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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County

Honorable Clifton Newman, Circuit Court Judge

APPELLATE CASE NO. 2022-000578

APPENDIX

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STATE OF SOUTH CAROLINA COUNTY OF AIKEN	)	IN THE COURT OF COMMON PLEAS FOR THE SECOND JUDICIAL CIRCUIT
Rayquan McCorkle, #378805, Applicant,	)	Case No.: 2020-CP-02-0085
v.	)	**ORDER OF DISMISSAL**
State of South Carolina, Respondent.	)	

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Hartz, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina, do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this
APR 18 2022
C.C.P. & G.S., Aiken County, S.C.
Deputy Clerk

This matter comes before this Court by way of Applicant's post-conviction relief application filed January 9, 2020. Respondent made its return on September 1, 2020, requesting an evidentiary hearing be convened. An evidentiary hearing was held on January 31, 2022, before this Court in the WebEx Virtual Courtroom. Applicant was present at the hearing and represented by Vicki Koutsogiannis, Esquire. Assistant Attorney General Michael J. Neubauer of the South Carolina Attorney General's Office represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Plea Counsel Keith B. Johnson and Applicant's mother Sharon Patterson also testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the original plea transcript, the records of the Aiken County Clerk of Court regarding the subject convictions, and the pleadings in this case. After reviewing all records and evidence before this Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. During its January 2018 term, the

FILED April 18 20 22
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C.C.P. & G.S.
Charla Griffin Pearce
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Aiken County Grand Jury indicted Applicant for Murder (2018GS-02-0171); two counts of Attempted Murder (2018-GS-02-0173, -0174); Burglary, 1st Degree (2018-GS-02-0175); and Armed Robbery (2018-GS-02-0176). Applicant, who was fifteen years old at the time of the crime, was initially charged as a juvenile, but following a waiver proceeding in family court, was waived to the court of general sessions. Keith B. Johnson, Esquire, (Counsel) represented Applicant. Second Circuit Solicitor James Strom Thurmond, Jr. prosecuted the case.

Following negotiations between Applicant and the State, Applicant entered into a plea agreement with the State, where in he would plead guilty as indicted for a negotiated sentences of thirty five years for Murder, and thirty years for each of the remaining charges, all to run concurrent.

On January 10, 2019, Applicant appeared before the Honorable Clifton Newman, circuit court judge, and entered a guilty plea pursuant to the plea agreement. Judge Newman sentenced Applicant to thirty-five years of imprisonment for murder and thirty years of imprisonment for each of the remaining charges to be served concurrently. Applicant did not appeal his pleas or sentence.

Summary of Relevant Facts

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

> On November 18, 2016, six young men in two vehicles, having been involved in an earlier drive-by shooting in Aiken, traveled to a part-time residence of Connor Clemmons, an alleged marijuana dealer. Tr. p. 8. Undraize Dixon had been an invited guest in the residence and the men devised a plan to rob Clemmons of money and narcotics. Tr. p. 9. Dixon knocked on the door but two minors told him Clemmons was not home so he returned to the vehicles.
>
> Applicant and two other men rushed into the apartment with handguns and were dressed in all black with bandanas and masks. Tr. p. 9. During the robbery

Applicant shot Shores in the head at least three times and attempted to shoot another resident. The men fled the scene in the same vehicles and Applicant took a Sony PS4 video game system with him. Tr. p. 10.

One of the vehicles, driven by Dixon, was stopped after a high-speed chase and two of the men were arrested. Multiple statements implicated Applicant. He was arrested at school and his cellphone was seized on November 21, 2016. Tr. p. 10-11.

Applicant agreed with the facts presented by the Solicitor during his guilty plea. Tr. p. 13.

Current Action Before this Court

In his PCR application, filed by retained counsel James R. Snell, Jr., Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
    a. Plea Counsel failed to interview witnesses disclosed by the Petitioner.
    b. Plea Counsel did not seek or retain a ballistics expert.
    c. Plea Counsel failed to review complete discovery with Petitioner.

On January 19, 2022, Applicant, through his counsel, filed an amended application for post-conviction relief restating the prior allegations raised in Applicant's original application for post-conviction relief, and raising the following allegation.

1. Ineffective Assistance of Counsel
    a. Plea Counsel failed to retain an expert forensic psychologist or obtain a comprehensive psychological examination prior to Plaintiff's plea.

At his evidentiary hearing, Applicant proceeded with the allegations raised in his original application, along with the additional allegation raised in his amended application.

Findings of Fact and Conclusions of Law

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the

attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

Ineffective Assistance of Counsel

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

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel's performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Applicant must so prove his factual allegations by a preponderance of the evidence. Rule 71.1(e), SCRCP. The first prong—constitutional deficiency—is "necessarily linked to the practice and expectations of the legal community." *Padilla v. Kentucky*, 559 U.S. 356, 366 (2010). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). "When counsel focuses on some issues to the exclusion of

others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109-10 (2011). "[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight." *Yarborough*, 540 U.S. at 6; *see also Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) ("[C]ounsel's performance need not be optimal to be reasonable."). Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625.

Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. "This does not require a showing that counsel's actions 'more likely than not altered the outcome,' but the difference between *Strickland's* prejudice standard and a more-probable-than-not standard is slight and matters 'only in the rarest case.'" *Harrington*, 562 U.S. at 111-12 (quoting *Strickland*, 466 U.S. at 697). "The likelihood of a different result must be substantial, not just conceivable." *Id.* at 112. "The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury." *United States v. Basham*, 789 F.3d 358, 371-72 (4th Cir. 2015) (quoting *Elmore v. Ozmint*, 661 F.3d 783, 858 (4th Cir. 2011)).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea, *Hill v. Lockhart* extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel." *Hill*, 474 U.S. 52; *cf. Padilla*, 559 U.S. at 373 (recognizing the

guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). A claim of ineffective assistance of guilty plea counsel requires the applicant present evidence satisfying two prongs: first, evidence that counsel's performance was deficient; and second, evidence that counsel's deficient performance prejudiced the defendant by causing him to plead guilty rather than go to trial. *Hill*, 474 U.S. 52.

The analysis of counsel's performance under the first prong of *Strickland* remains unchanged—the applicant must show counsel's representation fell below the objective standard of reasonableness demanded of attorneys in criminal cases. *Hill*, 474 U.S. at 58–59; *accord Thompson v. State*, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000). An applicant alleging his plea was induced by ineffective assistance of counsel must prove counsel's advice to plead guilty was not "within the competence demanded of attorneys in criminal cases." *Hill*, 474 U.S. at 56.

The second, or "prejudice" prong, however, "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." *Id.* at 58–59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." *Id.* at 59. This inquiry "focuses on a defendant's decision making" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. *Lee v. United States*, 582 U.S. ___, 137 S. Ct. 1958, 1966 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. *Padilla*, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. *Turner v. State*, 335 S.C. 382, 385, 517 S.E.2d

442, 444 (1999).

Surmounting *Strickland*'s high bar is never an easy task, and the strong societal interest in finality has "special force with respect to convictions based on guilty pleas." *Lee*, 582 U.S. ___, 137 S. Ct. at 1967 (internal citations and quotation marks omitted); *cf. Hill*, 474 U.S. at 58 ("[R]equiring a 'prejudice' showing from defendants who seek to challenge the validity of their guilty pleas on the ground of ineffective assistance of counsel 'will serve the fundamental interest in the finality of guilty pleas.'"). Reviewing "[c]ourts should not upset a plea solely because of post hoc assertions from a defendant about how he would have pleaded but for his attorney's deficiencies. *Lee*, 582 U.S. ___, 137 S. Ct. at 1967. Rather, judges should "look to contemporaneous evidence to substantiate a defendant's expressed preferences. *Id.* In determining whether a guilty plea was taken in accordance with constitutional standards, the reviewing judge must analyze and consider the entire record, including the transcript of the plea and the evidence presented at the PCR hearing. *Harres*, 282 S.C. at 134, 318 S.E.2d at 361.

The performance and prejudice standards, however, "do not establish mechanical rules; [t]he ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged." *Id.* at 696. Moreover, "there is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the defendant makes an insufficient showing on one." *Id.* at 697. The court "need not determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. *Id.* If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, the court may evaluate the prejudice prong only. *Id.*

1. Failure to Interview Witnesses

Applicant's allegation of ineffective assistance of counsel due to Counsel's failure to interview potential witnesses disclosed by Applicant is without merit. At Applicant's evidentiary hearing, Applicant testified he told Counsel about a Facebook posting where someone else indicated they were involved in the crime. Applicant testified he asked Counsel to look into the information from Facebook. Applicant testified Counsel told him that he hired a private investigator, who never met with any possible witnesses. Applicant testified he believed that Counsel had hired an investigator. Applicant testified Counsel told him that Counsel's private investigator could not find anything about the Facebook post. Applicant testified he told his mother about the Facebook post, and that Applicant believed the Facebook post would have been helpful to Applicant's case. Applicant testified Counsel spoke with him about other co-defendants.

At Applicant's evidentiary hearing, Counsel testified he was retained to represent Applicant in June of 2017. Counsel testified while preparing for Applicant's case he spoke with Applicant's mother regularly. Counsel testified he never told Applicant or his mother that he had a private investigator or expert witnesses at his disposal. Counsel testified he does not know what a private investigator would have done in this case, or how a private investigator would have been helpful to Applicant's defense. Counsel testified the events that led to Applicant's conviction all happened at one location, and the co-defendant's had counsel so he could not speak with them without permission from their attorneys. Counsel testified he spoke with Applicant regarding the Facebook post, however following his review of this post he found there was no validity to this claim. Counsel testified he reached out to speak with Applicant's co-defendants prior to Applicant's plea and was aware that Applicant's co-defendants had given statements implicating Applicant. On cross-examination, Counsel testified he looked into the Facebook post and talked to Applicant's mother to gain more information. Counsel testified he would have tried to bring this

issue up in trial but Applicant plead guilty. Counsel testified he was never able to identify anybody based on the Facebook post. Counsel testified he looked into potential alibi witnesses, and after his investigation he determine none of the witnesses would be helpful.

As an initial matter, this Court finds Applicant failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." *Ard v. Catoe*, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing *Strickland*, 466 U.S. 668). "A criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State." *McKnight v. State*, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008). "[W]hile the scope of a reasonable investigation depends upon a number of issues, at a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case." *Ard*, 372 S.C. at 331–32, 642 S.E.2d at 597 (internal quotation marks omitted) (emphasis omitted).

However, our Supreme Court has cautioned reviewing courts not to lose sight of the reasonableness standard regarding counsel's duty to investigate. *See, e.g., id.* at 331, 642 S.E.2d at 597 ("Without a doubt, [a] criminal defense attorney has a duty to investigate, but this duty is limited to reasonable investigation."). "[S]trategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." *Strickland*, 466 U.S. at 690–91; *see id.* ("In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.").Thus, in applying the

Strickland standard to a claim of failure to investigate, counsel's decision not to undertake a particular investigation must be evaluated with heavy deference to counsel's judgment. *Bagwell v. State*, 410 S.C. 259, 265, 763 S.E.2d 630, 63 (Ct. App. 2014). To show counsel was ineffective by failing to call a witness, the witness(es) must be produced at the PCR evidentiary hearing or their testimony must otherwise be presented, consistent with the rules of evidence. *Glover v. State,* 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). Mere speculation regarding the witness's testimony is insufficient to establish prejudice. *Clark v. State*, 315 S.C. 385, 434 S.E.2d 266 (1993).

"In most PCR cases in which the applicant seeks relief for trial counsel's failure to call witnesses, the PCR court's analysis—and the analysis by the appellate court—is focused on the strategic considerations of counsel in balancing the potential benefits of calling a particular witness against the identifiable risks." *Buckson v. State,* 423 S.C. 313, 320, 815 S.E.2d 436, 440 (2018).

Applicant has failed to establish any evidence to support his assertion that Counsel failed to interview witnesses disclosed by Applicant. Applicant testified he told Counsel about a Facebook post which may exonerate Applicant. Counsel confirmed he was told of this Facebook post, and reached out to Applicant's mother for additional information about the post. Counsel testified he reviewed the post, and was unable to identify anyone related to the post. Counsel testified he would have pursued issues with this post if Applicant went to trial, however Applicant decided to plead guilty instead. Counsel testified he sought witnesses who could help establish an alibi for Applicant, however after talking to these witnesses Counsel determined none of the potential witnesses could establish an alibi for Applicant, and that none of these witnesses had any relation to the Facebook post provided by Applicant. Counsel pursued all possible witnesses presented to him and attempted to locate additional witnesses related to the Facebook post Applicant provided. However, after an investigation, Counsel determine none of these witnesses

were helpful and ceased investigation into these witnesses.

Applicant has failed to present any additional information that could have been discerned through further investigation, additionally, Applicant's allegation that Counsel failed to interview witnesses is disproved by Counsel's testimony. Further, Applicant has failed to present the testimony of any witnesses Counsel could have spoken to in preparation for Applicant's case. Applicant has failed to establish how Counsel's performance was deficient, or how Applicant has prejudiced by Counsel's performance. Therefore, this allegation is denied and dismissed with prejudice.

2. Failure to review discovery

Applicant's allegation Counsel was ineffective for failing to review discovery is without merit. At Applicant's evidentiary hearing, Applicant testified Counsel was hired by his family to represent him on his pending charges, and met with Counsel to discuss his charges shortly after Counsel was hired. Applicant testified during his first meeting with Counsel they did not discuss Applicant's case because Counsel did not have paperwork on Applicant's case. Applicant testified he only met with Counsel two times, and let Counsel guide him through the whole process as Applicant did not understand the legal proceedings. Applicant testified Counsel never showed him discovery, but described it to him. Applicant testified he did not receive any of his discovery until he was in prison, and it consisted of "a lot of papers." On cross-examination Applicant testified Counsel mailed him a copy of his discovery while he was still in the Aiken Detention Center, and after reviewing the discovery he did not "really understand" what the discovery contained. Applicant testified Counsel told him that there was no possible way to win his case at trial, and if convicted Applicant could face a life sentence. Applicant testified he ultimately plead guilty because he did not want to receive a life sentence, and believed that by pleading guilty he would

avoid the possibility of a life sentence. Applicant testified his decision to plead guilty was due to the strong evidence against him, and the possibility of a life sentence if convicted at trial. Applicant testified he believed the main evidence against him was the ballistics evidence and the google searches from his phone on the night of the crime.

At Applicant's evidentiary hearing, Counsel testified he represented Applicant for a year and a half prior to Applicant's guilty plea. Counsel testified three of Applicant's co-defendants made statements implicating Applicant in the robbery and indicated that Applicant was the shooter. Counsel testified in addition to these statements there was physical evidence linking Applicant to the crime, including a shell casing found at the scene that matched a handgun gathered from Applicant's brother's car. Counsel testified law enforcement searched Applicant's phone and the search showed google searches from the night of the robbery where Applicant searched for news articles about the robbery, the price of a PlayStation 4, and whether police could track a PlayStation 4. Counsel testified there was a mountain of physical evidence, along with the statements from Applicant's co-defendants who were willing to testify against Applicant. Counsel testified he provided Applicant with a copy of the discovery, and discussed all evidence with Applicant at the Aiken County Jail. Counsel testified that in addition to discussing discovery with Applicant, he sent a copy to Applicant's mother for her to review. Counsel testified discovery was an ongoing process, and as Counsel received additional items he would mail Applicant and his mother a copy as well as explaining each item in detail. Counsel testified he believed that Applicant understood the evidence the State had against him. On cross-examination, Counsel testified he met with Applicant at least ten times.

Applicant's allegation that Counsel was ineffective for failing to review discovery with Applicant is without merit. Though Applicant testified he did not discuss discovery with Counsel.

Applicant testified he received a copy of discovery while in the Aiken County Detention Center and reviewed the discovery himself. Further, Counsel testified he discussed discovery with Applicant initially, and further discussed discovery with Applicant as he received additional pieces of information. Additionally, Counsel indicated he provided both Applicant and his mother with a copy of the discovery in his case. Counsel testified he believed Applicant understood the evidence the State had against him prior to his guilty plea and that Applicant was provided with a copy of all evidence in this case. Though Applicant asserts he did not review the completed discovery with Counsel, Applicant has failed to establish any evidence to support this allegation. Applicant was provided with a copy of all discovery in his case and had an opportunity to discuss all evidence with Counsel prior to entering his guilty plea. Applicant has failed to show how Counsel's performance was deficient, or how her was prejudiced as a result of Counsel's performance. Therefore, this allegation is denied and dismissed with prejudice.

3. Failure to seek or retain a ballistics expert and failure to retain an expert forensic psychologist or obtain a comprehensive psychological examination prior to Plaintiff's plea

Applicant's allegation Counsel was ineffective for failing to retain the assistance of expert, and for failing to obtain a comprehensive psychological examination prior to Applicant's guilty plea is without merit. At Applicant's evidentiary hearing, Applicant testified he spoke with Counsel and alleges Counsel never discussed a trial strategy. Applicant testified Counsel told him that he hired a private investigator, who never met with any possible witnesses. Applicant testified Counsel told Applicant that he hired a ballistics expert to review the physical evidence in this case and claims that Counsel indicated the outcome "didn't look good." Applicant testified Counsel told him the ballistics expert that was hired by Counsel said the same thing the State's ballistics expert said.

Counsel testified he never told Applicant, or Applicant's mother that he had a private investigator. Counsel testified he suggested hiring a private investigator or ballistics expert in this case, however Applicant was unable to afford the services of these experts. Counsel testified he did not know what a private investigator would have done in this case or how one would have helped. Counsel testified the ballistics evidence in Applicant's case was between two different guns, and the ballistics evidence was inconclusive from an evidentiary standpoint. Counsel testified he felt there was sufficient evidence to convict Applicant absent any DNA or ballistics evidence. Further, Counsel testified he did not think it was necessary to seek expert funding in this case due to the overwhelming amount of evidence linking Applicant to the crime.

Regarding his mental health and the need for a psychological examination, Applicant testified he remembers going to Aurora[1] in Aiken County when he was around ten years old. Applicant testified he does not remember why he went to Aurora, but he was there for two weeks and then had to regularly attend counseling for a period of time. Applicant testified he told Counsel about his counseling, and the time he spent in Aurora, and claims Counsel said that it could not be used as a defense.

Applicant's mother, Sharon Patterson testified when Applicant was eight years old he went to Aurora because he was hearing voices at night and claimed they were telling him to do things. Ms. Patterson testified she never got a diagnosis of Applicant's condition, but he went to a mental health center for counseling twice a week for two years. Ms. Patterson testified Applicant's prior counsel Ola Johnson obtained a copy of Applicant's records from Aurora. Ms. Patterson testified when Counsel was retained she informed Counsel of Applicant's mental health issues and told Counsel to get a copy of Applicant's records from Ola Johnson. Ms. Patterson testified she did not

[1] Aurora Mental Health Center in Aiken, South Carolina.

have any of Applicant's records, except for his discharge records, and would only get appointments times for Applicant's counseling. Ms. Patterson testified Applicant eventually ended counseling but she was unsure why. Ms. Patterson testified she was told that Applicant did not need counseling anymore. On cross-examination, Ms. Patterson testified she never got a diagnosis regarding Applicant's mental health.

Counsel testified he does not recall ever being told about Applicant's mental health treatment. Counsel testified he did not have any reason to doubt Applicant's competency throughout his representation of Applicant. Counsel testified he did not see a viable defense in Applicant's case based on Applicant's mental health. Counsel testified Applicant is a very intelligent young man, and he had a good working relationship with Applicant where they spoke candidly about Applicant's case. Counsel testified he went through every scenario with Applicant to ensure that Applicant understood what was happening in his case. On cross-examination, Counsel testified Applicant's mother informed him that Applicant tried to stab someone with scissors when he was younger. Counsel testified he never received any medical records from Aurora or any other mental health facility. Counsel testified he made a professional judgment that Applicant did not need a competency evaluation. Counsel testified he has previously requested competency evaluations for other clients, but he did not feel one was necessary in Applicant's case. Counsel testified he always had good candid conversations with Applicant, and Applicant appeared to understand what Counsel was telling him.

As an initial matter, this Court finds Applicant failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." *Ard v. Catoe*, 372 S.C. at 331, 642 S.E.2d at 596. "A criminal defense attorney has the duty to conduct a reasonable investigation to discover all

reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State." *McKnight v. State*, 378 S.C. at 46, 661 S.E.2d at 360. "[W]hile the scope of a reasonable investigation depends upon a number of issues, at a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case." *Ard*, 372 S.C. at 331–32, 642 S.E.2d at 597 (internal quotation marks omitted) (emphasis omitted). Essentially, trial "counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." *Strickland*, 466 U.S. at 691.

Our Supreme Court has cautioned reviewing courts not to lose sight of the reasonableness standard regarding counsel's duty to investigate. *See Ard*, 372 S.C. at 331, 642 S.E.2d at 597 ("Without a doubt, [a] criminal defense attorney has a duty to investigate, but this duty is limited to reasonable investigation."). "[S]trategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." *Strickland*, 466 U.S. at 690–91; *see id.* ("In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary."). Thus, in applying the *Strickland* standard to a claim of failure to investigate, counsel's decision not to undertake a particular investigation must be evaluated with heavy deference to counsel's judgment. *Bagwell v. State*, 410 S.C. 259, 265, 763 S.E.2d 630, 63 (Ct. App. 2014).

"Defense lawyers have 'limited' time and resources, and so must choose from among 'countless' strategic options." *Dunn v. Reeves*, 594 U.S. ___, ___, 141 S. Ct. 2405, 2410 (2021) (quoting *Harrington*, 562 U.S. at 106–107). "Such decisions are particularly difficult because

certain tactics carry the risk of 'harm[ing] the defense' by undermining credibility with the jury or distracting from more important issues." *Id.* (quoting *Harrington*, 562 U.S. at 108). Thus, [w]hen counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect." *Yarborough*, 540 U.S. at 5 (citing *Strickland*, 466 U.S. at 690). "The burden of rebutting this presumption 'rests squarely on the defendant,' and '[i]t should go without saying that the absence of evidence cannot overcome [i]t.' " *Dunn*, 594 U.S. ___, 141 S. Ct. at 2410 (alteration in original) (quoting *Burt v. Titlow*, 571 U.S. 12, 22–23 (2013)). In fact, "even if there is reason to think that counsel's conduct 'was far from exemplary,' a court still may not grant relief if '[t]he record does not reveal' that counsel took an approach that *no competent lawyer would have chosen.*" *Id.* (alteration in original) (emphasis added) (quoting *Titlow*, 571 U.S. at 23–24).

Regarding Applicant's allegation that Counsel failed to hire expert witnesses, Applicant has failed to establish that counsel was ineffective for failing to hire expert witnesses. Though Applicant and his mother claim that Counsel told them he had experts at his disposal, Counsel testified he never told Applicant or his mother that he had a private investigator, or that he hired expert witnesses. Counsel testified he discussed expert witnesses with Applicant and his mother, however he knew that Applicant's family could not afford to hire experts in this case. Counsel testified he did not know what a private investigator would do in Applicant's case. Further, though Counsel testified he felt that though a ballistics expert and DNA expert may have assisted in Applicant's case, Counsel testified there was sufficient evidence to convict Applicant absent the DNA and ballistics evidence. Counsel testified he did not think it was necessary to see expert funding in Applicant's case because of the substantial evidence against Applicant. Based on the testimony presented at this hearing, Applicant has failed to present any evidence suggesting that

the assistance of expert witnesses would have changed the outcome in Applicant's case.

Regarding Applicant's allegation that Counsel was ineffective for failing to hire a forensic psychologist or obtain a comprehensive psychological examination prior to Applicant's plea, this Court finds Applicant's allegation is without merit. Though Applicant and his mother testified they informed Counsel of Applicant's prior mental health issues, Counsel testified he does not recall being provided this information. Counsel testified he believed Applicant was an intelligent young man and that Applicant understood what was happening with his case. Counsel testified he made a professional judgment based on his discussions with Applicant, that a competency evaluation was not necessary in this case. Counsel testified he always was able to have good candid conversations with Applicant, and that Applicant understood their conversations.

Applicant has failed to present any evidence to suggest that Counsel's performance was deficient, or that Counsel's performance prejudiced Applicant. Pursant to *Hill v. Lockhart*, Applicant must establish that Counsel's performance affected the outcome of the plea process, and that but for Counsel's deficient performance he would not have plead guilty but instead proceeded to trial. *Hill*, 474 U.S. at 58-59. At his evidentiary hearing Applicant testified he plead guilty on the advice of Counsel, but further testified repeatedly that he plead guilty because the State had strong evidence against him and he did not want to go to jail for the rest of his life. Applicant has failed to meet his burden in showing that Counsel's performance was deficient, and that Counsel's deficient performance prejudiced Applicant. Therefore Applicants allegation is denied and dismissed with prejudice.

Conclusion

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his

application. Therefore, this PCR application must be denied and dismissed with prejudice.

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 11 day of April, 2022.

ROBERT J. BONDS
Presiding Judge
Second Judicial Circuit

Walhalla, South Carolina.

THE STATE OF SOUTH CAROLINA COUNTY OF AIKEN	)	IN THE COURT OF COMMON PLEAS FOR THE SECOND JUDICIAL CIRCUIT
Rayquan McCorkle, #378805, Applicant,	)	Case No.: 2020-CP-02-0085
v.	)	**RETURN**
State of South Carolina, Respondent.	)	

NOW COMES Respondent, the State of South Carolina, making its return to the application for post-conviction relief filed on January 9, 2020, by Applicant Rayquan McCorkle. Respondent respectfully offers the following in support of its return:

I. Procedural History

Applicant is presently in the South Carolina Department of Corrections. In January 2018, the Aiken County Grand Jury indicted Applicant for Murder (2018-GS-02-0171); two counts of Attempted Murder (2018-GS-02-0173, -0174); Burglary, 1st offense (2018-GS-02-0175); and Armed Robbery (2018-GS-20-0176). Applicant was charged as a juvenile. Keith B. Johnson, Esquire, (Counsel) represented the Applicant. Solicitor James Strom Thurmond, Jr. of the Second Circuit Solicitor's Office prosecuted the case.

On January 10, 2019, Applicant entered into a negotiated plea before the Honorable Clifton Newman. Judge Newman sentenced Applicant to thirty-five years of imprisonment for murder and thirty years of imprisonment for each of the remaining charges to all run concurrent. Applicant did not file a direct appeal.

II. Factual History

The underlying facts of the crime for which Applicant is incarcerated were articulated by

the State during the plea proceedings as follows:

> On November 18, 2016, six young men[1] in two vehicles, having been involved in an earlier drive-by shooting in Aiken, traveled to a part-time residence of Connor Clemmons, an alleged marijuana dealer. (Tr. 8). Undraize Dixon had been an invited guest in the residence and the men devised a plan to rob Clemmons of money and narcotics. (Tr. 9). Dixon knocked on the door but two minors told him Clemmons was not home so he returned to the vehicles.
>
> Applicant and two other men rushed into the apartment with handguns and were dressed in all black with bandanas and masks. (Tr. 9). During the robbery Applicant shot Shores in the head at least three times and attempted to shoot another resident. The men fled the scene in the same vehicles and Applicant took a Sony PS4 video game system with him. (Tr. 10).
>
> One of the vehicles, driven by Dixon, was stopped after a high-speed chase and two of the men were arrested. Multiple statements implicated Applicant. He was arrested at school and his cellphone seized on November 21, 2016. (Tr. 10-11).

III. Allegations Raised and Relief Sought in Application

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

1. Ineffective Assistance of Counsel
   a. "Plea counsel failed to interview witnesses disclosed by the Petitioner."
   b. "Plea counsel did not seek or retain a ballistics expert."
   c. "Plea counsel failed to review complete discovery with Petitioner."

Applicant seeks the following form of relief: "Finding of post-conviction relief due to ineffective assistance of counsel prior to the plea; vacate the sentence and guilty plea and demanding a new trial."

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

---

[1] Applicant's codefendants include Aikel Harrison, Undraize Dixon, Donte Shultz, Ronquavis Howard, and his older brother Raheim McCorkle.

IV. Response to Allegations of Ineffective Assistance of Counsel

In his application, Applicant alleges several claims of ineffective assistance of counsel. Respondent submits these are without merit. The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668 (1984); *Taylor v. State*, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). In a PCR action, an applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When the applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. *Id.*; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors,

the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52 (1985).

Applicant alleges: (1) Counsel failed to review all of the discovery available with Applicant, (2) Counsel failed to interview witnesses, and (3) Counsel failed to obtain ballistics reports. Respondent submits these allegations are without merit. During plea proceedings, Applicant affirmed he was satisfied with his counsel and had enough time to discuss the evidence with attorney. Applicant stated "[Counsel] did all he could" when asked whether there was any actions he wished his attorney would have taken. (Tr. 7). Likewise, Judge Newman specifically commended Applicant's counsel for negotiating this plea because he believed "it calls for a very significant sentence, perhaps even life in prison." (Tr. 18). Moreover, Applicant pleaded guilty and therefore waived his right to cross-examine or subpoena witnesses and to present a defense at trial. Applicant testified at his plea hearing that he understood he was giving up those rights. (Tr. 6). Applicant fails to establish in any argument how his different actions would have changed his decision to plead guilty.

Therefore, Respondent submits Applicant can satisfy neither requirement of the *Strickland* test for any of his claims of ineffective assistance of counsel. However, the allegations of ineffective assistance of counsel probably raise questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 305 S.E.2d 247 (1983).

V. Assertion of Rights to Notice of Amendments, Experts

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All

claims should be made well in advance of the evidentiary hearing. Because Applicant has retained an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. Rule 11(a), SCRCP. *Pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing a nullity where person was represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) ("Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.").

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent, or in the alternative continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) ("In most PCR cases . . . we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases."); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) ("When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record."); *see also* Rules 15(a)-(b), SCRCP (explaining how to amend a pleading).

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent

to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VI. Denial of All Other Allegations

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

VII. Conclusion

WHEREFORE, having made its return, the State requests an evidentiary hearing be held on Applicant's claims of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

BRIANNA L. SCHILL
Assistant Attorney General

By: s/ Brianna L. Schill
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

September 1, 2020

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	)	
	)	
	)	2020-CP-02-00085
	)	
RAYQUAN R. MCCORKLE, #378805,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

1. I am an employee of the Respondent in the above-captioned action.

2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.

3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

James R. Snell, Jr., Esquire
Law Office of James R. Snell, Jr., LLC
123 Harmon Street
Lexington, South Carolina 29072

DATED this the 1st day of September, 2020.

Kaitlyn S. Slice, Legal Assistant
For Respondent

2020CP0200085

FORM 5

STATE OF SOUTH CAROLINA COUNTY OF AIKEN Rayquan R. McCorkle, Inmate No. 00378805 Full name and prison number (if any) of Applicant. v. State of South Carolina	IN THE COURT OF COMMON PLEAS FILED 1-9 2020 3:22 SP C.C.P. & G.S. Deputy Clerk **APPLICATION FOR** **POST-CONVICTION RELIEF**

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Lee County Correctional Institute

2. Name and location of Court which imposed sentence Aiken County Court of General Sessions, 109 Park Ave SE, Aiken, SC 29801

3. Name(s) of co-defendant(s) (if any) Undraize Dixon, Deonte Schultz, Rahiem McCorkle, Ronquavis Howard, Aikel Harrison.

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

   (a) 2018GS0200171 (Murder); 2018GS0200173 (Attempted Murder);

   (b) 2018GS0200174 (Attempted Murder); 2018GS0200175 (Burglary 1st Degree);

   (c) 2018GS0200176 (Armed Robbery)

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

2017A0210200960-
2017A0210200961-
2017A0210200959-

2017A0210200956-
2017H0210200922-

Revised 3/2003

(a) January 10, 2019

(b) Sentenced to 35 years (Murder) and court costs, credit for time served of 782 days; all other charges sentenced to 30 years to run concurrent.

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty x

(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) Guilty plea

(b) _____

(c) _____

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

(a) Plea counsel failed to interview witnesses disclosed by the Petitioner

(b) Plea counsel did not seek or retain a ballistics expert

(c) Plea counsel failed to review complete discovery with Petitioner

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

(a) Petitioner informed his attorney of several independent witnesses that were not pursued by the attorney, including a Facebook post about the incident and other witnesses who provided statements to Petitioner.

(b) Upon information and belief, a primary piece of evidence in the murder involved a bullet for which Petitioner's counsel did not seek any independent or expert review.

(c) Plea counsel did not review all discovery with the Petitioner prior to Petitioner's plea, including reuslts of an alleged Google search regarding evidence pertaining to the Robbery.

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

(a) any petition in a State Court under South Carolina Law? No

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

(d) any other petitions, motions or applications in this or any other Court? No

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) Guilty plea

(b) _____

(c) _____

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

(a) your arraignment and plea? Yes

(b) your trial, if any? N/A

(c) your sentencing? Yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

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. Keith Bernard Johnson, Esq., 1450 Greene St., Suite 226, Augusta, GA 30901

ii. Ola A. Johnson, P.O. Box 549, Lexington, SC 29071

iii. _____

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

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

Finding of post-conviction relief due to ineffective assistance of counsel prior to the plea; vacate the sentence and guilty plea and demanding a new trial.

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

No.

Revised 3/2003

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

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STATE OF SOUTH CAROLINA)
) VERIFICATION
County of Lee)

I, Rayquan McCorkle, 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.

Rayquan McCorkle

SWORN to and subscribed before me this 2nd day of January, 2020.

(L.S.)
Notary Public

My Commission Expires: Dec. 30, 2024

Revised 3/2003

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

I, Rayquan McCorkle, 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.

Applicant

SWORN or affirmed to and subscribed before me this 2nd day of January, 2020.

Notary Public

My Commission Expires: Dec. 30, 2024

Revised 3/2003

2020CP0200085

FORM 5

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FILED 1-9 20 20 3:22 SP
COUNTY OF AIKEN	)	C.C.P. & G.S.
	)	Shadell Fairs
Rayquan R. McCorkle, Inmate No. 00378805	)	Deputy Clerk
Full name and prison number (if any) of Applicant.	)	
	)	
v.	)	APPLICATION FOR
	)	
State of South Carolina	)	POST-CONVICTION RELIEF
	)	

INSTRUCTIONS - READ CAREFULLY

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(a) January 10, 2019

(b) Sentenced to 35 years (Murder) and court costs, credit for time served of 782 days; all other charges sentenced to 30 years to run concurrent.

(c) _____

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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:

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

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Revised 3/2003

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) VERIFICATION
County of Lee)

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Rayquan McCorkle

SWORN to and subscribed before me this 2nd day of January, 2020.

(L.S.)
Notary Public

My Commission Expires: Dec. 30, 2024

Revised 3/2003

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(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Applicant

SWORN or affirmed to and subscribed before me this 2nd day of January, 2020.

Notary Public

My Commission Expires: Dec. 30, 2024

Revised 3/2003

ARREST WARRANT

2017A0210200956

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 16064584

against

Rayquan R. Mccorkle

[redacted]

Phone: SSN:

Sex: M Race: B Height: 5 6 Weight: 140

DL Sta[redacted] DL #:

DOB: [redacted]2000 Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Charles E Cain, Jr - 2987

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Rayquan McCorkle on 6-1-17

Signature of CA/SA/Sheriff/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 519

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Personally appeared before me the affiant Charles E Cain, Jr who being duly sworn deposes and says that defendant Rayquan R. Mccorkle did within this county and state on or about 11/18/2016 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 11/18/16 around 0115 hrs. the defendent, while armed with a handgun, did shoot victim [redacted] in the head resulting in the victim's death. This incident occurring at 1034 Fairview Ave. Apt. 4 Beech Island, SC in the County of Aiken. This being in violation of SC Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address: 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone: (803)642-1763

FILED
CCP, C & G.S.
Deputy Clerk

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 11/18/2016 defendant Rayquan R. Mccorkle did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below.

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 5/31/2017

(L.S.)

Signature of Issuing Judge

Melanie J Dubose

Judge Code: 7264

Judge's Address: 435 Wire Road
Aiken, SC 29801-
Judge's Telephone: (803)-64-2-20 x 44

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set

Judge

on 6-1-17

Type and Amount: Denied

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Rayquan R. Mccorkle)
AKA:)
Race: Black Sex: M Age: 18)
[redacted])
DL#: SID#: SC02272348)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0200171
A/W#: 2017A0210200956
Date of Offense: 11/18/2016
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET
30 → life

☐ CONVICTED OF or ☒ PLEADS

In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

AT Solicitor — 15806 SC Bar# — Defendant — Keith B. Johnson Attorney for Defendant — 101537 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 35 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC. (781 dys credit)

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

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

SPECIAL CONDITIONS:

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

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114 (BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

Clerk of Court/ Deputy Clerk Sharon Shapou
Court Reporter: Brenda Segundo

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

☐ Appointed PD or appointed other counsel.
Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge Clifton Newman
Judge Code: 2127
Sentence Date: January 10, 2019

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR MURDER
COUNTY OF AIKEN	)	§ 16-03-0010; 16-03-0020

At a Court of General Sessions, convened on January 8, 2018, the Grand Jurors of Aiken County present upon their oath:

That **RAYQUAN R. MCCORKLE**, along with others, did in Aiken County on or about November 18, 2016, feloniously, wilfully and with malice aforethought, murder [redacted] by means of shooting him at 1034 Fairview Road, Apt. 4, Beech Island, SC and that the victim did die as a proximate result thereof on November 19, 2016. All in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

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

Elizabeth B. Young
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Charles E Cain Jr

Law Enforcement Case #: 16-064584

BAY

ARREST WARRANT NUMBER

2017A0210200956

FILED Jan. 3 2018

C.C.P. & G.S.

Deputy Clerk

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: January 3, 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS0200171

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JANUARY TERM 2018

THE STATE
vs.

RAYQUAN R. MCCORKLE

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010; 16-03-0020

J. STROM THURMOND, SOLICITOR

ARREST WARRANT

2017A0210200959

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 16064584

against

Rayquan R. Mccorkle

[redacted]

Phone: SSN:

Sex: M Race: B Height: 5 6 Weight: 140

DL State: DL #:

DOB: [redacted]2000 Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Charles E Cain, Jr - 2987

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Rayquan Mccorkle on 6-1-17

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 DCCA 519

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Personally appeared before me the affiant Charles E Cain, Jr who being duly sworn deposes and says that defendant Rayquan R. Mccorkle did within this county and state on or about 11/18/2016 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 11/18/16 around 0115 hrs. the defendant, while armed with a handgun, did enter the residence located at 1034 Fairview Ave. Apt. 4 Beech Island, Aiken County, SC and while inside did discharge said handgun several times at the victim [redacted]. This being in violation of SC Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

Deputy Clerk

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 11/18/2016 defendant Rayquan R. Mccorkle did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 5/31/2017

(L.S.)

Signature of Issuing Judge

Melanie J Dubose

Judge Code: 7264

Judge's Address 435 Wire Road
Aiken, SC 29801-
Judge's Telephone (803)-64-2-20 x 44

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge

on 6-1-17

Type and Amount: Denied

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition.

Sentence.

JURORS

WITNESSES

Name:
Address:
Telephone:

Name.
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Rayquan R. Mccorkle)
AKA:)
Race: Black Sex: M Age: 18)
[redacted])
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ N[redacted] ☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0200174
A/W#: 2017A0210200959
Date of Offense: 11/18/2016
S.C. Code § : 16-03-0029(A)
CDR Code #: 3410

SENTENCE SHEET
0 → 30

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS
TO: Attempted Murder

in violation of § 16-03-0029(A) of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

A. [illegible] 15606 [illegible] Keith B. Johnson 101537
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 ~~days/months~~/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC. (781 days cred.)

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

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

SPECIAL CONDITIONS:

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

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114 (BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$3.75
TOTAL		$ 128.75

~~Clerk of Court~~/ Deputy Clerk Latoya Margin-Hynes
Court Reporter: Brenda Sigwald
SCCA/217 (04/2018)

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

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge Clifton Newman
Judge Code: 2129
Sentence Date: January 10, 2019

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR ATTEMPTED MURDER
	)	
COUNTY OF AIKEN	)	
	)	§ 16-03-0029(A)

At a Court of General Sessions, convened on January 8, 2018, the Grand Jurors of Aiken County present upon their oath:

That **RAYQUAN R. MCCORKLE**, along with others, did in Aiken County on or about November 18, 2016, feloniously, wilfully and with malice aforethought, attempt to murder [redacted] by means of shooting towards her with a firearm. All in violation of Section 16-3-29 of the South Carolina Code of Laws (1976), as amended.

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

Elizabeth B. Young

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Charles E Cain Jr

Law Enforcement Case #: 16-064584

BAY

ARREST WARRANT NUMBER

2017A0210200959

DOCKET NO. 2018GS0200174

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JANUARY TERM 2018

FILED Jan. 3 20 18

CLERK & G.S.

Deputy Clerk

THE STATE

vs.

RAYQUAN R. MCCORKLE

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: January 3, 2018

CDR #: 3410

Indictment for

ATTEMPTED MURDER

§ 16-03-0029(A)

J. STROM THURMOND, SOLICITOR

VERDICT

Foreperson of Petit Jury

Date:

ARREST WARRANT

2017A0210200960

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 15064584

against

Rayquan R. Mccorkle

[redacted]

Phone: SSN:

Sex: M Race: B Height: 5 6 Weight: 140

DL State: DL #:

DOB: [redacted]/2000 Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Charles E Cain, Jr - 2987

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

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Rayquan McCorkle on 6-1-17

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 24, 2003 SCCA 918

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Personally appeared before me the affiant Charles E Cain, Jr who being duly sworn deposes and says that defendant Rayquan R. Mccorkle did within this county and state on or about 11/18/2016 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

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

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 11/18/16 around 0115 hrs. the defendant, while armed with a handgun, did enter the residence located at 1034 Fairview Ave. Apt. 4 Beech Island, Aiken County, SC with intent to commit an Armed Robbery. This incident occurring during nighttime hours. This being in violation of SC Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

FILED 2017 JUN -1 P 2:37 Clerk of Court Aiken County, S.C. Deputy Clerk

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 11/18/2016 defendant Rayquan R. Mccorkle did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

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

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 5/31/2017 (L.S.)

Signature of Issuing Judge

Melanie J Dubose

Judge Code: 7264

Judge's Address 435 Wire Road
Aiken, SC 29801-
Judge's Telephone (803)-64-2-20 x 44

Issuing Court [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Vin Quiñones

on 6-1-17

Type and Amount: Denied

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

_____

_____

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Rayquan R. Mccorkle)
AKA:)
Race: Black Sex: M Age: 18)
[redacted])
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0200175
A/W#: 2017A0210200960
Date of Offense: 11/18/2016
S.C. Code § : 16-11-0311
CDR Code #: 0079

SENTENCE SHEET
15 → life

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS
TO: Burglary / Burglary (After June 20, 1985) - First degree

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

A. Hon Jr. 15606 [signature] Keith B. Johnson 10537
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 ~~days/months~~/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.
(781 days credit)
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114 (BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

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

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

~~Clerk of Court~~/ Deputy Clerk Sharon Hoppe
Court Reporter: Brenda Sigwald
Presiding Judge [signature]
Judge Code: 212
Sentence Date: January 10, 2019

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR BURGLARY IN THE FIRST DEGREE
COUNTY OF AIKEN	)	§ 16-11-0311

At a Court of General Sessions, convened on January 8, 2018, the Grand Jurors of Aiken County present upon their oath:

That **RAYQUAN R. MCCORKLE**, along with others, did in Aiken County on or about November 18, 2016, wilfully and unlawfully enter the dwelling of [redacted] located at 1034 Fairview Road, Apt. 4, Beech Island, SC, without consent and with the intent to commit a crime therein, and when, in effecting entry or while in the dwelling or immediate flight therefrom, he or another participant in the crime became armed with a deadly weapon, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

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

Elizabeth B. Young
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Charles E Cain Jr

Law Enforcement Case #: 16-064584

BAY

ARREST WARRANT NUMBER

2017A0210200960

FILED Jan. 3 20 18

C.C.P. & G.S.

Deputy Clerk

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: January 3, 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS0200175

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JANUARY TERM 2018

THE STATE
vs.

RAYQUAN R. MCCORKLE

CDR #: 0079

Indictment for

BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

55

ARREST WARRANT

2017A0210200961

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 16004584

against

Rayquan R. Mccorkle

[redacted]

Phone: SSN:

Sex: M Race: B Height: 5 6 Weight: 140

DL State: DL #:

DOB: [redacted]/2000 Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Charles E Cain, Jr - 2987

Offense: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Rayquan Mccorkle on 6-1-17

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General Act 21, 2003 SCCA 618

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
Aiken

Personally appeared before me the affiant Charles E Cain, Jr who being duly sworn deposes and says that defendant Rayquan R. Mccorkle did within this county and state on or about 11/18/2016 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 11/18/16 around 0115 hrs. the defendant, while armed with a handgun, did enter the residence located at 1034 Fairview Ave. Apt. 4 Beech Island, Aiken County, SC with intent to commit an Armed Robbery resulting in the theft of a Playstation valued at $400.00. This being in violation of SC Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

FILED
Deputy Clerk

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 11/18/2016 defendant Rayquan R. Mccorkle did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 5/31/2017 (L.S.)

Signature Issuing Court

Melanie J Dubose
Judge Code: 7264

Judge's Address 435 Wire Road
Aiken, SC 29801-
Judge's Telephone (803)-64-2-20 x 44

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge

on

Type and Amount:

Name of Surety

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Rayquan R. Mccorkle)
AKA:)
Race: Black Sex: M Age: 18)
DOB: [redacted] SS#:)
[redacted])
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0200176
A/W#: 2017A0210200961
Date of Offense: 11/18/2016
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET
10 → 30

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS
TO: Robbery/Armed Robbery

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

A. Johnson 15606 [redacted] Keith B. Johnson 101537
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☑ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 ~~days/months/years~~ or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC. (781 days credit)
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114 (BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk LaToya Tranzi-Hynes
Court Reporter: Brenda Sigwald
Presiding Judge [signature]
Judge Code: 2127
Sentence Date: January 10, 2019

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR ARMED ROBBERY
COUNTY OF AIKEN	)	§ 16-11-0330(A)

At a Court of General Sessions, convened on January 8, 2018, the Grand Jurors of Aiken County present upon their oath:

That **RAYQUAN R. MCCORKLE**, along with others, did in Aiken County on or about November 18, 2016, while armed with a deadly weapon, or while alleging either by action or words that he was armed while using a representation of a deadly weapon or an object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, to wit: a handgun, take from the person or presence of [redacted] by means of force or intimidation goods or monies of [redacted], such goods or monies being described as follows: a PlayStation 4 console, all in violation of §16-11-330, Code of Laws of South Carolina (1976), as amended.

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

Elizabeth B. Young
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Charles E Cain Jr

Law Enforcement Case #: 16-064584

BAY

ARREST WARRANT NUMBER

2017A0210200961

DOCKET NO. 2018GS0200176

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JANUARY TERM 2018

FILED Jan. 3 20 18

Robert L. White
C.C.C.P. & G.S.

Shawn Gleaves
Deputy Clerk

THE STATE
vs.

RAYQUAN R. MCCORKLE

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: January 3, 2018

CDR #: 0139

Indictment for

ARMED ROBBERY

§ 16-11-0330(A)

VERDICT

Foreperson of Petit Jury
Date:

J. STROM THURMOND, SOLICITOR

60

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2020CP-02-00085

Rayquan R. McCorkle
Plaintiff(s)

vs.

State of South Carolina
Defendant(s)

Submitted By: James R. Snell, Jr.
Address: 123 Harmon St.
Lexington, SC 29072

SC Bar #: 72663
Telephone #: (803) 359-3301
Fax #: (800) 567-6249
Other:
E-mail: jamessnell@snelllaw.com; vicki@snelllaw.com

NOTE: The coversheet 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 cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

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. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/ Warranty (160)
- ☐ Employment Discrim (170)
- ☐ Employment (180)
- ☐ Other (199) _____

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- Previous Notice of Intent Case # 20___-NI-___-___
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299) _____

Torts – Personal Injury
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Assault/Battery (370)
- ☐ Slander/Libel (380)
- ☐ Other (399) _____

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499) _____

Inmate Petitions
- ☒ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599) _____

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture Consent Order (850)
- ☐ Other (899) _____

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Incapacitated Adult Settlement (790)
- ☐ Other (799) _____

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999) _____

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699) _____
- ☐ Sexual Predator (510)
- ☐ Permanent Restraining Order (680)
- ☐ Interpleader (690)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Pre-Suit Discovery (670)

Submitting Party Signature: Attorney for James Snell Date: 1/9/20

SCCA / 234 (02/2018)

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.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.

4. Cases are exempt from ADR only upon the following grounds:

    a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

    b. Requests for temporary relief;

    c. Appeals

    d. Post Conviction relief matters;

    e. Contempt of Court proceedings;

    f. Forfeiture proceedings brought by governmental entities;

    g. Mortgage foreclosures; and

    h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

13:48:03 Tuesday, March 10, 2020

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 03/10/20
OMCOMITA RELEASE DATE SCREEN C063953
SCDC# > 378805 LOC: **LEE**
MCCORKLE, RAYQUAN R SCDC CLASSIFICATION..: **VIOLENT**
OFFENDER TYPE...: **ADULT-STRAIGHT SENTENCE** SEXUAL REGISTRY..: **N**
SEXUAL PREDATOR..: **NOT APP**
DNA STATUS.....: **COMPLETED**
GPS REQUIREMENT..: **N**
PREA DECISION....:
PREA VICTIM.....: **NONE** PREA PERP..: **NONE**
CURRENT SENTENCE: **035-00-000** CONSECUTIVE SENTENCE ..: **N**
035-00-000 CURRENT SENT START DATE: **11/20/2016**
PROJECTED COMPLETION DATES
MAXOUT DATE .....: **11/12/2051** CURRENT EWC .: **NOT CURRENTLY EARNING EWC**
YOA SIX YEAR DATE: **/ /** CURRENT EEC .: **NOT CURRENTLY EARNING EEC**
INITIAL PAROLE DATE: **00/00/0000** NEXT PAROLE HEARING DATE: **00/00/0000**

TOTAL GT DAYS EARNED .....: **000000** LABOR CREW/WORK PROG DATE: **99/99/9999**
TOTAL EARNED WORK CREDITS ..: **000000** LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS ....: **000000** **CATEGORY 4 OR 5 OFFENSE**
TOTAL EXTRA EARNED CREDITS .: **000** SUPERVISED REENTRY DATE..: **00/00/00**
TOTAL SERVICE TIME EARNED ..: **001190** ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

South Carolina Department of Corrections

Classification Summary Reports

Date: Tuesday, March 10, 2020 Logout

Classification Summary Reports

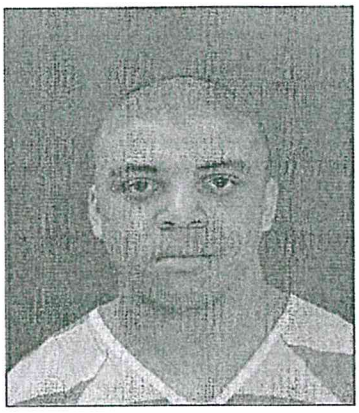
Inmate Number 378805 Submit

Classification Summary Report for MCCORKLE, RAYQUAN R :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 03/10/2020

SCDC# 00378805 MCCORKLE, RAYQUAN R FBI# K982KAD5K



OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

INSTITUTION: LEE

SECURITY/CUST: 3 MINIMUM IN

NEW CUSTODY:

CURR INCARC SENT: 35 YRS 0 MOS 0 DAYS

[redacted] SEPREQ:N

[redacted]

INST RESTRICT:

[redacted]

HS / GED: N

CURRENT PROGRAM: NO CURRENT PROGRAM

SEX REGISTRY: N

DNA: C

AGE: 19

RESIDENT STABILITY: NA

DORMROOMBUNK_CODE: F3B 2208 T

PROJ MAXOUT DATE: 11/12/2051

PROJ PAROLE DATE: -

EWC JOB: NO CURRENT JOB

ASSIGNMENT: LOCKED - UP

EWC LEVEL: 0 EEC LEVEL:

EDUC PGM: NO CURR EDUC PROGRAM

SECURITY THREAT GROUP DESCRIPTION: BLOODS

SECURITY THREAT GROUP STATUS: POTENTIAL

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	SENTENCE YRS	MOS	DYS	COUNTY	START	SENTENCE V/NV	CAT	INDICT
MURDER	35	0	0	AIKEN	11/20/2016	V	5	18GS0200171
ATTEMPTED MURDER	30	0	0	AIKEN	11/20/2016	V	4	18GS0200173
ARMED ROBBERY	30	0	0	AIKEN	11/20/2016	V	4	18GS0200176
BURGLARY-1ST DEGREE	30	0	0	AIKEN	11/20/2016	V	4	18GS0200175

COMPLETED OFFENSES

NO COMPLETED OFFENSES

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

10/25/2019	STRIKING AN EMPLOYEE WITH/WITHOUT WEAPON	CONVICTED	MAJOR DISC. HEARING	STAFF ASSAULT	N
10/25/2019	POSSESSION OF A WEAPON	CONVICTED	MAJOR DISC. HEARING		N

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

10/22/2019	USE,POSS NARC,MARIJ,UNAUTH DRUG,INHALANT	CONVICTED	MAJOR DISC. HEARING

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

03/28/2019	LEE	INCARCERATED	ADMINISTRATIVE
01/17/2019	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

NO HISTORY OF EARNED WORK CREDIT ASSIGNMENTS

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
LVL 3 - FULL TIME(NO EWC)	05/29/2019	10/25/2019	PLACED IN ST/SP CUSTODY

********** END OF REPORT **********

Create PDF

Source : SummaryReport.jsp

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[Version: *1.4.20* Built: *02/21/2020 11:06:32 AM* Time: *01:53:04 PM*]

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Rayquan R. Mccorkle)
AKA:)
Race: Black Sex: M Age: 18)
[redacted])

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0200171
A/W#: 2017A0210200956
Date of Offense: 11/18/2016
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

30 → life

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

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS
TO: Murder / Murder

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

Solicitor 15606 SC Bar# Defendant Keith B. Johnson Attorney for Defendant 101537 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 35 ~~days/months~~/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.
(781 days credit)
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114 (BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

~~Clerk of Court~~/ Deputy Clerk Sharon Skipper
Court Reporter: Brenda Segroves

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp
May serve W/E begining
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ 10 paid to Public Defender Fund
Other:

☐ Appointed PD or appointed other counsel,
Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge
Judge Code: 1217
Sentence Date: June 10, 2019

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Rayquan R. Mccorkle)
AKA:)
Race: Black Sex: M Age: 18)
[redacted])

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0200173
A/W#: 2017A0210200958
Date of Offense: 11/18/2016
S.C. Code § : 16-03-0029(A)
CDR Code #: 3410

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

SENTENCE SHEET

0 → 30

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS
TO: Attempted Murder

in violation of § 16-03-0029(A) of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

A. Johnson 15606 [signature] Keith B. Johnson 101537
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~days/months~~/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.
(781 days credit)

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

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

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114 (BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

~~Clerk of Court~~/ Deputy Clerk Sharon Hipps
Court Reporter: Brenda Segrado

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

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge [signature]
Judge Code: 2127
Sentence Date: January 10, 2019

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Rayquan R. Mccorkle)
AKA:)
Race: Black Sex: M Age: 18)
[redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0200174
A/W#: 2017A0210200959
Date of Offense: 11/18/2016
S.C. Code § : 16-03-0029(A)
CDR Code #: 3410

SENTENCE SHEET
0 → 30

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS
TO: Attempted Murder

in violation of § 16-03-0029(A) of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

J. Thomas Deas Solicitor | 15606 SC Bar# | Defendant | Keith B. Johnson Attorney for Defendant | 101537 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~days/months~~/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.
(781 days credit)
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114 (BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

~~Clerk of Court~~/ Deputy Clerk LaToya Frazier-Hyes
Court Reporter: Brenda Sigwald

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

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge Clifton Newman
Judge Code: 2127
Sentence Date: January 10, 2019

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Rayquan R. Mccorkle)
AKA:)
Race: Black Sex: M Age: 18)
[redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0200176
A/W#: 2017A0210200961
Date of Offense: 11/18/2016
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET
10 → 30

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS
TO: Robbery/Armed Robbery

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

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

A. Thomas Deas Solicitor | 15606 SC Bar# | Defendant | Keith B. Johnson Attorney for Defendant | 101537 SC Bar#

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~days/months~~/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.
(178 days credit)
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114 (BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp _____
May serve W/E begining January _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge _____
Judge Code: 2127
Sentence Date: January 10, 2019

~~Clerk of Court~~/ Deputy Clerk Latoya Frazier-Hynes
Court Reporter: Brenda Sigwald

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Rayquan R. Mccorkle)
AKA:)
Race: Black Sex: M Age: 18)
[redacted])
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0200175
A/W#: 2017A0210200960
Date of Offense: 11/18/2016
S.C. Code § : 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

15 → life

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS
TO: Burglary / Burglary (After June 20, 1985) - First degree

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

A. Johnson Jr. 15606 _____ Keith B. Johnson 10153
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~days/months~~/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.
(781 days credit)
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114 (BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

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

☐ Appointed PD or appointed other counsel,
Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

~~Clerk of Court~~/ Deputy Clerk Sharon Sheppard
Court Reporter: Brenda Sigwald
Presiding Judge Clifton Newman
Judge Code: 212
Sentence Date: January 10, 2019

SCCA/217 (04/2018)

State of South Carolina) In the Court
) Of General Sessions
County of Aiken)

Indictment Number: 2018GS0200171
2018GS0200173
2018GS0200174
2018GS0200175
2018GS0200176

State of South Carolina,)
Plaintiff.)
)
)
vs.) Transcript of Record
)
)
Rayquan McCorkle,)
Defendant.)

January 10, 2019
Aiken, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge.

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

James Strom Thurmond, Jr., Solicitor
Attorney for the State

Keith B. Johnson, Esquire
Attorney for the Defendant

Brenda J. Sigwald, Circuit Court Reporter
Second Judicial Circuit
P.O. Box 206, Jackson, South Carolina 29831

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EXHIBITS

Number	Description	Page

(REPORTER'S NOTE: There were no exhibits entered during this hearing.)

GUILTY PLEA

MR. THURMOND: Rayquan McCorkle.

THE CLERK: State your full name, please.

THE DEFENDANT: Rayquan McCorkle.

RAYQUAN MCCORKLE, was duly sworn

THE CLERK: He's been sworn, Your Honor.

THE COURT: All right.

MR. THURMOND: Your Honor, before the Court is Rayquan McCorkle. He is charged in Indictment Numbers 2018GS02171 with the offense of murder; Indictment ending in 173 with the offense of attempted murder; Indictment ending in 174, with the offense of attempted murder; Indictment ending in 175 with the offense of burglary in the first degree; Indictment 176, with the offense of armed robbery.

This is a negotiated plea for a sentence of 35 years on the murder; 30 years each on the remaining charges, all to be run concurrent. Mr. Johnson and I further agree that Mr. McCorkle is to be given credit for 781 days. He was charged as a juvenile and was moved to the Aiken County Detention Center upon his 17th birthday, so they only have credit for him for 394 days. He has been in pretrial detention in one facility or another for 781 days.

Lastly, Your Honor, Mr. McCorkle, through his

attorney, has asked the State for some leniency relating to Mr. McCorkle's older brother, Raheim McCorkle, who is a codefendant in this case. Mr. Raheim McCorkle's attorney, Mr. Robert Sussman is present in the courtroom and we have negotiated a plea in that case that I think accommodates Mr. McCorkle's request.

THE COURT: All right. Mr. Johnson, how you doing?

MR. JOHNSON: Good, Your Honor, thank you.

THE COURT: Mr. McCorkle, how are you today?

THE DEFENDANT: Doing all right, sir.

THE COURT: Good.

Mr. Johnson, any response to what Mr. Thurmond said before we get started?

MR. JOHNSON: Judge, that is the negotiated resolution as it stands. My client was 15 years old at the time of the incident and certainly he's here to accept responsibility for his actions.

THE COURT: Okay. Mr. McCorkle, Solicitor and your lawyer says that you want to plead guilty to murder and these other crimes, including an armed robbery, attempted murder and burglary in the first degree --

Is that it? Burglary first degree, armed robbery, attempted murder and murder; two counts of attempted murder?

MR. THURMOND: That's correct.

THE COURT: All right. They tell me that you want to plead guilty to those charges and receive a prison sentence of 35 years on the murder charge and 30 years on the attempted murder, burglary and armed robbery --

Is there a possession charge?

MR. THURMOND: Nol prosing that case Your Honor.

THE COURT: Nol prosing the possession of the weapon during a violent crime charge.

Is that right? You want to plead guilty to these charges?

THE DEFENDANT: Yes, sir.

THE COURT: And are you guilty of the charges?

THE DEFENDANT: Yes, sir.

THE COURT: Now, where there's a guilty plea, either I will accept the guilty plea and give you the exact sentence that you, your lawyer and the solicitor have negotiated, or I will not accept your guilty plea. If I accept your guilty plea, that will be the sentence that you'll get, which is 35 years on murder, 30 years on attempted murder, armed robbery, burglary first degree and the sentences will run concurrent and you will receive credit for having already served 781 days; you understand?

THE DEFENDANT: Yes, sir.

THE COURT: Do you agree with all that?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Now, when you are charged with a crime, you're presumed to be not guilty of the crime and you have the right to have a jury trial and require the State to prove to a jury that you're guilty. When you plead guilty, you give up the right to a jury trial; you understand?

THE DEFENDANT: Yes, sir.

THE COURT: You also have the right to remain silent. No one can make you testify or give any information against yourself. And if you were to have a trial you would not have to testify if you didn't want to. When you plead guilty, you give up your right to remain silent and I'll be asking you questions about what you did; you understand?

THE DEFENDANT: Yes, sir.

THE COURT: The -- you have the right to present any defenses you would have to the charges if you have a jury trial by Mr. Johnson bringing in any witnesses that you might have, challenge any evidence the State would offer against you. When you plead guilty, you give up those rights as well, the right to present any defense, if you have a defense; or have a way to cross-examine witnesses against you or subpoena witnesses for you; you understand?

THE DEFENDANT: Yes, sir.

THE COURT: And understanding all of that, do you want to plead guilty?

THE DEFENDANT: Yes, sir.

THE COURT: And you are guilty?

THE DEFENDANT: Yes, sir.

THE COURT: And have you had enough to make up your mind about it?

THE DEFENDANT: Yes, sir.

THE COURT: And are you satisfied with the work Mr. Lawyer -- the lawyer has done for you?

THE DEFENDANT: Yes, sir.

THE COURT: You know of anything else he could do to help you, other than what he's doing now?

THE DEFENDANT: He did all he could.

THE COURT: All right. Now, concerning your being -- they said at the time you were how old?

THE DEFENDANT: 15.

THE COURT: 15. And you're how old now?

THE DEFENDANT: 18.

THE COURT: 18. Do you have any physical or mental problems or medical problems that would prevent you from understanding what's going on here today?

THE DEFENDANT: No, sir.

THE COURT: All right. And you believe if you had a jury trial the jury would find you guilty?

THE DEFENDANT: Yes, sir.

THE COURT: And you agree with that, most likely, Mr. Johnson?

MR. JOHNSON: Yes, sir, Your Honor.

THE COURT: All right. So understanding all of that, how do you plead to these charges? Guilty or not guilty?

THE DEFENDANT: Guilty on all of them.

THE COURT: All right. Mr. Thurmond?

MR. THURMOND: Thank you, Your Honor. May it please the Court. Your Honor, around one o'clock in the morning on November 18th of 2016, six young men in two vehicles, having been involved in an earlier drive-by shooting in the City of Aiken, traveled to 1034 Fairview Road, Apartment 4 in Beech Island to a known part-time residence of one, Connor Clemmons, an alleged marijuana dealer.

The vehicles were a burgundy Hyundai Elantra and a silver Honda Accord. The burgundy Hyundai was driven by Aikel Harrison, age 17, with Undraize Dixon, age 17 in the front passenger seat, and Donte Schultz, age 17, seated in the rear. The silver Honda was driven by Raheim McCorkle, age 17, with his brother Rayquan McCorkle, age 15 as a front seat passenger and Ronquavis Howard, age 17, seated in the rear.

Undraize Dixon had been an invited guest in this residence on many occasions, and was known by Connor Clemmons as well as the legal occupant of that apartment, Ms. Wendy McClure. Ms. McClure is present in the courtroom.

These six defendants harbored a belief that there would be large amounts of money and narcotics at that apartment and a plan was hashed to rob Clemmons. Undraize Dixon contacted Clemmons on Facebook to confirm his presence there.

When the vehicles and the six occupants arrived, Undraize Dixon knocked on the door. It was not answered by Clemmons, but rather by 15-year-old, Jordan Shores, who was there with 16-year-old, Artie Jones, playing video games. Jones is the nephew of Wendy McClure. Undraize Dixon is told that Clemmons is not there and he returned to the vehicles.

Rayquan McCorkle, Aikel Harrison and Ronquavis Howard decided to go in anyway and rush into the apartment, all armed with handguns, all dressed in black, and wearing combinations of gloves, bandanna's, and a unique Halloween mask. Aikel Harrison fired one round into a wall from a Ruger 9 millimeter handgun to establish control.

For Nearly five minutes, the three robbers ransacked the apartment and Jordan Shores and Artie Jones

were thrown to the ground, pistol whipped, and bleeding from the face. At some point during this robbery, Jordan Shores was shot through the head by Rayquan McCorkle while Rayquan McCorkle discharged a 40 caliber Sig Sauer pistol in the apartment. That pistol was fired at least three times.

Wendy McClure awoke in her upstairs bedroom to screaming and gunfire. As she exited her bedroom and headed downstairs, Ronquavis Howard discharged a second 40 caliber handgun several times at her, missing her. That handgun has never been recovered.

The three assailants fled to the same vehicles they arrived in. Rayquan McCorkle taking with him from the robbery only a Sony PS4 video game system. Both vehicles fled the scene at a high rate of speed with their lights off according to an eyewitness.

An Aiken County sheriff's deputy happened to be nearby, heard the shots and gave pursuit to the burgundy Hyundai, now driven by Undraize Dixon with Aikel Harrison as the front seat passenger and Donte Schultz seated in the rear.

After a high-speed chase, this vehicle was ultimately stopped. Schultz was arrested in the vehicle; Dixon and Harrison bailed out. Dixon was arrested within the hour and Harrison turned himself in on November 21st of

2016. Numerous items of evidence, to include a black hoodie, gloves, red bandanna, and the Halloween mask worn and the 9 millimeter Ruger pistol used by Aikel Harrison were collected by law enforcement.

Dixon, Schultz, and Harrison all gave statements to law enforcement implicating themselves and others in this crime. The silver Honda Accord, driven by Raheim McCorkle and occupied by Rayquan McCorkle and Ronquavis Howard evaded capture that night; however the three were arrested at Silver Bluff High School on November 21st, 2016 and their cell phones were seized from them. The silver Honda Accord was found in the high school parking lot and searched and evidence, including the second handgun, the 40 caliber Sig Sauer used to kill Jordan Shores was recovered from it.

Over the next many months, a host of forensic analyses were performed: DNA, firearms analysis, fingerprints, and cell phone extraction.

Some of the highlights relating to this defendant: Rayquan McCorkle's DNA was on the handgun of the 40 caliber Sig Sauer pistol, a one in 26 billion chance of randomly selecting someone else with the same DNA profile. And Jordan Shores, the teenager's blood is on one of the shell casings fired from that pistol. Three shell casings and one fired projectile recovered from the scene were fired

from Rayquan McCorkle's 40 caliber Sig Sauer pistol according to SLED experts.

Rayquan McCorkle's fingerprints are on the inside-door handle of the silver Honda Accord, consistent with his seating position on November 18th. Additionally the Aiken County Sheriff's Office performed an extraction on the cell phone taken from Rayquan McCorkle upon his arrest.

The Apple ID information for that phone included an e-mail address of McCorkle Rayquan@yahoo.com; and the extraction revealed that within one hour of the murder on November 18th, 2016, there were numerous Google searches on Rayquan McCorkle's cell phone for, Does a PS4 have a tracking device; and, Is there any way to track a stolen PS4.

Additionally within hours of the murder, there were dozens of searches for WRDW, a local news channel, to include accessing the stories relating the shooting.

The body of Jordan Shores was autopsied on November 21st, 2016. He died of a single indeterminate-range gunshot wound to the head that immediately incapacitated him and caused brain death within minutes. He was removed from life support the following day.

Jordan's mother, Christina Shores is present, along with several others. I mentioned Wendy McClure is present.

And several representatives from the Aiken County Sheriff's Office were scheduled to be here. There are a number of folks in the audience that I wanted to introduce to the Court.

We have Jessica Clark, an aunt; Summer Wingrove, a cousin; Michelle Bennet, a grandmother of all of Mr. Shores; Christina Shores, Mr. Shore's mother; Wendy McClure is present; as well as her mother Brenda Fulton. And it's my understanding that Ms. Christina Shores, the mother of Jordan Shores would like to address the Court at the appropriate time.

That concludes the presentation from the State.

THE COURT: All right.

MR. THURMOND: Thank you.

THE COURT: Is everything the solicitor said true as far as you know, Mr. McCorkle?

THE DEFENDANT: Yes, sir.

THE COURT: All right. And you said he was a juvenile at the time. Does he have a history with the juvenile people?

MR. THURMOND: Your Honor, he had a juvenile record, but the only adjudication appears to be a burglary in like 2014, I believe. There were -- several cases have been dismissed over the years, but that appeared to be the only adjudication.

THE COURT: All right. I'll be happy to hear from the victim or the victims whoever would like to speak.

MR. THURMOND: Thank you, Your Honor.

THE COURT: While she's coming, Mr. McCorkle, you understand that murder carries a sentence from 30 years to life, burglary first degree carries a sentence of 15 years to life, armed robbery carries the minimum sentence of 10 years, the maximum sentence of 30 years, and attempted murder carries a sentence of up to 30 years. Do you understand that as being the possible sentences?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. All right. Yes, ma'am?

MS. SHORES: I just wanted to let you know how hard the last few years have been. The last two years have been extremely difficult. From the late night call from my oldest son letting me know that something happened to Jordan, from arriving to the hospital to find out he had been shot in the head and wasn't going to recover. Seeing my baby laying there bleeding and swollen, hooked up to machines, trying to hold not only myself up, but my other two sons who awakened me has been extremely difficult.

I have questioned everything, even God, which I know you're not supposed to do. Feeling every possible emotion day in and day out: Pain, heartache, sadness, nervousness, paranoid, loss, not knowing what to do or how

to feel, crying so much I didn't think I could possibly have any tears left, replaying it over and over in my head, not being able to sleep. When I do sleep, Jordan is my first thought and my last thought.

He is so deeply missed. I miss everything about him. His smile, his laugh, his hugs. He was such a great person and truly did not deserve this.

THE COURT: Thank you. How old was he again? Jordan?

MR. THURMOND: 15, Your Honor.

THE COURT: 15?

MR. THURMOND: Yes, sir.

THE COURT: Mr. Johnson.

MR. JOHNSON: Thank you, Your Honor. Rayquan was in the 10th grade when this incident occurred at Silver Bluff High School. He is here accompanied by his family who is seated to my left.

While he's here to accept responsibility, we first want to acknowledge our condolences to Mr. Shore's family. I know it doesn't mean a lot coming from his attorney, but certainly this was something that is senseless and that Rayquan will have to live with for the rest of his life. And we just want to say that we're sorry. That doesn't seem like enough in a case like this, but it's just that simple.

He is going to spend the best part of his life in prison and he did not want to put the family through a trial, didn't want to put his family through a trial and certainly didn't want to prolong the process.

Once the DNA came back in November, in October, November, we sought to resolve the case relatively quickly. And I believe that this was the first meaningful opportunity in which we had to do so. I would just ask that the Court accept the negotiated resolution that we have worked out and put a lot of thought and time into.

And I don't believe that my client wishes to say anything by way of any presentation, Your Honor.

Thank you.

THE COURT: All right. Anyone else? Anyone wants to say anything on his behalf?

MR. JOHNSON: Yes, sir, I would ask if his mom, Ms. Sharon --

Come on up.

-- Patterson.

MS. PATTERSON: I do want to send my condolences to the family. I'm sorry, and apologize. He is a young boy, he's going to spend a lot of his time in jail, but I just want to let them know and apologize to the family because we're sincerely sorry about it.

And that we're here for him. He's a young boy and

giving up most of his life, but we understand what has to happen today as well. Thank you.

THE COURT: Thank you.

And her full name is?

MR. JOHNSON: Sharon Patterson.

THE COURT: Any response, Mr. Thurmond?

MR. THURMOND: No, Your Honor.

THE COURT: I'll accept the guilty plea.

Mr. McCorkle, you sure you don't want to say anything?

THE DEFENDANT: Yes, sir. I just kind of want to hug my mama one time.

THE COURT: All right. If you would allow that, Mr. Officer.

(The defendant hugged his mom.)

THE DEFENDANT: Thank you.

THE COURT: Yes, sir. Any other words you want to say?

THE DEFENDANT: No, sir. I'm sorry to them.

THE COURT: Yeah. When you sit in this position, you know, that I sit in, I see these types scenarios replay themselves over and over again. It's so unfortunate that innocent lives are lost when people are senselessly killed and, and lives are for the most part lost when someone goes off to prison for 35 years.

Beyond that, there are no words that I can say that changes anything in this situation.

So I commend Mr. Thurmond and -- Solicitor Thurmond and his office for prosecuting the case, thoroughly prosecuting it as reflected by the detailed presentation he gave regarding the facts and the investigation of the case.

And I commend Mr. Johnson for good representation of Mr. McCorkle because listening to the facts, to senselessly kill a 15-year-old boy and to cause the trauma and all that all the other people in that house had to endure is just -- it calls for a very significant sentence, perhaps even life in prison, so this is an appropriate resolution and negotiation.

I will accept the negotiated sentence and give you a sentence of 35 years on the murder, 30 years on burglary first degree, 30 years on attempted murder of that victim being?

MR. THURMOND: On Indictment ending in 173 is the attempted murder of Artie Jones; Indictment ending in 174 is the attempted murder of Wendy McClure, both occupants of the apartment.

THE COURT: So 30 years on each of those indictments and 30 years on armed robbery.

All the sentences will run concurrent with each other and, Mr. McCorkle is given credit for the 781 days

that he has already been incarcerated.

MR. JOHNSON: Thank you, Your Honor.

THE COURT: All right.

MR. THURMOND: Thank you.

* * * * * * * * * END OF TRANSCRIPT * * * * * * * * *

State of South Carolina)
) **Certificate of Reporter**
County of Aiken)

I, Brenda J. Sigwald, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions in and for the State of South Carolina on the 10th of January, 2019.

I FURTHER CERTIFY that I am neither kin, counsel, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Aiken County, this 6th day of May, 2019.

Brenda J. Sigwald

Brenda J. Sigwald,
Court Reporter and Notary Public
For the State of South Carolina
My commission expires
January 4, 2020.

COPY

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)	
Rayquan R. McCorkle, Inmate #00378805,	)	Case No.: 2020CP0200085
Petitioner,	)	**AMENDED STATEMENT OF GROUNDS**
Vs.	)	
State of South Carolina,	)	
Defendant.	)	

Plaintiff filed an Application for Post-Conviction Relief on January 9, 2020. The Plaintiff is informed and believes that he is entitled to an Order granting his petition for Post-Conviction Relief based on the following grounds:

1. Plea counsel failed to interview witnesses disclosed by the Petitioner.
2. Plea counsel did not seek or retain a ballistics expert.
3. Plea counsel failed to review complete discovery with Petitioner.
4. Plea counsel failed to retain an expert forensic psychologist or obtain a comprehensive psychological examination prior to Plaintiff's plea.

Law Office of James R. Snell, Jr., LLC

James R. Snell, Jr.
Vicki Koutsogiannis
Attorneys for the Petitioner
123 Harmon Street
Lexington, South Carolina 29072
(803) 359-3301
(800) 567-6249 (Facsimile)

January 19, 2022
Lexington, South Carolina

C O P Y
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AIKEN COUNTY
CLERK OF COURT

COPY

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)	
	)	
Rayquan R. McCorkle,	)	Case No.: 2020CP0200085
Inmate #00378805,	)	
	)	
Petitioner,	)	**CERTIFICATE OF SERVICE**
	)	
Vs.	)	
	)	
State of South Carolina,	)	
	)	
Defendant.	)	

The undersigned hereby certifies that on January 19, 2022, she served the Amended Statement of Grounds on the State of South Carolina, Attorney General's Office, by delivery via US mail, postage prepaid, as well as via email, addressed to the following:

Michael J. Neubauer
South Carolina Attorney General's Office
Rembert C. Dennis Building
1000 Assembly Street
Columbia, SC 29201
michaelneubauer@scag.gov

Law Office of James R. Snell, Jr., LLC

James R. Snell, Jr.
Vicki Koutsogiannis
Attorneys for the Petitioner
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Lexington, South Carolina 29072
(803) 359-3301
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January 19, 2022
Lexington, South Carolina

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AIKEN COUNTY
CLERK OF COURT

COUNTY OF AIKEN

Rayquan R. McCorkle

Plaintiff(s)

vs.

State of South Carolina

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2020 -CP- 02 - 00085

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CLERK OF COURT

Submitted By: James R. Snell, Jr.
Address: 123 Harmon St.
Lexington, SC 29072

SC Bar #: 72663
Telephone #: (803) 359-3301
Fax #: (800) 567-6249
Other:
E-mail: jamessnell@snelllaw.com; vicki@snelllaw.com

NOTE: The coversheet 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 cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. **This form is NOT required to be filed in E-Filed Cases.**

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. (Proof of ADR/Exemption Attached)

NATURE OF ACTION *(Check One Box Below)*

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/ Warranty (160)
- ☐ Employment Discrim (170)
- ☐ Employment (180)
- ☐ Other (199) _____

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)

Previous Notice of Intent Case # 20____-NI-_____-_____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299) _____

Torts – Personal Injury
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Assault/Battery (370)
- ☐ Slander/Libel (380)
- ☐ Other (399) _____

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499) _____

Inmate Petitions
- ☒ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

_____

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

_____

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Incapacitated Adult Settlement (790)
- ☐ Other (799) _____

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

_____

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699) _____
- ☐ Sexual Predator (510)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Pre-Suit Discovery (670)
- ☐ Permanent Restraining Order (680)
- ☐ Interpleader (690)

Submitting Party Signature: _____ Attorney for James Snell **Date:** 1/9/20

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.

4. Cases are exempt from ADR only upon the following grounds:

    a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

    b. Requests for temporary relief;

    c. Appeals

    d. Post Conviction relief matters;

    e. Contempt of Court proceedings;

    f. Forfeiture proceedings brought by governmental entities;

    g. Mortgage foreclosures; and

    h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

FORM 5

2020CP0200085

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF AIKEN	)	
	)	
Rayquan R. McCorkle, Inmate No. 00378805 Full name and prison number (if any) of Applicant.	)	
	)	
v.	)	**APPLICATION FOR**
	)	
State of South Carolina	)	**POST-CONVICTION RELIEF**
	)	

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AIKEN COUNTY
CLERK OF COURT

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Lee County Correctional Institute

2. Name and location of Court which imposed sentence Aiken County Court of General Sessions, 109 Park Ave SE, Aiken, SC 29801

3. Name(s) of co-defendant(s) (if any) Undraize Dixon, Deonte Schultz, Rahiem McCorkle, Ronquavis Howard, Aikel Harrison.

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

   (a) 2018GS0200171 (Murder); 2018GS0200173 (Attempted Murder);

   (b) 2018GS0200174 (Attempted Murder); 2018GS0200175 (Burglary 1st Degree);

   (c) 2018GS0200176 (Armed Robbery)

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

(a) January 10, 2019

(b) Sentenced to 35 years (Murder) and court costs, credit for time served of 782 days; all other charges sentenced to 30 years to run concurrent.

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty x

(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) Guilty plea

(b) _____

(c) _____

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

(a) Plea counsel failed to interview witnesses disclosed by the Petitioner

(b) Plea counsel did not seek or retain a ballistics expert

(c) Plea counsel failed to review complete discovery with Petitioner

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

(a) Petitioner informed his attorney of several independent witnesses that were not pursued by the attorney, including a Facebook post about the incident and other witnesses who provided statements to Petitioner.

(b) Upon information and belief, a primary piece of evidence in the murder involved a bullet for which Petitioner's counsel did not seek any independent or expert review.

(c) Plea counsel did not review all discovery with the Petitioner prior to Petitioner's plea, including reuslts of an alleged Google search regarding evidence pertaining to the Robbery.

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

(a) any petition in a State Court under South Carolina Law? No

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

(d) any other petitions, motions or applications in this or any other Court? No

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) Guilty plea

(b) _____

(c) _____

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

(a) your arraignment and plea? Yes

(b) your trial, if any? N/A

(c) your sentencing? Yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

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. Keith Bernard Johnson, Esq., 1450 Greene St., Suite 226, Augusta, GA 30901

ii. Ola A. Johnson, P.O. Box 549, Lexington, SC 29071

iii. _____

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

i. Pretrial, plea, and sentencing (matter was removed from juvenile court and Petitioner was prosecuted as an adult).

ii. Only during the juvenile court proceedings

iii. _____

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

Finding of post-conviction relief due to ineffective assistance of counsel prior to the plea; vacate the sentence and guilty plea and demanding a new trial.

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

No.

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

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

STATE OF SOUTH CAROLINA)
) VERIFICATION
County of Lee)

I, Rayquan McCorkle, 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.

Rayquan McCorkle

SWORN to and subscribed before me this 2nd day of January, 2020.

(L.S.)
Notary Public

My Commission Expires: Dec. 30, 2024

Revised 3/2003

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

I, Raygnan McCorkle, 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.

Applicant

SWORN or affirmed to and subscribed before me this 2nd day of January, 2020.

Notary Public

My Commission Expires: Dec. 30, 2024

Revised 3/2003

State of South Carolina	)	Court of Common Pleas
County of Aiken	)	Second Judicial Circuit
Rayquan R. McCorkle,	)	Transcript of Record
Petitioner/Applicant,	)	2020-CP-02-00085
vs.	)	
State of South Carolina,	)	
Respondent.	)	

January 31, 2022
Aiken, South Carolina

(Via WebEx Videoconferencing)

B E F O R E:

The Honorable Robert J. Bonds, Judge

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

Vicki Koutsogiannis, Esquire
On behalf of the Petitioner/Applicant

Michael J. Neubauer, Assistant Attorney General
On behalf of the State of South Carolina

Reported by: Stacy S. Johnson,
Circuit Court Reporter

I N D E X

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E X H I B T S

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Court's Exhibit Number 1	67	

(The following proceedings were held January 31, 2022, beginning at 2:02 PM.)

THE COURT: All right. Mr. McCorkle?

THE APPLICANT: Yes, sir.

THE COURT: Okay. Good afternoon, sir. I'm Judge Bonds and I'm here to preside over your PCR hearing and I'd like to have the Attorney General go ahead and -- and call the case and then we can proceed with testimony in this matter.

MR. NEUBAUER: Okay. Pardon me, Your Honor. I was e-mailing Mr. Johnson to make sure that he would be joining us.

THE COURT: All right. Mr. Johnson was trial lawyer?

MR. NEUBAUER: Yes, Your Honor.

THE COURT: Okay.

MR. NEUBAUER: If it please the Court, the next matter is Rayquan McCorkle versus State of South Carolina. Docket Number 2020-CP-02-0085.

In January of 2018, the Aiken County grand jury indicted Applicant for murder. That's Indictment Number 2018-GS-02-0171. Two counts of attempted murder. That's 2018-GS-02-0173 and 0174. Burglary first degree, 2018-GS-02-0175. Armed robbery, 2018-GS-02-0176.

Applicant was charged as a juvenile. Keith B. Johnson, Esquire, represented Applicant, and Solicitor James Strom Thurmond, Junior, of the Second Circuit Solicitor's Office, prosecuted the case.

On January 10, 2019, Applicant entered into a negotiated guilty plea before the Honorable Clifton Newman. Judge Newman sentenced Applicant to thirty-five years imprisonment for murder, thirty years imprisonment for each of the remaining charges, all to run concurrent. Applicant did not file a direct appeal.

The State has provided a packet to the Court including the Application for Post-Conviction Relief, the State's return, SCB -- or Applicant's record from the South Carolina Department of Corrections, Applicant's records from the Aiken County Clerk of Court, and a copy of the trial -- or the guilty plea transcript.

THE COURT: Okay. Thank you.

And, Counsel, you represent -- you represent Mr. McCorkle?

MS. KOUTSOGIANNIS: Yes, Your Honor. I do.

THE COURT: Okay. And so do you want to go ahead? I guess the burden of proof's on you and I'm ready to hear from you on this matter.

MS. KOUTSOGIANNIS: Yes, sir, Your Honor. May it please the Court? And then in that case, I would just

call the Petitioner, Rayquan McCorkle, as my first witness.

THE COURT: Okay.

All right. Mr. McCorkle, let me get you to do this, sir. I need you to raise your right hand, sir, and let me swear you in.

Do you swear to tell the truth, the whole truth and nothing but the truth so help you God, sir?

THE APPLICANT: Yes.

THE COURT: All right. Thank you, Mr. McCorkle. You can put your hand down.

And, Counsel, your witness.

MR. NEUBAUER: I -- I apologize, Your Honor. I was just wondering if you wouldn't mind me placing the allegations by Applicant on the record.

THE COURT: Sure.

MR. NEUBAUER: In his initial Application for Post-Conviction Relief, Applicant has alleged ineffective assistance of counsel claiming plea counsel failed to interview witnesses disclosed by the Applicant. Plea counsel did not seek or retain a ballistics expert in this matter. Plea counsel failed to re -- completely review the discovery with Applicant.

And on January 19th of 2021, Applicant filed an

amended Application for Post-Conviction Relief including all of the original allegations and an additional allegation claiming that counsel failed to retain an expert forensic psychologist to obtain a comprehensive psychological exam prior to the plea.

And we would just like to confirm with the Applicant and his counsel that these are the allegations they intend to go forward on.

THE COURT: All right. Counsel, is that correct?

MS. KOUTSOGIANNIS: Yes, Your Honor. It is.

THE COURT: All right. Thanks.

Go right ahead, ma'am.

MS. KOUTSOGIANNIS: Thank you. Just one moment.

RAYQUAN R. McCORKLE,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. KOUTSOGIANNIS:

Q. All right. Mr. McCorkle, can you hear me okay?

A. Yes, ma'am.

Q. All right. Perfect. So, again, you're under oath and I'm just basically just going to ask you several questions about your case today and, you know, why it is that you're alleging to the Court that you had ineffective assistance of counsel, okay?

So, Mr. McCorkle, can you just state your full name

for the record?
A. Rayquan McCorkle.
Q. Okay, sir. And how old are you today?
A. Twenty-one years old.
Q. All right. And Mr. -- do you want me to -- is it okay if I just call you Rayquan? Do you prefer that?
A. Yes, ma'am.
Q. All right, Rayquan. So how old are you -- actually tell us this. When did -- this alleged incident, when did this all occur, the reason you're here today? Because I know it's been several years. So do you remember the year?
A. That -- the year when I was charged?
Q. Yes. The year this all happened and when you were first charged.
A. I got charged with this November 21, 2016.
Q. Okay. 2016. So it was a long time ago. Do you remember how old you would have been about -- about at the time of when you were charged?
A. I was fifteen years old.
Q. I'm sorry. Say that -- can you say that again? I want to make sure we all heard that.
A. I was fifteen years old.
Q. Okay. And, Rayquan, I know it was several years until you pled guilty, you know; is that correct?
A. Yes.

Q. Okay. Do you remember approximately what year you ultimately pled guilty?
A. What -- what year was it?
Q. Uh-huh. Yes.
A. 2019.
Q. Okay. How old were you at that time?
A. I was eighteen at the time.
Q. Okay. And now, Rayquan, you mentioned this happened -- you were fifteen when this all happened. Were you originally charged as an adult or a juvenile?
A. A juvenile.
Q. Okay. And what are -- so when you were first charged in family court, did you have a different attorney?
A. I had another attorney named Ola Johnson.
Q. Okay. And what was your understanding as to why Ola Johnson couldn't represent you anymore?
A. I don't really -- I don't know. I wasn't --
Q. Did you under --
A. I'd just been told I had another attorney.
Q. Okay. Did anyone explain to you sort of what was going on, why your case was no longer in family court?
A. No.
Q. But did you understand that eventually your case was -- was presiding in what what's called general sessions court?

A. Can you say that again, please?
Q. Did you understand that your case was later transferred to what's called general sessions court?
A. Oh, yes.
Q. Okay. And did you have an understanding as to, you know, that meant that you could be facing life in prison if convicted of the -- of the charges against you?
A. Yes.
Q. Okay. And so can you tell us, Rayquan, I know you said you had a different attorney at first, but then sort of how did you meet Keith Johnson? Just tell us if -- did you decide to hire him? Tell the Court about how you got to -- to retain him.
A. I mean, my family retained him. He just came to see me when I was charged with the stuff.
Q. Okay. So when you say your family, is anyone specifically the family member that would have contacted him for you?
A. My mom.
Q. Is there -- is there a specific family member that would have contacted him for you?
A. My mom.
Q. Okay. Your mother. And what is your mother's name?
A. Sharon Patterson.
Q. All right. Thank you. And tell us a little about

when -- when you first met Mr. Johnson. I guess were you in jail at the time?
A. Yes.
Q. Okay. So just tell the Court what your first meeting was like.
A. It was really just an introduction, like he was gonna take my case and stuff like that, but we really didn't talk about the case because like he didn't have the stuff -- the paperwork and stuff to talk about it, so it was really just an introduction.
Q. Okay. Did you -- did you have a lot of questions when you first met him? You know, I know you said he didn't have the evidence, but sort of did you -- did you address your concerns with him when you first met him?
A. Yes.
Q. Okay. Did you feel comfortable with him as your attorney?
A. Me being young, I trusted him with everything he told me, so.
Q. Okay. That's fine. And so, Rayquan, I want to jump to -- I have a lot more questions for you, but I want to jump to, you know, why you're here and what happened.
So you -- you ultimately pled guilty to the murder and to the other related charges; is that correct?
A. Yes.

Q. Okay. And my understanding is you got thirty -- a 35-year sentence?
A. Yes.
Q. Okay. Hold on one second. My -- all right. And now did you -- did you understand -- Rayquan, the day of your guilty plea, did you understand that you weren't -- you weren't gonna get more or less time than the thirty-five years?
A. I mean, he just told me that the best thing for me to do is to take the plea, so I -- I listened to him.
Q. Okay. Did you know what you were facing -- how much time you were facing the day of the plea?
A. Not really.
Q. What did you not -- what did you not understand about it?
A. I mean, he didn't really tell me much about it. He just told me that the best thing for me to do would be is to take the plea. So I was trusting my attorney, so I just did what he told me to do.
Q. All right. And to your knowledge, Rayquan, had anyone else's case, any of the other co-defendants, been resolved when you pled guilty? The other cases --
A. What did you --
Q. Had anyone else pled guilty or gone to trial by the time you did?

A. I was the first one to take a plea, then everybody else took a plea after me.
Q. Okay. All right.
All right. Let's talk about sort of why you're here and the incident, okay? You understand that you -- you're alleging -- you're asking the Court for relief from your sentence and the reason for that is because you're alleging that your attorney wasn't efficient in representing you; is that correct?
A. Right.
Q. Okay. So let's just talk a little bit about -- this is many years ago -- the incident.
Can everyone -- I'm sorry. I'm hearing --
THE COURT: I'm hearing something, too.
MS. KOUTSOGIANNIS: All right. One second.
No, I was just hearing an echo. I didn't know if someone was interjecting.
BY MS. KOUTSOGIANNIS:
Q. All right. All right, Rayquan. Going back many years ago, can you just tell us generally sort of what happened on that day? I understand there was a group of people, so can you just describe for us how many people and what was going on?
THE COURT: I can't hear anything.
MS. KOUTSOGIANNIS: Hello?

THE WITNESS: (Unintelligible.)
MS. KOUTSOGIANNIS: Can everyone hear me?
THE COURT: Yes.
THE WITNESS: Can you ask me that again?
MS. KOUTSOGIANNIS: Yes. Yes.
BY MS. KOUTSOGIANNIS:
Q. So, Rayquan, let's just go just a few questions about the incident itself and the reason you're even here. So just tell us a little bit about what happened that day because I understand you were with a group of people.
A. (Unintelligible.)
THE COURT: Is someone talking in the background?
Mr. --
MS. KOUTSOGIANNIS: It isn't me.
THE COURT: Mr. McCorkle, is somebody talking in the background?
OFFICER: Yeah, that's our personnel who's in control over the loudspeaker. I do apologize.
THE COURT: Okay.
All right. Counsel, do you want to go ahead re-ask your question again? I'm sorry.
MS. KOUTSOGIANNIS: No worries, Your Honor. That's fine.
BY MS. KOUTSOGIANNIS:
Q. So, Rayquan, just tell us a little bit about the day

of the incident. You don't need to get into specifics, but just tell us sort of where you were, what you were doing and who you were with.

A. At what point in time?

Q. When this all happened. Because you understand there's some serious charges against you and you ended up pleading guilty, correct?

A. Yeah.

Q. Okay. And now, I guess, the concern is you -- you don't feel like the evidence was properly challenged. Now I understand you were involved in something. Just tell us a little bit about sort of where you were on that day and how many people were involved in this whole thing.

A. I -- I don't know nothing about nobody else. I can't speak about nobody else.

Q. Okay. You agree that there were other co-defendants that were charged sort of with everything you were charged with, correct?

A. Right.

Q. Okay. So you -- do you agree today that you were not the only person that had these charges against you?

A. Right.

Q. Okay. So you -- you acknowledge to the Court that there were other people sort of in this same situation or facing these -- these or similar charges; is that correct?

A. I got charged and five other people did.
Q. Okay. All right. And, again, let's -- let's discuss -- so at the time you were arrested, sort of what happened? How were you even arrested?
A. I was at school and I got pulled out of class by the principal and then when I went into the office there were police there waiting for me.
Q. Okay. What happened after that? What -- just tell us what -- what do you remember happening that day when the police showed up?
A. I mean, they took me to the sheriff's office after --
Q. Okay.
A. -- after they took me from school.
Q. Did they start asking you questions immediately?
A. Yeah.
Q. Okay. Were you participating and answering their questions? What were you doing?
A. (Shakes head.) I didn't participate and answer questions.
Q. Okay. So is that a no? Just make sure you say yes or no for the Court.
A. Sorry. What was the question again?
Q. I just -- I see you shaking your head and I just want to make sure that any answers you provide you either say yes or no and then clarify. You can't just shake your

head. Just so the court reporter can get everything down.
A. All right.
Q. Okay. So just when the police showed up at your school and then you said they took you to the sheriff's office, were you answering their questions, were you refusing to talk? What were you doing?
A. I didn't -- I didn't answer their questions.
Q. Okay. Did you tell them you wanted -- did you tell them you wanted an attorney?
A. Yeah, or -- or to speak to my mother.
Q. Okay. All right. Tell us this. Were you ever allowed to leave since you were detained that day?
A. No, ma'am.
Q. Okay. So when was the next time, I guess, you spoke to your mom after -- after you were arrested?
A. I think the same day when they took me to the juvenile detention center. I was able to call her and speak to her the same day.
Q. Okay. Now let's go back to when the police were interrogating you. Did you know -- did they at least tell you, you know, what was going on and why they were questioning you?
A. No, not really. They just kept saying that I was -- they just basically kept saying I was part of that stuff that happened and stuff like that. They was asking me

questions about it.
Q. Okay. And when you say that stuff, just so the -- you know, the judge and everyone knows what we're talking about because it's a lot -- it's a lot of material to go over, do you mean this home invasion where someone was killed?
A. Yeah, they -- they was talking about that.
Q. Okay. Did you ever confess to the police when they were questioning you? Did you ever give any confession or admission of being there or being involved?
A. No.
Q. Okay. So, again, you denied everything and maintained that you were innocent of the charges?
A. Yes.
Q. Okay. Okay. And now tell us a little bit about after -- after your case was transferred from family court to general sessions and you had to get a new lawyer. Tell -- when you first met with Mr. Johnson, did you discuss with him what your goals were? Like would you take a plea deal, did you want to go to trial? Did you -- did you discuss with him your goals at all?
A. Not really. I was just letting him guide me through the whole thing.
Q. Okay. Did you at least understand sort of the -- the seriousness of the charges against you and what it meant? Just the charges, not the evidence. Like the accusations.

A. Not really.
Q. Did you -- did you or did you not know that if convicted at least of the murder, you -- you could face life in prison without the possibility of parole?
A. He -- he never explained that to me.
Q. So you didn't know you were facing life in prison?
A. No, ma'am.
Q. Okay. How is it, if you remember, Rayquan, I know you initially met your attorney Keith Johnson sort of when he introduced himself, how many times do you think you two met in total?
A. You're talking about every single time?
Q. Yeah, if you -- yeah, to the best of your ability do you remember how many times you-all met to discuss your case?
A. Maybe two -- maybe two times, three at the most.
Q. Okay. All right. And so your case was pending -- I guess, before -- from the day of your arrest to your guilty plea, approximately how much time had passed? Years? Months?
A. Can you say that again?
Q. From the day you were arrested until the day you finally went before a judge and pled guilty, how much time had passed? Like was it years? Was it months?
A. I think like three years. I think two or three years.

Q. Okay. And, again, you were in jail the whole time; is that correct?
A. Yes.
Q. Okay. All right. And so let's -- let's talk about the actual evidence in the case against you. Do you recall the day when your attorney, I guess, sat down with you to review the evidence?
A. I mean, he never really showed me any evidence. He was just telling me stuff and I was believing him.
Q. Okay. Well, let -- let me ask you this. Did you ever receive a physical copy of -- of, you know, police reports, all kinds of documentation about your case? Did you ever receive an actual physical copy yourself that you remember?
A. Yeah.
Q. Okay. How did you get that? Was it mailed to you? Was it delivered?
A. It was mailed to me.
Q. Okay. Was it all at once or was it -- did you continuously get maybe different evidence at different times?
A. It was all at once.
Q. All right. All right. So once you finally received everything, all the paperwork in your case, tell us about sort of the process when -- when Mr. Johnson sat down with you just to re -- to review the materials --

A. Well --
Q. -- and kind of -- and tell you what it meant.
A. -- we never really went through it together. He was just telling me stuff like about what the State has and what they're planning to do and stuff like that.
Q. Okay. And -- I mean, you -- you understand that that's -- of course, that is part of his job, correct, to make sure you understand what's going on?
A. Right.
Q. Is that fair to say? All right. Would you say there was a lot of evidence in your case? Like a lot of paperwork, a lot of materials?
A. Not --
Q. A lot of piles?
A. I mean, it was a lot of papers there.
Q. Okay. So, again, do you feel like your attorney reviewed sort of the -- the evidence against you that was basically the strongest evidence against you?
A. He didn't review nothing with me. He only --
Q. What -- go ahead, sir.
A. I said he never reviewed nothing with me. He only told me about it.
Q. Okay. Well, elaborate further, if you can, for the Court, you know, he only told -- what it is that you mean? Like what was your understanding, all the points he hit

about this is what the State has against you?
A. The first thing he was saying like they got a bullet or something. It was lines and stuff like that.
Q. Okay. A bullet. Do you know anything further about that bullet, why that would be significant?
A. He -- he said that that was the one that -- that killed the victim.
Q. Okay. Did he explain how that had anything to do with you? Does that make sense? How that bullet was --
A. He said --
Q. -- was your responsibility?
A. He said it -- it came back to me.
Q. Okay. All right. Did he elaborate any further?
A. No.
Q. So what is your -- and this is just one piece of evidence now, but what is your understanding as to why this bullet sort of pointed the finger at you?
A. He said --
Q. What was your understanding?
A. He was just saying that -- that the bullet and stuff came back to me.
Q. Okay. Did you ask questions about -- about how or why? Did you engage further?
A. I mean, I asked him what did his ballistic expert say and he said that's what the ballistic expert told him.

Q. Okay. Well, we'll get to that, but that's what you remember him telling you or --
A. Yes.
Q. Okay. What about -- besides the bullet and ballistics, what about any other evidence? Like DNA evidence, did that ever come up? Do you remember him discussing DNA that the State did or didn't have? I don't know --
A. Can you say that again?
Q. Yeah. In addition to this one bullet that you just mentioned, do you remember whether Mr. Johnson talked to you about any other evidence, like DNA evidence, for example?
A. He said something about a Google search.
Q. Okay. Hold on. So we'll get to -- well, what about the Google search do you remember? Again, it's -- it's whatever he told you. So whatever you remember him telling you this is how it looks.
A. He was telling me that they got some Google searches out of my phone.
Q. Okay. Why -- why would that have been bad? Why would that have mattered for the State? Just what do you -- what do you know about it?
A. Can you say that again? I'm confused.
Q. No, just -- again, I just -- the Court needs to know

sort of what your understanding was of the evidence because, again, your attorney went through this with you or -- or maybe didn't go through it in detail, I don't know, but you just need to tell the Court just all that you remember about what he told you.

A. About the Google search?

Q. Yes. Yeah, since -- yes. Right now you mentioned a Google search, so why -- why would that be bad? Why would that be bad evidence against you?

A. Well, he said that the Google searches and stuff was about the incident that had happened.

Q. Okay. So when he mentioned that Google search, did you understand -- did he explain to you why that looked bad against you?

A. No, he just said that that's just what the State had on me.

Q. Okay. All right. Did he discuss with you further -- regarding the supposed Google search, is there -- did he discuss with you anything you could do or any experts you could look into regarding that?

A. No, ma'am.

Q. Okay. What about -- did he talk to you about co-defendants' statements? Because, again, there were other people charged with this. It wasn't just you. So did he talk to you about anything that the other

co-defendants may or may not have said about you or about the case?
A. I mean, he never really talked about their statements. He was just -- he was saying like the biggest thing was the ballistics and the Google search.
Q. Okay. So to your knowledge that was -- those were the biggest pieces of evidence against you?
A. Yes.
Q. Okay. All right. And can you also tell me -- I mean, it's like -- the list of co-defendants names someone else with your last name. Is that your brother?
A. Yes.
Q. Okay. So your brother was also tied up in all this; is that right?
A. Yes.
Q. Okay. And did you talk to your attorney about being concerned for him, for your brother?
A. Yeah.
Q. Okay. Now when you were reviewing the evidence with your attorney, did he discuss with you sort of trial strategy and sort of what your defenses would be if you -- if you had to go to trial on all these charges?
A. Can you repeat that?
Q. Yeah. When -- when your attorney sat down with you and reviewed the evidence, right, did he ever discuss with

you trial strategy and how this would go if it were a trial, what would happen at trial? Did he discuss that?
A. No, we never -- we never talked about trial.
Q. Okay. When you say we never talked about trial, I know that seems like a simple statement, but -- but what exactly do you mean?
A. I mean, like all he was saying about it was that I shouldn't -- I shouldn't go to trial because there was no way for me to win.
Q. Okay. Did you ever ask him sort of -- did you ever ask him if you could challenge certain evidence at trial?
A. No.
Q. Did he talk about any defenses you may have to the evidence if you had to go to trial?
A. No.
Q. Okay. What about regarding plea negotiations and trying to get a deal, right, with the -- with the prosecutor? What all was he talking -- what all did your attorney discuss with you about any plea deals and what could be done?
A. Can you say that again?
Q. Yeah. So -- so not about trial, regarding plea deals, where you take a guilty plea for a certain amount of time, what all did your attorney talk to you about regarding what he was trying to do with -- with the prosecutor for a plea

deal? What do you remember him talking to you about?
A. Basically just telling me that if I take the plea deal he would ask the -- the prosecutors not to give me life.
Q. Okay. All right. So when it comes to -- are you saying that that was the only goal in the plea deal, just to make sure that you don't get life in prison?
A. Yeah, pretty much.
Q. Is there anything else you talked to Mr. Johnson about that you thought would be useful for the prosecutor to consider in -- in terms of getting you a plea deal? Did you tell him hey, look into this or that, this might help? I don't know. I'm just seeing if you did.
A. My age and if I could get an evaluation.
Q. Yeah. And, again, you were -- I guess how old were you when you pled guilty again? I apologize. In 20 -- I think -- 19, you were eighteen?
A. You said how old was I?
Q. Uh-huh.
A. Yes, I was eighteen.
Q. But, again, this entire time when you were in jail, you were -- you started out at like fifteen or sixteen, correct?
A. Fifteen.
Q. Okay. So you were in jail from that age until at least eighteen years old?

A. Yes.
Q. Okay. Were you -- I don't know if I asked you this already, but the other co-defendants involved, do you know if you were older, younger, the same age as them? Do you remember or no?
A. I was the only one that went to the Department of Juvenile Justice because everybody else went to the county jail.
Q. Okay. So it's fair to assume that you were probably the youngest out of all of them?
A. Yes.
Q. Okay. All right. Rayquan, just -- several more questions. So this may be hard for you to talk about, and if you don't know anything, that's fine, you don't -- you don't have to answer, but do you have any knowledge whatsoever when you were a child, when you were younger, like do you have any knowledge about any previous sort of psychiatric hospitalizations, like going to a facility for whatever reason?
A. I can remember me going to a place called Aurora in Aiken and -- and I had some counselor that I used to go see, too.
Q. Okay. And, again, do you know -- have any idea when that was? It's okay if you don't know the year. Like just how old you would have been so the Court can understand

like how long ago that was.
A. I was like maybe ten. I think maybe ten. I'm not too sure at all.
Q. Okay. So it's fair to say that that was a while ago before this all happened, correct?
A. Yes.
Q. Okay. All right, Rayquan. And thank you for being honest with us. I know it's hard to talk about, but understanding that you were a kid and you probably don't remember much, what do you remember about it? And this is your testimony, so this is you and your life. Tell the Court everything you do remember about that and why you were there.
A. I don't really remember why I was there. I just remember being there for like maybe two weeks, I think, but after that I had to do counseling and I don't know how long I did that though.
Q. Okay. Did you do counseling -- like you would go to a counselor, right? You weren't -- you didn't live there or anything?
A. No, my mom would take me to a counselor in Aiken.
Q. Okay. Did you do that for at least a year or something? Do you remember how long's the counseling?
A. I can't remember.
Q. Okay. But you do remember going and your mother

taking you?
A. Yes.
Q. Okay. Do you recall -- do you have any idea what you -- well, let me rephrase it. Do you have any idea why you were taken to this counselor? Like why you were even going or seeing them?
A. I can't -- I can't remember why I was there though.
Q. Okay. Did you ever discuss basically counseling and -- and sort of why you went there? Did you ever have these conversations with your mother?
A. Like, yes, when -- when I first was going there, but that was so long ago so I don't really remember.
Q. Okay. All right. So now let's kind of fast-forward here to the -- the charges you were facing and when you were arrested. Did you discuss the fact that you -- you know, you'd previously been through treatment and counseling for something? Did you bring this up with -- to your attorney, to Mr. Johnson?
A. Yes, I did.
Q. Okay. What do you remember, if anything, telling him about it and how did you tell him?
A. I was just telling him that I used to go to the -- to this mental health hospital and I had to take counseling, but he was just telling me that that's not really nothing that can help me because --

Q. Okay.
A. -- because of what the State has.
Q. Okay. And did -- tell us about your -- not Mr. Johnson, but the other lawyer you had when you were a juvenile, Ola -- Ola Johnson. Tell us did he know anything about the fact that you'd gone through psychiatric counseling?
A. I -- I told him about it.
Q. So -- so do -- are you saying that both attorneys knew about it or just one or --
A. I told both about it.
Q. All right. All right. Rayquan, I want to ask you some more questions about sort of what you and your attorney Keith Johnson talked about regarding the evidence. So you mentioned earlier he talked to you about the bullet and what ballistics showed. Can you clarify for the Court did he -- did Mr. Johnson tell you he retained a ballistics expert if you -- if you even know what that means?
A. Yes, he told me he obtained a ballistic expert out of Atlanta, I think, but he told me he retained a ballistic expert though.
Q. Okay. Did he ever -- if that's the case, did he ever show you a report or anything from this expert?
A. No, ma'am.
Q. What did he tell you -- besides it doesn't look good,

what all do you remember him telling you about the -- the ballistics experts he did or didn't retain?
A. He told me that the ballistic expert said the same thing that the State said about the bullets and stuff.
Q. Okay. All right. Okay. And then what about -- did your attorney Keith Johnson ever retain a private investigator in the case to kind of interview other witnesses or the same witnesses?
A. He told me he did, but, I mean, I haven't seen anything though.
Q. Okay. Well, you have -- did you ever -- you know, did you ever meet with someone who said they were a private investigator working for you?
A. Dealing with him or you?
Q. No, not -- not us. Mr. Johnson. At the time you were facing these charges, do you recall meeting someone that was a private investigator for you?
A. No, just him.
Q. Just -- just who? Just Keith Johnson?
A. Yes.
Q. So to your knowledge you're not aware if you did or didn't have a private investigator on your case?
A. I mean, he told me he did and I believed him. He told me he did.
Q. Okay. So you're -- again, it's just -- just what you

know or what you do or don't remember. Are you telling the Court that you never met with anybody who was a private investigator for -- with Mr. Johnson?

A. No, ma'am.

Q. Okay. Can you tell us -- can you tell us about any other evidence or social media or any content that maybe you were aware of to defend you on this charge that you brought up to Mr. Johnson?

A. It was something about Facebook, that somebody was talking about the incident and stuff about that.

Q. All right. Can you first tell us how did this come up? How did you even hear about some other Facebook content that talked about this incident?

A. When I was home -- not when I was home, when I was in jail I used to call home and stuff and talk to friends and stuff and -- and they would tell me about it, so I told my -- my attorney about it.

MR. NEUBAUER: Your Honor, I would object to any further comments about what someone else told him under the grounds of hearsay.

THE COURT: I'm gonna sustain the objection.

Go ahead, Counsel.

MS. KOUTSOGIANNIS: Thank you, Your Honor.

BY MS. KOUTSOGIANNIS:

Q. All right, Rayquan. Now, again, I -- I know you can't

say or repeat what other people said or what other people posted, but I just want to make it clear you -- someone made you aware of some social media content and you told your lawyer about it?

A. Yes.

Q. Okay. Did you ask him to look into it or to see if it could be helpful?

A. Yes.

Q. Okay. Do you remember if you mentioned to your attorney, you know, whether the private investigator should look into this?

A. Can you repeat that?

Q. Do you remember if you also told your attorney whether the private Investigator he retained could look into it?

A. Yes.

Q. Okay. When -- now when it comes to -- not what the post did or didn't say, but when it comes to your conversations with your attorney, what did he tell you later on about it? I mean, you know, did he do -- did he look into it? What was his comment to you about it?

A. He told me that this private investigator couldn't come up with anything about what I told him about the Facebook post.

Q. Okay. Do you know if -- if your mom had -- had also shown your attorney the post?

A. Can you repeat that?
Q. Do you know if your mom had also tried to show your attorney the post? Again, you're in jail, so if your family was trying to help you out and trying to show your attorney -- you know, get him some leads on it.
A. Yeah, I -- I told her about it, too.
Q. Okay. But as far as you know you're telling the Court that your attorney never -- never identified the post or the messages, was never able to find them?
A. Right.
Q. Okay. So to your knowledge, nothing further was done about this, these messages or these posts on Facebook?
A. Nothing.
Q. Okay. Why were they --
MR. NEUBAUER: Objection.
THE COURT: I'm sorry, was there an objection?
MR. NEUBAUER: Never mind, Your Honor. I apologize.
THE COURT: Okay. Continue, Counselor.
MS. KOUTSOGIANNIS: Thank you.
BY MS. KOUTSOGIANNIS:
Q. Rayquan, again, we can't talk about what the post said, but why would they -- why did you think it was important to look into it?
A. You say if I can't say what it said?
Q. No, but if you can summarize sort of do you think --

did you think it would have been helpful or important to look into for your defenses?

A. Yes.

Q. Okay. All right.

Okay, Rayquan. Let's talk about after -- after your attorney reviewed all of the evidence, sort of how did it get to the point where you and your attorney discussed this is gonna be a guilty plea and this is what we're doing? How did it get to that point?

A. When he came back to talk to me for the last time, that's when he was saying the stuff about the Google searches and the ballistics and stuff like that.

Q. Okay. And can you be more specific about, again, how you two reached that decision?

A. Reached what decision?

Q. To plead guilty. To plead guilty. Again, you weren't discussing trial at that point; is that right?

A. Right.

Q. Okay. And so, again, it's either a trial or a guilty plea. You just mentioned the last time he came and met with you. How did you and him sort of come to the conclusion that this has to be a guilty plea and this is what I'm going to take?

A. He was telling me that there's no way possible for me to win so the best thing for me to do was to take a plea,

so I listened to him then.

Q. Okay. And was -- I'm sorry.

MS. KOUTSOGIANNIS: Okay. Court's indulgence, Your Honor.

BY MS. KOUTSOGIANNIS:

Q. Did -- did he -- you -- you keep mentioning the ballistics and the Google searches. To your knowledge, Rayquan, was that the strongest evidence he said the State had against you?

A. Yes, ma'am.

Q. What about co-defendants' statements? Did he talk to you about how those could hurt you or do you not -- do you remember if those were -- were going to be used against you or what the co-defendants were saying?

A. Can you say that again, please?

Q. Did he -- yes. Did Mr. Johnson talk to you also about the other co-defendants in the case, what they were or weren't saying about you?

A. You mean telling me what they're saying?

Q. Yeah. Again, if someone is saying you were there or someone is saying you did it, that's an example, that's not my question, of what someone is saying against you, so do you recall whether Mr. Johnson discussed co-defendants' statements against you that could also be hurtful?

A. Yeah.

Q. Okay. Did you understand sort of that evidence as well or do you still feel like you don't understand it?
A. I don't really understand it.
Q. Uh-huh. Rayquan, so tell us like -- tell us the day of your guilty plea what do you remember. Did you -- did you ask Mr. Johnson any other questions before you went to court and pled guilty that day? Did you have any other questions for him or did you just go and do it?
A. I just went and did it.
Q. Okay. What was -- tell the Court just in your own words why you pled guilty that -- that day.
A. He told me that there was no way for me to win and he said that going to trial and losing means a life sentence. I didn't want a life sentence.
Q. Okay. Okay. So then so instead of going to trial and losing and maybe getting -- and getting life, did you -- when you pled guilty what did you know or expect you were getting? How much time?
A. I didn't know. I just knew I was taking the plea not to get a life sentence.
Q. Okay. But you didn't know how much time?
A. Ma'am?
Q. Or did you know -- did you know how much time you could get?
A. The life sentence?

Q. No. Well, at the -- at the guilty plea. At the guilty plea.
A. What's the -- what's the question again?
Q. Did -- did you know exactly how much time you would get if you pled guilty?
A. Oh, no.
Q. Okay. Rayquan, now the day of your guilty plea, I know your attorney was there with you and, you know, there was a judge who went through all kinds of questions with you. Did you understand that once that was done you basic -- did you understand that you couldn't undo it, you couldn't get a redo of your case?
A. He was telling me something about like I can appeal it.
Q. Uh-huh. But did you -- did you understand what that meant?
A. Not really.
Q. Okay. Did you understand that once you pled guilty and said you're guilty in front of the judge, that you could not later challenge the same evidence against you?
A. Say that again, please.
Q. Considering all of the evidence in the case against you, did you understand that once you went in front of the judge and you pled guilty, did you understand that you could not later review or challenge that evidence again?

A. No, I didn't understand that.
Q. All right. Basically tell -- tell -- tell the Court today sort of what you were thinking the best case scenario was after the guilty plea.
A. The best case scenario?
Q. Uh-huh.
A. Was that I'd take the plea so I don't get a life sentence.
Q. Okay. And on the day of your guilty plea, did you feel like you had a complete understanding of the evidence against you and why you were pleading guilty? To the murder specifically.
A. What -- one more time.
Q. All right. The day of your guilty plea, do you agree that you did or didn't -- do you agree that you pled guilty to murder?
A. Yes, I pled guilty.
Q. Okay. Okay. Now did you understand why you, Rayquan, individually, why you were pleading guilty to murder that day?
A. So I wouldn't get a life sentence.
Q. Okay. Regarding the evidence against you, did you understand sort of why you ended up to that point and you had no -- no choice but to plead guilty to murder?
A. What -- what do you mean by that?

Q. Did you understand that there was overwhelming evidence against you and that's why like you went before a judge and pled guilty that day to murder?
A. Yeah, my -- my attorney told me that the evidence was strong and that I need to plead guilty.
Q. Okay. But you -- did you understand why the evidence was strong or kind of what it was and why the State had strong evidence against you?
A. No, ma'am.
Q. Okay. So you -- are you telling Court that you relied on the advice of your attorney --
A. Yes, ma'am.
Q. -- that day?
A. I relied on my attorney.
Q. Okay. Did you -- did you think that you could sort of challenge the evidence again at a later date?
A. Yes.
Q. If that's -- if that's the case, why did you think that?
A. Because I never seen none of the papers and stuff that he was telling me. I only went by what he said.
Q. Okay. Okay. So, Rayquan, again, when you pled guilty that day, did you understand that whatever sentence the Court gave you that that would be the final sentence you'd receive?

A. He said that -- can you say that again?
Q. Yeah. When -- when you pled guilty that day and the judge sentenced you to whatever amount of time, did you understand that that would be your final sentence, that the judge could not lower it whatsoever? Whatever you got is what you got. Did you know that?
A. Yeah, he told me whatever he gives me is what I get.
Q. Okay. All right, Rayquan.
All right. Can you just summarize for us to make sure we understand as far as your discussions with Mr. Johnson what the main evidence against you was that you remember which led to the decision to plead guilty.
A. The ballistics.
Q. Okay. Was there anything else?
A. And the Google searches.
Q. Okay. But, again, did you tell us -- did you review any ballistics report by an independent expert?
A. Did I do what?
Q. Did you have the -- did you ever get to review a ballistics report like by the expert you say he hired?
A. No, ma'am.
Q. Did you actually understand what it meant when he was telling you the bullet -- this is -- the bullet ties you to crime? Did you understand how?
A. No, ma'am.

Q. Okay. All right. So, Rayquan, what -- basically are you asking the Court today to overturn your conviction the?
A. Yes, ma'am.
Q. Okay. And is that because you feel like you didn't get the assistance that was necessary for you in this case -- legal assistance?
A. Yes, ma'am.
Q. Okay. Rayquan, and this is very important for the Court today, are you asking the Court to basically rule in your favor and to overturn your conviction and reopen your case?
A. Yes, ma'am.
Q. And now do you -- this is important. Do you understand that if the Court did that that basically means you start all over, correct?
A. Okay.
Q. Okay. Do you understand that that means any deals you got and any -- any -- any prison sentence that isn't life, that's off the table, and that you could face life again if the Court overturns your -- your sentence?
A. You're asking me do I understand that?
Q. Yeah. Do you understand that? Because that's what you're asking the Court today. We need to make it clear. Like are you willing to -- are you willing to overturn your -- your plea deal and just start from scratch in your

case?
A. Yes, ma'am.
Q. Okay. So if that's the case, would you go to trial to challenge your evidence if you had to?
A. Yes.
Q. Okay.
MS. KOUTSOGIANNIS: All right. I don't have any further questions of this witness, Your Honor.
THE COURT: Okay. Thank you.
Attorney General, your witness.
MR. NEUBAUER: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. NEUBAUER:
Q. Good afternoon, Mr. McCorkle. How are you doing?
A. I'm doing good. How about you?
Q. I'm doing just fine.
I just briefly want to touch on a few things. You said that Mr. Johnson was retained by your mom to represent you, correct?
A. Yes, my family retained him.
Q. And he didn't have a copy of the discovery to review with you the first time that he came to meet you, correct?
A. Correct.
Q. And you said that he did mail you a copy of your discovery, correct?

A. When I was in the county jail.
Q. That you had a copy of the entire discovery file that he had?
A. He sent me a discovery file.
Q. Did you review that once it was in your possession?
A. Yes, a little bit, but I really didn't understand it.
Q. And then you said that you guys talked about it and specifically you talked about ballistics and witness statements and Google searches from your cell phone?
A. Can you say that again?
Q. When you talked with Mr. Johnson about the discovery, he told you about a ballistics that was done and about the bullet that they recovered, correct?
A. Yes.
Q. And he talked to you about a Google search from your cell phone?
A. Yes.
Q. Did you guys ever talk about possibly challenging that or trying to keep those items out if you went to trial?
A. Now say it again.
Q. When you and Mr. Johnson was talking about the ballistics and the bullet and the Google searches, did he ever tell you that if you went to trial you could challenge that and try to keep it from being introduced at a trial?
A. No.

Q. And do you remember the Court at your guilty plea telling you that when you plead guilty you give up the right to bring in witnesses that you might have or to challenge any of the State's evidence against you?
A. I'm confused.
Q. When you pled guilty to these charges, do you remember the judge telling you that when you plead guilty you give up certain rights?
A. Oh, yes.
Q. Do you remember him saying you give up the right to remain silent?
A. Yes.
Q. Do you remember him saying that you give up the right to challenge the evidence the State would offer against you?
A. No.
MR. NEUBAUER: And I draw the Court's attention to page 6 of the trial tran -- plea transcript, line 16 through 25.
BY MR. NEUBAUER:
Q. So you don't remember telling the judge that you understood you were waiving your right to challenge any evidence the State may have?
A. I don't remember.
Q. All right. Do you remember the -- do you remember

Solicitor Thurmond telling the Court at your guilty plea that it was a negotiated guilty plea for thirty-five years for murder?

A. I don't remember.

Q. So you -- you were never told that if you pled guilty you would get thirty-five years?

A. No.

Q. Okay. Do you remember the Court asking you if you were satisfied with your attorney?

A. Yes, I remember that.

Q. Do you remember saying that you were?

A. Yeah, I remember saying that.

Q. Do you remember the judge asking you if there was anything else your attorney could have done to help you beyond what he did?

A. No.

Q. So you don't remember telling the Court that your attorney did all that he could?

A. No.

MR. NEUBAUER: I'd draw the Court's attention to the guilty plea transcript page 7, line 12 through 14.

BY MR. NEUBAUER:

Q. Do you remember --

THE COURT: And I've -- and I've reviewed the entire transcript, sir.

MR. NEUBAUER: I apologize, Your Honor.
THE COURT: That's all right.
BY MR. NEUBAUER:
Q. Do you remember the judge asking you if there were any physical or mental problems that would prevent you from understanding what's going on at your guilty plea?
A. Can you say that again?
Q. Do you remember the judge asking if you -- if there were any physical, mental or medical problems that would prevent you from understanding what you were doing when you pled guilty?
A. No.
Q. Do you remember the Court telling you that you didn't have any physical, mental and medical problems at that time?
A. Can you say that again?
Q. Do you remember telling Judge Newman that you didn't have any physical, mental or medical problems when you pled guilty?
A. I don't remember that.
Q. And just a few more questions. You said that you talked with Mr. Johnson and he told you that if you were convicted at trial that you could serve life in prison, right?
A. Yes, he said if I went to trial and lost I would get

a life sentence.
Q. And it's your testimony today that you pled guilty because you did not want to go to jail for life?
A. Yeah, that's right.
Q. So back in 2018, you made the decision that you would rather plead guilty to avoid possibly going to jail for life?
A. Yes.
Q. And you said that you told Mr. Johnson that at one point you went to a -- the Department of Mental Health for counseling?
A. Yes.
Q. And did you guys have any other discussions about that?
A. I mean, he only told me that that stuff wouldn't help me.
Q. And you don't remember why you went to the Department of Mental Health for counseling?
A. No. I was so young I don't remember.
Q. Did you -- do you remember ever telling Mr. Johnson why you went to the Department of Mental Health for counseling?
A. No, because I didn't remember why I was going.
Q. Okay. And you said that Mr. Johnson -- or your testimony is that Mr. Johnson told you he had hired a

ballistics expert out of Atlanta?
A. Yes.
Q. Did he ever talk about any other kind of experts that you could hire or anybody else that you could have come testify?
A. Wait, can you say that again?
Q. Did you and Mr. Johnson ever talk about any other ex -- experts that you could have called to help you with your trial?
A. Did we -- hold on. One more time, please.
Q. Yes. So you -- you said Mr. Johnson hired a ballistics expert?
A. Yes.
Q. Was that the only expert that you guys talked about?
A. Is that the -- wait, I'm lost. I'm lost.
Q. It's probably me. I'm sorry. Did you ever give Mr. Johnson the names of any witnesses that he could investigate or call to -- that might be able to help you?
A. Did I give him any names?
Q. Yeah, of any witnesses. And I don't need the names. I just want to know whether or not you gave him anybody to kind of look into that could help you.
A. Like what do you mean? My co-defendants? Is that what you mean? Is that what you mean?
Q. Any possible witnesses. Other people that were

involved, that weren't involved. Any witnesses.
A. Am I -- did I inform him of what now? I don't get your question.
Q. Did you ever tell Mr. Johnson the names of any witnesses that he could call?
A. And say what?
Q. Anybody who you thought would be helpful in your defense. Did you give him any witnesses that you wanted him to investigate for you?
A. No.
MR. NEUBAUER: At this point I have no further questions.
THE COURT: All right. Thank you.
Any redirect, Counsel?
MS. KOUTSOGIANNIS: Yes, Your Honor, if I may, just very briefly based on the last question.
THE COURT: Yes. Go ahead.
MS. KOUTSOGIANNIS: Okay. That's fine.

REDIRECT EXAMINATION

BY MS. KOUTSOGIANNIS:
Q. Okay. Rayquan, you were just asked if you gave names of other witnesses which your attorney could interview for you; is that correct?
A. You said was that the last question?
Q. Yeah. You -- I want to make sure you understood the

question he just asked you. Did you give your attorney any names of other -- of witnesses he could interview? Is that -- do you recall that question being asked?

A. Yeah.

Q. Okay. Do you recall when I was asking you questions you mentioned that you brought up to your attorney the fact that you had friends and other people tell you something about a Facebook post or message? Do you remember bringing that up to your attorney?

A. Yes.

Q. Okay. Did you -- how did you bring that up to him? Did you tell him to talk to specific people? Just how did you communicate that to your attorney?

A. I told him what I heard and then I told him that he should talk to my mom about it because she would be able to tell him more about it.

Q. Okay.

MS. KOUTSOGIANNIS: All right. Thank you. I don't have any further questions, Your Honor --

THE COURT: All right.

MS. KOUTSOGIANNIS: -- of this witness.

(Witness excused.)

THE COURT: All right. Do you have any other -- do you have any other witnesses?

MS. KOUTSOGIANNIS: Yes, sir. If I may briefly,

I think -- I would like to call his mother who -- for just some brief matters if -- I think she's signed on.

THE COURT: Okay.

MS. KOUTSOGIANNIS: I don't know if she can hear or can -- it's Sharon Patterson.

THE COURT: Ms. Patterson, are you there?

MS. PATTERSON: Yes, sir.

THE COURT: Okay, Ms. Patterson. Can you turn your video on?

MS. PATTERSON: Yes, sir.

THE COURT: Great. I look forward to seeing you.

MS. PATTERSON: Do I got it on? Oh, wait a minute. I cut it back off.

THE COURT: I can hear you.

MR. NEUBAUER: Your Honor, if you don't mind, could we possibly have Ms. Patterson provide us with a date of birth so that the State could run a NCIC check on her?

THE COURT: You want to run -- no, I'm not gonna do that.

Ms. Patterson, raise your right hand.

Ms. Patterson, do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

THE WITNESS: Yes, sir.

THE COURT: All right. Go ahead.

Counsel, your witness.

MS. KOUTSOGIANNIS: Thank you, Your Honor.

SHARON PATTERSON,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. KOUTSOGIANNIS:

Q. All right. Ms. Patterson, hello. Do you remember me, Rayquan's attorney?

A. Yes, ma'am.

Q. Okay. I know -- and we've spoke -- have we -- have we spoken about this case over the years?

A. Yes, ma'am.

Q. Okay. Now I know -- Ms. Patterson, so just establish for the Court your relationship to Rayquan McCorkle.

A. I'm his mother.

Q. Okay. And now can you tell us in regard -- if -- have you been present this entire time listening to the testimony?

A. Yes. Yes, ma'am.

Q. Okay. All right. Thank you. Do you remember, Ms. Patterson, when Rayquan was talking about sort of going to a mental health facility when he was young?

A. Yes, ma'am.

Q. Okay. So what -- I'm just gonna ask you just some few questions about that. Can you tell us -- because, again, Rayquan didn't seem to know a lot. He was -- how

old was he when he -- when he first went to the facility?
A. Eight.
Q. Okay. And can you tell us sort of first -- first of all, who -- who took him and why?
A. Well, I took him because he -- he was hearing voices and stuff at night and the voices was telling him to do things and so I just made the decision to take him and -- and admit him into Aurora.
Q. Okay. And now, again, when you say he was hearing voices, is that just -- is that based on what Rayquan told you at the time?
A. Yes, ma'am.
Q. Okay. So when you say -- was Aurora the first place he went to? Just tell the Court a little bit about -- because I understand there was two different places or he went -- he also went to counseling. So what was Aurora?
A. Aurora is a mental facility where you stay there. He stayed there for about a week and then they -- they diagnosed him with whatever, but they never told me -- because I kept asking, but they never told me. They just say he just needs to go to Aiken-Barnwell Mental Health, so they had him signed up for two -- two visits per week. We -- we went there for two years.
Q. Okay. So just counseling?
A. Yes.

Q. He would go to counseling every week?
A. Yes, ma'am.
Q. Okay. All right.
All right, Ms. Patterson. Can I ask you, do you -- do you recall when -- when -- when all this happened and Rayquan had to go -- was first charged as a juvenile, do you remember if you talked to his first attorney, Ola Johnson, about that, about going to mental health?
A. Yes, ma'am. And Ola -- when I told him, Ola went and had me sign papers and he went and got all the paperwork that was needed from Aurora and the mental health place.
Q. Okay. Oh, okay. So the paperwork or the records from Aurora, you didn't get them yourself? Is that what you're saying?
A. No, ma'am. No, ma'am, I didn't.
Q. Okay. Okay. What about -- so to your knowledge Ola Johnson, his first attorney, did?
A. Right. Yes, ma'am.
Q. Okay. Can you tell the Court -- because we know Ola is no longer representing Rayquan. When you retained Keith Johnson, sort of was he made aware of these records or of the fact that Rayquan had been treated at this facility?
A. Yes, ma'am. That was one of the first things I told him about because I -- I felt like that had something to do with the situation, so I told him that and that he can

directly get them from Ola because Ola was the first attorney.
Q. Did you ever have a copy of them yourself when this was all -- not now, but when this all happened, did you ever look at any records or anything to your knowledge?
A. Well, we didn't -- there were no rec -- records. They didn't give me anything other than discharge papers when he left Aurora and the only thing that they were giving me from the mental health place for him was just -- you know, just another appointment. There was never any paperwork and they were just saying they were doing counseling with him --
Q. Okay.
A. -- so I never really knew what the diagnosis was.
Q. Okay. Was there ever anything -- tell us this. Did -- did anything ever happen to Rayquan when he was younger that would be sort of a traumatic experience for a child?
A. Two things. He -- his dad died when he was like three and the other thing was he was on a four-wheeler and he had a bad accident on it. He directly hit a pine tree and it took like the side of his face off. He had a concussion for a while. He was in the hospital for about three days. So that was one of the other bad traumatic experience that had happened to him.
Q. Okay. And do you -- do you know whether or not these

sort of traumatic events were part of his counseling? Do you know if they -- if -- if his counselors knew about this and treated him for this?

A. The -- the things that -- they knew about the dad passing, but not the -- the accident with the four-wheeler, it was after this.

Q. Okay. All right. And now, again, you are his -- you're Rayquan's mother. Can you tell the Court if -- what your impression was of how Rayquan -- how Rayquan coped with his dad's passing over the years?

A. You can tell that it took a toll on him. He -- because he was the only one of the brothers, there's four of them, and he's one of the ones that really didn't know his dad like the other three and so when the other three always talk about him he kind of -- I know it makes him feel some type of way because he didn't have that same relationship with his dad. So I can just tell that that bothered him a lot.

Q. Okay. All right. Thank you. And do you have any idea why Rayquan stopped going to counseling? Did you tell us before?

A. They told us that was the end. That was the last appointment that we went to.

Q. Okay. So you just -- were you the -- were you the one to take him to counseling --

A. Yes, ma'am.
Q. -- every time?
Okay. So you just did you what you were supposed to do as a mom and you took him to counseling and then one day they told you he didn't need it anymore?
A. Yes. They said no more. That was it.
Q. Okay. And can you tell me -- a couple of other questions I just want to ask regarding after you hired Keith Johnson. What -- regarding experts, hiring experts for, you know, Rayquan's case, what do you remember talking to Mr. Johnson about that? Because, you know, experts you have to pay them, so what do you recall discussing with him about hiring experts, if anything?
A. Okay. So my first visit with him, he charged -- he said he was charging me 15,000 and I took him 10,000 upfront. He told me he had a ballistics expert that he was gonna use, he had a firearms expert that he was gonna use, he had a phone expert that he was gonna use. He also had a -- a private investigator and a -- a psychologist and a psychiatrist, and I told him well, we definitely would need the psychiatrist or psychologist because I know, you know, Rayquan's been through some things, so he told me def -- he was definitely was gonna check -- check into all of that, but, again, nothing.
Q. Well, do you -- can you -- and, again, it just -- it

depends on what you understood at the time. I understand you hired Mr. Johnson for his legal fees. Did you understand whether or not, I guess, there were additional fees to pay for specific experts? What was discussed regarding that?

A. It wasn't -- the only thing, he just told me he had all these experts and then after I was making my payment he came to me and told me that it was okay for me to stop making payments to me, to go ahead and pay the lawyer for other son and then once I'm done there I can continue to make the payments with him. That was the only thing we discussed about money.

Q. Okay. Did you -- so to your knowledge are you saying that you thought that in the least that the psychologist or the psychiatrist expert had been retained? Did you think that -- that Mr. Johnson did have a psychologist evaluating Rayquan?

A. I did. I thought so.

Q. All right. Why did you think that was so important in this case?

A. Because he -- he's already, you know, just was going through mental things and stuff already before all of this happened, so I just assumed that that probably has maybe something to do with it and, if not, if anything that they should check it out.

Q. Okay. Did you as Rayquan's mother ever have a question or concern about his competency, basically his ability to understand everything going on in the case, as well as what he was facing?

A. Are you asking me did Rayquan understand?

Q. Did you -- did you as his mother -- I'm sorry. Let me rephrase. Did you understand or have any concerns about his -- Rayquan's competency --

A. Oh --

Q. -- meaning his fitness and understanding?

A. Yes --

MR. NEUBAUER: Objection, Your Honor. I don't think that she as a lay witness would be able to give an opinion on his understanding.

THE COURT: And I -- I'm gonna overrule. I'm gonna allow her to answer the question.

Go ahead, ma'am.

MS. KOUTSOGIANNIS: Do you --

THE COURT: Or re-ask -- Counsel, how about re-ask the question.

MS. KOUTSOGIANNIS: Yes.

THE COURT: And note the on-going objection for the record, okay?

MS. KOUTSOGIANNIS: Yes, Your Honor.

THE COURT: Thank you-all.

BY MS. KOUTSOGIANNIS:
Q. Ms. Patterson, again, I know you're not a medical professional, but you are Rayquan's mother. So did you have any concerns about Rayquan's mental fil -- fitness or competency at the time he was going through all this?
A. Yes, ma'am. I did.
Q. Did you --
A. Yeah, because --
Q. Okay.
A. I'm sorry.
Q. No, go ahead. I'm sorry. I didn't know you were -- please finish your answer.
A. No, I was -- I was just saying, you know, because I knew he already had been going through mental health and stuff like that, I already knew that, so that's why I brought it to their attention so that they check into it as well to make sure or see if that had anything to do with anything.
Q. All right. And, Ms. Patterson, did you -- sort of what happened with all that? Like, you know, were you talking to Mr. Johnson regularly as well?
A. No, ma'am.
Q. Okay. Did you know, you know, Rayquan -- you understand that Rayquan ultimately pleaded guilty, correct?
A. Yes.

Q. All right. Did you -- at the time of his guilty plea, did you know whether or not a psychologist or psychiatrist had done any forensic examination of Rayquan?
A. No, no one ever told us that they did.
Q. Okay.
A. No, ma'am.
Q. Did you -- did you bring that up or -- or ask Mr. Keith Johnson about it prior to the guilty plea?
A. No, because he called me at work and he stunned me and I --
Q. Okay.
A. -- was stunned, so I -- I mean, I forgot to ask that question.
Q. What -- when you say stunned, do you mean -- what do you mean he called you about, the guilty plea or --
A. Yeah, because when he called me he told me that -- that his ballistics people had already tested everything and that it was all Rayquan's, Rayquan needed to take the plea deal, and they -- they had another deal that they was gonna help my other son out, and that is why Rayquan did what he -- you know, went ahead and took the plea deal. And he asked me, mom, I don't want to do it, but, I mean, that's two sons in prison, so I just tried to tell him to make the best, you've got to -- you've got to -- I don't know how to -- I just don't know how to put it into words.

Q. I understand. Let's clarify. I want to be sure. Your other son that was involved in this, he -- he had a -- did he have a different attorney?
A. Yes, ma'am.
Q. Okay. All right. Thank you.
All right. But to your knowledge, at least regarding what you and Mr. Keith Johnson discussed about experts, what experts did you believe he did retain in the case, he did hire?
A. It's the ballistics expert. That's the one he -- I only heard something that he told me that the ballistic people told him.
Q. Okay. Thank you.
A. That was all I --
MS. KOUTSOGIANNIS: All right. Thank you so much.
I do not have any fur -- further questions of Ms. Patterson.
And, Your Honor, for the record I have a note from the facility she's referencing. I just don't see it prudent to introduce it. I think she's given sufficient testimony and -- I was going to produce it, but I anticipate an objection. We can't authenticate it. The purpose of this testimony was just to get on the record their personal knowledge about these -- these records and his treatment and then whatever Mr. Johnson

was advised about it.

But if -- if necessary, Your Honor, I do have it. I -- I do want to -- I would question Mr. Johnson about it further, but that's all.

THE COURT: Well, is this just the -- I've got an Aiken-Barnwell Mental Health letter that was sent to me.

MS. KOUTSOGIANNIS: Yes.

THE COURT: Is that --

MS. KOUTSOGIANNIS: That's correct. Yes.

THE COURT: It says diagnostic impression and treatment plan and --

MS. KOUTSOGIANNIS: Yes, sir.

THE COURT: Okay. I mean, that's --

MS. KOUTSOGIANNIS: That's -- yes, that's it. I just -- that's what I was referencing. I -- for what it's worth, Your Honor, I don't believe -- because Ms. Patterson herself just testified she didn't request it, I think, personally, I believe it was Ola Johnson, but somehow or another his attorneys were made aware, I believe, of the letter.

THE COURT: Well, I mean, I think -- you know, I think the -- I think it's a business record, but I don't think there's anybody there to basically go through what the rules are gonna require technically as it relates to the business record.

MS. KOUTSOGIANNIS: No.

THE COURT: Certainly -- certainly I'm aware of what -- I -- I am aware of what it says and I'm -- I take -- I take note from the testimony that Ms. Patterson's provided that -- that there was some type of -- some issues that -- that -- that Mr. -- and his name's escaping me -- Mr. McCorkle had in the past, but I don't think those could be admitted into evidence at this time.

Now if you want to make them a Court's exhibit for -- for the record, I mean, I don't have any problem with that, and I'm assuming he wouldn't either.

Attorney General Nessbaum -- Neubauer, any problem making that a Court's exhibit, not entering it into evidence, sir?

I'm sorry?

MR. NEUBAUER: Yes, I'd just object that it still constitutes hearsay and that it wasn't authenticated --

THE COURT: Well, and -- and I think what --

MR. NEUBAUER: -- and it's improper to introduce.

THE COURT: And I agree with you and I think -- I think the thing to do is I'm not allowing it into evidence, but if she wants to make this an -- an exhibit to better -- to protect her record, I don't -- I mean, I note your objection for the record. I'm gonna allow her to do that, but I'm not -- I'm not taking that

as evidence in this case, sir, because I don't think it's been properly authenticated, okay?

MR. NEUBAUER: Thank you, Your Honor.

THE COURT: Yes, sir.

(Court's Exhibit Number 1 was marked for identification.)

THE COURT: All right. Do you have any cross-examination, Mr. Neubauer?

MR. NEUBAUER: Very, very briefly, Your Honor, if you don't mind.

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. NEUBAUER:

Q. Good afternoon, Ms. Patterson.

A. Good afternoon.

Q. I have just a few questions regarding your testimony. You said that you never got a diagnosis for Rayquan when you took him to Aurora or to counseling, correct?

A. Right.

Q. So -- and you said Mr. Johnson said that he had experts prepared for this case that he could use. Did he ever talk to you about paying for experts or how much retaining these experts would cost?

A. No, sir.

Q. So you had no conversations about the cost of hiring

an expert to work on this case?
A. No, sir.
Q. And you -- you said that you didn't talk with Mr. Johnson a lot; is that correct?
A. That's correct.
Q. Did you ever -- did he ever talk to you about the evidence in the discovery in this case?
A. The only thing that was talked about was when he was telling Rayquan to take the plea deal and he talked to both of us probably the same day. That's the only evidence we knew of and it was the week before he took the plea deal.
MR. NEUBAUER: Thank you. I have no further questions.
THE COURT: All right. Thank you.
Anything -- anything in redirect, Counsel?
MS. KOUTSOGIANNIS: No, Your Honor.
THE COURT: All right. Great.
(Witness excused.)
THE COURT: Do you have any other witnesses?
MS. KOUTSOGIANNIS: I -- I do not, Your Honor.
THE COURT: All right. And so do you rest, ma'am?
MS. KOUTSOGIANNIS: Oh, yes, sir.
THE COURT: All right.
Attorney -- Attorney General Neubauer -- Neubauer, I'm happen to hear from you, sir.

MR. NEUBAUER: Thank you, Your Honor.

The State would call Keith Johnson.

THE COURT: Okay, Mr. Johnson.

Can you raise you right hand for me, sir?

Mr. Johnson, do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

MR. JOHNSON: Yes, I do.

THE COURT: Thank you, Mr. Johnson.

Attorney General, your witness.

MR. NEUBAUER: Thank you, Your Honor.

KEITH JOHNSON,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. NEUBAUER:

Q. Good afternoon, Mr. Johnson. How are you doing?

A. Good afternoon. Thank you.

Q. And how long have you been practicing law, sir?

A. Thirteen years.

Q. And what percentage of that would you say is criminal law?

A. All. 100 percent.

Q. And do you remember when you were retained by Mr. McCorkle?

A. Yes, it was around June of 2017. I believe around June 5th or June 2nd. Early June.

Q. And do you know about how long before he pled guilty that you were appointed -- or that you were retained?
A. So he plead guilty in January of 2019, so about a year and a half.
Q. Okay. And do you remember how the charges against Mr. McCorkle arose?
A. Can you clarify your question?
Q. What -- do you remember what incident happened and kind of the facts of the incident that led to Mr. McCorkle -- Mr. McCorkle being charged with these crimes?
A. Yes. The allegations were that in November of 2016 that Rayquan, along with five other young men in two separate cars, were driving around the Aiken, South Carolina area and had engaged in a drive-by shooting. Then there was an idea to rob a known marijuana dealer, the last name was Clemons, and so that's what led to the two cars going to the incident location. The individuals in the other car, I believe it was Deonte Schultz and Aikel Harrison actually went to the door and were made aware that the alleged drug dealer was not at home, go back to the vehicle, and then the allegations are that the young men do come back in with masks and that's when the incident occurs --
Q. And ultimately --
A. -- and the cars are stopped a short time after that

and I believe Mr. -- Mr. Schultz gives a statement pretty soon after implicating Mr. McCorkle, along with his brother and several others, in the alleged incident.

And so just to kind of wrap up, there were six total young men charged. Three of them made statements against Mr. Rayquan McCorkle alleging that he was involved and -- not only involved, but was the shooter of Jordan Shores.

Q. So part of the evidence that was -- or that the State had against Mr. McCorkle were these statements. Do you remember what other evidence the State had or would have provided to you through discovery?

A. Yes. There was also physical evidence in the case. There was a shell casing that was at the scene that was sent to the SLED agency. That SLED -- or, excuse me, that shell casing came from a 40-caliber Smith & Wesson handgun. That handgun -- well, there was a handgun that was gathered from Mr. McCorkle in his brother's vehicle when they were arrested at Silver Bluff High School. That shell casing matched the handgun that was discovered in the vehicle, but not only that, the shell casing had the blood DNA of Jordan Shores on the shell casing. So along with the co-defendant's statements and also the cell phone data evidence that was a part of this case, which showed a search from the phone of Rayquan McCorkle minutes after the incident doing a Google search on news outlets typing

in such things as shooting at whatever the location was and it would have been before any news outlets would have even known of the alleged incident.

And so we had a mountain of physical evidence, but we also had co-defendants who were very much motivated to testify against Mr. McCorkle. That's why his case was resolved first and everyone else had their cases resolved soon after.

Q. And you said from the gun -- the shell casing that matched the gun was sent to SLED and the victim's blood was found on the shell casing. Do you know if there was any other DNA testing that was performed by SLED?

A. Yes, there was DNA testing of several items of evidence. There was a bandana that was tested that did not come back to Mr. McCorkle, but there was a firearm that was tested. The firearm that I alluded to. It was an 6R 40-caliber handgun. That handgun came back to have four individual DNA profiles with Mr. Rayquan McCorkle being what's considered the major profile on that firearm and that is the firearm that is linked to the shell casing and -- that was found at the scene and there were also three other shell casings. So the evidence was that there were between four and five shots fired from the firearm found in Mr. McCorkle's car. There was also three other 9 millimeter shell casings that were linked to a Ruger

handgun, which was alleged to have been carried by one of the other young men.

Q. And all the evidence that you had, do you remember when you filed or if you filed a discovery and Rule 5 motion with the State?

A. That would have been sometime in 2017 after being retained in the case. I'm not sure of the exact date.

Q. And when you obtained this evidence from the State, do you remember discussing this with Mr. McCorkle?

A. Not only did I discuss it with Mr. McCorkle, I went over the evidence with him at the Aiken County jail. I mailed it to him and I also mailed a copy to his mother. I spoke to his mother several times during the course of his case. Several times. And she is right. I told her this case was not about the money, that she could stop paying me and that she could pay co-counsel because she was having some stress about having to pay two attorneys.

But I did go over the evidence with Rayquan several times, which as a criminal -- criminal defense attorney we all know that discovery is on-going and so when I would get DNA reports, when I would get the ballistic reports, I would mail a copy to Mr. McCorkle and then go over it with him to essentially, you know, explain the findings because I know that they can be very technical.

Q. You had multiple conversations with Mr. McCorkle

throughout the course of this case whenever you would receive additional items?

A. That's correct.

Q. And throughout your conversations with him, did he seem to understand the evidence that the State had against him?

A. Yes.

Q. And there was talk by Ms. Patterson that you indicated you had a ballistics expert and a psychologist and additional experts at your disposal. Do you remember any conversations involving hiring experts?

A. I did not tell her that I had anyone at my -- my disposal. I did tell her that experts are part of homicide cases and that they could hire an expert if they had the resources to do so. I specifically remember telling her about an expert with regards to DNA, not ballistics, DNA, because as I stated prior there was DNA that was at issue in this case. I did tell her that I had worked with an expert out of Griffin, Georgia, Ava Standard, and I also let her know that I believed that the DNA in the case was the most critical part because you can impeach a co-defendant's statement, but the DNA is a layer of evidence that is -- can be inherently reliable if we don't have an alternative explanation.

Q. And at any point did you guys hire an expert to help

represent Mr. McCorkle?
A. No, we did not. As you heard from Ms. Patterson, she didn't have the resources to hire a DNA expert and, to be quite candid, I believe that along with the DNA and the statements of the co-defendants that it was a very difficult case and I -- and I told Mr. McCorkle that the right to a jury trial was certainly his and that it was his decision as to whether to accept the guilty plea, but he expressed almost in every conversation wanting to make sure that his brother Rahiem McCorkle did not go to prison for murder because he was not the individual who was responsible for the crime that night, and so that was very, very important to Rayquan.

And so when I went to the solicitor's office in early January of 2019 for a reverse proffer with Solicitor Thurmond and a Jacqui Charbonneau, they laid out their -- their case and part of my response was, you know, trying to get it lower from forty years to serve because that was the original offer, but also to get them to commit that Ray -- I'm sorry, Rahiem McCorkle's case would not be resolved with a guilty plea to murder. They were aware of his responsibility to that regard and they believed that the evidence was sufficient to reduce the charges against the brother and so that all worked hand in hand.
Q. Thank you. And during your conversations with

Mr. McCorkle, did he ever present any witnesses to you that he wanted you to investigate or give you any leads as far as evidence to pursue?

A. He -- he and his mother actually stated that there were two young men who had been with Rahiem and Rayquan on the night in question and it was Mel and Tre Miller. I spoke with those young men, along with their mothers. they wrote statements saying that they had been with Mr. McCorkle and his brother that night until about 1:00 AM. I also asked them would they wish to testify or would they be willing to testify. They indicated they did not want to be involved in any testimony. I consulted with the permission of Mr. McCorkle and his mother, Sharon, the other attorney who I told to -- to pay instead of me. His name is William -- Bill Sussman. He is also an Augusta attorney. I consulted with him. He and his staff interviewed these two young men and got a completely different story from these young men.

Q. And ultimately you -- did you feel comfortable pursuing those as a possible alibi witness or alibi defense for Mr. McCorkle?

A. I did not feel comfortable in light of the contradictory statements and also the unwillingness of those two young men, along with their mother, to testify. I, frankly, believe that it would have been offering

perjured testimony.

Q. And were you ever told of or advised about a possible Facebook post or something that Mr. McCorkle might have wanted you to pursue?

A. Yes, I was told about a -- a Facebook posting. Ms. Sharon Patterson in one of our conversations did either drop it off by my office with my assistant or e-mailed me a Facebook posting. I did examine the posting. I did try to find that individual through a Facebook account. I was not able to find that individual and there was really no information about the validity of the Facebook posting or the claim that was contained therein.

And also I never promised to Ms. Patterson or my client that I had a private investigator. When I am retained by a client, I make it very clear that we would have to separately retain a private investigator on cases if that is the decision that we come to, but in this case I never made that claim. This was a case about co-defendant statements that were then bolstered by DNA evidence.

Because we didn't have the DNA evidence at first. We got the DNA evidence likely, I'd say, the fall of 2018 based on my review of the file and this plea as you-all know was in January of 2019. So the entirety of the case it was mostly about the co-defendants' statements, but also, you know, the -- the lack of any other link

outside of the co-defendants' statements, so that's why my advice to Mr. McCorkle at the end of the case was more strong -- more strongly worded because I thought I was gonna be trying a case that was about impeaching one or two witnesses and then when the DNA came back, the State's case got a lot stronger.

Q. And throughout your investigation, did you inform Mr. McCorkle of the results of your investigation into possible alibi witnesses or this Facebook post?

A. Absolutely. Absolutely. Rayquan and -- and I always had an open line of communication. He would write me letters and I would come out to see him. I didn't make a habit of responding to the letters in writing because I wanted to be able to have a candid face to face conversation with him.

Q. And were you ever advised of mental health treatment that Mr. McCorkle received throughout his childhood?

A. I don't recall ever being told about any mental health treatment, nor in my interactions with Rayquan did I note that he was mentally deficient or having trouble understanding my role or the Court's role or the evidence in the case.

Rayquan is -- is a very intelligent young man and I would -- I would tell him that. We had a good relationship. We'd speak very candid to each other and

I would tell him that it's a shame that he's in this position because he's highly intelligent.

Q. So you never felt at any point that there was a viable defense of any mental health issues that you could have raised or that his mental health would have had any affect on him entering a guilty plea?

A. Well, to answer your question, no, I don't believe that that would have been a viable defense in this case, but if his defense is that he's not there and that these guys are making this up to put his name in a very bad situation, I don't believe that a mental health defense would serve any logical purpose in the case. If -- if he's not there, then he's not there.

Q. Okay. Did you guys discuss defenses throughout your representation?

A. At every meeting.

Q. And did you ever find any viable defense that you could have used for Mr. McCorkle?

A. Not -- not one that would have not included perjured testimony.

Q. And you looked into alibi witnesses that were presented to you and you looked into this Facebook post. Did you do any other independent investigation on behalf of Mr. McCorkle during your representation?

A. When you say independent investigation, you're talking

about?
Q. Reviewing the scene, speaking to anybody, attempting to obtain any additional witnesses, pieces of evidence that you may not have received through discovery.
A. Well, so -- well, frequently on my side of -- of things, we looked at the discovery because that's akin to the Bible of their case and then we try to look and see if there are any inconsistencies inside of that document and so under these facts this was the kind of case where I believe that we had to impeach the witnesses who were the co-defendants in the case, but also if we had an alibi we would have pursued that, but there was no alibi. That was the way to win a case of this nature before I got the DNA results in November of 2018 -- I believe October of 2018, and at that point in time it did become a case where certainly we could have hired an expert, maybe I should have paid more from my trust account, maybe I should have made a petition to the Court, but I didn't. I didn't.
Q. And you'd said that you received DNA results and a ballistic report that linked the shell casings found to the firearm that was found in Mr. McCorkle's car. What additional evidence did the State have in this case?
A. Besides the -- the shell casings, the handgun that was found in the vehicle, the co-defendants' statements. There was also probably gonna be some 404(b) evidence

coming in that alleged that they had taken part in some kind of drive-by shooting earlier in that evening and also they were able to get Rayquan's cell phone and a PlayStation 4 was taken during the incident and Rayquan's search history included either the price of a -- a PS4 or selling a PS4, along with Googling the address with the word "shooting" after it, and he did this several times throughout that evening and early morning before it hit the -- the newswire.

Q. And after reviewing all this evidence, did you develop an opinion regarding the State's ability to prove guilt beyond a reasonable doubt?

A. Yes. Yes, I did.

Q. Did you convey this opinion to Mr. McCorkle?

A. I did. I did, and we discussed it several times. I was very, very -- patient is not the right word, but I wanted to be very thorough because of his age. I met him when he was in tenth grade. I felt like, you know, this was a very special case to me and by the time he pled guilty he was eighteen years old, but I had gotten to know him over the course of those almost two years. So we walked through every scenario, every scenario, to make sure that he understood what was going on.

And the whole part about the life sentence, I didn't push any theory to him. The prosecutor, quite frankly,

told me and I relayed this to Rayquan that if they are successful at trial, they're gonna ask for a life sentence, and I told him that. And I also told him that under a plea agreement that -- of thirty-five years, he would have a life at fifty years old, which is not something that most people can say going to prison for this kind of -- of offense.

And so all those things factored in. I spoke with his mother as well prior to the decision. I remember calling her and also speaking with his stepfather, I believe.

Q. And do you feel that Mr. McCorkle understood your conversations regarding the sentence he could receive if he went to trial?

A. I believe that he did. I don't have -- he -- he didn't express any hesitation or any reluctance or any confusion prior to the sentencing or immediately after because I went in the back immediately after and then I went out and spoke with his family afterwards.

Q. And do you feel like you had enough time to meet with Mr. McCorkle before he pled guilty?

A. Yes. We met at least ten to fifteen times. At least. I would go see him a lot. His mother would call my office a lot and I enjoyed speaking with Ms. -- with Ms. Patterson. Certainly nothing personal. But I would

go see him because he was very, very young and I would tell him that I was very thankful for his patience because he did exhibit a level of patience that was not normal for a young client to understand that this is a process, it's gonna take months for them to get your DNA back, and things like that.

Q. And regarding the guilty plea, do you recall how plea negotiations began in this case?

A. They began when the DNA was received. The State, you know, thought that they had a very tight case at that point in time. It wasn't just that they had to make a deal with the devil so to speak with these co-defendants, but that they actually had scientific evidence that would corroborate not only what the co-defendants said, but there were eyewitnesses in the -- in the home that I failed to mention who give a description of Mr. McCorkle. At the time he did have dreadlocks and he had redder hair and there was a description of Mr. McCorkle and his brother who is -- shares the same resemblance.

Q. And did you initially seek a plea offer from the State or did the State present you with a plea offer to take to Mr. McCorkle?

A. Yeah, the State made -- made the first offer. I was dead set on trying -- trying the case when we believed that it was just a co-defendant said I was there, I wasn't

there, let's do it. Because we knew that the mandatory minimum was thirty years, so I didn't approach the case thinking that I was gonna plea a fifteen-year-old out to thirty years in prison, but as the case -- as the case evolved, as we all know, we have to reassess how you define victory and if I could give this young man some kind of life to have after the decision that was made, I thought that that was the appropriate thing in doing my job because it's -- it's a case that's bothered you. It has.

Q. And did you convey that plea offer to Mr. McCorkle and do you remember what his thoughts were about pleading guilty?

A. I did relay it to him and, you know, he had questions about what facility he -- he was gonna be located at, was -- was this gonna be parole eligible, what's gonna happen with his brother, does his mom know. He wanted to talk with his mom, he talked with his mom. Wanted to know if he would be able to hug his mom at sentencing, would she be able to speak on his behalf, things like that.

Q. And were you able to answer his questions regarding parole eligibility or what kind of facility he would be housed in?

A. I told him that he was gonna be transferred to Kirkland State Prison for diagnostics and then from there he would be assigned housing and that he was not parole

eligible so that thirty-five years would means every day since the time of his arrest because he's been in continuous custody.

Q. And did he seem to understand your conversations about the collateral consequences of pleading guilty?

A. He seemed to -- he seem to understand. We -- he didn't express any confusion or ask me to explain anything further.

Q. And you said Mr. McCorkle had an opportunity to discuss this plea offer with his mother before making a decision?

A. Absolutely.

Q. And ultimately whose decision was it to plead guilty in this case?

A. My client's -- or my -- my former client, Rayquan McCorkle.

Q. And do you feel that accepting a plea offer was in his best interest?

A. I do.

Q. And why did you feel that way at the time?

A. I believed that he would have had three young men testifying against him at trial, he would have had a description of -- of him by one of the victims who was upstairs. He went to the stairwell, he's shooting upstairs, they caught a glimpse of him as he's running

out. And DNA evidence as well. I believed that there would not need to be any acceptance of responsibility. Judge Newman didn't note acceptance of responsibility in the sentencing hearing from what I recall, so I felt like it was the right decision based on the evidence that we had.

Q. Okay. And -- and did you guys have an opportunity to discuss Mr. McCorkle's constitutional rights before he went to court on January 10th?

A. Yes. I mean, we talked about what the trial would entail, calling witnesses and having our own witnesses if we have any, having him even testifying and going through mock cross-examination questions and things like that, keeping your cool on the witness stand. You know, we talked about those things, but that's customary because I do engage in a lot of jury trials of these kind, serious, violent cases, so it's kind of part of preparation, I guess.

Q. And at any point did Mr. McCorkle indicate he didn't understand through discussion about what he was charged with or the rights that he would be giving up by pleading guilty?

A. No.

Q. Did he ever indicate that he didn't understand that by pleading guilty he was going to go to jail for thirty-five

years?
A. No, he under -- well, he led me to believe that he understood that.
Q. And do you remember discussing his right to appeal and what an appeal would entail?
A. I recall the judge stating that there would not be an appeal, that he's waiving his right to a trial and to an appeal. I don't know if I specifically talked to him about, you know, his right to appeal, but I did leave that -- you know, that courthouse under the assumption that my client understood what had happened. He actually wrote me a letter a few months after requesting his discovery to show that he did not make a statement against anybody else, I don't know if he was being questioned about that at the facility, and I wrote him a letter and I sent him his discovery.
Q. And --
A. I spoke with his mother because she asked me to send it to him as well and that's the last that we spoke and I guess that was sometime before the pandemic.
Q. So you were never asked to file an appeal on his behalf?
A. No.
MR. NEUBAUER: Thank you. I have no further questions at this point.

THE COURT: All right. Counsel, do you have any cross-examination?

MS. KOUTSOGIANNIS: Yes, Your Honor. Just briefly, sir.

THE COURT: Sure. Go ahead.

CROSS-EXAMINATION

BY MS. KOUTSOGIANNIS:

Q. Hello, Mr. Johnson. I have just a few questions for you, sir. You mentioned that Rayquan did write you a letter after the plea?

A. (Nods head.)

Q. Did he write you letters -- was that a habit of his sort of during the entire course of your representation, or was it all basically one on one meetings with him?

A. I recall him writing me a few letters, yes, ma'am.

Q. Okay. Was he -- were the letters regarding specific questions or anything of that nature, you know, about the evidence in the case and what it meant or just kind of what was the contents of what he'd write about?

A. I don't recall specifically, but it always had to do with when I was gonna come to see him and having questions.

Q. All right, sir. And do you have a -- as you know, I think we've stated it for the record, but you got involved in his case after his case was transferred from family court; is that right?

A. Yes, ma'am.
Q. Okay. Do you have any -- I know you weren't involved, but do you have any idea of sort of why the decision was made leading up to just transferring his case out to general sessions given his age?
A. I don't know.
Q. I'm sorry? I missed --
A. I don't know.
Q. Okay. No, you're fine. I just wanted to make sure we could all hear each other.
All right. Thank you.
So did you -- when you first took on the case, did you happen to reach out to his former attorney who had him in the family proceedings, Ola Johnson?
A. You know what, I was going through my file and I do have a business card from her {sic} that was scanned into our file, so I must have had some contact with her, but I don't have an individual conversation that sticks out about any substantive issue with the case.
Q. Okay. I think -- I believe Ola might be a man, but -- if it's the same Ola I'm thinking of, but all right.
To your knowledge, sir, did Ola Johnson, his former attorney, ever reach out to you when you took -- when you took on the case?
A. I don't recall.

Q. Okay. So can you please tell us -- I know you've -- you've sat here and heard all the testimony by your former client, as well as his mother. Can you tell us -- do you -- do you recall having any conversations with his mother about her concerns about his fitness or mental competency given what she claimed he'd been through as a kid?
A. No. I mean, she told me that he tried to stab one of his siblings at some point with some scissors or something, but it was more along the lines of behavioral issues, not comprehension, competency issues. More -- more along the lines that he's acted out in the past.
Q. All right. But you -- I just want to be clear, sir. So it's your testimony today that during the entire course of your representation, you know, you had him -- I think his case for a couple of years or at least over a year; is that right?
A. Yeah, June to -- June of '17 to January of '19.
Q. Okay. And we all know these violent cases are the kind that could take some time to resolve. So during that entire time, is it your testimony that you did not have any knowledge of Rayquan's former sort of commitment several years prior when he was a child?
A. No.
Q. So you -- Mr. Johnson, you yourself did not ever -- you were never presented with any records or letter or

anything from this Aurora facility? Is that your testimony today?
A. I don't have a record of that and I don't recall receiving that information, but --
Q. Okay. So just -- just to clarify --
A. Oh, I'm sorry.
Q. No, go ahead and go. You're finishing your answer. Go ahead.
A. But -- but based on what I saw in the e-mail that was just sent, I'm -- I'm under the opinion that's -- that would not have led me to do anything differently.
Q. Okay. That's fair. So it's your testimony that his mother never really emphasized to you any concerns about his mental health?
A. Correct.
Q. Okay. All right. And so, I guess, given to what you just testified to, sir, you -- you determined -- you made your own professional judgment that you did not believe he in the least needed a -- just a competency evaluation either to stand trial or just prior to his guilty plea; is that accurate?
A. That's accurate.
Q. Okay. Have you -- and I know you -- you do this for a living, so you've had many other clients, have you ever sort of had clients undergo just competency evaluations

or filed motions with the Court to have them undergo an evaluation prior to standing trial?
A. Absolutely. That's correct.
Q. Okay. But, again, in this case based on your discussions with Rayquan and just what you knew, you decided that was not necessary?
A. Correct. Like I said --
Q. Okay.
A. -- I always had really good candid conversations.
Q. Okay. And, again, acknowledging -- same question, but just even -- I would add a caveat to that, like even acknowledging his age at the time, you just didn't -- you didn't deem that critical to have an -- to at least tell his mother that perhaps he should consider an independent evaluation to make sure he knows what he's -- what he's facing and -- and understands the nature of the charges?
A. I didn't believe that was appropriate given my interaction with him.
Q. Okay. Did you feel like Rayquan always completely understood everything you were telling him?
A. He appeared to, but I -- you know, that's all I can say is that he appeared to understand and -- and I have a habit of before I leave and I'm packing up my briefcase I say do you have any questions or anything that we need to go over and he was like no, sir.

Q. And how were you -- I apologize if we went through this. How were you retained? Were you contacted by his family or his mother?
A. His mother called my office.
Q. Okay. And then is it -- I think you said you met with -- we met with Rayquan at least ten times. I just want to be accurate for the record. Throughout the course of your representation; is that -- is that right?
A. At least, yes.
Q. Okay. So that would -- I guess over two years, so that would be maybe a meeting at least every month -- well, every other month?
A. It wasn't every other month, but as we got closer, the summer and fall of '18, yeah, that's when things started to ramp up. So I'd say between ten and fifteen times. I know that the two weeks before the plea agreement we met several times because the case was set for trial, I'd say, like January 22nd, and I met with the -- the solicitor's office the first week in January, you know, kind of as -- as one last meeting before we ramp up for trial.
Q. Okay. Thank you for clarifying that. So and -- I was gonna -- that was going to be my next question. I know you mentioned the DNA evidence, which in your professional judgment was pretty overwhelming in the case. That was not received by you until October of the previous year,

correct?
A. Somewhere thereabout.
Q. And so, I guess, is it the following year, was it 2019, they -- had they already scheduled the case for trial when you received the evidence? How did -- when did you find out about the State pushing this for trial?
A. Yeah, it was always kind of like an on -- like an on-going -- it was a fluid trial calendar, but I would say that we had a general idea that the case would be tried towards the beginning of 2019 and as we got into -- later in the year of 2018, that's when I was notified that Rayquan's case would be tried individually, so I didn't file a motion for severance and that he was gonna be the first person to testify -- first person to go on trial and there could be co-defendant testimony in exchange for a plea deal.
Q. All right. So tell us about -- at the time you did receive the DNA evidence, I know you mentioned you talked to Rayquan about it and you -- you know, you -- you told him the significance of -- of the evidence, but in your experience having done all these kind of cases in the past, did you -- did you or did you not emphasize to Rayquan or his mother the importance of at least having that DNA evidence sort of independently reviewed by an expert?
A. I think I said that, yes.

Q. Okay. And, again, did you -- did you make it clear to them the importance of this, whether or not it's going to be a trial and for the reasons why it could be helpful or useful in -- in negotiation, the strength of the evidence?
A. Can you repeat that just so I can make sure I --
Q. Yes. Again, did -- did you convey to Rayquan or his mother sort of the need for an expert whether or not he goes to trial and sort of why it would be useful to have your own expert assess, you know, an -- a DNA analyst's review of the evidence?
A. I don't recall specifically what I emphasized or not, but I know that the -- that the tenor of the conversation was that this is very serious evidence because it corroborates the story of your co-defendants and also the theory set forth by the State and I did tell them that we could hire a DNA expert, but that, you know, that was gonna be something that would be an additional cost to the family.
Q. Okay. Did you ever -- again, I'm not projecting here what the result could have been, but did you -- did you ever discuss with them or decide whether or not you could apply for -- like with the Court a motion for funding for any of these experts, specifically at least the DNA expert?
A. No. No, we didn't discuss that.

Q. Just give me a moment. I'm trying to go through these.

And you mentioned -- now regarding the co-defendants, so I know that -- so, again, this involves at least six people, correct?

A. Excuse me?

Q. This involved at least six different people, this entire --

A. The entire case, yes.

Q. Yes. Okay. Sort of what was your -- did you make it -- how did you make it clear to Rayquan the strength or the overwhelming nature of whatever the co-defendants were saying against him --

A. I provided --

Q. -- to basically point --

A. -- I provided him with the discovery and we went through the statements and discussed who is this person, how -- how do you know him, would he have any motive to lie on you, you know, so we did go over those statements individually.

Q. Okay. In your professional judgment, there were I think you mentioned at least three co-defendants that were alleging Rayquan was the individual responsible for the murder. Is that what you testified to?

A. (Nods head.)

Q. Okay. And were they all -- were all these three co-defendants present during the time of the murder? That's -- I guess that's what I'm unclear about.

A. Yes.

Q. Okay. And you also mentioned somebody upstairs. Not one of the co-defendants, but another witness in the house that allegedly could have identified Rayquan? Do you recall that?

A. I'm sorry?

Q. No, no, no. Just that. That -- so we're talking about an independent sort of non-co-defendant witness?

A. That's correct. Based on my recollection, I think two individuals went up -- went upstairs when the home was invaded and the allegation was that my client kind of went to the base of the stairs and was shooting up -- up towards the second level and there were projectile markers to indicate that that did, in fact, happen and they gave a general description of a -- somebody with dreadlocks, which matched the description of Rayquan.

Now -- now my whole argument was gonna be listen, that's -- that's a general description. I mean, that's like saying a guy's between 5-10 and 6-foot, but when I had to couple that with the other bits of evidence, they all fit together like a puzzle piece, and that's -- and that's what made it difficult, not just the one eyewitness

semi-identification.
Q. Okay. Tell us this. Regarding sort of the -- the nature of the case leading up -- up until the point where you received the DNA evidence, you testified earlier that until you did receive that evidence you were dead set on trying the case, correct --
A. Oh, yes.
Q. -- or some -- something along those lines?
Okay. Is that based on what Rayquan was telling you? You know, just his goals or his unwillingness to plead guilty or was that your impression on sort of let's challenge the evidence, let's take it to trial?
A. I mean, we were -- we were on -- on the same page. I was not gonna lay down for -- you know, when I have a young man who's -- can't even vote yet getting a life sentence, so I entered the case under the impression that it's gonna be a trial unless something else happens and I believe that that's the best mindset when you have a very serious case is that you don't go into it looking at -- you know, leave somebody out without thoroughly going through the evidence, so we were on the same page with that the entire time.
Q. Okay. And then even up until the point when -- well, let me go back for a second. So prior to receiving the DNA evidence, you did not find it critical to hire a private investigator or at least emphasize to the family

the need for that and the ability to try to retain a private investigator?
A. No.
Q. Okay. And why -- and why is that? Is that based on -- because this was overwhelming evidence and perhaps other witnesses to -- to interview or look into. Why did you make that judgement?
A. I don't know what a private investigator would have done in this kind of case. Everything happened at one location. These individuals were interviewed who were at the home. We -- we couldn't ask represented individuals questions because they had an attorney, so I didn't see the need to -- to waste resources doing something that I could not articulate that would result in acquittal.
Q. Okay. And I guess to follow-up on that, so did you yourself look into this alleged Facebook communication that the family tipped you off to that potentially could be exculpatory toward Rayquan? I'm not getting into specifics about what it did or didn't say, but did you make that judgment yourself that it wasn't helpful?
A. That's correct.
Q. Okay. And how did you come to that, I guess, conclusion?
A. Well, I looked at the post and tried to find the individual's name. I had a conversation -- I had a few

conversations with Ms. Patterson about this Facebook post. I would ask her, I said Ms. Patterson, who is this person, how did you get this information? She said someone sent it to her. I said well, who -- like, you know, what are you wanting me to do with this information, and I just found it to be vague in nature, but I actually did present it to the prosecutor prior to a bond hearing that we had for Rayquan, you know, basically showing that, you know, there may be some doubt as to the individual who is alleged to have perpetrated this act and if we would have gotten to a trial I would have tried my best to allude to it. Maybe it would have raised an objection, but it definitely would have been a part of my defense even if just a collateral matter that I would have at least tried to create some doubt based on this Facebook post, but I wasn't able to authenticate it to answer your question.

Q. Got you. Okay. And so, again, you did your -- just to summarize, you did your own sort of research trying to identify the person and see if it warranted any further investigation?

A. Yes, ma'am.

Q. Okay. And you did touch on these alibi -- the alibi witnesses that you testified to earlier that you did look into on his behalf, I'm assuming based on your testimony none of those persons were the same person we're talking

about in this Facebook post or at all related to --
A. That's correct.
Q. One did not relate to the other?
A. Yes.
Q. Okay. So I guess my biggest concern is this, Mr. Johnson. That you -- I understand that the family didn't have funds for experts. During the times when you made the -- you and Rayquan made the decision to just accept the plea deal, did you have (unintelligible) about his competency to stand trial?
A. You cut out for a few seconds, so I'm sorry?
Q. Yeah, I think my headphones gave out, so I apologize. But at the time you discussed with Rayquan that this was going to be a guilty plea and what the terms of the plea would be, you're telling the Court today that even given his age and maturity level you did not have reservations about his competency to understand the nature of the proceedings and what he was facing?
A. Not at all. Not at all.
Q. All right. Okay. And you believe that he was fully aware of what was going on that day when he took the guilty plea of thirty-five years?
A. Absolutely.
Q. Okay.
MS. KOUTSOGIANNIS: All right. I don't have any

further questions for Mr. Johnson, Your Honor.

THE COURT: All right. Thank you.

Any redirect of -- from the attorney general?

MR. NEUBAUER: Yes, Your Honor. Just very briefly.

THE COURT: Okay.

REDIRECT EXAMINATION

BY MR. NEUBAUER:

Q. Mr. Johnson, regarding speaking potential expert witnesses for this case, did you think that the DNA in and of itself was an important piece or kind of a pivotal piece of evidence in this case?

A. I did. I did because it -- it -- it related to the shell casing with blood --

THE COURT: Mr. Johnson?

THE WITNESS: Yes.

THE COURT: We can't -- we can't hear you. Did you hear the question, sir?

THE WITNESS: Oh, can you hear me?

THE COURT: Yes, sir.

All right. Let me -- let me get the attorney general to ask the question again, please.

BY MR. NEUBAUER:

Q. Did you feel that the -- despite the -- let me just rephrase. Despite the DNA evidence in this case, did you feel that there was substantial evidence or sufficient

evidence to convict Mr. McCorkle if he went to trial?
A. You said despite the DNA?
Q. Yes.
A. Take that out?
Q. Yes, sir.
A. If we take the DNA out, I believe you have a circumstantial evidence case. If you couple that with the -- with the phone search, if you couple that with the co-defendant statements, I think you have a circumstantial evidence case and, you know, those are usually a coin flipping, and that's what I thought we were gonna be dealing with because I had frank conversations with my client about whether certain things would be found and I was led to believe that they would not be, so I thought we had a circumstantial evidence case where we could maybe get twelve jurors to see it our way or -- or at least get a holdout.
Q. And if you thought the DNA evidence was necessary, you felt you would have needed an expert witness to kind of, I guess, refute or corroborate the DNA evidence?
A. Can you repeat the question?
Q. Yes. You discussed -- so you did at one point discuss hiring an expert to address the DNA evidence in this case, correct?
A. Yes, with -- with -- with my client and his mother,

Ms. Patterson.
Q. And if you thought you needed an expert for your defense and Mr. McCorkle couldn't afford one, would you have sought to petition the Court for funding for a possible expert witness?
A. I didn't in the case, so I don't know -- I don't know what else I can say.
Q. If -- but if the evidence was -- if the DNA evidence was crucial, and it was, could you have sought funding for an expert?
A. I could have, I didn't, and if I have one regret, I mean, it's that, but I also knew that there were other items of evidence that were equally problematic. But, no, I did not do that and I could have.
Q. And you could have sought funding for an expert for a psychiatric evaluation or to review the ballistics evidence, correct?
A. Yes.
Q. And you decided that you did not need to seek funding in this case, correct?
A. Correct.
Q. Why did you feel that you didn't need to seek funding for an expert in this case if Mr. McCorkle's family indicated that they couldn't independently afford one?
A. Well, with the ballistics, the ballistic evidence

was -- in my opinion, it linked to two different types of shell casings. There was a 40-caliber and there was a 9 millimeter. There was a Ruger found. There was also a 6R that was linked to Rayquan. In my opinion, the ballistic evidence was inconclusive from the standpoint of there were certain shells they were able to link to the gun, there were certain that because of the damage of the projectile -- I said shells, the damage of the projectile, it was inconclusive by which firearms would discharge from, so I didn't seek it because I did not feel that that was dispositive in and of itself.

And then with the competency issue, as I stated I have clients who have compet -- competency issues. I did not have any interactions that led me to believe that Rayquan was one of those clients, that he didn't understand the nature of the activities or what my role was or the prosecutor or the judge. Ask I stated, I found him to be very, very charming and intelligent young man which was -- laid heavy on me as we kind of looked at the consequences of this case because he has talent.

Q. So with all of the evidence combined between co-defendants' statements, the gun that was recovered in his car -- or the car that he was in, the cell phone, the ballistics report, the other witnesses who could have potentially identified him, did you feel that it was

necessary to seek funding for an expert in this case, an expert --

A. I didn't think it was necessary, no.

Q. And you feel that outside of just DNA evidence or a possible psychiatric evaluation that -- or a DNA expert that there was sufficient evidence to convict him?

A. I believe there was sufficient evidence to convict Rayquan unfortunately.

MR. NEUBAUER: I beg the Court's indulgence.

THE COURT: Yes, sir.

MR. NEUBAUER: I have no further questions.

THE COURT: All right.

Anything further, Counsel?

MS. KOUTSOGIANNIS: Just -- just a follow-up question, Your Honor.

THE COURT: Yes, ma'am.

RECROSS EXAMINATION

BY MS. KOUTSOGIANNIS:

Q. Mr. Johnson, just based on what you were just asked, you do agree that regarding the DNA evidence itself you were ready to -- if you had to, given what Rayquan was facing, you were both prepared to, quote, take it to trial until you received, you know, that evidence which was pretty damning against him; is that correct?

A. Yes, with one caveat. I mean, we still would have

gone to trial if he would have elected to go to trial. So it was ultimately his decision and I believe it was the best decision considering the full picture with his youth. He will have a life. That's my hope.

Q. Sure. Understood. I just wanted to clarify, sir, because based on your testimony though it -- it seemed like what you just stated that most of the evidence, as overwhelming as it may or may not have been, was circumstantial, if you will, until finally you received the DNA evidence just a few months before the State was gonna call it for trial, correct?

A. Yes.

Q. Even though at that time you elected not to seek -- at least seek independent funding or -- or a motion from the Court for an independent expert to review that evidence, correct?

A. Yes, that's right.

Q. And --

MS. KOUTSOGIANNIS: That's it. Nothing further, Your Honor.

THE COURT: Okay.

Anything further from the attorney general?

MR. NEUBAUER: No, Your Honor.

(Witness excused.)

THE COURT: All right, sir. You can call your

next witness.

MR. NEUBAUER: The State would rest at this point.

THE COURT: All right. Does anybody want to tell me anything else or want me to hear anything else on this matter?

THE DEFENDANT: I -- I have something to say. I have something to say.

THE COURT: Okay.

Counsel, do you want to have your client say something else? I don't mind.

MS. KOUTSOGIANNIS: If it's -- if Your Honor doesn't have an issue, given the nature of this -- this matter, Your Honor, you know, it's just a post-conviction relief case, if my client wants to speak, but I -- I don't have an issue.

THE COURT: All right. Mr. -- Mr. Neubauer, do you need to object, sir?

I mean, if you need to object for the record, I'm gonna let you. I'm gonna let -- I'm gonna let him say whatever it is he wants to say, sir.

MR. NEUBAUER: We have no objections. We would just like to possibly ask a question regarding what he may say if necessary.

THE COURT: All right. Yeah.

Yes, sir, Mr. McCorkle. I'm happy to hear from

you, sir.

THE APPLICANT: Regarding to the shell casing that he was just talking about, my -- my new attorney, Vicki, she sent the thing -- the DNA thing to me and the shell casing they're talking about with the blood on it, it did -- it did not come from the gun that I had --

THE COURT: All right.

THE APPLICANT: -- or the gun that had my fingerprints on it, so.

THE COURT: Okay. All right. Thank you, sir.

Is there anything that you need to ask in reply to that from the attorney general's office?

THE APPLICANT: Can you say that again?

THE COURT: No, I'm talking -- is that all you wanted to tell me, sir?

THE APPLICANT: Oh, yeah. That's it.

THE COURT: Okay. Great.

Anything further from the attorney general?

MR. NEUBAUER: No, Your Honor.

I would just say that no evidence has been introduced to corroborate his claim that the shell casing did not come from the same gun.

THE COURT: All right.

MR. NEUBAUER: He's not produced anything to corroborate that statement.

THE COURT: All right. Is there anything else that either counsel wants to tell me?

MS. KOUTSOGIANNIS: Yes, Your Honor. If -- just briefly on my end.

Given what Mr. McCorkle just stated, I -- again, all the testimony and everything has been submitted, sir, but if there's anything that I could submit sort of just for evidence, if you will, to what he just alluded to, I would ask the Court for a recess or just to be able to at least submit hey, this exhibit, this is what he referenced on that. Because I -- what he's alluding to is -- was actual discovery, not anything that would be a surprise to the State or anything.

THE COURT: All right. Well, I -- I'm not gonna allow that. I think I've heard everything I need. I -- I want to give everybody -- I'm not gonna recess this hearing and so what I want to know is that this -- and you can note that for the record that I note that for the record.

Is there anything else that you want to tell me, I'm happy to listen, and then I'm gonna give the attorney general the opportunity to tell me if there's anything else he wants to tell me and then I will have heard everything, but I've got to -- I want to go ahead and get it -- get it done today and -- and so I'm -- I'm

willing to hear from you if there's anything else you want to tell me, ma'am.

MS. KOUTSOGIANNIS: No, sir, Your Honor. Not on behalf of the Applicant. Just that, again, my -- our biggest concerns in this matter are the -- the petitioner's age and maturity level of this offense and the fact that no independent evaluation was sought, given the testimony and his age, as well as just no experts were -- were looked into.

This is a case that involved multiple co-defendants. We don't know the nature of what their testimony was going to be, but given that everybody was prepared to fight this case to trial at least until they received this DNA evidence, no independent expert was sought and we think that that's just a poor decision that was made on behalf of counsel as competent as he may have been during the course of the representation --

THE COURT: Okay. All right.

MS. KOUTSOGIANNIS: -- and we believe that was prejudicial to Mr. McCorkle.

THE COURT: All right. Anything from the State?

MR. NEUBAUER: Yes, Your Honor.

The State would contend that Mr. McCorkle has failed to meet his burden in this case based on the testimony of Mr. Johnson, along with testimony from

Mr. McCorkle, they reviewed the discovery that Mr. McCorkle had in this case, Mr. Johnson provided Mr. McCorkle and his mother with a copy of the discovery. Mr. Johnson testified he reviewed two potential alibi witnesses that were provided by Mr. McCorkle and his mother. He investigated the Facebook post that Mr. McCorkle has referred to and determined that it was of no benefit to the defendant or that he would be unable to authenticate this post to introduce it if it went to trial.

He -- regarding the potential need for a forensic psychologist or to obtain a psychological exam, Mr. Johnson indicated that he did not have any information which would have led him to believe that Mr. McCorkle lacked competency to stand trial or that there was any mental issues that would have prevented Mr. McCorkle from standing trial or that may have played into the defense for Mr. McCorkle at a trial.

Mr. McCorkle himself testified at his plea hearing that he had no mental, physical or medical conditions that would have prevented him from what understanding what he did.

Finally, Mr. Johnson indicated that the State had a breadth of evidence that they could have used, including witness statements, co-defendants' statements,

physical evidence, DNA evidence, ballistics which linked the shell casings found at the scene to two guns that were recovered from Mr. McCorkle and his co-defendants. Though he indicated he did not seek funding, he indicated that he could have and he did not feel that it was necessary due to the wide variety of evidence that was presented in this case.

THE COURT: All right.

All right. The burden is on the Applicant to prove that the conduct so undermined the proper function of the adversarial process that it cannot be relied upon as having a just result, and while maybe it was a poor decision, counsel brought that up, the -- the problem is -- and I'm not saying it was to -- to -- amongst other things not get somebody or ask the Court to pay for some type of DNA expert, I'm not saying that was a poor decision, but even if you take counsel's argument that it was a poor decision, again, I think -- I think the Applicant must show that counsel's performance was deficient and that the deficient performance prejudiced the defendant. In a plea, the Applicant's got to show a reasonable probability that but for counsel's errors he would not have plead guilty and would have insisted on a jury trial.

Quite frankly, I just think that he has -- he has

not shown that from the evidence that's been presented today, and so for that reason I'm gonna have a -- a short order that's going to deny the post-conviction relief that was heard this day and also order the attorney general to submit to the Court a proposed order and to serve on -- on opposing counsel.

What do you need, Attorney General? Is sixty days enough time?

MR. NEUBAUER: Yes, Your Honor. That would be perfect.

THE COURT: All right. Within sixty days.

I'm gonna have my clerk forward a copy of the short order to each one of you, and I thank you very much.

(Whereupon, the proceedings were concluded at 4:34 PM.)

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned case in Circuit Court on the 31st day of January, 2021, and transcribed by me to the best of my ability.

This transcript may contain quoted material. Such material is reproduced as read by the speaker. This transcript may also contain transmission interruptions and/or technical difficulties and inaudible or unintelligible indications due to being conducted remotely via videoconferencing.

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

March 31, 2022

/s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER