


THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

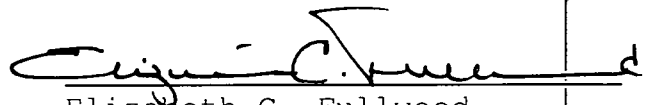
HONORABLE HOWARD P. KING, CIRCUIT COURT JUDGE

Case No.: 2012-GS-32-00397
2012-GS-32-00398

 The State, Respondent.
v.
James Walker, Appellant.

NOTICE OF APPEAL

James Walker, appeals the verdict and sentence in this case. The sentence was imposed by the Honorable Howard P. King on November 8, 2012.



Elizabeth C. Fullwood
Public Defender
407 ½ W. Main Street
Lexington, SC 29072
(803) 957-8873

OTHER COUNSEL OF RECORD:
Suzanne Mayes,
Assistant Solicitor
Lexington County Courthouse
Lexington, SC 29072

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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HONORABLE HOWARD P. KING, Circuit Court Judge

Case No.: 2012-GS-32-00397
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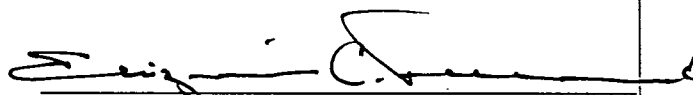
The State,Respondent.

v.

James Walker,Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Suzanne Mayes, by depositing a copy of it in the United States Mail, postage prepaid, on November 14, 2012, addressed to Suzanne Mayes, Assistant Solicitor, Lexington County Courthouse, Lexington, SC 29072.



Elizabeth Fullwood
Public Defender
407 ½ W. Main Street
Lexington, SC 29072

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington)
STATE VS.)
James Walker)

INDICTMENT/CASE#: 2012GS3200398

AKA:)
Race: Sex: M Age: 42)
DOB: 04-29-1970 SS#:)
Address: 767 Goldie Road)
City, State, Zip: Leesville, SC 29070)
DL#: SID#:)

A/W#: 12-STR-00014

Date of Offense: 1/1/2006

S.C. Code § : 16-15-0140

CDR Code #: 2468

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

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

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

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

ATTEST: JSM Solicitor 64191 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 12 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 8 days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/~~year~~ 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: 2612 - 0397
 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. Since Sept 19, 2011
 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: Sexual Registry.

Recipient:

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

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

Presiding Judge Howard P. King
Judge Code: 2107
Sentence Date: Nov 8, 2012

Clerk of Court/ Deputy Clerk Beth A. King
Court Reporter: Brenda Stierwald
SCCA/217 (03/2011)

A TRUE COPY
Lex. Co. C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS. James Walker

INDICTMENT/CASE#: 2012GS3200397
A/W#: M303273
Date of Offense: 9/9/2011
S.C. Code § : 16-15-0140
CDR Code #: 2468

AKA:
Race: Sex: M Age: 42
DOB: 04-29-1970 SS#:
Address: 767 Goldie Road
City, State, Zip: Leesville, SC 29070
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 TO: Sex / Lewd Act, committing or attempting lewd act upon child under 16

CONVICTED OF or PLEADS

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
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: R. M. Mayer 64191
Solicitor 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 12 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 8 days/months/years 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.

CONCURRENT or CONSECUTIVE to sentence on: 2012-0397
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. Since Sept 19, 2011
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: Sexual Registry

Table with columns for Recipient, *Fine, and various assessment codes (e.g., § 14-1-206, § 14-1-211(A)(1), etc.) with corresponding dollar amounts.

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.
Presiding Judge: [Signature]
Judge Code: 2107
Sentence Date: Nov 8, 2012

Clerk of Court/ Deputy Clerk: Beth A. [Signature]
Court Reporter: Brenda [Signature]
SCCA/217 (03/2011)

TRUE COPY
Lex. Co. C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
COMMITTING OR ATTEMPTING A LEWD ACT
UPON A CHILD

§ 16-15-0140

At a Court of General Sessions, convened on MARCH 2012, the Grand Jurors of Lexington County present upon their oath:

That James Walker, a person over the age of fourteen (14) years, did in Lexington County, state aforesaid, on or about January 1, 2006 through May 15, 2010, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: Cassie Walker, date of birth May 17, 1994, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child, in violation of Section 16-15-140, 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.


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Stephen M. Collins

Law Enforcement Case #:

LSM

ARREST WARRANT NUMBER

12-STR-00014

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: 3/12/2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS3200398

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

MARCH TERM 2012

THE STATE
vs.

James Walker

CDR #: 2468

Indictment for

COMMITTING OR ATTEMPTING A
LEWD ACT UPON A CHILD

§ 16-15-0140

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
COMMITTING OR ATTEMPTING A LEWD ACT
UPON CHILD

§ 16-15-0140

At a Court of General Sessions, convened on MARCH 2012, the Grand Jurors of Lexington County present upon their oath:

That James Walker, a person over the age of fourteen (14) years, did in Lexington County, state aforesaid, on or about January 1, 2006 through September 6, 2011, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: Camille Walker, date of birth May 23, 1996, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child, in violation of Section 16-15-140, 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.


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Stephen M. Collins

Law Enforcement Case #: 11029043


LSM

ARREST WARRANT NUMBER

M303273

ACTION OF GRAND JURY

TOP SECRET



Foreperson of Grand Jury

Date: 3/12/2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GSS3200397

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MARCH TERM 2012

THE STATE
vs.

James Walker

CDR #: 2468

Indictment for

COMMITTING OR ATTEMPTING A
LEWD ACT UPON CHILD

§ 16-15-0140

DONALD V. MYERS, SOLICITOR

OFFICE OF THE PUBLIC DEFENDER

ELIZABETH FULLWOOD
Lexington Public Defender
407½ W. Main St.
Lexington, SC 29072
Telephone (803) 957-8873
Fax (803) 957-1443

Eleventh Judicial Circuit
Lexington, Saluda, Edgefield,
and McCormick Counties

ROBERT M. MADSEN
Circuit Public Defender

W. GREG SEIGLER
Tri-County Public Defender
Post Office Box 1852
McCormick, SC 29835
Telephone (864) 852-9555
Fax (864) 852-9554

November 14, 2012

The Honorable Tanya Gee
Clerk of Court for Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: The State vs. James Walker - appeal

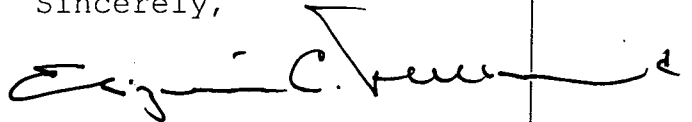
Dear Ms. Gee:

Please find enclosed an original and one (1) copy of a Notice to Appeal in the above matter for filing in your office. Please file the original and return the date/time stamped copy to me in the envelope provided.

I am, by copy of this letter, serving a copy of this Notice to Appeal on Suzanne Mayes, and Robert M. Dudek, together with my Certificate of Service.

Thank you for your assistance in this matter. With kind regards, I am

Sincerely,



Elizabeth C. Fullwood

Enclosures

CC: Suzanne Mayes,
Assistant Solicitor
Lexington County Courthouse
Lexington, SC 29072

Robert M. Dudek,
Chief Appellate Defender
P.O. Box 11589
Columbia, SC 29211

James Walker, 0353144
Kirkland R&E Center
4344 Broad River Road
Columbia, SC 29210