

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

State of South Carolina

-vs-

Kelvin Dean Tucker Jr,

Defendant.

)
)
) FILED-RECEIVED
) Indictment Nos.: 2023-GS-46-0903;
) 2023-GS-46-0906; 2023-GS-46-0907;
) and 2022-GS-46-5829
2023 JUN -5 AM 11:00
)
) DAVID HAMILTON
) C.C.C.P. & GS
) YORK COUNTY, SC
)
)
)
)

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JUN 14 2023


SC Court of Appeals

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the issue to be raised on appeal is whether the trial court abused its discretion when it imposed the sentence upon the Honorable Kristi F. Curtis on June 2, 2023, the Appellant pled guilty to Distribution of Methamphetamine 2nd (Indictment No. 2023-GS-46-0903) for a sentence of Seven years upon the service of Four years suspended on Three years on probation; Driving Under the Influence less than .10 2nd Offense (Indictment No. 2023-GS-46-0906) for a sentence of One year; Failure to Stop for Blue Light 1st Offense (Indictment No. 2023-GS-46-0907) for a sentence of Three years; and Possession of Narc. in Schedule I (b), (c), LSD & Schedule II 1st Offense (2022-GS-46-5829) for a sentence of Two years. The Appellant received One hundred and twenty eight days credit for time served and run concurrent.

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. *See Frazer v. South Carolina*, 430 F.3d 696, 705 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,


Shawana Burris
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Kelvin Dean Tucker Jr.

York, South Carolina

June 2, 2023

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JAIL

STATE OF SOUTH CAROLINA

CERTIFIED TRUE COPY JUN 14 2023

COUNTY OF YORK

2023 JUN -5 AM 9:56 Court of Appeals

IN THE COURT OF GENERAL SESSIONS

STATE

VS.

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

INDICTMENT/CASE#: 2023-GS-46-00907

KELVIN DEAN TUCKER, JR

AKA: Kelvin D Tucker, Kelvin Tucker

Race: W Sex: M Age: 38

DOB: [redacted] SS# [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# SC01508545

A/W#: 20232280397086

Date of Offense: 01/28/2023

S.C. Code §: 56-05-0750(B)(1)

CDR Code #: 0065

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: Fail To Stop For A Blue Light (NMT 3 years or NLT \$500)

In violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065

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:

/s/ Kevin Bayona	104596	/s/ Kelvin Dean Tucker, Jr	/s/ Shawana D. Burris	105241
Solicitor	SC Bar #	Defendant	Attorney for Defense	SC Bar #

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

for a determinate term of 3 days/months/years Time Served Youthful Offender Act not to exceed 3 years

and/or to pay a fine of \$ [redacted]; provided that upon the service of [redacted] days/months/years/Time Served and/or payment of \$ [redacted], plus costs and assessments as applicable*, the balance is suspended with probation for [redacted]

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. 178 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. Kelvin Dean Tucker, Jr

INDICTMENT/CASE#: 2023-GS-46-00907

CERTIFIED TRUE COPY
2023 JUN -5 AM 9:33

SPECIAL CONDITIONS:

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

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		\$ 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			\$ 26

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: *deep*

Presiding Judge:
Judge Code:
Sentence Date:

Castro
2762
June 2, 2023

WITNESSES

RHPD

Witnessing Officer: *Tucker*

ARREST WARRANT NUMBER

20232280397086

ACTION OF GRAND JURY

TRUE BILL

Dana Diamond
Foreperson of Grand Jury
Date: *5/18/23*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023-GS-46-00907

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

MAY 18, TERM 2023

THE STATE

VS.

KELVIN DEAN TUCKER, JR.

INDICTMENT FOR

FAIL TO STOP FOR A BLUE LIGHT

SC Code: § 56-05-0750(B)(1)
CDR Code: 0065

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

Defendant

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

Defendant

Witness

RECEIVED
CLERK OF COURT
YORK COUNTY, SC
2023 JUN -5 AM 9:33

C.C.G. PLS. AND G.S.

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JUN 14 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA

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2023 JUN -5 AM 9:33

INDICTMENT

COUNTY OF YORK

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on May 18, 2023, the Grand Jurors of
York County present upon their oath:

FAIL TO STOP FOR A BLUE LIGHT

The defendant, Kelvin Dean Tucker Jr, did on or about January 28, 2023, in York County, while driving on a road, street, or highway of the state, fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light, all in violation of Section 56-05-0750(B)(1), 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.


KEVIN BAYONA
ASSISTANT SOLICITOR

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STATE OF SOUTH CAROLINA

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JUN 14 2023

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

2023 JUN -5 AM 9:33

SC Court of Appeals

STATE

VS.

JAMIE HAMILTON
CLERK OF COURT
YORK COUNTY, SC

INDICTMENT/CASE#:

2023-GS-46-00906

KELVIN DEAN TUCKER, JR

AKA: Kelvin D Tucker, Kelvin Tucker

Race: W Sex: M Age: 38

DOB: SS#

Address:

City, State, Zip:

DL# SID# SC01508545

A/W#:

20232280397085

Date of Offense:

01/28/2023

S.C. Code §:

56-05-2930(A)

CDR. Code #:

3356

SENTENCE SHEET

ORIGINAL

*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: DUI less than .10, 2nd Offense (5 days to 1 year & \$2,100-5,100)

In violation of § 56-05-2930(A) of the S.C. Code of Laws, bearing CDR Code # 3356

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45

(GSC 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:

/s/ Kevin Bayona
Solicitor

104596
SC Bar #

/s/ Kelvin Dean Tucker, Jr
Defendant

/s/ Shawana D. Burris
Attorney for Defense

105241
SC Bar #

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

for a determinate term of 1 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.

128 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.

JAL

STATE VS. Kelvin Dean Tucker, Jr

INDICTMENT/CASE#:

2023-GS-46-00906

DECEASED TRUE COPY

SPECIAL CONDITIONS:

2023 JUN -5 AM 9:33

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

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:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1) (Conv. Surcharge)	\$100	\$ 100
§14-1-211 (A)(2) (DUI Surcharge)	\$100	\$ 100
§56-5-2995 (DUI Assessment)	\$12	\$ 12
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforc. Funding)	\$25	\$ 20
§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		\$ 201

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: clerp

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

Mark White
Charles 2162
June 2, 2023

WITNESSES

RHPD

Witnessing Officer: Tucker

ARREST WARRANT NUMBER

20232280397085

ACTION OF GRAND JURY

TRUE BILL

Dana Simmons
Foreperson of Grand Jury
Date: 5/18/23

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023-GS-46-00906

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

MAY 18, TERM 2023

THE STATE

VS.

KELVIN DEAN TUCKER, JR

INDICTMENT FOR

DRIVING UNDER THE INFLUENCE

SC Code: § 56-05-2930(A)
CDR Code: 3356

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:

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2023 JUN -5 AM 9:33
JAYD MARPLE
CLERK OF COURT
YORK COUNTY, SC

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JUN 14 2023
SC Court of Appeals

CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA

COUNTY OF YORK

2023 JUN -5 AM 9:33

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

INDICTMENT

At a Court of General Sessions, convened on May 18, 2023, the Grand Jurors of
York County present upon their oath:

DRIVING UNDER THE INFLUENCE

The defendant, Kelvin Dean Tucker Jr, did on or about January 28, 2023, in York County, drive a motor vehicle while under the influence of alcohol and/or any other drug or a combination of drugs and/or substances which cause impairment to the extent that the defendant's faculties to drive were materially and appreciably impaired and while having an alcohol concentration of less than .10%, such not being the first offense within a period of ten years including and immediately preceding the foregoing date, all in violation of Section 56-05-2930(A), *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.



KEVIN BAYONA
ASSISTANT SOLICITOR

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JAIL

JUN 14 2023

STATE OF SOUTH CAROLINA **SC Court of Appeals** IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK 2023 JUN -5 AM 9:33

STATE VS. INDICTMENT/CASE#: 2023-GS-46-00903

KELVIN DEAN TUCKER, JR A/W#: 2023A4620300253
AKA: Kelvin D Tucker, Kelvin Tucker Date of Offense: 01/28/2023
Race: W Sex: M Age: 38 S.C. Code §: 44-53-375(B)
DOB: SS# CDR Code#: 3199

Address: City, State, Zip: SENTENCE SHEET
DL#: SID# SC01508545

ORIGINAL

*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: Possession with Intent to Distribute Methamphetamine 2nd Offense (5-30 YEARS &/OR \$50,000)

In violation of § 44-53-375(B) of the S.C. Code of Laws, bearing CDR Code # 3199

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:
/s Kevin Bayona 104596 /s Kelvin Dean Tucker, Jr /s Shawana D. Burris 105241
Solicitor SC Bar # Defendant Attorney for Defense 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 4 days/months/years Time Served 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.

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.
128 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.

JIAL

STATE VS. Kelvin Dean Tucker, Jr

INDICTMENT/CASE#: 2023-GS-46-00903

DEFERRED TRUE COPY

2023 JUN -5 AM 9:34

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

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

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: Recommend ATU

Recommend inpatient drug rehabilitation upon discharge from SCDC

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		\$ 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		\$ 25
§14-1-213 (Drug Court Surcharge)	\$150		\$ 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 checked="" 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
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$
TOTAL			\$ 775

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: depp

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

Wishlink
Curtis 2762
June 2, 2023

WITNESSES

RHPD

Witnessing Officer: Tucker

ARREST WARRANT NUMBER

2023A4620300253

ACTION OF GRAND JURY

TRUE BILL

Dana Simmons
Foreperson of Grand Jury
Date: 5/18/23

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023-GS-46-00903

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

MAY 18, TERM 2023

THE STATE

VS.

KELVIN DEAN TUCKER, JR

INDICTMENT FOR

**POSSESSION WITH INTENT TO
DISTRIBUTE METHAMPHETAMINE**

SC Code: § 44-53-375(B)
CDR Code: 3199

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

Defendant

Witness

DEPT OF CORRECTIONS
2023 JUN -5 AM 9:34
DAVID HAVILLON
CLERK OF COURT
YORK COUNTY, SC

C.C.C. PLS. AND G.S.

RECEIVED
JUN 14 2023
SC Court of Appeals

CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA

2023 JUN -5 AM 9:34

COUNTY OF YORK

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

INDICTMENT

At a Court of General Sessions, convened on May 18, 2023, the Grand Jurors of
York County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE

The defendant, Kelvin Dean Tucker Jr, did on or about January 28, 2023, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to distribute, dispense, deliver, or purchase methamphetamine in violation of the provisions of Section 44-53-370, all in violation of Section 44-53-375(B), 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.



KEVIN BAYONA
ASSISTANT SOLICITOR

RECEIVED

JAIL

JUN 14 2023

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

2023 JUN -5 AM 9:30

SC Court of Appeals

COUNTY OF YORK

STATE

VS.

DAVID L. HILTON
CLERK OF COURT
YORK COUNTY, SC

INDICTMENT/CASE#: 2022-GS-46-05829

KELVIN DEAN TUCKER, JR

AKA: Kelvin D Tucker, Kelvin Tucker

Race: W Sex: M Age: 38

DOB: SS#

Address:

A/W#: 2022A4620302221

Date of Offense: 09/01/2022

S.C. Code §: 44-53-370

CDR Code #: 0176

City, State, Zip:

DL#* SID# SC01508545

SENTENCE SHEET

ORIGINAL

*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: Possession of Oxycodone 1st Offense (NMT 2 YEARS &/OR \$5,000)

In violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code.# 0176

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45

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:

/s/ Kevin Bayona 104596 /s/ Kelvin Dean Tucker, Jr /s/ (No Attorney) Prose PROSE
Solicitor SC Bar# Defendant Attorney for Defense SC Bar#

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

for a determinate term of 2 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 of 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.

178 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. Kelvin Dean Tucker, Jr

INDICTMENT/CASE#: 2022-GS-46-05829

RECEIVED TRUE COPY

2023 JUN -5 AM 9:34

SPECIAL CONDITIONS:

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

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:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	Beginning	\$
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ 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 Enforcer Funding)		\$25	\$ 25
§14-1-213 (Drug Court Surcharge)		\$150	\$ 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			\$ 275

Clerk of Court/Deputy Clerk: David Hamilton

Court Reporter: dcrp

Presiding Judge: Kushluta

Judge Code: _____

Sentence Date: June 2, 2023

Curtis 2762
June 2, 2023

WITNESSES

RHPD

Witnessing Officer *Smith*

ARREST WARRANT NUMBER

2022A4620302221

ACTION OF GRAND JURY

TRUE BILL

Heather Bochincki
Foreperson of Grand Jury
Date: 10/27/2022

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2022-GS-46-05829

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 27, TERM 2022

THE STATE

VS.

KELVIN DEAN TUCKER, JR

INDICTMENT FOR

POSSESSION OF OXYCODONE

SC Code: § 44-53-370
CDR Code: 0176

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

Defendant

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

Defendant

Witness:

2023 JUN -5 AM 9:34
SARAH HAMILTON
CLERK OF COURT
YORK COUNTY, SC

C.C.C. PLS. AND G.S.

RECEIVED
JUN 14 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF YORK

RECEIVED TRUE COPY
2023 JUN -5 AM 9:34

INDICTMENT

JANET HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on October 27, 2022, the Grand Jurors of York County present upon their oath:

POSSESSION OF OXYCODONE

The defendant, Kelvin Dean Tucker Jr did on or about September 1, 2022, in York County, South Carolina, knowingly or intentionally possess oxycodone, a schedule II narcotic, all in violation of Section 44-53-370, 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.



KEVIN BAYONA
ASSISTANT SOLICITOR