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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JACOB STEVEN STURGELL, SR.,

APPELLANT

APPELLATE CASE NO. 2021-001517

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STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE COURT OF GENERAL SESSIONS
2018- GS-02- 02706
2021-GS-02-01460

State of South
Carolina,

 Plaintiff,
 vs.
Jacob Steven Sturgell,
Sr.,

 Defendant.

 ORIGINAL

TRANSCRIPT OF DIGITALLY-
RECORDED HEARING

September 14, 2021
Aiken, South Carolina

B E F O R E:

The Honorable **Courtney Clyburn-Pope**, Judge Presiding

Cathy L. Young, CVR-M
Official Circuit Court Reporter
Post Office Box 4604
Beaufort, South Carolina 29903

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EXHIBIT LIST
(NONE OFFERED)

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PROCEEDINGS

* * *

TUESDAY, SEPTEMBER 14, 2021

AIKEN, SOUTH CAROLINA

* * *

THE COURT: Is this Mr. Sturgell?

MR. MCKELLAR: Yes, Your Honor.

THE COURT: Mr. Sturgell, please raise your
right hand.

* * *

JACOB STEVEN STURGELL, SR.,

being first duly sworn testified as follows:

* * *

THE COURT: Madam Solicitor.

MS. HAMMACK: Thank you, Your Honor.

This is a joint prosecutor plea all
involving Mr. Sturgell. He has charges being
prosecuted by our office and by the Attorney
General's Office represented by Stephen Ryan, who is
present before you in the courtroom.

With regard to the Aiken County charges,
defendant Steven Sturgell is pleading guilty to
2018-GS-02-02706, wherein he is indicted for
criminal sexual conduct with a minor in the third
degree. The State has a negotiated sentence of ten

1 years suspended to five years active, followed by
2 five years on probation.

3 He will be required to register as a sex
4 offender, and pursuant to the statute for criminal
5 sexual conduct with a minor in the third degree, he
6 will also have to wear a GPS ankle monitor upon his
7 release from the Department of Corrections.

8 At this time, Mr. Ryan would like to put
9 his charges on the record.

10 THE COURT: Mr. Ryan.

11 MR. RYAN: Yes, Your Honor.

12 May it please the Court. Stephen Ryan for
13 the Attorney General's Office. This is State v.
14 Jacob Sturgell with regard -- it's a split between
15 the Attorney General's Office and the Aiken
16 Solicitor's Office.

17 Mr. Sturgell is represented by Mr. William
18 McKellar of the Public Defender's Office.
19 Mr. Sturgell is here today to plead guilty to one
20 count of sexual exploitation of a minor in the third
21 degree, Indictment Number GS-02-01460. In exchange,
22 the State will dismiss the pending charges stemming
23 from the May 11, 2021, arrest and not pursue any
24 additional charges representing images found on any
25 electronic devices since his May arrest.

1 As you heard, there is a negotiated
2 resolution. The foundation of the sentence charges
3 of ten years suspended on five active and five
4 years' probation. The exploitation of a minor is
5 also a mandatory registry offense.

6 THE COURT: Thank you.

7 Mr. Ryan, your negotiated sentence is the
8 same as the State's. That is to be run concurrent,
9 just so I am clear?

10 MR. RYAN: Yes, Your Honor.

11 THE COURT: Thank you, Sir.

12 Madam Solicitor, will you give me the facts
13 of the case, please.

14 MS. HAMMACK: Yes, Your Honor.

15 As it relates to the criminal sexual
16 conduct with a minor in the third degree -- well,
17 this arose out of incidents that occurred between
18 October of 2017 and the beginning of April 2018. It
19 was reported in May -- or, excuse me -- in June of
20 2018. The victim in this case was 11 years old and
21 was taken to seek medical care after disclosing to
22 his mother the abuse that had occurred from -- his
23 mom -- to the child -- to the doctor. The doctor
24 has made a full report and reported it to law
25 enforcement.

1 The State's evidence in this case -- he
2 then underwent a forensic interview wherein he
3 disclosed that the defendant would attempt to anally
4 penetrate him with his penis. There was some
5 medical evidence to support that as observed by the
6 nurse in this case.

7 This was -- the defendant in this case was
8 the victim's mother's ex-boyfriend. He does have a
9 prior criminal history. He was convicted of theft
10 and misuse of credit cards in 2006 out of Ohio, as
11 well as arson from 2012 out of Ohio.

12 THE COURT: Madam Solicitor, do the victims
13 or parents of victims wish to address the Court?

14 MS. HAMMACK: Your Honor, Ms. Hogan being
15 the victim's mother -- we have been in contact with
16 her almost constantly this case got reported. She
17 is aware of the resolution in this case and is in
18 favor of it.

19 She is working today and is unavailable to
20 attend. We probably would let her know as soon as
21 this plea has concluded -- to let her know about
22 what the disposition of this case -- that she is
23 appraised of the resolution that was filed.

24 THE COURT: Thank you.

25 All right, Mr. Ryan, may I have the facts

1 of your case, sir.

2 MR. RYAN: Yes, Your Honor. On April 15,
3 2021, Yahoo contacted the South Carolina Attorney
4 General's Office via the National Center for Missing
5 and Exploited Children in reference to a user of a
6 platform distributing child pornography.

7 An email account under the name of
8 [REDACTED]@yahoo.com sent four files of child
9 pornography on April 15, 2021. The IP address of
10 the person using the email account at the time of
11 distribution was being used in the Aiken County
12 area.

13 Yahoo also provided that email account
14 associated with the defendant and providing his date
15 of birth, both of which were already known to law
16 enforcement as a result of the charges being
17 prosecuted by the 2nd Circuit Solicitor's Office.

18 On May 11th a search warrant was executed
19 at [REDACTED] (inaudible) Road, Varnville, South Carolina.
20 It's located in Aiken County, and it's the
21 defendant's home.

22 The defendant admitted to being responsible
23 for the child pornography, and additional files were
24 located on his cell phone. He has been in custody
25 here for 126 days, Your Honor.

1 THE COURT: Thank you. 126?

2 MR. RYAN: Yes, Your Honor.

3 THE COURT: Ms. Hammack, how long has he
4 been in for the minor -- the third-degree charge --
5 excuse me -- the CSC?

6 MS. HAMMACK: Mr. McKellar can make sure
7 that I am correct on this. Well, I have got the
8 number of days since he was incarcerated. He did
9 ultimately bond out. I have to look at the
10 paperwork. I apologize.

11 THE COURT: That is okay.

12 MR. MCKELLAR: He has 330 days on the CSC.

13 THE COURT: All right. 330? All right.
14 Thank you.

15 Mr. McKellar, have you explained to Mr.
16 Sturgell the nature of his charges and the possible
17 penalties and his Constitutional Rights regarding
18 this case?

19 MR. MCKELLAR: I have, Your Honor.

20 THE COURT: Do you believe that he has
21 understood that?

22 MR. MCKELLAR: I do.

23 THE COURT: And are you in agreement with
24 his decision to plead guilty?

25 MR. MCKELLAR: I am.

1 THE COURT: All right, Mr. Sturgell, have
2 you had any illegal drugs or alcohol within the last
3 72 hours?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: Are you on any type of
6 medication that would prevent you from
7 understanding what is going on here today?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Mr. McKellar, your attorney --
10 have you had enough time to speak with him?

11 Have you had enough time to talk to your
12 attorney?

13 What did you say?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Is there anything else that you
16 wish for him to do for you regarding these pleas
17 today?

18 MR. MCKELLAR: Your Honor, a couple of
19 other things he wants me to put on the record, Your
20 Honor. I will get to that in a moment.

21 THE COURT: Okay.

22 Mr. Sturgell, are you completely and
23 totally satisfied with Mr. McKellar's representation
24 of you?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Has anyone forced you or
2 promised you anything in order to take this plea?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Are you pleading guilty because
5 you are guilty? Is that a yes?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Mr. Sturgell, did you hear the
8 facts that both the AG and the Solicitor gave me at
9 the beginning of this plea?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Are you in agreement with those
12 facts?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: How do you wish to plea?

15 THE DEFENDANT: Guilty.

16 THE COURT: I will accept your plea, and I
17 find it has been made freely and voluntarily and
18 that you have had the assistance and counsel of an
19 attorney with whom you stated you were satisfied
20 with.

21 All right. Mr. McKellar?

22 MR. MCKELLAR: Thank you, Your Honor.

23 Mr. Sturgell is 34 years old. He has four
24 children. He has full custody of his youngest
25 child, who will be five. He has a high school

1 diploma from Ohio. He intends to move back to Ohio
2 as soon as he can, where, I believe, he intends to
3 work in construction.

4 One of the things that Mr. Sturgell was
5 concerned about is having contact with his children
6 once he is released from incarceration. I have
7 spoken to both prosecutors on this issue. Mr. Ryan
8 did not take a position on the issue of contact with
9 the children.

10 Ms. Hammack agreed that she would -- not
11 seek a joint order or request -- she would would not
12 oppose -- and I believe she supports Mr. Sturgell
13 having contact with his minor children. We ask that
14 because we were worried that DSS -- if DSS gets
15 involved, DSS might even say, well, the Judge didn't
16 rule on it, so therefore, we have got to do -- so we
17 would ask that one condition of probation be that he
18 be allowed to have contact his biological children;
19 that probation can handle all the other children,
20 not his children.

21 Ms. Sturgell -- I mean -- I'm sorry.

22 Ms. Hammack, would you -- I would like
23 to --

24 THE COURT: Let me make clear. The victims
25 in either of these cases are not his biological

1 children?

2 MR. MCKELLAR: That's correct.

3 MS. HAMMACK: That's correct, Your Honor.

4 THE COURT: All right.

5 MS. HAMMACK: And if I may, under the
6 standard sex offender conditions, I believe it's
7 Condition Number 2, that a registered sex offender -
8 - excuse me. It's Condition Number 4 -- says that
9 defendants can have contact with persons under the
10 age of 18 if they are immediate family members.

11 Typically, that requires advance approval
12 by the supervising agent. It's my understanding
13 that typically defendants are allowed to have
14 contact with their biological children provided they
15 are not the victims of the offense. Because his son
16 is not the victim in this case, the State has no
17 problem with him being allowed to be cleared on his
18 biological child; however, he would have to comply
19 with all of the statutory conditions regarding any
20 other children.

21 THE COURT: All right. So I am placing as
22 a condition of the probation that there is no
23 contact with the victim, because the victim is not
24 biological.

25 But Mr. McKellar, I will allow whoever his

1 supervising agent is to determine whether or not it
2 is appropriate for him to have contact with someone
3 under the age of 18 who is an immediate family
4 member.

5 MR. MCKELLAR: Who is not a family member?

6 THE COURT: Who is, pursuant to Condition
7 Number 4.

8 MR. MCKELLAR: Well, I think Condition
9 Number 4 -- correct me if I am wrong -- Condition
10 Number 4 allows contact with immediate family
11 members, even if they are minor children.

12 THE COURT: It does. It does, but it's
13 prefaced by saying it has to be approved by the
14 supervising agent.

15 I will not -- I don't know if I will be
16 here in five years to prove that. I can't make a
17 blanket approval at this moment. His supervising
18 agent will make that approval.

19 MR. MCKELLAR: Yes, Your Honor.

20 THE COURT: All right.

21 MR. RYAN: This is one other condition
22 that, I think, he wanted to address with the Court.
23 That is the GPS monitoring. He understands that
24 whenever a person -- in South Carolina that A GPS
25 monitor is required to be worn on the ankle. He

1 would ask -- there is no -- I don't think there is a
2 box on the sentence sheet for this condition. I
3 didn't see it, but we would ask that -- Ms. Hammack
4 is the veteran, but we would ask that it be
5 conditioned on the defendant residing in South
6 Carolina.

7 MS. HAMMACK: And, Your Honor, if the
8 appropriate box is not marked on that sentencing
9 sheet, I can come upstairs and rectify that. But
10 directly underneath the line for the offense -- it
11 should be right next to the box regarding life
12 without parole. It should be marked, "GPS
13 monitoring." It says in parentheses, "CSC with a
14 minor first or third." It should be in the top
15 under --

16 THE COURT: Mandatory GPS?

17 MS. HAMMACK: Yes, ma'am.

18 THE COURT: It's marked.

19 MS. HAMMACK: And I don't know that there
20 is anything more than that IT just being a
21 requirement of South Carolina. It's certainly by
22 South Carolina law, so that may be something for
23 Ohio to deal with.

24 THE COURT: So, Mr. McKellar, what you are
25 asking me to do is to require -- is to say that he

1 can only be monitored in South Carolina?

2 MR. MCKELLAR: That he be submitted to his
3 GPS requirement while residing in South Carolina.

4 THE COURT: But not be submitted to it if
5 he moves to Ohio or any other state?

6 MR. MCKELLAR: Well, that would be up to
7 the other state, whether the requirement state that.
8 But I would just ask -- asking the Court to say,
9 while he is in South Carolina -- while he resides --

10 THE COURT: Sure. I don't know that that
11 is necessary -- I don't know that we need to do
12 that, because it is under the statute in South
13 Carolina, so it's -- I mean, it's -- he is going to
14 be monitored while he is in South Carolina, and, as
15 you stated, if he moves to Georgia or wherever, that
16 is for them to determine.

17 Is that what you are asking, Mr. McKellar?

18 MR. MCKELLAR: Yes, Your Honor.

19 THE DEFENDANT: I talked to my mother's
20 attorney IN Ohio throughout all of this. He is
21 highly respected. He has told me that whatever the
22 order is down here, they have to abide by it up
23 there.

24 THE COURT: Okay.

25 THE DEFENDANT: He told me to apply or ask

1 that if I am sentenced to GPS monitoring, to have it
2 recorded that I only need it down here and not up
3 there, because they do not require it up there.

4 THE COURT: Okay.

5 I am not going to do that. I am not going
6 to do that. And so I just want you to know that
7 going forward if you wish to continue the plea, that
8 I am going to require the monitoring pursuant to our
9 state.

10 And so that if you do move to Ohio and they
11 honor the statute of South Carolina, then that would
12 be that moving forward.

13 Do you need some time to speak with Mr.
14 McKellar about that?

15 MR. MCKELLAR: Your Honor, one second.

16 THE COURT: Okay. Let's stand down for two
17 minutes.

18 (Recess.)

19 THE COURT: Mr. McKellar?

20 All right. Can you hear me?

21 MR. MCKELLAR: Judge, I think we're ready.

22 THE COURT: Okay. All right, Mr. McKellar.

23 If you --

24 MR. MCKELLAR: Your Honor --

25 THE COURT: Go ahead. I was just going to

1 tell you to continue on because I have asked him all
2 of the required questions. If you want to continue
3 with mitigation, certainly, now is your time.

4 MR. MCKELLAR: Once he gets back to Ohio,
5 he intends to try to reunite his relationship with
6 his child. I have received letters from his mother
7 saying that he has a very close relationship with
8 his child, and I believe he wants to be back with
9 his child as soon as possible.

10 Once he -- he actually provided me with
11 that instruction. I don't see that being an issue.
12 I would respectfully ask that you set it as a
13 condition.

14 THE COURT: Thank you, Mr. McKellar.

15 Does your client wish to address the Court?

16 THE DEFENDANT: I just ask that you don't
17 penalize my son for my actions. He had nothing to
18 do with this. Honestly, I feel like with not
19 allowing me to be with my son or around my son -- he
20 is around me all the time. He has nothing to do
21 with it, the problem. I mean, I get I screwed up.
22 I am not the greatest person with my life, but I am
23 a very good father.

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* * *

RULING BY THE COURT

THE COURT: All right, Mr. Sturgell. Thank you for your input. I was not there when these offenses were committed. I am not punishing your son in any way, but it is my job to protect other children. So that is what I am doing; all right? With regard to the sexual exploitation of a minor in the third degree, I am sentencing you to the State Department of Corrections for a term of ten years. That will be suspended upon the service of five years, and also you will finish that out with a probationary sentence of five years.

You will receive credit for the time that you have served for that offense in the amount of 126 days.

That will be run concurrent to your second charge, which is the CSC with a minor in the third degree. I am sentencing you to the State Department of Corrections for a term of ten years. That will be suspended to a five-year sentence and a five-year probationary sentence.

You will receive credit for the time that you have served in the amount of 330 days. While you are on probation, you will be subject to random

1 drug and alcohol testing, and you are to have no
2 contact with the victims. It is also required that
3 you register on the sex offender list.

4 Mr. Sturgell, if you wish to appeal this
5 plea for any reason, you must do so within the next
6 ten days by contacting Mr. McKellar.

7 Do you understand, sir?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Good luck to you. Thank you.

10 (At 12:00 p.m., the proceedings were
11 concluded.)

12 * * *

13 END OF TRANSCRIPT

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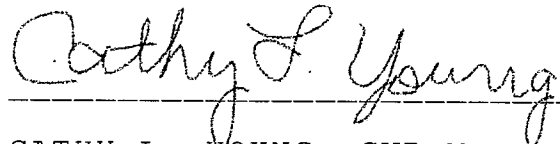
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CERTIFICATE OF REPORTER

I, Cathy L. Young, Certified Verbatim Reporter/Master for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the digitally-recorded hearing in the Circuit Court for Aiken County, South Carolina, on the 14th day of September, 2021.

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

This, the 29th of March, 2022


CATHY L. YOUNG, CVR-M

STATE OF SOUTH CAROLINA	IN THE COURT OF GENERAL SESSIONS
	2018-GS-02- 02706
COUNTY OF AIKEN	2021-GS-02-01460
-----)	
State of South)	
Carolina,)	
Plaintiff,)	
vs.)	TRANSCRIPT OF DIGITALLY-
	RECORDED HEARING
Jacob Steven Sturgell,)	
Sr.,)	
----- <u>Defendant.</u>)	

December 7, 2021
Aiken, South Carolina

B E F O R E:

The Honorable **Courtney Clyburn-Pope**, Judge Presiding

Cathy L. Young, CVR-M
Official Circuit Court Reporter
Post Office Box 4604
Beaufort, South Carolina 29903

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I N D E X

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PROCEEDINGS	04
END OF PROCEEDINGS	14
CERTIFICATE OF REPORTER	15

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EXHIBIT LIST
(NONE OFFERED)

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PROCEEDINGS

* * *

TUESDAY, DECEMBER 7, 2021

AIKEN, SOUTH CAROLINA

* * *

MS. HAMMACK: Your Honor, appearing before you now virtually from Kirkland correctional is Jacob Sturgell. He pled guilty in front of Your Honor on September 14, 2021, on indictments 2018-GS-02-02706 to criminal sexual conduct with a minor in the third degree, and Indictment 2021-GS-02-01460 to sexual exploitation of a minor in the third degree.

Your Honor sentenced Mr. Sturgell to ten years in the Department of Corrections suspended upon five years active incarceration and then five years of probation.

As part of this plea and as required by statute, Mr. Sturgell must register as a sex offender. At the time of his plea, he asked Your Honor to make a special ruling --

THE COURT: Is the child in Ohio?

MS. HAMMACK: Yes. To allow him to have contact with his child in Ohio. It's referenced under Subsection 4 of the sex offender conditions that -- that sex offenders may have contact with

1 immediate family members that are juveniles, but
2 they have to get approval by their agent first.

3 Mr. Sturgell's motion at the time of the
4 plea was that you ordered that he didn't have to get
5 that prior approval. You declined to do so. We are
6 here today on defendant's motion to reconsider just
7 that part of Your Honor's sentence.

8 Present for this, also appearing virtually,
9 is Will McKellar, who represented Mr. Sturgell at
10 the time of the plea

11 THE COURT: Mr. McKellar? Mr. McKellar?

12 THE CLERK: He is not coming through.

13 THE COURT: Mr. McKellar?

14 MR. MCKELLAR: Adjust the tint.

15 I don't know if you can hear me. I cannot
16 hear you. Something is going on with my audio.

17 THE COURT: Can you hear me now?

18 MR. MCKELLAR: I can't hear you. I am
19 going to relocate from a distance to appear -- can
20 anybody hear me now? Okay. Something was wrong
21 with my speakers, I think. Okay.

22 THE COURT: All right. Can you hear me?

23 MR. MCKELLAR: Same thing -- Judge, I
24 couldn't hear anything. So when I think I can't
25 hear anything, I think people can't hear me.

1 THE COURT: Can you hear me? Nod if he can
2 hear me.

3 MR. MCKELLAR: I think I am ready.

4 THE COURT: Can you hear me?

5 MR. MCKELLAR: I can.

6 THE COURT: Okay. All right. I think we
7 are lagging, but we will work it out.

8 All right. Ms. Hammack -- let's wait a
9 moment.

10 Mr. Sturgell, are you there?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Mr. Sturgell? Is anyone from
13 Kirkland on? He has dropped off. Okay.

14 All right, Mr. Sturgell? Can you hear me?

15 Mr. Sturgell, can you hear me? Can you

16 hear me? Okay. I think we may have a --

17 Mr. McKellar, can you hear me as well?

18 MR. MCKELLAR: I can, Your Honor.

19 THE COURT: All right.

20 Madam Solicitor, your presentation, does
21 the AG have any presentation?

22 MR. RYAN: No, Your Honor. I just handled
23 the exploitation charges from the back section of
24 it, nothing to add, Judge.

25 THE COURT: All right. Mr. McKellar, this

1 is your motion, sir. I will hear from you now.

2 Mr. Sturgell --

3 MR. MCKELLAR: Thank you.

4 THE COURT: Please indicate that you can
5 hear me.

6 Okay. All right, Mr. McKellar.

7 MR. MCKELLAR: Thank you, Your Honor.

8 Mr. Sturgell, my client, was sentenced on
9 September 17, 2021, to -- on two counts. He pled to
10 criminal sexual conduct with a minor, third degree,
11 and sexual exploitation of a minor, third degree.

12 He got -- he had a negotiated sentence ten
13 years, serve five, followed by five years on
14 probation.

15 At the time of sentencing we asked that the
16 Court exempt Mr. Sturgell from Condition Number 4 of
17 the South Carolina standard sex offender conditions
18 with respect to only his son. He would like to have
19 immediate contact with his son once he is released
20 from incarceration.

21 It is my understanding that when a person
22 is released from incarceration and placed on sex
23 offender probation, that before they can have
24 contact with even their own children -- at the time
25 of sentencing, I thought that he had to take DSS

1 classes. But now, as reported by Agent Wilson
2 (phonetic) -- who I received from our local office
3 that there will actually be therapy. It's after
4 therapy and with a therapist's approval.

5 So I believe I was incorrect at the time of
6 sentencing with regard to DSS.

7 He said that DSS maybe -- may be a
8 condition, and yes, to also comply with, but it's
9 the therapist that they seek -- that probation seeks
10 approval for.

11 So that would take time, and that would
12 take classes that will take -- I don't know how long
13 it would take, but our law and the therapist thinks
14 it's necessary for them.

15 After Mr. Sturgell was charged with this
16 offense of third degree, he was able to bond out,
17 and he didn't have any conditions placed on him at
18 the time of bond that he couldn't have contact with
19 any minor children.

20 So he was in contact with his son for the
21 duration of this case. It was a 2018 case. So he
22 has been in contact with his son for a substantial
23 period of time. And there were no allegations that
24 he has ever done anything wrong with his own child.

25 And according to all the letters that I

1 have received -- and I forwarded them to the Court
2 -- that he has a very good relationship with his
3 son, and they would like the relationship to
4 continue without this delay of therapy.

5 Some of the letters that I forwarded Your
6 Honor seem like they are written from the
7 perspective that he is never going to see his son
8 again under the status quo, and that is not true.
9 And I hope Mr. Sturgell understands that that is not
10 true. The status quo is he has to attend therapy
11 first before he gets to see his son.

12 The letter is written from the perspective
13 that he is never going to see his son, and that is
14 not the case. But we do ask the Court to reconsider
15 exempting Mr. Sturgell from Paragraph 4 with respect
16 to his son so he can see his son immediately after
17 his release from incarceration.

18 THE COURT: All right. Thank you, Mr.
19 McKellar. Who has custody of his son?

20 MR. MCKELLAR: I am told that he has
21 custody of his son.

22 THE COURT: Who -- well, who has physical
23 custody of his son?

24 MR. MCKELLAR: Physical custody -- I think
25 it's -- Ms. Sturgell, you are online. If you could

1 maybe, correct me if I am wrong, but I am under --
2 and Mr. Sturgell -- I am under the impression that
3 the child goes between mom and Mrs. -- and Mr.
4 Sturgell's mom. So between mom and grandma.

5 THE COURT: All right. Mr. Sturgell.

6 MR. MCKELLAR: He has to unmute himself.

7 THE COURT: There we can. She is not -- I will hear
8 from her. Mr. -- good morning.

9 MS. STURGELL: Good morning, ma'am.

10 THE COURT: You -- who has -- who has
11 physical custody and legal custody of the minor
12 child?

13 MS. STURGELL: Jacob has legal custody;
14 however, when this all occurred, he came back to
15 Ohio, and he is currently with his mother. So he
16 has been trying to come to his mother's house and my
17 house.

18 THE COURT: All right. Thank you, Ms.
19 Sturgell.

20 MS. STURGELL: Yes, ma'am.

21 THE COURT: Mr. McKellar, noticeably
22 absent, unless I missed it -- and I am asking -- is
23 there a letter from the mother of the child? I did
24 have the opportunity to read through those letters,
25 but I did not see a letter from the mother who is

1 now sharing custody of the child.

2 MR. MCKELLAR: I think I have a letter
3 right here.

4 THE COURT: Is there a reason that there is
5 no letter from the mother? Is she present too?

6 MR. MCKELLAR: Not to my knowledge.

7 THE COURT: Do you have any indication on
8 the mother's position regarding visitation?

9 MR. MCKELLAR: I do not. I have not been
10 in contact with the mother.

11 MS. STURGELL: Excuse me, Your Honor.

12 THE COURT: I will hear from you, Ms.
13 Sturgell.

14 MS. STURGELL: I do have the letter from
15 Cassandra, the child's mother. I can forward that
16 to you or to Mr. McKellar.

17 MR. MCKELLAR: If it was forwarded to me
18 previously, I don't see it in my stack of papers
19 that I have printed.

20 THE COURT: Ms. Sturgell, did you give that
21 letter to Mr. McKellar?

22 MS. STURGELL: I forwarded with a bunch of
23 others, but I do have it and I can forward it again.

24 THE COURT: Can you please forward that
25 letter again?

1 MS. STURGELL: Yes, ma'am. I will do that
2 now.

3 THE COURT: Thank you.

4 MR. MCKELLAR: Thank you.

5 THE COURT: Mr. McKellar, when you receive
6 that correspondence from the mother of the child,
7 will you please forward that immediately to my
8 office and --

9 MR. MCKELLAR: I will.

10 THE COURT: Okay. So at that time I will
11 look over that letter and take that into
12 consideration in my decision.

13 But I wish to see that letter first. So I
14 know that Mr. Sturgell is on through Kirkland, but I
15 am going to take this under advisement and get that
16 correspondence. And then I will make a decision
17 based on that, and, at that point, you will be able
18 to tell Mr. Sturgell the decision that I have made,
19 all right?

20 MR. MCKELLAR: Yes, Your Honor.

21 THE COURT: All right.

22 Thank you, Ms. Sturgell. Please go ahead
23 and send that to Mr. McKellar, and that way I can
24 review it as soon as possible.

25 MS. HAMMACK: Your Honor?

1 THE COURT: Yes

2 MS. HAMMACK: I apologize --

3 THE COURT: Hold on.

4 MS. HAMMACK: Before we lose Kirkland. The
5 only thing that the State has to add to this is that
6 it's my understanding that the child is residing in
7 Ohio, and what was represented at the plea was that
8 the defendant, on his release from the Department of
9 Corrections, is going to move to Ohio and wants to
10 be supervised there. I don't know that this Court
11 has any authority to tell Ohio what to do.

12 THE COURT: So that is something that we
13 researched after this original plea, and I want -- I
14 wish to pull that as well.

15 Mr. McKellar, can you hear the Solicitor?

16 MR. MCKELLAR: I can.

17 THE COURT: Okay. All right. So that is
18 one of the pieces of research that I want to look at
19 again, because I am not 100 percent certain that the
20 Court does have jurisdiction. If that probation is
21 transferred to Ohio, all decisions are to be made by
22 Ohio is my understanding. But I will -- I will look
23 at that again, as well as look at that letter. So
24 at that time I will issue a decision.

25 MS. HAMMACK: Thank you, Your Honor

1 THE COURT: Thank you.

2 MR. MCKELLAR: Your Honor, we are not
3 asking that you instruct Ohio to do anything. All
4 we are asking is for purposes of his sentence to
5 reflect that he be exempted from Condition 4 as to
6 his son. And it's up to Ohio, what Ohio is asked to
7 do.

8 THE COURT: I understand --

9 MR. MCKELLAR: So for our --

10 THE COURT: Yes. I just wanted to make
11 that clear that no matter what my decision is today,
12 Ohio will have the final decision.

13 MR. MCKELLAR: Yes. Yes

14 THE COURT: All right. All right. Thank
15 you, sir.

16 (At 10:27 a.m., the proceedings were
17 concluded.)

18 * * *

19 END OF TRANSCRIPT

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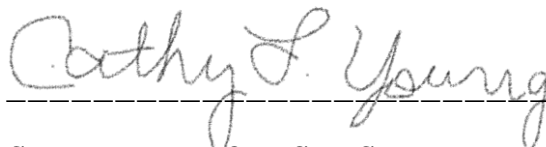
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CERTIFICATE OF REPORTER

I, Cathy L. Young, Certified Verbatim Reporter/Master for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the digitally-recorded hearing in the Circuit Court for Aiken County, South Carolina, on the 7th day of December, 2021.

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

This, the 29th of March, 2022



CATHY L. YOUNG, CVR-M

Sharon Sturgell
[REDACTED] Sites Road
Mansfield, Ohio 44903
Phone: [REDACTED]-7052
Email: [REDACTED]@yahoo.com

Your Honor,

Hello, my name is Sharon Sturgell. I am the mother of Jacob Sturgell who has asked that you please reconsider your ruling on his relationship with his son, **J.S.**, otherwise known as **JS** to family, along with his other biological children.

Your Honor, Jacob has made some bad decisions and choices in his lifetime. Do I agree with his decisions and choices, no I do not and I have told Jacob this. I do not condone or excuse these decisions or choices but one thing I can tell you is Jacob is a great father to **JS**. You are probably thinking as I was told earlier that "any parent will talk good about their child." Jacob is still my son and I love him and I only want what is best for him and **JS**. But when it comes to **JS**, Jacob is a totally different person. This little boy is his life and the light of his world. That goes the same with **JS**. He often tells me how much he loves and misses his daddy and want to go back to live with him. We (Jacob, **JS**'s mom and I) have explained to **JS** that daddy made some bad choices and decisions and now he has to be punished. Just like when you decide to be mean to your baby brother, or won't pick up your toys when told, you have to be punished by time out or not being able to play with your toys for a while. But we also tell **JS** that he will be able to see, talk and be with daddy again one day.

Jacob has custody of his son and had him prior to all of this happening, **JS** came to Ohio to live with his mom upon legal advice to prevent any problems. **JS** spends a lot of time with me and my husband when his mom has to work. I would bring **JS** to South Carolina frequently for weekend visits and at times for several weeks. Even when Jacob was out and on ankle monitoring **JS** would be with him, going to work and everywhere with him. Where you would see one you would see the other...they were inseparable. **JS** now tells everyone that he wants to be a tow truck driver like his daddy when he grows up. The bond between these two is so strong and is how a father-son relationship should be, but sadly isn't for many children. Jacob would teach **JS** things like what tools are what when he would be working on his vehicle, or how to use a shovel to dig a hole, how to hammer a nail in to the fence they built...so many different things. Even when **JS** is in Ohio if we have a problem with him we would call Jacob and tell him what was going on, then Jacob would talk to **JS** to hear his side and they would discuss what to do. Jacob was always calm and reassuring when talking to **JS**, letting him know that no matter what he was loved. Afterwards we would have no more problems. When Jacob had **JS** they would play and talk like the best of friends. **JS** will often cry to be with his daddy, but before he was transferred they would talk almost daily sometimes twice a day and would have video visits weekly. **JS** would look forward to these visits as did Jacob. This is what helped Jacob deal with where he was and to do some serious thinking.

Your Honor, do I believe Jacob is guilty of all the charges he was accused of, yes on some but no on others, but only God and Jacob knows the truth. Jacob put himself in the situation he is in, so

he must accept what comes his way. I am retired from the Ohio Department of Corrections and Rehabilitation, so I know how offenders with these charges can be looked upon by everyone, but I also know how important it is to them to have a relationship with their children. When Jacob talked to me about this deal he took, his biggest motivation factor was JS. He stressed that to his Attorney, Solicitor, and Attorney General. He said he would accept the plea as long as he could have his son back when he got out and to be able to have contact with him while incarcerated. I could understand your decision had JS been an alleged victim, but he was NOT. I also have read and spoke to several Attorney friends who has said that Jacob should be allowed to have or be around his biological children as long as they were not victims in his case.

Please reconsider your decision and allow Jacob to continue to have a relationship whit his son and later have him back. If not I truly feel by not allowing this relationship one innocent little boy will be severely hurt, and devastated beyond words and the father –son relationship may be lost forever. This would be devastating also for Jacob because this little boy is his reason to fight to change and become a better man and a reason to look to the future.

So in closing, please take into consideration the words of the others (friends, family, and his bondsman) and please let Jacob and JS have the father-son relationship that they both need. Please don't take away Jacob's light. Thank you for your time and your consideration in this matter. May God bless you.

Sharon Sturgell

Your Honor,

My name is Cassandra Fico. I am the mother of Jacob Strudel's youngest son, J.S. or as we call him J.S. I am writing to let you know that currently J.S. is living with me in Ohio, and he also spends a large amount of time with Jacob's mom and dad. Jacob has custody of J.S. but upon legal advice J.S. came to live with me temporarily.

Jacob and J.S. has a very close father and son relationship. If you or anyone would ask J.S. where he would like to be or who he would like to live with, he will quickly tell you, "my daddy". J.S. will often cry asking to go back to his daddy, and that he loves and misses him.

While Jacob was out and on ankle monitor Jacob's mom would often take J.S. to spend a weekend or even several weeks with his dad. There was never any problems while he was in his father's care.

Jacob and J.S. are good for each other, and I feel that it would be in the best interest for both of them to allow this relationship going. I feel it would have devastating effects on both of them if you were to sever this close, loving father relationship.

Jacob is still a powerful influence with J.S. He will talk to him if I have a problem with him and help him to understand why I may say no to something or have him do something he doesn't want to do like clean his room, or not fight with his baby brother...just so many things. He is still a good father and he never misses the chance to tell J.S. how much he loves, misses and how proud he is of him. So I ask that you please seriously reconsider your decision to keeping them apart.

If you want to talk to me or to J.S. for that matter, please call me at J.S.-8463. Thank you for your time and consideration.

Cassandra Fico

To whom it may concern,

My name is Donald Campbell. I am writing you on the behalf of Jacob Sturgill Sr about his relationship with his son [REDACTED] J.S. I have known the two of them since the beginning part of 2018. As long as I have known Jacob and his son they have always had a close knit relationship like we only see a few people have. Everytime I was around them they were always in a happy parent-child bondship. After Jacob was released on bond in 2019 Jacob and I continued to hang-out from time to time when his work schedule would permit. The four or five times I seen Jacob with his son for his two weeks to a month at a time visits they still had that close knit relationship most parents wish they had with their children. They are always full of playing and laughter. There has been a few times I would ask [REDACTED] J.S. if he was ready to go back to Ohio and he would tell me "No, no stay w my daddy".

I can and will say honestly if anyone would try an keep [REDACTED] J.S. away from his father it would be straight devastating and crushing to that little man. All he talks about is growing to be a tow truck driver and be like my daddy. I bet if you would ask him yourself he would tell you himself that he wants to be back with his dad. Thank you for your time, patience and consideration to what I had to say.

Sincerely,

Donald Campbell

To Whom It May Concern,

I am writing this letter for Jacob Sturgell. I know that there is a lot going on right now with Jacob. I would like you to know that Jacob is a different man when he has his son with him. Jacob is a great dad, and he really is a totally different person when he is with JS (his son is J.S.).

This little boy love his daddy so much. I know if it came down to it Jacob would lay his life down for his son. I am not asking for anyone to forgive Jacob for what he has done, I'm just asking you to please let Jacob see his son and be a part of his life even while he is incarcerated.

There are a lot Jacob's life that is messed up but I have seen that when JS is with him things seem to calm down. He is a great dad, and again I am not asking for you to excuse what he has done just please for JS's sake let them see each other and be a part of each other's life. JS misses his daddy and I've seen the hurt this little boy has because he want to see and be with his daddy.

If you would like to talk to me please feel free to call me. Thank you for taking the time to read this letter.

Carla Lee (Jacob Sturgell's aunt) -8997

To Whom It Concerns,

I am writing this on behalf of 2 persons very dear to me, Jacob Sturgell and his son JS.

Yes, I'll be the first to speak up and say he has a fairly colorful track record and hasn't always made the best decisions, but honestly, who has? I know I haven't. But this isn't about that. No, this is about something far more complex than that. This is about helping to determine 2 people's future and how they live out the rest of their lives.

One thing about Jacob that I can say with complete certainty is that he loves his kids and he would undoubtedly do anything for them.

Unfortunately, I have only known him for about 3 and a half years so I have not had the pleasure of meeting all of his children but during the time we have known each other, I have witnessed more times than I can count the relationship and bond shared with him and his mini me. JS

That little boy lives, breathes, and sleeps his daddy. I sincerely feel that upon Jacob's release, not being able to be around him would be detrimental to JS's psychological and emotional health as well as his general love of life. JS would be devastated and I believe it would be more than life changing for him. That innocent kind hearted little boy does not deserve a tragedy of that greatness so soon in his life.

There are things that will never be understood, and with that there are things that are not meant to be understood.

I hope with the decision to be made that it is made with the consideration of the complete story, because as a mother myself, I know there is far more to this than what simply meets the eye. It is understanding the smallest things that are not printed in black and white, like the unconditional love between a father and child that provides the greatest details of all.

Thanks for taking the time to read this,

Jessica R. Smith

To Whom It May Concern,

My name is Sara Barwick and Jacob Sturgell was my neighbor for about 3 years. I have two teenage sons now 16 and 14 that he was always very pleasant to, kept an eye on them when they were riding bikes in the road and would let me know if he felt they were doing something they shouldn't be. I feel he was very appropriate around them and never gave me any reason to question anything.

Sara Barwick

Hi your honor,

My name is Jahang Hinson I am writing to you about Jacob Stargell and his son [J.S.]. Jacob and I became to know one another shortly after his release in 2019. Over the past 2 1/2 years I have hung-out with Jacob and his son on multiple occasions. They have one of the best father-son relationships I have ever seen. Those two have always got a smite on their faces whenever you see them. They have a father-son relationship most fathers would love to have with their child and most children would love to have with their fathers. I can honestly say after being around and seeing their relationship I wish mine and my fathers relationship was like theirs when I was growing up.

So when I heard that there was a possibility that [J.S.] would possibly not be aloud around his father I had to write a letter. To keep that child away from his father would be devastating and disastrous to that child cause his world revolves around his daddy. I have been around to see where Jacob's mother or his son's mother will call Jacob from Ohio because they are having problems with [J.S.]. Jacob will get the details of the problem and then sit and talk to his son for 5-10 minutes about his behavior and why its not ok. After that he will tell his mother or son's mother "if you have any more issues just call me" and it will be a week or two before they would have to call him again. There has been multiple times Jacob has even told me where they would call him with his son crying saying "I want to talk to my daddy, I miss my daddy". Your honor I am writing you to say please dont break up their relationship it would do more damage and hurting to

J.S.

than it would do good or benefit him. Thank you
for hearing and taking what I had to say about this matter into
consideration and God Bless you.

Sincerely,



STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
 State of South Carolina,)
)
 v.)
 Jacob Steven Sturgell SR,)
)
 Defendant.)
 _____)

IN THE COURT OF GENERAL SESSIONS
 SECOND JUDICIAL CIRCUIT

RECEIVED
 DEC 22 2021
 SC Court of Appeals

2018GS0202706 and 2021GS0201460

ORDER REGARDING MOTION
 TO RECONSIDER

On September 14, 2021 Jacob Steven Sturgell, Sr., pled guilty to Criminal Sexual Conduct with a Minor, Third Degree and Sexual Exploitation of a Minor, Third Degree. At the time of the plea Defendant requested that the Court order that Section 4 of South Carolina Department of Probation, Parole, and Pardon Services' standard sex offender conditions not be imposed, and that Defendant be able to immediately have access to minor immediate family members. The Court denied this request.

Defendant, through Counsel, timely filed a Motion to reconsider which was heard December 7, 2021. Representing Defendant was William McKellar of the Aiken County Public Defender's Office. Representing the State was Ashley Hammock of the Aiken County Solicitor's Office and Stephen Ryan of the South Carolina Attorney General's Office. Defendant appeared virtually.

The Court heard testimony and reviewed written testimonials on behalf of Defendant. The Court took the matter under advisement and left the record open to be supplemented with additional testimonials. On December 8, 2021, the Court denied Defendant's Motion.

Now, therefore, based on the foregoing, it is ORDERED, ADJUDGED and DECREED that Defendant's Motion to Reconsider is DENIED.

Courtney Clyburn Pope

 PRESIDING JUDGE COURTNEY CLYBURN POPE
 Second Judicial Circuit

12/9/2021
Aiken SC

 Aiken, South Carolina

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN
 I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this
 10 day of Dec. 20 21

 C.C.C.P. & G.S., Aiken County, S.C. LFH
 Deputy Clerk *Laura Ingram-Hynes*

FILED *Dec. 9* 20 *21*

 C.C.C.P. & G.S. LFH

 Deputy Clerk *Laura Ingram-Hynes*

DOCKET NO: 2018GS0202706

The State of South Carolina

County of Aiken

Law Enforcement Case #: 18-00858

AAH

ARREST WARRANT NUMBER

FILED 8 November 2018

2018A0220200012

Robert J. Hane
C.C.P. & G.S.
Robert J. Hane
Deputy Clerk

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: November 8, 2018

VERDICT

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR-THIRD DEGREE

§ 16-03-0655(C)

Foreperson of Petit Jury

Date:

J. STROM THURMOND, SOLICITOR

CDR #: 3661

JACOB STEVEN STURGELL

THE STATE
vs.
JACOB STEVEN STURGELL

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2018

RECEIVED
DEC 22 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Hane, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

17 day of December, 2018

[Signature]
C.C.P. & G.S. Aiken County, S.C.

[Signature]
Deputy Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

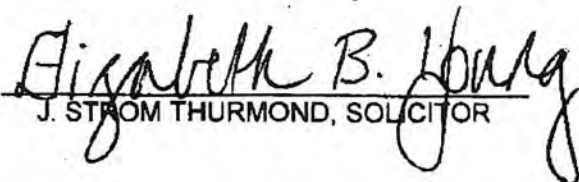
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A
MINOR-THIRD DEGREE

§ 16-03-0655(C)

At a Court of General Sessions, convened on November 12, 2018, the Grand Jurors of Aiken County present upon their oath:

That **JACOB STEVEN STURGELL**, being over the age of fourteen (14) years, did in Aiken County on or between October 1, 2017, and April 30, 2018, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of **MINOR** a child under sixteen (16) years of age, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All in violation of §16-03-655 of 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.


J. STROM THURMOND, SOLICITOR

WITNESSES

Kris Evensen- Aiken County Sheriff

DOCKET NO. 2021-GS-02-01460

The State of South Carolina
County of AIKEN

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.
Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

COURT OF GENERAL SESSIONS

October 2021 TERM

ARREST WARRANT NUMBER

Direct Presentment 14 September 20 21

THE STATE

vs.

Defendant
Witness:
C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

JACOB STEVEN STURGELL, SR.
D.O.B.

Foreperson of Grand Jury

Date:

VERDICT

Indictment for
SEXUAL EXPLOITATION OF A MINOR,
THIRD DEGREE

SC Code: 16-15-410(A)
CDR Code: 0381

Foreperson of Petit Jury
Date:

RECEIVED
DEC 22 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 17 day of December 20 21
C.C.C.P. & G.S., Aiken County, S.C.
Robert J. Harte
Deputy Clerk

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF AIKEN)

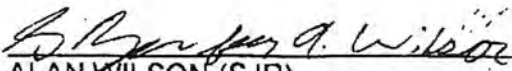
SEXUAL EXPLOITATION OF A MINOR,
THIRD DEGREE

At a Court of General Sessions, convened on October 7, 2021, the Grand Jurors of Aiken County present upon their oath:

That, Jacob Steven Sturgell, Sr., on or before May 11, 2021 did willfully and knowingly commit the crime of Sexual Exploitation of a Minor, Third degree, in Aiken County. To wit: Jacob Steven Sturgell, Sr., did while knowing the character or content of the material, file labeled "2220484656714052519.jpg" did possess material that contains a visual representation of a minor engaging in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation as defined by Section 16-15-375(5) and 16-15-375(6) of the South Carolina Code of Laws. This incident occurred within the County of Aiken, State of South Carolina, and is in direct violation of Section 16-15-410(A) 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.

OFFICE OF THE ATTORNEY GENERAL


ALAN WILSON (SJR)
ATTORNEY GENERAL

0-15 years
mandatory Sex Offender Registry
mandatory GPS

10 years suso 5 years active,
then 5 years probation

RECEIVED

DEC 22 2021

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Alken

SC Court of Appeals

STATE

INDICTMENT/CASE#: 2018-GS-02-02706

VS.

Jacob Steven Sturgell Sr

AW#: 2018A0220200012

AKA:

Date of Offense: 10/1/2017

Race: White Sex: M Age: 34

S.C. Code §: 16-03-0655(C)

DOB: _____ SS#: _____

CDR Code #: 3661

Address: _____

City, State, Zip: _____

DL#: _____

SID#: _____

SENTENCE SHEET

*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: CSC with a Minor in the Third Degree

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 § 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 (def.'s initials)

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

ATTEST:

Chester O. Hammock 80176 Jacob St Sr
Clerk of Court SC Bar # Defendant

W. J. Walker 79902
Attorney for Defendant SC Bar #

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

for a determinate term of 10 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 5 days/months/years Time-Served and or payment of \$ _____ plus costs and assessments as applicable*, the balance is suspended with probation for 5

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 330 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 OF SOUTH CAROLINA,
COUNTY OF AIKEN
I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 17 day of December, 2021
Robert J. Harte
C.C.C.P. & G.S., Aiken County, S.C.
Barbara Harte
Deputy Clerk

STATE VS. Jacob Steven Sturgell Sr INDICTMENT/CASE#: 2018-GS-02-02708

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	\$		
§14-1-208 (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		\$
§56-1-288 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ 25.00
§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 instalments)	TBD		\$ 18.75
<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		\$ 500.00
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$
TOTAL			\$ 643.75

Clerk of Court/Deputy Clerk: Latoya Franjor Hayes Presiding Judge: [Signature]
 Court Reporter: Digital Court Reporter Judge Code: 2707
 Sentence Date: 6/14/2021

SCCA217 (07/2021)

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN
 I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 17 day of December 2021
[Signature]
 C.C.P. & G.S., Aiken County, S.C.
[Signature]
 Deputy Clerk

Page 2 of 2

RECEIVED

STATE OF SOUTH CAROLINA DEC 22 2021

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken Court of Appeals

STATE

INDICTMENT/CASE#: 2021-GS-02-01440

VS.

JACOB STEVEN STURGELL, SR

AW# DIRECT PRESENTMENT

AKA Race W Sex M Age 34

Date of Offense 5/11/2021

DOB: SS#

S.C. Code §: 16-15-410(A)

Address:

CDR Code #: 0381

City, State, Zip

SENTENCE SHEET

DL# SID#

*CDL Yes [] No [x] CMV Yes [] No [x] Hazmat Yes [] No [x]

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

TO: SEXUAL EXPLOITATION OF A MINOR, THIRD DEGREE

In violation of § 16-15-410(A) of the S.C. Code of Laws, bearing CDR Code # 0381

[x] 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 [x] Defendant Waives Presentment to Grand Jury. JSS (def.'s initials)

The plea is: [x] Without Negotiations or Recommendation [] Negotiated Sentence, [] Recommendation by the State

ATTEST:

Assistant Attorney General 101351 SC Bar #

Defendant X Jacob S. Sturgell Sr

Attorney for Defendant

SC Bar # 79722

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

for a determinate term of 10 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 5 days/months/year/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5

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

[x] CONCURRENT or [] CONSECUTIVE to sentence on

[x] 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.

126 (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 OF SOUTH CAROLINA COUNTY OF AIKEN

I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

17 day of December 20 21

Robert J. Harte C.C.P. & G.S., Aiken County, S.C.

Deputy Clerk

STATE VS. JACOB STEVEN STURGELL, SR INDICTMENT/CASE#: 2021 -GS- 02 -01460

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: _____

***Fines:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-208 (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	\$ _____
§14-1-212 (Law Enforce. Funding)			\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)			\$150	\$ _____
§34-11-70(b)and(c), and 34-11-80(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	\$ 3.75
<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

Clerk of Court/Deputy Clerk: Latonya Franier-Hyde
Court Reporter: Digital Court Reporter

Presiding Judge: [Signature]
Judge Code: 2101
Sentencing Date: 11/11/21

SCCA/217 (07/2021)

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Harce, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of 2 original documents which have been filed in my office this 17 day of December 2021

[Signature]
C.C.P. & G.S., Aiken County, S.C.
[Signature]
Deputy Clerk

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED**Aug 16 2022****SC Court of Appeals**

Respectfully Submitted,


Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 16th day of August, 2022.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Aug 16 2022
SC Court of Appeals

Appeal from Aiken County

Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JACOB STEVEN STURGELL, SR.,

APPELLANT

APPELLATE CASE NO. 2021-001517

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 16th day of August, 2022.


Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT