

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY  
The Honorable Diane S. Goodstein, Circuit Court Judge

Case No:

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The State ..... Respondent

vs.

Rebecca Mitchell..... Appellant

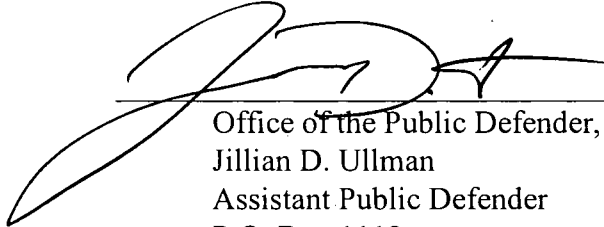
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**NOTICE OF APPEAL**

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Rebecca Mitchell appeals his guilty plea and sentence in this case. The sentence was imposed by The Honorable Diane S. Goodstein, on May 16, 2013.

May 23, 2013



Office of the Public Defender, 1st Circuit  
Jillian D. Ullman  
Assistant Public Defender  
P.O. Box 1112  
Orangeburg, SC 29116-1112  
803-531-7090  
Attorney for Appellant

Office of the Solicitor, 1st Circuit  
Sarah Ford  
Assistant Solicitor  
P.O. Box 1525  
Orangeburg, SC 29115  
(803) 533-6252  
Attorney for Respondent

**RECEIVED**

MAY 28 2013

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

MAY 28 2013

APPEAL FROM ORANGEBURG COUNTY  
The Honorable Diane S. Goodstein, Circuit Court Judge

**S.C. Supreme Court**

Case No: \_\_\_\_\_

The State . . . . . Respondent

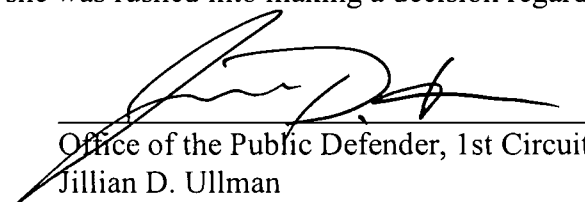
vs.

Rebecca Mitchell . . . . . Appellant

**EXPLANATION OF APPEAL**

Rebecca Mitchell appeals her guilty plea and sentence in the aforementioned cases. She was charged with a felony, but did not want a felony on her record. The solicitor was unwilling to reduce the charge. Ms. Mitchell feels she was rushed into making a decision regarding plea or trial.

May 23, 2013

  
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Attorney for Respondent

STATE OF SOUTH CAROLINA, )  
)  
COUNTY OF ORANGEBURG. )  
)  
State of South Carolina, )  
)  
vs. )  
)  
)  
)  
Rebecca Mitchell )  
Appellant. )

IN THE SOUTH CAROLINA COURT OF  
APPEALS

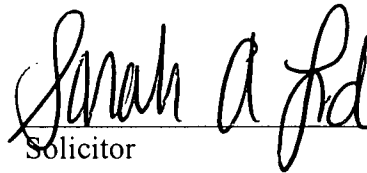
ACCEPTANCE OF SERVICE

**RECEIVED**

MAY 28 2013

**S.C. Supreme Court**

Due and legal service of the within *Notice of Appeal and Explanation of Appeal* by the attorney for the above defendant, in the above entitled action is hereby accepted and a copy retained by Solicitor, David M. Pascoe, Jr., in Orangeburg, South Carolina, this 23<sup>rd</sup> day of May 2013.

  
Solicitor

ARREST WARRANT

M-200324  
STATE OF SOUTH CAROLINA  
County/  Municipality of  
Orangeburg W 3543248.390

THE STATE  
2012-316  
against

Rebecca Mitchell  
Address: [REDACTED]  
Phone: [REDACTED]  
Sex: F Race: B Height: 5 Weight: 96  
DL State: SC DL #: [REDACTED]  
Agency ORI #: SC0380000  
Prosecuting Agency: Orangeburg County Sheriff  
Prosecuting Officer: Jennifer M Coaxum - 0138  
Offense: Forgery / Forgery, value less than \$10,000

Offense Code: 3436  
Code/Ordinance Sec: 16-13-0010(A)  
This warrant is CERTIFIED FOR SERVICE in the  
 County/  Municipality of  
is to be arrested and brought before me to be  
dealt with according to the law.

Date: \_\_\_\_\_ (L.S.)  
Signature of Judge

RETURN  
A copy of this arrest warrant was delivered to  
defendant Rebecca Mitchell  
on 03-22-13

RETURN WARRANT TO:  
General Sessions  
151 Docket Street  
P. O. Box 9000  
Orangeburg, SC 29116  
Signature of Constable/Law Enforcement Officer  
MR Lawson

ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA )  
 County/  Municipality of )  
Orangeburg )  
Personally appeared before me the affiant )  
Jennifer M Coaxum )  
being duly sworn deposes and says that defendant )  
Rebecca Mitchell, )  
did within this county and state on or about )  
12/26/2011 )  
State of South Carolina (or ordinance of  County/  Municipality of )  
Orangeburg )  
in the following particulars: )

DESCRIPTION OF OFFENSE Forgery / Forgery, value less than \$10,000  
I further state that there is probable cause to believe that the defendant named above did  
the crime set forth and that probable cause is based on the following facts:

Based on an investigation by the OCSO the defendant Rebecca Mitchell violated section 16-13-10 of the South Carolina code of  
laws forgery. On December 23, 2011 the defendant went into the business of Piggly Wiggly with a counterfeit check in the amount  
of \$386.45 and had the check cashed. The check was returned from the bank as altered or fictitious. This incident occurred at 611  
Savannah Hwy Necesses, in the county of Orangeburg state of South Carolina.

Signature of Affiant  
Sgt. [Signature]  
Affiant's Address P. O. Box 9000  
Orangeburg, SC 29116-  
Affiant's Telephone (803)531-4647

ARREST WARRANT  
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:  
It appearing from the above affidavit that there are reasonable grounds to believe that  
on or about 12/26/2011 defendant Rebecca Mitchell  
did violate the criminal laws of the State of South Carolina (or ordinance of  
 County/  Municipality of Orangeburg ) as set forth below:  
DESCRIPTION OF OFFENSE: Forgery / Forgery, value less than \$10,000

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable  
Sworn to and subscribed before me  
on 01/19/2012  
Signature of Issuing Judge  
[Signature] (L.S.)  
Derrick F. Dash  
Judge Code: 5909  
Judge's Address 1540 Ellis Avenue  
Orangeburg, SC 29116-  
Judge's Telephone (803)533-3844  
Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL ORIGINAL ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

ORIGINAL  
AFFIDAVIT

Orangeburg  
12/26/2011  
Orangeburg

Orangeburg  
Orangeburg, SC 29116-  
(803)531-4647

ARREST WARRANT

ARREST WARRANT

ORIGINAL ORIGINAL ORIGINAL



Jail

**DEFENSE OF INDIGENT**

**APPOINTMENT SHEET**

SCANNED

DATE: 4-15-13

INITIALS: awf

RECEIVED  
APR 12 2013  
BY:

IN THE COURT OF GENERAL SESSIONS

STATE OF S.C. VS. Rebecca Mitchell

THE ABOVE DEFENDANT, AFTER APPLYING UNDER INDIGENT STATUS HAS BEEN FOUND TO QUALIFY FOR A PUBLIC DEFENDER.

IT IS THEREFORE ORDERED THAT

(CIRCLE ONE OF THE FOLLOWING)

- PEGGY HINDS
- R. DOUGLAS MELLARD
- JILLIAN ULLMAN

FILED FOR RECORD  
WINNIFER B. CLARK  
CLERK OF COURT  
ORANGEBURG, SC  
13 APR 12 AM 10:34

IS HEREBY APPOINTED TO REPRESENT SAID DEFENDANT THIS

12 DAY OF April, 20 13.

S/ Winnifera B Clark

CLERK OF COURT

CHARGES(S): M200324, 2012A3810700043

APPOINTMENT MADE IN PERSON/IN JAIL (CIRCLE ONE)

\$40.00 FEE PAID/DUE (CIRCLE ONE)

ATTEST: TRUE COPY  
Winnifera B. Clark  
CLERK OF COURT  
ORANGEBURG COUNTY, SC

FIRST APPEARANCE DATE: \_\_\_\_\_

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Orangeburg

STATE

Rebecca Mitchell vs.

INDICTMENT/CASE#: 2013-GS-38-0619

AKA: \_\_\_\_\_

A/W#: M 200 324

Race: B Sex: F Age: \_\_\_\_\_

Date of Offense: 12-25-11

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

S.C. Code §: 16-13-10 (A)

Address: \_\_\_\_\_

CDR Code #: 2427

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# \_\_\_\_\_

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: Forgery < \$10,000

In violation of § 16-13-10(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  \$17-25-45

(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As indicted,  Lesser Included Offense,

Defendant Waives Presentment to Grand Jury. RM (def.'s initials)

The plea is:  Without Negotiations or Recommendation,

Negotiated Sentence,  Recommendation by the State.

ATTEST:

Sarah A. Fed 77029  
Solicitor SC Bar #

Rebecca Mitchell 73286  
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 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 3 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: 5-16-2013

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 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: \$ 826.34 plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: Garben General Store

May serve W/E beginning  
Substance Abuse Counseling

\*Fine: Peggy Wiggy \$ \_\_\_\_\_

Random Drug/Alcohol Testing

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

\_\_\_\_\_ pmts. of \$ \_\_\_\_\_ Beginning

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

Proviso 47.9 (Public Def/Prob) \$500 \$ 500.00

§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) \$ \_\_\_\_\_

TOTAL \$ 18.90

\$ 648.90

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

Presiding Judge [Signature]

Judge Code: 2112

Sentence Date 5-16-2013

Clerk of Court/Deputy Clerk: Hilda Jordan

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Orangeburg

STATE

Rebecca Mitchell

INDICTMENT/CASE#: 2013-GS-38-0620

AW#: 2012A3510700043

Date of Offense: 4-27-12

S.C. Code §: 16-13-10(LH)

CDR Code #: 2427

AKA: \_\_\_\_\_

Race: B Sex: F Age: \_\_\_\_\_

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# \_\_\_\_\_

\*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: Ferger < \$10,000

In violation of § 16-13-10(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

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(CSC w/minor 1<sup>st</sup> or Lewd Act)

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Defendant Waives Presentment to Grand Jury. Rm(def.'s initials)

The plea is:  Without Negotiations or Recommendation,

Negotiated Sentence,  Recommendation by the State.

ATTEST:

Martha Rd 77019  
Solicitor SC Bar #

Rebecca Mitchell 73286  
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 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.

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\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_

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§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ \_\_\_\_\_

TOTAL \$ 3.90

\$ 133.90

Clerk of Court/Deputy Clerk V. Glenn

Court Reporter: Julda Jordan

Other: Pr. probation to begin when NO longer detained.

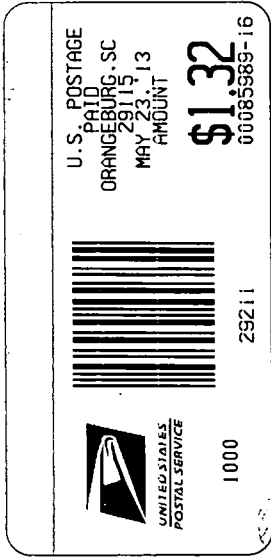
Appointed PD or appointed other counsel, \$47.12 requires \$500 to be paid to Clerk during probation.

Presiding Judge [Signature]

Judge Code: 712

Sentence Date 5-16-2013

Office of the Public Defender  
First Judicial Circuit  
190 Gibson Street Room 110  
PO Box 1112  
Orangeburg, SC 29116-1112



The Honorable Dan Shearouse  
Clerk Of Court  
S.C. Supreme Court  
P.O. Box 11330  
Columbia, SC 29211