

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Deadra L. Jefferson, Circuit Court Judge

INDICTMENT NOS.: 2012GS1003191 to 2012GS1003192
WARRANT NOS.: M727556 to M727557

THE STATE,RESPONDENT,

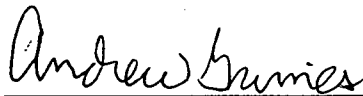
v.

NATHANIEL WITHERSPOON,APPELLANT.

NOTICE OF APPEAL

Nathaniel Witherspoon appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Deadra L. Jefferson on June 21, 2013.

June 28, 2013



Andrew D. Grimes
Christina D. Parnell
Attorneys for Appellant
O. T. Wallace County Office Building
101 Meeting Street
5th Floor
Charleston, SC 29401
(843) 958-1850

Other counsel of record are:
Timmy Finch
Assistant Solicitor
O.T. Wallace County Office Building
101 Meeting Street, 4th Floor
Charleston, SC 29401
(843) 958-1900
Attorney for Respondent

RECEIVED
JUL 01 2013
SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Deadra L. Jefferson, Circuit Court Judge

INDICTMENT NOS.: 2012GS1003191 to 2012GS1003192

WARRANT NOS.: M727556 to M727557

THE STATE,RESPONDENT,

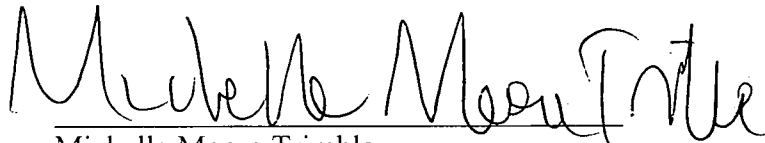
v.

NATHANIEL WITHERSPOON,APPELLANT.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Timmy Finch, Assistant Solicitor for Charleston County, by hand delivering a copy of it to the Charleston County Solicitor's Office at 101 Meeting Street, Charleston, South Carolina 29401, on June 28, 2013.

June 28, 2013



Michelle Moore Trimble
Paralegal to Andrew D. Grimes
Attorney for Appellant
O. T. Wallace County Office Building
101 Meeting Street
Fifth Floor
Charleston, SC 29401
(843) 958-1850

RECEIVED

JUL 01 2013

SC Court of Appeals

FILED

THE STATE OF SOUTH CAROLINA

2013 JUN 28 PM 3: 58 IN THE COURT OF APPEALS

JULIE J. ARMSTRONG
CLERK OF COURT APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

BY: _____

Deadra L. Jefferson, Circuit Court Judge

INDICTMENT NOS.: 2012GS1003191 to 2012GS1003192
WARRANT NOS.: M727556 to M727557

THE STATE,RESPONDENT,

v.

NATHANIEL WITHERSPOON,APPELLANT.

NOTICE OF APPEAL

Nathaniel Witherspoon appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Deadra L. Jefferson on June 21, 2013.

June 28, 2013

Andrew D. Grimes

Andrew D. Grimes
Christina D. Parnell
Attorneys for Appellant
O. T. Wallace County Office Building
101 Meeting Street
5th Floor
Charleston, SC 29401
(843) 958-1850

Other counsel of record are:
Timmy Finch
Assistant Solicitor
O.T. Wallace County Office Building
101 Meeting Street, 4th Floor
Charleston, SC 29401
(843) 958-1900
Attorney for Respondent

RECEIVED

JUL 01 2013

SC Court of Appeals

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By: *[Signature]*
DEPUTY CLERK

FILED

2013 JUN 28 PM 3: 58

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

JULIE J. ARMSTRONG
CLERK OF COURT

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

BY _____

Deadra L. Jefferson, Circuit Court Judge

INDICTMENT NOS.: 2012GS1003191 to 2012GS1003192
WARRANT NOS.: M727556 to M727557

THE STATE,RESPONDENT,

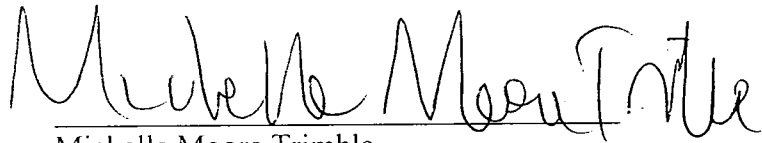
v.

NATHANIEL WITHERSPOON,APPELLANT.

PROOF OF SERVICE

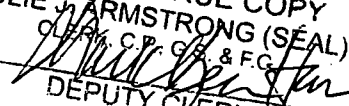
I certify that I have served the Notice of Appeal on Timmy Finch, Assistant Solicitor for Charleston County, by hand delivering a copy of it to the Charleston County Solicitor's Office at 101 Meeting Street, Charleston, South Carolina 29401, on June 28, 2013.

June 28, 2013



Michelle Moore Trimble
Paralegal to Andrew D. Grimes
Attorney for Appellant
O. T. Wallace County Office Building
101 Meeting Street
Fifth Floor
Charleston, SC 29401
(843) 958-1850

RECEIVED
JUL 01 2013
SC COURT OF APPEALS

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By 
DEPUTY CLERK

Berkeley County
219 N. Hwy. 52, Suite E
P.O. Box 1687
Moncks Corner, SC 29461
(843) 899-2777
(843) 899-2701 Fax
Cody J. Groeber
Berkeley County Public Defender

Ninth Circuit Public Defender
Berkeley & Charleston Counties

D. Ashley Pennington, Circuit Defender
publicdefender@charlestoncounty.org
(843) 958-1850

Charleston County
O.T. Wallace Building
101 Meeting Street, 5th Floor
Charleston, SC 29401-2214
(843) 958-1850
(843) 958-1860 Fax
Lorelle D. Proctor
Charleston County Public Defender

June 28, 2013

South Carolina Appellate Defense Commission
Attention -- Ms. Sharon Graham
PO Box 11589
Columbia, South Carolina 29211

Re: State of South Carolina v. Nathaniel Witherspoon
Indictment Nos.: 2012GS1003191 to 2012GS1003192
Warrant Nos.: M727556 to M727557
Charges.: Criminal Sexual Conduct – 1st Degree, Burglary – 1st Degree

Dear Ms. Graham:

I am enclosing a duplicate set of the Appeal papers, which I have forwarded to the Clerk of the South Carolina Court of Appeals concerning the above-subject defendant. This defendant was represented by our office as an indigent, pursuant to the Defense of Indigents Act, and it is requested that your office assume the appeal of this case.

The name of the Court Reporter is Susan Mia Perron and her address is Post Office Box 31865, Charleston, South Carolina 29417-1865. I have enclosed documents usually requested by your office. Documents listed but not applicable to this particular case have been marked "N/A."

I thank you in advance for your cooperation in this matter. If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,



Andrew D. Grimes
Christina D. Parnell
Attorneys for Appellant

Enclosure(s): As stated above

cc: Mr. Nathaniel Witherspoon (without enclosures)

COUNTY OF Charleston
STATE VS. Nathaniel Witherspoon

INDICTMENT/CASE#: 2012GS1003191
A/W#: M727556
Date of Offense: 10/24/2011
S.C. Code §: 16-03-0652
CDR Code #: 0160

AKA:
Race: BLACK Sex: M Age: 58
DOB: 07-05-1954 SS#: 247-06-2705
Address: 2253 Rebecca Drive #2
City, State, Zip: Charleston, SC 29406
DL#: 004467669 SID#: SC00464409

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Criminal Sexual Conduct - 1st Degree

[X] CONVICTED OF or [] PLEADS

in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160
[] NON-VIOLENT [X] VIOLENT [] SERIOUS [X] 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: Finch, Timmy Defendant Attorney for Defendant SC Bar#
78223

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center,
for a determinate term of 18 days/months/years or [] under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$, plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

[X] CONCURRENT or [] CONSECUTIVE to sentence on: 2012-GS-10-3192
[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 the State Department of Corrections.
[] 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: WDA if available.

Table with 3 columns: Description, Amount, Total. Includes items like § 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 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$ 133.90

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

Clerk of Court/ Deputy Clerk
Court Reporter: SJSAN
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2123
Sentence Date: 6/21/13

WITNESSES

The State of South Carolina

County of Charleston

North Charleston Police Department

AGENCY CASE NUMBER

2011039667

COURT OF GENERAL SESSIONS

June Term 2012

ARREST WARRANT NUMBER

M727556

THE STATE

DATE OF ARREST

vs.

March 9, 2012

NATHANIEL WITHERSPOON a/k/a
NATHANIEL LEE WITHERSPOON
DOB: 1954-07-05
B/M

ACTION OF GRAND JURY

TRUE BILL

Indictment for

Criminal Sexual Conduct - 1st Degree

Foreperson of Grand Jury
Date: 6/21/12

VERDICT

Guilty

Foreperson of Petit Jury

Date: 6/21/12

INDICT

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS
OF THE NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

VERDICT FORM

vs.)

NATHANIEL WITHERSPOON,)
Defendant.)
_____)

AS TO INDICTMENT NO.: 2012-GS-10-3191:

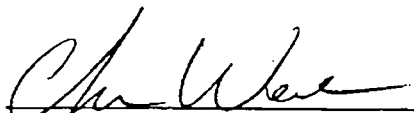
We, the jury, by unanimous consent find the Defendant:

Guilty of Criminal Sexual Conduct, 1st Degree.

OR

Not Guilty.

Please sign and date.



Foreperson

June 21, 2013

Please let the bailiffs know when you have finished your deliberations.

ARREST WARRANT

M-727556

STATE OF SOUTH CAROLINA

County/ Municipality of

North Charleston

2011039667

THE STATE

against

108 P. Ward
Goose Creek

Nathaniel Witherspoon

Address: 108 Concord St.
Goose Creek, SC 29445-

Phone: SSN: 247-06-2705
Sex: M Race: B Height: 5 10 Weight: 170
DL State: SC DL #: 004467669
DOB: 7/5/1954 Agency ORI #:
Prosecuting Agency: North Charleston Police Department
Prosecuting Officer: Jill Farman #310
Offense: Criminal Sexual Conduct 1st degree 16-03-062(1)
Offense Code: 00160
Code/Ordinance Sec: 16-03-0652(1)

This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Nathaniel Witherspoon on 3-9-12
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

North Charleston Municipal Court
2500 City Hall Lane
North Charleston, SC 29406

STATE OF SOUTH CAROLINA

County/ Municipality of

North Charleston

Personally appeared before me the affiant Jill Farman #310

being duly sworn deposes and says that defendant Nathaniel Witherspoon who

did within this county and state on 10/24/2011 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of North Charleston)

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct 1st degree 16-03-062(1)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

OCA #: 2011039667

LEB

Signature of Affiant

Jill Farman #310

STATE OF SOUTH CAROLINA

County/ Municipality of

North Charleston

Affiant's Address: 2500 City Hall Lane
North Charleston, SC 29406-
Affiant's Telephone: (843)554-5700

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 10/24/2011 defendant Nathaniel Witherspoon

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of North Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct 1st degree 16-03-062(1)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 03/09/2012

Thad J. Doughty (L.S.)

Signature of Issuing Judge

Judge Code: 003

Judge's Address

Judge's Telephone

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

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

AFFIDAVIT

ORIGINAL

BAIL set by

Judge

Bellwin

on: *3-16-12*

Type and Amount:

150,000

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by _____
(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

FILED
2012 MAR 19 PM 2:01
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

M727556

AFFIDAVIT

COUNTY OF CHARLESTON
CITY OF NORTH CHARLESTON

ORIGINAL

OCA# 2011039667

Personally appeared before me, a magistrate of this County, one Det. Farman who, first being duly sworn, deposes and says that:

NATHANIEL LEE WITHERSPOON

Did within this County and State on October 24, 2011 violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
CRIMINAL SEXUAL CONDUCT FIRST DEGREE
VIOLATION OF SECTION 16-3-652

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on October 24, 2011 at 5519 Woodbine Avenue Apt. D located within the City of North Charleston, County of Charleston and State of South Carolina, the defendant, NATHANIEL LEE WITHERSPOON, did commit the offense of CRIMINAL SEXUAL CONDUCT FIRST DEGREE, in violation of Section 16-3-652 of the South Carolina Code of Laws of 1976, annotated. In that the defendant did willfully, unlawfully and feloniously commit sexual battery on the female victim using aggravated force.

The facts to establish the aforesaid are that on October 24, 2012 at approximately 6:50AM the victim, Sharon Rosenbaum was in her bedroom when she heard something at her door which she believed was her cat. When she opened the door there was a black male standing by the door. He stated that his car had broken down and he needed to call a cab. Would she let him use her cell phone? The victim was unable to clearly see the defendant because she did not have her glasses on. The victim turned around and walked back toward her bedroom. The defendant approached her from behind and placed his hand over her face and pushed her toward her bedroom. A physical struggle ensued but the defendant ordered the victim to get on the ground at which time she refused. The defendant grabbed her hair with one hand pulling her toward the floor and placed his other hand around her neck strangling her. The defendant then told the victim to "Shut up or he would kill her." The defendant stated he had a knife. At this time the victim succumbed to the defendant at which time he sexually assaulted the victim by placing his penis into her vagina. After the defendant ejaculated he stated to the victim "That's all I wanted." The defendant then fled the scene with the victim's cell phone but left behind a white bloody t-shirt. The victim ran to her neighbors/witness home to report this incident at which time the police were contacted. The victim was transported to Roper St. Francis and then on to MUSC so a SANE kit could be completed.

A few days later officers were patrolling in a neighborhood close to the victims residence when they found a cell phone located in an empty lot. After further investigation the cell phone was found to belong to the victim. The most calls placed were to (843)926-4940 to a subject listed in the contacts as "Princess". A search warrant was completed for (843)926-4940 and was found to belong to Alaina Grossley. Ms. Grossley was interviewed by investigators and was asked who calls her "princess". She immediately stated "Spoon". Investigators were familiar with a subject named Nathaniel Witherspoon (Spoon) who is known to frequent the area in which the phone was found. Ms. Grossley stated she had known him for approximately a year and had met him through friends and family. When shown a picture of the defendant. Ms. Grossley stated, "That's Spoon." Due to the violent nature of the crime and the defendant's criminal history it was determined to wait on the DNA analysis to be returned from SLED.

The evidence was submitted to SLED for processing. On approximately March 1, 2012 a report was received from SLED that the semen DNA profile of the defendant was found on the victim's external genitalia. On approximately March 5, 2012 Investigators received a letter from SLED stated that semen had been found in the victims SANE kit with a matching profile in CODIS for Nathaniel Witherspoon (defendant).

This information is based on the investigation by Detective Farman of the North Charleston Police Department. The victim and witness Frances Combs are witness to prove the same. All made and provided against the law, peace and dignity of the state of South Carolina.

Sworn to and Subscribed before me
this 24th day of March
2012.

Thad J. Doughty

Signature of Judge

[Signature] #310
AFFIANT

Address: 2500 CITY HALL LANE

N.CHAS S.C. 29406

Phone: 843-554-5700

COUNTY OF Charleston
STATE VS. Nathaniel Witherspoon
AKA:
Race: BLACK Sex: M Age: 58
DOB: 07-05-1954 SS#: 247-06-2705
Address: 2253 Rebecca Drive #2
City, State, Zip: Charleston, SC 29406
DL#: 004467669 SID#: SC00464409
*CDL Yes No CMV Yes No Hazmat Yes No

INDICTMENT/CASE#: 2012GS1003192
A/W#: M727557
Date of Offense: 10/24/2011
S.C. Code § : 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was TO: Burglary, 1st degree

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
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
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Finch, Timmy Defendant; 78223 SC Bar# Attorney for Defendant; SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 18 days/months/years of under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2012-95-10-3191
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on 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

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 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 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

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: ATTU if available.

Clerk of Court/ Deputy Clerk: Callie
Court Reporter: SJSAN PERREN

Appointed PD or appointed other counsel. § 47.12 requires \$500 be paid to Clerk during probation.
Presiding Judge: [Signature]
Judge Code: 2128
Sentence Date: 6/21/13

WITNESSES

North Charleston Police Department

The State of South Carolina

County of Charleston

AGENCY CASE NUMBER

2011039667

COURT OF GENERAL SESSIONS

June Term 2012

ARREST WARRANT NUMBER

M727557

THE STATE

DATE OF ARREST

vs.

March 9, 2012

NATHANIEL WITHERSPOON

DOB: 1954-07-05

B/M

ACTION OF GRAND JURY

TRIAL

Indictment for

Burglary - 1st Degree

Foreperson of Grand Jury

Date: JUN 12 2012

VERDICT

Guilty

Foreperson of Petit Jury

Date: 6-21-13

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on June 11, 2012 the Grand Jurors of Charleston County present upon their oath:

Burglary - 1st Degree

That in Charleston County, South Carolina, on or about October 24, 2011, the Defendant NATHANIEL WITHERSPOON, did enter the dwelling of Sharon Rosenbaum, located at 5519-D Woodbine Avenue, without consent and with the intent to commit a crime therein. That, in addition, the defendant was armed with a deadly weapon: in violation of Section 16-11-311 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.



TIMMY FINCH
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS
OF THE NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

vs.)

VERDICT FORM

NATHANIEL WITHERSPOON,)
Defendant.)
_____)

AS TO INDICTMENT NO.: 2012-GS-10-3192:

We, the jury, by unanimous consent find the Defendant:

Guilty of Burglary, First Degree.

OR

Not Guilty.

Please sign and date.



Foreperson

June 21, 2013

Please let the bailiffs know when you have finished your deliberations.

ARREST WARRANT

M-727557

STATE OF SOUTH CAROLINA

County/ Municipality of

North Charleston

2011039867

THE STATE

against

108 Pilliard St
Goose Creek, SC.

Nathaniel Witherspoon

Address: 108 Concord St.

Goose Creek, SC 29445-

Phone: SSN: 247-06-2705

Sex: M Race: B Height: 5 10 Weight: 170

DL State: SC DL #: 004467669

DOB: 7/5/1954 Agency ORI #:

Prosecuting Agency: North Charleston Police Department

Prosecuting Officer: Jill Farman #310

Offense: Burglary 1st 16-11-311

Offense Code: 00079

Code/Ordinance Sec: 16-11-311

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant on Nathaniel Witherspoon 3-7-12

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

North Charleston Municipal Court
2500 City Hall Lane
North Charleston, SC 29406

STATE OF SOUTH CAROLINA

County/ Municipality of

North Charleston

Personally appeared before me the affiant Jill Farman #310

being duly sworn deposes and says that defendant Nathaniel Witherspoon

did within this county and state on 10/24/2011 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of North Charleston)

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary 1st 16-11-311

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

OCA #: 2011039667

LEB

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

North Charleston

Affiant's Address 2500 City Hall Lane

North Charleston, SC 29406-

Affiant's Telephone (843)554-5700

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 10/24/2011 defendant Nathaniel Witherspoon

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of North Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Burglary 1st 16-11-311

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 03/09/2012

Thad J. DeWitt (L.S.)

Signature of Issuing Judge

Judge Code: CW3

Judge's Address

Judge's Telephone

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

AFFIDAVIT

ORIGINAL

Jill Farman #310

BAIL set by

WITNESSES

Judge Baldwin

Name: _____
Address: _____
Telephone: _____

on 3-16-12

Name: _____
Address: _____
Telephone: _____

Type and Amount: NO BOND

Name: _____
Address: _____
Telephone: _____

Name of Surety: _____

Name: _____
Address: _____
Telephone: _____

PRELIMINARY HEARING held by

Judge _____

Name: _____
Address: _____
Telephone: _____

on _____

Name: _____
Address: _____
Telephone: _____

Defendant Attorney: _____

Name: _____
Address: _____
Telephone: _____

Decision: _____

Name: _____
Address: _____
Telephone: _____

DISPOSITION before

Judge _____

Name: _____
Address: _____
Telephone: _____

on _____

Name: _____
Address: _____
Telephone: _____

by _____

Name: _____
Address: _____
Telephone: _____

(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Name: _____
Address: _____
Telephone: _____

Sentence: _____

Name: _____
Address: _____
Telephone: _____

JURORS

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

Name: _____
Address: _____
Telephone: _____

2012 MAR 19 PM 2:01
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

STATE OF SOUTH CAROLINA

M727557

AFFIDAVIT

COUNTY OF DORCHESTER
CITY OF NORTH CHARLESTON

ORIGINAL

OCA# 2011039667

Personally appeared before me, a magistrate of this County, one **Det. Farman** who first being duly sworn, deposes and says that

NATHANIEL LEE WITHERSPOON

did within this County and State on October 24th, 2011 violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

BURGLARY 1ST

VIOLATION OF SECTION 16-11-311

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on October 24, 2011 at 5519 Woodbine Avenue Apt. D located within the City of North Charleston, County of Charleston and State of South Carolina, the defendant, **NATHANIEL LEE WITHERSPOON**, did commit the offense of **BURGLARY IN THE FIRST DEGREE**, in violation of Section 16-11-311 of the South Carolina Code of Laws of 1976, annotated. In that the defendant did willfully, unlawfully and feloniously did enter Sharon Rosenbaum's residence without her consent, during the early morning hours with the intent to forcefully sexually assault the victim and take her cell phone.

The facts to establish the aforesaid are that on October 24, 2012 at approximately 6:50AM the victim, Sharon Rosenbaum was in her bedroom when she heard something at her door which she believed was her cat. When she opened the door there was a black male standing by the door. He stated that his car had broken down and he needed to call a cab. Would she let him use her cell phone? The victim was unable to clearly see the defendant because she did not have her glasses on. The victim turned around and walked back toward her bedroom. The defendant approached her from behind and placed his hand over her face and pushed her toward her bedroom. A physical struggle ensued but the defendant ordered the victim to get on the ground at which time she refused. The defendant grabbed her hair with one hand pulling her toward the floor and placed his other hand around her neck strangling her. The defendant then told the victim to "Shut up or he would kill her." The defendant stated he had a knife. At this time the victim succumbed to the defendant at which time he sexually assaulted the victim by placing his penis into her vagina. After the defendant ejaculated he stated to the victim "That's all I wanted." The defendant then fled the scene with the victim's cell phone but left behind a white bloody t-shirt. The victim ran to her neighbors/witness home to report this incident at which time the police were contacted. The victim was transported to Roper St. Francis and then on to MUSC so a SANE kit could be completed.

A few days later officers were patrolling in a neighborhood close to the victims residence when they found a cell phone located in an empty lot. After further investigation the cell phone was found to belong to the victim. The most calls placed were to (843)926-4940 to a subject listed in the contacts as "Princess". A search warrant was completed for (843)926-4940 and was found to belong to Alaina Grossley. Ms. Grossley was interviewed by investigators and was asked who calls her "princess". She immediately stated "Spoon". Investigators were familiar with a subject named Nathaniel Witherspoon (Spoon) who is known to frequent the area in which the phone was found. Ms. Grossley stated she had known him for approximately a year and had met him through friends and family. When shown a picture of the defendant. Ms. Grossley stated, "That's Spoon." Due to the violent nature of the crime and the defendant's criminal history it was determined to wait on the DNA analysis to be returned from SLED.

The evidence was submitted to SLED for processing. On approximately March 1, 2012 a report was received from SLED that the semen DNA profile of the defendant was found on the victim's external genitalia. On approximately March 5, 2012 Investigators received a letter from SLED stated that semen had been found in the victims SANE kit with a matching profile in CODIS for Nathaniel Witherspoon (defendant).

This information is based on the investigation by Detective Farman of the North Charleston Police Department. The victim and witness Frances Combs are witness to prove the same. All made and provided against the law, peace and dignity of the state of South Carolina.

Sworn to and Subscribed before me
this 14th day of March
2012

Thad J. Doughty

Signature of Judge

(AFFIANT)

Address: 2500 City Hall Ln., N. Chas., SC 29406
740-2859

Berkeley County
219 N. Hwy. 52, Suite E
P.O. Box 1687
Moncks Corner, SC 29461
(843) 899-2777
(843) 899-2701 Fax
Cody J. Groeber
Berkeley County Public Defender

Ninth Circuit Public Defender

Berkeley & Charleston Counties

D. Ashley Pennington, Circuit Defender
publicdefender@charlestoncounty.org
(843) 958-1850

Charleston County
O.T. Wallace Building
101 Meeting Street, 5th Floor
Charleston, SC 29401-2214
(843) 958-1850
(843) 958-1860 Fax
Lorelle D. Proctor
Charleston County Public Defender

June 28, 2013

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State of South Carolina v. Nathaniel Witherspoon
Indictment Nos.: 2012GS1003191 to 2012GS1003192
Warrant Nos.: M727556 to M727557
Charges.: Criminal Sexual Conduct – 1st Degree, Burglary – 1st Degree

Dear Ms. Kitchings:

I am enclosing for filing the Notice of Intent to Appeal in the above-referenced case, together with appropriate Proof of Service upon the Circuit Solicitor and Proof of Filing with the local Clerk of Court. I represented Mr. Witherspoon pursuant to the Defense of Indigents Act. By copy of this letter, I am forwarding a duplicate set of these documents to the South Carolina Commission of Appellate Defense.

Upon the filing of these documents, I would appreciate your returning the file-stamped copies of the respective documents to me in the enclosed, self-addressed envelope.

I thank you in advance for your cooperation in this matter. If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,



Andrew D. Grimes
Christina D. Parnell
Attorneys for Appellant

Enclosure(s): As stated above

cc: South Carolina Commission of Appellate Defense (with enclosures)
Mr. Nathaniel Witherspoon (with enclosures)

~~CHARLESTON COUNTY PUBLIC DEFENDER~~

O.T. WALLACE COUNTY OFFICE BLDG.
101 MEETING STREET, 5TH FLOOR
CHARLESTON, SC 29401-2214



RECEIVED

JUL 01 2013

SC Court of Appeals

