

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FLORENCE )

INDICTMENT FOR  
Murder  
Murder  
Accessory Before the Fact to a Felony  
Accessory After the Fact

At a Court of General Sessions, convened on June 7 2018 the Grand Jurors of FLORENCE County present upon their oath:

**RECEIVED**

APR 01 2019

**SC Court of Appeals**

**COUNT ONE- MURDER**  
CDR: 0116 16-03-0010,0020

That Michael Joe Smith did in Florence County, on or about February 1, 2017, willfully, feloniously, and intentionally kill the victim, Malcolm Kindred Kemmerlin, with malice aforethought, either express or implied, by means of shooting the victim, and the victim did die as a proximate result thereof on or about February 1 2017 in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

**COUNT TWO- MURDER**  
CDR: 0116 16-03-0010,0020

That Rasheem Kevin Thomas did in Florence County, on or about February 1, 2017, willfully, feloniously, and intentionally kill the victim, Malcolm Kindred Kemmerlin, with malice aforethought, either express or implied, by means of shooting the victim, and the victim did die as a proximate result thereof on or about February 1 2017 in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

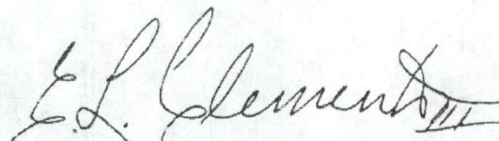
**COUNT THREE - ACCESSORY BEFORE THE FACT OF A FELONY**  
CDR: 0002 16-01-0040, 0050

That Rasheem Kevin Thomas did in Florence County on or about February 1, 2017, advised or agreed with or urged or hired or in some way aided, counseled or encouraged the principal felon to commit the felony of Murder, but was not present when the crime was committed, in violation of the Common Law and Section 16-01-0040, S. C. Code of Laws, 1976, as amended.

**COUNT FOUR- ACCESSORY AFTER THE FACT**  
CDR: 2413 16-01-0055

That Debra Turner Smith did in Florence on or about February 1, 2017, knowing of the commission and completion of the felony of Murder, by the principal felon, Michael Joe Smith, harbor or assist such felon after the fact with the intention of enabling the felon to escape detection or arrest or otherwise avoid the consequences of the crime, in violation of the crime of Accessory After the Fact in commission of the felony.

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



**E.L. Clements, III**  
TWELFTH CIRCUIT SOLICITOR

WITNESSES

Ben Price

Florence County Sheriff

DOCKET NO. 2018-GS-21-01079

The State of South Carolina

County of

FLORENCE

FLORENCE COUNTY, S.C.  
CLERK OF COURT  
COURT HOUSE  
FLORENCE, S.C.  
CERTIFIED A TRUE COPY  
JUN 7 2018

COURT OF GENERAL SESSIONS

June TERM 2018

THE STATE

vs.

MICHAEL JOE SMITH

RASHEEM KEVIN THOMAS

DEBRA TURNER SMITH

2018 JUN - 7 PM 2: 59  
DORIS POULOS O'HARA  
CCCP & GS  
FLORENCE COUNTY, SC

FILED

ARREST WARRANT NUMBER

2017A2110200087

2017A2110400051

2017A2110400050

2017A2110400052

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 6-7-18

*[Signature]*

VERDICT

Indictment for

Murder

Murder

Accessory Before the Fact to a Felony

Accessory After the Fact

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence

STATE VS.

Michael Joe Smith

AKA:

Race: White Sex: M Age: 41

DOB: 1-09-1978 SSN: 348-49-1532

Address: 5947 Liberty Chapel Rd Lot D

City/State/Zip: Florence, SC 29506-50

Phone: 803-228- SID#:

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was TO: Murder / Murder 30 - LIFE

INDICTMENT/CASE#: 2018-GS-21-01079

A/W#: 2017A2110200087

Date of Offense: 2/1/2017

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

RECEIVED SENTENCE SHEET

APR 01 2019 CONVICTED OF or PLEADS

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116

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. (defendant's initials)

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

ATTEST: Solicitor 102584 SC Bar# Defendant Scott P. Hays 12061 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of Life w/o parole 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 SCDoc. Credit for 776 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS: RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP 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:

Total: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Rows include assessments, surcharges, and fines. Total amount: \$128.75

Clerk of Court/ Deputy Clerk Court Reporter: SCCA/217 (04/2018)

CERTIFIED: A TRUE COPY Clerk of Court C.P. & G.S. FLORENCE COUNTY, S.C.

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees. Presiding Judge Judge Code: 2141 Sentence Date: 3-21-2019