

**FORM 4
NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT
OF GENERAL SESSIONS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Keith Kelly, Circuit Court Judge

Case No. 2014-GS-23-05660
2014-GS-23-05661

RECEIVED

APR 13 2015

SC Court of Appeals

2014 APR -9 PM 3:36

CLERK OF COURT
GREENVILLE COUNTY
SOUTH CAROLINA

Approved
The State,

Respondent,

v.

Randy Antoine Stenhouse,

Appellant.

NOTICE OF APPEAL

Randy A. Stenhouse appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Keith Kelly on February 13, 2015. This appeal is taken from the order of the Honorable Keith Kelly, dated February 13, 2015, which sentenced Appellant to three (3) years in prison. Appellant filed a notice of appeal on February 15, 2015. This Notice of Appeal seeks to correct deficiencies in Appellant's notice of appeal filed February 15, 2015.

Appellant claims he was prejudiced by the State's failure to state the proposed sentence recommendation of time-served on the record or the previously proposed sentence recommendation of eighteen (18) months in prison which was still valid at the time of the plea. Appellant feels prejudiced because the plea agreement was not complied with.

April 9, 2015

E. Powers Price

E. Powers Price
305 E. North Street
Greenville, South Carolina 29601
(864) 467-8522
S.C. Bar No. 100214
Attorney for Appellant

Other Counsel of Record:
William Ryan Holloway
Assistant Solicitor
305 E. North Street, Suite 300
Greenville, South Carolina 29601
(864) 467-8647
Attorney for Respondent

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
THE STATE)
v.)
RANDY ANTOINE STENHOUSE,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Case Nos.: 2014-GS-23-05660,
2014-GS-23-05661

Rule 203(D)(1)(b)(iv) Certification

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Pursuant to SC Rule 203(D)(1)(b)(iv), Defendant would show that the sentence imposed is unreasonable. Defendant was sentenced to three (3) years in SCDC despite the Assistant Solicitor's sentence recommendation of time-served. Defendant filed a Notice of Appeal on February 20, 2015.

Defendant's Attorney is filing this appeal pursuant to her ethical duty to her client, and Defendant's constitutional right to appeal.

Defendant's Attorney is unable to communicate with the Defendant after sentencing because Defendant is in SCDC. Defendant may have additional issues that he wishes to appeal.

Date: April 9, 2015

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By: E. Powers Price

E. Powers Price
Attorney for Defendant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

Greenville, SC
Date: April 9, 2015

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APR 13 2015

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

SC Court of Appeals

Keith Kelly, Circuit Court Judge

Case No. 2014-GS-23-05660
2015-GS-23-05661

The State,

Respondent,

v.

Randy Antoine Stenhouse,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on April 9, 2015, addressed to:

Ryan Holloway, Esq.
Greenville County Courthouse
305 E. North Street, Suite 300
Greenville, SC 29601

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

April 9, 2015



E. Powers Price
305 E. North Street, Suite 123
Greenville, South Carolina 29601
(864) 467-8522
Attorney for Appellant

**OFFICE OF THE PUBLIC DEFENDER
13TH JUDICIAL CIRCUIT
Greenville County Courthouse
305 E. North Street (Rm 123)
GREENVILLE, SOUTH CAROLINA 29601**

John I. Mauldin
Public Defender

TEL (864) 467-8522
FAX (864) 467-8521

April 9, 2015

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

APR 13 2015

SC Court of Appeals

**Re: State v. Randy A. Stenhouse
Case No.: 2015-000386**

Dear Ms. Kitchings:

Enclosed you will find the original Notice of Appeal in the above-captioned matter along with Proof of Service upon the Respondents. The Notice has been filed with the Greenville County Clerk of Court. Also enclosed is a copy of the indictment. These matters are being referred to the Office of Appellate Defense in that we were participating as Court appointed counsel at the guilty plea.

Thank you for your attention to this matter.

Yours very truly,



E. Powers Price
305 E. North Street, Ste. 123
Greenville, SC 29601
Attorney for Appellant

Enclosure

cc: Office of the Thirteenth Circuit Solicitor
Office of the Attorney General
Office of Appellate Defense

Randy Antoine Stenhouse

WITNESSES

C Matby

Greenville County Sheriffs Office

4/24/2014

DOCKET NO. 2014-GS-23.

WRH

005660

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2014

THE STATE

VS.

RANDY ANTOINE STENHOUSE

ARREST WARRANT NUMBER

2014A2330203510

RECORDED

APR 18 2014

SC Court of Appeals

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

3009

Indictment for

POSSESSION OF COCAINE BASE (CRACK COCAINE)

VIOLATION §44-53-0375

FILED

JUN 23 2014

Foreperson of Petit Jury
Date:

FILED
ACCT. MK

Certified Copy
Kathy B. U. *[Signature]*
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 4-9-2015

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF COCAINE BASE (CRACK COCAINE)

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That RANDY ANTOINE STENHOUSE did in Greenville County, on or about the 24th day of April 2014, willfully and unlawfully have in his possession and under his control a quantity of Cocaine Base (Crack Cocaine), a controlled substance. This is in violation of §44-53-375 of the South Carolina 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

BAR # 71605

STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE VS.)
 Randy Antoine Stenhouse)
 AKA:)
 Race: BLACK Sex: M Age: 36)
 DOB: 08-29-1978 SS#: 249-45-9989)
 Address: 901 E Georgia Rd)
 City, State, Zip: Simpsonville, SC 29681-3905)
 DL#: 090205012 SID#:)

IN THE COURT OF GENERAL SESSIONS

up to 3 years

INDICTMENT/CASE#: 2014GS2305660
 A/W#: 2014A2330203510
 Date of Offense: 4/24/2014
 S.C. Code § : 44-53-0375 (A)
 CDR Code #: 3009

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Possession of crack cocaine--1st offense.

CONVICTED OF or PLEADS

in violation of § 44-53-0375 (A) of the S.C. Code of Laws, bearing CDR Code # 3009
 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. *RAS* (defendant's initials)
 The plea is: Without Negotiations or Recommendation. Negotiated Sentence. Recommendation by the State.
 ATTEST: *R. Holloway* 71605 *RAS* *E. Powers* *10024*
 Holloway, 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 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: *2014-5661 1st VOP sentence*
 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: _____

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: _____

*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/ca	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 8.40
TOTAL		\$ 288.40 <i>mt</i>

Appointed PD or appointed other counsel. § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk *Paul B...*
 Court Reporter: *Cheryl Smith*
 SCCA/217 (03/2011)

Presiding Judge *P. Keith Kelly*
 Judge Code: *2165*
 Sentence Date: *2-13-2015*

WITNESSES

C. Malby

Greenville County Sheriff's Office

4/24/2014

RECEIVED
APR 19 2015
SC Court of Appeals

ARREST WARRANT NUMBER

2014A2330203512

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

DOCKET NO. 2014-GS-23-

WRH

005661

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2014

THE STATE

VS.

RANDY ANTOINE STENHOUSE

3009

Indictment for

POSSESSION OF METHAMPHETAMINE

VIOLATION §44-53-0375

Foreperson of Petit Jury

Date:

ENTERED
ACCT. MW

FILED

JUN 26 2014

A Certified Copy

Clerk of Court

B. W. D...
Clerk of Court C.P. & G.S.
Greenville County, SC

Dated

4-9-2015

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF METHAMPHETAMINE

At a Court of General Sessions, convened on _____ the Grand Jurors of Greenville
County present upon their oath:

That RANDY ANTOINE STENHOUSE did in Greenville County, on or about the 24th day of April 2014;
willfully and unlawfully have in his possession a quantity of Methamphetamine (Crank), a schedule II controlled
substance. This is in violation of §44-53-0375 of the South Carolina 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

BAR # 71605

STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE VS.)
 Randy Antoine Stenhouse)
 AKA:)
 Race: BLACK Sex: M Age: 36)
 DOB: 08-29-1978 SS#: 249-45-9989)
 Address: 901 E Georgia Rd)
 City, State, Zip: Simpsonville, SC 29681-3905)
 DL#: 090205012 SID#:)

IN THE COURT OF GENERAL SESSIONS *Up to*
 INDICTMENT/CASE#: 2014GS2305661 *3 years*
 A/W#: 2014A2330203512

Date of Offense: 4/24/2014
 S.C. Code §: 44-53-0375 (A)
 CDR Code #: 3009

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Possession of methamphetamine--1st offense.

CONVICTED OF or PLEADS

in violation of § 44-53-0375 (A) of the S.C. Code of Laws, bearing CDR Code # 3009
 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. *DDS* (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: *Holloway, Ryan* 71605 *DDS* *E. P. ...* 100214
 Holloway, 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 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: 2014-5660 E. VOI
 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: _____

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	\$
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§ 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)		\$ 8.40
TOTAL		\$ 288.40

Appointed PD or appointed other counsel. *mt*
 § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: *Paul B. White*
 Court Reporter: *Cheryl Smith*
 SCCA/217 (03/2011)

Presiding Judge: *2015 Kelly Kelly*
 Judge Code: *2-13-2010*
 Sentence Date: *2-13-2010*