

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Edward W. Miller, Circuit Court Judge

**ORIGINAL**

THE STATE,

**RECEIVED**

RESPONDENT **AUG 29 2019**

v.

**SC Court of Appeals**

ORIN JERRELL KEMP,

APPELLANT

APPELLATE CASE NO 2018-000161

RECORD ON APPEAL

VICTOR R SEEGER  
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

MARK FARTHING  
Assistant Attorney General

Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEY FOR APPELLANT

WILLIAM W. WILKINS, III  
Solicitor, Thirteenth Judicial Circuit  
305 East North Street, Suite 325  
Greenville County Courthouse  
Greenville, SC 29601  
(864) 467-8282

ATTORNEYS FOR RESPONDENT

**INDEX**

INDEX ..... i

PLEA HEARING TRANSCRIPT DATED JANUARY 24, 2018.....1

    GUILTY PLEA.....8

    SENTENCING .....19

TRUE BILLED INDICTMENTS AND SENTENCE SHEETS .....20

ARREST WARRANTS.....32

NOTICE OF APPEAL DATED JANUARY 29, 2018 .....36

DIRECT APPEAL EXPLANATION PURSUANT TO RULE 203(d)(1)(B)(iv), SCACR .....38

CERTIFICATE OF COUNSEL .....44

STATE OF SOUTH CAROLINA )  
 ) COURT OF GENERAL SESSIONS  
COUNTY OF PICKENS ) 2016-GS-39-02937; 02939;  
 ) 0248; 0249  
 )  
 )  
THE STATE OF SOUTH CAROLINA )  
 ) PLAINTIFF)  
 vs. ) TRANSCRIPT OF RECORD  
 )  
ORIN JERRELL KEMP )  
 ) DEFENDANT)  

---

January 24, 2018  
Pickens, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, Judge.

A P P E A R A N C E S:

BRITTANY MCCALL, ASSISTANT SOLICITOR  
Attorney for the State

CHRISTOPHER BRUMBACK, ESQ.  
Attorney for the Defendant

APRIL HERRON  
Official Court Reporter

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

There were no witnesses.

There were no exhibits.

» > o < «

Sentencing . . . . .	20
Certificate of Reporter . . . . .	28

1 THE CLERK: 2017-GS-39-7007, The State vs.

2 Stephanie Ward, pleading to possession of a

3 controlled substance.

4 2017-GS-39-339, The State vs. Donnie Campbell,

5 pleading to possession of methamphetamine.

6 2017-GS-39-580, pleading to forgery.

7 2017-GS-39-1656, pleading to forgery. 2017-GS-39-998

8 pleading to forgery.

9 2017-GS-39-344, The State vs. Jamarío Timpson,

10 pleading to obtaining goods under false pretenses.

11 2017-GS-39-343, pleading to obtaining goods under

12 false pretenses.

13 2017-GS-39-2854, The State vs. Frank Hester,

14 pleading to possession of methamphetamine.

15 2017-GS-39-1645, The State vs. David Barton,

16 pleading to possession of a controlled substance.

17 2016-GS-39-2937, The State vs. Orin Kemp,

18 pleading to petit larceny. 2016-GS-39-2939, pleading

19 to breaking and entering a motor vehicle.

20 2018-GS-39-248, pleading to possession of burglary

21 tools. 2018-GS-39-249, pleading to financial

22 transaction card theft.

23 Raise your right hands, please.

24 (WHEREUPON, all the Defendants were sworn.)

25 THE COURT: All right, in the last 24 hours have

1           you had any drugs, alcohol, medication?

2           Ward?

3           MS. WARD: No, sir.

4           THE COURT: Campbell?

5           MR. CAMPBELL: No, sir.

6           THE COURT: Timpson?

7           MR. TIMPSON: No, sir.

8           THE COURT: Hester?

9           MR. HESTER: No, sir.

10          THE COURT: Barton?

11          MR. BARTON: No, sir.

12          THE COURT: Kemp?

13          MR. KEMP: No.

14          THE COURT: Have you ever been treated for  
15          substance abuse or mental illness?

16          Ward?

17          MS. WARD: No, sir.

18          THE COURT: Campbell?

19          MR. CAMPBELL: No, sir.

20          THE COURT: Timpson?

21          MR. TIMPSON: No, sir.

22          THE COURT: Hester?

23          MR. HESTER: No, sir.

24          THE COURT: Barton?

25          MR. BARTON: No.

1 THE COURT: Kemp?

2 MR. KEMP: No, sir.

3 THE COURT: Hester, Barton and Kemp, you each  
4 have an indictment that has not been presented to the  
5 Grand Jury. You have a absolute right to require The  
6 State to present those cases to the Grand Jury. Do  
7 you want to give that right up which would let you go  
8 forward today?

9 Hester?

10 MR. HESTER: Yes, sir.

11 THE COURT: Barton?

12 MR. BARTON: I guess so. I'm not really sure  
13 what you're talking about.

14 THE COURT: You don't have a lawyer?

15 MR. BARTON: No.

16 THE COURT: Has he already pled? Is this a  
17 violation of conditional discharge?

18 MS. REA: Yes, Your Honor, it is.

19 THE COURT: Well, I don't even need to go  
20 through this with you.

21 Let's take care of him. Tell me about Barton.  
22 He's already pled.

23 MS. REA: He has, Your Honor, he pled in front  
24 of Judge Maddox on June 21st, 2017. He received a  
25 conditional discharge. He just has not paid any of

1 a thermacell lantern that you didn't purchase; another  
2 10 years. Do you understand?

3 MR. TIMPSON: Yes, sir.

4 THE COURT: Hester, yours alleges you did,  
5 Pickens County, June 11th, 2017, unlawfully possess  
6 methamphetamine, three years, \$5,000; understand?

7 MR. HESTER: Yes, sir.

8 THE COURT: Kemp, your first one alleges you  
9 did, Pickens County, July 30, 2015, steal Melissa  
10 Bland's purse and all the contents. And you got  
11 prior property offense convictions, 10 years; do you  
12 understand?

13 MR. KEMP: Yes, sir.

14 MR. BRUMBACK: Your Honor, just briefly. When  
15 we got sidetracked with Mr. Barton, I believe we did  
16 not ask Mr. Kemp specifically as to whether he waived  
17 presentment to the Grand Jury. I just want to bring  
18 that to the Court's attention.

19 THE COURT: Okay.

20 You want to give up your right to have the case  
21 presented to the Grand Jury?

22 MR. KEMP: Yes, sir.

23 THE COURT: All right. So, your next indictment  
24 alleged you did, Pickens County, July 30, 2015, break  
25 into a Dodge Nitro belonging to Melissa Bland, five

1 years. Do you understand?

2 MR. KEMP: Yes, sir.

3 THE COURT: I can't hear you.

4 MR. KEMP: Yes, sir.

5 THE COURT: Next one alleges you did, Pickens  
6 County, April 17, 2017, unlawfully possess a flathead  
7 screwdriver, other implements used in burglaries  
8 under circumstances of an attempt to so use them.  
9 Five years, do you understand?

10 MR. KEMP: Yes, sir.

11 THE COURT: And the last one alleges you did,  
12 Pickens County, January 21, 2017, unlawfully take a  
13 Discover credit card belonging to Audrey Acrodoy  
14 [ph]. Five years, do you understand?

15 MR. KEMP: Yes, sir.

16 THE COURT: How do you want to plead to it?  
17 Ward?

18 MS. WARD: Guilty.

19 THE COURT: Campbell?

20 MR. CAMPBELL: Guilty.

21 THE COURT: Timpson?

22 MR. TIMPSON: Guilty.

23 THE COURT: Hester?

24 MR. HESTER: Guilty.

25 THE COURT: Kemp?

1 MR. KEMP: Guilty.

2 THE COURT: Is that your freely and voluntarily  
3 decision?

4 Ward?

5 MS. WARD: Yes, sir.

6 THE COURT: Speak up.

7 MS. WARD: Yes.

8 THE COURT: Campbell?

9 MR. CAMPBELL: Yes, sir.

10 THE COURT: Timpson?

11 MR. TIMPSON: Yes, sir.

12 THE COURT: Hester?

13 MR. HESTER: Yes, sir.

14 THE COURT: Kemp?

15 MR. KEMP: Yes, sir.

16 THE COURT: Do you understand all your rights at  
17 a trial by jury?

18 Ward?

19 MS. WARD: Yes, sir.

20 THE COURT: Campbell?

21 MR. CAMPBELL: Yes, sir.

22 THE COURT: Timpson?

23 MR. TIMPSON: Yes, sir.

24 THE COURT: Hester?

25 MR. HESTER: Yes, sir.

1 THE COURT: Kemp?

2 MR. KEMP: Yes, sir.

3 THE COURT: Are you guilty?

4 Ward?

5 MS. WARD: Yes, sir.

6 THE COURT: Campbell?

7 MR. CAMPBELL: Yes, sir.

8 THE COURT: Timpson?

9 MR. TIMPSON: Yes, sir.

10 THE COURT: Hester?

11 MR. HESTER: Yes, sir.

12 THE COURT: Kemp?

13 MR. KEMP: Yes, sir.

14 THE COURT: Are you satisfied with your lawyer?

15 Ward?

16 MS. WARD: Yes, sir.

17 THE COURT: Campbell?

18 MR. CAMPBELL: Yes, sir.

19 THE COURT: Timpson?

20 MR. TIMPSON: Yes, sir.

21 THE COURT: Hester?

22 MR. HESTER: Yes, sir.

23 THE COURT: Kemp?

24 MR. KEMP: Yes, sir.

25 THE COURT: Do you know what the evidence is The

1 State has against you?

2 Ward?

3 MS. WARD: Yes, sir.

4 THE COURT: Campbell?

5 MR. CAMPBELL: Yes, sir.

6 THE COURT: Timpson?

7 MR. TIMPSON: Yes, sir.

8 THE COURT: Hester?

9 MR. HESTER: Yes, sir.

10 THE COURT: Kemp?

11 MR. KEMP: Yes, sir.

12 THE COURT: Okay, tell me about it.

13 MS. REA: Thank you, Your Honor, may it please  
14 the Court. As to Ms. Ward, on September 15th, 2016  
15 in Pickens County, the Defendant was found to be in  
16 possession of a quantity a Adderall, for which she  
17 did not have a prescription. The Defendant admitted  
18 the pills were hers. The State is recommending time  
19 served.

20 MS. WARD: Yes, sir.

21 THE COURT: What's her record like?

22 MS. REA: She has a shoplifting and a DUS from  
23 2008. From 2012 breach of peace. And 2013 breach of  
24 peace.

25 THE COURT: What are you doing with Adderall?

1 June 11th, 2017, law enforcement initiated a traffic  
 2 stop on the vehicle the Defendant was driving.  
 3 Consent to search revealed that the -- revealed the  
 4 quantity of methamphetamine located on the  
 5 Defendant's person. The State is recommending a  
 6 conditional discharge.

7 THE COURT: Little long in the tooth to be  
 8 getting into meth, aren't you?

9 MR. HESTER: Yes, sir.

10 THE COURT: What?

11 MR. KING: May it please the Court, Your Honor.  
 12 This is his first drug offense. We'd ask you to give  
 13 him the conditional discharge.

14 THE COURT: All right, he's got it.

15 MR. KING: Thank you.

16 THE COURT: Good luck.

17 MR. HESTER: Thank you, sir.

18 MS. REA: Thank you, Your Honor.

19 SENTENCING

20 MS. MCCALL: May it please the Court, Brittany  
 21 McCall for The State. As to Mr. Kemp, on July 30th,  
 22 2015, he and a co-defendant entered Clemson's campus  
 23 in Pickens County. And broke into multiple vehicles  
 24 from which they stole property. On January 21st,  
 25 2017, the Defendant broke into another vehicle and

1 stole a purse and contents, including credit cards.  
2 On April 17th, 2017, the Defendant was, again, found  
3 on the Clemson University campus in violation of a  
4 trespass notice and in possession of a backpack  
5 containing burglary tools.

6 There is a victim present, Ms. Patricia Dennis.  
7 Who would like to make a statement to The Court at  
8 the appropriate time.

9 THE COURT: What's his criminal history?

10 MS. REA: In 1994, trespassing and burglary  
11 second and petty larceny. '97, trespass. 2001,  
12 false information to police. 2002, forgery and  
13 property third offense. 2004, receiving stolen  
14 goods, five counts of auto breaking. Two counts of  
15 financial transaction card theft. 2006, auto  
16 breaking. 2009, false information to police and two  
17 counts of driving under suspension. 2010, driving  
18 under suspension, false information to police and  
19 fraudulent checks. 2011, driving under suspension.  
20 2012, trespass and petty larceny. 2015, driving  
21 under suspension, possession of marijuana and  
22 possession of methamphetamine.

23 THE COURT: All right, yes, ma'am, what would  
24 like to tell me?

25 THE VICTIM: The police have instructed me that

1 Mr. Kemp was the leader of a gang that broke into my  
2 car at Clemson University on January 21st, 2017.  
3 It's not -- [indiscernible] and I don't understand  
4 the procedure but I'm an insurance broker. And my  
5 iPhone 6 Plus was stolen. It had all the contacts,  
6 social security numbers, addresses, all the  
7 information of my insurance clients. I represented  
8 nine different carriers. I had to go through an  
9 arduous process of identifying my clients to the  
10 insurance companies and following their protocol from  
11 their legal counsel for my clients according to their  
12 legal advice. Not only that but all of my identity  
13 was stolen. And it has taken a big toll on my life.  
14 And I just am here to find out the outcome of this  
15 case.

16 THE COURT: Okay.

17 I'm not going along with the recommendation. I  
18 accepted the plea but he's a professional, right?

19 MR. KEMP: I wouldn't say I was professional, I  
20 just choose the wrong crowd, wrong people.

21 THE COURT: Consistently. Over the last 24  
22 years, right?

23 MR. KEMP: Yeah, about.

24 THE COURT: What you want to tell me?

25 MR. BRUMBACK: Your Honor, obviously, the case

1 file in this case is quite voluminous. And,  
2 obviously, the facts are not certainly as simple as  
3 what is stated in the recitation by The State. There  
4 were a lot of -- various legal issues which I think  
5 resulted in The State and my office negotiating what  
6 we both believe to be an appropriate deal.

7 Particularly, based on the extensive time served that  
8 Mr. Kemp has served already. The no credit is shown  
9 because that was negotiated as part of the offer  
10 where he would not get credit for 700 plus something  
11 days that he has served. And that's why we had  
12 negotiated a deal whereby he would go to the  
13 stockade, with no credit for time served, and serve  
14 90 days there. And then he also has some issues that  
15 he will be resolving in Anderson County thereafter.

16 So, Your Honor, if you're concerned about him  
17 being on the street after a short time in the  
18 stockade, that is not the situation. And he also has  
19 served, as I said, an extensive amount of time in  
20 Pickens County and with credit for time served. So,  
21 Your Honor, I would ask that based on those various  
22 things, that you would go along with the deal -- the  
23 offer that has been negotiated with The State.

24 THE COURT: So, how much time? Seven hundred  
25 and what?

1 MR. BRUMBACK: 710 days -- 706 days.

2 MS. MCCALL: So, Your Honor -- and this gets  
3 confusing because as you know there was a total of 19  
4 charges that they're being resolved. So, there is  
5 281 days in Pickens. Two hundred forty days that he  
6 served in the Department of Corrections on separate  
7 charges. If you chose to give him credit for that  
8 time. And then he served 185 days in Anderson County  
9 on separate charges. During the pendency of these  
10 charges. I would argue that he's not entitled to  
11 that credit because he was in Anderson County on  
12 other charges. Awaiting bond. And I'm not -- I  
13 can't affirmatively say if he had a hold on him in  
14 Anderson County. Mr. Brumback may know that but I'm  
15 not aware if he did or not.

16 MR. BRUMBACK: Your Honor, the time in Anderson  
17 happened immediately following some of the  
18 allegations and some of the charges that we're  
19 pleading here today. And those charges, for whatever  
20 reason, were not served on him, I believe, as they  
21 should have been. And given some of the actions by  
22 the Supreme Court recently, I felt and discussed with  
23 Brittany, why we believe it was an appropriate  
24 resolution to give Mr. Kemp credit for that time as  
25 opposed to dismissing the charges. Which has been

1           some of the action taken by the Supreme Court in  
2           cases such as Henry and Bert.

3           THE COURT:    The Supreme Court?

4           MR. BRUMBACK:  Yes, Your Honor.  Supreme Court  
5           of South Carolina, Your Honor.

6           THE COURT:  Well, I'm not sure what you're  
7           talking about.  They're not here in this courtroom  
8           and they're not looking at this guy who has been  
9           doing this, this same ammo, for how long?

10          MR. KEMP:    Can I speak on something, sir?

11          THE COURT:  Yeah.

12          MR. KEMP:  I didn't -- they're not bringing this  
13          up, I didn't get caught doing anything.  A female got  
14          caught in Greenville and she mentioned my name.  And  
15          that's how this all come about.  I wasn't with her  
16          when she got caught, when she committed these crimes.  
17          The only reason why accepted this case -- I mean,  
18          accepted a plea to this was because I knew of the  
19          situation and what was going on.  I participated  
20          because I accepted money from her.  But as far as me  
21          doing any of this other stuff like me going down  
22          there -- I was on trespass but the trespass had  
23          nothing to do with the case itself.  That was way  
24          after all of this.  So, how it's been explained to  
25          you is not the same.

1 THE COURT: So, you're not guilty of this?

2 MR. KEMP: Well--

3 MR. BRUMBACK: No, Your Honor, as I said--

4 THE COURT: Well, I'm talking to him.

5 Are you guilty?

6 MR. KEMP: The only thing I'm guilty of is  
7 having knowledge of the crime, that's what I'm guilty  
8 of.

9 THE COURT: Well, that's not guilty.

10 MR. BRUMBACK: Your Honor, I believe the idea of  
11 the guilt is that he was aware of what was happening,  
12 and he did, after the person who broke into the cars  
13 broke into the cars, he did accept some money,  
14 knowing that that was coming from the break in of the  
15 vehicle. So, I think he is taking responsibility for  
16 it for that part in the breaking into the vehicles.

17 As I said, Your Honor, this is not a simple  
18 case. And we have -- The State and our office has  
19 discussed this extensively and there are numerous  
20 legal issues on both sides. Which did lead us to  
21 believe that this was a fair resolution.

22 MS. MCCALL: Your Honor, if I may just give one  
23 point as to the guilt issue. We do have recorded  
24 interviews of him admitting that he no longer had to  
25 do these crimes because he had people who did them

1 for him. And that he taught them what they knew.

2 THE COURT: How about that?

3 MR. KEMP: Well, I do -- that's half the truth  
4 of what she is saying.

5 THE COURT: Half the truth. You're under oath  
6 now, tell me what the whole truth is.

7 MR. KEMP: Well, the truth is this female that  
8 mentioned my name -- I met her on the chat line. And  
9 she asked me what I was locked up for and I explained  
10 it to her. And at her house -- her father owns a  
11 little old car -- buys a bunch of old cars and I  
12 showed her how I broke into cars. She wanted to know  
13 and asked about it. It's not like I trained her to  
14 do it. And in the video it does not say that. But I  
15 showed her what I did. What she did amongst her own  
16 self, that was on her. But I take responsibility  
17 because I did accept money from her. Knowing --  
18 knowing--

19 THE COURT: Well, why would she give you money?

20 MR. KEMP: Because I, basically, I showed her  
21 what I did. But she took that amongst herself to go  
22 do this.

23 THE COURT: Oh, she went and did it, she just  
24 gave you money just out of the goodness of her heart?

25 MR. KEMP: Well, of course, we was dealing with

1 each other.

2 MR. BRUMBACK: Your Honor, I believe there was a  
3 relationship --

4 MR. KEMP: Yeah, we was in a relationship to a  
5 certain degree.

6 THE COURT: I'm not going along with the  
7 recommendation. I don't know what he's entitled to  
8 but I'll let the Department of Corrections figure it  
9 out. Ten years provided upon the service of five  
10 years, the balance is suspended with three years of  
11 probation, restitution pursuant to the Order,  
12 substance abuse counseling, random drug and alcohol  
13 testing, no victim contact. Five suspended during  
14 probation on all the other cases. Good luck.

15 MS. MCCALL: Thank you, Your Honor.

16 (WHEREUPON, the proceedings were concluded.)  
17  
18  
19  
20  
21  
22  
23  
24  
25

DOCKET NO. 2016-GS-39-<sup>BMM</sup> 2937

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

MAR 21 2017

TERM 2016

THE STATE

vs.

ORIN JERRELL KEMP

WITNESSES

James Cheeks

Clemson University Police Department

9/30/2016

ARREST WARRANT NUMBER  
2016A3920300064

ACTION OF GRAND JURY

TRUE BILL

Date MAR 21 2017

*William Davis*  
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury  
Date

Indictment for

3596

PETIT LARCENY PURSUANT TO § 16-1-0057

VIOLATION § 16-13-0030(A)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )

INDICTMENT FOR  
PETIT LARCENY PURSUANT TO § 16-1-0057

At a Court of General Sessions, convened on **MAR 21 2017** the Grand Jurors of Pickens  
County present upon their oath:

That ORIN JERRELL KEMP did in Pickens County, on or about the 30th day of July, 2015, feloniously take and carry away the personal property of MELISSA BLAND, to wit: a purse, victim's Florida DL, Wells Fargo debit card, checkbook, MasterCard, LG Blue tooth set, Taurus 709 Slim 9mm handgun, and a Taurus 739 TCP .380 handgun with a total value less than Two Thousand Dollars (\$2,000.00) with intent to deprive the owner permanently of such property. This is in violation of § 16-13-0030 and § 16-1-0057 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.

Buster McCall 101300  
SOLICITOR BAR # 101300

STATE OF SOUTH CAROLINA

COUNTY OF 22 Pickens  
STATE VS.

Orin Jerrell Kemp

AKA: \_\_\_\_\_

Race: BLACK Sex: M Age: 41

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_ Ln Apt 9

City, State, Zip: Easley, SC 29642-1158

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

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was

TO: Larceny / Petit or Simple Larceny - \$2,000 or less (Enhancement per I6-1-57)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS3902937

A/W#: 2016A3920300064

Date of Offense: 7/30/2015

S.C. Code § : 16-13-0030(A)

CDR Code #: 3596

SENTENCE SHEET

0-10

CONVICTED OF or  PLEADS

in violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 3596

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: B McCall 101300 Orin Kemp Christ. Brumback 75410  
McCall, Britni SC Bar# Defendant BRUMBACK, CHRISTOPHER 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 5 days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 3

~~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 (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: Per Order

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 61.6 (Public Def/Probation) \$500 \$ 500.00

§ 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 \$ \_\_\_\_\_

3% to County (if paid in installments) \$ 18.75

TOTAL \$ 643.75

Clerk of Court/ Deputy Clerk Harold P. Wellborn

Court Reporter: Cipri Herrera

SCCA/217 (07/2016)

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

prmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Appointed PD or appointed other counsel,

Proviso 61.6 requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge 21 W Well

Judge Code: 2130

Sentence Date: 1/24/18

**WITNESSES**

Elijah R Joseph

Clemson Police Department

4/18/2017

**ARREST WARRANT NUMBER**  
2017A3920300019

**ACTION OF GRAND JURY**

*representative of Grand Jury*

**VERDICT**

*representative of Petit Jury*  
te:

DOCKET NO. 2018-GS-39-0249

**The State of South Carolina**

**County of Pickens**

**COURT OF GENERAL SESSIONS**

**TERM 2018**

**THE STATE**

**vs.**

**ORIN JERRELL KEMP**

**Indictment for**

**0348**

**FINANCIAL TRANSACTION CARD THEFT**

**VIOLATION § 16-14-0020, 0100{**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )

INDICTMENT FOR  
FINANCIAL TRANSACTION CARD THEFT

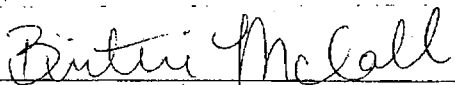
At a Court of General Sessions, convened on

the Grand Jurors of Pickens

County present upon their oath:

That ORIN JERRELL KEMP did in Pickens County on or about the 21st day of January, 2017, willfully and maliciously take, obtain, withhold or otherwise receive a Discover credit card, with the account number ending in 3129, belonging to AUDREY LECORDIER, with intent to use, sell or otherwise transfer the card. This is in violation of §16-14-0020 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 # 101300

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

25

COUNTY OF Pickens
STATE VS.
Orin Jerrell Kemp

AKA:
Race: BLACK Sex: M Age: 41
DOB: SS#:
Address: Ln Apt 9
City, State, Zip: Easley, SC 296421158
DL#: SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: FinanTC / Financial Transaction Card Theft

INDICTMENT/CASE#: 2018-6S-39-0249
A/W#: 2017A3920300019
Date of Offense: 1/21/2017
S.C. Code §: 16-14-0020, 0100(
CDR Code #: 0348

SENTENCE SHEET

0-5

CONVICTED OF or PLEADS

in violation of § 16-14-0020, 0100( of the S.C. Code of Laws, bearing CDR Code # 0348
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 Presentation to Grand Jury, (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: McCall, Britni 101300 SC Bar# Defendant Orin Kemp
BRUMBACK, CHRISTOPHER 75410 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 A 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 (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:

Table with 2 columns: Description and Amount. 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, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$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:

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk: Howard P. Wellborn
Court Reporter: April Herron
SCCA/217 (07/2016)

Presiding Judge: Elaw Mc
Judge Code: 2130
Sentence Date: 1/24/18

DOCKET NO. 2018-GS-39-0248

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

TERM 2018

THE STATE

vs.

ORIN JEREL SIMPSON KEMP

WITNESSES

Christopher R Evans

Clemson University Police Depa

4/18/2017

ARREST WARRANT NUMBER  
2017A3920300040

ACTION OF GRAND JURY

*Foreperson of Grand Jury*

VERDICT

*Foreperson of Petit Jury*  
Date:

Indictment for

0124

POSSESSION OF BURGLARY TOOLS

VIOLATION § 16-11-0020

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )

INDICTMENT FOR  
POSSESSION OF BURGLARY TOOLS

At a Court of General Sessions, convened on

the Grand Jurors of Pickens

County present upon their oath:

That ORIN JEREL SIMPSON KEMP did in Pickens County, on or about the 17th day of April, 2017, willfully and unlawfully have in his possession and under his control, a flat-head screw driver, or other implement or thing adapted, designed or commonly used for the commission of burglary, larceny, safecracking or other crime, under circumstances evincing an intent to use, employ or allow the same to be used in the commission of a crime, or knowing that the same are intended to be so used. This is in violation of §16-11-20 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.

Burtin McCall  
SOLICITOR BAR # 101300

STATE OF SOUTH CAROLINA

COUNTY OF Pickens
STATE VS.
Orin Jerel Simpson Kemp
AKA:
Race: BLACK Sex: M Age: 41
DOB: SS#:
Address: Ln Apt 9
City, State, Zip: Easley, SC 296421158
DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018-65-39-0248
A/W#: 2017A3920300040
Date of Offense: 4/17/2017
S.C. Code §: 16-11-0020
CDR Code #: 0124

SENTENCE SHEET

0-5

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Tools / Possession, making implements capable of being used in crime

CONVICTED OF or PLEADS

in violation of § 16-11-0020 of the S.C. Code of Laws, bearing CDR Code # 0124
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 Presentation to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTORNEYS: McCall, Britni 101300 SC Bar# Defendant ORIN JEREL SIMPSON KEMP
BRUMBACK, CHRISTOPHER 75410 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

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 (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:

Table with 3 columns: Description, Amount, 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, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$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
prmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk Harold P. Welborn
Court Reporter: Capri Herron
SCCA/217 (07/2016)

Presiding Judge E. P. Mc...
Judge Code: 2/30
Sentence Date: 1/24/18

**WITNESSES**

James Cheeks

Clemson University Police Department

9/30/2016

**ARREST WARRANT NUMBER**  
2016A3920300063

**ACTION OF GRAND JURY**

**TRUE BILL**

**Date**

MAR 21 2017

*Orin Jerrell Kemp*  
Foreperson of Grand Jury

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2016-GS-39-<sup>BMM</sup>2939

The State of South Carolina

County of Pickens

**COURT OF GENERAL SESSIONS**

MAR 21 2017

TERM 2016

THE STATE

vs.

ORIN JERRELL KEMP

Indictment for

0258

**BREAKING AND ENTERING A MOTOR VEHICLE**

VIOLATION § 16-13-0160(1)(2),

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )

INDICTMENT FOR  
BREAKING AND ENTERING A MOTOR VEHICLE

At a Court of General Sessions, convened on **MAR 21 2017** the Grand Jurors of Pickens

County present upon their oath:

That ORIN JERRELL KEMP did in Pickens County, on or about the 30th day of July, 2015, unlawfully break or attempt to break into a motor vehicle belonging to MELISSA BLAND, to wit: a Dodge Nitro, with the intent to steal the same or anything of value therefrom. This is in violation of §16-13-160 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.

Bruce McCall 101300  
SOLICITOR BAR # 101300

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

31

COUNTY OF Pickens
STATE VS.

Orin Jerrell Kemp

AKA:

Race: BLACK Sex: M Age: 41

DOB: SS#:

Address: Ln Apt 9

City, State, Zip: Easley, SC 29642-1158

DL#: SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Larceny / Breaking into motor vehicle or tanks, pumps, where fuel, lubricants stored

in violation of 16-13-0160(1)(2), of the S.C. Code of Laws, bearing CDR Code # 0258

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 Presentation to Grand Jury. (defendant's initials)

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

ATTORNEYS: McCall, Britni 101300 SC Bar# Defendant Brumbaek, Christopher 75410 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

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 (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, DUI Surcharge, DUI Assessment, DUI Breath Test, Public Def/Probation, Law Enforce. Funding, Drug Court Surcharge, BUI Breath Test Fee, Vehicle Assessment, and 3% to County.

TOTAL \$128.75

Clerk of Court/ Deputy Clerk: Harold P. Wellborn
Court Reporter: April Herron
SCCA/217 (07/2016)

INDICTMENT/CASE#: 2016GS3902939
A/W#: 2016A3920300063
Date of Offense: 7/30/2015
S.C. Code 16-13-0160(1)(2)
CDR Code #: 0258

SENTENCE SHEET

CONVICTED OF or PLEADS

05

As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials)

Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

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:

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 (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, DUI Surcharge, DUI Assessment, DUI Breath Test, Public Def/Probation, Law Enforce. Funding, Drug Court Surcharge, BUI Breath Test Fee, Vehicle Assessment, and 3% to County.

TOTAL \$128.75

Presiding Judge: [Signature]
Judge Code: 2130
Sentence Date: 1/24/18

ARREST WARRANT

2017A3920300019

STATE OF SOUTH CAROLINA

County/ Municipality of

Clemson University

THE STATE against

P-17-0074

Orin Jerrell Kemp

Address: Ln Apt 9
Easley, SC 29642-1158

Phone: (864) SSN:
Sex: M Race: B Height: 6 Weight: 186

DL State: SC DL#:
DOB: Agency ORI #: SC0390600

Prosecuting Agency: Clemson University Police Department

Prosecuting Officer: Elijah Joseph - 3774

Offense: FinanTC / Financial Transaction Card Theft

Offense Code: 0348
Code/Ordinance Sec: 16-14-0020

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 ORIN JERRELL KEMP
on 04/07/17

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Clemson University Municipal Court
344012 Centennial Blvd
Clemson, SC 29634

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA )

County/ Municipality of )

Clemson University )

Personally appeared before me the affiant Elijah Joseph

being duly sworn deposes and says that defendant Orin Jerrell Kemp

did within this county and state on or about 1/21/2017

violate the criminal laws of the

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

Clemson University )

in the following particulars:

DESCRIPTION OF OFFENSE: FinanTC / Financial Transaction Card Theft

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:

On January 21, 2017 between the times of 4:30PM and 5:00 PM, Orin Jerel Simpson Kemp did commit the crime of Financial
Transaction Card Theft. Mr. Kemp removed a purse from a 2003 Nissan Pathfinder containing Discover Credit card, ending in 3129,
belonging to victim Audrey Marie Lecordier. On February 22, 2017 at approximately 11:50AM, Sergeant Joseph received a written
and recorded statement from Jessica Faith Turner to the aforementioned offense naming "Niro" (Orin Jerel Simpson Kemp) as the
offender. In addition, during the interview Mrs. Turner admitted to having a role in the theft and said she demanded half of the
monetary gains. This offense occurred at the Botanical Gardens Parking lot located on the campus of Clemson University, in
Pickens County, South Carolina.

Signature of Affiant

STATE OF SOUTH CAROLINA )

County/ Municipality of )

Clemson University )

Affiant's Address 344012 Centennial Boulevard
Clemson, SC 29634-4012

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 1/21/2017 defendant Orin Jerrell Kemp

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

County/ Municipality of Clemson University ) as set forth below:

DESCRIPTION OF OFFENSE: FinanTC / Financial Transaction Card Theft

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 3/7/17
Nancy A. Belanger (L.S.)
Signature of Issuing Judge

Nancy A. Belanger

Judge Code: 8102

Judge's Address G-01C Edgar Brown Union
Clemson, SC 29634-

Judge's Telephone (864)-65-6-71 x 13

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

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

32

ARREST WARRANT

2017A3920300040

STATE OF SOUTH CAROLINA

County/ Municipality of

Clemson University

THE STATE P-17-0505 against

Orin Jerel Simpson Kemp

Address: Road Greenville, SC 29605-

Phone: (864) SSN: Sex: M Race: B Height: 6 Weight: 180 DL State: SC DL #: DOB: Agency ORI #: SC0390600

Prosecuting Agency: Clemson University Police Department Prosecuting Officer: Christopher R Evans - S00133

Offense: Tools / Possession, making implements capable of being used in crime

Offense Code: 0124 Code/Ordinance Sec: 16-11-0020

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 ORIN JEREL SIMPSON KEMP on 04/18/17

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Clemson University Municipal Court 344012 Centennial Blvd Clemson, SC 29634

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA County/ Municipality of

Clemson University

Personally appeared before me the affiant Christopher R Evans who being duly sworn deposes and says that defendant Orin Jerel Simpson Kemp did within this county and state on or about 4/17/2017 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Clemson University) in the following particulars:

DESCRIPTION OF OFFENSE: Tools / Possession, making implements capable of being used in crime

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:

On April 17, 2017 Orin Jerel Simpson Kemp did possess a tool capable of criminal use and evidenced intent to use it by being found on Clemson University campus at the Botanical Gardens while on trespass notice for the entire campus. Kemp was located at the Botanical Gardens and due to providing false information and being on trespass from all University property he was placed under arrest. In the backpack that was in Kemp's possession a black and red handle flat-head screwdriver was located. Due to Kemp being on trespass notice and being found in an area where auto break-ins have occurred the screwdriver was seized as an implement capable of being used in a crime. All of this did occur on Clemson University's Campus located in Pickens County, South Carolina.

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of Clemson University

Affiant's Address 344012 Centennial Boulevard Clemson, SC 29634-4012 Affiant's Telephone (864)656-2222

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 4/17/2017 defendant Orin Jerel Simpson Kemp did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Clemson University) as set forth below.

DESCRIPTION OF OFFENSE: Tools / Possession, making implements capable of being used in crime

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 4/18/2017

Signature of Issuing Judge (L.S.) Deborah Reed Culler Judge Code: 6071

Judge's Address G-01C Edgar Brown Union Clemson, SC 29634-4016 Judge's Telephone (864)656-5258

Issuing Court: Magistrate Municipel Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 616

ARREST WARRANT

2016A3920300063

STATE OF SOUTH CAROLINA

County/ Municipality of

Clemson University

THE STATE

against

Orin Jerrell Kemp

Address: Ln Apt 9

Easley, SC 29642-1158

Phone: (864) SSN:

Sex: M Race: B Height: 6 Weight: 186

DL State: SC DL #:

DOB: Agency ORI #: SC0390600

Prosecuting Agency: Clemson University Police Department

Prosecuting Officer: James Cheeks - 3727

Offense: Larceny / Breaking into motor vehicle or tanks, pumps, where fuel, lubricants stored

Offense Code: 0258

Code/Ordinance Sec: 16-13-0160(A)(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 ORIN J Kemp

on 10-5-16

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Clemson University Municipal Court
344012 Centennial Blvd
Clemson, SC 29634

STATE OF SOUTH CAROLINA

County/ Municipality of

Clemson University

Personally appeared before me the affiant James Checks who

being duly sworn deposes and says that defendant Orin Jerrell Kemp

did within this county and state on or about 7/30/2015 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Clemson University)

in the following particulars:

DESCRIPTION OF OFFENSE: Larceny / Breaking into motor vehicle or tanks, pumps, where fuel, lubricants stored

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:

On 7/30/15 the defendant, Orin J. Kemp and Co-Defendant John L. Dennis came onto Clemson Univ Property located in Pickens Co., SC in a Silver 1999 Jeep Grand Cherokee VIN #1J4GW5853XC61473, reported stolen to Anderson PD on 7/30/15 to the SC Botanical Gardens and did take and remove property by forcible entry from a White 2011 Dodge Nitro bearing Florida plates 1622GS with the intent to deprive the owner of the following property. A purse with the victim's Florida DL, Wells Fargo debit card, Powermet Credit union checkbook and MasterCard and LG Blue tooth set. Also a Taurus 709 Slim 9mm handgun S/N: TDR38119 Black frame and stainless Steel slide and a Taurus 739 TCP .380 handgun S/N:738039BSSP Pink frame black slide. Property value of \$680. Credit cards were later used at Stop and Go, Tiger Point Gas, Scrooges Liquor and WalMart in Anderson Co., SC. The Defendant gave a video statement and named the Co-defendant.

Signature of Affiant

James T. Checks

STATE OF SOUTH CAROLINA

County/ Municipality of

Clemson University

Affiant's Address 344012 Centennial Boulevard

Clemson, SC 29632-

Affiant's Telephone (864)656-2222

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 7/30/2015 defendant Orin Jerrell Kemp

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

County/ Municipality of Clemson University) as set forth below:

DESCRIPTION OF OFFENSE: Larceny / Breaking into motor vehicle or tanks, pumps, where fuel, lubricants stored

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 10/5/2016

Signature of Issuing Judge

Deborah Reed Culler

Judge Code: 6071.

Judge's Address G-01C Edgar Brown Union

Clemson, SC 29634-4016

Judge's Telephone (864)656-5258

Issuing Court: Magistrate Municipal Circuit

OCT 24 2016

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ARREST WARRANT

2016A3920300064

STATE OF SOUTH CAROLINA

County/ Municipality of

Clemson University

THE STATE against

Orin Jerrell Kemp

Address: Ln Apt 9

Easley, SC 29642-1158

Phone: (864) SSN:

Sex: M Race: B Height: 6 Weight: 186

L State: SC DL #:

DOB: Agency ORI #: SC0390600

Prosecuting Agency: Clemson University Police Department

Prosecuting Officer: James Cheeks - 3727

Offense: Larceny / Petit or Simple Larceny - \$2,000 or less (Enhancement per 16-1-57)

Offense Code: 3596

Code/Ordinance Sec: 16-13-0030(A)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

Copy of this arrest warrant was delivered to

Defendant ORIN JERRELL KEMP

10-5-16

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Clemson University Municipal Court

344012 Centennial Blvd

Clemson, SC 29634

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Clemson University

Personally appeared before me the affiant James Cheeks

being duly sworn deposes and says that defendant Orin Jerrell Kemp

did within this county and state on or about 7/30/2015

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

in the following particulars:

DESCRIPTION OF OFFENSE: Larceny / Petit or Simple Larceny - \$2,000 or less (Enhancement per 16-1-57)

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:

On 7/30/15 Orin J Kemp and Co-defendant, John L Dennis came onto Clemson Univ property at the SC Botanical Gardens, in a Silver 1999 Jeep Grand Cherokee Vin#1J4GW5853XC614673, reported stolen to Anderson PD on 7-30-2015 see APD case #15-33885. Defendant used forcible entry by busting the window out with a screwdriver and did take and remove property from a White 2011 Dodge Nitro bearing FL plates (1622GS) with the intent to deprive the owner of the listed property; a purse, victim's FL DL, Wells Fargo debit card, Powernet Credit union checkbook, MasterCard, LG Blue tooth set, Taurus 709 Slim 9mm handgun S#1DR38119, a Taurus 739 TCP .380 handgun S#738039BSSP. Property valued at \$680. Cards were later used in Anderson County S.C. Co-Defendant gave a video statement and named the defendant. Defendant has been convicted of prior property crimes on 10/22/2004 with Clemson PD and Clemson Univ PD for Breaking into auto 5 yrs upon the service of 2yrs sus during probation.

Signature of Affiant

James T. Cheeks

STATE OF SOUTH CAROLINA

County/ Municipality of

Clemson University

Affiant's Address 344012 Centennial Boulevard

Clemson, SC 29632-

Affiant's Telephone (864)656-2222

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 7/30/2015 defendant Orin Jerrell Kemp

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

County/ Municipality of Clemson University

) as set forth below:

DESCRIPTION OF OFFENSE: Larceny / Petit or Simple Larceny - \$2,000 or less (Enhancement per 16-1-57)

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 10/ 5/2016

Signature of Issuing Judge (L.S.)

Deborah Reed Culler

Judge Code: 6071

Judge's Address G-01C Edgar Brown Union

Clemson, SC 29634-4016

Judge's Telephone (864)656-5258

Issuing Court: Magistrate Municipal Circuit

OCT 24 2016

ORIGINAL

ORIGINAL

ORIGINAL

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

**RECEIVED**  
FEB 05 2018  
SC Court of Appeals

APPEAL FROM PICKENS COUNTY  
General Sessions Court  
Edward W. Miller, Judge

Warrant Nos.: 2016A3920300063,  
2016A3920300064, 2017A3920300017, & 2017A3920300040

State of South Carolina..... Respondent,

vs.

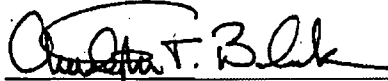
Orin Jerrell Kemp..... Appellant.

NOTICE OF APPEAL

Orin Jerrell Kemp appeals the sentence of the Honorable Edward W. Miller imposed at Mr. Kemp's guilty plea on January 24, 2018. The Sentencing Sheets imposing Mr. Kemp's sentence are dated January 24, 2018. Pursuant to Rule 203(d)(1)(B)(iv), SCACR, a written explanation showing that there is an issue which can be reviewed on appeal is attached hereto.

January 29, 2018

BRUMBACK & LANGLEY, LLC



Christopher T. Brumback / S.C. Bar No. 75410  
1 Augusta Street, Suite 301  
Greenville, SC 29601  
(864) 414-9097  
(866) 728-1205 (Fax)  
chris@brumbacklangley.com

Attorney for Appellant Orin Jerrell Kemp

Other Counsel:  
Britni McCall  
Pickens County Courthouse  
214 E Main St  
Pickens, SC 29671  
Assistant Thirteenth Circuit Solicitor

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

**RECEIVED**  
FEB 05 2018  
SC Court of Appeals

APPEAL FROM PICKENS COUNTY

General Sessions Court

Edward W. Miller, Judge

Warrant Nos.: 2016A3920300063,  
2016A3920300064, 2017A3920300017, & 2017A3920300040

State of South Carolina.....Respondent,

vs.

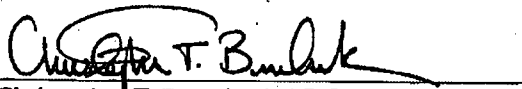
Orin Jerrell Kemp.....Appellant.

PROOF OF SERVICE

I certify that I have served the Appellant's Notice of Intent to Appeal on Respondent State of South Carolina by first class U.S. Mail at the Thirteenth Circuit Solicitor's Office on January 31, 2018, addressed to attorney of record, Britni McCall, 214 East Main Street, Pickens, South Carolina 29671.

January 31, 2018

BRUMBACK & LANGLEY, LLC



Christopher T. Brumback / S.C. Bar No. 75410  
Spencer D. Langley / S.C. Bar No. 77898  
1 Augusta Street, Suite 301  
Greenville, SC 29601  
(864) 414-9097  
(866) 728-1205 (Fax)  
chris@brumbacklangley.com  
spencer@brumbacklangley.com  
Attorneys for Appellant Orin J. Kemp

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM PICKENS COUNTY  
General Sessions Court  
Edward W. Miller, Judge

**RECEIVED**  
FEB 05 2018  
SC Court of Appeals

Warrant Nos.: 2016A3920300063,  
2016A3920300064, 2017A3920300017, & 2017A3920300040

State of South Carolina.....Respondent,

vs.

Orin Jerrell Kemp.....Appellant.

**RULE 203(d)(1)(B)(iv) SUBMISSION**

Pursuant to Rule 203(d)(1)(B)(iv), SCACR, the following explanation establishes that there is a legal and factual basis for the appellate review of Appellant Orin Jerrell Kemp's ("Appellant") guilty plea that was entered on January 24, 2018 in front of the Honorable Edward W. Miller in the Pickens County Court of General Sessions: Section 24-13-40 of the South Carolina Code (2007) mandates prisoners receive credit for the time they served prior to trial unless one of two exceptions exist, either: (1) the prisoner was an escapee or (2) the prisoner was already serving a sentence on a different offense. "Because the language of section 24-13-40 is mandatory, a judge cannot deny a defendant credit for time served prior to trial unless one of the two exceptions applies." State v. Boggs, 388 S.C. 314, 696 S.E.2d 597, 598 (Ct. App., 2010).

The earliest charges to which Appellant plead were a result of events that transpired on July 30, 2015. Four (4) days later, on August 3, 2015, Appellant came into pretrial custody in Anderson County in connection with separate charges and remained in custody for the next Four Hundred Twenty-Five (425) days. Despite only pleading to the charges associated with Warrant Nos. 2016A3920300063 and 2016A3920300064 from the July 30, 2015 events, Appellant was originally charged with additional charges, including Warrant No. 2015A3920300074. Warrant No. 2015A3920300074, which was based on the same set of facts as Warrant Nos. 2016A3920300063 and 2016A3920300064, was sworn out on October 9, 2015. Despite having completed the investigation and sworn out Warrant No. 2015A3920300074 on October 9, 2015, in which the attesting officer swore that the Warrant "shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable," the Clemson Police Department failed to serve Warrant No. 2015A3920300074 until September 30, 2016, some Three Hundred Fifty-Eight (358) days later.

In addition to sitting on Warrant No. 2015A3920300074, the Clemson Police Department inexplicably, and without apparent legal or factual justification, waited to spring the additional Warrants in connection with the July 30, 2015 events on Appellant until October 5, 2016. Coincidentally, the Clemson Police Department, despite Appellant being in custody and his location therefore being readily available and verifiable, held all of the charges connected to the July 30, 2015 incidents right up until Appellant was released from custody, at which time the Clemson Police Department sprang Warrant Nos. 2015A3920300074, 2016A3920300063 and 2016A3920300064 on Appellant. From the sequence of events it appears that Clemson Police Department's actions with regard to the warrants from the July 30, 2015 events were calculated

to detrimentally and adversely impact Appellant, his ability to resolve all charges pending against him at the same time, and Appellant's ability to obtain credit for time served. The actions of the Clemson Police Department are in direct contravention of the behavior the South Carolina Supreme Court explicitly admonished and prohibited in its Orders in In re Suber, S.C. Sup. Ct. Order dated May 7, 2015, and Hall v. State, S.C. Sup. Ct. Order dated Jan. 28, 2015. Based on the apparent misfeasance and/or malfeasance by the Clemson Police Department the assistant solicitor and undersigned counsel had negotiated and agreed that an appropriate remedy to which both the State and Appellant were amenable was for Appellant to receive credit for time served from all time served by Appellant between August 3, 2015 and September 30, 2016, some Four Hundred Twenty-Five (425) days, as well as Two Hundred Eighty-One (281) days Appellant spent in pretrial detention in Pickens leading up to his January 24, 2018 plea.

Despite the agreement reached by the State and undersigned counsel with regard to the periods that would be included in the calculation of credit for time served, an exact number of days was not calculated prior to Appellant's guilty plea because, prior to the plea, the State and undersigned counsel agreed to modify the plea deal to avoid Appellant being transferred to South Carolina Department of Corrections custody only to be released within less than a month of his transfer. Accordingly, when the issue of credit for time served became relevant upon Judge Miller refusing to accept the plea deal negotiated by the State and undersigned counsel, an explanation of the agreed upon calculation and the reason for the agreement, including undersigned counsel's specific citation to the Supreme Court's Order in In re Suber, was orally provided to Judge Miller. However, despite agreement between the State and undersigned counsel as to the calculation of Appellant's credit for time served and undersigned counsel's

direction of Judge Miller to the Supreme Court's Order in In re Suber, Judge Miller, while acknowledging that Appellant was entitled to some credit for time served, expressly disregarded the Supreme Court's reasoning and admonitions concerning police abuse of unserved arrest warrants and wrongfully delegated his statutory responsibility to the Department of Corrections to determine and grant Appellant the credit to which Appellant was entitled for time served.

In Appellant's case, the calculation of time served was complicated beyond a simple ministerial calculation due to the actions of the Clemson Police Department, and accordingly, it was the duty of the plea judge to determine the proper amount of time served. As the Supreme Court recently stated in Tant v. S.C. Dep't. of Corr., 408 S.C. 334, 346, 759 S.E.2d 398, 404 (2014), the Department of Corrections is confined to an unambiguous sentencing sheet in determining an inmate's sentence. Unfortunately, in Appellant's case, the actions of the Clemson Police Department along with Judge Miller's failure to specifically determine and notate Appellant's credit for time served rendered Appellant's sentencing sheets and the calculation of Appellant's credit for time served anything but unambiguous. Faced with the ambiguity in this case and Appellant's fundamental liberty interest, it was the duty of the plea judge to determine the credit for time served and it was an error of law for the plea judge to abdicate that duty and delegate his judicial discretion to the Department of Corrections. Id. at 341, 759 S.E.2d at 401 ("There can be no doubt the length of an inmate's incarceration implicates a constitutional liberty interest.").

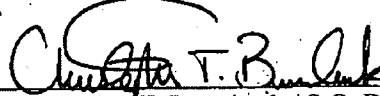
In addition to the issue concerning the determination of the credit for time served to which Appellant was entitled, there was further error by the plea court in failing to extend the opportunity to Appellant to stand down from his guilty plea when the Court went against the

extensively negotiated plea deal agreed to by the State and undersigned counsel. Appellant's case was extremely complex, encompassing multiple sets of charges that presented significant factual and evidentiary preservation issues. Based on extensive and hard fought negotiations by the State and undersigned counsel, the parties were finally able to agree to a plea deal that both sides believed was fair based on the legal and factual strengths and weaknesses of the cases. Based on the agreement of counsel that Appellant should receive credit for all time served by Appellant between August 3, 2015 and September 30, 2016, as well as the time Appellant spent in pretrial detention in Pickens leading up to his January 24, 2018 plea, a total of Seven Hundred Six (706) days, the parties agreed that as opposed to imposing a sentence of Four (4) years that would result in Appellant unnecessarily transferring to Department of Corrections custody only to be released in less than a month's time, Appellant would agree to an additional Ninety (90) days in the Stockade in Pickens County, a custodial work camp that provides services to Pickens County. Despite the plea offer agreed to between the State and Appellant, the Court refused to abide by the negotiated plea, disregarded the agreed upon determination of credit for time served to which Appellant was entitled, and instead sentenced Appellant to Ten (10) years suspended upon the service of Five (5) years. Failing to credit Appellant pursuant to the agreed upon calculation of credit for time served, which was at the core of Appellant's decision to plead guilty, resulting in Appellants guilty plea being based on a plea bargain that was ultimately unfulfilled. Clark v. State, 321 S.C. 377, 381 n.4, 468 S.E.2d 653, 656 n.4 (1996) (per curiam) ("A guilty plea which is based on a plea bargain which is not fulfilled or is unfulfillable cannot stand."). Accordingly, in the absence of properly granting Appellant credit for time served pursuant to the agreement of the State and undersigned counsel, the Court should not have

proceeded with the sentencing and instead have allowed Appellant to stand down from the plea. Proceeding forward with a guilty plea in contravention of the underlying agreement of the State and undersigned counsel as to the credit for time served constitutes an issue for the appellate review.

January 29, 2018

BRUMBACK & LANGLEY, LLC



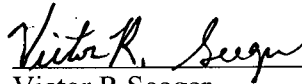
Christopher T. Brumback / S.C. Bar No. 75410  
1 Augusta Street, Suite 301  
Greenville, SC 29601  
(864) 414-9097  
(866) 728-1205 (Fax)  
chris@brumbacklangley.com  
Attorney for Appellant Orin Jerrell Kemp

RECEIVED  
FEB 01 2018  
U.S. DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE

## 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,



Victor R Seeger  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 29<sup>th</sup> day of August, 2019.

**RECEIVED**

AUG 29 2019

SC Court of Appeals