

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

INDICTMENT/CASE#: 2016-GS-42-2197
A/W#: Direct Indictment
Date of Offense: 8/1/2011 - 12/31/2013
S.C. Code §: 16-03-0655(C)

AKA:
Race: BLACK Sex: M Age: 28

DOB: SS#:
Address:

City, State, Zip: Spartanburg, SC 29306
DL#: SH#:

RECEIVED

MAY 09 2016

SENTENCE SHEET

Alford

*CDI Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or PLEADS

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45

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.

Lindsey H. Orel 79869 Plaintiff
OVERBY, LINDSEY H. SC Bar# Defendant
Attorney for Defendant 70498 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 15 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), 14-1-211(A)(2) (DUI Surcharge), 56-5-2995 (DUI Assessment), 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), 14-1-212 (Law Enforce Funding), 14-1-213 (Drug Court Surcharge), 50-21-114 (DUI Breath Test Fee), 56-5-2942(J) (Vehicle Assessment), Proviso 90.5 (SCCA Surcharge), 3% to County (if paid in installments), TOTAL.

Clerk of Court Deputy Clerk C. Poole
Court Reporter L. Moffitt
SCCA:217 (03/2011)

Presiding Judge
Judge Code: 2053
Sentence Date: April 29, 2016

CERTIFIED COPY
CLERK OF COURT
SPARTANBURG COUNTY
DATED 05/10/2016

WITNESSES

Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

SENTENCE MADE

REPORT ENDED
Foreperson of Grand Jury

Date: 3. CARD PULLED

INDEXED VERDICT

1. CHECKED WARRANTS

6. CHECKED SIGNATURES

7. ASSESSMENT AND FINE CARD MADE

8. TRAFFIC VIOLATION COPY

Foreperson of Petit Jury
Date:

DOCKET NO.

16-GS-42-2197

The State of South Carolina

County of Spartanburg

Barry J. Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

MAR 2 B 2016

TERM

THE STATE

vs.

Xavier Dominique Fair

Indictment for

LEWD ACT, COMMIT/ATTEMPT UPON
A CHILD LESS THAN 16;
CRIMINAL SEXUAL CONDUCT WITH A
MINOR, THIRD DEGREE

SC Code: 16-15-140, 16-3-655(C)

CDR Code: 2468, 3661

Class FEL/D

A CERTIFIED COPY
M. Hoper Blackley
CLERK OF COURT
SPARTANBURG COUNTY
BY *A. Smith* D.C.
DATED 5/5/16

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

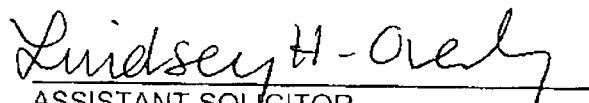
MAR 25 2016

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

LEWD ACT, COMMIT/ATTEMPT UPON A CHILD LESS THAN 16;
CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE

That the Defendant Xavier Dominique Fair, did in Spartanburg County, on or between the dates of August 1, 2011 and December 31, 2013, he being over the age of fourteen (14) years, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [REDACTED] a minor under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or said minor, in violation of §16-15-140 and §16-3-655 (C), the latter following the enactment of 2012 Act. No. 255, Section 1, effective June 18, 2012, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

INDICTMENT/CASE#: 2016-6S-42-2198

Xavier Dominique Fair

A/W#: Direct Indictment

AKA:

Date of Offense: 2/20/2009 - 12/31/2013

Race: BLACK Sex: M Age: 28

S.C. Code §: 16-03-0655(C)

DOB: SS#: SFD#:

CDR Code #: 3661

Address: City, State, Zip: Spartanburg, SC 29306

SENTENCE SHEET

Aiford

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

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

[] CONVICTED OF or [X] PLEADS

TO: Sex: Criminal sexual conduct with minor, 3rd Degree - Commit/Attempt Lewd Act (victim < 16 yrs and actor > 14 yrs)

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661

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

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

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

Lindsey H. Overby 79869 Defendant
SC Bar#
Attorney for Defendant 70498
SC Bar#

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center,

for a determinate term of 15 days/months/years or [] under the Youthful Offender Act not to exceed 1 years

and or to pay a fine of \$ 5 provided that upon the service of 5 days/months/years and/or payment

of \$ 5 plus costs and assessments as applicable*; the balance is suspended with probation for 5

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 [X] CONSECUTIVE to sentence on: 2016-2197 § 24-13-40 to be calculated and applied

[X] The Defendant is to be given credit for time served pursuant to S.C. Code 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 SC DPPP

Recipient:

*Fine:	\$
14-1-206 (Assessments 107.5%)	\$
14-1-211(A)(1)(Conv Surchage)	\$100
14-1-211(A)(2) (DUI Surchage)	\$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 Surchage)	\$150
50-21-114(BUT Breath Test Fee)	\$50
56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surchage)	\$5
Fee to County (if paid in installments)	\$3.90
TOTAL	\$133.90

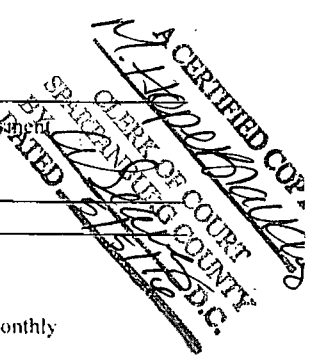
- PTUP _____ days/hours Public Service Employment
- Obtain GED []
- Attend Voc. Rehab. or Job Corp. _____
- May serve W/H beginning _____
- Substance Abuse Counseling []
- Random Drug/Alcohol testing []
- Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ paid to Public Defender Fund
Other: no contact w/ victim in 16-2197/2198
per offender conditions

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

Clerk of Court/ Deputy Clerk: C. Poole
Court Reporter: L. Maffitt
SCCA:217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2053
Sentence Date: April 28, 2016



WITNESSES

Spartanburg County Sheriff's Office

RECEIVED
MAY 09 2016
SC Court of Appeals

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: SENTENCE MADE

REPORT ENDED VERDICT

3. CARD PULLED

INDEXED

4. CHECKED WARRANTS

5. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

Foreperson of Petit Jury

Date: VIOLATION COPY

COMPUTER

COMPUTER

DOCKET # **16-GS-42-2198**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAR 28 2016

TERM

THE STATE

vs.

Xavier Dominique Fair

Indictment for

LEWD ACT, COMMIT/ATTEMPT UPON
A CHILD LESS THAN 16;
CRIMINAL SEXUAL CONDUCT WITH A
MINOR, THIRD DEGREE

SC Code: 16-15-140, 16-3-655(C)

CDR Code: 2468, 3661

Class: FEL/D

A CERTIFIED COPY
M Hope Blackley
CLERK OF COURT
SPARTANBURG COUNTY
BY *A. Slacks* D.C.
DATED 3/31/16

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on MAR 25 2015 the
Grand Jurors of Spartanburg County present upon their oath:

LEWD ACT, COMMIT/ATTEMPT UPON A CHILD LESS THAN 16;
CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE

That the Defendant Xavier Dominique Fair, did in Spartanburg County, on or between the dates of February 20, 2009 and December 31, 2013, he being over the age of fourteen (14) years, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [REDACTED] a minor under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or said minor, in violation of §16-15-140 and §16-3-655 (C), the latter following the enactment of 2012 Act. No. 255, Section 1, effective June 18, 2012, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR