



BURN
LAW FIRM, LLC

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March 11, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

MAR 14 2014

SC Court of Appeals

In Re: The State v. Mikel R. Hurt
Appellate Case No.: 2014-000437

Dear Clerk Kitchings:

Pursuant to your correspondence dated March 10, 2014, enclosed please find one original and one copy each of the two Sentence Sheets, which are to be challenged on appeal. All personal data identifiers that needed to be redacted are now redacted. Also enclosed are one original and one copy of a Proof of Service of the redacted Sentence Sheets on the other parties.

Please file the one copy each of the Sentencing Sheets, as well as the original Proof of Service, and return the clocked-in copies in the enclosed, postage-paid return envelope. Thank you for your assistance with this matter.

With kindest regards,

BURN LAW FIRM, LLC

Stephen "Chip" Burn, Esquire
SC Bar No. 69479
Burn Law Firm, LLC
945 East Main Street, Suite D
Lexington, SC 29072
Attorney for Appellant

Enclosures

Cc: Laura Suzanne Mayes, Esq.
Salley W. Elliott, Esq.
Robert Michael Dudek, Esq.

STATE OF SOUTH CAROLINA)
 COUNTY OF Lexington)
 STATE VS.)
Mikel Ray Hurt)
 AKA:)
 Race: White Sex: M Age: 68)
 DOB: [REDACTED] SS#: [REDACTED])
 Address: [REDACTED])
 City, State, Zip: [REDACTED])
 DL#: 001483755 SID#: [REDACTED])

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS3201135
 A/W#: I022820
 Date of Offense: 11/10/2010
 S.C. Code §: 16-15-0140
 CDR Code #: 2468

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
 NON-VIOLENT | VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
 ATTEST:

[Signature] Solicitor 64191 SC Bar# Defendant [Signature] Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on: 13-65-32-1136
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____
 _____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 prmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(B)(1) (Breath Test Fee)	\$50	\$
§ 56-5-2912(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 130

Clerk of Court/ Deputy Clerk [Signature]
 Court Reporter: [Signature]
 SCCA/217 (03/2011)

Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge [Signature]
 Judge Code: 2167
 Sentence Date: 2/27/14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

INDICTMENT/CASE#: 2013GS3201136

Mikel Ray Hurt

A/W#: 1022821 Straight

AKA:

Date of Offense: 11/1/2007 - 11/9/2010

Race: White Sex: M Age: 68

S.C. Code §: 63-05-0070

DOB: SS#:

CDR Code #: 2481

Address:

City, State, Zip:

DL#: 001483755 SID#:

*CDI. Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Children / Legal custodian, unlawful neglect of child or helpless person

CONVICTED OF or PLEADS

SENTENCE SHEET

in violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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

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

ATTEST: *[Signature]* Solicitor *104191* Defendant *[Signature]* Attorney for Defendant SC Bar#

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

for a determinate term of 8 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on: 13-65-32-1135
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment

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

Payment Terms: _____ Attend Voc. Rehab. or Job Corp. _____

Set by SCDPPPS _____ May serve W/E beginning _____

Recipient: _____ Substance Abuse Counseling

*Fine: _____ Random Drug/Alcohol testing

§ 14-1-206 (Assessments 107.5 %) \$ _____ Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100 prmts. of \$ _____ beginning _____

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ Other: _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforc. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5

3% to County (if paid in installments) \$ _____

TOTAL \$ 130

Clerk of Court/ Deputy Clerk *Beth A. Carriss* Presiding Judge *[Signature]*

Court Reporter: *Saphire Helms* Judge Code: 2167

SCCA/217 (03/2011) Sentence Date: 2/27/14

[REDACTED]

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

Donald B. Hocker, Circuit Court Judge

Case No.: 2014-000437

The State.....Respondent,

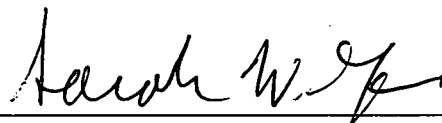
v.

Mikel R. Hurt.....Appellant.

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SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the redacted Sentence Sheets on the other parties by depositing copies in the United States Mail, postage prepaid, on March 11, 2014, addressed to (1) Laura Suzanne Mayes, Esq., Eleventh Circuit Solicitor's Office, 205 E. Main Street, Lexington, SC 29072; (2) Salley W. Elliot, Esq., S.C. Attorney General's Office, P.O. Box 11549, Columbia, SC 29211; and (3) Robert Michael Dudek, Esq., S.C. Commission on Indigent Defense, P.O. Box 11589, Columbia, SC 29211.



Sarah W. Guthrie, Esq.
S.C. Bar No. 101222

Lexington, South Carolina
March 11, 2014