

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BERKELEY COUNTY

Roger M. Young, Circuit Court Judge

RECORDED
NOV 07 2014
SC COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

WILLIAM E. FRITZ,

APPELLANT

APPELLATE CASE NO. 2014-000303

RECORD ON APPEAL

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1 (February 7, 2014.)

2 MR. GROEBER: Cody Groeber on behalf of
3 Mr. Fritz.

4 THE COURT: Are you William Edward Fritz?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Fritz, you're here today
7 charged with receiving stolen goods. You could get up to
8 ten years in prison for that. I'm told you want to plead
9 guilty to that charge; is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, they handed me a piece of
12 paper here saying that you were on probation at the time
13 you committed the offense, so pleading guilty today
14 causes your probation to be violation.

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: So let's see. You had four years
18 hanging over your head, so whatever else I do today may
19 also include you doing the balance of a four-year
20 sentence. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You still want to plead guilty?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Now, you have the
25 right to a jury trial on this charge. You give up your

1 right to a jury trial when you plead guilty. If you want
2 a trial, stop me. We'll arrange that for you. The State
3 then has to present enough evidence to convince 12 jurors
4 that you're guilty beyond a reasonable doubt. All 12
5 jurors have to agree that you're guilty in order to
6 convict you, and, if convicted, you have the right to
7 appeal.

8 You can challenge the State's evidence, put
9 up evidence of your own, testify, if you want, and if you
10 don't want to testify, the judge will tell the jury
11 they're not to hold that against you while they're
12 deliberating.

13 Do you understand those rights?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And do you want to give those
16 rights up and plead guilty?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And are you pleading guilty to
19 this charge because you're guilty of it?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you under the influence of
22 drugs or alcohol today?

23 THE DEFENDANT: No, sir.

24 THE COURT: Do you need any more time with
25 your lawyer?

1 THE DEFENDANT: No, sir.

2 THE COURT: Are you satisfied with his
3 representation?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Now, they are dropping a burglary
6 third and malicious injury to telephone equipment, I
7 guess, charge, and they're recommending I give you active
8 time sentence. Other than the dropping of that charge,
9 has anyone promised you anything or threatened you to get
10 you to plead guilty?

11 THE DEFENDANT: No, sir.

12 THE COURT: How old are you?

13 THE DEFENDANT: Forty-three, sir.

14 THE COURT: How far did you get in school?

15 THE DEFENDANT: I graduated from Summerville
16 in '88, sir.

17 THE COURT: Do you work?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: What do you do?

20 THE DEFENDANT: I mostly do construction and
21 inside trim and carpentry.

22 THE COURT: Married?

23 THE DEFENDANT: No, sir.

24 THE COURT: Children?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Does he understand what he's
2 doing, Mr. Groeber?

3 MR. GROEBER: He does, Your Honor.

4 THE COURT: I find his plea is freely,
5 voluntarily, and intelligently made.

6 What would the State like to tell me?

7 MS. WILSON: Thank you, Your Honor. May it
8 please the Court: Kendra Wilson for assistant solicitor
9 Mason West.

10 On January 14, 2013, Santee Cooper law
11 enforcement discovered a large amount of copper wire to
12 be stolen from a pumping station on Dock Road in Moncks
13 Corner, Berkeley County. During their investigation, the
14 agents went to Berkeley Scrap Metal and found this
15 defendant scrapping the stolen copper wiring. Defendant
16 gave a statement admitting knowledge of the stolen wire.

17 Santee Cooper has been notified, but they are
18 not present this morning, Your Honor. His prior record
19 includes a 1989 assault and battery; 1990 kidnapping and
20 robbery out of Florida; 2000, a probation violation;
21 2006, attempt to violate drug laws; 2010, false
22 pretenses, four counts, and a grand larceny, as well as a
23 2012 giving false information to law enforcement.

24 As you have previously stated, the State is
25 dismissing three other charges as part of this plea. One

1 of those is the burglary charge, and that victim, Al
2 Aksomitas, is present and would like to address the Court
3 at the appropriate time.

4 THE COURT: All right. Yes?

5 MR. GROEBER: Sorry, Your Honor. I would
6 object to him having standing to speak.

7 THE COURT: I understand.

8 MR. GROEBER: Thank you, Your Honor.

9 THE COURT: Yes, sir. Could you state your
10 name.

11 THE WITNESS: Allyn Aksomitas, A-l-l-y-n,
12 A-k-s-o-m-i-t-a-s.

13 THE COURT: All right. Go ahead.

14 THE WITNESS: Thank you, Your Honor, for
15 letting me address you. I'm a disabled retired military
16 veteran. I've come up here numerous times to follow up
17 with Mr. Fritz to ask you for a harsh sentence.

18 I'm the victim on another crime, one of many
19 other crimes, and I'm very familiar with his activity. I
20 challenge his statement that he's had a job. All he did
21 was wander around the neighborhood looking for victims,
22 me being one. He went into my house, with his sister, to
23 haul my copper, made the house uninhabitable at a great
24 financial loss to me.

25 He had no job, no car, no driver's license.

1 The only source of income was an occasional scrapping
2 permit. He was living with his sister, and they lived
3 nearby my rental property. He got her involved at this
4 particular -- on this particular event. He got her
5 involved with this crime, and she already pled guilty
6 earlier this year.

7 He has never shown any remorse, apology,
8 anything, nor has his sister with this. He's not a
9 productive member of society, as you can see from his
10 record. I don't think he'll ever change. I think he'll
11 continue to prey on neighbors such as myself.

12 I'm asking you for a harsh sentence for this
13 particular one time, and I do realize that the other
14 crimes are going to be dismissed, and thank you for
15 listening to me.

16 THE COURT: Thank you for coming. Anything
17 else from the State?

18 MS. WILSON: Nothing further, Your Honor.

19 THE COURT: Mr. Groeber?

20 MR. GROEBER: Thank you, Your Honor. May it
21 please the Court: First as to the burglary, he, of
22 course, denies that he did it, and there is reason that
23 it's being dismissed. It's not just a dismissal because
24 he's pleading to something else but because there are
25 significant evidentiary problems, and so I would ask that

1 you not consider that victim's desires as to his sentence
2 in an unrelated charge.

3 I will tell you that Mr. Fritz has been in
4 jail since April of last year. He was supposed to
5 have -- and he is on probation. He was supposed to have
6 a hearing on probation at that time, back in March -- I
7 think it was late March, early April, and Judge Watson
8 actually ordered him to do an inpatient substance abuse
9 counselling. That is something that he needs, and he can
10 speak to that, to you, at the appropriate time about his
11 drug problem and the need for it.

12 He, as he told you, has recently become a
13 father for the first time. He also helps take care of
14 his mother who is sick and has significant lung cancer.
15 He has lived with his sister for quite some time and
16 works when he can, and one of the things he did for work
17 was scrap.

18 I will tell you that when the police talked
19 to him about this copper that he took to the scrap yard,
20 he did confess. Not only did he confess, but he told
21 them who he got it from.

22 It doesn't appear to me that they did any
23 follow-up investigation on that, but he was honest with
24 them, confessed, told them where he got it, when he got
25 it, and those kinds of things.

1 I would ask that you consider a sentence --
2 we had tried to work out a deal for him for three years
3 about a month ago, and he did turn that down because he's
4 hoping that you'll do something better than that, and I'm
5 asking you to do that, to sentence him to some sort of
6 active two-year sentence, and then there is restitution
7 on the grand larceny charge that he's on probation for.

8 It was his brother's car, and we ask that you
9 consider putting him back on probation when he's
10 released, ordering inpatient substance abuse counselling,
11 or, at the very least, outpatient, and that's what our
12 request is, Your Honor, and I thank you for hearing this.

13 I know he would like to address the Court as
14 well.

15 THE COURT: Mr. Fritz, what would you like to
16 say?

17 THE DEFENDANT: Thank you, Your Honor. I've
18 been through a lot in my life, and nothing has been worse
19 than becoming addicted to crack. I have had a lot of
20 time to reflect on my life, and there are times that I
21 have been horrified as to some of the things that I have
22 done, and I would like to take a moment to thank some of
23 the people who only wanted to help me: My probation
24 officer Boyd and agent Powell as well as my family, my
25 ex-girlfriend, who is the mother of my one-year-old

1 daughter. By the time I found out about her and decided
2 to make a change in my life and get help it was already
3 too late. And by no means am I blaming any of my
4 problems or any of my charges on my addiction because it
5 was my choice to use. About three-and-a-half years ago,
6 I had become so strung out on crack cocaine that I stole
7 several things from my own family, which I regret, and
8 I've been trying to 'rebuild those ties and that
9 relationship back with them since.

10 And my mother -- as he said, my mother is
11 sick. She was given less than a year left to live, and I
12 may never see her again or I may not be able to have
13 custody of my daughter ever again and be able to raise
14 her like a father is supposed to. So the only thing that
15 I can do is not waste any more of my life on drugs or
16 anything that is counterproductive to me or to society,
17 and to pray to God to please give me the strength every
18 day to be able to resist the temptation to ever use again
19 and to be able to be the best father that I can be.

20 I have made peace with God, and I am willing
21 to accept whatever punishment this Court deems necessary,
22 and I know by no means do I deserve any leniency or mercy
23 from this Court, but I ask for it anyway.

24 Thank you.

25 THE COURT: Anything else, Mr. Groeber?

1 MR. GROEBER: No, Your Honor. Thank you.

2 THE COURT: Well, you misjudged on thinking
3 you would be getting less than what they offered you.
4 Looking at your record, all I see is a professional
5 thief. You were on probation for stealing at the time
6 you did this, and I will put down here that you can get
7 into the alcohol treatment unit when you get there, but
8 I'm giving you six years, revoking your probation.
9 You'll do the four on that.

10 I'll let you run concurrent sentences on
11 that, and you'll get credit for the 302 days that you've
12 served.

13 Good luck.

14 - - -

15 (Whereupon, the proceedings were concluded.)

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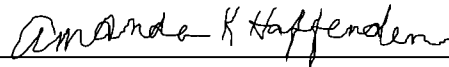
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I, the undersigned Amanda K. Haffenden, RPR, CRR, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 7th of February 2014.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 5, 2014



Circuit Court Reporter

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<p>include [1] - 2 19 includes [1] - 5 19 income [1] - 7 1 influence [1] - 3 21 information [1] - 5 23 injury [1] - 4 6 inpatient [2] - 8 8, 9 10 inside [1] - 4 21 intelligently [1] - 5 5 interest [1] - 12 10 introduced [1] - 12 5 investigation [2] - 5 13, 8 23 involved [2] - 7 3, 7 5</p>	<p>malicious [1] - 4 6 March [2] - 8 6, 8 7 Married [1] - 4 22 Mason [1] - 5 9 means [2] - 10 3, 10 22 member [1] - 7 9 mercy [1] - 10 22 Metal [1] - 5 14 military [1] - 6 15 misjudged [1] - 11 2 moment [1] - 9 22 Moncks [2] - 1 6, 5 12 month [1] - 9 3 morning [1] - 5 18 mostly [1] - 4 20 mother [4] - 8 14, 9 25, 10 10 MR [6] - 2 2, 5 3, 6 5, 6 8, 7 20, 11 1 MS [2] - 5 7, 7 18</p>	<p style="text-align: center;">P</p> <p>paper [1] - 2 12 part [1] - 5 25 particular [3] - 7 4, 7 13 party [1] - 12 10 peace [1] - 10 20 people [1] - 9 23 permit [1] - 7 2 piece [1] - 2 11 plea [2] - 5 4, 5 25 plead [5] - 2 8, 2 22, 3 1, 3 16, 4 10 pleading [3] - 2 13, 3 18, 7 24 pled [1] - 7 5 police [1] - 8 18 Powell [1] - 9 24 pray [1] - 10 17 present [3] - 3 3, 5 18, 6 2 pretenses [1] - 5 22 previously [1] - 5 24 prey [1] - 7 11 prison [1] - 2 8 probation [10] - 2 12, 2 14, 5 20, 8 5, 8 6,</p>	<p style="text-align: center;">R</p>	<p>raise [1] - 10 13 realize [1] - 7 13 reason [1] - 7 22 reasonable [1] - 3 4 rebuild [1] - 10 8 receiving [1] - 2 7 recently [1] - 8 12 recommending [1] - 4 7 record [4] - 5 18, 7 10, 11 4, 12 5 RECORD [1] - 1 4 reflect [1] - 9 20 regret [1] - 10 7 relationship [1] - 10 9 relative [1] - 12 6 released [1] - 9 10 remorse [1] - 7 7 rental [1] - 7 3 Reporter [3] - 1 17, 12 2, 12 15 representation [1] - 4 3 request [1] - 9 12 resist [1] - 10 18 restitution [1] - 9 6 retired [1] - 6 15 revoking [1] - 11 8 rights [2] - 3 13, 3 16 Road [1] - 5 12 robbery [1] - 5 20 Roger [1] - 1 10 RPR [2] - 1 17, 12 1 run [1] - 11 10</p>
<p style="text-align: center;">J</p> <p>jail [1] - 8 4 January [1] - 5 10 job [2] - 6 20, 6 25 judge [1] - 3 10 Judge [2] - 1 10, 8 7 Judicial [1] - 12 2 June [1] - 12 11 jurors [2] - 3 3, 3 5 jury [3] - 2 25, 3 1, 3 10</p>	<p style="text-align: center;">N</p> <p>name [1] - 6 10 nearby [1] - 7 3 necessary [1] - 10 21 need [2] - 3 24, 8 11 needs [1] - 8 9</p>		<p style="text-align: center;">R</p>	
<p style="text-align: center;">K</p> <p>Kendra [2] - 1 13, 5 8 kidnapping [1] - 5 19 kin [1] - 12 9 kinds [1] - 8 25 knowledge [1] - 5 16</p>			<p style="text-align: center;">R</p>	

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WST2013-01-00168

WITNESSES

Santee Cooper Dept of Law

AGENCY CASE NUMBER

01142013004

ARREST WARRANT NUMBER

2013GS0801788

DATE OF ARREST

January 17, 2013

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: 12-18-13

VERDICT

Foreperson of Petit Jury

Date

INDICT

DOCKET NO. 2013GS0801788

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

December Term

THE STATE

vs.

WILLIAM EDWARD FRITZ

DOB: [REDACTED]

W/M

Indictment for

Receiving Stolen Goods

§16-13-0180

CDR 3598

13 DEC 18 PM 12:32
MARY P. BROWN
CLERK OF COURT
JURY COURT 7-98

FILED

[Handwritten signature]

03 11 13
STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

INDICTMENT

At a Court of General Sessions, convened on December 18, 2013 the Grand Jurors of Berkeley County present upon their oath.

Receiving Stolen Goods

That WILLIAM EDWARD FRITZ did in Berkeley County, South Carolina, on or about January 14, 2013, with criminal and fraudulent intent, buy, receive or possess stolen goods, chattels or other property, knowing or having reason to believe the goods, chattels or property was stolen, valued at two thousand (\$2,000.00) dollars or less, described as follows: copper wire, such being the defendant's third or subsequent offense, in violation of §16-13-0180 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



E. MASON WEST
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Berkeley)
 STATE VS)
William Edward Fritz)
 AKA.)
 Race: [REDACTED] Sex: [REDACTED] Age: [REDACTED])
 DOB [REDACTED] SS# [REDACTED])
 Address: [REDACTED])
 City, State, Zip: [REDACTED])
 DL# [REDACTED] SID# [REDACTED])

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS0801788
 A/W#: 2013GS0801788
 Date of Offense 1/14/2013
 S.C. Code § : 16-13-0180(A)
 CDR Code #. 3598

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: RSG / Receiving stolen goods, value \$2,000 or less (Enhancement per 16-1-57)

in violation of § 16-13-0180(A) of the S C Code of Laws, bearing CDR Code # 3598
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45;
 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: E. Markster 100788 [Signature] [Signature] 76627
 West, E. Mason SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 6 ~~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 probation revocation
 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 302 Days
 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
 Total: \$ plus 20% fee \$
 Payment Terms:
 Set by SCDPPPS
 Recipient:

PTUP
 days/hours Public Service Employment

Obtain GED
 Attend Voc Rehab. or Job Corp
 May serve W/E beginning
 Substance Abuse Counseling FEB 19 2014

RECEIVED

Random Drug/Alcohol testing SC Court of Appeals
 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,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

*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	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce Funding)	\$25	\$ 25.00
§ 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	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90


Clerk of Court/ Deputy Clerk [Signature]
 Court Reporter: Amanda Daffenden
 SCCA217 (03/2011)

Presiding Judge [Signature]
 Judge Code: 2134
 Sentence Date: 2/7/14

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 7, 2014



Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Berkeley County

Roger M. Young, Circuit Court Judge

RECEIVED

NOV 07 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.


WILLIAM E. FRITZ,

APPELLANT

APPELLATE CASE NO. 2014-000303

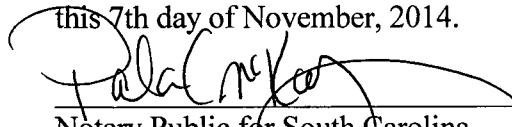
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Megan Harrigan, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 7th day of November, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 7th day of November, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022