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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Jocelyn Newman, Circuit Court Judge

GARY NELSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-000487

APPENDIX

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State of South Carolina	)	Court of General Sessions
County of Charleston	)	Ninth Judicial Circuit
	)	
STATE OF SOUTH CAROLINA,	)	Case Numbers:
	)	2022-GS-10-05427
Plaintiff,	)	2022-GS-10-05428
	)	2022-GS-10-05429
vs.	)	2022-GS-10-05430
	)	2022-GS-10-05431
GARY NELSON,	)	2022-GS-10-05432
	)	2022-GS-10-05433
Defendant.	)	
_____	)	

PLEA OF GUILTY

TRANSCRIPT OF RECORD

January 29, 2025
Charleston, South Carolina

B E F O R E:

The Honorable Roger M. Young, Sr.

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

MS. JORDAN A. NORVELL,
Assistant Solicitor,
for the Plaintiff;

MS. HELEN R.R. DOVELL,
Assistant Public Defender,
for the Defendant.

Jamie Bickett
Official Court Reporter

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WITNESSES

NAME PAGE
NO WITNESSES

EXHIBITS

NUMBER DESCRIPTION ID EV
NO EXHIBITS

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(The following proceedings were had in open court.)

MS. NORVELL: The State calls Gary Nelson.

MS. DOVELL: Good afternoon, Judge Young.

THE COURT: Good afternoon. Yes, we are officially in the afternoon now.

MS. DOVELL: We are.

Your Honor, may I approach?

THE COURT: Yes.

MS. DOVELL: Your Honor, these are just a few more documents I'd like for you to consider as part of mitigation.

MS. NORVELL: Judge, Mr. Nelson is present in court this afternoon to plead guilty to several charges: grand larceny, two counts of kidnapping, shoplifting enhancement, child endangerment, failure to stop for a blue light, and hit and run. He's represented by his attorney Helen Dovell. The State is asking the Court impose a ten-year sentence.

THE COURT: All right. Something is not --

MS. NORVELL: It's -- I'm sorry. I believe that your information sheet printed front and back. So the one that you're holding has several --

THE COURT: Oh, okay.

MS. NORVELL: Sorry about that.

THE COURT: Well, let's see what we have here.

You're Gary Nelson?

THE DEFENDANT: Yes, sir.

THE COURT: All right. So you want to plead guilty to several charges here. We got grand larceny, which carries up to ten years. We got two charges of kidnapping, which carry up to 30 years. We got an enhanced shoplifting, which carries up to ten years. We have a child endangerment, which carries --

What's the sentence on that?

MS. NORVELL: So it's half of the substantive offense, the substantive offense being failure to stop for a blue light, which is three years. So the child endangerment is not more than one and a half years.

THE COURT: All right. And so then a failure to stop for a blue light, three years. And then a hit-and-run traffic, up to one year.

So you want to plead guilty to those charges?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Well, you have the right to a jury trial. You give up your right to a jury trial by pleading guilty. If you want a trial, stop me and we'll arrange that for you. The State then has to present enough evidence to convince 12 jurors you're guilty beyond a reasonable doubt. All 12 have to agree that you're guilty in order to convict you. If convicted, you'd have the right to appeal.

You could challenge the State's evidence, put up

evidence of your own, testify if you want. If you don't want to testify, the judge would instruct the jury not to hold that against you while they're deliberating.

Do you understand those rights?

THE DEFENDANT: Yes, sir.

THE COURT: And you want to give those rights up and plead guilty?

THE DEFENDANT: Yes, sir. I was under the influence of drugs and alcohol. I have a drug problem and I need help. And I take it into consideration to apologize to the family because --

THE COURT: You'll get a chance for that. I got to ask you these questions first.

THE DEFENDANT: Oh, yes, sir. Okay.

THE COURT: Make sure you understand what you're doing.

THE DEFENDANT: Mm-hmm.

THE COURT: All right. So you're pleading guilty to these charges because you're guilty of them?

THE DEFENDANT: Yes, sir.

THE COURT: Are you under the influence of drugs or alcohol today?

THE DEFENDANT: No, sir.

THE COURT: Do you need any more time with your lawyer?

THE DEFENDANT: No, sir.

THE COURT: Are you satisfied with the job that she did

for you?

THE DEFENDANT: Oh, yes, sir. Excellent.

THE COURT: Now, the State is --

Well, you said recommending a ten-year sentence?

MS. NORVELL: That's correct, your Honor.

THE COURT: So they just dropped some charges down. It looks like just --

MS. NORVELL: The only charge the State is dismissing pursuant to this plea agreement is an assault on police while resisting arrest.

THE COURT: All right.

MS. NORVELL: No other charges have been reduced or dismissed.

THE COURT: All right. So other than that dismissal of a charge and they're recommending for a ten-year active sentence, did anyone promise you anything or threaten you to get you to plead guilty?

THE DEFENDANT: No, sir.

THE COURT: How old are you?

THE DEFENDANT: I'm 59, about to be 60 April 4.

THE COURT: And how far did you get in school?

THE DEFENDANT: Eleventh grade, sir.

THE COURT: And did you have a job before you got locked up?

THE DEFENDANT: Yes, sir.

THE COURT: Doing what?

THE DEFENDANT: Painting, working at McDonald's, cooking, cleaning, and washing dishes.

THE COURT: Are you married?

THE DEFENDANT: Divorced.

THE COURT: Do you have children?

THE DEFENDANT: I have seven boys, seven girls. I have 32 grandkids.

THE COURT: Wow.

THE DEFENDANT: Yes, sir.

THE COURT: Okay.

Does he understand what he's doing?

MS. DOVELL: Yes, your Honor.

THE COURT: I find his plea is freely, voluntarily, and intelligently made.

What would the State like to tell me?

MS. NORVELL: Thank you, Judge.

These charges stem from an incident that occurred on August 9 of 2020. North Charleston Police Department Officer Jessica Decell responded to the Target on Rivers Avenue in reference to a shoplifting call. She attempted to make contact with this defendant, but as she was walking towards him, the defendant shoved a shopping cart at her and took off running.

He ran around a church and came around a Chuck E. Cheese

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business where the victim in this case, Starkeedra Simmons, had parked her vehicle and was unloading items from the trunk for a birthday party at that Chuck E. Cheese. Her children -- her 6- and 2-year-old -- were inside of the vehicle while she was unloading the supplies on the sidewalk when the defendant jumped in the driver's seat of the vehicle and began to drive away.

Officer Decell had caught up with the defendant at that point, had opened the passenger door, and was reaching over one of Ms. Simmons' children, trying to move the gear shift into the parked position. The defendant sped up. Officer Decell was thrown out of the car. The defendant fled out of that parking lot, down Rivers Avenue towards Aviation Avenue, and onto Interstate 26, where he engaged in a pursuit -- er, where law enforcement engaged in a pursuit with him.

The defendant drove at speeds in excess of 115 miles per hour on the interstate. He sideswiped a minivan while he was weaving in and out of traffic on the interstate with the victim's two children in the car. The trunk of that car -- the hatch of the victim's Tahoe was still open, and items were flying out of the back of that car on the interstate while he was driving extremely erratically. He did not stop when he sideswiped the minivan on the interstate.

He continued driving down the interstate, ultimately exiting onto Meeting Street downtown, where he drove over a

raised median. The car became disabled. The defendant jumped out of the car and began to flee on foot. He was climbing over a fence in a residential area when a North Charleston K-9 apprehended him.

He was transported to MUSC for treatment of that K-9 bite, and Officer Decell also responded. The defendant made comments to the officer at the hospital that he was high on methamphetamine and he was not worried about the charges because he will just say that he was high and apologize and the charges will get dropped.

He also told Officer Decell that he didn't know that the kids were in the car until he was on I-26 and he heard them crying. The State's position is that's disingenuous. Officer Decell had to reach over one of the children in the front seat of that car while she was trying to stop it.

This defendant caused significant fear and concern for this family. In conversations with the State, the victim indicated that her children don't even like coming into this area anymore because of what happened. Thankfully, they are okay. This situation is an escalation of events that didn't have to happen. This started as a shoplifting and became a grand larceny and kidnapping. Thankfully, nothing worse.

The defendant has a significant prior criminal history. He's in custody today. He was out on bond. He was -- the bondsman actually came off bond due to several monitor

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violations. So he's been back in custody since April of last year.

His prior criminal history dates back several decades. However, of significance in the last several years, he has three CDV second or third and subsequent convictions. He has a violation of an order of protection, malicious injury to property, obtaining false pretenses. He has prior resisting arrests and another three CDV charges in the decade prior to that.

The State is asking for a ten-year sentence on these charges, Judge. We are asking that he not be given any time on monitoring because he didn't follow it. His bondsman came off bond because of violations. So any credit for monitoring is certainly inapplicable in this case.

The victim is not present.

And that is all the State has.

THE COURT: So these were not people that he knew in the car?

MS. NORVELL: He literally was --

THE COURT: They were strangers? Complete strangers?

MS. NORVELL: Complete strangers. He was literally running around this business, saw that the victim was unloading her vehicle and had the door open and the car started, and jumped in and drove off with her kids inside and fled down the interstate. Yes.

THE COURT: Okay.

Ms. Dovell.

MS. DOVELL: Thank you very much, Judge.

I agree with Ms. Norvell about some things, that this is one of those situations where something bad became something incredibly worse. And thank goodness nothing happened to Gary Nelson or to those children. I know that he's extremely remorseful, and we're here today to talk with you about that.

I want to tell you a little about Gary.

First I want to start off with the amount of time that Gary has served while in custody and out on bond.

He was arrested on August 9, 2020, and he was in jail until November 9, 2021, for a total of 458 days. At that point he did post bond. He was on conditions of strict house arrest, able to receive substance abuse counseling and treatment, along with a few other exceptions I think for medical and to go see his lawyer. At some point Ms. Norvell and I did agree that he could go to voc rehab and try to obtain employment through voc rehab. Unfortunately --

And this is all while he's on the monitor. I forgot to mention that. He's been on an electronic monitor since he was released on November 9, 2021, until he was picked up by the bonding company on May 28, 2024, for monitor violations. So the time that he spent in the community on a monitor is 932 days. He has been back in the jail since May 28, for a

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total of 274 days. So since August 9, 2020, he's either been in physical custody or under electronic monitor. That's a total of one hundred -- er, excuse me, 1,637 days.

And while there were movement violations on the monitor, at no time would Gary ever be arrested for anything. He made payments as best he could to the monitoring company. That wasn't an issue with them. And there were no issues with charging or with him trying to remove the monitor. And I think that this time on the monitor -- given the substantial financial hardship that I want to talk to you about in a little bit -- should definitely be considered when your Honor fashions a sentence for my client.

Your Honor, this is a big ask, but I'm asking you to see Gary Nelson the way that I see him and the way that he wants to be seen now. I'm asking you for a suspended sentence and credit for time served and probation to include successful completion of treatment at Miracle Hill.

Just to back up a little bit, my client's already told you that he's almost 60 years old. He has numerous children and grandchildren.

I have spoken with his friend Ms. Peggy Brown, who he was in a relationship with throughout most of the time that I've known Gary. And she is somebody who is -- she's clean. She is somebody who has been a good support for him. And she's not here today because Gary asked me not to call her.

Otherwise, I'm sure she would have been here. The same with Gary's sisters and other people in his family.

He's here today, Judge, because he is accepting responsibility for what he did. And he's embarrassed and he's ashamed and he's remorseful about what happened. And he sees a future where he is going to be the person who he is now in front of your Honor and not the person who he was at the time that this incident happened.

Your Honor, I sent you the acceptance letter to Miracle Hill, and I will talk about that in a little bit as well. But I want to talk about Gary's background.

He's got some serious health issues. He had some strokes and seizures within a couple of months prior to his arrest. He's had diabetes type 2 for a long time. He's had heart issues, coronary artery blockage. And some of these issues have taken place while at the jail.

Gary tells me that over the past few months, he has been -- it's not -- I don't think its officially recognized as a diagnosis, but the health professionals at the jail are telling him that his diabetes has morphed to such a state that his brain is not effectively using insulin, and this is leading to concerns about dementia. Now, I don't have any concerns about his competency or his ability to stand in front of the Court today. He knows what's going on. But I do think it's important to know that his health issues are

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going to escalate to such a point, you know, that he could perhaps one day suffer diminished capacity due to his diabetes.

So I sent your Honor Dr. Knight's letter, and this letter is extremely important because Dr. Knight did a thorough review of Gary's childhood, how he was brought up. She spoke with his sisters, his children.

And I really don't want to harp on it, your Honor. That's why I sent it in advance. But I tear up every time I read the section about his background because of the horrific conditions -- the poverty, the abandonment -- that he grew up in. And unfortunately, he was sexually abused as a child for a span of years by an older family member. He did not perform well in school. He -- you know, quite honestly, I really think that the last grade that he completed was maybe the eighth grade successfully.

And your Honor, the things that this man has gone through in his early childhood have for sure wound him up here today in court. And I completely understand how somebody could turn to drugs and alcohol and substances in the hope of finding some relief from the horrific memories of his childhood. And I am not saying this to excuse anything that happened on August 9, 2020. I just want, your Honor, to explain how these kinds of things came to happen for Gary Nelson.

He does have a prior criminal history, but it's a prior criminal history of someone with a broken past, somebody who used drugs. He's got a bunch of financial property crimes that enhanced -- er, have been used to enhanced the shoplifting in this case. He has domestic violence charges because he was in broken relationships.

And one thing about his childhood that has probably led to the domestic violence issue is that Gary didn't receive love as a child. And he has been in several different relationships, has children with several different women. And in these domestic violence cases, it wasn't just that he was aggressive towards someone. It was that he was being betrayed in situations. Like, Gary explains to me that in one of the situations he walked in to find his significant other in bed with another man.

And I don't -- I'm explaining this to your Honor because Gary is somebody who has suffered a lot. And I'm certainly not saying he's perfect or he's made the best choices in life, but I do want to place his prior criminal history in the context of somebody who has suffered, someone who didn't know love as a child and who didn't have a significant structured support system.

You know, there are problems with incarceration, your Honor. And Gary's been to jail. Unfortunately, while he was in jail -- and he's authorized me to share this -- he was

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raped by other inmates. And no one should ever have to undergo that. And I know that terrible things happen in prison. It's not supposed to be a good place or a place that anybody enjoys or some place of comfort. But nobody should be made a victim while they're incarcerated.

And so having this happen to him as a child and then for him to have been in a situation where he had very limited ability to do anything about his circumstances in prison, he had to undergo this abuse again. And he was using drugs prior to this, but I can only imagine that this incident helped increase the downward spiral and dependency upon drugs and broken relationships that continued on.

So Gary -- I want to talk a little bit about the facts of the case.

On the day of the incident, he had been using meth with some friends. Now, part of what I told you earlier, Judge, about his relationship with Ms. Peggy Brown is that Gary hid this entire drug use from Ms. Peggy. He would go out and he would binge with friends and he'd go back to Ms. Peggy. And he was binging on -- with people he should not have been around at the time of this incident.

So having used drugs earlier in the day, he and his friends drove over to Target. And it wasn't just him. There were others who were shoplifting. So Gary was -- he was caught. He walked out of the Target pushing a shopping cart,

and I think there was a vacuum cleaner and another small appliance in there.

And Officer Decell did approach him. And you can see on the camera he does push the cart in her direction and then he takes off. And, you know, things probably could have ended right there. I certainly wish that they had and that we were only here to talk about a shoplifting. But Gary wanted to get away.

He was -- there was never an intention to steal a car that day, much less a car with two children in it; no intent to fail to stop for blue lights or to sideswipe a car, to endanger children while driving away on a failure -- while failing to stop for blue lights. None of that was even on his radar that day. He just wanted to get away.

And I know Officer Decell probably thought it was the best idea to chase Gary, and that's exactly what she did. And unfortunately, that led him to the first available running car and he took off.

Regardless of what Officer Decell claims my client said that day, I don't -- I've watched the body camera footage in this case, and I have not heard Gary Nelson say that he doesn't care about the charges and that he's just going to get off because he was high on meth.

Now, I heard him say he was high on meth. He talked a lot. Like, he did say a lot of things. But I can tell you

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he is very worried about these charges, Judge, and he has been since the time of his arrest. This is something he takes extremely seriously. And I don't know if I can just put into words, Judge, how sorry he is. I truly believe at the time he took off he did not know those children were in the car.

And once you hit that interstate, I mean, and you're in fight-or-flight mode, which I'm sure he was, that wasn't the decision of somebody who took a moment to reflect on "Maybe I shouldn't have run away from Officer Decell." This was something that was adrenaline and methamphetamine fueled, and he was totally in self-preservation, fight-or-flight mode. There are many reasons why people would run away from an officer. And it doesn't make it right, but he ran and here we are.

And once he hit the interstate, he was still in full-on flight mode and he followed the interstate 'til the end, and that's when he got out. And thank goodness he and the children are okay. And you see on the video that they were unharmed. And aside from the dog bite, Gary was unharmed. I think he had some -- with his diabetes, he had elevated blood sugar when he was evaluated. And I'm sure that he wasn't taking very good care of himself, which also led to what happened that day.

So, your Honor, I've spent a lot of time talking with

Gary about these charges.

And on the sentencing sheet for the kidnapping, before I forget, I'd like you to please write on there that the sex offender registry is not required or applicable in this case. There are no allegations of sexual abuse or physical abuse to the children. And I simply request that because if we don't put that on the sentencing sheet, then I think he's automatically placed on the registry.

MS. NORVELL: Sorry to interrupt.

I did, Judge, type in under "Special Conditions Other" that this offense is not sexual in nature on both of the kidnappings.

MS. DOVELL: Thank you, Ms. Norvell. I missed that on there.

MS. NORVELL: I meant to tell you. Sorry.

MS. DOVELL: Thank you. I appreciate it.

As far as the child endangerment, he has served over that time already. Even if you don't consider the amount of time that he was on the monitor in the community, he has served 705 days all together in custody, which would be a time-served sentence on the child endangerment and for the hit-and-run charge.

I talked to him about the driver's license suspension that will be in place for the child endangerment and the failure to stop.

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THE COURT: 705 is the number without the home monitoring?

MS. DOVELL: That's correct, Judge.

THE COURT: Okay. And what is the nature of why they revoked his home monitoring?

MS. DOVELL: Well, Judge, he's never -- he's never had his bond revoked.

THE COURT: Well, why did they --

MS. DOVELL: They came off.

THE COURT: -- come off of it?

MS. DOVELL: Yes, Judge. His bail bonding company came off bond because he was not, basically, at home when he was supposed to be.

The last moving violation that was reported to us was that -- Gary was staying in a hotel. He had been kicked out of the hotel. And instead of just staying at the hotel, he went over to a friend's house at about 4:00 in the morning. And then that's -- that is the violation that caused him to come off bond.

There was another one that was reported where Gary was -- to me and to Ms. Norvell where Gary was downtown in an area that they considered -- "they" being the monitoring company -- considered a drug area. But Gary tells me that he was actually there for a painting job. Voc rehab didn't have a lot of employment opportunities for Gary, so he took these

jobs where he would -- at one point he was placed back on disability because of his seizures and I think because of his diabetes. But I think that prior to his being incarcerated, he did -- he lost his disability because he was actually working so hard and he actually had an income.

While he was on the monitor, I want to explain that this was no cakewalk for Gary. He lived out in Cainhoy for probably a year, year and a half with Ms. Peggy. And they went through an eviction process, so he was homeless at some point or another. And throughout that time, they still managed to pay the monitoring company. He still kept his monitor charged.

And he did the best he could. I have a bunch of notes where Gary called our office, spoke to me, spoke with Sally Eisenberg, who was one of our mitigation specialists at the time, a social worker, who tried to assist Gary with getting bus passes, with transportation, trying to get him set up with services. He's met with Taneal Behrens, who is our lead social worker and mitigation investigator, numerous times.

While he was out on bond, we tried several different options to get him into an actual rehab or treatment. We tried a place in Anderson, one in Conway. We actually tried Delancey Street. But none of these places could take him because he has an insulin injection and they're just not equipped to have people who have needles or that level of

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need in their group. We also tried Turn90, but because of his significant substance use, he is not a candidate for the program at Turn90.

So, your Honor, I would like you to please consider the time on the monitor as a time where he was struggling. He was doing the best he could -- the very best that he could.

Things kind of looked up for Gary the first time when he was arrested. He was enrolled in the PIER program and completed four different treatment programs. And it was his participation in the PIER program that really gave him the hope and the understanding that he could be loved, that he has something to offer people. And he -- you can see in the letters that I provided your Honor that there is just a lot that Gary has done to take strides and to help other people who are suffering from the same things that he has gone through in his life.

As it is now, Judge, he's been in the character-based unit, which is low supervision. You have to apply to be in it. And he's completed several courses while in there. He completed a mental health course. He is CPR certified. And he also completed a parenting course.

While Gary was out, in addition to the evolving type 3 diabetes, he has an issue with an abdominal aortic aneurysm, or an aneurysm in his stomach, that he tells me happened -- was related to a fall when he was painting, you know, at some

point along the way while he was out on bond.

You know, he has done absolutely everything that he can to put himself in a position to succeed and to not be the person who caused this chain of events on August 9. Gary is a good person. He is a man of strong faith. And to watch this evolution of a person who was so broken regain self-esteem, to talk to me like -- about hopes that he has for the future.

Just this morning when we were in lockup, Judge, Gary was reiterating over and over again about how he still has nightmares about what could have happened to those children, about the events of that day. He has nightmares about the things that happened in his life, the abuse that he suffered. But I think the most poignant one is what could have happened to the kids and the nightmares he experiences related to that day, and that is a punishment that's probably never going to go away.

While Gary was talking to me about that, he just -- he broke down. And he's like, "They're kids." He said, "They are kids. They were kids. I love my kids. I have kids and I miss them." And he -- we just had a moment where he cried and where I teared up with him. He's not disingenuous. He is someone who is sincere. He's got a very big heart.

Gary has an opportunity at Miracle Hill. This is a real opportunity to heal in a Christ-centered environment. Gary

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can go there. The fact that he is on diabetes is not a problem. Miracle Hill is a very structured and organized place. Their Overcomers program has a 30-page handbook.

In a case that's totally unrelated to this, I was representing another client who'd gotten accept to some other program, but the solicitors in three different counties said, "No. We want this client -- if your client wants help, he's going to Miracle Hill. He needs to be accepted there. That's the only place we're going to consider." Well, they said Delancey Street, but we ended up at Miracle Hill.

So it's someplace that is respected. It's intensive. They get up at 5:30 in the morning. They've got prayers. They've got tasks. They've got classes.

And for the first seven months, he's not allowed to work. If he were allowed to be on supervision, I would ask that the fees be tolled for eight months while he's in this intensive program until he is allowed to have a job. And even after the initial seven-month program, he transitions into transitional housing. So they're still receiving help and support for a program that's really about 13 months in total.

Judge, if you are inclined to allow him to go to this opportunity, I'd ask you to put "Hold for bed space and release to the public defender's office," so that we can make sure he gets there safe and sound and that he goes directly

there.

I don't know if I've done enough, your Honor, to convince you of the true sorrow and remorse that Gary Nelson feels about this. And I know that he wants to say a few things. He truly is haunted by this. He misses his children and his grands, and he misses the time that his decisions have cost him with his family and his loved ones. I think he has a great future. There is a lot that Gary Nelson has to offer. And I'm asking your Honor to please allow him to do just that and allow him to go to Miracle Hill.

And Gary, are there a few things that you'd like to tell the Judge briefly?

THE COURT: Mr. Nelson, would you like to say anything?

THE DEFENDANT: Yes, sir.

You know, just like Ms. Dovell say, during the time, you know, I was a child, I had a hole in my brain. You know, people would take advantage of me. They'd beat me up. They put they stuff in my mouth. I couldn't stop them. It just was terrible. You know, my mama, she was on drugs. She'd tell them, "You can have him." You know, when she couldn't do what she had to do, I had to did it. And it was terrible. It was horrible. I wanted to commit suicide. I couldn't deal with it no more.

And you know, I feel like I got a grip on it now because I'm at a, you know, a point that I can get help and I can

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share with other people. I had a lot of shame. I was scared. It wasn't fair. I never did have no confidence in myself.

Well, you know, letting drugs take advantage of me, that's the only thing that I feel that is going to comfort me and take care of me, but it caused more problems on me: caused me to have a heart attack, caused me to have a stroke, caused me to do things that I don't want to do. And I'm just tired. I just need some help, your Honor. And I'm willing to do the best that I can, but I know these things like this don't come overnight. It's going to take a long time to heal. But I have to, you know, change my ways, you know.

And I'm forgiving everybody who did damage to me to not be hindered by my blessing from God because he is moving in my favor. He is giving me another chance because I could've been dead. I been to the ICU a couple of times for overdosing and, you know, I was thinking about killing myself and stuff like that. But that ain't the way because of my family. I got children and, you know, they love me. And my grands and, you know, all that.

Just like she said, I apologize. I didn't mean for it to go that far that day. You know, if I wasn't in my state of mind, it could have been a shoplifting charges, but, you know, with me being under the influence of drugs and alcohol, I was scared and, you know, didn't want to come to jail,

don't want to be captured. Just wanted to get high. And it turned out to be a worse scenario than I thought it was going to be.

But I'm just asking the family of this incident that I truly apologize. I wasn't trying to hurt their children. This was something that just happened at the time. And I take full responsibility of my actions. But I didn't mean no harm, and I didn't know that children was going to be in the car, and I didn't know that, you know, that was going to happen.

But now, you know, just like I say, I got a grip on my life now, your Honor. I need help so this cannot happen again. You know? And I've been clean now for four years and, you know, now I know how to speak and talk and be around people like me and not being ashamed and holding stuff and boiling up inside to make me angry like nobody don't care because I do have people out there that cares about me.

And the programs I been in, like the Charleston Center, was a big event for me, you know, to stand up and be there with other people who been through terror and trauma like I was. And, you know, now I realize, you know, my health and my future that, you know, there's a chance for me. And I think that this program, Miracle Hill, will help me real well because I have given my life to the Lord and he is bringing me out of that darkness and putting me into the light.

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And I'm pretty sure that -- you know, I will always be a drug addict. I will always be molested. But I have to -- you know, can't let these things terrorize me and confuse me and feel like, you know, there's no way out. There is a way out. And it's going to take more than Miracle Hill, but that's going to be a start for me.

Because, you know, your Honor, I do have nightmares like Ms. Dovell said. And I am truly sorry that I put those children through that because I have 14 kids of my own and I have grandkids of my own, and I didn't want them to grown up with things like that. But I know things happen.

But I didn't mean no harm, your Honor. I swear I didn't mean no harm.

MS. DOVELL: Thank you, Gary.

THE DEFENDANT: Thank you.

MS. DOVELL: And just, your Honor, final words.

Nothing that we're saying today excuses what happened, and that's why Gary is here to take accountability. But I am asking you to please place this in the context of somebody who has suffered a lot in his life and who now has an opportunity to do better.

You know, his interaction with the criminal justice system has done several of the things that, you know, you learn in law school that the criminal justice system is supposed to do. We talk about punishment. Gary has been

punished, and your Honor is going to sentence him today to something that is further punishment and hopefully something to help him continue on his rehabilitation.

Gary -- and rehabilitation is one of those factors. Gary is somebody who has a lot left to give. He can be rehabilitated, and he has certainly made great strides in that direction. For deterrence, Gary talks to people about his problems and the things he's been through.

THE COURT: I've given you well over your allotted time.

MS. DOVELL: Thank you, Judge.

THE COURT: You're 40 minutes in, so I've got to do some other things today.

MS. DOVELL: Thank you, Judge.

THE COURT: All right. Well, you know, Mr. Nelson, I hear -- your lawyer has done a magnificent job on portraying your background and how you're here. But, you know, the bottom line is a stranger coming up and jumping into your car and taking off with your kids while you're out for a night at a place like a Chuck E. Cheese or whatever, that's a parent's worst nightmare.

And, you know, the State's only asking for ten. I mean, that's the kind of sentence you could get maxed out on under a lot of different conditions. But, you know, under the circumstances, I think that you have gotten some consideration for what got you here. But it is just -- it

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would be making a mockery of the system to just say, "Well, I'm going to put you on probation." Not with your record. Not with the charges and the facts and the circumstances here.

I'm going to give you on the hit-and-run charge a year; failure to stop for a blue light, that's three years; child endangerment, 18 months; the enhanced shoplifting is ten years; the grand larceny is ten years; and both kidnappings are ten years. They'll all run concurrent.

I'm only going to give you credit for 705 days. You had the opportunity to be out and earn time while you were on electronic monitoring, and you didn't do that correctly. And I mean, you just can't disregard the fact that we live in a society that has rules that we ask people to follow, and when you disregard them, there are consequences to that. So I'm only going to give you credit for the time that you were actually incarcerated. And that, I'm told, is 705 days.

So they'll all run concurrent.

Good luck to you.

MS. DOVELL: Thank you, Judge.

MS. NORVELL: Thank you, your Honor.

(End of proceedings.)

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CERTIFICATE OF REPORTER

State of South Carolina

County of Charleston

I, Jamie L. Bickett, an Official Court Reporter for 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 hearing of the captioned case in the Ninth Judicial Circuit, the Court of General Sessions for Charleston County, South Carolina.

Jamie L. Bickett

Official Court Reporter

Dated this 2nd day

of July, 2025.

FORM 5

2025-CP-10-2458

STATE OF SOUTH CAROLINA)
)
County of NINTH JUDICIAL CIRCUIT)

IN THE COURT OF COMMON PLEAS

Gary Nelson #329426
Full name and prison number (if any) of Applicant

v.

State of South Carolina

FILED
2025 APR 28 PM 3:19

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention DEPARTMENT OF CORRECTIONS MACDOUGALL

2. Name and location of Court which imposed sentence COURT OF GENERAL SESSIONS, SOUTH CAROLINA COUNTY OF CHARLESTON

3. Name(s) of co-defendant(s) (if any) _____

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) 2020A1010204295, 2020A1010204297, 2020A1010204298

(b) 2020A1010204299, 2020A1010204300, 2020A1010204301. 7102P06689725. 202023501225 9. IndNOS: 2022-GS-10-05427-34

(c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

(a) _____

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty _____

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

_____

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. _____

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. _____

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) _____

(b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) _____

(b) _____

(c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) _____

(b) _____

(c) _____

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law?_____

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____

(d) any other petitions, motions or applications in this or any other Court? _____

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. _____

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

_____

_____

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____

(b) your trial, if any? _____

(c) your sentencing? _____

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

_____

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Helen R. Dovell = Charleston County Public Defender's Office 100 Meeting St

ii. Charleston SC 29401

_____

iii. _____

_____

(b) the proceedings at which each such attorney represented you:

i. I Corey Nelson Respectfully ask the Honorable Court would Grant = Rule 1.7 CONFLICT of INTEREST

ii. on My Attorney Helen R. Dovell Maida Motion To be RELIE as COUNSEL FILED 05/07/2024 and

iii. I did the same on 9/16/25 Julie J. Armstrong Court and didnt asked for My House ARREST TIME UNDER Monitored Rule 407, SCACR, Rules of Prof. conduct Rule 1.2 A Lawyer shall abide by a client decision whether to make or accept an offer of settlement of a matter in a Criminal Case.

19. State clearly the relief you seek in filing this application:

Im asking under Title 24-13-40 For My Jail Credits for Time served under House Arrest Full Credit spenting Monitored

20. Are you now under sentence from any other court that you have not challenged?

STATE OF SOUTH CAROLINA)
) VERIFICATION
County of Beckeley)

I, Gary Nelson, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked i this application; and that the matters and allegations therein set forth are true.

Gary Nelson

SWORN to and subscribed before me this 9 day of April, 2025.

(L.S.)
Notary Public

My Commission Expires: 04-12-2031

LAUREN Y. NOLE NOTARY PUBLIC SOUTH CAROLINA

APPLICATION TO PROCEED WITHOUT PAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF

I, Gary Nelson, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

(1) I am the applicant in this action and I believe I am entitled to redress.

(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Gary Nelson
Applicant

SWORN or affirmed to and subscribed before me this 9 day of April, 2025.

Notary Public

My Commission Expires: 04-12-2031

LAUREN Y NOLE NOTARY PUBLIC SOUTH CAROLINA

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	IN THE COURT OF COMMON PLEAS FOR IN THE NINTH JUDICIAL CIRCUIT
Gary Nelson, #329426, Applicant, v. State of South Carolina, Respondent.	)	CASE NO. 2025-CP-10-02458 **RETURN** (Counsel Already Appointed)

2025 OCT -2 AM 11:15

In response to the application for post-conviction relief filed by Gary Nelson (Applicant) on April 28, 2025, Respondent, makes the following return:[1]

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving an active ten-year sentence. In August 2022, the Charleston County Grand Jury indicted Applicant for grand larceny (2022-GS-10-05427), two counts of kidnapping (-05429,-05430), shoplifting – enhancement (-05431), child endangerment (-05432), failure to stop for a blue light (-05433), and leaving the scene of accident with property damage (-05434). On January 29, 2025, Applicant appeared before the Honorable Judge Roger M. Young, Sr., and pled guilty as indicted. Helen Dovell represented Applicant. Assistant Solicitor Jordan Novell represented the State. Judge Young sentenced Applicant to ten years for shoplifting, ten years for grand larceny, and ten years

[1] Respondent's Return was due to be filed within sixty days of receipt. See Rule 12(a), SCRCP ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial."). On July 29, 2025, this Court issued an order granting an extension of time because the State did not receive the transcript. Respondent received the transcript on July 8, 2025. Now, having completed the Return required in this matter, and in light of no demonstrable prejudice to Applicant as a consequence of the delay, Respondent respectfully asks this Court to accept this Return as timely filed. See S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond and that "respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application"); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court).

for each kidnapping, three years for failure to stop for a blue light, one year for leaving the scene of accident with property damage, eighteen months for child endangerment, all to run concurrently. Applicant did not file a direct appeal.

CURRENT APPLICATION

On April 28, 2025, Applicant timely filed this PCR action alleging he is being held in custody unlawfully based on the following:

1. Ineffective assistance of counsel for failure to ask for credit for house arrest
2. Conflict of interest

As relief, Applicant requests for jail credits for time served under house arrest.[2] Attached to this return and incorporated by reference are the Charleston Clerk of Court records for the underlying convictions, Applicant's records from the South Carolina Department of Corrections, and the plea transcript. Respondent reserves the right to file an amended return upon receipt of any additional information.

INEFFECTIVE ASSISTANCE OF COUNSEL / INVOLUNTARY GUILTY PLEA

Respondent requests an evidentiary hearing on Applicant's claim of ineffective assistance of counsel. To establish ineffective assistance of counsel, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice because of counsel's deficient performance. Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." Watson v. State, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). To establish prejudice, the applicant must prove "there is a reasonable probability that,

[2] On May 22, 2025, Applicant additionally filed a pro se motion for full house arrest time credit.

but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985). When reviewing a guilty plea, the Strickland deficiency prong remains unchanged—Applicant must show counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58–59. To show prejudice, Applicant must show a reasonable probability exists "that, but for counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59.

The test for determining the validity of a guilty plea is "whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." North Carolina v. Alford, 400 U.S. 25, 31 (1970). "[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999).

"To establish a violation of the Sixth Amendment right to effective counsel due to a conflict of interest arising from multiple representation, a defendant who did not object at trial must show an actual conflict of interest adversely affected his attorney's performance." Thomas v. State, 346 S.C. 140, 143, 551 S.E.2d 254, 256 (2001). "An actual conflict of interest occurs where an attorney owes a duty to a party whose interests are adverse to the defendant's." Id.

The record likely does not refute or disprove Applicant's claims. Therefore, Respondent requests an evidentiary hearing. See Sharper v. State, 279 S.C. at 265, 305 S.E.2d at 248 (providing an evidentiary hearing shall be held when a PCR application "allege specific instances of ineffective assistance of counsel which are not conclusively refuted by the record").

ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY

Respondent requests Applicant specify any claims he intends to raise in advance of the hearing. Respondent reserves the right to request a continuance based upon any amendments withheld until the last minute. Respondent further requests all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent before the hearing. Likewise, Respondent requests all potential evidence and a witness list be sent to Respondent before the hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that result in undue prejudice to the State.

ALL OTHER ALLEGATIONS

Any allegation not expressly admitted, qualified, or explained is hereby denied.

[CONCLUSION AND SIGNATURE PAGE FOLLOWS]

CONCLUSION

WHEREFORE, Respondent requests an evidentiary hearing on Applicant's claims of ineffective assistance of counsel.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

DANIELLE DIXON
Assistant Attorney General

KYLEE KANEALEY
Assistant Attorney General

By: _____
Kylee Kanealey, Bar No. 107060

ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
803-734-3737

September 29, 2025

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	IN THE COURT OF COMMON PLEAS IN THE NINTH JUDICIAL CIRCUIT
Gary Nelson, #329426, Applicant, v. State of South Carolina, Respondent.	CASE NO. 2025-CP-10-02458 CERTIFICATE OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.

2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.

3. I have this day served a copy of the Respondent's Return, in the above-captioned matter, on the following person, by depositing same in the United States mail, postage prepaid:

Christopher L. Murphy, Esquire
Murphy Law Offices, LLC
146 Fairchild Street, Suite 130
Charleston, SC 29492

DATED this 29th day of September, 2025.

Vickie Hall

Vickie Hall, Legal Assistant
For Respondent

2025 OCT -2 AM 11:15

STATE OF SOUTH CAROLINA)	
)	COURT OF COMMON PLEAS NONJURY
COUNTY OF CHARLESTON)	
GARY NELSON,)	TRANSCRIPT
)	
APPLICANT,)	OF
)	
vs.)	RECORD
)	
STATE OF SOUTH CAROLINA,)	
)	2025-CP-10-2458
RESPONDENT.)	

January 21st, 2026

B E F O R E:

THE HONORABLE JOCELYN NEWMAN, Judge.

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

CHRISTOPHER L. MURPHY
ESQ.
Attorney for the Applicant

KYLEE KANEALEY
ASSISTANT ATTORNEY GENERAL
Attorney for the Respondent

Pamela E. Green, from DCRP

I N D E X

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P R O C E E D I N G S

THE COURT: Y'all just give me one moment while my computer boots up, turns on, whatever.

(Pause.)

THE COURT: Okay.

MS. KANEALEY: Is it okay if we start with Gary Nelson, Your Honor?

THE COURT: Yes, ma'am.

MS. KANEALEY: Okay. May it please the Court?

THE COURT: Yes, ma'am.

MS. KANEALEY: Kylee Kanealey on behalf of the State.

This is the post-conviction relief matter of Gary Nelson verse the State. Case Number 2025-CP-10-2458 out of Charleston County. Applicant is presently confined in the South Carolina Department of Corrections serving an active 10 year sentence.

In August, 2022, the Charleston County Grand Jury indicted applicant for grand larceny, two counts of kidnapping, shoplifting, child endangerment, failure to stop for a blue light, and leaving the scene of an accident with property damage.

On January 29th, 2025, applicant appeared before the Honorable Judge Roger M. Young, Senior and pled guilty as indicted.

Helen R. Dovell represented applicant and Assistant Solicitor Jordan Noble represented the State.

Judge Young sentenced applicant to 10 years for shoplifting, 10 years for grand larceny, 10 years for each kidnapping, three years for failure to stop for a blue light, one year for leaving the scene of an accident with property damage, and 18 months from child endangerment all to run concurrently. Applicant did not file a direct appeal.

On April 28th, 2025, applicant filed this PCR action alleging ineffective assistance of counsel for failure to ask for credit for house arrest and conflict of interest.

At this time, I'll turn it over to Mr. Murphy.

THE COURT: Mr. Murphy.

MR. MURPHY: Thank you, Your Honor.

We would go forward on his not receiving time for his house arrest and we would call Mr. Nelson to the stand.

THE COURT: All right. Mr. Nelson, come forward.

THE WITNESS: Hey.

Right here?

MR. MURPHY: No, go over there.

GARY NELSON, being first duly sworn, testified as follows:

THE CLERK: All right. You may be seated.

Now please state your full name into the microphone spelling your last name for the court record.

THE WITNESS: My name is Mr. Gary Nelson. My last name is N-E-L-S-O-N.

DIRECT EXAMINATION

BY MR. MURPHY:

Q. All right. Mr. Nelson?

A. Yes.

Q. You pled guilty in this courthouse, correct?

A. Yes, sir.

Q. And you were represented by the public defender, Ms. Helen Dovell.

A. Yes.

Q. Is that---

A. Yes, sir.

Q. And you have raised this application saying that you did not receive time for your house arrest.

A. Yes, that's correct.

Q. All right. And so when you say house arrest, looking at the transcripts, I believe you're talking about 932 days you were under house arrest?

A. Yes, sir.

Q. And, and tell the Court what this house arrest entailed.

A. This house arrest contailed (sic) that I be confirmed

to my house for those period of time and I was dealing with rough time.

You know, my family was helping me making the payments because I have payments on the house arrest and I, I was paying like maybe $500.00 a month for three years and then it got to a point that I, you know, I got in touch with the solicitor and asked the solicitor could I go to work.

So, I went to work and I worked for about maybe eight to six -- well, six to eight months and continue to pay for the house arrest time. And I went to the Charleston Center and I, I -- I enrolled into a 28 days program to better my life because, dealing with this problem -- I had addiction, you know, dealing with drugs and, you know, being molested as a child and, you know, not facing the consequences of my time and, you know, being in right state of mind and just figuring that drugs can, you know, make me feel better for what happened as a child.

So, you know, I had to make, make a decision what I'm gonna do. So, I enrolled into the program and I also enroll into -- when I was arrested the first time in 2020, I went to the Odis (phonetic). I graduated four, four times and, after that, when I bond out in 2021, I was on house arrest.

I enrolled into the Charleston Center. I graduated

from that. I was a mentor.

I, I had a psychologist examine me and told me that they don't feel that I need to go to prison, which my plea was, you know, to go to a drug program. But I, I rather go into prison. I accept 10 years cause I couldn't control my, you know, my drug abuse or, or subject that I was doing.

But the house arrest helped me out real good and, you know, I, I get to forgive the people that hurt me as a child that I had to suffer so much, you know, and never meant to do these things that I did cause I did do these things on a, on a -- on my mind not being under the fruits of the drugs, alcohol.

So, I learned to forgive and I let God come into my life and right now, you know, I'm, I'm at MacDougall and I continue to take classes and I'm with the Pay Support program.

Now, I get chance to go out, different dorms, and talk to people in situation and worse situation like me and bring them to, you know, a, a state of mind back to normal and stuff like that, and, you know, and --

Q. So---

A. -- this is the best time of my life and, you know, being on house arrest now, ma'am, I can say, you know, I'm drug free. I been drug free now for six years after being

incarcerated and, you know, since 2020 to 2026 now.

And I'm here not to fight for my time getting reduced or none of that. I accept the 10 years. But, you know, in the plea was promised to me after my Constitution, my lawyer told me that I was going to get my house arrest time.

Q. All right. So, going back -- first of all, congratulations on being drug free.

A. Thank you.

Q. Secondly, for a timeline, you got arrested --

A. Uh-huh. (Affirmative).

Q. -- and you got a bond to get out of the jail?

A. Yes. Yes.

Q. And, during that time, you had restrictions on your bond?

A. Yes. Yes.

Q. And those restrictions were that you could not leave the house?

A. Right.

Q. And that is what you're saying is your house arrest?

A. Yes. Yes.

Q. All right.

A. Yes, sir.

Q. So, you spent 932 days in house arrest?

A. Yes, sir.

Q. And when you went---
A. Yes, sir.
Q. ---to do your guilty plea --
A. Uh-huh. (Affirmative).
Q. -- you're telling the judge that your lawyer said you would get credit for that time?
A. Yes.
Q. And specifically you have cited Statute 24-13-40?
A. Yes, sir.
Q. And, and that's the statute that says potentially -- you could get credit for potentially monitored house arrest?
A. Yes, sir.
Q. And were you monitored during this house arrest?
A. Yes, I was monitored.

Every -- everywhere that I go, if I have to go to church, if I had to go to the store, if I have to go to my grandson's house, I had to call this man named Ms. Robinson, who I was paying, you know, for three years and a half $260.00 a month for three years, and just out the bondsman who bond me out, I was paying them $240.00 a month.

Q. And by that---
A. But I had to been home a certain time if I was, was willing to -- if they let me leave, but most of the time I

was in the house.
Q. All right. So we---
A. Uh-huh. (Affirmative).
Q. We know you have the 932 days house arrest before your guilty plea, correct?
A. Yes, sir.
Q. You then did your guilty plea?
A. Yes, sir.
Q. And your attorney asked for the 932 days.
Do you recall that?
A. No, cause because -- you know, when the judge said if I pro -- anybody promise you anything, if the judge had told me that, I would of told him yes, that she promised me cause I have, you know, papers on document that she send me at the jail during my time incarceration.
Q. All right.
A. And I had messages on my phone saying that, you know, I promised you -- for you to get your house arrest time. This gon' go into 10 years plea. That's the only way that I accept the plea because I know---
Q. Sure.
A. ---I was going to receive my house arrest time.
Q. All right. So, at the end of the plea --
A. Uh-huh. (Affirmative).
Q. -- the judge did not give you credit for that time?

A. He did not give me credit.
Q. Okay.
A. Uh-huh. (Affirmative).
Q. Did you talk to Ms. Dovell about filing an appeal?
A. Yes, I talk -- I talk to her after she take me downstairs. She was like I'm sorry, I'm sorry. And I say I'm going to file an appeal because you promised me that it was gonna give me my house arrest time. She said no, don't do that because you might come back and get more time. I said I'm not coming back on a PCR. I'm coming back to ask for what was promised to me and what I served time on --
Q. All right.
A. -- cause everything at Robinson Bonding is, is, you know, they monitored me. They monitored me for everything that I did.
Q. All right. Did you file that direct appeal---
A. Yes.
Q. ---to get your time?
A. Yes.
Q. Okay.
A. Yes.
Q. And what was the outcome of that?
A. The outcome was that -- I mean the, the assistant district attorney, she was so sweet. She was telling me,

you know, we was writing and I was telling how I feeled (sic) and, you know, I'm better a man now and, you know, I mean she really feels that I deserve my house arrest time.
Q. Now, when you talk about appeal, are you talking about a motion to reconsider --
A. No.
Q. -- or an actual appeal before the Court of Appeals?
A. Well, I wasn't -- just like I say, it's not appeal for me to come here to argue to say I'm trying to get my case overturned. I'm just trying to ask for my house arrest time that I will serve home being incarcerated. All that should come towards my sentence like I was promised.
Q. So, your sole issue is just wanting to get credit for that---
A. Yes.
Q. ---house arrest?
A. Yes.
Q. All right.
A. Yes, that's all.
Q. And you believe the statute that I've cited supports that idea?
A. Yes.
Q. I think that's---
A. Yeah.

Q. ---24-13-40?
A. Yes, sir.
Q. All right.
A. Yes, sir.
Q. Thank you.
That's all---
A. Thank you.
Q. ---I have.
A. Uh-huh. (Affirmative).
THE COURT: Cross-examination.
MS. KANEALEY: May it please the Court?
THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. KANEALEY:

Q. So just clarifying, the judge did ask you did anyone promise you anything and you said no, sir?
A. Well, ma'am, you know, just like I say, my lawyer, before we went in front of the judge and I suppose to go in front of Ms. Jefferson. I never did suppose to go in front of Mr. Young.
So, she tricked me right then, you know, and I like frozen up. You know, I was nervous, you know, cause, you know, me and her had issue plenty of times.
She took me in front of Ms. Jefferson, you know, three or four time. You know, I file a -- I file a

paperwork to have her remove as my counsel cause I feel like she didn't -- wasn't concerned about my addiction. I was, I was asking for help.

All this time I was back and forth in jail, they, they just want me to go to prison, want me to go to prison. Nobody wanted to give me no help.

So, I had to stand up as a man. I'm getting old now. I couldn't do those things like I used to do no more.

I, I couldn't find sympathy on myself cause somebody hurt me and take advantage of me as a child. I had to let that go. I had to stand in the mirror and ask God to help me.

So, I'm producing now. After I went through psychologist at the Charleston Center, they start giving me a shot in my butt for the drugs. All of that, you know, all of that made me feel like somebody, you know. But I had to let the past go cause the past was killing me.

That's why I was being a repeated offender and the past was killing me, and Ms. Helen Dovell and the solicitor, they the one who recommend me to the psychiatrist. Her name was Doctor McKnight and she represent me and she represent my family. She gave me evaluation and she was telling them that she recommend that I get more drug treatment, not jail time.

But after, I guess, Ms. Helen Dovell see well, you know, other than that, I could say when you in on drugs you got a mind. You can read. You can study and you can better your life. So, I really -- I really am proud of myself.

Just like I say I'm not here to make a big argument about the situation. But I just would like to, to get what, what was promised to me and what I was out there paying for. And I was paying and being completed to everything that I did. I follow everything by, you know, direction what I had to did being under the house arrest.

I didn't get in no more charges. I -- nothing. I didn't get in no more trouble or nothing. I going to my AA meeting, my AA meeting, being with my sponsor at the Charleston Center, checking my shots. I was doing everything in supply or comply of what they had want me to do.

THE COURT: Let me interject.

The question was did Judge Young ask you---

THE WITNESS: Ma'am, I, I didn't---

THE COURT: I haven't finished the question yet.

THE WITNESS: Oh, okay. I'm sorry.

THE COURT: Do you remember the question?

THE WITNESS: Yeah, it---

THE COURT: Okay.

THE WITNESS: They---
THE JUROR: Go ahead.
THE WITNESS: They---
THE COURT: Answer the question.
THE WITNESS: They -- Judge Young asked me if anybody promise me anything.
THE COURT: Correct.
What's the answer to that question?
THE WITNESS: And answer was that it happened so fast, ma'am, I didn't heard him---
THE COURT: Okay.
THE WITNESS: ---to be honest with you --
THE COURT: Okay.
THE WITNESS: -- cause---
THE COURT: Okay.
THE WITNESS: ---if I had---
THE COURT: Go ahead.
THE WITNESS: If I had heard the man, I'm -- I would of sure tell him --
THE COURT: Okay.
THE WITNESS: -- cause I, you know, I didn't even Ms. -- get a chance to tell the man what successful that I was, you know, dealing in the drug situation, going to classes and getting all these certificate when I was in county jail, you know, CPR classes.

All of the things that I'm doing now I'm in the Department of Correction. I work up, up front in the admin building. You know, so I see myself as making change as I proceed in this time.

THE COURT: Yes, sir.

THE WITNESS: Uh-huh. (Affirmative).

THE COURT: Okay.

MS. KANEALEY: Nothing further, Your Honor.

THE COURT: Okay. Any redirect?

MR. MURPHY: Nothing further, Your Honor.

THE COURT: All right. Thank you, sir.

THE WITNESS: Oh.

THE COURT: You can go sit back next to your attorney.

THE WITNESS: Thank you.

MR. MURPHY: And that would be our case, Your Honor. We'd rest.

THE COURT: Yes, ma'am.

MS. KANEALEY: The State would call Helen Dovell to the stand.

HELEN DOVELL, being first duly sworn, testified as follows:

THE CLERK: Please be seated and please state your full name into the microphone spelling your last name for the court record.

THE WITNESS: My full name is Helen Rose Roper Dovell. My last name is spelled D as in Delta, O, V as in Victor, E-L-L.

MS. KANEALEY: May it please the Court?

THE COURT: Yes, ma'am.

DIRECT EXAMINATION

BY MS. KANEALEY:

Q. Hi, Ms. Dovell.

How are you doing, doing today?

A. Good morning. I'm doing well. Thank you.

Q. So, how long have you been practicing law?

A. Twenty-one years. I was sworn in in November, 2004.

Q. Okay. And how much of that has been criminal law?

A. I'd say at least 75 to 80 percent of my practice.

Q. Okay. And how many times roughly did you meet with applicant?

A. Well, I haven't counted out as many times as I've met with him.

At the time that he filed a complaint against me with ODC, I just -- I had met with him, in my response to them, at least 19 times while he was out on bond, and I'll -- just to, to go back, in my response to the Office of Disciplinary Counsel, I just read this letter because I think one of the complaints against me, which I don't believe Mr. Nelson is pursuing right now, is that I had a

conflict of interest.

I went back and I looked at the response to the Office of Disciplinary Counsel. My letter is dated, at that time, October 1st, 2021.

I have my, my notes right here. I can go through and count up all of my jail visits, all of my phonecalls since then if you'd like.

But I have -- I communicated with him while he was out on bond and while after -- so, at one point his bail bonding company came off of his bond. They put him back in jail for violations of the monitoring, the conditions of house arrest. So, while he was in jail, I visited him multiple times.

Q. Okay. And did you ever promise applicant that he would get credit for that electronic time monitoring?

A. I did not.

Q. Okay. And did you ask the judge to consider giving him credit for time spent on electronic monitoring?

A. I did.

MS. KANEALEY: Okay. Nothing further, Your Honor.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. MURPHY:

Q. Did you discuss with him afterwards about the credit not -- or not receiving credit for the, the house

monitoring time?
A. After the plea I did.
After the plea I went downstairs and I talked to him about it and I said this was not the outcome that we wanted because Mr. Nelson asked me to advocate for probation, which I did, and he's correct.
He was accepted to Miracle Hill and I presented that option to Judge Young. I continued to advocate him -- for him throughout the plea and for the specific outcome mentioning his addiction and everything, the -- his -- the troubles he had with his upbringing. Judge Young, at one point, stopped me and said I've heard enough. Thank you very much.
So, I wanted Mr. Nelson to know afterwards that I still cared. I did the best I could for him. It was not, not the outcome that we wanted. But it was the outcome that we had. He did not ask me to file a direct appeal. I didn't do it. So, I --.
Q. Now, there was a -- he was talking about a motion for reconsider -- well, he was -- used the term appeal and I was asking whether a motion for reconsideration was filed.
A. I don't believe I filed a motion for reconsideration and I'd have to look back. If he asked for me to file a motion for reconsideration I would of done it.
Q. Okay. And so, in our discussions outside, side,

there was mention than Mr. Nelson wrote Judge Young.

Did -- can you tell the Court about that?

A. Sure.

And I think this was within the past year or so.

Mr. Nelson has written me personally many times asking for credit for time served. I think I responded to him saying that it's in the discretion of the judge. We asked Judge Young. He said no.

Mr. Nelson then, at some point, wrote a letter to Judge Young and Judge Young forwarded or his secretary forwarded the correspondents to me and to the solicitor, Jordan Norvell, asking about get -- the credit for time served and I responded to let Judge Young's secretary, law clerk, Judge Young know that, at the time of the plea, I advocated for the judge to consider the time that he had spent on monitored house arrest and that the judge declined to do so because there were violations, not because he'd gotten rearrested or anything like that, but it was because the moving -- the -- I guess what I call a movement violation related to the, the monitor and the conditions of house arrest like his curfew.

And then the solicitor also responded to Judge Young and said that the State opposed credit for time served --

Q. All right. And so---

A. -- or not time served. But the monitored house

arrest.
Q. And so, just the -- kind of the first thing, his house arrest, or he was restricted to his home.
Is that correct?
A. That's right.
He was allowed to go to work through voc rehab, which he actually was working not through voc rehab, but he was working in, you know, I think he was checking in with Greg Robinson about that. And he was to stay home and I believe he was allowed to receive treatment.
Q. And specifically with regard to after the plea or after his sentence, did you discuss with him appealing that specific issue of whether or not the judge should of given him house arrest under the statute?
A. We didn't talk about that.
Q. Okay. All right. That's all I have.
Thank you, judge.
THE COURT: Anything further?
MS. KANEALEY: Nothing further from the State, Your Honor.
THE COURT: Okay. Thank you. You may step down.
THE WITNESS: Thank you.
THE COURT: Any additional witnesses?
MS. KANEALEY: None from the State, Your Honor.
THE COURT: Would you like me to hear argument, Mr.

Murphy?

MR. MURPHY: Judge, I would just briefly call Mr. Nelson in rebuttable.

THE COURT: Oh.

MR. MURPHY: You can just go up there again.

THE COURT: Come on back to the stand. You're still under oath, sir.

THE WITNESS: Yes.

GARY NELSON, having been previously sworn, testified as follows:

DIRECT EXAMINATION

BY MR. MURPHY:

A. Yes, sir.

Q. Mr. Nelson --

A. Yes.

Q. -- you heard your attorneys talk -- say that you folks did not discuss an appeal of this issue or house arrest or there -- credit for house arrest.

A. No, we, we didn't discuss that.

So, you know, with me having the clear mind, just like I said before, being of drugs and, you know, I, I went up there and I got into the law library and I did a lot of research on myself. So, that's why -- and I was so disappointed at the time because it was promised to me I didn't even much have that on my mind.

You know I don't hate Ms. Dovell cause she, she was there for me. But she don't -- she didn't understand what I was going through, that I had a real bad drug problems and situation that I did was very seriously. But I didn't -- did -- it detected me being sober. You know, when you do drugs, drugs make your mind, you know. But, anyway, no, we didn't discuss that. So that's---

Q. Okay.

A. ---why I went to the law library once I got settled at, you know---

Q. All right.

A. ---in the Department of Corrections.

Q. Let me ask you this.

Do you---

A. Uh-huh. (Affirmative).

Q. ---understand what a direct appeal is?

A. No.

Q. Okay. Knowing what you know now, would you have wanted to file a direct appeal on this issue?

A. No.

Q. Okay.

A. No.

Q. All right. Thank you.

A. All right.

Q. That's all I have.

A. Uh-huh. (Affirmative).

THE COURT: Anything --?

MS. KANEALEY: No, Your Honor.

THE COURT: Okay. You can go back and sit next to your attorney.

THE WITNESS: Thank you.

THE COURT: Did you want me to hear arguments, Mr., Mr. Murphy?

MR. MURPHY: No, it's a, a very simple issue. It's -- the sole issue is whether or not he's entitled to credit for that house arrest under the statute.

THE COURT: Yes, ma'am.

MS. KANEALEY: Just briefly, Your Honor, in response.

Counsel did -- we would submit that he did not meet his burden under *Strickland*. He didn't prove deficiency or prejudice.

Counsel did ask for credit for that time served and he violated electronic morning while he was on it and it's fully within the judge's discretion whether or not to give him credit for that time.

THE COURT: Okay. Yes. Thank you.

All right. The State is correct that it is discretionary when -- within the sentencing judge's discretion whether to award credit for time served. It's not a matter that the defendant is entitled to by right.

He's not entitled to it.

In addition, I can't find that there's any ineffective assistance of counsel. Someone who has been practicing 21 years or, at that point, 20 years, 75 to 80 precent criminal who denies having made such a promise would not make such a promise because certainly, at that point, you're well versed in criminal law and, and are aware that statute does not entitle a defendant to credit for time served on house arrest.

In addition, it -- not would it would be my job to second guess Judge Young's decision, but even if that were my place, I would not second guess his decision. It's, it's not something that was not raised and ruled upon.

In fact, counsel advocated for it, requested credit for that time served, but she asked I would like you to please consider the time on the monitor. He was doing the best he could, the very best he could, and explains the reason for any violations of the house arrest and monitoring.

Personally, I don't give credit for time served on house arrest unless the defendant is actually compliant with house arrest. That wasn't the case here.

The Court found that Ms. Dovell had done a magnificent job on portraying his background. But I'm only going to give you credit for 705 days. You had the

opportunity to be out and earn time while you were on electronic monitoring and you didn't do that correctly. That is the judge ruling upon that issue that was raised by counsel.

The defendant's not entitled to it and I wouldn't give it to him anyway even if my discretion were at play. So, the application for post-conviction relief is denied --

MR. MURPHY: Thank you, judge.

THE COURT: -- and I'd ask for an order --

MS. KANEALEY: Yes, Your Honor.

THE COURT: -- from the State.

Thank you. Thank you.

* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for 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 Common Pleas Nonjury for Charleston County, South Carolina, on the 21st day of January, 2026.

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

April 1st, 2026

PAMELA E. GREEN, Court Reporter

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT
Gary Nelson #329426, Applicant, v. State of South Carolina, Respondent.	)	CASE NO. 2025–CP–10–02458 **ORDER OF DISMISSAL**

FILED
FEB 11 2026
JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

This matter comes before the Court by way of Applicant Gary Nelson's application for post-conviction relief (PCR) filed on April 28, 2025. Respondent filed its Return requesting an evidentiary hearing. On January 21, 2026, an evidentiary hearing was held at the Charleston County Courthouse before the Honorable Jocelyn Newman. Applicant was present and represented by Chris Murphy Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on sole allegation of failure to ask for house arrest credit. In support of this claim Applicant testified on his own behalf. Respondent presented the testimony of Helen Dovell, Esquire (Plea Counsel).

Following a thorough review of the record, along with the testimony and evidence presented at the hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving an active ten-year sentence. In August 2022, the Charleston County Grand Jury indicted Applicant for grand larceny (- 05427), two counts of kidnapping (-05429, -05430), shoplifting –

enhancement (-05431), child endangerment (-05432), failure to stop for a blue light (-05433), and leaving the scene of accident with property damage (2022-GS-10-05434). On January 29, 2025, Applicant appeared before the Honorable Judge Roger M. Young, Sr. and pled guilty as indicted. Helen R. Dovell represented Applicant. Assistant Solicitor Jordan Novell represented the State. Judge Young sentenced Applicant to ten years for shoplifting, ten years for grand larceny, and ten years for each kidnapping, three years for failure to stop for a blue light, one year for leaving the scene of accident with property damage, eighteen months for child endangerment, all to run concurrently. Applicant did not file a direct appeal.

CURRENT APPLICATION

On April 28, 2025, Applicant timely filed this PCR action alleging he is being held in custody unlawfully based on the following:

1. Ineffective assistance of counsel for failure to ask for credit for house arrest
2. Conflict of interest[1]

As relief, Applicant request for jail credits for time served under house arrest.[2]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Charleston County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of

[1] Applicant waived this claim at the evidentiary hearing.
[2] On May 22, 2025, Applicant additionally filed a pro se motion for full house arrest time credit.

proof. Below are the Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient, and the deficiency prejudice applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. at 117-18, 386 S.E.2d at 625. When reviewing a guilty plea, the Strickland deficiency prong remains unchanged – Applicant must show that counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58-59. To show prejudice, Applicant must show a reasonable probability "that, but for counsel's [alleged] errors, he would not have pled guilty and would have insisted on going to trial." Id. at 59.

Failure to Ask for House Arrest Credit

Applicant alleged counsel was ineffective for failing to ask for house arrest credit. This Court finds this allegation is without merit. Under South Carolina Code § 24-13-40, it is within

the sentencing judge's discretion whether to award credit for time spent on electronic monitoring. Counsel *credibly* testified that she never promised Applicant that he would get credit for the time he spent during house monitoring. Although Applicant violated the terms of his electronic monitoring, Counsel *did* request the sentencing court to give Applicant credit for this time. (Guilty Plea Transcript p. 21). Therefore, the record directly refutes Applicant's allegation. Applicant has failed to prove deficiency and prejudice, and this claim is denied.

[CONCLUSION AND SIGNATURE PAGE FOLLOWS]

CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post–conviction relief is **DENIED and DISMISSED WITH PREJUDICE**.

Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. The Application for Post–Conviction Relief is denied and dismissed with prejudice; and

2. Applicant shall be remanded to and remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 6th **day of** February**, 2026.**

JOCELYN NEWMAN
Presiding Judge
Ninth Judicial Circuit

Columbia, South Carolina

JAS/0370580

WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2020-021540

ARREST WARRANT NUMBER

2020A1010204295

DATE OF ARREST

08/09/2020

ACTION OF GRAND JURY

TRUE BILL

Patricia Greenway AUG - 9 2022

Foreperson of Grand Jury *Date:*

VERDICT

Foreperson of Petit Jury *Date:*

DOCKET NO. 2022-GS-10-05427

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

VS.

GARY NELSON A.K.A. Gary Ja Nelson, Anthony Washington, Gary Patterson, Gary Lamar Nelson, Gary Jamal Nelson

B/M DOB: [redacted]-1965

Indictment for

GRAND LARCENY

SC Code: § 16-13-0030(B)
CDR Code: 3421

FILED

8/11/2022 10:50:17 AM
JULIE J. ARMSTRONG
CLERK OF COURT

78

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened August 2022, the Grand Jurors of Charleston County present upon their oath:

Grand Larceny

That in Charleston County, South Carolina, on or about August 9, 2020, the Defendant, Gary Nelson, did take and carry away the personal property of the victim, Starkeedra Denise Simmons, valued at Ten Thousand Dollars or more, with the intent to deprive the victim of its possession and to convert the property to Defendant's own use in violation of Section 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.

JORDAN A. NORVELL
ASSISTANT SOLICITOR

80

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

) INDICTMENT/CASE#: 2022-GS-10-05427

) AW#: 2020A1010204295

STATE vs.

) Date of Offense: 08/09/2020

Gary Nelson

) S.C Code§: 16-13-0030(B)

AKA: Gary Ja Nelson, Anthony Washington SSN: [redacted]

) CDR Code #: 3421

RACE: B SEX: M DOB: [redacted]/1965

) Range of Offense: Grand Larceny (NMT 10 years or discretionary fine)

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

TO: Grand Larceny Range of Offense Pled: (NMT 10 years or discretionary fine)

In violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 3421

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☒ Recommendation _____

/s Jordan A. Norvell 102368 — Solicitor / SC Bar #

/s Helen Rose Roper Dovell 72094 — Attorney for Defendant / SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program

for a determinate term of 10 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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* ; balance is suspended with **probation** for _____months/years

and subject to SCDPPPS 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 SCDC

705 days/months ☐ ~~To include time spent on monitored house arrest prior to trial and sentencing.~~

SPECIAL CONDITIONS:

☐ PTUP _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

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

☐ Other: _____

		Restitution	$
☐ **RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))**		FINE:	$
§14-1-206 (Assessments 107.5%)			$
§14-1-211 (A)(1) Conv. Surcharge)	Fine/Costs and Assessments are to be paid to the Clerk	$100	$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	of Court within _____ days/months	$100	$
§56-5-1995 (DUI Assessment)		$12	$
§56-1-286 (DUI Breath Test)		$25	$
§14-1-212 (Law Enforcement Funding)		$25	$ 25.00
§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	$ 3.75
☐ Appointed PD or appointed other counsel. Proviso requires $500 to be paid to Clerk during probation and shall be collected before any other fees		$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund		$40	$
		TOTAL	$ 128.75

/s Clerk of Court/Deputy Clerk

DORP Court Reporter

2134 Judge Code

1/24/25 Sentence Date

Presiding Judge

SCCA217B
01/27/2025

JAS/0370580

WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2020-021540

ARREST WARRANT NUMBER

2020A1010204298

DATE OF ARREST

08/09/2020

ACTION OF GRAND JURY

TRUE BILL

Patricia Greenway AUG - 9 2022

Foreperson of Grand Jury *Date:*

VERDICT

Foreperson of Petit Jury *Date:*

DOCKET NO. 2022-GS-10-05429

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

VS.

GARY NELSON A.K.A. Gary Ja Nelson, Anthony Washington, Gary Patterson, Gary Lamar Nelson, Gary Jamal Nelson

B/M DOB: [redacted]-1965

Indictment for

KIDNAPPING

SC Code: § 16-03-0910
CDR Code: 0095

FILED

8/11/2022 10:50:18 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened August 2022, the Grand Jurors of Charleston County present upon their oath:

Kidnapping

That in Charleston County, South Carolina on or about August 9, 2020, the Defendant, Gary Nelson, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Terrell Washington, without authority of law; all in violation of Section 16-3-910 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.

JORDAN A. NORVELL
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

) INDICTMENT/CASE#: 2022-GS-10-05429
) AW#: 2020A1010204298
) Date of Offense: 08/09/2020
) S.C Code§: 16-03-0910
) CDR Code #: 0095
) Range of Offense: Kidnapping (NMT 30 years)

STATE vs.
Gary Nelson
AKA: Gary Ja Nelson, Anthony Washington
SSN: [redacted]
RACE: B SEX: M DOB: [redacted]/1965

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☐ or ☒ PLEADS
TO: Kidnapping Range of Offense Pled: (NMT 30 years)
In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☒ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☐ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury
The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☒ Recommendation _____

/s Jordan A. Norvell 102368 — Solicitor / SC Bar #
/s Helen Rose Roper Dovell 72094 — Attorney for Defendant / SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of 10 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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*; balance is suspended with **probation** for _____ months/years
and subject to SCDPPPS 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 SCDC
705 days/months ~~☐ To include time spent on monitored house arrest prior to trial and sentencing.~~ PG

SPECIAL CONDITIONS:

☐ PTUP _____
☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
☒ Other: **THIS OFFENSE IS NOT SEXUAL IN NATURE**

		Restitution	$
☐ **RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))**		FINE:	$
§14-1-206 (Assessments 107.5%)			$
§14-1-211 (A)(1) Conv. Surcharge)	Fine/Costs and Assessments are to be paid to the Clerk	$100	$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	of Court within _____ days/months	$100	$
§56-5-1995 (DUI Assessment)		$12	$
§56-1-286 (DUI Breath Test)		$25	$
§14-1-212 (Law Enforcement Funding)		$25	$ 25.00
§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	$ 3.75
☐ Appointed PD or appointed other counsel. Proviso requires $500 to be paid to Clerk during probation and shall be collected before any other fees		$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund		$40	$
		TOTAL	$ 128.75

/s [signature]
Clerk of Court/Deputy Clerk

DCRP
Court Reporter

2134
Judge Code

1/24/25
Sentence Date

[signature]
Presiding Judge

SCCA217B
01/27/2025

JAS/0370580
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2020-021540

ARREST WARRANT NUMBER

2020A1010204299

DATE OF ARREST

08/09/2020

ACTION OF GRAND JURY

TRUE BILL

Patricia Greenway AUG - 9 2022

Foreperson of Grand Jury *Date:*

VERDICT

Foreperson of Petit Jury *Date:*

DOCKET NO. 2022-GS-10-05430

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

VS.

GARY NELSON A.K.A. Gary Ja Nelson, Anthony Washington, Gary Patterson, Gary Lamar Nelson, Gary Jamal Nelson

B/M DOB: [redacted]-1965

Indictment for

KIDNAPPING

SC Code: § 16-03-0910
CDR Code: 0095

FILED

8/11/2022 10:50:18 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened August 2022, the Grand Jurors of Charleston County present upon their oath:

Kidnapping

That in Charleston County, South Carolina on or about August 9, 2020, the Defendant, Gary Nelson, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, James Washington, without authority of law; all in violation of Section 16-3-910 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.

JORDAN A. NORVELL
ASSISTANT SOLICITOR

86

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON) INDICTMENT/CASE#: 2022-GS-10-05430

) AW#: 2020A1010204299

STATE vs.) Date of Offense: 08/09/2020

Gary Nelson) S.C Code§: 16-03-0910

AKA: Gary Ja Nelson, Anthony Washington SSN: [redacted]) CDR Code #: 0095

RACE: B SEX: M DOB [redacted]/1965) Range of Offense: Kidnapping (NMT 30 years)

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

TO: Kidnapping Range of Offense Pled: (NMT 30 years)

In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☒ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☒ Recommendation _____

/s Jordan A. Norvell 102368 /s Helen Rose Roper Dovell 72094

Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the ☑ **SCDC** ☐ **County Detention Center** ☐ **Home Incarceration Program**

for a determinate term of 10 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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* ; balance is suspended with **probation** for _____ months/years

and subject to SCDPPPS 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 SCDC

705 days/months ~~☐ To include time spent on monitored house arrest prior to trial and sentencing~~ 27

SPECIAL CONDITIONS:

☐ **PTUP** _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

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

☒ Other: THIS OFFENSE IS NOT SEXUAL IN NATURE

		Restitution	$
☐ **RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))**		FINE:	$
§14-1-206 (Assessments 107.5%)			$
§14-1-211 (A)(1) Conv. Surcharge)	Fine/Costs and Assessments are to be paid to the Clerk	$100	$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	of Court within _____ days/months	$100	$
§56-5-1995 (DUI Assessment)		$12	$
§56-1-286 (DUI Breath Test)		$25	$
§14-1-212 (Law Enforcement Funding)		$25	$ 25.00
§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	$ 3.75
☐ Appointed PD or appointed other counsel. Proviso requires $500 to be paid to Clerk during probation and shall be collected before any other fees		$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund		$40	$
		TOTAL	$ 128.75

/s [signature]
Clerk of Court/Deputy Clerk

DCRP
Court Reporter

2134
Judge Code

1/29/25
Sentence Date

[signature]
Presiding Judge

SCCA217B
01/27/2025

JAS/0370580

WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2020-021540

ARREST WARRANT NUMBER

2020A1010204300

DATE OF ARREST

08/09/2020

ACTION OF GRAND JURY

TRUE BILL

Patricia Greenway AUG - 9 2022

Foreperson of Grand Jury *Date:*

VERDICT

Foreperson of Petit Jury *Date:*

DOCKET NO. 2022-GS-10-05431

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

VS.

GARY NELSON A.K.A. Gary Ja Nelson, Anthony Washington, Gary Patterson, Gary Lamar Nelson, Gary Jamal Nelson

B/M DOB: [redacted]-1965

Indictment for

SHOPLIFTING- ENHANCEMENT

SC Code: § 16-13-0110(A)
CDR Code: 2877

FILED

8/11/2022 10:50:18 AM
JULIE J. ARMSTRONG
CLERK OF COURT

87

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened August 2022, the Grand Jurors of Charleston County present upon their oath:

Shoplifting- Enhancement

That in Charleston County, South Carolina, on or about August 9, 2020, the Defendant, Gary Nelson, with the intent to deprive Target Store #1829 of the possession, use, or benefit of merchandise without paying the full retail value, did (1) take possession of, carry away, transfer from one person to another or from one area of a retail mercantile establishment to another area, or cause to be carried away or transferred merchandise displayed, held, stored, or offered for sale by a store or other retail mercantile establishment; or (2) alter, transfer, or remove any label, price tag marking, indicia of value, or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale in a store or other retail mercantile establishment and attempts to purchase the merchandise personally or in consort with another for less than the full retail value; or (3) transfer merchandise displayed, held, stored, or offered for sale by a store or other retail mercantile establishment from the container in which it is displayed to any other container. That said merchandise was valued at Two Thousand ($2,000.00) Dollars or less and the Defendant has been previously convicted of at least two (2) offenses for which the term of imprisonment is contingent upon the value of the property involved. This is in violation of

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

JORDAN A. NORVELL
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA **SENTENCE ORDER** **IN THE COURT OF GENERAL SESSIONS**

COUNTY OF CHARLESTON) INDICTMENT/CASE#: **2022-GS-10-05431**

) AW#: **2020A1010204300**

STATE vs.) Date of Offense: **08/09/2020**

Gary Nelson) S.C Code§: **16-13-0110(A)**

AKA: **Gary Ja Nelson, Anthony Washington** SSN: [redacted]) CDR Code #: **2877**

RACE: **B** SEX: **M** DOB: [redacted]**/1965**) Range of Offense: **Shoplifting- Enhancement (NMT 10 years)**

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

TO: **Shoplifting- Enhancement** Range of Offense Pled: **(NMT 10 years)**

In violation of § 16-13-0110(A) of the S.C. Code of Laws, bearing CDR Code # 2877

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☒ Recommendation _____

/s Jordan A. Norvell **102368** **/s Helen Rose Roper Dovell** **72094**

Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the ☑ **SCDC** ☐ **County Detention Center** ☐ **Home Incarceration Program**

for a determinate term of 10 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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* ; balance is suspended with **probation** for _____months/years

and subject to SCDPPPS 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 SCDC

705 days/months ☐ ~~To include time spent on monitored house arrest prior to trial and sentencing~~ RY

SPECIAL CONDITIONS:

☐ **PTUP** _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

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

☐ Other: _____

☐ **RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))**		Restitution	$
		FINE:	$
§14-1-206 (Assessments 107.5%)			$
§14-1-211 (A)(1) Conv. Surcharge)	Fine/Costs and Assessments are to be paid to the Clerk	$100	$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	of Court within _____ days/months	$100	$
§56-5-1995 (DUI Assessment)		$12	$
§56-1-286 (DUI Breath Test)		$25	$
§14-1-212 (Law Enforcement Funding)		$25	$ 25.00
§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	$ 3.75
☐ Appointed PD or appointed other counsel. Proviso requires $500 to be paid to Clerk during probation and shall be collected before any other fees		$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund		$40	$
		TOTAL	$ 128.75

/s [signature]
Clerk of Court/Deputy Clerk

DCRP
Court Reporter

2134
Judge Code

1/24/25
Sentence Date

[signature]
Presiding Judge

SCCA217B
01/27/2025

JAS/0370580

WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2020-021540

ARREST WARRANT NUMBER

2020A1010204301

DATE OF ARREST

08/09/2020

ACTION OF GRAND JURY

TRUE BILL

Patricia Greenway AUG - 9 2022

Foreperson of Grand Jury *Date:*

VERDICT

Foreperson of Petit Jury *Date:*

DOCKET NO. 2022-GS-10-05432

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

VS.

GARY NELSON A.K.A. Gary Ja Nelson, Anthony Washington, Gary Patterson, Gary Lamar Nelson, Gary Jamal Nelson

B/M DOB: [redacted]-1965

Indictment for

CHILD ENDANGERMENT

SC Code: § 56-05-2947
CDR Code: 2395

FILED

8/11/2022 10:50:18 AM
JULIE J. ARMSTRONG
CLERK OF COURT

90

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened August 2022, the Grand Jurors of Charleston County present upon their oath:

Child Endangerment

The defendant, Gary Nelson, on or about August 9, 2020 in Charleston County, being 18 years of age or older, did drive a vehicle with one or more passengers who were under the age of 16, and did commit the offense of failure to stop when signaled by a law enforcement vehicle in violation of Section 56-5-750 of the SC Code. This is in violation of Section 56-5-2947 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.

JORDAN A. NORVELL
ASSISTANT SOLICITOR

92

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON) INDICTMENT/CASE#: 2022-GS-10-05432

) AW#: 2020A1010204301

STATE vs.) Date of Offense: 08/09/2020

Gary Nelson) S.C Code§: 56-05-2947

AKA: Gary Ja Nelson, Anthony Washington SSN: [redacted]) CDR Code #: 2395

RACE: B SEX: M DOB: [redacted]/1965) Range of Offense: Child Endangerment (NMT 1/2 the maximum of the substantive offense)

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

TO: Child Endangerment Range of Offense Pled: (NMT 1 and 1 half years)

In violation of § 56-05-2947 of the S.C. Code of Laws, bearing CDR Code # 2395

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☒ Recommendation _____

/s Jordan A. Norvell 102368 /s Helen Rose Roper Dovell 72094

Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the ☑ SCDC ☐ County Detention Center ☐ Home Incarceration Program

for a determinate term of 18 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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* ; balance is suspended with **probation** for _____months/years

and subject to SCDPPPS 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 SCDC

205 days/months ☐ ~~To include time spent on monitored house arrest prior to trial and sentencing~~

SPECIAL CONDITIONS:

☐ PTUP _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

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

☐ Other: _____

		Restitution	$
☐ **RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))**		FINE:	$
§14-1-206 (Assessments 107.5%)			$
§14-1-211 (A)(1) Conv. Surcharge)	Fine/Costs and Assessments are to be paid to the Clerk	$100	$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	of Court within _____ days/months	$100	$
§56-5-1995 (DUI Assessment)		$12	$
§56-1-286 (DUI Breath Test)		$25	$
§14-1-212 (Law Enforcement Funding)		$25	$ 25.00
§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	$ 3.75
☐ Appointed PD or appointed other counsel. Proviso requires $500 to be paid to Clerk during probation and shall be collected before any other fees		$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund		$40	$
		TOTAL	$ 128.75

/s [signature]
Clerk of Court/Deputy Clerk

DCRP
Court Reporter

2134
Judge Code

1/24/25
Sentence Date

[signature]
Presiding Judge

SCCA217B
01/27/2025

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON) INDICTMENT/CASE#: 2022-GS-10-05433

) AW#: 7102P0868975

STATE vs.) Date of Offense: 08/09/2020

Gary Nelson) S.C Code§: 56-05-0750(B)(1)

AKA: Gary Ja Nelson, Anthony Washington SSN: [redacted]) CDR Code #: 0065

RACE: B SEX: M DOB: [redacted]/1965) Range of Offense: Failure To Stop For A Blue Light (NMT 3 years or NLT $500)

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

TO: Failure To Stop For A Blue Light Range of Offense Pled: (NMT 3 years or NLT $500)

In violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____

/s Jordan A. Norvell 102368 /s Helen Rose Roper Dovell 72094

Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the ☑ SCDC ☐ County Detention Center ☐ Home Incarceration Program

for a determinate term of 3 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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* ; balance is suspended with **probation** for _____months/years

and subject to SCDPPPS 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 SCDC

705 days/months ☐ ~~To include time spent on monitored house arrest prior to trial and sentencing~~ 24

SPECIAL CONDITIONS:

☐ PTUP _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

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

☐ Other: _____

☐ **RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))**		Restitution	$
		FINE:	$
§14-1-206 (Assessments 107.5%)			$
§14-1-211 (A)(1) Conv. Surcharge)	Fine/Costs and Assessments are to be paid to the Clerk	$100	$
§14-1-211 (A)(2)(DUI Surcharge)	of Court within _____ days/months	$100	$
§56-5-1995 (DUI Assessment)		$12	$
§56-1-286 (DUI Breath Test)		$25	$
§14-1-212 (Law Enforcement 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 to be paid to Clerk during probation and shall be collected before any other fees		$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund		$40	$
		TOTAL	$

/s [signature]
Clerk of Court/Deputy Clerk

DCRP
Court Reporter

2134
Judge Code

1/29/25
Sentence Date

[signature]
Presiding Judge

SCCA217B
01/27/2025

JAS/0370580

WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2020-021540

ARREST WARRANT NUMBER

7102P0868975

DATE OF ARREST

08/09/2020

ACTION OF GRAND JURY

TRUE BILL

Patricia Greenway AUG - 9 2022

Foreperson of Grand Jury *Date:*

VERDICT

Foreperson of Petit Jury *Date:*

DOCKET NO. 2022-GS-10-05433

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

VS.

GARY NELSON A.K.A. Gary Ja Nelson, Anthony Washington, Gary Patterson, Gary Lamar Nelson, Gary Jamal Nelson

B/M DOB: [redacted]-1965

Indictment for

FAILURE TO STOP FOR A BLUE LIGHT

SC Code: § 56-05-0750(B)(1)
CDR Code: 0065

FILED

8/11/2022 10:50:18 AM
JULIE J. ARMSTRONG
CLERK OF COURT

94

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened August 2022, the Grand Jurors of Charleston County present upon their oath:

Failure To Stop For A Blue Light

That in Charleston County, South Carolina, on or about August 9, 2020, the Defendant, Gary Nelson, while driving a motor vehicle on a road, street, or highway of the State did, in the absence of mitigating circumstances, knowingly fail to stop after being signaled to do so by a law enforcement vehicle by means of flashing light and/or a siren, in violation of § 56-5-750 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.

JORDAN A. NORVELL
ASSISTANT SOLICITOR

JAS/0370607

WITNESSES

SC Highway Patrol

AGENCY CASE NUMBER

ARREST WARRANT NUMBER

20202350152259

DATE OF ARREST

08/11/2020

ACTION OF GRAND JURY

TRUE BILL

Patricia Greenway AUG - 9 2022

Foreperson of Grand Jury *Date:*

VERDICT

Foreperson of Petit Jury *Date:*

DOCKET NO. 2022-GS-10-05434

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

VS.

GARY NELSON A.K.A. Gary Ja Nelson, Anthony Washington, Gary Patterson, Gary Lamar Nelson, Gary Jamal Nelson

B/M DOB: [redacted]-1965

Indictment for

LEAVING THE SCENE OF ACCIDENT WITH PROPERTY DAMAGE

SC Code: § 56-05-1220
CDR Code: 2464

FILED

8/11/2022 10:50:19 AM
JULIE J. ARMSTRONG
CLERK OF COURT

96

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened August 2022, the Grand Jurors of Charleston County present upon their oath:

LEAVING THE SCENE OF ACCIDENT WITH PROPERTY DAMAGE

That in Charleston County, South Carolina, on or about August 9, 2020, the Defendant, Gary Nelson, being the driver of a vehicle involved in an accident resulting in damage to a vehicle driven or attended by Khalica E. Collins, did fail to stop and remain at the scene of the accident to provide information and render aid as required by SC Code Section 56-5-1230, in violation of Section 56-5-1220 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.

For JORDAN A. NORVELL
ASSISTANT SOLICITOR

98

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON)

INDICTMENT/CASE#: 2022-GS-10-05434

AW#: 20202350152259

STATE vs.) Date of Offense: 08/11/2020

Gary Nelson) S.C Code§: 56-05-1220

AKA: Gary Ja Nelson, Anthony Washington SSN: [redacted]) CDR Code #: 2464

RACE: B SEX: M DOB: [redacted]/1965) Range of Offense: Traffic / Hit and run, att. vehicle, duties of driver involved in accident, property damage (NMT 1 year &/or $100-5,000)

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

TO: Hit and run property damage Range of Offense Pled: (NMT 1 year &/or $100-5,000)

In violation of § 56-05-1220 of the S.C. Code of Laws, bearing CDR Code # 2464

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☒ Recommendation _____

/s Jordan A. Norvell 102368 /s Helen Rose Roper Dovell 72094

Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the ☑ SCDC ☐ County Detention Center ☐ Home Incarceration Program

for a determinate term of ONE days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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* ; balance is suspended with **probation** for _____months/years

and subject to SCDPPPS 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 SCDC

305 days/ months ~~☐ To include time spent on monitored house arrest prior to trial and sentencing.~~ RY

SPECIAL CONDITIONS:

☐ PTUP _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

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

☐ Other: _____

_____

		Restitution	$
☐ **RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))**		FINE:	$
§14-1-206 (Assessments 107.5%)			$
§14-1-211 (A)(1) Conv. Surcharge)	Fine/Costs and Assessments are to be paid to the Clerk	$100	$
§14-1-211 (A)(2)(DUI Surcharge)	of Court within _____ days/months	$100	$
§56-5-1995 (DUI Assessment)		$12	$
§56-1-286 (DUI Breath Test)		$25	$
§14-1-212 (Law Enforcement 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 to be paid to Clerk during probation and shall be collected before any other fees		$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund		$40	$
		TOTAL	$

/s Clerk of Court/Deputy Clerk

DCRP

Court Reporter

2134

Judge Code

1/24/25

Sentence Date

Presiding Judge

SCCA217B
01/27/2025