

STATE OF SOUTH CAROLINA Exhibit 1  
 COUNTY OF Florence  
 STATE VS.  
Harry Newlest Charles  
 AKA:  
 Race: B Sex: M  
 DOB: 6/1/74 Age: 26  
 SSN: 249-29-7508  
 DL#:  
 SID#:

IN THE COURT OF GENERAL SESSIONS  
 INDICTMENT/CASE#:  
2000 -GS- 21 - 1178  
 A/W#: CAW006013  
 Date of Offense: 12/6/98  
 S.C. Code § : 16-17-410  
 CDR Code #: 0101419

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Ct 4 Crim Consp

in violation of § 16-17-410 of the S.C. Code of Laws, bearing CDR Code # 0101419

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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: [Signature] Solicitor  
Harry N. Charles II Defendant  
[Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Five (5) days 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.

The Defendant is to be given credit for 620 days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: to all other Courts

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered  
 Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: ..... \$  
 § 14-1-206 - Assessments 100%..... \$  
 § 14-1-211 - Surcharge..... \$ 100.00  
 (Exceptions: See § 14-1-211)  
 § 56-5-2995 (DUI)..... \$  
 County (3%)..... \$ 3.00  
 TOTAL..... \$ 103.00

Clerk of Court/Deputy Clerk C. Bell  
 Court Reporter: K. Reed

PTUP \_\_\_\_\_  
 \_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED \_\_\_\_\_  
 Attend Voc Rehab. or Job Corps \_\_\_\_\_  
 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: \_\_\_\_\_

CERTIFIED: A TRUE COPY  
 FILED IN \_\_\_\_\_  
 CLERK OF COURT  
 FLORENCE COUNTY, S.C.

PRESIDING JUDGE [Signature]  
 Judge Code: \_\_\_\_\_  
 Sentence Date: 8/21/00

# Exhibit 2

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence

INDICTMENT/CASE#:

STATE VS. Harry News Test Charles, II

1000 -GS- 21 - 11/13

AKA: \_\_\_\_\_

A/W#: C AW 00 H 016 #4

Race: Black Sex: Male

Date of Offense: 12/6/98

DOB: 6/11/74 Age: 36

S.C. Code §: 16-11-330(A)

SSN: \_\_\_\_\_

CDR Code #: 0-1-1-3-1-7

DL#: \_\_\_\_\_

SENTENCE

SID#: \_\_\_\_\_

PLEA  TRIAL

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

TO: Harry News Test Charles, II

in violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0-1-1-3-1-7

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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:

[Signature]  
Solicitor

Harry N. Charles, II  
Defendant

[Signature]  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Ten (10) 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.

The Defendant is to be given credit for 600 days/months/jail time

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

all other counts

### SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: ..... \$ \_\_\_\_\_

§ 14-1-206 - Assessments 100%..... \$ \_\_\_\_\_

§ 14-1-211 - Surcharge..... \$ 400.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI)..... \$ \_\_\_\_\_

County (3%)..... \$ 3.00

TOTAL..... \$ 103.00

Clerk of Court/Deputy Clerk C. Bell

Court Reporter: K. Reed

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_

Attend Voc Rehab. or Job Corps \_\_\_\_\_

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: \_\_\_\_\_

PRESIDING JUDGE [Signature]

Judge Code: 1/1/1

Sentence Date: 9/21/00

CLERK OF COURT, CLERK OF COURT, FLORENCE COUNTY, S.C. CERTIFIED; A TRUE COPY

Exhibit 3

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:

COUNTY OF Florence

STATE VS.

Harry Newell Charles, II

AKA: \_\_\_\_\_

Race: B Sex: M

DOB: 6-1-74 Age: 26

SSN: 249-29-7508

DL#: \_\_\_\_\_

SID#: \_\_\_\_\_

2000 -GS- 21 - 1178

A/W#: CAW 006012

Date of Offense: 2/1/98

(S.C. Code §: 16-11-330(A))

CDR Code #: 011131930

SENTENCE

PLEA  TRIAL

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

TO: § 16-11-330(A)

in violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 011131930

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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:

[Signature]  
Solicitor

Harry N. Charles II  
Defendant

[Signature]  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Ten (10) 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.

The Defendant is to be given credit for 620 days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

To all other Cts

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \$ \_\_\_\_\_

§ 14-1-206 - Assessments 100% \$ \_\_\_\_\_

§ 14-1-211 - Surcharge \$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI) \$ \_\_\_\_\_

County (3%) \$ 3.00

TOTAL \$ 103.00

Clerk of Court/Deputy Clerk C. Hill

Court Reporter: K. Reed

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (1/99)

PRESIDING JUDGE [Signature]

Judge Code: 1/1/1

Sentence Date: 8/2/00

CERTIFIED: A TRUE COPY  
Florence N. [Signature]  
CLERK OF COURT, P & S  
FLORENCE COUNTY, S.C.

Exhibit 4

STATE OF SOUTH CAROLINA )  
COUNTY OF Florence )  
STATE VS. )  
Harry Newton Charles, II )  
AKA: \_\_\_\_\_ )  
Race: Black Sex: M )  
DOB: 6-1-74 Age: 26 )  
SSN: 2-19-79-7508 )  
DL#: \_\_\_\_\_ )  
SID#: \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#: \_\_\_\_\_  
2000 -GS- 21 - 1118  
A/W#: CAW00H017  
Date of Offense: 2/6/98  
S.C. Code - §: 16-11-330-720  
CDR Code #: \_\_\_\_\_

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Armed Robbery

in violation of § 16-11-330(A)2 of the S.C. Code of Laws, bearing CDR Code # 16-11-330-720

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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:

[Signature] Solicitor Harry N. Charles II Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of ten (10) 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.

The Defendant is to be given credit for 620 days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: 9.3 on

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment  
Obtain GED \_\_\_\_\_  
Attend Voc Rehab. or Job Corps \_\_\_\_\_  
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 100%..... \$  
§ 14-1-211 - Surcharge..... \$ 100.00  
(Exceptions: See § 14-1-211)  
§ 56-5-2995 (DUI)..... \$  
County (3%)..... \$ 3.00  
TOTAL..... \$ 103.00

Clerk of Court/Deputy Clerk C. Bell  
Court Reporter: K. Reed

PRESIDING JUDGE [Signature]  
Judge Code: 1/1/1  
Sentence Date: 8/2/00

# Exhibit A

§ 24-21-550 CORRECTIONS, PROBATIONS, ETC.

**§ 24-21-550. Probation terms involving fines, costs, assessments, or restitution.**

A probation term ordered to end upon the payment of fines, court costs, assessments, and restitution must continue until the clerk of court certifies in writing that all monies have been paid, or the probation term has expired, or the expiration of probation has been changed by a subsequent order.

**HISTORY:** 1993 Act No. 164, Part II, § 24A.

**Library References**

Sentencing and Punishment 1948 to 1953.  
Westlaw Topic No. 350H.  
C.J.S. Criminal Law §§ 1557, 1559, 1563.

**§ 24-21-560. Community supervision program; eligibility; time periods, supervision, and determination of completion; violations; revocation; notification of release to community supervision.**

(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, any sentence for a "no parole offense" as defined in Section 24-13-100 must include any term of incarceration and completion of a community supervision program operated by the Department of Probation, Parole, and Pardon Services. No prisoner who is serving a sentence for a "no parole offense" is eligible to participate in a community supervision program until he has served the minimum period of incarceration as set forth in Section 24-13-150. Nothing in this section may be construed to allow a prisoner convicted of murder or a prisoner prohibited from early release, discharge, or work release by any other provision of law to be eligible for early release, discharge, or work release.

(B) A community supervision program operated by the Department of Probation, Parole, and Pardon Services must last no more than two continuous years. The period of time a prisoner is required to participate in a community supervision program and the individual terms and conditions of a prisoner's participation shall be at the discretion of the department based upon guidelines developed by the director. A prisoner participating in a community supervision program must be supervised by a probation agent of the department. The department must determine when a prisoner completes a community supervision program, violates a term of community supervision, fails to participate in a program satisfactorily, or whether a prisoner should appear before the court for revocation of the community supervision program.

(C) If the department determines that a prisoner has violated a term of the community supervision program and the community supervision should be revoked, a probation agent must initiate a proceeding in General Sessions Court. The proceeding must be initiated pursuant to a

(2) defray the costs paid by a municipality or county for elective medical treatment for an inmate, which has been requested by him, if the deduction does not exceed five dollars for each occurrence of treatment received by the inmate at the inmate's request. If the balance in an inmate's account is five dollars or less, the fee must not be charged. This item does not apply to medical costs incurred as a result of injuries sustained by an inmate or other medically necessary treatment for which that inmate is determined not to be responsible.

(C) All sums collected for medical treatment must be reimbursed to the inmate if the inmate is acquitted or otherwise exonerated of all charges for which the inmate was being held.

(D) The detention facility may initiate an action for collection of recovery of medical costs incurred pursuant to this section against an inmate upon his release or his estate if the inmate was executed or died while in the custody of the detention facility.

**HISTORY:** 1994 Act No. 497, Part II, § 44A; 995 Act No. 7, Part II, § 44.

**Library References**

- Prisons ⇨ 18.
- Westlaw Topic No. 310.
- C.J.S. Prisons and Rights of Prisoners § 6.

**Notes of Decisions**

**In general** 1

**1. In general**

Debiting inmate's prison trust account to cover hospital emergency room treatment he received after being attacked by other inmates was not au-

thorized by South Carolina statute providing deductions from such accounts of costs of medical treatment for injuries inflicted by inmate upon himself or others. *Burks v. Pate* (C.A.4 (S.C.) 2005) 119 Fed.Appx. 447, 2005 WL 19485, Unreported. Convicts ⇨ 3; Prisons ⇨ 17(2)

**§ 24-13-100. Definition of no parole offense; classification.**

For purposes of definition under South Carolina law, a "no parole offense" means a class A, B, or C felony or an offense exempt from classification as enumerated in Section 16-1-10(d) which is punishable by a maximum term of imprisonment for twenty years or more.

**HISTORY:** 1995 Act No. 83, § 1.

**Library References**

- Pardon and Parole ⇨ 49.
- Westlaw Topic No. 284.
- C.J.S. Pardon and Parole §§ 48 to 51.

**§ 24-13-125. Eligibility for work release; limitations; forfeiture of credits.**

(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, a

OVER ↗

# Exhibit B-1

## § 24-13-125

## CORRECTIONS, PROBATIONS, ETC.

prisoner convicted of a "no parole offense", as defined in Section 24-13-100, and sentenced to the custody of the Department of Corrections, including a prisoner serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20, is not eligible for work release until the prisoner has served not less than eighty percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow a prisoner convicted of murder or a prisoner prohibited from participating in work release by another provision of law to be eligible for work release.

(B) If a prisoner confined in a facility of the department commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If a prisoner confined in a local correctional facility pursuant to a designated facility agreement commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the prisoner. The decision to withhold credits is solely the responsibility of officials named in this subsection.

**HISTORY:** 1995 Act No. 83, § 2.

### Library References

Convicts ☞7.

Westlaw Topic No. 98.

C.J.S. Convicts §§ 13 to 16.

## § 24-13-150. Early release, discharge, and community supervision; limitations; forfeiture of credits.

(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, a prisoner convicted of a "no parole offense" as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including a prisoner serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20, is not eligible for early release, discharge, or community supervision as provided in Section 24-21-560, until the prisoner has served at least eighty-five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow a prisoner convicted of murder or a prisoner prohibited from participating in work release, early release, discharge, or community

# Exhibit C

## CRIMES AND OFFENSES

- SEC.  
16-1-90. Crimes classified as felonies.  
16-1-100. Crimes classified as misdemeanors.  
16-1-110. Classification of felonies or misdemeanors not listed in § 16-1-90 or § 16-1-100.  
16-1-120. Increased sentences for repeat offenders.

### § 16-1-10. Categorization of felonies and misdemeanors; exemptions.

(A) Felonies are classified, for the purpose of sentencing, into the following six categories:

- (1) Class A felonies
- (2) Class B felonies
- (3) Class C felonies
- (4) Class D felonies
- (5) Class E felonies
- (6) Class F felonies

(B) Misdemeanors are classified, for the purpose of sentencing, into the following three categories:

- (1) Class A misdemeanors
- (2) Class B misdemeanors
- (3) Class C misdemeanors

(C) All offenses with a term of imprisonment of less than one year are misdemeanors and exempt from the classification system.

(D) The following offenses are classified as exempt under subsections (A) and (B):

- |                 |   |
|-----------------|---|
| 10-11-325(B)(1) | Detonating an explosive or destructive device or igniting an incendiary device upon the capitol grounds or within the capitol building resulting in death of a person where there was malice aforethought |
| 12-21-6000(B)   | Possessing marijuana or controlled substances without appropriate stamps  |
| 16-3-10         | - Murder  |
| 16-3-30         | Killing by poison   |
| 16-3-40         | Killing by stabbing or thrusting  |
| 16-3-85(C)(1)   | - Causing the death of a child by abuse or neglect  |
| 16-3-210        | Lynching  |
| 16-3-430        | Killing in a duel   |
| 16-3-620        | - Assault with intent to kill (if sentenced for the common law offense of assault and battery of a high and aggravated nature)  |
| 16-3-910        | - Kidnapping (if sentenced for murder)  |
| 16-11-311(B)    | - Burglary<br>First degree  |
| 16-17-735       | ◦ False assertion of authority of law, in attempt to intimidate or hinder state or local official in discharge of duties, by threats or use of sham legal process.  |

# Exhibit D

## FELONIES & MISDEMEANORS

§ 16-1-10

- 16-23-720(A)(1) Detonating a destructive device or causing an explosion, or aiding, counseling, or procuring an explosion by means of detonation of a destructive device which results in death of a person where there was malice aforethought
- 16-25-65 - Criminal domestic violence of a high and aggravated nature
- 23-36-170(c), (d) Penalty (violation of South Carolina Explosives Control Act)  
Third, fourth, or subsequent offenses
- 25-1-2957 - Recklessly endangering the life of another
- 25-7-30 Giving information respecting national or state defense to foreign contacts during war
- 38-25-330 ° Violation of a provision contained in the provisions relating to the unauthorized transaction of insurance business
- 38-41-20 ° Multiple employer self-insured health plan transacting business without a license
- 40-55-170(A) ° Practicing psychology without being licensed as required by chapter
- 44-53-370(e)(1)(a)3 Prohibited Acts A, penalties (trafficking in marijuana, 10 pounds or more, but less than 100 pounds)  
Third or subsequent offenses
- 44-53-370(e)(1)(b) Prohibited Acts A, penalties (trafficking in marijuana, 100 pounds or more of marijuana, but less than 2,000 pounds)
- 44-53-370(e)(1)(c) Prohibited Acts A, (trafficking in marijuana, 2000 pounds or more, but less than 10,000 pounds)
- 44-53-370(e)(1)(d) Prohibited Acts A, penalties (trafficking in marijuana, 10,000 pounds of marijuana or more)
- 44-53-370(e)(2)(a)3 Prohibited Acts A, penalties (trafficking in cocaine, 10 grams or more, but less than 28 grams)  
Third or subsequent offense
- 44-53-370(e)(2)(b)3 Prohibited Acts A, penalties (trafficking in cocaine, 28 grams or more, but less than 100 grams)
- 44-53-370(e)(2)(c) Prohibited Acts A, penalties (trafficking in cocaine, 100 grams or more, but less than 200 grams)
- 44-53-370(e)(2)(d) Prohibited Acts A, penalties (trafficking in cocaine, 200 grams or more, but less than 400 grams)
- 44-53-370(e)(2)(e) Prohibited Acts A, penalties (trafficking in cocaine, 400 grams or more)
- 44-53-370(e)(3)(a)2 Prohibited Acts A, penalties (trafficking in illegal drugs, 4 grams or more, but less than 14 grams)  
Second or subsequent offense
- 44-53-370(e)(3)(b) Prohibited Acts A, penalties (trafficking in illegal drugs, 14 grams or more, but less than 28 grams)
- 44-53-370(e)(3)(c) Prohibited Acts A, penalties (trafficking in illegal drugs, 28 grams or more)
- 44-53-370(e)(4)(a)2 Prohibited Acts A, penalties (trafficking in methaqualone, 15 grams or more, but less than 150 grams)  
Second or subsequent offense
- 44-53-370(e)(4)(b) Prohibited Acts A, penalties (trafficking in methaqualone, 150 grams but less than 1,500 grams)
- 44-53-370(e)(4)(c) Prohibited Acts A, penalties (trafficking in methaqualone, possession of 1,500 grams, but less than 15 kilograms of methaqualone)
- 44-53-370(e)(4)(d) Prohibited Acts A, penalties (trafficking in methaqualone, 15 kilograms or more)
- 44-53-370(e)(5)(a)3 Prohibited Acts, penalties (trafficking in LSD, 100 dosage units or more, but less than 500 dosage units)

over 6

# Exhibit D-1

## § 16-1-10

## CRIMES AND OFFENSES

44-53-370(e)(5)(b)3	Third or subsequent offense Prohibited Acts, penalties (trafficking in LSD, 500 dosage units or more, but less than 1,000 dosage units)
44-53-370(e)(5)(c)	Third or subsequent offense Prohibited Acts, penalties (trafficking in LSD, 1,000 dosage units or more)
44-53-375(C)(1)(c)	Trafficking in ice, crank, or crack cocaine 10 grams or more, but less than 28 grams
44-53-375(C)(2)(c)	Third or subsequent offense Trafficking in ice, crank, or crack cocaine 28 grams or more, but less than 100 grams
44-53-375(C)(3)	Third or subsequent offense Trafficking in ice, crank, or crack cocaine 100 grams or more, but less than 200 grams
44-53-375(C)(4)	Trafficking in ice, crank, or crack cocaine 200 grams or more, but less than 400 grams
44-53-375(C)(5)	Trafficking in ice, crank, or crack cocaine 400 grams or more
44-53-445	Distribute, sell, or manufacture, or possess with intent to distribute crack cocaine within proximity of school
56-5-2780(B)(1)	Unlawfully passing a stopped school bus where great bodily injury results
56-5-2947	- Child endangerment
56-15-590	Failure of a motor vehicle auction to keep required records or make them available for inspection
58-17-4090	Penalty for obstruction of railroad if death of human being results

**HISTORY:** 1962 Code § 16-11; 1960 (51) 1602, 1917; 1969 (56) 730; 1972 (57) 2597; 1980 Act No. 511, § 2; 1981 Act No. 33, § 3; 1983 Act No. 114, § 5; 1983 Act No. 133, § 2; 1984 Act No. 474, § 2; 1984 Act No. 477, § 2; 1985 Act No. 159, §§ 1, 2, 4; 1985 Act No. 201, Part II, § 32B; 1986 Act No. 491, § 7; 1987 Act No. 16 § 8; 1987 Act No. 128 § 5; 1987 Act No. 168 § 6; 1988 Act No. 311, § 2; 1988 Act No. 457, § 2; 1988 Act No. 490, § 16; 1989 Act No. 42, § 2; 1989 Act No. 74, § 2; 1989 Act No. 88, § 2; 1989 Act No. 115, § 2; 1989 Act No. 148, § 26; 1989 Act No. 189, Part II, § 43 sub 38; 1990 Act No. 389, § 2; 1990 Act No. 456, § 3; 1990 Act No. 604, § 14; 1991 Act No. 73, § 3; 1991 Act No. 138, § 2; 1991 Act No. 248, § 4; 1992 Act No. 327, § 2; 1992 Act No. 374, § 2; 1992 Act No. 412, § 2; 1993 Act No. 184, § 1; 1993 Act No. 164, Part II, § 19B; 1993 Act No. 164, Part II, § 70B.

### Cross References—

Constitutional definition of treason, see SC Const, Art 1, § 17.

Code commissioner authorized to add all crimes and offenses enacted by the General Assembly to its appropriate category, see § 2-13-66.

General criminal laws being in effect within certain State property in Columbia, see § 10-11-70.

Transporting child under sixteen years of age outside State with intent to violate a custody order as a felony, see § 16-17-495.

Non-issuance of license to operator of child day care facility, see § 20-7-2730.

Non-renewal of license to operator of child day care facility, see § 20-7-2740.

Fingerprint review of any person applying to operate or seek employment at a child day care or group day care home to determine prior conviction of the crime referred to in this section, see § 20-7-2800.

purpose of securing possession of property under a distress warrant, which is required to be taken in a peaceable manner, he is guilty of a trespass and an invasion of the rights of the tenant unwarranted in law. It was for the jury to say whether such breaking and entry under the circumstances constitutes a crime under the provisions of this section [Code 1962 § 16-332]. State v. Christensen (S.C. 1940) 194 S.C. 131, 9 S.E.2d 555.

The mere breaking and entering a house is not a crime under this section

[Code 1962 § 16-332] of the Code. State v. Melton (S.C. 1936) 181 S.C. 482, 188 S.E. 133.

Indictment for housebreaking may properly allege the house broken into to be the property of the person who occupies it. State v. Alford (S.C. 1927) 142 S.C. 43, 140 S.E. 261.

This section [Code 1962 § 16-332] does not justify the setting of a spring gun to prevent breaking or entry. State v. Green (S.C. 1921) 118 S.C. 279, 110 S.E. 145, 19 A.L.R. 1431.

**§ 16-11-325. Common law robbery classified as felony; penalty.**

The common law offense of robbery is a felony. Upon conviction, a person must be imprisoned not more than fifteen years.

**HISTORY:** 1993 Act No. 184, § 9, eff January 1, 1994.

**Cross References—**

Classification of offense specified in this section as Class D felony, see § 16-1-90(D).

**Research and Practice References—**

Robbery ⇨ 1, 30.

WESTLAW Topic No. 342.

C.J.S. Robbery §§ 2, 4, 12, 73 to 77, 89 to 91.

**§ 16-11-330. Robbery and attempted robbery while armed with deadly weapon.**

(A) A person who commits robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, is guilty of a felony and, upon conviction, must be imprisoned for a mandatory minimum term of not less than ten years or more than thirty years, no part of which may be suspended or probation granted. A person convicted under this subsection is not eligible for parole until the person has served at least seven years of the sentence.

(B) A person who commits attempted robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly

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# Exhibit E-1

## § 16-11-330

### CRIMES AND OFFENSES

weapon, is guilty of a felony and, upon conviction, must be imprisoned not more than twenty years.

**HISTORY:** 1962 Code § 16-333; 1952 Code § 16-333; 1942 Code § 1140-1; 1941 (42) 86; 1966 (54) 2102; 1975 (59) 743; 1993 Act No. 184, § 170; 1995 Act No. 7, Part I § 4; 1996 Act No. 362, § 1; 1996 Act No. 441, § 1.

#### Cross References—

Crime specified in this section defined as violent crime, see § 16-1-60.

Classification of offense specified in subsection (A) of this section as Class A felony, see § 16-1-90(A).

Classification of offense specified in subsection (B) of this section as Class C felony, see § 16-1-90(C).

Additional penalty for unlawfully carrying pistol or firearm onto premises of business selling alcoholic liquors, beers or wines for on-premises consumption, see § 16-23-465.

Sentencing, see § 17-25-20 et seq.

Requirement that part of sentence be served as prerequisite to parole and deductions in time for earned work credits, see § 24-21-610.

#### Research and Practice References—

Robbery  $\Leftrightarrow$  11, 30.

WESTLAW Topic No. 342.

67 Am Jur 2d, Robbery §§ 3-9, 11, 24, 25.

C.J.S. Robbery §§ 24 to 28, 73 to 77, 79, 82, 89 to 90.

Criminal Law—Unexplained Possession Principle Challenged on Fifth Amendment Grounds. 20 SC L Rev 457.

#### Annotations—

Robbery by means of toy or simulated gun or pistol. 81 ALR3d 1006.

Robbery, attempted robbery or assault to commit robbery, as affected by intent to collect or secure debt or claim. 88 ALR3d 1309.

Use of force or intimidation in retaining property or in attempting to escape, rather than in taking property, as element of robbery. 93 ALR3d 643.

Pocket or clasp knife as deadly or dangerous weapon for purposes of statute aggravating offenses such as assault, robbery, or homicide. 100 ALR3d 287.

Coercion, compulsion, or duress as defense to charge of robbery, larceny, or related crime. 1 ALR4th 481.

Walking cane as deadly or dangerous weapon for purpose of statutes aggravating offenses such as assault and robbery. 8 ALR4th 842.

Parts of the human body, other than feet, as deadly or dangerous weapons for purposes of statutes aggravating offenses such as assault and robbery. 8 ALR4th 1268.

Fact that gun was unloaded as affecting criminal responsibility. 68 ALR4th 507.

Fact that gun was broken, dismantled, or inoperable as affecting criminal responsibility under weapons statute. 81 ALR4th 745.

Petit jury recommendations for leniency in federal prosecutions. 33 ALR Fed 774.

"Intimidation" as element of bank robbery under 18 USCA § 2113(A) 163 ALR Fed 225.

#### ATTORNEY GENERAL'S OPINIONS

Under the 1986 Omnibus Criminal Justice Improvements Act, individuals convicted of murder are *not* entitled to reductions in time prior to parole eligi-



COMMUNITY SUPERVISION PROGRAM CERTIFICATE

Know all men by these presents:

It having been made to appear to the satisfaction of the SOUTH CAROLINA DEPARTMENT OF PROBATION PAROLE AND PARDON SERVICES that the offender mentioned below who was convicted of the offense(s) indicated below on said date(s) and in said county(ies) meets the requirements for Community Supervision Program as provided for in §24-21-560 of the South Carolina Code of Laws 1976, as amended.

It is therefore ORDERED that the said prisoner enter the Community Supervision Program at the end of his or her active sentence under supervision subject to the specific conditions listed below until the expiration of this Community Supervision Program as indicated below.

This release shall not prevent the delivery of the prisoner to authorities of the Federal Government or any state otherwise entitled to his or her custody.

In witness whereof, this Certificate bearing the approval of the South Carolina Department of Probation, Parole and Pardon Services is issued on the date below.

By Order of: South Carolina Department of Probation, Parole and Pardon Services

By: [Signature] Director of Parole Board Support Services

Offender/Prisoner's Name: CHARLES, II, HARRY
Supervision Beginning Date: December 1, 2015
State Identification # (SID): 00876944
SC Dept. of Corrections # (SCDC): 00268775
Supervision Ending Date: June 5, 2017

Table with columns: Offense(s), CDR, Indictment #(s), Conviction Date(s), County of Conviction(s), Incarceration Termination Date, Restitution Ordered (\$), Probation to Follow. Contains two rows of offense data.

CONDITIONS OF SUPERVISION

Additional Offenses or Notes Page 2

Violation of any of these conditions may result in the immediate revocation of supervision.

- 1. I shall report in person to the South Carolina Department of Probation, Parole and Pardon Services' office on the day of my release or not later than 8:30 AM on the next business day...
Please report to the office in the County of: FLORENCE Phone: (843) 665-3063
2. I shall not change my residence or employment without the consent of my Agent.
3. I shall not use controlled substances...
4. I shall not possess or purchase any firearms, knives, or dangerous weapons...
5. I shall work diligently at a lawful occupation.
6. I shall not violate any Federal, State, or local laws...
7. I shall pay a supervision fee as determined by the Department.
8. I shall not leave the State without permission from my Agent.
9. I shall obey all conditions of supervision set forth in this order...
10. I shall follow the advice and instructions of my Agent...
11. Unless I was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor...

ADDITIONAL CONDITIONS:

04 Must have no contact with the Victim and/or Victim's family for duration of supervision.

I hereby certify that the conditions listed above have been read and explained fully to me and in agreement thereto, I attach my signature.

[Signature] (Under Duress)
Offender Signature Address: 205 E. Roughfort St, FLORENCE, SC 29506, FLORENCE, USA

11/24/15
Date Phone: (843) 669-2710

I hereby certify that this Statement of Conditions has been read and explained to the offender and he/she has agreed to them.

[Signature]
Witness Signature

11/24/15
Date



South Carolina Department of Probation, Parole and Pardon Services  
**COMMUNITY SUPERVISION PROGRAM CERTIFICATE**

Exhibit F-1

Page 2

Offender/Prisoner's Name: CHARLES, II, HARRY  
 Supervision Beginning Date: December 1, 2015  
 State Identification # (SID): 00876944  
 SC Dept. of Corrections # (SCDC): 00268775  
 Supervision Ending Date: June 5, 2017

Offense(s)	CDR	Indictment #(s)	Conviction Date(s)	County of Conviction(s)	Incarceration Termination Date	Restitution Ordered (\$)	Probation to Follow
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**ADDITIONAL CONDITIONS:**

**ADDITIONAL CONVICTIONS:**

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Convictions Concurrent to: 10GS2101178  
 Concurrent Conviction Indictment Number: 00GS211178  
 Concurrent Conviction Offense Description: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

# Exhibit G

U.S. District Court

District of South Carolina  
Notice of Electronic Filing

The following transaction was entered on 12/10/2015 at 5:21 PM EST and filed on 12/10/2015  
Case Name: Charles v. Florence County  
Case Number: 8:15-cv-04188-MBS-JDA  
Filer:  
Document Number: 15

Docket Text:

ORDER authorizing service of process by clerk, directing respondent not to answer and directing the petitioner to notify the clerk in writing of any change of address. Signed by Magistrate Judge Jacquelyn D Austin on 12/10/2015. (Attachments: # (1) Petition)(gpre, )

8:15-cv-04188-MBS-JDA Notice has been electronically mailed to:

8:15-cv-04188-MBS-JDA Notice will not be electronically mailed to:

Harry Newlest Charles, II  
205 East Roughfork Street  
Florence, SC 29506

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp\_ID=1091130295 [Date=12/10/2015] [FileNumber=7061732-0] [834e20e64e73bb0d8311a4afc86276d620e0b59165be43f404184e74e6bf6a43c37694989a99cf95f83216f6dd2c9441e9d7bbdd4580f1272f7d83555f207a28]]

Document description: Petition

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp\_ID=1091130295 [Date=12/10/2015] [FileNumber=7061732-1] [022f8cadf11ca57d9d443baf07a20e331299335e8fc6beb5d145c2613d24a2402c30ae191f3b412ead415546c4e67603e1195ba22845328bc66fd5b993b496b0]]