

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHEROKEE

STATE VS.

INDICTMENT/CASE#: 2018 -GS- 11 - 1381

A/W#: 2018A1110200271

Date of Offense: 9/15/2018

S.C. Code §: 16-13-30(B)

CDR Code #: 3421

RECEIVED

APR 25 2019

SC COURT of Appeals

Kim Marie Dye

AKA:
Race: W Sex: F Age: 56
DOB: SS#
Address:
City, State, Zip:
DL# SID#
\*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Larceny / Grand Larceny, value \$10,000 or more (0-10 years)

In violation of § 16-13-30(B) of the S.C. Code of Laws, bearing CDR Code # 3421

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45 (CSC w/minor 1st or Lewd Act)

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:
Soliditor SC Bar # Defendant Michael Berry - Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ ; provided that upon the service of days/months/years and or payment of \$ ; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
The Defendant is to be placed on 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
Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS
Obtain GED
Attend Voc. Rehab. Or Job Corp.

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
\$56-1-286 (DUI Breath Test) \$25
Proviso 61.6 (Public Def/Probation) \$500
\$14-1-212 (Law Enforcement Funding) \$26
\$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) \$3.75

TOTAL \$128.75
Other: \$1000 in DOR

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge
Judge Code: 2132
Sentence Date: 3/27/19

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHEROKEE

STATE VS.

INDICTMENT/CASE#: 2018 -GS- 11-1468

AW#: 2018A1120200484

Date of Offense: 9/15/2018

S.C. Code §: 56-5-750(B)(1)

CDR Code #: 65

**RECEIVED**  
**APR 25 2019**  
**SC Court of Appeals**

Kim Marie Dye

AKA:

Race: W Sex: F Age: 56

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# \_\_\_\_\_ SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

CONVICTED OF or  PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Failure to Stop for Blue Light (90 days - 3 years)

In violation of § 56-5-750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 65

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentation to Grand Jury. (def.'s initials)

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

ATTEST:

[Signature] 16837 [Signature] 80210  
Solicitor SC Bar # Defendant Michael Berry - Attorney for Defendant SC Bar #

WHEREFORE the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 3 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 30 days/months/years and or payment 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 Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: to # 1281  
 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. 194 days

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

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. has been released

SPECIAL CONDITIONS:  RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP once all is paid

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED

Set by SCDPPPS Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_ Substance Abuse Counseling

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_ Random Drug/Alcohol Testing  Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_ \$ \_\_\_\_\_ Paid to Public Defender Fund

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_ Other: ATV while in DOC  
§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) \$23 \$ \_\_\_\_\_  
Proviso 61.6 (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) \$ 15.75

TOTAL \$ 540.75

Clerk of Court/Deputy Clerk [Signature]  
Court Reporter: [Signature]  
Presiding Judge \_\_\_\_\_  
Judge Code: 232  
Sentence Date: 3/27/19

County of Cherokee

Seventh Judicial Circuit

Total Restitution:

State of South Carolina

\$8,785.02

v.

Order of Restitution

Kim Marie Dye,  
DEFENDANT

*pay Restituted under  
2018 GS-11-1468*

Upon Motion of the Solicitor of the Seventh Judicial Circuit, it appears South Carolina Code of Laws Section 17-25-322 requires the Court to hold a hearing to determine the amount of restitution due to the victim(s) of the defendant's criminal acts which have resulted in pecuniary damage or loss. Further, South Carolina Code of Laws Section 16-3-1530(D) (3) provides that the Court "shall order restitution at every sentencing for a crime against person or property" unless the Court finds a substantial and compelling reason not to order restitution.

The Court upon conducting a restitution hearing, or upon waiver and consent of the defendant, hereby finds:

Restitution should be paid by the defendant as a condition of his/her sentence to the designated victim(s) in the following court-ordered amounts:

Restitution should be joint and several to the named co-defendant(s):  
\_\_\_\_\_

Restitution should NOT be ordered for the following substantial and compelling reasons: \_

1. Indictment #2018GS1101381  
Warrant: 2018A1110200271  
VICTIM: Cherokee County Sheriff's Office  
Address: 312 E. Frederick St  
Gaffney, SC 29340  
Phone: 864-489-4722  
RESTITUTION: \$8,785.02

2. Indictment #  
Warrant:  
VICTIM:  
Address:  
Phone:  
RESTITUTION: \$

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APR 25 2019  
SC Court of Appeals

AND IT IS SO ORDERED THIS 27 DAY OF March, 2019, Gaffney, South Carolina

I SO MOVE:  
Barry Barnette  
Solicitor, Seventh Judicial Circuit

  
\_\_\_\_\_  
PRESIDING JUDGE  
Seventh Judicial Circuit

By:  \_\_\_\_\_

I WAIVE MY RIGHT TO A RESTITUTION HEARING AND CONSENT TO THE ABOVE:  
  
\_\_\_\_\_  
DEFENDANT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )


INDICTMENT

At a Court of General Sessions, convened on Oct 25 2018, the  
Grand Jurors of Cherokee County present upon their oath:

**GRAND LARCENY**

That Kim Marie Dye did in Cherokee County on or about September 15, 2018,  
with the intent to permanently deprive the owner, take and carry away property,  
to wit: a 2015 Ford Taurus, valued at ten thousand dollars or more, belonging to  
the Cherokee County Sheriff's Office, in violation of §16-13-30 (B) Code of Laws of  
South Carolina, 1976, as amended.

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

  
DEPUTY SOLICITOR

WITNESSES

Cherokee County Sheriff's Office

*[Signature]*

ARREST WARRANT

2018A1110200271

ACTION OF GRAND JURY

RECEIVED  
CLERK OF COURT

*[Signature]*  
Foreperson of Grand Jury  
Date: 10/25/18

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO: 18-GS-11-01381

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

Oct 25 2018 TERM

THE STATE

vs.

KIM MARIE DYE

Indictment for

GRAND LARCENY

SC Code: 16-13-30 (B)  
CDR: 3421

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.

2018 OCT 25 AM 10:51

BRANDY W. HOWEE

RECEIVED  
APR 25 2019  
SC Court of Appeals

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF CHEROKEE        )

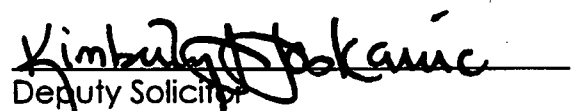
INDICTMENT

At a Court of General Sessions, convened on NOV 15 2018, the  
Grand Jurors of Cherokee County present upon their oath:

**FAILURE TO STOP MOTOR VEHICLE WHEN  
SIGNALLED BY A LAW ENFORCEMENT VEHICLE**

That Kim Marie Dye did in Cherokee County on or about September 15,  
2018, willfully fail to stop the motor vehicle which she was driving on a road,  
street, or highway of the State of South Carolina when she was signaled by a  
law enforcement vehicle by means of a siren or flashing light, in violation of  
§56-5-750 (B) (1), *THE CODE OF LAWS OF SOUTH CAROLINA, (1976)*, as  
amended.

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

  
Deputy Solicitor

DOCKET NO. **18-GS-11-01468**

2  
FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.

2018 NOV 14 PM 10: 24

BRANDY W. MCBEE

**WITNESSES**

Gaffney Police Dept.

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

**COURT OF GENERAL SESSIONS**

NOV 15 2018 TERM

**ARREST WARRANT NUMBER**

2018A1120200484

THE STATE

VS.

KIM MARIE DYE

**ACTION OF GRAND JURY**

**TRUE BILL**

Indictment for

**FAILURE TO STOP MOTOR VEHICLE  
WHEN SIGNALLED BY OFFICER**

SC Code: 56-5-750 (B)(1)  
CDR Code: 0065  
Class MIS/A

Foreperson of Grand Jury

Date: 11/15-18

**VERDICT**

Foreperson of Petit Jury

Date:

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APR 25 2019  
SC Court of Appeals

# SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN - CIRCUIT PUBLIC DEFENDER  
CHEROKEE COUNTY OFFICE

118 Willis Plaza  
P.O. Box 8008  
Gaffney, SC 29341



TELEPHONE (864) 487-6201

FAX (864) 487-6200

April 05, 2019

Ms. Kim Marie Dye  
SCDC ID 00379700  
Camille Griffin Graham CI  
4450 Broad River Road  
Columbia, SC 29210

**RECEIVED**  
APR 25 2019  
SC Court of Appeals

Re: State v. Kim Marie Dye  
Case No.: 2018-GS-11-1381; 2018-GS-11-1468

Dear Ms. Dye:

I recieved a letter after your guilty plea on March 29, 2019 before the Honorable J. Mark Hayes, instructing me to file an appeal in your case. I understand your dissatisfaction with the sentence imposed by the court; however, I am unaware of any issue which would serve as a valid basis for the filing of an appeal.

I have filed the necessary paperwork to begin the appeallate process; however, you will need to indicate to the Court of Appeals any issue which you believe is preserved for appellate review. I have included a stamped envelope for your benefit. Please respond no later than ten days after receipt of this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael A. Berry".

Michael A. Berry

cc: The Honorable Jenny A. Kitchings