

9

22091

ORIGINAL
ANDERS

STATE OF SOUTH CAROLINA

In The Court of Appeals

NO DEF. BRIEF

APPEAL FROM CHARLESTON COUNTY

No Respondent's Brief Filed
RECEIVED

Deadra L. Jefferson, Circuit Court Judge

JUN 10 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

GARY LESLEY RUCKER

APPELLANT

APPELLATE CASE NO. 2015-000723

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

J. BENJAMIN APLIN
Senior Assistant Attorney Deputy General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

Attorney for Appellant

SCARLETT ANNE WILSON
Solicitor, Ninth Judicial Circuit
101 Meeting St., Ste. 400
Charleston, SC 29401-2214
fax (843) 740-5858
(843) 958-1900

Attorneys for Respondent

INDEX

INDEX **i**

TRUE BILLED INDICTMENT AND SENTENCE SHEET **1**

GUILTY PLEA TRANSCRIPT DATED MARCH 19, 2015 **4**

**MOTION FOR RECONSIDERATION OF SENTENCE
FILED MARCH 26, 2015** **62**

**ORDER DENYING MOTION FOR RECONSIDERATION OF SENTENCE
FILED MARCH 31, 2015** **65**

CERTIFICATE OF COUNSEL **69**

MLA20140605486

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1409188

ARREST WARRANT NUMBER

2014A1010202930

DATE OF ARREST

June 4, 2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: *[Signature]*

NOV 3 - 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1006456

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

November Term 2014

THE STATE

vs.

GARY LESLEY RUCKER

Indictment for

Bank Fraud

FILED

11/19/2014 9:02:19 AM

JULIE J. ARMSTRONG

CLERK OF COURT

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT
By: *[Signature]*
DEPUTY CLERK

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON
STATE VS.

GARY LESLEY RUCKER

AKA: Gary L. Rucker

Race: [redacted] Sex: [redacted] Age: [redacted]

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: **Fraud Against Financial Institution**

In violation of § **34-03-0110(B)** of the S.C. Code of Laws, hearing CDR Code # **1345**

INDICTMENT/CASE#: 2014GS1006456
A/W: 2014A1010202930
Date of Offense: 06/04/2014
S.C. Code §: 34-03-0110(B)
CDR Code #: 1345

SENTENCE SHEET

CONVICTED OF or PLEADS

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

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury, _____ (def.'s initials)

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

ATTEST:

Marian Louise Askins 63993
Marian Louise Askins, Assistant Solicitor SC Bar #

Gary Rucker
Defendant

W. Ehrlich 75164
Attorney for Defendant Ehrlich SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 2 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 Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: Family Court term
 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 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: \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED

Set by SCDPPPS _____

Attend Vac. 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

pts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§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 (DUI 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 \$ 133.90

Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk: Caroline Leonard

Court Reporter: Denise Kaudin

SCCA/217 (03/2011)

Presiding Judge: Dr. Jesse

Judge Code: 2128

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG, CLERK OF COURT
OFFICE OF THE CLERK OF COURT
3/19/15

By: [Signature]
DEPUTY CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA)	GENERAL SESSIONS COURT
)	
COUNTY OF CHARLESTON)	CASE NO. 2014-GS-10-6456
)	
STATE OF SOUTH CAROLINA,)	
)	Transcript of Record
Plaintiff,)	
)	
vs.)	
)	Date: March 19, 2015
GARY L. RUCKER,)	
)	
Defendant.)	

* * * * *

B E F O R E :

THE HONORABLE DEADRA JEFFERSON

* * * * *

Denise J. Lauder, RPR
Ninth Judicial Circuit

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

REPRESENTING THE STATE OF SOUTH CAROLINA:

MARIAN ASKINS, ASSISTANT SOLICITOR
Ninth Circuit Solicitor's Office
101 Meeting Street, Suite 400
Charleston, SC 29401

REPRESENTING THE DEFENDANT:

MEGAN EHRLICH, ESQUIRE
Ninth Circuit Public Defender
O.T. Wallace Building
101 Meeting Street, 5Th Floor
Charleston, SC 29401

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

Page No.

Plea Transcript Gary Rucker.....	4
REPORTER'S CERTIFICATE.....	54

INDEX OF EXHIBITS

(No exhibits were offered or
marked for identification.)

1 (The following proceedings were had
2 March 19, 2015, Charleston County Circuit Court,
3 Charleston, South Carolina @ 9:00 a.m.)

4 THE COURT: Alexander Hoffman.

5 MR. EVANS: Your Honor, the victims are
6 here. They're outside the courtroom. If I could
7 have a second to grab them. Excuse me, the victim.

8 THE COURT: Any recommendations or
9 negotiations?

10 MR. EVANS: Judge, this is a negotiated
11 suspended YOA.

12 THE COURT: Any record?

13 MR. EVANS: No prior record, Your
14 Honor.

15 THE COURT: Any restitution?

16 MR. EVANS: None, Judge.

17 THE COURT: Was the victim notified?

18 MR. EVANS: She is present. Ms. Maddox
19 from our office is going to grab her and the
20 family.

21 MR. CRUMRINE: Your Honor, if it
22 please, we've also discussed that this would be a
23 non-registry case.

24 THE COURT: You've discussed it, but
25 ultimately that's my decision. Or I just won't

1 accept the plea if it's unacceptable to me.

2 MR. EVANS: That's fine.

3 THE COURT: You negotiated it not being
4 registered?

5 MR. EVANS: A&B second is not a
6 registry offense, Your Honor.

7 THE COURT: I think it's optional
8 because the Court makes the findings that are
9 appropriate.

10 MR. EVANS: Okay. Then we negotiated
11 the registry, Your Honor.

12 MR. CRUMRINE: The not registry.

13 MR. EVANS: Yes.

14 THE COURT: If I find it unacceptable,
15 then I won't accept it.

16 MR. CRUMRINE: Thank you, Your Honor.

17 And, Your Honor, until it's
18 appropriate, I can hand up one thing that I'll be
19 discussing. It's a report from the counselor. I
20 presented a copy to the Solicitor.

21 THE COURT: Thank you.

22 Gary Rucker. Any recommendations or
23 negotiations?

24 MS. ASKINS: No, Your Honor.

25 THE COURT: Does he have a record?

1 MS. ASKINS: Yes, Your Honor. 2002,
2 possession of stolen motor vehicle; 2001, resisting
3 arrest; 2008, ABHAN; 2009, probation violation;
4 2013, possession of marijuana; 2014, misdemeanor of
5 some sort, and in Maryland, 2008, unlawful
6 possession of drugs.

7 THE COURT: Victim notified?

8 MS. ASKINS: Yes, Your Honor.

9 THE COURT: Is the victim present?

10 MS. ASKINS: No, Your Honor.

11 THE COURT: Is there any restitution?

12 MS. ASKINS: No, Your Honor.

13 THE COURT: Ernest Lane. Any
14 recommendations or negotiations?

15 MS. WHITAKER: No, Your Honor.

16 THE COURT: Was the victim notified?

17 MS. WHITAKER: Yes, Your Honor, the
18 victim was notified.

19 THE COURT: Not present?

20 MS. WHITAKER: No, Your Honor.

21 THE COURT: Any restitution?

22 MS. WHITAKER: No, Your Honor.

23 THE COURT: Vincent Frayer. Any
24 recommendations or negotiations?

25 MS. WHITAKER: No recommendations, Your

1 Honor.

2 THE COURT: Does he have a record?

3 MS. WHITAKER: Your Honor, he has a
4 2007 possession of marijuana times two; an '09
5 distribution of cocaine base, and a 2012 possession
6 of cocaine base, distribution of cocaine base, and
7 distribution of cocaine.

8 THE COURT: What is Mr. Lane's record?

9 MS. WHITAKER: Mr. Lane has a 1990
10 public drunkenness, resisting arrest from that same
11 year, destruction of city property from that year,
12 and a 2004 assault and battery of a high and
13 aggravated nature.

14 THE COURT: Stephen Thompson.

15 THE DEPUTY: He's downstairs. He
16 wasn't brought up.

17 THE COURT: How long will it take to
18 get Mr. Thompson up here?

19 THE DEPUTY: About five minutes; I'll
20 get him up, Judge.

21 THE COURT: Dominic Epps. Any
22 recommendations or negotiations?

23 MS. WHITAKER: Your Honor, we're
24 recommending time served on Mr. Epps.

25 THE COURT: How long did he serve?

1 Do you know, Ms. Kennedy? How long was
2 he in jail?

3 MS. KENNEDY: 31 days.

4 THE COURT: Does Mr. Epps have any
5 record?

6 MS. WHITAKER: Yes, Your Honor. In
7 2013, possession of marijuana; 2014, possession of
8 marijuana; 2015 --

9 PROBATION: He's on probation as well.
10 He was an add-on.

11 MS. WHITAKER: -- 2015, Your Honor --

12 THE COURT: Do you know what he's on
13 probation for?

14 PROBATION: It may be a violation. It
15 was just from last month that he was placed on.

16 THE COURT: It's not a violation?

17 MS. KENNEDY: No, Your Honor.

18 PROBATION: No.

19 THE COURT: What -- do you know what
20 he's on probation for?

21 MS. WHITAKER: Failure to stop for a
22 blue light.

23 PROBATION: Failure to stop for a blue
24 light, one year, suspended on 90 days, and one year
25 probation. And it's a second offence.

1 MS. KENNEDY: The sentences were to run
2 concurrently, Your Honor.

3 PROBATION: And a possession of cocaine
4 base, first, one year, suspended on 90 days, and
5 one year probation -- well, suspended to one year
6 probation.

7 THE COURT: Are those out of Charleston
8 County?

9 PROBATION: Yes, ma'am.

10 THE COURT: What are the case numbers
11 -- the indictment numbers?

12 PROBATION: On the possession of
13 cocaine base, 14-GS-10-5815 and 14-GS-10-5816.

14 THE COURT: And did you have a record
15 of something he did in 2015 or was that inaccurate?

16 MS. WHITAKER: Your Honor, I'm just
17 showing that failure to stop for blue lights, and
18 it's on a handwritten note --

19 THE COURT: He must have pled in '15,
20 but it's a '14 indictment.

21 MS. WHITAKER: Your Honor, I believe
22 that to be accurate. All I have is a handwritten
23 note on that one, I apologize.

24 THE COURT: Please answer in unison,
25 Mr. Crumrine, Ms. Ehrlich, Mr. Cooper, Ms. Gentry,

1 and Ms. Kennedy. Have you explained to your
2 clients the charges contained in the indictment,
3 the possible punishment, and their Constitutional
4 rights?

5 (MR. CRUMRINE, MS. EHRLICH, MR. COOPER,
6 MS. GENTRY, MS. KENNEDY): Yes, Your Honor.

7 THE COURT: Do you believe they
8 understand the charges, the punishment and their
9 rights?

10 (MR. CRUMRINE, MS. EHRLICH, MR. COOPER,
11 MS. GENTRY, MS. KENNEDY): Yes, Your Honor.

12 THE COURT: Do your clients wish to
13 plead guilty or not guilty?

14 (MR. CRUMRINE, MS. EHRLICH, MR. COOPER,
15 MS. GENTRY, MS. KENNEDY): Guilty, Your Honor.

16 THE COURT: Do you agree with that
17 decision?

18 (MR. CRUMRINE, MS. EHRLICH, MR. COOPER,
19 MS. GENTRY, MS. KENNEDY): Yes, Your Honor.

20 THE COURT: To your knowledge, have
21 they ever had to be evaluated to determine their
22 competency?

23 (MR. CRUMRINE, MS. EHRLICH, MR. COOPER,
24 MS. GENTRY, MS. KENNEDY): No, Your Honor.

25 THE COURT: Please raise your right

1 hands to be sworn, all defendants.

2 ALEXANDER HOFFMAN,

3 being first duly sworn, testified as follows:

4 GARY RUCKER,

5 being first duly sworn, testified as follows:

6 ERNEST LANE,

7 being first duly sworn, testified as follows:

8 VINCENT FRAYER,

9 being first duly sworn, testified as follows:

10 DOMINIC EPPS,

11 being first duly sworn, testified as follows:

12 THE COURT: You can put your right
13 hands down. I need you to answer loudly and
14 clearly. Please don't speak over one another. The
15 Court Reporter can only take down one response at a
16 time.

17 I'm going to ask you a series of
18 questions. I need you to answer them in the order
19 you're standing, starting with Mr. Hoffman and
20 ending with Mr. Epps.

21 Please state your full name for the
22 record.

23 DEFENDANT HOFFMAN: Alexander Madison
24 Hoffman.

25 THE COURT: Next in line.

1 DEFENDANT RUCKER: Gary Leslie Rucker.

2 THE COURT: Mr. Rucker, I need you to
3 speak up, please.

4 DEFENDANT RUCKER: Gary Leslie Rucker.

5 THE COURT: Next in line.

6 DEFENDANT LANE: Earnest Wayne Lane.

7 DEFENDANT FRAYER: Vincent Frayer,
8 Senior.

9 DEFENDANT EPPS: Dominic Epps.

10 THE COURT: How old are you?

11 DEFENDANT HOFFMAN: 20.

12 DEFENDANT RUCKER: 34.

13 DEFENDANT LANE: 53.

14 DEFENDANT FRAYER: 25.

15 DEFENDANT EPPS: 24.

16 THE COURT: How far have you gone in
17 school?

18 DEFENDANT HOFFMAN: Some college.

19 DEFENDANT RUCKER: Job Corps.

20 THE COURT: I can't hear you.

21 DEFENDANT RUCKER: Job Corps.

22 THE COURT: Did you get your GED in Job
23 Corps?

24 DEFENDANT RUCKER: Yes, I did.

25 DEFENDANT LANE: 11th grade.

1 THE COURT: Do you have your GED, sir?

2 DEFENDANT LANE: No, sir. No, ma'am.

3 THE COURT: Can you read and write,
4 sir?

5 DEFENDANT LANE: Yes.

6 THE COURT: Did you understand the
7 sentence sheet when you read and signed it?

8 DEFENDANT LANE: Yes, ma'am.

9 THE COURT: Next in line.

10 DEFENDANT FRAYER: Twelfth grade.

11 THE COURT: Did you graduate?

12 DEFENDANT FRAYER: Yes, ma'am.

13 THE COURT: And, Mr. Epps?

14 DEFENDANT EPPS: I graduated from
15 twelfth grade.

16 THE COURT: What type of work do you
17 generally do?

18 DEFENDANT HOFFMAN: I'm a student.

19 DEFENDANT RUCKER: I do warehouse and
20 cook.

21 DEFENDANT LANE: Transportation, truck
22 driver.

23 DEFENDANT FRAYER: Cook.

24 DEFENDANT EPPS: Landscaping.

25 THE COURT: Are you married?

1 DEFENDANT HOFFMAN: No.

2 DEFENDANT RUCKER: No.

3 DEFENDANT LANE: Yes.

4 DEFENDANT FRAYER: No.

5 DEFENDANT EPPS: No.

6 THE COURT: Do you have any children?

7 If so, tell me how many and their ages.

8 DEFENDANT HOFFMAN: No, Your Honor.

9 DEFENDANT RUCKER: I have three, 7, 9,
10 and 10.

11 DEFENDANT LANE: Two, 23 and 24 and two
12 stepsons that are 26 and 24.

13 DEFENDANT FRAYER: I have one, a son.

14 THE COURT: Age?

15 DEFENDANT FRAYER: Five years old.

16 DEFENDANT EPPS: I have none.

17 THE COURT: Are you currently on
18 probation or parole?

19 DEFENDANT HOFFMAN: No.

20 DEFENDANT RUCKER: No.

21 DEFENDANT LANE: No.

22 DEFENDANT FRAYER: No.

23 DEFENDANT EPPS: Yes.

24 THE COURT: Have you had any drugs,
25 alcohol -- have you ever been treated for the abuse

1 of alcohol, drugs, or mental illness?

2 DEFENDANT HOFFMAN: I've been treated
3 for alcohol.

4 THE COURT: When were you treated?

5 DEFENDANT HOFFMAN: October of 2014
6 through February of 2015.

7 THE COURT: Have you ever been treated
8 for the abuse of alcohol, drugs, or mental illness?

9 DEFENDANT RUCKER: No.

10 DEFENDANT LANE: No.

11 DEFENDANT FRAYER: No.

12 DEFENDANT EPPS: No.

13 THE COURT: Have you had any drugs,
14 alcohol, or medication in the last 72 hours?

15 DEFENDANT HOFFMAN: No.

16 DEFENDANT RUCKER: No.

17 DEFENDANT LANE: No.

18 DEFENDANT FRAYER: No.

19 DEFENDANT EPPS: No.

20 THE COURT: Are you aware of any
21 physical, emotional, or nervous problem that would
22 keep you from understanding where you are right now
23 or what you are doing?

24 DEFENDANT HOFFMAN: No.

25 DEFENDANT RUCKER: No.

1 DEFENDANT LANE: No.

2 DEFENDANT FRAYER: No.

3 DEFENDANT EPPS: No.

4 THE COURT: Mr. Hoffman, on the charge
5 of assault and battery, second, how do you plead?

6 DEFENDANT HOFFMAN: Guilty.

7 THE COURT: Do you understand that
8 carries a maximum penalty of three years and/or a
9 maximum fine of \$2,500?

10 DEFENDANT HOFFMAN: Yes.

11 THE COURT: Mr. Rucker, on the charge
12 of bank fraud, how do you plead?

13 DEFENDANT RUCKER: Guilty.

14 THE COURT: Do you understand that
15 carries a maximum penalty of five years and/or a
16 maximum fine of \$10,000?

17 DEFENDANT RUCKER: Yes.

18 THE COURT: Mr. Lane, on two counts of
19 assault and battery, third, how do you plead?

20 DEFENDANT LANE: Guilty.

21 THE COURT: Do you understand that each
22 carries a maximum penalty of 30 days and/or a
23 maximum fine of \$500.

24 DEFENDANT LANE: Yes.

25 THE COURT: Mr. Frayer, on the charge

1 of possession of cocaine base, how do you plead?

2 DEFENDANT FRAYER: Guilty slash Alford.

3 MS. GENTRY: He's pleading guilty under
4 Alford, Your Honor.

5 THE COURT: Do you understand that
6 carries a maximum penalty of three years and/or a
7 maximum fine of \$5,000?

8 DEFENDANT FRAYER: Yes.

9 THE COURT: Do you understand that
10 while you're pleading pursuant to the Alford
11 Doctrine, the Court still treats it as a guilty
12 plea?

13 DEFENDANT FRAYER: Yes.

14 THE COURT: Do you understand your
15 record will reflect it as a guilty plea?

16 DEFENDANT FRAYER: Yes.

17 THE COURT: Do you understand that if
18 you receive any additional offences for drugs, this
19 could still be used to enhance the penalty?

20 DEFENDANT FRAYER: Yes.

21 THE COURT: From your investigation of
22 the facts and circumstances of this case, do you
23 believe the State could produce sufficient evidence
24 to prove your guilt beyond a reasonable doubt?

25 DEFENDANT FRAYER: No, ma'am.

1 THE COURT: I need you to listen to the
2 question very carefully. I understand that you may
3 think there's some question about your guilt, but
4 my question is whether you think the State could
5 prove your guilt. Otherwise, you wouldn't be
6 entering this plea.

7 DEFENDANT FRAYER: Yes, ma'am.

8 THE COURT: So I need you to listen
9 very carefully. From your investigation of the
10 facts and circumstances of this case, do you
11 believe the State would produce sufficient evidence
12 to prove your guilt beyond a reasonable doubt?

13 DEFENDANT FRAYER: Yes.

14 THE COURT: Do you believe that if you
15 were to go to trial, a jury would most probably
16 find you guilty?

17 DEFENDANT FRAYER: Yes.

18 THE COURT: Mr. Epps, on the charge of
19 possession of Morphine, how do you plead?

20 DEFENDANT EPPS: Guilty.

21 THE COURT: Do you understand that
22 carries a maximum penalty of six months and/or a
23 maximum fine of \$1,000?

24 DEFENDANT EPPS: Yes.

25 THE COURT: I want you all to listen

1 carefully to the facts. You may proceed, starting
2 with Mr. Hoffman.

3 MR. EVANS: Thank you, Your Honor. May
4 it please the Court.

5 THE COURT: Yes, sir.

6 MR. EVANS: This incident took place on
7 June 7th, 2013, at 1054 Shadow Harbor Circle, which
8 is in Charleston County. The defendant, victim
9 Morgan Rollin, and one of their mutual friends were
10 at the defendant's house. There was some
11 consumption of alcohol that evening, Your Honor,
12 and the defendant began to -- excuse me, the victim
13 began not to feel well and went to lie down in the
14 defendant's bed.

15 At some point the defendant came in to
16 lay down with her and they began to kiss. The
17 defendant then began to remove the victim's clothes
18 and she told him she did not want to go any
19 further; however, the defendant vaginally
20 penetrated the victim with his penis.

21 After the incident, the victim
22 confronted the defendant outside of the bedroom in
23 front of the mutual friend, and the defendant
24 slapped the victim in the face with enough force to
25 knock her over.

1 Judge, he was initially charged with
2 CSC, third. We're obviously allowing him to plead
3 to A&B second.. There was some significant
4 evidentiary hurdles. From the State's standpoint,
5 I think under the circumstances that this is a
6 reasonable resolution.

7 The victim is present in the court,
8 Your Honor, Ms. Rollin, and I believe would like to
9 address Your Honor at the appropriate time.

10 THE COURT: Sir, do you agree or
11 disagree?

12 DEFENDANT HOFFMAN: I agree.

13 THE COURT: Do you feel anything needs
14 to be changed or added to the facts?

15 DEFENDANT HOFFMAN: No.

16 THE COURT: I can't hear you.

17 DEFENDANT HOFFMAN: No.

18 THE COURT: Are you pleading guilty
19 because you are guilty?

20 DEFENDANT HOFFMAN: Yes.

21 THE COURT: As regards Mr. Rucker.

22 MS. ASKINS: Thank you, Your Honor..

23 This occurred June 4, 2014, at the Ameris Bank on
24 Savannah Highway. The defendant and co-defendant
25 entered the bank and attempted to cash counterfeit

1 checks in the amount of \$3,078 and \$1700. When the
2 clerk went to verify the check, the defendants
3 fled. They were stopped shortly thereafter by the
4 police and on their possessions were other
5 counterfeit forged checks, Your Honor.

6 Post Miranda, he admitted to attempting
7 to cash the check. No restitution since this was
8 an attempted transaction, Your Honor.

9 THE COURT: Sir, do you agree or
10 disagree?

11 DEFENDANT RUCKER: I agree.

12 THE COURT: Do you feel anything needs
13 to be changed or added to the facts?

14 DEFENDANT RUCKER: No.

15 THE COURT: Are you pleading guilty
16 because you are guilty?

17 DEFENDANT RUCKER: Yes.

18 THE COURT: As regards Mr. Lane.

19 MS. WHITAKER: Thank you, Your Honor.

20 On March 24, 2014, the defendant Tyler Miller,
21 along with the co-defendant -- or pardon me,
22 co-defendant Tyler Miller, along with Mr. Lane,
23 played pool with the victims at the Stag Erin Pub
24 in Charleston County, South Carolina. When the
25 victims left the club, the defendant, along with

1 the co-defendant, jumped them. The victims
2 sustained black eyes, small abrasions and other
3 minor bodily injuries. Part of the incident was
4 captured on video.

5 As to this particular defendant's
6 involvement, he kicked both of the victims.
7 Onlookers pulled the defendant and co-defendant off
8 of the victims and they fled the scene. Officers
9 arrived and located the defendants who were in
10 hiding.

11 THE COURT: Alcohol involved?

12 MS. WHITAKER: Your Honor, it took
13 place at the Stag Erin Pub, so I would probably
14 think that's a safe assumption. I don't know of
15 their particular consumption.

16 THE COURT: Are the victims in
17 agreement with the -- well, with the reduction in
18 the charge or have they been uncooperative?

19 MS. WHITAKER: Your Honor, I know --
20 I'm handling this plea for Mr. Condon. I know they
21 were notified. I see no notes in the file to
22 indicate anything to the contrary, that they've had
23 any -- that they've had any opposition.

24 THE COURT: Sir, do you agree or
25 disagree with the facts?

1 DEFENDANT LANE: I agree.

2 THE COURT: Do you feel like anything
3 needs to be changed or added to the facts?

4 DEFENDANT LANE: No.

5 THE COURT: Are you pleading guilty
6 because you are guilty?

7 DEFENDANT LANE: Yes.

8 THE COURT: As regards to Mr. Frayer.

9 MS. WHITAKER: Thank you, Your Honor.
10 On May 16th, 2014, at approximately 1:30 in the
11 afternoon, Officer Vinning pulled the defendant
12 over on Columbus Street and Meeting Street for
13 making an illegal lane change. As the officer
14 spoke to the defendant, he smelled the strong odor
15 of burnt marijuana coming from the vehicle.

16 A search was conducted and the officer
17 located an off-white rock-like substance on the
18 driver's side floorboard which tested presumptive
19 positive for cocaine, approximately .1 grams.

20 THE COURT: Sir, do you agree or
21 disagree with the facts? Do you agree or disagree
22 that these would be the facts that the State would
23 produce at trial?

24 DEFENDANT FRAYER: I agree.

25 THE COURT: Do you feel anything needs

1 to be changed or added to those facts?

2 DEFENDANT FRAYER: No, ma'am.

3 THE COURT: As regards to Mr. Epps.

4 MS. WHITAKER: Thank you, Your Honor.

5 On October 12, 2013, while at the intersection of
6 Charlene Drive and Louise Avenue, which is in North
7 Charleston, the defendant was stopped by officers
8 for failing to come to a complete stop at a stop
9 sign. Officers smelled marijuana coming from the
10 vehicle and upon their search located a small bag
11 of marijuana and a gray bag of pills that were
12 identified as Morphine, a schedule two controlled
13 substance.

14 THE COURT: Sir, do you agree or
15 disagree with the facts?

16 DEFENDANT EPPS: I agree.

17 THE COURT: Do you feel anything needs
18 to be changed or added to the facts?

19 DEFENDANT EPPS: No.

20 THE COURT: Are you pleading guilty,
21 sir, because you're guilty?

22 DEFENDANT EPPS: Yes, ma'am.

23 THE COURT: Did they bring up
24 Mr. Thompson?

25 MS. KENNEDY: Yes, Your Honor.

1 THE COURT: Where is he? Is
2 Mr. Thompson back there?

3 THE DEPUTY: Yes, ma'am.

4 THE COURT: Can you get him, please?
5 He's going to stand right in front of Mr. Epps.

6 Ms. Kennedy, have you explained to Mr.
7 Thompson the charges contained in the indictment,
8 the possible punishment, and his Constitutional
9 rights?

10 MS. KENNEDY: Yes, Your Honor, I have.

11 THE COURT: Do you believe he
12 understands the charges, the punishment and his
13 rights?

14 MS. KENNEDY: Yes, Your Honor, I do.

15 THE COURT: Does he wish to plead
16 guilty or not guilty?

17 MS. KENNEDY: Guilty, Your Honor.

18 THE COURT: Do you agree with that
19 decision?

20 MS. KENNEDY: Yes, Your Honor.

21 THE COURT: To your knowledge, has he
22 ever had to be evaluated to determine his
23 competency?

24 MS. KENNEDY: No, Your Honor.

25 THE COURT: He's on probation in case

1 2014-GS-10-1345, the offence of possession of
2 cocaine base second, sentenced by Judge Dennis on
3 5/6/14, three years, suspended to 18 months
4 probation and other special conditions.

5 Have you gotten a copy of the probation
6 violation report, Ms. Kennedy?

7 MS. KENNEDY: Yes, Your Honor, I have,
8 and we've reviewed it.

9 THE COURT: Are there any
10 recommendations or negotiations as regards Mr.
11 Thompson?

12 MR. OSBORNE: Yes, ma'am, we're
13 recommending time served.

14 THE COURT: How much time has he
15 served?

16 MS. KENNEDY: Your Honor, he's been in
17 jail since September 29th, 2014.

18 THE COURT: So -- sir, I need you to
19 stand exactly -- come on the other side of him,
20 sir, and back up just a little bit.

21 MS. KENNEDY: Your Honor, if you would
22 give me a second, I will calculate that for you.

23 THE COURT: While we're waiting, does
24 Mr. Thompson have a record?

25 MR. OSBORNE: He does, Your Honor, it's

1 pretty extensive. I was just going to start from
2 2000, CDV second; 2002, CDVHAN; again in '02, grand
3 larceny; and 2004, trespassing, resisting arrest,
4 CDV, third, simple assault, and strong armed
5 robbery; 2006, another strong armed robbery; in
6 2009, use of a vehicle without permission, another
7 strong armed robbery; 2011, strong armed robbery;
8 2013, simple possession of marijuana second, and
9 2013, possession of cocaine base; and 2014,
10 possession of cocaine base.

11 THE COURT: Did you figure out --

12 MS. KENNEDY: 151 days, Your Honor.

13 THE COURT: Sir, raise your right hand
14 to be sworn.

15 STEPHEN CURTIS THOMPSON,
16 being first duly sworn, testified as follows:

17 THE COURT: You can put it down.

18 State your full name for the record.

19 DEFENDANT THOMPSON: Stephen Curtis
20 Thompson.

21 THE COURT: How old are you?

22 DEFENDANT THOMPSON: 34. I mean, 43,
23 sorry.

24 THE COURT: How far have you gone in
25 school?

1 DEFENDANT THOMPSON: Tenth.

2 THE COURT: Do you have your GED?

3 THE WITNESS: No, ma'am.

4 THE COURT: Can you read and write?

5 DEFENDANT THOMPSON: Yes, ma'am.

6 THE COURT: Did you understand the
7 sentence sheet when you read and signed it?

8 DEFENDANT THOMPSON: Yes, ma'am.

9 THE COURT: What type of work do you
10 generally do?

11 DEFENDANT THOMPSON: Landscaping.

12 THE COURT: Are you married?

13 DEFENDANT THOMPSON: No, ma'am.

14 THE COURT: Do you have any children?

15 DEFENDANT THOMPSON: Yes, ma'am.

16 THE COURT: How many?

17 DEFENDANT THOMPSON: Four.

18 THE COURT: What are their ages?

19 DEFENDANT THOMPSON: 24, 23, 22, 14,
20 and two grands.

21 THE COURT: Are you currently on
22 probation or parole?

23 DEFENDANT THOMPSON: Probation.

24 THE COURT: Do you understand that as a
25 result of this plea, your probation could be

1 revoked?

2 DEFENDANT THOMPSON: Yes, ma'am.

3 THE COURT: Have you ever been treated
4 for the abuse of alcohol, drugs, or mental illness?

5 DEFENDANT THOMPSON: No, ma'am.

6 THE COURT: Have you had any drugs,
7 alcohol, or medication in the last 72 hours?

8 DEFENDANT THOMPSON: No, ma'am.

9 THE COURT: Are you aware of any
10 physical, emotional or nervous problem that would
11 keep you from understanding where you are right now
12 and what you're doing?

13 DEFENDANT THOMPSON: No, ma'am.

14 THE COURT: On the charge of possession
15 of cocaine base, how do you plead?

16 DEFENDANT THOMPSON: Guilty.

17 THE COURT: Do you understand that
18 carries a maximum of three years and/or a maximum
19 fine of \$5,000?

20 DEFENDANT THOMPSON: Yes, ma'am.

21 THE COURT: Listen carefully to the
22 facts.

23 Mr. Osborne.

24 MR. OSBORNE: Thank you, Your Honor,
25 may it please the Court.

1 On September 17th of 2014, at about
2 11:45 p.m., officers were called to the area of
3 Remount Road near Chatham in reference to a
4 suspicious person. They made contact with the
5 defendant. He smelled of alcohol, he was acting
6 suspicious.

7 They asked for consent to search, he
8 agreed, they found a small piece of cocaine base
9 under the tongue of his shoe.

10 THE COURT: Sir, do you agree or
11 disagree with the facts?

12 DEFENDANT THOMPSON: Yes, ma'am, it's
13 the truth.

14 THE COURT: I can't hear you.

15 DEFENDANT THOMPSON: That's the truth.

16 THE COURT: Anything you feel needs to
17 be changed or added to the facts?

18 DEFENDANT THOMPSON: No, ma'am.

19 THE COURT: Are you pleading guilty
20 because you're guilty?

21 DEFENDANT THOMPSON: Yes, ma'am.

22 THE COURT: Sir, I'm asking this entire
23 group a series of questions, so as each person
24 answers, the next person answers. So Mr. Hoffman
25 answers, followed by Mr. Rucker, and so on until we

1 reach the end of the line.

2 I need you all to listen carefully.
3 When you plead guilty, you give up certain
4 important Constitutional rights. Those rights
5 include your right to a jury trial. At a jury
6 trial, you're entitled to a presumption that you're
7 innocent.

8 The State has the burden of proving
9 your guilt beyond a reasonable doubt. You would
10 have the right to confront and cross-examine the
11 State's witnesses, call your own witnesses, present
12 any defenses that you may have, challenge any
13 statements you may have made, as well as remain
14 silent, and your silence may not be used against
15 you.

16 Do you understand each and every one of
17 your rights?

18 DEFENDANT HOFFMAN: Yes, Your Honor.

19 DEFENDANT RUCKER: Yes.

20 DEFENDANT LANE: Yes.

21 DEFENDANT FRAYER: Yes.

22 DEFENDANT EPPS: Yes.

23 DEFENDANT THOMPSON: Yes, ma'am.

24 THE COURT: Do you understand you're
25 giving up those rights?

1 DEFENDANT HOFFMAN: Yes, ma'am.

2 DEFENDANT RUCKER: Yes.

3 DEFENDANT LANE: Yes.

4 DEFENDANT FRAYER: Yes.

5 DEFENDANT EPPS: Yes, ma'am.

6 DEFENDANT THOMPSON: Yes, ma'am.

7 THE COURT: Other than what has been
8 stated for the record, have there been any other
9 plea negotiations on your behalf?

10 DEFENDANT HOFFMAN: No.

11 DEFENDANT RUCKER: (Indicating)

12 THE COURT: I need you to say yes or
13 no.

14 DEFENDANT RUCKER: No.

15 THE COURT: I can't hear you.

16 DEFENDANT RUCKER: No.

17 DEFENDANT LANE: No.

18 DEFENDANT FRAYER: No.

19 DEFENDANT EPPS: No.

20 DEFENDANT THOMPSON: No.

21 THE COURT: Have you been satisfied
22 with your lawyer's services?

23 DEFENDANT HOFFMAN: Yes.

24 DEFENDANT RUCKER: Yes.

25 DEFENDANT LANE: Yes.

1 DEFENDANT FRAYER: Yes.

2 DEFENDANT EPPS: Yes.

3 DEFENDANT THOMPSON: Yes.

4 THE COURT: Have they answered all of
5 your questions?

6 DEFENDANT HOFFMAN: Yes.

7 DEFENDANT RUCKER: Yes.

8 DEFENDANT LANE: Yes.

9 DEFENDANT FRAYER: Yes.

10 DEFENDANT EPPS: Yes.

11 DEFENDANT THOMPSON: Yes, ma'am.

12 THE COURT: Done everything you've
13 asked or expected?

14 DEFENDANT HOFFMAN: Yes.

15 DEFENDANT RUCKER: Yes.

16 DEFENDANT LANE: Yes.

17 DEFENDANT FRAYER: Yes, ma'am.

18 DEFENDANT EPPS: Yes, ma'am.

19 DEFENDANT THOMPSON: Yes, ma'am.

20 THE COURT: Any complaints about their
21 services?

22 DEFENDANT HOFFMAN: No.

23 DEFENDANT RUCKER: No.

24 DEFENDANT LANE: No.

25 DEFENDANT FRAYER: No.

1 DEFENDANT EPPS: No, ma'am.

2 DEFENDANT THOMPSON: No, ma'am.

3 THE COURT: Has anyone promised you
4 anything or held out any hope of a reward to cause
5 you to plead guilty?

6 DEFENDANT HOFFMAN: No.

7 DEFENDANT RUCKER: No.

8 DEFENDANT LANE: No.

9 DEFENDANT FRAYER: No.

10 DEFENDANT EPPS: No.

11 DEFENDANT THOMPSON: No.

12 THE COURT: Has anyone used threats,
13 coercion, force, pressure, intimidation to cause to
14 you plead guilty?

15 DEFENDANT HOFFMAN: No.

16 DEFENDANT RUCKER: No.

17 DEFENDANT LANE: No.

18 DEFENDANT FRAYER: No.

19 DEFENDANT EPPS: No.

20 DEFENDANT THOMPSON: No, ma'am.

21 THE COURT: Are you pleading guilty
22 freely and voluntarily and of your own will?

23 DEFENDANT HOFFMAN: Yes.

24 DEFENDANT RUCKER: Yes.

25 DEFENDANT LANE: Yes.

1 DEFENDANT FRAYER: Yes.

2 DEFENDANT EPPS: Yes.

3 DEFENDANT THOMPSON: Yes.

4 THE COURT: Have you understood my
5 questions?

6 DEFENDANT HOFFMAN: Yes.

7 DEFENDANT RUCKER: Yes.

8 DEFENDANT LANE: Yes, ma'am.

9 DEFENDANT FRAYER: Yes, ma'am.

10 DEFENDANT EPPS: Yes.

11 DEFENDANT THOMPSON: Yes, ma'am.

12 THE COURT: Do you need to ask me about
13 anything that we have been over?

14 DEFENDANT HOFFMAN: No.

15 DEFENDANT RUCKER: No.

16 DEFENDANT LANE: No.

17 DEFENDANT FRAYER: No.

18 DEFENDANT EPPS: No.

19 DEFENDANT THOMPSON: No.

20 THE COURT: Have you been truthful in
21 your answers?

22 DEFENDANT HOFFMAN: Yes.

23 DEFENDANT RUCKER: Yes.

24 DEFENDANT LANE: Yes, ma'am.

25 DEFENDANT FRAYER: Yes, ma'am.

1 DEFENDANT EPPS: Yes, ma'am.

2 DEFENDANT THOMPSON: Yes, ma'am.

3 THE COURT: Do you understand that you
4 have a right to appeal this guilty plea and
5 sentence of the Court, but you must do so within
6 ten days of today?

7 DEFENDANT HOFFMAN: Yes.

8 DEFENDANT RUCKER: Yes.

9 DEFENDANT LANE: Yes, ma'am.

10 DEFENDANT FRAYER: Yes.

11 DEFENDANT EPPS: Yes, ma'am.

12 DEFENDANT THOMPSON: Yes, ma'am.

13 THE COURT: Do you understand that if
14 you cannot afford an attorney for that process,
15 that one will be appointed to you at no cost?

16 DEFENDANT HOFFMAN: Yes.

17 DEFENDANT RUCKER: Yes.

18 DEFENDANT LANE: Yes.

19 DEFENDANT FRAYER: Yes.

20 DEFENDANT EPPS: Yes.

21 DEFENDANT THOMPSON: Yes.

22 THE COURT: I find there is a
23 substantial factual basis for each plea, that the
24 defendants have entered each plea freely,
25 voluntarily, knowingly and intelligently, that

1 they've had the advice and assistance of counsel
2 with whom they each indicated to the Court they're
3 satisfied, and I will accept each plea.

4 Anything further from the State
5 regarding Mr. Hoffman?

6 MR. EVANS: Your Honor, Ms. Rollin I
7 believe would like to address the Court.

8 THE COURT: Certainly, yes, ma'am.
9 You have explained it's a negotiated
10 plea, however?

11 MR. EVANS: Correct.

12 THE COURT: And you've explained to her
13 what that means?

14 MR. EVANS: Yes, Your Honor.

15 THE COURT: And that you've taken away
16 the Court's discretion for sentencing?

17 MR. EVANS: Yes, ma'am.

18 THE COURT: I would be glad to hear
19 from you.

20 MS. ROLLIN: I'm Morgan Rollin. On
21 June 22nd, that will be two years since the worst
22 day of my life, and since then I've had something
23 taken from me that I will never get back. And
24 after it happened, I did everything I was supposed
25 to do, I reported it, and I feel like the law is

1 failing me. I'm wondering why I reported it in the
2 first place, this isn't justice to me, and I just
3 -- I don't want this to happen to another girl.

4 And I don't feel like this punishment
5 will stop this from ever happening to another girl.
6 I'm asking for a sex offender assessment by Dr.
7 Burke. I just feel like the law has failed me and
8 I don't want this to happen again.

9 THE COURT: Ma'am, has the Solicitor
10 explained to you that they've entered into what is
11 called a negotiated plea?

12 MS. ROLLIN: Yes.

13 THE COURT: Do you understand they have
14 completely taken away the Court's discretion in all
15 sentencing? My only option is to accept this plea
16 or reject it, which means either he pleads guilty
17 today or he has a trial, which means that subjects
18 you to having to testify and go through the trial
19 process.

20 Which, also, you never know what a jury
21 might do. A jury might find him not guilty. So I
22 assume that's why the State has entered into this
23 negotiated plea. They've assessed the strengths
24 and weaknesses of their case and made what they
25 feel is an appropriate offer to the defendant, but

1 I understand what you're asking.

2 Do you understand that they have
3 basically taken that ability away from me --

4 MS. ROLLIN: Yes.

5 THE COURT: -- by the negotiated plea?

6 MS. ROLLIN: Yes.

7 THE COURT: So my only options today
8 are either accept the plea or reject the plea. Has
9 the Solicitor fully explained that to you?

10 MS. ROLLIN: Yes.

11 THE COURT: And did you fully explain
12 that?

13 MR. EVANS: Yes, ma'am, I did.

14 THE COURT: Okay. And did you all
15 discuss having the sex offender assessment?

16 MR. EVANS: We discussed that I wasn't
17 going to ask for that, Your Honor.

18 THE COURT: Okay. And you explained
19 that to --

20 MR. EVANS: Yes, ma'am.

21 THE COURT: Anything further that you
22 would like to share with the Court?

23 MS. ROLLIN: I just want justice, and I
24 don't want this to happen again.

25 THE COURT: Thank you, ma'am. The

1 Court appreciates your candor.

2 MR. EVANS: Thank you, Your Honor.

3 THE COURT: Is there anything further
4 from the State?

5 MR. EVANS: Nothing further.

6 THE COURT: Anything further,
7 Mr. Crumrine?

8 MR. CRUMRINE: Yes, Your Honor. If it
9 please the Court, Alex is 20 years of age, Your
10 Honor, he's from Charleston. He was 18 at the time
11 this happened. He -- I've known his family for a
12 long time. His grandfather and I had considerable
13 contact. He was an investigator with the
14 Department of Highways and went on to SLED and
15 retired from there. His father is an attorney,
16 Your Honor. He's standing on the right side of the
17 courtroom, from your perspective. He has a solo
18 practice in the North Area.

19 His mother and father are separated and
20 his mother is in Texas. She's also been made aware
21 of this. She, I think, works for an oil and gas
22 company there, but they have been involved and
23 appropriate in helping Alex make some good choices.
24 After this, they encouraged him to seek alcohol
25 counseling.

1 This was an alcohol-fueled incident,
2 Your Honor. I have handed up to Your Honor a
3 report from a counselor. He was assessed and
4 determined to need individual counseling. He has
5 successfully completed that. Your Honor, he did --
6 was a graduate from the School of the Arts. He
7 studied creative writing and theater production.
8 He was never suspended in high school.

9 He's now at USC, he's in his third year
10 at USC. He studies at the school of music, guitar
11 and composition. He's been a member of the
12 Gamecocks A Cappella Group. He's -- I guess he's
13 more of an artsy person. He hopes to graduate next
14 year and go on to study anthropology. He has
15 contributed to the community and is involved and
16 works in after-school programs, donating blood, and
17 for about six years he has put flags at veterans'
18 graves during Memorial Day.

19 He has no prior record, Your Honor. No
20 major violations on his driver's license. This was
21 an alcohol-fueled incident. He has sought the
22 appropriate counseling and we would ask you to
23 accept the negotiated plea. I know that
24 Mr. Hoffman would like to say an apology if you
25 would hear it.

1 THE COURT: Yes, sir. Be glad to hear
2 from you.

3 DEFENDANT HOFFMAN: I would like to say
4 how sorry I am to everyone involved in this.

5 MR. CRUMRINE: He's soft-spoken and
6 scared, Your Honor, but he told me he would like to
7 particularly apologize to Ms. Rollin, and I think
8 he's nervous now and didn't state that quite as
9 clearly and loudly as he should.

10 THE COURT: Anything further from the
11 State?

12 MR. EVANS: Nothing further, Your
13 Honor.

14 THE COURT: Based on the negotiated
15 plea, sir, you're sentenced under the Youthful
16 Offender Act to a period not to exceed three years,
17 suspended to three years probation. You will get
18 credit pursuant to 24-13-40 if that becomes
19 applicable, and you are to have random drug and
20 alcohol tests as a condition of your probation.

21 And you are to continue with any
22 aftercare or counseling that has been -- as a
23 result of your assessment at LRADAC.

24 Did they make any other additional --
25 it says that it's been recommended that he continue

1 to work on treatment plan goals, develop and
2 maintain contacts with healthy peer support groups.

3 So did they provide any aftercare for
4 him or any other groups or anything that he's
5 supposed to be following up on?

6 MR. CRUMRINE: I'm not aware of
7 anything specifically.

8 Alex?

9 DEFENDANT HOFFMAN: No.

10 MR. CRUMRINE: I'm sure he will be
11 glad, as part of probation, Your Honor, to continue
12 with some alcohol counseling, whatever is
13 recommended.

14 THE COURT: Thank you very much.

15 MR. CRUMRINE: Thank you.

16 THE COURT: Anything further from the
17 State regarding Mr. Rucker?

18 MS. ASKINS: No, Your Honor.

19 THE COURT: Anything further, Ms.
20 Ehrlich?

21 MS. EHRLICH: Yes, Your Honor. Mr.
22 Rucker did 37 days on this charge. He's been in
23 the jail, though, since October on child support.
24 He was given a year on the child support. I think
25 he has an early release date at the end of May. In

1 reference to the charge itself, he's one of the --
2 these multiple people we've been seeing in court
3 who have been targeted by this group out of Florida
4 that make checks; they come up looking for guys who
5 are kind of desperate for work, take pictures of
6 their ID, and then start drawing the checks; kind
7 of a repeated occurrence. Then he goes in with his
8 ID and is the one caught. The people from Florida
9 go back to Florida and they're fine.

10 THE COURT: But they go into it knowing
11 they're doing counterfeit checks?

12 MS. EHRLICH: He did. He knew what was
13 going on. He was desperate for money and had bills
14 that were backed up. He has a good work history,
15 working in warehouses and restaurant work. He has
16 a grandfather that he helps care for. He has a
17 family friend who is helping to care for the
18 grandfather while he's been in for child support.

19 Mr. Rucker is anxious to get out and
20 get back to helping with his grandfather. We would
21 ask the Court to consider a 90-day sentence so it
22 could be served concurrent with his child support.
23 I think he learned his lesson in this situation.

24 THE COURT: What is the State's
25 position?

1 MS. ASKINS: We would leave it to your
2 discretion, Your Honor.

3 THE COURT: Based on what's been
4 presented to the Court, sir, you are sentenced to
5 the State Department of Corrections for a period of
6 two years. You will get credit for any time that
7 you've served. It will be concurrent to your
8 family court time.

9 Anything further from the State
10 regarding Mr. Lane?

11 MS. WHITAKER: Nothing further from the
12 State, Your Honor.

13 THE COURT: Bear with me one second.
14 There was a box that wasn't checked on the sentence
15 sheet and I was concerned about it. You all didn't
16 check whether you considered the assault and
17 battery third a lesser included of assault and
18 battery second degree. Do I need you to check that
19 box --

20 MS. WHITAKER: Your Honor, I believe it
21 to be a lesser included.

22 THE COURT: It was left -- all right.

23 Anything further from the State
24 regarding Mr. Lane?

25 MS. WHITAKER: Nothing further from the

1 State.

2 THE COURT: Anything further,
3 Mr. Cooper?

4 MR. COOPER: Thank you, Your Honor, may
5 it please the Court. He served two days in jail,
6 Your Honor. We're asking the Court to consider a
7 time served sentence on this charge. It really is
8 one that should have been charged assault and
9 battery third degree all along, based on, you know,
10 all injuries and reports from everyone involved.

11 Mr. Lane works doing over-the road
12 trucking, he has a commercial trucking license and
13 drives for PSM, Incorporated out of Chicago. He
14 has a truck here in Charleston right now from
15 Chicago and could get back on the road tomorrow and
16 get back to work. His wife Joanna is present in
17 court. He has two adult children.

18 On this night -- it's -- it's all
19 captured on video, and you can see on video
20 Mr. Lane trying to get his son and his son's friend
21 out of the bar and away from this situation. The
22 other two gentlemen followed them out of the bar
23 and to their car and -- and, you know, in real
24 fairness, basically his son and his son's friend
25 get into a scuffle with these other two

1 individuals that followed them to the car.

2 And then Mr. Lane interjects himself in
3 the protection of his son and kicks -- kicks one of
4 these guys. It should have been an assault and
5 battery third all along, Your Honor. We would ask
6 the Court to consider a time served sentence or a
7 small fine.

8 If he does have to do any jail time, we
9 would ask the Court to allow him to report at a
10 later date because he has that truck in Charleston
11 belonging to PSM, Incorporated that has to get back
12 to Chicago, but I think all things considered, Your
13 Honor, two days in jail is an appropriate sentence.

14 THE COURT: State have any exception to
15 what is --

16 MS. WHITAKER: No, Your Honor.

17 THE COURT: On Indictment 2014, 4178,
18 sir, you are sentenced to 30 days, suspended to
19 time served; on 4179, you are sentenced to 30 days
20 or the payment of \$100 -- suspended upon payment of
21 \$100.

22 MR. COOPER: Thank you, Your Honor.

23 THE COURT: You're welcome. You will
24 get credit for any time served if that becomes
25 applicable..

1 MS. WHITAKER: Thank you.

2 THE COURT: Thank you.

3 Anything further from the State
4 regarding Mr. Frayer?

5 MS. WHITAKER: No, Your Honor.

6 THE COURT: Anything further, Ms.
7 Gentry?

8 MS. GENTRY: Yes, Your Honor. May it
9 please the Court.

10 THE COURT: Yes, ma'am.

11 MS. GENTRY: Vincent is one of the
12 nicest clients I think I've had in my time here at
13 the PD's office. The worst thing I think to be
14 said about him is his record, which, in this
15 instance, Your Honor, we went back and forth, back
16 and forth about whether or not to take this to
17 trial.

18 If I can just give you a little bit of
19 background about the situation and why we're
20 pleading guilty under Alford. This wasn't his
21 vehicle. It was a vehicle he was borrowing from a
22 friend to go to work. The amount that was found in
23 the floorboard was .1 grams and in the report I
24 think it said it had a street value of \$5.

25 Vincent did four years in prison for

1 his prior lifestyle; he was a dealer. He has never
2 done crack cocaine. That's not the drug that he's
3 ever been addicted to or had a problem with. He
4 was a young kid and was dealing it. He is one of
5 the few, I think, in my experience with clients,
6 that did his time and really it affected him. He
7 does not want to go back to prison. He changed his
8 life, he works two jobs now.

9 I have a letter, Your Honor, from his
10 family, if I may approach. I have shown a copy of
11 it to the Solicitor. They aren't able to be here
12 today because they both work, but they can kind of
13 attest to the same things that I've been saying
14 about Vincent. He's a different person than the
15 person who went to jail several years ago.

16 He got his girlfriend pregnant and
17 almost immediately went and did time. He got out
18 and since then has been very involved in his son's
19 life, he loves his son and wants to be there for
20 him and help raise him. He's been working two
21 jobs, not dealing, not doing that lifestyle,
22 because he changed. He wants to be a father for
23 his son and he wants to be in his life.

24 This situation was one where he has
25 been adamant with me the whole time, Ms. Gentry,

1 that was not mine. It was on the floorboard, it's
2 my friend's car. I don't do that. I explained
3 everything to him as far as this is what the State
4 has. Here's what the drug lab report says.

5 What we're asking for the Court to do
6 for Mr. Frayer is put him on probation for this
7 charge. You know, he understands there would be
8 drug testing. He understands there would be money
9 attached. This -- based on the facts, Your Honor,
10 the amount of drugs that was found, it not being
11 his car, and him being out of trouble since 2013
12 when he got out of prison, he hasn't had any other
13 charges, Your Honor, we would just ask that you
14 give him a chance to show on probation that that
15 isn't who he is anymore.

16 And as you can see from his family,
17 they're supporting him, they are in his life. They
18 know he's a different person, they've seen it since
19 he's been back. We're asking for you to consider
20 the facts of the situation and the change that
21 Mr. Frayer has made in his life to not be in this
22 lifestyle anymore and not send him back to prison
23 for the child.

24 THE COURT: Sir, you're sentenced to
25 two years, suspended to 18 months probation. You

1 are to successfully complete substance abuse
2 counseling, have random drug and alcohol tests, and
3 pay the Public Defender fee as assessed by
4 regulation. You will get credit pursuant to 241340
5 if that becomes applicable.

6 Anything further from the State
7 regarding Mr. Thompson?

8 MR. OSBORNE: Yes, Your Honor. Back in
9 2013 there was an armed robbery that was --
10 actually an attempted armed robbery that was
11 reported downtown. A construction worker was
12 robbed, he was Hispanic, he was hit upside the
13 head, cracked his skull, it was kind of a difficult
14 investigation to work. Mr. Thompson was on the
15 scene, he was also a construction worker. He
16 approached the detectives and told them that the
17 assailant had approached him earlier that morning
18 and asked, do you want to help me rob a Mexican.
19 That was pivotal to making the arrest of
20 Mr. McLaughlin. It was also pivotal in the
21 conviction of Mr. McLaughlin. Because he was
22 willing to testify, he ended up pleading to the
23 attempted armed robbery and to the A&B first and
24 sentenced to eight years. I just wanted to bring
25 that to your attention.

1 THE COURT: Are you -- that's why
2 you're recommending time served?

3 MR. OSBORNE: Yes, ma'am.

4 THE COURT: All right. Ms. Kennedy,
5 have you gone over the violation report and the
6 citation with your client?

7 MS. KENNEDY: Yes, Your Honor.

8 THE COURT: Do you believe he
9 understands the documents?

10 MS. KENNEDY: Yes, Your Honor, I do.

11 THE COURT: Sir, have you gone over the
12 violation report and citation with your lawyer?

13 DEFENDANT THOMPSON: Yes, ma'am.

14 THE COURT: Do you understand the
15 documents?

16 DEFENDANT THOMPSON: Yes.

17 THE COURT: Do you agree or disagree
18 that you willfully violated the terms and
19 conditions of the probation?

20 DEFENDANT THOMPSON: Yes.

21 THE COURT: Agree or disagree?

22 DEFENDANT THOMPSON: I agree.

23 THE COURT: Does Probation need to add
24 anything to the report? The report will be made
25 part of the record.

1 PROBATION: Not at this time.

2 THE COURT: Ms. Kennedy, be glad to
3 hear from you.

4 MS. KENNEDY: Thank you, Your Honor.
5 May it please the Court.

6 Your Honor, when I first met
7 Mr. Thompson at the jail -- right after I had been
8 assigned the file, I met with him -- the first
9 words out of his mouth were, I'm tired. I'm just
10 tired of being tired. That was a specific
11 reference to his drug use. As the Court knows, he
12 has a criminal history that would appear to be
13 quite extensive. All of it, quite frankly, was
14 related to his drug use.

15 He's in a precarious position today and
16 he knows it. If I may approach, I have a letter
17 that I have shown to the Assistant Solicitor.
18 Taneal Barrington is a social worker in our office
19 I'm sure Your Honor knows. When Mr. Thompson
20 shared that information with me, we immediately
21 started on a path to try to get him into a
22 long-term treatment facility.

23 That facility is in Greenville. He has
24 been accepted to that, Your Honor. It's a place
25 where you get addiction counseling. It's a place

1 where he has to earn his way. More importantly, I
2 think, it's what he needs to do in terms of
3 addressing the drug addiction; it's away from
4 Charleston and all of the people that he knows.
5 Your Honor, I would ask -- his probation is due to
6 expire I think in November.

7 Rather than revoke him, I would ask
8 that his probation be extended for the period of
9 time that allows him to go to the treatment
10 facility and respectfully request that that
11 probation be terminated upon successful completion
12 of that program.

13 He really wants to go, he's -- he told
14 the Court, he's 43 years old. I told him he's
15 too --

16 THE COURT: Is that your original that
17 you gave me?

18 MS. KENNEDY: We have another one, Your
19 Honor.

20 THE COURT: Can I keep that for the
21 record?

22 MS. KENNEDY: Yes, Your Honor.

23 THE COURT: Okay. Go ahead.

24 MS. KENNEDY: I just want -- and he
25 wants it -- at the appropriate time, he wants to

1 address the Court. He has finally come to a point
2 in his life where he knows that he needs to do
3 something and he made the decision to do that. As
4 I indicated to the Court, he immediately asked for
5 some assistance and Ms. Barrington, through some
6 hard work, has provided that, and I believe he
7 would like to address the Court.

8 THE COURT: Does Probation have any
9 exception to Ms. Kennedy's request in light of the
10 State's representation of his substantial
11 cooperation with the State in this other
12 prosecution?

13 PROBATION: No, we don't.

14 THE COURT: Do you have any objection
15 to extending his probation?

16 PROBATION: No, ma'am.

17 THE COURT: I find you willfully
18 violated the terms and conditions of your probation
19 by pleading guilty on today's date. Based on
20 substantial mitigation, that probation will be
21 extended. He will be allowed to be released from
22 jail to enter the Turning Point of South Carolina
23 where he's been accepted for inpatient recovery for
24 alcoholics and addicts. On the charge of -- and
25 it's concurrent with 2014-7176. Sir, you're

1 sentenced to two years, suspended to time served of
2 151 days.

3 MS. KENNEDY: And Your Honor, I ask
4 that he be allowed to stay temporarily with a
5 cousin until we can make arrangements for
6 transportation.

7 PROBATION: How long is the extension?
8 How long would you like to --

9 THE COURT: What's the maximum?

10 PROBATION: He can -- you can max it
11 out at five years.

12 THE COURT: So how much longer would it
13 need to be extended?

14 PROBATION: Would you extend it to two
15 years?

16 THE COURT: Uh-huh.

17 PROBATION: Thank you, Your Honor.

18 THE COURT: You're welcome.

19 MS. KENNEDY: Your Honor, can we
20 terminate --

21 THE COURT: They can terminate him in
22 their own regulations.

23 MR. OSBORNE: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 Anything further from the State

1 regarding Mr. Epps?

2 MS. WHITAKER: No, ma'am.

3 THE COURT: Anything further, Ms.

4 Kennedy? I've accepted the recommendation.

5 MS. KENNEDY: No, Your Honor. Thank
6 you.

7 THE COURT: You're welcome.

8 Sir, you're sentenced to six months,
9 suspended to 31 days time served.

10 MS. WHITAKER: Thank you, Your Honor.

11 (These proceedings were concluded 9:49
12 a.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Carol Denise Lauder, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 26th day of March, 2016 at Charleston, Charleston County, South Carolina.



s. Denise Lauder
Carol Denise Lauder
Registered Professional
Reporter, CP
My Commission expires
August 2, 2017

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF CHARLESTON) FOR THE NINTH JUDICIAL CIRCUIT
 2015 MAR 26) 12:50
) Indictment #: 2014GS1006456
) Warrant #: 2014A1010202930
) Charge: Fraud Against Financial Institution
 BY MH)

STATE OF SOUTH CAROLINA)
)
 Plaintiff,)
)
 vs.) MOTION FOR
) RECONSIDERATION OF SENTENCE
)
 GARY LESLEY RUCKER,)
)
 Defendant.)

PLEASE TAKE NOTICE that the above-captioned defendant, by and through the undersigned attorney, moves this Honorable Court for a reconsideration of the two year active prison sentence imposed upon the defendant on March 19, 2015 by the Honorable Deadra L. Jefferson, pursuant to the above-mentioned charge.

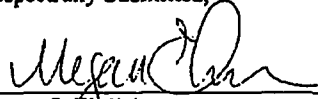
The within motion will be made upon the grounds that the sentence imposed is unnecessarily severe under the circumstances and the following grounds which were not presented at the original sentencing hearing:

1. The codefendant, Robert Frazier, entered a guilty plea on December 2, 2014, and he did not receive an active prison sentence. He was sentenced to two years suspended on the one-hundred eighty-eight (188) days already served and one year of probation. While Mr. Rucker had only served thirty-seven (37) days in jail on the charge before bonding out, the amount of time he will serve on an active two year sentence exceeds the time that Mr. Frazier, his co-defendant, served prior to receiving a probationary sentence.

2. At the time of Mr. Rucker's plea, he had been incarcerated in the Charleston County Detention Center since October 20, 2014, for child support. The Court ordered that his criminal sentence run concurrent to his "family court time." South Carolina Department of Corrections (SCDC) will not give credit towards his family court sentence, as it must be served in the county jail. Therefore, upon completion of his prison sentence, Mr. Rucker will be returned to the county jail and his family court sentence will actually run consecutively.
3. Mr. Rucker was not actively seeking to connect with the people who provided him with the counterfeit check. He was approached by these individuals, who produced and provided the checks but who have not been charged, while walking home from his job.
4. Mr. Rucker is the caretaker for his grandfather, Kinzy Stanley, and his continued incarceration would place a hardship on the family. Despite attempts by the undersigned counsel to reach Mr. Stanley by telephone and request his presence at the hearing, he could not be reached to be notified about Mr. Rucker's original sentencing hearing.

Mr. Rucker, would respectfully request that the Court reconsider his sentence and instead sentence him to a sentence of probation, as the co-defendant received probation. In the alternative, Mr. Rucker would request that the Court fashion a sentence that would more closely mirrors the amount of jail time served by the co-defendant. Finally, Mr. Rucker would request that the Court take into consideration that the family court time cannot be run concurrently and that upon the completion of the active sentence imposed, he will have to return to the county jail to finish out his family court civil sentence.

Respectfully Submitted,



Megan S. Ehrlich
Assistant Public Defender
Attorney for Gary Rucker

Charleston, South Carolina

Dated: March 25, 2015

FILED
2015 MAR 26 PM 12:50
CLERK OF COURT
NY MRE

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

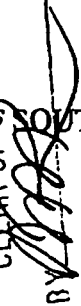
) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT

) Indictment Nos.: 2014-GS-10-6456

FILED

2015 MAR 31 10:20

SOUTH CAROLINA
CLERK OF COURT



STATE OF SOUTH CAROLINA,

) **ORDER DENYING DEFENDANT'S
) MOTION FOR RECONSIDERATION
) OF SENTENCE**

GARY LESLEY RUCKER,
#338007


Defendant.

Presiding Judge:
State's Attorney:
Defendant's Attorney:
Date of Plea Hearing:
Court Reporter:

Hon. Deadra L. Jefferson
Marian Askins, Esquire
Megan Ehrlich, Esquire
March 19, 2015
Denise Lauder

This matter is before the Court on Defendant's Motion for Reconsideration of Sentence (Motion), filed March 26, 2015 with the Charleston County Clerk of Court and received by this office on March 27, 2015 regarding the prison sentence imposed by this Court on March 19, 2015 in Charleston County. Defendant is currently incarcerated at the Kirkland Correctional Institute. The State was given an opportunity to file a written response and declined; rather, the State rested on its arguments made at the plea hearing and on the indictments.¹ Neither party submitted additional briefs or memoranda.

¹ The State responded to Defendant's Motion in an email, writing: "The State has no objection to the Court amending the sentence to be consistent with the Court's intention on family court time and consistent with the co-defendant's sentence."



On March 19, 2015, Defendant appeared before this Court and pled guilty to Fraud Against Financial Institute,² indictment number 2014-GS-10-6456. Defendant was sentenced to imprisonment for two (2) years. The Court gave Defendant credit for time served, pursuant to S.C. CODE ANN. § 24-13-40 (2014) and allowed his sentence on indictment number 2014-GS-10-6456 to be run concurrently to his service on a Family Court charge.³

“The authority to change a sentence rests exclusively with the sentencing judge and is within his or her discretion.” State v. Hicks, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008) (citing State v. Smith, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981)). “A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed.” Hicks, 377 S.C. at 325, 659 S.E.2d at 500. The South Carolina Supreme Court has held, “it is proper for the trial judge, in open court, in the presence of the defendant, to inquire into any relevant facts in aggravation or mitigation of punishment,” notably, “the fullest information possible concerning the defendant’s life and characteristics.” State v. Cantrell, 250 S.C. 376, 379-80, 158 S.E.2d 189, 191 (1967) (citing Williams v. People of State of New York, 337 U.S. 241, 69 S. Ct. 1079 (1949)).

This Court has no authority over the promulgation and implementation of South Carolina Department of Corrections rules and regulations; rather, the Director of the Department is vested

² A person who commits the offense of Fraud Against a Financial Institution is guilty of a felony and must be fined not more than ten thousand dollars [(\$10,000.00)] or imprisoned for not more than five [(5)] years, or both.” See S.C. CODE ANN. § 34-3-110 (2014).

³ Upon Defendant’s release from the South Carolina Department of Corrections, should Defendant have a hold placed on him by any other agency in regards to his Family Court sentence, the Family Court or the Charleston County Detention Center will determine what credit for time served the Defendant is entitled to for time served on the instant charges towards his Family Court sentence. It should be noted that the Defendant is subject to a Family Court civil contempt proceeding for which he has the ability at any time to purge himself and be released from confinement.

2 2/4
MJK


with broad, exclusive authority. See S.C. CODE ANN. § 24-1-130, -140 (2014) (“The director shall have power to prescribe reasonable rules and regulations governing the humane treatment, training, and discipline of prisoners, and to make provision for the separation and classification of prisoners according to sex, color, age, health, corrigibility, and character of offense upon which the conviction of the prisoner was secured.”); S.C. CODE ANN. § 24-1-140 (2014) (“The director is vested with the exclusive management and control of the department and is responsible for the management of the department and for the proper care, assessment, treatment, supervision, and management of offenders under its control. The director shall manage and control the department and it is the duty of the director to carry out the policies of the department.”). Further, calculation of incarceration and assignment of credit for time served is the province of the South Carolina Department of Corrections. See S.C. CODE ANN. § 24-13-40 (2014); S.C. CODE ANN. § 24-13-125 (2014); S.C. CODE ANN. § 24-13-150 (2014); S.C. CODE ANN. § 24-13-175 (2014); S.C. CODE ANN. § 24-1-210 (2014); S.C. CODE ANN. § 24-13-220 (2014).

Contrary to the Defendant's arguments outlined in his Motion for Reconsideration it was never the intention of this Court that the Defendant receive credit for the time that he was serving on his Family Court Contempt proceedings as against the active time he is serving on the current charge at the South Carolina Department of Corrections (SCDC). The Court's intention in running the sentences "concurrent" was for the local authorities to give the Defendant credit for applicable time, if any, to which he was entitled while serving his active sentence at SCDC. However, it was never the Court's intention to calculate his active sentence, make any reassurances to him as to the time remaining on his active sentence or apply any pre-detention time. The Court at no time made any assurances regarding the calculation of his remaining time

to be served within the SCDC. The calculation of pre-detention credits is solely within the discretion of the SCDC pursuant to S.C. CODE ANN. § 24-13-40 (2014). Further, it was never this Court's intention to give the Defendant the exact same sentence as that of the co-defendant is mentioned in his Motion.

This Court finds that Defendant has outlined no sound reason for this Court to alter its sentence. Defendant's Motion raises no new issues, nor proffers any arguments the Court failed to consider at Defendant's hearing. Further, this Court deems that the sentence ordered is appropriate under the facts and circumstances of the offense and the Defendant's extensive criminal record. Having fully considered Defendant's Motion for Reconsideration of Sentence, the evidence and testimony presented at the hearing including extensive aggravating and mitigating circumstances, as well as having fully reviewed the record and the various interests balanced by the Court at the time of the ruling, Defendant's Motion for Reconsideration of Sentence is hereby DENIED pursuant to Rule 29, SCRCrimP.⁴

IT IS SO ORDERED.





Deadra L. Jefferson
Presiding Judge
Ninth Judicial Circuit

March 30, 2015
Charleston, South Carolina.

FILED
2015 MAR 31 AM 10:20
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

⁴ This motion is disposed of without the necessity of a hearing and decided on the record and motions submitted by the parties. See Rule 29, SCRCrimP.

4 

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT, GS & FC
By 
DEPUTY CLERK

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

This the 10th day of June, 2016.



Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

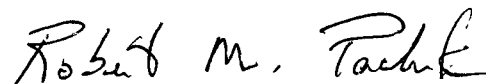
ATTORNEY FOR APPELLANT

RECEIVED
JUN 10 2016
SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

This the 10th day of June, 2016.



Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED
JUN 10 2016
SC Court of Appeals