

STATE OF SOUTH CAROLINA )

Indictment No.: 2017-GS-46-04838

IN THE COURT OF APPEALS )

State of South Carolina )

- vs- )

Adam James Green, )

Defendant. )

FILED-RECEIVED  
2017 NOV 17 PM 3:59  
DAVID HAMILTON  
C.C.P. & G.S.  
YORK COUNTY, SC

**RULE 203(B) EXPLANATION**

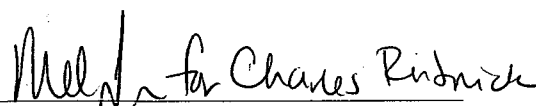
Pursuant to Rule 203(B) (iv), the issue to be raised on appeal is whether the trial court

abused its discretion when it imposed a sentence of One (1) Year suspended upon One (1) Year probation upon the Appellant after he pled guilty to Receiving Stolen Goods, value more than \$2000 but less than \$10,000.00, (Indictment Nos. 2017-GS-46-04838).

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430 F.3d 696, 705 (4<sup>th</sup> Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967))).

Respectfully submitted,

Respectfully submitted,

  
Charles Rudnick  
P.O. Box 691  
York, South Carolina 29745  
(803) 628-3031  
Attorney for Derrick Byers

Charles Rudnick  
Box 691  
York, South Carolina 29745  
York, South Carolina  
York, South Carolina

September 3, 2009

COUNTY OF YORK  
STATE VS.

ADAM JAMES GREEN

AKA: \_\_\_\_\_  
Race: White Sex: M  
DOB: 12/28  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

INDICTMENT/CASE#: 2017GS4604838  
A/W: 2017A4610100121  
Date of Offense: 02/22/2017  
S.C. Code §: 16-11-0312  
CDR Code #: 0080

CERTIFIED TRUE COPY

NOV 17 PM 1:10

ORIGINAL

RECEIVED  
NOV 2 PLEA PILE  
SC COURT of Appeals

SID# SC02281597 DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Receiving Stolen Goods \$2,000 but less than \$10,000  
In violation of § 16-13-0180(A) of the S.C. Code of Laws, bearing CDR Code # 3740

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)

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

ATTEST:  
Austin D. Newman 102332 David Hamilton 102359  
Austin D. Newman, Assistant Solicitor 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 ONE YEAR or  under the Youthful Offender Act not to exceed 2 years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of 2 days/months/years and or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for ONE  
month/year and subject to South Carolina Department of Probation, Parole and Pardon Service 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. 2 DAYS CREDIT.  
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment  
Payment Terms: \_\_\_\_\_ Obtain GED

Set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_ Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_ Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100 Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_ pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_ \$ \_\_\_\_\_ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_ Other: \_\_\_\_\_

Proviso 61.6 (Public Def/Prob) \$500 \$ 500

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_

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

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

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

TOTAL \$ 625

Appointed PD or appointed other counsel,  
Proviso §61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: David Hamilton  
Court Reporter: Aileen Butler  
Presiding Judge: J.L. Hughton  
Judge Bar ID: \_\_\_\_\_ Judge Code: 2608  
Sentence Date: 11/13/2017

SCCA/217 (07/2016)

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

**CERTIFIED TRUE COPY**

**2017 NOV 17 PM 1:10**

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

INDICTMENT

**RECEIVED**

NOV 20 2017

CC Court of Appeals

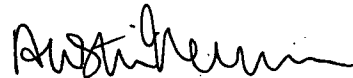
At a Court of General Sessions, convened on December 7, 2017, the Grand

Jurors of York County present upon their oath:

**BURGLARY, SECOND DEGREE (NON-VIOLENT)**

The defendant, Adam James Green, did on or about February 22, 2017, in York County, South Carolina, unlawfully enter a dwelling belonging to Richard Kent Faris located at 601 Thomas Rd without consent and with intent to commit a crime therein. All in violation of 16-11-0312, Code of Laws of South Carolina, (1976, as amended).

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



---

AUSTIN D. NEWMAN  
ASSISTANT SOLICITOR

**WITNESSES**

YCSO

Witnessing Officer: T.Hager

**ARREST WARRANT NUMBER**

2017A4610100121

**ACTION OF GRAND JURY**

Foreperson of Grand Jury  
Date:

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2017-GS-46-04838

**The State of South Carolina**

County of York

**COURT OF GENERAL SESSIONS**

DECEMBER 7, TERM 2017

THE STATE

VS.

**ADAM JAMES GREEN**

INDICTMENT FOR

**BURGLARY, SECOND DEGREE (NON-VIOLENT)**

SC Code: § 16-11-0312  
CDR Code: 0080

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

*Adam James Green*  
Defendant

*Adam James Green*  
hereby appear in my own proper person and plead guilty to the within indictment or to  
*Receiving stolen goods between \$2000 + \$10000*

*Adam James Green*  
Defendant

Witness:

*William Court*  
C.C.C. PLS. AND G.S. *Secord*