

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee

STATE

INDICTMENT/CASE#: 2023GS1100879 [Count I]

VS.

Demarcus Rashon Austin

A/W#: 2023A1110100620

AKA:

Date of Offense: 05/26/2023

Race: Black Sex: Male Age: 34

S.C. Code §: 44-53-375(C)(1)(c)

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

CDR Code #: 0452

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

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

DL#\* \_\_\_\_\_ SID# \_\_\_\_\_

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

TO: Trafficking in Methamphetamine – 10 g or more, but less than 28 g – 3<sup>rd</sup> offense [LIFE NOTICE SERVED]

In violation of § 44-53-375(C)(1)(c) of the S.C. Code of Laws, bearing CDR Code # 0452

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

(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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:

*K. Leskanic*  
Solicitor  
K. Leskanic

16837  
SC Bar #

*Demarcus Austin*  
Defendant  
Demarcus Rashon Austin

*J. Elizabeth Wells*  
Attorney for Defendant  
Ms. Jennifer Elizabeth Wells

69498  
SC Bar #

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

for a determinate term of Life 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 \$    ; 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.

\_\_\_\_\_ 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.

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SC Court of Appeals

**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	\$ _____
§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	\$ _____
§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	\$ _____
<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	\$ _____
	<b>TOTAL</b>	\$ _____

Clerk of Court/Deputy Clerk: Brandy W. McBeal  
 Court Reporter: pam Green

Presiding Judge: R. Keith Kelly  
 Judge Code: 2165  
 Sentence Date: December 4, 2024

WITNESSES

CHEROKEE COUNTY SHERIFF'S OFFICE

*Brona D... [Signature]*

ARREST WARRANT NUMBER

2023A1110100620- COUNT ONE

2023A1110100621- COUNT TWO

ACTION OF GRAND JURY

*Karen DeLoay [Signature]*  
Foreperson of Grand Jury  
Date: 7-17-2023

VERDICT

TRUE BILL

Foreperson of Petit Jury  
Date:

DOCKET NO. **23-GS-11- 879**

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

July 17, 2023 TERM

THE STATE

vs.

DEMARCUS RASHON AUSTIN

Indictment for

TRAFFICKING IN METHAMPHETAMINE-  
COUNT ONE AND POSSESSION OF FIREARM  
DURING COMMISSION OF A VIOLENT  
CRIME- COUNT TWO

SC Code: 44-53-375; 16-23-490  
CDR: 0549  
CLASS: Fel/F

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

INDICTMENT

At a Court of General Sessions, convened on July 17, 2023, the  
Grand Jurors of Cherokee County present upon their oath:

**TRAFFICKING IN METHAMPHETAMINE - COUNT ONE**

That Demarcus Rashon Austin did in Cherokee County on or about May 26, 2023, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or did knowingly actually or constructively possess, or did knowingly attempt to actually or constructively possess twenty-eight (28) grams or more, but less than one hundred (100) grams of Methamphetamine, a schedule II controlled substance, in violation of §44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**POSSESSION OF FIREARM DURING  
COMMISSION OF A VIOLENT CRIME- COUNT TWO**

That Demarcus Rashon Austin did in Cherokee County on or about May 26, 2023, possess a firearm, during the commission of a violent crime as defined in Code §16-1-60, to wit: TRAFFICKING IN METHAMPHETAMINE, in violation of Code §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.

  
DEPUTY SOLICITOR