

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

State of South Carolina

- vs -

Jadarius Khalil Roberts

Defendant.

) Indictment No.: 2016-GS-46-00822, 823, 824

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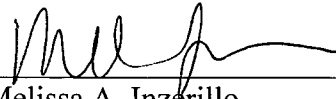
SC Court of Appeals

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the issue to be raised on appeal is whether the trial court abused its discretion when it imposed a sentence of Ten (10) Years on Discharging a Firearm into a dwelling and on the Attempted Murder charge a sentence of eight (8) Years.

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. *See Frazer v. South Carolina*, 430 F.3d 696, 705 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



Melissa A. Inzerillo
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Jadarius K. Roberts

DAVID HAMILTON
C.C.P. & A.S.
YORK COUNTY, SC

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York, South Carolina

November 23, 2016

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SC Court of Appeal

COUNTY OF YORK
STATE VS.

JADARIUS KHALIL ROBERTS

Paul

INDICTMENT/CASE#: 2016GS4600822
A/W: 2015A4620308081
Date of Offense: 12/23/2015
S.C. Code §: 16-23-0440(A)
CDR Code #: 0052

ORIGINAL

SENTENCE SHEET

AKA: _____
Race: Black Sex: M Age: 19
DOB: 1997 SS#: _____
Address: 801 Harrison Street
City, State, Zip: Rock Hill, SC 29730
DL# 103715719 SID# SC02192716

*CDL Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or PLEADS

TO: Discharging Firearms into a Dwelling

In violation of § 16-23-0440(A) of the S.C. Code of Laws, bearing CDR Code # 0052

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 Presentment to Grand Jury, _____ (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: CUg 76321 Da Dan Rous Mel 69416
Christopher W. Epting, Assistant Solicitor 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 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 Service standard conditions of probation, which
are incorporated by reference. 0014 11-14-16

CONCURRENT or CONSECUTIVE to sentence on: 2016GS4600822

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. 328 days

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 (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 _____

Recipient: _____	
*Fine: _____	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100 \$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
Proviso 61.6 (Public Def/Prob)	\$500 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§50-21-114 (BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	\$ \$ _____
TOTAL	\$ <u>125</u>

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: _____

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FILED
CLERK OF COURT
YORK COUNTY, SC

Appointed PD or appointed other counsel,
Proviso §61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Mike Watkins
SCCA/217 (07/2016)

Presiding Judge: J. D. Hill
Judge Bar ID: _____ Judge Code: 2753
Sentence Date: 11/14/2016

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

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SC Court of Appeals

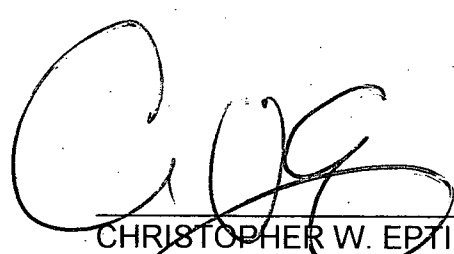
At a Court of General Sessions, convened on March 24, 2016, the Grand Jurors of York County present upon their oath:

DISCHARGING FIREARMS INTO A DWELLING

That Jadarius Khalil Roberts did in York County, on or about December 23, 2015, unlawfully discharge or cause to be discharged a firearm into the dwelling house, other building, structure, or enclosure regularly occupied by persons of April Truesdale, and/or Destiny Robinson, and/or Zyarria Thompson, located at 422 Locust Street, Rock Hill, South Carolina. This is in violation of §16-23-440(A) of the South Carolina Code of Laws (1976) as amended.

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DAVID H. HUTTON
CLERK OF COURT
YORK COUNTY, SC
ORIGINAL TRUE COPY

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


CHRISTOPHER W. EPTING
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: *Felmet*

ARREST WARRANT NUMBER

2015A4620308081

ACTION OF GRAND JURY

[Signature]
Foreperson of Grand Jury
Date: 3-24-16

TRUE BILL

VERDICT

Foreperson of Grand Jury
Date:

DOCKET NO. 2016-GS46-00822

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

MARCH 24, TERM 2016

THE STATE

VS.

JADARIUS KHALIL ROBERTS

INDICTMENT FOR

**DISCHARGING FIREARMS INTO A
DWELLING**

SC Code: § 16-23-0440(A)
CDR Code: 0052

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

[Signature]
Defendant

Witness:

[Signature]
C.C.C. PLS. AND G.S.

COUNTY OF YORK

STATE VS.

JADARIUS KHALIL ROBERTS

Paul

INDICTMENT/CASE#: 2016GS4600823
A/W: 2015A4620308160
Date of Offense: 12/23/2015
S.C. Code §: 16-03-0029
CDR Code #: 3410

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SC Court of Appeals

ORIGINAL SENTENCE SHEET

CONVICTED OF or PLEADS

AKA: _____
Race: Black Sex: M Age: 19
DOB: 09/27 SS#: _____
Address: 801 Harrison Street
City, State, Zip: Rock Hill, SC 29730
DL# 103715719 SID# SC02192716

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Attempted Murder

In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

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 Presentment to Grand Jury. _____ (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: _____ 76321 _____ 69416
Christopher W. Epting, Assistant Solicitor 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 8 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 328
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: 11-14-16
 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. 328 days

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 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

This is an 8 year sentence.

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 _____

Recipient: _____

*Fine:		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL		\$ 125

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,
Proviso §61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Mike Watkins
SCCA/217 (07/2016)

Presiding Judge: David O. Hill
Judge Bar ID: _____ Judge Code: 2753
Sentence Date: 11/14/2016

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
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SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF YORK

CERTIFIED TRUE COPY INDICTMENT

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DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

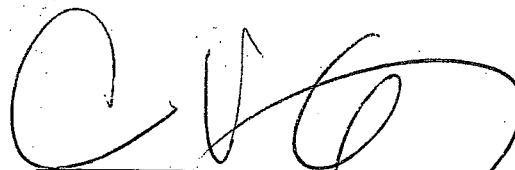
At a Court of General Sessions, convened on March 24, 2016, the Grand Jurors of York County present upon their oath:

ATTEMPTED MURDER

The defendant, Jadarius Khalil Roberts, did on or about December 23, 2015 in York County, did unlawfully, with malice aforethought, either express or implied, and with the intent to kill, attempted to kill David Brice. All in violation of 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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2016 NOV 23 PM 2:58
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

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



CHRISTOPHER W. EPTING
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer:

Felmet

ARREST WARRANT NUMBER

2015A4620308160

ACTION OF GRAND JURY

Joseph Ford

TRUE BILL

Foreperson of Grand Jury:

Date: *3-24-16*

VERDICT

Foreperson of Grand Jury

Date:

DOCKET NO. 2016-GS46- *00823*

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

MARCH 24, TERM 2016

THE STATE

VS.

JADARIUS KHALIL ROBERTS

INDICTMENT FOR

ATTEMPTED MURDER

SC Code: § 16-03-0029

CDR Code: 3410

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to *NCV. A. Ford*

X Joseph Dan Roberts

Defendant

Witness:

Shayla CA Simpson
C.C.C. PLS. AND G.S.

CLERK OF COURT
YORK COUNTY
RECEIVED TO FILE

COUNTY OF YORK

STATE VS.

JADARIUS KHALIL ROBERTS

AKA:
Race: Black Sex: M Age: 19
DOB: 12/19/1997 SS#:
Address: 801 Harrison Street
City, State, Zip: Rock Hill, SC 29730
DL# 103715719 SID# SC02192716

INDICTMENT/CASE#: 2016GS4600824
A/W: 2015A4620308163
Date of Offense: 12/23/2015
S.C. Code §: 16-23-0440(A)
CDR Code #: 0052

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SC Court of Appeals

ORIGINAL

SENTENCE SHEET

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

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

TO: Discharging Firearms into a Dwelling

In violation of § 16-23-0440(A) of the S.C. Code of Laws, bearing CDR Code # 0052

[] CONVICTED OF or [X] PLEADS

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

The charge is: [X] As indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: [] Without Negotiations or Recommendation, [] Negotiated Sentence, [X] Recommendation by the State.

ATTEST: Christopher W. Epting, Assistant Solicitor SC Bar # 76321
Defendant: Dan Ross
Attorney for Defendant: [Signature] 69416 SC Bar #

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections [] County Detention Center, for a determinate term of 328 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.

[X] CONCURRENT or [] CONSECUTIVE to sentence on:
[] The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
[] The Defendant is to be placed on 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 (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

Recipient:

Table with 2 columns: Fee Code and Amount. Includes items like §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, §56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Prob) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114 (BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$, TOTAL \$125

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, Proviso §61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Mike Watkins
SCCA/217 (07/2016)

Presiding Judge: [Signature]
Judge Bar ID: Judge Code: 2753
Sentence Date: 11/14/2016

Pled earlier & This is sentencing.

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NOV 28 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on March 24, 2016, the Grand Jurors of York County present upon their oath:

DISCHARGING FIREARMS INTO A DWELLING

That Jadarius Khalil Roberts did in York County, on or about December 23, 2015, unlawfully discharge or cause to be discharged a firearm into the dwelling house, other building, structure, or enclosure regularly occupied by people, located at 422 Locust Street, Rock Hill, South Carolina. This is in violation of §16-23-440(A) of the South Carolina Code of Laws (1976) as amended.

CERTIFIED TRUE COPY
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DAVID HARTILL
CLERK OF COURT
YORK COUNTY, SC

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


CHRISTOPHER W. EPTING
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: *Felmet*

ARREST WARRANT NUMBER

2015A4620308163

ACTION OF GRAND JURY

Joseph A. Fowl **TRUE BILL**
Foreperson of Grand Jury
Date: *3-24-16*

VERDICT

Foreperson of Grand Jury
Date:

DOCKET NO. 2016-GS46-00824

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

MARCH 24, TERM 2016

THE STATE

VS.

JADARIUS KHALIL ROBERTS

INDICTMENT FOR

**DISCHARGING FIREARMS INTO A
DWELLING**

SC Code: § 16-23-0440(A)
CDR Code: 0052

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

J. D. Row
Defendant

Witness:

Shayla C. Szymor
C.C.C. PLS. AND G.S.