

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
THE STATE)
)
vs.)
)
)
)
CARLOS L'ERIC JAQUAN SMITH,)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
ELEVENTH JUDICIAL CIRCUIT

INDICTMENT NUMBERS:
2017-GS-32-00320
2017-GS-32-00323

RULE 203(B) MEMORANDUM

RECEIVED

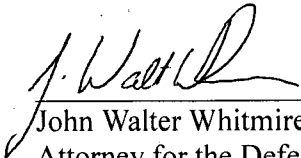
JUN 05 2017

SC Court of Appeals

Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence.

Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. *See Frazer v. South Carolina*, 430 F.3d 696, 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 on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



John Walter Whitmire
Attorney for the Defendant
407 W. Main St.
Lexington, SC 29072
(803) 785-8873

WITNESSES

Lexington County Sheriffs Department

A Creech

Law Enforcement Case #: 15019365

KWU

ARREST WARRANT NUMBER

2015A3210202009

ACTION OF GRAND JURY

TRUE BILL

Sheryl R. Ferguson

Foreperson of Grand Jury

Date: 2-21-2017

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017GS3200320

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2017

THE STATE

vs.

Carlos L'Eric Jaquan Smith

CDR #: 0139

Indictment for

Armed Robbery

§ 16-11-0330(A)

S.R. Hubbard III, SOLICITOR

RECEIVED
JUN 05 2017
SC Court of Appeals



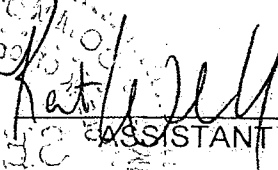
STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
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INDICTMENT FOR
Armed Robbery
§ 16-11-0330(A)

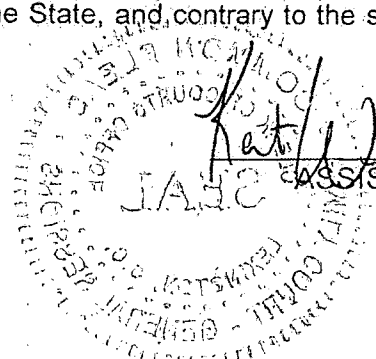
At a Court of General Sessions, convened on February 2017, the Grand Jurors of Lexington County present upon their oath:

That **Carlos L'Eric Jaquan Smith**, along with co-defendants, did in Lexington County, South Carolina on or about October 6, 2015 knowingly and willfully while armed with a deadly weapon or having possession of an object which the victim reasonably believed to be a deadly weapon and alleging by actions or words that he was armed, to wit: a shotgun and/or handgun did feloniously take from the person or presence of Corey Benton, by means of force, threats or intimidation goods or monies being described as follows: cash money and a wallet with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) 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.



ASSISTANT SOLICITOR



STATE OF SOUTH CAROLINA)
 COUNTY OF Lexington)
 STATE VS.)
Carlos L'Eric Jaquan Smith)
 AKA: _____)
 Race: Black Sex: M Age: 21)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: _____)
 DL#: _____ SID#: SC02138912)

(concurrent) 0-20yr
 IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS3200320
 A/W#: 2015A3210202009
 Date of Offense: 10/6/2015
 S.C. Code § : 16-11-0330(A)
 CDR Code #: 0139

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Robbery / Attempted armed, or allegedly armed, robbery

CONVICTED OF or PLEADS

in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
 (CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] Solicitor 76118 SC Bar# [Signature] Defendant [Signature] Attorney for Defendant 100793 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on: 5-26-15
 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. 557 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: _____
 Set by SCDPPPS _____
 Recipient: _____

_____ days/hours Public Service Employment
 Obtain GED **APPROPRIATE COPY**
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning 12-6-2017
 Substance Abuse Counseling C.C.P., G.S. & H.C.
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

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

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: [Signature]
 Judge Code: 240
 Sentence Date: 5-20-2017

City Clerk [Signature] \$ 125
[Signature]

WITNESSES

Lexington County Sheriffs Department

A. Creech

Law Enforcement Case #: 15019832

KWU

ARREST WARRANT NUMBER

2015A3210202010

ACTION OF GRAND JURY

TRUE BILL

Sheryl R. Ferguson
Foreperson of Grand Jury

Date: 2-21-2017

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017GS3200323

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

FEBURARY TERM 2017

THE STATE

vs.

Carlos L'Eric Jaquan Smith

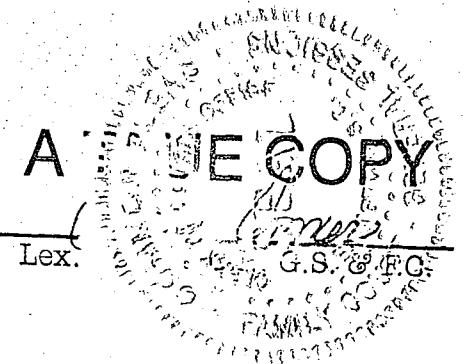
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Indictment for

Armed Robbery →

§ 16-11-0330(A)

S.R. Hubbard III, SOLICITOR



STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
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INDICTMENT FOR
Armed Robbery
§ 16-11-0330(A)

At a Court of General Sessions, convened on February 2017, the Grand Jurors of Lexington County present upon their oath:

That **Carlos L'Eric Jaquan Smith**, along with a co-defendant, did in Lexington County, South Carolina on or about October 14, 2015 knowingly and willfully while armed with a deadly weapon or having possession of an object which the victim reasonably believed to be a deadly weapon and alleging by actions or words that he was armed, to wit: handgun did feloniously take from the person or presence of Ziera Gobolt, by means of force, threats or intimidation goods or monies being described as follows: cash money and/or cell phones(s) with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) 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.



ASSISTANT SOLICITOR

(Faint circular seal of the Lexington County Court of General Sessions is visible in the background.)

(concurrent) 0-2017

STATE OF SOUTH CAROLINA)
COUNTY OF Lexington)
STATE VS.)
Carlos L'Eric Jaquan Smith)
AKA:)
Race: Black Sex: M Age: 21)
DOB: SS#)
Address:)
City, State, Zip:)
DL#: SID#: SC02138912)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS3200323
A/W#: 2015A3210202010
Date of Offense: 10/14/2015
S.C. Code §: 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Robbery / Attempted armed, or allegedly armed, robbery

CONVICTED OF or PLEADS

in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

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

ATTEST: Kat W Solicitor 76618 SC Bar# 76618 Defendant J. Waller Attorney for Defendant 100793 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

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 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 _____

_____ days/hours Public Service Employment
Obtain GED **TRUE COPY**
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: _____

Recipient: _____

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

TOTAL \$ 225
Clerk of Court/ Deputy Clerk Besa Comer
Court Reporter: Cher Young
SCCA/217 (07/2016)

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 Michael Matter
Judge Code: 240
Sentence Date: 8-20-2017