

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENVILLE )

C.A. NO.: 2015-GS-23-1563

2014A2330 210136

State of South Carolina ex rel,  
W. Walter Wilkins, Solicitor,  
Thirteenth Judicial Circuit,

ORDER

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMMER  
2017 NOV 8 PM 2 22

v.

RECEIVED

Polly McAbee Hindman

DEC 11 2017

SC Court of Appeals

Defendant.

On December 13, 2016, Defendant Hindman was found guilty of exploitation of a vulnerable adult and a restitution hearing was held on February 17, 2017. On October 10, 2017, Defendant Hindman made a Motion for a New Trial on the ground of newly discovered evidence.

Pursuant to Rule 29(b), SCRCrimP, the motion is out of time. The time tolled when Bette Riddle's pre-paid funeral expenses were made back in December 2012 and not when she died.

**THEREFORE**, I respectfully deny the Defendant's motion for a New Trial.



The Honorable Judge Edward W. Miller  
Circuit Court Judge, 13<sup>th</sup> Circuit  
Greenville, SC

11/8, 2017

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY  
COURT OF GENERAL SESSIONS

Edward W. Miller, Circuit Court Judge

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DEC 11 2017  
SC Court of Appeals

Case No.: 2015-GS-23-01563 and 2014A-2330210136

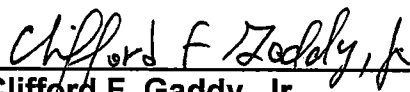
State of South Carolina.....Respondent

Polly McAbee Hindman.....Appellant

NOTICE OF APPEAL

Defendant Polly McAbee Hindman appeals the Order of Circuit Judge Edward W. Miller filed on November 8, 2017 and received by the Appellant on November 30, 2017.

December 4, 2017

  
Clifford F. Gaddy, Jr.  
408 N. Church St., Ste. B  
Greenville, South Carolina 29601  
(864) 250-5155  
*Attorney for Appellant*

Other Counsel of Record:

James P. O'Connell  
139 Grace Drive  
Easley, South Carolina, 29640  
(864) 220-0005  
*Attorney for Appellant*

Sylvia P. Harrison, Assistant Solicitor  
13<sup>th</sup> Circuit Solicitors Office  
305 East North Street, Ste. 325  
Greenville, SC 29601  
(864) 467-8647  
*Attorney for Respondent*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
State of South Carolina, )  
 )  
Solicitor, )  
 )  
vs )  
 )  
Polly McAbee Hindman, )  
Defendant. )

IN THE COURT OF GENERAL SESSIONS  
13<sup>th</sup> JUDICIAL CIRCUIT

Case # 2015-GS-23-1563 and  
2014A-2330210136

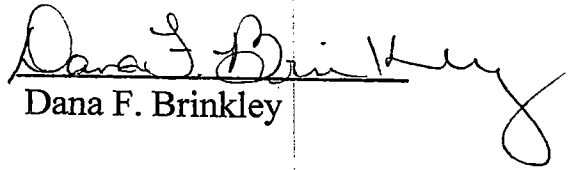
**CERTIFICATE OF SERVICE**

**RECEIVED**  
DEC 11 2017  
SC Court of Appeals

I hereby certify that I served Sylvia P. Harrison, Assistant Solicitor with Notice of Appeal and Certificate of Service in an envelope and depositing the same in the United States Postal Service addressed as follows:

**Sylvia P. Harrison, Esquire  
Solicitor's Office  
Greenville County Courthouse  
305 East North Street, Suite 325  
Greenville, SC 29601.**

December 4, 2017

  
Dana F. Brinkley

Cliff Gaddy  
Attorney at Law

office: (864) 250-5155  
fax: (864) 233-3750

# Cliff Gaddy Law Firm

121 Inglewood Way  
Greenville, SC 29615

email: cfg126@yahoo.com

December 6, 2017

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *State vs. Polly McAbee Hindman*  
C.A. No.: 2015-GS-23-01563 and 2014A-2330210136  
2017-000635

Dear Ms. Kitchings:

We enclose the following items:

- 1). Notice of Appeal (and copy) with Proof of Service;
- 2). Order of Judge Edward W. Miller filed on November 8, 2017;
- 3). Self-addressed, stamped envelope.

Please file the enclosed Notice of Appeal and return a clocked copy to us.

This appeal should be combined with the appeal in the above described pending cases.

Sincerely,



Clifford F. Gaddy, Jr.

Enclosures

cc:

Polly McAbee Hindman  
James P. O'Connell, Esquire  
Sylvia P. Harrison, Assistant Solicitor  
Paul B. Wickensimer, Clerk of Court  
John Benjamin Aplin, Assistant Attorney General

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DEC 11 2017  
SC Court of Appeals

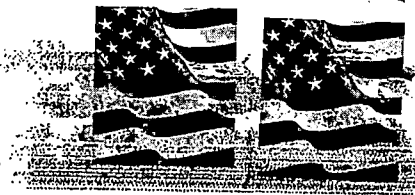
**G**  
**Cliff Gaddy**  
**Law Firm**

40 years of experience on your side.

121 Inglewood Way  
Greenville, SC 29615

GREENVILLE SC 29615

NOV 22 2017 10:11 AM



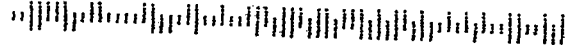
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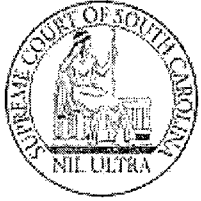
DEC 11 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

29211-162929





# Greenville County 13th Judicial Circuit Public Index



Greenville County Home Page [South Carolina Judicial Department Home Page](#)

[Family Court Public Index](#)

[Switch View](#)

<b>State of South Carolina vs Polly Mcabee Hindman</b>					
<b>Case Number:</b>	2014A2330210136	<b>Court Agency:</b>	Greenville General Sessions	<b>Filed Date:</b>	12/23/2014
<b>Case Type:</b>	Criminal-Clerk	<b>Case Sub Type:</b>			
<b>Status:</b>	Disposed	<b>Assigned Judge:</b>	Clerk Of Court C P, G S, And Family Court	<b>Disposition Judge:</b>	Miller, Edward W.
<b>Disposition:</b>	Trial Guilty				
<b>Disposition Date:</b>	02/17/2017	<b>Date Received:</b>	12/19/2014	<b>Arrest Date:</b>	12/15/2014
<b>Law Enf. Case:</b>	14-053126	<b>True Bill Date:</b>	05/19/2015	<b>No Bill Date:</b>	
<b>Prosecutor Case:</b>		<b>Indictment Number:</b>	2015GS2301563	<b>Waiver Date:</b>	
<b>Probation Case:</b>					

## Case Parties

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Gaddy, Clifford F. Jr.	Clifford F. Gaddy Jr. 121 Inglewood Way Greenville SC 29615				Defendant Attorney		09/22/2017
<input type="checkbox"/> Hindman, Polly Mcabee	109 Georgetown Way Easley SC 29640	White	F	1955	Defendant		07/03/2017
<input type="checkbox"/> Harrison, Sylvia Paris	13Th Circuit Solicitors Office . 305 East North St - Suite 325 Greenville SC 29601				Solicitor		03/24/2015
<input checked="" type="checkbox"/> Hindman, Polly Mcabee	109 Georgetown Way Easley SC 29640	White	F	1955	Defendant		07/03/2017
<input type="checkbox"/> Gaddy, Clifford F. Jr.	Clifford F. Gaddy Jr. 121 Inglewood Way Greenville SC 29615				Defendant Attorney		09/22/2017
<input type="checkbox"/> O'Connell, James P.	139 Grace Dr. Easley SC 29640				Defendant Attorney		10/19/2016
<input type="checkbox"/> Kellett, Carmen - Accredited Surety & Casualty	P O Box 6601 All Around Bail Bonds Greenville SC 29606				Bond Entity		01/13/2015
<input type="checkbox"/> Martin, J T	4 Mcgee Street Greenville SC 29601				Officer		12/23/2014
<input checked="" type="checkbox"/> O'Connell, James P.	139 Grace Dr. Easley SC 29640				Defendant Attorney		10/19/2016
<input type="checkbox"/> Hindman, Polly Mcabee	109 Georgetown Way Easley SC 29640	White	F	1955	Defendant		07/03/2017
<input type="checkbox"/> Scott, Lisa	P.O. Box 4356 Anderson SC 29622				Court Reporter		02/17/2017

## Charges

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Hindman, Polly Mcabee	2657-Exploitation / Exploitation of a vulnerable adult	2657-Exploitation / Exploitation of a vulnerable adult	02/17/2017

## Sentencing

And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	5 yrs susp 90						

days HIP bal  
susp w/prob 5  
yrs

## Actions

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Hindman, Polly Mcabee	Order Denying Defendant's Motion for a New Trial	Order		11/08/2017-14:37		
Hindman, Polly Mcabee	Motion/Discovery	Motion		10/26/2017-09:30		
Hindman, Polly Mcabee	Motion Opposing Defendant's Request	Motion		10/23/2017-09:25		
Hindman, Polly Mcabee	Motion For a New Trial	Motion		10/10/2017-14:25		
Hindman, Polly Mcabee	Order Denying New Restitution Rehearing	Order		10/05/2017-12:37		
Hindman, Polly Mcabee	motion to modify restitution	Motion		09/22/2017-16:45		
Hindman, Polly Mcabee	Notice of Appeal	Filing		03/13/2017-16:51		
Hindman, Polly Mcabee	response to defendant's motion for a new trial	Filing		03/10/2017-15:25		
Hindman, Polly Mcabee	Motion Denying New Trial & Reconsideration of Sent	Order		03/03/2017-15:57		
Hindman, Polly Mcabee	Motion for a new trial	Motion		02/27/2017-16:52		
Hindman, Polly Mcabee	Motion for rehearing of the sentnece of Polly Hindman	Motion		02/27/2017-16:51		
Hindman, Polly Mcabee	Verification/Verified	Filing		02/22/2017-11:02		
Hindman, Polly Mcabee	Restitution/Probation	Filing		02/21/2017-15:19		
Hindman, Polly Mcabee	Indictment/Sentencing Sheet	Filing		02/17/2017-10:37		
Hindman, Polly Mcabee	Motion for a Continuance	Motion		01/25/2017-15:00		
Hindman, Polly Mcabee	notice of appearance	Filing		12/28/2016-16:53		
Hindman, Polly Mcabee	motion to aside verdict	Motion		12/28/2016-16:53		
Hindman, Polly Mcabee	Deferred Sentence	Filing		12/14/2016-14:54		
Hindman, Polly Mcabee	Motion/Quash	Motion		10/21/2016-08:41		
Hindman, Polly Mcabee	motion for continuance	Motion		10/19/2016-16:52		
Hindman, Polly Mcabee	True Bill Indictment	Filing		10/18/2016-14:47		
Hindman, Polly Mcabee	Order for Probate Records	Order		10/11/2016-12:06		
Hindman, Polly Mcabee	True Bill Indictment	Filing		05/19/2015-15:50		
Hindman, Polly Mcabee	Pre-File	Filing		03/24/2015-14:50		
Kellett, Carmen - Accredited Surety & Casualty	Surety \$10 Fee	Filing		12/24/2014-08:59		
Hindman, Polly Mcabee	Filing/GS Case File	Filing		12/23/2014-10:16		
Hindman, Polly Mcabee	Bond	Filing		12/19/2014-16:21		
Hindman, Polly Mcabee	Checklist	Filing		12/19/2014-12:24		

Hindman, Polly Mcabee	Warrants	Filing		12/19/2014- 12:23		
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## Financials

### Summary

Fine/Costs:	\$138.75	Total Paid for fine/costs:	\$138.75	Balance Due:	\$0.00
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### Costs

Description	Cost Code	Amount	Charge Action	Disbursed Amount
State Assessment	STAASM	\$0.00		\$0.00
Collection Fee 3%	CFEE3%	\$3.75		\$3.75
Surety \$10	SURETY	\$10.00		\$10.00
Victim Conviction Surcharge \$100 / \$25	CVSRCH	\$100.00		\$100.00
Fine to General Fund	AFNEGF	\$0.00		\$0.00
Fine to State 44%	AFINES	\$0.00		\$0.00
Victim Services Asm 38.0013% / 5.7831%	ASMVIC	\$0.00		\$0.00
Law Enforcement Funding Surcharge \$25	LEFSUR	\$25.00		\$25.00

### Payments

Payment Date	Receipt Number	Entered By	Transaction Type Code	Payment Amount
07/03/2017	333992	PeSmith1	PY	\$0.75
07/03/2017	333992	PeSmith1	PY	\$128.00
01/13/2015	305011	LPerry	PY	\$10.00

## Bonds

### Bond Information

Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2014BD2330215048	12/15/2014		Simmons	Cash Bond	\$10,000.00	Surety Bond	\$10,000.00	

### Post Information

Bond Id	Bond Type	Amount	Date Posted	Posted By
2014BD2330215048	Surety Bond	\$10,000.00	12/15/2014	Kellett, Carmen - Accredited Surety & Casualty