

WITNESSES

SCSO

Barry Barnett

DOCKET NO.

13-GS-42-3628
The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 21 2013

TERM

ARREST WARRANT NUMBER

2013AA4210201954

THE STATE
VS.

ACTION OF GRAND JURY

AUG 22 2013

James Scott McAbee

Barry Barnett
True Bill

Foreperson of Grand Jury

Date:

VERDICT

We, the jury, find James
Scott McAbee guilty
of carjacking.

Barry Barnett

Foreperson of Petit Jury

Date:

July 9, 2014

Indictment for

CARJACKING

SC Code: 16-3-1075 (B) (1)

CDR Code: 2599

Class FEL/C

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 AUG 28 PM 1:18
M. HOPE BLACKLEY

RECEIVED

JUL 16 2014

SC Court of Appeals

78

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

01 22 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

CARJACKING

That James Scott McAbee did in Spartanburg County on or about
June 5, 2013, take, or attempt to take, a motor vehicle by force and
violence and/or by intimidation while the victim, John Matthew
Habitizruther, was in the motor vehicle, to wit: by grabbing the victim and
attempting to pull him from his vehicle, in violation of §16-3-1075 (B) (1),
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.


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS. James Scott McAbee
AKA:
Race: WHITE Sex: M Age: 44
DOB: SS#
Address:
City, State, Zip:
DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS4203628
A/W#: 2013A4210201954
Date of Offense: 6/5/2013
S.C. Code §: 16-03-1075(B)(1)
CDR Code #: 2599

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Carjacking / Take or attempt a vehicle from person by force without great bodily harm

CONVICTED OF or PLEADS

in violation of § 16-03-1075(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2599
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS (CS w/minor 1st or 1.5rd Act) § 17-25-45

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

ATTEST: GHENT, RUSSELL D SC Bar# 2439 Defendant Attorney for Defendant SC Bar# 79961

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 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 10 days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 3

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
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
days/hours Public Service Employment

Recipient:

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

Table with 3 columns: Description, Rate, Amount. Includes items like § 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, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCA Surcharge) \$5, 3% to County (if paid in installments) \$18.90, TOTAL \$648.90

\$ paid to Public Defender Fund

Other: complete anger management

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

Clerk of Court/ Deputy Clerk KG McKinney
Court Reporter: Linda Moffett
SCCA/217 (03/2011)

Presiding Judge
Judge Code: 2053
Sentence Date: July 9, 2014

WITNESSES

SCSO

Kevin Stoltz

WARRANT NUMBER

2013AA4210201955

ACTION OF GRAND JURY

AUG 22 2013

Handwritten Signature
Foreperson of Grand Jury
True Bill

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-3627
The State of South Carolina

County of Spartanburg

Barry Barrette, Solicitor

COURT OF GENERAL SESSIONS

AUG 21 2013

TERM

THE STATE

VS.

James Scott McAbee

Indictment for

ASSAULT AND BATTERY 3rd Degree

SC Code: 16-3-600(E)(1)
CDR Code: 3414
Class MIS/U

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 AUG 28 PM 1:18
M. HOPE BLACKLEY

178

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS. James Scott McAbee

AKA:
Race: WHITE Sex: M Age: 44
DOB: SS#

Address:
City, State, Zip:
DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Assault/Assault and Battery 3rd Degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS0203627
A/W#: 2013A4210201955
Date of Offense: 6/5/2013
S.C. Code §: 16-03-0600(D)(1)
CDR Code #: 3413

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0600(E)(1) of the S.C. Code of Laws, bearing CDR Code # 3414
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or 2nd Act

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury.
The pleas: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Ghent, Russell D SC Bar# 2439 Defendant
Attorney for Defendant SC Bar# 79961

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 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: \$
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
Proviso 47.9 (Public Def/Prob) \$500
§ 14-1-212 (Law Enforce. Funding) \$25
§ 14-1-213 (Drug Court Surcharge) \$150
§ 50-21-114 (BUI Breath Test Fee) \$50
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea
Proviso 90.5 (SCCA Surcharge) \$5
3% to County (if paid in installments) \$
TOTAL \$ 133.90

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
Judge Code:
Sentence Date: July 9, 2014

Clerk of Court/ Deputy Clerk: KGM Kinney
Court Reporter: Linda Mott
SCCA/217 (03/2011)