

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions
D. Garrison Hill, Circuit Court Judge

General Session Case No. 2012-GS-24-1166

The State, Respondent

v.

James L. Carrier, Appellant

FILED GENERAL SESSIONS
8TH JUDICIAL CIRCUIT
GREENWOOD, SC
2012 AUG 16 AM 10 56

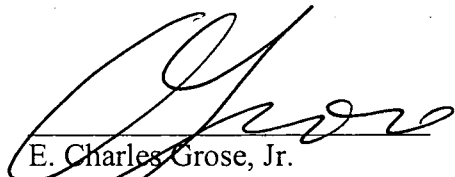
NOTICE OF APPEAL

James L. Carrier appeals his conviction and sentence in this case. The Honorable D. Garrison Hill imposed the sentence on July 19, 2012. This appeal follows the written order of the Honorable D. Garrison Hill dated August 9, 2012 and filed August 14, 2012 denying the post-trial motions. Mr. Carrier received written notice of entry of this order on August 15, 2012.

Pursuant to SCACR Rule 203(d)(1)(A)(ii), this appeal is to the South Carolina Supreme Court because this appeal involves a challenge to the constitutionality of S.C. Code §23-3-540 (lifetime electronic monitoring for certain sex offenders).

August 16, 2012

RECEIVED
AUG 21 2012
S.C. SUPREME COURT



E. Charles Grose, Jr.
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(864) 229-9505

Other Counsel of Record:

Andrew M. Hodges, Esquire
Deputy Solicitor, Eighth Judicial Circuit

Matthew Swilley, Esquire
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In The Supreme Court

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D. Garrison Hill, Circuit Court Judge

General Session Case No. 2012-GS-24-1166

The State, Respondent

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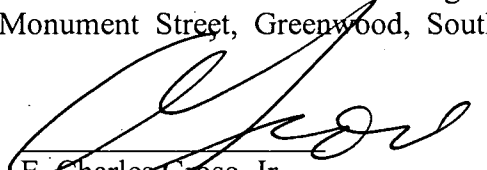
James L. Carrier, Appellant

FILED GENERAL SESSIONS
8TH JUDICIAL CIRCUIT
GREENWOOD, SC
2012 AUG 16 AM 10 56


PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The State of South Carolina by personally delivering a copy of the same to the Office of the Solicitor for the Eighth Judicial Circuit, at Suite 203, Park Plaza, 600 Monument Street, Greenwood, South Carolina on the date reflected below.

August 16, 2012


E. Charles Grose, Jr.
Circuit Public Defender
Greenwood and Abbeville Counties
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(864) 229-9505

Accepted by


Solicitor's Office
Eighth Judicial Circuit
Suite 203, Park Plaza
Greenwood, South Carolina 29648

Date: 8-16-12, 2012

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF GREENWOOD

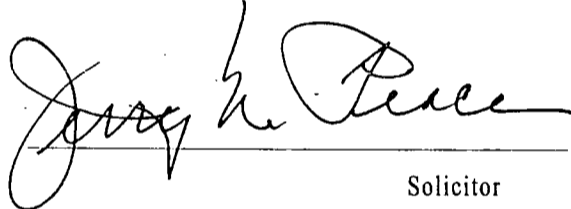
LEWD ACT
16-15-0140

At a Court of General Sessions, convened on the 8th day of June, 2012 the Grand Jurors of Greenwood County present upon their oath:

That James Lloyd Carrier, did in Greenwood County, state aforesaid, between the 1st day of January, 1999, and the 31st day of December, 2003, being over the age of fourteen (14) years, the said defendant did unlawfully, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of a child under the age of sixteen years, to wit: date of birth: _____, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the said defendant, or of the said child, in violation of Section 16-15-140 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 cases made and provided.

GREENWOOD COUNTY
COURT CLERK
JUNE 11 2012
S. C. 16-15-0140
JAMES LLOYD CARRIER


Solicitor

WITNESSES

Chris Haden
Greenwood County Sheriff

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

June Term, 2012
Indictment # 12GS24-1166

WARRANT NUMBER

2012GS2401166

DIRECT INDICTMENT

THE STATE

vs.

James Lloyd Carrier

True Bill

RPL
Foreman of the Grand Jury

Date: *6/8/12*

INDICTMENT FOR

LEWD ACT
16-15-0140

VERDICT

Guilty
Christopher G. Fisher
Foreman

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

COUNTY OF Greenwood
STATE VS. James Lloyd Carrier
AKA:
Race: CAU Sex: M Age: 38
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 12GS24-1166
A/W#: 2012GS2401166
Date of Offense: 1/1/1999 - 12/31/2003
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, 1

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: Matthew S. Sande 78750
Asst. 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 15 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.

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 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
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: GPS monitoring per S.C. Code § 23-3-540.

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Recipient:
*Fine:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942(J) (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), TOTAL.

Clerk of Court/ Deputy Clerk: Ingram Moon
Court Reporter: J. V. ...
SCCA/217 (03/2011)

Appointed PD or appointed other counsel, 47.12 requires \$500 be paid to Clerk during probation.
Presiding Judge: [Signature]
Judge Code: 2138
Sentence Date: 5-18-12

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD)
)
State of South Carolina,)
)
v.)
)
James L. Carrier,)
)
Defendant.)
)
_____)

IN THE COURT OF GENERAL SESSIONS
EIGHTH JUDICIAL CIRCUIT

Indictment No.: 2012-GS-24-1166

**ORDER DENYING DEFENDANT'S
MOTION FOR NEW TRIAL OR, IN THE
ALTERNATIVE, TO RECONSIDER
SENTENCE**

FILED GENERAL SESSIONS
8TH JUDICIAL CIRCUIT
GREENWOOD, SC
2012 AUG 14 PM 2:17

The court has carefully reviewed Defendant's Motion for New Trial or, in the Alternative, to Reconsider the Sentence imposed on July 19, 2012. The court finds these motions are without merit, and therefore they are respectfully **DENIED**.

To be clear, the court never imposed a timeline on the jury's deliberations. After advising the court that they were deadlocked (but before the jury could be returned to the courtroom for an Allen charge), the jury requested via the bailiff additional time to deliberate. The court allowed them to continue, but never imposed a deadline. Nor does the court recall any shouting emanating from the jury room.

Defendant is given credit for time served while held in jail on the original indictment (Indictment No. 2009-GS-24-1146).

IT IS SO ORDERED.



D. Garrison Hill
Circuit Judge

August 9, 2012
Greenville, South Carolina

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CLERK AND GS
GREENWOOD COUNTY
S. C.

Pre-Trial Interview Affidavit of Indigency Application for Counsel

Warrant/Ticket #

Charge

M075385

Lewd Act Upon a Child under 16

Personal Data:

Defendant's Name: James L Carrier

Alias(s) _____

Current Address: _____

Phone # _____

Rent

Own _____

Board _____

Social Security Number _____

Date of Birth _____

Married: Yes No Living with spouse Yes No Children Yes No # _____

Living with Relatives Yes No Contact with Relatives Yes No

Employment Data:

Currently Working Yes No Full-Time Part-Time How Long: _____

Current Employer: _____

Address _____

Supervisor _____

Type of Work _____

Phone _____

Previous Employer _____

How Long _____

Type of Work _____

Phone _____

Financial Data:

Dependants:

Total Number of Dependants who are recognized by IRS Standards _____

Assets:

Amount of Wages Per Month

\$ _____

Amount of Unemployment Checks

\$ _____

Income from other Sources (Specify) _____

\$ _____

How much cash do you have:

\$ _____

Checking Account Balance

\$ _____

Savings Account Balance

\$ _____

Value of Real Estate/Stocks/Bonds/Collections

\$ _____

Other Assets (Specify) _____

\$ _____

Total

\$ _____

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Phone _____

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Phone _____

Financial Data:

Dependants:

Total Number of Dependants who are recognized by IRS Standards _____

Assets:

Amount of Wages Per Month _____

\$

Amount of Unemployment Checks _____

\$

Income from other Sources (Specify) _____

\$

How much cash do you have:

Checking Account Balance _____

\$

Savings Account Balance _____

\$

Value of Real Estate/Stocks/Bonds/Collections _____

\$

Other Assets (Specify) _____

\$

\$

Total

\$

PUBLIC DEFENDER

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Abbeville, Greenwood, Laurens, and Newberry Counties
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Greenwood, South Carolina 29646
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E. Charles Grose, Jr.
Circuit Defender
Eighth Judicial Circuit
E-mail: cgrose@pdgreenwood.com

August 16, 2012

The Honorable Daniel E. Shearouse
Clerk of Court, S.C. Supreme Court
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

Re: State v. James Carrier
Case Number: 2012-GS-24-1166

Dear Mr. Shearouse:

Enclosed please find Mr. Carrier's notice of appeal. Also enclosed, please find the following documents:

- 1) Certified copy of indictment number 2012-GS-24-1166,
- 2) Certified copy of the sentencing sheet,
- 3) Certified copy the order of Judge Hill filed on August 14, 2012 denying the post-trial motions, and
- 4) Copy of Mr. Carrier's application for appointment of a public defender.

Because this is an indigent case, I understand the Office of Appellate Defense will handle Mr. Carrier's appeal. By copy of this letter to Mr. Dudek, I am advising his office this appeal is being filed. By separate communication, I will provide Appellate Defense with the hearing dates.

Thank you for your attention to this matter.

With kindest regards, I am

Yours very truly,

E. Charles Grose, Jr.

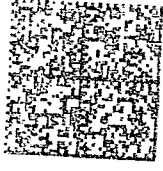
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AUG 21 2012

cc: Andrew Hodges, Esquire (via Hand Delivery)
Matthew Swilley, Esquire (via Hand Delivery)
Robert M. Dudek, Esquire

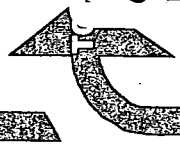
S.C. SUPREME COURT

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OFFICE OF THE PUBLIC DEFENDER

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Greenwood, South Carolina 29646



**The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211**