

Volume III of III

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Lee County

William Jeffrey Young, Circuit Court Judge

---

**RECEIVED**

AUG 23 2013

**S.C. Supreme Court**

TYRONE SINGLETARY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-213528

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APPENDIX

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Attorney General

South Carolina Commission on Indigent  
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ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:**

**STATE’S EXHIBIT #10 (TAPE),**

PW - B. DOBY - CROSS

1 A Well, I don't because Mr. Lynch's statement  
2 essentially to Mr. Melvin was that he had taken a  
3 hostage and that actually may have helped Mr.  
4 Singletary to some extent. The solicitor's  
5 characterization of what Mr. Melvin had said, at one  
6 point Mr. Fata indicates that Mr. Lynch said, I took  
7 a hostage and then he said we took a hostage. The  
8 statement that Mr. Lynch made to Mr. Melvin did not  
9 specifically name Mr. Singletary and that certainly  
10 would have been objectionable. And so I didn't feel  
11 that it was that, looking at it now, I don't think  
12 it was that prejudicial. And a lot of times at  
13 trial you have to sort of weigh what you object to  
14 because when you stand up and object the jury is  
15 drawn sometimes greater attention to those  
16 statements and so I didn't find it that  
17 objectionable.

18 Q Is it your common practice during a trial if you  
19 find the solicitor's comments to be prejudicial to  
20 your client to object?

21 A Oh, absolutely.

22 Q And if you'll flip to the next page, 872. It's  
23 the State's sort of packet I believe Mr.  
24 Singletary's contention is with the word we. Again,  
25 do you find that highly prejudicial to your client?

## PW - B. DOBY - REDIRECT

1 A No. I mean, the jury obviously saw the statement  
2 and saw the video apparently and saw it twice. And  
3 so, you know, Mr. Fata's characterization of what's  
4 on that statement I think it's probably less  
5 important to what's on the statement or what's on  
6 the video.

7 Q And again, if you had found that statement  
8 prejudicial your common practice would be to object?

9 A Absolutely.

10 MS. HARRIGAN: No further questions, Your  
11 Honor.

12 THE COURT: Any redirect?

13 MR. LANG: Court's indulgence for just a  
14 moment, Judge. Just a couple of questions if I  
15 could, Your Honor.

16 **REDIRECT EXAMINATION**

17 BY MR. LANG:

18 Q Mr. Doby, you recall that in Craig Melvin's  
19 statement Mr. Lynch said through Craig Melvin that  
20 he didn't stab anybody; isn't that right?

21 A I don't recall that specifically.

22 Q You don't deny that he couldn't have then said  
23 that, or you can't deny that?

24 A I don't recall one way or the other.

25 MR. LANG: Beg the Court's indulgence.

1 Nothing further, Your Honor.

2 THE COURT: Thank you. You may step down.

3 Anything further?

4 MR. LANG: The Petitioner rests.

5 THE COURT: The State, anything in  
6 rebuttal?

7 MS. HARRIGAN: The State has no additional  
8 witnesses to call, but would like to state on the  
9 record that applicant has waived ground number 3 of  
10 his post-conviction relief application, has waived  
11 ground number 4 of his post-relief application, and  
12 has also waived ground number 5 of his  
13 post-conviction relief application.

14 THE COURT: That is correct. The only two  
15 we will consider are 1 and 2.

16 MS. HARRIGAN: Thank you, Your Honor.

17 THE COURT: I will take this under  
18 advisement, and I'll give you my ruling on it.  
19 Thank you.

20

21 \* \* \* End of Requested Transcript of Record \* \* \*

22

23

24

25





imprisonment for Rioting, to life without parole for Taking of a Hostage, to life without parole for Taking of a Hostage, to five years imprisonment for Assaulting a Correctional Officer, to ten years for Carrying or Concealing a Weapon by an Inmate of a Correctional Facility, and to ten years for Inciting to Riot. All sentences were to be served concurrently to one another but consecutively to the sentences Applicant was already serving at the time of the incident.

A notice of appeal was filed and an appeal perfected. Following the submission of an Anders brief, the appeal was dismissed. State v. Singletary, Op. No. 2008-UP-506 (S.C. Ct. App. filed Sept. 5, 2008). The Remittitur was sent on September 23, 2008.

In Applicant's post-conviction relief application, he alleged that he is being held in custody unlawfully based on the following claims of ineffective assistance of counsel:

1. "Trial counsel was ineffective when he failed to object to several separate comment's [sic] by the prosecutor during closing arguments."
2. "Trial counsel rendered ineffective assistance during trial when he fail to object to incriminating audio/tape recording by Applicant co-defendant J.J. Lynch, which raise the issue of confrontation clause violation."
3. "Trial counsel was ineffective by failing to request a mistrial when forensic document examiner of handwriting read applicant unredacted version of self incriminating statement to jury members."
4. "Trial counsel was ineffective by failing to object to applicant incriminating statement that was being introduced into evidence which applicant content [sic] his fifth and six amendment right were violated."
5. "Trial counsel was ineffective by failure to object to a admitting video depiction of prison dorm taken after the riot and damage, because the video was highly inflammatory and it[s] probative value was outweighed by its prejudicial value."

At the evidentiary hearing, the Applicant testified on his own behalf. The State presented testimony from trial counsel, Stephen Bryan Doby, Esquire ("Counsel"). This Court also had before it a copy of the Applicant's trial transcript, the records of the Lee County Clerk of Court, and the Applicant's records from the South Carolina Department of Corrections.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

### *Ineffective Assistance of Counsel*

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms."

Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

After careful review based on the standard discussed above, Applicant has failed to carry his burden in this action. Specifically, this Court finds that Counsel's testimony is credible while Applicant's testimony is not credible. Applicant has failed to prove that Counsel was ineffective in his representation of the Applicant and that he was prejudiced by any of Counsel's alleged deficiencies. Below are the following findings of this Court regarding Applicant's specific allegations of ineffective assistance of counsel:

*"Trial counsel was ineffective when he failed to object to several separate comment's [sic] by the prosecutor during closing arguments."*

Applicant asserted that Counsel was ineffective because he did not object to the solicitor's use of the word "we" during the State's closing arguments. At the evidentiary hearing, Applicant testified that Counsel should have objected to the following passages of the State's closing argument:

"And then we have Craig Melvin. And Craig Melvin testified that, yeah, I stand in there in the door and I seen this coming down, and he - he interviewed Lynch after the situation had ended. And you heard that. You heard that - that tape. It's State's Exhibit Number 10. And you will have it back there and you can hear it. What does it say? Yeah, we took a hostage. Yeah, I took a hostage." Trial Tr. 870 ln. 17-25.

"The audio tape that we talked about, that is State's Exhibit Number 10. What's it say? Yeah, I took - I took some hostages. We took hostages. The video - the videotape which you will be allowed to see in its entirety if you like - I showed excerpts of it yesterday, but it can be cued up and you can watch any part of it you wish." Trial Tr. 872 ln 22 - 873 ln 3.

Applicant testified that Counsel should have objected to these portions of the State's closing argument, as these were statements of his co-defendant that wrongly implicated him by the use of "we" references. Applicant elaborated that he was prejudiced by this, as it indicated his involvement since he and his co-defendant were the only two people on trial.

Counsel testified that he did not object to these passages of the State's closing argument, as he did not think these comments were objectionable or prejudicial to his client. Additionally, Counsel stated that these passages reference comments made by Applicant's co-defendant that were inflammatory towards co-defendant, as he accepted responsibility for the incident and suggested that Applicant played a minor role. Counsel also stated that he did not feel that the State's closing argument was objectionable or prejudicial as a whole. Counsel testified that it is his general practice to object to closing arguments of opposing counsel if he feels that his client is prejudiced.

In regards to this allegation of ineffective assistance of counsel, this Court finds that Counsel's performance was reasonable and effective. Counsel testified that in his professional opinion, he did not think that these passages from the State's closing argument were objectionable or prejudicial to his client. Additionally, this Court finds that the Applicant has failed to establish any prejudice resulting from plea counsel's alleged ineffective assistance of counsel. Therefore, this Court finds that this allegation of ineffective assistance of counsel must be denied and dismissed.

*"Trial counsel rendered ineffective assistance during trial when he fail to object to incriminating audio/tape recording by Applicant co-defendant J.J. Lynch, which raise the issue of confrontation clause violation."*

Applicant alleged that Counsel was ineffective for not objecting to the admission of an audio tape of Applicant's co-defendant being interviewed by a local newscaster, Craig Melvin (herein "Craig Melvin recording"). Applicant did not speak on this recording, but alleged that he was prejudiced by Counsel's failure to object its admission into evidence. However, Applicant acknowledged that Counsel did move to suppress the Craig Melvin recording during pre-trial motions for which he was present on November 18, 2005 before Judge Cooper.

Counsel testified that he, along with co-defendant's counsel, made a joint motion to suppress the Craig Melvin recording. Counsel stated that Judge Cooper denied the motion to suppress, but ruled that the recording needed to be redacted to remove any reference to Applicant. Counsel testified that such redactions were made prior to the recording being published to the jury. Counsel stated that his overall trial strategy was to minimize Applicant's involvement in the incident and show the jury that Applicant's co-defendant was the more culpable party. Counsel felt that the Craig Melvin recording was a good example of this and that he did not think the tape was prejudicial to his client in its redacted form.

In regards to this allegation of ineffective assistance of counsel, this Court finds that Counsel's performance was reasonable and effective. Counsel moved to suppress the Craig Melvin recording, and once this motion was denied, the recording was redacted to remove any reference to Applicant. Additionally, this Court finds that the Applicant has failed to establish any prejudice resulting from plea counsel's alleged ineffective assistance of counsel. Therefore,

this Court finds that this allegation of ineffective assistance of counsel must be denied and dismissed.

*"Trial counsel was ineffective by failing to request a mistrial when forensic document examiner of handwriting read applicant unredacted version of self incriminating statement to jury members."*

Applicant expressly waived this allegation at the evidentiary hearing, stating he did not wish to proceed with this allegation. As Applicant abandoned this allegation and did not present any evidence or testimony in its regard, this Court finds that this allegation of ineffective assistance of counsel is denied and dismissed with prejudice.

*"Trial counsel was ineffective by failing to object to applicant incriminating statement that was being introduced into evidence which applicant content [sic] his fifth and six amendment right were violated."*

Applicant expressly waived this allegation at the evidentiary hearing, stating he did not wish to proceed with this allegation. As Applicant abandoned this allegation and did not present any evidence or testimony in its regard, this Court finds that this allegation of ineffective assistance of counsel is denied and dismissed with prejudice.

*"Trial counsel was ineffective by failure to object to a admitting video depiction of prison dorm taken after the riot and damage, because the video was highly inflammatory and it[s] probative value was outweighed by its prejudicial value."*

Applicant expressly waived this allegation at the evidentiary hearing, stating he did not wish to proceed with this allegation. As Applicant abandoned this allegation and did not present any evidence or testimony in its regard, this Court finds that this allegation of ineffective assistance of counsel is denied and dismissed with prejudice.

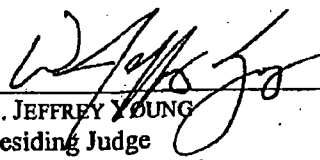
**CONCLUSION**

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

**IT IS THEREFORE ORDERED:**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 1 day of Nov, 2012.

  
\_\_\_\_\_  
W. JEFFREY YOUNG  
Presiding Judge  
Third Judicial Circuit

Sumter, South Carolina.

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM LEE COUNTY  
Court of Common Pleas

The Honorable W. Jeffrey Young  
Presiding Judge

Case No. 2009-CP-31-0102

Tyrone Singletary, #237129 ..... Applicant/Appellant,

v.

State of South Carolina ..... Respondent.

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on December 5, 2012, addressed to its attorney of record, Megan E. Harrigan, Esq., S.C. Attorney General's Office, PO Box 11549, Columbia, South Carolina, 29211.

CALLISON TIGHE & ROBINSON, LLC



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Telephone: (803) 404-6900

*Attorneys for Applicant/Appellant*

December 5, 2012

STATE OF SOUTH CAROLINA )  
 ) INDICTMENT FOR  
 ) RIOTING; TAKING OF A HOSTAGE (TWO COUNTS); ASSAULTING A  
 COUNTY OF LEE ) CORRECTIONAL OFFICER; CARRYING OR CONCEALING A WEAPON B  
 ) AN INMATE OF A CORRECTIONAL FACILITY; INCITE TO RIOT

At a Court of General Sessions, convened on September 30, 2004

the Grand Jurors of LEE County present upon their oath:

COUNT ONE - RIOTING

That TYRONE SINGLETARY AND JACOB LYNCH did in Lee County on or about October 29, 2003, violate Section 24-13-430 (2) of the Code of Laws of South Carolina (1976), as amended, in that they as inmates of the Department of Corrections, city or county jail, or public works of any county in that they participated in a riot or any other acts of violence.

COUNT TWO - TAKING OF A HOSTAGE

That TYRONE SINGLETARY AND JACOB LYNCH, inmates of a state, county or city correctional facility or a private entity that contracts with a state, county or city to provide care and custody of inmates, including persons of safe keeper status, did in Lee County on or about October 29, 2003, acting alone or in concert with others, by threats, coercion, intimidation or physical force take, hold, decoy, or carry away MARCUS COTTON as a hostage or for any reason, in violation of Section 24-13-450, Code of Laws of South Carolina (1976), as amended

COUNT THREE - TAKING OF A HOSTAGE

That TYRONE SINGLETARY AND JACOB LYNCH, inmates of a state, county or city correctional facility or a private entity that contracts with a state, county or city to provide care and custody of inmates, including persons of safe keeper status, did in Lee County on or about October 29, 2003, acting alone or in concert with others, by threats, coercion, intimidation or physical force take, hold, decoy, or carry away KENNETH DOZIER as a hostage or for any reason, in violation of Section 24-13-450, 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.

*C. Kelly Jackson*  
 \_\_\_\_\_  
 SOICITOR

WITNESSES

SLED

Agent Mark Creech

ARREST WARRANT NO. F799783, F799782  
(1 & 6); F799784, F799785, F799786,  
F799787 (2 & 3); F799789, F799788 (4);  
F799790, F799791 (5)  
D/A: 10/29/03

ACTION OF GRAND JURY

*True Bill*

*Sept 30, 2004*

*Willis R. [Signature]*

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 2004-GS-31-135

The State of South Carolina,

County of LEE

COURT OF GENERAL SESSIONS

OCTOBER TERM 2004

THE STATE

vs.

JACOB LYNCH

TYRONE SINGLETARY

Indictment for

RIOTING  
TAKING OF HOSTAGES (TWO COUNTS)  
ASSAULTING A CORRECTIONAL OFFICER  
CARRYING OR CONCEALING A WEAPON BY  
AN INMATE OF A CORRECTIONAL FACILITY  
INCITE TO RIOT

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR RIOTING, TAKING OF A HOSTAGE (TWO COUNTS), ASSAULTING A CORRECTIONAL OFFICER, CARRYING OR CONCEALING A WEAPON BY AN INMATE OF A CORRECTIONAL FACILITY, AND INCITE TO RIOT WITH THE AFORESAID NAME(S) OF TYRONE SINGLETARY AND JACOB LYNCH SHOWN THEREON:

COUNT FOUR – ASSAULTING A CORRECTIONAL OFFICER

That TYRONE SINGLETARY AND JACOB LYNCH did in Lee County on or about October 29, 2003, violate Section 16-3-630 of the Code of Laws of South Carolina (1976), as amended in that they did assault, beat or wound one MARCUS COTTON, a correctional officer of this State, while said MARCUS COTTON was performing his job related duties as an employee of a state or local correctional facility.

COUNT FIVE – CARRYING OR CONCEALING A WEAPON BY AN INMATE OF A CORRECTIONAL FACILITY

That TYRONE SINGLETARY AND JACOB LYNCH, inmates of a state correctional facility, city or county jail, or county public works, did in Lee County on or about October 29, 2003, unlawfully carry on their person a dirk, slingshot, metal knuckles, razor, firearm, or other deadly weapon, homemade or otherwise, which is usually used for the infliction of personal injury upon another person, and/or willfully concealed a weapon within a Department of Corrections facility or other place of confinement, to wit: a homemade knife about their person while an inmate of Lee Correctional Institute, in violation of Section 24-13-440, Code of Laws of South Carolina (1976), as amended.

COUNT SIX – INCITE TO RIOT

That TYRONE SINGLETARY AND JACOB LYNCH did in Lee County on or about October 29, 2003, violate Section 24-13-430 (1) of the Code of Laws of South Carolina (1976), as amended, in that they as inmates of the Department of Corrections, city or county jail, or public works of any county in that they conspired with each other and other inmates to incite such inmates to riot or commit any other acts of violence.

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

  
SOLICITOR

STATE OF SOUTH CAROLINA )  
 COUNTY OF LEE )  
 STATE VS. )  
Tyrone Suiptay )  
 AKA: )  
 Race: B Sex: M Age: 28 )  
 DOB: 2-20-80 SS#: )  
 Address: Knightland Court )  
 City, State, Zip: Columbia S.C. )  
 DL# \_\_\_\_\_ SID# \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS

04 -GS- 31 - 135  
 INDICTMENT/CASE#: \_\_\_\_\_  
 A/W#: F-799787  
 Date of Offense: 10-29-03  
 S.C. Code §: 24-13-450  
 CDR Code #: 2151214  
 CASE RESTORED  
 SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
 TO: Taking of Property  
 in violation of 24-13-450 of the S.C. Code of Laws, bearing CDR Code # 2151214  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: \_\_\_\_\_  
 Solicitor Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of Life days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ 250; provided that upon the service of \_\_\_\_\_ days/months/years 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.  
 CONCURRENT or  CONSECUTIVE to sentence on currently being served / ordered to assess  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
 Department of Corrections. imposed this day.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_  
 Recipient: \_\_\_\_\_  
 \*Fine: \$ \_\_\_\_\_  
 §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 \$ \_\_\_\_\_  
 § 35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
 §73.3, 1B TP (Law Enforce. Funding) \$25 \$ \_\_\_\_\_  
 §33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
 §50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
 3% to County (if paid in installments) \$ \_\_\_\_\_  
 TOTAL \$ \_\_\_\_\_  
 PTUP \_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED \_\_\_\_\_  
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling \_\_\_\_\_  
 Random Drug/Alcohol Testing \_\_\_\_\_  
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_

Appointed PD or appointed other counsel, §35.13 TP  
 Requires \$500 be paid to Clerk during probation

Certified as a True Copy  
 Clerk of Court Deputy Clerk  
 Court Reporter: \_\_\_\_\_  
 Clerk, Court of Common Pleas  
 and General Sessions, Lee  
 County, South Carolina

PRESIDING JUDGE: \_\_\_\_\_  
 Judge Code: 101517  
 Sentence Date: 12/1/05

STATE OF SOUTH CAROLINA

COUNTY OF LEE  
STATE VS.

AKA: Tyrone Sampson  
Race: B Sex: M Age: 28  
DOB: 2-20-80 SS#: \_\_\_\_\_  
Address: Northland Correctional  
City, State, Zip: Chamblee, S.C.  
DL# \_\_\_\_\_ SID# \_\_\_\_\_

IN THE COURT OF GENERAL SESSIONS

04 -GS- 31 INDICTMENT/CASE#: 135  
AW#: F-799286  
Date of Offense: 10-29-03  
S.C. Code §: 24-13-450  
CDR Code #: 2151214  
 CASE RESTORED  
SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
TO: Walter W. Montague  
In violation of § 24-13-450 of the S.C. Code of Laws, bearing CDR Code # 2151214  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.  
ATTEST: [Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of Life days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ with parole provided that upon the service of \_\_\_\_\_ days/months/years 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.  
 CONCURRENT or  CONSECUTIVE to sentence on: currently been served / concerned to others  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections. imposed this day

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_  
Recipient: \_\_\_\_\_  
\*Fine: \$ \_\_\_\_\_  
§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 \$ \_\_\_\_\_  
§ 35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
§73.3, 1B TP (Law Enforce. Funding) \$25 \$ \_\_\_\_\_  
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
§50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_

PTUP \_\_\_\_\_ days/hours Public Service Employment  
Obtain GED \_\_\_\_\_  
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling \_\_\_\_\_  
Random Drug/Alcohol Testing \_\_\_\_\_  
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

Appointed PD or appointed other counsel, §35.13 TP  
Requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk  
Court Reporter: Certified as a True Copy  
[Signature]  
Clerk, Court of Common Pleas  
and General Sessions, Lee  
County, South Carolina  
White - Clerk [Signature] Pink - Defendant

PRESIDING JUDGE [Signature]  
Judge Code: 101517  
Sentence Date: 12/1/05

*Count 6*

STATE OF SOUTH CAROLINA )  
 COUNTY OF LEE )  
 STATE VS )  
Tyrone Sumpters )  
 AKA: )  
 Race: B Sex: M Age: 25 )  
 DOB: 2-20-80 SS#: )  
 Address: Kingsland Industrial )  
 City, State, Zip: Columbia, S.C. )  
 DL# \_\_\_\_\_ SID# \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS

04 -GS- 31 - 135  
 INDICTMENT/CASE#: \_\_\_\_\_  
 A/W#: None  
 Date of Offense: 10-28-03  
 S.C. Code §: 24-13-430 (1)  
 CDR Code #: 0141319  
 CASE RESTORED  
 SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
 TO: Wanted to Rest  
 In violation of § 24-13-430 of the S.C. Code of Laws, bearing CDR Code # 0141319  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: [Signature] \_\_\_\_\_  
 Solicitor Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years 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.

CONCURRENT or  CONSECUTIVE to sentence on: All sentences  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
 Department of Corrections.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_  
 Recipient: \_\_\_\_\_  
 \*Fine: \_\_\_\_\_ \$  
 §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 \$  
 § 35.13 (Public Def/Prob) \$500 \$  
 §73.3, 1B TP (Law Enforce. Funding) \$25 \$  
 §33.7, 1B TP (Drug Court Surcharge) \$100 \$  
 §50-21-114(BUI Breath Test Fee) \$50 \$  
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$  
 3% to County (if paid in installments) \$ \$  
 TOTAL \$ \$

PTUP \_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED \_\_\_\_\_  
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling \_\_\_\_\_  
 Random Drug/Alcohol Testing \_\_\_\_\_  
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_

Appointed PD or appointed other counsel, §35.13 TP  
 Requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk  
 Court Reporter: Certified as a True Copy

PRESIDING JUDGE [Signature]  
 Judge Code: 1015-17  
 Sentence Date: 12/1/05

[Signature]  
 Clerk, Court of Common Pleas  
 and General Sessions, Lee  
 County, South Carolina

04 - GS - 31 - 135

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEE
STATE VS
AKA:
Race: B Sex: M Age: 28
DOB: 2-20-80 SS#:
Address:
City, State, Zip:
DL# SID#

INDICTMENT/CASE#:
AW#: F-759788
Date of Offense: 10-29-03
S.C. Code §: 16-3-630
CDR Code #: 2 1 5 1 2 1 5
CASE RESTORED SENTENCE
PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO:
In violation of § 16-3-630 of the S.C. Code of Laws, bearing CDR Code #
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST:

Solicitor Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years 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.
CONCURRENT or CONSECUTIVE to sentence
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
set by SCDPPPS

PTUP days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with 2 columns: Description and Amount. Includes items like §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, § 35.13 (Public Def/Prob) \$500, §73.3, 1B TP (Law Enforce. Funding) \$25, §33.7, 1B TP (Drug Court Surcharge) \$100, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments), TOTAL.

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE
Judge Code:
Sentence Date: 12/1/05

Clerk of Court/ Deputy Clerk
Court Reporter: Certified as a True Copy

Clerk, Court of Common Pleas and General Sessions, Lee County, South Carolina

White - Clerk Green - Corrections Canary - Probation

Pink - Defendant

Count 5

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEE
STATE VS. Tyrone Scigletay
AKA:
Race: B Sex: M Age: 25
DOB: 2-20-80 SS#:
Address:
City, State, Zip: Columbia, S.C. 2
DL# SID#

INDICTMENT/CASE#: 04 -GS- 31 - 135
AW#: F-799791
Date of Offense: 10-29-03
S.C. Code §: 24-13-440
CDR Code #: 0141411
CASE RESTORED SENTENCE
PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO:
in violation of § 24-13-440 of the S.C. Code of Laws, bearing CDR Code # 0141411
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signatures]
Solicitor Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ provided that upon the service of days/months/years 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.
CONCURRENT or CONSECUTIVE to sentence
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.

SPECIAL CONDITIONS:
RESTITUTION: Heard, Waived, Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
set by SCDPPPS

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with 2 columns: Description and Amount. Includes items like \*Fine, §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, §35.13 (Public Def/Prob) \$500, §73.3, 1B TP (Law Enforce. Funding) \$25, §33.7, 1B TP (Drug Court Surcharge) \$100, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments), TOTAL.

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk
Court Reporter: [Signature]
Clerk, Court of Common Pleas and General Sessions, Lee County, South Carolina

PRESIDING JUDGE [Signature]
Judge Code:
Sentence Date: 12/1/05

cont 1 E  
237129

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEE  
STATE vs.

INDICTMENT/CASE#: 135

AKA: Igor Simgitar  
Race: B Sex: M Age: 28  
DOB: 2-20-80 SS#: \_\_\_\_\_  
Address: Kurtia Correctional  
City, State, Zip: Columbia, S.C.  
DL# \_\_\_\_\_ SID# \_\_\_\_\_

04 GS 31  
AW#: F-799782  
Date of Offense: 10-29-03  
S.C. Code §: 24-13-430(2)  
CDR Code #: 0141410  
 CASE RESTORED  
SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Rest

in violation of § 24-13-430(2) of the S.C. Code of Laws, bearing CDR Code # 0141410  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

[Signature] Solicitor Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years 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.

CONCURRENT or  CONSECUTIVE to sentence on concurrently to all sentences  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. \* concurrent to all sentences

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_ days/hours Public Service Employment  
Obtain GED \_\_\_\_\_  
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling \_\_\_\_\_  
Random Drug/Alcohol Testing \_\_\_\_\_  
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

Recipient: \_\_\_\_\_  
\*Fine: \_\_\_\_\_ \$  
§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 \$  
§ 35.13 (Public Def/Prob) \$500 \$  
§73.3, 1B TP (Law Enforce. Funding) \$25 \$  
§33.7, 1B TP (Drug Court Surcharge) \$100 \$  
§50-21-114(BUI Breath Test Fee) \$50 \$  
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$  
3% to County (if paid in installments) \$ \$  
TOTAL \$ \$

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk \_\_\_\_\_  
Court Reporter: Certified as a True Copy

PRESIDING JUDGE [Signature]  
Judge Code: 101517  
Sentence Date: 12/1/05

[Signature]  
County Court of Common Pleas and General Sessions, Lee County, South Carolina  
White - Clerk Green - Probationary - Probation

Pink - Defendant SCCA/217 (7/2003)