

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

—————
Certiorari to Dillon County

Honorable Brooks P. Goldsmith, Circuit Court Judge
—————

JOHN H. BRIDGES,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001791
—————

APPENDIX
—————

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S.C. SUPREME COURT

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSION
 COUNTY OF DILLON) 2010-GS-17-0473
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) 2010-GS-17-0479
) 2010-GS-17-0481

STATE OF SOUTH CAROLINA)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD
) (PLEA)
 JOHN HENRY BRIDGES)
) DEFENDANT)

November 1, 2010
 Dillon, South Carolina

B E F O R E:

THE HONORABLE THOMAS A. RUSSO, JUDGE.

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

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 Attorney for the State

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 Attorney for the Defendant

RICHARD JONES, DEPUTY PUBLIC DEFENDER
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A P P E A R A N C E S:

GREG HYMAN, Reverend
MR. BRIDGES, Defendant's Father
MRS. BRIDGES, Defendant's Stepmother
MS. WHEELER, Defendant's Aunt
JOHNNY STUTTS, Victim's Son
RICKY LEE, Victim's Son in law
BOBBIE LEE, Victim's Daughter
HARVEY WILKES, Victim's Brother

HATTIE O. GORDON
Circuit Court Reporter

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EXHIBITS

NO EXHIBITS WERE MARKED OR ADMITTED INTO THE RECORD

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COLLOQUY

MR. REDMOND: May it please the Court, Your Honor. Your Honor, before you at this time is John Henry Bridges to my immediate right. He is here with his attorney, Rick Jones, Deputy Public Defender.

2010-GS-17-473 for murder. 474 for possession of a weapon during a violent crime. 476 for burglary in the first degree. 477 for kidnapping. 478 for armed robbery. 479 for grand larceny. And, finally, 2010-GS-17-481; that being for criminal conspiracy. This plea is without recommendation.

And at the appropriate time I'm sure there are members of the victim's family who are going to want to address the Court. I would just ask that they state their name for the record once they do speak, Your Honor. We are prepared to go forward with this plea.

THE COURT: All right, sir.

MR. REDMOND: And let me pass the indictment here and the sentencing sheets.

THE COURT: Thank you. All right. So you're John Henry Bridges?

MR. J.H. BRIDGES: Yes, sir.

THE COURT: All right, sir. Mr. Bridges, Indictment 2010-GS-17-473 is a true billed indictment for the charge of murder. That charge carries a sentence of not less

1 than 30 years up to life in prison. No part of which may
2 be suspended nor can parole or probation be granted. You
3 understand that, sir?

4 MR. J.H. BRIDGES: Yes, sir.

5 THE COURT: Also it is classified as a violent and
6 most serious crime under our Code of Laws. You understand
7 that, sir?

8 MR. J.H. BRIDGES: Yes, sir.

9 THE COURT: All right. Mr. Bridges, understanding
10 the nature of the charge against you and the possible
11 punishment that's associated with that offense how do you
12 plead to that charge, guilty or not guilty?

13 MR. J.H. BRIDGES: Guilty.

14 THE COURT: All right, sir. And Indictment
15 2010-GS-17-474 is an indictment for possession of a weapon
16 during the commission of a violent crime. That charge,
17 sir, carries a maximum penalty of up to five years. Do
18 you understand that, sir?

19 MR. J.H. BRIDGES: Yes, sir.

20 THE COURT: Understanding the nature of the charge
21 against you and the possible punishment associated with
22 that offense how do you plead to that charge, sir, guilty
23 or not guilty?

24 MR. J.H. BRIDGES: Guilty.

25 THE COURT: Thank you, sir. Indictment

1 2010-GS-17-476 is an indictment for burglary in the first
 2 degree. That carries a possible -- is it -- there is no
 3 mandatory minimum, is it?

4 MR. REDMOND: It's 15 years to life.

5 THE COURT: Fifteen to life. That charge carries a
 6 mandatory minimum of time of incarceration of not less
 7 than 15 years up to life imprisonment. It is also
 8 classified as a violent and most serious offense. Do you
 9 understand that, sir?

10 MR. J.H. BRIDGES: Yes, sir.

11 THE COURT: Understanding the nature of the charge
 12 against you and the possible punishment regarding that
 13 charge how do you plead to that charge, guilty or not
 14 guilty?

15 MR. J.H. BRIDGES: Guilty.

16 THE COURT: Thank you, sir. Indictment
 17 2010-GS-17-477 is an indictment for kidnapping. That is a
 18 charge of kidnapping which carries a penalty of up to 30
 19 years. Do you understand that, sir?

20 MR. J.H. BRIDGES: Yes, sir.

21 THE COURT: You also understand that it is considered
 22 a violent and most serious crime?

23 MR. J.H. BRIDGES: Yes, sir.

24 THE COURT: How do you plead to that charge, guilty
 25 or not guilty?

1 MR. J.H. BRIDGES: Guilty.

2 THE COURT: Thank you, sir. Indictment
3 2010-GS-17-478 is a charge of armed robbery. That carries
4 a penalty -- a possible penalty of not less than 10 years,
5 no more than 30 years and is also considered a violent,
6 most serious offense. Understanding those things how do
7 you plead to that charge, sir, guilty or not guilty?

8 MR. J.H. BRIDGES: Guilty.

9 THE COURT: Thank you, sir. Indictment
10 2010-GS-17-479 is a charge of grand larceny in an amount
11 valued at over \$5,000 which carries a possible penalty of
12 up to ten years. How do you -- you understand that?

13 MR. J.H. BRIDGES: Yes, sir.

14 THE COURT: How do you plead to that charge, sir,
15 guilty or not guilty?

16 MR. J.H. BRIDGES: Guilty.

17 THE COURT: And then, finally, on 2010-GS-17-481
18 which is a charge of criminal conspiracy under the Common
19 Law which carries a maximum penalty of up to five years.
20 Do you understand that, sir?

21 MR. J.H. BRIDGES: Yes, sir.

22 THE COURT: How do you plead to that charge, sir,
23 guilty or not guilty?

24 MR. J.H. BRIDGES: Guilty.

25 THE COURT: Mr. Bridges, on several of those offenses

1 they are classified, under our Code of Laws, as most
2 serious offenses. Sir, you understand that in South
3 Carolina when someone is convicted of a most serious
4 offense if down the road you are to be convicted of a
5 second most serious offense that on that offense the State
6 could seek life without parole because of the Two Strike
7 Rule regarding most serious offenses. You understand
8 that, sir?

9 MR. J.H. BRIDGES: Yes, sir.

10 THE COURT: All right, sir. Understanding that you
11 still wish to go forwards with your pleas?

12 MR. J.H. BRIDGES: Yes, sir.

13 THE COURT: All right, sir. Now, Mr. Jones, you
14 represent Mr. Bridges on those charges, sir?

15 MR. JONES: I do, Your Honor.

16 THE COURT: Have you discussed with him each of the
17 charges that he is pleading guilty to and his
18 constitutional rights to a trial?

19 MR. JONES: I have, Your Honor.

20 THE COURT: Have you also discussed with him, sir,
21 the ramifications of entering these pleas and the
22 classifications of most serious offenses and how that
23 could affect him at a later date should he receive
24 additional charges of that nature?

25 MR. JONES: Yes, sir.

1 THE COURT: All right, sir. Mr. Bridges, am I
2 correct that you're 16 years of age?

3 MR. J.H. BRIDGES: Yes, sir.

4 THE COURT: How far did you go in school, sir? Or
5 were you in school when this occurred?

6 MR. J.H. BRIDGES: No, sir.

7 THE COURT: Okay. How far did you go in school?

8 MR. J.H. BRIDGES: Seventh grade.

9 THE COURT: All right, sir. Mr. Bridges, you heard
10 Mr. Jones indicate to the Court that he has reviewed with
11 you your constitutional rights. Do you recall those
12 conversations with him?

13 MR. J.H. BRIDGES: Yes, sir.

14 THE COURT: All right, sir. Now, let me tell you
15 what I'm going to do. I'm going to review those with you
16 at this time. But what I want you to do for me is this:
17 At any time during our conversation you have any question
18 about anything that I go over, if you need to stop me and
19 talk with Mr. Jones I want you to do that. I want you to
20 tell me that you need to speak to your lawyer and I then I
21 will stop and give you that opportunity, okay?

22 MR. J.H. BRIDGES: Yes, sir.

23 THE COURT: All right, sir. First, I'm going to
24 review with you the fact that we all have these
25 constitutional rights. They're the same for everybody

1 regardless of whether you're charged with a criminal
2 offense or not. But when you plead guilty to any of these
3 charges then for purposes of these pleas you give up these
4 rights or you waive them. You understand that?

5 MR. J.H. BRIDGES: Yes, sir.

6 THE COURT: Now, the rights that I'm talking about is
7 you have the right to remain silent. You have the right
8 to a jury trial. But when you plead guilty you give both
9 of those important constitutional rights. Do you
10 understand that?

11 MR. J.H. BRIDGES: Yes, sir.

12 THE COURT: Now, associated with your right to a jury
13 trial are other rights that you have so that, obviously,
14 if you give up your jury trial right you give up these
15 rights as well. And I'm going to go over those with you
16 and make sure you understand.

17 In other words, for example, if you had a jury trial
18 you would be presumed innocent of all of these charges and
19 that presumption of innocence would remain with you
20 throughout the trial. And that presumption of innocence
21 places the burden of proof on the State to prove your
22 guilt and to prove your guilt beyond a reasonable doubt.

23 The way the State would do that is that they would
24 bring into Court various witnesses who would testify.
25 They would take the witness stand, be placed under oath,

1 and they would testify. More than likely they would
2 testifying against your best interest. Now, the
3 constitution in this country provides that every person
4 who is charged with a criminal offense has a right to face
5 their accusers or to confront their accusers. What that
6 means is simply this: During that trial, through your
7 lawyer, Mr. Jones, you would have the right to question
8 the State's witnesses, ask them questions about their
9 testimony before the jury. That's your right of
10 confrontation.

11 But when you plead guilty, by telling the Court that
12 you are guilty, you give the presumption of innocence and
13 you give up or waive the right to confront the State's
14 witnesses. The state is no longer required to prove your
15 guilt, and therefore, they're not required to bring their
16 witnesses into Court. And so you give up the right to
17 face these witnesses. Do you understand that?

18 MR. J.H. BRIDGES: Yes, sir.

19 THE COURT: All right, sir. Now, if you had a jury
20 trial the State is not the only one that could call
21 witnesses. You could call witnesses in your defense or
22 you yourself could take the witness stand and testify in
23 your own defense. You can do either one of those things
24 or you could do both of those things. Or, Mr. Bridges,
25 you could go neither one of those things.

1 In other words, the Constitution of the United States
2 says that a person charged with a criminal offense is
3 never required to prove themselves innocent. The burden
4 of proof is on the State. You could actually remain
5 silent. You could exercise your constitutional right to
6 remain silent and not testify. And if you did that I
7 would tell the jury this when I instruct them on the law.
8 I would tell the jury that you are presumed innocent of
9 the charge. The fact that you chose not to exercise your
10 right to remain silent is a fact that they could not even
11 talk about in the jury room.

12 I would tell them that they could not hold it against
13 you; that the State has the burden of proof and that you
14 don't have to prove anything. The fact that you chose to
15 remain silent I would instruct the jury that they could
16 not take that into consideration at all in their
17 deliberations. You understand that?

18 MR. J.H. BRIDGES: Yes, sir.

19 THE COURT: Now, as I said earlier the State has the
20 burden of proof. They have to prove your guilt beyond a
21 reasonable doubt, and they have to do it to a unanimous
22 decision. In other words, there is 12 jurors that are
23 deciding this case, and they would have to convince all 12
24 members of the jury that you're guilty. If the jury
25 decides 11 to 1, that's not good enough. It has to be

1 that unanimous decision. If they don't have a unanimous
2 decision they could not convict you of these charges. Do
3 you understand that?

4 MR. J.H. BRIDGES: Yes, sir.

5 THE COURT: Now, if you did have a jury trial and if
6 you were convicted of these charges you could appeal that
7 conviction to a higher court if you felt that was
8 appropriate. You understand that, sir?

9 MR. J.H. BRIDGES: Yes, sir.

10 THE COURT: And, Mr. Bridges, you also have a right
11 to appeal with regard to today's proceedings. In other
12 words at that end of this proceeding today, if you wish to
13 appeal my decision, you may do that. However, you must
14 file a Motion of Intent to Appeal within ten days of
15 today's date if you decide to do that. Do you understand
16 that?

17 MR. J.H. BRIDGES: Yes, sir.

18 THE COURT: Sir, these are rights that you have, that
19 we all have. But when you plead guilty you give up these
20 rights as they relate to these charges and you will not
21 have a jury trial and your case will be resolved pursuant
22 to this plea. Understanding these things do you still
23 wish to go forwards with your plea, sir?

24 MR. J.H. BRIDGES: Yes, sir.

25 THE COURT: All right. Now, Mr. Bridges, the State

Colloquy

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1 has presented these charges before the Court without any
2 negotiations or without any recommendations. Has anybody
3 promised you anything, held out any hope of reward or
4 threatened you in any way to get you to enter these pleas?

5 MR. J.H. BRIDGES: No, sir.

6 THE COURT: You've been represented in this case by
7 Mr. Rick Jones. Are you satisfied with the representation
8 and the advice that Mr. Jones has provided?

9 MR. J.H. BRIDGES: Yes, sir.

10 THE COURT: Do you have any complaints against him or
11 any member of his office?

12 MR. J.H. BRIDGES: No, sir.

13 THE COURT: Have you shared with Mr. Jones everything
14 that you know about these charges so that he could fully
15 look into these matters for you and explore these matters
16 for you?

17 MR. J.H. BRIDGES: Yes, sir.

18 THE COURT: And, Mr. Bridges, I don't know if there
19 are any, but if there were any witnesses or anything like
20 that, have you told him the names of everybody you can
21 think of that might could help you or benefit you in this
22 case?

23 MR. J.H. BRIDGES: No, sir.

24 THE COURT: Excuse me?

25 MR. J.H. BRIDGES: No, sir.

1 THE COURT: All right. In other words are there any
2 or there aren't any?

3 MR. J.H. BRIDGES: There haven't.

4 THE COURT: Okay. And I guess what I'm asking is
5 have you worked with Mr. Jones, worked with him and
6 assisted him in taking care of your case and representing
7 you in this case?

8 MR. J.H. BRIDGES: Yes, sir.

9 THE COURT: You told him everything that you know you
10 can think of?

11 MR. J.H. BRIDGES: Yes, sir.

12 THE COURT: All right, sir. Is there anything that
13 he has not done for you that you needed for him to do for
14 you?

15 MR. J.H. BRIDGES: No, sir.

16 THE COURT: Okay. You're satisfied with his
17 representation?

18 MR. J.H. BRIDGES: Yes, sir.

19 THE COURT: Sir, as you're standing before the Court
20 today are you under the influence or any substance that
21 would affect your ability to understand what you're doing?

22 MR. J.H. BRIDGES: No, sir.

23 THE COURT: Are you understood the questions that I
24 have asked you as we have gone through this process?

25 MR. J.H. BRIDGES: Yes, sir.

Colloquy

17

1 THE COURT: Have the answers that you've given to me
2 to those question have they been truthful?

3 MR. J.H. BRIDGES: Yes, sir.

4 THE COURT: Are you pleading guilty on these charges
5 of your own free will, Mr. Bridges?

6 MR. J.H. BRIDGES: Yes, sir.

7 THE COURT: Are you guilty of these offenses, these
8 charge, that's you're pleading to?

9 MR. J.H. BRIDGES: Yes, sir.

10 THE COURT: All right, sir. I'm going to look to
11 Mr. Redmond to get the facts. I'm going to ask you to
12 listen carefully, and then I'm going to be back with you
13 in just a moment.

14 MR. REDMOND: Thank you, Your Honor. May it please
15 the Court. This sad occurrence happened on the 17th of
16 August 2009. Joshua Lee, who is not here. He's actually
17 working will be here at that beginning of Mr. Lorenzo
18 Inman. But he had actually returned her vehicle, a 1999
19 Toyota Camry, been used about 6:30 that evening. He left.
20 They exchanged their normal good wishes to each other. He
21 left and some time after that is when this incident
22 occurred.

23 What happened was, and we've got witnesses to attest
24 to all of this, this defendant and two codefendants,
25 Damien Inman and Lorenzo Inman, were in, for lack of a

1 better term, were casing Miss Mary Alice Stutts'
2 residence. In fact they were waiting until the certain
3 point where, in essence, they felt that it was clear to go
4 ahead and attempted to rob Mrs. Stutts. And they
5 proceeded to do that.

6 They came up behind Stewart High School, came in
7 through her backyard, and one of them -- there is dispute
8 between the co-defendant's statements. They have all
9 given statements as to who did what, but we know they did
10 approach her door, knock on the door and asked for water.
11 And the sad thing here among a lot of sad things, Judge,
12 is that her good will ultimately led to her demise because
13 she acquiesced for their request for water and being able
14 to use the faucet outside.

15 Well, and again, the statements are somewhat
16 inconsistent, but we know that either after the first time
17 or a second time Mrs. Stutts came outside, and at that
18 point she was attacked. Again, the statements contradict
19 as to who did what, but we do know this, Your Honor. All
20 three were present and here's the key part. All three of
21 them had conspired prior to going to Mrs. Stutts that they
22 were going to rob Mrs. Stutts. She was the target victim
23 in this situation. The importance of that, at least to
24 the State's theory is accomplice liability and felony
25 murder. And, of course, I'll address those further a

1 little bit later.

2 She was beaten in her own yard. They then, and
3 again, dispute as to who, but one of them went inside the
4 house looking for something to steal. They were not able
5 to find anything so they got the keys to her car. They
6 took a baby stroller out of the trunk of the car for her
7 grandchild and placed her in the trunk of this car and
8 backed out of the residence.

9 They drove several miles out to Admiral Road which is
10 a section of Dillon County past Little Rock, between the
11 Little Rock and Minturn area of Dillon County. Turned
12 down -- and this road is extremely desolate. I had the
13 opportunity to go out there a few days ago with Alan
14 Rogers of the Sheriff's Department. Did not realize,
15 because I'm not a native of Dillon County, that I pass
16 that road a hundred times on the road between Dillon and
17 Pageland on Number 9.

18 Any way, during the course of the time they were
19 proceeding one of the codefendant had indicated that the
20 radio in the car was turned up to help quell the cries
21 for help coming from the trunk from Mrs. Mary Alice
22 Stutts.

23 They make it to Admiral Drive. Go down a piece. I'm
24 guessing, based on what -- maybe a quarter of a mile down
25 into a wooded area and took her out of the trunk. And at

1 that point, and again there is conflict between the
2 statements as to who fired the shot. The Inman brothers
3 claim it was this defendant that fired the shots. This
4 defendant claims it was Damien Inman, Lorenzo Inman's
5 brother, that fired the fatal shot. But either way she
6 was shot in the face and the side of the head with a .25
7 caliber handgun.

8 Then she was dragged into a ditch area, wooded area,
9 ditch/canal area outside of view from the road and was
10 left there. They took out several items in the car, and
11 they actually stole at some point during the evening,
12 stole a tag in order to replace Mrs. Stutts' tag on her
13 vehicle. After this they rode around for several hours.
14 We've got witnesses that can place them at different parts
15 of the Dillon County during this time.

16 Ride around for several hours. At some point they
17 drop Damien Inman off, the youngest, because he, of all
18 things, had to go to school the next day. So they drop
19 him off, but this defendant and Lorenzo Inman remain in
20 the vehicle. There are statements that other people may
21 have ridden in the vehicle or driven the vehicle during
22 the course of the night.

23 Be that as it may, the next morning this defendant
24 and Lorenzo Inman go to Lockamy's Scrap Metal here in
25 Dillon County just out Dillon County. Okay, they sell --

1 they go to Lockamy's Scrap Metal yard to try to sell the
2 car. That go to Lockamy's Scrap Metal to try to get rid
3 of the car. The defendant, Lorenzo Inman, is actually the
4 one that approached the window. We've got this on video.
5 They were unable to do so because they didn't have the
6 title and they didn't have a driver's licence.

7 Well, fortunately, Ms. Martha Bridges at Lockamy's --
8 and Richard Lockamy was actually there as well. They both
9 felt something was wrong, so they called law enforcement
10 to let them know. And at this time there was an All
11 Points Bulletin out for this vehicle any way. Louis
12 Barfield of the Dillon Police Department actually got
13 behind this particular vehicle, Ms. Stutts' vehicle.

14 Lorenzo Inman was driving, and they lead in a chase
15 that ultimately ended up on Woodle Drive in Dillon. They
16 crashed up against the railroad -- the railroad tracks,
17 and both this defendant and Lorenzo Inman fled.

18 They were apprehended. This defendant was
19 apprehended before he could make it to the wood line of
20 this particular area. Lorenzo Inman actually did -- went
21 into the wooded area to the ditch area and actually was
22 under water trying to evade law enforcement. They were
23 arrested. This defendant actually, around 12:30, sometime
24 after 12:30 was Mirandized. Before he gave his written
25 statement he agreed to take law enforcement to Ms. Stutts'

1 body. And he did. He took her -- he took law enforcement
2 to the body. Her body was discovered.

3 I did skip one part of this. Mr. Ricky Lee,
4 Ms. Stutts' son in law -- well, Joshua Lee -- let me back
5 up a little bit. Joshua Lee had been calling, I think,
6 around 10:30 that evening to say good night to his
7 grandmother. She didn't answer, so he assumed that she
8 had gone to sleep. Well, the next morning, early the next
9 morning, Ricky Lee goes by and notices the door open, the
10 car gone and his mother in law was missing. So law
11 enforcement was called.

12 And that's -- at first it was a missing person
13 situation, and unfortunately as the events unfolded, it
14 was discovered that these three defendants were involved
15 in the death and murder of Ms. Mary Alice Stutts. One of
16 the things you may notice, Your Honor, is that we have
17 indicated that there have been disputing statements on who
18 pulled the trigger.

19 One of the things in this case that has been a
20 recurring theme throughout, and I know that Mr. Jones has
21 addressed it with his client at length, is that, again,
22 the State would proceed on two theories. We would
23 acknowledge the fact that we may never, and unfortunately,
24 I have had to tell the family that we may never know for
25 sure who pulled that trigger unless that person admits it.

1 But we don't have to prove that because under the
2 doctrines of accomplice liable and felony murder it is
3 clear that we are able to prove that they all agreed to
4 rob Ms. Stutts. They, in fact, staked out that particular
5 location until the coast was clear so they could rob her.
6 From that point forward everything that transpired,
7 whether they fired that shot or not, results in them being
8 guilty of the murder under both of the theories that I
9 proffered.

10 I can tell the Court that this case was one that
11 rocked Dillon County. To think that a 76 year old, and I
12 did not mention this Ms. Stutts was 76 years old at this
13 time, could be so brutally and heinously and in cold blood
14 murdered is unlike anything I've ever seen or imagined,
15 quite frankly, Your Honor, especially here in Dillon
16 County.

17 I know that there are others that are going to want
18 to speak and I think that they would be much more eloquent
19 than I. And as -- I did not know Ms. Stutts, and have not
20 been touched in the same way, but I can assure the family
21 I've been touched though I have not met her. To think
22 that she had to endure, after living such a long and
23 fruitful life, that she had to endure such a horrible,
24 horrific death is something I don't think any of us with
25 hearts could not feel for this family and feel for what

1 Ms. Stutts went though.

2 So with that, Your Honor, I would yield to, at the
3 appropriate time, anybody else that would want to address
4 the Court.

5 THE COURT: All right. Well, let me, and I'll be
6 happy to hear from anyone before we conclude these
7 proceedings, obviously. But let me get back to
8 Mr. Bridges very quickly. Mr. Bridges, the facts that the
9 Solicitor gave the Court regarding these -- surrounding
10 these charges are these fact essentially correct, sir?

11 MR. J.H. BRIDGES: Yes, sir.

12 THE COURT: All right. I find that the State has
13 provided a substantial, factual basis to support the
14 charges that Mr. Bridges is plead guilty to.

15 I find that his decision enter these pleas appears to
16 have been freely and voluntarily and intelligently. He
17 has had the advice and counsel of an out attorney, and
18 Mr. Rick Jones. Mr. Bridges has indicated to the Court
19 that he is satisfied with the representation and the
20 advice that Mr. Jones has provided. And I'm going to
21 accept his pleas.

22 Mr. Jones, if I may let me hear from your, sir,
23 regarding Mr. Bridges.

24 MR. JONES: Yes, sir. And in listening to the
25 Solicitor talk, Your Honor, there is not a thing in the

1 world that I can dispute or even argue about in his
2 recitation of the facts. One of the most difficult things
3 that I have had to do with Mr. Bridges, who at the time of
4 this incident was 15 years-old, is discuss with him the
5 fact that, although he has always maintained that he did
6 not pull the trigger on this situation, but that he's just
7 as responsible as the person who did because he was there
8 didn't stop it from happening, and certainly, didn't tell
9 anybody it happened afterwards.

10 That being said I know that Mr. Bridges, if he could
11 would certainly take back his participation in the events
12 of last August 17th. As I said he was 15 years old at the
13 time together with two young men who I think were 17 and
14 18 at that time, did in fact as I mentioned to him, start
15 the ball rolling which ultimately led to the death of
16 Ms. Stutts.

17 If he could take it back I know that he would. He's
18 standing here admitting his responsibility for his
19 activities that day. He has always, since I began working
20 with him, maintained exactly what the Solicitor said
21 happened; that the key element, of course, has been that
22 he has always said that he didn't pull the trigger, and I
23 assume in his 15 year-old mind that in some way made him
24 less culpable and less responsible for what ultimately
25 happened to Miss Stutts.

1 He's standing here with members of his family. Ms.
2 Wheeler, his aunt, with whom he was living at the time,
3 his father, his wife. Other members of his family have
4 been very supportive. I know that the Solicitor will
5 probably tell you at the appropriate time that he had some
6 degree of involvement with the Department of Juvenile
7 Justice. If I read the record right he had a petit
8 larceny conviction at the time although he had had several
9 different charges.

10 I don't think there was anything in his past which
11 indicated that he was a person who would involve himself
12 in a crime such as the one that happened on August the
13 17th of last year. Judge, one of the things that I
14 remember is that I had a difficult time talking with his
15 aunt particularly about was we had a waiver hearing in
16 Family Court.

17 There was a great deal of testimony from Dr. Frierson
18 who had examined John Henry. And one of the things that
19 she and I talked about, and very frankly, that John Henry
20 and I talked about is that a 15 year old's mind is not a
21 fully developed mind. That doesn't in any way excuse his
22 activities of August 17th of last year. But I think in
23 some fashion may explain his involvement.

24 He -- I, for the life of me, I don't know who the
25 ring leader that day was. Mr. Bridges claims that it

1 certainly was not him. He was the youngest of the three
2 participants. Although large in size he was not the one
3 who intellectually probably had the ability to lead anyone
4 to anything. However, he was there, and he certainly
5 participated and he is standing in front of you taking
6 responsibility for that participation.

7 As the Solicitor said after his apprehension he was
8 brought back to, I believe, the Sheriff's Department or
9 City Police Department. And after a consultation with his
10 aunt and his father he immediately said, "I'll take y'all
11 right back to where she is," and started, again, his
12 cooperation with law enforcement.

13 Nothing that I can say would explain why this
14 happened, Your Honor. And nothing that I can say would
15 certainly justify any actions that took place that day. I
16 would ask that you -- he knows that he is going to jail
17 for a long, long, long time, Your Honor. I have tried to
18 hold out some hope to him that perhaps it will not be for
19 the rest of his life. I have also explained to him that
20 he is going to hear some very nice things about the lady
21 that was killed.

22 And there is no way to bring her back. She is not
23 here. She is not a comfort to her family any more. He
24 regrets his participation in this case and throws himself
25 at the mercy of the Court, Your Honor. We would ask that

1 you consider a sentence on the lower end of the scale.
2 And I don't know. I didn't ask Ms. Wheeler or Mr. Bridges
3 if they wanted to say anything. I don't know if they
4 would. They just want you to know that they're here
5 supporting their son.

6 THE COURT: I'm happy to hear from anyone if they
7 wish to. Obviously, no one is required to address the
8 Court, but if you would like to I would be happy to hear
9 from you. Mr. Bridges, you're not required to either,
10 sir, but if you would like to say anything I'll be happy
11 to hear from anybody.

12 MR. J.H. BRIDGES: Sorry for my participation.

13 THE COURT: Thank you, sir. Anything further? All
14 right. From the State, Mr. Redmond? I'll be happy to
15 hear from anyone who wishes to address the Court.

16 MR. DANIEL: Your Honor, first is Bobbie Lee, the
17 daughter of Ms. Stutts.

18 MS. LEE: I don't really know what to say except that
19 my mom is gone, and she didn't deserve to die the way she
20 did. Nobody, not even the worse person in the world
21 deserved to die the way she did. Nothing is going to
22 bring her back. I know that. I'm just asking you to
23 bring some kind of justice to this. Our family just -- we
24 don't want it to happen to anybody else. We don't want
25 anybody else to go through what we've been through. And

1 we just pray God will have mercy on him, but we're asking
2 the Court not to have any mercy. My momma didn't have a
3 chance.

4 THE COURT: I'm so sorry you have to be here. Thank
5 you.

6 MR. LEE: Your Honor.

7 MR. DANIEL: This is Ricky Lee.

8 MR. LEE: That was my mother in law, but she was
9 actually a mother to me cause my momma died several years
10 ago. And I miss her very much, and I love her dearly. I
11 can understand young men, this age and all, the trouble
12 they get in. Trying to rob somebody. I know why that do
13 it. I don't know why they do it, but I heard so many
14 times over and over, but why you have to kill a 75 year
15 old woman.

16 She couldn't help herself. No defense whatsoever.
17 All she could do is pray to God to have mercy on these
18 boys for what they did. And I'm pretty sure she did.
19 Thank you, sir.

20 MR. DANIEL: Johnny Stutts, her son.

21 MR. STUTTS: Your Honor, nothing can bring my mom
22 back. And we'll grieve and we'll mourn. We'll go through
23 these processes, but our lives have been changed a whole
24 lot as well. My daddy taught me that there were
25 consequences in life. My years in the military have

1 taught me that there are consequences in life for the
2 choices that we make for the things that we do. And I've
3 had some severe consequences for my daddy sometimes. But
4 I don't think the consequence can be too severe for the
5 crime that are this severe regardless of who it is, but it
6 was my mom. I just pray and ask that the consequences be
7 such that it teaches a lesson to others.

8 THE COURT: Thank you, sir.

9 MR. REDMOND: Your Honor, if I may. I did fail to
10 mention when I say, 'law enforcement' sometimes that's in
11 general terms, but in a case of this magnitude it was a
12 cooperative effort and -- cooperative and collaborative
13 effort between Dillon County Sheriff's Office, the Dillon
14 Police Department, because her house was in the City of
15 Dillon. So they handled that aspect of it.

16 The murder happened in the County. The Sheriff's
17 Department handled that. S.L.E.D. came in and assisted,
18 but I can honestly say I've handled hundreds, maybe
19 thousands of cases over the years. This is one of the
20 best collaborative efforts that I've ever seen, and I was
21 in Atlanta at the time this occurred. And I remember
22 Shipp Daniel was calling me literally keeping me up to
23 date by the hour as to what was going on. And it was
24 amazing the work that was done. I would be remiss if I
25 didn't at least acknowledge that.

1 And there is one more person that does wish to
2 address the Court.

3 MR. HYMAN: My name is Greg Hyman. I'm a minister
4 and pastor of the Lee family. I did know Ms. Stutts as an
5 acquaintance who visited my church, but I wasn't that well
6 acquainted with her. She was a fine woman, and a great
7 personality. Had a lot of life in her.

8 But I've seen a lot of pain that's gone through this
9 family. I've heard about the cries and the wailing and
10 just the destructive nature that's been taken out on many.
11 It's been -- it's absolutely extreme. You can imagine
12 maybe what it would be like if it was your mother. It's a
13 terrible thing.

14 I'm here just to be mindful of what the scripture
15 taught us in the early part of the Book of Genesis, "If a
16 man sheds blood it by man's blood that he -- that it shall
17 be shed." In other words, the Bible has given us the
18 right for capital punishment. Now, I understand that
19 we're being merciful here. This young man's life is not
20 on the line here. It's only about time.

21 There is a -- I think because of his age a possibly a
22 tendency to be more lenient. But our Judea-Christian law
23 system that was set up here, based on the word of God in
24 many aspects, understands that it could be worse for this
25 young man. But because it's a Judea-Christian thing I

1 just want to think about from a Jewish point of view.
2 Jewish young men are Bar Mitzvahed at a much earlier age.
3 They are considered responsible men in the community from
4 the biblical standard.

5 This young man for years should have been considered
6 a responsible man and been responsible for his actions.
7 The tendency is to go lenient and be soft on him because
8 of his age. I would say that his age is appropriate for a
9 very extreme penalty. This was a terrible crime. I'm not
10 trying to be unmerciful or ungracious, but it would seem
11 unjust after what happened if he gets a light sentence.

12 So I just hope that I was understandable in what I
13 said. I hope you will take that into consideration as
14 well. Not only should he be accountable as a man as the
15 Court's have found him to be a man and tried as a man but
16 also because of what this family has gone through and what
17 I've seen in their life. Thank you, Your Honor.

18 THE COURT: Thank you very much.

19 MR. DANIEL: Judge, I'm sorry. There is one more.

20 MR. WILKES: Your Honor, my name is Harvey Wilkes.
21 I'm Mary Alice's brother. I'm her only brother. It was
22 just she and I. There are no words to describe how I
23 feel. I feel anger that I've not been able to dispose of.
24 It's hard to find the words here. My sister was a God
25 fearing woman who loved everybody. I've never known her

1 to say a hurtful thing about anybody regardless of race,
2 color or creed. She was a fine Christian woman.

3 It's just beyond my wildest imagination how someone
4 could take advantage of her with respect to her age. They
5 didn't know what her health conditions were, but she had
6 congestive heart failure as well. Maybe that's a
7 secondary thing. But I am here today, and my prayers have
8 been to God that we have justice here on this earth in
9 accordance with the law in this honorable Court and in the
10 after life. Justice will come from God as he sees fit.

11 I could go on and on and on. I'm searching now for
12 words. I can't begin to tell you the grief that we all
13 feel. I want to know why these young men would do this.
14 I want to know who shot her, and if a person is really
15 remorseful or what have you -- and I'll just use the term
16 in the religious sense, turn to the Lord.

17 You would think, and I can't say it was this
18 gentlemen standing here. I don't know, but you think that
19 they would come forward and accept that kind of
20 responsibility for their actions. And I hope that that
21 comes out of the process before these three come before
22 you. Your Honor, and it's resolved. I don't know -- my
23 sister is dead. She won't be back. She won't get 30
24 years, 15 years or what have you. I was hoping for a
25 capital murder charge here, but we don't have it.

1 So, obviously, as any citizen have to abide and will
2 abide by this honorable court in terms of justice. And my
3 sister cries out for that as we all do, Your Honor. I
4 thank you for the privilege of addressing the Court.

5 THE COURT: Thank you. And I'm -- I don't say this
6 to defend anyone's decision or whatever. Just so it's
7 clear if there is any concern about the State's position
8 regarding whether to treat this as a capital case, and I'm
9 speaking on regarding this particular defendant, that was
10 not available. The law does not provide for that. So not
11 that that means anything. Let me -- Mr. Jones and Mr.
12 Redmond, I'm going to get y'all to step over here real
13 quick. I want to mention something to you.

14 (WHEREUPON, a bench conference was held off the
15 record.)

16 THE COURT: I was speaking to the attorney, and
17 ladies and gentlemen, and I'm speaking to everybody when I
18 say this, I don't wish to delay anything for anybody. And
19 this has nothing to do with the case other than this: The
20 severity of this case is not -- I mean I don't take any
21 case that I do lightly. It doesn't matter if it's a
22 shoplifting or it's something as difficult as this. I
23 don't take anything lightly, but, of course, there are
24 degrees of severity of things, and this is a case that in
25 all candor does, in my opinion, require the absolute

1 utmost in my discernment and in my decision making.

2 And it's just not something that I can do like this.
3 You may not understand or believe this. This is the first
4 time that I've heard the facts surrounding this case. So
5 it's not like I've had time to digest this. I just heard
6 this for the first time: So I have accepted Mr. Bridges'
7 pleas, and I am going to impose the sentence but I'm not
8 going to do it right this moment. And the reason has
9 nothing to do with this case as far as Mr. Bridges' case.

10 I have a jury coming back at two o'clock to pull a
11 jury on Mr. Inman's case. And I have Court personnel that
12 have to have lunch before we do that, and just -- and I
13 don't mean to be inconsiderate of them, but even if they
14 didn't have to have lunch this isn't a decision I'm going
15 to make in three minutes. So I am going to take time to
16 digest everything that I've heard. I am going to impose
17 sentence, but I'm going to do it likely either later this
18 afternoon or it depends on what's going on. You know
19 possibly tomorrow, but I anticipate doing it later this
20 afternoon.

21 But so I don't mean to hold everybody up. It's
22 important to the families of the victim. It's important
23 to Mr. Bridges that I take time to digest the things that
24 are before me, and to do it as I've been called to do and
25 I've been entrusted to do, and that is fairly and justly.

1 And that is to do it appropriately. So I apologize for
2 any inconvenience this may cause anybody, but I will tell
3 you this. Those of you who are family members for either
4 Mr. Bridges or for the victim in this case I won't do it
5 without you being present, assuming that you can be
6 reasonable in your attendance. So everybody will be
7 notified when we're going to do it.

8 It's just that I'm not going to be able to do it
9 right now because of the time restraint that I'm under.
10 So I hope you understand that, and I hope that you can
11 appreciate that. This is absolutely the hardest part of
12 this job that I have and that is having to make these
13 decisions. So if you would just give me that opportunity
14 to think about it, pray about it and see what is
15 appropriate. I'm going to ask you to give me that.

16 So I never know what to tell those of you involved as
17 far as ---

18 MR. REDMOND: They're going to be here any way,
19 Judge.

20 THE COURT: We are clearly going to, at least, get
21 the business of the trial started so that we can not hold
22 everybody up. But more than likely but possibly this
23 afternoon. Okay.

24 MR. REDMOND: Thank you, Your Honor.

25 THE COURT: All right. So Court will be in recess

1 until two o'clock, and we'll get started back at that
2 time.

3 END OF TRANSCRIPT OF RECORD
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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSION
 COUNTY OF DILLON) 2010-GS-17-0473
) 2010-GS-17-0474
) 2010-GS-17-0476
) 2010-GS-17-0477
) 2010-GS-17-0478
) 2010-GS-17-0479
) 2010-GS-17-0481

STATE OF SOUTH CAROLINA)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD
) (SENTENCING)
 JOHN HENRY BRIDGES)
) DEFENDANT)

November 4, 2010
 Dillon, South Carolina

B E F O R E:

THE HONORABLE THOMAS A. RUSSO, JUDGE.

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

KERNARD E. REDMOND, DEPUTY SOLICITOR
 Attorney for the State

SHIPP DANIEL, ASSISTANT SOLICITOR.
 Attorney for the State

RICHARD JONES, DEPUTY PUBLIC DEFENDER
 Attorney for the Defendant

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

GREG HYMAN, Reverend
MR. BRIDGES, Defendant's Father
MRS. BRIDGES, Defendant's Stepmother
MS. WHEELER, Defendant's Aunt.
JOHNNY STUTTS, Victim's Son
RICKY LEE, Victim's Son in law
BOBBIE LEE, Victim's Daughter
HARVEY WILKES, Victim's Brother

HATTIE O. GORDON
Circuit Court Reporter

I N D E X

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Sentence of the Court 5

Certificate of Reporter 10

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EXHIBITS

NO EXHIBITS WERE MARKED OR ADMITTED INTO THE RECORD

1 Sentence of the Court

2 THE COURT: All right. Let me -- and I've heard from
3 everybody and appreciate everybody being present. Let me
4 first say that, you know, sentencing is absolutely the
5 most difficult thing that I do, and I do, I tell people
6 this all the time. I don't tell anybody that my -- that
7 the sentences that I impose are correct or right. All I
8 will say is this: They are what I believe is correct or
9 right. I realize that in a case like this, on the side of
10 the victims, there is not enough time that I can give. On
11 the side of the defense, obviously, there is a plea for
12 mercy and some level of leniency.

13 I think this case, with regards to Mr. Bridges, falls
14 somewhere in between that. And let me explain, if I may,
15 for the families of the victim where I'm coming down with
16 regards to that. I will never say anything or excuse the
17 conduct of this young man. So I'm not -- anything I say
18 isn't to mitigate or make okay his role in all of this.

19 I'm giving some consideration to Mr. Bridges on his
20 case, Number One, because although the youngest of these
21 three individuals he's seems to have operated in the more
22 mature way. He -- and I will tell you a large part of my,
23 to the extent that I given him some leniency here, to the
24 large extent of that is because Mr. Bridges took the
25 police out to where Miss Stutts was. Because but for that

1 this family would have put through days if not weeks of
2 wondering and although I don't believe he did it with a
3 pure heart his actions did allow her to have an
4 appropriate burial and the family to have their loved one
5 back in that respect. That's been a large part of my
6 thinking.

7 The other part is simply he's owned up to what he's
8 done. He's not made any excuses. He's not tried to sugar
9 coat it. When he testified I think he -- I believe he
10 told the truth. And, you know, often times you don't have
11 that, ladies and gentlemen. Y'all don't see it like we
12 do, but even young men and some women when they come in,
13 we don't -- even if they plead guilty or they testify on
14 behalf of the State, there is always some way that when
15 they testify they try to make themselves look better.
16 They try to make it look like the other one is more
17 culpable.

18 Mr. Bridges didn't do that. He admitted to the
19 things he did as horrific as they were and he made no
20 excuses about it and he admitted he did it. And he didn't
21 put the family through a trial needlessly. I don't say
22 this to make a comment on Mr. Inman having his day in
23 Court and his trial because he is entitled to that. And I
24 don't know what the jury will do, but my point being
25 Mr. Bridges knew that he was guilty, and he didn't put you

1 through a trial needlessly. And so for all these reasons
2 I'm not maxing him out with a life sentence.

3 Now, having said that I'm also, Mr. Jones, I'm not
4 considering the minimum. To the family, let me say this:
5 I cannot imagine where you are. I can't even put my -- I
6 can't sit her and tell you, and if I did it would be
7 insincere, to tell you I understand what you're going
8 through cause I don't.

9 But I do know this, and I encourage you in this way.
10 I encourage you, those of you who are people of faith,
11 that you seek the Lord in finding a way to forgive because
12 I can tell you I think positively and without any question
13 in my mind, that if you harbor hate and resentment that
14 doesn't hurt Mr. Bridges at all. Okay. You can hate him
15 and despise him for years to come and it doesn't hurt him
16 a bit but it destroying you. Your family has gone through
17 enough destruction.

18 Don't self-inflict yourself by harboring hate. I
19 know that is easy for me to sit here and say, but I just
20 know through my faith and through what it says in the
21 scripture that what I'm sharing with you is true. You
22 need to find a way to fry to forgive. You will never
23 forget, and I wouldn't ask you to, but you need to try to
24 forgive because in the long run you will be blessed by
25 that. And you won't be destroyed any further than you

1 have already been.

2 With regards to Indictment 2010-GS-17-478, armed
3 robbery, the Sentence of the Court is that you be
4 committed to the State Department of Corrections for 30
5 years.

6 On Indictment 2010-GS-17-476, burglary in the first
7 degree, the Sentence of the Court is that you be committed
8 to the State Department of Corrections for a period of 30
9 years.

10 On Indictment 2010-GS-17-477, kidnapping, the
11 sentence of the Court is that you be committed to the
12 State Department of Corrections for a period of 30 years.

13 On Indictment 2010-GS-17-479, grand larceny in an
14 amount valued over \$5,000, the sentence of the Court is
15 that you be committed to the State Department of
16 Corrections for a period of 10 years.

17 Indictment 2010-GS-17-481, criminal conspiracy, the
18 sentence of the Court is that you be committed to the
19 State Department of Corrections for a period of five
20 years. Those are all to run concurrent with each other.

21 And on Indictment 2010-GS-17-473, charge of murder,
22 the sentence of the Court is that you be committed to the
23 State Department of Corrections for a period of 40 years.
24 Those are to run concurrent with that.

25 And on Indictment 2010-GS-17-474, possession of a

1 weapon during the commission of a violent crime, the
2 sentence of the Court is that you be committed for a
3 period of five years, and that five year sentence is to
4 run consecutive to Indictment 473, the charge of murder.
5 The remaining charges are to run concurrent. Good luck to
6 your, sir.

7 MR. JONES: Thank you, Your Honor.

8 MR. DANIEL: Thank you, Your Honor.

9 END OF TRANSCRIPT OF RECORD

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FORM 5

2012-CP-17 252

STATE OF SOUTH CAROLINA)

COUNTY OF Dillon)

Full name and prison number (if any) of Applicant.)

John Henry Bridges)

v.)

348950)

State of South Carolina)

IN THE COURT OF COMMON PLEAS)

(CLOSE CASE)
NO OPENING OF CASE
FOR DEATH PENALTY
ONLY DECIDE ON LAWS
FACTS, STATUTES, VIOLATED
APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legible 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 thereon 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 Wisacky Highway Bishopville, SC, 29010
2. Name and location of Court which imposed sentence Dillon
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

	<u>2010-GS-17-0473</u>	<u>2010-GS-17-0481</u>
(a) _____	<u>2010-GS-17-0476</u>	<u>2010-GS-17-0474</u>
(b) _____	<u>2010-GS-17-0477</u>	
(c) _____	<u>2010-GS-17-0478</u>	
	<u>GS-17-0479</u>	
5. The date upon which sentence was imposed and the terms of the sentence

(a) _____	<u>Nov 4, 2010</u>
(b) _____	

2012 JUN 20 PM 2:54
 CLERK OF COURT
 DILLON COUNTY
 FILED
 GWEN T. HYATT

A CERTIFIED TRUE COPY

Gwen T. Hyatt
 Clerk of Court
 Dillon County
 Revised 3/2003

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty well not guilty really I thought this was A

(b) after a plea of not guilty nolo contendere plea

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

no

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) _____

(b) _____

(c) _____

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

(a) _____

(b) _____

(c) _____

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

(a) _____

(b) _____

(c) _____

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

(a) any petition in a State Court under South Carolina Law? _____

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____

(d) any other petitions, motions or applications in this or any other Court? _____

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

(a) the specific nature thereof:

i. _____

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

no

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) _____ *first time filing PCR on these grounds*

(b) _____

(c) _____

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

not effectively, Rick Jones

- (a) your arraignment and plea? Not effectively
- (b) your trial, if any? _____
- (c) your sentencing? _____
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

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

(a) the name and address of each attorney who represented you:

- i. _____ Rick Jones - Attorney AT LAW
- ii. _____ Dillon County Courthouse
- iii. _____ Dillon County, S.C., 29536

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

- i. _____ Rick Jones not effectively at least
- ii. _____ I thought was a not ~~convicted~~
- iii. _____

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

VACATE SENTENCE CONVICTION UPON ALLEGATIONS I'D
PER AND UPON DON'T OPEN UP CASE ONLY UPON THE
LAWS I CITED I DEMAND RELEASE (CHALLENGING JURISDICTION)

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

NO

STATE OF SOUTH CAROLINA)
)
County of)

VERIFICATION

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

John Bridges

SWORN to and subscribed before me this 11
day of June, 2012.

Delva Sims (L.S.)
Notary Public

My Commission Expires: 11-4-2015

FILED
GWENTHYATT
2012 JUN 20 PM 2:56
CLERK OF COURT
DILLON COUNTY

A CERTIFIED
TRUE COPY

Gwen T. Hyatt
CLERK OF COURT
DILLON COUNTY

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

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

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

Sokol Henry Br. Dgrs # 345950
Applicant

SWORN or affirmed to and subscribed before me this

11 day of June, 2012

Debra Sire
Notary Public

My Commission Expires: 11-4-2015

FILED
GWEN T. HYATT
2012 JUN 20 PM 2:54
CLERK OF COURT
DILLON COUNTY

Gwen T. Hyatt
CLERK OF COURT
DILLON COUNTY

10(a)(1) The state of South Carolina used false evidence in case

10(a)(1) The state of S.C., used false evidence in case and false information - The state used false reports, false leads, and stories to accuse a murder offense. The state of South Carolina must distinguish between who actually shot or murder the alleged victim and cannot charge two people with murder - only felony murder - violation of 5th Amendment, *Tison v. Arizona*, U.S. Ariz. 1987, 107 S.Ct. 1676, 481 U.S. 137, 95 L.Ed.2d 127, rehearing denied 107 S.Ct. 3201, 482 U.S. 921, 96 L.Ed.2d 688. even transfer intent or other case laws is still illegal law and not correct controlling.

10(a)(2) Also the solicitor took crooked witnesses for credibility

10(a)(2) Upon *Wong Sun v. U.S.*, a person that has pending charges and exchange for a statement testify is unconstitutional and mostly on some of state witness had pending charges and my co-defendant - And investigate for a deal being also,

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GREN T. HYATT
2012 JUN 20 PM 2:54
CLERK OF COURT
DILLON COUNTY

10(a)(3) Upon multiple offense Applicant is violated

10(a)(3) Upon being charged with multiple offenses the Applicant is being violated this bolstered the solicitor case and enhanced possibilities for conviction - solicitor tried to secure a conviction by charging multiple charges.

10(a)(4) No lie detect test conducted

10(a)(4) No polygraph test conducted in this alleged case to see if state witness was truthfully

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2012 JUN 20 PM 2:54
CLERK OF COURT
DILLON COUNTY

11(a)(5) I assume this was a NOLE Contende Plea NOT A Guilty Plea of Pleading only for lesser sentence and NOT admitting Guilt.

Hereto - Charge that there should be no conviction on testimony of coconspirators unless corroborated, and the corroboration must come from evidence aside from testimony of other coconspirators, held properly refused as charge on FACTS, CONST. art 5 § 26, State v. McAdams 166 S.E. 405 - This trickered Applicant detectives, ATTORNEY, etc; stated testimony alone is evidence and this is in error of Law SUPRA - This trickered evidence and guilty decision in clear violation of Boykin v. Alabama, and not knowingly intelligently Pleading upon false information - also see 209 S.E. 2d 435 - involuntary plea entered.

10(a)(5) The 16-23-490(a) statute is being read incorrectly

11(a)(5) The 16-23-490(a) Poss. of a weapon during commission of A violent crime is a sentencing enhancement charge and NOT a possession of weapon separate offence. This enhanced the Punishment of murder, kidnap, etc; and I wasn't served with A sentencing enhancement PAPER(S) - ALSO the court did not have Jurisdiction to impose sentence - Lack of Subject Matter Jurisdiction - Even if Gentry is cited read the whole case of Gentry - A Applicant can RAISE subject matter Jurisdiction in Bracket [3] of Gentry, 610 S.E. 2d 499. This is sentencing enhancement statute and I got more time than the offenses I WAS charge with carries. See 2010-GS-17-0473-8) Indict# might be more charges these all information I got and #indictment numbers so far,

11(a)(6) Counsel committed cumulative errors before trial and on appeal plea and during and after trial and on appeal plea or case. By not investigating facts, of case, of physical evidence bullets, gun, residue, crime scene reports, no follow up investigation, no motions filed, no questionnaires for solicitor's offices nor witnesses state and public scan, no principle established of said offenses, no briefs, motions, objections, documents, filed to higher courts, Supreme court nor investigative reports. no fully stated reports of toxicology, DNA testing, Conover Reports, no reports on there is no absolute certainty in forensic,

10(a)(7) Trial Counsel was ineffective when counsel failed to challenge Bill 3096 "Truth in Sentencing" 85% LAW

10(a)(7) Trial Counsel failed to challenge the General Assembly violating the single subject clause of S.C. CONST. ART. III §17 when it enacted Bill 3096 "Truth in sentencing" when it included within 1 bill unrelated provisions, and §17-25-45(B) of that act and Applicant's sentence are unconstitutional, changing the meaning of the said charges of violent charges indict # 2010 GS-17-0473-8 are all invalid of the more than 1 subject law, as been violated by General Assembly Government and more than 1 subject has been discussed in passing thus Bill 3096 - This is in clear violation of 6th and 14th Amend, of U.S. CONST. Trial Counsel knew only 1 subject can be placed in a Bill. Bill 3096 clearly violated the 1 cone subject clause of ART. III §17 of the S.C. CONST. and is void in its entirety. The provisions of Bill 3096 that deny parole eligibility, earned work credits and other provisions of LAW for rehabilitation, violates, S.C. CONST. ART. XII, §2.

0(a)(8) Applicant was arrested of alleged 16 years of age as a child, child means not A Adult.

0(a)(8) Upon when I was arrested of charges I was allegedly 16 years of age, 16 years old is a child in definition family COURT DOESN'T HAVE JURISDICTION OF A CHILD SOPHISTICATION OF A CHILD CAN'T BE ENHANCED TO A ADULT see STATE V. GRAHAM, 532 S.E.2D 262

STATE OF SOUTH CAROLINA

COUNTY OF Dillon

PCR

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

State of South Carolina Plaintiff(s)

vs.

John Henry Bridges Defendant(s)

- CP -

2012-CP-17. 252

(Please Print)
Submitted By: _____
Address: _____

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete.

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Contracts | <input type="checkbox"/> Torts - Professional Malpractice | <input type="checkbox"/> Torts - Personal Injury | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Constructions (100) | <input type="checkbox"/> Dental Malpractice (200) | <input type="checkbox"/> Assault/Slander/Libel (300) | <input type="checkbox"/> Claim & Delivery (400) |
| <input type="checkbox"/> Debt Collection (110) | <input type="checkbox"/> Legal Malpractice (210) | <input type="checkbox"/> Conversion (310) | <input type="checkbox"/> Condemnation (410) |
| <input type="checkbox"/> Employment (120) | <input type="checkbox"/> Medical Malpractice (220) | <input type="checkbox"/> Motor Vehicle Accident (320) | <input type="checkbox"/> Foreclosure (420) |
| <input type="checkbox"/> General (130) | <input type="checkbox"/> Notice/ File Med Mal (230) | <input type="checkbox"/> Premises Liability (330) | <input type="checkbox"/> Mechanic's Lien (430) |
| <input type="checkbox"/> Breach of Contract (140) | <input type="checkbox"/> Other (299) | <input type="checkbox"/> Products Liability (340) | <input type="checkbox"/> Partition (440) |
| <input type="checkbox"/> Other (199) | | <input type="checkbox"/> Personal Injury (350) | <input type="checkbox"/> Possession (450) |
| | | <input type="checkbox"/> Wrongful Death (360) | <input type="checkbox"/> Building Code Violation (460) |
| | | <input type="checkbox"/> Other (399) | <input type="checkbox"/> Other (499) |

- | | | | |
|---|---|---|--|
| <input checked="" type="checkbox"/> Inmate Petitions | <input type="checkbox"/> Judgments/Settlements | <input type="checkbox"/> Administrative Law/Relief | <input type="checkbox"/> Appeals |
| <input checked="" type="checkbox"/> PCR (500) | <input type="checkbox"/> Death Settlement (700) | <input type="checkbox"/> Reinstate Driver's License (800) | <input type="checkbox"/> Arbitration (900) |
| <input type="checkbox"/> Sexual Predator (510) | <input type="checkbox"/> Foreign Judgment (710) | <input type="checkbox"/> Judicial Review (810) | <input type="checkbox"/> Magistrate-Civil (910) |
| <input type="checkbox"/> Mandamus (520) | <input type="checkbox"/> Magistrate's Judgment (720) | <input type="checkbox"/> Relief (820) | <input type="checkbox"/> Magistrate-Criminal (920) |
| <input type="checkbox"/> Habeas Corpus (530) | <input type="checkbox"/> Minor Settlement (730) | <input type="checkbox"/> Permanent Injunction (830) | <input type="checkbox"/> Municipal (930) |
| <input type="checkbox"/> Other (599) | <input type="checkbox"/> Transcript Judgment (740) | <input type="checkbox"/> Forfeiture (840) | <input type="checkbox"/> Probate Court (940) |
| | <input type="checkbox"/> Lis Pendens (750) | <input type="checkbox"/> Other (899) | <input type="checkbox"/> SCDOT (950) |
| | <input type="checkbox"/> Other (799) | | <input type="checkbox"/> Worker's Comp (960) |
| | | | <input type="checkbox"/> Zoning Board (970) |
| | | | <input type="checkbox"/> Administrative Law Judge (980) |
| | | | <input type="checkbox"/> Public Service Commission (990) |
| | | | <input type="checkbox"/> Employment Security Comm (991) |
| | | | <input type="checkbox"/> Other (999) |

- Special/Complex /Other
- Environmental (600)
 - Automobile Arb. (610)
 - Medical (620)
 - Other (699)
 - Pharmaceuticals (630)
 - Unfair Trade Practices (640)
 - Out-of State Depositions (650)

A CERTIFIED TRUE COPY
Gwen T. Hyatt
CLERK OF COURT
DILLON COUNTY

Submitting Party Signature: _____

Date: _____

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FILED
GWENT T. HYATT
2012 JUN 20 PM 2:54
DILLON COUNTY

STATE OF SOUTH CAROLINA
COUNTY OF DILLON

FILED
GWEN J. HYATT

2012 AUG 28 AM 8:45

IN THE COURT OF COMMON PLEAS

CLERK OF COURT
DILLON COUNTY

2012-CP-17-252

John Henry Bridges, 345950

Applicant,

v.

State of South Carolina,

Respondent.

**RETURN
AND MOTION TO DISMISS**

Respondent, making its Return to the Application for post conviction relief (PCR) filed June 20, 2012, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Dillon County Clerk of Court. Applicant was indicted by the Dillon County Grand Jury for Murder (2010-GS-17-473), conspiracy (2010-GS-17-481), larceny (2010-GS-17-479), robbery (2010-GS-17-478), kidnapping (2010-GS-17-477), burglary (2010-GS-17-476), possession of a weapon during a violent crime (2010-GS-17-474). Rick Jones, Esquire, represented Applicant.

On November 4, 2010, the Applicant plead guilty as indicted. The Honorable Thomas A. Russo sentenced Applicant to 5 years on conspiracy, ten years on larceny, thirty years on the robbery charge, thirty years on the kidnapping, thirty years on the burglary charge, five years on the weapons

charge, forty years on the murder charge. On information and belief Applicant did not appeal his sentence. Counsel reserves the right to amend and add further information upon receipt.

Attached herewith and incorporated herein are the records of the Dillon County Clerk of Court regarding the subject conviction, and Applicant's SCDC records, and Respondent will forward the transcript upon receipt. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

Respondent interprets Applicant's allegations as stated in his Application and attached notes as ineffective assistance of counsel. Applicant seeks "vacate sentence conviction upon allegations in PCR and upon don't open up case only upon the laws I cited I demand release (challenging jurisdiction)" as a result of this proceeding.

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their 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, 80 L.Ed.2d 674. 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. With respect to guilty plea 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, 88 L.Ed. 2d 203 (1985).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test, in addition to being successive. Therefore, Respondent requests this Court summarily dismiss the Application with prejudice.

IV.

The statute of limitations applicable to post-conviction relief actions bars the entire application. S.C. Code Ann. § 17-27-45 (Supp. 2001) requires an inmate to file a post-conviction relief application "within one year after the entry of a judgment of conviction" This provision applies to all convictions after the July 1, 1995 effective date of the statute. *See Pelouquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996).

Applicant's conviction and sentence occurred on November 4, 2010. Applicant should

have filed this application on or before November 4, 2011. Applicant filed this post-conviction relief application June 20, 2012. Accordingly, since Applicant did not present these allegations in a timely manner, this Court should dismiss the application with prejudice as barred by the statute of limitations.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, the Respondent requests that this Court summarily dismiss the application for post conviction relief for failure to file within the time mandated by the Post Conviction Procedure Act.

V.

The State therefore requests that this Court summarily dismiss this Application as it is filed outside the statute of limitations and seeks relief not available in PCR, pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

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 the Application be denied and the matter dismissed with prejudice.


Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

TYSON ANDREW JOHNSON, SR.
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

August 23, 2012.

STATE OF SOUTH CAROLINA
COUNTY OF DILLON

FILED
GWEN T. HYATT
2012 AUG 28 AM 8:45
IN THE COURT OF COMMON PLEAS
CLERK OF COURT
DILLON COUNTY 2012-CP-17-0252

JOHN HENRY BRIDGES, 345950

Applicant,

vs

STATE OF SOUTH CAROLINA,


Respondent.

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 Motion to Dismiss** of the Respondent in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Jon C. Howell, Jr., Esquire
Dunes Law Firm, PA
4714 Oleander Drive; Suite A
Myrtle Beach SC 29577**

DATED this 23rd day of August, 2012.


Judy A. C. Carey, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF DILLON

FILED
GWEN T. HYATT
2012 SEP 4 AM 10:39
CLERK OF COURT
DILLON COUNTY 12-CP-17-252

John Henry Bridges, 345950

Applicant,

v.

State of South Carolina,

Respondent.

**CONDITIONAL
ORDER OF DISMISSAL**

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed June 20, 2012. Respondent made its Return on August 22, 2012, requesting summary dismissal of the matter. This Court also has before it the records of the Dillon County Clerk of Court regarding the subject convictions.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Dillon County Clerk of Court. Applicant was indicted by the Dillon County Grand Jury for Murder (2010-GS-17-473), conspiracy (2010-GS-17-481), larceny (2010-GS-17-479), robbery (2010-GS-17-478), kidnapping (2010-GS-17-477), burglary (2010-GS-17-476), possession of a weapon during a violent crime (2010-GS-17-474). Rick Jones, Esquire, represented Applicant.

On November 4, 2010, the Applicant pled guilty as indicted. The Honorable Thomas A. Russo sentenced Applicant to five years imprisonment on conspiracy, ten years on larceny, thirty years on the robbery charge, thirty years on the kidnapping, thirty years on the burglary charge, five years on the weapons charge, and forty years imprisonment on the murder charge.

Applicant did not appeal his sentence .

ALLEGATIONS

Applicant's allegations as stated in his Application and attached notes are based upon ineffective assistance of counsel. Applicant seeks "vacate sentence conviction upon allegations in PCR and upon don't open up case only upon the laws I cited I demand release (challenging jurisdiction)" as a result of this proceeding.

DISCUSSION

This Court finds that the Application should be dismissed with prejudice as it was filed beyond the statute of limitations.

Statute of Limitations

Applicant has failed to comply with the filing procedures of the Act. S.C. Code Ann § 17-27-10 to -160 (1976 & Supp. 1997). The Act reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

S.C. Code Ann. § 17-27-45(a) (Supp. 1998).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant's conviction was November 4, 2010. This Application was filed on June 20, 2012, which was well beyond the time the statutory filing period expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638

(1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the PCR Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, the Court finds that it should summarily dismiss the Application for PCR for failure to file within the time mandated by statute.

CONCLUSION

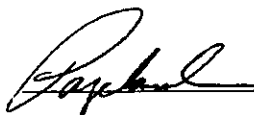
Based upon its review of the pleadings in this matter, this Court expresses its intent to summarily dismiss this matter unless the Applicant advises this Court with specific reasons, factual or legal, why it should not dismiss the matter in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final by filing any reasons he may have with the Chesterfield County Clerk of Court, P.O. Box 529, Chesterfield SC 29709, and serving such reasons with the SC Office of the Attorney General: Attn. Assistant Attorney General Tyson A. Johnson, Sr., Post Office Box 11549, Columbia, SC 29211.

AND IT IS SO ORDERED this

28th day of August, 2012.



Honorable Paul M. Burch
Chief Administrative Judge
4th Circuit



South Carolina.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DILLON)
)
)
)
)
 John Henry Bridges, 345950)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

12-CP-17- 252

FINAL
ORDER OF DISMISSAL

FILED
 GWENT T. HYATT
 2012 NOV -8 AM 11:36
 CLERK OF COURT
 DILLON COUNTY

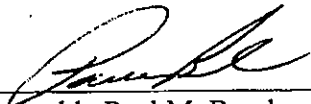
This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed June 20, 2012. The Respondent (the State) made a timely Return, requesting that the application be summarily dismissed.

Pursuant to this request, and after reviewing the pleadings and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed August 28, 2012, provisionally denying and dismissing this action, while giving the Applicant twenty days from the date of service of said Order in which to show why the Dismissal should not become final. Attached to this Final Order and incorporated herein by reference is Respondent's proof of service dated October 5, 2012, serving the Conditional Order of Dismissal on Applicant.


Applicant made no response to the Conditional Order of Dismissal. This Court has reviewed the original pleadings and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for PCR is hereby denied and dismissed with prejudice.

AND IT IS SO ORDERED this 31st day of October, 2012.



Honorable Paul M. Burch
Chief Administrative Judge
4th Judicial Circuit

 _____, South Carolina.

2014-CP-17, 171

FORM 5

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF Dillon)

John Henry Bridges 345950)
Full name and prison number (if any) of Applicant.

v.)

APPLICATION FOR

State of South Carolina)

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth the 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 to 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 County Correctional Inst.
2. Name and location of Court which imposed sentence Dillon
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 (a) _____ See Attachment A
 (b) _____
 (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 (a) _____
 (b) _____ See Attachment

FILED
GWEN T. HYATT
2014 APR 30 PM 3:39
CLERK OF COURT
DILLON COUNTY

A CERTIFIED
TRUE COPY
CLERK OF COURT
DILLON COUNTY

- (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:

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

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

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

(c) the date of each such result:

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

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

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

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

- (a) plea counsel ineffective for failing to file appeal
- (b) which deprives Applicant of the appellate process.
- (c) _____

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

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

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

- (a) _____ *See A Attachment*
- (b) _____
- (c) _____

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

- (a) any petition in a State Court under South Carolina Law? _____
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? *PS*
- (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. *Application For Post Conviction Relief*
 - ii. _____
 - iii. _____
 - iv. _____

- (b) the name and location of the Court in which each was filed:
 - i. *Court of Common Pleas, County of Dillon*
 - ii. _____
 - iii. _____
 - iv. _____

- (c) the disposition thereof:
 - i. *Dismissed with prejudice*
 - ii. _____
 - iii. _____

iv. _____

(d) the date of each such disposition:

i. March 13th 2013

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

yes

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

(a) which grounds have been presented:

i. Counsel failed to file Direct appeal.

ii. _____

iii. _____

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

i. Post conviction relief

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) _____

(b) _____

(c) _____

see attached

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? _____
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? yes
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. Rich Jones, Dillon County Courthouse, Dillon SC 29556
- ii. Heather M. Cannon LLC, 1421 Third Ave, Conway SC 29526
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. (a)(c)
- ii. (c)
- iii. _____
19. State clearly the relief you seek in filing this application:
A belated appeal. Direct/PCF
20. Are you now under sentence from any other court that you have not challenged?
no

STATE OF SOUTH CAROLINA)

VERIFICATION

County of)

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

John Henry Bridges

SWORN to and subscribed before me this 24th day of April, 2014.

Angelax Smith (L.S.)
Notary Public

My Commission Expires: 9/30/2023

FILED
GWEN T. HYATT
2014 APR 30 PM 3:39
CLERK OF COURT
DILLON COUNTY

ACERTIFIED
TRUE COPY
Gwen T. Hyatt
CLERK OF COURT
DILLON COUNTY

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

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

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

John Henry Bridges
Applicant

SWORN or affirmed to and subscribed before me this
24th day of April, 2014.

Angular Smeek
Notary Public

My Commission Expires: 9/30/2023

FILED
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2014 APR 30 PM 3:39
CLERK OF COURT
DILLON COUNTY

A CERTIFIED
TRUE COPY
Gwen T. Hyatt
CLERK OF COURT
DILLON COUNTY

State of South Carolina
County of Dillon

In The Court of Common Pleas

John Henry Bridges SR,
SCDC 34595,
Applicant,

Attachment to
PCR
Application

vs
State of South Carolina
Respondent.

Questions and Answers

- 4.) (a) 2010-GS-17-0473/§ 16-03-0010; 16-03-0020
- (b) 2010-GS-17-0474/§ 16-23-0490
- (c) 2010-GS-17-0476/§ 16-11-0311
- (d) 2010-GS-17-0477/§ 16-03-0910
- (e) 2010-GS-17-0478/§ 16-11-0330
- (f) 2010-GS-17-0479/§ 16-13-0030
- (g) 2010-GS-17-0481/§ 16-17-0410

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DILLON COUNTY

5.) November 4th 2010, a-g.

- (a) 40 years, (b) 5 years, (c) 30 years, (d) 30 years, (e) 30 years,
- (f) 10 years, and (g) 5 years.

a, c, d, e, f, g all concurrent and b consecutive
for a total of 45 years

10.) Ineffective Assistance of Counsel; 6th
Amendment violation.

11.)

- (a) Counsel at trial and plea failed to file direct Appeal.
- (b) Counsel at PCR failed to file an amended answer to the conditional order of dismissal.
- (c) Counsel at PCR failed to file 59 (c) to alter the Final Order so that it reflects all issues for appeal.
- (d) Counsel at PCR failed to file appeal to first PCR Application
- 16.) The ineffective Assistance of Counsel claims set out in "11" b, c, and d are claims of ineffective assistance of PCR counsel, and could not have been raised

John H. Bridges SR #SIDC 345950

Lee Correctional
 990 Wisacky Hwy
 Bishopville, S.C. 29010

STATE OF SOUTH CAROLINA
COUNTY OF DILLON

John H. Bridges, #345950

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FOURTH JUDICIAL CIRCUIT

Case No. 2014-CP-17-0171

**RETURN AND PARTIAL
MOTION TO DISMISS**

CLERK OF COURT
DILLON COUNTY

2015 SEP 14 PM 2:28

FILED
GWEN T. HYATT

Respondent, making its Return to the Application for Post-Conviction Relief filed April 30, 2014, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Dillon County Clerk of Court. In May 2010, the Dillon County Grand Jury indicted Applicant for murder (2010-GS-17-473), possession of a weapon during the commission of a violent crime (2010-GS-17-474), burglary, first degree (2010-GS-17-476), kidnapping (2010-GS-17-477), armed robbery (2010-GS-17-478), larceny, value \$5000 or more (2010-GS-17-479), and criminal conspiracy (2010-GS-17-481). J. Richard Jones, Esquire, represented Applicant. On November 4, 2010, Applicant pled guilty to the charges as indicted. The Honorable Thomas A. Russo sentenced applicant to consecutive terms of forty (40) years for murder and five (5) years for possession of a weapon during the commission of a violent crime. Judge Russo further sentenced Applicant to thirty (30) years for burglary, first degree, thirty (30) years for kidnapping, thirty (30) years for armed robbery, ten (10) years for larceny, value \$5000

or more, and five (5) years for criminal conspiracy, all of which are to be served concurrent to all other sentences. Applicant did not appeal his plea or sentence.

Applicant filed an initial post-conviction relief application on June 20, 2012 (2012-CP-17-252). Applicant raised the following grounds for relief:

1. "The State of South Carolina used false evidence in case"
2. "the solicitor took crooked witnesses for credibility"
3. "upon multiple offense applicant is violated"
4. "no lie detect test conducted"
5. "involuntary guilty plea"
6. "the 16-23-490(a) statute is being read incorrectly"
7. "counsel committed cumulative [sic] errors"
8. "trial counsel was ineffective when counsel failed to challenge Bill 3096 "Truth in Sentencing" 85% Law"
9. "Applicant was arrested to allege 16 years of age as a child, child means not a [sic] adult"

Heather M. Cannon, Esquire represented Applicant. Respondent filed a motion to dismiss the application as untimely. The Honorable Paul M. Burch issues a conditional order of dismissal on September 4, 2012. Judge Burch issued a final order denying and dismissing the application on March 20, 2013. Applicant did not appeal Judge Burch's order.

II.

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

1. "Ineffective Assistance of Counsel; 6th Amendment violation."
 - a. "counsel at trial and plea failed to file direct appeal."
2. Ineffective Assistance of PCR Counsel
 - a. "counsel at PCR failed to file an amended answer to the conditional order of dismissal"
 - b. "counsel at PCR failed to file 59(e) to alter the final order so that it reflects all issues for appeal"
 - c. "counsel at PCR failed to file appeal to first PCR application"

Respondent denies Applicant is entitled to relief on any of these claims, and demands strict proof thereof. Any claims not specifically enumerated in the application or amendments thereto will be opposed by Respondent at the evidentiary hearing. All amendments should be made well in advance of hearing and should be filed in compliance with Rule 11, SCRCF.

Attached to this return and incorporated herein are the records of the Dillon County Clerk of Court regarding the subject conviction(s), Applicant's records from the South Carolina Department of Corrections, and the records from Applicant's prior post-conviction relief action. Any records not attached will be forwarded upon receipt. Respondent reserves the right to amend this return upon receipt of any relevant materials.

III.

The Respondent submits this application should be summarily dismissed because it is successive to the previous application for post-conviction relief. Successive applications for post-conviction relief are disfavored. Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). S.C. Code Ann. § 17-27-90 requires that:

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 forbidden unless an applicant can point to 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. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. Id. The applicant bears the burden of showing that the allegations could not have been raised previously. Id.

Applicant could have raised the “new” grounds for relief in his prior post-conviction relief application. Applicant has failed to present any sufficient reasons why he should be allowed to proceed with a successive action. Accordingly, the Respondent moves for a summary dismissal of the petition because it is successive.

IV.

The Respondent additionally submits this application for post-conviction relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §§ 17-27-10 et.seq. (2003). South Carolina Code Ann. § 17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held the statute of limitations shall apply to all applications filed after July 1, 1996. See Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant pled guilty to the offenses he challenges in this application on November 4, 2010. The Applicant was therefore required to file his application before November 4, 2011. This application was filed on April 30, 2014, which was over six (6) years beyond the time the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. See McDonnell v. Consolidated Sch. Dist. Of Aiken, 315 S.C. 487, 489, 445 S.E.2d 638, 639 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (2003) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Therefore, the Respondent requests that this Court summarily dismiss the application for post-conviction relief for failure to file within the time mandated by the Post-Conviction Procedure Act.

V.

Applicant alleges he did not knowingly and voluntarily waive his right to appellate review of his prior PCR hearing. Respondent submits this allegation is without merit. “The right to seek appellate review of the denial of PCR is expressly authorized by state law.” Austin v. State, 305 S.C. 453, 454, 409 S.E.2d 395, 396 (1991) (citing S.C. Code Ann. § 17-27-100). “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) (citations omitted). However, a defendant may waive the right to an appeal by making a “knowing and intelligent decision not to pursue the appeal.” See Simuel v. State, 390 S.C. 267, 271, 701 S.E.2d 738, 739-40 (2010) (quoting Sheppard v. State, 357 S.C. 646, 594 S.E.2d 462 (2004)). Furthermore, “[a]cts inconsistent with the continued assertion of a right, such as a failure to insist upon the right, may constitute waiver.” Bonnette v. State, 277 S.C. 17, 18, 282 S.E.2d 597, 598 (1981) (citing 92

C.J.S. Waiver, p. 1063 (1955)). Even if the PCR court determines the applicant did not freely and voluntarily waive his appellate rights, the applicant must still petition the South Carolina Supreme Court to determine “whether he was prejudiced by his failure to obtain review of a meritorious issue.” Odom, 337 S.C. at 263, 523 S.E.2d at 756 (1999).

Respondent submits Applicant knowingly and voluntarily waived his right to appellate review of his PCR hearing. However, this allegation probably raises questions of fact the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. Sharper, 279 S.C. 264, 305 S.E.2d 247.

VI.

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

VII.

WHEREFORE, having made its Return and Partial Motion to Dismiss, Respondent requests that a hearing be solely on the issue of whether the Applicant waived his right to appellate review of his prior post-conviction relief action. Respondent requests the Court summarily dismiss all remaining allegations in the application as successive and untimely

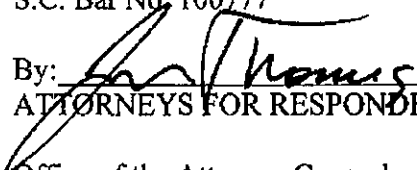
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

JOSHUA L. THOMAS
Assistant Attorney General
S.C. Bar No. 100777

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

Sept 10, 2015

State of South Carolina)	Court of Common Pleas
)	Fourth Judicial Circuit
County of Dillon)	Case No. 2014-CP-17-00171
)	
John H. Bridges,)	
)	
Applicant,)	
)	
-vs-)	Transcript of Record
)	
The State of South Carolina,)	
)	
Defendant.)	
)	

August 21, 2019

B E F O R E:

The Honorable Brooks P. Goldsmith, Judge

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

Tristan M. Shaffer, Esquire
Attorney for the Applicant

Jacob A. Isenberg, Esquire
Attorney for the Defendant

Hattie O. Gordon
Official Circuit Court Reporter

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter

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I N D E X

WITNESS/DESCRIPTION	PAGE NUMBER
Motion to Amend PCR Application.....	4
Agreement/Ruling.....	13
Court Reporter Certification.....	19

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
C-1	Motion to Amend PCR Application		18

COURT REPORTER LEGEND

dashes -- intentional or purposeful interruption
or change in thought

ellipses . . . trailing off

[ph] phonetically written

[sic] written as said

1 AUGUST 21, 2019

2 MR. ISENBERG: All right. The State is ready to proceed
3 whenever the Court is ready, Your Honor, just as soon as I
4 find my version of the packet. There we go.

5 THE COURT: Go ahead, yes.

6 MR. ISENBERG: Thank you, Your Honor. I apologize for
7 the -- the confusion.

8 The next case is John Bridges versus the State of South
9 Carolina. This is 2014-CP-17-0171. The procedural history
10 is located within the packet.

11 I will be brief and say that he filed his original PCR
12 claim. His first application is in the procedural history.
13 It contains several allegations.

14 An issue -- a conditional order of dismissal was given
15 on September 4th, 2012. A final order denying and dismissing
16 the application was given on March 20th, 2013. There was no
17 appeal of Judge Burch's order.

18 In his -- his current allegations now are Austin relief.

19 Also, ineffective assistance of PCR counsel based upon
20 the failure to argue the statute of limitations should have
21 been tolled on the original application based upon equitable
22 tolling for minors.

23 That his sentencing violated Article 1, Section 15, of
24 the South Carolina Constitution based upon the failure to
25 provide an individualized care and to consider hallmarks of

1 youth and cruel and unusual punishment based upon a de facto
2 life sentence without first conducting individual sentencing
3 hearing pursuant to *Miller v. Alabama*.

4 The State is going to consent to Austin relief to allow
5 him to file a belated PCR appeal. However, the State does
6 have three meritorious arguments for the three allegations
7 that I've just read off of. I'm ready to proceed with those
8 three brief oral arguments whenever the Court is ready.

9 THE COURT: Let me hear from defense counsel.

10 MR. SHAFFER: Thank you, Your Honor.

11 THE COURT: Are you ready?

12 MR. SHAFFER: Yes, Your Honor, I am.

13 To give you a brief history just so it's on the record,
14 whenever he was 15, him and three other people were accused
15 of a murder. Whenever he was 16, he pled guilty to that
16 murder.

17 He then -- well, right after his arrest, which was
18 fairly close to the time of the crime, he basically went to
19 DJJ, where he stayed until trial. He then went -- or until
20 his plea, I guess, and then he went back to DJJ, where he was
21 there until he was 17 years old.

22 Whenever he -- he filed the first PCR application within
23 about two months of turning 18 years old. Therefore, I think
24 that he would be entitled to a good claim for equitable
25 tolling, if not common law tolling based off of his minority

1 age at the time. I understand that there's -- that the
2 statute may not cover that, but, you know, obviously, if
3 you're a plaintiff, if you're 15 years old, the statute is
4 tolled until you are 18 by execution of an actual statute.
5 However, that -- well, actually, that was based off of common
6 law before that, which I think is still in effect.

7 So either based off of his age or equitable tolling in
8 general because of the fact that he was at DJJ, not at SCDC.
9 DJJ does not have a law library. He's a -- he's a young kid.
10 How is he expected to know anything about PCRs? I think that
11 he would have a good chance -- a good argument for tolling of
12 that first PCR.

13 The attorney on it, whenever the conditional order of
14 dismissal was sent -- I mean there's a little bit of a
15 strange thing because there's a final order of dismissal and
16 then a consent order relieving that and then an answer is
17 filed, which I believe is in your packet, Your Honor, the
18 2012 answer of applicant.

19 The answer of applicant, which it -- there would have
20 been an attorney appointed. However, the attorney didn't
21 really do much of anything. If you look at the answer of
22 applicant, it writes -- she writes applicant answer and
23 conditional order of dismissal of the defendant herein
24 asserts a counterclaim thereto and would respect show --
25 respectfully show the Honorable Court and alleges the

1 following, and then it's blank. It doesn't -- she did attach
2 a pro se -- basically, a pro se writing to it, but she
3 doesn't actually make any sort of argument. You know, that's
4 -- that's sort of the basis of the due process claim.

5 Inside that, I think that if you looked at the pro se
6 writing and you viewed it liberally, I think it makes a claim
7 that Judge Burch probably should have granted a hearing to
8 determine whether or not there should've been equitable
9 tolling or tolling based off of his age at that time.

10 The thing is though is that, you know, I'm arguing that
11 fourth issue in that amendment in the alternative because of
12 the fact that I think that there's enough there that Judge
13 Burch should have done it, but if not, I think that by her
14 not actually making any sort of argument and just saying
15 here, here's a pro se statement or pro se writing, I think
16 that that's actually a denial of due process because of the
17 fact that he's entitled to a lawyer for his PCR. He has a
18 statutory right to it.

19 You know, you're -- that's not being a lawyer is to just
20 say here's a pro se document and submit that to the Court.
21 So, Your Honor, I think that it's a denial of due process for
22 him to -- for his attorney not to have raised that.

23 If -- but I'm raising it now as an alternative claim.
24 Claim number 4 in that amendment is an alternative claim
25 because of the fact that it's our primary position that there

1 was enough that Judge Burch should have found that there was
2 enough to go forward with a hearing based off of the pro se
3 document that was filed.

4 That sort of did explain that. It's not exactly
5 ineffective assistance of prior counsel. It's more like his
6 right to due process was violated because his attorney didn't
7 actually raise anything. She didn't argue anything. She
8 just said, you know, we're answering with this pro se
9 document.

10 So I think that he was actually denied an attorney.
11 Therefore, he should have had a hearing on it. You know, in
12 the event that the Court finds that his pro se writing is not
13 enough to establish at least a colorable claim for equitable
14 tolling, in that event we ask that the Court -- the Court
15 find that there was a due process violation.

16 The claims number -- claim number 2 under that amendment
17 is -- I'm arguing against precedent, Your Honor. I wanted to
18 preserve that for him. So I am arguing against precedent
19 certainly on claim number 2.

20 Claim number 3, I'm coming real close to arguing against
21 precedent. Recently, obviously, the South Carolina Supreme
22 Court said that a de facto life sentence isn't a life
23 sentence. I think that, you know, certainly under the
24 evolving standard of decency, which is how you look at Eighth
25 Amendment claims, that under our current system, a -- a --

1 you know, having a 15-year-old get a -- you know, what in
2 effect is a life sentence because there's some indication
3 that the -- there's some indication out there that, you know,
4 life expectancy is around the time he would be getting out,
5 that that's not a meaningful opportunity for release, which I
6 believe is guaranteed under the Eighth Amendment and the
7 South Carolina Constitution, Your Honor.

8 MR. ISENBERG: All right. Your Honor, I'll be extremely
9 brief.

10 THE COURT: Okay.

11 MR. ISENBERG: I'm glad to keep my time.

12 THE COURT: Take your time.

13 MR. ISENBERG: We're consenting to Austin. Okay?
14 That's for the claim regarding the conditional order of
15 dismissal.

16 He was appointed an attorney. He -- counsel conceded he
17 was appointed an attorney. His argument is basically that
18 that attorney didn't take any action in this case and,
19 because of that, his client was prejudiced. That is an
20 ineffective assistance of PCR counsel claim.

21 Precedent in South Carolina states that *Martinez*, the
22 ineffective assistance of PCR recognition for, you know,
23 collateral proceedings, states that an ineffective assistance
24 of PCR counsel claim must be brought up on habeas. This is a
25 state proceeding. This is not habeas. We are not -- this is

1 not the proper jurisdiction. There's no genuine issue of
2 material fact in this case. He's bringing up an ineffective
3 assistance of PCR counsel and he cannot bring that up in
4 state court.

5 For the other two claims, in the brief you'll see that
6 those -- those two claims are based upon sentences for life
7 without paroles given to minors. He was given a 45-year
8 sentence. That's an enumerated sentence on aggregate. It's
9 arguably not even a de facto life sentence, but I don't think
10 we even need to get into that issue because the sentence
11 doesn't qualify.

12 There's no genuine issue of material fact. He was given
13 45 years, not life without parole. So there's no *Miller v.*
14 *Alabama* violation and there's also no state constitutional
15 violation because our Supreme Court has recently spoken on
16 this issue in *State v. Slocumb*, which says that there's no
17 Eighth Amendment violation where a minor had been sentenced
18 to a term of 130 years on aggregate because it was an
19 enumerated term instead of life without parole.

20 So on that -- on those two issues, he -- there's no
21 genuine issue of material fact and we're entitled to judgment
22 as a matter of law because he does not have a sentence of
23 life without parole.

24 On the other issue I spoke of, there's no genuine issue
25 of material fact. It's an ineffective assistance of PCR

1 counsel claim. Therefore, we are entitled to judgment as a
2 matter of law because he has not raised it in the proper
3 setting. He must go and raise this claim on habeas.

4 And with that, the State rests their motion -- their
5 case for the motion hearing.

6 MR. SHAFFER: Your Honor?

7 THE COURT: Sure. Yes, sir.

8 MR. SHAFFER: First, whether or not a 45-year sentence
9 is a de facto life sentence I think is a question of fact
10 that should be determined at a full hearing. Obviously, I'm
11 not -- I am arguing against precedent. I admit that on that
12 issue, but whether or not 45 years is de facto, I wouldn't
13 want that to be an actual holding in this case because there
14 was a case that came out two weeks ago where they had a full
15 hearing and that was one of the issues addressed at the
16 hearing.

17 The other thing I will briefly point out is *Gary v.*
18 *State*. It's 347 S.C. 627. It's a South Carolina case.

19 On -- in that case, it's on equitable tolling in a PCR
20 setting. It has to do with a document that was mailed, you
21 know, whether or not mailing from the prison or mailing to
22 the wrong court constitutes equitable tolling.

23 The thing is is that in that case they outline the fact
24 that you have a statutory right to an attorney. He did not
25 have an attorney appointed in that case, but, you know, the

1 statutory right to an attorney to be appointed and the
2 attorney would then make arguments for the equitable tolling.
3 That was the result in that Gary case.

4 Here, we have an attorney who literally said --
5 basically acted as a go-between between her client and the
6 Court with -- with this, you know, responsive conditional
7 order of dismissal. She literally just put a caption on it
8 and signed her name and stuck the pro se filings to the back
9 of it. She doesn't cite to anything in the response.

10 I think that that constitutes -- I mean at that level
11 we're not talking about, oh, well, you should have argued
12 this versus you should've argued that on your first PCR.
13 We're saying that the attorney just didn't do anything. I
14 mean literally just forwarded a document. That's a due
15 process violation. That's a violation of his right to a
16 counsel for his PCR hearing.

17 MR. ISENBERG: Your Honor, if I may respond briefly?

18 THE COURT: Certainly. Go ahead.

19 MR. ISENBERG: You know I had no notice of this case.
20 I'm going to go ahead and say he just said in that case there
21 was no appointed attorney and then he said here we have an
22 appointed attorney. It's an ineffective assistance of PCR
23 counsel claim. It's not proper for state court, and I'll
24 rest my case on that note.

25 THE COURT: All right. Let me make sure I understand

1 where we are on this. As far as failure to file notice of
2 appeal as addressed on page 3 and 4 of the order that's been
3 handed to me --

4 MR. ISENBERG: Yes, Your Honor.

5 THE COURT: The parties are in agreement with that
6 finding?

7 MR. SHAFFER: Yes, Your Honor. I would say that that
8 part would be --

9 THE COURT: That finding only?

10 MR. SHAFFER: Yes, Your Honor. That he's entitled to an
11 Austin belated appeal.

12 THE COURT: If I were to sign this order, as to the
13 other grounds raised by the applicant, they would be
14 dismissed and there would be no consent to that portion of
15 it. I don't think we ought to have consents on the back of
16 this order if we've got a record, assuming I was going to
17 sign this order.

18 MR. ISENBERG: Your Honor, I can amend it and take off
19 the we consent. That's just something we traditionally do
20 when we consent, but I will -- I can certainly --

21 THE COURT: I understand, but the vast majority of these
22 findings are not consented to.

23 MR. ISENBERG: And I -- and I recognize, Your Honor,
24 that that is not appropriate. I can take that off or I can
25 --

1 THE COURT: Well, let me finish -- let me --

2 MR. ISENBERG: I'm sorry.

3 THE COURT: -- finish reading it.

4 MR. ISENBERG: I'm sorry.

5 THE COURT: I'm not -- I'm not sure we're there yet.

6 (WHEREUPON, there was a pause in the proceedings, after
7 which the proceedings resumed as follows.)

8 THE COURT: The Court agrees with the position and
9 argument of the State on each of these issues, and it's an
10 interesting argument the applicant has about the 45 years and
11 whether or not there should be an evidentiary hearing, but if
12 we did that, wouldn't in every case you'd have to have a
13 doctor come in that would testify about the health of the
14 particular individual and whether he has heart blockages?

15 MR. ISENBERG: Your Honor, and I would just want to
16 point out based upon *Slocumb*, even if it's a de facto life
17 sentence based upon an enumeration of years, you know, this
18 being 45, based upon, I think, murder for 40 and 5 for a
19 weapons crime, you know, in *Slocumb* the guy was sentenced to
20 130 years and that was -- they -- they conceded it was a de
21 facto life sentence and they still said it wasn't an Eighth
22 Amendment violation because it has to be life without parole.

23 So that's why I pointed that out. I would make -- I
24 would just like the Court to be aware of that sort of
25 distinction, like it doesn't even matter if it is a de facto

1 life sentence. And with -- and with that, I'll sit down and
2 shut up.

3 MR. SHAFFER: Your Honor, my -- my main reason for
4 bringing that up is that I wouldn't want a ruling on that to
5 stand and maybe sometime in the future bar him from asserting
6 the claim later because, Your Honor, if you read that *Slocumb*
7 opinion, it's basically the Supreme Court -- I'm not saying
8 that they are asking for it, but they are -- I certainly
9 think that they wouldn't mind a whole lot of -- or wouldn't
10 mind some guidance from a -- from the federal court on
11 whether or not that is -- whether or not de facto life
12 sentences apply here.

13 So in the event that the law does change on that, I
14 wouldn't want some situation coming up where it said, well,
15 he didn't -- you know, there's a finding that 45 years isn't;
16 therefore, he doesn't get to argue it later.

17 THE COURT: He's already living it.

18 MR. ISENBERG: And -- I'm sorry.

19 THE COURT: Go ahead. No, go ahead.

20 MR. ISENBERG: Your Honor, if counsel had an issue with
21 that, I would agree to strike that from the order and send a
22 proposal his way so he feels comfortable with it. Like I
23 said, whether or not it's a de facto life sentence is
24 irrelevant to this case because it's an enumerated sentence,
25 not a sentence for life without parole.

1 So if he doesn't want us to assess that it's not a de
2 facto life sentence, then I can strike it from the order and
3 send it to him for his review before I send it your way to be
4 signed, if that's something he feels strongly about.

5 THE COURT: As to that issue?

6 MR. SHAFFER: Yeah. I would agree with him that under
7 current case law without that issue that the -- you know, as
8 I said, I was arguing against precedent. So I think I'm sort
9 of -- if they take out the de facto life sentence part, I
10 certainly wouldn't have a problem with it when --

11 MR. ISENBERG: Page 4 --

12 MR. SHAFFER: -- he filed a 59(b) related to that or
13 anything.

14 MR. ISENBERG: Yeah. Page 4, the last paragraph, third
15 sentence. I said this is arguably not a de facto life
16 sentence. I will strike that and then send it to him so that
17 he's comfortable with it and then send it to you to be, you
18 know, finalized for submission, if that's what all parties
19 would request.

20 THE COURT: I'm fine with that. Otherwise, I'm going --
21 I will -- I -- I would have signed the order but for that.

22 MR. ISENBERG: Right.

23 THE COURT: Change it.

24 MR. ISENBERG: I got a little too arrogant and I
25 overstepped my bounds. I will strike that. I apologize.

1 THE COURT: All right. So I am going to throw this
2 order away.

3 MR. ISENBERG: Okay.

4 THE COURT: And you're going to send me --

5 MR. ISENBERG: Yes.

6 THE COURT: -- a new one.

7 MR. ISENBERG: I'll just send you an amended order
8 without the sentence and then I will, obviously, provide all
9 the information, you know, talking about this hearing in the
10 email.

11 THE COURT: Okay.

12 MR. ISENBERG: So just in case.

13 THE COURT: All right. Anything else?

14 MR. SHAFFER: Your Honor, the only other thing, can I
15 make that a Court's exhibit, that amendment, just to make
16 sure --

17 THE COURT: Say that again?

18 MR. SHAFFER: -- the record is clear? I had handed you
19 up an amendment that didn't get actually filed that --

20 MR. ISENBERG: I've got an extra one.

21 MR. SHAFFER: Okay.

22 THE COURT: Is that it?

23 MR. SHAFFER: Thank you, Your Honor. Yes, Your Honor.

24 MR. ISENBERG: I consent. I consent to the exhibit.

25 MR. SHAFFER: Thank you.

1 (WHEREUPON, the motion to amend the application was
2 marked as Court's Exhibit Number 1.)

3 THE COURT REPORTER: You just want it as an exhibit? It
4 don't need to be clocked or nothing like that?

5 MR. SHAFFER: No.

6 THE COURT REPORTER: Okay.

7 MR. SHAFFER: Just like an exhibit. Thank you.

8 MR. ISENBERG: Sorry about the long 15 minutes.

9 THE COURT: That's okay. Anything else we need to do?

10 MR. ISENBERG: Nothing further, Your Honor. That
11 concludes the State's hearings for today.

12 (WHEREUPON, the proceedings ended.)

13

14 --- END REQUESTED TRANSCRIPT ---

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE FOURTH JUDICIAL CIRCUIT
COUNTY OF DILLON) Case No. 2014-CP-17-0171

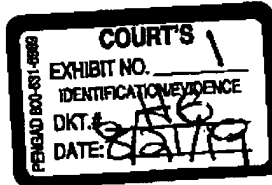
FILED
GWENTHYATT

JOHN H. BRIDGES
Applicant,
vs.

2019 AUG 26)
AUG 23

MOTION TO AMEND POST-CONVICTION
RELIEF APPLICATION

CLERK OF COURT
DILLON COUNTY



STATE OF SOUTH CAROLINA)
)
)
Defendant.)

Applicant hereby requests to amend the PCR application to include the following supplemental grounds. Applicant asserts that he may amend the pleadings pursuant to Rule 15, SCRPC. *See Harvey v. Strickland*, 350 S.C. 303, 313, 566 S.E.2d 529, 535 (2002) (holding Rule 15(b) “[a]mendments to conform to the proof should be liberally allowed when no prejudice to the opposing party will result.”).

I. Applicant should receive a belated appeal of his first PCR pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

II. Applicant was denied his Eighth Amendment right to be free from cruel and unusual punishment when the court sentenced him to a de facto life sentence without first conducting and individualized sentencing hearing to consider the hallmarks of youth as proscribed by *Miller v. Alabama*.

III. Since Applicant was not provided an individualized sentencing hearing to consider the hallmarks of youth, Applicant’s sentence violates Article I section 15 of the South Carolina Constitution.

IV. As an Alternative argument, Applicant asserts that he was denied due process when his first PCR attorney did not adequately argue that the statute of



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Attorney for Applicant

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DILLON)
)
 John H. Bridges,)
 S.C.D.C. No. 345950,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 OF THE FOURTH JUDICIAL CIRCUIT
 2014-CP-17-0171

**CONSENT ORDER GRANTING
 AN APPEAL PURSUANT TO
AUSTIN V. STATE¹**

FILED
 GWEN T HYATT
 2019 SEP -6 P 12:14
 CLERK OF COURT
 DILLON COUNTY

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 30, 2014. Respondent made its Return on or about September 10, 2015, moving to dismiss all claims except the issue of whether Applicant was entitled to an appellate review of his first post-conviction relief action pursuant to Austin. On August 21, 2019, Applicant amended his allegations. That same day, a hearing was conducted to review the claims from his amended application. Applicant is currently represented by Tristan M. Shaffer, Esquire. Respondent is represented by Jacob A. Isenberg of the South Carolina Office of the Attorney General.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Dillon County Clerk of Court. In May 2010, the Dillon County Grand Jury indicted Applicant for murder (2010-GS-17-473), possession of a weapon during the commission of a violent crime (2010-GS-17-474), burglary, first degree (2010-GS-17-476), kidnapping (2010-GS-17-477), armed robbery (2010-GS-17-478), larceny, value \$5000 or more

¹ Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).

(2010-GS-17-479), and criminal conspiracy (2010-GS-17-481). J. Richard Jones, Esquire, represented Applicant. On November 4, 2010, Applicant pled guilty to the charges as indicted. The Honorable Thomas A. Russo sentenced applicant to consecutive terms of forty (40) years for murder and five (5) years for possession of a weapon during the commission of a violent crime. Judge Russo further sentenced Applicant to thirty (30) years for burglary, first degree, thirty (30) years for kidnapping, thirty (30) years for armed robbery, ten (10) years for larceny, value \$5000 or more, and five (5) years for criminal conspiracy, all of which are to be served concurrent to all other sentences. Applicant did not appeal his plea or sentence.

First PCR Application: 2012-CP-17-0252

Applicant filed an initial application for post-conviction relief on June 20, 2012, in which he raised the following grounds for relief:

1. "The State of South Carolina used false evidence in case"
2. "The solicitor took crooked witnesses for credibility"
3. "Upon multiple offense applicant is violated"
4. "No lie detect test conducted"
5. "involuntary guilty plea"
6. "The 16-23-490(a) statute is being read incorrectly"
7. "counsel committed cumulative [sic] errors"
8. "Trial counsel was ineffective when counsel failed to challenge Bill 3096 "Truth in Sentencing" 85% Law"
9. "Applicant was arrested to allege 16 years of age as a child, child means not a [sic] adult"

Heather M. Cannon, Esquire represented Applicant. Respondent filed a motion to dismiss the application as untimely. The Honorable Paul M. Burch issued a Conditional Order of Dismissal on September 4, 2012. Judge Burch issued a Final Order denying and dismissing the application on March 20, 2013. Applicant did not appeal Judge Burch's order.

II. CURRENT ALLEGATIONS

In his current and amended application, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Eighth Amendment Violation
 - a. Cruel and Unusual Punishment based upon receiving a *de facto* life sentence without conducting an individualized hearing to consider hallmarks of youth, pursuant to Miller v. Alabama.
2. South Carolina State Constitution Violation
 - a. Violation of Article I, Section 15, based upon the failure to provide an individualized hearing to consider hallmarks of youth before determining the sentence
3. Ineffective Assistance of PCR Counsel
 - a. Counsel failed to argue the statute of limitations should have been equitably tolled based upon his minor status at the time of sentencing
 - b. Counsel failed to file a notice of appeal

Before this Court are the records of the Dillon County Clerk of Court regarding Applicant's convictions, the records from the South Carolina Department of Corrections, Applicant's prior PCR application and the corresponding Order of Dismissal, Applicant's current PCR application, Respondent's Return thereto, and a sworn affidavit from Applicant's prior PCR counsel.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

i. Failure to File Notice of Appeal

Applicant alleges he was denied the right to appeal the dismissal of his previous post-conviction relief application. Pursuant to Austin v. State, a post-conviction relief applicant may petition the South Carolina Supreme Court for discretionary review of the dismissal of his prior application. Austin v. State, 305 S.C. 453, 454, 409 S.E.2d 395, 396 (1991).

After review of the facts and circumstances surrounding the waiver of the Applicant's right to appeal the denial of his post-conviction relief application, this Court finds Applicant did not knowingly and voluntarily waive his right to appeal his first PCR application. Accordingly,

this Court grants Applicant a belated PCR appeal pursuant to Austin v. State, in which he may raise on appeal any issues that were raised and ruled upon in his prior application. In order to secure this review, however, the Applicant must appeal from this Order.

ii. *Eighth Amendment Violation*

Applicant contends his *de facto* life sentence violates the Eighth Amendment's prohibition on cruel and unusual punishment based upon his minor status at the time. The United States Supreme Court held the Eighth Amendment forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile homicide offenders. Miller v. Alabama, 567 U.S. 460, 132 S. Ct. 2455, 2457-58, 183 L. Ed. 2d 407 (2012). However, the Eighth Amendment does not prohibit a juvenile offender from being sentenced on aggregate to an amount of years that creates a *de facto* life sentence. State v. Slocumb, 426 S.C. 297, 306, 827 S.E.2d 148, 152 (2019) (holding there was no eighth amendment violation where a minor had been sentenced to a term of one hundred and thirty years on aggregate).

Here, the precedent Applicant relies upon mandates minors cannot be sentenced to life without parole. Applicant received consecutive terms totaling at forty five years. He began this sentence at the age of sixteen. Therefore, Applicant will be released at the age of sixty one. The sentence was an aggregate of forty years for murder and five years for possession of a weapon during a violent crime. The sentence is facially numerical. These circumstances are not the same as life without parole. Accordingly, this Court finds there is no genuine question of material fact regarding terms of his sentence. Therefore, this Court finds Respondent is entitled to judgment on this issue as a matter of law.



iii. State Constitution Violation

Applicant contends his sentencing hearing violated Article I, Section fifteen of the South Carolina Constitution. Specifically, Applicant contends he should have been afforded an individual sentencing hearing to consider the hall marks of his youth. The section reads as follows:

All persons shall be, before conviction, bailable by sufficient sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, or with violent offenses defined by the General Assembly, giving due weight to the evidence and to the nature and circumstances of the event. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel, nor corporal, nor unusual punishment be inflicted, nor shall witnesses be unreasonably detained.

S.C. Const. art. I, § 15. The South Carolina Supreme Court retroactively held a judicial offender must receive an individualized sentencing hearing, to explore hallmark features of youth, before the imposition of life without parole. Aiken v. Byars, 410 S.C. 534, 545, 765 S.E.2d 572, 578 (2014). However, it imposed a deadline for all individuals affected by that decision to file a motion for resentencing within one year of November 12, 2014. Id.

Here, Applicant did not receive a life without parole sentence. Instead, he received a term of year sentence totaling at forty-five. Moreover, Applicant was sentenced before the above-mentioned ruling came out. Therefore, the appropriate relief on this matter was to file a motion for resentencing. There is nothing in the record to suggest Applicant attempted to timely file this motion. Accordingly, there is no genuine issue of material fact Applicant did not receive the appropriate sentence to qualify for a hearing to consider his youth. Moreover, there is no genuine issue of material fact Applicant failed to file a motion for resentencing in a timely manner. Accordingly, this Court finds he does not qualify for the hearing at issue based upon

either ground set forth above. Therefore, Respondent is entitled to judgment as a matter of law on this issue.

iv. Failure to prepare an adequate argument

Applicant contends the original post-conviction relief counsel should have made an argument to equitably toll his original application based upon age. Inadequate assistance of counsel at initial-review collateral proceedings may establish cause for a prisoner's procedural default of a claim of ineffective assistance at trial. Martinez v. Ryan, 566 U.S. 1, 132 S. Ct. 1309, 182 L. Ed. 2d 272 (2012). However, the South Carolina Supreme Court, in Kelly v. State, has specifically held the holding in Martinez 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).

Here, Applicant is alleging ineffective assistance of PCR counsel. Accordingly, this Court finds there is no genuine issue of material fact Applicant is making allegations against his lawyer from a collateral proceeding. As a matter of law, Applicant is not entitled to bring this allegation until federal habeas corpus review. Therefore, Respondent is entitled to judgment on this claim as a matter of law.

IV. CONCLUSION

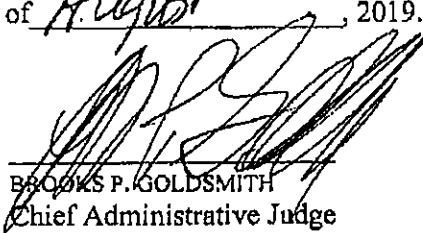
This Court advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of written notice of entry of this Order to secure appropriate appellate review. His attention is also directed to King v. State, 308 S.C. 348, 417 S.E.2d 868 (1992) and Rule 243 of the South Carolina Appellate Court Rules for the appropriate procedures for filing a belated appeal.


IT IS THEREFORE ORDERED:

1. That the Applicant be granted an appeal of case 2012-CP-17-0252 pursuant to Austin v. State;

- 2. That all other PCR allegations are dismissed with prejudice;
- 3. That the Applicant remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 29 day of August, 2019.


BROOKS P. GOLDSMITH
Chief Administrative Judge
Fourth Judicial Circuit


_____, South Carolina.

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DIL0600

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Kimberly J. Woodell
Grand Jury Foreperson

Date
5-13-10

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2010-GS-17-0473

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

John Henry Bridges

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

CDR Code: 0116

RECEIVED
CLERK OF COURT
Dillon County, SC
William B. Rogers, Jr.

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON)

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

MURDER

CDR: 0116 16-03-0010, -0020

That John Henry Bridges did in Dillon County, on or about August 17, 2009, with co-defendants, engage in a joint criminal enterprise which resulted in the willful, felonious, and intentional death of the victim, Mary Alice Stutts, with malice aforethought, either express or implied, by means of shooting the victim in the head, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Mary Alice Stutts
CLERK OF COURT
DILLON COUNTY

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

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DIL0601

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Kentucky J. Whadell
Grand Jury Foreperson

Date *5-13-10*

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2010-GS-17-0474

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

John Henry Bridges

INDICTMENT FOR

Weapons / Poss. weapon during violent crime

§16-23-0490

CDR Code: 0549

William B. Rogers, Jr.
CLERK OF COURT
DILLON COUNTY

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON) Weapons / Poss. weapon during violent crime

INDICTMENT FOR

§16-23-0490

At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That John Henry Bridges did in Dillon County, on or about August 17, 2009, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

ACKNOWLEDGED
TRUE COPY
Steven T. Regatt
CLERK OF COURT
DILLON COUNTY

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

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DIL0602

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Kimberly J. Wendell
Grand Jury Foreperson

5-13-10
Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2010-GS-17-0476

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

John Henry Bridges

INDICTMENT FOR

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

§16-11-0311

CDR Code: 0079

ACCEPTED
TRUE COPY
Daniel T. Wright
CLERK OF COURT
DILLON COUNTY

William B. Rogers, Jr., Solicitor

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DIL0603

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Kimberly J. Woodall
Grand Jury Foreperson

Date
5-13-10

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2010-GS-17-0477

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

John Henry Bridges

INDICTMENT FOR

Kidnapping / Kidnapping

§16-03-0910

CDR Code: 0095

RECORDED
EXHIBIT COPY

William B. Rogers, Jr.
CLERK OF COURT
DILLON COUNTY

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON)

INDICTMENT FOR
Kidnapping / Kidnapping

§16-03-0910

At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

KIDNAPPING

CDR: 0095 16-03-0910

That John Henry Bridges did in Dillon County on or about August 17, 2009, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Mary Stutts, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

A CERTIFIED
TRUE COPY
Doreen T. Hyatt
CLERK OF COURT
DILLON COUNTY

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

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DIL0604

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Kimberly J. Woodell
Grand Jury Foreperson

5-13-10
Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2010-GS-17-0478

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

John Henry Bridges

INDICTMENT FOR

Robbery / Armed Robbery, robbery while
armed or allegedly armed

§16-11-0330(A)

CDR Code: 0139

William B. Rogers, Jr.
CLERK OF COURT
DILLON COUNTY

William B. Rogers, Jr., Solicitor

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DIL0605

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Kimberly J. Wardell
Grand Jury Foreperson

5-13-10
Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2010-GS-17-0479

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

John Henry Bridges

INDICTMENT FOR

Larceny / Grand Larceny, value \$5,000 or more

§16-13-0030(B)(2)

CDR Code: 0479

William B. Rogers, Jr.
CLERK OF COURT
DILLON COUNTY

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DILLON) Larceny / Grand Larceny, value \$5,000 or more

§16-13-0030(B)(2)

At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

GRAND LARCENY
 (VALUE OVER \$5000)

CDR: 0479 16-13-0030(B)(2)

That John Henry Bridges did, with co-defendants, in Dillon County on or about August 17, 2009, take and carry away the personal goods of Mary Stutts, having a value of more than five thousand (\$5,000.00) dollars, described as follows: a white 1999 Toyota Camry, with the intent to deprive the owner permanently of such property and to convert the goods to his/her own use, in violation of Section 16-13-0030(B)(2), S. C. Code of Laws, 1976, as amended.

ACCEPTED
 TRUE COPY

Dwain T. Hyatt

CLERK OF COURT
 DILLON COUNTY

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

William B. Rogers, Jr.

WILLIAM B. ROGERS, JR.
 SOLICITOR

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DIL0607

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Kimberly J. Woodell
Grand Jury Foreperson

Date
5-13-10

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2010-GS-17-0481

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

John Henry Bridges

INDICTMENT FOR

Conspiracy / Criminal Conspiracy, Common
Law conspiracy

§16-17-0410

CDR Code: 0049

RECEIVED
TRUE COPY
Dwight T. Skatt
CLERK OF COURT
DILLON COUNTY

William B. Rogers, Jr., Solicitor

