

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

DEC 11 2023

Honorable J. Cordell Maddox, Jr., Circuit Court Judge

SC Court of Appeals

Case No(s): 2023GS4200298, 2023GS4201149, 2023GS4205778

The State

Respondent,

v.

Wade Anson Kraemer

Appellant.

EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(B), SCACR

Pursuant to Rule 203(d)(1)(B), SCACR, Wade Anson Kraemer files this explanation of his appeal of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable J. Cordell Maddox, Jr on November 28, 2023. No issues were raised during the guilty plea; however, the client insisted upon an appeal; therefore, this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995), and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

December 05, 2023



Suzanne H. White

Bar Number: 78225

Seventh Judicial Circuit Public Defender Office

366 N. Church Street, Suite 3000

Spartanburg, South Carolina 29303

(864) 596-2561

Attorney for Appellant

Other Counsel of Record:

Jennifer Jordan, Esq.

Seventh Judicial Circuit Solicitor's Office

180 Magnolia Street

Spartanburg, South Carolina 29306

Attorney for Respondent

THE STATE OF SOUTH CAROLINA
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APPEAL FROM THE SPARTANBURG COUNTY
Court of General Sessions

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Honorable J. Cordell Maddox, Jr. , Circuit Court Judge


Case No(s): 2023GS4200298, 2023GS4201149, 2023GS4205778

The State Respondent,
v. Appellant.
Wade Anson Kraemer

PROOF OF SERVICE

I certify that I served the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR, on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on December 05, 2023 addressed to its attorney of record, Jennifer Jordan, Esq., Assistant Circuit Solicitor, 180 Magnolia Street, Spartanburg, S.C. 29306.

December 05, 2023


Suzanne H. White
Bar Number: 78225
Seventh Judicial Circuit Public Defender Office
366 N. Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

RECEIVED

STATE OF SOUTH CAROLINA

DEC 11, 2023

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 23-GS-42-298

Wade Anson Kraemer

AKA:

AW#: 20222357137994

Race: W

Sex: M

Age: 51

Date of Offense: 8-31-22

DOB:

SS#:

S.C. Code §: 56-1-1100

Address:

CDR Code #: 0057

City, State, Zip:

DL#:

SID#

SENTENCE SHEET

Rec:

*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: Habitual Traffic Offender 0-5yrs

In violation of § 56-1-1100 of the S.C. Code of Laws, bearing CDR Code # 0057

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] 69423 Wade Anson Kraemer [Signature] 12164
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

for a determinate term of 3 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 2

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: _____

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. 109 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.

STATE VS. Wade Anson Kraemer INDICTMENT/CASE#: 23 -GS- 42.298

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	\$ _____
<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			\$ 103.00

Clerk of Court/Deputy Clerk: Linsley J. Heeb
 Court Reporter: Christina R. Green

Presiding Judge: _____
 Judge Code: 2131
 Sentence Date: 11/28/2023

WITNESSES

SCHP *Edward T. Horton Jr.*

ARREST WARRANT NUMBER

20222351137994

ACTION OF GRAND JURY

True Bill

Tim Wain JAN 18 2023
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

23-GS-42-0298

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 23 2023

TERM

THE STATE

vs.

Wade A. Kraemer

Indictment for

HABITUAL TRAFFIC OFFENDER

SC Code: 56-1-1100
CDR Code: 0057
Class FEL/F

FILED

2023 JAN 26 PM 4:34

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

RECEIVED
DEC 11 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JAN 18 2023 the
Grand Jurors of Spartanburg County present upon their oath:

HABITUAL TRAFFIC OFFENDER

That the defendant Wade A. Kraemer did in Spartanburg County on or about August 31, 2022, operate a motor vehicle after having been declared a Habitual Offender by the South Carolina Department of Motor Vehicles, in violation of §56-1-1100, *THE 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.


Assistant Solicitor

RECEIVED

STATE OF SOUTH CAROLINA

DEC 11 2023

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 23.GS-42-1149

Wade Anson Kraemer

AW#: 2022306000 8748

AKA: _____

Date of Offense: 10-12-22

Race: W Sex: M Age: 57

S.C. Code §: 56-1-460

DOB: _____ SS#: _____

CDR Code #: _____

Address: _____

City, State, Zip: _____

DL#* _____ SID# _____

SENTENCE SHEET

Rec: time served

*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: Driving Under Suspension 1st not suspended for DUE 0-30 days +/or fine

In violation of § 56-1-460(A)(1)(a) of the S.C. Code of Laws, bearing CDR Code # 0624

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

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: Jimmy Jones 69423 Wade A Kraemer Phil Lewis 121421
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

for a determinate term of 30 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: _____

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. +24 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.

STATE VS. Wade Angus Kraemer

INDICTMENT/CASE#: 23 -GS- 42-1149

SPECIAL CONDITIONS:

- PTUP after _____ months/years
 - Substance Abuse Counseling
 - Attend Voc. Rehab. Or Job Corp
 - Mental Health Counseling
 - Sex Offender Registry pursuant to S.C. Code § 23-3-430
 - Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
 - Other: _____
- And Other Terms Listed Below:
- Completion of GED
 - Random Drug/Alcohol Testing
 - No Contact with Victim
 - Domestic Violence Intervention Program
 - May serve W/E beginning: _____
 - Public Service Employment _____ days/hours

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)			\$ _____
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$ <u>100-</u>
§56-5-2995 (DUI Assessment)		\$100	\$ _____
§56-1-286 (DUI Breath Test)		\$12	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$ _____
§14-1-213 (Drug Court Surcharge)		\$25	\$ <u>25-</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$150	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$41	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$50	\$ _____
3% to County (if paid in installments)		\$40/ea	\$ _____
<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		TBD	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		\$500	\$ _____
		TBD	\$ _____
		TOTAL	\$ <u>108.75</u>

Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: [Signature]

Presiding Judge: [Signature]
Judge Code: 21.31
Sentence Date: 11/26/2023

WITNESSES

Woodruff Police Department

ARREST WARRANT NUMBER

20223060008748

ACTION OF GRAND JURY

FEB 24 2023

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

23-GS-42-1149

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

FEB 27 2023

TERM

THE STATE

vs.

Wade Anson Kraemer

Indictment For
DRIVING UNDER SUSPENSION

SC Code: 56-1-460
CDR Code: 3798

FILED

2023 MAR -2 PM 3:56

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

SC Court of Appeals

DEC 11 2023

RECEIVED

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

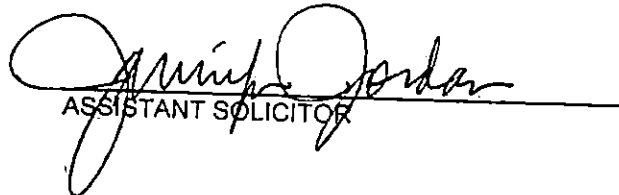
INDICTMENT

At a Court of General Sessions, convened on FEB 24 2023, the Grand Jurors of Spartanburg County present upon their oath:

DRIVING UNDER SUSPENSION

That Wade Anson Kraemer did in Spartanburg County on or about October 12, 2022, drive a motor vehicle on a public highway of this State when his license to drive was canceled, suspended or revoked, all in violation of §56-1-460, *THE 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.


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

STATE

VS.

RECEIVED

DEC 11 2023

SC Court of Appeals

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023GS4205778

Wade Anson Kraemer

AKA: _____

Race: White Sex: Male Age: 51

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL#* _____ SID# _____

AW#: 2023A4210201767

Date of Offense: 04/03/2023

S.C. Code §: 16-25-20(C)

CDR Code #: 3812

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: Domestic Violence - 2nd Degree (0-3 years and/or \$2,500-5,000)

In violation of § 16-25-20(C) of the S.C. Code of Laws, bearing CDR Code # 3812

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:

Grace Calhoun Kerley 105601
Assistant Solicitor SC Bar #

Wade Anson Kraemer
Defendant
Wade Anson Kraemer
Suzanne H. White
Attorney for Defendant
Suzanne H. White

W.H.W.
78228
SC Bar #

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

for a determinate term of 18 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 18 days/months/years/Time Served and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 2

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: _____

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.

18 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:**

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)			\$ _____
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$ 100 -
§56-5-2995 (DUI Assessment)		\$100	\$ _____
§56-1-286 (DUI Breath Test)		\$12	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$ _____
§14-1-213 (Drug Court Surcharge)		\$25	\$ 25 -
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$150	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$41	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$50	\$ _____
3% to County (if paid in installments)		\$40/ea	\$ _____
<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		TBD	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid.Application Fee to be paid to the Public Defender Fund		\$500	\$ _____
		TBD	\$ _____
		TOTAL	\$ 643. ⁷⁵

Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: [Signature]

Presiding Judge: [Signature]
Judge Code: 2131
Sentence Date: 11/15/2023

WITNESSES

Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER

2023A4210201767

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

23-GS-42-5778

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 30 2023

TERM

THE STATE
VS.

WADE ANSON KRAEMER

Indictment for
DOMESTIC VIOLENCE - 2ND DEGREE

SC Code: 16-25-20(C)
CDR Code: 3812
Class MIS

RECEIVED
DEC 11 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

APR 25 2023

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

DOMESTIC VIOLENCE – 2ND DEGREE

That Wade Anson Kraemer did, in Spartanburg County on or about April 3, 2023, cause physical harm or injury or offer or attempt to cause physical harm or injury to _____ a household member, causing the victim to fear for her safety, to wit: by striking the victim and/or threatening to kill the victim; and

- (1) the defendant has one prior conviction for domestic violence in the past ten years from the current offense,

in violation of Section 16-25-20, *THE 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.


Grace Calhoun Kerley
Assistant Solicitor