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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Edgefield County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RUSSELL LEWIS WALKER,

APPELLANT

APPELLATE CASE NO. 2024-000643

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1 APPEARANCES:

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16 ALSO ATTENDING:

17 Russel L. Walker, The Defendant

18 Christina James, The Victim

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EXAMINATIONS

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
(None.)				

EXHIBITS

PARTY'S	DESCRIPTION	PAGE
(None marked.)		

1 THE COURT: All right. Okay. Then we're going on the
2 record now, Melinda. It says State of South Carolina versus
3 Russell Walker. I will say that this is an Edgefield County
4 case, Melinda and Caroline. These are pretrial motions and
5 the warrant numbers are 2022-GS-19-00-316, 317, 318, 319 and
6 320. Now, I don't know a thing about this case. I know that
7 I'm the trial judge on it. I've got the number one motion
8 has all brady material discovery under Rule five been turned
9 over to the defense, Mr. Esposito?

10 MR. ESPONIZO: Yes, Your Honor. They have everything
11 that we have in our possession.

12 THE COURT: Derek?

13 MR. CHIARENZA: Your Honor, some things I asked for
14 specifically that I just -- and I'm not doubting that Mr.
15 Esponizo is giving me everything he's got, but I have a hard
16 time comprehending how given the law enforcement response on
17 July 20th, which is the date we're looking at that there's
18 not a single video or photograph from that day. If law
19 enforcement characterize this as a six-hour stand wall, but
20 they were present on scene at Edgefield County, but it is
21 also SWAT from Aiken county. They had drones flying around
22 in the air. They had a robot there. They had a -- a dozen
23 armed officers out there, numerous vehicles, and I don't have
24 anything.

25 THE COURT: How about it, Mr. Esposito? No body cams?

1 Drone pictures?

2 MR. ESPONIZO: Your Honor, we -- the incident reports
3 that we have, that's what we have. They didn't have -- the
4 SWAT team didn't wear body cams at the time when they went in
5 the house. We -- we made repeated requests with both
6 Edgefield County and North Augusta PD to verify. And they
7 have -- they have no body cams, they don't have -- there's
8 nothing on that.

9 THE COURT: They verified that they don't have anything
10 that's about the best I can do for you, Mr. Chiarenza. I
11 mean, I don't know what else, if they don't have it, they
12 don't have it.

13 MR. CHIARENZA: Your Honor ---

14 THE COURT: And trust me I'll let you make a motion if
15 it appears at the very last minute.

16 MR. CHIARENZA: And is North Augusta (inaudible).

17 THE COURT: Any other materials beside photographs?

18 MR. CHIARENZA: (Inaudible).

19 THE COURT: When is this set? When did I set this for
20 trial?

21 MR. CHIARENZA: Two weeks from (inaudible).

22 THE COURT: April 22nd.

23 THE CLERK: Yes.

24 THE COURT: Okay.

25 MR. CHIARENZA: And -- and, Your Honor, again, just in

1 regards -- I don't know how they would have a drone -- what
2 the point of having a drone with you if the drones were there
3 to act visually assess the scene and make some recordings. I
4 --, it just defies any sort of logic.

5 MR. ESPONIZO: Your Honor, they -- at the time, they
6 didn't know where the defendant was on the property, and so
7 they weren't sure if he was in the -- there was a shed in the
8 back of the property and they didn't know if he was behind
9 the shed or if he was under the trailer. And so the drone
10 was providing a lot -- a lot of feed for along. But they
11 weren't -- they weren't taking pictures. They were just
12 trying to figure out on the scene where the defendant was at.

13 THE COURT: So there's no video?

14 MR. ESPONIZO: No video, it was just live feed to law
15 enforcement.

16 MR. CHIARENZA: Your Honor, I -- I have no indication
17 of -- of what officer is responsible. I've asked for -- I've
18 got a CAD report, but I don't think that satisfies what I'm
19 looking for is, you know, crime scenes or responses typically
20 have -- they typically document who is responding to the
21 call. All -- all I've told is that there was Augusta SWAT
22 team, North Augusta SWAT team out there. I don't have any
23 names or -- I'm in the dark.

24 THE COURT: Can you give him the names of the SWAT team
25 that was out there?

1 MR. ESPONIZO: Yes, Your Honor. There is an
2 intra-office memo from North Augusta PD that has been turned
3 over in discovery that has a list of all -- all the officers
4 with (inaudible).

5 MR. CHIARENZA: I'll verify that, Your Honor.

6 THE COURT: Okay. Anything else? I'm -- I'm just
7 going to give y'all a fair warning. I'm not a big fan of
8 damping discovery on the defense the week of trial. I am not
9 a big fan of that.

10 MR. ESPONIZO: Yes, Your Honor.

11 MR. CHIARENZA: Your Honor, I've also asked for copies
12 of two search warrants, which are referenced in the incident
13 report. I've got one search warrant in discovery, but the
14 incident report clearly references (inaudible) Edgefield
15 county Sheriff's Department's own accounting that they sought
16 and executed two other search warrants. Those have not been
17 provided.

18 THE COURT: All right. Do you know anything about two
19 search warrants?

20 MR. ESPONIZO: Your Honor, we don't have copies of
21 those search warrants. We -- we've not been given any copies
22 of that. And we -- again, we've asked repeatedly on this
23 case and the search warrants that were provided are the only
24 ones that we find.

25 MR. CHIARENZA: Yeah, I don't think -- I'm saying they

1 don't have it. It doesn't carry the day of this is -- you
2 know, law enforcement indicates they got them, indicates that
3 they served them, indicates that they ---

4 THE COURT: What were the search warrants about?

5 MR. CHIARENZA: One was done -- one they got -- during
6 the time -- they were for the property and then one was done
7 for computer and digital.

8 THE COURT: Well, search warrants kind of important for
9 him to know whether to try to suppress it or not. You need
10 to get those search warrants for him.

11 MR. ESPONIZO: Yes, Your Honor.

12 THE COURT: One's for the house and what else?

13 MR. CHIARENZA: Digital information. Computers, cell
14 phones. Things of that nature, Your Honor.

15 THE COURT: Were there anything recovered from the
16 digital cell phones or whatever on that search warrant?
17 Because I -- I don't want a phone dump at the last minute
18 either, because I'm going to tell you, I'll suppress it all.

19 MR. ESPONIZO: Your Honor, we don't plan to use
20 anything that came from phones or the laptop.

21 MR. CHIARENZA: I might want to.

22 THE COURT: Exactly. I'm going to make sure that you
23 get it. Exactly.

24 MR. CHIARENZA: Yeah, so I -- I've asked for phone
25 dumps. I don't know whether they did them or not, but I

1 don't have any phone dumps. I know the victim had a phone
2 and it was being used. I've got a couple of text messages
3 off the phone, but nothing that looks like, you know, a phone
4 call.

5 THE COURT: You have any digital information from his
6 phone?

7 MR. ESPONIZO: No, Your Honor. No extraction at the
8 home.

9 THE COURT: No extractions at the home. Okay. I can't
10 make it -- make them turn over something. You could have
11 hired a expert and done your own extractions.

12 MR. CHIARENZA: I understand, Your Honor. (Inaudible)
13 Extracting the victim phone but maybe they didn't take that
14 into evidence (inaudible).

15 THE COURT: All right. Well, I want to make sure that
16 he's got a list of the SWAT team also that he has access to
17 copies of the two search warrants warrant and any materials
18 that were received on those. What else?

19 MR. CHIARENZA: Your Honor, I think the rest is a
20 matter of if -- you know, if we're just going to told it
21 doesn't exist or, you know, doesn't have it. That I'll just
22 between now and, you know, the potential trial date
23 (inaudible) avenues that I need to see those do exist. We'll
24 cross that bridge. But I'm taking him and his work is good
25 faith and I -- I know he's not -- he's been told there is

1 things don't exist. It's like the Court said, there's only
2 so much you can do if they don't exist that's for somebody
3 else to answer to, which at some point in the future it turns
4 out (inaudible), you know?

5 THE COURT: I agree. All right. Let me -- let me --
6 I'm just trying to go through these in the order of my brain
7 as I'm -- because I see six motions. Motion for change of
8 venue that you're reserving that, I can't imagine. I'll be
9 glad to hear you on it.

10 MR. CHIARENZA: Well, Your Honor, I think the only way
11 that the Court can even entertain that motion is question the
12 potential jury as to whether ---

13 THE COURT: Yeah. You can renew that.

14 MR. CHIARENZA: (Inaudible).

15 THE COURT: And how about a motion to dismiss based on
16 the lack of subject matter jurisdiction due to the state's
17 failure to conduct a preliminary hearing?

18 MR. CHIARENZA: I'm sorry, Your Honor?

19 THE COURT: I -- I -- I've got a motion to dismiss
20 based on lack of subject matter jurisdiction due to the
21 state's failure to conduct a preliminary hearing as required
22 by South Carolina Code 225320.

23 MR. CHIARENZA: Yes, Your Honor, I've provided Mr.
24 Esponizo this morning with the magistrate's documentation at
25 a preliminary hearing was requested. We're in an interesting

1 spot here because there's no ---

2 THE COURT: We got 10 days to request a preliminary
3 hearing.

4 MR. CHIARENZA: We're talking about a case that has --
5 we requested them the day after the arrest on July 21, 2021
6 where we're talking about a case that hasn't been indicted
7 yet, though. Now -- right now ---

8 THE COURT: This case has not been indicted and we've
9 got it on the trial docket?

10 MR. FENDER: You Honor, it was indicted by Assistant
11 Solicitor Erik Drylie (inaudible) with indictments that
12 (inaudible) he wants to prove at trial, assault, battery,
13 first degree, (inaudible) defense counsel. But those are the
14 indictments (inaudible).

15 MR. CHIARENZA: And the only reason I bring that up,
16 Your Honor, is just -- just from a -- it's a procedural
17 curiosity. So I think we have ultimately look back to the
18 warrant. So, you know, we've just got to go back to --
19 because the preliminary hearing right. Attaches to the
20 warrant and arrest and whether, you know, that a defendant
21 can still be held. So when we go back to the warrant in this
22 matter which is the one that they're presenting for a direct
23 indictment that warrant originally related to a domestic
24 violence first charge, but I've been advised that they're
25 going to proceed, they're going to directly indict that

1 warrant as an A and B first charge.

2 So for -- for purposes of that warrant, preliminary
3 hearing was requested on July 21, 2021. Your Honor, there's
4 -- there are notes in the magistrate's case history file, and
5 I'll be happy to hand that up to the Court indicating that
6 preliminary hearing was requested on 7/'21. There was some
7 contact back and forth with Mr. Walker's attorney at the
8 time. It looked like they kicked it down the road. I don't
9 know.

10 THE COURT: He had a lawyer at the time?

11 MR. CHIARENZA: Yes, Eydie J. Tillman. Your Honor,
12 (inaudible) I've shown this (inaudible). I apologize. And
13 the statute I referenced, I'm trying to pull it up and my
14 computer seems to be frozen, but that statute number's
15 correct in my number five motion pretty much clearly says
16 that, you know, until -- if a preliminary hearing's
17 requested, the circuit court does not acquire jurisdiction
18 until that preliminary hearing, so.

19 THE COURT: It looks to me though, like he's going to
20 direct present these to the grand jury before the April 22nd
21 trial date, which alleviates the need for a preliminary
22 hearing.

23 MR. CHIARENZA: All due respect, Your Honor, I think
24 that, that -- that concept exists when a preliminary hearing
25 is had no probable cause is found, and then the state chooses

1 to directly indict that case. They don't -- they don't have
2 to respect the finding of the preliminary hearing.

3 THE COURT: Well, I -- I've seen cases, Derek, where
4 they find cases have been dismissed that the state turns
5 around and direct presents.

6 MR. CHIARENZA: If they're direct present -- again, I
7 say the preliminary hearing right attaches to the warrant. A
8 warrant that they're going to be directly presenting -- and
9 -- and I -- I don't want to argue this with the Court. I --
10 I'm just making my case for the record, is that the argument
11 attaches to the warrant and if the warrant is what gives him
12 the right to the preliminary hearing, then that right once
13 it's asserted by the statute and then the statute says
14 there's no subject matter jurisdiction.

15 THE COURT: And I also got that he was indicted on this
16 charge on 8/31/22 by the grand jury.

17 MR. CHIARENZA: That goes to warrant, that goes to the
18 statute, if the Court -- is it chicken and the egg type.

19 THE COURT: I understand where you're coming from. I'm
20 going to deny that motion. Let's move on. Now, I've got law
21 evidence in prior bad acts. That's probably number two,
22 three. Number four, I think you want to be formally notified
23 which warrants and indictments that's being called to trial.
24 That's an A and B first and resisting arrest. Is that right
25 Mr. Esposito?

1 MR. ESPONIZO: Yes, Your Honor.

2 THE COURT: And then you want to move to sever these
3 separate?

4 MR. CHIARENZA: No, I don't need those.

5 THE COURT: Okay.

6 MR. CHIARENZA: I didn't know this case ---

7 THE COURT: Okay. You didn't know those were the two
8 they were going forward on?

9 MR. CHIARENZA: Yes, Your Honor.

10 THE COURT: All right.

11 MR. CHIARENZA: Those are two matters that apparently
12 are going to be. Now, we're assuming that the grand jury has
13 done (inaudible).

14 THE COURT: Exactly. Exactly. I don't know. We'll
15 see what happens.

16 MR. CHIARENZA: And then, Your Honor, if I heard Mr.
17 Fender correctly when we kicked things off, you went right
18 into this question of whether or not, and this is probably
19 something that we may have to just address pretrial date.
20 What law enforcement can speak to as to what they were doing
21 there that day that there were pending warrants and things of
22 that nature. I think that that flies a little close to this
23 question of while. I understand that he gave the Court copy,
24 they did not discuss what the warrant or why they were there.
25 Honestly, if you read the incident report, Your Honor, these

1 warrants have been pending for two weeks and zero effort was
2 made whatsoever concerning them. So I think it's
3 disingenuous to say that that's why they were there that day.
4 The reason they were there that day is because they received
5 a call and they were responding to the call.

6 THE COURT: Well, you know, all that's for the jury.
7 That's the jury argument. But then tell me what -- what is
8 it that you're planning on using Lyle?

9 MR. ESPONIZO: We're not going to go into any of the
10 prior incidents, Your Honor. There -- there are three
11 domestic violence incidents inside a two-week period. Those
12 are the three separate domestic violence charges that have
13 been (inaudible) ---

14 THE COURT: And those you -- we're not going to trial
15 on. Right?

16 MR. ESPONIZO: Correct. The -- the third incident,
17 third domestic violence incident, we are going to be traded
18 as an assault matter first degree, but it is from the same
19 incident that has already defend the DB first was already
20 indicted on. So that third incident occurred when law
21 enforcement responded. They end up having that six, seven
22 hour standoff with the North Augusta squad and the Edgefield
23 county sheriff's office. So we're only going to be focusing
24 on that day, that's July the 20. So we're not going to talk
25 about July 6th and July 7th are the two prior cases. So

1 we're not going to talk about any -- we're not going to go
2 into anything regarding those allegations made about those
3 dates. And we're not going to be -- we -- we'll make sure
4 that we don't allow any testimony to that offense.

5 THE COURT: All right. You understand that Derek?

6 MR. CHIARENZA: Yes, Your Honor.

7 THE COURT: Are you in agreement with that?

8 MR. CHIARENZA: Yeah. I think. Well, you know,
9 something objectionable comes up in there -- in their
10 questioning of law enforcement. I'll make the objection
11 (inaudible).

12 THE COURT: Right. For ---

13 MR. CHIARENZA: I'm being told that it's not their
14 intention to get it there.

15 THE COURT: For right now, there's going to be no
16 mention of anything that happened on the 6th or the 7th as
17 far as any charges or domestic violence is concerned. Have I
18 stated that correctly?

19 MR. FENDER: (Inaudible) mention any car whatsoever.
20 But given that resistant arrest, you know, does law
21 enforcement have a warrant and defendant possess that's part
22 of the statute. You know, (inaudible) law enforcement should
23 be able to testify that they did have warrants, they attempt
24 to serve those warrants in assisted (inaudible) just, I mean
25 that's elements statute. Now, I can't think of a way to way

1 to do that other than just having the law enforcement to say,
2 "We did have a warrant." But you don't go into what it's for
3 the dates or anything like that. But we had warrant, we
4 tried to arrest him and he resisted. I think that's
5 (inaudible).

6 THE COURT: Any objection to that?

7 MR. CHIARENZA: Well, (inaudible) Your Honor, so I'll
8 just reserve that. They -- I think (inaudible) he didn't get
9 pulled over (inaudible) resisted arrest without a warrant
10 currently in existence. I think that, you know, given the
11 fact that this resisting arrest is being essentially created
12 for the purposes of, you know, it being tried in two weeks.
13 I mean it just -- it just looks like my understanding of what
14 they're alleging is that on that day Mr. Walker was resisting
15 whatever attempts being made by law enforcement to address
16 his behavior on that day. I don't -- I don't think it
17 required (inaudible) warrant in plenty different ways to
18 resist arrest. But I -- I don't know that it's all that
19 important. We can probably work out what may or not ---

20 THE COURT: Well, y'all can work out. I'll be happy to
21 work out for you.

22 MR. CHIARENZA: (Inaudible) what -- what has to be said
23 about (inaudible) can can't live with it then I'll withdraw
24 the objection.

25 THE COURT: Okay. All right. I think that covers all

1 the -- are there any prior convictions?

2 MR. ESPONIZO: There are not, Your Honor.

3 THE COUR: No convictions. Okay. All right. Well
4 then let me tell y'all because I think several of y'all
5 haven't tried a case in front of me, if you would please get
6 together, look at whatever photographs you intend to
7 introduce. Try to pre-mark your exhibits. If you don't
8 agree on it, let me know if there's any video y'all, please
9 both of y'all watch it redact what you need to redact. When
10 you redact anything from a video, I like the full video
11 entered as a court's exhibit just for appellate purposes.
12 I'm trying to think of what else, Robby, what else is it that
13 I do?

14 MR. McNair: Are we doing pretrial motions?

15 THE COURT: I think so. If there's anything y'all
16 please, anything else that I need to take up. Usually, what
17 I like to do is pick a jury, go through pretrial motions and
18 start the trial the next day. Is normally how I go. If I've
19 done all the pretrial, then I'm ready to start right after
20 lunch. So if you have anything else that I need to look at
21 or consider, I like it the Wednesday before trial so I can do
22 my homework and be prepared for y'all. Anything else from
23 the defense?

24 MR. CHIARENZA: Not at this moment.

25 THE COURT: How about the state?

1 MR. ESPONIZO: No, Your Honor.

2 THE COURT: All right. I need all your voir dire and
3 your jury charges. I'm going to tell you I always have a
4 jury charge conference. I have my own set of jury charges
5 that I'll put together. There's anything especially that you
6 want added concerning an A and B first and resisting arrest
7 is what I would need from y'all. If you have anything that
8 you would like charged, let me know. I need a list of your
9 witnesses. You can give those to me the day of if you need
10 to. But in any voir dire so I can have all that ready to go
11 when we get ready to select the jury. You got all my notes
12 written down that I said?

13 THE CLERK: Yes, ma'am.

14 THE COURT: Perfect. Make time this to you. All
15 right. Anything else?

16 MR. ESPONIZO: No, Your Honor.

17 THE COURT: Okay. Should this case work out and y'all
18 decide to plea or y'all done something I'd like advance
19 notice on that. I'd like to do it before the trial date, if
20 I can even if that makes -- I think -- I think I'm going to
21 be in Lexington next week. I'm I in Lexington next week?

22 THE CLERK: Yes, ma'am.

23 THE COURT: I'm -- I'm trying something. If something
24 works out, let's get it done so we can go forward with our
25 regular schedule in Edgefield. Okay. All right. Let's move

1 on to the docket now.

2 UNIDENTIFIED SPEAKER: (Inaudible).

3 THE COURT: You Sure. Going off the record, Melinda.

4 (Off The record.)

5 MR. FENDER: It's coming to my attention that the
6 defendant is texting the victim continuously and during the
7 hearing that we had earlier today, as well as posting her
8 social security number and birth certificate online.
9 Obviously, this is concerning to us. He's out on bond,
10 there's no contact order.

11 THE COURT: Let's ---

12 MR. FENDER: (Inaudible).

13 THE COURT: Let's pick him up and bring him --let's do
14 a bench warrant on him. No, I'm going to do an order to pick
15 him up.

16 MR. FENDER: We asked him to stay today, he's left.
17 His attorney is left. But (inaudible).

18 THE COURT: Y'all called -- y'all called Derek, tell
19 him to bring his client in here. Because I'm going to pick
20 him up.

21 MR. FENDER: Thank you, Judge.

22 THE COURT: He's in violation of his bond. Sorry.

23 MR. ESPONIZO: Yes, Your Honor. This is matter of
24 State v Russell Walker. Your Honor, the state is going to be
25 asking to revoke the defendant's bond based on the fact that

1 we were notified by the victim that while the defendant was
2 in the courtroom, he did send a text message to her
3 contacting her, which is in violation of his bond conditions.
4 And furthermore, we have been made aware that there -- he
5 does have a YouTube channel in which he has posted a number
6 of videos about this case talking about the victim accusing
7 her of lying with videos of her, videos of law enforcement,
8 et cetera. And so -- and is also our understanding that he
9 has had several in other incidents of contact with her since
10 this incident occurred. And so we -- we would ask to revoke
11 his bond.

12 THE COURT: Did you read the text message? You saw
13 where he text her and -- this morning while we were in court
14 during the hearing?

15 MR. ESPONIZO: Yes, Your Honor, I believe it was at
16 11:33 a.m.

17 THE COURT: Let me hear from you.

18 MR. CHIARENZA: Your Honor, the text came after we were
19 in -- we left we had left. So it wasn't during the hearing,
20 it was this morning. I believe the statute requires any
21 motion to evoke bond. I have that notice and it has to be in
22 writing and hearing has to be said. And just as a practical
23 matter, Your Honor, the Court can admonish my client. There
24 will be no more drama between now and the date of trial. But
25 this case is difficult. My job is hard enough. I'm going to

1 be put in a terrible disadvantage. My client's going to be
2 prejudice. He may, to the extent that the Court sees that he
3 brought it on himself.

4 The fact I made is -- I'm not going to be able to do
5 what I need to do in the next two weeks as she's sitting in
6 the Edgefield County jail. This case has been marinating for
7 three years. At one point, I -- I had a plea offer for
8 assault battery, second this demeanor because the victim
9 wouldn't cooperate with the prosecution case. Up until
10 months ago the victim and my client were, I think, to a
11 casual observer, you would think that everything was fine.

12 And so I'm not aware of any YouTube channels. I don't
13 know why that hasn't been brought to my attention prior
14 today. It was concern. (Inaudible). Your Honor, I'm just
15 asking you, I've got a tough case ahead of me and I've got a
16 lot of work to do. I can't try this case if I've got it
17 spent the next week and a half at the Edgefield County Jail
18 trying to get this thing put together. I just can't.

19 THE COURT: Well, let me tell you something. I've
20 practiced law for 30 years longer than that. All my clients
21 were sitting in the jail. None of them had a bond. It is an
22 inconvenience, but I promise you they all got a fair trial
23 and I know that you'll get him a fair trial. Also, I don't
24 know about any time limit on a motion to revoke and fact the
25 moment it's made, it must be heard immediately. It was

1 brought to their attention and they decided to call an
2 emergency hearing because he text her while she was sitting
3 here in this courtroom. I'm going to tell you, I already
4 know a little bit about this case and I know that there's
5 some prior DVs and pending charges. And only because I've
6 talked to the lawyers about this case and I just had pretrial
7 on this case. I don't put up with anybody, anybody violating
8 an order of this court. So I am going to take him into
9 custody. Because that's not going to happen, period.

10 MR. CHIARENZA: Your Honor. I believe that by rule
11 motion to evoke bond must be in writing.

12 THE COURT: I don't think any emergency hearing for
13 violation of a bond needs to be in writing. They called you,
14 told you what was going on, the moment they found out, and
15 you turned around and came back with your client. So you
16 going to tell me that I can't put him in jail?

17 MR. CHIARENZA: I'm just speaking (inaudible). Your
18 Honor, my client has not been served with the bond paperwork
19 and now I can't speak to that. He wasn't my client in July.
20 But even the fact it wasn't given a preliminary hearing and
21 requested one, I don't think it stretches the imagination
22 that he wasn't served with Bob before. Also, when you add to
23 that -- that -- that Ms. Daniels has reached out to him, so
24 he's -- he's just been given the impression that contact
25 between the two of them, you know, has been condoned. Mr.

1 Drylie was aware that the two of them were -- were having
2 contact.

3 THE COURT: All right.

4 MR. CHIARENZA: (Inaudible).

5 THE COURT: I -- I appreciate your argument, but the
6 Court's rule, I'm taking him into custody. Okay. Thank you.

7 MR. CHIARENZA: Your Honor, what bond (inaudible)?

8 THE COURT: I'm revoking what he's got pending right
9 now, which is -- is it the -- I think they're going back to
10 change it. But he's got what? Pending DVs?

11 MR. ESPONIZO: Yes, Your Honor.

12 THE COURT: Two pending DVS for the ---

13 MR. ESPONIZO: (Inaudible) three pending (inaudible)

14 ---

15 THE COURT: Had three pending DVs. I'm revoking ---

16 MR. CHIARENZA: I understand. Just my concern is we're
17 in court today on a case that isn't indicted yet.

18 THE COURT: I -- I'm going to tell you, Mr. Chiarenza,
19 it doesn't matter whether he's indicted or not. This is the
20 problem. He was given a bond and he contacted the victim in
21 violation of the bond. I'm revoking it, period. It's
22 simple.

23 MR. CHIARENZA: Thank you, Your Honor.

24

25 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

1 12:19 P.M.)
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1 CONTINUATION OF PROCEEDINGS - APRIL 10, 2024

2 THE COURT: Good morning, Mr. Walker?

3 MR. WALKER: Good morning, Judge.

4 MR. FENDER: Okay. May it please the Court, Your
5 Honor?

6 THE COURT: Yes, sir.

7 MR. FENDER: For you today is Russell Walker in
8 Edgefield County. Case of Edgefield, here today on
9 2024-GS-19-00052 and also 2022-GS-19-00319. This is one of
10 the oldest cases that currently pending in Edgefield County.
11 I recently got involved in this case in the last couple days.
12 We're here today to hopefully fully resolve these matters.
13 The victim with us, Christina James she's here with us in the
14 Courtroom. We'll talk more about kind of what happened in
15 this case.

16 THE COURT: I remember her from yesterday.

17 MR. FENDER: Well, she's with us here today and
18 obviously this is an important case to her and very important
19 case in the office of attorney general matters with you here
20 today. (Inaudible) Recommendations to assault matter in a
21 second degree and also to resisting arrest. We would like to
22 address the Court and briefly on the facts and condition on
23 this case at the appropriate time.

24 THE COURT: Sure. All right. Mr. Walker, are you
25 under the influence of any drugs or alcohol today?

1 MR. WALKER: No, ma'am.

2 THE COURT: Have you ever been treated for any type of
3 mental illness?

4 MR. WALKER: No, ma'am.

5 THE COURT: Now, I know that Derek has been over all
6 your jury trial rights with you.

7 MR. WALKER: Yes, ma'am.

8 THE COURT: You know, you have a right to present a
9 defense, call witnesses. You could have your lawyer cross
10 examine any of the State's witnesses and you may choose to
11 testify or not to testify at your trial. If you chose not to
12 testify, I'd tell the jury that they couldn't hold it against
13 you. You understand that?

14 MR. WALKER: Yes, ma'am.

15 THE COURT: And I think I had this case set for a jury
16 trial for May, didn't I?

17 MR. CHIARENZA: Weeks from -- actually a week and a
18 half from now.

19 THE COURT: A week and a half from now. So if you
20 wanted a jury trial, sure enough I'd give you one. You
21 understand?

22 MR. WALKER: Yes, ma'am.

23 THE COURT: And you want to waive your jury trial
24 rights.

25 MR. WALKER: Yes, ma'am. I want to resolve this.

1 THE COURT: Okay. All right. Now, I've got assault
2 and battery second degree that carries up to three years.
3 Your indictment has not been presented to the grand jury.
4 You going to waive presentment?

5 MR. WALKER: Yes, ma'am.

6 THE COURT: And it states in on or about, and it's an
7 old case, July 20, 2021 that you did attempt -- it says to
8 injure; A, Ms. James, are you pleading guilty or not guilty?

9 MR. WALKER: Guilty, Your Honor.

10 THE COURT: And then on the same day for resisting
11 arrest, which carries up to one year, is that you resisted
12 law enforcement on the same day pleading guilty or not
13 guilty?

14 MR. WALKER: Guilty, Your Honor.

15 THE COURT: And that indictment has not been presented
16 to the grand jury. You're going to waive presentment?

17 MR. WALKER: Yes, ma'am.

18 THE COURT: Has anyone promised you anything to get you
19 to plead guilty today?

20 MR. WALKER: No promises.

21 THE COURT: Has anybody forced you, threatened you to
22 get you to plead guilty today?

23 MR. WALKER: No, ma'am.

24 THE COURT: And are you pleading guilty, freely and
25 voluntarily?

1 MR. WALKER: I am.

2 THE COURT: Satisfied with the services of your
3 attorney?

4 MR. WALKER: Yes, ma'am.

5 THE COURT: All right. Go ahead and tell me about it.

6 MR. FENDER: Your Honor, to the facts of this case, it
7 occurred on July 20, 2021. The State would show that the
8 defendant did assault Ms. James, she was assaulted in this
9 case. Law enforcement, they came out to this incident and
10 they tried to arrest the defendant. It's my understanding
11 that he essentially tried to evade or hide from them hiding,
12 you know, for quite a long time before they were able to get
13 him into custody. But, Your Honor, I think this is just a --
14 just a bad and sad situation all around. You know, she's
15 been through a lot because of him. She was assaulted and
16 you, he's here today plead guilty.

17 We're asking the Court to put in place a permanent
18 restraining order here today that would forever prohibit him
19 from having any contact whatsoever with her directly,
20 indirectly, no contact with her, no contact with her kids or
21 family anyone or extended family. Also, you just -- just to
22 kind of forever cut ties here today. No comments on social
23 media, no posting things about her, that kind of thing. But
24 he's here today to plead guilty what he did that day. And
25 that's what we're asking for here. Thank you.

1 THE COURT: All right. You understand all of that Mr.
2 Walker?

3 MR. WLAKER: I do. Yes, ma'am.

4 THE COURT: And you agree with those facts?

5 MR. WALKER: I do. Yes, ma'am.

6 THE COURT: All right. I'm going to accept your plea.
7 Find it to be freely, voluntarily, and intelligently made.
8 You've had advice of excellent counsel. Let me ask the
9 victim in this case, is there anything you'd like to tell the
10 Court?

11 MS. JAMES: No, ma'am.

12 THE COURT: All right. Well, I need to say something
13 to both of y'all. There's going to be a permanent
14 restraining order in place.

15 MR. FENDER: Your Honor, she did mention that there is
16 some YouTube videos currently on the internet about this case
17 and about her. We would ask them to be taken down as well.

18 THE COURT: Okay. There's anything on social media,
19 Mr. Walker, she would like for them to be taken down
20 immediately?

21 MR. WLAKER: Yes, ma'am.

22 THE COURT: All right. And let me explain to you, it's
23 Ms. James, right?

24 MS. JAMES: Yes, ma'am.

25 THE COURT: Ms. James changed when a lot of people come

1 into this court and they want a restraining order. I don't
2 mind signing them and I'm going to tell you what that means,
3 Mr. Walker is that you can't have any communication with her
4 at all. Third party through social, through text messages,
5 through Google, Instagram, whatever it is that all these
6 people do. I don't even do social media. There's a -- a
7 laundry list of stuff that evidently you could do on the
8 internet and you can't do any of that. You understand?

9 MR. WALKER: I do.

10 THE COURT: Not where it concerns her. You can't ride
11 by her house. She doesn't want anybody messing with her
12 family. I say all this Ms. James and I hope you're listening
13 to me, that this is also a two-way street. You don't need to
14 be contacting him, sending him any kind of social media, text
15 messages, Instagrams, whatever, ride by his house. None of
16 that. Do you understand?

17 MS. JAMES: Yes, ma'am.

18 THE COURT: Are you sure that you want me to enter a
19 permanent restraining order?

20 MS. JAMES: Yes, ma'am.

21 THE COURT: Because if you decide that you want to talk
22 with him, I'm going to make you go back through the Court
23 system to nullify the, and see if a judge will, I don't know
24 if they will, might not be me, could be some other judge in
25 order to -- for you to communicate with him. But right now

1 I'm signing a permanent restraining order on him. You
2 understand that Mr. Walker? And -- and you know I'm serious
3 if you violated, I'm going to put you in jail.

4 MR. WALKER: Yes, ma'am. I do.

5 THE COURT: Hands down, there's no doubt about it. I
6 don't put up with stuff like that. I'll hold you in contempt
7 and put you in jail and I'll do the same with you Ms. James.
8 It's a two-way street. I don't want you enticing him to
9 contact you.

10 MS. JAMES: I don't want that either.

11 THE COURT: Okay. All right. Anything Derek, you want
12 to add?

13 MR. CHIARENZA: No. Yes. Just -- just a bit. So the
14 Court understand also. Your Honor, he did 260 -- 268 days in
15 pretrial detention (inaudible) on matters. And just in terms
16 of procedural housekeeping as the Court noted, this is an
17 Edgefield County (inaudible) jurisdiction (inaudible).

18 THE COURT: All right. Mr. Walker, you understand
19 that you're in McCormick?

20 MR. WALKER: Yes, ma'am. I understand.

21 THE COURT: And you're going to waive venue for me to
22 send it to you?

23 MR. WALKER: Yes, ma'am.

24 THE COURT: Okay. Thank you.

25 MR. CHIARENZA: Your Honor, initially, as (inaudible)

1 there are other pending cases in Edgefield and as a component
2 of this plea (inaudible) and I'll cross ---

3 THE COURT: Perfect.

4 MR. CHIARENZA: --- (inaudible) otherwise. Your Honor,
5 over the course of, I guess, the year plus that I've been
6 involved in this case, I really have (inaudible) matter.
7 I've learned a lot about him and I'm just -- I'm grateful.
8 I'm grateful to (inaudible) who I think if we're apprehend,
9 you know, take unnecessary trial in this matter in a couple
10 weeks. But she was able to come me to this and this is
11 actually ironically enough, the same resolution that Mr.
12 Drylie and I were inches away from working out. Just prior
13 to his untimely passing last year. So this has coming from
14 (inaudible) in that regard. As far as getting resolution
15 here. I think this is what's best for Russell and hopefully
16 it's best for Ms. James. Your Honor, he's is a 13-year
17 (inaudible). Now, the Court's heard he has done right around
18 nine months.

19 If the Court sees that necessary to put him on
20 probation we'd like to just have this resolved (inaudible)
21 the Courts may have information came on probation. I just
22 ask for that just minimally enough to show that, you know,
23 Russell understands, you know, what somebody asked of him
24 that he can show to some folks that, you know, he's -- he's
25 not going to be an issue going forward. And -- and my only

1 (inaudible) with that accommodation right now, transportation
2 is an issue. Russell kind of lives far away from -- from
3 anything. He is in a nice community but it's jus -- it's out
4 there in county, almost smack dead Montreal and North
5 Augusta.

6 So just getting back and forth with probation, just
7 complying. He's also on disability, so limited income. He's
8 paying child support. He's got two young -- young boys. So
9 just, you know, fees would be a -- a little bit of a
10 financial hardship. We will take honestly, whatever --
11 whatever the Court think be appropriate because we are
12 grateful. I think some prayers have been answered, Your
13 Honor, we also (inaudible) mom's here, she's got family, her
14 family support. We had that two of us, we met yesterday. We
15 spoken over -- met yesterday for the first time. One of our
16 primary concern is dealing with his older dog who is locked
17 in the house. That's nothing. So we all were worried about
18 that.

19 THE COURT: Well, I hate that Mr. Walker. They told
20 me about the dog, but I think they got it worked out.

21 MR. WALKER: I did too. Yes, ma'am.

22 MR. CHIARENZA: So, Your Honor, I -- I believe
23 (inaudible) I told Russell that going forward, you know, he's
24 got my number. If he just wants to talk or, you know, have
25 any kind of struggles at all he can call. That's all I have.

1 THE COURT: Let me ask probation one quick question.
2 All right. This is what I'm going to do on the resisting law
3 enforcement. He's got 268 days, so I'm going to get him time
4 served on that charge with 180 days pays court cost. On the
5 assault and battery second degree, Mr. Walker, you got to be
6 careful how you treat people. And I know that Derek's told
7 you about my stance on probation, so you don't ever want to
8 come back in front of me. Okay? Because I'm hanging three
9 years over your provided upon the service of 268 days.

10 I'm placing you on probation for one year. I'm also
11 going to sign this restraining order. And Derek, I heard
12 you. I -- I was listening to you. I'll PTUP it if he will
13 complete this anger management course. It's like they tell
14 me it's a 12-week course. It's not the DAC program, it's
15 another course that they have. If he will complete that,
16 then I'll PTUP his probation. Okay?

17 MR. CHIARENZA: Probation (inaudible)?

18 THE COURT: Yes.

19 THE CLERK: I'll transfer his case.

20 THE COURT: Yeah, I'll -- and I'll put on here because
21 there, it's not the DAC program. It's it's another program
22 that they have that's a really good program that we think
23 lasts like 12 weeks. It might be 10 weeks.

24 MR. CHIARENZA: Yeah, because the DAC is 28 weeks.

25 THE COURT: Yeah, it's a long time. Yeah. I -- I put

1 on here not the DAC program, but the other anger management
2 program. You could choose to do that or stay on probation
3 for a year. One or the other. 12 weeks or one year?

4 MR. WALKER: 12 weeks. Yes, ma'am.

5 THE COURT: And it ain't going to hurt you.

6 MR. WALKER: And I thank you for that.

7 THE COURT: And I want you to stay away. Y'all stay
8 away from each other. If he tries to bother you, all you got
9 to do is pick up the phone. Call Mr. Chéhoski. He'll tell
10 you exactly what you need to do because I don't want anybody
11 being bothered. Okay? Good luck to both y'all.

12 MR. CHIARENZA: Thank you, Your Honor.

13 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
14 10:44 A.M.)

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CERTIFICATE OF TRANSCRIBER

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I, NATASHA BARRIENTOS, 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 the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 11 of Edgefield County, South Carolina, on the 10th Day of April, 2024.

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

May 26, 2024

Natasha Barrientos
Transcriber

**NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT
OF GENERAL SESSIONS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APR 22 2024

SC Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

Debra R. McCaslin, Circuit Court Judge

EDGEFIELD COUNTY
CLERK OF COURT
CHARLES L. REEL
2024 APR 16 PM 2:58

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

The State,

Respondent,

v.

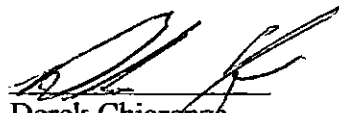
Russell L. Walker,

Appellant.

NOTICE OF APPEAL

Russell L. Walker appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Debra R. McCaslin on April 10, 2024.

April 15, 2024


Derek Chiarenza
Post Office Box 340
Lexington SC
29071
(803) 493-1500
Attorney for Appellant

Other Counsel of Record:
Douglas Fender
Assistant Solicitor
205 E. Main Street,
Suite309
Lexington, SC 29072
Attorney for Respondent

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

Debra R. McCaslin, Circuit Court Judge

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

The State,

Respondent,

v.

Russell L. Walker,

Appellant.

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 April *16*, 2024, addressed to Assistant Solicitor of record, Douglas Fender, 205 E. Main Street, Suite 309, Lexington SC 29072

April *16*, 2024



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

RECEIVED

APR 22 2024
SC Court of Appeals

2024 APR 16 PM 2:59

EDGEFIELD COUNTY
CLERK OF COURT
CHARLES L. REEL

WITNESSES

Edgefield County Sheriff's Department

Philip C Ireland

Law Enforcement Case #: 2101044

DJE

ARREST WARRANT NUMBER

~~2024GS1900052~~

2024GS1900052
H/10/14

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

2024 GS 19 000 52

DOCKET NO. ~~2022GS19000319~~

The State of South Carolina

County of Edgefield

EDGEFIELD COUNTY GENERAL
SESSIONS

April Term 2024

THE STATE

vs.

Russell Lewis Walker

Indictment For

Assault and Battery

SC Code: §16-3-600(D)(1)(a)

CDR Code: 3413

Class A Misdemeanor

S.R. Hubbard III, Solicitor

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

RECEIVED

APR 22 2024

SC Court of Appeals

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

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

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

Assault and Battery

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

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



Assistant Solicitor

RECEIVED

APR 22 2024

SC Court of Appeals

DOCKET NO. 2024GS1900053

The State of South Carolina

County of Edgefield

**EDGEFIELD COUNTY GENERAL
SESSIONS**

April Term 2024

THE STATE

vs.

Russell Lewis Walker

Indictment For

Resisting Law Enforcement Officer

SC Code: §16-9-320(A)

CDR Code: 0326

Class C Misdemeanor

S.R. Hubbard III, Solicitor

WITNESSES

Edgefield County Sheriff's Department

Philip C Ireland

Law Enforcement Case #: 2101044

DJE

ARREST WARRANT NUMBER

2024GS1900053

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)
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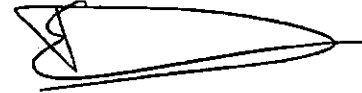
INDICTMENT FOR
2024GS1900053
Resisting Law Enforcement Officer
§16-9-320(A)

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

Resisting Law Enforcement Officer

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

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



Assistant Solicitor

STATE OF SOUTH CAROLINA
COUNTY OF EDGEFIELD

RECEIVED

IN THE COURT OF GENERAL SESSIONS

STATE vs.

APR 22 2024
SC Court of Appeals

INDICTMENT/CASE#: 2024GS1900052

AKA: Russell Lewis Walker
Race: White Sex: Male Age: 46
DOB: SS#:
Address:
City, State, Zip:
DL#* SID#

AW#:
Date of Offense: 07/20/2021
S.C. Code §: 16-3-600(D)(1)
CDR Code #: 3413

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: Assault and Battery Second Degree

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

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

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (CSC w/minor 1st or CSC w/minor 3rd) rw (def.'s initials)

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

ATTEST:
[Signature] 10(19) [Signature] [Signature] 65326
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

for a determinate term of 3 days/months/years/Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$ _____; provided that upon the service of 268 days/months/years/Time Served and or payment

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 268 days/months

To include time spent on monitored house arrest prior to trial and sentencing.
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF EDGEFIELD

RECEIVED

STATE

APR 22 2024

INDICTMENT/CASE#: 2024GS1900053

VS.

SC Court of Appeals

Russell Lewis Walker

AW#: 2024GS1900053

AKA: Race: White Sex: Male Age: 46

Date of Offense: 07/20/2021

DOB: SS#: Address: City, State, Zip: DL#* SID#

S.C. Code §: 16-9-320(A)

CDR Code #: 0326

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Resisting Law Enforcement Officer

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

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

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury (def.'s initials)

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

ATTEST: Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

for a determinate term of 268 days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$ provided that upon the service of 268 days/months/years/Time Served and or payment

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

To include time spent on monitored house arrest prior to trial and sentencing.

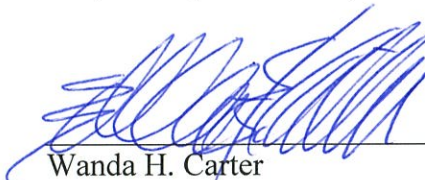
The Defendant Shall be Released from County Detention Center.

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.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Jul 18 2024

SC Court of Appeals

This 18th day of July, 2024.

RECEIVED

Jul 18 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Edgefield County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RUSSELL LEWIS WALKER,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Russell Lewis walker at 714 Spearhead Ct., North Augusta, SC 29860, this 18th day of July, 2024.



Wanda H. Carter
Deputy Chief Appellate Defender