

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA )

RECEIVED

#1996-GS-32-3226

LISA M. COMER  
CLERK OF COURT  
LEXINGTON SC

2024 JUL -1 AM 11:19

FILED

vs.

JUL 10 2024

SC Court of Appeals

WILLIAM ARTHUR KELLY, )  
DEFENDANT )

ORDER RESENTENCING WILLIAM  
ARTHUR KELLY TO LIFE WITHOUT PAROLE

This Court conducted a hearing on May 20<sup>th</sup> through May 22<sup>nd</sup>, 2024 in Lexington County General Sessions Court in the above-captioned case pursuant to *Aiken v. Byars*, 765 S.E.2d 572 (2014). This case was previously remanded to the trial court for re-sentencing on the charge of Murder pursuant to *Aiken v. Byars*. The Defendant, William Arthur Kelly, was transported from the S.C. Department of Corrections and present for all court proceedings during the hearing. Mr. Kelly was represented by counsel, 11<sup>th</sup> Circuit Chief Public Defender Sarah Mauldin and Mr. David Mauldin, Esquire. The State was represented by 11<sup>th</sup> Circuit Solicitor Rick Hubbard and Deputy Solicitor Suzanne Mayes.

On January 5, 1996, the victim, Shirley Shealy, was stabbed to death during the commission of an armed robbery at the Kentucky Fried Chicken (KFC) restaurant in Lexington County. Shealy, age 25, was the manager of the KFC and was six months pregnant at the time. Shealy was stabbed approximately 31 times and her throat was cut with the weapon. Law enforcement investigators discovered her body inside the restaurant and her hands were tied behind her back with duct tape. At the time the crimes were committed on January 5<sup>th</sup>, 1996, the Defendant, was 17 years and 7 months of age.

The Defendant, William Kelly, was originally convicted of Murder, Kidnapping, Armed Robbery, and possession of a weapon during commission of a violent crime during a capital trial. A Lexington County jury sentenced Mr. Kelly to death on September 19, 1998. Thereafter the South Carolina Supreme Court affirmed the death penalty. The United States Supreme Court reversed and remanded the sentence of death in 2002, due to omission of a jury instruction. As a

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*[Signature]*  
Lex. Co. C.C.C.P. & F.C.

result, the Murder and Kidnapping charges were remanded to the Circuit Court for re-sentencing in *Kelly v. South Carolina*, 534 U.S. 246 (2002). Kelly was subsequently resentedenced to life imprisonment on the Murder charge on July 14, 2006 by Judge William P. Keesley.

In 2012, the United States Supreme Court declared a mandatory sentence of life without the possibility of parole for those under the age of eighteen (18) at the time of the crime violates the Eight Amendment's prohibition on cruel and unusual punishment. *Miller v. Alabama*, 567 U.S. 460 (2012). *Miller* set forth the framework by which a sentencing court must consider in determining whether a juvenile offender may be sentenced to life. Those factors include:

- (1) chronological age and hallmark features of youth including immaturity and impetuosity;
- (2) family and home environment which surrounded the offender;
- (3) circumstances of the homicide;
- (4) the incompetence associated with youth; and the possibility of rehabilitation;
- (5) the possibility of rehabilitation. *Id.* at 477-78.

In 2013, the Supreme Court of South Carolina held that not only does *Miller* apply retroactively, but that a life without parole sentence for juveniles without consideration of the hallmarks of youth constitutes cruel and unusual punishment. *Aiken v. Byars* 410 S.C. 534 (2014). Furthermore, the Court held that, "the petitioners and those similarly situated are accordingly entitled to resentencing to allow the judge to consider such evidence in light of this constitutional weight." *Id.* At 544.

The Court indicates that the purpose of the resentencing hearing is to utilize the frame work set forth in *Miller*. In both cases the Courts agree that "although a court may still sentence a juvenile to life without parole after an individualized hearing", the Court cautioned that given "children's diminished culpability and heightened capacity for change," the appropriate occasions for sentencing juveniles to the harshest penalty will be uncommon." *Id.* at 539.

Following the *Byars* decision in 2014, this case has once again been remanded for resentencing. This Court was assigned this matter by Chief Justice Pleicones on August 3, 2016.

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This Court has carefully considered the framework for sentencing as set forth in *Byars*, and each factor was fully explored during the hearing.

The State offered witnesses addressing the circumstances of the crime, including Steven Derrick (SLED crime scene investigation) and William Oswald (former Chief of Batesburg Leesville Police Department). The State also called witnesses from the S.C. Department of Corrections regarding Mr. Kelly's incarceration and offered testimony and/or statements from the Victim's family members on the impact of her death.

The Court was also presented many mitigating factors regarding the factors of youth specifically focusing on the "hallmark features of youth". The Defendant presented a written report and testimony from Dr. Susan C. Knight, Ph.D., a licensed clinical psychologist and board-certified forensic psychologist. Dr. Knight individually addressed each of the factors of youth and detailed mitigating factors on behalf of Mr. Kelly. Defense counsel also offered testimony from the Defendant's brother, Michael Kelly, and a childhood friend, Jesse Johnson, regarding the Defendant's background, home life, and other mitigating circumstances.

### **I. Chronological Age and Hallmark Features of Youth**

While the Court finds the Defendant's expert to be credible and offered great insight as to the childhood of the Defendant, the Court weighs this evidence against what the State presented. The Defendant's age was only 5 months shy of the age of 18 at the time of this horrific crime. Further, the Court notes the Defendant showed many characteristics of a mature adult including but not limited to the fact that the Defendant: 1) had multiple jobs, 2) obtained a driver's license and had his own car, and 3) was engaged in adult sexual conduct. As to impetuosity, there was overwhelming evidence to establish premeditation and planning of the crimes committed (the gloves, the gas canister, the kidnapping, the duct tape, the chair, the fake alibi).

### **II. Family and Home Environment**

According to the defense, the Defendant grew up in a home with his mother, father, sister, and brother. Testimony confirmed that the Defendant's father was angry, abusive, and impulsive. Testimony further suggested that the Defendant's father abused the Defendant as well as the



Defendant's mother and brother. This abuse caused the Defendant to develop a sense of anger towards his father, therefore linking this anger as a large factor in the commission of the crimes. While the court has considered this mitigating factor, it does not weigh heavily in the courts sentence. The crime committed was unrelated to the Defendant's upbringing and home life. The victim was killed as part of a planned robbery of the KFC. The victim was the focus of the Defendant's own malice towards her. The Defendant's father has no relation to the victim or the robbery of the KFC. The victim never assaulted his father or anyone else other than the victim.

### **III. Circumstances of The Homicide**

On January 5, 1996, the victim, Shirley Shealy, was working as manager at the Kentucky Fried Chicken (KFC) restaurant in Lexington County. As the manager, Shealy was the only employee to know the combinations to the safe located within the KFC. Shealy also knew the Defendant as they used to work together. The victim, age 25, was six months pregnant at the time of the of crimes. The Defendant waited for hours in his car outside the restaurant until all employees had left, and hid his car at the auto parts store behind the KFC before hiding in the back of the victim's car with the murder weapon. Upon entering the KFC, Defendant tied Shealy's hands behind her back with duct tape, cut her throat, and proceeded to stab her approximately 31 times before robbing the restaurant. The Defendant used latex gloves during the commission of the crimes in effort to not leave any fingerprints behind. After the murder the Defendant fled to his sister's residence in Massachusetts in attempt to escape.

There state presented overwhelming evidence to show premeditation and planning as indicated above. The evidence further established that the Defendant intended to flee the state, which of course he did. The Court also focuses on the nature of the crime. The crime scene was one of the most gruesome this Court has ever seen. The Defendant was the sole offender of an extremely aggravated crime of violence, and Shirley Shealy was the sole focus of the Defendant's malice, rage, premeditation, and planning. The victim's throat was cut, and she was stabbed approximately 31 times to her back and torso. The victim's hands were tied behind her back, and there were no signs of any defensive wounds.

A handwritten signature or set of initials, possibly 'S.S.', written in black ink. The signature is stylized and somewhat abstract, with several loops and overlapping lines.

#### **IV. Incompetency Associated with Youth**

The Court must also explore the incompetency associated with youth. The defense argues that this hearing is not to focus on whether Mr. Kelly was competent, but rather how the incompetency of youth is applied. The Court acknowledges, as stated earlier, that Mr. Kelly was only 5 months shy of being an adult. The Court considered that Kelly waived his Miranda rights. He provided voluntary statements to the police. Mr. Kelly used a road map while driving through a blizzard to get to Massachusetts. Mr. Kelly was represented by two death penalty qualified attorneys, and had a full defense and mitigation team. The defense also consulted with multiple psychologists. This incompetency factor weighs against the defense.

#### **V. Possibility of Rehabilitation**

Lastly the Court must look at the possibly of rehabilitation. In determining that life sentences for juveniles violate the 8<sup>th</sup> amendment's prohibition on cruel and unusual punishment, the Supreme Court noted that juveniles who commit crimes are considered to be redeemable. While this court agrees that a life sentence for a juvenile should be cautioned given the diminished culpability and heightened capacity for change of juveniles as explained in *Miller*, a life sentence is appropriate in extreme cases where redemption may not be possible and society's need for protection can only be accomplished by a life sentence.

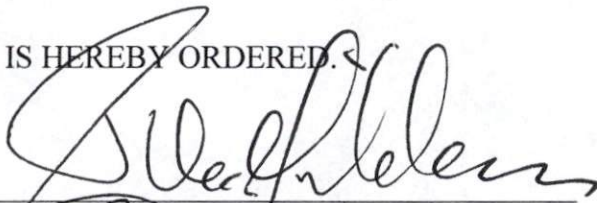
The State presented evidence that Mr. Kelly has been convicted of one assaultive disciplinary action while incarcerated, where he was found to have two shanks. Further, Mr. Kelly has also been convicted of a number of other disciplinary actions while incarcerated including: Possession of contraband, refusal to obey corrections officer, several possession of cell phones (contraband), use/ possession of marijuana or narcotics for testing positive and refusing to test. As far as education, the Court acknowledges that Mr. Kelly received his GED. However, he is not excluded from furthering his education through other educational programs offered while incarcerated and has not done such. Mr. Kelly also has not participated in any character or personal development programs offered.

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**CONCLUSION**

Upon thoughtful review and deliberation of all evidence, including testimony, written reports, memoranda, and evidentiary documents, the Court resentences the Defendant, William Arthur Kelly, to **Life Without Parole**. As Mr. Kelly stated to the court at the conclusion of the hearing, "By all rights you should give me a life sentence, to be honest with you. Because it is a life for a life... not one, but two". Pursuant to South Carolina case law, the Kidnapping sentence is hereby subsumed by the sentence for Murder. By this ruling the Court specifically DENIES the Defendant's Motion for Proportionate Sentence, and Defendant's Motion Declaring a 40 year sentence a de facto life sentence.

IT IS HEREBY ORDERED.

  
\_\_\_\_\_  
The Honorable Brian M. Gibbons  
Judge of the Circuit Court  
State of South Carolina

June 24, 2024

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

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )  
THE STATE, )  
 )  
VS. )  
 )  
WILLIAM ARTHUR KELLY )  
 )  
DEFENDANT. )

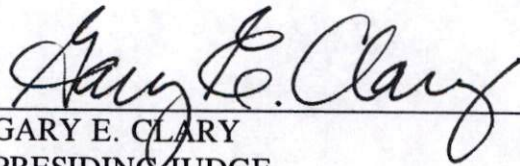
IN THE COURT OF GENERAL SESSIONS

SENTENCE  
96-GS-32-3226

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JUL 10 2024  
SC Court of Appeals

The Defendant, William Arthur Kelly, has been found by the jury to be guilty of the offence of murder. The jury has recommended that the Defendant should be sentenced to death.

It is, therefore, the judgment of the law and the Sentence of the Court that the Defendant, William Arthur Kelly, be taken to the Lexington County Detention Center, and thence to the State Department of Corrections, henceforth to be kept in close and safe confinement until the 19<sup>th</sup> day of November, 1998, upon which day between the hours of six o'clock P.M. and six o'clock A.M., the Defendant, William Arthur Kelly, shall suffer death by electrocution in the manner provided by law.

  
GARY E. CLARY  
PRESIDING JUDGE

Dated: September 19, 1998  
Lexington, South Carolina

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

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

IN THE COURT OF GENERAL SESSIONS

IND# 96 -GS-32- 3226 )

ARRAIGNMENT

A.W.# \_\_\_\_\_ )

CDR# \_\_\_\_\_ )

THE DEFENDANT \_\_\_\_\_ IS PUT TO THE BAR AND ARRAIGNED, AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY AS CHARGED.

ATTEST:

THOMAS H. COMERFORD, CLERK OF COURT  
LEXINGTON COUNTY

DEFENDANT

DATE SIGNED JUL 10 2024

RECEIVED

SC Court of Appeals

*at 2 - Kidnapping*

CDR# \_\_\_\_\_  
... SENTENCE ...

THE DEFENDANT William Kelly IS COMMITTED TO THE STATE DEPT. OF CORRECTIONS/COUNTY FOR A TERM OF \_\_\_\_\_ MONTHS/YEARS AND/OR TO PAY A FINE OF \$ \_\_\_\_\_; PROVIDED UPON THE SERVICE OF \_\_\_\_\_ MONTHS/YEARS AND/OR PAYMENT OF \$ \_\_\_\_\_ PLUS PAY/WAIVE COST AND ASSESSMENTS AS APPLICABLE\*, THE BALANCE IS SUSPENDED WITH PROBATION FOR \_\_\_\_\_ MONTHS/YEARS.

RESTITUTION

FOR PHYSICAL INJURY \$ \_\_\_\_\_

YES / NO

PROPERTY DAMAGE \$ \_\_\_\_\_

TO BE PAID \_\_\_\_\_

TO THE CLERK OF COURT FOR AS Fee waived \*\*

OTHER CONDITIONS this sentence is not to be imposed as the Defendant was found guilty of murder and received the death penalty

DATE 9/19/98

Larry C. Clay  
PRESIDING JUDGE

\*COST AND ASSESSMENTS

NON-WAIVABLE \$ 0

NOT WAIVED \$ \_\_\_\_\_

Thomas H. Comerford

THOMAS H. COMERFORD, CLERK OF COURT  
LEXINGTON COUNTY

TOTAL \$ 0

\*\*PAY TO VICTIM'S COMPENSATION FUND IF SUBROGATED.

SA DATE 9/19/98

WHITE (CLERK OF COURT) YELLOW (JAIL) PINK (PROBATION) GOLD (DEFENDANT)

LCF 652

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Lex. Co. C.C.C.P., G.S. & E.C.

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

IN THE COURT OF GENERAL SESSIONS

IND# 96 -GS-32- 3226

**RECEIVED** ARRAIGNMENT

A.W.# \_\_\_\_\_ )

CDR# \_\_\_\_\_ )

JUL 10 2024

SC Court of Appeals

THE DEFENDANT \_\_\_\_\_ IS PUT TO THE BAR AND ARRAIGNED, AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY AS CHARGED.

ATTEST:

THOMAS H. COMERFORD, CLERK OF COURT  
LEXINGTON COUNTY

DEFENDANT

DATE SIGNED \_\_\_\_\_

*#3 Armed Robbery*

CDR# \_\_\_\_\_

... SENTENCE ...

THE DEFENDANT William Kelly IS COMMITTED TO THE STATE DEPT. OF CORRECTIONS/COUNTY FOR A TERM OF thirty(30) MONTHS/YEARS AND/OR TO PAY A FINE OF \$ \_\_\_\_\_; PROVIDED UPON THE SERVICE OF \_\_\_\_\_ MONTHS/YEARS AND/OR PAYMENT OF \$ \_\_\_\_\_ PLUS PAY/WAIVE COST AND ASSESSMENTS AS APPLICABLE\*, THE BALANCE IS SUSPENDED WITH PROBATION FOR \_\_\_\_\_ MONTHS/YEARS. consecutive

RESTITUTION

FOR PHYSICAL INJURY \$ \_\_\_\_\_

YES / NO

PROPERTY DAMAGE \$ \_\_\_\_\_

TO BE PAID \_\_\_\_\_

TO THE CLERK OF COURT FOR \_\_\_\_\_ \*\*

OTHER CONDITIONS waive H.S. Surcharges

DATE

9/19/98

Gay E. Clay  
PRESIDING JUDGE

\*COST AND ASSESSMENTS

NON-WAIVABLE \$ 0

NOT WAIVED \$ \_\_\_\_\_

Thomas H. Comerford  
THOMAS H. COMERFORD, CLERK OF COURT

TOTAL \$ 0

LEXINGTON COUNTY

\*\*PAY TO VICTIM'S COMPENSATION FUND IF SUBROGATED.

9/19/98 DATE 9/19/98

**A TRUE COPY**

WHITE (CLERK OF COURT)

YELLOW (JAIL)

PINK (PROBATION)

GOLD (DEFENDANT)

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

IN THE COURT OF GENERAL SESSIONS

IND# 96 -GS-32- 3226 )

**RECEIVED**

ARRAIGNMENT

A.W.# \_\_\_\_\_ )

JUL 10 2024

CDR# \_\_\_\_\_ )

SC Court of Appeals

THE DEFENDANT \_\_\_\_\_ IS PUT TO THE BAR AND ARRAIGNED, AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY AS CHARGED.

ATTEST:

THOMAS H. COMERFORD, CLERK OF COURT  
LEXINGTON COUNTY

DEFENDANT

DATE SIGNED \_\_\_\_\_

*Act of Possession Knife During  
Commission Violent Crime...*

CDR# 549

SENTENCE ...

THE DEFENDANT William Kelly IS COMMITTED TO THE STATE DEPT. OF CORRECTIONS/COUNTY FOR A TERM OF five (5) MONTHS/YEARS AND/OR TO PAY A FINE OF \$ \_\_\_\_\_; PROVIDED UPON THE SERVICE OF \_\_\_\_\_ MONTHS/YEARS AND/OR PAYMENT OF \$ \_\_\_\_\_ PLUS PAY/WAIVE COST AND ASSESSMENTS AS APPLICABLE\*, THE BALANCE IS SUSPENDED WITH PROBATION FOR \_\_\_\_\_ MONTHS/YEARS. consecutive

RESTITUTION

FOR PHYSICAL INJURY \$ \_\_\_\_\_

YES / NO

PROPERTY DAMAGE \$ \_\_\_\_\_

TO BE PAID \_\_\_\_\_

TO THE CLERK OF COURT FOR \_\_\_\_\_

\*\*

OTHER CONDITIONS \_\_\_\_\_

DATE 9/19/98

\*COST AND ASSESSMENTS

Amy E. Clay  
PRESIDING JUDGE

NON-WAIVABLE \$ 0

NOT WAIVED \$ \_\_\_\_\_

Thomas H. Comerford  
THOMAS H. COMERFORD, CLERK OF COURT  
LEXINGTON COUNTY

TOTAL \$ 0

\*\*PAY TO VICTIM'S COMPENSATION FUND IF SUBROGATED.

DATE \_\_\_\_\_

**A TRUE COPY**

WHITE (CLERK OF COURT)

YELLOW (JAIL)

PINK (PROBATION)

GOLD (DEFENDANT)

RECEIVED

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF STATE

Lexington

JUL 10 2006

INDICTMENT/CASE#:

-GS- 32 - 3226 ct 1

William Arthur Kelly vs.

SC Court of Appeals

AKA: \_\_\_\_\_

Race: W Sex: M Age: 28

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

DL# \_\_\_\_\_ SID# SC01271298

AW#: D600142

Date of Offense: 1-5-96

S.C. Code §: 16-3-10

CDR Code #: 0 1 1 1 1 6

CASE RESTORED

SENTENCE

PLEA  TRIAL

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

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0 1 1 1 1 6

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:

David S. Mack

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 \$ \_\_\_\_\_, 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: \_\_\_\_\_  
 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: \_\_\_\_\_

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.

Beth A. Cameron  
Clerk of Court / Deputy Clerk

Court Reporter: S. Perry

PRESIDING JUDGE: William P. Cloddy  
Judge Code: 1 015 10  
Sentence Date: July 14, 2006

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

JUL 10 2024

COUNTY OF Lexington  
STATE VS.  
William Arthur Kelly  
AKA:  
Race: W Sex: M Age: 28  
DOB: ? SS#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
DL# \_\_\_\_\_ ID# SC01Z11298

INDICTMENT/CASE#: 3226 ct 2  
-GS- 32  
AW#s 0600149  
Date of Offense: 11/5/96  
S.C. Code §: 16-3-910  
CDR Code #: 0101915  
 CASE RESTORED  
 SENTENCE  
 PLEA  TRIAL

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

in violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0101915  
 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 \_\_\_\_\_ 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.

ONE OF THIS INDICTMENT PER THE PROVISIONS OF §16-3-91

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 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: \_\_\_\_\_

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.

[Signature]  
Clerk of Court Deputy Clerk

Court Reporter: [Signature]

PRESIDING JUDGE [Signature]  
Judge Code: 101510  
Sentence Date: July 14, 2006

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