

**STATEMENT OF FACTS AND ISSUES SUPPORTING APPEAL OF
GUILTY PLEA FROM A SENTENCE IMPOSED BY THE COURT OF
GENERAL SESSIONS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

APR 22 2024

SC Court of Appeals

Debra R. McCaslin, Circuit Court Judge

Case No. 2024-GS-19-0052, 2024-GS-19-0053

The State,

Respondent,

v.

Russell L. Walker ,

Appellant.

**STATEMENT OF FACTS AND ISSUES SUPPORTING APPEAL OF
GUILTY PLEA**

Russell L. Walker appeals his sentence and conviction resulting from his guilty plea. The plea was heard and sentence was imposed by the Honorable Debra R. McCaslin on April 10, 2024.

Facts and issues supporting Appellants appeal are as follows:

1. The Court of General Sessions was without jurisdiction to hear appellant's case due to the fact that he had previously requested but was denied a preliminary hearing as required by South Carolina Code Section 22-5-320. On July 21, 2021, the day after he was arrested, Mr. Walker appeared before an Edgefield County magistrate at a hearing to set bond. He was denied a bond. Despite lacking even a single corroborating witness, and little if any evidence of a domestic relationship between the two, Mr. Walker was denied bond for the most serious of the five charges, to wit Domestic Violence 1st Degree. During the July 21, 2021, bond hearing, a Magistrate notified Mr. Walker orally and in writing of his right to preliminary hearing. Mr. Walker requested a preliminary hearing then and there in writing on the simple form provided to him pursuant SC Code Section 17-23-160. Mr. Walker never received a preliminary hearing. He remained incarcerated in the Edgefield County Jail from July to December, during which time he was a victim of a P.R.E.A. incident (Prison Rape Elimination Act.) Despite reporting the incident, Mr. Walker was denied medical treatment, access to a collection kit, psychological support, and counseling, all of which are mandated by

judge to request a bond. Instead, he was placed into solitary confinement, where he remained until being transferred into a Veterans Administration Medical Treatment Center for the balance of 268 days. Mr. Walker recovered and was eventually granted a conditional bond after he successfully completed and graduated from a 90 day program for Veterans.

2. Mr. Walker and I left McCormick, South Carolina after an April 9, 2024, pretrial hearing. I was taking Mr. Walker to his home in Edgefield. I received a phone call from assistant solicitor Dante Esposito, advising me that Mr. Walker and I needed to turn around and return to McCormick County and come back to court because the judge wanted to see us. Mr. Esposito said that Ms. James, the complaining witness, who was present for the pretrial motion hearings, had advised the court through the solicitor that Mr. Walker had sent her a text message. The State sought to revoke Mr. Walker's bond based on this alleged violation of Mr. Walker's bond conditions. I objected to the State's efforts on several grounds. The most relevant objection I made was the fact that we did not have any notice, which remains a willfully blatant disregard for Mr. Walker's civil right to due process. I objected further, bringing to the assistant prosecutor and Judge McCaslin's attention the requirement and their lack of procedural jurisdiction for want of a written motion filed and served before the court gains jurisdiction to revoke bond. Mr. Walker had his bond revoked and was summarily incarcerated without proper procedural notice and without written motion April 9, 2024 and as such was being illegally detained on the morning of April 10, 2024 when he tendered his guilty plea, rendering it involuntary.
3. Mr. Walker's guilty plea was the result of duress, fear, coercion and the stress of his sudden incarceration a mere 24 hours earlier after having been of good behavior and free on bond for two years awaiting trial. Mr. Walker spent the remainder of April 9, 2024 and all of the night in the McCormick County Jail. I engaged in plea negotiations with the other Assistant Solicitor on the case, Doug Fender. Ultimately Mr. Fender asked me what it would take to get a plea done and I told him if Mr. Walker agrees to anything, it will have to be misdemeanor charges and there could not be any "domestic" conviction that would trigger a firearm prohibition. I did not expect the state to be able to accommodate this demand, but when I met with Mr. Fender the morning of April 10, 2024, he was willing to allow Mr. Walker to plead to A/B second degree, (a 10th charge) and resisting arrest (A), both misdemeanors and the other 8, charges would be dismissed, consisting of six felony charges, and two 2nd degree misdemeanors. On the morning of April 10, 2024 Mr. Walker was transported from the jail and appeared with legs and arms shackled and wrists bound to his waist. I met with Mr. Walker in the prisoner holding area, where I advised him of the latest plea offer. He rejected it initially, and explained that he made it clear yesterday that he wouldn't take a plea. The state had made an offer before calling Mr. Walker and me back to McCormick, and Mr. Walker had rejected that plea as well. He explained despite the trauma he had suffered in jail before, that he believed he had gone through too much misery over the last 3 years to take a deal to avoid two weeks in jail. He believed a not guilty verdict on April 22, 2024 would end this never ending matter. Mr. Walker was advised by undersigned counsel that even if he were to prevail at trial, which was scheduled for April 22, 2024, the fact that all of his bonds had been revoked could result in his continued detention for other unrelated pending charges which were not going to be tried on April 22, 2024. Ultimately, under the duress of the circumstances and feeling he had no other choice, Mr. Walker accepted the plea offer.

4. Mr. Walker's guilty plea and sentences were based upon two proposed "direct indictments" which had neither been to a Grand Jury, nor supported by any warrants alleging the fact underlying his guilty plea. Mr. Walker was never charged with either one of these violations. No arrest warrant was ever issued for either of these charges and Mr. Walker was never indicted for either of these charges. 2024-GS-19-0052 was A/B First Degree (reduced to second degree for the guilty plea) and 2024-GS-19-0053 Resisting Arrest.
5. During Mr. Walker's guilty plea, the state sought to have a restraining order issued against Mr. Walker without notice or an opportunity to be heard. After the state's plea presentation, was completed, the State advised the court that Ms. James wanted a restraining order against Mr. Walker without any notice of hearing, Judge McCaslin granted a lifetime Restraining Order. The lifetime restraining order created a lifetime restriction prohibiting Mr. Walker from possessing firearms without a factual finding that such a restriction was necessary or supported by required legal conditions. The restraining order was in fact issued without due process.

Mr. Walker reserves the right to further expand upon the facts and issues which lead to his involuntary guilty plea and the imposition of a restraining order to more fully argue the due process and jurisdictional grounds which would give rise to appellate relief and to develop any additional arguments after a thorough review of the record is made by appellate counsel.

Respectfully submitted,



Derek Chiarenza
PO Box 340
Lexington SC 29071
(803) 493-1500
Court Appointed Trial Counsel
Attorney for Appellant

April 21, 2024

Douglas Fender
Assistant Solicitor
205 E. Main Street
Suite 309
Lexington, SC 29072
Attorney for Respondent

STATE OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)
)
State of South Carolina,)
)
vs.)
)
Russell Lewis Walker)
)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
ELEVENTH JUDICIAL CIRCUIT

**SUPPLEMENTAL
REQUEST FOR DISCOVERY**

2022GS1900316, 317, 318, 319, 320

EDGEFIELD COUNTY
CLERK OF COURT
CHARLES L. REEL
2024 MAR 13 PM 2:55

The Defendant respectfully requests that the State, Agents of the Prosecution and the Eleventh Circuit Solicitor produce or otherwise make available to the Defense all documents, tangible objects, reports of examinations and tests, witness statements, physical evidence and any other information subject to disclosure pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure.

The Defendant further requests the Solicitor to produce all evidence favorable to the Defendant, subject to disclosure pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny. This request is a continuing request for all such discoverable information as it becomes known to the Solicitor or any Prosecution Agents.

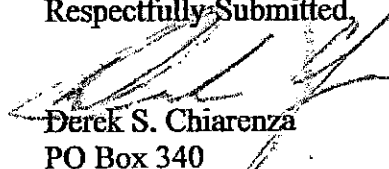
SPECIFIC SUPPLEMENTAL REQUEST:

1. Any and all photographs in the actual possession of the prosecution or constructively possessed by the prosecution as a result of being contained in law enforcement investigative files, case files, booking files, victim files or the like related to the above captioned matters.
2. Any and all VIDEO, BODY CAMERA VIDEO, IN CAR VIDEO, DRONE VIDEO, ROBOT VIDEO or the like in the actual possession of the prosecution or constructively possessed by the prosecution as a result of being contained in law enforcement investigative files, case files, booking files, victim files or the like related to the above captioned matters. SPECIFICALLY, BUT NOT LIMITED TO material related to above matters alleged to have occurred on July 20-21, 2021.
3. All written dispatch logs and recorded calls/voice recordings related to the investigation and/or prosecution of the matters captioned above in the actual possession of the prosecution or constructively possessed by the prosecution as a result of being possessed or maintained by any law enforcement agency, who was dispatched, present or responded to the alleged incident location involved in the above captioned matters.
4. Any and all recordings, transcripts and logs of 911 calls in the actual possession of the prosecution or constructively possessed by the prosecution as a result of being contained in law enforcement investigative files, case files, booking files, victim files or by agents,

- employees or third party contractors of Edgefield County.
5. Personnel crime scene log in/out sheets or other "on scene law enforcement" information in the actual possession of the prosecution or constructively possessed by the prosecution as a result of being contained in law enforcement investigative files, case files, booking files, victim files or other law enforcement generated reports.
 6. Complete diagnostic and treatment medical records, doctor's records and EMS records relating to the alleged victim, Christina James and any injury she is alleged to have suffered at the hands of the defendant
 7. Criminal histories of all witnesses for the prosecution.
 8. Copies of ALL Search Warrants issued before, during and after the investigation of the above captioned matters- three separate search warrants are referenced in the various incident reports. As of the date of this request, only Search Warrant #SW-21-51 has been provided to the defendant.
 9. Any cell phone, computer or other digital information secured, downloaded, copied, ripped or otherwise obtained in the investigation of the above captioned matters whether belonging to the defendant, alleged victim or other parties if such information is intended to be introduced at trial by the prosecution or if it may be exculpatory to the defendant.

The defendant asserts that the determination as to whether or not any of the requested information contained in items #1 through 9 herein is subject to Discovery or potentially exculpatory can only be made if said information, data, recordings, photographs, reports, etc. are at a minimum provided to the court prior to trial and allowed to be inspected by counsel for the defendant so that a determination may be made on the record as to the admissibility of same.

Respectfully Submitted,



Derek S. Chiarenza
PO Box 340
Lexington, SC 29071

(803) 493-1500
Attorney for Defendant

March 12, 2024

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: 180 days to pay cc

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	\$ <u>100.00</u>
§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	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: Amranda L. Selit
Court Reporter: Melinda Jones

Presiding Judge: Debra McCaslin
Judge Code: 2769
Sentence Date: 4/10/24

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF EDGEFIELD

RECEIVED

STATE

APR 22 2024

INDICTMENT/CASE#: 2024GS1900053

VS.

SC Court of Appeals

Russell Lewis Walker

AW#: 2024GS1900053

AKA: _____

Date of Offense: 07/20/2021

Race: White Sex: Male Age: 46

S.C. Code §: 16-9-320(A)

DOB: _____ SS#: _____

CDR Code #: 0326

Address: _____

City, State, Zip: _____

DL#* _____ SID# _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Resisting Law Enforcement Officer

In violation of § 16-9-320(A) of the S.C. Code of Laws, bearing CDR Code # 0326

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. ML (def.'s initials)

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

ATTEST: [Signature] 10112 SC Bar # [Signature] Defendant [Signature] Attorney for Defendant 65326 SC Bar #

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

for a determinate term of 268 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 268 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.

268 (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 OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)
)
)
)

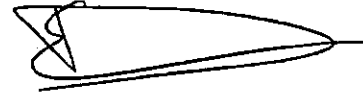
INDICTMENT FOR
2024GS1900053
Resisting Law Enforcement Officer
§16-9-320(A)

At a Edgefield County General Sessions, convened on April 8, 2024, the Grand Jurors of Edgefield County present upon their oath:

Resisting Law Enforcement Officer

That in Edgefield County, South Carolina, on or about July 20, 2021, the Defendant, Russell Lewis Walker, did knowingly and willfully oppose or resist a law enforcement officer in serving, executing, or attempting to serve or execute a legal writ or process or resisted an arrest being made by one whom he knew or reasonably should have known was a law enforcement officer, whether under process or not, to wit: the defendant did resist arrest at 714 Spearhead Court in the North Augusta area of Edgefield County, all in violation of Section 16-9-320(A), et al. of the Codes of Law of South Carolina.

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



Assistant Solicitor

WITNESSES

Edgefield County Sheriff's Department

Philip C Ireland

Law Enforcement Case #: 2101044

DJE

ARREST WARRANT NUMBER

2024GS1900053

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2024GS1900053

The State of South Carolina

County of Edgefield

**EDGEFIELD COUNTY GENERAL
SESSIONS**

April Term 2024

THE STATE

vs.

Russell Lewis Walker

Indictment For

Resisting Law Enforcement Officer

SC Code: §16-9-320(A)

CDR Code: 0326

Class C Misdemeanor

S.R. Hubbard III, Solicitor

RECEIVED

APR 22 2024

SC Court of Appeals

SPECIAL CONDITIONS:

PTUP after _____ months/years anger management course
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 see restraining order
- 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: anger management course
NOT DAC.

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	\$	<u>100.00</u>
§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	\$	<u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$	_____
§34-11-70(b)and(c); and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	_____
§50-21-114 (BUI Breath Test Fee)	\$50	\$	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
3% to County (if paid in installments)	TBD	\$	<u>18.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$	<u>500.00</u>
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	_____
TOTAL		\$	<u>643.75</u>

Clerk of Court/Deputy Clerk: Amanda L. Selt
Court Reporter: Melinda Jones

Presiding Judge: Debra McCasler
Judge Code: 2769
Sentence Date: 4/10/24

RECEIVED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF EDGEFIELD

APR 22 2024

SC Court of Appeals

STATE vs.

INDICTMENT/CASE#: 2024GS1900052

Russell Lewis Walker

AW#:

AKA: Race: White Sex: Male Age: 46

Date of Offense: 07/20/2021

DOB: SS#:

S.C. Code §: 16-3-600(D)(1)

Address:

CDR Code #: 3413

City, State, Zip:

SENTENCE SHEET

DL#* SID#

*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: Assault and Battery Second Degree

In violation of § 16-3-600(C)(1)(D)(1) of the S.C. Code of Laws, bearing CDR Code # 3413

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: 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 268 days/months/years/Time Served and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 1 year

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.

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 OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)
)))

INDICTMENT FOR
2022GS1900319
Assault and Battery
§16-3-600(D)(1)(a)

At a Edgefield County General Sessions, convened on April 8, 2024, the Grand Jurors of Edgefield County present upon their oath:

Assault and Battery

That in Edgefield County, South Carolina, on or about July 20, 2021, the Defendant, Russell Lewis Walker, did offer to or attempt to injure Christina James, all in violation of Section 16-3-600(D)(1)(a), et al. of the Codes of Law of South Carolina.

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



Assistant Solicitor

*alum
4/10/24*

2024 GS 1900052

DOCKET NO. ~~2022GS1900349~~

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

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness
C.C.C. PLS. and G.S

RECEIVED
APR 22 2024
SC Court of Appeals

The State of South Carolina

County of Edgefield

EDGEFIELD COUNTY GENERAL SESSIONS

April Term 2024

THE STATE

vs.

Russell Lewis Walker

Indictment For

Assault and Battery

SC Code: §16-3-600(D)(1)(a)

CDR Code: 3413

Class A Misdemeanor

S.R. Hubbard III, Solicitor

WITNESSES

Edgefield County Sheriff's Department

Philip C Ireland

Law Enforcement Case #: 2101044

DJE

ARREST WARRANT NUMBER

~~2024GS1900052~~

*alum
4/10/24*

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA
COUNTY OF EDGEFIELD

EDGEFIELD COUNTY
CLERK OF COURT
CHARLES L. REEL

IN THE COURT OF GENERAL SESSIONS
THE 11th JUDICIAL CIRCUIT

CASE No.: 2024-GS-19-00052

Christina James 2024 APR 10 PM 3:07

COMPLAINANT(S)

vs.

Russell Walker

RESPONDENT(S)

PERMANENT RESTRAINING ORDER

RECEIVED
APR 22 2024
SC Court of Appeals

RESPONDENT IDENTIFIERS

SEX *	RACE *	DOB*	HEIGHT
M	W		5'10"
WEIGHT	HAIR	EYES	STATE
175	blonde	green	SC

And/or on behalf of minor family member(s) or other protected persons: (List name)

Christina James

River James - 9/17/2013

Harmony Eason - 10/31/2002

Laura Reeves - 5/25/1961

Frances Kirby - 11/9/1934

ALL other family members

Relationship to Complainant: self

daughter

daughter

mother

grand mother

Respondent's Address

*Indicates required information for entry into NCIC

CAUTION:

Weapon Involved

Weapon Present on Respondent's Property

Access to weapons

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.

Respondent has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.

That the above named Respondent be restrained from any contact with the Protected Person as set forth on the attached pages.

The terms of the this order shall be effective until indefinitely ,

WARNINGS TO RESPONDENT:

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

For Additional Information Call:

803-637-5337 Sheriff

803-637-4082

Clerk of Court

Phone Number

SCCA 292G (June 2015)

Phone Number

The Court held a hearing on April 10, 2024. After hearing the evidence, and examining the supporting documentation, the Court has determined that the Complainant has/ has not proved by a preponderance of evidence the need for issuance of a Permanent Restraining Order.

The Court makes the following finding of fact: (Check all that apply)

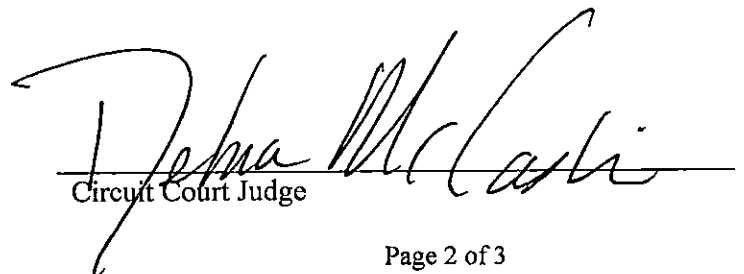
- 1. The Complainant resides in Columbia County, GA (State).
- 2. The Respondent lives at 714 Spearhead Ct. North Augusta, SC 29860 (Street Address) which is in Edgefield County, SC (State).
- 3. The Respondent is employed at _____ which is located at _____.
- 4. The Respondent is a nonresident of this state or cannot be found.
- 5. The Respondent:
 - was convicted of a criminal offense (as defined in SC Code Ann. § 16-3-1900(3)) for which the victim was the subject of the crime.
 - was convicted of a criminal offense (as defined in SC Code Ann. § 16-3-1900(3)) for which the witness assisted the prosecuting entity/agency.
- 6. The conviction took place on this date April 10, 2024 in the General Sessions court. The prosecuting entity/agency was Eleventh Judicial Circuit Solicitor's Office.
The qualifying conviction was: Assault and Battery 2nd Degree .
- 7. A restraining order has expired, is set to expire, or is not available and the common pleas court is not in session for the complainant to obtain a permanent restraining order.

IT IS THEREFORE ORDERED THAT (Check all that apply):

- A. The Respondent is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the Complainant or members of Complainant's family.
- B. The Respondent is restrained, prohibited and forbidden from entering or attempting to enter the Complainant's place of residence, employment, or education.
- C. The Respondent is restrained, prohibited and forbidden from communicating or attempting to communicate with the Complainant or members of the Complainant's family in any way that would violate Section 16-3-1910.
- D. Federal Firearms Prohibition, pursuant to 18.U.S.C § 922.
 - 1. Does this Order protect an intimate partner, a child of an intimate partner, or a child of the respondent? YES NO
 - 2. Did the person restrained have actual notice and an opportunity to participate in the hearing? YES NO
 - 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? YES NO
- E. A copy of this Order shall be served on the following law enforcement agencies: Edgefield County Sheriff's Department

AND IT IS SO ORDERED.

Entered at 11:11 A.M. on _____


Circuit Court Judge

VIOLATION OF THIS ORDER IS A FELONY CRIMINAL OFFENSE PUNISHABLE BY UP TO FIVE YEARS IN PRISON.

TO LAW ENFORCEMENT OFFICERS:

Pursuant to S.C. Code Ann. § 16-3-1910, notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. Law enforcement officers shall arrest a respondent who acts in violation of this Order after service and notice of the Order have been provided. A respondent who is in violation of a permanent restraining order is guilty of a felony, if the underlying conviction that was the basis for the permanent restraining order was a felony and, upon conviction, must be imprisoned not more than five years. If the underlying conviction that was the basis for the permanent restraining order was a misdemeanor, a respondent who is in violation of an permanent restraining order is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than three years, or both.

COPY GIVEN TO COMPLAINANT BY _____ (initials) COPY GIVEN TO RESPONDENT BY _____ (initials)