

STATE OF SOUTH CAROLINA  
IN the Supreme Court  
Certiorari to Spartanburg County  
Honorable R. Ferrell Cothran, Circuit Court Judge

RECEIVED

AUG 03 2017

S.C. SUPREME COURT

CHUCK EDWARD MCCULLOUGH, PETITIONER (PRO SE)  
V.  
STATE OF SOUTH CAROLINA RESPONDENT.

Appellate Case No. 2016-061416

MOTION TO ADD (PCR) EXHIBITS TO  
PRO SE MEMORANDUM

This new matter, now comes before the Supreme Court for motion to add relevant (PCR) exhibits to Chuck Edward McCullough's (PRO SE) memorandum that was filed with this court on March 1, 2017. They are as follows.

1. Letter from Division of Appellate Defense instructing how to file exhibits.
2. Receipt for exhibits.
3. Exhibit 1. (Sentencing sheets)
  - a. documents supports argument in Pro Se Brief on page 4.
4. Exhibit 2. (Tracking sheets)
  - a. documents supports argument in Pro Se Brief on page 4.

For the following reasons, the documents should be added to Pro Se Brief.

This 31 day of July 2017.

Chuck Edward McCullough  
Chuck Edward McCullough 311608  
Petitioner (PRO SE)

McCormick Correctional Inst.  
386 Redemption way  
McCormick S.C. 29899



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1387

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

July 20, 2017

Chuck Edward McCullough, #311608  
McCormick Correctional Institution  
386 Redemption Way  
McCormick, SC 29899

Re: Your Case

Dear McCullough:

I have reprinted and enclosed the documents I received from the clerk of court. These are the only documents that they have available. I believe they are responsive to your most recent request. However, I cannot do anything about the highlighting/redactions.

You can file these with your pro se response; there is no need to amend the appendix.

Sincerely,

Taylor D Gilliam  
Appellate Defender

TDG/tg

Enclosures

RECEIPT FOR EXHIBITS

Case No. 2014-CP-42-4979  
 Plaintiff: Chuck McCullough  
 Defendant: State of SC  
 Date Trial Started: 01/13/16

Judge R. Ferrell Cochran Jr.  
 Plf's Atty. Leah Moody  
 Def's Atty. Alicia Olive  
 Date Trial Ended: 01/13/16

Received of Maryann S Nevers, Court Reporter for the above case, these exhibits:

	Clerk of Court Use
1 Pl Sentencing Sheets ID	
2 Pl Tracking Sheet EV	
3 Pl Motion/Order to Reconsider ID	
4	
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This 14<sup>th</sup> day of January 2016.

Page 1 of 1

By: Marilyn Mattingly  
 Richland County Clerk of Court Masha Long, DC

Clerk should retain white copy in Civil cases, yellow copy in Criminal cases.

(Att. 5)

Ex. 14.1

STATE OF SOUTH CAROLINA )  
 COUNTY OF Greenville )  
 STATE VS. )  
 Chuck McCullough )  
 AKA: )  
 Race: W Sex: M Age: 28 )  
 DOB: 07-02-1976 SS#: 249-15-9619 251-69-4240 )  
 Address: 522 Edgemont Ave. 523 Crest Dr (CM) )  
 Greenville, 29611 Easley S.C. 29640 )  
 DL#: SID#: )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2004GS2301905  
 A/W#: H466699  
 Date of Offense: 11-21-2003  
 S.C. Code § : 44-53-0370(B)(1)  
 CDR Code #: 0112

CASE RESTORED SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: POSS METH 1ST

in violation of § 44-53-0370 of the S.C. Code of Laws, bearing CDR Code # 0100  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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: E.N. Valley Solicitor; Chuck McCullough Defendant; [Redacted] Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 1 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: 2-28-05  
 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. (123 days) 6th

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_  
 Recipient: \_\_\_\_\_  
 \*Fine: \$ \_\_\_\_\_  
 § 14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_  
 § 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100  
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_  
 § 56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
 § 35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
 § 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25  
 § 33.7, 1B TP (Drug Court Surcharge) \$100 \$ 100  
 § 50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea. \$ \_\_\_\_\_  
 3% to County (if paid in installments) \$ \_\_\_\_\_  
 TOTAL \$ \_\_\_\_\_

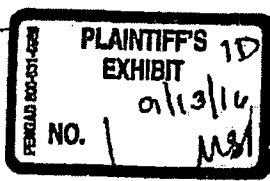
PTUP \_\_\_\_\_  
 \_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED \_\_\_\_\_  
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling   
 Random Drug/Alcohol testing   
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_

appointed PD or appointed other counsel, § 35.13 TP  
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]  
 Judge Code: 211318  
 Sentence Date: 2-28-05

Paul B. Weckersime  
 Clerk of Court/ Deputy Clerk

Court Reporter: [Signature]



Att. 1

Ex. 14.2

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.
Charles McCullough
AKA:
Race: W Sex: M Age: 28
DOB: 07-02-1976 SS#: 251-69-4240
Address: 352 Crest Dr. 523 Crest Dr (DM)
Easley, SC 29640
DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2005 GS 23-1099 (1799)
A/W#: 106740 Ref
Date of Offense: 09-27-2004
S.C. Code § : 16-13-0030(B)(2)
CDR Code #: 0479

CASE RESTORED SENTENCE
[ ] PLEA [ ] TRIAL

In disposition of the said indictment comes now the Defendant who was TO: Larceny / Grand Larceny. value \$5,000 or more

in violation of § 16-13-0030 of the S.C. Code of Laws, bearing CDR Code # 0479
[ ] NON-VIOLENT [ ] VIOLENT [ ] SERIOUS [ ] MOST SERIOUS [ ] 17-25-45

The charge is: [ ] As Indicted, [ ] Lesser Included Offense, [X] Defendant Waives Presentment to Grand Jury.
The plea is: [ ] Without Negotiations or Recommendation, [ ] Negotiated Sentence, [X] Recommendation by the State.

ATTEST: EN Kelly Solicitor, Chuck McCullough Defendant, Attorney for Defendant

WHEREFORE, the Defendant is committed to the [X] 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 13 days/months/years and/or payment of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for 3 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

[X] CONCURRENT or [ ] CONSECUTIVE to sentence on: 2-28-2005
[ ] 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.

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Heard, [ ] Waived, [ ] Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
[ ] set by SCDPPPS
Recipient:
\*Fine:
§ 14-1-206 (Assessments 107.5 %)
§ 14-1-211(A)(1) (Conv Surcharg) \$100 \$ 100
§ 14-1-211(A)(2) (DUI Surcharg) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 35.13 (Public Def/Prob) \$500 \$
§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25
§ 33.7, 1B TP (Drug Court Surcharg) \$100 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$
TOTAL \$

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:

pointed PD or appointed other counsel, § 35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE Hamilton
Judge Code: 2111318
Sentence Date: 2-28-05

Paul B. Wickmeier Clerk of Court/ Deputy Clerk
Court Reporter: Keffeburg

ATT 3 Probation begins today

(Att. II)

Ex. 14.3

GENERAL SESSIONS DOCKET TRACKING SHEET

Name: CHARLES EDWARD MCCULLOUGH I

Indictment #: 2005GS2301624

Address: 352 Crest Dr.

Warrant/Ticket #: [REDACTED]

City: Easley State: SC ZIP: 29640

No Warrant:

SS#: 251694240 Sex: M Race: W

Offense Code: 0479

Date of Birth: July 2, 1976

Offense Name: Larceny / Grand Larceny, value \$5,000 or

State: SC Driver's License #:

Date of Arrest: October 27, 2004

DATE OF DISPOSITION: ~~00~~ 1/11/05 (re-sending) JAN 16 2006

DISPOSITION:

\_\_\_ 1. Guilty Plea

\_\_\_ 6. Judicial Dismissal

\_\_\_ 2. Trial (Guilty)

\_\_\_ 7. Remanded

\_\_\_ 3. Trial (Not Guilty)

\_\_\_ 8. Dismissed at Prelim.

✓ 4 (Dism) Nol Pros/Pros Ended

\_\_\_ 9. No Bill

\* \_\_\_ 5. PTI

\* \_\_\_ 10. Failure to Appear

\* \_\_\_ 6. Judicial Commitment

\* \_\_\_ 11. Other

\* Explain: 040

Judge: \_\_\_\_\_ Ct. Reporter: \_\_\_\_\_

[REDACTED] Solicitor: Elizabeth Tilley

Offense Code: 0479 Offense Name: Larceny / Grand Larceny, value \$5,000 or

Sentence: \_\_\_\_\_

PLAINTIFF'S EXHIBIT NO. 2 01/13/14 MSV

STATE OF SOUTH CAROLINA  
In the Supreme Court

Certiorari to Spartanburg County  
Honorable R. Ferrell Cothran, Circuit Court Judge

RECEIVED

AUG 03 2017

S.C. SUPREME COURT

CHUCK EDWARD MCCULLOUGH,

Petitioner (PRO SE)

v.

STATE OF SOUTH CAROLINA

Respondant.

Appellate Case No. 2016-061416

AFFIDAVIT OF CERTIFICATE OF SERVICE

The undersigned hereby, certifies that a true copy of "MOTION TO ADD (PCR) EXHIBITS TO PRO SE BRIEF" with copies of the Exhibits has been served upon The Supreme Court of South Carolina by depositing in the (Inter OFFICE) mail at the mailroom at McCormick Correctional Institution on this 31 day of July 2017.

South Carolina Supreme Court  
P.O. Box 11330  
Columbia SC 29202

SI Chuck Edward McCullough

Chuck Edward McCullough #311608  
Petitioner (PRO SE)

Subscribed and Sworn before me  
this 31 day of July 2017  
J. Franklin  
Notary Public for South Carolina  
My Commission Expires 12/16/2019

Chuck Edward McCullough # 311608

**McCormick Correctional Institute**

**386 Redemption Way**

**McCormick, SC 29889**

Case: 2016-001416

South Carolina Supreme Court

Daniel Shearouse / Clerk

P.O. Box 11330

Columbia, S.C. 29202

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