

**M. SCOTT McELHANNON  
ATTORNEY AT LAW**

**110 EAST BENSON STREET  
ANDERSON, S.C. 29624**

**scottmcelhannon@yahoo.com**

**TELEPHONE  
(864) 642-6662  
FAX  
(864) 222-2176**

**RECEIVED**

APR 01 2015

**SC Court of Appeals**

March 30, 2015

Jenny Abbott Kitchings  
Clerk of the Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Re: The State, Respondent v. Don Ray Gibson, Appellant  
Appellate Case No. 2015-000612

Dear Ms. Kitchings:

I have received your letter dated March 26, 2015, regarding a deficiency in the above-referenced appeal. Accordingly, please find the redacted Sentence Sheet and the Order denying Defendant's Motion for New Trial.

Thank you for your cooperation and assistance in this matter.

Yours truly,



Scott McElhannon  
Attorney for Defendant

Enclosures

COUNTY OF Anderson
STATE VS. Don Ray Gibson

INDICTMENT/CASE#: 2009GS0402046
A/W#: J896886
Date of Offense: 4/26/2009
S.C. Code §: 16-03-0620
CDR Code #: 0014

AKA:
Race: W Sex: M Age: 61
DOB:
Address: 101 Canton Ln
City, State, Zip: Anderson, SC 29621-5094
DL#: SID#:

LWOP
SC Court of Appeals
SENTENCE SHEET
CONVICTED OF or PLEADS

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Assault / Assault and battery with Intent to Kill (ABWIK)

in violation of § 16-03-0620 of the S.C. Code of Laws, bearing CDR Code # 0014
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Campbell, Rame Lambert SC Bar# 13981 Defendant
Attorney for Defendant SC Bar# 11961

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of Life without pass. b. 1. by of PRIOR 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 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

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 § 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, § 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, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(I) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.
Presiding Judge
Judge Code: 2155
Sentence Date: 12-14-11

Clerk of Court/Deputy Clerk: Richard A. Shirley
Court Reporter: J. Rice
SCCA/217 (03/2011)

12/11

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON ) IN THE COURT OF GENERAL SESSIONS  
FILED-CLERK'S OFFICE  
ANDERSON SC

State of South Carolina, )  
Plaintiff, )  
COMMON PLEAS AND )  
GENERAL SESSIONS )

-vs-

Don Ray Gibson, )  
Defendant. )

ORDER

CA No. 2009-GS-04-02046

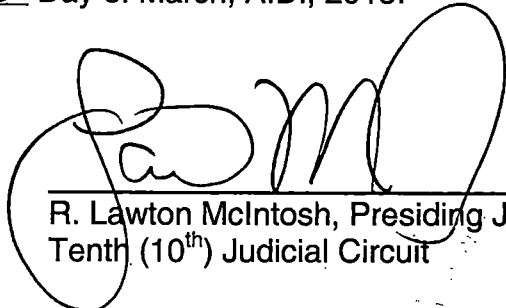


THIS MATTER is before the Court on Defendant's Motion for a new trial. The Defendant was found guilty by jury verdict of Assault with Intent to Kill and received a sentence of life without the possibility of parole. The jury found the Defendant not guilty of possession of a weapon during the commission of a violent crime. Defendant contends that this is an inconsistent verdict, necessitating a new trial for the Defendant.

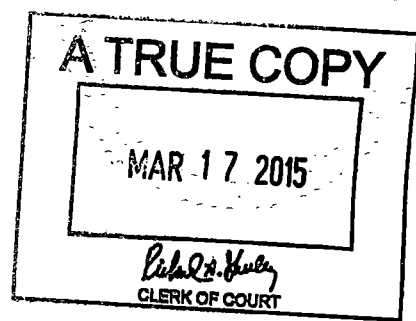
The Court finds that the jury verdict is not inconsistent and therefore denies Defendant's Motion.

Defendant shall have ten (10) days from the date of this Order, excluding the date of this Order, to appeal.

IT IS SO ORDERED This 13 Day of March, A.D., 2015.

  
R. Lawton McIntosh, Presiding Judge  
Tenth (10<sup>th</sup>) Judicial Circuit

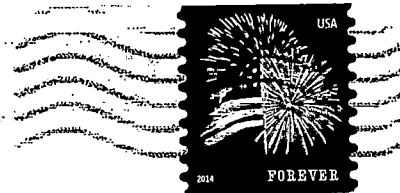
Anderson, South Carolina.



M. Scott McElhannon  
Attorney at Law  
110 East Benson Street  
Anderson, S.C. 29624

GREENVILLE SC 296

30 MAR 2015 PM 3 L



Honorable Jenny Abbott Kitchings  
Clerk of the Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

RECEIVED

APR 01 2015

SC Court of Appeals

29211162929

