

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Court of Common Pleas, Spartanburg County
The Honorable Grace Knie, Circuit Court Judge

Circuit Court Case No. 2019-CP-42-02979
Appellate Case No. 2021-000551

Tysean Edmondson, #372301 Appellant,

v.

State of South Carolina, ... Respondent.

APPENDIX

J. Falkner Wilkes
114 Whitsett Street
Greenville, SC 29601
jfalcknerwilkes@gmail.com
(864) 282-1292

Counsel for Appellant

Chelsey Marto, Asst. Atty. Gen.
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
chelseymarto@scag.gov
(803) 734-3970

Counsel for Respondent

September 8, 2021.

INDEX

Order of Dismissal	1
Application for Post Conviction Relief.....	18
Return	51
Transcript of Rule 29 Hearing	63
Transcript of Guilty Plea.....	80
Transcript of PCR Hearing	108
Clerk of Court File	155
Guilty Plea Affidavit.....	227
SCDC Records	229
Certificate of Redaction	236

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Tysean Edmondson, #372301,
Applicant,

Case No.: 2019-CP-42-02979

v.

ORDER OF DISMISSAL

State of South Carolina,
Respondent.

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SPARTANBURG COUNTY
AMY W. COX

This matter comes before this Court by way of Applicant's post-conviction relief application filed August 26, 2019. Respondent made its return on October 30, 2019, requesting an evidentiary hearing be convened. An evidentiary hearing was held on April 6, 2021, via the Webex platform. J. Falkner Wilkes, Esquire, represented Applicant. Assistant Attorney General Chelsey Marto represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Counsel N. Douglas Brannon also testified. After reviewing all records and evidence before this Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. In July 2016, the Spartanburg County Grand Jury indicted Applicant for two counts of attempted murder (2016-GS-42-4096 and -4097 (count one)) and possession of a weapon during a violent crime (2016-GS-42-4097 (count two)). N. Douglas Brannon, Esquire ("Counsel") represented Applicant. Spenser H. Smith prosecuted the case. On April 25, 2017, Applicant pled guilty before the

Honorable Letitia A. Verdin, circuit court judge, to the lesser-included offenses of assault and battery of a high and aggravated nature and the lesser-included offense of unlawful carry of a pistol. Applicant was sentenced to sixteen years' imprisonment on the ABHAN charges and one year imprisonment for unlawful carry of a pistol.

Applicant, by and through Counsel, filed on April 25, 2017, a motion to reconsider the sentence imposed. Applicant and Counsel again appeared before Judge Verdin on June 5, 2017, at the Spartanburg County Courthouse. Judge Verdin took the matter under advisement, and filed an amended sentencing sheet on December 27, 2018, resentencing Applicant to twenty years' imprisonment on the ABHAN. Applicant did not appeal his plea or sentence.

Summary of Relevant Facts

On April 1, 2016 deputies responded to a shooting. (Plea Tr. 16). The victim stated he and his girlfriend left his house when a dark car pulled behind them. (Plea Tr. 16). He heard two or three gunshots and realized the back window of his car had been shot out and his girlfriend's face grazed by one of the bullets. (Plea Tr. 16). A deputy was sitting on Loan Oak Road and Valley Falls Road near where the shots came. (Plea Tr. 16). The victim thought he heard automatic gunfire and saw a small sedan speeding away and attempted a traffic stop. (Plea Tr. 16-17). A high speed chase ensued, during which the deputy saw firearms thrown out of the driver's side of the vehicle. (Plea Tr. 17).

The chase ended eight to ten minutes later in Victoria Gardens Apartments. (Plea Tr. 17). Applicant, the back seat passenger, jumped out of the car and took off running. (Plea Tr. 17). The driver, Douglas Jones, and front seat passenger, Deandre Foster, stayed in the car. (Plea Tr. 17).

The vehicle search revealed an AR-15 round in the driver's front pocket and an extended magazine for a .40 caliber pistol, a loaded AR-15 magazine, and another loaded pistol magazine

in the vehicle itself. (Plea Tr. 17). The police went back to the route of the chase and found an AR-15 on the side of the road that was thrown out of the vehicle. (Plea Tr. 17). Another 9 millimeter pistol was recovered on the side of the road. (Plea Tr. 17). Additionally, the next day a Milliken's ground crew discovered and brought in a third pistol around where the chase took place. (Plea Tr. 17). The State believed that all individuals in the car were armed because there were three individuals and three guns inside the car. (Plea Tr. 17). All three came back with gunshot residue on them and Applicant admitted that the 9 millimeter Smith & Wesson with a regular clip was his. (Plea Tr. 17).

It was later revealed this happened because a girl's car got keyed. (Plea Tr. 17). Jones dated a girl who had a dispute with her prior roommate and the roommate was kicked out of the apartment. (Plea Tr. 17-18). After being kicked out, she stole various items and there were allegations that she vandalized Jones' girlfriend's car. (Plea Tr. 18). The girlfriend told Jones about it and knew he and his friends would show up with weapons but did not know what exactly they would do. (Plea Tr. 18).

Pictures were admitted at the plea hearing showing the back of victim's car and a front view of the car. (Plea Tr. 18). The pictures showed the bullet went right by where the victim's girlfriend's head was. (Plea Tr. 18). A third picture shows the victim's girlfriend's face, where she was grazed by the bullet. (Plea Tr. 18). The victim himself was not injured. (Plea Tr. 18).

Current Action before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully because of ineffective assistance of counsel in that:

1. "The Court failed to inform defendant of the elements of the hand of one is the hand of all. Also the trial court failed to inform defendant of the elements of attempted murder."
 - a. "In relation to ground one in the Petition, during the Plea colloquy defense

Counsel informed the Court that the reason defendant was Pleading guilty was because of the hand of one is the hand of all. However, the Court never informed defendant of the elements that the State must prove to find defendant guilty under such theory."

2. "The factual basis did not support the offense."
 - a. "In relation to ground Two in the Petition, the Court never informed defendant of the Elements of Attempted Murder. Though defendant Pleading guilty to ABHAN, provided he rejected the State's offer, he faced the charges of Attempted Murder. Hence, before an intelligent decision could be had of whether to accept or reject the plea, it was necessary for the Court to inform defendant of the elements of Attempted Murder."
3. "Trial court failed to inform defendant of elements of ABHAN."
 - a. "In relation to ground Three in the Petition, during the Plea Colloquy the State, in support of its factual basis for ABHAN, told the Court that one of the victims, Mr. Clay, did not suffer any bodily and/or physical injure at all. In ought for a person to commit the offense of ABHAN, there must be some form of physical and/or bodily injure. Defendant pleaded guilty to two counts of ABHAN, one of those counts being against Mr. Clay."
 - b. "In relation to ground Five in the Petition, the trial court failed to inform defendant of the elements of the offense he pleaded guilty to, i.e. ABHAN."
4. Ineffective assistance of plea counsel, in that:
 - a. "In relation to ground four in the Petition, defense counsel failed to inform defendant of the elements of Attempted Murder to enable defendant to make an intelligent decision of whether or not to accept the State's offer or proceed to trial."
 - b. "Defense Counsel was also ineffective for allowing defendant to plead guilty to an offense that the factual basis did not support."

In addition to proceeding forward on the above allegations, Applicant challenged the validity of the plea, stating it was entered unknowingly, unintelligently, and involuntarily. He also stated that he was unclear about the difference between hand of one hand of all and the presence.

Summary of the Testimony

Applicant's Testimony

Applicant stated that Counsel represented him for about four or five months prior to the plea. Applicant's prior plea counsel was relieved before Counsel assumed representation.

Applicant stated he was in jail throughout the entirety of the representation.

Applicant stated Counsel visited him about three times at the jail. Applicant stated

Counsel told him what he was charged with but never explained the elements of the charges. Applicant stated he told Counsel that he never intended to enter the car or join in the conspiracy to begin with. Applicant stated he was not driving the car, nor was he the shooter. Applicant stated he was not given discovery material until after he had entered the plea, despite asking Counsel for the materials. He claimed Counsel did not want to give him a copy to keep.

Though Applicant denies ever being a part of the shooting, he stated he pled to two counts of ABHAN and the unlawful carry of a pistol charge. Applicant stated he did not understand the State's theory of the case against him, but stated he understood he was implicated under the hand-of-one-hand-of-all theory. Specifically, Applicant stated he pled guilty because he thought that his "mere presence" was sufficient to be found guilty, but discovered that is incorrect after working as a clerk in the prison law library. Applicant stated he did not understand the elements of ABHAN when he entered the plea and, in particular, did not understand the meaning of "serious bodily injury." Applicant stated that had he known this at the time he would have proceeded to trial rather than accepting a plea offer.

Applicant stated that the victim's girlfriend who was shot suffered only superficial wounds from broken glass, not a gunshot wound, and that the other victim did not suffer any injuries. Applicant claims that this was not sufficient to find him guilty as charged at trial and, had he known that prior to entering the plea, he would have proceeded to trial. Applicant stated he was not aware that the solicitor would frame the victim's girlfriend's injuries as rendering them "lucky to be alive." Applicant stated had he known the solicitor would say this, he would have been prepared to provide the discovery evidence contradicting it.

On cross-examination, Applicant admitted Counsel never told him that mere presence was sufficient under the hand of one hand of all theory, but stated it was never discussed, and he

believed mere presence was enough for a conviction. Applicant stated he did not remember why he did not ask about the theory in discussions with Counsel or when it was brought up at the plea hearing. Applicant stated he was not the shooter or the driver, but could not say with certainty whether there was someone else who acted in the capacity of the shooter or driver throughout the incident. Applicant stated he could not speak on behalf of anyone else who may have been involved, just himself, and again articulated he was only merely present. When pressed, Applicant stated he could not say whether anyone even drove the vehicle. When asked why he had a gun on him when in the car, Applicant stated he had a Second Amendment right to bear arms.

After Counsel's testimony, Applicant again testified on re-direct. Applicant stated he understood that because he was in the car, he could have been found guilty, but again stated he had no idea of what he was pleading guilty to because Counsel did not explain the hand of one theory. Applicant stated he now understands what specific intent means and that mere presence is insufficient to support a conviction, but that Counsel never explained the conflict between the two theories to him before the plea hearing. Applicant stated that if he understood this conflict, he would not have pled, but would have proceeded to trial. Applicant stated that if the elements of his charges and the hand of one hand of all theory had been explained to him, he would not have pled guilty, but would have proceeded to trial.

Counsel's Testimony

Counsel testified he has been practicing law for twenty years and a lot of his work is criminal defense. Counsel stated he was retained to represent Edmondson approximately six months prior to the plea. Counsel stated he met with Applicant three or four times. Counsel discussed the discovery with Applicant. Counsel did not give the discovery to him while he was

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in the jail, but he sat down and reviewed everything with him at the prison. Counsel stated he did not give a copy to Applicant because he did not want a cell mate to become a witness against him at trial, which has happened in prior cases when he has given his incarcerated client a copy of their discovery. Counsel stated that Applicant had an opportunity to ask questions. Counsel testified he thought Applicant understood everything and did not have any lingering questions.

Counsel stated he discussed proceeding to trial with Applicant and met with the family prior to meeting with Applicant after he was hired. Counsel testified that the State made a plea offer and he told Applicant he could choose to go to trial up until the night of the plea.

Counsel stated he printed out the statute for each charge, read it to him word for word, and explained the elements to Applicant, who indicated that he understood. Counsel stated they "absolutely" discussed hand of one is the hand of all and mere presence, because they are so inextricably linked to each other. Counsel stated he did not know if he told Applicant that he could not be convicted based upon mere presence alone, but explained the difference between mere presence and what must be shown to be found guilty under hand of one hand of all.

Counsel stated that he thought there was evidence that Applicant went beyond mere presence because he threw the gun out the window of the car and took off running from the police.

Counsel testified that a co-defendant pled guilty before Applicant did, which gave the an idea of what the sentence would be. Counsel stated he was told that this co-defendant would testify against him if he went to trial. Counsel stated they spoke about this testimony because the GSR test would have proven the co-defendant to be a liar if he said that Applicant was the shooter, because Applicant only had minimal GSR on his non-dominant hand.

Counsel stated it was Applicant's decision alone to enter the plea. Counsel stated he never promised him anything or tried to talk him into pleading. Counsel stated he warned him

about the effects of waiving his constitutional rights on numerous occasions and Applicant never asked questions about this or otherwise indicated he did not understand.

On cross-examination, Counsel stated he did not remember specifically what he told Applicant concerning the difference between mere presence and hand of one hand of all theory, but knew it was discussed in detail. When asked why Counsel stated that Applicant was simply at the wrong place at the wrong time at the motion for reconsideration hearing, Counsel stated that it was the theory of the defense he presented in attempting to get a shorter sentence, but confirmed the record showed he tossed a gun out of the car and took off running.

Counsel confirmed Applicant pled solely under the hand of one hand of all theory and they talked about the theory at length. When asked why the plea affidavit Applicant signed did not include language about the hand of one, hand of all theory, Counsel stated that the affidavit was created to make sure Applicant was aware of his rights and was based upon a template from the state Supreme Court, which did not factor in case-specific details, such as the hand of one hand of all theory.

Counsel stated he did not remember if the Court went over the elements of the charges at the plea hearing, but knew that he printed out the statutes and went over them with Applicant when they met to discuss the case, and that the statutes were attached to the affidavit. Counsel acknowledges that the statute does not specifically mention specific or transferred intent.

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 and arguments presented at the PCR hearing. Before this Court are the Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea and motion for reconsideration hearings transcripts, and this PCR action's records. This

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Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by South Carolina Code Annotated Section 17-27-80 (2003).

Ineffective Assistance of Counsel

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. See also Rule 71.1(e), SCRCP ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance

and made all significant decisions in the exercise of reasonable professional judgment.”

Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). Judicial scrutiny of counsel’s performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually “countless” ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel’s deficient performance must have prejudiced the applicant so 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. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Importantly, “[t]he likelihood of a different result must be *substantial*, not just conceivable.” *Harrington v. Richter*, 562 U.S. 86, 112 (2011).

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

Invalid Plea

In the context of a guilty plea, the applicant must show there is a reasonable probability that, but for ineffective assistance of counsel, he or she would not have pled guilty but, instead, would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Applicant’s right to contest the validity of a plea is usually, but not invariably, foreclosed because of the inherent

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solemnity and truthfulness included in the guilty plea process. See *Blackledge v. Allison*, 431 U.S. 63, 73-74 (1977) ("Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible."). Absent valid reasons why the applicant is entitled to depart from previous judicial admissions made at the plea hearing, statements made during the original proceeding remain conclusive. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

For a plea to be valid, the applicant must have been aware of the nature and criminal elements of the offense the maximum and minimum penalties, and the rights he is waiving by accepting the plea. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Roddy v. State*, 339 S.C. 29 (2000). A plea is not knowing or voluntary if a defendant "lacks knowledge of material evidence in the prosecution's possession." *Gibson v. State*, 334 S.C. 515, 523, 514 S.E.2d 320, 324 (1999).

A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." *Roddy v. State*, 339 S.C. at 34, 528 S.E.2d at 421 (citing *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). "[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing." *Dalton*, 376 S.C. at 138, 654 S.E.2d at 874 (quoting *Harres v. Leeke*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984)). Further, "guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including claims of a violation of a constitutional right prior to the plea."

Whetsell v. State, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981). Though rare, pleas are rendered invalid when the PCR court finds that the trial judge did not affirmatively ask for an admission of guilt or advise the defendant of the crucial elements of the charged offenses and the mandatory minimums associated with the crime. See *Pittman v. State*, 337 S.C. 597, 600, 524 S.E.2d 623, 624 (1999) (finding that the plea entered was not voluntary, intelligent, and knowing when counsel had little to no memory of issues discussed with applicant prior to the plea and the plea court failed to question applicant to ensure he knew about the consequences of the plea or the elements charged).

This Court finds that Applicant entered his plea freely, knowingly, intelligently, and voluntarily. At the plea hearing, the State called the case by explaining Applicant was originally charged with attempted murder and would be pleading to the lesser-included offense of ABHAN. (Plea Tr. 2). The plea court advised Applicant that he was present to plead guilty to two counts of ABHAN, each of which carried a sentence of up to twenty years, are classified as violent and serious offenses, as well as one count of unlawful carrying of a pistol. (Plea Tr. 6). Applicant affirmed to the plea court that he had discussed the charges with Counsel, and that he was happy with Counsel's performance. (Plea Tr. 9). Applicant stated he was not under the influence of drugs or alcohol at the plea hearing. (Plea Tr. 13). Applicant stated he understood he was waiving his right to remain silent, to a jury trial, to call and confront witnesses, and that he would have to be found guilty beyond a reasonable doubt by a jury. (Plea Tr. 14). Applicant stated no one promised him anything or forced him into pleading. (Plea Tr. 14-15). Additionally, after the solicitor stated the facts of the case, Applicant stated he wanted to plead guilty. (Plea Tr. 19-20).

Additionally, Counsel's testimony at the PCR hearing further substantiates the plea's validity. Counsel testified that he showed Applicant the discovery against him when he met with

him prior to the plea and that Applicant knew the evidence against him. Counsel stated that the State made a plea offer and he told Applicant he could choose to go to trial instead up until the night of the plea. Counsel stated it was Applicant's decision alone to enter the plea. Counsel stated he never promised him anything or tried to talk him into pleading. Counsel stated he warned him about the effects of waiving his constitutional rights on numerous occasions and Applicant never asked questions about this or otherwise indicated he did not understand. Counsel stated he thought Applicant understood everything and he did not have any lingering questions. Based upon Counsel's credible testimony and the plea transcript, this Court finds the plea was entered freely, knowingly, intelligently, and voluntarily and cannot be withdrawn now.

Failure to Inform Applicant

This Court finds that Applicant was adequately informed of the elements of ABHIAN and attempted murder, the hand of one hand of all theory, and the meanings of specific intent and mere presence and knew about these elements when he entered his plea.

"A person who, with intent to kill, attempts to kill another person with malice aforethought, either expressed or implied, commits the offense of attempted murder." S.C. Code Ann. § 16-3-29. A person is guilty of assault and battery of a high and aggravated nature "if the person unlawfully injures another person and great bodily injury to another person results; or the act is accomplished by means likely to produce death or great bodily injury." S.C. Code Ann. § 16-3-600(B)(1)(2015). Attempted murder is not a mere codification of the offense of assault and battery with intent to kill, but rather constitutes a new, separate offense for which a specific intent to kill must be proven beyond a reasonable doubt. *State v. King*, 422 S.C. 47, 810 S.E.2d 18 (2017).

"Under the 'hand of one is the hand of all' theory [of accomplice liability], one who

joins with another to accomplice an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose.” *State v. Thompson*, 374 S.C. 257, 261-62, 647 S.E.2d 702, 704-05 (Ct. App. 2007) (quoting *State v. Condrey*, 394 S.C. 184, 194, 562 S.E.2d 320, 324 (Ct. App. 2002)). Though “[m]ere presence and prior knowledge that a crime was going to be committed, without more is insufficient to constitute guilt”, “presence at the scene of a crime by pre-arrangement to aid, encourage, or abet in the perpetration of the crime constitutes guilt as a [principal].” *Id.* (quoting *State v. Hill*, 268 S.C. 390, 395-96, 234 S.E.2d 219, 221 (1977)). “In order to establish the parties agreed to achieve an illegal purpose, thereby establishing presence by pre-arrangement, the State need not prove a formal expressed agreement, but rather can prove the same by circumstantial evidence and the conduct of the parties.” *State v. Gibson*, 390 S.C. 347, 354, 701 S.E.2d 766, 770 (Ct. App. 2010). *See also Condrey*, 394 S.C. at 193, 562 S.E.2d at 324 (stating that “[a] formally expressed agreement is not necessary to establish the conspiracy” that brings the accomplice to the crime scene).

In similar cases, guilty convictions were sustained if there was sufficient evidence indicating a common scheme or plan, regardless of whether or not the defendant fired the fatal shot. *See Gibson*, 390 S.C. at 355, 701 S.E.2d at 770 (finding sufficient evidence existed indicating the defendant participated in a common scheme or plan with his co-defendant when he agreed to act in concert with his co-defendant who fired the fatal shot when defendant informed co-defendant of the situation, that the call to pick him up from the bar was not solely for the purpose of removing defendant from the scene, and that defendant was aware of the firearm available for him to retrieve from his co-defendant’s car); *State v. Dickman*, 341 S.C. 293, 534 S.E.2d 268 (2000) (finding that enough evidence existed to sustain a murder conviction when the

appellant acted with his co-defendant pursuant to a common scheme or plan when appellate told a friend the date the murder would take place, arranged the incident with the co-defendant, retrieved a gun set aside by the co-defendant, and handed the gun to co-defendant, who promptly fired the fatal shot).

Based upon the plea transcript and Counsel's testimony at the PCR hearing, this Court finds that Applicant sufficiently understood the elements of both the charges he was indicted under, and the charges to which he ultimately pled guilty. At the plea, the State called the case by explaining Applicant was originally charged with attempted murder and would be pleading to the lesser-included offense of ABHAN. (Plea Tr. 2). The plea court advised Applicant that he was present to plead guilty to two counts of ABHAN, each of which carried a sentence of up to twenty years, are classified as violent and serious offenses, as well as one count of unlawful carrying of a pistol. (Plea Tr. 6). Applicant affirmed to the plea court that he had discussed the charges with Counsel, and was satisfied with Counsel's performance. (Plea Tr. 9). Counsel, in mitigation, specifically indicated that part of Applicant's calculus in choosing to accept the offer and plead guilty was "because the hand of one is the hand of all." (Plea Tr. 21). At no point during mitigation did Applicant indicate he did not understand what Counsel was saying concerning the theory pled under.

Counsel's credible testimony at the PCR hearing further substantiates this finding. Counsel stated he printed out the statute for each charge, read and explained each to him word for word, and Applicant indicated that he understood. Counsel stated they "absolutely" discussed hand of one is the hand of all and mere presence, because they are so inextricably linked to each other. Counsel stated he did not know if he told Applicant that he could not be convicted based upon mere presence alone, but explained the difference between mere presence and what must be

shown to be found guilty under hand of one hand of all. Counsel testified that he thought there was evidence that Applicant went beyond mere presence because he threw the gun out the window of the car and took off running from the police. Counsel confirmed Applicant pled solely under the hand of one hand of all theory and they talked about the theory at length. Thus, based on the above, this Court finds Applicant was not credible in his statements that he did not understand the elements of the crimes charged with and convicted upon. Accordingly, relief is denied on this ground.

Facts did not Support the Offense

As a part of the plea validity issue, Applicant claims the facts do not support his guilty plea. "A defendant may, as part of a plea bargain, agree to plead guilty to a crime for which he has been indicted (or to which he has waived grand jury presentment), but of which he is not guilty." *Rollison v. State*, 346 S.C. 506, 510, 552 S.E.2d 290, 292 (2001); *see also Anderson v. State*, 342 S.C. 54, 58, 535 S.E.2d 649, 651 (2000) ("We find, so long as there was a sufficient factual basis to support the crime for which the defendant was indicted, a plea to any lesser included offense is sufficient."). ABHAN is a lesser-included offense of attempted murder. S.C. Code Ann. § 16-3-600(B)(3); *State v. Middleton*, 407 S.C. 312, 315, 755 S.E.2d 432, 434 (2014).

Applicant and Counsel seemingly thought that the facts were sufficient for Applicant to support the conviction before entering the plea and while at the plea hearing, despite Applicant's current statement to the contrary. Specifically, after the solicitor stated the facts of the case, Applicant stated he wanted to plead guilty. (Plea Tr. 19-20). Additionally, Counsel credibly testified at the PCR hearing that he thought there was evidence that Applicant went beyond mere presence because he threw the gun out the window of the car and ran from the police. However, even if Applicant is correct and the evidence does not perfectly fit the charge, under South

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Carolina law Applicant can still freely plead guilty to ABHAN because he was indicted for the greater offense of attempted murder. Accordingly, relief is denied on this ground.

Conclusion

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

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

IT IS THEREFORE ORDERED:

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 26th day of April, 2021.

GRACE GILCHRIST KNIE
Presiding Judge
Seventh Judicial Circuit

Spartanburg South Carolina.

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SPARTANBURG COUNTY
AMY W. COX

Page 17 of 17
GGK

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

County of SpartanburgTYSean J. Edmondson #372301

Full name and prison number (if any) of Applicant

2019-CP-42-02979

v.

APPLICATION FOR

State of South Carolina

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 Lee Correctional Institution
2. Name and location of Court which imposed sentence Spartanburg Courthouse
3. Name(s) of co-defendant(s) (if any) Douglas Jones and Deandra Foster
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Assault and Battery of A High and Agg. Nature, Ind. No.
 - (b) 2016-GS-42-4097 and Possession of a Weapon, Ind. No.
2016-GS-42-4096.

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

- (a) Initial Sentence on April 25, 2017 to 16 Years 85%
(b) Resentenced December 27, 2018, to 12 Years 85%
(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. Do Not Apply
ii. _____
iii. _____

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

- i. Do Not Apply
ii. _____
iii. _____

(c) the date of each such result:

- i. Do Not Apply
ii. _____
iii. _____

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

- i. Do Not Apply
ii. _____
iii. _____

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

- (a) Entered a Guilty Plea and the Appropriate Place of Relief is by way of P.C.R.
(b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: The Court failed to inform defendant of the elements of the hand of one is the hand of all. Also, the trial court
- (a) Failed to inform defendant of the elements of Attempted Murder.
- (b) The Factual Basis did not support the offense, Ineffective Assistance and
- (c) Trial court failed to inform defendant of Elements of ABHAW.

11. State concisely and in the same order the facts which support each of the grounds set out in (10): See Attached Exhibit A. thru B.

- (a) _____
- (b) _____
- (c) _____

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

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? Yes

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

- (a) the specific nature thereof:

i. Motion For Reconsideration of Sentence

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. Sentence was reduced from 16 years to 12 years.

ii.

iii.

iv.

(d) the date of each such disposition:

i. Judgment was entered December 27, 2018

ii.

iii.

iv.

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

i. Unknown

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. Do Not Apply

ii.

iii.

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

i. Do Not Apply

ii.

iii.

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STANLEY COUNTY

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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: Claims had to be raised on PCR because
- (a) defendant entered a guilty Plea, therefore none of
 - (b) the herein listed claims were raised in the trial court.
 - (c) _____

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

- (a) your arraignment and plea? Doug Brannon
- (b) your trial, if any? _____
- (c) your sentencing? Doug Brannon
- (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. Doug Brannon

ii. _____

iii. _____

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

i. Doug Brannon represented defendant at the Plea Colloquy and at Sentencing.

ii. _____

iii. _____

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State clearly the relief you seek in filing this application.

The setting aside of defendant's Guilty Plea, or in the alternative, RENEGOTIATION of the Same.

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

NO

STATE OF SOUTH CAROLINA

County of Spartanburg

VERIFICATION

I, TySean J. Edmondson, 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.

TySean Edmondson

SWORN to and subscribed before me this 21
day of Aug, 2019.

Debra Easterday (L.S.)
Notary Public

My Commission Expires: 3/3/2024

2019 AUG 26 AM 11:50

CLERK OF COURT
SPARTANBURG, S.C.

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

I, TYSean J. Edmondson, 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.

TySean Edmondson
Applicant

SWORN or affirmed to and subscribed before me this
21 day of Aug., 2013.

Delma Eastman
Notary Public

My Commission Expires: 3/3/2020

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2019 AUG 26 AM 11:50

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FACTS IN SUPPORT OF CLAIMS

In relation to Ground One in the Petition, during the Plea Colloquy defense Counsel informed the Court that the reason defendant was Pleading Guilty was because of the hand of one is the hand of All. However, the Court never informed defendant of the elements that the State must Prove to Find defendant Guilty under Such theory.

In relation to Ground Two in the Petition, the Court never informed defendant of the Elements of Attempted Murder. Though defendant Pleading Guilty to ABHAN, Provided he Rejected the State's Offer, he Faced the Charges of Attempted Murder. Hence, before an intelligent decision could be had of whether to accept or reject the Plea, it was necessary for the Court to inform defendant of the elements of Attempted Murder.

In relation to Ground Three in the Petition, during the Plea Colloquy the State, in support of its factual basis for ABHAN, told the Court that one of the Victims, Mr. Clay, did not suffer any bodily and/or Physical injury at all. It ought for a Person to Commit the offense of ABHAN, there must be some form of Physical and/or bodily injury. Defendant Pleading Guilty to two Counts of ABHAN, one of those Counts being against Mr. Clay.

Exhibit A

In relation to Ground Four in the Petition, defense Counsel failed to inform defendant of the elements of Attempted Murder to enable defendant to make an intelligent decision of whether or not to accept the State's offer or Proceed to trial. Defense Counsel was also ineffective for allowing defendant to Plead Guilty to an offense that the Factual basis did not Support.

In relation to Ground Five in the Petition, the trial Court failed to inform defendant of the elements of the offense he Pleaded Guilty to, i.e. ABHVN.

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Exhibit B

PROOF OF SERVICE

I, Tysean J. Edmondson, certify that I did mail (1) One original copy of my Petition For Post Conviction Relief, and Pro Se letter Brief in support of the Petition to the addresses below:

To: 180 Magnolia St 2nd Floor, Suite 500,
Spartanburg, SC 29306

To: 180 Magnolia St, Spartanburg SC, 29306

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2019 AUG 26 AM 11:50

I, Tysean J. Edmondson, certify that the statements made by me are true. I am aware that if any statements made by me are willfully false, I am subject to punishment.

Dated: 7-31-19

Tysean Edmondson

Tysean J. Edmondson,
Applicant-Petitioner

Vs.

State Of South Carolina,
Defendant-Respondent

In The Court Of Common Pleas
Ind.No. 2016-GS-42-4096, 4097, 942
Docket No. _____

CIVIL ACTION

Pro Se Letter Brief In Support Of
Petition For Post Conviction Relief.

PRO SE LETTER BRIEF
IN SUPPORT OF PETITION FOR POST CONVICTION
RELIEF

ATTORNEY FOR APPLICANT:

Tysean J. Edmondson, Pro Se
#372301
F2-B/Cell 2207
Lee Correctional Inst.
990 Wisacky HWY
Bishopville, S.C. 29010

APPLICANT IS CONFINED

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SPARTANBURG, S.C.
2016 AUG 26 AM 11:50

TABLE OF CONTENTS

Table of cases.....iii
Procedural history.....iv
Statement of facts.....5

[LEGAL ARGUMENTS]:

Point One: APPLICANT'S GUILTY PLEA WAS NOT ENTERED
 KNOWINGLY, INTELLIGENTLY OR VOLUNTARILY
 DUE TO THE TRIAL COURT'S FAILURE TO IN-
 FORM APPLICANT OF THE ELEMENTS AND/OR
 INSTRUCT HIM ON THE LAW OF THE HAND OF
 ONE IS THE HAND OF ALL.....7

SUB TOPIC A: APPLICANT'S GUILTY PLEA WAS NOT ENTERED
 KNOWINGLY, INTELLIGENTLY OR VOLUNTARILY,
 DUE TO THE TRIAL COURT'S FAILURE TO INFORM
 APPLICANT OF THE ELEMENTS CONSTITUTING
 ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED
 NATURE.....13

SUB TOPIC B: APPLICANT'S GUILTY PLEA SHOULD BE SET ASIDE
 BECAUSE THE FACTUAL BASIS DOES NOT SUPPORT
 THE OFFENSE IN RELATION TO ONE OF THE VICTIMS
 IN THE CASE.....14

FILED
CLERK OF COURT
SPRINGFIELD, ILL.
2019 AUG 26 AM 11:51

POINT TWO APPLICANT'S GUILTY PLEA WAS NOT KNOWINGLY
INTELLIGENTLY, OR VOLUNTARILY MADE, DUE
TO THE COURT'S FAILURE TO INFORM APPLICANT
OF THE ELEMENTS OF ATTEMPTED MURDER.....16

POINT THREE: INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL
FOR FAILING TO INFORM APPLICANT OF THE
ELEMENTS OF ATTEMPTED MURDER, AND FOR
ALLOWING APPLICANT TO PLEAD GUILTY TO
AN OFFENSE THAT THE FACTUAL BASIS DO
NOT SUPPORT.....18

CONCLUSION.....21

FILED
CLERK OF COURT
SPRINGFIELD, MO
2019 AUG 26 AM 11:51

TABLE OF CASES

	PAGE
Anderson v. State, 342 S.C. 54 (2001).....	7
Brady v. United States, 397 U.S. 742 (1970).....	7
Henderson v. Morgan, 426 U.S. 637 (1976).....	9,17
McCarthy v. United States, 394 U.S. 459 (1969).....	14
Smith v. O'Grady, 312 U.S. 329 (1941).....	9
State v. Nesbitt, 411 S.C. 195 (2015).....	7,13
Strickland v. Washington, 104 S.ct. 2052 (1984).....	18
U.S. v. Broce, 488 U.S. 563 (1989).....	9
U.S. v. Davis, 184 F.3d. 366 (4th cir 1999).....	7

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CLERK'S OFFICE
SOUTH CAROLINA
2019 AUG 26 AM 11:51

PROCEDURAL HISTORY

Applicant was charged and indicted on (2) two counts of attempted murder (Ind.No. 2016-GS-42-4097), (1) One count of possession of weapon during a violent crime (2016-GS-42-4096). Applicant also faced an unrelated indictment for possession of a stolen pistol (Ind.No. 2016-GS-42-942).

On April 25, 2017, applicant pled guilty to (2) two counts of Assault and Battery Of a High and Aggravated Nature and unlawful carry of a weapon, and was sentenced to 16 years with 85 percent, violent. See attached Da 1.

Following the judgment applicant moved the court on a motion for reconsideration of sentence. Honorable Letitia H. Verdin granted applicant's motion and resentenced applicant to a term of 12 years with 85 percent, violent.

The judgment of conviction on the new sentence was entered on December 27, 2018.

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2019 AUG 26 AM 11:51

STATEMENT OF FACTS

[THE STATE'S VERSION OF THE FACTS]:

Co-defendant, Douglas Jones' girlfriend had a dispute with a former roommate, Savanna Thompson. As a result of the dispute, Mr. Jones girlfriend kicked Ms. Thompson out of the house. Before leaving Ms. Thompson allegedly stole a bunch of things and vandalized Mr. Jones girlfriend's car, and then told Mr. Jones what she had done.

On April 1, 2016, Mr. Jones along with Deandra foster and applicant pulled up behind Aaron Clay's car and fired shots into the vehicle, thus shattering his back window. Mr. Clay's girlfriend, Ms. Thompson, was in the front passenger seat and was grazed by one of the bullets.

A deputy happened to be in the vicinity. He witnessed a small Sedan speeding away. A high speed chase ensued. During the chase the deputy served firearms being thrown out of the driver side window. The pursuit ended in about ten minutes in Victoria Gardens Apartments. Applicant jumped out of the car and ran on foot and was later apprehended.

Police found an AR-15 rounds in the driver front pocket, an extended magazine for a .40 caliber pistol, a loaded AR-15 magazine and another loaded magazine in the car. An AR-15, 9 Millimeter and another pistol was later found on the side of the road.

[DEFENSE COUNSEL'S VERSION OF THE FACTS]:

During the plea colloquy, Mr. Brannon (defense counse) disputed the State's facts that applicant threw any of the weapons out of the window. He also refuted that applicant had fired any of the weapons.

Mr. Brannon told the court that applicant was merely a backseat passenger, and that the reason applicant was pleading guilty was because of the hand of one is the hand of all. See Plea colloquy Page 21, line 19 thru Page 22, line 1.

151
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SPRINGFIELD, ILL
2019 AUG 26 AM 11:51

LEGAL ARGUMENTS

POINT ONE

APPLICANT'S GUILTY PLEA WAS NOT ENTERED KNOWINGLY, INTELLIGENTLY OR VOLUNTARILY DUE TO THE TRIAL COURT'S FAILURE TO INFORM APPLICANT OF THE ELEMENTS AND/OR INSTRUCT HIM ON THE LAW OF THE HAND OF ONE IS THE HAND OF ALL.

It has been long established that a defendant's guilty plea must be knowingly, intelligently, and voluntarily made. Anderson v. State, 342 S.C. 54, 57, 535 S.E. 2d 649, 651 (2001). Whenever a guilty plea is not entered knowingly, intelligently or voluntarily, it must be set aside. Brady v. United States, 397 U.S. 742, 90 S.Ct. 1463, 25 L.Ed 2d 747 (1970). In order for a guilty plea to be voluntary, a defendant must be informed of the elements that constitute the offense s/he is pleading guilty to. U.S. v. Davis, 184 F.3d 366 (4th cir. 1999). Prior to receiving a defendant's guilty plea the court must advise defendant of the "nature and crucial elements" of the charges. State v. Nesbitt, 411 S.C. 195, 768 S.E. 2d 67 (2015).

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2019 AUG 26 AM 11:51

[Relevant Facts And Argument]:

In the case at bar, the facts show that applicant was initially charged and indicted on (2) two counts of attempted murder (Ind. No. 2016-GS-42-4097), Possession of a weapon during a violent crime (Ind. No. 2016-GS-42 4096), and

possession of a stolen pistol (Ind. No. 2016-GS-42-942). In exchange for applicant's guilty plea to (2) two counts of Assault and battery of a high and aggravated nature and unlawful possession of a weapon, the State dismissed the possession of a weapon during a violent crime offense, as well as recommended concurrent sentences. See Plea colloquy Page 2, line 1 thru 16.

Prior to the day of the plea, applicant informed defense counsel that he did not partake in the crimes, but was merely a passenger in the car. He also told counsel that he had no knowledge that the other occupants in the car was going to commit the crimes charged.

On the premise of the aforementioned facts, defense counsel, during the plea colloquy, informed the court that the only reason his client was pleading guilty was because of the hand of one is the hand of all. See Plea colloquy Transcript Page 21, line 19 to Page 22, line 1.

Defense counsel also informed the court that his client did not shoot a gun that night. See Plea colloquy Transcript Page 21, line 10 to line 14.

It should be mentioned that the criminal act that the State relied on in support of the assault and battery Of a High and Aggravated nature, was discharging a firearm into the victim(s) vehicle (see attached Da 5). However, defense counsel's position was that applicant did not shoot into the vehicle the night of the crime (see Plea Colloquy Page 21, line 10 thru 14). Consistent with what defense counsel told the court, the only reason appl-

icant pled guilty was because of the "hand of one is the hand of all". Based on defense counsel's position and the reasons why he allowed applicant to plead guilty, the trial court should have appraised applicant of the elements and the law on the legal principle of the hand of one is the hand of all.

It is well acknowledge that when a defendant pleads guilty he essentially admits to all of the elements constituting the crime charged. U.S. v. BROCE, 488 U.S. 563, 570 (1989). With such being the case, the failure of the court, in the present case, to inform applicant of the elements that constituted his accomplice status, that is, the hand of one is the hand of all, meant that applicant pled guilty to the offenses without being provided "adequate notice" thereto. See Henderson v. Morgan, 426 U.S. 637 (1976).

In Henderson v. Morgan, Supra, after defendant's guilty plea to second degree murder, he challenged his conviction in the District Court on the grounds that had he known that "intent" was an element of the offense he would not have taken the plea. To this the District Court found that defendant's plea was not voluntary in the sense that it constituted an intelligently admission that defendant committed the offense. 426 U.S. at 645, 96 S.ct. at 2257-58 (Quoting Smith v. O'Grady, 312 U.S. 329, 334, 61 S.ct. 572, 574, 85 L.Ed. 859 (1941)).

Here, in the present case, applicant asserts that the error that occu-

rred in Henderson, Supra, is identical to the error that occurred in the case at hand; that is, in the sense that the trial court also failed to inform applicant of the elements constituting guilt under the hand of one is the hand of all, as "intent" happens to be an element the State was required to prove to convict applicant under the theory of the hand of one is the hand of all.

Before applicant demonstrate the importance of the necessity of the trial court to have informed him of the elements of not only the offenses he pled guilty to, but also the elements constituting the State's proofs under the theory of the hand of one is the hand of all, applicant's position at the time of the plea should be understood.

Applicant was of the belief that his "mere presence", that is, his being in the car during the commission of the crimes, in it of itself was all that the State was required to prove to convict him of the crimes charged under the theory of the hand of one is the hand of all. Defense counsel never gave applicant the law on the hand of one is the hand of all, nor did he inform applicant of the elements the State was required to prove to find him guilty under such theory. Defense counsel drafted an affidavit detailing all that he explained to applicant prior to the plea. Nowhere in the papers does counsel acknowledge or claim that he explained to applicant or informed him of any or all of the elements required for a conviction under the theory of the hand of one is the hand of all. See attached Da 3 thru

Da 4. Hence, the trial court had a legal duty, prior to the entry of applicant's plea, to inform him of the elements constituting his guilt under the theory of the hand of one is the hand of all. In other words, applicant was never told or informed by the court or counsel that "mere knowledge" that another person is going to commit a crime, even if the applicant is present when the crime is committed, is not sufficient to convict him as a principal. Nor was applicant informed that guilt as a principal is shown by actual or constructive presence at the scene as a result of a "prior arrangement" and that a finding of a prior arranged plan or common scheme is/was necessary for a finding of guilt as a principal. Applicant was never told that the State was required to prove, beyond a reasonable doubt, that he aided, abetted, or assisted in the commission of the crimes charged under the theory of the hand of one is the hand of all. And finally, as previously mentioned, applicant was never informed that "intent" was an element the State was required to prove before convicting him under the theory of the hand of one is the hand of all, for there must have been a "common design" or "intent" to commit the crimes charged. In short, in order for applicant to have received an adequate understanding of the principle of the hand (the hand of one is the hand of all), the trial court was required to read the entire charge to applicant on the theory of the hand of one is the hand of all.

Applicant asserts that had he been appraised of all of the aforementioned

elements and principles of law in relation to the legal principle of the hand of one is the hand of all, he would not have taken the plea. Rather, applicant would have elected to go to trial on the attempted murder charges, because as applicant has told defense counsel, he did not make any plans to commit the the crimes charged, nor had knowledge that the crimes would be committed, but was merely a backseat passenger, even as defense counsel repeatedly informed the court during the plea colloquy. See Plea colloquy Page 21, line 19 to Page 22, line 1. Though it is true that applicant answered in the affirmative when asked by the court whether he was pleased with what his counsel has done for him (Plea colloquy Page 9, line 15 thru 17), it should be understood that applicant's satisfaction was sowed in utter ignorance of the aforementioned omissions complained of herein.

In light of the aforementioned facts and law applicant's guilty plea should be set aside and a new trial granted.

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2019 AUG 26 AM 11:51

SUB TOPIC A: APPLICANT'S GUILTY PLEA WAS NOT ENTERED KNOWINGLY, INTELLIGENTLY OR VOLUNTARILY, DUE TO THE TRIAL COURT'S FAILURE TO INFORM APPLICANT OF THE ELEMENTS CONSTITUTING ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE.

This sub topic relies heavily on the case law outlined in POINT ONE, Supra. Accordingly, the case law outlined above makes it clear that before a defendant enters a guilty plea, the court is obliged to inform him of the elements that constitute the charge he or she is pleading guilty to. See State v. Nesbitt, 411 S.C. 195, 768 S.E. 2d 67 (2015).

In light of the aforementioned mandate, applicant asserts that his guilty plea was not intelligently or voluntarily given because the trial court failed to inform him of the elements that constitute Assault and Battery Of a High and Aggravated Nature.

According to South Carolina Criminal Code 16-3-600 Assault and Battery Of a High and Aggravated Nature (B) (1): A person commits the offense ABHAN if the person "unlawfully injures" another person and (a) great bodily injury to another person results; or the act is accomplished by means likely to produce death or great bodily injury.

With a reading of the Code and/or statute physical and/or bodily injury is required for a conviction of the offense. Had applicant been appraised that physical and/or bodily injury was in fact an element of ABHAN, he would not have taken the plea, because one of the victims in the case, Aaron

Clay, did not suffer any injuries at all. This of course, was acknowledged by the State during the plea colloquy. See plea colloquy Page 18, line 9 thru 17. Even though applicant admitted his guilt under the theory of the hand of one is the hand of all, the actions of his co-defendants does not support the element (physical and/or bodily injury) required for a conviction. Hence, applicant's guilty plea should be set aside because of the failure of the court to inform applicant of the elements of the offense he pleaded guilty to, or in the alternative, allow applicant to renegotiate his guilty plea in that it may be consistent with the Criminal Code.

SUB TOPIC B: APPLICANT'S GUILTY PLEA SHOULD BE SET ASIDE
BECAUSE THE FACTUAL BASIS DOES NOT SUPPORT
THE OFFENSE IN RELATION TO ONE OF THE VICTIMS
IN THE CASE.

The factual basis requirement protects a defendant from pleading guilty without realizing that his or her conduct is not within the charge. *Morgan v. U.S.*, 394 U.S. 459, 467 (1969).

Here, in the present case, applicant pled guilty to (2) two counts Assault and Battery Of a High and Aggravated Nature. During the plea colloquy, the State admitted that one of the victims in the case, Aaron Clay, did not suffer any injuries. See plea colloquy Page 18, line 9 to 17, According to South Carolina Criminal Code, ABHAN requires that the act constitute physical or bodily injury. Hence, the factual basis produced by the State did not support the elements of the offense applicant pleaded guilty

to concerning Mr. Clay.

For these reasons applicant ask that his guilty plea be set aside, or in the alternative renegotiate his plea so that the factual basis is consistent with the elements that constitute the charge(s).

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2019 AUG 26 AM 11:51

POINT TWO

APPLICANT'S GUILTY PLEA WAS NOT KNOWINGLY,
INTELLIGENTLY, OR VOLUNTARILY MADE, DUE
TO THE COURT'S FAILURE TO INFORM APPLICANT
OF THE ELEMENTS OF ATTEMPTED MURDER,.

As set forth in POINT ONE, Supra, applicant was initially indicted on (2) two counts of Attempted Murder. The State offered to allow applicant the opportunity to plead guilty to the lesser included offense of attempted murder on the condition that he plead guilty. However, provided applicant chose not to accept the State's offer, he faced the charges of (2) two counts of attempted murder at trial.

In light of the above facts, applicant argues that the trial court should have informed him of the elements that constituted attempted murder before accepting his guilty plea. This was not done. The reason this is so, that is, why the trial court should have informed applicant of the elements that constituted attempted murder, is because before applicant could have made an intelligently plea, he first had to assess whether or not the State had the evidence to convict him on the charges of attempted murder, because such was the charges he faced provided he elected to proceed to trial. Before this logical process could be achieved, applicant had to be informed of the elements that constituted attempted murder. As it presently stands, because the trial court failed to inform applicant of the elements that constituted attempted murder, applicant's acceptance of the

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2019 AUG 26 AM 11:51

State's offer cannot be said to have been intelligently made, nor was the taking of the plea voluntary.

One of the essential elements that constitute attempted murder is "intent" to commit serious bodily injury. Had applicant known that intent was an element that the State had to prove, beyond a reasonable doubt, for a conviction on the charges of attempted murder, he would not have taken the plea. See Henderson v. Morgan, 426 U.S. 637 (1976) (where the court set aside defendant's guilty plea for failing to inform him that intent was an element to second degree murder). As outlined in POINT ONE, Supra, applicant did not participate in the crimes charged, much less had any plans to harm the victims. Applicant did not fire a gun as defense counsel told the court at the plea colloquy, rather, applicant was merely a backseat passenger in the car.

For all of the reasons set forth above, applicant ask the court to set aside his guilty plea on the grounds of being involuntary and unintelligently made.

1 L.E.
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POINT THREE

INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL
FOR FAILING TO INFORM APPLICANT OF THE
ELEMENTS OF ATTEMPTED MURDER, AND FOR
ALLOWING APPLICANT TO PLEAD GUILTY TO
AN OFFENSE THAT THE FACTUAL BASIS DO
NOT SUPPORT.

To prevail on a claim of ineffective assistance of counsel, a defendant is required to meet two-prongs as set forth in Strickland v. Washington, 468 U.S. 688 (1984). The first prong defendant must meet is that counsel's performance was deficient, meaning, that counsel's actions fell below professional conduct. The second prong defendant must meet is that as a result of counsel's unprofessional conduct, he suffered prejudice, of such that there exist a probability that the outcome of the proceedings would have been different. Id. at 690.

Here, in the present case, applicant charges defense counsel with ineffective on the following grounds: (1) Failing to inform applicant of the elements that constitute attempted murder, and (2) Advising and/or allowing applicant to plead guilty to an offense that the factual basis did not support.

As set forth in POINT TWO, Supra, applicant was initially charged with (2) two counts of attempted murder. As part of the State's offer, if accepted, applicant would plead guilty to the lesser included, assault and battery of a high and aggravated nature. Provided applicant rejected the plea offer he faced going to trial on (2) two counts of attempted murder.

In light of the above facts, defense counsel had a legal duty to assure that applicant was aware of the elements constituting attempted murder. This was necessary to enable applicant to make an intelligently decision of whether to proceed to trial on the attempted murder offenses or to accept the State's offer. As mentioned in POINT ONE, Supra, defense counsel drafted an affidavit outlining all that he informed applicant of. See attached Da 3 thru Da 4. Nowhere in the affidavit does counsel make mention of informing applicant of the elements of attempted murder.

Because defense counsel failed to inform applicant of the elements of attempted murder, specifically that "intent" to commit serious bodily injury was an element the State was required to prove beyond a reasonable doubt, he would have rejected the State's offer and elected to go to trial.

Defense counsel was also ineffective for advising applicant to plead guilty to an offense that the State's factual basis do not support. Applicant pled guilty to (2) two counts of Assault and Battery Of A High and Aggravated Nature. There were two victims in the case, Aaron Clay and Savannah Thompson. The State acknowledged that Mr. Clay did not suffer any injuries. Hence, the factual basis does not support an offense of ABHAN against Mr. Clay. The prejudice here is two-fold. Had applicant known that the Assault and Battery Of A High and Aggravated Nature required physical and/or bodily injury, he would not have taken the plea in relation to Mr. Clay. Secondly, applicant is convicted of an offense that the laws of this State does not

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constitute as a crime as touching his guilty plea on Mr. Clay.

Applicant therefore ask that the court to set aside his guilty plea,
due to ineffective assistance of counsel.

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CONCLUSION

For the foregoing reasons outlined above, applicant ask the court to set aside his guilty plea, or in the alternative renegotiate his plea so that it will be consistent with the criminal code.

Dated: 7-31-19

Steven Edmonson

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ALAN WILSON
ATTORNEY GENERAL

October 30, 2019

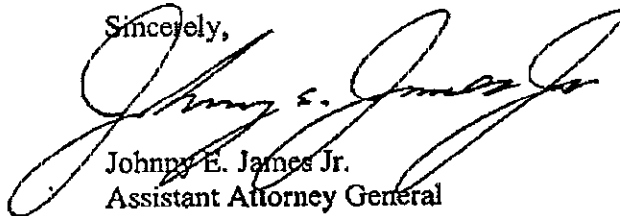
The Honorable Amy W. Cox
Clerk of Court - Spartanburg County
PO Box 3483
Spartanburg, SC 29304-3483

Re: Tysean J. Edmonson, #372301 v. State of South Carolina
2019-CP-42-02979

Dear Ms. Cox:

Enclosed please find the original Return and Partial Motion to Dismiss of the Respondent, in the above-captioned case, for filing in your office.

Sincerely,



Johnny E. James Jr.
Assistant Attorney General

JEJ/my
Enclosure

cc: Susannah C. Ross, Esquire

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SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
Tysean J. Edmondson,	)	Case No.: 2019-CP-42-02979
S.C.D.C. No. 372301,	)	
	)	
Applicant,	)	
	)	RETURN AND
v.	)	PARTIAL MOTION TO DISMISS
	)	(Counsel Appointed)
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

In response to the application for post-conviction relief filed by Tysean J. Edmondson (Applicant) on August 26, 2019, Respondent would show this Court:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the July 2016 term of the Spartanburg County Grand Jury for two counts of attempted murder (2016-GS-42-04096; -04097, Ct. I).¹ N. Douglas Brannon, Esq. ("Counsel") represented Applicant. Spenser H. Smith, Allison M. Mabbs, and Jesse M. Williams, Esqs., of the Seventh Circuit Solicitor's Office, prosecuted the case. On April 25, 2017, Applicant pled guilty to two counts of the lesser-included offense of assault and battery of a high and aggravated nature (hereafter "ABHAN"). Upon the State's recommendation of concurrent sentencing, the Honorable Petitioner H. Verdin sentenced Applicant to imprisonment for concurrent terms of 16 years.

Applicant, by and through Counsel, filed on April 25, 2017, a motion to consider the sentence imposed. Applicant and Counsel again appeared before Judge Verdin on June 5, 2017.

¹ Applicant was additionally indicted for possession of a weapon during the commission of a violent crime (2016-GS-42-04097, Ct. II), but the charge was dismissed *nolle prosequi* on or about April 25, 2017.

at the Greenville County Courthouse. Judge Verdin took the matter under advisement, and thereafter filed an amended sentencing sheet on December 27, 2018, resentencing Applicant to imprisonment for concurrent terms of 12 years. Applicant did not thereafter appeal his plea or sentence.

II. STATEMENT OF THE FACTS

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

[O]n April 1st of 2016 deputies responded to 125 Samuel Road in Spartanburg County in reference to a shooting, uh, the victim stated he and his girlfriend had left his house on [Victim's Road], shortly thereafter, um, a dark car pulled in behind them, he then heard two or three gunshots and realized the back window of his car had been shot out, his girlfriend's face had been grazed by one of the bullets. Uh, a deputy fortunately enough happened to be sitting on Loan Oak Road and Valley Falls Road in the vicinity of where the shots came, he believed that he heard automatic gunfire and he saw a small sedan speeding away and attempted a traffic stop, a high speed chase ensued, um, during the chase he saw firearms being thrown out of the, uh, driver's side a the vehicle.

The chase ended in Victoria Gardens Apartment, it was [a roughly] eight or ten-minute chase, Your Honor. The back seat passenger who would be Mr. Edmondson jumped [out of] the car, ran on foot, the driver and passenger stayed in the car, the driver was Douglas Jones he just met and Deandre Foster, uh, was the passenger in the car, the driver had an AR-15 round in his front pocket. Inside the vehicle was found an extended magazine for a .40 caliber pistol, a loaded AR-15 magazine and another loaded pistol magazine. Um, they went back a along the chase and found an AR-15 on the side of the road that was thrown [out of] the vehicle, another pistol was, another 9 millimeter was recovered on the side [of] the road and the next day a Milliken's ground crew where the chase had gone, uh, brought in a third pistol, there was three individuals in the car, there were three guns inside the car, we believe all of them are armed during this incident, Your Honor. All three came back with having gunshot residue on them, that was really surprising given the factual layout of this. Uh, Mr. Edmondson admitted that the 9 millimeter . . . Smith & Wesson with a regular, uh, clip was his.

Um, information came in, Your Honor, basically that this happened because a girl's car got keyed. Douglas Jones dated a girl, um, she had a dispute

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with her prior roommate that where the Douglas Jones' girlfriend was living with her, she ended up getting kicked out, stole a bunch of things and I don't know if she actually vandalized his car or not, there's allegations she vandalized Mr. Jones' girlfriend's car and then she told Mr. Jones about it, knew Mr. Jones and his friends would show up with weapons but said she didn't know what they were going to do.

... [T]he victim [is] very fortunate this didn't end up being a murder, Your Honor. Um, the pictures start out by showing the back of victim's car and it shows a front view of the car, you can see that the bullet went right by where her head is and then you have [a] third picture that shows Ms. Cox, the person who got grazed by it, how very close this was to being a murder case where they'd all be facing 30 to life. Um, the other, Mr. Clay was not injured in it.

(Plea Tr. 16-18). Upon inquiry by the Court, Applicant pled guilty after hearing the above facts.

(Plea Tr. 19-20).

III. CURRENT APPLICATION

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

1. "The Court failed to inform defendant of the elements of the hand of one is the hand of all. Also the trial court failed to inform defendant of the elements of attempted murder."
 - a. "In relation to ground one in the Petition, during the Plea colloquy defense Counsel informed the Court that the reason defendant was Pleading guilty was because of the handoff one is the hand of all. However, the Court never informed defendant of the elements that the State must prove to find defendant guilty under such theory."
2. "The factual basis did not support the offense;"
 - a. "In relation to ground Two in the Petition, the Court never informed defendant of the Elements of Attempted Murder. Though defendant Pleaded guilty to ABHAN, provided he rejected the State's offer, he faced the charges of Attempted Murder. Hence, before an intelligent decision could be had of whether to accept or reject the plea, it was necessary for the Court to inform defendant of the elements of Attempted Murder."
3. "Trial court failed to inform defendant of elements of ABHAN."
 - a. "In relation to ground Three in the Petition, during the Plea Colloquy the State, in support of its factual basis for ABHAN, told the Court that one of the victims, Mr. Clay, did not suffer any bodily and/or physical injury at all. In ought for a person to commit the offense of ABHAN, there must be

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some form of physical and/or bodily injury. Defendant pleaded guilty to two counts of ABHAN, one of those counts being against Mr. Clay."

- b. "In relation to ground Five in the Petition, the trial court failed to inform defendant of the elements of the offense he Plead guilty to, i.e. ABHAN."

4. Ineffective assistance of plea counsel, in that:

- a. "In relation to ground four in the Petition, defense counsel failed to inform defendant of the elements of Attempted Murder to enable defendant to make an intelligent decision of whether or not to accept the State's offer or proceed to trial."
- b. "Defense Counsel was also ineffective for allowing defendant to Plead guilty to an offense that the factual basis did not support."

Applicant requests relief as follows:

- "The setting aside from defendant's guilty plea or in the alternative renegotiation of the same."

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

IV. RESPONSE TO ALLEGATION OF INEFFECTIVE ASSISTANCE OF COUNSEL

Ineffective Assistance of Plea Counsel, Generally

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

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In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland. First, Applicant must prove that counsel's performance was deficient. Strickland, 466 U.S. at 686; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). "When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect." Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing Strickland, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. Cullen v. Pinholster, 563 U.S. 170, 196 (2011); Harrington v. Richter, 562 U.S. 86, 109-10 (2011). "[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight." Yarborough at 6; see also Murphy v. Davis, 901 F.3d 578, 592 (5th Cir. 2018) ("[C]ounsel's performance need not be optimal to be reasonable."). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "The

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prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury." United States v. Basham, 789 F.3d 358, 371-72 (4th Cir. 2015) (quoting Elmore v. Ozmint, 661 F.3d 783, 858 (4th Cir. 2011)).

In the context of a guilty plea, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he/she would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977) ("Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible."). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he or she should be allowed to depart from the truth of his statements. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975)).

Failure to Discuss Elements of Attempted Murder

Applicant's claim that Counsel was ineffective in failing to explain to him the elements of attempted murder is without merit. "In order for a defendant to knowingly and voluntarily plead guilty, he must have a full understanding of the consequences of the plea." Koddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing Dover v. State, 304 S.C. 433, 409 S.E.2d 391 (1991)). see also Boykin v. Alabama, 395 U.S. 238, 243 (1969) (Courts must make sure defendants have "a full understanding of what the plea connotes and of its consequence. When the judge discharges that function, he leaves a record adequate for any review that may be later

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sought, and forestalls the spin-off of collateral proceedings that seek to probe murky memories.”). In addition to Boykin’s requirement that a defendant be advised of the constitutional rights he is waiving, “a defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 651 (2000) (citing State v. Hazel, 275 S.C. 392, 271 S.E.2d 602 (1980)) (emphasis omitted); see also Henderson v. Morgan, 426 U.S. 637, 647 (1976) (finding it unlikely that notice of the true nature, or substance, of a charge always requires a description of every element of the offense).

“A person who, with intent to kill, attempts to kill another person with malice aforethought, either expressed or implied, commits the offense of attempted murder.” S.C. Code Ann. § 16-3-29. Attempted murder is not a mere codification of the offense of assault and battery with intent to kill, but rather constitutes a new, separate offense for which a specific intent to kill must be proven beyond a reasonable doubt. State v. King, 422 S.C. 47, 810 S.E.2d 18 (2017).

“The doctrine of accomplice liability arises from the theory that ‘the hand of one is the hand of all.’ Under this theory, one who joins with another to accomplish an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose.” State v. Reid, 408 S.C. 461, 472, 758 S.E.2d 904, 910 (2014) (citing 23 S.C. Jur. Homicide § 22.1 (2014); State v. Mattison, 388 S.C. 469, 479, 640 S.E.2d 578, 584 (2010)).

Upon information and belief, Respondent will show that Applicant was fully aware of the crucial elements of the offense charged, and pled guilty in order to avail himself of the State’s favorable offer to plead guilty to a lesser-included offense and a recommendation of concurrent

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sentencing. At the plea, the State called the case by explaining Applicant was originally charged with attempted murder and would be pleading to the lesser-included offense of ABHAN. (Plea Tr. 2, ll. 2-16). The plea court advised Applicant that he was present to plead guilty to two counts of ABHAN, each of which carried a sentence of up to twenty years. (Plea Tr. 6, ll. 14-20). Applicant affirmed to the plea court that he had discussed the charges with Counsel, and that he was happy with Counsel's performance. (Plea Tr. 9, ll. 4-6; ll. 15-17). Counsel, in mitigation, specifically indicated that part of Applicant's calculus in choosing to accept the offer and plead guilty was "because the hand of one is the hand of all." (Plea Tr. 21, ll. 20-21). It is evident Applicant and Counsel discussed the elements of the crimes charged in substantial detail. Respondent denies Applicant is entitled to relief.

Failure to Prevent Guilty Plea to ABHAN

Applicant's claim that Counsel was ineffective in permitting him to plead guilty to ABHAN, even though the factual basis presented by the State did not by Applicant's measure constitute ABHAN, is without merit as a matter of law. "A defendant may, as part of a plea bargain, agree to plead guilty to a crime for which he has been indicted (or to which he has waived grand jury presentment), but of which he is not guilty." Rollison v. State, 346 S.C. 506, 510, 552 S.E.2d 290, 292 (2001); see also Anderson v. State, 342 S.C. 54, 58, 535 S.E.2d 649, 651 (2000) ("We find, so long as there was a sufficient factual basis to support the crime for which the defendant was indicted, a plea to any lesser included offense is sufficient."). ABHAN is a lesser-included offense of attempted murder. S.C. Code Ann. § 16-3-600(B)(3); State v. Middleton, 407 S.C. 312, 315, 755 S.E.2d 432, 434 (2014). Without conceding Applicant's contention that the facts presented by the State did not constitute ABHAN, Applicant could freely plead guilty to ABHAN even if the facts and circumstances of the case did not perfectly fit

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the charge because he was indicted for the greater offense of attempted murder. As such, Respondent denies Applicant is entitled to relief by way of this allegation, and further moves the allegation be summarily dismissed.

Conclusion and Action Requested

Applicant can satisfy neither requirement of the Hill test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) ("Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.").

V. RESPONSE TO CLAIMS OF PLEA COURT ERROR

Applicant alleges the plea court erred in failing to articulate the elements of attempted murder, ABHAN, and accomplice liability, and that the facts set forth on the record did not establish the crime to which he pled guilty. These allegations should be summarily dismissed. An application for post-conviction relief does not serve as a substitute for direct appeal, and an issue that could have been raised at applicant's trial or on appeal is not cognizable in an application for PCR. S.C. Code Ann. § 17-27-20(b); Drayton v. Evatt, 312 S.C. 4, 80 S.E.2d 517, 520 (1993) (citing Hyman v. State, 278 S.C. 501, 299 S.E.2d 330 (1983); Humbert v. State, 345 S.C. 332, 338, 548 S.E.2d 862, 866 (2001)). Trial court error is not a cognizable claim for PCR. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001); Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997); Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). Applicant's allegations could have been raised at the plea and thereafter on appeal. Therefore, Applicant's

allegations of error on the part of the plea court should be dismissed as not cognizable under the Uniform Post-Conviction Procedure Act.

VI. ASSERTION OF RIGHTS TO NOTICE OF AMENDMENTS, EXPERTS

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

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VII. GENERAL DENIAL

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

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VIII. CONCLUSION

WHEREFORE, Respondent respectfully requests that this Court grant its partial motions to dismiss as set forth in Sections IV and V, above, and thereafter convene an evidentiary hearing on the allegations of ineffective assistance of plea counsel.

Respectfully submitted,

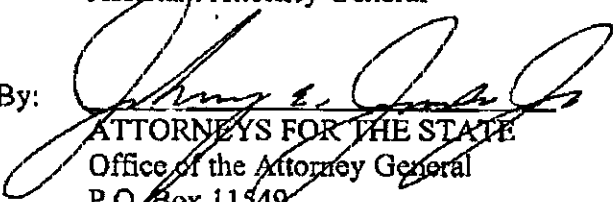
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
Assistant Attorney General

By:


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

30 Oct., 2019

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State of South Carolina
County of Spartanburg

Court of General Sessions

State of South Carolina	)	
	)	
	)	Transcript of Record
v.	)	2016-GS-42-0942
	)	2016-GS-42-4096
Tysean Javar Edmondson	)	2016-GS-42-4097
	)	
<u>Defendant.</u>	)	

June 5, 2017
Spartanburg, South Carolina

B E F O R E:

The Honorable Letitia Verdin, Judge.

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

Spenser H. Smith, Assistant Solicitor
Attorney for the State

N. Douglas Brannon, Esquire
Attorney for the Defendant

Lisa Scott
Circuit Court Reporter

I N D E XWITNESSPAGE

No Witnesses.

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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No Exhibits.

P R O C E E D I N G S

- - -

THE COURT: Will the attorneys approach for just à moment?

(Sidebar discussion.)

THE COURT: All right. And we're here today on a motion to reconsider; is that correct?

MR. BRANNON: We are, Your Honor.

THE COURT: Yes, sir. And I'm fine with the record. It was certainly timely filed.

MR. BRANNON: Thank you very much.

THE COURT: Thank you.

MR. BRANNON: Your Honor, did you want us to approach the bench, or do you want to argue here?

THE COURT: It's fine. However you want to do it.

MR. BRANNON: Thank you. Your Honor, this is Tysean Edmondson. This is a Spartanburg County case.

And on April the 25th, Your Honor, you accepted his plea on two counts of ABHAN and one count -- unrelated count of unlawful carrying of a firearm.

THE COURT: Okay.

MR. BRANNON: The gun charge was not related to the subject incident dealing with the ABHANs.

1 Your Honor, my client is now 21 years of age,
2 and there were two codefendants. Your Honor, I
3 would submit to you that you accepted the plea or a
4 plea was submitted by the primary aggressor of the
5 three defendants, and -- and he was sentenced to
6 20 years.

7 THE COURT: Okay.

8 MR. BRANNON: You sentenced my client to
9 16 years. Your Honor, I'm respectfully asking that
10 you reconsider that sentence today.

11 Again, my client is 21 years of age. He was 20
12 years of age at the time of this incident.

13 He had no prior criminal history, Your Honor.
14 There was that pending charge, unlawful carrying,
15 but there had been no conviction. He had no prior
16 criminal convictions.

17 Your Honor, he's joined in court today by
18 several family members. They were in court on
19 April the 25th too.

20 Your Honor, I -- I know how busy you are and
21 you probably don't remember much about this, but
22 this was -- this was two cars traveling down the
23 road and shots fired from the car that my client was
24 a passenger in into a car -- the car in front of
25 them.

1 One of the bullets pierced the -- a window,
2 probably the back window; although, I'm not sure
3 which window it broke, and broken glass injured the
4 female passenger of the car. You saw some pictures
5 the day of the plea. And, Your Honor, I didn't do a
6 good enough job informing you. Yes. The woman was
7 injured and no doubt this was a serious situation,
8 but she was not struck with a bullet. She was
9 struck with flying -- flying glass.

10 THE COURT: Okay. All right.

11 MR. BRANNON: Now, Your Honor, I want to go
12 back to something that I did say on the 25th. This
13 was a dispute between two girls and their boyfriends
14 who apparently both worked at the McDonalds near
15 what used to be the old Waccamaw Pottery Plant in
16 Spartanburg -- not plant, but Waccamaw Mall in
17 Spartanburg.

18 Your Honor, my client was simply a passenger in
19 an automobile driven by one gentleman. The other
20 guy in the car was the boyfriend of the girl in this
21 car that was fighting with the girl in the front
22 car.

23 Your Honor, all three occupants of the
24 automobile were charged with the same charges. One
25 of the last pieces of evidence that we received, and

1 Mr. Smith will confirm this, was the gunshot residue
2 tests that were done immediately upon the arrest of
3 all three individuals.

4 Your Honor, my client was initially charged
5 with discharging a firearm. Your Honor, Mr. Smith
6 will confirm for you, there was one speck of GSR
7 found on my -- on one of my client's hands, one
8 speck, which is one of the reasons I believe that
9 Mr. Smith discharge -- dismissed the discharging of
10 firearm charge against my client.

11 Your Honor, I thoroughly explained the "hand of
12 one is the hand of all" to my client, and -- and --
13 and -- and why because of that, and given this
14 evidence, that when Mr. Smith made the -- the plea
15 offer and reduced the charge to ABHAN, that I
16 thought that he, quite frankly, had to plea.

17 Your Honor, he was in the wrong place at the
18 wrong time. He's been in jail now for nearly
19 two years. Your Honor, on the day of the plea, I
20 told you the number of days. I believe it was 289
21 days at that point, Your Honor. He's now been in
22 jail since April the 25th in the hands of the
23 Department of Corrections. This young man wasn't a
24 criminal on April the 26th, Your Honor -- excuse me
25 -- April, the 25th.

1 Your Honor, 16 years is the better part of this
2 man's productive adult life. He was in the wrong
3 place. Your Honor, he needs to be punished because
4 of the hand of one is the hand of all, but, Your
5 Honor, I submit to the Court that three years is
6 significant. I don't expect, Your Honor, that
7 you're going to cut a 16-year sentence to time
8 served. I don't believe that, but, Your Honor, I
9 believe that 16 years for this man's role is too
10 significant a penalty, and I would ask the Court to
11 cut the 16-year sentence.

12 THE COURT: All right.

13 MR. BRANNON: Your Honor, I'm going to blame
14 myself for not being thorough enough on April the
15 25th. I didn't tell you some of these things. And
16 for that, I -- I ask the Court to forgive me.

17 THE COURT: Thank you. I appreciate this
18 argument on behalf of your client.

19 Yes, sir. State?

20 MR. SMITH: Your Honor I've got a couple of
21 exhibits that were shown to you at the plea. I
22 showed them to Mr. Brannon last time.

23 MR. BRANNON: I have seen them.

24 MR. SMITH: I would just like to hand them up.

25 THE COURT: Sure.

1 MR. SMITH: Your Honor, I'll just address a
2 couple of his points.

3 First off, obviously, the State believes that
4 this sentence was appropriate. This Deandre Foster,
5 who plead to the exact same plea deal as
6 Mr. Edmondson, was sentenced to 20 years the day
7 after Mr. Edmondson got 16 years.

8 Mr. Brannon says that Ms. Thompson was hit by a
9 piece of glass, not a bullet. I'm not exactly sure
10 where he's getting that. If you look at the
11 pictures, the -- the back glass did -- did not fully
12 shatter. It breaks. And then you can actually see
13 the front glass, which would be in or around where
14 her head would've been and that actually the bullets
15 going forward and striking the front glass.

16 Additionally, at the plea I mentioned that
17 there was another part of her hair that was twisted
18 up where a bullet had -- we believe had gone through
19 her hair but without actually touching her head.
20 So, certainly, the State believes this was a
21 fortunate situation in which all three were not
22 charged with murder.

23 Your Honor, as to -- we -- we do agree with him
24 that he has no connection to this person, but that
25 would be a reason the State thinks that he should be

1 sentenced to what he was sentenced to.

2 Essentially, Douglas Jones, who was before you
3 but backed out of the plea, is the only connection
4 to the victim in this case. He dates a former
5 roommate of the victim. They had a falling out. It
6 escalated between them, and then she got Mr. Jones
7 to go take care of it.

8 And I guess Mr. Jones picked up Mr. Foster.
9 The State believes that Mr. Jones picked up
10 Mr. Foster and Mr. Edmondson, who both admitted that
11 they were carrying weapons that night, and then they
12 went over to her house.

13 I don't know if you remember from the plea,
14 Your Honor, but the victim was lead over to her
15 boyfriend's house. And this is a house that these
16 people don't know the location of, none of these
17 three defendants do. It was given to them by
18 Mr. Jones' girlfriend.

19 And he says within a minute of leaving his
20 house, a car pulls in behind him and he feels
21 they're following too closely, and then shots are
22 hitting him.

23 So the State's contention would be that they
24 stalked them or targeted them over to that location.
25 And it was known among all three individuals what

1 was going to be done when they got behind the car.

2 Fortunately, Your Honor, there was a sheriff's
3 deputy that was about a half a block away and then
4 gets into a car chase. During this car chase, three
5 weapons are thrown out of the car, an AR-15 and two
6 pistols. Both Mr. Edmondson and Mr. Foster claimed
7 the same pistol. I'm not sure why that is, but they
8 both claimed to possess the same pistol.

9 Your Honor, recovering the pistol, it's
10 impossible to tell which gun fired in this case. I
11 don't know whether that's fortunate for the State or
12 unfortunate for the defendant, I don't know, but
13 they're not revolvers so there's not spent shell
14 casings in them.

15 The clips that are actually recovered in them
16 have what appear to -- in been both the pistols
17 appears to be a full magazine based off my review
18 and going over to the evidence room, so I don't know
19 if they reloaded after this. It was a substantial
20 chase, about a ten-minute chase where they're
21 throwing this evidence out of the vehicle.

22 Your Honor, when the chase comes to an end,
23 Mr. Edmondson jumps out of the back of the car, and
24 he gets apprehended by a K-9 about five minutes
25 later. As we discussed in court, an officer got

1 injured in the process of chasing after him.

2 One of the things and I think the primary thing
3 that they are making him to be the least culpable
4 person in this is because there's only one speck of
5 GSR on him. However, Your Honor, I don't know if
6 you've seen GSR testimony, but -- and what happened
7 in this case, multiple other people stuck their
8 hands out during when -- the non-drivers stuck their
9 hands out the window.

10 Additionally, he gets into a foot pursuit that
11 ends up with him being tackled and taken down by a
12 dog. And then he's taken to the hospital prior to a
13 GSR being done, so there's ample opportunity for
14 that valuable evidence to have been destroyed. I
15 don't think it's indicative of anything other than
16 he was present in the car, which is undisputed.

17 And, Your Honor, I know we emphasized and part
18 of the reason why there is some uncertainty to this
19 case, is there was almost no cooperation from --
20 from anybody. He acknowledged that he was in the
21 car, and acknowledged that there were shots coming
22 from the car.

23 He would not say who was shooting. He ended up
24 saying the positioning of them, which the police
25 know that from seeing the camera and because the

1 other two stayed in the car, but he would refuse to
2 name who did it.

3 And, Your Honor, I -- and some of the body cam
4 notes, I mean, his position was that I'm man enough
5 to speak on what I did and I'm not going to speak on
6 what anybody else did. That's for them to do. And
7 the State's position would be that he chose his path
8 and he got a sentence that reflects what he did.
9 This could've been much worse. And we'd just ask
10 that you keep the sentence as it is, Your Honor.

11 MR. BRANNON: Response?

12 THE COURT: Certainly.

13 MR. BRANNON: Your Honor, forgive me, but on
14 April the 25th after the plea was concluded, I gave
15 my client my discovery package or I would hap -- be
16 happy to tell you, it's in the nursing notes from
17 the hospital as to how the -- the injury. So I
18 didn't make that up. It's in the medical records
19 about the flying glass.

20 Your Honor, I don't dispute that my client
21 never gave the police a full statement, if you will.
22 However, he did say, "I was in the car. I had a
23 gun, but I didn't shoot the gun." And Mr. Smith
24 just said, the clip from the gun that my guy claimed
25 possession of was still full.

1 Your Honor, the statements show that -- the
2 evidence does show that my client was at the
3 house -- the home of a friend for most of the day.
4 Somebody else pulls up, picks he and his friend up,
5 and we're in this situation.

6 Your Honor, I'm asking the Court to reduce the
7 16-year sentence. Thank you.

8 THE COURT: I tell you what ---

9 MR. BRANNON: And excuse me, there is one
10 other.

11 THE COURT: Absolutely.

12 MR. BRANNON: Your Honor, I want to be very
13 clear, the officer that was injured was not injured
14 by my client. My client did not strike that
15 officer. He -- I'm not -- I'm not belittling the
16 injury. I want the Court to know that my client
17 didn't hit the cop, didn't trip the cop. It was --
18 it's unfortunate that in the pursuit, he was
19 injured.

20 THE COURT: I gotcha.

21 MR. BRANNON: Thank you.

22 THE COURT: Okay. That makes sense, and I --
23 and I will tell you what I'm going to do. I will
24 tell you, Mr. Brannon, that if I do reduce the
25 sentence, which I may well do, if I do reduce his

1 sentence, it's going to be based on the fine
2 argument that you made at the time of sentencing and
3 the fine argument that you made here today. And I
4 appreciate that very much and how you came --
5 obviously, both sides very prepared, and I
6 appreciate that.

7 I'm going to take this matter under advisement.
8 I want to think about it a little bit. I will
9 notify both sides via e-mail. I anticipate doing
10 that within a day or so, but I just want to take a
11 few minutes to think about this case a little bit
12 more and review my notes from it.

13 I will put on the record that I got a very kind
14 letter about you, Mr. Edmondson, and I -- I just
15 received it today. And it was short, and so by the
16 time -- I had read it by the time I knew what it
17 was. But it was a letter from someone who had known
18 Mr. Edmondson and said that they had not seen you in
19 a little while, but that you were always a kind,
20 good, and considerate young man in their dealings
21 with you. And I cannot remember the person's name
22 and I'm very sorry, but I need to probably put on
23 the record that I did have some ex parte
24 communication from somebody, and I don't know who it
25 is.

1 But I'll take this matter under advisement. As
2 I said, I'll be back with you all very shortly about
3 it. All right.

4 MR. BRANNON: Thank you, Your Honor.

5 MR. SMITH: Thank you, Judge.

6 THE COURT: Thank you.

7 (The proceedings concluded at 2:18 p.m.)

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1 C E R T I F I C A T E O F R E P O R T E R
2

3 STATE OF SOUTH CAROLINA

4 COUNTY OF SPARTANBURG
5

6 I, the undersigned, Lisa Scott, Circuit Court
7 Reporter for the Seventh Judicial Circuit of the
8 State of South Carolina, do hereby certify that the
9 foregoing is a true, accurate and complete
10 transcript of record of all the proceedings had and
11 the evidence introduced in the hearing of the
12 captioned cause, relative to appeal in the Criminal
13 Court for Spartanburg County, South Carolina, on the
14 5th day of June, 2017.

15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.
17

18 October 8, 2019
1920 /s/Lisa Scott

21 Lisa Scott
22 Circuit Court Reporter
23
24
25

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS
3
4 The State,) PARTIAL TRANSCRIPT OF RECORD
5 -vs-) 2016-GS-42-00942
6 Tysean Edmondson, Douglas) 2016-GS-42-04096
7 Jones, Matthew Wofford,) 2016-GS-42-04097
8 Todd Taylor and James)
9 Allen Pruitt,)
10 Defendants,) April 25, 2017
11 Spartanburg, South Carolina

12 B E F O R E:

13 HONORABLE LETITIA H. VERDIN, JUDGE
14
15

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

17 ALLISON M. MABBS, ESQUIRE
18 SPENSER H. SMITH, ESQUIRE
19 JESSE M. WILLIAMS, ESQUIRE
Attorneys for the State

20 N. DOUGLAS BRANNON, ESQUIRE
21 ANDREW J. JOHNSTON, ESQUIRE
22 E. JOSHUA SCHULTZ, ESQUIRE
MARY STUART SHEALY, ESQUIRE
Attorneys for the Defendants

23
24 Margaret A. Woods
25 Circuit Court Reporter

1 THE COURT: Yeah.

2 MR. SMITH: Um, Your Honor, before you is first is Tysean
3 Edmondson, he's here to plead guilty on three indictments,
4 first is 2016-GS-42-4097, that's an indictment for attempted
5 murder on count one and possession of weapon durin' a violent
6 crime on count two, he'll be pleading to the lesser included
7 offense of, uh, assault and battery of a high and aggravated
8 nature and the State will be dismissing the possession a
9 weapon durin' a violent crime charge; next is 2016-GS-42-4096,
10 that's assault and battery, it's a attempted murder, true
11 billed indictment, he's pleading guilty to assault and battery
12 of a high and aggravated nature and; finally, is
13 2016-GS-42-942, that was an indictment for possession of a
14 stolen pistol, he's pleading guilty to unlawful carry, all of
15 these have been, uh, true billed, Your Honor. There's a
16 recommendation of concurrent sentencing in that case.

17 Uh, next is Douglas Jones, he's a co-defendant of
18 Mr. Edmondson, he'll be pleading guilty to believe four
19 indictments, Your Honor, the first is 2016-GS-42-4120, that's
20 a true billed indictment for attempted murder and possession a
21 weapon durin' a violent crime, he'll be pleading guilty to
22 lesser included offense of assault and battery high and
23 aggravated nature and the State will be dismissing count two;
24 next is 2016-GS-42-4121, it is a true billed indictment for
25 attempted murder, he'll be pleading guilty to assault and

1 battery high and aggravated nature; next is 2016-GS-42-4123,
2 that's a true billed indictment for failure to stop for a blue
3 light first offense, he's pleading as charged; next is
4 2016-GS-42-4501, that's an indictment for possession or is
5 true billed indictment for contraband at the jail, he's
6 pleading guilty to the lesser included offense of possession
7 of marijuana first offense, he's represented by Joshua
8 Schultz, Mr. Edmondson's represented by Doug Brannon, and,
9 uh, ---

10 MR. SCHULTZ: Good mornin', Your Honor.

11 THE COURT: Mornin'.

12 MR. SMITH: Actually might wanna switch Mr., uh, you got,
13 Doug's client's Mr. Wofford, I don't know if ya'll wanna
14 switch ---

15 BRANNON: Yeah, ---

16 MR. SMITH: --- 'em out but, ---

17 MR. BRANNON: --- I ---

18 MR. SMITH: --- um, finally we've got Matthew Wofford and
19 he's here to plead guilty on several indictments, Your Honor,
20 um, he's waiving pre -- we need to get Doug, can get you to
21 initial these. He's pleading guilty on 2016-GS-42-6458,
22 that's an indictment for receiving stolen goods value two
23 thousand or less under the enhancement, he's pleading as
24 charged, there's a negotiated sentence of 10 years in this
25 case. Your Honor, next is 2016-GS-42-6459, that's another

1 receiving stolen goods two thousand or less enhanced, same
2 negotiations; next is 2016-GS-42-6460, that's an indictment
3 for possession of tools of crime, he's pleading as charged,
4 those three indictments were true billed by the grand jury,
5 he's pleading guilty on another set of indictments, um, which
6 he's gonna be waiving presentment to the grand jury.

7 THE COURT: Okay.

8 MS. SMITH: That would be 2017-GS-42-1960, that's an
9 indictment for possession with intent to distribute marijuana
10 second offense, he'll be pleading as charged with a negotiated
11 sentence of ten years; next is, um, 2017-GS-42-1963, that's a
12 indictment for possession with intent to distribute
13 Hydrocodone, um, he will be pleading to that, that is a third
14 offense, that's the the 10-year charge, Your Honor, um, he's
15 pleading to that as charged; next is an indictment for
16 possession with intent to distribute, uh, Phentermine, he will
17 be pleading to that, that is 2017-GS-42-1964, that only
18 carries 5 years, it's a 5-year negotiated sentence; next is
19 2017-GS-42-1962 indictment for possession of meth third
20 offense, he's pleading guilty to that as charged with a
21 negotiated sentence of 10 years; next is, um, 2017-GS-42-1961,
22 that's an indictment for, um, unlawful carry of a pistol,
23 he's pleading as charged, he's represented by Doug Brannon.

24 THE COURT: All right.

25 MR. BRANNON: Your, Honor, may may I hand some documents

1 up?

2 THE COURT: Oh, yes, sir, please.

3 (Whereupon, counsel handed the documents to the Court.)

4 MR. BRANNON: State has seen both of these, one is
5 relation to Tysean Edmondson, the other to Matthew, Matthew
6 Wofford.

7 THE COURT: Okay. Great, thank you.

8 MR. WILLIAMS: And also, Your Honor, before you is Todd
9 Taylor, he's represented by Mary Stuart Shealy, he was
10 originally charged with failure to stop, resisting arrest
11 times two and ninth -- nine counts of shoplifting. He is
12 pleading guilty to failure to stop, resisting arrest times two
13 and three counts of shoplifting under true billed Indictments
14 2017-GS-42-2148, 2149 and 2151 for the -- or 2153 for the
15 shopliftings and 2017-GS-42-2151 and 2152 for the resistings
16 and; finally, 2017-GS-42-2150 for the failure to stop,
17 recommendation by the State is 10 years suspended to 5 years
18 with 5 years of probation and restitution with a PTUP
19 provision.

20 MS. SHEALY: And that's a negotiated sentence on ---

21 THE COURT: Okay.

22 MS. SHEALY: --- the recommendation.

23 MS. MABBS: And, finally, Your Honor, you -- we have
24 James Allen Pruitt, he's represented by Andy Johnston, the
25 private bar. Your Honor, he's before you on true billed

1 Indictment 2015-GS-42-3033 for breach of trust value's \$10,000
2 or more, Your Honor, there is no recommendation that case and
3 we will be handling restitution, uh, on a different day, Your
4 Honor.

5 THE COURT: Okay.

6 MR. JOHNSTON: And, Your Honor, if I may I'd like to hand
7 up some documents, uh, ---

8 THE COURT: Oh, certainly.

9 MR. JOHNSTON: --- they are about Mr. Pruitt, the State
10 has received copies.

11 THE COURT: Okay.

12 (Whereupon, counsel handed the documents to the Court.)

13 MS. MABBS: Yes, Your Honor.

14 THE COURT: Um, all right, Mr. Edmondson, you are here
15 today to plead to assault and battery of a high and aggravated
16 nature two counts of that, each carry up to 20 years and each
17 are classified as violent and serious offenses and unlawful
18 carrying of a pistol that carries up to a year, is that your
19 understanding?

20 MR. BRANNON: It is, Your Honor.

21 THE COURT: All right. Um, Mr. Jones, you're here today
22 to plead to assault, battery of a high and aggravated nature
23 two counts a that, carries up to 20 years, each of 'em violent
24 and serious, um, and failure to stop for a blue light carries
25 90 days up to 3 years and possession of marijuana that carries

1 up to 30 days, is that your understanding?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: All right, ---

4 MR. SCHULTZ: Got, gotta ---

5 THE COURT: Um, ---

6 MR. SCHULTZ: --- speak up so we can get it down ---

7 (Indiscernible cross-talk.)

8 THE COURT: --- Mr. Wofford, you're here today to plead
9 to unlawful carrying of a pistol carries up to a year,
10 possession of methamphetamine third offense carries up to 10,
11 um, possession with intent to distribute, um, a schedule IV
12 controlled substance that carries up to 5 years, um,
13 possession with intent -- well I'm confused when I read that.

14 MR. SMITH: Whi -- which one?

15 THE COURT: That possession with intent to distribute
16 cocaine third offense ---

17 MR. SMITH: It ---

18 THE COURT: --- carries 10 ---

19 MR. SMITH: --- it it's really not cocaine, it's, I I
20 think it's, uh, Oxycodone, it's a ---

21 THE COURT: Oxycodone.

22 MR. SMITH: --- sched -- schedule II this is what ---

23 THE COURT: Okay.

24 MR. SMITH: --- it is, Your Honor.

25 THE COURT: All right, it carries 10 to 30 years, um,

1 well that's classified a course as a serious offense,
2 possession with intent to distribute marijuana second offense
3 carries up to 10 years, receiving stolen goods enhanced is a
4 third property offense so it carries up to 10 years, another
5 receiving stolen goods that carries up to 10 years, um, and
6 um, possession of tools of a crime that carry up to 5, that
7 carries up to 5 years, is that your understanding?

8 THE DEFENDANT: Yes, ---

9 THE COURT: Okay.

10 THE DEFENDANT: --- ma'am.

11 THE COURT: All right. Um, Mr. Taylor, you're here today
12 to plead to shoplifting enhanced is a third property offense
13 so it carries up to 10 years, um, one or two, the three counts
14 of that, resisting arrest, um, that carries up to a year, is
15 that resisting arrest with assault or resisting?

16 MR. WILLIAMS: Your Honor, that's resisting (A),
17 misdemeanor ---

18 THE COURT: All right. Okay, so up ---

19 MR. WILLIAMS: --- for both ---

20 THE COURT: --- to a, uh, up to a year on each a those
21 and then failure to stop for a blue light that carries 90 days
22 up to 3 years, is that your understanding?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Okay. Um, and, Mr. Pruitt, you're here today
25 to plead to breach of trust with fraudulent intent with a

1 value greater than 10,000, carries up to 10 years, is that
2 your understanding?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Okay. Have you discussed these charges with
5 your lawyer, Mr. Edmondson?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Mr. Jones?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Mr. Wofford?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Mr. Taylor?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And Mr. Pruitt?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Are you happy with what your lawyer's done
16 for you, Mr. Edmondson?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Mr. Jones?

19 THE DEFENDANT: I would like to relieve my counsel.

20 THE COURT: What now?

21 THE DEFENDANT: I'd like to relieve my counsel.

22 THE COURT: You want, you wanna get a new lawyer?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Um, all right. I assume, uh, Mr. Jones is
25 sayin' that he wants a a new lawyer, I assume you'll just set

1 him on the trial docket?

2 MR. SMITH: He's on the trial docket this week.

3 THE COURT: He is? For this week?

4 MR. SMITH: Yes, Your Honor.

5 THE COURT: Um, well I can't take your guilty plea at
6 this point but if, um, but that maybe Judge Hayes would be
7 willin' to hear your motion and I guess the jur -- the jury
8 comes back in tomorrow mornin', right?

9 MR. BARNETTE: That's correct, Your Honor.

10 THE COURT: Is that right? So you can, you can start
11 your trial tomorrow, all right?

12 THE DEFENDANT: Can I have a chance to get another
13 different la -- 'nother lawyer?

14 THE COURT: What's that?

15 THE DEFENDANT: A chance to get a different lawyer.

16 THE COURT: Oh, no, it -- I'm -- it's it's far too late
17 in the game for that, sir. You've s -- I mean, it's it's
18 either proceed without a lawyer or proceed with the lawyer
19 that you got.

20 THE DEFENDANT: Well if ---

21 THE COURT: Okay.

22 THE DEFENDANT: --- I have no choice I'll proceed with
23 what I got then, I just wanna plead guilty.

24 THE COURT: Well, let's talk about it, um, I mean, I
25 wanna accept your guilty plea, I do, but ---

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: --- I need to know, I need to know -- you're
3 sayin' here today, it sounds to me that you're sayin' that you
4 weren't happy with what your lawyer's done for ya in workin'
5 out this this deal on all these charges for you, um, what's
6 the problem?

7 THE DEFENDANT: I don't feel like the evidence it's, is,
8 it's have been proven, has he been usin' his ability for, his
9 best ability to do it.

10 THE COURT: See we're here today and you're either
11 admitting that you're guilty or you're or gon -- or you're
12 gonna say to the State that prove it. If you think that the
13 State can't prove it then have a trial, ---

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: --- right?

16 THE DEFENDANT: Yes, ma'am..

17 THE COURT: So which is it?

18 THE DEFENDANT: I'll plead guilty.

19 THE COURT: No, I I I need, and and I need to know that
20 you're waiving, you understand you're waiving any possible
21 defenses you have and you're understanding that you're giving
22 up your right to a jury trial, do you know that?

23 THE DEFENDANT: Right.

24 THE COURT: So I I need to talk more specifically about
25 your problem with your lawyer. Is it, is it that we're here

1 today and you don't necessarily like the deal you're gettin',
2 is that it?

3 THE DEFENDANT: That's not it.

4 THE COURT: Okay, then what is it?

5 THE DEFENDANT: I just feel like he isn't workin' to a
6 best ability, like he o -- like he's fight hard enough for my
7 case, again, we aint been talkin' that long and I aint have my
8 my my motion of discovery I got not too long, couple weeks at
9 the most.

10 THE COURT: I'm just not, I I'm just not understandin'
11 where you're comin' from because he's worked you out this deal
12 here today, ---

13 THE DEFENDANT: Right.

14 THE COURT: --- you're say -- you're tellin' me you wanna
15 plead guilty ---

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: --- but then at the sa -- in the same, it, in
18 the same breath you're sayin' he's not workin' hard enough for
19 you, so what is it that he's not specifically doin'?

20 THE DEFENDANT: I guess he just goin' with the flow like
21 he ain't try to fight for.

22 THE COURT: So by "fight for" are you sayin' go to trial?

23 THE DEFENDANT: No, ma'am, I'm just sayin' like to get to
24 work with me.

25 THE COURT: Um, Mr. Jones, I think you're makin' a grave,

1 grave mistake here today but I can't accept your guilty plea.
2 Good luck to ya.

3 THE DEFENDANT: Yes, ma'am.

4 MR. SCHULTZ: Thank Your Honor.

5 THE COURT: They'll, they'll swear a jury tomorrow
6 mornin'.

7 MR. SMITH: Your Honor, the plea offer's withdrawn in
8 this case.

9 THE COURT: All right. Um, I think I was at the point
10 in askin' are you happy with what your lawyer's done for ya,
11 Mr. Wofford?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Uh, uh, Mr. Taylor?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And, Mr. Pruitt?

16 THE DEFENDANT: Yes.

17 THE COURT: Are you under the influence of drugs or
18 alcohol here today, Mr. Edmondson?

19 THE DEFENDANT: No, ma'am. .

20 THE COURT: Uh, Mr. Wofford?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: Mr. Taylor?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Mr. Pruitt?

25 THE DEFENDANT: No.

1 THE COURT: Uh, when you plead guilty you give up certain
2 constitutional rights, one is your right to remain silent on
3 these charges, do you know that, Mr. Edmondson?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Mr. Wofford?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Uh, Mr. Taylor?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: And, Mr. Pruitt?

10 THE DEFENDANT: Yes.

11 THE COURT: You al -- you also give up your right to a
12 jury trial. At that trial your attorney could call witnesses
13 for you, could cross-examine witnesses against you and the
14 State would have to prove your guilt beyond a reasonable doubt
15 but when you plead guilty you give up your right to a jury
16 trial, you know that, Mr. Edmondson?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Mr. Wofford?

19 THE DEFENDANT: Yeah.

20 THE COURT: Uh, Mr. Taylor?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And, Mr. Pruitt?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: I don't think I asked you but has anybody
25 promised you anything or forced you in any way to get you to

1 enter into this ---
2 THE DEFENDANT: No.
3 THE COURT: --- plea today, Mr. Edmondson?
4 THE DEFENDANT: No, ma'am.
5 THE COURT: Uh, Mr. Wofford?
6 THE DEFENDANT: No.
7 THE COURT: Mr. Taylor?
8 THE DEFENDANT: No, ma'am.
9 THE COURT: And, Mr. Pruitt?
10 THE DEFENDANT: No.
11 THE COURT: Uh, Mr. Wofford, and, Mr. Taylor, you're
12 pleading to charges that have not yet been indicted by the
13 grand jury, you wanna give up that right and plead guilty
14 today anyway, Mr. Wofford?
15 THE DEFENDANT: Yeah, yes, ma'am.
16 THE COURT: All right, and Mr. Taylor?
17 THE DEFENDANT: Yes, I do.
18 THE COURT: All right, and how do ya plead, guilty or not
19 guilty, Mr. Edmondson?
20 THE DEFENDANT: Guilty.
21 THE COURT: Mr. Wofford?
22 THE DEFENDANT: Guilty.
23 THE COURT: Uh, Mr. Taylor?
24 THE DEFENDANT: Guilty, Your Honor.
25 THE COURT: And, Mr. Pruitt?

1 THE DEFENDANT: Guilty, Your Honor.

2 THE COURT: Each of you has ten days from today's date to
3 appeal this plea if you so choose but you must do so in
4 writing to this court. Yes, sir.

5 MR. SMITH: Thank you, Your Honor. Um, Mr. Edmondson
6 first is the the stolen pistol charge, the the pleading to
7 unlawful carry happened on July 5th 2015, deputies were
8 conducting a checkpoint on Highway 9 and California Avenue in
9 Spartanburg County, when the defendant pulled up officers
10 smelled marijuana coming from the car, the dog sniff was done
11 which alerted, they then searched the car and found marijuana
12 in the back driver's side floorboard, .22 caliber pistol was
13 found in the glove compartment, the serial number on that gun
14 was obliterated, uh, he was out on bond on that, Your Honor,
15 when this incident happened.

16 Uh, on April 1st of 2016 deputies responded to 125 Samuel
17 Road in Spartanburg County in reference to a shooting, uh, the
18 victim stated he and his girlfriend had left his house on
19 Valley Falls Road, shortly thereafter, um, a dark car pulled
20 in behind them, he then heard two or three gunshots and
21 realized the back window of his car had been shot out, his
22 girlfriend's face had been grazed by one of the bullets. Uh,
23 a deputy fortunately enough happened to be sitting on Loan Oak
24 Road and Valley Falls Road in the vicinity of where the shots
25 came, he believed that he heard automatic gunfire and he saw a

1 small sedan speeding away and attempted a traffic stop, a high
2 speed chase ensued, um, during the chase he saw firearms being
3 thrown out of the, uh, driver's side a the vehicle. The chase
4 ended in Victoria Gardens Apartment, it was a very, 'bout
5 'bout eight or ten-minute chase, Your Honor. The back seat
6 passenger who would be Mr. Edmondson jumped outta the car, ran
7 on foot, the driver and passenger stayed in the car, the
8 driver was Douglas Jones he just met and Deandre Foster, uh,
9 was the passenger in the car, the driver had an AR-15 round in
10 his front pocket. Inside the vehicle was found an extended
11 magazine for a .40 caliber pistol, a loaded AR-15 magazine and
12 another loaded pistol magazine. Um, they went back a along
13 the chase and found an AR-15 on the side of the road that
14 was thrown outta the vehicle, another pistol was, another
15 9 millimeter was recovered on the side a the road and the next
16 day a Milliken's ground crew where the chase had gone by, uh,
17 brought in a third pistol, there was three individuals in the
18 car, there was three guns inside the car, we believe all of
19 them are armed during this incident, Your Honor. All three
20 came back with having gunshot residue on them, that's not
21 really surprising given the factual layout of this. Uh,
22 Mr. Edmondson admitted that the 9 millimeter Swit -- Smith &
23 Wesson with a regular, uh, clip was his.

24 Um, information came in, Your Honor, basically that this
25 happened because a girl's car got keyed. Douglas Jones dated

1 a girl, um, she had a dispute with her prior roommate that
2 where the Douglas Jones' girlfriend was living with her, she
3 ended up getting kicked out, stole a bunch of things and I
4 don't know if she actually vandalized his car or not, there's
5 allegations she vandalized Mr. Jones' girlfriend's car and
6 then she told Mr. Jones about it, knew Mr. Jones and his
7 friends would show up with weapons but said she didn't know
8 what they were going to do.

9 Um, Your Honor, the vic -- we've got some pictures I'd
10 like to pass up, the victim, very fortunate this didn't end up
11 being a murder, Your Honor. Um, the pictures start out by
12 showing the back of victim's car and it shows a front view of
13 the car, you can see that the bullet went right by where her
14 head is and then you have third picture that shows Ms. Cox,
15 the person who got grazed by it, how very close this was to
16 being a murder case where they'd all be facing 30 to life.
17 Um, the other, Mr. Clay was not injured in it. Uh, Your
18 Honor, they're not here today, Mr. Clay is sick, uh, the other
19 victim couldn't find a ride, they are aware of the offer that
20 was made in this case, they wish for the maximum, the
21 solicitor's office wishes for the maximum, and I -- this this
22 (indicating) is Investigator Walsh who interviewed the
23 suspects if you have any questions for him, I do believe he
24 has a brief thing to say, uh, ---

25 THE COURT: Certainly, yes, sir.

1 INVESTIGATOR WALSH: Sure, thank Your Honor. Uh, I'm
2 Investigator Walsh with the, uh, Spartanburg County Sheriff's
3 Office, I work for the Violent Crime Unit. Um, I was actually
4 working on a second shift when this incident occurred and I
5 heard the, uh, police pursuit being called out on the radio
6 with a deputy calling out the automatic gunfire was in the
7 area Herring Circle here in Spartanburg. Uh, I actually
8 joined the pursuit approximately three minutes prior to its
9 termination, um, assisted in taking two of the suspects into
10 custody as well, uh, then I learned that we did have a female
11 victim had been shot in the head. Um, as I said I'm I'm an
12 investigator for the Violent Crime Unit so we work homicides,
13 attempted murders, robberies, this could have very easily have
14 been a murder, um, another statistic that Spartanburg does not
15 need, we already have have a reputation. We're very lucky
16 that this girl was able to survive her injuries all over a
17 very petty crime of a scratched vehicle, it's almost
18 unbelievable. If I didn't work in this field, I would think
19 it was totally unbelievable. With that being said and on
20 behalf of my department we're requesting maximum penalties.

21 THE COURT: I thank you, sir, for bein' here.

22 INVESTIGATOR WALSH: Thank you.

23 THE COURT: Uh, Mr. Edmondson, you heard the facts as
24 stated by the solicitor, how do you plead, guilty or not
25 guilty?

1 THE DEFENDANT: Guilty.

2 THE COURT: All right, I'll accept your pleas as being
3 freely and voluntarily made with the advice of extremely
4 competent counsel with whom you say you're well-satisfied, the
5 plea has a substantial factual basis. Uh, anything else from
6 the State?

7 MR. SMITH: Your Honor, uh, if you -- as far as
8 cooperation, uh, Mr. Edmondson did speak to law enforcement,
9 he kinda would s -- they -- it's not really a case where
10 they needed a cooperation, it's very obvious what happened,
11 but as far as differenting [sic] how to treat these people,
12 uh, Mr. Edmondson; one, I would say he was out on bond; number
13 two, he would never name who the person shooting is, he would
14 only say that it wasn't him and it was somebody else that was
15 inside the car which it was not really, uh, groundbreaking,
16 also, he ran while the other two remained and he ended up
17 having to be apprehended by a dog and then a an officer
18 actually, uh, busted a tendon in his ankle trying to chase
19 after him jumping over a fence.

20 THE COURT: All right, uh, all right, thank you. Uh,
21 Mr. Brannon.

22 MR. BRANNON: Thank you, Your Honor, uh, I'm standing
23 here with Tysean, he's 19 years of age, Your Honor. He's been
24 in jail for 329 days, Your Honor, and I I wrote it on that,
25 uh, that may not be the right number.

1 THE COURT: Three hundred eighty ---

2 MR. BRANNON: Three hundred ---

3 THE COURT: --- nine days.

4 MR. BRANNON: --- eighty-nine days. Your Honor, as as
5 Mr. Smith announced to the Court this was a dispute over a
6 girl. Your Honor, this girl was not my client's girlfriend or
7 ex-girlfriend. The car that was allegedly keyed was not my
8 client's car. Your Honor, my client was the passenger in the
9 back seat of this car. He told law enforcement that he had a
10 gun, he claimed the 9 millimeter. Your Honor, uh, Mr. Smith
11 said that all three had GSR, gunshot residue, on their hands,
12 Your Honor, my client had one particle, one particle on his
13 left hand GSR, my client didn't shoot a gun that night, Your
14 Honor. I want to be very clear the unlawful carrying that
15 he's pleading to is not in relation to this shooting in the
16 car; in fact, Your Honor, he had been offered PTI on that
17 charge and because of this arrest the PTI was taken off a the
18 table and he's pleading to that charge today.

19 Your Honor, my client doesn't have a prior criminal
20 history, uh, he's done 389 days. We're pleading guilty today,
21 Your Honor, because the hand of one is the hand of all. My
22 client was in the back seat of the car, he was in the backseat
23 on the passenger side and I point that out, Your Honor,
24 because counsel has already told the Court that they saw guns
25 being thrown from the driver's side front window of that

1 automobile, Your Honor, my client was in the back seat.

2 Your Honor, I'm asking you to give my client a
3 probationary sentence, he's already done a year, he cooperated
4 with law enforcement to the extent that he could, Your Honor.
5 Uh, he's aware that the sentencing in this, he he's he's -- he
6 could be facing 20 years, Your Honor, you could sentence him
7 consecutively even though there's a recommendation for
8 concurrent sentencing. Your Honor, he's 19 years of age, he
9 was a senior in high school when this thing took place, he's
10 done a year, please give this man a second chance.

11 THE COURT: Well I note for the record, Mr. Edmondson,
12 uh, your, uh, your attorney does a great job of laying out the
13 possible penalties in this, in a affidavit, you could have
14 gotten 75 years ---

15 THE DEFENDANT: Right, um, ---

16 THE COURT: --- on just what you were charged with and
17 that's not even thinkin' about if this girl had died. Uh, is
18 there anything else from the State ---

19 MR. SMITH: No, Your Honor.

20 THE COURT: --- in reply? I take into account
21 Mr. Edmondson's age, I take into account, uh, the fact that he
22 might not have been quite as culpable as some of the other
23 people in the car at the time, I take into account the
24 seriousness of what he did, I take into account, um, the, um,
25 I take into account the fact that, um, he does not have a

1 significant prior record but this is still such a serious
2 offense or offenses, uh, I don't have any choice I'm afraid,
3 uh, but to sentence him to 16 years credit for 389 days
4 concurrent and one year concurrent, good luck to you.

5 MR. SMITH: Thank you, Your Honor.

6 THE COURT: Thank you.

7 MR. BRANNON: Your Honor, credit for time served, I
8 didn't, I didn't ---

9 THE COURT: Oh, I'm ---

10 MR. BRANNON: --- hear ---

11 THE COURT: --- sorry, ---

12 MR. BRANNON: --- if you, ---

13 THE COURT: --- I ---

14 MR. BRANNON: --- I didn't hear that.

15 THE COURT: --- I I did, I, and I wrote ---

16 MR. BRANNON: Thank you.

17 THE COURT: --- it on there credit ---

18 THE DEFENDANT: Thank you.

19 THE COURT: --- for 389 days.

20 THE DEFENDANT: Thank you, Judge.

21 THE COURT: As to Mr. Wofford.

22 MR. SMITH: Your Honor, Mr. Wofford, uh, the first
23 incident occurred on July 10th 2016, Deputy Serado (phonetic)
24 responded to 121 Dill Circle in Spartanburg County in
25 reference to a larceny, he stated that two weeks ago someone

1 stole a life-size dalmatian statue from his front yard, he
2 stated he hadn't realized it was gone. On July 12th a search
3 warrant was done, uh, on the defendant's house and the stolen
4 dog was recovered, the defendant admitted to possessing the
5 dog but said he had not stole it.

6 On July 12th 2016 Wanda Starling called the sheriff's
7 office stated someone had taken her 4-foot tall female
8 sculpture out of her yard in Spartanburg County, it was taken
9 on June 26th 2016, uh, she had just put an ad up asking for
10 its return. The police recovered the statue and asked her to
11 then file a police report, the statue was covered in the
12 defendant's car while executing a search warrant, he pos --
13 admitted to possessing it but denied stealing it, basically
14 got information that Mr. Wofford had a bunch of stolen goods,
15 they found out where his van was and then they got a search
16 warrant for that van. Mr. Wofford was recently released from
17 jail I believe and was on the way to that van, they
18 encountered him there. Um, on July 12th, uh, Mr. Wofford was
19 pulled over as he tried to flee after realizing that the
20 police were by his van, uh, the defendant was shaking and
21 appeared to be under the influence. A canine hit on the
22 vehicle. A black bag containing narcotics and a pistol was
23 covered. After being Mirandized the defendant claimed
24 everything inside the car: meth, marijuana and Schedule II,
25 Schedule II and Schedule IV na -- narcotics were all

1 recovered, there were extra baggies and the drugs were divided
2 up into different baggies. Um, in -- there was a a lunch box
3 that contained a ski mask, Gorilla Gloves, stethoscope and a
4 flashlight that were found and that's the basis for the tools
5 charges.

6 Uh, he does have, uh, for his criminal history, Your
7 Honor, it's it's negotiated but for the prior record at least
8 in 2012 he had a possession of meth, a possession with intent
9 to distribute Oxymorphone, a possession two te -- uh,
10 possession with intent distribute Lortabs that did occur on
11 separate dates and qualify as separate offenses, a possession
12 of Oxycodone which is a different incident than those two, a
13 possession with intent distributes and a possession with
14 intent to distribute marijuana, uh, and he has a 2004
15 shoplifting, 2005 two counts of forgery, that should give us
16 the basis for all the enhancements, Your Honor.

17 THE COURT: All right, Mr. Wofford, how do ya plead,
18 guilty or not guilty?

19 THE DEFENDANT: Guilty.

20 THE COURT: I'll accept your plea as bein' freely and
21 voluntarily made with the advice of extremely competent
22 counsel with whom you say you're well-satisfied, plea has a
23 substantial factual basis. Uh, Mr. Brannon, you've worked him
24 out a heck of a deal, um, and I'm happy to go along with it.

25 MR. BRANNON: Your Your Honor, uh, I, oh, I've known this

1 court for a long time, you've known me for a long time, Your
2 Honor, you may not remember but you actually sentenced
3 Mr. Wofford and and, Your Honor, I said at that point that,
4 uh, this is a good man with a bad problem. Your Honor, I I'm
5 still a firm believer that putting somebody who is a drug
6 addict in prison is like putting a cancer patient in prison,
7 they're not gonna get the treatment they need but I just want
8 you to know that since you sentenced him last time he became a
9 deacon in his church.

10 THE COURT: Wow.

11 MR. BRANNON: He opened his own business and was, and was
12 doing incredibly well. Your Honor, I simply ask you to go
13 along with the negotiated sentence, it's not the place that he
14 should be but it's the place that given our laws he has to go.

15 THE COURT: Yeah, and and, Mr. Wofford, I wanna tell ya you
16 looked very familiar to me, um, and I, you looked very
17 familiar to me and I, uh, this is the sad part about addiction
18 is that, you know, things go well, uh, for a while and then a
19 a relapse like this occurs but you're lucky that your attorney
20 worked this out for you, uh, because it could have been far
21 worse. Um, that on the, uh, tools of crime 5 years
22 concurrent, receiving 10 years, another receiving 10 years,
23 possession with intent to distribute marijuana 10 years, uh,
24 possession with intent distribute Hydrocodone third offense
25 10 years, uh, possession with intent distribute, uh, a

1 Schedule IV drug 5 years, uh, possession third
2 methamphetamine, get, uh, 10 years and then unlawful carrying
3 of pistol a year, credit for the time that you served on 'em
4 and concurrent to all, to each other, good luck to ya.

5 MR. SMITH: Thank Your Honor.

6 MR. BRANNON: Thank ---

7 THE COURT: I ---

8 MR. BRANNON: --- Your Honor.

9 THE COURT: --- put ATU on all of 'em, just ---

10 MR. BRANNON: Thank you.

11 THE COURT: --- in case.
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CERTIFICATE OF REPORTER

I, Margaret A. Woods, Court Reporter in and for the State of South Carolina at Large, hereby certify that I reported the preceding case on April 25, 2017 at the time and place heretofore set forth; and that the foregoing pages numbered from 2 through 27, inclusive, constitute a true and accurate transcription of my stenographic notes of the said proceeding.

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

April 5, 2019

A handwritten signature in cursive script that reads "Margaret A. Woods". The signature is written in dark ink and is positioned above a horizontal line.

Margaret A. Woods, Court Reporter
in and for the State of South Carolina at Large.

1 STATE OF SOUTH CAROLINA) IN THE COURT OF
) COMMON PLEAS
 2 COUNTY OF SPARTANBURG) OF THE SEVENTH
) JUDICIAL CIRCUIT
 3)
)
 4 TYSEAN EDMONDSON,)
) Petitioner,) TRANSCRIPT OF RECORD
 5)) 2019-CP-42-02979
 6 vs.)
) STATE OF SOUTH CAROLINA,)
 7))
 8 Respondent.)
 9)

10

11 April 6, 2021
 Spartanburg, South Carolina

12

13 B E F O R E:

14

15 HONORABLE GRACE GILCHRIST KNIE, Judge.

16

17 A P P E A R A N C E S

18

19 J. FALKNER WILKES, ESQUIRE
 For Petitioner

20

21 CHELSEY MARTO, ASSISTANT ATTORNEY GENERAL
 For The State

22

23 Also Present:
 24 Laura Hutchison, Victim's Advocate
 Dawne Fisher, Applicant's Aunt
 25 Janasia Hood, Applicant's Family
 Tamia Hood, Applicant's Family

26

27

28 Julie A. Cendroski,
 Circuit Court Reporter
 Seventh Judicial Circuit

29

I N D E X

1		
2		
3	<u>WITNESS</u>	<u>PAGE</u>
4	ANNOUNCEMENT OF CASE	
5	By Ms. Marto	4
6	<u>TYSEAN EDMONDSON</u>	
7	DIRECT EXAMINATION	
8	BY MR. WILKES	11
9	CROSS-EXAMINATION	
10	BY MS. MARTO	19
11	<u>N. DOUGLAS BRANNON</u>	
12	DIRECT EXAMINATION	
13	BY MS. MARTO	24
14	CROSS-EXAMINATION	
15	BY MR. WILKES	30
16	<u>TYSEAN EDMONDSON</u>	
17	REDIRECT EXAMINATION	
18	BY MR. WILKES	34
19	FINAL SUMMATION	
20	BY MR. WILKES	38
21	FINAL SUMMATION	
22	BY MS. MARTO	41
23	REPLY SUMMATION	
24	BY MR. WILKES	43
25	COURT TAKES UNDER ADVISEMENT	45
	CERTIFICATE OF COURT REPORTER	47

1
2
3
4
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EXHIBITS

MARKED

ENTERED

NO EXHIBITS PROFFERED

1 TYSEAN EDMONDSON VS. THE STATE OF SOUTH CAROLINA

2 THE COURT: Good afternoon, sir, are you Mr.
3 Edmondson?

4 THE APPLICANT: Yes, ma'am. Good afternoon.

5 THE COURT: Okay. I'm Judge Knie, Mr. Edmondson.
6 Let me put a couple of things on the record before we
7 begin. This is a term of common pleas non jury in
8 Spartanburg, South Carolina, the Seventh Judicial
9 Circuit. Again, I'm Judge Knie. And we are scheduled
10 to commence at 1:30 for the docket that has been
11 provided by the Attorney General's office.

12 Our court reporter is Julie Cendroski, and she is
13 with us. We are making a record. Ashley Searcy is my
14 administrative assistant. She is the host of this
15 event. And my law clerk is Brittany Biggs, who is also
16 on with us.

17 I see Mr. Wilkes. Good afternoon, sir.

18 MR. WILKES: Good to see you, Judge.

19 THE COURT: And I see Mr. Brannon. I see Ms.
20 Marto. And there are some other folks on and I just
21 want to make sure that if they are going to address me,
22 that they can hear me and see me. And so, I believe,
23 Mr. Ray is with the Attorney General's office, correct,
24 Ms. Marto?

25 MS. MARTO: (Indicating.)

1 THE COURT: Okay. And then Laura Hutchison,
2 Dwayne or Dawne, I'm sorry, Dawne Fisher. Are they
3 folks associated with Mr. Edmondson's matter?

4 MS. MARTO: Laura Hutchison, Your Honor, is part
5 of the victim's advocates division of the attorney
6 general's office.

7 THE COURT: Okay. And Dawne Fisher?

8 MS. FISHER: Yes. I'm Mr. Edmondson's aunt.

9 THE COURT: I'm sorry, one more time.

10 MS. FISHER: I'm Mr. Edmondson's aunt.

11 THE COURT: His mother?

12 MS. FISHER: His aunt.

13 THE COURT: His aunt, okay. Well, ma'am,
14 welcome. Thank you for being with us. Of course,
15 anyone is welcome, but I just want to make sure that
16 folks are in the right place. Okay.

17 MS. FISHER: Thank you.

18 THE COURT: And so, I will now call upon Ms.
19 Marto to call the case, okay?

20 MS. MARTO: Yes, Your Honor. May it please the
21 Court? We are here today in the case of Tysean
22 Edmondson. Docket Number 2019-CP-42-02979. He was
23 initially indicted July 2016, for two counts of
24 attempted murder and possession of a stolen pistol. He
25 was represented by Mr. N. Douglas Brannon. And he pled

1 guilty on April 25th, 2017, to two lesser included
2 counts of assault and battery of a high and aggravated
3 nature and unlawful carrying of a pistol. The Honorable
4 Letitia Verdin sentenced him to concurrent terms of 16
5 years for the assault and battery charges. And then he
6 filed a motion to reconsider the sentence on April the
7 25th, 2017. The hearing was again before Judge Verdin
8 on June 5th, 2017, who took the matter under advisement
9 and then amended the sentencing sheet on December 27th,
10 2018, sentencing him to 12 years in prison on the
11 assault and battery charges.

12 He then filed a PCR application August 26th,
13 2019, and through counsel now is, from my understanding,
14 bringing allegations concerning the involuntariness of
15 the plea because he did not or was not properly advised
16 of the elements or how he would meet the elements,
17 particularly regarding attempted murder, assault and
18 battery of a high and aggravated nature, and the
19 doctrine of hand of one, hand of all. And also that
20 counsel failed to advise him about a Miranda issue and
21 how he could have challenged the admissibility of the
22 statement.

23 And then I will turn it to Mr. Wilkes in case
24 there's anything else.

25 THE COURT: Okay. First, before we do that, let

1 me address my comments to Mr. Edmondson. Mr. Edmondson,
2 sir, I know you've got your paperwork there and you
3 probably want to refer to it, but I need for you to come
4 a little closer to the monitor for just a minute, okay?
5 (Complies.)

6 Mr. Edmondson, sir, do you understand that it has
7 been agreed by counsel that this hearing is being
8 conducted today via virtual courtroom?

9 THE APPLICANT: Okay, I can hear you now.

10 THE COURT: Okay. Let me start over, okay? I
11 know you can't control that. Sir, again, I'm Judge
12 Knie. And, sir, do you understand that it has been
13 agreed today that this hearing would be conducted via
14 video conference via my virtual courtroom?

15 THE APPLICANT: Yes, ma'am. I would ---

16 THE COURT: Now, sir, if you want to talk to your
17 lawyer, you let me know and Mr. Wilkes can call you
18 there, all right? I've done that before in some other
19 hearings and it seems to work out fine, all right?

20 THE APPLICANT: All right. I can speak with Mr.
21 Wilkes before we get started?

22 THE COURT: Sure you can. Would you like to?

23 THE APPLICANT: Yes, ma'am.

24 THE COURT: Okay. Mr. Wilkes, what -- and I
25 anticipated this actually, okay, because I think that

1 usually there is some communication that would go on in
2 the courtroom. And so, is the detention officer there
3 with you, Mr. Edmondson?

4 THE APPLICANT: Yes, ma'am.

5 THE COURT: Okay. I just need to get a phone
6 number to give to Mr. Wilkes.

7 DEPUTY MCCOY: It's 803-896-2429.

8 THE COURT: Okay. 803-896-2429?

9 DEPUTY MCCOY: Yes, ma'am.

10 THE COURT: Okay. Thank you again, ma'am. And,
11 Mr. Edmondson, look for Mr. Wilkes to give you a ring.
12 And y'all, let's be in recess for about ten minutes to
13 give them an opportunity to talk. So that will put us
14 coming back at 1:48, okay?

15 MR. WILKES: All right. Can I get that phone
16 number one more time, make sure I've got it right before
17 everyone leaves?

18 THE COURT: 803-896-2429.

19 MR. WILKES: Got it. Calling it now. Thank you.

20 MR. BRANNON: Okay. Jeff, don't go. Your Honor,
21 this is Doug Brannon. I do, I have a contested family
22 court hearing, a rule to show cause at 2:45 here in
23 Spartanburg. I'm just making the Court and everyone
24 aware of that. If I need to let the family court judge,
25 Judge Robertson, know, I can do that, but I just wanted

1 to put everyone on notice of that. Thank you.

2 THE COURT: Do you want me to have Ashley call
3 Judge Robertson.

4 MR. BRANNON: If the Court or if Mr. Wilkes or
5 anyone else thinks that I will be longer than an hour,
6 yes, Your Honor, I would like that.

7 THE COURT: Are you the movant on the rule or are
8 you the recipient?

9 MR. BRANNON: I'm the defender of the rule.

10 THE COURT: The respondent, okay.

11 MR. BRANNON: Yes.

12 THE COURT: Okay. Marsh is doing that live,
13 Doug, over here?

14 MR. BRANNON: Yes, Your Honor.

15 THE COURT: Okay. Let me get Ashley to call down
16 there and just alert them that, that it may -- hopefully
17 it'll work, but we'll keep them apprised, okay?

18 MR. BRANNON: Thank you, Your Honor.

19 THE COURT: All right, thank you. We'll be in
20 recess until 1:49.

21 (Recess was had from 1:40 p.m. - 1:49 p.m.)

22 THE COURT: Okay. Mr. Wilkes, are we ready to
23 proceed?

24 MR. WILKES: We are, Your Honor.

25 THE COURT: Okay. And the case has already been

1 called.

2 And, Mr. Brannon, we did get a message over to
3 Judge Thigpen, who was going to relay the message over
4 to Judge Robertson, okay?

5 MR. BRANNON: Thank you, Your Honor.

6 THE COURT: And so why don't we again, Ms. Marto,
7 since we did have a recess, call the case again for me,
8 please, ma'am.

9 MS. MARTO: Yes, Your Honor. Would you like the
10 full procedural history as well or do you just want me
11 to call the case?

12 THE COURT: Just call the case.

13 MS. MARTO: That would be Tysean Edmondson,
14 docket number 2019-CP-42-02979.

15 THE COURT: Okay, thank you. And so, Mr. Wilkes,
16 sir, I'm happy to hear from you.

17 MR. WILKES: Thank you, Your Honor. This case
18 challenges the knowing and intelligent nature of a
19 guilty plea. Incorporated in our position, probably for
20 the first time I can ever remember, I would incorporate
21 the applicant's eloquent, well stated, written brief,
22 pro se brief, that was submitted with the application.
23 It very well states legal points and case law.

24 But in a nutshell we are challenging the free and
25 voluntary nature of the plea. The original charge was

1 attempted murder times two. And there was a guilty plea
2 deal with ABHAN times two. And we'll put up testimony
3 from the applicant at this time to establish our case.

4 THE COURT: Okay, thank you. So, Mr. Edmondson,
5 sir, I need to place you under oath. If you'll raise
6 your right hand. (Complies.)

7 Do you swear or affirm that the testimony you
8 give will be the truth?

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Okay, Mr. Edmondson, thank you, sir.
11 I can hear you just fine. Let me make sure the court
12 reporter can, okay?

13 Julie, can you hear him?

14 COURT REPORTER: (Indicating.)

15 THE COURT: Okay. I want you to be able to
16 consult with your paperwork if you want to, but we need
17 to be able to hear you, all right?

18 THE WITNESS: All right.

19 THE COURT: Okay, thank you.

20 MR. WILKES?

21 MR. WILKES: Thank you, Your Honor.

22 TYSEAN EDMONDSON,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. WILKES:

1 Q. Mr. Edmondson.

2 A. Yes, sir.

3 Q. Mr. Brannon represented you during your plea
4 proceedings in your case, correct?

5 A. That is correct.

6 Q. Tell me, how long had Mr. Brannon represented you
7 prior to the plea?

8 A. I'm not quite sure. Maybe about four to five
9 months prior because I had a previous lawyer, but I
10 fired him and got Mr. Doug Brannon.

11 Q. Okay. And where were you leading up to the plea,
12 were you in jail or were you out of jail?

13 A. I was in the county jail.

14 Q. And did Mr. Brannon come and see you during the
15 time you were in the county jail?

16 A. Yes, sir.

17 Q. How many times do you recall speaking with Mr.
18 Brannon?

19 A. I recall three times.

20 Q. And did he go over the charges with you and work
21 out a plea deal?

22 A. He didn't explain to me the elements of the
23 charges to me, but I was advised that I was charged with
24 two attempted murders, as well as possession of a weapon
25 from a violent crime, and discharging of a weapon.

1 Q. Now, the plea, at the plea you pled guilty to two
2 charges of ABHAN, correct?

3 A. That is correct.

4 Q. Now, tell me factually what -- how did you become
5 involved in the shooting? How did that happen?

6 A. Well, Mr. Wilkes, I wasn't involved in the
7 shooting. But the reason why I was in the car was
8 because I had just been picked up from work and I was --
9 under my impression I was just trying to go get
10 something to eat and go home.

11 Q. Okay. Now, when you discussed the charges with
12 Mr. Brannon, what was the theory of the case from the
13 State?

14 A. The theory of the ---

15 Q. From your understanding.

16 A. From the State?

17 Q. Yeah.

18 A. All right. From the State I'm not quite sure as
19 far as what their theory was, but from Mr. Doug Brannon
20 theory it was the hand of one, hand of all, from what I
21 was advised.

22 Q. All right. Now, in the plea and in the
23 subsequent Rule 29 motion, the transcript shows Mr.
24 Brannon's statements that the only reason you're
25 pleading guilty is due to the hands of one, hands of all

1 theory, correct?

2 A. That is correct.

3 Q. And what did you believe the hands of one, hands
4 of all theory meant at the time you entered the guilty
5 plea?

6 A. From my understanding I thought that my mere
7 presence was enough to find me guilty under the hands of
8 one, hands of all.

9 Q. And subsequently you've discovered that that is
10 not necessarily the law, correct?

11 A. That is correct.

12 Q. Okay. Now, when you discussed this case with Mr.
13 Brannon, did you ever tell him that when you got into
14 that car you had the intent to commit any kind of crime
15 to start with?

16 A. No, sir, that was not my intentions.

17 Q. Okay. Now, explain how you were in a car with --
18 you were with two co-defendants, correct?

19 A. That is correct.

20 Q. And are you in the -- are you the driver of the
21 car?

22 A. No, sir.

23 Q. Okay. Did you have any part in deciding to
24 follow anyone or shoot at anyone?

25 A. No, sir.

1 Q. Did you ever tell Mr. Brannon that you did?

2 A. No, sir.

3 Q. And when did you discover that the rule of mere
4 presence is not overridden by the hand of one, hand of
5 all? When did you discover that?

6 A. Well, I discovered it coming down here and being
7 in prison and actually getting a job in the law library
8 as a law clerk. I've done my own research and I found
9 out that mere presence is not sufficient enough to
10 establish transfer and intent or find me guilty under
11 the hands of one, hands of all. And had I would have
12 known that it wasn't enough to find me guilty under the
13 hands of one, hands of all, I would have proceeded to
14 trial and stuff instead of the guilty plea, Your Honor.

15 Q. What advice did Mr. Brannon give you that caused
16 you to plead guilty?

17 A. Like I said, I was just, I wasn't aware that my
18 mere presence wasn't enough to find me guilty under the
19 hands of one, hands of all. Had this been explained to
20 me, I wouldn't have accepted a guilty plea, I would have
21 proceeded to trial.

22 Q. Now, as far as the assault and battery of a high
23 and aggravated nature, what was your understanding in
24 entering the plea as far as the injuries of any of the
25 people?

1 A. Okay. From my understanding ABHAN requires
2 serious bodily injury. Now that I know that, I was
3 never -- we never discussed what is serious bodily
4 injury or why I can be found guilty under ABHAN. But
5 according to what I've discovered serious bodily injury,
6 ABHAN requires serious bodily injury.

7 Q. And subsequent to the plea, you were given
8 discovery material to review, correct?

9 A. I wasn't given any discovery material until after
10 I pled guilty. I asked for this material, but my lawyer
11 would not provide it to me. He said that he did not
12 want to release this information and have it get out
13 because I was incarcerated in the county jail.

14 Q. And I believe the transcript indicated -- the
15 plea transcript or the Rule 29 transcript indicates that
16 you were given discovery material after the plea,
17 correct?

18 A. That is correct.

19 Q. Okay. And at that time what did you discover
20 about actual injuries --

21 A. Well, that ---

22 Q. -- to the alleged victims?

23 A. That the alleged victim, the girl that was
24 allegedly shot, she was supposedly cut by a piece of
25 glass, according to the nursing reports. I do have the

1 incident report or the police officer went to interview
2 the victim and they stated that it wasn't a gunshot
3 wound that -- so I'm not sure as far as the cause of
4 injury, but the ER person stated that it wasn't a
5 gunshot wound. So I wasn't aware of that. And I wasn't
6 aware that the other victim hadn't suffered any injury.

7 Q. And had you been aware of that, would you have
8 pled guilty to the ABHAN?

9 A. No, sir. I would have proceeded to trial.

10 Q. Were you aware at the time of the plea that the
11 investigator was going to show up and make statements to
12 the Court to the effect that the victim's lucky to be
13 alive or have survived her injuries?

14 A. No, sir, I was not aware of that. If I was aware
15 of that, then I would have had this documentation of my
16 motion of discovery, then I could have shown that the
17 investigator was presenting false testimony in results
18 of the injury.

19 Q. Okay. What makes you -- why would you have gone
20 to trial had you known mere presence is not overcome by
21 hands of one and hands of all?

22 A. All right. Well, given the facts of the case,
23 the State never implemented (sic) that I shot a weapon,
24 but they acknowledged that I was only minimally present,
25 and admitted to having a gun, but I never fired a

1 weapon, and had no connection to the victim. I never
2 had any motive, I never had any intent. This is just --
3 I was just in the car when the victim was hurt.

4 Q. And your testimony, I guess, today that you --
5 did you say that you never told Mr. Brannon that you
6 started out with the intent --

7 A. No, sir.

8 Q. -- to join in criminal activity?

9 A. No, sir.

10 Q. Okay. On the basis ---

11 A. And Mr. Brannon put on the record at the
12 reconsideration hearing I wasn't a criminal as of the
13 date that I pled guilty, is what Mr. Brannon said, so
14 I'm not understanding why he allowed me to plead guilty
15 when he acknowledged on the record that I wasn't a
16 criminal as of the date that I pled guilty.

17 Q. Specifically, in the guilty plea transcript or in
18 the Rule 29, Mr. Brannon said that you were simply in
19 the wrong place at the wrong time.

20 A. That is correct.

21 Q. Okay. And being in the wrong place at the wrong
22 time, did that advice contribute to your pleading
23 guilty?

24 A. That is correct.

25 Q. Very good. Mr. Edmondson, is there anything else

1 that I did not ask as far as why you pled guilty and now
2 believe knowing the law you would not have?

3 A. No, sir.

4 Q. Okay. Very good.

5 Your Honor, I think that's all the questions I
6 need to ask of Mr. Edmondson.

7 THE COURT: Okay. Of course, Mr. Wilkes, if
8 there's more testimony of anything new, I will allow you
9 to also on redirect cover those matters, okay?

10 MR. WILKES: Thank you, Judge.

11 THE COURT: All right. Ms. Marto, I'm happy to
12 hear from you. Mr. Edmondson, sir, this is
13 cross-examination.

14 THE WITNESS: Okay.

15 MS. MARTO: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. MARTO:

18 Q. Now, just to confirm, why exactly did you enter a
19 guilty plea again?

20 A. I entered a guilty plea because I was under the
21 impression that my mere presence was enough to find me
22 guilty under the hands of one, hands of all.

23 Q. Were you explicitly told that by Mr. Brannon?

24 A. I was never advised of the elements of hands of
25 one, hands of all.

1 Q. But enough to think that mere presence would be
2 sufficient?

3 A. No, I never -- we never explained mere presence.

4 Q. Okay. So you never discussed hands of one, hands
5 of all at all?

6 A. We never discussed hands of one, hands of all.

7 Q. Okay. Well, then, why when Mr. Brannon brought
8 up hands of one, hands of all at the guilty plea you
9 didn't ask him?

10 A. I'm not sure. The State never brought it up, and
11 I don't know why Mr. Doug Brannon brought it up.

12 Q. Okay. Now, you stated that you weren't the
13 shooter or the driver, correct?

14 A. That is correct.

15 Q. So, there were other people involved then?

16 A. I'm not sure about that.

17 Q. Well, you were aware of somebody shooting and
18 somebody driving that day, correct?

19 A. No, ma'am. Like I advised on the record, I can
20 only speak on what I did. I can't speak on the other
21 two's behalf.

22 Q. Okay. Were you in a car with other people that
23 day?

24 A. I was merely present.

25 Q. Okay. Now, why didn't you ask Mr. Brannon about

1 the elements of the charges you were going to be
2 pleading to that day?

3 A. Because I wasn't aware that any charge had any
4 elements period. This is my first time being in
5 trouble, so I wasn't aware of any of that.

6 Q. Did you ever ask him to explain a bit more why
7 you were being charged for certain things?

8 A. From my understanding, I was just advised that it
9 was not enough gunshot residue to say that I fired a
10 weapon, which I didn't, so that's not enough to find me
11 guilty of attempted murder. That's why I pled guilty.

12 Q. Okay. Now, you stated that you would have gone
13 to trial if you would have been properly advised,
14 correct?

15 A. That is correct.

16 Q. Were you leery of any potential co-defendants
17 testifying against you at trial?

18 A. Well, like I said, I wasn't aware of any -- on
19 the record, I'm not gonna speak on the other two's
20 behalf. I can only speak on my behalf, so I don't know.
21 I wasn't provided any documentation, most of the
22 discovery, any statements, or anything like that. So I
23 wasn't aware of any co-defendants or anything like that.

24 Q. Okay. And on the day of the incident, why did
25 you have a gun with you if it wasn't to participate?

1 A. I have a right to bear arms. That's a
2 constitutional right.

3 Q. Okay.

4 No further questions, Your Honor.

5 THE COURT: Thank you.

6 Mr. Wilkes, anything on redirect, sir? Oh, Jeff,
7 you're muted. Ashley, is he unmuted?

8 MR. WILKES: Am I unmuted?

9 MS. SEARCY: Yes, ma'am.

10 THE COURT: You are.

11 MR. WILKES: Okay. No, Your Honor. It would
12 just be rehashing the same thing he's already testified.
13 I don't need to ask any further questions.

14 THE COURT: Okay. Thank you. The next witness
15 then, please, sir.

16 MR. WILKES: Judge, that will be our testimony
17 from witnesses. I would incorporate some argument,
18 obviously, at the close of the case. And I will make
19 reference then, if I may, to a few portions of the
20 transcript and any other documents the State may offer.
21 Unless you want me to go through the transcript now, I
22 can do that in summation and refer to it.

23 THE COURT: Okay. That's fine with me. Ms.
24 Marto, does that suit you?

25 MS. MARTO: We would like to call Mr. Brannon,

1 but if he wants to go...

2 THE COURT: No, ma'am. I understand you've got a
3 witness, but in summation I will give each of you an
4 opportunity to summarize your positions. I'm pretty
5 relaxed about that. If somebody brings up a smoking
6 gun, then I'll let you talk a little bit longer, okay?
7 Okay, go ahead -- oh, and readdress it. So, yes, ma'am,
8 I'm happy to hear from you now.

9 MS. MARTO: Your Honor, the State would like to
10 call Mr. Brannon.

11 THE COURT: Okay. Mr. Brannon, sir, I need to
12 place you under oath. If you'll raise your right hand.
13 (Complies.) Thank you.

14 Do you swear or affirm that the testimony you
15 give, sir, will be the truth?

16 THE WITNESS: I do, Your Honor.

17 THE COURT: I'm sorry, my screen is freezing.
18 Can y'all still see me?

19 MS. MARTO: We can still see you, but you were a
20 bit choppy.

21 MR. WILKES: Yeah.

22 THE COURT: Okay. Well, I'm not important
23 anyway. It's y'all. We're just trying to make a
24 record, but I just want to make sure that I'm aware if
25 you can't see or hear me, all right? Sometimes I'm

1 doing a guilty plea and people just don't tell me that
2 they can't see me. All right. So, yes, ma'am, I'm
3 happy to hear from you on direct.

4 MS. MARTO: Thank you, Your Honor.

5 N. DOUGLAS BRANNON,
6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. MARTO:

9 Q. How are you doing today, sir?

10 A. I'm well, thank you.

11 Q. Good. Now, Mr. Brannon, how long have you been
12 practicing law for?

13 A. Twenty -- in may it will be 20 years.

14 Q. Okay. And how much of that has been criminal
15 law?

16 A. I only practice in two areas, criminal and family
17 court, so I wouldn't say my caseload is 50/50, but I do
18 a lot of criminal work.

19 Q. Okay. Now, were you appointed or retained to
20 represent Mr. Edmondson?

21 A. I was retained.

22 Q. Okay. And when, roughly, were you retained to
23 represent him?

24 A. It was approximately six months before the guilty
25 plea.

1 Q. Okay. Now, how many times did you meet with Mr.
2 Edmondson?

3 A. It was three or four times. And there was a,
4 there was a delay between first meeting and then the
5 next two or three or four times. I don't have exact
6 notes as to how many times I met with him, but when I --
7 as he said, as he testified, he had a lawyer initially.
8 I think that was a public defender, but I'm not sure
9 about that.

10 So I went and talked with him after his family
11 retained me, and the key piece of evidence that I was
12 concerned about was the gunshot residue testing that I
13 knew had been done. I had already reviewed some of the
14 discovery before that, before I went and met with
15 Tysean. And I told him, look, this is, this is very,
16 very important stuff. And I remember meeting with him
17 again the same day that I got the gunshot residue, which
18 I believe supported part of his story.

19 Q. So did you discuss all the discovery you had with
20 him during those meetings?

21 A. I did. And I want to be clear, he's absolutely
22 right when he said I wouldn't give him the discovery
23 materials in the jail, that's accurate. But at least on
24 two occasions I sat down with him in one of the meeting
25 rooms at the Spartanburg County Detention Center at a

1 conference table, a big table, and we spread the
2 discovery out. He had access to all of it.

3 But in those 20 years that I've been practicing,
4 I've seen it on more than one occasion where if you give
5 discovery to inmates, their roommates become witnesses
6 against them in a trial. So, he's accurate, I did not
7 give him the discovery until the day of the guilty plea.

8 Q. Okay. But you discussed it sufficiently and gave
9 him an opportunity to ask you questions?

10 A. Absolutely. Yes.

11 Q. Okay. Now, did you ever discuss proceeding to
12 trial on this case?

13 A. Ma'am, certainly I did. In fact, I remember when
14 I -- because I met with his family members before I met
15 with him. I was hired to take this case to trial. And
16 even the night before the plea, I sat with him -- I say
17 I sat, we may have been standing. I don't know. We
18 were at the jail. I mean, here's the plea offer. And
19 we talked about -- we did talk about how long I thought
20 he would be sentenced. We can go to trial if you want
21 to go to trial. I mean, this is -- if you want to go to
22 trial, we'll do it.

23 Q. Okay. Now, did you discuss the charges he was
24 charged with?

25 A. The first time I met with him, I had printed up

1 the -- you know, at that point he's going -- at that
2 point he's going -- at that point there were the
3 original charges. I printed off the code law for each
4 of those charges. And not only did I explain it to him,
5 but I read it to him.

6 Q. Did he seem to understand what you read to him?

7 A. He indicated that he did. He's a very smart
8 young man.

9 Q. Okay. And did you discuss the hand of one, hand
10 of all theory?

11 A. We discussed the hand of one as the hand of all.
12 And we absolutely discussed mere presence. You can't
13 discuss one without discussing the other, in my opinion.

14 Q. Did you ever tell him mere presence was
15 sufficient under hand of one, hand of all?

16 A. I'm sorry, I didn't understand you.

17 Q. Did you ever tell him that mere presence was
18 enough to be convicted under hand of one, hand of all?

19 A. I don't know that those words ever came out of my
20 mouth, but I do remember specifically saying explain to
21 me the difference, I mean, and the impressions. I mean,
22 he admitted that he had a gun.

23 Not only -- there's another piece of evidence
24 that he hasn't talked about yet. When the police
25 stopped the car, Tysean got out of the car and ran and

1 he threw that gun. So I had -- when I talked with him
2 about mere presence and the hand of one being the hand
3 of all, we had to talk about all of the evidence, not
4 just those two theories in a vacuum.

5 Q. Okay. Now, from your memory were other people
6 involved?

7 A. Absolutely. In fact, he had a co-defendant who
8 had pled guilty before him and we knew what his sentence
9 was. So, I may be mistaken, but I think he pled -- I
10 think the co-defendant pled guilty the day before.

11 Q. Do you remember the co-defendant -- or being
12 leery that the co-defendant might testify against him at
13 trial?

14 A. I wasn't leery about it, I was told by the
15 solicitor that he would testify.

16 Q. Okay. Did Mr. Edmondson seem to understand all
17 of this going into the plea hearing?

18 A. I think so. And we even talked about that
19 potential testimony because the, the gunshot residue
20 test, in my opinion, would have proved the co-defendant
21 to be a liar had the co-defendant testified that Tysean
22 was a shooter. My recollection of the gunshot residue
23 test was that he had one spec on his non-dominant hand.
24 I believe that was the evidence.

25 Q. Now, ultimately, whose decision was it to enter

1 the guilty plea?

2 A. It was Mr. Edmondson's decision, without
3 hesitation.

4 Q. Okay. You didn't promise him anything or try and
5 talk him into pleading in any meaningful way in that
6 regard, right?

7 A. Absolutely not.

8 Q. Did you warn him about his constitutional rights
9 that he'd be waiving?

10 A. I warned him. I gave him -- went over those
11 constitutional rights the first time I met with him, the
12 night before the guilty plea, and then in the holding
13 cell the morning of the guilty plea.

14 Q. Okay. And he didn't have any questions for you
15 going into that, correct?

16 A. He didn't indicate to me that he did.

17 MS. MARTO: Your Honor, I think that's all of my
18 questions.

19 THE COURT: Okay, thank you.

20 Mr. Wilkes, cross-examination?

21 MR. WILKES: How's that? Did I get that right?

22 THE COURT: Yes, sir.

23 MR. WILKES: Okay, sorry. I don't get those
24 buttons right.

25 CROSS-EXAMINATION

1 BY MR. WILKES:

2 Q. Mr. Brannon, you indicated you weren't completely
3 sure on how you described or compared mere presence and
4 the hands of one, hands of all theory. How -- are you
5 saying that you can't recall how you expressed that to
6 him?

7 A. I'm certainly saying that I can't remember
8 exactly what I said to him, but I know that we talked
9 about it in detail, both the hands of one and mere
10 presence.

11 Q. In the plea transcript or the Rule 29 transcript,
12 one of those, I believe you had informed the judge that
13 Mr. Edmondson was in the wrong place at the wrong time.
14 Do you remember that?

15 A. I do. I do.

16 Q. And wrong place at the wrong time is essentially
17 mere presence, right?

18 A. I'm not gonna dispute the wording, Mr. Wilkes.
19 What I'm telling you is that I was doing my best to get
20 my client the best possible sentence that I could. Mr.
21 Edmondson didn't have a criminal record leading up to
22 that guilty plea, but I had in -- I also knew that he
23 had a gun or he didn't hide that fact.

24 Q. Right.

25 A. And when the blue lights went off and the car

1 eventually stopped, he got out and ran and discarded his
2 weapon. So I had those pieces of evidence in my mind.
3 Yes, he was in the wrong place at the wrong time with a
4 gun and he ran. I don't know that I accurately answered
5 your question, but that's my answer.

6 Q. Well, after indicating that he was in the wrong
7 place at the wrong time, I think you specifically stated
8 that he's pleading guilty solely because of the hands of
9 one, hands of all theory. Does that ring a bell?

10 A. It does. And then I would relate back to what I
11 just testified to.

12 Q. So, you're saying that you left him with a clear
13 understanding of the hands of one, hands of all as it
14 conflicts, at the point where it conflicts with mere
15 presence?

16 A. No. We talked about it at length. Whether I had
17 left him with a clear impression, that would be up to
18 him.

19 Q. Okay. You, I believe, had an affidavit filled
20 out, a plea affidavit.

21 A. That's correct.

22 Q. And the plea affidavit, there's no mention --
23 there's a -- you discussed a lot of things that you went
24 over with him. And it's detailed, it's two pages long.
25 Nowhere in the affidavit does it indicate any discussion

1 of hands of one or mere presence theories that were
2 essential to his case. Is there any reason that those
3 were not included in that affidavit?

4 A. No, there's -- well, the reason is I created that
5 affidavit 18 or 19 years ago and it was a copy of Judge
6 Beatty's old guilty plea document. And it's to ensure
7 that they're aware of their constitutional rights and
8 their right to trial. So that would be the only reason
9 that mere presence and hand of one versus the hand of
10 all is not specifically in that affidavit.

11 Q. Okay. At the plea, if I'm correct, the
12 transcript does not show that the Court -- that there
13 was any advisement as to the elements necessary for
14 conviction under either the attempted murder or the
15 ABHAN. Is that your recollection?

16 A. I'm sorry, Mr. Wilkes, I don't, I don't recall
17 what the Court did in the plea. I know that I went over
18 the elements of each and every charge with him because I
19 had printed out the statutes. And I don't know if I did
20 it in his case, but I typically attach the statutes to
21 that affidavit.

22 Q. But that would not include how specific intent
23 attached to this or, I guess, through accomplice
24 liability. The statute, printing those out, doesn't
25 necessarily explain to him how he's got to have specific

1 intent or at least transferred intent, does it?

2 A. It would not. That's correct.

3 MR. WILKES: Okay. Nothing further for Mr.
4 Brannon, Your Honor.

5 THE COURT: Anything on redirect, Ms. Marto?

6 MS. MARTO: No, Your Honor.

7 THE COURT: Any objection to Mr. Brannon being
8 excused?

9 MR. WILKES: None, Your Honor.

10 MS. MARTO: No, Your Honor.

11 THE COURT: He's not required to leave, but he's
12 welcome to. Okay.

13 MR. BRANNON: Thank you all. I will be leaving.
14 I'm gonna go to -- I'm gonna actually go to court and be
15 a lawyer for the first time in a while. Thank you.

16 THE COURT: Okay. Thank you, sir.

17 All right. Ms. Marto, next witness or anything
18 else from the State?

19 MS. MARTO: Your Honor, the State has no further
20 witnesses.

21 THE COURT: Okay. Mr. Wilkes, sir, then anything
22 in reply?

23 MR. WILKES: Yes, Your Honor. I would like to
24 ask Mr. Edmondson some questions, specifically in
25 reference to Mr. Brannon's testimony.

1 THE APPLICANT: All right.

2 THE COURT: Yes, sir. Mr. Edmondson, sir, you're
3 still under oath.

4 THE APPLICANT: Okay.

5 THE COURT: This is redirect.

6 TYSEAN EDMONDSON,
7 having been previously sworn, further testified as
8 follows:

9 REDIRECT EXAMINATION

10 BY MR. WILKES:

11 Q. Mr. Edmondson, you've listened to the testimony
12 of Mr. Brannon. Explain to me how the hands of one,
13 hands of all or mere presence, explain your
14 understanding of those things from Mr. Brannon's
15 discussions with you leading up to the plea.

16 A. From my understanding, like I advised you, Mr.
17 Wilkes, Doug Brannon, basically just said that because I
18 was in the car, that's -- I was under the impression
19 that that was enough to find me guilty under the hand of
20 one, hand of all. There was no elements explained to
21 me. The guilty plea affidavit clearly explains what Mr.
22 Brannon went over with me. I never had any idea of what
23 I was pleading guilty to.

24 Q. And in particular, did Mr. Brannon explain to you
25 -- he did discuss the hands of one and hands of all

1 theory in general, did he not?

2 A. He ---

3 Q. Let me rephrase that. That's a stupid and
4 negative question. Did he explain to you in general
5 terms hands of one, hands of all?

6 A. As far as general terms, explain that to me so I
7 could -- can you hear me?

8 Q. I can.

9 A. All right. I said, as far as general terms, what
10 do you mean by that?

11 Q. Did he explain anything about hands of one, hands
12 of all under that theory?

13 A. No, sir.

14 Q. Did you -- sorry, go ahead.

15 A. I didn't say anything, Mr. Wilkes.

16 Q. Okay. I thought I cut you off, I'm sorry.

17 Do you understand having now become, I guess, a
18 good authority in research, do you now understand the
19 theory of specific intent?

20 A. I do, Mr. Wilkes.

21 Q. Do you understand the theory of how mere presence
22 is insufficient to cause a connection?

23 A. I do, Mr. Wilkes.

24 Q. Did at any time Mr. Brannon explain the conflict
25 between to two legal theories of mere presence versus

1 hands of one, hands of all?

2 A. No, sir.

3 Q. If you had an understanding prior to the plea of
4 the conflict between mere presence and hands of one and
5 hands of all, would you have pled guilty?

6 A. I would have proceeded to trial instead of
7 pleading guilty, Mr. Wilkes.

8 Q. If you had had the elements of the hands of one,
9 hands of all theory or mere presence -- and mere
10 presence explained to you by the Court at the time of
11 the guilty plea, would you have pled guilty?

12 A. No. Can you repeat?

13 Q. If you had -- if the Court -- do you remember
14 whether the Court ever explained any of the elements of
15 any of ---

16 A. No, sir. The Court nor my counselor advised me
17 of the elements of attempted murder or ABHAN or hands of
18 one, hands of all. Like I said, Mr. Wilkes, the reason
19 why I pled guilty was because I thought that my mere
20 presence, me being in the car was enough to find me
21 guilty under the hands of one, hands of all. Like the
22 State already announced on the record, I was just merely
23 present. I wasn't aware of anything that was going to
24 happen or taking place. I didn't have any knowledge of
25 it or anything.

1 MR. WILKES: Very good. No further questions,
2 Your Honor.

3 THE COURT: Okay, thank you. All right. Before
4 I hear anything -- let's see, before I hear you all's
5 summations, is there anything else that needs to be
6 submitted by writing, in writing? Anything else that
7 needs to be submitted to me or exchanged on the record?

8 MR. WILKES: Your Honor, from the applicant's
9 point of view, I believe that the applicant's prose
10 memorandum and documents are part of the record.
11 They're very articulate and very well stated and I think
12 they're worth incorporating by reference rather than me
13 trying to go through all of that.

14 In particular, I think also, the record contains
15 -- and by reference, we would ask that it include both
16 the guilty plea transcript. And then there's also a
17 Rule 29 transcript as well.

18 We did -- we had a strange issue. I think we've
19 taken care of the sentencing issue with SCDC. They did
20 not recognize the new sentence under the Rule 29 motion,
21 but I think the Attorney General has helped clear that
22 up with SCDC, so I don't think that's an issue anymore.
23 But I'd just ask the Court to incorporate specifically
24 those pro se documents that were filed, because in this
25 case, as rare as it is, they were quite on point and

1 very well written.

2 THE COURT: Okay, thank you. Let me ask Ms.
3 Marto, if there are any other documents before I hear
4 your summaries, okay?

5 MS. MARTO: No further documents to submit, Your
6 Honor, but we would also request you take judicial
7 notice of the documents Mr. Wilkes stated, as well as
8 the State's return in this matter in the clerk's
9 records, and the SCDC records as well.

10 THE COURT: Okay, thank you. All right. And so
11 now I will hear from each of you regarding a summary.

12 Mr. Wilkes --

13 MR. WILKES: Thank you, Your Honor.

14 THE COURT: -- do you want five minutes or are
15 you ready to go?

16 MR. WILKES: I'm ready, Your Honor.

17 THE COURT: Okay, thank you.

18 MR. WILKES: Your Honor, the critical issue at
19 this point is not necessarily the evidence on the
20 assault and battery with intent to kill or -- I mean,
21 the attempted murder or actually the ABHAN. The
22 question is whether or not the client fully understood
23 the basis by which he could be convicted or the
24 challenge the State would be presented with in
25 convicting him.

1 In this case, as he has said, he was merely in
2 the vehicle. And the burden is that the State prove
3 that he initiate a criminal behavior. In other words,
4 join in a criminal activity, in this case, with the
5 driver of the car who was controlling everything, and
6 the other passenger.

7 For them to convict him, they would have to show
8 that he entered into an illegal activity from which it
9 became reasonably foreseeable that the shooting would
10 have occurred. And his point is he was unaware of that
11 particular fact. And Mr. Brannon's testimony didn't
12 really make clear that he explained that step, that
13 initial step of entering into criminal activity to
14 overcome the mere presence. Without that initial intent
15 to enter into criminal activity to start with, then
16 there's no real transfer of intent from any act that
17 should happen afterwards. And that's been his point and
18 that's what he has testified to.

19 Both the plea and the Rule 29 transcript indicate
20 what Mr. Brannon had said, that the evidence was very
21 slight as far as Mr. Edmondson actually participating in
22 the shooting. The fact that he's in the car at the time
23 of other people shooting would be insufficient to
24 convict him, if it's just mere presence. And in this
25 case, as he's testified, he did not understand the

1 complexity, because it is somewhat complex, the conflict
2 resolving the doctrines of hands of one versus mere
3 presence requires, I guess, an understanding of that
4 initial criminal intent for some behavior. Not
5 necessarily the shooting in this case, but some criminal
6 intent that they were engaging in that foreseeably led
7 to the shooting.

8 If the Court were to review that transcript from
9 both the plea and the Rule 29 proceedings, I think the
10 Court would see that Mr. Brannon's statements, if his
11 statements were consistent with his advice, it supports
12 Mr. Edmondson's claim that he was unaware of how one is
13 resolved against the other doctrine. And I think the
14 affidavit, if the plea affidavit is part of the record,
15 which I believe it is, that's the same. I mean, that
16 does not indicate any discussion of the two doctrines
17 that are essential for the knowing and voluntary plea.

18 So, although Mr. Brannon says he discussed in
19 detail the elements of the charge and even printed out
20 the elements of the charges, that would not be
21 sufficient to educate somebody on the conflict between
22 mere presence and hands of one, hands of all doctrine.

23 So everything, when the Court -- if the Court
24 reviews everything, the transcripts, the affidavit, my
25 client's testimony, and the fact that Mr. Brannon can't

1 actually say how he resolved and educated Mr. Edmondson
2 on the conflict between the two doctrines, I think that
3 the evidence is sufficient to carry applicant's burden
4 on his plea not being free and voluntary, Your Honor.
5 And that's all I have to say.

6 THE COURT: All right, thank you.

7 Ms. Marto?

8 MS. MARTO: Yes, Your Honor. The State would
9 point out that beyond the mere presence, Mr. Brannon did
10 testify that a consideration going into the plea hearing
11 was the fact that not only was he there, but that he had
12 a gun, that he got out of the car, that he ran away, and
13 he threw the gun away. And something the applicant was
14 unwilling to testify was that it was even in the car,
15 that there was a driver, that there was a shooter
16 involved. Rather, he was very vague when it came to the
17 issues regarding his presence and involvement in this
18 case today.

19 I would also point out that Mr. Brannon did
20 testify that he met with Mr. Edmondson and discussed
21 everything regarding the case, including the elements.
22 He did state that he did discuss hands of one, hands of
23 all. And that Mr. Edmondson did not seem to have any
24 questions going into the plea hearing, and that pretty
25 much all of his questions had been answered at that

1 point sufficiently enough for him to know what he was
2 doing.

3 And so, we would state that Mr. Brannon's
4 testimony should be held as credible by this Court, in
5 that he went over the elements and the hands of one,
6 hands of all and distinguish that from mere presence
7 even when his statements made at the plea hearing
8 concerning throwing the gun and running. And then that
9 should be sufficient enough to find that the plea was
10 entered voluntarily, knowingly, and intelligently.

11 THE COURT: Okay, thank you. All right.
12 Anything else, folks?

13 MR. WILKES: Obviously, Your Honor, if you ask me
14 if there's anything else I would have a reply, if I may?

15 THE COURT: Yes, sir. And -- well, let me ask
16 you this. It looks like your client wants to talk to
17 you, and if he were sitting next to you he would be able
18 to whisper to you, I guess, and talk to you. And so I'm
19 happy if he wants to talk to you, we can take five
20 minutes and then, Jeff, I'll let you come back, okay?

21 MR. WILKES: That would be fantastic. Thank you,
22 Your Honor.

23 THE COURT: Okay. Y'all, we'll take five
24 minutes. Or, Jeff, as long as you think you need, okay,
25 because the next one is not until three; is that

1 correct? Okay. Y'all take your time.

2 Mr. Edmondson, Mr. Wilkes will call you, okay?

3 THE APPLICANT: Yes, ma'am.

4 MR. WILKES: Thank you, Your Honor. I'll come
5 back on video once we're done.

6 THE COURT: Yes, sir. All right, thanks.

7 (A recess was had from 2:15 p.m. - 2:25 p.m.)

8 THE COURT: Okay. Mr. Wilkes?

9 MR. WILKES: Thank you, Your Honor. My client
10 was trying to alert me that the Attorney General had
11 made a slight misstatement, I think, on the facts. I
12 think she had stated that the evidence at trial was, or
13 the evidence the State intended to present was that Mr.
14 Edmondson jumped out of a car with a gun and had the gun
15 when he jumped out of the car and ran. And I think that
16 the State's case was based on evidence that guns were
17 thrown from the car.

18 My client did give a statement that he had a
19 pistol, but the guns were thrown from the car. And I
20 believe that the evidence that the State had was that
21 Mr. Edmondson ran from the car, but that he was unarmed
22 when he did so, and he just wanted me to point that out.
23 That was it on that.

24 The only other thing, that if I may in rebuttal
25 briefly, is just point out on page six, what Mr. Brannon

1 told the Court. And it's consistent with what Mr.
2 Edmondson has testified to and not really contradicted
3 entirely by Mr. Brannon's testimony. Mr. Brannon said
4 that, Your Honor, my client was simply a passenger in an
5 automobile driven by one gentleman. And that was the
6 basis by which Mr. Edmondson testified he pled guilty to
7 because he was a passenger in the vehicle.

8 And the issue is not how much evidence did they
9 have to convict him. Whether or not he could challenge
10 it was his right. But his choice of pleading guilty, as
11 he has said, was based on a misunderstanding of the
12 transferred intent and the ability to transfer intent
13 and that the State could not have transferred intent to
14 the shooting if he didn't start out with the intent to
15 join in criminal behavior when he got in that car. So
16 that, that is, that is my rebuttal, Your Honor, thank
17 you.

18 THE COURT: Okay, thank you. All right.
19 Anything else before -- I know the lawyers expect me to
20 say this, but Mr. Edmondson has not been before me, to
21 my knowledge, ever, so anything before I explain how I'm
22 going to handle this?

23 MR. WILKES: No, Your Honor. Thank you.

24 MS. MARTO: No, Your Honor.

25 THE COURT: Ms. Marto? Okay.

1 Mr. Edmondson, sir, can you hear me?

2 THE APPLICANT: Yes, ma'am.

3 THE COURT: Okay. Sir, I am going to review
4 everything, the transcripts again, the sentencing
5 sheets, the application, and the documents in response
6 from the State, along with my notes from today. And
7 then I am either going to issue instructions that will
8 be typed to the lawyers or the order, okay? And that
9 will be sent to them via electronic mail.

10 And so, just look to Mr. Wilkes for guidance as
11 to my decision, sir. I know this is important to you,
12 and I want to consider it all very carefully, okay?

13 THE APPLICANT: Yes, ma'am.

14 THE COURT: Okay. Thank you all. And thank you
15 all for being on the virtual courtroom today. It makes
16 everything a lot simpler from our end right now. Okay.
17 Thank you.

18 MR. WILKES: Thank you, Judge.

19 THE COURT: Nice to see you Mr. Wilkes,
20 Ms. Marto.

21 MR. WILKES: You too. Thank you.

22 THE COURT: Okay. And thank you for helping us,
23 Ms. McCoy.

24 DEPUTY MCCOY: You're welcome.

25 THE COURT: Okay. Our next one is at three, so

1 Julie and Ms. Marto, we are done until 3 o'clock.

2 MS. MARTO: Thank you, Your Honor.

3 (Hearing concluded at 2:33 p.m.)

4

5 --- THIS ENDS REQUESTED TRANSCRIPT ---

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1 COURT REPORTER CERTIFICATE

2
3 I, the undersigned Julie A. Cendroski, Court
4 Reporter for the Seventh Judicial Circuit Court of the
5 State of South Carolina, do hereby certify that to the
6 best of my ability the foregoing is a true, accurate,
7 and complete transcript of record of all the proceedings
8 and evidence introduced in the hearing and/or trial of
9 the captioned case, relative to appeal, in the Court OF
10 Common Pleas for Spartanburg County, South Carolina, on
11 the 6th day of April, 2021.

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

14
15
16
17
18 s/Julie A. Cendroski
19 Julie A. Cendroski
20 Circuit Court Reporter
21 Seventh Judicial Circuit
22
23
24
25

WITNESSES

Spartanburg County Sheriff's Office

James W. Powers

ARREST WARRANT NUMBER

2016A 4210201118

ACTION OF GRAND JURY

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date:

1. SENTENCE MADE

REPORT ENDED

3. CARD PULLED

INDEXED

4. CHECKED WARRANTS

5. CHECKED SIGNATURE

Foreperson of Grand Jury
Date:

NOT A NOTIFICATION COPY

DOCKET NO.

16-GS-42-4096

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

THE STATE
vs.

Tysean Javar Edmondson

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-0029

CDR Code: 3410

Class FEL-A

2016 JUL 26 AM 10:54

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2016 the
Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED MURDER

That Tysean Javar Edmondson, did in Spartanburg County on or about April 1, 2016, with malice aforethought attempt to kill Aaron Clay, by shooting at the victim with a firearm, with the intent to kill the said victim, in violation of §16-03-0029, of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


ASSISTANT SOLICITOR

COMPUTER

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF
STATE:

SPARTANBURG

VS.

Tyshan Javer Edmondson

AKA:

Race:

DOB:

Address

City/State

DL#:

*COL Yes ☐ No ☐ CMV Yes ☐ No ☐ Prisoner Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Assault and Battery of a High and Aggravated Nature (0-20yr)

REDACTED

INDICTMENT/CASE#:

2016GS4204096

A/WP:

2016A4210201118

Date of Offense:

4/1/2016

S.C. Code

§ 16-03-0029

CDR Code #:

3410

SENTENCE SHEET

Deemed Original
Shli

☐ CONVICTED OF or

☒ PLEADS

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT

☒ VIOLENT

☒ SERIOUS

☐ MOST SERIOUS

☐ Mandatory OPS(CSC w/minor 1st or Lewd Act)

☐ §17-25-45

The charge is:

☐ As Indicted, ☒ Lesser Included Offense.

☐ Defendant Waives Presentment to Grand Jury

(defendant's initials)

The plea is:

☐ Without Negotiations or Recommendation.

☐ Negotiated Sentence.

☒ Recommendation by the State.

ATTORNEY:

SMITH, SPENSER II

101370
SC Bar

Defendant

Shli
Attorney for Defendant

SC Bar

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

for a determinate term of 12 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 in sentence one

☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections. 389 days

§ 24-13-40 to be calculated and applied

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

§17-25-135

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

SPECIAL CONDITIONS:

☐ RESTITUTION:

☐ Deferred ☐ Def. Waives Hearing

☐ Ordered

PTCP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fees:

§ 14-1-206 (Assessments 107.5 %)

\$100

\$100.00

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$

§ 14-1-211(A)(2) (DUI Surcharge)

\$12

\$

§ 56-5-2995 (DUI Assessment)

\$25

\$

§ 56-1-386 (DUI Breath Test)

\$500

\$

Proviso 61.6 (Public Def Probation)

\$25

\$25.00

§ 14-1-212 (Law Enforcement Fund)

\$150

\$

§ 14-1-213 (Drug Court Surcharge)

\$50

\$

§ 50-21-114 (DUI Breath Test Fee)

\$40/ea

\$

§ 56-5-2942(2) (Vehicle Assessment)

\$3.75

3% to County (if paid in installments)

TOTAL

\$128.75

Clerk of Court/Deputy Clerk

Court Reporter

SCCA217 (07/2016)

Presiding Judge

Judge Code:

Sentence Date:

Shli
4/26/16

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 DEC 27 PM 3:15

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

SPARTANBURG

VS.

Tysean Javer Edmondson

AKA:

Race:

DOB:

Address:

City, State:

DL#:

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

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

TO: Assault and Battery of a High and Aggravated Nature (0-20yr)

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

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

ATTORNEY:

SMITH, SPENSER II

SC Bar# 101370

Defendant

Attorney for Defendant

SC Bar# 68798

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections 389 days

§ 24-13-40 to be calculated and applied

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Probation)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (DUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS4204096

A/W#: 2016A4210201118

Date of Offense: 4/1/2016

S.C. Code § : 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

PTUP

 days/hours Public Service EmploymentObtain 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 FundOther: ☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: Sentence Date: 4/26/17

COMPUTER

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

TySean Javar Edmondson

AKA:

Race:

DOB:

Address:

City, State:

DL#:

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

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

TO: Assault and Battery of a High and Aggravated Nature (0-20yr)

INDICTMENT/CASE#: 2016GS4204096

A/W#: 2016A4210201118

Date of Offense: 4/1/2016

S.C. Code § 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411
☐ 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.

ATTORNEY: SMITH, SPENSER II 101370 SC Bar# 101370 SC Bar# 68798 SC Bar#

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

for a determinate term of 16 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. 389 days

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

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fees: \$

§ 14-1-206 (Assessments 107.5 %)

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

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

§ 56-5-2993 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$300 \$

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

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

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

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

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk C. P. P.

Court Reporter Woods

SCCA/217 (07/2016)

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

mnts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel.

Proviso 61.6 requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge

Judge Code:

Sentence Date: 4/26/17

ARREST WARRANT

2016A4210201118

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

THE STATE

against:

TySean Javar Edmondson

Address: 655 Greenhill Rd

16040000

REDACTED

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(I.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant TySean Javar Edmondson

on 4-1-16

S. Perry

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

180 Magnolia Street

P.O. Box 3483

Spartanburg, SC 29304

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

AFFIDAVIT

ORIGINAL

Personally appeared before me the affiant Michael Walsh who

being duly sworn deposes and says that defendant TySean Javar Edmondson

did within this county and state on or about 4/1/2016 violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

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:

That on April 1, 2016, in the county of Spartanburg, one TySean Javar Edmondson did willfully and intentionally attempt to kill the victim being, Aaron Seth Clay, by shooting at him while he was riding in a vehicle. Affiant belief based upon police investigation

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street

Spartanburg, SC 29303-

Affiant's Telephone

2016 APR - 1

8:12

APR 06 2016

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 4/1/2016 defendant TySean Javar Edmondson

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

☒ County/ ☐ Municipality of Spartanburg) as set forth below

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

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 his execution, or soon thereafter as is practicable. Sworn to and subscribed before me

on 4/1/2016

D. Smith (I.S.)

Signature of Issuing Judge

Dwight Gibson Smith

Judge Code: 7151

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-5221

Judge's Telephone (864)596-2228

Issuing Court ☒ Magistrate ☐ Municipal

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

DEPT. OF COURT

SPARTANBURG COUNTY

DATE 04-01-16

04-07-16 ARREST WARRANT

2016A4210201118

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

THE STATE

against

TySean Javar Edmondson

Computer
1604222

REDACTED

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant TySean Javar Edmondson on 4-7-16

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
180 Magnolia Street
P O Box 3483
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

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being duly sworn deposes and says that defendant TySean Javar Edmondson

did within this county and state on or about 4/1/2016

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

Spartanburg

In the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

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Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street
Spartanburg, SC 29303-

Affiant's Telephone

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 4/1/2016

defendant TySean Javar Edmondson

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

☒ County/ ☐ Municipality of Spartanburg

) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

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 4/1/2016

Signature of Issuing Judge
Dwight Gibson Smith

Judge Code: 7151

(L.S.)

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-5221

Judge's Telephone (864)596-2228

Issuing Court: ☒ Magistrate

☐ Municipal

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

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



Spartanburg County Sheriff's Office

Deputy Report for Incident 16040003

16040003

Nature: Weapon Offense
Location: 23

Address: 125 SIMUEL RD
SPARTANBURG SC 29301

Offense Codes: AFRM, FSTP, NPD, TOFF

Received By:

How Received:

Agency: SCSO

Responding Officers: Hubbard M, Byrd J M

Responsible Officer: Hubbard M

Disposition: ACT 04/01/16

When Reported: 00:15:00 04/01/16

Occurred Between: 00:10:00 04/01/16 and 00:32:00 04/01/16

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant: 21141

Last: CLAY

First: AARON

Mid: SETH

REDACTED

Offense Codes

Reported:

Observed:

Additional Offense: AFRM Assault with a Firearm

Additional Offense: FSTP Failure to Stop When Signaled

Additional Offense: NPD Drugs, Possession of

Additional Offense: TOFF Traffic Offense

Circumstances

BM38 No Bias

LT13 LOC-Highway, Road, Alley

WRIFL W-Rifle Used

VTR23 Vict Relationship Unknown: RU

Responding Officers:

Unit:

Hubbard M

Byrd J M

Responsible Officer: Hubbard M

Agency: SCSO

Received By:

Last Radio Log: **:**:** **/**/**

How Received:

Clearance:

04/01/16

When Reported: 00:15:00 04/01/16

Disposition: ACT Date: 04/01/16

Judicial Status:

Occurred between: 00:10:00 04/01/16

Misc Entry:

and: 00:32:00 04/01/16

Modus Operandi:

Description :

Method :

Day of Week

Preferred Day of Week

Friday

Time of Day

Preferred Time of Day

Early Morning

Zones

Zone/Tract

23

Weapon, Force

Weapon or Force Used

Rifle

Involvements

Date	Type	Description	
04/01/16	Name	CLAY, AARON SETH	Victim
04/01/16	Name	CLAY, AARON SETH	Complainant
04/01/16	Name	BROWN, TONYA KAY	Other
04/01/16	Name	JONES, DOUGLAS DASEAN	Suspect
04/01/16	Name	FOSTER, DEANDRE TYSHUN	Suspect
04/01/16	Name	FOWLER, BRITTANY NICOLE	Person of Interest
04/01/16	Name	EDMONDSON, TYSEAN JAVAR	Suspect
04/01/16	Name	THOMPSON, SAVANNA HOPE	Victim
04/01/16	Name	THOMPSON, SAVANNA HOPE	Victim
04/01/16	Name	THOMPSON, SHYANNE NICOLE	Person of Interest
04/01/16	Vehicle	RED 2006 FORD MUS SC	Evidence
04/01/16	Property	BLK Rifle DEL-TON INC DTI-15 0	Evidence
04/01/16	Property	GRY Magazine 0	Evidence
04/01/16	Property	BRA UNFIRED BULLETS HORNADY .223 0	Evidence
04/01/16	Property	BLK mesh bag CALDWEL 0	Evidence
04/01/16	Property	BLK Plastic 0	Evidence
04/01/16	Property	Marijuana 0	Evidence
04/01/16	Evidence	CRIME SCENE PHOTOS	Evidence Incident
04/01/16	Evidence	CRIME SCENE PHOTOS	Evidence Incident
04/01/16	Evidence	Crime Scene photos	Evidence Incident
04/01/16	Evidence	First Injury Photos	Evidence Incident

04/01/16

Narrative

On 4-1-16 I responded to the incident location (125 Simuel Rd "Palmetto Cycle") in Spartanburg County in reference to a shooting. Upon my arrival on scene I met with the complainant/victim (Aaron Clay [REDACTED]) who stated that he and his girlfriend/victim (Savannah Thompson [REDACTED]) had been watching television at his residence [REDACTED] in Spartanburg County).

He states that she had been receiving phone calls from two different females (Shyanne Thompson [REDACTED] Britanny Fowler [REDACTED]) ****I WAS UNABLE TO FIND PHONE NUMBERS FOR EITHER OF THESE FEMALES**** throughout the night cussing her out and talking about wanting to fight her.

He stated that shortly after getting done watching television that they got into his vehicle (SC TAG: BVE 335 VIN:1ZVFT80N065179175 a red Ford Mustang) and began to leave to just go ride around.

He stated that when they got into the car and began to travel on Valley Falls Rd towards Asheville Hwy, he noticed a car (no description other than it was possibly dark in color). He states that after a short distance he heard a gunshot, a short time after that he heard about 2 or 3 more shots. He then realized that the back glass had been shot out.

He states he then began to travel towards the Spartanburg Sheriffs Office for "safety". He then called 911 and advised that his girlfriend (Savannah Thompson [REDACTED]) had been shot (grazed) in the side of her head (she had already been transported when I arrived on scene).

I then had Mr. Clay and his mother Tonya Brown [REDACTED] sign permission to search premise form in order to process the vehicle.

Investigator Davis (I-65) responded to photograph the vehicle.

I had County rollback respond to transport the car the Spartanburg County Shop for processing.

I collected a voluntary statement from Mr. Clay, and provided him with a VNI card.

All documents were scanned in VIA the scanner at the Sheriffs Office.

I then transported Mr. Clay to his home residence after I was advised he could be released.

BWC was activated.

This concludes my involvement in this case.

Responsible LEO:

Approved by:

04/01/16

Date

04/01/16

04/01/16

Supplement Walsh M

SUPPLEMENTAL REPORT:

04/01/2016

The suspects in this case have been identified as Douglas Jones, Deandre Foster, and Tysean Edmondson. Jones and Foster were located in the suspect vehicle and Edmondson was located a short time later following a K9 track. Foster and Edmondson have admitted to being in the vehicle at the time of the shooting, but none of the suspects have claimed responsibility for firing the shots.

Several shots were fired into an occupied vehicle as it was traveling on a public roadway. Savanna Thompson was struck in the head by one of these fired projectiles.

04/01/16

Vehicles

Vehicle Number:

97677

License Plate: BVE335

State: SC

Vehicle Year: 2006

Make: FORD Ford

Color: RED /

Vehicle Type:

License Type: PC Regular Passenger Automobile

Expires: 10/31/16

VIN: 1ZVFT80N065179175

Model: MUS

Doors: 0

Value: \$0.00

Owner:

Last: BROWN

First: TONYA

Mid: KAY

DOB: REDACTED

Dr Lic: REDACTED

Address: REDACTED

Race: V

Phone: REDACTED

City: REDACTED

Agency: SCSO Spartanburg County S.O.

Date Recov/Rcvd: **/**

Officer: Hubbard M

Area:

UCR Status: DDV Destroyed/Damaged/Vandalized

Wrecker Service:

Local Status: EVI Evidence

Storage Location:

Status Date: 04/01/16

Release Date: **/**

Comments:

WAS BEING DRIVEN BY AARON SETH CLAY 11-15-1994 ON 4-1-16

RECEIVED

04/01/16

Property

Property Number: 216297

Item: Rifle

Owner Applied Nmbrr:

Brand: DEL-TON INC

Model: DTI-15

Year: 0

Quantity: 1

Meas:

Serial Nmbrr: S078392

Total Value: \$0.00

Color: BLK

Owner:

Agency: SCSO Spartanburg County S.O.

Tag Number:

Accum Amt Recov: \$0.00

Officer: Macdonald J

UCR: FIR Firearms

UCR Status: SZD

Local Status: EVI

Storage Location:

Crime Lab Number:

Status Date: 04/01/16

Date Released: **/**/**

Date Recov/Rcvd: **/**/**

Released By:

Amt Recovered: \$0.00

Released To:

Custody: **/**/** **/**/**

Reason:

Comments: Has a shattered optic on the top.

Property Number: 216298

Owner Applied Nmbrr:

Brand:

Model:

Year: 0

Quantity: 1

Meas:

Serial Nmbrr:

Total Value: \$0.00

Color: GRY

Owner:

Agency: SCSO Spartanburg County S.O.

Tag Number:

Accum Amt Recov: \$0.00

Officer: Macdonald J

UCR: FRA Firearm Accessories

UCR Status: SZD

Local Status: EVI

Storage Location:

Crime Lab Number:

Status Date: 04/01/16

Date Released: **/**/**

Date Recov/Rcvd: **/**/**

Released By:

Amt Recovered: \$0.00

Released To:

Custody: **/**/** **/**/**

Reason:

Comments:

Property Number: 216299

Owner Applied Nmbrr:

Item: UNFIRED BULLETS

Brand: HORNADY

Model: 223

USA
3-1-16

04/01/16

Year: 0
Meas:
Total Value: \$0.00
Owner:
Agency: SCSO Spartanburg County S.O.
Accum Amt Recov: \$0.00
UCR: FRA Firearm Accessories
Local Status: EVI
Crime Lab Number:
Date Released: **/**/
Released By:
Released To:
Reason:
Comments:
Property Number: 216300
Item: mesh bag

Brand: CALDWEL
Year: 0
Meas:
Total Value: \$0.00
Owner:
Agency: SCSO Spartanburg County S.O.
Accum Amt Recov: \$0.00
UCR: OTH Other
Local Status: EVI
Crime Lab Number:
Date Released: **/**/
Released By:
Released To:
Reason:
Comments:
Property Number: 216301
Item: Plastic

Brand:
Year: 0
Meas:
Total Value: \$0.00
Owner:
Agency: SCSO Spartanburg County S.O.
Accum Amt Recov: \$0.00

Quantity: 9
Serial Nmbr:
Color: BRA
Tag Number:
Officer: Macdonald J
UCR Status: SZD
Storage Location:
Status Date: 04/01/16
Date Recov/Rcvd: **/**/
Amt Recovered: \$0.00
Custody: **,*,* **/**/

Owner Applied Nmbr:

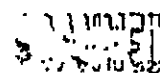
Model:
Quantity: 1
Serial Nmbr:
Color: BLK

Tag Number:
Officer: Macdonald J
UCR Status: SZD
Storage Location:
Status Date: 04/01/16
Date Recov/Rcvd: **/**/
Amt Recovered: \$0.00
Custody: **,*,* **/**/

Owner Applied Nmbr:

Model:
Quantity: 1
Serial Nmbr:
Color: BLK

Tag Number:
Officer: Macdonald J



04/01/16

UCR: FIR Firearms
Local Status: EVI
Crime Lab Number:
Date Released: **/**/
Released By:
Released To:
Reason:
Comments:

Property Number: 216303
Item: Marijuana

Brand:
Year: 0
Meas:
Total Value: \$0.00
Owner: JONES DOUGLAS DASEAN 141284
Agency: SCSO Spartanburg County S.O.
Accum Amt Recov: \$0.00
UCR: DNE Drug/Narc, Marijuana
Local Status: EVI
Crime Lab Number:
Date Released: **/**/
Released By:
Released To:
Reason:
Comments:

UCR Status: SZD
Storage Location:
Status Date: 04/01/16
Date Recov/Rcvd: **/**/
Amt Recovered: \$0.00
Custody: **/**/
//

Owner Applied Numbr:

Model:
Quantity: 1
Serial Nmbr:
Color:

Tag Number:
Officer: Byrd J M
UCR Status: SZD
Storage Location:
Status Date: 04/01/16
Date Recov/Rcvd: **/**/
Amt Recovered: \$0.00
Custody: **/**/
//

04/01/16

Name Involvements:

Victim : 290979

Last: THOMPSON

First: SAVANNA

Mid: HOPE

REDACTED

Suspect : 225174

Last: FOSTER

First: DEANDRE

Mid: TYSHUN

REDACTED

Person 01254483

Interest :

Last: FOWLER

First: BRITTANY

Mid: NICOLE

REDACTED

Object : 01457

Last: BROWN

First: TONYA

Mid: KAY

REDACTED

St

Last: JONES

First: DOUGLAS

Mid: DASEAN

REDACTED

P

Interest :

Last: THOMPSON

First: SHYANNE

Mid: NICOLE

REDACTED

Comp

Last: CLAY

First: AARON

Mid: SETH

REDACTED

S

Last: EDMONDSON

First: TYSEAN

Mid: JAVAR

REDACTED

Re

15023470

04/01/16

VICTIM NOTIFICATION (560) FORM

STATE OF SOUTH CAROLINA }

COUNTY OF SPARTANBURG }

STATE OF SOUTH CAROLINA

VS

EDMONDSON, TYSEAN JAVAR

CHECK AND COMPLETE ONE OF THE FOLLOWING

☒

A representative of the Spartanburg County Detention Facility, (the facility having custody of the Defendant), acknowledge that a reasonable attempt was made to notify the victim(s) sufficiently, in advance of the bond hearing

Name of Victim(s) CLAY, AARON SETH

☐

A representative of the Spartanburg County Detention Facility, (the facility having custody of the Defendant), indicates the victim(s) did not wish to be notified of the bond hearing.

Name of Victim(s) _____

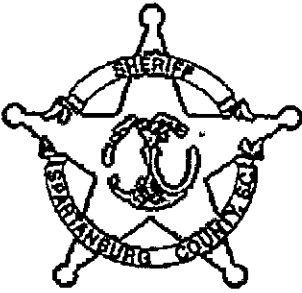
H. STURDIVANT

(Representative's Signature)

(Judge's Signature)

- Or the arresting officer if Defendant is brought directly before the Judge
- SCCA/560

RECEIVED



SPARTANBURG COUNTY SHERIFF'S OFFICE
DETENTION
CHUCK WRIGHT, SHERIFF

MAJOR NEAL URCH
DIRECTOR

VICTIM/WITNESS JAIL NOTIFICATION FORM

STATE VS. EDMONDSON, TYSEAN JAVAR

OFFENSE: ATTEMPTED MURDER

TICKET/WARRANT# 2016A4210201118 AGENCY SCSO

VICTIM'S NAME : CLAY, AARON SETH

VICTIM'S ADDRESS

VICTIM'S TELEPHONE

OTHER CONTACT INFORMATION:

ATTEMPTS TO CONTACT OF ARREST: 1

DATE: 04/01/16 TIME: 2119

DATE: _____ TIME: _____

DATE: _____ TIME: _____

COMMENTS: NOTIFIED VICTIM OF SUPECT'S ARREST AND BOND
ARRAIGNMENT, AND VICTIM'S RIGHT TO ATTEND BOND
HEARING . VICTIM WAIVED RIGHT TO ATTEND BOND HEARING.

HS

STATE OF SOUTH CAROLINA
COUNTY/CITY OF SPARTANBURG

TySean Javar Edmondson
Name of Defendant

CHECKLIST

TRIAL COURT:
☒ GENERAL SESSIONS COURT
☐ MAGISTRATE COURT
☐ MUNICIPAL COURT

CASE NUMBER/CHARGE:
2016A4210201118 Murder / Attempted Murder
19/poss weapon 24/weapon in vehicle

CHECKLIST FOR MAGISTRATE AND MUNICIPAL JUDGES

DIRECTIONS: Magistrate and Municipal Court Judges must use this checklist for **ALL GENERAL SESSIONS** and for **ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE**. Magistrates and municipal judges must also use the Checklist on those non-bailable **GENERAL SESSIONS OFFENSES IN WHICH THEY ARE CONDUCTING FIRST APPEARANCES**. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

☒ BAIL PROCEEDING/☐ FIRST APPEARANCE (NON-BAILABLE OFFENSES)

1. Form used at bail proceeding
 - ☒ a. Bond Form I (personal recognizance)
 - ☒ b. Bond Form II (surety, cash, percentage)
 - ☒ c. None (Non-Bailable Offense) because:
_____ charge carries a penalty of life or death; or
_____ defendant charged with violent offense while bonded out on violent offense
2. For cases in which bond was set, defendant was informed:
 - ☒ a. Warrant for arrest will be issued for violation of any condition of bail bond order.
 - ☒ b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
 - ☒ c. Failure to appear in court as required will result in institution of additional criminal charges. Failure to appear in connection with a felony, or while awaiting sentence after conviction, additional charge has penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, additional charge has penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.
3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
 - ☒ a. Orally
 - ☒ b. In writing [NOTE: Defendant must be informed of right both orally and in writing]
4. Defendant was informed of the right to trial by jury.
5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
 - ☒ a. Charges against defendant and nature of the charges.
 - ☒ b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
 - ☒ c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before the Office of Public Defender located at 366 North Church Street, Suite 3000, Spartanburg, SC 29306 for indigency screening. Defendant is responsible for a statutory fee of \$40.00 for indigency screening.
6. In all criminal domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.
7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

4/2/18
First Appearance or Bond Hearing Date

JUDGE'S SIGNATURE

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

State of South Carolina,

vs.

Tysean Javar Edmondson,

Defendant.

GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

NOTICE OF GENERAL APPEARANCE

Warrant No(s): 2016A4210201113;
2016A4210201118; 2016A4210201119;
2016A4210201124

YOU WILL PLEASE TAKE NOTICE, that the undersigned counsel has been retained to represent the above-named Defendant, in matters relating to the above stated charge(s). Please direct all further communications relating to the Defendant and his charge(s) to me, or to my office.

✓ 17843 Robin C. File
Robin C. File
Attorney for the Defendant
462 Oak Grove Road
Spartanburg, SC 29301
SC Bar No. 07843
Phone: (864) 909-4506
Email: rfileattv@yahoo.com

Date: April 6, 2016
Spartanburg, South Carolina

SPARTANBURG COUNTY
2016 APR -6 AM 10:50
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

State of South Carolina,

vs.

Tysean Javar Edmondson,

Defendant.

GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

NOTICE OF MOTION AND
MOTION FOR BOND

Warrant No(s): 2016A4210201113;
2016A4210201118; 2016A4210201119;
2016A4210201124

TO: SOLICITOR'S OFFICE FOR THE SEVENTH JUDICIAL CIRCUIT:

YOU WILL PLEASE TAKE NOTICE that counsel for the defendant will move before this Court as soon as this matter may be scheduled, for a bond for this defendant on the above referenced charges.

Respectfully submitted,


Robin C. File, SC Bar # 7843
Attorney for the Defendant
462 Oak Grove Road
Spartanburg, SC 29301
Phone: (864) 764-1256
Cell: (864) 909-4506
Email: rfileatty@yahoo.com


Spartanburg, SC, 2016

SPARTANBURG COUNTY
2016 APR -6 AM 10:50
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE OF SOUTH CAROLINA,

vs.

Tysean Javar Edmondson,

Defendant.

GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

NOTICE OF BRADY MOTION
AND CRIMINAL PRACTICE RULE 5
Warrant Nos.: 2016A4210201113;
2016A4210201118; " 1119; " 1124

To: The Seventh Circuit Solicitor's Office, Spartanburg County Judicial Center:

YOU WILL PLEASE TAKE NOTICE that the Defendant above named, by his undersigned attorney, will move before the presiding Judge in the Spartanburg County Circuit Court, Seventh Judicial Circuit, ten (10) days prior to the time and date set for trial; for information pursuant to Brady v. Maryland, 373 U. S. 83 (1963) and information important to the Defendant's defense. Specifically are the following:

1. Disclosure to the defense of any and all exculpatory information that is now or has been or may come to the attention of the prosecution or police or any person or agency associated with the prosecution, in the subject matter, until the conclusion of this matter by trial and appeal; as required under the mandate of Brady v. Maryland, 373 U.S. 83 (1963).

2. Any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the Defendant whether before or after arrest in response to interrogation by any person known to the Defendant to be a prosecution agent.

3. A copy of the Defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.

4. All books, papers, documents, photographs, tangible objects, building or places, or copies or portions thereof, which are in the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant.

5. Any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

6. All statements, oral or written, made by prosecution witnesses or prospective

witnesses. All statements, oral or written, made by prosecuting witnesses testifying before the state or county grand jury recorded pursuant to the requirements of SC Code Sections 14-7-1700 and 14-7-1595, 1976, as amended. This motion is made in order to timely notify the Circuit Solicitor prior to the grand jury hearing testimony in the immediate case, of the Defendants right to obtain these statements so that the transcripts of such recorded testimony or proceedings must be made.

7. A certification from the State that the Motion and Request have been complied with within 30 days; and further a certification that any Court Order pertinent to the within Motion and Request has been complied with; and further that there is no information, whether "material to the defense; or otherwise that has been kept from the defense; and further that the prosecution has not seen or known of any such information either in the custody of the prosecution or in the possession of any agent of the prosecution, police, or investigative agency.



Robin C. File
Attorney for the Defendant
462 Oak Grove Road
Spartanburg, SC 29301
Phone: (864) 909-4506
Email: rfileatty@ahoo.com
SC Bar No.: 07843

Date: April 6, 2016
Spartanburg, South Carolina

CLERK, COURT OF COMMON PLEAS
SPARTANBURG COUNTY
2016 APR -6 AM 10:50
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
STATE OF SOUTH CAROLINA,

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

vs.

Tysean Javar Edmondson,
Defendant.

CERTIFICATE OF SERVICE

Warrant(s): 2016A4210201113; * 1118;
2016A4210201119; * 1124

On April 6, 2016, I, Robin C. File served a
copy of the NOGA; Brady/Rule 5; Bond Motion, attached hereto on
the Seventh Circuit Solicitor's Office

by:

(☒) Hand delivery at: 180 Magnolia St., 3rd Floor, Spartanburg, SC.

() Placing the documents in the US Mail with proper postage affixed thereto to the
following address: _____

QRC

Robin C. File
Attorney at Law
462 Oak Grove Road
Spartanburg, SC 29301
Phone: (864) 764-1256
Fax: (864) 764-1256
Cell: (864) 909-4506
Email: rfileaty@yahoo.com

M. HOPE BLACKLEY
2016 APR -6 AM 10:50
SPARTANBURG COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

STATE OF SOUTH CAROLINA ...)

vs.)

TYSEAN EDMONDSON,)

Defendant.)

IN THE COURT OF GENERAL SESSIONS
FOR THE SEVENTH JUDICIAL CIRCUIT

ORDER DENYING MOTION FOR BOND

2016 APR 19 AM 9:37

Warrant Number: 2016A4210201118, 2016A4210201119, 2016A4210201124, CKLEY
4102P0035177; 4102P0035178

This Matter was before me on April 15th, 2016 upon motion Attorney Robin File to seek bond on the above named defendant. The State was represented by Assistant Solicitor Grady Anthony. The Defendant requested bond for the following charges:

The Defendant was arrested on April 1st, 2016 for: Littering, warrant number 4102P0035178, Possession of Marijuana, warrant number 4102P0035177, Attempted Murder, warrant number 2016A4210201113, Attempted Murder, warrant number 2016A4210201118, Possession of Weapon During a Violent Crime, warrant number 2016A4210201119, and Discharging a Firearm into a Vehicle, warrant number, 2016A4210201124.

It is the finding of this Court that the sufficient evidence was presented to show that the Defendant is a danger to the community and should not have a bond granted. THEREFORE, the Defendant's motion is hereby DENIED.

IT IS SO ORDERED


The Honorable R. Keith Kelly
Seventh Judicial Circuit

April 22, 2016
Spartanburg, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

General Sessions
IN THE COURT OF COMMON PLEAS

The State of South Carolina,)
Plaintiff,)
vs.)
Tysean Javar Edmondson,)
Defendant.)

CONSENT ORDER
SUBSTITUTING COUNSEL
CASB # 2016A4210201113, 2016A4210201118,
2016A4210201119 & 2016A4210201124

The Defendant in this matter was originally represented by Attorney Robin C. File. At the request of the Defendant, the original attorney of record has been released and the Defendant has requested that the Law Office of Kennedy and Brannon, PA be substituted as counsel.

Now, therefore, upon Motion of N. Douglas Brannon, with the consent of Robin C. File, it is

ORDERED, ADJUDGED AND DECREED that the Law Office of Kennedy and Brannon, PA be substituted as the attorney of record for the Defendant.

May 18, 2015

Spartanburg, SC

R. Keith Kelly
R. Keith Judge, Circuit Court Judge
Seventh Judicial Circuit
MAY 19 AM 10:26
CLERK OF COURT
SPARTANBURG COUNTY

I SO MOVE:

N. Douglas Brannon
N. Douglas Brannon

I CONSENT:

Robin C. File
Robin C. File

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

The State of South Carolina,

Plaintiff,

vs.

Tysean Javar Edmondson,

Defendant.

IN THE GENERAL SESSIONS COURT

NOTICE OF REPRESENTATION

CASE # 2016A4210201113,

2016A4210201118, 2016A4210201119

& 2016A4210201124

TO: SPARTANBURG COUNTY SOLICITOR

PLEASE LET IT BE KNOWN, that the undersigned has been formally retained and he will be representing the Defendant, Tysean Javar Edmondson, in the above referenced matter pending before the General Sessions Court for Spartanburg County. All further correspondence on this matter is to be forwarded to the undersigned attorney and not to the Defendant above named.

KENNEDY & BRANNON, PA

N. Douglas Brannon

Attorney for Defendant

Post Office Box 3254

Spartanburg, SC 29304

864-707-2020

864-707-2030 Fax

Spartanburg, South Carolina

May 3, 2016

M. DOUGLAS BRANNON

2016 MAY 19 PM 3:49

CLERK OF COURT
SPARTANBURG COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE GENERAL SESSIONS COURT

State of South Carolina,

Plaintiff,

vs.

Tysean Javar Edmondson,

Defendant.

NOTICE OF BRADY MOTION AND
CRIMINAL PRACTICE RULE 5
REQUEST FOR DISCLOSURE
CASE # 2016A4210201113,
2016A4210201118, 2016A4210201119
& 2016A4210201124

TO: BARRY BARNETTE, SOLICITOR, SEVENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that the Defendant above named, undersigned attorney, will move before the presiding judge of The General Sessions Court, in (19) days prior to the time and date set for trial; for information pursuant to Brady v. Maryland, 373 U. S. 83 (1963) and information pursuant South Carolina Court Criminal Practice Rule 5 on the belief of the attorney for the defense that such information is important to the defendant's defense. Specifically requested are the following:

1. Disclosure to the defense of any and all exculpatory information that is now or has been or may come to the attention of the prosecution or police or any person or agency associated with the prosecution, in the subject matter, until the conclusion of this matter by trial and appeal; as required under the mandate of Brady vs. Maryland, 373 U. S. 83 (1963)

2. Any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the Defendant whether before or after arrest in response to interrogation by any person known to the Defendant to be a prosecution agent.

3. A copy of the Defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.

4. All books, papers, documents, photographs, tangible objects, building or places, or copies or portions thereof, which are in the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial, or where obtained from or belong to the Defendant.

5. Any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

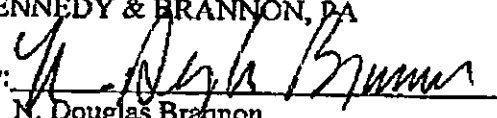
6. All statements, oral or written, made by prosecution witnesses or prospective witnesses.

7. A certification from the State that the within Motion and Request has been complied with; and further a certification that any Court Order pertinent to the within Motion and Request has been complied with; and further that there is no information, either "material to the defense" or otherwise that has been kept from the defense; and further that the prosecution has not seen or known of any such information either in the custody of the prosecution or in the possession of any agent of the prosecution, police, or investigation agency; and transcripts of testimony of all fact witnesses before the Grand Jury.

8. Copies of any and all video or audio tapes relating to the pursuit, arrest, investigation, or administering of scientific tests. If no video or audio tapes exist, the Defendant requests, by and through this motion, for an affidavit from the investigating officers that there are no tapes available.

KENNEDY & BRANNON, PA

By:


N. Douglas Brannon

PO Box 3254

Spartanburg, SC 29304

(864)707-2020

(864)707-7030 Fax

Spartanburg, SC

May 3, 2016

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE GENERAL SESSIONS COURT

State of South Carolina,)
Plaintiff,)

vs.)

TySean Javar Edmondson,)
Defendant.)

CERTIFICATE OF SERVICE
CASE # 2016A4210201113,
2016A4210201118, 2016A4210201119
& 2016A4210201124

The undersigned certifies that she is employed in the law offices of Kennedy & Brannon, PA at 229 Magnolia Street, Spartanburg, SC; mailing address of P.O. Box 3254, Spartanburg, SC 29306 that on May 19, 2016 she served a copy of the documents listed below on the person or persons listed below by: ☒ Hand Delivery ☐ U.S. Mail

DOCUMENTS: Notice of Representation & Brady Motion and Rule 5 Request for Discovery

ADDRESSEE: Spartanburg County Solicitor
Seventh Judicial Circuit
180 Magnolia Street
Spartanburg, SC 29306

Tammy B. Gilbert
Tammy B. Gilbert, Paralegal
Kennedy & Brannon, PA

SPARTANBURG COUNTY
2016 MAY 19 PM 3:49
J. HOPE BLACKLEY

STATE OF SOUTH CAROLINA	)	
COUNTY OF SPARTANBURG	)	IN THE COURT OF GENERAL SESSIONS
The State,	)	
-vs-	)	
	)	FIRST COURT APPEARANCE REPORT
Tysean Javar Edmondson,	)	CASE 2016A421020113, 2016A42102001118,
	)	2016A4210201119 & 2016A4210201124
Defendant.	)	

TO: THE CIRCUIT SOLICITOR AND THE CLERK OF COURT

This letter shall serve as notice that the undersigned has been retained by the defendant, TYSEAN JAVAR EDMONDSON, for representation on the below-referenced criminal warrant(s) and/or indictment(s) and provides the following information pursuant to Administrative Order(s) providing for the management of criminal cases in the Court of General Sessions.

Charge(s): Attempted Murder, Possession of Weapon During Violent Crime, & Discharging Firearm Into Vehicle.

Warrant(s)/Indictment Number(s): 2016A421020113, 2016A42102001118, 2016A4210201119 & 2016A4210201124

A preliminary hearing has been requested.	(☒) Yes	() NO
A discovery request has been filed and served.	(☒) Yes	() NO
Discovery has been provided.	() Yes	(☒) NO
A mental health evaluation is necessary.	() Yes	(☒) NO
A drug analysis report has been provided.	() Yes	(☒) NO
There is a conflict in representation.	() Yes	(☒) NO
The 180 day track is affected by an issue(s).	(☒) Yes	() NO

2016 JUN 14 AM 9:40
M. HOPE BLACKLEY


 N. Douglas Brannon, Attorney for the Defendant
 229 Magnolia Street, Spartanburg, SC 29306
 Post Office Box 3254 Spartanburg, SC 29304
 Telephone Number: 864-707-2020
 Fax Number: 864-707-2030
 E-mail Address: doug@kennedybrannon.com
tammv@kennedybrannon.com

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

Indictment No(s):

Warrant No(s): 2016A4210201113, 18, 19
2016A4210201124

VS.

Tysean Edmondson

REQUESTS FOR DISCLOSURE
(Recip. Rule 5)

TO: DEFENDANT AND HIS ATTORNEY DOUG BRANNON:

Pursuant to Rule 5, Rules of Criminal Procedure, the State in the above captioned matter requests the disclosure of the following evidence to the State by the Defendant:

1) That the Defendant permit the prosecution to inspect and copy books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the Defendant and which the Defendant intends to introduce as evidence in chief at the trial;

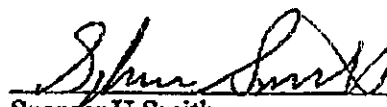
2) That the Defendant permit the prosecution to inspect and copy any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the Defendant, which the Defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the Defendant intends to call at trial when the results or reports related to his testimony.

3) The prosecution requests that the Defendant serve upon the prosecution a written notice if he intends to offer an alibi defense, stating the specific place or places at which the Defendant claims to have been on or about the date of April 1, 2016, the names, address, and birthdays of the witnesses upon whom he intends to rely to establish such alibi.

4) That any and all evidence is available for viewing at the arresting agency or the South Carolina Law Enforcement Division.

The State further requests that the Defendant notify the State of the Defendant's intention to rely upon the defense of insanity or plea of guilty but mentally ill at the time of the crime.

These requests are continuing requests for disclosure and any relevant matters arising subsequent to the date hereof should be regarded as included in this request.


Spencer H Smith
Assistant Solicitor
Seventh Judicial Circuit

MADE BLACKLEY

2016 JUN 16 AM 10:06

CLERK OF COURT
SPARTANBURG COUNTY

Spartanburg, South Carolina
Dated: June 15, 2016

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

The State of South Carolina,

v.

TySean Edmondson

Defendant.

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

AFFIDAVIT OF DISCOVERY

Indictment No (s):

Warrant/Ticket No (s):

2016A421020113
2016A421020118-K
2016A421020124

PERSONALLY APPEARED BEFORE ME, the undersigned deponent who being duly sworn, says that he/she provided the following materials and provided same to the Defendant's attorney of record by:
HARD COPY: ☐ ELECTRONICALLY (e-mail): ☒ MEDIA (CD, DVD)

on disc

DOCUMENT	Page No.	DOCUMENT	Page No.
☒ Warrant(s) or Ticket(s)	0-11	☐ Forensic Report(s) (ID Reports)	
☒ Incident Report(s)	11-11	☐ Evidence Sheet(s)	
☐ Investigation Report(s)		☒ Photograph(s)	115-96
☐ Supplemental Report(s)		☐ Line-up(s)	
☒ Waiver of Rights Form(s)	44-48	☐ Video/DVD (In Car)	
☒ Voluntary Statement(s)	44-48	☒ SLED Request Form(s)	63-64
☒ Witnesses Written Statement(s)	1-5	☐ Implied Consent Rights	
☐ Defendant's NCIC (Rap)		☐ Notice of Suspension	
☐ Consent to Search Form(s)		☐ BA Results	
☐ Search Warrant and Return		☒ Motor Vehicle Tow & Inventory Report	59
☐ Drug Report(s)		☐ Certified Driving Record	
☐ SLED Lab Report(s)		☒ Property Report	49-56
☐ Hospital Lab Report(s)		☐ Chain of Custody	
☒ Solicitor's Reciprocal Rule 5		☐ SLED-Urine/Blood Collection Report	

BWC Videos Pre-Interrogation Waiver p. 42-43
Permission to Search Premises p. 57-58

D. Brannon

TOTAL COPIED/NUMBERED: 100 pages

DATED: 11-15-16

attorney for the Defendant(s) or his/her designee, have reviewed the above-referenced Affidavit and/or documents and accept them as the response to the Rule 5/Brady Motion in this matter. I also accept service of the Solicitor's Reciprocal Rule 5.

Signed/Accepted this 16 day of June, 2016.

Attorney or Designee

SOLICITOR'S OFFICE

SWORN to before me this 16 day

of

Notary Public for South Carolina

My commission expires: 7-1-2021

Gunshot Residue Analysis p. 60-62

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

10

The State of South Carolina,

v.

TySean Edmondson
Defendant.

AFFIDAVIT OF DISCOVERY

Indictment No(s):

Warrant No(s): 2016A4210201113,
2016A4210201118-19,
2016A4210201124

PERSONALLY APPEARED BEFORE ME, the undersigned deponent who being duly sworn, says that he/she copied the following materials and provided same to the Defendant's attorney of record by:

☐ HARD COPY; ☐ ELECTRONICALLY (e-mail); ☒ MEDIA (CD, DVD)

DOCUMENT	Page No.	DOCUMENT	Page No.
☐ Warrant(s) or Ticket(s)		☐ Forensic Report(s) (ID Reports)	
☐ Incident Report(s)		☐ Evidence Sheet(s)	
☐ Investigation Report(s)		☐ Photograph(s)	
☐ Supplemental Report(s)		☐ Line-up(s)	
☐ Waiver of Rights Form(s)		☒ Video/DVD - <u>Jail calls</u>	
☐ Voluntary Statement(s)		☐ SLED Request Form(s)	
☐ Witnesses Written Statement(s)		☐ Medical Records	
☐ Defendant's NCIC (Rap)		☐ Crime Scene Log	
☐ Consent to Search Form(s)		☐ CAC Memoranda	
☐ Search Warrant and Return		☐ CAC Video(s)	
☐ Drug Report(s)		☐ 911 Call/CAD Sheet	
☐ SLED Lab Report(s)			
☐ Hospital Lab Report(s)			
☐ Solicitor's Reciprocal Rule 5			
☐ Other			

TOTAL COPIED/NUMBERED: _____ DATED: 4/16/17

I, N. Douglas Bannan, attorney for the Defendant(s) or his/her designee, have reviewed the above-referenced Affidavit and/or documents and accept them as the response to the Rule 5/Brady Motion in this matter. I also accept service of the Solicitor's Reciprocal Rule 5.

Signed/Accepted this 18 day of Apr., 2017.

J. [Signature]
Attorney or Designee

A. [Signature] - SHS
SOLICITOR'S OFFICE

SWORN to before me this 18 day

of April, 2017

[Signature]
Notary Public for South Carolina

My commission expires: 7-1-2021

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 APR 19 PM 3:01
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA)
vs.) NOTICE OF MOTION TO
AND MOTION TO RECONSIDER
Tysean Javar Edmondson,)
DEFENDANT.) 2016A4210201118
2016A4210201113

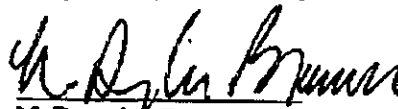
To: Judge Letitia H. Verdin and Assistant Solicitor, Spencer Smith

On April 25, 2017 the Defendant, Tysean Javar Edmondson, plead guilty to two counts of assault and battery of a high and aggravated nature and one count of unlawful carrying of a handgun.

Mr. Edmondson was sentenced by the Honorable Letitia H. Verdin to Sixteen (16) Years concurrent the three charges referenced above.

The Defendant, Tysean Javar Edmondson respectfully requests that this Court reconsider the sentence imposed on April 25, 2017.

Respectfully Submitted,



N. Douglas Brannon
Attorney for Defendant

Dated: April 25, 2017

2017 APR 21 04 31
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE GENERAL SESSIONS COURT

The State of South Carolina,)

Plaintiff,)

vs.)

Tysean Javar Edmondson,
Inmate No. 00372301)

Defendant.)

ORDER TO TRANSPORT
2016A4210201113, 2016A4210201118,
2016A4210201119 And 2016a4210201124

It appears to this Court that the Defendant in the above named matter is incarcerated at the Kirkland Correctional Institution.

It further appears that a hearing has been scheduled in the above captioned matter for Monday, June 5, 2017 at 2:00 p.m., or as soon thereafter as this matter may be heard, at the Greenville County General Sessions Court, 305 East North Street, Second Floor, Court Room 4, Greenville, South Carolina.

IT IS THEREFORE ORDERED that the South Carolina Department of Corrections shall transport Tysean Javar Edmondson to the aforementioned hearing and thereafter return him back to the Kirkland Correctional Institution.

IT IS SO ORDERED.

GIVEN under my hand and the Seal of this Court this the 23 day of May, 2017.


General Sessions Court Judge
Seventh Judicial Circuit

Greenville, SC

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 MAY 26 AM 8:39
HOPE BLACKLEY

WITNESSES

Spartanburg County Sheriff's Office

James W. Davis

ARREST WARRANT NUMBER

COUNT ONE: 2016A4210201113

COUNT TWO: 2016A4210201119

ACTION OF GRAND JURY

JUL 22 2016

True Bill

Foreperson of Grand Jury
Date:

REPORTED TO VERDICT COMPUTER

1. CARD FILLED

INDEXED

2. CHECKED WARRANTS

3. CHECKED SIGNATURE

4. ASSESSMENT AND

Foreperson of Grand Jury

Date: 10-11-2016

DOCKET # 16-GS-42-4077

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

THE STATE
vs.

TySean Javar Edmondson

Indictment for

ATTEMPTED MURDER AND
POSSESSION OF A WEAPON DURING A
VIOLENT CRIME

SC Code: 16-3-0029; 16-23-490

CDR Code: 3410; 549

Class FEL-A; FEL-F

2016 JUL 26 AM 10:54
M. HOPE BLACKLEY

2017 APR 25 PM 1:33

4/15/17

13

Wells Prose Court 2
James W. Davis

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2016 the
Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE: ATTEMPTED MURDER

That Tysean Javar Edmondson, did in Spartanburg County on or about April 1, 2016, with malice aforethought attempt to kill Savanna Thompson, by shooting the victim with a firearm, with the intent to kill the said victim, in violation of §16-03-0029, of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

COUNT TWO: POSSESSION OF A WEAPON DURING A VIOLENT CRIME

That Tysean Javar Edmondson, did in Spartanburg County on or about April 1, 2016, possess or visibly display a firearm during the commission of a violent crime, to-wit: ATTEMPTED MURDER, in violation of Code §16-23-490, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


ASSISTANT SOLICITOR

ARREST WARRANT

2016A4210201113

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Spartanburg

THE STATE
against

Tysean Javar Edmondson

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Personally appeared before me the affiant Michael Walsh

being duly sworn deposes and says that defendant Tysean Javar Edmondson

did within this county and state on or about 4/1/2016

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

Spartanburg

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

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:

That on April 1, 2016, in the county of Spartanburg, one Tysean Javar Edmondson did willfully and intentionally attempt to kill the victim being, Savanna Hope Thompson by shooting at her while she was riding in a vehicle with one round striking her in the head. Affiant belief based upon police investigation

AFFIDAVIT

ORIGINAL

Notarized by
S.C. Notary Council
April 21, 2003
SCCA 518

REDACTED

Offense Code: 3410
Code/Ordinance Sec: 16-03-0029

The warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(I.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant on

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Signature of Affiant

Affiant's Address 8045 Howard Street

Spartanburg, SC 29303-

Affiant's Telephone

APR 06 2016

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 4/1/2016

defendant Tysean Javar Edmondson

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

☒ County/ ☐ Municipality of

Spartanburg

) as set forth below

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant named above and bring 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 arrest, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 4/1/2016

Donnie Benjamin Blackley (I.S.)
Signature of Issuing Judge

Donnie Benjamin Blackley

Judge Code 5862

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-2335

Judge's Telephone (864)596-3424

Issuing Court ☒ Magistrate☐ Municipal☐ Circuit

RETURN WARRANT TO:

General Sessions

180 Magnolia Street

P O Box 3483

Spartanburg, SC 29304

ORIGINAL

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATESPARTANBURG
VS.

Tysean Javar Edmondson

INDICTMENT/CASE#: 2016GS4204097

A/W#: 2016A4210201113

Date of Offense: 4/1/2016

S.C. Code §: 16-03-0029

CDR Code #: 3410

AKA:

REDACTED

SENTENCE SHEET

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

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

TO: Assault and Battery of a High and Aggravated Nature (0-20yr)

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

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

ATTY:

SMITH, SPENSER H

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 12 days/months/years ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections. 389 days

§ 24-13-40 to be calculated and applied

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 56-1-286 (DUI Breath Test)

\$25

\$

Proviso 61.6 (Public Def/Probation)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114 (BUI Breath Test Fee)

\$30

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

\$

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA217 (07/2016)

PTUP

 days/hours Public Service EmploymentObtain 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 FundOther: ☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

COMPUTER

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Tysean Javar Edmondson

INDICTMENT/CASE#: 2016GS4204097

A/W# 2016A4210201113

Date of Offense: 4/1/2016

Code § 16-03-0029

R Code #: 3410

AKA.

Race:

DOB:

Address:

City, St.

DL#:

*CDL

REDACTED

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
TO: Assault and Battery of a High and Aggravated Nature (0-20yr)☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45
w/minor 1st or Lowd 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.ATTORNEY: SMITH SPENSER H 101370 SC Bar# 101370 Defendant 101370 Attorney for Defendant 68798 SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 16 days/months/years ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code
by the State Department of Corrections. 389 days

§ 24-13-40 to be calculated and applied

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____

Payment Terms

☐ Set by SCDPPPS

Recipient:

*Fees:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-313 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter

SCCA217 (87Q016)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: _____

Sentence Date: 4/25/17

04-07-16 ARREST WARRANT

2016A4210201113

STATE OF SOUTH CAROLINA

☒ County/

☐ Municipality of

Spartanburg

THE STATE
against

TySean Javar Edmondson

Computer

STATE OF SOUTH CAROLINA

☒ County/

☐ Municipality of

Spartanburg

Personally appeared before me the affiant Michael Walsh

being duly sworn deposes and says that defendant TySean Javar Edmondson

did within this county and state on or about 4/1/2016

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

violate the criminal laws of the

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

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:

That on April 1, 2016, in the county of Spartanburg, one TySean Javar Edmondson did willfully and intentionally attempt to kill the victim being, Savanna Hope Thompson by shooting at her while she was riding in a vehicle with one round striking her in the head. Affiant belief based upon police investigation

Offense: Murder / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

☐ County/

☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered, to TySean J. Edmondson on 4/1/16

Signature of Constable or Sheriff

RETURN WARRANT TO:

General Sessions
180 IMagnolia Street
P O Box 3483
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

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

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/

☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street

Spartanburg, SC 29303-

Affiant's Telephone

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 4/1/2016

defendant TySean Javar Edmondson

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

☒ County/

☐ Municipality of

Spartanburg

) as set forth below.

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

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 4/1/2016

Signature of Issuing Judge (L.S.)

Donnie Benjamin Blackley

Judge Code: 5862

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-2335

Judge's Telephone (864)596-3424

Issuing Court

☒ Magistrate

☐ Municipal

☒ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

2016 APR - 7 AM 8:42
M. HOPE BLACKLEY



Spartanburg County Sheriff's Office

Deputy Report for Incident 16040003

16040003

Nature: Weapon Offense
Location: 23

Address: **REDACTED**

Offense Codes: AFRM, FSTP, NPD, TOFF

Received By:

How Received:

Agency: SCSO

Responding Officers: Hubbard M, Byrd J M

Responsible Officer: Hubbard M

Disposition: ACT 04/01/16

When Reported: 00:15:00 04/01/16

Occurred Between: 00:10:00 04/01/16 and 00:32:00 04/01/16

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant: 21141

Last: CLAY

First: AARON

Mid: SETH

REDACTED

Off:

Reported:

Observed:

Additional Offense: AFRM Assault with a Firearm

Additional Offense: FSTP Failure to Stop When Signaled

Additional Offense: NPD Drugs, Possession of

Additional Offense: TOFF Traffic Offense

Circumstances

BM88 No Bias

LT13 LOC-Highway, Road, Alley

WRIFL W-Rifle Used

VTR23 Vict Relationship Unknown: RU

Responding Officers:

Unit:

Hubbard M

Byrd J M

Responsible Officer: Hubbard M

Received By:

How Received:

Agency: SCSO

Last Radio Log: **/**/** **/**/**

Clearance:

04/01/16

When Reported: 00:15:00 04/01/16	Disposition: ACT Date: 04/01/16
Judicial Status:	Occurred between: 00:10:00 04/01/16
Misc Entry:	and: 00:32:00 04/01/16

Modus Operandi:	Description :	Method :
Day of Week	Preferred Day of Week	Friday
Time of Day	Preferred Time of Day	Early Morning
Zones	Zone/Tract	23
Weapon, Force	Weapon or Force Used	Rifle

Involvements

Date	Type	Description	
04/01/16	Name	CLAY, AARON SETH	Victim
04/01/16	Name	CLAY, AARON SETH	Complainant
04/01/16	Name	BROWN, TONYA KAY	Other
04/01/16	Name	JONES, DOUGLAS DASEAN	Suspect
04/01/16	Name	FOSTER, DEANDRE TYSHUN	Suspect
04/01/16	Name	FOWLER, BRITTANY NICOLE	Person of Interest
04/01/16	Name	EDMONDSON, TYSEAN JAVAR	Suspect
04/01/16	Name	THOMPSON, SAVANNA HOPE	Victim
04/01/16	Name	THOMPSON, SAVANNA HOPE	Victim
04/01/16	Name	THOMPSON, SHYANNE NICOLE	Person of Interest
04/01/16	Vehicle	RED 2006 FORD MUS SC	Evidence
04/01/16	Property	BLK Rifle DEL-TON INC DTI-15 0	Evidence
04/01/16	Property	GRY Magazine 0	Evidence
04/01/16	Property	BRA UNFIRED BULLETS HORNADY .223 0	Evidence
04/01/16	Property	BLK mesh bag CALDWEL 0	Evidence
04/01/16	Property	BLK Plastic 0	Evidence
04/01/16	Property	Marijuana 0	Evidence
04/01/16	Evidence	CRIME SCENE PHOTOS	Evidence Incident
04/01/16	Evidence	CRIME SCENE PHOTOS	Evidence Incident
04/01/16	Evidence	Crime Scene photos	Evidence Incident
04/01/16	Evidence	First Injury Photos	Evidence Incident

04/01/16

33ED

Narrative

On 4-1-16 I responded to the incident location (125 Simuel Rd "Palmetto Cycle") in Spartanburg County in reference to a shooting. Upon my arrival on scene I met with the complainant/victim (Aaron Clay [REDACTED] who stated that he and his girlfriend/victim (Savannah Thompson [REDACTED] had been watching television at his residence [REDACTED] in Spartanburg County).

He states that she had been receiving phone calls from two different females (Shyanne Thompson [REDACTED] (Britanny Fowler [REDACTED] ****I WAS UNABLE TO FIND PHONE NUMBERS FOR EITHER OF THESE FEMALES****) throughout the night cussing her out and talking about wanting to fight her.

He stated that shortly after getting done watching television that they got into his vehicle (SC TAG: BVE 335 VIN:1ZVFT80N065179175 a red Ford Mustang) and began to leave to just go ride around.

He stated that when they got into the car and began to travel on Valley Falls Rd towards Asheville Hwy, he noticed a car (no description other then it was possibly dark in color). He states that after a short distance he heard a gunshot, a short time after that he heard about 2 or 3 more shots. He then realized that the back glass had been shot out.

He states he then began to travel towards the Spartanburg Sheriffs Office for "safety". He then called 911 and advised that his girlfriend (Savannah Thompson [REDACTED] had been shot (grazed) in the side of her head (she had already been transported when I arrived on scene).

I then had Mr. Clay and his mother Tonya Brown [REDACTED] sign permission to search premise form in order to process the vehicle.

Investigator Davis (I-65) responded to photograph the vehicle.

I had County rollback respond to transport the car the Spartanburg County Shop for processing.

I collected a voluntary statement from Mr. Clay, and provided him with a VNI card.

All documents were scanned in VIA the scanner at the Sheriffs Office.

I then transported Mr. Clay to his home residence after I was advised he could be released. BWC was activated.

This concludes my involvement in this case.

Responsible LEO:

Approved by:

04/01/16

Date _____

04/01/16

Supplement Walsh M

SUPPLEMENTAL REPORT:

04/01/2016

The suspects in this case have been identified as Douglas Jones, Deandre Foster, and Tysean Edmondson. Jones and Foster were located in the suspect vehicle and Edmondson was located a short time later following a K9 track. Foster and Edmondson have admitted to being in the vehicle at the time of the shooting, but none of the suspects have claimed responsibility for firing the shots.

Several shots were fired into an occupied vehicle as it was traveling on a public roadway. Savanna Thompson was struck in the head by one of these fired projectiles.

04/01/16

Vehicles

Vehicle Number:

97677

License Plate: BVE335

State: SC

Vehicle Year: 2006

Make: FORD Ford

Color: RED /

Vehicle Type:

License Type: PC Regular Passenger Automobile

Expires: 10/31/16

VIN: 1ZVFT80N065179175

Model: MUS

Doors: 0

Value: \$0.00

Owner:

Last: BROWN

First: TONYA

Mid: KAY

REDACTED

Agency: SCSO Spartanburg County S.O.

Date Recov/Rcvd: **/**/16

Officer: Hubbard M

Area:

UCR Status: DDV Destroyed/Damaged/Vandalized

Wrecker Service:

Local Status: EVI Evidence

Storage Location:

Status Date: 04/01/16

Release Date: **/**/16

Comments:

WAS BEING DRIVEN BY AARON SETH CLAY

REDACTED

ON 4-1-16

04/01/16

Property

Property Number: 216297

Item: Rifle

Owner Applied Nbr:

Brand: DEL-TON INC

Model: DTI-15

Year: 0

Quantity: 1

Meas:

Serial Nbr: S078392

Total Value: \$0.00

Color: BLK

Owner:

Agency: SCSO Spartanburg County S.O.

Tag Number:

Accum Amt Recov: \$0.00

Officer: Macdonald J

UCR: FIR Firearms

UCR Status: SZD

Local Status: EVI

Storage Location:

Crime Lab Number:

Status Date: 04/01/16

Date Released: **/**/**

Date Recov/Rcvd: **/**/**

Released By:

Amt Recovered: \$0.00

Released To:

Custody: **:**: **/**/**

Reason:

Comments: Has a shattered optic on the top.

Property Number: 216298

Owner Applied Nbr:

Brand:

Model:

Year: 0

Quantity: 1

Meas:

Serial Nbr:

Total Value: \$0.00

Color: GRY

Owner:

Agency: SCSO Spartanburg County S.O.

Tag Number:

Accum Amt Recov: \$0.00

Officer: Macdonald J

UCR: FRA Firearm Accessories

UCR Status: SZD

Local Status: EVI

Storage Location:

Crime Lab Number:

Status Date: 04/01/16

Date Released: **/**/**

Date Recov/Rcvd: **/**/**

Released By:

Amt Recovered: \$0.00

Released To:

Custody: **:**: **/**/**

Reason:

Comments:

Property Number: 216299

Owner Applied Nbr:

Item: UNFIRED BULLETS

Brand: HORNADY

Model: .223

04/01/16

30

Year: 0	Quantity: 9
Meas:	Serial Nmbr:
Total Value: \$0.00	Color: BRA
Owner:	
Agency: SCSO Spartanburg County S.O.	Tag Number:
Accum Amt Recov: \$0.00	Officer: Macdonald J
UCR: FRA Firearm Accessories	UCR Status: SZD
Local Status: EVI	Storage Location:
Crime Lab Number:	Status Date: 04/01/16
Date Released: **/**/**	Date Recov/Rcvd: **/**/**
Released By:	Amt Recovered: \$0.00
Released To:	Custody: **:**:** **/**/**
Reason:	
Comments:	
Property Number: 216300	
Item: mesh bag	Owner Applied Nmbr:
Brand: CALDWEL	Model:
Year: 0	Quantity: 1
Meas:	Serial Nmbr:
Total Value: \$0.00	Color: BLK
Owner:	
Agency: SCSO Spartanburg County S.O.	Tag Number:
Accum Amt Recov: \$0.00	Officer: Macdonald J
UCR: OTH Other	UCR Status: SZD
Local Status: EVI	Storage Location:
Crime Lab Number:	Status Date: 04/01/16
Date Released: **/**/**	Date Recov/Rcvd: **/**/**
Released By:	Amt Recovered: \$0.00
Released To:	Custody: **:**:** **/**/**
Reason:	
Comments:	
Property Number: 216301	
Item: Plastic	Owner Applied Nmbr:
Brand:	Model:
Year: 0	Quantity: 1
Meas:	Serial Nmbr:
Total Value: \$0.00	Color: BLK
Owner:	
Agency: SCSO Spartanburg County S.O.	Tag Number:
Accum Amt Recov: \$0.00	Officer: Macdonald J

04/01/16

UCR: FIR Firearms
Local Status: EVI
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:
Property Number: 216303
Item: Marijuana

UCR Status: SZD
Storage Location:
Status Date: 04/01/16
Date Recov/Rcvd: **/**/**
Amt Recovered: \$0.00
Custody: **:**:** **/**/**

Owner Applied Nmbr:

Brand:
Year: 0
Meas:
Total Value: \$0.00
Owner: JONES DOUGLAS DASEAN 141284
Agency: SCSO Spartanburg County S.O.
Accum Amt Recov: \$0.00
UCR: DNE Drug/Narc, Marijuana
Local Status: EVI
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:

Model:
Quantity: 1
Serial Nmbr:
Color:
Tag Number:
Officer: Byrd J M
UCR Status: SZD
Storage Location:
Status Date: 04/01/16
Date Recov/Rcvd: **/**/**
Amt Recovered: \$0.00
Custody: **:**:** **/**/**

0020

04/01/16

Name Involvements:

Victim : 290979

Last: THOMPSON

First: SAVANNA

Mid: HONE

REDACTED

Last: FOSTER

First: DEANDRE

Mid: THOMAS

REDACTED

Interest :

Last: FOWLER

First: BRITTANY

Mid: NICOLE

REDACTED

Gender : 01457

Last: BROWN

First: TONYA

Mid: KAY

REDACTED

Subject :

Last: JONES

First: DOUGLAS

Mid: DASEAN

REDACTED

Interest :

Last: THOMPSON

First: SHYANNE

Mid: NICOLE

REDACTED

Comp

Last: CLAY

First: AARON

Mid: SETH

REDACTED

Last: EDMONDSON

First: TYSEAN

Mid: JAVAR

REDACTED

04/01/16

VICTIM NOTIFICATION (S60) FORM

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

STATE OF SOUTH CAROLINA

VS

EDMONSON, TYSEAN



A representative of the Spartanburg County Detention Facility, (the facility having custody of the Defendant), acknowledge that a reasonable attempt was made to notify the victim(s) sufficiently, in advance of the bond hearing

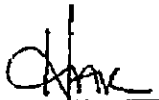
Name of Victim

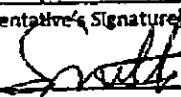
THOMPSON, SAVANNAH



A representative of the Spartanburg County Detention Facility, (the facility having custody of the Defendant), indicates the victim(s) did not wish to be notified of the bond hearing.

Name of Victim(s) _____


(Representative's Signature)


(Judge's Signature)

- Or the arresting officer if Defendant is brought directly before the judge
- SCCA/S60

FILED



SPARTANBURG COUNTY SHERIFF'S OFFICE
DETENTION
CHUCK WRIGHT, SHERIFF

MAJOR NEAL URCH
DIRECTOR

VICTIM/WITNESS JAIL NOTIFICATION FORM

STATE VS. EDMONDSON, TYSEAN

OFFENSE ATTEMPTED MURDER

TICKET/WARRANT# 2016A4210201113 AGENCY SCSO

VICTIM'S NAME THOMPSON, SAVANNA

VICTIM'S ADDRESS

VICTIM'S TELEPHONE

REDACTED

OTHER CONTACT INFORMATION BILLY THOMPSON (FATHER)

ATTEMPTS TO CONTACT OF ARREST: 1

DATE: 04/01/2016 TIME: 0940

DATE: _____ TIME: _____

DATE: _____ TIME: _____

COMMENTS: VICTIM'S FATHER NOTIFIED OF SUSPECT'S ARREST
AND ARRAIGNMENT AT 5PM. VICTIM IS STILL AT SRMC DUE TO
INJURIES BUT FATHER STATED THAT HE WILL NOTIFY HER.

HAK
H. KURYNKA

STATE OF SOUTH CAROLINA
COUNTY/CITY OF SPARTANBURG

Tysean Javar Edmondson
Name of Defendant

CHECKLIST

TRIAL COURT:
☒ GENERAL SESSIONS COURT
☐ MAGISTRATE COURT
☐ MUNICIPAL COURT

CASE NUMBER/CHARGE:
2016A4210201113 Murder / Attempted Murder

CHECKLIST FOR MAGISTRATE AND MUNICIPAL JUDGES

DIRECTIONS: Magistrate and Municipal Court Judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. Magistrates and municipal judges must also use the Checklist on those non-bailable GENERAL SESSIONS OFFENSES IN WHICH THEY ARE CONDUCTING FIRST APPEARANCES. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

☐ BAIL PROCEEDING/☐ FIRST APPEARANCE (NON-BAILABLE OFFENSES)

1. Form used at bail proceeding
 - ☐ a. Bond Form I (personal recognizance)
 - ☐ b. Bond Form II (surety, cash, percentage)
 - ☒ c. None (Non-Bailable Offense) because:
_____ charge carries a penalty of life or death, or
_____ defendant charged with violent offense while bonded out on violent offense
2. For cases in which bond was set, defendant was informed:
 - ☒ a. Warrant for arrest will be issued for violation of any condition of bail bond order.
 - ☒ b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
 - ☒ c. Failure to appear in court as required will result in institution of additional criminal charges. Failure to appear in connection with a felony, or while awaiting sentence after conviction, additional charge has penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, additional charge has penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.
3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
 - ☐ a. Orally
 - ☐ b. In writing [NOTE: Defendant must be informed of right both orally and in writing]
4. ☐ Defendant was informed of the right to trial by jury.
5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
 - ☒ a. Charges against defendant and nature of the charges.
 - ☒ b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
 - ☒ c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before the Office of Public Defender located as 366 North Church Street, Suite 3000, Spartanburg, SC 29306 for indigency screening. Defendant is responsible for a statutory fee of \$40.00 for indigency screening.
6. In all criminal domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.
7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

4/1/16
First Appearance or Bond Hearing Date

D. Smith
JUDGE'S SIGNATURE

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

State of South Carolina,

vs.

Tysean Javar Edmondson,

Defendant.

GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

CV ✓

NOTICE OF GENERAL APPEARANCE

Warrant No(s): 2016A4210201113;
2016A4210201118; 2016A4210201119;
2016A4210201124 ✓

YOU WILL PLEASE TAKE NOTICE, that the undersigned counsel has been retained to represent the above-named Defendant, in matters relating to the above stated charge(s). Please direct all further communications relating to the Defendant and his charge(s) to me, or to my office.

✓ 7843

Robin C. File

Robin C. File
Attorney for the Defendant
462 Oak Grove Road
Spartanburg, SC 29301
SC Bar No. 07843
Phone: (864) 909-4506
Email: rfileatty@yahoo.com

Date: April 6, 2016
Spartanburg, South Carolina

SPARTANBURG COUNTY
2016 APR -6 AM 10:50
N. HOPE BLACKLEY

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

State of South Carolina,

vs.

Tysean Javar Edmondson,

Defendant.

GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

NOTICE OF MOTION AND
MOTION FOR BOND

Warrant No(s): 2016A4210201113;
2016A4210201118; 2016A4210201119;
2016A4210201124

TO: SOLICITOR'S OFFICE FOR THE SEVENTH JUDICIAL CIRCUIT:

YOU WILL PLEASE TAKE NOTICE that counsel for the defendant will move before this Court as soon as this matter may be scheduled, for a bond for this defendant on the above referenced charges.

Respectfully submitted,



Robin C. File, SC Bar # 7843
Attorney for the Defendant
462 Oak Grove Road
Spartanburg, SC 29301
Phone: (864) 764-1256
Cell: (864) 909-4508
Email: rfileatty@yahoo.com

April 6, 2016
Spartanburg, SC

SPARTANBURG COUNTY
2016 APR -6 AM 10:50
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE OF SOUTH CAROLINA,

vs.

Tysean Javar Edmondson,

Defendant.

GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

**NOTICE OF BRADY MOTION
AND CRIMINAL PRACTICE RULE 5**

Warrant Nos.: 2016A4210201113;
2016A4210201118; " 1119; " 1124

To: The Seventh Circuit Solicitor's Office, Spartanburg County Judicial Center:

YOU WILL PLEASE TAKE NOTICE that the Defendant above named, by his undersigned attorney, will move before the presiding Judge in the Spartanburg County Circuit Court, Seventh Judicial Circuit, ten (10) days prior to the time and date set for trial; for information pursuant to Brady v. Maryland, 373 U. S. 83 (1963) and information important to the Defendant's defense. Specifically are the following:

1. Disclosure to the defense of any and all exculpatory information that is now or has been or may come to the attention of the prosecution or police or any person or agency associated with the prosecution, in the subject matter, until the conclusion of this matter by trial and appeal; as required under the mandate of Brady v. Maryland, 373 U.S. 83 (1963).

2. Any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the Defendant whether before or after arrest in response to interrogation by any person known to the Defendant to be a prosecution agent.

3. A copy of the Defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.

4. All books, papers, documents, photographs, tangible objects, building or places, or copies or portions thereof, which are in the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant.

5. Any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

6. All statements, oral or written, made by prosecution witnesses or prospective

witnesses. All statements, oral or written, made by prosecuting witnesses testifying before the state or county grand jury recorded pursuant to the requirements of SC Code Sections 14-7-1700 and 14-7-1595, 1976, as amended. This motion is made in order to timely notify the Circuit Solicitor prior to the grand jury hearing testimony in the immediate case, of the Defendants right to obtain these statements so that the transcripts of such recorded testimony or proceedings must be made.

7. A certification from the State that the Motion and Request have been complied with within 30 days; and further a certification that any Court Order pertinent to the within Motion and Request has been complied with; and further that there is no information, whether "material to the defense; or otherwise that has been kept from the defense; and further that the prosecution has not seen or known of any such information either in the custody of the prosecution or in the possession of any agent of the prosecution, police, or investigative agency.



Robin C. File
Attorney for the Defendant
462 Oak Grove Road
Spartanburg, SC 29301
Phone: (864) 909-4506
Email: rfileatty@yahoo.com
SC Bar No.: 07843

Date: April 6, 2016
Spartanburg, South Carolina

M. HOPE BLACKLEY
2016 APR -6 AM 10:50
SPARTANBURG COURT

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

CERTIFICATE OF SERVICE
Warrant(s): 2016A4210201113; * 1118;
2016A4210201119; * 1124

Tysean Javar Edmondson,
Defendant.

by:

(✓) Hand delivery at: 180 Magnolia St., 3rd Floor, Spartanburg, SC.

() Placing the documents in the US Mail with proper postage affixed thereto to the following address: _____

QCE

Robin C. File
Attorney at Law
462 Oak Grove Road
Spartanburg, SC 29301
Phone: (864) 764-1256
Fax: (864) 764-1256
Cell: (864) 909-4506
Email: rfileatty@yahoo.com

14. HOPE BLACKLEY

2016 APR -6 AM 10:50

SPATIALBUREAU COURT

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

General Sessions
IN THE COURT OF COMMON PLEAS

The State of South Carolina,)
Plaintiff,)
vs.)
Tysean Javar Edmondson,)
Defendant.)

CONSENT ORDER
SUBSTITUTING COUNSEL
CASE # 2016A4210201113, 2016A4210201118,
2016A4210201119 & 2016A4210201124

The Defendant in this matter was originally represented by Attorney Robin C. File. At the request of the Defendant, the original attorney of record has been released and the Defendant has requested that the Law Office of Kennedy and Brannon, PA be substituted as counsel.

Now, therefore, upon Motion of N. Douglas Brannon, with the consent of Robin C. File, it is

ORDERED, ADJUDGED AND DECREED that the Law Office of Kennedy and Brannon, PA be substituted as the attorney of record for the Defendant.

May 16, 2015
Spartanburg, SC

R. Keith Kelly
R. Keith Judge, Circuit Court Judge
Seventh Judicial Circuit
FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 MAY 19 AM 10:26

I SO MOVE:

N. Douglas Brannon
N. Douglas Brannon

I CONSENT:

Robin C. File
Robin C. File

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

)
) IN THE GENERAL SESSIONS COURT
)

The State of South Carolina,

Plaintiff,

vs.

Tysean Javar Edmondson,

Defendant.

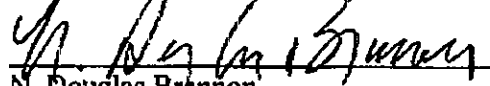
)
)
)
) NOTICE OF REPRESENTATION
) CASE # 2016A4210201113,
) 2016A4210201118, 2016A4210201119
) & 2016A4210201124
)
)

TO: SPARTANBURG COUNTY SOLICITOR

PLEASE LET IT BE KNOWN, that the undersigned has been formally retained and he will be representing the Defendant, Tysean Javar Edmondson, in the above referenced matter pending before the General Sessions Court for Spartanburg County. All further correspondence on this matter is to be forwarded to the undersigned attorney and not to the Defendant above named.

CLERK OF COURT
SPARTANBURG COUNTY
2016 MAY 19 PM 3:49
M. ROBERT BLACKLEY

KENNEDY & BRANNON, PA


N. Douglas Brannon
Attorney for Defendant
Post Office Box 3254
Spartanburg, SC 29304
864-707-2020
864-707-2030 Fax

Spartanburg, South Carolina

May 3, 2016

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE GENERAL SESSIONS COURT

State of South Carolina,)

Plaintiff,)

vs.)

Tysean Javar Edmondson,)

Defendant.)

NOTICE OF BRADY MOTION AND
CRIMINAL PRACTICE RULE 5
REQUEST FOR DISCLOSURE
CASE # 2016A4210201113,
2016A4210201118, 2016A4210201119
& 2016A4210201124

TO: BARRY BARNETTE, SOLICITOR, SEVENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that the Defendant above named, undersigned attorney, will move before the presiding judge of The General Sessions Court, to (10 days prior to the time and date set for trial; for information pursuant to Brady v. Maryland, 373 U. S. 83 (1963) and information pursuant South Carolina Court Criminal Practice Rule 5 on the belief of the attorney for the defense that such information is important to the defendant's defense. Specifically requested are the following:

1. Disclosure to the defense of any and all exculpatory information that is now or has been or may come to the attention of the prosecution or police or any person or agency associated with the prosecution, in the subject matter , until the conclusion of this matter by trial and appeal; as required under the mandate of Brady vs. Maryland, 373 U. S. 83 (1963)
2. Any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the Defendant whether before or after arrest in response to interrogation by any person known to the Defendant to be a prosecution agent.
3. A copy of the Defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.

4. All books, papers, documents, photographs, tangible objects, building or places, or copies or portions thereof, which are in the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial, or where obtained from or belong to the Defendant.

5. Any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

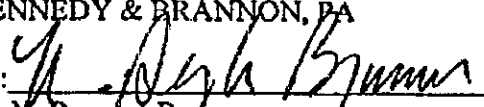
6. All statements, oral or written, made by prosecution witnesses or prospective witnesses.

7. A certification from the State that the within Motion and Request has been complied with; and further a certification that any Court Order pertinent to the within Motion and Request has been complied with; and further that there is no information, either "material to the defense or otherwise that has been kept from the defense; and further that the prosecution has not seen or known of any such information either in the custody of the prosecution or in the possession of any Agent of the prosecution, police, or investigation agency; and transcripts of testimony of all fact witnesses before the Grand Jury.

8. Copies of any and all video or audio tapes relating to the pursuit, arrest, investigation, or administering of scientific tests. If no video or audio tapes exist, the Defendant requests, by and through this motion, for an affidavit from the investigating officers that there are no tapes available.

KENNEDY & BRANNON, PA

By:


N. Douglas Brannon

PO Box 3254

Spartanburg, SC 29304

(864)707-2020

(864)707-7030 Fax

Spartanburg, SC

May 3, 2016

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE GENERAL SESSIONS COURT

State of South Carolina,)
Plaintiff,)

vs.)

TySean Javar Edmondson,)
Defendant.)

CERTIFICATE OF SERVICE
CASE # 2016A4210201113,
2016A4210201118, 2016A4210201119
& 2016A4210201124

The undersigned certifies that she is employed in the law offices of Kennedy & Brannon, PA
at 229 Magnolia Street, Spartanburg, SC; mailing address of P.O. Box 3254, Spartanburg, SC 29306
that on May 19, 2016 she served a copy of the documents listed below on the person
or persons listed below by: ☒ Hand Delivery ☐ U.S. Mail

DOCUMENTS: Notice of Representation & Brady Motion and Rule 5 Request for
Discovery

ADDRESSEE: Spartanburg County Solicitor
Seventh Judicial Circuit
180 Magnolia Street
Spartanburg, SC 29306

Tammy B. Gilbert
Tammy B. Gilbert, Paralegal
Kennedy & Brannon, PA

SPARTANBURG COUNTY
2016 MAY 19 PM 3:49
HOLLY BUCKLEY

STATE OF SOUTH CAROLINA	)	
COUNTY OF SPARTANBURG	)	IN THE COURT OF GENERAL SESSIONS
The State,	)	
-VS-	)	
TySean Javar Edmondson,	)	FIRST COURT APPEARANCE REPORT
Defendant.	)	CASE 2016A421020113, 2016A42102001118,
	)	2016A4210201119 & 2016A4210201124

TO: THE CIRCUIT SOLICITOR AND THE CLERK OF COURT

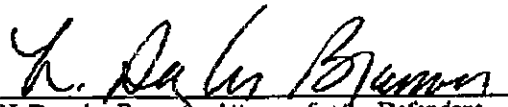
This letter shall serve as notice that the undersigned has been retained by the defendant, TYSEAN JAVAR EDMONDSON, for representation on the below-referenced criminal warrant(s) and/or indictment(s) and provides the following information pursuant to Administrative Order(s) providing for the management of criminal cases in the Court of General Sessions.

Charge(s): Attempted Murder, Possession of Weapon During Violent Crime, & Discharging Firearm Into Vehicle.

Warrant(s)/Indictment Number(s): 2016A421020113, 2016A42102001118, 2016A4210201119 & 2016A4210201124

A preliminary hearing has been requested.	(☒) Yes	() NO
A discovery request has been filed and served.	(☒) Yes	() NO
Discovery has been provided.	() Yes	(☒) NO
A mental health evaluation is necessary.	() Yes	(☒) NO
A drug analysis report has been provided.	() Yes	(☒) NO
There is a conflict in representation.	() Yes	(☒) NO
The 180 day track is affected by an Issue(s).	(☒) Yes	() NO

2016 JUN 14 AM 9:40
M. HOPE BLACKLEY


 N. Douglas Brannon, Attorney for the Defendant
 229 Magnolia Street, Spartanburg, SC 29306
 Post Office Box 3254 Spartanburg, SC 29304
 Telephone Number: 864-707-2020
 Fax Number: 864-707-2030
 E-mail Address: doug@kennedybrannon.com
tammy@kennedybrannon.com

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)
STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

Indictment No(s):
Warrant No(s): 2016A4210201113, 18, 19
2016A4210201124

VS.

Tysean Edmondson

REQUESTS FOR DISCLOSURE
(Recip. Rule 5)

TO: DEFENDANT AND HIS ATTORNEY DOUG BRANNON:

Pursuant to Rule 5, Rules of Criminal Procedure, the State in the above captioned matter requests the disclosure of the following evidence to the State by the Defendant:

1) That the Defendant permit the prosecution to inspect and copy books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the Defendant and which the Defendant intends to introduce as evidence in chief at the trial;

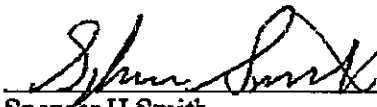
2) That the Defendant permit the prosecution to inspect and copy any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the Defendant, which the Defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the Defendant intends to call at trial when the results or reports related to his testimony.

3) The prosecution requests that the Defendant serve upon the prosecution a written notice if he intends to offer an alibi defense, stating the specific place or places at which the Defendant claims to have been on or about the date of April 1, 2016, the names, address, and birthdays of the witnesses upon whom he intends to rely to establish such alibi.

4) That any and all evidence is available for viewing at the arresting agency or the South Carolina Law Enforcement Division.

The State further requests that the Defendant notify the State of the Defendant's intention to rely upon the defense of insanity or plea of guilty but mentally ill at the time of the crime.

These requests are continuing requests for disclosure and any relevant matters arising subsequent to the date hereof should be regarded as included in this request.


Spencer H. Smith
Assistant Solicitor
Seventh Judicial Circuit

Spartanburg, South Carolina
Dated: June 15, 2016

CLERK OF COURT
SPARTANBURG COUNTY
2016 JUN 16 AM 10:06
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

The State of South Carolina,

v.

TySean Edmondson
Defendant.

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

AFFIDAVIT OF DISCOVERY

Indictment No (s):

Warrant/Ticket No (s):

2016A421020113
2016A421020118-16
2016A4210201124
on disc

PERSONALLY APPEARED BEFORE ME, the undersigned deponent who being duly sworn, says that I have copied the following materials and provided same to the Defendant's attorney of record by:

☒ HARD COPY; ☐ ELECTRONICALLY (e-mail); ☒ MEDIA (CD, DVD)

DOCUMENT	Page No.	DOCUMENT	Page No.
☒ Warrant(s) or Ticket(s)	0-11	☐ Forensic Report(s) (ID Reports)	
☒ Incident Report(s)	10-41	☐ Evidence Sheet(s)	
☐ Investigation Report(s)		☒ Photograph(s)	105-96
☐ Supplemental Report(s)		☐ Line-up(s)	
☒ Waiver of Rights Form(s)	44-48	☐ Video/DVD (In Car)	
☒ Voluntary Statement(s)	1-5	☒ SLED Request Form(s)	63-64
☒ Witnesses Written Statement(s)		☐ Implied Consent Rights	
☒ Defendant's NCIC (Rap)		☐ Notice of Suspension	
☐ Consent to Search Form(s)		☐ BA Results	
☐ Search Warrant and Return		☒ Motor Vehicle Tow & Inventory Report	59
☐ Drug Report(s)		☐ Certified Driving Record	
☐ SLED Lab Report(s)		☒ Property Report	49-56
☐ Hospital Lab Report(s)		☐ Chain of Custody	
☒ Solicitor's Reciprocal Rule 5		☐ SLED-Urine/Blood Collection Report	

BNC Videos Pre Interrogation Waiver p. 42-43
Permission to Search Premises p. 57-58

TOTAL COPIED/NUMBERED: 100 pages DATED: 11-15-16
D. Brannon

attorney for the Defendant(s) or his/her designee, have reviewed the above-referenced Affidavit and/or documents and accept them as the response to the Rule 5/Brady Motion in this matter. I also accept service of the Solicitor's Reciprocal Rule 5.

Signed/Accepted this 16 day of June

[Signature]
Attorney or Designee

[Signature] 2016
SOLICITOR'S OFFICE

SWORN to before me this 16 day

of June 2016

[Signature]
Notary Public for South Carolina
My commission expires: 7-1-2021

Gunshot Residue Analysis p. 60-62

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

The State of South Carolina,

v.

TySean Edmondson

Defendant.

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

AFFIDAVIT OF DISCOVERY

Indictment No(s):

Warrant No(s): 2016A4210201113,
2016A4210201118H,
2016A4210201124

PERSONALLY APPEARED BEFORE ME, the undersigned deponent who being duly sworn, says that he/she copied the following materials and provided same to the Defendant's attorney of record by:

☐ HARD COPY; ☐ ELECTRONICALLY (e-mail); ☒ MEDIA (CD, DVD)

DOCUMENT	Page No.	DOCUMENT	Page No.
☐ Warrant(s) or Ticket(s)		☐ Forensic Report(s) (ID Reports)	
☐ Incident Report(s)		☐ Evidence Sheet(s)	
☐ Investigation Report(s)		☐ Photograph(s)	
☐ Supplemental Report(s)		☐ Line-up(s)	
☐ Waiver of Rights Form(s)		☒ Video/DVD - Jail calls	
☐ Voluntary Statement(s)		☐ SLED Request Form(s)	
☐ Witnesses Written Statement(s)		☐ Medical Records	
☐ Defendant's NCIC (Rap)		☐ Crime Scene Log	
☐ Consent to Search Form(s)		☐ CAC Memoranda	
☐ Search Warrant and Return		☐ CAC Video(s)	
☐ Drug Report(s)		☐ 911 Call/CAD Sheet	
☐ SLED Lab Report(s)			
☐ Hospital Lab Report(s)			
☐ Solicitor's Reciprocal Rule 5			
☐ Other			

TOTAL COPIED/NUMBERED: _____

DATED: 4/6/17

I, N. Douglas Brannon, attorney for the Defendant(s) or his/her designee, have reviewed the above-referenced Affidavit and/or documents and accept them as the response to the Rule 5/Brady Motion in this matter. I also accept service of the Solicitor's Reciprocal Rule 5.

Signed/Accepted this 18 day of Apr., 2017.

J. A. Smith
Attorney or Designee

A. Pagan - SHS
SOLICITOR'S OFFICE

SWORN to before me this 18 day

of April, 2017

[Signature]
Notary Public for South Carolina

My commission expires: 7-1-2021

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 APR 19 PM 3:01
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA)

vs.)

Tysean Javar Edmondson,
DEFENDANT.)

NOTICE OF MOTION TO
AND MOTION TO RECONSIDER

2016A4210201118
2016A4210201113

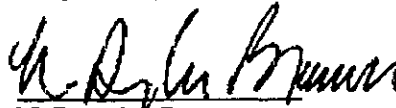
To: Judge Letitia H. Verdin and Assistant Solicitor, Spencer Smith

On April 25, 2017 the Defendant, Tysean Javar Edmondson, plead guilty to two counts of assault and battery of a high and aggravated nature and one count of unlawful carrying of a handgun.

Mr. Edmondson was sentenced by the Honorable Letitia H. Verdin to Sixteen (16) Years concurrent the three charges referenced above.

The Defendant, Tysean Javar Edmondson respectfully requests that this Court reconsider the sentence imposed on April 25, 2017.

Respectfully Submitted,



N. Douglas Brannon
Attorney for Defendant

Dated: April 25, 2017

CLERK
COUNTY
2017 APR 27 PM 3:11
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE GENERAL SESSIONS COURT

The State of South Carolina,)

Plaintiff,)

vs.)

Tysean Javar Edmondson,
Inmate No. 00372301)

Defendant.)

ORDER TO TRANSPORT

2016A4210201113, 2016A4210201118,
2016A4210201119 And 2016a4210201124

It appears to this Court that the Defendant in the above named matter is incarcerated at the Kirkland Correctional Institution.

It further appears that a hearing has been scheduled in the above captioned matter for Monday, June 5, 2017 at 2:00 p.m., or as soon thereafter as this matter may be heard, at the Greenville County General Sessions Court, 305 East North Street, Second Floor, Court Room 4, Greenville, South Carolina.

IT IS THEREFORE ORDERED that the South Carolina Department of Corrections shall transport Tysean Javar Edmondson to the aforementioned hearing and thereafter return him back to the Kirkland Correctional Institution.

IT IS SO ORDERED.

GIVEN under my hand and the Seal of this Court this the 23 day of May, 2017.



General Sessions Court Judge
Seventh Judicial Circuit

Greenville, SC

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 MAY 26 AM 8:39
J. HOPE BLACKLEY

GUILTY PLRA AFFIDAVIT
Tysean Javar Edmondson

Client has been made aware of the charges pending, Attempted Murder x 2, Possession of a Weapon during the commission of a violent crime, and Discharging a firearm into a vehicle. Client has also been made aware of the potential sentences that may be imposed, 0 to 30 years. No part of this sentence may be suspended and no probation may be granted, 0-5 years and 0- 1000.00 fine and 0-10 years. These sentences could be run concurrent, meaning run together or could be run consecutive, each one added to the next. You could be sentenced to 30 years and 1000.00 fine total or 30+30+5+10+1000.00 fine.

Client has been made aware of the plea negotiations made on his behalf. Client has been made aware that the state has offered the following plea deal. Client will enter a plea to 2 Cts of Assault and Battery, High and Aggravated. These charges carry a sentence of 0 to 20 years and are serious and violent felony crimes. The state is dismissing the Possession of a weapon during the commission of a violent crime and the discharging a firearm into a vehicle. The state is also recommending concurrent sentencing. Client is also pleading guilty to an unrelated charge of unlawful carrying which carries a potential sentence of 0 to 1 year. This sentence would also be run concurrent. CLIENT HAS ACCEPTED THE STATES OFFER.

Client has been made aware that if he chooses to plead guilty and is later found guilty or pleads guilty to other criminal offenses that this guilty plea could affect sentencing in his later court appearance.

Client has been made aware of the Constitutional Rights he is waiving when he pleads guilty, The Right to a Jury Trial, The Right to Remain Silent, The Right to Question witnesses called by the State, The Right to put Forth a Defense and call Witnesses on your behalf.

Client understands that this or these charges may be used to enhance the sentence on any subsequent conviction.

Client understands the charges against him, the plea offer and the rights given up when a guilty plea is made.

Client is not under the influence of any drugs or alcohol at this time.

This plea is being made of your own free will and no threats have been made against you or promises made to you.

Client has had enough time to discuss this matter with N. Douglas Brannon.

The attorney has answered all of the Client's questions and the Client has understood all of the attorney's answers.

The Client is satisfied with the services provided by The Kennedy & Brannon Law Firm

The Client has had enough time to discuss this matter with his attorney.

Client understands that he has Ten (10) days to appeal his guilty plea.

The Client is of a clear mind during these discussions and is not now in need of medical or psychiatric assistance. Client has also been made aware that the attorney has talked with the Client's family and made the family aware of the plea offer. These discussion were had with the Client's consent.

Sydney Edmondson _____

Date: 4/20/17 _____

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 10/02/19
OMCOMITA RELEASE DATE SCREEN C021238
SCDC# > 372301 LOC: LEE
EDMONDSON, TYSEAN JAVAR SCDC CLASSIFICATION... VIOLENT
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY...: N
SEXUAL PREDATOR...: NOT APP
DNA STATUS...: COMPLETED
GPS REQUIREMENT...: N
PREA DECISION...:
PREA PERP...: NONE
PREA VICTIM...: NONE
CURRENT SENTENCE: 016-00-000 CONSECUTIVE SENTENCE ...: N
016-00-000 CURRENT SENT START DATE: 04/01/2016
PROJECTED COMPLETION DATES
MAXOUT DATE ...: 11/02/2029 CURRENT EWC ..: 3 F 5
YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC
INITIAL PAROLE DATE: 00/00/0000 NEXT PAROLE HEARING DATE: 00/00/0000
TOTAL GT DAYS EARNED ...: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
TOTAL EARNED WORK CREDITS ..: 000300 LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS ...: 000000 CATEGORY 4 OR 5 OFFENSE
TOTAL EXTRA EARNED CREDITS ..: 000 SUPERVISED REENTRY DATE...: 00/00/00
TOTAL SERVICE TIME EARNED ...: 001261 ISS...:
PFKEYS: 5:HISTORY OF DATE CHANGES

South Carolina Department of Corrections

Classification Summary Reports

Date: Wednesday, October 2, 2019

Classification Summary Reports

Inmate Number **372301**

Submit

Classification Summary Report for EDMONDSON, TYSEAN JAVAR :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 10/02/2019

SCDC# 00372301

EDMONDSON, TYSEAN JAVAR

FBI# 968151FH6

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE

INSTITUTION: LEE

SECURITY/CUST: 3 MINIMUM IN

CURR INCARC 16 YRS 0 MOS 0
SENT: DAYS

VICTIM
WITNESS:

MED
CLASS:

INST
RESTRICT:

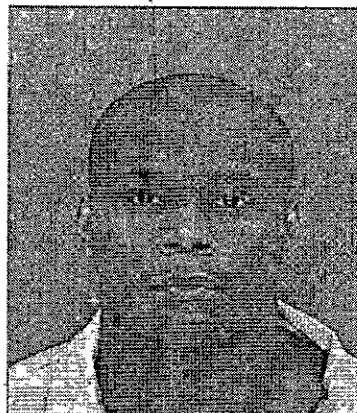
MENTAL
CLASS:

CURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: N

DNA: C

AGE: 23



RESIDENT
STABILITY:

NA

DORMROOMBUNK_CODE: F2 2207 B

PROJ MAXOUT
DATE: 11/02/2029

PROJ PAROLE
DATE:

EWC
JOB: GENERAL WORKER

ASSIGNMENT: CHESTERFIELD UNIT

EWC
LEVEL: 3F5 EEC LEVEL:

EDUC
PGM: NO CURR EDUC PROGRAM

SECURITY THREAT GROUP DESCRIPTION:
NONE

SECURITY THREAT GROUP STATUS:
NONE

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

			SENTENCE		SENTENCE		
CURRENT OFFENSES	YRS	MOS	DYS	COUNTY	START	V/NV CAT	INDICT
ABHAN	16	0	0	SPARTANBURG	04/01/2016	V 4	16GS4204097
ABHAN	16	0	0	SPARTANBURG	04/01/2016	V 4	16GS4204096
CARRY PROHIBITED WEAPON	1	0	0	SPARTANBURG	04/01/2016	N 3	16GS4200942
COMPLETED OFFENSES							
NO COMPLETED OFFENSES							
PRIOR COMMITMENTS OVER 90 DAYS:							
INMATE HAS NO PRIORS							
OFFENSES UNDER PREVIOUS NUMBER:							
NO PREVIOUS OFFENSES							
DETAINERS (HOLD,WANTED,NOTIFY):							
LITTERING		WANTED		PRESIDING JUDGE			CATEG:1
MARIJUANA POSSESS		WANTED		PRESIDING JUDGE			CATEG:2
ESCAPES:							
NO ESCAPE HISTORY							
CRIMINAL CHARGES:							
NO CRIMINAL CHARGES HISTORY							
ASSAULTIVE DISCIPLINARIES:							
06/08/2018	POSSESSION OF A WEAPON		DISMISSED	MAJOR DISC. HEARING			N
PREVIOUS ASSAULTIVE DISCIPLINARIES:							
NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY							
NON-ASSAULTIVE DISCIPLINARIES:							
08/19/2017	EXHIBITIONISM AND PUBLIC MASTURBATION		NOT GUILTY	MAJOR DISC. HEARING			
PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:							
NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY							
HISTORY OF MOVEMENTS:							
07/25/2017	LEE		INCARCERATED	ADMINISTRATIVE			
06/05/2017	KIRKLAND		INCARCERATED	RETURN FROM COURT			
06/05/2017	GREENVILLE CO		AUTH ABSENCE (AWL)	TO COURT			
04/27/2017	KIRKLAND		INCARCERATED	NEW ADMISSION			
HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:							
JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON			JOB LVL	
GENERAL WORKER	12/28/2017	-				3F5	
HISTORY OF EARNED EDUCATION CREDITS:							
EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON				
BONUS 15 OR MORE	12/28/2017	01/26/2018	POOR ATTENDANCE				
***** END OF REPORT *****							

[Create PDF](#)

Source : SummaryReport.jsp

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 [Version: 1.4.16 Built: 06/21/2018 03:28:42 PM Time: 11:33:29 AM]

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

SPARTANBURG

VS.

Tysean Javar Edmondson

AKA:

Race:

DOB:

Address:

City, S

DL#:

*CDL

In dis

TO:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS4200942

A/W#: 2015A4210202171

Date of Offense: 7/5/2015

S.C. Code §: 16-23-0030

CDR Code #: 2364

REDACTED

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-23-0020; 16-23-0050(A) of the S.C. Code of Laws, bearing CDR Code # 0044

☒ 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,
 The plea is: ☐ Without Negotiations or Recommendation,

☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

SMITH, SPENSER H

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,

 for a determinate term of 1 days/months/years ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code
 by the State Department of Corrections. 389 days

§ 24-13-40 to be calculated and applied

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

☐ Ordered
Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-205 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Probation)

§ 14-1-212 (Law Enforcement Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BU) (Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA217 (07/2016)

PTUP days/hours Public Service EmploymentObtain 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 FundOther:
☐ Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

SPARTANBURG

VS.

Tyscan Javier Edmondson

AKA:

Race:

DOB:

Address:

City, State:

DL#:

REDACTED*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Assault and Battery of a High and Aggravated Nature (0-20yr)

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

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

SMITH, SPENSER H 101370 SC Bar# Defendant Attorney for Defendant 68798 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, ☐ County Detention Center,for a determinate term of 16 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 formonths/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. 389 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%) \$

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

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

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

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

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

§ 50-21-14(B) (Breath Test Fee) \$50 \$

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

3% to County (If paid in installments) \$3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk C. Posh

Court Reporter: Woods

SCCA217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS4204096

A/W#: 2016A4210201118

Date of Offense: 4/1/2016

S.C. Code § : 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

PTUP days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐May serve W/E beginning ☐Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code:

Sentence Date: 4/26/17

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

SPARTANBURG

VS,

Tysean Javar Edmondson

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS4204097

A/W#: 2016A4210201113

Date of Offense: 4/1/2016

S.C. Code § 16-03-0029

CDR Code #: 3410

AKA:

Race:

DOB:

Address:

City, State:

DL#:

REDACTED

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Assault and Battery of a High and Aggravated Nature (0-20yr)☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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:

SMITH, SPENSER H

101370
SC Bar#Tysean Edmondson
DefendantH. R. [Signature]
Attorney for Defendant68798
SC Bar#WHEREFORE the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 16 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code
by the State Department of Corrections. 389 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCPPPS:

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL:

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SOCA/217 (07/2016)

PTUP

 days/hours Public Service EmploymentObtain 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 FundOther: ☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code:

Sentence Date:

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Court of Common Pleas, Spartanburg County
The Honorable Grace Knie, Circuit Court Judge

Circuit Court Case No. 2019-CP-42-02979
Appellate Case No. 2021-000551

TySean Edmondson, #372301 Appellant,

v.

State of South Carolina, ... Respondent.

CERTIFICATE OF COUNSEL

I certify that the Appendix has been redacted in accordance with this Court's orders on the redaction of appellate records.

Respectfully submitted,

s/J. Falkner Wilkes

J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292
Counsel for Appellant

September 8, 2021.