

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

JUL 13 2017

S.C. SUPREME COURT

Appeal from Berkeley County

Honorable Jean H. Toal, Circuit Court Judge

SAMUEL BROWN, JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-002537

APPENDIX

LAURA R. BAER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

JUDAH VANSYCKEL
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY COUNTY)

COURT OF GENERAL SESSIONS

Samuel Brown,)
)
PLAINTIFF,)
)
v.)
)
State of South Carolina,)
)
DEFENDANT.)
_____)

TRANSCRIPT OF PLEA
C/A No. 2013-GS-08-01334

Berkeley County Courthouse
May 20, 2014

BEFORE:

HONORABLE KRISTI L. HARRINGTON, PRESIDING JUDGE.

APPEARANCES:

Assistant Solicitor Michael Patterson
Attorney for State of South Carolina

Chad Shelton, Esquire
Attorney for Samuel Brown

TAKEN BY MELISSA R. SINGLETARY
CERTIFIED VERBATIM REPORTER

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Certificate of Service

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(There were no Exhibits marked during this Plea)

Samuel Brown vs. State of South Carolina

3

1 The Court: Are you Samuel Brown, Jr.?

2 Mr. Brown: Yes ma'am.

3 The Court: Please swear the defendant.

4 Bailiff: Please raise your right hand, do you swear
5 to tell the truth, the whole truth and nothing but the
6 truth so help you God?

7 Mr. Brown: Yes, ma'am.

8 The Court: Mr. Brown, I'm going to need you to speak
9 loudly, can you do that for me?

10 Mr. Brown: Yes, I can.

11 The Court: How old are you?

12 Mr. Brown: Forty years old.

13 The Court: How far did you go in school?

14 Mr. Brown: I've got a bachelor's degree.

15 The Court: What type of work do you do?

16 Mr. Brown: Product manager with a construction
17 company.

18 The Court: How long have you been in custody?

19 Mr. Brown: Since June.

20 The Court: Of last year?

21 Mr. Brown: Yes, ma'am.

22 The Court: On a trafficking charge?

23 Mr. Brown: Yes, ma'am.

24 The Court: Tell me about the trafficking charge,
25 please.

Samuel Brown vs. State of South Carolina

1 Mr. Shelton: It was a pending charge that was down
2 in Charleston and, you went to trial on that?

3 Mr. Brown: Yes.

4 Mr. Shelton: He was sentenced on that.

5 Mr. Brown: The charge was in 2010 and I went to
6 trial on this charge in September of last year.

7 The Court: Were you out on bond on that charge?

8 Mr. Brown: Yes, I've been out on bond three years
9 and got incarcerated on this charge and I went to trial
10 in September of last year.

11 The Court: What was your sentence?

12 Mr. Brown: They sentenced me to ten years.

13 The Court: This is negotiated that I would impose
14 three years to run concurrent?

15 Mr. Shelton: Yes, Your Honor.

16 The Court: Sir, you understand I can sentence you
17 up to five (5) years in the Department of Corrections for
18 this charge?

19 Mr. Brown: Yes, ma'am.

20 The Court: Knowing that do you still wish to go
21 forward with this plea?

22 Mr. Brown: Yes, ma'am.

23 The Court: There's a possibility that I may not
24 accept it. Do you understand that's the possible
25 punishment?

Samuel Brown vs. State of South Carolina

5

1 Mr. Brown: Five (5) years?

2 The Court: Yes.

3 Mr. Brown: Yes, ma'am.

4 The Court: Your attorney and the State both of them
5 are in agreement that I impose upon you an active
6 sentence and run it concurrent to your trafficking
7 charge. Do you understand that?

8 Mr. Brown: Yes, ma'am.

9 The Court: If after hearing the facts I cannot
10 accept that I will allow you to withdraw this plea, do
11 you understand?

12 Mr. Brown: Yes, ma'am.

13 The Court: Knowing that, do you still wish to go
14 forward here today?

15 Mr. Brown: Yes, ma'am.

16 The Court: Do you understand all of the collateral
17 consequences of what will happen to you in the future?

18 Mr. Brown: Excuse me?

19 The Court: Do you understand all the collateral
20 consequences, not just the plea here today but what will
21 happen to you in the future?

22 Mr. Brown: Yes, ma'am.

23 The Court: Knowing all of those things, do you still
24 wish to plea guilty?

25 Mr. Brown: Yes, ma'am.

Samuel Brown vs. State of South Carolina

1 The Court: Mr. Brown, when you plead guilty you
2 give up certain rights. Your right to a jury trial.
3 Your right to have a jury determine your guilt beyond a
4 reasonable doubt based upon the evidence the State
5 presents as well as any evidence you may introduce. Your
6 right against self incrimination. Your right to say
7 nothing at all. Your right to confront and be confronted
8 by the witnesses against you as well as the right to call
9 witnesses on your own behalf. By pleading guilty here
10 today you give up any defense you may have to this
11 charge. Do you understand these rights?

12 Mr. Brown: Yes, ma'am.

13 The Court: And do you waive these rights at this
14 time?

15 Mr. Brown: Yes, ma'am.

16 The Court: You understand the charges you are
17 facing, the possible punishment as well as the
18 consequences of this plea?

19 Mr. Brown: Yes, ma'am.

20 The Court: Understanding all that, how do you plea?

21 Mr. Brown: I plead guilty.

22 The Court: Are you pleading guilty because you in
23 fact are guilty?

24 Mr. Brown: Yes, ma'am.

25 The Court: Has anybody promised you anything,

Samuel Brown vs. State of South Carolina

1 threatened you, forced you to plead guilty?

2 Mr. Brown: Just the negotiated plea?

3 The Court: Other than the negotiations, has anybody
4 promised you anything?

5 Mr. Brown: No, ma'am.

6 The Court: Have you been satisfied with the services
7 of your attorney?

8 Mr. Brown: Yes, ma'am.

9 The Court: Has he done everything you think he
10 should have done on this case? Now, is the time to tell.

11 Mr. Brown: No, ma'am. I'm ready.

12 The Court: You may be ready but I need to know that
13 Mr. Shelton helped you to be ready and that there wasn't
14 anything that he should have done or should not have done
15 to assist you?

16 Mr. Brown: No, he assisted me.

17 The Court: You have the right to appeal the sentence
18 that I do impose but you or your attorney must do so
19 within ten (10) days. Do you understand that?

20 Mr. Brown: Yes, ma'am.

21 The Court: Mr. Patterson.

22 Mr. Patterson: Thank you, Your Honor. If it please
23 the Court. On June 25, 2013, the defendant was stopped
24 at a public safety checkpoint in the Summerville area of
25 Berkeley County. Officer smelled marijuana coming from

1 the vehicle and searched the car and located
2 approximately 560 grams of marijuana in the car. This is
3 a negotiated three years to run concurrent to the
4 sentence that he has already plead to and is serving.

5 The Court: Mr. Brown, is that what you did?

6 Mr. Brown: Yeah, I was at ... I was on College Park
7 Road. He asked me to pull over to the side and ...

8 The Court: Did you know it was in there?

9 Mr. Brown: Yes, ma'am. I did.

10 The Court: Did they find the marijuana in the front
11 seat of the car?

12 Mr. Brown: Yes, ma'am.

13 The Court: How much marijuana was it?

14 Mr. Brown: I'm not sure.

15 The Court: That's a lot of marijuana. What were you
16 doing with that?

17 Mr. Brown: They said it was distribution but it was
18 me and some guys got together at work and we buy it in
19 quantities.

20 The Court: I find there's a substantial factual
21 basis for your plea. Your decision to plea guilty has
22 been freely, voluntarily, knowingly and intelligently
23 made. You've indicated to the court that you've had the
24 advice of a competent attorney of whom you have told the
25 court you are satisfied. I hereby accept your plea of

Samuel Brown vs. State of South Carolina

9

1 guilt. Mr. Shelton, you have cut an incredible good deal
2 for your client. I'll tell you that.

3 Mr. Shelton: Thank you, Your Honor, I appreciate it.
4 I did have a chance to go through the law as far as the
5 stop and traffic check points. So we were able to
6 determine that they set up a traffic checkpoint for
7 alcohol related offenses and they did stop some people
8 that were let go, percentage wise that the case says is
9 okay for alcohol related offense and there was a smell of
10 marijuana. So we went through, I went through the law
11 and gave Mr. Brown my opinion on the case through
12 letters. We discussed it through letters at the
13 Department of Corrections. It was his decision to go
14 forward. It was his decision to accept the plea and I
15 agree with that decision based on the case law and ask,
16 Your Honor, to go along with the negotiated sentence.

17 The Court: Mr. Brown, do you need any additional
18 time to meet with Mr. Shelton in person?

19 Mr. Brown: No, ma'am.

20 The Court: Are you prepared to go forward. Are you
21 satisfied with the advice he has given you today as well
22 as through letters?

23 Mr. Brown: Yes, ma'am.

24 The Court: It's the order of the Court that on 2013-
25 GS-08-1334 that you be committed to the State Department

Samuel Brown vs. State of South Carolina

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of Corrections for three years. That is to run
concurrent to 2012-GS-10-06790. Good luck to you, sir.

FORM 5
FILED

TSK

STATE OF SOUTH CAROLINA

COUNTY OF Berkley

Berkley

NOV 20

PM 4:30

IN THE COURT OF COMMON PLEAS

Samuel Brown 254907
Full name and prison number (if any) of Applicant.

MARY D. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

2014-CP-08-25260

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 veified (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 clt to 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 thées 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 Mc Dougal Correctional Institute
 2. Name and location of Court which imposed sentence Berkley County Court of 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) 2013 65 080 1334
 - (b) _____
 - (c) _____
- (5) The date upon which sentence was imposed and the terms of the sentence:
- (a) 05 / 14 , 3 years
 - (b) _____

- (c) _____
- 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?

No

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

- (a) the name of each Court to which you appealed:
 - i. *N/A* _____
 - ii. _____
 - iii. _____

- (b) the result in each such Court to which you appealed:
 - i. *N/A* _____
 - ii. _____
 - iii. _____

- (c) the date of each such result:
 - i. *N/A* _____
 - ii. _____
 - iii. _____

- (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. *N/A* _____
 - ii. _____
 - iii. _____

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

- (a) *Negligence of Attorney* _____
- (b) _____
- (c) _____

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

- (a) Ineffective assistance of Counsel
- (b) Rule 5/ Brady Violation
- (c) Due process of law

11. State concisely and in the same order the facts which support each of the grounds set out in (10): failure to pursue a trial, failure to show competent advice on a plea

- (a) failure to investigate, failure to suppress evidence, failure to advise defendant properly
- (b) failure to object and preserve Rule 5/ Brady violation
- (c) prejudice ~~to~~ to show illegal search and seizure ~~to~~

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. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. N/A
 - ii. _____
 - iii. _____
 - iv. _____
- (c) the disposition thereof:
 - i. N/A
 - ii. _____
 - iii. _____

- iv. _____
- (d) the date of each such disposition:
 - i. N/A
 - ii. _____
 - iii. _____
 - iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
 - i. N/A
 - ii. _____
 - iii. _____
 - iv. _____

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. _____
 - ii. _____
 - iii. _____
 - (b) the proceedings in which each ground was raised:
 - i. _____
 - ii. _____
 - iii. _____

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) _____
- (b) _____
- (c) _____

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? _____
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (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. Chad D Shelton (Piedmont County Public Defender office,
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. arraignment and plea
 - ii. sentencing
 - iii. _____

19. State clearly the relief you seek in filing this application:

Vacate and remand conviction

20. Are you now under sentence from any other court that you have not challenged?

Yes, a Charleston County case that I have filed a PCR in that matter.

STATE OF SOUTH CAROLINA)
)
County of)

VERIFICATION

I, , 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.

Samuel Brown

SWORN to and subscribed before me this 10th
day of April, 2014.

[Signature] (L.S.)
NOTARY PUBLIC
TAMMY CAMERON
Notary Public
SOUTH CAROLINA

My Commission Expires 4/2024

TSM

2014 NOV 20 PM 4:30
MARY F. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

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

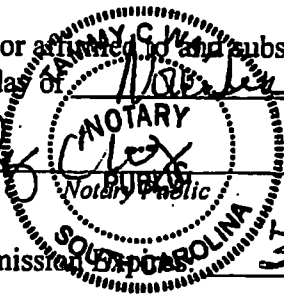
I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (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.

Samuel Brown
Applicant

SWORN or affirmed to and subscribed before me this
18th day of November, 2014.

[Signature]
My Commission Expires 3/4/2024



2014 NOV 20 PM 4:30
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

11/8/14

Mary P. Brown
Clerk of Court 1
300 A California Ave
Moncks Corner S.C 29461

Mrs. Mary P. Brown,
I, Samuel Brown am writing you to
seek your assistance. I have filled out
a PCR application in which I would like
to submit to the proper courts. I do
not have the date of my conviction to fully
fill out question (5). This is due to me
not receiving a sentencing sheet after
Court. Can you please submit my application.
Can you also send me a sentencing sheet
for my records. Thank You!

Sincerely,

Samuel Brown

Samuel Brown 254907
NCT B2 C19B
1516 Old Hilliard Rd
Ridgerville, S.C 29472

P.S If I have to refill out my application, please
send ~~a~~ a new one with the sentence sheet.

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF BERKELEY)	NINTH JUDICIAL CIRCUIT
)	
)	
Samuel Brown, #254907,)	2014-CP-08-2566
)	
Applicant,)	
)	
v.)	RETURN
)	
State of South Carolina,)	
)	
Respondent.)	

The Respondent, making its Return to the application for Post-Conviction Relief (PCR) filed November 20, 2014, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. The Applicant was indicted at the September 2013 term of the Berkeley County Grand Jury for possession with intent to distribute (PWID) marijuana (2013-GS-08-1334). Chad Shelton, Esquire, represented the Applicant. On May 20, 2014, the Applicant pled guilty as indicted. The Honorable Kristi L. Harrington sentenced the Applicant to terms of confinement for three (3) years. The Applicant did not appeal his sentence or plea.

Attached herewith and incorporated herein are the records of the Berkeley County Clerk of Court regarding the subject conviction(s), the application, and the plea transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel"
 - a. "Failure to persue [sic] a trial"
 - b. "Failure to show competent advice on a plea"
 - c. "Failure to investigate"
 - d. "Failure to suppress evidence"
 - e. "Failure to advise defendant"
2. "Rule 5/Brady Violation"
 - a. "Failure to object and preserve Rule 5/Brady violation"
3. "Due Process of Law"
 - a. "Prejudice to show illegal search and seizure"

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at evidentiary hearing. All amendments should be made well in advance of hearing and should be filed as required by Rule 11, SCRCP(a).

III.

The Applicant's first claim is an allegation of ineffective assistance of plea counsel. The Respondent submits plea counsel rendered effective assistance of counsel. In a Post-Conviction Relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel 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 upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. 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. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The Applicant also alleges a Brady/ Rule 5 violation; however, the Applicant fails to state with any specificity the nature of the violation he claims. This claim is too vague for the

Respondent to respond and should be summarily dismissed. The Applicant is required to set forth with specificity the grounds upon which his application is based in accordance with S.C. Code Ann. '17-27-50. The Respondent moves for summary dismissal pursuant to South Carolina Code Ann. '17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that this allegation should be dismissed as a matter of law.

V.

Finally, the Applicant alleges that he was denied due process of law. The Applicant's allegation claims infringement of his rights under certain amendments to the United States Constitution. However, the Applicant fails to set forth with specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that the Applicant must "... specifically set forth the grounds upon which the application is based." S.C. Code § 17-27-50 (2003). 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). Since the Applicant has failed to make even a *prima facie* showing, the Respondent would submit that this allegation should be dismissed for failing to meet the requirements of the Uniform Post-Conviction Procedures Act. This allegation is so vague that it is impossible for the State to respond.

VI.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VII.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.


Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

J. RUTLEDGE JOHNSON
Assistant Deputy Attorney General

By: 
~~ATTORNEYS FOR RESPONDENT~~

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

August 31, 2015.

gms

FILED

2016 AUG 22 PM 5: 21

CLERK OF SUPERIOR COURT
BERKELEY, CALIFORNIA

POST-CONVICTION RELIEF HEARINGS
NINTH JUDICIAL CIRCUIT
HONORABLE JEAN TOAL, JUDGE
BERKELEY COUNTY COURTHOUSE

9/16/2016

TIME	APPLICANT'S NAME	COUNTY/ DOCKET NUMBER	ATTORNEY REPRESENTING APPLICANT	ATTORNEY REPRESENTING STATE	WITNESS
09:30 AM	Damon T. Brown 357300	2014-CP-08-1003 Berkeley	Rodney D. Davis	J. Rutledge Johnson	Steve C. Davis
09:30 AM	James D. Griffiin 231859	2014-CP-08-1044 Berkeley	Rodney D. Davis	J. Rutledge Johnson	Grover C. Seaton
09:30 AM	Brandon Bannister 355440	2014-CP-08-1153 Berkeley	Lance S. Boozer	J. Rutledge Johnson	Keshia V. White
09:30 AM	Christopher Greene, III 264680	2014-CP-08-1569 Berkeley	Rodney D. Davis	J. Rutledge Johnson	Debra Kay Littlejohn
09:30 AM	Richard Wilkerson 331946	2014-CP-08-1945 Berkeley	Rodney D. Davis	J. Rutledge Johnson	David P. Schwacke
09:30 AM	Robert Gore 360372	2014-CP-08-1990 Berkeley	Lance S. Boozer	J. Rutledge Johnson	Grover C. Seaton
09:30 AM	Samuel Brown 254907	2014-CP-08-2566 Berkeley	Rodney D. Davis	J. Rutledge Johnson	Chad D. Shelton
09:30 AM	Sedrick D. Segar 360109	2015-CP-08-0017 Berkeley	Lance S. Boozer	J. Rutledge Johnson	Keisha V. White

26
Oms

FILED

2016 AUG 22 PM 5: 21

CLERK OF SUPERIOR COURT
BERKELEY CIVIL DIVISION

POST-CONVICTION RELIEF HEARINGS
NINTH JUDICIAL CIRCUIT
HONORABLE JEAN TOAL, JUDGE
BERKELEY COUNTY COURTHOUSE

9/16/2016

TIME	APPLICANT'S NAME	COUNTY/ DOCKET NUMBER	ATTORNEY REPRESENTING APPLICANT	ATTORNEY REPRESENTING STATE	WITNESS
09:30 AM	David Leon Stephens 361522	2015-CP-08-0640 Berkeley	Lance S. Boozer	J. Rutledge Johnson	Debra K. Littlejohn
09:30 AM	Deborah Basler 324365	2015-CP-08-0865 Berkeley	Lance S. Boozer	J. Rutledge Johnson	Debra Kay Littlejohn
09:30 AM	Marcelino Montgomery 101878	2015-CP-08-1039 Berkeley	Lance S. Boozer	J. Rutledge Johnson	Jospeh Steven Schmutz
09:30 AM	Brandon A. Jenkins 360373	2015-CP-08-1201 Berkeley	Lance S. Boozer	J. Rutledge Johnson	Chad D. Shelton
09:30 AM	Ernesto Estrada 334714	2015-CP-08-1451	Lance S. Boozer	J. Rutledge Johnson	Debra K. Littlejohn

STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY 2014-CP-08-02566

SAMUEL BROWN, JR.,)
) TRANSCRIPT OF RECORD
) Applicant,)
)) September 16, 2016
) -vs-)
)) Moncks Corner, South Carolina
STATE OF SOUTH CAROLINA,)
))
) Respondent.)

B E F O R E:

The Honorable Jean H. Toal, Judge.

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

Rodney Davis, Esq.
Attorney for the Applicant

Rutledge Johnson, Esq.
Attorney for the Respondent

Reported By:

Amanda Kelly Haffenden, RPR, CRR
Circuit Court Reporter for the
Ninth Judicial Circuit

1 (September 16, 2016.)

2 THE COURT: I've got it.

3 This is in the matter of Mr. Samuel Brown,
4 2014-CP-08-2566. Mr. Brown is present in the courtroom.
5 He's represented by his counsel, Rodney Davis.
6 Mr. Johnson, Rutledge Johnson, is present in the
7 courtroom, and I will introduce him at the appropriate
8 time. His co-counsel in this matter, Charleston
9 County -- Charleston School of Law student.

10 MR. JOHNSON: Yes, ma'am. This is
11 Christopher Harrison. He is a 3-L at Charleston School
12 of Law, Your Honor.

13 THE COURT: Very good. Mr. Harrison, you may
14 proceed.

15 MR. HARRISON: Good afternoon. May it please
16 the Court: The applicant is presently confined to the
17 South Carolina Department of Corrections pursuant to an
18 order of commitment from the Berkeley County Clerk of
19 Court.

20 The applicant was indicted in September of
21 2013 by the Berkeley County grand jury for possession
22 with intent to distribute marijuana. Chad Shelton,
23 Esquire represented the applicant on his guilty plea, and
24 on May 20th, 2014 the applicant pled guilty as indicted.
25 The Honorable Judge Kristi Harrington sentenced the

1 applicant to terms of confinement for three years, and
2 the applicant did not appeal his sentence or plea.

3 THE COURT: All right. Now, I understand,
4 Mr. Davis, that you have a procedural matter you wish
5 to -- go ahead. You're not finished yet?

6 MR. HARRISON: As far as the procedural
7 matter, we would make a motion to dismiss pursuant to
8 Rule 53(b) issue -- for summary judgment. The argument
9 is moot, and there's -- the term has expired. He's
10 already maxed out his three-year sentence, Your Honor.

11 THE COURT: All right. Mr. Davis?

12 MR. DAVIS: Your Honor, thank you very much.
13 May it please the Court: Judge, as to that particular
14 issue, obviously, we would -- there's two cites I'm going
15 to hand you.

16 I'm sure you're familiar with them, but the
17 actual language in the statute, as well as the McDuffy
18 case, we would argue that anyone who has been convicted
19 and sentenced has a right to file post-conviction relief
20 action, and as long as the grounds that are listed are
21 appropriate for relief, this motion should -- by the
22 State should be denied.

23 We would additionally argue that the results
24 of Mr. Brown's conviction still persist. Even if he were
25 not still incarcerated on any other charge, but if his

1 case were the only case and he were on the street now, he
2 still has a drug conviction which could lead to
3 enhancements if there are any further drug convictions.

4 He would still have the collateral
5 consequences of a drug conviction in dealing with certain
6 government -- potential government moneys, whether it be
7 subsidized housing or other issues like that. That
8 effect of a drug conviction would persist, does persist,
9 over him today.

10 So in citing the actual language of the
11 statute, post-conviction relief statute, as well as
12 referencing the McDuffy case -- and, Judge, that is 227
13 S.E. 2nd 559. We would argue that the State's motion for
14 summary judgment should be dismissed. Whether or not
15 he's completed his sentence is not the only factor.
16 Again, Your Honor, there's also a reference to a Jackson
17 v. State case in which they talk about -- and that's got
18 some age to it, but because of the conviction -- and,
19 again, that was a possession of marijuana case, before we
20 changed the laws of marijuana.

21 Because of that conviction, Mr. Jackson,
22 having finished his sentence, talked about denial of
23 Section Eight housing. It could be used against him in a
24 future custody action. It could be used to enhance a
25 future drug conviction. His license was suspended as a

1 result of suspension, of course, it's changed back now,
2 but there are persistent effects of this conviction, even
3 if, pursuant to the department of corrections, Mr. Brown
4 has completed the actual incarceration portion of his
5 sentence.

6 For all those reasons, we would ask you deny
7 the State's motion and allow Mr. Brown to proceed forward
8 on his PCR on the merits.

9 MR. JOHNSON: Your Honor, if I may reply to
10 that argument. First, I'm looking at his SCDC records.
11 He pled to trafficking cocaine in Charleston County.
12 That's the sentence he's currently serving prior to
13 pleading to this distribution of marijuana charge. It
14 has absolutely no bearing on any type of enhancement.
15 Any type of future enhancement is obviously not ripe for
16 this Court to hear. Even if it is, they are collateral
17 consequences of which it's not proper for the PCR forum.

18 So, Your Honor, we would ask that you grant,
19 under 56(b) which is as a defending party against whom a
20 claim is raised, we can move at any time for a judgment
21 in our favor, and that also would then tie in 56(c),
22 summary judgment, because there are no issues of genuine
23 material fact, and we should be entitled to judgment as a
24 matter of law, Your Honor.

25 THE COURT: Mr. Davis, anything in reply?

1 MR. DAVIS: Judge, I'll just -- let me get
2 you the cite for Jackson. That's 489 S.E. 2d 915. The
3 State would have you grant their motion based on -- or in
4 contrary to that case. Again, there's several different
5 things listed in that case, one of them being conviction
6 could be used against him in future drug convictions.

7 Yes. That is a collateral consequence,
8 absolutely. It's a persistent -- as the statute says,
9 it's -- the result of his prior convictions still
10 persists, and it does, so we would just point out that I
11 understand the logic of the State's arguments, but I
12 would argue that the cases interpreting our
13 post-conviction relief statute, McDuffy and Jackson, are
14 in direct opposition to the State's motion, and we would
15 ask you to deny the State's motion.

16 THE COURT: Give the Court a moment.

17 The Court will grant the motion for summary
18 judgment for the State and dismiss the application, but
19 it's the Court's view that future consequences will not
20 prevent a dismissal of a matter in this instance where
21 the sentence has been fully served because a
22 post-conviction relief is not a direct appeal, it's a
23 collateral consequences attack on the constitutionality
24 of the representation, and it finds its antecedents in
25 the old habeas corpus.

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The State is not holding him on this charge anymore, and therefore I don't believe PCR can be used to contest this matter. Mr. Johnson, y'all draw me an offer to that effect, please.

- - -

(Whereupon, the proceedings were concluded.)

- - -

34 STATE OF SOUTH CAROLINA
County of Charleston Berkeley

COURT OF COMMON PLEAS
Case # 2014 -CP-08 2566

Samuel Brown

Applicant / Petitioner

vs.

State of South Carolina,

Respondent.

ORDER

BERKELEY COUNTY, S.C.
COURT

16 SEP 19 AM 10:09
DAD

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied granted under advisement; a formal order will be filed (see below - No.6)

2. Motion(s) was/were heard in this case and the court orders:
denied The motion to dismiss and/or for summary judgment is hereby denied granted under advisement based upon the statute of limitations and/or the successive nature of the application or other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:
denied Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.

denied The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed without prejudice with prejudice

5. Other: Motion for Summary Judgment granted. Applicant fees completed. See search e

6. The court further orders:
denied The Attorney General Applicant's counsel is/are directed to submit to the court a proposed order and to serve the order on opposing counsel within days. The court reserves the right to issue an order prior to the submission of any proposed orders.

denied The court does not request proposed orders.

IT IS SO ORDERED.

Date: 9 / 16 / 16

[Signature]
Presiding Judge

Court Reporter: Amanda Hetherington

Attorney for Applicant: Rodney Davis

Attorney for Respondent: Ruthledge Johnson

STATE OF SOUTH CAROLINA)
 COUNTY OF BERKELEY)
)
 Samuel Brown, #254907,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT

2014-CP-08-2566

ORDER OF DISMISSAL

16 NOV 15 PM 2:02
 CLERK OF COURT
 BERKELEY COUNTY, S.C.
 ED

This matter comes before the Court by way of an Application for Post-Conviction Relief filed November 20, 2014. The Respondent made its Return on August 31, 2015. An evidentiary hearing into the matter was convened on September 16, 2016, at the Berkeley County Courthouse. Rodney Davis, Esquire represented the Applicant. Christopher Harrison, a third-year law student at the Charleston School of Law under the South Carolina Supreme Court Rule 401 (Student Practice Rule), supervised by J. Rutledge Johnson, Esquire, of the South Carolina Attorney General's Office, represented the Respondent.

This Court had before it a copy of the records of the Berkeley County Clerk of Court, records from the South Carolina Department of Corrections, the Applicant's application, the State's Return and the plea transcript.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court.¹ The Applicant was

¹ Applicant is currently serving a 10-year cocaine sentence from Charleston County which he pled to prior to

#1
 [Handwritten signature]

[Handwritten initials]

indicted at the September 2013 term of the Berkeley County Grand Jury for Possession with Intent to Distribute Marijuana (PWID) (2013-GS-08-1334). Chad Shelton, Esquire represented the applicant. On May 20, 2014, the Applicant pled guilty as indicted. The Honorable Kristi L. Harrington sentenced the Applicant to terms of confinement for three (3) years.² The Applicant did not appeal his sentence or plea.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel"
 - a. "Failure to persue [sic] a trial"
 - b. "Failure to show competent advice on a plea"
 - c. "Failure to investigate"
 - d. "Failure to suppress evidence"
 - e. "Failure to advise defendant"
2. "Rule 5/Brady Motion"
 - a. Failure to object and preserve Rule 5/Brady violation"
3. "Due Process of Law"
 - a. "Prejudice to show illegal search and seizure"

#2
SST

At the hearing, the State read the procedural history of the case and then made a motion pursuant to Rule 56 (b) & (c) SCRCF for summary judgment because the Applicant had already served the full three (3) year term of his sentence and deemed this PCR action moot.

Applicant then alleged that the collateral consequences of his PWID conviction could be unfairly used against him in unrelated and possibly future proceedings.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the arguments at the post-conviction relief hearing. This Court has further had the opportunity to listen

pleading to the charges in this case.

to the State's motion and the Applicant's response. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2003).

State's Motion pursuant to 56 (b) & (c), SCRPC

Pursuant to Rule 56 (b) SCRPC, "A party against whom a claim...is asserted...may, at any time, move with or without supporting affidavits for summary judgment in his favor as to all or any part thereof" (emphasis added). Rule 56 (c) SCRPC states, in part: "The judgment sought shall be rendered forthwith if the pleadings...show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law."

In this case, Applicant claims he is suffering the collateral consequences of his conviction despite having already served the full term. First, this claim was not specifically alleged in the Applicant's PCR application. See Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965) ("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"). Second, this Court grants the State's motion for summary judgment because the Applicant failed to demonstrate any prejudicial effects resulting from the collateral consequences of his conviction. See Jackson v. State, 331 S.C. 486, 489 S.E.2d 915 (1997) (Where petitioner was entitled to evidentiary hearing "because petitioner alleged in his application and during the hearing he was suffering continuing consequences of his alleged invalid conviction") (emphasis added). Applicant did not make these allegations in his original application for post conviction relief filed on November 20, 2014, and did not file any subsequent amendments to his original application. The evidence before this Court clearly shows there is no genuine issue as to any material fact and the State, as the moving party is entitled to judgment as a matter of law.

² This sentence was satisfied in full not later than June 26, 2016.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.


This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

#4

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED.



 The Honorable Jean H. Toal
 Presiding Circuit Court Judge
 Ninth Judicial Circuit

Nov. 10, 2016

Columbia South Carolina

VCD2013-06-01634

WITNESSES

Berkeley County Sheriff's Office

[Signature] *apt. Collins*

AGENCY CASE NUMBER

201306028166

ARREST WARRANT NUMBER

2013A0810400957

DATE OF ARREST

June 26, 2013

ACTION OF GRAND JURY

True Bill

[Signature]

Foreperson of Grand Jury

Date: *09.25.13*

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013GS0801334

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

September Term 2013

THE STATE

Vs

SAMUEL BROWN JR

DOB: 1974-*[Redacted]*

B/M

Indictment for

Possession with Intent to Distribute
Marijuana

13 SEP 25 PM 12: 23
HARRY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED

2

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)

INDICTMENT

At a Court of General Sessions, convened on September 25, 2013 the Grand Jurors of Berkeley County present upon their oath:

Possession with Intent to Distribute Marijuana

That Samuel Brown Jr did in Berkeley County, South Carolina, on or about June 26, 2013, manufacture, distribute, dispense, deliver, purchase; or did aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase; or did possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue, to wit: marijuana; in violation of 44-53-370 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.


 MICHAEL E. PATTERSON JR
 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Berkeley
STATE VS.

Samuel Brown Jr

AKA:

Race: BLACK Sex: M Age: 40

DOB: 1974 SS#:

Address: 3736 Tower Dr

City, State, Zip: Mt Pleasant, SC 29466-9137

DL#: SID#: SC00858043

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: PWID/Dist. of Marijuana or other Sch. I, II, III drug, 1st Offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 20 JGS0801334

A/W#: 2013A0810400957

Date of Offense: 6/26/2013

S.C. Code § : 44-53-0370(b)(2)

CDR Code #: 0186

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186
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: Patterson, Michael E. SC Bar# 78437 Samuel Brown Defendant Attorney for Defendant SC Bar# 76247

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: 2012-GS-10-06790
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. 329 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 (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:

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 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

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 T. Hill
Court Reporter: Melissa Singletary
SCCA/217.03/2011

Presiding Judge Judge Code: Sentence Date: 5/30/14

STATE OF SOUTH CAROLINA)
 COUNTY OF Charleston)
 STATE VS.)
SAMUEL BROWN JR)
 AKA:)
 Race: BLACK Sex: M Age: 39)
 DOB: 1974 SS#: [REDACTED])
 Address: 1251 CEDAR POST LN)
 City, State, Zip: CHARLOTTE, NC 282150000)
 DL#: [REDACTED] SID#: SC00858043)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS1006790
 A/W#: DIRIND1783
 Date of Offense: 10/12/2012
 S.C. Code § : 44-53-0370(e)(2)(a)1
 CDR Code #: 0278-0387

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Trafficking in Cocaine, 10 to 28 grams, 1st offense

CONVICTED OF or PLEADS

in violation of § 44-53-0370(e)(2)(a)1 of the S.C. Code of Laws, bearing CDR Code # 0278 0387
 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: [Signature] 78683 Defendant [Signature] Attorney for Defendant 40312 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:
 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. 90 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 (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 _____

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: _____

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 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 8.40
TOTAL		\$ 288.40

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

Clerk of Court/ Deputy Clerk Caroline Diamond
 Court Reporter: Karen Anderson
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code: _____
 Sentence Date: 9/12/13

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 12/29/14
 OMCOMITA RELEASE DATE SCREEN C056368
 SCDC# > 0254907 LOC: TYGER RIVER
 BROWN JR, SAMUEL - 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: 010-00-000 CONSECUTIVE SENTENCE ...: N
 010-00-000 CURRENT SENT START DATE: 06/14/2013
 PROJECTED COMPLETION DATES
 MAXOUT DATE: 12/11/2021 CURRENT EWC ..: 2 F 5
 YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC
 INITIAL PAROLE DATE: 12/14/2021 NEXT PAROLE HEARING DATE: 12/14/2021

TOTAL GT DAYS EARNED: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
 TOTAL EARNED WORK CREDITS ..: 000198 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 ...: 000555 ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RECORD SUMMARY REPORT DATED 12/29/14

C0239

BROWN JR, SAMUEL - FBI # 3595RA9 SID# SC00858043 SCDC # 254907
OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE
INSTITUTION ...: TYGER RIVER CORR INST DORM.....: U80103X
SECURITY/CUST.: 2 MINIMUM IN RACE....:B SEX...:M
CURR INCARC SENT...: 10 YRS 0 MOS 0 DYS PROJ MAXOUT DATE: 12/11/2021
CENTRAL MONITORING.: YES PROJ PAROLE DATE: 12/14/2021
SOCIAL SECURITY #...: ██████████ EWC JOB...: MACHINE OPERATOR
EDUC PGM.: NO CURR EDUC PROGRAM
EWC LEVEL: 2F5 EEC LEVEL:
ASSIGNMENT...: PRISON INDUSTR

CURRENT PROGRAM...: NO CURRENT PROGRAM
AGE...: 40 DATE OF BIRTH...: ██████████ 74

PREVIOUS NUMBERS:

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE			COUNTY	SENTENCE		
	YRS	MOS	DYS		START	V/NV	CATEGORY
ILLEGAL DRUGS DISTRIB	3	0	0	BERKELEY	6/25/2013	N	2
TRAFFICKING IN COCAINE	10	0	0	CHARLESTON	6/14/2013	V	4

PREVIOUS SCDC OFFENSES (COMPLETE)	SENTENCE			COUNTY	SENTENCE		
	YRS	MOS	DYS		START	V/NV	CATEGORY
MARIJUANA DISTRIB TUTION	4	0	0	CHARLESTON	2/12/20	5 N	2
TRAF COCAINE (10-28G, 1ST)	4	0	0	CHARLESTON	2/12/20	5 V	4
DRIVING UNDER SUSPENSION	0	0	60	CHARLESTON	10/11/1998	N	1
MOVING TRAFFIC VIOL	0	6	0	CHARLESTON	6/13/1998	N	1
STRONG ARM ROBBERY	3	0	0	CHARLESTON	2/13/1998	N	3
STRONG ARM ROBBERY	3	0	0	CHARLESTON	2/13/1998	N	3

PRIOR COMMITMENTS OVER 90 DAYS:
NO PRIOR COMMITMENTS OVER 90 DAYS

DETAINERS (HOLD, WANTED, NOTIFY):
NO DETAINERS

ESCAPES:
NO ESCAPE HISTORY

CRIMINAL CHARGES:
NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:
NO ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:
8/ 4/ 5 USE OBSCENE, VULGAR, PROFA CONVICTED MAJOR

HISTORY OF MOVEMENTS:

DATE	LOCATION	STATUS	REASON
12/ 3/14	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
5/20/14	MACDOUGALL CORR	INCARCERATED	RETURN FROM COURT
5/20/14	BERKELEY CO	AUTH ABSENCE (AWL)	TO COURT
12/16/13	MACDOUGALL CORR	INCARCERATED	RETURN FROM COURT
12/16/13	BERKELEY CO	AUTH ABSENCE (AWL)	TO COURT
11/12/13	MACDOUGALL CORR	INCARCERATED	ADMINISTRATIVE
9/16/13	KIRKLAND	INCARCERATED	R&E PROCESSING
9/16/13	LIEBER	INCARCERATED	NEW ADMISSION
3/ 1/ 7	UNK	RELEASE	EXPIRATION OF SENTENCE
1/ 2/ 7	WALDEN	INCARCERATED	ADMINISTRATIVE
1/ 2/ 7	CENTRAL OFFICE	INCARCERATED	MEDICAL
12/11/ 6	WALDEN	INCARCERATED	ADMINISTRATIVE
12/11/ 6	CENTRAL OFFICE	INCARCERATED	MEDICAL
9/25/ 6	WALDEN	INCARCERATED	ADMINISTRATIVE
4/ 5/ 6	MACDOUGALL CORR	INCARCERATED	ADMINISTRATIVE
4/ 5/ 6	LIEBER	INCARCERATED	COURT/PAROLE HEARING VIA
9/13/ 5	MACDOUGALL CORR	INCARCERATED	ADMINISTRATIVE
6/24/ 5	KIRKLAND	INCARCERATED	ADMINISTRATIVE
4/ 4/ 5	MANNING	INCARCERATED	ADMINISTRATIVE

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3/ 8/ 5

KIRKLAND

INCARCERATED

R&E PROCESSING

BROWN JR, SAMUEL - FBI # 3595RA9 SID# SC00858043 SCDC # 254907 (CONTINUED)

3/ 8/ 5	LIEBER	INCARCERATED	NEW ADMISSION
3/29/ 1	UNK	RELEASE	PROB/CS/EPA COMPLETE
9/30/99	CHARLESTON CO	PROBATION	RELEASED TO PROBATION
5/27/99	LOWER SAVANNAH	INCARCERATED	LABOR CREW
12/22/98	STEVENSON	INCARCERATED	ADMINISTRATIVE
12/14/98	KIRKLAND	INCARCERATED	R&E PROCESSING
12/14/98	LIEBER	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
MACHINE OPERATOR	12/04/14	0/ 0/ 0		2F5
CANTEEN OPERATOR	11/05/14	12/ 3/14	INSTIT TRANSFER	2F5
PLUMBER	03/28/14	11/ 4/14	INMATE REQUEST	2F5
GENERAL WORKER	11/14/13	3/27/14	PROMOTION	2F5
ELECTRICIAN	10/11/06	3/ 1/ 7	RELEASED/PAROLED	2F5
GENERAL WORKER	09/26/06	10/10/ 6	LATERAL TRANSFER	2F5
ELECTRICIAN	03/28/06	9/25/ 6	INSTIT TRANSFER	2F5
COOK	02/03/06	3/27/ 6	INMATE REQUEST	2F5
COOK	11/09/05	2/ 2/ 6	MI ELIGIBLE FOR LEVEL 2	3F5
FOOD SERVICE AIDE	09/15/05	11/ 8/ 5	PROMOTION	3F5
SENIOR HEAT./A.C. OP	08/30/05	9/13/ 5	INSTIT TRANSFER	3F5
SENIOR HEAT./A.C. OP	06/28/05	8/29/ 5	CUSTODY REVIEW	2F5
BOILER OPERATOR	06/16/05	6/24/ 5	INSTIT TRANSFER	2F5
WORKER ACTIVITY APPR	04/05/05	6/15/ 5	INMATE REQUEST	2F5
LABOR CREW/WORK PROG	05/28/99	9/30/99	RELEASED/PAROLED	2F5
CUSTODIAN HELPER	12/30/98	5/27/99	INSTIT TRANSFER	2F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 15 OR MORE	10/04/05	2/ 2/ 6	INMATE REQUEST
BONUS 4-7 HRS/WK	06/08/99	9/30/99	RELEASED/PAROLED
BONUS 12-14 HR/WK	01/07/99	5/27/99	INSTIT TRANSFER

***** END OF REPORT *****