

STATE OF SOUTH CAROLINA )  
)  
)  
vs. )  
)  
Clenord James Graham )  
)  
Defendant. )  
\_\_\_\_\_ )

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Indictment #: 2018GS3201264

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**RULE 203(d)(1)(B)(iv) EXPLANATION**

Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence.

The undersigned attorney consulted with the client and after consultation the client requested that an appeal be filed.

The undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430 F.3d 696, 706 (4<sup>th</sup> Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



Ola Johnson  
Attorney at Law  
P.O. Box 549  
Lexington, S.C.  
29071

Lexington, South Carolina  
January 22, 2019

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Clenord James Graham

AKA:

Race: White Sex: M Age: 34

DOB: SS

Address:

City, State, Zip:

DL#: SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS3201264

A/W#: 2017A3211000060

Date of Offense: 2/11/2017

S.C. Code §: 16-03-0010

CDR Code #: 0116

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SENTENCE BY SO Court of Appeals

CONVICTED OF or PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §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: Solicitor 64191 SC Bar# Defendant Attorney for Defendant 68563 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of life 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 SCDOC.

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: \$ days/hours Public Service Employment

Payment Terms: 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: Sentence as Deferral

Appointed PD or appointed other counsel, §Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge Judge Code: Sentence Date: 11/26/18

2159 Sentenced 1-14-19

TOTAL \$ 125.00

Clerk of Court/ Deputy Clerk Court Reporter: B. Crepper

SCCA/217 (04/2018)

Johnson

WITNESSES

Lexington County Sheriffs Department

Albert P Lyons IV

Law Enforcement Case #: 17-003447

LSM

ARREST WARRANT NUMBER

2017A3211000060

ACTION OF GRAND JURY

**TRUE BILL**

*Don B. Gray 4-9-18*

Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2018GS3201264

The State of South Carolina  
County of Lexington

COURT OF GENERAL SESSIONS

APRIL TERM 2018

THE STATE  
vs.

Clenord James Graham

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

**S.R. Hubbard III, SOLICITOR**

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JAN 23 2019  
SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
Murder

§ 16-03-0010

At a Court of General Sessions, convened on April 2018, the Grand Jurors of Lexington County present upon their oath:

That **Clenord James Graham** did in Lexington County on or about February 11, 2017, whether acting alone or in concert with another, unlawfully kill one Robert John Kobylak, with malice aforethought, either express or implied, to wit: did kill the victim by means of blunt force trauma to the head and/or beating the victim, in violation of § 16-3-10, 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

ARREST WARRANT

2017A3211000060

STATE OF SOUTH CAROLINA

County/ Municipality of

Lexington

THE STATE 17-003447 against

Clenord James Graham

Address:

Phone: SSN:

Sex: M Race: W Height: 5 11 Weight: 175

DL State: SC DL#:

EOB: Agency ORI #: SC0320000

Prosecuting Agency: Lexington County Sheriff

Prosecuting Officer: Albert P Lyons, IV - A06740

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant CLENORD JAMES GRAHAM on 3-2-17

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Mark H. Westbrook Judicial Center 205 East Main Street Lexington, SC 29072

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Lexington

Personally appeared before me the affiant Albert P Lyons, IV who

being duly sworn deposes and says that defendant Clenord James Graham

did within this county and state on or about 2/11/2017

State of South Carolina (or ordinance of County/ Municipality of Lexington) violate the criminal laws of the in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

While at 264 Shadow Dale Dr., Gaston, SC 29053 on or about 02-11-2017 the defendant Clenord James Graham and the co-defendant (Charles Anthony Allen Jr.) did commit the criminal offense of Murder when they did with malice aforethought kill the victim (Robert John Kobylak) during a burglary and kidnapping. Law enforcement obtained voluntary written statements from witnesses that contained first-hand knowledge of the crimes, implicating the defendant and co-defendant who they know by sight and sound. Witnesses provided accounts of the planning of the burglary, kidnapping, and murder, how they were committed, and the location of stolen property that was later recovered by law enforcement. This incident occurred within the jurisdiction of the LCSD. Refer to LCSD case # 17-003447.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Lexington

Affiant's Address 521 Gibson Road Lexington, SC 29072

Affiant's Telephone

RECEIVED JAN 23 2019 SC Court of Appeals

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/11/2017 defendant Clenord James Graham

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Lexington) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 2/27/2017

Signature of Issuing Judge Scott D. Whittle Judge Code: 5886

(L.S.)

Judge's Address 500 Charlie Rast Road Swansea, SC 29160

Judge's Telephone (803) 796-7100

Issuing Court: County/ Municipality/ Circuit

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