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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Aiken County

Honorable Edgar W. Dickson, Circuit Court Judge

WILLIAM H. BLAKE

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2021-000708

APPENDIX

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF AIKEN

CIRCUIT COURT
2011-GS-02-01378 & 01586

3
4 STATE OF SOUTH CAROLINA,

5 -vs-

TRANSCRIPT OF RECORD

6 WILLIAM HENRY BLAKE, III,
7 Defendant.

8
9 Heard on Monday, October 24, 2011
10 Aiken, South Carolina

11 BEFORE:

12 THE HONORABLE GEORGE C. JAMES, JR.
13

14
15 APPEARANCES:

16 Counsel on Behalf of the State:
17 David W. Miller, Esq.

18 Counsel on Behalf of the Defendant:
19 Barry L. Thompson, II, Esq.

20
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E X H I B I T I N D E X

(NO EXHIBITS IDENTIFIED/INTRODUCED.)

1 ON MONDAY, OCTOBER 24, 2011 AT 5:02 P.M.:

2 MR. MILLER: William Blake.

3 (Defendant placed under oath.)

4 MR. MILLER: Your Honor, before the Court is William
5 Blake. He is represented by Barry Thompson of the public
6 defenders office.

7 Mr. Blake is here today to enter two pleas. He is
8 waiving presentment and entering a plea to the charge of
9 voluntary manslaughter under North Carolina versus
10 Alford. He is also entering a plea of -- under North
11 Carolina versus Alford to a true-billed indictment for
12 armed robbery.

13 There is a negotiated sentence in this case, Your
14 Honor; that the sentence imposed by the Court be
15 concurrent with each other, and that they be capped at 25
16 years.

17 As to the Defendant's prior record, Your Honor, he has
18 a CDV first in 2005; simple assault in 2006; CDV second in
19 2006; simple assault in 2007, another simple assault in
20 2007.

21 And no other adjudications, Your Honor.

22 THE COURT: All right. He's been sworn?

23 MR. MILLER: He has, Your Honor.

24 THE COURT: Mr. Thompson, you represent Mr. Blake?

25 MR. THOMPSON: I do, Your Honor.

1 THE COURT: Does he understand both of these charges,
2 what the State has to prove and all of his rights?

3 MR. THOMPSON: Very well, Your Honor.

4 THE COURT: And does he understand the two strikes
5 law?

6 MR. THOMPSON: He does, Your Honor.

7 THE COURT: This will be one strike today.

8 MR. THOMPSON: That's correct, Your Honor.

9 THE COURT: All right. Does he have any more
10 strikes? Obviously not from the recitation of the facts.

11 MR. THOMPSON: No, Your Honor.

12 MR. MILLER: He does not, Your Honor. And that was
13 part of our negotiation, was to not proceed with trial on
14 the armed robbery followed by the voluntary manslaughter
15 which would have struck him out.

16 THE COURT: All right. And he is competent?

17 MR. THOMPSON: He is, Your Honor.

18 THE COURT: These are two separate incidents?

19 MR. MILLER: They are, Your Honor.

20 MR. THOMPSON: That's correct, Your Honor.

21 THE COURT: With regard to both of these, you think
22 juries would find him guilty?

23 MR. THOMPSON: Yes, Your Honor.

24 THE COURT: And does he understand that I'll sentence
25 him, even under an Alford plea, just like he stood up here

1 and admitted every single thing?

2 MR. THOMPSON: Yes, Your Honor. He understands that.

3 THE COURT: And the bargain for the Alford plea is the
4 concurrent nature of negotiations?

5 MR. THOMPSON: Essentially, Your Honor, that the
6 benefit that he's receiving is that the sentences will run
7 concurrent, that there will be a cap of 25. And, Your
8 Honor, there are a couple of unrelated pending charges
9 that, it's my understanding, are being dismissed by the
10 solicitor's office; a pending CDV and a pointing and
11 presenting charge.

12 THE COURT: Is that right?

13 MR. MILLER: Yes, Your Honor. Additionally, Mr. Blake
14 was initially charged with murder, so obviously reducing
15 it to a voluntary manslaughter, which is what he's waiving
16 presentment on is the voluntary manslaughter, would also
17 be an additional benefit to him for the purposes of the
18 Alford plea.

19 MR. THOMPSON: That's correct.

20 THE COURT: Your name is William Henry Blake the
21 Third?

22 THE DEFENDANT: Yes, it is, sir.

23 THE COURT: Mr. Blake, listen carefully to all of my
24 questions. Number one, make sure you let me know if you
25 want to stop and talk to your lawyer.

1 THE DEFENDANT: All right.

2 THE COURT: Sometime later there may be a transcript
3 of what we're talking about, and the transcript is going
4 to have in there my definitive statement to you, that if
5 you want to talk to your lawyer you got to let me know.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: I certainly won't hold it against you.

8 Also if somebody says something that you do not
9 understand --

10 THE DEFENDANT: Yes, sir.

11 THE COURT: -- or if you don't agree with, people
12 start talking too fast or you don't know what's going on,
13 let your lawyer know and he'll let me know immediately.
14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, first of all, are you completely and
17 100 percent satisfied with the services provided to you by
18 your lawyer?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Are you sure?

21 THE DEFENDANT: I'm not, but --

22 THE COURT: All right. Well, if you're not, do you
23 want more time to talk to him?

24 THE DEFENDANT: No, sir. I'm just -- no, sir.

25 THE COURT: Well, again, this is going to be in a

1 transcript.

2 THE DEFENDANT: Uh-huh.

3 THE COURT: If you want to talk to him, you're going
4 to have to let me know because I can't guess --

5 THE DEFENDANT: Right.

6 THE COURT: -- what your problem is. Mr. Thompson, do
7 you feel safe in telling me anything about what he might
8 be dissatisfied with, if he's dissatisfied?

9 MR. THOMPSON: Your Honor --

10 THE COURT: Or do y'all need some time to talk?

11 MR. THOMPSON: Both of these pleas are, as the Court
12 understands, under Alford. And Mr. Blake has at all times
13 asserted to me that, that he believes himself to be
14 innocent of these charges.

15 THE DEFENDANT: (Nods head.)

16 MR. THOMPSON: Now, we've looked over the evidence and
17 I'm convinced that he's convinced that if we were to go
18 forward especially on the armed robbery charge that's
19 subject to being called for trial this week, that if we
20 were to go forward, that there's a substantial amount of
21 evidence against him and that there's a high likelihood
22 that he would be convicted.

23 And I believe he's -- I believe he's of the same
24 opinion.

25 THE DEFENDANT: (Nods head.)

1 MR. THOMPSON: He's a little bit frustrated that we
2 haven't been able to generate other evidence in this
3 trial -- or other evidence in this case, however at this
4 point in time we have not been able to identify evidence
5 that would necessarily be able to enable him to mount a
6 substantial defense. And as a result that's why we're
7 here to plea under Alford today.

8 THE COURT: Mr. Blake, while I'm covering this topic,
9 you're 24?

10 THE DEFENDANT: Yes, I am, sir.

11 THE COURT: And do you have a high school diploma?

12 THE DEFENDANT: Yeah. Yes, sir.

13 THE COURT: And what kind of work have you done?

14 THE DEFENDANT: Everything from fencing to lawn care.

15 THE COURT: Fencing to lawn care?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You've been in jail since the armed
18 robbery arrest?

19 THE DEFENDANT: Yes, I have.

20 THE COURT: All right. Now do you take any medicine?

21 THE DEFENDANT: I'm bi-polar.

22 THE COURT: Do you take medication?

23 THE DEFENDANT: No, sir.

24 THE COURT: Are you supposed to?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: What are you supposed to take?

2 THE DEFENDANT: Depakote.

3 THE COURT: Anything besides Depakote?

4 THE DEFENDANT: No, sir.

5 THE COURT: And why is it that you're not taking it,
6 they won't give it to you at the jail?

7 THE DEFENDANT: I haven't seen a mental health nurse.

8 THE DEFENDANT: In five months? Six months? Four
9 months?

10 THE DEFENDANT: He's saying he can get some paperwork
11 from my doctor for which I don't have any.

12 THE COURT: Now, are you thinking clearly right now?

13 THE DEFENDANT: That I know of, yes, sir.

14 THE COURT: Sir?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You're positive?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you have any condition at all today
19 that would keep you from being able to understand what
20 you're doing?

21 THE DEFENDANT: No, sir.

22 THE COURT: Do you have any history of alcohol or drug
23 problems?

24 THE DEFENDANT: Drug.

25 THE COURT: What kind of drugs?

1 THE DEFENDANT: Cocaine mainly.

2 THE COURT: Have you ever been treated for it?

3 THE DEFENDANT: No, sir.

4 THE COURT: Do you have any of that in your system
5 now?

6 THE DEFENDANT: No, sir.

7 THE COURT: All right. Going back to the situation
8 with Mr. Thompson, your lawyer. You've expressed with
9 some body language when I asked you whether or not you
10 were satisfied, you indicated one thing body language-wise
11 and with your voice you said yes, I'm satisfied.

12 Is there anything else that you want him to do that he
13 hasn't done in the course of handling these two cases?

14 THE DEFENDANT: No, sir. He's done everything.

15 THE COURT: And do you understand that if you want him
16 to do anything else you need to tell me now?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. Is he forcing you to plead guilty?

19 THE DEFENDANT: No, sir.

20 THE COURT: Is anybody forcing you to plead guilty?

21 THE DEFENDANT: No, sir.

22 THE COURT: Have you had enough time to make up your
23 mind?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And do you understand that if you enter a

1 plea under Alford, which I'll discuss in more detail in a
2 minute, I will sentence you, and your record will show
3 that you pled guilty just as if you'd admitted guilt?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And the sentence would be passed and
6 served by you on the same premise. Do you understand
7 that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. Now, other than the negotiated
10 sentence of two concurrent terms that would be capped at
11 25 years, has anybody promised you anything?

12 THE DEFENDANT: No, sir.

13 THE COURT: And has anybody else intimidated you or
14 pressured you or forced you into pleading guilty?

15 THE DEFENDANT: No, sir.

16 THE COURT: You have two indictments. The one that
17 ends in the number 1586 says that on or about May 23,
18 2011, you did unlawfully kill Markes Lavelle Griggs. Did
19 I pronounce the first name correctly?

20 MR. MILLER: Yes, Your Honor. It's Markes.

21 THE COURT: Without malice by shooting a rifle in his
22 direction -- shooting a rifle in the direction of the
23 defendant. Should be the victim there.

24 MR. MILLER: I'm sorry, Your Honor. It should be the
25 victim.

1 THE COURT: Any objection to me making that change,
2 Mr. Thompson?

3 MR. THOMPSON: No, Your Honor.

4 THE COURT: The indictment says shooting the rifle in
5 the direction of the Defendant. It should be victim.

6 MR. THOMPSON: Correct, Your Honor.

7 THE COURT: Anyway, that's what it says. It says that
8 you shot a rifle in his direction as you fled. Do you
9 understand that's the charge?

10 THE DEFENDANT: Yes.

11 THE COURT: That carries up to 30 years in prison, a
12 minimum of two years?

13 THE DEFENDANT: Yeah.

14 THE COURT: There's -- well, we'll get into that in
15 just a second. The indictment 1378 says on or about June
16 11, 2011, while you were armed with a deadly weapon or
17 while representing that you had one, specifically a silver
18 revolver pistol, you did commit the crime of robbery by
19 taking from Joseph Holland keys and a wallet containing
20 money. Do you understand that charge?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: That carries a mandatory minimum of 10
23 years and a maximum of 30. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Both of these under the law are what are

1 called most-serious offenses. And that means that under
2 our two-strikes law they would be treated as one strike
3 today, but in your lifetime if you're convicted of another
4 most-serious offense you'd be facing life without parole.
5 Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. According to your lawyer
8 you're wanting to plead guilty under North Carolina versus
9 Alford. That is a United States Supreme Court decision in
10 which the Court recognized that the right of someone like
11 you who's accused of a crime to negotiate with the
12 prosecutor.

13 If you enter that plea under these two cases, you
14 would be telling me, I am not guilty --

15 THE DEFENDANT: Yes, sir.

16 THE COURT: -- but I want to plead guilty to get the
17 benefit of a bargain.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And the bargain is the reduction in the
20 murder charge and the overall negotiation and the
21 dismissal of other charges. That's what you said earlier;
22 right?

23 MR. MILLER: Yes, sir.

24 THE COURT: Do you agree with that --

25 MR. MILLER: Yes, sir.

1 THE COURT: -- Mr. Thompson?

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

3 THE COURT: Do you understand that, sir?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: So if I said guilty plea in this context,
6 I mean Alford plea. Do you understand that, again, the
7 sentence will be issued and you'll serve the time just as
8 if you pled guilty the regular way?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. You're not on probation or
11 parole now?

12 THE DEFENDANT: No, I'm not.

13 THE COURT: When you plead guilty -- is he on the
14 trial list this week?

15 MR. MILLER: He is, Your Honor.

16 MR. THOMPSON: He is, Your Honor.

17 THE COURT: When you plead guilty you give up some
18 rights.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: There are basically three that I'm going
21 to talk to you about. One is your right to be silent.
22 That's your right to say nothing. Here you may not have
23 much to say except denying guilt.

24 The second right is your right to have a jury trial.
25 We just finished picking a jury in another case. Your

1 jury would be drawn from a pool of Aiken County citizens.
2 And there would be 12 who would ultimately decide whether
3 or not you were guilty or not guilty. And you could not
4 be convicted unless this prosecutor was able to convince
5 all 12 of your guilt beyond a reasonable doubt.

6 You don't have to prove or disprove anything. Do you
7 understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Now, do you understand all of
10 those rights?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand you're giving them up if
13 you enter these pleas today?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You're giving up all your defenses and the
16 right to challenge any evidence. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Here's the key question. On
19 this voluntary manslaughter, do you want to enter a plea
20 of guilty under North Carolina versus Alford?

21 THE DEFENDANT: No, sir.

22 THE COURT: You don't?

23 THE DEFENDANT: No, sir.

24 THE COURT: You would rather have a trial?

25 THE DEFENDANT: Oh, no, I'd rather --

1 THE COURT: I'll ask again --

2 THE DEFENDANT: Yeah.

3 THE COURT: It was too long. I'm sorry. Do you enter
4 a plea of guilty --

5 THE DEFENDANT: Yeah.

6 THE COURT: -- Under North Carolina versus Alford?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Are you sure that's what you want to do?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: As to the armed robbery charge, do you
11 also enter a plea of guilty under North Carolina versus
12 Alford?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you acknowledge that the State has
15 enough evidence by which you could well be found guilty by
16 juries?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And by the way, you would get two jury
19 trials; do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: One on one and one on the other.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I did explain Alford correctly in y'all's
24 judgment?

25 MR. MILLER: Yes, Your Honor.

1 MR. THOMPSON: Yes, Your Honor.

2 THE COURT: All right. Do you want to go ahead and
3 give me the facts?

4 MR. MILLER: Yes, Your Honor.

5 Chronologically we'll start with the voluntary
6 manslaughter charge. On May the 23rd of 2011, officers
7 with the Aiken County Sheriff's Office responded to a
8 shots-fired call on Cherokee Drive at the intersection of
9 Jefferson Davis Highway in the Clearwater area of Aiken
10 County.

11 At that time, the officer came upon one Travis Bibbs.
12 This is about 10:45 at night. The officer spoke to
13 Mr. Bibbs because he was the only person he saw in the
14 area. And Mr. Bibbs indicated to him that some
15 individuals had come by him while he was walking on the
16 road and had yelled some profanities in his direction and
17 then fired a gun.

18 He told the officers at that time that he had run at
19 the sound of the gunshots and he couldn't identify anybody
20 in the car or didn't know anything about why somebody
21 would be shooting at him.

22 The officer asked him why he was hanging around. He
23 said in an attempt to flee he had dropped his cell phone
24 and he was looking for his cell phone.

25 So as other deputies arrived at this shots-fired call,

1 Mr. Bibbs actually locates his cell phone and leaves the
2 scene. And at that point in time the officers were kind
3 of looking around for any other evidence they could find.
4 They did find a .303 caliber shell casing that was in the
5 roadway believed to be fired from the gun -- to have come
6 from the gun that fired the shot.

7 While officers were canvassing the area looking for
8 more evidence and after Mr. Bibbs had walked away, but
9 they had all of his contact information, they discovered
10 the body of one Markes Griggs on the other side of a
11 fence, kind of like a privacy fence that was in the
12 immediate area.

13 Mr. Griggs, it was later determined at autopsy, had
14 been shot through the base of the thigh, the lower area of
15 the thigh. The bullet had exited the top of the front of
16 the thigh and then entered his chest cavity and stopped
17 inside his body. It was also a .303 caliber bullet.

18 Your Honor, based upon the autopsy it was the belief
19 of law enforcement that Mr. Griggs was actually airborne
20 jumping over the fence, kind of like in a superman
21 position, whenever the bullet hit him in the back of the
22 leg, came out of the front of his leg and went into his
23 chest. It was the only way to really explain how one
24 bullet could have done that.

25 And it was one single bullet -- it was one single

1 gunshot as determined by the autopsy that had done all of
2 the damage.

3 At that time the officers made contact with Mr. Bibbs
4 again, started to press him more about what was going on.
5 And ultimately Mr. Bibbs admitted that he and the victim
6 had been walking along the road whenever this car came up,
7 and that some words were exchanged with the people in the
8 car and that shots were fired. He ran in one direction.
9 The victim ran in another direction. And he stated that
10 at that time that he didn't know that the victim had been
11 hurt.

12 The investigation kind of stalled out at that time,
13 Your Honor. It wasn't a whole lot more for law
14 enforcement to go on. They kept canvassing the area
15 looking for other people that knew what was going on and
16 didn't really have a whole lot left to go on, after
17 running down a few leads relative to Mr. Bibbs and whether
18 or not he was telling the truth.

19 One thing the officers did find out though was that
20 from a review of the phone records was that someone using
21 a phone number that Mr. Bibbs used, contacted by telephone
22 a number that was used by Mr. Blake here and shortly, like
23 within 20 minutes, before the incident took place.

24 That was the significant thing for law enforcement at
25 that time.

1 Additionally, Your Honor, in the victim's sock there
2 was found by law enforcement 12.98 grams of crack cocaine.
3 That information was not released to the press at the
4 time, that he had crack cocaine in his sock. They just
5 kind of put out the information as a general news story.

6 So now we move over to the armed robbery.

7 Your Honor, on July -- or, excuse me. On June the
8 11th of 2011, at approximately ten p.m., officers with the
9 Aiken County Sheriff's Office responded to 213 Crestview
10 Drive in North Augusta, South Carolina, in Aiken County,
11 in reference to a robbery and met with the victim, Joseph
12 Holland.

13 Mr. Holland told the officers as soon as they got
14 there he knew who the subjects were and that they had come
15 to the incident location because they were discussing
16 going somewhere to play pool. Mr. Holland stated that
17 Amanda Toole was driving the vehicle that came up.
18 Christopher Isom was in the front passenger seat and that
19 William Blake was in the left rear seat and there was a
20 fourth individual in the car but he wasn't sure who that
21 person was.

22 He said that at some point they were all supposed to
23 get together and go play pool. Christopher Isom gets out
24 of the car, walks around to the back of the car and begins
25 urinating behind the car.

1 At that point he says, the victim says Mr. Blake jumps
2 out of the car, produces a silver-in-color pistol and
3 holds it to his head, puts the pistol, forces the barrel
4 of the pistol into his mouth and kind of pins him up
5 against the car.

6 Officers did note that evening that there was a small
7 abrasion on the victim's bottom lip that would be
8 consistent with having something jammed into his mouth.

9 The victim stated that Mr. Blake yelled over to
10 Christopher Isom to take the victim's pants. And
11 Christopher Isom came over and literally pulled the guy's
12 shorts off. His pockets contained cash currency, some
13 keys and some other items. They took off the guy's
14 pants. Christopher Isom took off his pants, jumped back
15 into the car. Mr. Blake jumped into the car.

16 Because of the fact that they were able to give -- the
17 victim was able to give positive identifications of the
18 three individuals that they knew to be involved, officers
19 went to the house where William Blake was believed to be,
20 and they arrested Christopher Isom and they arrested
21 Amanda Toole and they arrested Mr. Blake for the armed
22 robbery.

23 It was very shortly after that Christopher Isom
24 decided he wanted to talk and he wanted to cooperate. So
25 he came in to talk to officers about the involvement with

1 the armed robbery. Mr. Isom gave a full confession,
2 stated exactly what he did, stated exactly what Mr. Blake
3 did, stated exactly what Amanda Toole, his girlfriend,
4 did.

5 Interestingly, he stated that Amanda Toole was
6 screaming at them to get back into the car and stop the
7 entire time that the armed robbery was going on. After
8 getting that information, the officers talked to the
9 victim again and the victim actually confirmed what
10 Christopher Isom had said. He said, yeah, you know,
11 Amanda Toole was telling them, screaming, stop, stop, get
12 in the car.

13 Based upon that we went to Ms. Toole's attorney,
14 started talking to Mrs. Toole's attorney. Ultimately
15 Amanda Toole came forward and said the exact same thing
16 that Christopher Isom did. So we had a victim and we had
17 two co-defendants all that were saying that Mr. Blake was
18 armed with a silver-in-color pistol, and that Mr. Blake
19 stuck this pistol in this victim's mouth and that
20 Mr. Blake was the, for lack of a better term, ringleader
21 of this armed robbery.

22 In addition to the information that he provided on the
23 armed robbery, Christopher Isom also informed law
24 enforcement that he was present during the May 23rd, 2011,
25 shooting and killing of Markes Griggs.

1 Mr. Isom stated that he and Mr. Blake were at
2 Mr. Blake's girlfriend's home, that a call was received by
3 Mr. Blake, and that Mr. Blake told Mr. Isom, c'mon, we're
4 going to go get some dope. That Christopher Isom claims
5 that he got into Mr. Blake's girlfriend's car and that
6 Mr. Blake got into the passenger side of his girlfriend's
7 car and that they left the area and they drove down
8 Cherokee until they saw Mr. Bibbs and they saw Mr. Griggs.

9 At that time, according to Christopher Isom, the car
10 stopped, the door kind of partially opened. There was
11 some words exchanged between Mr. Blake and the two
12 individuals. Mr. Blake produces a gun and fires it one
13 shot, and a few seconds later fires a second shot.

14 After law enforcement got all of this information from
15 Mr. Isom, they executed a search warrant. This was
16 some -- we're talking about from May 23rd into early July
17 before they get all of this information.

18 They served a search warrant and took Mr. Blake's
19 girlfriend's vehicle. They seized that vehicle. They did
20 a gunshot residue test on the passenger side of the -- or
21 the passenger side of the compartment, of the interior
22 compartment of the vehicle. And the gunshot residue kit
23 came back positive for ground lead particles which as the
24 Court is aware is a component of gunshot residue.

25 So that seemed to confirm part of the story that the

1 shot had been fired from the passenger side of the car.

2 Additionally there was some more witnesses developed.
3 Officers went back and talked to Mr. Bibbs again. They
4 talked to some other people that this investigation was
5 leading them to. And one of the things that came up in
6 the investigation that was very odd was that it appeared
7 from a witness who was not involved in the case in any
8 other way, that after, immediately after the shooting,
9 after Mr. Bibbs walked away from law enforcement, he got a
10 ride over to Mr. Blake's house.

11 Now that is disputed by Mr. Blake, or, excuse me, it's
12 disputed by Mr. Blake's girlfriend who lives with him, but
13 certainly the person who gave Mr. Bibbs the ride was very,
14 was very confident that this is the house I took him to
15 not even an hour after Mr. Blake and Mr. Isom had been
16 involved in this shooting incident.

17 Your Honor, there were other witnesses that the State
18 would be bringing forward in the case.

19 In the last two weeks, Aiken County Sheriff's Office
20 received a call from the parents of Mr. Blake's
21 girlfriend. They had found a silver-in-color handgun in
22 their home. They didn't have a handgun. They didn't own
23 a handgun. So they called the police when they found the
24 handgun.

25 Mr. Blake's girlfriend shows up over at the house at

1 the request of her parents and she gives police a
2 statement at that time that said, number one, that after
3 Mr. Blake had been arrested for the armed robbery she
4 found the silver-in-color handgun underneath the mattress
5 in their home. She did not want to have it around because
6 there were children, so she took it over to her parents'
7 house where she hid it and she didn't think anybody would
8 find it. That's the substance of her statement to law
9 enforcement.

10 But additionally, Your Honor, she also gave a
11 statement to law enforcement that indicated that Mr. Blake
12 did in fact have a rifle. And this .303 rifle is a
13 British rifle. It's very unique in its characteristics.
14 She indicated that he did have a rifle but that he had
15 taken it sometime between the time that Mr. Griggs was
16 shot and the armed robbery occurred. He had placed that
17 rifle into some plastic bags. He had gone over to his
18 parents' house and buried the rifle in his parents'
19 garden.

20 Obviously law enforcement was going to go look for it,
21 the rifle in the garden but then she further informed law
22 enforcement that the rifle had been moved by some of
23 Mr. Blake's people and had been taken over to a house in
24 Augusta, Georgia, where it was to be dismantled and thrown
25 into the Savannah River.

1 She did lead law enforcement to the house where
2 supposedly the rifle was taken but the rifle was never
3 recovered.

4 We do believe though, Your Honor, that we have now in
5 our possession the silver-in-color pistol that was used in
6 the armed robbery.

7 Your Honor, all of these things would be brought forth
8 by the State in either one of the trials as the case may
9 be. And we believe that the State has sufficient evidence
10 to establish that we could prove to a jury beyond a
11 reasonable doubt Mr. Blake's guilty of both of these
12 crimes.

13 THE COURT: All right. Mr. Thompson, on the waiver of
14 the voluntary manslaughter, he's going to have to initial
15 the sentencing sheet. Would you hand that down to him?

16 THE CLERK: (Complies.)

17 THE COURT: All right. Mr. Blake, one thing I've not
18 covered with you is that the manslaughter indictment has
19 not been to the Aiken County Grand Jury. There are 18
20 people on it. In order for that charge to go forward, it
21 would take a vote of 12 of those 18 people that you were
22 probably guilty.

23 Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you want to give up that right of

1 presentment and go forward with a plea to the manslaughter
2 charge?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you agree with that, Mr. Thompson?

5 MR. THOMPSON: I do, Your Honor.

6 THE COURT: You've also heard the recitation of facts
7 from the prosecutor. Do you acknowledge that's the
8 evidence they would generally put up in these cases?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. And do you understand, again,
11 that you can take a jury trial on these things if you want
12 to? Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you still want to go ahead and enter
15 the plea?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. I believe I have explained
18 that you do have 10 days to appeal. Do you understand
19 that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do the victims -- the family of Mr. Griggs
22 or does Mr. Holland want to say anything?

23 MR. MILLER: Your Honor, for the family of Mr. Griggs,
24 we have in the courtroom his aunt, Mr. Griggs' mother, and
25 Mr. Griggs -- the mother of Mr. Griggs' child. She has --

1 her name's Nicole -- I apologize, Nicole LaGrange. And
2 she has prepared a letter that she would like for our
3 victim advocate to read to the Court.

4 THE COURT: And the letter's from whom?

5 MR. MILLER: This is from the mother of his child,
6 Nicole LaGrange.

7 THE COURT: You're on the end?

8 UNIDENTIFIED PERSON: (Nods head.)

9 THE COURT: All right. Yes, ma'am, your name?

10 VICTIM'S ADVOCATE: I'm Anna Gallo.

11 THE COURT: Okay.

12 VICTIM'S ADVOCATE: Markes Lavelle Griggs is not just
13 a man who is the victim of murder but he also -- he is
14 also a grandson, son, brother, nephew, uncle. And most of
15 all, a wonderful father. A father who was taken from his
16 daughter the day before she turned eight months. Our
17 little girl, his only child, was from the time of
18 conception a daddy's girl. They did everything together.
19 Nothing could ever part them until the devastating news of
20 his death on May 23rd, 2011.

21 For a while I blamed myself because I missed his phone
22 call 15 minutes before he was murdered. I kept thinking I
23 could have saved him. Today our daughter is one years
24 old -- one year old. What hurts the most is her father
25 not being here with her, watching her grow.

1 Markes never had a chance to see her first steps, hear
2 her first words, da-da, or celebrate her first birthday.
3 In the future he will not be there for her first day of
4 school, high school graduation, college, or to walk her
5 down the aisle at her wedding.

6 We know he is with us in spirit. We just don't
7 understand why someone who -- would take him from a family
8 who loves him and whom he loved. It has taken a lot of
9 hard work, but I am working on not hating the people who
10 took his young -- this young, loving, smart and funny,
11 important person from our lives.

12 Going through this kind of lifetime pain, all I want
13 is justice. Justice for the man I spent four years of my
14 life with and made a child with. Justice so no one else
15 has to be a victim. I am blessed to have our daughter, a
16 piece of him and his love forever. Thank you.

17 THE COURT: Thank you.

18 Thank you, Ms. LaGrange. Would either one of you
19 ladies like to say anything? They understand they do have
20 a right to talk to me?

21 MR. MILLER: Yes, sir, Your Honor. I have explained
22 that to them.

23 THE COURT: All right. How about Mr. Holland?

24 MR. MILLER: He did not wish to be present, Your
25 Honor.

1 THE COURT: Does Mr. Blake have any kind of record?

2 MR. MILLER: Just the -- criminal domestic violence in
3 2005, simple assault and battery in '06, CDV second in
4 '06, simple assault and battery in '07, another simple
5 assault and battery about three months later in '07. And
6 that's it, Your Honor.

7 THE COURT: All right. Mr. Thompson?

8 MR. THOMPSON: Your Honor, may it please the Court.
9 Mr. Blake's 24 years old. He graduated from Midland
10 Valley High School. He's single but in a committed
11 relationship with Ms. Rebecca Easter who is on the back
12 row. They have one child approximately one year old.
13 Two?

14 THE DEFENDANT: Two.

15 MR. THOMPSON: Two years old.

16 THE DEFENDANT: Three.

17 MR. THOMPSON: Your Honor, you've heard the recitation
18 of the evidence that the State was liable to be able to
19 produce at trial. We are of the understanding that, you
20 know, the evidence against him, especially for the armed
21 robbery case, is rather substantial.

22 That being said, I really can't offer any type of
23 mitigating factors for that because Mr. Blake has
24 consistently told me the whole time that he wasn't there.
25 He knows Christopher Isom, you know, and some of the

1 people that are mentioned in this scenario. He knows them
2 very well. Christopher Isom is one of his good friends,
3 but he tells me that at the time he really didn't have
4 anything to do, wasn't there, that Mr. Isom was kind of
5 nervous and jumpy and drove to his house right after, this
6 is right after this occurred and was at his house when the
7 police came.

8 But he tells me he didn't have anything to do with it,
9 so I really don't have anything to offer the Court on that
10 charge.

11 THE COURT: All right.

12 MR. THOMPSON: Your Honor, as far as the shooting
13 incident's involved, Your Honor, what he -- what my client
14 tells me is that he doesn't know the victim, has really
15 never had any interaction with the victim, that the person
16 who knew the victim, was involved with the victim was
17 Mr. Isom.

18 You know, Your Honor's heard earlier that the car
19 involved was his girlfriend's car. He tells me that he
20 was driving the car, that he would not have let somebody
21 else drive it. He was actually the driver.

22 That he tells me that Mr. Isom had told him a couple
23 days before that Mr. Isom had been robbed by an individual
24 and as they were driving down the road, Mr. Isom said,
25 hey, that's the guy who robbed me.

1 That Mr. Isom routinely travels with firearms, that
2 the gun actually was Mr. Isom's gun. And that they turned
3 around, that Mr. Isom, you know, pulled his hat down and
4 pulled something over his face. And they pulled over and
5 that Mr. Isom was actually the passenger in the car.
6 Mr. Isom was the shooter in this incident.

7 But as the Court's heard, it's my understanding that
8 the evidence against him is pretty substantial and as a
9 result he's here to plead guilty under Alford today.

10 We'd just like to ask that the Court in light of the
11 fact he does have a little girl that's two years old, in
12 light of that, that the Court consider granting him some
13 mercy in this matter and possibly doing something under
14 the negotiated cap, Your Honor.

15 THE COURT: All right. Mr. Blake, is there anything
16 you want to tell me?

17 THE DEFENDANT: I'm sorry that, you know, that
18 happened, but I had nothing to do with it. I'm sorry. I
19 couldn't have stopped it but I'm sorry, I couldn't ...

20 THE COURT: All right. Anything else from the State?

21 MR. MILLER: Nothing from the State, Your Honor.

22 THE COURT: All right. Your client understands that
23 the sentence that I pass, I'm not taking into account any
24 question in my mind about whether or not he committed the
25 acts?

1 MR. THOMPSON: Yes, Your Honor.

2 THE COURT: Obviously it's something that he wants to
3 make known. And it's just young people and guns.

4 MR. THOMPSON: Yes, Your Honor.

5 THE COURT: People used to get out and duke it out.
6 Nobody does that anymore. They pull guns out and start
7 shooting. It must give them some kind of rush or
8 something, but it always ends up this way.

9 MR. THOMPSON: Yes, Your Honor.

10 THE COURT: All right. I'll accept both pleas.
11 They're entered freely and voluntarily. Mr. Blake is
12 represented by an attorney with whom he is satisfied. Any
13 dissatisfaction he has is not with the services provided
14 by his lawyer, it's simply that the development of the
15 facts hasn't gone in accordance with his liking.

16 Also for the purposes of the Alford plea, there's a
17 substantial foundation factually.

18 All right. I'll accept both pleas. When the rubber
19 hits the road is whatever the sentence is going to be,
20 Mr. Blake. It's not going to be a victory for anybody
21 because somebody has lost somebody they love dearly.

22 And I took a plea in Manning last week. The lady said
23 30,000 years won't bring anybody back. It's just an awful
24 set of circumstances. Everybody wishes they could go back
25 in time.

1 All right. I'M GOING TO IMPOSE CONCURRENT SENTENCES
2 IN THE AMOUNT OF 23 YEARS.

3 MR. MILLER: Thank you, Your Honor.

4 THE COURT: YOU'LL GET CREDIT FOR THE TIME YOU SERVED.

5 MR. THOMPSON: And I believe that's 135 days, Your
6 Honor.

7 THE COURT: Whatever it is, from June the 11th or
8 shortly after that. The Department of Corrections and the
9 jail will calculate that.

10 MR. THOMPSON: Yes, Your Honor. Thank you.

11 MR. MILLER: Thank you, Your Honor.

12 THE COURT: Thank you.

13 MR. MILLER: Your Honor, I believe that's all we have
14 for you for the rest of the day.

15 END OF DAY: 5:40 P.M.

16 * * * *

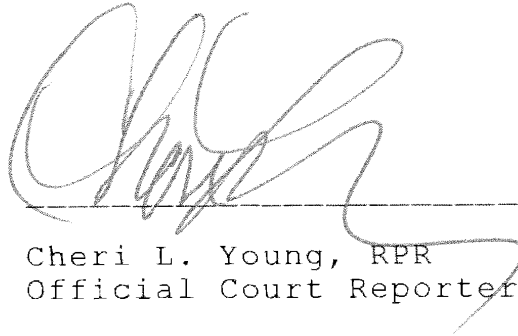
17 CERTIFICATE OF REPORTER

18 I, Cheri L. Young, Registered Professional Reporter,
19 and Official Court Reporter for the State of South
20 Carolina, do hereby certify that the foregoing transcript
21 of proceedings heard on Monday, October 24, 2011, in
22 Aiken, South Carolina, was reported by me using machine
23 shorthand and realtime computer-aided translation and is a
24 true, accurate and complete transcript of the proceedings
25 had and evidence introduced in the hearing of the matter.

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

3 I have hereunto set my hand this Friday, the 6th day
4 of July, 2012.

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Cheri L. Young, RPR
Official Court Reporter

DOCKET NO. 2011GS0201378

The State of South Carolina
County of Aiken

COURT OF GENERAL SESSIONS

OCTOBER TERM 2011

THE STATE
vs.

WILLIAM HENRY BLAKE III

CDR #: 0139

Indictment for

ARMED ROBBERY

§ 16-11-0330(A)

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff
Viktoria Lagger

Law Enforcement Case #: 11-037239

DWIM

ARREST WARRANT NUMBER

M008205

FILED *Oct. 13 2011*
[Signature]
CLERK OF COURT
[Signature]
CLERK OF COURT

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: October 13, 2011

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

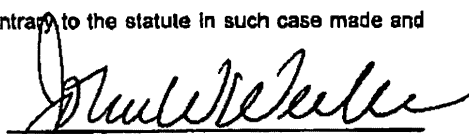
INDICTMENT FOR
ARMED ROBBERY

§ 16-11-0330(A)

At a Court of General Sessions, convened on October 17, 2011, the Grand Jurors of Aiken County present upon their oath:

That WILLIAM HENRY BLAKE, III, along with others, did in Aiken County on or about June 11, 2011, while armed with a deadly weapon or while using a representation of a deadly weapon or an object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, to wit: a silver revolver pistol, feloniously take from the person or presence of [REDACTED] by means of force or intimidation goods or monies of [REDACTED] to wit: miscellaneous keys and a wallet containing United States Currency. All in violation of §16-11-330(A), 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.


J. STROM THURMOND, SOLICITOR

DOCKET NO. 2011GS0201586

The State of South Carolina
County of Aiken

COURT OF GENERAL SESSIONS
NOVEMBER TERM 2011

THE STATE
vs.
WILLIAM HENRY BLAKE, III

CDR #: 0217

Indictment for

VOLUNTARY MANSLAUGHTER

§ 16-03-0050

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff
Lawrence Wiggins

Law Enforcement Case #: 11-032828

DWM

ARREST WARRANT NUMBER

M008546 FILED 24 October 2011

L. H. ...
15th Judicial Circuit
County Clerk

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: November 10, 2011

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
VOLUNTARY MANSLAUGHTER

§ 16-03-0050

At a Court of General Sessions, convened on November 14, 2011, the Grand Jurors of Aiken County present upon their oath:

That **William Henry Blake III** did in Aiken County, South Carolina on or about May 23, 2011 unlawfully kill one [REDACTED] without malice, express or implied, to wit: shooting a rifle in the direction of the ^{victim (Armed by consent 12/20/11)} ~~Defendant~~ as the Defendant fled, in violation of § 16-3-50 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.



J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF Aiken
STATE _____
vs.
William Henry Blake III
AKA _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS0201378
AW#: M008205
Date of Offense: 6/11/2011
S.C. Code §: 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

10-30 years ALFORD PLEA
 CONVICTED OF or PLEADS

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: **ARMED ROBBERY**

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-28-45
(CSC w/ minor 1st or Lowd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, _____ (def.'s initials)

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

Attorney: David W. Miller (Solicitor) William Blake (Defendant) Barry Thomas (Attorney for Defendant) 72900 (SC Bar #)

WHEREFORE, the Defendant is committed to the State State Department of Corrections County Detention Center, for a determinate term of 27 ~~years~~ 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: 11 GS-0201586

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

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

SPECIAL CONDITIONS:
 RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Obtain GED
 Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____
*Fine: _____ \$ _____
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: _____

§14-1-208 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2985 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.8 (Public Def/Prob)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$	
§50-21-114 (BUI Breath Test Fee)	\$50	\$	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 80.5 (SCCJA Surcharge)	\$5	\$	5.00
3% to County (if paid in installments)		\$	3.90

TOTAL \$ 132.90
 Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk: Yolanda R. Paul
Court Reporter: Chester Young
SCCA 217 (03/2011)
Presiding Judge: [Signature]
Judge Code: 214
Sentence Date: 10/2/11

STATE OF SOUTH CAROLINA
COUNTY OF Aiken
STATE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS0201588

VS.
William Henry Blake III

A/W#: M008548
Date of Offense: 5/23/2011
S.C. Code §: 16-03-0050
CDR Code #: 0217

AKA: _____
Race: 2 Sex: M Age: 24

SENTENCE SHEET

2-30 years NC v. Alford

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

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

In violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lawd Act)

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

ATTEST: David Miller 19553 William Blake 72900
Solicitor 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 23 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: 16GS-0201378
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-26-20 or 16-26-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

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

Payment Terms: _____ Obtain GED

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

Recipient: _____
*Fines: _____
§14-1-206 (Assessments 107.5%) \$ _____
§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00
§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
§58-5-2985 (DUI Assessment) \$12 \$ _____
§58-1-286 (DUI Breath Test) \$25 \$ _____
Proviso 47.9 (Public Def/Prob) \$500 \$ _____
§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§14-1-213 (Drug Court Surcharge) \$150 \$ _____
§50-21-114 (BUI Breath Test Fee) \$50 \$ _____
§58-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
Proviso 80.5 (SCCA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90

Other: _____

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

TOTAL \$ 133.90 Presiding Judge _____

Clerk of Court/Deputy Clerk Ann Sanders Judge Code: 2143

Court Reporter: Cheri Young Sentence Date: 10/24/11
SCCA217 (03/2011)

(c) _____

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

(a) October 24, 2011 23 years

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty yes

(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: N/A

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

(c) the date of each such result: N/A

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) Pled Guilty

(b) _____

(c) _____

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

- (a) Ineffective Assistance of Counsel
- (b) for failure to properly investigate case
- (c) and make me plea to maximum.

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

- (a) Will fully explain to lawyer that the
- (b) court will assign to represent me
- (c) on P.C.R. in Court.

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

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

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

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

(c) the disposition thereof: **N/A**

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition: **N/A**

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

15. If you answered "yes" to (14) identify: **N/A**

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised: **N/A**

- i. _____
- ii. _____
- iii. _____

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

- (a) This is my first time challenging
- (b) my case. I have this right by law
- (c) on P.C.R.

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

- (a) your arraignment and plea? YES
- (b) your trial, if any? N/A
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
NO

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. Berry L. Thompson (Public Defender Office)
410 Barnwell Ave New Aiken, SC 29802
 - ii. /
 - iii. /
- (b) the proceedings at which each such attorney represented you:
 - i. Plea, & sentencing
 - ii. /
 - iii. /

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

To come to court for an evidentiary hearing. To get a sentence reconsideration of 10 years or lesser sentence

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

NO

STATE OF SOUTH CAROLINA)

County of Asheville)

VERIFICATION

I, William Henry Blake Jr 348497, 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.

William H Blake

SWORN to and subscribed before me this 30th day of December, 2011.

[Signature] (L.S.)
Notary Public

My Commission Expires: 10/18/2014

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

I, William Henry Blake Jr. #346477, 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.

William Henry Blake
Applicant

SWORN or affirmed to and subscribed before me this
30th day of December, 2011.

[Signature]
Notary Public

My Commission Expires: 12/8/2014

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS

Case # 2012-CP-02-00374

William H. Blake
Applicant
vs

NOTICE AND MOTION

TO AMEND P.C.R
per § 17-27-90

The State
Respondent

NOW COMES the above named Applicant who moves this Hon. Court in the above entitled matter, to ADD the below grounds and arguments to the grounds and arguments set out in his original application

INEFFECTIVE ASSISTANCE OF COUNSEL

(1) Including but not limited to, counsel failed to investigate, subpoena and inform me of the below grounds/fact. Where the news paper stated that the police received information from a C. I. which lead to me and my

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Geddes, Clerk of Court, Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

APR 02 2012

Liz Geddes
Clerk of Court
Court of Common Pleas and General Sessions
Aiken County, South Carolina

4.2 12
8:30 pm

alleged co-defendant Christopher Wayne Isom
arrest on the Murder charge.

(2) Further, counsel failed to inform me of
any means of testing the reliability and
credibility of this C. I. which prejudiced my whole case.

Per. the Bill of Rights to the Federal
Constitution I was denied the right to
effective assistance of counsel as guaranteed by

BOTH the 6th and 14th Amendments to the U.S
and S.C. Const. Article I sec 3 and 14. Also

see Strickland v Washington 104 S.Ct. 2052;

and Hill v Lockhart 106 S.Ct 366.

GUILTY PLEA WAS NOT VOLUNTARILY NOR INTELLIGENTLY
MADE

(1) Including but not limited to the above and below

"Prosecutorial misconduct" I would not have
 pled guilty but would have insisted on
 going to trial see Hill v Lockhart 106
 S Ct. 366 and Boykin v Ala 89 S Ct. 1709
 which I was also not aware of the
 consequences of my plea.

PROSECUTORIAL MISCONDUCT

Including but not limited to, the State
 withheld exculpatory and favorable evidence -
 the C. I. name / address / statement(s) and
 reliability of said C. I. from me upon
 the Murder charge. Violation of the 14th Amend. / Brady.

Further, I add to number 19 of my orig. P.C.R. to show
 I am asking for relief in the form of a New trial, and
 any other relief I may be entitled to, and/or the court
 deems just and fair.

Date 03-30-2012

s/ William Blake

PROOF OF SERVICE

I, William Blake certify that I have served my amended P.C.R. issues upon the below Clerk. By placing the above said in the Me Corr. Inst. mail room on this 30 day of March 2012 to be placed in the U.S. mail with postage prepaid.

Liz Godard
Clerk of court 583 P.O Box
Aiken, SC 29802

S WORN to and subscribed before me this 30 day of March 2012

J. Frankler
Notary Public

s/ William Blake

My Commission Expires 12-16-2019

FILED 4.2 2012
8:30 am

Date 03-30-2012

Re: AMEND PCR

Case # 2012-CP-02-00374

Dear Hon. Clerk of Court

Please find enclosed my "amend" P-CR
issues). Would you be so kind as to return
me a clocked stamp filed copy, along with
forwarding the Atty Gen's Office a copy

Thanking you in advance. I remain

cc: Personal file

Sincerely

William Blair

STATE OF SOUTH CAROLINA)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN)	
)	
	)	2012-CP-02-0374
)	
WILLIAM H. BLAKE, #348497,)	
)	
Applicant,)	
)	
v.	)	RETURN
	)	(Appointment of Counsel Requested)
State of South Carolina,)	
)	
Respondent.)	
)	

The Respondent, making its Return to the application for post-conviction relief (PCR) originally filed February 13, 2012 and amended on April 2, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was indicted at the November 2011 term of the Aiken County Grand Jury for counts of Voluntary Manslaughter (2011-GS-02-01586) and Armed Robbery (2011-GS-02-01378). Barry L. Thompson, II, Esquire, represented him. On October 24, 2011, the Applicant entered an Alford plea as indicted. The Honorable George C. James, Jr. sentenced Applicant to confinement for a period of twenty-three (23) years in accordance with plea negotiations between Applicant and the State.

A notice of appeal was filed on November 2, 2011. The appeal was dismissed following submission of an Rule 203(d)(1)(B)(iv) Explanation filed by Applicant’s counsel, stating that

there is no “good faith basis to believe that any issues are properly before the Court of Appeals” and that Applicant “did not object to the sentence or file a motion to reconsider the sentence.” The Remittitur was sent on March 2, 2012.

Attached herewith and incorporated herein are the records of the Aiken County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, and the appellate records. A trial transcript has been ordered and will be forwarded upon its arrival to our office. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. Ineffective Assistance of Counsel;
2. Involuntary Guilty Plea; and
3. Prosecutorial Misconduct.

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRPC.

III.

In a post-conviction relief action, the 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, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process

that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The Respondent submits that the Applicant's allegation that his guilty plea was involuntary is without merit. In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354,

527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985).

Respondent submits that once received, the record will fully support the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact which is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

V.

The Applicant's "Prosecutorial Misconduct" allegation concerns issues that could or should have been raised at trial or appeal. Thus, this allegation is not a proper matter for PCR. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1975). Respondent requests this Court summarily dismiss this claim.

VI.

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

VII.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General

By: Megan E. Harrigan
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211


May 9, 2012

STATE OF SOUTH CAROLINA)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN)	
)	
	)	2012-CP-02-0374
)	
WILLIAM H. BLAKE, 348497,)	
)	
Applicant,)	
)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
)	
STATE OF SOUTH CAROLINA,)	
)	
Respondent.)	
_____)	

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

William H. Blake, #348497
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

DATED this 9th day of May, 2012.


 Lauren Meara, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)
)
 WILLIAM H. BLAKE, #348497,)
)
 Applicant,)
 -v-)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 IN THE SECOND JUDICIAL CIRCUIT

2012-CP-02-0374

AMENDED APPLICATION
 FOR
 POST-CONVICTION RELIEF

COMES NOW, Defendant William H. Blake, by and through his undersigned attorney,
 pursuant to S.C. Code Ann. § 17-27-70(a), and amends the application originally and timely filed
 February 13, 2012.

1. **Place of Detention:** McCormick Correctional Institution
2. Name and location of Court which imposed sentence: Aiken County General Sessions
3. Name(s) of co-defendant(s) (if any): Christopher Wayne Isom, Amanda Toole, & Travis Bibbs
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2011-gs-02-1378 Armed Robbery
 - (b) 2011-gs-02-1586 Voluntary Manslaughter
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) October 24, 2011. 23 years concurrent for (a) and (b) above
6. Check whether a finding of guilty was made:
 - (a) After a plea of guilty

COPY LMC
 ORIGINAL FILED
 DEC 17 2013
 10:40 am
 AIKEN COUNTY
 CLERK OF COURT

7. Did you appeal from the judgment or the imposition of sentence? yes
8. If you answered “yes” to (7) list:
 - (a) The name of each court to which you appealed: Court of Appeals
 - (b) Result: apparently abandoned
9. If you answered “no” to (7) state your reasons for not so appealing: apparently withdrawn
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
 - (a) Ineffective assistance of counsel for failure to properly investigate
 - (b) Ineffective assistance of counsel for failing to explain waiving presentment of the indictment to the Grand Jury
 - (c) Ineffective assistance of counsel for failure to request a continuance and challenge the solicitor’s authority under *Langford*
 - (d) Plea was involuntary due to the coercion by the Solicitor’s office specifically Counsel ineffective for failing to object to solicitor’s improper vouching of potential witnesses against defendant
11. State concisely and in the same order the facts which support each of the grounds set out in (10): (a) will be shown through questioning of counsel in regards to his knowledge of the cooperating co-defendant’s propensity for truthfulness (b) proof of evidence regarding the arrest, indictment, production of discovery and plea time will be challenged (c) Threat of solicitor to try the cases out of order to force LWOP, and production of discovery
12. Prior to this application have you filed with respect to this conviction:

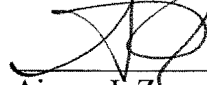
- (a) Any petition in a State Court under South Carolina No
- (b) Any petition in State or Federal Courts for habeas corpus or post-conviction relief
No
- (c) Any petition in the United States Supreme Court for certiorari other than petitions, in any, already specified in (8) No
13. If you answers “yes” to any part of (12), list with respect to each petition, motion or application N/A
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 N/A
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: Not ripe
17. Were you represented by an attorney at any time during the course of:
- (a) Your arraignment and plea? Yes
- (b) your trial (if any) N/A
- (c) your sentencing Yes
- (d) your appeal, if any from the judgment of conviction or the imposition of sentence No
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. Barry L. Thompson (public defender) 410 Barnwell Ave NW Aiken SC
- (b) The proceedings at which each such attorney represented you:

i. Plea and sentencing

19. State clearly the relief you seek in filing this application: **Vacate conviction and remand for a new trial.**

20. Are you now under sentence from any other court that you have not challenged: No

Respectfully Submitted,



Aimee J. Zmroczek, Esq. #77193

P.O. Box 11961

Columbia, South Carolina 29211

(803) 403.1918 (telephone)

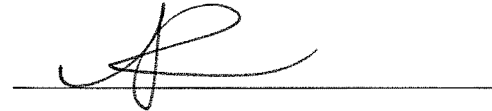
(803) 400.8005 (fax)

Attorney for Applicant

Aiken, South Carolina
December 17, 2012.

CERTIFICATE OF SERVICE

I did hereby serve a filed copy of the Amended Application for PCR on Daniel Gourley via E-Mail and depositing the same in U.S. Mail on December 17, 2013.
P.O. Box 11549, Columbia, SC 29211-1549



COPY *LMC*
ORIGINAL FILED
DEC 17 2013
10:40 am
AIKEN COUNTY
CLERK OF COURT

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
)
 WILLIAM H. BLAKE, #348497,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE SECOND JUDICIAL CIRCUIT

2012-CP-02-0374

AMENDED RETURN

The Respondent, making its Return to the application for post-conviction relief (PCR) originally filed February 13, 2012 and amended on April 2, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was indicted at the November 2011 term of the Aiken County Grand Armed Robbery (2011-GS-02-01378). Applicant waived presentment to the November 2011 term of the Aiken County Grand Jury for Voluntary Manslaughter. Barry L. Thompson, II, Esquire, represented him. On October 24, 2011, the Applicant entered an Alford plea as indicted. The Honorable George C. James, Jr., sentenced Applicant to confinement for a period of twenty-three (23) years in accordance with plea negotiations between Applicant and the State.

A notice of appeal was filed on November 2, 2011. The appeal was dismissed following submission of an Rule 203(d)(1)(B)(iv) Explanation filed by Applicant’s counsel, stating that there is no “good faith basis to believe that any issues are properly before the Court of Appeals”

and that Applicant “did not object to the sentence or file a motion to reconsider the sentence.”
The Remittitur was sent on March 2, 2012.

Attached herewith and incorporated herein are the records of the Aiken County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, the appellate records and trial transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. Ineffective Assistance of Counsel;
2. Involuntary Guilty Plea; and
3. Prosecutorial Misconduct.

Applicant filed an amended application on December 17, 2013, alleging that he is being held in custody unlawfully based on the following grounds:

1. Ineffective Assistance of Counsel
 - a. Failing to properly investigate
 - b. Failing to explain waiving presentment of the indictment to the Grand Jury
 - c. Failing to request a continuance and challenge the solicitor’s authority under Langford.
2. Involuntary Guilty Plea
 - a. Due to coercion by the Solicitor’s office specifically Counsel ineffective for failing to object to solicitor’s improper vouching of potential witnesses against defendant.

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCP.

III.

In a post-conviction relief action, the 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, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The Respondent submits that the Applicant's allegation that his guilty plea was involuntary is without merit. In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985).

Respondent submits that once received, the record will fully support the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact which is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

V.

The Applicant's "Prosecutorial Misconduct" allegation concerns issues that could or should have been raised at trial or appeal. Thus, this allegation is not a proper matter for PCR. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1975). Respondent requests this Court summarily dismiss this claim.

VI.

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

VII.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

DANIEL GOURLEY
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211


June 25, 2014

STATE OF SOUTH CAROLINA)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN)	
)	
	)	2012-CP-02-0374
)	
WILLIAM HENRY BLAKE, #348497,)	
)	
Applicant,)	
)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
)	
STATE OF SOUTH CAROLINA,)	
)	
Respondent.)	

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

Aimee Jendrzewski Zmroczek, Esquire
A.J.Z. Law Firm, LLC.
PO Box 11961
Columbia, SC 29211

DATED this the 25th day of June, 2014.



 Caroline Kaiser, Legal Assistant
 For Respondent

1 STATE OF SOUTH CAROLINA

CIRCUIT COURT
2012-CP-02-00374

2 COUNTY OF AIKEN

3
4 WILLIAM HENRY BLAKE, III,
Applicant,

5 -vs-

TRANSCRIPT OF RECORD

6
7 STATE OF SOUTH CAROLINA,
Respondent.

8
9 Post-Conviction Relief Hearing

10 Heard on Tuesday, September 8, 2015

11 Aiken, South Carolina

12
13 BEFORE:

14 THE HONORABLE EDGAR W. DICKSON

15
16
17 APPEARANCES:

18 Counsel on Behalf of the Applicant:
Aimee Zmroczek, Esq.

19
20 Counsel on Behalf of Respondent, State of SC:
Daniel Gourley, Esq.

21
22 Cheri L. Young, RPR
Circuit Court Reporter
23 Aiken, SC 29803-5232
24
25

EXAMINATION INDEX

WILLIAM HENRY BLAKE, III

DIRECT BY MS. ZMROCZEK 6

CROSS BY MR. GOURLEY 22

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BARRY L. THOMPSON, II

DIRECT BY MR. GOURLEY 40

CROSS BY MS. ZMROCZEK 51

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EXHIBIT INDEX

MAR

Plaintiff Applicant's:

1	Voluntary statement consisting of 22 pgs	12
2	General Sessions packet consisting of 5 pgs	12

1 ON TUESDAY, SEPTEMBER 8, 2015 AT 12:19 P.M.:

2 MR. GOURLEY: This is William Blake versus
3 the State of South Carolina, Docket Number 2012-
4 CP-02-0374.

5 He's presently confined in the South Carolina
6 Department of Corrections pursuant to orders of
7 commitment of the Aiken County Clerk of Court.

8 He was indicted at the November 2011 Term of
9 the Aiken County Grand Jury for armed robbery and
10 volun -- yeah, for armed robbery. He waived
11 presentment to the November 2011 Term of the Aiken
12 County Grand Jury for voluntary manslaughter.
13 Mr. Thompson represented him.

14 October 24th, 2011, he entered an Alford plea
15 as indicted. The Honorable George C. James, Jr.,
16 sentenced the Applicant to confinement for a period
17 of 23 years in accordance with the plea
18 negotiations between the Applicant and the State.

19 A timely notice of appeal was filed and the
20 appeal was dismissed following a submission on Rule
21 203 (d)(1)(d)(4). The application that was filed
22 by Applicant's counsel stating that there's no
23 good-faith basis to believe that any issues are
24 properly before the Court of Appeals.

25 In his current application the Applicant

1 alleges he's being held and kept unlawfully for
2 ineffective assistance of counsel, involuntary
3 guilty plea and prosecutorial misconduct. He filed
4 an amended application on December 17th, 2013,
5 alleging ineffective assistance of counsel and an
6 involuntary guilty plea.

7 The State filed its amended return on June
8 25th, 2014. He's represented in this matter by
9 Ms. Zmroczek.

10 THE COURT: Ms. Zmroczek?

11 MS. ZMROCZEK: Thank you, Your Honor. We
12 call William Blake.

13 THE COURT: Okay. Mr. Blake.

14 WILLIAM HENRY BLAKE, III, having been duly
15 sworn, was examined and testified as follows:

16 THE COURT: Mr. Blake, if you'd get your
17 notes, if you'd come right on up here and get
18 comfortable, please, sir.

19 THE APPLICANT: Thank you. Appreciate it.

20 THE COURT: Get as comfortable as you can, I
21 guess is the best way of putting it; right?

22 Now state your full name for the record,
23 please, sir.

24 THE WITNESS: My name is William Henry Blake,
25 the Third.

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1 THE COURT: All right. Ms. Zmroczek. Your
2 witness.

3 MS. ZMROCZEK: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MS. ZMROCZEK:

6 Q. Mr. Blake, how old are you?

7 A. I'm 28 years old.

8 Q. You're 23?

9 A. I'm 28.

10 Q. I'm sorry. 28. Where do you live?

11 A. I stay at McCormick Correctional Institution.

12 Q. How long have you been at McCormick?

13 A. I have been at McCormick for three years.

14 Q. For how long?

15 A. Three years.

16 Q. And what is the sentence that you received in
17 this case?

18 A. The sentence I received in this case was 23
19 years.

20 Q. And there were actually two cases, correct?

21 A. Correct.

22 Q. Did you plead under Alford?

23 A. Yes, I did.

24 Q. Did you understand what that plea meant?

25 A. I kind of got a good understanding now what

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1 does that plea mean; that you're actually, you're
2 actually innocent but you're pleading to get the
3 benefit of the time, whatever time that they give
4 you.

5 Q. Okay.

6 A. If I'm correct.

7 Q. I want to talk about the armed robbery charge
8 first.

9 A. All right.

10 Q. These were two separate incidents, right?

11 A. Yes, ma'am.

12 Q. You were charged with the armed robbery first?

13 A. Yes, ma'am.

14 Q. And what is it with regards to the armed
15 robbery that you are asserting that Mr. Thompson did
16 not do?

17 A. He did not do a proper investigation or -- of
18 my alibi witness.

19 Q. Okay. And, did you give him the names of your
20 alibi witnesses?

21 A. Yes, I did.

22 Q. And do you know if he spoke with them?

23 A. I have no clue.

24 Q. What was your understanding -- when did you
25 receive discovery in the armed robbery?

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- 1 A. It was in June. Late, the middle of June.
- 2 Q. Before or after you pled?
- 3 A. Before.
- 4 Q. And was there information in there regarding
- 5 any SLED analysis?
- 6 A. No, it wasn't.
- 7 Q. Have you -- why did that surprise you?
- 8 A. That it wasn't any SLED evidence.
- 9 Q. Well, what was said? When you pled in front
- 10 of the Court and things were put on the record --
- 11 A. Right.
- 12 Q. -- what was said to make you think that there
- 13 was SLED evidence that you weren't provided? What
- 14 was your understanding?
- 15 A. They said that they had a .357 silver-in-
- 16 color pistol that they had, that they, you know
- 17 what I'm saying, will be able to produce which, you
- 18 know what I'm saying, I told Mr. Barry Thompson,
- 19 you know what I'm saying, to get DNA evidence off
- 20 of it which he never, he never done it.
- 21 Q. And, and you understand that SLED does not
- 22 have any -- nothing was sent to SLED on your armed
- 23 robbery charge?
- 24 A. I never knew anything of it.
- 25 Q. Who did you tell Mr. Thompson your alibi was?

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- 1 A. Rebecca Easter.
- 2 Q. And who was that to you?
- 3 A. That was my girlfriend.
- 4 Q. And when you pled that day, was your case
5 being called to trial? Was it your understanding
6 you were going to trial that day?
- 7 A. That was the understanding that David Miller
8 told the Court that day.
- 9 Q. They told the Court that they were prepared to
10 go to trial?
- 11 A. Yes, yes.
- 12 Q. And you had never seen any SLED evidence?
- 13 A. I never seen any SLED evidence. I never --
14 Barry Thompson failed to inform me of my alibi
15 witness of even, that she even gave a statement.
- 16 Q. And you knew that she had talked to the
17 police?
- 18 A. I haven't even known she talked to the
19 police.
- 20 Q. You know now that she has?
- 21 A. Right. If I'm not mistaken was at trial
22 transcript page 24 lines 19 through trial
23 transcript page 26 line 16.
- 24 Q. And you mean plea transcript?
- 25 A. Correct.

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1 Q. Okay. And that's where she said that she had
2 spoken with the police?

3 A. Correct.

4 Q. And that was actually in regards to the second
5 charge, the second charge you were actually charged
6 with murder; correct?

7 A. Correct.

8 Q. And what kind of investigation did you ask
9 Mr. Thompson to do into that case?

10 A. Well, for the murder case I asked him to do
11 an investigation on my alibi witnesses, Ms. Tina
12 Lutin (phonetically).

13 Q. Was that done?

14 A. That was not done.

15 Q. What else? Were there videotapes or other
16 items of evidence?

17 A. It was, it was a videotape of my alleged
18 co-defendant was -- that the officer, the
19 investigating officer, Mr. Lawrence Williams, took
20 him back to the crime scene and reenacted the
21 murder which I never knew about that. I never knew
22 about that.

23 I never knew about the SLED evidence that
24 they said that they had dealing with the DNA from
25 the victim, Markes Griggs, from his shorts or his

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1 pants. I never received -- they said they found a
2 .308 casing at the scene which I never was informed
3 about it.

4 Really, I was never informed about my Rule
5 Five, period.

6 Q. Why did you plead to these cases if you did
7 not have your discovery?

8 A. I pled under the advice of counsel because
9 counsel said, he told me straight up, he said,
10 look, the -- Mr. Miller said if you, you know what
11 I'm saying, you're pleading to armed robbery, he
12 said, you might as well go ahead and plead to
13 voluntary manslaughter and they're going to run it
14 concurrent.

15 But I told him I wasn't -- I told him all the
16 time I was going to trial. And he told me that
17 it's -- well, the evidence that I see that it's
18 more likely for you they're going to find you
19 guilty. Then you're going to receive a life
20 sentence. That's what he told me.

21 Q. Were you under the strike rule at that point
22 if you had been -- were they going to try these
23 cases together or separately?

24 A. They were going to try them separately.

25 Q. They were going to try the armed robbery

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1 first?

2 A. Correct.

3 Q. And that would have subjected you to life
4 without parole?

5 A. I'm guessing.

6 Q. Is that something that you discussed with your
7 attorney?

8 A. No, I, haven't. He never informed me of them
9 giving me life without parole. He never informed
10 me about the elements of my crime, about anything.

11 Q. And when did you receive discovery in that
12 case?

13 A. After I sent, was sent to SCDC was when I got
14 that motion of discovery.

15 Q. And, Your Honor, I meant to do this earlier
16 but she wasn't here. If I could mark two exhibits.

17 THE COURT: Okay.

18 (Plaintiff's Exhibit No. 1, Voluntary
19 Statement consisting of 22 pages, and Plaintiff's
20 Exhibit No. 2, General Sessions packet consisting
21 of 5 pages, marked for identification.)

22 BY MS. ZMROCZEK:

23 Q. You said that you didn't receive the discovery
24 until after you pled.

25 A. I was sentenced and went to SCDC.

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1 Q. Okay. And I'm going to show you what's been
2 marked for identification as Plaintiff's One and Two
3 or Applicant's One and Two. Do you recognize those?

4 A. That's the victim, Travis Bibbs, that's his
5 statement from the night of the shooting.

6 Q. So One has to do with, Plaintiff's One has to
7 do with evidence that you didn't have from the armed
8 robbery?

9 A. Correct.

10 Q. And Two is a police report or a police --

11 A. One of them is the evidence that I didn't
12 receive from the murder charge.

13 Q. And that's Plaintiff's Two -- or Respondent's
14 Two -- or Applicant's Two?

15 A. That's, that's Plaintiff Exhibit One and
16 Plaintiff's Exhibit Two.

17 Q. Right. And, Your Honor, I've shown these to
18 Mr. Gourley. At this time we would like to move
19 these into evidence. And I understand that
20 Mr. Gourley has an objection.

21 MR. GOURLEY: Yes, Your Honor. They haven't
22 been authenticated and some of those statements of
23 course are hearsay. It's Applicant's burden of
24 proof and they need to bring those witnesses in
25 here to testify.

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1 To circumvent the rule by just merely
2 introducing those statements is inappropriate.

3 THE COURT: You don't know where those --

4 MR. GOURLEY: I don't know where those
5 statements came from. I think there's some cell
6 phone records but it's kind of a conglomeration of
7 different things.

8 Again, authentication, hearsay. I mean, it's
9 kind of a myriad.

10 MS. ZMROCZEK: And I can lay more of a
11 foundation.

12 THE COURT: If you don't mind. Do you have
13 anybody here to testify about that?

14 MS. ZMROCZEK: Your Honor, my understanding
15 is this is the discovery he received from his
16 attorney.

17 THE COURT: Well, I think his attorney is
18 going to take the stand. We can find out then.

19 MS. ZMROCZEK: Okay. So we'll leave them
20 marked for now?

21 THE COURT: Yeah. Just leave them marked for
22 identification purposes right now.

23 MS. ZMROCZEK: Okay. Thank you.

24 THE COURT: Okay.

25 BY MS. ZMROCZEK:

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1 Q. So in addition to not investigating the case,
2 what other things are you asserting that
3 Mr. Thompson did wrong?

4 A. Well, I'm certain that -- could I start from
5 the plea transcript?

6 Q. Please. Go ahead.

7 A. All right. During the plea, during the plea
8 transcript the State stated that my co-defendant,
9 Christopher Isom, informed law enforcement that he
10 was present during the May 23rd, 2011, shooting and
11 killing of Markes Griggs.

12 Q. And you're talking about the --

13 A. On the murder charge, correct, but counsel
14 failed to inform me and prejudiced me when he
15 failed to inform me of the statement of the victim
16 Travis Bibbs, the guy that was with the murder
17 victim stating the night of the shooting he saw two
18 black guys in a lone vehicle.

19 Q. And, Mr. Isom, is he black or white?

20 A. He's white.

21 Q. Okay.

22 A. All right. However, counsel failed to
23 properly investigate how my alleged co-defendant
24 became -- alleged me as his co-defendant in this
25 crime.

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1 Q. Is it well known that Mr. Isom is a snitch in
2 this -- was a snitch in this county for a long time?

3 A. Yes, it is.

4 Q. And, he's a white gentleman?

5 A. He's a white male, correct. Also during the
6 plea the State stated that they have phone records
7 indicating that I called the victim 20 minutes
8 before the incident happened. See plea transcript
9 page 19 lines 19 through 25.

10 Q. And you're saying that you were never provided
11 with that information?

12 A. Correct. Counsel prejudiced me when he
13 failed to properly investigate or inform me of
14 these phone records, that my phone records did not
15 match Mr. Bibbs' phone records.

16 Q. And that's part of what's been marked as
17 Plaintiff's Exhibit One?

18 A. Correct.

19 Q. And that you received those from who?

20 A. The phone records?

21 Q. Right.

22 A. That was a part of the Rule Five that I
23 didn't receive until after.

24 Q. After?

25 A. Correct.

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1 Q. After you pled?

2 A. Correct.

3 Q. Okay. And what else?

4 A. Further doing by the State immediately after
5 the incident they said that Mr. Bibbs was given a
6 ride over to my house. See plea transcript page 24
7 lines two through 10.

8 Counsel failed to inform me or properly
9 investigate of this written statement of Deputy
10 Epperly stating that she had picked Mr. Bibbs after
11 the incident. I never knew about that.

12 Q. Had you known about that, would you have went
13 ahead and pled that day?

14 A. No, I wouldn't have pled. If I had known
15 about some of the evidence that was presented in
16 the Rule Five, I would not have pled. I would have
17 proceeded on going to trial.

18 Q. How many times did you meet with Mr. Thompson
19 before you --

20 A. I met with Mr. Thompson three times.

21 Q. What else are you alleging that he failed to
22 do?

23 A. Also, dealing with the statement of Stephanie
24 Epperly, counsel failed to inform me of a statement
25 of Jay Wright also stating that he gave Mr. Bibbs a

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1 ride after the incident which is also a part of
2 that exhibit.

3 Also counsel failed to properly investigate
4 and inform me of any other alleged witnesses in
5 this case as the State's alleged they said they
6 had. See plea transcript pages 27 lines two to 18.

7 Q. So there were people that heard multiple shots
8 and you didn't know about that until later?

9 A. Correct. On exhibit -- on the police
10 supplemental report it was stated that after the
11 first 9-1-1 call it was a second 9-1-1 call that
12 came in stating that two witnesses, a Michael Gainé
13 and Kathleen Yunz (phonetically) stating that they
14 observed -- they heard two gunshots and observed a
15 white four-door vehicle speed away from the crime
16 scene and two black males that they could not
17 identify walking away from the crime scene.

18 Q. And Mr. Isom and Ms. White?

19 A. Correct.

20 Q. And what else?

21 A. All right. Nor was any of these other
22 witnesses' statements in my Rule Five which the
23 State alleged that they said they had.

24 Further, during my guilty plea, the State
25 stated that the gunshot residue from my

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1 girlfriend's vehicle came back positive for ground
2 lead particles. See plea transcript page 23 line
3 17 to 24.

4 Q. And to this day have you ever been provided
5 with any gunshot residue tests?

6 A. It was a residue test that came in with the
7 Rule Five for my murder.

8 Q. After you pled?

9 A. Yes, but, you know what I'm saying, I
10 don't -- counsel failed to inform me that this test
11 was even properly investigated or inconclusive. It
12 was no expert witness to this fact.

13 Q. Were there any investigators or were any
14 expert witnesses hired?

15 A. There was no expert witnesses hired.

16 Q. And what else?

17 A. Further, during the plea, the State stated
18 that it was a .303 caliber bullet and shell casing
19 found involved in these murders. See trial
20 transcript -- plea transcript page 18 lines two
21 through 17.

22 Q. And how would that have made difference? Why
23 was that important to you?

24 A. All right. Because counsel failed to inform
25 me that the investigator, the police officers found

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1 a .308 shell casing that was found at the scene of
2 this crime. I was never informed of this.

3 Q. Okay.

4 A. Also, also, there was a -- I was never
5 informed -- counsel never properly investigated or
6 informed me about a .303 casing that was allegedly
7 found at my girlfriend's -- my -- at my friend's
8 girlfriend's house. And that's also a part of the
9 exhibit.

10 Q. Okay. Did you ever get to listen to
11 Mr. Isom's interviews?

12 A. I haven't -- I haven't even know that it was
13 any kind of statements or anything involved in this
14 case.

15 Q. And did you get to see any videotapes of the
16 incident? It's my understanding that there was a --
17 that this happened at the corner where there were
18 stores that had videotapes. Correct?

19 A. Correct.

20 Q. And did you ever get to see those?

21 A. I haven't even -- I really haven't even had
22 any knowledge of it.

23 Q. Okay. And what else are you alleging that
24 Mr. Thompson did wrong?

25 A. Like I say, since I got my Rule Five after I

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1 was reading over it, I seen that the State spoke of
2 48 pages of Facebook documents, DNA reports, .308
3 casings. That was not in my Rule Five.

4 Q. And those all had to deal with the murder;
5 correct?

6 A. Correct.

7 Q. And what about with regards to the armed
8 robbery?

9 A. To the armed robbery, it was -- like I said,
10 it was just the gun. They said they had the gun
11 which --

12 Q. They never produced?

13 A. -- they never produced. I never was
14 informed.

15 Q. And then your alibi?

16 A. My alibi, Rebecca Easter.

17 Q. Okay.

18 A. She'd written a statement to this fact which
19 it should be in your exhibit.

20 Q. And, is there anything else that you want the
21 Court to know about why you were -- why you felt
22 like Mr. Thompson fell below his duties in
23 representing you?

24 A. He just failed to properly investigate, you
25 know what I'm saying, just my case. He never

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1 talked to me about any kind of line of defense.

2 Q. And had he done that, would you have taken
3 both of these cases to trial?

4 A. I would have taken {sic} both of these cases
5 to trial because I had a substantial defense.

6 Q. Okay.

7 MS. ZMROCZEK: Please answer any questions
8 that Mr. Gourley may have for you.

9 THE COURT: Mr. Gourley?

10 MR. GOURLEY: Thank you, Judge.

11 CROSS-EXAMINATION.

12 BY MR. GOURLEY:

13 Q. Mr. Blake, you had a -- didn't -- wasn't
14 satisfied with Mr. Thompson's representation?

15 A. Correct. I wasn't.

16 Q. And when did you become not satisfied with his
17 representation?

18 A. The day of court. The judge -- if I'm not
19 mistaken, the judge asked Mr. Barry Thompson why
20 was I kind of hesitating, that I was being -- the
21 judge also asked Barry Thompson why would I be --
22 hesitate to -- to see if was he 100 percent
23 satisfied. And he explained to the Court that he
24 could not come up with a substantial defense,
25 mitigating evidence in this case.

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1 Q. Uh-huh.

2 A. So, you know what I'm saying, I wouldn't say
3 nothing because he told me: This is an Alford
4 plea; go along with it; this is -- for you to get
5 this time and to get this deal, go along with it.

6 Q. So you pled guilty to get the deal?

7 A. Huh? No, I didn't. No, I haven't.

8 Q. Why did you plead guilty?

9 A. I pled guilty on advice of counsel.

10 Q. Okay. And what was that?

11 A. Counsel told me, you don't have a defense.
12 You don't have, you know what I'm saying, if you go
13 to trial on these charges you're going to get life
14 in prison.

15 Q. Okay. Well, going back to Mr. Thompson's
16 representation and your satisfaction, did you not
17 tell the judge that Mr. Thompson had done everything
18 that he could do?

19 A. Yes. And he asked me again if I'm not
20 mistaken on -- I don't have a transcript in front
21 of me, but he asked me again and I told him no.

22 Q. Okay. And it says -- he asked you: Is he
23 forcing you to plead guilty and you told the judge
24 no?

25 A. No. Right.

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1 Q. And he asked you: Is anybody forcing you to
2 plead guilty and you said no. Right?

3 A. Right.

4 Q. Okay. And he asked you: Have you had enough
5 time to make up your mind and you said yes. Right?

6 A. But at that time -- at that time I was not --
7 I was not aware of anything, anything that, you
8 know what I'm saying, he didn't go over anything
9 with me, even asked me stand up and plead guilty.

10 Q. Okay. And that was your alibi witnesses?

11 A. My alibi witnesses. And also identifying the
12 evidence -- identify certain evidence in this case.

13 Q. Okay. The fact that your co-defendant is
14 white and the victim's -- witnesses of the crime are
15 saying it was two black males; correct?

16 A. Correct.

17 Q. The phone records that they said that you
18 called the victim right before.

19 A. Correct. That's -- the State alleged, they
20 said they had.

21 Q. Okay. So, all of that. So you're saying you
22 did not call the victim right before the crime
23 occurred?

24 A. I was not even at the crime. I was not even
25 there. I told them that.

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1 Q. Why did you need victim statements and
2 everything like that to tell you that you weren't
3 there when you knew --

4 A. Why do I need victim statements? This is
5 part of the Rule Five that's against me.

6 Q. I understand.

7 A. I have an alibi witness on that charge.

8 Q. But you're claiming that you didn't know about
9 any of this but you do know about all that; right?

10 A. I knew about it after I got my Rule Five,
11 after I was convicted and sentenced to SCDC.

12 Q. Okay. But you're saying you didn't know that
13 you didn't call the victim before you pled guilty
14 and got your Rule Five?

15 A. I didn't know that I called the victim?

16 Q. Yes.

17 A. How can I call the victim when I'm -- I don't
18 have -- I'm not a part of the crime. I wasn't
19 there.

20 Q. Okay. So, again, you're saying that you got
21 your Rule Five. The phone records show you that you
22 did not call the victim but you already knew that
23 didn't call the victim; right?

24 A. I knew this.

25 Q. Okay.

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1 A. You know what I'm saying, but at the time I
2 had a whole different phone. That phone record
3 that they have was from a phone that they found
4 inside the vehicle that, when they seized it,
5 searched it.

6 Q. Okay. But --

7 A. That wasn't even my phone records. If you --

8 Q. But what I'm getting at, Mr. Blake, is you
9 know you didn't call the victim; right?

10 A. Yes.

11 Q. Okay. And you knew that you didn't call the
12 victim before you pled guilty; correct?

13 A. I knew that I wasn't there.

14 Q. Okay.

15 A. And my lawyer, Mr. Barry Thompson, I told him
16 this. So if I told him this, I had a defense that
17 I wasn't there.

18 Q. Okay. You knew your alibis were present for
19 the trial; right?

20 A. How could they be present when they didn't
21 investigate it?

22 Q. Are they here today?

23 A. I have -- I have statements.

24 Q. Okay. But are your alibi witnesses here
25 today?

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1 A. No, they're not.

2 Q. No, they're not. Okay. Are there any expert
3 witnesses here today to talk about any of the SLED
4 stuff or the GSR or anything like that?

5 A. No. And at the same time, you know what I'm
6 saying, my counsel failed to serve me with them
7 evidence because I've written statements -- I've
8 written her letters saying that I need expert
9 witnesses and everything and she failed to get the
10 evidence.

11 Q. Okay. Going back to your armed robbery you
12 got -- allegedly had two co-defendants; correct?

13 A. Correct.

14 Q. According to the State?

15 A. Correct.

16 Q. Okay. And those two co-defendants tagged you
17 as part of this armed robbery; right?

18 A. Correct.

19 Q. Okay. And then your girlfriend stated that
20 she found a silver-handled gun underneath your
21 mattress?

22 A. Correct.

23 Q. And then this Christopher Isom who was also a
24 co-defendant in the armed robbery tagged you for the
25 murder; correct?

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1 A. Correct.

2 Q. Okay. And then there was also a .303 rifle
3 that you had wrapped up in a plastic bag and buried
4 in your family's front yard, correct?

5 A. No.

6 Q. Okay. Well the State alleged that, right,
7 during your plea?

8 A. Correct.

9 Q. They also alleged that rifle was then
10 dismantled by some of your people and thrown in the
11 Savannah River; right?

12 A. Correct. That's what they allege.

13 Q. Okay.

14 MR. GOURLEY: Beg the Court's indulgence,
15 Your Honor.

16 THE COURT: Take your time.

17 (Pause.)

18 BY MR. GOURLEY:

19 Q. How many times did you meet with Mr. Thompson?

20 A. Three times.

21 Q. And y'all didn't go over any discovery during
22 those three meetings?

23 A. None.

24 Q. Did y'all go over any defenses?

25 A. None.

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1 Q. Did you give him any leads or witnesses
2 outside of your two alibi witnesses?

3 A. None, except for my alibi witnesses.

4 Q. All right. Do you recall waiving your
5 constitutional rights during your plea?

6 A. Right. Well, he never explained to me about
7 waiver and presentment to these charges.

8 Q. The Court did though during your plea; right?

9 A. Yeah, the Court did.

10 Q. Okay.

11 A. But he didn't.

12 Q. And you indicated that you understood what the
13 Court was saying?

14 A. Yes.

15 Q. Okay. Are you saying you did not understand
16 now?

17 A. Huh?

18 Q. Are you saying you didn't understand?

19 A. At the time I didn't understand. I didn't
20 have a full understanding of what --

21 Q. Okay.

22 A. -- what was waiving presentment,
23 constitutional rights that I was giving up at the
24 time.

25 Q. Okay. But once, once the judge advised you

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1 you kind of comprehended what was going on?

2 A. I tried to.

3 Q. I gotcha. And, again, do you recall telling
4 the plea judge that you were satisfied with your
5 attorney; right?

6 A. No, I didn't. He asked me and I told him no.

7 Q. Okay. On page -- well, Your Honor, page 10
8 line 14.

9 Do you recall telling the judge that no one
10 was promising you or threatening you; right?

11 A. Right.

12 Q. And do you recall telling the plea judge that
13 you wanted to plead under North Carolina v. Alford;
14 right?

15 A. I never told him that. Mr. Barry Thompson
16 told him that.

17 Q. Okay. So, again, you're claiming here today
18 that Mr. Thompson just did not fully investigate
19 your case?

20 A. He did not fully investigate my case.

21 Q. Okay. And that includes failing to provide
22 you with the Rule Five in a timely fashion?

23 A. That's failing to provide me with my Rule
24 Five and Brady.

25 Q. And failing to look into your alibis?

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- 1 A. Correct.
- 2 Q. Okay. And failing to hire an expert witness
3 to look into GSR?
- 4 A. Correct.
- 5 Q. And that's it?
- 6 A. No. I have another issue dealing with due
7 process and Brady violation.
- 8 Q. Okay.
- 9 A. Dealing with my 14th Amendment.
- 10 Q. Okay. Go ahead.
- 11 A. Dealing with my Brady violation, the State,
12 the prosecutor, Mr. David Miller, deliberately
13 withheld police investigator supplementary report
14 from me which held express exculpatory, credible
15 impeaching evidence.
- 16 Q. Okay. And they withheld it from you?
- 17 A. They withheld it from -- yes, correct.
- 18 Q. And when did you get that?
- 19 A. My PCR attorney subpoenaed it, I guess, in
20 the middle of, what, May.
- 21 MS. ZMROCZEK: I'm sorry. I'll get it to
22 you.
- 23 BY MR. GOURLEY:
- 24 Q. All right. Okay. What else?
- 25 A. Yeah, you know what I'm saying, she ended up

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1 giving that to me. It wasn't -- it didn't come a
2 part with the Rule Five.

3 Q. Okay.

4 A. Once I got it and looked at it, it wasn't
5 there.

6 Q. Okay.

7 A. But, dealing with this, this Brady this
8 police investigator supplementary report my
9 exculpatory evidence, it was a text message that
10 was sent from a Chastity Astonwald nine days after
11 the incident to a David Watson.

12 Q. Slow down for me; okay?

13 A. Okay. All right. Exculpatory evidence.
14 Number one, it was a text message from a Chastity
15 Ashtonwald. She sent it nine days after the
16 incident happened to a David Watson cell phone
17 stating that she had shot somebody. That's also a
18 part of my exhibit.

19 Q. Okay.

20 A. This is exculpatory evidence because it
21 potentially shows that someone else committed this
22 crime, in a third-party guilt. This is also
23 impeachable evidence because it would have been
24 used to impeach the State's witness, Christopher
25 Isom, also excluded him from being present at the

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1 scene, excluded him from being accessory after the
2 fact and alleged co-defendant.

3 Q. Okay.

4 A. Number two. It was a photographic lineup
5 that was shown of me to the victim, Travis Bibbs,
6 by investigator Lawrence Williams not IDing me as
7 being the suspect of the shooting. When
8 Investigator Wiggins said that I was ID'd as being
9 the shooter, Travis Bibbs, the victim, said: It
10 wasn't Will, I know Will.

11 Q. Okay.

12 A. This is exculpatory evidence because it shows
13 that I was not ID'd as being the shooter by the
14 victim, Travis Bibbs. It's also impeachable
15 evidence as well because it could have impeached
16 the State's witness, Christopher Isom, that I was
17 present and involved at the scene of this crime.

18 Q. Okay.

19 A. Also it was favorable evidence, number three,
20 it was a second 9-1-1 call from the night of the
21 the shooting that two witnesses Michael, Michael
22 Gaine and Carrie Lee Lewis, stating that they heard
23 two gunshots and a white four-door car speed off
24 and two black males running which the suspects they
25 described as being 5-10 in height, one had dreads

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1 along with broad shoulders and a gut.

2 Q. Okay.

3 A. And that's also part of my exhibits.

4 Q. All right. And let me ask you real quick.

5 You got all of this information from Mr. Thompson
6 after you pled guilty?

7 A. No, I got all of this information from Ms.,
8 uh --

9 Q. Zmroczek?

10 A. Correct.

11 Q. Go ahead. Thank you.

12 A. Also, this is favorable evidence because
13 these two witnesses would have been called to
14 testify on my behalf to see what car they seen and
15 the two black males they seen running from this
16 crime scene. This is also impeachment because it
17 would have impeached the State's witness
18 Christopher Isom that my girlfriend's burgundy
19 vehicle was involved in this crime as the State
20 alleged.

21 Number four. It was an informant that lives
22 in Aiken County who gave Investigator Langford of
23 the Richmond County Sheriff's Office information
24 that on the night of Griggs' murder a white male
25 named Travis Moore was with him and Moore got away.

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1 That's also in the exhibits.

2 Q. All right.

3 A. This is favorable because it shows
4 third-party guilt that someone else was present at
5 the scene of the crime that could have committed
6 this crime. It's also impeachable because of the
7 (inaudible) the State's witness that I wasn't
8 present.

9 Q. All right.

10 A. Which if I had all of these facts it would
11 have aided me in my defense for me not to plead
12 guilty and proceed on going to trial.

13 Q. So why did you end up pleading guilty then
14 that day?

15 A. On advice of counsel.

16 Q. Okay. But it was ultimately your decision;
17 right?

18 A. Really counsel is -- he's representing me.

19 Q. Uh-huh.

20 A. So if he's representing me he, you know what
21 I'm saying, he should be competent to say, well,
22 look, this is my client, you know what I'm saying,
23 you shouldn't plead guilty to these charges because
24 I haven't went over -- I haven't fully investigated
25 the case to make you go in and plead guilty. He

WILLIAM HENRY BLAKE III - REDIRECT

1 just ran me in and made me plead guilty.

2 Q. Okay. He forced you to plead guilty?

3 A. He forced me to plead guilty, you know what
4 I'm saying, because I had no defense.

5 Q. Okay. So when you told the judge that no one
6 was forcing you to plead guilty, you were lying?

7 A. Yes, I was.

8 Q. And -- all right.

9 MR. GOURLEY: I don't have any other
10 questions. Thank you, Mr. Blake.

11 THE COURT: Anything on Redirect?

12 MS. ZMROCZEK: Just briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. ZMROCZEK:

15 Q. You told the judge that you -- no one was
16 forcing you, but did you feel forced?

17 A. I felt forced.

18 Q. Because what you were told was the sentence
19 you would receive?

20 A. I was told that I was going to receive a life
21 sentence if I went to trial.

22 Q. And, Your Honor, I just ask that the Court
23 turn to page six. The Court initially -- in the
24 plea transcript. The Court initially asked you if
25 you were satisfied with your attorney and you said

WILLIAM HENRY BLAKE III - REDIRECT

1 no; correct?

2 A. Correct. And he asked Barry Thompson, would
3 you feel comfortable in telling him why would I --
4 why would I -- that I didn't feel comfortable with
5 being him -- being 100 percent with counsel. And
6 Barry Thompson went in and told him the details
7 that, you know what I'm saying, about, Your Honor,
8 will you -- today we're under Alford, Alford versus
9 North Carolina and we haven't come up with a bunch
10 of substantial evidence in this case and --

11 Q. Okay. Let me ask you this: Do you remember
12 when you were arrested?

13 A. On the armed robbery?

14 Q. Right.

15 A. Correct.

16 Q. I mean, do you remember the date? Was it --

17 A. June, June 12th. It was, like, June 11 at
18 12-something at night.

19 Q. So June 12, 2011?

20 A. Right.

21 Q. And you were arrested for armed robbery?

22 A. Correct.

23 Q. And were you arrested before or after that for
24 the murder?

25 A. After.

WILLIAM HENRY BLAKE III - REDIRECT

1 Q. But the incident actually occurred before
2 that, right?

3 A. The so-called murder incident they say
4 happened on May 23rd, 2011.

5 Q. And you were indicted on these in --

6 A. September. They served me warrants in
7 September.

8 Q. Okay. They served the warrants in September
9 and then you were indicted on October 17th, 2011,
10 for the armed robbery?

11 A. Correct.

12 Q. And, you told Mr. Thompson -- when you said
13 you went over -- did you go over discovery with him
14 before this date?

15 A. No.

16 Q. Okay.

17 A. The only thing that he told me was he kept
18 going back and forth to the solicitor, talking to
19 the solicitor and coming back and telling me what
20 the solicitor was telling me. He was never -- he
21 never showed me any evidence, my Rule Five or none
22 of that.

23 Q. And I know that you have been asking for
24 expert witnesses. You understand that there has to
25 be actual evidence to be tested for there to be

WILLIAM HENRY BLAKE III - REDIRECT

1 expert witnesses; right?

2 A. Well, I never know that. It wasn't any
3 actual evidence in my case.

4 Q. Okay. So that's what you understand now. The
5 reason that there's no expert witness here is
6 because --

7 A. Right. Correct.

8 Q. -- there's no actual --

9 A. I never knew that.

10 Q. I knew you didn't know that but I just wanted
11 to be clear. You repeatedly asked me to do that.

12 A. Yeah, correct.

13 Q. And I repeatedly showed you that there was
14 no --

15 A. Yeah, correct.

16 Q. Okay. And it was your understanding that if
17 you did not plead that day that they were calling
18 your cases to trial that week?

19 A. That's what they said. That's what David
20 Miller said anyway.

21 Q. And is that why you felt forced?

22 A. Yes.

23 MS. ZMROCZEK: Okay. Thank you.

24 MR. GOURLEY: Judge, I don't have anything
25 further.

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1 THE COURT: All right. You may step down.

2 Thank you, sir.

3 MS. ZMROCZEK: Your Honor, at this time those
4 are all the witnesses that we would have.

5 THE COURT: And that concludes the
6 Applicant's case?

7 MS. ZMROCZEK: (Nods head.)

8 THE COURT: Okay. Any witnesses on behalf of
9 the State?

10 MR. GOURLEY: Yes, Your Honor. We call
11 Mr. Thompson, please.

12 BARRY L. THOMPSON, II, having been duly
13 sworn, was examined and testified as follows:

14 THE CLERK: Please have a seat and state your
15 name for the record.

16 THE WITNESS: Barry L. Thompson the Second.

17 THE COURT: Your witness.

18 MR. GOURLEY: Thank you, Judge.

19 DIRECT EXAMINATION

20 BY MR. GOURLEY:

21 Q. Mr. Thompson, how long have you been
22 practicing law?

23 A. Since 2004.

24 Q. All right. Were you appointed in this case?

25 A. I was.

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1 Q. All right. And how many times did you meet
2 with Mr. Blake before his guilty plea, roughly?

3 A. At least, at least four times at the jail and
4 then we also met at the Aiken County Sheriff's
5 Office.

6 Q. Okay.

7 A. We had a long -- in addition to, in addition
8 to seeing him at the jail, he was also somebody who
9 as a part of trying to work out a plea arrangement
10 he agreed to try to give some testimony to the
11 sheriff's department and so we met at the sheriff's
12 department as well.

13 Q. Okay. Did you file Rule Five and Brady
14 motions on his behalf?

15 A. I did.

16 Q. And did you have the opportunity to review
17 discovery with Mr. Blake?

18 A. I did.

19 Q. How many times did y'all meet to go over
20 discovery?

21 A. At least, at least twice.

22 Q. Okay.

23 A. I don't just go down to the jail to just to
24 kind of hang out --

25 Q. Right.

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1 A. -- with people. Most of time, you know, when
2 I go it's because I've got some type of updated in
3 the case or some type of material that I need to
4 talk to them about.

5 Q. Did you provide him a copy of the Rule Five
6 and Brady material?

7 A. I did.

8 Q. Did you do that before his plea or after his
9 plea?

10 A. Before.

11 Q. Okay.

12 A. The thing of it is, I think this whole case
13 and some of, some of his frustration is because of
14 a lack of context.

15 Q. Uh-huh.

16 A. This -- the case that we were getting ready
17 to try was the armed robbery case. And we had the
18 discovery in the armed robbery case in plenty of
19 time. We talked about the armed robbery case, I
20 went and spoke with his alibi witnesses. I sat
21 down for half a day with his girlfriend in my
22 office discussing all kinds of time line data with
23 her.

24 And he also had, like, there was a picture of
25 his child that we were trying to place in time to

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1 try to see if we could use that as some exculpatory
2 alibi-type of material.

3 But ultimately we were not going to have any
4 type of legitimate defense to the armed robbery
5 case. The facts in the armed robbery case were the
6 victim is Joseph Holland. There's -- William was
7 in the car. Christopher Isom was in the car and a
8 lady named Amanda Toole was in the car and
9 everybody in the car was going to be, except for
10 William was going to be a witness against William
11 to say that William arm robbed Mr. Holland.

12 So we were about to be called for an armed
13 robbery case for which we did not have a viable
14 defense.

15 At the same time Mr. Blake had also been
16 charged with murder. And before the armed robbery
17 case went to trial I got a plea offer on the armed
18 robbery case. And the plea offer was if instead of
19 going to trial, a trial which we were probably
20 going to lose, if instead of going to trial if he
21 were to plead guilty to the armed robbery that the
22 State would allow him to, instead of having to be
23 tried for murder they would allow him to plead
24 guilty to voluntary manslaughter and that they
25 would recommend concurrent time.

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1 So you essentially had an offer for the
2 murder charge that would completely have taken any
3 possible penalty that you would have paid for the
4 murder charge off the table and everything that --
5 and voluntary manslaughter is one to 30. Armed
6 robbery is 10 to 30. Concurrent what you're
7 looking at is you would not spend a second longer
8 of your life on a concurrent voluntary manslaughter
9 charge than you would with just pleading to the
10 armed robbery or being found guilty of the armed
11 robbery charge.

12 Mr. Blake did not want to plead guilty in the
13 regular style. He wanted to plead -- he wanted to
14 take the offer but he didn't want to say he was
15 guilty. I had to go back in the back and talk to
16 the judge about whether or not he would accept an
17 Alford plea. And as you probably know and as I
18 discussed with Mr. Blake for a long time back in
19 lockup, an Alford plea you have to be offered --
20 you have to believe that there's evidence to
21 sustain your guilt if you were to go to trial and
22 you have to be given a substantial benefit for
23 making the plea.

24 And the plea offer that we got was a very,
25 very substantial benefit. We were given a lot of

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1 the discovery in the murder case close to the time
2 that we actually went to trial. And that part is
3 true. That part of what he said is true; that we
4 were getting discovery in the murder case very
5 close to the time that he was going to have to
6 either go to trial or plead guilty to the armed
7 robbery.

8 But, to take that out of context would be a
9 mistake in that essentially all of the, the murder
10 slash voluntary manslaughter is subsumed underneath
11 the armed robbery case because if you can't beat
12 the armed robbery case you're about to go to prison
13 on armed robbery and you're not even going to get
14 any credit for any time served on the murder
15 charge.

16 So, that's -- that's what actually happened
17 in this case. We very, very thoroughly discussed
18 the armed robbery case and we were going to -- if
19 we had gone to trial on that case we would have
20 very likely lost.

21 Q. So you represented Mr. Blake on the murder
22 charge as well?

23 A. Correct.

24 Q. Was your investigation complete on the murder
25 case by the time he pled guilty?

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1 A. No, it wasn't.

2 Q. And it's very possible that you could have
3 received additional discovery materials or something
4 like that from the State as time went on?

5 A. Sure, it's possible.

6 Q. And did you advise Mr. Blake that your
7 investigation on the murder case hadn't been
8 completed yet?

9 A. Yes. I told him it hadn't been finished yet
10 but that as this stuff started coming in that there
11 was a substantial amount of evidence that indicated
12 his guilt.

13 You know, this thing he was talking about
14 Mr. Bibbs said there may have been somebody else.
15 Yeah, initially that was true but the facts around
16 the murder case are there -- the State was going to
17 try to show that -- that the victim actually was
18 kind of set-up by Mr. Bibbs and that Mr. Bibbs was
19 actually part of the group with Mr. Blake and
20 Mr. Isom that was trying to kind of get back at
21 this guy.

22 Q. Okay.

23 A. There was a substantial amount of evidence
24 though even with discovery being incomplete that
25 would have shown he was very likely to have been

BARRY L THOMPSON, II - DIRECT

1 convicted if we were to go to trial on that.

2 Q. On the murder charge?

3 A. Correct. And almost certainly would have
4 been convicted on the armed robbery charge.

5 The gun that his talking about was given the
6 police by his girlfriend from their home.

7 Q. And that was a pistol?

8 A. Correct.

9 Q. And what was the pistol, how was that related
10 to the charge?

11 A. They -- the pistol was allegedly the pistol
12 that Mr. Blake used to commit the armed robbery.

13 Q. Did you have an opportunity to discuss
14 Mr. Blake's version of events?

15 A. Yes.

16 Q. And do you recall what those were?

17 A. Mr. Blake essentially said that none of this
18 happened and that all these people are lying.

19 Q. Okay. And did you talk about any possible
20 defenses outside the alibi?

21 A. There weren't any facts to support any other
22 defenses.

23 Q. Okay.

24 A. There weren't any facts, after I investigated
25 it, to support an alibi. There weren't any

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1 forensic facts to support anything other than this
2 crime happened. I mean, you've been doing this
3 long enough that you know that defenses have to
4 either, A, your client -- that the crime never
5 happened. Well, there's substantial evidence the
6 crime happened. B, that your client didn't do it.

7 Well, there's substantial evidence being
8 testimony of three other people in the car that he
9 did it. And, C, that he had some kind of privilege
10 to do it and there weren't any facts that would
11 indicate any kind of privilege.

12 Q. Okay. Did you have an opportunity to talk
13 about waiving presentment on the manslaughter charge
14 with Mr. Blake?

15 A. Yeah. Yes. The -- before anybody does a
16 plea, I'm sure you've seen these about a thousand
17 times but there's a thing called sentence sheet.
18 And before, before the judge hears any kind of
19 matter or plea before him, you have to go to the
20 client and sit down with the client and you have to
21 fill out this sentence sheet because unless you
22 fill out this sentence sheet the case doesn't even
23 get put kind of in the line to get handed up to the
24 judge for the judge to even hear it.

25 Q. Right.

BARRY L THOMPSON, II - DIRECT

1 A. And so, yes, we sit down and one of the
2 things on the sentence sheet is unless something's
3 already indicted you discuss a waiver of
4 presentment.

5 Q. Okay.

6 A. Now if it's indicted already then you don't.
7 There's no need to discuss it because it's a moot
8 point, but --

9 Q. Whose decision was it to plead guilty?

10 A. It was Mr. Blake's. I don't ever tell
11 anybody that they have to plead guilty. There's no
12 financial incentive for me, for them to plead
13 guilty or not guilty. It doesn't -- my job does
14 not change regardless of whether they plead guilty
15 or they go to trial.

16 Q. Okay. And, again, you were prepared to go to
17 trial. You had investigated on the armed robbery.
18 It had been called that day; correct?

19 A. I was prepared to go to trial on the armed
20 robbery at that time. It would not have gone real
21 well, but I was prepared to go to trial on the
22 armed robbery. I was not prepared to go to trial
23 on the murder case but that wasn't the case that
24 was before the Court at that time. That wasn't at
25 issue. We essentially --

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1 Q. Okay.

2 A. -- the voluntary manslaughter got kind of
3 thrown in as a package deal if he decided to plead
4 to the armed robbery charge which he did.

5 Q. Had the murder charge ever been noticed for
6 trial at any point in time?

7 A. No, it had not.

8 Q. Do you have any expectation of when it would
9 have been called for trial?

10 A. No clue.

11 Q. Okay. It wasn't like the next week or the
12 following month or anything like that?

13 A. No, sir. No, sir.

14 Q. So there was still ample time had Mr. Blake
15 not decided to plead guilty for you to investigate
16 the murder case?

17 A. Sure. There's a huge downside in that if you
18 go to trial on armed robbery, or if you plead
19 guilty on armed robbery, and you get convicted, you
20 stop getting any kind of credit for any time
21 served.

22 Q. Right.

23 A. So, I mean, there's an incentive to go ahead
24 and make a decision.

25 Q. Uh-huh.

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1 A. But, but, no, the murder case was not, was
2 not on the time horizon for it to go to trial.

3 Q. And again you explained to Mr. Blake that you
4 had not fully investigated the murder case, not
5 fully received everything on the murder case prior
6 to him entering a plea to the murder case?

7 A. Sure, yes.

8 MR. GOURLEY: Thank you, Mr. Thompson. I
9 don't have anything further.

10 THE COURT: Anything on cross?

11 MS. ZMROCZEK: Yes, please.

12 CROSS-EXAMINATION

13 BY MS. ZMROCZEK:

14 Q. Mr. Thompson, you took over this case in June
15 from Ms. Alves, June 2011?

16 A. I'm going to have to take your word for it.
17 I don't remember exactly what day I would have.

18 Q. Okay. On page four of the trial transcript or
19 plea transcript Mr. Miller states that part of the
20 negotiations was not to proceed with trial on the
21 armed robbery followed by a voluntary manslaughter
22 which would have struck him out. They were prepared
23 to try his armed robbery and then turn around and
24 try the murder charge?

25 A. The -- and maybe I'm wrong, but my

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1 understanding is this is the way it goes. If you
2 plead guilty to two crimes for which you could
3 receive strikes and you plead to those things on
4 the same day, you only get one strike.

5 They were -- I think what Mr. Miller -- and I
6 don't have the transcript in front of me but I
7 think what Mr. Miller is trying to say is if I
8 go -- if we're going to go to trial for one of
9 these crimes now and then we're going to try the
10 other crime in series and if we do that, then you
11 will get one most-serious strike today and you will
12 get -- or whenever the trial happens, and you will
13 get one most-serious strike under the murder charge
14 and we will be seeking life without possibility of
15 parole.

16 Q. So he was threatening LWOP if he didn't take
17 that plea that day?

18 A. Sure. Yes.

19 Q. Okay. That's my question. So, he --

20 A. There was a huge incentive for William to
21 plead. That's true.

22 Q. And you would agree with me that he was listed
23 on the trial list for October 2011?

24 A. I don't have the thing in front of me but I
25 don't have any reason to doubt you.

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1 Q. Okay.

2 A. I'm sure that that's true.

3 Q. Okay.

4 A. Now the case, the case that was on the trial
5 list for the month in which he pled was the armed
6 robbery case but, yes, he was on the trial list.

7 Q. Okay. And let's talk about the armed robbery
8 case. You said that -- and this armed robbery
9 allegedly occurred June 11th, 2011?

10 A. Again, I'm going to have to take your word
11 for it but I have no reason to doubt it.

12 Q. And Benny Williams was your investigator?

13 A. Yes.

14 Q. And he spoke with Mr. Blake's alibi?

15 A. That's my understanding, yes.

16 Q. And through your investigation she said that
17 there was a picture taken of William on her phone at
18 the time that the supposed armed robbery was taking
19 place?

20 A. We talked about that in great, great length.

21 Q. Because that's what she told your
22 investigator?

23 A. We talked about that. And when I heard that
24 I was like, that's fantastic. Bring her in here.
25 Let's talk about this. And I talked to her at

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1 great, great length about this.

2 Q. And you would agree she signed a statement in
3 front of your investigator that said that exact same
4 thing?

5 A. I agree with that. You're correct.

6 Q. So the fact that his alibi didn't hold any
7 weight -- it had to some -- it had some weight
8 behind it, correct?

9 A. When we were getting ready for trial I
10 brought her back in because I wanted to talk to her
11 about this because I needed to be ready to talk to
12 her about how we were going to get her to testify
13 at the armed robbery trial.

14 The problem was, when she came in that whole
15 story fell apart.

16 Q. And when she came in is when she had been
17 contacted and questioned regarding the murder and
18 they were threatening to take her kids away? They,
19 the police.

20 A. I don't know that but, again, I don't have
21 any reason to doubt you, but I don't know that.

22 Q. Okay. And you received -- you received --

23 A. The practical effect of that though is,
24 regardless, I may have a statement to -- I may have
25 a statement to impeach her if she gives a statement

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1 that's contrary to what I want her to say on the
2 witness stand but then I would be fighting against
3 my own witness which would be problematic if you
4 tried to do that at trial.

5 Q. Right. So the murder -- you were given
6 discovery in the murder case on October 19th, 2011?

7 A. Discovery on the murder case came in at a
8 couple of different times and I don't remember the
9 exact dates but I will tell you in an effort to be
10 thorough, the solicitor's office was trying to send
11 me as much discovery for the other case as possible
12 because we had been talking about, hey look,
13 Mr. Blake may be interested in accepting your deal
14 and pleading Alford.

15 And the solicitor also knows that in order
16 for somebody to be able to stand in front of the
17 Court and to legitimately make an Alford plea they
18 have to be able to see the discovery to reasonably
19 think that they would have been convicted if they
20 went to trial.

21 Q. Okay. And so now I'm going to show you
22 Plaintiff's Exhibit One. Would this be some of the
23 discovery that you received?

24 A. I have no idea.

25 Q. And that you sent to him, being Mr. Blake?

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1 A. I mean, it has all the right names on it and
2 stuff but I have no idea.

3 Q. Would you like to compare to it what's in your
4 file or --

5 A. No. I have no reason not to believe that
6 that's -- you know, that it's not part of the
7 discovery.

8 Q. And then Plaintiff's --

9 A. But if you're going to ask me when did I send
10 this to him.

11 Q. No, no, no. I'm not going to ask you that at
12 all. I'm just going to ask if you that's what you
13 had received from the solicitor and then in turn
14 part of what you would have --

15 A. This would have been some of it. I mean,
16 it's not nearly --

17 Q. Certainly not all of it?

18 A. Yeah, but it would have been some of it.

19 Q. Okay. And then Plaintiff's Exhibit Two. Does
20 that indicate when it was received on the front by
21 the solicitor's office?

22 A. Yeah. The -- what happens is these reports
23 all, they generate with the law enforcement agency
24 and then again, I've never worked in the
25 solicitor's office but my understanding is that

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1 when the solicitor's office administrative staff
2 gets the report they stamp it in received from the
3 solicitor's office and looks like it's date stamped
4 October 31st, 2011, or something like that.

5 Q. And that would be at least two weeks after
6 Mr., after Mr. Blake had pled?

7 A. And I don't have any reason to doubt you on
8 that. I'm just telling you the report that we
9 had -- I had a report before he pled. We -- he and
10 I looked at a report before he pled.

11 Q. Right.

12 Your Honor, at this time we would --

13 THE WITNESS: Not just the armed robbery but
14 on the murder as well.

15 MS. ZMROCZEK: Certainly. And, Your Honor,
16 at this time we would move Plaintiff's One and Two
17 in.

18 MR. GOURLEY: And again, Your Honor, even if
19 Mr. Thompson can ID them as coming from his file it
20 still contains hearsay information especially with
21 the witness statements and then you got cell phone
22 records and the proper authentication and
23 foundation haven't been laid for those either.

24 Again, Your Honor, it's the Applicant's
25 burden of proof.

BARRY L THOMPSON, II - CROSS

1 THE WITNESS: I'm not IDing these as coming
2 from my file. I'm just saying --

3 THE COURT: They look similar.

4 THE WITNESS: They look similar to the type
5 that --

6 MS. ZMROCZEK: And we're not offering them
7 for truth of the matter asserted, Your Honor.

8 MR. GOURLEY: And, Your Honor, in that regard
9 if you're not offering them for the truth of matter
10 asserted, in order to prove prejudice you have to
11 consider the information within those statements so
12 it's essentially entering a blank piece of paper at
13 that point in time.

14 THE COURT: What I will do is this I'll note
15 that they're proffers placed on the record.

16 MS. ZMROCZEK: Okay.

17 THE COURT: Applicant's One and Two are
18 proffers.

19 MR. GOURLEY: Thank you, Judge.

20 MS. ZMROCZEK: And the reason, Your Honor,
21 too, is because as Mr. --

22 THE WITNESS: Thompson.

23 MS. ZMROCZEK: -- as Mr. Thompson identified
24 Plaintiff's Two is the full investigative report
25 from the sheriff's department that was noted

BARRY L THOMPSON, II - CROSS

1 received by the solicitor's office on October 31st
2 which would have been --

3 THE COURT: Would have been --

4 MS. ZMROCZEK: -- well after he pled.

5 THE COURT: Yeah. He pled on October 24th.
6 I think --

7 THE WITNESS: Right.

8 THE COURT: -- the whole thing about my take
9 on this, and please correct me, is the solicitor's
10 office wanted to clear up the murder charge as
11 well. He was getting ready to go to trial on the
12 armed robbery where he was facing 10 to 30, and
13 then they said they'll let him plead to voluntary
14 and take care of that.

15 MS. ZMROCZEK: Right. And they threatened if
16 he didn't plead that they would strike him out with
17 LWOP.

18 THE COURT: Well, they -- I preach -- they
19 were still try him with the armed robbery and then
20 he knew he was going to be facing this somewhere
21 down the road at which time as another most-serious
22 offense had he been convicted, he still had to be
23 convicted, that he would have been facing that and
24 so that was --

25 MS. ZMROCZEK: Right.

BARRY L THOMPSON, II - CROSS

1 THE COURT: -- a choice, really.

2 THE WITNESS: I think that is true.

3 THE COURT: That is where we are with this.

4 MS. ZMROCZEK: Absolutely.

5 THE COURT: Okay.

6 THE WITNESS: And I apologize if this is out
7 of turn at all. I will tell that you though that
8 probably the official discovery packet, the
9 complete all-encompassing official here-is-what-
10 we're-going-to-call-the-discovery-packet-that-is-
11 response-to-Rule-Five-and-Brady, that may have been
12 compiled afterwards.

13 MS. ZMROCZEK: Okay.

14 THE WITNESS: Beforehand, though, we were in
15 the posture of -- they were trying to get this
16 material to us. So I received many -- and I'm
17 going to not do the air quotes, okay, but many
18 unofficial discovery documents before I actually
19 officially received discovery.

20 And that was just in an attempt to try to
21 give me some type of indication of the level of
22 evidence that they had.

23 BY MS. ZMROCZEK:

24 Q. Right. And you would agree that there were
25 about 12 CDs unofficially that you received, at

BARRY L THOMPSON, II - CROSS

1 least that you provided to me?

2 A. Yes, ma'am. I would admit to you that there
3 are voluminous CDs associated with this case.

4 Q. And then the crux of the evidence in the
5 murder case dealt with a co-defendant with whom your
6 office and this office and the police are familiar
7 with, Mr. Isom.

8 A. Do the question one more time.

9 Q. Christopher Isom would be the basis for a lot
10 of the information in the murder charge.

11 A. That's true. I agree with that, yes.

12 Q. Christopher Isom has a long record and
13 established history with the public defenders
14 office.

15 A. I think. I don't know that for a fact.

16 Q. Because you've never represented him.

17 A. I've never been conflicted out of doing his
18 stuff because I'm on a different team but I don't
19 have any reason to doubt you.

20 Q. And certainly the solicitor's office knew who
21 he was.

22 A. Yes.

23 Q. And the sheriff's department certainly knew
24 who he was.

25 A. Yes, yes. I would agree with that.

BARRY L THOMPSON, II - CROSS

1 Q. And he received a substance time cut for a
2 voluminous amount of charges.

3 A. This is going to sound ridiculous but I
4 honestly don't remember. I don't know that I
5 actually saw his plea.

6 Q. But it's your -- it's your testimony that
7 Mr. Blake was able to enter into this Alford plea
8 based on your review of the information for the
9 murder?

10 A. Based on our review of the information that
11 we had available to us. And, again, the
12 information on the murder case, I would absolutely
13 agree with you that it wasn't complete, but
14 frankly, again, this is somewhat of a strategy
15 question, frankly, from a strategic standpoint.

16 I don't know that I would have needed as much
17 of a complete discovery picture on the manslaughter
18 plea as I did on the armed robbery plea because as
19 a point of fact, if you can't beat the armed
20 robbery case then you are essentially -- and, Your
21 Honor, I apologize. I hate using this phrase when
22 we're talking about somebody's life. -- but you're
23 essentially getting the voluntary manslaughter plea
24 for free.

25 Q. Right. Even if you didn't do it, though?

BARRY L THOMPSON, II - CROSS

1 A. Even if you didn't do it, which is why he
2 pled guilty under Alford.

3 Q. Right.

4 A. Because it was that good of a deal.

5 Q. Right. But you, you would agree that the
6 armed robbery which you were very much prepared for,
7 you at least did have some -- his alibi did have
8 some information. It did have some credibility.
9 You had information that he at least had an alibi
10 including a picture.

11 A. I had information that at some point in time
12 he had an alibi. This alibi wasn't going to be an
13 effective alibi witness at trial but that in the
14 past she had made some statements that indicated
15 that she would have been an alibi witness.

16 But she, she changed her story. And I wasn't
17 going to be able to force her to be an alibi
18 witness at trial.

19 Q. And then, you would agree that in the plea
20 Mr. Assistant Solicitor Miller talked about all
21 these SLED matches, but you haven't been provided
22 these SLED matches?

23 A. I think what you said is correct. I don't
24 know that I, that I received all of the SLED -- my
25 understanding was that was about the murder case.

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1 Q. Right, right. About the murder case, right.

2 A. Okay. And I will tell you I agree with you.

3 No, I did not have all of that material. Probably,
4 my understanding -- if memory serves me, I don't
5 think that material was actually available at the
6 time of the plea.

7 Q. And then with regards to the armed robbery
8 there was -- hang on. Bear with me.

9 A. The armed robbery, if memory serves me, the
10 only forensic evidence that was available was that
11 they were able to match a bruise or a groove or
12 something on the victim's lip with William's gun to
13 show that kind of the front sight of the gun
14 matched up with the mark that was on the victim's
15 mouth where the victim had said that William shoved
16 the gun in my mouth.

17 Q. And you'd agree that he was hesitant to even
18 enter that plea on that day as the record reflects?
19 And I think that you indicated to the Court that he
20 had been experiencing frustration?

21 A. I would agree with you that he was
22 frustrated, yes.

23 Q. And that the facts of the armed robbery that
24 were provided in that plea that day stated that
25 there were several people in the car including

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1 Mr. Isom?

2 A. I don't remember exactly what was said at the
3 plea but I will tell that you that's my
4 recollection from the discovery materials. So I
5 would agree with you, that's probably what was
6 said.

7 Q. And the key witness in that armed robbery was
8 also Mr. Isom?

9 A. He was, he was one of the key witnesses. The
10 victim was also a key witness in that case.

11 Q. And that --

12 A. Mr. Holland knew, knew William as well.

13 Q. And that you knew that the victim had
14 girlfriend problems with Mr. Blake?

15 A. I don't remember about any girlfriend
16 problems.

17 Q. You don't recall investigating any girl
18 problems?

19 A. No, I don't. And in fact one of the things
20 that William and I talked about was: Okay, if this
21 guy's lying, what's his angle; what's his
22 motivation to lie; why does he hate you; why would
23 he say these bad things about you.

24 And I don't remember us being able to come up
25 with a reason for that because that would have been

BARRY L THOMPSON, II - CROSS

1 something -- that was something, not that I would
2 have been looking for but that I was looking for.
3 And I don't remember us talking about that.

4 Q. And he had a record, too, the victim in the
5 armed robbery as well; right?

6 A. I -- honestly, I'm going to have to tell you
7 I don't remember.

8 Q. Okay.

9 A. I don't disagree with you but I don't
10 remember. My understanding was this was -- the
11 armed robbery was a really weird case because from
12 the beginning there didn't really seem to be any
13 kind of motive for it. Everybody agreed that it
14 happened and that, you know, they ordered the guy,
15 then pulled his pants down and the whole mess but
16 it was a very strange case.

17 Q. Well, I guess I want to go back to that. So
18 he had -- and you can look it up if you need to but
19 he had pending drug charges, the victim? He had
20 pending PWID meth and PWID meth problems?

21 A. I don't disagree with you. I don't remember
22 that but I don't disagree with you.

23 Q. All right. And the phone records -- the
24 reason that Mr. Blake was so upset about the phone
25 records was because in the statement that the victim

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1 gave he said that he called Chris Isom and Amanda
2 Toole, one of the other co-defendants, to come and
3 pick him up. That was a statement that he gave,
4 right, the victim?

5 A. I don't remember.

6 Q. Okay. But then all of a sudden Mr. Blake
7 hopped out of the car and put a pistol up against
8 his head. I think that was the key evidence.

9 A. The -- yeah. The allegation in the case was
10 that they had stopped, that one of them was going
11 around the back of the car, peeing on the back of
12 car or about peeing behind the car and then William
13 got out and shoved the gun at this guy and he was
14 robbed and he had, like, money or some kind of
15 tickets or something with him.

16 Q. Okay.

17 MS. ZMROCZEK: Beg the Court's indulgence.

18 THE COURT: Take your time.

19 BY MS. ZMROCZEK:

20 Q. And you indicated that, I think, some of the
21 key evidence was that this were bruises on the
22 victim's mouth, or there were marks on the mouth and
23 that maybe that that matched a gun description that
24 Mr. Blake had.

25 A. That was -- that was the -- that was the --

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1 from talking to the police officers, that's what
2 the police officer was going to say.

3 Q. So the pending meth charges could have also --
4 the fact that he was using meth or at least had
5 pending meth charges could also explain some
6 problems that he had. You're familiar that that
7 drug causes physical problems for meth users?

8 A. I think that that's statement true. It
9 doesn't explain having a cut on the front of your
10 lip from a gun sight but --

11 Q. And did you --

12 A. -- but, yes.

13 Q. And did you ever receive color photos of
14 those?

15 A. I did not.

16 Q. You did not?

17 A. Did not. I had spoken to the police officer
18 and I knew that that's what the police officer was
19 going to say, but I did not have photos of this.

20 Q. And to this day we still don't have any
21 photos?

22 A. I don't believe I have any photos of that,
23 no.

24 MS. ZMROCZEK: Thank you. Those are all the
25 questions I have.

1 THE COURT: Anything on redirect?

2 MR. GOURLEY: No, Your Honor.

3 THE COURT: You may step down. Thank you,
4 sir.

5 Anything else from the State?

6 MR. GOURLEY: No, Your Honor.

7 THE COURT: All right. Ms. Zmroczek, do you
8 want to place any argument on the record?

9 MS. ZMROCZEK: I do, Your Honor.

10 THE COURT: Okay.

11 MS. ZMROCZEK: My -- in reviewing --
12 obviously as you can see and through the testimony
13 that there's a lot of -- there was a lot of
14 evidence in this case. And Mr. Blake's continued
15 frustration is that he feels like he was forced to
16 plead. And I know that as the Court has clearly
17 defined the issue is, even taking the manslaughter
18 out of it, he was still facing 10 to 30 with the
19 armed robbery.

20 And it's always been his position however
21 that he felt like he was forced into this joint
22 plea, whether or not it was explained to him or
23 whether or not he understood it. And I think that
24 the plea reflects that he maybe didn't quite
25 understand what was going on.

1 The key -- the key in both of these cases, in
2 the armed robbery and the murder which ended up
3 pleading to voluntary manslaughter, was a
4 confidential informant who was a co-defendant. And
5 Mr. Blake's concern is that especially once he
6 received all the information that the basis of this
7 case was from Mr. Isom who was the co-defendant
8 slash confidential informant, that the attorney had
9 a duty to review and interview potential witnesses
10 and conduct a reasonable investigation and that the
11 misadvice on these decisions led him to plead
12 guilty.

13 And he feels that -- Mr. Blake's whole point
14 is that he would have -- had he known that Mr. Isom
15 was the main snitch in all of this, that he would
16 have absolutely exercised his right to go to trial
17 even if he was facing a second strike.

18 And for those reasons, Your Honor, he asks
19 that the -- and if you read the Court transcript,
20 Mr. Miller refers to a lot of evidence that simply
21 just doesn't exist, Your Honor.

22 I've done a thorough investigation and I know
23 that Mr. Thompson even admitted and agreed that he
24 received a lot of information, a lot of information
25 afterwards. And I think that's what most

1 frustrating to Mr. Blake as well is because it
2 didn't, it didn't implicate him.

3 THE COURT: And I can understand his
4 frustration of getting this stuff on the murder
5 trial afterwards. But -- and if this was just a
6 PCR --

7 MS. ZMROCZEK: On that --

8 THE COURT: -- pertaining to the murder you
9 know, I mean, I think he'd have a really good case
10 but I don't know that he wants me to grant him a
11 PCR on the murder.

12 MS. ZMROCZEK: And, Your Honor --

13 THE COURT: Or voluntary manslaughter.

14 MS. ZMROCZEK: And I've spoken to him about
15 this several times. And that's why I also wanted
16 to put on the record is that he understands that
17 it's not just one, but if you grant this PCR he's
18 facing both the armed robbery and back to the
19 murder charge. And he understands that.

20 So, yes, thank you, Your Honor.

21 THE COURT: Okay. Anything?

22 MR. GOURLEY: Just briefly, Your Honor.

23 As far as Mr. Thompson's representation, I
24 think it falls well within the professional norms.
25 Mr. Thompson {sic} was presented with a plea offer

1 at the time of trial for the armed robbery. It
2 included both the murder charge that was then
3 dropped down to a voluntary manslaughter charge and
4 the armed robbery. As Mr. Thompson explained those
5 sentences run concurrent which is beneficial
6 obviously to Mr. Blake. He said he explained that
7 to him.

8 He also explained to Mr. Blake that he had
9 not received and completed his investigation on the
10 murder charge, Your Honor, and Mr. Blake entered
11 the plea. I think negotiations were obviously
12 ongoing and Mr. Thompson got him an Alford plea
13 which was apparently a hold up to Mr. Blake and
14 that Mr. Blake entered it knowingly and
15 intelligently pleading. Despite the fact that they
16 received the information after the plea on the
17 murder case, it doesn't impact his plea at the time
18 when he did so with eyes wide open.

19 So I'd ask that you dismiss the case.

20 THE COURT: Thank y'all. I'll review the
21 record and I'll get back to y'all with my decision.

22 MR. GOURLEY: Thank you, Your Honor.

23 MS. ZMROCZEK: Thank you, Your Honor.

24 THE COURT: Thank you.

25 END OF PROCEEDINGS: 1:36 P.M.

1 * * * *

2 CERTIFICATE OF REPORTER

3 STATE OF SOUTH CAROLINA)

4 COUNTY OF AIKEN)

5 I, Cheri L. Young, Registered Professional
6 Reporter and Official Court Reporter for the State
7 of South Carolina, Second Circuit-At Large, do
8 hereby certify that the foregoing proceedings were
9 written stenographically by me using computer-aided
10 translation; further, that the foregoing is a true,
11 accurate and complete record, to the best of my
12 skill and ability, of all the proceedings had and
13 evidence introduced in the hearing of the captioned
14 case, relative to appeal, in the Court of Common
15 Pleas for Aiken County, on the 8th day of
16 September, 2015.

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

19 I have hereunder set my hand this 9th day of
20 July, 2019.

21 /s/ Cheri L. Young

22 _____
23 Cheri L. Young, RPR
24 Official Court Reporter
25

RECEIPT FOR EXHIBITS

143

Case No. 2012-CP-02-00374
Plaintiff: William Henry Blake, III
Defendant: State of SC
Date Trial Started: 9-8-2015

Judge E. Dickson
Plt's Atty. Aimee Zmroczek
Def's. Atty. Daniel Geurley
Date Trial Ended: 9-8-2015

Received of Cheri Young, Court Reporter for the above case, these exhibits:

#

	Clerk of Court Use
1 Voluntary Statement 22 pgs Δ	✓
2 General Sessions Packet 8 pages	✓
3	
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This 8th day of September 2015.

Page 1 of 1

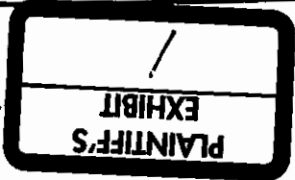
By: [Signature]

Richland County Clerk of Court

Aiken Clerk should retain white copy in Civil cases, yellow copy in Criminal cases.

FILED September 8 2015

[Signature]
[Signature]
1:30pm



Aiken County Sheriff's Office

VOLUNTARY STATEMENT

Time: _____

Date: 5/25/12

Page 1 of _____ pages

Location where statement was obtained: _____

Name: (BIBB) TRAVIS

Date of Birth: _____

SSN: _____

Address: _____

City: _____

State: SC

Zip: _____

I completed the 10th grade in school, and I CAN/CANNOT read and write. (Circle one)

Me and Marcus walk to apache st. to my cousin rick house and played the X box. As we were walking back to down e peacocke when ~~we~~ we got buffery down between the brown picket fence by the royal is a car pulled up with the door open and he said rigga get ur hands out your pocket and he pointed the gun at my stomach and shot immediately the bullet missed me by inches and I ran jump over the fence and went into the hotel office. As I was jumpin the fence I heard 2 more shots. It was a small car with two black guys

FILED September 8, 2012

[Signature]
[Signature]
 1:30 pm

I have read or have had read to me this statement consisting of _____ page (s). This statement is true. I have initialed all corrections and initialed the bottom of each page containing the statement. I declare that the voluntary statement is made of my own free will, without promise or reward, without fear or threat of physical harm/punishment, without coercion, unlawful influence or unlawful inducement.

This statement was completed at _____ a.m./p.m. on _____ day of _____, 20 _____.

Signature of person giving voluntary statement

Witness

Witness

I have been given a copy of this statement consisting of _____ pages.

Initials of person making statement. _____

Aiken County Sheriff's Office

VOLUNTARY STATEMENT



Time: 01:39 Date: 5/24/11

Page 1 of 1 pages

Location where statement was obtained: Aiken

Name: Emily Augenstein

Date of Birth: [Redacted]

SSN: [Redacted]

Address: [Redacted]

City: [Redacted]

State: [Redacted]

Zip: [Redacted]

I completed the 12 grade in school, and I CAN/CANNOT read and write. (Circle one)

On Saturday a man named D came over for a tattoo. He was here for about an hour then left after the session was finished. That night he let 2 men named jungle sleep on the floor for the night. Today (Monday) I heard two gun shots from my room. I got a knock on my door and got asked some questions.

I have read or have had read to me this statement consisting of 1 page (s). This statement is true. I have initialed all corrections and initialed the bottom of each page containing the statement. I declare that the voluntary statement is made of my own free will, without promise or reward, without fear or threat of physical harm/punishment, without coercion, unlawful influence or unlawful inducement.

This statement was completed at 1:48 a.m./p.m. on 24 day of May, 20 11

Signature of person giving voluntary statement

Witness

Witness

I have been given a copy of this statement consisting of 1 pages.

Initials of person making statement.

943307.001

07/07/2011

(EXB: A-2)



SUBSCRIBER INFORMATION

534104848874

C/T

Financially Liable Party

Name: SARA FRANKLIN

Credit Address: [REDACTED] ST. AUGUSTA, GA 30906

Customer Since: 04/30/2011

Photo ID Type:

Photo ID State:

Photo ID Number:

DOB:

SSN:

Contact Name:

Contact Home Phone: (706) 798-7411

Contact Work Phone: (803) 295-6869

Contact Home Email: [REDACTED]

Contact Work Email:

Billing Party

Account Number: [REDACTED]

Name: SARA FRANKLIN

Billing Address: [REDACTED] ST. AUGUSTA, GA 30906

Account Status: Active

Billing Cycle: 25

User Information

MSISDN: (803) 295-6869

IMSI: [REDACTED]

MSISDN Active: 04/30/2011 - Current

IMBI/ESN: 354493042502749/

Name: SARA FRANKLIN

User Address: [REDACTED] ST. AUGUSTA, GA 30906

Service Start Date: 04/30/2011 Dealer Info: ZYPIG DMROC

Payment Type: Postpaid

Contact Name:

Contact Home Phone:

Contact Work Phone:

Contact Home Email:

Contact Work Email:

Status Change HistoryStatus Change Reason:Status Change Date:



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 AIKEN CO SO 29801
 420 HAMPTON AVE NE
 AIKEN SC 29801

File Code: 943307.001

From: BGS

Phone Number: (803) 642-2076
 Fax Number: 1(803) 642-2148

Request Dated: 6/8/2011
 Received On: 6/9/2011

Number of Pages:
 Date: 7/7/2011

If you are not already doing so, please begin addressing all legal requests to AT&T. Additionally, effective immediately, please fax all legal requests for **WIRELESS** numbers to AT&T at 1-888-938-4715. For more efficient and faster response, please provide an email address on future requests.

- The requested information is enclosed.

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943307.001

AT&T MOBILITY

Return

I received the attached Search Warrant June 8 . 20 11 . and have executed it as follows:
On June 8 , 20 11 at 1000 o'clock 1 M . I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with AT&T Fax 8683984715

Name of the person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

(7) pages of documents from AT&T
containing subscriber information and call logs
for phone # 803 295 6869

This inventory was made in the presence of _____

I swear that this Inventory is a true and detailed account of all property taken by me on the warrant.

SWORN to before me this 12
day of July 20 11
[Signature] (L.S.)
Signature of Judge

[Signature]
(Signature of Officer Executing Warrant)





MOBILITY USAGE

943307.001
07/07/2011
SCAMP

Run Date:	Run Time:	Voice Usage For:	Account Number:	Item	Conn. Date	Conn. Time	Release Time	Originating Number	Terminating Number	Elapsed Time	Number Dialed	IMSI	Description
07/07/2011	15:36:08	(803)385-6869	5181088974	1	05/23/11	09:43A	0:25	18032956869	17065648515	0:30	17065648515	3544930425027402	M2M_DIR
				2	05/23/11	07:06P	0:25	18032956869	17065648515	0:02	17065648515	3544930425027402	M2M_DIR
				3	05/23/11	07:06P	0:01	18032956869	19802539037	0:14	19802539037	3544930425027402	M2M
				4	05/23/11	07:06P	0:01	17065648515	18032956869	0:14	18032956869	3544930425027402	M2M
				5	05/23/11	07:07P	0:04	17065648515	18032956869	0:04	18032956869	3544930425027402	M2M_DIR
				6	05/23/11	07:08P	0:10	18032956869	17065648515	10:16	17065648515	3544930425027402	M2M_DIR
				7	05/23/11	09:13P	0:12	18032956869	17065648515	1:30	17065648515	3544930425027402	M2M_DIR
				8	05/24/11	06:20A	0:19	18032956869	17065648515	21:09	17065648515	3544930425027402	M2M_DIR
				9	05/24/11	11:13P	0:01	18032956869	19802539037	0:03	18032956869	3544930425027402	M2M_FWD
				10	05/24/11	12:13P	0:02	18032956869	18032956869	0:19	18032956869	3544930425027402	O2M
				11	05/24/11	12:33P	0:01	18032956869	18032956869	0:33	18032956869	3544930425027402	O2M
				12	05/24/11	03:26P	0:02	18032956869	18032956869	0:03	18032956869	3544930425027402	M2M
				13	05/24/11	04:07P	0:24	18032956869	17065648515	1:32	17065648515	3544930425027402	M2M_DIR
				14	05/24/11	04:09P	0:01	18032956869	19802539037	1:12	19802539037	3544930425027402	M2M_DIR
				15	05/24/11	07:09P	0:23	18032956869	18038802785	0:43	18038802785	3544930425027402	M2M_DIR
				16	05/24/11	07:13P	0:11	18032956869	18036742767	0:31	18036742767	3544930425027402	M2M_DIR
				17	05/24/11	07:23P	0:08	18032956869	18032956869	0:42	18032956869	3544930425027402	M2M_DIR
				18	05/24/11	07:35P	0:09	17065648515	18032956869	2:31	18032956869	3544930425027402	M2M_DIR
				19	05/24/11	07:34P	0:07	18032956869	18032956869	1:32	18032956869	3544930425027402	M2M_DIR
				20	05/24/11	07:36P	0:09	18032956869	17065648515	0:00	17065648515	3544930425027402	M2M_DIR
				21	05/24/11	07:37P	0:00	17065648515	18032956869	0:00	18032956869	3544930425027402	M2M
				22	05/24/11	07:37P	0:01	18032956869	19802539037	0:03	19802539037	3544930425027402	M2M
				23	05/24/11	07:37P	0:26	17065648515	18032956869	0:03	18032956869	3544930425027402	M2M
				24	05/24/11	08:04P	0:17	18032956869	17065648515	3:50	17065648515	3544930425027402	M2M_DIR
				25	05/24/11	09:03P	0:13	18032956869	17065648515	20:21	17065648515	3544930425027402	M2M_DIR

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943307.001
07/07/2011
SCAMP

MOBILITY USAGE



Item	Conn. Date	Conn. Time	Originating Number	Terminating Number	IMEI	IMSI	Description
1	05/23/11	07:05P	18036401741	18032956869	.....	310410395847530	IM
2	05/23/11	07:05P	18036401741	18032956869	.....	310410395847530	IM
3	05/24/11	04:07P	18034391316	18032956869	.....	310410395847530	IM
4	05/24/11	04:07P	1100	18032956869	.....	310410395847530	IM
5	05/24/11	04:07P	0100	18032956869	.....	310410395847530	IM_VMP
6	05/24/11	04:12P	18032956869	18034391316	.....	310410395847530	IM_VMP
7	05/24/11	07:07P	18034391316	18032956869	.....	310410395847530	OUT
8	05/24/11	07:07P	1803002285	18032956869	.....	310410395847530	IM
9	05/24/11	07:12P	18014743767	18032956869	.....	310410395847530	IM
10	05/24/11	10:42P	18032956869	17065648515	.....	310410395847530	IM
					.....	310410395847530	007

Run Date: 07/07/2011
Run Time: 15:36:10
SMS Usage For: 18031423-585
Account Number: 934104818074

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STATE OF SOUTH CAROLINA }
COUNTY OF Aiken

AFFIDAVIT

Personally appeared before me, one Inv. Lawrence A. Wiggins
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any and all call logs, text messages, data, pictures and video and any other evidence to include all subscriber information for Phone number 803-341-5850, LG phone Model# LG220CM Serial# 012CYUK2059230

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

TRACFONE Wireless, Inc
Subpoena Compliance Department
Fax: 305-715-6932

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

On May 23, 2011 Travis Deon Bibbs, who was in possession of the LF Straight Talk Cell Phone texted or called Jay Wright at approx. 2230-2240 hrs EST requesting he come get him off the road from Clearwater SC. At 2247 hrs EST the Aiken County Sheriff's Office received a call for shots fired, the Sheriff's Office arrived on scene Bibbs was seen looking for his cell phone which he stated he lost while running after being shot at. Bibbs did not state that he was with anyone else. After Bibbs was released Marcus Griggs was located deceased in a field adjacent to where Bibbs was looking for his phone. This information is needed to corroborate Bibbs story of calling for a ride just before he and Griggs were shot at and to Validate Wrights statement that Bibbs called him for a ride.

Sworn to and Subscribed before me
this 17th day of May, 2011.
Lawrence A. Wiggins (L.S.)
Signature of Judge

}
[Signature]
Affiant

Address 430 Hampton Ave. N.E. Aiken, S.C. 29801
Phone 803-642-1785



SUBSCRIBER INFO FOR 803-341-5850

Cost ID: [REDACTED]

REP: Only collect the phone number and Email.

First/Last Name/MI: * Teresa Robinson []
 Name not provided

2. Check Here To Start Recording

Phone: 803 - 341 - 5234
 Phone not provided

REP: Do not read this script or make a selection for Activations, Reactivations, Adding Airtime or if the customer did not provide a phone number.

Would you like to receive valuable savings from our TracFone partners to the contact number you've provided? These offers will be sent directly from us and we will never share your information with third party vendors. You can unsubscribe at any time. [] SELECT []

Check Here To Stop Recording

Email: [REDACTED]@straighttalk.com

Date Of Birth: [] - [] - []

Primary Address	Shipping Address	Billing Address
Street Address [REDACTED] Blvd	Street Address <input type="checkbox"/> Same As Primary Address [REDACTED] Blvd	Street Address <input type="checkbox"/> Same As Primary Address 268435459307328766
City north Augusta	City North Augusta	City NORTH AUGUSTA
State Zip Code South C. [] 29841	State Zip Code South C. [] 29841	State Zip Code South C. [] 29841
<input type="button" value="Find ZIP"/>	<input type="button" value="Find ZIP"/>	<input type="button" value="Find ZIP"/>

**SUBSCRIBER INFO FOR 803-341-5850****Profile**

CUSTOMER NAME: Teresa Robinson	STATUS: PAST DUE
CUSTOMER ID: [REDACTED]	CARRIER: VERIZON_PP
PHONE NUMBER: 8033415850	ZIP CODE: 29841
PHONE MODEL: NTLGS220CPWP	ORIG ACT DATE: 02/24/2011
TECHNOLOGY: CDMA	DUE DATE: 09/07/2011
SERIAL NUMBER: 268435460006997969	REQ UPDATE: NO

WARRANTY: Original	ACCOUNT:
MSID:	NICKNAME:
SERVICE TYPE: Unlimited	AUTO REFILL: NO
PAID UNITS: 0	
PENDING UNITS: 0	
FREE UNITS: 0	

EXH: A-1

Call Detail Export



MDN: 8033415850
Date Number: 05/23/2011
Start Date: 05/23/2011
End Date: 05/23/2011

Rec'd Date & Time	MDN	Deleted Number	SN	Call Direction	Origin SID	To State	From City	Call City	Call Min	LD Minutes	Remaining	Remaining	LD	SMST	SMSO	MNST	MMSO	Units
05/24/2011 11:28 PM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 08:11 PM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 05:24 PM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 05:24 PM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 05:23 PM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 05:23 PM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 11:18 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 03:42 AM	8033415850	8033415850	268435460006997969	Incoming	181	SC	NORTH AUGU	NORTH AUGU	0	0.00	0	0	0	0	0	0	0	0.00
05/24/2011 03:40 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 03:36 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 03:36 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 03:34 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 03:34 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 03:18 AM	8033415850	8033415850	268435460006997969	Outgoing	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 03:16 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 03:14 AM	8033415850	8033415850	268435460006997969	Incoming	B4	SC	AIREN	NORTH AUGU	2	0.00	0	0	0	0	0	0	0	0.00
05/24/2011 03:14 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 01:20 AM	8033415850	8033415850	268435460006997969	Outgoing	181	SC	NORTH AUGU	NORTH AUGU	1	0.00	0	0	0	0	0	0	0	0.00
05/24/2011 01:51 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 12:54 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 12:42 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 12:31 AM	8033415850	8033415850	268435460006997969	Outgoing	B4	SC	NORTH AUGU	GRANTVIL	2	0.00	0	0	0	0	0	0	0	0.00
05/24/2011 12:31 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 12:29 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 12:29 AM	8033415850	8033415850	268435460006997969	Outgoing	B4	SC	NORTH AUGU	AIREN	2	0.00	0	0	0	0	0	0	0	0.00
05/24/2011 12:21 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 12:18 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 12:13 AM	8033415850	8033415850	268435460006997969	Incoming	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/24/2011 12:12 AM	8033415850	8033415850	268435460006997969	Outgoing	181	SC	NORTH AUGU	GRANTVIL	11	0.00	0	0	0	0	0	0	0	0.00
05/24/2011 12:09 AM	8033415850	8033415850	268435460006997969	Incoming	181	SC	JOHNSTON	NORTH AUGU	1	0.00	0	0	0	0	0	0	0	0.00
05/24/2011 12:06 AM	8033415850	8033415850	268435460006997969	Outgoing	B4	SC	BEECH ISLA	AIREN	4	0.00	0	0	0	0	0	0	0	0.00
05/24/2011 12:05 AM	8033415850	8033415850	268435460006997969	Incoming	B4	SC	AIREN	NORTH AUGU	1	0.00	0	0	0	0	0	0	0	0.00
05/24/2011 12:05 AM	8033415850	8033415850	268435460006997969	Incoming	B4	SC	AIREN	NORTH AUGU	1	0.00	0	0	0	0	0	0	0	0.00
05/24/2011 12:05 AM	8033415850	8033415850	268435460006997969	Outgoing	0	CL		TEXT MSG	0	0.00	0	0	0	1	0	0	0	0.00
05/23/2011 11:59 PM	8033415850	8033415850	268435460006997969	Outgoing	181	SC	AIREN	GRANTVIL	7	0.00	0	0	0	0	0	0	0	0.00
05/23/2011 11:55 PM	8033415850	8033415850	268435460006997969	Incoming	B4	SC	NORTH AUGU	WARRENVIL	2	0.00	0	0	0	0	0	0	0	0.00
05/23/2011 11:55 PM	8033415850	8033415850	268435460006997969	Incoming	B4	SC	COLUMBIA	WARRENVIL	1	0.00	0	0	0	0	0	0	0	0.00
05/23/2011 11:54 PM	8033415850	8033415850	268435460006997969	Incoming	B4	SC	NORTH AUGU	WARRENVIL	1	0.00	0	0	0	0	0	0	0	0.00
05/23/2011 11:52 PM	8033415850	8033415850	268435460006997969	Outgoing	B4	SC	BEECH ISLA	COLUMBIA	1	0.00	0	0	0	0	0	0	0	0.00
05/23/2011 11:48 PM	8033415850	8033415850	268435460006997969	Incoming	B4	SC	AIREN	BEECH ISLA	1	0.00	0	0	0	0	0	0	0	0.00
05/23/2011 11:44 PM	8033415850	8033415850	268435460006997969	Incoming	B4	SC	JOHNSTON	NORTH AUGU	7	0.00	0	0	0	0	0	0	0	0.00



Aiken County Sheriff's Office

VOLUNTARY STATEMENT

Time: 12:53 Date: 5/24/2011

Page 1 of 1 pages

Location where statement was obtained:

Name: JAY Wright

Date of Birth: [redacted] SSN: [redacted]

Address: [redacted]

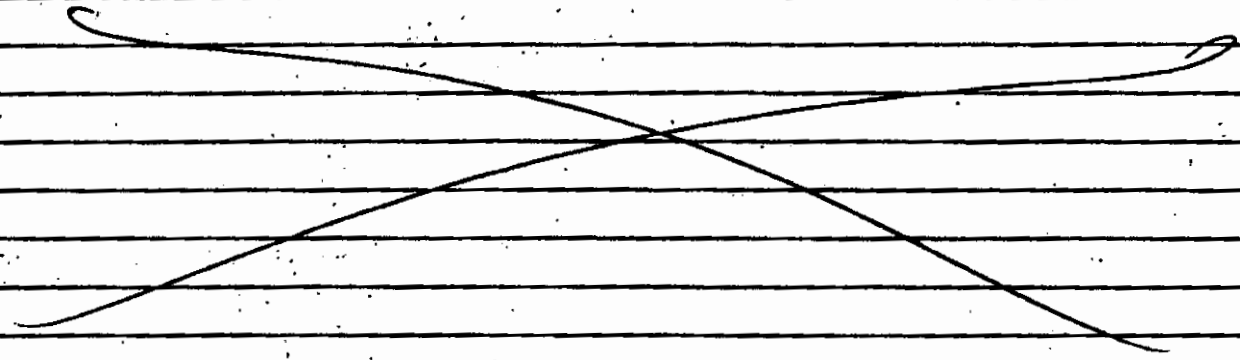
City: [redacted]

State: [redacted]

Zip: [redacted]

I completed the 10th grade in school, and (CAN) CANNOT read and write. (Circle one)

My friend TRAVIS BILLES called me and said he needed a ride. When I got to Cherokee dr TRAVIS said he'd been shot at and dropped his phone we looked for his phone Aiken Co. pulled up and helped us look for the phone. We found the phone and the deputy found a shell casing, then told us we could go.



I have read or have had read to me this statement consisting of _____ page (s). This statement is true. I have initialed all corrections and initialed the bottom of each page containing the statement. I declare that the voluntary statement is made of my own free will, without promise or reward, without fear or threat of physical harm/punishment, without coercion, unlawful influence or unlawful inducement. This statement was completed at 12:53 a.m. (C) on 24 day of May, 2011

Signature of person giving voluntary statement: Jay Wright

Witness

Witness

I have been given a copy of this statement consisting of 1 pages.

Initials of person making statement: TBR

CASE

NCIC
AGENCY I. D.
SC0020000

SUPPLEMENTARY REPORT

11-032828

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<input type="checkbox"/> ORIGINAL REPORT	<input checked="" type="checkbox"/> SUPPLEMENTAL REPORT	<input type="checkbox"/> ADDITIONAL VICTIMS	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY
<input type="checkbox"/> MODIFIES ORIGINAL	<input checked="" type="checkbox"/> CASE STATUS CHANGE	<input type="checkbox"/> ADDITIONAL OFFENDERS	<input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY

Incident Type	Death Investigation	Date:	5/23/11	Time	2355
---------------	---------------------	-------	---------	------	------

Victim's Name	Markes Griggs	Subject Name:	William Blake, Christopher Isom
---------------	---------------	---------------	---------------------------------

May 24, 2011

I/O received this case for investigation.

(May 23, 2011)

I/O was dispatched to [redacted] Hwy for a shooting incident which resulted in the death of a man later identified as Markes Griggs. While enroute I/O was rerouted to the Circle K gestation on Jefferson Davis Hwy. I/O was informed that a potential witnesses to the shooting incident were located there.

I/O arrived at [redacted] Hwy. Upon arrival I/O met with Dep. Egan who informed I/O that the female Stephanie Michelle Epperly and Jay Wright, her boyfriend, were being questioned because they were called to the incident location by Travis Bibbs who was with the victim when he was shot.

I/O questioned Epperly and she stated that her boyfriend received a call from Bibbs stating he needed him to come get him. Epperly stated Wright did not have a license so she drove. Epperly stated that she and her boyfriend met Bibbs at the Kozy Kort Motel they went with him to look for his cell phone. Epperly stated that while out there a deputy met them and Bibbs Gave a Statement. She then stated that they were released and from there she took him to a house on Apache Ln. and then they went to a house on Carolina Springs Rd., to give another individual a ride. She stated that is when she received a call to bring Bibbs back to the incident location. After dropping him off in the area she left only to be stopped at the Circle K. I/O escorted Epperly back to the incident location where she gave a written statement. Jay Wright also gave a written statement stating Bibbs called him for a ride.

I/O spoke to Bibbs who was sitting in the back of a patrol car. Bibbs stated in an emotional state that he and Cool Breeze identified as Markes Griggs were walking down Cherokee Dr. when two black males pulled up in a car and told them to get their hands out of their pockets. Bibbs then stated he and Cool Breeze took off running in different directions which him he heard two shots. Bibbs stated he ran to a friend's house to use the phone because he dropped his. When questioned further about the location from which he and Griggs came from he stated they were at Nick's House, Nick was identified as Nicholas Washington. Bibbs stated they were walking to the Royal Inn get some ointment for his new

SUBJECT IDENTIFIED	SUBJECT LOCATED	ACTIVE	ADM CLOSED	ARRESTED UNDER 18	EX-CLEARED UNDER 18
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		UNFOUNDED		ARRESTED 18 & OVER	EX-CLEARED 18 & OVER

Reason For Exceptional Clearance Offender Death No Prosecution Extradition Denied Victim Declines Cooperation Juvenile No Custody

REPORTING OFFICER	DATE	UNIT #	APPROVING OFFICER	DATE	UNIT #
L. Wiggins	10/18/11	5637	<i>[Signature]</i>	10/18/11	8704

Follow up Investigation Yes No Officer:

STATE OF SOUTH CAROLINA }
COUNTY OF Aiken

AFFIDAVIT

Personally appeared before me, one Inv. Lawrence A. Wiggins
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premise in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any and all firearms, ammunition, ammunition magazines, projectiles, spent cartridges, gun shot residue, Serological evidence not limited to blood, latent prints and any other evidence indicative of discharging of a firearm or crime.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

A 1998 Chrysler Cirrus LXI, four door, burgundy/purple like in color with SC Tag# [REDACTED],
[REDACTED].

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

On May 23, 2011 The Aiken County Sheriff's Office located Markes Griggs deceased behind
A wooden fence on Cherokee Dr. suffering from what appeared to be a gun shot wound.
An informant has provided credible information identifying William Blake as the perpetrator
And that Blake perpetrated the crime from inside his girlfriends, 98 Chrysler Cirrus LXI.
William Blakes girlfriend Rebecca Easter, whom he resides with at a trailer marked with "A23"
On Lighthouse Ln, has a 1998 Chrysler Cirrus LXI, four door, burgundy/purple like in color
with SC Tag# [REDACTED].

Sworn to and Subscribed before me
this 15 day of July, 20 11.
Carl [Signature] (L.S.)
Signature of Judge

} [Signature] 8657
Affiant

Address 120 Hampton Ave. N.E. Aiken, S.C. 29801

Phone 803-642-1785

GUNSHOT RESIDUE COLLECTION

INFORMATION SHEET

AGENCY: Aiken County Sheriff's Office
 ADDRESS: 420 Hampton Ave. NE
Aiken, SC 29801
 CASE AGENT: Paul L. Higgins
 PHONE #: [REDACTED]

CASE # 11-032828
 TYPE OF CASE MURDER
 VICTIM: Markus L. Gings
 SUSPECT: William Duke

EVENT INFORMATION

FIREARM: DATE: 05-24-11 TIME: 2247
 TYPE: unk CALIBER: unk
 MFGR: unk MODEL: unk SERIAL#: unk
 AMMUNITION: unk MFGR: unk
 NUMBER OF SHOTS FIRED: 2

BRIEF DESCRIPTION OF EVENT:

Suspect pull up and confront victim. Argument ensues and victim
try to run from suspect. Above listed. with attempts to flee and
fall at last one shot to the body. He dies at the scene.
suspect is believed to have a rifle. possibly a 308 caliber.

COLLECTION INFORMATION

COLLECTION CONDUCTED BY: Inv. M. F. O'Grady-Watts
 DATE: 07-18-11 TIME: 11:05 am
 NAME OF SUBJECT: 1998 Chrysler Cirrus LXi / Front Passenger Seat Area
 THIS PERSON IS THE VICTIM OR A SUSPECT (CIRCLE ONE)
 THIS PERSON IS RIGHT-HANDED OR LEFT-HANDED (CIRCLE ONE)
 OCCUPATION:
 DESCRIPTION OF ACTIVITY OF SUBJECT BETWEEN THE TIME OF THE INCIDENT AND THE TIME
 OF COLLECTION: Vehicle left scene in possession of suspect. Unknown
as to activity between incident and when Aiken Office took possession
of vehicle.

The purpose of this collection kit is to provide the materials required for an easy and reliable method to collect gunshot residues from a person suspected of firing or handling a firearm. This specific style of collection kit is designed to collect residues that can be analyzed by means of both Scanning Electron Microscopy (SEM) or Atomic Absorption Analysis (AA) at a laboratory.

Gunshot residues are produced when the primer of a cartridge is fired thereby propelling burning particles of primer mixture into the propellant powder causing it to ignite. The burning of the powder causes the production of gases which push the projectile out through the barrel. Gases containing particles of primer mixture, propellant mixture, and metallic projectile particles and vapor follow the projectile out of the weapon and are sometimes deposited on the exposed portions of the shooters hands. These materials can also exit the weapon from any opening of the weapon, such as the barrel-cylinder gap, and also be deposited on the hands. Gunshot residues are present on the surface of a previously discharged (dirty) weapon and can be transferred to the hand (generally the palm surfaces). This kit is designed to "pick-up" these particles of gunshot residue from the skin onto cotton-tipped swabs moistened with dilute nitric acid for analysis or onto a sticky tape on the head of a metal support stub, which is used to mount the sample in the SEM instrument during laboratory analysis. Remember that the laboratory will be utilizing a very sensitive test to detect and analyze the elemental components and morphology of these very small microscopic particles. You must be very careful to prevent contamination of the samples by not touching the sticky surface of the collection stub or swab, by wearing gloves, and by properly closing the vial covers.



AIKEN COUNTY SHERIFF'S OFFICE
 420 HAMPTON AVE., NE
 AIKEN, SOUTH CAROLINA 29801

FORENSIC SECTION

CASE NUMBER

11-032922

Forensic Laboratory Request

Investigating Officer's Information

Name	Lancaster, K: A	Badge #	5535
Agency	ACSO	Telephone #	203 642 1763
Email			

Case Information

Case Type	MURDER	Incident Date	052311
Incident Address	[REDACTED]	Incident Time	2303

Subject(s)	Last Name, First Name, MI.	DOB	RACE	SEX	SID Number
UNKNOWN					

Victim(s)	Last Name, First Name, MI.	DOB	RACE	SEX	SID Number
Bibbs, Travis		[REDACTED]	B	M	
Briggs, Markes		[REDACTED]	B	M	

DECEASED

ITEM(s) # (FROM PROPERTY RECEIPT)	Description of Evidence	Analysis Requested (LATENTS, AFIS, GSR, DNA, ETC.)
1	3000 Shell casing (A0041390)	Latent

Additional Instructions:

If no evidence obtained from processing:
 If "RELEASE" selected, to whom release to?

Please provide a signed Evidence Disposition Form for "Destroy" or "Release"

Submitting Officer's Name	Date	Signature
Lancaster, KA	052411	[Signature]

Return

I received the attached Search Warrant July 15, 20 11, and have executed it as follows:
On July 15, 20 11 at 0800 o'clock 1 M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with Fax 650 644-3299

Name of the person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:
Forty Eight Pages of Facebook documents from the accounts of James Armstrong, William Blake
Michael Bellamy, Christopher Isom and Michael Bussey.

This inventory was made in the presence of _____

I swear that this Inventory is a true and detailed account of all property taken by me on the warrant.

SWORN to before me this 23
day of Aug, 20 11
[Signature] (L.S.)
Signature of Judge

[Signature]
(Signature of Officer Executing Warrant)



AIKEN COUNTY SHERIFF'S OFFICE
 420 HAMPTON AVE., NE
 AIKEN, SOUTH CAROLINA 29801

FORENSIC SECTION

CASE NUMBER

11-032922

Forensic Laboratory Request

Investigating Officer's Information

Name	Lancaster, K.A	Badge #	5535
Agency	ACSO	Telephone #	203 642 1763
Email			

Case Information

Case Type	MURDER	Incident Date	052311
Incident Address	[REDACTED]	Incident Time	2303

Subject(s)	Last Name, First Name, MI.	DOB	RACE	SEX	SID Number
	UNKNOWN				

Victim(s)	Last Name, First Name, MI.	DOB	RACE	SEX	SID Number
	Bibbs, Travis	072692	B	M	
	Briggs, Markes	123902	B	M	

DECEASED

ITEM(s) # (FROM PROPERTY RECEIPT)	Description of Evidence	Analysis Requested (LATENTS, AFIS, GSR, DNA, ETC.)
1	3000 Shell casing (A0041390)	Latent

Additional Instructions:

If no evidence obtained from processing:
 If "RELEASE" selected, to whom release to?

Please provide a signed Evidence Disposition Form for "Destroy" or "Release"

Submitting Officer's Name	Date	Signature
Lancaster, KA	052411	[Signature]

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

Lawrence Wiggins
Aiken County Sheriff's Office
420 Hampton Avenue NE
Aiken, SC 29801-4391

EVIDENCE PROCESSING

September 15, 2011
SLED LAB: L11-06438
Your Case No: 11032828
Incident Date: 5/23/2011
[V] Markes Griggs

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Item: 4 Pants

RESULTS:

Potential evidence collected and sent to the DNA Department.

Item: 5 Shorts

RESULTS:

Potential evidence collected and sent to the DNA Department.

These examinations were conducted by DNA Evidence Processing Technician Verona Gibson and were reviewed by Forensic Scientist Katie Urka in the DNA Casework Department.



STATE OF SOUTH CAROLINA }
COUNTY OF Aiken

AFFIDAVIT

Personally appeared before me, one Inv. Lawrence A. Wiggins
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premise: in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any and all Wall Posts, messages, emails, friend requests and any other electronic communication data through Facebook, for the accounts belonging to Michael Bellamy [redacted], James Armstrong [redacted], Michael Bussey [redacted], Christopher Isom [redacted] and William Blake (DOB [redacted]) between the dates of May 20, 2011 and July 14, 2011.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

Facebook
Security/Custodian of Records
Fax# 650-644-3229

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

On May 23, 2011 the Aiken County Sheriff's Office located Markes Griggs deceased behind A wooden fence on Cherokee Dr. suffering from what appeared to be a gun shot wound. An informant has provided credible information identifying William Blake was the perpetrator. On July 14, 2011 The Sheriff's Office received a recorded Statement from the informant stating that Michael Bellamy, James Armstrong, Michael Bussey and William Blake and Christopher Isom were discussing the murder on facebook. Through a cursory search of Facebook it has been determined that these individuals are linked as friends or family and the information sought is set to private. This information is needed to further corroborate the informant Statement.

Sworn to and Subscribed before me
this 15 day of July, 20 11.
[Signature] (L.S.)
Signature of Judge

[Signature]
Affiant
Address 40 Hampton Ave. N.E. Aiken, S.C. 29801
Phone 803-642-1785

in Augusta which Easter pointed out. She stated that Isom and Blake peeled off the decals because Blake stated he was going to get the car painted. I/O obtained a recorded statement.

I/O closed this case by offender arrest. This case is still pending the results of a DNA analysis, Firearms analysis of the projectile recovered from the body of Griggs and a cell phone analysis of Toole's cell phone.

at the motel. At approx. 101 min in to the interview Toole stated that Easter probably put the guns into the river at the state line. When asked why or how she knows she stated she and Easter had a conversation about what to do with the two guns when she was released on bond from the armed robbery. The conversation took place through text messages.

September 13, 2011

I/O conducted an interview with Toole at the Aiken County Sheriff's Office CID office. She restated in a recorded statement everything she stated to Inv. Langford. She described the rifle as old looking wooden and dark. She stated Blake referred to it as a "chopper".

September 14, 2011

I/O obtained warrants on Blake: M-008546 Murder, M-008547 Poss. Weapon during commission of a violent crime, M-008549 Attempted Armed Robbery. Isom: M-008548 accessory after the fact. Bibbs: M-008550 Misprison of a Felony. Blake & Isom's warrants were served by SSG Fischer of the Aiken County Sheriff's Office Detention Center. Lt. Fleurry served Bibbs' warrant.

I/O received a SLED report stating potential DNA Evidence was recovered from the pants and short pockets of Griggs.

September 16, 2011

I/O received a phone call from Nicole Lagrange. She stated she recognized Blake on TV as a man that Griggs purchased a car stereo from when they lived over on Lighthouse Ln. She stated Grigg's owed him twenty dollars for the stereo but never paid him.

September 23, 2011

I/O met Bibbs at the Detention Center at his request, which was sent through a phone call from his girlfriend. He stated after waiving Miranda that he was innocent and that his baby momma Chastity set him up with the drugs and that he don't sell drugs.

September 28, 2011

I/O seized Toole's phone pursuant to a search warrant. The sim card was missing and Toole stated her daughter was playing with the phone and lost the card. I/O turned the phone into be sent to SLED for analysis in an attempt to recover the deleted text messages.

October 10, 2011

I/O was notified that a chrome revolver was discovered at [REDACTED] Rd, the residence of Rebecca Easter's parents. Samuel Easter stated he found the gun by accident in the upstairs storage of his garage while looking for other items. Mr. Easter stated Rebecca stated when he called her that she had found it in her house under the mattress after Blake was arrested and did not know what to do with it. She also stated that she hid it there. Before I/O could leave Mr. Easter stated Rebecca requested to speak with I/O as long as he could be present. I/O agreed.

Eater arrived at the CID office. She stated in an interview that Blake told her Isom was the shooter and that Isom had previous problems with Bibbs before. She stated Blake had buried the rifle under a window at his mother's house on Pine Log Rd. She stated a guy named "G" dug it up and took it to a house in Augusta where he was supposed to take it apart and throw it in the river. She gave him a ride to pick it up and take it to Augusta. The house is located at [REDACTED] Rd.



PLANTIFF'S EXHIBIT

Aiken County Sheriff's Office
GENERAL SESSIONS PACKET

John Haddard
Kate Comer Initial *1:30pm*

Final
Supplemental

Deputy Name	LAWRENCE WIGGINS	Division/Shift	CID/INVESTIGATION	RULE 5
Case Number	11 - 032828			
Lab Numbers		TO _____ DATE _____		

Case Synopsis	<input type="checkbox"/>
Incident Report	<input type="checkbox"/>
Supplemental	<input checked="" type="checkbox"/>
Miranda Waiver	<input type="checkbox"/>
Arrest Warrant	<input type="checkbox"/>
Booking Sheets	<input type="checkbox"/>
Search Warrant	<input type="checkbox"/>
Crime Scene Sketch	<input type="checkbox"/>

Defendant	[REDACTED]				
Address	[REDACTED] E LN.				
City	N. AUGUSTA	State	SC	Zip	29841
Race	B	Sex	M	Date of Birth	[REDACTED]
Social Security Number	[REDACTED]				
Co-defendant	CHRISTOPHER ISOM				
Co-defendant	TRAVIS BIBBS				

VICTIM STATEMENTS					
1. Name	MARKES LEVELLE SPIGGS				
Social Security Number	[REDACTED]	Date of Birth	[REDACTED]		
Address	[REDACTED] RD.				
City	WARRENVILLE	State	SC	Zip	29851
2. Name	TRAVIS DEON BIBBS				
Social Security Number	[REDACTED]	Date of Birth	[REDACTED]		
Address	[REDACTED] RD.				
City	TRENTON	State	SC	Zip	29847
3. Name					
Social Security Number	- -	Date of Birth	- -		
Address					
City		State		Zip	

WITNESS STATEMENTS					
1. Name	STEPHANIE MICHELLE EPPERLY				
Social Security Number	[REDACTED]	Date of Birth	[REDACTED]		
Address	[REDACTED] DR.				
City	GRANITVILLE	State	SC	Zip	29829
2. Name	AMANDA TOOLE				
Social Security Number	[REDACTED]	Date of Birth	[REDACTED]		
Address	[REDACTED] RD.				
City	NORTH AUGUSTA	State	SC	Zip	29841
3. Name	CAREY MAURICE HAWKINS JR.				
Social Security Number	[REDACTED]	Date of Birth	[REDACTED]		
Address	[REDACTED] RD.				
City	BEECH ISLAND	State	SC	Zip	29842

MEDICAL REPORTS		Other Reports	
EMS	<input type="checkbox"/>	Bloodhound Call Out	<input type="checkbox"/>
Hospital	<input type="checkbox"/>	Fire Run Report	<input type="checkbox"/>
Coroner	<input checked="" type="checkbox"/>	Tow Sheet	<input type="checkbox"/>
Sexual Assault Kit	<input type="checkbox"/>	Warrant Service Supp.	<input checked="" type="checkbox"/>

EVIDENCE REPORTS	
Lineups	<input type="checkbox"/>
Evidence Receipts	<input type="checkbox"/>
Evidence Analysis	<input type="checkbox"/>
Lab Reports	<input type="checkbox"/>
Property Recovered	<input type="checkbox"/>
Photographs	<input type="checkbox"/>
Video	<input type="checkbox"/>
Audio	<input type="checkbox"/>

NCIC CRIMINAL HISTORY	
Defendant	<input type="checkbox"/>
Victim	<input type="checkbox"/>
Witness	<input type="checkbox"/>

RECEIVED
AD 1CP
(OCT 3 1 2011)
SOLICITOR

WARRANT NUMBER		CHARGE	
M-008546		MURDER	
M-008547		POSS. WEAPON VIOLENT CRIME	
M-008549		ATTEMPTED ARMED ROBBERY	

TRAFFIC CASE			
UTT#		Date	- -
UTT#		Date	- -

DATA MASTER REPORT			
Videotape	<input type="checkbox"/>	In Car	<input type="checkbox"/>
		BA Room	<input type="checkbox"/>

COURT DISPOSITION			
Preliminary	<input type="checkbox"/>	Grand Jury	<input type="checkbox"/>
		Trial	<input type="checkbox"/>

Approved	<i>[Signature]</i>
Date	<i>10/28/11</i>

CASE

NCIC
AGENCY I. D.
SC0020000

SUPPLEMENTARY REPORT

11-032828

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<input type="checkbox"/> ORIGINAL REPORT	<input checked="" type="checkbox"/> SUPPLEMENTAL REPORT	<input type="checkbox"/> ADDITIONAL VICTIMS	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY
<input type="checkbox"/> MODIFIES ORIGINAL	<input checked="" type="checkbox"/> CASE STATUS CHANGE	<input type="checkbox"/> ADDITIONAL OFFENDERS	<input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY

Page 1 of 15 Pages

Incident Type	Death Investigation	Date	5/23/11	Time	2355
Victim's Name	Markes Griggs	Subject Name:	William Blake, Christopher Isom		

May 24, 2011

I/O received this case for investigation.

(May 23, 2011)

I/O was dispatched to [REDACTED] Hwy for a shooting incident which resulted in the death of a man later identified as Markes Griggs. While enroute I/O was rerouted to the Circle K gestation on Jefferson Davis Hwy. I/O was informed that a potential witnesses to the shooting incident were located there.

I/O arrived at [REDACTED] Hwy. Upon arrival I/O met with Dep. Egan who informed I/O that the female Stephanie Michelle Epperly and Jay Wright, her boyfriend, were being questioned because they were called to the incident location by Travis Bibbs who was with the victim when he was shot.

I/O questioned Epperly and she stated that her boyfriend received a call from Bibbs stating he needed him to come get him. Epperly stated Wright did not have a license so she drove. Epperly stated that she and her boyfriend met Bibbs at the Kozy Kort Motel they went with him to look for his cell phone. Epperly stated that while out there a deputy met them and Bibbs Gave a Statement. She then stated that they were released and from there she took him to a house on Apache Ln. and then they went to a house on Carolina Springs Rd., to give another individual a ride. She stated that is when she received a call to bring Bibbs back to the incident location. After dropping him off in the area she left only to be stopped at the Circle K. I/O escorted Epperly back to the incident location where she gave a written statement. Jay Wright also gave a written statement stating Bibbs called him for a ride.

I/O spoke to Bibbs who was sitting in the back of a patrol car. Bibbs stated in an emotional state that he and Cool Breeze identified as Markes Griggs were walking down Cherokee Dr. when two black males pulled up in a car and told them to get their hands out of their pockets. Bibbs then stated he and Cool Breeze took off running in different directions which him he heard two shots. Bibbs stated he ran to a friend's house to use the phone because he dropped his. When questioned further about the location from which he and Griggs came from he stated they were at Nick's House, Nick was identified as Nicholas Washington. Bibbs stated they were walking to the Royal Inn get some ointment for his new

SUBJECT IDENTIFIED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	SUBJECT LOCATED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<input type="checkbox"/> ACTIVE <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ADM CLOSED	<input type="checkbox"/> ARRESTED UNDER 18 <input checked="" type="checkbox"/> ARRESTED 18 & OVER	<input type="checkbox"/> EX-CLEARED UNDER 18 <input type="checkbox"/> EX-CLEARED 18 & OVER
---	--	---	-------------------------------------	--	---

Reason For Exceptional Clearance Offender Death No Prosecution Extradition Denied Victim Declines Cooperation Juvenile No Custody

REPORTING OFFICER	DATE	UNIT #	APPROVING OFFICER	DATE	UNIT #
L. Wiggins	10/18/11	5637	<i>[Signature]</i>	10/18/11	2704

Follow up investigation Yes No Officer:

*1 Bibbs
Don't
Have*

couple fights with a guy named "Face" from the valley. I/O obtained an audio statement from Lagrange.

I/O met Moorer at the Sheriff's Office. She stated she heard that Travis Bibbs had a friend named Mike Wideman staying at the Kozy Kort Motel.

I/O submitted a request for taped evidence for 911 calls. I/O obtained the phone number for the first 911 caller report shots fired which was (803)226-3957.

May 25, 2011

I/O obtained information that Cingular Wireless is the service provider for the 803-226-3957 number that called 911 anonymously. Inv. Savell called the number and Stacey Herron answered and stated she did not call 911.

Inv. Savell and I/O arrived at the Kozy Kort to look for Mike Wideman. While at the Kozy Kort I/O made contact with Bibbs. I/O gave Bibbs a ride to the office for an interview.

Once at the Aiken County Sheriff's Office CID office, Bibbs waived his Miranda rights and stated he and "Cool Breeze" (Griggs) were walking down Cherokee Dr. after Bibbs had asked Griggs to walk with him. Bibbs stated he saw the car with the door propped open and when it pulled up the passenger door swung open and the front passenger had in his possession what Bibbs stated was a shotgun. Bibbs said the passenger told them "Put your mother fucking hands up nigga". Bibbs stated that at that time he and cool breeze pushed the gun out the way so that they could run. Bibbs stated he did not go back to the scene looking for cool breeze because he was only looking out for himself. He stated he got a ride after making a phone call to Stephanie Epperly and Jay Wright from an unknown person's cell phone at the Kozy Kort. Bibbs stated that earlier that day he was with Trent Nichols until 6 pm. After that he was at his cousin's house, Nicholas Washington, on Limping Dog Ln.

Inv. Savell and I/O went back to the crime scene and while searching the scene for any additional evidence Trent Nichols pulled up in a white Mitsubishi Lancer. He requested a phone number to traffic court for a ticket he has. I/O stated he needed to talk to him and he asked about what. I/O stated the murder that happened here and he replied I don't know nothing about no murder. I/O said we need to verify someone else's story and he stated Trav was with me all day until six then he left.

I/O made contact with Nicholas Washington. While waiting for Washington to open the door Nichols pulled up in a yard two trailers down. Washington came to the door holding a phone. I/O asked who you talking to? He stated his cousin Trent. At the same time Inv. Savell made contact with Nichols who was sitting on his phone with Washington. Washington stated to I/O that Bibbs & Griggs were at his place until about 1130-1200. I/O asked until when? He repeated 1130-1200.

Inv. Savell & I/O went to the Kozy Kort. I/O was informed that the cameras in office are just for show and that there is no video. I/O met with Bibbs at his room and confronted him about Nichols and Nicholas and he became defensive stating that he was the victim, yelling at I/O and that if anyone tried to kill him he would not hesitate to kill them first.

tattoo.

I/O entered the crime scene to observe where the victim lay in relation to where the shooting incident took place according to Bibbs.

May 24, 2011

Inv. Savell responded and while at the crime scene made contact with a bystander named Nicholas Turner. Turner stated that he stayed in room 133 at the Royal Inn and that the reason he was outside was because one of his neighbors told him the police were outside running his tag on his vehicle. When asked did he know Cool Breeze he stated no. He stated two black dudes came to his room a few days ago and one got a tattoo. Turner stated the two same black dudes came back earlier in the day to get some tattoo ointment for the new tattoo. He stated he did not know their names.

Inv. Savell & I/O then interviewed Turners girlfriend Emily Augenstein. Emily stated one of the guy's names was "D" and the other was "Jungle". Augenstein stated D got a tattoo on Saturday and that jungle had actually spent the night with her and her boyfriend.

Inv. Savell & I/O returned to the crime scene and met with the Coroner's Office. While discussing information about the case, Tamara Moorer arrived on scene. She stated she heard that her nephew was shot. She stated she takes care of Griggs mother Cynthia Thompson. Using photos in Tamara's possession the victim was identified. She stated he called her from a 717-507-0624 number.

Inv. Savell, Inv. Johnson returned to the incident location and met with the Coroner's Office. While discussing the investigation Tamra Moorer arrived on scene. She stated she heard that her nephew was shot. She stated she takes care of Grigg's Mother, Cynthia Thompson. Using photographs in Moorer's possession the victim was identified as Markes Griggs. She stated he called her from a 717-507-6624 number earlier.

I/O observed as the victim was being prepped for transport. A SC ID card with the name Markes Griggs on its face was found on the victim's person. The victim had one of his pockets on his second layer athletic shorts pulled out. In his socks, plastic bags with large white chunks later identified as crack cocaine (Through laboratory examination) were located.

Inv. Savell & I/O returned to room 133 at the Royal Inn. Upon subsequent questioning of Augenstein & Turner it was discovered that Griggs had been staying with them for a few days, if not a week. His payment was helping out with the food. I/O located a book bag which belonged to the victim inside the room. Inv. Johnson came and collected the bag.

I/O went to the Bait & Tackle which is the store located at the incident location. The security system did not catch the murder. It did catch a vehicle turning around in the parking lot around the time of the shooting incident. I/O made arraignments to go back and obtain a copy of the footage.

Inv. Savell and I/O conducted an interview with Nicole Lagrange the ex-girlfriend of Griggs. She stated she caught Griggs smoking crack a while back. She also stated he received a check from his school which he cashed and gave her some money for bills and bought their child some diapers and other items. She stated she he seven hundred in cash on him and called her a few days later stating he was broke. Lagrange stated Grigg's had mentioned to her that he got into a

Inv. Savell & I/O met Nicole Lagrange at the vocational rehabilitation office on York St. She stated in a statement that she did not know anyone who would want to hurt Griggs. She did restate Griggs told her he was in a couple of fights with a guy named "Face" identified as Tracy Simms. She stated when she texted everyone in her phone about Griggs, she got a reply message from Nick stating after he left my house at 130 Trav called me like 15 minutes later and said somebody just tried to kill them. Lagrange also stated that Griggs got a check from school for one thousand dollars on the 19th. She stated that he cashed it and gave her two hundred for utilities and bought some baby items for their daughter. She said on the 20th he was broke.

May 26, 2011

I/O obtained two search warrants one for Bibbs phone and the other was for Bibbs cell phone records. I/O faxed Straight Talk the search warrant to the number obtained from the customer service manager. Both were issued by Judge Insley.

I/O met Tanya Louge at her residence. She stated she had no knowledge of the murder. All she knew was that she got a call from a Deputy that night looking for Travis Bibbs. She stated Travis called her stating he almost got shot.

I/O attempted to locate Louge at her residence and had negative results.

I/O met Lagrange at her job. She stated she would come up to the office to talk again at 3pm. Lagrange never showed up.

I/O contacted Straight talk to verify receipt of the search warrant. I/O conducted a search of Bibbs Phone pursuant to the search warrant obtained through Judge Insley.

I/O was notified by SSG Eagerton that there was a second 911 call from the night of the shooting. Michael Gay of [REDACTED] Dr. stated he heard two shots and saw a car speed off. I/O conducted a neighborhood canvas starting with [REDACTED] Dr. I/O met with Kathleen Yonce DOB: [REDACTED] wife of Michael Gay, she stated she heard two shots and then looked out the window and saw a small white car possibly four doors speed away down Cherokee towards Apache Ln. Mrs. Yonce said her husband and their Neighbors from [REDACTED] Avenue were all in the living room. Jennifer & Jimmy Wilson. I/O made contact at [REDACTED] Dr. and spoke to Kathy Tuffs who stated she did not hear or see anything. I/O made contact with Marty Evans at [REDACTED] Dr. He stated he did not hear or see anything. I/O made contact with Phyllis Rene Hall at [REDACTED] Dr. she stated she heard 2 or 3 shots.

I/O received a call from dispatch stating that Michael Gay called for I/O. Gay was patched to I/O and stated over the phone that after the two shots he grabbed his pistol and stepped out on to his front porch. He stated he observed a white car speed off towards Apache Ln. He further stated after the vehicle sped off two black males were speed walking down Cherokee Dr. toward Apache Ln. border line running. He stated one had dreds along with broad shoulders built with a gut and about 510 in Height. Gay stated he would be able to pick them out of a photo line up.

May 27, 2011

Inv. Savell and I/O met Michael Gay at the gas Station at the corner of Ascauga Lake Rd. and Hwy 25. Gay was shown a lineup of Bibbs and Washington. He could not identify either as one of the individuals he saw running down the street.

I/O interviewed Ronald Johnson DOB: [REDACTED], at the first trailer on the right on Dogwood Dr. He stated that Griggs had stayed with him one night the previous week. He also stated he saw him in the area every now and then and that Griggs was a nice guy.

Inv. Savell and I/O re-interviewed Nicole Lagrange at the Sheriff's Office. Previously I/O had received a phone call from a woman named Rebecca. She stated Lagrange was not being truthful about knowing someone who would want to hurt Griggs. I/O was informed that Griggs arrived at Lagrange's home while another male later identified as Ricardo Newell DOB [REDACTED], was present. I/O was told by Rebecca that Griggs jumped on Newell. Rebecca stated that Griggs used her phone to apologize to Lagrange and he stated "I'm sorry" in a text message. Lagrange replied back "Its not me you have to worry about it's him and his family". When Lagrange was confronted with this she began to cry and stated she was just upset and did not mean it.

I/O located Trent Nichols and Nicholas Washington at Washington's home. I/O informed them that statements were needed as to confirm Bibb's whereabouts on the day of the shooting. They stated they would come up to the Sheriff's Office at 3pm.

June 1, 2011

I/O had a message from Lagrange. She stated on call back that Griggs called her at 1004 the night of his killing from 803-257-0696 per her AT&T Call Records. She stated she called it back and a guy named "Skeet" answered the phone and upon being informed the Griggs was killed he stated "Oh no that's my brother" Lagrange stated she gave him the time of his funeral but he tried to keep it short. Then he hung up.

I/O made contact with Trent Nichols at [REDACTED] Drive in North Augusta. I/O asked him for consent to search his vehicle which he gave signing consent to search form. Inv. Johnson and Lt. Adams responded and processed the vehicle. Nichols was asked if he knew who skeet was and he said yes. Skeet real name is something like Zaiara, pronounced Zi-air. I/O located a Zaiara D. Smith in Sheriff's Office records with an address of [REDACTED] Ln. in North Augusta.

I/O attempted to make contact with Skeeter at his residence and had negative results. I/O spoke to an anonymous juvenile who stated that the teenage boy, who lives at [REDACTED] Ln., she only knew him as Skeeter.

I/O received a call from David Watson DOB: [REDACTED], Ph: 803-646-520. He stated on May 29th, he received a text message from Chastity Aspinwall who stated in her text messages that she had shot someone. She stated she was on her porch and someone fired some shots in the area and the person she shot stumbled and got back up to run after stumbling. She did not offer any further details in the shooting. I/O took photographs of the text messages. Aspinwall lives somewhere off Cherokee Dr.

I/O was notified to contact Inv. Chris Langford with Richmond County Sheriff's Office. He stated he's got an informant who lives in Aiken County who gave him information about a murder in Augusta as well as one on Cherokee Dr. in N. Augusta. The informant stated to Langford that William Blake III was a folk gang member and that the night of Griggs murder a white male named Travis Moore was with him and Moore got away. Two days later Moore was gunned down in Augusta by Blake. Blake is said to be using an AK for Griggs murder. The informant told Inv.

Langford that Blake is running reckless and that there was no motive for Griggs murder. Langford stated his murder appeared to have been a robbery gone bad as well. Langford stated Blake lives on Carolina Springs Rd @ Loraine Dr. [REDACTED] and drives a burgundy intrepid. Blake has a phone # of 803-979-1292. Blake DOB [REDACTED]. Inv. Langford stated also that Blake peeled Betty Boop stickers of the car to conceal the vehicles identity.

June 2, 2011

I/O canvassed Cherokee Dr. for Chasity Aspenwall near the incident location. I/O spoke w/ several home owners none of which knew her. While canvassing I/O called Aspenwall several times, none of which she answered.

I/O located a trailer park on Lighthouse Ln. I/O did not observe a burgundy intrepid. I/O spoke a resident who stated he did not know William Blake but a lot of young people hung out at a trailer in the middle of the park. I/O spoke to another resident who stated only elderly people lived in the neighborhood. I/O spoke to a third witness who stated a guy named Will live in trailer 23. Prior to I/O's departure from the trailer park a burgundy Chrysler older model which resembled a Dodge Intrepid, pull into the parking spot in front of trailer 23. A white female later identified as Rebecca Easter, exited the vehicle with a small female child. I/O photographed the vehicle. The tag on the vehicle was [REDACTED] South Carolina. The vehicle came back registered to Rebecca Easter of [REDACTED] Rd Aiken Rd.

I/O canvassed the Knights Inn. on Washington Rd for Bibbs who was not able to be contacted at his last known location or phone number. I/O was informed prior that Bibbs left the Kozy Kort and when to the Knights Inn. on Washington Rd.

June 6, 2011

I/O made contact at [REDACTED] Rd. Bibbs was not home but Sheila Bibbs was present. She stated that Bibbs had spent the previous week there and that he was at an unknown location. She called him and I/O spoke to him via telephone. I/O informed Bibbs that there was a polygraph scheduled for Wednesday June 8 at 1300 hrs. He stated he could be reached at 803-341-5234.

I/O attempted contact with Epperly at [REDACTED] Dr and had negative contact.

FI
I/O met with Tamara Moorer and other family members of the victim. I/O was informed that another relative of Griggs, his aunt, Bennie, spoke to Bibbs on the phone. Bibbs asked her if he could keep the shirt that Griggs had on prior to getting shot. Bibbs also stated he was not looking for his phone that night but a gun. I/O obtained contact information for Bennie.

I/O met with the owner of the #1 Fish & Tackle and attempted to copy the security footage from the night of the killing.

June 7, 2011

I/O located phone # 803-719-0577, a number that appeared in Bibbs Call logs, in Lexus Nexus as belonging to Tina Marie Roton.

I/O made contact with Roton at [REDACTED] St. Apt B. When asked why her phone # called Bibbs she stated to check on him. She went on to say that she met Bibbs through his baby mama Chasity who lived in Apt E. She did not know Chasity's last name.

I/O made contact with Epperly at her residence on Motlow Dr. I/O requested Epperly give an escort to where she drove Bibbs to after she picked him up the night of the shooting. She stated she went to a trailer first off of Apache Ln. which is Nick Washington's residence off of Limping Dog Ln. Then she stated she took him to Carolina Springs Rd. She instructed I/O to go to the end of Old Aiken Rd. toward Carolina Springs Rd. Once there Epperly pointed to the trailer park to the left and said I parked behind that grey Cadillac. The trailer park sits on Lighthouse Ln. She stated Bibbs got out and spoke to a white male at the trailer with the Cadillac, and then Bibbs walked around the back of the trailer to the right to the next trailer which is marked by a Georgia Flag and "23". Epperly said that no one was home like at Washington's residence and that is when Bibb's was called back to the scene. I/O obtained a recorded statement from Epperly to these facts.

I/O met Vivian Preston Dob: [REDACTED], Bennie, at the South Gate shopping center in Augusta Ga. She gave a recorded statement stating that Bibbs asked if he could keep the shirt that Griggs was wearing from earlier that night. She stated she told him yes. He wanted it to remember Griggs by. He also stated to Preston that He wasn't looking for his phone but a gun he had.

June 8, 2011

I/O met with Tina Roton and showed her a picture of Chasity Aspinwall. She stated that was not the Chasity that Bibbs had a baby by. Roton also stated she saw Bibbs the previous night at the Rainbow Motel.

I/O attempted contact with Bibbs in reference to his scheduled polygraph; however, the number he gave went straight to voicemail.

I/O made contact with Sheila Bibbs at her residence. Upon arrival she was talking to Bibbs on the phone. I/O spoke to him and he was hesitant about a polygraph. I/O asked for a location to pick him up and he stated he was in New Hope and gave a number of 803-257-6059. - 5/11/11

I/O arrived in New hope and called Bibbs. He stated he was preparing to leave to go to the hospital because his friend's motorcycle fell on his hand. I/O informed him that he could he a ride after his interview to the hospital.

Bibbs & I/O arrived at the CID office. Inv. Platt administered a polygraph to Bibbs. Inv. Platt advised that deception was detected during the polygraph.

Inv. Savell & I/O conducted an immediate interview of Bibbs following his polygraph in reference to his participation in the robbery and shooting death of Griggs. When asked to recall where he was given a ride to after he was shot at, Bibbs stated Epperly gave him a ride to Tina Roton's house on Carline Rd. (Epperly stated to Inv. Wiggins in her initial interview that she gave Bibbs a ride to Washington's house and then to a house on Carolina Springs Rd.) Bibbs fervently denied going anywhere but Roton's house. He became irate and defensive that he was confronted on this change in his story. (Bibbs stated in a previous interview on 5/25/11 that he went to Washington's house after being released.) Bibbs stated he did not wish to say anything else. After the interview he stated he no longer needed to go to the hospital for his hand.

June 9, 2011

Inv. Savell & I/O attempted to locate "Skeeter" aka Zaiara Smith at [REDACTED] Ln. and had negative contact. A neighbor stated he had not seen him in two weeks.

I/O attempted to locate Trent Nichols at his residence and had negative contact at [REDACTED] Dr.

I/O attempted to locate William Blake at his residence. A neighbor stated he left the previous afternoon and has not returned. I/O attempted to locate Washington at his residence on Limping Dog Ln. I/O had negative contact.

I/O submitted a DNA analysis request to SLED for Griggs two pair of shorts.

June 13, 2011

I/O met Epperty at her residence. She stated that she received a threatening message from Bibbs that she better watch her back. She also stated Washington was arrested by RCSO for trafficking drugs.

June 14, 2011

Inv. Savell & I/O conducted an interview with William Blake III. After waiving Miranda Blake stated that he did not know Travis Bibbs, Nichols or Washington. He stated he did not know anything about any murder. When he was told he was said to be the shooter he stated "Fuck ya'll tame me back to my cell."

Inv. Savell & I/O arrived at the RCSO detention center on Phinisy Rd. in Augusta Ga. Washington stated after waiving Miranda that he did not know anything. He stated he knew Blake through his girlfriend's sister. He admitted to knowing Blake after being confronted with the fact that his girlfriend drove Blake to attempt to shoot Bibbs on Euclid St. in North Augusta. NAPS documented the case on 11-022282. He gave no new information.

June 17, 2011

I/O conducted an interview with Nicole Deween 10/3/81. She stated she was Blake's ex-girlfriend and had a baby by him. She stated he has several guns including a .380 which he stole from her.

I/O was notified by Lt. Fleury that an officer with Hephzibah PD had information concerning the death of Markes Griggs.

I/O was informed by Wayne Newsome had called Hephzibah PD in reference to his Step Daughter.

FAV
I/O contacted Newsome by phone at 706-834-0334. He stated on the phone that his step daughter told him that a guy told her he killed a guy on Cherokee Dr. in Clearwater. Newsome stated the Guy's name was Joseph Lee Storey. Storey stated to Kimberly Reddick aka Kimberly Myers, Newsome's Step Daughter that he ran up on "Griggs and pulled in a car while he fought to keep his money Storey shot him. According to Newsome Storey came back and showed Reddick a bag of bloody clothing and the pistol that was used. I/O informed Newsome that an interview was needed with Reddick and he stated he would call when he saw her again to set up a meeting.

June 21, 2011

I/O spoke to Newsome; he stated he still has not had contact with Reddick. He stated Riddick's husband Billy Myers had spoken to law enforcement. He gave contact number of 706-798-2128.

June 22, 2011

I/O conducted an interview with Nichols at the CID office. He stated Bibb's was with him until about 6 pm the evening of the shooting. He stated he later heard Griggs was shot.

- I/O received a call from Billy Myers. He stated the guy bragging to his wife was Ronald Johnson.

July 8, 2011

I/O received a fax from AT&T pursuant to a search warrant. The fax indicated that the phone number 803-295-6869 belonged to Sara Franklin.

July 12, 2011

I/O received a request from an inmate named Kegan Murray to talk in reference to some information he had about a murder on Cherokee Dr.

I/O arrived at the Aiken County Detention Center and met with Kegan Murray. Murray stated that he heard Blake was in the car with a "white dude" named Michael. They were driving and saw two dudes walking & told Michael to turn around. Michael turns the vehicle around and that is when Blake opened the door and pointed the gun and one of the guys walking attempted to grab the gun and black fired the gun. The two guys split up running in opposite directions. One attempted to hop a fence and that is when Blake shot him. Murray stated the two suspects returned to Blake's house and Blake peeled off Betty Boop Stickers to disguise the purple car. Murray stated he over heard two inmates talking about it. One of the guys, Michael met up with Blake at bond court. Murray also stated the gun was over in Augusta Ga. somewhere.

I/O learned through in pursuit that Michael Bellamy, Grio Sapp and William Blake were all charged by North Augusta P.S. with Grand larceny for what appeared to be the same case.

July 13, 2011

I/O received another interview request from Murray. He stated that he had information from Chris Isom about the murder. Murray stated that he spoke to Isom who told him that Blake bought the rifle from a guy named "Flip", who was later identified as Carey Hawkins, and that Bellamy, Big Jimmy and Mike Bussey were talking about the murder on facebook. He also stated Isom said the gun was in a house behind a store on Sand Bar Ferry Rd. in Augusta. Murray also stated Isom said he knows where it is. I/O obtained a recorded statement from Murray.

I/O located Big Jimmy on facebook as James Armstrong who is on facebook with a red scarf on his face and neck. He has a FL DL [REDACTED].

July 14, 2011

Inv. Savell & I/O conducted a third interview with Murray at the CID office. On this interview he stated he has since learned that Isom was the driver of the suspect vehicle and that the rifle used was like a .303 or .305 with a clip that holds like 12 rounds.

July 15, 2011

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Inv. Savell & I/O conducted an interview with Christopher Isom along with his attorney Andy Anderson present at the CID office. Isom waived Miranda and stated that he was at the trailer next door to Blake's preparing to move in when Blake came and got him and told him to take him to his mother's house to put the rifle up. While driving down Cherokee Dr. Blake sees the two victims walking and attempts to rob them. Isom stated one of the guys grabs the barrel of the rifle and then it goes off. Next the two guys split up and Blake took aim at the victim who attempted to climb the fence and fired again. Isom stated "I never heard anyone ever make a sound like that" refereeing to Griggs getting shot. Isom stated they drove back to Blake's house and Blake peeled off the Betty Boop Stickers because he was afraid that the video cameras at the #1 Bait and Tackle saw the car. Isom stated he called his mother to come get him. (Isom confirmed that the conversations on Facebook Occurred) Isom stated that previously they had shot the gun in a field off of Powerhouse Rd. Isom stated the vehicle used was Blake's girlfriend's car which was identified as a burgundy -like Chrysler [REDACTED] South Carolina belonging to Rebecca Easter.

Gun Powder Resident

INV Chris Mother

Isom gave an escort to the field. I/O stated Blake policed up his brass after shooting. A search of the field was conducted by Lt. Fleurry, Inv. Savell and I/O, which had negative results for any shell casings. Isom stated the rifle was purchased from Flip.

Impachment

Isom performed a re-enactment of the shooting which was recorded by Inv. Watts.

I/O obtained a search warrant from Judge Insley for Easter's 1998 Chrysler Cirrus [REDACTED] South Carolina.

Esters vehicle was located at [REDACTED] Rd. at Blake's parent's house. The vehicle was seized and towed to the Aiken County Sheriff's Office forensics garage by Wayne's automotive. Easter gave a recorded statement saying she never seen Blake with a rifle of any kind and that she does not allow guns in her home.

July 18, 2011

I/O attempted to locate Sara Franklin at her residence on Cardiff St. in Pepperidge Subdivision in Augusta Ga. I/O had negative contact.

July 19, 2011

I/O located Carey Hawkins aka "Flip" at Kirkland Correctional Institute in Columbia SC.

I/O attempted contact with Sara Franklin at another address of [REDACTED] Rd. I/O made contact with Franklin's Daughter Pamela Dukes 803-474-2767 DOB: [REDACTED]. She stated that her mother did live on Cardiff St. in Augusta. I/O left a business card for Franklin with Dukes.

Impachment

Inv. Savell & I/O made contact with Toni Miles at [REDACTED] Rd. She stated she was the common law wife of Carey Hawkins Jr. She stated Carey had battered her because he was off his medication which was why he was in jail. Miles was asked was Blake ever seen with a rifle and she stated no. He only carried a .357 on his person. I/O inquired about a .308 Caliber rifle and she stated no, but she owned a .303 British high powered rifle. I/O attempted to correct her and stated a .308 cal and she said no, a .303 British high powered rifle. I/O asked where the rifle was and she stated she did not know because she just got out of the hospital. She spent almost two months in the hospital suffering from multiple heart attacks. She stated she had two live rounds in the trash can. She signed over the rounds to I/O on a property receipt. I/O also got

CONVICTION

consent to search the property for a spent shell casing from the rifle. Miles stated she saw Blake handle the rifle but has not seen him shoot it. She stated Hawkins has shot if off the back porch before. I/O obtained a recorded statement from Miles. Miles purchased the gun from a dealer named Mr. Leon.

July 20, 2011

Inv. Savell & I/O made contact with Hawkins at the Kirkland Correctional Institute. Hawkins stated in an interview that Blake spoke to him for a while at Aiken County Detention Center about the Sheriff's Office coming to talk to him about a robbery. He stated he never spoke about a murder. When asked why he stopped associating with Blake he stated Chris Isom. They were into some bad stuff I/O asked about Miles .303 rifle Hawkins stated that he and Blake had shot if off of his back porch one time, but for some reason Blake picked up all the cartridges. Hawkins stated he asked why Blake replied in case anything ever happened there wouldn't be any evidence. Hawkins then stated that around mid April, early May Blake came over and walked in and out with the .303 rifle and said I'm taking this. Hawkins stated Blake put the rifle in a purple car with Betty Boop Stickers on the back windshield. Hawkins stated the magazines were small and held approx. seven rounds to his knowledge. Hawkins described Brown wood handle and stock with black barrel. He stated he saw Blake with a small 9mm which Blake stated he took from Nicole Dween around Feb. or March. I/O obtained a recorded statement.

July 21, 2011

Rebecca Easter arrived at the CID office to pick up her vehicle. I/O attempted to interview Easter. She was Mirandized which she invoked.

Inv. Savell obtained a search warrant for [REDACTED] Rd. The tree in miles backyard was seized because there was signs on the tree that indicate it was used for target practice. Inv. Savell & I/O searched for shell casings for a second time.

July 26, 2011

I/O spoke to Sara Franklin by phone. She stated she does not know Bibbs and gets messages all the time from wrong numbers. She cannot specifically recall Bibbs message.

I/O located Bibbs mother at her residence and let a message for Bibbs.

I/O received a call from Bibbs and I/O informed him that Lt. Fleury wished to speak with him in person.

July 27, 2011

I/O received the autopsy and toxicology report for Griggs. Griggs did have cocaine in his system.

July 29, 2011

I/O obtained identifying information for Blake's phone which was seized from Easter's vehicle during the forensic processing.

August 3, 2011

Lt. Fleury & I/O met with Bibbs at the #1 Bait and Tackle to show him a photo line up of Blake. He stated the picture of Blake looked like the shooter but he could not positively identify him. When confronted with the fact that Blake was identified as the shooter he stated "it wasn't Will, I know Will".

August 4, 2011

I/O arrived at Aiken County Detention Center to interview Cleveland Hairr who requested to speak to someone in reference to a murder on Cherokee Drive.

Hairr stated on the night of murder Zachary monks told him he was present. Monks stated he was in a red vehicle with a female and that the police had found them at the Circle K. Hairr said monks stated that Red's (Griggs) death was not a robbery gone wrong but a beat down. Monk's stated Red had jumped on Blake's girl and that Blake had beat "Red" down and when red got up to act like he was going to do something a guy named Danny shot him. Zach stated that Danny, Blake, Smoke and a girl NFD were present.

Hairr stated he found this out because Jerry Pitts was on the phone with his mother and his mother stated to him tell Zachary that the word on the street is that he was there at the Cherokee drive murder. Pitts confronted Monks who began to cry and worry. Monks was approached by Hairr and began to confide in him.

August 5, 2011

Lt. Fleury, Lt. Adams, Inv. Johnson & I/O went to the Carolina Star to split the tree recovered at [REDACTED] Rd. The search for the projectile out of same weapon used in the murder yielded negative results.

I/O listened to Blake's conversations on the Jail phones. I/O learned that Easter had a falling out with a friend named Taina Cruz who worked at KFC. Cruz according to Easter posted on Facebook on Easter's wall that she was stupid for being with Blake and that Taina and her boyfriend weren't going down for murder like Easter. Easter's cell phone number was to a cell phone line belonging to Cruz.
803-295-0482- Easter cell phone number.

August 9, 2011

I/O met with Cruz in Aiken Bowl parking lot. Cruz stated a few months ago she received a call from Easter. Easter stated to her if anyone asks about my Betty Boop Stickers tell them they were cracking so I took them off. Cruz replied why anyone would care. Easter stated just say that. I/O obtained a recorded statement from Cruz.

I/O located Epperly at Ryan's in North Augusta. She stated when she went to pick up Bibbs he was down Cherokee Dr. near Apache Walking towards Apache. When he saw her and Jay then he started towards the vehicle. She also stated she has not seen Jay since he got in trouble for driving under suspension.

August 11, 2011

I/O received an interview request from Hairr. Hairr stated he heard that Nicole Lagrange was messing with a guy named "Coogie" who hangs out with Blake. He also stated Crystal Shuttlesworth was the white vehicle that was seen going down Cherokee Dr. when the shooting happened. Hairr also stated that the murder weapon ended up at Harrison Hardware in a U-Haul truck behind that store.

August 15, 2011

I/O received the Facebook search warrant documents through an email. I/O burned them to a disc and attached them to the case file. No evidence was obtained through the search.

August 17, 2011

I/O located Leon Newsome at a residence in Jackson. Newsome stated he bought two .303 cal. Rifles through the Iwanta about four years ago from a man in Grovetown Ga. He stated his son sold one to Bobby Snyder and the other he cannot remember who he sold it to.

August, 23 2011

I/O attempted contact with Lagrange at Vocational Rehabilitation and had negative results. I/O learned that she worked at Beef O Brady's on the south side of Aiken. I/O attempted contact at her residence and had negative results as well.

I/O arrived at Beef O Brady's and was informed that Lagrange was no longer employed there.

August 25, 2011

I/O received SLED lab report for the GSR kits performed on Nichols and Easter's vehicles. Nichols vehicle yielded no evidence of gunshot residue. Easter's vehicle yielded round lead particles which is an ingredient of gunshot residue on the front and rear passenger headliners and the rear door.

(3) segments

August 30, 2011

I/O called Lagrange in reference to information obtained from Cleveland Hairr which suggested Lagrange may know more about what happened than she told. I/O later received text messages from Lagrange. She stated that she would not come to the office and that she did not know anything else about what happened. She stated she did not want to come to the office because she felt that she would be interrogated and she did not like that.

September 8, 2011

I/O received Bibb's phone records from AT&T.

September 9, 2011

I/O spoke to Lagrange on the phone. She again refused to come to the Sheriff's Office. She also stated she did not know who "Coogie" was and that she never had a relationship with him.

September 12, 2011

I/O was contacted by Inv. Langford of Richmond County Sheriff's Office, in Augusta Ga. He stated on the phone that Amanda Toole came into his office and told him everything she knew about Easter and Blake. She stated Easter threw the guns in the river at the state line. I/O obtained a copy of that interview.

September 13, 2011

I/O listened to the interview of Inv. Langford and Toole. She stated that William Blake, Michael Bellamy and Chris Isom are all in a gang. She stated their set name is "Murda Blocc" and that they are "Folk". She stated that when they would go out to clubs Bellamy, Blake and Isom would yell Murda Blocc. She then stated that the night of the armed robbery Easter had the pistol-Chrome or silver revolver and a hunting gun referred to as a chopper in the house. She stated she had seen the rifle in the back of Easter's vehicle in the trunk around the time the boy got killed

at the motel. At approx. 101 min in to the interview Toole stated that Easter probably put the guns into the river at the state line. When asked why or how she knows she stated she and Easter had a conversation about what to do with the two guns when she was released on bond from the armed robbery. The conversation took place through text messages.

September 13, 2011

I/O conducted an interview with Toole at the Aiken County Sheriff's Office CID office. She restated in a recorded statement everything she stated to Inv. Langford. She described the rifle as old looking wooden and dark. She stated Blake referred to it as a "chopper".

September 14, 2011

I/O obtained warrants on Blake: M-008546 Murder, M-008547 Poss. Weapon during commission of a violent crime, M-008549 Attempted Armed Robbery. Isom: M-008548 accessory after the fact. Bibbs: M-008550 Misprison of a Felony. Blake & Isom's warrants were served by SSG Fischer of the Aiken County Sheriff's Office Detention Center. Lt. Fleurry served Bibbs' warrant.

I/O received a SLED report stating potential DNA Evidence was recovered from the pants and short pockets of Griggs.

September 16, 2011

I/O received a phone call from Nicole Lagrange. She stated she recognized Blake on TV as a man that Griggs purchased a car stereo from when they lived over on Lighthouse Ln. She stated Grigg's owed him twenty dollars for the stereo but never paid him.

September 23, 2011

I/O met Bibbs at the Detention Center at his request, which was sent through a phone call from his girlfriend. He stated after waiving Miranda that he was innocent and that his baby momma Chastity set him up with the drugs and that he don't sell drugs.

September 28, 2011

I/O seized Toole's phone pursuant to a search warrant. The sim card was missing and Toole stated her daughter was playing with the phone and lost the card. I/O turned the phone into be sent to SLED for analysis in an attempt to recover the deleted text messages.

October 10, 2011

I/O was notified that a chrome revolver was discovered at [REDACTED] Rd, the residence of Rebecca Easter's parents. Samuel Easter stated he found the gun by accident in the upstairs storage of his garage while looking for other items. Mr. Easter stated Rebecca stated when he called her that she had found it in her house under the mattress after Blake was arrested and did not know what to do with it. She also stated that she hid it there. Before I/O could leave Mr. Easter stated Rebecca requested to speak with I/O as long as he could be present. I/O agreed.

Eater arrived at the CID office. She stated in an interview that Blake told her Isom was the shooter and that Isom had previous problems with Bibbs before. She stated Blake had buried the rifle under a window at his mother's house on Pine Log Rd. She stated a guy named "G" dug it up and took it to a house in Augusta where he was supposed to take it apart and throw it in the river. She gave him a ride to pick it up and take it to Augusta. The house is located at [REDACTED] Rd.

in Augusta which Easter pointed out. She stated that Isom and Blake peeled off the decals because Blake stated he was going to get the car painted. I/O obtained a recorded statement.

I/O closed this case by offender arrest. This case is still pending the results of a DNA analysis. Firearms analysis of the projectile recovered from the body of Griggs and a cell phone analysis of Toole's cell phone.

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

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

William H. Blake, #348497,)

2012-CP-02-0374)

Applicant,)

v.)

ORDER OF DISMISSAL

State of South Carolina,)

Respondent.)
_____)

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on February 13, 2012 and amended on December 17, 2013. Respondent submitted its amended return on June 25, 2014. An evidentiary hearing into the matter was convened on September 8, 2015, at the Aiken County Courthouse. Applicant was present at the hearing and was represented by Aimee Zmroczek, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was indicted at the November 2011 term of the Aiken County Grand Armed Robbery (2011-GS-02-01378). Applicant waived presentment to the November 2011 term of the Aiken County Grand Jury for Voluntary Manslaughter. Barry L. Thompson, II, Esquire, represented him. On October 24, 2011, the Applicant entered an Alford plea as indicted. The Honorable George C. James, Jr. sentenced Applicant to confinement for a period of twenty-three (23) years in accordance with plea negotiations between Applicant and the State.



FILED 2.22.16
D. J. ...
C.R.C.P. & U.S.
1250

A notice of appeal was filed on November 2, 2011. The appeal was dismissed following submission of an Rule 203(d)(1)(B)(iv) Explanation filed by Applicant's counsel, stating that there is no "good faith basis to believe that any issues are properly before the Court of Appeals" and that Applicant "did not object to the sentence or file a motion to reconsider the sentence." The Remittitur was sent on March 2, 2012.

ALLEGATIONS

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

1. Ineffective Assistance of Counsel
 - a. Failing to properly investigate
 - b. Failing to explain waiving presentment of the indictment to the Grand Jury
 - c. Failing to request a continuance and challenge the solicitor's authority under Langford.
2. Involuntary Guilty Plea
 - a. Due to coercion by the Solicitor's office specifically Counsel ineffective for failing to object to solicitor's improper vouching of potential witnesses against defendant.
3. Prosecutorial Misconduct

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from Barry L. Thompson, Esquire. (hereinafter "Plea Counsel") and David Miller, Esquire (hereinafter "Solicitor"). This Court also had before it a copy of the Aiken County Clerk of Court records, Applicant's South Carolina Department of Correction records, appellate records, the PCR application, and amended return.

Applicant testified that he is twenty eight years old. Applicant stated that he is currently housed in McCormick correctional institution. Applicant stated that he was twenty three years old when he was arrested for the charges. Applicant stated that he was charged with armed

robbery and murder. Applicant stated that he entered a plea pursuant to Alford in exchange for the State reducing the murder charge to voluntary manslaughter. Applicant stated that he did not have a good understanding of what he was doing when he entered his plea under Alford.

As it related to his armed robbery charges, Applicant stated Plea Counsel failed to investigate his alibi witnesses. Applicant stated that he had “no clue” whether Plea Counsel even spoke with his alibi witnesses. Applicant stated that Rebecca Easton, his then girlfriend, was his alibi witness. Applicant further stated that he requested Plea Counsel to have the .357 pistol swabbed for DNA. Applicant stated that he never received any DNA analysis from the weapon. Applicant concluded that he would have gone to trial had Plea Counsel investigated his alibi witnesses and sent the pistol off to SLED for DNA testing. Applicant stated that during his plea the State informed the court that his co-defendant was white. Yet, the victim’s statement said that there were two black guys. Applicant stated the State alleged that he called the victim, but the phone records did not match.

As it related to his murder charge, Applicant stated Plea Counsel failed to investigate Tina Lupe, his potential alibi witness. Applicant further stated that he never saw the video tape of his alleged co-defendant. Applicant stated his co-defendant allegedly re-enacted the murder. Applicant stated the SLED report stated that they had recovered a .308 casing. Applicant pointed out that the State informed the Court that the Victim was killed by a .303 caliber bullet. Applicant stated that he was never informed of this information prior to his plea. Applicant further stated that he received a lot of Brady material after his plea. Specifically, Applicant referenced various text messages. Applicant stated that he could have used this information to impeach possible state witnesses. Applicant stated that he received a photo lineup where he was not identified as shooter.

Applicant stated that he pled under the advice of Plea Counsel. Applicant stated that Plea Counsel informed him that the State was prepared to try the armed robbery and murder case separately and potentially seek a life without parole sentence. Applicant stated that he only met with Plea Counsel three times. Applicant stated that he never reviewed any discovery material nor did he discuss any possible defenses. Applicant recalled waiving his constitutional rights during his plea. Applicant recalled waiving presentment for the voluntary manslaughter charge. Applicant recalled telling the plea judge that he was satisfied with Plea Counsel's services. Applicant recalled telling the plea judge that no one was promising or threatening him in order to get him to plead guilty. Applicant recalled telling the plea judge that he wanted to plead guilty under Alford.

Following Applicant's testimony, Plea Counsel was called to testify. Plea Counsel stated that he has been practicing law since 2004. Plea Counsel stated that he was appointed to represent Applicant and met with him at least five separate times. Plea Counsel stated that he filed for and reviewed all evidence with Applicant prior to his plea. Plea Counsel stated that he provided Applicant with a copy of Rule 5 and Brady material. Plea Counsel stated that he explained to Applicant that he had not received all of the discovery material prior to his pleading guilty. Despite that fact, Plea Counsel stated Applicant wanted to accept the plea offer and plead guilty. Plea Counsel stated that he discussed what it meant to waive presentment of the indictment to the grand jury. Plea Counsel stated it was Applicant's decision to plead guilty under North Carolina v. Alford.

Plea Counsel stated that Applicant claimed that nothing happened. Plea Counsel stated that there were no facts to support an alibi defense. Plea Counsel stated the State had overwhelming evidence against Applicant. Plea Counsel stated that he spoke with Applicant's

girlfriend for half a day at his office. Plea Counsel stated that he had an investigator look into Applicant's alibi as well. Trial Counsel stated that Applicant's girlfriend had a picture of Applicant allegedly taken when the armed robbery took place. Plea Counsel stated he was prepping Applicant's girlfriend for trial when the whole alibi story "fell apart." Plea Counsel stated that he simply did not have a legitimate alibi defense to the armed robbery. Plea Counsel stated Applicant's co-defendants were going to be called against him at trial.

Plea Counsel stated prior to going to trial on the armed robbery, the State offered to allow Applicant to plead guilty to the lesser included offense of voluntary manslaughter and recommend that the sentence run concurrently to the armed robbery charge. Plea Counsel stated that the offer would allow Applicant to serve time for both charges at the same time and remove the possibility of life without parole. Plea Counsel noted that Applicant would not have received credit for time served on the Armed Robbery if convicted at a later point on the murder charge. Plea Counsel stated Applicant did not want to plead guilty but instead would plead guilty under North Carolina v. Alford. Plea Counsel opined that Applicant got a very substantial benefit from the plea offer.

Plea Counsel stated that he advised Applicant that he had not concluded his investigation on the murder case. Plea Counsel stated there was a substantial amount of evidence against Applicant early on in his investigation, but his investigation was not complete. Plea Counsel stated despite his investigation not being complete, Applicant wanted to accept the benefit of the plea offer and entered a plea pursuant to North Carolina v. Alford.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to

observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

INEFFECTIVE ASSISTANCE OF COUNSEL

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty Trial Counsel, the

Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart , 474 U.S. 52, 106 S.Ct. 366 (1985).

ALLEGATIONS

1. Ineffective assistance of counsel rendering his guilty plea involuntary.

This Court notes Applicant claims that due to his attorney's sub-standard performance, he has been denied his constitutionally protected right to counsel. In deciding a claim of ineffective assistance of counsel, the focus is on "the fundamental fairness of the proceeding whose result is being challenged." Strickland v. Washington, 466 U.S. 668 (1984). Applicant must show a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. When a guilty plea is challenged, applicant must show that counsel's performance was deficient and that, but for counsel's errors, there is a reasonable probability a guilty plea would not have been entered. Griffin v. State, 361 S.C. 173, 176, 604 S.E.2d 394, 396 (2004). The burden of proof is on the applicant to prove the allegations raised in his application. Brown v. State, 340 S.C. 590, 593, 533 S.E.2d 308, 309 (2000).

The Court finds that Applicant was not deprived of effective assistance of counsel. Defense Counsel's decisions and conduct were reasonable under the circumstances, and did not fall below professional norms of competency. Applicant has failed to show that Counsel did not advise him as to the consequences of his guilty plea. Further, the transcript of record indicates that the Honorable George C. James, Jr., thoroughly discussed the plea, the negotiated sentence, and the consequences of the plea with Applicant. Ultimately, Judge James found that the Applicant was completely aware of what his plea entailed. The record reflects that Applicant was well aware of the benefits he was receiving with the plea deal that he took and that

Applicant made the decision to accept the plea offer even though the investigation into the murder charge was not yet complete. For these reasons, the application is denied.

ALL OTHER ALLEGATIONS

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

[signature to follow]

CONCLUSION

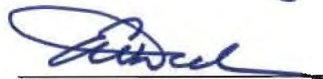
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRPC, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 28th day of January, 2016.



 EDGAR W. DICKSON
 Presiding Judge
 Second Judicial Circuit

Orangeburg _____, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SECOND JUDICIAL DISTRICT
COUNTY OF AIKEN)	
William H. Blake, #348497,)	
Applicant,	)	2012-CP-02-0374
)	
v.	)	MOTION TO RECONSIDER
)	
State of South Carolina,)	
<u>Respondent.</u>)	

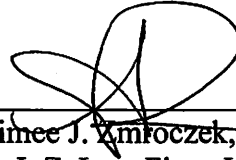
NOW COMES, Applicant, William H. Blake, by and through his undersigned counsel, and moves pursuant to Rule 59(e) SCRCF for an order altering or amending the court’s prior order filed on February 22, 2016, denying Applicant’s claim and dismissing with prejudice. While the court has ruled in the State’s favor, the Applicant submits this motion to ensure that he has “enable[d] the lower court to rule properly after it has considered all relevant facts, law, and arguments.” *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 546, 546 (2000).

Specifically all allegations submitted in the hearing by Applicant regarding:

1. Failing to properly investigate;
2. Failing to explain waiving presentment of the indictment to the Grand Jury;;
3. Failing to request a continuance and challenge the solicitor’s authority under Langford;
4. Due to coercion by the Solicitor’s office specifically Counsel ineffective for failing to object to solicitor’s improper vouching of potential witnesses against defendant; and
5. Prosecutorial misconduct.
6. Additionally, there was an affidavit by the alibi witness not produced by Applicant’s trial counsel, please see attached.

THEREFORE, counsel requests that Order be reconsidered for the above listed specific reasons and issues not specifically listed above but raised during the trial of this matter.

Respectfully Submitted,



Aimee J. Zimfoczek, Esq. #77936
A. J. Z. Law Firm, LLC
2003 Lincoln Street
P.O. Box 11961
Columbia, SC 29211
(803) 400-1918 telephone
(803) 403-8005 fax
ajzlawfirm@gmail.com
Counsel for Applicant

Columbia, South Carolina
Dated: March 2, 2016

State of South Carolina v. William Blake

Statement of: REBECCA EASTER

Date: 080111

Time: 10:10

Witnessed by: BENNIE WILLIAMS

I Rebecca Easter was going through my phone and notice a picture that my daughter had taken. I looked at the date and time and she had taken a picture of William Blake eating dinner at our house, 23 lighthouse in North Augusta SC, when I look at the date and time it read and still reads June 11, 2001 at 8:15 pm.

later that evening between 9:30 and 10pm on June 11 2011 Chris Tson, Amanda Toole, and Family came by the house. we all talked and we hanging out, Amanda was tryin to talk us into going to the station a club in Aiken SC, but William and I had Samantha so we declined. then the police showed up around 11:00pm.

Rebecca Dawn Easter

Sworn and Subscribed to before me this 1st day of Aug. 2001.

Bennie Williams

Notary Public

My Commission expires: Oct. 6, 2014

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
)
 William H. Blake, #348497,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT

2012-CP-02-0374

**RETURN TO APPLICANT'S
 MOTION TO RECONSIDER**

FILED 1-3 2017 12:50
 SP
Robert J. White
 C.C.P. & G.S.
Shadell Park
 Deputy Clerk

This Court denied Applicant's PCR application by Order filed February 22, 2016. On March 2, 2016, Applicant filed a Motion to Reconsider pursuant to Rule 59(e), SCRCP.

Respondent submits that this Court's Order of Dismissal contains the proper findings of facts and conclusions of law as required by S.C. Code Ann. 17-27-80 (1976) and Rule 52(a), SCRCP. Respondent further submits that this Court properly ruled on all issues presented at the post-conviction relief evidentiary hearing, and Applicant's motion should be denied.

Respectfully submitted,

ALAN WILSON
 Attorney General

ROBERT BOLCHOZ
 Chief Deputy Attorney General

JOHANNA C. VALENZUELA
 Senior Assistant Deputy Attorney General

JULIE A. COLEMAN
 Assistant Attorney General

By [Signature]
 ATTORNEYS FOR RESPONDENT

Office of the Attorney General
 P.O. Box 11549
 Columbia, SC 29211

December 30, 2016.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
)
 WILLIAM H. BLAKE, #348497,)
)
) Applicant,)
)
) vs)
)
 STATE OF SOUTH CAROLINA,)
)
) Respondent,)
 _____)

IN THE COURT OF COMMON PLEAS

2012-CP-02-00374

AFFIDAVIT OF SERVICE BY MAIL

FILED 1-3 2017 12:56
 SP

 C.C.P. & G.S.

 Deputy Clerk

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

Aimce J. Zmroczek, Esquire
A.J.Z. Law Firm, LLC
P.O. Box 11961
Columbia, SC 29211

DATED this the 30th day of December, 2016.

F. V. Hayes
 Felicia V. Hayes, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
)
 William H. Blake, #348497,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT

2012-CP-02-0374

**ORDER DENYING APPLICANT'S
 MOTION TO RECONSIDER**

This matter comes before the Court on Applicant's Motion to Reconsider pursuant to Rule 59(e), SCRPC filed March 2, 2016. After due deliberation, review of the case law and motion of counsel, this Court finds that there is nothing new warranting reconsideration, and Applicant's Motion to Reconsider is denied.

THEREFORE, Applicant's Motion to Reconsider is hereby **DENIED**.

AND IT IS SO ORDERED this 14th day of March, 2017.

FILED 327 20 17
Robert J. Harte *anj*
 C.C.P. & G.S.
Ableigh M. Royal 12:38
 Deputy Clerk

[Signature]
 EDGAR W. DICKSON
 Presiding Judge
 Second Judicial Circuit

[Signature], South Carolina

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN
 I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

MAR 27 2017

[Signature]
 C.C.P. & G., Aiken County, S.C.
Ableigh M. Royal *anj*
 Deputy Clerk

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP0200374

William Henry Blake		South Carolina State Of	
---------------------	--	-------------------------	--

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

		3/27/2017
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on 03/27/2017, and a copy mailed first class or placed in the appropriate attorney's box on 03/27/2017, to attorneys of record or to parties (when appearing pro se) as follows:

Aimee Jendrzewski Zmroczek A.J.Z. Law Firm, LLC PO
Box 11961 Columbia, SC 29211

Julie Amanda Coleman PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Robert J. Harte by Aimee J.M. Payne

Court Reporter

Robert J Harte - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

2019 CP0201354

m008205
m008546

FORM 5

STATE OF SOUTH CAROLINA)
County of Aiken)
WILLIAM H. BLAKE #31017)
Full name and prison number (if any) of Applicant)

IN THE COURT OF COMMON PLEAS)
FILED 6-3 2019 9:30)
Robert J. White)
C.C.P. & G.S.)
Shardell Parks)
Deputy Clerk)

v.)
State of South Carolina)

APPLICATION FOR
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
990 Wisatchy Hwy Bishopville, SC 29010
2. Name and location of Court which imposed sentence Aiken County
General session
3. Name(s) of co-defendant(s) (if any) Christopher Wayne Tsom,
Amanda Toole + Travis Bibbs
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2011-GS-02-1378 Armed Robbery
 - (b) 2011-GS-02-1586 Voluntary Manslaughter

(c) _____

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

(a) October 24, 2011. 23 years concurrent for (a) and

(b) (B) above

(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?

Yes

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. Court of Appeals

ii. _____

iii. _____

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

i. Apparently abandoned

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) Apparently abandoned / withdrawn

(b) _____

- (c) _____
- 10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
 - (a) Ineffective Assistance of PCP
 - (b) counsel for failing to file a notice of
 - (c) appeal/ failing to seek appellate review of the denial of PCR
- 11. State concisely and in the same order the facts which support each of the grounds set out in (10):
 - (a) Austin v. State, 305 S.C. 453, 409 S.E.2d
 - (b) 395 (Citations Omitted)
 - (c) Denial of right to appeal
- 12. Prior to this application have you filed with respect to this conviction:
 - (a) any petition in a State Court under South Carolina Law? /
 - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? yes
 - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? /
 - (d) any other petitions, motions or applications in this or any other Court? /
- 13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
 - (a) the specific nature thereof:
 - i. Post Conviction Relief - Denied/Dismissed
 - ii. Post Conviction Relief - Rule 59(c) Reconsideration
 - iii. / Denied
 - iv. _____
 - (b) the name and location of the Court in which each was filed:
 - i. Aiken County Court of Common Pleas and
 - ii. Judicial
 - iii. _____
 - iv. _____

- (c) the disposition thereof:
 - i. Dismissed (PCR Application) / Hearing
 - ii. Denied 59(c)
 - iii. _____
 - iv. _____

- (d) the date of each such disposition:
 - i. January 28th 2016
 - ii. MARCH 14th 2017
 - iii. _____
 - iv. _____

- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____

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

N/A

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

- (a) which grounds have been presented:
 - i. _____
 - ii. _____
 - iii. _____

- (b) the proceedings in which each ground was raised:
 - i. _____
 - ii. _____
 - iii. _____

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

- (a) First Time / NOT Ripe
- (b) _____
- (c) _____

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

- (a) your arraignment and plea? YES
- (b) your trial, if any? N/A
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

P.C.R Post conviction Relief

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. Barry L. Thompson (public defender) 410 Barnwell Ave NW Aiken, SC
- ii. Aimee J. Zmroczek (ATZ Law Firm) P.O. Box 11961 Columbia, SC 29211
- iii. _____

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

- i. Plea and sentencing
- ii. Post conviction Relief hearing
- iii. _____

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

To Appeal the denial of my post conviction Relief, since its the first bite of the apple to adjudicate / exhaust my state Remedies

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

N/A

STATE OF SOUTH CAROLINA)
County of Aiken)

VERIFICATION

I, William Blake, 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.

William Blake

SWORN to and subscribed before me this 20 day of May, 2019.

John Eastendaf (L.S.)
Notary Public

My Commission Expires: 3/3/2020

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

I, William Blake, 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.

William Blake
Applicant

SWORN or affirmed to and subscribed before me this
20 day of May, 2019.

Diana Eastwood
Notary Public

My Commission Expires: 3/2/2020

May 19, 2019

2019CP0201354

Robert J. Harte
 Clerk of Court
 P.O. Box 583
 Aiken, SC 29802

FILED 6-3 2019 9:30
 SP
 Robert J. Harte
 C.C.A. & G.S.
 Shodell Harts
 Deputy Clerk

RE: William Blake U. STATE OF SOUTH CAROLINA
 CASE # 2019-CP-02-00374 MOTION OF SUMMON

Dear Clerk of Court:

Enclosed please find original summons I have written in regards to the above referenced matter and PCR Application.

Please return a stamped clocked filed copy of both PCR Application and summons to me for my personal records, as well as forward the original summons to the Assistant General's Attorney Julie J. Coleman.

Thanking you in advance for your assistance.

Sincerely,
William Blake

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
)
)
 William H. Blake, #348497)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT

Case No.: 2019-CP-02-01354

**RETURN AND PARTIAL MOTION
 TO DISMISS**

The State (Respondent), making its Return to the application for Post-Conviction Relief filed on June 3, 2019, would respectfully show this Court:

I. Procedural History

William Blake (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. During the November 2011 term, Applicant was indicted by the Aiken County Grand Jury for armed robbery (2011-GS-02-01378). Applicant waived presentment to the Aiken County Grand Jury on his indictment for voluntary manslaughter. Barry L. Thompson, II, Esquire, represented him. On October 24, 2011, Applicant entered an Alford plea as indicted. The Honorable George C. James, Jr. sentenced Applicant to confinement for a period of twenty-three years in accordance with plea negotiations between Applicant and the State.

A notice of appeal was filed on November 2, 2011. The appeal was dismissed following submission of an Rule 203(d)(1)(B)(iv) Explanation filed by Applicant’s counsel, stating that there is no “good faith basis to believe that any issues are properly before the Court of Appeals” and that Applicant “did not object to the sentence or file a motion to reconsider the sentence.” The Remittitur was sent on March 2, 2012.

First Post-Conviction Relief Application (2012-CP-02-0374)

Applicant filed his initial post-conviction relief application on February 13, 2012, alleging ineffective assistance of counsel, involuntary guilty plea, and prosecutorial misconduct. An evidentiary hearing into the allegations was convened before the Honorable Edgar W. Dickson on September 8, 2015, at the Aiken County Courthouse. Applicant was represented by Aimee Zmroczek, Esquire. Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office represented Respondent. On February 22, 2016, Judge Dickson filed an order dismissing Applicant's post-conviction relief application finding Applicant had failed to establish any constitutional violations or deprivations that would allow relief to be granted. Applicant did not file an appeal.

II. Allegations Raised and Relief Sought

In his current application for post-conviction relief, Applicant alleges his post-conviction relief counsel failed to appeal the denial of his 2012 post-conviction relief application.

1. "Ineffective assistance of PCR Counsel for failing to file a notice of appeal / failing to seek appellate review of the denial of PCR."

In requested relief, Applicant requests the ability to appeal his initial post-conviction relief application.

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

III. Response to Austin Claim

Applicant alleges he was denied the right to appeal the dismissal of his previous post-conviction relief application when his previous PCR counsel failed to timely file a notice of appeal of the denial of that action. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), a post-conviction relief applicant may petition the South Carolina Supreme Court for belated discretionary review of the dismissal of his or her application in some circumstances. A PCR applicant is entitled to an Austin appeal if the PCR judge affirmatively finds either: (1) the applicant requested and was denied an opportunity to seek appellate review; or (2) the right to appellate review of a previous PCR order was not knowingly and intelligently waived. Odom v. State, 337 S.C. 256, 262, 523 S.E.2d 753, 756 (1999). Because this allegation raises questions of fact which cannot be conclusively refuted by the record, Respondent requests an evidentiary hearing limited to this ground for relief.

IV. Motion to Dismiss All Other Allegations

Any additional claims Applicant attempts to raise will be summarily dismissed as successive to Applicant's previous application. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Arnold v. State, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code (2014) provides:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which

for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended application.

Under this statute, successive post-conviction relief applications are prohibited unless an applicant can indicate a “sufficient reason” why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 450,409 S.E.2d 392, 394 (1991). Any new ground raised in a subsequent application is limited to those grounds that “could not have been raised. . . in the previous application.” Id. at 450, 409 S.E.2d at 394.

An allegation of ineffective assistance of PCR counsel is not a valid reason for allowing a successive application. The South Carolina Supreme Court in Kelly v. State specifically held the holding in Martinez v. Ryan is limited to federal habeas corpus review and is not applicable to state post-conviction relief actions. 404 S.C. 365, 745 S.E.2d 377 (2013). Therefore, the ruling in Martinez has no bearing on an Applicant’s ability to raise ineffective assistance of collateral counsel claims in a subsequent, successive state PCR application. Therefore, any allegations regarding his previous PCR counsel’s representation, other than the Austin claim, are barred as successive and should be summarily dismissed.

V. Any Future Amendments and Invocation of Discovery Process

Applicant must specify any claims he intends to raise at the 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), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. *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), SCRPC.

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.

VI. Response to Any and All Other Allegations

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

VII. Request for an Evidentiary Hearing

WHEREFORE, having made its Return, Respondent requests an evidentiary hearing be held solely on Applicant's claim that he was denied his right to appeal the dismissal of his 2012 post-conviction relief application.

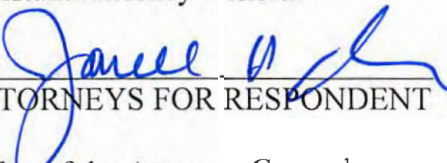
Respectfully submitted,

ALAN WILSON
Attorney General

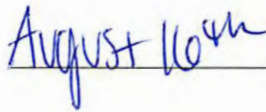
W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JANELL H. GREGORY
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

, 2019

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)
)
)
)
 WILLIAM HENRY BLAKE, III, #348497,)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS

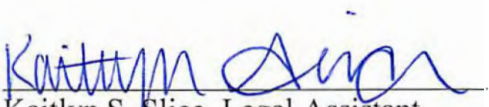
2019-CP-02-01354

AFFIDAVIT OF SERVICE BY MAIL

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

Arthur K. Aiken, Esquire
Aiken & Hightower
2231 Devine Street, Suite 201
Columbia, South Carolina 29205

DATED this the 16th day of August, 2019.



Kaitlyn S. Slice, Legal Assistant
 For Respondent

2019 CP0201354

STATE OF SOUTH CAROLINA
COUNTY OF AICHEN

IN THE SECOND JUDICIAL CIRCUIT
THE COURT OF COMMON PLEAS

WILLIAM HENRY BLAKE #384977
Applicant,

DOCKET NO. 2012-CP-02-00574

Vs.

STATE OF SOUTH CAROLINA
RESPONDENT,

SUMMONS

TO: THE RESPONDENTS ABOVE-NAMED AND ATTORNEY JULIE A. COLEMAN

You will please take notice that within 60 days after service hereof upon you, you are hereby require to answer to summons written to this post conviction Relief Application. If not, the Respondents will be in default.

WHEREFORE, the applicant moves the court to allow the Respondents to respond to this summons.

FILED
10-3 20 19 9:20 SP
Sharon Prude
Clerk & G.S.
Deputy Clerk

May 19, 2019
DATE

By: William Blake
William Henry Blake #384977
LEE COV INST
910 WISACKY HWY
Bishopville, SC 29010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of this summons was forward to the clerk of court and Respondent listed below by depositing a copy of same in the Lee Corr Inst Mailroom with proper pre paid postage affixed thereto on 19th May 2019:

JULIE A COLEMAN
P.O. Box 11549
Post-Conviction Relief Section
COLUMBIA, SC 29211

ROBERT J. HARTE
CLERK OF COURT
P.O. Box 583
Aiken, SC 29802

FILED 6-3 2019 9:30
SP
Robert J. Harte
Clerk of Court
Shadell Harke
Deputy Clerk

William Blake
William Blake

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

William Henry Blake, III, #348497,

Applicant,

v.

State of South Carolina,

Respondent.

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

) Case No.: 2019-CP-02-1354

**ORDER GRANTING RELIEF
PURSUANT TO AUSTIN V. STATE**

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Harte, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

JUN 10 2021

INTRODUCTION

Robert J. Harte
C.C.P. & G., Aiken County, S.C.
Charla Buffin Pleau
Deputy Clerk

This is a PCR case commenced by the Applicant, William H. Blake, III, (Blake), by filing an Application for Post-Conviction Relief on June 3, 2019. This is Blake's second application for post-conviction relief of the subject convictions, in which he requests relief in the form of the opportunity to seek belated appellate review of the result in his first PCR action. This Court has reviewed the entire record in the case as well as the September 25, 2020, Affidavit of Aimee Zmrocek, Blake's counsel in his first PCR challenging the subject convictions. As the only allegation contained in this current application for post-conviction relief is the request for an opportunity to seek belated appellate review of his prior PCR application, the State has indicated that it does not object to an order granting to Blake the opportunity to seek belated appellate review of the denial of his first post-conviction relief application, based on the sworn testimony of Ms. Zmrocek establishing her failure to file the notice of appeal. Having conducted the review noted above and giving due weight to the State's decision not to oppose relief, this Court grants to Blake the relief requested in his PCR Application. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d

FILED June 10 20 21

Robert J. Harte CMP
C.C.P. & G.S.

Charla Buffin Pleau
Deputy Clerk

HRM/1

395 (1991), Blake shall be granted the opportunity to seek belated appellate review of his prior PCR application.

FACTS

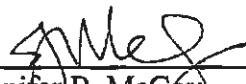
The hearing court denied relief in Blake's prior PCR (2012-CP-02-0374). A Rule 59(e) Motion to Reconsider was filed following the denial of relief, but after the denial of that Motion, no appeal was ever filed in Blake's first PCR action. Blake instructed his counsel to file an appeal, but the appeal of that action was never filed because of a miscommunication in the office of Blake's counsel, Aimee Zmrocek.

LAW

The leading case addressing this scenario is Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), which permits PCR litigants to petition the Supreme Court for belated appellate review of their unsuccessful PCRs if they are improperly denied the right to pursue that appeal. A PCR applicant is entitled to relief pursuant to Austin if the PCR judge on the second PCR finds, in alia, that "the applicant requested and was denied an opportunity to seek appellate review." Odom v. State, 337 S.C. 256, 262, 523 S.E.2d 753, 756 (1999). The Affidavit of Blake's counsel on his first PCR action establishes that Blake requested and was denied an opportunity to seek appellate review of the denial of PCR in that action, so Blake is entitled to seek belated appellate review of his first PCR action under Austin v. State.

WHEREFORE, based on the foregoing findings of fact and conclusions of law and on the State's decision not to oppose relief, this Court **ORDERS** that Blake's application for post conviction relief is **GRANTED** and Blake shall be provided relief limited to the opportunity to seek belated appellate review of the denial of his prior post-conviction relief application, pursuant to the procedure outlined Austin v. State.

AND IT IS SO ORDERED!



Jennifer B. McCoy
Presiding Circuit Court Judge
Second Judicial Circuit

Charleston, SC

June 4, 2021

**STATE OF SOUTH CAROLINA
COUNTY OF AIKEN**

**COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT**

<p>William h. Blake, III #348497, Applicant vs. State of South Carolina, Respondent.</p>	<p>Case No.: 2019-CP-02-01345 AFFIDAVIT OF AIMEE J. ZMROCZEK</p>
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PERSONALLY APPEARING BEFORE ME AND HAVING BEEN DULY

SWORN, the undersigned, Aimee J. Zmroczek,, deposes and says as follows:

1. I am over 18 years old, of sound mind and otherwise fully competent to make a statement under oath.
2. I have firsthand knowledge of all matters stated in this affidavit except for those matters stated on information and belief, and, as to those matters stated on information and belief, I reasonably believe them to be true.
3. I am now and have been since 2008 a member of the South Carolina Bar.
4. I represented the Applicant, William H. Blake, III (Blake), in his initial PCR captioned William H. Blake III #348497 v. State with civil actions number 2012-CP-02-0374.
5. In Blake's initial PCR, the hearing Court denied relief.
6. Before the appellate deadline in Blake's initial PCR, I discussed his appellate rights with him, and he told me to file an appeal in his case.
6. Because of a miscommunication in my office, Mr. Blake's appeal was never filed.

FURTHER YOUR AFFIANT SAYETH NAUGHT



Aimee J. Zmroczek

SWORN to before me this

25 day of September 2020.

Christina A. Metzke

Notary Public for South Carolina

Christina Metzke

Print Name

My Commission Expires: 7/21/26