

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Letitia H. Verdin, Circuit Court Judge

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JUL 15 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CANDACE BEHELER,

APPELLANT

Appellate Case No. 2012-213016

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Candace Beheler,) 2012-GS-42-03189, -03190
6 Defendant.) September 10, 2012
7 Spartanburg, South Carolina

8
9
10 B E F O R E:

11 HONORABLE LETITIA H. VERDIN, JUDGE
12
13

14 A P P E A R A N C E S:

15 BARRY JOE BARNETTE, ESQUIRE
16 Seventh Circuit Solicitor

17 J. PATRICIA ANDERSON, ESQUIRE
18 Attorney for the Defendant
19
20
21

22 Margaret A. Woods
23 Circuit Court Reporter
24

25 ORIGINAL

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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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1 (SC Highway Patrol incident report marked States Exhibit
2 No. 1, M.A.I.T. report marked State's Exhibit No. 2, Coroner's
3 report marked State's Exhibit No.3, Autopsy report of Jeremy
4 Phillips marked State's Exhibit No. 4, Autopsy report
5 of Danielle Hazelrigg marked State's Exhibit No. 5,
6 Defendant's rap sheet marked State's Exhibit No. 6 and
7 Defendant's North Carolina driver's record marked
8 State's Exhibit No. 7 for identification.)

9 MR. BARNETTE: May it please the Court, Your Honor.

10 THE COURT: Yes, sir.

11 MR. BARNETTE: State vs. Candace April Behel.

12 (Whereupon, the defendant came forward.)

13 MR. BARNETTE: May it please the Court, Your Honor.

14 THE COURT: Yes, sir.

15 MR. BARNETTE: Your Honor, she's pleading to two
16 indictments, the first one bein' 12-GS-42-3189 which is
17 traffic and hit and run with death, Your Honor, then the
18 second one is 12-GS-42-3190 which is second count of traffic
19 with hit run with death, Your Honor. Both these been true
20 billed with the grand jury, these are straight up pleas, Your
21 Honor, there's no recommendation on those. She is represented
22 Ms. Pat Anderson, Your Honor. I've got seven exhibits, Your
23 Honor, to enter at the appropriate time when I read the facts
24 of the case. I have a letter to pass up to the Court as well
25 as a picture and I have six family members that would like to

1 speak to the Court at the appropriate time, Your Honor.

2 THE COURT: Alright, yes, sir. And what does hit and run
3 carry with ---

4 MR. BARNETTE: Uh, ---

5 THE COURT: --- that?

6 MR. BARNETTE: --- 1 years, 1 year to 25, Your Honor,
7 that's a no parole offense.

8 THE COURT: Alright.

9 EXAMINATION BY THE COURT:

10 Q. Alright, ma'am, how do I say your last name?

11 A. Beheler.

12 Q. Beheler?

13 A. Yes, ma'am.

14 Q. Alright, Ms. Beheler, have you discussed these charges
15 with your attorney?

16 A. Yes, ma'am.

17 Q. Are you happy with what your attorney's done for you?

18 A. Yes, ma'am.

19 Q. Have you discussed with her that each of these charges
20 carries a minimum 1 year in jail up to 25 years, is that your
21 understanding?

22 A. Yes, ma'am.

23 Q. Have you also discussed with her that these are serious
24 offenses?

25 A. Yes, ma'am.

1 Q. And you understand that if you were, um, if you were
2 convicted of two serious offenses, on the third the State can
3 seek life without the possibility of parole again, ---

4 A. Yes, ma'am.

5 Q. --- do you understand that?

6 A. Yes, ma'am.

7 Q. Do you have any complaint to make against law
8 enforcement, the solicitor's office or your attorney as a
9 result of these charges whatsoever?

10 A. No, ma'am.

11 Q. Has anyone forced you to plead guilty?

12 A. No, Your Honor.

13 Q. Has anybody promised you anything to get you to plead
14 guilty?

15 A. No, Your Honor.

16 Q. How old are you?

17 A. Thirty-seven.

18 Q. How far'd ya in school?

19 A. I graduated high school.

20 Q. Okay. Are you under the influence of drugs or alcohol
21 here today?

22 A. No, Your Honor.

23 Q. When you plead guilty, you give up certain constitutional
24 rights, one is your right to remain silent about these
25 charges, do you know that?

1 A. Yes, Your Honor.

2 Q. In other words, I can ask you questions about it and
3 you'd be compelled to answer my questions, you understand
4 that?

5 A. Yes, Your Honor.

6 Q. You also give up your right to a jury trial on these
7 charges. At that trial your attorney could call witnesses for
8 you and cross-examine witnesses against you, the State would
9 have to prove your guilt beyond a reasonable doubt but when
10 you plead guilty you give up your right to a jury trial, you
11 know that?

12 A. Yes, Your Honor.

13 Q. How do you plead to these charges guilty or not guilty?

14 A. I plead guilty.

15 Q. You have ten days from today's date to appeal this plea
16 if you so choose but you must do so in writing to this court.
17 Yes, sir.

18 MR. BARNETTE: Okay, thank Your Honor. Your Honor,
19 introduc'in' the seven exhibits, Your Honor, I have State
20 Exhibit 1 consists of three pages which is the incident report
21 by the highway patrol, Your Honor, in this case; State Exhibit
22 2, Your Honor, is the M.A.I.T. team report is made by the
23 accident reconstruction team, Your Honor; State Exhibit 3,
24 Your Honor, is the South -- Spartanburg County Coroner's
25 Report, Your Honor, that I put in here consists of six pages

1 then State Exhibit 4, Your Honor, is the autopsy report on
2 Jeremy Phillips, Your Honor, describin' the manner a death and
3 so forth and his injuries and it consists of six pages also;
4 State Exhibit 5, Your Honor, is also Danielle Elizabeth
5 Hazelrigg autopsy, Your Honor, talkin' about the manner a
6 death and and her injuries also, Your Honor, and that consists
7 of five pages, Your Honor; State Exhibit 6, Your Honor, is a
8 copy of the defendant's rap sheet with her record from North
9 and South Carolina, Your Honor; and State Exhibit 7, Your
10 Honor, is a copy of her North Carolina Driver's Record, Your
11 Honor, that's been included with this. I'd like to make that
12 part a the facts your case, Honor, as well as what I recite
13 here, Your Honor. I did give, show these to Ms. Anderson, she
14 had no objection to 'em prior to me introducin' ---

15 THE COURT: Alright, ---

16 MS. ANDERSON: That's correct.

17 THE COURT: --- no objection?

18 MS. ANDERSON: No objection.

19 THE COURT: Alright, then they'll be so admitted.

20 (State's Exhibit No. 1, SC Highway Patrol incident
21 report, State's Exhibit No. 2, M.A.I.T. report, State's
22 Exhibit No. 3, Coroner's report, State's Exhibit No. 4,
23 Autopsy report of Jeremy Phillips, State's Exhibit No. 5,
24 Autopsy report of Danielle Hazelrigg, State's Exhibit No. 6,
25 Defendant's rap sheet, and State's Exhibit No. 7, Defendant's

1 North Carolina driver's record, admitted into evidence.)

2 MR. BARNETTE: 'Okay, goin' through the facts of the case
3 briefly, Your Honor, this occurred back on May 20th 2012
4 approximately 14 -- 1:40 in the afternoon, Your Honor, in
5 Spartanburg County, Your Honor. Candace Beheler resided at
6 [REDACTED] in Rutherfordton, North Carolina, Your Honor.
7 She was drivin' a 1996 Mercury van east on River Oak Road here
8 in Spartanburg County, Your Honor. Jeremy Ryan Phillips was
9 drivin' a 2009 Saluki motorcycle west on River Oak Road, Your
10 Honor. Ms. Beheler drove left of center in the intersection
11 and she went across the intersection of River Oak and Short
12 Cut Road, Your Honor. When she did she struck the motorcycle
13 that Mr. Phillips was drivin' with the right front of her van.
14 Mr. Phillips and his passenger Danielle Elizabeth Hazelrigg
15 was ejected from the unit, sustained immediate fatal injuries,
16 Your Honor. When Ms. Beheler's van came to a stop on Short
17 Cut Road, she immediately jumped out and ran from the scene.
18 From what they can tell that she didn't check on either
19 person's injury in the collision, Your Honor. She ran north
20 on South Cut Road, Your Honor, never returned to the scene.
21 She did have a passenger Jo Ann Kimbrell that was injured in
22 collision and also fled the scene with Beheler, Your Honor.

23 Your Honor, through their investigation they found out
24 that she was videotaped at Wal-Mart on Rainbow Lake Road here
25 in Spartanburg County. She was drivin' the same van in the

1 videotape, Your Honor, they went inside and they got a receipt
2 also, Your Honor, in their investigation and found that the
3 printout was she had bought Sudafed twenty minutes before the
4 collision occurred at the Wal-Mart, Your Honor, and from the
5 pharmacy, Your Honor, and they got that kinda evidence and
6 collected that also, Your Honor, in this case. She later was
7 returned back to South Carolina three days later after she
8 waived extradition, Your Honor, ---

9 THE COURT: Alright.

10 MR. BARNETTE: --- from there. Your Honor, I do have
11 these exhibits, I'd like to pass 'em up, Your Honor. After
12 you read the, go through the rest of it with her, Your Honor,
13 I got several family members that like to address the Court,
14 Your Honor.

15 THE COURT: Alright.

16 MR. BARNETTE: May I pass that up and you me go her prior
17 record now or wait until afterwards?

18 THE COURT: I I'd like to hear the prior record if you
19 don't mind.

20 MR. BARNETTE: Okay. Your Honor, the State Exhibit 6 has
21 her prior record, Your Honor. In South Carolina, Your Honor,
22 a 1997 failure to return rental property; 2006 a forgery less
23 than \$5,000; 2007 possession of drug paraphernalia; 2008, Your
24 Honor, grand larceny between 1,000, \$5,000, Your Honor; a
25 forgery in 2009, Your H -- excuse me, 2008 was not that -- not

1 correct, Your Honor, 2009 was forgery less than \$5,000 and
2 2010 she was convicted of grand larceny between a thousand,
3 five thousand, Your Honor. On that sentence she received 3
4 years suspended to 3 years probation or 5 years probation on
5 that, Your Honor. After this occurred, Your Honor, the
6 incident or her probation was revoked, Your Honor, she
7 received a revocation I believe of 36 months or 35 months what
8 was left on the probation ---

9 THE COURT: Okay.

10 MR. BARNETTE: --- from that, that's why she is in the
11 Department of Corrections at this time, Your Honor. Her
12 driving record, Your Honor, from North Carolina is in State
13 Exhibit Number 7, Your Honor. How far back do you want me to
14 go, Your Honor, on this ---

15 THE COURT: Well let's say the last ---

16 MR. BARNETTE: --- ten?

17 THE COURT: --- ten years.

18 MR. BARNETTE: Okay, 2006, Your Honor, she was convicted
19 no driver's, operatin' no driver's license; 2004 is failure to
20 to comply with the citation she was given; 2005 stop sign
21 violation, Your Honor; 2004 speeding and she was drive without
22 a suspended license at the time here als -- also, Your
23 Honor.

24 THE COURT: Drivin' under suspension at the time of this
25 accident?

1 MR. BARNETTE: Yes, sir.

2 THE COURT: Alright.

3 MR. BARNETTE: Yes, ma'am, sorry.

4 THE COURT: Alright.

5 MR. BARNETTE: May I pass it up, Your Honor?

6 THE COURT: Alright. If you'll give me just a moment to
7 look at these things and then I'll wanna hear from the family
8 members.

9 (Whereupon, counsel handed the documents to the Court.)

10 MR. BARNETTE: Yes, sir.

11 (Pause.)

12 THE COURT: Alright, yes, sir.

13 MR. BARNETTE: Your Honor, if I can ask everybody to
14 stand on behalf of both family members. If ya'll would please
15 stand if you're here on behalf of the family.

16 (Whereupon, the family members of the victims stood.)

17 MR. BARNETTE: Thank ya'll very much, please have a seat.
18 Your Honor, I'd like to start with Susan Phillips the mother
19 of Ms. Phillips one of the victims in this case.

20 THE COURT: Yes, ma'am.

21 MR. BARNETTE: And, Your Honor, while she's comin' up I
22 did get a letter, Your Honor, from the victim's family it's
23 Kay Poolyun (phonetic), Your Honor, I shared this with
24 Mrs. Anderson, if I can hand that up in the meantime while
25 she's walkin' up.

1 THE COURT: Um-hum.

2 MS. ANDERSON: No objection.

3 (Whereupon, counsel handed the document to the Court.)

4 THE COURT: Alright, thank you.

5 (Whereupon, Ms. Phillips came forward.)

6 THE COURT: Take your time.

7 MS. PHILLIPS: Your Honor, thank you, thank you for
8 giving me the time to come up here. I want Ms. Beheler to
9 look over here first of all and and see this (indicating) and
10 see this. This is -- it's impossible for me to convey in just
11 a few words and a few minutes the life-changing and horrific
12 impact that the loss of my only child, my son Jeremy and my
13 daughter, I'm calling her my daughter, Danielle has had on not
14 just me but all of these people that are here in support and
15 others who couldn't be here. You've heard Ms. Beheler admit
16 and acknowledge her guilt to being the catalyst for that loss
17 and the pain and the grief and the absolute devastation that I
18 feel and have to live with every day, every day. I anticipate
19 that Ms. Anderson and others who choose to speak on
20 Ms. Beheler's behalf would try to talk about her demons and
21 her troubled past in an effort to once again shift
22 accountability for her actions and I as much as I'd like to
23 think that with this guilty plea that she is accepting
24 responsibility and is remorseful, I don't believe it in my
25 heart and never will because after years of irresponsible,

1 self-centered and reprehensible ha -- behavior which has
2 included the multiple arrests and the horrific driving record
3 and was well known in the Cooly Springs Community which is
4 named after her family, it's clear that she simply has no
5 propensity to change, you contrast this with the background of
6 my son Jeremy and Danielle, Jeremy was my only child, he was
7 my life.. He was raised in a single-parent home and he grew
8 into a strong, independent and responsible adult with an
9 unbelievable work ethic and unquestionable character. He
10 brought Danielle into our lives three years ago and it was
11 clear our family was growing. At age 23 he purchased a home
12 and he and Danielle repair -- preparing for the future. He
13 propo -- proposed in a rather unromantic but practical way in
14 December 2010 with the admonition they couldn't get married
15 until she got outta college and got a job. Being animal
16 lovers they filled their homes, home with dogs, three dogs and
17 a cat and fish. Despite all of this preparation, the fear
18 that I had of losing my son to a a wife was dispelled by the
19 fact that I'd actually gained a daughter I never had.

20 Danielle had to overcome lots of adversity in her short
21 life. She lost both parents to cancer at a young age yet she
22 possessed the strength and resolve which was surprising and
23 remarkable. She proceeded with those wedding plans, completed
24 her college with honors ahead of schedule, got a job where she
25 was a valued employee and received her board certification for

1 dental assisting just days after her death.

2 With -- on Saturday May the 19th, there's just 16 weeks
3 to go to that wedding date which would have been this past
4 Saturday September the 8th, Danielle and Jeremy came by my
5 dad's house, you see I care for my dad, he's 88-years-old and
6 I was able to do that because they cared for me. They took
7 care of my house, they took care of my cats, they ran errands
8 for me, they cleaned the house, they took care of the yard,
9 all so I could spend time with my dad on the weekends. She
10 comes over and wanted to discuss wedding plans even though she
11 had everything so organized and the two of them on their own
12 had practically paid for everything by mid-May. She was
13 radiantly happy and I I commented on her glow but little did I
14 know that would be the last day I ever saw them alive, ever
15 alive. The following morning Jeremy called my dad's house to
16 see what more I needed done at my house. He spent time joking
17 with the mentally challenged neighbor that lives next door and
18 then he and Danielle were on their way to spend a few
19 precious, spare moments to go on a leisurely ride on their
20 motorcycle on a beautiful Spring day. I missed his call. I
21 tried to call him back but, you know, little did I know they
22 were layin' on the side of the road dead at that time when I
23 tried to get in touch with it.

24 I will forever be haunted by the memory of my neighbor
25 comin' to the door to tell me that the police were lookin' for

1 me about an accident and tormented by the replaying of the
2 events that followed that night and in the co -- the coming
3 days. Little did I know, Ms. Beheler, that one week before on
4 Mother's Day when Jeremy and Danielle gave me this
5 (indicating) because I didn't have any recent pictures of
6 them, when we were spending a lovely afternoon together after
7 they had been to Danielle's mother's grave in the pouring rain
8 to put flowers on her grave 6 months from my son to the day of
9 my son's birthday and one week before Danielle's 27th birthday
10 that words, people and places like the "morgue", the
11 "coroner", the "mortuary", the "cemetery" would become part of
12 my daily conversation and it's all because of you,
13 Ms. Beheler. Because of you my life and the lives of so many
14 others has been detrimentally impacted by the ripple affect of
15 your selfish and callous actions and your intentional and
16 reckless disregard for the law. Because of you others have
17 had to change their lives to take on additional care
18 responsibilities for my dad since I no longer have Jeremy and
19 Danielle to help. Because of you Welch Electric has lost a
20 caring, dedicated employee and Matthew, Matthew's lost his
21 baseball teammate, his lifelong friend and his partner.
22 Because of you Dr. and Mrs. Thorne have lost an assistant that
23 they thought so highly of. Because of you Lloyd has lost a
24 buddy who road motorcycles with him in charitable events.
25 Because of you Ben and Carrie have lost their neighbors and

1 best friends and their 10-month-old twin boys will never know
2 their Ant Danielle and Uncle Jeremy. Because of you I have
3 lost my only child, my son who is my rock and my life.
4 Because of you I've lost my daughter-in-law who I love like my
5 own. Because of you I have lost grandchildren I can never
6 love. Because of you each day I'm a deprived of life and love
7 so cherished and each day forever I must live with the anguish
8 that you've caused me. Because of you the community you
9 menaced for over 20 years has been deprived of two viable,
10 productive members with a bright and promising future who
11 regrettably for them and for us has had started their life
12 together in your stomping rounds. They were simply out for a
13 ride and you took their lives and in a conscious, calculated
14 move you and your not so reputable friend ran like the cowards
15 and the criminals you are but that was not before you
16 reportedly robbed Jeremy according to your conspirator who
17 took you out of -- across state lines saying you needed the
18 money not them and you tried to blame Jeremy for the accident
19 in public forums on the Web or alternatively you tried to
20 blame some phantom driver of your unlicensed, unregistered and
21 uninsured vehicle. For these reas [sic], Your Honor, I
22 implore you for the sake of the community the consideration to
23 give into sentencing Ms. Beheler to the maximum of 25 years on
24 each count, that these sentences run consecutively and that
25 they begin at the end of her current prison term. The

1 Spartanburg News family filled with accounts of people like
2 Ms. Beheler who have killed and maimed other innocent people
3 while charges of criminal behavior are pending against them.
4 For the sake of the memories of those like Megan Warren,
5 Steven Miles, Aaron Hill and Shirley Sayer, please send a
6 statement with the sentencing of Ms. Day -- Beheler that
7 continued bad behavior does carry dyer consequences and
8 justice will be served in Spartanburg County because you see,
9 Ms. Beheler, while you have taken everything precious to me,
10 you have given me something and it's a mission to advocate for
11 additional charges and stricter sentencing for people like you
12 who are habitual offenders who drive while impaired, who defy
13 the law and continue to drive though that privilege has been
14 revoked and who have no regard for the safety and well-being
15 of themselves or others. Your Honor, I appreciate your time
16 and I thank you for this opportunity to speak for Jeremy and
17 Danielle because they can't.

18 THE COURT: Ma'am, I know that my words can't possibly
19 offer you any comfort but I wanna say to you that my heart
20 goes out to you. I don't know what else to say except that my
21 heart goes out to you.

22 MS. PHILLIPS: Thank you.

23 THE COURT: The pain that you're in is evident and the
24 loss I can see was just tremendous and I, my heart just
25 absolutely goes out to you.

1 UNIDENTIFIED MAN: Thank you, Your Honor.

2 MR. BARNETTE: Diana Reynolds would like to, like to
3 address the Court, Your Honor.

4 (Whereupon, Ms. Reynolds came forward.)

5 MS. REYNOLDS: Thank Your Honor.

6 MR. BARNETTE: You'll give your full name please if you
7 will.

8 MS. REYNOLDS: My name is Diane Reynolds, I'm Jeremy's
9 ant and the first thing I want to do is to put faces with the
10 crime, these (indicating) faces. These, I want Candace
11 Beheler to look closely at Jeremy and Danielle to see the
12 peoples whose lives she has ended. Look at how happy they
13 were, then look at what you did. They were to be married on
14 September the 8th, this is how they came to the altar thanks
15 to you dead just because of your reckless disregard for the
16 law. In case you can't see them clearly, Jeremy was 25 and
17 Danielle was 26. We go to the cemetery to visit them now.

18 Over 20 years ago you started a life a crime that
19 includes more than we have time to list. On May the 20th you
20 committed your most devastating crime by far by killing two
21 innocent people, people who were drastically different from
22 you. These two people were young, productive, law abiding
23 citizens with a bright future ahead, a future that included a
24 wedding on September the 8th, a wedding that they will never
25 get to have 'cause of your reckless disregard for the law and

1 the safety of life. You've taken more than you'll ever known.
2 You've taken their future and their right to their lives and
3 to have children. You have stripped my sister of her
4 opportunity to have grandchildren. She chose to gave -- give
5 life to her son and she chose to raise him by himse --
6 herself. She was both father, mother and sole provider. She
7 unlike you set an example of taking responsibility for your
8 actions and not being a burden on society as you've been. You
9 have taken both her son and her daughter-in-law and the
10 possibility of a future. She did not deserve that. They did
11 not deserve that. Not only did you kill them, their money was
12 also taken from their person, then you your passenger Jo Ann
13 Kimber ran. Furthermore, to add to this travesty you yet
14 involve one more person in your crime spree, this person who
15 you called to give you a ride to North Carolina. You ran away
16 from what you had done not because you were scared but because
17 you had somethin' else to hide. Your horrific crime goes even
18 further. At Jeremy and Danielle's funeral, we had to rush my
19 88-year-old father to the hospital with the possibility of a
20 heart attack. On that day our family stood a very good chance
21 of losing another loved one and it was all connected directly
22 to you.

23 What you did when you chose to drive with a suspended
24 license, drive a vehicle that was uninsured and had an
25 improper tag on it, that proves you have absolutely no regard

1 for the law, something that over your life of crime you have
2 continued to manifest nor do you have any regard for the
3 sanctity of human life. You provided -- proved that when you
4 ran. Your sole purpose in life is selfishness. You will
5 never change.

6 The loss of Jeremy and Danielle not only affects our very
7 large and close-knit family, it also affects a very large
8 circle of friends and these -- of these two outstanding young
9 people. The lives of these people and our family has forever
10 changed and all because of Candace Beheler. We can never
11 again hear the voice or share in their love for each other.
12 Ms. Beheler's family can visit her in prison and they can look
13 forward to her being released, we can only look forward to the
14 day when we are reunited with them in Heaven. Twenty-five
15 years per person is not enough. We should look at her history
16 a crime in disregard of the law and make an example of her to
17 the hundreds of people following of her footsteps. She should
18 get the maximum for Jeremy and the maximum for Danielle which
19 would be 50 years. When she gets out of prison she has proven
20 that she will continue to be self-serving and return to her
21 life of crime. Nothing can bring Jeremy and Danielle back to
22 us but maybe we can get some justice and to help prevent this
23 from happenin' to somebody else's loved ones.

24 THE COURT: Thank you, ma'am, and I'm so sorry for your
25 loss.

1 MR. BARNETTE: Your Honor, Michelle Carnio would like to
2 speak to -- I believe next.

3 (Whereupon, Ms. Carraccino came forward.)

4 MS. CARRACCINO: Your Honor, I had a speech wrote out but
5 I'm Michelle Carraccino, Jeremy's cousin. Those are my two
6 ants that just spoke and I really don't even need to read all
7 this, they've pretty much said what needs to be said. I just
8 hope that this is somethin' that she is gonna think about
9 rest of her life every day because I promise you that our very
10 large, very close family will think about it every day.

11 THE COURT: I'm ---

12 MS. CARRACCINO: Thank you very much.

13 THE COURT: --- I'm so sorry for your loss, ma'am.

14 MR. BARNETTE: Donnie Gibson.

15 (Whereupon, Mr. Gibson came forward.)

16 (Whereupon, a discussion was held off the record.)

17 MR. GIBSON: Your Honor, I'm Donnie Gibson, I'm Jeremy's
18 cousin, uh, that was my cousin Michelle and my mom spoke on my
19 ant's behalf. My cousin has no freedom no more so, Your
20 Honor, I'm asking you that she gave up all her freedom when
21 she killed my cousin and we don't get to hang out no more, we
22 don't get to have no family get-togethers with him no more.
23 Like I said, we visit his grave almost every day, they'll get,
24 they'll continue to get to see her, I just ask that you throw
25 everything you can and do justice and quit lettin' offenders

1 repeat themselves. Thank you.

2 THE COURT: Thank you, sir.

3 MR. BARNETTE: Christina McCart -- McCarthy.

4 (Whereupon, Ms. McCarthy came forward.)

5 MS. MCCARTHY: Hi.

6 (Whereupon, a discussion was held off the record.)

7 MS. MCCARTHY: Hi, this is really hard.

8 THE COURT: Take your time.

9 MS. MCCARTHY: Um, ---

10 (Whereupon, a discussion was held off the record.)

11 MS. MCCARTHY: Alright, um, I'm Chr -- I'm Christina
12 McCarthy, I'm Danielle Hazelrigg's cousin and and I knew her
13 from from birth, I mean, I I was 9-years-old when I first held
14 her and I've been like a sister to her her whole life. I
15 spent summers with her in Alabama with her dad, I knew her
16 love of animals. She was, you know, just a very passionate
17 person 'bout just animals and people and she wanted to grow up
18 to be a veterinarian but she couldn't be a veterinarian 'cause
19 she had allergies so she wanted to go into another field of
20 care which was dental assisting so Danielle was always, she's
21 always told me that I was a sister to her and, you know,
22 always taught her how to wear her makeup, how to dress, you
23 know, how to look, you know, pretty and feminine from a young
24 girl to a woman and we had just a very special bond and, you
25 know, that's that's somethin' that I'll always treasure and I

1 loved every time that she called me and asked me for advice
2 and she always told me, you know, you're so special to me, I
3 love your family which is my mom's her her mother's sister.
4 We were very, very close. Her mother was like a second mother
5 to me and Danielle yet to her mother was was like a miracle
6 baby. Her mother couldn't have a baby. She tried for years
7 and years and years and she had her late in life and when she
8 had Danielle she she treated her like a princess and she was
9 just a her prize joy so just know that, you know, Danielle
10 not -- she lived up to her mother's dreams and and hopes and
11 desires. She was, she's a stand-up person, she always thought
12 of others and, you know, she she just, she was just a perfect,
13 perfect person and I, and I, you know, I hate to say perfect
14 but she was pretty dang close to perfect because she always
15 thought of others, she would never say a harsh word against no
16 one. She -- her when her mother was passing, she she was in
17 such deep pain that she kept it to herself and she didn't tell
18 no one but me. On occasion she would say how how it hurt her,
19 she kept the pain inside 'cause it was, it was just so hard
20 for her. On her mother's, you know, death bed she told my
21 mother, she said, The one wish I have is I want you to protect
22 Danielle, I want you to take care of her, she's she's your
23 daughter now, she's your sister now, she told that to my
24 mother and I and so I was extremely happy when I saw her put
25 herself through college and and do that after at 18 losin' her

1 father to cancer, at 22 losin' her mother to cancer and and I
2 I thought, you know, God, please give her, give her joy, gi --
3 give her somethin' so when she met Jeremy all she prayed for
4 was she wanted her own family, she wanted love and when she
5 met him and fell in love and they had their home and she got
6 her own career, they had -- she had a cute little chihuahua
7 that she got from my mom and she was building a life. She was
8 happy for the first time in her life and this and the wedding
9 that would have happened was was just everything to her. She
10 would have been a wonderful mother, she would have been a
11 wonderful wife and, you know, Candace, if you would, if you
12 would have ever met her you woulda known she was just, she was
13 a wonderful person and and I I really really wanna thank you
14 for at least pleadin' guilty and not putting us through a
15 trial but I hope, I hope and pray to God that you are
16 remorseful and I, and I hope and pray that you do, Your Honor,
17 you do give the maximum sentence to her for Jeremy and for
18 Danielle because I think as Susan stated that, you know, with
19 the, with the history of crimes I think that it ta -- it needs
20 to be somethin' severe to her for her to seriously sit and
21 think and and feel serious remorse for what she's done to our
22 families and for the and for just for all the mistakes she's
23 had in her life that has led her to that. She's, sh -- that
24 day she made several choices of crimes before it came to the
25 ultimate one and then, and then on top a that, you know, she

1 decided just to leave them like they were just like an animal,
2 like she had hit an animal on the side of the road and she
3 didn't even need to look back to check to see did they have a,
4 you know, a pulse. I mean, you coulda, you coulda sat there
5 with 'em, you could've held my cousin's hand, you could've,
6 you could've been there with her as she took her last breath,
7 you could've been there with Jeremy. You didn't ha -- you
8 know, you just left them there with just the thoughts of what
9 happened and why. All all they wanted to go for was a ride.
10 I understand you feel it was an accident but I feel it's an on
11 purpose because you cho -- you chose to drive that day, you
12 chose to drive without a license, you chose to get in a car
13 with no insurance and as you know if you -- if even if you get
14 in a minor vehicular accident without insurance well you're
15 choosin' to put harm onto someone, have no remorse and no no
16 cause for concern of how how you're gonna pick up the pieces
17 so I I I feel bad for you, I do feel bad for your family
18 because you have had a very troubled life obviously to make
19 all the choices that you've made but you made that them, you
20 made those choices and I, and I urge you to accept the maximum
21 punishment. Your family gets to visit you, they'll get to see
22 you for years to come; I'll never ever ever get to see Jeremy
23 or Danielle, ever hear their voice, I'll never get to ever
24 have Christmas with them, Thanksgivin' with them, I'll never
25 get to hug them, my cousin will never get to call me and ask

1 me for advice about anything ever again, I will have to sit
2 and think about this for the rest of my life. Do you know how
3 it was to have to pick out an outfit for a 26-year-old person?
4 I had to help my mother plan her funeral, I had to pick out an
5 outfit. You never think about plannin' a funeral for somebody
6 that's 26. I had to pick out somethin' for her to wear, I had
7 to hide her hands because I didn't want people to stare stare
8 at her hands because they were demolished, her face didn't
9 look not look like anything with what she looked like. She
10 was a beautiful young girl, so was Jeremy, he did not look
11 like anything like him; he was a good looking man and it's
12 it's terrible that that's what we're left with, I'm left with
13 to look at them in that fashion. It doesn't give you closure
14 because they're they're left without that luster and just
15 beautiful, just, you know, beautiful passion for life, they're
16 lifeless and it it will forever ever impact me and I, and I I
17 urge you, I beg you, I plead with you please giving her the
18 maximum sentence will not get -- will not, it will not change
19 anything, it will not bring Danielle or Jeremy back but it
20 will give me comfort to know that she will not have the
21 opportunity in the next
22 50 plus years to to get in a car and decide to break more laws
23 which could result in the injuries or death of others. Thank
24 you.

25 THE COURT: Thank you.

1 MR. BARNETTE: And, Your Honor, the last speaker will be
2 Renee Chapman.

3 (Whereupon, Ms. Chapman came forward.)

4 THE COURT: Yes, ma'am.

5 MS. CHAPMAN: Your Honor, my name is Renee Chapman, I'm
6 Danielle's cousin. Over the past few months I've had some
7 time to think over the series events that led up to this day.
8 When Danielle and Jeremy set out that Sunday, they never
9 planned to die, they planned to have the day off, get married
10 this year and live happily ever after. I have sought guidance
11 in Christ to determine the purpose in this pain and the only
12 thing I can believe is that Danielle and Jeremy were ready to
13 meet their maker and maybe Candace wasn't. Maybe God knew if
14 this couple lived a hundred years from now and one died before
15 the other it be too much to bear so he let them go together.
16 I've come to realize that this may be an accident and Candace
17 never meant to hurt anyone when she crossed that highway line
18 and killed my cousin and fiancée but even in an accident
19 someone or something is still at fault. I ask that the Court
20 today would grant mercy, the mercy of giving Candace a lengthy
21 time to think on the result of her actions and after leaving
22 the scene of the crime her inactions. I pray through this
23 time of solitude away from her family she will draw closer to
24 God and find peace with what she's done but never forget. On
25 behalf of Danielle's family, we forgive you and we pray God

1 grant you mercy on that final judgment day. Thank you.

2 THE COURT: Thank you so much, ma'am.

3 MR. BARNETTE: Your Honor, the highway patrol is also
4 present here, they worked the case, I don't think they wanna
5 speak but they wanted to make sure they had representatives
6 here, Your Honor.

7 UNIDENTIFIED MAN: Yes, ma'am.

8 THE COURT: Thanks for bein' here.

9 MR. BARNETTE: And the only thing, Your Honor, I did not
10 mention that she was uninsured also. When I said she was
11 drivin' under suspension, I wanted to make sure that was part
12 a the record also.

13 THE COURT: Okay. One thing I did not go over with you,
14 ma'am, is that that and this is a violent offense and you
15 understand, you understand that this is a violent offense and
16 you discussed that with your attorney?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: You understand what a violent offense means
19 and it means that your, uh, well I believe this is no parole

20 MR. BARNETTE: It's no parole ---

21 THE COURT: --- eligible, is that correct?

22 MR. BARNETTE: --- yes, ma'am.

23 THE COURT: And so you're not eligible for parole on
24 this, on these charges, you understand that? So in other
25 words, the sentence that I give you is the sentence for all

1 intensive purposes may be, may be off by slightly but with the
2 sentence I give you is the sentence you serve, do you
3 understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Alright, I've taken the liberty of changing
6 the sentencing sheets, they were marked as non-violent, I
7 ch -- I've taken the liberty of changin' those to reflect
8 they're violent offenses. Yes, ma'am.

9 MS. ANDERSON: Your Honor, as Candace told you she's
10 37-years-old. I think one thing that we need to remember this
11 was an accident. There was no intent by Candace Beheler to
12 hurt anybody that day and she did have a dri -- a suspended
13 license and it was for failure pay a traffic ticket.
14 Actually, her record isn't that bad. She had gone down a bad
15 path because she had the grand larceny and this violated her
16 probation but what I wanna tell you about that day is she made
17 a very bad mistake by getting out of that car and running.
18 She went to her mother's house. When she got to her mother's
19 house, they called the police. They told 'em they had been,
20 that they had been involved in the accident. The Nor -- I
21 believe it was North Carolina police did come over and see her
22 that af -- the state troopers came over ---

23 THE DEFENDANT: In North Carolina.

24 MS. ANDERSON: --- in North Carolina came over to see her
25 at her mother's house. They told her to turn herself in in

1 the mornin' and she told 'em she had no way, she didn't have a
2 car and so she was picked up by North Carolina the next
3 morning and taken to North Carolina where she waived
4 extradition. From day one Candace has never said that she did
5 not do this. She left the scene of the accident and I I don't
6 know if you can tell from the pictures but where this accident
7 occurred, show this to Mr. Barnette ---

8 MR. BARNETTE: May wanna mark that. Might wanna mark it
9 as an exhibit.

10 MS. ANDERSON: Okay, I'd like to mark this as an exhibit.

11 THE COURT: Alright, no objection?

12 MR. BARNETTE: No objection.

13 (Handwritten map marked Defendant's Exhibit No. 1 for
14 identification.)

15 MS. ANDERSON: I don't know if you can see it from here
16 but, ---

17 THE COURT: Yes, ma'am.

18 MS. ANDERSON: --- but basically this (indicating) was
19 Candace's car. She was turning onto it's called Short Cut
20 Road. This (indicating) was a blind curve and Candace's they
21 estimated her ti -- her speed was 14 miles an hour and in the
22 report they state that the motorcycle's speed at the beginning
23 of the skid marks was 46 miles per hour, speed limit was 45,
24 this is why I'm I'm saying Candace will tell you she did not
25 see them, she would not have pulled to turn off had she seen

1 the motorcycle coming around the bend but again, we're not
2 here, she did not kill this people, it was an accident, she
3 didn't mean to do this. She did leave the scene but from day
4 one I went to the jail to see her and she said, I want to go
5 on, I want to go on, this has violated my probation, I wanna
6 go on to Columbia and start servin' that time, I want to get
7 my plea over with as quick as I can. She does have three
8 children, one's 19, one's 21 and one's 11 ---

9 THE DEFENDANT: And a grandbaby.

10 MS. ANDERSON: --- and a grandbaby and now she does have
11 family support. If ya'll would stand up.

12 (Whereupon, the defendant's family stood.)

13 MS. ANDERSON: The lady in white is her mother Janice
14 Cooley and Jamie Swink is engaged to Jordan Cooper and that's
15 (indicating) Candace's son and then Jessie Cooley is her
16 daughter, they look just alike, this is her daughter and
17 that's (indicating) her boyfriend Jeff Thomas. Candace does
18 have a great deal of family support and she expects that she's
19 gonna get time for this but this is what I have been impressed
20 with her: She wanted to go on and do the probation violation
21 so she could go on to Columbia. When she got to Columbia, she
22 has a full-time job in the kitchen and once this is done she
23 will qualify for the Spice Program and that's a program they
24 have at Leath that you can get a college degree or an
25 associate's degree, the choice is electrician or ---

1 THE DEFENDANT: Horticul ---

2 MS. ANDERSON: --- or horticulture and she wants to do
3 the electrician but she's been in jail since May 21st of 2012
4 and been at the Department of Corrections since August 2nd
5 2012. As I said, the reason they ran -- well I don't think I
6 said this, the lady that was her passenger had warrants on her
7 and that's why they ran. It was a very poor decision but
8 Candace has never backed away from sayin', you know, this was
9 her fault, she ra -- well it was her fault that she ran
10 because had she not run we wouldn't be standin' here today,
11 this woulda been dealt with probably in a civil matter but I
12 would ask that you be not follow what the family wants, the
13 family feels and I know that they're hurting and I feel so
14 much pain for them but Candace is not a hardened criminal, she
15 made a mistake. She is also having to get mental counseling
16 in the Department of Corrections. She's lost a lotta weight,
17 she's she's having really hard time. I mean, this is the
18 first thing on her mind every day that what happened to the --
19 to these two young people and I believe she wanted to say
20 somethin' to the family.

21 THE COURT: Alright.

22 THE DEFENDANT: I just want to apologize for the loss but
23 not only ya'lls family lost, my family lost also so we all
24 have a loss and everybody's gotta learn to deal with this in a
25 civil kind of manner and I just want to apologize to ya'll and

1 I'm very sorry for your loss.

2 THE COURT: Hm, it's a interesting apology. Anything
3 else, Mr. Barnette?

4 MR. BARNETTE: Your Honor, I think you know about the
5 prior record. I think the family and and if she didn't, she
6 under suspension, she shouldn't drove that day.

7 THE COURT: She ---

8 MS. ANDERSON: Your Honor, I just wanted to check one
9 thing. My, I don't know what they were talkin' about my
10 client stealin' money from them, do you?

11 MR. BARNETTE: I I know they've looked on the internet,
12 peoples talked or what -- I don't know, ---

13 MS. ANDERSON: But, I mean, ---

14 MR. BARNETTE: --- I didn't ---

15 MS. ANDERSON: --- the witnesses that they ---

16 THE DEFENDANT: That's not ---

17 MS. ANDERSON: --- just took, they they took off, they
18 didn't go near the bodies.

19 THE COURT: Well I thought only facts I can consider are
20 the ones that the solicitor presented in terms of of that. I
21 know that that might be what's being said but a course I'll
22 I'll just take into consideration the facts that the solicitor
23 was able to present here today ---

24 MR. BARNETTE: Yes, ma'am.

25 THE COURT: --- and certainly the impact it's had on this

1 family. Ms. Beheler, let me point out somethin', I don't know
2 that anybody else has pointed it out, but unless probation's
3 real different here in or whate -- whatever county you were on
4 probation for than it is ---

5 THE DEFENDANT: It was in Spartanburg.

6 THE COURT: --- in in Spartanburg than in Greenville you
7 shouldn'ta been with somebody who had warrants on 'em, that
8 was a violation of your probation right there so if that was
9 your reason for not stoppin', that's a poor reason just to
10 begin with. My concern with your apology is your apology
11 wasn't what I'm sorry for what I did, it was I'm sorry for
12 what happened. Those are two very different things.

13 THE DEFENDANT: I am sorry for leavin' the scene, that's
14 what I want them to understand that I'm very -- I don't feel
15 like I caused the wreck but I do feel like I'm I'm am guilty
16 of leaving the scene of the accident which is somethin' I
17 should have never done.

18 THE COURT: I'll say this to the family and, Ms. Beheler,
19 I'll say it to you too, here's the things that I have to take
20 into consideration when I sentence someone: First of all, I
21 have to take into consideration the crime for which they are
22 charged and that is leavin' the scene of an accident. The
23 second thing I I have to consider I have to consider a
24 person's or that I do consider is a person's prior record.
25 Her record is I won't say it that it is the by far the worst

1 record that I heard but certainly she is what I would call
2 repeat offender but she does not have the worst record that I
3 have seen. Her driving record is atrocious, her driving
4 record is very bad and to be out and driving with that under
5 suspension and with no insurance certainly adds to that, very
6 much adds to it, especially in light of the circumstances that
7 if she'd been doin' what she was supposed to be doin' this
8 accident would have never happened. I take into
9 consideration, I I take into consideration the impact on the
10 victim in this case and that, and that impact -- well there's
11 no way I can even begin to describe it, the impact on these
12 victims and they sound like they were wonderful people who had
13 their lives ahead of 'em and they were lookin' forward to a
14 very happy and wonderful life together and I I think one of
15 the saddest things that I heard, although it all just was so
16 sad, was the idea of of dressin' a 27-year-old for her
17 funeral, that is just so sad and to the mother I'll say to
18 you, ma'am, I can't imagine losin' a child. I hope and I pray
19 every day like every mother does that I never have to go
20 through that. Losin' your own child, that just, I don't know,
21 I don't have the words to, I just don't have the words and I
22 wish I did. All that bein' said I have to take into
23 consideration as I said the specific conduct, what she did and
24 she left the scene of the accident. There is at least some
25 information and, Solicitor Barnette, you can correct me if I'

1 wrong, that she did at some point report the accident, is that
2 correct?

3 MR. BARNETTE: I don't know exactly 'cause I don't have
4 the North Carolina information per se, Judge, so I'm not gonna
5 say I know -- that's what they're presenting but I don't have
6 any independent evidence what was presented. I don't know if
7 it was the wreck itself or somethin' else from there be honest
8 with the Court.

9 THE COURT: I also take into consideration that I don't
10 hold it against anyone for exercising their right to a trial
11 but I certainly, I certainly commend someone for steppin'
12 forward and takin' responsibility at this point. Now she
13 should have taken responsibility a long, long time ago but
14 steppin' forward and takin' responsibility at this point and I
15 take into account that this is a no parolable offense which;
16 in other words, I'm sure that you all have talked to your
17 family's attorney and talked to the solicitor about
18 this, meaning sometimes I give a sentence and I know that it is
19 10 years and I know the person's gonna serve 3, alright,
20 that's not the case here. In this, in this instance she's
21 gonna serve day for day but I did wanna go over the the things
22 that I take into consideration when I'm sentencin' and the
23 things that I take in consideration in this particular case.

24 (Pause.)

25 THE COURT: Ma'am, sentence of the Court is 15 years and

1 that'll run consecutive to your probation violation. Best of
2 luck to you.

3 MS. ANDERSON: Thank you.

4 THE COURT: Thank you all for being here and I'm so sorry
5 for your loss.

6 MR. BARNETTE: Thank Your Honor.

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1 CERTIFICATE OF REPORTER
2

3 I, Margaret A. Woods, Court Reporter in and for the State
4 of South Carolina at Large, hereby certify that I reported the
5 preceding case on September 10, 2012 the time and place
6 heretofore set forth; and that the foregoing pages numbered
7 from 4 through 38, inclusive, constitute a true and accurate
8 transcription of my stenographic notes of the said proceeding.

9 I further certify that I am neither attorney nor counsel
10 for, nor related to or employed by any of the parties
11 connected to the action, nor am I financially interested in
12 the action.

13 February 24, 2013
14

15 Margaret A. Woods

16 Margaret A. Woods, Court Reporter
17 in and for the State of South Carolina at Large.
18
19
20
21
22
23
24
25

J. Patricia Anderson

ATTORNEY AT LAW

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October 11, 2012

VIA FACSIMILE & US MAIL

The Honorable Jenny Abbott Kitchings
Clerk of the Court of Appeals
Attn: Ashley Thompson
Clerk of Court's Office
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State vs. Candace April Beheler
Appellate Case Nos.: 2012-213016

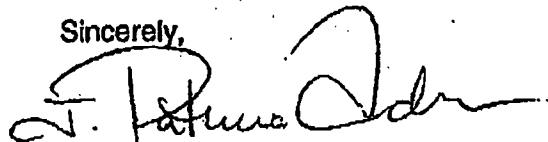
Dear Ms. Thompson:

Pursuant to Rule 203(d)(1)(B)(iv), SCACR, I provide the following explanation showing an issue that can be reviewed on appeal.

The Solicitor, Barry Barnette, provided me with sentencing sheets that indicated that my client's two counts of Traffic/Hit and Run, duties of driver involved in accident with death were non-violent offenses. When I met with my client, I explained the law as it pertained to non-violent offenses. In the middle of the plea, the trial judge, Letitia Verdin, announced that the charges were violent instead of non-violent and marked the sentencing sheets accordingly. (see attached) I did not object because I relied on the solicitor's sentencing sheets. In essence, my client pled to charges that were violent although I had explained to her that they were non-violent. Neither the solicitor nor I objected. After the plea, the solicitor informed me that the judge was correct which is why I appealed.

I also enclose Proof of Service. Thank you for your attention to this matter.

Sincerely,



J. Patricia Anderson

Enc: as noted
Cc.: Barry Barnette
Robert Dudek
Salley W. Elliot

WITNESSES

SCHP

F. M. J. [Signature]

RECEIVED BY

CARD INDEX

INDEX

CHECKED WARRANTS

CHECKED SIGNATURE

ARREST WARRANT NUMBER

M-759267

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: JUN 14 2012

VERDICT

Foreperson of Petit Jury
Date:

12-GS-42-3189

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 25 2012

TERM

THE STATE
v.

CANDACE APRIL BEHELER

Indictment for

TRAFFIC/HIT AND RUN
WITH DEATHSG Code: 56-5-1210 (A) (3)
CDR Code: 2463
Class: Felony/BFILED
CLERK OF COURT
SPARTANBURG COUNTY
2012 JUN 20 AM 10:36
P. HOPE JACKLEYA CERTIFIED COPY
M. Hope Jackley
CLERK OF COURT
SPARTANBURG COUNTY
BY: [Signature]
DATED: 6/20/12

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

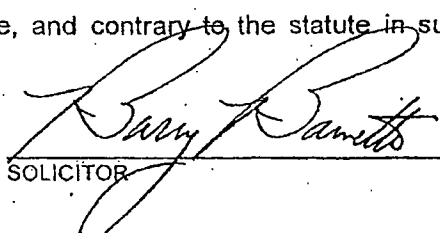
INDICTMENT

At a Court of General Sessions, convened on JUN 14 2012, the
Grand Jurors of Spartanburg County present upon their oath:

TRAFFIC/HIT AND RUN WITH DEATH

That the Defendant, Candace April Beheler, did in Spartanburg County on or about May 20, 2012, operate a motor vehicle on the streets and highways of Spartanburg County, South Carolina, and was involved in an accident resulting in death to Jeremy Ryan Phillips. She willfully and unlawfully violated the provision of Section 56-5-1210 of the South Carolina Code of Laws, 1976, as amended, she left the scene of the accident by failing to stop at the scene of the accident or stay as close to it as possible and/or until she had fulfilled the requirement of Section 56-5-1230 of the South Carolina Code of Laws, (1976), as amended, in violation of Section 56-5-1210 (A)(3)(B) 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.


SOLICITOR

WITNESSES

SCHP

SEARCHED

SERIALIZED

INDEXED

CHECKED WARRANTS

CHECKED SIGNATURE

ARREST WARRANT

M-7592

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

JUN 14 2012

VERDICT

Foreperson of Petit Jury

Date:

12-GS-42-3190

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 25 2012

TERM

THE STATE

v.

CANDACE APRIL BEHELER

Indictment for

TRAFFIC/HIT AND RUN
WITH DEATH

SC Code: 56-5-1210 (A) (3)

CDR Code: 2463

Class: Felony/B

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2012 JUN 20 AM 10:36

K. HOPE BLACKLEY

A CERTIFIED COPY

M. Hope Blackley
CLERK OF COURT
SPARTANBURG COUNTY
BY: [Signature]
DATED: 7/18/12

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

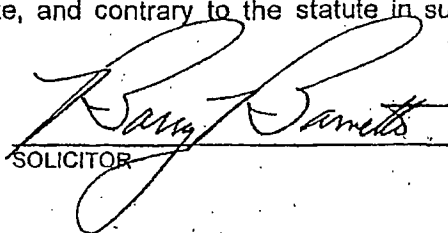
INDICTMENT

At a Court of General Sessions, convened on JUN 14 2012 the
Grand Jurors of Spartanburg County present upon their oath:

TRAFFIC/HIT AND RUN WITH DEATH

That the Defendant, Candace April Beheler, did in Spartanburg County on or about May 20, 2012, operate a motor vehicle on the streets and highways of Spartanburg County, South Carolina, and was involved in an accident resulting in death to Danielle Elizabeth Hazelrigg. She willfully and unlawfully violated the provision of Section 56-5-1210 of the South Carolina Code of Laws, 1976, as amended, she left the scene of the accident by failing to stop at the scene of the accident or stay as close to it as possible and/or until she had fulfilled the requirement of Section 56-5-1230 of the South Carolina Code of Laws, (1976), as amended, in violation of Section 56-5-1210 (A)(3)(B) 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.


SOLICITOR

SOUTH CAROLINA

CITY OF SPARTANBURG

VS. Candace April Beheler

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4203189

A/W#: M759267

Date of Offense: 5/20/2012

S.C. Code § 56-05-1210(A)

CDR Code #: 2463

KA
Race: WHITE Sex: F Age: 37
DOB: [REDACTED] SS#: [REDACTED]
Address:
City, State, Zip: Rutherfordton, NC 28189
DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Traffic / Hit and run, duties of driver involved in accident with death

☐ CONVICTED OF or ☒ PLEADS

in violation of § 56-05-1210(A) of the S.C. Code of Laws, hearing CDR Code # 2463

☒ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (ESC w/minor 1st or Lewd Act) ☐ §17-25-45

The charges: ☒ 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

Barnette Barry 13039 *Candace Beheler* *J. Patricia Williams* 9101
BARNETTE BARRY 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: *SCDC Sentence*
☐ 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 *PTUP*
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ Set by SCDPPPS

Recipient:		
*Fees:		\$
§ 14-1-206 (Assessments: 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharges)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharges)	\$100	\$
§ 56-3-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforcement Funding)	\$25	\$ 45.00
§ 14-1-213 (Drug Court Surcharges)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.3 (SEC/A Surcharges)	\$5	\$
3% to County (if paid in installments)	\$ 5.00	\$
TOTAL		\$ 390

_____ 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 Def. *CONFIRMED COST*
Other: *M. Hope Blackley*
CLERK OF COURT
SPARTANBURG COUNTY
BY: *X. Camp* DE
DATE: *11/11/12*
☐ Appointed PD or appointed other person
§ 47-12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk

Presiding Judge
Judge Code: _____

SOUTH CAROLINA

SPARTANBURG

VS.

Candace April Beheler

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4203190

A/W#: M759268

Date of Offense: 5/20/2012

S.C. Code: § 56-05-1210(A)

CDR Code #: 2463

Race: WHITE Sex: F Age: 37

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Rutherfordton, NC 28189

DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Traffic/Hit-and-run, duties of driver involved in accident with death☐ CONVICTED OF or ☒ PLEADS

In violation of § 56-05-1210(A) of the S.C. Code of Laws, bearing CDR Code# 2463

☒ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (ESC) ☐ § 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 StateARREST: Barry B. Barnett 13039 Candace Beheler Att. Patricia Adams 9701
BARNETTE, BARRY SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Centerfor a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$, provided that upon the service of days/months/years and/or paymentof \$, 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 Service's standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: SCDC Sentence☐ 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: RTUETotal: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPSObtain 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 FundOther:

A CERTIFIED COPY

BY: M. Hope Blackley

CLERK OF COURT

SPARTANBURG COUNTY

BY: Camp D.C.DATED: 5/20/12☐ Appointed PD or appointed other counsel;

§ 47-12 requires \$500 be paid to Clerk during probation.

Presiding Judge

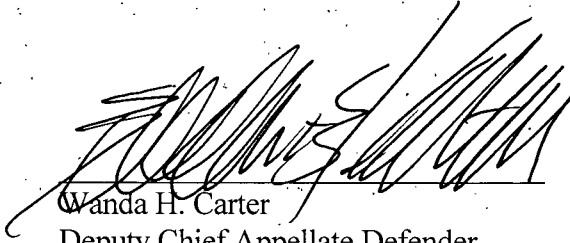
Judge Code: Clerk of Court/ Deputy Clerk

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-3-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def./Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 56-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-3-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

July 15th, 2013



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Letitia H. Verdin, Circuit Court Judge

RECEIVED
JUL 15 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CANDACE BEHELER,

APPELLANT

Appellate Case No. 2012-213016

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 15th day of July, 2013.

Brandon Hall
Brandon Hall

Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 15th day of July, 2013.

Emily Byrne (L.S.)
Notary Public for South Carolina

My Commission Expires: November 16, 2022.