

RECEIVED

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S.C. Supreme Court

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Williamsburg County

R. Ferrell Cothran, Jr., Circuit Court Judge

WILLIAM DAVID YARBOROUGH,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000229

SUPPLEMENTAL 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

DANIEL GOURLEY
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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INDICTMENT, SENTENCE SHEETS AND ARREST WARRANT 1

WITNESSES

SHERIFFS OFFICE

Justin Whack

DOCKET NO. 2008-GS-45-220

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

OCTOBER TERM 2008

THE STATE
vs.

WILLIAM DAVID YARBOROUGH

ARREST WARRANT NUMBER

K 246024 & K 246025

D/A: 1/31/07

ACTION OF GRAND JURY

June Bell

Foreperson of Grand Jury

Date: *October 9 2008*

VERDICT

Indictment for

CRIMINAL SEXUAL CONDUCT - FIRST
DEGREE AND BURGLARY - FIRST
DEGREE

C. KELLY JACKSON, SOLICITOR

Foreperson of Petit Jury

Date:

31:11 AM 6-20-08
09 11 29

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT – FIRST DEGREE AND BURGLARY – FIRST DEGREE

At a Court of General Sessions, convened on October 13, 2008, the Grand Jurors of WILLIAMSBURG County present upon their oath:

COUNT ONE -CRIMINAL SEXUAL CONDUCT – FIRST DEGREE

That **WILLIAM DAVID YARBOROUGH** did in Williamsburg County between January 24, 2007 and January 25, 2007, violate Section 16-3-652 of the Code of Laws of South Carolina (1976), as amended, in that the said William David Yarborough engaged in sexual battery with the victim thru use of aggravated force and/or while forcibly confining or kidnapping the victim. The sexual battery occurred under circumstances where victim was also victim of burglary, housebreaking or similar offense or act.

COUNT TWO - BURGLARY – FIRST DEGREE

That **WILLIAM DAVID YARBOROUGH** did in Williamsburg County between January 24, 2007 and January 25, 2007, enter the dwelling of the victim without consent and with the intent to commit a crime therein and said defendant entered or remained in said dwelling in the nighttime, and defendant also caused physical injury to victim during course of burglary, in violation of Section 16-11-311, South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and in violation of the laws of the State in such case made and provided.

A CERTIFIED TRUE COPY

Carolyn F. Williams
CAROLYN F. WILLIAMS
CLERK OF COURT
WILLIAMSBURG COUNTY

C. Kelly Jacobson
SOLICITOR

08 OCT -9 11:11 AM '08

FILED

STATE OF SOUTH CAROLINA

COUNTY OF WILLIAMSBURG

STATE VS.

WILLIAM D. YARBOROUGH

AKA:

Race: White

Sex: Male

Age:

DOB:

SS#:

Address:

Highway, Kingstree, SC 29556

DL#:

SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008-GS-45-0220

A/W#: J991054

Date of Offense: June 13, 2002

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Burglary in the First Degree

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 01 01 7 19

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 initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature]
Solicitor

[Signature]
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 22 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: other count and 08-0219

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 Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Defendant 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
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§35.13 (Public Def/Prob)	\$500
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
§90.11 TP (SCCJA Surcharge)	\$5
TOTAL	\$

[Signature]
 days/hours Public Service Employment
 CLARENCE F. WILLIAMS
 Attorney for Defendant
 May serve as beginning of
 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: ATU

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

[Signature]
Clerk of Court/ Deputy Clerk
Court Reporter: [Signature]

PRESIDING JUDGE [Signature]
Judge Code: 2 1 1 1 0 1 9
Sentence Date: May 18, 2009

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF WILLIAMSBURG

INDICTMENT/CASE#: 2008-GS-45-0220

STATE VS.

WILLIAM D. YARBOROUGH

A/W#: J991055

AKA:

Date of Offense: June 13, 2002

Race: White

Sex: Male

Age:

S.C. Code §: 16-03-0652

DOB:

SS#:

CDR Code #: 0160

Address:

Highway, Kingstree, SC 29556

SENTENCE SHEET

DL#

SID#

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Criminal Sexual Conduct, 1st degree

in violation of § 16-3-652 of the S.C. Code of Laws, bearing CDR Code # 0111010

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 Initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State

ATTEST:

Priscilla V. Barr Solicitor William D. Yarbrough 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 22 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: other court and 08-219

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 Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

A CERTIFIED TRUE COPY

SPECIAL CONDITIONS: RESTITUTION: Deferred Defendant 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
\$14-1-211(A)(2) (DUI Surcharge)	\$100
\$58-5-2995 (DUI Assessment)	\$12
\$35.13 (Public Def/Prob)	\$500
\$73.3, 1B TP (Law Enforce. Funding)	\$25
\$33.7, 1B TP (Drug Court Surcharge)	\$100
\$50-21-114(BUI Breath Test Fee)	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
\$90.11 TP (SCCJA Surcharge)	\$5
TOTAL	\$

CAROLYN F. WILLIAMS
CLERK OF COURT
WILLIAMSBURG COUNTY
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: ATU

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

Carolyn F. Williams Clerk of Court/ Deputy Clerk
Court Reporter: Melissa Singletary

PRESIDING JUDGE: [Signature]
Judge Code: 211019
Sentence Date: Aug 18, 2009

ARREST WARRANT
J-991055

STATE OF SOUTH CAROLINA
 County/ Municipality of
WILLIAMSBURG

THE STATE
against

WILLIAM DAVID YARBOROUGH

Address: KINGSTREE SC 29556 HWY

Phone: 8 SSN:

Sex: M Race: W Height: 6-1 Weight: 250

DL Stater: DL#: Agency OR#: SC0450000

DOB: Prosecuting Agency: WILLIAMSBURG COUNTY

Prosecuting Officer: J. WHACK

Offense: CRIMINAL SEXUAL CONDUCT 1ST DEGREE
Code/Ordinance Sec. 16-03-0652 Offense Code: 0160

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

is to be arrested and brought before me to be dealt with according to law. The accused

Date: Signature of Judge (L.S.)

RETURN

A copy of this arrest warrant was delivered to defendant WILLIAM DAVID YARBOROUGH on 06/13/2002

Signature of Constable/Law Enforcement Officer

RETURN-WARRANT-TO:

WILLIAMSBURG COUNTY MAGISTRATE
209 SHORT STREET
KINGSTREE, SC 29556
(843) 355-9565

THREE ORIGINAL

STATE OF SOUTH CAROLINA
 County/ Municipality of
WILLIAMSBURG

AFFIDAVIT

Personally appeared before me the affiant JUSTIN WHACK

being duly sworn deposes and says that defendant WILLIAM DAVID YARBOROUGH did within this county and state on 06/13/2002 to 06/13/2002 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of WILLIAMSBURG)

In the following particulars:
DESCRIPTION OF OFFENSE: 16-03-0652 / CRIMINAL SEXUAL CONDUCT 1ST DEGREE

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 THE 13TH DAY OF JUNE, 2002, AROUND THE TIME OF 0930 HRS., WHILE AT THE RESIDENCE OF WILLIAMSBURG COUNTY HIGHWAY LOCATED IN THE KINGSTREE AREA OF WILLIAMSBURG COUNTY, WILLIAM DAVID YARBOROUGH DID COMMIT THE OFFENSE OF CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE. WILLIAM YARBOROUGH DID UNLAWFULLY ENTER THE RESIDENCE OF THE VICTIM AND WHILE INSIDE USE AGGRAVATED FORCE AND SEXUALLY BATTERED THE VICTIM AND THREATENED TO KILL THE VICTIM'S CHILD THAT WAS IN THE BED WITH HER AT THE TIME. CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE IS IN VIOLATION OF SC CODE OF LAWS.

SWORN TO before me this 13th day of June 2002
JUSTIN WHACK

Signature of Affiant
STATE OF SOUTH CAROLINA
 County/ Municipality of
WILLIAMSBURG

Affiant's Address: RMSBG CO SHERIFF, 126 S. JACKSON ST.
KINGSTREE, SC 29556

Affiant's Telephone: 843-355-6381

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that defendant WILLIAM DAVID YARBOROUGH on 06/13/2002

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of WILLIAMSBURG) as set forth below:
DESCRIPTION OF OFFENSE: SEX / CRIMINAL SEXUAL CONDUCT - FIRST DEGREE

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 the 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 07/23/2008
Judge's Address: 209 SHORT STREET
KINGSTREE SC 29556

Judge Code: 990
Judge's Telephone: 843-355-9565

ORIGINAL

Issuing Court: Magistrate Municipal Circuit
Case: 0211790

Form Approved by
April 20, 1994
SCCA 510

BAIL set by

Judge Charles B. Williams

on 7-25-08

Type and Amount: \$30,000 in surety

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(Indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODFENDANTS

WILLIAMSBURG COUNTY
CLERK OF WILLIAMS
CHARLES B. WILLIAMS
 13 9 10
THIS IS A CERTIFIED TRUE COPY