

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CONRAD LAMONT SLOCUMB,

APPELLANT

APPELLATE CASE NO. 2013-000933

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

COURT OF GENERAL SESSIONS

1996-GS-40-11974

1996-GS-40-11979

1996-GS-40-11980

1996-GS-40-12010

1996-GS-40-12004

The State,)

Plaintiff,)

vs.)

Conrad Lamont Slocumb,)

Defendant.)

TRANSCRIPT OF RECORD

April 25, 2013
Columbia, South Carolina

B E F O R E:

THE HONORABLE DEANDREA G. BENJAMIN, JUDGE.

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

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I N D E X O F W I T N E S S E S

(WHEREUPON, no witnesses were called during these proceedings.)

E X H I B I T S

(WHEREUPON, no exhibits were introduced during these proceedings.)

1 Your Honor, he was tried in November of 1996
2 and convicted by a jury on burglary in the first
3 degree, CSC first, kidnapping, strong armed
4 robbery, and escape.

5 As I said, his prior conviction was
6 overturned. And so in the year 2000 he was
7 resentenced. He was given life on burglary, 30
8 years on CSC, 30 years on kidnapping, 15 on strong
9 arm, and five on escape.

10 THE COURT: Okay, one more time. Slow down.

11 MS. McDUFFIE: So he was convicted at trial in
12 1996.

13 THE COURT: Okay.

14 MS. McDUFFIE: Given life on burglary, CSC,
15 and kidnapping, 15 on strong arm, and five on
16 escape.

17 After he was convicted at trial, his
18 underlying conviction, which served as the
19 foundation for the State to serve notice of intent
20 to seek life without parole, was overturned because
21 they found that he was not properly waived, should
22 not have been waived to General Sessions Court on
23 that offense. So then he had to be resentenced
24 because he was given life without parole on those
25 charges.

1 So then in 2000 Judge Johnson resentenced him
2 and again gave him life on the burglary first, 30
3 years on CSC first, 30 years on kidnapping, 15
4 years on strong armed, and five years on escape.

5 The Court subsequently held that at the time
6 the sentencing was done in 2000 that Judge Johnson
7 didn't have jurisdiction to do the sentencing
8 because there were still matters on appeal, so then
9 the case was again returned for resentencing.

10 And Judge Johnson heard that matter on
11 February the 18th of 2004. At that time he was
12 sentenced to life on the burglary in the first
13 degree, 30 years on the CSC first, 30 years on the
14 kidnapping, 15 years on the strong armed robbery,
15 and five years on escape, all to run consecutively.

16 This Defendant then filed a federal habeas
17 action, and that action -- Count Three of that
18 action was granted; and that is what we are here
19 for today. We are here to resentence this
20 Defendant for the charge of burglary in the first
21 degree.

22 The Court has ordered that his sentence be
23 pursuant to Graham versus Florida, Your Honor.

24 THE COURT: So he's been incarcerated for how
25 long?

1 MS. McDUFFIE: He's been incarcerated since
2 this offense occurred. Well, actually he was in --
3 when this offense occurred, he was in DJJ custody.
4 He escaped from DJJ custody, committed this
5 offense, and then shortly after the offense was
6 taken back into custody, and has been incarcerated
7 since March of 1996.

8 THE COURT: On these charges?

9 MS. McDUFFIE: Yes, Your Honor.

10 THE COURT: Ms. Shurling, I will be glad to
11 hear from you, then I'll come back.

12 MS. SHURLING: Thank you, Your Honor. And my
13 thanks to the State for outlining such a convoluted
14 procedural history in this case.

15 For the record, I am court appointed counsel
16 in this matter. I had represented Mr. Slocumb in a
17 previous post-conviction relief matter, so after
18 the Furman case was decided, I was appointed by the
19 court to represent Mr. Slocumb in resentencing.

20 Your Honor, in January, January 26th, 2011, to
21 be precise, I filed a motion for resentencing
22 consistent with Graham.

23 At the time I didn't realize that there was
24 also a petition for a writ of habeas corpus
25 pending in the U.S. District Court.

1 The U.S. District Court has, as the State has
2 outlined, vacated the first degree burglary
3 sentence of life without parole and remanded for
4 sentencing on that charge.

5 My motion was for -- my motion would be for
6 vacation of the remaining sentences as well and for
7 resentencing on everything in keeping with the
8 spirit and intent of Graham v. Florida and Miller
9 versus Alabama.

10 This is sort of a evolving area of the law.
11 As Your Honor knows, in Graham the Court found that
12 a life without parole sentence for a Defendant
13 convicted of anything other than homicide was
14 violative of the Eighth Amendment.

15 More recently in Miller versus Alabama, the
16 Court has found that even in murder cases a
17 mandatory life sentence is violative of the Eighth
18 Amendment.

19 There are cases around the country now
20 addressing the fact of whether or not a life
21 sentence in a state where the sentencing range for
22 murder that includes life and where the life would
23 then be without parole would be logically under an
24 extension of Miller versus Alabama a violation of
25 the Eighth Amendment.

1 What the Graham Court did not address was
2 whether or not a term-of-years sentence that was so
3 lengthy that after the minimum service requirements
4 to the particular state in question the individual
5 would be at or beyond their reasonable life
6 expectancy would likewise violate the Eighth
7 Amendment prohibition against cruel and unusual
8 punishment.

9 Your Honor, I did my best to, in a bench brief
10 that is rather sparse, put together a list of the
11 states that have dealt with this issue.

12 To be candid with the Court, the jurisdictions
13 are split. Some jurisdictions have found that
14 logically where Graham says that a sentence must
15 provide a meaningful opportunity for release based
16 on a demonstration of maturity and rehabilitation,
17 some states have found that common sense dictates,
18 that if you give a juvenile a sentence that is so
19 long that by the time he serves the least amount of
20 time he could possibly have to serve he is already
21 at or beyond his reasonable life expectancy, then
22 the same principles that make an LWOP sentence
23 repugnant to the Eighth Amendment would make that
24 sentence repugnant as well.

25 Other jurisdictions have found that, no,

1 Graham is very narrow, it only addresses LWOP,
2 period. Life without parole is the only
3 prohibition that is addressed by the Graham
4 decision.

5 Still other decisions have recognized that a
6 term-of-years sentence can possibly bring the
7 Eighth Amendment into play, but have vocalized a
8 yearning for the high court to give some guidance
9 in terms of where a line would be drawn with a
10 prohibition on a term-of-years sentence that
11 approached or exceeded a natural life expectancy.

12 For example, in one opinion addressed in my
13 bench memo, a dissenting judge was bemoaning the
14 fact that, where do you draw the line. And do you
15 say, if the sentence results in him not being
16 eligible to get out until right at his life
17 expectancy end, is that repugnant? Does it have to

18 fall short of that somewhere that we don't have
19 guidance on that point? And I understand that
20 concern.

21 However, as a practical matter, this client --
22 and I have outlined these considerations in the
23 bench brief, and I put a chart in the back of the
24 bench brief in terms of sentencing. Your Honor, if
25 his current sentence on the remaining charges

1 stands, he has an 80-year aggregate sentence on the
2 remaining charges. Even if Your Honor gives him a
3 sentence of 80 years concurrent or less,
4 concurrent, he will be required to serve 85 percent
5 of 80 years, which would -- he would be required to
6 serve approximately 68 years before being eligible
7 for release.

8 That means that an 80-year sentence would put
9 him at approximately 84 years and eight months old
10 at the time of his release when the average life
11 expectancy worldwide is now set at 67.2 years.

12 And in one major decision cited in my brief,
13 the Court cited a life expectancy for incarcerated
14 males at 64.3. I don't remember where that
15 statistic came from, Your Honor.

16 So my point being, that even if Your Honor
17 deems it appropriate to give him an 80-year
18 sentence for burglary and runs it concurrent, what
19 that means is that if, once he has served
20 85 percent of that sentence, he is going to be two
21 decades beyond his life expectancy before he is
22 eligible for release.

23 And we would respectfully argue that there is
24 no way to reconcile that outcome with the clear
25 language in Graham versus Florida which requires

1 that there be some reasonable opportunity for
2 release.

3 And I grant you, it says based on demonstrated
4 maturity and rehabilitation. Now, the State is
5 going to point out, and fairly so, it is their job
6 to do so, that my client's disciplinary record thus
7 far at SCDC doesn't look very good.

8 But I would urge the Court to note that he was
9 16 years old and eight months when this offense
10 occurred. And even now, he is only 33. He'll be
11 34 in June. There are many, many years ahead of
12 him during which time he might have the opportunity
13 to have further developed and further matured and
14 have demonstrated beyond where we are today a
15 reason for why he deserves a chance to be returned
16 to society.

17 So I would move, Your Honor, that his
18 remaining sentences be vacated and that Your Honor
19 resentence him on all charges, and that the
20 aggregate term of years imposed by this Court do
21 honor to the spirit and intent if not the letter of
22 the Graham decision by giving him a sentence which
23 provides for some meaningful opportunity for
24 release at some point short of two decades beyond
25 his reasonable life expectancy, Your Honor.

1 And obviously that motion is grounded on the
2 Eighth Amendment prohibition against cruel and
3 unusual punishment.

4 And I thank Your Honor for listening.

5 THE COURT: Ms. Shurling, would you agree that
6 the order that was remanded was as to the burglary?

7 MS. SHURLING: The District Court's remand is
8 purely on the burglary.

9 THE COURT: Okay. I just wondered.

10 MS. SHURLING: But I would also assert that
11 clearly under the Graham decision you have the
12 authority to do what you deem appropriate with
13 regard to the other sentences, Your Honor.

14 THE COURT: All right. Thank you.

15 All right, yes, ma'am?

16 MS. McDUFFIE: Thank you, Your Honor.

17 THE COURT: And I don't have -- of course I
18 was not -- I did not do any of the other sentences,
19 so I don't have any of the factual background as to
20 the --

21 MS. McDUFFIE: Sure, Your Honor. And I will
22 give Your Honor a factual basis.

23 If I could just correct one thing, a
24 misstatement that Ms. Shurling said. According to
25 the Department of Corrections, this Defendant's,

1 given his current sentences, projected parole date
2 is 2046. So that is in 33 years, not the terms
3 that Ms. Shurling just read off. And I do have
4 someone from my office doublechecking with DOC
5 right now about that.

6 MS. SHURLING: I would appreciate that,
7 because if you take 85 percent of 80 years, you
8 don't get that figure.

9 THE COURT: I'm guessing that some of them are
10 not 85 percent. Strong armed robbery is not going
11 to be an 85 percent. The escape is not 85 percent.

12 MS. McDUFFIE: Correct, Your Honor. And what
13 Ms. Shurling --

14 THE COURT: I'm not sure if the kidnapping is
15 85 or not.

16 MS. McDUFFIE: It is 85 percent.

17 THE COURT: And the CSC is 85.

18 MS. McDUFFIE: She has failed to look at the
19 case law that talks about determination of parole
20 eligibility even when judges run sentences
21 concurrent. And there is case law in South
22 Carolina that says that while the judges have run
23 the sentences concurrent -- consecutively, for
24 purposes of parole eligibility, the sentences are
25 treated as one sentence. And that is how DOC

1 calculates it. And I'm happy to pull the case law
2 for Your Honor in support of that position which
3 she has failed to look at.

4 Your Honor, the facts of this case are that on
5 January 2nd of 1993 he pled guilty to CSC in the
6 first degree and was sentenced to 30 years in the
7 Department of Corrections. That is the sentence
8 that was overturned.

9 While he was in the Department of Juvenile
10 Justice, on March 6th of 1996, while in DJJ
11 custody, he was in the custody of Officer Elvin
12 Livingston. And he was instructed to take the
13 Defendant from the Burchwood Campus to Richland
14 Memorial Hospital at Two Medical Park for a
15 doctor's appointment. The Defendant -- his
16 doctor's appointment was that day at 1:30 for an
17 ear infection.

18 Officer Livingston removed his handcuffs upon
19 the ride to the doctor's office. Once they arrived
20 at the doctor's office he also removed the leg
21 irons at the request of the nurse.

22 After the appointment he escorted the
23 Defendant back to his work vehicle. And the
24 Defendant, while stopped at a red light, was able
25 to jump out of the vehicle and started to flee on

1 foot.

2 About ten minutes after his escape he came
3 across the victim, Ms. Vicky Chapman, who is in the
4 courtroom today, Your Honor. She was exiting her
5 black Nissan automobile at her apartment complex
6 located at Drive in Richland County.

7 At first the Defendant asked her, he said he
8 was trying to find an apartment and she tried to
9 help him. She then went to her third floor
10 apartment. She thought that he was gone. She
11 unlocked the door. And as she was walking into her
12 apartment he ran up behind her and shoved her down
13 on the couch inside of the apartment and slammed
14 the door behind him. He told the victim he had a
15 gun.

16 And, Your Honor, it was learned through his
17 own statement that he did obtain a gun, a Glock
18 9-millimeter, while incarcerated at DJJ from his
19 uncle.

20 Once inside the victim's apartment, he
21 disabled the phone that was located in the den. He
22 demanded money and keys to the victim's car. She
23 gave him a \$2 bill and the keys.

24 And she noticed on his clothing it had
25 markings from the Department of Juvenile Justice.

1 He demanded a change of clothes, and she gave him
2 some of her husband's clothes.

3 He then demanded that the victim give him the
4 shirt that she was wearing, at which point the
5 Defendant told the victim that, I'm going to have
6 some sex.

7 The victim said no, and begged the Defendant
8 not to rape her. However, he again threatened the
9 victim with a gun, and then proceeded to rape her.
10 He forced the victim to take her clothes off. He
11 then forced himself on top of the victim. The
12 victim unsuccessfully fought, but he was able to
13 penetrate her. He then forced the victim to stand
14 up and touch her toes as he raped her from behind.
15 He finally stopped raping her and told her to put
16 her clothes back on.

17 He then disabled the phone in the bedroom and
18 continued to gather jewelry and other items of the
19 victim's. He took cigarettes and beer from the
20 refrigerator before finally leaving the apartment.

21 Officer Livingston, whose custody from whom he
22 escaped, was searching the area along with other
23 law enforcement officers. The officer saw him in
24 the apartment complex, and a chase ensued. He was
25 finally cornered by individuals from the Department

1 of Juvenile Justice and was searched. All of the
2 victim's stolen property was on the Defendant. He
3 was placed in handcuffs and then was brought before
4 the Court.

5 Your Honor, he was given a life sentence on
6 the burglary first in 2004.

7 And Ms. Shurling talked about other
8 jurisdictions and mentioned Graham v. Florida. If
9 I could pass Graham v. Florida up and direct Your
10 Honor's attention to Page 18.

11 THE COURT: I have it.

12 MS. McDUFFIE: Your Honor, in Graham v.
13 Florida, the United States Supreme Court says that:

14 A state is not required to guarantee
15 eventual freedom to a juvenile offender
16 convicted of a non-homicide crime. What
17 the state must do, however, is give

18 Defendants a meaningful opportunity to
19 obtain release based on demonstrated
20 maturity and rehabilitation. It is for
21 the state in the first instance to
22 explore the means and mechanisms for
23 compliance. It bears emphasis.

24 However, the Eighth Amendment forbids
25 the state from imposing a life without

1 parole sentence on a juvenile
2 non-homicide offender. It does not
3 require the state to release that
4 offender during his natural life.

5 Again, Your Honor, it does not require the
6 State to release that offender during his natural
7 life.

8 Those who commit truly horrifying crimes
9 as juveniles may turn out to be
10 irredeemable and thus deserving of
11 incarceration for the duration of their
12 lives.

13 The Eighth Amendment does not foreclose
14 the possibility that a person convicted
15 of non-homicide crime committed before
16 adulthood will remain behind bars for
17 life.

18 Your Honor, I believe Ms. Campbell wants to
19 address this Defendant's actions while incarcerated
20 at the Department of Corrections.

21 THE COURT: Yes, ma'am.

22 MS. CAMPBELL: Your Honor, the underlying
23 offense, the criminal sexual conduct for which he
24 pled guilty that was ultimately overturned because
25 there was an issue as to the waiver and that was

1 the only reason it was overturned, involved him
2 sexually assaulting a young woman, shooting her
3 multiple times in the head and leaving her for
4 dead.

5 That case was of course overturned because
6 there was a problem with the waiver procedure that
7 was done and due to his age. And that would be his
8 age.

9 He was incarcerated, however, on that offense
10 when he escaped and committed this offense.

11 As far as his rehabilitation, Your Honor, we
12 did make arrangements last week in order to bring
13 him over for this hearing today. I believe earlier
14 this week our office was contacted by the
15 Department of Corrections who wanted to let us know
16 of his security risk because he has been so
17 horrible and such a security risk while in the
18 Department of Corrections.

19 This is the first time in 23 years that I have
20 been here that anybody has ever contacted us to let
21 us know that the incarcerated inmate was such a
22 security risk.

23 As far as his rehabilitation, Your Honor, and
24 his prognosis, I guess, as far as any programs he
25 has been enrolled with in the Department of

1 Corrections while he's been there in order to
2 rehabilitate himself, there are none. His
3 enrollment has been none. He has participated in
4 none. He has completed none.

5 As far as his disciplinary record, starting
6 back in 1997, he has 218 infractions. And these
7 aren't just contraband infractions, Your Honor.
8 And I will hand this up.

9 Since just 2009, throwing substances on
10 government employees. Possession of contraband.
11 Striking an employee with or without a weapon.
12 Striking an employee without a weapon. Mutilation.
13 Possession of a weapon. Mutilation.
14 Exhibitionism. Public masturbation.
15 Exhibitionism. Public masturbation. Use of
16 obscene, vulgar language. Mutilation.

17 Your Honor, and I will hand this up to the
18 Court, with the Court's permission, at this time.

19 There are 218 similar offenses, which include
20 assaulting officers, throwing things on officers,
21 masturbation, all offenses of that nature.

22 He has done nothing to attempt to rehabilitate
23 himself while he is in a lengthy stay in the
24 Department of Corrections, Your Honor.

25 Your Honor, also present in the courtroom at

1 the appropriate time, the victim is back. Also
2 present in the courtroom is Stacey Haynes, with the
3 U.S. Attorney's Office. She was the prosecutor who
4 originally prosecuted this case. She has been here
5 for every resentencing that this poor victim has
6 had to go through over and over in this case, and I
7 believe she would like to address the Court, as
8 well as the victim, briefly and when it is
9 appropriate, Your Honor.

10 MS. McDUFFIE: Your Honor, when we were
11 talking about the parole eligibility I think I said
12 2046. It is actually 2052, according to the
13 Department of Corrections.

14 THE COURT: Okay.

15 MS. SHURLING: Your Honor, at some point I
16 would like to respond on the law. I don't know
17 whether Your Honor would prefer for me to do that
18 now or after you hear from the victims.

19 Obviously --

20 THE COURT: Give me one second. Give me one
21 second and let me review what they have handed up.

22 (Pause.)

23 MS. SHURLING: For the record, I have not seen
24 that SCDC disciplinary record, Your Honor. I
25 certainly take the Prosecution's word as an officer

1 of the court for its origins, but I would like to
2 get a copy for my file at some point. That appears
3 to be a more extensive version than the one that
4 had been provided to me.

5 (Pause.)

6 THE COURT: I'll be glad to -- well, let me
7 hear from you regarding the law, and then I'll hear
8 from the victims.

9 MS. SHURLING: Thank you, Your Honor. For
10 starters, I do apologize for calculating projected
11 sentences. In fairness to me, it does say that an
12 80-year sentence at 85 percent would yield that
13 result.

14 Just doing the math real quickly, even on the
15 CSC and kidnapping charge, which would be a 60-year
16 sentence, at 85 percent you would get 51 years. On
17 the remaining 15 for burglary and five on the
18 escape charge, I'm told on non-85 percent sentences
19 that it is generally somewhere between 51 and 65
20 percent in terms of service requirement. But even
21 taking a conservative approach and saying
22 50 percent on those would be an additional seven
23 and a half and two and a half years for an
24 aggregate sentence, Your Honor, that is still
25 getting, when combined with his age at the time of

1 the offense, puts him over his life expectancy
2 statistically.

3 The portion of Graham versus Florida that was
4 cited by the State is exactly the portion to which
5 I would draw Your Honor's attention.

6 I am not suggesting in any shape, form or
7 fashion that the State of South Carolina owes it to
8 Conrad Slocumb to guarantee that he will get out of
9 the penitentiary one day.

10 Clearly under Graham, his eventual release will
11 be at the discretion of the authorities with regard
12 to a determination as to whether or not he has made
13 an appropriate showing as to rehabilitation and
14 maturation.

15 Given the record that has been proffered by
16 the State concerning his behavior in SCDC between
17 the age of 16 years and eight months to today, I
18 would venture to agree that he might would have a
19 hard time -- a very hard time meeting that standard
20 if he were being considered for release at some
21 juncture -- at this juncture.

22 However, what Graham says is that there must
23 be a meaningful opportunity for release. And if
24 you are not going to be eligible to be released
25 from the penitentiary even if the Department of

1 Corrections finds you to be an appropriate
2 candidate to re-enter society in the community
3 until you are at or beyond your life expectancy,
4 then I would submit that that violates the
5 principles articulated in Graham in that that is
6 not a meaningful opportunity for release.

7 And clearly given the max-out date that has
8 now been placed on the record by the State and my
9 client's current age of 33, 34 in June, I would
10 submit that his max-out date still puts him well
11 beyond his reasonable life expectancy and therefore
12 provides him no reasonable opportunity for release
13 under the principles set forth in Graham and Miller
14 versus Alabama and other cases for demonstrating
15 his maturity, demonstrating rehabilitation to a
16 degree that he would deserve to be released.

17 He might not can do it now, 33. But he might
18 very well be able to at 50. And under the current
19 sentence, he would not have that opportunity at 50
20 or even 60.

21 So that is why my motion would be for vacation
22 of all of the sentences, Your Honor, and him to be
23 resentenced to a term of years that would give him
24 the opportunity after serving 85 percent on the
25 most serious offenses and a lesser percentage on

1 the remaining charges to be eligible for supervised
2 community release somewhere short of his life
3 expectancy.

4 And as this Court knows, you know, we all talk
5 about the 85 percent rule as though it is a given
6 that somebody is going to get out after they have
7 served 85 percent, but that is not a reality
8 either.

9 A person is eligible for supervised community
10 release after having served 85 percent of their
11 sentence.

12 If the Department of Corrections deems that
13 they have been such a disciplinary problem, that
14 they are a danger to society, and are not subject
15 to realistic control, monitoring, and supervision
16 while on supervised release, they can keep them
17 beyond the 85 percent. They can keep them up to
18 the full hundred percent of the sentence.

19 So the opportunity to be considered for
20 supervised community release after 85 percent of
21 the sentence at an age short of his life expectancy
22 would provide exactly what Graham v. Florida calls
23 for, which is a meaningful opportunity for release.

24 Thank you, Your Honor.

25 THE COURT: Yes, ma'am.

1 All right, I'll be glad to hear from the
2 victim.

3 MS. CAMPBELL: Thank you, Your Honor.

4 MS. BOWERS: My name is Dee Dee Chapman.
5 Bowers.

6 What happened that day changed my life
7 forever. And I am here today to be sure he will
8 never have the opportunity to do this to someone
9 else.

10 I ask that you sentence him a lengthy term and
11 that the sentence be served consecutive to his
12 other charges.

13 Thank you.

14 THE COURT: Thank you.

15 Yes, ma'am?

16 MS. HAYNES: Thank you, Your Honor. May it
17 please the Court? My name is Stacey Haynes. I was
18 the prosecutor who prosecuted this. And I will
19 tell the Court, in my 21 years of prosecution,
20 Mr. Slocumb is the most violent sexual predator I
21 have ever prosecuted.

22 As Ms. Campbell indicated to the Court, his
23 underlying conviction in Orangeburg stemmed where
24 he left a teacher in the woods to die after he shot
25 her and sexually assaulted her.

1 After he is waived up from family court to
2 adult court on that conviction, housed at the
3 Department of Juvenile Justice, he then inflicts
4 the same traumatic injuries to Ms. Bowers.

5 And what we didn't hear is that day she came
6 home early from work. She was working a job and
7 came home early to change to go get her wedding
8 dress. She was engaged at the time. That was the
9 only reason she was home in the afternoon. She had
10 come home early to change clothes to go get her
11 wedding dress, one of the most special times in a
12 young lady's life. And it is marred forever by
13 Conrad Slocumb and the actions he took with her
14 that day.

15 She has since that day been at every hearing.
16 Every few years she has to come back to court,
17 relive that nightmare because of Conrad Slocumb.

18 He is a 33-year-old man now and still has over
19 200 infractions in the Department of Corrections.
20 He has not shown any rehabilitation.

21 And we would ask the Court to take all of that
22 into consideration.

23 THE COURT: All right. Thank you.

24 MS. HAYNES: Thank you.

25 THE COURT: Anything from the State?

1 MS. CAMPBELL: Nothing further, Your Honor.

2 THE COURT: All right. On Indictment Number
3 1996-GS-40-11974, sir, you will be sentenced to the
4 State Department of Corrections for 50 years. The
5 sentence will run consecutive to the other
6 sentences. I am not going to remand as to the
7 burglary, and that is the only one that I am going
8 to entertain today. All sentences will run
9 consecutive. And of course he will be given credit
10 for the time he has spent in jail.

11 All right, thank you.

12 MS. McDUFFIE: Thank you, Your Honor.

13 MS. SHURLING: Thank you, Your Honor.

14 (WHEREUPON, the proceedings were concluded.)

15

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17

18

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(END OF TRANSCRIPT)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
)
 STATE OF SOUTH CAROLINA,)
)
)
)
 v.)
)
CONRAD SLOCUMB, 197165.)
)

IN THE COURT OF GENERAL SESSIONS
 FIFTH JUDICIAL CIRCUIT

1996-GS-40-11974,11979,11980,
 12010, 12004

**BENCH BRIEF IN SUPPORT OF
 A REDUCED SENTENCE IN LIGHT
 OF GRAHAM V. FLORIDA AND
 IMPLICATIONS OF DE FACTO LIFE
 SENTENCES**

COMES NOW the Defendant, CONRAD SLOCUMB, by and through his undersigned counsel, Tara Dawn Shurling, submitting this Bench Brief in Support of Favorable Re-sentencing. This matter comes before the Court by way of an Order issued by District Court of South Carolina on or about June 2, 2011, which adopted the recommendations of the U.S. Magistrate Judge and ordered the vacation of the Defendant's sentence for first degree burglary and his remand to the State court for re-sentencing on that charge. Report and recommendations of the U.S. magistrate, Attachment A and Order of the District Court: Attachment B. For the reasons set forth herein, the Defendant would argue that his sentences on all counts should be vacated and he asks for re-sentencing on all his judgments. In support of favorable re-sentencing, Defendant would respectfully show unto this Court the following:

RICHLAND COUNTY
 FILED
 APR 25 AM 9:35
 JEFFREY W. MOORE
 CLERK OF COURT

PROCEDURAL HISTORY

In 1996 Defendant was tried and convicted of burglary, first degree; criminal sexual conduct, first degree; kidnapping; escape; and robbery. At the Defendant's sentencing hearing the trial judge sentenced him to life without the possibility of parole for the charges of kidnapping, criminal sexual conduct, first degree and burglary first degree. Said sentence was predicated upon the finding that the Defendant had a prior conviction for criminal sexual conduct, first

degree, and therefore, was subject to a sentence of life without parole on these offenses which would constitute second "most serious offenses" pursuant to S.C. Code Ann. §17-25-45(A), (1)(a). The Defendant also received a fifteen (15) year, consecutive, sentence for robbery, and a five (5) year, consecutive, sentence for escape.

A direct appeal was perfected on the Defendant's behalf. The Court of Appeals subsequently issued an opinion affirming his 1996 convictions. *State v. Slocumb*, 336 S.C. 619, 521 S.E.2d 507 (Ct. App., 1999). The Defendant's Petition for Rehearing was denied by the Court of Appeals. On November 18, 1999, Defendant filed a Petition for Writ of Certiorari in the Supreme Court of South Carolina which was denied on June 7, 2000.

While his direct appeal was pending, the Defendant was pursuing a PCR action in Orangeburg County, challenging his 1993 plea to criminal sexual conduct. On November 8, 1999, the Supreme Court of South Carolina granted relief and vacated his 1993 plea. *Slocumb v. State*, 337 S.C. 46, 522 S.E.2d 809 (1999). That plea and conviction was the basis for the life sentence received by the Defendant under South Carolina's recidivist statute; §17-25-45. Because that plea was vacated, the Defendant was brought back before the Court for a resentencing hearing on March 16, 2000. At that proceeding, the Defendant was sentenced to life imprisonment for burglary; thirty (30) years for kidnapping; thirty (30) years for criminal sexual conduct; fifteen (15) years for robbery; and five (5) years for escape; all said sentences were ordered to be served consecutively.

Next, the South Carolina Court of Appeals vacated the sentences imposed on March 16, 2000, for lack of jurisdiction inasmuch as the Defendant's direct appeal had not yet been completed. On October 15, 2003, the Court of Appeals dismissed the appeal for failure to provide status reports. The Defendant moved to reinstate and on December 3, 2003, the Court of

Appeals rescinded the dismissal and ordered the matter remitted to the lower court for re-sentencing.

On February 18, 2004, Defendant was re-sentenced, yet again, to life for burglary, first, thirty (30) years for criminal sexual conduct, first; thirty (30) years for kidnapping; fifteen (15) for robbery; and five (5) for escape, to all be served consecutively.

On January 26th, 2011, Tara Dawn Shurling filed a Motion for Re-sentencing on behalf of the Defendant and requested the Court re-sentence Defendant in accordance with the decision in *Graham v. Florida*, ___ U.S. ___, 130 S.Ct. 2011(2010). At the time of that filing, Counsel was not aware that the Defendant had a Petition for Writ of Habeas Corpus, pursuant to 28 USCA §2254, pending in the District Court. Said motion has never been ruled upon.

On June 2, 2011, the Honorable Henry M. Hurlong, Jr., U.S. District Court Judge for the District of South Carolina issued an Opinion and Order adopting the Report and Recommendation of U.S. Magistrate Judge Bristow Marchant, ordering Defendant's habeas petition be granted on the sole issue of whether the Defendant was entitled to re-sentencing under the *Graham* decision. He ordered that the Defendant be returned to the state sentencing court for re-sentencing consistent with *Graham*. The re-sentencing hearing for the Defendant has been scheduled for April 25, 2013.

QUESTION OF LAW

Whether a term of years sentence may violate the prohibition against life sentences without parole for juvenile offenders in cases not involving convictions for homicide.

Under the Eighth Amendment, “[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. Const. Amend. VIII. The Eighth Amendment is applicable to the states under the due process clause of the Fourteenth

Amendment. U.S. Const. Amend. XIV, See also *Robinson v. California* 370 U.S. 660, 82 S. Ct. 1417 (1962). Proportionality of punishment is the keystone of Eighth Amendment analysis because it embodies the “precept of justice that punishment for a crime should be graduated and proportioned to [the] offense.” *Graham v. Florida*, 130 S.Ct. 2011, 2021, 176 L.Ed.2d 825 (2010) (citing *Weems v. U.S.*, 217 U.S. 349,367, 30 S.Ct. 544 (1910)). “The Eighth Amendment’s prohibition of cruel and unusual punishment guarantees individuals the right not to be subjected to excessive sanctions.” *Miller v. Alabama*, 132 S.Ct. 2455, 2458, 183 L.Ed.2d 407 (internal quotations omitted) (finding that *mandatory* life sentences for juveniles are a violation of the Eighth amendment even where the crime committed was homicide). In *Graham*, the Supreme Court determined that life without parole sentences for juvenile non-homicide offenders violated the Eighth amendment and went to on to explain that while there is no guarantee of eventual release for the offender, that the State “*must*, ~~impose~~ impose a sentence that provides ~~some~~ *meaningful opportunity for release* based on demonstrated maturity and rehabilitation.” 130 S. Ct. at 2017. (emphasis added) See also *State v. Bonner*, 400 S.C. 561, 735 S.E.2d 525 (Ct. App. 2012). What the Court did not specifically address, ~~however, is whether lengthy term of years~~ sentences also fall within the purview of *Graham*. Counsel for the Defendant would now respectfully assert that they must.

Term of year sentences that are the functional equivalent of life sentences may not be permissible under the letter and spirit of the *Graham v. Florida*.

Florida is the state greatest affected by the *Graham* decision due to the high concentration of juvenile LWOP cases prior to the *Graham* decision. *Graham*, 130 S.Ct. At 2024. (of the 123 juvenile non-homicide offenders serving life without parole sentences at the time of the *Graham* decision, 77 of those were serving sentences imposed in Florida). With such a large concentration in one state, looking to the evolution of their case law, may inform on the

challenges in determining the validity of term-of-years sentences which may be *the functional equivalent of a life sentence*. States such as Arizona and Georgia appear to have reached a determination that under *Graham* a term-of-years sentence is not violative of the Eighth Amendment, while in California, it has been found that a sentence which exceeds the expected life expectancy of the defendant, it is violative. What has arisen in Florida is a direct conflict between the districts as to whether *Graham* even applies to term-of-years sentences, and if so, at what point does a term-of-years sentence become the functional equivalent of life. The Florida Supreme Court has certified the question of the validity of lengthy term-of-year sentences, in *Gridine v. State*, 89 So.3d 909 (2011), though that case is still pending; briefs for both appellant and respondent having not yet been filed.

Some courts have determined that the *Graham* decision is to be narrowly applied, in that since *Graham* specifically enumerated life without parole sentences, that the decision only applies to life sentences and not to term of year sentences. See *Henry v. State*, 82 So.3d 1084, 37 Fla. L. Weekly D195 (Fla. 5th DCA 2012) (holding that a 90 year sentence for a juvenile non-homicide offender was constitutional where the Court was silent on term of year sentencing in the *Graham* case); See also *State v. Kasic*, 265 P.3d 410 (Ariz. Ct. App. 2011) (holding that a combined 139.75 year sentence for a juvenile non-homicide offender was constitutional);

Other courts struggle to find harmony between the Court's requirement of meaningful opportunity of release in *Graham* and permitting lengthy *de facto* life sentences. See *Gridine v. State*, 89 So.3d 909, 37 Fla. L. Weekly D69 (Fla. 1st DCA 2011) (review granted Fla. October 11, 2012) ("at some point, a term-of-years sentence may become the functional equivalent of a life sentence", however, the seventy (70) year sentence of the Defendant did not raise to that level) cf. *United States v. Mathurin*, 2011 WL 2580775 (S.D.Fla. June 29, 2011) (a mandatory minimum sentence of three-hundred and seven years imprisonment for a juvenile was

unconstitutional); *See also People v. Mendez*, 114 Cal. Rptr. 3d 870 (Cal. Ct. App. 2010)(finding an 84 year sentence for a juvenile non-homicide offender was unconstitutional under *Graham* for not providing a meaningful opportunity for release); *See also Adams v. State*, 288 Ga. 695, 707 S.E.2d 359 (Ga. 2011) (finding that the sentence of “life imprisonment for aggravated child molestation, with 25 years to be served and the remainder of the life sentence on probation” did not violate the 8th amendment); *See also Floyd v. State*, 87 So.3d 45, 37 Fla. L. Weekly D871 (Fla. 2012) (reversed two forty-year consecutive sentences as the functional equivalent of a life sentence without parole proscribed in *Graham*); *See also People v. Caballero*, 55 Cal.4th 262, 282 P.3d 291 (Cal. 2012) (finding a sentence of a minimum of 110 years to be served prior to becoming parole eligible falls outside the juvenile offenders life expectancy and is therefore in violation of the Eighth Amendment); *See also People v. Mendez*, 114 Cal. Rptr. 3d 870 (Cal. Ct. App. 2010)(finding an 84 year sentence for a juvenile non-homicide offender was unconstitutional under *Graham* for not providing a meaningful opportunity for release).

In *Henry*, the defendant was convicted of sexual battery, kidnapping, robbery, carjacking, and burglary of a dwelling and was given an aggregate term-of-years sentence totaling ninety (90) years in prison. *Supra*, 82 So.3d at 1085-86. Even with meritorious gain-time, the court found that Henry's sentence would have exceeded his life expectancy of 64.3 years. *Id.* The court noted that Henry's sentence was distinct from *Graham* because Henry had not received an actual life sentence, but rather a lengthy aggregate term-of-years sentence. *Id.* Further the court looked to other jurisdictions such as Arizona, where *State v. Kasic* determined an aggregate 139.75 year sentence was not a violation of *Graham*, and to Georgia where in *Adams v. State* and *Middleton v. State*, sentences of twenty five (25) years incarceration with life probation and thirty (30) years incarceration, respectively, were found not to be violations of *Graham*. *Id.* at 1088. The court noted that the majority opinion of *Graham* does suggest “a juvenile may not receive a sentence

that will cause him to spend his entire life incarcerated without a chance for rehabilitation” but that the Supreme Court in *Graham* “offers no direction whatsoever” for lengthy term-of-years sentences. *Id.* at 1089. “Without any tools to work with... we can only apply *Graham* as it is written.” *Id.* Therefore, under the narrow reading of *Graham* proscribing only life sentences without parole, the court upheld the term-of-years sentence for *Henry*.

In *Gridine*, a juvenile was convicted of attempted first-degree murder and sentenced to seventy years imprisonment. *Supra*, 89 So. 3d at 910. Gridine requested the court find his seventy year sentence was a *de facto* life sentence in violation of *Graham v. Florida*. *Id.* at 911. However, the court noted that *Graham* was specifically limited to “those juvenile offenders sentenced to life without parole solely for a non-homicide offense.” *Id.* (citing *Graham*, 130 S.Ct. At 2023). The court further acknowledged “that at some point, a term-of-years sentence may become the functional equivalent of a life sentence” and cited to *Mathurin* where a three hundred year mandatory minimum was found unconstitutional. *Id.* The stark comparison clearly shows the difference between a sentence well outside any expectation of release to one that may or may not reach the defendant's natural life span. In his dissent, Judge Wolf expressed his concerns as to at what point a term-of-years sentence may violate *Graham*, stating “[a]bsent the option of parole, I am at a loss on how to apply the *Graham* decision to a lengthy term of years. Is a 60-year sentence lawful, but a 70-year sentence not? Regardless, it is clear to me that appellant will spend most of his life in prison. This result would appear to violate the spirit, if not the letter, of the *Graham* decision. ... I note that absent a legislative solution, I look for guidance from either the United States or Florida Supreme Courts.” *Id.* (Wolf, J., dissenting). Wolf's dissent acknowledges the conundrum of lengthy term-of-years sentencing where even if courts were to acknowledge that a term-of-years sentence can function as a life sentence equivalent, the

task of curing the sentence of its constitutional violation would be problematic at best without further guidance from the High Court on this difficult issue.

In *Floyd*, the defendant was a 17 year old who was convicted of grand theft auto and two counts of robbery with a firearm. *Supra*, 87 So.3d at 45. He was sentenced to two, consecutive, forty year terms for the two counts of armed robbery. *Id.* at 46. Under Florida's penal code the defendant would be required to serve at minimum 85% of his sentence, meaning he would not be released until age 85 at the earliest. *Id.* While the first district court of Florida had previously faced a term of years *Graham* argument, in those two prior cases the terms were 50 and 70 years and that court did not find those sentences acted as a functional equivalent of a life term. *Id.* While *Floyd* would likely be released at some point, that court acknowledged that *Graham* also cautioned the states from making a judgment at the outset that a defendant would never be fit to reenter society. *Id.* Where *Floyd* would not be released until, at the earliest, age eighty five, that court determined the trial court impermissibly made the determination that *Floyd* would not be fit to reenter society. *Id.* The court noted that "common sense" dictated that the eighty year sentence for *Floyd* was beyond his life expectancy, and therefore the functional equivalent of life without parole. *Id.* at 37.

In *Cabellero*, the defendant was convicted on three counts of attempted murder. *Supra*, 55 Cal.4th 262, 265, 282 P.3d 291 (Cal. 2012). The defendant's total sentence was 110 years to life. *Id.* In that case, the lower court which had upheld the 110 year sentence relied, in part, on Justice Alito's dissenting opinion from *Graham*, stating "[n]othing in the Court's opinion affects the imposition of a sentence to a term of years without the possibility of parole. Indeed, petitioner conceded at oral argument that a sentence of as much as 40 years without the possibility of parole "probably" would be constitutional. *Cabellero*, 55 Cal.4th at 267. See

Graham, 130 S.Ct. at 2058. (ALITO,J., dissenting.) However, when the Court extended the reasoning from *Graham* to the *Miller v. Alabama* case (though not the categorical bar for juveniles), it became clearer that, constitutionally, children were quintessentially different, and that those differences must be taken into account. *Id.* at 267-8. That court then determined, the *Graham* dictate was not a focus on the precise sentence meted out, but rather that the states must provide a juvenile non homicide offender “with some realistic opportunity to obtain release.” *Id.* at 268 (citing *Graham*, 130 S.Ct. at 2034). Therefore, that court determined that the 110 year sentence was a violation of the Eighth Amendment because it had a parole eligibility date outside the juvenile offender’s natural life expectancy. *Id.*

THE CASE BEFORE THE COURT

In the case at hand, under South Carolina law, Slocumb is exposed to a sentence of fifteen (15) years to life for first degree burglary and a potential additional aggregate eighty (80) year sentence. It is clear that the life sentence without parole for burglary must be vacated and the Defendant must be re-sentenced pursuant to *Graham*, inasmuch as his life sentence is violative of the Eighth Amendment. What remains unclear is what term-of-years sentence would be appropriate. In the above cited cases, there is conflicted guidance on the matter. Even in Georgia, where the cases have established a term-of-years sentence to be outside the purview of *Graham*, the sentences involved in the cases that have been reviewed on this point have not involved actual incarceration for a term that would likely span or exceed the defendants' life expectancy. Further, even in cases, such as *Henry*, where the lengthy term of years sentence was not vacated as unconstitutional, the courts have noted language from *Graham* that finds a need for a meaningful opportunity for release while finding that it is precarious to extend that concept to sentences of a term-of-years without further guidance from the high courts or the legislatures.

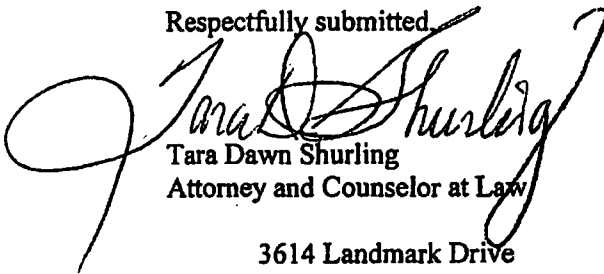
The narrow reading of *Graham*, therefore, appears to be predicated (at least in part) on the difficulty of calculating a sentence that would provide a meaningful opportunity for release in states with no parole provisions for certain categories of offenses. Until such guidance comes however, the Defendant submits that the Court must take the fundamental principals set forth in *Graham* into account in potentially rendering a lengthy term-of-years sentence.

Counsel for the Defendant would respectfully assert that the spirit of the *Graham* decision is not honored by an attempt to pass down a lengthy term-of-years sentence that would get as close as possible to the life expectancy of the defendant, but rather the constitutional values addressed by *Graham* dictate that the Court impose a sentence that would provide the Defendant a meaningful opportunity for release at an age where he would have the ability to re-enter and contribute to society. The Defendant was sixteen (16) years and eight (8) months of age when he committed the crimes in question. The world average life expectancy in 2010 was 67.2 years.¹ The Court in *Henry*, supra, found that Henry had a life expectancy of 64.3 years. Therefore, an aggregate sentence of fifty (50) years, which would be served with an 85% service requirement, would essential put the Defendant in the position to be released at the very end of his life expectancy after serving approximately 42 years and 6 months of his sentence. The Defendant respectfully asks that this Honorable Court vacate the balance of his sentences and re-sentence him on all his convictions in order that he might receive a sentence that applies *Graham* in a meaningful manner. If the aggregate eighty (80) year sentence the Defendant received on his other charges remains in place, he would have to serve approximately sixty-eight (68) years before being eligible for release, even if he received a concurrent term of equal or shorter duration on the first degree burglary charge. An eighty (80) year sentence would put the

¹ Figure taken from a Wikipedia search under key phrase "life expectancy" ; copy of which is attached as Attachment C.

Defendant at approximately eighty-four years and eight months (84 years and 8 months) of age when released, or to put it bluntly, twenty years beyond his life expectancy. Counsel herein would respectfully submit that a sentence which is designed to get you released from custody just in time to die, is not in keeping with the spirit of the *Graham* decision.² Taking into account the fundamental distinctions between juvenile offenders and adults who make the decision to commit crimes, the Defendant begs this Court to consider sentencing him to a term of years which not only reflects an appropriate penalty for the crimes he committed, but also provides him, as a mature adult, a meaningful opportunity for release at an age where he would have the ability to re-enter and contribute to society.

Respectfully submitted,



Tara Dawn Shurling
Attorney and Counselor at Law

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(803)738-1600 Fax
tdslaw@shurlinglaw.com E-mail

This 24th day of April, 2013.

ATTORNEY FOR THE DEFENDANT

² For the convenient reference of the Court, Counsel has attached a chart showing what the net service, at 85%, would be for sentences ranging from 100 years to 10 years. Attachment D.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Conrad Lamont Slocumb, #197165,)
aka Conrad L. Slocumb,)

CIVIL ACTION NO. 9:10-1605-HMH-BM

Petitioner,)

v.)

REPORT AND RECOMMENDATION

Bernard McKie, Warden,)

Respondent.)

This action has been filed by the Petitioner, pro se, pursuant to 42 U.S.C. § 2254. The Petitioner raises five grounds for relief in his federal habeas petition.

In Ground Three, Petitioner contends that his sentence is unconstitutional under Graham v. Florida, 130 S.Ct. 2011 (2010). The Respondent concedes that Petitioner is entitled to have his life sentence for burglary first degree vacated pursuant to Graham, and that he should be returned to Richland County General Sessions Court for re-sentencing on the burglary first degree conviction. Therefore, it is **recommended** that this Court grant Petitioner relief on Ground Three of his Petition, that his sentence for burglary first degree, be **vacated**, and that the Respondent be directed to facilitate re-sentencing of the Petitioner as set for herein in compliance with Graham.

With respect to the remainder of Petitioner's asserted grounds for relief, the undersigned does not find it appropriate to consider those claims at this time. Until Petitioner has been re-sentenced in state court, it cannot be determined whether Petitioner will elect to proceed to

exhaust further state and federal remedies based upon any issues that arise as a result of his re-sentencing proceedings. Hence, if the Court proceeded to consider Petitioner's other federal claims at this time, it could result in potential successive federal petitions and/or piecemeal consideration of Petitioner's federal claims. Lewis v. Maine, 254 F.Supp.2d 159, 164-165 & n. 5 (D.Me. 2003)[Finding that a piecemeal approach to judgments of conviction does not serve the court's interest in resolving habeas challenges to state court judgments in one coherent, efficient review]; cf. Rose v. Lundy, 455 U.S. 519, 520-521 (1982).

Therefore, the undersigned recommends that the remainder of Petitioner's claims be dismissed, without prejudice. Petitioner may then re-file a petition after re-sentencing, if he believes he has grounds for habeas relief. See United States v. Dodson, 291 F.3d 268, 272-276 (4th Cir. 2002)[Where "convictions and sentences arise from a multi-count indictment, a single judgment of conviction results. Thus, there is a strong presumption that Congress generally intended that convictions and sentences on all counts become a final judgment of conviction"]; see also Magwood v. Patterson, 130 S.Ct. 2788 (2010)[re-sentencing led to a new judgment]; Scott v. Hubert, 635 F.3d 659, 664-665 (5th Cir. 2011)[“The question of when a conviction becomes final for federal habeas purposes is purely a question of federal law and final judgment in a criminal case means sentence (the sentence is the judgment)]; Murphy v. United States, 634 F.3d 1303, 1310-1311 (11th Cir. 2011)[Judgment to which Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”) refers is the underlying conviction and the most recent sentence that authorizes the petitioner's current detention]. But cf. United States v. Wilson, 256 F.3d 217, 220 (4th Cir. 2001)[Court did not regard the various counts upon which Plaintiff was convicted as a “unified whole” where one count was remanded with instructions to vacate his conviction and sentence on that one count only].

Conclusion

Based on the foregoing, it is recommended that Petitioner's habeas petition be granted with respect to Ground Three only, and that Petitioner be returned to the state sentencing court for re-sentencing as directed herein. It is further recommended that the remaining claims in the petition be dismissed at this time, without prejudice.

The parties are referred to the Notice Page attached hereto.



Bristow Marchant
United States Magistrate Judge

May 12, 2011
Charleston, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
Post Office Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

NHL



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Conrad Lamont Slocumb, #197165,)
aka Conrad L. Slocumb,)
)
Petitioner,)
)
vs.)
)
Bernard McKie, Warden,)
)
Respondent.)

C.A. No. 9:10-1605-HMH-BM

OPINION AND ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1) (2006).

The Petitioner filed no objections to the Report and Recommendation. In the absence of objections to the magistrate judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The court must "only satisfy itself that there is no clear error on the face

of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Marchant’s Report and Recommendation and incorporates it herein. It is therefore

ORDERED that Petitioner’s habeas petition is granted with respect to Ground Three only and that Petitioner be returned to the state sentencing court for resentencing as directed in the Report and Recommendation. It is further

ORDERED that the remaining claims in the petition be dismissed without prejudice. It is further

ORDERED that a certificate of appealability is denied with respect to the dismissed claims. 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
June 2, 2011

NOTICE OF RIGHT TO APPEAL

The Petitioner is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

Life expectancy

From Wikipedia, the free encyclopedia

Life expectancy is the expected (in the statistical sense) number of years of life remaining at a given age.^[1] It is denoted by e_x ,^[6] which means the average number of subsequent years of life for someone now aged x , according to a particular mortality experience. Because life expectancy is an average, a particular person may well die many years before or many years after their "expected" survival. The term "maximum life span" has a quite different meaning. The "median life span" is also a different concept although fairly similar to life expectancy numerically in most developed countries. A 2013 study found a pronounced relationship between economic inequality and life expectancy.^[2]

The term that is known as life expectancy is most often used in the context of human populations, but is also used in plant or animal ecology,^[3] it is calculated by the analysis of life tables (also known as actuarial tables). The term life expectancy may also be used in the context of manufactured objects^[4] although the related term shelf life is used for consumer products and the terms "mean time to breakdown" (MTTB) and "mean time before failures" (MTBF) are used in engineering.

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- 2 Human life expectancy patterns
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 - 2.2 Regional variations
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 - 2.4 Sex differences
 - 2.5 Centenarians
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- 3 Evolution and aging rate
- 4 Calculating life expectancies
- 5 Life expectancy forecasting
- 6 Policy uses of life expectancy
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- 8 See also
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Interpretation of life expectancy

It is important to note that life expectancy is an average. In many cultures, particularly before modern medicine was widely available, the combination of high infant mortality and deaths in young adulthood from accidents, epidemics, plagues, wars, and childbirth, significantly lowers the overall life expectancy. But for someone who survived past these early hazards, living into their sixties or seventies would not be uncommon. For example, a society with a life expectancy of 40 may have very few people dying at age 40: most will die before 30 years of age or after 55.

In countries with high infant mortality rates, the life expectancy at birth is highly sensitive to the rate of death in the first few years of life. Because of this sensitivity to infant mortality, simple life expectancy at age zero can be subject to gross misinterpretation, leading one to believe that a population with a low overall life expectancy will necessarily have a small proportion of older people.^[5] For example, in a hypothetical stationary population in which half the population dies before the age of five, but everybody else dies at exactly 70 years old, the life expectancy at age zero will be about 37 years, while about 25% of the population will be between the ages of 50 and 70. Another measure such as life expectancy at age 5 (e_5) can be used to exclude the effect of infant mortality to provide a simple measure of overall mortality rates other than in early childhood—in the hypothetical population above, life expectancy at age 5 would be another 65 years. Aggregate population measures such as the proportion of the population in various age classes should also be used alongside individual-based measures like formal life expectancy when analyzing population structure and dynamics.

Human life expectancy patterns

Humans are expected to live on average 49.42 years in Swaziland^[6] and 82.6 years in Japan, although Japan's recorded life expectancy may have been very slightly increased by counting many infant deaths as stillborn.^[7] An analysis published in 2011 in *The Lancet* attributes Japanese life expectancy to equal opportunities and public health as well as diet.^{[8][9]}

The oldest confirmed recorded age for any human is 122 years (see Jeanne Calment). This is referred to as the "maximum life span", which is the upper boundary of life, the maximum number of years any human is known to have lived.^[10]

Life expectancy variation over time

The following information is derived from *Encyclopædia Britannica*, 1961, and other sources, some with a questionable accuracy. Unless otherwise stated, it represents estimates of the life expectancies of the population as a whole. In many instances life expectancy varied considerably according to class and gender.

Life expectancy at birth takes account of infant mortality but not pre-natal mortality.

Era	Life Expectancy at Birth (years)	Life Expectancy at Older Age
Upper Paleolithic	33	At age 15, life expectancy an additional 39 years (total age 54). ^{[11][12]}
Neolithic ^[13]	20	
Bronze Age and Iron Age ^[14]	26	
Classical Greece ^[15]	28	
Classical Rome ^[15]	28	At age 15, life expectancy an additional 37 years (total age 52).
Pre-Columbian North America ^[16]	25–30	
Medieval Islamic Caliphate ^[17]	35+	
Medieval Britain ^{[18][19]}	30	At age 21, life expectancy an additional 43 years (total age 64). ^[20]
Early Modern Britain ^[14]	25–40	
Early 20th Century ^{[21][22]}	31	
2010 world average ^[23]	67.2	

Life expectancy increases with age as the individual survives the higher mortality rates associated with childhood. For instance, the table above listed life expectancy at birth in Medieval Britain at 30. A male member of the English aristocracy at the same period could expect to live, having survived until the age of 21.^[20]

- 1200-1300 C.E.: 43 years (to age 64)
- 1300-1400 C.E.: 34 years (to age 55) (due to the impact of the Black Death)
- 1400-1500 C.E.: 48 years (to age 69)
- 1500-1550 C.E.: 50 years (to age 71).

In general, the available data indicate that longer lifespans became more common recently in human evolution.^{[12][24]} This increased longevity is attributed by some writers to cultural adaptations rather than genetic evolution,^[25] although some research indicates that during the Neolithic Revolution natural selection favored increased longevity.^[13] Nevertheless, all researchers acknowledge the effect of cultural adaptations upon life expectancy.^[24]

During the early 1600s in England, life expectancy was only about 35 years, largely because two-thirds of all children died before the age of four.^[26] The average life expectancy in Colonial America was under 25 years in the Virginia colony,^[27] and in New England about 40% of children failed to reach adulthood.^[28] During the Industrial Revolution, the life expectancy of children increased dramatically.^[29] The percentage of children born in London who died before the age of five decreased from 74.5% in 1730-1749 to 31.8% in 1810-1829.^{[30][31]}

Public health measures are credited with much of the recent increase in life expectancy. During the 20th century, the average lifespan in the United States increased by more than 30 years, of which 25 years can be attributed to advances in public health.^[32]

In order to assess the quality of these additional years of life, 'healthy life expectancies' have been calculated for the last 30 years. Since 2001, the World Health Organization publishes statistics called Healthy life expectancy (HALE), defined as the average number of years that a person can expect to live in "full health", excluding the years lived in less than full health due to disease and/or injury. Since 2004, Eurostat publishes annual statistics called Healthy Life Years (HLY) based on reported activity limitations. The United States of America uses similar indicators in the framework of their nationwide health promotion and disease prevention plan "Healthy People 2010". An increasing number of countries are using health expectancy indicators to monitor the health of their population.

Further information: Longevity.

Regional variations

Further information: List of countries by life expectancy

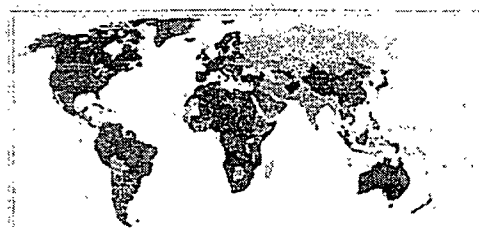
There are great variations in life expectancy between different parts of the world, mostly caused by differences in public health, medical care and diet. Much of the excess mortality (higher death rates) in poorer nations is due to war, starvation, and diseases (AIDS, Malaria, etc.). The impact of AIDS is particularly notable on life expectancy in many African countries: According to the UN^[34] the life expectancy at birth for 2010–2015 (if HIV/AIDS did not exist) would have been:

- 70.7 years instead of 31.6 in Botswana
- 69.9 years instead of 41.5 in South Africa
- 70.5 years instead of 31.8 in Zimbabwe.

As a result, over the past 200 years, countries with African populations have generally not had the same improvements in mortality rates that have been enjoyed by populations of Asian, Latin American or European origin. Notably, even in countries with a majority of European people, such as the United States, Britain, or Ireland, African people still tend to have shorter life expectancies than their European counterparts. For example, in the United States, Euro-Americans are expected to live until age 78.2, but African Americans only until age 73.6.^[35]

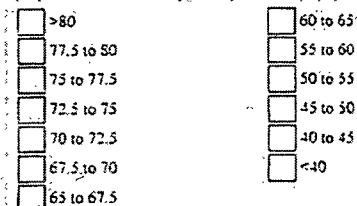
In contrast, Asian-Americans live the longest of all ethnic groups in the United States, with a life expectancy of 87 years, almost ten years longer than Euro-Americans.^[36] Latino-Americans are second place among ethnic groups on life expectancy, living on average two years longer than Euro-Americans and seven years longer than African-Americans, with a life expectancy of 80.6 years.^[37] In contrast to the on average lower life expectancy of most Latin American countries. These variations among ethnic groups may be ascribed to differing economic circumstances of the groups, and in the United States, notably differing access to health care. It may also be ascribed to different cultural patterns of eating or diet that may cross international lines and explain the variation within ethnic groups in a multiethnic society such as the United States.

Climate may also have an effect, and the way data is collected may also influence the figures.



World map on life expectancy from WLE

(<http://www.worldlifeexpectancy.com/index.php>)



Economic circumstances

Economic circumstances also affect life expectancy. For example, in the United Kingdom, life expectancy in the wealthiest areas is several years longer than in the poorest areas. This may reflect factors such as diet and lifestyle as well as access to medical care. It may also reflect a selective effect: people with chronic life-threatening illnesses are less likely to become wealthy or to reside in affluent areas.^[38] In Glasgow the disparity is among the highest in the world with life expectancy for males in the heavily deprived Calton standing at 54 – 28 years less than in the affluent area of Lenzie, which is only eight kilometres away.^{[39][40]}

A 2013 study found a pronounced relationship between economic inequality and life expectancy.^[41] However, a study by José A. Tapia Granados and Ana Diez Roux at the University of Michigan found that life expectancy actually increased during the Great Depression, and during recessions and depressions in general.^[41] The authors suggest that when people are working extra hard during good economic times, they undergo more stress, exposure to pollution, and likelihood of injury among other longevity-limiting factors.

Life expectancy is also likely to be affected by exposure to high levels of highway air pollution or industrial air pollution.^[citation needed] This is one way that occupation can have a major effect on life expectancy. Coal miners (and in prior generations, asbestos cutters) often have shorter than average life expectancies. Other factors affecting an individual's life expectancy are genetic disorders, obesity, access to health care, diet, exercise, tobacco smoking, drug use and excessive alcohol use.

Sex differences

Women tend to have a lower mortality rate at every age. In the womb, male fetuses have a higher mortality rate (babies are conceived in a ratio estimated to be from 107 to 170 males to 100 females, but the ratio at birth in the United States is only 105 males to 100 females).^[44] Among the smallest premature babies (those under 2 pounds or 900 g) females again have a higher survival rate. At the other extreme, about 90% of individuals aged 110 are female. The difference in life expectancy between men and women in the United States dropped from 7.8 years in 1979 to 5.3 years in 2005, with women expected to live to age 80.1 in 2005.^[45]

In the past, mortality rates for females in child-bearing age groups were higher than for males at the same age. This is no longer the case, and female human life expectancy is considerably higher than that of men. The reasons for this are not entirely certain. Traditional arguments tend to favor socio-environmental factors: historically, men have generally consumed more tobacco, alcohol and drugs than females in most societies, and are more likely to die from many associated diseases such as lung cancer, tuberculosis and cirrhosis of the liver.^[46] Men are also more likely to die from injuries, whether unintentional (such as occupational or war or car accidents) or intentional (suicide).^[46] Men are also more likely to die from most of the leading causes of death (some already stated above) than women. Some of these in the United States include: cancer of the respiratory system, motor vehicle accidents, suicide, cirrhosis of the liver, emphysema, and coronary heart disease.^[10] These far outweigh the female mortality rate from breast cancer and cervical cancer etc.

Some argue that shorter male life expectancy is merely another manifestation of the general rule, seen in all mammal species, that larger (size) individuals (within a species) tend on average to have shorter lives.^{[47][48]} This biological difference occurs because women have more resistance to infections and degenerative diseases.^[10]

In her extensive review of the existing literature, Kalben concluded that the fact that women live longer than men was observed at least as far back as 1750 and that, with relatively equal treatment, today males in all parts of the world experience greater mortality than females. Of 72 selected causes of death, only 6 yielded greater female than male age-adjusted death rates in 1998 in the United States. With the exception of birds, for almost all of the animal species studied, the males have higher mortality than the females. Evidence suggests that the sex mortality differential in humans is due to both biological/genetic and environmental/behavioral risk and protective factors.^[49]

There is a recent suggestion that mitochondrial mutations that shorten lifespan continue to be expressed in males (but less so in females) because mitochondria are inherited only through the mother. By contrast natural selection weeds out mitochondria that reduce female survival as such mitochondria are less likely to be passed on to the next generation. Therefore it is suggested human females and female animals tend to live longer than males. The authors claim this is a partial explanation.^{[50][51]}

Centenarians

In developed countries, the number of centenarians is increasing at approximately 3.5% per year, which means doubling the centenarian population every 13 years, pushing it from some 455,000 in 2009 to 4.1 million in 2050.^[52] Japan is the country with the highest ratio of centenarians (347 for every 1 million inhabitants in September 2010). Shimane prefecture had an estimated 743 centenarians per million inhabitants.^[53]

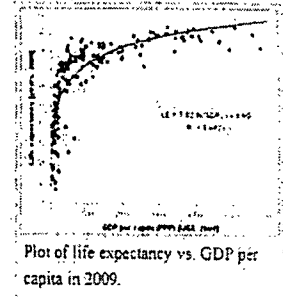
In the United States, the number of centenarians grew from 32,194 in 1980 to 71,944 in November 2010 (232 centenarians per-million inhabitants).^[54]

Mentally ill

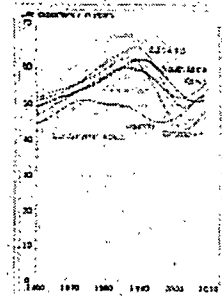
Adults with serious mental illness (SMI) die about 25 years earlier, on average at age 51 versus 76 for Americans generally, primarily due to cardiovascular disease.^{[55][56]}

Evolution and aging rate

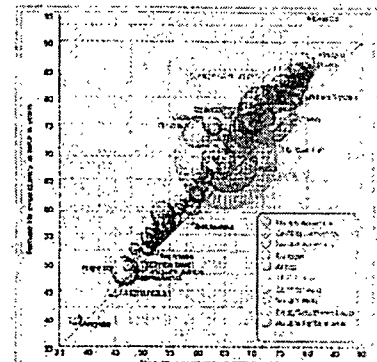
Various species of plants and animals, including humans, have different lifespans. There is an evolutionary theory of aging, and general consensus in the academic community of evolutionary theorists; however the theory doesn't work well in practice, and there are many unexplained exceptions. Evolutionary theory states that organisms that, by virtue of their defenses or lifestyle, live for long periods whilst avoiding accidents, disease, predation, etc., are likely to have genes that code for slow aging — which often translates to good cellular repair. This is theorized to be true because if predation or accidental deaths prevent most individuals from living to an old age, then there will be less natural selection to increase intrinsic life span.^[57] The finding was supported in a classic study of opossums by Austad,^[58] however the opposite relationship was found in an equally prominent study of guppies by Reznick.^{[59][60]}



Plot of life expectancy vs. GDP per capita in 2009.



Graphs of life expectancy at birth for some sub-Saharan countries showing the fall in the 1990s primarily due to the AIDS pandemic.^[61]



Comparison of male and female life expectancy at birth for countries and territories as defined in the 2011 CIA Factbook, with selected bubbles labelled. The dotted line corresponds to equal female and male life expectancy. The apparent 3D volumes of the bubbles are linearly proportional to their population.^[52-54]

One prominent and very popular theory attributes aging to a tight budget for food energy called caloric restriction.^[61] Caloric restriction observed in many animals (most notably mice and rats), shows a near doubling of life span due to a very limited caloric intake. Support for this theory has been bolstered by several new studies linking lower basal metabolic rate to increased life expectancy.^{[62][63][64]} This is the key to why animals like Giant Tortoises can live so long.^[65] Studies of humans with 100+ year life spans have shown a link to decreased thyroid activity, resulting in their lowered metabolic rate.^[66]

In a broad survey of zoo animals, no relationship was found between the fertility of the animal and its life span.^[67]

Calculating life expectancies

The starting point for calculating life expectancies is the age-specific death rates of the population members. In the past, a very simple model of age-specific mortality used the Gompertz function, although these days more sophisticated methods are used.^[68]

In cases where the amount of data is relatively small, the most common methods are to fit a mathematical formula, such as an extension of the Gompertz function, to the data, or to look at an established mortality table previously derived for a larger population and make a simple adjustment to it (e.g. multiply by a constant factor) to fit the data.

With a large amount of data, one looks at the mortality rates actually experienced at each age, and applies smoothing (e.g. by cubic splines) to iron out any apparently random statistical fluctuations from one year of age to the next.

While the data required are easily identified in the case of humans, the computation of life expectancy of industrial products and wild animals involves more indirect techniques. The life expectancy and demography of wild animals are often estimated by capturing, marking and recapturing them.^[69] The life of a product, more often termed shelf life is also computed using similar methods. In the case of long-lived components such as those used in critical applications, such as in aircraft methods such as accelerated aging are used to model the life expectancy of a component.^[4]

The age-specific death rates are calculated separately for separate groups of data which are believed to have different mortality rates (e.g. males and females, and perhaps smokers and non-smokers if data is available separately for those groups) and are then used to calculate a life table, from which one can calculate the probability of surviving to each age. In actuarial notation the probability of surviving from age x to age $x + n$ is denoted ${}_n p_x$ and the probability of dying during age x (i.e. between ages x and $x + 1$) is denoted q_x . For example, if 10% of a group of people alive at their 90th birthday die before their 91st birthday, then the age-specific death probability at age 90 would be 10%. Note that this is a probability rather than a mortality rate.

The expected future lifetime of a life age x in whole years (the *curate expected lifetime of (x)*) is denoted by the symbol e_x .^[6] It is the conditional expected future lifetime (in whole years), assuming survival to age x . If $K(x)$ denotes the curate future lifetime at x , then

$$e_x = E[K(x)] = \sum_{k=0}^{\infty} k \Pr(K(x) = k) = \sum_{k=0}^{\infty} k {}_k p_x q_{x+k}.$$

* Substituting ${}_k p_x q_{x+k} = {}_k p_x - {}_{k+1} p_x$ in the sum and simplifying, we get the equivalent formula^[70]

$$e_x = \sum_{k=1}^{\infty} {}_k p_x.$$

If we make the assumption that on average people live a half year in the year of death, then the complete expectation of future lifetime at age x is $e_x + 1/2$.

Life expectancy is by definition an arithmetic mean. It can also be calculated by integrating the survival curve from ages 0 to positive infinity (or equivalently to the maximum lifespan, sometimes called 'omega'). For an extinct or completed cohort (all people born in year 1850, for example), of course, it can simply be calculated by averaging the ages at death. For cohorts with some survivors, it is estimated by using mortality experience in recent years. These estimates are called period cohort life expectancies.

It is important to note that this statistic is usually based on past mortality experience, and assumes that the same age-specific mortality rates will continue into the future. Thus such life expectancy figures need to be adjusted for temporal trends before calculating how long a currently living individual of a particular age is expected to live. Period life expectancy remains a commonly used statistic to summarize the current health status of a population.

However for some purposes, such as pensions calculations, it is usual to adjust the life table used, thus assuming that age-specific death rates will continue to decrease over the years, as they have done in the past. This is often done by simply extrapolating past trends; however some models do exist to account for the evolution of mortality (e.g., the Lee-Carter model^[71]).

As discussed above, on an individual basis, there are a number of factors that have been shown to correlate with a longer life. Factors that are associated with variations in life expectancy include family history, marital status, economic status, physique, exercise, diet, drug use including smoking and alcohol consumption, disposition, education, environment, sleep, climate, and health care.^[10]

Life expectancy forecasting

Forecasting life expectancy and mortality forms an important subdivision of demography. Future trends in life expectancy have huge implications for old-age support programs like U.S. Social Security and pension systems, because the cash flow in these systems depends on the number of recipients still living (along with the rate of return on the investments or the tax rate in PAYGO systems). With longer life expectancies, these systems see increased cash outflow; if these systems underestimate increases in life-expectancies, they won't be prepared for the large payments that will inevitably occur as humans live longer and longer.

Life expectancy forecasting usually is based on two different approaches:

- Forecasting the life expectancy directly, generally using ARIMA or other time series extrapolation procedures: This approach has the advantage of simplicity, but it cannot account for changes in mortality at specific ages, and the forecasted number cannot be used to derive other life table results. Analyses and forecasts using this approach can be done with any common statistical/mathematical software package, like EViews, R, SAS, Stata, Matlab, or SPSS.
- Forecasting age specific death rates and computing the life expectancy from the results with life table methods: This approach is usually more complex than simply forecasting life expectancy because the analyst must deal with correlated age specific mortality rates, but it seems to be more robust than simple one dimensional time series approaches. This approach also yields a set of age specific rates that may be used to derive other measures, like survival curves or life expectancies at different ages. The most important approach within this group is the Lee-Carter model,^[72] which uses the singular value decomposition on a set of transformed age-specific mortality rates to reduce their dimensionality to a single time series, forecasts that time series, and then recovers a full set of age-specific mortality rates from that forecasted value. Software for this approach include Professor Rob J. Hyndman's R package called 'demography' (<http://robjhyndman.com/software/demography/>) and UC Berkeley's LCFIT system (<http://lcfit.demog.berkeley.edu/>).

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56. [^] "Mentally ill die 25 years earlier, on average" from usatoday.com (http://www.usatoday.com/news/health/2007-05-03-mental-illness_N.htm) "comorbidity high in seriously mentally ill" from psychiatryonline.org (<http://ajp.psychiatryonline.org/article.aspx?Volume=163&page=27&journalID=13>)
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58. [^] Austad SN (1993). "Retarded senescence in an insular population of Virginia opossums". *J. Zool. London* 329 (4): 695–708. doi:10.1111/j.1469-7998.1993.tb02665.x (<http://dx.doi.org/10.1111/j.1469-7998.1993.tb02665.x>).
59. [^] Reznick DN, Bryant MJ, Roff D, Ghalambor CK, Ghalambor DE (2004). "Effect of extrinsic mortality on the evolution of senescence in guppies". *Nature* 431 (7012): 1095–1099. doi:10.1038/nature02936 (<http://dx.doi.org/10.1038%2Fnature02936>). PMID 15510147 (<http://www.ncbi.nlm.nih.gov/pubmed/15510147>).
60. [^] Mitteldorf J, Pepper J (2007). "How can evolutionary theory accommodate recent empirical results on organismal senescence?". *Theory in Biosciences* 126 (1): 3–8. doi:10.1007/s12064-007-0001-0 (<http://dx.doi.org/10.1007%2F12064-007-0001-0>). PMID 18087751 (<http://www.ncbi.nlm.nih.gov/pubmed/18087751>).
61. [^] Kirkwood TE (1977). "Evolution of aging". *Nature* 270 (5635): 301–304. doi:10.1038/270301a0 (<http://dx.doi.org/10.1038%2F270301a0>). PMID 593350 (<http://www.ncbi.nlm.nih.gov/pubmed/593350>).
62. [^] <http://physrev.physiology.org/content/87/4/1175.full>
63. [^] <http://www.discoverymedicine.com/S-I-Olshansky/2009/07/25/what-determines-longevity-metabolic-rate-or-stability>
64. [^] <http://genesdev.cshlp.org/content/19/20/2399.full>
65. [^] <http://www.immortalhumans.com/the-longevity-secret-for-tortoises-is-held-in-their-low-metabolism-rate/>
66. [^] <http://www.asiaone.com/Health/News/Story/A1Story20090613-148261.html>
67. [^] Ricklefs RE, Cadena CD (2007). "Lifespan is unrelated to investment in reproduction in populations of mammals and birds in captivity". *Ecol. Lett.* 10 (10): 867–872. doi:10.1111/j.1461-0248.2007.01085.x (<http://dx.doi.org/10.1111%2Fj.1461-0248.2007.01085.x>). PMID 17845285 (<http://www.ncbi.nlm.nih.gov/pubmed/17845285>).
68. [^] Anderson, Robert N. (1999) Method for constructing complete annual U.S. life tables. Vital and health statistics. Series 2, Data evaluation and methods research : no. 129 (DHHS publication ; no. (PHS) 99-1329) PDF (http://www.cdc.gov/nchs/data/series/sr_02/sr02_129.pdf)
69. [^] Linda J Young; Jerry H Young (1998) Statistical ecology : a population perspective. Kluwer Academic Publishers. p. 310
70. [^] R. Cunningham, T. Herzog, and R. London (2008). *Models for Quantifying Risk* (Third ed.). Actex. ISBN 978-1-56698-676-2. Text " " ignored (help) page 92.
71. [^] Ronald D. Lee and Lawrence Carter. 1992. "Modeling and Forecasting the Time Series of U.S. Mortality." *Journal of the American Statistical Association* 87 (September): 659-671.
72. [^] http://www.soa.org/library/journals/north-american-actuarial-journal/2000/january/naaj0001_5.pdf
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74. [^] Wanjek, Christopher (2002). *Bad Medicine: Misconceptions and Misuses Revealed, from Distance Healing to Vitamin O*. Wiley. pp. 70–71. ISBN 0-471-43499-X
75. [^] Wanjek, Christopher (2002). *Bad Medicine: Misconceptions and Misuses Revealed, from Distance Healing to Vitamin O*. Wiley. p. 71. ISBN 0-471-43499-X

Further reading

- Leonid A. Gavrilov & Natalia S. Gavrilova (1991), *The Biology of Life Span: A Quantitative Approach*. New York: Harwood Academic Publisher, ISBN 3-7186-4983-7

External links

- Charts for all countries (http://www.google.com/publicdata/explore?ds=wb-wdi&met=sp_dyn_le00_in&idim=country:CAN&dl=en&hl=en&q=average+life+expectancy+canada#met=sp_dyn_le00_in&idim=country:USA:CHN)
- Global AgeWatch has the latest internationally comparable statistics on life expectancy from 195 countries. (<http://www.helpage.org/global-agewatch/population-ageing-data/>)
- Rank Order - Life expectancy at birth (<https://www.cia.gov/library/publications/the-world-factbook/rankorder/2102rank.html>) from the CIA's World Factbook.
- CDC year-by-year life expectancy figures for USA (<http://www.cdc.gov/nchs/fastats/lifexpec.htm>) from the USA Centers for Disease Controls and Prevention, National Center for Health Statistics.
- Life expectancy in Roman times (<http://www.utexas.edu/depts/classics/documents/Life.html>) from the University of Texas.
- Animal lifespans: Animal Lifespans (<http://web.archive.org/web/20060427184844/http://www.tesarta.com/www/resources/library/lifespans.html>) from Tesarta Online (Internet Archive); The Life Span of Animals (<http://www.sonic.net/~petdoc/lifespan.htm>) from Dr Bob's All Creatures Site.

Retrieved from "http://en.wikipedia.org/w/index.php?title=Life_expectancy&oldid=551217526"

Categories: Actuarial science | Ageing | Demography | Population | Gerontology | Demographic economics | Senescence

-
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CONRAD SLOCUMB
NET SERVICE REQUIREMENTS ON
VARIOUS SENTENCING OPTIONS

SENTENCE	85%
100 years	85 years
95 years	80 years 9 months
90 years	76 years 6 months
85 years	72 years 3 months
80 years	68 years
75 years	63 years 9 months
70 years	59 years 6 months
65 years	55 years 3 months
60 years	51 years
55 years	46 years 9 months
50 years	42 years 6 months
45 years	38 years 3 months
40 years	34 years
35 years	29 years 9 months
30 years	25 years 6 months
25 years	21 years 3 months
20 years	17 years
15 years	12 years 9 months
10 years	8 years 6 months

3
 8.5
 1.6

 51.0
 7.5
 2.5

 0

50%
 10%

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS

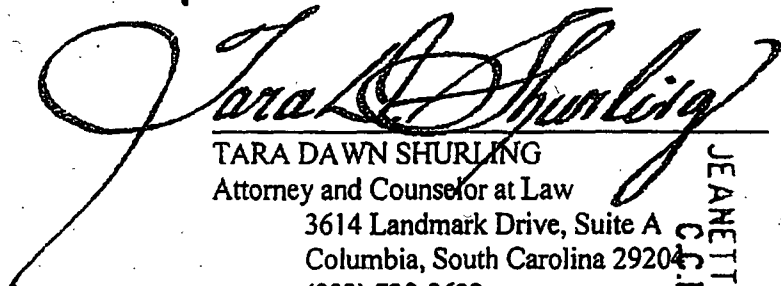
STATE OF SOUTH CAROLINA,)
)
)
v.)
)
CONRAD SLOCUMB, #197165)
)
)
)
)
)

CERTIFICATE OF SERVICE

1996-GS-40-11974, 11979, 11980,
12010, 12004

The undersigned hereby certifies that a true copy of the Bench Brief in Support of a Reduced Sentence in the above matter has been served on opposing counsel this 24th day of April, 2013, by email of this pleading to opposing counsel, Katherine Luck Campbell, Assistant Solicitor for the Fifth Judicial Circuit, addressed to: campbell@rcgov.us.

The original is to be filed with the Richland County Clerk of Court on April 25, 2013.



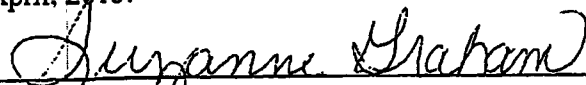
TARA DAWN SHURLING
Attorney and Counselor at Law
3614 Landmark Drive, Suite A
Columbia, South Carolina 29204
(803) 738-8622

ATTORNEY FOR DEFENDANT

JEANETTE W. McBRIDE
C.C.P. & S.S.
2013 APR 25 AM 9:35

RICHLAND COUNTY
FILED

SWORN TO BEFORE ME this 24th day of
April, 2013.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: 2/28/2023

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

The Honorable DeAndrea G. Benjamin, Circuit Court Judge

1996-GS-40-11974, 11979, 11980, 12010, 12004

RECEIVED
MAY 02 2013
SC Court of Appeals

THE STATE OF SOUTH CAROLINA,

RESPONDENT;

v.

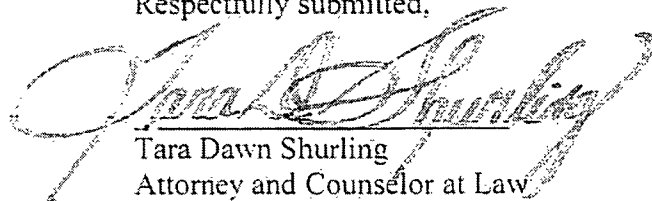
CONRAD LAMONT SLOCUMB,

APPELLANT.

NOTICE OF APPEAL

NOW COMES the Appellant in the above-captioned matter, acting by and through his undersigned counsel, giving notice of his appeal from the sentence imposed by the Court on April 25, 2013 for the offense of First Degree Burglary, previous sentence on said charge having been vacated by Order of the U. S. District Court pursuant to *Graham v. Florida*, 560 U. S. ___, 130 S. Ct. 2011 (2010). The Appellant also gives notice of his appeal from the denial of his motion to vacate the sentences imposed on his remaining charges and his request for re-sentencing on those judgments. Said motion was denied at the April 25, 2013 sentencing proceeding.

Respectfully submitted,


Tara Dawn Shurling
Attorney and Counselor at Law

3614 Landmark Drive, Suite A
Columbia, South Carolina 29204
(803)738-8622
(803)738-1600 FAX

ATTORNEY FOR APPLICANT

This 30th day of April, 2013.

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

The Honorable DeAndrea G. Benjamin, Circuit Court Judge

1996-GS-40-11974, 11979, 11980, 12010, 12004

RECEIVED

MAY 02 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

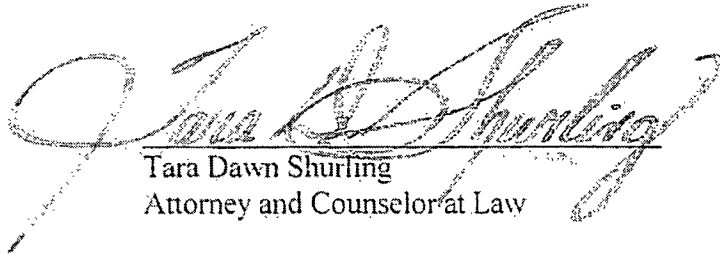
v.

CONRAD LAMONT SLOCUMB,

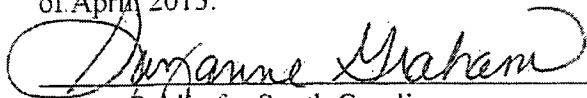
APPELLANT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Notice of Appeal has been served upon opposing counsel, Katherine Luck Campbell, Assistant Deputy Solicitor, Richland County Solicitor's Office, by U. S. Mail on this the 30th day of April, 2013.


Tara Dawn Shurling
Attorney and Counselor at Law

SWORN TO BEFORE me this 30th day
of April 2013.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 2/28/23

RECEIVED
MAY 6 2013
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

DOCKET NO. 96-65-40-11974

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL SESSIONS

#92 MARCH TERM 1996

THE STATE

vs.

CONRAD LAMONT SLOCUM

WITNESSES

③ Inv: Brian Metz, RCSI

Brian Metz

ARREST WARRANT NO. E473730

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreman of Grand Jury

VERDICT

Indictment for Burglary

(Dwelling)
FIRST DEGREE

S. C. Code Section 16-11-311(B) - Felony
79

[Signature] 4/17/96
Foreman of Petit Jury Date

FORM 1 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT FOR BURGLARY
(DWELLING)
FIRST DEGREE

At a Court of General Sessions, convened on March 20, 1996
the Grand Jurors of RICHLAND County present upon their oath:

**COUNT ONE — BURGLARY IN THE FIRST DEGREE
(DWELLING)**

That CONRAD JAMONT SLOCUMB
did in Richland County on or about March 6, 1996
willfully and unlawfully enter the dwelling of Vicky Chapman
without consent and with the intent to commit a crime therein and the defendant when, in effecting
entry or while in the dwelling or in immediate flight therefrom, caused physical
injury to Vicky Chapman, who was not a participant in the crime; or used or
threatened the use of a dangerous instrument, to wit: a handgun

**COUNT TWO — BURGLARY IN THE SECOND DEGREE
(DWELLING)**

That _____
did in _____ County on or about _____
willfully and unlawfully enter the dwelling of _____
without consent and with the intent to commit a crime therein.

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

Wm. B. Keese
SOLICITOR

DOCKET NO. 96-65 40-1980

The State of South Carolina

County of RICHLAND

COURT OF GENERAL SESSIONS

892 MARCH TERM 1986

THE STATE

vs.

CONRAD LAMONT SLOCUMB

WITNESSES

3 Str. Brian Metz, RCSD
Dw. B. White

ARREST WARRANT NO. E473732

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreman of Grand Jury

VERDICT

Indictment for
KIDNAPPING

S. C. Code Section 16-3-910 Class A-Felony
948

[Signature] 4/19/86
Foreman of Petit Jury Date

FORM 12 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT FOR
KIDNAPPING

At a Court of General Sessions, convened on March 20, 1996
the Grand Jurors of RICHLAND County present upon their oath:

That CONRAD LAMONT SLOCUMB did in Richland County on or about March 6, 1996,
unlawfully seize and or confine Vicky Chapman by any means whatsoever without
authority of law.

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

Warren B. Gese
SOLICITOR

075 8488

DOCKET NO. 96-65-40-11989

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL SESSIONS

#92 MARCH TERM 1996

THE STATE

vs.

CONRAT LAMONT SLOCUMB

ARREST WARRANT NO. E47373-1

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreman of Grand Jury

VERDICT

**Indictment for Criminal
Sexual Conduct First Degree**

S. C. Code Section 16-3-652 Class A-Felony
160

[Signature]
Foreman of Petit Jury Date

(3)

WITNESSES

Inv. Brian Metz, RCSD

[Signature]

FORM 20 (12/87)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT FOR CRIMINAL
SEXUAL CONDUCT FIRST DEGREE

At a Court of General Sessions, convened on March 20, 1996
the Grand Jurors of RICHLAND County present upon their oath:

COUNT ONE -- CRIMINAL SEXUAL CONDUCT
FIRST DEGREE

That CONRAD LAMONT SLOCUMB did in
Richland County on or about March 6, 1996, engage
in sexual battery, to wit: sexual intercourse

upon and with the body of Vicky Chapman without
his/her consent. Such sexual battery was accomplished by the use of force of a high and aggravated
nature, to wit: threatened the use of a deadly weapon and/or the victim Vicky
Chapman was also the victim of forcible confinement, kidnapping, robbery,
burglary or a similar offense or act

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

William B. Lucas
SOLICITOR

035-0785

DOCKET NO. 92-05-40-1200

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL SESSIONS

92. MARCH TERM 1996

THE STATE

vs.

CONRAD LANDOLT SLOCUMB

WITNESSES

Inv. Brian Metz, R.C.S.D.

B. Metz

ARREST WARRANT NO.

DP96141

ACTION OF GRAND JURY

TRUE BILL

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

11/12/96
Date

Indictment for Armed Robbery and Robbery

S.C. Code Section 16-11-330 (A)
CLASS: A Felony

(135)

FORM 20 (1991)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT FOR ARMED ROBBERY
~~AND ROBBERY~~

At a Court of General Sessions, convened on March 20, 1996
The Grand Jurors of Richland County present upon their oath:

COUNT ONE — ARMED ROBBERY

That CONRAD LAMONT SLOCUMB did in
Richland County on or about March 6, 1996 while armed with a deadly
weapon to wit: handgun
feloniously take from the person or presence of Vicky Chapman by means of
force or intimidation goods or monies of Vicky Chapman such goods or monies being
described as follows: jewelry and/or clothing and/or U.S. Currency and/or car
with intent to deprive the owner permanently of such property.

COUNT TWO — ROBBERY

That _____ did in _____
County on or about _____ feloniously take from the
person or presence of _____ by means of
force or intimidation goods or monies of _____
such goods or monies being described as follows: _____
with intent to deprive the owner permanently of such property.

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

Warren B. Reese
SOLICITOR

DOCKET NO. 68-40-12010

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL SESSIONS

#92 MARCH TERM 1996

THE STATE

vs.

CONRAD LANONT SLOCUMB

WITNESSES

⑤ Inv. Joel Branham, DJJ

Joel Branham

ARREST WARRANT NO.

DP 96142

ACTION OF GRAND JURY

TRUE BILL

Alvin E. [Signature]
Foreman of Grand Jury

VERDICT

[Signature] 11/18/96
Foreman of Petit Jury Date

Indictment for Escape

(IN STATE)

S. C. code Section 24-13-410(B)(D) Class F-Felony
159

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE VS)
Conrad Lamont Slocumb)
 AKA:)
 Race: B Sex: M)
 DOB: Age: 20)
 SSN:)
 DL#)
 SID#)

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT/CASE#

96 -gs- 40 - 11974
 A/W#: E473730
 Date of Offense: March 10, 1996
 S.C. Code § : 16-11-311 (B)
 CDR Code #: 0101719

SENTENCE

PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Burglary 1st Degree

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0101719

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

The charge is: As Indicted, Lesser Included Off., se, Defendant Waives Presentment to Grand Jury.

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

ATTEST:

W. Barry Ho
 Solicitor

Defendant

Thomas Slocumb
 Attorney for Defendant

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, Parol. and Pardon Services standard conditions of probation, which are incorporated by reference.

The Defendant is to be given credit for _____ days/months jail time.

CONCURRENT or CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered
 Total \$ _____ plus 20% fee \$ _____

Payment Terms _____
 set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$
 § 14-1-206 - Assessments 100%: _____ \$
 § 14-1-211 - Surcharge: _____ \$
 (Exceptions: See § 14-1-211)
 § 56-5-2995 (DUI): _____ \$
 County (3%): _____ \$
 TOTAL: _____ \$

Clerk of Court/Deputy Clerk: Barbara A. Scott
 Court Reporter: William

PTUP _____
 _____ days/hours Public Service Employment
 Obtain GED _____
 Attend Voc Rehab. or Job Corps _____
 May serve W/I: 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: _____

PRESIDING JUDGE: Judges
 Judge Code: W. J. S.
 Sentence Date: 3-16-00

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE VS.)
Conrad Lamont Stowers)
 AKA:)
 Race: B Sex: M)
 DOB: _____ Age: 20)
 SSN: _____)
 DL#: _____)
 SID#: _____)

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT/CASE#
96-GS-40-11980
 A/V#: E473732
 Date of Offense: March 6, 1996
 S.C. Code §: 16-3-910
 CDR Code #: 0191418

SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Kidnapping
 in violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0191418

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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
W. B. [Signature] Solicitor Tommy [Signature] Defendant Tommy [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center for a determinate term of 30 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.

The Defendant is to be given credit for _____ days/months jail time.
 CONCURRENT or CONSECUTIVE to sentence on: 3-16-00

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered
 Total \$ _____ plus 20% fee \$ _____
 Payment Terms:
 set by SCDPPPS _____

PTUP _____
 _____ days/hours Public Service Employment
 Obtain GED _____
 Attend Voc Rehab. or Job Corps _____
 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: _____

Recipient: _____
 *Fine: _____ \$
 § 14-1-206 - Assessments 100% _____ \$
 § 14-1-211 - Surcharge _____ \$
 (Exceptions: Sec. § 14-1-211)
 § 56-5-2995 (DUI) _____ \$
 County (3%) _____ \$
 TOTAL _____ \$

Clerk of Court/Deputy Clerk: Barbara Scott
 Court Reporter: Williams
 White - Clerk Green - Corrections Yellow - Probation Pink - Defendant

PRESIDING JUDGE: [Signature]
 Judge Code: 00-15-15
 Sentence Date: 3-16-00

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE: VS)
Conrad Lamont Sloombs)
 AKA:)
 Race: B Sex: M)
 DOB: Age: 20)
 SSN:)
 DI#:)
 SID#:)

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT/CASE#:

96 -GS- 40 - 11979
 A/W#: E473731
 Date of Offense: March 6, 1996
 S.C. Code § : 16-3-652
 CDR Code #: 011610

SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Criminal Sexual Conduct (1st Degree)

in violation of § 16-3-652 of the S.C. Code of Laws, bearing CDR Code # 011610

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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:
W. B. [Signature] Solicitor Tommy [Signature] Attorney for Defendant
 Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 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.

The Defendant is to be given credit for _____ days/months jail time.
 CONCURRENT or CONSECUTIVE to sentence on: 3-16-00

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered
 Total: \$ _____ plus 20% fee \$ _____
 Payment Terms:
 set by SCDPPPS _____

PTUP _____
 _____ days/hours Public Service Employment
 Obtain GED _____
 Attend Voc Rehab or Job Corps _____
 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: _____

Recipient: _____
 *Fees:
 \$ 14-1-206 - Assessments: 100% \$ _____
 \$ 14-1-211 - Surcharge \$ _____
 (Exceptions: See § 14-1-211)
 \$ 56-5-2995 (DU) \$ _____
 County (3%) \$ _____
 TOTAL \$ _____

Clerk of Court/Deputy Clerk: [Signature]
 Court Reporter: [Signature]

PRESIDING JUDGE: [Signature]
 Judge Code: [Signature]
 Sentence Date: 3-16-00

STATE OF SOUTH CAROLINA)
 COUNTY OF Rickland)
 STATE VS.)
CONRAD LAMONT S. LOCUMB)
 AKA:)
 Race: B Sex: M)
 DOB: Age: 20)
 SSN:)
 LC#:)
 SID#:)

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT/CASE#:
96-GS-40-12004
 A/W#: E473730
 Date of Offense: MAR 6 1996
 S.C. Code §: 16-11-330 (A)
 CDR Code #: 011131-7

SENTENCE

PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Robbery (Strong Arm)

in violation of § 16-11-330 (A) of the S.C. Code of Laws, bearing CDR Code # 0111317

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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.

W. B. [Signature]
Solicitor

[Signature]
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 15 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.

The Defendant is to be given credit for _____ days/months jail time.

CONCURRENT or CONSECUTIVE to sentence on: 3-16-00

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered
Total: \$ _____ plus 20% fee \$ _____

Payment Terms: _____
 set by SCDPPPS _____
Recipient: _____

*Fine: \$
 § 14-1-206 - Assessments 100% \$
 § 14-1-211 - Surcharge \$
 (Exceptions: See § 14-1-211)
 § 56-5-2995 (DUI) \$
 County (3%) \$
 TOTAL: \$ _____

Clerk of Court/Deputy Clerk [Signature]
Court Reporter [Signature]

PTUP _____
 days/hours Public Service Employment
 Obtain GED _____
 Attend Voc Rehab. or Job Corps _____
 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: _____

PRESIDING JUDGE [Signature]
Judge Code: 10515
Sentence Date: 3-16-00

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE VS.)
Conrad Lamont Slocumb)
 AKA:)
 Race: B Sex: M)
 DOB: 6 Age: 20)
 SSN:)
 DL#:)
 SID#:)

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT/CASE#

96 GS 40 12010
 A/W#: DP96142
 Date of Offense: March 6, 1996
 S.C. Code § : 24-13-410(B)(D)
 CDR Code #: O 11619

SENTENCE

PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Escape (in state)

In violation of § 24-13-410(B)(D) of the S.C. Code of Laws, bearing CDR Code # O 11619

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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.

W. Ben [Signature]
 Prosecutor

Defendant

Tourney [Signature]
 Attorney for Defendant

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.

The Defendant is to be given credit for _____ days/months jail time.

CONCURRENT or CONSECUTIVE to sentence on: 3-16-00

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered
 Total \$ _____ plus 20% fee \$ _____
 Payment Terms:
 set by SCDPPS

PTUP _____
 _____ days/hours Public Service Employment
 Obtain GED _____
 Attend Voc Rehab. or Job Corps _____
 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: _____

Recipient: _____
 *Fine: _____ \$
 § 14-1-206 - Assessments 100%..... \$
 § 14-1-211 - Surcharge..... \$
 (Exceptions: See § 14-1-211)
 § 56-5-2995 (DUI)..... \$
 County (3%)..... \$
 TOTAL..... \$

Clerk of Court/Deputy Clerk: Barbara Scott
 Court Reporter: Williams

PRESIDING JUDGE: [Signature]
 Judge Code: 001515
 Sentence Date: 3-16-00

Resentencing

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
 STATE CONRAD SLOCUMB VS)
 AKA:)
 Race: B Sex: M Age: 24)
 DOB:) SS#:)
 Address:)
 City, State, Zip)
 DL#) SID#)

IN THE COURT OF GENERAL SESSIONS

96 -GS- 40 INDICTMENT/CASE#: 11974
 AWW#: E413130
 Date of Offense: 7/6/76
 S.C. Code §: 16-11-0311
 CDR Code #: 010119
 CASE RESTORED
 SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: BURELARY

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 010119

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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:
[Signature] Solicitor
Conrad L. Slocumb Defendant
[Signature] Attorney for Defendant

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 State Department of Corrections.

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered PTUP _____ days/hours Public Service Employment
 Total \$ _____ plus 20% fee: \$ _____
 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: _____
 Appointe-1 PD or appointe-1 other counsel, \$35.13 TP Required; \$500 to be paid to Clerk during probation.

Recipient:	
*Fine:	\$
§14-1-206 (Assessments-107.5%)	\$
§14-1-211 (Conv. Surcharge)	\$100
§14-1-211 (DUI Surcharge)	\$100
§56-5-2 (Assessment)	\$12
§ 35.15 (Circ Del/Prob)	\$500
§73.3, 1C (Law Enfrnce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-294(J) (Vehicle Assessment)	\$40/ea
3% to County (If paid in installments)	\$
TOTAL	\$

Barbara A. Smith
 Clerk of Court/ Deputy Clerk
 Court Reporter: P. Helms

PRESIDING JUDGE [Signature]
 Judge Code: F17015/15
 Sentencing Date: 7/2/18/04

CERTIFIED TRUE COPY OF ORIGINAL FILED
[Signature]
 C.C.C.P.&G.S.

08 SEP 2010

Resentencing

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE CONRAD VS. SLOCUMB

910 INDICTMENT/CASE# 40-11980
AW#: 6413733
Date of Offense: 3/10/40
S.C. Code §: 16-3-910
CDR Code #: 0, 0, 9, 5

AKA:
Race: c m Age: 24
DOB: SS#:
Address:
City, State, Zip:
DL# SID#

CASE RESTORED SENTENCE
 PLFA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: KIDNAPPING
in violation of § 16-3-910 of the S.C. Code of Laws, bearing C.D.R. Code # 0, 0, 9, 5
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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: *[Signature]* Solicitor *Conrad C Slocumb* Defendant *[Signature]* Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 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: 2/18/04
 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.

SPECIAL CONDITIONS:
 RESTITUTION: Heard, Waived, Ordered
Total: \$ _____ plus 20% fee. \$ _____
Physical Terms:
 County SCDPPS

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: _____

Recipient: _____
*Fine \$ _____
§14-1-203 (Assessments 107.5%) \$ _____
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____
§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
§56-5-2935 (DUI Assessment) \$12 \$ _____
§ 35.13 (Public Def/Prob) \$500 \$ _____
§73.3, 1B TP (Law Enforcement Funding) \$25 \$ _____
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
§50-21-114(BUI Breath Test Fee) \$50 \$ _____
§56-5-2442(J) (Vehicle Assessment) \$400 \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ _____

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

Barbara A. Smith
Clerk of Court/Deputy Clerk
Court Reporter: *D. Helms*

PRESIDING JUDGE *[Signature]*
Judge Code: _____
Sentence Date: 2/18/04

CERTIFIED TRUE COPY OF ORIGINAL FILED,
[Signature]
C.C.C.P.&G.S.
RICHLAND COUNTY SOUTH CAROLINA
09 SEP 2010
SCCA/217 (7/2003)

White - Clerk Green - Corrections Car.ary - Probation

Resentencing

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
 STATE CONRAD SLOCUMB VS.)
 AKA:)
 Race: A Sex: M Age: 24)
 DOB:) SS#:)
 Address:)
 City, State, Zip)
 DL#) SID#)

IN THE COURT OF GENERAL SESSIONS
96 -GS- 40 - 11979
 INDICTMENT/CASE#:)
 A/W#: E413731)
 Date of Offense: 3/6/96)
 S.C. Code §: 16-03-0652)
 CDR Code #: 0 1 1 6 1 0)
 CASE RESTORED
 SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: CS
 in violation of §16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0 1 1 6 1 0
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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: [Signature] Solicitor CONRAD L. SLOCUMB Defendant [Signature] Attorney for Defendant.

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 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: 2/18/04
 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.

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 set by SCDPPPS _____

Recipient:	
Fines:	\$
§14-1-208 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§58-5-2995 (DUI Assessment)	\$12
§ 35.13 (Public Def/Prob)	\$500
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$30
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
TOTAL	\$

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, §35.13 TP Requires \$500 be paid to Clerk during probation.

Barbara A. Scott
 Clerk of Court/Deputy Clerk
 Court Reporter: D. Adams

CERTIFIED TRUE AND CORRECT COPY OF ORIGINAL FILED. [Signature]
 Judge Code: 0 1 5 1 5
 Sentence Date: 2/18/04

Resentencing

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE VS CONRAD SLOCUMB

96 INDICTMENT/CASE# 12004
GS- 40

AKA: _____
Race: B Sex: M Age: 24
DOB: _____ SS#: _____
Address: _____
City, State, Zip _____
DL# _____ SID# _____

A/W#: DP96141
Date of Offense: 3/6/90
S.C. Code S: 16-11-0330(A)
CDR Code #: 011319
 CASE RESTORED
 SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: ARMED ROBBERY
in violation of 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 01131901373
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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:
[Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 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: 2/18/04
 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.

SPECIAL CONDITIONS:

<input type="checkbox"/> RESTITUTION: <input type="checkbox"/> Heard, <input type="checkbox"/> Waived, <input type="checkbox"/> Ordered	PTUP _____
Total: \$ _____ plus 20% fee: \$ _____	days/hours Public Service Employment _____
Payment Terms: _____	Obtain GED _____
<input type="checkbox"/> set by SCOPPPS _____	Attend Voc. Rehab. or Job Corp. _____
Recipient: _____	May serve W/E beginning _____
*Fine: _____	Substance Abuse Counseling _____
\$14-1-206 (Assessments 107.5%) _____	Random Drug/Alcohol Testing _____
\$14-1-211(A)(1) (Conv. Surcharge) \$100 _____	Fine may be pd. in equal, consecutive weekly/monthly
\$14-1-211(A)(2) (DUI Surcharge) \$100 _____	pmis. of \$ _____ beginning _____
\$56-5-2995 (DUI Assessment) \$12 _____	\$ _____ paid to Public Defender Fund _____
\$ 35.13 (Public Def/Prob) \$500 _____	Other: _____
\$73.3, 1B TP (Law Enforce. Funding) \$25 _____	
\$33.7, 1B TP (Drug Court Surcharge) \$100 _____	
\$50-21-114(BUI Breath Test Fee) \$50 _____	
\$56-5-2942(J) (Vehicle Assessment) \$40/ea _____	
3% to County (if paid in installments) _____	
TOTAL _____	

Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

Barbara A. Scott
Clerk of Court/ Deputy Clerk
Court Reporter: D. Helms

PRESIDING JUDGE [Signature]
Judge Code: 101515
Date: 2/18/04

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
[Signature]
C.C.C.F.G.S.
9 SEP 2010
RICHLAND COUNTY
SOUTH CAROLINA
SCCA/217 (7/2003)

White - Clerk Green - Corrections Canary - Probation

Re-sentencing

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE VS CONRAD SLOCUMBA

96 INDICTMENT/CASE# 12010
AW#: DP 96142
Date of Offense: 3/16/96
S.C. Code §: 24-13-0410
CDR Code #: 2151217
 CASE RESTORED
 SENTENCE
 PLEA TRIAL

AKA: _____
Race: _____ Age: 24
DOB: _____ SS#: _____
Address: _____
City, State, Zip _____
DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: ESCAPE
in violation of § 24-13-0410 of the S.C. Code of Laws, bearing CDR Code # 2151217
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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: Richard C. Smith Solicitor Conrad C. Slocumba Defendant [Signature] Attorney for Defendant

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: 2/18/04
 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.

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 set by SCDPPPS _____
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, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

Recipient: _____
*Fine: _____ \$
\$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 \$
§ 35.13 (Public Def/Prob) \$500 \$
§73.3, 1B TP (Law Enforce. Funding) \$25 \$
§33.7, 1B TP (Drug Court Surcharge) \$100 \$
§50-21-114(BUI Breath Test Fee) \$50 \$
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$
TOTAL \$

Barbara A. Scott
Clerk of Court/ Deputy Clerk
Court Reporter: D. Helms

PRESIDING JUDGE [Signature]
Judge Code: 01515
CERTIFIED TRUE COPY 2/18/04

OF ORIGINAL FILED,
Jessette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA
09 SEP 2010
SCCA/217 (7/2003)

White - Clerk Green - Corrections Canary - Probation

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND)	96-GS-40-11974 Burglary 1 st Degree
)	96-GS-40-11979 CSC 1 st Degree
)	96-GS-40-11980 Kidnapping
)	96-GS-40-12004 Armed Robbery
)	96-GS-40-12010 Escape
State of South Carolina,)	
)	
vs.)	
)	AMENDED SENTENCING ORDER
Conrad Slocumb,)	
)	
Defendant.)	

At a re-sentencing hearing held in the above cases on February 18, 2004, the defendant was sentenced to life on the Burglary 1st degree, thirty (30) years on the CSC 1st degree and kidnapping, fifteen (15) years on the Robbery, and five (5) years on the Escape.

As indicated at the hearing, all of these sentences were to run consecutively. The sentencing sheets on the kidnapping charge and the escape charge indicate that they are to run consecutively.

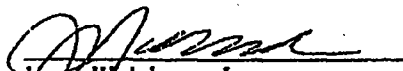
However, the court inadvertently checked both concurrent and consecutive on the CSC 1st degree charge and the Robbery charge. After reviewing my notes as well as the transcript, it is clear that this Court intended that the sentences on the CSC 1st degree charge and the Robbery charge were to run consecutively. IT IS THEREFORE ORDERED that those sentences run consecutively.

Additionally, in reviewing the sentencing sheets in this case, the defendant was charged in Indictment 96-GS-40-12004 with Armed Robbery, CDR Code 0139.

CERTIFIED TRUE COPY
 OF ORIGINAL FILED,
Glenn W. Smith
 U.S. C.F. & G.S.
 09 SEP 2010 RICHLAND COUNTY
 SOUTH CAROLINA

However, he was convicted of the lesser offense of Common Law Robbery, CDR Code 0137. To that extent the sentencing sheet on that indictment is amended.

AND IT IS SO ORDERED.


James W. Johnson, Jr.
Presiding Judge
Fifth Judicial Circuit

Laurens, South Carolina
April 30, 2004

CERTIFIED TRUE COPY
OF ORIGINAL FILED
James W. Johnson, Jr.
C.C.P. & S.
RICHLAND COUNTY
SOUTH CAROLINA

09 SEP 2010

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland

VS. Conrad Slocumb

INDICTMENT/CASE#: 1990-qs40-11974

A/W#: E473730

Date of Offense: 3/6/96

S.C. Code §: 16-11-311

CDR Code #: 0079

KA: Race: Sex: Age: DOB: SS#: Address: City, State, Zip: DL#: SID#:

SENTENCE SHEET

*CDI. Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

[X] CONVICTED OF or [] PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Burglary 1st Degree

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079 [] NON-VIOLENT [X] VIOLENT [] SERIOUS [X] MOST SERIOUS [] Mandatory GPS(CSC w/minor 1st or Lewd Act) [] §17-25-45

The charge is. [X] As Indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: [X] Without Negotiations or Recommendation. [] Negotiated Sentence, [] Recommendation by the State.

ATTEST: Joanna McDuffie 77003 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center, for a determinate term of 50 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 [X] CONSECUTIVE to sentence on: [X] 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:

Table with columns for Fee Description, Amount, and 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 \$

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

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

Presiding Judge: Judge Code: 2161 Sentence Date: 4-25-13

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

April 28th, 2014



Carmen V. Ganjehsani
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

D. ...

Appeal from Richland County

DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

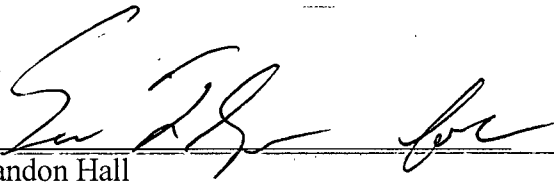
V.

CONRAD LAMONT SLOCUMB,

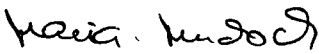
APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Mark R. Farthing, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 28th day of April, 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 28th day of April, 2014.



Notary Public for South Carolina
My Commission Expires: July 3, 2023. (L.S.)

RECEIVED

APR 28 2014

SC Court of Appeals