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SC Court of Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Edward B. Cottingham, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CURTIS GERALD,

APPELLANT

Appellate Case No. 2011-201786

RECORD ON APPEAL

WANDA H. CARTER
Deputy Chief Appellate Defender

J. BENJAMIN APLIN
Chief Legal Counsel

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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Attorney for Respondent

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ORIGINAL

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry) 2011-GS-26-03545

THE STATE OF SOUTH)
CAROLINA,)

Plaintiff,) Transcript of Record

vs.)

October 12, 2011

CURTIS GERALD,)

Defendant.)

B E F O R E:

Honorable Edward B. Cottingham
Horry County Courthouse
Conway, South Carolina

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

J. Scott Hucks, Esquire
Attorney for Plaintiff

Melinda Knowles, Esquire
Attorney for Defendant

Kay H. Richardson, CVR
Circuit Court Reporter

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E X H I B I T S

No.

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EV

(There were no exhibits marked during the hearing.)

State v. Curtis Gerald (October 12, 2011)
BY THE COURT

3

1 (October 12, 2011.)

2 CURTIS GERALD WAS DULY SWORN BY CLERK:

3 MR. HUCKS: Your Honor, before you stands Mr. Curtis
4 Anthony Gerald.

5 THE COURT: Yes, sir.

6 MR. HUCKS: Your Honor, before you stands, Mr. Curtis
7 Anthony Gerald. It's the State's understanding he's present
8 in court today to plead guilty to assaulting police officer
9 while resisting arrest. The State is recommending a two-year
10 active sentence.

11 THE COURT: Did the police officer wish to be here?

12 MR. HUCKS: He did not. I did call him, Your Honor, and
13 speak with him about the case and I've not heard back. I did
14 speak to him at an earlier date about it and told him I was
15 thinking about two years and he seemed to be in agreement with
16 that outcome.

17 THE COURT: I'll think about it too and you know how I
18 feel about assaulting a police officer.

19 MR. HUCKS: Yes, sir.

20 THE COURT: Let me hear what he did.

21 MR. HUCKS: He's on probation as well, Your Honor, and I
22 believe there's a revocation.

23 PROBATION OFFICER: He's on probation, Judge.

24 THE COURT: Well, tell me about that, too.

25 PROBATION OFFICER: He's on probation for CDV and -- what

State v. Curtis Gerald (October 12, 2011)
BY THE COURT

4

1 else is he on for ---

2 THE COURT: When was he placed on probation and how much
3 time did he get?

4 PROBATION OFFICER: He got one year on the CDV that was
5 2009 and also he had another charge at the same time, that was
6 possession of cocaine, he got five years suspended to serve
7 one and five years probation.

8 THE COURT: He's got five years hanging over his head on
9 that?

10 PROBATION OFFICER: Well, four, he's already done one of
11 them.

12 MR. HUCKS: And Your Honor, what happened was on the ---

13 THE COURT: You take the revocation into consideration?

14 MR. HUCKS: I did not know there was a revocation at the
15 time, Your Honor. It -- I didn't see that on my -- on
16 anything that I had it didn't show he was on probation.

17 THE COURT: I'll deal with the revocation separately.

18 MR. HUCKS: Okay, sir.

19 MS. KNOWLES: Before you start that -- on the probation
20 matter he tells me that he's been informed by his agent that
21 he would be willing to run whatever sentence he gets here
22 today concurrent with the violation.

23 PROBATION OFFICER: That's not up to his agent, Your
24 Honor.

25 THE COURT: No, sir. I'm not gonna accept an agent. I'm

State v. Curtis Gerald (October 12, 2011)
BY THE COURT

1 gonna see -- I'm gonna deal with it separately. Agent -- and
2 agent can't do that.

3 MS. KNOWLES: That would be their recommendation if ---

4 PROBATION OFFICER: That's not my recommendation.

5 MS. KNOWLES: Okay. I'm just telling you what he told
6 me.

7 MR. HUCKS: Your Honor, on June 20th of this year, about
8 12:30 in the morning, police with Horry County, Horry County
9 Police Department tried to pull the Defendant over for a
10 traffic violation. When he approached the vehicle, the
11 defendant took off running. He chased him. The defendant, he
12 tased the defendant, the defendant fell on the ground, he --
13 as he quit tasing, the defendant got up, the defendant -- he
14 tased him again and the defendant went down. The defendant
15 got up and ran some other little ways and had to be tased --
16 or some distance and had to be tased again where he fell down.
17 He reached in his pocket -- in his waistband and pulled out a
18 gun and threw the gun at the policeman and it hit the
19 policeman in the leg while he was laying on the ground. And
20 that's the assault. And then he got up -- he ran three or
21 four times and was tased each time until finally he came into
22 compliance. That's the resisting. And it's assault while
23 resisting because he threw the gun at him and hit him with the
24 gun in his leg.

25 THE COURT: I can accept that. He didn't engage in heavy

State v. Curtis Gerald (October 12, 2011)
BY THE COURT

6

1 fisticuffs with him?

2 MR. HUCKS: He did not. I think that the policeman did
3 have to -- while he was trying to get up, he wrestled around
4 with him to get his hands, you know, to get him under arrest
5 but I don't believe he -- he didn't punch or hit him.

6 THE COURT: Ms. Knowles, this indictment has not been
7 presented to the Grand Jury, I note that he is waiving. Is
8 that freely and intelligently made?

9 MS. KNOWLES: I've discussed that matter with him, Your
10 Honor, I believe that it is.

11 THE COURT: All right. Are you guilty -- you've heard
12 the facts in the case and when you threw that weapon at him,
13 that was an assault on the police officer, you understand
14 that?

15 MR. GERALD: Yes, sir.

16 THE COURT: And you are pleading freely and voluntarily?

17 MR. GERALD: Yes, sir.

18 THE COURT: You are waiving your rights to trial by jury?

19 MR. GERALD: Yes, sir.

20 THE COURT: You need to understand now, I'm gonna deal
21 with your probation and I'm not telling you what I'm gonna do,
22 I'm gonna listen, but the entry of this guilty plea is an
23 absolute basis for me revoking you in part or in whole on your
24 present probation; do you understand that?

25 MR. GERALD: Yes, sir.

State v. Curtis Gerald (October 12, 2011)
BY THE COURT

1 THE COURT: All right. I can accept the two years but I
2 want to know a little bit -- how's he done on probation?

3 PROBATION OFFICER: He hadn't done well, Your Honor.
4 He's -- seems that he reports okay. Of course, he's got a new
5 conviction here today, he's got -- money that hasn't been
6 paid. I think the major concern would be the new conviction
7 today though, Your Honor ---

8 THE COURT: At the time of sentencing, he was given one
9 year?

10 PROBATION OFFICER: Yeah, he got one year on the CDV and
11 possession of cocaine and he's got five years suspended to one
12 year and five years probation. He had two cases at once.

13 And what is his prior record?

14 MR. HUCKS: His prior record, Your Honor, is he has a
15 distribution of marijuana from '04 a simple possession of
16 marijuana from '05, a CDV from '08 and a distribution of crack
17 from '09 and a CDV 2nd that he's -- I guess is the one he's on
18 probation for from '09.

19 THE COURT: Ms. Knowles, he hadn't done well on
20 probation, won't even pay his restitution -- won't even pay
21 his fees.

22 MS. KNOWLES: He's been in jail for the past five months.
23 I don't see how he can be in jail and work to pay his fines.

24 THE COURT: Well, I -- he's been on probation from how
25 long?

State v. Curtis Gerald (October 12, 2011)
BY THE COURT

1 PROBATION OFFICER: He's been on since 2009, Your Honor.

2 THE COURT: Since -- he hadn't been jail since 2009.

3 MS. KNOWLES: I believe he has paid something.

4 MR. GERALD: Yeah, I have paid something.

5 THE COURT: Well, you didn't pay -- here's what I'm gonna
6 do. I'm gonna revoke three years ---

7 MS. KNOWLES: Your Honor, can we stand this matter ---

8 THE COURT: No, I'm not gonna permit you to stand ---

9 MS. KNOWLES: I don't even -- I didn't even know that
10 there was a probation matter.

11 THE COURT: Well, you do now -- I'm not gonna do that.

12 I'm gonna revoke three years, terminate, let him confess
13 judgment to all the fines. With reference to the two years,
14 I'm gonna give him two years on the charge before me but I'm
15 gonna let it run concurrent. I'm giving him the extra year on
16 probation simply because he hadn't complied and won't pay his
17 fees but I'm gonna let him confess judgment so that when he
18 gets out, he's through with it. Three years on probation
19 violation, two years on this charge but I'm gonna let it run
20 concurrent. Thank you.

21 PROBATION OFFICER: Thank you, Your Honor.

22 THE COURT: Thank you.

23 (ADJOURNED.)

24

25

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ORIGINAL

State v. Curtis Gerald (October 12, 2011)
CERTIFICATE OF COURT REPORTER

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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the plea hearing held in the case of The State versus Curtis Gerald, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on October 12, 2011.

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



Kay H. Richardson, CVR
Official Reporter

March 8, 2012.

STATE OF SOUTH CAROLINA

COUNTY OF SPRING

STATE

-vs-

Curtis Gerald
{Offender's Name}

IN THE COURT OF GENERAL SESSIONS

-GS-

Coun

STANDARD CONDITIONS OF PROBATION

1. I shall report in person to the South Carolina Department of Probation, Parole and Pardon Services' office on the day of my sentencing or release and as instructed by the Department; and I shall make complete and truthful reports to the Agent.
2. I shall not change my residence or employment without the consent of my Agent. Further, I shall allow my Agent to visit me in my home, at my place of employment, or elsewhere, at any time.
3. I shall not use controlled substances, except when properly prescribed by a licensed physician, nor consume alcoholic beverages to excess, nor enter establishments whose primary business is the sale and drinking of alcoholic beverages. Further, I shall submit to a urinalysis, blood test, or provide forensic evidence when instructed by Agents of the Department, and I agree that any of these test results may be used as evidence in any hearing for the violation of the conditions of my supervision.
4. I shall not possess or purchase any firearms or other dangerous weapons, and I shall not associate with any person who has a criminal record or any other person whom my Agent has instructed me to avoid.
5. I shall work diligently at a lawful occupation. Further, I shall notify my Agent if I become unemployed.
6. I shall not violate any Federal, State, or Local Law, and I shall immediately contact my Agent if I am ever arrested or questioned by a law enforcement official for any reason whatsoever.
7. I shall pay a supervision fee and any other fees as determined by the Department.
8. I shall not leave the State without permission from my Agent. Further, if I am ever arrested in another state for violating these conditions, I hereby irrevocably waive all extradition rights I may otherwise have been entitled to and agree to return to South Carolina when directed by my Agent, the Court or by a warrant.
9. I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution or other payments, and the service of any period of incarceration.
10. I shall follow the advice and instructions of my Agent and I agree to comply with any further conditions imposed by the Department or its Agents.
11. I agree to pay restitution and a statutory collection fee payable to the Department of Probation, Parole, and Pardon Services as directed by Agents of the Department. (20% collection fee charged)

I hereby certify that this statement of Conditions has been read and explained to the Probationer listed above and he/she has agreed to them.

I hereby certify that the Conditions above have been explained fully to me and in agreement thereto, I attach my signature:

This 15 day of Sept 2007
[Signature]
Agent

[Signature]
Offender

201 - 3rd Avenue, Conway, South Carolina 29526
Agent's Address

Offender's Address

(843) 381-0373
Agent's Phone Number

Offender's Address

Offender's Phone Number

May 1988

PROBATION CITATION

09-65-26-2958

09-65-26-1563

No. CC-26-11-184

SOUTH CAROLINA v. Curtis beard	COUNTY: <u>Horry</u>	
	SCDC #	SID # <u>1529680</u>

TO:

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place	Room
	Date and Time

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged	09-65-26-2958 + 09-65-26-1563	by the court of General Sessions .
--------------------	-------------------------------------	------------------------------------

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights:
 You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear in your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

<u>Conway</u> , South Carolina	Probation and Parole Agent	Agent # <u>393</u>
Date <u>10/12/11</u>	<u>J.R. Marshall Anderson</u>	

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place <u>Horry Co Courthouse Conway, S.C.</u>	Date and Time <u>10-12-11 3:20 pm</u>
	Serving Officer's Signature <u>Reedney Bellay</u>

Sworn to and subscribed before me this _____ day of _____

 Signature of Notary Public

 My Commission Expires

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of Horry

Personally appeared before me, J. Russell Anderson, who first being duly sworn, deposes and says that Curtis Gerald did within this County and State on the 12th day of Oct, 2011, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

By violating conditions of probation ordered in cause number 09-65-26-1563 by the court of General Sessions. 09-65-26-2958

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

Offender has violated probation by failing to refrain from violation of any federal, state or local law as evidenced by his conviction pursuant to Indictment 2011 - 65-26-3645

Sworn to and subscribed

before me this 12th day of October, 2011

Christina Barfield
Signature of Notary Public

J. Russell Anderson
Affiant

My Commission Expires: 5/7/2017

County of Horry
STATE VS

CURTIS CARROLL
AKA:
Race: _____ Sex: M
DOB: _____
SSN: _____
SID#: 1521020

INDICTMENT# 09-GS-26-2158
Probation CW#: CC-26-11-184
Name of Original Offense: CDV #
Original A/W#: 0726258
Date of Original Offense: 2-23-09
Conviction S.C. Code §: 16-26-020
Conviction CDR Code #: 2161712
Original Sentence: 1 yr 55 day Prob
ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 9/11/07 in the Court of General Sessions of Horry County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 10-12-11. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)
6/11D

- Therefore, IT IS ORDERED that:
- the suspended sentence be revoked and the above named defendant be required to serve 1 months/years, the remainder of the original sentence, and/or pay \$ _____.
 - the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
 - the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
 - probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
 - the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
 - Additional Conditions ordered by the Court:
RUN CC 196526-1563 + 2011-GS 26-245
CONVERT COURT COST + civil judgment
 - The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
 - The defendant has previously served 108 months/years on this sentence.
(split sentence time and/or prior partial revocation time)
 - The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 12th day of Oct, 2011, at Charleston, SC
Presiding Judge 15th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature _____ Witnessed by _____

Signed this _____ day of _____, _____ at _____ SC

STATE _____ VS. _____

 AKA: _____
 Race: _____ Sex: _____ Age: _____
 DOB: _____ SS#: _____
 Address: _____
 DL#: _____ SID#: _____

INDICTMENT/CASE#: 2009CS2602958
 A/V#: J322692
 Date of Offense: 4/24/2009
 S.C. Code §: 16-25-0020 (B)
 C.R. Code #: 2672

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Criminal Domestic Violence - 2nd offense (30 Days - 1 Year + \$2,500 - \$5,000)

in violation of § 16-25-0020 (B) of the S.C. Code of Laws, bearing CDR Code # 2672
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lowd 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. 1 yr + 2500 as B.P.

ATTEST: _____
 Graustein, Scott SC Bar# _____ Defendant _____ Attorney for Defendant _____ SC Bar# 12886

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 1 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ 2500; provided that upon the service of time served days/months/years and/or payment of \$ 2,500; plus costs and assessments as applicable*; the balance is suspended probation for 1

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: 09-17-09
 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: \$ 3,269 plus 20% fee: \$ _____
 Payment Terms: _____
 set by SCDPPPS _____

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	\$
§ 47.12 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$100	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
§ 90.7 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>2.90</u>
TOTAL		\$ <u>133.90</u>

_____ 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: Probation begins after incarceration, \$2500 waived if defendant successfully completed batterer's program. Condition of probation is paying of restitution.
 Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

PRISIDING JUDGE [Signature]
 Ju lge Code: 2111512
 Sentence Date: 09-17-09

Clerk of Court/ Deputy Clerk _____

Court Reporter _____
m/ast

vs.
 CURTIS Anthony Gerald II
 AKA: _____
 Race: B Sex: M Age: 24
 DOB: SS# _____
 Address: _____
 DL#: SID# _____

INDICTMENT/CASE#: 2009GS2601563
 A/W #: J866359
 Date of Offense: 2/23/2009
 S.C. Code § : 44-53-0375 (A)
 CDR Code #: 3017

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
 TO: Possession of Cocaine: 2nd offense (0 - 5 Years +/- or \$7,500) CONVICTED OF or PLEADS

in violation of § 44-53-0375 (A) of the S.C. Code of Laws, bearing CDR Code # 3012
 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 Waive: Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Graustein, Scott 68532 SC Bar# [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar# 12880

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 1 days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is: suspended probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 09-17-09
 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 PT/UP _____
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 set by SCDPPPS _____
 days/hours Public Service Employment

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 \$
§ 47.12 (Public Def/Prob)	\$500 \$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$100 \$ 100.00
§ 50-21-114(BUI Breath Test Fee)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
§ 90.7 (SCCJA Surcharge)	\$5 \$ 5.00
3% to County (if paid in installments)	\$ 21.90
TOTAL	\$ 751.90

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, §47.12
 requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]
 Judge Code: 2 1 1 1 5 1 2
 Sentence Date: 09-17-09

Clerk of Court/ Deputy Clerk _____

Court Reporter _____

101

STATE _____)
 Curtis Anthony Gerald II)
 AKA: _____)
 Race: BLACK Sex: M Age: 26)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: _____)
 DL#: _____ SID#: _____)
 *CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Assaulting a Police Officer While Resisting Arrest (3-107)

A/W#: M509147
 Date of Offense: 6/20/2011
 S.C. Code §: 16-09-0320(B)
 CDR Code #: 0256

FILED
 HOBBS COUNTY
 CLERK OF COURT
 2011 OCT 18 AM 11:22
 AFFIDAVIT COPY

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-09-0320(B) of the S.C. Code of Laws, bearing CDR Code # 0256
 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. (CG) (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: _____ SCB76948 _____ 75286
 Hucks, J. Scott 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 2 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 for
 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 § 26-5-13

Provision in 18 U.S.C Section 922 is unlawful for a person convicted of a violation of Section 16-25-20 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered P.T.I.P.
 Total: \$ _____ plus 20% fee. \$ _____ days hours Public Service Employment

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(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

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 weeks/monthly pmts. of \$ 25.00 beginning 11/12/2013
 \$ _____ paid to Public Defender Fund
 Other: _____

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

Clerk of Court/ Deputy Clerk: Melanie Huggins-Ward
 Court Reporter: Kay Richardson
 SCCA/217 (03/2011)

Presiding Judge: _____
 Indoe Code: 2041
 Sentence Date: 10/12/11

FILED
 HOBBS COUNTY
 CLERK OF COURT
 2011 OCT 18 AM 11:09
 HOBBS COUNTY WARD

WITNESSES

Suggs Horry County Police Department

CERTIFIED COPY
2011 OCT 18 AM 11:12

Melinda Knowles
CLERK OF COURT
HORRY COUNTY

WARRANT NUMBER

147
0256 16-09-0320(B)
6/20/2011

NAME OF GRAND JURY

Person of Grand Jury

NAME OF PETIT JURY

Person of Petit Jury

DOCKET NO. 2011-GS-26-03645

The State of South Carolina
County of Horry

J. Scott Hucks 11H02528

COURT OF GENERAL SESSIONS

October, 2011 TERM

THE STATE

vs.

Curtis Anthony Gerald II
B/ M

Longe
DOB:
SSN:

ATTORNEY: Knowles, Melinda

Indictment for

ASSAULT WHILE RESISTING ARREST

ORIGINAL

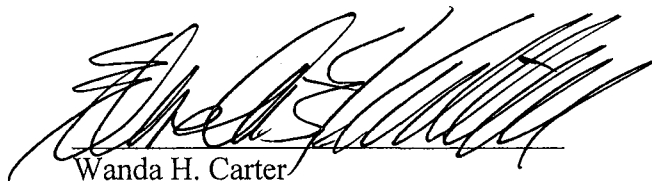
J. Gregory Hembree, Solicitor

[Signature]
Deputy Sheriff
Horry County

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

September 19th, 2012



Wanda H. Carter
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT