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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Greenville County

Honorable Letitia H. Verdin, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DANIEL L. PEASE,

APPELLANT

APPELLATE CASE NO. 2021-000327

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RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA  
2 IN GENERAL SESSIONS  
3 COUNTY OF GREENVILLE

4 State of South Carolina,  
5  
6 Plaintiff,

7 vs. Transcript of Record  
8 2019-GS-23-04177,  
9 2019-GS-23-04178,  
10 2019-GS-23-04180

11 Daniel L. Pease,  
12  
13 Defendant.

14  
15  
16

17 December 10, 2020  
18 Greenville, South Carolina

19  
20  
21

22 B E F O R E:

23 The HONORABLE LETITIA H. VERDIN

24  
25  
26

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

28 Marc Smith, Representing the State of South Carolina  
29 William Grove, Representing the Defendant

30  
31  
32  
33  
34  
35

36 SHARON G. HARDOON, CSR  
37 Official Circuit Court Reporter, III  
38 THE BAILIFF: All rise. The Honorable

39 Letitia Verdin presiding.

1 THE COURT: Please be seated.

2 MR. SMITH: Judge, we call  
3 Daniel Lee Pease.

4 THE COURT: All right. Mr. Pease, you  
5 are here today to plead to DUI resulting in death,  
6 2019-GS-23-4180, DUI felony driving under the  
7 influence resulting in great bodily injury, two  
8 counts of that, 2019-GS-23-4177 and 4178.

9 Solicitor, would you please put the  
10 max -- the possible penalties on the record?

11 MR. SMITH: Yes, Your Honor. On the DUI  
12 resulting in death, that's up to 25 years and  
13 \$25,100 fine.

14 THE COURT: 25 thousand -- I'm sorry?

15 MR. SMITH: It's 25,100. And on the  
16 great bodily injuries, they're each up to 15 years  
17 and a \$10,000 fine.

18 THE COURT: All right. The driving under  
19 the influence resulting in death is classified as  
20 a violent and serious offense. Is that your  
21 understanding?

22 MR. PEASE: Yes, ma'am.

23 THE COURT: You understand the possible  
24 penalties of all the charges?

25 MR. PEASE: Yes, ma'am.

1 THE COURT: Have you discussed these  
2 charges with your lawyer?

3 MR. PEASE: Yes, ma'am.

4 THE COURT: Have you understood those  
5 conversations?

6 MR. PEASE: Yes, ma'am.

7 THE COURT: Are you happy with what your  
8 lawyer has done for you?

9 MR. PEASE: Yes, ma'am.

10 THE COURT: Are you under influence of  
11 drugs or alcohol here today?

12 MR. PEASE: No, ma'am.

13 THE COURT: Has anyone forced you to  
14 plead guilty?

15 MR. PEASE: No, ma'am.

16 THE COURT: Has anyone promised you  
17 anything to get you to plead guilty?

18 MR. PEASE: No, ma'am.

19 THE COURT: When you plead guilty, you  
20 give up certain constitutional rights. One is  
21 your right to remain silent about these charges.  
22 Do you know that?

23 MR. PEASE: Yes, ma'am.

24 THE COURT: You also give up your right  
25 to a jury trial. At that trial, your attorney

1       could call witnesses for you, he could  
2       cross-examine witnesses against you, and the State  
3       would have to prove your guilt beyond a reasonable  
4       doubt. But when you plead guilty, you give up  
5       your right to a jury trial.

6               Do you know that?

7               MR. PEASE: Yes, ma'am.

8               THE COURT: Do you have any complaints to  
9       make against your lawyer, the solicitor's office  
10       or law enforcement as a result of these charges  
11       whatsoever?

12              MR. PEASE: No, ma'am.

13              THE COURT: Have you ever been treated  
14       for any mental illness?

15              MR. PEASE: No, ma'am.

16              THE COURT: Are you taking any  
17       medications of any kind right now?

18              MR. PEASE: No, ma'am.

19              THE COURT: Have you ever been treated  
20       for any substance abuse problems?

21              MR. PEASE: No, ma'am.

22              THE COURT: All right. I want you to  
23       listen to the facts as stated by the solicitor and  
24       then I'll be back with a couple of questions for  
25       you after that.

1                   Solicitor.

2                   MR. SMITH: Your Honor, he has had 728  
3 days in jail.

4                   THE COURT: Okay. Yes, sir.

5                   MR. SMITH: Your Honor, on  
6 December the 5th, 2018 here in Greenville County,  
7 Joshua Burgess age 17, Jeffrey Brooks age 16, and  
8 Lily Burgess age 13 were attending Wednesday  
9 evening church. Joshua and Lily are brother and  
10 sister and Jeffrey is their cousin.

11                   After their meeting, they headed to  
12 Chick-fil-A to grab something to eat. That same  
13 evening, Daniel E. Pease, the defendant in this  
14 case, was out and driving his girlfriend's SUV  
15 which he abandoned in the parking lot of a  
16 business near 1205 Wade Hampton Boulevard. The  
17 keys had been left in the car, the lights had been  
18 left on, the battery was dead, and the car would  
19 not go into gear when it was found.

20                   At approximately 7:10 p.m., this  
21 defendant stole a 2016 Honda Accord from in front  
22 of a Firehouse Subs in Greer, which was a couple  
23 hundred yards away from where the girlfriend's car  
24 was found.

25                   The victim in that case had turned the

1 car off, but left it unlocked with the keys inside  
2 while he went inside to pick up some food. This  
3 defendant then drove the car away.

4 The three teenagers left Chick-fil-A and  
5 headed home. Joshua was driving, Jeffrey was in  
6 the front passenger seat, and Lily was in the rear  
7 passenger side seat.

8 The defendant was driving the stolen  
9 Honda Accord around Greer for about 25 minutes and  
10 ended up on Wade Hampton Boulevard headed towards  
11 Taylors. The three teenagers were on  
12 Wade Hampton Boulevard as well and came to a stop  
13 at the intersection of Wade Hampton Boulevard and  
14 Bella Michele Avenue for a red traffic light and  
15 they were sitting in far right-hand lane.

16 The crash data in retrieval system in the  
17 Honda shows that the defendant had accelerated. And  
18 five seconds before the incident, the defendant had  
19 reached a speed of 87 miles per hour. Five seconds  
20 later, the Honda driven by the defendant struck the  
21 rear of the vehicle Joshua, Jeffrey, and Lily were  
22 sitting in at a speed of 91 miles per hour.

23 The force from the impact was so great  
24 that the teens' vehicle was pushed towards the  
25 intersection as their vehicle rolled over two and

1 a half times and came to a stop when the vehicle  
2 struck the metal traffic light pole. The vehicle  
3 was found rolled onto its roof upon arrival of  
4 first responders.

5 Significant damage was done to the  
6 vehicle overall with the majority being the left  
7 rear where the impact had taken place. Once the  
8 defendant's vehicle struck the victim's vehicle,  
9 it turned clockwise, spinning, proceeding through  
10 the intersection striking the front left side of a  
11 third vehicle with its left rear panel corner,  
12 traveling through the intersection and coming to a  
13 halt resting on top of the concrete median facing  
14 the opposite direction of traffic.

15 Joshua, Jeffrey, and Lily were wearing  
16 their seatbelts, but due to the extent of the  
17 damage to the vehicle, the car had to be cut apart  
18 with the jaws of life tool to remove the three  
19 teens from the vehicle for medical attention.

20 First responders found the driver,  
21 Joshua Burgess, and pronounced him dead at  
22 17 years of age.

23 The front passenger, his 16-year-old  
24 cousin, Jeffrey Brooks, was taken to the hospital  
25 with a broken foot and a traumatic head brain

1 injury. He was released two days later and he had  
2 to go to Roger C. Peace for rehabilitation due to  
3 his injuries.

4 The rear right passenger, Lily Burgess,  
5 the 13-year-old sister of Joshua, suffered a  
6 broken pelvis where, due to the impact, her legs  
7 had actually split apart to a 180-degree position,  
8 broke her nose, and broke her arm, and had to  
9 endure several surgeries, as well as a long stint  
10 of physical therapy.

11 The SLED toxicology report revealed that  
12 the defendant had a .179 blood alcohol level using  
13 a sample of his blood while there -- excuse me --  
14 while there was a hospital screening that showed a  
15 higher blood alcohol level with possibly drugs in  
16 his system.

17 Among the Honda owner's items in the  
18 stolen vehicle, investigators also found a loaded  
19 handgun that did not belong to the Honda owner or  
20 the victim. The defendant has a prior conviction  
21 for a violent crime, manufacturing  
22 methamphetamines, and is, therefore, prohibited  
23 from possessing a firearm.

24 In a later interview with Mr. Pease, he  
25 would state that he did not remember what happened

1 to his girlfriend's car, did not remember whose  
2 car he was in, did not remember drinking that day,  
3 did not remember the accident, and did not  
4 remember the day at all.

5 Your Honor, I want to hand you a copy of  
6 some photographs that show, not only Joshua, but  
7 Joshua with his sister and with his cousin. There  
8 are also pictures showing the accident.

9 THE COURT: Yes, sir.

10 MR. SMITH: All right. Your Honor, I  
11 don't know if you want to hear his record yet,  
12 or -- but I will tell you that we are dismissing a  
13 felony possession of a firearm, carrying a pistol  
14 charge, possession of a firearm by a violent  
15 felon, and possession of a stolen vehicle charge  
16 in exchange for these three pleas.

17 I've got Randal Ballenger here, who was  
18 the investigating officer in this case who was on  
19 the scene, like, immediately. He wants to say  
20 something as well, but I don't know when you want  
21 to hear from him or the victims, or when you want  
22 to hear about the record.

23 THE COURT: Mr. Pease, you heard the  
24 facts as stated by the solicitor. How do you  
25 plead; guilty or not guilty?

1 MR. PEASE: Guilty.

2 THE COURT: I'll accept your plea as  
3 being freely and voluntarily made with the advice  
4 of extremely competent counsel with whom you say  
5 you are well satisfied, and the plea does have a  
6 substantial factual basis.

7 I'll certainly will be happy to hear from  
8 you, sir.

9 INVESTIGATOR BALLENGER: I was the  
10 investigating officer that night. I know you have  
11 the packet of pictures, Your Honor. And a picture  
12 is worth a thousand words, but I don't think  
13 there's words that can describe what happened to  
14 those kids that night.

15 As you heard from Mr. Smith, 91 miles an  
16 hour. The part he didn't tell you was that the  
17 accelerator was up to 99 percent. It was floored.  
18 He was still accelerating when he hit the kids.

19 The Burgesses were sitting there stopped.  
20 Their vehicle went from zero to 44.4 miles per  
21 hour in 120 milliseconds. That's one tenth of a  
22 second their vehicle accelerated from zero to  
23 44 miles an hour. The G forces, the things that  
24 happened in that vehicle are just absolutely  
25 unconscionable.

1           So I just wanted to, kind of, go a little  
2 deeper into the physics, and I'll be glad to break  
3 it down even more if you need to. But the  
4 collision was nothing -- nothing that I've seen in  
5 23 years of law enforcement.

6           THE COURT: I appreciate your being here.  
7 I know that you're used to seeing some horrific  
8 things, but I'm sorry you had to come upon this.  
9 That's just unbelievable.

10          INVESTIGATOR BALLENGER: Thank you, ma'am.

11          THE COURT: You said that there were  
12 victim's family members who would like to speak.

13          MR. SMITH: Yes, Your Honor. And  
14 Sidney Mitchell is the family attorney who is  
15 representing them in other issues, and I'll let  
16 him introduce you to the people who are going to  
17 be talking.

18          MR. MITCHELL: Thank you, Your Honor.  
19 It's my honor to be here with the Burgesses and  
20 the Brooks. If I could, I'd like to introduce you  
21 to them.

22          THE COURT: Please.

23          MR. MITCHELL: As you know, two of the  
24 young folks that were in that car that light, Lily  
25 is sitting down here on my right, and her cousin,

1 Jeffrey Brooks, is sitting right here with his  
2 parents. This is Dan and Bonnie Burgess on the  
3 front row. And Michael and Shannon Brooks are on  
4 the back row and the family. We appreciate the  
5 Court extending us courtesy to have this many  
6 folks here. I know it's a difficult time right  
7 now for everybody.

8 THE COURT: Yes, it is.

9 MR. MITCHELL: But I wanted to introduce  
10 them to you.

11 Mr. Burgess, Josh's dad, would like to  
12 say something and then I have a statement.

13 THE COURT: Of course.

14 MR. MITCHELL: If I could approach right  
15 here, Your Honor, that would probably be the  
16 easiest thing to do.

17 MR. SMITH: Sidney, you want to come up  
18 here?

19 MR. MITCHELL: May I approach?

20 THE COURT: Of course, of course. I  
21 thank you for, sort of, directing this portion of  
22 things here today, Mr. Mitchell. This family  
23 couldn't be in better hands.

24 MR. MITCHELL: Thank you, Your Honor.

25 This is a statement that I know Dan and

1 Bonnie worked on and asked for me to read to the  
2 Court, so I'll do that now.

3 They address Mr. Pease: I believe that  
4 people can change with Jesus in their lives, and I  
5 believe that everyone should have a second chance.  
6 With that being said, you have had many chances,  
7 and all this happened while you were out on a  
8 second or third chance.

9 I cannot put a number of years on my  
10 son's life because that would be disrespectful to  
11 the fine young man he was and who he was going to  
12 be. We are missing out on so much of his life.  
13 He never got to graduate, he never got to have the  
14 family that he talked about, and we don't get to  
15 have the grandkids that he was meant to have.

16 For every good thing that happens in our  
17 lives, we are filled with sadness because Josh  
18 isn't here to celebrate it with us and that is  
19 because of bad choice that you made. Your bad  
20 choices not only killed our son, but it killed a  
21 brother, a grandson, a boyfriend, a best friend, a  
22 teammate on the Wade Hampton football team, and so  
23 many other people. Our family friends, church  
24 family, and community will never be the same  
25 because Josh brought so much joy and laughter in

1 each of our lives. Josh loved to live life to the  
2 fullest. He did not hold a grudge. He turned the  
3 other cheek because that's what we taught him, and  
4 that's how we live.

5 My son is not perfect, was not perfect,  
6 none of us are, but he showed love and kindness to  
7 those around him. If you had been in his circle  
8 and he called you family, you better hold on tight  
9 because that was something special.

10 We know that our sweet boy is in Heaven  
11 and that eventually we will be with him again.  
12 But until God calls us home, we have to go  
13 throughout our lives missing and wondering "what  
14 if." I pray that you will spend your days doing  
15 whatever it may be, that someone will share the  
16 Gospel with you and you can truly find Jesus and  
17 give your life to him.

18 Some people would wish you harm or worse,  
19 but I'm choosing to continue the legacy that Josh,  
20 our son, left behind, and that's to forgive and  
21 love others and live my life to the fullest for  
22 him.

23 This is from Lily. She says to the  
24 Court: Two years ago, being in middle school  
25 life, was already tough. It made it even worse on

1 the night of December 5, 2018. That night has had  
2 an impact on me in so many different ways. It  
3 means that I survived a life or death situation,  
4 but in that I lost my brother. Surviving that  
5 wreck made me a stronger person, but it also gave  
6 me a huge weakness. Every time I get into a car,  
7 I am afraid. I always think about that night and  
8 the pain that it gave me.

9 I remember waking up in the hospital and  
10 the first thing I asked my parents was, where is  
11 Josh? I kept saying, why are you here? Why isn't  
12 one of you all with Josh? My mom and dad had to  
13 think about what they were going to say to their  
14 13-year-old daughter. How is any parent supposed  
15 to tell their child that their big brother has  
16 just died? That shouldn't even be a thing,  
17 especially the way it happened with Josh.

18 Even to this day, I still feel like he's  
19 here just out at college somewhere, but then I  
20 have to stop and realize he's gone. My big  
21 brother who I looked up to and the person who knew  
22 me best and the brother I would talk about for  
23 days is really and truly gone. It's because of  
24 that night I have a whole half of my heart  
25 missing.

1           Your Honor, also, the Brooks family is  
2 here as well, Jeffrey, their son. I can tell you,  
3 Judge, from spending a lot of time with these  
4 folks, I can tell you they believe that justice  
5 and forgiveness are two different things. They  
6 are still learning to accept the reality of either  
7 the loss of a child, or seeing their cousin no  
8 longer with them, or having a son wake up in the  
9 middle of the night with a headache, not be able  
10 to see clearly. When they drive down Wade Hampton  
11 Boulevard, a road they've driven their whole lives  
12 and they avoid intersections, or they look up in  
13 the rear view mirror to see if a car is coming  
14 towards them, or, as Dan told me the other day,  
15 someone he doesn't even know comes up and tells  
16 him how his son, Josh, has impacted their lives.

17           Josh was a senior who played football at  
18 Wade Hampton. His dad told me he was not the most  
19 gifted athlete, but he was the one that showed up  
20 early and stayed late. He worked his butt off.  
21 He had already started coaching. His plan was to  
22 go to North Greenville and take coaching. He  
23 wanted to work with young people.

24           Lily loves to sing. She loves to dance.  
25 She's been doing it her whole life. She has a

1 sweet, sweet smile. And when I asked her the  
2 other day, she just broke down and just said she  
3 missed her older brother.

4 Jeffrey, since this happened, has  
5 graduated from high school. He's working with his  
6 dad. His goal is to go back to school and  
7 eventually go to work at BMW. He tells me about  
8 all the times and memories he had with his cousin,  
9 how they would get in trouble for playing Fortnite  
10 too late, and all the times that they had  
11 together. This was a very close family. They're  
12 very strong in their faith. Without that, they  
13 wouldn't be here today, I don't think. But  
14 Jeffrey said, the only thing that I can tell you  
15 is that I wish Josh could follow his dream, and  
16 his dream was to be a coach.

17 And, you know, just briefly, Your Honor,  
18 if you'll indulge me, I think that the actions in  
19 this case were shocking. It's the phone call no  
20 parent ever wants to get. It was a total  
21 disregard for anybody who was unlucky to be on  
22 Wade Hampton Boulevard a little after  
23 eight o'clock on Wednesday night.

24 With the prior history of this defendant,  
25 the extreme conduct that night and the tragic

1 results that came about, for this family, justice,  
2 Judge, is the highest possible sentence reflective  
3 of the three individual victims in this case.

4 As I said before, very strong in their  
5 faith, and they know that justice will be served  
6 today. This has been a long time coming for them,  
7 and I know this will at least close part of the  
8 painful part of their lives.

9 I appreciate the Court's indulgence.

10 THE COURT: Absolutely.

11 And one thing I felt -- let me ask you  
12 before we move on, did any members of the family  
13 want to speak themselves?

14 MR. MITCHELL: I don't think so. Let me  
15 double check.

16 THE COURT: I certainly do understand. I  
17 just wanted to make sure that, if anybody did,  
18 they had that opportunity.

19 MR. MITCHELL: Thank you, Your Honor.

20 THE COURT: Thank you, Mr. Mitchell.

21 Mr. Smith, I failed -- I don't believe that I  
22 asked you for his prior record, and I apologize.

23 MR. SMITH: No, not yet, Your Honor.

24 But also, before I do that -- I mean, you've  
25 heard from everybody. The thing is, I mean, this

1 virus, obviously, has limited us in a number of ways.  
2 And I can tell you that before the virus hit, we had  
3 talked about, you know, the people that would have  
4 come up here to be here to support these two families.  
5 And, you know, Judge, it might have flooded out into  
6 the parking lot. I mean, there were that many people  
7 that wanted to be here from the members of the  
8 football team to the community, the churches, and  
9 things like that. Obviously, they can't be here  
10 today.

11 Judge, his record: In 2002, disorderly  
12 conduct; 2003, criminal domestic violence two  
13 times, disorderly conduct; 2004, two counts of  
14 fraudulent check, uninsured vehicle; 2005,  
15 fraudulent check, simple possession of marijuana;  
16 2006, simple possession of marijuana, drug  
17 paraphernalia, criminal domestic violence second  
18 offense; 2007, criminal domestic violence second  
19 offense; 2008, driving under suspension; 2010,  
20 driving under suspension third offense; 2011,  
21 obtaining property under false pretences,  
22 malicious injury to personal property, driving  
23 under suspension second offense; 2012, two counts  
24 of possession of a stolen vehicle, grand larceny,  
25 manufacturing methamphetamines; 2013, possession

1 of a stolen vehicle times two; 2015, possession of  
2 controlled substances, drug paraphernalia; 2016,  
3 criminal domestic violence second offense,  
4 manufacturing methamphetamines second offense; and  
5 in 2017, grand larceny more than \$10,000.

6 THE COURT: Thank you, sir.

7 MR. SMITH: Yes, Your Honor.

8 THE COURT: Mr. Grove.

9 MR. GROVE: Thank you, Your Honor.

10 If it pleases the Court, I think it will  
11 come as no surprise to you that I have a fair bit  
12 to say on Mr. Pease's behalf. I'd actually -- he  
13 and I talked about this. I'd actually like for  
14 him to begin -- he and I have talked a lot about  
15 today, obviously, and what can you say on a day  
16 like today talking about December 5th of 2018.  
17 But he has put some thoughts down, and I'd ask, if  
18 he's still willing to, that he would share those  
19 with the Court at this time, but that he direct  
20 his comments to Your Honor.

21 THE COURT: Yes.

22 And just to the victim's family, I don't  
23 allow a defendant to address you directly because  
24 I just think it's inappropriate on a day like  
25 today. And Mr. Grove is well familiar with that,

1 and I'm sure he's instructed his client about that  
2 as well.

3 Yes, sir.

4 MR. PEASE: I'm not sure there are any  
5 words that I could use to give anyone any comfort,  
6 but I wanted to be here today in person rather  
7 than on video to let everyone know that I'm truly  
8 sorry and my remorse is sincere.

9 To say that I'm just remorseful would be  
10 an understatement. I'm usually a kind and gentle  
11 person. I've never intentionally hurt anyone.

12 I live with the shame and the guilt of  
13 this tragic accident every day. I also pray every  
14 day. I pray for everyone that was affected by  
15 this. I pray that God will forgive me. I pray  
16 that maybe some day that everyone else can forgive  
17 me because I know that I can never forgive myself.

18 I know words can never replace what was  
19 lost, but I want you to know that I am sincerely  
20 sorry to each and everyone involved.

21 THE COURT: Thank you, sir. I appreciate  
22 that, and I know the family does as well, too.

23 Mr. Grove.

24 MR. GROVE: Thank you, Your Honor. If it  
25 pleases the Court, if you'll beg my indulgence,

1 Your Honor, I haven't shared these yet with  
2 Mr. Smith. These are certificates that Mr. Pease  
3 has worked on that I'd ask Your Honor to take a  
4 look at and consider these.

5 THE COURT: Certainly.

6 MR. GROVE: He has been in jail since --  
7 technically, he's been in jail since  
8 December the 13th. He was in the hospital for a  
9 little more than a week following this accident.  
10 But, for what it is worth, Your Honor, he has been  
11 fairly diligent in, one, appreciating the  
12 overwhelmingly tragic nature of the situation.  
13 And, two, understanding that there is absolutely  
14 nothing he can do to reverse it. And that is --  
15 that always seems to be one of the most difficult  
16 parts of a case like this. There's no  
17 restitution. You know, there is no, I owe you  
18 \$1500 and I can, sort of, make you financially  
19 whole when you're talking about the loss of a  
20 life.

21 THE COURT: Right.

22 MR. GROVE: So, there is no list of good  
23 deeds that can be checked off that will qualify  
24 him for relief in this case, and that is an  
25 incredibly difficult thing.

1                   The third, sort of, corner of how  
2                   difficult and tragic these situations are is that,  
3                   at their root, they are unintentional. They're  
4                   intentional acts, and I'm not suggesting anything  
5                   otherwise. And I hope Your Honor understands  
6                   that.

7                   THE COURT: I do.

8                   MR. GROVE: But this was not a situation  
9                   that Daniel Pease woke up on the morning of  
10                  December the 5th and said, you know what, I think  
11                  I'll go and commit a tragedy today. This is not  
12                  kicking in somebody's front door. This is not  
13                  robbing someone at gunpoint. This is, at its  
14                  core, a tragedy, but it is also an accident. And  
15                  it is one that is devoid of any intent, at least  
16                  in terms of the result by all means.

17                  I have represented Daniel, not for the  
18                  entirety of this case. He was assigned to another  
19                  lawyer in our office at the very beginning, but I  
20                  quickly ended up with this case. So he and I have  
21                  known each other for a while now. We talked a lot  
22                  about this case. Mr. Smith and I talked a lot  
23                  about this case as well.

24                  And Mr. Smith and Mr. Mitchell were both  
25                  absolutely right. I mean, you can't put a

1 recommendation on facts like this. And we --  
2 certainly, there was a time where we were hoping  
3 that that would be the case. Obviously, that  
4 makes people feel a lot better about the situation  
5 that they're in, at least on this side of things.  
6 But we fully understand that to identify a  
7 recommendation is to assess a value, and that's an  
8 incredibly difficult thing to do. Sometimes it's  
9 certainly impossible.

10 To that end, though, that made it pretty  
11 difficult on us to terms of identifying the  
12 situation that we are in.

13 I hope that Your Honor knows, I do my  
14 best not to ask the Court for things that are  
15 inappropriate, and to try and, at least as I am  
16 able, maintain some sort of reasonableness,  
17 especially given the circumstances. And so this,  
18 sort of, given the nature of these charges and  
19 given the wide-ranging sentencing that's  
20 available, put us in a difficult spot of what is  
21 appropriate. And we're -- Daniel and I have  
22 talked a lot about this over the last couple  
23 years. We're not inclined to ask Your Honor for  
24 anything that we think is inappropriate. We  
25 certainly hope that you won't find it

1 inappropriate either.

2 I have -- and I've shared this a while  
3 ago with Mr. Smith. I asked the  
4 Department of Corrections for some data on charges  
5 such as these. And I'll tell you a little bit  
6 about that, how we actually got to this that I've  
7 handed up to Your Honor.

8 What I received was 10 year's worth of  
9 sentencing for the entire state of South Carolina,  
10 and I sort of bit off maybe more than I could chew  
11 with that. But the charting that the  
12 Department of Corrections keeps comes in a lot of  
13 different forms. It covers a lot of different  
14 cases.

15 What I have presented to Your Honor is  
16 exclusively Greenville County, exclusively for the  
17 last 10 years, and exclusively charges that  
18 resulted in a guilty plea as opposed to a trial,  
19 and exclusively those that resulted in a  
20 conviction for felony DUI resulting in great  
21 bodily injury or death.

22 This excludes -- I would at least present  
23 to Your Honor, this would exclude charges that had  
24 evidentiary issues, charges that had overwhelming  
25 mitigation that might warrant a reduction. These

1 are authentically tragic -- as all of them are --  
2 but these are the cases that I could find that are  
3 most closely aligned to the situation that we're  
4 in in terms of looking for what you might call a  
5 horizon line or a benchmark in doing a horribly  
6 difficult thing like assessing the value of a case  
7 like this when you're talking about a term of  
8 years.

9           The chart before you, Your Honor,  
10 essentially shows -- and I will focus on the  
11 felony DUI with death, as you might imagine.  
12 Based on the sentencing ranges, the GBI is lower  
13 than that. It shows, sort of, a track of that and  
14 identifies what we believe to be appropriate.

15           Daniel has expressed to me and I have  
16 told him he's in no position to contact the  
17 victim's family. I think that if he had been able  
18 to, he would have certainly expressed all of the  
19 things that he's expressed today, but that was  
20 never going to be a good idea. But he has been as  
21 remorseful about this as any client I can think  
22 of. And he has been incredibly -- I think the  
23 word that he used was authentic and sincere in how  
24 genuine he is about the remorse that he carries  
25 regarding the accident back in December of 2018.

1           He has done, I think, the best that he  
2           could, at least, attempt in terms of making as  
3           many improvements as he's able to given his  
4           custody status, certainly.

5           He's had a -- he had a fairly rocky start  
6           to life and that didn't really improve. His  
7           record is indicative of that. Most of those  
8           charges that you heard were misdemeanors, and  
9           almost of them have the telltale signs of drug  
10          addiction. And that's no surprise here. That's a  
11          relatively common thing in criminal court these  
12          days.

13          What I can also tell you is -- this may  
14          not be worth anything at all -- but he had a  
15          history of driving under suspension charges.  
16          Those were not DUI related. He has no prior DUIs.  
17          This is not a person who's been out drinking and  
18          driving all their life, and, sort of, had all the  
19          telltale warning signs of an impending accident  
20          like this. He had actually had his license  
21          reinstated earlier in 2018. Worked very hard to  
22          get to that point where he was in a position to be  
23          a licensed driver. So I've got a lot of clients  
24          who have never made it back from their very first  
25          suspension.

1                   He's got family. He's got family here  
2 right on the front row. His aunt, Donna, may like  
3 to address the Court at the appropriate time.  
4 I've spoken with her on a number of occasions.  
5 And earlier this afternoon, she indicated she  
6 might like to address Your Honor. If she's  
7 changed her mind, I'm sure she will let you know  
8 that.

9                   What we're asking, Your Honor -- I  
10 suppose I'll cut to the chase. What we're asking  
11 Your Honor to consider is a sentence of 25 years  
12 that is suspended to some amount of time. We'd  
13 like for you to consider 8 to 12 years of active  
14 service. He's 40 years old now, so we're talking  
15 about a significant amount of time following this.  
16 But that would mean probably not a release until  
17 he's close to 50 years old. That means he would  
18 have some opportunity to reclaim any amount of  
19 life that he might have left, some opportunity to  
20 exert good deeds that might give him the relief  
21 that he's looking for.

22                   I know that I speak for him when I -- I  
23 know that he is incredibly grateful for the words  
24 shared by Mr. Mitchell today regarding  
25 forgiveness, which has been, I think, on the top

1 of his priority list. He knows that's not a thing  
2 he can earn, that's not a thing he can really do  
3 anything about, but I know it is a thing he is  
4 grateful to receive today.

5           Regardless of Your Honor's decision, we  
6 all of this, obviously, in your discretion, but I  
7 know that he will leave today with that, and that  
8 will be as meaningful as anything else.

9           I don't know if Miss Broom has anything  
10 she would like to share at this point. Other than  
11 that, Your Honor, we'd ask for all the mercy the  
12 Court can allow.

13           THE COURT: Thank you, Mr. Grove.

14           Yes, ma'am. Tell me your name, please.

15           MS. BROOM: Donna Broom.

16           THE COURT: Miss Broom, would you feel  
17 comfortable removing your mask?

18           MS. BROOM: Yes.

19           THE COURT: Thank you.

20           MS. BROOM: I'm Scooter's -- Daniel's  
21 aunt. I call him Scooter. His mama is my sister.

22           THE COURT: Okay.

23           MS. BROOM: And Daniel, he didn't have a  
24 chance from the beginning, to be honest. He never  
25 really had parents that were not on drugs. I done

1 the best I could to try to get him when I could to  
2 try to help to lead him in the right direction.  
3 And, you know, like, sometimes I keep him for two  
4 or three months and then they come get him. He  
5 just never really had a whole lot of chance.

6 I thought that he had started getting his  
7 life straight right there, right before all this  
8 happened. Like he said, he had just gotten his  
9 license. He got a very good girlfriend, which is  
10 she is still involved with him. You know, they're  
11 not in a relationship. She still stays in contact  
12 with him.

13 His mom and dad both OD'd on a couple of  
14 occasions. As a matter of fact, his mother OD'd  
15 and passed away, and he found her just a couple  
16 years before this happened.

17 And, you know, we had sat and talked not  
18 long before this happened and he said, Aunt Donna,  
19 I'm getting my life straight. I'm doing right. I  
20 got Jessica, which is the girlfriend. He said,  
21 I'm trying to do right. He's got a brother that  
22 stays in some things too. But they just, neither  
23 one of them, had a life -- or a beginning of life  
24 that somebody -- or anybody to really support  
25 them, except for me and my children. My children

1 are just like sisters. This is one of them. The  
2 other two got newborn babies.

3 But I know that if he gets 25 to 30  
4 years, I'll probably never see him outside of  
5 prison, if I can go to the prison, you know,  
6 because of the virus. He's told me several times  
7 that he knows that he needs to do time. He is  
8 very remorseful. He's cried on the phone.

9 The first time I got to talk with him  
10 after this happened when he finally got to make a  
11 call, when he was in the hospital for a while, and  
12 he said, just pray with me, just pray for me, and  
13 pray for that family, and tell them -- you know,  
14 pray to God that he is so sorry. Because he is  
15 one of the most tender-hearted and kind-hearted  
16 kids when he was growing up.

17 THE COURT: Well, thank you so much. I  
18 sure appreciate it.

19 MS. BROOM: Thank you.

20 THE COURT: Mr. Grove, anything else?

21 MR. GROVE: No, Your Honor. I think that  
22 pretty well covers it.

23 THE COURT: Yes, sir.

24 MR. SMITH: Very briefly, Your Honor.

25 THE COURT: Certainly.

1                   MR. SMITH: Just for the Court's  
2 information, if I remember my facts correctly, I  
3 think one of the last sentences that Mr. Pease had  
4 was like a 15-year suspended to five years and  
5 five years probation when he got out sentence. I  
6 think there was a violation of that -- on that  
7 sentence, if that gives you any idea of where he  
8 was and what he's been sentenced to in the past.

9                   Mr. Grove and I have talked a lot about  
10 this case. And I know the statistics that he has  
11 presented to Your Honor. It's hard -- I mean, we  
12 keep statistics about everything, Judge.

13                  THE COURT: I understand.

14                  MR. SMITH: But the bottom line is,  
15 throughout my time as a lawyer, and yours, we've  
16 always been told that each case is looked at on  
17 its merits and its merits alone. I realize that  
18 we can look at stats and see where things are, but  
19 we don't know anything about those cases.

20                  THE COURT: Sure.

21                  MR. SMITH: And the only thing we can do  
22 is look before us, and I'm asking Your Honor to do  
23 that in this case too.

24                  THE COURT: Yes, sir. And I agree.

25                  I will tell you this, and I say this to

1 everyone. If you'll just indulge me, I'll take my  
2 mask off for just a moment, if you don't mind.

3 I take into consideration a number of  
4 things when I sentence. And let me begin first by  
5 saying, one blessing of this case is that three of  
6 the finest attorneys in South Carolina are  
7 involved in this case, and so I feel confident  
8 they have turned over every stone in regard to  
9 this case in providing a defense to Mr. Pease and  
10 prosecuting this case and in representing the  
11 family.

12 I take into consideration a number of  
13 things. One thing I take into consideration is,  
14 of course, the seriousness of the crime involved,  
15 and this could not be more serious.

16 I take into account the impact on the  
17 victim and on the community. And I don't have to  
18 tell you all there's just not a way to quantify  
19 that in any way. It's the most serious.

20 I take into account in these cases, a lot  
21 of times in many of these cases, as Mr. Grove  
22 pointed out, the victim is friends, someone in the  
23 car, something like that, you know, and they might  
24 not be in the same position that Mr. Pease is here  
25 where these were three completely innocent

1       strangers coming home from church. I take that  
2       into consideration.

3               I take into consideration the blood and  
4       alcohol level, and it was high. Not as high as  
5       some that we have seen, but certainly it was high.

6               I take into consideration other factors  
7       regarding the driving. Sometimes it's difficult  
8       to find the bad driving in a case. Sometimes it's  
9       difficult to pinpoint exactly what the omission  
10      was of the person who was driving did. Sometimes  
11      that's difficult. But 87 to 91 miles per hour,  
12      you don't have to guess.

13              I take into consideration another factor  
14      was the car was stolen that you were driving.

15              I take into consideration your record and  
16      I would consider your record, while there's  
17      certainly nothing of this magnitude on it, it is  
18      lengthy, it is relentless, and it does include  
19      some crimes of violence over a period of time. It  
20      also does very much speak to someone with an  
21      addiction.

22              I take into account the fact that you've  
23      come here today and have taken responsibility. I  
24      do take that into consideration.

25              One the letters that Mr. Mitchell read

1 put it perfectly. There's just no number of years  
2 to sit here and do this. To sit here and place a  
3 number of years and try to equate it to a life,  
4 especially a life like your son's, that's just  
5 simply not possible. And for me to sit here and  
6 try to say that I'm doing something that would, in  
7 any way, bring this back -- bring him back, or  
8 undo this, or make this okay, I would never  
9 presume to do that.

10 Mr. Mitchell made an excellent point when  
11 he said, you know, that possibly, though, this  
12 could just give you some small closure, but just  
13 this part of it. That you don't have this day  
14 hanging over your head. I can say that much.

15 I want to take just a moment to say that  
16 your grace that you've shown here today is, in  
17 light of these circumstances and as a mother  
18 myself, this is unbelievable, really. And  
19 forgiveness is just such a powerful thing. And  
20 the fact that you are able to forgive this man who  
21 did this to your family, both families, is a  
22 powerful thing.

23 Joshua was an amazing young man. I don't  
24 have to tell you that, but just in this hearing  
25 here today, it's come through. I'll be honest

1 with you, I looked at his picture and I couldn't  
2 look at it. He was an amazing young man with  
3 amazing potential.

4 And, Lily, you're just an amazing young  
5 woman for you to be able to write that eloquent  
6 letter and speak about your brother that way and  
7 speak about what you've taken from this. I'm sure  
8 the future holds incredible things for you.

9 And, Jeffrey, it sounds like you got a  
10 plan. And the same thing, incredible things for  
11 your future. The contrast is striking.

12 I take all those things into  
13 consideration.

14 I also take into consideration a point  
15 that Mr. Grove made, and that is that, in these  
16 cases, they're so different, Mr. Pease, because I  
17 know you did not intend to set out that evening to  
18 kill a young man with all the promise and  
19 potential in the world, and you didn't -- you  
20 didn't set out to injure these two young people  
21 with all the potential that they have. I know you  
22 did not do that. I know you didn't want them to  
23 have to suffer, and this family and this community  
24 to suffer in this way, but what you did resulted  
25 in all of this suffering.

1           I say all that to say, I've had a number  
2 of felony DUI cases. Unfortunately, I mean, I  
3 have. And they're all tragic. They're all  
4 heartbreaking. But I have to say, this one is  
5 particularly egregious, Mr. Pease. I'm not going  
6 to sugar coat it in any way. This one is  
7 particularly egregious.

8           The sentence of the Court on  
9 2019-GS-23-4180, DUI resulting in death, the  
10 sentence of the Court is 20 years and a fine of  
11 \$25,100, credit for 728 days.

12           Consecutive to that, on the DUI, great  
13 bodily injury, 2019-GS-23-4178, the sentence of  
14 the Court is five years, credit for 728 days, and  
15 the mandatory fine of \$10,000.

16           And then consecutive to that,  
17 2019-GS-23-4177, driving under the influence  
18 resulting in great bodily injury, five years and a  
19 fine of \$10,000, credit for 728 days.

20           I wish you all the best of luck.

21           MR. GROVE: Thank you, Your Honor.

22           MR. SMITH: Thank you, Your Honor.

23           (The hearing was concluded.)

24

25

CERTIFICATE OF REPORTER

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I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in General Sessions for Greenville County, Greenville, South Carolina.

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

May 15, 2021



-----  
Sharon G. Hardoon, CSR  
Official Circuit Court Reporter, III

THE STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
THE STATE )  
v. )  
DANIEL LEE PEASE, )  
DEFENDANT. )

IN THE COURT OF GENERAL SESSIONS  
THIRTEENTH JUDICIAL CIRCUIT  
Warrant/Indictment Nos.: 2018A2320501674;  
2018A2320501675; 2018A2320501679

19-4177

MOTION TO RECONSIDER  
GUILTY PLEA SENTENCE

20 DEC 17 AM 10:22  
Paul Wickensmar CCC GUL SC

*Denied*  
*1/19/21*

COMES NOW the Defendant, Daniel Eugene Pease, by and through undersigned  
counsel, William E. Grove, and, pursuant to Rule 29 of the S.C. Rules of Criminal Procedure,  
respectfully moves this Honorable Court to Reconsider the Order of this Court imposed on  
December 10, 2020. In support of this motion, the Defendant would submit

21 MAR 12 PM 3:18  
Paul Wickensmar CCC GUL SC

- 1) On the above-listed date the Defendant pled guilty to Felony Driving Under the Influence, Death Results and received a sentence of twenty years. He also pled guilty to two counts of Felony Driving Under the Influence, Great Bodily Injury Results and received a sentence of five years on each charge. All charges were sentenced consecutively and the Defendant received credit for 728 days.
- 2) Defendant submits that, at the hearing, counsel failed to properly convey the mitigation available to the Defendant, to include his family history of drug abuse. Counsel also failed to adequately address the strong family support available to the Defendant. Defendant maintains the severity of his sentence is based, at least in part, on the emotional aspects of the facts surrounding his case. Defendant believes that his plea being entered within a few days of the anniversary of the accident inappropriately influenced the outcome of his case.

For the reasons stated above, the Defendant respectfully moves this Court to reconsider

2021 JAN 21 PM 12:25  
THIRTEENTH JUDICIAL CIRCUIT  
SOLICITOR'S OFFICE

the sentence imposed on December 10, 2020.

[continued on following page]

Respectfully submitted,



---

William E. Groves  
SC Bar # 77934  
Attorney for Defendant  
305 E. North Street  
Greenville, SC 29601  
(864) 467-8522

Date: December 16, 2020.

THE STATE OF SOUTH CAROLINA  
In the Appellate Court

RECEIVED

MAR 26 2021

APPEAL FROM GREENVILLE COUNTY  
Court of General Sessions

SC Court of Appeals

21 MAR 22 PM 12:09  
Paul Wickensimer COC GVL SC

Letitia H. Verdin, Circuit Court Judge

Case No(s): 2019-GS-23-04177; 2019-GS-23-04178;  
2019-GS-23-04180

The State,

Respondent.

v.

Daniel Lee Pease,

Appellant.

NOTICE OF APPEAL

Daniel Lee Pease appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Letitia H. Verdin on December 10, 2020.

Date: March 22, 2021



William Grove, Esq.  
305 East North Street, Suite 123  
Greenville, SC 29601  
Attorney for Appellant

Other Counsel of Record:  
Marcus Smith, Esq.  
Assistant Solicitor

**THE STATE OF SOUTH CAROLINA**

**IN THE COURT OF APPEALS**

---

**APPEAL FROM GREENVILLE COUNTY**

**Court of General Sessions**

**Letitia Verdin, Circuit Court Judge**

---

**Case No(s): 2019-GS-23-04177; 2019-GS-23-04178; 2019-GS-23-04180**

The State of South Carolina,

Respondent

v.

Daniel Lee Pease,

Appellant.

**STATEMENT PURSUANT TO RULE 203(d)(1)(B)(iv)**

Appellant pled guilty on December 10, 2020 and a Motion to Reconsider was filed on December 17, 2020. The denial of the Motion to Reconsider was filed on March 12, 2021. Undersigned counsel files this appeal at the request of Appellant and pursuant to In re Anonymous Member of the Bar, 303 S.C. 306, 400 S.E.2d 483 (1991), as well as Weathers v. State, 319 S.C. 59 (1995). Counsel knows of no issue that can be reviewed on appeal.

Date: March 22, 2021



---

William E. Grove  
Thirteenth Circuit Public Defender  
305 E. North Street, Suite 123  
Greenville, SC 29601

cc:

Prosecutor

Respondent

**WITNESSES**

Clayton W Anderson

Greer Police Department

12/14/2018


*DA 6/11/18*

**ARREST WARRANT NUMBER**

2018A2320501674

**ACTION OF GRAND JURY**

**TRUE BILL**



**FOREMAN GRAND JURY**

*Foreperson of Grand Jury*

**VERDICT**

*Foreperson of Petit Jury*

*Date:*

DOCKET NO. 2019-GS-23-

MLS

004177

**The State of South Carolina**

**County of Greenville**

**COURT OF GENERAL SESSIONS**

**June**

**TERM 2019**

**THE STATE**

**vs.**

**DANIEL LEE PEASE**

**Indictment for**

0406

**FELONY DUI  
(RESULTING IN GREAT BODILY INJURY)**

**VIOLATION § 56-05-2945**

**ENTERED  
ACCT** *[Signature]*



**WITNESSES**

Clayton W Anderson

Greer Police Department

12/14/2018

*RA 6/11/18*

**ARREST WARRANT NUMBER**

2018A2320501675

**ACTION OF GRAND JURY**

**TRUE BILL**



**FOREMAN GRAND JURY**

*Foreperson of Grand Jury*

**VERDICT**

*Foreperson of Petit Jury*

*Date:*

DOCKET NO. 2019-GS-23-  
MLS 004178

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2019

THE STATE

vs.

DANIEL LEE PEASE

Indictment for

0406

FELONY DUI (RESULTING IN GREAT BODILY INJURY)

VIOLATION § 56-05-2945

ENTERED *fel*  
ACCT



**WITNESSES**

Clayton W Anderson

Greer Police Department

12/14/2018

*DA 6/11/19*

**ARREST WARRANT NUMBER**  
2018A2320501679

**ACTION OF GRAND JURY**

**TRUE BILL**

**FOREMAN GRAND JURY**

*Foreperson of Grand Jury*

**VERDICT**

*Foreperson of Petit Jury*  
*Date:*

DOCKET NO. 2019-GS-23-<sup>MLS</sup> 004180

**The State of South Carolina**

**County of Greenville**

**COURT OF GENERAL SESSIONS**

**June TERM 2019**

**THE STATE**

**vs.**

**DANIEL LEE PEASE**

**Indictment for**

**0395**

**FELONY DUI  
(RESULTING IN DEATH)**

**VIOLATION § 56-05-2945**

**ENTERED  
ACCT** *RCB*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

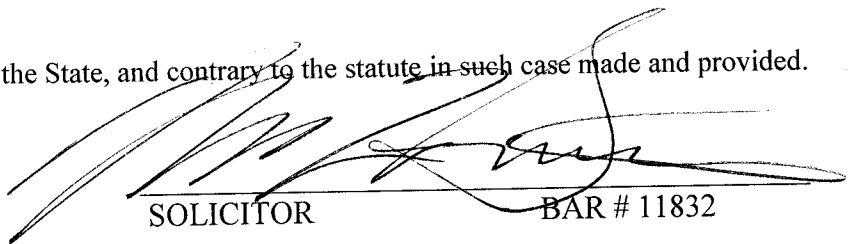
INDICTMENT FOR  
FELONY DUI  
(RESULTING IN DEATH)

At a Court of General Sessions, convened on JUN 11 2019 the Grand Jurors of Greenville

County present upon their oath:

That DANIEL LEE PEASE did in Greenville County, on or about the 5th day of December 2018, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, to wit: The defendant failed to exercise due care and/or operated the motor vehicle at a high rate of speed striking another vehicle in the rear, which acts and/or neglect proximately caused the death of JOSHUA BURGESS. This is in violation of §56-5-2945 of the South Carolina Code of Laws (1976) as amended.

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

  
SOLICITOR BAR # 11832

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

**RECEIVED****Sep 15 2021****SC Court of Appeals**

Respectfully Submitted,



---

Adam Sinclair Ruffin  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 15th day of September, 2021.