1 PROCEEDINGS

2 THE COURT: Okay. Mr. Solicitor?

3 MR. OSBORNE: Thank you, Judge. On March the 20th
4 of 2018 the Defendant pleaded guilty to five counts of
5 armed robbery.

6 THE COURT: Okay.

7 MR. OSBORNE: You sentenced him to 28 years
8 suspended to 18 years and that was on the indictment
9 ending in 1711. The Defendant filed a PCR based on
10 several claims. Judge Nettles' order on September ---

11 THE COURT: --- I read it ---

12 MR. OSBORNE: --- the 19th of 2019 that the
13 sentence would be vacated and remanded to be resentenced.
14 All the other claims were dismissed. And the charges
15 were basically he was arrested for ten counts of armed
16 robbery. I can go through the facts if you need me to;
17 he's already pled to it ---

18 THE COURT: --- he has.

19 MR. OSBORNE: The plea offer was the Defendant had
20 like I said ten armed robberies. The plea was a
21 negotiated range to plead to five of them for 20 to 25.

22 THE COURT: That's correct.

23 MR. OSBORNE: Mr. Apicella represented him at the
24 time ---

25 THE COURT: --- that's correct ---

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1 MR. OSBORNE: --- we negotiated it to be down to 17
2 years on the bottom end.

3 THE COURT: Correct.

4 MR. OSBORNE: I then put 28 on the top end so it
5 was a negotiated range of 17 to 28. Judge Nettles had
6 ruled that no part of the armed robbery could be
7 suspended and you gave him the 18.

8 THE COURT: And I -- we have to agree to disagree
9 on the interpretation of that because I think we have the
10 right, inherent right to suspend any -- I understand what
11 the statute says. But typically it says, what you see
12 with minimum sentence is no part may be suspended -- may
13 not suspend below the mandatory minimum. But the statute
14 does say that and so I agree with that. And your range
15 was 17 to 28.

16 MR. OSBORNE: Yes, Your Honor.

17 THE COURT: Okay. Mr. Geel?

18 MR. GEEL: Thank you, Your Honor. So just a few
19 things. As Mr. Osborne said the record as far as
20 sentencing there was already a hearing on it. Your Honor
21 may recall that Doctor Mulbry submitted a report.

22 THE COURT: Yes.

23 MR. GEEL: There were some mental health issues.
24 Those are in the record as Court's exhibit 1.

25 THE COURT: Right.

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1 MR. GEEL: So I don't know if we need to retread
2 that ground.

3 THE COURT: No.

4 MR. GEEL: So the one thing that I will point out
5 Your Honor and us giving some thought to this in my
6 discussions with Mr. Osborne what he has indicated to me
7 is that before Mr. Simmons proceeded with his PCR that
8 the Department of Corrections would have treated the
9 sentence that was imposed by the Court as simply a 18
10 year sentence ---

11 THE COURT: --- correct ---

12 MR. GEEL: --- which is what he had in hand prior
13 to his filing this PCR.

14 THE COURT: Oh, I understand that.

15 MR. GEEL: Now one of things that this brings to
16 mind, and I'm not sure if Your Honor made this connection
17 is that North Carolina v Pearce and the line of Supreme
18 Court cases whereby if someone prevails in some kind of
19 collateral or direct appeal and they come back for
20 resentencing that there is a presumption of the due
21 process violation if the sentence is higher without a
22 valid reason. So whether or not ---

23 THE COURT: --- I'll be happy to give the reason.
24 No problem with that one ---

25 MR. GEEL: --- understood. The thing that I just

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1 wanted to make, I wanted to put that on the radar
2 essentially is that there is a presumption of some kind
3 of problem if someone comes back after exercising their
4 right to collateral review.

5 THE COURT: I agree with you wholeheartedly. In
6 fact I will tell you this. He is retired now, retired
7 from the bench and went to the Legislature; he's now in
8 the Legislature, but Judge Clary did something and I
9 understand why he did it.

10 He revoked -- it was in Aiken I think. I don't
11 remember the case name. It's funny; I can remember the
12 facts but I can't remember the name of the case and I
13 remember the judge. But it was a probation revocation
14 and he had up to seven years and he revoked five.

15 And the Defendant made a motion, which he had an
16 absolute right to do, to reconsider the sentence and
17 revoke less. Judge Clary said I will. I'm going to
18 revoke seven. And the Supreme Court reversed him on that
19 because it was obvious you can't punish him for
20 exercising his fair and valuable right. So I understand
21 that. I would never do that in the first place ---

22 MR. GEEL: --- and I believe that. Unless I'm
23 mistaken I believe the Court does cite North Carolina v
24 Pearce as the logic for why that was improper.

25 THE COURT: Yeah, well the problem is they failed

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1 to interpret something else and this needs to be
2 addressed because one of the things that the attorney for
3 the Department of Probation and Parole is advocated this
4 to new judges. And I'll be happy -- I mean anything else
5 you want to say to me on the sentencing?

6 MR. GEEL: Yes sir, very briefly.

7 THE COURT: Okay.

8 MR. GEEL: So whatever sentence the Court does
9 impose I have two things. I have his Department of
10 Corrections information here and what it indicates here
11 is the start date of this sentence was April 11th, 2014.

12 THE COURT: That's fine ---

13 MR. GEEL: --- so that's 2,101 days.

14 THE COURT: No problem. I have no problem with him
15 getting credit for all the time he has served.

16 MR. GEEL: And then the last thing, the other thing
17 as far as new information is that he doesn't have any
18 disciplinary whatsoever since he was incarcerated.

19 THE COURT: I'm glad.

20 MR. GEEL: So I think that warrants consideration.

21 THE COURT: Sure.

22 MR. GEEL: And just a moment, Judge ---

23 THE COURT: --- I'll be happy to hear from him if
24 he wants to speak.

25 [Whereupon, Mr. Geel confers with the Defendant]

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1 MR. GEEL: Just a moment.

2 THE COURT: Sure. Careful what you ask for though.

3 [Whereupon, Mr. Geel confers with the Defendant]

4 THE COURT: I'll be happy to hear from you, sir.

5 MR. SIMMONS: On the probation they been charging me
6 which is double jeopardy on the probation.

7 THE COURT: I'm not talking about probation. I
8 mentioned that case for probation was to talk about what
9 the judge did. He did something to penalize the person.
10 It has nothing to do with your case.

11 MR. SIMMONS: All right. But the plea was not no
12 way intelligent.

13 THE COURT: Listen, you've already argued that
14 before the judge in the PCR and he denied that. But he
15 said the sentence that was in effect because I couldn't
16 suspend any portion of it is what he said. And what I
17 tried to do was give you a break. And I articulated that
18 to you but you didn't apparently hear it.

19 [Whereupon, Mr. Geel confers with the Defendant]

20 THE COURT: Well, let me ask you something.
21 Seriously, maybe you want to talk to him. It was a
22 negotiated plea as I recall.

23 MR. OSBORNE: Yes, Your Honor.

24 THE COURT: Negotiated between now 17 and 28.

25 MR. OSBORNE: Yes, sir.

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1 THE COURT: And that's what he wanted me to do too.
2 Now, you're telling me, I'm hearing you; you want to
3 withdraw all your pleas and go to trial on each one of
4 them?

5 MR. SIMMONS: Yes, sir.

6 THE COURT: That's what you want to do?

7 MR. SIMMONS: Yes, sir.

8 THE COURT: So you want to face 30 years and then
9 have a potential life imprisonment. That's what you want
10 to do?

11 MR. SIMMONS: Yes, sir.

12 THE COURT: Why?

13 MR. SIMMONS: Because my rights been violated.

14 THE COURT: I'm not asking you that. Why do you
15 want -- tell me why you want to face five chances of
16 getting a 30 year sentence?

17 MR. SIMMONS: Because I'm innocent.

18 THE COURT: Well, that's good. Well, why did you
19 plead guilty before me?

20 MR. SIMMONS: Because my lawyer was ineffective ---

21 THE COURT: --- no, no, no. You answered my
22 questions. You told me I want to plead guilty. And I
23 asked you specifically why because you are guilty? Yes.
24 And you told me you wanted to waive all your rights and
25 then you further told me because one of the things about

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1 this is important, and it's important for me for today.
2 You know why? Because you told me something. Every time
3 I take a negotiated sentence I do this intentionally;
4 it's why I do this. You asked me to impose that
5 sentence. You're the one that wanted me to do it. You
6 deny saying that on the record?

7 MR. SIMMONS: No, I probably did that ---

8 THE COURT: --- well, you probably did. So what's
9 the truth? Which is true?

10 MR. SIMMONS: I was diagnosed off medicine ---

11 THE COURT: --- sir, which is true? I asked you
12 whether you were under the influence of anything on that
13 day and you said no, and you knew what you were doing.

14 MR. SIMMONS: The record should state that my
15 lawyer was ---

16 THE COURT: --- listen, you're -- the problem you
17 have here is your lawyer negotiated you a sentence and
18 then you come in -- and that's the problem with a
19 negotiated sentence. If this was a straight up plea, I
20 hear you man. But in this this isn't a straight up plea.
21 This is the only time when the Court is left with
22 something. I have to accept it or reject it.

23 Now, to be candid with you given that I can say
24 reject it and it starts over because I don't -- I could
25 say I don't want to take it. And you could go back to

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1 square one. You want me to do that?

2 MR. SIMMONS: [No response]

3 THE COURT: You better talk to your lawyer buddy.
4 I'm telling you that right now. Why don't y'all talk in
5 private for a minute, Mr. Geel? Explain what I'm telling
6 him.

7 [Off the record momentarily while Mr. Geel confers
8 with his client]

9 THE COURT: Thank you, Mr. Geel.

10 MR. GEEL: Thank you, Judge.

11 THE COURT: I appreciate you taking a moment to
12 talk with your client. Yes, sir?

13 MR. SIMMONS: I would like a jury trial, sir.

14 THE COURT: All right. So you -- you can't have
15 that option, okay; right now. Right now you can't. But
16 I'm going to set up the possibility of that, okay. Mr.
17 Osborne, if I can't -- I can't accept the range, the
18 limitation because one of the concerns that I have is why
19 I did what I did.

20 And that is to give him the benefit of a lower
21 sentence but to have an option to have some time that if
22 he violated it we could protect society and protect him
23 and provide some counseling for him by sending him back
24 and then starting the two year supervision all over
25 again. So, and that was my rationale for doing it. I

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1 was willing to do it and accept the negotiated sentence
2 Mr. Geel with that flexibility. But if I'm limited to
3 giving him just a straight sentence I think given five
4 separate armed robberies I couldn't possibly accept that
5 limited, I think that's too low. I think if he is going
6 to be sentenced on one he ought to be sentenced to the
7 maximum I believe because of the five.

8 But now in light of also that he wants to say I
9 didn't want that negotiated sentence that gives me pause
10 as well. And that may have something -- he said he has
11 some mental health issues and that gives me concern also
12 as to whether or not he can consciously do that. I think
13 we go back to square one.

14 MR. OSBORNE: The only thing I would say to that in
15 reference to the mental health issues he was evaluated
16 that morning ---

17 THE COURT: --- oh, I know he was ---

18 MR. OSBORNE: --- by Doctor Godfrey and she did
19 find him competent.

20 THE COURT: Well, I'll tell you what. If y'all
21 want to talk among yourselves and give me a range I'll be
22 happy to let him do that. But I can't accept the
23 negotiated sentence. Now, somebody else might. Another
24 judge might. But given what we're talking about I don't
25 think you're going to get to first base on that.

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1 MR. OSBORNE: Well, you know the only thing I would
2 say to that is that he did plead. And ---

3 THE COURT: --- oh, I know he plead ---

4 MR. OSBORNE: --- and so that ---

5 THE COURT: --- but the Court said I couldn't do
6 what I did. And that's the sole reason I accepted the
7 negotiated sentence because if you recall I think Mr.
8 Apicella said wait a minute; that's more that what we --
9 that was more that what we were talking about and I said
10 yeah, but that's why -- but I'm within the range of
11 actual time.

12 MR. OSBORNE: Now, that you mention that I do
13 recall that ---

14 THE COURT: --- you remember I said -- you remember
15 that? No sir, I can't take it if I can't, don't have
16 that flexibility unless he -- I mean if he insists I'd do
17 it now. I guess I'm bound by accepting it. But he said
18 I didn't do it in the first place. I'm not a part of
19 that.

20 Well, now we've got both of us not in agreement with
21 the negotiated sentence. So, I mean you know if he had
22 come in here and said, yeah, I stand by my request; I'm
23 guilty, please do that that. Then I think I'm stuck by
24 virtue of the ruling. But since he's coming in and
25 saying no and my rationale -- there is no question that I

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1 would probably just go on the -- given what I've said and
2 that's the rationale. I want the record clear that I'm
3 not punishing him. That's the reason that I didn't give
4 him the maximum sentence. I think 28 was the maximum?

5 MR. OSBORNE: Right.

6 THE COURT: If he wants a negotiated sentence
7 that's -- I -- I would like to have 30 but if he tells me
8 I accept it then I would sentence him to 28 years and
9 give him the top end of it with no suspension. But he's
10 telling me I don't want that.

11 MR. GEEL: Your Honor, if I could very briefly. I
12 completely understand the Court's ruling or at least the
13 way the Court is moving towards it ---

14 THE COURT: --- well, let me ask you this. Do you
15 think your client-- well, first of all I thought that was
16 addressed by Judge -- has he appealed that decision of
17 the judge -- Judge Nettles?

18 MR. GEEL: Of the PCR ruling?

19 THE COURT: Yes.

20 MR. GEEL: No, sir.

21 THE COURT: And that time has run?

22 MR. GEEL: That's why I'm standing is that it has
23 run.

24 THE COURT: And he raised that as an issue as well
25 as I recall reading that. Were you his PCR lawyer?

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1 MR. GEEL: No, sir.

2 THE COURT: As I recall Judge Nettles' order denied
3 the other reasons for it but granted it on the sentence
4 being...

5 MR. GEEL: I believe that's correct.

6 THE COURT: But he argued that his client, he
7 didn't know what he was doing as I recall and it was not
8 what he wanted to do. So he hasn't appealed that ruling?

9 MR. GEEL: I don't know, Judge. My client is
10 telling me he did appeal it but I wasn't involved. I
11 became involved as soon as this was already back on
12 remand for resentencing. So I'm not familiar with the
13 PCR procedure ---

14 THE COURT: --- yes, sir?

15 MR. SIMMONS: Can I speak, Your Honor?

16 THE COURT: Oh, sure.

17 MR. SIMMONS: My PCR lawyer abandoned me so I can't
18 get the transcript to help support the facts because he
19 became my new lawyer on the resentencing.

20 THE COURT: Yeah.

21 MR. GEEL: Your Honor, if I could just complete my
22 thought?

23 THE COURT: Yes, please do.

24 MR. GEEL: I understand that's the court's ruling.
25 I will pose an objection. I'm not certain of this but

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1 I'm not certain whether given the procedural posture
2 today whether we can go back to square one.

3 THE COURT: All right. That's fine.

4 MR. OSBORNE: And I would submit, to piggyback on
5 that because I was just thinking, you had mentioned that
6 it was five armed robberies. It was actually ten.

7 THE COURT: Oh, ten?

8 MR. OSBORNE: And what I was going to do -- and
9 there was a confession involved in it. And so as you
10 were talking I was thinking in my mind fine, I'll LWOP
11 him. But we had competency as being an issue. So if
12 we're withdrawing this plea now I worry about his
13 competency right now.

14 THE COURT: Me too.

15 MR. OSBORNE: So now -- and then I end up LWOP'ing
16 him later I think I'm just setting myself up for a
17 problem later on.

18 THE COURT: All right. He says he's appealed it.
19 If he hasn't then I would say that that issue is moot as
20 to whether or not he knew what he was doing at the time
21 because the judge ruled that he did based on the record.
22 So that kicks it back to me of being -- that I have to go
23 forward with the plea.

24 MR. GEEL: And Your Honor as far as any
25 unchallenged issues, things that were not raised

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1 correctly or not raised at all in a state collateral
2 proceeding the venue for those kinds of claims is the
3 federal habeas if there were issues that were not
4 properly raised.

5 THE COURT: I understand ---

6 MR. GEEL: --- so there is still a venue to raise
7 those kinds of missed issues.

8 THE COURT: Correct. Anything else, Mr. Osborne?

9 MR. OSBORNE: No, Your Honor.

10 THE COURT: Does your client want to say anything
11 else?

12 [Whereupon, Mr. Geel confers with the Defendant]

13 [Whereupon, the court reporter confers with the
14 Court]

15 THE COURT: Thank you. My court reporter advised
16 me that she did the PCR and the transcript has not been
17 requested. So that's -- I share that with you because
18 that was discussed while you're present. So any
19 questions you want to have of her?

20 MR. GEEL: No, sir.

21 THE COURT: Mr. Osborne?

22 MR. OSBORNE: No, Your Honor.

23 THE COURT: And thank you for sharing that with me.
24 What else? Your client is continuing to talk to you.

25 [Whereupon, Mr. Geel confers with the Defendant]

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1 MR. GEEL: Court's indulgence, Your Honor.

2 THE COURT: Certainly. Take your time, Mr. Geel.

3 [Whereupon, Mr. Geel confers with the Defendant]

4 MR. GEEL: Your Honor, thank you for the Court's
5 patience.

6 THE COURT: Sure.

7 MR. GEEL: My client is indicating to me that he
8 does want to go back to square one ---

9 THE COURT: --- I understand ---

10 MR. GEEL: --- we stand by our objection to that ---

11 THE COURT: --- that I can't.

12 MR. GEEL: Yes.

13 THE COURT: As his lawyer you're saying Judge, I
14 know what my client wants but you don't have the
15 authority to do that.

16 MR. GEEL: Yes, sir. I don't believe you have the
17 authority to alter ---

18 THE COURT: --- and Mr. Geel, let me state for the
19 record that that's precisely why, and I want to credit
20 you sir that you're an officer of the Court and you took
21 an oath just as I did. And I appreciate you saying that.

22 So what you said reminded me that in the future when
23 I'm taking these negotiated sentences I better be sure
24 that I can do what I want to do. Otherwise, I've locked
25 myself into something. And I appreciate it. You're

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1 probably right. Based on, based on -- that would be --
2 that would be really setting aside a guilty plea that was
3 accepted. And I can't undo -- I can't do that. We know
4 that once it is accepted by the Court we don't have
5 qualified guilty pleas in this state. They've said that
6 over and over again ---

7 THE COURT: --- yes sir. And I would also think of
8 it as you know when in a public courtroom and with a
9 limited questioning you can't then reopen the remainder
10 of the record ---

11 THE COURT: --- you cannot. You're absolutely
12 right ---

13 MR. GEEL: --- to get that way ---

14 THE COURT: --- you're absolutely right. Give me
15 the background and his history if you have that.

16 MR. OSBORNE: The background of the incidents?

17 THE COURT: No. You just said he had ten
18 outstanding armed robberies?

19 MR. OSBORNE: There were ten armed robberies and
20 accompanying the ten possession of a weapon during the
21 commission of a violent crime; 20 charges total.

22 THE COURT: Okay.

23 MR. OSBORNE: I think he pled to ten armed
24 robberies and ten weapons -- or five armed robberies and
25 five weapons ---

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1 THE COURT: --- correct ---

2 MR. OSBORNE: --- sorry. I pled -- he pled to five
3 armed robberies. I dismissed all the other 15 charges.

4 THE COURT: So there were five years -- so they
5 were five year sentences, mandatory five year sentences
6 associated with each of those?

7 MR. OSBORNE: That I dismissed. That's right ---

8 THE COURT: --- that you dismissed. Okay, that's
9 helpful.

10 MR. OSBORNE: And just -- there were a string of
11 armed robberies over a period of months so it wasn't just
12 like from one night. That's why I was ---

13 THE COURT: --- it wasn't just a week occurrence?

14 MR. OSBORNE: Right. And that's why I took LWOP
15 off the table. I thought I could go forward with LWOP on
16 that and that's why I took that off the table as part of
17 ---

18 THE COURT: --- did he have a record? Do you know
19 Mr. Geel?

20 MR. GEEL: Yes, sir. He had malicious injury, a
21 larceny, and I think there was an assault charge. So
22 nothing ---

23 THE COURT: --- nothing of that nature ---

24 MR. GEEL: --- nothing like this, no sir.

25 THE COURT: Your client wants to speak again? Yes,

State v Antonio Orlando Simmons
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1 sir? You were raising your hand.

2 MR. SIMMONS: I'm about to talk to him.

3 THE COURT: You can talk to him if you want to.

4 [Whereupon, Mr. Geel confers with the Defendant]

5 MR. GEEL: We're ready, Judge.

6 THE COURT: Okay. Given the nature of this
7 offense, given the incredible benefits that the Defendant
8 obtained through his prior lawyer avoiding an LWOP, an
9 absolute LWOP situation because if there were ten all you
10 had to do was get two of those because those are most
11 serious; armed robberies. Two convictions would have
12 resulted in a mandatory, if you LWOP him, a mandatory
13 life sentence.

14 So he received an incredible benefit. I articulated
15 that when I took the plea. And that was the rationale
16 because I wanted because of the situation; because of his
17 mental illness problems I wanted the capability of having
18 him supervised for the two year period of time which will
19 accompany this sentence.

20 But I wanted the exposure that he would have more
21 than just the two years he would have the suspended
22 portion which would give an opportunity for him to be
23 sent back. And really kind of the way that Drug Court
24 metes out punishment commensurate with the act so that if
25 he did a slight violation you could sentence him back to

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1 30 days but up to a year. But he doesn't -- but he comes
2 back out and he starts the two year over all over again,
3 which again allows the State to be working with him to
4 try to benefit him.

5 In this particular non-paroleable offense obviously
6 Judge Nettles called that to my attention. I wish the
7 Legislature would amend the statute. But because they
8 didn't then I'm locked in to what the statute says.

9 I can't perform -- I can't provide that protection
10 that I try to provide when I suspend a sentence because
11 we know there is no probation. You can't have probation
12 on a non-paroleable so that's the only way we can create
13 a supervisory period for a period of time with some
14 exposure to protect society.

15 Given that and given the multitude of offenses and
16 given the restrictions then I can't do anything for me in
17 good conscience for society and my job other than to give
18 him the maximum sentence, so 28 years.

19 So if you will prepare -- I need you to prepare the
20 order because I want it stated in there that your client
21 wanted me, and I stated in the record that I would like
22 to reject the offer without the flexibility. But you are
23 correct; I don't have that luxury. And I want the term
24 luxury put in it that the ruling restricted me. So given
25 that the only way I can fulfill my responsibility to

State v Antonio Orlando Simmons
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1 society is give him the maximum sentence so that we are
2 protected. And hopefully you'll be able to do the two-
3 year supervision without a problem. Good luck to you,
4 sir. I appreciate you calling that to my attention,
5 though.

6 MR. OSBORNE: Have a good weekend, Judge.

7 THE COURT: You too.

8 MR. SIMMONS: Your Honor?

9 THE COURT: Yes, sir?

10 MR. SIMMONS: I just asked my lawyer if he can put
11 in a direct appeal.

12 THE COURT: Oh yeah, he can file whatever once the
13 order is signed.

14 MR. GEEL: Yes. And for the record Judge, I will
15 do that, and I will do that, Judge.

16 THE COURT: Thank you. But I want you to prepare
17 the order.

18 MR. GEEL: Yes, sir.

19 THE COURT: Thank you. And run it by Mr. Osborne.
20 Thanks, Chris.

21 MR. GEEL: Will do.

22 *****END OF TRANSCRIPT OF RECORD*****
23
24
25

State v Antonio Orlando Simmons
Certificate of the Court Reporter
January 10, 2020

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 10th day of January, 2020.

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

June 16, 2020



Joyce C. Rueger, CVR-M

Court Reporter

State of South Carolina	In the Court of General Sessions
Charleston County	Warrant No(s): 2014A1010900229, 2014A1010900232, 2014A1010900193, 2014A1010900276, 2014A1010201854
State of South Carolina	
v.	SENTENCING ORDER
Antonio Simmons	

The above-referenced case was remanded for re-sentencing pursuant to a September 19, 2019 Order granting the defendant's application for Post-Conviction Relief. The PCR court found that the sentence previously imposed in the above-referenced case was prohibited by S.C. Code § 16-11-330.

On January 10, 2020 the court convened a re-sentencing hearing. The defendant was present and represented by new counsel. Defense counsel argued that the court was constrained to sentence the defendant to 18 years' incarceration, in light of North Carolina v. Pearce, 395 U.S. 711 (1969). During the hearing, the defendant indicated that he did not want to be re-sentenced, but instead wanted to withdraw his prior guilty plea. Additionally, the defendant requested a jury trial on all of his charges. Defense counsel indicated to the court that he did not believe the court was authorized to grant the defendant's request, given the procedural posture of the case. The State agreed. Having considered the arguments of both parties, the court hereby imposes the following sentence:

The defendant shall serve a term of incarceration of 28 years on each of the above-stated warrants, each sentence to be served concurrently, with credit for time served.

The court is mindful of its responsibility pursuant to North Carolina v. Pearce, 395 U.S. 711 (1969), and hereby notes for the purposes of the appellate record that the prior negotiated plea and sentencing range was only accepted *because* the court intended to suspend a portion of

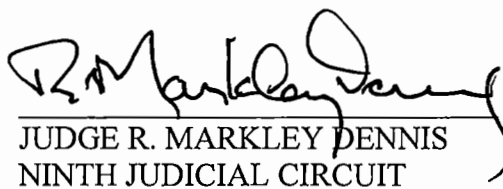
JAN 15 2020
JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

2020 JAN 15 11:18
Clocked in date Canceled

RMD,

the defendant's sentence in order to ensure the defendant's continued supervision after his release from state custody. Because such a sentence is not permitted under the law as it stands, the court elects to sentence the defendant to the maximum term allowable under the terms of the negotiated plea.

IT IS SO ORDERED.


JUDGE R. MARKLEY DENNIS
NINTH JUDICIAL CIRCUIT

DATE: 1/14/2020

RMD₂

FILED

JAN 15 2020

JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

FILED
2020 JAN 15 AM 11:18
JULIE J. ARMSTRONG
CLERK OF COURT
Clocked in date Canceled

BCS20140403819

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1403896

ARREST WARRANT NUMBER

2014A1010900193

DATE OF ARREST

April 11, 2014

ACTION OF GRAND JURY

TRIPLE BILL
TRIPLE BILL

Forfeiture of Grand Jury DEC 11 2014

Date: *April 11, 2014*

VERDICT

Forfeiture of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1007111

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:51:59 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M.

Indictment for

Armed Robbery

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

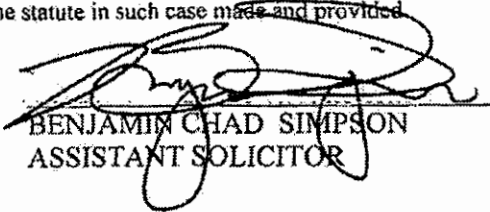
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about March 13, 2014, in Charleston County, South Carolina, the Defendant, Antonio Orlando Simmons, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he 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, did take and carry away goods and/or monies from the person or immediate presence of Shada Simmons with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900193

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)371-2662 SSN: [REDACTED]
Sex: M Race: B Height: 5' 7" Weight: 155
DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Cheryl Fulton - 0695

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

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

Date: (L.S.)
Signature of Judge

RETURN

A copy of this arrest warrant was delivered to
defendant Antonio Simmons
on 4-29-14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Personally appeared before me the affiant Cheryl Fulton

being duly sworn deposes and says that defendant Antonio Orlando Simmons

did within this county and state on or about 3/13/2014

State of South Carolina (or ordinance of County/ Municipality of Charleston

in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

Cheryl Fulton

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843)577-7434

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/13/2014

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

County/ Municipality of Charleston

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me
on 4/11/2014

Signature of Issuing Judge
Ellen S Steinberg (L.S.)

Judge Code: 7280

Judge's Address 1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court: X Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 916



2014 APR 24 PM 12:11

JULIE J. ARMSTRONG
CLERK OF COURT

BAIL set by	
Judge <i>Baldwin</i>	Name: Address: Telephone:
on <i>4/12/14</i>	Name: Address: Telephone:
Type and Amount <i>NO BOND</i>	Name: Address: Telephone:
Name of Surety:	Name: Address: Telephone:
PRELIMINARY HEARING held by	Name: Address: Telephone:
Judge	Name: Address: Telephone:
on	Name: Address: Telephone:
Defendant Attorney:	Name: Address: Telephone:
Decision:	Name: Address: Telephone:
DISPOSITION before	Name: Address: Telephone:
Judge	Name: Address: Telephone:
on	Name: Address: Telephone:
by	Name: Address: Telephone:
(indicate jury trial, bench trial, plea, nol. pros., etc.)	Name: Address: Telephone:
Disposition:	Name: Address: Telephone:
Sentence:	Name: Address: Telephone:
JURORS	Name: Address: Telephone:
	Name: Address: Telephone:
	Name: Address: Telephone:
	Name: Address: Telephone:
CODEFENDANTS	
	Name: Address: Telephone:
	Name: Address: Telephone:
	Name: Address: Telephone:

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

ANTONIO ORLANDO SIMMONS

AKA:

Race: Black/African American

Sex: M

DOB: [REDACTED]

SS#: [REDACTED]

Address: 1903 Bohicket Rd

City, State, Zip: Johns Island, SC 29455-3306

DL# [REDACTED]

SID# SC01329192

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

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

TO: Armed Robbery

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☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury,

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,☒ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

David L. Osborne, Assistant Solicitor

101325
SC Bar #Antonio Simmons
Defendant

Attorney for Defendant

101106
SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of 18 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 Service 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 Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____

\$ _____

§14-1-206 (Assessments 107.5%)

\$ _____

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$ 100.00

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$ _____

§56-5-2995 (DUI Assessment)

\$12

\$ _____

§56-1-286 (DUI Breath Test)

\$25

\$ _____

Proviso 61.6 (Public Def/Prob)

\$500

\$ _____

§14-1-212 (Law Enforce. Funding)

\$25

\$ 25.00

§14-1-213 (Drug Court Surcharge)

\$150

\$ _____

§50-21-114 (BUI Breath Test Fee)

\$50

\$ _____

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$ _____

3% to County (if paid in installments)

\$

\$ 3.75

TOTAL

\$ 128.75Clerk of Court/Deputy Clerk: CallahanCourt Reporter: Amadea Haffner

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS1007111

A/W: 2014A1010900193

Date of Offense: 03/13/2014

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or☒ PLEADS

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of 18 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 Service 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 Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____

\$ _____

§14-1-206 (Assessments 107.5%)

\$ _____

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$ 100.00

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$ _____

§56-5-2995 (DUI Assessment)

\$12

\$ _____

§56-1-286 (DUI Breath Test)

\$25

\$ _____

Proviso 61.6 (Public Def/Prob)

\$500

\$ _____

§14-1-212 (Law Enforce. Funding)

\$25

\$ 25.00

§14-1-213 (Drug Court Surcharge)

\$150

\$ _____

§50-21-114 (BUI Breath Test Fee)

\$50

\$ _____

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$ _____

3% to County (if paid in installments)

\$

\$ 3.75

TOTAL

\$ 128.75Clerk of Court/Deputy Clerk: CallahanCourt Reporter: Amadea Haffner☐ Ordered

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: during C/S he musttake all meds as required
and comply with any treatment
or counseling deemed necessary☒ Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: R. MarkbyJudge Code: 2060Sentence Date: 3/20/18

BCS20140504756

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1400654

ARREST WARRANT NUMBER

2014A1010900276

DATE OF ARREST

May 9, 2014

ACTION OF GRAND JURY

TRIPLE BILL

Foreperson of Grand Jury
Date: *Antonio B. B.* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury Date:

INDICT

DOCKET NO. 2014GS1007123

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Armed Robbery

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

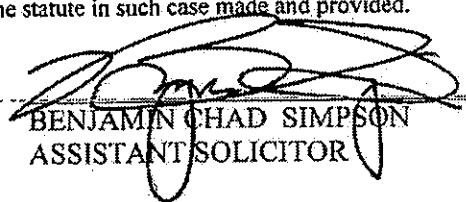
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about May 13, 2014, in Charleston County, South Carolina, the Defendant, Antonio Orlando Simmons, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he 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, did take and carry away goods and/or monies from the person or immediate presence of Robin Herndon with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

ANTONIO ORLANDO SIMMONS

AKA:

Race: Black/African AmericanSex: MDOB: [REDACTED]SS#: [REDACTED]Address: 1903 Bohicket RdCity, State, Zip: Johns Island, SC 29455-3306DL# [REDACTED]SID# SC01329192*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

☐ CONVICTED OF or☒ PLEADSTO: Armed RobberyIn 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☐ §17-25-45(CSC w/minor 1st or Lewd Act)

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☒ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

David L. Osborne, Assistant Solicitor
SC Bar # 101325Antonio Simmons
DefendantAttorney for Defendant
SC Bar # 101106

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 18 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$_____; provided that upon the service of _____ days/months/years and or payment of \$_____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service 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. April 11, 2019☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

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: _____

Recipient: _____

*Fine: _____

\$_____

§14-1-206 (Assessments 107.5%)

\$_____

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$ 100.00

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$_____

§56-5-2995 (DUI Assessment)

\$12

\$_____

§56-1-286 (DUI Breath Test)

\$25

\$_____

Proviso 61.6 (Public Def/Prob)

\$500

\$_____

§14-1-212 (Law Enforce. Funding)

\$25

\$ 25.00

§14-1-213 (Drug Court Surcharge)

\$150

\$_____

§50-21-114 (BUI Breath Test Fee)

\$50

\$_____

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$_____

3% to County (if paid in installments)

\$

\$ 375

TOTAL

\$ 128.75Clerk of Court/Deputy Clerk: CallahyCourt Reporter: Amara HaffnerPresiding Judge: P. M. [Signature]Judge Code: 2062Sentence Date: 3/28/18

ARREST WARRANT

2014A1010900276

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE

against

Antonio Orlando Simmons.

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717 SSN [REDACTED]

Sex: M Race: B Height: 5'8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: JT Lester - 0268

Offense: Robbery / Armed Robbery, robbery while armed, or

allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Antonio Simmons

5/19/2014

Signature of Constable or Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about

State of South Carolina (or ordinance of)

in the following particulars:

[X] County/ ☐ Municipality of

Charleston

Antonio Orlando Simmons

I/13/2014

violate the criminal laws of the

who

Robbery / Armed Robbery, robbery while armed with a deadly weapon

DESCRIPTION OF OFFENSE:

Robbery / Armed Robbery, robbery while armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

[REDACTED]

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address

180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843)577-7434

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/13/2014

defendant Antonio Orlando Simmons

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

[X] County/ ☐ Municipality of

Charleston

as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or

her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as

soon thereafter as is practicable

Sworn to and subscribed before me

on 5/13/2014

Signature of Issuing Judge

Ellen S Steinberg

Judge Code: 7280

ORIGINAL ORIGINAL

Judge's Address

1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court: [X] Magistrate ☐ Municipal ☐ Circuit

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

ORIGINAL

AFFIDAVIT

JT Lester

Antonio Orlando Simmons

I/13/2014

[X] County/ ☐ Municipality of

Charleston

violate the criminal laws of the

who

Robbery / Armed Robbery, robbery while armed with a deadly weapon

DESCRIPTION OF OFFENSE:

Robbery / Armed Robbery, robbery while armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

[REDACTED]

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address

180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843)577-7434

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/13/2014

defendant Antonio Orlando Simmons

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

[X] County/ ☐ Municipality of

Charleston

as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or

her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as

soon thereafter as is practicable

Sworn to and subscribed before me

on 5/13/2014

Signature of Issuing Judge

Ellen S Steinberg

Judge Code: 7280

ORIGINAL ORIGINAL

Judge's Address

1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court: [X] Magistrate ☐ Municipal ☐ Circuit

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

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ORIGINAL ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518



FILED

2014 MAY 19 AM 9:46
JULIE J. ARMSTRONG
CLERK OF COURT

WITNESSES

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

CODEFENDANTS

BAIL set by

Baldwin

5-10-14

Type and Amount

NO BOND

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

BCS20140404114

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1404541

ARREST WARRANT NUMBER

2014A1010900232

DATE OF ARREST

April 23, 2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

DEC 1 - 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1007142

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB:

B/M

Indictment for

Armed Robbery

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

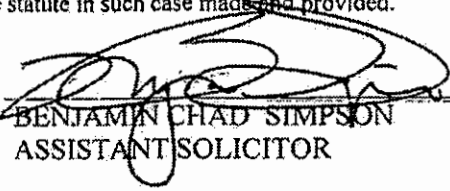
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about March 23, 2014, in Charleston County, South Carolina, the Defendant, Antonio Orlando Simmons, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he 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, did take and carry away goods and/or monies from the person or immediate presence of Patrick Hollifield with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900232

STATE OF SOUTH CAROLINA

County/ ☒ Municipality of

Charleston

THE STATE

against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

 Phone: (843)559-0717 SSN: [REDACTED]
 Sex: M Race: B Height: 5'8" Weight: 150
 DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Officer Tuttle - 1055

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

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

 A copy of this arrest warrant was delivered to
 defendant
 on Antonio O. Simmons
 4/23/14

 Signature of Constable/Law Enforcement Officer
 [Signature]

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about

State of South Carolina (or ordinance of

in the following particulars:

☒ County/ ☐ Municipality of

Charleston

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed with a deadly weapon

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

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843)577-7434

ARREST WARRANT

 TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS STATE
 It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/23/2014

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

☒ County/ ☐ Municipality of

Charleston

defendant

Antonio Orlando Simmons

as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed with a deadly weapon

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

on 4/21/2014

 Signature of Issuing Judge
 Ellen S Steinberg

Judge Code: 7280

Judge's Address 1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Officer Tuttle / Fulton

Antonio Orlando Simmons

3/23/2014

☒ County/ ☐ Municipality of

Charleston

violate the criminal laws of the

who

 Form Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 518

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

ANTONIO ORLANDO SIMMONS

AKA:

Race: Black/African AmericanSex: MDOB: [REDACTED]SS#: [REDACTED]Address: 1903 Bohicket RdCity, State, Zip: Johns Island, SC 29455-3306DL# [REDACTED]SID# SC01329192*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

☐ CONVICTED OF or☒ PLEADSTO: Armed RobberyIn 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☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury,☐ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☒ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

David L. Osborne, Assistant Solicitor
101325
SC Bar #Antonio Simmons
DefendantAttorney for Defendant
101106
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 18 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service 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. April 11, 2014☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

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: _____

Recipient: _____

*Fine: _____

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Prob)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk: C. HaffnerCourt Reporter: A. HaffnerPresiding Judge: [Signature]Judge Code: 2060Sentence Date: 3/20/18

BCS20140403806

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2014001096B

ARREST WARRANT NUMBER

2014A1010201854

DATE OF ARREST

April 11, 2014

ACTION OF GRAND JURY

TRIPPLE

Foreperson of Grand Jury
Date: *Cynthia D. Davis* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1007145

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]
B/M

Indictment for

Armed Robbery

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

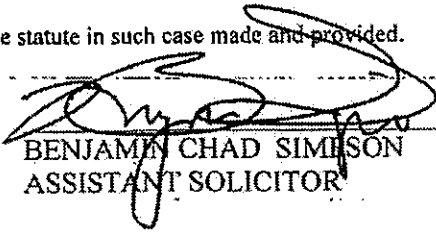
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about January 12, 2014, in Charleston County, South Carolina, the Defendant, Antonio Orlando Simmons, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he 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, did take and carry away goods and/or monies from the person or immediate presence of Alicia Wasson with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010201854

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE

against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717 SSN: [REDACTED]

Sex: M Race: B Height: 5'8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

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

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant W. Muirheid

being duly sworn deposes and says that defendant Antonio Orlando Simmons did within this county and state on or about 1/12/2014

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

Charleston

in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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

SEE ATTACHED

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven Drive

Charleston, SC 29405-

Affiant's Telephone (843)202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/12/2014

defendant Antonio Orlando Simmons

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

☒ County/ ☐ Municipality of Charleston

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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

Sworn to and subscribed before me

on 4/11/2014

(L.S.)

Signature of Issuing Judge

Alvin Paul Brigen

Judge Code: 5536

Judge's Address

3870 Leeds Avenue, Suite 106

North Charleston, SC 29405-7469

Judge's Telephone (843)746-9822

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCQA 518

11

2014 APR 24 PM 12:10

JULIE J. ARMSTRONG
CLERK OF COURT

[illegible]

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

ANTONIO ORLANDO SIMMONS

AKA:

Race: Black/African AmericanSex: MDOB: [REDACTED]SS#: [REDACTED]Address: 1903 Bohicket RdCity, State, Zip: Johns Island, SC 29455-3306DL# [REDACTED]SID# SC01329192*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

☐ CONVICTED OF or☒ PLEADSTO: Armed RobberyIn 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☐ §17-25-45(CSC w/minor 1st or Lewd Act)

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☒ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

David L. Osborne, Assistant Solicitor
101325
SC Bar #Antonio Simmons
Defendant[Signature], Attorney for Defendant
101106
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 18 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Service 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 Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

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: _____

Recipient: _____

*Fine: _____

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Prob)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk: [Signature]Court Reporter: A. HaffnerPresiding Judge: [Signature]Judge Code: 2060Sentence Date: 9/20/18

BCS20140404113

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1404539

ARREST WARRANT NUMBER

2014A1010900229

DATE OF ARREST

April 23, 2014

ACTION OF GRAND JURY

TRIP BILL

For person of Grand Jury

Date: 11/11/2014 DEC 1 - 2014

VERDICT

For person of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1007147

The State of South Carolina

County of Charleston

FILED

COURT OF GENERAL SESSIONS

December Term 2014

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Armed Robbery

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

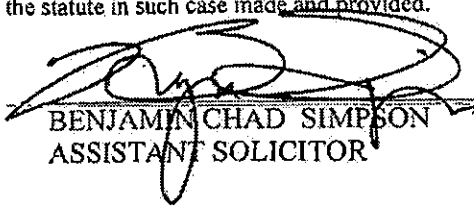
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about March 23, 2014, in Charleston County, South Carolina, the Defendant, Antonio Orlando Simmons, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he 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, did take and carry away goods and/or monies from the person or immediate presence of Samiran Behesht with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900229

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Charleston

Charleston

THE STATE

against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843) 559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5' 8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Officer Tuttle - 1055

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

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Antonio Simmons
on 04/22/14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about 3/23/2014

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

in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

ORIGINAL

AFFIDAVIT

Officer Tuttle / Fulton

Antonio Orlando Simmons

3/23/2014

violate the criminal laws of the

Charleston

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

Charleston Police

APR 21 2014

NCIC Operations

Cheryl Fulton

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address: 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843) 577-7434

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/23/2014

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

☒ County/ ☐ Municipality of

Charleston

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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

on 4/21/2014

Judge's Address: 1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843) 766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL



FILED

2014 MAY -2 PM 12:01

JULIE J. ARMSTRONG
CLERK OF COURT

8V

WITNESSES

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

CODEFENDANTS

BAIL set by

Judge APR 24 2014
on _____

Type and Amount: NO BAIL
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(Indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

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

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

ANTONIO ORLANDO SIMMONS

AKA:

Race: Black/African AmericanSex: MDOB: [REDACTED]SS#: [REDACTED]Address: 1903 Bohicket RdCity, State, Zip: Johns Island, SC 29455-3306DL# [REDACTED]SID# SC01329192*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Armed RobberyIn 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☐ §17-25-45(CSC w/minor 1st or Lewd Act)

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☒ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

David L. Osborne, Assistant Solicitor101325
SC Bar #Antonio Simmons
Defendant[Signature]
Attorney for Defendant101106
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 18 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____ plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service 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. April 11, 2014☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

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: _____

Recipient: _____

*Fine: _____

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Prob)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

\$

\$

\$100

\$

\$12

\$

\$25

\$

\$500

\$

\$25

\$

\$150

\$

\$50

\$

\$40/ea

\$

\$

\$3.75

\$

\$128.75

Clerk of Court/Deputy Clerk: [Signature]Court Reporter: A. HaffnerPresiding Judge: [Signature]Judge Code: 2060Sentence Date: 3/20/18

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

BCS20140403819

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1403896

ARREST WARRANT NUMBER

2014A10109000194

DATE OF ARREST

April 11, 2014

ACTION OF GRAND JURY

TRIP BILL

Foreperson of Grand Jury

Date: *April 11, 2014* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1007112

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:51:59 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

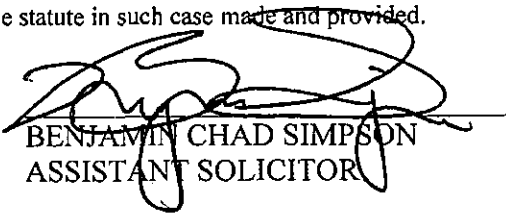
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession of a Weapon During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about March 13, 2014, the Defendant, ANTONIO ORLANDO SIMMONS, did possess a firearm similar to a Tec-9 or visibly display what appeared to be a gun during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900194

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)371-2662 SSN: [REDACTED]
Sex: M Race: B Height: 5'7" Weight: 155
DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Cheryl Fulton - 0695

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

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant: Antonio Simmons
on 4-12-14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant Cheryl Fulton

being duly sworn deposes and says that defendant Antonio Orlando Simmons
did within this county and state on or about 3/13/2014 violate the criminal laws of theState of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Charleston)
in the following particulars:

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

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

Cheryl Fulton

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843)577-7434

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/13/2014

defendant Antonio Orlando Simmons

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

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

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

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

on 4/11/2014

Signature of Issuing Judge (L.S.)
Ellen S Steinberg

Judge Code: 7280

Judge's Address

1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone: (843)766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL







2014 APR 24 PM 12:11

JULIE J. ARISTRONG
CLERK OF COURT

BAIL set by					
Judge	Baldwin	Name:			
on	9/12/14	Address:			
Type and Amount:	100.00	Telephone:			
Name of Surety:		Name:			
		Address:			
		Telephone:			
PRELIMINARY HEARING held by					
Judge		Name:			
on		Address:			
Defendant Attorney:		Telephone:			
Decision:		Name:			
		Address:			
		Telephone:			
DISPOSITION before					
Judge		Name:			
on		Address:			
by		Telephone:			
(Indicate jury trial, bench trial, plea, nol. pros., etc.)		Name:			
Disposition:		Address:			
Sentence:		Telephone:			
JURORS					
		Name:			
		Address:			
		Telephone:			
		Name:			
		Address:			
		Telephone:			
CODEFENDANTS					

BCS20140504430

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2013018898B

ARREST WARRANT NUMBER

2014A1010900253

DATE OF ARREST

April 30, 2014

ACTION OF GRAND JURY

TRUE BILL
TRUE BILL

Foreperson of Grand Jury

Date: *Carroll H. Smith* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1007114

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Armed Robbery

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

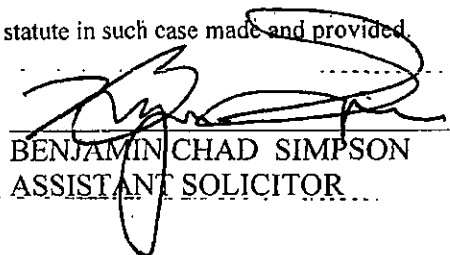
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about December 10, 2013, in Charleston County, South Carolina, the Defendant, Antonio Orlando Simmons, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he 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, did take and carry away goods and/or monies from the person or immediate presence of Ashley Treadwell with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900253

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: 1903 Bobbicket Rd

Johns Island, SC 29435

Phone: (843) 559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5' 8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

Offense: Robbery / Armed Robbery

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Antoine O. Simmons on 4/30/14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant W. Muirheid whobeing duly sworn deposes and says that defendant Antonio Orlando Simmonsdid within this county and state on or about 12/10/2013 violate the criminal laws of theState of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Charleston)

in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinchaven DriveCharleston, SC 29405-Affiant's Telephone (843) 202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/10/2013 defendant Antonio Orlando Simmons

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

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

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me on 4/30/2014

Signature of Issuing Judge

Ellen S. Steinberg (L.S.)

Ellen S Steinberg

Judge Code: 7280

Judge's Address: 1720 Sam Rittenburg Blvd, Unit 11Charleston, SC 29417-1861Judge's Telephone (843) 766-6531Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

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

ORIGINAL

AFFIDAVIT



FILED

2014 MAY -8 PM 3: 54

JULIE J. ARMSTRONG
CLERK OF COURT

BY 

WITNESSES

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

CODEFENDANTS

_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

BAIL set by

Judge 
 on 5-1-14
 Type and Amount: NO BOND
 Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____
 Decision: _____

DISPOSITION before

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

JURORS

_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

BCS20140504430

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2013018898B

ARREST WARRANT NUMBER

2014A10109000254

DATE OF ARREST

April 30, 2014

ACTION OF GRAND JURY

TRIPLE BILL
Foreperson of Grand Jury
Date: *Carla B. Lee* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1007115

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

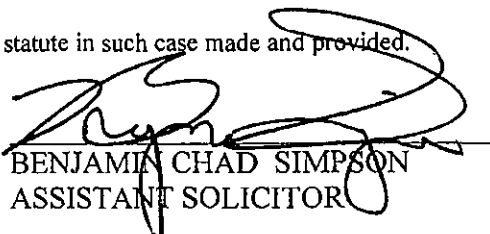
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession of a Weapon During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about December 10, 2013, the Defendant, ANTONIO ORLANDO SIMMONS, did possess a shotgun or visibly display what appeared to be a knife during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900254

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE

against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717

SSN: [REDACTED]

Sex: M Race: B Height: 5'8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

Offense: Possession of Firearm During Commission of Violent Crime

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Antonio D Simmons on 4/30/14

Signature of Charleston Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant

W. Muirheid

being duly sworn deposes and says that defendant

Antonio Orlando Simmons

did within this county and state on or about 12/10/2013

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

Charleston

in the following particulars:

violate the criminal laws of the

who

DESCRIPTION OF OFFENSE: Possession of Firearm During Commission of Violent Crime

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven Drive

Charleston, SC 29405-

Affiant's Telephone (843)202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/10/2013

defendant Antonio Orlando Simmons

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

☒ County/ ☐ Municipality of Charleston

) as set forth below:

DESCRIPTION OF OFFENSE: Possession of Firearm During Commission of Violent Crime

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

Sworn to and subscribed before me

on 4/30/2014

Signature of Issuing Judge (L.S.)

Ellen S Steinberg

Judge Code: 7280

Judge's Address

1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL



FILED

2014 MAY -8 PM 3: 55

JULIE J. ARMSTRONG
CLERK OF COURT

BY: *[Signature]*

WITNESSES

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

CODEFENDANTS

BAIL set by

Judge *Spink*
 on 5-1-14
 Type and Amount: NO BOND
 Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____
 Decision: _____

DISPOSITION before

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

JURORS

BCS20140504434

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2014000882B

ARREST WARRANT NUMBER

2014A1010900257

DATE OF ARREST

April 30, 2014

ACTION OF GRAND JURY

TRUE BILL
TRUE BILL

Foreperson of Grand Jury
Date: *April 30, 2014* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2014GS1007117

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Armed Robbery

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

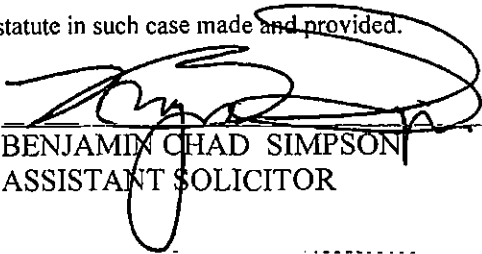
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about January 7, 2014, in Charleston County, South Carolina, the Defendant, Antonio Orlando Simmons, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he 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, did take and carry away goods and/or monies from the person or immediate presence of Talma Craven with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900257

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717 SSN: [REDACTED]

Sex: M Race: B Height: 5' 8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

Offense: Armed Robbery

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on 4/22/14 Antonio O. Simmons

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant W. Muirheid

being duly sworn deposes and says that defendant Antonio Orlando Simmons

did within this county and state on or about 1/7/2014

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

in the following particulars:

DESCRIPTION OF OFFENSE: Armed Robbery

violate the criminal laws of the

who

SEE ATTACHED AFFIDAVIT

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

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven Drive

Charleston, SC 29405-

Affiant's Telephone (843)202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/7/2014

defendant Antonio Orlando Simmons

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

☒ County/ ☐ Municipality of Charleston

) as set forth below:

DESCRIPTION OF OFFENSE: Armed Robbery

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

Sworn to and subscribed before me

on 4/30/2014

Signature of Issuing Judge (L.S.)

Ellen S Steinberg

Judge Code: 7280

Judge's Address 1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL



FILED

2014 MAY -8 PM 3: 56

JULIE J. ARMSTRONG
CLERK OF COURT

BY

WITNESSES

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

CODEFENDANTS

BAIL set by

Judge Lombard
 on 5-1-14
 Type and Amount: NO BOND
 Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____
 Decision: _____

DISPOSITION before

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

JURORS.

BCS20140504434

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2014000882B

ARREST WARRANT NUMBER

2014A1010900258

DATE OF ARREST

April 30, 2014

ACTION OF GRAND JURY

TRUE BILL
TRUE BILL

Foreperson of Grand Jury
Date: *Amelia G. G. G.* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2014GS1007118

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

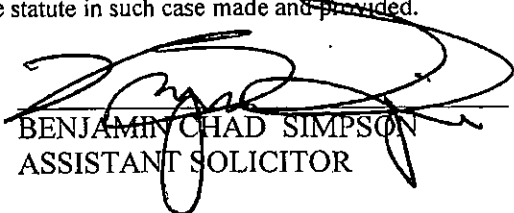
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession of a Weapon During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about January 7, 2014, the Defendant, ANTONIO ORLANDO SIMMONS, did possess a handgun or visibly display what appeared to be a knife during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900258

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5 8 Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

Offense: Possession of Firearm During Commission of
Violent Crime

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Antonio O. Simmons
on 4/30/14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston.

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about 1/7/2014

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

in the following particulars:

DESCRIPTION OF OFFENSE: Possession of Firearm During Commission of Violent Crime

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven Drive

Charleston, SC 29405-

Affiant's Telephone (843)202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/7/2014

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

☒ County/ ☐ Municipality of

Charleston

) as set forth below:

DESCRIPTION OF OFFENSE: Possession of Firearm During Commission of Violent Crime

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or

her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as

soon thereafter as is practicable

Sworn to and subscribed before me

on 4/30/2014

Signature of Issuing Judge (L.S.)

Ellen S Steinberg

Judge Code: 7280

ORIGINAL

ORIGINAL

Judge's Address 1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

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



FILED

2014 MAY -8 PM 3: 56

JULIE J. ARMSTRONG
CLERK OF COURT

BY *[Signature]*

WITNESSES

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

CODEFENDANTS

BAIL set by

Judge *Lombard*
on *5-1-14*
Type and Amount: *NO BOND*
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Decision: _____

DISPOSITION before

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

Disposition: _____

Sentence: _____

JURORS

_____	_____
_____	_____
_____	_____

BCS20140504756

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1400654

ARREST WARRANT NUMBER

2014A1010900277

DATE OF ARREST

May 9, 2014

ACTION OF GRAND JURY

TALE BILL
TALE BILL

Foreperson of Grand Jury
Date: *June 11, 2014* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury Date:

INDICT

DOCKET NO. 2014GS1007124

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

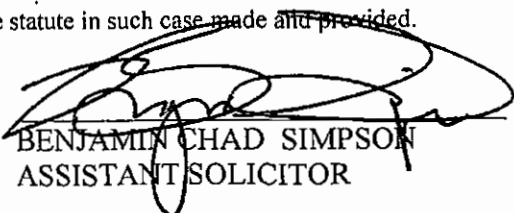
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession of a Weapon During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about May 13, 2014, the Defendant, ANTONIO ORLANDO SIMMONS, did possess a a glock style firearm or visibly display what appeared to be a knife during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900277

STATE OF SOUTH CAROLINA

County/ ☐ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: ☒ 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5'8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: JT Lester - 0268

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

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Antonio Simmons
5/9/2014

RCPS (172)

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant JT Lester

being, duly sworn deposes and says that defendant Antonio Orlando Simmons

did within this county and state on or about 1/13/2014

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

in the following particulars:

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

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:Charleston Police
5/8/2014

MAY 05 2014

NCIC Operations

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843)577-7434

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/13/2014

defendant Antonio Orlando Simmons

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

☒ County/ ☐ Municipality of Charleston

) as set forth below:

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

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

Sworn to and subscribed before me

on 5/5/2014

Ellen S. Steinberg (L.S.)
Signature of Issuing Judge
Ellen S Steinberg

Judge Code: 7280

Judge's Address 1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL



FILED

2014 MAY 19 AM 9:47
JULIE J. ARMSTRONG
CLERK OF COURT

WITNESSES

BAIL set by

Judge Baldwin

on 5-16-14

Type and Amount:

100.00

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

CODEFENDANTS

BCS20140504432

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2014000038B

ARREST WARRANT NUMBER

2014A1010900255

DATE OF ARREST

April 30, 2014

ACTION OF GRAND JURY

TRUE BILL
TRUE BILL

Foreperson of Grand Jury
Date: *[Signature]* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury Date:

INDICT

DOCKET NO. 2014GS1007128

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]
B/M

Indictment for

Armed Robbery

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

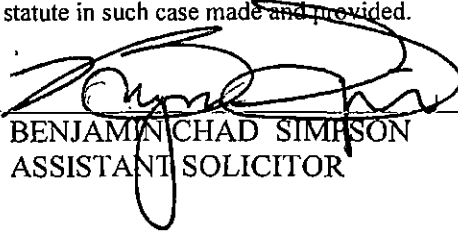
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about January 1, 2014, in Charleston County, South Carolina, the Defendant, Antonio Orlando Simmons, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he 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, did take and carry away goods and/or monies from the person or immediate presence of Celcène Shultz with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900255

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5' 8" Weight: 150

DL State: SC DL #: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

Offense: Robbery / Armed Robbery

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on 4/30/14 Antonio O. Simmons

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant

W. Muirheid

who

being duly sworn deposes and says that defendant

Antonio Orlando Simmons

did within this county and state on or about 1/1/2014

violate the criminal laws of the

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

Charleston

in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven Drive

Charleston, SC 29405

Affiant's Telephone (843)202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/1/2014

defendant

Antonio Orlando Simmons

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

☒ County/ ☐ Municipality of

Charleston

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery

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

on 4/30/2014

Signature of Issuing Judge
Ellen S Steinberg

Judge Code: 7280

Judge's Address

1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

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



FILED

2014 MAY -8 PM 3:55

JULIE J. ARMSTRONG
CLERK OF COURT

BY RB

WITNESSES

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

CODEFENDANTS

BAIL set by

Judge Lombardi
on 5-1-14
Type and Amount: NO BOND
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

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

JURORS

BCS20140504432

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2014000038B

ARREST WARRANT NUMBER

2014A1010900256

DATE OF ARREST

April 30, 2014

ACTION OF GRAND JURY

TRUE BILL
TRUE BILL

Foreperson of Grand Jury
Date: *Amber Hadd* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2014GS1007129

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

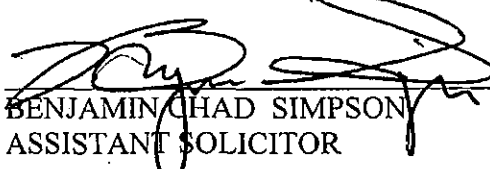
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession of a Weapon During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about January 1, 2014, the Defendant, ANTONIO ORLANDO SIMMONS, did possess a dark colored handgun or visibly display what appeared to be a knife during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900256

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
CharlestonTHE STATE
against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5' 8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

Offense: Possession of Firearm During Commission of

Violent Crime

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant/ Antonio O Simmonson 4/30/14

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant W. Muirheidbeing duly sworn deposes and says that defendant Antonio Orlando Simmonsdid within this county and state on or about 1/1/2014State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Charleston)

in the following particulars:

DESCRIPTION OF OFFENSE: Possession of Firearm During Commission of Violent Crime.

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven DriveCharleston, SC 29405Affiant's Telephone (843)202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/1/2014

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

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

DESCRIPTION OF OFFENSE: Possession of Firearm During Commission of Violent Crime

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

Sworn to and subscribed before me

on 4/30/2014Signature of Issuing Judge Ellen S Steinberg (L.S.)Judge Code: 7280Judge's Address 1720 Sam Rittenburg Blvd, Unit 11Charleston, SC 29417-1861Judge's Telephone (843)766-6531Issuing Court: ☒ Magistrate. ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT



FILED
 2014 MAY -8 PM 3:56
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BY *[Signature]*

WITNESSES

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

CODEFENDANTS

BAIL set by

Judge *Starnard*
 on *5-1-14*
 Type and Amount: *NO BOND*
 Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____

Decision: _____

DISPOSITION before

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

Disposition: _____

Sentence: _____

JURORS

_____	_____
_____	_____
_____	_____

WITNESSES

Charleston County Sheriff's Office

AGENCY CASE NUMBER

2014001708B

ARREST WARRANT NUMBER

2014A1010900259

DATE OF ARREST

April 30, 2014

ACTION OF GRAND JURY

Foreperson of Grand Jury DEC 1 - 2014

Date: June 22 1967

VERDICT

Foreperson of Petit Jury _____ Date: _____

INDICT

DOCKET NO. 2014GS1007138

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB:

B/M

Indictment for

Armed Robbery

DELETED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

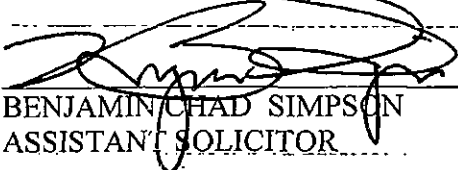
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about January 28, 2014, in Charleston County, South Carolina, the Defendant, Antonio Orlando Simmons, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he 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, did take and carry away goods and/or monies from the person or immediate presence of Cachet Fludd with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900259

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE

against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5 8 Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

Offense: Robbery / Armed Robbery

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Antonio O Simmons

on 4/30/14

Wd [Signature]

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant W. Muirheid

being duly sworn deposes and says that defendant Antonio Orlando Simmons

did within this county and state on or about 1/28/2014

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

in the following particulars: Charleston

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven Drive

Charleston, SC 29405

Affiant's Telephone (843)202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/28/2014

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

☒ County/ ☐ Municipality of

Charleston

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery

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

Sworn to and subscribed before me

on 4/30/2014

[Signature] (L.S.)

Signature of Issuing Judge

Ellen S Steinberg

Judge Code: 7280

Judge's Address

1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone

(843)766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518



FILED

2014 MAY -8 PM 3: 56

JULIE J. ARMSTRONG
CLERK OF COURT

BY 

WITNESSES

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

CODEFENDANTS

_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

BAIL set by

Lombard
5-1-14
NO BOND

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

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

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

JURORS

_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

BCS20140504436

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2014001708B

ARREST WARRANT NUMBER

2014A1010900260

DATE OF ARREST

April 30, 2014

ACTION OF GRAND JURY

TRUE BILL
TRUE BILL

Foreperson of Grand Jury
Date: *Carroll* 0227 - 2014

VERDICT

Foreperson of Petit Jury Date:

INDICT

DOCKET NO. 2014GS1007139

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Possession of Weapon During the
Commission of a Violent Crime

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

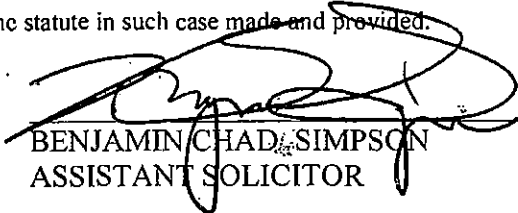
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession of Weapon During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about January 28, 2014, the Defendant, ANTONIO ORLANDO SIMMONS, did possess a pistol grip pump shotgun or visibly display what appeared to be a knife during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900260

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717 SSN: [REDACTED]
 Sex: M Race: B Height: 5' 8" Weight: 150
 DL State: SC DL #: [REDACTED] Agency ORI #: SC0100000
 Prosecuting Agency: Charleston County Sheriff
 Prosecuting Officer: W. Muirheid-0190
 Offense: Possession of Firearm During the Commission of
 Violent Crime

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused
 is to be arrested and brought before me to be
 dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant
 on 4/30/2014 Antonio O. Simmons

W-d N-d
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant W. Muirheid

being duly sworn deposes and says that defendant Antonio Orlando Simmons

did within this county and state on or about 1/28/2014

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

in the following particulars:

DESCRIPTION OF OFFENSE: Possession of Firearm During the Commission of Violent Crime

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven Drive

Charleston, SC 29405-

Affiant's Telephone (843)202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/28/2014 defendant Antonio Orlando Simmons

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

☒ County/ ☐ Municipality of Charleston

) as set forth below:

DESCRIPTION OF OFFENSE: Possession of Firearm During the Commission of Violent Crime

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

on 4/30/2014

Signature of Issuing Judge (L.S.)
 Ellen S Steinberg

Judge Code: 7280

Judge's Address

1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518



FILED
2014 MAY -8 PM 3: 56
JULIE S. ARMSTRONG
CLERK OF COURT
BY *[Signature]*

WITNESSES

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

CODEFENDANTS

BAIL set by

Judge *Lombard*
on *5-1-14*
Type and Amount: *NO BOND*
Name of Surety _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

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

JURORS

BCS20140404114

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1404541

ARREST WARRANT NUMBER

2014A1010900231

DATE OF ARREST

April 23, 2014

ACTION OF GRAND JURY

TRUE BILL
TRUE BILL

Foreperson of Grand Jury

Date: *April 23, 2014* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1007141

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Possession of a Firearm During the
Commission of a Violent Crime

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

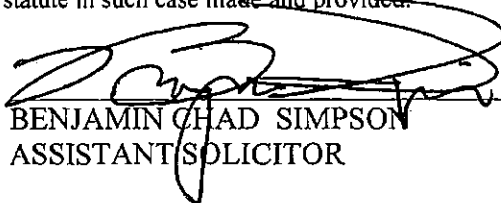
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession of a Firearm During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about March 23, 2014, the Defendant, ANTONIO ORLANDO SIMMONS, did possess a Tec-9 style firearm or visibly display what appeared to be a knife during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900231

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843) 559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5' 8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Officer Tuttle - 1055

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

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on 4/23/14 Antonio Orlando Simmons

Signature of Charleston Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about 3/23/2014

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

in the following particulars:

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

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

Signature of Affiant

Cheryl Tuttle

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address: 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843) 577-7434

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/23/2014

defendant Antonio Orlando Simmons

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

☒ County/ ☐ Municipality of Charleston

) as set forth below:

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

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

Sworn to and subscribed before me

on 4/21/2014

Signature of Issuing Judge: Ellen S Steinberg (L.S.)

Judge Code: 7280

Judge's Address

1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843) 766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518



FILED

2014 MAY -2 PM 12:01

JULIE J. ARMSTRONG
CLERK OF COURT

BY

WITNESSES

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

CODEFENDANTS

BAIL set by

LOMBARD

Judge: APR 29 2014

on

Type and Amount: No Bail

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

BCS20140403806

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2014001096B

ARREST WARRANT NUMBER

2014A1010201855

DATE OF ARREST

April 11, 2014

ACTION OF GRAND JURY

TRIPLE BILL

Foreperson of Grand Jury

Date: *April 11, 2014* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1007146

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:52:00 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

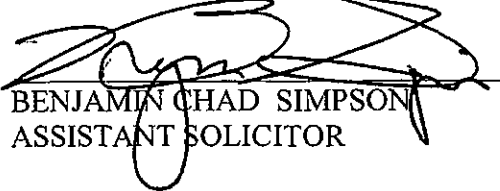
INDICTMENT

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

Possession of a Weapon During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about January 12, 2014, the Defendant, ANTONIO ORLANDO SIMMONS, did possess a long barrel revolver or visibly display what appeared to be a knife during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010201855

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843) 559-0717 SSN: [REDACTED]

Sex: M Race: B Height: 5' 8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

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

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

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

(L.S.)

Signature of Judge

Date:

RETURN

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

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant

W. Muirheid

who

being duly sworn deposes and says that defendant

Antonio Orlando Simmons

did within this county and state on or about 1/12/2014 violate the criminal laws of the

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

Charleston

in the following particulars:

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

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

SEE ATTACHED

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven Drive

Charleston, SC 29405-

Affiant's Telephone (843) 202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/12/2014

defendant Antonio Orlando Simmons

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

☒ County/ ☐ Municipality of Charleston

) as set forth below:

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

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

on 4/11/2014

(L.S.)

Judge's Address

3870 Leeds Avenue, Suite 106

North Charleston, SC 29405-7469

Signature of Issuing Judge

Alvin E. Bligen

Judge's Telephone

(843) 746-9822

Judge Code: 5536

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL



FILED

2014 APR 24 PM 12:10

JULIE J. ARMSTRONG
CLERK OF COURT

BAIL set by Baldwin 4-12-14		WITNESSES	
Judge	on	Name:	
Type and Amount:		Address:	
Name of Surety:		Telephone:	
PRELIMINARY HEARING held by		Name:	
Judge	on	Address:	
Defendant Attorney:		Telephone:	
Decision:		Name:	
DISPOSITION before		Address:	
Judge	on	Telephone:	
by	(Indicate jury trial, bench trial, plea, nol. pros., etc.)	Name:	
Disposition:		Address:	
Sentence:		Telephone:	
JURORS		Name:	
		Address:	
		Telephone:	
		Name:	
		Address:	
		Telephone:	
CODEFENDANTS			

BCS20140404113

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1404539

ARREST WARRANT NUMBER

2014A1010900230

DATE OF ARREST

April 23, 2014

ACTION OF GRAND JURY

1 **TOILET** **1**

Foreperson of Grand Jury Date: *AMM* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury Date:

INDICT

DOCKET NO. 2014GS1007148

The State of South Carolina

County of Charleston

FILED

12/11/2014 8:52:01 AM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]
B/M

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

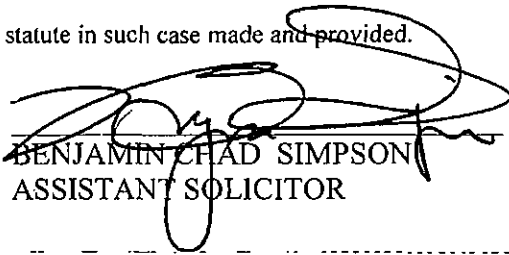
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession of a Weapon During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about March 23, 2014, the Defendant, ANTONIO ORLANDO SIMMONS, did possess a Tec-9 style firearm or visibly display what appeared to be a knife during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900230

STATE OF SOUTH CAROLINA

County/ ☒ Municipality of

Charleston

THE STATE

against

Antonio Orlando Simmons

Address: 1903 Bobicket Rd

Johns Island, SC 29455

Phone: (843) 559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5' 8" Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Officer Tuttle - 1055

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

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Antonio Simmons on 4/22/2014

Signature of Constable/Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about 3/23/2014

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

in the following particulars:

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

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

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Cheryl Fuller

Affiant's Address: 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone: (843) 577-7434

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY: OPERATIONS
It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/23/2014

defendant Antonio Orlando Simmons

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

☒ County/ ☐ Municipality of Charleston

) as set forth below:

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

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

Sworn to and subscribed before me

on 4/21/2014

Ellen S. Steinberg (L.S.)
Signature of Issuing Judge

Ellen S Steinberg

Judge Code: 7280

Judge's Address

1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone

(843) 766-6531

Issuing Court:

☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

who

violate the criminal laws of the

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



FILED

2014 MAY -2 PM 12:01

JULIE J. ARMSTRONG
CLERK OF COURT

BY _____

WITNESSES

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

CODEFENDANTS

BAIL set by

LOMBARD

Judge APR 29 2014

on _____

Type and Amount: NO BOND

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

BCS20140201407

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2014002057B

ARREST WARRANT NUMBER

2014A1010900261

DATE OF ARREST

April 30, 2014

ACTION OF GRAND JURY

11:00 AM
JUL 15 2014
CLERK OF COURT

Foreperson of Grand Jury
Date: *Cynthia B. Smith* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury Date:

INDICT

DOCKET NO. 2014GS1007149

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]
B/M

Indictment for

Armed Robbery

FILED

12/11/2014 8:52:01 AM

JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

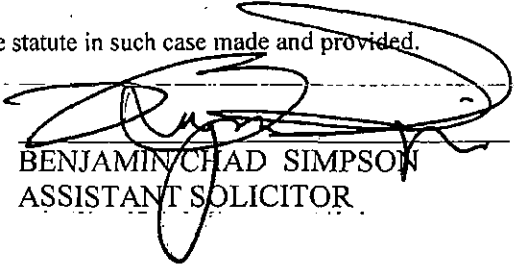
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about February 5, 2014, in Charleston County, South Carolina, the Defendant, Antonio Orlando Simmons, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he 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, did take and carry away goods and/or monies from the person or immediate presence of Randy Potts with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900261

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE

against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843) 559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5 8 Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

Offense: Robbery / Armed Robbery

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on 4/30/2014 Antonio O. Simmons

Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant W. Muirheid

being duly sworn deposes and says that defendant Antonio Orlando Simmons

did within this county and state on or about 2/5/2014

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

in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven Drive

Charleston, SC 29405-

Affiant's Telephone (843) 202-1700

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/5/2014

defendant Antonio Orlando Simmons

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

☒ County/ ☐ Municipality of Charleston

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery

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

Sworn to and subscribed before me

on 4/30/2014

Signature of Issuing Judge (L.S.)

Ellen S Steinberg

Judge Code: 7280

Judge's Address 1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843) 766-6531

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518



FILED
2014 MAY -8 PM 3: 56
JULIE C. ARMSTRONG
CLERK OF COURT
BY (Signature)

WITNESSES

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

CODEFENDANTS

BAIL set by

Symba
5-1-14
NO BOND

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

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, not pros., etc.)
Disposition: _____
Sentence: _____

JURORS

BCS20140201407

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2014002057B

ARREST WARRANT NUMBER

2014A1010900262

DATE OF ARREST

April 30, 2014

ACTION OF GRAND JURY

TRIP BILL

Foreperson of Grand Jury: *[Signature]*
Date: *[Signature]* DEC 1 - 2014

VERDICT

Foreperson of Petit Jury Date:

INDICT

DOCKET NO. 2014GS1007150

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December Term 2014

THE STATE

vs.

ANTONIO ORLANDO SIMMONS

DOB: [REDACTED]

B/M

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

FILED

12/11/2014 8:52:01 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

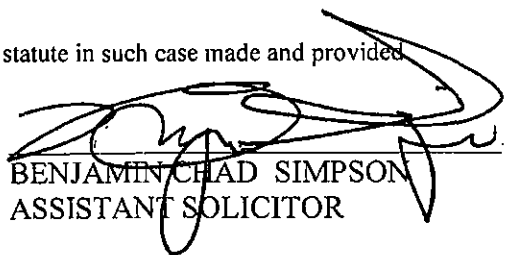
INDICTMENT

At a Court of General Sessions, convened on December 1, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession of a Weapon During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about February 5, 2014, the Defendant, ANTONIO ORLANDO SIMMONS, did possess a a dark colored pistol or visibly display what appeared to be a knife during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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



BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2014A1010900262

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Antonio Orlando Simmons

Address: 1903 Bohicket Rd

Johns Island, SC 29435

Phone: (843)559-0717 SSN: [REDACTED]
Sex: M Race: B Height: 5 8 Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: W. Muirheid - 0190

Offense: Possession of Firearm During the Commission of
Violent Crime

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Antonio D. Simmons
on 4/30/14

Signature of Charleston Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant W. Muirheidbeing duly sworn deposes and says that defendant Antonio Orlando Simmonsdid within this county and state on or about 2/5/2014 violate the criminal laws of theState of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Charleston)

in the following particulars:

DESCRIPTION OF OFFENSE: Possession of Firearm During the Commission of Violent Crime

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

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3505 Pinehaven DriveCharleston, SC 29405-Affiant's Telephone (843)202-1700

ARREST WARRANT

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

it appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/5/2014defendant Antonio Orlando Simmons

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

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

DESCRIPTION OF OFFENSE: Possession of Firearm During the Commission of Violent Crime

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before meon 4/30/2014Signature of Issuing Judge Ellen S. Steinberg (L.S.)Judge Code: 7280Judge's Address 1720 Sam Rittenburg Blvd, Unit 11Charleston, SC 29417-1861Judge's Telephone (843)766-6531Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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AFFIDAVIT



FILED
 2014 MAY -8 PM 4: 03
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BY CS

WITNESSES

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

CODEFENDANTS

BAIL set by

Judge Linkard
 on 5-1-14
 Type and Amount: No Bond
 Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____
 Decision: _____

DISPOSITION before

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

JURORS

CERTIFICATE OF COUNSEL FOR APPELLANT

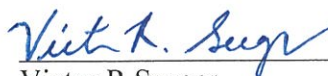
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Aug 25 2021

SC Court of Appeals



Victor R Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 25th day of August, 2021.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable R. Markley Dennis, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTONIO O. SIMMONS,

APPELLANT

APPELLATE CASE NO. 2020-00088

CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire at the primary e-mail address listed in the Attorney Information System (AIS), this 25th day of August, 2021.



Victor R Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Aug 25 2021

SC Court of Appeals