

SPARTANBURG COUNTY PUBLIC DEFENDER OFFICE

Clay T. Allen
CHIEF PUBLIC DEFENDER

366 NORTH CHURCH STREET, SUITE 3000
SPARTANBURG SC 29303



TELEPHONE (864) 596-2561
FAX (864) 562-4412

February 22, 2017

Ms. Jenny Abbott Kitchings
1220 Senate Street
Columbia, SC 29201

RECEIVED

FEB 27 2017

SC Court of Appeals

Re: The State v. Robert Moss
Appellate Case No. 2017-000277

Dear Jenny Abbott Kitchings,

My name is Dan MacDonald and I represented Robert Moss at his trial in Spartanburg County. He was found guilty by a jury and the judge sentenced him. I have since filed an appeal. His Appellate Case No. is 2017-000277. In a letter you indicated that there was a deficiency in my notice of appeal because the appeal is from a guilty plea. This is incorrect, as Mr. Moss was found guilty in a jury trial, which is what is indicated in my appeal. The public index records incorrectly indicate that he plead guilty, when in fact he was found guilty in a jury trial and sentenced by Judge Kelly. Also, the sentencing sheet did not have the appellant's sensitive information redacted. I will be attaching to this letter a sentencing sheet with the appellant's sensitive information redacted as well as the indictment showing a verdict of guilty. If there is anything else needed to correct the appeal, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Dan MacDonald".

Daniel James MacDonald IV, Esquire

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

INDICTMENT/CASE#: 2016GS4205647

Robert Keith Moss

A/W#: 2016A4210101024

AKA:

Date of Offense: 1/15/2016

Race: WHITE Sex: M Age: 52

S.C. Code §: 16-13-0010(A)

DOB: SS#

CDR Code #: 3612

Address:

City, State, Zip: Landrum, SC

DL#: SID#

*CDL Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or PLEADS

TO: Forgery/Forgery, value less than \$10,000 (Enhancement per 16-1-57) (1-10 yrs)

in violation of § 16-13-0010(A) of the S.C. Code of Laws, bearing CDR Code # 3612

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: WALTERS, BLYTHE H. 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 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 (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:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$3.75.

TOTAL \$128.75

Clerk of Court/ Deputy Clerk Court Reporter

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

Presiding Judge

Judge Code: 2105

Sentence Date:

RECEIVED FEB 27 2017 SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS. Robert Keith Moss

INDICTMENT/CASE#: 2016GS4205646
A/W#: 2016A4210101025
Date of Offense: 1/15/2016
S.C. Code § : 16-13-0010(A)
CDR Code #: 3612

AKA:
Race: WHITE Sex: M Age: 52
DOB: SS#:
Address:
City, State, Zip: Landrum, SC
DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Forgery/Forgery, value less than \$10,000 (Enhancement per 16-1-57)

in violation of § 16-13-0010(A) of the S.C. Code of Laws, bearing CDR Code # 3612
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: WALTERS, BLYTHE H. SC Bar# 101600
Defendant: Robert Keith Moss
Attorney for Defendant: J. McDonald SC Bar# 102614

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.

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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 (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:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75.

TOTAL \$ 128.75

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

Clerk of Court/ Deputy Clerk: A. Seaman
Court Reporter: M. Pitt

Presiding Judge: A. Keith Kelly
Judge Code: 2105
Sentence Date: 2/2/2017

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE MADE

2. REPORT ENTERED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

Complete

Complete

STATE ATTORNEY COPY

ARREST WARRANT NUMBER

2016A4210101024 (Direct Indictment)

ACTION OF GRAND JURY

True Bill OCT 28 2016

Foreperson of Grand Jury
Date:

VERDICT

Guilty

Foreperson of Petit Jury
Date:

2-9-17

DOCKET NO. 10-GS-42-5647

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 31 2016

TERM

THE STATE
vs.

Robert Keith Moss

Indictment for

FORGERY < \$10,000

SC Code: 16-13-10 (A), (B)(2), 16-1-57

GDR Code: 3612

Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2016 NOV -4 AM 10:17

M. HOPE BLACKLEY

TD

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)
)
State of South Carolina,)
)
v.)
)
Robert Keith Moss,)
)
)
Defendant..)

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

2016-GS-42-5647

VERDICT FORM #2

We the jury, unanimously find the Defendant, Robert Keith Moss, on the charge of **Forgery**
as to check number 1096 in the amount of \$1,100.00:

Not Guilty
 Guilty

I certify this decision was the unanimous decision of the jury.

Laundra Jolley
Foreperson

February 9, 2017
Spartanburg, SC

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE MADE

2. REPORT ENDED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD

Complete
Complete

ARREST WARRANT NUMBER

2016A4210101025 (Direct Indictment)

ACTION OF GRAND JURY

True Bill

OCT 28 2016

Foreperson of Grand Jury
Date:

VERDICT

Guilty

Foreperson of Petit Jury
Date:

2-9-17

DOCKET NO. 16-GS-42-5646

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 31 2016

TERM

THE STATE
vs.

Robert Keith Moss

Indictment for

FORGERY < \$10,000

SC Code: 16-13-10 (A), (B)(2), 16-1-57

CDR Code: 3512

Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2016 NOV -4 AM 10:17

M. HOPE BLACKLEY

TD

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

GC 1 28 2016

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

FORGERY < \$10,000

That the defendant, Robert Keith Moss, did in Spartanburg County on or between ~~January 16, 2016 and January 19, 2016~~, knowingly and with the intent to defraud: (1) ~~falsely make, forge, counterfeit, cause or procure to be falsely made, forged, or willfully act or assist in the false making, forging or counterfeiting of any writing or instrument of writing; and/or (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and/or (3) willingly act or assist in any of the above activities, said writing or instrument of writing being: a check (#1097) in the amount of \$849.00, in violation of §16-13-10(A) and §16-1-57, 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 of South Carolina,)
)
v.)
)
Robert Keith Moss,)
)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

2016-GS-42-5646

VERDICT FORM #1

We the jury, unanimously find the Defendant, Robert Keith Moss, on the charge of Forgery as to check number 1097 in the amount of \$849.00:

Not Guilty
 Guilty

I certify this decision was the unanimous decision of the jury.

Lazondra Jellwer
Foreperson

February 9, 2017
Spartanburg, SC