

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
J. Derham Cole, Circuit Court Judge

Case No.: 06-GS-42-3329

Phillip McEntire.....Appellant
vs.
The StateRespondent

RECORD ON APPEAL

John G. Reckenbeil, Esquire
215 Magnolia Street
P.O. Box 1633 (29304)
Spartanburg, SC 29306
(864) 582-5472
Attorney for Appellant

Salley W. Elliot, Esquire
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3970
Attorney for Respondent

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SC Court of Appeals

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Transcript of Appellant's Plea..... Exhibit 1-18

Appellant's Sentencing Sheet..... Exhibit 19-20

Appellant's Indictments and Arrest Warrants..... Exhibit 21-24

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Phillip Michael McEntire,) 2011-GS-42-4456;4457
6 Defendant.) March 8, 2012
7) Spartanburg, South Carolina

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11 B E F O R E :
12 HONORABLE J. DERHAM COLE, JUDGE
13

14
15 A P P E A R A N C E S :
16 CHAD M. GRAHAM, ESQUIRE
17 Attorney for the State
18 JOHN G. RECKENBEIL, ESQUIRE
19 Attorney for the Defendant
20

21
22 Linda D. Moffitt
23 Circuit Court Reporter
24
25

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Guilty plea -- page 3.

No sworn testimony; no exhibits entered into evidence.

1 THE COURT: You are Phillip Michael McEntire.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Mr. Reckenbeil is your lawyer.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: How long has he been representing you?

6 THE DEFENDANT: About a month.

7 THE COURT: About a month? And during that time have
8 you had plenty of opportunity to talk with him about the
9 nature of these charges, as well as your apparent decision
10 to plead guilty to them?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Has he been over the indictments with you
13 and explained to you what the state claims you did?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Did he explain to you what kind of
16 sentence could be imposed if you were found guilty?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Did you tell him everything you know about
19 the circumstances that relate to these allegations?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Did you and he discuss whether or not you
22 have a defense to any charge to which you've offered to
23 plead guilty?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you know of any defense that you have?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: What is it?

3 THE DEFENDANT: Not being mine.

4 THE COURT: Sir?

5 THE DEFENDANT: Not being mine.

6 THE COURT: You deny that you trafficked or possessed
7 any of this, these drugs?

8 THE DEFENDANT: No. That was our defense. I couldn't
9 understand what you were saying.

10 THE COURT: I asked if you and Mr. Reckenbeil had
11 discussed whether or not you have a defense to either of
12 these charges to which you've indicated you want to plead
13 guilty.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you have a defense to either charge?

16 THE DEFENDANT: No, sir.

17 THE COURT: You do not?

18 THE DEFENDANT: No, sir.

19 THE COURT: Indictment 2011-4456 charges you with
20 trafficking in cocaine.

21 The state alleges that on or about May the 6th of 2011
22 you did knowingly sell, manufacture, cultivate, deliver,
23 purchase or bring into the state, or you did provide
24 financial assistance, or you did otherwise aid, abet,
25 attempt or conspire to sell, manufacture, cultivate,

1 deliver, purchase or bring into the state, or you did
2 knowingly have in your actual or constructive possession
3 more than 100 grams of cocaine.

4 If you were convicted of trafficking in more than
5 100 grams of cocaine you would be required to serve a
6 mandatory prison sentence of 25 years. No part of that
7 could be suspended. You could not be granted probation.
8 You'd have to do 25 years.

9 You've indicated by your signature, and the
10 solicitor's indicated he's allowing you to plead guilty to
11 a lesser amount of cocaine which would carry a reduced
12 sentencing range. He's allowing you to plead guilty to an
13 amount of more than 28 but less than 100 first offense.
14 But it still carries up to 25 years in jail and a fine of
15 \$50,000. Do you understand what you're charged with?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand what you're pleading
18 guilty to?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And the potential sentence that can be
21 imposed?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Indictment 2011-4457 also charges you with
24 trafficking in cocaine.

25 The state alleges that occurred on April the 15th of

1 2011. They again -- on that date they allege that you did
2 have in your actual or constructive possession more than
3 ten grams of cocaine. That carries up to -- and that's a
4 second offense under the drug statute for which you can
5 receive a sentence of up to 30 years in jail and a fine of
6 \$50,000.

7 Do you understand that charge and the potential
8 punishment?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you still want to plead guilty to each
11 as you've indicated?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You do?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you had plenty of time to talk with
16 your lawyer about that decision?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Did he explain to you each of the
19 constitutional rights that you have that you must give up
20 if you want to plead guilty?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Did he explain to you that you have the
23 right to remain silent?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And that simply means that you have a

1 right not to say anything. You don't have to testify in
2 court; you don't have to make any statements; you don't
3 have to answer any questions that relate to these charges,
4 but certainly none that would tend to prove you guilty.

5 You have an absolute right to remain silent and to
6 require the state to come into this court with sufficient
7 evidence to establish your guilt to the satisfaction of a
8 jury beyond a reasonable doubt, and you never have to
9 assist them in their efforts to prove your guilt by you
10 testifying or making statements or answering questions that
11 might tend to prove your own guilt.

12 But if you wish to plead guilty you have to give up
13 your right to remain silent because I'm going to ask you
14 questions in order to determine the voluntariness and the
15 intelligence of your decision. And that will necessarily
16 require that you incriminate yourself. But it's your
17 choice. You have to decide if that's what you want to do.

18 Do you understand your right to remain silent?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you wish to give it up in order to
21 plead guilty?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You also have a right to confront any
24 witness that would offer evidence against you.

25 In other words, you have a right to require the state

1 to bring their witnesses into court. And any witness that
2 would offer testimony or other evidence tending to prove
3 your guilt would have to take the witness stand, testify in
4 your presence under oath so that you could see who they
5 are. You could hear what have to say, and your lawyer
6 could examine the witnesses on that testimony in order to
7 test the credibility of the witness and the reliability of
8 the information they're providing.

9 when you plead guilty the witnesses may be in court,
10 but they don't testify. They're not placed under oath.
11 And you don't get to examine them. But you have a right to
12 if you wish to.

13 Do you understand your right to confront the witnesses
14 against you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand when you plead guilty
17 you give that right up?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Is that what you wish to do?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You also have the right to have a jury
22 trial and for 12 jurors to determine whether or not you're
23 guilty.

24 If you elect to have a jury trial you help pick the
25 jury. Twelve are selected from a larger panel or pool of

1 jurors that are waiting on us down the hall right now.

2 Once those 12 are selected they sit over there in that
3 jury box, and they consider all of the evidence in your
4 cases. They decide the facts.

5 In other words, they determine what, if anything, they
6 believe occurred as it relates to the allegations against
7 you for possessing quantities of cocaine that constitute
8 trafficking in cocaine.

9 The jury decides the facts, and then they apply the
10 law that I provide them. They determine whether or not
11 you're guilty.

12 Before they could find you guilty all 12 have to be
13 convinced of your guilt beyond a reasonable doubt. And the
14 burden is on the state to convince them of that fact. And
15 that just means that while the state has to prove that
16 you're guilty, you still don't have to prove anything. You
17 don't even have to testify in the trial of the case. But
18 you have that option if you wish to. You simply have to
19 make that decision.

20 Do you understand your right to have a jury trial and
21 for a jury to decide the verdict?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And understanding that right, do you wish
24 to give it up in order to plead guilty?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: They have agreed to dismiss some charges
2 in return for you pleading guilty to these two charges, is
3 that true?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And, solicitor, am I to understand that
6 he's pleading guilty on these two charges and anything else
7 that's pending against him today will be dismissed?

8 MR. GRAHAM: Yes, Your Honor. The one on the trial
9 docket and the two other marijuana charges that are not on
10 the trial docket this week will be dismissed.

11 THE COURT: And there's a negotiated sentence of 18
12 years.

13 MR. GRAHAM: Yes, sir, Your Honor.

14 THE COURT: And there's a negotiated sentence of 18
15 years.

16 Is that what you understood to be the agreement
17 between you and your lawyer and the solicitor?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Did anybody promise you anything other
20 than that?

21 THE DEFENDANT: No, sir.

22 THE COURT: Did anybody agree to do anything else for
23 you if you pled guilty?

24 THE DEFENDANT: No, sir.

25 THE COURT: Has anybody threatened, coerced you,

1 forced you or pressured you in any way to plead guilty?

2 THE DEFENDANT: No, sir.

3 THE COURT: Are you pleading guilty freely and
4 voluntarily?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And are you guilty of trafficking in
7 cocaine as it is described in each of these two separate
8 indictments?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand that when you plead
11 guilty you give up your right to assert any defense that
12 you have?

13 In other words, if you believed that the state in any
14 way acted illegally or that the seizure of any evidence to
15 be used against you was seized unlawfully or you have any
16 challenge to the constitutionality of a search or seizure,
17 that when you plead guilty you give up your right to
18 challenge that search and/or that seizure. And is that
19 what you wish to do?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And you discussed that fully with
22 Mr. Reckenbeil?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You are 25 years old?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: How far did you in school?
2 THE DEFENDANT: Graduated.
3 THE COURT: From where?
4 THE DEFENDANT: I went to jail. I came back home, and
5 I graduated from an on-line class and got my high school
6 diploma.
7 THE COURT: Are you married?
8 THE DEFENDANT: No. I am engaged.
9 THE COURT: Do you have any children?
10 THE DEFENDANT: One, and two on the way.
11 THE COURT: Do you work?
12 THE DEFENDANT: No, sir.
13 THE COURT: What kind of work have you done?
14 THE DEFENDANT: I do side work, help my father work at
15 construction work.
16 THE COURT: And you said you have one child. And you
17 have two on the way?
18 THE DEFENDANT: Yes, sir.
19 THE COURT: Are they twins?
20 THE DEFENDANT: No. Two different girls.
21 THE COURT: You have got two different girls that are
22 having children. And how would you ever be able to support
23 those children if you don't have any job?
24 THE DEFENDANT: I was working towards that, sir.
25 THE COURT: You were working towards getting a job?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Well, who's working towards supporting the
3 child that you have?

4 THE DEFENDANT: Right now nobody, sir.

5 THE COURT: You don't think you have any
6 responsibility to care for that child?

7 THE DEFENDANT: Yes, sir, I do.

8 THE COURT: Well, how is that child supposed to eat
9 and be clothed and live if nobody is providing any support
10 for it?

11 THE DEFENDANT: I don't know, sir.

12 THE COURT: You don't know. Well, I think I
13 understand our situation here.

14 Okay. Listen to what the solicitor tells me about the
15 facts that relate to your cases.

16 MR. GRAHAM: Thank you, Your Honor.

17 On Indictment 2011-4457, that's trafficking in cocaine
18 over ten grams but less than 28, Your Honor, on April the
19 15th of 2011 the Spartanburg County Sheriff's Office
20 narcotics officers used a confidential reliable informant
21 to make a purchase from the defendant of crack cocaine.

22 The C.R.I. placed a phone call to the defendant, and
23 the defendant was directing the C.I. to the Arby's parking
24 lot located at 1731 John B. White Boulevard here in
25 Spartanburg County.

1 And once at this location the C.I. met with the
2 defendant, and the defendant sold the C.I. approximately
3 14.5 grams of cocaine. This transaction was caught on audio
4 and video surveillance, Your Honor.

5 On Indictment 2011-4456, trafficking in cocaine over a
6 hundred grams, back on May 6th of 2011 the Spartanburg
7 County Sheriff's Office narcotics officers received
8 information from a confidential reliable informant that the
9 defendant was conducting a cocaine transaction at the Best
10 Buy parking lot located at 110 East Blackstock Road in
11 Spartanburg County.

12 Surveillance units observed the defendant, Your Honor,
13 enter the parking lot. The defendant and a passenger in
14 the vehicle went into the Best Buy store. The officers
15 detained the defendant and the other person in the vehicle
16 once they were inside the store. They brought them back to
17 their vehicle.

18 A canine conducted a free-air sniff and alerted to the
19 vehicle. searched the vehicle. There was 126.41 grams of
20 cocaine located in a jar inside the center console.

21 THE COURT: And his record?

22 MR. GRAHAM: Yes, he does, Your Honor. 2008, two
23 counts of driving under suspension, possession of marijuana
24 and possession with intent to distribute cocaine.

25 THE COURT: All right. You heard what the solicitor

1 told me about the facts that relate to these cases, as well
2 as your previous criminal history.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Is there anything that you disagree with?

5 THE DEFENDANT: No, sir.

6 THE COURT: Do you still want me to accept your pleas
7 of guilty?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand these also require a
10 mandatory fine to be imposed in addition to any jail time?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. I will accept your pleas and
13 hear from you and Mr. Reckenbeil.

14 MR. RECKENBEIL: Thank you, Your Honor. May it please
15 the Court.

16 Just for the record, I've been on this case as you've
17 heard from Mr. McEntire for about 30 days, since then
18 vigorously been looking through all the discovery and had
19 several meetings with the prosecutor and the witnesses for
20 the prosecution, talked at length with my client and his
21 family members.

22 We've reviewed all the evidence. We appreciate the
23 opportunity to come back before Your Honor and accept this
24 deal. I wish we would have been here Monday instead of
25 today for him.

1 It's an extremely sad situation, but Your Honor has
2 seen it over and over again. And we just really hope that
3 the Court will go along with the negotiated sentence.

4 THE COURT: All right. Mr. McEntire, anything you
5 want to add?

6 THE DEFENDANT: No, sir.

7 THE COURT: One thing I did neglect to ask you about.
8 Did Mr. Reckenbeil explain to you that each of these
9 trafficking charges, the convictions are considered to be
10 violent and serious?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And did he explain to you the significance
13 of those designations?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And do you understand it?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And do you still want me to accept your
18 pleas?

19 THE DEFENDANT: Yes, sir.

20 MR. RECKENBEIL: Your Honor, if I may just interject
21 one last thing for the record, as Your Honor sees on the
22 sentencing sheets there's three sets of initials by a
23 crossed-out line.

24 Initially we had a negotiated sentence of 13 years if
25 my client would have pled on Monday. Due to the fact that

1 we're now coming before the Court we've scratched out the
2 13 and put in 18. Myself and my client, as well as
3 Mr. Graham, initialed by that correction on the sentencing
4 sheet, on both sentencing sheets. Thank you, Judge.

5 THE COURT: Okay. All right. On Indictments Nos.
6 2011-4456 and 2011-4457, as to each, Sentence of the Court
7 is you, Phillip McEntire, be confined to the South
8 Carolina...

9 (Pause for outburst in court.)

10 THE COURT: Y'all are going to have to leave. I said
11 y'all will have to leave.

12 The one who had the telephone will need to come back
13 in. Y'all just have a seat outside until I get through.

14 Indictments 2011-4456 and 4457, and as to each, the
15 sentences of the Court are that you are to be confined to
16 the South Carolina Department of Corrections for a period
17 of 18 years and pay a fine of \$50,000.

18 END OF REQUESTED TRANSCRIPT OF RECORD

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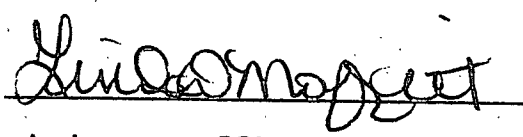
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 8th day of March 2012.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

May 16, 2012



Linda D. Moffitt
Circuit Court Reporter

Spartanburg
County
STATE
M

SPARTANBURG

VS.

Phillip Michael Mcentire

INDICTMENT/CASE#: 2011GS4204457

A/W#: M753771

Date of Offense: 4/15/2011

S.C. Code § 44-53-0370(e)

CDR Code #: 0387

DOB: BLACK Sex: M Age: 25
09-21-1986 SS#: 248-65-1946

Address: 214 Collingwood Lane
City, State, Zip: Spartanburg, SC 29302
DL#: 100715067 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Drugs / Trafficking in cocaine, 10 g or more, but less than 28 g - 2nd offense (5-30 years and \$50k)

in violation of § 44-53-0370(e) of the S.C. Code of Laws, bearing CDR Code # 0387
 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 Presentation to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation. Negotiated Sentence Recommendation by the State.

ATTEST: GRAHAM, CHAD M. SC Bar# 79859 Defendant PHILIP MCENTIRE Defendant JOHN G. ROBERTSON Attorney for Defendant 8610 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 18 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ 50000; 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 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:

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

*Fine:		\$ 50,000.00
§ 14-1-206 (Assessments 107.5%)		\$ 53,750.00
§ 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 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCIA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3,120.90
TOTAL		\$ 107,150.90

Clerk of Court/ Deputy Clerk A. Brady
Court Reporter: Moffett
SCCA/217 (03/2011)

Presiding Judge
Judge Code: 2055
Sentence Date: 3-8-12

SPARTANBURG
County
STAT
M

SPARTANBURG
VS.
Phillip Michael Mcentire

INDICTMENT/CASE#: 2011GS4204456
A/W#: M753821
Date of Offense: 5-6-2011
S.C. Code §: 44-53-0370(e)
CDR Code #: 2359

DOB: 09-21-1986 SS#: 248-65-1946
Race: BLACK Sex: M Age: 25
Address: 214 Collingwood Lane
City, State, Zip: Spartanburg, SC 29302
DL#: 100715067 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Drugs / Trafficking in cocaine, 28g of more but less than 100g-1st offense. (7-25 years and \$50k)

in violation of § 44-53-0370(e) of the S.C. Code of Laws, bearing CDR Code # 2359
 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 Presentation to Grand Jury. PM (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Chad M. Graham 79857 Phillip Mcentire John B. Karkas 68610
GRAHAM, CHAD M. 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 18 ~~months~~ years under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ 50000 ~~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
Total: \$ plus 20% fee: \$
Payment Terms:
 Set by SCDPPPS
Recipient:

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:

*Fine:		\$50,000.00
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§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$150.00
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)		\$3,120.90
TOTAL		\$107,150.90

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

Clerk of Court/ Deputy Clerk: A. Brandy
Court Reporter: M. Koffel
SCCA/217 (03/2011)

Presiding Judge:
Judge Code:
Sentence Date: 3-8-12

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

III 22 2011

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

TRAFFICKING IN COCAINE

That Phillip Michael McEntire did in Spartanburg County on or about April 15, 2011, knowingly sell, manufacture, cultivate, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase or bring into this State, or did knowingly actually or constructively possess or did knowingly attempt to become in actual or constructive possession of more than (10) ten grams of Cocaine, a schedule II controlled substance, in violation of §44-53-370 , *THE 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

09/14/2011 Page 5 of 70

WITNESSES

SPTG CO SHERIFF'S OFFICE

T. H. Wilton

ARREST WARRANT NUMBER

M753771

ACTION OF GRAND JURY

[Signature]
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **11-GS-42-4457**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 23 2011 TERM

THE STATE
vs.

PHILLIP MICHAEL MCENTIRE

Indictment for
TRAFFICKING IN COCAINE

SC Code: 44-53-370

RECEIVED

DEC 02 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2011, the

Grand Jurors of Spartanburg County present upon their oath:

TRAFFICKING IN COCAINE

That Phillip Michael McEntire did in Spartanburg County on or about May 6, 2011, knowingly sell, manufacture, cultivate, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase or bring into this State, or did knowingly actually or constructively possess or did knowingly attempt to become in actual or constructive possession of more than (100) one hundred grams of Cocaine, a schedule II controlled substance, in violation of §44-53-370, THE 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

09/14/2011 Page 3 of 70

WITNESSES

SPTG CO SHERIFF'S OFFICE

T.K. Tullerton

ARREST WARRANT NUMBER

M753821

ACTION OF GRAND JURY

T.K. Tullerton

JUL 13 2011

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

11-GS-12-4456

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2011

TERM

THE STATE

vs.

PHILLIP MICHAEL MCENTIRE

Indictment for

TRAFFICKING IN COCAINE

SC Code: 44-53-370

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
J. Derham Cole, Circuit Court Judge

Case No.: 06-GS-42-3329


Phillip McEntire.....Appellant

vs.

The StateRespondent

CERTIFICATE OF COUNSEL

I, John G. Reckenbeil, certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



John G. Reckenbeil, Esquire
215 Magnolia Street
P.O. Box 1533 (29304)
Spartanburg, SC 29306
(864) 582-5472
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
J. Derham Cole, Circuit Court Judge

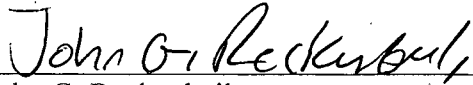
Case No.: 06-GS-42-3329

RECEIVED
DEC 02 2013
SC Court of Appeals

Phillip McEntire.....Appellant
vs.
The StateRespondent

PROOF OF SERVICE

I, John G. Reckenbeil, certify that I have served the Record on Appeal on the State by depositing a copy of it in the United States Mail on November 27, 2013, addressed to the State's attorney of record, Salley W. Elliot, Assistant Deputy Attorney General, Post Office Box 11549 Columbia, SC 29211-1549.


John G. Reckenbeil
215 Magnolia Street
Post Office Box 1633
Spartanburg, SC 29304
Phone: (864) 582-5472
Attorney for Appellant

November 27, 2013