

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.

INDICTMENT/CASE#: 2013GS1002277

Damian D Anderson

A/W#: 2013A1010200553

AKA: _____

Date of Offense: 2/1/2013

Race: _____ Sex: _____ Age: _____

S.C. Code § : 16-09-0320(B)

DOB: _____ SS#: _____

CDR Code #: 0256

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: Assaulting a Police Officer While Resisting Arrest

CONVICTED OF or PLEADS

in violation of § 16-09-0320(B) of the S.C. Code of Laws, bearing CDR Code # 0256

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] 10/13/25
Osborne, David L SC Bar# _____ Defendant [Signature] Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of _____ 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	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 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	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

_____ 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 [Signature]

Court Reporter: [Signature]

SCCA/217 (03/2011)

Presiding Judge
Judge Code: 2156

ATTEST: A True and Correct Copy
JULIE J. ARMSTRONG (SEAL)

By [Signature]
CLERK OF COURT & F.C.
DEPUTY CLERK

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1301807

ARREST WARRANT NUMBER

2013A1010200553

DATE OF ARREST

February 1, 2013

ACTION OF GRAND JURY

TRUE BILL

Janeth Butler

Foreperson of Grand Jury

Date: MAY 6 2013

VERDICT

Guilty

James E. Lee 8/6/14

Foreperson of Petit Jury

Date:

INDICT

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

May Term 2013

THE STATE

vs.

DAMIAN D ANDERSON

~~DOB: 1982-01-24~~

~~1111~~

Indictment for

Assault on Police Officer While Resisting Arrest

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEA
CLERK C.P., G.S. & F.

By

[Signature]

DEPUTY CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
STATE OF SOUTH CAROLINA)
 vs.)
)
)
DAMIAN ANDERSON,)
 DEFENDANT.)
_____)

IN THE COURT OF GENERAL
SESSIONS

INDICTMENT NOS. 2013-GS-1002277

VERDICT FORM

As to the charge of Assault on a Police Officer While Resisting Arrest, we, the jury,
unanimously find the Defendant:

Not Guilty

Guilty

James E. Lee
Foreperson 8/6/14

Charleston, South Carolina.
August 6, 2014.

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, CP, G.S. & FC
By *Julie J. Armstrong*
DEPUTY CLERK

ARREST WARRANT

2013A1010200553

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE
against

Damian D Anderson

Address: [REDACTED]

Phone: [REDACTED] SSN [REDACTED]

Sex: M Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: [REDACTED]

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Officer Harvill - 0820

Offense: Resisting / Assault, beat, or wound police officer

serving process or while resisting arrest

Offense Code: 0256

Code/Ordinance Sec: 16-09-0320(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 the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant _____

on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant Officer Harvill who

being duly sworn deposes and says that defendant Damian D Anderson

did within this county and state on or about 2/1/2013 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Charleston)

in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

I 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:

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843)577-7434

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 or about 2/1/2013 defendant Damian D Anderson

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Charleston) as set forth below.

DESCRIPTION OF OFFENSE: Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

Having found probable cause and the above affiant having sworn before me, 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

Sworn to and subscribed before me

on 2/2/2013

Judge's Address 3870 Leeds Avenue, Suite 106

North Charleston, SC 29405-7469

Judge's Telephone (843)746-9822

Issuing Court: Magistrate Municipal Circuit

Signature of Issuing Judge: Priscilla Bridges Baldwin (L.S.)

Judge Code: 5749

ORIGINAL

ORIGINAL

ORIGINAL

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.G.
By [Signature]
DEPUTY CLERK

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one, ROGER OWEN, who first being duly sworn deposed and says that, Damian D. Anderson, did within this county and state on the 1st February, 2013 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

Assault on Police Officer while Resisting Arrest
16-9-320

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

On 02-01-2013 at 1938 hours at 266 Fleming Road Apt. A in the City and County of Charleston, 29412 in the State of South Carolina the defendant did knowingly, willingly, and unlawfully violate South Carolina Statute 16-9-320 (Assault on Police Officer while Resisting Arrest) to wit:

Sgt. Light conducted a lawful traffic stop at 266 Fleming Rd for improper lane use at the intersection of Central Park and Fleming Rd. During the stop, Ofc. Villeneuve made contact with the defendant who was the passenger in the vehicle. Sgt. Light placed the driver under arrest for Driving Under Suspension and smelled alcohol in the vehicle. The driver stated to Sgt. Light "It's not mine, I just got off of work". Sgt. Light observed a clear plastic cup containing a brown liquid in the center cup holder and believed the driver was speaking about the container. Due to the driver being placed under arrest and the open container in the vehicle, the defendant was asked to step out of the vehicle. The defendant then responded "No, I'm not getting out of the car," and then leaned further into the car to distance himself from Officer Villeneuve. Officers Villeneuve and Harvill then attempted to gain control of the defendant's left and right arms to extract him from the vehicle. However, the defendant violently pulled away and ignored Officer's loud verbal commands to "Stop resisting!" and "Place your hands behind your back!" Sgt. Light attempted to place the defendant under arrest for disobeying a lawful order and open container in the vehicle. However, the defendant continued to pull and push officers in an attempt to break away. During the altercation the defendant's actions led to Officer Harvill's left hand being broken as the defendant and officers wrestled on the ground. Officer Harvill was examined at Roper St. Francis Hospital and confirmed a broken left hand which will require an additional examination at an orthopedic specialist. The above facts are true and believable based on the observations and investigations of CPD Officers Harvill, Summerlin, Villeneuve and Sgt. Light.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 2 DAY OF February, 2013

[Signature]
AFFIANT
180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

[Signature] (L.S.)
SIGNATURE OF JUDGE

COMPLAINT # 13-01807
WARRANT #
INVESTIGATING OFFICER: Sgt. E. Light

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL) CPD Form OT3
CLERK OF P. C. S. & F. G.
BY [Signature]
FIDELITY CLERK