

RECEIVED

Jul 05 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Pickens County Court of General Sessions
The Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2021-000184

State of South Carolina,.....Respondent

v.

Charles Brandon Rampey,..... Appellant

RECORD ON APPEAL

WILLIAM G. YARBOROUGH, III
LAUREN CAROLE HOBBS
WGY Law
308 West Stone Avenue
Greenville, South Carolina 29609

ATTORNEYS FOR APPELLANT

THE HONORABLE ALAN WILSON
DAVID SPENCER, SR. AAG
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

ATTORNEYS FOR RESPONDENT

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CLERK OF COURT
STATE OF SOUTH CAROLINA PICKENS COUNTY THE COURT OF GENERAL SESSIONS
COUNTY OF PICKENS SOUTH CAROLINA THIRTEENTH JUDICIAL CIRCUIT

The State of South Carolina,

Plaintiff,

v.

Charles Brandon Rampey,

Defendant.

2021 FEB -8 A 10: 52

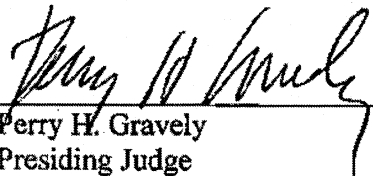
Case No.: 2014GS3902842

2014A3910500243

ORDER

This matter comes before the Court upon Defendant's Motion for Clarification of Sentence, issued on January 23, 2017. A hearing was held on January 22, 2021 and an Order was issued on January 25, 2021 clarifying the sentencing sheet. On January 29, 2021, Defendant filed a Motion to Reconsider requesting the Court calculate and award Defendant credit while Defendant was on an ankle monitor. Upon further review of applicable case law, the Court has determined it does not have jurisdiction to consider any issues relating to Defendant's sentence and that it is up to the Department of Corrections to make a determination of the sentence imposed by the Court. See Tant v. South Carolina Department of Correction, 408 S.C. 334 (Sup Ct 2014). Therefore, the Motion to Reconsider is DENIED and the Order of January 25, 2021 is hereby VACATED.

It is so Ordered.



Perry H. Gravely
Presiding Judge
Thirteenth Circuit

Feb 5, 2021
Pickens, SC

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

2021 JAN 28 A 10:10

THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA,
PLAINTIFF,
VS.
CHARLES BRANDON RAMPEY,
DEFENDANT.

CASE NO.: 2014GS3902842
2014A3910500243

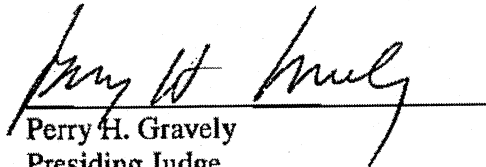
ORDER

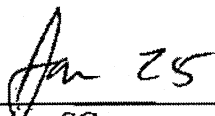
This matter came before the Court upon Defendant's Motion for Clarification of the sentence issued on January 23, 2017. The hearing was held on January 22, 2021 by WebEx Virtual Courtroom and present were Defendant, Defendant's attorney William Yarborough, Shannon Odom for the State and the victims.

After hearing argument from Defense counsel and Assistant Solicitor and review of the record, the Court issues the following order.

The attached Sentence Sheet issued on January 23, 2017 is correct, including the portion which provided that "Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be applied by the State Department of Correction". The Court originally added but struck out the phrase "no credit for ankle monitor time" and initialed the revision. Therefore, it is up to the South Carolina Department of Corrections to determine what credit the Defendant is entitled to receive based on the Defendant's records.

IT IS SO ORDERED.


Perry H. Gravely
Presiding Judge
Thirteenth Circuit


_____, 2021
Pickens, SC

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

2021 FEB -5 AM: 45
THE STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS.

CHARLES BRANDON RAMPEY,

DEFENDANT.

CASE NO.:2014GS3902842

MOTION TO RECONSIDER ORDER

Defendant, Charles Rampey, by and through his undersigned attorney, would respectfully request an Order of this Court to direct the Department of Corrections to apply credit for ankle monitor time, or in the alternative a hearing to determine who has the discretion to apply ankle monitor time under S.C. Code § 24-13-40.

On January 22, 2021, Defendant requested a hearing for Clarification of the sentence issued on January 23, 2017 regarding credit to be given for ankle monitor time. Defendant requested an Order to direct the Department of Corrections to apply 762 days credit.

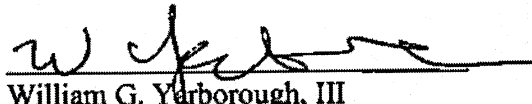
Upon Motion for Clarification of the sentence issued on January 23, 2017, a hearing was held on January 22, 2021 by WebEx Virtual Courtroom and present were Defendant, Defendant's Attorney William Yarborough, Shannon Odom for the State and the victims. After hearing argument from Defense counsel and Assistant Solicitor and review of the record, the Court issued an Order on January 25, 2021, signed by the Honorable Perry H. Gravely (Exhibit 1), which stated that the Sentence Sheet issued on January 23, 2017 is correct, including the portion which provided that "Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be applied by the State Department of Correction". The Honorable Judge Gravely found the Court originally added but struck out the phrase "no credit for ankle monitor time", the revision was initialed by

the presiding judge. The Order directed the South Carolina Department of Corrections is to determine what credit the Defendant is entitled to receive based on the Defendant's records.

Defense Counsel submitted the Order to Christina Bigelow of the Department of Corrections. In response, Ms. Bigelow stated the "statute does not allow us to award credit for time spent on an ankle monitor. The statute specifies that it is within the judge's sole discretion to award it or not . . . *the judge will have to specifically award him time and tell us exactly how much time to give him* (emphasis added) (Exhibit 2)."

WHEREFORE, the Defendant respectfully requests this Court to specifically calculate and award Defendant credit for ankle monitor time for the Sentence issued on January 23, 2017 and direct the South Carolina Department of Corrections to apply should the amount of credit Defendant is entitled to receive pursuant to S.C. Code § 24-13-40. Or, in the alternative, to set a hearing to determine how much credit the Defendant is to receive and who has the discretion to apply ankle monitor time under S.C. Code § 24-13-40.

Respectfully Submitted by:



William G. Yarborough, III
308 West Stone Avenue
Greenville, SC 29609
(864) 331-1612
wgyarborough@gmail.com

January 29, 2021
Greenville, SC

EXHIBIT 1

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS
THE STATE OF SOUTH CAROLINA,
PLAINTIFF,
VS.
CHARLES BRANDON RAMPEY,
DEFENDANT.

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.:2014GS3902842

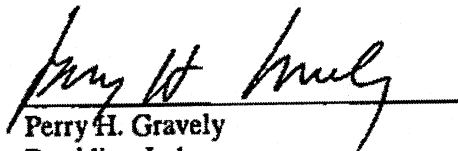
ORDER

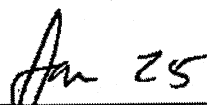
This matter came before the Court upon Defendant's Motion for Clarification of the sentence issued on January 23, 2017. The hearing was held on January 22, 2021 by WebEx Virtual Courtroom and present were Defendant, Defendant's attorney William Yarborough, Shannon Odom for the State and the victims.

After hearing argument from Defense counsel and Assistant Solicitor and review of the record, the Court issues the following order.

The attached Sentence Sheet issued on January 23, 2017 is correct, including the portion which provided that "Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be applied by the State Department of Correction". The Court originally added but struck out the phrase "no credit for ankle monitor time" and initialed the revision. Therefore, it is up to the South Carolina Department of Corrections to determine what credit the Defendant is entitled to receive based on the Defendant's records.

IT IS SO ORDERED.


Perry H. Gravely
Presiding Judge
Thirteenth Circuit


_____, 2021
Pickens, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF PICKENS
STATE OF SOUTH CAROLINA

INDICTMENT/CASE#: 201403390284

AKA: Charles Brandon Ramsey

A/W#: 2014A3910500263

Race: W/MTR Sex: M Age: 29

Date of Offense: 4/24/2014

DOB: [Redacted]

S.C. Code: 16-03-063(C)

Address: [Redacted]

CDR Code #: 3661

DLP: [Redacted]

Afford Plea

*ODL Yes No CMV Yes No Hazard Yes No

SENTENCE SHEET

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

Up to 15 years and/or a fine, Sex offender Registry

in violation of § 16-03-063(C) of the S.C. Code of Laws, bearing CDR Code # 3661

CONVICTED OF or PLEADS

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS (SCS

The charge is: As Indicted, Lower Included Offense, Defendant Waives Prosecution to Grand Jury, (defendant's choice)

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

ATTORNEY: [Signatures] SC Bar # [Redacted]

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

for a determinate term of 13 days/months/years, under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of

probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2016-05-29-01538

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied

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

Pursuant to 18 U.S.C. Section 878, it is unlawful for a person convicted of a violation of Section 16-25-30 or 16-25-45 (Domestic

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS

RESTRICTION: Deferred Def. Waiver Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee _____

Payment Terms: _____

Set by SCDPPPS _____

Receipts: _____

*Fees:	\$
§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 26-5-2985 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso §1.6 (Public Def/Probation)	\$500
§ 14-1-313 (Law Enforc. Funding)	\$23
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 30-21-114 (EUI Breath Test Fee)	\$30
§ 56-5-2942(j) (Vehicle Assessment)	\$40/yr
3% to County (if paid in installments)	\$ 2.25
TOTAL	\$ 128.25

Clerk of Court Deputy Clerk: [Signature]

Court Reporter: [Signature]

SOCA/217 (07/2016)

Days/Hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/S beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

payments of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: No VICTIM CONTACT

Order of indirect _____

of any family members.

Appointed PD or appointed other counsel, Proviso §1.6 requires \$500 be paid to Clerk

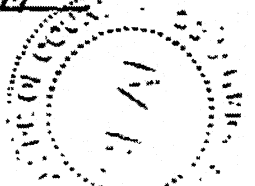
during probation and shall be collected before

any other fees.

Presiding Judge: [Signature]

Judge Code: 2755

Sentence Date: 1/22/2017



Certified Copy

[Signature]

Clerk of Court

Pickens County, SC

Dated 12-22-20

EXHIBIT 2



Lisa Cherry <lisawgylaw@gmail.com>

Re: RAMPEY, CHARLES BRANDON (00369597) Credit for Time

1 message

Christina Bigelow (C057846) <Bigelow.Christina@doc.sc.gov>
To: Lisa Cherry <lisawgylaw@gmail.com>
Cc: William Yarborough <wgyarborough@gmail.com>

Thu, Jan 28, 2021 at 12:45 PM

Good afternoon,

Unfortunately, the statute does not allow us to award credit for time spent on an ankle monitor. The statute specifies that it is within the judge's sole discretion to award it or not. If the judge wants him to have some or all of the credit for the time he spent on an ankle monitor, the judge will have to specifically award him the time and tell us exactly how much time to give him.

Thanks,
Christie

On Jan 28, 2021, at 12:09 PM, Lisa Cherry <lisawgylaw@gmail.com> wrote:

***** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. *****

Good Afternoon Ms. Bigelow,

Please see the attached signed Order from Judge Gravely, allowing SCDC to determine what credit Mr. Rampey is entitled to.

We believe he is entitled to receive 762 days for the time he was on the ankle monitor.

Thank you,

Lisa Cherry, CP
Certified Paralegal
Law Office of William Yarborough
308 West Stone Avenue
Greenville, SC 29609
864-331-1612
<Order for Credit.pdf>

9

CLERK OF COURT
PICKENS COUNTY
STATE OF SOUTH CAROLINA
COUNTY OF PICKENS SOUTH CAROLINA
THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA FEB -15 A 11: 45

PLAINTIFF.

CASE NO.: 2014GS3902842

VS.

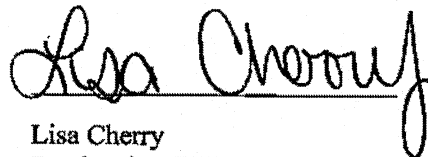
CHARLES B. RAMPEY,

CERTIFICATE OF SERVICE

DEFENDANT.

The undersigned hereby certifies that on the 29th day of January 2021, she served a copy of the attached **Motion to Reconsider Sentence** by placing said copy in a postpaid envelope, addressed to the person hereinafter named, at the place and address stated below, by depositing said envelope and contents in the United States Mail at Greenville, South Carolina.

Shannon Odom, Esq.
13th Circuit Solicitor's Office
214 E Main ST
STE B 120
Pickens, SC 29671



Lisa Cherry
Paralegal to William G. Yarborough

LAW OFFICE OF WILLIAM G. YARBOROUGH, III

P: 864.331.1612
F: 864.271.0711
E: WGYarborough@gmail.com

308 W. Stone Avenue
Greenville, SC 29609

January 29, 2021

The Honorable Harold P. Welborn
Pickens County Clerk of Court
PO Box 215
Pickens, SC 29671-0215

2021 FEB - 5 A 11:45
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

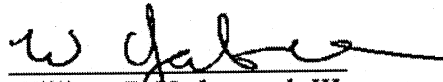
Re: *The State of South Carolina v. Charles Brandon Rampey*
Case No(s): 2014GS3902842

Dear Clerk of Court,

Enclosed is our Motion to Reconsider Order and Certificate of Service for the above-referenced case.

Please file original and return the clocked copy in the self-addressed stamped envelope provided. If you wish to discuss anything or need additional information, please do not hesitate to contact me.

Sincerely,


William G. Yarborough III

WY/lde
Enclosures

cc: Shannon Odom, Pickens County Assistant Solicitor
Honorable Perry H. Gravely, 13th Circuit Presiding Judge, pgravelysc@sccourts.org

LAW OFFICE OF WILLIAM G. YARBOROUGH, III

P: 864.331.1612
F: 864.271.0711
E: WGYarborough@gmail.com

308 W. Stone Avenue
Greenville, SC 29609

October 23, 2020

The Honorable Judge Perry H. Gravely
Post Office Box 219
Pickens, SC 29671

Re: *State of South Carolina v. Charles Brandon Rampey*
Case No(s): 2014GS2932842; 2014GS3901538

Dear Honorable Judge Gravely,


Mr. Rampey was convicted in 2016GS3901538. The case was reversed on appeal. Due to the conviction, my client took an Alford Plea in the 2014GS3902842 case. It appears on the 2014GS3902842 sentencing sheet you scratched out and initialed "no credit for ankle monitor time." I assume you meant this to mean Mr. Rampey would be allowed to receive credit for the time served.

It is my belief that the 24 months of house arrest time which was credited to 2016GS3901538, which was subsequently reversed on appeal, should be applied to the 2014GS3902842 case.

The South Carolina Department of Corrections Deputy General Counsel, Christina Bigelow, stated pursuant to SC Code § 24-13-40, she would need an amended order from the sentencing judge specifically awarding credit for time on house arrest for these particular charges and how much credit is to be awarded.

Enclosed is an Order to apply 24 months of house arrest to Mr. Rampey's 2014GS3902842 case.

Sincerely,


William G. Yarborough III

WY/lde
Enclosures

cc: Shannon Odom, 13th Circuit Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)
))
THE STATE OF SOUTH CAROLINA,)
))
PLAINTIFF,)
))
VS.)
))
CHARLES BRANDON RAMPEY,)
))
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.:2014GS3902842

PROPOSED ORDER

Defendant, Charles Brandon Rampey was convicted in case 2016GS3901538 and subsequently sentenced on September 1, 2016 to a term of thirteen (13) years to run concurrently, to the South Carolina Department of Corrections (exhibit 1). Defendant was to receive credit for twenty-four-months of time served on house arrest pursuant to S.C. Code § 24-13-10 and to be calculated and applied by the State Department of Corrections. As such, credit was applied to 2016GS3901538.

Following Defendants conviction, Defendant plead an Alford Plea in case 2014GS3902842 and subsequently sentenced on January 23, 2017 to a term of thirteen years to run concurrently, to the South Carolina Department of Corrections (exhibit 2).

Following the application of credit for time served to 23016GS3901538, Defendant's conviction was reversed on appeal (exhibit 3). As such, Defendant is to receive credit for twenty-four months of time served to 2014GS3902842.

THEREFORE, IT IS ORDERED, Charles Brandon Rampey's, September 23, 2017 sentence is to be updated to reflect a credit for twenty-four (24) months of time served and applied by the State Department of Corrections.

IT IS SO ORDERED.

The Honorable Perry H. Gravely

_____, 2020
Greenville, SC

EXHIBIT 1

STATE OF SOUTH CAROLINA)
 COUNTY OF Pickens)
 STATE VS.)
Charles Brandon Rampey)
 AKA:)
 Race: WHITE Sex: M Age: 28)
 DOB:)
 Address: Dr)
 City, State, Zip:)
 DL#: SID#:)

INDICTMENT/CASE#: 2016GS3901538
 A/W#: 2016GS3901538
 Date of Offense: 11/1/2012 - 12-31-2013
 S.C. Code § : 16-03-0655(C)
 CDR Code #: 3661

SENTENCE SHEET

*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: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor over 14 yrs)

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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

ATTEST: [Signature] 71891
Odom, Shannon 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 13 days/months/year or under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$
 Payment Terms:
 Set by SCDPPPS

Recipient:
 Obtain GED
 Attend Voc. Rehab. or Job Corp.
 May serve W/E beginning
 Substance Abuse Counseling
 Random Drug/Alcohol testing

*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 47.9 (Public Def/Prob) \$500 \$
 § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 § 14-1-213 (Drug Court Surcharge) \$150 \$
 § 50-21-114(BUI Breath Test Fee) \$50 \$
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 Proviso 90.5 (SCCJA Surcharge) \$5 \$
 3% to County (if paid in installments) \$ 375
 TOTAL \$ 128.75

\$ paid to Defendant Fund
 Other: Harold P. Wells

Clerk of Court
 Pickens County, SC

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

Clerk of Court/ Deputy Clerk Harold P. Wells
 Court Reporter: April Harker
 Presiding Judge
 Judge Code: 2138
 Sentence Date: 1/30/2016

EXHIBIT 2

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens
STATE VS. Charles Brandon Rampey
AKA:
Race: WHITE Sex: M Age: 29
DOB: SS/
Address:
City, St:
DL#:

INDICTMENT/CASE#: 2014GS3902842
A/W#: 2014A391D500243
Date of Offense: 6/24/2014
S.C. Code §: 16-03-0633(C)
CDR Code #: 3661

Alford Plea
SENTENCE SHEET
Up to 15 years and/or a fine, Sex Offender Registry
CONVICTED OF or PLEADS

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Criminal Sexual Conduct with Minor 3rd Degree - U/16yrs & actor over 14yrs

in violation of § 16-03-0633(C) of the S.C. Code of Laws, bearing CDR Code # 3661
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Odom, Shannon 77591 SC Bar# Defendant
Attorney for Defendant Thomas Boney 754 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 13 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: 2016-05-39-01538
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on 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 16-25-63 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

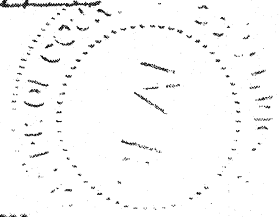
RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPTS

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (DUI Breath Test Fee) \$30, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.25. TOTAL \$ 128.75

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: NO VICTIM CONTACT
Over or indirect -
or any family members.
Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk: Harold P. Valler
Court Reporter: Deborah Garrison
SCCA/217 (07/2016)

Presiding Judge: [Signature]
Judge Code: 2755
Sentence Date: 1/23/2017



Certified Copy
Harold P. Valler
Clerk of Court
Pickens County, SC
Dated 12-22-20

EXHIBIT 3

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Charles Brandon Rampey, Appellant.

Appellate Case No. 2016-001905

Appeal From Pickens County
Robin B. Stilwell, Circuit Court Judge

Unpublished Opinion No. 2020-UP-245
Submitted November 1, 2019 – Filed August 19, 2020

REVERSED

William G. Yarborough, III, of William G. Yarborough
III, Attorney at Law, LLC, of Greenville, for Appellant.

Attorney General Alan McCrory Wilson, and Assistant
Attorney General William Frederick Schumacher, IV,
both of Columbia, and Solicitor William Walter Wilkins,
III, of Greenville, for Respondent.

PER CURIAM: Reversed pursuant to Rule 220(b), SCACR, and the following
authorities: *State v. Taylor*, 427 S.C. 208, 215, 829 S.E.2d 723, 727 (Ct. App.

2019) ("South Carolina approves the use of a modified *Allen*¹ charge, which must be neutral and even-handed, instruct both the majority and minority to reconsider their views, and cannot be directed at the jurors in the minority."); *Tucker v. Catoe*, 346 S.C. 483, 492-94, 552 S.E.2d 712, 717-18 (2001) (per curiam) (providing the following factors to consider in determining whether an *Allen* charge is unconstitutionally coercive: (1) whether the charge spoke specifically to the minority juror(s); (2) whether the trial court included in its charge any language such as "You have got to reach a decision in this case"; (3) whether there was an inquiry into the jury's numerical division; and (4) the timing of the returned verdict after the charge); *Taylor*, 427 S.C. at 218, 829 S.E.2d at 729 ("The *Tucker* criteria have never been deemed comprehensive."); *id.* ("The most troubling thing about the charge . . . is what it did not say: it did not tell the jurors they should not surrender their conscientiously held beliefs simply for the sake of reaching a verdict, an essential message that sometimes saves borderline charges from crossing the line into coercion."); *id.* at 219, 829 S.E.2d at 729 ("The charge . . . also overemphasized the cost and expense of a retrial."); *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (noting the court need not address remaining issues when the prior issue is dispositive).

REVERSED.²

HUFF, WILLIAMS, and MCDONALD, JJ., concur.

¹ *Allen v. United States*, 164 U.S. 492 (1896).

² We decide this case without oral argument pursuant to Rule 215, SCACR.

The South Carolina Court of Appeals

The State, Respondent,

v.

Charles Brandon Rampey, Appellant.

Appellate Case No. 2016-001905

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Thomas C. Yeliff

J.

H. Bruce Wilkins

J.

Stephen P. McBratton

J.

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire
William G. Yarborough, III, Esquire
William Frederick Schumacher, IV, Esquire
William Walter Wilkins, III, Esquire
The Honorable Robin B. Stilwell

FILED
Sep 16 2020

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF PICKENS) 2014-GS-39-32842;
) 2016-GS-39-1538
)
)
)
)
)
STATE OF SOUTH CAROLINA)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD
)
)
CHARLES BRANDON RAMPEY)
) DEFENDANT)

January 21, 2021
Pickens, South Carolina

B E F O R E:

THE HONORABLE PERRY H. GRAVELY, Judge.

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

SHANNON, ODOM
Attorney for the State

WILLIAM YARBOROUGH, ESQ.
Attorney for the Defendant

APRIL HERRON
Official Court Reporter

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There were no witnesses.

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Certificate of Reporter 13

COURT EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Sentencing Sheet	12	12

1 (WHEREUPON, the following proceedings were held
2 via WebEx.)

3 COURT REPORTER'S NOTE: Due to remote platform
4 interruption and video/audio interference throughout the
5 hearing, those instances are denoted with [audio
6 distortion] in the transcript.

7 THE COURT: All right. This is -- I apologize
8 for the delay in getting this set up. I know that
9 Mr. Yarborough you had requested it some time, I
10 think we ran into a couple little snags here and
11 there. But this is The State of South Carolina vs.
12 Charles Brandon Rampey, we have 2014-GS-39-32842 and
13 2000, I think, 16 -- let me see if this number is
14 right. 2014-GS-39-32842 and then 2016-GS-39-1538.
15 Those are the indictment numbers. This is a first
16 [audio distortion] hearing for Mr. Yarborough,
17 Mr. Rampey and Shannon Odom from the solicitor's
18 office. Now, this is, I guess, a motion to
19 clarification. [audio distortion] as far as a
20 sentencing goes.

21 Mr. Yarborough, I'll be glad to hear from you.

22 MR. YARBOROUGH: Yes, sir, Your Honor. I want
23 to start out by saying we're kind of -- we've gone
24 from one position where the case in Greenville was
25 reversed. And now -- it was reversed by the Court of

1 Appeals and the AG's office filed a motion for cert
 2 to the South Carolina Supreme Court. We've been
 3 ordered to respond to that. I think in the next week
 4 or the week after, sometime in the beginning of
 5 February. And so, we're still back. Mr. Rampey's
 6 original sentence was reversed and now it's back up
 7 on cert. But I think it's probably a good idea to go
 8 ahead and deal with this matter now because we got
 9 everybody here.

10 THE COURT: When you say the Greenville case, I
 11 think you mean the Pickens case. Both of them are
 12 Pickens, aren't they?

13 MS. ODOM: Yes, sir, that's right, both charges
 14 are from Pickens County.

15 THE COURT: Okay, you said Greenville, I want to
 16 make sure.

17 MR. YARBOROUGH: I'm sorry, Judge, I apologize.
 18 The original case was a Pickens case that was tried
 19 and that case was reversed. And I -- based on my
 20 understanding, I don't think anything is going to
 21 change after the sentence. So, we're going to be
 22 back having to deal with that later on. The issue
 23 became this is that he pled on the second case before
 24 Your Honor and he pled under a Alford plea. And it's
 25 my understanding at that time that the recommendation

1 from The State was that the sentence was going to run
2 concurrent with the sentence that he had been
3 sentenced on before. And that would have included
4 the 762 days that he got for being on Eagle Eye.

5 Now, if you go back and look at your original
6 order, Judge, at some point you had written that he
7 was not to receive that. And I don't have anyway of
8 knowing this because Mr. Boggs is deceased at this
9 point. But you struck out no credit for jail time
10 and then you initialed it on the order. So I think
11 then at that point you're putting it back in the
12 department of corrections responsibility to decide
13 what time he gets or what time he doesn't get. And
14 the department of corrections has told us that as
15 long as, you know, as long as you meant to strike
16 that out where it says no credit for jail time or
17 ankle monitor time, as long as you meant to strike
18 that out, they're going to give him credit for that
19 time. Which is significantly going to affect his
20 sentence.

21 THE COURT: All right.

22 Ms. Odom.

23 MS. ODOM: Thank you, Your Honor, Shannon Odom
24 for The State. Just to clarify a couple of things
25 just to make sure the record is clear.

1 Mr. Yarborough, he's saying the original sentence,
2 these are two separate charges, two separate victims.
3 He was convicted at trial on the first charge and
4 then pled guilty on the second charge. Like
5 Mr. Yarborough said, it was a Alford plea. The plea,
6 as far as concurrent goes, since I was the prosecutor
7 on both of these cases and have a very vivid memory
8 of this case, concurrent doesn't mean exactly what he
9 got on the first he got on the second. Concurrent
10 was that the two charges run together as opposed to
11 consecutive time stacking on top of each other.

12 So the concurrent time is just that the charges
13 run at the same time. We had no agreement as to he
14 would get credit for house arrest or wouldn't get
15 credit for house arrest. That was completely left in
16 Your Honor's discretion. There was a very fiery
17 argument on both sides of Mr. Boggs and myself about
18 the house arrest. Your Honor had initially said that
19 you did not want him to get credit for it. And
20 Mr. Boggs argued for credit and you said, We'll just
21 let SCDC decide what credit he's entitled to per the
22 statute. And it's my understanding that this is just
23 a motion for clarification and not a motion for maybe
24 a resentencing or Mr. Yarborough asking us that he
25 get credit or just that you allow us to recalculate

1 it. And if that's right, I think the order, as it
2 stands, I mean, the sentencing sheet is clear.
3 They're going to calculate it as they see fit. I
4 don't think you can necessarily calculate it, it's up
5 to your discretion at the time you said just whatever
6 they say he would be entitled to.

7 THE COURT: Right. And I remember this in
8 looking at this. My recollection, and the way this
9 order reads, is they would give him credit for time
10 that they have had it calculated based on whatever
11 their information is. And I don't know how they do
12 that or what they consider in that. But that was
13 kind of my purpose was and I think I just finally
14 threw up my hands and said, we'll let -- how The
15 State figures that out, that's how The State figures
16 that out.

17 And what is The State telling you,
18 Mr. Yarborough?

19 MR. YARBOROUGH: What they're telling me is that
20 as long as -- okay, so if you go back and look at
21 your sentencing sheet, you x'd out --

22 THE COURT: Just for the record here, and I
23 will -- I will scan this and send this to April, it
24 will be Exhibit A. And this is a sentencing sheet on
5 2014-GS-39-32842 and it is dated January 23rd of

1 2017.

2 MR. YARBOROUGH: And, Your Honor, if you go and
3 look at your sentencing sheet, you x out concurrent
4 and then you x out the Defendant is to be given
5 credit for time served by the State Department of
6 Corrections. And then you strike out wherever you
7 wrote no credit for ankle monitor, you struck that
8 out. And all I want to do is ask the Court to sign
9 an order saying that was your intention was to run it
10 concurrent and allow the department of corrections to
11 calculate the amount of jail credit that he gets
12 credit for. And I think that was your intention.
13 You know, I wasn't there, Judge. I'm just -- I'm
14 looking at -- I know you, I'm looking at what the
15 order said -- I mean, what the sentencing sheets look
16 like. And I'm guessing that was your intention.

17 THE COURT: Do they need an order saying that or
18 they just --

19 MR. YARBOROUGH: They 100 percent need an order
20 saying that because they don't know why the no credit
21 for ankle monitor was struck out. That's the
22 problem. When I went to them, it's got concurrent,
23 then they don't -- they're sitting there going -- and
24 they're not going to take, you know, my reference for
25 your -- where you strike it out and then you initial

1 it. I mean, I've seen your initials for a long time.
2 I know what your initials look like, the department
3 of corrections does not. You know, they don't want
4 to accept what I say.

5 THE COURT: I got you, I see what you're saying.

6 MR. YARBOROUGH: And I sent a proposed order to
7 you that, basically, I mean, you may want to strike
8 out that -- what I did at the bottom I said,
9 Therefore, Charles Rampey's sentences are to be
10 updated, reflect credit for the 24 months of time
11 served applied by The State Department of
12 Corrections. I think those are the words that
13 Shannon has a problem with. But, I mean, in reality
14 that's what it is. But--

15 THE COURT: I guess, probably, and this is my
16 proposal is that, like I said, that my order saying
17 that the -- that I did mark through that and that the
18 department of corrections, as indicated, should be
19 given credit -- the Defendant is to be given credit
20 pursuant to that statute and to be calculated and
21 applied by The State Department of Corrections.

22 MR. YARBOROUGH: Okay. Then I don't mind
23 drafting that order. And I would just refer to the,
24 you know, it talks about 24-13-40, which is what
 calculates it. And, I mean, we'll leave it up to

1 them.

2 THE COURT: Right. And that was kind of my
3 intention.

4 Ms. Odom.

5 MS. ODOM: Your Honor, I just want to make it
6 very clear. I don't think he should be given credit
7 for this time. At the time you sentenced him you
8 [audio distortion] ordered it. That was not--

9 THE COURT: Well, I guess there was -- I guess
10 in my mind I thought there was a combination of some
11 ankle monitor, maybe some additional jail time and
12 that's kind of what I was saying. I'm going let them
13 figure out which he's entitled to.

14 MS. ODOM: Right. And I don't think -- if we're
15 going to let them figure it out, I don't think
16 Mr. Yarborough's order needs to say he's to be given
17 credit.

18 MR. YARBOROUGH: He said that, I'm going to take
19 that out. I got it. I'm going to just refer to the
20 statute. I mean, I heard what Your Honor said.

21 THE COURT: And what I'm going to do is I'm
22 going to say -- I'm going to attach the sentencing
23 sheet of reference and say that those are my initials
24 on there and mark through that.

25 MR. YARBOROUGH: Okay. And can we also -- would

1 you mind if we attached the Eagle Eye, the number of
2 days that Eagle Eye had him listed for?

3 THE COURT: No, I'm not going to do that. I'm
4 just going to clarify that I marked through that he's
5 to calculate whatever his credit was.

6 MR. YARBOROUGH: Okay.

7 THE COURT: Ms. Odom, any other comments?

8 MS. ODOM: No other comments.

9 THE COURT: All right, send that to me. I mean,
10 I'm not going to -- make sure we have it in Word so
11 we can make any changes if we need to.

12 MR. YARBOROUGH: Okay, in Word, I'll do it.
13 Somebody will do it, you know I don't know how to do
14 that.

15 MS. ODOM: I'll send [audio distortion].

16 THE COURT: Okay, thank you.

17 MR. YARBOROUGH: I'll send it to you first,
18 Shannon.

19 MS. ODOM: Okay, thank you.

20 THE COURT: All right, anything else?

21 MR. YARBOROUGH: Good seeing you, Judge.

22 THE COURT: All right, y'all take care. Thanks.

23 (WHEREUPON, Court's Exhibit No. 1 was marked for
24 identification and received into evidence.)

25 (WHEREUPON, the proceedings were concluded.)

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for the Thirteenth 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 for Pickens County, South Carolina, on the 21st day of January, 2020.

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

May 13, 2021

APRIL P. HERRON, Court Reporter

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF PICKENS)

State of South Carolina,)
)
 v.) Case No. 14-GS-39-2842
)
Charles B. Rampey,)
)
 Defendant.)

TRANSCRIPT OF HEARING

The within Hearing in the above-captioned matter was held on January 23, 2017, before The Honorable Perry H. Gravely, in Courtroom 2 of the Pickens County Courthouse, Pickens, South Carolina; attended by counsel as follows:

APPEARANCES:

Shannon Odom, Esq.
13th CIRCUIT SOLICITOR'S OFFICE
...Appearing for State

Cameron G. Boggs, Esq.
Greenville, South Carolina 29601
...Appearing for Defendant

Deborah Garrison (Retired)
Circuit Court Reporter – 13th Judicial Circuit
P O Box 27145
Greenville, South Carolina 29616
dgarrison@sccourts.org

State of South Carolina v. Charles B. Rampey
Case No. 14-GS-39-2842
Hearing of January 23, 2017
Before The Honorable Perry H. Gravely

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DEFENDANT: (Affirmative nod).

THE COURT: --- done all the investi-
gation which you felt was appropriate?

DEFENDANT: Yes, sir.

THE COURT: All right. In fact, y'all
are on the trial roster. Are you ready to go
to trial?

MR. BOGGS: Yes, sir.

THE COURT: All right. Are you
completely satisfied with his representation
of you?

DEFENDANT: Yes, sir.

THE COURT: Any complaints about Mr.
Boggs or anybody in his office?

DEFENDANT: No, sir.

THE COURT: All right. We have a case
here of criminal sexual conduct with a minor,
third degree; which carries a sentence of up
to fifteen years and/or a fine. Also, in the
discretion of the Court, placing you on the
Sexual Offender Registry. Do you understand
that charge?

DEFENDANT: Yes, sir.

THE COURT: All right. There is a note
here that is under an *Alford* plea. Is that

State of South Carolina v. Charles B. Rampey
Case No. 14-GS-39-2842
Hearing of January 23, 2017
Before The Honorable Perry H. Gravely

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correct?

MR. BOGGS: That is correct, sir.

THE COURT: All right. Do you believe that the State could prove your guilt beyond a reasonable doubt and that if you went to court that the court would find you guilty of this charge?

DEFENDANT: Yes, sir.

THE COURT: All right. And you realize that I can sentence you up to the maximum amount, which is the fifteen years? Do you understand that?

DEFENDANT: Yes, sir.

THE COURT: All right. Has anybody promised you anything to enter this plea?

DEFENDANT: No, sir.

THE COURT: Has anybody threatened you to enter this plea?

DEFENDANT: No, sir.

THE COURT: Are you entering this plea freely and voluntarily?

DEFENDANT: Yes, sir.

THE COURT: Okay. As you know, the Grand Jury has indicted this case and a True Bill issued. But that by entering this plea

State of South Carolina v. Charles B. Rampey

Case No. 14-GS-39-2842

Hearing of January 23, 2017

Before The Honorable Perry H. Gravely

1 you are giving up certain Constitutional
2 rights.

3 DEFENDANT: (Affirmative nod).

4 THE COURT: You have a right to a jury
5 trial, which is scheduled for later this
6 morning.

7 You also have a right to make the State
8 prove this case against you beyond a
9 reasonable doubt and that you are presumed
10 innocent up to that point?

11 DEFENDANT: (Affirmative nod).

12 THE COURT: You have a right to
13 confront all of the State's witnesses.

14 You have a right to examine the evidence
15 that the State has against you.

16 And, finally, you have a right to remain
17 silent at every stage of the proceedings. In
18 other words, if you went to trial you cannot
19 be made to testify. If you felt like that
20 was in your best interest to not testify, you
21 cannot be made to testify. Do you understand
22 that?

23 DEFENDANT: Yes, sir.

24 THE COURT: And that that cannot be
25 used against you in any way. The jury would

State of South Carolina v. Charles B. Rampey
Case No. 14-GS-39-2842
Hearing of January 23, 2017
Before The Honorable Perry H. Gravely

1 be instructed as to that as well.

2 The State would still have the burden of
3 proof beyond any doubt.

4 Do you understand each of these rights?

5 DEFENDANT: Yes, sir.

6 THE COURT: Do you need me to explain
7 any of them any further?

8 DEFENDANT: No, sir.

9 THE COURT: You realize that you are
10 waiving these rights by entering this plea?

11 DEFENDANT: Yes, sir.

12 THE COURT: All right. You also would
13 have a right to appeal your sentence and plea
14 but you would have to do so within ten days
15 of this plea. Do you understand that?

16 DEFENDANT: Yes, sir.

17 THE COURT: All right. All right, I am
18 going to hear the facts of the case. I
19 understand that you are entering this as an
20 *Alford* plea, so after I hear the facts, I
21 will ask you if you understand and if you
22 believe that is what the State would be able
23 to prove if you went to trial.

24 MR. BOGGS: Your Honor, may I interject
25 something?

State of South Carolina v. Charles B. Rampey
Case No. 14-GS-39-2842
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THE COURT: Yes, sir.

MR. BOGGS: When he answered that no one had promised him anything, there is a recommendation of ---

THE COURT: My form says it is without recommendation.

SOLICITOR: There is no recommendation as to sentence. As far as -- if I can give you a little bit of background, ---

THE COURT: Yeah.

SOLICITOR: He was tried and sentenced back in September on another CSC charge, on a CSC 3rd Degree charge. So he is currently doing a thirteen-year sentence on that charge.

THE COURT: Okay.

SOLICITOR: So it being concurrent, that is not an issue but as far as recommending a specific amount of time ---

THE COURT: Okay. All right.

MR. BOGGS: Yes, sir. What the recommendation is, is a current sentence calculated just the way that his present sentence is. But there is no recommendation by the State of any second sentence or time.

State of South Carolina v. Charles B. Rampey
Case No. 14-GS-39-2842
Hearing of January 23, 2017
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1 THE COURT: I understand. There is a
2 little note here that says "Concurrent."

3 MR. BOGGS: Okay.

4 THE COURT: Let me ask you this, Mr.
5 Rampey, other than what has been indicated,
6 that these matters run concurrent, nobody
7 else has promised you anything?

8 DEFENDANT: No, sir.

9 THE COURT: And you realize that that
10 is not a promise, that that is just a
11 recommendation. I'm still not bound by that.
12 Do you understand that?

13 DEFENDANT: Yes, sir.

14 THE COURT: Okay.

15 MR. BOGGS: Thank you, Your Honor.

16 THE COURT: All right. I think that
17 clears that up. Go ahead and tell me the
18 facts on this one.

19 SOLICITOR: Judge, if I could just add
20 a little bit more to that.

21 THE COURT: That's fine.

22 SOLICITOR: I've got the sentencing
23 sheet on the other charge and it is checked
24 that he is to be given credit for time
25 served, to be calculated by the State

State of South Carolina v. Charles B. Rampey

Case No. 14-GS-39-2842

Hearing of January 23, 2017
Before The Honorable Perry H. Gravely

1 Department of Corrections.

2 When he was arrested, he did twenty-nine
3 days in the local facility, then he was out
4 on an ankle monitor for seven hundred sixty-
5 two day, and then at SCDC for one hundred
6 forty-five days. I believe defense counsel
7 will be asking for him to receive credit for
8 the seven hundred sixty-two days that he was
9 out on ankle monitoring.

10 MR. BOGGS: Well, that is not what I am
11 asking for.

12 THE COURT: Before we get to that, let
13 me hear the facts of the case.

14 MR. BOGGS: All right.

15 SOLICITOR: The facts are -- Your
16 Honor, this occurred on or about June 24th,
17 2014, here in Pickens County.

18 The fourteen-year-old victim had been
19 babysitting for the defendant's children for
20 a few days. The defendant lived with his
21 wife here in Pickens County, in Cateechee.
22 The victim would spend the night so that she
23 wouldn't have to be dropped off to babysit,
24 that she would already be at the home.

25 The night of the incident, the victim and

State of South Carolina v. Charles B. Rampey
Case No. 14-CS-39-2842
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1 the Defendant -- the victim, Defendant and
2 Defendant's wife, were in bed and the
3 Defendant's toddler child was in the bed with
4 them. The Defendant was laying at the foot
5 of the bed while the other three were lying
6 regular in the bed.

7 At some point in the night the toddler
8 got up and went to another room. The
9 Defendant's wife told the Defendant that she
10 couldn't stretch out, that he was going to
11 have to move from the foot. The Defendant
12 moved up to lie between the two women.

13 After a few minutes had passed the
14 Defendant put his hand up the victim's shirt
15 and began to rub her breast. He then moved
16 his hand into her shorts and began to fondle
17 her genitals, rubbing his fingers around her
18 labia.

19 The victim rolled over and the Defendant
20 put his hand back into her shorts and began
21 to rub on her butt.

22 He then got up and left the room.

23 Your Honor, those are the facts as the
24 State intends to present them at trial.

25 THE COURT: All right. Mr. Rampey, do

State of South Carolina v. Charles B. Rampey
Case No. 14-GS-39-2842
Hearing of January 23, 2017
Before The Honorable Perry H. Gravely

1 you believe that, based on your discovery and
2 discussions with your attorney, those are the
3 facts the State would be presenting and
4 setting forth at trial?

5 DEFENDANT: Yes, sir.

6 THE COURT: Mr. Boggs, have you had
7 sufficient time to talk with your client
8 about the charges and any defenses or issues
9 that he may have?

10 MR. BOGGS: I have, Your Honor. And,
11 just for the record, I've explained to him
12 what an *Alford* plea is.

13 I've also explained, and I should put on
14 the record, that as far as sentencing goes it
15 doesn't affect the actual sentence exposure;
16 however it is a statement by him that he
17 doesn't -- that it is a no contest,
18 basically.

19 That upon hearing the evidence presented
20 to the Court that he feels that he could or
21 most probably would be convicted.

22 Is that correct?

23 DEFENDANT: Yes, sir.

24 THE COURT: And, Mr. Rampey, do you
25 also realize that we are accepting this as an

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1 Alford plea that sentencing, for all intents
2 and purposes, is as if this were a guilty
3 plea?

4 DEFENDANT: Yes, sir.

5 THE COURT: Mr. Boggs, have you also
6 discussed with him his rights, the
7 significance of his giving those rights up in
8 entering ---

9 MR. BOGGS: I have, Your Honor, on
10 several occasions.

11 THE COURT: All right. Mr. Rampey, I
12 will accept your plea. I find that it has
13 been knowingly, intelligently and voluntarily
14 made with the advice of competent legal
15 counsel, with whom you have indicated that
16 you are satisfied with his representation of
17 you, and that there is a substantial factual
18 basis for the plea.

19 I believe that you have discussed all of
20 the days in jail. I will give him credit for
21 all that.

22 Prior record?

23 SOLICITOR: He has the CSC 3rd from last
24 year, that he received the thirteen-year
25 sentence on. He has ---

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1 THE COURT: Did that arise out of the
2 same instance or was that something separate
3 that happened?

4 SOLICITOR: A different victim.

5 THE COURT: All right.

6 SOLICITOR: He was out on bond on that
7 charge when this incident occurred.

8 He has got a 2010 trespassing; a 2009
9 public disorderly that pled down from an
10 indecent exposure charge.

11 THE COURT: All right. And one other
12 thing, Mr. Rampey, that I have not discussed
13 with you is that this charge has been
14 designated as a Violent offense, which means
15 that it will have an impact on your parole
16 eligibility and also the percentage of the
17 sentence that you will be serving. Do you
18 understand that?

19 DEFENDANT: Will I still be eligible
20 for parole?

21 THE COURT: Yes. It will affect when
22 you could be eligible, and the percentage of
23 the sentence that you'll have to serve could
24 be greater because it is a Violent offense.
25 Do you understand that?

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1 DEFENDANT: Yes, sir.

2 THE COURT: And you also will have
3 mandatory GPS following release. Do you
4 understand that, as well?

5 DEFENDANT: Yes, sir.

6 THE COURT: All right. Let me hear
7 exactly what the recommendation is and then
8 I will hear from Mr. Boggs.

9 MR. BOGGS: All right.

10 SOLICITOR: Your Honor, as far as the
11 -- you know, it's fine that he is going to
12 get concurrent time with the other sentence.
13 But the real issue is just the ankle monitor.
14 I can't agree that he get time for that when
15 really -- that is something that the State
16 would oppose. He was on house arrest. It is
17 in Your Honor's discretion whether or not to
18 order that.

19 Judge Stilwell, during the sentencing at
20 the trial on the former charge just checked
21 that he is to be given credit as SCDC saw fit
22 to calculate it.

23 So I think that you could decline to give
24 him credit for that, and that is what we
25 would ask.

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1 THE COURT: All right.

2 MR. BOGGS: Your Honor, I think
3 that is up to the Department of Corrections.
4 That is what it says on the sheet, that it is
5 up to them to do the calculation; not for the
6 Solicitor to do the calculation.

7 So long as it reads -- and I will give
8 you the indictment number from the old case,
9 but that part of the part of the sentence is
10 to give him credit pursuant to Section -- to
11 be calculated and applied by the Department
12 of Corrections and that is all that we are
13 asking. And, of course, that it be
14 concurrent.

15 THE COURT: It is supposed to be
16 concurrent with ---

17 MR. BOGGS: I will give you the number,
18 Judge. It is 2016-GS-39-01538.

19 THE COURT: All right. Anything else
20 you want to tell me?

21 MR. BOGGS: Along sentencing?

22 THE COURT: Yeah.

23 MR. BOGGS: No, sir.

24 THE COURT: Anything else you'd like to
25 -- I guess victim input.

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1 SOLICITOR: Yes, sir. The victim is
2 present along her mother. They don't wish to
3 speak but I would like to say something
4 briefly on her behalf.

5 THE COURT: Okay.

6 SOLICITOR: The victim was fourteen
7 when this happened. You know, she has been
8 going through this for two and a half years.
9 This has greatly impacted her. I've met with
10 her on several occasions. She has sat on the
11 witness stand and we have practiced. It is
12 something that she gets very emotional over.
13 She never asked for this to happen and -- you
14 know, Mr. Rampey is related to her. This has
15 affected her family in a lot of ways. You
16 know, she certainly will have to deal with
17 this for the rest of her life.

18 Your Honor, we would ask for no victim
19 contact when the Defendant is released -- or,
20 for that matter, now while he is in prison or
21 when he is released. We feel like that is
22 appropriate that he not contact her or her
23 mother.

24 Also, Your Honor, the Defendant's family
25 has tried to contact the victim. We would

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1 just -- you know I wish it could be ordered
2 that they are not to contact her, but -- I
3 just wanted to say that in open court, that
4 that is not appropriate for any of them to
5 contact her in any way.

6 She just wants this to be over. This has
7 really traumatized her. She does have great
8 support in her mother.

9 She just wants this to be over.

10 THE COURT: Be glad to hear from you if
11 there is anything else that you want to tell
12 me.

13 MR. BOGGS: Yes, sir, Your Honor. As
14 Brandon has told you, he is twenty-nine.
15 He's got three children.

16 He was a supervisor at a welding company,
17 VCI. He's got a high school degree.

18 Present in the courtroom with him today
19 are family members: his mother and father;
20 his wife, Lori; several friends and other
21 relatives. They have been supportive of him
22 throughout this entire ordeal.

23 Judge, exploring the basis of the *Alford*
24 plea, he doesn't remember. He was having
25 dental problems, he was taking Morphine

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1 pills.

2 On this particular night and on several
3 other nights, S.D.C. got in bed with him
4 and his wife. On this particular night she's
5 talking about, he had taken his medication,
6 had gone to bed and S.D.C. and Lori got in
7 the bed.

8 At some point during the night, he woke
9 up and realized that he was not next to Lori,
10 his wife, that he was next to S.D.C. He
11 gets up and goes in and gets in a recliner in
12 the living room. All of this appears in
13 S.D.C.'s statement to the police when she
14 gave her statement. Also in her statement is
15 that the next morning he gets up and goes to
16 the dentist for this medical problem that he
17 is taking the medication for.

18 Also in her statement, and this gives a
19 little preview of what Brandon tells me is,
20 that, uh, when he saw S.D.C. he could tell
21 that she was upset about something. And he
22 said, 'What's wrong?' He asked her several
23 times and she finally said that 'you touched
24 me last night while we were in bed',
25 something to that effect.

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1 Brandon then calls some of his relatives
2 to come take care of her and he left, went to
3 his parents' house.

4 But he tells me, and it seems to be
5 supported by S.D.C.'s statement, that he
6 was totally unaware of what was going on. If
7 there was any fondling -- certainly we don't
8 dispute her word about that, but -- he -- he
9 was not used to having a third woman, or a
10 second woman, in bed with him. Once he
11 realized that, he got up and left.

12 Judge, he's been through -- of course the
13 victim has too. But his family has been torn
14 up about this, he has been torn up about it.

15 When we were talking about the best way
16 to handle the matter, of course -- as the
17 Court is aware, we were aiming towards trial,
18 and I just don't think that he can take it
19 anymore.

20 Judge, the main thing that we are
21 concerned about -- we tried the other case in
22 front of Judge Stilwell. Judge Stilwell
23 gave him the concurrent to be calculated by
24 the Department of Corrections. That is who
25 should do it, and that is all we are asking

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1 the Court to do, is to make it fully
2 concurrent to his previous indictment, as I
3 read out, is.

4 We are also asking the Court to consider
5 a sentence of less than thirteen years. He
6 needs to get this behind him as does the
7 family. He will be in jail while they are
8 getting on with their lives and at some point
9 he needs to be able to get on with his life.

10 Judge, his family members may want to
11 address the court, if you will allow it, or
12 they could stand up in unison if ---

13 THE COURT: They can stand up. I
14 recognize that his family is here, and I
15 appreciate their coming.

16 MR. BOGGS: That is his mother, Tammy
17 Rampey.

18 THE COURT: State your full name.

19 TAMMY RAMPEY: Tammy Rampey, I am
20 just very nervous. I just want to say that
21 my son is a really good man. He supports his
22 family and children, is a good husband, a
23 good man.

24 Your Honor, he was on medication for his
25 teeth and I -- I believe he didn't know what

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1 he was doing.

2 THE COURT: All right. Thank you.
3 Anything further?

4 MR. BOGGS: I believe that she is the
5 only one that needs to address the Court,
6 Your Honor. Thank you.

7 SOLICITOR: Your Honor, one more thing.
8 I've spoken with the victims and they just
9 want it to be clear that the victim in no way
10 asked for this. She was in the bed before
11 the Defendant came and got in the bed. So it
12 is not like she was putting herself in this
13 position.

14 MR. BOGGS: We never said she was, Your
15 Honor.

16 SOLICITOR: We just want to make that
17 clear. Also, the morning after the -- after
18 the wife had left, the Defendant went back
19 and got in the bed with the victim again.
20 She just pretended, again, like she was
21 asleep. We just want to make it clear that
22 she in no way asked for this.

23 THE COURT: Okay. I appreciate her
24 being here.

25 The previous sentence was thirteen years?

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1 SOLICITOR: Yes, sir.

2 THE COURT: All right. What I am going
3 to do is I sentence him the same, to run
4 concurrent with 16-GS-39-01538. I will give
5 him credit for time served as calculated by
6 the Department of Corrections. But I'm not
7 going to backdate that. It's actually going
8 to start today, so it will add more time to
9 it. I'm not willing to backdate. They can
10 calculate the time, based on today.

11 MR. BOGGS: Judge, his house arrest was
12 as a result of his particular charge.

13 THE COURT: This happened while he was
14 out on bond, so I feel like I am stretching
15 it to do this. I'm not backdating it. I
16 will allow it to be concurrent, credit for
17 time served to be calculated by the State
18 Department of Corrections.

19 No victim contact, direct or indirect
20 while you are in jail or out of jail or by
21 any family member.

22 MR. BOGGS: Thank you, Your Honor.

23 (HEARING CONCLUDED)

1 show of hands, is there any one of this jury who feels as
2 though you compromised a firmly-held position and simply
3 agreed to go along with the remaining juries?

4 (There was no response.)

5 THE COURT: Okay. Thank you very much, ladies and
6 gentlemen. I appreciate that. If you would please return
7 to your jury room. I'm going to be in there in just a
8 second and I'm going to release you. I promise you I'm
9 not going to be very long. Thank you.

10 (WHEREUPON, the jury left the courtroom at
11 approximately 3:32 p.m.)

12 THE COURT: All right, Counsel, what I'm going to do
13 is I'm going to go release the jury. Then I'll come back
14 out for sentencing and any post-trial motions, okay.

15 (WHEREUPON, a short break was taken.)

16 THE COURT: Okay. All right. You may proceed to
17 sentencing.

18 However, Mr. Boggs, do you have any post-trial
19 motion, sir?

20 MR. BOGGS: Just on the guilty verdict, Your Honor.
21 There may have been testimony that fit right into that
22 statute. It seems to me that all the testimony was on
23 criminal sexual conduct second unless you incorporate that
24 and reduce it, the actual elements of CSC three. I don't
25 remember if they had any testimony about the fondling or

1 anything like that.

2 THE COURT: I do specifically remember testimony
3 where there was an offer to touch his private parts that
4 she put into evidence. And there was evidence of
5 additional feeling and fondling that she specifically
6 testified to. Now, certainly, the Defense can take the
7 position that it wasn't wasn't credible, but certainly
8 that's a determination for the jury.

9 MR. BOGGS: It's a little bit late for that one.

10 THE COURT: I respectfully deny your motion, sir.
11 Anything further?

12 MR. BOGGS: No, sir.

13 THE COURT: Okay. All right. You have the sentence
14 sheets, Ms. Odom?

15 All right. Ms. Odom, is there anything additional
16 that you need to put on the record regarding sentencing?

17 MS. ODOM: Yes, sir, Your Honor. Briefly his
18 criminal history, in 2009, he pled guilty to public
19 disorderly conduct, originally charged as a solicitation
20 of a minor where he exposed his penis to a teenager at the
21 Wal-Mart parking lot here in Pickens County --

22 MR. BOGGS: Judge, I object to that.

23 THE COURT: Yes, sir.

24 MR. BOGGS: You asked for the record, not a
25 recitation of the facts of that.

1 THE COURT: Okay. I'll grant her some latitude in
2 that regard. I understand. I'm going to take into
3 consideration not necessarily the facts because I
4 recognize they might not necessarily be an accurate
5 betrayal of the event. However, insofar as this is
6 advocacy for the State, I'll give them the opportunity to
7 advocate and I'll give you the opportunity to do the same.

8 Yes, ma'am.

9 MS. ODOM: Thank you, Your Honor. Also, later in
10 2009, he was convicted of entering premises after warning
11 in a criminal domestic violence charge, first offense. He
12 also has another pending CSC second with a minor charge
13 that he was arrested for a few months after he made bond
14 on the current charges.

15 And Your Honor, the victim is not present here in the
16 courtroom. She went back to school today. But at the
17 appropriate time, I can make a brief statement on her
18 behalf.

19 THE COURT: Okay. Let me make sure that I'm clear on
20 this. On the criminal sexual conduct with a minor in the
21 third degree, the maximum possible penalty is 15 years; is
22 that correct?

23 MS. ODOM: Yes, sir.

24 THE COURT: Is that your understanding, Mr. Boggs?

25 MR. BOGGS: Zero to 15.

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1 THE COURT: All right. I'd be happy to hear the
2 statement at this time.

3 MS. ODOM: And I don't have a written statement, but
4 I've met with her several times over the past year. And I
5 just wanted you to let her know that this does mean a lot
6 to her. That she has dealt with this and she has really
7 struggled with this and she does miss her family. And
8 while she never wanted it to come -- she -- I have never
9 heard her say I want him to go to prison or I want him to
10 walk out and get nothing, she has never discussed that
11 with me. But as the State, we feel like a substantial
12 amount of prison time is appropriate and that's what we
13 would be asking for.

14 THE COURT: All right. Thank you very much. I
15 appreciate it.

16 Mr. Boggs.

17 MR. BOGGS: Thank you, Your Honor. My client is 28,
18 he's got four children at home. His family is here. His
19 wife is --

20 Stand up, Lori.

21 This is his wife. They have a child. She has
22 another child from a prior marriage. Brandon got custody
23 of his two children that lived with him, got custody
24 through the Family Court.

25 These are his parents, sister, brother-in-law and

1 other relatives. They've been here, you've seen,
2 throughout this entire trial.

3 Judge, I think this is readily apparent this is a
4 compromised verdict. And I don't want to make light of
5 it, but that's exactly what it is.

6 He was charged in February of 2014 with CSC. That's
7 all he was charged with. A week before we were to go to
8 trial last month, they slipped this CSC three indictment
9 in. I don't know what caused them to do that at that
10 point. But as you saw, we did the arraignment yesterday,
11 I guess it was. We've been fighting the CSC two because
12 that's what they harped on. Then at the last minute, as a
13 safety net, they put in this CSC three in the event the
14 CSC two fell apart, which it did because they couldn't
15 prove it, which is exactly what happened.

16 Brandon works. He's been on an ankle brace monitor
17 two and a half years. In fact, the man you just talked to
18 from Eagle Eye --

19 THE COURT: Yes, sir.

20 MR. BOGGS: -- monitors him. And they have never had
21 one problem. In fact, he offered to come to court to
22 recommend the ankle bracelet be removed, which we were
23 going to do, but his trial was coming up in July. And we
24 were going to be in trial before we could get to court on
25 a motion hearing, so we didn't pursue it at that point.

1 He has cooperated with authorities. He has shown up
2 every time or had me call the solicitor any time he's been
3 noticed up for an appearance. This is a tragedy and
4 Brandon maintains his innocence. His family maintains his
5 innocence. There's a lot that we couldn't bring out.
6 There's a lot that -- or really procedural matters that
7 wouldn't have been relative under the legal parameters of
8 this trial, but could have had an impact outside the box.
9 And that deals with **Minor** and things that she's said and
10 done. But again, didn't go directly inside the box, but
11 could have shed light on the situation in kind of an
12 ancillary way.

13 Judge, he doesn't need to go to jail. He's got
14 health problems. I realize the seriousness of this
15 charge. If this is the only thing he had been charged
16 with or if he had been charged with this back in February
17 of 2014 and they alleged all along that this had occurred,
18 I don't know what my position would be. But as a safety
19 net where the jury's obviously done a compromised verdict,
20 I hope the Court will take that into consideration.
21 Again, Brandon works. He works every single day. He's a
22 good provider for his family. He and Lori have been
23 taking care of five for a while, certainly, the other
24 four.

25 DSS intervened. They did remove the children for a

1 while from them. They got custody back yesterday in
2 Family Court right below where we're sitting right now.
3 Judge, I don't know, generally, I can run off at the
4 mouth. You've heard me talk enough, but I'm a little bit
5 at a loss for words. But I think you understand where I'm
6 coming from. He doesn't have a serious record. It's just
7 unfortunate that this ended up the way it did.

8 We could have brought in -- well, I'm not going to
9 say that. Never mind. I'm not going to throw stones on
10 issues outside that box like e-mails and texts and all
11 that stuff. It's ironic. **Minor** made that for him a
12 couple months ago and sent it to him with a note saying I
13 hope you like this. And that's been going on. She's been
14 sending things to him through her mother. It makes it
15 seem like the complete antiphthesis of her coming in and
16 testifying against him today.

17 But I'm not going to belabor the point. You know
18 where I'm coming from. I'm going to ask you to be as
19 lenient as you can. If there's any way the Court would
20 consider -- and I've got to ask you, for a sentence that
21 could be served on house arrest. Let him get this -- if
22 it turns out to be he needs this valve or whatever you
23 call it, at least, he would be under the care of the
24 physician that's been taking care of him. Thank you.

25 THE COURT: Mr. Rampey, is there anything you would

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1 like to say, sir?

2 MR. BOGGS: If you want to, you have the opportunity
3 to address the Judge. If you don't want to or can't, then
4 don't.

5 MR. RAMPEY: Sir, I just want to say I'm innocent. I
6 -- even though my -- she's still like a daughter to me,
7 **Minor** you know. And I don't disown her. It hurts me,
8 you know, for her to do something like this to me. I
9 still consider her my daughter. I got her name on me and
10 everything along with all my other four kids. I love her
11 with all my heart just like I do my other four. And it
12 just floors me that she would do this to me.

13 MR. BOGGS: Thank you, Your Honor.

14 THE COURT: All right, I appreciate it.

15 Has Mr. Rampey done any prior time on this offense?

16 MR. BOGGS: One day.

17 THE COURT: One day? Does that sound right? Does
18 the State have any different number than that?

19 MS. ODOM: I think that was it on this charge.

20 SENTENCE OF THE COURT

21 THE COURT: Well, I'm going to give you credit for
22 any and all the time that may have been served. I
23 recognize this is very difficult on the entire family.
24 It's a tragedy all around. There's no question but it's
25 -- that it's a tragedy on **Minor** Regardless of what you

1 think her motives were or what happened to her or didn't
2 happen to her, it certainly has visited upon her harshly.
3 I recognize for the collective family that it's difficult,
4 too. I'm sorry that all of you find yourselves in this
5 position.

6 I don't presume to second guess jury verdicts.
7 Whether it was a compromised verdict or not, I don't know.
8 I asked them a specific question at the close of the trial
9 after they had returned their verdict to make sure that
10 they had not, in fact, compromised their closely-held
11 beliefs to simply arrive at a verdict. And they indicated
12 clearly they did not. And I must take them at their word.
13 They had every opportunity to answer that.

14 Again, in my capacity as the judge, I don't second
15 guess juries. And it's my job at this point to sentence
16 in accordance with the law and in context with what the
17 jury found. The jury found that, Mr. Rampey, you had
18 molested a 12-year-old girl. That's what they found. And
19 I must, I must under my responsibility as an officer of
20 the court and as a judge holding an office in the State of
21 South Carolina sentence in that context.

22 These are not the types of crimes that we sentence
23 home incarceration on. They just aren't. That's an
24 unreasonable expectation. There's nothing on the face of
25 this earth that we need to hold more dear and precious

1 than our children. And in that context, I issue the
2 following sentence.

3 Mr. Rampey, you're sentenced to the State Department
4 of Corrections for a period of 13 years, concurrent with
5 any other time that you may be serving or will serve to
6 the extent that I have the authority to issue that and
7 credit for any time that you may have served. I wish you
8 luck, sir.

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CERTIFICATE OF REPORTER

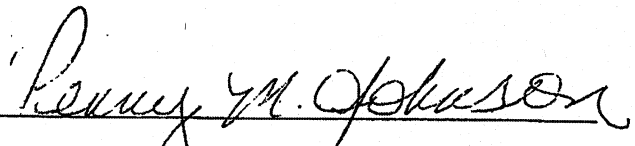
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STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

I, PENNY M. JOHNSON, 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 the evidence introduced in the trial of the captioned case, relative to appeal, in Court of General Sessions for Pickens County, South Carolina, on the 31st day of August and 1st day of September, 2016.

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

January 11, 2017



Penny M. Johnson Court Reporter

My Commission Expires: 06/16/2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens
STATE VS.

Charles Brandon Rampey

AKA:

Race: WHITE Sex: M Age: 29

DOB: S/

Address:
City, State, Zip

DL#: SIDP:

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Criminal Sexual Conduct with Minor 3rd Degree - U/16yrs & actor over 14yrs

INDICTMENT/CASE#: 2014GS3902842

A/W#: 2014A3910500243

Date of Offense: 6/24/2014

S.C. Code §: 16-03-0635(C)

CDR Code #: 3661

Alford Plea

SENTENCE SHEET

Up to 15 years and/or a fine, Sex Offender Registry
CONVICTED OF or PLEADS

in violation of § 16-03-0635(C) of the S.C. Code of Laws, bearing CDR Code # 3661
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

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

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

ATTEST: Shannon 77891 SC Bar# Defendant
Thomas Boyers 754 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 13 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: 2016-GS-39-01538

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on 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 FTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment

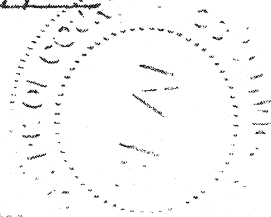
Payment Terms:
Set by SCDPPPS Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 36-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(B)(I) (Breath Test Fee) \$30, § 56-5-2942(I) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Harold P. Walker
Court Reporter: Deborah Garrison
SCCA/217 (07/2016)

Presiding Judge: [Signature]
Judge Code: 2755
Sentence Date: 1/23/2017



Certified Copy
Harold P. Walker
Clerk of Court
Pickens County, SC
Dated 12-22-20

69

STATE OF SOUTH CAROLINA)
 COUNTY OF Pickens)
 STATE VS.)
Charles Brandon Rampey)
 AKA:)
 Race: WHITE Sex: M Age: 28)
 DOB: SS#)
 Address: 1)
 City, State, Zip: Central, SC 29630-8988)
 DL#: SID#:)

INDICTMENT/CASE#: 2016GS3901538
 A/W#: 2016GS3901538
 Date of Offense: 11/1/2012 - 12-31-2013
 S.C. Code § : 16-03-0655(C)
 CDR Code #: 3661

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor over 14 yrs)

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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

ATTEST: Shannon Odom 71891 SC Bar# 71891 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 13 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$
 Payment Terms:
 Set by SCDPPPS

Recipient:
 Obtain GED
 Attend Voc. Rehab. or Job Corp.
 May serve W/E beginning
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
 \$ paid to Defendant Fund
 Other:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$ <u>375</u>
TOTAL		\$ <u>128.75</u>

Harold P. Walker
 Clerk of Court
 Pickens County, SC
 Dated 12-22-2016
 Appointed by appointed other counsel; § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk April Hacker
 Court Reporter: April Hacker
 SCCA/217 (03/2011)
 Presiding Judge
 Judge Code: 2158
 Sentence Date: 1/15/2016

WITNESSES

Terry Marvin Nix

Pickens County Sheriff's Office

7/4/2014

ARREST WARRANT NUMBER

2014A3910500243

ACTION OF GRAND JURY

TRUE BILL

FEB 10 2015

[Signature]

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO: 2014-GS-39-2842

SBT

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

FEB 10 2015

TERM 2014

THE STATE

vs.

CHARLES BRANDON RAMPEY

Indictment for

3661

CRIMINAL SEXUAL CONDUCT WITH A MINOR
3RD DEGREE

VIOLATION § 16-03-0655(C)

71

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

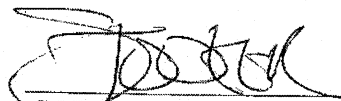
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 3RD DEGREE


At a Court of General Sessions, convened on FEB 10 2015 the Grand Jurors of Pickens

County present upon their oath:

That CHARLES BRANDON RAMPEY did in Pickens County, on or about the 24th day of June 2014, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of S.D.C., a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-03-0655(C) of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR


BAR #

WITNESSES

Terry Marvin Nix

Pickens County Sheriff's Office

2/26/2014

ARREST WARRANT NUMBER

2014A3910300101

ACTION OF GRAND JURY

TRUE BILL

~~Date~~

JUL 14 2015

[Signature]

Foreperson of Grand Jury

VERDICT

NOT GUILTY

[Signature]

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-39-^{DR}SBT

1160

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUL 14 2015

TERM 2014

THE STATE

vs.

CHARLES BRANDON RAMPEY

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE (11-14)

VIOLATION § 16-03-0655(B)

73

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)


INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE
(11-14)

At a Court of General Sessions, convened on **JUL 14 2015** the Grand Jurors of Pickens

County present upon their oath:

That CHARLES BRANDON RAMPEY did in Pickens County, between the dates of November 1, 2012 and December 31, 2013, commit a sexual battery on MINOR, who was fourteen years of age or less but who was at least eleven years of age. This is in violation of § 16-3-655(B)(1) [formerly § 16-3-655(2)] of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR 78999
BAR #

WITNESSES

Terry Marvin Nix

Pickens County Sheriff's Office

2/26/2014

ARREST WARRANT NUMBER
DIRECT PRESENTMENT

DOB: _____

ACTION OF GRAND JURY

TRUE BILL

Date _____

JUL 19 2016

[Signature]

Foreperson of Grand Jury

VERDICT

GUILTY

[Signature]

Foreperson of Petit Jury

Date: _____

DOCKET NO. 2016-GS-39-1538
SSO

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUL 19 2016

TERM 2016

THE STATE

vs.

CHARLES BRANDON RAMPEY

Indictment for

3661

CRIMINAL SEXUAL CONDUCT WITH A MINOR
3RD DEGREE

VIOLATION § 16-03-0655(C)

75

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 3RD DEGREE

At a Court of General Sessions, convened on **JUL 19 2016** the Grand Jurors of Pickens

County present upon their oath:

That CHARLES BRANDON RAMPEY did in Pickens County, on or about or between the dates of November 1, 2012 and December 31, 2013, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of MINOR, a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-03-0655(C) 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.

Shirley S. Odum 77891
SOLICITOR BAR #

RECEIVED

Jul 05 2022

CERTIFICATE OF COUNSEL PURSUANT TO RULE 210(g)

SC Court of Appeals

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully Submitted,

By: Lauren C. Hobbs

Lauren C. Hobbs, South Carolina Bar #103190
William G. Yarborough III, Attorney at Law, LLC
308 West Stone Avenue
Greenville, South Carolina 29609
(864) 331-1612

ATTORNEYS FOR APPELLANT

RECEIVED

Jul 05 2022

SC Court of Appeals

CERTIFICATE REGARDING CONFIDENTIAL INFORMATION

The undersigned hereby certifies that the Record on Appeal complies with the South Carolina Supreme Court's Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings (No. 2014-04-15-02).

The undersigned further certifies that a Confidential Reference List of Redacted Identifiers has been filed alongside the Record on Appeal and Final Brief of Appellant in this case pursuant to the South Carolina Supreme Court's Order Regarding Confidential Reference List of Redacted Identifiers in Appellate Court Filings (No. 2014-04-15-03).

Respectfully Submitted,

By: Lauren C. Hobbis

Lauren C. Hobbis, South Carolina Bar #103190
William G. Yarborough III, Attorney at Law, LLC
308 West Stone Avenue
Greenville, South Carolina 29609
(864) 331-1612

ATTORNEYS FOR APPELLANT