

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 23 2015

SC Court of Appeals

The State,

Respondent,

v.

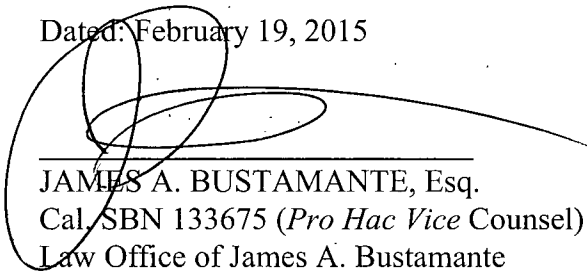
Joshua Ellsworth,

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)
Law Office of James A. Bustamante
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Greenville, SC 29601
Telephone (864) 360-3090
mark@attorneymarkfoster.com

Attorneys for Appellant
JOSHUA ELLSWORTH

Exhibit A

RECEIVED

FEB 23 2015

SC Court of Appeals

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

A/W#: Direct Presentment

AKA: "Zack"

Date of Offense: 1/1/2009 - 6/17/2014

Race: W Sex: M Age: 39

S.C. Code §: 44-53-370(e)(1)(b)

DOB: 1975 SS#: [REDACTED]

CDR Code #: 0402

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

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

CONVICTED OF or PLEADS

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 \$17-25-45

(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]

76207

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 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 \$; 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 16-25-65 (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:		\$ 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 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 308.40
TOTAL		\$ 10,558.40

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: Maxine D. Self

Court Reporter: Cheryl Smith

Presiding Judge: A. Keith Kelly

Judge Code: 216's

Sentence Date: 26 January 2015

SCCA/217 (03/2011)

Plsd only.
A. Keith Kelly
2.16.15
12 September 2014

FILED

0-54/01 0-5000

STATE OF SOUTH CAROLINA

JAN 26 2015

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

JAMES H. PARKS

Greenville CLERK, STATE GRAND JURY

STATE

VS.

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

Joshua Ellsworth

A/W#: Direct Presentment

AKA: "Zack"

Date of Offense: 1/27/2014 - 1/31/2014

Race: W Sex: M Age: 39

S.C. Code §: 44-53-370(b)(2)

DOB: 1975 SS#: [REDACTED]

CDR Code #: 0186

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED] SID# [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

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 (CSC w/minor 1st or Lewd 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:

Assistant Attorney General SC Bar # 76207

Defendant 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 3 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. 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 16-25-65 (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	\$
§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 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 4.00
TOTAL	\$	\$ 288.00

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 Margaret J. Self
Court Reporter: Cheryl Smith

Presiding Judge R. Keith Kelly
Judge Code: 2163
Sentence Date 26 January 2015

SCCA/217 (03/2011)

12 September 2014
R. Keith Kelly
2165

FILED

0-5 4/02 0-5000

STATE OF SOUTH CAROLINA

JAN 26 2015

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 3)

Joshua Ellsworth

AW#: Direct Presentment

AKA: "Zack"

Date of Offense: 1/27/2014 - 1/31/2014

Race: W

Sex: M

Age: 39

S.C. Code §: 43-53-370(b)(2)

DOB: [redacted] /1975

SS#: [redacted]

CDR Code #: 0186

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted]

SID# [redacted]

*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

SENTENCE SHEET

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

[] CONVICTED OF or [X] PLEADS

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

[X] NON-VIOLENT [] VIOLENT [] SERIOUS [] MOST SERIOUS [] Mandatory GPS [] \$17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: [X] As Indicted, [] Lesser Included Offense, [] Defendant Waives Presentation to Grand Jury, (def.'s initials)

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

ATTEST

Assistant Attorney General SC Bar # 76207

Defendant Attorney for Defendant SC Bar # 120305

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections [] County Detention Center, for a determinate term of 3 days/months/years or [] under the Youthful Offender Act not to exceed 3 years and/or to pay a fine of \$ 5; provided that upon the service of 3 days/months/years and or payment of \$ 5; plus costs and assessments as applicable; the balance is suspended with probation for 3 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

[X] CONCURRENT or [] CONSECUTIVE to sentence on: [X] 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 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

[] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered PTUP _____ days/hours Public Service Employment

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	\$	150.00
§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 instalments)		\$	8.40
TOTAL		\$	288.40

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 Margaret J. Self

Court Reporter: Cheryl Smith

SCCA/217 (03/2011)

R. Keith Kelly 2/16/15 12:29 January 2015 Mon only

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

0-5 4/07 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.

A/W#: Direct Presentment

Joshua Ellsworth

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

AKA: "Zack"

S.C. Code §: 43-53-370(b)(2)

Race: W

Sex: M

Age: 39

CDR Code #: 0186

DOB: /1975

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

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 Lewd Act) \$17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation 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 SC Bar #

[Signature] 10230.5
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 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 days/hours Public Service Employment

Total: \$ plus 20% fee: \$

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	\$
§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 90.5 (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: *Margaret J. Self*
Court Reporter: *Cheryl Smith*

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

Non entry - R. Keith Kelly 2165 12 September 2014

FILED

0-15 4/00 0-5000

JAN 26 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

JAMES R. PARKS
CLERK, STATE GRAND JURY

Greenville

STATE

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

VS.

A/W#: Direct Presentment

Joshua Ellsworth

Date of Offense: 3/24/2014 - 3/26/2014

AKA: "Zack"

S.C. Code §: 43-53-370(b)(2)

Race: W

Sex: M

Age: 39

CDR Code #: 0186

DOB: [REDACTED]/1975

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

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 § 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
(GSC 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 #

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.

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)	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$
§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
§14-1-213 (Drug Court Surcharge)	\$ 150.00
§50-21-114 (BUI Breath Test Fee)	\$ 50
§56-5-2942(J) (Vehicle Assessment)	\$ 40/ea
Proviso 90.5 (SCCJA Surcharge)	\$ 5
3% to County (if paid in installments)	\$ 8.40
TOTAL	\$ 258.40

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
Court Reporter:

Presiding Judge
Judge Code:
Sentence Date

SCCA/217 (03/2011)

Handwritten notes and signatures at the bottom of the page.

054/0r 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 6)

VS.

Joshua Ellsworth
AKA: "Zack"
Race: W Sex: M Age: 39
DOB: /1975 SS#:
Address:
City, State, Zip:
DL# * SID#

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

SENTENCE SHEET

*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 (CSC w/minor 1st or Lewd 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] 76207
Assistant Attorney General SC Bar #

Defendant

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 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.

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%)	\$	100.00
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§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	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$ 25.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$ 150.00
§56-5-2942(J) (Vehicle Assessment)	\$40/lea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 8.40
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: *[Signature]*
Court Reporter: *[Signature]*

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

[Handwritten notes]
Please only
L. Keith Kelly
2165
12. September 2014

FEB 06 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.)

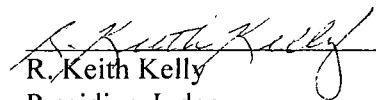
JOSHUA ELLSWORTH,)
A.K.A "ZACK")

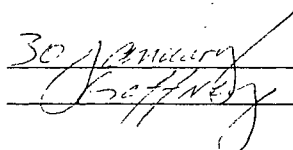
**ORDER DENYING MOTION FOR
RECONSIDERATION OF SENTENCE
AND REQUEST FOR A HEARING**

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


30 January, 2015,
South Carolina.

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:

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

SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE

HON. ALAN WILSON, Esq.
South Carolina Attorney General

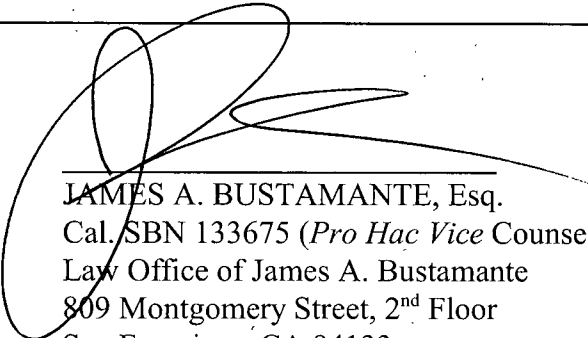
SALLEY W. ELLIOTT, Esq.
Senior Assistant Deputy Attorney General

JOSHUA UNDERWOOD, Esq.
Deputy Attorney General

Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, S.C. 29201
Main (803) 734-3970
Facsimile (803) 253-6283

Dated: February 19, 2015

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SC Court of Appeals



JAMES A. BUSTAMANTE, Esq.
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myke@jacksonsquarelaw.com

Attorney for Appellant
JOSHUA ELLSWORTH

JACKSON SQUARE LAW OFFICES
**BUSTAMANTE, GILG, RAHN,
SCHULTZ & MEIER**
A COMMUNITY OF SOLE PRACTITIONERS

JAMES A. BUSTAMANTE
ZENIA K. GILG
ALEXANDRA N. RAHN
DANNY B. SCHULTZ
LISA B. MEIER
SAM O'KEEFE

PARALEGAL: MYKE SUYAT

809 MONTGOMERY STREET
2ND FLOOR
SAN FRANCISCO, CA 94133
TEL (415) 394-3800
FAX (415) 394-3806

February 6, 2015
via email

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

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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!


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

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

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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]

JACKSON SQUARE LAW OFFICES  
**BUSTAMANTE, GILG, RAHN,  
SCHULTZ & MEIER**  
A COMMUNITY OF SOLE PRACTITIONERS

JAMES A. BUSTAMANTE  
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SAM O'KEEFE

PARALEGAL: MYKE SUYAT

809 MONTGOMERY STREET  
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TEL (415) 394-3800  
FAX (415) 394-3806

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

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

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FEB 23 2015

**SC Court of Appeals**

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]

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.)

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FEB 23 2015

**SC Court of Appeals**

Part # 156297-435 RIT2 09/14 °

JACKSON SQUARE LAW OFFICES  
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SAN FRANCISCO CA 94133

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