

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Barnwell County

Honorable William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BARRINGTON WAYNE GRANT,

APPELLANT

APPELLATE CASE NO. 2018-000134

RECORD ON APPEAL

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INDEX

INDEX	i
PLEA HEARING TRANSCRIPT (JANUARY 16, 2018).....	1
GUILTY PLEA/PROBATION VIOLATION.....	3
SENTENCING	26
INDICTMENTS	29
SENTENCE SHEETS	35
CERTIFICATE OF COUNSEL	38

1 State of South Carolina) In the Court
 2 County of Barnwell) Of General Sessions

3
 4 Indictment No.: 2018GS0600025
 2018GS0600026
 2018GS0600027

6 State of South Carolina,)
 Plaintiff.)

8 vs.)

Transcript of Record

9
 10 Barrington Wayne Grant,)
 Defendant.)

11
 12 January 16, 2018
 13 Barnwell, South Carolina

14 B E F O R E:

15 The Honorable William P. Keesley, Judge.
 16

17 A P P E A R A N C E S:

18 David Miller, Deputy Solicitor
 19 Attorney for the State

20 Todd Graham, Agent in Charge
 21 Department of Probation, Parole, and Pardon Services

22 Wallis Alves, Esquire
 Attorney for the Defendant

23
 24 Brenda J. Sigwald, Circuit Court Reporter
 To The Honorable Doyet A. Early III
 25 P.O. Box 206, Jackson, South Carolina 29831

I N D E X

	<u>Page</u>
Guilty Plea/Probation Violation.....	3
Certificate of Reporter.....	28

E X H I B I T S

<u>Number</u>	<u>Description</u>	<u>Page</u>
---------------	--------------------	-------------

(REPORTER'S NOTE: There were no exhibits
entered during this hearing.)

1 MR. MILLER: Barrington Grant.

2 BARRINGTON GRANT,

3 having been duly sworn, testified as follows:

4 MR. MILLER: Your Honor, before the Court, is
5 Mr. Barrington Grant. He is here today to plead guilty to
6 three indictments that have been true billed. They're
7 being handed up by the clerk, along with sentencing sheets.
8 There is a negotiated sentence on the general sessions
9 charge, those three indictments. There is also a probation
10 violation that Mr. Graham will talk to the Court about at
11 the appropriate time.

12 There is no negotiation with regard to the
13 probation violation, aside from the fact that the
14 negotiated sentence on the GS charges, is that those
15 sentences will be concurrent and concurrent with the
16 probation violation and it will be for 5 years.

17 THE COURT: You're Barrington Wayne Grant, sir?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. I have three indictments;
20 one indictment charges that in Barnwell County on or about
21 June 8, 2017, you unlawfully and knowingly possessed a
22 stolen pistol, specifically a high point .380 caliber
23 belonging to Rashonda Williams. Upon your arraignment on
24 this charge, it appears that you wish to enter a plea of
25 guilty under North Carolina versus Alford; is that right?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: I have another indictment that charges
3 that in Barnwell County on about June 8, 2017, you
4 knowingly and unlawfully processed a high point .380
5 firearm, having previously been convicted of attempted
6 murder. Upon your arraignment on this charge, it appears
7 that you wish to enter a plea of guilty under North
8 Carolina versus Alford to possession of a firearm by a
9 person convicted of a violent felony; is that right, sir.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And finally, I have an indictment that
12 charges that in Barnwell County on or about June 8, 2017,
13 you knowingly and unlawfully possessed an RG Industries .22
14 caliber firearm having previously been attempted of murder.
15 Upon your arraignment on this charge, it appears that you
16 wish to enter a plea of guilty under North Carolina versus
17 Alford to possession of a firearm by a person convicted of
18 a violent felony; is that correct, sir.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Ms. Alvez, have you fully explained to
21 your client the nature and elements of the offense, his
22 possible punishment and his constitutional rights including
23 trial by jury?

24 MS. ALVEZ: Yes, sir.

25 THE COURT: Have you explained to him the nature

1 and ramifications of an Alford plea?

2 MS. ALVEZ: Yes, sir.

3 THE COURT: Are you satisfied that he understands
4 all that?

5 MS. ALVEZ: Yes, sir.

6 THE COURT: You believe it's an appropriate case
7 for an Alford plea?

8 MS. ALVEZ: Yes, sir.

9 THE COURT: All right. Mr. Grant, today are you
10 under the influence --

11 MS. ALVEZ: Judge, may I say something to my
12 client?

13 (The defendant was conferring with his attorney.)

14 MR. MILLER: And, Your Honor, I believe that
15 there's a discrepancy. His rap sheet indicated he was
16 convicted of attempted murder, however, probation has told
17 me that he is on -- actually on probation for assault and
18 battery of a high and aggravated nature for a conviction.
19 He got convicted of that, it was the same conviction date
20 as the date listed.

21 Your Honor, we would -- it is also a violent
22 felony, so it wouldn't change anything about the charge, it
23 would just be that it was AB HAN conviction as opposed to
24 an attempted murder conviction. And we would ask that the
25 indictment be amended to reflect AB HAN for the conviction

1 as opposed to attempted murder.

2 MS. ALVEZ: That is correct, Your Honor.

3 THE COURT: Are you in agreement?

4 MS. ALVEZ: Yes, sir.

5 THE COURT: Will you waive presentment to the grand
6 jury if I change that?

7 (The defendant was conferring with his attorney.)

8 MS. ALVEZ: Yes, sir, he waives presentment to the
9 grand jury due to that change.

10 (The indictments were initialed by the defendant.)

11 THE COURT: All right. Mr. Grant, the only thing
12 that's been changed now is that you are pleading guilty
13 under North Carolina versus Alford with violent felonies on
14 Indictment 25 and 26, or assault and battery of a high and
15 aggravated nature rather than attempted murder; is that
16 your understanding?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. I've got to ask you a lot
19 of questions. If I ask you anything you don't understand,
20 let me know. If you want to stop and talk to your lawyer,
21 let me know. All right? Okay?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Today are you under the
24 influence of any medicine, alcohol, drug, anything that
25 adversely affects your thinking?

1 THE DEFENDANT: No, sir.

2 THE COURT: Do you have physical or mental problems
3 that affect your thinking today?

4 THE DEFENDANT: No, sir.

5 THE COURT: Are you clear headed, you know what
6 you're doing?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, North Carolina versus Alford is a
9 case that stands for the proposition that somebody can
10 enter a plea of guilty without admitting the truth of the
11 underlying charge. You know that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: In order for me to let somebody plead
14 guilty under Alford, certain things have to exist. The
15 first is that you've been provided with the evidence that
16 the State has against you. You know what it is that the
17 State intends to put before the jury if you went to trial?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You evaluate that and in evaluating it,
20 you determine that there's a substantial likelihood that if
21 you went to trial, you'd be convicted of these things. And
22 rather than run that risk, you want to take the benefit of
23 some plea bargain the State has offered to you. You
24 understand all that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You believe that's what's going on in
2 your case?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. Now, you need to understand that
5 an Alford plea is a criminal conviction. It goes against
6 your record. It has all the same consequences as a regular
7 guilty plea; you know that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Now, when you enter these pleas, you
10 give up important rights, including your right to remain
11 silent and your right to a jury trial. Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: If you want a jury trial, you're
14 presumed to be innocent. The State has to prove you guilty
15 beyond a reasonable doubt to convict you and you get to
16 see, hear, and have your attorney cross-examine every
17 witness against you; you know all that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: If you enter this plea, you give up all
20 those rights. You give up defenses, you give up challenges
21 to evidence. You understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you want a jury trial on any of
24 these cases?

25 THE DEFENDANT: No, sir.

1 THE COURT: Okay. I'm going to ask the solicitor's
2 office to tell me what their version of what happened is.
3 When they finish, I'm not going to ask you if that's true,
4 but I'm going to ask you if that's what you understand they
5 would intend to prove if you went to trial, all right?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. Mr. Miller.

8 MR. MILLER: Thank you, Your Honor. May it please
9 the Court. On March 21st of 2017, officers with the State
10 Law Enforcement Division and the Barnwell County Sheriff's
11 Office, acting upon a tip, conducted a traffic stop on a
12 Dodge Ram pick-up truck. That pick-up truck was stopped
13 after a traffic violation and essentially the tip was that
14 the defendant would be receiving a quantity of marijuana
15 through the U.S. mail. The vehicle was stopped. It was
16 searched. A small quantity of marijuana was found during
17 the course of the search and the defendant was cited for
18 simple possession of marijuana.

19 Thereafter, on May 1st of 2017, officers with the
20 State Law Enforcement Division, and Jasper County's
21 Sheriff's Office and the Ridgeland Police Department
22 conducted a surveillance and a traffic stop on a Nissan
23 Altima that was being driven by a subject later identified
24 as Casey Cason Jones --

25 MS. ALVEZ: Judge, I'm going to object to this

1 coming in. None of this is relevant to this particular
2 case. I believe this is all in reference to the charges
3 that are still pending against him. And as such, I would
4 argue that it's un relevant to these proceedings and I
5 would ask the Court to limit his recitation to the Barnwell
6 charges that Mr. Grant is pleading guilty to.

7 MR. MILLER: And, Your Honor, all of this is
8 relevant to the fact that there was later a search warrant
9 that was executed at the defendant's house where the guns
10 that are the underlying basis for this charge -- were found
11 and taken into evidence.

12 MS. ALVEZ: Judge, I respectfully, considering this
13 case arose when the SLED agent, who is the agent for the
14 other two cases, actually contacted probation and said that
15 he had a confidential informant who said that
16 Mr. Barrington Grant had guns and drugs in his house.

17 Those two charges have nothing to do with this --

18 THE COURT: Just tell me about the Barnwell case.

19 MR. MILLER: Your Honor, on June the 7th --

20 (There was a pause in the proceedings.)

21 MR. MILLER: On June 7th of 2017, Agent Arial, who
22 had been previously involved with the defendant, contacted
23 the Barnwell County Probation Office, specifically Agent
24 Graham, and briefed him on his contacts that he had had
25 with this defendant. Based upon that, on June the 8th,

1 Agent Graham, accompanied by the Barnwell County Sheriff's
2 Office, went to the resident -- residence of the defendant,
3 which was ■ Carol Drive, Apartment ■ in Barnwell. When
4 they got there, to the residence, officers smelled what
5 they identified as the smell of fresh marijuana coming from
6 -- well, they believed it was coming from the
7 air-conditioning unit that was in the building, in the
8 window of the building.

9 Based upon that, the officers looked in some trash
10 cans that were nearby, saw some other items in those trash
11 cans that they thought were consistent with the
12 distribution of marijuana and narcotics. They -- the
13 sheriff's office went and obtained a search warrant.

14 Once they got the search warrant, they did a search
15 of the house. They located inside the house, the High
16 Point .380 caliber handgun and the RG's Industries .22
17 caliber handgun. Subsequent investigation revealed that
18 the high point .380 caliber handgun had been stolen. Your
19 Honor, as you are aware from the indictments and every --
20 all the prior discussions out in the hallway, the defendant
21 is on probation currently for the assault and battery of a
22 high and aggravated nature arrest. He is prohibited from
23 owning any type of handguns or any type of gun or
24 ammunition. And those pistols would qualify for that
25 offense.

1 The ■ Carol Drive is in Barnwell County.

2 THE COURT: Okay. Mr. Grant, is that what you
3 understand the State would intend to prove on these
4 charges?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Has anybody forced you, threatened you,
7 coerced you in any way to get you to plead against your
8 will?

9 THE DEFENDANT: No, sir.

10 THE COURT: Any plea bargain the State made with
11 you, any agreement about dropping a charge, reducing a
12 charge, recommending a sentence, anything like that, they
13 have to tell me about it on the record in open court, the
14 court reporter has to take it down, or you lose what they
15 haven't told me about. You understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. So what's the plea
18 agreement? You want to state it again?

19 MR. MILLER: Your Honor, the plea -- the negotiated
20 plea is 5 years on each charge to run concurrent and also
21 to run concurrent with whatever probation violation the
22 Court imposes as far as -- or whatever sentence the Court
23 imposes as a result of his probation violation.

24 THE COURT: Ms. Alvez, is that your understanding
25 of the plea agreement?

1 MS. ALVEZ: Yes, sir.

2 THE COURT: Now, does he have charges pending
3 anywhere else?

4 MR. MILLER: He does, Your Honor.

5 THE COURT: Those aren't part of this?

6 MR. MILLER: No, sir.

7 THE COURT: Is that your understanding, Ms. Alvez?

8 MS. ALVEZ: Yes, sir.

9 THE COURT: So other than what's on the record,
10 Mr. Grant, has anybody promised anything to get you to
11 plea?

12 THE DEFENDANT: No, sir.

13 THE COURT: Are you fully satisfied with your
14 attorney?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Anything you want her to do on the case
17 for you -- on these cases, that she has not done?

18 THE DEFENDANT: Sir?

19 THE COURT: Is there anything you wanted her to do,
20 talk to witnesses, do research, give you advice, anything
21 at all that your lawyer could do on these cases or the
22 probation case that she hasn't done?

23 THE DEFENDANT: No, sir.

24 THE COURT: Now, each of these offenses is a
25 felony. Each carries up to 5 years in prison and a \$2,000

1 fine. You understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You lose the weapons; you understand
4 that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: In South Carolina anything over 3 years
7 is a felony; you understand?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. Now, to these charges, they had
10 a mistake on the indictment, as you know. And you've
11 waived your presentment on those. You have a right to have
12 the grand jury review those charges, in other words have
13 them go back to the grand jury again with assault and
14 battery high and aggravated, rather than attempted murder
15 on it. If you wanted that done, at least 12 of the 18
16 grand jurors would have to agree that your probably guilty
17 and the case would stop there; you know that.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: The papers indicate you're giving up
20 that right. Is that your own decision, made of your own
21 free will?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Tell me his prior criminal
24 record, please.

25 MR. MILLER: Your Honor, he had a criminal

1 possession of a loaded firearm. It was a juvenile
2 adjudication in 2004 out of New York. All of these are out
3 of New York State: 2006, criminal possession of a
4 controlled substance; 2007, assault in the second degree
5 with intent to cause serious personal, physical injury;
6 2007 criminal possession of a controlled substance; 2010,
7 criminal possession of a controlled substance and resisting
8 arrest; 2014, criminal possession of a controlled
9 substance, criminal trespass on public housing, times two;
10 in 2014 bail jumping in the third degree; in 2000 -- his
11 South Carolina record is the assault and battery of a high
12 and aggravated nature, which was in 2014 and the possession
13 -- simple possession of marijuana from May 22nd of 2017.

14 THE COURT: All right. Mr. Grant's made a free,
15 knowing, voluntary, and intelligent decision to waive
16 presentment to the grand jury and enter his pleas of guilty
17 under North Carolina versus Alford. He is doing so to take
18 advantage of a plea bargain offered to him by the State,
19 which has been announced on the record.

20 He's made his decision upon advice of counsel with
21 whom he's fully satisfied. The Court finds there's a
22 factual basis for each plea.

23 All right. Tell me about his probation case.

24 MR. GRAHAM: May I approach, Your Honor?

25 THE COURT: Sure.

1 (Handing a document to the Court.)

2 THE COURT: State has pictures, have you seen it?

3 MS. ALVEZ: No, sir.

4 Is it the same thing --

5 MR. GRAHAM: Yes, ma'am, yes.

6 THE COURT: Mr. Graham?

7 MR. GRAHAM: Yes, sir, Your Honor, if it pleases
8 the Court. Mr. Barrington Grant is currently on probation
9 for AB HAN and received a sentence of 20 years suspended to
10 time served, which was 10 months, and four years probation.
11 Mr. Barrington has 11 prior violations. He has 11 positive
12 drug tests for marijuana.

13 His current violations are as follows: Warrant
14 W0617020, he failed to follow the advise and instructions
15 of his agent by being in possession of two handguns on June
16 8, 2017. Probation agents, along with the Barnwell
17 Sheriff's Office conducted a home visit of subject's
18 residence and a .22 revolver and a .380 automatic pistol
19 was recovered laying on the bed in open view; by being in
20 possession of four other bullets that were located in a
21 plastic bag in a drawer; by being in possession of drug
22 paraphernalia as found by officers in an ashtray that
23 contained marijuana buds, and his home was reeking of
24 marijuana; by failing to pay a court ordered fine, being
25 \$60 in arrears and by failing to pay DNA fee.

1 He had a second violation citation, C0617020:
2 Subject failed to follow the advice and instruction by
3 bonding out of the Jasper County Detention Center on May
4 10th and failing to notify agent of being arrested.

5 On Warrant 17 A2710200187 for the offense of
6 manufacturing marijuana with intent to distribute and by
7 failing to notify his officer of the arrest; and by failing
8 to pay fees, Your Honor.

9 THE COURT: Has he been on probation before?

10 MR. GRAHAM: Not to my knowledge, Your Honor. Not
11 in South Carolina.

12 THE COURT: Okay. Ms. Alvez.

13 MS. ALVEZ: Your Honor, may I have the paperwork
14 that probation handed to you?

15 THE COURT: Sure.

16 MS. ALVEZ: Thank you.

17 Judge, may it please the Court.

18 THE COURT: Yes, ma'am.

19 MS. ALVEZ: Mr. Grant is 29 years old. He -- his
20 residence is in Casteel, South Carolina, with -- where his
21 sister resides. I have spoken to his family, they've been
22 here every time Mr. Grant has appeared in court. However,
23 I was not -- the numbers were not in service and I wasn't
24 able to contact other family members to have them here
25 today. But I would just say that his sister in the past

1 has told me that during the time that the guns were found,
2 he was actually in Estill. I know that would create an
3 alibi, however, he is realistic in entering the Alford plea
4 that the only alibi he has would be his sister and it's
5 unclear what his roommate would say. Her statements seem
6 to indicate that he was not in Estill. So at a trial that
7 would become an issue, if this case were to have gone the
8 trial.

9 I would just say this: Mr. Grant, he is a victim.
10 He was -- he was living in Jasper County. He was a victim
11 of a shooting and he had to spend some time recovering from
12 that. He came to Barnwell, South Carolina. He tells me
13 during the time of his recovery, he was -- not only that,
14 he was also involved in a car accident in March of last
15 year. During the time of his recovery, he was also
16 attending Axis I. He tells me that many times when he had
17 to go to his appointments -- and Axis I is our local
18 outpatient drug facility or rehab facility.

19 Many times when he had the appointments, he also
20 had problems and he had to go to his medical appointments
21 and he tells me he did call in when he was going to miss
22 the appointments. He does admit that he did miss
23 appointments because of, that's the reason why.

24 As to the failing to report, when he got out of
25 jail, Judge, he was unable to contact probation while he

1 was in jail in Jasper County. And he tells me that when he
2 got out, he thought that he would just report on his next
3 report date, which would have been the following Tuesday.
4 However, when he got a call from Mr. Graham that he needed
5 to come in, he did actually show up. And I would just note
6 when he -- Mr. Graham gave him a citation for his for his
7 -- for failing -- for failing to report right away and for
8 the Axis I -- for not appearing at Axis I as he should
9 have. And he does -- he actually did appear in court where
10 he was served with the -- with the warrant for the gun
11 charges.

12 Judge, as to the guns, he's pled Alford, and I
13 would just tell you that Mr. Grant has denied that he had
14 the possession of these guns. In fact, there was another
15 person who lived in the home and as I told Your Honor when
16 we were speaking out in the hall, the second person,
17 Vanetta Hardy, who I believe is his cousin, she was living
18 in the house with him as well. She initially admitted to
19 the police that the guns were hers. And then when -- and
20 what she specifically said is that -- the guns had been in
21 the house as long as she had been there and that she kept
22 them for protection. However, then when she found out the
23 guns were stolen, she backtracked very quickly saying that
24 the guns weren't hers. She refused to say whose the guns
25 were and then she later gave statements saying she was

1 trying -- initially she was trying to cover for Mr. Grant
2 until she found out the guns were stolen, she didn't want
3 to be involved in that. And then she said -- she
4 specifically said that guns were his.

5 Unfortunately, Mr. Grant is realistic and he knows
6 that a jury hearing all of those statements could go either
7 way and that he could get -- he truly could get convicted
8 of those charges for the possession of the weapons. He
9 didn't want to take his chances and that's why he's
10 pleading under the South Carolina -- under North Carolina
11 versus Alford.

12 Judge, I would note that in the paperwork that you
13 were given by the probation agent, it has an ashtray -- it
14 shows an ashtray with burnt cigarettes and I know that the
15 State would have alleged that those were marijuana, however
16 the girl in question, Ms. Vanetta Hardy, did volunteer to
17 the police that she was the one who had been smoking
18 marijuana in the house. So there's no indication that
19 Mr. Grant was smoking marijuana in the home.

20 Probation Agent: May it please the Court, Your
21 Honor?

22 THE COURT: Not yet.

23 Probation Agent: Okay.

24 MS. ALVEZ: On that day. Also there are pictures
25 of money. Judge, when the -- when the police -- excuse me

1 when the sheriff's department and probation executed the
2 search warrant, they did find a substantial amount of money
3 in Mr. Grant's home. However, I did speak with an attorney
4 who represented Mr. Grant on his accident case and that
5 attorney, Mr. Trip Lawton did say -- did confirm that he
6 did represent Mr. Grant on an accident case, that during
7 the same week he did -- Mr. Grant did receive a settlement
8 of over \$13,000, and Mr. Grant did cash the check that the
9 attorney gave him the day after the attorney gave it to him
10 at the bank.

11 So I do have that information if Your Honor would
12 like to see that, justifying that the money that Mr. Grant
13 had in his possession came from legitimate means and not
14 from any kind of drug activity or anything else. So
15 Mr. Graham tells me that with the money he did try to help
16 his family out. One of his nieces is severely injured from
17 an accident that she had and he tells me that he was giving
18 money to his -- the accident money for the \$13,000, he was
19 giving money to his family members and he was giving money
20 to try to help out his niece and that's what -- the money
21 that they found in the house was what he had left, that he
22 had just hidden it in locations around the house. It
23 totaled up to about \$5,500.

24 But in those pictures where you see the money,
25 that's what that -- that's where he tells me that money

1 came from. And the wrappers are in fact from the bank
2 where Mr. Graham cashed the check that he received from the
3 attorney.

4 So he has had a lot of going on medical-wise, as
5 well as with his family throughout the past year and he's
6 made every effort to try to help his family. His sister
7 did confirm to me that he did assist her financially when
8 he got his settlement. So that -- I think that speaks to
9 him in that regard.

10 Your Honor, I would ask you to -- I know that the
11 State has done a negotiated sentence of 5 years. I would
12 ask you to, for the probation violation to allow him 5
13 years for this charge as well. Judge, I would just note
14 that the -- for the probation violation, any sentence he
15 receives is 85 percent with no parole eligibility. He
16 would also have to be on supervised release when he got
17 out, so the 5 year sentence is not -- that's not quite a
18 lenient sentence.

19 He's got about -- he's got about 6 months in. He's
20 been incarcerated since he was arrested on the charges in
21 court back in May of -- on May 12th, 2017. And a 5 year
22 sentence would require him to do approximately 4 years and
23 change before he was eligible to get out, but to get out on
24 supervised release.

25 So that is -- I would consider that a substantial

1 sentence. I would ask Your Honor to sentence Mr. Grant in
2 such a manner for the probation violation. I would ask you
3 to accept the negotiation for the -- for the weapons
4 charges that he's pled guilty.

5 THE COURT: Thank you, ma'am.

6 You wanted to say something?

7 PROBATION AGENT: I did, sir. I wanted to object
8 to a lot of the facts that she was saying and the
9 allegations she was saying because there was a lot of
10 hearsay that was reported in terms of what other people
11 said. And those people aren't present in court here today
12 to testify independently. I just wanted to get that on the
13 record.

14 MS. ALVEZ: And, Judge, I would just note that
15 pursuant to the rules of evidence, hearsay is allowed at
16 the sentencing hearing and at a probation violation.

17 THE COURT: Yes, ma'am. The objection's overruled.
18 When were the guns stolen?

19 MR. GRAHAM: When were they stolen?

20 THE COURT: When were the guns stolen?

21 MR. MILLER: I apologize, I'm looking for the
22 report from the Estill Police Department.

23 The .380 was stolen from Estill and that was
24 reported September 5th of 2016.

25 THE COURT: Does your client want to say anything,

1 Ms. Alvez?

2 MS. ALVEZ: No, sir.

3 Judge, if I may say one more thing on Mr. Grant's
4 behalf.

5 THE COURT: Certainly.

6 MS. ALVEZ: Excuse me?

7 THE COURT: Certainly.

8 MS. ALVEZ: Thank you. There was -- Mr. Grant,
9 most of the time I'm saying Graham, stated that Mr. Grant
10 has 11 prior violations. I would just note that those
11 aren't violations that were actually heard in court. His
12 violations involved his testing positive and I think it
13 shows clearly -- he does have a drug problem that wasn't
14 fully addressed last year when he was going to Axis I. So
15 those -- those violations stem from that.

16 I would note that nothing in this violation report
17 indicates that Mr. Barrington Grant failed to report. He
18 tells me that he was reporting to probation as he was
19 supposed to. There's nothing in this report that alleges
20 that he didn't report. And I would note that he also paid
21 his money -- for the most part like he was supposed to. If
22 you look, you'll see this he has -- he's paid \$1,250 as of
23 last June and I would note that that was right when he was
24 arrested. He paid \$1,250 toward his supervision fees. He
25 paid \$300 toward he has court-ordered fines. It looks like

1 he was pretty much on target with paying his money as he
2 was supposed to.

3 So I would just note that while he has been on
4 probation, he has done what he's supposed to do for the
5 most part.

6 THE COURT: Okay.

7 MR. GRAHAM: If I may, Your Honor.

8 THE COURT: Yes, sir.

9 MR. GRAHAM: Mr. Grant, not only was in possession
10 of guns. He has a prior violation for the same. He's also
11 continued to use drugs while on probation and he's just
12 flat out proven he -- he claimed the money that was in the
13 house, but he's not claimed the guns and the rest of the
14 stuff that we found. He -- he verifies that the money is
15 his, but he didn't say anything about the rest of the
16 stuff.

17 We find that Mr. Grant is not a suitable candidate
18 for continued supervision, respectfully, Your Honor.

19 MS. ALVEZ: And, Your Honor, I believe the gun
20 charge he's referring to is the probation violation from
21 5/11/2016, where apparently, according to this paperwork
22 Mr. Grant was found not guilty of pointing and presenting a
23 firearm and possession of a firearm by a convicted felon.
24 So he was found not guilty on those charges. According to
25 the paperwork I have here. I don't know anything else

1 about it.

2 And if Your Honor would like to see the paperwork
3 that I received from the attorney regarding the money, I
4 can pass that up.

5 THE COURT: I'll take you at your word.

6 MS. ALVEZ: Yes, sir, thank you.

7 THE COURT: If there's nothing further, the Court
8 accepts the pleas. The sentence on each of the pleas is to
9 be committed to the South Carolina Department of
10 Corrections for a period of 5 years, plus costs and
11 assessments. The sentences run concurrently, given credit
12 for jail time under Section 24-13-40 to be calculated and
13 applied by the department of corrections.

14 I've written on your sentence sheet credit for time
15 from April 12th -- excuse me, I apologize, May 12th, 2017.
16 I'm recommending the addictions treatment unit while
17 incarcerated. Pay your court costs within a year of being
18 released from prison. I'm not allowed to waive any court
19 costs.

20 With regard to the probation matter, I find
21 Mr. Grant has violated the terms and conditions of
22 probation by failing to refrain from violations of the
23 federal, state or local law by failing to follow advise and
24 instructions of the agent by being in possession of
25 firearms or being in a residence where firearms and

1 ammunition are located, whether they were his or not. Also
2 by failing to refrain from associating with people who are
3 engaged in activities related to drugs and/or weapons.

4 I'm going to revoke 15 years, continue on
5 supervision thereafter, run it concurrently.

6 MR. GRAHAM: Thank you, Your Honor.

7 THE COURT: Good luck to you, sir.

8 MR. MILLER: Thank you, Your Honor.

9 * * * * * END OF TRANSCRIPT * * * * *

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1 State of South Carolina)
2 County of Aiken) **Certificate of Reporter**

3
4
5
6 I, Brenda J. Sigwald, Official Court Reporter for
7 the Second Judicial Circuit of the State of South Carolina,
8 do hereby certify that the foregoing is a true, accurate,
9 and complete Transcript of Record of the proceedings had
10 and evidence introduced in the trial of the captioned case,
11 relative to appeal, in the Court of General Sessions in and
12 for the State of South Carolina on the 16th of January,
13 2018.

14 I FURTHER CERTIFY that I am neither kin, counsel,
15 nor of interest to any party hereto.

16 IN WITNESS WHEREOF, I have hereunto set my hand and
17 seal at Aiken County, this 24th day of July, 2018.

18

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Brenda J. Sigwald

Brenda J. Sigwald,
Court Reporter and Notary Public
For the State of South Carolina
My commission expires
January 4, 2020

WITNESSES

State Law Enforcement Division

Martin S Jarrell

Law Enforcement Case #: 78-17-0130

DWM

ARREST WARRANT NUMBER

2017A0610400184

ACTION OF GRAND JURY

True Bill

John V. Plevin

Foreperson of Grand Jury

Date: January 16, 2018

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018GS0600025

The State of South Carolina

County of Barnwell

COURT OF GENERAL SESSIONS

JANUARY TERM 2018

THE STATE

vs.

BARRINGTON WAYNE GRANT

CDR #: 3434

Indictment for

**POSSESSION OF A FIREARM BY A
PERSON CONVICTED OF VIOLENT
FELONY**

§ 16-23-0500(A)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
) INDICTMENT FOR
 COUNTY OF BARNWELL) POSSESSION OF A FIREARM BY A PERSON
) CONVICTED OF VIOLENT FELONY
)

§ 16-23-0500(A)

At a Court of General Sessions, convened on January 15, 2018, the Grand Jurors of Barnwell County present upon their oath:

That **BARRINGTON WAYNE GRANT** did in Barnwell County on or about June 8, 2017, knowingly and unlawfully possess RG Industries .22 caliber firearm and Barrington Wayne Grant, having been previously convicted of ~~Attempted Murder~~ ^{ASSAULT & BATTERY OF A HIGH & AGGRAVATED NATURE}, violated section §16-23-500 of the South Carolina Code of Laws (1976), as amended, which prohibits such possession by a person convicted of a violent felony.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

David W. Thurmond

J. STROM THURMOND, SOLICITOR

WITNESSES

State Law Enforcement Division

Martin S Jarrell

Law Enforcement Case #: 78-17-0130

DWM

ARREST WARRANT NUMBER

2017A0610400185

ACTION OF GRAND JURY

True Bill

John V. Pinner

Foreperson of Grand Jury

Date: January 16, 2018

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018GS0600026

The State of South Carolina

County of Barnwell

COURT OF GENERAL SESSIONS

JANUARY TERM 2018

THE STATE

vs.

BARRINGTON WAYNE GRANT

CDR #: 3434

Indictment for

**POSSESSION OF A FIREARM BY A
PERSON CONVICTED OF VIOLENT
FELONY**

§ 16-23-0500(A)

J. STROM THURMOND, SOLICITOR

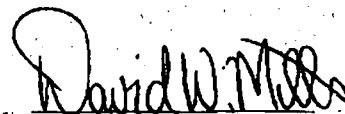
STATE OF SOUTH CAROLINA)
COUNTY OF BARNWELL)
INDICTMENT FOR
POSSESSION OF A FIREARM BY A PERSON
CONVICTED OF VIOLENT FELONY

§ 16-23-0500(A)

At a Court of General Sessions, convened on January 15, 2018, the Grand Jurors of Barnwell County present upon their oath:

That **BARRINGTON WAYNE GRANT** did in Barnwell County on or about June 8, 2017, knowingly and unlawfully possess a HiPoint .380 caliber firearm and Barrington Wayne Grant, having been previously convicted of ~~Attempted Murder~~ ^{ASSAULT & BATTERY OF A HIGH & AGGRAVATED NATURE}, violated section §16-23-500 of the South Carolina Code of Laws (1976), as amended, which prohibits such possession by a person convicted of a violent felony.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



J. STROM THURMOND, SOLICITOR

WITNESSES

State Law Enforcement Division

Martin S Jarrell

Law Enforcement Case #: 78-17-0130

DWM

ARREST WARRANT NUMBER

2017A0610400187

ACTION OF GRAND JURY

True Bill

John V. Pearson

Foreperson of Grand Jury
Date: January 16, 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS0600027

The State of South Carolina

County of Barnwell

COURT OF GENERAL SESSIONS

JANUARY TERM 2018

**THE STATE
vs.**

BARRINGTON WAYNE GRANT

CDR #: 2364

Indictment for

POSSESSION OF A STOLEN PISTOL

§ 16-23-0030

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF BARNWELL)
)

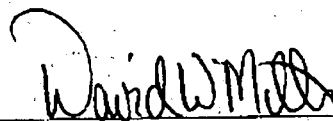
INDICTMENT FOR
POSSESSION OF A STOLEN PISTOL

§ 16-23-0030

At a Court of General Sessions, convened on January 15, 2018, the Grand Jurors of Barnwell County present upon their oath:

That **BARRINGTON WAYNE GRANT** did in Barnwell County on or about June 8, 2017, unlawfully and knowingly possess a stolen pistol, to wit: HiPoint .380 caliber firearm belonging to Rashundra Williams. All in violation of Section 16-23-30 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Barnwell
 STATE VS.
Barrington Wayne Grant

AKA:

Race: Black Sex: M Age: 29DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Barnwell, SC 29812DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒In disposition of the said indictment comes now the Defendant who was
 TO: Possession of a Firearm by a Person Convicted of Violent FelonyINDICTMENT CASE#: 2018GS0600025A/W#: 2017A0610400184Date of Offense: 6/8/2017S.C. Code 16-23-0500(A)CDR Code #: 3434

SENTENCE SHEET

0.5 yrs 1/2 or 10-2K☐ CONVICTED OF or ☒ PLEADSNC v. Alfordin violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC § 17-25-45

w/minor 1st or Lowd Act)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. 369 (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

David Warren
Miller, David WarrenSC Bar#DefendantWalter Alford
Attorney for DefendantSC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act, not to exceed 5 yearsand/or to pay a fine of \$ 0; provided that upon the service of 0 days/months/years and/or paymentof \$ 0; 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. Credit time from 5/12/2017 to 6/8/2017☐ 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 PTUPTotal: \$ 0 plus 20% fee: \$ 0

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</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:

0 days/hours Public Service EmploymentObtain 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 \$ 0 beginning \$ 0 paid to Public Defender FundOther: Pay court costs w/in 1 yr. ofrelease from prison☐ Appointed PD or appointed other counsel.

Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

William P. Alford
2050
Jan. 16, 2018

36

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Barnwell
 STATE VS.
Barrington Wayne Grant

INDICTMENT/CASE#: 2018GS0600026
 A/W#: 2017A0610400185
 Date of Offense: 6/8/2017
 S.C. Code §: 16-23-0500(A)
 CDR Code #: 3434

AKA: _____
 Race: Black Sex: M Age: 29
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: Barnwell, SC 29812
 DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒
 In disposition of the said indictment comes now the Defendant who was
 TO: Possession of a Firearm by a Person Convicted of Violent Felony

SENTENCE SHEET

D-5413 9/11/17-2K

☐ CONVICTED OF or ☒ PLEADS

NK v. Alford

in violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lowd Act)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. DL (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: David Warren 19553 B. Bunt Waller Alford 65401
 Miller, David Warren SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 5 day/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. ATU

☒ 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. Credit for time served 5/12/2017 UP

☐ 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 \$ 100.00
 § 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 Enforc. Funding) \$25 \$ 25.00
 § 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) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Mark D. McShane

Court Reporter: Alana Sygale

SCCA/217 (07/2016)

Presiding Judge William C. Hensley
 Judge Code: 2050
 Sentence Date: Jan 16, 2018

☐ Appointed PD or appointed other counsel.
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

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: Pay court costs w/in 1 yr. of
release from prison

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Barnwell
STATE VS.Barrington Wayne Grant

AKA:

Race: Black Sex: M Age: 29DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Barnwell, SC 29812DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒

In disposition of the said indictment comes now the Defendant who was

TO: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful; stolen pistolin violation of § 16-23-0030 of the S.C. Code of Laws, bearing CDR Code # 2364☒ 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. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

David Warren
Miller, David Warren6553
SC Bar#B Grant
DefendantWalter Alford
Attorney for Defendant65401
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 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. Credit time from 5/12/17. (see)☐ 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

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	\$ 100.00
§ 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	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40.00	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court: Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2018GS0600027A/W#: 2017A0610400187Date of Offense: 6/8/2017S.C. Code §: 16-23-0030CDR Code #: 2364

SENTENCE SHEET

0 5yrs + 90 dk☐ CONVICTED OF or ☒ PLEADSTO: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful; stolen pistolNC v. Alfordin violation of § 16-23-0030 of the S.C. Code of Laws, bearing CDR Code # 2364☒ 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. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

David Warren
Miller, David Warren6553
SC Bar#B Grant
DefendantWalter Alford
Attorney for Defendant65401
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 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. Credit time from 5/12/17. (see)☐ 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

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	\$ 100.00
§ 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	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40.00	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court: Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

PTUP

_____ days/hours Public Service Employment

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: Pay court costs after 1 yr. ifrelease from prisonPay \$40 public defender application fee.RDPay \$40 public defender application fee.RD☐ Appointed PD or appointed other counsel.

Proviso 61.6 requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge

Judge Code: 2050Sentence Date: Jan. 16, 2018

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,


Victor R Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 1st day of February, 2019.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Victor R Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 1st day of February, 2019.

RECEIVED
FEB 01 2019
SC Court of Appeals