

STATE OF SOUTH CAROLINA)
)
)
vs.)
)
)
WILLIAM RUSSELL BLAKE WITTEN,)
)
Defendant.)
_____)

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Indictment No(s): 2023-GS-32-04418

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SC Court of Appeals

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430 F.3d 696, 706 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967))).

Respectfully submitted,



Megan M. Gresham
Assistant Public Defender
202 East Main Street
Lexington, South Carolina
(803) 785-8873

Lexington, South Carolina
February 09, 2024

0-10 yrs and not more than \$5000

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON

STATE

INDICTMENT/CASE#: 2023GS3204418

VS.

AW#: 23-STR-00034

William Russell Blake Witten

Date of Offense: 08/01/2022

AKA:

S.C. Code §: 56-01-1105(B)

Race: White Sex: Male Age: 31

CDR Code #: 3755

DOB: SS#:

Address:

City, State, Zip:

DL#* SID#

SENTENCE SHEET

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*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADED

TO: Traffic / Habitual offender - Causing Great Bodily Injury when license has been canceled, suspended, or revoked

In violation of § 56-01-1105(B) of the S.C. Code of Laws, bearing CDR Code # 3455

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] 70206 [Signature] [Signature] 100461
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 2 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 30 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: to any SCDC center custody

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. 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.

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[Signature]
Lex. Co. C.C.C.P., G.S. & F.C.

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	\$	125

Clerk of Court/Deputy Clerk: Lisa Comer
Court Reporter: Katherine Spires

W. W. W.
Presiding Judge: _____
Judge Code: _____
Sentence Date: 8 Feb 2024

Gresham

WITNESSES

South Carolina Highway Patrol HQ

William J Cook

Law Enforcement Case #:
BLTC22CAD117415

TMW

ARREST WARRANT NUMBER

23-STR-00034

ACTION OF GRAND JURY

TRUE BILL

[Signature]

Foreperson of Grand Jury
Date: 12-11-23

VERDICT

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Lex. Court of Appeals
Foreperson of Petit Jury
Date: 1/22/24
S.C.C.R. § 6.01, G.S. § 8.01

DOCKET NO. 2023GS3204418

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2023

THE STATE

vs.

William Russell Blake Witten

CDR #: 3455

Indictment for

Habitual Traffic Offender -- Causing Great
Bodily Injury

AD changed

§ 56-01-1105(B)

S.R. Hubbard III, SOLICITOR

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2023DEC01

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Habitual Traffic Offender -- Causing Great Bodily
Injury

§ 56-01-1105(B)

At a Court of General Sessions, convened on December 2023, the Grand Jurors of Lexington County present upon their oath:

That William Russell Blake Witten did in Lexington County, South Carolina, on or about August 1, 2022, being classified as a habitual offender by the South Carolina Department of Motor Vehicles after review of the defendant's driving record and that record showed that the defendant had accumulated convictions for separate and distinct offenses listed in Section 56-1-1020(a), (b) and (c) during a three year period, did drive a motor vehicle on any public highway of this State when the defendant's license to drive had been canceled, suspended, or revoked, and when driving did any act forbidden by law or neglected any duty imposed by law in the driving of the motor vehicle, to wit:

- (a) Failed to yield right of way; and/or
- (b) Failed to keep and maintain proper control of her vehicle; and/or
- (c) Failed to maintain a proper lookout; and/or
- (d) Failed to exercise due care;

which act or neglect proximately caused great bodily injury to Christopher Vidrine, in violation of §56-01-1105 of the South Carolina Code of Laws of 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR **A TRUE COPY**


Lex. Co. C.O.C.F., G.S. & F.C.

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

IN THE COURT OF GENERAL SESSIONS
FOR THE ELEVENTH JUDICIAL CIRCUIT

State of South Carolina)
vs.)

Indictment Nos.: 2023GS3204418

William Russell Blake Witten,)
Defendant.)

ORDER FOR BOOKING AND
FINGERPRINTING

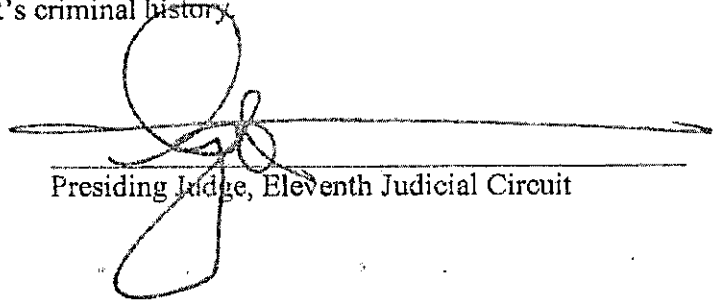
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SS# _____ DOB: _____)
Race: W Sex: M)

On February 7, 2024, the above defendant entered a guilty plea on the above indictment.

The charge is Habitual offender – Causing Great Bodily Injury (CDR 3455) and the offense date is August 1, 2022. Bond in this matter has been satisfied with the Court.

The defendant is currently incarcerated in the South Carolina Department of Corrections (SCDC). SCDC is to make arrangements to process fingerprints and photographing in reference to the above charge and transmit those items to the South Carolina Law Enforcement Division to ensure that the conviction and sentence for Habitual offender – Causing Great Bodily Injury (CDR 3455) is included on the defendant's criminal history.



Presiding Judge, Eleventh Judicial Circuit

Lexington, South Carolina
February 2, 2024

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Lex. Co. C.C.O.P., G.B. & F.C.