

THE CARTER LAW FIRM

105 South Brooks Street
P.O. Box 187
Manning, South Carolina 29102
(803) 435-0550
Fax (803) 435-0551

Reply To:
Manning Office

Eleazer R. Carter
Attorney at Law

March 23, 2015

RECEIVED

MAR 25 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 Ms. Kitchings:

Please find enclosed the information that was sent to the Office of Appellate Defense, S.C. Appellate Defense, and Jack D. Howle, Jr., Esquire (Chief Public Defender for the Third Circuit) in regards to the above referenced matter.

Thank you for your attention to this matter.

Sincerely,



Eleazer R. Carter

ERC/bnb
Enclosure(s)

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

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MAR 25 2015

SC Court of Appeals

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

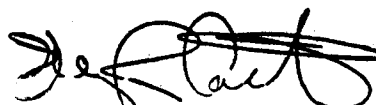
Re: State vs. Jonathan C. Newman
Case No.: 2013-GS-14-0293
Appellate Case No. 2015-000091

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

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

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MAR 25 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA, RESPONDENT

v.

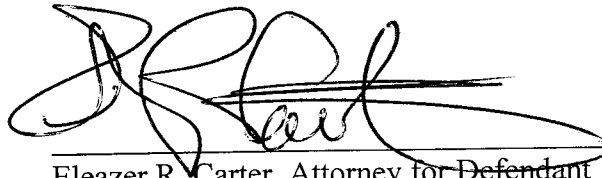
JONATHAN CODY NEWMAN, APPELLANT

CASE NUMBER: 2013-GS-14-0293

APPELLATE CASE NUMBER: 2015-000091

AMENDED NOTICE OF INTENT TO APPEAL

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.



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

COUNTY OF Clarendon
STATE VS.

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

Jonathan Cody Newman **CERTIFIED TRUE COPY**

2013A1420100230

AKA: Jonathan Cody Newman OF ORIGINAL FILED IN THIS OFFICE 11/29/15 Date of Offense: 5/26/2013

Race: 1 Sex: M Age: 20 S.C. Code §: 16-03-0010

DOB: SS#: CDR Code #: 0116

Address: Clerk of Court

City, State, Zip: CLARENDON COUNTY, SC

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: 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: 78080

Durant, Christopher Ryan 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 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. WJB

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 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

*Fine: \$ Substance Abuse Counseling

§ 14-1-206 (Assessments 107.5 %) \$ Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ pmts. of \$ beginning

§ 56-5-2995 (DUI Assessment) \$12 \$ \$ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ Other:

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) \$ 3.90

TOTAL \$ 133.90

Clerk of Court/ Deputy Clerk B. Roberts Presiding Judge

Court Reporter: Melissa Singletary Judge Code: 2156

SCCA/217 (03/2011) Sentence Date: 11/9/2015

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)
STATE OF SOUTH CAROLINA)
)
vs.)
)
)
JONATHAN CODY NEWMAN,)
)
DEFENDANT.)
_____)

IN THE COURT OF GENERAL
SESSIONS

INDICTMENT NOS. 2013-GS-14-0293

VERDICT FORM

RECEIVED
MAR 25 2015
SC Court of Appeals

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

_____ Not Guilty

Guilty

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

_____ Not Guilty

Guilty

Foreperson

Eddie B. Myers

Manning, South Carolina.
January 9, 2015.

COUNTY OF Clarendon
STATE VS.

AKA: Jonathan Cody Newman

Race: 1 Sex: M Age: 20 Date of Offense: 5/26/2013

DOB: 11-29-92 S.C. Code §: 16-11-0311

Address: CLARENDON COUNTY, SC CDR Code #: 0079

City, State, Zip: SC

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

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

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 §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 Durant 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/ Court 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 PTUP _____

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) \$ 3.90

TOTAL \$ 133.90

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.

Presiding Judge _____ Judge Code: 286 Sentence Date: 11/9/2015

Clerk of Court/ Deputy Clerk B. Roberts Court Reporter: Melissa Singleton SCCA/217 (03/2011)

RECEIVED

MAR 25 2015

SENTENCE SHEET

SC Court of Appeals

CONVICTED OF or PLEADS

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)

(AMENDED) INDICTMENT FOR

MURDER

BURGLARY, 1ST 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

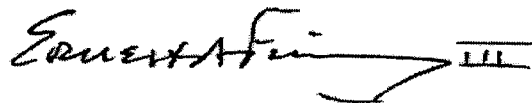
That Jonathan Cody Newman, Letroy Samuels and Montag Lamall Webb did in Clarendon County, on or about May 26, 2013, willfully, feloniously, and intentionally kill the victim, Anthony Wimberly, with malice aforethought, either express or implied, by severely beating the victim, and the victim did die 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, 1ST 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

ARREST WARRANT NUMBER

2013A1420100230 2013A1420100232
2013A1420100156

2013A1420100194 2013A1420100157

2013A1420100231

ACTION OF GRAND JURY

True Bill

Cabbaytelic
Foreperson of Grand Jury
Date: 2/27/14

VERDICT

Foreperson of Petit Jury
Date:

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, 1ST DEGREE

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

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

STATE OF SOUTH CAROLINA, RESPONDENT

v.

JONATHAN CODY NEWMAN, APPELLANT

CASE NUMBER: 2013-GS-14-0293

APPELLATE CASE NUMBER: 2015-000091

CERTIFICATE OF SERVICE

I, Brittany N. Bell, Legal Assistant for The Carter Law Firm, do hereby attest that I have this 28th day of January, served the Respondent's with a copy of the Appellant's Amended Notice of Intent to Appeal and copy of Sentencing Sheet by delivering a copy of the same in the United States Mail with proper postage affixed thereto at:

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

Beulah Roberts, Clerk of Court
Post Office Box 136
Manning, South Carolina

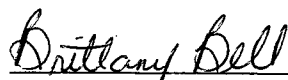
Ernest Finney, III, Solicitor
215 N. Harvin Street
Sumter, South Carolina 29150

Chris Durant, Assistant Solicitor
Post Drawer 70
Manning, South Carolina 29102

Jack D. Howle, Jr. Esquire
Post Office Box 98
Sumter, South Carolina 29151

S.C. Appellate Defense
1205 Pendleton Street
Columbia, South Carolina 29201

Office of Appellate Defense
1330 Lady Street, Suite 401
Post Office Box 11433
Columbia, South Carolina 29211-1433



Brittany Bell, Legal Assistant for Eleazer R. Carter
105 South Brooks Street
Post Office Box 187
Manning, South Carolina 29102
(803) 435-0550
(803) 435-0551

January 28, 2015
Manning, South Carolina

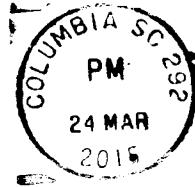
The Carter Law Firm
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SC Court of Appeals

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