

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

The Honorable Roger L. Couch, Circuit Court Judge

Case Nos 2011-GS-42-1414, 2011-GS-42-1415, and 2012-GS-42-0349

The State,

Respondent,

v

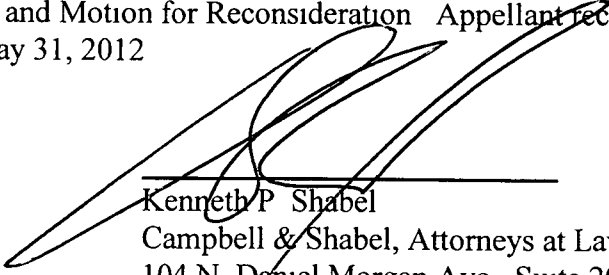
Charvus Tarrell Nesbitt,

Appellant

NOTICE OF APPEAL

Charvus Tarrell Nesbitt appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Roger L. Couch on February 13, 2012. This appeal is further taken from the order of the Honorable Roger L. Couch dated May 24, 2012, which denied (in part) Appellant's Motion for a New Trial and Motion for Reconsideration. Appellant received written notice of entry of this order on May 31, 2012.

June 7, 2012

  
Kenneth P. Shabel  
Campbell & Shabel, Attorneys at Law  
104 N Daniel Morgan Ave, Suite 201  
Spartanburg, SC 29306  
(864) 583-0001  
Fax (864) 583-1199  
Attorneys for Appellant

RECEIVED

JUN 11 2012

SC COURT OF APPEALS

Other Counsel of Record

Derrick B Balsa  
Assistant Solicitor, Seventh Circuit Solicitor's Office  
180 Magnolia Street  
Spartanburg, SC 29306  
(864) 596-2575  
Attorney for Respondent

Fletcher N Smith, Jr , Esq  
112 Wakefield Street  
Greenville, SC 29601  
(864) 232-6541  
Appellant's Trial Attorney

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

The Honorable Roger L Couch, Circuit Court Judge

Case Nos 2011-GS-42-1414, 2011-GS-42-1415, and 2012-GS-42-0349

The State,

Respondent,

v

Charvus Tarrell Nesbitt,

Appellant

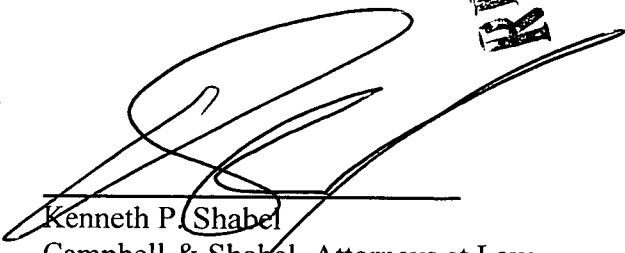
PROOF OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appeal was served upon all counsel of record and/or unrepresented parties by U S Postal Service first class mail, postage prepaid, on the June 7, 2012 to the address as follows

Derrick B Balsa  
Assistant Solicitor, 7th Circuit Solicitor's Office  
180 Magnolia Street  
Spartanburg, SC 29306  
(864) 596-2575  
Attorney for Respondent

Fletcher N Smith, Jr, Esq  
112 Wakefield Street  
Greenville, SC 29601  
(864) 232-6541  
Appellant's Trial Attorney

June 7, 2012

  
Kenneth P. Shabel  
Campbell & Shabel, Attorneys at Law  
104 N Daniel Morgan Ave, Suite 201  
Spartanburg, SC 29306  
(864) 583-0001

RECEIVED  
JUN 11 2012  
SC Court of Appeals

Fax (864) 583-1199  
Attorneys for Appellant

Shawn M Campbell  
Kenneth P Shabel  
John R Holland

# Campbell & Shabel

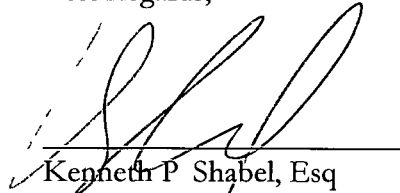
ATTORNEYS AT LAW

OF COUNSEL  
Sean Giovannetti

Sender's Email [kshabel@gc-lawfirm.com](mailto:kshabel@gc-lawfirm.com)

Please do not hesitate to contact me if you have any questions regarding this filing or need any further information

Best Regards,



Kenneth P Shabel, Esq  
Campbell & Shabel, LLC  
104 N Daniel Morgan Ave , Suite 201  
Spartanburg, SC 29306  
Telephone 864-583-0001  
FAX 864-583-1199  
Attorney for Respondent

KPS/nm

Enclosures

cc Derrick B Balsa, Assistant Solicitor  
Fletcher N Smith, Jr, Esq  
S C Court Administration

RECEIVED

JUN 11 2012

SC COURT of Appeals

32 100  
US POSTAGE  
FIRST CLASS  
062S0007255205  
29306



B83316 07



Cambell & Shabel LLC  
10 North Daniel Morgan Ave  
Suite 201  
Spartanburg SC 29306

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 State of South Carolina, )  
 )  
 )  
 )  
 vs )  
 )  
 Charvus Tarrel Nesbitt, )  
 )  
 Defendant )

IN THE COURT OF GENERAL SESSIONS  
 FOR THE SEVENTH JUDICIAL CIRCUIT

Case Numbers 2011-GS-42-1414  
 2011-GS-42-1415  
 2012-GS-42-0349

**RECEIVED**  
 JUN 11 2012  
**ORDER**  
**SC Court of Appeals**

**FILED**  
**CLERK OF COURT**  
 SPARTANBURG COUNTY  
 2012 MAY 24 PM 4:12  
 M HOPE BLANKLEY

This matter came before the Court on the Defendant's Motion to Reconsider his sentence received February 13, 2012. The State of South Carolina was represented by Derrick Balsa and the Defendant represented by Fletcher Smith at the plea hearing. The Honorable Roger L. Couch sentenced Defendant to forty (40) years for murder, thirty (30) years for attempted murder, twenty (20) years for attempted armed robbery, and five (5) years for possessing a weapon during the commission of a violent crime. The Court ran the sentences for attempted murder, attempted armed robbery, and possession of a weapon during the commission of a violent crime concurrent with the forty (40) year sentence for murder.

On February 23, 2012, Defendant filed a Motion to Reconsider his sentence. A hearing was held in Spartanburg, South Carolina on April 26, 2012. The State was represented by Derrick Balsa and Defendant was represented by Kenneth Shabel. Having considered the Motion and oral arguments of both parties, the Court makes the following findings:

- 1 The Defendant was removed from the Courtroom prior to the discussion of the charge of possession of a weapon during the commission of a violent crime. Tr at 28-24.
- 2 The Court overlooked the charge of possession of a weapon during the commission of a violent crime and was reminded by the Solicitor following the Defendant's exit of the Courtroom. Tr at 29-2-9.
- 3 The Defendant's attorney at the plea, Fletcher Smith, did not waive the Defendant's presence with regards to the discussion of that particular charge. Tr at 29-11-13.
- 4 The Defendant was never questioned by the Court about his plea to the offense of possession of a weapon during the commission of a violent crime.
- 5 The plea deal that Defendant agreed to on the record was forty (40) years for murder, attempted

murder, and attempted armed robbery

Pursuant to South Carolina case law, "all plea agreements must be on the record and must recite the scope, offenses, and individuals involved in the agreement" *State v Thrift*, 312 S C 282, 295, 440 S E 2d 341, 348 (1994) In other words, a plea agreement is made up of only that which a defendant agrees to on the record, regardless of communications prior to the hearing In the case at bar, the Court only discussed three charges with the Defendant on the record- murder, attempted murder, and attempted armed robbery The plea transcript indicates that the Court inquired as to whether the Defendant's plea under *North Carolina v Alford* was on these particular charges (Tr at 9 10-11) The Defendant answered the Court in the affirmative (Tr at 9 12) The Court did not, however, question the Defendant about his plea to the offense of possession of a weapon during the commission of a violent crime Consequently, the forty (40) year plea agreement was made up of only the murder, attempted murder, and attempted armed robbery charges See *Thrift*, 312 S C at 296, 440 S E 2d at 349

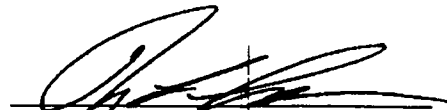
Based on the foregoing, the Court hereby invalidates the five (5) year sentence that was imposed on the Defendant for the offense of possession of a weapon during the commission of a violent crime Accordingly, that charge, Count Two of indictment number 2011-GS-42-1414, was not a part of the negotiated plea and is hereby reopened and subject to prosecution by the State This decision has no bearing on the validity of the plea given by the Defendant on the other three charges See *Phillips v State*, 281 S C 41, 314 S E 2d 313 (1984) (the invalidation of a defendant's guilty plea on one charge does not affect the validity of a guilty plea for a different charge taken at the same hearing)

Therefore, Defendant's Motion to Reconsider is granted in that the five (5) year sentence issued by this Court on the charge of possession of a weapon during the commission of a violent crime is hereby invalidated The sentences imposed by the Court on the charges of murder, attempted murder, and attempted armed robbery are hereby affirmed

**IT IS SO ORDERED**

May 24, 2012  
Spartanburg, South Carolina

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2012 MAY 24 PM 4:12  
M HOPE BLACKLEY

  
Roger L. Couch, Presiding Judge  
Seventh Judicial Circuit



SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS



SPARTANBURG

VS

Charvus Tarrel Nesbitt

BLACK Sex M Age 23  
08 15 1988 SS#

INDICTMENT/CASE# 2011GS4201414 A  
A/W# M751457  
Date of Offense 12/7/2010  
S C Code § 16 23-0490  
CDR Code # 0549

SENTENCE SHEET

DL Yes  No  CMV Yes  No  Hazmat Yes  No

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

Weapons / Poss weapon during violent crime if not also sentenced to life without parole or death

violation of § 16 23 0490 of the S C Code of Laws bearing CDR Code # 0549

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 Presentment to Grand Jury (defendant's initials)

the plea is  Without Negotiations or Recommendation  Negotiated Sentence  Recommendation by the State

TEST BULSA DERRICK 15264 SC Bar# Charvus T Nesbitt Defendant Attorney for Defendant 5/65 SC Bar#

HEREFORE 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

\$ 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

The Defendant is to be given credit for time served pursuant to S C Code 24 13 40 to be calculated and applied the State Department of Corrections 12/10/10

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

fine \$

14 1 206 (Assessments 107 5 0)

14 1 211 (A)(1) (Conv Surchrg) \$100 \$ 100.00

14 1 211 (A)(2) (DUI Surchrg) \$100 \$

56 5 2995 (DUI Assessment) \$12 \$

56 1 286 (DUI Breath Test) \$25 \$

56 1 479 (Public Det Prot) \$500 \$

14 1 212 (Law Enforce Funding) \$25 \$ 25.00

14 1 215 (Drug Court Surchrg) \$150 \$

50 21 114 (BUI Breath Test Fee) \$50 \$

56 5 2942(1) (Vehicle Assessment) \$400 \$

56 5 905 (SCCJA Surchrg) \$5 \$ 5.00

to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

PTUP days/hours Public Service Employment

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

56 47 12 requires \$500 be paid to Clerk

during probation

Clerk of Court/ Deputy Clerk Charlene Jones

Court Reporter Shelby Malone

CA 217 (05 2011)

Presiding Judge

Judge Code 2135

Sentence Date 2/13/12

TH CAROLINA

IN THE COUNTY OF GENERAL SESSIONS

SPARTANBURG

VS

Charvus Farrel Nesbitt

INDICTMENT/CASE# 2011GS4201415

A/W# M751456

Date of Offense 12/7/2010

S C Code § 16 03 0029

CDR Code # 3410

STATE BLACK Sex M Age 23  
08 15 1988 SS#  
Address Gaines Dr  
City State Zip Inman SC 29349  
DL# SID#

SENTENCE SHEET

Alford Plea

CONVICTED OF or PLEADS No Contest

\*CDL Yes No CMV Yes No Hazmat Yes No  
In disposition of the said indictment comes now the Defendant who was  
TO Murder / Attempted Murder

in violation of § 16 03 0029 of the S C Code of Laws bearing CDR Code # 3410

NON VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act)

The charge is As Indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury  
The plea is Without Negotiations or Recommendation Negotiated Sentence Recommendation by the State

ATTEST BULSA DERRICK 15264 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 30 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 2/13/12  
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 12/10/10  
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 Del Waives Hearing Ordered  
Total \$ plus 20% fee \$  
Payment Terms  
Set by SCDPPPS

PTUP  
days/hours Public Service Employment  
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

Table with 3 columns: Description, Amount, Total. Includes items like Assessments, DUI Surcharges, Public Def/Prol, Law Enforce Fund, Drug Court Surch, BUI Breath Test Fee, Vehicle Assessment, SCCJA Surch, % to County.

Appointed PD or appointed other counsel  
- 47 12 requires \$500 be paid to Clerk during probation

Clerk of Court/Deputy Clerk  
Court Reporter  
S.C.C. 217 (03/2011)

Presiding Judge  
Judge Code 2135  
Sentence Date 2/13/12

STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 STATE VS )  
 Charvus Tarell Nesbitt )  
 AKA )  
 Race BLACK Sex M Age 23 )  
 DOB 08 15 1988 SS# )  
 Address Garner Dr )  
 City State Zip Farmers SC 29349 )  
 DL# SID# )

IN THE CC GENERAL SESSIONS ✓  
 INDICTMENT/CASE# 2012GS4200349  
 A/W# 2012GS4200349  
 Date of Offense 12/7/2010  
 S C Code 16 11 0330(B)  
 CDR Code # 0026

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO Robbery / Attempted aimed or allegedly aimed robbery

SENTENCE SHEET  
 Alford Plea  
 CONVICTED OF or  PLEADS No Contest

in violation of § 16 11-0330(B) of the S C Code of Laws bearing CDR Code # 0026  
 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 Presentment to Grand Jury (defendant's initials)  
 The plea is  Without Negotiations or Recommendation  Negotiated Sentence  Recommendation by the State  
 ATTEST Bulsa Derrick 15264 Charvus T. Nesbitt 5/65  
 BULSA DERRICK 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 20 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 \_\_\_\_\_  
 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 12/10/10  
 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 \$ \_\_\_\_\_  
 Payment Terms \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_  
 Recipient \_\_\_\_\_  
 \*Fine  
 14 1 206 (Assessments 107 5 00) \$  
 14 1 211 (A)(1) (Conv Surch) \$100 \$ 100.00  
 14 1 211 (A)(2) (DUI Surch) \$100 \$  
 16 5 2995 (DUI Assessment) \$12 \$  
 16 1 286 (DUI Breath Test) \$25 \$  
 Proviso 47 9 (Public Def/Prob) \$500 \$  
 14 1 212 (Law Enforce Funding) \$25 \$ 25.00  
 14 1 215 (DUI Court Surch) \$150 \$  
 10 21 114 (BUI Breath Test Fee) \$50 \$  
 16 5 2942(J) (Vehicle Assessment) \$400 \$  
 Proviso 90 5 (SCCJA Surch) \$5 \$ 5.00  
 5% to County (if paid in installments) \$ 3.90  
 TOTAL \$ 133.90

\_\_\_\_\_ days/hours Public Service Employment  
 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  
 14 12 requires \$500 be paid to Clerk  
 during probation

Clerk of Court Deputy Clerk [Signature]  
 Court Reporter [Signature]  
 SCCA 217 (03 2011)

Presiding Judge \_\_\_\_\_  
 Judge Code 2135  
 Sentence Date 2/13/12

STATE OF SOUTH CAROLINA ) IN THE GENERAL SESSIONS COURT  
COUNTY OF SPARTANBURG ) SEVENTH JUDICIAL CIRCUIT

The STATE of SOUTH CAROLINA, )  
Vs ) MOTION FOR RECONSIDERATION  
AND/OR NEW TRIAL

CHARVUS TARREL NESBITT, )  
Defendant ) Indictment Numbers  
2011-GS-42-01414  
2011-GS-42-01414(A)  
2011-GS-42-01415  
2012-GS-42-00349

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2012 FEB 23 AM 11:42  
M HOPE BLACKLEY

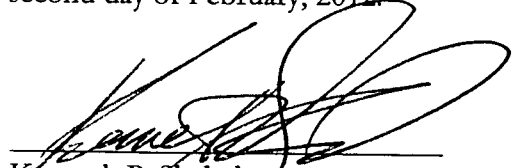
TO THE HONORABLE ROGER L COUCH, Circuit Court Judge  
DERRICK B BULSA, Assistant Solicitor for the Seventh Circuit Solicitor's Office

YOU WILL PLEASE TAKE NOTICE that the Defendant, by and through the undersigned attorney, hereby moves before the Court for a reconsideration of his sentence received on February 13, 2012 for the above-referenced indictments The Defendant so moves based upon the following

- (a) That, based on information and belief, the Court did not take into proper consideration the Defendant's lack of criminal record prior to his arrest on these charges,
- (b) That, based on information and belief, the Court did not take into proper consideration the significant criminal record of the co-defendants, who at the time of the Defendant's plea, still had charges pending,
- (c) That, based on information and belief and following the Defendant's plea, the state reduced all of the charges against the co-Defendants that, as a result, has them serving twenty-five fewer years than the Defendant,

- (d) That, based on information and belief, the Defendant, was unaware of separate plea negotiations with co-Defendants prior to agreeing to plea in these indictments and his knowledge of these plea negotiations would have materially affected his decision to plead in these indictments,
- (e) That, based on information and belief, the sentence is overly harsh and constitutes "cruel and unusual punishment",
- (f) That, based on information and belief, the plea colloquy was insufficient under the law of this state to ensure that the Defendant knew exactly what rights he was giving up by pleading guilty, and
- (g) That, based on information and belief, the Defendant did not knowingly and intelligently waive his right to a twenty-four hour waiting period between his guilty plea and his sentencing

The Defendant so moves, this twenty-second day of February, 2012.



Kenneth P. Shabel  
SC Bar #16136  
Attorney for the Defendant  
CAMPBELL & SHABEL, Attorneys at Law  
104 North Daniel Morgan Avenue, Suite 201  
Spartanburg, South Carolina 29306  
864 583 0001  
864 583 1199 (Fax)

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2012 FEB 23 AM 11:42  
M HOPE BLACKLEY

STATE OF SOUTH CAROLINA	)	IN THE GENERAL SESSIONS COURT
	)	
COUNTY OF SPARTANBURG	)	SEVENTH JUDICIAL CIRCUIT
	)	
The STATE of SOUTH CAROLINA,	)	AMENDED
	)	MOTION FOR RECONSIDERATION
Vs	)	AND/OR NEW TRIAL
	)	
CHARVUS TARREL NESBITT,	)	Indictment Numbers
	)	2011-GS-42-01414
Defendant	)	2011-GS-42-01414(A)
	)	2011-GS-42-01415
	)	2012-GS-42-00349
	)	

TO THE HONORABLE ROGER L COUCH, Circuit Court Judge  
DERRICK B BULSA, Assistant Solicitor for the Seventh Circuit Solicitor's Office

YOU WILL PLEASE TAKE NOTICE that the Defendant, by and through the undersigned attorney, hereby moves before the Court for a reconsideration of his sentence received on February 13, 2012 for the above-referenced indictments. The Defendant so moves based upon the following

- (a) That, based on information and belief and following the Defendant's plea, the State reduced all of the charges against the co-Defendants that, as a result, has them serving twenty-five fewer years than the Defendant, thus making his negotiated sentence unjust and unfair,
- (b) That, based on information and belief, the Defendant, was unaware of separate plea negotiations with co-Defendants prior to agreeing to plea in these indictments and his knowledge of these plea negotiations would have materially affected his decision to plead in these indictments,
- (c) That, based on information and belief, the plea colloquy was insufficient under the law of this state to ensure that the Defendant knew exactly what rights he was giving up by pleading guilty,

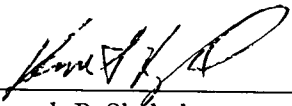
FILED  
CLERK OF COURT

2012 MAR -7 AM 10 12  
S. J. C. KLEY

MAR 7 2012  
RECD

- (d) That, based on information and belief, the Defendant did not knowingly and intelligently waive his right to a twenty-four hour waiting period between his guilty plea and his sentencing, and
- (e) That the Defendant was never questioned about his plea to one of his four charges and, based on information and belief, was not even present in the Courtroom for the discussion of that charge

The Defendant so moves, this twenty-second day of February, 2012 and (as amended) this seventh day of March, 2012



---

Kenneth P. Shabel  
SC Bar #16136  
Attorney for the Defendant  
CAMPBELL & SHABEL, Attorneys at Law  
104 North Daniel Morgan Avenue, Suite 201  
Spartanburg, South Carolina 29306  
864 583 0001  
864 583 1199 (Fax)

FILED  
CLERK OF COURT  
2012 MAR -7 AM 10 12  
L. E. BLACKLEY

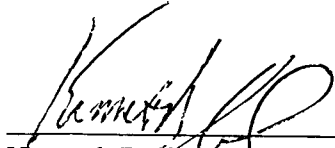
STATE OF SOUTH CAROLINA	)	IN THE GENERAL SESSIONS COURT
	)	
COUNTY OF SPARTANBURG	)	SEVENTH JUDICIAL CIRCUIT
	)	
The STATE of SOUTH CAROLINA,	)	
	)	CERTIFICATE OF SERVICE
Vs	)	
	)	
CHARVUS TARREL NESBITT,	)	Indictment Numbers
	)	2011-GS-42-01414
Defendant	)	2011-GS-42-01414(A)
	)	2011-GS-42-01415
	)	2012-GS-42-00349
	)	

This is to certify that the undersigned did, in fact, hand-deliver to the undersigned individuals a copy of the Defendant's Amended Motion for Reconsideration in the above-referenced case

The Honorable Roger L. Couch  
 Circuit Court Judge – Seventh Judicial Circuit  
 Spartanburg County Courthouse  
 180 Magnolia Street  
 Spartanburg, SC 29306

Mr Derrick B. Balsa, Esq  
 Seventh Circuit Solicitor's Office  
 180 Magnolia Street  
 Third Floor  
 Spartanburg, SC 29306

The undersigned so certifies, this seventh day of March, 2012

  
 \_\_\_\_\_  
 Kenneth P. Shabel  
 SC Bar #16136  
 Attorney for the Defendant  
 CAMPBELL & SHABEL, Attorneys at Law  
 104 North Daniel Morgan Avenue, Suite 201  
 Spartanburg, South Carolina 29306  
 864 583 0001  
 864 583 1199 (Fax)

FILED  
 CLERK OF COURT  
 2012 MAR -7 AM 10 12  
 JEFFREY BLACKLEY