

APPELLATE DEFENSE CHECKLIST

The documents forwarded with this letter have had a check mark placed by them. Documents not applicable to this case have been marked N/A. All other documents will be forwarded at a later date.

1. Copy of Appeal papers sent to S.C. Court of Appeals
2. Copy of Warrants and accompanying Affidavits
3. Copy of Indictments
- N/A 4. Copy of written Motions
- N/A 5. Copy of written Request to Charge
- N/A 6. Copy of Defendant's Statement
- N/A 7. Copy of Written Exhibits introduced at trial
8. Copy of Sentencing Sheet

STATE OF SOUTH CAROLINA
 County of Charleston
 STATE VS. Charles Bunton
 AKA: _____
 Race: _____ Sex: _____
 DOB: _____
 SSN: _____
 SID# _____

IN THE COURT OF GENERAL SESSIONS

Indictment Number: _____
19 - GS - 10 - 01878
 Probation C/W#: W-10-19-0115
3-5-19
 Name of Original Offense: Shoplifting Enhancement
 Original A/W#: 2018A1010205787
 Date of Original Offense: 10-9-18
 Conviction S.C. Code §: 16-13-0110(A)
 Conviction CDR Code #: 2 / 8 / 7 / 7
 Original Sentence: 8 yrs ss 5 yrs prob

ORDER

RECEIVED
 MAR 05 2019
 SC Court of Appeals

The above named defendant has been charged with violating the conditions of probation ordered on 3 / 1 / 19 in the Court of General Sessions of Charleston County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 3-4-19. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: *(List by number or indicate special conditions as provided in the affidavit)*
10 and special conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 8 months/years, the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies: Department fees (arrearage) Civil judgment: Department fees
 Fines and other fees (arrearage / balance) Fines and other fees
 Restitution (and 20%) (arrearage / balance) Restitution (and 20%)

Additional Conditions ordered by the Court:

Revoke in full. Recommend ATU. Credit for 10 daytime sewed per order

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served _____ days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 15 day of March, 2019,
Charleston, SC

R. M. [Signature]
 Presiding Judge
914
 Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper, or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature Unable to sign
 Signed this 15 day of March, 2019 at _____
 Day Month Year

Witnessed by Caribac
Charleston SC
 City

Probation

ARREST WARRANT

Indictment Number: 19-GS-10-01878

Warrant Number: W-10-19-0115

State Identification No. (SID) 01775832

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF NORTH CHARLESTON, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that CHARLES JOSEPH BUNTON, did on the 4 day of March, 2019 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

By violating all or parts of conditions 10 and special conditions as ordered under IND #19-GS-10-01878 by the Charleston County Court of General Sessions.

Now, therefore, you are empowered and directed to arrest the said defendant and bring CHARLES JOSEPH BUNTON before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at NORTH CHARLESTON, S. C. this 4 day of March, 2019.

County of CHARLESTON

CAulbach (L.S.)
Signature of Probation and Parole Agent

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Christian Aulbach, who, first being duly sworn, deposes and says that CHARLES JOSEPH BUNTON did within this County and State on the 4 day of March, 2019, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

By violating all or parts of conditions 10 and special conditions as ordered under IND #19-GS-10-01878 by the Charleston County Court of General Sessions.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

By violating the court ordered special condition of completing the SC STRONG (Delancey Street) Program, the offender was admitted into the program on 3/1/19 and chose to walk away from the program on 3/3/19. The offender failed to make any contact with the Probation office following his unsuccessful discharge from the program. By violating condition #10, the offender has failed to follow the advice and instructions as noted on his conditions of probation.

Sworn to and Subscribed before me
this 4 day of March, 2019.

[Signature] (L.S.)
Signature of Notary Public

7/31/24
My Commission Expires

CAulbach
Affiant

Address: 4050 BRIDGE VIEW DRIVE
SUITE 100
NORTH CHARLESTON, 29405-7464

(843) 740-1553

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

THE STATE against

CHARLES JOSEPH BUNTON

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 3/4/2019

Officer and Agency: SC Department of Probation, Parole and Pardon Services.

Christian Aulbach

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name CHARLES JOSEPH BUNTON

Address

Phone

Sex

Race

Height

Weight

Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant:

Decision

BAIL

Date Set

Magistrate

Amount

Surety

2019 MAR 15 AM 10:56
CLERK OF COURT
BY [Signature]

3/5/19
Judge [Signature]
20 BOND

A copy of this Arrest Warrant was delivered by me to the following defendant:

Notes Joseph Bunton

on the 5 day of March 2019

Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to deal with according to law.

(L.S.)

Signature of Judge

RECEIVED

MAR 25 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE VS.

CHARLES JOSEPH BUNTON

INDICTMENT/CASE#: 2019-GS-(0-01878)
A/W: 2018A1010205787
Date of Offense: 10/09/2018
S.C. Code §: 16-13-0110(A)
CDR Code #: 2877

RECEIVED

SENTENCE SHEET MAR 25 2019

SC Court of Appeals

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

CONVICTED OF or PLEADS

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was

TO: Shoplifting-Enhancement
In violation of § 16-13-0110(A) of the S.C. Code of Laws, bearing CDR Code # 2877

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State.
The plea is: Without Negotiations or Recommendation.

ATTEST:
Tyler S. Whitaker, Assistant Solicitor SC Bar # 74906
Charles Bunton, Defendant
Robert Elder, Attorney for Defendant SC Bar # 102620

WHEREFORE, the Defendant is committed to the State Department of Corrections or County Detention Center, for a determinate term of 8 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ plus costs and assessments as applicable; the balance is suspended with probation for 5 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service 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. 143 days
The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP After 3 years
Total: \$ plus 20% fee: \$
days/hours Public Service Employment
Obtain GED

Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211 (A)(1) (Conv. Surcharge) \$100, §14-1-211 (A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$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, 3% to County (if paid in installments) \$, TOTAL \$643.75

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: Must complete the SC Storey program (Delancy SI) that is a mandatory condition as set forth in the attached Order; any counseling deemed necessary
Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk:
Court Reporter: Joyce Rieger

Presiding Judge:
Judge Code: 2000
Sentence Date: 3/1/19

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT
Warrant Nos.: 2018A1010205787;
Charges: Shoplifting (Property Offense
Enhancement); Probation Violation

STATE OF SOUTH CAROLINA)

-versus-

CHARLES JOSEPH BUNTON,
Defendant.

ORDER

~~Notice for Trial and/or Judgment~~

RECEIVED

MAR 25 2019

SC Court of Appeals

During the week of March 7th, 2019, the Defendant will enter a guilty plea in Charleston County, the Honorable R. Markley Dennis, Jr., presiding, on the above captioned charge to a negotiated sentence of 8 years suspended on the successful completion of SC Strong and 3 years probation.


To ensure the understanding of the parties when entering this guilty plea, the parties have agreed to negotiate the following additional conditions/clauses:

1. The supervision outlined in this plea shall NOT be terminated early, prior to the 3 years agreed to as part of this plea;
2. Failure to complete SC Strong SHALL result in a revocation in full of the 8-year sentence.
3. Failure to complete the 3 years of probation SHALL result in a revocation in full of the 8-year sentence.
4. Pursuant to S.C. Code § 24-13-40 both the State and the Defendant hereby agree that, on the above captioned conviction, Defendant is entitled to 143 days time served.

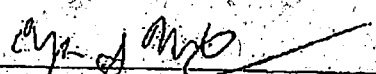
Handwritten signature/initials

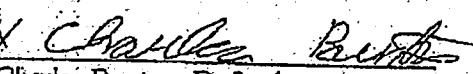
FILED
2019 MAR -11 PM 1:17
CLERK OF COURT

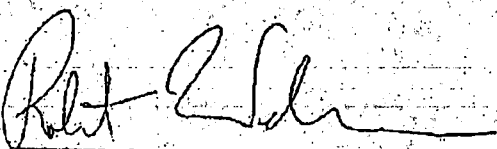
AND IT IS SO ORDERED, this 1st day of March, 2019.


Presiding Judge, 9th Judicial Circuit

I CONSENT:


Tyler Whitaker
Assistant Solicitor

X 
Charles Bunton, Defendant


Robert Wehrman
Attorney for the Defendant

Charleston, South Carolina

Dated: March 1st, 2019.

FILED
2019 MAR -1 PM 4:13
CLERK OF COURT
BY _____

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

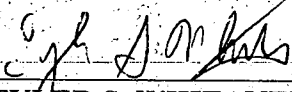
INDICTMENT

At a Court of General Sessions, convened February 2019, the Grand Jurors of Charleston County present upon their oath:

SHOPLIFTING- ENHANCEMENT

That in Charleston County, South Carolina, on or about October 9, 2018, the Defendant, Charles Joseph Bunton, with the intent to deprive Walmart of the possession, use, or benefit of merchandise without paying the full retail value, did (1) take possession of, carry away, transfer from one person to another or from one area of a retail mercantile establishment to another area, or cause to be carried away or transferred merchandise displayed, held, stored, or offered for sale by a store or other retail mercantile establishment; or (2) alter, transfer, or remove any label, price tag marking, indicia of value, or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale in a store or other retail mercantile establishment and attempts to purchase the merchandise personally or in consort with another for less than the full retail value; or (3) transfer merchandise displayed, held, stored, or offered for sale by a store or other retail mercantile establishment from the container in which it is displayed to any other container. That said merchandise was valued at Two Thousand (\$2,000.00) Dollars or less and the Defendant has been previously convicted of at least two (2) offenses for which the term of imprisonment is contingent upon the value of the property involved. This is in violation of Sections 16-13-110 and 16-1-57 of the South Carolina Code of Laws (1976) as amended.

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



TYLER S. WHITAKER
ASSISTANT SOLICITOR

TSW/0348430
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER
2018-030538

ARREST WARRANT NUMBER
2018A1010205787

DATE OF ARREST
10/12/2018

ACTION OF GRAND JURY

Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2019-GS-10-01878

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
FEBRUARY TERM

THE STATE

VS.

CHARLES JOSEPH BUNTON
[REDACTED]

Indictment for

SHOPLIFTING- ENHANCEMENT

SC Code: § 16-13-0110(A)
CDR Code: 2877

RECEIVED
MAR 25 2019
SC Court of Appeals

ARREST WARRANT

2018A1010205787

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE against

Charles Joseph Bunton

Address: [Redacted]

Phone: [Redacted] SSN: [Redacted]

Sex: [Redacted] Race: [Redacted] Height: [Redacted] Weight: [Redacted]

DL State: [Redacted] DL #: [Redacted]

DOB: [Redacted] Agency ORI #: [Redacted]

Prosecuting Agency: North Charleston Police Department

Prosecuting Officer: Officer Fernandes - 0979

Offense: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

Offense Code: 2877

Code/Ordinance Sec: 16-13-0110(A)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Officer Fernandes I.R.E. SHARPE who being duly sworn deposes and says that defendant Charles Joseph Bunton did within this county and state on or about 10/9/2018 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Charleston) in the following particulars:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

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

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Affiant's Address 2500 City Hall Lane

North Charleston, SC 29406-

Affiant's Telephone

ARREST WARRANT

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

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

on or about 10/9/2018 defendant Charles Joseph Bunton did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Charleston) as set forth below.

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

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

on 10/12/2018

Signature of Issuing Judge (L.S.)

Priscilla Bridges Baldwin
Judge Code: 5749

Judge's Address 3831 Leeds Avenue, Ste 200

North Charleston, SC 29405-7469

Judge's Telephone (843)746-9822

Issuing Court: X Magistrate Municipality of Circuit

ORIGINAL

ORIGINAL

ORIGINAL

RECEIVED

MAR 25 2019

SC Court of Appeals

BAIL set by

Friscilla B. Baldwin

Judge on 10-12-18
Type and Amount: \$10,000
Name of Surety:

PRELIMINARY HEARING held by

Judge on
Defendant Attorney:
Decision:

DISPOSITION before

Judge on by
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition:
Sentence:

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____



FILED

2018 OCT 18 PM 1:50

JULIE J. ARMSTRONG
CLERK OF COURT

BY _____

CODEFENDANTS

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON
CITY OF NORTH CHARLESTON

AFFIDAVIT
OCA# 2018030538
Pfc. Fernandes

Personally appeared before me, a magistrate of this County, one R.F. SHARON who, first being duly sworn, deposes and says that

Charles Joesph Bunton

did within this county and state on **Tuesday, October 9th, 2018** did violate the criminal laws of the state of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

SHOPLIFTING w/ Property Crime Enhancement
16-13-0110 §16-01-57
1753

RECEIVED
MAR 25 2019
SC Court of Appeals

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

On Tuesday October 9th 2018 at approximately 11:51am while at 7400 Rivers Ave, Walmart, which is located in the City of North Charleston, County of Charleston, State of South Carolina, the defendant one, **Charles Joseph Bunton**, did commit the offense of **SHOPLIFTING w/ Property Crime Enhancement** in violation of section **16-01-57** of the South Carolina Code of Laws of 1976, as amended. In that the defendant did willfully, unlawfully and feloniously, deprive the business of the following items: Womens boots – 29.98; LOR powder 7.97; STRP BK/HPK 3.98; CHRY Elastic 3.84; Spiderweb B 3.74; LOR Foundation 8.86

Facts to establish the aforesaid are that on On 10/09/18 Officer Fernandes was dispatched to 7400 Rivers Ave. (Walmart) in reference to a shoplifter, who was concealing items in a bookbag. The defendant was detained. Officer Fernandes provided the suspect with Miranda rights, and inquired as to what he was doing. He advised that he was just picking things up and putting them in his back pack that was zipped up (concealment). The suspect did not have any form of identification on him. Walmart advised they did want to press charges on the suspect. He was advised he was under arrest. The subject stole \$58.37 worth of merchandise (Womens boots – 29.98; LOR powder 7.97; STRP BK/HPK 3.98; CHRY Elastic 3.84; Spiderweb B 3.74; LOR Foundation 8.86). The subject was later identified as Charles Joesph Bunton.

The defendant has a prior convictions for property crimes as follows:

- 1) Receiving stolen goods <2000 – Convicted 05/09/2017 – 2016A1820500306
- 2) Receiving stolen goods <2000 – Convicted 05/09/2017 – 2016A1820500307
- 3) Receiving stolen goods <2000 – Convicted 05/09/2017 – 2016A1820500308
- 4) Forgery <5000 – Convicted 08/13/2007
- 5) Financial transaction card theft – Convicted 06/01/2016 – 2016A1820500164

Pfc. Fernandes and Walmart are witnesses to prove the same. All this done against the law, peace and dignity of the City of North Charleston and the state of South Carolina.

Sworn to and Subscribed before me
this 12 day of October
2018.

[Signature]
Signature of Judge

[Signature]
(AFFIANT)
Address: 2500 City Hall Lane
N. Charleston, S.C. 29406
Phone: 843-554-5700