

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED
APR 18 2018
S.C. SUPREME COURT

Appeal from Florence County
The Honorable William H. Seals, Circuit Court Judge

Appellate Case No. 2017-001050

Anthony Tyrone Williamson,

Petitioner,

v.

State of South Carolina,

Respondent.

SUPPLEMENTAL APPENDIX

ALAN WILSON
Attorney General

WANDA H. CARTER
Appellate Defender

LINDSEY A. MCCALLISTER
Assistant Attorney General
SC Bar No. 79054
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29201
(803) 734-1330

ATTORNEYS FOR PETITIONER

ATTORNEY FOR RESPONDENT

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**BAIL PROCEEDING
FORM II**

STATE OF SOUTH CAROLINA
COUNTY OF Fla.

IN THE COURT OF GENERAL SESSIONS
 MAGISTRATE COURT
 MUNICIPAL COURT OF Fla.

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Anthony Williamson
NAME OF DEFENDANT

Offense Charged: Dist. of Court sub with pay
Trafficking Cocaine Base

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

[Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows:

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of 10,000.00.

3. That the defendant shall appear at (check one):

the term of COURT OF GENERAL SESSIONS beginning on 10-15-07
at 9:00 o'clock, AM, at Fla. Court Sess
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of MAGISTRATE COURT MUNICIPAL COURT beginning on _____
at _____ o'clock, M, at _____
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT _____

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

[Signature]
SIGNATURE OF JUDGE

9/14/07
DATE

Anthony J. Williams
Name of Defendant

11-27-06
Warrant/Ticket No.

County of Fla

Charges: Trafficking Cocaine Base Trial Court: 10-15-07 at 9:00

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

Fla. Gen. Sess.

Directions: Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge should attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

BAIL PROCEEDING

1. Form used at bail proceeding

- a. Bond Form I (personal recognizance)
- b. Bond Form II (surety, cash, percentage)
- c. None (Non-Bailable Offense)

2. For cases in which bond was set, defendant was informed:

- a. Warrant for arrest will be issued for violation of any condition of bail bond order.
- b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
- c. Failure to appear in court as required will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.

3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:

- a. Orally
 - b. In writing
- (NOTE: Defendant must be informed of right both orally and in writing.)

2007 SEP 26 PM 2:10
CLERK DEPT. OF CORRECTIONS
STATE OF FLORIDA

4. Defendant was informed of the right to trial by jury.

5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:

- a. Charges against defendant and nature of the charges.
- b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
- c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before Clark G. Sams located at 180 N. Irving St. Room 110 Fla. S.C. for indigency screening. Defendant is responsible for a statutory fee of \$ 40 for indigency screening.

Appearance or Hearing Date: 9-17-07

[Signature]

Judge's Signature

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued. I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence. It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

513 Scarborough Street
Florence SC 29501
Signature of Defendant: Anthony W. ...
Date: 9/14/07
Attorney Representing Accused (if known):

SPECIAL CONDITIONS OF RELEASE

a. Placement in custody. The defendant is placed in the custody of:
NAME OF PERSON OR ORGANIZATION

who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.
SIGNATURE OF CUSTODIAN (IF APPROVED) DATE

b. Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

c. Part-time Release. The defendant will be released from custody from ... o'clock, AM/PM to ... o'clock, AM/PM on ... DATE(S) on condition that he return to the custody of ... LOCATION as designated.

d. Other Conditions. The defendant will comply with the following other conditions of release:

APPEARANCE RECOGNIZANCE WITH SURETY

On the 14 day of SEPT 2007, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of 10,000 such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Signature of Surety Bondsmen: ... Telephone: 346 9595
Address of Surety Bondsmen: 1200 S. Kirby St. #334, Flo, SC 29501
Signature of Judge: ... Date: 9/14/07

CERTIFIED: A TRUE COPY
Clerk of Court C.P. & G.S.
Florence County, S.C.

2009 MAR 30 PM 12:13
FLORENCE COUNTY
SHEARER & G.S.
SHEARER & G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

State of South Carolina,)
)
Plaintiff,)
)
vs.)
)
Anthony Tyrone Williamson,)
)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
TWELFTH JUDICIAL DISTRICT

Indictment No.: 2008-65-7-SC

**NOTICE OF MOTION AND MOTION
TO BE RELIEVED OF COUNSEL**

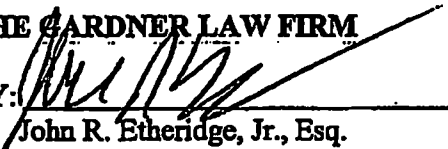
NOW COMES attorney for the above named Defendant, and hereby moves before this Honorable Court for an Order to be relieved as counsel for the Defendant in the above styled matter. The ground for this motion is as follows:

1. Defendant has not maintained contact with The Gardner Law Firm and his attorney.
2. The Gardner Law Firm and the attorney have lost all contact with the Defendant
3. A Bench Warrant was issued on Monday, March 16, 2009, and I made an oral motion to be relieved of counsel and the Judge ordered same.

This Motion will be based on such statutory authority, case law and affidavits which may be presented at the hearing on this matter.

I SO MOVE.

THE GARDNER LAW FIRM

BY: 
John R. Etheridge, Jr., Esq.
S.C. Bar No.: 12510
2284 West Evans Street
Post Office Drawer 6557
Florence, South Carolina 29502
(843) 662-9899
(843) 662-6520 (Facsimile)

ATTORNEY FOR THE DEFENDANT

Florence, South Carolina
March 19, 2009.

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)
)
State of South Carolina,)
)
Plaintiff.)
)
-vs-)
)
Anthony Tyrone Williamson,)
)
Defendant.)
)
_____)

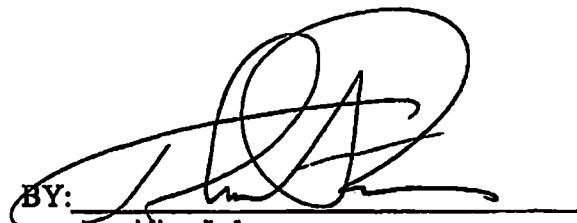
IN THE COURT OF GENERAL SESSIONS
TWELFTH JUDICIAL CIRCUIT

Indictment No.: 2008-GS-21-317
Warrant No.:

ORDER

Based upon the foregoing Motion of attorney for the Defendant, and for good cause shown, The Gardner Law Firm is hereby relieved of further representation of the Defendant in the above entitled matter.

AND IT IS SO ORDERED.

BY: 

Presiding Judge
Florence County Circuit Court
Twelfth Judicial Circuit

Florence, South Carolina
3/25, 2009.

FILED
2009 MAR 30 PM 12:13
COURT REPORTER
CCCP & GS
FLORENCE COUNTY, SC

THE GARDNER
L A W F I R M

**FLORENCE OFFICE
POST OFFICE DRAWER 6557
2184 W. EVANS ST.
FLORENCE, S.C. 29502
(843) 662-9899
FAX (843) 662-6520**

TOLL FREE 1-877-267-1818

**JOHN R. ETHERIDGE, JR.
ATTORNEY AT LAW
South Carolina Bar 12510**

March 26, 2009

**DARLINGTON OFFICE
POST OFFICE BOX 81
119 EAST HAMPTON ST.
DARLINGTON, SC 29532
(843) 393-4899
FAX (843) 393-1899**

**MARION OFFICE
POST OFFICE DRAWER 1188
2518 EAST HIGHWAY 76
MARION, S.C. 29571
(843) 423-9599
FAX (843) 423-9914**

**The Honorable Connie Reel-Shearin
Florence Clerk of Court
B11 City County Complex
180 N. Irby Street, MSC-E
Florence, South Carolina 29501**

Re: Anthony Tyrone Williamson

Dear Connie:

**I enclose an original and a copy of a Notice of a Motion and Motion To Be Relieved
Of Counsel and Order signed by Judge Russo regarding the above.**

**Please clock both documents, file the original and return the copy to our office in the
enclosed self addressed envelope provided.**

Thank you for your assistance.

With kindest personal regards, I am,

Respectfully yours,

John R. Etheridge, Jr.

**JOHN R. ETHERIDGE, JR.
JRE, Jr./jrs**

Enclosure

**2009 MAR 30 PM 12:13
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC**

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

IN THE COURT OF GENERAL SESSIONS

The State of South Carolina,)

**NOTICE OF DATES AND TIMES OF
INITIAL AND DOCKET APPEARANCES
FOR DEFENDANTS**

Versus

Anthony Williamson
Defendant

INITIAL APPEARANCE: 12-18-08 @ 9:20 AM
DOCKET APPEARANCE: 2-12-09 @ 9:00 AM

Warrant Numbers: K-366599

K-366601

Your Initial Appearance and Docket Appearance date and time as set forth above will be held at the City-County Complex, 11th Floor Court Room, 180 North Irby Street, Florence, South Carolina. The date and time of your Initial Appearance and Docket Appearance CANNOT be changed.

YOU MUST BE PRESENT AT BOTH INITIAL APPEARANCE AND DOCKET APPEARANCE. IF YOU FAIL TO APPEAR FOR YOUR INITIAL APPEARANCE OR YOUR DOCKET APPEARANCE AT THE ABOVE-STATED PLACE OR TIMES, YOUR BOND WILL BE TAKEN FROM YOU (REVOKED) AND YOU WILL BE PLACED IN JAIL UNTIL THE TRIAL OF YOUR CASE WHICH COULD TAKE MANY MONTHS. YOU WILL NOT BE GRANTED A NEW BOND IF YOU FAIL TO APPEAR.

You have been APPROVED for an attorney from the Public Defender's Office. You should contact your attorney as soon as possible at the following address and telephone: Florence County Public Defender's Office, 180 N. Irby Street, Florence, South Carolina 29501 (843) 665-3055.

Although you have applied for an attorney from the Public Defender's Office, you were REJECTED by the Court for the appointment of a Public Defender. You MUST hire your own attorney before your Initial Appearance date, if you wish to be represented by an attorney. You must have your attorney contact the Solicitor who is prosecuting your case before the Initial Appearance date.

If you want to have a preliminary (probable cause) hearing in your case, you must request one through your attorney at your Initial Appearance, or in writing within five days thereafter. Once you have made a request for a preliminary hearing, one will be scheduled and you will be notified of the date and time of your preliminary hearing.

I have read this form or have had it read to me. I understand these instructions and I have been given a copy of this form.

Defendant's Signature

Date

Judge's Signature

Date

I, DEFENDANT, DO NOT WANT A COURT APPOINTED ATTORNEY:

Defendant's Signature & Date

FILED
OCT 24 AM 13
FLORENCE COUNTY
CCCP & GS
REEL-SHE

BAIL PROCEEDING
FORM II

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE
STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS FLORENCE
ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

ANTHONY TYRONE WILLIAMSON
NAME OF DEFENDANT

Offense Charged: DIST. COCAINE BASE/ DIST. COCAINE BASE PROX. OF PARK / TRAFFICKING COCAINE/ BASE

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

[Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows:

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of 25,000

3. That the defendant shall appear at (check one):

the term of COURT OF GENERAL SESSIONS beginning on Thursday, December 18, 2008 at 9:00 o'clock, AM, at ROOM 1105, CITY-COUNTY COMPLEX, 180 N. IRBY ST. FLORENCE, SC 29502 and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of MUNICIPAL COURT OF beginning on _____ at _____ o'clock, AM, at _____
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT [Signature]

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

[Signature]
SIGNATURE OF JUDGE

12/18/08
DATE

FILED
NOV 17 AM 10:08
ONIE REEL-SHEPHERD
CLERK & GS
FLORENCE COUNTY

Name of Defendant

Warrant/Ticket No.

County/Municipality of FLORENCE

Charges: DIST. COCAINE BASE / DIST. COCAINE BASE PROX. OF PARK/ TRAFFICKING COCAINE/BASE

Trial Court:

GENERAL SESSIONS

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

Directions: Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

[] BAIL PROCEEDING/[] FIRST APPEARANCE (NON-BAILABLE OFFENSES)

1. Form used at bail proceeding [] Bond Form I (personal recognizance) [x] Bond Form II (surety, cash, percentage) [] None (Non-Bailable Offense)

2. For cases in which bond was set, defendant was informed:

[x] a. Warrant for arrest will be issued for violation of any condition of bail bond order.

[x] b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.

[x] c. Failure to appear in court as required will result in institution of additional criminal charges. Failure to appear in connection with a felony, or while awaiting sentence after conviction, additional charge has penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, additional charge has penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.

3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:

[x] Orally [x] In writing (NOTE: Defendant must be informed of right both orally and in writing.)

[x] 4. Defendant was informed of the right to trial by jury.

5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:

[x] a. Charges against defendant and nature of the charges.

[x] b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.

[x] c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before PUBLIC DEFENDER'S OFFICE located at ROOM 703, CITY COUNTY COMPLEX for indigency screening. Defendant is responsible for a statutory fee of \$ 40.00 for indigency screening.

FILED 2008 NOV 7 AM 10:56 CONNIE REL-SHEARIN: CCC & GS FLORENCE COUNTY, SC

[] 6. In all criminal domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.

Appearance or Hearing Date:

10/9/08

Judge's Signature

\$ 25,000.00

16326599 601

Criminal Charging Document No.

BAIL PROCEEDING FORM II

STATE OF SOUTH CAROLINA COUNTY OF Florence

IN THE COURT OF GENERAL SESSIONS MAGISTRATE COURT MUNICIPAL COURT OF 290

STATE OF SOUTH CAROLINA ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Anthony McCombs NAME OF DEFENDANT

Offense Charged: Injury, Criminal Poss. 11/27 Dist. 11/2 Pro.

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

(Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.)

THEREFORE, IT IS HEREBY ORDERED:

- 1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows:

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of his release to be obtained by payment to the court of % (not to exceed 10%) of the full amount of the bond, deposits to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$0,000.00

- 3. That the defendant shall appear at (check one):
the term of COURT OF GENERAL SESSIONS beginning on 12/18/08 at 9:00 o'clock AM at Dr. Dennis P... and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.
the session of MAGISTRATE COURT MUNICIPAL COURT beginning on at o'clock, M, at If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

SIGNATURE OF JUDGE

DATE 10-9-08

2008 OCT 18 3 AM CONNIE PHELPS FLORENCE COUNTY, S.C. CLERK OF COURT C.P. & G.S. CERTIFIED - A TRUE COPY

Anthony Williamsen

Name of Defendant

K-366599, K-366601

Warrant/Ticket No.

County/Municipality of Florence

Charges: Trafficking in cocaine base, Dist. poss. w/1E to dist. w/1E prog. school,

Trial Court:

12-18-08 @ 9:00 AM

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

Fb: General Sessions

Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

BAIL PROCEEDING/ FIRST APPEARANCE (NON-BAILABLE OFFENSES)

- 1. Form used at bail proceeding Bond Form I (personal recognizance) Bond Form II (surety, cash, percentage) None (Non-Bailable Offense)

2. For cases in which bond was set, defendant was informed:

- a. Warrant for arrest will be issued for violation of any condition of bail bond order.
- b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
- c. Failure to appear in court as required will result in institution of additional criminal charges. Failure to appear in connection with a felony, or while awaiting sentence after conviction, additional charge has penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, additional charge has penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.

3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:

- Orally In writing (NOTE: Defendant must be informed of right both orally and in writing.)

4. Defendant was informed of the right to trial by jury.

5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:

- a. Charges against defendant and nature of the charges.
- b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
- c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before Clerk of court located at 180 N. Irby St. Defendant is responsible for a statutory fee of \$ 40.00 for indigency screening.

In all criminal domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.

Date: 10-9-08

[Signature]
Judge's Signature

FILED
2008 OCT 24 AM 9:13
CONNIE REED-SHEARIN
CLERK OF COURT
FLORENCE COUNTY, SC

CERTIFIED A TRUE COPY
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.