

ORIGINAL

VOLUME II OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM PICKENS COUNTY

G Edward Welmaker, Circuit Court Judge

RECEIVED

SEP 26 2011

SC Court of Appeals

THE STATE,

RESPONDENT,

V

CLIFFORD WYLIE,

APPELLANT

RECORD ON APPEAL

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1 calls are made, 911 calls are made where things
2 are said that are going on that are not going on

3 The dispatcher said the line stayed open,
4 that she could hear hollering in the background,
5 but nothing other than hollering in the
6 background And only the alleged victim in this
7 case was hollering in the background I could
8 certainly think you do not, Ladies and Gentlemen
9 of the jury, have to take what the dispatcher
10 said the alleged victim said at face value Or
11 even if she said it, do you have to take that at
12 face value? You could accept it or reject it for
13 however you wish to do That is your
14 prerogative

15 Now, on the malice aforethought, the things I
16 would like for you to consider if you decide that
17 Mr Wylie was the shooter and move on to the
18 malice aforethought The cops get there anywhere
19 from a minute to two minutes, to three minutes,
20 whichever cop you want to decide They were all
21 over there When Mr Wylie is greeted in the
22 door by law enforcement, the first thing he says
23 is call 911 If you need to watch the video
24 again, you will certainly have that opportunity
25 He is concerned He is upset

1 Malice aforethought Let's assume the cops
2 got there -- we will split the difference and say
3 it was two minutes Two minutes would have been
4 gracious plenty amount of time for this man to
5 bolt, to get out of there As I recall the
6 testimony, there was at least one car in the
7 driveway He knows his eight-year-old son was in
8 the house because within seconds of the cops
9 getting there, he tells them If you find that
10 he was the shooter, the next thing I think of
11 interest is that he then, within minutes or two
12 minutes, places the gun back in the lock box in
13 the holster in a stocking cap in the lock box
14 that remained in clear view in the living room or
15 bedroom in the front room where the front door
16 is

17 Now, when the cops get there, they say where
18 is the shooter He says I am What the State
19 wants you to do is make the quantum leap and
20 change that a little bit but drastically so the
21 cop could say where is the murderer and he says I
22 am the murderer That was not the question that
23 was asked Where is the shooter? He said I am
24 Malice aforethought

25 Now, at that point in time, the cops tell him

1 to get down He does not resist in any way other
2 than he does get down There was no struggle
3 with the cops He doesn't fight them He
4 doesn't curse them Nothing The police
5 officers escort him to the floor He needs help
6 getting up off the floor to the patrol car When
7 he gets to the Clemson Police Department, he
8 needs assistance getting out of the car at the
9 police department

10 Now, I would also like you to consider --
11 again, you have to determine first whether Mr
12 Wylie fired the weapon or not I'm not going to
13 go through all the gunshot residue Y'all heard
14 that testimony It was pretty clear I'm not
15 going through that But a couple of things I
16 would like for you to take into consideration as
17 to malice aforethought

18 The pathologist testified, not the
19 pathologist that did the autopsy, but the
20 pathologist who testified, testified that a round
21 bullet entered the alleged victim's body I
22 would like for you to look when you get in the
23 jury room, look at the shirt, look at the picture
24 and look to see -- it's not pretty to look at I
25 understand that I would ask you to look that

1 I would ask the next thing for you to do is
2 take the location of the bullet hole and then
3 switch over to Ms Simmons' testimony, the SLED
4 agent who does the -- I don't remember what her
5 title was, but she was the one who talked about
6 the gunpowder on the victim's alleged victim's
7 shirt and they did these tests Malice
8 aforethought, Ladies and Gentlemen, if you were
9 going to kill someone and you had a loaded 357
10 revolver and you were within a foot to three feet
11 of somebody, you're going to shoot them in the
12 right shoulder? I submit sufficiently a
13 sufficient question would cause you to hesitate
14 to act

15 The second question, a gun that is fully
16 loaded Of all the testimony in this case, there
17 were eight bullets in that gun One was fired
18 Malice aforethought on an able heart devoid of
19 social duty, malice aforethought, you had a gun
20 and you were going to kill somebody and you were
21 going to kill them dead, you would shoot that gun
22 more than once One to three feet That was the
23 State's expert that testified One to three
24 feet Visualize that while you are in the jury
25 room One to three feet 12 inches to 36

1 inches The State wants you to believe that
2 malice aforethought is a shot in the arm once
3 with a fully loaded gun I suggest it's
4 sufficient, more than sufficient to cause you to
5 hesitate

6 There is a lot of other evidence Again, I'm
7 going to leave that to you, the jury, the
8 factfinders You can go over all that Don't
9 limit your deliberations to what I have said or
10 to what Madam Solicitor has said Take all the
11 evidence as you heard it and the testimony as you
12 heard it I would ask you to be only fair That
13 burden of proof, Ladies and Gentlemen, is the
14 ultimate right that he can (inaudible) I'm
15 going to ask you to go that jury room after His
16 Honor charges you and bring back a verdict of not
17 guilty on all three charges

18 **THE COURT** Mr Foreman, Ladies and
19 Gentlemen of the jury, it is now my
20 responsibility to charge you the law Let me,
21 first of all, mention a couple of preliminary
22 matters Some of you had permission to take
23 notes during the course of the trial Even
24 though you have taken notes, please remember that
25 some people are good note takers, some people are

1 There is a matter of law I need to take care of
2 with the attorneys I will ask you not to start
3 your deliberations just yet In a few moments,
4 we will give you instructions to do so with the
5 verdict forms and the exhibits If you will,
6 retire to your jury room at this time

7 **(WHEREUPON, the jury exits at approximately**
8 3 23 p m)

9 **THE BAILIFF** Door's closed

10 **THE COURT** Any exception to the charge from
11 the State?

12 **MS MUNSON** No, sir, Your Honor

13 **THE COURT** From the defense?

14 **MR DEJONG** Your Honor, I renew my request
15 for a charge on involuntary manslaughter

16 **THE COURT** Denied

17 **MR DEJONG** Thank you, Your Honor I'm not
18 sure -- I think you mentioned at one point in
19 time and you may have actually charged, I'm not
20 sure, on each charge has to be deliberated on
21 individually

22 **THE COURT** I think I covered that I meant
23 to I believe I did more than once

24 **MR DEJONG** Okay I just didn't hear it
25 That doesn't always mean anything Final thing

1 if you feel like you can not contain your
2 emotion, be it elation or sadness, this would be
3 a good time to remove yourself from the
4 courtroom I want to make sure that the jury
5 understands that whatever the verdict, we
6 appreciate their work We're going to show
7 proper decorum and respect for the jury I hope
8 everybody in the audience understands that I'm
9 assuming if you stay in here that you understand
10 my instruction

11 All right Mr Evans, if the jury is ready,
12 you can have them come back in

13 (WHEREUPON, the jury enters at approximately
14 4 46 p m)

15 **THE COURT** Mr Foreman, I understand the
16 jury has reached a verdict Is that correct?

17 **THE JUROR** That's correct

18 **THE COURT** Is it a unanimous verdict as to
19 each of the charges?

20 **THE JUROR** Yes, it is

21 **THE COURT** If you would, please hand the
22 verdict forms to the bailiff

23 (WHEREUPON, the verdict forms are passed to the
24 Court)

25 **THE COURT** All right Mr Clerk, you may

1 publish the verdicts

2 **THE CLERK** This is case number 2009-GS-39-
3 1413, the State versus Clifford Wylie Austin --
4 Clifford Austin Wylie, as to the charge of
5 Murder, we, the jury, unanimously find the
6 Defendant Clifford Austin Wylie guilty This is
7 case number 2009-GS-39-1407, the State versus
8 Clifford Austin Wylie, as to the charge of
9 Possession of a Weapon during the Commission of a
10 Crime, we, the jury, unanimously find the
11 Defendant Clifford Austin Wylie guilty Case
12 number 2009-GS-39-1406, the State versus Clifford
13 Austin Wylie, as to the charge of Unlawful
14 Conduct toward a Child, we, the jury, unanimously
15 find the Defendant Clifford Austin Wylie guilty

16 Is this your verdict and still your verdict
17 so say you all by raising your right hand?

18 **(WHEREUPON, the jurors respond)**

19 **THE CLERK** Thank you very much

20 **THE COURT** Anything else we need to take
21 care of with the jury before they are discharged
22 in this case?

23 **MS MUNSON** Nothing from the State, Your
24 Honor

25 **THE COURT** From the defense?

1 Court before sentence is imposed

2 MR DEJONG Thank you, Your Honor May it
3 please the Court Mr Wylie is 53 years of age
4 He turned 53 on January the 6th of this year He
5 and Melissa were married for 29 years, Your
6 Honor Two children, a 24-year-old son -- 24 and
7 a half and an almost 9?

8 MR WYLIE 9 on the ---

9 MR DEJONG Almost 10?

10 MR WYLIE 9 on the 23rd

11 MR DEJONG 9 on the 23rd of this month
12 Your Honor, at the time of this offense, he was
13 applying for disability He last worked for
14 Dunlap They shut down in 2005 He does have
15 some college, Your Honor He attended Winthrop
16 for a while and went to Clemson for a while,
17 studied chemical engineering

18 Your Honor, has heard his basically lack of
19 prior record and what he did have is very, very
20 old Standing before you, Your Honor, is a man
21 that's lost everything Lost his health He's
22 been being treated for a back condition for quite
23 some time He's been on hydrocodone for a good
24 while He's also been on benzodiazepam No real
25 known history of mental health history I think

1 there was some peripheral history of mental
2 health

3 He has lost his family He has no contact
4 with the nearly nine-year-old son I think he's
5 only had contact once with the 24-year-old It's
6 my understanding the house is gone Uh, he just
7 really doesn't have anything

8 During my course of talking with him, he's
9 shown a great deal of remorse Some tears have
10 flowed while we have been down in the jail or
11 while I met with him down in the jail I don't
12 say that to be offensive to Mr Wylie but to
13 share that with the Court Not much more I can
14 add, Your Honor 53 I would ask for the mercy
15 of the Court to the extent available under the
16 law

17 Mr Wylie, is there anything you want to
18 share with the Court?

19 **MR WYLIE** Nothing that I can think of

20 **THE COURT** All right

21 (WHEREUPON, there is a pause)

22 **THE COURT** Tragic events lead us all to
23 question sometimes what rhyme or reason there is
24 to it is hard to understand Certainly, a lot of
25 lives have been affected in this particular

1 instance This is case 2009-GS-39-1406, the
2 sentence of the Court is the Defendant be
3 committed to the State Department of Corrections
4 for a period of 10 years and to be given credit
5 for any time served Case 2009-GS-39-1413, the
6 sentence is the Defendant be committed to the
7 State Department of Corrections for a term of his
8 life without any parole, this to be a consecutive
9 sentence to that previously imposed Case 2009-
10 GS-39-1407, the sentence is five years It is to
11 be concurrent to the last imposed sentence which
12 under the law, I think, would be subsumed by
13 that

14 Certainly, I wish the best to the family
15 I wish the best to you, Mr Wylie I hope
16 that you can find some, uh, ---

17 **MR DEJONG** Thank you, Your Honor

18 **THE COURT** --- goal in your, uh, service in
19 the penitentiary

20 **MR WYLIE** Thank you, Your Honor

21 (WHEREUPON, the Court adjourns at approximately

22 5 07 p m)

23

24

(END OF PROCEEDING)

25

CLERK OF COURT
 PICKENS COUNTY
 STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF PICKENS) 09 - GS-39- 0413

The State of South Carolina,) 2009 NOV 30) A 9 09- GS-39-1406, 1407
)
) **ORDER FOR COMPETENCY TO STAND**
) **TRIAL EVALUATION PURSUANT TO**
) **STATE V BLAIR**

-vs-

)
) **EVALUATION BY**
) **(Select Only One)**

) **Department of Mental Health (Mental**
) **Illness)**

OR

CLIFFORD AUSTIN WYLIE
 Defendant

) **Department of Disabilities and Special Needs**
) **(Mental Retardation or Related Disability)**

This matter is before me for an order requiring defendant CLIFFORD AUSTIN WYLIE, charged with Murder, Unlawful Conduct Toward a Child, Possession of a Weapon during a violent crime, to submit to an evaluation for competency to stand trial pursuant to State v Blair, 275 S C 529, 273 S E 2d 536 (1981) and S C Code Ann § 44-23-410 (1976)

BASIS FOR ORDER I have considered the showing made in support of the motion requesting this evaluation and have reason to believe defendant may lack the competency to understand the criminal proceedings or to assist with the defense as a result of a lack of mental competence

This order is issued for the following reasons

EVIDENCE of PARANOIA & TANGENTIAL CONVERSATIONS WITH DEFENSE ATTORNEY.

THEREFORE, IT IS ORDERED Defendant shall be examined and observed at an appropriate facility by two examiners of the Department of Mental Health if suspected of having a mental illness or by two examiners designated by the Department of Disabilities and Special Needs if suspected of having mental retardation or a related disability, to render an opinion whether defendant is competent to stand trial

AWA

COMPLIANCE DEADLINE/TRANSPORT FOR EVALUATION The examining facility shall schedule the ordered examination no later than thirty (30) days from the examining agency's receipt of this order. If defendant is currently free on bond or personal recognizance, defendant is responsible for making transportation arrangements to attend the examination. In the event defendant does not appear at the scheduled examination, upon written notice of such failure by the examining agency to the Sheriff of the county in which this case arose, defendant shall be taken into custody by the Sheriff and held until an examination can be scheduled and completed, and thereafter shall be released. Defendant's bond or bail is hereby revoked to the extent necessary to carry out the provisions of this order, and upon completion of the examination and release of defendant, any previous bail or bond issued by the Court shall remain in effect. If defendant is in custody at the time of the scheduled examination, the Sheriff is hereby authorized and required to transport defendant to and from the examination, arriving at the examining facility at the time established by confirmed appointment with the staff of the examining facility. In the event defendant is in custody of a law enforcement agency other than a Sheriff's department, nothing herein prevents such agency from carrying out the provisions of this order.

TRANSFER TO ALTERNATE AGENCY If the initial examination is performed by the Department of Mental Health, and examiners find indications of mental retardation or a related disability but not mental illness, the Department of Mental Health shall not render an opinion on mental competency, but shall inform the Court, prosecutor, and defense counsel that defendant is "not mentally ill" and shall provide a copy of such notification and a copy of this order to the Department of Disabilities and Special Needs. Likewise, if the initial examination is performed by the Department of Disabilities and Special Needs, and examiners find indications of mental illness but not mental retardation or a related disability, the Department of Disabilities and Special Needs shall not render an opinion on mental competency, but shall inform the Court, prosecutor, and defense counsel that defendant does "not have mental retardation or a related disability" and shall provide a copy of such notification and this order to the Department of Mental Health.

AWA 2

In either case, the examining agency shall make copies of any records gathered or created in connection with its examination available to examiners designated by the alternate agency, and the alternate agency shall thereafter designate examiners to evaluate defendant as to competency to stand trial within thirty (30) days of receipt of the notification from the initial examining agency

FINDING OF DUAL DIAGNOSIS If examiners of either the Department of Mental Health or the Department of Disabilities and Special Needs find an indication of a dual diagnosis of mental illness and mental retardation or a related disability, no opinion on defendant's mental competency shall be rendered, and the dual diagnosis must be reported to the Court, prosecutor, and defense counsel. The examining agency shall also provide notification of the finding and a copy of this order to the other agency. Thereafter, the Department of Mental Health and the Department of Disabilities and Special Needs shall arrange for an examiner from each agency to further evaluate defendant to render a final report on defendant's mental competency. Both agencies are authorized and required to make copies of all relevant records within their possession or control available to examiners for purposes of completing the dual evaluation.

AUTHORIZATION FOR INPATIENT EVALUATION In the event examiners from either agency determine defendant requires an inpatient examination, upon written notice to this Court from the director of the examining agency or his designee, defendant shall be committed to an appropriate facility of the requesting agency for no more than fifteen (15) days for examination and observation related to defendant's mental competency to stand trial.

REQUEST FOR EXTENSION Before the expiration of the examination period or the examination and observation period, the Department of Mental Health or the Department of Disabilities and Special Needs, as appropriate, may apply to a judge designated by the Chief Justice of the South Carolina Supreme Court for an extension of time up to fifteen (15) days to complete the examination or the examination and observation.

DETENTION BEYOND EVALUATION PERIOD If, in the judgment of the designated examiners, defendant is in need of immediate hospitalization or inpatient treatment, upon written request to this Court from the director of the examining facility or his designee, defendant may be detained by the requesting agency in a suitable facility for so long as deemed clinically necessary or until a hearing required and provided by S C Code

AWA/3

Ann § 44-23-430 (1976) may be conducted by this Court. An additional Court order **shall** be necessary for ongoing pre-trial inpatient detention of defendant as discussed in this paragraph.

ISSUANCE AND ADMISSIBILITY OF WRITTEN REPORT Within five (5) days of all examinations or the conclusion of the observation period, a written report shall be made to the Court pursuant to S C Code Ann § 44-23-420 (1976). A copy of the report shall also be forwarded to the prosecutor and defense counsel. This evaluation report shall be admissible as evidence in subsequent hearings pursuant to S C Code Ann § 44-23-420(C) (1976), thus, the report is a statutory exception to the rule against hearsay and shall be admissible without need for foundational testimony. However, the report shall be inadmissible in any other proceedings except as expressly permitted by South Carolina law.

OWNERSHIP AND DISCOVERABILITY OF EXAMINING AGENCY FILES The examining agency is an independent entity, conducting this evaluation pursuant to Court order, and is not aligned with any party before the Court. To promote full disclosure and to assure the cooperation of defendant during the evaluation process, ownership of the examining agency's files shall be vested with the examining agency, including clinician's notes, staff reports, evaluation documents, memoranda, test results, etc. Neither these files nor any of their contents shall be provided to any party except upon presentation of a Court order authorizing such or a release authorization signed by defendant. In the event the examining agency's evaluation opinion is contested, an examiner may be appropriately and fully questioned as to the basis for the examiner's opinion at any hearing pursuant to S C Code Ann § 44-23-430 (1976). However, examiners and agency staff may not be compelled to testify regarding statements made during the competency examination for any purpose other than to establish competency. Also, statements made during the examination may not be used to impeach defendant at trial. Hudgins v Moore, 337 S C 333, 524 S E 2d 105 (1999).

MEDICAL PROVIDERS/SCHOOLS MUST RELEASE NECESSARY RECORDS State agency examiners conducting the evaluation may need clinical and school records concerning defendant to assist in forming an opinion. It is therefore ordered, upon presentation by the examining agency of this order with a written request for specific records attached thereto, that any physician or clinician, licensed health care facility, licensed health

care provider, or any school district is hereby authorized and required to furnish copies of all records concerning defendant to the Department of Mental Health or the Department of Disabilities and Special Needs, or both

COUNSEL REQUIRED TO FURNISH NECESSARY RECORDS Upon written request from the examining agency, counsel for the prosecution and defense shall furnish to the agency such records and information in counsel's possession as the agency requests, including but not limited to copies of law enforcement reports, investigations, witness statements, statements by defendant (both written and electronic), defendant's medical records, and prior psychiatric or psychological evaluations of defendant. Nothing herein shall be construed to require counsel to divulge any information, documents, notes, or memoranda that are protected by attorney-client privilege or work-product doctrine

DUTIES OF DEFENSE COUNSEL Unless the prosecution is the party moving for this evaluation, defense counsel has the responsibility to file, serve, and transmit this order as outlined in the final paragraph below. Defense counsel does not have the right to attend any clinical interview scheduled pursuant to this Order, nor does defendant have a constitutional right to compel counsel's attendance. State v Hardy, 283 S C 590, 325 S E 2d 320 (1985). The Court recognizes, however, that circumstances may arise through which the examining agency may request counsel's attendance to facilitate the examination. In the event that such a determination is made, the examining agency may request counsel's attendance in writing, and counsel's level of participation shall be prescribed by the examining agency's written evaluation protocol. In this event, because of the substantial number of individuals awaiting examination, such interviews cannot be rescheduled, postponed, or canceled to accommodate counsel except upon presentation to the examining agency of a written statement from a circuit court judge that counsel's attendance is required in Court at the time the examination is scheduled. Whether or not defense counsel is requested to attend the clinical interview, defense counsel must meet with defendant prior to the interview to discuss this Court order, the evaluation process, the clinical interview, defendant's rights with regard to the clinical interview, and penalties associated with non-appearance and non-cooperation. Failure to comply with these requirements may result in sanctions for defense counsel. Defendant's refusal to participate at the interview because of the absence of counsel will be deemed non-cooperation. Failure of defendant to cooperate or participate in the interview may result in

AWH/S

cancellation of the interview, examiners being unable to offer an opinion on competency to stand trial, and the case being called for trial without completion of the evaluation

FILING, SERVICE, AND TRANSMITTAL OF ORDER It is the responsibility of counsel for the party requesting the evaluation to file and serve this order as outlined herein. In the event the evaluation has been requested by consent, or the moving party cannot be determined, defense counsel shall be responsible. After being signed by the Court, the original order without attachments shall be immediately filed with the Clerk of Court and a certified copy served upon the opposing party. Further, within five (5) business days, a certified copy of this order, together with the attachments listed at the end of this order, must be served upon the examining agency at the address listed below. To expedite commencement of the evaluation process and scheduling of the clinical interview, counsel is instructed to immediately contact the examining agency to advise of the issuance of this order and forthcoming service upon the agency.

Evaluation Order Service Information

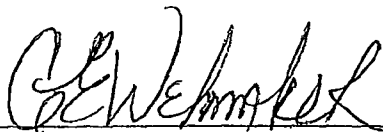
Department of Mental Health

Forensic Evaluation Service Paralegal
S C Department of Mental Health
CBHS Forensic Center
7901 Farrow Road
Columbia, S C 29203-3220
(803) 935-5540 (Phone)
(803) 935-5544 (Fax)
Email FES-PARALEGAL@SCDMH.ORG

Department of Disabilities and Special Needs

Office of Behavioral Supports
Department of Disabilities and Special Needs
Post Office Box 4706
Columbia, S C 29240
(803) 898-9694 (Phone)
(803) 898-9660 (Fax)
Email OBSForensics@ddsn.sc.gov

AND IT IS SO ORDERED



Presiding Circuit Judge

Pickens, South Carolina

Date 11-25-2009

 Judy Munson

Prosecutor

 Address

13th Circuit Solicitor's Office
 214 E Main Street, B-120
 Pickens, Sc

 (864) 898-5906

Telephone

 jmunson@greenvillecounty.org

Email

 Dejong, John

Defense Counsel

 Address

214 East Main St
 Pickens, Sc 29671

 Telephone

 Email

The following documents must be attached to this order upon submission to the Department of Mental Health or to the Department of Disabilities and Special Needs whichever is applicable

- 1 Completed DMH/DDSN Outpatient Information Appointment Sheet
- 1 Copy of the indictment(s) (if issued)
- 2 Copy of the arresting agency's incident report
- 3 Copy of the warrant(s)
- 4 Law enforcement investigative reports
- 5 Defendant's statements to law enforcement, written or electronically recorded
- 6 Witness statements to law enforcement
- 7 Defendant's school psychological records (if available)
- 8 Autopsy reports (if applicable)

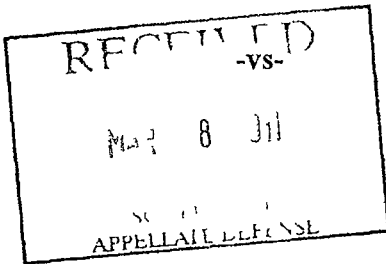
STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

CLECK OF COURT
PICKENS COUNTY
IN THE COURT OF GENERAL SESSIONS

The State of South Carolina,

2009) ASV 3009-65-39-0413
3009-65-39-1406, 1407

ORDER FOR CRIMINAL
RESPONSIBILITY
AND CAPACITY TO CONFORM
EVALUATION
(M'NAUGHTEN)



Select one of the following
(Controls access to evaluation report as outlined below)

- Ex parte evaluation requested by defendant prior to assertion of insanity defense
- Evaluation requested by either party after defendant's assertion of insanity defense
- Evaluation requested by consent of both parties at any time

CLIFFORD AUSTIN WYLIE,
Defendant

This matter is before me for an order requiring defendant CLIFFORD AUSTIN WYLIE, charged with Murder, Unlawful conduct toward a Child and Possessin of a Weapon during a violent crime, to submit to an evaluation for criminal responsibility and capacity to conform conduct to the requirements of the law on or about 12/13/2008 pursuant to S C Code Ann § 17-24-10 (1976) One of the following circumstances applies to the issuance of this order (1) defendant has requested an evaluation to determine whether the insanity defense may apply, or (2) prosecution or defendant has requested this evaluation after defendant has affirmatively asserted the insanity defense and given appropriate notice pursuant to Rule 5(f) of the South Carolina Rules of Criminal Procedure, or (3) both parties by consent request this evaluation regardless of whether defendant has asserted the insanity defense

BASIS FOR ORDER I have considered the showing made in support of the motion requesting this evaluation and find defendant's mental state at the time of the alleged crime(s) will likely be at issue in this proceeding

(Handwritten signature)

This order is issued for the following reasons

EVIDENCE OF PARANOID & TANGENTIAL CONVERSATIONS WITH DEFENSE ATTORNEY

THEREFORE, IT IS ORDERED Because the Department of Mental Health has statutory responsibility for custody and control of individuals determined not guilty by reason of insanity, defendant shall be examined and observed at an appropriate facility of the Department of Mental Health by one or more examiners to determine whether defendant is criminally responsible pursuant to S C Code Ann § 17-24-10(A) (1976) for conduct on or about 12/13/2008

If defendant is believed to be criminally responsible by the designated examiners, defendant shall be further examined to determine whether, because of mental disease or defect, defendant lacked sufficient capacity to conform conduct to the requirements of the law on or about 12/13/2008 pursuant to S C Code Ann § 17-24-20(A) (1976)

COMPLIANCE DEADLINE/TRANSPORT FOR EVALUATION The examining facility shall schedule the ordered examination as soon as possible and no later than sixty (60) days from the receipt of this order by the Department of Mental Health, this time being necessary to gather required records. If defendant is currently free on bond or personal recognizance, defendant is responsible for making transportation arrangements to attend the examination. In the event defendant does not appear at the scheduled examination, upon written notice of such failure by the Department of Mental Health to the Sheriff of the county in which this case arose, defendant shall be taken into custody by the Sheriff and held until an examination can be scheduled and completed, and thereafter shall be released. Defendant's bond or bail is hereby revoked to the extent necessary to carry out the provisions of this order, and upon completion of the examination and release of defendant, any previous bail or bond issued by the Court shall remain in effect. If defendant is in custody at the time of the scheduled examination, the Sheriff is hereby authorized and required to transport defendant to and from the examination, arriving at the examining facility at the time established by confirmed appointment with the staff of the examining facility. In the event defendant is in custody

[Handwritten signature]

of a law enforcement agency other than a Sheriff's department, nothing herein prevents such agency from carrying out the provisions of this order

PROCEDURE IF LACK OF COMPETENCY IS INDICATED If, during the course of the criminal responsibility and capacity to conform evaluation scheduled pursuant to this Order, the examiner finds indications that defendant may not be competent to stand trial pursuant to S C Code Ann § 44-23-410 (1976) and State v. Blair, 275 S C 529, 273 S E 2d 536 (1981), the examiner shall terminate the criminal responsibility and capacity to conform evaluation, issue no report thereon, and by written communication recommend to the Court that a competency to stand trial evaluation should be ordered Further, the examiner should state whether, in the examiner's opinion, such lack of competency is due to a mental illness or, in the alternative, mental retardation or a related disability A copy of this written communication shall be sent to the prosecutor and defense counsel

AUTHORIZATION FOR INPATIENT EVALUATION In the event examiners from the Department of Mental Health determine defendant requires an inpatient examination, upon written notice to this Court from the director of the Department of Mental Health or his designee, defendant shall be committed to an appropriate facility of the Department of Mental Health for no more than fifteen (15) days for examination and observation related to defendant's criminal responsibility and capacity to conform If the examination and observation of defendant has not concluded at the end of the initial inpatient fifteen (15) days, defendant may be kept in the continued custody of the Department of Mental Health for an additional period not to exceed fifteen (15) days, provided the director of the examining facility or his designee notifies this Court in writing The issuance of an additional Court order allowing for the inpatient commitment(s) discussed in this paragraph is not necessary

DETENTION BEYOND EVALUATION PERIOD If, in the judgment of Department of Mental Health examiners, defendant is in need of immediate hospitalization or inpatient treatment, upon written request to this Court from the director of the examining facility or his designee, defendant may be detained by the Department of Mental Health in a suitable facility for so long as deemed clinically necessary or until a hearing on the matter may be conducted by this Court An additional Court order shall

CW/HB

be necessary for ongoing pre-trial inpatient detention of defendant as discussed in this paragraph

ACCESS TO EXAMINER'S REPORT The Department of Mental Health is an independent entity, conducting this evaluation pursuant to Court order, and is not aligned with any party before the Court. It is the intention of the State of South Carolina to provide defendant an adequate opportunity for mental status investigation when the defendant's mental condition is seriously in question pursuant to Ake v. Oklahoma, 470 U.S. 68, 105 S.Ct. 1087 (1985), either before or after defendant formally asserts the insanity defense.

The purpose of the following provisions controlling access to the examiner's report is to strike a balance between defendant's right to explore the possibility of an insanity defense and prosecution's right to respond if such defense is raised. If defendant is requesting evaluation prior to asserting the defense of insanity, the evaluation shall be confidential until such time as defendant elects to assert the insanity defense. If defendant or prosecution is requesting evaluation after defendant's formal assertion of the insanity defense pursuant to Rule 5(f) of the South Carolina Rules of Criminal Procedure, or both parties are requesting the evaluation by consent, the evaluation shall **not** be confidential and both defense counsel and the prosecutor shall be provided a copy of the examiner's report. In either case, ownership of the examining agency's files shall be vested with the examining agency.

(A) Ex parte evaluation requested by defendant prior to assertion of insanity defense

If defendant has requested an evaluation to determine whether the insanity defense may be viable, the examiner's report shall not be provided to the prosecution and shall not be admissible as evidence in any Court proceedings. The prosecution may not discover any portion of the evaluation files. Any written report resulting from the evaluation shall be considered confidential and provided only to defense counsel, and shall be provided within ten (10) days of all examinations or the conclusion of the inpatient examination period. Examiners and agency staff may not be compelled to testify regarding statements made during the criminal responsibility and capacity to conform examination for any purpose unless and until defendant asserts the defense of

insanity. However, as a condition of accepting the evaluation provided by the State of South Carolina, defendant expressly waives any and all confidentiality privileges associated therewith if defendant subsequently asserts the insanity defense. In such case, the evaluation shall no longer be confidential, and all parties' access to the evaluation report shall be controlled by paragraph (B) below.

(B) Evaluation requested by either party after assertion of insanity defense

Because the assertion of the insanity defense places defendant's mental status at issue, either party may discover any portion of the evaluation files upon presentation of a Court order authorizing such or a release authorization signed by defendant. Both the prosecutor and defense counsel shall be provided a copy of the examiner's report within ten (10) days of the conclusion of all examinations or the inpatient examination period. The evaluation report may be admissible as evidence in subsequent hearings concerning defendant's criminal responsibility and capacity to conform. However, the report shall be inadmissible in any other proceedings except as expressly permitted by South Carolina law. Examiners and agency staff may not be compelled to testify regarding statements made during the criminal responsibility and capacity to conform examination for any purpose other than on the issue of criminal responsibility and capacity to conform. Also, statements made during the examination may not be used to impeach defendant at trial. Hudgins v. Moore, 337 S.C. 333, 524 S.E.2d 105 (1999).

(C) Evaluation Requested by Consent of Both Parties

By consent, the parties may request evaluation at any time, regardless of whether the insanity defense has been asserted by the defendant. The procedures and rules for this examination shall be the same as outlined in paragraph (B) above, however, in the event defendant does not assert the insanity defense, the examiner's report shall not be admissible for any reason, nor shall the contents of the evaluation files be used for any purpose.

MEDICAL PROVIDERS/SCHOOLS MUST RELEASE NECESSARY RECORDS Department of Mental Health examiners conducting the evaluation may need clinical and school records concerning defendant to assist in forming an opinion. It is therefore ordered, upon presentation by the Department of Mental Health of this order with a written request for specific records attached thereto, that any physician or



clinician, licensed health care facility, licensed health care provider, or any school district is hereby authorized and required to furnish copies of all records concerning defendant to the Department of Mental Health

COUNSEL REQUIRED TO FURNISH NECESSARY RECORDS Upon written request from the Department of Mental Health, counsel for prosecution and defense shall furnish to the agency such records and information in counsel's possession as the agency requests, including but not limited to copies of law enforcement reports, investigations, witness statements, statements by defendant (both written and electronic), defendant's medical records, and prior psychiatric or psychological evaluations of defendant. Nothing herein shall be construed to require counsel to divulge any information, documents, notes, or memoranda that are protected by attorney-client privilege or work-product doctrine.

DUTIES OF DEFENSE COUNSEL Unless the prosecution is the party moving for this evaluation, defense counsel has the responsibility to file, serve, and transmit this order as outlined in the final paragraph below. Defense counsel does not have the right to attend any clinical interview scheduled pursuant to this Order, nor does defendant have a constitutional right to compel counsel's attendance. State v. Hardy, 283 S C 590, 325 S E 2d 320 (1985). The Court recognizes, however, that circumstances may arise through which the Department of Mental Health may request counsel's attendance to facilitate the examination. In the event that such a determination is made, the Department of Mental Health may request counsel's attendance in writing, and counsel's level of participation shall be prescribed by the Department of Mental Health's written evaluation protocol. In this event, because of the substantial number of individuals awaiting examination, such interviews cannot be rescheduled, postponed, or canceled to accommodate counsel except upon presentation to the Department of Mental Health of a written statement from a circuit court judge that counsel's attendance is required in Court at the time the examination is scheduled. Whether or not defense counsel is requested to attend the clinical interview, defense counsel must meet with defendant prior to the interview to discuss this Court order, the evaluation process, the clinical interview, defendant's rights with regard to the clinical interview, and penalties associated with non-appearance and non-cooperation. Failure to comply with these

requirements may result in sanctions for defense counsel. Defendant's refusal to participate at the interview because of the absence of counsel will be deemed non-cooperation. Failure of defendant to cooperate or participate in the interview may result in cancellation of the interview and examiners being unable to offer an opinion on criminal responsibility and capacity to conform. Failure to cooperate may further result in the case being called for trial without completion of the evaluation, and may result in defendant being prohibited from presenting expert testimony on the issue of insanity or waiver of the insanity defense.

FILING, SERVICE, AND TRANSMITTAL OF ORDER It is the responsibility of counsel for the party requesting the evaluation to file and serve this order as outlined herein. In the event the evaluation has been requested by consent, or the moving party cannot be determined, defense counsel shall be responsible. After being signed by the Court, the original order without attachments shall be immediately filed with the Clerk of Court and a certified copy served upon the opposing party. Further, within five (5) business days, a certified copy of this order, together with the attachments listed at the end of this order, must be served upon the Department of Mental Health at the address listed below. To expedite commencement of the evaluation process and scheduling of the clinical interview, counsel is instructed to immediately contact the Department of Mental Health to advise of the issuance of this order and forthcoming service upon the agency.

Evaluation Order Service Address for the Department of Mental Health

Forensic Evaluation Service Paralegal
 S C Department of Mental Health
 CBHS Forensic Center
 7901 Farrow Road
 Columbia, S C 29203-3220
 (803) 935-5540 (Phone)
 (803) 935-5544 (Fax)
 Email FES-PARALEGAL@SCDMH.ORG

Quiff 7

AND IT IS SO ORDERED

[Handwritten Signature]

Presiding Circuit Judge

Pickens, South Carolina

Date 11-25-2009

Judy Munson
Prosecutor
Address
13th Circuit Solicitor's Office
214 E Main Street, B-120
Pickens, Sc

Dejong, John
Defense Counsel
Address
214 East Main St
Pickens, Sc 29671

(864) 898-5906
Telephone
jmunson@greenvillecounty.org
Email

Telephone
Email

The following documents must be attached to this order upon submission to the Department of Mental Health

- 1 Completed DMH/DDSN Outpatient Information Appointment Sheet
- 1 Copy of the indictment(s) (if issued)
- 2 Copy of the arresting agency's incident report
- 3 Copy of the warrant(s)
- 4 Law enforcement investigative reports
- 5 Defendant's statements to law enforcement, written or electronically recorded
- 6 Witness statements to law enforcement
- 7 Defendant's school psychological records (if available)
- 8 Defendant's Rule 5(f) notice of insanity defense (if applicable)
- 9 Autopsy reports (if applicable)



South Carolina
Department of
Mental Health

Division of Inpatient Services
Forensic Evaluation and Treatment Services
Building #6
7901 Farrow Road
Columbia South Carolina 29203
Information (803) 935 5600
Fax (803) 935 5544

January 14, 2010

Judy Munson, Esq Asst Solicitor
13th Circuit Solicitor's Office
214 E Main St, B-120
Pickens, SC 29671

Ms Munson,

In response to your telephone request, I am providing you with written documentation of Dr Michael Cross' opinions regarding the competency to stand trial criminal responsibility, and capacity to conform of Mr Clifford Wylie, who is charged with Murder Unlawful Conduct toward a Child, and Possession of a Weapon during a Violent Crime, according to the evaluation orders I am Dr Cross' supervisor, and I am submitting this letter because he is on leave and will not be able to complete Mr Wylie's report before his trial begins next week

I spoke to Dr Cross by phone on 1/14/10 He informed me that based on his evaluation of Mr Wylie, which included a face-to-face interview on 12/17/09, his opinions are as follows for each of the charges

Competency to Stand Trial Competent
Criminal Responsibility Responsible
Capacity to Conform Had capacity

In sending you this letter, it is my understanding that you will be sharing its contents with Mr Wylie's defense attorney, who we have listed as Mr John DeJong, Esq

Sincerely,

A handwritten signature in black ink that reads "Jeffrey E. Musick, Ph.D., ABPP". The signature is written in a cursive style.

Jeffrey E Musick, Ph D , ABPP
Chief Psychologist
Forensic Evaluation Service

WITNESSES

James Peppers

Clemson Police Department

2/14/2009

ARREST WARRANT NUMBER

DIRECT PRESENTMENT

SS#441-62-4445

DOB 1-06-57

ACTION OF GRAND JURY

TRUE BILL

Date SEP 15 2009

Henry M. Bann
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO 2009-GS-39-1400
JMM

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2009

THE STATE

VS

CLIFFORD AUSTIN WYLIE

Indictment for

2481

UNLAWFUL CONDUCT TOWARDS A CHILD

VIOLATION § 63-05-0070

TRUE COPY

Donald P. W. [Signature]
CLERK OF COURT
PICKENS COUNTY, S.C.

WITNESSES

James Peppers

Clemson Police Department

2/14/2009

ARREST WARRANT NUMBER
DIRECT PRESENTMENT

SS# 441-62-4445

DOB 1-06-57

ACTION OF GRAND JURY

~~RUE BILL~~

Date SEP 15 2009

Mary M. Bark
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO 2009-GS-39-1407
JMM

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2009

THE STATE

VS

CLIFFORD AUSTIN WYLIE

Indictment for

0549

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A CRIME

VIOLATION § 16-23-0490

TRUE COPY

Phonick P. Williams
CLERK OF COURT
PICKENS COUNTY, S C
MM

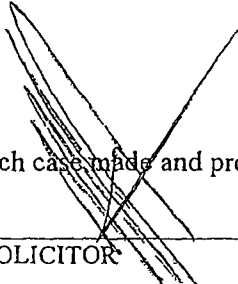
STATE OF SOUTH CAROLINA)	INDICTMENT FOR	(
)	POSSESSION OF A WEAPON DURING THE COMMISSION OF A	
COUNTY OF PICKENS)	CRIME	

At a Court of General Sessions convened on September 15, 2009 the Grand Jurors of Pickens County present upon their oath

That CLIFFORD AUSTIN WYLIE did in Pickens County, on or about the 13th day of February, 2009 posses or visibly display a handgun during the commission or attempted commission of a violent crime, to wit murder

This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended

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



 SOLICITOR

WITNESSES

James Peppers

Clemson Police Department

2/14/2009

ARREST WARRANT NUMBER

K365051

ACTION OF GRAND JURY

TRUE BILL

Date APR 14 2009

Henry M. Damm
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO 2009-GS-39-0413
JMM

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

TERM 2009

THE STATE

VS

CLIFFORD AUSTIN WYLIE

INDICTED

Indictment for

0116

MURDER

VIOLATION § 16-03-0010 0020

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)


INDICTMENT FOR
MURDER

At a Court of General Sessions convened on
County present upon their oath

the Grand Jurors of Pickens

That CLIFFORD AUSTIN WYLIE did in Pickens County on or about the 13th day of February, 2009,
unlawfully and with malice aforethought kill Melissa Davis Wylie by means of shooting the victim with a Taurus
357 revolver, and that Melissa Davis Wylie died as a proximate result thereof This is in violation of §16-3-10 of
the South Carolina Code of Laws (1976) as amended

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



SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Pickens)
 STATE VS)
 Clifford Austin Wylie)
 AKA)
 Race W Sex M Age 53)
 DOB 01 06 1957)
 Address)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2009GS3900413
 A/W# K365051
 Date of Offense 12/13/2008
 S C Code § 16 03 0010 0020
 CDR Code # 0116

Zip CLEMSON, SC)
 DL# SID# SC 00222081)

SENTENCE SHEET 30-life

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO Murder / Murder

CONVICTED OF or PLEADS

in violation of § 16-03 0010, 0020 of the S C Code of Laws bearing CDR Code # 0116
 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

Munson, Andy SC Bar# 04040 Defendant Attorney for Defendant JOHN W. VEJONG SC Bar# 006670

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of Life 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 2009 GS 39-1406
 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

Total \$ _____ plus 20% fee \$ _____

Payment Terms _____

Set by SCDPPPS _____

Recipient _____	
*Fine	\$ _____
§ 14 1 206 (Assessments 107 5 %)	\$ _____
§ 14 1 211(A)(1) (Conv Surcharge)	\$100 \$ _____
§ 14 1 211(A)(2) (DUI Surcharge)	\$100 \$ _____
§ 56 5 2995 (DUI Assessment)	\$12 \$ _____
§ 56 1 286 (DUI Breath Test)	\$25 \$ _____
§ 47 12 (Public Def/Prob)	\$500 \$ _____
§ 14 1 212 (Law Enforce Funding)	\$25 \$ _____
§ 14 1 213 (Drug Court Surcharge)	\$100 \$ _____
§ 50 21 114(BUI Breath Test Fee)	\$50 \$ _____
§ 56 5 2942(I) (Vehicle Assessment)	\$40/ea \$ _____
§ 90 7 (SCCJA Surcharge)	\$5 \$ _____
3% to County (if paid in installments)	\$ _____
TOTAL	\$ _____

_____ 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 pmts of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other _____

Appointed PD or appointed other counsel, § 47 12 requires \$500 be paid to Clerk during probation

Presiding Judge John W. Vejong

Judge Code 2137

Sentence Date 1-20-10

Clerk of Court/ Deputy Clerk _____

Court Reporter _____

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

535

COUNTY OF Pickens)

STATE VS)

Clifford Austin Wylie)

AKA)

Race W Sex M Age 53)

DOB 01 06 1957 SS#)

Address)

City State Zip CLEMSON, SC)

DL# SID# SC00222081)

*CDL 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

INDICTMENT/CASE# 2009GS3901406

A/W# 2009GS3901406

Date of Offense 2/13/2009

S C Code § 63 05 0070

CDR Code # 2481

SENTENCE SHEET 0-10yrs

CONVICTED OF or PLEADS

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 §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 Munsori Judy SC Bar# 64046 Defendant Attorney for Defendant SC Bar# 00670

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 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

Total \$ plus 20% fee \$ days/hours Public Service Employment

Payment Terms Obtain GED Attend Voc Rehab or Job Corp

Set by SCDPPPS May serve W/E beginning

Table with 2 columns: Recipient, Amount. Rows include § 14 1 206 (Assessments 107 5 %), § 14 1 211(A)(1) (Conv Surcharge) \$100, § 14 1 211(A)(2) (DUI Surcharge) \$100, § 56 5 2995 (DUI Assessment) \$12, § 56 1 286 (DUI Breath Test) \$25, § 47 12 (Public Def/Prob) \$500, § 14 1 212 (Law Enforce Funding) \$25, § 14 1 213 (Drug Court Surcharge) \$100, § 50 21 114(BUI Breath Test Fee) \$50, § 56 5 2942(J) (Vehicle Assessment) \$40/ea, § 90 7 (SCCJA Surcharge) \$5, 3% to County (if paid in installments), TOTAL

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd in equal consecutive weekly/monthly pmts of \$ beginning \$ paid to Public Defender Fund

Other

Appointed PD or appointed other counsel, § 47 12 requires \$500 be paid to Clerk during probation

Presiding Judge Judge Code 2137 Sentence Date 1-20-10

Clerk of Court/ Deputy Clerk

Court Reporter

STATE OF SOUTH CAROLINA)
 COUNTY OF Pickens)
 VS)
 Clifford Austin Wylie)
 AKA)
 Race W Sex M Age 53)
 DOB 01 06 1957 SS#)
 Address)

INDICTMENT/CASE# 2009GS3901407
 A/W# 2009GS3901407
 Date of Offense 2/13/2009
 S C Code § 16 23 0490
 CDR Code # 0549

Zip CLEMSON, SC)
 DL# SID# SC00222081)
 *CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET 5/18

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO Weapons / Poss weapon during violent crime if not also sentenced to life without parole or death

in violation of § 16-23 0490 of the S C Code of Laws, bearing CDR Code # 0549
 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 Munson Judge 64040 SC Bar# Defendant [Signature] Attorney for Defendant 601620 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 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 LWOP sentence (0413)
 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 pmts of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other _____

Recipient _____	
*Fine _____	\$ _____
§ 14 1 206 (Assessments 107 5 %)	\$ _____
§ 14-1-211(A)(1) (Conv Surcharge)	\$100 \$ _____
§ 14 1 211(A)(2) (DUI Surcharge)	\$100 \$ _____
§ 56 5 2995 (DUI Assessment)	\$12 \$ _____
§ 56 1 286 (DUI Breath Test)	\$25 \$ _____
§ 47 12 (Public Def/Prob)	\$500 \$ _____
§ 14-1 212 (Law Enforce Funding)	\$25 \$ _____
§ 14 1 213 (Drug Court Surcharge)	\$100 \$ _____
§ 50 21 114(BUI Breath Test Fee)	\$50 \$ _____
§ 56 5 2942(J) (Vehicle Assessment)	\$40/ea \$ _____
§ 90 7 (SCCJA Surcharge)	\$5 \$ _____
3% to County (if paid in installments)	\$ _____
TOTAL	\$ _____

Appointed PD or appointed other counsel, § 47 12 requires \$500 be paid to Clerk during probation

Clerk of Court/ Deputy Clerk _____
 Court Reporter _____
 SCCA/217 (11/2009)

Presiding Judge [Signature]
 Judge Code 2187
 Sentence Date 1-20-10

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings"

September 26th, 2011

A handwritten signature in black ink, appearing to read "Breen R. Stevens", written over a horizontal line.

Breen Richard Stevens
Appellate Defender

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