

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
The Honorable Diane S. Goodstein, Circuit Court Judge

Case No: 2018GS38-1127, 2019GS38-0771

The State Respondent

vs.

Michael Obrian Gadson..... Appellant

RECEIVED
APR 29 2019
SC Court of Appeals

EXPLANATION OF APPEAL

Michael O. Gadson appeals his guilty plea and sentence in the aforementioned cases. After his plea, Mr. Gadson expressed his desire to appeal his sentence. As his attorney, it is my duty to carry out his request.

April 24, 2019



Office of the Public Defender, 1st Circuit
Minh L. Wyman
Assistant Public Defender
P.O. Box 1112
Orangeburg, SC 29116-1112
(803)536-5682
Attorney for Appellant

Office of the Solicitor, 1st Circuit
Ashley Cornwell
Assistant Solicitor
P.O. Box 1525
Orangeburg, SC 29115
(803) 533-6252
Attorney for Respondent

DEFENSE OF INDIGENT

Jail

APPOINTMENT SHEET

IN THE COURT OF GENERAL SESSIONS

RECEIVED
MAY 16 2018

STATE OF S.C. VS. Michael Gadson

THE ABOVE DEFENDANT, AFTER APPLYING UNDER INDIGENT
STATUS HAS BEEN FOUND TO QUALIFY FOR A PUBLIC DEFENDER.

IT IS THEREFORE ORDERED THAT

(CIRCLE ONE OF THE FOLLOWING)

- PEGGY HINDS
- R. DOUGLAS MELLARD
- BREEN STEVENS
- JAMES R. ADAMS III
- MINH WYMAN

FILED FOR RECORD
WINNIFA B. CLARK
2018 MAY 15 P 4: 08
CLERK OF COURT
ORANGEBURG, SC

IS HEREBY APPOINTED TO REPRESENT SAID DEFENDANT THIS

15 DAY OF May, 20 18

Winnifa B. Clark
CLERK OF COURT

CHARGES(S): 2018A3810200009, 10

ATTES. IRU...
Winnifa B. Clark
CLERK OF COURT
ORANGEBURG COUNTY

APPOINTMENT MADE IN PERSON/IN JAIL (CIRCLE ONE)

\$40.00 FEE PAID/DUE (CIRCLE ONE)

RECEIVED

FIRST APPEARANCE DATE: _____

APR 29 2019
SC Court of Appeals

res. 2043

15 yrs - LR

STATE OF SOUTH CAROLINA)
 COUNTY OF Orangeburg)
 STATE VS.)
Micheal Obrian Gadson)
 AKA:)
 Race: Sex: Age:)
 DOB: SS#:)
 Address:)
 City, State, Zip:)
 DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS38-1127
 A/W#: 2018A3810200010
 Date of Offense: 1/12/2018
 S.C. Code §: 16-11-311
 CDR Code #: 0079

RECEIVED
APR 29 2019
SC Court of Appeals

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was TO: Burglary - First Degree

CONVICTED OF or PLEADS

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079
 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: [Signature] Solicitor 76577 SC Bar# [Signature] Defendant [Signature] Attorney for Defendant 100381 SC Bar#

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: 4-22-2019
 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. 402 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
 Total: \$ plus 20% fee: \$ days/hours Public Service Employment

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

Recipient:
 May serve W/E beginning
 Substance Abuse Counseling
 Random Drug/Alcohol testing

*Fine: \$
 § 14-1-206 (Assessments 107.5 %) \$
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$
 § 56-5-2995 (DUI Assessment) \$12 \$
 § 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$
 § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 § 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

Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
 Appointed PD or appointed other counsel,
 Presiding Judge [Signature]

Judge Code: 2112
 Sentence Date: 4-22-2019

Clerk of Court/ Deputy Clerk [Signature]
 Court Reporter: E. Torres

0-20 yrs

rec. 20 yrs

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Orangeburg
STATE VS. Michael O'Brian Gadson
AKA:
Race: Sex: Age:
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2019GS38-0771
A/W#: 2019ORB16
Date of Offense: 1/12/2018
S.C. Code §: 16-25-65
CDR Code #: 3814

RECEIVED
APR 29 2019
SC Court of Appeals

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Domestic Violence of a High and Aggravated Nature

CONVICTED OF or PLEADS

in violation of § 16-25-65 of the S.C. Code of Laws, bearing CDR Code # 3814
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §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: Solicitor, SC Bar# 76577, Defendant, Attorney for Defendant, SC Bar# 100381

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: 4-22-2019
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.

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
Total: \$ plus 20% fee: \$

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

Recipient:
Substance Abuse Counseling
Random Drug/Alcohol testing

Table with 3 columns: Description, Amount, Total. Includes items like Assessments 107.5%, DUI Surcharge, BUI Breath Test Fee, etc.

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund
Other: Primary Attorney, Order Clerk, etc.

3% to County (if paid in installments)
TOTAL \$128.05

Clerk of Court/ Deputy Clerk: J. Bullard
Court Reporter: E. Torres
Presiding Judge: Diane S. Jordan
Judge Code: 2112
Sentence Date: 4-22-2019

TRUE COPY
ATT: 3.75

ARREST WARRANT

2018A3810200010

STATE OF SOUTH CAROLINA

County/ Municipality of

Orangeburg

126210

THE STATE

against

Micheal Obrian Gadson

2018-000218

Address:

Phone: SSN:

Sex: Race: Height: Weight:

DL State: DL #:

DOB: Agency ORI #: SC0380000

Prosecuting Agency: Orangeburg County Sheriff

Prosecuting Officer: Nathaniel M Shazier - S00170

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

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 Michael O. Gadson

on 3-17-18

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
151 Docket Street
P. O. Box 9000
Orangeburg, SC 29116

RECEIVED

JAN 13 2018

WARRANT DIVISION

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Orangeburg

Personally appeared before me the affiant Nathaniel M Shazier who

being duly sworn deposes and says that defendant Micheal Obrian Gadson

did within this county and state on or about 1/12/2018 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Orangeburg)

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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:

BASED ON THE INVESTIGATION BY THE ORANGEBURG COUNTY SHERIFF'S OFFICE THAT ON 01/12/2018, THE DEFENDANT, MICHAEL GADSON DID VIOLATE SC CODE OF LAWS SECTION 16-11-0311, BURGLARY 1ST DEGREE, IN THAT HE DID UNLAWFULLY ENTER INTO A RESIDENCE BY KICKING THE DOOR IN WITHOUT CONSENT. THE DEFENDANT DID GO INTO THE RESIDENCE WITH THE INTENT TO COMMIT A CRIME THERIN. THE DEFENDANT DID CAUSE PHYSICAL INJURY TO STEPHANIE CROSBY WHO WAS A NON PARTICIPANT IN THE BURGLARY BY STRIKING HER MULTIPLE TIMES AND THROWING HER INTO A WINDOW CAUSING MULTIPLE LACERATIONS. THIS INCIDENT DID OCCUR IN THE COUNTY OF ORANGEBURG, STATE OF SOUTH CAROLINA.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Orangeburg

Affiant's Address Post Office Box 9000

Orangeburg, SC 29116-

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 1/12/2018 defendant Micheal Obrian Gadson

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Orangeburg) as set forth below

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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 1/12/2018

Signature of Issuing Judge (L.S.)

Donald Rhett West

Judge Code: 5559

Judge's Address Post Office Box 9000

Orangeburg, SC 29116-9000

Judge's Telephone (803)496-9533

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

FILED FOR RECORD WINIFRED CLARK 2018 MAR 23 AM 9:29 CLERK OF COURT ORANGEBURG, SC

RECEIVED SC Court Appeals APR 2 2018

BAIL set by

Judge Dessal Red
on 3-17-88
Type and Amount: 25,000
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: _____

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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



CLERK OF COURT
MAY 20 1988

MAY 20 1988

PROCESSED
BY CLERK
FOR RECORD

ARREST WARRANT

2018A3810200009

STATE OF SOUTH CAROLINA

County/ Municipality of

Orangeburg

126209

THE STATE

against

Micheal Obrian Gadson

Address:

Phone: _____ SSN: _____

Sex: _____ Race: _____ Height: _____ Weight: _____

DL State: _____ DL #: _____

DOB: _____ Agency ORI #: SC0380000

Prosecuting Agency: Orangeburg County Sheriff

Prosecuting Officer: Nathaniel M Shazier - S00170

Offense: Assault / Assault & Battery 1st degree

Offense Code: 3412

Code/Ordinance Sec: 16-03-0600(C)(1)

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 Micheal O. Gadson on 2-3-17-18

M.T. Raverell
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
151 Docket Street
P. O. Box 9000
Orangeburg, SC 29116

RECEIVED

JAN 13 2018

WARRANT DIVISION

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Orangeburg

Personally appeared before me the affiant Nathaniel M Shazier who

being duly sworn deposes and says that defendant Micheal Obrian Gadson

did within this county and state on or about 1/12/2018

violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Orangeburg)

in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 1st degree

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:

BASED ON THE INVESTIGATION BY THE ORANGEBURG COUNTY SHERIFF'S OFFICE THAT ON 01/12/2018, THE DEFENDANT, MICHAEL GADSON DID VIOLATE SC CODE OF LAWS SECTION 16-03-0600 (C)(1), ASSAULT AND BATTERY 1ST DEGREE, IN THAT HE DID UNLAWFULLY INJURE THE VICTIM, STEPHANIE CROSBY BY STRIKING HER MULTIPLE TIMES AND THROWING HER INTO A WINDOW CAUSING MULTIPLE LACERATIONS. THIS CRIME DID OCCUR DURING THE COMMISSION OF BURGLARY INTO A RESIDENCE. THESE ACTS WERE ACCOMPLISHED BY MEANS LIKELY TO PRODUCE DEATH OR GREAT BODILY INJURY. THIS INCIDENT DID OCCUR IN THE COUNTY OF ORANGEBURG, STATE OF SOUTH CAROLINA.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Orangeburg

Affiant's Address Post Office Box 9000
Orangeburg, SC 29116-

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 1/12/2018 defendant Micheal Obrian Gadson

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Orangeburg) as set forth below

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 1st degree

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 1/12/2018

Signature of Issuing Judge
Donald Rhett West
Judge Code: 5559

(L.S.)

Judge's Address Post Office Box 9000
Orangeburg, SC 29116-9000

Judge's Telephone (803)496-9533

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

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

AFFIDAVIT

FILED FOR RECORD
WINNIFAB. CLARK
2018 MAR 23 AM 9:29
CLERK OF COURT
ORANGEBURG, SC

RECEIVED
SC Court of Appeals
APR 29 2019

Bail set by

Judge David A. [Signature]
on 3-12-88
Type and Amount: 15,000
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: _____
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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



CLERK OF COURT
OFFICE OF THE CLERK OF COURT

MAR 16 1988

CLERK OF COURT
OFFICE OF THE CLERK OF COURT

WITNESSES

Nathaniel M Shazier

Orangeburg County Sheriff

ARREST WARRANT NUMBER
2018A3810200010

Arrested: March 17, 2018

ACTION OF GRAND JURY
TRUE BILL
[Signature]
MAR 27 2019
Date

Foreperson of Grand Jury
Date: March 27, 2019

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS38-1127

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 1, 2019 TERM

THE STATE
vs.

Micheal Obrian Gadson

Indictment for

BURGLARY - FIRST DEGREE

SC Code: 16-11-11

RECEIVED
APR 29 2019
SC Court of Appeals

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

ATTEST: TRUE COPY
Winnina B. [Signature]
CLERK OF COURT
ORANGEBURG COUNTY SC
2019 MAR 27 AM 10:50
FILED FOR RECORD
WINNINA B. CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)


INDICTMENT
2018GS38-1127

At a Court of General Sessions, convened on March 27, 2019 the Grand Jurors of Orangeburg County present upon their oath:

BURGLARY - FIRST DEGREE

That in Orangeburg County, South Carolina, on or about January 12, 2018, the Defendant, Micheal Obrian Gadson, did willfully and unlawfully enter the dwelling of Joshua and Walker Martin, without consent and with the intent to commit a crime therein, to wit: assault and battery and the defendant did cause physical injury to Stephanie Crosby, a non participant in the crime. This offense being a violation of Section 16-11-311 of the South Carolina Code of Laws, as amended.

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



Ashley B. Cornwell, Solicitor

WITNESSES

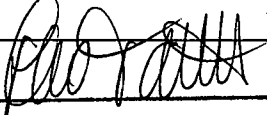
Nathaniel Shazier

Orangeburg County Sheriff

ARREST WARRANT NUMBER
2019ORB16

Arrested: March 17, 2018

TRUE BILL
ACTING GRAND JURY



Date MAR 27 2019

Foreperson of Grand Jury
Date: March 27, 2019

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019GS38-0771

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 1, 2019 TERM

THE STATE
vs.

Michael O'Brian Gadson

Indictment for

DOMESTIC VIOLENCE OF A HIGH AND
AGGRAVATED NATURE

SC Code: 16-25-65

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

RECEIVED
APR 29 2019
SC Court of Appeals

2019 MAR 27 AM 10:50
FILED FOR RECORD
WINTERA S. CLARK
CLERK OF COURT
ORANGEBURG COUNTY
ATTEST: TRUE COPY
Winnaja [Signature]
CLERK OF COURT
ORANGEBURG COUNTY

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)


INDICTMENT
2019GS38-0771

At a Court of General Sessions, convened on March 27, 2019 the Grand Jurors of Orangeburg County present upon their oath:

DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

That in Orangeburg County, South Carolina, on or about January 12, 2018, the defendant, Michael Obrian Gadson, did cause physical harm or injury or offered or attempted to cause physical harm or injury, with or without an accompanying battery, to Stephanie Crosby, a household member, and did so under circumstances manifesting extreme indifference to the value of human life and reasonably causing a person to fear imminent great bodily injury or death. This offense being in violation of Section 16-25-65, of the South Carolina Code of Laws, as amended.

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



Ashley B. Cornwell, Solicitor