

J. Patricia Anderson

ATTORNEY AT LAW

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October 11, 2012

VIA FACSIMILE & US MAIL

The Honorable Jenny Abbott Kitchings
Clerk of the Court of Appeals
Attn: Ashley Thompson
Clerk of Court's Office
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State vs. Candace April Beheler
Appellate Case Nos.: 2012-213016

Dear Ms. Thompson:

Pursuant to Rule 203(d)(1)(B)(iv), SCACR, I provide the following explanation showing an issue that can be reviewed on appeal.

The Solicitor, Barry Barnette, provided me with sentencing sheets that indicated that my client's two counts of Traffic/Hit and Run, duties of driver involved in accident with death were non-violent offenses. When I met with my client, I explained the law as it pertained to non-violent offenses. In the middle of the plea, the trial judge, Letitia Verdin, announced that the charges were violent instead of non-violent and marked the sentencing sheets accordingly. (see attached) I did not object because I relied on the solicitor's sentencing sheets. In essence, my client pled to charges that were violent although I had explained to her that they were non-violent. Neither the solicitor nor I objected. After the plea, the solicitor informed me that the judge was correct which is why I appealed.

I also enclose Proof of Service. Thank you for your attention to this matter.

Sincerely,



J. Patricia Anderson

Enc: as noted
Cc.: Barry Barnette
Robert Dudek
Salley W. Elliot

CITY OF SPARTANBURG
 VS.
 Candace April Beheler
 RACE: WHITE Sex: F Age: 37
 DOB: [REDACTED] SS#: [REDACTED]
 Address: 381 Stacey Rd
 City, State, Zip: Rutherfordton, NC 28189
 DL#: SID#:

INDICTMENT/CASE#: 2012GS4203190
 A/W#: M759268
 Date of Offense: 5/20/2012
 S.C. Code §: 56-05-1210(A)
 CDR Code #: 2463

SENTENCE SHEET

*CDL: Yes No CMV: Yes No Hazmat: Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Traffic / Hit and run, duties of driver involved in accident with death

CONVICTED OF or PLEADS

in violation of § 56-05-1210(A) of the S.C. Code of Laws, bearing CDR Code # 2463
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §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.

ATTEST: Barry Barnett 13039 Candace Beheler Patricia Adams 9701
 BARNETTE, BARRY SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 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: SCDC Probation
 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 PTUP _____
 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	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 30-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 135.90

_____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
~~May serve W/S 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: M. Hope Blackleaf
 A CERTIFIED COPY
 CLERK OF COURT
 SPARTANBURG COUNTY
 BY: [Signature] D.C.
 DATED: 9/10/12

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

Clerk of Court/ Deputy Clerk: [Signature]
 Court Reporter: _____
 SCCA/217 (03/2011)

Presiding Judge: [Signature]
 Judge Code: _____
 Sentence Date: 9/10/12

CITY OF SPARTANBURG
VS.
Candace April Beheler

INDICTMENT/CASE#: 2012GS4203189
A/W#: M159267
Date of Offense: 5/20/2012
S.C. Code §: 56-05-1210(A)
CDR Code #: 2463

KA:
Race: WHITE Sex: F Age: 37
DOB: [REDACTED] SS#: [REDACTED]
Address: 381 Stacey Rd
City, State, Zip: Rutherfordton, NC 28189
DL#: SID#:

SENTENCE SHEET

*CDL Yes No .CMV. Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Traffic / Hit and run, duties of driver involved in accident with death

CONVICTED OF or PLEADS

in violation of § 56-05-1210(A) of the S.C. Code of Laws, bearing CDR Code # 2463
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ARREST: BARRY BARNETTE 13039 Candace Beheler T. Patricia Anderson 9101
BARNETTE, BARRY SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 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: SCDC - Probation Sentence
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred, Def. Waives Hearing, Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS

PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(B) (Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$ 5.00
TOTAL		\$ 390

C. Dancy 13039

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (03/2011)

May serve w/L beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender
Other: _____

CLERK OF COURT
SPARTANBURG COUNTY
BY: T. CAMP DC
DATED: 11/12/12

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

Presiding Judge JH
Judge Code: 2162
Sentence Date: 11/12/12

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Letitia Verdin, Circuit Court Judge

CASE NUMBERS: 12-GS-42-3189; 12-GS-42-3190

The State.....Respondent,

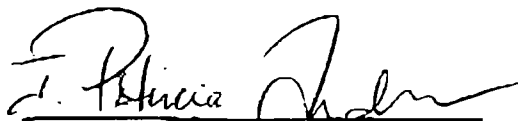
v.

Candace April Beheler.....Appellant.

PROOF OF SERVICE

I certify that I have served the Rule 203(d)(1)(B)(iv) explanation on the State of South Carolina by delivering a copy to the State's attorney of record, Barry Barnette, at his office at the Spartanburg County Judicial Center, 180 Magnolia Street, Spartanburg, South Carolina, 29306, the Honorable Jenny Abbott Kitchings, Clerk of the Court of Appeals by mailing a copy to her at her office at South Carolina Court of Appeals, Post Office Box 11629, Columbia, SC 29211, and Salley Elliot, at her office at Post Office Box 11549, Columbia, SC 29211 on October 11, 2012

October 11, 2012



J. Patricia Anderson Bar No.: 9701
130 Archer Street
Spartanburg, South Carolina 29306
Phone: (864) 582-7763
Attorney for Appellant

MAILED 5 OCT 11 2012

2012 OCT 11 PM 4:06

CLERK OF COURT
SPARTANBURG COUNTY