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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No. 2024-001476

The State, ...Respondent,

v.

Jason Shane Bishop,.....Appellant.

RECORD ON APPEAL

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for Appellant Jason Shane Bishop

Alan Wilson
Attorney General

Brian H. Gibbs
Assistant Attorney General

Office of Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-3727

Barry J. Barnette
Solicitor, Sevent Judicial Circuit

180 Magnolia Street, Fifth Floor
Spartanburg, SC 20306

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ARREST WARRANT

2018A4210201057

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Spartanburg

THE STATE

against

Jason Shane Bishop

Address: [redacted]

Phone: [redacted]

Sex: M Race: W Height: 6 Weight:

DL State: NC DL #: [redacted]

DOB: [redacted] Agency ORI #: SCSHP0000

Prosecuting Agency: S C Highway Patrol

Prosecuting Officer: Christopher R Burnett - S00693

Offense: DUI / Felony driving under the influence, death results

Offense Code: 0395

Code/Ordinance Sec: 56-05-2945(A)(2)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
180 Magnolia Street
P O Box 3483
Spartanburg, SC 29304

AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY

AFFIDAVIT

AUDIT COPY

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Spartanburg)

Personally appeared before me the affiant Christopher R Burnett who being duly sworn deposes and says that defendant Jason Shane Bishop did within this county and state on or about 1/15/2018 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Spartanburg) in the following particulars:

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, death results

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:

That on January 15, 2018, in the county of Spartanburg, one Jason Shane Bishop did commit the crime of DUI / Felony driving under the influence, death resulting in that he did CAUSE THE DEATH OF RANDY STEVEN OBERDIER BY TRAVELING IN THE WRONG LANE ON I-26 WHILE INTOXICATED. KFW WARRANT BASED UPON POLICE INVESTIGATION.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Spartanburg)

Affiant's Address 8794 Fairforest Road
Spartanburg, SC 29303-

Affiant's Telephone

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 or about 1/15/2018 defendant Jason Shane Bishop did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Spartanburg) as set forth below:

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, death results

Having found probable cause and the above affiant having 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 3/26/2018

(L.S.)

Signature of Issuing Judge

Daniel Ray Burns

Judge Code: 7067

Judge's Address Spartanburg County Judicial Center
Spartanburg, SC 29306-2335

Judge's Telephone (864)596-3424

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY

R. 2

RECEIVED
APR 03 2018
BY: AL

Criminal Charging Document No.

BAIL PROCEEDING
FORM II

STATE OF SOUTH CAROLINA
COUNTY OF Spartanburg

IN THE General Sessions

STATE OF SOUTH CAROLINA
v.
Bishop, Jason Shane
NAME OF DEFENDANT

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Offense Charged: DUI / Felony driving under the influence, death results-[2018A4210201057]

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

☐ The release of the defendant on recognizance will not reasonably assure his appearance as required.
☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

Nature of Circumstances of Offense; Must Notify Court Immediately of Change of Address

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.

2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

☐ The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of $ _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of $ _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits $ _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

APPEARANCE RECOGNIZANCE WITH SURETY

☐ The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of $ _____.

3. That the defendant shall appear at (check one):

☒ the term of COURT OF GENERAL SESSIONS beginning on May 31, 2018 at 9:00 o'clock, A.M.,
at General Sessions - 180 Magnolia Street/P O Box 3483/Spartanburg, SC 29304 / (864) 596-2591
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☐ the session of ☐MAGISTRATE COURT ☐MUNICIPAL COURT beginning on _____ at _____ o'clock, ___
at _____
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): $5,000.00 (CS) or $5,000.00 (SB)

INITIALS OF DEFENDANT AJSB

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

SIGNATURE OF JUDGE

03/28/2018
DATE

FILED
2018 APR -3 AM 8:51

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED

SCCA/511A (Revised 3/2012) Original Copy For The Trial Court - Copy For The Defendant

4/3/18

R. 3

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

[redacted]

SIGNATURE OF DEFENDANT

3/29/18
DATE

ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of: _____
NAME OF PERSON OR ORGANIZATION

_____ _____ _____ _____
ADDRESS CITY/STATE ZIP TELEPHONE

who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

YOU MUST APPEAR FOR YOUR INITIAL APPEARANCE

_____ HEARING AT THE _____
SIGNATURE OF CUSTODIAN (IF APPROVED) DATE

THE SPARTANBURG COUNTY JUDICIAL CENTER

b. ☒ Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions: 180 MAGNOLIA STREET

SCRAM UNTIL TRIAL 2ND FLOOR

c. ☐ Part-time Release. The defendant will be released from custody from _____ o' clock, _____ to _____ o' clock, _____
TIME AM/PM TIME AM/PM

on _____ on condition that he return to the custody of _____
DATE(S) NAME OF PERSON OR ORGANIZATION

at _____ as designated.
LOCATION

d. ☐ Other conditions. The defendant will comply with the following other conditions of release: _____

ZERO TOLERANCE FOR ALCOHOL AND RANDOM DRUG TESTING.

APPEARANCE RECOGNIZANCE WITH SURETY

On the 29 day of 3, 18, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of $ 5000, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Jeff Bail Bonds 573-9883
NAME OF SURETY BONDSMAN COMPANY TELEPHONE

PO Box 3332
ADDRESS OF SURETY BONDSMAN

Spartanburg SC 29304
CITY/STATE/ZIP

NAME OF INSURANCE COMPANY

ADDRESS OF INSURANCE COMPANY

CITY/STATE/ZIP

Form Approved by S.C. Attorney General
Section 17-15-40
March 21, 2012

Jeff Burns
SIGNATURE OF SURETY BONDSMAN

D. Burns CC
SIGNATURE OF JUDGE

3/29/18
DATE

BONDSMEN: Future court dates should be checked at Spartanburgcounty.org-Court System-Court Rosters. Bench Warrants and Estreatment may be issued if the Defendant fails to show for appearances.

SCCA/511A (Revised 3/2012)

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSION
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No. 2018-A42-102-01057
State of South Carolina,	)	
	)	
	)	**Motion to Amend Conditions of Bond**
vs.	)	
	)	
	)	
Jason Shane Bishop	)	
	)	
_____	)	

The South Carolina Highway Patrol charged Shane Bishop with felony driving under the influence, death resulting, for an incident occurring on January 15, 2018. Mr. Bishop was injured in the automobile accident and spent almost three weeks in the hospital. Mr. Bishop is a resident of North Carolina. His address is 223 Kingdom Hall Drive, Clyde, North Carolina 28721. On March 28, 2018, Mr. Bishop turned himself in at the Spartanburg County Detention Center. The Magistrate Court Judge set a $5,000.00 surety bond with certain conditions, including a SCRAM monitoring device. Through a bonding company, Mr. Bishop posted that bond on March 29, 2018. The Magistrate Court Judge did not allow Mr. Bishop to leave the State of South Carolina.

Mr. Bishop has medical appointments in North Carolina and Spartanburg. These include:

- April 2, 2018 – CT Scan of face, mouth, and jaw in Spartanburg,
- April 4, 2018 – Surgery on the face, mouth, and jaw to correct a protruding bond,
- April 5, 2018 – Appointment with Maxillofacial doctor to address reconstructing teeth,
- April 6, 2018 – Appointment with Ear, Nose, and Throat (EMT) doctor.

More medical appointments will follow.

Mr. Bishop respectfully requests this Court amend his bond to allow him to live in North Carolina.

Prior to filing this motion, counsel for Mr. Bishop attempted to communicate with the Solicitor's Office but was advised they could not discuss this case without having received the arrest warrant and other file information.[1]

IT IS SO MOVED.

Respectfully Submitted,

By _____

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for the Defendant

March 29, 2018
Greenwood, South Carolina

[1] Additionally, Mr. Bishop is concerned that the SCRAM device might interfere with some of the medical procedures. Mr. Bishop is going to seek more information and report back to this Court if that becomes an issue.

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSION
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No. 2018-A42-102-01057
State of South Carolina,	)	
	)	
	)	**Motion to Amend Conditions of Bond**
vs.	)	
	)	
	)	
Jason Shane Bishop	)	
	)	
_____	)	

I certify that I have served a copy of this pleading on the State of South Carolina by placing a copy in the US Mail, postage prepaid, on the date reflected below, addressed to

The Honorable Barry Joe Barnette
Seventh Circuit Solicitor's Office
Spartanburg Cnty. Courthouse
180 Magnolia St.
Spartanburg, SC 29306

By _____

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466

Emailed on March 29, 2017 - Mailed 4/2/18
Greenwood, South Carolina

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSION
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No. 2018-A42-102-01057
State of South Carolina,	)	
	)	
	)	**Consent Order Amending Conditions of Bond**
vs.	)	
	)	
	)	
Jason Shane Bishop	)	
	)	
_____	)	

The South Carolina Highway Patrol charged Shane Bishop with felony driving under the influence, death resulting, for an incident occurring on January 15, 2018. This matter came before the Court on Jason Shane Bishop's motion with the consent of Assistant Solicitor Spenser H Smith to amend the conditions of his bond to allow him to reside at 223 Kingdom Hall Drive, Clyde, North Carolina 28721, which is where he was residing at the time of incident giving rise to this charge. Upon the consent of the parties, the Court finds this motion should be granted.

Therefore, it is ordered that Mr. Bishop's bond is amended to allow him to reside at 223 Kingdom Hall Drive, Clyde, North Carolina 28721. All other conditions of the bond remain in effect.

IT IS SO ORDERED.

J. Derham Cole
Chief ~~Administrative~~ Judge, Seventh Circuit

3/29, 2018
Spartanburg, South Carolina

I So Consent:

Spenser Smith
Assistant Solicitor

2018 MAR 29 PM 3:54

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

JUN 08 2018

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

FELONY DUI – DEATH

That the Defendant, Jason Shane Bishop, did in Spartanburg County on or about January 15, 2018 drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

(1) Driving Left of Center (56-5-1810 and 56-5-1880) and/or
(2) Failure to maintain proper control of vehicle, and/or
(3) Reckless Driving (Section 56-5-2920) and/or
(4) Driver's failure to exercise due care and/or
(5) Crossing Median or Driving on Wrong Way on a Divided Highway (56-5-1920)
(6) Speeding (Section 56-5-1520)
(7) Failure to maintain a proper lookout for other traffic and/or pedestrians.

Which proximately caused the death of Randy Oberdier, in violation of §56-05-2945 (A)(2), 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.

SOLICITOR

R. 9

DOCKET NO. 18-GS-42-2973

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 11 2018

TERM

THE STATE
v.

Jason Shane Bishop

Indictment for

FELONY DUI – DEATH

SC Code: **56-5-2945 (A) (2)**
CDR Code: 385
Class **FEL/B**

FILED
CLERK OF COURT
SPARTANBURG
2018 JUN 13 AM 10:05

WITNESSES

South Carolina Highway Patrol

ARREST WARRANT NUMBER

2018A4210201057

ACTION OF GRAND JURY

True Bill

JUN - 8 2018

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA — IN GENERAL SESSIONS
COUNTY OF SPARTANBURG — 7th JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,

Plaintiff,

vs. CASE NO. 2018-GS-42-02973

JASON SHANE BISHOP,

Defendant.

HEARING BEFORE: HONORABLE GRACE G. KNIE

DATE: September 11, 2023

TIME: 9:45 AM

LOCATION: Spartanburg County Judicial Center
180 Magnolia Street
Spartanburg, SC 29306

REPORTED BY: LORA L. McDANIEL,
Registered Professional Reporter

APPEARANCES:

ATTORNEYS FOR THE PLAINTIFF
SPENSER SMITH, ASSISTANT SOLICITOR

ATTORNEYS FOR THE DEFENDANT
E. CHARLES GROSE, JR., ESQ.

THE COURT: Y'all remain standing for me. Thank you. Mr. Solicitor, do you need me?

MR. BARNETTE: No, ma'am, I was just checking to make sure everything was fine.

THE COURT: Thank you. First, I need for you-all to raise your right hands and be sworn by the deputy clerk of court, Mr. Wheeler.

JASON S. BISHOP, JOHNNY R. GRIMES, MELVINA L. FIELDING, JERMAINE BIVINGS, QUINTORIOUS M. JETER

being first duly sworn, testified as follows:

THE COURT: I'm going to go through a series of questions with you-all. Selfishly this will save a lot of time this morning by doing this part of the questions in a group. After we get through with this, you-all will -- you five are going to return to the gallery. And then you will be called up one at a time for your individual plea hearing. All right?

These are yes or no questions. And because I'm asking you the questions in a group, if you don't understand something or you don't feel comfortable answering the question, have a seat so that I can get your name and I'll try to clarify it for you, if I can. Okay, here we go with the questions.

Do each of you understand that the purpose of the hearing is for you to enter a plea or pleas on the charge or charges against you? That's the purpose of you being in this courtroom today; not to have a trial.

(Other matters were heard.)

MR. BISHOP: Yes.

THE COURT: If you-all understand that, I need for you to answer out loud.

(Other matters were heard.)

MR. BISHOP: Yes.

THE COURT: When you enter a plea, you waive very important Constitutional rights; not only are you waiving your right to a trial by jury, you also waive your right to confront witnesses against you and your right to remain silent.

If you were to go forward and have a trial, the burden of proof would not be on you and your lawyer. The burden of proof is on the State, the attorney for the State to prove every element of every charge against you beyond a reasonable doubt.

You are presumed to be innocent until proven guilty. If you were to have a jury trial, every member of the jury, all 12, would have to agree before you could be found guilty.

First, do you understand these very important Constitutional rights I have stated to you?

(Other matters were heard.)

MR. BISHOP: Yes.

THE COURT: Understanding them, is it still your wish to waive them in exchange for a plea or pleas on the

charge or charges against you today?

(Other matters were heard.)

MR. BISHOP: Yes.

THE COURT: Has anyone threatened you or coerced you in any way to get you to enter your plea or pleas?

(Other matters were heard.)

MR. BISHOP: No.

THE COURT: Don't be offended. I'm asking all of you-all the next question. Are you today under the influence of alcohol, drugs, or any intoxicant that would impair your judgment in understanding what you're doing today?

(Other matters were heard.)

MR. BISHOP: No.

THE COURT: Do you suffer from any mental or physical infirmity that would affect your ability to understand what we're doing?

(Other matters were heard.)

MR. BISHOP: No.

THE COURT: Are you satisfied with the services of your legal Counsel?

(Other matters were heard.)

MR. BISHOP: Yes.

THE COURT: Lastly, if you take some type of prescribed medication, if you will let me know by raising your hand. I'll get your name again.

Does anybody take any type of med?

Yes, ma'am, your name.

(Other matters were heard.)

THE COURT: You are?

MR. BISHOP: Jason Bishop.

THE COURT: Mr. Bishop, I'll ask you more about it in just a minute. Anybody else?

You three have a seat and you-all can come back around.

(Several Defendants were seated in the gallery.)

THE COURT: The first matter, please.

MR. SMITH: Jason Bishop.

(A pause transpired).

THE COURT: If we are ready, Mr. Smith, go ahead and call the case. And then I do have a couple of questions for Mr. Bishop before we move forward.

MR. SMITH: Your Honor, this is Jason Shane Bishop. He's here on 2018-GS-42-2973 in which is a true-billed indictment for felony DUI with death. He is waiving presentment, pleading guilty to reckless homicide. He's represented by Charles Grose. I do have the victim's wife is present.

THE COURT: Thank you.

Sir, you are Jason Shane Bishop; correct?

MR. BISHOP: Yes, Your Honor.

THE COURT: Sir, earlier you were sworn and then asked a series of questions in a group setting. If I were to ask you all of the questions again right now, would your answers be the same?

MR. BISHOP: Yes. Yes, ma'am.

THE COURT: Thank you. You indicated that you take some type of prescribed medication?

MR. BISHOP: Yes, ma'am.

THE COURT: Sir, have you taken that medication in the last three days?

MR. BISHOP: Yes, ma'am.

THE COURT: When you take it, does it interfere with your ability to think and reason clearly?

MR. BISHOP: No, ma'am. It's mostly something I take in the evening to help me sleep.

THE COURT: Mr. Grose, I know you've talked to this gentleman before today and today. Do you have any concerns about going forward with the hearing understanding that he's taken a prescribed med?

MR. GROSE: No concerns, Your Honor.

THE COURT: Do you believe he understands the proceeding?

MR. GROSE: Absolutely.

THE COURT: He can assist you in his representation?

MR. GROSE: Yes, ma'am.

THE COURT: Thank you.

First, Mr. Bishop, I again am going to ask Mr. Smith to call the case and state the status of any recommendation or negotiation.

MR. SMITH: Your Honor, there is no recommendation or negotiation other than the reduction of the charge.

THE COURT: I note on my information sheet that there is one day of jail credit. And then I just want to make sure I say this right. This is a pretty big number. 1,993 days on a SCRAM monitor.

MR. SMITH: Yes, ma'am.

MR. GROSE: I haven't calculated the exact number, but it is a very large number. It goes back to --

THE COURT: The date of incident.

MR. SMITH: March 29, 2018.

MR. GROSE: Yes.

THE COURT: Date of incident being January 15, 2018.

MR. GROSE: For the record, he was in the hospital himself after this accident. And he got in touch with me, and we turned him in. That was the date in March. He spent one night in jail, and then he's been on SCRAM monitor since then.

THE COURT: Sir, I'm now going to go over the charge that you're entering your plea to; okay?

MR. BISHOP: Yes.

THE COURT: Sir, I have a true-billed indictment, 18-GS-42-2973. That was for felony DUI with death resulting. You're actually pleading to a different offense of reckless homicide.

Reckless homicide is a felony. And the penalty for this offense is not more than ten years and/or a fine of 1,000 up to $5,000.

Sir, do you understand the offense that you're actually entering your plea to?

MR. BISHOP: Yes, Your Honor.

THE COURT: Do you understand the potential penalty?

MR. BISHOP: Yes, Your Honor.

THE COURT: Do you understand that this is coming before me as an open plea meaning, that there's no recommendation or negotiation as to the sentence from the State?

MR. BISHOP: Yes, Your Honor.

THE COURT: The sentence will be within my discretion. Do you understand?

MR. BISHOP: Yes, Your Honor.

THE COURT: Do you have any questions at all before entering your plea?

MR. BISHOP: At this time I do not, Your Honor.

THE COURT: Sir, further, one more thing. Do you waive presentment of the indictment as to reckless homicide to the Grand Jury? You've initialed sentencing sheet indicating that you do. Do you wish to go forward today?

MR. BISHOP: Yes, Your Honor.

THE COURT: Sir, understanding everything that I said, do you wish to enter your plea as to reckless homicide at this time?

MR. BISHOP: Yes, Your Honor.

THE COURT: How do you plea?

MR. BISHOP: I plea guilty, Your Honor.

THE COURT: Are you doing so freely, knowingly, and voluntarily? All three?

MR. BISHOP: Yes, Your Honor.

THE COURT: Please be advised in the event you wish to appeal any aspect of the plea hearing today, sir, you only have ten days to do so in writing to This Court. Do you understand?

MR. BISHOP: Yes, Your Honor.

THE COURT: Thank you. Again, sir, direct your attention to Mr. Smith.

MR. SMITH: Your Honor, this incident occurred on January 15, 2018, little after 8:00 in the evening. It happened in Spartanburg County on I-26, kind of by the Costco, where you pass Costco.

Mr. Bishop was traveling back towards North Carolina. And Randy Oberdier was driving his car towards Columbia on 26. State's allegation is that Mr. Bishop left his lane of travel, went through the center median, went through the cable barrier, into the opposite side of the interstate. He struck, I believe, three different cars; two of them had heavy damage and one got sideswiped involved in it.

The final pickup truck that he hit turned him back around so he was actually facing in the correct lane of travel as if he had been heading that way, which caused some confusion with the investigation for a while. They did ultimately realize that the cable barrier was caught up in the back half of his vehicle.

When they arrived on scene, you can tell from the incident report, at the time they thought Mr. Bishop was in the worst physical shape in terms of maybe dying. He was unconscious when they arrived, bleeding from his head and mouth area.

They did communicate with people on the scene, who indicated that, ultimately, although there was some confusion that it was Mr. Bishop's car that had crossed over the center line causing the accident. Randy died in surgery later that evening.

Your Honor, due to Mr. Bishop's condition, they weren't really able to communicate with him in any way or do

any field sobriety test. They just marked the scene and their investigation continued from that point.

They ultimately made contact with Mr. Bishop on January 29th in the hospital. He stated he did not remember how the wreck had occurred. He had remembered leaving the restaurant around Westgate Mall around I-26 after he had dinner. He did admit that he had consumed mixed drinks with his dinner. Law enforcement then got a search warrant for his hospital records. It showed a blood alcohol concentration of .182.

At that point they arrested him for felony DUI. The allegations as far as the wreck would be that speed was involved, just because of the distance covered and the lack of reaction to slow down after going into the median, going through the cable barrier, speed, and then obviously just not keeping control of the vehicle would be the allegations that proximately caused Randy's death. I believe for purposes of the plea that's a sufficient factual recitation, Your Honor.

THE COURT: Thank you. Mr. Bishop, you heard the statements of the Solicitor, sir. Is that substantially what happened?

MR. BISHOP: No, sir.

THE COURT: Let me let you talk to your lawyer for just a second.

MR. BISHOP: I'm not sure.

MR. GROSE: Can I interject?

As the Solicitor, you know, mentioned, Shane -- he goes by Shane -- was injured in this accident, was in the hospital. He does not have a memory of the accident itself. We don't necessarily agree with everything that they said.

Your question was substantially. He certainly acknowledges that he went left of center. That would also involve perhaps some other statutory violations with that. I do believe and I think he agrees with me there's a substantial basis for the allegation of reckless homicide.

THE COURT: Sir, is that correct?

MR. BISHOP: Yes, ma'am.

THE COURT: You agree with the statements of your legal Counsel?

MR. BISHOP: Yes, ma'am.

THE COURT: I do find that there is a factual basis for the plea, sir. I will accept it.

I'm aware because -- maybe I should've put this on the record at the beginning. Mr. Grose and Mr. Smith have been very diligent in communicating with me about this case. And I've met with them at least twice, met with them about it, and then had communications with them about it as well. And I believe that this case was on the trial roster for this week.

MR. GROSE: Yes, ma'am.

THE COURT: They wanted to go ahead and lock the

plea in. I believe now the issue of sentencing is going to be deferred because that is what has been requested.

MR. GROSE: Yes, ma'am.

MR. SMITH: Yes, ma'am.

THE COURT: Is that correct?

MR. SMITH: Yes, ma'am.

THE COURT: Is there anything else that y'all want me to take up today? Is there anybody that you want me to hear from that can't come back later? Anything like that?

MR. SMITH: I don't believe so, Your Honor.

MR. GROSE: Not from our perspective.

THE COURT: This is very important. I do appreciate the lawyers going ahead and locking in the plea. From the lawyers' standpoint now it's more focusing on not getting ready for trial, handling the plea. And I know that's two very different things. For their benefit and The Court, thank you.

We will then reschedule the sentencing part of this. That will be coordinated with their calendars and making sure that anyone else that wishes to attend can be here; okay?

MR. SMITH: Yes, Your Honor.

THE COURT: Sir, all the conditions of bond remain in full force and effect. I think that I'm required to tell you -- I rarely do deferred sentences. If you fail to come back for the sentencing part, you will be sentenced in your

absence.

MR. BISHOP: Yes, ma'am.

THE COURT: Do you understand?

MR. BISHOP: Yes, ma'am.

THE COURT: Then a bench warrant would be issued.

MR. BISHOP: Yes, ma'am. That won't happen.

THE COURT: Stay in contact with your attorney; okay?

MR. BISHOP: Yes, ma'am.

THE COURT: Thank you. That will conclude our business on this for the morning.

(The hearing was concluded at 10:00 a.m.)

CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to, nor counsel for, any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 2nd day of October, 2024 at Spartanburg, Spartanburg County, South Carolina.



Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

The Grose Law Firm, LLC

305 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.
Phone: 864-538-4466 Fax: 864-538-4405
E-mail: charles@groselawfirm.com
Web: GroseLawFirm.com

April 18, 2024

The Honorable Amy W. Cox
Clerk of Court, Spartanburg County
PO Box 3483
Spartanburg, SC 29304-3483

Re: *State of South Carolina v. Jason Shane Bishop*
Case No.2018-A42-102-01057, 2018-GS-42-02973

Dear Ms. Cox:

Enclosed for filing, please find Mr. Bishop's Motion to Amend the Conditions of Bond, along with a certificate of service.

Thank you for your attention to this matter. Please let me know if I can answer any questions or provide additional information.

With kindest regards, I am

Yours very truly,

s/*E. Charles Grose, Jr.*
E. Charles Grose, Jr.

cc: The Honorable R Keith Kelly
Spenser Holloran Smith, Esquire

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSION
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No.
State of South Carolina	)	2018-A42-102-01057
	)	2018-GS-42-02973
	)	
vs.	)	
	)	**Motion to Amend Conditions of Bond**
	)	
Jason Shane Bishop	)	
	)	
_____	)	

Jason Shane Bishop moves this Court for an order amending the conditions of his bond to delete the requirement that he be subject to delete the requirement of a SCRAM monitor.

FACTUAL AND PROCEDURAL BACKGROUND

For an automobile accident occurring on January 15, 2018, the South Carolina Highway Patrol arrested Mr. Bishop on March 28, 2018 and charged him with felony driving under the influence. Mr. Bishop's arrest followed a lengthy hospitalization for injuries he sustained in the automobile accident. Mr. Bishop, a longtime resident of North Carolina, voluntary surrendered himself. As a condition of bond, the Magistrate Court required "SCRAM UNTIL TRIAL" and "ZERO TOLERANCE FOR ALCOHOL AND RANDOM DRUG TESTING." Mr. Bishop was released from jail on March 29, 2018. The Circuit Court amended the conditions of bond, on March 29, 2019, to allow Mr. Bishop to live in North Carolina.

On September 11, 2023, Mr. Bishop pled guilty to reckless homicide, and the Honorable Grace Knie deferred sentencing until November 14, 2023. Sentencing was postponed further because of circumstances outside the control of the Court and parties.

On March 21, 2024, Mr. Bishop suffered a stroke and required hospitalization at Mission Hospital in Ashville, North Carolina. On March 21, 2024, medical provides cut off the SCRAM

monitor to perform an MRI. After discharge from the hospital, Mr. Bishop received inpatient rehabilitation care at CarePartners Rehabilitation Hospital in Ashville, North Carolina until April 15, 2024. Mr. Bishop's recovery will require further rehabilitation and multiple medical appointments.

Between March 29, 2018 and Mr. Bishop's hospitalization, there were not any violations of SCRAM monitoring program.

ARGUMENT

Mr. Bishop respectfully requests this Court delete the requirement of SCRAM monitoring. Given Mr. Bishop's current medical condition, he is trying to limit travel to medical appointments, as travel is currently very fatiguing. Mr. Bishop relies on others for transportation. As a practical matter, Mr. Bishop's current medical condition provides the Court with assurances that Mr. Bishop is not a danger to the community or a flight risk.

Respectfully Submitted,

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charle@groselawfirm.com

Attorney for Jason Shane Bishop

April 18, 2024
Greenwood, South Carolina

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSION
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No.
State of South Carolina	)	2018-A42-102-01057
	)	2018-GS-42-02973
	)	
vs.	)	
	)	**Motion to Amend Conditions of Bond**
	)	
Jason Shane Bishop	)	
	)	
_____	)	

I certify that I have served a copy of this pleading on the State of South Carolina, by emailing at copy to counsel, at counsel's AIS email address, as reflected below:

Spenser Holloran Smith, Esquire
County Courthouse Third Floor
180 Magnolia Street
Spartanburg, SC 29306
ssmith@spartanburgcounty.org

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466

April 18, 2024
Greenwood, South Carolina

STATE OF SOUTH CAROLINA — IN GENERAL SESSIONS
COUNTY OF SPARTANBURG — 7th JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,

Plaintiff,

vs. CASE NO. 2018-GS-42-02973

JASON SHANE BISHOP,

Defendant.

HEARING BEFORE: HONORABLE GRACE G. KNIE

DATE: June 25, 2024

TIME: 10:23 AM

LOCATION: Spartanburg County Judicial Center
180 Magnolia Street
Spartanburg, SC 29306

REPORTED BY: LORA L. McDANIEL,
Registered Professional Reporter

APPEARANCES:

ATTORNEYS FOR THE PLAINTIFF
SPENSER SMITH, ASSISTANT SOLICITOR

ATTORNEYS FOR THE DEFENDANT
E. CHARLES GROSE, JR., ESQ.

MR. SMITH: Jason Bishop.

THE COURT: Sir, you are Jason Shane Bishop; correct?

THE DEFENDANT: Yes, ma'am.

THE COURT: Since you were not part of the group qualification today, let me have our clerk put you back under oath; okay?

MR. BISHOP: Okay.

THE CLERK: Raise your right hand.

JASON SHANE BISHOP

being first duly sworn, testified as follows:

THE COURT: Thank you, sir. You can put your hand down.

Let me have the Assistant Solicitor, Mr. Smith, call the case. And let me have Counsel announce their presence for the record.

MR. SMITH: Your Honor, this is Spenser Smith for the State. Mr. Bishop entered a plea on indictment 2018-GS-42-2973. That was a true-billed indictment for felony DUI with death. He did waive presentment and plead to reckless homicide back on September 11, 2023.

The case was on the trial docket. I believe we could not get everybody that we needed for sentencing. The sentencing was deferred until this date.

He had 1,993 days that he had been on the SCRAM

program at the time of his plea with one day in jail. He was on the SCRAM monitoring since that until the point that he suffered a stroke and had to be removed for MRI purposes.

I do have multiple members of the victim's family. My understanding is none of them wish to speak. I do have a statement from one of them we would like to read.

There was no negotiations or recommendations as far as the sentencing. It was just a straight up plea when it was entered, Your Honor.

THE COURT: The magistrate set bond and put Mr. Bishop on SCRAM?

MR. GROSE: That is correct.

MR. SMITH: Yes, Your Honor. He was given a $5,000 surety bond.

He suffered injuries in this accident as well and was arrested on March 28, 2018 and bonded out the next day. Got a $5,000 surety bond with SCRAM, and then he was subsequently allowed to move to North Carolina where he resides and has remained there.

THE COURT: At some point there was a motion made for him to be able to live in another state and that was granted, I think, by Judge Cole; maybe it was a consent order and he signed it.

MR. GROSE: That's correct, Your Honor.

THE COURT: I know there's a lot of preparation

that's gone into today. I understand why it was plead in September and deferred, because Counsel for the State wanted to make sure that the plea was locked in before the next term of court began the next week.

And then y'all wanted time to get your ducks in a row with regard to all the folks that were going to address The Court. And I certainly understand and appreciate all of that.

Mr. Bishop is pleading to reckless homicide, zero to ten. It is a felony, non-violent.

MR. GROSE: Correct.

THE COURT: Let me ask Mr. Grose. I just want to make sure that I understand everything because I re-read my notes from the September 11th hearing. And Mr. Grose always goes over and above. He has sent a sentencing memorandum to me back in November and then I've received some medical records from Advent Health and a nurse. It's nurse's notes.

MR. GROSE: The nurse's note is regarding --

THE COURT: From Mission Hospital.

MR. GROSE: -- removal of the SCRAM because of the MRI.

The next letter is, I believe, from May that was documenting the changed conditions at that point in time.

THE COURT: I do appreciate all of the preparation and all of the information that I have been provided. And I know that today some folks are going to address me on

Mr. Bishop's behalf. He may choose to address me as well, if he wants to, as well as members of the victim's family may want to address me.

I do see -- and, of course, anyone that wants to address me can do so. That's what I wanted to say.

Is there anything else in writing, any other documentation that y'all have sent this morning or anything I need to look at?

MR. GROSE: I think you have everything that I have sent, Your Honor.

MR. SMITH: I don't have anything.

THE COURT: Let me hear from Sergeant Vinson about SCRAM. Sergeant Vinson is over our home detention program in Spartanburg County. And this program is really a model for other home detention programs in the State of South Carolina.

Sergeant Vinson has addressed all the judges, circuit court judges in the state when we hosted a conference here and they were much impressed with her program. A lot of programs don't offer SCRAM and judges call me a lot to ask me about SCRAM and if our program will monitor people outside of Spartanburg County, and we did for a while. Now that stopped. That's why Mr. Bishop was allowed to be on SCRAM out of state. That's before the policy changed in Spartanburg County.

SGT. VINSON: That is correct. That was back in 2018. And we even had a few people in special situations that

were monitored out of state. We first stopped out of state because we lost some SCRAM monitors in Alabama. He has maintained compliance on the SCRAM monitor since March of 2018.

THE COURT: The issue out of state is extradition and getting other law enforcement to cooperate with our law enforcement to search for people that are outside of our jurisdiction.

How has Mr. Bishop been doing on SCRAM? I'm assuming I would've heard about it or another judge would've issued an order if there had been a problem.

SGT. VINSON: Correct. The time that he's been on the bracelet, with the exceptions of the medical issues that he presented to you, he has been in compliance. He hasn't had any alcohol reading since March of '20. It was put on him March 29, 2018, so he's been with us for quite some time.

THE COURT: The monitor monitors any alcohol consumption, and then you are given an alert?

SGT. VINSON: Correct. It can even pick up alcohol in an environment as well if it's an enclosed environment. He hasn't had any alcohol readings during that time.

THE COURT: Other than monitoring the alcohol, it doesn't tell you --

SGT. VINSON: It does not give you the locations of where you're at. We can only simply tell you if he was consuming alcohol or not.

MR. GROSE: Doesn't it have to be, he has to be in proximity certain times a day.

SGT. VINSON: He's in proximity twice a day. The monitor is in his house to do the downloads of the data that was gathered throughout the day. It takes an alcohol reading every 30 minutes. If it doesn't detect alcohol, it does a reading every 30 minutes unless something makes it test more often if it senses alcohol.

THE COURT: If he drove to -- I'm trying to think. North Carolina is a pretty big state. If he came into South Carolina during the day and went back to North Carolina, by the end of the day you wouldn't necessarily know that.

SGT. VINSON: I wouldn't know any locations he went to.

THE COURT: It's different from the GPS?

SGT. VINSON: Correct.

THE COURT: GPS is a separate bracelet?

SGT. VINSON: Correct.

THE COURT: When did the monitor come off? I know it came off for the MRI. I have a copy of that.

MR. GROSE: That's the nurse's note from March 22, 2024 that documented it. It's my understanding that's the date it came off.

THE COURT: From the September 11th date there would be maybe --

MR. SMITH: 193 days.

THE COURT: Thank you very much.

Do y'all have anything else from Sergeant Vinson?

MR. SMITH: I do not.

THE COURT: Or for her, any more questions?

I know you're very busy. I do appreciate your being here.

SGT. VINSON: Thank you.

MR. GROSE: Thank you very much.

THE COURT: Mr. Grose, if it's okay with you, let me just have Mr. Smith pick up like we would normally in a plea hearing. Understanding that, Mr. Bishop pled guilty to this offense, reckless homicide, back on September 11th.

Mr. Smith, I'm happy to hear from you and hear from anyone that wishes to address me on behalf of the victim and the State.

MR. SMITH: Your Honor, briefly about the facts, this wreck happened on January 15, 2018. It was in Spartanburg County on I-26, not too far past the 29 of West Gate Mall exit. State alleges Mr. Bishop lost control of his vehicle. We believe because he was under the influence of alcohol and went through the cable barrier and struck multiple vehicles, including the Oberdiers. And ultimately Randy passed away as a result of those injuries.

He was transported to the hospital. And the way it

looks in the police reports they did not -- I believe they did not think he was going to pass away. They were surprised perhaps by that. It does not seem like it was treated like a felony DUI initially.

And just -- I know the family is not in agreement with how this case went. I'm just going to explain some of the reasons how it did go this way. There was a witness that Highway Patrol talked to that was behind Mr. Bishop that stated that a car cut him off and that is what caused the beginning of this wreck.

For whatever reason, Highway Patrol did not even go to the other side of the interstate to check and see if there was any indications that could've supported or refuted that claim. They did not have their accident reconstruction team work this case. I do not know why all of these decisions were made long before the case was assigned to me.

They did not do an autopsy on Mr. Oberdier. They did a visual and medical records autopsy which I have never had in my ten years of prosecution, never seen that. Don't know why that was done. He did have substantial health problems. I don't know if there could've been issues with causation of the wreck that could've been causation of his death.

And ultimately there were troopers that night on scene that were debating about whether they thought Mr. Bishop was intoxicated or even had an odor of alcohol on him. He was

in pretty bad shape, bleeding from his mouth and face area. It could've been the blood was obscuring the smell of alcohol.

They actually have a pretty substantial debate on their in-car video about whether they think this is even heading in the DUI direction. Honestly I think they decided that it wasn't.

They then go to talk to Mr. Bishop several days later while he's still in the hospital. I think that his statement would've come in. I'm sure the defense would've challenged his statement. We didn't think he was in custody at the time. He certainly wasn't arrested; he was in a hospital bed. The video statement was not recorded.

To his credit, Mr. Bishop admitted that he had been out at a restaurant and drinking. He does not remember anything about the wreck. He didn't offer anything about whether he was cutoff or whether he just lost control of the vehicle or he was speeding or anything like that.

That one statement essentially plus the wreck was the basis to get a search warrant to get his hospital records. And they did come back as a .182 alcohol, which is obviously a high level. It's also not a forensic test; it's designed to pass sometimes the scrutiny that the defense brings.

The reason we got here is because there's a number of issues that all -- when the case goes to trial and the standard is beyond a reasonable doubt could have caused a not

guilty. I have attempted to bring that to the family. They're not satisfied. I understand that. That happens sometimes. This is where we are.

He doesn't have a prior record other than some speeding tickets that were -- one was over a decade old. The other was from 2013.

I do have statements from the family, if you would like those now, Your Honor.

THE COURT: Let me hear that.

MR. SMITH: This is from Greg Oberdier, his son or one of his seven children.

To explain how this affected me, first, I have to tell you who my dad was. He was a veteran. He was a father of seven kids. He worked on diesel trucks for 20-plus years. He was the smartest person I have ever met.

Not only was he my father, he was my best friend. He loved his family very much from the biggest to the smallest. He taught me that family is everything and money doesn't make the world go around, but it definitely greases the bearings. I had an awesome dad.

Your actions that evening destroyed my whole family. There are no more Sunday done days, no more life advice. I'm really lucky you did not kill my two-year-old daughter and my mother as well. They were in the car that night, too. You took the glue to my family.

I miss my dad every second of every day. Your childish ways took one of the best people on earth. I'm disappointed in how this all went down from the DA trying to get us to drop the DUI charges to the smack on the wrist you are about to receive.

My youngest kid will never know how awesome his papa was. We have lived with your actions every day since that night. It is finally your turn.

This is from Mrs. Oberdier, his wife.

Judge Knie, I am sending you this message because I would like for you to know a little about my deceased husband of 38 years. This says Randy had six children, which are grown. And so many grandchildren and great grandchildren. Some of them didn't never get to enjoy the love of their grandfather. His youngest daughter had a baby the day after he was killed. The shock caused her to go into labor the night that he died. She will never know that love of her grandfather.

Judge Knie, I pray that you find in your heart to please do justice for our family. This has been the worst six-and-a-half years I've endured. I have MS. I do not believe that I can testify in the courtroom. Some of our family would like to speak so you can understand how much this tragedy has hurt so many people. She indicated a lot of family have work, could not be here. Please give us justice and thank

you for giving us justice.

The whole front row and one behind are all family, wife, children, daughter-in-law and friends that are all here in support of Randy.

THE COURT: Thank you.

Thank you all for being here. Anything else?

MR. SMITH: No, Your Honor.

THE COURT: Mr. Grose, I will ask. I know that you've done this. Let's get it on the record. Have you reviewed all the evidence and discovery in this matter with Mr. Bishop?

MR. GROSE: I have, Your Honor.

THE COURT: I'm happy to hear from you and anyone that wants to address me on his behalf before I hear from Mr. Bishop, if he wishes to address me.

MR. GROSE: Thank you, Your Honor. May it please The Court. You've already referenced that you have the sentencing memorandum in front of you. And Mr. Smith has already indicated that Shane was injured himself in this accident. There's a picture of him in there that, I guess, from the early days of his recovery. He's had a number of operations because of this accident.

And as The Court is aware from the more recent medical records that we've provided, Shane had a stroke earlier this year and was rushed to the hospital. And he is currently

going through speech therapy, occupational therapy, and physical therapy to recover from that.

I'm told that the medical doctors cannot rule out that this stroke was actually connected to the accident that happened; it was just while we were here today. The theory is there may have been some weakening to one of his arteries that over time we can further prove that. I say they can't rule that out. I don't know. That is at least one theory.

It's also my understanding that the speech therapy has been -- Shane has made a lot of progress on that. They may be beginning to wind that down. They also anticipate the occupational therapy and the physical therapy will continue to at least August of this year and potentially even longer.

In the sentencing memorandum, there's a copy of the agreement that Shane signed as far as to be on home detention with the SCRAM monitoring. Whether the monitor was able to tell where he was at any particular given time in the day, Shane honored that agreement. He's missed a number of funerals and also the ability to go to the hospital when his partner Mark was having to go through some of his own health issues.

Shane also has not been driving during this period of time. I think he experienced his own post-trauma from all of this. And he has not gotten his license back. And he's had people who have taken him to and from work, which he was able to work, I guess, prior to and post-pandemic as a hairdresser.

He also got a job working, I believe, at the supermarket during the pandemic so that he could contribute towards the financial obligation that was associated with the SCRAM bracelet.

There's a number of people who wish to speak, and I would ask that Donna Morris come up.

THE COURT: Yes, ma'am. Please come forward.

MS. MORRIS: Your Honor, I'm Donna Morris. I work as a deputy clerk for the Laurens County General Sessions and Common Pleas. I've known Shane since he was four years old; got to know the family. The family is a pillar to our community, his grandparents, his parents.

Shane has been like any typical teenager. He's done things when he was younger, nothing out of the ordinary than any other teenager wouldn't do. At a certain age, he went into service like his father did. He's come out. He's been a productive person and did what he needed to do to pull his life together. He's also been very respectful.

The day of the wreck I was the last one, as far as my knowledge, sitting there that he cut my hair. I think I left there about 6:30. I'm not sure what time the wreck happened. I didn't hear about it until couple days later.

Shane has been nothing but respectful and then trying to do his best to work and honor his family, his friends. And at this point, I know it's a horrific wreck. And

I know all families are destroyed. I've been through it when my husband had a wreck years ago during an ice storm. I know what both sides are going through.

And I honestly believe that Shane is ready to move forward, put this behind him. And I pray that the other family and all families can move forward and put this behind them and move forward at this point.

THE COURT: Thank you, ma'am.

MR. GROSE: And add just a little context to that. Shane's primary business vocation is hairdresser; was in the Waynesville area where he lives. His mother's family also had a shop in the Joanna community.

THE COURT: One day a week. Spend the night with his mom.

MS. MORRIS: Once a month.

THE COURT: I remember reading something about him one day at his mom's shop. Thank you.

MS. MORRIS: You're welcome. May I be excused? I need to get back to work.

THE COURT: No objection by The Court. Any objection?

MR. SMITH: I didn't summon her.

THE COURT: Thank you, ma'am. Thank you for being here.

(Ms. Morris exited the courtroom.)

THE COURT: Yes, ma'am.

MS. FROST: My name is Gail Frost. I'm retired now.

THE COURT: Maybe move a little bit away from that. Your name one more time.

MS. FROST: My name is Gail Frost. I'm retired now. My profession was physical therapy for special needs kids. I've known Shane since he was in grammar school. I actually lived in the home with Shane and his parents for, approximately, four months. I've continued a close relationship with them for over 40 years, considering them family.

I've always known Shane to be respectful, honest, upstanding, caring, responsible Christian boy and man. Shane and I have talked often during this unfortunate situation for so many. I believe in him and have no doubt that he was not drinking.

I also am aware, at the time he was leaving work and the time and place where the accident happened, it did not allow time for him to have dinner or stop for a drink. I've driven that exact route many times.

He has adhered to all requests that have been made and has not driven in 5.5 years. We have talked often over those years. And I've had many conversations about his not driving, the house arrest and how he was following the

guidelines set for him; sharing how bad he felt, causing a burden on his parents because they were having to drive him to work.

His parents and he did everything asked and were compliant with all the rules that applied to being under house arrest, including his parents picking him up and taking him to work. This was an accident where a life was tragically lost, and Shane is aware of that and has done everything requested.

He has suffered physically, emotional, and financial while doing everything in his power to follow every law required of him or required while trying to continue working. He is a man I would be proud to call son. I pray all of this can and will be taken into consideration. Thank you.

THE COURT: Thank you, ma'am. Thank you for being here.

MR. GROSE: Hank Ballard.

MR. BALLARD: My name is Hank Ballard. I'm retired now. I had worked for many years in manufacturing management, always living in the Carolinas. I've been married to my wife Hazel for 38 years and we have two daughters. I'm here today as a character reference for Shane.

My wife and I have known Shane and have been good friends with his family for over 40 years. Before his current situation, I have never known Shane to be in trouble of any kind. For years we lived in the same town, attended the same

church and visited in the Bishops' home. Our daughters grew up with Shane and were good friends to them. He was good friends to them as well.

Even after we moved to other towns we stayed in touch with the Bishop family and took advantage of opportunities to visit them when we were in town. The Bishops were always a strong and stable family. Shane's parents instilled discipline in Shane that was demonstrated by the respect, courtesy, and kindness that he always showed others.

We remember when Shane was inducted into the Army. He completed his basic training at Forth Benning and our daughter completed her basic at Fort Jackson.

Like my daughter, Shane served for six years in the National Guard. And on two separate occasions Shane was involved in hurricane relief at the coast of South Carolina. Shane has always been gainfully employed and currently owns his own business.

I know that it's unfortunate when accidents turn into an unintentional tragedy. This in no way describes the kind of man Shane has become. He is caring and would not intentionally do anything to harm anyone.

When Shane had his accident, we sat in the waiting room with his parents and visited with him in the hospital. Shane's parents were invited to stay in our home so that they could be close to the hospital for his recuperation.

If there is one more thing that I can say about Shane is that his good upbringing carried over into his adulthood. He's a young man that any parent would be proud to have as a son.

THE COURT: Thank you. Thank you for being here.

MR. GROSE: Sue Enterkin.

THE COURT: Yes, ma'am. Please come forward.

MS. ENTERKIN: Thank you for the opportunity that I have to speak on Shane's behalf.

THE COURT: Yes, ma'am. And you're Sue Thomas Enterkin, E-N-T-E-R-K-I-N; correct?

MS. ENTERKIN: That's right.

THE COURT: Yes, ma'am. I'm happy to hear from you.

MS. ENTERKIN: I wrote this letter in reference to appearing for Shane on September 11, 2023. And I am writing to say that I have known Shane most of his life. He and my younger daughter were classmates at school. Shane was also my hairdresser for around three years when he was working in Joanna. In fact, I had an appointment earlier on the day of Shane's accident.

During that time, I had never smelled alcohol on him nor had I ever had any reason to think that he might've been on drugs. He was very honest and loving and kind to his clients.

And I happen to know Donna, the woman who was his last client. And from the time Shane left Joanna, after her appointment until the accident occurred, he could not possibly have had time to get drunk. Moreover, he had told me that when he got back home, he and Mark were going to have steaks for dinner.

It would seem to me, therefore, that he would not want to get -- he would want to get home as quickly as possible. There, again, he would not have taken the time to stop and ultimately get drunk.

Please know that Shane is an honest, upright, business professional, not a drunkard. He has, in my opinion, needlessly suffered from the past six years, I guess, now. He has suffered financially as well as emotionally from having to wear an ankle bracelet, hoping that his clients wouldn't notice it. And it was a very embarrassing and unjust happening in his life, I feel like.

I truly feel like he deserves clemency since having been on house arrest as well as having to wear the ankle bracelet and the expense involved in it. His parents and I are friends and have been for years as well. And they are very, very astute people. I appreciate your listening.

THE COURT: Yes, ma'am. Thank you. Thank you for being here.

MR. GROSE: Sandra Bishop.

MS. SANDRA BISHOP: Hi. I'm Sandra Bishop. I am Shane's aunt. I'm a retired church office manager and financial secretary. I have known Shane since, practically since he was born.

I watched him grow up because we live within a few blocks of each other. And he played with my children who were his cousins, and he was in my home often. And I can attest to the fact that he has a sound and industrious character. He's always exhibited honesty in everything he does.

He owned his own business for ten years. It should be noted he was the property manager for the man who owned the place where his shop was. And this guy trusted Shane so much that when he went out of the country, he asked Shane to be the property manager and take care of everything, which Shane did.

I think the two words that I would use to describe Shane, having known him for 53 years is compassionate and conscientious. Anything that Shane had responsibility for was taken care of. He has remained that way all his life. He has so much compassion for other people, animals, people. He is loved.

I can't tell you anything negative about him. He has been diligent. He's been conscientious in his house arrest. He has missed all Christmases. His parents would come here for the holidays because he could not travel down there. And he's been so almost overly conscientious about obeying

everything required of him while he was wearing this anklet.

He's honored the State by being so conscientious. He's honored his parents, honored his whole family. He is an honorable man. I do not say that as his aunt. I say that as someone who knows him well and watched him grow up and saw the kind of man that he became. And a lot of that was due to the way he was raised. He had Godly parents and grandparents.

I can't say enough good about him. I think that this situation came about as an accident, in every way you can look at it. My husband said from the beginning that he was sure a car had to have hit Shane to knock him off the road. As Donna Morris said, she was so late leaving his business that he did not have time to become inebriated.

I don't understand all that's happened. I understand Shane's character. And I can tell you that he is an upright, conscientious, and compassionate man. Thank you.

THE COURT: Thank you, ma'am. Thank you for being here.

MR. GROSE: Renee Rhineheart.

THE WITNESS: I don't have no letter.

MR. GROSE: You can still say something.

MS. RHINEHEART: Hello, Your Honor. My name is Renee Rhineheart. I am a cousin to Shane's father. I've known Shane all his life. He cut my hair many, many times, as well as his mom.

I've always thought that he was an outstanding citizen in his community. He always tried to help other people and he did so when he moved to North Carolina; the same. He was still the same person that he was when he lived in Joanna.

He's honored his parents. He's just a wonderful, wonderful person. I hope that you will take everything that people are saying into consideration today.

THE COURT: Yes, ma'am. Thank you for being here.

MR. GROSE: I'm not sure I'll get this last name right. Angie Mearns.

MS. MEARNS: Good morning.

THE COURT: Good morning. Yes, ma'am, if you would state your name for the record.

MS. MEARNS: My name is Angela Mearns. I'm a nurse practitioner. I'm also Shane's aunt.

THE COURT: Spell your last name.

MS. MEARNS: M-E-A-R-N-S.

THE COURT: Yes, ma'am.

MS. MEARNS: My letter was written back in September. I'm just writing this letter as a character reference for my nephew, who is pleading guilty to the charge of reckless homicide.

As his aunt, I have lived closely with him growing up. I can say that he has and remains a caring and positive person. Shane and I are eight years apart. So we're more like

brother and sister than we are aunt and nephew.

He is very committed to his family and friends. He has a kind heart and a caring spirit that made him life-long friends and strong family relationship.

Through the past six-plus years Shane has missed many family gatherings, family holiday celebrations and funerals due to his being under house arrest and his diligence to that program. While this was difficult for him, he never wavered from his obligation to the legal system.

Knowing Shane for his entire life, I know that he has a strong character and upstanding citizen. He is truly sorry for this offense and has assumed responsibility for his actions. I believe that he has a deep sense of remorse and has paid his debt to society.

It is my sincere hope that The Court will take this letter into consideration at the time of sentencing. Despite this case, I believe Shane is an honorable person, a valuable member of society, and a good human being. I also like to say that I do pray for both of these parties daily.

THE COURT: Thank you, ma'am.

MS. MEARNS: Thank you.

MR. GROSE: Elaine Bishop.

THE COURT: Yes, ma'am.

MS. ELAINE BISHOP: My name is Elaine Bishop. I am Shane's mother.

My letter recounts what we thought occurred with the accident. Speaking as his mother, I would like to recount the events since January 15, 2018 as I know them. Shane was a licensed cosmetologist in North Carolina. Upon my retirement in South Carolina as a cosmetologist, Shane became a licensed cosmetologist in South Carolina also, so that he could serve some of my former clients because I still owned my own salon there.

He was traveling from a workday in South Carolina to his home in North Carolina on the evening of this tragic accident. His time of departure from Joanna and accident site does not allow time for a stop for dinner at a restaurant and drinks.

Shane had no I.D. on his person when he arrived at the hospital. He was a John Doe from 8:15 p.m. until approximately 4:30 a.m. His wallet was finally recovered the next day by his roommate from the wrecked vehicle. 85 percent of the bones in his face were broken and his collar bone.

While in surgical ICU, he was in an induced coma. After reconstructive surgery, approximately 11 days post-accident, his mouth was wired. He had a trachea and a feeding tube and was given an injection for pain regularly. It was under these circumstances that, after being moved to a step-down unit, he was questioned by the Highway Patrolman regarding the accident.

Upon release from the hospital into my care, Shane still remained in our residence in Joanna for approximately three to four weeks. And with the help of home health, I took care of the trachea, and he had a feeding tube. And his mouth was still wired. And we did that and took him back and forth to Spartanburg Regional for hospital follow-up.

In March 2018, Shane was arrested for felony DUI, at which time he voluntarily turned himself in to the Highway Patrol in Spartanburg County detention center.

The following morning he was placed under home detention. And we understood that to be home detention, not just SCRAM monitoring alcohol. And he adhered to that. He only went where he should've been allowed to go in six years; just to the doctor's office and work and grocery store and the barber shop, places like that.

And we would come to -- his father and I would come to North Carolina the night before he was to work in my salon in South Carolina. We would spend the night and wait until the monitor went off the next morning before we would leave the home and then go to South Carolina so he could work for a day.

I would either -- we would either bring him back or meet his partner halfway to bring him back to North Carolina so he could work in North Carolina. We understood that Shane could not leave until this monitor went off.

If his father stopped for a biscuit, he wouldn't go

in; he would sit in the car. We would bring him something out to eat; he wasn't allowed to go into a restaurant we thought.

So in the past five-and-a-half, six years Shane has been compliant to the restrictions of the home detention. He has had no alcohol. He hasn't driven a vehicle. He hasn't visited our home. We haven't had Christmases with him or birthdays. We've always come to North Carolina for him in those years.

And he's missed several funerals in our family because we didn't think that he could attend them.

He's worked to build his business and reputation in his hair salon. And when the North Carolina salons could not open because of COVID, he went to work in Ingles and worked there in Waynesville to pay for his rent for his salon and for the SCRAM bracelet and monitor.

His father and I pray that Shane's work ethic and his adherence to the law would be considered in his sentencing. And we do have great sympathy and are so sorry for the loss of life by the Oberdiers. Thank you.

THE COURT: Thank you, ma'am. Thank you for being here.

MR. GROSE: Mark Banks.

THE COURT: If you would state your full name on the record.

MR. BANKS: Yes, ma'am. My name is Mark Banks. I

live in Clyde, North Carolina. I'm a retired sergeant with the Waynesville Police Department in North Carolina. I'm here to talk to you about Jason Shane Bishop, my partner of 24 years.

When I met Shane he was a department manager with Food Lion. Shane was an outgoing person who was a hard worker, ambitious, and full of life. Later Shane moved to Heyward County and continued to work his way up in management. He eventually took a position as assistant manager with Big Lots.

I helped Shane coordinate two public safety days. These events were meant to celebrate police, fire, and EMS. It was a great time for the public to see the vehicles, equipment, and those who serve our community.

Shane was very active in having me to coordinate with him with our public safety individuals. He respected what they did. He wanted to be there for them. It was even to the point that, after one of the events, Shane had made a big pot of chili. And apparently it was so good, the police department came back and asked for him to make more for their community watch groups.

Shane sustained a cervical injury while in retail that required neck surgery. Due to lifting requirements, he left retail and went to school to become a cosmetologist.

Shane also became licensed in South Carolina and started traveling one day a month to provide services for his mom's clients. After her retirement in 2012, Shane opened his

own hair studio where he has been successful and continues to grow his clientele each year.

Shane has also worked with our local outreach group, with domestic violence victims, providing services, Lions Club and many other non-profits to donate services and give thanks for numerous fundraisers. Shane has even cooked at our local Pathways homeless shelter besides others from the Episcopal church.

He has also provided free and reduced hair cuts for our students in Heywood County going back to school, to help their parents. And Shane is truly an asset to our community.

In addressing one aspect of his wreck, I found Shane at Spartanburg Regional under the name of John Doe. I came to South Carolina trying to find the vehicle because using my Find My App, it told me Shane was still in South Carolina, and he should've been in North Carolina because the last conversation we had was that I had steaks, baked potato, salad and everything ready at home. He had no reason to stop that evening for any kind of dinner or anything else.

Let me also take a moment to tell you that I was one of the first 20 state-certified standardized field sobriety testing officers in North Carolina in the 1990s. I was also one of the first 15 state instructors for standardized field sobriety and have taught state-wide including here in South Carolina, Spartanburg, and Greenville.

When I approached Shane for the first time that morning, I detected no odor of alcohol about his person or breath. I was down close to Shane, trying to comfort him and would've smelled alcohol, if it were present at that time. As we all know, Shane did recover from this accident.

I would like to take a moment to speak about my experience living with Shane. As an inmate on house arrest with Spartanburg County detention -- and I say house arrest because the day that Shane was released, it was explained to us that he could not leave the house before 6:00 a.m., had to be back in by 6:00 p.m. Ultimately that did change because of his working in South Carolina. They continued at 6:00 a.m. but raised it to 8:00 p.m. and further because of his drive time back and forth to North Carolina.

In the past six-and-a-half years, Shane has not been allowed to holiday dinners, family funerals, or even visit family in the hospital; one of those being myself. I had a massive heart attack. Shane even called Spartanburg to request permission because he felt like he couldn't come.

He spoke with Sergeant Vinson, and she told him, no, he could not come because they were fixing to release me to a local nursing home for further treatment. Shane asked about going there. He was told no.

In my opinion with the years of service that I have completed in law enforcement and working with the judicial

system, to me, that was house arrest. He could not leave. We were told that, that day. There was only certain things he could do. There was five things that he was allowed to do; otherwise he had to be at home.

So we didn't go anywhere. We have not been to a movie. We've not been to dinner. We've not been to friends' homes for birthdays or anything else. We sat at home for the past six-and-a-half years.

Shane complied with all the home detention guidelines as to what he could and could not do. Shane has completed over 2,200 days active on the SCRAM bracelet. We've paid over $26,000 for him to be in North Carolina and to continue his business. It has taken a toll on Shane mentally and physically while being on home detention.

Shane was once a vibrant, outgoing person. However, he is now a shell of a person he once was. Shane has few friends now as he had to decline all offers to do anything outside the home since he was not allowed to socialize with others during this time.

Since the wreck, Shane has not even operated a motor vehicle. He's not even operated a motor vehicle in our driveway to move it from one spot to the other.

Shane has had severe panic attacks, waking up in the middle of the night screaming. It's been unreal. It's been disheartening to see what it's put him through. And I in

my career have seen many accidents. I've been there. I know how it is. And I apologize to the family, to Ms. Oberdian.

UNIDENTIFIED VOICE: Turn around. Turn the fuck around.

THE COURT: Excuse me. Wait a minute. Sir, you are to address me.

MR. BANKS: Yes, ma'am. I apologize.

THE COURT: I know this is difficult for everyone. Everyone needs to be very courteous and understanding. Yes.

MR. BANKS: Additionally on March 21, 2024, Shane sustained a stroke which affected the left side of his body. He is currently having speech, physical, and occupational therapy two days a week. They tell us it could be up to two years before we know and/or understand his maximum medical improvement from this stroke.

And, yes, they did say that it could've been a result of the accident. Your Honor, respectfully, I would ask The Court that Shane be allowed to return to North Carolina and continue his career, which he has worked hard to establish and to grow.

Shane has suffered enough, and I ask that you show leniency on him today in this courtroom. Thank you.

THE COURT: Thank you.

MR. GROSE: Your Honor, Shane would like to address The Court.

MR. SMITH: Somebody from the family would like to speak before Mr. Bishop.

THE COURT: I could tell that was brewing and about to happen. There's no problem with the family members speaking. But then, of course, Mr. Bishop and Mr. Grose will be allowed to respond to that. There's a reason that the Defendant gets to address The Court last.

I know that y'all are not in the courtroom very much, and don't understand these things. We need to take a break. I know y'all have been here all morning, traveled a long way. I've been out here in the building since about 8:45. Been out here since 9:30. Let's take ten minutes, and we'll come back and resume. Okay.

Remember, I know this is very difficult for everyone. Please be reminded to be courteous to each other. Thank you.

(A recess transpired from 11:17 a.m. until 11:38 a.m.)

THE COURT: We're back on the record with regard to Jason Shane Bishop. When we last were on the record, I had been addressed by members of the Defendant's family and friends wishing to speak on his behalf. And now, as I understand it, the victim's family member or friends, maybe singular or plural, also wish to address The Court. Let's make sure that we hear from everyone that wishes to address me before I hear

from the Defendant.

Yes, ma'am, if you would state your name.

MS. WILSON: I'm Deanna Wilson.

THE COURT: Can you spell your first name.

MS. WILSON: D-E-A-N-N-A.

THE COURT: And your last name is Wilson?

MS. WILSON: Yes, ma'am.

THE COURT: Yes, ma'am. I'm happy to hear from you.

MS. WILSON: Y'all don't know my dad. My dad was a good man. My dad was an upstanding citizen. He did his time in the Marines. That day he set out to come down 26, he didn't know that there was a young man that was drinking. He had no idea, coming home from North Carolina, that was going to be the last day of his life.

You know, there's a lot of firsts he missed; several grandchildren have been born that he never seen.

I remarried a wonderful man. My dad's ashes and a necklace walked me down the aisle. For Father's Day I gave him Bob Seger tickets because that was his favorite. Bob Seger got canceled. When he came back to town, my dad was gone. Me and my brother, we went in my dad's spot because he's not here.

My dad worked many years as a mechanic. He was a wonderful man. And because of cause and effect, because you decide to drink, my dad is not here anymore.

I walked into a hospital because I worked that night. Nobody could get in touch with me on my job to let me know my dad was going in for surgery, 'cause he had internal bleeding. I did not know when I got to the hospital my dad was already gone.

My brother looked at me. He said -- I said: Where's dad?

He said: You don't know?

I said: Know what?

He's gone.

I said where's he gone at?

Because I didn't know he was gone gone. I didn't know. My brothers picked me up out of the floor because decisions was made that night that I missed my dad. And I'm sure all of y'all miss your dad if he's gone. My dad didn't have to go that day. Because of cause and effect; okay.

If you serve justice today and he gets ten years, you know, after the ten years he still got time to be with his family.

What about my dad? What about my dad? I would love to know. My dad ain't here no more. We used to go on father-daughter days. I pick him up. We would go enjoy our dinner and come home. You know what? This fellow here is still here. He still has his mom and dad. They have time they get to enjoy.

What about graduations and grand kids that he ain't going to see -- that he's not here for? I had a wonderful dad, y'all. Y'all just don't know. He would give the shirt off his back to any of y'all. He didn't deserve to die.

And I'm sorry I'm the very last of this. I finally stepped up and wanted to stand up for my father. I mean, I listened all the good testimony on this fellow's behalf. But you know what? He still got his family. They still have their son over there. My dad is not here. I just want justice done 'cause, you know what? He ain't here no more.

THE COURT: Thank you, ma'am.

MR. SMITH: Thank you, Your Honor.

THE COURT: Anyone else, Mr. Smith?

MR. SMITH: No, Your Honor.

THE COURT: I just want to make sure, have we heard from everybody from the victim's family that wishes to address The Court?

MR. SMITH: Yes, Your Honor. Thank you for hearing her.

THE COURT: Thank you, ma'am.

Mr. Grose. Sir, when we left off with the Defendant's friends and family members, there were nine people that have addressed me. Is there anyone else that will address me before you and Mr. Bishop?

MR. GROSE: I think we're good, Your Honor.

THE COURT: Mr. Grose. You are always well prepared, just as Mr. Smith is. And the documents that were provided to me in anticipation of the sentencing hearing total 98 pages until last night. It's clean 100 pages now.

I have not printed one hundred pages. I have reviewed 100 pages. And so those documents need to be marked and entered into evidence because, at the plea hearing, of course, there were no exhibits entered.

MR. GROSE: I think that the sentencing memorandum and attachments has been filed with The Court. The only two that have not been filed are -- I have a filed, stamped copy of it.

THE COURT: I know they were e-mailed to me and my administrative assistant and possibly my law clerk. We are looking to make sure because we have the paper file from the clerk's office. And I don't see those documents.

I've reviewed them. I just want to make sure that everything is documented as it should be. Any objection to those documents being admitted?

MR. SMITH: Probably was filed after the deferred sentence.

THE COURT: They were filed after -- they're dated November 14th. They were filed on November 14th. It's 42 pages. Y'all can't open and see what it is?

Bear with me just one moment.

(A pause transpired).

THE COURT: Mr. Grose, I'm happy for you to look at the clerk's screen. It looks like the memorandum is in. Exhibits A, B and C are in, which I think includes a photograph, maybe two statements, two written statements. I know there were a lot more written statements, and then the agreement. The rest of the 42 pages are the documents from the home detention program.

MR. GROSE: I don't have a paper copy. I can e-mail them a copy today. I can bring one up when I come back on Friday.

THE COURT: If you have no objection, I can print what was e-mailed to me.

MR. GROSE: That's fine.

THE COURT: So that we make sure that we mark that while we have the court reporter here. Ms. McDaniel was the court reporter on September 11th as well. Mr. Wheeler was also the clerk on that day according to the sentencing sheet from that day. I just wanted to make sure that we didn't forget to do that.

Mr. Smith, were there any exhibits presented by the State?

MR. SMITH: No, Your Honor.

THE COURT: Mr. Grose, anything else from you before I hear from Mr. Bishop?

MR. GROSE: I just want to, I guess, briefly say you've received everything. I appreciate you going through all of that.

Obviously, this is a tragedy all the way around. And I know the people here for Mr. Bishop have a lot of things they have been wanting to say. And I think what is important is, you know, what Shane has been doing. Obviously, there is more to him than whatever happened that night.

I think we'll always have some unanswered questions for the very reasons that Mr. Smith talked about earlier this morning with regard to how some of the decisions were made in the investigation.

I would just turn it to Shane.

THE COURT: There is a point that I want you-all to address with me. And I want to get it all on the record because I think Counsel understands it's a critical point. I want it on the record that monitored house arrest is a term with great significance and it became even greater when our statutory law was amended to allow credit for monitored house arrest prior to sentencing.

And monitored house arrest is a term that you would think it would be pretty clear what it means. I want to hear you-all argue your positions because SCRAM is a different monitor, and it does not monitor movement. It monitors alcohol levels.

I'm happy to hear Mr. Smith's position on whether or not SCRAM is monitored house arrest. And then I'll also want to hear Mr. Grose on the record.

MR. SMITH: You have me slightly unprepared.

THE COURT: I'm sorry. I know y'all deal with this issue a lot. Usually when we deal with this issue it is for a matter of months of credit of time, not a matter of years. That's the reason I think that it's important to air that out.

MR. SMITH: I was looking at the home detention statute, 24-13-1510 and 24-13-1520, definition number 3, approved electronic monitoring device means a device approved by the department which is primarily intended to record and transmit information as to the defendant's presence or non-presence in the home.

It is true that when someone is placed on SCRAM they are told that they are on house arrest. That would be akin to a judge issuing a bond order saying you are to be on house arrest, 6:00 p.m. to 6:00 a.m., curfew, something like that. There is no actual monitoring program. Sergeant Vinson confirmed that earlier in her statements. That records that information. It is a trust.

If they were found in violation of it, they could be brought in on a bond revocation or, in this case, he probably would've been violated on home detention.

I'll keep reading the statute. I would say that

one is probably -- one of our stronger points on it just does not meet what the statute is talking about in 24-13-40, which is the computation for time served, which essentially gives you discretion or the term of art you're using, the monitored house arrest. I will keep reading. That would be my initial point, because it does not monitor the location, that is not what it's referring to.

THE COURT: Mr. Grose.

MR. GROSE: Your Honor, I respectfully disagree because Sergeant Vinson provided information this morning that Mr. Bishop had to be there two times a day. If he wasn't there those two times a day, then the data would not be transmitted from the monitor, from the bracelet to the system, and she would know that he's not there.

I'm not aware of anything that requires the monitoring to be GPS. When I started doing this years ago, you had people that were placed on house arrest and certain times of the day they had to be where it could transmit a signal. That's what Shane has had to do.

And he's been listed as an inmate on the Website of Spartanburg County for all of this time. And, you know, I think that you have to -- it's a penal statute. You have to construe it in favor of Shane under these circumstances. And it's our position that does qualify as monitored house arrest for home detention.

THE COURT: You-all would agree that the definition, although there was a case that brought this issue to The Court's attention, the court chose not to define GPS monitoring; only that you could not give credit on a mandatory minimum sentence. Do y'all agree with that?

The difference between home detention, monitored house arrest -- I don't think the issue necessarily was SCRAM. The Court chose not to decide whether or not credit for home detention without GPS qualified.

Okay. I know that y'all are in the minutia of this every day.

Anything else on that issue before I hear from Mr. Bishop?

MR. SMITH: No, Your Honor.

THE COURT: Mr. Grose?

MR. BISHOP: I'd like to thank Your Honor for the opportunity to address the Oberdier family. On January 15th, I was driving a vehicle that crossed the center lane and, therefore, caused the death of Mr. Oberdier. I realize that other family members were in the vehicle when the accident had occurred.

I know the wreck itself was traumatizing. Even worse, all of you had to deal with the death and loss of Mr. Oberdier. I wish the accident never happened. I know it forever altered your family, and I'm very, very sorry.

THE COURT: Sir, is there anything else you want me to know?

MR. BISHOP: I didn't stop and drink. I wasn't drunk.

THE COURT: Thank you all very much.

Mr. Grose, I'm happy for you to inspect this. Do you object to having this marked as one exhibit?

MR. GROSE: I don't need to inspect it. I'm happy for it to be marked as one exhibit.

THE COURT: Any objection, Mr. Smith?

MR. SMITH: No, Your Honor.

THE COURT: This Defendant's Exhibit 1 begins with sentencing memorandum. I won't go through every page. This is seven pages long, dated November 13th.

And then there are numerous exhibits that are referenced ending with a letter -- there are letters at the end -- and ending with a letter from Doyle Teague, T-E-A-G-U-E.

And then the last two pages are the exhibits referenced today, Advent Health letter. That doesn't appear to be dated -- I'm sorry. She wrote 5/8/24 from Dr. Snead, or he wrote. And a document from Mission Hospital 3/22/24.

Defendant's Exhibit 1 is in without objection.

(DFT. EXH. 1, Sentencing memorandum, et al., was marked for identification and entered into evidence.)

THE COURT: If you-all will bear with me for just

one moment.

Mr. Grose and Mr. Smith, is there any dispute that the number of days that Mr. Bishop has spent on SCRAM monitoring is the 1,993 plus 270, coming to 2,263 days?

MR. SMITH: Yes, Your Honor. He was removed in March. I had it as 193 additional days since the plea, which is 2,186 days.

THE COURT: 2,186?

MR. SMITH: Yes, Your Honor. That was from the date that Mr. Grose had referenced the document when they removed it. Between then and September 1st date.

THE COURT: Mr. Grose, any objection to that figure?

MR. GROSE: No objection. Just for the record, that document is part of Defendant's Exhibit 1 as it has been entered today.

THE COURT: Bear with me just one moment.

(A pause transpired.)

THE COURT: With regard to the matter of State versus Jason Shane Bishop and indictment 18-GS-42-2973, and the offense of reckless homicide, it is the order of The Court that I find it appropriate, based on all of the evidence, all of the statements and information provided to The Court that Mr. Bishop will be committed to the State Department of Corrections for a period of seven years.

He will get credit for one day that he spent in pretrial detention. In issuing the sentence, The Court has taken into consideration that the Defendant has spent 2,186 days on SCRAM monitoring with no violations, monitored through the Spartanburg County Sheriff's Department.

The Defendant will have no contact with the victim's family members.

I know that this is extremely difficult for everyone. And I sympathize with the victim's family members and with the Defendant and the Defendant's family members.

I, along with these attorneys, deal with cases similar to this, not every day but probably monthly for me. And it is a tragedy for everyone involved. I do express to you-all my sincerest sympathy.

I do want to commend the lawyers for their efforts and their information provided to me. It is extremely difficult to get family members here, friends here, and organize all of this. And I want to tell you that these lawyers are two of the best that appear in This Court.

Sir, I do wish you the very best.

Good luck to you-all.

MR. SMITH: Thank you, Your Honor.

(The hearing was concluded at 12:07 p.m.)

CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to, nor counsel for, any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 28th day of October, 2024 at Spartanburg, Spartanburg County, South Carolina.



Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

RECEIVED
Sep 06 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG)
STATE)
VS.)
Jason Shane Bishop) INDICTMENT/CASE#: 2018 -GS- 42 - 2973
AKA:) A/W#: 2018A4210201057
Race: White Sex: Male Age: 52) Date of Offense: 1/15/2018
DOB: [redacted] SS#: [redacted]) S.C. Code §: 56-5-2945(A)(2)
Address: [redacted]) CDR Code #: 0395
City, State, Zip: [redacted])
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 ☒ PLEADS

TO: Reckless Homicide (0-10yr)

In violation of § 56-5-2910 of the S.C. Code of Laws, bearing CDR Code # 3097

☒ 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. JSB (def.'s initials)

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

ATTEST:

Solicitor 101370 SC Bar # Defendant Attorney for Defendant 66063 SC Bar #

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

for a determinate term of 7 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 SCDCC.
7 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.

STATE Jason Shane Bishop INDICTMENT/CASE#: 2018 -GS- 42 - 2973

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: In issuing this Sentence The Court has taken into consideration that the Defendant has spent 2,186 days on SCRAM monitoring with no Violations. Monitored through the Spartanburg County Sheriff's Department. The Defendant will have no contact with the Victim's family members.

☐ 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	$
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$ 100.00

Clerk of Court/Deputy Clerk: J. Wheeler (Both dates)
Court Reporter: Lora McDaniel (Both dates)

Presiding Judge: D. Rucker
Judge Code: 2760
~~Sentence~~ Date: 9/11/2024
Plea Date:

SCCA/217 (07/2021)

Sentencing Date: 06/25/2024
Presiding Judge: D. Rucker
Judge Code: 2760

COURT OF COMMON PLEAS AND GENERAL SESSIONS
EXHIBIT RECORD AND RECEIPT FORM

PLAINTIFF State of South Carolina ATTORNEY Spenser Smith

DEFENDANT Jason Shane Bishop ATTORNEY E. Charles Grose

CASE NO. 2018-GS-42-2973 JUDGE Grace G. Knie

DATE 6-25-24 COURT REPORTER LORA McDANIEL

DATE ENDED 6-25-24

PLAINTIFF'S/STATE'S EXHIBITS		ID	EV

DEFENDANT'S EXHIBITS		ID	EV
1	Sentencing Memorandum, etal	4-26	

FILED
2024 JUN 26 AM 8:50
CLERK OF COURT
SPARTANBURG COUNTY

Lora McDaniel
COURT REPORTER

Anastasia Seroyezhkin
CLERK OF COURT
Jane Martin

PAGE 1 OF 1

DATE 6/26/2024

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSION
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No.
State of South Carolina,	)	2018-A42-102-01057
	)	2018-GS-42-02973
vs.	)	
	)	**Sentencing Memorandum**
Jason Shane Bishop	)	

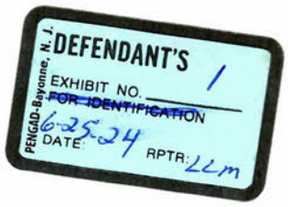
To: **The Honorable Grace Gilchrist Knie, Presiding Judge, Seventh Judicial Circuit**

Jason Shane Bishop submits the following sentencing memorandum.

I. FACTUAL AND PROCEDURAL HISTORY.

Shane lives in Western North Carolina with his partner Mark Banks. Shane is a cosmetologist. His primary place of business is in Waynesville, North Carolina. Shane's mother has a cosmetology business in Johanna, South Carolina. Prior to the automobile accident in this case, Shane worked one day a week at his mother's business. On January 14, 2018, Shane stayed at his mother's home to work in her shop the next day. Shane's last client on January 15, 2018 was Donna Morris, who works for the Clerk of Court for Laurens County. Ex. A. She arrived at 5:30 p.m. and did not leave until 6:00 or 6:30 p.m. *Id.* Shane cleaned up, loaded his car, and headed towards home where Mark was preparing dinner.

At approximately 8:14 p.m., on January 15, 2018, Shane was involved in an automobile accident in Interstate 26 in Spartanburg County. The South Carolina Highway Patrol charged Shane with felony driving under the influence, death resulting. Shane was injured in the automobile accident and spent almost three weeks in the hospital. Shane surrendered himself for service of the arrest warrant on March 28, 2018. The Magistrate Court set a $5,000.00 surety bond



with certain conditions, including a SCRAM monitoring device. Through a bonding company, Mr. Bishop posted that bond on March 29, 2018. The Honorable J. Derham Cole amended the bond order on March 29, 2023 to allow Shane to live at his residence in Western North Carolina.

On September 11, 2023, Shane pled guilty to reckless homicide, and this Court deferred sentencing until November 14, 2023.

II. APPLICABLE LEGAL PRINCIPLES.

A. Goals of Sentencing.

The Supreme Court of the United States recognizes four legitimate goals of sentencing in criminal cases: "retribution, deterrence, incapacitation, and rehabilitation." *Graham v. Florida.*, 560 U.S. 48, 71 (2010).

B. Elements of Reckless Homicide.

"When the death of a person ensues within three years as a proximate result of injury received by the driving of a vehicle in reckless disregard of the safety of others, the person operating the vehicle is guilty of reckless vehicular homicide." S.C. Code Ann. § 56-5-2910(A). "Reckless homicide requires proof that the defendant (1) operated an automobile (2) in reckless disregard for the safety of others; (3) the defendant's conduct proximately caused injury to the victim, and (4) within [three years], the victim died as a result of these injuries." *State v. Watson*, 349 S.C. 372, 376, 563 S.E.2d 336, 338 (2002).

"A person who is convicted of, pleads guilty to, or pleads nolo contendere to reckless vehicular homicide is guilty of a felony, and must be fined not less than one thousand dollars nor more than five thousand dollars *or* imprisoned not more than ten years, or both." S.C. Code Ann. § 56-5-2910(A) (emphasis added). The offense of reckless homicide, accordingly, does not require incarceration.

C. Monitored House Detention.

"In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest." S.C. Code Ann. § 24-13-40.

III. MITIGATION.

A. Shane's Injuries.

Shane was seriously injured in the automobile accident. Approximately 85% of his face was injured. His right eye socket, nose, mandible, and upper jaw were broken. His upper palate split and had to be reconstructed. He lost two front teeth. His face is full of titanium. He has undergone over $11,000.00 of specialized dental work. His lower jaw and both lips are still numb, which causes problems with eating. Shane's right collar bone was fractured. Although the collar bone was reset, it popped out of place and has not been reset. Shane fractured three ribs. Shane's spleen was injured, and he had a large gash on his left forearm. A photograph of Shane when he was still in the hospital is attached as Exhibit B.

Shane continues to have numbness in both arms. Prior to the wreck, Shane had a disc fusion at C-5 and C-6. Although it is uncertain whether the automobile accident aggravated this injury, Shane needs an MRI to determine a course of treatment. Shane has not had this MRI because of his monitored home detention.

B. Monitored Home Detention.

As seen above, the Magistrate Court placed Shane in the Spartanburg County Detention Facility Home Detention Program with a SCRAM monitor on March 29, 2018. From March 29, 2018 to November 14, 2023, is five years, seven months, and sixteen days, which is also a total of 2056 days. Conditions of the Home Detention and SCRAM monitor included:

- "I understand that while I am considered under the supervision of the Spartanburg County Jail and am still subject to its officers and staff's supervision." Ex. C,[1] p. 11.

- "I agree to remain in my residence as designated above at all times except as approved by the home detention staff." *Id.*, p. 12.

Shane had to be at home at certain times of the day for the SCRAM monitor to upload the data for review by the Detention Center officials. Shane does not have any violation of the Home Detention Program. As of November 13, 2923, the cost of the SCRAM monitor totaled $23,903.00.

Because of home detention, Shane was not able to visit Mark during two significant hospitalizations. In 2018, Mark had a heart attack and open-heart surgery. Mark was in the hospital for three weeks and a rehabilitation center for four weeks. Mark lived with his mother for an additional week. In 2021, Mark had kidney failure. He was in the hospital for a week.

Also because of the home detention, Shane missed the following funerals of family members and close friends (Ex. D):

- Shane's Great Uncle Boddie Rinehart passed away on June 16, 2020.

- Shane's Second Cousin on his father's side, Stephen "Chandler" Beaty, II passed away on Jun 15, 2022.

- Shane's Second Cousin on his father's side of the family, Wanda Yvonne Norris, passed away on July 22, 2022.

- Shane's Second Cousin on his father's side of the family, William Michael "bib Mike" Bishop, passed away on February 11, 2023.

- Mark's daughter's grandmother, Iva Lee Davis, passed away on September 15, 2023.

- Mark's second cousin, Kathy Queen Messer, passed away on October 2, 2023. Before being admitted to an assisted living facility, she lived in Shane and

[1] The first 25 pages of Exhibit C is the Spartanburg County Detention Center Facility Home Detention Program Conditions of Bond Agreement. The final 3 pages of Exhibit C is the SCRAM CA Program Participation Agreement.

Mark's home. After being admitted to an assisted living facility, she was a frequent visitor at Shane and Mark's home.

C. Collateral Civil Matters.

Shane and his partner Mark Banks cooperated with collateral civil matters. Two North Carolina Farm Bureau insurance policies ultimately provided coverage for this automobile accident. Under the first policy, Mark and his mother Wilma Jean Banks were the "named insureds," under a policy that "covered a 2010 Honda Accord" owned by Wilma, that was involved in the automobile accident ("Banks Policy"). Ex. E, p. 1. Shane was the named insured under a second policy "which covered a 2005 Dodge Durango" (Bishop Policy"). *Id.*

"Farm Bureau paid the $100,000.00 per person limit of the bodily injury coverage of the Banks Policy to the Estate of Robert Steven Oberdier, who died from injuries received for the collision in question; and Farm Bureau paid a $100,000.00 per person limit of the bodily injury coverage of the Banks Policy to Helen Oberdier." *Id.*

A legal question arose regarding whether "the Bishop Policy provide[d] excess liability coverage." On April 11, 2018, Shane and Mark appeared and gave recorded statements to an attorney "employed by North Carolina Farm Bureau to help Farm Bureau determine whether either or both the insurance policies issued by Farm Bureau to Mark Anthony Banks and to you may provide liability coverage for the claims that will probably be asserted against [Shane] as a result of a wreck that [he was] involved in on January 15 of 2018." Bishop, Statement Under Oath, p. 3 (Ex. F).

This coverage issue ultimately resulted in civil litigation in North Carolina. On July 2, 2019, Shane and Mark appeared and gave depositions in this civil case. On August 28, 2019, the parties reached a mediated settlement where Farm Bureau paid $105,000.00 "to the Estate of

Randy Steven Oberdier and Helen Oberdier." Ex. E, p. 2. As part of the settlement, Mark and Wilma banks received a general release, and Shane received a covenant not to execute. *Id.*, p. 4.

In accordance with the terms of the mediated settlement agreement, Helen Oberdier, individually and as the Personal Representative of the Estate of Randy Steven Oberdier. Case No. 2020-CP-42-01871. As part of discovery in this action, Shane shared the discovery in the criminal case. Ex. G.

D. Shane's Driver's License.

Because of the automobile accident, South Carolina suspended Shane's driving privileges. North Carolina honored South Carolina's suspension. Shane surrendered his North Carolina driver's license and has not driven since January 15, 2018.

Shane not having a driver's license impacts not only Shane, but also his immediate family. Mark and Wilma drive Shane to and from work. Shane discontinued his monthly cosmetology services in South Carolina in order not to inconvenience his family with travel.

E. Shane's Character.

Shane continued to work as a cosmetologist while released on bond. Although he discontinued his monthly clients in South Carolina, he continued operations at his primary place of business in Waynesville, North Carolina.

Shane is well thought of by his family, friends, and clients. Attached as Exhibit H are letters from the following people:

- Martha Anne Arant
- Elaine Bishop
- Katherine Yvonne Bryson
- Herb Codington
- Debbie Davis
- B. Hank Fowler
- Larry W. Hudson
- Deborah Marksberry
- Connie H. Bates
- Sandra M. Bishop
- Donna Buckner
- Bebe Dance
- Sue Thomas Enterkin
- Gill Frost
- Lisa T. Kirk
- Carol Nabors

- Connie S. Ratcliffe
- Renee Rhinehart
- Doyle Teague
- Jane Rathbone
- Brian T. Russell

IV. CONCLUSION.

Shane Bishop respectfully requests this Court to impose a sentence that does not include incarceration. Shane successfully complied with home detention and SCRAM monitoring for is five years, seven months, and sixteen days. During that time, he has not driven a car. This Court should place Shane on probation, with appropriate conditions to be determined by the Court. Alternatively, this Court could impose a period of home detention to be followed by probation.

Respectfully Submitted,

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charle@groselawfirm.com

Attorney for Jason Shane Bishop

November 13, 2023
Greenwood, South Carolina

Exhibit A

To Whom it may concern:

Shane Bishop has been cutting my hair for several years since his Mother, Elaine Bishop retired. I had a standing appointment each time he came down after I got off work at the Laurens County Courthouse. My appointment was usually around 6 pm. This particular day he was running behind, so needless to say I was the last one at the shop. Shane appeared to be clear headed with no apparent issues. If I recall correctly it was shortly about 7 pm when I left the shop. He was cleaning and getting ready to lock up to make his travel home.

Best regards,

Donna F Morris

Donna F. Morris

[redacted]

Sworn to and subscribed before me this 27 day of May, 2021.

Kristi McM (Notary Public)

My commission expires: 3-25-25

To Whom It May Concern:

I have known Shane Bishop since he was 4 or 5 years old. His family is a pillar in our small community of Joanna, South Carolina. I have never known Shane to be in any trouble except for during his teenage years as other typical teens have been. He has always shown me and others such great respect the times I have been around him. I recall when he went into Service for our great country like his father did. It made our town proud and all that knew him. Shane also followed in his mother's footsteps as far as cutting hair. His Mom cut my hair for thirty plus years then Shane began cutting my hair when his mother retired. He has always shown so much compassion to his customers while we were in his shop. I was one of the last ones at the shop the night of the horrific wreck. I did not get there until 5:30 pm and then I had to wait for Shane to finish up with another client before he could cut my hair. With, if I can recall correctly, I didn't leave until 6 or 6:30 pm. Shane has worked all his life. He is a productive member of our society. Yes, he has flaws as we all do. No one on this earth is completely innocent and without them. Shane has continued to work since this terrible wreck. I think he has handled being on the ankle monitor and being restricted to his home/work extremely well. It has taken a toll on him and his family/friends. He has not gotten in any trouble during the last 5 years or so and has been a role model for all.

My prayer is that he has served his time on house arrest and has been through so much himself since the tragic wreck that he be allowed to continue as a productive member of our society. I am truly sorry for the other family. I can't imagine their pain. This has been hard on both

families. Again, I pray for all concerned and that God give them all the comfort and peace to move forward amicably.

Best Regards,

Donna Morris

Donna Morris

9-8-23

Exhibit B



Exhibit C

SCRAM CAM Program Participant Agreement

Participant Name	JASON BISHOP
Agency	Spartanburg County Detention
Agent Name	Nancy Vinson
Date Placed on Program	03/29/2018

I, JASON BISHOP, have been placed in the SCRAM Program. As a condition of being allowed to participate in this Program, I agree to comply with all Program requirements set forth in this Agreement and to strictly follow the instructions of my Probation Officer or Pre-trial Services Agent. I understand that any failure by me to comply with this Agreement or the instructions of my officer or agent will be considered a violation of my supervision and may result in adverse legal consequences.

As a condition of my participation in the Program, I agree to properly use the Secure Continuous Remote Alcohol Monitoring® ("SCRAM") equipment provided to me by my officer or agent. In that regard, I will wear the SCRAM CAM Bracelet on my ankle for the duration of the Program. I will allow the SCRAM Base Station to be connected to my home or office telephone unless I am using the MultiConnect™ AW wireless device or have reached an agreement with my officer or agent. I understand that the SCRAM CAM Bracelet will, at pre-programmed intervals, test me for the presence of a positive blood alcohol concentration by the measurement of alcohol that is being emitted as vapors through my skin. When the SCRAM CAM Bracelet detects the presence of alcohol, it will record a positive reading and will transmit an alcohol alert to the SCRAM Base Station. The SCRAM CAM Bracelet also contains systems designed to detect interference or tampering and will also transmit a tampering alert to the SCRAM Base Station. When maintenance is required, I agree to come into the office within 48 hours after being notified by my agent.

I acknowledge receipt of:

SCRAM CAM Bracelet Number	22632	Initial Here
SCRAM Base Station Number	1002370	JSB
MultiConnect AW Wireless Device Number		
1 Power Cord and Phone Cord		

I understand that I may be required to pay the daily cost of my SCRAM monitoring. If so ordered, I agree to pay the following cost per day on a schedule set forth in a separate payment agreement and will submit payments as directed by my officer or agent:

Daily Monitoring Cost	Initial Here
Hook Up Fee	JSB
Additional Hook Up	

The additional hook up fee will be assessed if a new bracelet is required as a result of cut strap, submersion, or intentional damage to the bracelet components. I also understand that I will be held responsible for damage, other than due to normal wear, to the SCRAM equipment. I also understand that if I do not return the equipment in good working condition, I will be charged for the repair or the replacement of the equipment as follows:

Full Replacement of the SCRAM CAM Bracelet	$1400.00	Initial Here
Full Replacement of the SCRAM Base Station	$700.00	JSB
Full Replacement of the MultiConnect AW Wireless Device	$700.00	
Straps Replacement	$175.00	

SCRAM CAM Program Participant Agreement

SCRAM SYSTEMS

As a condition of being allowed to participate in the Program, if required, I agree to pay these costs. And, I agree to allow authorized personnel to inspect and maintain the SCRAM CAM Bracelet, SCRAM Base Station, and MultiConnect AW wireless device (if that device is being used.)

While participating in the Program, I agree to wear a non-removable SCRAM CAM Bracelet that will be attached by my agent, officer, or other authorized agency personnel. I agree not to remove, tamper with, or place any obstruction material between the SCRAM CAM Bracelet and my leg. Only in an emergency or with the prior permission of my officer or agent will I remove the SCRAM CAM Bracelet. I also agree not to move, disconnect, or tamper with the SCRAM Base Station or MultiConnect AW wireless device (if that device is being utilized) without the prior approval of my agent.

Unless a MultiConnect AW wireless device is being utilized, I agree to maintain an analog telephone line and electrical service in my residence at my own expense. I agree that I will not make any changes in the telephone equipment or services at my residence without prior approval of my agent. If notified by my agent or officer, I agree to remove any telephone features or functions that interfere with normal operation of the SCRAM Base Station. I agree to provide copies of my monthly telephone and electric bill when requested by my agent or officer.

I understand that my officer or agent will use telephone calls, the SCRAM equipment, and personal visits to monitor my compliance with this Agreement. Therefore, when I am at home, I agree to promptly answer my telephone or door. I further understand and agree that all telephone calls from my officer or agent to my residence may be tape-recorded.

Reporting Schedule: I understand that my daily SCRAM equipment reporting times are as follows:

Reporting Time 1: 20:00:00

Reporting Time 2: 08:00:00

If a MultiConnect AW wireless device is being used, I agree to keep the device next to the SCRAM Base Station with a phone cord connecting both devices.

If I experience problems with the SCRAM CAM Bracelet, SCRAM Base Station, or MultiConnect AW wireless device, or if I lose electrical power at my residence, I agree to call my agent immediately. If I am unable to speak to my agent in person, or during non-business hours, I agree to call my agent and leave a message on their answering machine including my name, the date, the time, and the nature of my problem. If there has been a power problem, I agree that I will call and leave another message when the power is restored. I also agree to notify my agent of any problems with my telephone service as soon as I am able to do so.

I understand that as a participant in the Program that I am to abstain from any and all alcohol consumption and to avoid the use of products containing alcohol and to avoid certain restricted activities, as described as follows:

Initial Here JSB

Health and Safety Notice:

WARNING: Improper installation of this SCRAM device may cause injury. Refer to Health and Safety Notice at end of document and follow instructions to avoid injury.

I verify that I read the Health and Safety Notice at the end of this document and my officer or agent has given me the opportunity to ask questions. I agree to consult a doctor if I have any pre-existing medical conditions related to my legs, ankles, or feet. Such conditions include, but are not limited to circulation problems, neuropathy, deep-vein thrombosis, leg ulcers, tendonitis, diabetes, pregnancy, a history of swelling, or nickel or metal allergies. If my doctor believes that a pre-existing condition prevents me from wearing the bracelet, I will immediately notify my agent.

Initial Here JSB

In the event of a serious side effect such as sores, open wounds, bruising, or severe irritation or redness, I agree to immediately contact my agent for further instructions and seek medical attention if needed. In the event of a medical emergency or safety issue, I agree to cut the strap and remove the bracelet then contact my agent.

Health and Safety information is available at www.scramsafety.com.

SCRAM CAM Program Participant Agreement

SCRAM SYSTEMS

Initial Here — **Banned Products:**

JSB — I understand that I am not to use or possess any product containing alcohol, including, but not limited to: mouthwash, medicinal alcohol, household cleaners and disinfectants, lotions, body washes, perfumes, colognes, or other hygiene products that contain alcohol. No products other than soap and water should be used on the skin around the bracelet.

Initial Here — **Tampering:**

JSB — I understand that the use of banned products, substances, or any topical application of a product near the SCRAM CAM Bracelet in an attempt to tamper with or alter its readings will be considered a violation of this Agreement.

Initial Here — **Occupation and Work Hours:**

JSB — I understand that I am to provide my agent with my current employment, occupation, and work hours, and to also inform them of any changes to this information.

Initial Here — **Swimming & Bathing:**

JSB — I understand that I am not to submerge the SCRAM CAM Bracelet in water. Showers are the only permitted bathing method. I understand that if I submerge the SCRAM CAM Bracelet in water it will be treated as an attempt to tamper with the device for the purpose of circumventing alcohol tests. I understand that I will be held liable for any damages caused by submerging or damaging the SCRAM CAM Bracelet as well as for additional hook-up fees when new equipment is required due to intentional damage.

Initial Here — **Personal Hygiene:**

JSB — To reduce the likelihood of side effects, I agree to clean around and underneath the bracelet each day as part of a shower using mild soap and water, to rinse thoroughly and dry, and to inspect the area for skin redness, sores, or bruising.

I acknowledge that I have received a copy of this Agreement and that it has been explained to me before signing. I understand that I must comply with the requirements of this Agreement until notified otherwise by my probation officer or pretrial services agent. I agree to call my officer or agent immediately if I have any questions about this Agreement or if I experience any problems with the SCRAM CAM Bracelet, SCRAM Base Station, or MultiConnect AW wireless device. I further understand that any violation of this Agreement will constitute a violation of the Program and may cause immediate adverse legal action to be taken against me.

Participant — 3/29/18 (Date)

Field Representative/Witness — Title — 3-29-18 (Date)

SPARTANBURG COUNTY DETENTION FACILITY
HOME DETENTION PROGRAM
PERMISSION FOR USE OF TELEPHONE

I AGREE TO ALLOW MY TELEPHONE AND ITS ACCOMPANYING LINES AND EQUIPMENT TO BE USED IN CONJUNCTION WITH THE EQUIPMENT NECESSARY TO OPERATE THE ELECTRONIC DEVICES THAT ARE TO BE USED FOR THE SUPERVISION OF

Jason Bishop, CASE NUMBER _____,
(NAME)

COMMENCING _____. I FURTHER UNDERSTAND THAT WHILE I AM A PARTICIPANT IN THE HOME DETENTION PROGRAM AND/OR AM ALLOWING A PARTICIPANT TO REMAIN IN MY HOUSEHOLD THAT I AM RESPONSIBLE FOR THE MAINTENANCE AND ALL ASSOCIATED COSTS OF MAINITAING A PRIVATE TELEPHONE LINE WHETHER CELL OR LANDLINE. IF MY RESIDENCE HAS POOR CELL COVERAGE, THEN I WILL BE REQUIRED TO HAVE A LANDLINE INSTALLED, AND THE DEFENDANT MAY BE PLACED BACK IN THE JAIL UNTIL THE LINE IS OPERATIONAL. NEITHER THE COUNTY OF SPARTANBURG AND/OR THE VENDOR, ARE RESPONSIBLE FOR ANY COSTS ASSOCIATED WITH THE PARTICIPANT'S INSTALLATION AND/OR USE OF THE TELEPHONE, SUCH PARTICIPATION BEING VOLUNTARY IN NATURE.

NOTICE:

Offender's Failure to Adhere to the Program's Rules
In accordance with section 24-13-1570, all participants are hereby placed on notice that violation of the order for home detention subjects the participant to prosecution for the crime of escape as a misdemeanor, that the commission of another crime revokes the order for home detention, and if there is a violation or commission, the court shall sentence him to imprisonment. The participant shall abide by all other conditions as set by the Spartanburg County Detention Facility and failure to comply with any such condition, including the payment of fees, will result in the participant's removal from the program and return to the custody of the jail exclusive of any criminal charge of escape and/or any other criminal charges that may be filed.

WITNESS
Internet

Shane Bishop
NAME
Shane Bishop
SIGNATURE
3/29/18
DATE

Signature: _____ Date: _____

SPARTANBURG COUNTY DETENTION FACILITY
HOME DETENTION PROGRAM
RESIDENT WAIVER

I/We, the family/co-resident(s) who reside with Jason S. Bishop
(Name of Releasee)
have received, read and understand the terms and conditions of the Home Detention Agreement. I/We am/are willing to cooperate with and be bound by the terms and conditions of the Home Detention Program. We agree to give the Home Detention Program officials, and assisting law enforcement officer, the right of search for all common and private areas of my residence and any vehicles at the residence.

Date: _____ Elaine S. Bishop Elaine S. Bishop [redacted]
PRINT NAME SIGNATURE OF RESIDENT CELLPH

Date: _____ _____
PRINT NAME SIGNATURE OF RESIDENT CELLPHONE

Date: _____ _____
PRINT NAME SIGNATURE OF RESIDENT CELLPHONE

Date: _____ _____
PRINT NAME SIGNATURE OF RESIDENT CELLPHONE

Date: 3/29/18 _____
PRINT NAME SIGNATURE OF RESIDENT CELLPHONE

Signature of Program Participant

Witnessed by Detention Staff: _____

Date: 3-29-

ADDRESS: [redacted]

PHONE CONTACT: (864) _____

EMERGENCY CONTACT: _____
NAME CELLPHONE

Signature: _____ Date: 3/29/18

SPARTANBURG COUNTY DETENTION FACILITY

Home Detention Program Supervisor
SERGEANT NANCY VINSON

950 CALIFORNIA AVENUE
SPARTANBURG, SOUTH CAROLINA-29303-2184

TELEPHONE (864) 562-4064
FAX (864) 596-3421

I, Jason S. Bishop understand that I have received Home Detention as a condition of my bond to be served on the Spartanburg County Home Detention Program. I understand that this is a condition of bond, which I am allowed to serve on the Spartanburg County Home Detention Program with the use of an electronic monitoring device and I understand that my participation is voluntary.
First Middle Last

I understand and agree to the following conditions:

NF 1. JSB To report to the Detention Facility as directed

NF 2. JSB I may be required to have a landline phone if my residence has poor cell coverage and I Must have a cell number for contact purposes

NF 3. JSB To pay fines, fees or restitution as ordered

NF 4. JSB To pay the daily supervision fee per day of appropriate monitoring device initialed below which is determined by staff and/or court order
$7.00 (SENTENCED) _____ $9.00 (BOND) _____
$11.00 (Alcohol Monitoring SCRAM) X

NF 5. JSB To not change my place of residence without first notifying the Home detention Staff. My [redacted]
Street Address City Zip Code

NW 6. JSB I understand and agree that my start date on the SCHDP is 3/29/18 and my termination date will be determined by the appropriate court.

NW 7. JSB My Social Security Number is [redacted]

NW 8. JSB My birthday is [redacted]

NW 9. JSB My telephone contact number is [redacted]

AGREEMENT OF PARTICIPATION

I agree to abide by all the conditions of this agreement while on the Spartanburg County Home Detention Program. I understand that I may request to be removed from the HDP at any time and be able to await my trial in jail. I understand that if I violate any conditions, I will be remanded back into the custody of the Spartanburg County Detention Facility and will remain in custody until my charges are resolved or otherwise ordered by the court.

Signature: Jason S. Bishop Date: 3/29/18

SPARTANBURG COUNTY
HOME DETENTION PROGRAM
CONDITION OF BOND
GENERAL OVERVIEW

In accordance with the South Carolina Code of Laws Section 24-13-1530, Spartanburg County hereby establishes a home detention program. In addition to allowing certain sentenced offenders to participate in the program as approved by the court, the Spartanburg County Home Detention Program is also designed to allow certain defendants to participate in the Home Detention Program, as a condition of bond. Individuals, who are approved to participate in the Home Detention Program by the court, must voluntarily agree to the conditions of the Home Detention Program and must agree to pay the associated costs of the program. Participants must also be responsible for any personal costs, such as medical, dental, food, clothing, transportation and other related costs. **Individuals who participate in the Home Detention Program will be monitored by the use of an Electronic Monitoring device** and will be under the supervision of the Spartanburg County Detention Facility. Defendants remain in the legal jurisdiction of the facility. Any attempt to remove the electronic monitoring device will result in the individuals removal from the program and return to the secure custody of the Spartanburg County Jail. In addition such individual may be charged with escape. JSB

Defendants must meet any monetary and/or all other conditions of bond as set by the court prior to being placed in the Home Detention Program. JSB

Defendants must have a verifiable residence. In the event the defendant lives in a residence other than his/her own, approval must be obtained by the individual who is responsible for the residence. JSB

Defendants must have a telephone that they can be reached on at any time. If a defendant's home has poor cell coverage then they will be required to have a landline phone installed at their own expense. Depending on the nature of the defendants charges, they may be rehoused in the Spartanburg Detention Facility until the line is operational. The defendant must provide a personal contact number and emergency contact number where they can be reached 24/7. JSB

Defendants must agree to report to the jail on a weekly basis and abide by the rules and regulations of the Home Detention Program. Participants must pay an administrative fee to be on the Home Detention Program and all defendants must initially pay for 30 days in advance. Once on the Home Detention Program, payments are to make on a weekly basis. Failure to pay is reason for a defendant to be removed from the Home Detention Program. A defendant will not receive a refund if they violate HDP and until they return all equipment. JSB

Defendants are required to sign a form stating that he/she understands the conditions of the program and voluntarily agrees to participate in the Home Detention Program. Failure to abide by the terms of the Home Detention Program will result in the

Signature: [signature] Date: 3/29/18

defendant's immediate removal from the program and his/her return to the secure custody of the Spartanburg County Detention Facility. A report will then be filed with the appropriate court to determine what further action the court may wish to take. JSB

Unless specific orders are given by the court, the responsible jail staff will set curfews based on an individuals verified work schedule. Defendants will be allowed to go to work, attend religious services and medical appointments upon verification of such. JSB

I have read and understand the general conditions of the home detention program as outlined above, and I agree to their terms. JSB

NOTICE:

Offender's Failure to Adhere to the Program's Rules

In accordance with section 24-13-1570, all participants are hereby placed on notice that violation of the order for home detention subjects the participant to prosecution for the crime of escape as a misdemeanor, that the commission of another crime revokes the order for home detention, and if there is a violation or commission, the court shall sentence him to imprisonment. The participant shall abide by all other conditions as set by the Spartanburg County Detention Facility and failure to comply with any such condition, including the payment of fees, will result in the participant's removal from the program and return to the custody of the jail exclusive of any criminal charge of escape that may be filed. JSB

Participant's Signature — Date: 3/29/18

Witness — Date: 3-29-18

Signature: _____ Date: 3/29/18

SPARTANBURG COUNTY DETENTION FACILITY
HOME DETENTION PROGRAM
CONDITIONS OF BOND AGREEMENT

1. In accordance with South Carolina State Law Section 24-13-1530, Spartanburg County hereby establishes a home detention program for non-violent, low risk offenders who have been approved by the court and have met the eligibility requirements as established by the Spartanburg County Detention Facility which hereafter is referred to as the county jail or jail. All participants are reminded that while in the program, they are still under the supervision of the Spartanburg County Jail, its officers and staff, and must adhere to all the programs rules and regulations, and must follow all the instructions as given by the court as well as the jail staff. JSB

2. I, Jason Shane Bishop have been selected to participate in the Spartanburg County Jail's Home Detention Program. I understand that this is a privilege and **is not a right** that has been granted me by the authorities of the Spartanburg County Jail, unless otherwise ordered by the court. I understand that my participation is voluntary, and I have the right to elect the following:

   (a) Not to participate, and petition the court for a bail/bond whose terms and conditions do not include home detention/electronic monitoring. JSB

   (b) Not to participate in the program at which point, I can remain in jail until disposition of my charges is made by the court. JSB

   (c) Voluntarily enter the program and abide by all the jail's rules and regulations. JSB

   (d) Upon entry into the program, I can elect at any time to voluntarily discontinue (stop) my participation in the program and return to the secure custody of the jail, thus eliminating any further payment of supervision fees. JSB

3. I agree to all the conditions set forth in this agreement and will remain in compliance with its provisions during my participation in the program until its completion. JSB

4. I understand that while I am still considered under the supervision of the Spartanburg County Jail and am still subject to its officers and staff's supervision. JSB

Signature: Jason Shane Bishop Date: 3/29/18

5. I agree to reside at the residence located at:

[redacted] Telephone (Home) [redacted]
Street Address
[redacted] (Work) [redacted]
City State Zip Code
(Relative) [redacted]

DIRECTIONS: I 26 to exit 80 Hwy 66 ((Joanna exit). Drive 6 miles turns left on [redacted] on right [redacted] house.

which **shall be** located within the boundaries of Spartanburg County unless otherwise ordered by the court. While it is required for participants to reside within Spartanburg County, unless ordered by the court, **Under No Circumstances** can a participant reside outside the confines of the state due to the fact an officer employed by the jail has no authority to arrest or detain outside the state; the participant cannot be easily supervised or monitored; and being the equipment used by the jail is leased, the county has no means to recoup or recover the loss of such equipment and thus, imposes a financial burden on the county. In such event, should a judge desire that a person reside outside the state, an alternate means of supervision will have to be imposed by the court, and in such case, the jail staff is not responsible for the same. I further agree that I will obtain prior approval from the responsible jail staff before moving should I elect to change my residence. Failure to do so will result in my removal from the program. JSB

6. I agree to remain in my residence as designated above at all times except as approved by the home detention staff, a life threatening emergency exists, or when so directed by police, fire, or medical personnel, and to report all emergencies or similar incidents immediately or as soon as possible no later than 10:00 A.M. the next day to the home detention office. I further agree to limit my movements away from my house to involve travel only to and from work, my functions at work, and any granted time away from home and work necessary to sustain my well being including but not limited to attendance at church, doctor's appointments, school, and/or other necessary appointments as approved and agreed upon by the responsible jail staff. The times provided for these functions will be worked into a strictly defined schedule to be reviewed each week by the responsible jail staff. I understand that should I vary, deviate, and/or fail to abide by the approved schedule, such variation will result in my removal from the home detention program. JSB

7. Understanding that I am still under the supervision of the Spartanburg County Jail while in the Home Detention Program, I agree and all the other residents

Signature: Joan Dana Bishop Date: 3/29/18

residing in my residence agree to grant admittance into my residence to officers of the Spartanburg County Jail and/or any other peace officer so designated at any hour of the day or night to verify my presence, and adherence to the program's rules and regulations including any special conditions imposed by the court; to check and maintain equipment, and/or to remand me back into custody for violations of the program's rules or other violations. Failure to do so will result in my removal from the program. JSB

8. I agree that my residence and all persons who reside therein must meet the approval of the jail staff prior to my admission into the program. JSB

9. I agree that no individuals may join my household unless approved in advance by the responsible jail staff. JSB

10. I agree that no social gatherings serving alcoholic beverages will be held in my residence while participating in the program. JSB

11. I agree to keep all animals confined while participating in the program to allow the supervising officer and/or any law enforcement/peace officer access to my residence to check on me. JSB

12. I agree not to operate any motor vehicle for personal or employment purposes unless properly licensed and covered by liability insurance. Further, I agree not to drive or operate a motor vehicle while under the influence of alcohol or drugs whether prescribed or not and/or if my driving privileges are expired, denied, suspended or revoked in the State of South Carolina. Upon application to participate in the program, I agree to provide the Spartanburg County Jail staff a copy of my valid driver's license, current vehicle registration, and proof of liability insurance coverage. Violations of any of the above will result in my removal from the program. JSB

13. While participating in the home detention program, I agree not to associate with persons deemed undesirable by the jail staff upon notice of the same. JSB

14. I agree not to have telephonic communication, personal communication, and/or to visit with any other participant in the program or person confined in any jail or prison unless such person is an immediate family member such family member being limited to spouse, parent, child, grandparent, or in-law. JSB

15. I agree that I and all residents of the household agree to the following:

(a) No use of alcohol. JSB
(b) No illegal drugs or narcotics in the residence. JSB
(c) No firearms or dangerous weapons in the residence. I further agree that if firearms are in my residence and I am not precluded by state or federal law from owning or possessing such firearms that I will arrange for their

Signature: [signature] Date: 3/29/18

storage at a location separate from my home or place of business. This shall include any vehicle that I may own, drive, or ride in JSB

(d) Violations of any of the above may result in my removal from the program.

NOTE: Since all participants in the program are still in the custody of the jail the use of alcohol, unauthorized or illegal drugs, and the possession of any firearms and/or other weapons on your person or property is strictly prohibited. I understand this and agree to abide by this rule. JSB

16. I agree to refrain from the consumption and possession of alcoholic beverages and to not enter any establishment where the sale of alcoholic beverages is the primary source of income. In addition, I agree to wear on my person or to have installed in my residence certain approved electronic monitoring devices designed to measure the presence of alcohol in my system and to abide by the terms of each equipments use. Further, if such equipment is ordered by the court, I understand that I am responsible for payment of the same, and should violations occur, I will be immediately picked up and returned to the custody of the jail. JSB

17. I agree not to use or possess any controlled substances not prescribed personally for me by a physician. JSB

18. I agree to notify the responsible jail staff immediately of any controlled substance prescribed by a physician for me. JSB

19. I agree to submit and pay the associated costs for chemical testing in the form of blood, breath, or urine tests for the detection of alcohol/drug use should such conditions be imposed by the court as a condition of bond. I further agree to respond to any location as designated by the jail staff for said testing, and failure to report shall be cause for removal from the program. Persons found in violation of using drugs and/or alcohol will also be removed from the program. JSB

20. In addition to submitting to routine testing for alcohol and/or drugs as may be ordered by the court, I also agree to submit to testing for alcohol and drugs upon request by jail staff where they have reason to believe that I have used the same. JSB

21. I agree to participate in a counseling program if **so directed** by the court and not terminate such program without permission of the therapist, counselor, or the court with the knowledge of the responsible jail staff. JSB

22. I agree to submit my person, vehicle, or place of residence to search at any time day or night. JSB

23. I agree that I will uphold and obey the laws of the State of South Carolina and the United States; that I will comply with all local municipal and county

Signature: [signature] Date: 3/29/16

ordinances; and failure to do so will result in my removal from the program. JSB

24. I agree, and I am hereby notified, that if I am arrested and charged with **any** criminal offense while a participant in the program that I will be removed from the program and returned to the secure custody of the jail. JSB

25. I agree that I am and will remain responsible for the provision and payment for all associated costs related to my personal food, clothing, shelter, medical/dental and psychiatric care while I am participating in the home detention program. I further agree to release Spartanburg County and the Spartanburg County Jail staff from any liability or claims of liability related to any illnesses, injuries, or death suffered during my participation in the home detention program whether at home, work, and/or any other location such occurrences being beyond the scope of the officers' supervision. JSB

26. I understand that I must comply with all of the instructions of the court as well as the responsible jail staff for the home detention program. JSB

27. I agree to meet with the responsible home detention officer at least once per week and/or as otherwise directed, during my participation in the home detention program. JSB

28. I agree to pay an administrative fee to Spartanburg County to cover the daily costs of my supervision while I am participating in the home detention program. Further, I agree to pay the first thirty (30) days in advance, and I will pay the balance of the money owed weekly at a prearranged time until I complete the program and/or I am removed from the program for violating its terms and conditions. Such payments are in addition to any monies ordered to be paid by the court. JSB

29. I agree that if I am found to be in violation of the Home Detention Agreement, no refund will be due for fees paid. JSB

30. I agree to make all such payments in the form of a money order, certified check or credit/debit card. No personal checks will be accepted. JSB

31. Failure to pay Spartanburg County its supervision fees and/or court ordered payments will result in my removal from the home detention program. JSB

32. I agree to provide the designated jail staff access to my residence to install and check any equipment day and night and to verify my presence and adherence to the program's rules. JSB

33. I agree to maintain an operating telephone contact number and an emergency contact number 24/7. Should my residence have poor cell coverage, I will be required to have a line in my residence and to pay all expenses of such telephone service. Depending on the nature of my charges, I may be placed

Signature: [signature] Date: 3/29/18

back into the Spartanburg County Detention Facility until my home line is operational. JSB

34. I agree to allow the Spartanburg County Jail and its employees to install the electronic monitoring equipment on my telephone. JSB

35. I agree that I will not tamper with, remove, disconnect, attempt to repair or allow anyone else to tamper with or attempt to repair any electronic monitoring equipment. JSB

36. I agree to report any problems with the electronic monitoring equipment immediately to the Spartanburg County Jail and its designated staff, telephone number 864-562-4064. JSB

37. I agree that I will be held responsible for any loss or damage to the equipment. If loss or damage occurs, I will be removed from the program, criminal charges will be filed as applicable, and restitution will be required. JSB

38. I agree to abide by all of the instructions of the court and the county jail staff, and I agree to provide for the proper maintenance, care, and utilization of the electronic monitoring equipment as required. JSB

39. I agree that Spartanburg County and its employees are not liable for any alleged damages as a result of my wearing or tampering with the monitoring device. JSB

40. I agree to wear a tamper resistant, non-removable ankle bracelet 24 hours per day during the entire time that I am a participant in the home detention program. JSB

41. I agree to be within hearing range of my telephone at all times that I am at my residence and I will have 60 seconds to answer all phone calls to verify my presence. JSB

42. I agree to not utilize my telephone for extended periods of time and all other residents of my household willingly agree to abide by this condition. JSB

43. I agree to hang up the telephone immediately when I hear a clicking sound caused by the receiver/dialer. All other residents of my household willingly agree to abide by this condition. This is only required by those with landline devices. JSB

44. I agree that I will not go beyond established range of the field-monitoring device located in my residence. If I do so and I am not authorized to leave, a violation will be reported. JSB

45. I agree that the loss of a receiving signal, the receipt of a tamper signal, or the receipt of a signal indicating my absence from my residence is physical evidence constituting a violation. JSB

Signature: [signature] Date: 3/29/18

46. I agree a computer printout may be used as evidence in court to prove a violation if I am criminally charged with escape. JSB

47. I agree to inform the home detention staff at the jail of my whereabouts at all times. JSB

48. I understand that if I tamper with or remove the electronic monitoring equipment from my residence or my person; if I am not at work or at my place of residence within the scheduled times and/or any other scheduled appointment; if I fail to report as directed; and/or if I leave the confines of the county or the state for any reason, I can and will be charged with escape and upon apprehension will be returned to the secured custody of the jail to await disposition of the escape charge by the court. JSB

49. **Other special conditions:**

_____

_____

_____

_____

I have read, understand, and agree to abide by the above terms and conditions of the Spartanburg County Home Detention Program. I understand that failure to comply with any of the above conditions and/or verbal or written instructions by the jail staff and/or representatives of the court and/or the jail staff will result in my immediate return to the secure jail custody without appeal, and when applicable, criminal charges will be filed.

I have read each of the above items and acknowledge my understanding of the terms and conditions as set forth by initially on the line provided after each item and affixing my signature at the bottom of each page as well as below. I enter into this agreement voluntarily and agree to its terms.

Signature of applicant/participant: Jason Shane Bush

Date: 3/29/18

Signature of witnessing officer/employee: [signature]

Date: 3-29-18

Signature: Jason Shane Bush Date: 3/29/18

APPLICATION

SPARTANBURG COUNTY DETENTION FACILITY
HOME DETENTION PROGRAM

ATTACHED YOU WILL FIND FORMS REQUESTING PERSONAL INFORMATION. **IT IS NECESSARY THAT YOU COMPLETE ALL OF THE INFORMATION REQUESTED ON THIS FORM.**

THE HOME DETENTION PROGRAM IS **VOLUNTARY.** TO BE ACCEPTED INTO THE PROGRAM, YOU MUST MEET CERTAIN REQUIREMENTS AND MUST AGREE TO FOLLOW THE TERMS AND CONDITIONS OF THE PROGRAM. ADDITIONALLY, YOU WILL BE REQUIRED TO PAY AN ADMINISTRATIVE FEE TO ENROLL AND REMAIN IN THE PROGRAM. NO ONE HAS A GUARANTEED RIGHT TO PARTICIPATE IN THE PROGRAM. SHOULD AN INDIVIDUAL VIOLATE THE PROGRAM'S TERMS AND CONDITIONS, HE/SHE WILL BE REMOVED FROM THE PROGRAM WITHOUT APPEAL AND MAY BE SUBJECT TO ADDITIONAL CRIMINAL CHARGES, WHICH MAY INCLUDE ESCAPE, AND CHARGES RELATED TO LOST AND/OR DAMAGED EQUIPMENT.

PLEASE WRITE CLEARLY

LAST NAME: Bishop FIRST: Jason MIDDLE: Shane

ALIAS (ES): N/A

ADDRESS: [redacted]
(STREET) CITY STATE ZIP CODE

PHONE: [redacted] / [redacted] [redacted]
(HOME) (WORK) (CELL/RELATIVE)

(MALE): FEMALE: DATE OF BIRTH: [redacted] AGE: 47

BIRTHPLACE: Myrtle Beach / SC (SS#: [redacted] DR. LIC #: [redacted]
CITY STATE VALID? YES NO

EMERGENCY CONTACT Elaine Bishop [redacted]
NAME PHONE NUMBER

HOW LONG HAVE YOU LIVED IN SPARTANBURG COUNTY? N/A

HOW LONG HAVE YOU LIVED IN SOUTH CAROLINA? N/A

[signature] 3/29/18
SIGNATURE DATE

HOW LONG HAVE YOU LIVED AT YOUR CURRENT ADDRESS? _____

Signature: [signature] Date: 3/29/18

ARE YOU CURRENTLY ON PROBATION OR PAROLE? YES (NO)

IF YES, WHEN WAS PROBATION OR PAROLE GRANTED? N/A
NUMBER OF YEARS N/A EXPIRES: N/A PROBATION OFFICER: N/A

HAVE YOU PREVIOUSLY BEEN GRANTED PROBATION/PAROLE? YES (NO)

N/A WHEN GRANTED: _____ NUMBER OF YEARS: _____ EXPIRATION DATE: _____
WAS PROBATION/PAROLE REVOKED? YES NO IF YES, DESCRIBE REVOCATION:

DO YOU HAVE ANY PENDING CHARGES IN ANY JURISDICTION? IF SO, WHERE AND DESCRIBE: NO

HAVE YOU EVER BEEN **ARRESTED/CONVICTED** OF ANY CRIMES?
YES (NO) IF YES, COMPLETE THE FOLLOWING INFORMATION:

DATE:	OFFENSE:	DISPOSITION:

HAVE THERE BEEN ANY "WRITE UPS" OR ANY DISPLINARY ACTIONS TAKEN AGAINST YOU DURING YOUR CURRENT JAIL COMMITMENT OR PREVIOUS JAIL COMMITMENTS? YES NO IF YES, DESCRIBE INCIDENTS:
NO

HAVE YOU ATTENDED OR ARE YOU CURRENTLY ATTENDINF ANY COUNSELING PROGRAMS? YES NO IF YES, PLEASE DESCRIBE (AA, ETC.)
NO

HAVE YOU BEEN INVOLVED IN THE **USE/ABUSE** OF ALCOHOL OR DRUGS?
YES NO IF YES, PLEASE DESCRIBE:

~~ALCOHOL~~ ~~MARIJUANA~~ AMPHETAMINES
BARBITUATES HEROIN COCAINE
HALLUCINAGENS OTHER: _____

SUBSTANCE USED	FROM	TO	HOW MUCH/HOW LONG
Alcohol	Random times		a few drinks
Marijuana	1987	1990	a little

Signature: [signature] Date: 3/29/18

DO YOU HAVE A VEHICLE FOR TRANSPORTATION? (YES) NO

LICENSE PLATE NUMBER: _____ CURRENT TAGS? (YES) NO

Durango / [redacted] / Dodge / 2010 / Black

VEHICLE MAKE / MODEL / YEAR / COLOR

LICENSE SUSPENDED OR REVOKED UNTIL? N/A

ARE YOU CURRENTLY UNDER TREATMENT BY A PHYSICIAN? (YES) NO

Dr Trujillo / 864-208-8800

DOCTOR'S NAME / PHONE

REASON FOR TREAMENT: Car Accident

ARE YOU CURRENTLY TAKING ANY MEDICATIONS? YES (NO) IF YES,

PLEASE EXPLAIN: _____

DO YOU TAKE ANY OVER-THE-COUNTER MEDICATIONS? (YES) NO IF YES,

PLEASE EXPLAIN: Prilosac, Ranitadine

DO YOU HAVE ANY DRUG OR ALCOHOL USE WHICH WILL CAUSE WITHDRAWAL PROBLEMS OR IMPAIR YOUR ABILITY TO WORK? YES (NO) IF YES, PLEASE EXPLAIN: _____

FEMALE ONLY: ARE YOU PREGNANT? YES NO

DO YOU HAVE ANY OTHER MEDICAL PROBLEMS WE NEED TO KNOW ABOUT? YES NO IF YES, TO ANY OF THE ABOVE PLEASE EXPLAIN: N/A

DO YOU HAVE ANY SIGNIFICANT HEALTH PROBLEMS, MENTAL PROBLEMS, OR LIMITATIONS THAT SHOULD BE CONSIDERED REGARDING YOUR ACCEPTANCE IN THE PROGRAMOR TYPE OF WORK ASSIGNMENT? YES (NO) IF YES, EXPLAIN:

LIST NAME(S) OF FORMER SPOUSES OR BOY/GIRLFRIENDS TO WHOM YOU HAVE FINANCIAL OBLIGATIONS THROUGH THE COURT:

N/A

(1) NAME: _____ PHONE: _____
ADDRESS: _____

(2) NAME: _____ PHONE: _____
ADDRESS: _____

HOW WOULD THEY FEEL ABOUT YOUR PARTICIPATION IN THE HOME DETENTION PROGRAM? N/A

Signature: Jason Brian Birch Date: 3/29/18

DO YOU OWN YOUR OWN HOME? ~~RENT~~ LIVE WITH OTHERS?

DOES YOUR RESIDENCE HAVE ELECTRICITY AND A TELEPHONE? yes

DESCRIPTON OF HOUSE OR APARTMENT: 3 Bedroom Brick Ranch

DIRECTIONS TO RESIDENCE: I26 to Hwy 66 exit; go towards Gaffney. Turn left on [redacted] Rd right on [redacted]

MARITAL STATUS: Single SPOUSE'S NAME: N/A

NUMBER OF PEOPLE LIVING IN THE RESIDENCE: 3

PLEASE LIST ALL RESIDENTS (USE BACK IF NEEDED):

NAME	RELATIONSHIP	BIRTHDATE
Jamie Bishop	Dad	[redacted]
Elaine Bishop	Mom	
Shane Bishop	Self	

ARE YOUR FAMILY MEMBERS OR OTHER INDIVIDUALS IN THE RESIDENCE WILLING TO FOLLOW THE TERMS AND CONDITIONS OF THE HOME DETENTION PROGRAM? (YES) NO

ARE YOU THE MAIN FINANCIAL SUPPORT OF YOUR FAMILY OR OTHER INDIVIDUALS IN YOUR RESIDENCE? IF NO, EXPLAIN: My Job is in NC. I will not have freinds or else without it. Mom will work some at my mom salon

TYPE AND NUMBER OF ANIMALS IN AND AROUND YOUR RESIDENCE: none

DO YOU HAVE RELATIVES LIVING IN SPARTANBURG COUNTY? (YES) NO

DO YOU HAVE RELATIVES LIVING OUTSIDE SPARTANBURG COUNTY?
YES ✓ NO _____ If so who and where?

Joyce Farmer

Signature: [signature] Date: 3/29/18

PLEASE PROVIDE THE FOLLOWING:

(ADDRESSES AND PHONE NUMBERS WILL BE VERIFYED)

NAME	ADDRESS	RELATIONSHIP	PHONE
Jamie Bishop	[redacted]	FATHER	[redacted]
Elaine Bishop		MOTHER	
N/A		BROTHER	
N/A		BROTHER	
N/A		SISTER	
N/A		SISTER	
N/A		OTHER	
		OTHER	
		FATHER-IN-LAW	
		MOTHER-IN-LAW	
		SON (NOT LIVING IN RESIDENCE)	
		DAUGHTER (NOT LIVING IN RESIDENCE	
Charles Grace	401 main St Greenwood SC	LAWYER	864-538-44160
B+R Bonds		BONDSMAN	

PRESENT EMPLOYER: Self

[redacted] [redacted]

ADDRESS PHONE

5/20/12 / 20,000-30,000 / Self / [redacted]

DATE STARTED SALARY SUPERVISOR CELL PHONE

DOES YOUR EMPLOYER KNOW OF YOUR INCARCERATION? (YES) NO

DO YOU RELY ON FRIENDS OR BUS SERVICE FOR TRANSPORTATION?
(YES) NO

Signature: [signature] Date: 3/29/18

HAVE YOU MADE THREATS AGAINST ANY OF THE ABOVE OR ANYONE ELSE?
YES (NO) IF YES, WHO?

N/A

NAME ADDRESS TELEPHONE

HAVE YOU EVER AND/OR DO YOU NOW HAVE AN ORDER OF PROTECTION ISSUED AGAINST YOU? YES (NO) IF YES, EXPLAIN: _____

DO YOU HAVE ANY ENEMIES? YES (NO) IF YES, EXPLAIN: _____

NAME ADDRESS TELEPHONE

NAME, ADDRESS, AND PHONE NUMBER OF PERSON(S) WHO WOULD APPROVE YOUR PARTICIPATION IN THE HOME DETENTION PROGRAM:

Mark Banks [redacted]
NAME A

Elaine Bishop [redacted]
NAME A

HAVE YOU EVER BEEN CHARGED AND/OR CONVICTED FOR CRIMNIAL DOMESTIC VIOLENCE, OR ASSAULT AGAINST A FAMILY MEMBER? YES (NO) IF YES, EXPLAIN: _____

WHY ARE YOU APPLYING FOR THE HOME DETENTION PROGRAM?
Bond Release

I HEREBY CERTIFY THAT ALL THE INFORMATION I HAVE GIVEN ON THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT IF I AM FOUND TO BE UNACCEPTABLE FOR THE PROGRAM I WILL BE INFORMED OF THE REASONS.

[signature] , 3/29/18
SIGNATURE OF APPLICANT DATE

[signature] , 3-29-18
SIGNATURE OF EMP/OFFICER DATE

Signature: [signature] Date: 3/29/18

I, Jason Shane Bishop, HAVE RECEIVED A COPY OF THE TERMS AND CONDITIONS OF ELECTRONIC MONITORING PROGRAM AND A COPY OF THE PARTICIPANT INFORMATION SHEET. I UNDERSTAND THAT MY PARTICIPATION IN THE PROGRAM IS **VOLUNTARY** AND I FURTHER AGREE TO ABIDE BY ALL OF THE PROGRAMS RULES AND CONDITIONS. I UNDERSTAND THAT I MUST PAY ALL ASSOCIATED COSTS AND FEES AND FAILURE TO DO SO WILL RESULT IN MY REMOVAL FROM THE PROGRAM. IN ADDITION, I UNDERSTAND THAT SHOULD I BE FOUND IN VIOLATION FOR ANY REASON, I WILL NOT BE PLACED BACK INTO THE PROGRAM. SUCH FAILURE TO SUCESSFULLY COMPLETE THE PROGRAM MAY BE THE BASIS FOR DENIAL OF FUTURE PARTICIPATION IN THE EVENT THAT A PARTICIPANT REAPPLIES FOR THE PROGRAM AT A LATER DATE INCLUDING ANY AND ALL SUBSEQUENT ADMISSIONS TO THE JAIL.

Jason Shane Bishop 3/29/18

SIGNATURE OF APPLICANT DATE

Signature: Jason Shane Bishop Date: 3/29/18

HOME DETENTION

POLICY:

Pursuant to sections 24-13-1530, 24-13-1540, 24-13-1550, 24-13-1560, 24-13-1570, 24-13-1580 and 24-13-1590 of the South Carolina Code of Laws as amended and in conjunction with ordinance 0-01-20 as adopted by the Spartanburg County Council on November 19, 2001, A Home Detention Program is hereby established for certain offenders being held in the Spartanburg County Detention Facility (Jail). Nothing contained herein grants anyone the right to participate in the program; expands or creates any rights; and does not create a higher standard of care with respect to third party claims. It is designed for internal use and serves only as a guide. All participants must agree to the terms of the program and they are responsible for all associated costs.

PROCEDURES:

1.0 Family Court

(a) All Family Court offenders committed to the jail must be made "eligible" for the home detention program by the presiding Family Court Judge. Those individuals not made eligible for the program will not be considered. However, "eligibility" does not entitle any family court offender to be placed into the Home Detention Program unless so approved by the jail staff. Participation in the home detention program is dependant upon a number of criteria as outlined in the program's agreement to include but not limited to the following:

(1) Voluntary participation
(2) Agreement by the participant to pay all program fees
(3) No pending criminal charges
(4) No history of escape, criminal domestic violence or extensive criminal history involving crimes of violence
(5) Compliant behavior and adherence to jail rules
(6) Permanent Spartanburg County residence
(7) Valid employment
(8) Payment of one (1) month's supervision fees in advance
(9) Installation of telephone and adherence to regulations concerning use of telephone
(10) Consent of other residents residing in participant's home/residence
(11) Other criteria as outlined

(b) Failure to agree or comply with the terms of the program will result in the individuals removal from the program, and the individual return to the secure custody of the jail. Since there is no guaranteed right to participation and all such participation is contingent upon the participant's willingness to participate and agreement to comply with all of the program's rules and regulations including payment of all associated fees removal from the program is without appeal.

Signature: _____ Date: 3/29/18

2.0 Magistrate Court and General Sessions Court Sentenced Offenders

(a) All sentenced offenders committed to the Spartanburg County Detention Facility (Jail) by the Magistrate's Court and/or the Court of General Sessions must be made eligible for the home detention program by the committing or presiding judge at the time of sentencing. Those individuals not made eligible by the court will not be considered for the home detention program. However, as in the case of those offenders committed by the Family Court, "eligibility" in and of itself does not mandate or require an individual's participation or acceptance into the program. All participants must meet the same criteria as outlined above for the Family Court Offenders, and again, acceptance in the program is contingent upon staff approval and the participant's willingness to pay all associated costs and adhere to the program's rules. Failure to comply with the terms and conditions of the program, will result in the participant's removal from the program, and the individual will remain in the secure custody of the jail without appeal.

(b) In the event that the presiding judge, pursuant to the administrative order issued by the Administrative Circuit Court Judge, specifically orders an individual into the home detention program, and that offender has no outstanding warrants or holds, the individual will be enrolled into the home detention program without the jail staff's approval. Such individuals committed by the court will be interviewed and screened by the jail staff, and shall be released upon the completion of the program's forms unless other pending warrants or detainers are discovered and/or the participant refuses to agree to the terms of the program including payment of all fees. In such event, the screening employee will so notify the court and await further instructions.

(c) As with all participants, failure to comply with the program's rules and regulations including non-payment of fees will result in the individual's removal from the program and return to the custody of the jail without appeal.

3.0 Participation as a Condition of Bond

(a) Magistrates and Circuit Court Judges may order as a condition of bond that individuals be admitted into the home detention program. No person awaiting trial shall be eligible or placed on the home detention without the approval of the court. In such cases, the following procedures will be followed:

(1) Jail staff will interview and screen all such persons or individuals on who the judge imposes such conditions.

(2) The programs rules and regulations will be explained and the offender must agree to all of the program's terms and condition's including the payment of fees.

Signature: [signature] Date: 3/29/18

(3) The jail staff will ensure that the individual has a residence in Spartanburg County; the other residents in his/her home agree to the program's rules; that he/she understands that he/she is responsible for all program costs and fees; that he/she has a telephone that complies with the program's criteria; and that he/she understands that failure to comply to any or all of the program's rules including failure to pay supervision fees will result in the individual's removal from the program without appeal.

(4) Once the screening process has been completed and the offender voluntarily agrees to participate in the home detention program, the screening employee will also notify the court that the individual is eligible for release contingent on meeting the other terms and conditions of his/her bond.

(5) Once the offender has been approved for release into the home detention program (i.e. has agreed to the program's terms and rules; has voluntarily agreed to pay all associated fees and costs; has agreed to provide a telephone that meets the program's criteria; has obtained the consent of his/her co-residents; has a valid residence within Spartanburg County; and all such other terms have been met), and the offender is ready for release, the jail staff will escort the offender to his/her residence and install the electronic monitoring equipment. The offender will then remain in the program until disposition of his/her charges unless otherwise ordered by the court.

(6) If an individual is found to be in violation of the program's rules and/or is removed from the program for failing to abide by the terms of his/her release as set by the court and/or failure to follow and abide by the program's rules including non-payment of fees; arrest/commission of another crime; and or other related issues the jail staff will then take the offender back into custody and report the violation to the court to await further instructions.

4.0 Jail Overcrowding

Pursuant to section 24-13-1530 (B) of the South Carolina Code of Laws, local governments may place offenders who are awaiting trial and for offenders whose sentences do not place them in the custody of the Department of Corrections on home detention on electronic monitoring as a means of jail diversion. Persons so selected shall be carefully screened, if deemed eligible and where such person is not serving a mandatory sentence pursuant to applicable state law; poses no known security risk to the public at large; and where such person has not been approved by the court; the jail director or his designee shall notify the court of jurisdiction of the person's eligibility and the terms of his/her proposed release to help alleviate jail overcrowding as deemed appropriate, as nothing contained herein grants any person the right to participate in the program and/or does it expand or create any right to any person in third parties. Persons so selected are expected to abide by the programs rules and regulations, including the payment of fees, and failure to do so will result in the individual's removal from the program and return to the custody of the jail without appeal.

5.0 Offender's Failure to Adhere to the Program's Rules

Signature: _____ Date: 3/29/18

In accordance with section 24-13-1570, all participants are hereby placed on notice that violation of the order for home detention subjects the participant to prosecution for the crime of escape, that the commission of another crime revokes the order for home detention, and if there is a violation or commission, the court shall sentence him to imprisonment. The participant shall abide by all other conditions as set by the Spartanburg County Detention Facility, and failure to comply with any such condition, including the non-payment of fees, will result in the participant's removal from the program and return to the custody of the jail exclusive of any criminal charge of escape that may be filed and/or any other offenses the individual may have committed.

6.0 Participant's Participation in Alcohol Monitoring

Magistrate and Circuit court judges may order a defendant to be placed under supervision using an alcohol monitoring device. Rather than placing a defendant under home detention as described in our policy above, only the defendants alcohol levels would be monitored using an alcohol monitoring device. The defendant would be returned to the secure custody of the jail should their ethyl alcohol level reach higher than 0.04.

ARTICLE 15. HOME DETENTION ACT

SECTION 24-13-1510. Short title. [SC ST SEC 24-13-1510]

This article is known and may be cited as the "**Home Detention Act**".

SECTION 24-13-1520. Definitions. [SC ST SEC 24-13-1520]

As used in this article:

(1) "Department" means, in the case of a juvenile offender, the Department of Juvenile Justice and, in the case of an adult offender, the Department of Probation, Parole and Pardon Services, the Department of Corrections, and any other law enforcement agency created by law.

(2) "Court" means a circuit, family, magistrate's, or municipal court having criminal or juvenile jurisdiction to sentence an individual to incarceration for a violation of law, the Department of Probation, Parole and Pardon Services, the Board of Juvenile Parole, and the Department of Corrections.

(3) "Approved electronic monitoring device" means a device approved by the department which is primarily intended to record and transmit information as to the defendant's presence or nonpresence in the home.

An approved electronic monitoring device may record or transmit: oral or wire communications or an auditory sound; visual images; or information regarding the offender's activities while inside the offender's home. These devices are subject to the required consent as set forth in Section 24-13-1550.

Signature: [signature] Date: 3/29/18

An approved electronic monitoring device may be used to record a conversation between the participant and the monitoring device, or the participant and the person supervising the participant, solely for the purpose of identification and not for the purpose of eavesdropping or conducting any other illegally intrusive monitoring.

(4) "Home detention" means the confinement of a person convicted or charged with a crime to his place of residence under the terms and conditions established by the department.

(5) "Participant" means an inmate/offender placed into an electronic monitoring program or into some other suitable program which provides supervision and/or monitoring in the community.

SECTION 24-13-1530. Correctional programs for which home detention may be substituted. [SC ST SEC 24-13-1530]

(A) Notwithstanding another provision of law which requires mandatory incarceration, electronic and nonelectronic home detention programs may be used as an alternative to incarceration for low risk, nonviolent adult and juvenile offenders as selected by the court if there is a home detention program available in the jurisdiction. Applications by offenders for home detention may be made to the court as an alternative to the following correctional programs:

(1) pretrial or preadjudicatory detention;

(2) probation (intensive supervision);

(3) community corrections (diversion);

(4) parole (early release);

(5) work release;

(6) institutional furlough;

(7) jail diversion; or

(8) shock incarceration.

(B) Local governments also may establish by ordinance the same alternative to incarceration for persons who are awaiting trial and for offenders whose sentences do not place them in the custody of the Department of Corrections. Counties and municipalities may develop home detention programs according to the Minimum Standards for Local Detention Facilities in South Carolina which are established pursuant to Section 24-9-20 and enforced pursuant to Section 24-9-30.

SECTION 24-13-1540. Promulgation of regulations; approved absences from home. [SC ST SEC 24-13-1540]

Signature: [signature] Date: 3/29/18

If a department desires to implement a home detention program it must promulgate regulations that prescribe reasonable guidelines under which a home detention program may operate. These regulations must require that the participant remain within the interior premises or within the property boundaries of his residence at all times during the hours designated by the department. Approved absences from the home for a participant may include:

(1) hours in employment approved by the department or traveling to or from approved employment;

(2) time seeking employment approved for the participant by the department;

(3) medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the department;

(4) attendance at an educational institution or a program approved for the participant by the department;

(5) attendance at a regularly scheduled religious service at a place of worship; or

(6) participation in a community work release or community service program approved by the department.

SECTION 24-13-1550. Verification. [SC ST SEC 24-13-1550]

The participant shall admit a person or agent designated by the department into his residence at any time for purposes of verifying the participant's compliance with the conditions of his detention.

The participant shall make the necessary arrangements to allow for a person designated by the department to visit the participant's place of education or employment at any time, upon approval of the educational institution or employer, for the purpose of verifying the participant's compliance with the conditions of his detention.

SECTION 24-13-1560. Use of electronic monitoring device. [SC ST SEC 24-13-1560]

The participant shall use an approved electronic monitoring device if instructed by the department at all times to verify his compliance with the conditions of his detention and shall maintain a monitoring device in his home or on his person.

SECTION 24-13-1570. Approval required for change in residence or schedule; notice that violation of detention is a crime; revocation; input of victim regarding eligibility for home detention. [SC ST SEC 24-13-1570]

(A) The participant shall obtain approval from the department before he changes his residence or the schedule described in Section 24-13-1540.

(B) Notice must be given to the participant by the department that violation of the order

for home detention subjects the participant to prosecution for the crime of escape as a misdemeanor, that commission of another crime revokes the order for home detention, and that if there is a violation or commission, the court shall sentence him to imprisonment.

(C) The participant shall abide by other conditions set by the department.

(D) The victim of the participant's crime, or his immediate family, must be provided the opportunity of oral or written input and comment to the department or court, or both, regarding the participant's home detention sentence.

SECTION 24-13-1580. Necessity of written consent to electronic home detention; other residents' knowledge. [SC ST SEC 24-13-1580]

Before entering an order for commitment for electronic home detention, the court shall inform the participant and other persons residing in the home of the nature and extent of the approved electronic monitoring devices by:

(1) securing the written consent of the participant in the program to comply with the regulations of the program as stipulated in Section 24-13-1540 and the requirements of this article;

(2) securing, upon request of the department, the written consent of other adult persons residing in the home of the participant at the time an order or commitment for electronic home detention is entered and acknowledgment that they understand the nature and extent of approved electronic monitoring devices; and

(3) insuring that the approved electronic devices are minimally intrusive upon the privacy of the participant and other persons residing in the home while remaining in compliance with Sections 24-13-1550 and 24-13-1560.

SECTION 24-13-1590. Article not applicable to certain controlled substance offenders; probation and parole authority not diminished. [SC ST SEC 24-13-1590]

Nothing in this article:

(1) applies to a person, regardless of age, who violates, or is awaiting trial on charges of violating, the illicit narcotic drugs and controlled substances laws of this State which are classified as Class A, B, or C felonies or which are classified as an exempt offense by Section 16-1-10(D) and provide for a maximum term of imprisonment of twenty years or more; or

(2) diminishes the lawful authority of the courts of this State, the Department of Juvenile Justice, or the Department of Probation, Parole, and Pardon Services to regulate or impose conditions for probation, parole, or community supervision

Signature: _____ Date: 3/29/18

Exhibit D

FUNERAL HOME

Barr-Price Funeral Home and Crematorium

256 Main Street

Batesburg Leesville, South Carolina

RECORDS

View more records for Rinehart on Ancestry.com®

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Boddie Rinehart Obituary

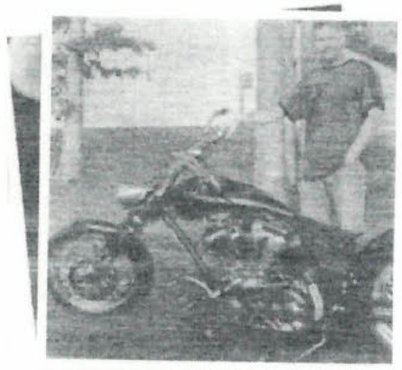
Boddie L. Rinehart BATESBURG Graveside services for Boddie L. Rinehart, 88, will be conducted at 11:00 a.m. Saturday June 20, 2020 at Wittenberg Lutheran Church Cemetery with the Rev. Emily Edenfield officiating. In lieu of flowers, memorials may be made to Wittenberg Lutheran Church Cemetery Fund, P. O. Box 3447 Leesville, SC 29070. Barr-Price Funeral Home, Historic B-L Chapel, is assisting the family. Mr. Rinehart died Tuesday June 16, 2020. Born in Saluda County, he was a son of the late Mattie Lorick and L. H. Rinehart, Sr. He was a member of Wittenberg Lutheran Church, a US Army Veteran, and retired from Carolina Eastman. Mr. Rinehart was an avid golfer and maintained the blue bird trail at the Ponderosa Country Club. Survivors include his son, Russell Rinehart, nieces and nephews, and his cat, "Cutter." He was predeceased by his wife, Nelle Epting Rinehart, brothers, Astor, Joel, Doug and L. H. Rinehart, Jr., sisters, McNeal Snelgrove and Eudean Bishop. Special thanks to family and friends, to Dr. C. P. Dunbar and the staff of B-L Family Practice and to the Staff of Saluda Nursing Center for their concern and support over the past years. Online register at barr-price.com 803-532-4411

Published by The State on Jun. 18, 2020.

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OBITUARIES FLOWERS & GIFTS WHAT WE DO GRIEF & HEALING PLAN AHEAD RESOURCES



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Stephen "Chandler" Beaty, II

[redacted] - June 15, 2022

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Obituary & Service
Stephen "Chandler" Beaty, II, age 54, of Laurens, S...
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Click here to share a memory of Stephen or send condolences to the family.

Add Photos & Videos | Light Candle | Virtual Gift | Send Flowers & Gifts | Send a Card



Plant a tree



Stephen Beaty II Obituary

We are sad to announce that on June 15, 2022, at the age of 54, Stephen Beaty II of Laurens, South Carolina, born in Clinton, South Carolina passed away. Leave a sympathy message to the family on the memorial page of Stephen Beaty II to pay them a last tribute.

He is survived by : his parents, Stephen Chandler and Cynthia Bishop Beaty; his children, Dylan Chandler Beaty of Laurens and Brennan Olivia Beaty of Laurens; the mother of his children Angie Beaty; and his sisters, Melanie Sward of Laurens and Georgianna Ballenger (Robert) of Greenwood. He is also survived by numerous nieces and nephews.

In lieu of flowers, memorials may be made to the Laurens County Humane Society, 793 Poplar Street, Clinton, SC 29325.

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Wanda Yvonne Norris

Greenville, South Carolina

[redacted] July 22, 2022

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Obituary

Wanda Yvonne Norris, 66, widow of Eddie Norris, Sr., of Clinton, SC, gained her angel wings on July 22, 2022. Born in Joanna, SC she
daughter of the late Winfield Bishop and Georgia Faye Bishop.

Wanda enjoyed spending time with her family especially her grandkids. She was a Christian and a loving mother, grandmother, siste
and friend.

She is survived by her daughter, Shari (Bobo) Pate; siblings, Vicky (Richard) Lewis of Biloxi, MS and Sandi (Lou) Koski of Greenwood,
grandchildren, Madison, Rylan, Kalli as well as five other grandchildren and 12 great grandchildren. She is also survived by several ni
nephews.

She was preceded in death by her sons, Eddie Norris, Jr. and Wesley "Bubba" Norris.

https://www.laurenscountyadvertiser.net/2023/02/11/william-michael-big-mike-bishop/

William Michael "Big Mike" Bishop

By Editor | February 11, 2023 | 0

Mountville, South Carolina



William Michael "Big Mike" Bishop, age 71, went home to be with the Lord Saturday, February 11, 2023.

He was born [redacted] in Joanna and was the son of the late Harold and Naomi Hall Bishop.

Mike was a dedicated diesel mechanic with Carolina Concrete for 37 years. He loved the outdoors and was an avid hunter and fisherman. If Mike wasn't in the woods or on a pond, you could find him in his shop or garden.

Surviving are his son, William "Little Mike" Michael Bishop II, of Mountville; a daughter, Brandie Bishop of Mountville; sisters, Cynthia Beaty of Greenwood and Melissa Marshall of Clinton; grandchildren, Kodie Johnson, Cameron Bishop, and Brooke Gaffney; great grandchildren, Robbie, Lillian, Bryleigh and Ellee; a special friend SPP and his dog, Little Lady.

In addition to his parents he was predeceased by a brother-in-law, Larry Marshall and a nephew, Chandler Beaty.

Graveside services will be conducted Wednesday, Feb. 15th at 2:00 P.M. at Little River Dominick Presbyterian Church Cemetery, 8545 Hwy 56, Kinards, SC 29355 with Rev. Allie McNider officiating.

Mike's body will be taken home, 4989 Mountville Rd, Mountville, SC 29370 where the family will receive friends from Tuesday afternoon until noon on Wednesday.

In lieu of flowers memorials may be made to Hospice of Laurens County, PO Box 178, Clinton, SC 29325 of Little River Dominick Presbyterian Church, 8545 Hwy 56, Kinards, SC 29355.

Condolences may be expressed to the family online at www.grayfuneralhome.com

Gray Funeral Home of Clinton is honored to be assisting the Bishop family.

Iva Lee Davis

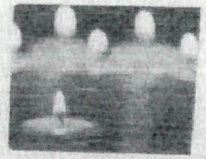
April 20, 1931 - September 15, 2023 (92 years old)

Waynesville, North Carolina



Give a memorial tree

Plant a tree



Light a candle

Illuminate their memory

Iva Lee Davis Obituary

It is with deep sorrow that we announce the death of Iva Lee Davis (Waynesville, North Carolina), who passed away on September 15, 2023, at the age of 92, leaving to mourn family and friends. Leave a sympathy message to the family in the guestbook on this memorial page of Iva Lee Davis to show support.

She was predeceased by : her parents, Lawrence Zemery Messer and Nova Parkins Messer; her husband H. Edward Davis; her daughter Joyce Davis; and her siblings, Boyd Messer and Jewel Messer Justice.

She is survived by : her children, Lisa Davis and Eddie Davis; her grandchildren, Matthew Richardson (Andria) and Madison Banks; and her great grandchildren, Iva Lee Nance Richardson and Davis Ford Richardson.

Kathy Queen Messer

1 Event

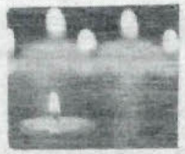
[redacted] October 2, 2023 (71 years old)

Waynesville, North Carolina



Send Flowers

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Illuminate their memory

Kathy Queen Messer Obituary

We are sad to announce that on October 2, 2023 we had to say goodbye to Kathy Queen Messer in Waynesville, North Carolina. Leave a sympathy message to the family in the guestbook on this memorial page of Kathy Queen Messer to show support.

She was predeceased by : her father Paul Queen; her son Shannon Reece; her sister Vickie; and her nephew Colt Reece. She is survived by : her daughter Jade Messer (Rocky Nesmith); her grandchildren, Julie Reece, Lance Reece, Xander Inman, Landon Inman and Laila Nesmith; her siblings, Jimmy Keith Queen and Phyliss Trantham; her nephew Jerry Queen (Tammy); her great-nephew Brent; and her great-niece Brianna Queen.

A celebration of life was held on Sunday, October 15th 2023 at 12:00 PM at the Smoky Mountain Cremations and Funeral Service (3264 Broad St, Clyde, NC 28721).

Exhibit E

POLICY RELEASE

WHEREAS, Mark Anthony Banks and Wilma Jean Banks are the named insureds of a personal auto policy (policy [redacted] ("the Banks Policy"), issued by North Carolina Farm Bureau Mutual Insurance Company, Inc. ("Farm Bureau"), which covered a 2010 Honda Accord (owned by Wilma Smith Banks) and was in effect on 1/15/2018; and

WHEREAS, Jason Shane Bishop was the named insured of a personal auto policy (policy no. [redacted] ("the Bishop Policy"), issued by North Carolina Farm Bureau Mutual Insurance Company, Inc. ("Farm Bureau"), which covered a 2005 Dodge Durango and was in effect on 1/15/2018; and

WHEREAS, Bishop, on 1/15/2018, was driving the 2010 Honda Accord covered by the Banks Policy on Interstate 26 near Spartanburg, South Carolina and had collisions with a vehicle owned and operated by Randy Steven Oberdier and a vehicle driven by Timothy Allen McKinney and owned by Pike Electric, LLC; Helen Oberdier, spouse of Randy Steven Oberdier, Amelia Oberdier and Amanda Rathbone were passengers in the Oberdier vehicle; Grace McKinney was a passenger in the Pike Electric vehicle. Farm Bureau settled the personal injury claims of Amelia Oberdier, Amanda Rathbone, Timothy Allen McKinney and Grace McKinney from the bodily injury liability coverage of the Banks Policy. Farm Bureau settled the property damage claims of Randy Steven Oberdier and/or his Estate and Pike Electric, LLC from the property damage liability coverage of the Banks Policy. Farm Bureau paid the $100,000 per person limit of the bodily injury liability coverage of the Banks Policy to the Estate of Randy Steven Oberdier, who died from injuries he received from the collision in question; and Farm Bureau paid a $100,000 per person limit of the bodily injury liability coverage of the Banks Policy to Helen Oberdier; and

WHEREAS, Helen Oberdier, Individually and as Personal Representative of the Estate of Randy Steven Oberdier, and Jason Shane Bishop contend that the Bishop Policy provides excess liability coverage for the bystander/emotional distress claims of Helen Oberdier, the wrongful death and survival claims of the Estate of Randy Steven Oberdier, and the punitive damages claims of Helen Oberdier, individually, and the Estate of Randy Steven Oberdier; and

WHEREAS, Farm Bureau filed a Complaint for Declaratory Judgment in Haywood County Superior Court, contending that the Bishop Policy does not provide any liability coverage for claims arising from the 1/15/2018 motor vehicle collision; and

WHEREAS, a mediated settlement conference was conducted in the declaratory judgment action on 8/28/2019, during which the parties agreed to a settlement and signed a Memorandum Of Settlement, a copy of which is attached hereto as **Exhibit 1**;

NOW THEREFORE, in consideration of Farm Bureau's One Hundred Five Thousand and 00/100 Dollars ($105,000.00) payment to the Estate of Randy Steven Oberdier and Helen Oberdier from the Bishop Policy, and $5,000 to Jason Shane Bishop from the medical payments coverage of the Bishop Policy, Jason Shane Bishop, Wilma Smith Banks and Mark Anthony Banks hereby release, acquit and forever discharge Farm Bureau from any claims for bad faith, unfair and deceptive trade practices and costs (including attorney fees) incurred related to the pending declaratory judgment action. The undersigned hereby acknowledge that Farm Bureau's payments stated above do not constitute an admission by Farm Bureau of any coverage under the Bishop Policy. This release is not a general release nor a release or waiver of all claims under the Bishop Policy. It is limited to a release of claims for bad faith, unfair and deceptive trade practices and costs (including attorney fees) incurred related to the pending declaratory judgment action and shall not prevent the undersigned from asserting claims that the Bishop Policy provided an additional amount of coverage for any claims against the undersigned arising out of the 1/15/2018 motor vehicle collision (other than the claims asserted by the Estate of Randy Steven Oberdier, Helen Oberdier, Amelia Oberdier, Amanda Rathbone, Timothy Allen McKinney, Grace McKinney and Pike Electric, LLC, for which the undersigned have been released from all personal liability), should they desire to do so. The undersigned have read this Policy Release and acknowledge that they have had the advice of counsel and that no promise or representation of any kind, other than as contained herein, has been made by Farm Bureau.

Jason Shane Bishop

Jason Shane Bishop

Mark A. Banks

Mark Anthony Banks

Wilma Smith Banks

Wilma Smith Banks a/k/a Wilma Jean Banks

North Carolina
County of Haywood

I, Karen D. Hunt, a Notary Public for said County and State, do hereby certify that **Jason Shane Bishop** appeared in person before me, I have personal knowledge of his identity, he voluntarily signed the foregoing instrument for the purpose stated therein, and in the capacity indicated.

Witness my hand and official seal, this the 18th day of September, 2019.

KAREN D. HUNT NOTARY PUBLIC HAYWOOD COUNTY, N.C.

Karen D. Hunt
Notary Public

My commission expires: 2/14/2023

North Carolina
County of Haywood

I, Karen D. Hunt, a Notary Public for said County and State, do hereby certify that **Mark Anthony Banks** appeared in person before me, I have personal knowledge of his identity, he voluntarily signed the foregoing instrument for the purpose stated therein, and in the capacity indicated.

Witness my hand and official seal, this the 18th day of September, 2019.

KAREN D. HUNT NOTARY PUBLIC HAYWOOD COUNTY, N.C.

Karen D. Hunt
Notary Public

My commission expires: 2/14/2023

North Carolina
County of Haywood

I, Karen D. Hunt, a Notary Public for said County and State, do hereby certify that **Wilma Smith Banks a/k/a Wilma Jean Banks** appeared in person before me, I have personal knowledge of her identity, she voluntarily signed the foregoing instrument for the purpose stated therein, and in the capacity indicated.

Witness my hand and official seal, this the 17th day of September, 2019.

KAREN D. HUNT NOTARY PUBLIC HAYWOOD COUNTY, N.C.

Karen D. Hunt
Notary Public

My commission expires: 2/14/2023

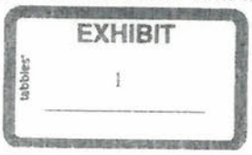
STATE OF NORTH CAROLINA HAYWOOD COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO. 18-CVS-412
NC FARM BUREAU MUTUAL INSURANCE COMPANY, INC., Plaintiff, v. JASON SHANE BISHOP, WILMA SMITH BANKS, LOUIS ERIK PERALTA JUAREZ, THE ESTATE OF RANDY STEVEN OBERDIER, HELEN OBERDIER, AMELIA OBERDIER, AMANDA RATHBONE, TIMOTHY ALLEN MCKINNEY, GRACE MCKINNEY, PIKE ELECTRIC, LLC, Defendants	) MEMORANDUM OF SETTLEMENT

The parties agree that all issues in this litigation are settled and resolved on the following terms:

1. Plaintiff shall pay the Estate of Randy Steven Oberdier and Helen Oberdier the total sum of $105,000.00, subject to court approval as to the Estate of Randy Steven Oberdier, payable to the trust account of Richardson Patrick Westbrook and Brickman, LLC. The allocation of the settlement funds as between the estate and Helen Oberdier will be determined at a later date.

2. Defendants Estate and Helen Oberdier shall execute a general release of all claims in favor of Wilma Banks, Mark Banks and Plaintiff, and a covenant not to enforce judgment regarding all claims in favor of Jason Shane Bishop, in a form acceptable to counsel for the parties, such release and covenant to be drafted by counsel for Plaintiff. Plaintiff shall execute and file a voluntary dismissal with prejudice upon execution of the release and covenant, and court approval of the wrongful death settlement.

3. Plaintiff shall pay the sum of $5,000.00 in medical payments coverage to Jason Shane Bishop. Jason Shane Bishop, Wilma Smith Banks, and Mark Banks shall execute a release of any bad faith claims, unfair and deceptive trade practices claims,



and claims for costs incurred related to the pending declaratory judgment action, including attorney fees, in favor of Plaintiff, in a form acceptable to counsel for the parties, such release to be drafted by counsel for Plaintiff.

4. Each party shall bear his, her, or its own attorney fees, costs, and pro rata share of the costs of mediation.

5. Other terms of settlement: None.

6. The parties and their attorneys stipulate and agree that if necessary, the Court may enforce this agreement by entering judgment based upon the terms set forth herein.

This the 28th day of August, 2019.

Plaintiff(s):

for NC Farm Bureau

Counsel for Plaintiff(s):

William F. Lipscomb

Defendant(s):

Helen Oberdier, Estate of Randy Oberdier

~~Helen Oberdier, Executor of Estate of Oberdier~~

x Helen Oberdier

Wilma Barker

Joan Shane Bishop

Counsel for Defendant(s):

C. Mock

SRC

Exhibit F

FOR NORTH CAROLINA FARM BUREAU

10:31 A.M.
April 11, 2018
Asheville, North Carolina

RECORDED STATEMENT

OF

JASON SHANE BISHOP

REPORTED by: Laura Riley Bridges
Court Reporter
Notary Public
Bridges Court Reporting
P.O. Box 2156
Rutherfordton, N.C. 28139
(828)429-7839
Laura@Lbridgescourtreporting.com

A P P E A R A N C E S

For Farm Bureau: MR. WILLIAM F. LIPSCOMB
LIPSCOMB LAW FIRM
210 West Main Street
Wilkesboro, North Carolina 28697
336-990-0495

For Shane Bishop: MR. CHARLES GROSE
THE GROSE LAW FIRM, LLC
404 Main Street,
Greenwood, South Carolina 29646
864-538-4466

(No Exhibits Admitted)

Quoted material is verbatim and
may/may not reflect a direct quote.

JASON SHANE BISHOP, being first duly identified and sworn was examined and testified as follows:

EXAMINATION BY MR. LIPSCOMB:

Q. Would you state your full name, please?
A. Jason Shane Bishop.
Q. Mr. Bishop, as you know, my name is Bill Lipscomb and I've been employed by North Carolina Farm Bureau to help Farm Bureau determine whether either or both the insurance policies issued by Farm Bureau to Mark Anthony Banks and to you may provide liability coverage for the claims that will probably be asserted against you as a result of a wreck that you were involved in on January 15 of 2018. So I'll just be asking you some questions regarding that. If I ask you anything that you don't understand, would you please tell me?
A. Yes, sir.
Q. Let's see. What is your date of birth?
A. [redacted]
Q. And back -- what is your current address?
A. [redacted] North Carolina.
Q. And is that where you were living on January 15 of 2018?
A. Yes, sir.
Q. And who else lived at that -- is that a house, a mobile home?

A. It's a house.
Q. A house, okay. Who owns that house?
A. Mark Banks.
Q. Mark Banks does?
A. (Nodding head up and down)
Q. Okay. Instead of nodding your head, if you would say yes because she's trying to take everything down. So let me ask that question again.
Does Mark Banks own that house that you live in?
A. Yes.
Q. Are there any other -- does anybody own it along with Mark or is he the sole owner?
A. He's the sole owner.
Q. And who else lives -- as I understand it, you and Mark are domestic partners, is that correct?
A. Yes, sir.
Q. And have been for a number of years?
A. Seventeen years, yes, sir.
Q. Who else lives in that house with you guys?
A. Just us.
Q. Nobody else lives in the house?
A. No, sir.
Q. All right. So it looks like in January of 2015 there were three vehicles covered under the insurance policy that was issued in the name of Mark Banks, Wilma Jean

Banks and Madison Banks, is that correct?
A. Yes, sir.
Q. And that was a -- those three vehicles were the 2010 Honda Accord that you were driving at the time of the wreck, correct?
A. If Madison Banks was on there, I don't know the date that I took insurance out on the Durango for myself. I did do that at some point. I don't know the date I did it. I know that if there's three vehicles, it was probably the Honda, the Mercedes and Madison's vehicle which is a --
Q. Suzuki?
A. -- 4runner. I think it's a Toyota 4runner. There's no Suzuki.
Q. Okay, now --
A. Jean Banks has a Hyundai, not a Suzuki that I know of.
Q. So Wilma Jean Banks, is that Mark's mother?
A. Yes.
Q. Where did she live in January?
A. I don't know her address. She didn't live with us. She lived in Waynesville in the city behind -- it's just a couple of blocks behind the Main Street, but I don't know her address. I knew how to get there, but I didn't actually know the address. I think it was Short Street.

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Q. About how far from your house was her residence?
A. Was her residence?
Q. Right, like a mile, two miles?
A. Seven miles probably, just -- yeah.
Q. And in January of 2018 -- well, who is Madison Banks?
A. That is Mark's daughter.
Q. And where did she live back in January?
A. She lives with her mother.
Q. Okay. So I'm looking at the declarations pages for the policy that was issued to Mark that covered the Honda Accord. And there are two other vehicles listed on that policy, a 2008 Mercedes-Benz and a 2016 Suzuki GS -- maybe that's a motorcycle.
A. It is. That is a motorcycle. That's where that's -- it's not a car. Okay.
Q. Got it. So the --
A. Madison has a motorcycle.
Q. I'm sorry, what?
A. It's Madison's, sorry.
Q. It's what?
A. Madison's motorcycle.
Q. Madison's motorcycle. All right. The 2008 Mercedes-Benz, who was the owner of that vehicle?
A. Mark.
Q. Mark was?

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A. Yes, sir.
Q. And who drove that --
A. Mark.
Q. Mark drove that. Okay. Was that Mark's primary vehicle that he drove everywhere?
A. I think so for the most part.
Q. All right. And you say that the Suzuki motorcycle was owned by Madison?
A. Right.
Q. And did she drive that, was that her main --
A. No, she has a 4Runner also that she would drive mostly because the weather's colder in winter and all. She wouldn't have driven the motorcycle in winter.
Q. Now, according to the accident report from the accident that you were involved in, the Honda was owned in the name of Wilma Jean Banks, is that correct?
A. I believe so.
Q. And then the insurance policy that was in your name and this -- I'm not sure when it was taken out, but it was in effect at the time of the accident on January 15 of 2018. The only vehicle that was covered under your policy was a 2005 Dodge Durango, is that correct?
A. Yes.
Q. Is that an SUV or a --
A. It is.

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Q. SUV? Okay. All right. And so as I understand it from a recorded statement that Mark has already given, you drove the Honda Accord, 2010 Honda Accord on a fairly frequent basis, is that correct?
A. Not overly frequent. I drove the SUV because it was the advertisement for my salon. When I parked at work, I use that.
Q. It was the -- say that --
A. It has J Shane's Hair Studio on both rear windows.
Q. I'm not catching your --
A. I'm a hairdresser. I use it to -- I have a sign at the road. Waynesville has very strict sign regulations. And the office park I'm in says Stone Gate Office Park. So to advertise for my salon, I have J Shane's Hair Studio on the back of my truck. I back it up to the road and put a Open flag in the Reese hitch, to hang from the Reese hitch. It hangs down and says "Open" and J Shane's Hair Studio to let people know that I'm there and open and draw business in. So I drive my truck to work because if I drive the car, nobody will know I'm open.
Q. So just explain to -- well, that 2010 Honda Accord, was that kept at Mark's house?
A. It was at Mark's house most of the time, yes.
Q. And was that an extra vehicle?

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A. It was an extra vehicle.
Q. And where were the -- did you have a set of keys to that vehicle?
A. There were keys hanging in the house to the vehicle if you needed -- if you needed it, if it snowed or something like that or if he had stuff to move -- if you need it to help move things or anything like that, he would use the SUV. I usually took trash, so I -- and had a tarp in the back of it for taking trash and would do that on my way to work.
Q. Tarp in the back of what?
A. In the Durango.
Q. In the Durango, okay. All right.
A. Yes, because it has room in the back to haul things and it's an older vehicle so it didn't matter as much. The dogs were taken mostly. When I ride dogs around, I'd ride them in the -- we have pets. And we take them in the Durango because it's -- it doesn't have leather seats. The dogs don't slide when they try to stand in it.
Q. So just explain for me how often you use the Durango --
A. Every day I went to work.
Q. Well, let me --
A. Okay.
Q. How often do you use the Durango versus how often you

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use the Honda Accord?
A. I used the Durango every day I work. I work five days a week. If he needed the Durango, I try to ask him not to use the Durango on days I work because I needed that advertisement and the Open flag at my work so people would know I'm there, try to draw walk-ins. So I use the Honda maybe twice a week or something. If he was using the Durango, I would drive the Honda if he was gone in my Durango. But not if it was snowing per se, because that's the only all-wheel drive vehicle we had was the -- was the Durango. So we drove it more when it snowed.
Q. And so you say you used the Honda about twice a week on average?
A. I imagine, yes, sir.
Q. And what types of things -- what types of things did you use it for or what sort of circumstances would cause you to choose the Honda as opposed to the Durango?
A. If the Durango wasn't there because he was gone in it, then I would use the Honda, say to go to the convenience store or go to the grocery store or drug store, to go run an errand usually.
Q. How often did Mark use the Durango?
A. I don't know, maybe once or twice a week or so if he

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needed it for something. Sometimes he would take trash too, but usually I took it on the way to work.
Q. So tell me the different things that you and Mark would use the Durango for besides you're going to work and parking it in front of your salon?
A. Snow days, when it was -- when it's snowing and we needed to be able to get around in snow, we would take the Durango. Outside of that, we would usually just ride in his vehicle, usually the Mercedes, sometimes the Honda. He drove the Honda some too to try to keep from putting miles on his Mercedes as much. He kind of went back and forth between the two. And if we were on vacation, I would take turns driving some. So I did drive the Honda and the Mercedes even if we were on a trip and he was tired and getting bobble-headed, sleepy, I would take over driving.
Q. When you all would go out of town on trips, would you take the Honda or the Mercedes?
A. It would depend. Usually, the Mercedes, he's only had it a little over a year, I think. So before that, we would have took the Honda every time because there wasn't a Mercedes, so the --
Q. He had just had the Mercedes --
A. Yeah, it's a newer purchase, just had it about a year.
Q. And the purpose -- the reason that you would take the

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Mercedes or the Honda on a trip was better gas mileage?
A. I don't know. He would go, I want the Honda, I want -- we'll take the Mercedes or we'll take the Honda. I didn't care which. I like riding in the Honda better because the seats are more comfortable. The seats in the Mercedes are real flat and I do like this (demonstrating) when my feet are on the floor. So I prefer the Honda because the seat tilts more and it's more comfortable for me in the passenger seat.
Q. Right. Okay.
A. The Mercedes is the size of a Nissan Sentra. It's a very small Mercedes, so it's little.
Q. How often would you and Mark go out of town on trips?
A. Maybe once a year on a -- to go to the beach or something.
Q. And what was the purpose of the trip on January 15 of 2018?
A. That was me driving to South Carolina to work.
Q. To work?
A. Yes. I work one day a month in South Carolina at my mom's salon. And it was -- just snowed that weekend in North Carolina, so I left the SUV with him because it was going to snow.
Q. Okay. All right. So your mother has a salon in South -- in Spartanburg?

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A. I go one -- in Joanna, South Carolina, about 30 miles past Spartanburg. I go once a month and do that, every four weeks. And so sometimes it's more than once -- it's more than once a month. It's every four weeks, not once a month.
Q. And did you usually drive the Honda when you went on that trip?
A. No. I would usually drive the Durango, but it was going to snow, so I drove the Honda so he could have the Durango because it was going to snow in North Carolina and he would be stuck without a vehicle to drive in the snow without all-wheel drive.
Q. And that Honda that was kept there at your house, could you use that whenever you wanted to without asking the owner for special permission?
A. I could have used it when I wanted, but when I drive around town, if I'm in the Durango, I'm advertising for myself. So I would typically drive my vehicle and wave and smile and act nice and try to get people to come to my salon. It's all about trying to get your name out to make a living. You know, I have to do all that on my own. I don't have, like Farm Bureau, advertising, you know, when they just pay to advertising. I have to do it all myself, so --
Q. But you didn't have to ask either Mark or his mother

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for permission to take the Honda, you could just take it if you needed it, is that correct?
A. I could take it, yes. After 17 years together, it's kind of like that. Imagine most married couples that's together 17 years probably could take each others vehicles as well, I think.
Q. Did anybody use the Honda besides you and Mark?
A. His mother used it sometime if her car's getting worked on or something, then she would have the Honda to drive. It was an extra vehicle. It's nothing more than Mark wanted a Mercedes. That's why we have a Mercedes, a third vehicle, because Mark always wanted a Mercedes. Well, he's got one now. So just --
Q. So before Mark --
A. -- wasn't a purpose accept to have a Mercedes because he wanted one.
Q. Before Mark bought the Mercedes, did he use the Honda more often?
A. He drove the Honda every day because there was only two vehicles at the house before that, not three. There wasn't a Mercedes there, so the only vehicles that would have been there would have been the --
Q. And how long have you owned the Durango?
A. I've had split ownership. Me and Mark both -- had both of our names on it since we got it.

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Q. And about when --
A. And it's been mine totally since a little before January or so, whenever that policy was took out was when it was put just in my name to give me a tax break for my business and for advertising and for driving back and forth to work and all. I can use the vehicle for that as a tax deduction because I have my name on the side of it and I use it for advertising.
Q. And approximately when did Mark buy the Mercedes?
A. I don't know. I don't keep up with it. I don't think like that. My mind doesn't work that way. He's had it maybe a year, I say, about a year maybe. I don't know the exact date.
Q. All right. Let me just look at my notes here. Did either Mark or his mother place any restrictions on your use of the Honda, such as Shane, you cannot use the Honda to go out of town or you cannot use the Honda to do X, Y, Z? Were there any restrictions like that?
A. I wouldn't have been able to drive it to South Carolina if I weren't able to drive it out of town, would I? I mean, I was allowed to drive it out of town because they wanted the all-wheel drive vehicle for the snow. There was a cut, a thing there. I didn't typically drive it to South Carolina and put miles on their vehicle, no way, because I was driving my own vehicle

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to do that usually, but they wanted it for snow purposes because all -- it's the only all-wheel drive vehicle in our family. So if something happened with Mark having another heart attack, he's had four, or Jean's had her knee replaced. She's had a heart valve replacement and needed to get to the hospital or any kind of emergency, they would need the all-wheel drive to get them around outside of calling the ambulance. If they just started feeling bad and needed to go to the ER, they would need it.
Q. But so as I understand it, neither Mark nor his mother placed any restrictions on your use of the Honda? You could use it whenever you wanted for whatever purpose, is that correct?
A. I couldn't -- I wouldn't have felt right to just drive it constantly because it wasn't my vehicle. I drove my vehicle, but I don't -- they didn't actually give me a talking to and say you can only drive it in this situation or that. We didn't have a contract written up when I could drive it or when I couldn't. So there's no real -- there wasn't ever limitations set to that degree written down and we didn't get a lawyer to decide when I could drive the vehicle or not.
Q. Or even verbal?
A. We've -- 17 years together.

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Q. Sure.
A. Like I'm sure you and your wife probably don't verbally talk about when each of you can drive a vehicle. That's the way it is with me and my partner. We're just as committed and married as you and your wife. I just about guarantee you that.
Q. Okay.
A. So if you just don't do that, it would be kind of tacky to set limitations. But we didn't -- I didn't drive it all the time because it wasn't my vehicle. I drove it when they were using the Durango for a purpose. Outside of that, I didn't need to drive it because I had the Durango. It wasn't a preferred vehicle. In fact, in the Honda, I still sat with this much room between my legs which is rather uncomfortable, but in the Durango, my legs didn't flap because the seat's up higher. It sat better. So it was my preferred vehicle. I used it when they didn't have it or didn't need it. I used their Honda and whenever they were using my Durango.
Q. So was that --
A. I could just take it to the store if I wanted without getting in trouble of any sort.
Q. So was the primary circumstance that would cause you to choose the Honda, the Durango being used --

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A. Yes.
Q. -- by Mark?
A. That was the reason I would take it is if they were using the Durango.
Q. And did Mark's mother use the Durango as well as Mark?
A. She didn't drive the Durango. I don't think she would have been comfortable driving it because it's a higher up vehicle. She don't like to hardly drive anything but her car. She drives a Hyundai -- what are they? I don't know. A Sonata. She's driven that for years and she feels more comfortable in her car. I guess just because that's what she used to driving and switch gears are different and stuff.
Q. So I think I know the answer to this question, but on January 15 of 2018, the Durango was working? It was in good mechanical shape --
A. Yes, sir.
Q. -- is that correct? Okay. All right. And the primary reason that you took the Honda to South Carolina that day was because it would have been snowing and you wanted to leave the Durango --
A. And I spent the night at my parents' house. I would go down the night before. So there was an overnight stay when they were having to focus on trying to make it around in the snow possibly because it -- the forecast

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was saying. So it's actually two days that I would be gone, because I would drive down one evening, afternoon or evening, spend time with my family on Sunday, then Monday work all day. That's when I visited with my family as well when I go down.
Q. Okay. And would you come back Monday evening or wait until Tuesday?
A. Yes. I drive back Monday evening.
Q. And you did that --
A. That's the Monday the 15th when I --
Q. And you did that once every four weeks?
A. Yes, sir.
Q. All right. Thank you, Shane. I think that's all the questions I have.
A. Okay.
Q. I appreciate it.
A. I'm sorry if I felt -- I didn't mean to be snippy or anything.
Q. It's okay.
A. It's just when I used it. I used it when I needed it, when they were using the Durango, so I --
Q. Got it.
A. -- didn't mean to be snippy. I feel like I go that way and I didn't mean to.
(WHEREUPON, the recorded statement was

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concluded at 10:56 a.m.)
* * * * * * * * * *

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S I G N A T U R E P A G E

EUO OF: JASON SHANE BISHOP
TAKEN: APRIL 11, 2018

I have read the foregoing pages, 1 through 20, and find that they contain a correct transcription of the answers made by me to the questions therein recorded, with the exception of _____ corrections as listed on a separate sheet of paper and incorporated into this record.

Jason Shane Bishop

E R R A T A S H E E T

TO THE

EUO OF JASON SHANE BISHOP

Please read your deposition carefully.
Do not mark or write on the deposition itself.
List any corrections you may have by page and line number on this sheet.
Return to: Laura Riley Bridges, Bridges Court Reporting, Inc., P.O. Box 2156, Rutherfordton, North Carolina 28139 within 30 days.

PAGE NO.	LINE NO.	CORRECTIONS	REASON FOR CORRECTION

STATE OF NORTH CAROLINA)
) C E R T I F I C A T E
COUNTY OF RUTHERFORD)

I, Laura Riley Bridges, Verbatim Reporter and Notary Public, do hereby certify that said recorded statement was taken by me and transcribed by me and that the foregoing pages constitute a verbatim transcript of the testimony of the said JASON SHANE BISHOP. I do further certify that the persons were present as stated.

I do further certify that I am not of counsel for or in the employment of any parties to this action, nor do I have any interest, financial or otherwise, in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this 4th day of May, 2018.

Laura Riley Bridges
Notary Number: 200909700079

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Exhibit G

The Grose Law Firm, LLC
404 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.
Phone: 864-538-4466 Fax: 864-538-4405
E-mail: charles@groselawfirm.com
Web: GroseLawFirm.com

May 19, 2021

Via Email and US Mail

Christopher James Moore
Richardson, Thomas, Haltiwanger, Moore & Lewis
PO Box 3810
Florence, SC 29502
chris@richardsonthomas.com

Re: *Oberdier v. Bishop, et. al.*
Case Number 2020-CP-42-01871

Dear Mr. Moore:

Please allow this letter to respond to your letter of April 19, 2021, Discovery Requests, and Requests for Admission.

First, as your letter of April 19th anticipated, on my advice, Mr. Bishop asserts his constitutional rights to remain silent under Fifth Amendment of the United States Constitution and Article I, Section 12 of the South Carolina Constitution, which is reflected in the enclosed Responses to Plaintiff's Discovery Requests and Responses to Plaintiff's First Requests for Admission.

Second, notwithstanding this assertion of privilege, I am willing to provide you with a copy of the discovery provided to me by the Solicitor's Office in the General Sessions Court case. This discovery would provide answers to most, but not all, of your discovery requests. This discovery includes a copy of Mr. Bishop's medical records related to the underlying incident. Because of the private nature of the medical records, I would want to enter into a protective order.

Third, I am willing to discuss with you our working theories about the accident and the investigation we are conducting to determine if these theories are supported by the evidence. Right now, I have the second case for trial on the Laurens County General Sessions docket for next week. I will know on Monday whether my case will recached. If it is not reached, then I will have time to speak with you next week.

Fourth, your suggestion regarding a scheduling order makes sense, and I am open to suggestions regarding the proposed schedule.

Thank you for your attention to this matter. Please let me know if you have any questions. I look forward to speaking to you soon.

With kindest regards, I am

Yours very truly,

s/*E. Charles Grose, Jr.*
E. Charles Grose, Jr.

The Grose Law Firm, LLC
404 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.
Phone: 864-538-4466 Fax: 864-538-4405
E-mail: charles@groselawfirm.com
Web: GroseLawFirm.com

July 16, 2021

Via Email and US Mail

Christopher James Moore
Richardson, Thomas, Haltiwanger, Moore & Lewis
PO Box 3810
Florence, SC 29502
chris@richardsonthomas.com

Re: *Oberdier v. Bishop, et. al.*
Case Number 2020-CP-42-01871

Dear Mr. Moore:

Enclosed please find a USB Drive containing the discovery provided to me by the Solicitor's Office.

Thank you for your attention to this matter. Please let me know if you have any questions.

With kindest regards, I am

Yours very truly,

E. Charles Grose, Jr.

Exhibit H

Martha Anne Arant

[redacted]

September 12, 2023

Character Reference: Shane Bishop

To: The Honorable Judge Knie

Spartanburg County Court

Spartanburg, SC 29306

Shane Bishop is the son of one of my closest friends, Elaine Bishop. I have known both of Shane's parents for many years and have the upmost respect for each of them. They are hardworking, good citizens who have contributed to the community through their outreach and Christian example. Both Shane and his father, Jamie, are Veterans.

It appears to me that Shane's character has been demonstrated most dramatically during the last five and half years following a tragic automobile accident. After his own physical recovery from life threatening injuries, Shane returned to his work. Shane is a hair stylist with an apparent strong work ethic.

It seems that Shane has also demonstrated strict adherence to the law during a period of over five years of surveillance. I have witnessed the toll this has taken on his family.

I join so many others in asking and praying for the court's mercy.

Thank you.

Martha Anne Arant

2018-GS-420-2973

September 11, 2023

Judge Grace G. Knie
180 Magnolia Street
Spartanburg. SC
29306

Dear Judge Knie,

I am Connie Bates, retired elementary teacher, and a friend of Jason Shane Bishop and his family. I have know him since he was born. I have found him to be active, kind, friendly, and honest since he was small. These qualities still define him as a man.

When his mom retired from styling hair, he came to Joanna once a month to help a few of his mother's customers. I was one of them. He never smelled of alcohol; he was always welcoming; always began his day early, and worked until late afternoon or early evening. He is serious about his career, about his customers, and about continuing education in his field.

I am aware that he pled guilty to reckless driving resulting in death. He was injured severely himself in the wreck. He has no recollection of the time surrounding the accident. He is not one to drink and drive, nor to drive over the speed limit.

He has displayed exemplary behavior during the past 5 years and nine months regarding his ankle monitoring system. He has obeyed the court .

Should you need to contact me regarding the above information, my phone number is [redacted] my e mail address is [redacted]yahoo.com.

Sincerely

Connie H. Bates

Elaine Bishop

[redacted]

September 19, 2023

Character Reference: Jason Shane Bishop

The Honorable Grace Gilchrist Knie,

Speaking as Jason Shane Bishop's mother, I would like to recount the events since January 15, 2018, as I know them.

As Shane was a licensed cosmetologist in North Carolina and upon my retirement in South Carolina, Shane became licensed in SC to serve some of my former clients.

He was traveling from a workday in SC to his home in NC on the evening of his tragic accident. His time of departure from Joanna and accident site does not allow time for a stop for dinner in a restaurant.

Shane had no ID on his person when he arrived at the hospital. He was a John Doe from 8:15 pm until approximately 4:30 am. His wallet and phone were recovered the next day by his roommate from the wrecked vehicle.

Eighty-five per cent of Shane's facial bones were broken and his collarbone. While in Surgical ICU, he was in an induced coma. After reconstructive surgery, approximately eleven days post-accident his mouth was wired, he had a trachea, a feeding tube and was given an injection for pain regularly. It was under these circumstances and after being moved to the stepdown unit that he was questioned by the highway patrolman regarding the accident. Upon release from the hospital into my care, Shane remained at our residence in Joanna, SC for approximately three/four weeks and with the help of home health so that we could take him to Spartanburg Regional Hospital for follow-up.

In March 2018 Shane was arrested for felony DUI, at which time he voluntarily turned himself in to the SC Highway Patrol at the Spartanburg County Detention Center. The following morning, he was placed under home detention wearing a SCRAM monitor.

His father and I would come to NC the night before he was to work in the Joanna SC salon. We waited until 6 am to depart NC after the SCRAM monitor checked his location and any results to be recorded. We understood that Shane could not leave until this occurred. If his father stopped for a biscuit Shane would remain in the car as he was told he could not patron any establishment other than indicated by the SCRAM rules. In the past five and a half years Shane has been compliant to the restrictions of home detention. He has not had alcohol, driven a vehicle or even visited in our home, attended any holiday celebrations, birthdays or funerals of which there have been several.

He has worked to build his business and reputation in his hair salon. When NC salons could not open because of Covid he worked at Ingles in Waynesville as he would still have to pay for the SCRAM monitor and rent for his salon.

His father and I pray that Shane's work ethic and adherence to the law would be considered at the time of his sentencing.

Respectfully,

Jamie and Elaine Bishop

Jamie and Elaine Bishop

[redacted]

September 15, 2023

Honorable Grace Gilchrist Knie
180 Magnolia Street
Spartanburg, South Carolina 29306

Having known Shane Bishop since his birth, I can attest to his sound and industrious character. Shane has always exhibited honesty in all of his dealings. He has owned his own business for ten years and has been the property manager for the business complex where his shop is located for two months. The property owner is out of the country but had enough confidence in Shane to ask him to handle the complex until the owner returned.

He has been diligent and conscientious with his time of house arrest, not attempting to go out of state for holidays with his family but always abiding by the restrictions placed on him. At the time of the accident, he had customers in South Carolina and was given permission to travel there once a month to take care of them. He honored his responsibility to the State by having his parents travel to North Carolina once a month to drive him to the South Carolina shop where he carried out his hair stylist commitments to those customers.

Please take into consideration that he served his country with six years of service in the Army National Guard.

Sincerely,

Mrs. Sandra M. Bishop
(Retired church financial secretary)

September 10, 2023

To: The Honorable Grace Gilchrist Knie

From: Katherine Yvonne McMahan

Judge Knie,

My name is Yvonne McMahan, and I am from North Carolina, and I served in Law Enforcement until I retired with Disability after 13 years.

I first met Shane Bishop when he was a manager with Food Lion. He always went above and beyond to provide the best service possible at the store. When he expressed interest in cosmetology, he asked me to be his personal model for Cosmetology School. This allowed me to get services at a discounted rate. Shane had a set number of hours and services he had to complete to graduate from school. During this time, I got to know Shane well during the many times he styled my hair. I consider Shane a good, decent and responsible person.

Once Shane was licensed as a Cosmetologist, he opened his own salon and I have been a regular client ever since. I have had many health issues and am now fully disabled. Shane has been so kind to come to my home and drive me to his hair studio when I was unable to drive myself; now that I can drive, he always meets me at my car and offers his arm to steady me with. If it's raining, he will bring you an umbrella.

When I came in after Shane's wreck, he had no front teeth, a feeding tube and his face was not the same. I have at no time heard Shane speak of drinking or seen him drink or smell any alcohol on his breath or body.

I truly believe a mistake has been made with his blood test as he has never spoken of drinking. I believe I am a good judge of character and Shane should be cleared of his charges. In an automobile accident there are some many things that can

happen both good and bad, I hope that this situation turns into a good one for Shane. Thank you and thank you for your service to your community and the Great State of South Carolina.

Sincerely yours,

Katherine Yvonne Bryson

Katherine Yvonne Bryson, Ret. Officer

September 10, 2023

To: The Honorable Grace Gilchrist Knie

From: Donna D Buckner

Dear Judge Knie,

I am Donna Buckner, a graduate of Troy University in Alabama, and a former teacher in elementary schools in Alabama and Georgia. For the last 15 years I have been a substitute teacher for Haywood County Schools in Waynesville, NC, mostly in middle school. I have over 25 years of experience working with high school and college students as an instructor and coordinator for marching band auxiliary units.

I met J Shane Bishop more than 10 years ago and was one of his first customers when he opened his own shop. As a result of his work and professionalism, I have continued to recommend him to my friends and colleagues. In addition, Shane has attended services at our church, Grace Episcopal Church in the Mountains, and helped with outreach programs which support the homeless in our community and Grace Parish Fair which monetarily supports many of the non-profits in Haywood County.

Shane is not only talented and creative in his work, he is extremely dependable and prompt. I have found him to be a model citizen with integrity and loyalty…a true asset to our community as a businessman.

Sincerely,

Donna Buckner

Dear Sir:

One of my earliest and fondest memories of Shane Bishop was from his youth when he was in Middle School. Shane joined us for a two month mission trip to Mexico. Though most of the thirty member team were High School age, Shane jumped right in to help us in building a facility for a Christian radio station. Getting up at five AM every morning and working in the heat was not easy, but he was always ready and engaged. I will always be grateful for his contribution to the effort.

Over the years I have had more interaction with Shane's parents, Jamie and Elaine. After a profound Christian experience in the 1970's, Jamie and Elaine stayed engaged with the church and made significant contributions wherever they were. They not only served in the local church, they participated in youth camps and helped us launch what we called Dinner Church at a local grill. Folks always enjoyed fellowshipping with the Bishops.

I mention Shane's parents to describe the influence and modeling he received throughout his life. Shane not only constantly observed his parents and their lifestyle, but he always had their support and encouragement. His parents, of course, were always introducing Shane to their Christian friends and neighbors. So throughout his life, Shane was impacted by folks of character and influence.

I am trusting that Shane's future will be marked by good character and productivity.

Sincerely,

Herb Codington

Bebe Bishop Dance

[redacted]

Honorable Grace Gilchrist Knie

180 Magnolia Street

Spartanburg, SC 29306

Re: Jason Shane Bishop- Sentencing Hearing

To the Honorable Judge Knie,

I am writing to you on behalf of Shane Bishop in anticipation of his sentencing hearing. I have known Shane my whole life. We grew up together as cousins and as friends. My fondest childhood memories include him and his family. I have never known Shane to be anything other than kind, compassionate and helpful to his friends, family and neighbors.

Shane is an extremely hard worker. He has owned and operated his own business for 10 years. The manager where he rents his salon noticed how trustworthy and dependable Shane is and asked him to manage the business complex for him. During the pandemic, he took a job at Ingles to be able to pay his rent and keep his business ready to reopen when the quarantine restrictions were lifted.

Prior to his house arrest, Shane served his community in a variety of ways. He volunteered in soup kitchens and helped organize rummage sales for the homeless. He also served our country in the Army Reserves/National Guard. His community and the people who rely on him would be greatly affected by his absence.

Shane has spent the last five and half years on house arrest. He has done so willingly and without incident and at great personal expense. He has missed five years of holidays and time spent with family and friends. The charges against him are serious but I believe he has served his time. He is remorseful and we would all be grateful for him to be able to return to his life and work.

Thank you for your time and consideration! I respectfully ask that you consider Shane's positive qualities and the impact his absence would have on his loved ones and the community.

Sincerely,

Bebe Dance

Bebe Dance

[redacted]

Debbie and Scott Davis
[redacted]

September 8, 2023

Mr. Grose,

I have known Shane Bishop as a good friend and neighbor for almost 20 years. In addition, I have been one of his clients at his place of business. My husband and I understand the seriousness of the case before him; however, we hope the court will show some leniency.

Shane is a person of exceptional character and reputation. He has always been an upright citizen in the community. He's honest, responsible and steadfast, always ready to assist his neighbors. Throughout mine and my husband's interaction with Shane, he has exhibited a high level of integrity and dedication in his personal as well as professional life. During the time that we've been neighbors, Shane and I have had some serious conversations. He has a strong moral compass, and I have no doubt that he will continue to be a productive and law-abiding member of society.

As a retired school teacher and administrator with close to 40 years experience, I believe I'm a good judge of character.

Despite the current case, I still believe Shane Bishop to be an honorable individual, a valuable member of the community, and a good human being. I strongly recommend Shane for leniency, and I am confident that he will not fail to uphold the highest standards of conduct in the future.

Sincerely,

Debbie Davis

Debbie Davis

September 8, 2023

Charles Grose, Esquire
404 Main Street
Greenwood, South Carolina 29646

Dear Mr. Grose:

In reference to the upcoming court appearance of Shane Bishop on September 11, 2023, I am writing to say that I have known Shane most of his life. He and my younger daughter were classmates in school. Shane was also my hairdresser for around three years when he was working in Joanna. In fact, I had an appointment earlier on the day of Shane's accident with him. I had never smelled alcohol on him, nor had I ever had reason to even think he might have been on drugs.

I happen to know the lady who was his last client on the day of the accident. From the time Shane left Joanna after her appointment until the accident occurred, he could not possibly have had time to get drunk. Moreover, he had told me that when he got back home, he and his friend were going to have steaks for dinner. It would seem to me, therefore, that he would want to get home as promptly as possible. There again, he would not have taken the time to stop and ultimately get drunk.

Please know that Shane Bishop is an honest, upright business professional, not a drunkard. He has (in my honest opinion) needlessly suffered for the past five plus years financially as well as emotionally from having to wear an ankle bracelet, hoping that his clients would not see it. This has been a very embarrassing and unjust happening in his life, and I truly feel he deserves full clemency, especially having been on house arrest as well as having had to wear the ankle bracelet and the expense involved with it.

Sincerely,

Sue T Entrekin

Sue Thomas Entrekin
[redacted]

September 16, 2023

Charles Grose, Esq.

404 Main Street

Greenwood, SC 29646

Dear Mr. Grose,

My name is Hank Fowler. I am retired now but have worked for many years in manufacturing management, always living in the Carolinas. I have been married to my wife Hazel for (38) years and we have two daughters.

I am writing this letter as a character reference for Shane Bishop. My wife and I have known Shane and have been good friends with his family for over (40) years. Before his current situation, I had never known of Shane to be in trouble of any kind. For year we lived in the same town, attended the same church, and visited in the Bishop's home. Our daughters grew up with Shane and he was a good friend to them as well.

Even after we moved to other towns, we stayed in touch with the Bishop family and took advantage of opportunities to visit them when we were in town. The Bishops have always been a strong and stable family and Shane's parents instilled discipline in Shane that was demonstrated by the respect, courtesy, and kindness that he always showed others.

We remember when Shane was inducted into the Army. He done his Basic Training at Ft. Benning and our daughter done her Basic at Ft. Jackson. Like my daughter, Shane served for (6) years in the National Guard. On two separate occasions, Shane was involved in hurricane relief at the coast of South Carolina. Shane has always been gainfully employed and currently owns his own business.

I know that it's unfortunate when an accident turns into an unintentional tragedy, but this in no way describes the kind on man Shane has become. He is caring and would not intentionally do anything to harm anyone. When Shane had his accident, we sat in the waiting room with his parents and visited him while in the hospital. Shane's parents were invited to stay in our home while he recuperated to be closer to the hospital. If there is one more thing that I can say about Shane, it's that his good upbringing carried over into adulthood. He is a young man that any parents would be proud to have as a son.

Best regards,

B Hank Fowler

B. Hank Fowler



To: Charles Grose
404 Main Street
Greenwood, SC 29646

RE: Shane Bishop

Mr. Grose,

I have known Shane since he was in grammar school and lived in the home with Shane and his parents approximately 4 months. I have continued a close relationship with them for over 40 years considering them family. I have always known Shane to be respectful, honesty, upstanding, caring, responsible Christian boy and man.

Shane and I have talked often during this unfortunate situation for many, and I believe in him and have no doubts that he was not drinking. Also am aware of the timeline of his leaving work and the time and place where the accident happened, it did not allow time for him to have dinner or to stop for a drink. I have driven from that exact place and that road often.

He has adhered to all requests that have been made and has not driven in 5.5 years. We have talked often over the past 5.5 years and have had many conversations about his not driving and the house arrest and how he was following the guidelines set for him. Sharing how bad he felt, causing a burden on his parents because they were having to come and drive him to work. Both his parents and he did everything asked and were compliant with all the rules that applied to being under house arrest. Including his parents picking him up to get him to work.

This was an accident, where a life was tragically lost, and Shane is aware of that and has done everything requested. He has suffered physically, emotionally and financially while doing everything in his power to follow every law required of him while trying to continue working. He is a man I would be proud to call son I pray all of this can and will be taken into consideration.

Sincerely,
Gail Frost

September 24, 2023

Larry W. Hudson
[redacted]

Character Statement for Jason Shane Bishop

Judge Grace Gilchrist Knie,

By way of introduction, my name is Larry Hudson. I am a retired Colonel, United States Air Force. I have known Shane since moving to Maggie Valley, N.C. in May 2018. I know Shane in the capacity of a hair stylist and typically use his services on a monthly basis.

I only know what Shane has shared about the details surrounding his court appearance. Therefore, my comments will attest to Shane's character and business acumen. First, Shane has always been the epitome of the business professional. I have called short notice for appointments, and if available, he has accommodated. However, he never inconvenienced other customers to accommodate me. Strictly business. His place of business is always clean, orderly, and inviting. It's no surprise that his calendar remains full. Shane has also become a friend and confidant. He does not always tell me what I desire to hear during our discussions, but he is direct, honest, and sincere. I truly appreciate his candor.

Shane has served our country honorably and I would have been honored to have served with him while on active duty. Shane has never given me reason to question his character or his business ethics.

Respectfully request the Court show mercy and afford Shane the opportunity and privilege to be un-incarcerated in order to serve his community, maintain his business and to move forward with his life.

Very Respectfully,
Larry W. Hudson
Colonel, United States Air Force (Retired)

From:
Lisa T. Kirk
[redacted]

To:
Honorable Grace Gilchrist Knie
180 Magnolia Street
Spartanburg, SC 29306

Reference: Character Reference for Jason Shane Bishop
Reckless Homicide

Dear Judge Grace Gilchrist Knie,

My name is Lisa Kirk. I have known Jason Shane Bishop for fifty-two years. Our fathers are first cousins. Shane and I spent a lot of time together during our childhood. We drifted apart right after high school but fortunately reconnected about twenty years ago.

Shane has always been a valuable member of our family. He has been supportive and was extremely compassionate toward his Grandmother especially when she was diagnosed with Alzheimer's prior to her death. He is also involved in a committed, stable relationship and owns his own small business. He was raised by good Christian parents who taught him about love, forgiveness and compassion. Shane also served our country as a Corporal in the US Army Reserves.

Shane began working for one day a month in his mother's salon in Joanna to continue to provide cosmetology services for her clients after she retired. I was one of the clients that received hair care from him during these visits. This gave Shane and I a chance to talk and discuss many subjects. I found him to speak with intelligence and a conviction. He is honest to a fault and will tell you exactly how he feels. He is such a pleasure to be around. Shane has a great sense of humor, kind heart and is dedicated to his profession.

Shane and I have discussed the accident and his emotions concerning the possible outcomes of his trial. He expressed his confusion concerning the accident as he said he didn't remember anything and therefore could not help in his defense. I have never witnessed him drinking an alcoholic beverage and have never smelled any alcohol on him when he was at the salon. He did express his sorrow for the parties involved during our conversations.

Shane has worked hard to build his business and reputation. He is a hard worker and has strived to be a productive member of his community. He has also been diligent in following the guidelines set forth by the court system during the five years he has waited for his case to proceed in court. His family and his clients have supported him physically and mentally after the accident and will continue to do so in the future.

Should you have any questions or wish to discuss further, please do not hesitate to contact me. Thank you for the opportunity to provide this character reference for Shane.

Respectfully submitted,

Lisa T. Kirk

The Honorable Grace Knie
180 Magnolia Street
Spartanburg, SC 29306

The Honorable Grace Knie,

I have known Shane since the day he was born. He is a wonderful person. He is very kind and loving to everyone, especially to the older people that he knows. He graduated, went to the military, and worked at many jobs and is a great hairdresser. It has been my pleasure to know him for 52 years.

I hope that the court will see fit to allow him to resume his life. For five and a half years he has done what the court has asked of him, and it was not easy. Working with an ankle monitor and doing his court appointments just as he needed to do.

Please give him the chance to prove himself to the court system by being allowed to resume his everyday life.

Thanks for listening to me over this matter. Please give him a second chance.

Deborah Marksberry

[redacted]

[redacted]

The Honorable Grace Knie
180 Magnolia Street
Spartanburg, SC 29306

Honorable Grace Knie,

I'm writing to you as a character witness for Shane Bishop.

I have known Shane for many years and would like the Court to know that he is a hard worker with a very successful business. His customers love him as do his family and friends. He comes from a good Christian family and is a productive member of society. He's a warm, kind and loving man who goes above and beyond to make others happy.

I pray the Court considers this when pronouncing a sentence. He's worked hard establishing his own business and it would be a shame for him to lose that.

Thank you for your consideration,

Carol Nabors

The Grose Law Firm, LLC

305 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.
Phone: 864-538-4466 Fax: 864-538-4405
E-mail: charles@groselawfirm.com
Web: GroseLawFirm.com

June 27, 2024

The Honorable Amy W. Cox
Clerk of Court, Spartanburg County
PO Box 3483
Spartanburg, SC 29304-3483

Re: *State of South Carolina v. Jason Shane Bishop*
Case No.2018-A42-102-01057, 2018-GS-42-02973

Dear Ms. Cox:

Enclosed for filing, please find Mr. Bishop's Motion to Reconsider Sentence, along with a certificate of service.

Thank you for your attention to this matter. Please let me know if I can answer any questions or provide additional information.

With kindest regards, I am

Yours very truly,

s/*E. Charles Grose, Jr.*
E. Charles Grose, Jr.

cc: The Honorable Grace Gilchrist Knie (via Email)
Spenser Holloran Smith, Esquire (via Email)

AMY W. COX
SPARTANBURG COUNTY
CLERK OF COURT

2024 JUN 28 AM 11:19

FILED

THE STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG State of South Carolina vs. Jason Shane Bishop	)	IN THE COURT OF GENERAL SESSION FOR THE SEVENTH JUDICIAL CIRCUIT Case No. 2018-A42-102-01057 2018-GS-42-02973 **Motion to Reconsider Sentence**

Shane Bishop pled guilty to Reckless Homicide on September 11, 2023, and this Court deferred sentence until June 25, 2024. Mr. Bishop's Sentencing Memorandum,[1] dated November 13, 2023, expressly requested credit for time served on home detention with SCRAM monitoring and a sentence of probation or, alternatively, a period of home detention followed by a term of probation. This Court imposed a sentence of incarceration for seven years with credit for time served of one day. This Court should reconsider the sentence because of two errors of law.

A. This Court mistakenly believed the Court lacked discretion to award credit for time served on home detention with SCRAM monitoring.

"In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest." S.C. Code Ann. § 24-13-40. Exhibit C to the Sentencing Memorandum is Mr. Bishop's Home Detention agreement. Conditions of the Home Detention and SCRAM monitor included:

- "I understand that while I am considered under the supervision of the Spartanburg County Jail and am still subject to its officers and staff's supervision."

AMY W. COX
SPARTANBURG COUNTY
CLERK OF COURT
2024 JUN 20 AM 11:13
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[1] Sentencing Hearing Defense Exhibit 1 includes a copy of Mr. Bishop's Sentencing Memorandum. Mr. Bishop incorporates his Sentencing Memorandum into this pleading by reference.

- "I agree to remain in my residence as designated above at all times except as approved by the home detention staff."

Mr. Bishop had to be at home at certain times of the day for the SCRAM monitor to upload the data for review by the Detention Center officials. Sargent Vincent appeared during the sentencing hearing and verified Mr. Bishop's compliance with the program.

During the sentencing hearing, this Court asked for the State and Mr. Bishop for their respective positions regarding whether section 24-13-40 authorizes credit for time served on home detention with SCRAM monitoring. The State relied on section 24-13-1520, which provides:

> "Approved electronic monitoring device" means a device approved by the department which is primarily intended to record and transmit information as to the defendant's presence or nonpresence in the home.
>
> An approved electronic monitoring device may record or transmit: oral or wire communications or an auditory sound; visual images; or information regarding the offender's activities while inside the offender's home. These devices are subject to the required consent as set forth in Section 24-13-1550.
>
> An approved electronic monitoring device may be used to record a conversation between the participant and the monitoring device, or the participant and the person supervising the participant, solely for the purpose of identification and not for the purpose of eavesdropping or conducting any other illegally intrusive monitoring.

Nothing in this section limits an approved electronic monitoring device to a GPS device that constantly records a person's location. Mr. Bishop pointed to the Home Detention and SCRAM monitoring agreement which required him to be at home at certain times in order for the SCRAM monitor to transmit data to the Spartanburg Home Detention Program. He further argued that the SCRAM monitor complies with section 24-13-1520 and section 24-13-40 authorizes this Court discretion to award credit.

AMY W. COX
SPARTANBURG COUNTY
CLERK OF COURT
2024 JUN 28 AM 11:19
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Both in Chambers and on the record, this Court expressed concern that sections 24-13-1520 and 24-13-40 do not grant this Court discretion to award credit under the circumstances of Mr. Bishop's case. A court must abide by the plain meaning of the words of a statute. *Hodges v. Rainey,* 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000). Where the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning. *Id.* 341 S.C. at 85, 533 S.E.2d at 581. When a statute is penal in nature, the rule of lenity requires that any ambiguity must be construed strictly against the State and in favor of the defendant. *State v. Blackmon,* 304 S.C. 270, 273, 403 S.E.2d 660, 662 (1991).

Mr. Bishop respectfully requests this Court reconsider this ruling and rule that sections 24-13-1520 and 24-13-40 afford this Court discretion to award 2186 days credit for time served under home detention with SCRAM monitoring. Additionally, Mr. Bishop respectfully requests this Court grant him 2186 days credit home detention with SCRAM monitoring, in addition to the one-day credit for time served in the Detention Center.

B. This Court mistakenly believed the Court's sentence could not include home incarceration because this offense involved a mandatory minimum sentence.

Near the end of the sentencing hearing, this Court referenced a case that held home detention could not be imposed to satisfy a mandatory minimum sentence. Apparently, this Court was referencing *State v. Simpson*, 429 S.C. 83, 837 S.E.2d 669 (Ct. App. 2020). *Simpson* involved a guilty plea to four counts of second-degree sexual exploitation of a minor, which is classified as a violent offense with a minimum mandatory two-year sentence. *Simpson* held, "For offenses classified as 'violent' under § 16-1-60 of the South Carolina Code, § 24-13-1530 does not authorize the substitution of home detention for a statutory mandatory minimum term of imprisonment." 429 S.C. at 92, 837 S.E.2d at 673.

SPARTANBURG COUNTY
CLERK OF COURT
2024 JUN 28 AM 11:19
FILED

The only possible reasons for considering *Simpson* would be to determine whether the Court could apply credit for time served on home detention with SCRAM monitoring towards a mandatory minimum sentence. Mr. Bishop, however, pled guilty to Reckless Homicide. "A person who is convicted of, pleads guilty to, or pleads nolo contendere to reckless vehicular homicide is guilty of a felony, and must be fined not less than one thousand dollars nor more than five thousand dollars *or* imprisoned not more than ten years, or both." S.C. Code Ann. § 56-5-2910(A) (emphasis added). The offense of reckless homicide, accordingly, does not require a mandatory minimum sentence. Additionally, section 16-1-60 ***does not*** classify Reckless Homicide as a violent offense. *Simpson* is not applicable to Mr. Bishop's case.

As seen, Mr. Bishop's Sentencing Memorandum expressly requested credit for time served on home detention with SCRAM monitoring and a sentence of probation or, alternatively, a period of home detention followed by a term of probation. This Court erred by concluding that home detention was not an available sentencing option.

CONCLUSION

This Court committed two errors of law. First, this Court erred in concluding sections 24-13-1520 and 24-13-40 do not afford this Court discretion to award 2186 days credit for time served under home detention with SCRAM monitoring. Second, this Court erred in concluding home detention was not an available sentencing option for the offense of Reckless Homicide. This Court should reconsider these rulings, reconsider the sentence, award 2186 days credit for time served under home detention with SCRAM monitoring. Additionally, this Court should impose of sentence that does not involve incarceration in the Department of Corrections by either placing Mr. Bishop on probation or by sentencing him to home detention.

IT IS SO MOVED.

AMY W. COX
SPARTANBURG COUNTY
CLERK OF COURT
2021 JUN 28 AM 11:19
FILED

Respectfully Submitted,

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charle@groselawfirm.com

Attorney for Jason Shane Bishop

June 27, 2024
Greenwood, South Carolina

FILED
2024 JUN 28 AM 11:19
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSION
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No.
State of South Carolina	)	2018-A42-102-01057
	)	2018-GS-42-02973
vs.	)	
Jason Shane Bishop	)	
_____	)	

I certify that I have served a copy of this pleading on the State of South Carolina, by emailing at copy to counsel, at counsel's AIS email address, as reflected below:

Spenser Holloran Smith, Esquire
County Courthouse Third Floor
180 Magnolia Street
Spartanburg, SC 29306
ssmith@spartanburgcounty.org

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466

June 27, 2024
Greenwood, South Carolina

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX
2024 JUN 28 AM 11:19
FILED

STATE OF SOUTH CAROLINA	COURT OF GENERAL SESSIONS
	2018-GS-42-02973
COUNTY OF SPARTANBURG	
STATE OF SOUTH CAROLINA, PLAINTIFF,	
vs.	TRANSCRIPT OF RECORD
JASON SHANE BISHOP, DEFENDANT.	

August 8, 2024
Spartanburg, South Carolina

B E F O R E:

THE HONORABLE GRACE G. KNIE, JUDGE

A P P E A R A N C E S:

SPENSER HOLLORAN SMITH, ESQ.
Attorney for the Plaintiff

E. CHARLES GROSE, JR., ESQ.
Attorney for the Defendant

CHERYL A. SMITH
Circuit Court Reporter

INDEX

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

PAGE

There were no witnesses called.

EXHIBITS

NO	DESCRIPTION	ID	EVD

There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 11:26 AM.)

THE COURT: Okay. We're on the record with regard to the matter of the State vs. Jason Shane Bishop. And I will ask counsel to identify themselves for the record.

MR. GROSE: This is Charles Grose. I'm here on behalf of Mr. Bishop.

THE COURT: Thank you.

MR. SMITH: Spenser Smith for the State.

THE COURT: Okay. Thank you. Our court reporter is Cheryl Smith. She is present in the courtroom. Counsel is present in the courtroom.

Sir, you're Jason Shane Bishop, correct?

DEFENDANT BISHOP: Yes, ma'am.

THE COURT: Sir, I'm going to swear you in. If you'll raise your right hand.

(WHEREUPON, JASON SHANE BISHOP was duly sworn.)

THE COURT: Thank you, sir.

Sir, due to the weather conditions in the State today, apparently you were not transported for the purposes of this hearing. Do you agree for the hearing to be conducted via WebEx?

DEFENDANT BISHOP: Yes, ma'am.

THE COURT: And further, Mr. Grose is here with me. And do you understand that he is in the courtroom and not

going to be there with you?

DEFENDANT BISHOP: Yes, ma'am.

THE COURT: Stating the obvious.

Okay. But I want to tell you, Mr. Bishop, that if you wish to talk with him, we can take a break and try to get the officers -- the officer there to assist and get a telephone number for you to talk with him privately and then we can come back on the record, okay?

DEFENDANT BISHOP: Yes. Yes, ma'am.

THE COURT: Okay. Do you understand everything that I've just stated?

DEFENDANT BISHOP: Yes, ma'am.

THE COURT: All right. And are you ready to go forward at this time?

DEFENDANT BISHOP: Yes, ma'am.

THE COURT: All right. Thank you.

And one more thing. If, at any time, you have a problem hearing or seeing, raise your hand and I'll try to address that with you, okay? Okay. Thank you.

All right. Mr. Grose, this is your motion and so I am -- I have the motion. It's quite lengthy and detailed. But I am happy for you to, first, summarize how we got here on the record and then I will hear your arguments and hear from anyone that you wish to have address me, sir. And then I'll turn it over to Mr. Smith. I'll let you

reply after that if there's something that you need to reply to.

MR. GROSE: Thank you, Your Honor. May it please the Court. As you're aware, Mr. Bishop pled guilty on September 11th of 2023.

THE COURT: Mr. Grose, I apologize. Let me ask one more question before we begin.

MR. GROSE: Yes, ma'am.

THE COURT: Mr. Smith, are you expecting anybody else to join us via WebEx?

MR. SMITH: No, Your Honor.

THE COURT: Okay. Mr. Grose, are you expecting anybody else to join us via WebEx?

MR. GROSE: No, ma'am.

THE COURT: Okay. And do y'all agree that -- I know it's not ideal, but do y'all agree that Mr. Bishop attend via WebEx?

MR. SMITH: Yes. I indicated in an email that we were okay with that before the hearing.

THE COURT: Mr. Grose?

MR. GROSE: I also agree. I do appreciate all the efforts that were made by the Department of Corrections and in particular by this court and staff to be able to arrange to do it this way as we were notified late yesterday afternoon that because of the weather, you know,

the transportation was going to be canceled. And I know from other emails that were also coming in at the same time, that that appeared to be -- can y'all not hear me? I mean, I don't know if I can get much closer. It looks like Mr. Bishop is ---

THE COURT: Mr. Bishop, can you hear Mr. Grose?

DEFENDANT BISHOP: I can barely hear Mr. Grose.

THE COURT: Mr. Grose, I guess you can be seated and that might make you a little closer to that mic.

MR. GROSE: Is this better?

DEFENDANT BISHOP: Yes, it is.

THE COURT: Okay. Well, maybe just I think you might be able to pull it a little closer to you. I know it's awkward.

MR. GROSE: I'll get as close as I can to it.

THE COURT: Okay.

MR. GROSE: I was just, you know, thanking everybody for the efforts that they made so that we can go ahead and do this, because I do think with the volume of cases and everything, it was important to go ahead and have this heard when it was scheduled. And I appreciate all those efforts.

This, of course, is a 2018 case. And Mr. Bishop pled guilty to reckless homicide on September 11, 2023, with sentencing deferred until June 25, 2024.

Of course, the Court had a lot of information available and heard from Mr. Bishop and his family and friends and supporters. And the Court imposed a sentence of incarceration of seven years with credit for time served of one day. And we're asking that the Court reconsider the sentence.

Your Honor referenced the written motion which was dated June 27, 2024, and I personally filed the next day on June 28th when I was here in the courthouse on other matters.

We're asking the Court to reconsider the sentence, and we point to what we believe to be two errors of law that are outlined in our motion. The first issue has to do with whether or not the SCRAM monitor applies or qualifies as a way to -- for a person to receive credit for time on monitor, home detention under Section 24-13-40. And while Section 24-13-40 provides the Court with discretion as to whether or not it applies, in this case, we didn't get to that particular consideration because the Court had expressed to the parties a concern about whether or not the SCRAM monitoring applied.

And I believe that the State relied on Section 24-13-1520 in suggesting that the SCRAM monitoring is not an approved electronic monitoring device. However, I think the record was uncontroverted that Mr. Bishop was

required to be at home certain times of day in order for that monitor to transmit not only information about his location, because he could not make that transmission if he was not at home, but also about, you know, his use of alcohol.

I think the record was also uncontroverted that Shane, in fact, was a model user of that device, that between the time that it was placed on him and the day that it was removed because of his stroke, that there were no violations during that period of time. In fact, unlike many of my other clients, Shane did not ask for, you know, opportunities to have it amended so that he could travel or attend other family gatherings. In fact, there was a conversation after the guilty plea in September of '23 about whether or not we should seek amendment so he can go to a family gathering, and we ultimately chose not to do that because he wanted to continue to comply with what he considered to be the strict terms of, you know, that home detention.

So I think the way that things progressed at sentencing, the Court was under the impression that credit cannot be awarded for time on the SCRAM monitoring. And we disagree with that. We believe that it does qualify under the statute.

We would also suggest that there would be no reason

for the Court not to exercise that discretion once we get to -- once we get past that first inquiry because Mr. Bishop was such a model person.

I've got to tell you, he's got a lot of supporters here today. And I'd like them to raise their hands. And I just can't help but want to share the frustration some of them expressed to me in the hallway earlier this morning when we had other people coming through the Court today who were on the monitor, home detention, and were allowed back on that after finding contempt, did some time in jail. And while I certainly respect the Court's discretion in doing that in the individual circumstances of those cases that justify doing that, I've got to tell you, some of what this family has witnessed in court is they perceived this as, you know, sort of a -- you know, there's certainly a changed case. There has been no reward or no recognition for him having done the right thing and having complied with the requirements that were placed on him by the Court for such a period of time. And they're having a hard time, you know, understanding those mixed messages.

The second error that we wanted to call to the Court's attention has to do with subparagraph -- or Subsection B in the memorandum with regard to State vs. Simpson. The case was not named by name during the

hearing, but there was a question about whether or not -- you know, in certain situations whether home detention could be applied to mandatory minimums. And I looked at Simpson afterwards. That's the only case that I could find that I thought that the Court was inquiring about.

Of course, Shane was originally charged with an offense that carried a mandatory minimum, but his plea was to reckless homicide which does not require mandatory minimum nor is there anything else under the home detention statute that excludes reckless homicide for being an offense for which credit can be given for home detention.

So as we set forth in the conclusion of our statement, our request, we would ask the Court to reconsider the ruling that home detention is not available for SCRAM monitoring and then to apply that credit. Alternatively, we would ask the Court to instead of imposing a sentence of active incarceration, impose a sentence where Shane can be monitored under the home detention program which he has proven more than capable being able to comply with.

As the Court's aware, earlier this year Shane had a stroke. He was in the hospital for a period of weeks. I'm not privy to all of what's going on, but it's my understanding that Shane is being held in a portion of the

Department of Corrections where he can receive increased medical care.

There were some issues about when he was taken into custody about having to have his medication changed to comply with procedures with the jail, which we understand, but then he was also led to believe that there would be a period where he maintained in the jail while they monitored the change in the medicine. That did not happen. He's been in the Department of Corrections. And I think he's, you know, been undergoing a lot of stress. And I don't know about complications, but certainly because of his unique medical situation has been somewhat of a stressful transition.

So that would be our position, Your Honor.

We appreciate, again, all the efforts that everybody made for us to be able to hear it today given the unusual weather conditions. And I would be happy to answer any questions that you might have.

THE COURT: Okay. No questions at this time.

MR. GROSE: Thank you, Your Honor.

THE COURT: Anything else, Mr. Grose?

MR. GROSE: Not at this time.

THE COURT: Okay. Mr. Smith?

MR. SMITH: Your Honor, the State is just asking Your Honor to deny their motion and impose the sentence that

you imposed back on June 25th.

Your Honor, I would just note, you know, obviously, he's gone over the procedural history. This is not a case that was -- I don't think any judgment was rushed to. It was almost a year between when the plea was entered and sentencing.

And as far as the sentencing hearing, it was probably up there in my career in terms of information shared and people that spoke on behalf of both sides. And I know Your Honor made the difficult decision like you have to do on a daily basis. And we think it was a fair and appropriate decision.

Your Honor, 24-13-1520, I know we referred to this back when we did the sentencing hearing, but it does talk about that the device is primarily intended to record and transmit information as to the defendant's presence or non-presence in the home. I think, although there are requirements about downloading the data, that data is not about where they are. That is about the consumption of alcohol or not. So we believe that Your Honor did make the correct decision in interpreting that as not being credit that can be given for time served and it was not an error of law.

And, you know, alternatively, even still, it would still be in Your Honor's discretion to have not given that

credit even if the SCRAM monitor is eligible. So we don't think there's anything new that's been presented other than the same arguments that were presented at the sentencing hearing.

I do have just something to read from the victim's wife. She couldn't be here. The daughter that addressed you, Marybeth, has had to have some spinal surgery and is in the hospital now, and she's taking care of her. She just wanted Your Honor to know that my husband was killed by Mr. Bishop with him speeding and driving drunk. And me and the family have been upset because it took six years for Mr. Bishop to actually get to the sentencing. And it's been a very emotional roller coaster for her and that she is sick with multiple sclerosis and her husband was the only support of her as she deals with that and seizures. And now that she does not have that, she doesn't have the support. And she said that she prayed that you would see it in your heart to keep Mr. Bishop accountable for his actions. Thank you, sincerely Helen Oberdire.

That would be our presentation, Your Honor.

THE COURT: Okay. Thank you.

Anything else, Mr. Grose?

MR. GROSE: I think in just brief reply to that, I would, you know, respectfully disagree with the statement

that my colleague made about the machine not being primarily for, you know, recording somebody's location. I mean, he had to be there at certain times every day for it to be recorded. And attached to the sentencing memorandum is a copy of the agreement that he entered into which was definitely an agreement to be on home detention. And as a penal statute, I think that our law in this state requires that it be construed in Mr. Bishop's favor and against the State.

I would also add just to the comment about the Court exercising, having the ability -- once you get past the determination whether or not the statute allows for credit, the -- whether the Court exercises the discretion in giving that or not giving that credit I think is a matter that our appellate courts have not spoken on to a great length yet. And I think that, you know, the example that you had in front of you earlier today where you had an individual who was supposed to be on home detention and was out buying marijuana vapes and getting high would present a situation at sentencing where the Court might have to take into account for that particular individual whether or not they had complied with the home detention program in a substantial manner to be able to be awarded all or part of the credit.

I don't think that the General Assembly has enacted

the statute where courts can -- while they have discretion, they have to exercise that discretion in determining whether or not an individual who entered into that home detention program with the government has complied with it in a manner in which to be awarded that credit. And I think that it would be the intent of our legislature and I think it would ultimately be the decision of our appellate courts that when that compliance has been illustrated, that it would be abuse of discretion not to award that credit, whereas in situations where somebody has not respected the agreement that they entered into, that there would be much more deference to a court in choosing how to exercise that discretion when viewed in the particular facts of those cases.

And as I've said earlier, and I said I think we had evidence at the sentencing hearing, Mr. Bishop was the model of somebody on this type of home detention program with this type of monitor. And the Court did not have any evidence in front of the Court of any violations that Mr. Bishop had between 2018 and the time that it was removed for medical reasons. And, of course, we're not asking for credit from the time that it was removed for medical reasons, just up to that point.

So that would be our position, Your Honor.

THE COURT: Anything else, Mr. Smith?

MR. SMITH: No, Your Honor.

THE COURT: Okay. And so I will just make a couple of comments that have not, I guess, yet been placed on the record today. And an appellate court will only get certain transcripts, so I think it's very important to make the record clear.

Mr. Jason Shane Bishop was originally charged with felony DUI with a potential sentence of one year up to 25 years. And then, based upon the decision of the charging agency, that charge was reduced to reckless homicide, okay, with a potential penalty of zero to ten years. Further, I did give credit or some discretion to Mr. Bishop for having been on SCRAM for 2,186 days. It's on the second page of the sentencing sheet. I could have sentenced him to ten years. Instead, he received a sentence of seven years.

Now, I have never given credit day for day for SCRAM since I've been on the bench. And the only credit that I give is HD GPS. Not HD, but HD GPS. And that is according to a statute that was put in place by our legislature. I don't make the law. I enforce it by my decisions.

Now, I will review everything again. I do understand everyone's position. And I guess the pivotal issue, this case is old enough that the SCRAM monitoring was monitored

by Spartanburg County. We don't even do that anymore out of county, much less out of state, for all kinds of reasons. But because this was a 2018 case, he was allowed to be monitored outside of Spartanburg County -- outside of the county by Spartanburg County and outside of the state. And because our program is so rigorous, I knew that if there was any problem with the SCRAM, that we would have been notified about it immediately. And I don't think that anyone has tried ever in arguments to me to say that Mr. Bishop did not comply which is why I noted on the sentencing sheet that he had been on SCRAM for 2,186 days.

Again, I know this is very difficult and very emotional for all involved: the victim's family members, the defendant, and the defendant's family members. And I certainly do understand that folks that don't normally have access and interaction with the detention system, the South Carolina Department of Corrections and even hearings in the courthouse, it takes a little bit of time to understand all of this.

And today in this courthouse, the majority of the hearings that we have had, of course, are bond hearings. And the motions that have been before the Court today were motions regarding bond, not incarceration, not after sentence being found guilty and then being incarcerated.

This is pretrial. These are pretrial motions. So I say that just so that it's very clear that the statements that Mr. Gross has made regarding other hearings that I have held this morning, that any appellate court understands that we are having General Sessions motions, bond motions today.

Okay. And so thank you all very, very much. I will issue an order in writing. I will do that as soon as possible. I know this is very important to everyone.

MR. GROSE: In response to your remarks, can I just ask one thing?

THE COURT: Yes, sir.

MR. GROSE: Since you're taking this under advisement, I would request that Your Honor review State vs. Boggs, B-O-G-G-S, which is 388 SC 314, 696 S.E.2d 597 from the Court of Appeals in 2010.

THE COURT: Okay. Thank you.

Anything else, Mr. Smith?

MR. SMITH: No, Your Honor. Thank you.

THE COURT: All right. Okay. That will conclude the hearing.

(WHEREUPON, proceedings concluded at 11:52 AM.)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 8th day of August, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 21, 2024

Cheryl A. Smith

Cheryl A. Smith, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

State of South Carolina,)

Prosecutor,)

vs.)

Jason Shane Bishop,)

Defendant.)

IN THE COURT OF GENERAL SESSIONS

Warrant/Indictment Number(s):
2018-A42-102-01057
2018-GS-42-02973

ORDER REGARDING MOTION FOR RECONSIDERATION

RECEIVED
Sep 06 2024
SC Court of Appeals

Hearing Date:	Thursday, August 8th, 2024, at 9:30 a.m.
Hearing Judge:	Grace Gilchrist Knie
Attorney for Defendant:	E. Charles Grose, Jr.
Attorney for State:	Spenser H. Smith
Court Reporter:	Cheryl Smith

This matter was before the Court on August 8th, 2024, at 9:30 a.m. in Spartanburg County upon the Defendant's Motion for Reconsideration of this Court's Sentence filed with the Court June 28th, 2024. Due to inclement weather and therefore the refusal of SCDC to transport inmates, the Defendant was present via WebEx via the consent of all parties and Defendant. The Defendant was represented at the hearing by Counsel, E. Charles Grose, Jr., Esq., of The Grose Law Firm, LLC. At the hearing held in this matter, the State was represented by Spenser H. Smith, Esq., of the Seventh Circuit Solicitor's Office. The Court Reporter was Cheryl Smith.

It appears that the Defendant was charged with the offense of Felony DUI with Death. The Defendant pled guilty to the offense of Reckless Homicide before the Court on September 11, 2023. The sentencing on the offense was deferred at the request of Counsel. The Defendant was sentenced on June 25th, 2024, and received the sentence of 7 years with credit for 1 day spent in pretrial incarceration. Included on the sentencing sheet was the Judge's note that "In issuing this sentence the Court has taken into consideration that the Defendant has spent 2,186 days on

SPARTANBURG COUNTY
CLERK OF COURT
2024 AUG 30 PM 4:42
FILED

SCRAM monitoring with no violations monitored through the Spartanburg County Sheriff's Department."

After careful consideration of the able argument and filings of Counsel and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Accordingly, the Defendant's Reconsideration Motion, pursuant to Rule 29, SCRCrP, is respectfully DENIED.

IT IS SO ORDERED.

The Honorable Grace Gilchrist Knie
Resident Judge, Seventh Judicial Circuit

August 30th, 2024
Spartanburg, South Carolina

FILED
2024 AUG 30 PM 4:43
CLERK OF COURT
SPARTANBURG COUNTY
A.M. / M. COX

RECEIVED
Sep 06 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
Grace Gilchrist Knie, Circuit Court Judge

Case No. 2018-GS-42-02973

The State, ...Respondent,

v.

Jason Shane Bishop,.....Appellant.

Notice of Appeal

Jason Shane Bishop appeals his sentence. The Honorable Grace Gilchrist Knie imposed the sentence on June 25, 2024. This appeal is taken from the order of Judge Knie, dated August 30, 2024, denying Mr. Bishop's motion to reconsider the sentence.

This appeal follows a guilty plea. Pursuant to Rule 203(d)(1)(B)(iv), SCACR, Mr. Bishop explains that he will raise the following three issues on appeal:

1. Did the sentencing court mistakenly believe the court lacked discretion to award credit for time served on home detention with SCRAM monitoring, pursuant to S.C. Code Ann. § 24-13-40?

2. Did the sentencing court mistakenly believed the court's sentence could not include home incarceration because this offense involved a mandatory minimum sentence, when the offense Mr. Bishop was convicted of did not involve a mandatory minimum sentence?

3. Did the sentencing court improperly consider the initial charge when deciding to deny credit for time served and deny home incarceration?

Sentencing errors are reviewable on appeal. *See, e.g. State v. Brown,* 426 S.C. 63, 824 S.E.2d 476 (Ct. App. 2019) (defendant was entitled to credit for time served for the period of time he was civilly committed after he was found incompetent to stand trial and was deemed to have a genuine mental illness); *State v. Boggs,* 388 S.C. 314, 696 S.E.2d 597 (Ct. App. 2010) (plea judge's denial of jail creditfor time defendant served in pretrial

detention based upon state's decision to drop charge against defendant from armed robbery to strong arm robbery was an error at law). *See also State v. Hawes,* 411 S.C. 188, 191, 767 S.E.2d 707, 708 (2015) ("A failure to exercise discretion amounts to an abuse of that discretion.") (citing *Samples v. Mitchell*, 329 S.C. 105, 495 S.E.2d 213 (Ct. App.1997). The first two issues were raised to the sentencing court during the sentencing hearing and during the motion to reconsider the sentence. The third issue was raised during the hearing on the motion to reconsider the sentence, citing *Boggs*, when the sentencing judge disclosed reliance on the initial charge.

Respectfully Submitted,

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for Johnathon Batchelor

September 6, 2024
Greenwood, South Carolina

Other Counsel of Record:

Spenser Holloran Smith, Esquire
County Courthouse Third Floor
180 Magnolia Street
Spartanburg, SC 29306
ssmith@spartanburgcounty.org
(864) 596-2575

RECEIVED
Sep 06 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
Grace Gilchrist Knie, Circuit Court Judge

Case No. 2018-GS-42-02973

The State, ...Respondent,

v.

Jason Shane Bishop,.....Appellant.

Certificate of Service

I certify that I served this pleading on the State of South Carolina, by email, using counsel's primary email address listed in the Attorney Information System (AIS), as reflected below, on the date reflected below:

Spenser Holloran Smith, Esquire
County Courthouse Third Floor
180 Magnolia Street
Spartanburg, SC 29306
ssmith@spartanburgcounty.org

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466

September 6, 2024
Greenwood, South Carolina

The Grose Law Firm, LLC

305 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.
Phone: 864-538-4466 Fax: 864-538-4405
E-mail: charles@groselawfirm.com
Web: GroseLawFirm.com

RECEIVED
Sep 06 2024
SC Court of Appeals

September 6, 2024

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *State of South Carolina v. Jason Shane Bishop*
Lower Court Case No. 2018-GS-42-02973

Dear Ms. Kitchings:

Enclosed please find Mr. Bishop's notice of appeal, including an explanation of grounds for appealing his sentence following a guilty plea.

Also enclosed are copies of the sentencing sheet, motion to reconsider the sentence, and order denying the motion to reconsider the sentence.

Please not that I will continue to represent Mr. Bishop on appeal.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With kindest regards, I am

Yours very truly,

s/*E. Charles Grose, Jr.*
E. Charles Grose, Jr.

cc: Mr. Jason Shane Bishop (via US Mail)
Spenser Holloran Smith, Esquire (via Email)
Clerk of Court, Spartanburg County (via US Mail)

The Grose Law Firm, LLC
305 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.
Phone: 864-538-4466 Fax: 864-538-4405
E-mail: charles@groselawfirm.com
Web: GroseLawFirm.com

September 10, 2024

The Honorable Amy W. Cox
Clerk of Court, Spartanburg County
PO Box 3483
Spartanburg, SC 29304-3483

Re: *State of South Carolina v. Jason Shane Bishop*
Case No.2018-A42-102-01057, 2018-GS-42-02973

Dear Ms. Cox:

Enclosed for filing, please find Mr. Bishop's Motion for an Appeal Bond, along with a certificate of service. Also enclosed is a copy of Mr. Bishop's Notice of Appeal, along with the cover letter to the Supreme Court of South Carolina.

Thank you for your attention to this matter. Please let me know if I can answer any questions or provide additional information.

With kindest regards, I am

Yours very truly,

s/*E. Charles Grose, Jr.*
E. Charles Grose, Jr.

cc: Mr. Shane Bishop
Spenser Holloran Smith, Esquire (via Email)

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSION
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No.
State of South Carolina	)	2018-A42-102-01057
	)	2018-GS-42-02973
	)	
vs.	)	
	)	**Motion for Appeal Bond**
	)	
Jason Shane Bishop	)	
	)	
_____	)	

Pursuant to Rule 246(a), SCACR, and S.C. Code Ann. § 18-1-90, Shane Bishop moves this Court for an order setting a reasonable appeal bond in order to allow Mr. Bishop an opportunity to appeal this issue raised in his motion to reconsider his sentence. This motion is based on the following grounds.

"Bail may be allowed to the defendant in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense. However, bail is not allowed when the defendant has been sentenced to death, life imprisonment, or imprisonment for more than ten years." S.C. Code Ann. § 18-1-90. Because the sentence is less than ten years, this Court has jurisdiction to set bond pursuant to Rule 246(a), SCACR. The factors to be considered in admitting a person to bail pending appeal include the probability of reversal, the nature of the crime, the possibility of escape, and the character and circumstances of the appellant." *In re Michael H.*, 360 S.C. 540, 553, 602 S.E.2d 729, 736 (2004) (citing *Nichols v. Patterson,* 202 S.C. 352, 25 S.E.2d 155 (1943)). As discussed below, these factors militate in favor of granting Mr. Bishop an appeal bond.

First, there is a strong probability of reversal. Pursuant to Rule 203(d)(1)(B)(iv), SCACR, Mr. Bishop's notice of appeal explained he will raise the following three issues on appeal:

1. Did the sentencing court mistakenly believe the court lacked discretion to award credit for time served on home detention with SCRAM monitoring, pursuant to S.C. Code Ann. § 24-13-40?

2. Did the sentencing court mistakenly believed the court's sentence could not include home incarceration because this offense involved a mandatory minimum sentence, when the offense Mr. Bishop was convicted of did not involve a mandatory minimum sentence?

3. Did the sentencing court improperly consider the initial charge when deciding to deny credit for time served and deny home incarceration?

Sentencing errors are reviewable on appeal. *See, e.g. State v. Brown,* 426 S.C. 63, 824 S.E.2d 476 (Ct. App. 2019) (defendant was entitled to credit for time served for the period of time he was civilly committed after he was found incompetent to stand trial and was deemed to have a genuine mental illness); *State v. Boggs,* 388 S.C. 314, 696 S.E.2d 597 (Ct. App. 2010) (plea judge's denial of jail credit for time defendant served in pretrial detention based upon state's decision to drop charge against defendant from armed robbery to strong arm robbery was an error at law). *See also State v. Hawes,* 411 S.C. 188, 191, 767 S.E.2d 707, 708 (2015) ("A failure to exercise discretion amounts to an abuse of that discretion.") (citing *Samples v. Mitchell*, 329 S.C. 105, 495 S.E.2d 213 (Ct. App.1997).

Second, reckless homicide is a non-violent crime.

Third, Mr. Bishop poses no risk of escape. From the time he was released on bond until his stroke in 2024, Mr. Bishop spent six years on monitored house arrest without any violations. The Court has every reason to believe the Mr. Bishop will comply with any conditions of bond.

Fourth, as evidenced by the number of people who wrote letters of support, spoke at Mr. Bishop's guilty plea, and attended the hearing on the motion to reconsider the sentence, Mr. Bishop's character supports released pending appeal. Additionally, Mr. Bishop will receive better medical care for his recent stroke if released on bond.

This Court should convene a hearing, consider the matter, and issue a reasonable appeal bond.

IT IS SO MOVED.

Respectfully Submitted,

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charle@groselawfirm.com

Attorney for Jason Shane Bishop

September 10, 2024
Greenwood, South Carolina

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSION
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No.
State of South Carolina	)	2018-A42-102-01057
	)	2018-GS-42-02973
	)	
vs.	)	
	)	
	)	
Jason Shane Bishop	)	
	)	
_____	)	

I certify that I have served a copy of this pleading on the State of South Carolina, by emailing at copy to counsel, at counsel's AIS email address, as reflected below:

Spenser Holloran Smith, Esquire
County Courthouse Third Floor
180 Magnolia Street
Spartanburg, SC 29306
ssmith@spartanburgcounty.org

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466

September 10, 2024
Greenwood, South Carolina

The Grose Law Firm, LLC

305 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.
Phone: 864-538-4466 Fax: 864-538-4405
E-mail: charles@groselawfirm.com
Web: GroseLawFirm.com

September 6, 2024

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *State of South Carolina v. Jason Shane Bishop*
Lower Court Case No. 2018-GS-42-02973

Dear Ms. Kitchings:

Enclosed please find Mr. Bishop's notice of appeal, including an explanation of grounds for appealing his sentence following a guilty plea.

Also enclosed are copies of the sentencing sheet, motion to reconsider the sentence, and order denying the motion to reconsider the sentence.

Please not that I will continue to represent Mr. Bishop on appeal.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With kindest regards, I am

Yours very truly,

s/*E. Charles Grose, Jr.*
E. Charles Grose, Jr.

cc: Mr. Jason Shane Bishop (via US Mail)
Spenser Holloran Smith, Esquire (via Email)
Clerk of Court, Spartanburg County (via US Mail)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
Grace Gilchrist Knie, Circuit Court Judge

Case No. 2018-GS-42-02973

The State, ...Respondent,

v.

Jason Shane Bishop,.....Appellant.

Notice of Appeal

Jason Shane Bishop appeals his sentence. The Honorable Grace Gilchrist Knie imposed the sentence on June 25, 2024. This appeal is taken from the order of Judge Knie, dated August 30, 2024, denying Mr. Bishop's motion to reconsider the sentence.

This appeal follows a guilty plea. Pursuant to Rule 203(d)(1)(B)(iv), SCACR, Mr. Bishop explains that he will raise the following three issues on appeal:

1. Did the sentencing court mistakenly believe the court lacked discretion to award credit for time served on home detention with SCRAM monitoring, pursuant to S.C. Code Ann. § 24-13-40?

2. Did the sentencing court mistakenly believed the court's sentence could not include home incarceration because this offense involved a mandatory minimum sentence, when the offense Mr. Bishop was convicted of did not involve a mandatory minimum sentence?

3. Did the sentencing court improperly consider the initial charge when deciding to deny credit for time served and deny home incarceration?

Sentencing errors are reviewable on appeal. *See, e.g. State v. Brown,* 426 S.C. 63, 824 S.E.2d 476 (Ct. App. 2019) (defendant was entitled to credit for time served for the period of time he was civilly committed after he was found incompetent to stand trial and was deemed to have a genuine mental illness); *State v. Boggs,* 388 S.C. 314, 696 S.E.2d 597 (Ct. App. 2010) (plea judge's denial of jail creditfor time defendant served in pretrial

detention based upon state's decision to drop charge against defendant from armed robbery to strong arm robbery was an error at law). *See also State v. Hawes,* 411 S.C. 188, 191, 767 S.E.2d 707, 708 (2015) ("A failure to exercise discretion amounts to an abuse of that discretion.") (citing *Samples v. Mitchell*, 329 S.C. 105, 495 S.E.2d 213 (Ct. App.1997). The first two issues were raised to the sentencing court during the sentencing hearing and during the motion to reconsider the sentence. The third issue was raised during the hearing on the motion to reconsider the sentence, citing *Boggs*, when the sentencing judge disclosed reliance on the initial charge.

Respectfully Submitted,

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for Johnathon Batchelor

September 6, 2024
Greenwood, South Carolina

Other Counsel of Record:

Spenser Holloran Smith, Esquire
County Courthouse Third Floor
180 Magnolia Street
Spartanburg, SC 29306
ssmith@spartanburgcounty.org
(864) 596-2575

THE STATE OF SOUTH CAROLINA
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Grace Gilchrist Knie, Circuit Court Judge

Case No. 2018-GS-42-02973

The State, ...Respondent,

v.

Jason Shane Bishop,.....Appellant.

Certificate of Service

I certify that I served this pleading on the State of South Carolina, by email, using counsel's primary email address listed in the Attorney Information System (AIS), as reflected below, on the date reflected below:

Spenser Holloran Smith, Esquire
County Courthouse Third Floor
180 Magnolia Street
Spartanburg, SC 29306
ssmith@spartanburgcounty.org

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466

September 6, 2024
Greenwood, South Carolina

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG	)	
The STATE of South Carolina,	)	
	)	
Prosecutor,	)	ORDER
v.	)	
	)	DENYING MOTION for APPEAL BOND
Jason Shane BISHOP,	)	
	)	Indictment No. 2018-GS-42-02973
Defendant.	)	
	)	

This matter was before the Court on motion of the defendant through counsel E. Charles Grose, Esq. pursuant to Rule 246(a), SCACR, and S. C. Code Ann. Section 18-1-90 for the granting of an appeal bond pending appeal from a conviction and sentence after the denial of a motion to reconsider sentence was heard and denied August 8, 2024. At the hearing held on the motion, the defendant was present with counsel. Assistant Circuit Solicitor Spenser H. Smith appeared for the State.

Salient Facts

After initially being charged with Felony Driving Under the Influence/Death and the case being set for trial, the defendant entered into plea negotiations and after waiving grand jury indictment entered a plea of guilty to the offense of Reckless Homicide on September 11, 2023. The case arose from a motor vehicle collision caused by the defendant and resulting in the death of another. Sentencing was deferred until June 25, 2024 on which date the defendant appeared with counsel and was sentenced to seven years imprisonment. The defendant filed a motion for reconsideration of the sentence which was heard and denied on August 8, 2024. A notice of intent to appeal was timely filed thereafter and a motion seeking a grant of bail pending that appeal.

Applicable Law

Pending an appeal from a criminal conviction and sentence of confinement, the defendant shall remain in confinement unless bail is granted. S. C. Code Ann. Section 18-1-80. The Circuit Court may grant bail to a defendant pending appeal from a trial, conviction, or sentence for a criminal offense provided the sentence imposed does not exceed 10 years imprisonment. S. C. Code Ann. Section 18-1-90.

In considering bail on appeal of a criminal conviction and sentence, the Court should consider relevant factors to include; (1) the probability of reversal, (2) the nature of the crime, and (3) the character and circumstances of the appellant. In Re Michael H., 360 S.C. 540 (2004).

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S. C. Code Ann. Section 24-13-40 provides in its pertinent part that:

> "The computation of time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence." "In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest."

Sentencing errors are reviewable on appeal. See, e.g. State v. Brown, 426 S.C.63 (Ct App. 2019) and State v. Boggs, 388 S.C. 314 (Ct. App.2010). A court's failure to exercise discretion where it is granted such authority, is itself an abuse of discretion. State v. Hawes, 411 S.C. 188 (2015).

Discussion

This Court has reviewed transcripts of the plea, sentencing, and motion to reconsider hearings. The record reflects that the defendant made a counseled decision to plead guilty to Reckless Homicide freely, voluntarily, knowingly, and with a full understanding of the consequences of that decision including the potential for a sentence of active incarceration.

At the sentencing hearing the defendant requested credit be given for 2186 days spent pre-trial on SCRAM monitoring supervised by the county home detention program. The Court inquired of counsel their opinions on the applicability of Section 24-13-40 discretionary credits to SCRAM monitoring pursuant to the home detention program. No consensus was reached as to whether discretionary credit may be awarded for SCRAM monitoring pursuant to a county home detention program as opposed to universal agreement that discretionary credit may be applied against a sentence for time spent pre-trial on GPS monitoring pursuant to a county home detention program.

Arguing in support of his motion for an appeal bond, the defendant asserts that the sentence is subject to reversal. The defendant first asserts that the Court erroneously believed that it lacked discretion to award credit for time spent on pre-trial release from custody subject to SCRAM monitoring under supervision of the county home detention program. While a review of the sentencing transcript reveals that the Court expressed some uncertainty as to the application of Section 24-13-40 discretionary credit to pre-trial time spent on SCRAM monitoring in contrast to GPS monitoring, it is clear and apparent from the record that the Court in the exercise of its discretion did in fact grant the defendant some credit for the days spent on SCRAM monitoring in determination of the sentence ultimately imposed.

Transcripts from the sentencing and reconsideration hearings reflect much discussion between the Court and counsel about whether there is a difference in the application of Section 24-13-40 discretionary credit when a defendant has been subject to home detention with a SCRAM monitor or with a GPS monitor. Transcripts of the hearings reflect that the Court did in fact consider the defendant's SCRAM monitoring

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in the imposition of sentence when stating at the time of sentence, "In issuing the sentence, this Court has taken into consideration that the defendant spent 2186 days on SCRAM monitoring with no violation …", and at the hearing on the motion to reconsider, the Court further stated, "I did give credit or some discretion to Mr. Bishop for having been on SCRAM for 2186 days. I could have sentenced him to ten years. Instead, he received a sentence of seven years." "Now, I have never given credit day for day for SCRAM since I've been on the bench." It appears obvious from these statements that the Court, while not specifically ruling on the question of whether SCRAM monitoring is the same as GPS monitoring in the context of Section 24-13-40 discretionary credits being granted for "monitored house arrest", did in fact exercise discretion and give the defendant some credit for time spent on SCRAM monitored pre-trial release in the Court's determination of the sentence that was imposed.

Secondly, the defendant asserts that the Court refused to consider a home incarceration sentence due to an erroneous belief that such a sentence was not an option because the offense carried a mandatory minimum.

It is clear from a review of transcripts of the plea hearing, the sentencing hearing, and the hearing on the motion to reconsider, that the Court was not confused about the nature of the offense to which the defendant pled guilty or whether it was one for which any mandatory sentence is applicable. Before accepting the defendant's guilty plea, the Court, in discussing penalty with the defendant stated, "Reckless Homicide is a felony. And the penalty for this offense is not more than ten years and/or a fine of $1,000 to $5,000." At the sentencing hearing, while providing a brief historical context of the case, the Court stated, "Mr. Bishop [pled] to Reckless Homicide, zero to ten. It is a felony, non-violent." Nothing reflected in the transcripts indicate the Court was under an erroneous belief that the offense of Reckless Homicide carried a mandatory minimum period of incarceration or that a sentence to home incarceration was not an option for the Court to choose. While there is a requirement that the Court exercise discretion when granted such authority, there is no requirement that the Court exercise that discretion in a particular fashion or give reasons why the discretion was exercised in a particular way.

Thirdly, the defendant asserts that the Court improperly considered the initial charge of DUI/Death erroneously influencing the Court's decision to deny credit for SCRAM monitoring and consideration of a home incarceration sentence.

There does not appear in any transcript any indication that the sentencing Court was influenced by any improper consideration in the imposition of sentence or that the sentence imposed was based upon a charge for which the defendant was not convicted and for which he was not admitting guilt.

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Conclusion

After consideration of the presentation made, the nature of the charge and conviction, the probability of reversal, and the characteristics and circumstances of the defendant, this Court finds that the record in this case establishes that the defendant did willfully, knowingly, and intelligently plead guilty to Reckless Homicide with a full understanding of the consequences including active prison time for up to ten years.

This Court further finds that the record does not establish even a slight probability of a reversal of sentence because it appears clear from the record that the Court properly sentenced the defendant within the parameters of the law and exercised reasonable discretion afforded the Court under the law and the circumstances of this case in determination of the sentence imposed.

The defendant's **MOTION** for **APPEAL BOND** should be and **IS** therefore **DENIED** and he be remanded to the custody of the South Carolina Department of Corrections for satisfaction of the sentence imposed by the Court.

January 15, 2024

J. Derham Cole, Presiding Judge
The Seventh Judicial Circuit Court

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No. 2024-001476

The State, ...Respondent,

v.

Jason Shane Bishop,.....Appellant.

Rule 210, SCACR Certification

The Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully Submitted,

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for Shane Bishop

July 21, 2025
Greenwood, South Carolina

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No. 2024-001476

The State, ...Respondent,

v.

Jason Shane Bishop,.....Appellant.

Certificate of Service

I certify that I served the Record on Appeal on the State of South Carolina, by email, using counsel's primary email address listed in the Attorney Information System (AIS), as reflected below, on the date reflected below:

Brian Hollis Gibbs, Esquire
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 292111549
Office: (803) 734-0515
bgibbs@scag.gov

By s/*E. Charles Grose, Jr.*

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466

July 21, 2025
Greenwood, South Carolina