

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF DORCHESTER) THE FIRST JUDICIAL CIRCUIT
)

STATE OF SOUTH CAROLINA) **Warrant/Indictment Nos.:**
Plaintiff,) 2022a1820501043; 2022a1820501044;
) 2022a1820501045; 2022a1820501046
) Damaging Or Tampering With A
) Vehicle; Breaking Into Motor
) Vehicle Or Tanks, Pumps, Where
) Fuel, Lubricants Stored; Poss.,
) Conceal, Sell., Or Dispose Of
) Stolen Vehicle, Value More Than
) \$2,000 But Less Than; Financial
) Transaction Card Theft
)

v.)

KENNETH ALLEN FULTON,)
Defendant.)

RULE 203(B) EXPLANATION

RECEIVED

AUG 25 2023


SC Court of Appeals

Pursuant to Rule 203(B) (iv), the issues to be raised on Appeal may include whether the Trial Court abused its discretion when it imposed a sentence of seven (7) years for 2022GS1801913 and three (3) years on 2022GS1801914 provided upon the service of three (3) years to run concurrent upon the Appellant after he plead guilty.

The undersigned does not have a good faith basis to believe that such an abuse occurred 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*, 430F.3d 696, 706 (4th Cir. 2005) ("A Defendant has a

right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client, '" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,

By: 

Michael F. Moyer
Assistant Public Defender
107 West 6th North Street
Summerville, SC 29483
Attorney for Defendant
(843) 821-9800

Summerville, South Carolina
This 22nd day of August, 2023

General Sessions Tracking Sheet
Indictment # 0000GS18

Name: Fulton, Kenneth Allen

AKA:

Addr: _____

SSN#

Sex: M Race:

DOB:

DL#

Warrant/Ticket #: 2022A1820501043

Date of Arrest: 08/22/2022

Date of Offense: 08/22/2022

Date Rcv by Clerk 08/31/2022

Magistrate: Clerk Of Court C P, G S, And Family Court

Counts: Code: 0655/Vehicle / Damaging or tampering with a vehicle

Indictment # 22 0000GS18 1912

Disposition Information

1. Transmitted to SOL & SCCA:
2. Disp Received by Clerk:
3. Date of Disposition: 8-15-23

- | | | |
|--------------------|---|-------------------------------------|
| Disposition | <input type="checkbox"/> 1. Guilty plea | Explain: _____ |
| | <input type="checkbox"/> 2. Trial -- guilty | Explain: _____ |
| | <input type="checkbox"/> 3. Trial -- not guilty | Explain: _____ |
| | <input checked="" type="checkbox"/> 4. Dism/Not Pros/Pros Ended | Explain: <u>pled to dated check</u> |
| | <input type="checkbox"/> 5. Judicial Commitment | Explain: _____ |
| | <input type="checkbox"/> 6. Judicial Dismissal | Explain: _____ |
| | <input type="checkbox"/> 7. Remanded | Explain: _____ |
| | <input type="checkbox"/> 8. Dismissed at Prelim | Explain: _____ |
| | <input type="checkbox"/> 8. No Bill | Explain: _____ |
| | <input type="checkbox"/> 9. Failure to Appear | Explain: _____ |
| | <input type="checkbox"/> 10. Other | Explain: _____ |

Judge: _____

Court Reporter: _____

Defense Atty: _____

Solicitor: [Signature]

Counts: _____ Code: _____

Sentence: _____

STATE VS. Kenneth Allen Fulton INDICTMENT/CASE#: 2022 - GS - 18 - 01913

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:**

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 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		\$ 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: Cheryl Graham
Court Reporter: Tracie Victoria (Del)

Presiding Judge: [Signature]
Judge Code: 3112
Sentence Date: 8-15-2023

RECEIVED

AUG 25 2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Dorchester

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2022 - GS - 18 - 01914

Kenneth Allen Fulton

AW#: 2022A1820501045

AKA:

Date of Offense: 8/22/2022

Race:

Sex: M

Age: 35

S.C. Code §

16-21-0080

DOB:

SS#:

CDR Code #:

3815

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: Poss., conceal, sell., or dispose of stolen vehicle, value more than \$2,000 but less than \$10,000 (Enhanceme

in violation of § 16-21-0080 of the S.C. Code of Laws, bearing CDR Code # 3615

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:

[Signature]
1st Circuit Solicitor's Off

78731
SC Bar #

[Signature]
Defendant

[Signature]
Moyer, Michael F.

SCB105821
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 3 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: 8-15-2023

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. 300 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 § 16-25-85 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

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: medications
- 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 _____	\$ _____
§14-1-208 (Assessments 107.5 %)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100 -</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§56-5-2895 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25 -</u>
§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 \$ _____
§56-5-2842(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ <u>10.75</u>
<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 \$ <u>500.00</u>
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
TOTAL	\$ <u>648.75</u>

Clerk of Court/ Deputy Clerk:
 Court Reporter:

Cheryl Graham
DCU (Lorraine Vickari)

Presiding Judge:
 Judge Code:
 Sentence Date:

Diane J. Goodwin
3112
0-15-2023

General Sessions Tracking Sheet
Indictment # 0000GS18

Name: Fulton, Kenneth Allen
AKA:
Addr: 5701 Waldheim St Lot 248
North Charleston, SC 29418-5465

SSN# 250-73-6510
Sex: M Race:
DOB: 01/07/1988
DL# SC/090560931

Warrant/Ticket #: 2022A1820501046
Date of Arrest: 08/22/2022
Date of Offense: 08/22/2022
Date Rev by Clerk 08/31/2022
Magistrate: Clerk Of Court C P, G S, And Family Court
Counts: Code: 0348/FinanTC / Financial Transaction
Card Theft

Indictment # 22 0000GS18 1915

Disposition Information

1. Transmitted to SOL & SCCA:
2. Disp Received by Clerk:
3. Date of Disposition: 8-14-23

- | | | | | |
|-------------|-------------------------------------|-----------------------------|----------|-------------------------------|
| Disposition | <input type="checkbox"/> | 1. Guilty plea | Explain: | _____ |
| | <input type="checkbox"/> | 2. Trial -- guilty | Explain: | _____ |
| | <input type="checkbox"/> | 3. Trial -- not guilty | Explain: | _____ |
| | <input checked="" type="checkbox"/> | 4. Dism/Not Pros/Pros Ended | Explain: | <u>pled to related charge</u> |
| | <input type="checkbox"/> | 5. Judicial Commitment | Explain: | _____ |
| | <input type="checkbox"/> | 6. Judicial Dismissal | Explain: | _____ |
| | <input type="checkbox"/> | 7. Remanded | Explain: | _____ |
| | <input type="checkbox"/> | 8. Dismissed at Prelim | Explain: | _____ |
| | <input type="checkbox"/> | 8. No Bill | Explain: | _____ |
| | <input type="checkbox"/> | 9. Failure to Appear | Explain: | _____ |
| | <input type="checkbox"/> | 10. Other | Explain: | _____ |

Judge: _____

Court Reporter: _____

Defense Atty: _____

Solicitor: _____

Counts: _____ Code: _____

Sentence: _____

