

JUN 05 2013

S.C. SUPREME COURT

LOWER COURT NO. 2011-CP-130802

Bundy Drummond

Petitioner,

vs

MOTION TO AMEND REQUEST FOR  
Rehearing en banc

State of South Carolina

Respondents,

Comes now Petitioner who seeks rehearing in support of Petitioner  
assert the attach and forgoing mark as document's (A) see attachment.

Petitioner seek rehearing on Jurisdiction question?

Petitioner states that on November 1, 2004 he pled guilty to eight  
(8) years thus in reference to indictment no. 2003-GS-23-07486 grand  
Larceny.

Petitioner states that the maximum punishment that is  
allowed by laws of South Carolina for indictment no  
2003-GS-23-07486 grand Larceny is five (5) years.

Thus Petitioner states that he pled guilty to more than  
what is allowed by law whereby Jurisdiction question  
arise.

Petitioner stands on the authority of [Grice v. State SC  
1989 at 299 SC 321, 384 S.E.2d 722].

Petitioner would state that above said Plea is not allowed by Law I can not be made to plea to more Punishment that is allowed by Law. Therefore said guilty Plea is against the Law and in Violation of Petitioners Rights to due process and rights to effect Counsel.

Petitioner states that interference to Indictment No 203-GS-23-09072 and it's conviction thereof.

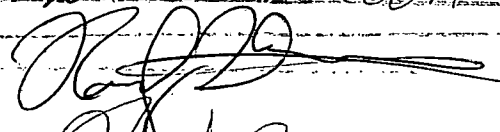
Petitioner states that Citation No. <sup>#</sup> 7255371 is a part of indictment No. 203-GS-23-09072 as same act.

Petitioner states that the records will support that on October the 10, 2003 Honorable J. Craig Fridland convicted Petitioner of Citation No. 7255371 in Greenville Summary Court. see PCR application.

Petitioner would state that the said conviction of Citation No 7255371 barred and conviction of indictment No. 203-GS-23-09072. Thus by Petitioners rights to protection under double jeopardy act and Petitioner's right to protection under such acts

Petitioner would state that respondent was barred from convicting of indictment 203-GS-23-09072 see [Brown v. Ohio U.S. Court 1977 432 U.S. 161]

WHERE-FOE Petitioner seek's relief from Lower Court rulings.

  
Randy Drummond  
pro se.

Dated 6/11/2013,

CERTIFICATE OF SERVICE:

Randy Drummond  
Petitioner

v.

State of South Carolina  
respondent,

I hereby certify that I have on this day served the respondent a true copy of attach and foregoing documents mark as documents (A), and a copy of Petitioner's Motion for amendment via United States mail postage pre paid and address as follows:

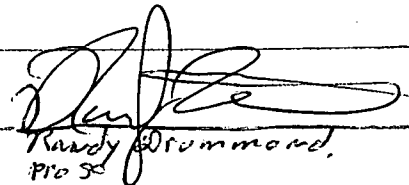
SC Attorney General Office

Alan Wilson Rembert Dennis Bldg

Room 519

1000 Assembly St

Columbia SC, 29201

  
Randy Drummond,  
pro se.

# DOCUMENT

(0)  
A

## GENERAL SESSIONS DOCKET TRACKING SHEET

Name: RANDY DRUMMOND

Indictment #: 2003GS2307486

Address: 205 A WATTS AVENUE

Warrant/Ticket #: H497968

City: GREENVILLE State: SC ZIP: 29601

No Warrant: \_\_\_\_\_

SS#: 250113979 Sex: M Race: B

Offense Code: 0478

Date of Birth: September 17, 1958

Offense Name: LARCENY / GRAND LARCENY §

State: \_\_\_\_\_ Driver's License #: \_\_\_\_\_

Date of Arrest: August 23, 2003

DATE OF DISPOSITION: 0,0

**JUL 19 2006**

### DISPOSITION:

1. Guilty Plea

\*  7. Remanded

2. Trial (Guilty)

8. Dismissed at Prelim

3. Trial (Not Guilty)

8. No Bill

\*  4. Dism/Not Pros/Pros Ended

\*  9. Failure to Appear

\*  5. Judicial Commitment

\*  10. Other

6. Judicial Dismissal

\* Explain: PLED TO OTHER CHARGES

Judge: \_\_\_\_\_

Ct. Reporter: \_\_\_\_\_

Defense Attorney: GODFREY, JR., BILL

Solicitor: Jeff Weston

Offense Code: 0478

Offense Name: LARCENY / GRAND LARCENY §

Sentence: \_\_\_\_\_

007486

DOCKET NO. 2003-GS-23-  
JHB

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

08/23/03  
11/04  
OCTOBER TERM 2003

THE STATE

vs.

RANDY DRUMMOND

WITNESSES

R. J. CHENOWETH *RJCS*

GPD

08/23/03

ARREST WARRANT NUMBER

H-497968

ACTION OF GRAND JURY  
TRUE BILL

*Russell C. [Signature]*

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

0478

Indictment for

GRAND LARCENY

VIOLATION § 16-13-30

Foreperson of Petit Jury

Date:

Certified Copy  
Paul B. Wiselmann  
Clerk of Court C.P. & G.S.  
Greenville County, SC  
Date: *11/11/03*

ENTERED  
ACCT *[Signature]*

INDEXED

*128*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

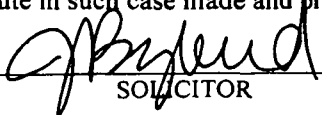
INDICTMENT FOR  
GRAND LARCENY

At a Court of General Sessions, convened on OCTOBER 21, 2003 the

Grand Jurors of Greenville County present upon their oath:

That RANDY DRUMMOND did in Greenville County, on or about the 23rd day of August, 2003, feloniously take and carry away the personal property of Peak Performance of the value of more than One Thousand dollars, described as follows: a Sony flat screen T. V., with intent to deprive the owner permanently of such property. This is in violation of §16-13-30 of the South Carolina Code of Laws (1976) as amended.

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

  
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.
Randy Drummond
AKA:
Race: B Sex: M Age: 45 4/6
DOB: 09-17-1958 SS#
Address: WATTS AVENUE
GREENVILLE SC 29601
DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 109548
2003GS2307486
A/W#: H497968
Date of Offense: 08-23-2003
S.C. Code § : 16-13-0030(B)(1)
CDR Code #: 0478

In disposition of the said indictment comes now the Defendant who was TO: LARCENY / GRAND LARCENY \$1000 OR MORE

CASE RESTORED SENTENCE
PLEA TRIAL
CONVICTED OF or PLEADS

in violation of § 16-13-0030(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0478
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

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

ATTEST:
Solicitor:
Defendant:
Attorney for Defendant: Bill Sadfrey

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 90 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:
RESTITUTION: Heard, Waived, Ordered
Total: \$ plus 20% fee: \$
Payment Terms: days/hours Public Service Employment
set by SCDPPPS

Table with columns for Recipient, \*Fine, and amounts. Includes items like § 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, § 35.13 (Public Def/Prob) \$500, § 73.3, 1B TP (Law Enforce. Funding) \$25, § 33.7, 1B TP (Drug Court Surcharge) \$100, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment \$40/ea), 3% to County (if paid in installments).

TOTAL
Clerk of Court/ Deputy Clerk: Paul B. Wickens
Court Reporter: D. Koffsky

PRESIDING JUDGE
Judge Code:
Sentence Date: 11/1/04

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NO: 2009CP2304755

**Randy Drummond vs. South Carolina State Of**

**CHECK ONE:**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other:
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other:

**IT IS ORDERED AND ADJUDGED:**  See attached order;  Statement of Judgment by the Court:

Dated at Greenville, South Carolina, this .

Court Reporter:

\_\_\_\_\_  
**PRESIDING JUDGE -**

This judgment was entered on the 13th day of Jan, 2010, and a copy mailed first class this 13th day of Jan, 2010, to attorneys of record or to parties (when appearing pro se) as follows:

**Randy Drummond** 116 Elliott St Spartanburg, SC 29306

**Karen Ratigan**

\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

SCRPC APP-24/FORM 4

\_\_\_\_\_  
**Paul B. Wickensimer** Greenville County Clerk Of C  
- Clerk of Court

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT  
2004-CP-23-8425

Randy Drummond, #160950 )  
Applicant, )

v. )

State of South Carolina, )  
Respondent. )

**ORDER**  
( Post Conviction Relief)

This matter is before the Court by way of an Application for Post Conviction Relief filed on December 23, 2004. Respondent made its Return on February 3, 2005, requesting summary judgment and that the allegations be dismissed.

The records before the Court indicated that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Clerk of Court for Greenville County. The Applicant was first indicted on October 21, 2003, for failure to stop for blue light, Indictment number 2003-GS-23-007485, (Sec. 56-5-750). Then subsequently, on December 16, 2003, the Applicant was indicted for grand larceny, \$1,000 or more; Indictment number 2003-GS-23-7486, and again for failure to stop for blue light, Indictment number 2003-GS-23-9072. Attorney E. P. "Bill" Godfrey represented the Applicant.

On September 14, 2005, an evidentiary hearing into the matter was convened in Greenville County before the Honorable Larry R. Patterson. The Applicant was present in Court and was represented by Dorothy A. Manigault, Esquire. The Respondent was represented by Karen C. Ratigan of the Office of the South Carolina Attorney General.



Court also did not find any violation or harm to the Applicant regarding a fair and speedy trial. The issue of the loss of a key witness is not relevant since the charge where the witness may have been needed was being dismissed by the Solicitor.


Therefore, based upon a review of the pleadings and record in this matter, the Court finds:

1. That the Indictment for Grand Larceny, 2003-GS-23-07486, is improper; the sentencing sheet was improper, and the Applicant is granted the relief sought. that Indictment number 2003-GS-23-07486 for Grand Larceny is hereby vacated and the case is remanded for a new trial.

2. That the relief sought as to all other issues raised by the Applicant in his original Application, as well as in all amendments to the application, is hereby denied.

**Thus, it is ordered that the sentence for Grand Larceny on Indictment Number 2003-GS-23-07486, be vacated immediately by the Clerk of Court for Greenville County, and an Order be sent to the South Carolina Department of Corrections.**

IT IS SO ORDERED this 21 day of December, 2005.

  
\_\_\_\_\_  
**Judge Larry R. Patterson**  
**Thirteenth Judicial Circuit**

**Greenville, South Carolina**