

WITNESSES

CHEROKEE COUNTY SHERIFF'S OFFICE

Brona D... [Signature]

ARREST WARRANT NUMBER

2023A1110100620- COUNT ONE

2023A1110100621- COUNT TWO

ACTION OF GRAND JURY

Kara DeWay [Signature]
Foreperson of Grand Jury
Date: *7-17-2023*

VERDICT

TRUE BILL

Foreperson of Petit Jury
Date:

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

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

July 17, 2023 TERM

THE STATE

vs.

DEMARCUS RASHON AUSTIN

Indictment for

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

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

FILED
JUL 22 2023
CLERK OF COURT

RECEIVED
JUL 22 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

RECEIVED
JUL 22 2025
SC Court of Appeals

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

TRAFFICKING IN METHAMPHETAMINE – COUNT ONE

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

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

That Demarcus Rashon Austin did in Cherokee County on or about May 26, 2023, possess a firearm, during the commission of a violent crime as defined in Code §16-1-60, to wit: TRAFFICKING IN METHAMPHETAMINE, in violation of Code §16-23-490, CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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


DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee

STATE VS.

INDICTMENT/CASE#: 2023GS1100879 [Count I]

Demarcus Rashon Austin

A/W#: 2023A1110100620

AKA:

Date of Offense: 05/26/2023

Race: Black Sex: Male Age: 34

S.C. Code §: 44-53-375(C)(1)(c)

DOB: _____ SS#: _____

CDR Code #: 0452

Address: _____

City, State, Zip: _____

DL#* _____ SID# _____

RECEIVED SENTENCE SHEET

JUL 22 2025

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or

TO: Trafficking in Methamphetamine - 10 g or more, but less than 28 g - 3rd offense [LIFE NOTICE SERVED]

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

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

(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST:

K. Leskanic
Solicitor

16837
SC Bar #

Demarcus Austin
Defendant

J. J. ENNIS
Attorney for Defendant

69498
SC Bar #

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

for a determinate term of Life days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program

Mental Health Counseling May serve W/E beginning: _____

Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$ _____
Fine may be pd. In equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$ _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ _____
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ _____
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
	TOTAL	\$ _____

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

Presiding Judge: R. Keith Kelly
Judge Code: 2105
Sentence Date: December 4, 2024