

STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )

IN THE COURT OF GENERAL SESSIONS  
THE FIRST JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )  
Plaintiff, )

**Warrant/Indictment Nos.:**  
2018GS18-1427  
Larceny / Breaking Into Motor  
Vehicle Or Tanks, Pumps, Where  
Fuel, Lubricants Stored

v. )

**RULE 203(B) EXPLANATION**

**JOSHUA HARDEE,** )  
Defendant. )

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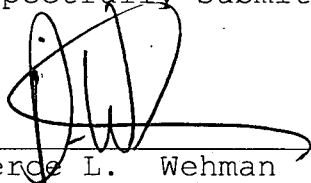
JUN 13 2019

**SC Court of Appeals**

**Pursuant to Rule 203(B) (iv)**, the issues to be raised on Appeal may include whether the Trial Court abused its discretion when it imposed a sentence of 5 years SCDC suspended 3 years probation upon the Appellant after he plead guilty.

The undersigned does not have a good faith basis to believe that such an abuse occurred and the undersigned did not object to the sentence or file a Motion to Reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430F.3d 696, 706 (4th Cir. 2005) ("A Defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client, '" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967))).

Respectfully submitted,



By:

Pierce L. Wehman  
Assistant Public Defender  
107 West 6th North Street  
Summerville, SC 29483  
Attorney for Defendant  
(843) 821-9800.

Summerville, South Carolina  
This 10th day of June, 2019

COUNTY OF Dorchester  
STATE VS.  
Joshua Marshall Hardee

INDICTMENT/CASE#: 2018GS18-1427  
A/W#: 2018A1810200121  
Date of Offense: 6/26/2018  
S.C. Code §: 16-13-160(A)  
CDR Code #: 0258

AKA: \_\_\_\_\_  
Race: \_\_\_\_\_ Sex: M Age: 29  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

SENTENCE SHEET

\*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: Breaking into Motor Vehicle or Tanks, Pumps, Where Fuel, Lubricants Stored

in violation of § 16-13-160(A) of the S.C. Code of Laws, bearing CDR Code # 0258  
 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: \_\_\_\_\_ 102370 \_\_\_\_\_ 10/1/20  
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

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 3 years

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.

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.

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SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

PTUP 3 months 11 days  
Public Service Employment

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Recipient: \_\_\_\_\_

\*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 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	\$ 500
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 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)		\$ 18.75

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: NO CONTACT w/ VICTIM OR  
DISASTER care services premises  
employee

TOTAL \$ 643.75  
Clerk of Court/ Deputy Clerk Cheryl Graham  
Court Reporter: V. Torres  
SCCA/217 (04/2018)

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 Walter Myers  
Judge Code: 2167  
Sentence Date: 6/6/19

RESTITUTION VERIFICATION FORM  
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA VS. Joshua Hardee

INDICTMENT #(S): 2018-GS-18-1427

1. Victim: Disaster Care Cleaning Services  
Address: 403 E. 5<sup>th</sup> North St.  
Summerville, 29483  
Phone #: 843-871-9628  
Co-Defendant: \_\_\_\_\_

Restitution Due: \$3044.69

2. Victim: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Co-Defendant: \_\_\_\_\_

Restitution Due: \_\_\_\_\_

3. Victim: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Co-Defendant: \_\_\_\_\_

Restitution Due: \_\_\_\_\_

4. Victim: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Co-Defendant: \_\_\_\_\_

Restitution Due: \_\_\_\_\_

Total Restitution Due: \$3044.69

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[Signature] 6/3/19  
SOLICITOR/DATE

[Signature]  
JUDGE/DATE