

RECEIVED

JUN 10 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 The STATE of South Carolina,)
)
 Prosecutor,)
)
 -vs-)
)
 Tashan Antione CARSON,)
)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS

**ORDER DENYING MOTION
For NEW TRIAL**

Warrant/Indictment Number(s)

**2022-GS-42-03797 / 2022-GS-42-03798
2022-GS-42-03800 / 2022-GS-42-03800A**

The defendant is before the Court on motion by counsel pursuant to Rule 29(b), SCRCrP, for a new trial based upon after-discovered evidence. The defendant asserts in his motion that he is entitled to a new trial on two grounds; (1) that a juror felt pressured to vote guilty against her belief of not guilty on indictments for Trafficking Methamphetamine, Possession of a Firearm During the Commission of a Violent Crime, and Unlawful Carrying of a Pistol, after she was provided erroneous information during deliberations from a fellow juror regarding the potential consequences of the jury not reaching a decision on one or more of the indictments, and (2) that a bailiff posed improper questions, made improper comments, and provided improper instructions to jurors during deliberations. The allegations upon which the motion is based are founded upon statements made by a juror to the defendant's counsel after unsolicited contact was made with the defendant's counsel by the juror. Those allegations have been reduced to the form of an affidavit of the juror which has been filed with the motion alleging both internal and external misconduct.

Salient Facts

The defendant was tried on indictments charging him with Burglary 2nd Degree; Trafficking in Methamphetamine greater than 28 grams; Possession of a Firearm During the Commission of a Violent Crime; Possession With Intent to Distribute Methamphetamine Within One-half Mile Radius of a School or Park; Threatening the Life of a Public Official; and Unlawful Carrying of a Pistol. Assistant Circuit Solicitor Tyler B. Brown prosecuted the cases for the State. Assistant Public Defender Suzanne H. White represented the defendant. After a jury trial, the defendant was found guilty of Trafficking Methamphetamine, Possession of a Firearm During the Commission of a Violent Crime, Threatening the Life of a Public Official, and Unlawful Carrying of a Pistol and sentenced by the Court. He was found not guilty on the remaining indictments.

Applicable Law

Historically juror testimony was disallowed for impeachment of a jury verdict or to establish misconduct on the part of a juror occurring during deliberations. State v Hunter, 320 S.C. 85 (1995). Rule 606(b), SCRE, changed the traditional approach and provides that juror testimony may be accepted by the Court under limited circumstances where improper internal or external misconduct denies the defendant due process and fundamental fairness in the jury's deliberations and verdict. The rule provides that;

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SPARTANBURG COUNTY CLERK OF COURT
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"Upon an inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or to the effect of anything upon that or any other juror's mind or emotions as influencing the juror to assent to or dissent from the verdict or indictment or concerning the juror's mental processes in connection therewith, except that a juror may testify on the question of whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror. Nor may a juror's affidavit of evidence of any statement by the juror concerning the matter about which the juror would be precluded from testifying be received for these purposes."

Every criminal defendant has the right to a fair and impartial jury in deciding his fate at trial. U.S. Const. Amend. VI; S.C. Const. Art. I, Section 14. "If a juror claims prejudice played a role in determining the guilt or innocence of a defendant, investigation into the matter is necessary." State v. Hunter, 320 S.C. 85 (1995). "Jury misconduct that does not affect the jury's impartiality will not undermine the verdict." State v. Pittman, 373 S.C. 527 (2007).

Internal Misconduct

A proper analysis for determining whether juror testimony or affidavit is permitted for impeachment of a jury verdict depends upon whether the allegations of misconduct establish the existence of an exception to the general rule of prohibition. "Rule 606 expressly prohibits the introduction of juror testimony regarding both the content and the effect of statements occurring during the jury's deliberations ..." Shumpert v. State, 378 S.C. 62 (2008). The Supreme Court has recognized that juror testimony may be received as an exception to the general rule of prohibition when internal juror misconduct denies a defendant fundamental fairness and the defendant can establish resulting prejudice. State v. Hunter, 320 S.C. 85 (1995). Ordinarily, a juror's misstatement or misapprehension of the law occurring during jury deliberations is not sufficient to impeach a jury verdict. State v. Pittman, 373 S.C. 527 (2007). (jurors expressed that they felt coerced into voting guilty but no testimony established coercive behavior on the part of any juror and jurors had a misunderstanding of law regarding the unanimity of the verdict); State v. Galbreath, 359 S.C. 398 (Ct.App.2004) (incorrect information provided to jurors by a fellow juror during deliberations regarding the potential sentence to be imposed upon a conviction did not deny the defendant fundamental fairness).

External Misconduct

That right to a fair and impartial jury is compromised when a party outside the deliberations makes improper contact with a juror and extraneous information is introduced into the deliberations that was not presented in the trial. External influence refers to situations where the jury is exposed to information during deliberations from an outside source. Galbreath. "Any private communication, contact, or tampering directly or indirectly, with a juror during a trial about the matter pending before the jury is ... deemed presumptively prejudicial, if not made in pursuance of know rules of the court and instructions and directions of the court made during the trial, with full knowledge of the parties." Remmer v. United States, 347 U.S. 227 (1954). Although presumptively prejudicial, the presumption may be rebutted by the State where it establishes to the satisfaction of the court that any improper contact of a juror was harmless and did not prejudice the defendant. Where the improper contact or communication is substantive a presumption of prejudice arises. Where the improper contact or communication is

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not substantive and the record establishes that there is no reasonable possibility that it influenced the verdict, it is deemed to be harmless. "Wayward bailiffs can improperly influence jurors by exposing them to the very things they are supposed to guard the jury against." State v. Green, 427 S.C. 223 (Ct.App. 2019) However, "not every inappropriate comment by a bailiff to a juror rises to the level of constitutional error" such that the Remmer presumption is applicable. State v. Green, 432 S.C. 97 (2020).

Discussion

In the instant case it is alleged in support of the motion that during deliberations a juror made a statement regarding the consequence of a failure to reach a verdict on all of the charges. Whether or not the statement was a correct one, a misstatement, a misunderstanding, or a misapprehension of law provided by a juror to other jurors during deliberations relating to a consequence of the jury's decision does not deny the defendant fundamental fairness and a new trial is not warranted. State v. Pittman, 373 S.C. 527 (2007); State v. Galbreath, 359 S.C. 398 (Ct.App.2004).

In the instant case it is further alleged in support of the motion that a bailiff when providing the jury with a written response from the judge to a question posed by the jury, asked, "how are y'all doing, have you reached a verdict yet?" Upon receiving the jury's response, he asked if more time would help in reaching a decision. The response was "no" by the one juror and "yes" by the remainder. The juror states that upon hearing their responses the bailiff replied, "I'll give y'all a little more time, knock on the door if you need me." The juror states at that point, "I felt trapped in the room and almost as if everyone else was holding me hostage until an agreement was made".

While it is preferable that such questions and comments alleged to have been made by a bailiff in this case not take place, there is nothing about the questions or comments alleged to have been made by the bailiff that could be construed as substantive nor can the questions or comments alleged to have been made by the bailiff be reasonably construed as oppressive or coercive nor is there a reasonable possibility that such questions or comments would have influenced the jury's verdicts. The facts alleged in the juror affidavit regarding an external influence created by bailiff contact do not trigger any Remmer presumption of prejudice and therefore no hearing is required to provide the State with an opportunity for rebuttal.

In this case any juror had ample opportunity to express to the Court the reservations and opinions that one juror now expresses. Upon the jury's return to Court for announcement and acceptance of the verdicts, the jurors were collectively asked by the Clerk of Court to raise a hand in a show of assent to the question of whether these were the verdicts of the jury and still the verdicts. Each juror raised a hand to show assent. Upon request of the defendant's counsel, the Court further instructed the Clerk of Court to conduct an individual polling of the jurors to indicate assent to the verdicts. Each juror stood in response and stated it was the verdict and still the verdict of each.

Conclusion

While "a juror may testify on the question of whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror", unless such is made evident, the statement of a juror through testimony or affidavit is not allowed to be accepted by the Court. Rule 606, SCRE. The juror affidavit presented in this case contains no particular allegation regarding any juror or jurors in

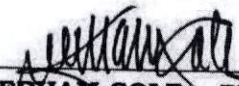
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any fashion being threatening or coercive toward the juror in language or conduct nor do the allegations tend to establish that the verdicts were based upon any bias or prejudice on the part of any juror. There has been nothing presented this Court tending to show that a juror's impartiality was compromised or that any juror's decision was the result of any improper bias or prejudice. The affidavit submitted does not give rise to a denial of fundamental fairness to the defendant nor do the allegations contained therein give rise to any due process issue or concern. The Court therefore declines to accept the affidavit or conduct a hearing on the issues raised by way of the motion.

Having considered the arguments in support of and in opposition to the motion and the applicable rules and case law, this Court finds no reason to disturb the finality of these verdicts and therefore,

The **MOTION** for **NEW TRIAL** should be and **IS** therefore **DENIED**.

MAY 29, 2024



J. DERHAM COLE, PRESIDING JUDGE

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SPARTANBURG COUNTY
MAY 29 2024

WITNESSES

SPD

H. O. [Signature]

ARREST WARRANT NUMBER

2022A4210201678

ACTION OF GRAND JURY

True Bill

Danielle Woodward

Foreperson of Grand Jury
Date: JUL 22 2022

VERDICT

Guilty

Judith Brock

Foreperson of Petit Jury
Date: 03/28/24

22-GS-42-3797

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2022

TERM

THE STATE
vs.

Tashan Antione Carson

Indictment for

THREATENING PUBLIC OFFICIAL

SC Code: 16-3-1040
CDR Code: 0541
Class FEL/F

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SPARTANBURG COUNTY
AMY W. COX

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SC Court of Appeals

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IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

STATE

VS.

JUN 10 2024
SC Court of Appeals

INDICTMENT/CASE#: 2022GS4203797

Tashan Antione Carson
AKA: _____
Race: Black Sex: Male Age: 38
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL#* _____ SID# _____

A/W#: 2022A4210201678
Date of Offense: 03-22-2022
S.C. Code §: 16-3-1040
CDR Code #: 0541

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: Threatening Life, Person or Family of Public or School Official (0 - 5 and/or not more than \$5,000)
In violation of § 16-3-1040 of the S.C. Code of Laws, bearing CDR Code # 0541

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)
(CSC w/minor 1st or CSC w/minor 3rd)

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

ATTEST:

Tyler Bryant Brown 0078316 Tashan Antione Carson Impruned 78225
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 5 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.

45 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)			\$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	\$ _____
§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				\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

T. Camp
L. Moffitt

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

2053
3/29/24 4/12/2024

WITNESSES

SPD

H. C. [Signature]

ARREST WARRANT NUMBER

2022A4210201676

ACTION OF GRAND JURY

True Bill

Dannelle Woodward

Foreperson of Grand Jury

Date: JUL 22 2022

VERDICT

Guilty

Judith Brock

Foreperson of Petit Jury

Date: 03/28/24

DOCKET NO.

22-GS-42-3798

The State of South Carolina

County of Spartanburg

Barry J Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2022

TERM

THE STATE
vs.

Tashan Antione Carson

Indictment for

**WEAPONS/UNLAWFUL
POSSESSION OF PISTOL**

SC Code: 16-23-20, 0050 (A) (2)

CDR Code: 0044

Class MIS-C

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CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

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JUN 10 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2022 the
Grand Jurors of Spartanburg County present upon their oath:

WEAPONS/UNLAWFUL CARRYING OF PISTOL

That Tashan Antione Carson, did in Spartanburg County on or about March 22, 2022, willfully and unlawfully have in his possession, a handgun, he not being authorized by law to so possess a pistol, in violation of §16-23-20, 50 (A) (2), *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.

Andrew Sigel
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg

STATE VS.

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JUN 10 2024
SC Court of Appeals

INDICTMENT/CASE#: 2022GS4203798

Tashan Antione Carson
AKA: _____
Race: Black Sex: Male Age: 38
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL#* _____ SID# _____

AW#: 2022A4210201676
Date of Offense: 03-22-2022
S.C. Code §: 16-23-30
CDR Code #: 0044

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: Unlawful Carrying of Pistol (0 - 1 and/or not more than \$1,000)
In violation of § 16-23-30 of the S.C. Code of Laws, bearing CDR Code # 0044

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:

Tyler Bryant Brown 0078316 Tashan Carson [Signature] 78225
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
Tyler Bryant Brown Tashan Antione Carson

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

for a determinate term of 1 days/months/years/Time Served Youthful Offender Act not to exceed 1 years

and/or to pay a fine of \$ 0; provided that upon the service of 1 days/months/years/Time Served and or payment of \$ 0; 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.

445 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)			\$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	\$ _____
§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	\$ <u>1287.5</u>

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

T. Camp
L. Moffitt

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

2053
3/29/24 4/12/2024

WITNESSES

Spartanburg Police Department

[Handwritten Signature]

ARREST WARRANT NUMBER

2022A4210201675 Count I (Direct Indictment)

2022A4210201680 Count II

ACTION OF GRAND JURY

TRUE BILL

[Handwritten Signature: Danielle Woodward]

Foreperson of Grand Jury
Date: JUL 22 2022

VERDICT

Count 1: Guilty

Count 2: Guilty

[Handwritten Signature: Judy Brock]
Foreperson of Petit Jury
Date: 03/28/24

DOCKET NO. **22-GS-42-3800**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2022

TERM

THE STATE
vs.

Tashan Antione Carson

Indictment for

TRAFFICKING IN METHAMPHETAMINE

SC Code: 44-53-375

CDR: 0392

POSSESSION OF WEAPON

DURING COMMISSION OF

A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 549

FILED

2022 AUG -1 PM 3: 33

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

RECEIVED

JUN 10 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2022, the
Grand Jurors of Spartanburg County present upon their oath:

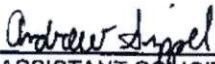
TRAFFICKING IN METHAMPHETAMINE

That Tashan Antione Carson, did in Spartanburg County on or about March 22, 2022, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase or bring into this State, or did knowingly actually or constructively possess, more than (28) twenty eight grams but less than (100) one hundred grams of Methamphetamine, a schedule II controlled substance, in violation of §44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**POSSESSION OF WEAPON DURING COMMISSION
OF A VIOLENT CRIME**

That the defendant, Tashan Antione Carson, did in Spartanburg County on or about March 22, 2022, possess or visibly display a firearm during the commission or attempted commission of a violent crime, to wit: Trafficking in Methamphetamine, violation of Code §16-23-490, *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

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg

JUN 10 2024

SC Court of Appeals

STATE VS.

INDICTMENT/CASE#: 2022GS4203800

Tashan Antione Carson
 AKA: _____
 Race: Black Sex: Male Age: 38
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: _____
 DL#* _____ SID# _____

A/W#: 2022A4210201675
 Date of Offense: 03-22-2022
 S.C. Code §: 44-53-375
 CDR Code #: 0389

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

HLB

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

TO: Trafficking, 28 - 100 Grams Methamphetamine, 2nd Offense (7 - 30 years and \$50,000)
 In violation of § 44-53-375 of the S.C. Code of Laws, bearing CDR Code # 0389

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:
Tyler Bryant Brown 0078316 Tashan Carson Shyann L... 78225
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
 Tyler Bryant Brown Tashan Antione Carson

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

for a determinate term of 7 days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$ 5000 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. 45 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	\$ <u>50000</u>
§14-1-206 (Assessments 107.5%)			\$ <u>53750</u>
§14-1-211 (A)(1)(Conv. Surcharge)	\$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		\$ _____
§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		\$ <u>3120.75</u>
TOTAL			\$ <u>107145.75</u>

Clerk of Court/Deputy Clerk: T. Camp
Court Reporter: L. McDaniel

Presiding Judge: _____
Judge Code: _____
Sentence Date: May 16, 2024

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg

RECEIVED

STATE VS.

INDICTMENT/CASE#: 2022GS4203800

Tashan Antione Carson

A/W#: 2022A4210201675

AKA: _____

Date of Offense: 03-22-2022

Race: Black Sex: Male Age: 38

S.C. Code §: 44-53-375

DOB: _____ SS#: _____

CDR Code #: 0389

Address: _____

City, State, Zip: _____

DL#* _____ SID# I _____

JUN 10 2024
SC Court of Appeals

SENTENCE SHEET

vacated

*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: Trafficking, 28 - 100 Grams Methamphetamine, 2nd Offense (7 - 30 years and \$50,000)
In violation of § 44-53-375 of the S.C. Code of Laws, bearing CDR Code # 0389

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:

Tyler Bryant Brown
Solicitor General
0078316
SC Bar #
Tyler Bryant Brown

Tashan Carson
Defendant
Tashan Antione Carson

Stephanie
Attorney for Defendant
78225
SC Bar #

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

for a determinate term of 10 days/months/years/Time Served Youthful Offender Act not to exceed 2 years

and/or to pay a fine of \$ 5000 provided that upon the service of 7 days/months/years/Time Served and or payment of \$ 0; plus costs and assessments as applicable*; the balance is suspended with probation for 3

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. 443 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)			\$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	\$ _____
§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 checked="" 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				\$ 798 25

Clerk of Court/Deputy Clerk: *[Signature]* *T. Camp*
Court Reporter: *[Signature]* *L. MCGW*

Presiding Judge: *[Signature]*
Judge Code: 2053
Sentence Date: 3/29/24 4/12/2024

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg

RECEIVED

STATE VS.

JUN 10 2024

INDICTMENT/CASE#: 2022GS4203800-A

Tashan Antione Carson
AKA: _____
Race: Black Sex: Male Age: 38
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL#* _____ SID# _____

A/W#: 2022A4210201680
Date of Offense: 03-22-2022
S.C. Code §: 16-23-0490
CDR Code #: 0549

SC Court of Appeals

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

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

In violation of § 16-23-2022 of the S.C. Code of Laws, bearing CDR Code # 0549

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

The charge is: 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:

Tyler Bryant Brown 0078316 Tashan Carson Emmanuel Lete 78225
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 5 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.

AAJ 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	\$ _____
§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	\$ _____
§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	\$ _____
			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	\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: J. H. [Signature]
Court Reporter: L. McDonald T. Camp L. Muffitt

Presiding Judge: [Signature]
Judge Code: 2053
Sentence Date: 3/29/24 4/12/2024