

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Hon. R. Keith Kelly, Circuit Court Judge

Case No. 2015-000239

RECEIVED

FEB 20 2015

SC Court of Appeals

The State,

Respondent,

v.

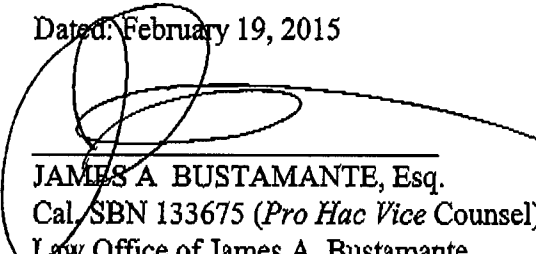
Joshua Ellsworth,

Appellant,

REDACTED SENTENCING SHEETS

Pursuant to the Clerk's of the South Carolina Court of Appeals notice of deficiency and Supreme Court's Order, dated April 15, 2014, Appellant Joshua Ellsworth hereby submits the redacted Sentencing Sheets, redacting personal identifying information and replacing the unredacted sheets previously submitted as Exhibit A with Mr. Ellsworth's Notice of Appeal. (See attached Exhibit A)

Dated: February 19, 2015



JAMES A. BUSTAMANTE, Esq.
Cal. SBN 133675 (*Pro Hac Vice* Counsel)
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MARK FOSTER, Esq., SC SBN 100305
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Greenville, SC 29601
Telephone (864) 360-3090
mark@attorneymarkfoster.com

Attorneys for Appellant
JOSHUA ELLSWORTH

Exhibit A

FILED 10 AND 40K

JAN 26 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Greenville

JAMES R. PARKS
CLERK, STATE GRAND JURY

STATE

VS.

INDICTMENT/CASE#: 2014-GS-47-06 (Count 1)

Joshua Ellsworth
AKA: "Zack"
Race: W Sex: M Age: 39
DOB: 1976 SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: [REDACTED]
DL# [REDACTED] SID# [REDACTED]

AW#: Direct Presentment
Date of Offense: 1/1/2009 - 6/17/2014
S.C. Code §: 44-53-370(e)(1)(b)
CDR Code #: 0402

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Trafficking Marijuana, 10 - 100 pounds (Conspiracy)

In Violation of § 44-53-370(e)(1)(a) of the S.C. Code of Laws, bearing CDR Code # 2360
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-46 (CSC w/minor 1st or Lewd Act)

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

ATTEST: [Signature] 76207 Assistant Attorney General S.C. Bar # [REDACTED] Defendant [Signature] Attorney for Defendant SC Bar # 100305

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 8 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ 10,000; provided that upon the service of days/months/years and or payment of \$ [REDACTED]; 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. 262 days

The Defendant is to be placed on 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 16-25-85 (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: May serve W/E beginning Substance Abuse Counseling

*Fine:		\$ 10,000.00
§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	\$ 150.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 80.6 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in Installments)		\$ 208.40
TOTAL		\$ 10,588.40

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: [Signature] Court Reporter: [Signature]

Presiding Judge: [Signature] Judge Code: 2265 Sentence Date: 26 January 2015

SCCA/217 (03/2011)

Plc'd only. R. Keith Kelly 2/18/15 12 September 2014

FILED

0-54/01 0-6000

STATE OF SOUTH CAROLINA JAN 26 2015
COUNTY OF JAMES H. PARKS
STATE Greenville CLERK, STATE GRAND JURY

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2014-GS-47-06 (Count 2)

VS.
Joshua Ellsworth
AKA: "Zack"
Race: W Sex: M Age: 39
DOB: 11/975 SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: [REDACTED]
DL# [REDACTED] * SID# [REDACTED]
*CDL Yes No CMV Yes No Hazmat Yes No

A/W#: Direct Presentment
Date of Offense: 1/27/2014 - 1/31/2014
S.C. Code §: 44-53-370(b)(2)
CDR Code #: 0186

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
TO: Distribution of Marijuana, first offense

CONVICTED OF or PLEADS

In violation of § 44-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45
(CSC w/minor 1st or Lewd Aol)

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

ATTEST: [Signature] 76207 [Signature] 760305
Assistant Attorney General 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 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:
 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. 267 days
 The Defendant is to be placed on 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: _____ May serve W/E beginning
Substance Abuse Counseling

*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	\$ 100.00
§56-5-2995 (DUI Assessment)	\$12	\$ 12.00
§56-1-286 (DUI Breath Test)	\$25	\$ 25.00
Proviso 47 9 (Public Def/Prob)	\$500	\$ 500.00
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$ 50.00
§66-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ 40.00
Proviso 90 5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 8.40
TOTAL	\$	\$ 888.40

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 [Signature]
Court Reporter: [Signature]

Presiding Judge [Signature]
Judge Code: 2165
Sentence Date 26 January 2015

SCCA/217 (03/2011)
[Signature]
12. September 2014

FILED

0-5 4/07 0-5000

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
STATE _____

JAN 26 2015

JAMES R. PARKS
CLERK, STATE GRAND JURY

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014-GS-47-06 (Count 3)

vs.
Joshua Ellsworth
AKA: "Zack"
Race: W Sex: M Age: 39
DOB: 1/1976 SS#: _____
Address: _____
City, State, Zip: _____
DL# _____ SID# _____

AW#: Direct Presentment
Date of Offense: 1/27/2014 - 1/31/2014
S.C. Code §: 49-53-370(b)(2)
CDR Code #: 0186

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Distribution of Marijuana, first offense

In violation of § 49-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

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

ATTEST: [Signature] 78207 Assistant Attorney General SC Bar # _____ Defendant
[Signature] 190305 Attorney for Defendant SC Bar # _____

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:
 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. 26.2 days

The Defendant is to be placed on 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 16-25-55 (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: _____ May serve W/E beginning Substance Abuse Counseling

*Fine:		\$	
§14-1-208 (Assessments 107.6%)		\$	
§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	\$	
§56-1-288 (DUI Breath Test)	\$25	\$	
Proviso 47.8 (Public Def/Prob)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	<u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$	<u>150.00</u>
§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>8.40</u>
TOTAL		\$	<u>388.40</u>

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: [Signature]
Court Reporter: [Signature]

Presiding Judge [Signature]
Judge Code: [Signature]
Sentence Date 26 January 2015

[Handwritten notes]
12 September 2014
New entry

054/07 0.5000

FILED

STATE OF SOUTH CAROLINA

JAN 26 2015

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Greenville

JAMES R. PARKS

STATE

CLERK, STATE GRAND JURY

INDICTMENT/CASE#: 2014-GS-47-06 (Count 4)

VS.

AMW: Direct Presentment

Date of Offense: 3/18/2014 - 3/20/2014

S.C. Code §: 43-53-370(b)(2)

CDR Code #: 0186

Joshua Ellsworth

AKA: "Zack"

Race: W Sex: M Age: 38

DOB: 1/19/75 SS#: [REDACTED]

Address

City, State, Zip

DL#

SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Distribution of Marijuana, first offense

CONVICTED OF or PLEADS

In violation of § 43-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-46 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (def.'s initials)

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

ATTEST:

Assistant Attorney General SC Bar # 76207

Defendant

Attorney for Defendant SC Bar # 102305

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 822, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-55 (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: _____

May serve W/E beginning Substance Abuse Counseling

*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	\$
§66-5-2995 (DUI Assessment)	\$12	\$
§66-1-286 (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	\$ 150.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§66-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 80.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (If paid in installments)		\$ 288.40
TOTAL		\$ 288.40

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) Maryann J. Self
Court Reporter: Christy Smith

Presiding Judge R. Keith Bailey
Judge Code: 216
Sentence Date 26 January 2015

SCCA/217 (03/2011)

Handwritten notes:
R. Keith Bailey
2/16/15
12 September 2014

FILED

0-13 4/00 0-5006

JAN 26 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

JAMES R. PARKS
CLERK, STATE GRAND JURY

Greenville

STATE

VS.

INDICTMENT/CASE# 2014-GS-47 - 06 (Count 5)

Joshua Ellsworth
AKA: "Zeek"
Race: W Sex: M Age: 39
DOB: [redacted] 1975 SS#: [redacted]
Address: [redacted]
City, State, Zip: [redacted]
DL# [redacted] SID# [redacted]
*CDL Yes No CMV Yes No Hazmat Yes No

AW#: Direct Presentment
Date of Offense: 3/24/2014 - 3/26/2014
S.C. Code §: 43-53-370(b)(2)
CDR Code #: 0186

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
TO: Distribution of Marijuana, first offense

CONVICTED OF or PLEADS

In violation of § 43-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS (CSC w/minor 1st or Lowd Act) §17-25-45

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

ATTEST: [Signature] 78207 Assistant Attorney General SC Bar # [redacted] Defendant
[Signature] 100322 Attorney for Defendant SC Bar # [redacted]

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 5 days/months/years or 262 days 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.

The Defendant is to be placed on 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 SCDPPP6 Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning Substance Abuse Counseling

*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	\$
§56-5-2895 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.17
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2842(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 8.90
TOTAL		\$ 258.90

Random Drug/Alcohol Testing
Fines 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 [Signature] Margaret J. Self
Court Reporter: [Signature] Cheryl S. Smith

Presiding Judge [Signature] Judge Code: 2165
Sentence Date: 26 January 2015

SCCA/217 (03/2011)
[Handwritten notes and signatures]

054/00 05000

FILED

STATE OF SOUTH CAROLINA

JAN 26 2015

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Greenville

JAMES R. PARKS

STATE

CLERK, STATE GRAND JURY INDICTMENT/CASE#. 2014-GS-47-06 (Count 6)

vs.

Joshua Ellsworth
AKA: "Zack"
Race: W Sex: M Age: 39
DOB: 1/19/75 SS#
Address:
City, State, Zip:
DL# SID#
*CDL Yes No CMV Yes No Hazmat Yes No

AW#: Direct Presentment
Date of Offense: 3/25/2014 - 3/27/2014
S.C. Code #: 43-53-370(b)(2)
CDR Code #: 0186

SENTENCE SHEET

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

TO: Distribution of Marijuana, first offense

In violation of S 43-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45

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: Assistant Attorney General SC Bar # 76207 Defendant Attorney for Defendant SC Bar # 100305

WHEREFORE, the Defendant is committed to the State Department of Corrections or County Detention Center,
for a determinate term of 262 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.
The Defendant is to be placed on 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 Attend Voc. Rehab. Or Job Corp.

Set by SCDPPPS May serve W/E beginning Substance Abuse Counseling

Recipient: Random Drug/Alcohol Testing

Table with 2 columns: Description and Amount. Includes items like §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, §66-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114 (BUI Breath Test Fee) \$60, §56-5-2842(J) (Vehicle Assessment) \$40/fea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments), TOTAL \$288.00

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: Margaret A. Sells
Court Reporter: Cheryl Smith

Presiding Judge: A. Keith Kelly
Judge Code: 2165
Sentence Date: 26 January 2015

SCCA/217 (03/2011)
12. Signatures

FILED

FEB 20 2014

JAMES R. PARKS
CLERK, STATE GRAND JURY

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

THE STATE)

CASE NO.: 2014-GS-47-06 (COUNTS 1-6)

V.)

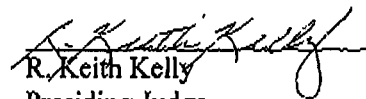
JOSHUA ELLSWORTH,
A.K.A "ZACK")

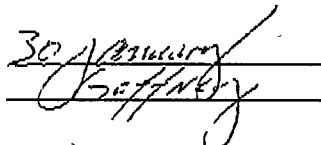
**ORDER DENYING MOTION FOR
RECONSIDERATION OF SENTENCE
AND REQUEST FOR A HEARING**

DEFENDANT.)

This matter comes before the Court upon a motion of the Defendant by and through his attorneys, Mark Foster, Esq. and James A. Bustamante, Esq. Defendant pled guilty on September 12, 2014. Defendant appeared and was sentenced by this Court on January 26, 2015. Defendant timely filed a written motion requesting a hearing and reconsideration of the sentence imposed by the Court.

IT IS THE ORDER OF THIS COURT that Defendant's Motion for Reconsideration of Sentence and Request for a Hearing is hereby denied


R. Keith Kelly
Presiding Judge


_____, 2015,
_____, South Carolina.

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FEB 20 2015

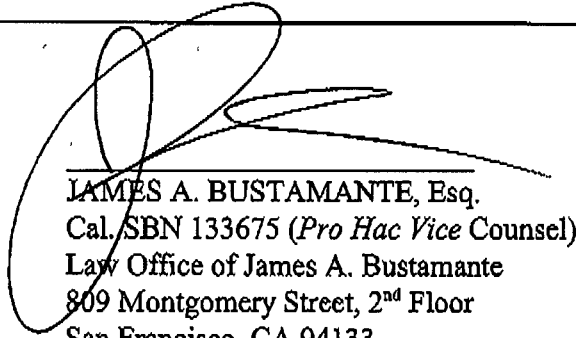
SC Court of Appeals

Proof of Service

I certify that I have served the REDACTED SENTENCING SHEETS by depositing copies in the U.S. Mail, postage prepaid (and in addition, by facsimile to the South Carolina Attorney General's Office), on February 19, 2015, to the following:

<p>CLERK OF GENERAL SESSIONS COURT State Grand Jury Clerk's Office Hon R. Keith Kelly, Circuit Court Judge P.O. Box 11508 Columbia SC 29211</p> <p><u>SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE</u></p> <p>HON. ALAN WILSON, Esq. South Carolina Attorney General</p> <p>SALLEY W. ELLIOTT, Esq. Senior Assistant Deputy Attorney General</p> <p>JOSHUA UNDERWOOD, Esq. Deputy Attorney General</p> <p>Rembert Dennis Building 1000 Assembly Street, Room 519 Columbia, S.C. 29201 Main (803) 734-3970 Facsimile (803) 253-6283</p>	<p>RECEIVED FEB 20 2015 SC Court of Appeals</p>
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Dated: February 19, 2015



JAMES A. BUSTAMANTE, Esq.
 Cal. SBN 133675 (*Pro Hac Vice* Counsel)
 Law Office of James A. Bustamante
 809 Montgomery Street, 2nd Floor
 San Francisco, CA 94133
 Telephone (415) 394-3800
 Facsimile (415) 394-3806
 myke@jacksonsquarelaw.com

Attorney for Appellant
JOSHUA ELLSWORTH

JACKSON SQUARE LAW OFFICES
**BUSTAMANTE, GILG, RAHN,
SCHULTZ & MEIER**
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PARALEGAL MYKE SUYAT

February 6, 2015
via email

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SC Court of Appeals

Cheryl Smith
Circuit Court Reporter At-Large
13th Judicial Circuit
P.O. Box 27280
Greenville, SC 29616
casmith@sccourts.org
Telephone (253) 670-4693

Re: State of South Carolina vs. Joshua Ellsworth, Case No. 2014-GS-47-06
Transcript Request for Sentencing Hearing on January 26, 2015

Dear Ms. Smith:

Per our phone conversation, this letter serves as a request for the transcript of the sentencing hearing held on January 26, 2015, of Joshua Ellsworth. Once we obtain a cost of the transcript, we will FedEx you a check to the address you will provide. Upon completion, please email a certified copy in pdf to myke@jacksonsquarelaw.com. Here is attorney James Bustamante's information:

JAMES A. BUSTAMANTE, Esq.
Cal. SBN 133675 (*Pro Hac Vice* Counsel)
Law Office of James A. Bustamante
809 Montgomery Street, 2nd Floor
San Francisco, CA 94133
Telephone (415) 394-3800
Facsimile (415) 394-3806
myke@jacksonsquarelaw.com

If you have any questions, we can be reached at 415/394-3800. Thank you kindly for your assistance and agreeing to start the transcript over the weekend. You are much appreciated!

Sincerely,

/s/ Myke Suyat
Myke Suyat
Paralegal for Attorney
James A. Bustamante



Myke Suyat <myke@jacksonsquarelaw.com>

Transcript of Sentencing Hearing for Joshua Ellsworth

2 messages

Smith, Cheryl A. <casmith@sccourts.org>
To: Myke Suyat <myke@jacksonsquarelaw.com>

Sun, Feb 8, 2015 at 8.02 PM

Myke,

Attached is a copy of the transcript for the sentencing hearing of Joshua Ellsworth held on 1/26/15 in Greenville, SC. I have also attached a copy of my invoice. You mentioned needing a physical address to send payment. It is listed below

If you have any questions, please let me know.

Thanks!

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SC Court of Appeals

Cheryl A. Smith, CCR, CVR-M
Circuit Court Reporter at Large
1175 Haywood Road, #12-L
Greenville, SC 29615
(253) 670-4693

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**2 attachments**

01262015 Ellsworth, Joshua-signed.pdf  
123K

Invoice 1019 - Ellsworth.pdf  
31K

Myke Suyat <myke@jacksonsquarelaw.com>  
To: "Smith, Cheryl A." <casmith@sccourts.org>

Mon, Feb 9, 2015 at 10.09 AM

Received. Thanks again, Cheryl!

Myke Suyat  
Jackson Square Law Offices  
809 Montgomery Street, 2nd Floor  
San Francisco CA 94133  
Telephone 415-394-3800  
Facsimile 415-394-3806  
myke@jacksonsquarelaw.com  
[Quoted text hidden]

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SAN FRANCISCO, CA 94133  
TEL (415) 384-2800  
FAX (415) 384-2808

PARALEGAL: MYRIE SUTAT

February 19, 2015  
*Via Fax and First Class Mail*

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
Voice: (803) 734-1890  
Fax: (803) 734-1839

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FEB 20 2015

**SC Court of Appeals**

Re: The State, Respondent v. Joshua Ellsworth, Appellant  
Appellate Case No. 2015-000239

Dear Clerk:

The following documents are enclosed correcting the deficiencies noted in the Court's letter to Counsel of February 11, 2015:

- (1) Redacted Sentencing Sheets, redacting personal identifying information previously submitted as Exhibit A to Mr. Ellsworth's Notice of Appeal, and accompanying Proof of Service;
- (2) The Order denying motion for reconsideration of sentence and request for a hearing.

In addition, pursuant to Rule 207(a)(1), enclosed please find correspondence with the Circuit Court Reporter at Large indicating the sentencing transcript was timely ordered and received in this case.

Thank you kindly for your assistance. Please contact me or Mr. Foster with any questions or concerns.

Sincerely,

  
JAMES BUSTAMANTE, Esq.  
DAVID MARK FOSTER, Esq.

[Enclosures]

South Carolina Court of Appeals  
February 19, 2015  
Page 2 of 2

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cc: Office of the Court Administrator  
Calhoun Building  
1015 Sumter Street, Suite 200  
Columbia, South Carolina 29201-3739  
Voice: (803) 734-1800  
Fax: (803) 734-1821  
(Cover letter to Clerk of Court of Appeals and correspondence with Court Reporter only.)

South Carolina Attorney General's Office  
Alan McCrory Wilson, Esq.  
Salley W. Elliott, Esq.  
Joshua R. Underwood, Esq.  
(Cover letter to Clerk of Court of Appeals and all enclosures.)

JACKSON SQUARE LAW OFFICES  
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 SCHULTZ & MEIER**  
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PARALEGAL: MYKE SUYAT

## FAX TRANSMISSION

|       |                                                                                        |       |                                                             |
|-------|----------------------------------------------------------------------------------------|-------|-------------------------------------------------------------|
| Date: | Thursday, February 19, 2015                                                            |       |                                                             |
| To:   | South Carolina Court of Appeals<br>P.O. Box 11629<br>Columbia, SC 29211                | From: | Myke Suyat<br>Paralegal for Attorney<br>James A. Bustamante |
| Tel:  | (803) 734-1890                                                                         | Tel:  | (415) 394-3800                                              |
| Fax:  | (803) 734-1839                                                                         | Fax:  | (415) 394-3806                                              |
| Re:   | The State, Respondent v. Joshua Ellsworth, Appellant<br>Appellate Case No. 2015-000239 |       |                                                             |

Comments:

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 SC Court of Appeals

This transmission is 15 pages, including cover page.

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If you experienced difficulties in receiving this transmission or have received it in error, please notify us immediately by phone at (415) 394-3800. Thank you for your attention.