

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

---

RECEIVED

FEB 17 2017

APPEAL FROM SPARTANBURG COUNTY S.C. SUPREME COURT  
Court of Common Pleas

The Honorable R. Ferrell Cothran, Jr., Circuit Court Judge

---

Appellate Case No: 2016-000241

---

CARLOS D. SMITH,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA,

PETITIONER.

---

APPENDIX

---

ROBERT M. DUDEK  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
P.O. Box 11589  
Columbia, SC 29211  
(803) 734-1343

ATTORNEY FOR RESPONDENT

ALAN WILSON  
Attorney General

ALICIA A. OLIVE  
Assistant Attorney General

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
(803) 734-3737

ATTORNEYS FOR PETITIONER

## INDEX

|                                              |     |
|----------------------------------------------|-----|
| GUILTY PLEA TRANSCRIPT .....                 | 1   |
| APPLICATION FOR POST-CONVICTION RELIEF ..... | 25  |
| RETURN.....                                  | 34  |
| POST-CONVICTION RELIEF TRANSCRIPT.....       | 40  |
| ORDER GRANTING RELIEF.....                   | 77  |
| CLERK'S RECORDS .....                        | 87  |
| SCDC RECORDS.....                            | 123 |

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 }  
COUNTY OF SPARTANBURG } COURT OF GENERAL SESSIONS

|                          |   |                                                 |
|--------------------------|---|-------------------------------------------------|
| STATE OF SOUTH CAROLINA, | } | TRANSCRIPT                                      |
| PLAINTIFF,               |   | OF                                              |
| VS.                      |   | RECORD                                          |
| CARLOS DEWAN SMITH,      |   | 2012-GS-42-1993                                 |
| DEFENDANT.               |   | 2012-GS-42-2489, 2490<br>2012-GS-42-6352 - 6356 |

October 8<sup>th</sup>, 2013  
Spartanburg, South Carolina

B E F O R E:  
THE HONORABLE J. MARK HAYES, II, Judge.

A P P E A R A N C E S:  
SCOTT SPIVEY  
ASSISTANT SOLICITOR  
Attorney for the State  
  
TIM RAY  
ESQ.  
Attorney for the Defendant

PAMELA E. GREEN  
Circuit Court Reporter  
Seventh 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

I N D E X   O F   W I T N E S S E S

(There were no exhibits marked during this hearing.)

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

P R O C E E D I N G S

THE COURT: All right.

SOLICITOR SPIVEY: Thank you, Your Honor.

Your Honor, Mr. Smith is here before you on multiple  
indictments.

Your Honor, he's pleading straight up to all the  
charges. There is no recommendation in the case.

Your Honor, the first indictment is 2012-GS-42-1993.  
Your Honor, that's for distribution of crack cocaine third  
offense.

The next indictment is 12-2490 for possession of  
marijuana second.

Indictment 12-2489 for contributing to the delinquency  
of a minor.

Indictment 12-6357 for distribution of crack cocaine  
third offense.

Indictment 12-6356 for distribution of crack cocaine  
within a half mile of a school.

Indictment 12-6353 for distribution of crack cocaine  
third offense.

Indictment 12-6354 for distribution of crack cocaine  
third offense.

Indictment 12-6355, possession of a weapon by a person  
convicted of a -- excuse me, Your Honor. It was for

1 possession of a weapon having been convicted of a crime of  
2 violence.

3 Indictment 12-6352 for possession of Oxycodone third  
4 offense.

5 THE COURT: You are Mr. Smith?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Sir, please raise your right-hand and let  
8 the clerk of court swear you in.

9 (WHEREUPON, the defendant was placed under oath at this  
10 time.)

11 THE COURT: All right. Mr. Smith, we are making a  
12 recording of everything that happens here. The lady over to  
13 my right, I need for you to -- is taking down everything  
14 that's said. So, really speak up so that she can hear you.

15 Okay?

16 THE DEFENDANT: Okay. Yes, sir.

17 THE COURT: And if ever you can't hear me during this  
18 process, let me know and I'll speak up as well.

19 All right?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Sir, it is your intent to enter a plea to  
22 all of the charges that were announced by the solicitor?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: How old are you, sir?

25 THE DEFENDANT: Thirty-two.

1 THE COURT: How far did you go in school?  
2 THE DEFENDANT: I got my GED.  
3 THE COURT: How far did you go before you dropped out?  
4 THE DEFENDANT: Eighth grade. Eighth grade level.  
5 THE COURT: Are you married, single, divorced, or  
6 widowed?  
7 THE DEFENDANT: Single.  
8 THE COURT: Do you have children?  
9 THE DEFENDANT: No, sir.  
10 THE COURT: Prior to your arrest on these charges did  
11 you have a job outside of the home?  
12 THE DEFENDANT: No, sir.  
13 THE COURT: How were you supporting yourself  
14 financially at the time?  
15 THE DEFENDANT: Well, I was struggling for disability  
16 and my people -- my family was helping, my mother.  
17 THE COURT: Your family?  
18 THE DEFENDANT: Yes, sir.  
19 THE COURT: Okay. And ever served on -- ever served in  
20 the military?  
21 THE DEFENDANT: No, sir.  
22 THE COURT: How long have you been in jail on these  
23 charges?  
24 THE DEFENDANT: Well, currently I been in there for ten  
25 months straight, but before then I did a couple days here, a

1 couple days there, a couple weeks.

2 MR. RAY: Yes, sir, he's been in the jail currently  
3 since November I believe, but there was I believe two  
4 different times of arrest in different periods of time he  
5 spent. So, the actual calculation of the time would be a  
6 little more complicated as to what time goes to which  
7 charge.

8 THE COURT: All right. Well, the Department of  
9 Corrections likes for us to put that on there because it's a  
10 lot easier for us to calculate it than it is for them.

11 MR. RAY: Okay. If I can have a moment.

12 THE COURT: All right.

13 (Pause.)

14 THE COURT: Sir, within the last 24 hours, have you  
15 consumed any type of substance that is adversely or  
16 negatively affecting your ability to understand what we're  
17 doing today?

18 THE DEFENDANT: No, sir.

19 THE COURT: Have you ever been treated for any type of  
20 substance abuse problems for a drug or alcohol issue?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And were you treated for drugs, alcohol, or  
23 both?

24 THE DEFENDANT: Both.

25 THE COURT: And where did you receive that last

1 treatment?

2 THE DEFENDANT: I attended Donald Foster's.

3 THE COURT: And you were attending at the time of your  
4 arrest?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. And was it being successful?

7 THE DEFENDANT: So so, sir.

8 THE COURT: Okay. Are you satisfied with the work that  
9 your lawyer has done for you in these cases?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you feel like you've had enough time to  
12 talk to him about the facts that are behind these cases, the  
13 legal elements of the charges that are against you, and also  
14 any possible defenses you might have?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Has anybody come to you and threatened you  
17 in anyway or possibly made you any promises in order to get  
18 you to make the decision to enter these pleas?

19 THE DEFENDANT: No, sir.

20 THE COURT: I'm correct to conclude that your decision  
21 to enter these pleas, that it is a free and voluntary  
22 decision on your part?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Sir, I need for you to understand that,  
25 under the law, you are presumed innocent of each and every

1 one of these charges, and you are entitled to have a jury  
2 trial on each and every one of these charges. At any jury  
3 trial that would take place, it would be the State that has  
4 the burden of proof, and the State would have to convince  
5 all 12 members of a jury that you are, in fact, guilty  
6 beyond a reasonable doubt of these charges.

7 Now, do you understand that you have a right to that  
8 jury trial on each and every one of these charges?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And do you wish to have a jury trial on any  
11 of these charges?

12 THE DEFENDANT: No, sir.

13 THE COURT: Sir, I need for you to understand that  
14 there are other very important Constitutional rights that  
15 you are entitled to, but that you have to give up in order  
16 to enter these pleas.

17 You have to give up your right to confront and  
18 cross-examine the State's witnesses. You also have to give  
19 up your right to present evidence which you or your lawyer  
20 may feel would establish a defense to these charges, and you  
21 have to give up your right of subpoena and also your right  
22 to remain silent.

23 Do you understand all those rights?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you wish to give up all of those

1 rights?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Mr. Smith, please listen to the solicitor.  
4 He is going to tell us the facts behind these cases.

5 Were, were they provided a copy of the summary sheet?

6 SOLICITOR SPIVEY: Yes, Your Honor.

7 THE COURT: And if, if you want to look on to the  
8 summary that your lawyer has in his hand, you could follow  
9 along when he gives us the facts.

10 okay?

11 (WHEREUPON, Defendant Smith nods affirmatively.)

12 THE COURT: Just please listen to the solicitor.

13 SOLICITOR SPIVEY: Thank you, Your Honor.

14 Your Honor, as to the first charge, on February 17<sup>th</sup>,  
15 2011, Sheriff's Office investigators directed an informant  
16 to purchase crack cocaine from the defendant at 585 Booker  
17 Boulevard in Spartanburg, South Carolina, which is in the  
18 County of Spartanburg. Your Honor, the informant was  
19 searched before and after the buy. No other contraband was  
20 found. The informant was also provided with audio and video  
21 recording equipment and provided with recorded funds in the  
22 amount of \$280.00. Your Honor, the informant met the  
23 defendant and purchased 6.67 grams of crack cocaine.

24 Your Honor, on December 28<sup>th</sup> of 2011, deputies  
25 responded to Room 143 at 4930 College Drive, which is the

1 Brookwood Inn in reference to a noise complaint. Your  
2 Honor, a female, a Miss [REDACTED] [REDACTED], who was 17 at the time,  
3 answered and invited deputies into the room. Your Honor,  
4 Your Honor, she gave verbal consent to search the room.  
5 Your Honor, the defendant was standing outside of the room  
6 and told the deputies he was staying there.

7 After finding marijuana on the floor, deputies patted  
8 down the defendant. Your Honor, they found a large sum of  
9 money and a marijuana cigarette in the defendant's pocket.  
10 They also found a baggie of marijuana in his genital region  
11 of his clothing.

12 Your Honor, the mail addressed to the defendant was  
13 seen inside of the hotel room. Your Honor, that marijuana  
14 weighed 6.05 grams.

15 On January 18<sup>th</sup>, 2012, investigators directed an  
16 informant to purchase crack cocaine from the defendant at  
17 2159 Coldwell Road in Spartanburg, which is in the County  
18 of, of Spartanburg, Your Honor. Your Honor, the informant  
19 was searched before and after the buy. No other contraband  
20 was found. He was also provided with audio and video  
21 recording equipment, provided with recorded funds in the  
22 amount of \$20.00.

23 Your Honor, the informant met the defendant and  
24 purchased .16 grams of crack cocaine. Your Honor, the video  
25 was set up. This was the case that we would try this week,

1 Your Honor. The video was set up to point at the passenger  
2 seat. The defendant, however, went to the driver's side  
3 window of the car and so his face was not on, but  
4 Investigator Dan Swab, who's here, did -- was conducting  
5 surveillance at the time and he did see the defendant walk  
6 to the driver's side of the car, and, and meet the informant  
7 at the window, Your Honor.

8 Your Honor, that was also within a half mile of -- I  
9 believe was a, a middle school down there off of Caulder  
10 Avenue. I'm forgetting the name of it. I think it's Carver  
11 Middle School is the name.

12 THE COURT: That's correct.

13 SOLICITOR SPIVEY: Your Honor, on August 27<sup>th</sup> of 2012  
14 investigators directed an informant to purchase crack  
15 cocaine from the defendant and 2159 Coldwell Road in  
16 Spartanburg. Your Honor, the informant was searched before  
17 and after the buy and no other contraband was found. He was  
18 also provided with audio and video recording equipment and  
19 provided with recorded funds in the amount of \$20.00.  
20 Again, the informant met the defendant and purchased .14  
21 grams of crack cocaine.

22 Your Honor, on September 5<sup>th</sup>, 2012, investigators  
23 directed the informant to purchase crack cocaine from the  
24 defendant at 2159 Caldwell Road, Your Honor. Your Honor,  
25 again he was searched before and after and the informant was

1 also provided with video recording equipment and recorded  
2 funds. They met -- the defendant and this informant met and  
3 another purchase of .14 grams of crack cocaine was made.

4 Your Honor, finally, on October 4<sup>th</sup>, 2012, deputies  
5 responded to that same reference in, in -- that same  
6 residence in, in reference to a home detention check. Your  
7 Honor, there officers found a 9-millimeter Springfield  
8 handgun, a .38 caliber bullet, a digital scale, rolling  
9 papers, two Oxycodone tablets, tablets, a marijuana bong,  
10 and a green plant material shake or marijuana shake.

11 Your Honor, the defendant was found in violation of  
12 home detention and the defendant also verbally claimed all  
13 of the items, Your Honor.

14 THE COURT: Mr. Smith, do you believe that, as the  
15 solicitor stated the facts, that he is substantially  
16 correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And, sir, do you understand that, by  
19 entering these pleas today, that it will be a violation of  
20 your present probation case?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And you still wish to enter these pleas?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And, sir, do you understand that, on the  
25 distribution of cocaine base third offense charge that, on

1 those four charges, that I could sentence you between ten to  
2 thirty years at the Department of Corrections?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And, sir, do you understand that each one  
5 of those charges are classified as serious offenses under  
6 the law?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And have you been able to talk to your  
9 lawyer as to the consequences and ramifications of those  
10 offenses being classified as serious?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Understanding the possible sentence I could  
13 impose as well as that classification of serious on those  
14 charges, do you still wish to enter a plea to those charges?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And, sir, do you understand that, on the  
17 distribution of crack cocaine within a half mile of a park  
18 or school, that I could sentence you up to ten years on that  
19 charge?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And, sir, do you understand that that  
22 charge is also classified as a serious offense under the  
23 law?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And understanding that classification of

1 serious as well as the possible sentence I could impose, do  
2 you still wish to enter a plea to that charge?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And, sir, do you understand that the  
5 possession of Oxycodone third and subsequent drug offense  
6 that I could sentence you up to five years on that charge?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And you still wish to enter a plea to that  
9 charge as well?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And, sir, do you understand that, on a  
12 possession of 28 grams or less of marijuana second offense,  
13 that I could sentence you up to a year on that charge?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you still wish to enter a plea to that  
16 charge as well?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And, sir, do you understand that, on the  
19 possession of firearm by a person convicted of a violent  
20 felony, that I could sentence you up to five years on that  
21 charge?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And you still wish to enter a plea to that  
24 charge as well?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And do you understand that, on a  
2 contributing to the delinquency of a minor charge, I could  
3 sentence you up to three years?  
4 THE DEFENDANT: Yes, sir.  
5 THE COURT: And you still wish to enter a plea to that  
6 charge?  
7 THE DEFENDANT: Yes, sir.  
8 THE COURT: Sir, are you, in fact, guilty of the  
9 distribution of crack within a half mile of a park or school  
10 charge?  
11 THE DEFENDANT: Yes, sir.  
12 THE COURT: And are you also guilty of the contributing  
13 to the delinquency of a minor charge?  
14 THE DEFENDANT: Yes, sir.  
15 THE COURT: And are you also guilty of the possession  
16 of a firearm by a person convicted of a violent felony  
17 charge?  
18 THE DEFENDANT: Yes, sir.  
19 THE COURT: Are you also guilty of the possession of 28  
20 grams or less of marijuana second drug offense?  
21 THE DEFENDANT: Yes, sir.  
22 THE COURT: And are you also guilty of the possession  
23 of Oxycodone third or subsequent drug offense?  
24 THE DEFENDANT: Yes, sir.  
25 THE COURT: And are you also guilty of all four of the

1 distribution of cocaine base third and subsequent drug  
2 offense charges?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have all of your answers to my questions  
5 been truthful and honest?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Discovery's been shared with the defense?

8 SOLICITOR SPIVEY: Yes, Your Honor, and, Your Honor,  
9 that includes, on one of the distributions, he does have the  
10 informant's identity and the video from the distribution as  
11 well. All that was turned over in preparation for trial  
12 today.

13 THE COURT: All right. And the prior record?

14 SOLICITOR SPIVEY: Yes, Your Honor.

15 He has a 1998 public disorderly conduct, simple  
16 possession of marijuana.

17 In 1999, two counts of simple possession of marijuana.

18 In 2000, possession of marijuana second offense. In  
19 2000, possession of Alprazolam. In 2000, possession of  
20 crack cocaine second and -- times two. Your Honor, in 2000  
21 he also had two counts of assault and battery with intent to  
22 kill which he got ten years concurrent on. Your Honor, in  
23 2000 he had a sale of a pistol.

24 In 2010 he had a simple possession of marijuana and a  
25 possession with intent to distribute crack cocaine first

1 offense.

2 THE COURT: And he's presently on probation?

3 PROBATION AGENT: Yes, sir.

4 THE COURT: For?

5 PROBATION AGENT: Possession with intent to distribute  
6 crack cocaine. He was sentenced to five years suspended to  
7 time served and four years probation.

8 He's currently in violation for failing to report. He  
9 last reported on February the 19<sup>th</sup> of 2013, by willfully  
10 changing his residence without agent's prior consent and  
11 leaving his whereabouts unknown, and failing to maintain  
12 gainful employment, and failing to pay the supervision fee,  
13 drug test fee, and failing to complete PSE as ordered, and  
14 failing to complete drug and alcohol treatment with Don  
15 Foster being terminated on November the 2<sup>nd</sup>, 2012. He  
16 actually failed to report September the 18<sup>th</sup>, 2012.

17 Is that when he was in jail?

18 And then October the 9<sup>th</sup>, 2012.

19 THE COURT: All right. Thank you.

20 PROBATION AGENT: Yes, sir.

21 THE COURT: Anything else from the State?

22 SOLICITOR SPIVEY: Nothing, Your Honor.

23 THE COURT: Yes, sir.

24 MR. RAY: Thank you, Your Honor.

25 Just to -- while it's fresh in my mind to address the,

1 the missed reports on probation, he was actually arrested on  
2 the home detention violation on October 4<sup>th</sup>. So, that  
3 would explain. He was in for a couple weeks.

4 As far as calculating all the time, we'll get together.  
5 It's complicated and I'll get it all figured out, but I  
6 believe he was in jail for a couple of weeks then, which is  
7 why he even missed the October 9<sup>th</sup>. Then he went back to  
8 jail in December, I believe it was December 14<sup>th</sup>, on the  
9 bond revocation, and so then he missed the January or  
10 February report and obviously was unable to complete all the  
11 parts of the program.

12 Your Honor, to kind of make a complicated story a  
13 little shorter, Carlos, in growing up, definitely had no  
14 silver spoon growing up. It was rough. He was actually  
15 living here, and while he has the support of his mother, she  
16 lives far away and is unable to actually provide any sort of  
17 nurturing, nurturing support for him.

18 But he was using drugs as well as selling drugs and it  
19 was just a situation where he, through the circumstances of  
20 life and the difficulty he was having, and instead of  
21 continuing on the hard path, he finally gave in through all  
22 the pressures. The minor that was involved was actually a  
23 girlfriend that she stuck with him for a while, while he was  
24 in jail, but basically now we've had no contact from her.  
25 The only one we've had contact with is his mother who's

1 still concerned about him.

2 In discussing his pleas, Carlos understands he's  
3 looking at at least a ten year minimum here and basically  
4 that means he's gonna miss out on a lot of things. I've  
5 tried to explain to Carlos that's true, but when you come  
6 out, when you're 39, 40 years old, you still have a lot of  
7 life ahead of you. In making the right decisions, being  
8 clean, he has an opportunity to still make a life for  
9 himself.

10 In entering the plea, obviously these, these charges  
11 are strikes and they -- he could of been struck out and  
12 received a life sentence if we would of gone forward with  
13 the trial. So, that's part of his decision in going ahead  
14 and entering the plea.

15 But we, we were preparing for the case for trial. We  
16 actually had done some investigation on the street on some,  
17 some DMV records that we were able to get a hold of with the  
18 solicitor's help. But in light of the circumstances and,  
19 and what he was facing if we were to be unsuccessful at  
20 trial, and based on just the fact that, that he's coming in  
21 here and accepting responsibility for the charges, and  
22 explaining his situation in life, but not necessarily as an  
23 excuse. Just as an explanation of why he made the decisions  
24 that he did, and he understands the wrongful nature of the  
25 decision and that's what's put him here today in this

1 situation, and he's here accepting that.

2 But considering all that, and considering that, you  
3 know, a ten year sentence, the minimum, is pretty  
4 substantial, it's gonna take a good bit of his youth away  
5 from him. While I don't think 40 is old cause I'm running  
6 up on that age, and still missing out on your 30s, and a lot  
7 of time in your youth to miss out on.

8 For that reason, we would respectfully request Your  
9 Honor consider the minimum sentence of ten years in this  
10 case. I think the time that he's been in now and the time  
11 that he knows he's gonna have to serve and the conditions of  
12 what he's gonna have to serve will be ample punishment for  
13 this. I know several of, of these warrants were served all  
14 at one time. It wasn't each one as a successive arrest.

15 But he understands the, the, the trouble he's got  
16 himself in, and we would respectful request Your Honor  
17 sentence him to the ten year sentence, and give him that  
18 opportunity to come out still an able bodied man to make  
19 a -- use of his life and get himself on the right track and  
20 age where he can still provide for himself in the future.

21 THE COURT: You agree with what your lawyer just  
22 stated?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Mr. Smith, is there anything else that you  
25 would like for me to know, know or, or consider?

1 THE DEFENDANT: Yes, sir.

2 Well, first off, I'm -- I'd like to say that I'm a  
3 humble God fearing man and I know I'm not perfect. I make  
4 mistakes, make some wrong choices, and being in this  
5 situation and what I was faced with, the wants in life,  
6 basically the need for home, shelter, and clothing, and I, I  
7 panicked and I made the wrong decision, and I'm here to  
8 atone for it and I'm sorry. I ask God for forgiveness and  
9 I ask you for some understanding.

10 That's it.

11 THE COURT: Thank you, sir.

12 MR. RAY: Your Honor, also there's time when he was on  
13 home detention, and if Your Honor, in your sentence, would  
14 allow him credit for that time, I'll calculate that as well,  
15 and give him that, Your Honor.

16 THE COURT: All right. I'll find that there is a  
17 substantial factual basis for the plea and that the  
18 defendant's decision to enter the plea is made freely,  
19 voluntarily, knowingly, and intellectually by him.  
20 Therefore, I will accept the plea.

21 I find that he's in willful violation of the terms and  
22 conditions of his probation as outlined by probation and by  
23 entering the pleas. I'll do a full revocation. Give him  
24 credit since the time he got arrested. Any monetary amounts  
25 that can be satisfied by the time he's gonna serve we can do

1 that. Anything remaining can be reduced to civil judgment.

2 That will run concurrent with the -- with these sentences.

3 On the distribution of, of crack or distribution of  
4 cocaine base third offenses, on these four charges it will  
5 be a 12 year sentence at the Department of Corrections. That  
6 will run concurrent with each other. He'll get credit for  
7 any time that he's served.

8 It will be a three year sentence on the contributing to  
9 the delinquency of a minor.

10 Five year sentence on the possession of a firearm by a  
11 person convicted of a violent felony.

12 Be a one year sentence on possession of 28 grams or  
13 less of marijuana.

14 Be a five year sentence on the possession of Oxycodone  
15 third or subsequent offense.

16 It will be a ten year sentence on the distribution of  
17 crack within a half mile of a park or school.

18 All of the sentences will run concurrent with each  
19 other. He'll get credit for the time served.

20 I can't give the home detention credit unless there  
21 were no violations and my understanding is there were  
22 violations of the home detention. So, I can't give any  
23 credit, but if -- I still need for y'all to come up with a  
24 calculation so that we can put that on the sentencing sheet  
25 as to how much time he does get.

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

Good luck to you, sir.

MR. RAY: Thank you, Your Honor.

SOLICITOR SPIVEY: Thank you, Your Honor.

\* \* \*END OF REQUESTED TRANSCRIPT OF RECORD\* \* \*

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 8<sup>th</sup> day of October, 2013.

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

August 29<sup>th</sup>, 2014

---

PAMELA E. GREEN, Court Reporter

## FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF

spartanburg

IN THE COURT OF COMMON PLEAS

2014-CP-42-2410

Full name and prison number (if any) of Applicant.

Carlos Dewan Smith 276619

v.

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention. EVANS Correctional Institute
2. Name and location of Court which imposed sentence Spartanburg County General Sessions
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) Distribution Crack/Cocaine Near School 2012GS420635<sup>6</sup>
  - (b) Distribution of Cocaine base 3rd - 2012GS420635<sup>7</sup>
  - (c) Distribution of Cocaine base 3rd - 2012GS4201993 <sup>see back</sup>
5. The date upon which sentence was imposed and the terms of the sentence:
  - (a) 10-8-13 10yrs. Dept. of Corrections SCDC = concurrently
  - (b) 10-8-13 12yrs. Dept of Corrections SCDC = main concurrent sentence

4. The indictment number (or numbers if known) upon which and the victim for which sentence was imposed?

- d) Distribution of Cocaine base 3rd - 2012GS4206353
- e) Distribution of Cocaine base 3rd - 2012GS4206354
- f) Poss. of Oxycodone 3rd or Sub. - 2012GS4206352
- g) Poss. of Firearm by a convicted felon - 2012GS4206355
- h) Poss. of 28g or less of Marijuana - 2nd - 2012GS4202490
- i) Contributing to the delinquency of minor - 2012GS4202489

5. The date upon which sentence was imposed and the terms of the sentence

- d) ~~10.8.13~~<sup>es</sup> 10.8.13 12 yrs. Dept. of Corrections = concurrently
- e) 10.8.13 12 yrs. Dept. of Corrections = concurrently
- f) 10.8.13 5 yrs. Dept. of Corrections = concurrently
- g) 10.8.13 5 yrs. Dept. of Corrections = concurrently
- h) 10.8.13 1 yr. Dept. of Corrections = concurrently
- i) 10.8.13 3 yr. Dept. of Corrections = concurrently

(c) 10-8-13 12 yrs. Dept. of corrections concurrently

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty ✓  
(b) after a plea of not guilty \_\_\_\_\_  
(c) after a plea of nolo contendere \_\_\_\_\_

7. Did you appeal from the judgment of conviction or the imposition of sentence?

N/A

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

- i. N/A  
ii. N/A  
iii. N/A

(b) the result in each such Court to which you appealed:

- i. N/A  
ii. N/A  
iii. N/A

(c) the date of each such result:

- i. N/A  
ii. N/A  
iii. N/A

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. N/A  
ii. N/A  
iii. N/A

9. If you answered "no" to (7), state your reasons for not so appealing:

- (a) Ineffective assistance of Counsel  
(b) Subject Matter Jurisdiction  
(c) Violation of Constitutional rights

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

FILED  
CLERK OF COURT  
SPRINGFIELD COUNTY  
2014 JUN 16 AM 11:06  
M. HOPE BLACKLEY

- (a) ineffective assistance of counsel
- (b) Subject Matter Jurisdiction
- (c) Violation of Constitutional Rights

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) ineffective assistance of counsel
- (b) Subject Matter Jurisdiction
- (c) Violation of constitutional Rights

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(b) the name and location of the Court in which each was filed:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(c) the disposition thereof:

- i. N/A
- ii. N/A
- iii. N/A

FILED  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 2014 JUN 16 AM 11:06  
 M. HOPE BLACKLEY

iv. N/A

(d) the date of each such disposition:

i. N/A

ii. N/A

iii. N/A

iv. N/A

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. N/A

ii. N/A

iii. N/A

iv. N/A

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. N/A

iii. N/A

(b) the proceedings in which each ground was raised:

i. N/A

ii. N/A

iii. N/A

FILED  
CLERK OF COURT  
SPRINGFIELD COUNTY  
2014 JUN 16 AM 11:06  
M. HOPE BLACKLEY

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) ineffective assistance of counsel/step 1

(b) subject matter jurisdiction/step 1

(c) violation of Constitutional Rights/step 1

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? yes
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. Max Singleton no address - see back
- ii. Timothy Ray 184 North Daniel Morgan Ave. Spartanburg, SC
- iii. \_\_\_\_\_
- (b) the proceedings at which each such attorney represented you:
- i. \_\_\_\_\_
- ii. my arraignment and plea, my trial, and my sentencing
- iii. \_\_\_\_\_
19. State clearly the relief you seek in filing this application:
- a new trial.
20. Are you now under sentence from any other court that you have not challenged?
- NO

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2014 JUN 16 AM 11:06  
M. HOPE BLACKLEY

18. Name and address of each attorney who represented you.

1. max singleton was my attorney for three of my earlier charges.

1. Distribution of cocaine base 1st offense before it was made into a 3rd offense offense date 2-17-11

2. Contributing to the delinquency of a minor offense date 12-28-11

3. P.W.I. D marijuana before it was reduced to a Possession of marijuana. offense date 12-28-11

I just know that those are the charges that I hired him for what he actually did I do not know.

STATE OF SOUTH CAROLINA

County of Marlboro

VERIFICATION

I, <sup>Carlos</sup>~~Smith~~, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

\* Carlos Smith

SWORN to and subscribed before me this 13th  
day of June, 2014.

S. Oulton

Notary Public.

(L.S.)

My Commission Expires: 2/24

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2014 JUN 16 AM 11:06  
M. HOPE BLACKLEY

APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF

Carlos  
L. Smith, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Carlos Smith

Applicant

SWORN or affirmed to and subscribed before me this  
13th day of June, 2014

S. Outlaw  
Notary Public

My Commission Expires: 2/24

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2014 JUN 16 AM 11:06  
M. HOPE BLACKLEY

|                              |   |                              |
|------------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA      | ) | IN THE COURT OF COMMON PLEAS |
|                              | ) | SEVENTH JUDICIAL CIRCUIT     |
| COUNTY OF SPARTANBURG        | ) |                              |
|                              | ) |                              |
| Carlos Dewan Smith, #276619, | ) | 2014-CP-42-2410              |
|                              | ) |                              |
| Applicant,                   | ) |                              |
|                              | ) | RETURN                       |
| v.                           | ) |                              |
|                              | ) |                              |
| State of South Carolina,     | ) |                              |
|                              | ) |                              |
| Respondent.                  | ) |                              |
| _____                        | ) |                              |

In response to the post-conviction relief application filed July 16, 2014, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Spartanburg County Clerk of Court's orders of commitment. The Spartanburg County Grand Jury indicted the Applicant at the January 2013 term of General Sessions for four counts of distribution of crack cocaine – third offense (2012-GS-42-1993, -6353, -6354, -6357); possession of marijuana – second offense (2012-GS-42-2490); contributing to the delinquency of a minor (2012-GS-42-2489); distribution of crack cocaine within a half mile of a school (2012-GS-42-6356); possession of a weapon having been convicted of a crime of violence (2012-GS-42-6355); and possession of Oxycodone – third offense (2012-GS-42-6352). Timothy Ray, Esquire represented the Applicant.

On October 8, 2013, the Applicant pled guilty as indicted. The Honorable J. Mark Hayes II sentenced the Applicant to concurrent terms of twelve (12) years imprisonment for each distribution of crack cocaine charges; five (5) years for possession of a firearm by a person

convicted of a violent felony; one (1) year for possession of marijuana; three (3) years for contributing to the delinquency of a minor; five (5) years for the possession of oxycodone – third offense; and ten (10) years for the distribution of crack within a half mile of a school. The Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein by reference are the records of the Spartanburg County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, and the guilty plea transcript.

## II.

In his application for post-conviction relief, the Applicant alleges he is being held in custody unlawfully for the following reason:

1. Ineffective assistance of counsel.
2. "Subject Matter Jurisdiction"
3. "Violation of Constitutional Rights"

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRPC.

## III.

The Respondent asserts the Applicant's allegation that his attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial

process that the trial cannot be relied on as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel “rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel’s deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an

evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

#### IV.

The Applicant also makes claims regarding "subject matter jurisdiction," and "violation of constitutional rights." The Applicant fails to set forth with specificity the grounds upon which these constitutional violations or subject matter jurisdiction claims are based. The Uniform Post-Conviction Procedure Act requires that the Applicant must "... specifically set forth the grounds upon which the application is based." Section 17-27-50 of the Code of Laws of South Carolina (1976). In an application for post-conviction relief, it is incumbent upon the Applicant to make at least a prima facie showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). These allegations are so vague that it is impossible for the State to respond.

Since the Applicant has failed to make even a prima facie showing, the Respondent would submit that these allegations should be dismissed for failing to meet the requirements of the Uniform Post-Conviction Procedures Act.

#### V.

The Respondent denies each allegation not expressly admitted, qualified or explained.

VI.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held solely on the claim of ineffective assistance of counsel.

Respectfully submitted,

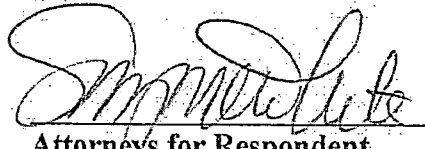
ALAN WILSON  
Attorney General

JOHN W. MCINTOSH  
Deputy Attorney General

KAREN C. RATIGAN  
Senior Assistant Deputy Attorney General

SUZANNE H. WHITE  
Assistant Deputy Attorney General

By:



Attorneys for Respondent  
P.O. Box 11549  
Columbia, S.C. 29211

April 7, 2015

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG  
CARLOS DEWAN SMITH, #276619

Applicant,

vs

STATE OF SOUTH CAROLINA,  
Respondent.

IN THE COURT OF COMMON PLEAS

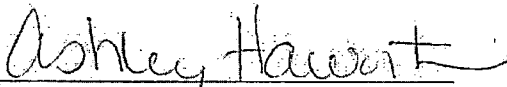
2014-CP-42-2410

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Mr. John Brandt Rucker, Esquire**  
**Brandt Rucker Attorney At Law**  
**522 North Church Street**  
**Greenville, SC 29601**

DATED this 7<sup>TH</sup> day of April, 2015.

  
Ashley Haworth, Legal Assistant  
For Respondent

State of South Carolina       )  
                                      )  
County of Spartanburg       )  
                                      )

Carlos Dewan                                )  
Plaintiff                                    )  
                                              )   PCR  
                                              )   2014-CP-42-02410

vs.

The State of South Carolina    )  
Defendants                                )  
                                              )   January 12, 2016  
                                              )   Spartanburg, S.C.

Before the R. Ferrell Cothran, Judge.

A P P E A R A N C E S:

Mr. John Brandt Rucker,  
Attorney for Plaintiff

Ms. Alicia Olive,  
Attorney for Defendants

Margaret T. Sullivan,  
Court Reporter

|    | <u>WITNESSES</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
|----|------------------|---------------|--------------|-----------------|----------------|
| 1  | Carlos Smith     |               |              |                 |                |
| 2  | by Mr. Rucker    | 4             |              | 18              |                |
|    | by Ms. Olive     |               | 14           |                 |                |
| 3  | Timothy Ray      |               |              |                 |                |
|    | by Ms. Olive     | 21            |              | 32              |                |
| 4  | by Mr. Rucker    |               | 25           |                 |                |
| 5  |                  |               |              |                 |                |
| 6  |                  |               |              |                 |                |
| 7  |                  |               |              |                 |                |
| 8  |                  |               |              |                 |                |
| 9  |                  |               |              |                 |                |
| 10 |                  |               |              |                 |                |
| 11 |                  |               |              |                 |                |
| 12 |                  |               |              |                 |                |
| 13 |                  |               |              |                 |                |
| 14 |                  |               |              |                 |                |
| 15 |                  |               |              |                 |                |
| 16 |                  |               |              |                 |                |
| 17 |                  |               |              |                 |                |
| 18 |                  |               |              |                 |                |
| 19 |                  |               |              |                 |                |
| 20 |                  |               |              |                 |                |
| 21 |                  |               |              |                 |                |
| 22 |                  |               |              |                 |                |
| 23 |                  |               |              |                 |                |
| 24 |                  |               |              |                 |                |
| 25 |                  |               |              |                 |                |

1 THE COURT: This is Carlos Smith vs. the  
2 State.

3 MS. OLIVE: May it please the Court, Your  
4 Honor.

5 THE COURT: Yes, ma'am.

6 MS. OLIVE: This is the case of  
7 Carlos D. Smith v. State. 2014-CP-42-2410.  
8 Mr. Smith was indicted in January of 2013 for  
9 four counts of distribution of crack cocaine third  
10 offense. Possession of marijuana second offense.  
11 Distribution of crack cocaine within half mile of a  
12 school. Possession of a weapon. I am sorry,  
13 possession of weapon and possession of oxycodone  
14 third offense.

15 Timothy Ray represented him on those  
16 charges. On October 8th 2013, he pled guilty as  
17 indicated before the Honorable J. Mark Hayes, II.  
18 Judge Hayes sentenced him to concurrent terms of  
19 12 years for each charge of distribution of crack.  
20 Five years for possession of a firearm by a person  
21 convicted of a violent felony. And one year for  
22 possession of marijuana. Three years for  
23 contributing to the delinquency of a minor. And  
24 five years for possession of oxycodone and 10 years  
25 for distribution of crack within a half mile of a

1 school. And he did not appeal his conviction or  
2 sentence. The allegations he raises in his  
3 application for post-conviction relief are  
4 ineffective assistance of counsel, subject matter  
5 jurisdiction, and violation of constitutional  
6 rights.

7 Your Honor, it's my understanding that  
8 we're going forward just on the ineffective  
9 assistance thing today. Mr. Smith is present and  
10 and represented by his attorney Brent Rucker. I'll  
11 turn it over to Mr. Rucker at this time.

12 THE COURT: Okay.

13 MR. RUCKER: May it please the court, I  
14 call my client Carlos Smith to the stand.

15 THE COURT: If you would come around,  
16 please, sir.

17 Carlos Smith, being first duly sworn,  
18 testified as follows:

19 Direct Examination by Mr. Rucker:

20 Q. Mr. Smith, can you state your full name on  
21 the record.

22 A. Carlos Dywan Smith.

23 Q. What's your current, just for the judge to  
24 understand, what are you current convictions you are  
25 serving time for?

## Carlos Smith-Direct by Rucker

1           A.   Four counts of distribution third.  
2   Distribution within a half mile of school zone.  
3   Possession of a firearm and being a convicted felon.  
4   Contributing to the delinquency of a minor.  
5   Possession of oxycodone and possession of marijuana.

6           Q.   What is your sentence? What is your  
7   sentence you are serving right now?

8           A.   A 12-year-sentence.

9           Q.   But specifically how did Tim Ray become  
10   your attorney?

11          A.   I hired him. Somebody referred me to him.

12          Q.   And when did you hire him in relation to  
13   your trial? How long before your trial or plea?

14          A.   Well it was awhile before my plea. I  
15   retained him about a month, a month and a half,  
16   maybe 2 months before I had a bond revocation. I  
17   got stuck in the county.

18          Q.   So had you had him, first of all, let's  
19   just make clear. The day you pled guilty, you all  
20   were scheduled to go forward with trial, is that  
21   right?

22          A.   Yes, sir.

23          Q.   And so you appeared thinking you all were  
24   going to have a trial?

25          A.   Yes, sir.

Carlos Smith-Direct by Rucker

1 Q. How long before that roughly do you Tim  
2 Ray represented you? More than 6 months?

3 A. Yes, sir.

4 Q. How often did you meet with Mr. Ray to go  
5 over your case?

6 A. Well before my bond revocation, I meet  
7 with him pretty often.

8 Q. Can you give a number? A rough number?

9 A. Maybe like I say I retained him for maybe  
10 a month and a half, 2 months. So I probably met  
11 with him about 3 or 4 times for my bond revocation.

12 Q. How long were each of these meetings?

13 A. They were brief.

14 Q. At some point did you -- what made you  
15 decide to plead guilty the day of trial?

16 A. Because I don't want to end up serving a  
17 life sentence in prison.

18 Q. Why did you believe you were eligible for  
19 a life sentence?

20 A. Because they gave me a life notice.

21 Q. Who actually gave you the life notice?

22 A. Timothy Ray.

23 Q. Did he explain the significance of the  
24 life notice?

25 A. Yeah, he said he didn't want the solicitor

Carlos Smith-Direct by Rucker

1 to put his signature on it, because he would give me  
2 life in prison.

3 Q. Did you believe at the time that you were  
4 eligible for life without parole?

5 A. I didn't know, know better.

6 Q. Did you believe there was sufficient  
7 evidence to convict you at trial?

8 A. Not really.

9 Q. Which case were you all going forward for  
10 trial that day?

11 A. I think it was the second one. The second  
12 one they had served the warrant on me for.

13 Q. Was that possession with intent to  
14 distribute?

15 A. No, it was the possession -- I mean it was  
16 a distribution third offense in half mile of a  
17 school zone.

18 Q. Did Mr. Ray inform you that you were  
19 eligible for life without parole based on that?

20 A. He told me if I was found guilty, I was  
21 going to get a life sentence.

22 Q. Do you believe in fact on all your  
23 charges, you were eligible for life without parole  
24 now?

25 A. Now?

Carlos Smith-Direct by Rucker

1 Q. Right.

2 A. I know better now, but at the time I  
3 didn't.

4 Q. Why do you believe you were not eligible  
5 for life without parole?

6 A. Because I only had one strike against me  
7 of a most serious nature.

8 Q. What was that strike?

9 A. Assault and battery with intent to kill.

10 Q. What was your prior record at the time you  
11 entered the guilty plea?

12 A. This guilty plea?

13 Q. The guilty plea that got you in prison.

14 A. On this right here?

15 Q. Uh-huh. (Affirmative.)

16 A. On my record?

17 Q. Yes.

18 A. I have two assault and battery with intent  
19 to kills. Two possession of a firearm. Unlawful  
20 possession of a firearm. Possession of crack second  
21 offense. I think I had two of them. And PWID.

22 Q. Did Mr. Ray inform you that on all of  
23 those drug cases you were eligible for life without  
24 parole?

25 A. Yes.

Carlos Smith-Direct by Rucker

1 Q. I'm sorry, make sure you speak loud enough  
2 for the court reporter.

3 A. Yes, sir.

4 Q. Did you believe that they were going to  
5 try you on all these charges eventually and to try  
6 to get you life without parole?

7 A. Yeah, they told me if I took one to trial,  
8 I got to take all of them to trial.

9 Q. So you thought you were risking life  
10 without parole in every one of the drug cases?

11 A. He said the only thing I had to do was get  
12 convicted to one of them.

13 Q. And is that what influenced you to plea?

14 A. Yes, sir.

15 Q. And you do not believe at this time that  
16 was an accurate representation of the law.

17 A. No, sir, it wasn't.

18 Q. But for that discussion with Mr. Ray about  
19 the effect of the LWOP notice, life without parole  
20 notice, would you have entered the guilty plea that  
21 day?

22 A. No, I would have went on to trial.

23 Q. Did you think you had a good chance of  
24 winning that trial?

25 A. I mean it would defense that he would put

Carlos Smith-Direct by Rucker

1 up.

2 Q. What is defense? Why do you believe you  
3 would win?

4 A. I mean because for one speaking of the  
5 case that I was going to trial for in particular, I  
6 mean, they had a strong lack of evidence.

7 Q. And the judge needs to know specifically  
8 what you think was their weakness in their evidence.

9 A. Well for one they had no video. They had  
10 a one sided audio conversation. And they had two  
11 narks who were going to seen something going on, but  
12 they couldn't really tell what it was. And that's  
13 pretty much it.

14 Q. So there was no strong evidence -- first  
15 of all, you were not arrested by a police officer.

16 A. During this incident?

17 Q. Right.

18 A. No, sir.

19 Q. And it was under -- some kind of  
20 undercover agents, but not law enforcement, correct?

21 A. Yeah, they were undercover narcotics.

22 Q. But they were not law enforcement agents.  
23 They were basically informants.

24 A. Yeah, they were informants. They sent the  
25 informant.

## Carlos Smith-Direct by Rucker

1 Q. Did you know who were these informants  
2 were?

3 A. No, sir. I don't even know this area of  
4 town where they say this happened at. Like I told  
5 my attorney from the beginning, I never been over to  
6 this part of town. I don't even know where Carter  
7 Avenue is.

8 Q. So you're telling the judge you just flat  
9 did not do this. That you were---

10 A. That's what I was telling my attorney.  
11 That's why I asked him maybe if he would have went  
12 and investigated or surveyed the land where they say  
13 it happened at, that he might have could have found  
14 out something. This house that they said I told  
15 somebody to meet me at, I don't tell somebody to  
16 meet me at a house when I don't even know where it's  
17 at or who even stay there.

18 Q. Did Mr. Ray listen to what you were saying  
19 about that trial charge? The charge you all were  
20 going forward on trial?

21 A. What do you mean?

22 Q. I mean did you all have a discussion about  
23 the evidence?

24 A. Not really.

25 Q. Did you -- but I'm asking you---

Carlos Smith-Direct by Rucker

1           A.    I asked him to go -- like I asked him to  
2 go, I asked him would he go and investigate the  
3 area, the people who they say, because they say  
4 there was a car that I was in, a four door late  
5 model Crown Vic. I asked him find out whose it was,  
6 because I never been in this car. And what he did  
7 was, he left and he came back. And he told me he  
8 talked to the solicitor's office. And they told him  
9 that the car belonged to some guy, something  
10 Sanders. And he said he went to the area and the  
11 people say they know him.

12           Q.    Did anybody identify you as being in the  
13 car?

14           A.    No, sir.

15           Q.    Did Mr. Ray tell you, you need to go ahead  
16 and plead guilty, because even if we win this one,  
17 you are eligible for life without parole on the  
18 other cases?

19           A.    Yes, sir.

20           Q.    And you believe that's just not true under  
21 the law.

22           A.    Now I know it wasn't true, because I had  
23 only one strike against me.

24           Q.    Do you have any other complaints about  
25 Mr. Ray's work for you?

## Carlos Smith-Direct by Rucker

1           A.    I mean I feel like it's a lot of things  
2   that he could did to even prevent us from getting to  
3   that point in the case at all.

4           Q.    Did you actually file a motion to be  
5   relieved or ask him to file a motion to be relieved  
6   as your attorney?

7           A.    Yes, sir. I filed the motion, and we went  
8   in front of Judge Cole. I think it was in May or  
9   sometime around the 13th. And I informed the judge  
10   that, you know, I still owed Tim Ray some funds.  
11   Because like I said I only had him retained for a  
12   month and a half, maybe 2 months before my bonds got  
13   revoked. And when my bonds got revoked there was  
14   nothing I could do.

15          Q.    Did you believe that was affecting his  
16   representation of you?

17          A.    A lack of funds?

18          Q.    Yes.

19          A.    Yes, sir.

20          Q.    Did you believe he wasn't properly  
21   investigating because he didn't want to put the time  
22   in because he wasn't being fully paid?

23          A.    Yes, sir. That's pretty much what he told  
24   me out of his own mouth.

25          Q.    Do you have any other complaints about his

Carlos Smith-Direct by Rucker

1 work for you?

2 A. Not other than I don't think he did a good  
3 job. And he didn't represent me to the fullest of  
4 his abilities.

5 Q. What are you asking the judge today to do?

6 A. What do you mean?

7 Q. Are you asking the judge to remand your  
8 case back to Spartanburg, because you don't believe  
9 Mr. Ray did a special job for you? I mean since---

10 A. Yes, because I feel like I wasn't -- my  
11 lawyer didn't perform at a competent level with  
12 diligence.

13 MR. RUCKER: No further questions.

14 Cross Examination Ms. Olive:

15 Q. Good morning, Mr. Smith.

16 A. Good. How are you doing?

17 Q. So it's your position today that you would  
18 have preferred to go to trial on all these separate  
19 charges rather than plead guilty?

20 A. Yes, ma'am.

21 Q. And you realize that you were facing up to  
22 30 years on each one of those charges. Not on all  
23 of them. But at least...

24 A. On four of them, yes, ma'am.

25 Q. So you realize you were facing up to---

## Carlos Smith-Cross by Olive

1           A.    I also realize at the time though that  
2    them four charges that they had, three of them was  
3    lacking anything they can do to convict me beyond a  
4    reasonable doubt.

5           Q.    Was there not audio and video of at least  
6    one of these buys?

7           A.    At least one of them, yes. But like we  
8    just talked about one of them, the one we were going  
9    to start the trial with. And then the other two,  
10   they have audio. But on the video, there's nothing  
11   that can be sent. They've got a blacked out video.  
12   And they got the paperwork.

13          Q.    But didn't -- wasn't there an investigator  
14   that was going to be that was there at the time of  
15   that buy? Even though the video wasn't clear, he  
16   can testify that he saw you walk up to the car, and  
17   he knew who you were.

18          A.    Which one?

19          Q.    This was January 18th 2012.

20          A.    He say -- what he said was, he seen the  
21   guy walk up to the car. And he's saying that he  
22   seen reach across the driver's side seat and hand  
23   him something.

24          Q.    Well but he would testified at that trial,  
25   correct?

## Carlos Smith-Cross by Olive

1           A.    I mean he was on the list as a witness for  
2 the State. But there is nothing saying that he say  
3 If I handed anybody something. He can't even say if  
4 I was there.

5           Q.    Well okay.

6           A.    And like I asked my attorney---

7           Q.    That's okay, I'm asking the questions.

8 Thank you, sir.

9           A.    Oh, I thought you wanted more---

10          Q.    No.

11          A.    ---answer to it.

12          Q.    No, I apologize. If I may, just a moment.

13 But you did -- okay at your guilty plea, the judge  
14 went over all the charges with you, correct?

15          A.    Yes, ma'am.

16          Q.    He informed you of the sentences you were  
17 facing on those charges, correct?

18          A.    Yes, ma'am.

19          Q.    The solicitor went through the facts and  
20 explained each of these scenarios in which these  
21 buys were conducted, correct?

22          A.    Yes, ma'am.

23          Q.    And then you agreed with those facts on  
24 the record, correct?

25          A.    Yes, ma'am.

Carlos Smith-Cross by Olive

1 Q. And then you admitted guilt. You pled  
2 guilty.

3 A. Yes, ma'am.

4 Q. And the judge informed you that you were  
5 waiving your right to a jury trial?

6 A. Yes, ma'am.

7 Q. That you were waiving your right to  
8 confront your accusers?

9 A. Yes, ma'am.

10 Q. That you were waiving your right to remain  
11 silent?

12 A. Yes, ma'am.

13 Q. And he also asked you if anyone threatened  
14 or coerced you to plead guilty and you said no,  
15 correct?

16 A. Yes, ma'am.

17 Q. And he asked you if anyone had promised  
18 you anything to plead guilty and you said no,  
19 correct?

20 A. Yes, ma'am.

21 Q. And then he asked if you were satisfied  
22 with counsel and you said you were.

23 A. Yes, ma'am.

24 Q. And he asked if you needed any more -- if  
25 you had had enough time to speak with counsel and

## Carlos Smith-Redirect by Rucker

1 you said, yes, correct?

2 A. Yes, ma'am.

3 Q. And ultimately though you were facing  
4 30 years on each one of these charges, you only  
5 received 12 years, correct?

6 A. Yes, ma'am.

7 Q. You received 12 years.

8 MS. OLIVE: I beg the court's indulgence.  
9 That's all the questions I have.

10 MR. RUCKER: Your Honor, just a couple of  
11 follow up.

12 THE COURT: Okay.

13 Redirect Examination by Mr. Rucker:

14 Q. Mr. Smith, let's just be clear about this.  
15 You don't feel that you were told that Mr. Ray  
16 correctly informed you about your status before the  
17 guilty plea, right? As far as life without  
18 possibilities.

19 A. He didn't.

20 Q. So you believe that you did not enter that  
21 guilty plea knowingly, correct?

22 A. Yes, sir.

23 Q. Because you didn't understand the full  
24 implications of the criminal procedure that would be  
25 used against you.

## Carlos Smith-Redirect by Rucker

1 A. Yes, sir.

2 Q. So you did admit to these things, but that  
3 was you believed you had do to this to avoid the  
4 life without parole on the other charges as well.

5 A. On the advice of my counsel, yes, sir.

6 MR. RUCKER: No further questions.

7 THE COURT: And you had -- you said you  
8 had two prior convictions for assault and battery  
9 with intent to kill.

10 A. Yes, sir.

11 THE COURT: Did they occur on the same  
12 day?

13 A. Yes, sir. They occurred at the same time.  
14 I went to jury trial for them on the same day. And  
15 was convicted and sentenced for both of them the  
16 same day in 2001.

17 THE COURT: And what do you think your  
18 parole eligibility based on this?

19 A. I don't have a parole eligibility.

20 THE COURT: So you've got -- or your  
21 position is or at the least the Department of  
22 Correction's position is this was a non-parolable  
23 offense.

24 A. Yes, sir. When I first entered SCDC it  
25 was a parolable offense. But recently back in May,

## Carlos Smith-Redirect by Rucker

1 I would say between May and June, after I went and  
2 see the parole examiner, they sent me a letter  
3 saying that parole eligibility was denied due to the  
4 priors.

5 THE COURT: So you went to the parole  
6 hearing and they just denied your parole. Are you  
7 serving 85 percent, and what put you in an  
8 85 percent?

9 A. I don't know. They changed it from  
10 nonviolent sentence to a nonviolent 85. See can I  
11 say---

12 THE COURT: Do you have a prior -- your  
13 prior offenses that made this third, were they  
14 possessions or were they just distribution?

15 A. They were possession. And I think one was  
16 a PWID.

17 THE COURT: You understand that the only  
18 relief I can grant you is a new trial. And you have  
19 to go back and start over.

20 A. Yes, sir.

21 THE COURT: And you can get more than  
22 12 years.

23 A. Yes, sir.

24 THE COURT: Any questions to that?

25 MR. RUCKER: No, sir.

Timothy Ray-Direct by Olive

1 MS. OLIVE: No, Your Honor.

2 MR. RUCKER: Your Honor, that is our case.

3 Your Honor, if I could have one second to confer  
4 with my client.

5 MS. OLIVE: Your Honor, the State would  
6 call Tim Ray.

7 Timothy Ray, being first duly  
8 sworn, testified as follows.

9 DIRECT EXAMINATION by Ms. Olive:

10 Q. Mr. Ray, you represented Mr. Smith on  
11 these charges.

12 A. Yes, ma'am.

13 Q. Do you recall how many times you met with  
14 Mr. Smith?

15 A. I don't recall how many, but it was  
16 numerous, especially leading up to the point where  
17 we were about to go trial.

18 Q. Was it more than 3 or 4?

19 A. Yes, ma'am.

20 Q. Had you reviewed all of the discovery with  
21 Mr. Carlos -- I mean, I'm sorry, with Mr. Smith  
22 before his guilty plea?

23 A. Yes, ma'am.

24 Q. And can you characterize the State's  
25 evidence? In other words, did you feel they had

Timothy Ray-Direct by Olive

1 sufficient evidence to proof him guilty at trial?

2 A. They had several controlled buys that were  
3 basis of the charges. And looking at video that  
4 they had, some of them were questionable, but when  
5 It comes down to it, they were going to have someone  
6 that went in and bought drugs and identified  
7 Mr. Smith as the one they bough the drugs from.  
8 Except the case that we were about to go to trial  
9 on, they had the informant that bought drugs, and  
10 then the narcotic officers were there watching, and  
11 they were going to identify Mr. Smith as the one  
12 that sold the drugs.

13 Q. What about with regards to all these his  
14 charges?

15 A. It was the undercover buys. And where an  
16 informant goes in and buys and comes back and shows  
17 what they got to the officers.

18 Q. Were they equipped with audio visual?

19 A. Yes.

20 Q. So you felt that if he had gone to trial  
21 on those, that he would have been convicted?

22 A. Most likely. On some he had a chance.

23 Q. But most likely you think he would have  
24 been convicted.

25 A. Yes.

## Timothy Ray-Direct by Olive

1 Q. Did he -- did you and he discuss his  
2 version of what happened?

3 A. We did. I actually went out to the  
4 location to the home there where he said he had  
5 never been to, and was discussing with the people  
6 that lived there, who lived there and everything.  
7 And he didn't live there. I believe that the  
8 officers were going to say this is just where it  
9 happened, not that it occurred in the home. So it  
10 really in interviewing the people there, it might  
11 have been helpful to bring them in to testify to the  
12 fact that they didn't know anything about it. But  
13 since the officers were saying this didn't occur in  
14 the home, when I brought that person in, I don't  
15 think it was going to be very effective. And it  
16 could have turned against us as the smoke and  
17 mirrors. But I know prosecutors like to claim that  
18 defense attorneys do. So strategically I don't know  
19 that it would have been good to bring them in here.

20 Q. But you did conduct your own  
21 investigations.

22 A. I did. And I will say that the way that  
23 home is set up, it's right by the street. So  
24 anything happening there in the car, anything in  
25 front or around it it's, I guess you would have to

## Timothy Ray-Direct by Olive

1 see the location to understand that it can happen  
2 very close to the home just by being -- taking place  
3 on the street there.

4 Q. And ultimately there was a plea offer made  
5 in this case?

6 A. Sort of. They were going to file a life  
7 notice.

8 Q. Did they conduct the life?

9 A. They sent a copy of it to me, but it  
10 wasn't signed. They didn't actually serve the life  
11 notice. It was their intent if we went forward to  
12 trial, that they were going to serve a life notice.

13 Q. Did you discuss with Mr. Smith all of  
14 these charges against him, as well as the elements  
15 of those charges and any defense that he might have?

16 A. I did.

17 Q. And ultimately whose decision was it to  
18 plead guilty?

19 A. Mr. Smith's.

20 Q. And were you prepared to go to trial had  
21 he decided not to plead guilty?

22 A. I was. And I will say that I never told  
23 him that because he hadn't finished paying me, that  
24 I wasn't go to work for him or do what we needed to  
25 do for trial.

## Timothy Ray-Cross by Rucker

1 Q. And Mr. Smith also alleged, he mentioned  
2 something about investigating a Crown Victoria. Do  
3 you recall anything about that?

4 A. Yeah, it was at the home. I don't think  
5 there is information as to who owned that vehicle.  
6 I went to the home where everything took place in  
7 front of it there. And that was the investigation.  
8 I didn't have information as to the vehicle that I  
9 recall. I don't remember having anything on the  
10 vehicle.

11 Q. But you did look in to that?

12 A. I did.

13 MS. OLIVE: That's all the questions that  
14 I have.

15 MR. RUCKER: May it please the court.

16 THE COURT: Yes, sir.

17 Cross Examination by Mr. Rucker:

18 Q. Mr. Ray, do you deny sending a letter to  
19 my client on February 19th 2013, telling him that if  
20 he did not pay the full balance of the \$7500, you  
21 were going to file a motion to be relieved?

22 A. I probably did. I don't recall, but we do  
23 that typically in a situation where somebody is not  
24 paying.

25 Q. Okay. So you do believe you would have

## Timothy Ray-Cross by Rucker

1 sent that letter?

2 A. Yes, sir.

3 Q. Did you thoroughly research the law before  
4 you started a plea process in this case?

5 A. I did. I think I did make a mistake.

6 Q. And was that mistake that you informed him  
7 that he was eligible on several additional crimes  
8 for LWOP?

9 A. Yes.

10 Q. What crimes were those?

11 A. The distribution third.

12 Q. Is -- was part of your strategy of talking  
13 to him about entering a plea that he was going to  
14 face this repeatedly over at least 4 cases?

15 A. It was. And he had the two ABWIK's  
16 already. And he had the distribution third. So  
17 mistakenly. I believe everybody mistakenly believed  
18 that, because the sentencing sheets even state that  
19 it was a serious offense. He did have the half mile  
20 charge, which was going to be another strike. But,  
21 yes, it was a mistake as to the distribution third.

22 Q. And that means the sentencing sheet would  
23 have been incorrect where it was checked all serious  
24 for those cases.

25 A. Yes, sir.

## Timothy Ray-Cross by Rucker

1 Q. Now is the trial -- the case that was  
2 going forward on trial, was that a serious offense,  
3 or was that a most serious offense?

4 A. It was serious. Half a mile would have  
5 been.

6 Q. Did you understand that the court would  
7 probably treat the two ABWIK's since the convictions  
8 were on the same day as one strike, or two strikes?

9 A. I don't know that they would under the  
10 strike laws. I think even though he couldn't be  
11 sentenced, and this may be a mistake again, but this  
12 is my understanding. That even though he couldn't  
13 be sentenced to life without parole for those  
14 because they occurred at the same time, when he was  
15 convicted of them, I believe that those two count as  
16 two separate strikes.

17 Q. Does that make any sense to you?

18 A. Not particularly. But that's my  
19 understanding of...

20 Q. But if you were wrong on that issue, then  
21 he really wasn't facing the amount of time.

22 A. Right. If they only count as one, then  
23 that was only one most serious previous.

24 Q. So it was your belief that he might not  
25 even been eligible for the LWOP based on possession

Timothy Ray-Cross by Rucker

1 with intent to distribute near the. School, if that  
2 is accurate.

3 A. If that's -- if I was wrong about that,  
4 yes. And I'd like to go back and research that now.

5 Q. Would you say it was a major influencing  
6 factor on Mr. Smith to enter a guilty plea that he  
7 was looking at least four attempts to put him away  
8 for life?

9 A. It was part of it.

10 Q. What was the other part?

11 A. And the other part is that he was facing  
12 four different offenses that carried very large  
13 sentences, and we had an opportunity to consolidate  
14 those in front of the judge that I believe to be  
15 more lenient in his sentencing. And that's what  
16 occurred.

17 Q. There's a chance you could have gone --  
18 did you all agree to go in front of that judge? Did  
19 you agree with the solicitor to do that?

20 A. Yes.

21 Q. If you would have researched and found out  
22 the other cases weren't actual serious offenses, are  
23 you saying that the solicitor's office would not  
24 have taken you back in front of that judge?

25 A. I would have probably had the opportunity

## Timothy Ray-Cross by Rucker

1 to go in front of that judge no matter what. And my  
2 advice to him even if there was no possibility of  
3 LWOP, would have been to resolve those in front of  
4 that judge.

5 Q. Now those other cases though, you heard  
6 his testimony that he didn't think they were very  
7 strong. And you actually said that he had chances  
8 on each of those.

9 A. I don't know about each. It was one of  
10 those where particularly one of videos it's hard to  
11 see things exactly change hands and such. But still  
12 on top of that, you have an informant that says,  
13 they went in and bought. And you've got the  
14 narcotic's officers that are going to say they  
15 searched him before he went there, that he came back  
16 from there and he had drugs. And he's going to say  
17 that he got from Mr. Smith. So sometimes you have a  
18 chance. But when you have that many of them, odds  
19 are you not going to -- you might have one, but just  
20 in my experience, you're going to have a tough time  
21 winning all the way through.

22 Q. And in the discovery that you received,  
23 did it tell you who was informant was? I'm assuming  
24 not.

25 A. No.

Timothy Ray-Cross by Rucker

1 Q. Did you find out the day of trial who the  
2 informant was through a witness list?

3 A. Well we didn't get up that point. We  
4 actually determined -- the typical practice of the  
5 solicitor's office was, if they have to disclose who  
6 their informant was, all deals are off. Which is  
7 the way they kind of hold that over us. Otherwise  
8 we want that information from the very beginning.

9 So they hold that until the last minute at  
10 trial. And sometimes we even have to make motions  
11 for them to disclose that information. So they had  
12 not yet turned over that information.

13 Q. How much of your practice is criminal law  
14 here in Spartanburg?

15 A. Probably 70 percent.

16 Q. Do you have an active practice?

17 A. Yes.

18 Q. These informants generally are people  
19 involved in the drug game, is that right?

20 A. Oh, yeah.

21 Q. And they usually have records themselves.

22 A. Uh-huh. (Affirmative.) They do.

23 Q. What do you do to make sure you don't have  
24 a conflict of interest with the informant if you  
25 aren't given any information about who that person

## Timothy Ray-Cross by Rucker

1 is, even right on the eve of trial.

2 A. Sometimes that happens. And at the eve  
3 of the trial, we have to go to the judge and say,  
4 judge, I now have a conflict, because they just  
5 disclosed who this person is. So I can't go  
6 forward. And that ends up continuing cases right at  
7 the point where they're ready to go to trial.

8 Q. Have you had cases in which your clients  
9 have told you they were working for the sheriff's  
10 office under law enforcement?

11 A. I have had cases where I've arranged for  
12 clients to do that. I don't think I've ever  
13 actually had one where they told me they were  
14 actively working for the police when they were  
15 charged with -- for a crime.

16 Q. How would you know if you had arranged  
17 somebody to work with the police, how would you know  
18 they're not out working this case against your own  
19 client?

20 A. You don't. And my typical practice is,  
21 when they're going to give information to the  
22 police, I'll sit down. And we'll have the police in  
23 my office. I'll sit down and talk to them  
24 beforehand. And then I'll say, I don't need to hear  
25 what you're about to disclose, because I don't know

## Timothy Ray-Redirect by Olive

1 if you're going to disclose anything about any  
2 clients I may have. And I'll step out of the room  
3 and let them talk.

4 Q. Just to summarize though, you believe in  
5 this case your mistakes were that you misinformed  
6 him about the status of three of the charges against  
7 him---

8 A. Yes.

9 Q. ---as far as LWOP eligibility.

10 A. Yes, those distributions.

11 Q. And that at least was part if not half of  
12 why he entered that guilty plea.

13 A. Probably.

14 Q. Did you say probably?

15 A. Probably. But I think so, yes, sir.

16 MR. RUCKER: No further questions.

17 MS. OLIVE: Your Honor, I just have one  
18 brief question on redirect.

19 Redirect Examination by Ms. Olive:

20 Q. Mr. Ray, regardless of the LWOP issue,  
21 based on your experience and the facts of this case  
22 and the State's case, would it still have been your  
23 advice to Mr. Smith to take the guilty plea?

24 A. Absolutely.

25 MR. RUCKER: No further questions, Your

1 Honor.

2 MS. OLIVE: May Mr. Ray be excused?

3 MR. RUCKER: No Objection.

4 THE COURT: Any further witnesses from the  
5 State?

6 MS. OLIVE: No, Your Honor.

7 THE COURT: Is it the State's position  
8 that based on his prior record he was eligible to be  
9 LWOP?

10 MS. OLIVE: Your Honor, frankly, I just  
11 didn't realize that was an issue in this case, so I  
12 have not researched it. I don't know off hand what  
13 is serious. You know, I mean I know that ABWIK is  
14 a violent serious. But I -- and also I mean, it's  
15 my understanding that even if he was convicted of  
16 ABWIK on the same day, the charges happened on  
17 separate occurrences. I mean the...

18 THE COURT: Well I mean does it matter  
19 that let's say the ABWIK was where he -- there was  
20 two people in the car on the same. So it was one  
21 occurrence and they have to have two victims of the  
22 two ABWIK's versus two occurrences. Doesn't the law  
23 make a distinction between whether it was one  
24 occurrence or two occurrences?

25 A. I think so. And I mean we don't have

1 enough information from that conviction to even know  
2 the circumstances of it. I mean---

3 THE COURT: Okay.

4 MS. OLIVE: I mean and frankly, I mean I  
5 would -- I am not sure what Your Honor is inclined  
6 to do. I would ask for more time to research,  
7 because I am just not familiar.

8 THE COURT: Well he's claiming that but  
9 for the LWOP notice from the State that he was  
10 looking at life, he wouldn't have pled guilty. And  
11 if the LWOP notice from the State was wrong, and  
12 that's one of things he claims his attorney missed;  
13 that the State could not have noticed him with LWOP.  
14 And of course quite frankly, the only charge that  
15 does qualify what he plead to was the proximity.  
16 That even though the blocks were all checked as  
17 serious, at least in my understanding of the law,  
18 none of the distributions are a serious offense and  
19 will not qualify him unless it's within proximity.

20 So the issue then was, if he had two prior  
21 assault and battery with intent to kill, which  
22 really doesn't exist anymore. It's an attempted  
23 murder. And whether attempted murder is the most  
24 serious offense. It is the most serious offense or  
25 whether ABWIK which took that place qualifies.

1 MS. OLIVE: Well I think he might have to  
2 prove prejudice. I mean...

3 THE COURT: I understand your argument. I  
4 was just, you know, the court of appeals in some of  
5 their opinions lately, I don't know, you know, that  
6 in fact and there is at least Justice Pleicones, but  
7 for you know, it goes back to I think one of the  
8 later cases, he wouldn't have pled guilty at all if  
9 had been given proper information, and he'd gone to  
10 trial. And so what I was trying to find out,  
11 because I don't have it, whether in fact he was --  
12 whether the LWOP notice where the State could have  
13 served him with that. Because I think that's going  
14 to become critical.

15 MS. OLIVE: Well it sounds like they did  
16 not actually serve it. So....

17 THE COURT: I know when his lawyer  
18 admitted that they threatened him with it; that he  
19 was threatened if he didn't take the plea, they were  
20 going to notice him. And, you know, and if that was  
21 the voluntariness of him entering the plea, that's  
22 going to be an issue. Because he said it happened  
23 on the same day, whether it was one occurrence. At  
24 least that's what the statute seems to talk about  
25 one occurrence versus two different occurrences. If

1 you committed the two armed robberies, two  
2 occurrences with two different victims, then I think  
3 that they qualify. If you walk into a convenience  
4 store and you've got two clerks standing there, it  
5 may not qualify.

6 MR. RUCKER: Well, Your Honor, his  
7 testimony from the report, I think he was testifying  
8 it was two victims from one instance. One incident.

9 THE COURT: And that's what, but, you  
10 know, I don't know whether it's the State's position  
11 that that is accurate or not.

12 MS. OLIVE: We don't have a transcript. I  
13 mean, I don't know if Mr. Ray's testimony -- I don't  
14 know if he actually knew or if he was just  
15 speculating. I'm not -- I don't know that he -- I  
16 don't have a sentencing sheet.

17 THE COURT: He said the solicitor  
18 threatened him with it, and that was one of the  
19 reasons. I'm just going by what he told me. Okay.  
20 I'll let you all know.

21 MR. RUCKER: Thank you, Your Honor.

22 --End of Requested Transcript of Record--

23

24

25

C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of the State of South Carolina, do hereby Certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in Common Pleas Nonjury Court on January 2, 2016, in Spartanburg County, Spartanburg, South Carolina.

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

9.6.16  
DATE

Margaret T. Sullivan

COURT REPORTER

My Commission expires: 9/7/21

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Carlos Dewan Smith, #276619

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
SEVENTH JUDICIAL CIRCUIT

2016 JUN 24 AM 10:25

2014-CP-42-2410

11. HOPE BLACKLEY

**ORDER GRANTING  
RELIEF**

This matter came before the Court by way of an Application for Post-Conviction Relief (PCR). The Applicant is represented by Brandt Rucker, Esq. The State of South Carolina was represented by Assistant Attorney General Alicia Olive. The Applicant is currently serving two twenty year concurrent sentences in the South Carolina Department of Corrections pursuant to a guilty plea. Of note, the

A hearing was held on January 12, 2016. The Applicant appeared and testified. The applicant's former attorney, Timothy Ray, Esq., appeared and also gave testimony. The Court reviewed the entire case file, including the plea transcript, and heard the testimony of all parties and witnesses.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Applicant was indicted at the January 2013 term of the Spartanburg County Grand Jury for four counts of distribution of crack cocaine, third offense (2012-GS-42-1993, -

6353, -6354, -6357), possession of marijuana, second offense, (2012-GS-42-2490); contributing to the delinquency of a minor (2012-GS-42-2489); distribution of crack cocaine within one half mile of a school (2012-GS-42-6356); possession of a weapon having been convicted of a crime of violence (2012-GS-42-6355); and possession of Oxycodone, third offense (2012-GS-42-6352).

On October 8, 2013, the applicant pled guilty as indicted. The Honorable J. Mark Hayes II sentenced the applicant to concurrent terms of twelve years imprisonment for each distribution of crack cocaine charge; five years for possession of a firearm by a person convicted of a violent felony; one year for possession of marijuana; three years for contributing to the delinquency of a minor; five years for the possession of Oxycodone, third offense, and ten years for the distribution of crack within one half mile of a school. The applicant was also on probation at the time of the guilty plea, and that probation was revoked and the remaining sentence was to be served concurrently. Additionally, the applicant has the following criminal record as announced by the assistant solicitor at the guilty plea: 1998 public disorderly conduct, 2000 possession of marijuana second offense, possession of Alprazolam, two counts of possession of crack cocaine, second offense, unlawful sale of a pistol, and two counts of assault and battery with the intent to kill. In 2010, he was convicted of simple possession of marijuana and possession with the intent to distribute crack cocaine, first offense.

 The applicant filed a timely application on July 16, 2014. In his application the applicant alleges he is being held in custody unlawfully for the following reason: Ineffective assistance of counsel, subject matter jurisdiction, and violation of constitutional rights. The applicant alleges that his plea attorney gave him erroneous

advice, and that erroneous advice prejudiced him and that he should be granted a new trial. This court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has had the opportunity to weigh the testimony of the witnesses, review the transcript, and review and weigh the evidence in this case pursuant to S.C. Code Ann. § 17-27-80 (2003).

The Applicant alleges he received ineffective assistance of counsel. For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). In order to prove prejudice, an applicant must show "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052). Additionally, in a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

QJC  
A guilty plea defendant is also entitled to the effective assistance of plea counsel. Hill v. Lockhart, 474 U.S. 52, 58 (1985); Hyman v. State, 397 S.C. 35, 43, 723 S.E.2d 375, 379 (2012). The two-prong Strickland analysis applies to PCR claims alleging plea counsel was ineffective. Hill, 474 U.S. at 58. "In the context of a guilty plea, the

deficiency prong inquiry turns on whether the plea was voluntarily, knowingly, and intelligently entered." Taylor v. State, 404 S.C. 350, 360, 745 S.E.2d 97, 102 (2012). TAM 10: 25  
show prejudice, a guilty plea defendant must establish there is a reasonable probability that, but for plea counsel's errors, he would not have pled guilty and would have insisted on going to trial. Hill, 474 U.S. at 58-60; Hyman, 397 S.C. at 43, 723 S.E.2d at 379. The prejudice prong "focuses on whether [plea] counsel's constitutionally ineffective performance affected the outcome of the plea process." Taylor, 404 S.C. at 360, 745 S.E.2d at 102. "In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing." Bennett v. State, 371 S.C. 198, 204, 638 S.E.2d 673, 675 (2006).

The applicant claims that his plea counsel failed to adequately inform him of the effect of his prior record on his potential sentence, and that this ineffective performance led him to enter a guilty plea. Specifically, the applicant alleges, and plea counsel agrees, that the applicant was told by his plea attorney that he was eligible for a sentence of life without the possibility of parole if he was tried and convicted of because of his two previous assault and battery with the intent to kill (ABWIK).

The law governing life without parole sentences in South Carolina is at South Carolina Code § 17-25-45:

SECTION 17-25-45. Life sentence for person convicted for certain crimes.

(A) Notwithstanding any other provision of law, except in cases in which the death penalty is imposed, upon a conviction for a most serious offense as defined by this section, a person must be sentenced to a term of imprisonment for life without the possibility of parole if that person has either:

(1) one or more prior convictions for:

(a) a most serious offense; or

(b) a federal or out-of-state conviction for an offense that would be classified as a most serious offense under this section; or

(2) two or more prior convictions for:

(a) a serious offense; or

(b) a federal or out-of-state conviction for an offense that would be classified as a serious offense under this section.

(B) Notwithstanding any other provision of law, except in cases in which the death penalty is imposed, upon a conviction for a serious offense as defined by this section, a person must be sentenced to a term of imprisonment for life without the possibility of parole if that person has two or more prior convictions for:

(1) a serious offense;

(2) a most serious offense;

(3) a federal or out-of-state offense that would be classified as a serious offense or most serious offense under this section; or

(4) any combination of the offenses listed in items (1), (2), and (3) above.

(C) As used in this section:

(1) "Most serious offense" means:

16-1-40 Accessory, for any offense enumerated in this item 16-1-80 Attempt, for any offense enumerated in this item 16-3-10 Murder 16-3-29 Attempted Murder 16-3-50 Voluntary manslaughter 16-3-85(A)(1) Homicide by child abuse 16-3-85(A)(2) Aiding and abetting homicide by child abuse 16-3-210 Lynching, First degree 16-3-210(B) Assault and battery by mob, First degree 16-3-620 Assault and battery with intent to kill 16-3-652 Criminal sexual conduct, First degree 16-3-653 Criminal sexual conduct, Second degree 16-3-655 Criminal sexual conduct with minors, except where evidence presented at the criminal proceeding and the court, after the conviction, makes a specific finding on the record that the conviction obtained for this offense resulted from

2016 JUN 24 AM 10:25

M. HOPE BLACKLEY

RJC

consensual sexual conduct where the victim was younger than the actor, as contained in  
Section 16-3-655(3) 16-3-656 Assault with intent to commit criminal sexual conduct,  
First and Second degree 16-3-910 Kidnapping 16-3-920 Conspiracy to commit  
kidnapping 16-3-1075 Carjacking 16-3-2020 Trafficking in persons 16-11-110(A) Arson,  
First degree 16-11-311 Burglary, First degree 16-11-330(A) Armed robbery 16-11-  
330(B) Attempted armed robbery 16-11-540 Damaging or destroying building, vehicle,  
or other property by means of explosive incendiary, death results 24-13-450 Taking of a  
hostage by an inmate 25-7-30 Giving information respecting national or state defense to  
foreign contacts during war 25-7-40 Gathering information for an enemy 43-35-85(F)  
Abuse or neglect of a vulnerable adult resulting in death 55-1-30(3) Unlawful removing  
or damaging of airport facility or equipment when death results 56-5-1030(B)(3)  
Interference with traffic-control devices or railroad signs or signals prohibited when  
death results from violation 58-17-4090 Obstruction of railroad, death results.

(2) "Serious offense" means:

(a) any offense which is punishable by a maximum term of imprisonment for thirty years  
or more which is not referenced in subsection (C)(1);

(b) those felonies enumerated as follows:

16-3-220 Lynching, Second degree 16-3-210(C) Assault and battery by mob, Second  
degree 16-3-600(B) Assault and battery of a high and aggravated nature 16-3-810  
Engaging child for sexual performance 16-9-220 Acceptance of bribes by officers 16-9-  
290 Accepting bribes for purpose of procuring public office 16-11-110(B) Arson, Second  
degree 16-11-312(B) Burglary, Second degree 16-11-380(B) Theft of a person using an  
automated teller machine 16-13-210(1) Embezzlement of public funds 16-13-230(B)(3)  
Breach of trust with fraudulent intent 16-13-240(1) Obtaining signature or property by  
false pretenses 16-25-20(B) Domestic violence, First degree 16-25-65 Domestic violence  
of a high and aggravated nature 38-55-540(3) Insurance fraud 44-53-370(e) Trafficking  
in controlled substances 44-53-375(C) Trafficking in ice, crank, or crack cocaine 44-53-  
445(B)(1)&(2) Distribute, sell, manufacture, or possess with intent to distribute

controlled substances within proximity of school 56-5-2945 Causing death by operating vehicle while under influence of drugs or alcohol; and

(c) the offenses enumerated below:

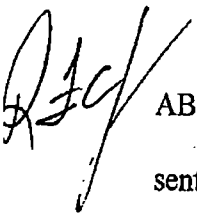
16-1-40 Accessory before the fact for any of the offenses listed in subitems (a) and (b)

16-1-80 Attempt to commit any of the offenses listed in subitems (a) and (b) 43-35-85(E)

Abuse or neglect of a vulnerable adult resulting in great bodily injury.

(3) "Conviction" means any conviction, guilty plea, or plea of nolo contendere.

Plea counsel advised the applicant that his two previous ABWIK combined with a conviction for distribution of crack cocaine within one half mile of a school made him eligible for a potential life without parole sentence because it is a serious offense. Specifically, plea counsel advised him the two ABWIK's would be treated as two prior convictions for most serious offenses, and combined with the a conviction for distribution of crack cocaine within one half mile of a school would be a serious offense, and those combined convictions would require a sentencing judge to sentence him to life without parole.

 Plea counsel failed to investigate and research the law to determine if the prior ABWIK's qualified as two prior most serious offenses. Based on the review of the sentencing sheets from those cases, and the testimony of the applicant, it is apparent that the two ABWIK's arose out of one occurrence. South Carolina § 17-25-50 states "in determining the number of offenses for the purpose of imposition of sentence, the court shall treat as one offense any number of offenses which have been committed at times so closely connected in point of time that they may be considered as one offense, notwithstanding under the law they constitute separate and distinct offenses."

The South Carolina Supreme court illustrated a proper application of section 17-25-50 to

preclude a life without parole sentence. Woody was convicted of second-degree burglary and had two prior convictions for armed robbery. The State sought to use both robbery convictions for enhancement purposes and a life without parole sentence. The State's position was rejected because the armed robberies constituted, as a matter of law, one offense for purposes of section 17-25-50. The two armed robberies arose from a single incident at the same time and at the same location—a robbery of the store's clerk and the store itself. State v. Woody, 359 S.C. 1, 596 S.E.2d 907 (2004).

In this case, the applicant's previous convictions for ABWIK arose out of his pleading guilty to shooting at two people in a car. Under Woody, it is clear that this would be deemed one occurrence or one course of conduct, and would only be counted as one strike because it counted as one most serious offense. Plea counsel misinformed the applicant about the status of the law. South Carolina's Supreme Court has ruled that "the Sixth Amendment guarantee of effective assistance of counsel requires that counsel accurately inform a defendant, to the extent possible, of the qualifying nature of a prior offense for enhancement purposes." Berry v. State, 381 S.C. 630, 675 S.E.2d 425 (2009)

In this case, plea counsel did not meet the proper standard under Strickland, and the applicant was prejudiced by this failure. Accordingly, this case must be remanded for a new trial.

### CONCLUSION

Based on the foregoing, the Court finds and concludes the applicant has met his burden, and that this case must be remanded for a new trial.

**IT IS THEREFORE ORDERED:**

1. The applicant's current sentence should be vacated and the matter should be remanded for a new trial.

2016 JUN 21 AM 10:25

M. HOPE BLACKLEY

AND IT IS SO ORDERED this 8 day of June, 2016.

*Manning, S.C.*

Spartanburg, SC

Date: \_\_\_\_\_

*R. Ferrell Cothran, Jr.*  
The Hon. R. Ferrell Cothran, Jr.  
Presiding Judge, Seventh Judicial Circuit

# Spartanburg County

Spartanburg County Court House  
180 Magnolia Street  
P. O Box 3483  
Spartanburg, SC 29304 3483



Phone (864) 596-2591  
Fax (864) 596-2239

**M. Hope Blackley**

Clerk of Court

*June 28, 2016*

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG,

*Charles Deven Smith*  
#27669

Applicant

7<sup>TH</sup> JUDICIAL CIRCUIT

CASE # *QOKLCP42-2410*

*VS*  
*Shel*  
Respondent

CERTIFICATE OF SERVICE

I certify that, on this date, I served a copy of the

In this action dated

*6-8*

*2016*

on

*6-28-14*

*Order Let. Ruling*

By mailing to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

*Orlando Hawthorth*  
*John Rucker*  
*Suzanne White*

*6-28-14*

(Date)

*Corrie Stang*  
(Signature)

WITNESSES

1. SENTENCE MADE

SPTG CO SHERIFF'S OFFICE

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASYLUM HUNT AND  
FINE CARD MADE

8. TRAFFIC VIOLATION COPY

ARREST WARRANT NUMBER

N155483

87

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

JAN 18 2013

VERDICT

Foreperson of Petit Jury

Date:

12-GS-42-6350

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 28 2013

TERM

THE STATE

vs.

CARLOS DEWAN SMITH

Indictment for

DISTRIBUTION OF COCAINE BASE  
WITHIN ONE-HALF MILE OF SCHOOL  
SC Code: 44-53-445

CLERK OF COURT  
SPARTANBURG COUNTY

2013 JAN 23 AM 10:19

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA )  
COUNTY OF )

INDICTMENT

JAN 18 2013

At a Court of General Sessions, convened on \_\_\_\_\_, the

Grand Jurors of County present upon their oath:

**DISTRIBUTION OF COCAINE BASE**  
**WITHIN ONE-HALF MILE**

That Carlos Dewan Smith did in Spartanburg County on or about January 18, 2012, distribute, sell, purchase, manufacture, or unlawfully possess with intent to distribute, a quantity of Cocaine Base, a schedule II controlled substance, while in, on, or within a one-half mile radius of the grounds of a public or private elementary, middle or secondary school, a public playground or park, a public vocational or trade school or a technical educational center; or a public or private college or university, to wit: Carver Junior High, under provisions of §44-53-445 of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended, such possession not having been authorized by law.

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

  
ASSISTANT SOLICITOR

## ARREST WARRANT

N-155483

Pod 4

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Spartanburg

101319

THE STATE

12010906

against

Carlos Dewan Smith

Address: 585 Booker Blvd

Una, SC 29378-

Phone: (864)541-8512

SSN: [REDACTED]

M Race: B Height: 5 8 Weight: 243

State: SC DL #: 102500980

3: [REDACTED] Agency ORI #: [REDACTED]

Arresting Agency: Spartanburg County Sheriff

Arresting Officer: Daniel Swad - 0154

Offense: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

Offense Code: 0107

e/Ordinance Sec: 44-53-045(A)

Warrant is CERTIFIED FOR SERVICE in the

County/ ☐ Municipality of

The accused

to be arrested and brought before me to be  
t with according to the law.

(L.S.)

Signature of Judge

## RETURN

Copy of this arrest warrant was delivered to

Defendant

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
180 Magnolia Street  
P O Box 3483  
Spartanburg, SC 29304.

OCT 12 2012

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Personally appeared before me the affiant Daniel Swad

being duly sworn deposes and says that defendant Carlos Dewan Smith

did within this county and state on or about 01/18/2012

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Spartanburg

in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

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

That on January 18, 2012 in the county of Spartanburg, one Carlos Dewan Smith did within one-half mile of Carver Junior High School, 467 S Church Street a school, park or playground distribute cocaine base, without authorization to do so, a Schedule ( I/II ) Controlled Substance.

Warrant is based upon police investigation.AS

Signature of Affiant

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street  
Spartanburg, SC 29303-

Affiant's Telephone

## ARREST WARRANT

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

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

on or about 1/18/2012 defendant Carlos Dewan Smith

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

☒ County/ ☐ Municipality of Spartanburg ) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

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

Sworn to and subscribed before me

on 01/23/2012

(L.S.)

Signature of Issuing Judge

James Donnie Willingham

Judge Code: 7099

Judge's Address Spartanburg County Magistrate

Spartanburg, SC 29306-

Judge's Telephone (864)596-3424

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

AFFIDAVIT

2012 OCT 12 10 10 AM  
CLERK OF COURT  
SPARTANBURG COUNTY2012 OCT 12 10 10 AM  
CLERK OF COURT  
SPARTANBURG COUNTY2012 OCT 12 10 10 AM  
CLERK OF COURT  
SPARTANBURG COUNTY

SCANNED

## STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE VS.

Carlos Dewan Smith

AKA:

Race: B Sex: M Age: 32

DOB: SS#: 77-11-6513

Address: 170 Law St.

City, State, Zip: Una, SC 29378

DL#: SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Drugs / Distribute of crack cocaine near school (0-10 years and/or \$0-10K)

in violation of § 44-53-0445(B)

of the S.C. Code of Laws, bearing CDR Code #

0107

☒ NON-VIOLENT☐ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense,The plea is: ☒ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury,

(defendant's initials)

☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

SPIVEY, SCOTT DANIEL

SC Bar# 77868

Defendant Carlos Smith

Attorney for Defendant

SC Bar# 70488

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,

for a determinate term of 10 days/months/years or

☐ under the

Youthful Offender Act

not to exceed

years

and/or to pay a fine of \$ ; provided that upon the service of

days/months/years and/or payment

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

probation for

months/years and subject to South Carolina Department of Probation. Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections.

§ 24-13-40 to be calculated and applied

☐ 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

\$

§ 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

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114 (BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCCA Surcharge)

\$5

\$

3% to County (if paid in installments)

\$

TOTAL

\$

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

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

Clerk of Court/ Deputy Clerk

Court Reporter: P Green

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2132

Sentence Date: 10-8-13

DOCKET NO. **12-GS-42-1993**

**WITNESSES**

1. SENTENCE MADE  
2. REPORT ENDED  
**SPTBG CO SHERIFF'S OFFICE**

3. CHECKED WARRANTS

5. CHECKED SIGNATURE

7. ASSESSMENT AND  
FINE CARD MADE

8. FINE CARD VIOLATION COPY

**ARREST WARRANT NUMBER**

N155162

**ACTION OF GRAND JURY**

**True Bill**

MAR 29 2012

Foreperson of Grand Jury  
Date:

**VERDICT**

Foreperson of Petit Jury  
Date:

**The State of South Carolina**  
**County of Spartanburg**

**Barry J. Barnette, Solicitor**

**COURT OF GENERAL SESSIONS**

APR 5 2012

**TERM**

**THE STATE**  
**VS.**

**CARLOS DEWAN SMITH**

**Indictment for**

**DISTRIBUTION OF COCAINE BASE**  
SC Code: 44-53-375

FILED  
2012 APR -5 PM 4:36  
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

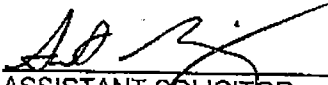
INDICTMENT

At a Court of General Sessions, convened on \_\_\_\_\_, 2012, the  
Grand Jurors of Spartanburg County present upon their oath:

**DISTRIBUTION COCAINE BASE**

That Carlos Dewan Smith did in Spartanburg County on or about February 17, 2011, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Cocaine Base, a schedule II controlled substance under provisions of § 44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.*

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

  
\_\_\_\_\_  
ASSISTANT SOLICITOR

## STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG  
STATE VS.

Carlos Dewan Smith

AKA:

Race: B Sex: M Age: 32

DOB: [REDACTED] SS# [REDACTED]

Address: 170 Low St

City, State, Zip: UNA, SC 29378

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: Drugs / Distribution of cocaine base, 3rd (10-30 years and/or \$0-50K)

in violation of § 44-53-0375 (

☒ NON-VIOLENT☐ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC☐ §17-25-45

w/minor Ist 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.

ATTEST:

SPIVEY, SCOTT DANIEL

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 12 days/months/years or

☐ under the

Youthful Offender Act

not to exceed

years

and/or to pay a fine of \$

days/months/years and/or payment

of \$

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections.

§ 24-13-40 to be calculated and applied

☐ 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

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code:

Sentence Date:

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

01-23-12  
ARREST WARRANT  
N-155162  
STATE OF SOUTH CAROLINA  
☒ County/ ☐ Municipality of  
Spartanburg  
2011020905  
GOMP 31  
89067

Carlos Dewan Smith  
Address: 585 Booker Blvd  
Spartanburg, SC 29301-  
Phone: (864)541-8512 SSN: [REDACTED]  
Sex: M Race: B Height: 5 8 Weight: 250  
DL State: SC DL #: [REDACTED]  
DOB: [REDACTED] Agency ORI #: SC0420000  
Prosecuting Agency: Spartanburg County Sheriff  
Prosecuting Officer: Travis McJunkin - 1003  
Offense: Drugs / Manufacture, distribution, etc. of  
methamphetamine or cocaine base, 1st  
Offense Code: 3014  
Code/Ordinance Sec: 44-53-0375 (B) (1)

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

(L.S.)

Signature of Judge  
Date:

RETURN

A copy of this arrest warrant was delivered to  
defendant Carlos Smith  
on 01/17/12  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
180 Magnolia Street  
P O Box 3483  
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA  
☒ County/ ☐ Municipality of  
Spartanburg  
Personally appeared before me the affiant Travis McJunkin  
being duly sworn, deposes and says that defendant Carlos Dewan Smith  
did within this county and state on or about 02/17/2011  
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Spartanburg  
in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 1st

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

That on February 17, 2011 in the county of Spartanburg, one Carlos Dewan Smith did knowingly and without authorization  
manufacture Cocaine Base, a Schedule II Controlled Substance. KFD.  
distribute  
Warrant based upon police investigation.

Signature of Affiant  
STATE OF SOUTH CAROLINA  
☒ County/ ☐ Municipality of  
Spartanburg

Affiant's Address 8045 Howard Street  
Spartanburg, SC 29303-  
Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY  
It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/17/2011 defendant Carlos Dewan Smith  
did violate the criminal laws of the State of South Carolina (or ordinance of  
☒ County/ ☐ Municipality of Spartanburg ) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 1st

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

on 01/05/2012  
Signature of Issuing Judge  
William Robby Chumley  
Judge Code: 7165

Judge's Address 180 Magnolia Street  
Spartanburg, SC 29306-  
Judge's Telephone (864)596-2564  
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 516

2012 JAN 12  
2012 JAN 28 AM 10:34  
SPARTANBURG COUNTY  
CLERK OF COURT  
FILED  
M. HOPE BLACKLEY

WITNESSES

1. SENTENCE MADE

2. REPORT ENDED

SPTG CO SHERIFF'S OFFICE

3. CARD PULLED

INDEXED

WARRANTS

ASSIGNMENT AND

RE CARD MADE

VIOLATION COPY

ARREST WARRANT NUMBER

N155484

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

JAN 18 2013

VERDICT

Foreperson of Petit Jury

Date:

12-GS-42-6357

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 28 2013

TERM

THE STATE

vs.

CARLOS DEWAN SMITH

Indictment for

DISTRIBUTION OF COCAINE BASE

SC Code: 44-53-375

2013 JAN 23 11:10:13

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

INDICTMENT

JAN 18 2013

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

**DISTRIBUTION COCAINE BASE**

That Carlos Dewan Smith did in Spartanburg County on or about January 18, 2012, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Cocaine Base, a schedule II controlled substance under provisions of § 44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.*

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

  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

STATE VS.

Carlos Dewan Smith

AKA:

Race: B Sex: M Age: 32

DOB: [REDACTED] SS#: [REDACTED]

Address: 170 Law St.

City, State, Zip: Unal SC 29378

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: Drugs / Distribution of cocaine base, 3rd (10-30 years and/or \$0-50K)

INDICTMENT/CASE#: 2012GS4206357

A/W#: N155484

Date of Offense: 1/18/2012

S.C. Code §: 44-53-0375 (

CDR Code #: 3039

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0375 ( of the S.C. Code of Laws, bearing CDR Code # 3039

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

SPIVEY, SCOTY DANIEL

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 12 days/months/years of ☐ 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 formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code  
by the State Department of Corrections.

§ 24-13-40 to be calculated and applied

☐ 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   | \$ 150.00 |
| § 50-21-114(BUI Breath Test Fee)       | \$50    | \$        |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$        |
| Proviso 90.5 (SCCA Surcharge)          | \$5     | \$ 5.00   |
| 3% to County (if paid in installments) | \$      | \$ 8.40   |
| TOTAL                                  |         | \$ 288.40 |

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

## ARREST WARRANT

N-155484

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

THE STATE

12010906

against

Carlos Dewan Smith

Address: 585 Booker Blvd

Una, SC 29378-

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_  
Sex: M Race: \_\_\_\_\_ Height: 5 Weight: 243DL State: SC DL #: \_\_\_\_\_DOB: \_\_\_\_\_ Agency ORI #: SC0420000Prosecuting Agency: Spartanburg County SheriffProsecuting Officer: Daniel Swad - 0154Offense: Drugs / Manufacture, distribution, etc.  
methamphetamine or cocaine base, 2nd offenseOffense Code: 3015Code/Ordinance Sec: 44-53-0375 (B) (2)This warrant is **CERTIFIED FOR SERVICE** in the  
☒ County/ ☐ Municipality ofThe accused  
is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to  
defendant Carlos Dewan Smith  
on 10-7-12

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
180 Magnolia Street  
P O Box 3483  
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Personally appeared before me the affiant Daniel Swadbeing duly sworn deposes and says that defendant Carlos Dewan Smithdid within this county and state on or about 01/18/2012State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Spartanburg

in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manufacture, distribution, etc. methamphetamine or cocaine base, 2nd offenseI further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:That on January 18, 2012 in the county of Spartanburg, one Carlos Dewan Smith did knowingly and without authorization  
distribute cocaine base, a Schedule II Controlled Substance. Defendant has prior convictions for this offense

warrant is based upon police investigation. AS

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard StreetSpartanburg, SC 29303-

Affiant's Telephone \_\_\_\_\_

## ARREST WARRANT

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

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

on or about 1/18/2012 defendant Carlos Dewan Smith

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

☒ County/ ☐ Municipality of Spartanburg

) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. methamphetamine or cocaine base, 2nd offenseHaving found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable  
Sworn to and subscribed before meon 01/23/2012Signature of Issuing Judge  
James Donnie Willingham  
Judge Code: 7099

(L.S.)

Judge's Address Spartanburg County MagistrateSpartanburg, SC 29306-Judge's Telephone (864) 596-3424Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

SCANNED

WITNESSES

1. SENTENCE MADE

2. REPORT ENDED

3. CARD PULLED

SPARTANBURG COUNTY SHERIFF DEPT

WARRANTS

SIGNATURE

FORB CARD MADE

TRAFFIC VIOLATION COPY

DOCKET NO.

12-GS-42-2489

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 07 2012

TERM

ARREST WARRANT NUMBER

N155076

THE STATE  
VS.

CARLOS DEWAN SMITH

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury  
Date:

MAY 03 2012

VERDICT

Foreperson of Petit Jury  
Date:

Indictment for

CONTRIBUTING TO DELINQUENCY  
OF A MINOR

SC Code: 16-17-490

CDR Code: 048

Class MIS-A

FILED  
COURT  
CLERK OF COURT  
SPARTANBURG COUNTY  
2012 MAY -9 PM 2:31  
M. HOPE BLANKLEY

20

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF )

INDICTMENT

MAY 03 2012

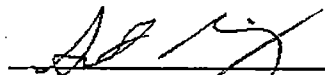
At a Court of General Sessions, convened on \_\_\_\_\_, the

Grand Jurors of County present upon their oath:

**CONTRIBUTING TO DELINQUENCY OF A MINOR**

That Carlos Dewan Smith did in Spartanburg County, on or about December 28, 2011, commit the crime of Contributing to the Delinquency of a Minor, in that the defendant, who was over the age of eighteen (18) years, did knowingly and willfully encourage, aid, or cause or did an act or acts which caused or influenced [REDACTED] being a minor under seventeen (17) years of age, at the time of the incident, and to so deport themselves as to willfully injure or endanger their morals or health or the morals or health of others, to wit: by exposing and/or providing access to narcotics, thereby causing said minor to become delinquent, in violation of §16-17-490, Code of Laws of South Carolina, (1976, as amended).

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

  
\_\_\_\_\_  
ASSISTANT SOLICITOR

## STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE VS.

Carlos Dewan Smith

AKA:

Race:

B

Sex: M

Age:

32

DOB:

SS#:

Address:

170 Laurel St.

City, State, Zip:

Una, SC 29378

DL#:

SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Minor / Contributing to the delinquency of a minor (0-3 years and/or \$0-3K)

in violation of § 16-17-0490

of the S.C. Code of Laws, bearing CDR Code # 0048

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC☐ §17-25-45

The charge is:

☒ As Indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury,

w/minor 1st or Lewd Act)

The plea is:

☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,

(defendant's initials)

☐ Recommendation by the State,

ATTEST:

SPIVEY, SCOTT DANIEL

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

3

days/months/years or

☐ under the

Youthful Offender Act

not to exceed

years

and/or to pay a fine of \$

provided that upon the service of

days/months/years and/or payment

of \$

plus costs and assessments as applicable\*; the balance is suspended with

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or☐ CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections.

§ 24-13-40 to be calculated and applied

☐ 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

\$

§ 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

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114 (BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCJA Surcharge)

\$5

\$

3% to County (if paid in installments)

\$

\$

TOTAL

\$

133.90

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4202489

A/W#: N155076

Date of Offense: 12/28/2011

S.C. Code § 16-17-0490

CDR Code #: 0048

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,

for a determinate term of

3

days/months/years or

☐ under the

Youthful Offender Act

not to exceed

years

and/or to pay a fine of \$

provided that upon the service of

days/months/years and/or payment

of \$

plus costs and assessments as applicable\*; the balance is suspended with

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or☐ CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections.

§ 24-13-40 to be calculated and applied

☐ 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

\$

§ 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

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114 (BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCJA Surcharge)

\$5

\$

3% to County (if paid in installments)

\$

\$

TOTAL

\$

133.90

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

## ARREST WARRANT

N-155076

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

THE STATE

11121374

against

Carlos Dewan Smith

Address: 585 Booker Blvd

Spartanburg, SC 29301-

Phone: (864)541-8512

SSN: [REDACTED]

Sex: M Race: B Height: 5 8 Weight: 250

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0420000

Prosecuting Agency: Spartanburg County Sheriff

Prosecuting Officer: Andrew Duley - 0027

Offense: Minor / Contributing to the delinquency of a minor

Offense Code: 0048

Code/Ordinance Sec: 16-17-0490

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to  
defendant  
on

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
180 Magnolia Street  
P O Box 3483  
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Computer

12-30-11

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Personally appeared before me the affiant Andrew Duley

being duly sworn deposes and says that defendant Carlos Dewan Smith

did within this county and state on or about 12/28/2011

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Spartanburg

in the following particulars:

DESCRIPTION OF OFFENSE Minor / Contributing to the delinquency of a minor

I further state that there is probable cause to believe that the defendant, named above did commit  
the crime set forth and that probable cause is based on the following facts:That on December 28, 2011, in the county of Spartanburg, one Carlos Dewan Smith did knowingly and willfully cause a minor to  
KNOWING AND WILLING AID AND/OR CAUSE A MINOR TO VIOLATE STATE LAW'S.

WARRANT BASED ON POLICE INVESTIGATION, TCM

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street

Spartanburg 29303-

Affiant's Telephone (864)503-4500

## ARREST WARRANT

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

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

on or about 12/28/2011 defendant Carlos Dewan Smith

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

☒ County/ ☐ Municipality of Spartanburg

) as set forth below:

DESCRIPTION OF OFFENSE: Minor / Contributing to the delinquency of a minor

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

on 12/28/2011

(L.S.)

Signature of Issuing Judge

William Robby Chumley

Judge Code: 7165

Judge's Address 180 Magnolia Street

Spartanburg, SC 29306-

Judge's Telephone (864)596-2564

Issuing Court: ☒ Magistrate ☐ Municipal☐ CircuitForm Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

ORIGINAL

AFFIDAVIT

who

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2011 DEC 30 AM 11:48  
M. HOPE BLACKLEY

AA

WITNESSES

1. SENTENCE MADE

2. REPORT ENDED

3. CARD FILED

4. INDEXED

5. CHECKED WARRANTS

SPTBG CO SHERIFF'S OFFICE

SIGNATURE

AND

MADE

COLATION COPY

DOCKET NO.

12-GS-42-2490

The State of South Carolina

County of Spartanburg

Barry J Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 07 2012

TERM

ARREST WARRANT NUMBER

N155075

THE STATE

vs.

CARLOS DEWAN SMITH

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

MAY 02 2012

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

POSSESSION OF MARIJUANA

SC Code: 44-53-370

FILED  
COURT  
OF COUNTY  
SPARTANBURG COUNTY  
2012 MAY -9 PM 2:31  
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

INDICTMENT

MAY 03 2012

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

**POSSESSION OF MARIJUANA**

That Carlos Dewan Smith did in Spartanburg County on or about  
December 28, 2011, knowingly or intentionally possess a quantity of  
Marijuana, a Schedule I controlled substance, in violation of § 44-53-370,  
*THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.*

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

  
\_\_\_\_\_  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG  
STATE VS.

Carlos Dewan Smith

AKA:

Race: B Sex: M Age: 32

DOB: SS#

Address: 170 Law St

City, State, Zip: Lenoir SC 29378

DL#: SID#

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Drugs / Poss. of 28g or less of marijuana - 2nd (0-1 year and/or \$200-1K)

in violation of § 44-53-0370(D)

of the S.C. Code of Laws, bearing CDR Code #

0182

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

SPIVEY, SCOTT DANIEL

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 1 days/months/years or

☐ under the

Youthful Offender Act

not to exceed years

and/or to pay a fine of \$ ; provided that upon the service of

days/months/years and/or payment

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

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code  
by the State Department of Corrections.

§ 24-13-40 to be calculated and applied

☐ 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

Recipient:

\*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCA Surcharge)

3% to County (if paid in installments)

TOTAL:

|         |        |
|---------|--------|
| \$      |        |
| \$      |        |
| \$100   | 100.00 |
| \$100   |        |
| \$12    |        |
| \$25    |        |
| \$500   |        |
| \$25    | 25.00  |
| \$150   | 150.00 |
| \$50    |        |
| \$40/ea |        |
| \$5     | 5.00   |
| \$      | 8.40   |
| \$      | 288.40 |

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4202490

A/W#: N155075

Date of Offense: 12/28/2011

S.C. Code § : 44-53-0370(D)

CDR Code #: 0182

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

## ARREST WARRANT

N-155075

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

THE STATE

11121374

against

Carlos Dewan Smith

Address: 585 Booker Blvd

Spartanburg, SC 29301-

Phone: (864)541-8512

SSN: [REDACTED]

Sex: M Race: B Height: 5 8 Weight: 250

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0420000

Prosecuting Agency: Spartanburg County Sheriff

Prosecuting Officer: Andrew Duley - 0027

Offense: Drugs / Manuf., poss. of other sub. in Sch. I,II,III  
or flunitrazepam or analogue, w.i.t.d. - 1st offense

Offense Code: 0186

Code/Ordinance Sec: 44-53-0370(b)(2)

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to  
defendant  
on

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
180 Magnolia Street  
P O Box 3483  
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Personally appeared before me the affiant Andrew Duley

being duly sworn deposes and says that defendant Carlos Dewan Smith

did within this county and state on or about 12/28/2011

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Spartanburg

in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manuf., poss. of other sub. in Sch. I,II,III or flunitrazepam or analogue, w.i.t.d. - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:That on December 28, 2011 in the county of Spartanburg, one Carlos Dewan Smith did aid, abet, attempt or conspire to  
manufacture, distribute, dispense, deliver, purchase and or possess MARIJUANA, with the intent to manufacture, distribute,  
dispense, deliver, or purchase MARIJUANA, a controlled substance or a controlled substance analogue classified in Schedule I (b).

WARRANT BASED ON POLICE INVESTIGATION. TCM

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street

Spartanburg 29303-

Affiant's Telephone (864)503-4500

## ARREST WARRANT

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

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

on or about 12/28/2011 defendant Carlos Dewan Smith

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

☒ County/ ☐ Municipality of Spartanburg ) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manuf., poss. of other sub. in Sch. I,II,III or flunitrazepam or analogue, w.i.t.d. - 1st offense

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

on 12/28/2011

Signature of Issuing Judge

William Robby Chumley

Judge Code: 7165

(L.S.)

Judge's Address 180 Magnolia Street

Spartanburg, SC 29306-

Judge's Telephone (864)596-2564

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2011 DEC 30 AM 11:48  
M. HOPE BLACKLEY

WITNESSES

1. SENTENCE MADE

2. REPORT ENDED

3. CARD PULLED

INDEXED

WARRANTS  
SPTBG CO SHERIFF'S OFFICE

SIGNATURE

IN HAND

VIOLATION COPY

Computer

Computer

DOCKET NO.

**12-GS-42-6352**  
The State of South Carolina

County of Spartanburg

*Barry J Barnette, Solicitor*

COURT OF GENERAL SESSIONS

JAN 28 2013

TERM

ARREST WARRANT NUMBER

2012A4210100658

107

ACTION OF GRAND JURY

**True Bill**

*Harold Dyer*  
Foreperson of Grand Jury

Date:

JAN 18 2013

VERDICT

Foreperson of Petit Jury

Date:

THE STATE  
vs.

CARLOS DEWAN SMITH

Indictment for

POSSESSION OF OXYCODONE

SC Code: 44-53-370

CLERK OF COURT  
SPARTANBURG COUNTY

2013 JAN 23 AM 10:19

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on JAN 18 2013, the  
Grand Jurors of Spartanburg County present upon their oath:

**POSSESSION OF OXYCODONE**

That Carlos Dewan Smtih did in Spartanburg County on or about  
October 4, 2012, knowingly or intentionally possess a quantity of  
Oxycodone, a Schedule II controlled substance, in violation of § 44-53-370,  
*THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.*

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

  
ASSISTANT SOLICITOR

## STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG  
STATE VS.

Carlos Dewan Smith

AKA:

Race: B Sex: M Age: 32DOB: [REDACTED] SS#: [REDACTED]Address: 170 Law St.City, State, Zip: Una, SC 29378DL#: [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: Drugs / Poss. of Oxycodone - 3rd or sub. (0-5 years and/or \$0-10K)

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4206352A/W#: 2012A4210100658Date of Offense: 10/4/2012S.C. Code §: 44-53-0370(D)CDR Code #: 0178

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 44-53-0370(D) of the S.C. Code of Laws, bearing CDR Code # 0178☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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:

SPIVEY, SCOTT DANIEL

SC Bar# 79868Defendant Carlos Dewan SmithAttorney for Defendant [Signature]SC Bar# 70498

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 375 day☐ 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 \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine:

|                                        |         |                  |
|----------------------------------------|---------|------------------|
| § 14-1-206 (Assessments 107.5 %)       | \$      |                  |
| § 14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$ <u>100.00</u> |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$               |
| § 56-5-2995 (DUI Assessment)           | \$12    | \$               |
| § 56-1-286 (DUI Breath Test)           | \$25    | \$               |
| Proviso 47.9 (Public Def/Prob)         | \$500   | \$               |
| § 14-1-212 (Law Enforce. Funding)      | \$25    | \$ <u>25.00</u>  |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$ <u>150.00</u> |
| § 50-21-114(BUI Breath Test Fee)       | \$50    | \$               |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$               |
| Proviso 90.5 (SCCJA Surcharge)         | \$5     | \$ <u>5.00</u>   |
| 3% to County (if paid in installments) | \$      | \$ <u>8.40</u>   |
| TOTAL                                  | \$      | \$ <u>288.40</u> |

## PTUP

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel,  
§47.12 requires \$500 be paid to Clerk  
during probation.Clerk of Court/ Deputy Clerk B. BoehmCourt Reporter: P. Green

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2137Sentence Date: 10-8-13

## ARREST WARRANT 10-2-12

2012A4210100658

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Spartanburg

THE STATE

12100162

against

Carlos Dewan Smith

Address: 2159 Caldwell Road

Una, SC 29378-

Phone: (864)541-7292

SSN: [REDACTED]

Sex: M Race: B Height: 5 8 Weight: 243

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0420000

Prosecuting Agency: Spartanburg County Sheriff

Prosecuting Officer: Brad Roper - 0888

Offense: Drugs / Possession of narc. in Schedule I(b),(c),

LSD &amp; Schedule II - 1st offense

Offense Code: 0176

Code/Ordinance Sec: 44-53-0370(c)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to

defendant

on

Carlos Smith

10-04-12

Signature of Constable/Claw Enforcement Officer

RETURN WARRANT TO:

Spartanburg Magistrate

180 Magnolia Street

Spartanburg County Judicial Center

Spartanburg, SC 29306

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Spartanburg

Personally appeared before me the affiant Brad Roper

who

being duly sworn deposes and says that defendant Carlos Dewan Smith

did within this county and state on or about 10/4/2012

violate the criminal laws of the

State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Spartanburg

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Possession of narc. in Schedule I(b),(c), LSD &amp; Schedule II - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:That on October 4, 2012 in the county of Spartanburg, one Carlos Dewan Smith did knowingly and intentionally possess, a  
schedule ( II ), controlled substance, oxycodone, without authority to do so. AC

Warrant based upon police investigation. AC

OCT 08 2012

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street

Spartanburg, SC 29303-

Affiant's Telephone (864)503-4500

## ARREST WARRANT

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

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

on or about 10/4/2012

defendant Carlos Dewan Smith

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

☒ County/☐ Municipality of

Spartanburg

) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Possession of narc. in Schedule I(b),(c), LSD &amp; Schedule II - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as  
soon thereafter as is practicable  
Sworn to and subscribed before me  
on 10/4/2012

Signature of Issuing Judge

Roberto Mark Inclan

Judge Code: 7240

(L.S.)

Judge's Address 180 Magnolia Street

Spartanburg, SC 29303-

Judge's Telephone

Issuing Court: ☒ Magistrate☐ Municipality of

BY

Dated

☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2012 OCT - 5 PM 2:22  
M. HOPE BLACKLEYA CERTIFIED COPY  
M. Hope Blackley  
CLERK OF COURT  
SPARTANBURG COUNTY  
D.C.  
10-5-12

WITNESSES

12-6S-42-6353

The State of South Carolina  
County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 28 2013

TERM

JAN 23 AM 10:19

M. HOPE DEAN

THE STATE  
vs.

CARLOS DEWAN SMITH

Indictment for

DISTRIBUTION OF COCAINE BASE  
SC Code: 44-53-375

1. SENTENCE MADE

2. REPORT ENDED

3. CARD PULLED

SPTBG CO SHERIFF'S OFFICE

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND  
FINE CARD MADE

8. SPEC VIOLATION COPY

ARREST WARRANT NUMBER

2012A4210100819

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

JAN 18 2013

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on JAN 18 2013 the  
Grand Jurors of Spartanburg County present upon their oath:

**DISTRIBUTION COCAINE BASE**

That Carlos Dewan Smith did in Spartanburg County on or about August 27, 2012, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Cocaine Base, a schedule II controlled substance under provisions of § 44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.*

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

  
ASSISTANT SOLICITOR

## STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE

VS.

Carlos Dewan Smith

AKA:

Race:

B

Sex: M

Age:

32

DOB:

SS#

Address:

170 Law St.

City, State, Zip:

Union, SC 29378

DL#:

SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Drugs / Distribution of cocaine base; 3rd (10-30 years and/or \$0-50K)

in violation of § 44-53-0375 (

of the S.C. Code of Laws, bearing CDR Code #

3039

☒ 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.

ATTEST:

SPIVEY, SCOTT DANIEL

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

12

days/months/years or

☐ under the

Youthful Offender Act

not to exceed

years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and/or payment

of \$

; plus costs and assessments as applicable\*; the balance is suspended with

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code

§ 24-13-40 to be calculated and applied

by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Register 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

\$

§ 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

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114 (BUI 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)

\$

TOTAL

\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2012GS4206353

A/W#:

2012A4210100819

Date of Offense:

8/27/2012

S.C. Code

§ : 44-53-0375 (

CDR Code #:

3039

## SENTENCE SHEET

☐ CONVICTED OF or☒ PLEADS

Presiding Judge

Judge Code:

Sentence Date:

## ARREST WARRANT

2012A4210100819

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Spartanburg

THE STATE  
against

12081416

Carlos Dewan Smith

Address: 2159 Caldwell Road

Una, SC 29378-

Phone: (864)541-7292

SSN: [REDACTED]

Sex: M Race: B Height: 5 8 Weight: 243

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0420000

Prosecuting Agency: Spartanburg County Sheriff

Prosecuting Officer: Brad Roper - 0888

Offense: Drugs / Manufacture, distribution, etc. of cocaine  
base, 3rd or sub. Offense

Offense Code: 3039

Code/Ordinance Sec: 44-53-0375(B)(3)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused  
is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to  
defendant  
on

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
180 Magnolia Street  
P O Box 3483  
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Personally appeared before me the affiant Brad Roper

being duly sworn deposes and says that defendant Carlos Dewan Smith

did within this county and state on or about 8/27/2012

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Spartanburg

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of cocaine base, 3rd or sub. Offense

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:That on August 27, 2012 in the county of Spartanburg, one Carlos Dewan Smith did knowingly and without authorization  
manufacture COCAINE BASE, a Schedule II Controlled Substance. Defendant has prior convictions for this offense

WARRANT BASED ON POLICE INVESTIGATION. TCM

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street

Spartanburg, SC 29303-

Affiant's Telephone (864)503-4500

## ARREST WARRANT

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

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

on or about 8/27/2012 defendant Carlos Dewan Smith

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

☒ County/ ☐ Municipality of Spartanburg ) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of cocaine base, 3rd or sub. Offense

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

Sworn to and subscribed before me

on 10/17/2012

Signature of Issuing Judge

William Robby Chumley

Judge Code: 7165

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-5221

Judge's Telephone (864)596-2228

Issuing Court: ☒ Magistrate ☐ Municipality

ORIGINAL

ORIGINAL

ORIGINAL

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2012 OCT 23 PM 2:14  
M. HOPE BLACKLEYForm Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 516

WITNESSES

12-05-42-6354

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 28 2013

TERM

M. HOPE BLACKLEY

SENTENCE MADE

REPORT ENDED  
SPTB CO SHERIFF'S OFFICE

RD PULLED

SEALED

TICKET

HECKED SIGNATURE

ASSESSMENT AND  
FINE CARD MADE

K. TRAFFIC VIOLATION COPY

ARREST WARRANT NUMBER

2012A4210100818

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

JAN 18 2013

VERDICT

Foreperson of Petit Jury

Date:

THE STATE

vs.

CARLOS DEWAN SMITH

Indictment for

DISTRIBUTION OF COCAINE BASE

SC Code: 44-53-375

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

INDICTMENT

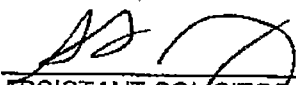
JAN 18 2013

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

**DISTRIBUTION COCAINE BASE**

That Carlos Dewan Smith did in Spartanburg County on or about October 4, 2012, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Cocaine Base, a schedule II controlled substance under provisions of § 44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.*

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

  
\_\_\_\_\_  
ASSISTANT SOLICITOR

## STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG  
STATE VS.

Carlos Dewan Smith

AKA:

Race: B

Sex: M

Age: 32

DOB: [REDACTED]

SS#: [REDACTED]

Address: 170 Low St.

City, State, Zip: Union, SC 29378

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: Drugs / Distribution of cocaine base, 3rd (10-30 years and/or \$0-50K)

in violation of, § 44-53-0375 (

☒ NON-VIOLENT☐ VIOLENT☒ SERIOUS☐ MOST SERIOUS

of the S.C. Code of Laws, bearing CDR Code # 3039

☐ 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:

SPIVEY, SCOTT DANIEL

SC Bar# 79868

Defendant Carlos Smith

Attorney for Defendant

SC Bar# 70898

WHEREFORE, the Defendant is committed to the

for a determinate term of 12 days/months/years or

and/or to pay a fine of \$

; provided that upon the service of days/months/years and/or payment

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of

probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code

by the State Department of Corrections.

§ 24-13-40 to be calculated and applied

☐ The Defendant is to be placed on the Central Register 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.

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing

SPECIAL CONDITIONS:

☐ 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 \$

§ 14-1-213 (Drug Court Surcharge) \$150 \$ 75.00

§ 50-21-114(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) \$ 8.40

TOTAL \$ 288.40

Clerk of Court/ Deputy Clerk

Court Reporter: P Green

SCCA/217 (03/2011)

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2012GS4206354

A/W#: 2012A4210100818

Date of Offense: 10/4/2012

S.C. Code § : 44-53-0375 (

CDR Code #: 3039

## SENTENCE SHEET

☐ CONVICTED OF or☒ PLEADS

Presiding Judge

Judge Code: 2132

Sentence Date: 10-8-13

## ARREST WARRANT

2012A4210100818

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

THE STATE  
against

12090227

Carlos Dewan Smith

Address: 2159 Caldwell Road

Una, SC 29378-

Phone: (864)541-7292

SSN: [REDACTED]

Sex: M Race: B Height: 5 8 Weight: 243

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0420000

Prosecuting Agency: Spartanburg County Sheriff

Prosecuting Officer: Brad Roper - 0888

Offense: Drugs / Manufacture, distribution, etc. of cocaine  
base, 3rd or sub. Offense

Offense Code: 3039

Code/Ordinance Sec: 44-53-0375(B)(3)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused  
is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to  
defendant  
on 10-17-12

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
180 Magnolia Street  
P O Box 3483  
Spartanburg, SC 29304

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Personally appeared before me the affiant Brad Roper

being duly sworn deposes and says that defendant Carlos Dewan Smith

did within this county and state on or about 10/4/2012

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Spartanburg)

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of cocaine base, 3rd or sub. Offense

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:That on October 4, 2012 in the county of Spartanburg, one Carlos Dewan Smith did knowingly and without authorization  
manufacture COCAINE BASE, a Schedule II Controlled Substance. Defendant has prior convictions for this offense

WARRANT BASED ON POLICE INVESTIGATION. TCM

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street

Spartanburg, SC 29303-

Affiant's Telephone (864)503-4500

## ARREST WARRANT

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

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

on or about 10/4/2012

defendant Carlos Dewan Smith

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

☒ County/ ☐ Municipality of Spartanburg

) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of cocaine base, 3rd or sub. Offense

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

on 10/17/2012

Signature of Issuing Judge

William Robby Chumley

Judge Code: 7165

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-5221

Judge's Telephone (864)596-2228

Issuing Court: ☒ Magistrate ☐ Municipal.

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2005  
SCCA 518

AFFIDAVIT

who

118

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2012 OCT 23 PM 2:14  
M. HOPE BLACKLEY

ANNED

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

12-GS-42-6355

WITNESSES

Computer

Computer

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 28 2013

TERM

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY

2013 JAN 23 AM 10:19

M. HOPE BLACKLEY

- 1. SENTENCE MADE
- 2. REPORT ENDED
- 3. CARD PULLED
- 4. INDEXED
- 5. CHECKED WARRANTS
- 6. CHECKED SIGNATURE
- 7. ASSESSMENT AND FINE CARD MADE
- 8. TRAFFIC VIOLATION COPY

ARREST WARRANT NUMBER  
DIRECT INDICTMENT (2012A4210100817)

119

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury  
Date: JAN 18 2013

VERDICT

Foreperson of Petit Jury  
Date:

THE STATE  
vs.

CARLOS DEWAN SMITH

Indictment for

POSSESSION OF FIREARM BY  
PERSON CONVICTED OF  
A CRIME OF VIOLENCE

SC Code: 16-23-500  
CDR Code 3434

FILED

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

IAN 18 2013

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

**POSSESSION OF FIREARM BY PERSON**  
**CONVICTED OF A CRIME OF VIOLENCE**

That Carlos Dewan Smith did in Spartanburg County on or about October 4, 2012, wilfully and unlawfully possess a firearm, he having been convicted of a crime of violence in the Courts of the State of South Carolina, he not being authorized by law to so possess a firearm, in violation of §16-23-500, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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

  
\_\_\_\_\_  
ASSISTANT SOLICITOR

## STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE

VS.

Carlos Dewan Smith

AKA:

Race:

B

Sex: M

Age:

32

DOB:

SS#:

Address:

1706 Law St.

City, State, Zip:

449 SC 29378

DL#:

SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Weapons / Possession of Firearm by person convicted of violent felony (0-5 years and/or \$0-2K)

in violation of § 16-23-0500 (A)

of the S.C. Code of Laws, bearing CDR Code #

3434

☒ 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:

SPIVEY, SCOTT DANIEL

78868  
SC Bar#Carlos Smith  
Defendant

Attorney for Defendant

70498  
SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,

for a determinate term of

5

days/months/years or

☐ under the

Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and/or payment

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

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of

probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code

§ 24-13-40 to be calculated and applied

by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code

§17-25-135.

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

## SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

Total: \$

plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code:

Sentence Date:

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

ARREST WARRANT 10-25-12

2012A4210100817

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Spartanburg

THE STATE

12100162

against

Carlos Dewan Smith

Address: 2159 Caldwell Road

Una, SC 29378-

Phone: (864)541-7292

SSN: [REDACTED]

Sex: M Race: B Height: 5 8 Weight: 243

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0420000

Prosecuting Agency: Spartanburg County Sheriff

Prosecuting Officer: Brad Roper - 0888

Offense: Weapons / Possession of Firearm or Ammunition  
by person convicted of violent felony

Offense Code: 3434

Code/Ordinance Sec: 16-23-0500(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to  
defendant  
on 10-17-12

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
180 Magnolia Street  
P O Box 3483  
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Spartanburg

Personally appeared before me the affiant Brad Roper

being duly sworn deposes and says that defendant Carlos Dewan Smith

did within this county and state on or about 10/4/2012

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Spartanburg

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Possession of Firearm or Ammunition by person convicted of violent felony

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:THAT ON OCTOBER 4, 2012 IN THE COUNTY OF SPARTANBURG ONE CARLOS DEWAN SMITH DID POSSESS A 9 MM  
SPRINGFIELD HANDGUN. MR SMITH WAS CONVICTED OF A FELONY LEVEL DRUG VIOLATION ON JUNE 23, 2011.

WARRANT BASED ON POLICE INVESTIGATION. TCM

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street

Spartanburg, SC 29303-

Affiant's Telephone (864)503-4500

## ARREST WARRANT

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

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

on or about 10/4/2012

defendant Carlos Dewan Smith

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

☒ County/ ☐ Municipality of Spartanburg

) as set forth below.

DESCRIPTION OF OFFENSE: Weapons / Possession of Firearm or Ammunition by person convicted of violent felony

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

on 10/17/2012

Signature of Issuing Judge

William Robby Chumley

Judge Code: 7165

(L.S.)

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-5221

Judge's Telephone (864)596-2228

Issuing Court: ☒ Magistrate☐ Municipality ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 515

ORIGINAL

AFFIDAVIT

who

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2012 OCT 23 PM 2:14  
M. HOPE BLACKLEY

SCANNED

me

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
RECORD SUMMARY REPORT DATED 09/05/14

C0511

SMITH, CARLOS - FBI # 730908HB1 SID# SC01194197 SCDC # 276619

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ...: EVANS CORR INST

SECURITY/CUST.: 2 MINIMUM IN

CURR INCARC SENT...: 12 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: NO

SOCIAL SECURITY #...: [REDACTED]

DORM.....: 3A0259A

RACE....:B SEX...:M

PROJ MAXOUT DATE: 12/07/2022

PROJ PAROLE DATE: 04/15/2015

EWC JOB...: PROFESSIONAL PERSONN

EDUC PGM.: NO CURR EDUC PROGRAM

EWC LEVEL: 2F5 EEC LEVEL:

ASSIGNMENT...: BLDING DETAIL BLDG.

CURRENT PROGRAM...: NO CURRENT PROGRAM

AGE...: 33 DATE OF BIRTH...: [REDACTED]

-----  
PREVIOUS NUMBERS:

\*\* NO PREVIOUS NUMBERS \*\*

CURRENT OFFENSES

CRACK DISTRIBUTION  
MANU/DIST CRACK-3RD, SUB.  
ILLEGAL DRUGS POSSESS  
MARIJUANA POSSESS  
CRACK DISTR PROX SCHOOL  
CONTRIB DELINQ MINOR  
POSS FIREARM/AMMO BY FEL

| SENTENCE |     |     |            | SENTENCE   |      |          |  |
|----------|-----|-----|------------|------------|------|----------|--|
| YRS      | MOS | DYS | COUNTY     | START      | V/NV | CATEGORY |  |
| 4        | 0   | 364 | SPARTANBUR | 10/ 8/2013 | N    | 2        |  |
| 12       | 0   | 0   | SPARTANBUR | 9/28/2012  | N    | 3        |  |
| 5        | 0   | 0   | SPARTANBUR | 9/28/2012  | N    | 2        |  |
| 1        | 0   | 0   | SPARTANBUR | 9/28/2012  | N    | 2        |  |
| 10       | 0   | 0   | SPARTANBUR | 9/28/2012  | N    | 2        |  |
| 3        | 0   | 0   | SPARTANBUR | 9/28/2012  | N    | 2        |  |
| 5        | 0   | 0   | SPARTANBUR | 9/28/2012  | N    | 3        |  |

PREVIOUS SCDC OFFENSES (COMPLETE)

MARIJUANA POSSESS  
CRACK POSSESS  
ILLEGAL DRUGS POSSESS  
CRACK POSSESS  
POSSESSION OF WEAPON  
POSSESSION OF WEAPON  
ASSLT & BATT W/INTNT KIL

| SENTENCE |     |     |            | SENTENCE |      |          |  |
|----------|-----|-----|------------|----------|------|----------|--|
| YRS      | MOS | DYS | COUNTY     | START    | V/NV | CATEGORY |  |
| 1        | 0   | 0   | SPARTANBUR | 10/24/20 | 1 N  | 2        |  |
| 8        | 0   | 0   | SPARTANBUR | 10/24/20 | 1 N  | 2        |  |
| 1        | 0   | 0   | SPARTANBUR | 10/24/20 | 1 N  | 2        |  |
| 8        | 0   | 0   | SPARTANBUR | 10/24/20 | 1 N  | 2        |  |
| 5        | 0   | 0   | SPARTANBUR | 10/24/20 | 1 N  | 3        |  |
| 1        | 0   | 0   | SPARTANBUR | 7/11/20  | 1 N  | 3        |  |
| 10       | 0   | 0   | SPARTANBUR | 11/23/20 | 0 V  | 4        |  |

PRIOR COMMITMENTS OVER 90 DAYS:

\*NO PRIOR COMMITMENTS OVER 90 DAYS\*

DETAINERS (HOLD, WANTED, NOTIFY):

\*NO DETAINERS\*

\*NO DETAINERS\*

ESCAPES:

\*NO ESCAPE HISTORY\*

CRIMINAL CHARGES:

\*NO CRIMINAL CHARGES WHILE IN CUSTODY\*

\*NO CRIMINAL CHARGES HISTORY\*

ASSAULTIVE DISCIPLINARIES:

|         |                          |           |       |
|---------|--------------------------|-----------|-------|
| 6/ 4/ 8 | THROWING SUBSTANCE/OBJEC | CONVICTED | MAJOR |
| 2/ 1/ 6 | POSSESSION OF A WEAPON   | DROPPED   | MAJOR |
| 3/11/ 2 | POSSESSION OF A WEAPON   | DROPPED   | MAJOR |

NON-ASSAULTIVE DISCIPLINARIES:

|          |                           |                  |
|----------|---------------------------|------------------|
| 12/18/ 9 | VIOLATIONS WRITE/POST IN  | OTHER            |
| 12/16/ 9 | REFUSING OR FAILING OBEY  | CONVICTED ADMIN  |
| 9/15/ 9  | OUT OF PLACE              | CONVICTED ADMIN  |
| 8/15/ 9  | REFUSING OR FAILING OBEY  | CONVICTED ADMIN  |
| 8/10/ 9  | OUT OF PLACE              | NOT GUILTY MAJOR |
| 7/ 6/ 9  | OUT OF PLACE              | CONVICTED ADMIN  |
| 3/19/ 9  | EXHIBITIONISM AND PUBLIC  | DROPPED MAJOR    |
| 3/19/ 9  | DAMAGE, DESTROY PROP. VAL | CONVICTED ADMIN  |
| 2/25/ 9  | REFUSING OR FAILING OBEY  | CONVICTED ADMIN  |
| 2/17/ 9  | MUTILATION                | CONVICTED ADMIN  |
| 12/ 2/ 8 | REFUSING OR FAILING OBEY  | CONVICTED ADMIN  |

12/ 1/ 8 REFUSING OR FAILING OBEY CONVICTED ADMIN

SMITH, CARLOS - FBI # 730908HB1 SID# SC01194197 SCDC # 276619 (CONTINUED)

|          |                            |            |       |
|----------|----------------------------|------------|-------|
| 8/13/ 8  | SOLICIT EMPLOYEE, I/M, VIO | CONVICTED  | ADMIN |
| 8/ 8/ 8  | OUT OF PLACE               | CONVICTED  | ADMIN |
| 8/ 7/ 8  | OUT OF PLACE               | CONVICTED  | ADMIN |
| 3/17/ 8  | REFUSING OR FAILING OBEY   | CONVICTED  | ADMIN |
| 3/17/ 8  | THREATENING TO INFLICT H   | DROPPED    | MAJOR |
| 12/22/ 7 | THREATENING TO INFLICT H   | DROPPED    | MAJOR |
| 12/22/ 7 | THREATENING TO INFLICT H   | DROPPED    | CHARG |
| 11/ 8/ 7 | REFUSING OR FAILING OBEY   | CONVICTED  | ADMIN |
| 7/17/ 7  | REFUSING OR FAILING OBEY   | CONVICTED  | MAJOR |
| 9/19/ 6  | SEXUAL MISCONDUCT          | CONVICTED  | MAJOR |
| 8/22/ 6  | REFUSING OR FAILING OBEY   |            | OTHER |
| 6/29/ 6  | OUT OF PLACE               | CONVICTED  | ADMIN |
| 5/29/ 6  | REFUSING OR FAILING OBEY   |            | OTHER |
| 4/23/ 6  | REFUSING OR FAILING OBEY   | CONVICTED  | ADMIN |
| 3/28/ 6  | REFUSING OR FAILING OBEY   | DROPPED    | MAJOR |
| 8/14/ 5  | THREATENING TO INFLICT H   | CONVICTED  | MAJOR |
| 7/12/ 5  | INTERFERING WITH COUNT     | CONVICTED  | ADMIN |
| 6/ 7/ 5  | SEXUAL MISCONDUCT          | CONVICTED  | MAJOR |
| 12/16/ 4 | INCITING/CREATING A DIST   | CONVICTED  | MAJOR |
| 12/ 3/ 4 | REFUSING TO WORK           | CONVICTED  | MAJOR |
| 11/14/ 4 | INTERFERING WITH COUNT     | CONVICTED  | ADMIN |
| 10/13/ 4 | POSSESSION OF CONTRABAND   | CONVICTED  | ADMIN |
| 7/26/ 4  | SEXUAL MISCONDUCT          | CONVICTED  | MAJOR |
| 7/15/ 4  | SEXUAL MISCONDUCT          | CONVICTED  | MAJOR |
| 4/27/ 4  | OUT OF PLACE               | NOT GUILTY | MINOR |
| 1/26/ 4  | OUT OF PLACE               | DROPPED    | MINOR |
| 10/19/ 3 | REFUSING OR FAILING OBEY   | CONVICTED  | MINOR |
| 10/18/ 3 | OUT OF PLACE               | CONVICTED  | MINOR |
| 6/16/ 3  | REFUSING OR FAILING OBEY   | CONVICTED  | MINOR |
| 1/18/ 3  | OUT OF PLACE               | CONVICTED  | MINOR |
| 3/26/ 2  | REFUSING OR FAILING OBEY   |            | OTHER |
| 12/30/ 1 | SEXUAL MISCONDUCT          | CONVICTED  | MAJOR |
| 12/27/ 1 | SEXUAL MISCONDUCT          | NOT GUILTY | MAJOR |
| 12/ 1/ 1 | VIOLATIONS WRITE/POST IN   | CONVICTED  | MINOR |
| 9/ 3/ 1  | USE OBSCENE, VULGAR, PROFA | CONVICTED  | MAJOR |

HISTORY OF MOVEMENTS:

|          |                |                      |                         |
|----------|----------------|----------------------|-------------------------|
| 12/19/13 | EVANS          | INCARCERATED         | ADMINISTRATIVE          |
| 10/ 9/13 | KIRKLAND       | INCARCERATED         | R&E PROCESSING          |
| 10/ 9/13 | PERRY          | INCARCERATED         | NEW ADMISSION           |
| 2/29/12  | UNK            | RELEASE              | EXPIRATION OF SENTENCE  |
| 3/ 1/10  | SPARTANBURG CO | COMMUNITY SUPERVISIO | RELEASED TO PROBATION   |
| 1/29/10  | LIVESAY        | INCARCERATED         | ADMINISTRATIVE          |
| 1/29/10  | TYGER RIVER    | INCARCERATED         | LAW LIBRARY             |
| 12/ 3/ 9 | LIVESAY        | INCARCERATED         | ADMINISTRATIVE          |
| 8/22/ 7  | ALLENDAL       | INCARCERATED         | LOCKUP-ADJUSTMENT COMM. |
| 6/ 6/ 7  | EVANS          | INCARCERATED         | ADMINISTRATIVE          |
| 6/ 6/ 7  | KIRKLAND       | INCARCERATED         | MEDICAL                 |
| 12/ 5/ 5 | EVANS          | INCARCERATED         | ADMINISTRATIVE          |
| 12/ 5/ 5 | LEE            | INCARCERATED         | MEDICAL                 |
| 11/ 9/ 5 | EVANS          | INCARCERATED         | ADMINISTRATIVE          |
| 1/11/ 5  | TYGER RIVER    | INCARCERATED         | RETURN FROM COURT       |
| 1/ 9/ 5  | SPARTANBURG CO | AUTH ABSENCE (AWL)   | TO COURT                |
| 9/ 8/ 4  | TYGER RIVER    | INCARCERATED         | ADMINISTRATIVE          |
| 10/24/ 2 | KERSHAW        | INCARCERATED         | ADMINISTRATIVE          |
| 10/24/ 2 | RICHLAND CO    | AUTH ABSENCE (AWL)   | MEDICAL                 |
| 10/26/ 1 | KERSHAW        | INCARCERATED         | ADMINISTRATIVE          |
| 10/25/ 1 | PERRY          | INCARCERATED         | RETURN FROM COURT       |
| 10/20/ 1 | SPARTANBURG CO | AUTH ABSENCE (AWL)   | TO COURT                |

7/26/ 1 KERSHAW  
7/12/ 1 KIRKLAND

INCARCERATED  
INCARCERATED

ADMINISTRATIVE  
R&E PROCESSING

SMITH, CARLOS - FBI # 730908HB1 SID# SC01194197 SCDC # 276619 (CONTINUED)  
 7/12/ 1 PERRY INCARCERATED NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

| JOB DESCRIPTION      | START DATE | END DATE | TERMINATION REASON      | JOB LVL |
|----------------------|------------|----------|-------------------------|---------|
| PROFESSIONAL PERSONN | 01/08/14   | 0/ 0/ 0  |                         | 2F5     |
| FOOD SERVICE AIDE    | 01/21/10   | 3/ 1/10  | RELEASED/PAROLED        | 2F5     |
| WARDKEEPER           | 12/08/09   | 1/20/10  | UNSAT JOB PERFORM       | 2F5     |
| CUSTODIAL WORKER     | 09/09/09   | 12/ 3/ 9 | INSTIT TRANSFER         | 2F5     |
| CUSTODIAL WORKER     | 08/28/09   | 8/31/ 9  | PLACED IN ST/SP CUSTODY | 2F5     |
| CUSTODIAL WORKER     | 08/14/09   | 8/27/ 9  | MI ELIGIBLE FOR LEVEL 2 | 3F5     |
| CUSTODIAL WORKER     | 04/14/09   | 8/13/ 9  | ASLT/DRUG/MAJOR DISC    | 2F5     |
| CUSTODIAL WORKER     | 03/17/09   | 3/20/ 9  | PLACED IN ST/SP CUSTODY | 2F5     |
| CUSTODIAL WORKER     | 12/05/08   | 2/28/ 9  | PLACED IN ST/SP CUSTODY | 2F5     |
| CUSTODIAL WORKER     | 11/20/08   | 12/ 4/ 8 | MI ELIGIBLE FOR LEVEL 2 | 3F5     |
| CUSTODIAL WORKER     | 10/07/08   | 11/19/ 8 | CUSTODY REVIEW          | 5F5     |
| CUSTODIAL WORKER     | 08/06/08   | 8/13/ 8  | PLACED IN ST/SP CUSTODY | 5F5     |
| CUSTODIAL WORKER     | 04/22/08   | 6/ 4/ 8  | PLACED IN ST/SP CUSTODY | 5F5     |
| CUSTODIAL WORKER     | 01/09/08   | 3/17/ 8  | PLACED IN ST/SP CUSTODY | 5F5     |
| CUSTODIAL WORKER     | 12/03/07   | 12/23/ 7 | PLACED IN ST/SP CUSTODY | 5F5     |
| CUSTODIAL WORKER     | 07/05/06   | 9/20/ 6  | PLACED IN ST/SP CUSTODY | 5F5     |
| CUSTODIAL WORKER     | 11/10/05   | 2/ 1/ 6  | PLACED IN ST/SP CUSTODY | 5F5     |
| GENERAL WORKER       | 11/08/05   | 11/ 9/ 5 | INSTIT TRANSFER         | 5F5     |
| WARDKEEPER ASSISTANT | 06/29/05   | 9/ 6/ 5  | PLACED IN ST/SP CUSTODY | 5F5     |
| WARDKEEPER ASSISTANT | 06/14/05   | 6/28/ 5  | PLACED IN ST/SP CUSTODY | 5F5     |
| WARDKEEPER ASSISTANT | 04/28/05   | 6/ 6/ 5  | PLACED IN ST/SP CUSTODY | 5F5     |
| FOOD SERVICE AIDE    | 11/23/04   | 12/21/ 4 | PLACED IN ST/SP CUSTODY | 3F5     |
| WARDKEEPER           | 09/21/04   | 11/22/ 4 | LATERAL TRANSFER        | 3F5     |
| FOOD SERVICE AIDE    | 09/09/04   | 9/16/ 4  | PLACED IN ST/SP CUSTODY | 3F5     |
| WARDKEEPER           | 07/23/04   | 9/ 8/ 4  | INSTIT TRANSFER         | 3F5     |
| WARDKEEPER           | 07/20/04   | 7/22/ 4  | ASLT/DRUG/MAJOR DISC    | 2F5     |
| HORTICULTURIST (GRND | 05/07/04   | 7/19/ 4  | UNSAT JOB PERFORM       | 2F5     |
| HORTICULTURIST (GRND | 04/29/04   | 5/ 6/ 4  | MI ELIGIBLE FOR LEVEL 2 | 3F5     |
| HORTICULTURIST (GRND | 04/08/03   | 4/28/ 4  | CUSTODY REVIEW          | 2F5     |
| WARDKEEPER           | 04/01/03   | 4/ 2/ 3  | INMATE REQUEST          | 3F5     |
| WARDKEEPER           | 07/05/02   | 3/31/ 3  | CUSTODY REVIEW          | 2F5     |
| WARDKEEPER           | 04/26/02   | 7/ 4/ 2  | MI ELIGIBLE FOR LEVEL 2 | 3F5     |
| WARDKEEPER           | 03/20/02   | 4/25/ 2  | CUSTODY REVIEW          | 3F5     |
| WARDKEEPER           | 11/07/01   | 3/19/ 2  | CUSTODY REVIEW          | 3F5     |
| WARDKEEPER           | 07/27/01   | 10/26/ 1 | INSTIT TRANSFER         | 3F5     |

HISTORY OF EARNED EDUCATION CREDITS:

| EEC DESCRIPTION   | START DATE | END DATE | TERMINATION REASON      |
|-------------------|------------|----------|-------------------------|
| BONUS 12-14 HR/WK | 02/27/08   | 3/17/ 8  | PLACED IN ST/SP CUSTODY |
| BONUS 15 OR MORE  | 08/01/01   | 10/26/ 1 | INSTIT TRANSFER         |

\*\*\*\*\* END OF REPORT \*\*\*\*\*

10:15:19 Friday, September 05, 2014

|                                           |                                           |          |
|-------------------------------------------|-------------------------------------------|----------|
| CMTI330D                                  | SCDC OFFENDER MANAGEMENT SYSTEM           | 09/05/14 |
| OMCOMITA                                  | RELEASE DATE SCREEN                       | C051132  |
| SCDC# > 276619                            | LOC: EVANS                                |          |
| SMITH, CARLOS -                           | SCDC CLASSIFICATION...: VIOLENT           |          |
| OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE | SEXUAL REGISTRY...: N                     |          |
|                                           | SEXUAL PREDATOR...: NOT APP               |          |
|                                           | DNA STATUS.....: COMPLETED                |          |
|                                           | GPS REQUIREMENT...: N                     |          |
|                                           | PREA DECISION.....:                       |          |
| CURRENT SENTENCE: 012-00-000              | CONSECUTIVE SENTENCE ...: N               |          |
| 012-00-000                                | CURRENT SENT START DATE: 09/28/2012       |          |
| PROJECTED COMPLETION DATES                |                                           |          |
| MAXOUT DATE .....: 12/07/2022             | CURRENT EWC ..: 2 F 5                     |          |
| YOA SIX YEAR DATE: / /                    | CURRENT EEC ..: NOT CURRENTLY EARNING EEC |          |
| INITIAL PAROLE DATE: 04/15/2015           | NEXT PAROLE HEARING DATE: 04/15/2015      |          |
|                                           |                                           |          |
| TOTAL GT DAYS EARNED .....: 000000        | LABOR CREW/WORK PROG DATE: 99/99/9999     |          |
| TOTAL EARNED WORK CREDITS ...: 000249     | LABOR CREW DISQ REASON:                   |          |
| TOTAL EDUCATION CREDITS ....: 000000      | CATEGORY 4 OR 5 OFFENSE                   |          |
| TOTAL EXTRA EARNED CREDITS ..: 000        | SUPERVISED REENTRY DATE...: 00/00/00      |          |
| TOTAL SERVICE TIME EARNED ...: 000697     | ISS.....:                                 |          |
| PRESS PF5 FOR DATE HISTORY ...            |                                           |          |
| PFKEYS: 5:HISTORY OF DATE CHANGES         |                                           |          |

STATE OF SOUTH CAROLINA

County of Spartanburg  
STATE VS.

AKA: Carlos Deven Smith  
Race: B Sex: M  
DOB: [REDACTED]  
SSN: [REDACTED]  
SID#: 119 919 7

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 2011-GS-42-4264  
Probation C/W #: 07-42-13-0133  
Name of Original Offense: PWID (Car/K) (Car/K)  
Original A/W #: M751433  
Date of Original Offense: 12-9-10  
Conviction S.C. Code §: 44-53-0375  
Conviction CDR Code #: 310114  
Original Sentence: 9 months 10 days

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 6/23/11 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 4/20/12. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit) 6 and 10

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 5 months/years, the remainder of the original sentence, and/or pay \$           .
- ☐ the suspended sentence be revoked and the above named defendant be required to serve            months/years of the original sentence and/or pay \$           ; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Financial Obligations: Order satisfies: ☒ Department fees (arrearage) ☒ Fines and other fees (arrearage/balance) ☐ Restitution (and 20%) (arrearage/balance) Civil judgment: ☐ Department fees ☐ Fines and other fees ☐ Restitution (and 20%)
- ☒ Additional Conditions ordered by the Court: Administrative probation - Credit for time served.

- ☐ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 1 day months/years on this sentence. (split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 9 day of October, 2013  
Spartanburg, SC

Presiding Judge: [Signature]  
Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed. This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this            day of            Month           , at            Year           

DATED 10-8-13

## STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE

VS.

Carlos Dewan Smith

AKA:

Race:

B

Sex: M

Age: 32

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Drugs / Distribution of cocaine base, 3rd (10-30 years and/or \$0-50K)

in violation of § 44-53-0375 ( of the S.C. Code of Laws, bearing CDR Code #

☒ NON-VIOLENT☐ VIOLENT☒ SERIOUS☐ MOST SERIOUS

3039

The charge is: ☒ As Indicted, ☐ Lesser Included Offense.The plea is: ☒ Without Negotiations or Recommendation.☐ Defendant Waives Presentment to Grand Jury.☐ Negotiated Sentence.

Recommendation by the State.

ATTEST:

SPIVEY, SCOTTDANIEL

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

for a determinate term of

12

days/months/years or

and/or to pay a fine of \$

of \$

☒ State Department of Corrections,☐ County Detention Center,

under the

Youthful Offender Act

not to exceed

years

days/months/years and/or payment

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code

by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Register of Child Abuse and Neglect pursuant to S.C. Code

§ 24-13-40 to be calculated and applied

§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.

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing

SPECIAL CONDITIONS:

☐ 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   | \$        |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$ 100.00 |
| § 56-5-2995 (DUI Assessment)           | \$12    | \$        |
| § 56-1-286 (DUI Breath Test)           | \$25    | \$        |
| Proviso 47.9 (Public Def/Prob)         | \$500   | \$        |
| § 14-1-212 (Law Enforce. Funding)      | \$25    | \$        |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$ 25.00  |
| § 50-21-114(BUI Breath Test Fee)       | \$50    | \$ 150.00 |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$        |
| Proviso 90.5 (SCCJA Surcharge)         | \$5     | \$        |
| 3% to County (if paid in installments) | \$      | \$ 5.00   |
| TOTAL                                  | \$      | \$ 285.40 |

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4206354

A/W#: 2012A4210100818

Date of Offense: 10/4/2012

S.C. Code § : 44-53-0375 (

CDR Code #: 3039

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS☐ Mandatory GPS(CSC

w/minor 1st or Lewd Act)

☐ §17-25-45☐ Defendant Waives Presentment to Grand Jury.☐ Negotiated Sentence.

Recommendation by the State.

Attorney for Defendant

SC Bar#

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

mnts. of \$ beginning

\$

paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code:

Sentence Date:

130

2132

10/8-13

## STATE OF SOUTH CAROLINA

COUNTY OF  
STATE

SPARTANBURG

VS.

Carlos Dewan Smith

AKA:

Race:

Sex: M

Age:

32

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Drugs / Poss. of Oxycodone - 3rd or sub. (0-5 years and/or \$0-10K)

in violation of § 44-53-0370(D)

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS

of the S.C. Code of Laws, bearing CDR Code #

0178

☐ 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:

SPIVEY, SCOTT DANIEL

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

for a determinate term of 5 days/months/years orand/or to pay a fine of \$ 100.00; provided that upon the service ofof \$ 100.00; plus costs and assessments as applicable\*; the balance is suspended with

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code 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

§ 24-13-40 to be calculated and applied

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.

§17-25-135.

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing

SPECIAL CONDITIONS:

☐ 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)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2012GS4206352

A/W#:

2012A4210100658

Date of Offense:

10/4/2012

S.C. Code §:

44-53-0370(D)

CDR Code #:

0178

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

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:

SPIVEY, SCOTT DANIEL

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

for a determinate term of 5 days/months/years orand/or to pay a fine of \$ 100.00; provided that upon the service ofof \$ 100.00; plus costs and assessments as applicable\*; the balance is suspended with

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code 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

§ 24-13-40 to be calculated and applied

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.

§17-25-135.

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing

SPECIAL CONDITIONS:

☐ 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)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly

pmts. of \$ \_\_\_\_\_ beginning

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

131

**CERTIFIED COPY**  
**CLERK OF COURT**  
**SPARTANBURG COUNTY**  
**BY [Signature]**  
**DATED 10-8-13**

2137  
 10-8-13

## STATE OF SOUTH CAROLINA

COUNTY OF  
STATE

SPARTANBURG

VS.

Carlos Dewan Smith

AKA

Race:

B

Sex: M

Age:

32

DOB:

SS#:

Address:

170 Law St

City, State, Zip:

UNH, SC 29378

DL#:

SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Drugs / Poss. of 28g or less of marijuana - 2nd (0-1 year and/or \$200-1K)

in violation of § 44-53-0370(D)

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS

Mandatory GPS(CSC

☐ §17-25-45

The charge is:

☒ As Indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(defendant's initials)

The plea is:

☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

SPIVEY, SCOTT DANIEL

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

1 days/months/years/or

☐ under the

Youthful Offender Act

not to exceed

years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and/or payment

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

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code

by the State Department of Corrections.

§ 24-13-40 to be calculated and applied

☐ 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.

☐ 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

\$

§ 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

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114(BUI 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)

\$

TOTAL

\$ 288.40

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2012GS4202490

A/W#:

N155075

Date of Offense:

12/28/2011

S.C. Code §:

44-53-0370(D)

CDR Code #:

0182

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

## STATE OF SOUTH CAROLINA

COUNTY OF  
STATE

SPARTANBURG

VS.

Carlos Dewan Smith

AKA:

Race:

B

Sex: M

Age:

32

DOB:

SS#:

Address:

170 Law St.

City, State, Zip:

Una, SC 29378

DL#:

SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Drugs / Distribute of crack cocaine near school (0-10 years and/or \$0-10K)

in violation of § 44-53-0445(B)

☒ NON-VIOLENT☐ VIOLENT☒ SERIOUS☐ MOST SERIOUS

of the S.C. Code of Laws, bearing CDR Code #

0107

☐ Mandatory GPS(CSC

w/minor 1st or Lewd Act)

☐ §17-25-45

The charge is:

☒ As Indicted,☐ Lesser Included Offense.

The plea is:

☒ Without Negotiations or Recommendation.☐ Defendant Waives Presentment to Grand Jury.☐ Negotiated Sentence,☐ Recommendation by the State. (defendant's initials)

ATTEST:

SPIVEY, SCOTT DANIEL

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

for a determinate term of

10

days/months/years or

and/or to pay a fine of \$

; plus costs and assessments as applicable\*: the balance is suspended with

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of

probation, which are incorporated by reference.

☒ CONCURRENT or☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code

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

§ 24-13-40 to be calculated and applied

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.

§17-25-135.

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing

SPECIAL CONDITIONS:

☐ 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)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ beginning

\$ \_\_\_\_\_ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

133

## STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG  
STATE VS.

Carlos Dewan Smith

AKA:

Race: B

Sex: M

Age: 32

DOB: [REDACTED]

SS#: [REDACTED]

Address: 170 Laurel St

City, State, Zip: Spartanburg, SC 29378

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: Minor / Contributing to the delinquency of a minor (0-3 years and/or \$0-3K)

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4202489

A/W#: N155076

Date of Offense: 12/28/2011

S.C. Code §: 16-17-0490

CDR Code #: 0048

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-17-0490

of the S.C. Code of Laws, bearing CDR Code #

0048

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC

w/minor 1st or Lewd Act)

☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense,The plea is: ☒ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury,☐ Negotiated Sentence,☐ Recommendation by the State. (defendant's initials)

ATTEST:

SPIVEY, SCOTT DANIEL

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

for a determinate term of 3 days/months/years or

and/or to pay a fine of \$ : provided that upon the service of

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections. 375 days

§ 24-13-40 to be calculated and applied

☐ 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

Recipient:

\*Fine:

|                                        |         |           |
|----------------------------------------|---------|-----------|
| § 14-1-206 (Assessments 107.5 %)       | \$      |           |
| § 14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$        |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$ 100.00 |
| § 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 (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                                  | \$      | \$ 133.90 |

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code: 2132

Sentence Date: 10-8-13

Clerk of Court/ Deputy Clerk

Court Reporter: R. Green

SCCA/217 (03/2011)

## STATE OF SOUTH CAROLINA

COUNTY OF  
STATE

SPARTANBURG

VS.

Carlos Dewan Smith

AKA:

Race:

B

Sex: M

Age:

32

DOB:

SS#:

Address:

170 Law St.

City, State, Zip:

SPARTANBURG, SC 29378

DL#:

SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Weapons / Possession of Firearm by person convicted of violent felony (0-5 years and/or \$0-2K)

INDICTMENT/CASE#: 2012GS4206355

A/W#: 2012A4210100817

Date of Offense: 10/4/2012

S.C. Code §: 16-23-0500 (A)

CDR Code #: 3434

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-23-0500 (A)

of the S.C. Code of Laws, bearing CDR Code #

3434

☒ 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:

SPIVEY, SCOTT DANIEL

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 5 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

of \$

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections.

§ 24-13-40 to be calculated and applied

☐ 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   | \$        |
| § 50-21-114(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                                  | \$      | \$ 133.90 |

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date: