

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM CHEROKEE COUNTY
Court of General Sessions

AUG 08 2022

SC Court of Appeals

Daniel Hall, Circuit Court Judge

Case No(s):
2022A1110100697

The State

Respondent,

v.

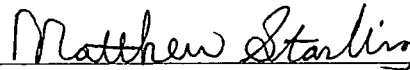
Arnold R. Banks

Appellant.

EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(B), SCACR

Pursuant to Rule 203(d)(1)(B), SCACR, Arnold R. Banks files this explanation of his appeal of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable Daniel Hall on July 29th, 2022. No issues were raised during the guilty plea; however, the client insisted upon an appeal; therefore, this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995), and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

August 04, 2022



Matthew E. Starling

Seventh Judicial Circuit Public Defender Office
202 North Petty Street
Gaffney, South Carolina 29340
(864) 514-3123
Attorney for Appellant

Other Counsel of Record:

Kim Leskanic- Deputy Solicitor
Seventh Judicial Circuit Solicitor's Office
125 East Floyd Baker Blvd
Gaffney, South Carolina 29340
Attorney for Respondent

WITNESSES

CHEROKEE COUNTY SHERIFF'S OFFICE

ARREST WARRANT NUMBER

2022A1110100697

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **22-GS-11-01047**

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

July 26, 2022 TERM

THE STATE

vs.

ARNOLD RAE BANKS, JR.

Indictment for

RESISTING/ASSLT POLICE
OFFICER SERVING PROCESS

SC Code: 16-9-320(B)
CDR Code: 256
Class FEL-E

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2022 JUL 28 AM 8:39

BRANDY W. MCBEE

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AUG 08 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

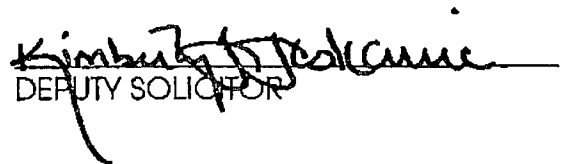
INDICTMENT

At a Court of General Sessions, convened on July 26, 2022, the
Grand Jurors of Cherokee County present upon their oath:

RESISTING/ASLT POLICE OFFICER SERVING PROCESS

That Arnold Rae Banks, Jr. did in Cherokee County on or about February 17,
2022, knowingly and willfully assault, beat and/or wound Deputy Sardarius
Henderson, a law enforcement officer of this State, while resisting an arrest, in
violation of §16-9-320 (B), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as
amended).

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


DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Cherokee)
STATE)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 22-GS 11-01047

vs.)
Arnold Ray Banks Jr)
AKA:)
Race: BLACK Sex: M Age: 49)
DOB: [REDACTED] SS#: [REDACTED])
Address: [REDACTED])
City, State, Zip: [REDACTED])
DL#: [REDACTED] SID#: [REDACTED])

A/W#: 2022A1110100697
Date of Offense: 2/17/2022
S.C. Code § 16-09-0320(B)
CDR Code #: 0256

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SENTENCE SHEET
AUG 08 2022

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Resisting Arrest/ Assault, beat, or wound police officer [0-10 years]

in violation of § 16-09-0320(B) of the S.C. Code of Laws, bearing CDR Code # 0256

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST:

[Signature] LESKANIC, KIM SCB16837 SC Bar # [Signature] Defendant [Signature] Matthew Sterling Attorney for Defendant 1047.53 SC Bar#

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

for a determinate term of 7 days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served 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.

The sentence shall run

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 SCDOC. 151 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Arnold Rae Banks Jr INDICTMENT/CASE#: 2022 - GS11-01047

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

	Beginning	\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____		
§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	\$ _____
§14-1-212 (Law Enforce, Funding)	\$25	\$ _____
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114(BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ _____
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____

TOTAL \$ 128.75
[Signature]
 Judge Code: 2753
 Sentence Date: July 26, 2022

Clerk of Court/ Deputy Clerk: Brandy W. McBee
 Court Reporter: Pam Green