

ALAN WILSON
ATTORNEY GENERAL

RECEIVED

OCT 08 2014

SC Court of Appeals

October 8, 2014

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

RE: The State v. Ernest Smalls, Jr.
Appellate Case No: 2014-000572

Dear Ms. Kitchings:

Please accept the attached documents as supplemental exhibits to my motion to dismiss that was served and filed on September 22, 2014 with your office.

By copy of this letter, I am serving opposing with the attached documents.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General
S.C. Bar No: 1871

SWE/ab

cc: Benjamin Tripp, Esquire

VS.

SMALLS, ERNEST JR

STATE OF SOUTH CAROLINA
COUNTY : GEORGETOWN COUNTY
COURT : GENERAL SESSIONS

IND #: 2004GS2201016, 1017, 1018,
1019

BENCH WARRANT-# BW00002432

CHARGED WITH: H695465 DRUGS / DISTRIBUTE, SELL, I
H695466 DRUGS / TRAFFICKING IN ICE
H695467 DRUGS / MANUF., POSS. OF O
H695468 DRUGS / DISTRIBUTE, SELL, I

To all the Sheriffs, Deputy Sheriffs, Constables, and Other Peace Officers of the State:

WHEREAS, at the term of the aforestated Court NOVEMBER 15, 2004
it was among other things ordered by Judge BAXLEY, MIKE that a Ben
Warrant should be issued for the arrest of SMALLS, ERNEST JR
FOR FAILURE TO APPEAR...

It is, therefore, ordered that you make diligent search for the above named
and take him/her to the county jail/detention facility where he/she will be
safely held until he/she may be brought before this Court, or otherwise
discharged by due course of law.

It is further ordered that the county jail/detention facility notify the
clerk of court immediately, during the normal operating hours of the office of
the clerk of court, that the above named is in custody.

WITNESS, the Clerk of Court for the County of GEORGETOWN COUNTY
on the 15 day of NOVEMBER, 2004.

CERTIFIED A TRUE
AND CORRECT COPY

James A. Robinson
DEPUTY CLERK OF COURT
GEORGETOWN COUNTY, SC

Clerk of Court

James A. Robinson
By: Deputy Clerk

ENTERED NOV 18 2004

2004GS2201016, 1017, 1018, 1019

BENCH WARRANT #: BW00002432

STATE OF SOUTH CAROLINA
COUNTY : GEORGETOWN COUNTY
COURT : GENERAL SESSIONS

STATE OF SOUTH CAROLINA
VS.
SMALLS, ERNEST JR

BENCH WARRANT

DATE ISSUED: 11/15/2004

HOME ADDRESS:
71 JULIAN RUTHLEDGE DR

PAWLEYS ISLAND, SC 29585

BUSINESS ADDRESS:

DEFENDANT DESCRIPTION:
Race.: B Sex...: M
Birth Date: 05/03/1982
Height: 6'02" Weight: 150
Eyes: Hair:
Soc.Sec.#: 601092693
License #:
Lic-State: SC

DATE SERVED _____

SERVED BY _____

- OR -

DATE RETURNED _____

REASON FOR RETURN _____

AGENCY GEORGETOWN SHERIFF DEPT.

NOT A WARRANT
FOR ARREST

NO ARREST
WARRANT

THE STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

BENCH WARRANT
FAILURE TO APPEAR...

THE STATE
VS.
Ernest Smalls Jr

GCSO
2004GS2201016
FEB 11 2014
WARRANTS

H695465, H695466, H695467,
H695468

Drugs / Distribute, sell, purchase, manuf.
crack cocaine, or pwid, near school

To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace Officers of the said State Greeting:

WHEREAS, at the Term of Court of General Sessions County Court for the County aforesaid, it was among other things Ordained that a Bench Warrant should be issued for the arrest of Ernest Smalls Jr

THESE ARE, THEREFORE, to command you and every one of you to make diligent search after the said above named and him to take and safely keep until he be delivered to the keeper of the Common Jail of the County or discharged by due course of law. And this shall be a good and sufficient warrant for you doing so, and for the keeper of said Jail receiving said above named from you and keeping him safely until he be discharged by due course of law.

WITNESS, Alma Y. White, Clerk of Court of General Sessions and Common Pleas for the County of Georgetown,

February 4, 2014.

Suanana Wilson, Deputy
Clerk of Court of General Sessions and Common Pleas

CERTIFIED COPY
2014 FEB -5 4:46
CLERK OF COURT
GEORGETOWN, SOUTH CAROLINA

General Sessions
COUNTY OF Georgetown
STATE OF SOUTH CAROLINA

BENCH WARRANT
2014B2200100008

THE STATE
VS.

Ernest Smalls Jr

71 JULIAN RUTHLEDGE DR

PAWLEYS ISLAND, SC 295850000
(Last known address)

Bench Warrant No. 2014B2200100008

Case No. 2004GS2201016
H695465, H695466, H695467, H695468
Drugs / Distribute, sell, purchase, manuf.
crack cocaine, or pwid, near school

Date Issued February 4, 2014

Soc. Sec. No. 601-09-2693

Sex M Race B DOB May 3, 1982

Height 62 Weight 150

Eyes Hair

Date Served Served by

DL No. DL State SC

FILED
GEORGETOWN COUNTY, S.C.
2014 MAR -4 AM 9:00
ALMA Y. WHITE
CLERK OF COURT

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF GEORGETOWN) INDICTMENT: 2004GS2201016,
) 2004GS2201017,
) 2004GS2201018,
 STATE) 2004GS2201019
 _____)
 VS.) WARRANT # H695465, H695466, H695467,
) H695468
 ERNEST SMALLS, JR.,)
)
) ORDER ISSUING BENCH WARRANT
 DEFENDANT)
 _____)

FILED
 GEORGETOWN COUNTY, S.C.
 2014 FEB 4 PM 4:32
 ALMAY WHITE
 CLERK OF COURT

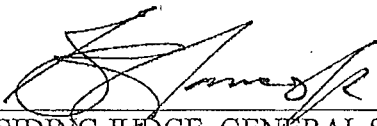
This matter is before the Court on Motion of the State that a bench warrant be forthwith issued and executed on the above defendant, who was tried before a General Sessions Jury in his absence and found guilty on November 18, 2004, on the following indictments:

- 2004GS2201016 Possession with Intent to Distribute Cocaine Base Near School/Park
- 2004GS2201017 Trafficking Cocaine Base, 28-100 grams, 3rd Offense
- 2004GS2201018 Possession with Intent to Distribute Marijuana, 3rd Offense
- 2004GS2201019 Possession with Intent to Distribute Marijuana Near School/Park

The sentence was sealed by Judge Baxley on November 18, 2004, and the Solicitor moved for a bench warrant at that time, but the Clerk of Court has no record of the Order being filed. The Defendant is currently incarcerated at J. Reuben Detention Center on unrelated charges. I find that good cause has been shown to issue a bench warrant on the defendant.

IT IS ORDERED that you make diligent search for Ernest Smalls, Jr., and take him into secure custody immediately, until he may be brought before this Court or otherwise discharged by due course of law.

AND IT IS SO ORDERED.

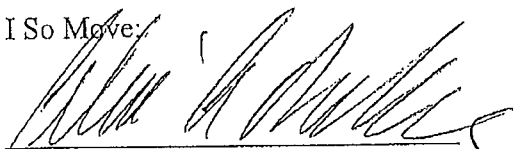


 PRESIDING JUDGE, GENERAL SESSIONS
 FIFTEENTH JUDICIAL CIRCUIT

Georgetown, SOUTH CAROLINA

February 4, 2014

I So Move:

A handwritten signature in black ink, appearing to read 'Alicia A. Richardson', written over a horizontal line.

Alicia A. Richardson
Deputy Solicitor

VS.

SMALLS, ERNEST JR

STATE OF SOUTH CAROLINA

COUNTY : GEORGETOWN COUNTY

COURT : GENERAL SESSIONS

IND #: 2004GS2201016, 1017, 1018, 1019

BENCH WARRANT-# BW00002432

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H695468	DRUGS / DISTRIBUTE, SELL, I

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It is further ordered that the county jail/detention facility notify the clerk of court immediately, during the normal operating hours of the office of the clerk of court, that the above named is in custody.

WITNESS, the Clerk of Court for the County of GEORGETOWN COUNTY
on the 15 day of NOVEMBER, 2004.

**CERTIFIED A TRUE
AND CORRECT COPY**
[Signature]
 DEPUTY CLERK OF COURT
 GEORGETOWN COUNTY, SC

Clerk of Court
[Signature]
 By: Deputy Clerk

ENTERED NOV 18 2004

2004GS2201016, 1017, 1018, 1019

BENCH WARRANT #: BW00002432

STATE OF SOUTH CAROLINA
COUNTY : GEORGETOWN COUNTY

COURT : GENERAL SESSIONS

STATE OF SOUTH CAROLINA

VS.

SMALLS, ERNEST JR

DATE SERVED _____

SERVED BY _____

- OR -

DATE RETURNED _____

REASON FOR RETURN _____

AGENCY GEORGETOWN SHERIFF DEPT.

BENCH WARRANT

DATE ISSUED: 11/15/2004

HOME ADDRESS:
71 JULIAN RUTHLEDGE DR

PAWLEYS ISLAND, SC 29585

BUSINESS ADDRESS:

DEFENDANT DESCRIPTION:

Race...: B Sex...: M

Birth Date: 05/03/1982

Height: 6'02" Weight: 150

Eyes: _____ Hair: _____

Soc.Sec.#: 601092693

License #: _____

Lic-State: SC

NOT A WARRANT
BY (S) (S)

NOT A WARRANT
BY (S) (S)

THE STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

BENCH WARRANT
FAILURE TO APPEAR...

THE STATE
VS.
Ernest Smalls Jr

GCSO

2004GS2201016

FEB 11 2014

H695465, H695466, H695467,
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Drugs / Distribute, sell, purchase, manuf.
crack cocaine, or pwid, near school

WARRANTS

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WITNESS, Alma Y. White, Clerk of Court of General Sessions and Common Pleas for the County of Georgetown,

February 4, 2014.

Susananna Wilson
Clerk of Court of General Sessions and Common Pleas

CLERK OF COURT
GEORGETOWN, SC

2014 FEB -5 10:46

CERTIFIED COPY

General Sessions
COUNTY OF Georgetown
STATE OF SOUTH CAROLINA

BENCH WARRANT
2014B2200100008

THE STATE
VS.

Ernest Smalls Jr

71 JULIAN RUTHLEDGE DR
PAWLEYS ISLAND, SC 295850000
(Last known address)

Bench Warrant No. 2014B2200100008

Case No. 2004GS2201016
H695465, H695466, H695467, H695468
Drugs / Distribute, sell, purchase, manuf.
crack cocaine, or pwid, near school

Date Issued February 4, 2014

Soc. Sec. No. 601-09-2693

Sex M Race B DOB May 3, 1982

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Date Served Served by

DL No. DL State SC

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 STATE) 2004GS2201019

VS.) WARRANT # H695465, H695466, H695468,
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 ERNEST SMALLS, JR.,)
)
) ORDER ISSUING BENCH WARRANT
 DEFENDANT)

FILED
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 2014 FEB 24 PM 4:32
 ALMAY WHITE
 CLERK OF COURT

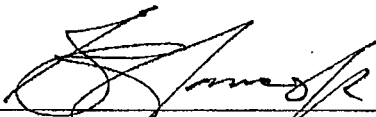
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Georgetown, SOUTH CAROLINA

February 4, 2014

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Alicia A. Richardson
Deputy Solicitor
