

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE SPARTANBURG COUNTY  
Court of General Sessions

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R. Lawton McIntosh, Circuit Court Judge

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Case No. 2012-GS-42-03135

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 The State,

Respondent,

Charles Allen Cain

v.

Appellant

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NOTICE OF APPEAL

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Charles Allen Cain appeals his/her conviction and sentence in this case. The sentence was imposed by the Honorable R. Lawton McIntosh on April 11, 2013. This appeal is taken from the conviction and sentence.

April 11, 2013

s/

  
Robert B. Hall

Bar No.: 2596

Seventh Judicial Circuit Public Defender Office

366 N Church Street, Suite 3000

Spartanburg, South Carolina 29303

(864) 596-2561

Attorney for Appellant

Other Counsel of Records:

J Hayes Holliday, Esq.

Seventh Judicial Circuit Solicitor's Office

180 Magnolia Street

Spartanburg, South Carolina 29306

(864)596-2575

Attorney fo Respondent

**RECEIVED**

APR 17 2013

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
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PROOF OF SERVICE

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I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on April 15, 2013, addressed to its attorney of record, J Hayes Holliday, Esq., Assistant Solicitor, 180 Magnolia Street, Spartanburg, South Carolina 29306.

April 11, 2013

s/ 

Robert B. Hall

Bar No.: 2596

Seventh Judicial Circuit Public Defender Office

366 N Church Street, Suite 3000

Spartanburg, South Carolina 29303

(864) 596-2561

Attorney for Appellant

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**SC Court of Appeals**

WITNESSES

SPTBG CO SHERIFF'S OFFICE

*[Signature]*

ARREST WARRANT NUMBER

N155428

ACTION OF GRAND JURY

**True Bill**

Foreperson of Grand Jury **JUN 14 2012**  
Date:

VERDICT

*[Signature]*  
*[Signature]*

Foreperson of Petit Jury  
Date: **3-1-13**

DOCKET NO.

**12-GS-42-3135**

The State of South Carolina

County of Spartanburg

Barry J Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 25 2012

TERM

THE STATE  
VS.

CHARLES ALLEN CAIN

Indictment for

TRAFFICKING IN METHAMPHETAMINE

SC Code: 44-53-375

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY

2012 JUN 20 AM 10:32

M. HOPE BLACKLEY

**APPROVED**

APR 17 2013

St. Court of Appeals

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STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 STATE VS. )  
 Charles Allen Cain )  
 AKA: )  
 Race: WHITE Sex: M Age: )  
 DOB: )  
 Address: )  
 City, State, Zip: )  
 DL#: ) SID#: )

IN THE COURT GENERAL SESSIONS  
 INDICTMENT/CASE#: 2012GS4203135  
 A/W#: N155428  
 Date of Offense: 1/17/2012  
 S.C. Code § : 44-53-0375(C)  
 CDR Code #: 0450

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
 TO: Trafficking Methamphetamine 10 - 28 grams - 1st offense ( 3 - 10 years & \$25,000 )

in violation of § 44-53-0375(C) of the S.C. Code of Laws, bearing CDR Code # 0450  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.  
 ATTEST: [Signature] 79791 Defendant [Signature] 2596 Attorney for Defendant  
 HOLLIDAY, HAYES SC Bar#

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

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

CONCURRENT or  CONSECUTIVE to sentence on:  
 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 \_\_\_\_\_  
 Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 8.40
TOTAL		\$ 288.40

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: \_\_\_\_\_

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

Clerk of Court/ Deputy Clerk B Boehm  
 Court Reporter: Maggie Woods  
 SCCA/217 (03/2011)

Presiding Judge [Signature]  
 Judge Code: 2185  
 Sentence Date: 3-1-13

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF SPARTANBURG )

INDICTMENT

JUN 14 2012

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

**TRAFFICKING IN METHAMPHETAMINE**

That Charles Allen Cain did in Spartanburg County on or about January 17, 2012, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or did knowingly actually or constructively possess, or did knowingly attempt to actually or constructively possess more than (10) ten grams of Methamphetamine, a schedule II controlled substance, in violation of §44-53-375, *THE 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

# SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN  
CIRCUIT PUBLIC DEFENDER

366 NORTH CHURCH STREET  
SUITE 3000  
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561  
FAX (864) 596-2284  
FAX (864) 562-4412

April 11, 2013

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

RE: State v. Charles Allen Cain  
Case No.: 2012-GS-42-03135

Dear Ms. Kitchings:

Enclosed for filing is the original Notice of Appeal in the above case. Also enclosed are the Proof of Service of the Notice of Appeal on the Respondent and copy of the indictment, verdict, and sentence to be challenged on appeal.

Sincerely yours,

A handwritten signature in black ink that reads "R. B. Hall".

Robert B. Hall

Enclosures: cc: Office of Seventh Judicial Circuit Solicitor  
Office of Attorney General  
Office of Appellate Defense

**RECEIVED**

APR 17 2013

**SC Court of Appeals**