

State of South Carolina
In The Supreme Court

Appel from Spartanburg County

J. Mark Hays II, Circuit Court Judge

Appellate Case No.
2013-000215

Jeffrey E. Seta # 131471

Petitioner,

Motion to Amend
to Pre-2013 Bill

RECEIVED

OCT 09 2013

State of South Carolina

Respondent.

[S.C. SUPREME COURT

Now Come Petitioner Jeffrey E Seta with Amendment to Pre-2013 motion
Filed in the Supreme Court on Sept 20, 2013. This is a motion to show
that the enhancement that was done in his case was something that he was
not aware of. And as you can see in the Appendix page 44-45 line
21-25 and page 9. Lines 1-25. Page 8. Line 20-25 where my pre makes the
statement that the sentencing sheet does not show the enhancement and show that
it was a third or subsequent property offense. And as you can see what I have
attached exhibit (1) which is my sentencing sheet. where it shows know enhancement and
S.C. Code for enhancement which is (16-01-57) and as you can see in exhibit (2)
where a one Timothy J. Sanku was charged with the enhancement on his charge.
and they show on his sentencing sheet along with the S.C. Code (16-01-57) so
there could not be any mistake that his charge were enhanced. And as I stated
my plea was based on the recommendation from the solicitor office and no
one said anything about a enhance at that time. But once I walked in to
the court room relying on the state recommendation. Then that is when
the enhance came in to play. my sentencing sheet nor my indictment said
anything about a enhancement. Thus for I was tricked in to a plea that
the state and judge had know intention of up holding and my lawyer

Never objected to any of it. The sentencing sheets, that is exhibit (20) is the way my sentencing sheets should have shown. And the Court also say on page 45 of the Appendix line 19 where the Judge made the statement that it indicated the sentencing range. But if this is the case then I was sentenced under (16-13-10(B)) because the Solicitor made the statement on page 17. of the Appendix line 11-12 that all my forgoer was over \$5,000 and (16-13-10) B1 carries (10) years for forgoer over \$5,000, but as I said before I can you tell me you are giving me a recommendation for a sentence of (5) years and (5) years prob. but then you enhance my charges so I was kicked out of my plea. The solicitor misled the Judge then enhanced my sentence. so the recommendation was just to get me to plea. so my plea was a breach of contract.

Jeffrey E. Guter 131471
M.E. Cor. Inst. F-2-147
386 decision way
M.E. Cor. Inst. S.C.
29899

Jeffrey E. Guter

File this Day of Oct. 1, 2013

SOUTH CAROLINA
 SPARTANBURG
 VS.
 Jeffrey Eugene Jeter
 Sex: M Age: 44
 SS#: 36
 Zip: Spartanburg, SC 29306
 8046520 SID#:

EXHIBIT 1

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS4201413
 A/W#: M180193
 Date of Offense: 4/4/2008
 S.C. Code §: 16-13-0010(B)
 CDR Code #: 2427

SENTENCE SHEET

No CMV Yes No Hazmat Yes No
 Violation of the said indictment comes now the Defendant who was charged with Forgery, value less than \$5,000 (0-10 years)

CONVICTED OF or PLEADS

Violation of § 16-13-0010(B) of the S.C. Code of Laws, bearing CDR Code # 2427
 Non-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

Sentence is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)
 Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

MATT ENDALL, MATT SC Bar# 77213
 Defendant Attorney for Defendant SC Bar# 1207

Therefore, the Defendant is committed to the State Department of Corrections, County Detention Center,
 Maximum term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
 pay a fine of \$ _____; provided that upon the service of 15 days/months/years and/or payment
 _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5

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

Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied to Department of Corrections. 282 days

Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

PROBATION: Deferred Def. Waives Hearing Ordered
 \$4763.50 plus 20% fee: \$ _____

PTUP _____ days/hours Public Service Employment

Terms: _____
 SCDPPPS _____
 per order

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: probation to begin upon release from prison

| (Assessments 107.5%) | | \$ |
|---------------------------------|---------|-----------|
| (A)(1) (Conv. Surcharge) | \$100 | \$ 100.00 |
| (A)(2) (DUI Surcharge) | \$100 | \$ |
| (B) (DUI Assessment) | \$12 | \$ |
| (C) (DUI Breath Test) | \$25 | \$ |
| (D) (Public Def/Prob) | \$500 | \$ 500.00 |
| (E) (Law Enforce. Funding) | \$25 | \$ 25.00 |
| (F) (Drug Court Surcharge) | \$150 | \$ |
| (G) (BUI Breath Test Fee) | \$50 | \$ |
| (H) (J) (Vehicle Assessment) | \$40/ea | \$ |
| (I) (SCCJA Surcharge) | \$5 | \$ 5.00 |
| (J) (C) (Conditional Discharge) | \$350 | \$ |
| (K) (if paid in installments) | | \$ 18.90 |
| | | \$ 648.90 |

Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk/Deputy Clerk: P. Green
 Date: 06/2010

Presiding Judge: [Signature]
 Judge Code: 2135
 Sentence Date: 10/28/10

STATE OF SOUTH CAROLINA

EXHIBIT (2)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Timothy Jerome Sanders

AKA:

Race: B Sex: M Age: 38

DOB: SS#:

Address:

City, State, Zip: Spartanburg SC 29306

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Grand Larceny greater than \$1,000.00, 3rd or subsequent offense

INDICTMENT/CASE#: 2010GS4201335

A/W#: M117142

Date of Offense: 10/16/2009

S.C. Code §: 16-13-0030(B)

CDR Code #: 0478

SENTENCE SHEET

0-10- CONVICTED OF or PLEADS

in violation of § 16-13-0030, 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 2367

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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

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

ATTEST: Donald Cole 69337 Defendant
CUDE, DAN SC Bar# Attorney for Defendant 2596 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on:
 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.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: \$ _____ Substance Abuse Counseling

§ 14-1-206 (Assessments 107.5 %) \$ _____ Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ pmts. of \$ _____ beginning _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk A. Brady

Court Reporter: M. Hoffert

SCCA/217 (03/2011)

Presiding Judge: [Signature]

Judge Code: 2053

Sentence Date: 3-5-12

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

2X14bit (2)

COUNTY OF SPARTANBURG
STATE VS. Timothy Jerome Sanders
AKA:
Race: Sex: M Age: 38
DOB: SS:
Address:
City, State, Zip: Spartanburg SC 29306
DL#: SID#:

INDICTMENT/CASE#: 2010GS4202353
A/W#: M119007
Date of Offense: 2/9/2010
S.C. Code §: 16-13-0240
CDR Code #: 1186

SENTENCE SHEET

Nolo contendere

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Obtaining Property by False Pretenses less than \$1,000.00. 3rd or subsequent offense, 0-10 years.

in violation of § 16-13-0240, 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 2367
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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

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

ATTEST: CUDE, DAN SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
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.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 197.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BU! Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$133.90

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

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk A. Brady
Court Reporter: Moffitt
SCCA/217 (03/2011)

Presiding Judge
Judge Code: 2053
Sentence Date: 3-5-12

2x HB-1(2)

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)
STATE VS.)
Timothy Jerome Sanders)
AKA:)
Race: R Sex: M Age: 38)
DOB: SS#:)
Address:)
City, State, Zip: SPARTANBURG, SC 29306-0000)
DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS4202351
A/W#: M119008
Date of Offense: 2/9/2010
S.C. Code §: 16-13-0180(1)
CDR Code #: 0512

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS *nolo contendere*
TO: Receiving Stolen Goods less than \$1,000.00, 3rd or subsequent offense, 0-10 years

in violation of § 16-13-0180, 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 2367
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

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

ATTES: [Signature] 69337 [Signature] 2596
CUDE, DAN SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 ~~days/months~~ years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; ~~the balance is suspended with probation for~~

~~in this case~~ 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.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:
 Set by SCDPPPS
Recipient:

*Fine:

| | | |
|--|---------|-----------|
| § 14-1-206 (Assessments 107.5%) | \$ | |
| § 14-1-211(A)(1) (Conv. Surcharge) | \$100 | \$ 100.00 |
| § 14-1-211(A)(2) (DUI Surcharge) | \$100 | \$ |
| § 56-5-2995 (DUI Assessment) | \$12 | \$ |
| § 56-1-286 (DUI Breath Test) | \$25 | \$ |
| Proviso 47.9 (Public Def/Prob) | \$500 | \$ |
| § 14-1-212 (Law Enforce. Funding) | \$25 | \$ 25.00 |
| § 14-1-213 (Drug Court Surcharge) | \$150 | \$ |
| § 50-21-114(BUI Breath Test Fee) | \$50 | \$ |
| § 56-5-2942(J) (Vehicle Assessment) | \$40/ea | \$ |
| Proviso 90.5 (SCCJA Surcharge) | \$5 | \$ 5.00 |
| 3% to County (if paid in installments) | \$ | \$ 3.90 |
| TOTAL | \$ | \$ 133.90 |

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

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk A. Brady
Court Reporter: Moffett
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2053
Sentence Date: 3-5-12

Date Oct, 1, 2013

Mr. Johnson,

I would like to put this motion in to amend
this issue and these exhibit (1) + (2) to my pro se brief
and if there is not any trouble can you please send me a copy back

Thank you for your time

RECEIVED

OCT 09 2013

S.C. SUPREME COURT

My pro se

Mr. Jeffrey E. Gela 13441

Wife. Corie. Just. F-2-1478

380 Redempton way

Wife Corrie S.C. 29899

Supreme Court South Carolina

David E. Shawest Clerk of Court

Post Office Box 11330

Columbia S.C. 29211