

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

THE STATE)

Warrant/Indictment Nos.:

2015GS2302146 (2015A2310100064)

2015GS2302147 (2015A2310100068)

2015GS2302280 (2015A2310100058)

v.)

RULE 203(d)(1)(B)(iv) CERTIFICATION

WAYNE TILLMAN POSEY, JR,)

DEFENDANT.)

FILED OFFICE OF COURT
CLERK
JULIE B. WICKENS
MERRILL
GREENVILLE CO. SC
2017 APR 24 AM 11:31

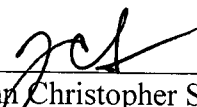
Pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules, Defendant would show that the sentence imposed is unreasonable. Defendant pleaded guilty to two counts of criminal sexual conduct with a minor in the second degree and one count of the same in the third degree. Hon. Judge Verdin sentenced Defendant to fourteen years in the Department of Corrections. Defendant communicated to undersigned counsel that he wishes to appeal.

Undersigned counsel is filing this appeal pursuant to his ethical duty to his client and Defendant's right to appeal. *See Frazer v. South Carolina*, 430 F.3d 696, 706 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as an 'active advocate in behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Defendant did not state a basis for his appeal. Undersigned counsel knows of no legal error in the proceedings against Defendant for which relief may be granted. Undersigned counsel requests that Defendant be allowed to supplement his pleadings with an assignment of error.

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER



John Christopher Shipman, Esq.
Attorney for Appellant
305 E. North St., Ste. 123
Greenville, SC 29601
(864) 467-8522

Greenville, SC
April 20, 2017

RECEIVED

APR 26 2017

SC Court of Appeals

WITNESSES

W W Richter

Greenville County Sheriffs Office

2/20/2015

WWSA

ARREST WARRANT NUMBER

2015A2310100064

ACTION OF GRAND JURY

TRUE BILL

[Signature]

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-23-02146

EEM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February

2017
TERM 2015

THE STATE

vs.

WAYNE TILLMAN POSEY JR

Indictment for

0396

CRIMINAL SEXUAL CONDUCT W/ A MINOR
SECOND DEGREE

VIOLATION § 16-03-0655

[Signature]
ENTERED
ACCT

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APR 26 2017

SC Court of Appeals

1579603

J

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS. Wayne Tillman Posey Jr

INDICTMENT/CASE#: 2015GS2302146
A/W#: 2015A231Q100064
Date of Offense: 12/14/2011
S.C. Code §: 16-03-0655(B)
CDR Code #: 0396

AKA:
Race: WHITE Sex: M Age: 40
DOB: 01-13-1977 SS#: 247-61-1340
Address: 13 Lakeside Dr
City, State, Zip: Greenville, SC 29617-1412
DL#: 007277254 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Sex, Crim Sex Cond, 2nd Degree W/Minor 1

CONVICTED OF or PLEADS

in violation of § 16-03-0655(B) of the S.C. Code of Laws, bearing CDR Code # 0396
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 Presentation to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Elizabeth Mann Major, Elizabeth SC Bar# 74805
SHIPMAN, JOHN SC Bar# 100747
CHRISTOPHER

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 14 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 PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/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

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:

NO VICTIM CONTACT

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 Paul B. Wislizenus
Court Reporter: Johnson
SCCA/217 (07/2016)

Presiding Judge [Signature]
Judge Code: 2162
Sentence Date: 4-19-17

WITNESSES

W W Richter

Greenville County Sheriffs Office

2/20/2015

WWSA

ARREST WARRANT NUMBER

2015A2310100068

ACTION OF GRAND JURY

TRUE BILL

[Signature]

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-23-

EEM

002147

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February

TERM 2015

2017

THE STATE

vs.

WAYNE TILLMAN POSEY JR

Jordan

Indictment for

0397

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE

VIOLATION § 16-03-0655

[Signature]
ENTERED
AOC

RECEIVED

APR 13 2015

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE

At a Court of General Sessions, convened on **FEB 21 2017** the Grand Jurors of Greenville

County present upon their oath:

That WAYNE TILLMAN POSEY JR did in Greenville County, between the 15th day of December, 2013 and the 14th day of December, 2014, engage in sexual battery with J.R.P., who was at least fourteen years of age but who was less than sixteen years of age, and that he did so in a position of familial, custodial, or official authority to coerce the victim to submit, and/or he was older than the victim. This is in violation of § 16-3-655(B)(2) [formerly 16-3-655(3)] of the South Carolina Code of Laws (1976) as amended.

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

Elizabeth Major

SOLICITOR BAR # 74805

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.
Wayne Tillman Posey Jr

INDICTMENT/CASE#: 2015GS2302147
A/W#: 2015A2310100068
Date of Offense: 12/14/2013
S.C. Code § : 16-03-0655(C)
CDR Code #: 0397

AKA:
Race: WHITE Sex: M Age: 40
DOB: 01-13-1977 SS#: 247-61-1340
Address: 13 Lakeside Dr
City, State, Zip: Greenville, SC 29617-1412
DL#: 007277254 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Sex, Crim Sex Cond, 2nd Degree W/Minor 1

CONVICTED OF or PLEADS

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 0397
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Elizabeth Major, Elizabeth SC Bar# 74805
SHIPMAN, JOHN SC Bar# 100747
CHRISTOPHER

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 14 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. 235 days

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: days/hours Public Service Employment

Set by SCDPPPS
Recipient:
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling

Table with 2 columns: Description and Amount. Includes items like Assessments 107.5%, Conv. Surcharge, DUI Surcharge, DUI Assessment, DUI Breath Test, Public Def/Probation, Law Enforce. Funding, Drug Court Surcharge, BUI Breath Test Fee, Vehicle Assessment, 3% to County.

Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

No victim Contact

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.

TOTAL \$ 128.75
Clerk of Court/ Deputy Clerk Paul B. Wickerman
Court Reporter: Johnson
SCCA/217 (07/2016)

Presiding Judge
Judge Code: 2162
Sentence Date: 4-19-17

WITNESSES

WWSO

W W Richter

Greenville County Sheriffs Office

2/19/2015

ARREST WARRANT NUMBER

2015A2310100058

ACTION OF GRAND JURY

~~TRUE BILL~~

[Signature]

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-23-

EEM

002200

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February

2017
TERM 2015

THE STATE

vs.

WAYNE TILLMAN POSEY JR

Indictment for

0162

CRIMINAL SEXUAL CONDUCT THIRD DEGREE

VIOLATION § 16-03-0654

[Signature]
ENTERED
ACCT

RECEIVED

APR 20 2015

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT THIRD DEGREE

At a Court of General Sessions, convened on

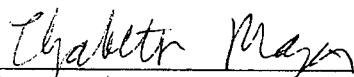
the Grand Jurors of Greenville

County present upon their oath:

FEB 21 2017

That WAYNE TILLMAN POSEY JR did in Greenville County, between the 15th day of December, 2014 and the 17th day of February, 2015, engage in sexual battery and used force or coercion to accomplish this sexual battery in the absence of aggravating circumstances. This is in violation of §16-3-654 of the South Carolina Code of Laws (1976) as amended.

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



SOLICITOR BAR # 74805

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.
Wayne Tillman Posey Jr

INDICTMENT/CASE#: 2015GS2302280
A/W#: 2015A2310100058
Date of Offense: 2/17/2015
S.C. Code §: 16-03-0654
CDR Code #: 0162

AKA:
Race: WHITE Sex: M Age: 40
DOB: 01-13-1977 SS#: 247-61-1340
Address: 13 Lakeside Dr
City, State, Zip: Greenville, SC 29617-1412
DL#: 007277254 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Sex, Crim Sex Cond, Third Degree CONVICTED OF or PLEADS

in violation of § 16-03-0654 of the S.C. Code of Laws, bearing CDR Code # 0162
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Elizabeth Major, SC Bar# 74805 Defendant SHIPMAN, JOHN SC Bar# 100747 CHRISTOPHER

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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:

No victim Contact

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 Paul B. Wickerman
Court Reporter: Johnson
SCCA/217 (07/2016)

Presiding Judge
Judge Code: 2163
Sentence Date: 4-19-17