

STATE OF SOUTH CAROLINA  
IN THE COURT OF GENERAL SESSIONS  
FOR CLARENDON COUNTY

**RECEIVED**  
FEB 02 2015  
SC Court of Appeals

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STATE OF SOUTH CAROLINA, RESPONDENT

v.

JONATHAN CODY NEWMAN, APPELLANT

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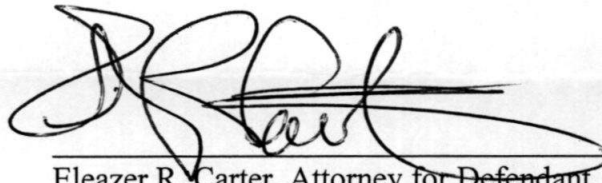
CASE NUMBER: 2013-GS-14-0293

APPELLATE CASE NUMBER: 2015-000091

AMENDED NOTICE OF INTENT TO APPEAL

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**YOU WILL PLEASE TAKE NOTICE** that the Defendant intends to Appeal the Jury Verdict and sentencing of the General Sessions Court before Judge William Jeffrey Young, on January 9, 2015, in Clarendon County.



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Eleazer R. Carter, Attorney for Defendant  
The Carter Law Firm  
Post Office Box 187  
Manning, South Carolina 29102  
Telephone: (803) 435-0550  
Facsimile: (803) 435-0551

Manning, South Carolina  
January 27, 2015

**THE CARTER LAW FIRM**

105 South Brooks Street

P.O. Box 187

Manning, South Carolina 29102

Tel. (803) 435-0550

Fax (803) 435-0551

Reply To:  
Manning Office

Eleazer R. Carter

January 28, 2015

**RECEIVED**

FEB 02 2015

**SC Court of Appeals**

The Honorable Jenny A. Kitchings  
1015 Sumter Street  
Post Office Box 11629  
Columbia, South Carolina 20211

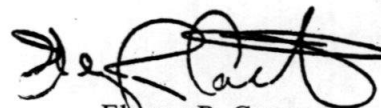
Re: State vs. Jonathan C. Newman  
Case No.: 2013-GS-14-0293  
Appellate Case No. 2015-000091

Dear Clerk Kitchings:

Please find enclosed an original and six (6) copies of the Appellant's Amended Notice of Intent to Appeal and copy of Sentencing Sheet. You should file the same and return the clock copies to this office in the enclosed stamped envelope. By copy of this letter and notice of appearance I am forward the same to the attorney for the Respondent.

Thank for your attention to this matter, and if you have any questions you should to contact this office.

Sincerely



Eleazer R. Carter

ERC/

Cc: Beulah Roberts, Clerk of Court  
Ernest A. Finney, III, Solicitor  
Chris Durant, Assistant Solicitor  
S.C. Appellate Defense  
Jack D. Howle, Jr. Esquire  
Office of Appellate Defense

COUNTY OF Clarendon  
STATE VS.

INDICTMENT/CASE#: 2013-GS-14-0293

AKA: Jonathan Cody Newman

2013A1420100230

Race: 1 Sex: M Age: 20

Date of Offense: 5/26/2013

DOB: SS#:

S.C. Code §: 16-03-0010

Address: d

CDR Code #: 0116

City, State, Zip: Manning, SC 29102

DL#: SID#:

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or

RECEIVED

FEB 02 2015

SC Court of Appeals

TO: Murder (30 years - Life)

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116  
 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: Chris Ryan

78080

Durant, Christopher Ryan

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 35 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: w/ CT 2  
 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

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	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 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 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

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,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/ Deputy Clerk B. Roberts

Court Reporter: Melissa Singletary

Presiding Judge    

Judge Code: 2156

Sentence Date: 1/9/2015

STATE OF SOUTH CAROLINA )

)

IN THE COURT OF GENERAL  
SESSIONS

COUNTY OF CLARENDON )

STATE OF SOUTH CAROLINA )

INDICTMENT NOS. 2013-GS-14-0293

vs. )

)

VERDICT FORM

)

JONATHAN CODY NEWMAN, )  
DEFENDANT. )

)

1) As to the charge of Murder, we, the jury, unanimously find the Defendant:

Not Guilty

Guilty

2) As to the charge of Burglary, 1<sup>st</sup> Degree, we, the jury, unanimously find the Defendant:

Not Guilty

Guilty

Eddie B. Myers  
Foreperson

Manning, South Carolina.  
January 9, 2015.

COUNTY OF Clarendon  
STATE VS.

CERTIFIED TRUE COPY OF ORIGINAL FILED IN THIS OFFICE INDICTMENT/CASE#: 2013-GS-14-0293

Jonathan Cody Newman

A/W#: 2013A1420100156

AKA: DATE 1/29/15 Date of Offense: 5/26/2013

Race: 1 Sex: M Age: 20 S.C. Code §: 16-11-0311

DOB: SS#: CDR Code #: 0079

Address: CLARENDON COUNTY, SC

City, State, Zip: Manning, SC 29102

DL#: SID#:

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: Burglary, 1st Degree (15 years - Life)

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079

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] 79080

Durant, Christopher Ryan

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: w/Count 1

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

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 \$ \_\_\_\_\_

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 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.70

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, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

[Signature] B. Roberts  
Melissa Singleton

Presiding Judge

Judge Code:

Sentence Date:

[Signature] 2013  
11/9/2015

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CLARENDON )

(AMENDED) INDICTMENT FOR

MURDER

BURGLARY, 1<sup>ST</sup> DEGREE

At a Court of General Sessions convened on February 27, 2014, the Grand Jurors of CLARENDON County present upon their oath:

**COUNT ONE - MURDER**

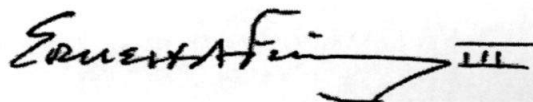
That Jonathan Cody Newman, Letroy Samuels and Montag Lamall Webb did in Clarendon County, on or about May 26, 2013, willfully, feloniously, and intentionally kill the victim, Anthony Wimberly, with malice aforethought, either express or implied, by severely beating the victim, and the victim did die as a proximate result of the injuries then and there sustained on or about July 29, 2013 in Clarendon County, in violation of Section 16-03-0010, S. C. Code of Laws (1976), as amended.

**COUNT TWO - BURGLARY, 1<sup>ST</sup> DEGREE**

That Jonathan Cody Newman, Letroy Samuels and Montag Lamall Webb, did in Clarendon County on or about May 26, 2013 enter the dwelling of Anthony Wimberly located at 202B S. Church St., Manning, South Carolina, without consent and with the intent to commit a crime therein and the entering or remaining in the dwelling occurred in the nighttime and/or when, in effecting entry or while in the dwelling or in immediate flight, the defendants caused physical injury to a non-participant in the crime and/or were armed with a deadly weapon and/or did use or threaten use of a dangerous instrument, all in violation of Section 16-11-0311(A), S.C. 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.

Solicitor



WITNESSES

Sonia Daniels Manning Police Department

DOCKET NO. 2013-GS-14-0293

The State of South Carolina

County of CLARENDON

COURT OF GENERAL SESSIONS

February TERM 2014

THE STATE

vs.

JONATHAN CODY NEWMAN

LETROY SAMUELS

MONTAG LAMALL WEBB

(AMENDED) Indictment for

MURDER

BURGLARY, 1<sup>ST</sup> DEGREE

True Bill

ACTION OF GRAND JURY

2013A1420100231

2013A1420100194

2013A1420100157

2013A1420100156

2013A1420100232

2013A1420100230

Foreperson of Grand Jury  
Date: 2/27/14

*Ernest A. Finney III*

VERDICT

*Ernest A. Finney III*

ERNEST A. FINNEY, III, SOLICITOR

Foreperson of Petit Jury

Date: