

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 01, 2019

The Honorable Sharon W. Staggers
125 W Main St
Kingstree SC 29556-3343

REMITTITUR

Re: The State v. Branden Joshua Kirby
Lower Court Case No. 2013GS4500218
Appellate Case No. 2016-001406

RECEIVED

FEB 11 2019

SC Court of Appeals

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

The following exhibits filed in this case are being returned to you:

State's Exhibits #1-9 - Photographs

Please sign and return the enclosed copy of this letter acknowledging receipt of these items.

Exhibit Receipt Acknowledgment - Please Print

Name: Sharon Richards Date: 2/6/19

FILED
2019 FEB -6 PM 3:27

COUNTY OF Williamsburg
STATE VS.
Branden Joshua Kirby
AKA:
Race: 2 Sex: M Age: 26
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2013-GS-45-0218
A/W#: 2013A4510100268
Date of Offense: 4/4/2013
S.C. Code § : 16-11-0020
CDR Code #: 0124

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Tools / Possession, makin g tools implementation of Burglary

in violation of § 16-11-0020 of the S.C. Code of Laws, bearing CDR Code # 0124
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §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: Brown, Tyler SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to State Department of Corrections, County Detention Center,
for a determinate term of 4 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
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:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$733.90

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:
A CERTIFIED TRUE COPY
SHARON W. STAGG
CLERK OF COURT
WILLIAMSBURG COUNTY

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (03/2011)

Presiding Judge
Judge Code:
Sentence Date:
Sealed Sentence imposed June 29, 2016



ALAN WILSON
ATTORNEY GENERAL

February 4, 2019

The Honorable Ernest A. Finney, III
Third Circuit Solicitor
141 N. Main Street
Sumter, SC 29150

RECEIVED
FEB 11 2019
SC Court of Appeals

RE: State v. Branden J. Kirby
2013-GS-45-218

Dear Solicitor Finney:

In its Unpublished Opinion No. 2019-UP-029, filed on January 16, 2019, the South Carolina Court of Appeals affirmed the above appeal after review. The Remittitur has been sent to the Williamsburg County Clerk of Court. Therefore, with this letter, we are closing our direct appeal file in this matter.

We are unable to determine from our records whether the sentence has been served and, therefore, request that you ensure that the sentence has been carried out.

Sincerely,

V. Henry Gunter
Assistant Attorney General

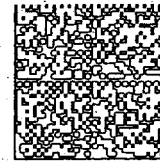
VHG/ssm
Enclosure

cc: The Honorable Sharon R. Stagers
Victim Advocacy Division

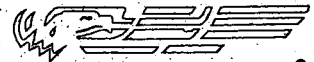
FILED
2019 FEB -6 PM 3:27
CLERK OF COURT
SOUTH CAROLINA
COLUMBIA, SC

SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY
125 WEST MAIN STREET
KINGSTREE, SC 29556

COLUMBIA
SC 290
07 FEB 2019
PM 3:11



U.S. POSTAGE >> PITNEY BOWES



ZIP 29556 \$ 000.50⁰
02 4W
0000354778 FEB. 07. 2019

SC Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RECEIVED
FEB 11 2019
SC Court of Appeals

29211-162929

