

Dear Clerk,

please find ENCLOSE is
petitioner to my Response to Court
ORDER in TIMPSON V. STATE CASE NO:
2017-001683 APPEAL MATTER.
Please file IN my BEHALF. THANKS.

9-5-2017

ST. JACOBUS TIMPSON

RECEIVED

SEP 13 2017

S.C. SUPREME COURT

IN THE SUPREME COURT OF SOUTH
CAROLINA COURT OF APPEALS
APPEAL FROM ANDERSON COUNTY
COURT OF COMMON PLEAS
HON R. LAWTON MCINTOSH
CASE NO 2014-CP-04-1016

JACOSTARIUS TIMPSON #337120 PETITIONER,
v.
STATE OF SOUTH CAROLINA RESPONDENT.

PETITIONER PETITION FOR WRIT
OF CERTIORARI AND REASON WHY
APPEAL SHOULD NOT BE DISMISSED.
PURSUANT TO RULE 227(C) AND 243(C)
OF S.C. APP. CT. RULES

RECEIVED

SEP 13 2017

S.C. SUPREME COURT

PETITIONER HEREBY APPEAL THE ORDER OF DISMISSAL IN CASE NO.
2014-CP-04-1016, TIMPSON V. STATE WHICH WAS A P.C.R.
ACTION FILED UPON THE ANDERSON COUNTY COURT OF
COMMON PLEAS MAY 14, 2014. THE HONORABLE R.
LAWTON MCINTOSH DENIED AND DISMISSED PETITIONER'S
P.C.R. APPLICATION WITH PREJUDICE ON JUNE 23, 2017.

PETITIONER RECEIVED THE ORDER OF DISMISSAL ON THE
DATE OF JUNE 29, 2017.

PURSUANT TO S.C. APP. CT. RULES 227(C) AND 243(C)
PETITIONER TIMELY FILE THIS PETITION FOR A WRIT OF
CERTIORARI AND PROVIDE THIS COURT WITH A SUFFICIENT
EXPLANATION AS TO WHY THE P.C.R. COURT ACTIONS AND
DETERMINATION WAS IMPROPER AND OR CONTROLLED BY
A ERROR OF LAW.

PETITIONER SEEKS A WRIT OF HABEAS CORPUS AND MOVES UPON THIS COURT TO REVERSE THE HON. MCINTOSH ORDER OF DISMISSAL AND SEND PETITIONER BACK TO THE P.C.R. COURT OF ANDERSON COUNTY FOR THE FOLLOWING REASONS.

ISSUE PRESENTED

THE HONORABLE R. LAWTON MCINTOSH ORDER OF DISMISSAL MUST BE REVERSED, AND OR VACATED DUE TO THE HON. R. LAWTON MCINTOSH BEING THE PRIOR P.C.R. JUDGE OVER PETITIONER'S FIRST P.C.R. ACTION IN CASE NO. 2010-CP-04-2418, WHICH ESCALATED TO A CONFLICT BETWEEN THE HON. COURT AND PETITIONER. THE P.C.R. COURT ORDER IS PREJUDICED DUE TO THE CONFLICT THAT EXISTS BETWEEN HIM AND THE HON. MCINTOSH AND PETITIONER'S DUE PROCESS AND EQUAL PROTECTION RIGHTS OF THE U.S. CONST AMEND 14TH AND UNDER S.C. CONST LAW. ART 1 § 3 WAS VIOLATED BY THE P.C.R. COURT ORDER OF DISMISSAL.

PETITIONER ASSETS THAT THE HON. R. LAWTON MCINTOSH WAS OVER HIS FIRST P.C.R. ACTION IN P.C.R. APPLICATION CASE NO. 2010-CP-04-2418. PETITIONER ASSETS THAT THE HON. MCINTOSH CAN NOT BE OVER PETITIONER'S 2ND P.C.R. ACTION DUE TO THE CONFLICT BETWEEN THE HON. MCINTOSH AND PETITIONER. THE HON. MCINTOSH AND PETITIONER AS PETITIONER'S FIRST P.C.R. HEARING HAD SOME WORDS TOWARDS EACH

OTHER BECAUSE THE JUDGE WOULD NOT ALLOW PETITIONER
THE RIGHT TO PUT HIS P.C.R. ISSUES ON THE RECORD,
SO PETITIONER BECAME UNRESPONSIVE AND REFUSED
TO COOPERATE WITH THE P.C.R. COURT. THE PETITIONER
SHOULD DISDAIN AND DISRESPECT TOWARDS THE
P.C.R. COURT WHICH WORDS WAS EXCHANGED BETWEEN
THE BOTH. SEE EXHIBIT (A) ATTACHED HERETO AND
INCORPORATED HEREIN BY REF IS P.C.R. COURT ORDER OF
DISMISSAL IN CASE NO. 2010-CP-04-2418, PAGE 4 OF 6

THE HON. MCINTOSH DENIED AND DISMISSED PETITIONER
P.C.R. APPLICATIONS IN THAT CASE ON MAY 17, 2012
SEE EXHIBIT (A) ATTACHED HERETO AND INCORPORATED
HEREIN BY REF IS HON. MCINTOSH ORDER OF DISMISSAL
WHICH DENIED PETITIONER P.C.R. APPLICATION DUE TO
PETITIONER'S ACTIONS.

PETITIONER ALLEGES THAT THIS PRESENT ORDER OF
DISMISSAL IS IN RETALIATION FROM THE PAST
RUN IN WITH P.C.R. COURT BECAUSE OF PETITIONER
DISRESPECTING THE JUDGE AND COURT AT THE PRIOR
P.C.R. HEARING. THE HON MCINTOSH EVEN
INTENTIONALLY VIOLATED PETITIONER'S RIGHTS
PURSUANT TO S.C. CODE ANNS 17-27-70 (B) BY
FAILING TO GRANT APPLICANT/PETITIONER 20 DAYS
TO SHOW WHY HIS 2ND PCR APPLICATION SHOULD NOT

BECOME FINAL. JUDGE MCINTOSH WAS PLACED
ON PETITIONER AND P.C.R. ACTION BECAUSE
PETITIONER FILED A MOTION PURSUANT TO
FLOYD V. STATE 400 SE2d 145 (S.C. 1991) A
MOTION FOR REVERSE BECAUSE PETITIONER'S
TRIAL JUDGE WHO CONVICTED AND SENTENCED
PETITIONER WAS ASSIGNED OVER P.C.R. ACTION
WHICH WAS AGAINST ~~TRIAL~~ JUDGE WHICH CAUSED
A CONFLICT. SEE EXHIBIT (B) ATTACHED HERETO
AND INCORPORATED HEREIN BY REF IS MOTION FOR
REVERSE, SENTENCE SHEETS AND P.C.R. COURT ORDER
OF THE HON. J. CORDELL MADDOX. WITH ATTACHED
P.C.R. APPLICATION: 2014-CP-04-1016.

THE P.C.R. COURT DIDNT EVEN GIVE PETITIONER A
CHANCE TO MOTION UPON THE COURT TO HAVE
MR. MCINTOSH PUT OFF HIS CASE DUE TO THE
CONFLICT BETWEEN THE PARTY. HE JUST DENIES
P.C.R. APPLICATION BASED UPON PRIOR P.C.R.
JUDGE CONDITIONAL ORDER WHICH PETITIONER
FILED MOTION TO HAVE ~~P.C.R.~~ COURT REMOVED.
PURSUANT TO S.C. CODE ANNS 17-27-70 (B) ~~AND~~
~~AND~~ ~~JUDGE~~ ~~AND~~ ~~AND~~ PETITIONER WANTS
20 DAY TO RESPOND TO THE NEW P.C.R.
COURT ORDER NOT JUDGE MADDOX ORDER AND

DUE TO THE CONFLICT BETWEEN PETITIONER
AND JUDGE MCINTOSH, JUDGE MCINTOSH
COULDN'T BE OVER PETITIONER'S P.C.R. ACTION.
FLOYD v STATE. THE HON. MCINTOSH ORDER
IS BIAS AND PREJUDICED AGAINST PETITIONER
AND THE DENIAL IS A RETALIATION, WHICH
HAS VIOLATED PETITIONER DUE PROCESS AND
EQUAL PROTECTION RIGHTS UNDER THE U.S.
CONST AND STATE LAWS BECAUSE JUDGE
MCINTOSH DEPRIVED PETITIONER OF HIS
CHANCE TO BE HEARD... SEE EXHIBIT (C)
ATTACHED HERETO AND INCORPORATED HEREIN
BY REF IS P.C.R. COURT ORDER. P.C.R. JUDGE
EVEN FAILED TO INFORM PETITIONER OF HIS
RIGHT TO APPEAL ORDER PURSUANT TO SC CODE
ANN § 17-27-100; SEE ORDER OF DISMISSAL.
EXHIBIT (C).

CONCLUSION

PETITIONER'S P.C.R. COURT ORDER SHOULD
BE VALETED AND NEW P.C.R. JUDGE APPOINTED
OVER P.C.R. ACTION IN TEMPERSON v. STATE CASE
NO. 2017-CP-04-1016.

DATE 9-5-2017

S/ JAGASTAEIUS TIMPSON
PETITIONER

STATE OF SOUTH CAROLINA CLERK'S OFFICE IN THE COURT OF COMMON PLEAS

COUNTY OF ANDERSON MAY 18 2012 A II: 25

2010-CP-04-2418

Jocastarius Timpson, #337120, GENERAL SESSIONS

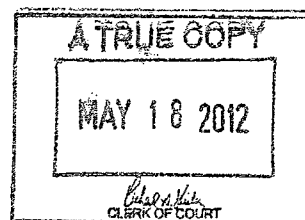
Applicant,

ORDER OF DISMISSAL

v.

State of South Carolina,

Respondent.



This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed July 9, 2010. Respondent made its Return on September 2, 2010. An evidentiary hearing into the matter was convened on March 5, 2012, at the Anderson County Courthouse. The Applicant was present at the hearing and was represented by Hugh W. Welborn, Esquire. The Respondent was represented by Kaelon E. May of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. This Court also had before it the records of the Anderson County Clerk of Court, the transcript of the proceedings against the Applicant, and the Applicant's records from the South Carolina Department of Corrections.

I. PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Anderson County Clerk of Court. The Applicant was indicted at the November 18, 2008, 2008 term of the Anderson County Grand Jury for Armed Robbery (2008-GS-04-2669), then subsequently indicted at the December 16, 2008 term of the Anderson County Grand Jury for seven counts of Armed Robbery (2008-GS-04-2988, -2989, -2990, -2991, -2992, -2993, -2994), and two counts of Kidnapping (2008-GS-04-2995, -2996), and

subsequently indicted at the June 23, 2009 term of the Anderson County Grand Jury for Assault and Battery with Intent to Kill (2009-GS-04-1563), and Armed Robbery and Possession of a Firearm During Commission of a Violent Crime (2009-GS-04-1345). The Applicant was represented by Bruce Byrholdt, Esquire. On September 24, 2009, the Applicant pled guilty. He was sentenced by the Honorable J. Cordell Maddox, Jr., to confinement for an aggregate period of twenty (20) years. The Applicant did not appeal his guilty plea or sentence.

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. "Plea counsel failed to appeal despite my request"
2. "Due process violation rendering my guilty plea involuntary"
 - a. "I pled guilty to the relevant charges in ignorance of the direct consequence of the mandatory post-release supervision requirement; trial judge failed to inform me that I will be required to serve CSP after release."

II. APPLICABLE LAW

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, 80 L.Ed.2d 674, 692 (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, 88 L.Ed. 2d 203 (1985).

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witness presented at the hearing, passed upon his credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the transcripts and documents from the prior proceedings. Pursuant to S.C. Code Ann. §17-27-80 (2003), this Court makes the following findings of fact based upon all of the

probative evidence presented.

At the PCR hearing Applicant briefly testified that he was not happy with the twenty (20) year sentence he received at his guilty plea hearing; that Applicant would not have pled guilty if Applicant knew he was going to be sentenced to twenty (20) years; and that Applicant's plea counsel failed to inform Applicant of any rights or law. Applicant testified that he met with plea counsel two to three times for only five minutes and that plea counsel never informed Applicant of the community supervision program. This Court notes that Applicant then became unresponsive and refused to cooperate with the PCR Court. The Applicant showed his disdain and disrespect for the PCR Court.

This Court finds that the Applicant affirmatively waived the allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all allegations are denied and dismissed.

This Court reviewed the guilty plea transcript and finds that there were no recommendations made, therefore, Applicant had no basis to expect a ten (10) year sentence. At the guilty plea hearing, Applicant indicated to the plea judge that he had plenty of time to meet and speak with plea counsel.

The record reflects that plea counsel discussed the issues of a "strike" and "serious" charges. This Court finds and the guilty plea record is clear that Applicant made a knowing and voluntary guilty plea. Applicant's application for PCR is meritless; therefore any and all allegations are denied and dismissed.

IV. CONCLUSION

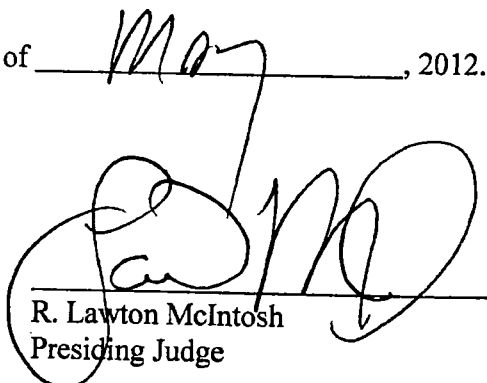
Based on all the forgoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post conviction relief. Therefore, this application for post conviction relief must be denied and dismissed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

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. *See* Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 17 day of May, 2012.


R. Lawton McIntosh
Presiding Judge

Anderson, South Carolina

FILED-CLERK'S OFFICE
JULY 18 2012
GENERAL SESSIONS

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-04-2418

FILED - CLERK'S OFFICE

Jocastarius Timpson, #337120,

State of South Carolina

MAY 18 A 11:26

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Kaelon E. May

GENERAL SESSIONS

Attorney for : ☐ Plaintiff ☒ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (format order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.
Additional Information for the Clerk :

A TRUE COPY

MAY 18 2012

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2155
Judge Code

5-17-12
Date

For Clerk of Court Office Use Only

This judgment was entered on the 18th day of May 2012 and a copy mailed first class or placed in the appropriate attorney's box on this 23rd day of May 2012 to attorneys of record or to parties (when appearing pro se) as follows:

Hugh W. Welborn, Esquire

P.O. Box 173

Anderson, SC 29622

ATTORNEY(S) FOR THE PLAINTIFF(S)

Kaelon E. May

Attorney General's Office

PO Box 11543 Columbia, SC 29211

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

FILED-CLERK'S OFFICE
MAY 18 A 11:26
GENERAL SESSIONS

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
IN THE COURT OF COMMON PLEAS

JOCASTARIUS TIMPSON, #337120,

Applicant,

v.

STATE OF SOUTH CAROLINA,

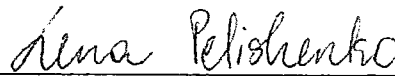
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Order of Dismissal has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

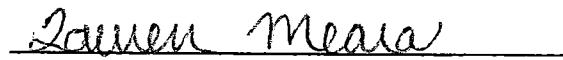
**Hugh W. Welborn, Esquire
P.O. Box 173
Anderson, SC 29622**

This 1st Day of June, 2012.



Lena Pelishenko
Legal Assistant for Respondent

SWORN to before me this 1st Day of June, 2012.


Notary Public for South Carolina.
My Commission Expires: 9/25/19

EXHIBIT(A-1)

10
KEN

Hugh W. Welborn

Attorney at Law
Post Office Box 173
913 Carolina Circle
Anderson, South Carolina 29622

Office (864) 226-5787
Fax: (864) 224-3738

email to:
hughwelborn@bellsouth.net

June 4, 2012

Kaelon E. May
Office of Attorney General
State of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211

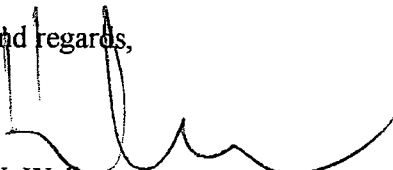
In Re: Jocastarius Timpson, #337120 vs. State of South Carolina

Dear Sir/Madam:

Please find enclosed herewith a copy of the Appellant's Notice of Appeal and Proof of Service in connection with the foregoing matter. I also enclose copies of correspondence to the Appellate Defense Office and the Supreme Court. I have also forwarded copies of all documents to my client.

If you have any questions, please do not hesitate to contact my office.

With kind regards,



Hugh W. Welborn

HWW/sba

cc: Office of the Appellate Defense
cc: South Carolina Supreme Court

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM ANDERSON COUNTY
COURT OF COMMON PLEAS
HONORABLE R. LAWTON MCINTOSH

2010-CP-04-2418

JOCASTARIUS TIMPSON #337120

APPELLANT,

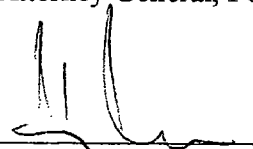
VS

~~STATE OF SOUTH CAROLINA,~~

RESPONDENT.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail postage prepaid on June 4, 2012, addressed to its attorney of record Kaelon E. May, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211-1549



Hugh W. Welborn
Attorney for the Appellant
Post Office Box 173
Anderson, South Carolina 29622
(864) 226-5787
Attorney for Jocastarius Timpson #337120

Anderson, South Carolina

June 4, 2012

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM ANDERSON COUNTY
COURT OF COMMON PLEAS
HONORABLE R. LAWTON MCINTOSH

2010-CP-04-2418

JOCASTARIUS TIMPSON #337120

APPELLANT,

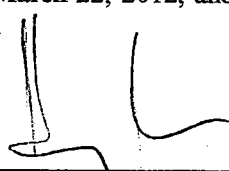
VS

STATE OF SOUTH CAROLINA,

RESPONDENT.

NOTICE OF APPEAL

Jocastarius Timpson #337120 appeals the denial of his Post Conviction Relief. The Post Conviction Relief Action was heard and denied by the Honorable R. Lawton McIntosh, Circuit Court Judge on March 5, 2012, and Order of Dismissal issued on March 22, 2012, and filed on May 18, 2012. The Appellant received Order of Dismissal on June 4, 2012.



Hugh W. Welborn
Attorney for the Appellant
Post Office Box 173
Anderson, South Carolina 29622
(864) 226-5787
Attorney for Jocastarius Timpson #337120

Other Counsel of Record:
Kaelon E. May
Office of Attorney General State of SC
Post Office Box 11549
Columbia, South Carolina 29211

EXHIBIT (B)

STATE OF SOUTH CAROLINA, In The Court of Common Pleas
COUNTY OF ANDERSON | For The Tenth Judicial Circuit
| Case No: 2014-CP-04-1016

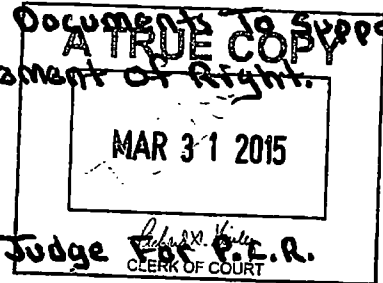
Jocastarius Timpson #337120 |

Applicant | Notice of Motion & Motion
| For Recusal Pursuant To
V. | Floyd v. State And The

State of South Carolina

Respondent

Attachment of Documents To Support
Applicant's Entitlement of Right.



To: The Hon. J. Cordell Maddox, JR, Chief Judge For P.E.R.
Administrative Purpose In The Court of Common Pleas
For Anderson County Tenth Judicial Circuit And Mr.
Justin J. Hunter, Esquire For The Office of The Attorney
General For South Carolina.

May It Please The Court, Please Take Notice That Applicant
Jocastarius Timpson #337120 On This Day of 3/29/15 Has Moved
By Notice of Motion & Motion Before The Presiding Judge
Mr. J. Cordell Maddox, JR For The Tenth [10TH] Judicial
Circuit At The Anderson County Courthouse, Pursuant To
Applicable Statutory And Sufficient Case Law For It's
Order For Recusal Pursuant To Parameters Outlined In
Floyd v. State, 400 S.E.2d 145 (S.C. 1991). Applicant Bases This
Motion On The Following Grounds, Included But Not
Limited To :

FILED-CLERK'S OFFICE
ANDERSON SC
2015 MAR 30 AM 11:47
COMMON PLEAS AND
GENERAL SESSIONS

PROCEDURAL HISTORY

1.) The Honorable J. Cordell Maddox, Imposed A Conviction And Sentence Upon Applicant On The Date Of 9/24/09. See Exhibit (A) Attached Hereto And Incorporated Within Is Respondents Motion To Dismiss, Page 1, Procedural History.

2.) Applicant Present Post Conviction Relief Application Is Raising Allegations Against The Honorable J. Cordell Maddox For Failing To Inform Applicant Of The Sex Offender Registry Which Render Applicant Guilty Plea To His Kidnapping Charges Involuntary. See Exhibit (B) Attached Hereto And Incorporated Within Is Applicant's PCR Application And Attachments.

3.) The Honorable J. Cordell Maddox Is Active over Applicant's Present Application For P.C.R. Which Signed An Conditional Order On The Date Of 3/18/15 Granting Applicant Twenty (20) Days To Show Why The Respondents Motion To Dismiss Should Not Become Final.

It Appears That This Is Applicant's Second Application For Post Conviction Relief, However In The View Of Floyd, The Plain And Unambiguous Language Mandates That In All Post-Conviction Proceedings, A Judge Must Recuse Him Or Herself If He Or She Was Also The Judge Who Presided

Over The Guilty Plea, Criminal Trial, Or Probation Revocation Proceeding For Which Post Conviction Relief Is Bein Sought, IF The P.C.R. Applicant Moves For Recusal. This Is A Per Se Rule Of Recusal It Is Not open To The Trial Judge's Discretion Provided The Applicants Requests It By Motion. See Floyd v. State, 400 S.E.2d 145, 146 (1991). Applicant Here By Moves Appropriately And Expeditionously As Possible seeking

1.) The Honorable J. Cordell Maddox To Be Removed off Case No: 2014-CP-04-1016 And

2.) Case No: 2014-CP-04-1016 Be Transferred To Next Available Hearing Judge To Preside over Applicant's P.C.R. Matter,

Thanking You In Advance For Your Time And Assitance In This Legal Matter.

Sincerely, Mr. Jocastarius Simpson
Acting Pro Se, I Remain.

Date: 3/25/15

EXHIBIT

A

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
FOR THE TENTH JUDICIAL CIRCUIT
Case No.: 2014-CP-04-1016

Jocastarius Timpson, #337120,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

CONDITIONAL ORDER OF DISMISSAL

A TRUE COPY

MAR 16 2015

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Jocastarius Timpson (Applicant) on May 14, 2014. Respondent made its Return, requesting the application be summarily dismissed.

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Anderson County. Applicant was indicted at the November 18, 2008 term of the Anderson County Grand Jury for Armed Robbery (2008-GS-04-2669); indicted at the December 16, 2008 term of the Anderson County Grand Jury for three counts of Armed Robbery and Possession of a Weapon During the Commission of a Violent Crime (2008-GS-04-2988, -2989, -2990), four counts of Armed Robbery (2008-GS-04-2991, -2992, -2993, -2994), and two counts of Kidnapping (2008-GS-04-2995, -2996); and subsequently indicted at the June 23, 2009 term of the Anderson County Grand Jury for Assault and Battery with Intent to Kill (2009-GS-04-1563) and Armed Robbery and Possession of a Firearm During Commission of a Violent Crime (2009-GS-04-1345). Applicant was represented by Bruce A. Byrholdt, Esquire. On September 24, 2009, Applicant pled guilty before the Honorable J. Cordell Maddox in Anderson. Applicant was sentenced to confinement for a period

of ten (10) years for Assault and Battery with Intent to Kill, ten (10) years for each count of Possession of a Weapon During the Commission of a Violent Crime, twenty (20) years for each count of Armed Robbery, and twenty (20) years for each count of Kidnapping. All sentences are to run concurrently. Both charges on Indictment 2008-GS-04-2290 were nolle prossed. Applicant did not appeal his guilty plea or sentence.

2010-CP-04-2418

On July 9, 2010, Applicant filed an application seeking post-conviction relief alleging:

1. Ineffective assistance of counsel;
 - a. "Plea counsel failed to appeal despite my request"
2. "Due process violation rendering my guilty plea involuntary"
 - a. "I pled guilty to the relevant charges in ignorance of the direct consequence of the mandatory post-release supervision requirement; trial judge failed to inform me that I will be required to serve CSP after release."

In response, the State filed a Return on September 2, 2010. An evidentiary hearing was held in Anderson on March 5, 2012, before the Honorable R. Lawton McIntosh. Applicant was present at the hearing and was represented by Hugh W. Welborn, Esquire. Respondent was represented by Kaelon E. May, Esquire, of the South Carolina Attorney General's Office. At the hearing, Applicant testified on his own behalf. On May 17, 2012, the PCR Court issued an Order of Dismissal, denying Applicant's application and dismissing with prejudice.

On June 4, 2012, Appellant, through his counsel, filed a Notice of Appeal appealing the Order of Dismissal denying his PCR application. In a letter dated December 31, 2012, the South Carolina Supreme Court sent a letter to Applicant notifying him that Applicant's appellate counsel, Wanda H. Carter, Esquire, filed a Johnson Petition. Applicant did not file a response. In a letter dated April 4, 2013, the Supreme Court denied Applicant's appeal and the Remittitur was issued April 24, 2013.

CURRENT APPLICATION

In his second and current application for post-conviction relief, Applicant alleges that he is being held unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
2. "Inviolent Sexual Offender Registry"
3. Involuntary Guilty Plea

Before this Court are the records of the Anderson County Clerk of Court regarding Applicant's convictions, Applicant's prior PCR records, and the South Carolina Department of Corrections' records, Applicant's PCR application and Respondent's Return and Motion to Dismiss.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Successiveness

The Court finds that the current Application for post-conviction relief must be summarily dismissed because it is successive to the previous application for post-conviction relief. S.C. Code Ann. § 17-27-90 (1985) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence, or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which, for sufficient reason, was not asserted or was inadequately raised in the original, supplemental or amended application.

Successive applications are disfavored and the burden is on Applicant to establish that any new ground raised in a subsequent application could not have been raised by him in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 309 S.C. 157, 420 S.E.2d 834 (1992).

This Court finds that Applicant could have raised his current grounds in his prior post-conviction relief application, and thus the current application is successive and barred under S.C. Code § 17-27-90. Applicant has failed to establish sufficient reason why he could not have raised his current allegations in his previous application for post-conviction relief; therefore, he has failed to meet the burden imposed upon him. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980); Aice v. State, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 420 S.E.2d 834 (1992).

Statute of Limitations

The Court further finds that this Application for post-conviction relief must also be summarily dismissed for failing to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160 (Supp. 2003). S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant pled guilty to the offenses he challenges on September 24, 2009. Applicant did not appeal his conviction, so he was therefore required to file his application on or before **September 24, 2010**. This Application was filed on May 14, 2014, which was over three (3) years after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to "grant a

motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, because Applicant failed to file within the time mandated by the Post-Conviction Procedure Act, Applicant's post-conviction relief application must be summarily dismissed.

Failure to State a Claim

This Court finds the PCR application must be summarily dismissed for failure to state a claim cognizable under the Uniform Post-Conviction Procedure Act (the Act). S.C. Code Ann. §§ 17-27-10 et seq. (2003). Pursuant to the Act, an Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy; may institute, without paying a filing fee, a proceeding under this chapter to secure relief.

S.C. Code Ann. § 17-27-20(a) (2003).

Even if the facts alleged by Applicant are true, these facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds. Applicant's contention that

he is improperly required to register as a sex-offender is not a ground for relief through PCR. Rather, the allegation raised by Applicant is an issue that is properly addressed through the filing of a declaratory judgment in the circuit court. Applicant's attention is directed to Hazel v. State, 377 S.C. 60, 659 S.E.2d 137 (2008). Therefore, the current application must be summarily dismissed for failing to state a cognizable ground for relief.

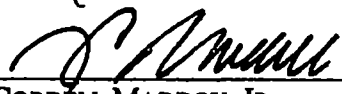
CONCLUSION

Pursuant to S.C. Code Ann. §17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have with the Anderson County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Justin J. Hunter, Esquire
PCR Division – 10th Circuit
P.O. Box 11549
Columbia, SC 29211

FILED-CLERK'S OFFICE
ANDERSON SC
015 MAR 16 A 10:07
GENERAL PLEAS AND
GENERAL SESSIONS

AND IT IS SO ORDERED this 12 day of March, 2015.


J. CORDELL MADDOX, JR.
Chief Judge for Administrative Purposes
Tenth Judicial Circuit

Anderson, South Carolina

EXHIBIT

B

FORM 5
FILED CLERK'S OFFICE
ANDERSON, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON 2014 MAY 14 PM 4 28 IN THE COURT OF COMMON PLEAS

Jocastarius Simpson 337720 COMMON PLEAS AND 2014-CP-04-1016
Full name and prison number (if any) of Applicant SESSIONS

v.

State of South Carolina

**APPLICATION FOR
POST-CONVICTION RELIEF**

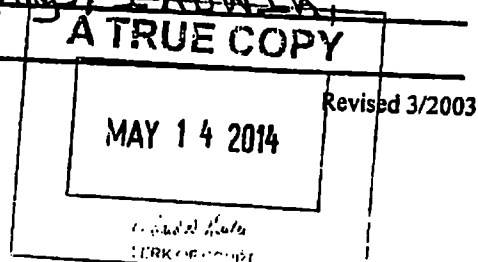
INSTRUCTIONS - READ CAREFULLY

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 verified (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 clear 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 the fees 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 Lieber Corr. Inst. P.O. Box 205 Ridgerville S.C.
2. Name and location of Court which imposed sentence
Anderson County Court of General Session, 100 South Main St. Anderson S.C. 2967
3. Name(s) of co-defendant(s) (if any)
Darrik Jones, Sanchez Gillard, Zack Hackness, Jawnun Robinson
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) N/A
 - (b) Arm Robberies, 2 Kidnappings, 1 ABWIK
 - (c) Possession of A Weapon During



5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 9/24/09 20yrs
- (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. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Plea Counsel Failed To Appeal Despite My Request
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: 300 Att-
For
- (a) Ineffective Assistance Counsel
- (b) Involuntary Sexual Offender Registry
- (c) Involuntary Guilty Plea
11. State concisely and in the same order the facts which support each of the grounds set out in (10): 300
Attachments
For
- (a) Strickland v. Washington, 416 U.S. 688, 104 S.Ct. 2052, 2014-1-80 L.Ed2d
- (b) Hazel, Jr. v. State, 377 S.C. 60; 659 S.E.2d 137 (2008)
- (c) Boykin v. Alabama, 395 U.S. 238, 242, 89 S.Ct. 1709, 1711-12, 23 L.Ed2d
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? Yes - Post Conviction Relief
- (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. An Application For Post Conviction Relief 1st Application
- ii. Post Conviction Relief - 1st Application
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. Court of Common Pleas / Anderson County
- ii. Court of Common Pleas / Anderson County
- iii. _____
- iv. _____
- (c) the disposition thereof:

- i. Dismiss With Prejudice
- ii. Dismiss With Prejudice
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. 4/5/12
- ii. 4/5/12
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. Dismiss With Prejudice - 2010-CP-04-02418
- ii. Dismiss With Prejudice - 2010-CP-04-02418
- 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. N/A
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- 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) S.C. Code Ann. 17-27-45(c)

- (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? N/A
 - (c) your sentencing? Yes
 - (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
 - (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? Yes
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. Bruce Byrholdt
 - ii. _____
 - iii. _____
 - (b) the proceedings at which each such attorney represented you:
 - i. Plea And Sentencing
 - ii. _____
 - iii. _____
19. State clearly the relief you seek in filing this application:
Removed From The sex offender Registry, Vacate Plea And Remand For
20. Are you now under sentence from any other court that you have not challenged? Entry of New Plea
NO

STATE OF SOUTH CAROLINA

County of ANDERSON

VERIFICATION

I, Jocastacia Timmons, 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.

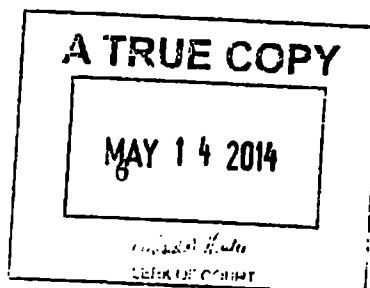
Jocastacia Timmons

SWORN to and subscribed before me this 25
day of April, 2014

[Signature] (L.S.)
Notary Public

My Commission Expires: June 2017

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MAY 14 2014
CLERK OF COURTS AND
GENERAL SESSIONS



Revised 3/2003

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

I, Jocastarius Timpson, 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.

Jocastarius Timpson

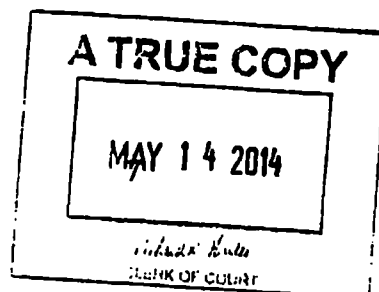
Applicant

SWORN or affirmed to and subscribed before me this
25 day of April, 2014.

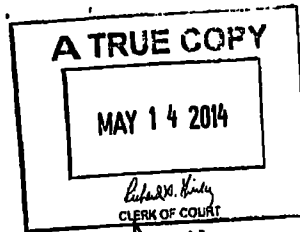
[Signature]
Notary Public

My Commission Expires: June 2017

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2014 MAY 14 PM 4 28
COMM. FILES AND
GENERAL SESSIONS



Revised 3/2003



Attachment To P.C.R.
Application For Grounds of Relief

Applicant Raise The Following Issues For P.C.R Relief.

1. Involuntary Sexual Offender Register.
2. Ineffective Assistance Counsel.
3. Involuntary Guilty Plea

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GENERAL SESSIONS

Procedural History

This Is Applicant 2nd P.C.R. Application. Applicant Present His Significant Reason Why These Claims Was Not Assert In The Original Or Amendent Application For P.C.R. Prior To This Application. Pursuant To S.C. Code Ann: 17-27-90: Applicant Cite Tilley v. State, 334 S.C. 24 (1999). Coates v. St. 575 S.E.2d 557 S.C. (2003). To Support His Significant Reason Why These Claims Wasnt Raise In The Prior Application For P.C.R.

On The Date of 9/24/09 Applicant Enter A Guilty Plea For Several Counts of Arm Robbery, 2 Counts of Kidnappir 1 Count of Assault And Battery With The Intent To Kill, Possession of A Weapon During The Commission of A Violent Crime. Applicant Was Represented By Mr. Bruce Brytholdt To Represent Applicant On All Charges. At Anderson Court House, Judge Cordell Maddox Jr. Accepted

Applicant Guilty Plea And Sentence Applicant To Confinement For An Aggregate Period of 20yrs. Applicant Attorney Mr Bruce Bryholdt Never Requested Upon The Court To Not Allow Applicant To Not Be Listed Under The sex offender Registry Nor Did The Trial Judge Presiding Over Applicant Guilty Plea Inform Applicant Of This Requirement, Pursuant To S.C. Code Ann: 23-3-430(c)(15) Read As Follow, Requires That Any Person Convicted Of Kidnapping A Person 18yrs of Age or older Must Register As A sex offender Unless A Finding Is Made On The Record That The Kidnapping Did Not Include A Criminal sexual offense or Attempted Criminal sexual offense. (Note: All Records In Guilty Plea Hearings Will Reflect Applicant Allegation).

Applicant Present Argument
And His Significant Reason For 2nd P.C.R.

Pursuant To 17-27-90: Successive Applications For Post Conviction Relief Are Viewed With Disfavor And The Applicant Has The Burden Of Showing That A New Ground For Relief Could Not Have Been Raised In A Previous Application. Aica v. State, 305 S.Ct. 488, 409 S.E.2d 392, 395 (1991).

On 1/30/14 Applicant Learn That He Had To Register As sex offender Through SCDC Classification, Prior To Gaining Knowledge Of His Current Status As Being Listed As A sex offender. Applicant Was Exclusively Ignorant To The Existence Of The sex offender

Registry so Applicant could not have raised this claim in his 1st Application because Applicant was unaware of such claim. Tilley v. State, 334 S.C. 24, 511 S.E. 2d 689 (1999), "see Exhibit A" (Request Form From S.C.D.C. Classification).

Pursuant to 17.27.45(c): Applicant has established that he lacks knowledge of this Registry and that it was not possible that Applicant could learn these facts prior to the S.C.D.C. Classification informing Applicant of these facts on 1/30/14. Coats v. State, 575 S.E. 2d 557 S.C. (2003).

In Tilley v. State, 334 S.C. 24, 511 S.E. 2d 689 (1999), Tilley filed numerous P.C.R. Applications and in his last Application for P.C.R. Tilley raised a material issue of fact that requires correction of his sentence or conviction in the Entry of Justice. See... S.C. Code Ann. 17.27.20(A)(4). C gave the P.C.R. Court the authority to correct any violations of the Sentencing Oppress on Applicant). Hazel J. v. State, 337 S.C. 60; 659 S.E. 2d 137 (2008).

In Applicant's current P.C.R. Application he alleges that pursuant to Hazel J. v. State, 337 S.C. 60; 659 S.E. 2d 137 (2008) he is entitled to the relief because the Court never made that finding on the record that Applicant does not have to register as a sex offender. [Note: Guilty Plea Transcript on 9/24/09 reflect trial court error, but not limited to, trial counsel failure to make such request.]

Ineffective Assistance Trial Counsel:

1. Applicant Attorney Render Ineffective Assistance Counsel By Failing To Inform The Trial Court That The Kidnapping offense In case # 2008-GS-04-2995 And In case # 2008-GS-04-2996 Was Not Apart Of A Sexual offense And Not Allow For Applicant To Have To Register Under This Sex offender Act Pursuant To S.C. Code Ann 23-3-430
2. By Applicant Counsel Failing To Do This, Applicant Has Be Prejudice For The Reason: Applicant Listed As A sex offender And Applicant Having To Register Once Applicant Is Release From Prison. This Prejudice Is A Hardship In Violation of Applicant Constitutional Rights Under The 6th Amendment And Under Applicant 14th Amendment Of U.S. Const. Amends. Liberty Clause, And Under S.C. Article 3 3. And 14. Strickland v. Washington, 466 U.S. 688, 104 S.Ct. 2052, 2064, 80 L.E.2d 674, 692 (1984).
3. Had Applicant Counsel Would of Establish On The Record To The Trial Court To Not Allow Applicant To Have To Register Under The Sex offender Register, Its A Reasonable Probability The outcome would of Been Different Because Applicant Wouldnt Have Been Listed As A sex offender And Wouldnt Have To Register When Applicant Is Release From Prison. Hezle v. State, 337 S.C. 60; 659 S.E.2d 137 (2003).

Involuntary Guilty Plea

Under The Constitutional Protections of Due Process Mandate That An Accused's Guilty Plea Be Voluntary And Intelligent. Boykin v. Alabama, 395 U.S. 238, 242, 89 S.Ct. 1711-12, 23 L.E. 2d 274 (1969).

At The Guilty Plea Hearing 9/24/09 Applicant Plead Guilty To 2 Counts of Kidnapping. Prior To Accepting Applicant Guilty Plea, The Judge Fail To Inform Applicant That By Pleading Guilty To Kidnapping Applicant Has To Register As A Sex Offender. Pursuant To S.C. Code Ann. 23-3-430(c)(15) "Any Person Convicted of Kidnapping A Person 18yrs of Age or older Must Register As A Sex Offender Unless A Finding Is Made on The Record That The Kidnapping Did Not Include A Criminal Sexual Offense or Attempted Criminal Sexual Offense."

Applicant Guilty Plea Is Involuntary For The Following Reasons:

1. Trial Court Error By Failing To Make Sure Applicant Understand The Nature And Elements of The Charges. Pittman v. State, 337 S.C. 597, 524 S.E. 2d 623.

2. Trial Court Never Question Applicant Attorney During The Plea Hearing Whether These Charges Have Anything To Do With A Criminal Sexual Offense. S.C. Code Ann. 23-3-430(c)(15).

3. Applicant Did Not Knowingly, Voluntary, Intelligent Plead Guilty To The sex offender Registry Pursuant To S.G. Code Ann: 23.3.430(C)(15). Which Violated Applicant's 5th And 14th Amendment Under The United States Constitution Law,

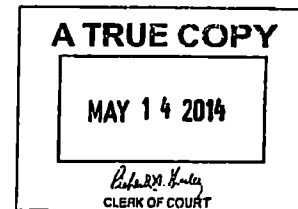
Its Numbers In The Record Of The Transcript That Makes It Clear That There Was No Sexual Offense Involved In The Charges. The Trial Judge Did Not Make A Specific Finding That Sex Was Not Involved Nor Did The Judge Inform Applicant That He Would Have To Register As A Sex Offender. Had Applicant Would Of Known Of The Sex Offender Registry And That He May Have To Register, Applicant Would Of Never Plead Guilty And Would Of Assist In Going To Trial. Hill v. Lockhart, 474 U.S. 52, 56 (1985). People v. Van Deusen, 7 N.Y.3d 744 (2006).

Conclusion

Applicant Hereby Move Upon The Court On These Findings And Following Issues To Correct The Error Which Has Occur, Just Like In Hazel J. v. State 337 S.C. 601, 659 S.E.2d 137 (2008).

For The Violation Of Applicant 6th And 14th Amendments Due To Ineffective Assistance Counsel Applicant Request This Court To Grant An Evidentiary Hearing.

For The Violation of Applicant 5th And 14th Amendment Due To Involuntary
Guilty Plea Applicant Request This Court To Grant A Evidentiary
Hearing.



Respectfully Submitted
Jocastarius Thompson 337120

FILED CLERKING OFFICE
APR 23 2014
2014 MAY 14 PM 4 28
COMM. PLEAS AND
GENERAL SESSIONS

REQUEST TO STAFF

RECEIVED

To: Name:	TITLE:	Date:
Ms. Ravenell	Classification	1/29/14
Inmate:	SCDC#:	JAN 30 2014
Jocastarius Timpson	337/20	MAIL ROOM
Inst:	Living Quarters:	LIEBERCL
L.C.I	SMU A212	

Im Wanting To Know Do I Got Any Pending Charges on me From Anderson County. I Also still Need you to check on That Incident Report For me For The charges 904, 811 That Happen on 10-7-13 Rember I Told you I wrote The D.H.O Lady And She Keep Giving me The Run Arand you Told me you will Get it For me. I Really Need That Incident Report.

Also Im Tryin To See Do They Have me In The Computer Listed AS A sex Offender I Just Found out if you Have A Kidnapp Charge Thats How They Label you.

JAN 30 2014

Thank you

A TRUE COPY

MAY 14 2014

Anderson 5897516 - Lynching 1st degree

Yes you will have to register for the Sexual Reg.

And I ~~love~~ you to write Mrs. Bailey and they will Charge you 25K

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

In The Court of Common Pleas
The Tenth Judicial Circuit

Jocastarius Timpson #337120.
Applicant

CIA. No. 2014-CP-04-1016

v.

State of South Carolina,
Respondent

PROOF OF SERVICE

A TRUE COPY

MAR 31 2015

Richard A. Shirley
CLERK OF COURT

I Jocastarius Timpson [Applicant] Certify That I
Have This Day Served Applicant's Notice of Motion To
Applicant's Post-Conviction Relief Application; And A
Cover Letter; upon The Anderson County Clerk of
Court Office By Depositing one original And one copy
of The same In The U.S. Mail [By And Through The
Lieber Correctional Institution Legal Mail System].
The Notorized Signature Seen Hereon Indicates The
Above Is Now In The Possession of said Institutions
Legal Mail System. See Houston v. Lack, 487 U.S. 266 (1988).

The Following Parties Have Been Served At The Below
Addresses:

1.) Richard A. Shirley
Anderson County Clerk of Court
P.O. Box 8002
Anderson, SC 29622

2.) Justin J. Hunter Esquire
Attorney General Office
P.O. Box 11549
Columbia, SC 29211

FILED-CLERKS OFFICE
ANDERSON, SC
MAR 30 AM 11:47
COMMON PLEAS AND
GENERAL SESSIONS

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 25TH DAY
OF March, 2015
NOTARY: Ludreen Bryant
EXP: May 26, 2020

BY: *Amelia Lieber*
Jocastarius Simpson #337120
Lieber C.I.
P.O. Box 205
Ridgeville, SC 29472

STATE OF SOUTH CAROLINA

COUNTY OF Anderson
STATE VS.

Jocastarius Timpson

AKA:

Race: B Sex: M Age: 18

DOB: SS#:

Address: 102 Brook Forest Dr.
Anderson, 29621

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008-65-04-2669

A/W#: J755160

Date of Offense: 7/22/2008

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Robbery / Armed Robbery, robbery while armed or allegedly ar

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ 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 initial)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Panel Campbell #13981
Solicitor:Jocastarius Timpson
DefendantBruce A. Buelch 1071
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 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: 9/24/09
☒ 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 § 26-13-10

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def Waives Hearing ☐ 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

\$

\$100.00

§ 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

\$

\$25.00

§ 33.7, 1B TP (Drug Court Surcharge)

\$100

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea

\$

3% to County (if paid in installments)

\$390

§ 90.11 TP (SCCJA Surcharge)

\$5

\$5.00

TOTAL

\$133.90

Caryn M. Phillips
Clerk of Court/Deputy Clerk

Court Reporter:

SCCA /217 (07/2008)

PRESIDING JUDGE

Judge Code: 2, 1, 1, 3, 1, 1

Sentence Date: 9-24-09

A TRUE COPY

MAY 14 2014

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:

A TRUE COPY

JUL 12 2010

☐ Appointed PD or appointed other Counselor § 35-13 TP
Requires \$500 be paid to Clerk during probation.

WITNESSES
BOSEMAN S, HPPD

ARREST WARRANT NUMBER

J755160

TRUE BILL
ACTION OF GRAND JURY

NOV 18 2008

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008GS04 02669

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS
NOV 18 2008

Term

THE STATE

vs.

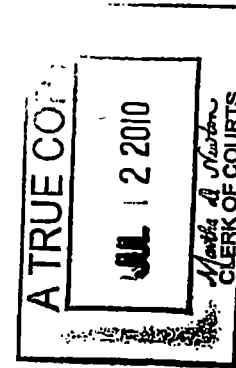
Jocastarius Daquan Timpson

RLC.

Indictment for

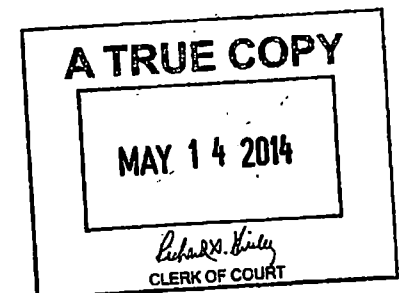
Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)
CDR Code: 0139



COMMITMENT

9-24-09/RT



ARREST WARRANT

J-755160

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Honea Path

THE STATE vs SEP 25 P 1:32

against

Jocastarius Daquan Timpson

Address: 102 Brook Forest Drive

Anderson, SC 29621-

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 10 Weight: 145DL #: _____ DL #: _____
DOB: _____ Agency ORI #: SC0040300

Prosecuting Agency: Honea Path Police Department

Prosecuting Officer: Shawn R Boseman - 0602

Offense: Robbery / Armed Robbery, robbery while armed
or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Date: 9/18/08

RETURN

A copy of this arrest warrant was delivered to
defendant

on

Jocastarius Daquan Timpson
09/18/08 1640pm

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

Richard X. Kiley
CLERK OF COURT

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Honea Path

Personally appeared before me the affiant Shawn R Boseman

being duly sworn deposes and says that defendant Jocastarius Daquan Timpson

did within this county and state on or about 07/22/2008

State of South Carolina (or ordinance of

☐ County/☒ Municipality of

Honea Path

in the following particulars:

DESCRIPTION OF OFFENSE Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:On July 22, 2008 around 10:30pm the Defendant along with Co-Defendants did enter the Stop-A-Minit IV while armed with a
deadly weapon. Defendant and Co-Defendant did forceably rob the store clerk at Stop-A-Minit IV at 405 West Greer Street and
carry away a sum of cash. This incident occurred in the town limits of Honea Path in Anderson County.
HPPD Case # 08-19833

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Honea Path

Affiant's Address 30 North Main St

Honea Path, SC 29654-

Affiant's Telephone (864)369-0532

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/22/2008

defendant Jocastarius Daquan Timpson

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/☒ Municipality of

Honea Path

) as set forth below.

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 09/10/2008

Signature of Issuing Judge
D W Cannon (L.S.)

Judge's Address

Judge's Telephone

6821

Judge's Address 30 North Main Street

Honea Path, SC 29654-1516

Judge's Telephone (864)369-0532

Issuing Court:

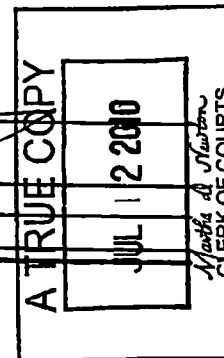
☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF _____
STATE. _____

Anderson

VS.

Jocastarius Timpson

AKA: _____

Race: BSex: MAge: 18

DOB: _____

SS#: _____

Address: 102 Brook Forest Dr.Anderson, 29621

DL#: _____

SID#: _____

INDICTMENT/CASE#: 2008-65-04-02188 etA/W#: 1718796Date of Offense: 8/30/2008S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

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

☐ CONVICTED OF or ☒ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also senin violation of § 16-23-0490of the S.C. Code of Laws, bearing CDR Code # 0549☒ 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 initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Rome L. Campbell #13981

Solicitor:

Jocastarius Timpson

Defendant

Bruce B. [Signature]

Attorney for Defendant

1071

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: 8/29/09☒ 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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def Waives Hearing ☐ 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

\$ 100.00

§ 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

\$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge)

\$100

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea

\$

3% to County (if paid in installments)

\$ 3.90

§ 90.11 TP (SCCJA Surcharge)

\$5

\$ 5.00

TOTAL

Caryn M. Phillips\$ 133.90

Clerk of Court/Deputy Clerk

Court Reporter: R. Tolison

SCCA /217 (07/2008)

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 _____
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 21-1311Sentence Date: 9-24-09[Signature]

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Anderson
STATE, VS.Jocastarius Timpson

AKA:

Race: B Sex: M Age: 18DOB: [REDACTED] SS#: [REDACTED]Address: 102 Brook Forest Dr.Anderson, 29621DL#: SID#: INDICTMENT/CASE#: 2008-6504-02988
A/W#: 1718794
Date of Offense: 8/30/2008
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Robbery / Armed Robbery, robbery while armed or allegedly arin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ 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 initial)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Rene L Campbell #13981
Solicitor:Jocastarius Timpson
DefendantPaul C. Giddens 1071
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 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: 9/24/09
☒ 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. 375 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 26-13-13

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ set by SCDPPPS Recipient: *Fine: \$ § 14-1-206 (Assessments 107.5 %) \$ § 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100.00§ 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 \$ 25.00§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ § 50-21-114(BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ 3.90§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5.00TOTAL \$ 133.90Cathy D. Phillips
Clerk of Court/Deputy ClerkCourt Reporter: R. Talison
SCCA /217 (07/2008)PTUP
 days/hours Public Service EmploymentObtain 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 FundOther: ☐ Appointed PD or appointed other
Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE Judge Code: 211311Sentence Date: 9-24-09

A TRUE COPY

MAY 14 2014

CLERK OF COURT

A TRUE COPY

JUL 12 2010

WITNESSES
AIKEN MA, APD

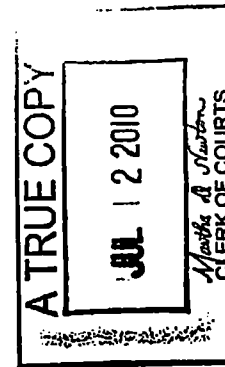
DOCKET NO. 2008GS04 02988

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term



ARREST WARRANT NUMBER

I718794, I718796

THE STATE

vs.

Jocastarius Daquan Timpson

COMMITMENT

9-24-09/RT

ACTION OF GRAND JURY
TRUE BILL

DEC 16 2008

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

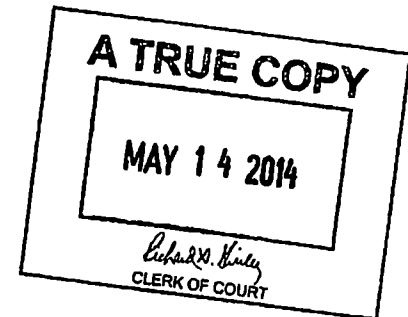
RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed
SC Code: 16-11-0330(A)
CDR Code: 0139

Possession of a weapon during the
commission of a violent crime

SC Code: 16-23-0490
CDR Code: 0549



STATE OF SOUTH CAROLINA

COUNTY OF
STATEAnderson
VS.

Jocastarius Daquan Timpson

AKA:

Race: B Sex: M Age: 19

Address: 102 Brook Forest Dr.
Anderson, 29621

DL#: SID#: SC01728227

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008GS0402989

A/W#: J875303

Date of Offense: 5/2/2008

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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: Panel Campbell SC Bar# 1071
Campbell, Rame Lambert Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 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: 9/24/09
☒ 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. 375 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: _____

*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	\$
§ 47.12 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$100	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
§ 90.7 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2009)

PRESIDING JUDGE

Judge Code:

Sentence Date:

A TRUE COPY

MAY 14 2014

CLERK OF COURT

A TRUE COPY

JUL 12 2010

CLERK OF COURTS

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

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Anderson

VS.

Jocastarius Daquan Timpson

AKA:

Race: B

Sex: M

Age: 19

SS

Address: 102 Brook Forest Drive
Anderson, SC 29621

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008GS0402989A

A/W#: 2008GS0402989A

Date of Offense: 5/2/2008

S.C. Code §: 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

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

☐ CONVICTED OF or☒ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490

of the S.C. Code of Laws, bearing CDR Code #

0549

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45The 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:

Campbell, Rame Lambert

13981
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☐

State Department of Corrections,

☐

County Detention Center,

for a determinate term of 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.☐ 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:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

§ 47.12 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

§ 90.7 (SCCA Surcharge)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (06/2009)

PRESIDING JUDGE

Judge Code:

Sentence Date:

A TRUE COPY

MAY 14 2014

CLERK OF COURT

A TRUE COPY

JUL 12 2010

CLERK OF COURTS

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

WITNESSES
GEBING, ACSD

DOCKET NO. 2008GS04 02989

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS
DEC 16 2008

Term

THE STATE

vs.

Jocastarius Daquan Timpson

ARREST WARRANT NUMBER

J875303, Direct

ACTION OF GRAND JURY

TRUE BILL

DEC 16 2008

Foreperson of Grand Jury
Date:

VERDICT

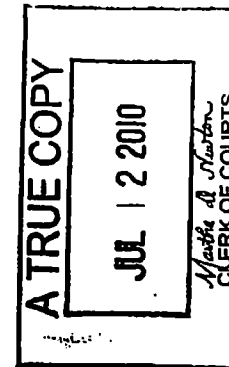
Foreperson of Petit Jury
Date:

RLC

Indictment for

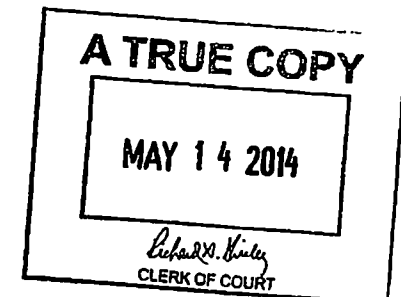
Robbery / Armed Robbery, robbery while armed
or allegedly armed
SC Code: 16-11-0330(A)
CDR Code: 0139

Possession of a Weapon During the
Commission of a Violent Crime
SC Code: 16-23-0490
CDR Code: 0549



COMMITMENT

9-24-09 RT



ARREST WARRANT

J-875303

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Anderson

THE STATE
against

Jocastarius Daquan Timpson

Address: 102 Brook Forest Drive
Anderson, SC 29621-Phone: _____ SSN: _____
Sex: M Race: B Height: 5 10 Weight: 145
DL: SC DL #: _____

Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: R Gebing - 347

Offense: Robbery / Armed Robbery, robbery while armed
or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to
defendant J. Timpson
on 9/24/08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

9-24-08

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant R Gebing

being duly sworn deposes and says that defendant Jocastarius Daquan Timpson

did within this county and state on or about 05/02/2008

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson

violate the criminal laws of the

DESCRIPTION OF OFFENSE Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on May 2, 2008, in the county of Anderson, one Jocastarius Timpson did take U. S. currency from the victim with intent
to deprive while he presented what appeared to be a deadly weapon. This occurred at Zaxby's restaurant located at 652 Highway
28 By-Pass.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/2/2008

defendant Jocastarius Daquan Timpson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant named above and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 09/24/2008

Signature of Issuing Judge
Nancy Wilson Devine

Judge Code: 5851

Judge's Address Post Office Box 8002
Anderson, SC 29622-8002

Judge's Telephone (864)260-4156

Issuing Court: ☒ Magistrate ☐ Municipal

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

A TRUE COPY

JUL 2 2010

Clerk of Courts

A TRUE COPY
MAY 14 2014

Clerk of Courts

WITNESSES

AIKEN MA, APD

9/24/09 Nole Prosser -
duplicate Charge.
Daniel Campbell

ARREST WARRANT NUMBER

(Ref) 1718794, 1718796 (Direct)

TRUE BILL

DEC 16 2008

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008GS04 02990

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term

THE STATE

vs.

Jocastarius Daquan Timpson

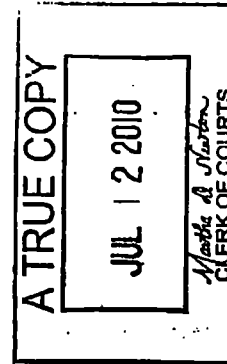
RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed
SC Code: 16-11-0330(A)
CDR Code: 0139

Possession of a weapon during the
commission of a violent crime

SC Code: 16-23-0490
CDR Code: 0549



COMMITMENT

9-24-09/RT

A TRUE COPY

MAY 14 2014

Richard D. Kiley
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF

Anderson

STATE

VS.

Jocastarius Timpson

AKA:

Race: B

Sex: M

Age: 18

SS#:

Address: 102 Brook Forest Dr.

Anderson, 29621

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008-65-04-2995

A/W#: J875282

Date of Offense: 5/23/2008

S.C. Code § : 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Kidnapping / Kidnapping

in violation of § 16-03-0910

of the S.C. Code of Laws, bearing CDR Code # 0095

☐ 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 initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Ronal Campbell 13981
Solicitor:Jocastarius Timpson
DefendantBruce A. Nichols
Attorney for Defendant1071
SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 20 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: 9/24/09☐ 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. 375 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 26-13-15

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def Waives Hearing ☐ 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

\$

§ 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

\$

§ 33.7, 1B TP (Drug Court Surcharge)

\$100

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

\$3.90

\$

§ 90.11 TP (SCCA Surcharge)

\$5

\$

TOTAL

\$133.90

Cathy M. Phillips

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA /217 (07/2008)

R. Tollison

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

Other:

PRESIDING JUDGE

Judge Code:

Sentence Date:

P. Hays
9-24-09

A TRUE COPY

MAY 14 2009

CLERK OF COURT

A TRUE COPY

JUL 12 2010

CLERK OF COURTS

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

DOCKET NO. 2008GS04 02995

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008
Term

THE STATE

vs.

Jocastarius Daquan Timpson

RLC

Indictment for

Kidnapping / Kidnapping

SC Code: 16-03-0910
CDR Code: 0095

WITNESSES

GEBING, ACSD

ARREST WARRANT NUMBER

J875282

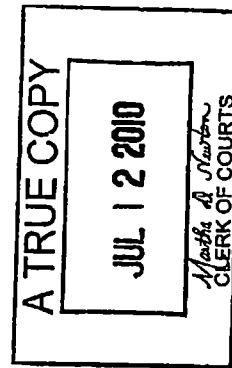
ACTION OF GRAND JURY
TRUE BILL

DEC 16 2008

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:



COMMITMENT

9-24-09 RT

A TRUE COPY

MAY 14 2014

Richard X. Kiley
CLERK OF COURT

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Anderson
STATE VS.

Jocastarius Timpson

AKA:

Race: B Sex: M Age: 18

SS#: [REDACTED]

Address: 102 Brook Forest Drive

Anderson, SC 29621

DL#: SID#:

INDICTMENT/CASE#: 2008-65-04-2996

A/W#: J875281

Date of Offense: 5/23/2008

S.C. Code § : 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Kidnapping / Kidnapping

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ 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 initial)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor: Panel CampbellDefendant: Jocastarius TimpsonAttorney for Defendant: Bruce Ryland1071
SC Bar #WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 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: 9/24/09
☒ 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. 375 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def Waives Hearing ☐ 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 \$ 100.00

§ 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 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.90§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5.00TOTAL Carry On. Phillips \$ 133.90

Clerk of Court/Deputy Clerk

Court Reporter: R. Talison

SCCA /217 (07/2008)

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 Counselor, TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 21Sentence Date: 9-24-09

A TRUE COPY

MAY 14 2014

CLERK OF COURT

A TRUE COPY

JUL 12 2010

CLERK OF COURT

DOCKET NO. 2008GS04 02996

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term

, THE STATE

vs.

Jocastarius Daquan Timpson

RLC

Indictment for

Kidnapping / Kidnapping

SC Code: 16-03-0910
CDR Code: 0095

WITNESSES

GEHING, ACSD

ARREST WARRANT NUMBER

J875281

ACTION OF GRAND JURY

TRUE BILL

DEC 16 2008

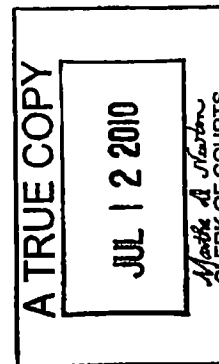
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:



COMMITMENT

9-24-09 / RT

A TRUE COPY

MAY 14 2014

Richard A. Kiley
CLERK OF COURT

J-875281

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Anderson

THE STATE SEP 26 2008 12:52

against

Jocastarius Daquan Timpson

Address: 102 Brook Forest Drive

Anderson, SC 29621-

Phone:

Sex: M Race: B Height: 5 10 Weight: 145

DL #: SC DL #:

Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: R Gebing - 347

Offense: Kidnapping / Kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to
defendant J. Timpson
on 9/24/08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 27, 2003
SCCA 518

Personally appeared before me the affiant R Gebing

who

being duly sworn deposes and says that defendant Jocastarius Daquan Timpson

did within this county and state on or about 05/23/2008

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson)

in the following particulars:

DESCRIPTION OF OFFENSE Kidnapping / Kidnapping

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on May 23, 2008 in the county of Anderson, one Jocastarius Daquan Timpson did unlawfully seize, confine, kidnap or abduct
Hiren Patel from 2401 Old Williamston Road without authority of law.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road

Anderson, SC 29625-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/23/2008

defendant Jocastarius Daquan Timpson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson

) as set forth below:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as
soon thereafter as is practicable.

Sworn to and subscribed before me

on 09/22/2008

(L.S.)

Signature of Issuing Judge
William Daniel Sharp

Judge Code: 7013

Judge's Address Po Box 8002

Anderson, SC 29622-

Judge's Telephone (864)260-4156

Issuing Court: ☒ Magistrate ☐ Municipal

MAY 14 2014

Signature of Clerk
CLERK OF COURT

ORIGINAL

9-13-08

STATE OF SOUTH CAROLINA

COUNTY OF _____
STATE _____

Anderson

VS.

Jocastarius Daquan Timpson

AKA: _____

Race: B

Sex: M

Age: 18

SS _____

Address: 102 Brook Forest Dr.

Anderson, 29621

DL#: _____

SID#: SC01728227

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-65-04-1345 et:

A/W#: J877595

Date of Offense: 9/8/2008

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Robbery / Armed Robbery, robbery while armed or allegedly ar

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ 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 initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Daniel Campbell

#13981

Campbell, Rame Lambert

SC Bar#

Defendant

Attorney for Defendant

1071

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 20 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: 9/24/09 per
☒ 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. 375 day☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to _____

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ 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 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ 25.00

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.90§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5.00TOTAL \$ 133.90

Cathy M. Phillips

Clerk of Court/ Deputy Clerk

Court Reporter: R. Tollison

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: _____

A TRUE COPY

MAY 14 2014

CLERK OF COURT

A TRUE COPY

JUL 12 2010

CLERK OF COURTS

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

PRESIDING JUDGE

Judge Code: 2Sentence Date: 9-24-09

SCCA/217 (03/2009)

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Anderson

VS.

Jocastarius Daquan Timpson

AKA:

Race: B

Sex: M

Age: 19

Address: 102 Brook Forest Drive

Anderson, SC 29621

DL#:

SID#: SC01728227

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



CONVICTED OF or



PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490

of the S.C. Code of Laws, bearing CDR Code # 0549

☒ 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: Rame Lambert

#13981

Jocastarius TimpsonRame Lambert

1071

Campbell, Rame Lambert

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the



State Department of Corrections,



County Detention Center,

for a determinate term of

100

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

☐ 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 16-23-20 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:

*Fine:

\$

§ 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

\$

§ 47.12 (Public Def/Prob)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$

§ 14-1-213 (Drug Court Surcharge)

\$100

\$

§ 50-21-114 (BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

§ 90.7 (SCCA Surcharge)

\$5

\$

3% to County (if paid in installments)

\$

\$3.90

TOTAL

\$133.90

Clerk of Court Deputy Clerk

Court Reporter:

SCCA/217 (06/2009)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS0401345A

A/W#: 2009GS0401345A

Date of Offense: 9/8/2008

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

A TRUE COPY

MAY 14 2014

CLERK OF COURT

A TRUE COPY

JUL 12 2010

☐ Appointed PD or appointed other CLERK OF COURT requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

WITNESSES

R Gebing, Anderson County Sheriff's Dept.

DOCKET NO. 2009-GS-04-01345

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

JUN 23 2009

Term

THE STATE

vs.

Jocastarius Daquan Timpson

COMMITMENT

9-24-09/RT

ARREST WARRANT NUMBER

J877595, Direct

ACTION OF GRAND JURY

TRUE BILL

JUN 23 2009

Foreperson of Grand Jury

Date: Foreperson

VERDICT

Foreperson of Petit Jury
Date:

RLC

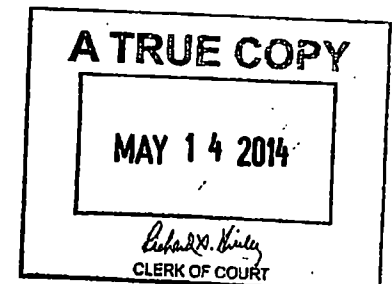
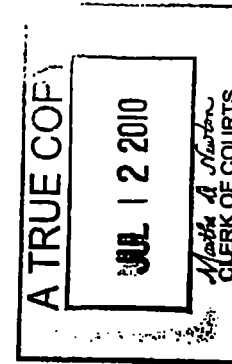
Indictment for

**Robbery / Armed Robbery, robbery while armed
or allegedly armed robbery**

SC Code: 16-11-0330(A)
CDR Code: 0139

**Possession of a firearm during the commission
of a violent crime**

SC Code: 16-23-0490
CDR Code: 0549



ARREST WARRANT

J-877595

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Anderson

FILED-CLERK'S OFFICE
ANDERSON SC

THE STATE

against

Jocastarius Daquan Timpson

Address: 102 Brook Forest Drive

Anderson, SC 29621-

Phone:

Sex: M

Race: B

Height: 5 10

Weight: 145

D.O.B.: SC DL #:

Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: R Gebing - 347

Offense: Robbery / Armed Robbery, robbery while armed
or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to

defendant Jocastarius D. Timpsonon 3-19-09mp. Le Bannister
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

3-19-09

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Anderson

Personally appeared before me the affiant R Gebingbeing duly sworn deposes and says that defendant Jocastarius Daquan Timpson

did within this county and state on or about

09/08/2008

State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Anderson

in the following particulars:

DESCRIPTION OF OFFENSE

Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on September 8, 2008, in the county of Anderson, one Jocastarius Daquan Timpson did take approximately \$5000.00 from the
victim, Hometown Foods with intent to deprive while armed with a pistol, a deadly weapon. The defendant was identified by
physical evidence left at or near the scene. This occurred at 2000 W. Market St. Anderson, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Anderson

Affiant's Address 305 Camson Road

Anderson, SC 29625-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/8/2008defendant Jocastarius Daquan Timpson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Anderson

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 03/19/2009Ronald Warren Whitman (L.S.)
Signature of Issuing Judge

Ronald Warren Whitman (Magistrate)

Judge Code: 5954

Judge's Address Post Office Box 8002

Anderson, SC 29622-8002

Judge's Telephone (864)260-4156

Issuing Court:

☒ Magistrate☐ Municipal

ORIGINAL

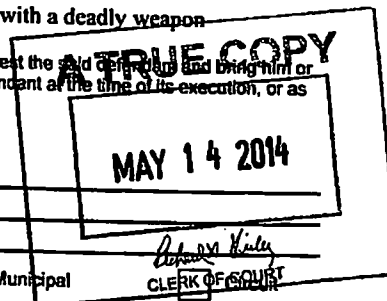
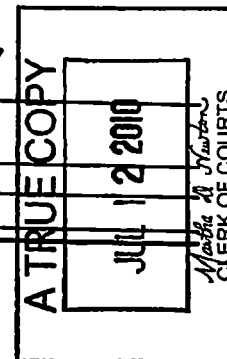
ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT



STATE OF SOUTH CAROLINA

COUNTY OF _____
STATE _____

Anderson

VS.

Jocastarius Daquan Timpson

AKA: _____

Race: B

Sex: M

18

SS: _____

Address: 102 Brook Forest Dr.

Anderson, 29621

DL#: _____

SID#: SC01728227

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-65-04-1563

A/W#: J877596

Date of Offense: 9/8/2008

S.C. Code § : 16-03-0620

CDR Code #: 0014

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Assault / Assault and battery with Intent to Kill (ABWIK)

in violation of § 16-03-0620 of the S.C. Code of Laws, bearing CDR Code # 0014

☐ 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 initial)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Daniel Campbell
Campbell, Rame Lambert#13981
SC Bar#

Defendant

Attorney for Defendant

1071
SC Bar#WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 20 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: 9/24/09
☒ 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. 375 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ 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 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.90§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5.00TOTAL \$ 133.90

Cathy M. Phillips

Clerk of Court/Deputy Clerk

Court Reporter: R. Tollison

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

Judge Code: 2111311Sentence Date: 9-24-09

SCCA/217 (03/2009)

WITNESSES

R Gebing, Anderson County Sheriff's Dept.

ARREST WARRANT NUMBER

J877596

ACTION OF GRAND JURY

TRUE BILL

JUN 23 2009

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2009-GS-04-01563

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JUN 23 2009

Term

THE STATE

vs.

Jocastarius Daquan Timpson

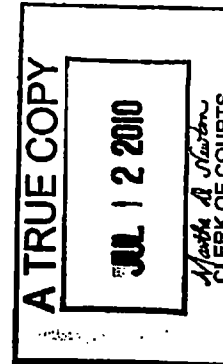
RLC

Indictment for

**Assault / Assault and battery with Intent to Kill
(ABWIK)**

SC Code: 16-03-0620

CDR Code: 0014



COMMITMENT

9-24-09/RT

A TRUE COPY

MAY 14 2014

Richard X. Bailey
CLERK OF COURT

ARREST WARRANT

J-877596

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Anderson

FILED CLERK'S OFFICE
ANDERSON SCTHE STATE 2009 MAR 24 2008-54766
against

Jocastarius Daquan Timpson

Address: 102 Brook Forest Drive

Anderson, SC 29621-

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 10 Weight: 145
DL #: SC DL #: _____

Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: R Gebing - 347

Offense: Assault / Assault and battery with Intent to Kill
(ABWIK)

Offense Code: 0014

Code/Ordinance Sec: 16-03-0620

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to
defendant Jocastarius D. Timpson
on 3-19-09

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

3-19-09

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant R Gebing

being duly sworn deposes and says that defendant Jocastarius Daquan Timpson

did within this county and state on or about 09/08/2008

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson) violate the criminal laws of the

in the following particulars:

DESCRIPTION OF OFFENSE Assault / Assault and battery with Intent to Kill (ABWIK)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on September 8, 2008, in the county of Anderson, one Jocastarius Daquan Timpson did intentionally commit a battery upon
victim by shooting Sonal Patell with the intent to kill. The defendant was identified from physical evidence left at or near the scene.
This occurred at 2000 W. Market St. Anderson, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/8/2008

defendant Jocastarius Daquan Timpson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson

) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Assault and battery with Intent to Kill (ABWIK)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 03/19/2009

Signature of Issuing Judge (L.S.)

Ronald Warren Whitman (Magistrate)

Judge Code: 5954

Judge's Address Post Office Box 8002
Anderson, SC 29622-8002

Judge's Telephone (864)260-4156

Issuing Court: ☒ Magistrate ☐ Municipal

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

A TRUE COPY

JUL 12 2010

Martha D. Newton
CLERK OF COURT

MAY 14 2014

CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Anderson

VS.

Jocastarius Timpson

AKA:

Race: B

Sex: M

Age: 18

SS#:

Address: 102 Brook Forest Drive

Anderson, SC 29621

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008-65-04-2994

A/W#: J875289

Date of Offense: 5/25/2008

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Robbery / Armed Robbery. robbery while armed or allegedly ar

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ 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 initial)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Panel Timpson 13981
Solicitor:

Jocastarius Timpson
Defendant

Prue Gwalt 1071
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 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: 9/24/09 PR
☒ 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. 375 day

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def Waives Hearing ☐ 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

\$

\$ 100.00

§ 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

\$

\$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge)

\$100

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea

\$

3% to County (if paid in installments)

\$

\$ 3.90

§ 90.11 TP (SCCJA Surcharge)

\$5

\$

\$ 5.00

TOTAL

\$

\$ 133.90

Caryn M. Chivington
Clerk of Court/Deputy Clerk

Court Reporter:

SCCA /217 (07/2008)

R. Tollison

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

Judge Code:

Sentence Date:

9-24-09

A TRUE COPY

MAY 14 2014

Deborah K. Hines
CLERK OF COURT

A TRUE COPY

JUL 12 2010

Martha A. Newton
CLERK OF COURTS

WITNESSES
GEBING, ACSD

ARREST WARRANT NUMBER

J875289

ACTION OF GRAND JURY

TRUE BILL

DEC 16 2003

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008GS04 02994

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008
Term

THE STATE

vs.

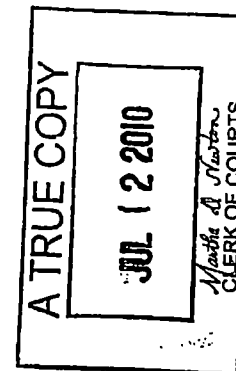
Jocastarius Daquan Timpson

RLC

Indictment for

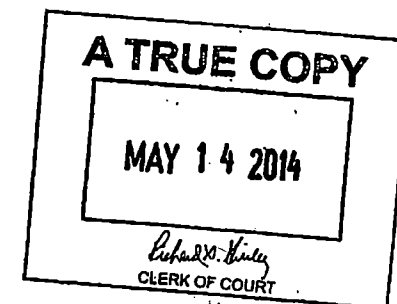
Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)
CDR Code: 0139



COMMITMENT

9-24-09/RT



ARREST WARRANT

J-875289

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Anderson

THE STATE SEP 26 A 11:48 2008 12429

against

Jocastarius Daquan Timpson

Address: 102 Brook Forest Drive

Anderson, SC 29621-

Phone:

Sex: M Race: B Height: 5 10 Weight: 145

DL #:

Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: R Gebing - 347

Offense: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 9/24/08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant R Gebing

who

being duly sworn deposes and says that defendant Jocastarius Daquan Timpson

did within this county and state on or about 05/25/2008

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Anderson)

in the following particulars:

DESCRIPTION OF OFFENSE Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on May 25, 2008, in the county of Anderson, one Jocastarius Daquan Timpson did take US currency from the High Volume station with intent to deprive while armed with a handgun, a deadly weapon. This did occur at 1003 Pearman Dairy Road.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone

A TRUE COPY

JUL 12 2010

Martha Q. Newton
CLERK OF COURTS

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/25/2008

defendant Jocastarius Daquan Timpson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him/her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 09/22/2008

(L.S.)

Signature of Issuing Judge
William Daniel Sharp

Judge Code: 7013

Judge's Address Po Box 8002

Anderson, SC 29622-

Judge's Telephone (864)260-4156

Issuing Court: ☒ Magistrate ☐ Municipal

MAY 14 2014

Signature of Clerk
CLERK OF COURT

ORIGINAL

ORIGINAL

ORIGINAL

9-23-08

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Anderson

VS.

Jocastarius Timpson

AKA:

Race: B Sex: M Age: 18

Address: 102 Brook Forest Dr.
Anderson, 29621

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008-65-04-2993

A/W#: J875390

Date of Offense: 4/14/2008

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Robbery / Armed Robbery, robbery while armed or allegedly ar

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ 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 initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Panel Campbell 13981
Solicitor:Jocastarius Timpson
DefendantPruce A. Holmes
Attorney for Defendant1011
SC Bar #WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 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: 9/24/09
☒ 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. 375 by☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def Waives Hearing ☐ 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	\$ 100.00
§ 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	\$ 25.00
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.90
§ 90.11 TP (SCCJA Surcharge)	\$5	\$ 5.00
TOTAL		\$ 133.90

Cathy B. Collins
Clerk of Court / Deputy ClerkCourt Reporter:
SCCA /217 (07/2008)

R. Tolison

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 and

Other: _____

☐ Appointed PD or appointed other Counsel, § 95-13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2 1 1 1 3 1 1

Sentence Date: 9-24-09

A TRUE COPY

MAY 14 2014

Debra A. Kelly
CLERK OF COURT

A TRUE COPY

JUL 12 2010

Monika B. Newton
CLERK OF COURT

WITNESSES
GEBING, ACSD

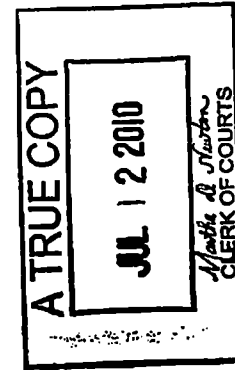
DOCKET NO. 2008GS04 02993

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term



ARREST WARRANT NUMBER

J875390

THE STATE

vs.

Jocastarius Daquan Timpson

COMMITMENT

9-24-09/RT

ACTION OF GRAND JURY
TRUE BILL

DEC 16 2008

Foreperson of Grand Jury
Date:

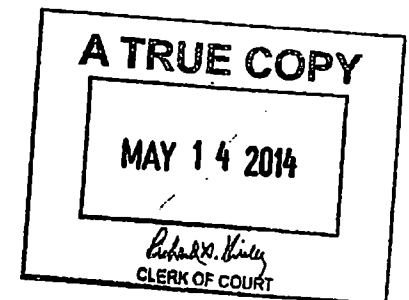
RLC

VERDICT

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)
CDR Code: 0139



Foreperson of Petit Jury
Date:

ARREST WARRANT

J-875390

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE
against

2008-22703

Jocastarius Daquan Timpson

Address: 102 Brook Forest Drive

Anderson, SC 29621-

Phone: [REDACTED]
Sex: M Race: B Height: 5 10 Weight: 145

DL #: SC DL #: [REDACTED]

Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: R Gebing - 347

Offense: Robbery / Armed Robbery, robbery while armed
or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to
defendant
on[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant R Gebing

being duly sworn deposes and says that defendant Jocastarius Daquan Timpson

did within this county and state on or about 04/14/2008

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson

in the following particulars:

DESCRIPTION OF OFFENSE Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on April 14, 2008, in the county of Anderson, one Jocastarius Daquan Timpson did take US currency from the Save More
station with intent to deprive while armed with a firearm, a deadly weapon. This did occur 691 Hwy 28 Bypass.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/14/2008

defendant Jocastarius Daquan Timpson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant named above and bring her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 09/29/2008

[Signature]
Signature of Issuing Judge
William Daniel Sharp

Judge Code: 7013

Judge's Address Po Box 8002
Anderson, SC 29622-

Judge's Telephone (864)260-4156

Issuing Court: ☒ Magistrate ☐ Municipal

MAY 14 2014

[Signature]
CLERK OF COURT

ORIGINAL

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ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518A TRUE COPY
JUL 2 2010
CLERK OF COURTSA TRUE COPY
MAY 14 2014
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Anderson

VS.

Jocastarius Timpson

AKA:

Race: B Sex: M Age: 18

DOB: SS#

Address: 102 Brook Forest Dr.

Anderson, 29621

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008-6504-2992

A/W#: J875279

Date of Offense: 5/23/2008

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Robbery / Armed Robbery, robbery while armed or allegedly ar

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ 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 initial)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Panel Campbell
Solicitor:Jocastarius Timpson
DefendantAlec Sholes 1071
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 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: 9/24/09 pro
☒ 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. 375 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def Waives Hearing ☐ 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 \$ 100.00

§ 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 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.90

§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5.00

TOTAL \$ 133.90

Cathy M. Phillips
Clerk of Court/ Deputy ClerkCourt Reporter: R. Tollison
SCCA /217 (07/2008)

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, \$55.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2 1 1 3 1 4

Sentence Date: 9-24-09

A TRUE COPY

MAY 14 2014

Deborah Kelly
CLERK OF COURT

A TRUE COPY

JUL 12 2010

Martha B. Newton
CLERK OF COURT

WITNESSES

GEBING, ACSD

DOCKET NO. 2008GS04 02992

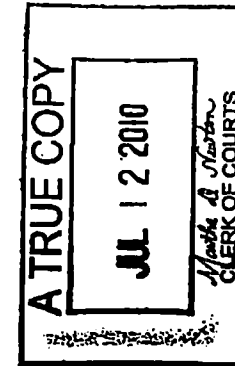
The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term



ARREST WARRANT NUMBER

J875279

THE STATE

vs.

Jocastarius Daquan Timpson

COMMITMENT

9-24-09/RT

ACTION OF GRAND JURY

TRUE BILL

DEC 16 2008

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

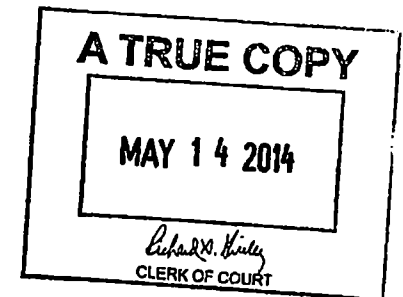
RLC

Indictment for

**Robbery / Armed Robbery, robbery while armed
or allegedly armed**

SC Code: 16-11-0330(A)

CDR Code: 0139



ARREST WARRANT

J-875279

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2008-32052

against

Jocastarius Daquan Timpson

Address: 102 Brook Forest Drive
Anderson, SC 29621-

Phone: _____ SSN: _____

Sex: M Race: B Height: 5 10 Weight: 145

DL #: SC DL #: _____

Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: R Gebing - 347

Offense: Robbery / Armed Robbery, robbery while armed
or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to
defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant R Gebing

being duly sworn deposes and says that defendant Jocastarius Daquan Timpson

did within this county and state on or about 05/23/2008

State of South Carolina (or ordinance of) ☒ County/ ☐ Municipality of

Anderson

in the following particulars:

DESCRIPTION OF OFFENSE Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on May 23, 2008, in the county of Anderson, one Jocastarius Daquan Timpson did take cash from the High Volume station
with intent to deprive while armed with a handgun, a deadly weapon. This did occur at 2401 Old Williamson Road.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/23/2008 defendant Jocastarius Daquan Timpson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of arrest, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 09/11/2008

Signature of Issuing Judge
William Daniel Sharp

Judge Code: 7013

Judge's Address Po Box 8002
Anderson, SC 29622-

Judge's Telephone (864)260-4156

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

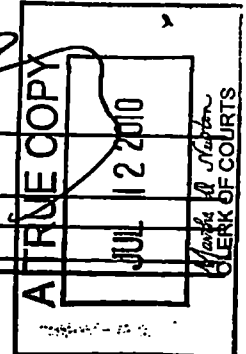
ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

A TRUE COPY

MAY 14 2014

WITNESSES

RANDALL WILLIAMS, APD

DOCKET NO. 2008GS04 02991

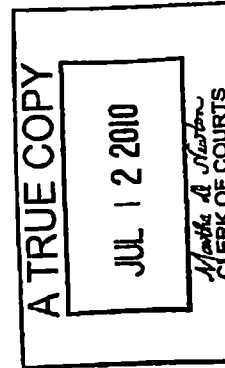
The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term



ARREST WARRANT NUMBER

1718751

THE STATE

vs.

Jocastarius Daquan Timpson

COMMITMENT

9-24-091RT

ACTION OF GRAND JURY

TRUE BILL

DEC 16 2008

[Signature]
Foreperson of Grand Jury
Date:

VERDICT

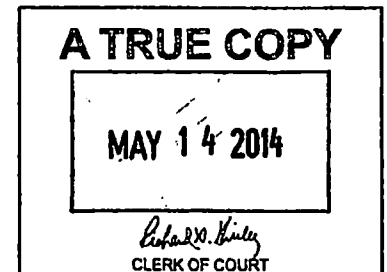
Foreperson of Petit Jury
Date:

RLC

Indictment for

**Robbery / Armed Robbery, robbery while armed
or allegedly armed**

SC Code: 16-11-0330(A)
CDR Code: 0139



STATE OF SOUTH CAROLINA

2008GS0402990
INDICTMENT NUMBER

COUNTY OF ANDERSON

2008GS0402990
CASE NUMBER

CASE DISPOSITION HISTORY

Defendant:

Timpson, Jocastarius Daquan
102 Brook Forest Drive

SS# [REDACTED]
Sex: M
Race: B

DOB: [REDACTED]
DL#: [REDACTED]
DL State: SC

Anderson, SC

A TRUE COPY

MAY 14 2014

Richard D. Kiley
CLERK OF COURT

Date of Arrest:

Filed with Clerk: December 16, 2008

Offense Description: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Disposition: Nolle Prosequi

Disposition Judge: Solicitor / Master In Equity G S And C P

Disposition Date: September 24, 2009

Martha D. Newton

Cathy M. Phillips, Clerk of Court

General Sessions, Anderson County

A TRUE COPY

JUL 12 2010

Martha D. Newton
CLERK OF COURTS

cc: ACDC
9-24-09 / RJ

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

2008GS0402990A
INDICTMENT NUMBER

2008GS0402990A
CASE NUMBER

CASE DISPOSITION HISTORY

Defendant:

Timpson, Jocastarius Daquan
102 Brook Forest Drive

SS# 0
Sex: M
Race: B

DOB: [REDACTED]
DL#:
DL State: SC

Anderson, SC

A TRUE COPY

MAY 14 2014

Richard D. Wiley
CLERK OF COURT

Date of Arrest:

Filed with Clerk: December 16, 2008

Offense Description: Weapons / Poss. weapon during violent crime, if not also
sentenced to life without parole or death

Disposition: Nolle Prosequi

Disposition Judge: Solicitor / Master In Equity G S And C P

Disposition Date: September 24, 2009

Martha D. Newton

Cathy M. Phillips, Clerk of Court

General Sessions, Anderson County

A TRUE COPY

JUL 12 2010

Martha D. Newton
CLERK OF COURTS

cc: ACDC
9-24-09 / RT

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)
Jocastarius Timpson, #337120,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE TENTH JUDICIAL CIRCUIT
Case No.: 2014-CP-04-1016

FILED-CLERK'S OFFICE
ANDERSON SC
2015 MAR 16 A
COMMON PLEAS
GENERAL SESSIONS
MAR 16 2015
Richard X. Wiley
CLERK OF COURT

CONDITIONAL ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Jocastarius Timpson (Applicant) on May 14, 2014. Respondent made its Return, requesting the application be summarily dismissed.

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Anderson County. Applicant was indicted at the November 18, 2008 term of the Anderson County Grand Jury for Armed Robbery (2008-GS-04-2669); indicted at the December 16, 2008 term of the Anderson County Grand Jury for three counts of Armed Robbery and Possession of a Weapon During the Commission of a Violent Crime (2008-GS-04-2988, -2989, -2990), four counts of Armed Robbery (2008-GS-04-2991, -2992, -2993, -2994), and two counts of Kidnapping (2008-GS-04-2995, -2996); and subsequently indicted at the June 23, 2009 term of the Anderson County Grand Jury for Assault and Battery with Intent to Kill (2009-GS-04-1563) and Armed Robbery and Possession of a Firearm During Commission of a Violent Crime (2009-GS-04-1345). Applicant was represented by Bruce A. Byrholdt, Esquire. On September 24, 2009, Applicant pled guilty before the Honorable J. Cordell Maddox in Anderson. Applicant was sentenced to confinement for a period

of ten (10) years for Assault and Battery with Intent to Kill, ten (10) years for each count of Possession of a Weapon During the Commission of a Violent Crime, twenty (20) years for each count of Armed Robbery, and twenty (20) years for each count of Kidnapping. All sentences are to run concurrently. Both charges on Indictment 2008-GS-04-2290 were nolle prossed. Applicant did not appeal his guilty plea or sentence.

2010-CP-04-2418

On July 9, 2010, Applicant filed an application seeking post-conviction relief alleging:

1. Ineffective assistance of counsel;
 - a. "Plea counsel failed to appeal despite my request"
2. "Due process violation rendering my guilty plea involuntary"
 - a. "I pled guilty to the relevant charges in ignorance of the direct consequence of the mandatory post-release supervision requirement; trial judge failed to inform me that I will be required to serve CSP after release."

In response, the State filed a Return on September 2, 2010. An evidentiary hearing was held in Anderson on March 5, 2012, before the Honorable R. Lawton McIntosh. Applicant was present at the hearing and was represented by Hugh W. Welborn, Esquire. Respondent was represented by Kaelon E. May, Esquire, of the South Carolina Attorney General's Office. At the hearing, Applicant testified on his own behalf. On May 17, 2012, the PCR Court issued an Order of Dismissal, denying Applicant's application and dismissing with prejudice.

On June 4, 2012, Appellant, through his counsel, filed a Notice of Appeal appealing the Order of Dismissal denying his PCR application. In a letter dated December 31, 2012, the South Carolina Supreme Court sent a letter to Applicant notifying him that Applicant's appellate counsel, Wanda H. Carter, Esquire, filed a Johnson Petition. Applicant did not file a response. In a letter dated April 4, 2013, the Supreme Court denied Applicant's appeal and the Remittitur was issued April 24, 2013.

CURRENT APPLICATION

In his second and current application for post-conviction relief, Applicant alleges that he is being held unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
2. "Involent Sexual Offender Registry"
3. Involuntary Guilty Plea

Before this Court are the records of the Anderson County Clerk of Court regarding Applicant's convictions, Applicant's prior PCR records, and the South Carolina Department of Corrections' records, Applicant's PCR application and Respondent's Return and Motion to Dismiss.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Successiveness

The Court finds that the current Application for post-conviction relief must be summarily dismissed because it is successive to the previous application for post-conviction relief. S.C. Code Ann. § 17-27-90 (1985) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence, or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which, for sufficient reason, was not asserted or was inadequately raised in the original, supplemental or amended application.

Successive applications are disfavored and the burden is on Applicant to establish that any new ground raised in a subsequent application could not have been raised by him in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 309 S.C. 157, 420 S.E.2d 834 (1992).

This Court finds that Applicant could have raised his current grounds in his prior post-conviction relief application, and thus the current application is successive and barred under S.C. Code § 17-27-90. Applicant has failed to establish sufficient reason why he could not have raised his current allegations in his previous application for post-conviction relief; therefore, he has failed to meet the burden imposed upon him. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980); Aice v. State, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 420 S.E.2d 834 (1992).

Statute of Limitations

The Court further finds that this Application for post-conviction relief must also be summarily dismissed for failing to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160 (Supp. 2003). S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant pled guilty to the offenses he challenges on September 24, 2009. Applicant did not appeal his conviction, so he was therefore required to file his application on or before **September 24, 2010**. This Application was filed on May 14, 2014, which was over three (3) years after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to "grant a

motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, because Applicant failed to file within the time mandated by the Post-Conviction Procedure Act, Applicant's post-conviction relief application must be summarily dismissed.

Failure to State a Claim

This Court finds the PCR application must be summarily dismissed for failure to state a claim cognizable under the Uniform Post-Conviction Procedure Act (the Act). S.C. Code Ann. §§ 17-27-10 et seq. (2003). Pursuant to the Act, an Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy; may institute, without paying a filing fee, a proceeding under this chapter to secure relief.

S.C. Code Ann. § 17-27-20(a) (2003).

Even if the facts alleged by Applicant are true, these facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds. Applicant's contention that

he is improperly required to register as a sex-offender is not a ground for relief through PCR. Rather, the allegation raised by Applicant is an issue that is properly addressed through the filing of a declaratory judgment in the circuit court. Applicant's attention is directed to Hazel v. State, 377 S.C. 60, 659 S.E.2d 137 (2008). Therefore, the current application must be summarily dismissed for failing to state a cognizable ground for relief.

CONCLUSION

Pursuant to S.C. Code Ann. §17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have with the Anderson County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Justin J. Hunter, Esquire
PCR Division – 10th Circuit
P.O. Box 11549
Columbia, SC 29211

FILED-CLERK'S OFFICE
ANDERSON SC
2015 APR 16 A 10:07
COMMON PLEAS AND
GENERAL SESSIONS

AND IT IS SO ORDERED this 12 day of March, 2015.


J. CORDELL MADDOX, JR.
Chief Judge for Administrative Purposes
Tenth Judicial Circuit

Anderson, South Carolina

Exh. B IV B-3

FORM 5
FILED CLERK'S OFFICE

STATE OF SOUTH CAROLINA ANDERSON, SC

COUNTY OF ANDERSON 2014 MAY 14 PM 4 28 IN THE COURT OF COMMON PLEAS

Jocastarius Simpson 337720 COMMON PLEAS AND 2014 - CP - 04 - 1016
Full name and prison number (if any) of Applicant: GENERAL SESSIONS

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 verified (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 clear 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 the fees 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 Lieber Corr. Inst. P.O. Box 205 Ridgerville S.C.

2. Name and location of Court which imposed sentence
Anderson County Court of General Session, 100 South Main St. Anderson, S.C. 2962

3. Name(s) of co-defendant(s) (if any)
Derrick Jones, Sanchez Gillard, Zack Harkness, Javonn Robinson

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) N/A

(b) Arm Robberies, 2 Kidnappings, 1 ABWIK

(c) Possession of A Weapon During

ATRUE COPY
MAY 14 2014
Revised 3/2003
Richard X. Kintz
CLERK OF COURT

5. The date upon which sentence was imposed and the terms of the sentence:

- (a) 9/24/09 20yrs
(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?

ND

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

- (a) the name of each Court to which you appealed:
i. _____
ii. _____
iii. _____
(b) the result in each such Court to which you appealed:
i. _____
ii. _____
iii. _____
(c) the date of each such result:
i. _____
ii. _____
iii. _____
(d) if known, citations of any written opinion or orders entered pursuant to such results:
i. _____
ii. _____
iii. _____

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

- (a) Plea Counsel Failed To Appeal Despite My Request.
(b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: See Attach
For
- (a) Ineffective Assistance Counsel
- (b) Involuntary Sexual Offender Registry
- (c) Involuntary Guilty Plea
11. State concisely and in the same order the facts which support each of the grounds set out in (10): See
Attachment
For
- (a) Strickland v. Washington, 416 U.S. 688, 104 S.Ct. 2052, 2014-80 L.Ed.2d 468
- (b) Hazel, Jr. v. State, 377 S.C. 60; 659 S.E.2d 137 (2008)
- (c) Boykin v. Alabama, 395 U.S. 238, 242, 89 S.Ct. 1709, 1711-12, 23 L.Ed.2d 196
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? Yes - Post Conviction Relief
- (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. An Application For Post Conviction Relief 1st Application
- ii. Post Conviction Relief 1st Application
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. Court of Common Pleas / Anderson County
- ii. Court of Common Pleas / Anderson County
- iii. _____
- iv. _____
- (c) the disposition thereof:

- i. Dismiss With Prejudice
- ii. Dismiss With Prejudice
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. 4/5/12
- ii. 4/5/12
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. Dismiss With Prejudice - 2010-CP-04-02418
- ii. Dismiss With Prejudice - 2010-CP-04-02418
- 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. N/A
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- 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) S.C. Code Ann. 17-27-45(c)

- (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? NIA
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NIA
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? Yes
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. Bruce Byrholdt
- ii. _____
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. Plea And Sentencing
- ii. _____
- iii. _____
19. State clearly the relief you seek in filing this application:
- Removed From The sex offender Registry, Vacate Plea And Remand For Entry of New Plea
20. Are you now under sentence from any other court that you have not challenged?
- NO

STATE OF SOUTH CAROLINA

County of ANDERSON

VERIFICATION

I, Jocastarius Timpson, 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.

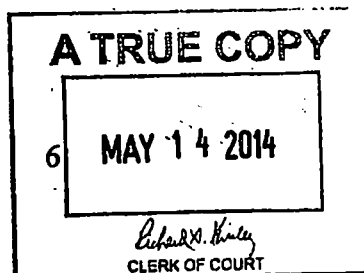
Jocastarius Timpson

SWORN to and subscribed before me this 25
day of April, 2014

[Signature] (L.S.)
Notary Public

My Commission Expires: June 2017

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ANDERSON SC
2014 MAY 14 PM 4 28
COMMOTION PLEAS AND
GENERAL SESSIONS



Revised 3/2003

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

I, Jocastarius Timpson, 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.

Jocastarius Timpson

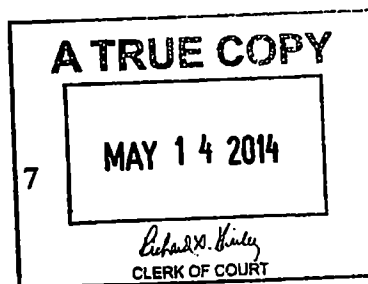
Applicant

SWORN or affirmed to and subscribed before me this
25 day of April, 2014

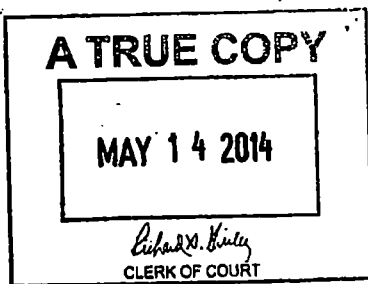
[Signature]
Notary Public

My Commission Expires: June 2012

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COMMON PLEAS AND
GENERAL SESSIONS



Revised 3/2003



Attachment To P.C.R.
Application For Grounds of Relief

Applicant Raise The Following Issues For P.C.R. Relief.

1. Involuntary Sexual Offender Register.
2. Ineffective Assistance Counsel.
3. Involuntary Guilty Plea

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Procedural History

This Is Applicant 2nd P.C.R. Application. Applicant Present His Significant Reason Why These Claims Was Not Ascertained In The Original Or Amendent Application For P.C.R. Prior To This Application. Pursuant To S.C. Code Ann: 17-27-90: Applicant Cite Tilley v. State, 334 S.C. 24 (1999). Coats v. State 575 S.E.2d 557 S.C. (2003). To Support His Significant Reason Why These Claims Wasnt Raise In The Prior Application For P.C.R.

On The Date of 9/24/09 Applicant Enter A Guilty Plea For Several Counts of ArmRobbery, 2 Counts of Kidnaping 1 Count of Assault And Battery With The Intent To Kill, Possession of A Weapon During The Commission of A Violent Crime. Applicant Was Represented By Mr. Bruce Bryholdt To Represent Applicant On All Charges. At Anderson Court House, Judge Cordell Maddox Jr. Accepted

Applicant Guilty Plea And Sentence Applicant To Confinement For An Aggregate Period Of 20yrs. Applicant Attorney Mr Bruce Brynholdt Never Requested Upon The Court To Not Allow Applicant To Not Be Listed Under The sex offender Registry Nor Did The Trial Judge Presiding Over Applicant Guilty Plea Inform Applicant Of This Requirement, Pursuant To S.C. Code Ann: 23-3-430(c)(15) Read As Follow, Requires That Any Person Convicted Of Kidnapping A Person 18yrs Of Age Or Older Must Register As A sex offender Unless A Finding Is Made On The Record That The Kidnapping Did Not Include A Criminal sexual offense Or Attempted Criminal sexual offense. (Note: All Records In Guilty Plea Hearing Will Reflect Applicant Allegation).

Applicant Present Arguement
And His Significant Reason For 2nd P.C.R

Pursuant To 17-27-90: Successive Applications For Post Conviction Relief Are Viewed With Disfavor And The Applicant Has The Burden Of Showing That A New Ground For Relief Could Not Have Been Raised In A Previous Application. Aice v. State, 305 S.Ct. 488, 409 S.E.2d 392, 395 (1991).

On 1/30/14 Applicant Learn That He Had To Register As sex offender Through SCOC Classification, Prior To Gaining Knowledge Of His Current Status As Being Listed As A sex offender. Applicant Was Exclusively Ignorant To The Existence Of The sex offender

Registry so Applicant could not have raised this claim in his 1st application because applicant was unaware of such claim. Tilley v. State, 334 S.C. 24, 511 S.E. 2d 689 (1999), "see Exhibit A" (Request Form Form S.C.D.C. Classification).

Pursuant to 17.27.45(c): Applicant has established that he lacks knowledge of this Registry and that it was newly possible that applicant could learn these facts prior to the S.C.D.C. Classification Informing applicant of these facts on 1/30/14. Coats v. State, 575 S.E. 2d 557 S.C. (2003).

In Tilley v. State, 334 S.C. 24, 511 S.E. 2d 689 (1999), Tilley filed numerous P.C.R. Application and in his last application for P.C.R. Tilley raised a material issue of fact that requires correction of his sentence or conviction in the Entry of Justice. See... S.C. Code Ann. 17.27.20(A)(4). C gave the P.C.R. Court the authority to correct any violations of the sentencing process on applicant). Hazel Jr. v. State, 337 S.C. 60; 659 S.E. 2d 137 (2008).

In Applicant's current P.C.R. Application he alleges that pursuant to Hazel Jr. v. State, 337 S.C. 60; 659 S.E. 2d 137 (2008) he is entitled to the relief because the court never made that finding on the record that applicant do not have to register as a sex offender. [Note: Guilty Plea Transcript on 9/24/09 reflect trial court error, but not limited to, trial counsel failure to make such request.]

Ineffective Assistance Trial Counsel:

1. Applicant Attorney Render Ineffective Assistance Counsel By Failing To Inform The Trial Court That The kidnapping offense In case # 2008.GS.04.2995 And In case # 2008.GS.04.2996 Was Not Apart Of A Sexual offense And Not Allow For Applicant To Have To Register Under This Sex offender Act Pursuant To S.C. Code Ann 23-3-430(c)
2. By Applicant Counsel Failing To Do This, Applicant Has Been Prejudice For The Reason: Applicant Listed As A sex offender And Applicant Having To Register Once Applicant Is Release From Prison. This Prejudice Is A Hardship In Violation Of Applicant Constitutional Rights Under The 6th Amendment And Under Applicant 14th Amendment Of U.S. Const. Amends. Liberty Clause, And Under S.C. Article 3 3. And 14. Strickland v. Washington, 466 U.S. 688, 104 S.Ct. 2052, 2064, 80 L.E.2d 674, 692 (1984).
3. Had Applicant Counsel Would Of Establish On The Record To The Trial Court To Not Allow Applicant To Have To Register Under The Sex offender Register, Its A Reasonable Probability The Outcome Would Of Been Different Because Applicant Wouldn't Have Been Listed As A sex offender And Wouldn't Have To Register When Applicant Is Release From Prison. Hezle v. State, 337 S.C. 60; 659 S.E.2d 137 (2003).

Involuntary Guilty Plea

Under The Constitutional Protections of Due Process Mandate That An Accused's Guilty Plea Be Voluntary And Intelligent. Boykin v. Alabama, 395 U.S. 238, 242, 89 S.Ct. 1711-12, 23 L.E. 2d 274 (1969).

At The Guilty Plea Hearing 9/24/09 Applicant Plead Guilty To 2 Counts of Kidnapping. Prior To Accepting Applicant Guilty Plea, The Judge Fail To Inform Applicant That By Pleading Guilty To Kidnapping Applicant Has To Register As A Sex Offender. Pursuant To S.C. Code Ann. 23-3-430(c)(15) "Any Person Convicted of Kidnapping A Person 18 yrs of Age or Older Must Register As A Sex Offender Unless A Finding Is Made on The Record That The Kidnapping Did Not Include A Criminal Sexual Offense or Attempted Criminal Sexual Offense."

Applicant Guilty Plea Is Involuntary For The Following Reasons:

1. Trial Court Error By Failing To Make Sure Applicant Understood The Nature And Elements of The Charges. Pittman v. State, 337 S.C. 597, 524 S.E. 2d 623.

2. Trial Court Never Question Applicant Attorney During The Plea Hearing Whether These Charges Have Anything To Do With A Criminal Sexual Offense. S.C. Code Ann. 23-3-430(c)(15).

3. Applicant Did Not Knowingly, Voluntary, Intelligent Plead Guilty To The sex offender Registry Pursuant To S.C. Code Ann: 23.3.430(c)(15). Which Violated Applicant's 5th And 14th Amendment Under The United States Constitution Law,

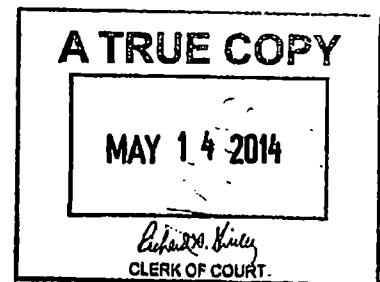
Its Nowhere In The Record Of The Transcript That Makes It Clear That There Was No Sexual Offense Involved In The Charges. The Trial Judge Did Not Make A Specific Finding That Sex Was Not Involved Nor Did The Judge Inform Applicant That He Would Have To Register As A Sex Offender. Had Applicant Would Of Known Of The Sex Offender Registry And That He May Have To Register, Applicant Would Of Never Plead Guilty And Would Of Assist In Going To Trial. Hill v. Lockhart, 474 U.S. 52, 56 (1985). People v. Van Deusen, 7 N.Y.3d 744 (2006).

Conclusion

Applicant Herby Move upon The Court On These Findings And Following Issues To Correct The Error Which Has Occur, Just Like In Hazel In v. State 337 S.C. 601, 659 S.E.2d 137 (2008).

For The Violation Of Applicant 6th And 14th Amendments Due To Ineffective Assistance Counsel Applicant Request This Court To Grant An Evidentiary Hearing.

For The Violation of Applicant 5th And 14th Amendment Due To Involuntary
Guilty Plea Applicant Request This Court To Grant A Evidentiary
Hearing.



Respectfully Submitted
Jocastarius Timpson 337120

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JAN 30 2014

MAIL ROOM
LIEBER CL

To: Name:	Ms. Ravenell	DATE:	1/29/14
Inmate:	Jocastarius Timpeon	SCDC#:	337/20
Inst:	L.C.I	Living Quater:	SMU-A212

Im Wanting To know Do I Got Any Pending Charges on me From Anderson County. I Also still Need you To check on That Incident Report For me For The charges 904, 811 That Happen on 10-7-13 Rember I Told you I wrote The D.H.O Lady And She Keep Giving me The Run Around you Told me you will Get It For me. I Really Need That Incident Report.

Also Im Tryin To see Do they Have me In The Computer Listed AS A sex Offender I Just Found out If you Have A Kidnapp Charge Thats How They Label You.

Received by Ms. Ravenell

Thank you

JAN 30 2014

A TRUE COPY

MAY 14 2014

CLERK OF COURT

Anderson: 5897516 - Lynching 1st degree.

If you will have to register for the Sexual Reg.
And I ~~love~~ you to write Mr. Bailey
and they will charge you 25K.

Joëstarius Timpson 337/20
L.C.I. SMJ-A 212
P.O. Box 205
Ridgville S.C. 29472

RECEIVED

APR 29 2014

MAILROOM
LIEBER CI

To: Anderson County Court of General S.
100 South Main St.
Anderson S.C. 29624

A TRUE COPY

MAY 14 2014

Richard W. Kinley
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

Jocastarius Timpson, #337120,
Applicant,

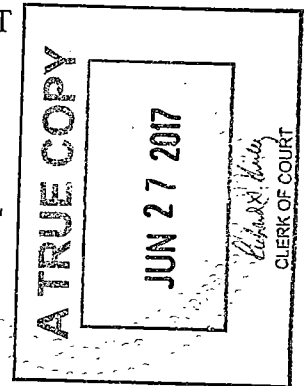
v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE TENTH JUDICIAL CIRCUIT

2014-CP-04-1016

FINAL ORDER OF DISMISSAL



This matter comes before the Court by way of an application for post-conviction relief filed May 14, 2014. Respondent made its Return on June 19, 2014, requesting the application be summarily dismissed as untimely, successive, and for failure to state a cognizable ground for relief.

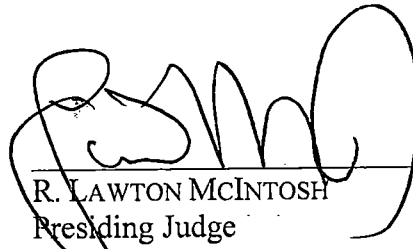
Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal (COD) signed by the Honorable J. Cordell Maddox, Jr., on March 12, 2015, and filed on March 16, 2015, provisionally denying and dismissing this action while giving the Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Applicant filed a "Motion for Recusal" on March 31, 2015, asking Judge Maddox to recuse himself from this case as he was the original plea judge. However, Applicant has not filed any substantive response to the COD to show why it should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated March 30, 2015, serving the above-mentioned COD on Applicant.

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Applicant's response to the COD was procedural in nature only, and therefore, after reviewing the application and pleadings, this Court finds a sufficient reason has not been shown why the COD should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the PCR application is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED this 23 day of June, 2017.



R. LAWTON MCINTOSH
Presiding Judge
Tenth Judicial Circuit

Anderson, South Carolina.

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GENERAL SESSIONS

IN THE SOUTH CAROLINA COURT OF APPEALS
FOR THE SOUTH CAROLINA SUPREME COURT

CASE NO: 2017-001683

JACASTARIUS TIMPSON #337120 PETITIONER,

STATE OF SOUTH CAROLINA v. RESPONDENT.

RECEIVED

SEP 13 2017

PROOF OF SERVICE

S.C. SUPREME COURT

I PETITIONER JACASTARIUS TIMPSON CERTIFY THAT I SERVED
THE COURT CLERK OF THE SOUTH CAROLINA SUPREME COURT
MY 20 DAYS RESPONSE TO WHY APPEAL SHOULD NOT BE
DISMISSED ON THE DATE OF 9-5-2017 BY PLACING A
COPY IN THE LIEBER CORR INST POSTAL MAIL BOX
LISTED AT THE ADDRESSES BELOW.

SOUTH CAROLINA SUPREME COURT
P.O. BOX 11629
COLUMBIA S.C. 29201

S/ JACASTARIUS TIMPSON
JACASTARIUS TIMPSON #337120
P.O. BOX 205
RODGERSVILLE SC 29472

DATE: 9-5-2017