

WITNESSES

SCHP. SENTENCE MADE

2. REPORT ENDED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT

8. TRAFFIC VIOLATION COPY

COMPUTER

COMPUTER  
ARREST WARRANT NUMBER

6102P0273430

ACTION OF GRAND JURY

True Bill

AE

AUG 16 2017

Foreperson of Grand Jury  
Date:

VERDICT

DOCKET NO. 17-GS-42-412

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 21 2017 TERM

THE STATE  
vs.

Irving E Twitty

Indictment for  
HABITUAL TRAFFIC OFFENDER

SC Code: 56-1-1100  
CDR Code: 0057  
Class FEL/F

Foreperson of Petit Jury  
Date:

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2017 AUG 22 PM 2:57  
H. HOPE BLACKLEY

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STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF SPARTANBURG )

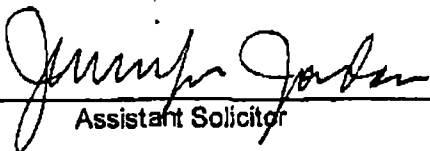
INDICTMENT

At a Court of General Sessions, convened on   AUG 18 2017   the  
Grand Jurors of Spartanburg County present upon their oath:

**HABITUAL TRAFFIC OFFENDER**

That the defendant, Irving E Twitty, did in Spartanburg County on or about June 14, 2017, operate a motor vehicle after having been declared an Habitual Offender by The South Carolina Department of Public Safety, in violation of §56-1-1100, *THE 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.

  
Assistant Solicitor

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG VS.

Computer

INDICTMENT/CASE#: 2017GS4204112
A/W#: 6102P0273430
Date of Offense: 6/14/2017
S.C. Code § : 56-01-1100
CDR Code #: 0057

AKA: Irving Eugene Twitty
Race: BLACK Sex: M Age: 50
DOB: SS#:
Address:
City, State, Zip: Spartanburg, SC 29301-1930
DL#: SID#:

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Habitual Traffic Offender 0-5 years

CONVICTED OF or PLEADS

in violation of § 56-01-1100 of the S.C. Code of Laws, bearing CDR Code # 0057
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: JORDAN JENNIFER A SC Bar# 69423 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 12 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. 26 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BU Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, 3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (07/2016)

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:

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Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.
Presiding Judge
Judge Code: 2132
Sentence Date: 11/27/17

Emailed

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF GENERAL SESSIONS  
FOR THE SEVENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA, )

v. )

Irving Eugene Twitty, )  
Defendant. )

Order to Convert a Home Detention  
Sentence to an Active Department of  
Corrections Sentence  
2017-GS-42-4112  
6102P0273430

NOV 27 2017

This matter was brought to the court on the State's oral motion to convert a house detention sentence on the above-referenced indictments to an active prison sentence. The defense also made a motion to allow the defendant until October 5, 2017 to go on home detention and a motion to reconsider the defendant's sentence. The defendant, Irving Eugene, was represented by Assistant Public Defender, James Cheek. Jennifer Jordan, Assistant Solicitor, represented the State. All three were present at the hearing.

It appears that on September 7, 2017, the Defendant received a twelve month sentence on a plea to Habitual Traffic Offender before the Honorable J. Mark Hayes. He was given credit for 26 days time served as indicated on his sentencing sheet. The defendant was given the opportunity to serve the twelve month sentence on Home Detention monitored by the Spartanburg County Detention Facility (SCDF). The defendant has stated since his plea that he is unable to afford home detention. The defendant based his motion to reconsider on information he claims he was incorrectly given by his attorney, financial hardship, and his wife's medical issues. The State did not object to the defendant's motion to allow until October 5, 2017 to meet the requirements of home detention and to begin the program. The State did object to the defendant's request to reconsider his sentence.

After hearing from Assistant Solicitor Jordan, Assistant Public Defender Cheek and the defendant, IT IS THEREFORE ORDERED that the sentence imposed on September 7, 2017, by Judge Mark Hayes in the above-referenced indictment for a one year home detention sentence be converted to an active prison sentence in the South Carolina Department of Corrections on Thursday, October 5, 2017 at 5PM if the defendant has not met the initial requirements of the DCDF Home Detention program. If the requirements are not met by the time announced on the record and stated in this Order, then the defendant is sentenced to one year in the SC Department of Corrections. Pursuant to S.C. Code Ann. § 24-13-40, the defendant is given credit for the time he spent in custody prior to his plea and after his plea was entered.

IT IS SO ORDERED.

  
J. Mark Hayes, Jr.  
Residing Judge

September 20, 2017  
Spartanburg, South Carolina

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