

VOL II OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Spartanburg County

R. Lawton McIntosh, Circuit Court Judge

---

**RECEIVED**

OCT 30 2014

**S.C. Supreme Court**

NOEL MICHAEL LYLES,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000474

---

APPENDIX

---

LANELLE CANTEY DURANT  
Appellate Defender

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON  
Attorney General

SUZANNE H. WHITE  
Assistant Attorney General

P. O. Box 11549  
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX .....i

TRIAL TRANSCRIPT (dated November, 9, 12, 13, 2009).....1

APPLICATION FOR POST-CONVICTION RELIEF .....343

RETURN .....351

POST-CONVICTION RELIEF HEARING TRANSCRIPT (dated June 26, 2013).....359

PETITIONER’S EXHIBIT #1 (AFFIDAVIT OF PHOTOGRAPH IDENTIFICATION) .....444

PETITIONER’S EXHIBIT # 2 (INVESTIGATION REPORT).....445

ORDER OF DISMISSAL .....474

MOTION TO ALTER OR AMEND JUDGEMENT .....489

ORDER ON MOTION TO ALTER OR AMEND JUDGEMENT .....491

FINAL ANDERS BRIEF OF APPELLANT .....492

OPINION OF THE COURT OF APPEALS .....504

INDICTMENTS AND SENTENCE SHEETS .....506

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NOEL MICHAEL LYLES,

APPELLANT

PETITION TO BE RELIEVED AS COUNSEL

Counsel for Noel Michael Lyles states:

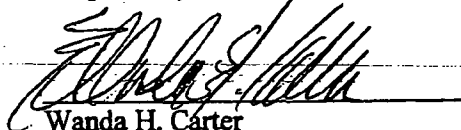
1. She is Deputy Chief Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.

2. She has reviewed the record of appellant's trial before Judge J. Derham Cole, which was held on November 9-13, 2009, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.

3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Noel Michael Lyles.

Respectfully submitted,



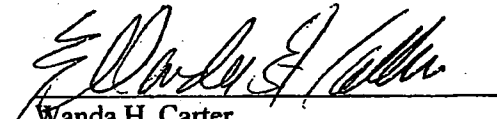
Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

## CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

December 23rd, 2010



Wanda H. Carter  
Deputy Chief Appellate Defender

S.C. Commission on Indigent Defense  
Division of Appellate Defense  
1330 Lady Street, Suite 401  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Spartanburg County  
J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

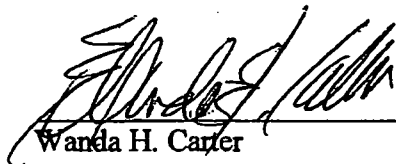
V.

NOEL MICHAEL LYLES,

APPELLANT

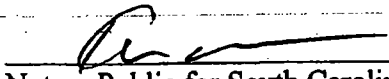
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Anders Brief of Appellant in the above referenced case has been served upon Salley W. Elliott, Esquire, at P.O. Box 50666, Columbia, SC; and a true copy of the Final Anders Brief of Appellant and Record on Appeal have been served on Noel Michael Lyles, #174105 at Lieber Correctional Institution, this 23<sup>rd</sup> day of December, 2010.

  
Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 23<sup>rd</sup> day of December, 2010.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: October 2, 2013.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State,

Respondent,

v.

Noel Michael Lyles,

Appellant.

---

Appeal From Spartanburg County  
J. Derham Cole, Circuit Court Judge

---

Unpublished Opinion No. 2012-UP-190  
Submitted March 1, 2012 – Filed March 14, 2012

---

**APPEAL DISMISSED**

---

Deputy Chief Appellate Defender Wanda H. Carter, of Columbia; and Noel Michael Lyles, pro se, for Appellant.

Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, and Assistant Deputy Attorney General Salley W. Elliott, all of

Columbia; and Solicitor Barry J. Barnette, of Spartanburg, for Respondent.

**PER CURIAM:** Noel Michael Lyles appeals his convictions for armed robbery, assault and battery of a high and aggravated nature, and grand larceny, arguing the trial court erred in admitting an eyewitness's identification of him as the perpetrator. Additionally, Lyles filed a pro se brief. After a thorough review of the record and briefs pursuant to Anders v. California, 386 U.S. 738 (1967), and State v. Williams, 305 S.C. 116, 406 S.E.2d 357 (1991), we dismiss the appeal and grant counsel's motion to be relieved.<sup>1</sup>

**APPEAL DISMISSED.**

**PIEPER, KONDUROS, and GEATHERS, JJ., concur.**

---

<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

WITNESSES

Lyman PD

S. SEVIER 488

1. SENTENCE MADE

Computer

2. REPORT ENDED

3. CARD FILLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURES

7. ASSESSMENT AND RETURN BY WARRANT

Computer

D858398 TRAFFIC VIOLATIONS COPY

DOCKET NO. 09-GS-42-2201

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

MAY 11 2009

TERM

THE STATE

VS.

Noel Lyles

Indictment for

GRAND LARCENY

SC Code: 16-13-30(B) (2)

CDR Code: 479

Class FEL-E

SHENCHILLI QVAM

65 30 H3 31 111111

AL... 11-13-09

ACTION OF GRAND JURY

True Bill

*Bladley*  
Foreperson of Grand Jury  
Date: 5-7-09

VERDICT

Guilty - Property  
value is \$5,500.00

586  
*Bladley* *Thurman*  
11-13-09



508

COUNTY OF SPARTANBURG  
 STATE VS.  
Noel Michael Lyles  
 AT A:  
 Race: B Sex: M Age: 39  
 DOB: 1 SS#: 1  
 Address: Inman, SC 29349  
 DL#:                      SID#:                     

INDICTMENT/CASE#: 2009GS4202201  
 A/W#: D858398  
 Date of Offense: 03/07/2009  
 S.C. Code §: 16-13-0030(B)  
 CDR Code #: 0479

SENTENCE SHEET

CONVICTED OF or  PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Larceny / Grand Larceny, value \$5,000 or more.

in violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 0479  
 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] [Signature] 16840  
BARNHYTE, BARRY SC Bar#                      Defendant [Signature] Attorney for Defendant                      SC Bar# 4499

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 5 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: 09-2199  
 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: \$                       days/hours Public Service Employment  
Payment Terms:                      Obtain GED                       
 set by SCDPPPS                      Attend Voc. Rehab. or Job Corp.                     

Recipient:	
*Fine:	\$ <u>          </u>
§ 14-1-206 (Assessments 107.5 %)	\$ <u>          </u>
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 \$ <u>          </u>
§ 56-5-2995 (DUI Assessment)	\$12 \$ <u>          </u>
§ 56-1-286 (DUI Breath Test)	\$25 \$ <u>          </u>
§ 47.12 (Public Def/Prob)	\$500 \$ <u>          </u>
§ 14-1-212 (Law Enforce. Funding)	\$25 \$ <u>          </u>
§ 14-1-213 (Drug Court Surcharge)	\$100 \$ <u>25.00</u>
§ 50-21-114(BUI Breath Test Fee)	\$50 \$ <u>          </u>
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ <u>          </u>
§ 90.7 (SCCJA Surcharge)	\$5 \$ <u>5.00</u>
3% to County (if paid in installments)	\$ <u>3.90</u>
TOTAL	\$ <u>133.90</u>

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 T. Camp  
Court Reporter: Linda Moffitt  
SCCA/217 (06/2809)

PRESIDING JUDGE [Signature]  
Judge Code: 2 1 5 1 3  
Sentence Date: November 13, 2009

WITNESSES

*[Signature]*

Spartanburg County Sheriff's Office

- 1. SENTENCE MADE **to Computer**
- 2. REPORT ENDED **Computer**

3. CARD PULLED **to**

4. INDEXED **to**

5. CHECKED WARRANTS **to**

6. CHECKED SIGNATURE **to**

7. ASSESSMENT AND FINE CARD MADE **Computer**

8. TRAFFIC WARRANT NUMBER

M086508

ACTION OF GRAND JURY

*True Bill*

Foreperson of Grand Jury  
Date: 5-7-09

*Guilty*  
VERDICT

*[Signature]*  
Foreperson of Petit Jury  
Date: 1/6/3-09

DOCKET NO.

**09-GS-42-2200**

The State of South Carolina

County of Spartanburg

*Trey Gowdy, Solicitor*

COURT OF GENERAL SESSIONS

MAY 11 2009

TERM

THE STATE

vs.

Noel Lyles

Indictment for  
ASSAULT AND BATTERY OF A  
HIGH AND AGGRAVATED NATURE

SC Code: 17-25-30  
CDR Code: 0013  
Class MIS/UNC

RECEIVED

65-3-11 31 11:00 AM

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/11/09 BY 60322

STATE OF SOUTH CAROLINA )

INDICTMENT

COUNTY OF SPARTANBURG )

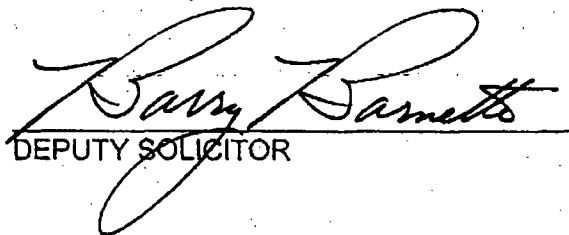
At a Court of General Sessions, convened on MAY 07 2009 the

Grand Jurors of Spartanburg County present upon their oath:

**ASSAULT AND BATTERY OF HIGH AND AGGRAVATED NATURE**

That the Defendant, Noel Lyles, did in Spartanburg County on or about March 7, 2009, commit an assault and battery upon the victim, Amy Sandifer, constituting an unlawful act of violent injury to the victim, Amy Sandifer accompanied by circumstances of aggravation either to-wit: the use of deadly weapon and/or the intent to commit a felony; and/or the infliction of serious bodily injury and/or use of a deadly weapon; and/or great disparity in the physical conditions of the parties and/or beating the victim, by beating her with a bottle about the head and body, in violation of §17-25-30, *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.



DEPUTY SOLICITOR

COUNTY OF SPARTANBURG  
 STATE VS.  
Noel Michael Lyles  
 AKA:  
 Race: B Sex: M Age: 39  
 DOB: SS#  
 Address: Inman, SC 29349  
 DL#: SID#:

INDICTMENT/CASE#: 2009GS4202200  
 A/W#: M086508  
 Date of Offense: 03/07/2009  
 S.C. Code § : C/L, 17-25-0  
 CDR Code #: 0013

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Assault / Assault and battery of a high and aggravated nature (ABHAN)

in violation of § C/L, 17-25-0 of the S.C. Code of Laws, bearing CDR Code # 0013  
 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] SC Bar# 16840  
BARNETTE, BARRY Defendant [Signature] Attorney for Defendant SC Bar# 4499  
[Signature] 9 Roger Pool

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: 09-2199  
 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      days/hours Public Service Employment  
 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 \$       
 § 47.12 (Public Def/Prob) \$500 \$       
 § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00  
 § 14-1-213 (Drug Court Surcharge) \$100 \$       
 § 50-21-114(BUI Breath Test Fee) \$50 \$       
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$       
 § 90.7 (SCCJA Surcharge) \$5 \$ 5.00  
 3% to County (if paid in installments) \$ 3.90  
 TOTAL \$ 133.90

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

Clerk of Court/ Deputy Clerk J. Camp  
 Court Reporter: Linda Moffitt  
 SCCA/217 (06/2009)

PRESIDING JUDGE [Signature]  
 Judge Code: 2  
 Sentence Date: November 13, 2009

WITNESSES

*A. Judy*

Spartanburg County Sheriff's Office  
J. SEVENOZEMAS

2. REPORTED

**Computer**

3. CARDULLED

4. INDEXED

5. CHECKED WARRANTS

~~6. CHECKED WARRANTS~~

7. ASSESSMENT AND FINE CARD MADE  
**ARREST WARRANT**  
**HYPERIOI**

8. IKAFFIT VIOLATIONS COPY  
M086509 & Direct Indictment

ACTION OF GRAND JURY

*James Bell*

*Wendy*

Fg. Person of Grand Jury  
Date: 5-17-09

VERDICT

GRANT I: *Guilty*

COUNT II: *Not Guilty*

*Shades Spiveville*  
For Person of Peff Jury

Date: 11-18-09

512

DOCKET NO. **09-GS-42-2199**

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

MAY 11 2009

TERM

THE STATE  
vs.

Noel Lyles

Indictment for  
COUNT ONE-ARMED ROBBERY;  
COUNT TWO-KIDNAPPING

SC Code: 16-11-330 (A), 16-3-910  
CDR Code: 139.0095  
Class FEL/A

SHCHJIKY QYAW

65:3:HD 31 MAY 2009

ALKNOZ 0103 01 0000  
18000 00 0000  
001

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

MAY 07 2009

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

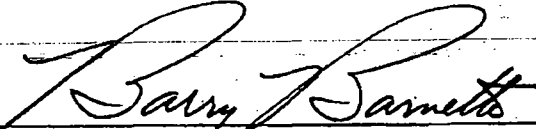
**COUNT ONE-ARMED ROBBERY**

That the Defendant, Noel Lyles, did in Spartanburg County, on or about March 7, 2009, while armed with a pistol, dirk, slingshot, metal knuckles, razor, knife, a beer bottle or other deadly weapon or while alleging, either by actions or word, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon feloniously take from the person or presence of Amy Sandifer, by means of force or intimidation goods or monies of Amy Sandifer, described as follows: jewelry and electronics, with intent to deprive the owner permanently of such property, in violation of Section 16-11-330 (A), Code of Laws of South Carolina (1976, as amended).

**COUNT TWO-KIDNAPPING**

The Defendant, Noel Lyles, did in Spartanburg County, on or about March 7, 2009, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Amy Sandifer, without authority of law, all in violation of Section 16-3-910, 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.

  
DEPUTY SOLICITOR

514 COUNTY OF SPARTANBURG  
 STATE VS.  
 Noel Michael Lyles  
 AKA:  
 Race: B Sex: M Age: 39  
 DOB: SS#:  
 Address: Inman, SC 29349  
 DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS4202199  
 A/W#: M086509  
 Date of Offense: 03/07/2009  
 S.C. Code §: 16-11-0330(A)  
 CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139  
 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: BARNETTE BARRY SC Bar# noel m lyles Defendant Kathleen A. Lodge Attorney for Defendant 16810 SC Bar# 4494

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of life 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: any other  
 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     days/hours Public Service Employment  
 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 \$
§ 47.12 (Public Def/Prob)	\$500 \$
§ 14-1-212 (Law Enforce. Funding)	\$25 \$
§ 14-1-213 (Drug Court Surcharge)	\$100 \$ 25.00
§ 50-21-114(BUI Breath Test Fee)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
§ 90.7 (SCCA Surcharge)	\$5 \$ 5.00
3% to County (if paid in installments)	\$ 3.90
TOTAL	\$ 133.90

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: J. Camp  
 Court Reporter: Linda Moffitt  
 SCCA/217 (06/2009)

PRESIDING JUDGE: [Signature]  
 Judge Code: 2  
 Sentence Date: November 13, 2009