

STATE OF SOUTH CAROLINA

IN THE _____ COURT OF _____ GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.
Alton Rodgers

INDICTMENT/CASE#: 2011GS1000767
A/W#: K684298
Date of Offense: 11/11/2010
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

AKA: _____
Race: BLACK Sex: M Age: 47
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: CHARLESTON, SC 29405
DL#: _____ SID#: [REDACTED]

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was
TO: Petit Larceny - \$2,000 or less (Enhancement per 16-1-57)

in violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 3596
 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: Meg Haley 78209
Haley, Meg 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 7 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. 1055 days served
 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
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____
_____ 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: _____

Recipient: _____

*Fine:		\$
§ 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	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 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	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

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

Clerk of Court/ Deputy Clerk: Annal Curry
Court Reporter: Karen Anderson
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2163
Sentence Date: October 1, 2013

[REDACTED]

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

Indictment(s): 2011-GS-10-00767

STATE OF SOUTH CAROLINA)
Plaintiff,)

vs.)

ALTON RODGERS,)
Defendant.)

VERDICT FORM

1. On the charge of **Armed Robbery**, we, the jury, unanimously find the Defendant, Alton Rodgers:

Not Guilty

Guilty

**If you answer "Not Guilty" to Question # 1, please proceed to Question # 2.
If you answer "Guilty" to Question # 1, please stop your deliberations and have the foreperson sign and date the verdict form.**

2. On the lesser included charge of **Robbery**, we, the jury, unanimously find the Defendant, Alton Rodgers:

Not Guilty

Guilty

**If you answer "Not Guilty" to Question # 2, please proceed to Question # 3.
If you answer "Guilty" to Question # 2, please stop your deliberations and have the foreperson sign and date the verdict form.**

3. On the lesser included charge of **Larceny** , we, the jury, unanimously find the Defendant, Alton Rodgers:

Not Guilty

Guilty

Please stop your deliberations at this time and have your Foreperson sign and date the verdict form.


Foreperson

Charleston, South Carolina
October 1, 2013

WITNESSES

WOHLLEB

Charleston City Police Department

AGENCY CASE NUMBER

1019023

ARREST WARRANT NUMBER

K684298

DATE OF ARREST

November 11, 2010

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: FEB 07 2011

VERDICT

Guilty of Larceny

Foreperson of Petit Jury

10/1/13
Date:

INDICT

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

February Term 2011

THE STATE

vs.

ALTON RODGERS

DOB: 1965-11-05

B/M

10-5962(1)

Indictment for

Armed Robbery

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

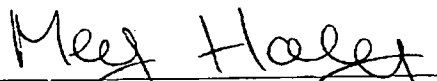
INDICTMENT

At a Court of General Sessions, convened on February 7, 2011 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about November 11, 2010, in Charleston County, South Carolina, the Defendant, ALTON RODGERS, while at 1934 Ashley River Road, Charleston, South Carolina, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or other object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Benny Taghivand with the intent to permanently deprive the victim of possession thereof, in violation of Section 16-11-330(A) 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.



MEG HALEY
ASSISTANT SOLICITOR

ARREST WARRANT

K-684298

STATE OF SOUTH CAROLINA

County Municipality of CHARLESTON

THE STATE against

ALTON RODGERS

Address: 573 MEETING STREET CHARLESTON, SC 29403

Phone: 704-225-7800 Sex: M Race: B Height: 609 Weight: 190

DL State: DL# DOB: Agency ORI#

Prosecuting Agency: CPD

Prosecuting Officer: WOHLLEB

Offense: ARMED ROBBERY

Offense Code: Code/Ordinance Sec: 16-11-330

This Warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA) County Municipality of CHARLESTON

AFFIDAVIT

Form Approved by S.C. Attorney General April 21, 2003 SCCA 618

Personally appeared before me the affiant DAVID VARGO who being duly sworn deposes and says that defendant ALTON RODGERS did within this county and state on 11-11-2010 violate the criminal laws of the State of South Carolina (or ordinance of County Municipality of CHARLESTON) in the following particulars:

DESCRIPTION OF OFFENSE: ARMED ROBBERY 16-11-330

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

Signature of Affiant

Handwritten signature of David Vargo

STATE OF SOUTH CAROLINA) County Municipality of CHARLESTON

Affiant's Address: 180 LOCKWOOD DRIVE CHARLESTON, SC 29403 Affiant's Telephone: 843-577-7434

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 11-11-2010 defendant ALTON RODGERS did violate the criminal laws of the State of South Carolina (or ordinance of County Municipality of CHARLESTON) as set forth below:

DESCRIPTION OF OFFENSE: ARMED ROBBERY

ARMED ROBBERY

Having found probable cause and the above sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on November 12, 2010

Signature of Issuing Judge (L.S.) Judge's Address: 3870 LEEDS AVENUE, SUITE 106 N. CHARLESTON, SC 29405 Judge's Telephone: 843-746-9822

Judge Code: 7004/GXR Issuing Court: Magistrate Municipal Circuit

7004/GXR ORIGINAL

[REDACTED]

[REDACTED]

[REDACTED]

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one SPO DAVID VARGO who first being duly sworn deposed and says that Rodgers, Alton Did with in this county and state on the 11 November 2010 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

Armed Robbery
16-11-330

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

That on 11-11-2010 at approximately 1246 hours, one Alton Rodgers (B/M 11-05-1965) did willfully and unlawfully commit the offense of Armed Robbery 16-11-330 to wit:

In that while at the Rite Aid Pharmacy, 1934 Ashley River Rd, Charleston, SC, 29407, the above defendant did attempt to remove One Craig MP3 Player (valued at \$49.99), and one Helping Hand Utility Knife (valued at \$5.49), from the above stated location. While attempting to remove these items the manager, Benny Taghivand, confronted the defendant. When he did so the defendant, with the utility knife in his right hand, swiped the knife at the manager attempting to harm Taghivand, who in fear of his life did remove himself from harms way. The defendant then placed the MP3 player in his left pocket, and left out the front entrance.

Ofc. Wohlleb apprehended the defendant outside the store where the witness had the defendant detained recovering the items from the incident.

The above having occurred in the lawful jurisdiction of the Charleston Police Department is true and believable based on:

- A) The investigation of Officer Wohlleb of Charleston Police Department.
B) The investigation of Det. Daquigan of Charleston Police Department
C) The personal observations of Rite Aid Employee, Benny Taghivand
D) The personal observations of a witness, Mr. Taghivand (Benny Taghivand's bother).

SWORD TO AND SUBSCRIBED BEFORE ME

THIS 12 DAY OF NOV, 2010

SIGNATURE OF JUDGE (L.S.)

Affiant signature and name

Charleston Police Department
180 Lockwood Blvd
Charleston, SC 29403
(843) 577-7434

COMPLAINT #: 10-14277
WARRANT

Berkeley County
219 N. Hwy. 52, Suite E
P.O. Box 1687
Moncks Corner, SC 29461
(843) 899-2777
(843) 899-2701 Fax
Cody J. Groeber
Berkeley County Public Defender

Ninth Circuit Public Defender

Berkeley & Charleston Counties

D. Ashley Pennington, Circuit Defender
publicdefender@charlestoncounty.org
(843) 958-1850

Charleston County
O.T. Wallace Building
101 Meeting Street, 5th Floor
Charleston, SC 29401-2214
(843) 958-1850
(843) 958-1860 Fax
Lorelle D. Proctor
Charleston County Public Defender

October 10, 2013

South Carolina Appellate Defense Commission
Attention -- Ms. Sharon Graham
PO Box 11589
Columbia, South Carolina 29211

RECEIVED

OCT 14 2013

SC Court of Appeals

Re: State of South Carolina v. Alton Rodgers
Indictment No.: 2011GS1000767
Warrant No.: K684298
Charge.: Larceny

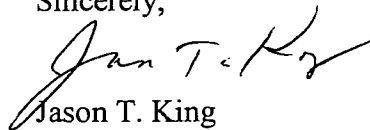
Dear Ms. Graham:

I am enclosing a duplicate set of the Appeal papers, which I have forwarded to the Clerk of the South Carolina Court of Appeals concerning the above-subject defendant. This defendant was represented by our office as an indigent, pursuant to the Defense of Indigents Act, and it is requested that your office assume the appeal of this case.

The name of the Court Reporter is Karen Anderson and her address is 3592 Somerset Hills Court, Mt. Pleasant, South Carolina 29466. I have enclosed documents usually requested by your office. Documents listed but not applicable to this particular case have been marked "N/A."

I thank you in advance for your cooperation in this matter. If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,


Jason T. King
Attorney for Appellant

Enclosure(s): As stated above

cc: Mr. Alton Rodgers (without enclosures)