

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Honorable J. Derham Cole, Circuit Court Judge

Case No(s): 2024GS4204464, 2024GS4204465

RECEIVED
OCT 22 2024
SC Court of Appeals

The State

Jared Harold Schrack

v.

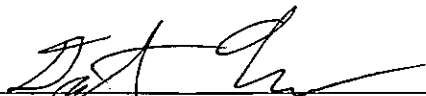
Respondent,

Appellant.

EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(B), SCACR

Pursuant to Rule 203(d)(1)(B), SCACR, Jared Harold Schrack files this explanation of his appeal of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable J. Derham Cole on October 10, 2024. No issues were raised during the guilty plea; however, the client insisted upon an appeal; therefore, this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995), and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

October 17, 2024



Drayton M. Hammes

Seventh Judicial Circuit Public Defender Office
180 Magnolia Street, Suite 2137
Spartanburg, South Carolina 29306
(864) 596-2561
Attorney for Appellant

Other Counsel of Record:

Aubrey O'Brien, Esq.
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306
Attorney for Respondent

DOCKET NO. - **24-GS-42-4464**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 21 2024

TERM

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SC Court of Appeals

WITNESSES

Spartanburg Police Department

ARREST WARRANT NUMBER
2024A4210100640

THE STATE
vs.

ACTION OF GRAND JURY

Jared Harold Schrack

Foreperson of Grand Jury
Date:

VERDICT

Indictment for

SHOPLIFTING

SC Code: 16-13-110 (A): 16-1-57

CDR Code: 2877

Class FELIE

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on 097 11 2024, the
Grand Jurors of Spartanburg County present upon their oath:

SHOPLIFTING

That **Jared Harold Schrack** did in Spartanburg County on or about June 7, 2024 take possession of or carry away merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of the merchandise without paying the full retail value, being less than Two Thousand Dollars, to-wit: Milwaukee Tool, for sale by Home Depot, in Spartanburg, South Carolina, in violation of §16-13-0110 (A) & §16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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



ASSISTANT SOLICITOR

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)		\$100		\$ _____
§56-5-2995 (DUI Assessment)		\$12		\$ _____
§56-1-286 (DUI Breath Test)		\$25		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$ _____
		TOTAL		\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: *Terri...*
Court Reporter: *...*

Presiding Judge: _____
Judge Code: _____
Sentence Date: *October 10, 2024*

WITNESSES
Spartanburg Police Department

ARREST WARRANT NUMBER
2024A4210100649

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. - **24-GS-42-4465**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 21 2024

TERM

**THE STATE
vs.**

Jared Harold Schrack

**Indictment for
SHOPLIFTING**

SC Code: 16-13-110 (A): 16-1-57
CDR Code: 2877
Class FEL/E

RECEIVED
OCT 22 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on OCT 11 2024 , the
Grand Jurors of Spartanburg County present upon their oath:

SHOPLIFTING

That **Jared Harold Schrack** did in Spartanburg County on or about June 5, 2024 take possession of or carry away merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of the merchandise without paying the full retail value, being less than Two Thousand Dollars, to-wit: Milwaukee Tool, for sale by Home Depot, in Spartanburg, South Carolina, in violation of §16-13-0110 (A) & §16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

STATE _____ VS. _____

IN THE COURT OF GENERAL SESSIONS

RECEIVED

OCT 22 2024

SC Court of Appeals

INDICTMENT/CASE#: 2024GS424465

Jared Harold Schrack
 AKA: _____
 Race: White Sex: Male Age: 45
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: _____
 DL#* _____ SID# _____

AW#: 2024A4210100649
 Date of Offense: 06/05/2024
 S.C. Code §: 16-13-110(A)(1)
 CDR Code #: 2877

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: Shoplifting ENHANCED 0-10 Y

In violation of § 16-13-110(A)(1) of the S.C. Code of Laws, bearing CDR Code # 2877

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

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

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

ATTEST:
Aubrey O'Brien 104718 SC Bar # Jared Schrack Defendant Drayton Marshal Hammes Attorney for Defendant 106646 SC Bar #
 Solicitor SC Bar # Defendant Attorney for Defendant

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

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

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and/or payment of \$ 100; plus costs and assessments as applicable*; the balance is suspended with probation for 5

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: 2024.04464

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

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

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

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ 169⁰⁰ plus 20% fee: _____ \$ _____

Payment Terms: per next order Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	<u>\$ 100.00</u>
§14-1-206 (Assessments 107.5%)			\$ <u>107.50</u>
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
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§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$ <u>9.98</u>
<input checked="" type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$ _____
TOTAL			\$ <u>342.48</u>

Clerk of Court/Deputy Clerk: Tinsky
Court Reporter: Abel

Presiding Judge: _____
Judge Code: 2073
Sentence Date: October 10, 2024