

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

LEHENRY S. RILEY,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA,

PETITIONER.

Appellate Case No. 2013-000653

SUPPLEMENTAL APPENDIX

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ATTORNEY FOR RESPONDENT

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STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
The State)
)
-vs-)
)
LEHENRY RILEY)
)
Defendant.)

IN THE COURT OF GENERAL SESSIONS

**NOTICE OF MOTION AND
MOTION FOR EXTENSION**

Warrant(s): H087058, H087059

2008 DEC -1 PM 2:42
C.C.C. & G.S.
M. E. D.

TO: James Cooper, ESQ., Attorney for Defendant
Richland County Public Defender's Office
1701 Main Street, Suite 103, Columbia, South Carolina, 29202

LEHENRY RILEY, Defendant
Alvin S. Glen Detention Center

YOU WILL PLEASE HEREBY TAKE NOTICE that on December 1, 2008 at 2:00 p.m. or as soon thereafter that this matter can be heard, the State in the above-entitled matter, will move before the Presiding Judge of the Court of General Sessions for an order granting extension of time to dispose of case under the Interstate Agreement on Detainers, S.C. Code of Laws Section 17-11-10, Article. III.

It appears that the Defendant was sentenced in the Graceville Correctional Institution in Graceville, Florida for two years. At the time of the Defendant's request for disposition of charges that occurred in South Carolina, the Defendant had served 462 days, and has a proposed release date of February 23, 2009. (see attached).

It appears that this Defendant was arrested for Armed Robbery and Kidnapping on December 23, 2001. After being granted a bond reduction, the Defendant received a \$35,000 surety bond on May 21, 2002 and bonded out of jail (See Attachment).

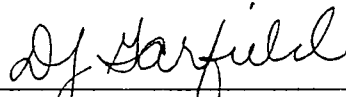
A Request for Disposition was sent to the Solicitor's Office from the Defendant on June 18, 2008, pursuant to the Interstate Agreement on Detainers, S.C. Code of Laws Section 17-11-10, Article. III. The Defendant was transported by the Columbia Police Department to the Alvin S. Glenn Detention Center on August 5, 2008.

According to the Interstate Agreement on Detainers, S.C. Code of Laws Section 17-11-10, the prisoner must be tried in 180 days. However, that period may be continued "for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction over the matter may grant any necessary or reasonable continuance."

The Assistant Solicitor assigned to the above referenced matter requested this case be placed on the status conference list. A trial date was set by Your Honor for December 8, 2008. This case was scheduled to be the 4th trial on the docket for that week before Judge Newman. However, the Victim in this case is unavailable due to an out of state

vacation planned until December 11, 2008. Further, it is the State's understanding that the lead trial, State v. Jason Craig, will be proceeding and will last the entire week. Therefore, this trial would not have court opportunity to be heard.

The State is requesting a continuance of the Interstate Agreement on Detainers, S.C. Code of Laws Section 17-11-10, Article III and IV which is set to expire December 15, 2008. The State intends to call this case to trial as the lead trial the week of December 15, 2008. However the State asks or in the alternative to have this matter be given a date-certain trial date within the 180 day time limit, which is set to expire December 15, 2008.



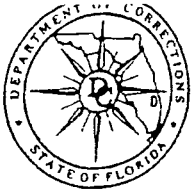
Dolly Justice Garfield
Assistant Solicitor
Fifth Judicial Circuit

December 1, 2008

Columbia, South Carolina

Service of the about Notice of Motion was **hand delivered** this 1st day of December, 2008 and a copy retained.

CC: The Hon. M. Childs



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
CHARLIE CRIST

Secretary
WALTER A. McNEIL

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2601 Blair Stone Road Tallahassee, FL 32399-2500

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June 18, 2008

REGISTERED MAIL

The Honorable W Barney Giese
Solicitor
1701 Main St
Columbia, SC 29201

Re: Riley, Lehenry Inmate No. T39962

Dear Mr. Giese,

Enclosed are Interstate Agreement on Detainers Forms II, III, and IV for the above referenced inmate who is requesting disposition of charge(s) on Form II. Should you intend to return the above inmate for prosecution, please forward Interstate Agreement on Detainers Forms VI and VII to your Interstate Agreement Administrator. The above referenced inmate is currently incarcerated at Graceville Correctional Institution located at 5168 Ezell Road, Graceville, FL 32440.

By copy of this letter and upon receipt of Forms VI and VII, the institution is authorized to transfer custody of the inmate to your agent(s). Please have your staff contact the above facility at (850)263-5500, prior to arrival to ensure that all forms have been received and the inmate is available for transfer. Please call Monday through Friday, between the hours of 8:30 A. M. – 4:30 P. M.

All jurisdictions in your state that are listed on the enclosed Form IV also must dispose of their charges while the inmate is in South Carolina. All prosecutors involved are to file Interstate Agreement on Detainers Form VII with our office.

Upon completion of court proceedings, the inmate must be returned to Florida and Interstate Agreement on Detainers Form IX is to be sent to advise disposition of charges. If you do not wish to prosecute, let us know and your detainer will be removed.

Respectfully,

Carol J. Butler
Correctional Programs Administrator
Release Management

CJB//jlh
Enclosures

cc: Clerk of the Court, Kershaw County
Graceville CI, Attn: Classification
South Carolina IAD Administrator

**Institutional Staff, please be advised to use the correct movement and reason codes for Interstate Agreement on Detainers. The movement code for Out-to-Court is 81 and the reason code is 28 Detainer Agreement.*

INTERSTATE AGREEMENT ON DETAINERS: FORM II

Six copies, if only one jurisdiction within the state involved has an indictment, information, or complaint pending. Additional copies will be necessary for prosecuting officials and clerks of court if detainers have been lodged by other jurisdictions within the state involved. One signed copy is to be retained by the inmate and one copy is to be retained for the institution file. Four signed copies are to be sent to the Florida Agreement Administrator, who will forward copies to the Agreement Administrator in the receiving state, the prosecuting official in the jurisdiction which placed the detainer, and the clerk of the court which has jurisdiction over the matter and retain one copy for Central Records, Central Office. The copies to the prosecuting officials and the court must be transmitted by certified or registered mail return receipt requested.

INMATE'S NOTICE OF PLACE OF IMPRISONMENT AND REQUEST FOR DISPOSITION OF INDICTMENTS, INFORMATIONS, OR COMPLAINTS

TO: OFFICER OF STATE ATTORNEY Prosecuting Officer, _____
COLUMBIA SOUTH CAROLINA Court _____
(Jurisdiction) (Jurisdiction)

And to all other prosecuting officers and courts of jurisdictions listed below from which indictments, informations, or complaints are pending.

You are hereby notified that the undersigned is now imprisoned in GRACEVILLE CORRECTIONAL INSTITUTION in GRACEVILLE (City) FLORIDA (State) and hereby request that a final disposition be made of the following indictments, informations, KIDNAPPING, ARMED ROBBERY

Failure to take action in accordance with the Agreement on Detainers, to which your state is committed by law, may result in the invalidation of the indictments, informations, or complaints.

I hereby agree that this request will operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainers have been lodged against me from your state. I also agree that this request shall be deemed to be my waiver of extradition with respect to any charges or proceedings contemplated hereby or included herein, and a waiver of extradition to your state to serve any sentence there imposed upon me, after completion of my term of imprisonment in this state. I also agree that this request shall constitute a consent by me to the production of my body in any court where my presence may be required in order to effectuate the purposes of the Agreement on Detainers and a further consent voluntarily to be returned to the institution in which I now am confined.

If jurisdiction over this matter is properly in another agency, court or officer, please designate the proper agency, court or officer and return this form to sender.

The required Form III, Certificate of Inmate Status and Form IV, Offer to Deliver Temporary Custody are attached.

Dated: June 11, 2008 Inmate's Signature: [Signature]
Typed Inmate's Name & No: RILEY LAMENRY T39962
Witness Signature: [Signature]
Typed Name and Title: KATHY PARRISH- CLASSIFICATION COUNSELOR

INTERSTATE AGREEMENT ON DETAINERS FORM III

Six copies. One copy is to be retained by the inmate and one copy is to be retained for the institution file. Four copies are to be sent to the Florida Agreement Administrator for distribution. In the case of an inmate's request for disposition under Article III, copies of this form should be attached to all copies of Form II. In the case of a request initiated by a prosecutor under Article IV, a copy of this form should be sent to the prosecutor upon receipt of Form V. Copies should also be sent to all other prosecutors in the same state who have lodged detainers against the inmate.

CERTIFICATE OF INMATE STATUS

RE: Inmate RILEY, LA HENRY No: DC# T39962

Institution: GRACEVILLE CORRECTIONAL INSTITUTION Address: 5168 EZELL ROAD GRACEVILLE, FLORIDA 32440

The (Custodial Authority) hereby certifies:

- 1. The term of commitment under which the inmate above-named is being held: 2 years
2. The time already served: 462 days
3. Time remaining to be served (TRD): 2-23-2009
4. The amount of good time earned: 20 days at GCF
5. The date of parole eligibility of the inmate: N/A
6. The decisions of the Board of Parole relating to the inmate: N/A
7. Maximum expiration date under present sentence: 3-15-2009
8. Detainers currently on file against this inmate from your state are as follows: KIDNAPPING, ARMED ROBBERY

Dated: 6/11/08 Signature: [Signature] (Warden)

Typed Name: MARK HENRY
Institution: GRACEVILLE CORRECTIONAL INSTITUTION
Address: 5168 EZELL ROAD
City/State: GRACEVILLE, FLORIDA 32440
Telephone: 850/263-5500

INTERSTATE AGREEMENT ON DETAINERS: FORM IV

Six copies. One copy is to be retained by the inmate and one copy is to be retained for the institution file. Four copies are to be sent to the Florida Agreement Administrator for distribution. In the case of an inmate's request for disposition under Article III, copies of this form should be attached to all copies of Form II. In the case of a request initiated by a prosecutor, this form should be completed after the Governor has indicated his/her approval of the request for temporary custody, expiration of the 30-day period, after completion of Form V-B, and/or successful completion of a (Cuyler v. Adams) hearing. Copies of this form should then be sent to all officials who previously received copies of Form III. Copies mailed to the prosecutor will be sent by certified or registered mail, return receipt requested.

OFFER TO DELIVER TEMPORARY CUSTODY

TO: STATE'S ATTORNEY Prosecuting Officer, 6/11/08 Date

COLUMBIA SOUTH CAROLINA Jurisdiction, and to all other prosecuting officers and courts of jurisdiction listed below from which indictments, informations, or complaints are pending.

RE: Inmate RILEY, LAHENRY No: DC# T39962

Dear Sir:

Pursuant to the provisions of Article V of the Agreement on Detainers between this state and your state, the undersigned hereby offers to deliver temporary custody of the above-named inmate to the appropriate authority in your state in order that speedy and efficient prosecution may be had of the indictment, information, or complaint which is (Check appropriate box) [] described in the attached inmate's request. [] described in your Form V request.

The required Form III, Certificate of Inmate Status, is enclosed.

Indictments, informations, or complaints charging the following offenses are ALSO pending against the inmate in your state, and you are hereby authorized to transfer the inmate to custody of appropriate authorities in these jurisdictions for purpose of disposing of these indictments, informations, or complaints.

Table with 2 columns: OFFENSE, COUNTY OR OTHER JURISDICTION. Row 1: KIDNAPPING, ARMED ROBBERY; COLUMBIA SOUTH CAROLINA.

If you do not intend to bring the inmate to trial, please inform us as soon as possible.

Kindly acknowledge.

Dated: June 11, 2008

Signature: _____

Mark Henry
(Warden)

Typed Name: MARK HENRY

Institution: GRACEVILLE CORRECTIONAL INSTITUTION

Address: 5168 EZELL ROAD

City/State: GRACEVILLE, FLORIDA 32440

Telephone: 850/263-5500

Inmate has indicated the following (Circle A or B)

A. My Counsel is: _____

Whose Address is _____

B. I request the court to appoint counsel.

Inmate's Signature: _____

[Handwritten Signature]