

**RECEIVED**

**Jun 21 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

Appeal from York County Court of General Sessions  
The Honorable Daniel DeWitt Hall, Circuit Court Judge

---

Appellate Case No. 2024-000568

---

The State.....Respondent

v.

Jonathan Stanley Ostrowski.....Appellant

---

**RECORD ON APPEAL**

---

WILLIAM G. YARBOROUGH, III  
LAUREN C. HOBBS  
WGY Law  
308 West Stone Avenue  
Greenville, South Carolina 29609  
(864) 331-1612 | F: 864-271-0711

ATTORNEYS FOR APPELLANT

THE HONORABLE ALAN WILSON  
MARK FARTHING, SR. ASST. DEP. AG  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 779-8477 | F: 803-253-6283

ATTORNEYS FOR RESPONDENT

**INDEX**

Transcript of Plea and Sentencing Hearing held on April 4, 2024.....1-12  
Indictment (2023-GS-46-04939).....13-14  
Sentencing Sheets (2023-GS-46-04939).....15-16

STATE OF SOUTH CAROLINA) IN THE SOUTH CAROLINA CIRCUIT COURT  
COUNTY OF YORK ) C.A. NO. 2023-GS-46-04939

STATE OF SOUTH CAROLINA )  
Plaintiff, )  
versus )  
JONATHAN STANLEY OSTROWSKI )  
Defendant. )

H E A R I N G

DATE: April 4, 2024  
TIME: 2:37 p.m. to 2:47 p.m.  
LOCATION: South Carolina Circuit Court 16  
JUDGE: Daniel Dewitt Hall

TRANSCRIBED BY: Lynda Monroe

LEGAL EAGLE  
Post Office Box 5682  
Greenville, South Carolina 29606  
864-467-1373  
[depos@legaleagleinc.com](mailto:depos@legaleagleinc.com)

## APPEARANCES:

Austin Smith, Esq.  
Sixteenth Circuit Solicitor's Office  
1675 York Highway #1A  
York, South Carolina 29745

Attorney for the Plaintiff,

William Yarborough, Esq.  
William G. Yarborough Attorney at Law  
308 W. Stone Avenue  
Greenville, South Carolina 29609

Attorney for the Defendant.

INDEX

Certificate of Transcriber..... 12

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL  
IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 PROCEEDING

2 MS. SMITH: Before you is Jonathan Ostrowski. He's  
3 represented by Bill Yarborough of the Greenville County Bar.  
4 He was set for trial next week on a trafficking in meth, 28  
5 grams or more, third offense. He is choosing to plead,  
6 today, in trafficking in meth, 28 grams or more, second  
7 offense. A negotiation in this case is 12 years. I have  
8 three days of credit.

9 THE COURT: Mr. Yarborough, you represent Mr.  
10 Ostrowski?

11 MR. YARBOROUGH: I have, Your Honor. I do.

12 THE COURT: How does he plead?

13 MR. YARBOROUGH: He pleads guilty, Your Honor.

14 THE COURT: Mr. Ostrowski, let me talk to you a little  
15 bit. How old are you?

16 THE DEFENDANT: Fifty years old.

17 THE COURT: How far did you go in school?

18 THE DEFENDANT: GED.

19 THE COURT: Have you ever been treated for any mental  
20 or emotional disabilities?

21 THE DEFENDANT: No, sir.

22 THE COURT: You understand what you're doing here  
23 today?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You have an indictment, 2023-GS-46-4939,

1 that alleges on or about August 18th of last year, here in  
2 York County, you were in either actual or constructive  
3 possession of more than 28 grams of methamphetamine. This  
4 being a second offense, second drug offense, it carries a  
5 potential penalty of a minimum of seven years, up to 30  
6 years. It is a violent and serious offense is the  
7 significance of that and your lifetime if you're convicted of  
8 three serious offenses under our three strikes law, the State  
9 could seek a life without parole sentence.

10 In addition, because of its classification as a violent  
11 and serious offense, your parole eligibility status in the  
12 Department of Corrections may be affected by that  
13 classification. Do you understand all of that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: How do you plead?

16 THE DEFENDANT: Guilty.

17 THE COURT: This is being presented as a negotiated  
18 settlement. What that means is that if I follow the  
19 negotiation, that's the exact sentence you'll receive. No  
20 more, no less. If I disagree with the sentence, you'd be  
21 allowed to withdraw your plea. Is that your understanding of  
22 what a negotiated sentence is?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You have a right to have a jury trial.  
25 Nobody can force you to plead guilty or make you plead

1 guilty. Has your lawyer talked to you, in detail, about your  
2 jury trial rights?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: To be sure you understand your basic  
5 rights. Because nobody can force you to plead guilty, you  
6 can ask for a jury trial. And if you did, the State would  
7 have to bring their witnesses here in the courtroom. You  
8 could see and hear every one of the State's witnesses. The  
9 lawyer could cross-examine them, ask them questions.

10 That's called the constitutional right to  
11 confrontation. At a jury trial, you would have a right to  
12 remain silent. You wouldn't have to say anything about the  
13 case. To exercise that right, the judge would tell a jury to  
14 not hold that against you.

15 Tell the jury that's your constitutional right to  
16 remain silent and if the burden's on the State to prove your  
17 guilt, beyond a reasonable doubt, with their evidence. And,  
18 in fact, 12 jurors would have to all unanimously agree that  
19 the State had proven their case, beyond a reasonable doubt,  
20 before you could be convicted. As your basic trial rights,  
21 are you giving those up in order to plead guilty today?

22 THE DEFENDANT: Yes.

23 THE COURT: Let me talk to you a little bit about  
24 Yarborough's representation. Have you had time to sit down  
25 with him and go over what some people call their motion?

1 That's discovery where you look at incident reports, case  
2 summaries, drug reports, statements, probably other evidence  
3 the State has in the case. Have you been able to do all that  
4 with Mr. Yarborough?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you have any complaints, at all, the way  
7 he has represented you?

8 THE DEFENDANT: No, sir.

9 THE COURT: Are you satisfied with his representation?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you pleading to this charge, today, of  
12 your own free will?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you been promised anything or  
15 threatened in any way in order to get you to enter this plea?

16 THE DEFENDANT: No, sir.

17 THE COURT: I find the decision this Defendant entered  
18 plea to this charge to be freely, voluntarily and  
19 intelligently made. The advice from a competent attorney  
20 with whom he says he's satisfied.

21 If I make an error or mistake or you disagree with the  
22 sentence, you have a right to appeal. You have to do that  
23 within 10 days. That doesn't necessarily mean you start all  
24 over but you'd be asking a higher court to review what this  
25 Court did. Normally you start that process by notifying your

1 lawyer but you have to do that within 10 days. Do you  
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. Solicitor.

5 MS. SMITH: Your Honor, on August 18th of last year  
6 Officer Atkins (phonetically) was patrolling the area of the  
7 300 block of (inaudible) Avenue when she saw a vehicle parked  
8 out in front of 304 N. (inaudible) Avenue. She ran that  
9 license plate and found that it was registered to Jonathan  
10 Nastrowski (phonetically) and she ran his name through NCIC.  
11 She found that he was wanted by the (inaudible) Police  
12 Department for felony of obtaining goods under false  
13 pretenses.

14 She watched the Defendant enter the vehicle and start  
15 driving down N. (inaudible) Avenue towards Light Street. She  
16 observed the vehicle pass the stop bar and a clearly-marked  
17 sign stating stop here when red on Jones Avenue. She  
18 observed him stop on the railroad tracks prior to making a  
19 right turn on White Street.

20 She stopped him and asked him to exit the vehicle due  
21 to the warrant out of Pineville. He refused to do so and  
22 began becoming hostile and resisting. He started to grab for  
23 his crotch. She thought that he was grabbing for a weapon so  
24 she attempted to get him to stop grabbing that area. She  
25 then realized what he was grabbing for was a large amount of

1 drugs. There was an altercation with them trying to get him  
2 out of the vehicle which he was resisting.

3 He was able to get his hand out of his crotch and he  
4 threw a large amount of meth onto White Street. They were  
5 finally able to get him into custody. They put him into a  
6 police vehicle. At the detention center they searched the  
7 vehicle after getting him out. There was a large amount of  
8 meth in the vehicle. He also has his hand clinched in  
9 booking. They were able to get that open and more meth fell  
10 from his hand. The total amount of meth in this case was  
11 54.11 grams.

12 He does have a prior, 2022 trafficking meth, and a  
13 2018, possession of meth which would have made this a third  
14 at trial.

15 THE COURT: Would the two trafficking in --

16 MS. SMITH: A 2018 possession.

17 THE COURT: Curious what type of sentence did he  
18 receive for trafficking in '22.

19 MS. SMITH: Your Honor, he actually went to trial on  
20 that. He got a sentence of, I believe, 18 years. It went to  
21 the Court of Appeals. It was overturned by the Court of  
22 Appeals.

23 THE COURT: Okay. I read his name, Court of Appeals.

24 MS. SMITH: Yeah. And then they pled him to, I  
25 believe, four years and he already had credit for three.

1 THE COURT: All right. Mr. Yarborough, I'll be glad to  
2 hear from you and then your client. Bear in mind, I tend to  
3 follow the recommendation.

4 MR. YARBOROUGH: Your Honor, I first met Mr. Ostrowski  
5 when he was in prison years ago and I did the appeal at that  
6 point. That case was reversed for a number of reasons. Now  
7 Jonathan was doing great. He had a good job. I talked to  
8 him a lot because he worries about his younger brother who's  
9 having a hard time. I know the whole family. I know his  
10 sister, I know his mother and I know his wife who's in the  
11 courtroom.

12 I mean, he made a bad mistake and now he's got to pay  
13 the price. We looked at the possibility of trying this case.  
14 He's come to my office numerous times. We've gone over  
15 discovery. Looked at the stop and if there was a problem  
16 with the stop. We, originally, I think, filed (inaudible)  
17 motion but I think this is about the best outcome we can get.

18 Now, he spent five years in prison before. That case  
19 was reversed. He did fine when he was there. I mean, he's a  
20 model prisoner. He's a great guy. He just made a stupid,  
21 stupid mistake.

22 I'd ask the Court to be as lenient on him as possible.  
23 I know your hands are tied. He really doesn't want to have  
24 to go to prison. I'd also ask the Court -- he was supposed  
25 to go to trial on Monday. He's always shown up. I know this

1 Court usually (inaudible) the weekend but I'd ask the Court  
2 if he could have a few days to get hisself together.

3 We reached this plea and he just feels terrible. I  
4 like Jonathan a lot. He's a nice guy. He just made a bad  
5 mistake.

6 THE COURT: Do you have anything you want to say, Mr.  
7 Ostrowski?

8 THE DEFENDANT: Yes, sir. I mean, I made a bad mistake  
9 and I guess I got to pay the price now. I mean, I'd like to  
10 have a few days to get with my family and my son because I  
11 hadn't really had a chance to talk to them.

12 THE COURT: All right. Well, (inaudible) the Court,  
13 I'm going to file negotiations to be committed to the  
14 Department of Corrections for 12 years, credit for 3 days and  
15 it's my practice, I'm going to deny the request --

16 THE DEFENDANT: Yes, sir.

17 THE COURT: -- trafficking 12-year sentence to allow  
18 him to be (inaudible). He has to be taken into custody right  
19 now.

20 Thank you. Good luck to you.

21 MS. SMITH: Thank you, Your Honor.

22

23

24 (THERE BEING NO FURTHER QUESTIONS, THIS HEARING IS CONCLUDED

25 AT 2:47 p.m.)

**CERTIFICATE OF TRANSCRIBER**

I, Lynda Monroe, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 16, York County, South Carolina, on the 4th day of April, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 30, 2024

---

Lynda Monroe, Transcriber

**WITNESSES**

RHPD

Witnessing Officer: *Felmet*

**ARREST WARRANT NUMBER**

2023A4620301921

**ACTION OF GRAND JURY**

*Dana Dymmond*  
**TRUE BILL**

Foreperson of Grand Jury  
Date: 10/26/23

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2023-GS-46-04939

The State of South Carolina

County of York

**COURT OF GENERAL SESSIONS**

OCTOBER 26, TERM 2023

THE STATE

VS.

**JONATHAN STANLEY  
OSTROWSKI**

**INDICTMENT FOR**

**TRAFFICKING METHAMPHETAMINE**

SC Code: § 44-53-375(C)  
CDR Code: 0349

After being fully advised as to my legal rights, I hereby waive presentation 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.**



STATE OF SOUTH CAROLINA  
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on October 26, 2023, the Grand Jurors of York County present upon their oath:

**TRAFFICKING METHAMPHETAMINE**

The defendant, Jonathan Stanley Ostrowski, did on or about August 18, 2023, in York County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of twenty-eight (28) grams or more of methamphetamine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of 44-53-375(C), 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.

  
\_\_\_\_\_  
AUSTIN N. SMITH  
ASSISTANT SOLICITOR

ANS

RECEIVED

Apr 09 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

STATE

INDICTMENT/CASE#: 2023-GS-46-04939

VS.

JONATHAN STANLEY OSTROWSKI

A/W#: 2023A4620301921

AKA: Jonathan Ostrowski, Jonathan S Ostrowski

Date of Offense: 08/18/2023

Race: W Sex: M Age: 51

S.C. Code §: 44-53-375(C)

DOB: [REDACTED] 1972 SS# [REDACTED]

CDR Code #: 0392

Address: 4421 Hedley Way

City, State, Zip: Charlotte, NC 28210

DL#\* [REDACTED] SID# SC00726327

Text

SENTENCE SHEET ORIGINAL

\*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 Methamphetamine 28g or more 2nd Offense (NLT 7 YEARS TO 30 YEARS & \$50,000)

In violation of § 44-53-375(C) 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 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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:

/s Austin N. Smith 102332 /s Jonathan Stanley Ostrowski /s William G. Yarborough, III 10271  
Solicitor SC Bar # Defendant Attorney for Defense SC Bar #

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

for a determinate term of 12 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.

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.

ANS

STATE VS. Jonathan Stanley Ostrowski INDICTMENT/CASE#: 2023-GS-46-04939

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: \_\_\_\_\_

Table with columns for description, amount, and beginning date. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211 (A)(1)(Conv. Surcharge), §14-1-211 (A)(2)(DUI Surcharge), §56-5-2995 (DUI Assessment), §56-1-286 (DUI Breath Test), §14-1-212 (Law Enforce. Funding), §14-1-213 (Drug Court Surcharge), §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs), §50-21-114 (BUI Breath Test Fee), §56-5-2942(J) (Vehicle Assessment), 3% to County (if paid in installments), Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees, § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund.

TOTAL \$ 919.10, Hall 2753, April 4, 2024

Clerk of Court/Deputy Clerk: Angie Bryant, Court Reporter: DCRP

Presiding Judge: \_\_\_\_\_, Judge Code: Hall 2753, Sentence Date: April 4, 2024