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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County

Honorable Jane H. Merrill, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TONY AVELLA SANDERS,

APPELLANT

APPELLATE CASE NO. 2026-000133

RECORD ON APPEAL

LARA M. CAUDY
Senior Appellate Defender

MATTHEW C. BUCHANAN
General Counsel

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
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South Carolina Department of Probation,
Parole, and Pardon Services
Post Office Box 207
Columbia, SC 29202
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ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
PROBATION REVOCATION HEARING TRANSCRIPT DATED JANUARY 5, 2026	1
STANDARD CONDITIONS OF PROBATION	9
PROBATION ARREST WARRANT	11
SUMMARY OF ADMINISTRATIVE HEARING.....	13
ORDER REVOKING PROBATION	16
INDICTMENT.....	17
SENTENCE SHEET.....	19
CERTIFICATE OF COUNSEL	21

State of South Carolina
County of Oconee

Court of General Sessions

State of South Carolina)
)
)
 v.)
)
 Tony Avella Sanders)
)
 _____ Defendant.)

Transcript of Record
2022-GS-37-00463

January 5, 2026
Walhalla, South Carolina

B E F O R E:

The Honorable Jane H. Merrill, Judge.

A P P E A R A N C E S:

Agent Powell, Probation Officer
Attorney for the State

Joey Oppermann, Assistant Public Defender
Attorney for the Defendant

Lisa Scott
Circuit Court Reporter

I N D E XWITNESSPAGE

No Witnesses.

E X H I B I T SNO.DESCRIPTIONID.EVD.

No Exhibits.

- - -

P R O C E E D I N G S

* * * * *

AGENT POWELL: Tony Sanders.

(The defendant was personally present, together with counsel.)

THE COURT: All right. Agent, ready when you are.

AGENT POWELL: Yes, Your Honor. This is the hearing for Tony Sanders who's represented by Joey Oppermann with the Public Defender's Office. He's on probation on Indictment 2022-GS-37-00463 for burglary, third degree, first offense.

He was sentenced to five years upon the service of three years, suspended to five years probation. Given credit for 230 days.

He has no violation history on this case, Your Honor. Currently, he violated condition one by failing to report for initial interview as instructed on May 16, 2024; condition two by failing to provide probation office with a valid address, therefore, absconding supervision as evident of home visit conducted on May 24, 2024; condition seven and nine by being \$50 in arrears on supervision fee, \$20 in arrears on drug test fee; and condition ten by failing to follow the advice and instructions of

1 agent.

2 Your Honor, this case did have an
3 administrative hearing, and the State's asking to
4 revoke 90 days and continue.

5 THE COURT: How long has he been in detention
6 on the probation violation warrant?

7 AGENT POWELL: 273 days, Your Honor.

8 THE COURT: All right. And did the victim want
9 to be notified? And if so, is the victim present?

10 AGENT POWELL: The victim is a "no notify,"
11 Your Honor.

12 THE COURT: All right. And, Mr. Oppermann, I
13 know you and the agent briefly approached. I
14 understand that Mr. Sanders' case is currently on
15 appeal, and so he is not in the legal position to
16 proceed -- procedurally to admit anything; is that
17 correct?

18 MR. OPPERMANN: That -- that's correct, Your
19 Honor. Mr. Sanders does not admit violation.

20 THE COURT: Okay.

21 MR. OPPERMANN: And wishes to assert his right
22 to have the Department present evidence for his
23 position because Mr. Sanders does not admit
24 violation, and he -- he did not plead guilty. He
25 was convicted at a trial. He hasn't waived his

1 rights against self-incrimination, so we would like
2 to assert those rights under the Federal and State
3 Constitutions.

4 THE COURT: Certainly. And, Mr. Sanders,
5 normally, I ask the person standing in front of me
6 if there's anything they want to say, but since you
7 have asserted your Fifth Amendment privilege not to
8 incriminate yourself, I will not ask you that
9 question and certainly not require you to speak
10 because you have that right to assert your Fifth
11 Amendment right. Okay?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: I just want to make sure you
14 understand that.

15 AGENT POWELL: Your Honor, if I may? And I
16 just showed Mr. Oppermann. I have a form here that
17 is advising Mr. Sanders that he is to report to the
18 probation office at 11:00 a.m. on 5/16/2024 for his
19 initial interview. And it was signed Mr. Sanders on
20 May 1, 2024, as well.

21 THE COURT: Can you pass that up?

22 AGENT POWELL: Yes.

23 THE COURT: Mr. Oppermann, you saw this,
24 correct?

25 MR. OPPERMANN: Yes, Your Honor.

1 THE COURT: Okay. Since Mr. Sanders has
2 asserted his Fifth Amendment privilege, I'm not
3 going to ask if that is his signature. Will ask the
4 agent. I understand he has an active sentence and
5 then probation. Do you know where Mr. Sanders was
6 when that form was signed?

7 AGENT POWELL: He was at the probation office.
8 He did report when he got released from SCDC. And
9 he was given that date, but he didn't show up after
10 that time.

11 THE COURT: Okay. So he made the initial
12 report after he was released from SCDC. And then
13 signed that form that he should return again on May
14 16, 2024, and did not appear on May 16, 2024; is
15 that correct?

16 AGENT POWELL: Yes, Your Honor.

17 THE COURT: Okay. All right. I do find that
18 his failure to report on May 16, 2024, after being
19 given notice in person and signed this form
20 acknowledging that report date, that that is a
21 willful violation of his probation.

22 And, Mr. Oppermann, it's correct that he has
23 served 273 days on this current probation violation;
24 is that right?

25 MR. OPPERMANN: Yes, Your Honor.

1 THE COURT: I just want to make sure because I
2 know he's been to SCDC, but he would get credit for
3 this 273 days that he has served, right?

4 AGENT POWELL: Yes.

5 THE COURT: Okay. All right. So I'm going
6 revoke 273 days. Give him credit for time served.
7 That service, 273 days, can satisfy any fees owed to
8 the Department. And I will continue him on
9 probation for the remainder of the original sentence
10 by the Court.

11 MR. OPPERMANN: Thank you, Your Honor.

12 AGENT POWELL: Thank you.

13 THE COURT: All right. Thank you.

14 (At 10:52 a.m., the proceedings concluded.)

15 * * * * *

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C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

I, the undersigned, Lisa Scott, Circuit Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Oconee County, South Carolina, on the 5th day of January, 2026.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

February 27, 2026

/s/Lisa Scott

Lisa Scott
Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF Oconee

IN THE COURT OF GENERAL SESSIONS

22 -GS- 37 - 004631

Count

STATE

-VS-

Tony Avella Sanders

STANDARD CONDITIONS OF PROBATION

1. I shall report in person to the South Carolina Department of Probation, Parole and Pardon Services' office on the day of my sentencing or release, and as instructed by the Department; and I shall make complete and truthful reports to the Agent.
2. I shall not change my residence or employment without the consent of my Agent. Further, I shall allow my Agent to visit me in my home, at my place of employment, or elsewhere, at any time.
3. I shall not use controlled substances, except when properly prescribed by a licensed physician, nor consume alcoholic beverages to excess, nor enter establishments whose primary business is the sale and drinking of alcoholic beverages. Further, I shall submit to a urinalysis, blood test or provide forensic evidence when instructed by Agents of the Department, and I agree that any of these test results may be used as evidence in any hearing for the violation of the conditions of my supervision.
4. I shall not possess or purchase any firearms or other dangerous weapons, and I shall not associate with any person who has a criminal record, or any other person whom my Agent has instructed me to avoid.
5. I shall work diligently at a lawful occupation. Further, I shall notify my Agent if I become unemployed.
6. I shall not violate any Federal, State, or Local Law, and I shall immediately contact my Agent if I am ever arrested or questioned by a law enforcement official for any reason whatsoever.
7. I shall pay a supervision fee and any other fees as determined by the Department.
8. I shall not leave the State without permission from my Agent. Further, if I am ever arrested in another state for violating these conditions, I hereby irrevocably waive all extradition rights I may otherwise have been entitled to and agree to return to South Carolina when directed by my Agent, the Court or by a warrant.
9. I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution or other payments, and the service of any period of incarceration.
10. I shall follow the advice and instructions of my Agent and I agree to comply with any further conditions imposed by the Department or its Agents.
11. I agree to pay restitution and a statutory collection fee payable to the Department of Probation, Parole, and Pardon Services as directed by Agents of the Department. (20% collection fee charged)
12. Unless I was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year, I shall be subject to a search or seizure, without a search warrant, based on reasonable suspicions, of my person, any vehicle I own or am driving, and any of my possessions by: (1) any probation agent employed by the Department; or (2) any other law enforcement officer.

I hereby certify that this statement of Conditions has been read and explained to the Probationer listed above and he/she has agreed to them.

I hereby certify that the Conditions above have been explained fully to me and in agreement thereto, I attach my signature:

This 1st day of May, 2024Darian Seigler

Agent/ Offender Supervision Specialist

203 Booker Drive, Walhalla, SC 29691

Agent/OSS Address

864-638-4255

Agent/OSS Phone Number

Tony Avella Sanders

Offender

Offender's Address

Offender's Phone Number

South Carolina Department of Probation, Parole and Pardon Services
Project Ceasefire

Offender Name: **Tony Avella Sanders**SID #: **01616314**United States Criminal Code Title 18, Section 922 (g) states:

(g) It shall be unlawful for any person—

- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) who, being an alien—
 - (A) is illegally or unlawfully in the United States; or
 - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(26)));
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that—
 - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
 - (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
 - (C)
 - (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
 - (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

United States Criminal Code Title 18, Section 924 (a) states:

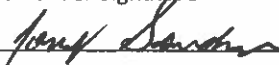
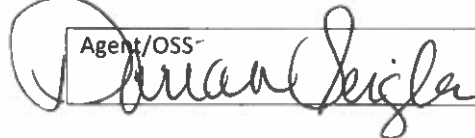
- (2) Whoever knowingly violates subsection (a)(6), (d), (g), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both.

United States Criminal Code Title 18, Section 924 (e) states:

- (1) In the case of a person who violates section 922(g) of this title and has three previous convictions by any court referred to in section 922(g)(1) of this title for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be fined not more than \$25,000 and imprisoned not less than fifteen years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g). The maximum term of imprisonment under this section is life.

I am aware that in view of the above law, I am disqualified from owning or having possession of any firearms, ammunition, or other weapons. I understand that if I have a firearm, ammunition, or other type of weapon that I have to disclose these to my agent this date.

- ☒ I do not own or have possession of a firearm, ammunition, or weapon.
- ☐ There are no firearms or ammunition at my place of residence.
- ☐ I currently have a firearm and/or ammunition and will disclose this to my agent today.

Offender Signature 	Date 5/1/24	Agent/OSS 	Date 5/1/24
---	----------------	---	----------------

Probation

ARREST WARRANT

Indictment Number: 22-GS-37-00463

Warrant Number: W-37-24-0082

State Identification No. (SID) 01606314

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF WALHALLA, AND ANY CONSTABLE OF THIS
MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that TONY AVELLA SANDERS, did on the 14 day of June, 2024 violate the
criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 1, 2, 10 of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated June 20, 2023. This warrant or citation is issued pursuant to section 24-21-450 or 300.

Now, therefore, you are empowered and directed to arrest the said defendant and bring TONY AVELLA SANDERS 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. Done at WALHALLA, S. C. this 14 day of June, 2024.

County of OCONEE**STATE OF SOUTH CAROLINA**

Signature of Probation and Parole Agent

(L.S.)

AFFIDAVIT

Personally appeared before me, one Jillian Sauder, who, first being duly sworn, deposes and says that TONY AVELLA SANDERS did within this County and State on the 14 day of June, 2024, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 1, 2, 10 of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated June 20, 2023. This warrant or citation is issued pursuant to section 24-21-450 or 300.

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

By failing to report for Initial Interview as instructed on 05/16/2024. By failing to provide the probation office with a valid address, therefore absconding supervision, as evident by home visit on 05/24/2024. By being \$50.00 in arrears on supervision fee and \$20.00 in arrears on drug test fee. By failing to follow the advice and instructions of supervising agent. Such actions constitute violation of conditions 1, 2, 10.

Sworn to and Subscribed before me
this 14 day of June, 2024.



Signature of Notary Public

(L.S.)

Address: 203 Booker Dr.
WALHALLA, SC 29691

(864) 638-4255

May 12, 2033

My Commission Expires

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

OCONEE

THE STATE

against

TONY AVELLA SANDERS

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 6/14/2024

Officer and Agency: SC Department of Probation,
Parole and Pardon Services

Jillian Sauder

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name TONY AVELLA SANDERS

Address [REDACTED]
SENECA, SC 29678

Phone [REDACTED]

Sex Male Race White Height 604

Weight 210 Birth date [REDACTED]

Social Security Number [REDACTED]

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the
following defendant:

Tony Avella Sanders

on the 10 day of April 2025

[Signature]
Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant
Certification] County. The accused is to be arrested and brought
before me to dealt with according to law.

Signature of Judge

(L.S.)

South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing

Probationer: Tony Avella Sanders

SID#: 01606314

Location: Oconee County Probation Office Walhalla, South Carolina

Date: May 1, 2025

Time: 11:02 AM

Persons in Attendance

Name	Relationship
Nancy Ford	Administrative Hearings Officer
Nicklaus Powell	Agent
Tony Avella Sanders	Probationer

Hearing Officer's Findings:

I find that Tony Avella Sanders violated conditions 1, 2, 7, 9 and 10 as set forth in the affidavit(s) dated June 14,2024 ; such conditions having been contained in the Order of Probation accepted by Tony Avella Sanders in writing on June 20,2023.

I find that Tony Avella Sanders failed to report in person to the South Carolina Department of Probation, Parole and Pardon Services office on the day of sentencing or release, and as instructed by the Department; and make complete and truthful reports to the Agent.

Mr. Sanders failed to report for his initial intake appointment on May 16,2024.

I find that Tony Avella Sanders failed to refrain from changing residence without the consent of the Agent; and allow the Agent to visit in the home, at place of employment, or elsewhere at any time.

A home visit was conducted on May 24,2024 at [REDACTED] Seneca, South Carolina. A door tag was left within instructions for Mr. Sanders to call the office. Mr. Sanders testified his sister lives at [REDACTED] Seneca, South Carolina. He stated he did not live there because he did not want to burden her. His sister did give him the message to call the office. He stated he called the office numerous times. He could not recall who he spoke to but stated he provided a telephone number and discussed his transportation issues.

I find that Tony Avella Sanders failed to pay supervision fee and other fees as determined by the Department.

South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing

Mr. Sanders was \$50.00 in arrears on his supervision fee account at the time the warrant was issued on June 14,2024. I do not find the violation willful due to Mr. Sanders not reporting for his intake appointment to have payments and how to make payments explained.

I find that Tony Avella Sanders failed to pay fines, restitution or other payments, and the service of any period of incarceration.

Mr. Sanders failed to pay the \$20.00 drug test fee at the time the warrant was issued on June 14,2024. I do not find the violation willful due to Mr. Sanders not reporting for his intake appointment to have payments and how to make payments explained.

I find that the aforementioned violations constitute a willful failure to follow the advice and instructions of the supervising agent. I base these findings on the evidence and testimony presented at the Administrative Hearing.

Hearing Officer's Conclusions:

Tony Avella Sanders was convicted in Oconee County on June 20,2023. He received an active three year sentence with probation to follow. He was released to begin his probation on May 1,2024. This is Mr. Sanders first time on supervision. He stated he did not want to burden his sister and live with her. She works three jobs and has custody of his child. He was sneaking into his girlfriend's house and staying there. Mr. Sanders stated he received disability from childhood until he was twenty-five years old. He stated he has been diagnosed with Anxiety, Post Traumatic Stress Disorder and Attention Deficient Disorder. He admitting to using Methamphetamine because he did not have a stable place to sleep or eat. If Mr. Sanders can receive help with his drug addiction and possibly get his disability started back he can begin paying the restitution owed to the victim.

Recommendation of the State:

Partial revocation of ninety days. Reinstate supervision. Remain in custody until a bed is available at a residential drug/alcohol program. Revocation satisfies supervision fee arrearage and drug test fee balance. Restructure restitution and Public Defender Fund payments upon release. Reduce supervision fee to \$25.00 a month for one year. Toll supervision. Revoke all earned compliance credits. All conditions imposed June 20,2023 still apply.

South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing

Respectfully Submitted,

Nancy Ford

Nancy Ford

Administrative Hearings Officer

16
STATE OF SOUTH CAROLINA

County of Oconee
STATE VS
Tony Sanders
AKA:
Race: W Sex: M
DOB: [REDACTED]
SSN: [REDACTED]
SID#: 01606314

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 2022 - GS - 37 - 00463
Probation C/W#s & issuance dates: W-37-24-0082 / 6/14/24
Name of Original Offense: Burglary 3rd
Original A/W#: 2021A3716401320
Date of Original Offense: 9/14/21
Conviction S.C. Code §: 16-11-0313
Conviction CDR Code #: 0 / 4 / 2 / 7
Original Sentence: 5 yrs upn 3 yrs susp 5 yrs Prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 6 / 20 / 23 in the Court of General Sessions of Oconee County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on [REDACTED], as set forth in the attached warrant(s) or citation(s). After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: *(List by number or indicate special conditions as provided in the affidavit)*

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve the remainder of the original sentence.
- ☒ the suspended sentence be partially revoked and the above named defendant be required to serve 273 months/years of the original sentence; and
- ☐ Terminate the balance of probation.
- ☒ Continue/reinstate probation, subject to the conditions set forth in the original sentence and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on electronic monitoring pursuant to §23-3-540.
- ☒ Financial Obligations: Order satisfies: ☐ Department fees (arrearage) ☐ Civil judgment: ☐ Department fees
- ☐ Fines and other fees (arrearage / balance) ☐ Fines and other fees
- ☐ Restitution (and 20%) (arrearage / balance) ☐ Restitution (and 20%)
- ☒ Additional Conditions ordered by the Court (Jail time credits should not be reported in this section):
• Revoke cc

- ☐ The defendant is given credit for _____ days/months/years of pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☐ The defendant is to be given credit for _____ days/months/years of Hayes credit (N/A if defendant has served prior SCDL time).
- ☐ No pre-revocation hearing detention time to be awarded because a citation was issued.
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 5 day of January 2026,
Waynesville, SC

Jon H. Newell
Presiding Judge 10th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this 5 day of January 2026 at _____
Day Month Year

Waynesville SC

WITNESSES

Oconee Co Sheriff's Dept.
Bryan L. Long

ARREST WARRANT NUMBER

2021A3710401320

ACTION OF GRAND JURY

TRUE BILL

MAR 14 2022

Melinda Dugan
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Grand Jury
Date:

DOCKET NO. 2022-GS-37-

00463

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

MAR 14 2022

, TERM

THE STATE

VS.

TONY AVELLA SANDERS

INDICTMENT FOR

BURGLARY, THIRD DEGREE

SC Code: § 16-11-0313

CDR Code: 0427

BAB

FILED 2022 MAR 14 PM 3:09
MELISSA A. JEFFREY
CLERK OF COURT

ENTERED 17
COMPUTER

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

INDICTMENT

At a Court of General Sessions, convened on MAR 14 2022, the
Grand Jurors of Oconee County present upon their oath:

BURGLARY, THIRD DEGREE

The defendant, Tony Avella Sanders, did on or about September 14, 2021 in Oconee County, willfully and unlawfully enter a building belonging to Benny Paul Blackwell located at [REDACTED], Walhalla, SC without consent and with intent to commit a crime therein. All in violation of 16-11-0313, 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.

Bethany Blundy
for BETHANY BLUNDY
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

STATE

VS.

TONY AVELLA SANDERS

AKA: Tony Sanders

Race: White Sex: M Age: 34

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#* [REDACTED] SID# SC01606314

*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: Burglary, Third Degree

In violation of § 16-11-0313 of the S.C. Code of Laws, bearing CDR Code # 0427

☒ 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:

79907
Bethany Blundy, Assistant
Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

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

for a determinate term of 5 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 3 days/months/years Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with **probation** for 5

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.
230 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: Drug Test Intensely first Six(6) months
on patch☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal \$ 2006 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 \$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25.00</u>
§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 \$ <u>18.75</u>

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundTOTAL \$ 643.75Clerk of Court/Deputy Clerk: Melissa C. Burton
Court Reporter: Mona Manley

Presiding Judge: _____

Judge Code: _____

Sentence Date: 6-28-23

CERTIFICATE OF COUNSEL FOR APPELLANT

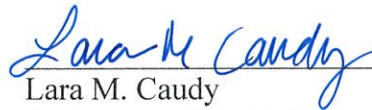
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Jul 20 2026

SC Court of Appeals



Lara M. Caudy
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of July, 2026.