

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Sumter County

DeAndrea G. Benjamin, Circuit Court Judge

CAZIEK LIGHTLY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2019-000002

APPENDIX

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Appellate Defender

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ATTORNEY FOR PETITIONER

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
DEFENDANT’S EXHIBIT NO. 2**

1 STATE OF SOUTH CAROLINA

2 County of Sumter

3

4 The State of South Carolina Guilty Plea
Plaintiffs 2015-GS-43-01152

5

6 vs.

7

8 Caziek Jaheem Ka Lighty, June 13, 2016,
Defendant Sumter, S.C.

9

10

11 BEFORE THE HONORABLE W. Jeffrey Young, Judge.

12

13

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

15 Mr. W. Jason Corbett,
Assistant Solicitor for the State

16

17 Mr. Richard A. Blackmon, Sr.,
Attorney for the Defendant

18

Margaret T. Sullivan,
Court Reporter

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1 THE COURT: All right, Solicitor.

2 MR. CORBETT: Your honor, may it please
3 the court, the State versus South Carolina versus
4 Caziek Lighty, Indictment 2015-GS-43-1152.
5 Mr. Lighty is before the court on a true billed
6 indictment alleging in the burglary in the first
7 degree, criminal conspiracy, armed robbery and
8 kidnapping. He is represented by attorney Richard
9 Blackmon. Both are present in the courtroom.

10 Your Honor, we are currently in courtroom
11 3-A. In courtroom 3-B is the jury panel prepared to
12 select a jury in this case if necessary. But it's
13 my understanding that Mr. Lighty now wishes to
14 change his plea to guilty on burglary in the first
15 degree. There is a recommendation from the State.

16 THE COURT: All right.

17 MR. CORBETT: And, judge, if I may also
18 note, Detective Kelley is present in the courtroom.
19 The Case Agent Detective Morris who also worked on
20 it, and both of the victims are present.

21 THE COURT: And everyone is in agreement
22 with---

23 MR. CORBETT: Yes, sir.

24 THE COURT: ---the recommendation.

25 THE COURT: Mr. Blackmon, would you and

1 your client please stand.

2 (Whereupon, the defendant is sworn.)

3 THE COURT: Now, Mr. Blackmon, you
4 represent Mr. Lighty, is that correct?

5 MR. BLACKMON: That's correct, Your Honor.

6 THE COURT: Have you had an opportunity to
7 explain to him the changes contained in the
8 indictment, the possible punishment he faces, and
9 his constitutional rights?

10 MR. BLACKMON: I have, Your Honor.

11 THE COURT: Do you think he's understood
12 what you've told him?

13 MR. BLACKMON: I do, sir.

14 THE COURT: And does he wish to plead
15 guilty or not guilty?

16 MR. BLACKMON: It is my understanding that
17 he does wish to plead guilty.

18 THE COURT: And do you agree with his
19 decision?

20 MR. BLACKMON: I do, sir.

21 THE COURT: Based upon your investigation
22 of the facts and the circumstances, do you believe
23 if this case were to go to trial, that there would
24 be a substantial likelihood that he would be found
25 guilty beyond a reasonable doubt?

1 MR. BLACKMON: I believe there would be
2 sufficient evidence by which a jury could find him
3 guilty of some of the charges that have been
4 referred, it would have gone to the jury, yes, sir.

5 THE COURT: Mr. Lighty, I need to ask you
6 a series of questions to make sure that you are
7 entering into this plea freely, voluntarily,
8 knowingly and intelligently. But the first question
9 I have is, are you under the influence of alcohol or
10 drugs today?

11 THE DEFENDANT: No, sir.

12 THE COURT: Are you taking any medication
13 that would cloud your judgment?

14 THE DEFENDANT: No, sir.

15 THE COURT: Are you aware of any physical,
16 emotional or nervous condition that would keep you
17 from understanding what's happening today?

18 THE DEFENDANT: No, sir.

19 THE COURT: Mr. Lighty, it's my
20 understanding you're wanting to plead guilty to the
21 charge of burglary in the first degree. And the
22 indictment reads that Teshawn William McFadden and
23 Cazier, how do you pronounce that?

24 THE DEFENDANT: Cazier.

25 THE COURT: Cazier Lighty did in Sumter

1 County, on or about April 3rd 2015, wilfully and
2 unlawfully break and enter the dwelling of Denise
3 Jara and Sheila Jara located at [REDACTED] Ketch Avenue in
4 Sumter, South Carolina, without consent, and with
5 the intent to commit a crime therein, and the
6 defendant entered or remained during the nighttime
7 and or used threat to use -- threatened to use a
8 dangerous instrument. In violation of Section
9 16-11-311 of the South Carolina Code 1976 as
10 amended. Is what's stated in this indictment the
11 truth?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: What are the facts, Solicitor?

14 MR. CORBETT: Thank Your Honor. Your
15 Honor, this incident took place here in Sumter
16 County on or about April 3rd of 2015. On the
17 evening in question, the defendant Caziek Lighty and
18 the co-defendant Tashon McFadden, entered the Jara
19 residence. It happened that the two Jara's who were
20 present, one being an adult, the other being I
21 believe at the time, 17 or 18. Their mother was out
22 of the residence at the time. It was approximately
23 9:00 p.m. in the evening.

24 Mr. Jara had an early shift at the
25 hospital the following day. So he was going to go

1 to bed early. He indicates at some time
2 approximately 9 p.m. he heard some loud noise
3 outside. Initially didn't they anything of it.
4 Judge, what we now know was the way their house is
5 situated in facing Ketch Avenue, the garage is to
6 the left of the house, but there's also a door on
7 the side of the house. And that door enters into
8 the garage. That door was kicked open as evidenced
9 by the damage to the frame. Came across the garage,
10 then kicked in a door that entered basically the
11 laundry room and kitchen area.

12 Upon hearing the loud noise of the second
13 door being kicked in, Mr. Jara came down the hallway
14 and was confronted by two individuals in his house,
15 and was told to lay on the floor. Shortly
16 thereafter, his sister stepped out of the restroom
17 right there into the middle of it. She was told to
18 get on the floor. The defendants kept them face
19 down on the floor while they went through three
20 bedrooms and stole primarily electronic items. The
21 way the investigation proceeded was, the
22 co-defendant Teshawn McFadden was known to Mr. Jara,
23 because they had both worked at the same place.

24 Mr. McFadden had attempted to conceal his
25 identity with some type of cloth wrapped about his

1 face, but he had been a guest in their home before.
2 They knew his voice, his build, his shoes. So they
3 knew it was -- they referred to him as Shawn. As a
4 matter of act, when they were -- the two defendants
5 were fleeing from the premises, Mr. Jara ran to the
6 back door and yelled, Shawn, I know it's you.

7 So the investigators immediately had an
8 individual they were interested in. They got
9 Teshawn McFadden into the sheriff's office. Talked
10 with him. As a result of that investigation, they
11 then got in touch with Mr. Lighty. Took him into
12 custody. Interviewed him. During the course of
13 that interview, Mr. Lighty admitted to being in the
14 residence.

15 Judge, quite frankly, the two statements
16 kind of point the finger at each other, but they
17 both put themselves in the house. As a matter of
18 fact, Mr. Lighty in his statement, was able to tell
19 the detectives some additional information that they
20 did have yet, but it matched the physical evidence
21 on the scene. For example, the use of a knife to
22 cut the Jara's vehicle tire. Some information of
23 that nature.

24 So after interviewing Mr. Lighty, the
25 charges were further brought against him.

1 THE COURT: Now, Mr. Lighty, do you agree
2 with the facts as stated by the Solicitor?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Are you in fact guilty?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And, Mr. Lighty, you
7 understand this carries up to a life in prison
8 sentence. You understand that.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: They're going to make a
11 recommendation, but you understand I'm not required
12 to take that recommendation.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And you understand that
15 because of this, the nature of this charge, it's a
16 violent most serious. So this one of your two
17 strikes. Do you understand that? If you get
18 another charge when you get out that is similar to
19 this, or it reaches that level, you can be
20 sentenced to life without the possibility of parole.
21 Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Knowing that, do you still
24 want to plead guilty?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You understand as well, that
 2 when plead guilty, you waive certain constitutional
 3 rights. The first right you waive is your right
 4 against self incrimination. You would never be
 5 required to testify against yourself. However, when
 6 you plead guilty, you're doing that. So do you wish
 7 to waive your right against self incrimination and
 8 plead guilty before this court?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You're also waiving your right
 11 to have a jury trial. We have a whole jury panel
 12 over there who's ready to serve and listen to the
 13 evidence in this matter, but when you plead guilty,
 14 you're waiving that right. And during the course of
 15 the trial, Mr. Blackmon could artfully cross examine
 16 the witnesses, could call witnesses on your behalf.
 17 Could raise any legal defenses to these charges.
 18 But when you plead guilty, you don't get to ask any
 19 questions about the evidence, and the State doesn't
 20 have to produce any. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: So you wish to waive your
 23 right to have a jury trial and confront the
 24 witnesses against you.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Has anybody threatened you in
2 any way to get you to plead guilty?

3 THE DEFENDANT: No, sir.

4 THE COURT: Has anybody promised you
5 anything to get you to plead guilty? They will make
6 a recommendation, but you understand that I'm not
7 required to take that recommendation.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Is the reason that you're
10 pleading guilty, because you are in fact guilty?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now are you satisfied with the
13 services of Mr. Blackmon?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Has he done everything that
16 you've asked him to do?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you need any more time to
19 speak to Mr. Blackmon?

20 THE DEFENDANT: No, sir.

21 THE COURT: Have you understood all of my
22 questions?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you have any questions for
25 the court?

1 THE DEFENDANT: No, sir.

2 THE COURT: Now you understand if you
3 change your mind about your decision to plead
4 guilty, or the sentence that I give you, you will
5 only have ten days in which to file an appeal?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Now under indictment
8 2015-GS-43-1152 charging you with burglary first
9 degree, how do you plead, guilty or not guilty?

10 THE DEFENDANT: Guilty.

11 THE COURT: I find there is a substantial,
12 factual basis for the plea. I find the defendant
13 has entered into it freely, voluntarily, knowingly
14 and intelligently. He has had the advice of counsel
15 who he says he is well pleased. I will accept his
16 plea. What is his criminal history?

17 MR. CORBETT: Judge, a marijuana
18 possession charge is the only conviction showing
19 here in the State. There was an assault and battery
20 juvenile.

21 THE COURT: Anything else, Mr. Blackmon?
22 Is that correct?

23 MR. BLACKMON: That's correct, Your Honor.

24 THE COURT: And is that correct, sir?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Anything else from the State?

2 MR. CORBETT: Judge, if I may---

3 THE COURT: What is the recommendation?

4 MR. CORBETT: Yes, sir. The
5 recommendation from the State is 18 years.

6 THE COURT: And you understand you'll have
7 to serve 85 percent of that time?

8 THE DEFENDANT: Yes, sir.

9 MR. CORBETT: And, Judge, this has kind of
10 been a traumatic experience for my victims. They've
11 been a little back and forth on whether or not they
12 want to address the court. Even as 10 or 15 minutes
13 ago, they were still trying to decide. If I may
14 just touch base with them briefly. Judge, they're
15 satisfied with the recitation that's been presented.

16 THE COURT: Mr. Blackmon.

17 MR. BLACKMON: May it please the court,
18 Mr. Lightly, is now 23 years old. He attended
19 Sumter High School. And he last attended there in
20 2009. At the time that this matter arose, he lived
21 at home with his mother. Although he has a daughter
22 who will now be two on July the 5th. So she would
23 have been 9 months old approximately when this
24 occurred. And I have only been appointed to
25 represent Mr. Lighty for probably between three

1 months now, going on four.

2 He had a prior appointed counsel through
3 the public defender's office from the time these
4 charges were brought last year, up until the first
5 part of this year. After being appointed to
6 represent, I have met with him. I have reviewed the
7 discovery packet with him. I have talked with him.
8 Gone over the statements. The solicitor was kind
9 enough to meet with me over at the evidence locker
10 to review the physical evidence. They provided us
11 with CD's that show the 251 odd photographs that
12 were taken at the scene of this incident. They
13 received two cell phones. One from Mr. Lighty, and
14 one from his co-defendant. And law enforcement was
15 able to get into the phones without having to call
16 Apple, and get pretty much access to all the files
17 there were therein.

18 I am happy to advise that neither
19 defendant had anything that remotely appeared to be
20 be indicative that they were these hardened
21 criminals, were engaging in this criminal act or
22 others. There were many, many photographs of
23 Mr. Lighty with primarily of his daughter up to the
24 month, and the nine months that she was with him.

25 Apparently, this was not a particular good

1 month for the co-defendant Mr. McFadden. That being
2 April of last year. Both of them did give
3 statements. And I'm sure counsel will let you know
4 that Mr. McFadden lied through his teeth when he
5 gave the first statement, after which I assume when
6 he was talking there are some misstatements. He
7 decided he needed to come straight and tell the
8 truth. Mr. Lighty, on the other hand, when he was
9 confronted on April the 8th, signed a waiver of his
10 rights, and gave a voluntary statement.

11 After talking with the investigating
12 officers and counsel, I unfortunately discovered
13 that the interview room where these interviews are
14 conducted, don't have recording equipment at that
15 time. So there were no recorded videotapes,
16 audiotapes, or even handwritten actual statements
17 other than the waiver forms. But these officers
18 took fairly good notes, which they kept in the
19 files, and provided me with a copy of. And also had
20 typed up statements. The typed up statements of
21 Mr. Lighty admitted his responsibility from his
22 point of view in the crime. He was there. He did
23 go in the garage. The statements diverge somewhat
24 at that point, as far as, who went in the house, who
25 did what.

1 I believe it is undisputed that Teshawn
2 McFadden kicked in the doors that got entry into the
3 house. I think it's undisputed that Teshawn
4 McFadden had the knife that cut the tires on these
5 people's vehicle. I am pretty Teshawn McFadden
6 through his statement, although he says it looks to
7 me like at one point that he's trying to say
8 Mr. Lighty was the ringleader here who planned this
9 thing. It seems clear to me through his statement,
10 that he admitted he was jealous of these people. He
11 was jealous of the games that they had in their
12 house. He was jealous that they had a house. He
13 was homeless. And he was the one who was mad for
14 various and sundry reasons.

15 So although he in his statement wants to
16 point the finger at Mr. Lighty as being the
17 mastermind here, the statements don't add up to
18 that. By his admissions that he was jealous of the
19 Jara's, and that he knew Mr. Jara previously, and he
20 wanted these games. And there being no similar
21 statements on Mr. Lighty's part. It does appear to
22 me that Mr. Lighty was caught up with Mr. McFadden.
23 And it looks like at least two other people in this
24 car when this thing was done.

25 According to Mr. Lighty when they got to

1 the house, and the garage or the carport was broken
2 into, he didn't want to go in anymore, but there
3 was Mr. McFadden who did have a knife. Mr. Lighty
4 went into the house and did not try to hide his
5 face, unlike Mr. McFadden. I found Mr. Lighty to be
6 fairly identifiable as far as his features. But
7 although he was in the house, according to everyone,
8 no one who was there identified him in a photo
9 lineup. That being beside the point, he does
10 acknowledge and has acknowledged from day one, that
11 he was there, that he did participate to a very
12 great extent. And he is here today pleading guilty,
13 because he is acknowledging that he did that. And
14 he does regret that; was having some problems
15 financially. That's no excuse. It is certainly no
16 justification in our minds, but in his at the time
17 as well as apparently Mr. McFadden's, and along with
18 Mr. McFadden's jealousy and ill feelings. It did
19 lead to this bad night. And he's acknowledging
20 today that he is going to be paying for. I'm sorry
21 to these two folks that were there. It's been
22 acknowledged that the person without the mask,
23 didn't have a gun, didn't have a knife. Apparently
24 didn't do any threatening. But he showed up. He
25 participated. He was not proud in so doing.

1 He wants at this point, to be able to
2 spend time with his daughter somehow. He is putting
3 this behind him now in hopes that he can get it
4 over; do the time, and get back to her. By pleading
5 now, he won't at least face not seeing her until
6 after she graduated from high school. And so we
7 would respectfully ask the court to consider all of
8 that, and follow the recommendation of the State at
9 this point.

10 THE COURT: Would your client like to say
11 anything at this point?

12 MR. BLACKMON: Would you like to say
13 anything?

14 (Whereupon, no response.)

15 THE COURT: Anything further?

16 MR. CORBETT: Nothing from the State, Your
17 Honor.

18 THE COURT: I'm going to accept the
19 recommendation under the circumstances. It seems
20 reasonable. The defendant is committed to the State
21 Department of Corrections for a period of 18 years.

22 ----End of Requested Transcript of Record-----

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third 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 General Sessions Court, on June 13, 2016, in Sumter County, Sumter, South Carolina.

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

Margaret T. Sullivan

6/22/17

Court Reporter
My Commission Expires 9/7/21

RECEIVED

RECORDED
FORM 5
2017 MAY 16 AM 9:08

MAY 22 2017
Referred to PPR/JPB

STATE OF SOUTH CAROLINA
COUNTY OF Sumter

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

Answered _____

Caziek Lighty # 337434
Full name and prison number (if any) of Applicant.

2017-CP-43-879
CERTIFIED TRUE COPY
OF ORIGINAL FILE

v.

Barbara Shaver
APPLICATION FOR
CLERK OF COURT

State of South Carolina

SUMTER COUNTY
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Sumter County
2. Name and location of Court which imposed sentence Sumter County
3. Name(s) of co-defendant(s) (if any) Tamshawn McFadden
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2015-A4320100287
 - (b) 2015 A4320100 285
 - (c) 2015 A4320100 286
 - (d) 2015 A4320100 283
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 6-13-16 - 18 yrs
 - (b) _____

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Lawyer did not do so
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Failure to investigate evidence
- (b) Failure to investigate witness
- (c) _____

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

- (a) There were no finger prints on the weapon or dwelling
- (b) Victim can not point out suspect in photo line up
- (c) _____

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

- (a) any petition in a State Court under South Carolina Law? _____
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____

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

- (a) the specific nature thereof:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (c) the disposition thereof:
 - i. _____
 - ii. _____
 - iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

No

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) lawyer never put in an appeal

(b) _____

(c) _____

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

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

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

- (a) the name and address of each attorney who represented you:
 - i. _____
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. _____
 - ii. _____
 - iii. _____

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

New trial

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

No

STATE OF SOUTH CAROLINA)

County of)

VERIFICATION

I, , being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Cory D. Lighty

SWORN to and subscribed before me this 11
day of May, 2017.

Linda K. B. (L.S.)
Notary Public

My Commission Expires: 5-11-17

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

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

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

Cayce Lighty
Applicant

SWORN or affirmed to and subscribed before me this
11 day of May, 2017

Linda K. B.
Notary Public

My Commission Expires: 5-11-17

RECORDED
2017 MAY 16 AM 9:08
JAMES C. CAMPBELL
CLERK OF COURT
SUMNER COUNTY, S.C.

STATE OF SOUTH CAROLINA)
 COUNTY OF SUMTER)
)
)
 Caziek Lighty, #337834,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 THIRD JUDICIAL CIRCUIT

Case No.: 2017-CP-43-0879

RETURN

Respondent, making its Return to the Application for Post-Conviction Relief ("PCR") filed on May 16, 2017, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court.

On April 3, 2015, Applicant and a co-defendant entered a residence at approximately 9:00 p.m. Two residents were present at the time; one was asleep and was awakened by a loud noise outside the home. Applicant and his co-defendant kicked in the garage door and entered the home. The homeowner confronted the individuals and was told to lie on the floor. The second resident approached the burglars and was also told to get on the floor face down while the burglars went through each room of the house and stole primarily electronic items. Eventually, the burglars fled the home. Applicant's co-defendant was recognized by the homeowner, as they had previously worked together and he had been a guest in the home before. Investigators were immediately able to interview the co-defendant, and he led their investigation to Applicant. When Applicant was interviewed, he admitted to being in the residence that night.

In December 2015, the Sumter County Grand Jury indicted Applicant for armed robbery, first degree burglary, kidnapping, and criminal conspiracy (2015-GS-43-1152). Richard A. Blackmon, Sr., Esquire, represented Applicant. Assistant Solicitor Jason Corbett, Esquire, prosecuted the case. On June 13, 2016, Applicant pled guilty as indicted to first degree burglary before the Honorable W. Jeffrey Young. The State dismissed the remaining charges in exchange for his guilty plea. Pursuant to the State's recommendation, Judge Young sentenced Applicant to imprisonment for eighteen years. Applicant did not appeal his conviction or sentence.

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

II.

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

1. Ineffective Assistance of Counsel
 - a. Failure to investigate evidence
 - i. "There were no fingerprints on the weapon or dwelling."
 - b. Failure to investigate witness
 - i. "Victim cannot point out suspect in photo lineup."

III.

Respondent submits 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 (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 v. Washington, 466 U.S. 668. First, Applicant must prove that counsel’s performance was deficient. Id.; 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). The 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 the Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully

resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

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

V.

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

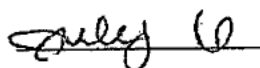
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By: 
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, 2017

STATE OF SOUTH CAROLINA)

COUNTY OF SUMTER)

CAZIEK LIGHTY, #337834)

Applicant,)

vs)

STATE OF SOUTH CAROLINA,)

Respondent.)

IN THE COURT OF COMMON PLEAS

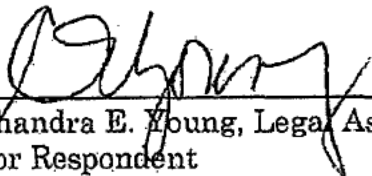
2017-CP-43-0879

AFFIDAVIT OF SERVICE BY MAIL

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

Timothy L. Griffith
 360 West Wesmark Blvd.
 Sumter, SC 29150

DATED this 6th day of July, 2017.


 Chandra E. Young, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
 COUNTY OF SUMTER)

COURT OF COMMON PLEAS

CAZIEK LIGHTY)
 PETITIONER,)

v.)

TRANSCRIPT OF RECORD
 17-CP-43-00879

STATE OF SOUTH CAROLINA,)
 _____)
 RESPONDENT.)

March 26, 2018
 Sumter, South Carolina

BEFORE :

THE HONORABLE DEANDREA G. BENJAMIN, JUDGE

APPEARANCES:

TIMOTHY L. GRIFFITH, ESQ.
 Attorney for the Petitioner

KELLY OPPENHEIMER, ESQ.
 JULIE A. COLEMAN, ESQ.
 Attorneys for Respondent

FRANCES B. RAY, RPR
 Circuit Court Reporter

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EXHIBITS

DEFENSE:

	No. Description	I.D./EVD.
1	Statement of T. McFadden	12/12
2	Statement	14/14
3	Statement/interview of Mr. Lighty	27/27

1 MS. OPPENHEIMER: May it please the Court,
2 my name is Kelly Oppenheimer. I'm representing the
3 State in this next matter. This is Caziek Lighty
4 for the State of South Carolina, docket number
5 2017-CP-43-879. During December 2015 term of Sumter
6 County, the grand jury indicted applicant for one
7 count of armed robbery, one count of kidnapping, one
8 count of first degree burglary, and one count of
9 criminal conspiracy. Richard A. Blackmon, Sr.,
10 Esquire represented the applicant on these charges.
11 Assistant Solicitor W. Jason Corbett of the Third
12 Circuit Solicitor's Office prosecuted the case. On
13 June 13th, 2016 applicant appeared before the
14 Honorable W. Jefferey Young and pled guilty as
15 indicted to one count of first degree burglary.
16 Pursuant to recommendation by the State, Judge Young
17 sentenced applicant to a term of imprisonment of 18
18 years. Applicant did not appeal his conviction or
19 sentence.

20 On May 16th, 2017, applicant filed an
21 application for post-conviction relief alleging
22 failure to investigate the evidence and that there
23 were no fingerprints on the weapon or dwelling and
24 failure to investigate witnesses and that the victim
25 could not identify applicant in a photo lineup. On

1 July 6th, 2017, Respondent made its return
2 requesting evidentiary hearing be held. Applicant
3 is represented by Timothy L. Griffith and both are
4 present today.

5 THE COURT: All right, thank you.

6 Yes, sir.

7 MR. GRIFFITH: If please the Court, Your
8 Honor, first we would like to take care of a matter
9 of another witness that we have brought, Mr. Teshawn
10 William McFadden, so we can get that out of the way.
11 I want to have that taken care of to protect the
12 rights of all the people involved.

13 THE COURT: All right. Yes, sir.

14 MR. GRIFFITH: I plan to call Mr. Teshawn
15 William McFadden to the stand. I would call him
16 now, Your Honor.

17 THE CLERK: Place your left hand on the
18 Bible, raise your right hand.

19 THE WITNESS: Teshawn McFadden.

20 WHEREUPON,

21 **TESHAWN MCFADDEN,**

22 having been duly sworn by the Clerk, testified
23 as follows:

24 THE CLERK: Watch your step coming up.

25 State your name for the record and spell your last

1 name please.

2 THE WITNESS: Teshawn McFadden,

3 M-C-F-A-D-D-E-N.

4 **DIRECT EXAMINATION**

5 BY MR. GRIFFITH:

6 Q Mr. McFadden, you are currently incarcerated; is
7 that correct?

8 A Yes.

9 Q Where are you incarcerated?

10 A Lieber.

11 Q I spoke to you briefly prior to this hearing;
12 didn't I?

13 A Yes, sir.

14 Q Did I at that time advise you that you should
15 probably speak to an attorney before proceeding?

16 A Yes.

17 Q Have you spoken to an attorney?

18 A Yes.

19 Q Will you be testifying in this trial or do you
20 wish to protect your rights through your Fifth
21 Amendment right, what is your plan? Do you plan to
22 testify in this trial? What did your lawyer tell
23 you you should do?

24 A Really, to be honest, I mean, just to let the
25 truth get out, that he's innocent basically.

1 THE COURT: You need to call his attorney
2 up here to speak with him.

3 MR. GRIFFITH: I'm sorry, Your Honor?

4 THE COURT: Do you need — you said he
5 spoke with his attorney already?

6 THE WITNESS: Yes.

7 MR. GRIFFITH: He did.

8 THE COURT: Okay.

9 BY MR. GRIFFITH:

10 Q You did speak with your attorney?

11 A Yes.

12 Q Okay. Are you aware of Mr. Caziek Lighty
13 incarceration as well?

14 A Yes.

15 MR. GRIFFITH: Your Honor, may we ask for
16 a brief recess in order to get his attorney up here?

17 THE WITNESS: I don't need him 'cause it
18 ain't no way to prolong this.

19 THE COURT: Hold on one second. Hold on
20 one second.

21 MS. COLEMAN: He's represented by Tim
22 Murphy who was just here.

23 THE COURT: Yes, if you have an
24 attorney — if he has an attorney he needs to be
25 here.

1 MR. GRIFFITH: I think so too, Your Honor.
2 One moment, Your Honor.

3 (Pause.)

4 MR. GRIFFITH: We're ready to move
5 forward, Your Honor.

6 THE COURT: Where is Mr. Murphy?

7 MR. GRIFFITH: Mr. Murphy is on his way to
8 SLED. May we approach, Your Honor.

9 THE COURT: Yes.

10 (WHEREUPON, counsel approached the
11 Bench for an off-the-record discussion.)

12 THE COURT: All right. You're
13 Mr. McFadden?

14 THE WITNESS: Yes, ma'am.

15 THE COURT: And sir, it's my understanding
16 that you were represented by Mr. Murphy at the time
17 you took a guilty plea in this case; is that
18 correct?

19 THE WITNESS: Yes.

20 THE COURT: All right. And it's my
21 understanding that you have spoken with Mr. Murphy
22 today. Was it today?

23 THE WITNESS: Yes.

24 THE COURT: All right. And did he explain
25 to you your constitutional rights?

1 THE WITNESS: Yes.

2 THE COURT: Did he explain to you the
3 right, that you have the right to remain silent,
4 that you do not have to testify today?

5 THE WITNESS: Yes.

6 THE COURT: And did he explain to you that
7 any testimony that you may give today could be used
8 against you at some later point, you understand
9 that?

10 THE WITNESS: Yes.

11 THE COURT: All right. And it's my
12 understanding you have not filed an appeal or a
13 post-conviction relief application; is that correct?

14 THE WITNESS: Yes.

15 THE COURT: All right. And knowing that,
16 sir, you still wish to, and after the advice, after
17 receiving the advice of your attorney you still wish
18 to testify?

19 THE WITNESS: Yes.

20 THE COURT: All right, well — and sir,
21 are you testifying freely and voluntarily?

22 THE WITNESS: Freely.

23 THE COURT: Voluntarily?

24 THE WITNESS: Yes.

25 THE COURT: Is anyone forcing you?

PW - T. MCFADDEN - DIRECT

1 THE WITNESS: No.

2 THE COURT: Has anyone threatened you?

3 THE WITNESS: No.

4 THE COURT: Has anyone offered you
5 anything in exchange for your testimony today?

6 THE WITNESS: No.

7 THE COURT: All right. And so you
8 understand that you're under oath. You understand
9 that you're under oath?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: And you've spoken with your
12 attorney. Are you under medication today?

13 THE WITNESS: No.

14 THE COURT: And knowing that you have the
15 right to remain silent, do you still wish to
16 testify?

17 THE WITNESS: Yes.

18 THE COURT: All right, I will allow him to
19 testify.

20 MR. GRIFFITH: Thank you, Your Honor. If
21 it please the Court.

22 **DIRECT EXAMINATION**

23 BY MR. GRIFFITH:

24 Q Thank you, Mr. McFadden. Mr. McFadden, you were
25 convicted as a co-defendant with Mr. Caziek Lighty;

PW - T. MCFADDEN - DIRECT

1 is that correct?

2 A Yes.

3 Q And Mr. Caziek Lighty has filed for
4 post-conviction relief on one of the things that he
5 claims is that, of course he claims that he didn't
6 do it, as well as some other claims in his PCR. He,
7 are you prepared to testify that he was not present?

8 MS. OPPENHEIMER: Objection, Your Honor,
9 he's leading the witness.

10 THE COURT: All right, yes, no leading,
11 sustained.

12 BY MR. GRIFFITH:

13 Q Was Mr. Caziek Lighty present during the
14 commission of the crime for which you and he are
15 co-defendants?

16 A No.

17 MS. OPPENHEIMER: Objection, Your Honor,
18 he's still leading.

19 THE COURT: All right, sustained.

20 BY MR. GRIFFITH:

21 Q Was Mr. Lighty present?

22 A No. It says that in the written statement that I
23 wrote. Nobody was present but me.

24 Q You were the only one present; is that true?

25 A Yes.

FW - T. MCFADDEN - CROSS

1 Q Mr. Lighty was not there?

2 A No.

3 Q Did Mr. Lighty have anything to do with that
4 crime?

5 A No.

6 MR. GRIFFITH: I have no further
7 questions, Your Honor.

8 THE COURT: All right. Yes, ma'am.

9 **CROSS-EXAMINATION**

10 BY MS. OPPENHEIMER:

11 Q You gave a statement to law enforcement, correct?

12 A Yes.

13 Q Okay. In that statement you said that Caziek
14 came to get you at Poplar Squares Apartment?

15 A No.

16 Q You didn't? Okay.

17 MS. OPPENHEIMER: Beg the Court's
18 indulgence. May I approach the witness, Your Honor.

19 THE COURT: Yes.

20 BY MS. OPPENHEIMER:

21 Q Do you recognize what I've handed you?

22 A Yes.

23 Q Is that your signature?

24 A On the front, yes.

25 Q Is that a copy of your statement that you gave to

PW - T. MCFADDEN - CROSS

1 law enforcement, as well as notes the law
2 enforcement officers took?

3 A Yes. And it also says in this right here in the
4 statement ---

5 Q I'm not asking about the contents of it yet, but
6 that is the statement you gave?

7 A Yes.

8 Q Those are the notes from the statement that you
9 gave?

10 A The written statement, yes.

11 Q And that's a fair and accurate representation of
12 the statement you gave to law enforcement that day?

13 A Not word for word but, yes.

14 Q Okay.

15 MS. OPPENHEIMER: Your Honor, at this time
16 I'd like to offer this into evidence as State's
17 Exhibit 1.

18 THE COURT: Any objection?

19 MR. GRIFFITH: No objection, Your Honor.

20 THE COURT: That is offered without
21 objection.

22 (WHEREUPON, Defense Exhibit No. 1 was
23 marked for identification and admitted
24 into evidence.)

25 BY MS. OPPENHEIMER:

PW - T. MCFADDEN - CROSS

1 Q So if you turn to the second page of that will
2 you please, or does it anywhere say that you
3 mentioned a man named Ziek?

4 A It does, but it was all a lie because I could say
5 this, when Detective Kelly and whoever the
6 lieutenant was, there was there that day, they kept
7 saying a Lighty. I kept telling them I didn't know
8 what he looked like. Richard Morris, Detective
9 Morris, and Detective Kelly can tell you that.

10 Q Okay. You said you didn't know what he looked
11 like?

12 A Yes.

13 Q Okay. And —

14 A And it was really, really trying to coerce me.

15 Q Okay, they were trying to coerce you.

16 MS. OPPENHEIMER: Beg the Court's
17 indulgence. May I approach, Your Honor.

18 THE COURT: Yes, ma'am.

19 BY MS. OPPENHEIMER:

20 Q Do you recognize this?

21 A No.

22 Q You don't recognize this, okay.

23 A No.

24 Q At no point in time did you identify Mr. Lighty?

25 A No.

PW - T. MCFADDEN - CROSS

1 Q Okay, so this is incorrect? That's not your
2 signature right there?

3 A It was at the time, yes.

4 Q That was your signature?

5 A Yes.

6 Q So you gave your signature on this statement to
7 law enforcement?

8 A Yes.

9 Q Is this an accurate representation of what they
10 showed you on that date?

11 A Yes.

12 MS. OPPENHEIMER: Your Honor, at this time
13 I'd like to admit this as State's Exhibit Number 2.

14 THE COURT: Any objection?

15 MR. GRIFFITH: No objection, Your Honor.

16 (WHEREUPON, Defense Exhibit No. 2 was
17 marked and admitted into evidence.)

18 BY MS. OPPENHEIMER:

19 Q Did law enforcement ask you to identify
20 Mr. Lighty from a picture?

21 A Yes.

22 Q Is this the picture they showed you?

23 A They showed me that and a few more. That's the
24 one that they kept referring to.

25 Q But you —

PW - T. MCFADDEN - CROSS

1 A They kept on referring to.

2 Q You identified this individual as Mr. Lighty?

3 A Yes.

4 Q And this was the man who was involved —

5 A Yes.

6 Q —with you?

7 A Yes.

8 Q Okay.

9 MS. OPPENHEIMER: Beg the Court's

10 indulgence.

11 BY MS. OPPENHEIMER:

12 Q In that statement you told law enforcement that
13 Ziek went to the Gerald residence with you, right?

14 A Yes, but it was a lie.

15 Q Okay.

16 A I just made the story up.

17 Q So you made the story up then?

18 A Yes.

19 Q Okay. But you're telling the truth now?

20 A Yes.

21 Q So it's a lie that Ziek kicked in the side garage
22 door?

23 A Yes.

24 Q Okay. And Ziek told the two people in the house
25 to lie down?

PW - T. MCFADDEN - REDIRECT

1 A No, I did.

2 Q Okay. But you admitted your involvement in that
3 statement?

4 A Say again?

5 Q You admitted your own involvement in that
6 statement?

7 A Yes.

8 Q And you also implicated Mr. Lighty?

9 A He wasn't there.

10 Q Okay. No further questions.

11 MR. GRIFFITH: Just some redirect, Your
12 Honor.

13 THE COURT: Yes, sir.

14 **REDIRECT EXAMINATION**

15 BY MR. GRIFFITH:

16 Q Mr. McFadden.

17 A Yes, sir.

18 Q You're telling us then, did law enforcement make
19 suggestions to you about someone?

20 A Yes.

21 Q Did they make suggestions as to who you should
22 select?

23 A Yes.

24 Q How long were you being questioned? Do you
25 remember it?

PW - T. MCFADDEN - REDIRECT

1 A Approximately I want to say at least
2 two-and-a-half hours.

3 Q So did you just agree with them?

4 A Yes. So they really, 'cause when I first got in
5 there they wasn't really buying my story; but I told
6 them that I did do it but, and they just kept saying
7 it wasn't you alone. And they just literally kept
8 all the pictures in front of me. My mother was
9 there; she can witness to that.

10 Q And so your testimony then is that Mr. Lighty was
11 not the person that was with you?

12 A Yes, sir.

13 Q And that you were following their suggestions?

14 A Yes, sir.

15 Q Thank you.

16 THE COURT: All right. Any other
17 questions?

18 All right, you may step down, sir.

19 MR. GRIFFITH: May it please the Court,
20 Your Honor, if you can just excuse him.

21 THE COURT: Yes. Call your next witness.

22 MR. GRIFFITH: Your Honor, I'd call
23 Mr. Caziek Lighty.

24 (Attorneys confer.)

25 MR. GRIFFITH: Your Honor, I withdraw him.

PW - R. BLACKMON - DIRECT

1 I will call Mr. Blackmon.

2 THE CLERK: State your name.

3 THE WITNESS: Richard A. Blackmon, Sr.

4 WHEREUPON,

5 **RICHARD A. BLACKMON, SR.,**

6 having been duly sworn by the Clerk, testified
7 as follows:

8 THE CLERK: Thank you much. Step around,
9 sir. Watch your step coming up. State your name
10 for the record and spell your last name please.

11 THE WITNESS: Richard A. Blackmon, Sr.,
12 B-L-A-C-K-M-O-N.

13 MR. GRIFFITH: May it please the Court,
14 Your Honor.

15 THE COURT: Yes, sir.

16 **DIRECT EXAMINATION**

17 BY MR. GRIFFITH:

18 Q Attorney Blackmon, thank you so much for coming.

19 A Always a pleasure.

20 Q Attorney Blackmon, is it true that you
21 represented Mr. Caziek Lighty?

22 A It is true. I was his third lawyer in these
23 matters.

24 Q Okay. And did you have a lot of opportunity to
25 speak with Mr. Lighty prior to the trial?

PW - R. BLACKMON - DIRECT

1 A It depends on what you mean by a lot. I was
2 appointed by an order dated February 29th which was
3 not sent to me until about, I think it was sent
4 April 1st. I got it April 4th and we finished the
5 plea on June 13th. So to that extent I had plenty
6 of time to talk with him and meet with him.

7 Q Okay. Would it be your opinion that he is
8 challenged, as you recall?

9 A I can't say that I recall that he was overly
10 challenged. I don't know a lot about his school
11 education, but he was able to speak to me to go over
12 the statements and the evidence with me and I
13 believe he understood those when we went over all
14 that.

15 Q Did you request a mental evaluation?

16 A I did not.

17 MS. OPPENHEIMER: Objection, Your Honor,
18 this is outside the allegations that have been pled
19 to.

20 THE COURT: Yes, sir.

21 MR. GRIFFITH: Ineffective counsel, Your
22 Honor. He said he failed to investigate evidence
23 and failed to investigate witnesses. Part of the
24 evidence would be his mental capacity.

25 THE COURT: Okay. Objection overruled.

PW - R. BLACKMON - DIRECT

1 BY MR. GRIFFITH:

2 Q So you did not ask for a mental evaluation?

3 A I did not ask for a mental evaluation because
4 there was no indication to me that he required one.

5 Q Did you hire an investigator?

6 A I did not. There was no indication that we
7 really needed an independent investigator to review
8 the evidence. The Solicitor's Office was very open
9 and above board and made their evidence, locker
10 evidence room, and files available to me to review
11 before the matter was ultimately called for trial.

12 Q Did you speak yourself with any of the witnesses
13 that the State would have brought?

14 A I did not. I reviewed the incident reports, the
15 evidence of the statements that the law enforcement
16 people were gonna make, and the two statements that
17 were made by Mr. Lighty and Mr. McFadden.

18 Q Did you speak with the victims?

19 A I did not.

20 Q Did you speak with Mr. McFadden?

21 A I did not. He was represented and his attorney
22 did not bring him to meet with me. Mr. McFadden we
23 were advised was going to testify against
24 Mr. Lighty.

25 Q Okay. And of course, that's — so did you have

PW - R. BLACKMON - DIRECT

1 ample time to review the discovery provided to you
2 by the State?

3 A I ultimately did. I did not when it was
4 initially going to be called because it was going to
5 be called in, I believe early May, and I did have to
6 file a motion to continue that matter. But
7 following the continuance that was granted, I did
8 have sufficient time, I believe, to review all the
9 discovery materials and all the evidence of the
10 Solicitor's Office.

11 Q Did you file a motion to suppress a confession or
12 statement made by Mr. Lighty?

13 A I did, in fact, file a motion to suppress.

14 Q Were you, did you have opportunity to speak to
15 Mr. Lighty about the plea agreement?

16 A Yes, sir.

17 Q Did you advise him to accept the plea?

18 A I advised him, as I recall, that the plea that
19 they offered, while it was to be a guilty plea and
20 to serve up to 18 years which was the Solicitor's
21 recommendation, would be substantially less than a
22 finding of kidnapping against him and the other five
23 or six charges that the Solicitor's Office agreed to
24 dismiss.

25 Q So if convicted, how many years would you say he

PW - R. BLACKMON - DIRECT

1 would have gotten?

2 A I can't recall exactly. I recall that Judge
3 Young was the judge, and from our ---

4 Q It was a hundred.

5 A ---experience here, whatever the maximum was on
6 each count consecutive.

7 Q But you advised Mr. Lighty that it would be in
8 his best interest to accept that plea?

9 A As opposed to going to trial and being convicted
10 of kidnapping, strong arm robbery, burglary, and the
11 other four charges, yes, sir, I told him I thought
12 that was in his best interest. His primary concern
13 was getting out at some point to see his daughter as
14 I remember.

15 Q So did you tell him that he would not win if he
16 went to trial?

17 A I don't recall using the words you will not win.
18 As best I recall I usually use language like, if the
19 jury believes all the evidence that has been
20 presented to us that will be presented to the jury,
21 there's a very great likelihood they will believe
22 them, especially if your statement is not excluded.

23 Q And is that the advice you gave him that he would

24 ---

25 A It is.

PW - R. BLACKMON - DIRECT

1 Q —probably be convicted?

2 A It is.

3 Q Would you recall that you told him he had a 50/50
4 chance?

5 A No, sir, I don't recall that.

6 Q So you didn't have opportunity to speak to any of
7 the witnesses yourself. How many times you think
8 you spoke with Mr. Lighty?

9 A Three or four times at least.

10 Q And how long for each time do you think?

11 A I went out to the Sumter-Lee Regional Detention
12 Center I want to say at least twice for at least an
13 hour; it could have been a little longer. I kept
14 some time notes, but I generally tend to keep them
15 at somewhat less than I actually do. I think the
16 State has enough of a burden already with bills that
17 they get and I try to contribute a little bit of
18 time, but not less than an hour, hour and a little
19 plus and their records would reflect exactly how
20 long.

21 Q In the times you went out to see Mr. Lighty did
22 you receive any information as to what kind of
23 behavior he had been having there at the facility?

24 A I was not provided with any information from
25 anybody at the detention center that he had had any

PW - R. BLACKMON - CROSS

1 inappropriate behavior on his own or that he had
2 been exposed to any.

3 Q But would you say you had very little time to
4 evaluate his mental abilities?

5 A I had an opportunity to talk to his, to the two
6 attorneys who preceded me. I had an opportunity to
7 review all of the files, and I thought through my
8 speaking with him on at least three occasions for an
9 hour or better, that nothing, no red flags were
10 raised to me that would lead me to believe that he
11 would not be able to help me to defend himself to
12 any extent that that was available or that he was
13 not able to accurately convey his thoughts and
14 wishes to me and his involvement in the matter.

15 Q You testified that you did not hire an
16 investigator so no investigation as far as you know
17 was made other than the statements given to the
18 police as to whether he was present or not, is that,
19 to your knowledge?

20 A That, plus his admissions to me, no. No other
21 ones other than those.

22 Q Okay, I have no further questions. Thank you.

23 **CROSS-EXAMINATION**

24 BY MS. OPPENHEIMER:

25 Q You testified you were Mr. Lighty's third

PW - R. BLACKMON - CROSS

1 attorney, correct?

2 A That's correct.

3 Q Did you receive all of the discovery that those
4 attorneys had received from the State?

5 A I believe that I did.

6 Q And did you review all that discovery?

7 A I did.

8 Q With the applicant?

9 A Yes.

10 Q Including his statements to law enforcement?

11 A Yes.

12 Q And including Mr. McFadden's statement?

13 A Correct.

14 MS. OPPENHEIMER: Your Honor, may I
15 approach?

16 THE COURT: Yes.

17 BY MS. OPPENHEIMER:

18 Q This has already been admitted into evidence.

19 This is the statement of Mr. McFadden. In that
20 statement did he admit that Ziek was at the Gerald
21 residence with him?

22 A He did.

23 Q And he admitted that Ziek, or he kicked in the
24 door?

25 A He did. He's not Ziek.

PW - R. BLACKMON - CROSS

1 Q Correct.

2 A Yeah.

3 Q Mr. McFadden?

4 A Right.

5 Q And Mr. McFadden cut a tire?

6 A Yes.

7 Q But Ziek was there with him?

8 A That's what he said.

9 Q And Ziek actually came to pick him up at the
10 apartment complex where Mr. McFadden was at that
11 time, right?

12 A Ziek was the passenger in the car that came to
13 pick him up.

14 Q Okay. And they went over to the Gerald residence
15 together?

16 A Yes.

17 Q Okay. And did you review Mr. Lighty's statement
18 with him?

19 A I did.

20 Q Do you recall if this is the statement that he
21 gave to law enforcement? You have a copy of that?

22 A I have a copy of it if it's the one that was
23 dated -- the rights were administered at 2:35 p.m.
24 on April 8th of '15.

25 Q That's correct. And you received that in your

PW - R. BLACKMON - CROSS

1 discovery packet?

2 A Yes.

3 Q Is this a true and accurate representation of
4 what you received?

5 A It is.

6 MS. OPPENHEIMER: Your Honor, I'd like to
7 admit this into evidence as Defendant's Number 3.

8 MR. GRIFFITH: Without objection, Your
9 Honor.

10 THE COURT: No objection.

11 (WHEREUPON, Defense Exhibit No. 3 was
12 marked for identification and admitted
13 into evidence.)

14 BY MS. OPPENHEIMER:

15 Q Now if I can just go through that with you. In
16 his statement Mr. Lighty said that Teshawn came
17 through to Poplar Squares Apartment where Mr. Lighty
18 was?

19 A He did.

20 Q And Teshawn was in an old score model champagne
21 car?

22 A Yes, ma'am.

23 Q And Teshawn asked Mr. Lighty if he wanted to make
24 some money?

25 A Yes.

PW - R. BLACKMON - CROSS

1 Q And Mr. Lighty said yes?

2 A Yes.

3 Q And so they then went to a house that Teshawn
4 said he knew the people because he used to hang out
5 there?

6 A Yes, ma'am.

7 Q Okay. When they got to the house they rode
8 around a couple of times?

9 A They rode around three times.

10 Q Okay. And Teshawn said that the light in the
11 little girl's room is on?

12 A Yes.

13 Q And Teshawn said that he believed that the boy
14 was also home?

15 A Yes.

16 Q And Teshawn kicked the garage door open?

17 A Yes.

18 Q Okay. And Teshawn also cut the tire on a car?

19 A Yes.

20 Q And Teshawn told Mr. Lighty that all he had to do
21 was watch the door?

22 A Yes.

23 Q And they both went inside?

24 A Yes.

25 Q And they saw a boy and a girl in the home?

PW - R. BLACKMON - CROSS

1 A Yes.

2 Q And Mr. Lighty told the boy and girl to lay on
3 the floor?

4 A He said he told them to lay on the floor, but he
5 never told him he was going to shoot him, he didn't
6 have a gun.

7 Q Okay.

8 A I think that was referring to him, but it could
9 have been referring to Mr. McFadden when he said he
10 -- I'm not sure.

11 Q Okay. And Mr. Lighty said that he stood and
12 watched as Teshawn went through everything?

13 A Yes.

14 Q And they ran out of the home together?

15 A Yes.

16 Q And then they both got into, I guess, the getaway
17 car together?

18 A Yes.

19 Q And then Mr. Lighty was dropped off at Poplar
20 Square Apartments.

21 A Yes, ma'am.

22 Q Now do you recall the plea proceeding?

23 A Not specifically. I remember being there that
24 day, and I've reviewed the plea transcript.

25 Q Do you recall Judge Young asking Mr. Lighty if

PW - R. BLACKMON - CROSS

1 the facts in the indictment were true?

2 A I'm sure he did, yes.

3 Q And do you recall Judge Young asking Mr. Lighty
4 if he agreed with the State's version of the facts?

5 A Yes, ma'am.

6 Q And Mr. Lighty said he agreed with those facts as
7 given?

8 A Yes, ma'am.

9 Q So he admitted his guilt?

10 A Yes, ma'am.

11 Q And he pled freely and voluntarily?

12 A Yes, ma'am.

13 Q Okay. Now did Mr. Lighty ever give you any
14 potential witnesses or leads to investigate?

15 A He said that there were three people in the jail
16 at the time he was locked up that, as I recall,
17 Mr. McFadden had something to do with or that would
18 say that he wasn't responsible for it.

19 Q And did you dis---

20 A He never gave me their names.

21 Q So you never had those names to go off of?

22 A No.

23 Q Never had anyone else to talk to?

24 A I was not given anybody else's name to talk to.

25 The problem was always the statement that he

PW - R. BLACKMON - CROSS

1 implicated himself in that he didn't indicate to me
2 he didn't give.

3 Q Right. And before he pled guilty did you review
4 all of Mr. Lighty's constitutional rights with him?

5 A I normally do. I'm sure I told him he had a
6 right to a trial and to confront the witnesses.

7 Q And he never told you he didn't understand?

8 A No.

9 Q And there was no indication to you he didn't
10 understand?

11 A I did not get any indication from him that he
12 didn't understand what his rights were and what the
13 procedure was and what was going on.

14 Q Okay. And you testified that you had enough time
15 to prepare for trial?

16 A Yes, ma'am, for the second go-around after it was
17 continued for first time.

18 Q And in fact, on the day of his plea wasn't the
19 jury panel in the next courtroom prepared, you were
20 prepared to call a jury?

21 A They were, and we were both present when the jury
22 was qualified.

23 Q Okay. And whose decision was it to plead guilty?

24 A Mr. Lighty decided to plead guilty on my
25 recommendations.

PW - R. BLACKMON - RECROSS

1 Q And did he ever indicate that he wanted to
2 proceed to trial?

3 A He did not.

4 Q Okay.

5 MS. OPPENHEIMER: Beg the Court's
6 indulgence. No further questions.

7 THE COURT: Yes, sir, cross-examination.

8 MR. GRIFFITH: Just briefly, Your Honor.

9 **RECROSS-EXAMINATION**

10 BY MR. GRIFFITH:

11 Q Mr. Blackmon, did Mr. Lighty indicate to you that
12 he may not have made those statements to the police?

13 A He did not indicate to me that he did not make
14 the statements. He did acknowledge to me he didn't
15 have a gun. He knew the other guy had a knife. The
16 other guy cut the tires. He was aware of that.

17 Q But he did not deny that he — did he deny that
18 he had made that statement?

19 A I think that he denied, as best I remember, and
20 I'm not sure, but I'm pretty sure he denied parts of
21 the statement or I would not have made the motion to
22 suppress it. But I'm not so sure that it was so
23 much him denying that he made it as it was not in
24 his writing. He didn't sign the statement. It was
25 couched as the investigator's writing of what he

PW - R. BLACKMON - RECROSS

1 said.

2 Q And that's wonderful that you just said that.

3 I'm hoping that you would help me with that. So
4 really, this is not his handwriting; is that
5 correct?

6 A That's correct.

7 Q And he did tell you that parts of it were not
8 true?

9 A He denied parts of it, yes, but he did not deny
10 that he was there and he did not deny the other guy
11 had a knife. He did not deny that he was, he went
12 in with the other guy. But his whole position was
13 he was just the lookout, he was just there, he
14 didn't want to be there. And the only thing I think
15 he had a little bit of trouble understanding but I
16 think I was able to make him understand it, after
17 going on about it was that the hand of one is the
18 hand of all and the fact that he was there when they
19 went in and told the children to lie down and stay
20 there technically constituted kidnapping and so the
21 hand of one is the hand of all and he could be found
22 guilty of kidnapping. And that was the most serious
23 charge that he was facing.

24 MR. GRIFFITH: I have no further
25 questions, Your Honor.

1 MS. OPPENHEIMER: Nothing further, Your
2 Honor.

3 THE COURT: All right, sir, you may step
4 down.

5 MR. GRIFFITH: We would rest, Your Honor.

6 THE COURT: All right. Any witnesses from
7 the State?

8 MS. OPPENHEIMER: No witnesses, Your
9 Honor.

10 THE COURT: All right, I'll be glad to
11 hear from you, Mr. Griffith.

12 MR. GRIFFITH: Your Honor, if it please
13 the Court, Mr. Lighty did not write that statement
14 himself. His attorney testified that that was not
15 his handwriting and that he denied parts of the
16 statement of course. And Mr. Lighty is challenged,
17 Your Honor. He, his alleged co-defendant testified
18 that he wasn't there. He had no reason not to
19 testify, no reason to testify. He just said, well,
20 the police pressured him and he, they just kept
21 putting Mr. Lighty's name in front of him, they were
22 looking for somebody else. They put his picture in
23 front of him along with more than just his picture,
24 some others, but they have an idea that they would
25 like to convict Mr. Lighty.

1 And so I would submit, Your Honor, that
2 Mr. Lighty is entitled to a new trial, particularly
3 in the light of new evidence that his co-defendant
4 was willing to testify that he was not there, that
5 being the most damaging. The fact that he didn't
6 have the capacity to truly understand everything and
7 may have been pressured as his co-defendant was and
8 to making certain statements goes to ways to the
9 fact perhaps he is entitled to a new consideration
10 of his charges, Your Honor.

11 THE COURT: All right, thank you.

12 Yes, ma'am.

13 MS. OPPENHEIMER: Your Honor, in order to
14 grant a new trial after a guilty plea based on newly
15 discovered evidence the interest of justice must
16 outweigh the waiver and solemn admission of guilt.
17 Here Mr. Lighty admitted the facts both as presented
18 in the indictment and as presented by the State, and
19 he indicated that both of those versions of the
20 facts were the truth. He indicated to the plea
21 court he understood each of his constitutional
22 rights and wished to give up those rights and plead
23 guilty. He also indicated he hadn't been promised
24 anything or threatened by anyone in exchange for his
25 guilty plea and that he was satisfied with the

1 services of Mr. Blackmon and didn't need any
2 additional time to discuss with him.

3 Now Mr. Lighty wants to rely on the
4 recantation of his co-defendant's statement to law
5 enforcement. Recantation of testimony is ordinarily
6 unreliable and should be subjected to the closest
7 scrutiny when offered as a ground for a new trial.
8 At this point Mr. McFadden has nothing to lose. He
9 gave a statement to law enforcement, not only
10 admitting his own guilt, but also placing Mr. Lighty
11 as an active participant at the scene of the crime.
12 His testimony today nearly two years after his plea
13 certainly should be viewed suspiciously and does not
14 rise to the level required to permit a new trial.

15 And with regards to the failure to
16 investigate claim, Mr. Blackmon certainly did
17 everything he could under the circumstances, but he
18 was Mr. Lighty's third attorney. He, Mr. Lighty
19 didn't give him any leads or witnesses at all to
20 investigate. He said that there were three people,
21 but he couldn't provide Mr. Blackmon with any names.
22 In addition, Mr. Blackmon reviewed all of the
23 discovery with Mr. Lighty, including the statements
24 of both him and his co-defendant. He went to the
25 evidence locker to review everything the State had

1 as well. The State would submit Mr. Blackmon's
2 conduct was reasonable under the circumstances. And
3 furthermore, there's no prejudice to the applicant
4 as he cannot show that but for these alleged
5 deficiencies he would have insisted on going to
6 trial.

7 Mr. Lighty gave a statement to law
8 enforcement admitting his own guilt in this crime,
9 and he certainly could have been found guilty, not
10 only on his statement as well as Mr. McFadden's
11 statement, but also both victims place two people in
12 the home that evening. And still further, the plea
13 court meticulously reviewed all of the applicant's
14 rights with him, and Mr. Lighty indicated he
15 understood, yet, still wanted to waive those rights
16 and plead guilty. For all these reasons we ask that
17 you deny the application for post-conviction relief.

18 THE COURT: Anything else? I'm gonna —
19 if not, I'll take a look at it, the file, and I'll
20 get something to you all shortly.

21
22
23 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *
24
25

C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 9th day of March, 2019.

Frances B. Ray

FRANCES B. RAY, RPR

15048027



SUMTER POLICE DEPARTMENT INTERVIEW FORM

BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

- YOU HAVE THE RIGHT TO REMAIN SILENT.
- ANYTHING YOU SAY CAN BE USED AGAINST YOU IN COURT.
- YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE ASK YOU ANY QUESTIONS, AND TO HAVE HIM/HER WITH YOU DURING THE QUESTIONING.
- IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BEFORE ANY QUESTIONING IF YOU WISH.
- IF YOU DECIDE TO ANSWER ANY QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK WITH A LAWYER.

WAIVER OF RIGHTS

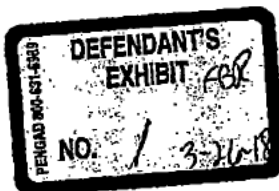
BEFORE ANY QUESTIONING, I WAS FURNISHED THE ABOVE STATEMENT OF MY RIGHTS AT 3:58 A.M. (P.M.) ON 4-6- 2015 AT LEC
 BY OFFICER R. W. R. S. G. OF THE SUMTER POLICE DEPARTMENT.

I HAVE READ OR HAD READ TO ME THIS STATEMENT OF MY RIGHTS. I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO ANSWER QUESTIONS AT THIS TIME WITHOUT A LAWYER PRESENT. NO PROMISES OR THREATS HAVE BEEN MADE TO ME, AND NO PRESSURE HAS BEEN USED AGAINST ME.

SIGNED: [Signature]
 DATE: 4-6-15 TIME: 3:58

WITNESSES:
[Signature] 1712

[Signature] 1604



SUMTER POLICE DEPARTMENT



MEMORANDUM OF INTERVIEW

DATE: 04/06/2015	TIME: 3:58p.m.	LOCATION: Law Enforcement Center
INTERVIEWEE: Teshawn William McFadden	INTERVIEWER: L.Det. Kelly/Morse	

Case # 15048027

SUMMARY OF INTERVIEW:

- On the incident date, got dropped off at Stokers Club on Broad Street by his best friend called "Fooley" unknown real name. Been there all night. Did not break in to Dennis Jara's house. Denis didn't see his face so he couldn't say it was him.
- Wants to get straight. Want to tell the truth. Never been in any trouble like this before.
- On the incident date he was out in Poplar Squares Apts. chilling when a guy he knows by the name of "Ziek" came through with another unknown male in a white old school car-possibly a white Crown Vic. Ziek was the front passenger.
- They told him that they was about to get into something and wanted to know if he wanted to go.
- They went to the victim Dennis Jara house and kicked in a side garage door. He kick the door not Ziek. He (Teshawn) cut tire on a car with a pocket knife he had in his pocket.
- He didn't think anyone was going to home. He was wearing a blue sweater, black jeans, brown Polo boots (the one he has on now) a black skullly and an old dark gray t-shirt wrapped around his face. He cannot remember what Ziek had on but Ziek face was not covered.
- When they got into the house Dennis and his sister was home. Can't remember Dennis sister's name.
- Ziek told them to get on the floor or he would shoot. They got on the floor. Don't know if Ziek had a gun.
- He grabbed an Xbox-360 game system, an iPod, and a cellular phone. Ziek grabbed a PS4 game system from Dennis's room-he don't know what else Ziek took.
- After they took the stuff the left. As they were running away from the house Dennis yelled "Shawn I remember who you are, I won't forget!"
- He and Ziek ran in opposite direction. He ran down 15S and burned the stuff in a plastic burn barrel in an unknown location. He burned the stuff because Dennis recognize it was him, and he knew the police would be looking for him.
- Ziek ran in an unknown location, and he is unsure what Ziek did with the stuff that he had.
- He know Ziek from around the way in Poplar Squares Apts.

- He knows Dennis, because he used to hang out with Dennis at Dennis's house playing video games. He also, work with Dennis at Tuomey Hospital.
- He did this to Dennis because he was jealous of Dennis, and Dennis was picking at him about his fucked up situation. He hate that he done this. This was dumb.
- He also took his slster's T.V. and he smashed it and broke it because they don't get along, and she is one of the reasons why he is homeless and having to find somewhere to stay. He lost his job at Tuomey Hospital because he didn't have nowhere to live and he was missing work.

<End>

-L.Detective Kelly/Morse

SUSPECT STATEMENT

4/6/15 1000 p.m. WEC
 DATE TIME PLACE
 [REDACTED] 1994 [REDACTED]
 DOB SSN PHONE

I, Te'Shawn McFadden OF: Homeless

Having been advised of my Constitutional rights and having signed a waiver of those rights do hereby give the following statement, freely and voluntarily without fear of threat or promise of reward to Detective Kelly Murse who has identified him/herself as a police officer.

Case# 15048027

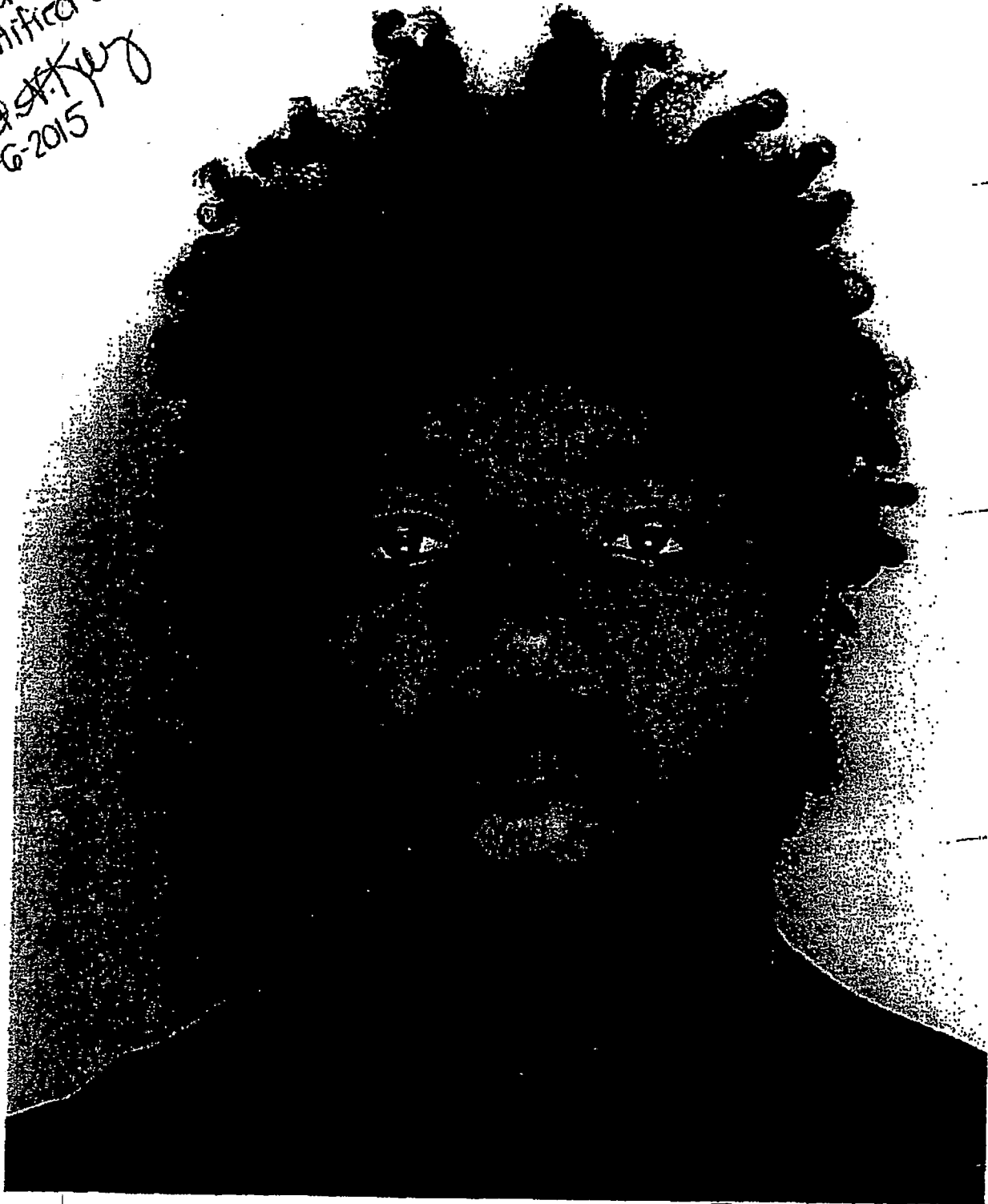
I ~~broke~~TM broke into Dennis's house and took his phone, ~~and~~TM, and ~~box~~TM box 360. ~~I looked~~TM I did all of this because I was Jealous because ~~at~~TM ~~the~~TM at the time I ~~didn't~~TM have anything or a place to lay my head. ~~I~~TM ~~know~~TM I know what I did was wrong and the reason I did it is not justified at all. TM

~~_____~~
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~~_____~~

I have read, or had read to me the above statement consisting of 1 page(s) and attest that it is a true and accurate account, to the best of my knowledge, of the events which took place on or about or during the above given time. I have received a copy of this statement from Detective

Signed: [Signature] Date: 4/6/15
 Witness: [Signature] 1712 Witness: [Signature] 16014

This is the person who
Teshawn McFadden
identified as Zeik.
Oed. Kyg
4-6-2015



DEFENDANT'S
EXHIBIT
NO. 2 3-26-18



SUMTER POLICE DEPARTMENT INTERVIEW FORM

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- IF YOU DECIDE TO ANSWER ANY QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK WITH A LAWYER.

WAIVER OF RIGHTS

BEFORE ANY QUESTIONING, I WAS FURNISHED THE ABOVE STATEMENT OF MY RIGHTS AT 235 A.M./P.M. ON 4/8 2015 AT LCC.

BY OFFICER Det. Kelly OF THE SUMTER POLICE DEPARTMENT.

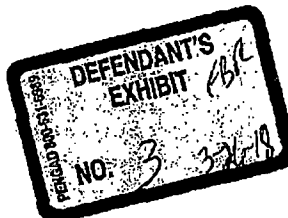
I HAVE READ OR HAD READ TO ME THIS STATEMENT OF MY RIGHTS. I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO ANSWER QUESTIONS AT THIS TIME WITHOUT A LAWYER PRESENT. NO PROMISES OR THREATS HAVE BEEN MADE TO ME, AND NO PRESSURE HAS BEEN USED AGAINST ME.

SIGNED: [Signature]

DATE: 4/8/15 TIME: 238 p.m.

WITNESSES:

[Signature] 1694
[Signature] 1712



SUMTER POLICE DEPARTMENT



MEMORANDUM OF INTERVIEW

DATE: 04/08/2015	TIME: 2:35p.m.	LOCATION: Law Enforcement Center
INTERVIEWEE: Caziek Lighty	INTERVIEWER: L.Det. Kelly/Morse	

Case # 15048027

SUMMARY OF INTERVIEW:

- On the incident date, Teshawn came through to Poplar Squares Apt. where he was at shooting dice.
- Teshawn was in an old school model champagne in color car-possibly a Mercury with a circle emblem and three lines from it. Teshawn was with two other unknown males-all which are Teshawn's people.
- Teshawn asked him if he wanted to make some money. He told Teshawn yes, because he needed money to get his girlfriend car out the impound.
- The four of them went to a house that Teshawn said he knows the people because he used to hang out there.
- When they got to the area of where the house was, they rode around about 3 times, because Teshawn told them too.
- Teshawn said that the light was on in the little girl's room. That light went on and off a couple of time.
- Teshawn said that he believed that the boy was home. The car they were in pulled up and he and Teshawn got out and the car drove off.
- Teshawn kicked the garage door opened and then the door that leads into the house in the garage. Before he did this he cut the tire on a car.
- Told Teshawn he didn't want to do this and Teshawn told him all he had to do is watch the door and he got him.
- When they got inside they saw a boy and a girl. He told them to lay on the floor, but he never told them that he was going to shoot them. He didn't have a gun.
- Teshawn had a knife out-the same knife he used to cut the tires on the vehicle.
- Teshawn went through all the rooms of the house grabbing stuff. He didn't touch anything, he stood and watch as Teshawn went through everything.
- Teshawn grabbed a bunch of stuff and then told him "let's go."
- When they were running the boy yell and said "Shawn I know you."
- Teshawn called the boy who was driving the car and they came back and picked them up.

- Didn't see all the stuff Teshawn took. Teshawn told him the he would break him off some bread later, but he never did because he got locked up.
- Don't know what Teshawn did with all the stuff.
- They dropped him off back at Poplar Squares Apts. He never got a chance to see Teshawn again.
- He was wearing blue pants, grey and grey Nike shoes. Teshawn had on a mask.
- He knows the driver of the car was black male short, short hair, and the other guy was a black male about 508-509 with a little afro.
- The night of the incident was the first time he met Teshawn or every seen Teshawn before.
- He knew he shouldn't have gone but he wanted to get his girlfriend's car back.

<End>

-L.Detective Kelly/Morse

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Caziek Lighty, #337834,

2018 DEC 01 AM 10:30

Case No. 2017-CP-43-879

Applicant,

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

CERTIFIED TRUE COPY
OF ORIGINAL FILED
DEPT. OF CORRECTIONS
SUMTER COUNTY, S.C.
SOUTH CAROLINA

PROCEDURAL HISTORY

This matter comes before the Court by way of an application for post-conviction relief filed May 16, 2017 by Caziek Lighty (Applicant). The State (Respondent) made its Return on July 6, 2017, requesting an evidentiary hearing be held. An evidentiary hearing was convened on March 26, 2018, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Timothy L. Griffith, Esquire. Respondent was represented by Assistant Attorney General Kelly Oppenheimer of the South Carolina Attorney General's Office.

The records before this Court indicate Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. During its December 2015 term, the Sumter County Grand Jury indicted Applicant for one count of armed robbery, one count of kidnapping, one count of first-degree burglary, and one count of criminal conspiracy (2015-GS-43-1152). Richard A. Blackmon, Sr., Esquire represented Applicant on these charges. On June 13, 2016, Applicant appeared before the Honorable W. Jeffrey Young and pled guilty as indicted to one count of first-degree burglary. Pursuant to a recommendation by the State, Judge Young sentenced Applicant to a term of imprisonment for eighteen years. Applicant did not appeal his conviction or sentence.

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

1. Ineffective Assistance of Counsel
 - a. Failure to investigate evidence
 - i. "There were no fingerprints on the wepon [sic] or dwelling."
 - b. Failure to investigate witnesses
 - i. "Victim cannot point out suspect in photo line up."

At the hearing, Applicant proceeded forward on the claims of ineffective assistance of counsel in his application, as well as an additional claim of newly discovered evidence based on Applicant's co-defendant's recantation of his statement to law enforcement, in which he indicated that Applicant was involved in the underlying crime.

STATEMENT OF FACTS ADDUCED AT THE PLEA

On April 3, 2015, Applicant and his co-defendant, Teshawn McFadden, kicked in a door on the side of the victims' home leading into the garage, proceeded across the garage, and kicked in the door leading to the laundry room and kitchen area. Tr. 5. It was approximately nine o'clock in the evening. Tr. 5. McFadden had attempted to conceal his face with a cloth, but the victims knew him from work. Tr. 5-6. Upon hearing the noise of the second door being kicked in, the male victim came down the hallway and saw Applicant and McFadden. Tr. 5. When the male victim encountered Applicant and McFadden, they told him to lie face down on the floor. Tr. 5. Shortly thereafter, the female victim stepped into the hallway from the bathroom, and the men told her to lie on the floor. Tr. 5. The victims remained face down on the floor while Applicant and McFadden went through the three bedrooms, taking electronics. Tr. 5. Applicant and McFadden fled the scene, and the male victim ran to the back door and yelled to the men he knew it was McFadden. Tr. 6.

Investigators were able to get in touch with McFadden and interviewed him at the sheriff's office. Tr. 6. In his statement, McFadden said both he and Applicant were in the victims' home. Tr. 6. As a result, investigators took Applicant into custody and interviewed him. Tr. 6. During the interview, Applicant admitted to being in the victims' home. Tr. 6.

TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

At the evidentiary hearing, Applicant presented the testimony of Applicant's co-defendant, Teshawn McFadden, and Richard A. Blackmon, Sr. (hereinafter "Counsel"). This Court also had before it a copy of the transcript from Applicant's plea, the records of the Sumter County Clerk of Court, and Applicant's records from the South Carolina Department of Corrections.

During the evidentiary hearing, Applicant first presented the testimony of McFadden. At the onset of his testimony, Applicant indicated he had spoken with his plea counsel prior to testifying and understood his constitutional rights, including the right to remain silent. This Court advised McFadden of his constitutional rights, and McFadden indicated he understood those rights, wanted to testify at the hearing, and had not been threatened or promised anything in exchange for his testimony. Following that inquiry, this Court found McFadden had waived his constitutional rights and, consequently, this Court allowed him to testify.

Thereafter, McFadden testified he was convicted as Applicant's co-defendant and is presently incarcerated at Lieber Correctional Institution. He further testified Applicant was not involved in the crime. He elaborated he committed this crime alone. He testified he gave a statement to law enforcement, but he denied saying in that statement that Applicant was present during the crime. McFadden admitted an individual, which McFadden referred to as "Ziek," was mentioned in his statement, but elaborated that statement was a lie. He admitted he gave his

signature to law enforcement. He testified he never identified Applicant, and indicated to law enforcement he was unaware of what Applicant looked like. He also testified, however, he identified a picture of Applicant as the man who was involved in this crime with him, but law enforcement suggested to him that he identify Applicant. He further testified law enforcement tried to coerce him, and he was following their suggestions. He elaborated law enforcement interviewed him for two-and-a-half hours. During that interview, McFadden testified he reiterated to law enforcement he committed the crime alone, but he ultimately implicated Applicant as being involved in this crime.

Next, Applicant presented testimony from Counsel. Counsel testified he was appointed to represent Applicant, and he was Applicant's third attorney. He elaborated he was appointed on February 29, 2016, but he did not receive this appointment until April 4, 2016. He testified Applicant's case was set on the trial docket in May 2016, but he moved for and was granted a continuance. He further testified after the continuance he had ample time to prepare Applicant's case, and they were prepared to select the jury for trial on the day of Applicant's plea.

Counsel also testified he did not hire an independent investigator, but there was no indication that he needed one. He testified he did not speak with the witnesses or the victims. He also testified he did not speak with McFadden because he was represented by counsel, and McFadden was going to testify against Applicant at trial. Counsel testified he reviewed the incident reports and statements of the witnesses, McFadden, and Applicant. He elaborated he received all discovery from Applicant's previous attorneys, and he had an opportunity to discuss Applicant's case with Applicant's two previous attorneys and also had an opportunity to review their files. He also testified the Solicitor made the evidence locker and his file available to him. He testified he reviewed the discovery with Applicant, and Applicant neither denied giving a

statement to law enforcement nor indicated his statement was false. In that statement, Applicant indicated McFadden told him all he had to do was watch the door. He elaborated in Applicant's statement, he indicated both he and McFadden entered the victims' home. He further testified Applicant did deny parts of his statement; and as a result, Counsel moved to suppress the statement, arguing the statement was not in Applicant's handwriting but rather law enforcement's notes from their interview with Applicant. Counsel elaborated Applicant did not deny being at the crime scene and did not deny going inside the victims' home. Counsel also testified in McFadden's statement, McFadden indicated he and Applicant kicked in a side garage door of the victims' home and they both entered the residence.

Counsel also testified he spoke with Applicant at least three or four times before his plea for at least an hour each time. He testified Applicant was able to speak with him and review the statements and evidence. He elaborated Applicant understood their discussions, and there was no indication Applicant was not competent or required a mental evaluation. He further elaborated Applicant did not display any inappropriate behavior. Counsel also testified Applicant wanted him to interview three individuals who were incarcerated, but he never provided Counsel with their names. He further testified Applicant did not give him any other names of witnesses to interview.

Counsel testified he advised Applicant to accept the plea offer. He elaborated the offer was for a maximum sentence of eighteen years, which was substantially less than the potential sentence Applicant was facing if he had proceeded to trial and been convicted. He further testified the State agreed to dismiss the other charges. He also testified he did not recall advising Applicant he would not win at trial. He elaborated he believed there was a likelihood a jury would convict Applicant, especially given his statement to law enforcement. Counsel also

testified it was Applicant's decision to plead guilty, and he admitted his guilt and pled freely and voluntarily.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Ineffective Assistance of Counsel

In a post-conviction relief action, an applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCF; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Butler*, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this presumption to receive relief. *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms."

Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing *Strickland*). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. In order to satisfy the prejudice prong of this test following a guilty plea, the applicant "must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

After careful review based on the standard discussed above, this Court finds that Applicant has failed to carry his burden in this action. Below are this Court's findings in regards to each of Applicant's allegations of ineffective assistance of counsel.

Counsel's alleged failure to investigate

Applicant alleges Counsel was ineffective for failing to investigate. Specifically, Applicant alleges Counsel was ineffective for failing to investigate the evidence given there were no fingerprints on the weapon or dwelling and for failing to investigate the witnesses given that the victim could not identify Applicant in a photo lineup. "Although counsel should conduct a reasonable investigation into potential defenses, *Strickland* does not impose a constitutional requirement that counsel uncover every scrap of evidence that could conceivably help their client." *Tucker v. Ozmint*, 350 F.3d 433, 442 (4th Cir. 2003) (quoting *Green v. French*, 143 F.3d 865, 892 (4th Cir. 1998)). Moreover, when evaluating a claim of ineffective assistance of counsel for failing to investigate following a guilty plea, "the determination whether the error 'prejudiced' the defendant by causing him to plead guilty rather than go to trial will depend on the likelihood that discovery of the evidence would have led counsel to change his recommendation as to the plea." *Hill*, 474 U.S. at 59. Such an evaluation "will depend in large

part on a prediction whether the evidence likely would have changed the outcome of a trial.” *Id.* Furthermore, “failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result.” *Porter v. State*, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006), *abrogated on other grounds by Smalls v. State*, No. 2016-001079, 2018 WL 736339, at *2 (S.C. Feb. 7, 2018), *reh’g denied* (Mar. 29, 2018) (citing *Moorehead v. State*, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)). “In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel’s judgments.” *Wiggins v. Smith*, 539 U.S. 510, 521-22 (2003).

Here, Counsel testified he obtained and reviewed the entire discovery from Applicant’s previous two attorneys. He elaborated he reviewed both Applicant’s and McFadden’s statements, and both statements implicated Applicant in some manner. He further elaborated Applicant never denied being in the residence. He also testified he had access not only to Applicant’s previous attorneys’ files but also to the State’s evidence locker and file. Counsel testified he did not hire an investigator, but there was no indication he needed to hire one. Therefore, this Court finds Counsel’s investigation was reasonable under the circumstances. Based on the foregoing, this Court finds that this allegation must be denied and dismissed with prejudice.

Newly Discovered Evidence

Traditionally, in order to obtain a new trial based on after-discovered evidence, the party requesting said new trial “must show that the evidence: (1) is such as would probably change the result if a new trial was had; (2) has been discovered since the trial; (3) could not by the exercise of due diligence have been discovered before the trial; (4) is material to the issue of guilt or

innocence; and (5) is not merely cumulative or impeaching. *Hayden v. State*, 278 S.C. 610, 611, 299 S.E.2d 854, 855 (1993) (citing *State v. Caskey*, 273 S.C., 325, 256 S.E.2d 737 (1979)). However, this traditional test “is not the proper test for analyzing whether a PCR applicant is entitled to relief on the basis of newly discovered evidence following a guilty plea.” *Jamison v. State*, 410 S.C. 456, 469, 765 S.E.2d 123, 129 (2014). Rather, following a guilty plea:

relief is appropriate *only* where the applicant presents evidence showing that (1) the newly discovered evidence was discovered after the entry of the plea, and in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea; and (2) the newly discovered evidence is of such a weight and quality that, under the facts and circumstances of that particular case, the ‘interest of justice’ requires the applicant’s guilty plea to be vacated.

Id. at 470, 765 S.E.2d at 130 (emphasis added). In order to do so, the interests of justice must outweigh “the waiver and solemn admission of guilt encompassed in a plea of guilty and the compelling interests in maintaining the finality of guilty-plea convictions. *Id.* Furthermore, where the ground for a new trial is the recantation of testimony, the closest scrutiny should be applied, as this type of testimony is ordinary unreliable. *State v. Wright*, 269 S.C. 414, 421, 237 S.E.2d 764, 768 (1977) (quoting *State v. Mayfield*, 235 S.C. 11, 35, 109 S.E.2d 716, 729 (1959)).

Here, Applicant admitted the veracity of the facts both as presented in the indictment and as presented by the State. Tr. 5, 8. He indicated to the plea court he understood his constitutional rights and wanted to waive those rights and plead guilty. Tr. 9. Applicant further indicated he was neither threatened by anyone nor promised anything in exchange for his guilty plea. Tr. 10. Moreover, he indicated to the plea court he was satisfied with the services provided by Counsel and did not need additional time to discuss with him before pleading guilty. Tr. 10.

Applicant now wants to rely on the recantation of his co-defendant’s statement to law enforcement. That co-defendant provided law enforcement with a statement in which he not

only admitted his own guilt but also implicated Applicant in this crime. This co-defendant's testimony at the evidentiary hearing, nearly two years after Applicant's plea, is not only suspicious but also unreliable. Therefore, this Court finds the interests of justice do not outweigh Applicant's solemn admission of guilt, and Applicant has failed to meet his burden required to permit a new trial. This allegation must be denied and dismissed with prejudice.

CONCLUSION

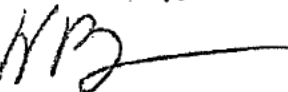
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of appeal within thirty 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 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That this application for post-conviction relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to and remain in the custody of the State

AND IT IS SO ORDERED this 4 day of Dec, 2018.



DEANDREA G. BENJAMIN
Presiding Judge
Third Judicial Circuit

Columbia, South Carolina

WITNESSES

N. Kelly Sumter Police Dept.

DOCKET NO. 2015-GS-43-1152

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

December **TERM** 2015

THE STATE

vs.

TESHAWN WILLIAM MCFADDEN

CAZIEK JAHEEM KAREEM LIGHTY

Indictment for

**Armed Robbery - Burglary 1st Degree -
Kidnapping Criminal Conspiracy**

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

ARREST WARRANT NUMBER

2015A4320100291 2015A4320100289
2015A4320100290 2015A4320100283

2015A4320100293 2015A4320100285

2015A4320100286 2015A4320100288

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: *12-7-15*

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

INDICTMENT FOR

Armed Robbery - Burglary 1st Degree -
Kidnapping Criminal Conspiracy

At a Court of General Sessions, convened on December 3, 2015 the Grand Jurors of the
SUMTER County present upon their oath:

THIS IS A TRUE COPY
OF ORIGINAL FILE
Barbara Hagan
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

COUNT ONE
ARMED ROBBERY

That on or about April 3, 2015, in Sumter County, South Carolina, the Defendant, Teshawn William McFadden and Caziek Lighty, did at [REDACTED] Ketch Avenue, Sumter, SC, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, they were armed while using a representation of a deadly weapon or other 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 persons or immediate presence of Dennis Jara and Sheila Jara with the intent to permanently deprive the victims of possession thereof, in violation of Section 16-11-330(A) of the South Carolina Code of Laws, 1976, as amended.

COUNT TWO
KIDNAPPING

That Teshawn William McFadden and Caziek Lighty did in Sumter County on or about April 3, 2015, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away Dennis Jara and Sheila Jara, without authority of law, in violation of Section 16-03-0910, South Carolina Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING PART OF THE ORIGINAL INDICTMENT 2015-GS-43-1152 FOR TESHAWN WILLIAM MCFADDEN AND CAZIEK LIGHTY WITH THE AFORESAID NAMES OF TESHAWN WILLIAM MCFADDEN AND CAZIEK LIGHTY SHOWN THEREON:

COUNT THREE
BURGLARY 1ST DEGREE

That Teshawn William McFadden and Caziek Lighty, did in Sumter County on or about April 3, 2015, willfully and unlawfully break and enter the dwelling of Dennis Jara and Sheila Jara located at [REDACTED] Ketch Avenue, Sumter, SC, without consent and with the intent to commit a crime therein, and the defendant entered or remained during the nighttime and/or used or threatened the use of a dangerous instrument in violation of the Common Law and Section 16-11-311, South Carolina Code of Laws, 1976, as amended.

COUNT FOUR
CRIMINAL CONSPIRACY

That Teshawn William McFadden and Caziek Lighty did in Sumter County on or about April 3, 2015 combine with each other, and/or with other persons, for the purpose of accomplishing a criminal or unlawful object or an object that is neither criminal nor unlawful through criminal or unlawful means, to wit: burglary, armed robbery, kidnapping, in violation of Section 16-17-410, 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.

Solicitor

Emanuel A. Finley III

SEARCHED
SERIALIZED
INDEXED
FILED
APR 14 2015
SUMTER COUNTY
SOUTH CAROLINA
CLERK OF COURT
OFFICE

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE Sumter
 VS.
 Caziek Jaheem Kareem Lighty
 AKA:
 Race: Black Sex: M Age: 23
 DOB: 1992 SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: Sumter, SC 29150
 DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2015-GS-43-1152
 A/W#: 2015A4320100283
 Date of Offense: 4/3/2015
 S.C. Code §: 16-11-0311
 CDR Code #: 0079

CERTIFIED TRUE COPY
 SENTENCE ON FILE

Barbara Shamba
 CLERK OF COURT

CONVICTED BY OTHER COURT
 PLEADS
 SUMTER COUNTY
 SOUTH CAROLINA

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Burglary / Burglary (After June 20, 1985) - First degree

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

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

ATTEST
Jason Corbett Corbett, Jason W SC Bar# 06834
Caziek Lighty Defendant
Libby [REDACTED] Attorney for Defendant SC Bar# 716

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 Services standard conditions of
 probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

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

PTUP
 days/hours Public Service Employment

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

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 39.0
TOTAL		\$ 133.90

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

Clerk of Court/ Deputy Clerk: *James G. Campbell*
 Court Reporter: *Margaret Sullivan*
 SCCA/217 (03/2011)

Presiding Judge: *[Signature]*
 Judge Code: 2136
 Sentence Date: 6-13-16

ARREST WARRANT

2015A4320100283

STATE OF SOUTH CAROLINA

County/ Municipality of

Sumter Municipal

THE STATE

15048027

against

Caziek Jaheem Kareem Lighty

Address:

Sumter, SC 29150-

Phone:

SSN:

Sex: M Race: B Height: 6 5 Weight: 235

Date: SC DL#:

DOB: /1992 Agency ORI #: SC0430100

Prosecuting Agency: Sumter Police Department

Prosecuting Officer: N Kelly - 2321

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

This accused

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

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant on Caziek Jaheem Lighty 4-8-2015

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions 215 N. Harvin St. Sumter, SC 29150

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Sumter Municipal

Personally appeared before me the affiant N Kelly

being duly sworn deposes and says that defendant Caziek Jaheem Kareem Lighty

did within this county and state on or about 4/3/2015

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

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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:

On April 3, 2015 the Defendant along with co-defendant did enter the residence at Ketch Ave in the City of Sumter, State of SC by kicking in the door all the while armed with a handgun. Once inside the defendant along with the co-defendant forced the victims (two) to lay on the floor while threatening to shoot them if they did not comply. The defendant along with the co-defendant took several items to include a laptop, gaming systems, iPod, cell phone vehicle keys, and \$100.00 cash total value approximately 1900.00. The Defendant along with the co-defendant left the residence and cut one of the victim's vehicle tires. The Defendant has been identified in the above stated offense. Law Enforcement will attest to same.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Sumter Municipal

Affiant's Address 107 East Hampton Avenue Sumter, SC 29150-

Affiant's Telephone (803)436-2790

CERTIFIED TRUE COPY OF ORIGINAL FILE

DEPUTY CLERK OF COURT

SUMTER COUNTY SOUTH CAROLINA

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 4/3/2015 defendant Caziek Jaheem Kareem Lighty

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

County/ Municipality of Sumter Municipal

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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 4/6/2015

Signature of Issuing Judge Bryan Keith Griffin Judge Code: 5043

(L.S.)

Judge's Address 190 E. Canal Street Sumter, SC 29151-1428

Judge's Telephone (803)436-2280

Issuing Court: Magistrate Municipal Circuit

AFFIDAVIT

ORIGINAL

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

92

RECORDED

2015 APR 10 PM 12:38

JAMES C. CAMPBELL CLERK OF COURT SUMTER COUNTY, S.C.