

STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 STATE VS. )  
 Willie James Moore )  
 AKA: )  
 Race: BLACK Sex: M Age: 34 )  
 DOB: SS# )  
 Address: )  
 City, State, Zip: )  
 DL#: SID#: )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS4206095  
 A/W#: 2016A4210203440  
 Date of Offense: 10/1/2016  
 S.C. Code § : 16-11-0311  
 CDR Code #: 0079

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 FEB 02 2017  
 SC Court of Appeals

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO: Burglary (After June 20, 1985) - First degree (15-Life)

CONVICTED OF or  PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079  
 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. WJ (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: SMITH, SPENSER H 101370 SC Bar# and Moore Defendant Dr. Marshall Attorney for Defendant 102614 SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 18 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 (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	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 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)		\$ <u>3.75</u>

TOTAL \$ 128.75

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

Presiding Judge      
 Judge Code:      
 Sentence Date: April 13, 2017

Plea accepted 4/10/17

WITNESSES

Spartanburg County Sheriff's Office

2. REPORT MADE

3. CHARGES FILED

4. RETURNED

5. CHARGE

6. CHARGE

7. CHARGE

ARREST WARRANT NUMBER

2016A4210203440

ACTION OF GRAND JURY

DEC 09 2015

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

16-GS-42-6095

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 12 2016

TERM

THE STATE

vs.

Willie James Moore

Plea accepted 4/10/17

Indictment for

BURGLARY, FIRST DEGREE  
(Dwelling)

SC Code: 16-11-0311

CDR Code: 0079

Class: FEL/EXM (V)

RECEIVED  
FEB 02 2018  
SC Court of Appeals

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2016 DEC 16 PM 4:00  
W. HOPE BLACKLEY

Handwritten mark

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on DEC 09 2016, the Grand Jurors of Spartanburg County present upon their oath:

**BURGLARY, FIRST DEGREE**

**(DWELLING)**

That the Defendant, Willie James Moore, did in Spartanburg County, on or about October 1, 2016, willfully and intentionally enter the dwelling belonging to [REDACTED] located at : [REDACTED] / Falls Road, Spartanburg, South Carolina without consent and with the intent to commit a crime therein, and that the defendant did enter the dwelling either:

- (1) in the nighttime and/or
- (2) while armed with a deadly weapon; and/or
- (3) caused physical injury to any person who is not a participant in the crime; and/or
- (4) used or threatened the use of a dangerous instrument; and/or
- (5) displayed what is or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearms;

and/or that the defendant has a prior record of two convictions for burglary or housebreaking or a combination of both, in violation of Section 16-11-311, 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

5

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FEB 02 2018

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 The STATE of South Carolina, )  
 )  
 Prosecutor, )  
 )  
 -vs- )  
 )  
 Willie James MOORE, )  
 )  
 Defendant. )

IN THE COURT OF GENERAL SESSIONS  
**ORDER**  
 Indictment(s) No(s): **2016-GS-42-06095**

This matter came before this Court on motion of the defendant by and through his court-appointed counsel, Daniel MacDonald, Assistant Public Defender, pursuant to Rule 29, SCRCrimP seeking reconsideration of the sentence imposed by the Court.

**Salient Facts**

The defendant appeared before this Court on April 12, 2017 for disposition of the above referenced indictment charging him with Burglary 1<sup>st</sup> Degree. At the call of the case the Court was informed that the defendant wished to enter a plea of guilty to the charge. The State was represented by Spencer Smith of the Circuit Solicitor's office. Dan MacDonald, Esq. appeared with the defendant.

The usual plea colloquy established that the defendant understood the charges, the sentence range, his waiver of constitutional rights, and his waiver of any defenses. It was apparent that his decision to plead guilty was freely, voluntarily, knowingly, and intelligently made with an understanding of the consequences.

The defendant is now seeking a reconsideration of the sentence imposed by the Court.

**Applicable Law**


Rule 29, SCRCrimP, provides that "... post-trial motions shall be made within ten (10) days after the imposition of sentence." "The motion may, in the discretion of the Court, be determined ... without oral argument."

**Conclusion**

This Court carefully considered the matter and all relevant material in aggravation and mitigation at the time the sentence was imposed and no reason has been given or is apparent that would justify an alteration of it.

The defendant's Rule 29 **MOTION** should be and **IS** therefore **DENIED**.

January 26, 2018

  
 J. DERHAM COLE, Presiding Judge  
 The Seventh Judicial Circuit Court

2018 JAN 26 AM 10:23  
 CLERK OF COURT  
 SPARTANBURG COUNTY