

113

WITNESSES  
YCSA / WILLIAMS

*S. J. Williams*

mac

ARREST WARRANT NO E-455557

RECEIVED

SEP 08 2014

SC Court of Appeals

COURT OF GENERAL SESSIONS  
MAY 22ND, TERM 1997

THE STATE

VS.

CHARLES RAY CARTER

ACTION OF GRAND JURY

THOMAS DILLON

Foreman of Grand Jury

Date:

*Mark E. McCall* 052297

VERDICT

*Griffith*

*Shelton*  
of Petit Jury

12/10/97  
Date:

DOCKET NO. # 97-GS-46-1609

The State of South Carolina

COUNTY OF YORK

*Exhibit 105 up*

*See back for stills*

After being fully advised as to my legal rights, I hereby waive presentation 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:

Indictment for  
UNLAWFUL DRUGS

POSSESSION OF CRACK COCAINE  
WITH INTENT TO DISTRIBUTE

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

*1. No clerk Seal*

*2. Jury Foreman's Signature*

*3. No essential Elements B-1-b GMS*

*4. Fake Pled agreement*

*SCOR-112- [redacted]  
Order of 102.*

SC CODE 44-53-375  
CDR Code 0112

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 2 19 PM '97  
Deputy Clerk  
DAVID HAMILTON  
C.C.P. & C.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 23 2014

**POSSESSION OF CRACK COCAINE**  
**WITH INTENT TO DISTRIBUTE**

SC Court of Appeals

44-53-375

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.

*Julia D. Nemms*  
ASSISTANT SOLICITOR

ARREST WARRANT

E- 455557

CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA  
 County/  Municipality of YORK

AFFIDAVIT

01020

Form Approved  
S.C. Attorney Gen.  
July 20, 1990  
SCCA 518

STATE OF SOUTH CAROLINA  
 County/  Municipality of YORK

THE STATE  
against

CHARLES RAY CARTER

4411 GIVENS ROAD

ROCK HILL, S. C. 29730

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

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

Date: 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

G. P. WILLIAMS

CHARLES RAY CARTER

Personally appeared before me the affiant \_\_\_\_\_ being duly sworn deposes and says that defendant CHARLES RAY CARTER within this county and state on 04-01-97

State of South Carolina (or ordinance of \_\_\_\_\_ County/  Municipality of \_\_\_\_\_)

violates the criminal laws of the \_\_\_\_\_

On the following particulars:

DESCRIPTION OF OFFENSE: POSSESSION OF CRACK COCAINE WITH INTENT TO DISTRIBUTE--4TH OFF. SECTION 44-53-375(B)

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:

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 Issuing Judge \_\_\_\_\_ (L.S.)

Signature of Affiant \_\_\_\_\_  
Affiant's Address 1675--2A YORK HWY, YORK, S. C. 29745  
Affiant's Telephone 628-3069

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:

Il 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 \_\_\_\_\_ (L.S.)  
Judge's Telephone 628-3095  
Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

Exhib: 7#3

CERTIFIED TRUE COPY

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

*Thomas York*  
JAN 19 2 19 PM '98  
*Deputy Clerk*

STATE OF SOUTH CAROLINA  
YORK COUNTY, SC POSSESSION OF CRACK COCAINE WITH  
INTENT TO DISTRIBUTE

v.  
Charles Ray Carter )  
DEFENDANT. )  
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

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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.

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Exhibit #5

COUNT: \_\_\_\_\_

COUNTY OF YORK

CASE NO: 97 GS-46-1609

378

THE STATE VS

Charles Ray Carter

CERTIFIED TRUE COPY

Wanda Yorkbrook, County Clerk  
JAN 19 2 19 PM '98  
DANIEL HAMILTON

WARRANT NO: E 455557

CHARGE: #0102 Poss Crack Cocaine, W/L

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) (O) pay a fine of \$ \_\_\_\_\_ : provided that upon the service of \_\_\_\_\_ (and)(o) payment of \$ \_\_\_\_\_ plus (pay) (waive) cost and assessments as applicable \* , the balance 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 \$ 150.00

John Hagan  
Presiding Judge  
Daniel 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: Paul Se  
ADDRESS: 4411 Givers Rd  
Rock Hill, SC 29730

M F  
B / W

01/23/00

SDCC OFFENDER MANAGEMENT SYSTEM  
RELEASE DATE SCREEN

3

SDCC ID: 00246054  
ARTER, CHARLES RAY

01/23/00

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 SENTENC  
CURRENT EWC : 3 F 5  
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: 5: 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.*

99-1609

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 Curtis  
RT 2 Box 100-F4-A-292  
MC cormick SC 29899

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  
Charles Curtis



246954

300

CLERK OF COURTS OFFICE

P.O. Box 649, York, South Carolina 29732

EXHIBIT # 8

OCTOBER 13, 1998

98 OCT 16 AM 17

OFFENDER RECORDS BRANCH

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

DEAR MS. TURBEVILLE:

*Relaxed*

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 COR code 011  
MANU Dist. Crack - 3rd Si*

STATE OF SOUTH CAROLINA

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

FINE	\$ _____
ACADEMY <u>su</u>	\$ <u>150.00</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: X Charles Ray Carter  
Defendant

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

M F  
B/W

WHITE - Clerk

PINK - Detention

YELLOW - Probation Dept.

BLUE - Defendant's Copy

Exhibit

# ~~11~~  
11

Modified Indictment

now showing statute 3585  
Mann-Dist-ETC

INQUIRY  
CURR LOC: ALLENDAL

RETURN TO COURT:  
WARRANT NUM: E455557  
FI: J

CONVICTION NUM.: S00001 INDICT NUM.: 97-GS-461609  
DATE SENTENCED.: 12/10/1997 JUDGE LAST.: HAYES, III  
STATUTE: 44-53-0375(B) CDR CODE.: 0114 GPS IND: N  
OFFENSE: 3585 MANU/DIST CRACK-3RD, SUB. OFFENSE DATE: 04/01/1997  
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK

PLA.: N NOT GUILTY TYPE OF COURT.....  
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 12/10/1997  
TOTAL SENTENCE...: 030 00 000 MAND SERV REQMT...: 025 06 000  
INCARC SENTENCE...: 030 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.  
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 999 99 999  
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00001 EXTRA CRED: 00000  
CONVICTION STATUS: AC ACTIVE SENT START DATE: 12/09/1997 DOM. IND:  
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT  
DNA OFFENSE IND...: Y EEC ELIG: Y SCDC CLASSIFICATION...: NON-VIOLENT  
SEX REG: N PRED OFF: N LAST UPDATE: L CUSAAC DATE: 08/22/01  
N9-PAROLE: -NO-PAROLE CREATED BY: K RUDI DATE: 12/11/97

PF8-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID (FA ONLY)  
4-0 1 Sess-1 167.7.50.33 SCCL1047 1/1

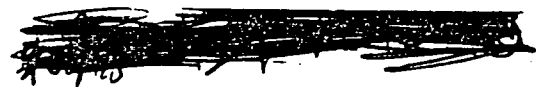
SCDC# > 246054 CURR LOC: ALLENDAL  
CARTER, CHARLES RAY SCDC CLASSIFICATION...: NON-VIOL

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE CONV ICTION SUMMARY  
INCARC SENT SENT CONV VIC  
NUM CONVICTION OFFENSE YRS MO DYS DATE START PROJ COMP STAT IND  
\* S00001 MANU/DIST CRACK-3RD, 030 00 000 12/10/97 12/09/97 06/03/2023 ACT N N

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...  
REC DETAIN DEF12-CITMPED

Exhibit  
12



05/13/00  
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SCDC OFFENDER MANAGEMENT SYSTEM  
RELEASE DATE SCREEN

05/18/00  
001859

SCDC# > 2246054  
CARTER, CHARLES RAY  
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE

LOC: ATTENDANCE  
SCDC CLASSIFICATION...: NON-VIOLENT  
SEXUAL REGISTRY...: N  
SEXUAL PREDATOR...:  
DNA STATUS...: COMPLETED  
GPS REQUIREMENT...: N  
PFA 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 RT 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: 99/99/999  
LABOR CREW DISQ REASON:  
ASSAULTIVE DISC W/IN 36 MONTHS

KEYS: S: HISTORY OF DATE CHANGES

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

2 Copies

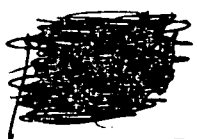


Exhibit # 13

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

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

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, 3<sup>rd</sup> 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

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.

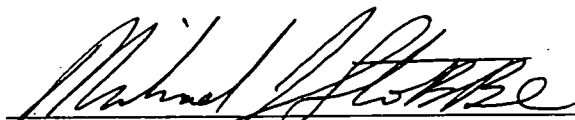
10. At all times mentioned in the Complaint in the above captioned action, I exercised the discretion necessary to carry out my duties as an employee of the SCDC and as Branch Chief of Document Processing and Release Section in the Division of Classification and Inmate Records.

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

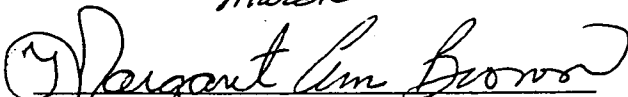
13. I followed all SCDC policies and procedures, as well as all state and federal laws and regulations in my actions involving Inmate Carter.

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  
5<sup>th</sup> 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.



EXHIBIT # 140



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) 828-3047  
FAX: (803) 828-3055  
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

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 CL/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 SDBB 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.

M. E. Montford 11/16/12  
IGC Signature Date

N/A  
Grievant Signature

JA-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.

- 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

Beverly Cole 12/7/12  
Warden 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.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

XMC: 7/8/13

STEP 2

EXHIBIT # 16

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

RECEIVED

Office Use Only  
Grievance No. REC-0856-12  
Code: General C/C  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received 8/11/13  
IGC Initials MJC

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 104 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 bond time which increased my sentence by 10 years and my maxout date to 2023 that was done outside the original record in violation of Fant vs SCDC-719 Sent 753 and Hawkins vs Freeman 166 Fed 2d 267 that has caused me to be held past my release date  
if I'm given my EWCs and bond time for a 15 year period.

Charles Carter 8-7-13  
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. Montoye 9-16-13  
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

EX-11881-17

CERTIFIED TRUE COPY *re*

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: 248982577 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 NIMMS