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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Brian M. Gibbons, Circuit Court Judge

ANDERS
NO DEFENDANT'S BRIEF
No Respondent's Brief Filed
RECEIVED
APR 16 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JIMMY BYRON KEITH CURLES,

APPELLANT

APPELLATE CASE NO 2016-002229

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 COUNTY OF PICKENS)

State of South Carolina,)
)
 Plaintiff,)
 v.) Case No. 15-GS-39-00603
)
 Jimmy B. Curles,)
)
 Defendant.)

TRANSCRIPT OF HEARING

The within Hearing in the above-captioned matter was held September 20th, 2016, before The Honorable Brian Gibbons in Courtroom 1 of the Pickens County Courthouse in Pickens, South Carolina, attended by counsel as follows:

APPEARANCES:

Courtney Landsverk, Assistant Solicitor
 ... Appearing for State of South Carolina

Kenneth S. Roper, Esq.
 ... Appearing for Defendant

Deborah Garrison
Circuit Court Reporter – 13th Judicial Circuit
 P O Box 27145
 Greenville, South Carolina 29616
dgarrison@sccourts.org

State of South Carolina v. Jimmy B.K. Curles
Case No. 15-GS-39-00603
Hearing of September 20, 2016
Before The Honorable Brian Gibbons

1

2

(DEFENDANT PRESENT.)

3

CLERK: 2015-GS-39-0603, the State

4

versus Jimmy Curles, pleading to Burglary 2nd

5

Degree.

6

2015-GS-39-0605, pleading to Burglary 2nd

7

Degree.

8

2015-GS-39-0601, pleading to Burglary 2nd

9

Degree.

10

(WHEREUPON DEFENDANT SWORN)

11

THE COURT: All right. Mr. Roper, do

12

you represent Mr. Curles?

13

KENNETH ROPER: I do, Your Honor.

14

THE COURT: Have you had a full

15

opportunity to go over all these matters with

16

your client?

17

KENNETH ROPER: I have.

18

THE COURT: Based on that and your

19

investigation into these matters, do you

20

agree with his decision to plead guilty to

21

these charges?

22

KENNETH ROPER: I do.

23

THE COURT: All right. Mr. Curles,

24

let me speak to you for just a moment. You

25

are -- it looks like you're fifty years of

1 age; is that correct?

2 DEFENDANT: Yes, sir.

3 THE COURT: Do you understand what
4 you're doing in court today?

5 DEFENDANT: Yes, sir.

6 THE COURT: Do you understand what
7 these charges are against you?

8 DEFENDANT: Yes, sir.

9 THE COURT: Each one of these charges
10 carries up to ten years in prison. Do you
11 understand that?

12 DEFENDANT: Yes, sir.

13 THE COURT: As to these charges, how do
14 you plead?

15 DEFENDANT: I plead guilty.

16 THE COURT: Has anybody forced,
17 pressured, coerced or made you do that
18 against your will?

19 DEFENDANT: No, sir.

20 THE COURT: Has anybody promised you
21 anything to get you to plead guilty?

22 DEFENDANT: No, sir.

23 THE COURT: Are you satisfied with your
24 attorney?

25 DEFENDANT: I am.

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THE COURT: Has he answered all your questions?

DEFENDANT: Yes.

THE COURT: Did you and your lawyer go over all of your jury trial rights?

DEFENDANT: Yes, sir.

THE COURT: Do you understand that you have a right to remain silent?

DEFENDANT: Yes, sir.

THE COURT: Do you understand that you are presumed innocent until proven guilty?

DEFENDANT: Yes, sir.

THE COURT: You understand that the State of South Carolina has to prove you guilty beyond a reasonable doubt with twelve unanimous jurors?

DEFENDANT: Yes, sir.

THE COURT: You understand that you have a right to confront the witnesses against you and make them look bad?

DEFENDANT: Yes, sir.

THE COURT: You understand that you give up all those rights when you plead guilty?

DEFENDANT: I do.

State of South Carolina v. Jimmy B.K. Curles

Case No. 15-GS-39-00603

Hearing of September 20, 2016

Before The Honorable Brian Gibbons

1 THE COURT: Are you under the influence
2 today of anything that would make you not
3 understand what is going on?

4 DEFENDANT: No, sir.

5 THE COURT: And do you understand that
6 you have ten days from today to appeal any
7 sentence that the court may give you?

8 DEFENDANT: I do.

9 THE COURT: I want you to listen
10 carefully. She is going to tell me what you
11 did and then I am going to come back to you
12 and ask if you still wish to plead guilty.
13 Okay?

14 DEFENDANT: Yes, sir.

15 SOLICITOR LANDSVERK: Thank you, Your
16 Honor, may it please the court. On January
17 5th, 2014, this defendant broke into the
18 victim's, Nicholas Pauls', residence located
19 within the Easley City limits in Pickens
20 County and stole a rifle valued at less than
21 two thousand dollars.

22 On January 15th, 2014, this defendant
23 broke in the victim's, Betty Griffin's,
24 residence located within Pickens County and
25 stole electronics and jewelry valued at over

1 two thousand dollars.

2 Additionally, on January 13th, 2014, this
3 defendant broke into the victim's, Robin
4 Finnican's, residence and stole various pieces
5 of jewelry valued at less than two thousand
6 dollars. This incident also took place in
7 Pickens County, Your Honor.

8 Those are the facts and there is a
9 recommendation.

10 THE COURT: All right. Mr. Curles, do
11 you hear what the State says that you did?

12 DEFENDANT: Yes, sir.

13 THE COURT: Is that what you did?

14 DEFENDANT: Yes, sir.

15 THE COURT: The court accepts your
16 pleas. Let me hear from the State as to
17 sentencing.

18 SOLICITOR LANDSVERK: Your Honor, our
19 recommendation is ten years active.

20 THE COURT: Mr. Roper?

21 KENNETH ROPER: Thank you, Your Honor.
22 You will notice from the dates that were read
23 into the record by the Solicitor, and that
24 should be reflected on the indictment as
25 well, these events all happened in early

1 January 2014. Where this happened is a place
2 in the county that is close to Anderson,
3 close to Greenville. If you break into a
4 series of houses -- in some cases allegedly
5 break into a series of houses, -- you could
6 be doing it in multiple jurisdiction. So he
7 had charges pending in Anderson, he has
8 charges pending in Greenville. I think that
9 he has resolved the Anderson charges.

10 DEFENDANT: Yes, sir.

11 KENNETH ROPER: And we are resolving
12 all the Pickens charges here today. There
13 are several charges that are being dismissed
14 as a part of this plea.

15 Then we would ask, Judge, because we are
16 close to the end of this process, since he's
17 been in jail since this happened back in
18 January 2014, that he be transported -- and
19 that Your Honor make it a part of the Order
20 -- to Greenville so he can resolve those
21 charges and we can hopefully stop shipping
22 him around, get his cases resolved.

23 THE COURT: Thank you. Mr. Curles, is
24 there anything else that you wish to tell me
25 before I impose sentence?

1 DEFENDANT: No. I'm guilty, and I'm
2 sorry. There is a package deal that was
3 offered to me for Greenville and Pickens, so
4 -- I don't know if that is going to be
5 acceptable or not, but I'd like to finish it
6 and get it all done and taken care of.

7 THE COURT: I'll go along with the
8 recommendation here. I'll sentence you to
9 ten years, concurrent, on all charges, giving
10 you credit for all the time that you have
11 served. I also Order civil judgments for the
12 cases involved. I also Order that you be
13 transported to Greenville County to deal with
14 those charges there. Good luck to you.

15 (HEARING CONCLUDED)

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State of South Carolina v. Jimmy B.K. Curles

Case No. 15-GS-39-00603

Hearing of September 20, 2016

Before The Honorable Brian Gibbons

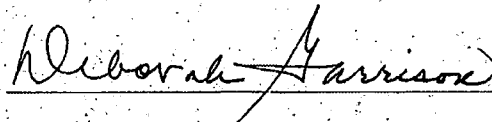
STATE OF SOUTH CAROLINA)

) CERTIFICATE

COUNTY OF GREENVILLE)

I, the undersigned Deborah Garrison,
Circuit Court Reporter for the 13th Judicial
Circuit, hereby certify that the foregoing is a
complete and accurate transcript of the hearing
held in the within action on September 20, 2016,
before The Honorable Brian Gibbons;

I further certify that I am neither kin nor
counsel to any of the parties and have no interest
in the outcome of this action.



Deborah Garrison

Greenville, South Carolina

October 20, 2017

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
)
)
 -VS-)
)
 JIMMY BYRON KEITH CURLES)
)
 DEFENDANT.)
 _____)

CASE NO.: 2015-GS-39-00601
2015-GS-39-00603
2015-GS-39-00605

TRANSCRIPT OF RECORD

FEBRUARY 2, 2018
PICKENS, SOUTH CAROLINA

BEFORE:

THE HONORABLE BRIAN GIBBONS, JUDGE

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

BAKER CLEVELAND, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

KENNETH ROPER, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
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(No exhibits introduced during this hearing.)

1 THE COURT: All right, gentlemen. We are here pursuant
2 to an order from the Court of Appeals remanding this matter
3 back to the trial court to deal with a motion for
4 re-sentencing, I believe, that was filed in the case.
5 Either one of you all have the sentencing sheet?

6 MR. CLEVELAND: I've got the sentencing sheets.

7 THE COURT: You got it? Tara, do you have the caption
8 sheet?

9 COURT REPORTER: Yes, sir.

10 THE COURT: Okay. So this is in the interest of Jimmy
11 Bower and Keith Curles. It's docket 15-GS-39-601. And I'm
12 looking at my sentencing sheets. It appears that back on
13 September 20th, I sentenced Mr. Curles to a ten year
14 concurrent sentence and I did check the box that gives him
15 credit for time served. So that's kind of where we are.
16 And, of course, I believe the Court of Appeals wanted us to
17 have the hearing here in Pickens County in the event any
18 victims wished to appear and be heard. So, Solicitor, have
19 you heard from any victims or anything on the case?

20 MR. CLEVELAND: Your Honor, we've notified the victims
21 in the case of this proceeding and they've just asked to be
22 informed as to the outcome of this proceeding. They do not
23 wish to be present today, but we've got complied with a
24 Victim's Rights Act.

25 THE COURT: All right. Thank you. So, Mr. Roper, I

1 believe it is your motion and your client's motion. I'll be
2 glad to hear from you.

3 MR. ROPER: Yes, Your Honor. May it please the Court?

4 THE COURT: Yes, sir.

5 MR. ROPER: Mr. Curles, who is seated here beside me,
6 filed a motion for sentence reconsideration after Your Honor
7 pronounced sentence, as you said, back on September 20,
8 2016. The reason, I believe, that there's a delay in this
9 matter being heard is because Mr. Curles, just not
10 understanding the nature of the system, he filed that motion
11 to reconsider your sentence in the Court of Appeals and not
12 in the General Sessions Court. So it took me a while to
13 figure that part out, as well. But I think the Court of
14 Appeals is -- the reason they've asked for you to hear this
15 is because this was the proper place to file.

16 They gave him credit for the filing since he did it pro
17 se within the time period, just in the wrong jurisdiction.
18 Regardless Judge, I think the issue that is before us now is
19 because of geography. Mr. Curles has plead guilty to and
20 admitted to a series of burglaries that happened in a
21 portion of Pickens County, Northern Anderson County, and
22 Western Greenville County. Right where Powdersville --
23 where it all comes together. And so, you can go through a
24 couple of neighborhoods and commit crimes in three different
25 counties. And he's pled guilty in three different counties

1 of doing exactly that, a series of burglaries.

2 The deals that were struck back in 2016 for all of
3 these were basically for concurrent time. The reason that
4 we're here -- and that's reflecting on your sentencing
5 sheets. The reason we're here though is because the SCDC,
6 for reasons I cannot figure out, have two different start
7 dates on his Pickens charges. They have a start date of
8 June 1, 2016, which I can't connect to any date whatsoever
9 in my files. So I don't know where that came from. And
10 then, we've got what we think is the correct start date,
11 which is February 3, 2016. So -- I'm sorry, 2014. I was
12 about to do it again.

13 What Mr. Curles is asking the Court to do is what we
14 believe the Court did at the plea sentencing hearing, and
15 that is to give him credit for the time served going back to
16 February 3, 2014, which was his original arrest in Anderson
17 County for this entire series.

18 THE COURT: Okay. And so, He plead guilty to, I guess,
19 the same or similar charges in Anderson County and those
20 were concurrent with whatever happened in Pickens. Where
21 did he plead first, Pickens County, or Anderson, or
22 Greenville?

23 MR. CURLES: Anderson, sir.

24 THE COURT: Anderson. Anderson County. All right.

25 Well -

1 MR. ROPER: He pled -

2 JIMMY CURLES, having first been
3 duly sworn, testified as follows:

4 THE COURT: All right. Thank you. What did you plead
5 to in Anderson County?

6 MR. CURLES: I pled to a burglary.

7 THE COURT: All right. And what was -- and you pled
8 there first?

9 MR. CURLES: Yes, sir.

10 THE COURT: All right. And what was the sentence you
11 received there?

12 MR. CURLES: Ten years suspended to two years with
13 three years probation and 100 hours community service.

14 THE COURT: Got you. So after you received that
15 sentence, you were held and brought here to deal with the
16 charges here?

17 MR. CURLES: No, sir. I was took to the Department of
18 Corrections to be remanded for the sentencing that I
19 received there. While waiting to max my sentence out there,
20 Greenville County picked me up.

21 THE COURT: All right. So Greenville County picked you
22 up and what happened in Greenville?

23 MR. CURLES: They had done served the warrants me here
24 for Pickens, so Mr. Buckner and Mr. Steinberg collaborated
25 together over -- for numerous of months. I was in there for

1 about 10 or 11 months in Greenville County waiting to go to
2 court for a probation violation.

3 THE COURT: All right. So stop. You had already
4 finished your sentence from Anderson County?

5 MR. CURLES: Yes.

6 THE COURT: All right. So Anderson County is out of
7 the equation now?

8 MR. CURLES: Correct.

9 THE COURT: All right. So after you finished your term
10 -- and, gentlemen, if you all want to intervene at any point
11 in time, go ahead. I'm just establishing a factual record,
12 and then we'll go from there. All right. So after you
13 finished your term in SCDC out of Anderson County you were
14 remanded to Greenville County to deal with whatever they had
15 there?

16 MR. CURLES: Correct.

17 THE COURT: All right. What happened in Greenville
18 County?

19 MR. CURLES: They sent me here to you guys to -- on the
20 day that I came to you.

21 THE COURT: So did you get sentenced in Greenville
22 before here or here before Greenville?

23 MR. CURLES: No, sir. I got sentenced here before
24 Greenville.

25 THE COURT: I got you. And so you came here in front

1 of me and I gave you the ten?

2 MR. CURLES: Yes, sir.

3 THE COURT: And I said it was concurrent to --

4 MR. CURLES: Yeah.

5 THE COURT: -- everything, and then I wrote on there,
6 "Transport to Greenville County to deal with those charges."

7 MR. CURLES: That's correct.

8 THE COURT: So what happened when you went to
9 Greenville?

10 MR. CURLES: Ms. Cassandra Gordon represented me in
11 Greenville. She did -- I mean, I have no problem about the
12 attorney's performance. None of the attorney's performance.
13 Performance was well. She got it to where I would get the
14 ten years concurrent with what you guys gave, with what
15 Easley gave, with what Greenville gave. Everybody was in
16 conglomeration with it, but the Department of Corrections,
17 they said that due to the fact that underneath -- on the
18 sentencing sheet under where 24-13-40 stands, that due to
19 the fact that there was no numbers written on there and
20 there wouldn't allot the time that was granted.

21 THE COURT: I got you. When were you arrested for
22 these charges?

23 MR. CURLES: I was arrested February 3, 2014.

24 THE COURT: And have you left incarceration -- any
25 incarceration, whether it be a county detention facility or

1 the South Carolina Department of Corrections, from then
2 until you pled in front of me?

3 MR. CURLES: No, sir.

4 THE COURT: So you were constantly in the custody of
5 somebody?

6 MR. CURLES: That is correct.

7 THE COURT: Whether it be a county detention facility
8 or the State Department of Corrections?

9 MR. CURLES: That's correct.

10 THE COURT: Okay. Do you any other questions for him?

11 MR. ROPER: No, Your Honor. I do not.

12 THE COURT: Solicitor, do you have any questions of
13 him?

14 MR. CLEVELAND: I don't have any of the Defendant, Your
15 Honor. No, sir.

16 THE COURT: All right. Thank you, sir. You can be
17 seated.

18 MR. CURLES: Thank you, sir.

19 THE COURT: Mr. Roper, anything further from your end?

20 MR. ROPER: No, Your Honor. I think you've got the
21 issue. It's really, from my view, just a paperwork issue
22 getting the right beginning date on this one Pickens
23 sentence.

24 THE COURT: All right. Thank you.

25 MR. CLEVELAND: Your Honor, the only thing I would

1 point out is these warrants were issued on February 7, 2014,
2 so I don't know if you can backdate it to a date before the
3 warrants were even issued, but it's just a matter of three
4 or four days. So it shouldn't matter. One thing I just do
5 want to put on the record. SCDC is showing him having him
6 two charges from Pickens that he's serving time on. He
7 actually pled guilty to three. I've asked the Clerk about
8 this. It looks like the sentencing sheet was scanned. We
9 just want to make sure the paperwork gets transmitted and
10 SCDC has got them all. The three charges.

11 MR. ROPER: And it is correct and it should be three
12 charges, but they're all concurrent.

13 THE COURT: Right. I'm looking at them. It's
14 indictment -603, -601 and -605.

15 MR. CLEVELAND: That's correct, Your Honor.

16 THE COURT: And the actual one that the operative
17 indictment for the sentencing sheet -- the operative
18 sentencing sheet is indictment -603, so -- all right. All
19 right. Anything further from the State?

20 MR. CLEVELAND: No, Your Honor.

21 THE COURT: Anything further, Mr. Roper?

22 MR. ROPER: Yes. Your Honor, it looks like -605 is the
23 one, because the SCDC has the specific indictments listed on
24 his time calculation and the one they miscalculated is on
25 605.

1 THE COURT: Okay. All right. Anything further?

2 MR. ROPER: No, Your Honor. Thank you.

3 MR. CLEVELAND: No, Your Honor.

4 THE COURT: All right. Thank you. Give me a moment.

5 (Whereupon, there was a brief pause in the proceeding.)

6 Based upon the testimony I was presented and
7 considering the arguments of the lawyers, here's what we're
8 going to do. First of all, Mr. Curles, it was my intention
9 that you be given due credit for any previous time served.
10 I mean, that's why we have the box on the sentencing sheet
11 and what I tell lawyers -- and I think I've told you this,
12 Mr. Cleveland. You know, as I travel around I've found that
13 there's really no reason to write it. Because, any time you
14 plead a case you'll say, Your Honor, he has 272 days of time
15 served. Well, I can write that on the sentencing sheet, but
16 if the numbers differ with the Department of Corrections,
17 they go by what they say, not what a judge says. Okay? So
18 that's why I don't even write days on sentencing sheets
19 anymore. I check the box. That's the purpose of the box.
20 Okay. Certainly, he's entitled to any time previously
21 served.

22 The testimony in the record -- the only evidence in the
23 record, is that he start serving time on February 3, 2014
24 when he was arrested and has not been away from a secure
25 detention facility since then. So he's entitled to that

1 credit for that time served. Okay? So what I did is on
2 each sentencing sheet for the cases I did, I wrote the
3 sentence start date is 2/3/14 and I signed it and dated it
4 2/2/18. And so I'm making a good record here. I find that
5 Mr. Curles should be given credit for time served back in
6 February 3, 2014 based upon the evidence presented to this
7 court and I've ordered that effective -- it's February 2,
8 2018, the date of this hearing. But they can go back and
9 adjust all of those credits and all of that kind of stuff to
10 make sure it happens. And everything is concurrent with
11 everything.

12 MR. ROPER: Thank you, Judge.

13 THE COURT: Anything else?

14 THE COURT: Anything else, Mr. Curles?

15 MR. CURLES: I want to apologize for putting you
16 through the problem.

17 THE COURT: No. You didn't put me through a problem.
18 I enjoyed coming up here.

19 MR. CURLES: I do appreciate your assistance, sir.

20 THE COURT: Well -- yes, sir. Good luck to you.
21 Anything else?

22 MR. CLEVELAND: Nothing further from the State.

23 THE COURT: All right. Thank you. That concludes this
24 hearing.

25 - - - END OF REQUESTED TRANSCRIPT OF RECORD - - -

Certificate of Reporter

I, the undersigned, Tara T. Scott, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Pickens County, South Carolina, on the 2nd day of February, 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Tara T. Scott

Tara T. Scott, CVR
Circuit Court Reporter
October 16, 2018

TELEPHONE (864) 898-5857
FAX (864) 898-5863
PWELBORN@CO.PICKENS.SC.US

Office of Clerk of Court

PICKENS COUNTY
Harold P. "Pat" Welborn, Jr.
P.O. BOX 215
PICKENS, SC 29671

CIVIL RECORDS (864) 898-5862
CRIMINAL RECORDS (864) 898-5864
FAMILY COURT (864) 898-5598

September 26, 2016

Mr. Jimmy Bryon Kieth Curles
20 McGee St
Greenville, S.C. 29601

RECEIVED
OCT 31 2016
SC Court of Appeals

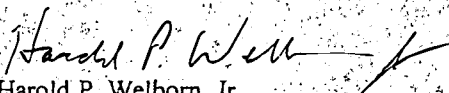
RE: Letter/Motion Dated: 9/22/2016

Dear Mr. Curles

I am in receipt of your letter/ motion date: 9/22/2016

You will have to file your appeal with the Court of Appeals in Columbia. Judge Miller was not the Judge for your case. I will place your letter/motion in the courts file.

Sincerely,


Harold P. Welborn, Jr.
Pickens County
Clerk of Court

Mr. Welsborn,

I'm asking this to be copied and forwarded to General Sessions ^{SEP 26} Judge Miller's Clerk, from the way I gathered it I was to be giving all jail time from date of ^{PLEA OF GUILTY} ^{PICKENS COUNTY} ^{SOUTH CAROLINA} this was a agreed ^{negotiated} between Pickens County and Greenville that they would be the same but it was not marked the amount of days which are currently at 100 days straight and with good time 133 days which is 4/3 months. My lawyer here in Greenville seems to think we might be able to do better so it's my idea to Appeal this and I humbly ask this Court and Judge Miller to forgive me but I did wrong but I've suffered a broke neck in county jail for these crimes and I never broke into the house I was accused of. If this is still open 0-10 and if my lawyer can get me sentenced to less than 10 why would a person not want this, it's for the best for my family to get this all resolved but in respect to proper amount of time. As you can see this state has really violated all of my Amendment rights and Constitutional ones as well so please if you will clock stamp and copy both of these and send both back. These are copies. Please forward one to all parties. Thanks!

Respectfully,

Jimmy Curles

9-22-2016

RECEIVED

OCT 31 2016

SC Court of Appeals

To Whom it Concerns, This is My Letter of Interest

I was told by trial judge in Pickens Court Court that I could appeal and all I had to do was write the Court asking for this this is a copy of it and it is clock stamped to show the dates of my attempt. I asked for this case I was told I would be given time from Date of Warrant issued all the way back to January 5th, 2014. But when I got the sentencing sheet there was no time and I also stated to my lawyer that Solicitor Buckner and Solicitor Steinberg out of both Pickens and Greenville made the agreement that they would both handle in Greenville Court. My Greenville lawyer Mr. Cass. Barton from Greenville told me that they were to be resolved in Greenville and that it might be a chance for a lighter sentence, and this sentence could be less than the 0% non-violent that was asked for. This is not by appeal this is agreed and I have it in writing or rather a text message. Please I only want to be fair to all parties. I have been grossly violated by both Counties for years and that being 2 yrs and 11 months. Every day I've been locked up. Please I only ask for fairness.

10/24/2016

Jimmy Thompson

My Commission Expires
April 1, 2021

Respectfully,

Name: Jimmy B. K. Anderson
Date: 10-20-2016

RECEIVED

OCT 31 2016

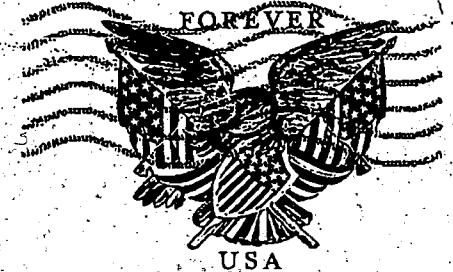
SC Court of Appeals

gkcc Original 1 of 3

Jimmy Curtes #154181
Greenville County Detention Center
20 McGee Street
Greenville SC 29601

GREENVILLE SC 296

20 OCT 2016 PM 4 L



RECEIVED

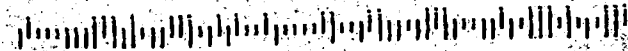
OCT 31 2016

SC Court of Appeals

Court of Appeals
General Sessions

1015 Sumter St. #5
Columbia S.C. 29201

29201-374905





ROPER LAW FIRM, LLC

Post Office Box 246
Pickens, South Carolina 29671
Telephone (864) 878-1577

Kenneth S. Roper, Esq.
ken@roperlawfirm.com

November 18, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: The State v. Jimmy B. K. Curles, Case No. 2015-GS-39-0601,0603, and 0605

Dear Ms. Kitchings:

Enclosed for filing is an amended notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the Respondent.
- (2) A copy of the order which is to be challenged on appeal.

I was appointed to represent this defendant pursuant to Rule 608, SCACR on his underlying charges in Pickens County. On September 26, 2016, Mr. Curles wrote to me requesting a reconsideration of his sentence, which I then confirmed as properly and timely filed with the Pickens Clerk of Court. I was unaware Mr. Curles also filed with the Court of Appeals, but am responding with this Amended Notice as instructed by your office.

Sincerely,

Kenneth Roper
Post Office Box 246
Pickens, South Carolina 29671
(864) 898-1577
Attorney for Appellant

Cc: Daniel Graham Buckner
Assistant Solicitor
214 East Main Street, Suite B120
Pickens, South Carolina 29671
Attorney for Respondent

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NOV 21 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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NOV 21 2016
SC Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of General Sessions

Brian M. Gibbons, Circuit Court Judge

Indictment No(s). 2015-GS-39-0601,0603, and 0605.

The State,

Respondent,

v.

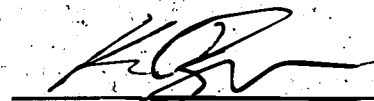
Jimmy B. K. Curles,

Appellant.

AMENDED NOTICE OF APPEAL

Jimmy B. K. Curles appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Brian M. Gibbons on September 20, 2016. Appellant received written notice of entry of this order on September 20, 2016.

November 18, 2016



Kenneth Roper
Post Office Box 246
Pickens, South Carolina 29671
(864) 898-1577
Attorney for Appellant

Other Counsel of Record:
Daniel Graham Buckner
Assistant Solicitor
214 East Main Street, Suite B120
Pickens, South Carolina 29671
(864) 898-5905
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of General Sessions

Brian M. Gibbons, Circuit Court Judge

Indictment No(s). 2015-GS-39-0601, 0603, and 0605

The State,

Respondent,

v.

Jimmy B. K. Curles,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on November 18, 2016, addressed to its attorney of record, Daniel Graham Buckner, Post 214 East Main Street, Suite B120, Pickens, South Carolina 29671.

November 18, 2016



Kenneth Roper
Post Office Box 246
Pickens, South Carolina 29671
(864) 898-1577
Attorney for Appellant

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NOV 21 2016

SC Court of Appeals

ROPER LAW FIRM, LLC

Post Office Box 246
Pickens, South Carolina 29671
Telephone (864) 878-1577

Kenneth S. Roper

April 1, 2017

V. Claire Allen
Deputy Clerk, S.C Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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APR 07 2017

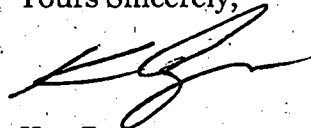
SC Court of Appeals

Re: The State v. Jimmy B. K. Curles
Appellate Case No. 2016-002229

Dear Ms. Allen,

Please be advised that Appellant's motion to reconsider his sentence as ordered by Judge's Gibbons is still pending in General Sessions Court.

Yours Sincerely,



Ken Roper

Cc: Jimmy Byron Keith Curles
Daniel Graham Buckner, Esq.

Allen, Claire

From: Ken Roper <kenr@co.pickens.sc.us>
Sent: Friday, January 26, 2018 3:37 PM
To: Allen, Claire
Cc: Littleton, Traci; Gibbons, Brian Law Clerk (William C. Corbett); Cleveland, Baker; Ben Aplin; dgbackner@wjlaw.net
Subject: RE: The State v. Jimmy B.K. Curles

Ms. Allen,

Please see below regarding the scheduling of Appellant's Motion for Reconsideration.

Thank you,

Ken Roper
Pickens County Attorney
222 McDaniel Avenue B-2
Pickens, SC 29671
864.898.5829



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From: Gibbons, Brian Law Clerk (William C. Corbett) [mailto:bgibbonslc@sccourts.org]
Sent: Tuesday, January 23, 2018 10:46 AM
To: Cleveland, Baker; Ben Aplin; Ken Roper; dgbackner@wjlaw.net
Cc: Littleton, Traci; Miller, Edward W.; Gravely, Perry H.; Gibbons, Brian M.
Subject: RE: The State v. Jimmy B.K. Curles

Gentlemen,

Court administration has scheduled Judge Gibbons to be in Pickens next Friday February 2 to do this resentencing hearing. If you all could, please take care of the transport order and make sure the victims are notified. See you next Friday at 10am. Let me know if you all have any questions.

Thanks,

W. Cyrus Corbett
Law Clerk

Honorable Brian M. Gibbons
6th Judicial Circuit

From: Cleveland, Baker [mailto:BCleveland@greenvillecounty.org]
Sent: Monday, January 22, 2018 5:41 PM
To: Ben Aplin <baplin@scag.gov>; Gibbons, Brian Law Clerk (William C. Corbett) <bgibbonslc@sccourts.org>;
kenr@co.pickens.sc.us; dgbuckner@wjlaw.net
Cc: Littleton, Traci <TLittleton@greenvillecounty.org>
Subject: RE: The State v. Jimmy B.K. Curles

Also – I can arrange the transport for Mr. Curles if needed. Just let me know. Thank you again,

J. Baker Cleveland, III
Assistant Solicitor
13th Circuit Solicitor's Office

From: Ben Aplin [mailto:baplin@scag.gov]
Sent: Monday, January 22, 2018 10:28 AM
To: Gibbons, Brian Law Clerk (William C. Corbett); kenr@co.pickens.sc.us; dgbuckner@wjlaw.net
Cc: Cleveland, Baker
Subject: RE: The State v. Jimmy B.K. Curles

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mr. Corbett,

Thank you for trying to get this motion scheduled for a hearing. My understanding is that Mr. Buckner is no longer with the Solicitor's Office and that Assistant Solicitor Baker Cleveland in the Pickens County Office will be handling the matter on behalf of the State. I have copied Mr. Cleveland with this email to bring him into the loop. Please let me know if there is anything I can do to assist, particularly in regards to the appeal that is currently being held in abeyance.

Sincerely,

Ben Aplin

J. Benjamin Aplin
Senior Assistant Deputy Attorney General
Criminal Appeals

South Carolina Office of the Attorney General
1000 Assembly Street, Suite 500
Post Office Box 11549
Columbia, SC 29211-1549
baplin@scag.gov
(803) 734-3727

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authorized to read, print, retain, copy, distribute, disseminate, or otherwise use this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (803-734-3727) or reply to this e-mail, and delete all copies of this message. Thank you.

From: Gibbons, Brian Law Clerk (William C. Corbett) [mailto:bgibbonslc@sccourts.org]
Sent: Monday, January 22, 2018 10:14 AM
To: kenr@co.pickens.sc.us; dgbuckner@wilaw.net; Ben Aplin
Subject: The State v. Jimmy B.K. Curles

All,

The Judge has received the letter to reconsider and would like to schedule this for Friday, February 2nd in Pickens if that will work for all parties. If not, could you all propose the dates so we can handle this issue as soon as possible?

Thank you,

W. Cyrus Corbett

Law Clerk
Honorable Brian M. Gibbons
6th Judicial Circuit

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 13, 2018

Mr. Kenneth Roper, Esquire
222 Mcdaniel Avenue B-2
Pickens SC 29671

Re: The State v. Jimmy B. K. Curles
Appellate Case No. 2016-002229

Dear Counsel:

Please advise the Court of the status of the appellant's motion to reconsider sentence in the circuit court within ten days of the date of this letter, or this appeal will be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Daniel Graham Buckner, Esquire
John Benjamin Aplin, Esquire
The Honorable Brian M. Gibbons

Allen, Claire

From: Roper, Kenneth S.
Sent: Monday, April 9, 2018 8:32 AM
To: Allen, Claire; Buckner, Graham
Subject: Jimmy B. Curles 2016-002229

Ms. Allen,

Judge Brian Gibbons heard and granted Mr. Curles' Motion for sentence reconsideration on February 2, 2018. My understanding from Mr. Curles is that he is satisfied with the Court's grant of his requested relief, and the matter should not be considered by the Ct. of Appeals.

Thank you,

RECEIVED

APR 10 2018

SC Court of Appeals

Allen, Claire

From: Allen, Claire
Sent: Tuesday, April 10, 2018 8:25 AM
To: Roper, Kenneth S.
Subject: RE: Jimmy B. Curles 2016-002229

Mr. Roper,

If you want the Court of Appeals to dismiss this appeal, please file a motion to dismiss indicating the matter has been resolved. The Court will then enter an appropriate order dismissing the appeal.

Thank you,

Claire Allen
Deputy Clerk
S.C. Court of Appeals
callen@sccourts.org

From: Roper, Kenneth S.
Sent: Monday, April 9, 2018 8:32 AM
To: Allen, Claire <Callen@sccourts.org>; Buckner, Graham <gbuckner@greenvillecounty.org>
Subject: Jimmy B. Curles 2016-002229

Ms. Allen,

Judge Brian Gibbons heard and granted Mr. Curles' Motion for sentence reconsideration on February 2, 2018. My understanding from Mr. Curles is that he is satisfied with the Court's grant of his requested relief, and the matter should not be considered by the Ct. of Appeals.

Thank you,

RECEIVED

APR 10 2018

SC Court of Appeals

1115. Jenny Abbott Kitchens,

I would ask that this Court would contact my lawyer Ken Roper of the Pickens Public Defenders Office, for I can't from State Prison. It seems that when I went back to court 2-2-18 in front of Judge Gibbons and he marked on my sentencing sheet where other's is for start date of 2-3-14 but the Department of Corrections want give me all of my jail time cause they say he only wrote start date and that was on 9-20-16 but in transcript he states all of my time I have served it seems that the Department of Corrections needs a jump start cause under § 24-13-40 Like we argued the time should all start from the time that this county placed a hold and P.R. Bonded me cause I was being detained with out bond in other county's and this was a part of a jurisdiction spree of multiple county's. And all of my charges were ran concurrent with the first charge. Mame I do feel this matter has not been resolved and because of my Attorney's lack to respond other then sending a transcript saying this should be all I need well it seems not cause I'm either not getting work credits or Good time cause my sentence was 10yr not violate time start 2-3-14, if this is right I should max-out under 5 yrs. with furlow but they're saying my max-out is 7-9-21 that would add up to me doing good time, work credits and all almost 141 months when a 10yr non-violate is nothing but 120 months 100% and my sentence is concurrent on all 5 county's but with me going to each county's court they mess my time grossly. With furlow I should be released around August or November 2018. So the answer is yes I want to continue with this appeal but need time to find a civil lawyer cause I fear that's what it will take to be fairly treated both here at S.C.D.C and in County's.

Please send me a copy of this dated and clocked stamped

RECEIVED

JUN 25 2018

SC Court of Appeals

Respectfully,
Jim B.K. Curcio



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 05, 2018

Mr. Kenneth Roper, Esquire
222 Mcdaniel Avenue B-2
Pickens SC 29671

Re: The State v. Jimmy B. K. Curles
Appellate Case No. 2016-002229

Dear Counsel:

Your client filed a letter with this Court indicating that he does not wish to dismiss the appeal. Furthermore, per your assertion, the motion to reconsider sentence is no longer pending. Accordingly, this appeal is no longer held in abeyance. Due to the age of this appeal, you must order the transcript within ten days or the appeal will be dismissed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: Daniel Graham Buckner, Esquire
John Benjamin Aplin, Esquire
Robert Michael Dudek, Esquire

DOCKET NO. 2015 3S-39-0601
DGB

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

APR 14 2015

TERM 2015

THE STATE

vs.

JIMMY BYRON KEITH CURLES

WITNESSES

David B Sudduth

Easley Police Department

8/15/2014

ARREST WARRANT NUMBER

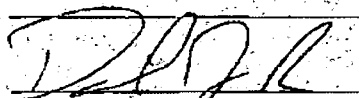
2014A3920400088

ACTION OF GRAND JURY

TRUE BILL

~~8/15/2014~~

APR 14 2015


Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

Indictment for

0079

BURGLARY FIRST DEGREE

VIOLATION § 16-11-0311

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

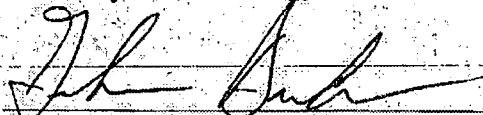
INDICTMENT FOR
BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on **APR 14 2015** the Grand Jurors of Pickens

County present upon their oath:

That JIMMY BYRON KEITH CURLES did in Pickens County, on or about the 5th day of January, 2014, willfully and unlawfully enter the dwelling of NICHOLAS POWLES located at [REDACTED], Easley, South Carolina without consent and with the intent to commit a crime therein and the defendant did arm himself with a weapon. This is in violation of §16-11-311 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.



SOLICITOR BAR # 100344

DOCKET NO. 2015-GS-39-0603
DGB

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

APR 14 2015

TERM 2015

THE STATE

vs.

JIMMY BYRON KEITH CURLES

WITNESSES

Anthony Raines

Pickens County Sheriff's Office

11/19/2014

ARREST WARRANT NUMBER
2014A3910500099

ACTION OF GRAND JURY

TRUE BILL

APR 14 2015

[Signature]
Foreperson of Grand Jury

VERDICT

Indictment for

0080

BURGLARY SECOND DEGREE

VIOLATION § 16-11-0312

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
BURGLARY SECOND DEGREE

APR 14 2015

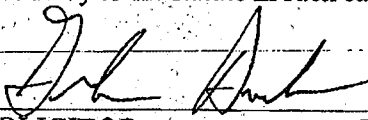
At a Court of General Sessions, convened on

the Grand Jurors of Pickens

County present upon their oath:

That JIMMY BYRON KEITH CURLES did in Pickens County, on or about the 13th day of January, 2014, willfully and unlawfully enter the dwelling of ROBIN FINCANNON located at [REDACTED], Easley, South Carolina, without consent and with the intent to commit a crime therein. This is in violation of §16-11-312 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.


SOLICITOR

BAR # 100344

WITNESSES

Anthony Raines

Pickens County Sheriff's Office

11/19/2014

ARREST WARRANT NUMBER

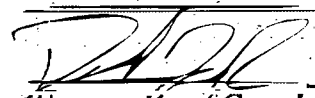
2014A3910500053

ACTION OF GRAND JURY

TRUE BILL

Date

APR 14 2015



Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-39- ^{DGB} 0605

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

APR 14 2015 TERM 2015

THE STATE

vs.

JIMMY BYRON KEITH CURLES

Indictment for

0080

BURGLARY SECOND DEGREE

VIOLATION § 16-11-0312

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

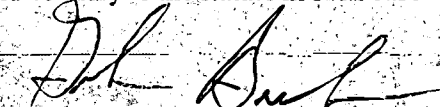
INDICTMENT FOR
BURGLARY SECOND DEGREE

At a Court of General Sessions, convened on **APR 14 2015** the Grand Jurors of Pickens

County present upon their oath:

That JIMMY BYRON KEITH CURLES did in Pickens County, on or about the 15th day of January, 2014, willfully and unlawfully enter the dwelling of BETTY GRIFFIN located at [REDACTED], Easley, South Carolina, without consent and with the intent to commit a crime therein. This is in violation of §16-11-312 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.



SOLICITOR

BAR # 100344

STATE OF SOUTH CAROLINA)
 COUNTY OF Pickens)
 STATE VS.)
Jimmy Byron Keith Curles)
 AKA:)
 Race: S Age: 50)
 DOB:)
 Address: Bleckley A)
 City, State: Greenville SC 29607)
 DL#:) SID#:)
 *CDL Yes No CMV Yes No Hazmat Yes No

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3900601
 A/W#: 2014A3920400088
 Date of Offense: 1/5/2014
 S.C. Code §: 16-11-0311
 CDR Code #: 0079

SENTENCE SHEET 0-10 years

In disposition of the said indictment comes now the Defendant who was TO: BURGLARY, SECOND DEGREE (DWELLING)

CONVICTED OF or PLEADS

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR-Code # 0080
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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] 100344 [Signature] [Signature] 1049
 Buckner, Daniel Graham 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 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 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 (Criminal 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

_____ 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: curfew start date 13 2/3/14 2/2/18

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test.Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea.	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$ <u>3.75</u>
TOTAL		\$ <u>128.75</u>

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Harold P. Wilborn, Jr.
 Court Reporter: Deborah Garrison
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code: 101
 Sentence Date: 5/20/10

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens
STATE VS.
Jimmy Byron Keith Curles

INDICTMENT/CASE#: 2015GS3900603
A/W#: 2014A3910500099
Date of Offense: 1/13/2014
S.C. Code §: 16-11-0312
CDR Code #: 0080

AKA:
Race: Sex: Age: 50
DOB: 1966 SS#:
Address: Bleckley Ave.
City, State: Greenville SC 29607-2842
DL#: SID#:

SENTENCE SHEET 0-10 years

*CDL Ye. CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: BURGLARY, SECOND DEGREE (DWELLING)

CONVICTED OF or PLEADS

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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: Buckner, Daniel Graham 100344 SC Bar# Defendant, Attorney for Defendant Ken Cooper 7042 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 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 (Criminal 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

Recipient:
*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 47.9 (Public Def/Prob) \$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(I) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$
3% to County(if paid in installments) \$ 3.75
TOTAL \$ 128.75

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: transport to Greenville County to deal w/ these charges
Substance start date is 2/3/14.
G.W. Miller 2/2/18
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Hand P. Welborn, Jr.
Court Reporter: Deborah Garrison

Presiding Judge:
Judge Code:
Sentence Date: 2/6/18

48
STATE OF SOUTH CAROLINA

COUNTY OF Pickens
STATE VS.

Jimmy Byron Keith Curles

AKA:

Race: Sex: M Age: 50

DOB: -1966 SS#: [REDACTED]

Address: Bleckley Ave

City, State, Zip: Greenville SC 29607-2842

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: BURGLARY, SECOND DEGREE (DWELLING)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3900605

A/W#: 2014A3910500053

Date of Offense: 1/15/2014

S.C. Code §: 16-11-0312

CDR Code #: 0080

SENTENCE SHEET

0-10 years

CONVICTED OF or PLEADS

in violation of § 16-11-0312 of the S. C. Code of Laws, bearing CDR Code # 0080

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

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] 100344 [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar# 7047

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 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 (Criminal 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: Obtain GED

Set by SCDPPPS Attend. Voc. Rehab. or Job Corp.

Recipient: May serve W/E beginning

*Fine: Substance Abuse Counseling

§ 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 47.9 (Public Def/Prob) \$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/ca \$

Proviso 90.5 (SCCA Surcharge) \$5 \$

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

TOTAL \$ 28.75

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other: 5 consecutive start date

is 2/3/14. Yes 2/2/18

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/ Deputy Clerk Howard P. Welton, Jr.

Court Reporter: Deborah Garrison

Presiding Judge

Judge Code:

Sentence Date: 7/9/2016

COUNTY OF Pickens VS. STATE

INDICTMENT/CASE#: 2015GS3900601

AKA: Jimmy Byron Keith Curles

AW#: 2014A3920400088

Race: WHITE Sex: [redacted] Age: 50

Date of Offense: 1/5/2014

1966 SS#: [redacted]

S.C. Code §: 16-11-0311

City, State, Zip: Greenville, SC 29607

CDR Code #: 0079

RECEIVED NOV 14 2016 SC Court of Appeals

SENTENCE SHEET 1-10 year

*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

In disposition of the said indictment comes now the Defendant who was: [] CONVICTED OF or [X] PLEADS

TO: BURGLARY, SECOND DEGREE (DWELLING)

in violation of § 16-11-0312 of the S.C. Code of Laws, hearing CDR Code # 0080

[X] NON-VIOLENT [] VIOLENT [] SERIOUS [] MOST SERIOUS [] Mandatory GPS(CSC) [] §17-25-45 w/minor 1st or Lewd Act

The charge is: [X] As Indicted, [X] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury, (Defendant's initials)

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

ATTEST: [Signature] 100344 SC Bar# [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar#

WHEREFORE, the Defendant is committed to the: [X] 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.

[X] CONCURRENT or [] CONSECUTIVE to sentence on: [X] 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Should be done 11/16/16

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 (Criminal 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:

Table with columns for description, amount, and 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, § 14-1-211(A)(2) (DUI Assessment) \$12, § 36-5-2995 (DUI Breath Test) \$25, § 36-1-286 (DUI Breath Test) \$500, Proviso 47.9 (Public Det/Prob) \$25, § 14-1-212 (Law Enforce. Funding) \$150, § 14-1-213 (Drug Court Surcharge) \$50, § 50-21-114 (DUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$50, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.75, TOTAL \$281.75

[] Appointed PD or appointed counsel, § 47.12 requires \$500 to be paid to Clerk during probation. Presiding Judge [Signature] Judge Code: 67 Sentence Date: 6/20/16

Clerk of Court/ Deputy Clerk: Heidi P. McHenry, Jr. Court Reporter: Deborah S. [Signature] SCCA/217 (03/2011)

10/3

COUNTY OF Pickens VS. STATE

INDICTMENT/CASE#: 2015GS3900603

Jimmy Byron Keith Curles

A/W#: 2014A3910500099

AKA:

Offense: 1/13/2014

Race:

Sex:

Age: 30

SC Code §: 16-11-0312

966 SS#

CDR Code #: 0080

Bleckley Ave

NOV 14 2018

SENTENCE SHEET

0-10 years

SID#: SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: BURGLARY, SECOND DEGREE (DWELLING)

CONVICTED OF or PLEADS

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080

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

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: Buckner, Daniel Graham SC Bar# 100344 Defendant Attorney for Defendant SC Bar# 7042

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 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like Assessments 107.5%, Conv. Surcharge, DUII Surcharge, DUII Assessment, DUII Breath Test, Public Def/Prob, Law Enforce. Funding, Drug Court Surcharge, DUII Breath Test Fee, Vehicle Assessment, SCCJA Surcharge, 3% to County.

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: transport to Greenville County to deal w/ these charges

Appointed PD or appointed other counsel. § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

Handwritten signatures and dates for the Judge and Clerk.

COUNTY OF Pickens
STATE VS.

Jimmy Byron Keith Curl

INDICTMENT/CASE#: 2015GS3900605

A/W#: 2014A3910500053

AKA:

Race: Sex: Age: DOB: -1966 SS#

Date of Offense: 1/15/2014

S.C. Code §: 16-11-0312

CDR Code #: 0080

Bleckley Ave

NOV 14 2016

Zi Greenville, SC 29607-2842

SENTENCE SHEET

1-12 years

SC Court of Appeals

DL#: *CDL Ye No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: BURGLARY, SECOND DEGREE (DWELLING)

CONVICTED OF or PLEADS

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080

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

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: Buckner, Daniel Graham 100344 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 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 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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:

Table with columns for description, amount, and 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, Provisn 47.9 (Public Def/Prob) \$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, Provisn 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$ 128.75

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Heidi P. Welton, Jr. Court Reporter: Deborah Garrison SCCA217 (03/2011)

Presiding Judge: Judge Code: Sentence Date: 9/20/16

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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

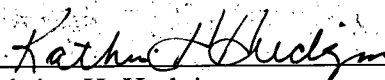
ATTORNEY FOR APPELLANT

This 16th day of April, 2019.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 16th day of April, 2019.