

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Jul 13 2022

Certiorari to Spartanburg County

S.C. SUPREME COURT

Honorable William A. McKinnon, Circuit Court Judge

MARK ALLEN BRADBERRY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2021-001449

APPENDIX

LARA M. CAUDY
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEYS FOR RESPONDENT

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Counsel recalled the State objecting to a reference Applicant made to his son's death during his trial testimony. He stated that he does not recall the basis for the objection and, in hindsight, he should have asked for it to be placed on the record.

This Court finds that Counsel was not deficient for failing to attempt to explain Applicant's failure to call 911 by referencing his son's death. The trial court sustained the State's objection to Applicant's testimony about his son's death. The Court discussed it with the attorneys and counsel was left with the impression that it would not be worth pursuing, in light of the Court's ruling. Because the objection was sustained, it is likely that counsel had no way to put the story in front of the jury. Furthermore, counsel stated that in his professional judgement, he believed it to be a "stretch." Counsel is not required to assert such far-fetched defenses, especially in light of a sustained objection. Counsel's performance was not deficient.

Furthermore, it is unclear how the story would have benefitted Applicant. He stated that he called 911 when his son died accidentally, but did not call 911 when his mother's body was found, beaten and bloodied. It is very likely that the jury could, and would, have inferred that Applicant called 911 when he was innocent, but did not do so when he was guilty. After all, the police investigated him and did not find him responsible for his son's death. Failing to call 911 because of fear of an investigation similar to one that led to an exoneration gives the impression that Applicant believed an investigation would implicate him in the crime. Because pursuing such a story could have interjected such irreparable harm into his trial, Counsel's failure to do so cannot be prejudicial. Applicant has failed to meet his burden of proof and the allegation must be denied and dismissed with prejudice.

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CLERK OF COURT
SPARTANBURG COUNTY
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Failure to Object to Rebuttal Witnesses

Applicant alleges that counsel provided ineffective assistance for failing to object when the State recalled Officer Talanges to rebut Applicant's testimony. This allegation is without merit.

When a party introduces evidence about a particular matter, the other party is entitled to explain it or rebut it, even if the latter evidence would have been incompetent or irrelevant had it been offered initially. *State v. Jackson*, 364 S.C. 329, 613 S.E.2d 374 (2005). Admission of reply testimony is within the discretion of the trial judge. *Vernon v. Provident Life & Accident Ins. Co.*, 266 S.C. 208, 222 S.E.2d 501 (1976). The rules of discovery seek to promote the full examination of all relevant facts and issues and to discourage litigants from surprising one another through the introduction of unexpected testimony. *Hodge v. Myers*, 255 S.C. 542, 180 S.E.2d 203 (1971).

The State recalled Officer Talanges after Applicant's testimony to describe the images of the door to the victim's home. (Tr. 328-329). Applicant testified that the door had been damaged when he arrived on the scene. Officer Talanges testified that there were two locks on the door, one of which was damaged, as well as a deadbolt which could not have been locked at the time because it was still in place. (Tr. 330).

Counsel testified that he addressed the issue regarding the door in his closing argument. In closing, he disputed the State's position that the scene appeared to be a staged burglary and pointed out that nobody knew what happened to the door or who damaged it. (Tr. 336). He stated at the evidentiary hearing that the house was old and it would not have been unusual for there to be a problem with a lock on the door.

This Court finds that there was no error in Counsel's failure to object to Officer Talanges's rebuttal testimony because it was limited to an issue raised by Applicant's testimony: the condition of the door and appearance of the scene at the time. The law favors admission of this evidence,

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 SPARTANBURG COUNTY

and therefore any objection would have been fruitless. Therefore, Applicant has failed to meet his burden of proving that his counsel provided deficient representation. Furthermore, the condition of the lock on the door was not crucial to a finding of guilt in this case. Therefore, the outcome of trial would not have differed had counsel successfully objected to the testimony. Applicant has failed to meet his burden of proving prejudice. The allegation must be denied and dismissed with prejudice.

Failure to Object to Leading Questions

Applicant states that Counsel provided ineffective assistance of counsel for failing to object to a leading question asked by the State on direct examination of Robert Talanges, a police officer who observed the crime scene. Specifically, the State asked "does this look like a staged situation to you, sir?" (Tr. 330). This allegation is without merit.

Under Rule 611(c), SCRE, leading questions "should not be used on the direct examination of a witness except as may be necessary to develop the witness's testimony." When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions. *Id.* The true test of whether a question is leading is whether it suggests the answer. *State v. Tyner*, 273 S.C. 646, 258 S.E.2d 559 (1979). A question which does not suggest an answer in the affirmative or negative is not a leading question. *Smith v. Union-Buffalo Mills Co.*, 100 S.C. 115, 84 S.E. 422 (1915).

At trial, Officer Murray Letterman testified that the scene appeared to be staged, based on his experience working similar crime scenes. (Tr. 237). He stated that he believed it was staged because typically the entire house would be ransacked and valuables would be missing. *Id.* Here the only room that was disturbed was the room where the victim's body was found. He provided this testimony without being prompted or led, and was simply asked what the crime scene looked

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 CLERK OF COURT
 SPARTANBURG COUNTY

like based upon his experience. He was cross-examined on this testimony, and counsel suggested that it may have been possible that the perpetrator could have been scared off before he was able to ransack the entire home. (Tr. 259-260). The State revisited this inquiry on direct examination of Officer Talanges, who confirmed that the ransacked bedroom appeared to have been staged. (Tr. 330-331). The State specifically asked, "does this look like a staged situation to you, sir?" (Tr. 330). Counsel did not object.

Counsel acknowledged that he did not object to the leading question. He stated that his experience with this specific trial judge it would have been pointless, because he would have simply asked counsel to rephrase the question and essentially ask the same thing.

This Court finds that Counsel was not deficient in failing to object to the question. The question was leading, but he believed objecting to it would have done little good based upon his experience with the judge who presided over this trial. Furthermore, the opinion that the scene appeared to be staged was properly brought in earlier in the trial through another witness. Objecting to this line of testimony, even if successful in preventing the question from being asked, would not have affected the prior statement. Instead, it very likely would have drawn attention to it. Given the circumstances and counsel's professional opinion that an objection would have been fruitless, this Court finds that Applicant has failed to meet his burden of proving deficiency.

Furthermore, Officer Talanges' testimony was hardly crucial to a finding of guilt in this case, as he provided only small pieces of the mountainous evidence against Applicant. There is no possibility that the outcome of trial would have been different but for this one leading question. Applicant has failed to meet his burden of proving prejudice from Counsel's performance. The allegation must be denied and dismissed with prejudice.

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 CLERK OF COURT
 SPALDIN COUNTY

Failure to Properly Move for a Directed Verdict

Applicant alleges that counsel provided ineffective assistance when he failed to move for a directed verdict on the basis that the victim had already died when she was robbed, and therefore he could not be guilty of armed robbery. This allegation is without merit.

A case should be submitted to the jury if there is any substantial evidence, either direct or circumstantial, which tends to prove the guilt of the accused or from which his guilty may be fairly or logically deduced. *State v. Williams*, 303 S.C. 274, 400 S.E.2d 131 (1991). When a directed verdict is made, the trial court is concerned with the existence or nonexistence of evidence, not with its weight. *State v. Massey*, 267 S.C. 432, 442-43, 229 S.E.2d 332, 337-38 (1976).

This Court finds Applicant's claim of entitlement to a directed verdict on the armed robbery charge because the victim was dead when the robbery occurred to be without merit. Very strong evidence indicated that Applicant was the one responsible for both the victim's death and the forceful taking of her property. There simply is no possibility that the trial court would have directed a verdict of acquittal for the armed robbery because he murdered the victim before robbing her. To that end, the evidence does not show that Applicant murdered the victim prior to stealing her jewelry, credit cards, and vehicle. He very well may have pocketed her jewelry and cards, committed the murder, then drove away in her vehicle before she passed, based upon the evidence presented. As such, there is no reasonable probability that a directed verdict would have been granted on this basis. Applicant has failed to prove that his counsel was deficient in this regard.

Furthermore, Counsel moved for a directed verdict. Specifically, he argued that there was no direct evidence implicating Applicant, and described the case as circumstantial and insufficient to submit to a jury. (Tr. 279). The Court noted that there was substantial circumstantial evidence and direct evidence, and found that there was evidence to support each of the essential elements

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 CLERK OF COURT
 SPANISH FORT COUNTY

of the charges. (Tr. 280). This finding would have stood, regardless of counsel's explanation for the motion. Given the very strong evidence of Applicant's guilt, there is no reasonable probability that the outcome of trial would have been different had Counsel offered the desired justification for his directed verdict motion. Therefore, Applicant has failed to prove he was prejudiced by Counsel's performance. The allegation must be denied and dismissed with prejudice.

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CLERK OF COURT
SPARTANBURG COUNTY
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V. CONCLUSION

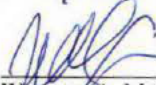
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an 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 the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 24 day of November, 2021.


 WILLIAM A. MCKINNON
 Presiding Judge
 Seventh Judicial Circuit

2021 DEC -6 AM 9:47
 CLERK OF COURT
 SPARTANBURG COUNTY

Spartanburg, South Carolina

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE MADE

2. REPORT ENDED

3. CARD FILLED

INDEXED

4. CHECKED WARRANTS

5. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

COMPUTER

COMPUTER

ARREST WARRANT NUMBER

2014A4210203503

ACTION OF GRAND JURY

THE 211

JAN 28 2015

Foreperson of Grand Jury
Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date: *Kathy W. Green*
June 22, 2016

DOCKET NO. 2015-GS-42-0445

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

FEB 09 2015

TERM

THE STATE

v.

MARK ALLEN BRADBERRY, SR.

Indictment for

MURDER

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

2015 FEB -5 AM 9:16

M. HOPE BLACKLEY

508

ml

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JAN 28 2015 , the

Grand Jurors of Spartanburg County present upon their oath:

MURDER

That the Defendant, Mark Allen Bradberry, Sr., did in Spartanburg County on or about October 30, 2014, feloniously, willfully, and with malice aforethought, kill one Connie Bataille by striking her about the head with an unknown object and stabbing her several times about the body, and the victim died as a proximate result thereof, all in violation of §16-3-0010, 0020, *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

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JAN 28 2015, the Grand Jurors of Spartanburg County present upon their oath:

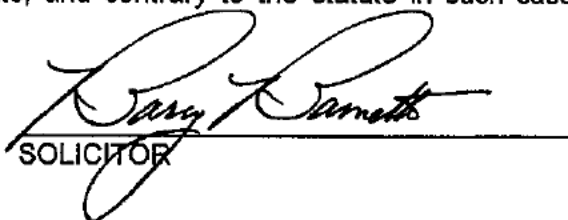
COUNT ONE – ARMED ROBBERY

That the Defendant, Mark Allen Bradberry, Sr., did in Spartanburg County on or about October 30, 2014, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take property and/or currency from the person or presence of Connie Bataille, including but not limited to, a Suntrust Debit Card and miscellaneous jewelry, by means of force, violence, and/or intimidation with the intent to deprive her permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**COUNT TWO – POSSESSION OF A WEAPON DURING
 COMMISSION OF A VIOLENT CRIME**

That the Defendant, Mark Allen Bradberry, Sr., did in Spartanburg County on or about October 30, 2014 possess or visibly display a knife during the commission of a violent crime, to-wit: ~~ARMED ROBBERY~~, in violation of Code §16-23-490, *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.


 SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Mark Allen Bradberry Sr

AKA:

Race: WHITE Sex: M Age: 51

DOB: [REDACTED] SS#: [REDACTED]

Address: MONTGOMERY AVE
City, State, Zip: ANCOLET MILLS, SC 29373

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder 30 years to Life

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS4200445

A/W#: 2014A4210203503

Date of Offense: 10/30/2014

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or PLEADS

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(CSC w/minor 1st or Lewd Act) §17-25-45

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] 13039 [Signature] [Signature] 2596
BARNETTE, BARRY 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 LIFE 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 —
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 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	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

— days/hours Public Service Employment
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: —

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

Clerk of Court/ Deputy Clerk C. Poole
Court Reporter: L. Moffitt
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2093
Sentence Date: June 22, 2016

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS **COMPUTER**

COUNTY OF SPARTANBURG
STATE VS.

INDICTMENT/CASE#: 2015GS4200446
A/W#: 2014A4210203504
Date of Offense: 10/30/2014
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

Mark Allen Bradberry Sr
AKA:
Race: WHITE Sex: M Age: 51
DOB: [REDACTED] SS#: [REDACTED]
Address: MONTGOMERY AVE.
City, State, Zip: PACOLET MILLS, SC 29373
DL#: [REDACTED] SID#: [REDACTED]

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: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon 10-30 years - COUNT ONE

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(CSC w/minor 1st or Lewd Act) §17-25-45

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] 13039 [Signature] [Signature] 2596
BARNETTE, BARRY 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 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
Total: \$ — plus 20% fee: \$ —
Payment Terms: —
 Set by SCDPPPS —

PTUP — days/hours Public Service Employment
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: —

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

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	\$
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§ 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	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Clerk of Court/ Deputy Clerk C. Poole
Court Reporter: L. Moffitt
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2093
Sentence Date: NOV 30, 2014

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Mark Allen Bradberry Sr

AKA:

Race: WHITE Sex: M Age: 51

DOB: SS#

Address: MONTGOMERY AVE.

City, State, Zip: PACOLET MILLS, SC 29373

DL#: SID#

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Possession of a weapon during violent crime, if not also sentenced to life without parole - COUNT TWO

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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: BARNETTE, BARRY 13039 SC Bar# Defendant Attorney for Defendant 2596 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 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: any other
 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
Total: \$ — plus 20% fee: \$ —
Payment Terms: —
 Set by SCDPPPS —

PTUP — days/hours Public Service Employment
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: —

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

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 47.9 (Public Def/Prob)	\$500	\$
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§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Clerk of Court/ Deputy Clerk C. Poole
Court Reporter: L. Moffitt
SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS420446A

A/W#: 2015GS4200446A

Date of Offense: 10/30/2014

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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: BARNETTE, BARRY 13039 SC Bar# Defendant Attorney for Defendant 2596 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 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: any other
 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
Total: \$ — plus 20% fee: \$ —
Payment Terms: —
 Set by SCDPPPS —

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

Presiding Judge [Signature]
Judge Code: 3093
Sentence Date: June 22, 2016