

VOLUME TWO OF TWO

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Marlboro County

William H Seals, Jr , Circuit Court Judge

RECEIVED

OCT - 5 2012

S.C. Supreme Court

KENDALL GREEN,

PETITIONER,

V

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No 2012-206206

APPENDIX

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
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Columbia, SC 29211-1589

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Assistant Attorney General
P O Box 11549
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

VOLUME TWO
PAGES 501-530

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JANICE GREEN - CROSS EXAMINATION

41

1 showed up?

2 A Yes, ma'am

3 MS RATIGAN That's all I have, Your Honor

4 THE COURT Anything further, Mr Biddle?

5 MR BIDDLE No, sir

6 THE COURT You may step down Thank you Call

7 your next witness

8 (PAUSE)

9 MR BIDDLE That is the --- That is our show,
10 Your Honor

11 THE COURT Ms Ratigan, anything from you?

12 MS RATIGAN Your Honor, Mr Biddle called all
13 the appropriate witnesses We rest on the record and the
14 testimony before Your Honor today

15 THE COURT All right I will take the matter
16 under advisement, and hopefully have you a decision by
17 Friday

18 MS RATIGAN Thank you, Your Honor

19 MR BIDDLE Thank you, Your Honor

20 (PAUSE)

21 MR BIDDLE Your Honor, if I could I want to
22 mention something to the court My client wants me to
23 deliver his written brief, to publish it to the court
24 as part of his record And I have advised him that I
25 don't think that is appropriate But he is up and

JANICE GREEN - CROSS EXAMINATION

42

1 down, inside out So, after this, can I bring him back
2 in? I have a copy that I will provide you so we can
3 publish it?

4 MS RATIGAN Does he want to be here for this?

5 MR BIDDLE Well, he is still there So, he
6 wants to be in here, and I'll be glad to provide you
7 He just wants me to -

8 MS RATIGAN -- We can maybe do that now real
9 quick, because I sure don't want to bring him back

10 THE COURT You can bring him in

11 (Whereupon, Mr Green is brought back
12 into The courtroom at 11 51 a m)

13 THE COURT I'll be glad to hear from you

14 MR BIDDLE Thank you, Your Honor I failed to
15 provide --- my client has provided me with a brief that
16 has some case law and some argument in it, Your Honor
17 And I forgot to provide it to the court, and I have
18 provided Ms Karen a copy of it, and I would like to
19 submit that to Your Honor for your information in
20 support of our case

21 THE COURT Any objection, Ms Ratigan?

22 MS RATIGAN No Just to the procedure, the case
23 is already closed Maybe it could be marked as a court's
24 exhibit just to make sure

25 THE COURT Sure, that is fine

CERTIFICATE OF REPORTER

43

1 (WHEREUPON, COURT'S EXHIBIT
2 NUMBER 1 WAS MARKED FOR THE
3 RECORD)

4 (Whereupon, this hearing was concluded at
5 11 31 a m on Monday, September 12, 2011)

6 -- END OF TRANSCRIPT --


CERTIFICATE OF REPORTER

44

I, the undersigned, Pamela Ozment-Cartee, official Court Reporter for the Fourth Judicial Circuit of South Carolina, do hereby certify, that the foregoing is a true, accurate and complete Transcript of Record in the above captioned case, relative to appeal, in the Court of Common Pleas in Marlboro County, South Carolina, on the 12th day of September 2011

I do further certify that am neither, of kin, counsel, nor interest of any party hereto

May 1, 2012



Pamela Ozment-Cartee
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARLBORO)
 Kendall Green,)
 S C D C No 315971,)
)
 Applicant,)
)
 v)
)
 State of South Carolina,)
)
 Respondent)

IN THE COURT OF COMMON PLEAS
 - C A I N E 2009-CP-34-0211
 William B. Sunderson
 CLERK OF COURT
 MARLBORO COUNTY

ORDER OF DISMISSAL

FILED
 2011 SEP 30 PM 2
 WILLIAMS

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed August 4, 2009. The Respondent made its return on December 23, 2009. An evidentiary hearing into the matter was convened on September 12, 2011 at the Darlington County Courthouse. The Applicant was present at the hearing and represented by J Marshall Biddle, Esquire. Karen C Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying were Janice Green and the Applicant's trial counsel, Frank E Cain, Jr, Esquire. The Court had before it the trial transcript, the records of the Marlboro County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the Respondent's return, and the appellate records.¹

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections

¹ After the conclusion of the hearing, counsel for the Applicant produced a "Pro Se Brief of Applicant" and this court admitted the document as Court Exhibit 1

pursuant to orders of commitment from the Marlboro County Clerk of Court. The Applicant was indicted at the May 2005 term of the Marlboro County Grand Jury for grand larceny (2005-GS-34-0473), kidnapping (2005-GS-34-0474), and murder (2005-GS-34-0475). He was represented by Frank E. Cain, Jr., Esquire.

After the State called the case to trial, the Applicant was found guilty. On June 14, 2006, the Honorable Edward B. Cottingham sentenced the Applicant to consecutive terms of ten (10) years for grand larceny and life imprisonment without parole for murder.²

A notice of appeal was filed on the Applicant's behalf at the South Carolina Court of Appeals. Robert M. Dudek, Esquire of the South Carolina Office of Appellate Defense perfected the appeal. The Court of Appeals affirmed the Applicant's convictions and sentences. State v. Green, Op. No. 2008-UP-592 (S.C. Ct. App. filed October 17, 2008).

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Lack of subject matter jurisdiction
2. Ineffective assistance of trial counsel
3. Ineffective assistance of appellate counsel
4. Fifth and Fourteenth Amendments due process violation

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

² Pursuant to S.C. Code Ann. § 16-3-910 (Supp. 2004), the Applicant was not sentenced on the kidnapping charge.

FILED
2011 SEP 30 PM 2:03
WILLIAMSON COUNTY
CLERK OF COURT
MAY 11

Set forth below are the relevant findings of fact and conclusions of law as required by S C Code Ann § 17-27-80 (2003)

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel In a PCR action, “[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence” Frasier v State, 351 S C 385, 389, 570 S E 2d 172, 174 (2002)

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel’s ineffective performance See Strickland v Washington, 466 U S 668, 104 S Ct 2052 (1984), Porter v State, 368 S C 378, 383, 629 S E 2d 353, 356 (2006) In order to prove prejudice, an applicant must show “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different” Cherry v State, 300 S.C. 115, 117-18, 386 S E 2d 624, 625 (1989) “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial” Johnson v State, 325 S C 182, 186, 480 S E 2d 733, 735 (1997) (citing Strickland v Washington, 466 U S 668, 104 S Ct 2052)

The Applicant stated trial counsel should have challenged the indictments because the Grand Jury was not convened on the date the indictments were true-billed The Applicant stated that, while he gave trial counsel the names of alibi witnesses, counsel did not pursue that information The Applicant stated trial counsel should have hired an expert witness regarding the footprint and blood evidence The Applicant admitted, however, that he did not believe his own expert would refute the State but that it might have helped his case The Applicant stated that, as he was kept in shackles during the trial, trial counsel should have requested a cautionary

charge to the jury in order to avoid prejudice. The Applicant stated trial counsel failed to impeach the State's key witness, Tyrone King, when he lied during his testimony. The Applicant stated trial counsel failed to object to an erroneous jury charge on reasonable doubt.

The Applicant's cousin, Janice Green, stated she told trial counsel that the Applicant was at their grandmother's house on the day in question. Ms. Green stated the Applicant was at the house, was picked up by King to attend a basketball game, and was at the house the next day. Ms. Green stated she did not know where the Applicant was after the basketball game.

Trial counsel testified he received discovery materials from the State and reviewed those items with the Applicant. Trial counsel testified the Applicant was very solemn and did not give him much information when they discussed the case. Trial counsel testified he did not perceive any problem with the indictments and that he would have objected if there had been an issue. Trial counsel stated the Applicant did not give him the names of any alibi witnesses. Trial counsel stated he did speak to the Applicant's grandmother and another witness, but that they did not want to testify. Trial counsel stated he did not hire independent experts but that he did speak to the State's experts prior to their testimony. Trial counsel stated he objected to the Applicant wearing handcuffs during the trial but did not recall discussing whether a jury instruction on the matter should be given. Trial counsel testified that such a charge would not have been helpful to the Applicant anyway. Trial counsel testified he adequately cross-examined Tyrone King and did not believe there were glaring inconsistencies in his testimony. Trial counsel testified he did all he could for the Applicant but that the State had an extremely strong case against him.

This Court finds the Applicant's testimony is not credible, while also finding trial counsel's testimony is credible. This Court further finds trial counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his

representation

This Court finds the Applicant failed to meet his burden of proving trial counsel should have objected to the indictments because there was no General Session/Grand Jury term scheduled to convene when his indictments were signed. While terms of court are technically prescribed by statute, this Court notes general sessions matters may be transacted during common pleas terms of court and vice versa. See S C Code Ann §§ 14-5-410, -420 (Supp 2003). Trial counsel testified he would have objected to the indictments if he perceived any problems with them. This Court finds the indictments were validly issued and the Applicant failed to meet his burden of proving trial counsel should have objected to them.

This Court finds the Applicant failed to meet his burden of proving trial counsel should have investigated alibi witnesses. This Court finds credible trial counsel's testimony that he was never provided names of alibi witnesses. This Court also finds credible trial counsel's testimony that, while he spoke to two potential witnesses, neither wished to testify. Though the Applicant's cousin, Janice Green, testified she would have been able to provide an alibi for the day in question, this Court does not find her testimony to be credible. This finding is made, in part, because of the lack of evidence that Ms. Green provided this alleged alibi to either the police or defense at any time after the December 2004 murder. This Court also notes that, even if Ms. Green's testimony was taken as true, it would not have established a complete alibi for the Applicant. This Court further notes that it cannot speculate about what other potential alibi witnesses could have stated at trial, as they did not testify at the PCR hearing. See Bannister v. State, 333 S C 298, 303, 509 S E 2d 807, 809 (1998) (the South Carolina Supreme Court "has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to

establish prejudice from the witness' failure to testify at trial ") (emphasis in original)

This Court finds the Applicant failed to meet his burden of proving trial counsel should have hired an expert witness to testify regarding the footprint and blood evidence. The Applicant, however, failed to articulate how an independent expert would have been beneficial. SLED agent Hallman testified at trial that, while the footprint on the victim's body was consistent with the Applicant's shoe, she could not conclude it was from his shoe (App pp 283-88, p 299). Further, SLED agent Ortuno testified there was no DNA match to the Applicant (or King) with any of the items he process (App p 312). Regardless, the Applicant failed to present any expert testimony at the PCR hearing in order to substantiate his allegation. Dempsey v. State, 363 S C 365, 370, 610 S E 2d 812, 815 (2005) (finding that, as the applicant failed to have an expert testify at the evidentiary hearing, "any finding of prejudice is merely speculative")

This Court finds the Applicant failed to meet his burden of proving trial counsel should have requested a cautionary jury charge because the Applicant was in restraints. This Court notes trial counsel did object to the Applicant wearing handcuffs during trial but the trial judge cited safety concerns when he declined to remove the restraints (App pp.52-53). The South Carolina Court of Appeals affirmed the trial judge's decision. See State v. Green, Op. No. 2008-UP-592 (S C Ct. App. filed October 17, 2008) (citing Deck v. Missouri, 544 U S 622, 125 S Ct 2007 (2005)). While the Applicant argues trial counsel should have requested a jury instruction on the issue, he points to no case law to support his argument that such a charge would have been required. In light of the overwhelming evidence against the Applicant, this Court finds he has failed to meet his burden of proving either that this jury instruction was mandated or that he was prejudiced by the lack of said instruction. See Geter v. State, 305 S C 365, 367, 409 S E 2d 344, 346 (1991) (concluding reasonable probability of a different result

does not exist when there is overwhelming evidence of guilt)

This Court finds the Applicant failed to meet his burden of proving trial counsel should have impeached Tyrone King's testimony. This Court has reviewed the record and finds trial counsel adequately cross-examined King. This Court finds the Applicant failed to articulate the basis upon which trial counsel should have impeached King and how such questioning would have changed the outcome of the case. This Court notes a different outcome in this case was especially unlikely because of the strong evidence of the Applicant's guilt. See id

This Court finds the Applicant failed to meet his burden of proving trial counsel should have objected to the reasonable doubt charge. This Court has reviewed the reasonable doubt instruction that was charged to the jury and notes it has been found to be adequate. (App p 361) See State v Simmons, 384 S C 145, 178-79, 682 S E 2d 19, 37 (Ct App 2009). Further, the Applicant failed to articulate how an alternative charge on reasonable doubt would have positively impacted his case.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that trial counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that trial counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by trial counsel's performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier v State, 351 S C at 389, 570 S E 2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this

matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

CONCLUSION

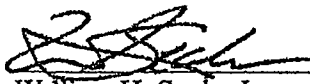
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing proceedings. Counsel was not deficient and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED

- 1 That the application for post-conviction relief be denied and dismissed with prejudice, and
- 2 That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 26 day of Sept., 2011.



 William H. Seals, Jr.
 Presiding Judge
 Fourth Judicial Circuit

Maurice, South Carolina

FILED
 2011 SEP 30 PM 2 03
 WILLIAM H. SEALS, JR.
 CLERK
 HARRIS COUNTY
 3 JRM
 11 SC

WITNESSES

Marlboro E Terry

MCSD

George [Signature]

FILED

05 MAY 13 AM 54

WILLIAM B FUNDERBUR
CLERK OF SUPREME
COURT

ARREST WARRANT #

H467912

Arrested on February 21, 2005

ACTION OF GRAND JURY

True Bill

Foreman

Henry D. [Signature]
Grand Jury

5/12/2005

VERDICT

Guilty

Foreman

James [Signature]
Petit Jury

Date

6-14-06

DOCKET # 05GS34-0473

THE STATE OF SOUTH CAROLINA

County of Marlboro

COURT OF GENERAL SESSIONS

Term May, 2005

THE STATE

vs

Kendall Green

INDICTMENT FOR

0479

LARCENY IN EXCESS OF \$5,000

16-13-30 (B) (2)

STATE OF SOUTH CAROLINA)
) INDICTMENT #05GS34-0473
County of Marlboro)

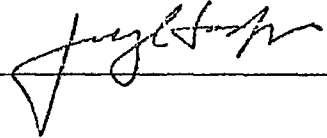
At a Court of General Sessions, convened on May 16, 2005
the Grand Jurors of Marlboro County present upon their oath

COUNT LARCENY IN EXCESS OF \$5,000
16-13-30 (B) (2)

That Kendall Green along with co-defendant in the County of Marlboro on or
about December 06, 2004, did feloniously take and carry away one 2003 Chevrolet
Impala of Leo Leggett, of the value of \$15,000 00, with intent to deprive the
owner permanently of such property

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

SOLICITOR



FILED
05 MAY 13 10 54
CLERK OF COURT

WITNESSES

Marlboro E Terry

MCSO

George Terry

FILED

MAY 13 4 10 55

CLERK

ARREST WARRANT #

H751669

Arrested on February 21, 2005

ACTION OF GRAND JURY

True Bill

Foreman

Henry S. Rubin
Grand Jury

5/12/2005

VERDICT

Guilty

Foreman

James A. Robinson
Petit Jury

Date

6-14-06

DOCKET # 05GS34-0474

THE STATE OF SOUTH CAROLINA

County of Marlboro

COURT OF GENERAL SESSIONS

Term May, 2005

THE STATE

VS

Kendall Green

INDICTMENT FOR

0095

KIDNAPPING

(16-3-910)

WITNESSES

Marlboro E Terry

MCSO

George [Signature]

FILED

05 MAY 13 AM 05 55

WILLIAMSBURG

ARREST WARRANT #

H751672

Arrested on February 21, 2005

ACTION OF GRAND JURY

True Bill

Foreman

Henry [Signature]
Grand Jury

5/12/2005

VERDICT

Couility

Foreman

Joseph [Signature]
Petit Jury

Date

6-14-06

DOCKET # 05GS34-0475

THE STATE OF SOUTH CAROLINA

County of Marlboro

COURT OF GENERAL SESSIONS

Term May, 2005

THE STATE

vs

Kendall Green

INDICTMENT FOR

0116

MURDER

16-3-10

STATE OF SOUTH CAROLINA)
) INDICTMENT #05GS34-0475
County of Marlboro)

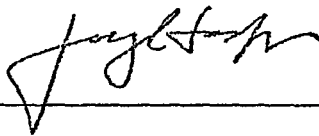
At a Court of General Sessions, convened on May 16, 2005
the Grand Jurors of Marlboro County present upon their oath

COUNT MURDER
16-3-10

That Kendall Green along with co-defendant in the County of Marlboro on or
about December 06, 2004, did feloniously wilfully and with malice and
aforethought, kill one Leo Leggett by means of inflicting numerous wounds and
abandoning his body, and that the said Leo Leggett did die in Marlboro County as
a proximate result thereof This incident occurred in a field on Bradley Road
in Bennettsville, Marlboro County, SC

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

SOLICITOR



WILLIAM B FUNDERBURK
SOLICITOR GENERAL

05 MAY 13 AM 55

FILED

ARREST WARRANT

H-751672

STATE OF SOUTH CAROLINA

County/ Municipality of
MARLBORO COUNTY

THE STATE
against

KENDALL GREEN
is 405 MORRIS AVENUE
BENNETTSVILLE SC 29512 - 0000

SSN _____
Race B Height _____ Weight _____
DL# _____
Agency ORI# _____
Issuing Agency SHERIFF DEPT
Issuing Officer MARLBORO TERRY
Charge MURDER/MURDER
Offense Code 0116
Ordinance Sec 16-03-0010 0020

This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of _____
The accused
be arrested and brought before me to be
with according to law

Signature of Judge (LS)

RETURN

A copy of this arrest warrant was delivered to
agent KENDALL GREEN

2-21-05
George T. [Signature]
Signature of Constable/Law Enforcement Officer

NO WARRANT TO

12-17-04
15
309
[Signature]
Signature of Issuing Judge
Judge Code 5979

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
MARLBORO COUNTY)

AFFIDAVIT

Personally appeared before me the affiant MARLBORO TERRY who
being duly sworn deposes and says that defendant KENDALL GREEN
did within this county and state on 12/06/04 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of _____)
in the following particulars.
DESCRIPTION OF OFFENSE MURDER/MURDER

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts

IN THAT THE DEFENDANT ALONG WITH CO-DEFENDANT WITH MALICE AND
AFORETHOUGHT DID INFLICT NUMEROUS WOUNDS TO LEO LEGGETT AND DID
ABANDONED HIS BODY IN A FIELD ON BRADLEY ROAD BENNETTSVILLE S C
IN MARLBORO COUNTY
P/C BASED ON INVESTIGATION BY MCSO AND SLED

C/N 6479-04

Signature of Affiant

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
MARLBORO COUNTY)

[Signature]
Affiant's Address LT - MCSO
BENNETTSVILLE SC 29512 - 0000
Affiant's Telephone 843 479-5605

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that
on 12/06/04 defendant KENDALL GREEN
did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of _____) as set forth below

DESCRIPTION OF OFFENSE MURDER/MURDER

Having found probable cause and the above affiant having sworn before me you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution or as soon thereafter as is practicable.

Sworn to and subscribed before me)
12/17/04)
_____) (LS.)
Signature of Issuing Judge
Judge Code 5979

Judge's Address 211 N MARLBORO STREET
BENNETTSVILLE SC 29512 - 0000
Judge's Telephone 843 479-5620
Issuing Court: Magistrate Municipal Circuit

RECEIVED
DEC 17 PM 4:05
MARLBORO COUNTY
SHERIFF'S DEPT

ARREST WARRANT

H-751669

STATE OF SOUTH CAROLINA

County/ Municipality of MARLBORO COUNTY

THE STATE against

ENDALL GREEN

Address

SSN

Race B Height Weight

State DL#

Agency ORI#

Securing Agency SHERIFF DEPT

Securing Officer MARLBORO TERRY

Offense KIDNAPPING/KIDNAPPING

Offense Code 0095

Ordinance Sec 16-03-0910

is warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused to be arrested and brought before me to be dealt with according to law

Signature of Judge (L.S.)

Date

RETURN

copy of this arrest warrant was delivered to defendant KENDALL GREEN

02-21-03

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO

Handwritten notes: 12-19-04, 15, 236, 309

STATE OF SOUTH CAROLINA) County/ Municipality of MARLBORO COUNTY)

AFFIDAVIT

Form Approved by S.C. Attorney General April 21 2003 SCA 618

Personally appeared before me the affiant MARLBORO TERRY who being duly sworn deposes and says that defendant KENDALL GREEN did within this county and state on 12/06/04 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of) in the following particulars:

DESCRIPTION OF OFFENSE KIDNAPPING/KIDNAPPING

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts

IN THAT THE DEFENDANT ALONG WITH CO-DEFENDANT WITH FORCE AND THE USE OF A WEAPON IN MARLBORO COUNTY KIDNAP LEO LEGGETT AND CONCEALED HIM IN THE TRUNK OF HIS VEHICLE UNTIL DEFENDANTS LATER ABANDONED HIS BODY IN A FIELD ON BRADLEY ROAD IN MARLBORO COUNTY P/C BASED ON INVESTIGATION BY MCSO AND SLED

C/N 6479-04

Signature of Affiant

Affiant's Address LT - MCSO BENNETTSVILLE SC 29512 - 0000 Affiant's Telephone 843 479-5605

STATE OF SOUTH CAROLINA) County/ Municipality of MARLBORO COUNTY)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that on 12/06/04 defendant KENDALL GREEN did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of) as set forth below

DESCRIPTION OF OFFENSE KIDNAPPING/KIDNAPPING

Having found probable cause and the above affiant having sworn before me you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable

Sworn to and subscribed before me on 12/17/04

Signature of Issuing Judge (L.S.)

Judge Code 5974

Judge's Address 211 N MARLBORO STREET BENNETTSVILLE SC 29512 - 0000

Judge's Telephone 843 479-5620

Issuing Court: [X] Magistrate [] Municipal [] Circuit

RECEIVED DEC 17 PM 4 MARLBORO COUNTY SHERIFFS DEPT

ORIGINAL

ARREST WARRANT

52 H-467912

STATE OF SOUTH CAROLINA

County Municipality of Marlboro

THE STATE
against

Kendell Green

ress: _____

ine: M _____ Weight _____

B _____ Agency ORI# _____

secuting Agency: Marlboro C.S.O.

secuting Officer: LT Marlboro E. Terry

ense: Grand Larceny of Auto

Offense Code _____

Se/Ordinance Sec. _____

s warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of _____

The accused

to be arrested and brought before me to be

alt with according to law

Signature of Judge (L.S.)

RETURN

copy of this arrest warrant was delivered to _____

defendant Kendell Green

02-21-05

George P. Wood
Signature of Constable/Law Enforcement Officer

TURN WARRANT TO _____

STATE OF SOUTH CAROLINA)

County/ Municipality of Marlboro)

AFFIDAVIT

Form Approved by
S.G. Attorney General
July 26, 1990
SCCA 518

Personally appeared before me the affiant Marlboro E. Terry who

being duly sworn deposes and says that defendant Kendell Green

did within this county and state on 12-6-04 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Marlboro)

in the following particulars.

DESCRIPTION OF OFFENSE Grand Larceny of Auto

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts. In that the defendant

did take and carry away, along with Co-defendant one 2003

Impala Chevrolet. This without the consent of the owner

Leo Leggett 117 Appin Road Bennettsville SE Marlboro

County Value of Vehicle approximately \$15000.00 Statement from

witnesses. PIC Investigation by MCSO and SLED

CIN 006479-2004

Sworn to and subscribed before me)

on 12-28-2004)

[Signature] (L.S.))

Signature of Issuing Judge

[Signature]

Signature of Affiant

Affiant's Address Carthage, SC

Bennettsville, SC

Affiant's Telephone 843 479-5605

STATE OF SOUTH CAROLINA)

County/ Municipality of Marlboro)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on 12-6-04 defendant Kendell Green

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Marlboro) as set forth below

DESCRIPTION OF OFFENSE Grand Larceny Auto

Now therefore you are empowered and directed to arrest the said defendant and bring him or her before

me forthwith to be dealt with according to law A copy of this Arrest Warrant shall be delivered to the

defendant at the time of its execution or as soon thereafter as is practicable

[Signature] (L.S.))

Signature of Issuing Judge)

Judge's Address 211 N. Marlboro Street

Bennettsville SC 29012

Judge's Telephone 843-479-5620

Judge Code 5942)

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

GENERAL SESSIONS DOCKET REPORT FOR MARLBORO COUNTY

REPORT RUN DATE - 06/16/2006

INDICTMENT NUMBER 2005GS3400475

DEFENDANT NAME GREEN, KENDELL

AKA

CITY BENNETTSVILLE STATE SC ZIP 29512

SOCIAL SECURITY NUMBER 888-88-8888 SEX 1 MALE RACE 2 BLACK

DATE OF BIRTH 05/02/2005 DRIVERS LICENSE STATE / NO SC / 999999999999

MARITAL STATUS

WARRANT OR TICKET NUMBER H751672 COUNTS 01 OFFENSE CODE 0116

NO WARRANT? 0 NAME OF OFFENSE MURDER / MURDER

DATE OF ARREST 02/21/2005 DATE RECD BY CLERK 05/02/2005 SUMMARY JUDGE 597

DISP DATE 06/14/2006 DISP TYPE 2 TRIAL/GUILTY

DISP TYPE EXPLANATION

JUDGE CODE/NAME 041 COTTINGHAM, EDWARD B COURT REPORTER MCCALL

CONVICTION CTS 01 OFFENSE 0116 MURDER / MURDER

SENTENCE

NATURAL LIFE

DEFENSE ATTORNEY

PROSECUTING ATTORNEY MUNNERLYN

GENERAL SESSIONS DOCKET REPORT FOR MARLBORO COUNTY

REPORT RUN DATE - 06/16/2006

INDICTMENT NUMBER 2005GS3400474

DEFENDANT NAME GREEN, KENDELL AKA

ADDRESS CITY BENNETTSVILLE STATE SC ZIP 29512

SOCIAL SECURITY NUMBER 888-88-8888 SEX 1 MALE RACE 2 BLACK

DATE OF BIRTH 05/02/2005 DRIVERS LICENSE STATE / NO SC / 999999999999

MARITAL STATUS

WARRANT OR TICKET NUMBER H751669 COUNTS 01 OFFENSE CODE 0095

NO WARRANT? 0 NAME OF OFFENSE KIDNAPPING / KI

DATE OF ARREST 02/21/2005 DATE RECD BY CLERK 05/02/2005 SUMMARY JUDGE 597

DISP DATE 06/14/2006 DISP TYPE 2 TRIAL/GUILTY

DISP TYPE EXPLANATION

JUDGE CODE/NAME 041 COTTINGHAM, EDWARD B COURT REPORTER MCCALL

CONVICTION CTS 01 OFFENSE 0095 KIDNAPPING / KI

SENTENCE

SENTENCE VACATED DEFENDANT SENTENCED FOR MURDER

DEFENSE ATTORNEY

PROSECUTING ATTORNEY MUNNERLYN

GENERAL SESSIONS DOCKET REPORT FOR MARLBORO COUNTY

REPORT RUN DATE - 06/16/2006

INDICTMENT NUMBER 2005GS3400473

DEFENDANT NAME GREEN, KENDELL AKA

ADDRESS CITY BENNETTSVILLE STATE SC ZIP 29512

SOCIAL SECURITY NUMBER 888-88-8888 SEX 1 MALE RACE 2 BLACK

DATE OF BIRTH 05/02/2005 DRIVERS LICENSE STATE / NO SC / 999999999999

MARITAL STATUS

WARRANT OR TICKET NUMBER H467912 COUNTS 01 OFFENSE CODE 0479

NO WARRANT? 0 NAME OF OFFENSE LARCENY / GRAND

DATE OF ARREST 02/21/2005 DATE RECD BY CLERK 05/02/2005 SUMMARY JUDGE 597

DISP DATE 06/14/2006 DISP TYPE 2 TRIAL/GUILTY

DISP TYPE EXPLANATION

JUDGE CODE/NAME 041 COTTINGHAM, EDWARD B COURT REPORTER MCCALL

CONVICTION CTS 01 OFFENSE 0479 LARCENY / GRAND

SENTENCE

10 YRS CONSECUTIVE TO 05-475

DEFENSE ATTORNEY

PROSECUTING ATTORNEY MUNNERLYN

STATE OF SOUTH CAROLINA)
 COUNTY OF Marlboro)
 STATE Kendall VS Green)
 AKA _____)
 Race B Sex M Age _____)
 DOB 11/25/86 SS# _____)
 Address _____)
 City, State, Zip Be)
 DL# _____ SID# _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#
05 -GS- 34 - 0474
 A/W# H751669
 Date of Offense 12/06/04
 S C Code § 16-3-910
 CDR Code # 0101915
 CASE RESTORED
 SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO Kidnapping in violation of §16-3-910 of the S C Code of Laws, bearing CDR Code # 0101915
 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 Defendant Attorney for Defendant
[Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of _____ 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

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 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
§14-1-211(A)(2) (DUI Surcharge)	\$100
§58-5-2995 (DUI Assessment)	\$12
§ 35 13 (Public Def/Prob)	\$500
§73 3, 1B TP (Law Enforce Funding)	\$25
§33 7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§58-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 3.75
TOTAL	\$1287.5

Appointed PD or appointed other counsel, §35 13 TP Requires \$500 be paid to Clerk during probation

William B. Sunderland
 Clerk of Court/ Deputy Clerk
 Court Reporter Sandra McCall

PRESIDING JUDGE [Signature]
 Judge Code 0151411
 Sentence Date 6-14-06

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marlboro
STATE Kendall VS Green
AKA _____
Race B, Sex M Age _____
DOB _____ SS# _____
Address _____
City, State, Zip _____
DL# _____ SID# _____

INDICTMENT/CASE#
05 GS- 34 - 0474
A/W# H 751669
Date of Offense 12/06/04
S C Code § 16-3-910
CDR Code # 0101915
 CASE RESTORED
SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO Kidnapping in violation of §16-3-910 of the S C Code of Laws bearing CDR Code # 1 1 1
 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 Defendant [Signature] Attorney for Defendant
Sealene Vactor, Defendant's Counsel For Henry PAC

WHEREFORE the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of _____ 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

SPECIAL CONDITIONS

RESTITUTION Heard, Waived, Ordered
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	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§ 35 13 (Public Def/Prob)	\$500	\$
§73 3 1B TP (Law Enforce Funding)	\$25	\$
§33 7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$
TOTAL		\$

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 _____

Appointed PD or appointed other counsel, §35 13 TP Requires \$500 be paid to Clerk during probation

William B. Sunderland
Clerk of Court/ Deputy Clerk
Court Reporter Jude McCall

PRESIDING JUDGE [Signature]
Judge Code 0101411
Sentence Date 6-14-06

STATE OF SOUTH CAROLINA)
 COUNTY OF Marlboro)
 STATE Kendall vs Green)
 AKA _____)
 Race _____ Sex _____ Age _____)
 DOB _____ SS# _____)
 Address _____)
 City, State, Zip _____)
 DL# _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 05-GS-34-0473
 A/W# H-467912
 Date of Offense 12-6-04
 S C Code § 16-13-30
 CDR Code # 0141719
 CASE RESTORED
 SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO Larceny in Excess of \$5,000
 In violation of § 16-13-30 of the S C Code of Laws, bearing CDR Code # 0141719
 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
Elizabeth R. Munnery Solicitor _____ Defendant _____ Attorney for Defendant

WHEREFORE the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 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
 CONCURRENT or CONSECUTIVE to sentence on 05-GS-34-475
 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

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 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 _____
 \$ _____ Defender Fund
 Other _____

Recipient:	
*Fine	\$
§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
§ 35 13 (Public Def/Prob)	\$500
§73 3, 1B TP (Law Enforce Funding)	\$25
§33 7 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
TOTAL	\$

Appointed PD or appointed other counsel, §35 13 TP
 Requires \$500 be paid to Clerk during probation

William B. Sunderland
 Clerk of Court/ Deputy Clerk
 Court Reporter Linda M. Call

PRESIDING JUDGE [Signature]
 Judge Code 0101911
 Sentence Date 6-19-06

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Kendall Green)
STATE VS)

INDICTMENT/CASE# 05 GS-34-0475

AKA _____)
Race _____ Sex M Age _____)
DOB _____ SS# _____)
Address _____)
City, State, Zip _____)
DL# _____ SID# _____)

AW# H-151672)
Date of Offense 12-6-04)
S C Code § 16-3-10)
CDR Code # 0 1 1 1 1 1 6)

CASE RESTORED
SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO Murder in violation of § 16-3-10 of the S C Code of Laws, bearing CDR Code # 0 1 1 1 6
 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 [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 1 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 This defendant has sentenced to life imprisonment

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

SPECIAL CONDITIONS Sub B Extra Probation
PTUP _____ days/hours Public Service Employment _____
Obtain GED _____
Attend Voc Rehab or Job Corp 5 _____
May serve W/E beginning _____
Substance Abuse Counseling 5 _____
Random Drug/Alcohol Testing 5 _____
Fine may be pd in equal, consecutive, weekly/monthly pmts of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other _____

Recipient.		
*Fine		\$
§14-1-208 (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	\$
§ 35 13 (Public Def/Prob)	\$500	\$
§73 3, 1B TP (Law Enforce Funding)	\$25	\$ 25.00
§33 7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§58-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in Installments)		\$ 375
TOTAL		\$ 12875

Appointed PD or appointed other counsel, §35 13 TP Requires \$500 be paid to Clerk during probation

William B. Jundobal Clerk of Court/ Deputy Clerk
Court Reporter Sinda M. Cobb

PRESIDING JUDGE [Signature]
Judge Code 01 0 1 4 1 1
Sentence Date 6-14-06

STATE OF SOUTH CAROLINA)
 COUNTY OF Marlboro)
 STATE Kendall Green)
 AKA _____)
 Race B Sex M Age _____)
 DOB _____ SS# _____)
 Address _____)
 City, State, Zip _____)
 DL# _____ SID# _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# _____
 AWW# 05 GS- 34 - 0473
 Date of Offense H-467912
 S C Code § 16-13-30
 CDR Code # 0141719
 CASE RESTORED
 SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO Larceny in Excess of \$5,000 in violation of § 16-13-30 of the S C Code of Laws, bearing CDR Code # 0141719
 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
Elizabeth R. Munger Solicitor Defendant Elizabeth R. Munger Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 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

CONCURRENT or CONSECUTIVE to sentence on 05-GS-34-475
 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

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 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	\$
§58-5-2995 (DUI Assessment)	\$12	\$
§ 35 13 (Public Def/Prob)	\$500	\$
§73 3, 1B TP (Law Enforce Funding)	\$25	\$ 25.00
§33 7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75
TOTAL		\$ 128.75

Appointed PD or appointed other counsel, §35 13 TP Requires \$500 be paid to Clerk during probation

William B. Zunderbald
 Clerk of Court/ Deputy Clerk
 Court Reporter Sandra McCall

PRESIDING JUDGE [Signature]
 Judge Code 0101411
 Sentence Date 6-14-06

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Kendall Green
STATE VS

INDICTMENT/CASE#
0.5 GS- 34 - 0475
A/W# H-751672
Date of Offense 12-6-04
S C Code § 16-3-10
CDR Code # 0 1 1 1 1 6

AKA _____
Race R Sex M Age _____
DOB _____ SS# 242-1-
Address _____
City, State, Zip _____
DL# _____ SIL# _____

CASE RESTORED
SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO Murder
In violation of § 16-3-10 of the S C Code of Laws, bearing CDR Code # 0 1 1 1 1 6
 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
[Signature] Defendant
[Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 1 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 this is a full time job

SPECIAL CONDITIONS Sub B Estm pres Eng sub
 RESTITUTION Heard, Waived, Ordered
Total \$ _____ plus 20% fee \$ _____
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	\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§ 35 13 (Public Def/Prob)	\$500	\$
§73 3, 1B TP (Law Enforce Funding)	\$25	\$ <u>25.00</u>
§33 7 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Appointed PD or appointed other counsel, §35 13 TP
Requires \$500 be paid to Clerk during probation

William B. Jurdak
Clerk of Court/ Deputy Clerk
Court Reporter Linda McColl

PRESIDING JUDGE [Signature]
Judge Code 01 0 1 4 1 1
Sentence Date 6-14-06