

OFFICE OF THE SECOND JUDICIAL CIRCUIT PUBLIC DEFENDER
Post Office Box 267
Barnwell, South Carolina 29812

March 13, 2025

Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

RECEIVED

Mar 13 2025

SC Court of Appeals

RE: State v. Derrick E. Gathers
Appellate Case Number 2025-000487

Dear Ms. Kitchings:

Enclosed, please find the Indictments and sentence sheets for the charges listed in the Notice of Appeal.

Could you please email me a filed copy of the paperwork. Thank you for your assistance with this. Please do not hesitate to contact me if you have any questions.

Sincerely,



Wallis Alves
Attorney

/wa

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BAMBERG
STATEFILED
BAMBERG COUNTY

) INDICTMENT/CASE#: 2023GS0500057

) AWW#: 2023A0510100081

) Date of Offense: 04/18/2023

) S.C. Code §: 16-3-29

) CDR Code #: 3410

) Range of Offense: 0-30 years

RECEIVED

Mar 13 2025

SC Court of Appeals

VS.

2025 MAR -5 AM 9:01

Derrick Edward Gathers

AKA: SSN: [REDACTED]

JANNIE C. JOHNSON

RACE: Black SEX: Male

DOB: [REDACTED] SC

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Attempted murder

Range of Offense Pled: _____

In violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated ☐ RecommendationDavid Warren Miller
Solicitor69553
SC Bar #Wallis April Alves
Attorney For DefendantSC Bar #
65401
SC Bar #The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of 30 days/months/years/Time Served ☐ YOANTE _____ years and/or shall pay a fine

of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to SCDPPPS 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 SCP
690 days/month ☐ To include time spent on monitored house arrest prior to trial and sentencing.FILED IN COURT
MAR 05 2025
Bamberg Clerk of Court

SPECIAL CONDITIONS:

- ☐ PTUP
- ☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- ☐ Other: _____

☐ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B))

§14-1-208 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2996 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§50-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ §17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundJannette S. Gathers
Clerk of Court/Deputy ClerkJannette S. Gathers
Court Reporter2765
Judge Code3/5/25
Sentence DateWallis April Alves
Presiding Judge

TOTAL

Restitution	\$
FINE:	\$
	\$
\$100	\$ 100.00
\$100	\$
\$12	\$
\$25	\$
\$25	\$ 25.00
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$ 3.75
\$500	\$
TBD	\$
TOTAL	\$ 128.75

SC0A217B
01/27/2023

RECEIVED

Mar 13 2025

SC Court of Appeals

WITNESSES

State Law Enforcement Division

S/A Shawn Murray *SM*
SS/A Ryan Kelly

Law Enforcement Case #: 31-23-0039

David Smith *SC110* DWM

ARREST WARRANT NUMBER

2023A0510100081

ACTION OF GRAND JURY

True Bill

Dawn Fairchild

Foreperson of Grand Jury
Date: June 15, 2023

VERDICT

Guilty.

Alan C. Khan
3/5/25

Foreperson of Petit Jury
Date:

DOCKET NO. 2023GS0500057

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

JUNE TERM 2023

THE STATE

vs.

DERRICK EDWARD GATHERS

CDR #: 3410

Indictment for

ATTEMPTED MURDER

§ 16-03-0029(A)

BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)
)

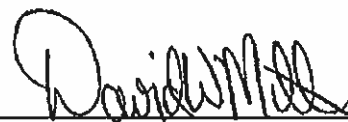
INDICTMENT FOR
ATTEMPTED MURDER

§ 16-03-0029(A)

At a Court of General Sessions, convened on June 20, 2023, the Grand Jurors of Bamberg County present upon their oath:

That **DERRICK EDWARD GATHERS** did in Bamberg County on or about April 16, 2023, feloniously and with malice aforethought, attempt to murder [REDACTED] [REDACTED] by means of shooting him with a handgun during a traffic stop. All in violation of Section 16-3-29 of the South Carolina Code of Laws (1976), as amended.

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


BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BAMBERG

FILED
BAMBERG COUNTY

STATE

VS.

2025 MAR -6 AM 9:01

Derrick Edward Gathers

AKA: SSN: [REDACTED]

RACE: Black SEX: Male

JANNIE C. JOHNSON

DOB: [REDACTED] SC

) INDICTMENT/CASE#: 2023GS0500059

) AW#: 2023A0510100082

) Date of Offense: 04/18/2023

) S.C. Code §: 16-23-490

) CDR Code #: 0549

) Range of Offense: 5 years

RECEIVED

Mar 13 2025

SC Court of Appeals

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Possession of Weapon During Violent Crime

Range of Offense Pled: _____

In violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____David Warren Miller
Solicitor69553
SC Bar #Walls April Alves
Attorney For DefendantSC Bar #
65401
SC Bar #The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of 5 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall pay a fine

of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

☐ The sentence shall run CONCURRENT or ☒ CONSECUTIVE to sentence on: 2023-GS-05-00054☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCD
690 days/month ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- ☐ PTUP
- ☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- ☐ Other: _____

☐ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b) and (c), and 34-11-90(c) and (d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

Clerk of Court/Deputy Clerk

Court Reporter

2765
Judge Code3/15/2025
Sentence Date

Presiding Judge

Restitution	\$
FINE:	\$
	\$
\$100	\$ 100.00
\$100	\$
\$12	\$
\$25	\$ 25.00
\$25	\$
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$ 3.75
\$500	\$
TBD	\$ 40.00
TOTAL	\$ 168.75

SGCA217B
01/27/2025FILED IN COURT
MAR 05 2025
Bamberg Clerk of Court

RECEIVED

Mar 13 2025

SC Court of Appeals

WITNESSES

State Law Enforcement Division

S/A Shawn Murray *SM*
SS/A Ryan Kelly

Law Enforcement Case #: 31-23-0039

D.A.P. Smith SLIP DWM

ARREST WARRANT NUMBER

2023A0510100082

ACTION OF GRAND JURY

True Bill

David Fairchild
Foreperson of Grand Jury

Date: June 15, 2023

VERDICT

Guilty

Adam C. Allen

3/5/25

Foreperson of Petit Jury

Date:

DOCKET NO. 2023GS0500059

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

JUNE TERM 2023

THE STATE

vs.

DERRICK EDWARD GATHERS

CDR #: 0549

Indictment for

POSSESSION OF A FIREARM DURING
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)
)

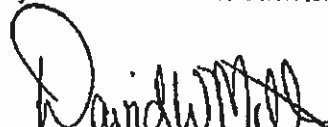
INDICTMENT FOR
POSSESSION OF A FIREARM DURING
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

At a Court of General Sessions, convened on June 20, 2023, the Grand Jurors of Bamberg County present upon their oath:

That **DERRICK EDWARD GATHERS** did in Bamberg County on or about April 16, 2023, possess or visibly display a firearm during the commission of a violent crime, to wit: attempted murder, all in violation of Section 16-23-490, 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.


BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BAMBERG

STATE

VS.

Derrick Edward Gathers

AKA: SSN: [REDACTED]

RACE: Black SEX: Male

DOB: [REDACTED]

JANNIE C. JOHNSON

CLERK OF COURT

BAMBERG COUNTY

INDICTMENT/CASE#: 2023GS0500080

AW#: 2023A0510100083

Date of Offense: 04/16/2023

S.C. Code §: 56-5-750(B)(1)

CDR Code #: 0065

Range of Offense: 90 days - 3 years or not less than \$500

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Fall to Stop for Blue Light - No Injury or Death - 1st Offense

Range of Offense Pled: _____

In violation of § 56-5-750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation _____

David Warren Miller

69553

Wallis April Alves

SC Bar #

Solicitor

SC Bar #

Attorney For Defendant

65401

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program for a determinate term of 3 days/months/years/Time Served ☐ YOA NTE years and/or shall pay a fineof \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.☐ The sentence shall run CONCURRENT or ☒ CONSECUTIVE to sentence on: 2023-05-05-00059☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC690 days/month☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

☐ PTUP☐ No Contact with Victim☐ Domestic Violence Intervention Program☐ Hold for Inpatient Treatment☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430☐ SAC/MHC if necessary☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135☐ Other: _____☐ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B))

§14-1-206 (Assessments 107.6%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§66-5-2995 (DUI Assessment)

§66-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(e)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§66-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundMona A. Wheeler
Clerk of Court/Deputy ClerkPenny M. Johnson
Court Reporter2765
Judge Code3/5/2025
Sentence DateWalsh
Presiding Judge

Restitution	\$
FINE:	\$
	\$
	\$
\$100	\$
\$100	\$
\$12	\$
\$25	\$
\$25	\$
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$
\$500	\$
TBD	\$
TOTAL	\$

SCGA217B
01/27/2025

Bamberg Clerk of Court

MAR 05 2025

FILED IN COURT

RECEIVED

Mar 13 2025

SC Court of Appeals

WITNESSES

State Law Enforcement Division

S/A Shawn Murray *Sm*
SS/A Ryan Kelly

Law Enforcement Case #: 31-23-0039

DAVID *Sm* *Lh*

DWM

ARREST WARRANT NUMBER

2023A0510100083

ACTION OF GRAND JURY

True Bill

David H. Henshaw

Foreperson of Grand Jury
Date: June 15, 2023

VERDICT

Guilty.

Adam C. Hen
3/5/25

Foreperson of Petit Jury
Date:

DOCKET NO. 2023GS0500060

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

JUNE TERM 2023

THE STATE
vs.

DERRICK EDWARD GATHERS

CDR #: 0085

Indictment for

FAILURE TO STOP MOTOR VEHICLE
WHEN SIGNALLED BY LAW
ENFORCEMENT VEHICLE

§ 56-05-0750(B)(1)

BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF BAMBERG)

INDICTMENT FOR
FAILURE TO STOP MOTOR VEHICLE WHEN
SIGNALLED BY LAW ENFORCEMENT
VEHICLE

§ 56-05-0750(B)(1)

At a Court of General Sessions, convened on June 20, 2023, the Grand Jurors of Bamberg County present upon their oath:

That DERRICK EDWARD GATHERS did in Bamberg County on or about April 16, 2023, in the absence of mitigating circumstances, unlawfully fail to stop while driving a motor vehicle on a road, street, or highway of the state for a law enforcement vehicle after being signaled to do so by means of a flashing light and/or siren, and the road conditions were such that a reasonable driver could hear and/or see the signals. All in violation of §56-5-750 of 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.


BILL WEEKS, SOLICITOR