

Original Indictment Statute as opposed to

Form 32 (12/87)

3585

382

STATE OF SOUTH CAROLINA
COUNTY OF YORK

CERTIFIED TRUE COPY
David Hamilton
JAN 19 12 19 PM '97
Deputy Clerk
DAVID HAMILTON
C.C.D.P. & G.S.
YORK COUNTY, SC

INDICTMENT

At a Court of General Sessions, convened on May 22nd, 1997, the Grand Jury of York County present upon their oath:

RECEIVED

JUN 28 2014

POSSESSION OF CRACK COCAINE
WITH INTENT TO DISTRIBUTE

SC Court of Appeals

44-53-375 ~~7~~

That Charles Ray Carter did in York County on or about April 1, 1997, possess with intent to distribute a quantity of Crack Cocaine, a controlled substance under provisions of Section 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such Possession with Intent to Distribute not having been authorized by law, all in violation of Section 44-53-375, Code of Laws of South Carolina, (1976), as amended.

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

Julius D. Memms
ASSISTANT SOLICITOR

VB 1

WITNESSES

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YCSO / WILLIAMS

S. Wickland

mac

ARREST WARRANT NO E-455557

DOCKET NO. # 97-GS-46-1609

The State of South Carolina

COUNTY OF YORK

EXHIBIT #5 up
See back for stills

COURT OF GENERAL SESSIONS

MAY 22ND, TERM 1997

THE STATE

VS.

CHARLES RAY CARTER

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

~~Defendant~~

Charles Ray Carter

hereby appear in my own proper person and plead guilty to the within indictment or to

Possession of Crack, 3rd +

Defendant

Witness:

C.T.C. PLS. AND G.S.

Indictment for UNLAWFUL DRUGS

POSSESSION OF CRACK COCAINE WITH INTENT TO DISTRIBUTE

1. No clerk Seal

2. Jury Foreman's Signature

3. No essential Element B-1-b GMS

4. False Pled agreement

SCOR-112- [redacted] order of 102.

STATE OF SOUTH CAROLINA

Foreign of Grand Jury

Date:

MAURICE McNEAL 052297

VERDICT

Guilty

of Petit Jury

Date: *12/10/97*

E-455557

STATE OF SOUTH CAROLINA

County/ Municipality of YORK

THE STATE

against

CHARLES RAY CARTER

Address: 4411 GIVENS ROAD ROCK HILL, S. C. 29730

Phone: 327-5438 SSN: 248-98-2577

Sex: M Race: B Height: 71" Weight: 245

Date: 12-03-55 S.C. DL #: Agency ORI #: 0460000

DOB: 12-03-55

Prosecuting Agency: YCSO

Prosecuting Officer: WILLIAMS, G. P.

Offense: POSSESSION OF CRACK WITH INTENT TO DISTRIBUTE--4TH

Code/Ordinance Sec: 44-53-375(B)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

RETURN

A copy of this arrest warrant was delivered to defendant CHARLES RAY CARTER on 4-1-97

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

TICKET # 30773

STATE OF SOUTH CAROLINA County/ Municipality of YORK

AFFIDAVIT

G. P. WILLIAMS

CHARLES RAY CARTER

04-01-97

violates the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of)

Personally appeared before me the affiant

being duly sworn deposes and says that defendant CHARLES RAY CARTER

DESCRIPTION OF OFFENSE: POSSESSION OF CRACK COCAINE WITH INTENT TO DISTRIBUTE--4TH OFF.

SECTION 44-53-375(B)

Further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

ON 04-01-97, OFFICERS WITH THE YORK COUNTY SHERIFF'S OFFICE WERE CONDUCTING AN INVESTIGATION ON I-77 IN FORT MILL, S. C. DURING THIS INVESTIGATION, OFFICERS STOPPED A 1982 CADILLAC FOR IMPROPER TAG. DURING THIS STOP, THE DEFENDANT (CHARLES RAY CARTER) WAS FOUND TO BE IN POSSESSION OF NUMEROUS ROCKS OF CRACK COCAINE, THIS BEING CONSISTENT WITH THE DISTRIBUTION OF CRACK COCAINE. A CHECK OF CARTER'S CRIMINAL HISTORY SHOWED THAT HE HAS THREE PREVIOUS DRUG CONVICTIONS MAKING THIS HIS FOURTH OFFENSE. THIS OFFENSE OCCURRED IN YORK COUNTY, S. C. ALL AGAINST THE PEACE AND DIGNITY OF THIS STATE AND THE LAWS SO MADE AND PROVIDED. THE QUANTITY OF CRACK WAS MORE THAN ONE GRAM.

Sworn to and subscribed before me on 04-01-97

Signature of Affiant

Affiant's Address 1675--2A YORK HWY YORK, S. C. 29745

Affiant's Telephone: 628-3069

Signature of Issuing Judge (L.S.)

STATE OF SOUTH CAROLINA County/ Municipality of YORK

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 04-01-97 defendant CHARLES RAY CARTER

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: POSSESSION OF CRACK COCAINE WITH INTENT TO DISTRIBUTE

SECTION 44-53-375 (B)

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable.

Judge's Address

1675 YORK HWY. YORK, S. C. 29745

Signature of Issuing Judge

Judge's Telephone

628-3095

Judge Code: 214

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

Exhibit #3

CERTIFIED TRUE COPY
STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK
VERDICT FORM

Thomas Yorkland
JAN 19 2 19 PM '98
Deputy Clerk
DAVID HAMILTON
C.C.P. & C.S.
YORK COUNTY, SC

STATE OF SOUTH CAROLINA
V.
Charles Ray Carter
DEFENDANT.
POSSESSION OF CRACK COCAINE WITH
INTENT TO DISTRIBUTE
97-GS-46-1609

X We find the Defendant Guilty of Possession of Crack Cocaine With Intent to Distribute.

_____ We find the Defendant Guilty of the Lesser Included Offense of Possession of Crack Cocaine.

_____ We find the Defendant Not Guilty.

Gregory Harbor
Foreperson

December 10, 1997

#9 See back for exhibits

WITNESSES

00
00

YCS/D / WILLIAMS

S. Williams

mac

ARREST WARRANT NO E-455557

DOCKET NO. # 97-GS-46- 1609

The State of South Carolina

COUNTY OF YORK

COURT OF GENERAL SESSIONS

MAY 22ND, TERM 1997

THE STATE

VS.

CHARLES RAY CARTER

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Charles Ray Carter

hereby appear in my own proper person and plead guilty to the within indictment or to

Possession of Crack, 3rd +

Defendant

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

INDICTMENT

Foreign of Grand Jury

Date:

Mark Marshall 05-22-97

VERDICT

Guilty

Mark Marshall
Petit Jury

Date: *12/10/97*

POSSESSION OF CRACK COCAINE
WITH INTENT TO DISTRIBUTE

Indictment for
UNLAWFUL DRUGS

SC CODE 44-53-375
CDR Code 0112

1. No clerk Seal

2. Jury Foreman's Signature

3. No essential Elements B-1-b GMS

4 Fake Plea agreement

SCDR-112- [redacted] order of 102.

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THE COURT: MR. CARTER, IS THERE ANYTHING YOU WANT TO SAY?

MR. CARTER: I JUST ASK FOR LENIENCY. I JUST HOPE I'LL SEE MY MAMA ALIVE AGAIN; SHE'S A VERY SICK LADY.

THE COURT: WELL, I REGRET THAT, BUT YOU'VE GOT A REAL HEAVY RECORD. THE SENTENCE OF THE COURT IS FOR THIRTY YEARS IMPRISONMENT.

NOW, I TOLD YOU EARLIER THAT I WOULD TELL YOU ABOUT APPEAL. YOU HAVE 10 DAYS, IF YOU WISH, FROM TODAY'S DATE TO FILE WHAT'S CALLED A NOTICE OF INTENT TO APPEAL. BUT YOU HAVE TO FILE IT WITHIN 10 DAYS OR YOU LOSE YOUR RIGHT TO APPEAL.

MR. CARTER: WHERE WOULD I OBTAIN THE MATERIAL TO DO THAT.

THE COURT: WELL, THERE'S NO FORM OTHER THAN WHAT'S IN THE RULE BOOK. I'LL HAVE MY LAW CLERK RUN YOU A COPY OF THE NOTICE OF APPEAL -- WHAT I'LL DO, THERE'S AN APPENDIX OF FORMS TO RULES OF COURT, AND I WILL HAVE XEROXED FOR YOU ALL OF THESE FORMS, HAVE THEM COPIED, EVERY ONE OF THEM. SOME DON'T APPLY -- WELL, I WILL UP THROUGH FORM 12 BECAUSE THEN YOU GET INTO BRIEFS. YES, UP THROUGH FORM 12 I WILL HAVE MY LAW CLERK MAKE YOU COPIES. IT SHOULD BE ADDRESSES -- I CAN'T VERIFY IT BECAUSE I HAVEN'T GONE OVER THEM, BUT THERE WILL BE FORMS THAT YOU CAN USE THAT SHOULD HAVE THE ADDRESSES THAT YOU WOULD WANT.

SCR# : 246054
INQUIRY
CARTER, CHARLES RAY
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CURR LOC: ALLENDAL

RETURN TO COURT:

WARRANT NUM: E455557

FI: J

CDR CODE: 0114

GPS IND: N

OFFENSE DATE: 04/01/1997

OFFENSE CNTY: 46 YORK

TYPE OF COURT: ...

SCDC JURIS DATE: 12/10/1997

MAND SERV REQMT: 025 06 000

PAROLE FACTOR: 1 1/4 SENT. REQ.

PAROLE SERV REQMT: 999 99 999

EXTRA CRED: 00000

SENT START DATE: 12/09/1997

DOM. IND: ...

STATUTE CLASSIFICATION: ...

SCDC CLASSIFICATION: ...

NON-VIOLENT

DATE: 08/22/01

DATE: 12/17/97

PF8-NEXT CONVICTION 1 Sess-1 167.7.50.33 PF9-DETAIN 167.7.50.33 PF4-RESTITUTION PAID(FA ONLY) SCCE1047 1/1

CONVICTION SUMMARY

CURR LOC: ALLENDAL

SCDC CLASSIFICATION: NON-VIOL

CONV VIO

STAT IND

ACT N N

PROJ COMP

06/03/2023

12/09/97

12/10/97

SENT DATE

SENT DATE

YRS MO DYS

030 00 000

INCARC SENT

030 00 000

CONVICTION OFFENSE

MANU/DIST CRACK-3RD,

NUM 500001

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CARTER, CHARLES RAY

STDC# > 246054

MAKE A SELECTION AND PRESS <ENTER>

PAGE: 0001

DF1 2-GIMBPDF

Model Field Indictment
new showing statute 3585
manu-dist ETC

EXL-819
11 #

EXHIBIT #5

COUNT : _____

378

COUNTY OF YORK

CERTIFIED TRUE COPY

CASE NO: 97 GS-46-1609

THE STATE
VS

Wanda Harbrough
JAN 19 2 19 PM '98
Clerk
DAVID HAMILTON
C.C. HAMILTON

WARRANT NO: E 455557

CHARGE: #0102 Poss Crack Cocaine W/P

Charles Ray Carter

The sentence of the Court is that *Charles Ray Carter*, the defendant named in this indictment be confined to the State Board of Corrections/York County Detention Center for a term of Thirty (30) YEARS (AND) (OR) pay a fine of \$ _____ : provided that upon the service of _____ (and)(or) payment of \$ _____ plus (pay) (waive) cost and assessments as applicable * , the balance is suspended and the defendant is placed on probation for _____ (months) (years).

RESTITUTION: (YES) (NO)

PHYSICAL INJURY \$ _____

HEARING HELD OR WAIVED ON: _____

(and) (or)

PAYABLE TO CLERK FOR (VICTIM) _____

PROPERTY DAMAGE \$ _____

TOTAL \$ _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE: _____

DATE: 12-10-97

YORK, SOUTH CAROLINA

FINE	\$ _____
ACADEMY <i>su</i>	\$ <u>100.00</u>
C.C.A.	\$ _____
L.C.F.	\$ _____
C.A.T.	\$ _____
OTHER	\$ _____
GRAND TOTAL	\$ <u>100.00</u>

*COST AND ASSESSMENTS:

John Hagan
Presiding Judge
David Hamilton
Clerk of Court
Date of Birth 12-03-55
Social Security 248-98-2577
Driver's License: N/A

COPY RECEIVED BY: *Charles Ray Carter*
Defendant

ATTORNEY FOR DEF: *Pro Se*
ADDRESS: 441 Givens Rd
Rock Hill, SC 29730

M F
B / W

CHT11900

SODC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

01/27/98

SODC # 248054
CARTER, CHARLES RAY

SMITHKIH

CURR LOC: MCLRNIC

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

OFFENDER CATEGORY: NON-VIOL

CURR SENT SERVING CAT: NON-VIOL

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	PROJ	COMP	STAT	IND
		YRS	MO	DYS	DATE	START			
21 * 300001	CRACK POSSESS	030	00	000	12/10/97	12/09/97	10/07/2013	ACT	N B
					/ /	/ /	/ /		

PAGE: 00001

MAKE A SELECTION AND PRESS <ENTER>...

PF11-QUIT PF10-MAIN MENU PF7-BACKWARD PF8-FORWARD

Exhibit #6



3

0MT15300

3000 OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

01/21

OFFDC ID: 00246054
ARTER, CHARLES RAY

SMITHKIN

LOC: MCCORMICK

OFFENDER CATEGORY: NON-VIOLENT

CURR SENT SERVING CAT: NON-VIOLENT

TOTAL SENTENCE : 030-00-000
CURRENT SENTENCE : 030-00-000

CONSECUTIVE SENTENCE : N
CURRENT SENT START DATE: 12/09/1997

PROJECTED COMPLETION DATES
MAXOUT DATE : 10/07/2013
FULL TIME : 11/14/2027
GOOD TIME : 12/24/2015
INITIAL PAROLE DATE: 01/05/2004

OFFENDER TYPE : ADULT-STRAIGHT SENTENCE
CURRENT EWC : 3 F S
CURRENT EEC : NOT CURRENTLY EARNING EEC
REST CTR COMPLETION DATE: 00/00/0000
NEXT PAROLE HEARING DATE: 01/05/2004

TOTAL GT DAYS EARNED : 000020
TOTAL EARNED WORK CREDITS : 000003
TOTAL EDUCATION CREDITS : 000000
TOTAL EXTRA EARNED CREDITS : 000
TOTAL SERVICE TIME EARNED : 000050

LABOR CREW/WORK PROG DATE: 99/99/9999
LABOR CREW DISQ REASON:
OUTSTANDING DETAINER

PFKEYS: 3: HISTORY OF DATE CHANGES

*I was sentenced in 12-10-97
This is what was given to me at
McCormick CI by the ICC when
I started my sentence.*

9/16/97

Reference Commitment order
and Detainer.

Dear Clerk



EXHIBIT # 7

S.C.D.C Records Branch is showing That I was sentence For Manufacturing a Control Substance which is incorrect. On December 10-1997, I was sentence By Judge Hayes For Poss of Crack with Intent To Distribute. Please send a copy of original Indictment and Commitment To S.C.D.C Offenders Records Office. Please provide me with a copy of your Correspondance in This Matter. I would also appreciate it very much if you would inform as to Why a Detainer is still pending against me after I have Filed a Timely notice For Speedy Trial or Dismissal. Please advise me of The proper and necessary procedure to Resolve The issue That I have addressed in The Above.

Respect Fully Submitted

Charles Ray Carter
RT 2 Box 100-F4-A-292
McCormick SC 29898

Copies York County Clerks Office

Judge Darden S.C. Supreme Court 12-14

There is nothing in this letter about 3rd offense as the Clerk stated in her response or requesting such information

Charles Carter

246254

File



CLERK OF COURTS OFFICE

P.O. Box 649, York, South Carolina 297

By Mr. RT # 3

OCTOBER 13, 1998

98 OCT 16 AM 0:47

OFFENDER RECORDS BRANCH

S.S. DEPARTMENT OF CORRECTIONS
OFFENDER RECORDS OFFICE
4444 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29221

DEAR MS. TURBEVILLE:

Relax

I HAVE BEEN REQUESTED BY AN INMATE, CHARLES RAY CARTER, TO PROVIDE YOU WITH COPIES OF HIS SENTENCE SHEET FOR A CONVICTION ON 12/20/97 INDICATING HIS CONVICTION WAS FOR POSS. CRACK COCAINE WITH INTENT TO DIST. 3RD OFFENSE, AND NOT MFG. CONTROL SUBSTANCE AS HE INDICATED IN HIS LETTER.

I TRUST THAT THIS WILL MEET YOUR REQUIREMENTS.

YOURS TRULY

Peggy Carroll

PEGGY C. CARROLL
DEPUTY CLERK

CC: MR. CHARLES RAY CARTER
RT # 2 BOX 100
F-4-A-272
McCORMICK, S.C. 29899

*10/24/98
Per Stalke in concert w/
Lesli Bonwin, Counsel General
inmate is being documented
correctly at CDR code 011
MANU Dist. Crack - 3rd S*

COUNT NO. _____

COUNTY OF YORK

CASE NO: 97 GS-46- 1609

THE STATE
VS

WARRANT NO: E 455557

Charles Ray Carter

CHARGE: ~~POSS~~ Poss Crack Cocaine w/P
(0114) 3RD off

The sentence of the Court is that Charles Ray Carter, the defendant named in this indictment be confined to the State Board of Corrections/York County Detention Center for a term of Thirty (30) YEARS (AND) (OR) pay a fine of \$ _____ : provided that upon the service of _____ (and)(or) payment of \$ _____ plus (pay) (waive) cost and assessments as applicable * , the balance is suspended and the defendant is placed on probation for _____ (months) (years).

RESTITUTION: (YES) (NO)

PHYSICAL INJURY \$ _____

HEARING HELD OR WAIVED ON: _____

(and) (or)

PAYABLE TO CLERK FOR (VICTIM) _____

PROPERTY DAMAGE \$ _____
TOTAL \$ _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE: _____

DATE: 12-10-97

YORK, SOUTH CAROLINA

*COST AND ASSESSMENTS:

FINE \$ _____
ACADEMY su \$ 150.00
C.C.A. \$ _____
L.C.F. \$ _____
C.A.T. \$ _____
OTHER \$ _____
GRAND TOTAL \$ 100.00

John Hagan
Presiding Judge
David Hamilton
Clerk of Court
Date of Birth 12-03-55
Social Security 248-98-2577
Driver's License: N/A

COPY RECEIVED BY: X Charles Ray Carter
Defendant

ATTORNEY FOR DEF: Pro Se
ADDRESS: 4411 Givens Rd
Rock Hill, SC 29730

M F
B/W

modified



Exhibit #
#10



REPORT 1 CONTINUED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFENDER SUMMARY

INMATE NO: 246054

NAME: CARTER, CHARLES RAY

***** NO CONSECUTIVE STRUCTURE *****

** COMMITMENT TEXT **

PER JAIL TIME SHEET FROM YORK CO., SC DET. CTR. SHOWS DATE ADMITTED FOR JAIL TIME PURPOSES IS 12/09/97 THRU 12/10/97-DATE OF SENTENCE. RUDY, B.R. R&E CTR. 12/17/97. RECORD AUDITED 12/29/97. S. WILLIS///CORRECTED OFFENSE DATE ON CT#1. YORK CO. CLERK'S OFFICE FAXED A COPY OF THE SENTENCING SHEET WHICH SHOWS A STAT-UTE CODE C F (0114). STATUTE CODE WAS VERIFIED BY SALLY IN THE YORK CO. SOLICITOR'S OFFICE. 05/21/98 DRP///OFFENSE #1 MODIFIED CDR CODE FROM 0102 TO 0114 PER M. STORBE'S DOCUMENTATION FILED IN RECORD 10/16/98-LCUSAAC, 8/22/01...

EXHIBIT

12



0013300
00000000
0000# > 0046054

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

05/18/201859

CARTER, CHARLES RAY
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE

LOC: ALLENDALE
SCDC CLASSIFICATION...: NON-VIOLENT
SEXUAL REGISTRY...: N
SEXUAL PREDATOR...:
DNA STATUS...: COMPLETED
GPS REQUIREMENT...: N
PRAA DECISION...:

CURRENT SENTENCE: 030-00-000
030-00-000

CONSECUTIVE SENTENCE...: N
CURRENT SENT START DATE: 12/09/1997

PROJECTED COMPLETION DATES
MAXIMUM DATE...: 06/03/2023
YOA SIX YEAR DATE: / /
INITIAL PAROLE DATE: 00/00/0000

CURRENT EWC...: 3 F 5
CURRENT EFC...: NOT CURRENTLY EARNING EFC
NEXT PAROLE HEARING DATE: 00/00/0000

TOTAL BT DAYS EARNED...: 000000
TOTAL EARNED WORK CREDITS...: 001066
TOTAL EDUCATION CREDITS...: 000000
TOTAL EXTRA EARNED CREDITS...: 000
TOTAL SERVICE TIME EARNED...: 004479

LABOR CREW/WORK PRNG DATE: 09/99/9999
LABOR CREW DISQ REASON:
ASSAULTIVE DISC W/TN 36 MONTHS

KEYS: S: HISTORY OF DATE CHANGES

This was given to me
in 2010 at Allendale C-I.
Please see the total EWCs
owed to me as of 5-18-10
according to this.

8. A letter from Judge John C. Hayes, III dated September 10, 2004, further attested that the correct CDR code for Inmate Carter's offense is 0114.

9. At all times mentioned in the Complaint, I acted within the scope of my employment as an employee of the State of South Carolina and the SCDC and within the rules, regulations, laws and policies of the SCDC.

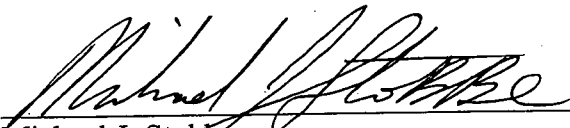
10. At all times mentioned in the Complaint in the above captioned action, I exercised the discretion necessary to carry out my duties as an employee of the SCDC and as Branch Chief of Document Processing and Release Section in the Division of Classification and Inmate Records.

12. At no time did I knowingly violate or observe another violate any of Inmate Carter's constitutional rights.

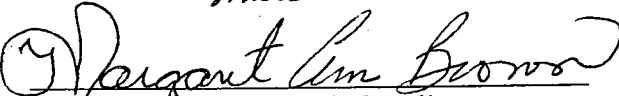
13. I followed all SCDC policies and procedures, as well as all state and federal laws and regulations in my actions involving Inmate Carter.

14. I hereby certify and attest that the documents made Exhibits hereto are true and complete copies of the original SCDC documents.

FURTHER THE AFFLIANT SAYETH NOT.


Michael J. Stobbe

SWORN to before me this
5th day of ~~February~~, 2008.
March


Notary Public for South Carolina

My Commission Expires: 7/6/09

present on the Sentencing Orders and Indictments presented to the Department, included specifically:

- inmate's name
- sentencing jurisdiction/county
- indictment numbers
- offenses
- length of sentence
- CDR code relating to sentence
- sentencing judge's name/signature
- sentencing date

5. Upon his arrival at SCDC, Inmate Carter's sentencing sheet indicated a charge of possession of crack cocaine with intent to distribute and a sentence of thirty (30) years, but listed the CDR code as 0102. At that time, CDR code 0102 indicated a charge of possession of less than one gram of ice, crank, or crack cocaine, third or subsequent offense. Because the incorrect CDR code was used, the Plaintiff's records originally reflected a projected release date of January 13, 2016, and a date for an initial parole hearing of June 7, 2005.

6. I then received a correction of the CDR code for Inmate Carter from the York County Clerk of Court dated May 21, 1998. This corrected code was again verified by a letter dated October 13, 1998. This correspondence indicated that the correct CDR code was 0114, which at the time was the code for distribution of crack cocaine, third or subsequent offense.

7. After verifying that the new CDR for Inmate Carter code was in fact the correct code, the SCDC records were adjusted to reflect the corrected CDR code. Following this correction, the Plaintiff's records reflected a projected release date of June 3, 2023, and that the Plaintiff is not eligible for parole.

2 Copies



7

Exhibit # 13

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Charles Ray Carter, #246054)
)
 Plaintiff,)
)
 v.)
)
 South Carolina Department)
 of Corrections,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 CASE NO. 07-CP-40-6038

AFFIDAVIT OF MICHAEL J. STOBBE

2008 MAR -5 PM 4:02
 BARBARA A. SCOTT
 C.C.C. & G.S.
 RICHLAND COUNTY
 FILED

PERSONALLY APPEARED before me, Michael J. Stobbe, who first being duly sworn deposes and avers the following:

1. I am currently employed by the State of South Carolina and the South Carolina Department of Corrections (SCDC) and hold the position of Branch Chief of Document Processing and Release Section in the Division of Classification and Inmate Records. I have been employed with SCDC in my current capacity since 1996. I have been with SCDC since 1977.

2. In my position, I am responsible for receiving and organizing documentation regarding each inmate within SCDC for central filing, and for ensuring that such documentation satisfies the Department's requirements.

3. In 1997, inmate Charles Ray Carter, #246054, was convicted of possession of crack cocaine with intent to distribute, 3rd offense and sentenced to thirty (30) years in prison. See attached Sentencing Orders with accompanying Indictments.

4. SCDC received Inmate Carter on December 16, 1997, along with the necessary and appropriate information to process him into the Department. Such information, which was



Exhibit 14



INMATE RECORDS OFFICE

2004 SEP 15 AM 10:36

State of South Carolina
The Circuit Court of the Sixteenth Judicial Circuit

JOHN C. HAYES, III
JUDGE

MOSS JUSTICE CENTER, 2ND FLOOR
1875-1H YORK HIGHWAY
YORK, SOUTH CAROLINA 29745-7434
TELEPHONE: (803) 628-3047
FAX: (803) 628-3055
E-MAIL: jhayesj@sccourts.org

12
September 10, 2004

Mr. Charles Ray Carter, #246054
BRCI - 122 - Murray Unit
4460 Broad River Road
Columbia, SC 29210

Dear Mr. Carter:

I have checked the Criminal Docket Report (CDR) and it appears to me that the correct CDR code for the offense for which you were sentenced is 0114 rather than 0102. It would appear that your sentence sheet has been corrected rather than the sentence modified.

I have no jurisdiction as to your 1997 sentence at this time.

With kind regards, I am

Yours very truly,

John C. Hayes III
John C. Hayes, III

JCHIII/fjk

Cc: Court file (w/Carter letter of 8-5-04 letter and attachments)
S.C. Dept. of Corrections

SA-28

WARDEN'S DECISION AND REASON:

CARTER, CHARLES - 246054

This is in response to RCI-0856-12. All pertinent information has been reviewed and all procedures were followed appropriately. According to your Classification Case Worker, Ms. Chisholm, your CDR code was modified from 0102 to 0114 per a sentencing sheet received from Your County Clerk of Court Office. It is a mandatory 85% sentence requiring you to serve 25 years 6 months. If you feel this is incorrect, you need to contact York County Clerk of Court. With your work credits and good time, your max out date is 06/03/2023. You are currently serving 25 years 5 months 24 days. Your time can not drop below the 85% requirement.

Based on this information, I consider this matter resolved. If not satisfied with my response, see Step 5 below.

Beverly Cole 12/7/12
Warden Signature Date

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

Charles Carter 1-3-13
Grievant Signature Date

M. E. [Signature] 1/3/13
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via the Institutional Grievance Coordinator.

Exhibit # 15

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: Charles Carter
SCDC NUMBER: 246054
INSTITUTION: Ridge Land C.I.
HOUSING UNIT: SIA 28
WORK ASSIGNMENT: None

Office Use Only
Grievance No. RCI 0856-12
Code: General CH/CL
Policy _____
Disc. Hear. _____
Class. _____
Date Received 10/11/12
IGC Initials MB

OCT 08 2012
J.O.

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I was sentenced in December 1997. My Sentencing sheet reflected code 102. My initial Release date screen stated that my Parole Eligible Date was 1-5-04 and my Max out Date was 10-7-2013. I still have this document. However in 1998 my Sentencing sheet was modified by Records Clerk Michael Stobbe by changing the Code from 102 to 114 which then terminated my Parole eligibility and increased my sentence by 10 years. In a recent Ruling by the SC Court of Appeals in the case of TANT VS SCDC - The Court Ruled that SCDC could not modify a Sentencing sheet that was without ambiguity. There fore with the Earn work credits and Good Time that I would have earned my sentence is suppose to be expired.

ACTION REQUESTED: That my original Sentencing sheet Code of 102 be reinstated and that my EWCs and Good Time be given to me retroactively and applied to my sentence.
EWC and Good Time

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I have Exhausted these procedures before this new Ruling was put into place. There fore I'm Filing this grievance Base on the Ruling in TANT VS SCDC that was not available when I File in the past.

Charles Carter 10-4-2012
Grievant Signature Date

ACTION TAKEN BY IGC:

Your grievance has been investigated and because of time restraints, forwarded to the Warden for his review/decision. See Warden's decision

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

Mr. E. Montoye 11/16/12
IGC Signature Date

N/A
Grievant Signature Date

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM**

Due: 8/13

STEP 2

EXHIBIT # 16

INMATE NAME: Charles A Carter
 SCDC NUMBER: 246054
 INSTITUTION: Ridgeland C.I.
 HOUSING UNIT: S.A. 28
 WORK ASSIGNMENT: Dorm

RECEIVED

Office Use Only
 Grievance No. RCC-0856-12
 Code: General C/C
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received 8/11/13
 IGC Initials MDK

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): The agency overstepped its bounds I was denied due process by SCDC as well as denied counsel by the unlawful modification and erroneous calculation of my sentence without me knowing or without a hearing more than 10 months after I was sentenced which unlawfully terminated my initial parole eligibility of 1-5-04 and my original Maxout date of October 2013 by changing the offense code on my initial sentencing sheet from 102 to 114 as well as the CDR code on my indictment from 112 to 114 and entering the code 114 into the computer which created a different indictment and statute that terminated my Earn work credits and good time which increased my sentence by 10 years and my maxout date to 2023 that was done outside the original record in violation of *Tant vs SCDC-718* Serd 753 and *Hawkins vs Freeman* 166 Fed 2d 267 that has caused me to be held past my release date Charles Carter 8-7-13
 if I'm given my EWCs and ~~work~~ good time for a 15 year period.
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concerns have been reviewed. Your sentencing sheet was corrected to reflect CDR code 0114 rather than 0102. You received correspondence from the Honorable Judge John C. Hayes III dated 9/10/04 which explained to you that your sentencing sheet had been corrected, not modified, to reflect the correct CDR code of 0114. The South Carolina Department of Corrections does not have the authority to modify your sentencing sheet or CDR code.

Therefore, your requested action is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

J. Gaston 8-23-13
 Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Charles Carter 9-16-13
 Grievant Signature Date

M. E. Montfort 9-16-13
 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

EXHIBIT # 17

CERTIFIED TRUE COPY *JK*

OCT 22 9 04 AM '98

DAVID L. ...
CLERK ...
YORK COUNTY, SC

GENERAL SESSIONS DOCKET REPORT FOR YORK COUNTY

REPORT RUN DATE - 121197

- 1 INDICTMENT NUMBER: 97GS4601609
 - 2 DEFENDANT NAME: CARTER, CHARLES RAY AKA:
 - 3 ADDRESS: 4411 GIVENS ROAD CITY: ROCK HILL STATE: SC ZIP: 29730
 - 4 SOCIAL SECURITY NUMBER: 246982577 SEX: 1 MALE RACE: 2 BLACK
 - 5 DATE OF BIRTH: 120355 DRIVERS LICENSE STATE / NO.: SC / 99999999
 - 6 MARITAL STATUS:
 - 7 WARRANT OR TICKET NUMBER: E455557 COUNTS: 01 OFFENSE CODE: 0102
 - 8 NO WARRANT? 0 NAME OF OFFENSE: DRUGS/POSS (1GM
 - 9 DATE OF ARREST: 040197 DATE RECD BY CLERK: 040497 SUMMARY JUDGE:
 - 10 DISP DATE: 121097 DISP TYPE: 2 TRIAL/GUILTY
 - 11 DISP TYPE EXPLANATION:
 - 12 JUDGE CODE/NAME: 049 HAYES, JOHN C III COURT REPORTER: JANET FISCHER
 - 13 CONVICTION: CTS: 01 OFFENSE: 0102 DRUGS/POSS (1GM
 - 14 SENTENCE:
30 YEARS
- DEFENSE ATTORNEY: WILLIAM BRAY PROSECUTING ATTORNEY: JULIA MIMMS