

RECEIVED
AUG 15 2018
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to York County

Honorable J. Cordell Maddox, Jr., Circuit Court Judge

KENYON JEMEL BROWN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-000713

SUPPLEMENTAL APPENDIX

LAURA R. BAER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
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ATTORNEYS FOR RESPONDENT

ATTORNEY FOR PETITIONER

INDEX

INDEX i
PLEA WAIVER FORM 1

PLEA WAIVER FORM

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

CERTIFIED TRUE COPY

vs.

2016 OCT 12 PM 1:42

KB = defendant's initials required

Kenyon Jemel Brown,
Defendant.

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

Total Time Served (days) 287 days

I want to plead guilty, no contest, or enter a plea under N.C. v. Alford to the charges listed below. I understand that the minimum and maximum penalties as well as some of the collateral consequences for the charges to which I am pleading are listed below:

True billed Waiver

Indictment #: 2015GS4603022 CDR: 3039 Statute #: 44-53-375(B)

Original Charge: Dist/PWID/Manuf Crack 3rd

KB

Pleading To: Dist/PWID/Manuf Crack 3rd

Misdemeanor Felony

Penalty: NLT 10 years to 30 years &/or \$50,000

- Non-Violent Violent Serious Most Serious No Parole Sex Offender Registry
- Mandatory GPS Increased Punishment for Future Offenses Murder Day for Day

True billed Waiver

Indictment #: 2015GS4603023 CDR: 0185 Statute #: 44-53-370

Original Charge: Dist/PWID I-II Narc/Heroin 3rd

KB

Pleading To: Dist/PWID I-II Narc/Heroin 3rd

Misdemeanor Felony

Penalty: NLT 10 years to 30 years &/or \$50,000

- Non-Violent Violent Serious Most Serious No Parole Sex Offender Registry
- Mandatory GPS Increased Punishment for Future Offenses Murder Day for Day

2 True billed Waiver

Indictment #: 2015GS4603024 CDR: 0188 Statute #: 44-53-370

Original Charge: Dist/PWID/Manuf MJ/Sched I-III 3rd

KB

Pleading To: Dist/PWID/Manuf MJ/Sched I-III 3rd

Misdemeanor Felony

Penalty: 5-20 years&/or \$20,000

Non-Violent Violent Serious Most Serious No Parole Sex Offender Registry
 Mandatory GPS Increased Punishment for Future Offenses Murder Day for Day

True billed Waiver
Indictment #: 2015GS4603021 CDR: 3039 Statute #: 44-53-375(B)

Original Charge: Dist/PWID/Manuf Crack 3rd

KB

Pleading To: Dist/PWID/Manuf Crack 3rd

Misdemeanor Felony
Penalty: NLT 10 years to 30 years &/or \$50,000

Non-Violent Violent Serious Most Serious No Parole Sex Offender Registry
Mandatory GPS Increased Punishment for Future Offenses Murder Day for Day

True billed Waiver
Indictment #: 2015GS4603021 CDR: 3039 Statute #: 44-53-375(B)

Original Charge: Dist/PWID/Manuf Crack 3rd

KB

Pleading To: Dist/PWID/Manuf Crack 3rd

Misdemeanor Felony
Penalty: NLT 10 years to 30 years &/or \$50,000

Non-Violent Violent Serious Most Serious No Parole Sex Offender Registry
Mandatory GPS Increased Punishment for Future Offenses Murder Day for Day

True billed Waiver
Indictment #: 2015GS4602138 CDR: 0057 Statute #: 56-01-1100

Original Charge: Habitual Traffic Offender

KB

Pleading To: Habitual Traffic Offender

Misdemeanor Felony
Penalty: NMT 5 years

Non-Violent Violent Serious Most Serious No Parole Sex Offender Registry
Mandatory GPS Increased Punishment for Future Offenses Murder Day for Day

List **General Sessions** Charges Being Dismissed: Click here to enter text.

List Pending **General Sessions** Charges not being resolved: Click here to enter text.

List Prior Convictions: 2012 - Parole Revocation
2011 - Poss. of Prescription Drug; DUS 1st; Poss. of Crack 2nd
2007 - FTSBL; Poss. of Crack 2nd (3 years)

4
2006 - Simple A&B; DUS 1st
1999 - Distribution of Crack 1st (2 cts); Proximity (2 cts) (7 years)

YOA: Eligible Ineligible due to: Age Offense Other: Click here to enter text.

Currently on Probation? Yes No Is this plea a violation of the probation? Yes No

KB I have agreed to plead guilty, no contest, or enter a plea under N.C. v. Alford as part of a plea arrangement. The Solicitor, my lawyer, and I have informed the court that the following contains all of the terms of conditions of my plea:

Type of Plea Guilty N.C. v. Alford Nolo
 Recommendation Negotiated Without Recommendation

KB State is recommending or the negotiation is: 10 years

KB This plea is not the product of any other promises or any threats whatsoever, except as indicated below:
none

I understand that, upon entering a plea under N.C. vs. Alford, I will be treated as being guilty whether or not I admit that I am in fact guilty.

I understand that a no contest plea is treated by the Court the same as a plea of guilty.

The Solicitor is making a recommendation to the judge, as listed above. I understand the Judge is not required to accept the recommendation given by the Solicitor and the Judge may accept it, may go below the recommendation, or may go above the recommendation.

KB This plea is a negotiated plea and the negotiation is listed above. I understand the Judge may refuse to accept the negotiation and that if the Judge refuses, the plea will not go forward.

This plea is without negotiation and I understand I could receive from the minimum to the maximum sentence on each charge to which I am pleading guilty and that those sentences could also be run consecutive to other.

KB I am not currently under the influence of any intoxicants, drugs, or narcotics.

KB I currently DO take the following prescribed medications:

none
none

KB I am entering my plea today freely, voluntarily, knowingly, and intelligently.

- I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can ⁵ hire my own lawyer, or the court will appoint a lawyer for me if I cannot afford one. I understand an attorney would be of benefit to me, and since I am not an attorney, there is a danger in my representing myself. Understanding this, I give up this right.
- I understand that I have the right to plead not guilty and be tried by a jury, and that I am presumed innocent until such time as the jury is convinced of my guilty beyond a reasonable doubt. Understanding this, I give up that right.
- I understand I have the right to have the Court issue subpoenas to bring my witnesses and evidence to a trial at no cost to me. Understanding this, I give up that right.
- I understand I have the right to testify or remain silent at trial. Understanding this, I give up this right.
- My lawyer has reviewed with me all the factual and legal issues surrounding my case, including any defenses I may have and he or she has done everything I have asked him to do. I am satisfied with his or her services.
- I understand that I have the right to remain silent, that is, the right against self-incrimination. Understanding this, I give up this right.
- I understand that in a jury trial I have the right to see and hear all witnesses called to testify against me and to confront, cross-examine, and question them.
- I give up, for each of the charges listed above, my right to a jury trial, my right to a bench trial (trial by Judge with no jury), my right to confront and cross examine witnesses, my right to remain silent and not incriminate myself, and my right to produce evidence and to present a defense, including my right to testify on my own behalf.
- I understand that by my pleading to each charge, I am waiving all defenses, including, but not limited to the right to challenge any evidence the State may have used in its case against me and the voluntariness of any statements made to law enforcement.
- I understand that upon my conviction I may be ordered to pay restitution to any persons directly and proximately injured as a result of my commission of these crimes and that a civil judgement in favor of each person may be docketed against me and will be a lien against any real estate I own now or may own in the future.
- I understand that if I am not a citizen of the United States, my plea of guilty, no contest, or my plea under N.C. v. Alford may result in my deportation, exclusion from re-entry to the United States, and denial of naturalization and amnesty.
- I understand that I have 10 days within which to appeal this guilty plea.
- I understand that I am pleading guilty, no contest, or under N.C. v. Alford to the charges shown above.
- I now personally plead guilty; under N.C. v. Alford; no contest to the charges above.

Acknowledgement

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, the effects of any prior convictions and enhancements, have been explained to me. I understand each of the rights outlined above, and I give up each of them to enter my plea.

Defendant's Signature: Ray Brown Date: 4/16/2016

Defense Counsel's Statement

I, the attorney for the defendant in the above entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges, all discovery provided by the State, and possible defenses with the defendant and the consequences of the plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his or her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Print Name: Melissa Inzerillo Attorney Signature: [Signature] Bar # 69466

Date: 4/16/2016 Circle One: PD Retained Appointed

Solicitor's Review

I have reviewed this form as completed by the Defendant or by the Defendant with his Defense Attorney for completeness and accuracy.

Solicitors Signature: Margaret Huitt Bar # 80383

Date: 4/26/16

Judge's Confirmation

Upon consideration of the record, evidence or factual presentation offered, answers of defendant, and statements of the lawyer for the defendant and the prosecutor and the contents of this plea and waiver form, the undersigned finds that:

1. There is a factual basis for the entry of the plea,
2. The defendant is satisfied with his/her lawyer's legal services,
3. The defendant is competent to stand trial, and
4. The plea is the informed choice of the defendant and is made freely, voluntarily, knowingly, and intelligently.

The defendant's plea is hereby accepted by the Court.

Judge's Signature: John C. Hays Judge's Code: 2049 Date: 4/26/16