

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

STATE

VS.

INDICTMENT/CASE#: 2023-GS-46-05165A

JOHN TOTTEROW

AKA:
Race: W Sex: M Age: 16
DOB: SS#
Address: 825 Sutton Springs Road
City, State, Zip: York, SC 29745
DL#\* SID#

A/W#:
Date of Offense: 09/07/2023
S.C. Code §: 16-23-0490
CDR Code #: 0549

RECEIVED
Sep 19 2023
SC Court of Appeals

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 [X] PLEADS

TO: Possession of a Weapon During the Commission of a Violent Crime (5 years)

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

The charge is: [X] As indicted, [ ] Lesser Included Offense, [X] Defendant Waives Presentment to Grand Jury. (def.'s initials)

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

ATTEST: 5 years concurrent
/s John C. Anthony 7116 /s John Tothorow /s [Signature] 74943
Solicitor SC Bar # Defendant Attorney for Defense SC Bar #

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

for a determinate term of 600 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 [X] CONCURRENT or [ ] CONSECUTIVE to sentence on: 2023 GS 46-5165

[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 SCDOC. 497 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.

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:	\$	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		\$
§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		\$
<b>TOTAL</b>			<b>\$ 125.00</b>

Clerk of Court/Deputy Clerk: Angie Bryant  
Court Reporter: A. Butler

Presiding Judge: \_\_\_\_\_  
Judge Code: Griffith 2154  
Sentence Date: September 12, 2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

STATE VS.

INDICTMENT/CASE#: 2023-GS-46-05165

JOHN TOTTEROW

A/W#:

AKA:
Race: W Sex: M Age: 16
DOB: SS#
Address: 825 Sutton Springs Road
City, State, Zip: York, SC 29745
DL#\* SID#

Date of Offense: 09/07/2023
S.C. Code §: 16-03-0010
CDR Code #: 0116

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: Voluntary Manslaughter (2-30 years)

In violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

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: 33 months

/s John C. Anthony 7116 /s John Totherow 74943
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 339 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: 2023 GS 46-5165A

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. 497 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.

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:	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	_____	_____
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3% to County (if paid in installments)	TBD		\$
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<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$

TOTAL \$ 125.00

Presiding Judge: \_\_\_\_\_  
Judge Code: Griffith 2154  
Sentence Date: September 12, 2023

Clerk of Court/Deputy Clerk: Angie Bryant  
Court Reporter: A. Butler

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on September 21, 2023, the Grand Jurors of York County present upon their oath:

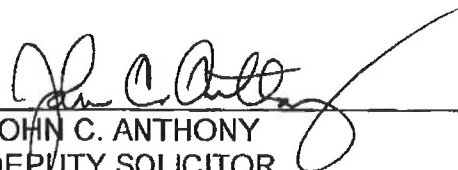
**COUNT ONE: MURDER**

John Kenneth Totherow did, in York County, South Carolina, on or about May 3, 2022, unlawfully and with malice aforethought, either express or implied, kill Alethea "Lisa" Puckett Totherow by means of shooting her, and the victim died as a proximate result thereof, all in violation of Section 16-3-10, *Code of Laws of South Carolina (1976)*, as amended.

**COUNT TWO: POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME**

John Kenneth Totherow did, on or about May 3, 2022, in York County, South Carolina, while committing the violent crime of Murder, possess a Firearm, all in violation of 16-23-0490, *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.

  
\_\_\_\_\_  
JOHN C. ANTHONY  
DEPUTY SOLICITOR

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

Direct Indictments  
DOCKET NO. 2023-GS-46-05165  
2023-GS-46-05165a

WITNESSES

The State of South Carolina  
County of York

YCSO

Witnessing Officer: WONG

Defendant

ARREST WARRANT NUMBER

I John Totherow  
hereby appear in my own proper  
person and plead guilty to the within  
indictment or to  
Voluntary Manslaughter  
& PWDVC

COUNT ONE: Direct Indictment  
COUNT TWO: Direct Indictment

ACTION OF GRAND JURY

THE STATE  
VS.

John Totherow  
Defendant

Foreperson of Grand Jury  
Date:

Witness:

VERDICT

JOHN KENNETH TOTHEROW

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

INDICTMENT FOR  
COUNT ONE: MURDER

SC Code: § 16-03-0050  
CDR Code: 0116

Foreperson of Petit Jury  
Date:

COUNT TWO: POSSESSION OF A  
WEAPON DURING THE COMMISSION OF  
A VIOLENT CRIME

SC Code: § 16-23-0490  
CDR Code: 0549