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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Roger M. Young, Circuit Court Judge

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SC Court of Appeals

Appellate Case No. 2016-000044

The State,

Respondent,

v.

James Bryson Munn,

Appellant.

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Attorney General

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RECORD ON APPEAL

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INDEX

Trial Transcript.....	2-59
Motion Hearing Transcript.....	60-109
Motion to Reconsider.....	110
State's Response to Motion to Reconsider.....	111
Defendant's Reply to State's Response.....	112-165
Charleston County Indictment.....	166-167
Charleston County Sentencing Sheet.....	168
Blank Insert.....	169
Certificate of Counsel.....	170

STATE OF SOUTH CAROLINA)
)
-vs-) TRANSCRIPT OF RECORD
)
JAMES BRYSON MUNN,) July 13, 2015
)
) Charleston, South Carolina
Defendant.)

B E F O R E:

The Honorable Roger M. Young, Sr., Judge.

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

Jennifer Kneece Shealy, Assistant Solicitor
Attorney for the State

John Sinclair, III, Esquire
Glenn Churchill, Esquire
Attorneys for the Defendant

Amanda Kelly Haffenden, RPR, CRR
Ninth Circuit Court Reporter

1 (July 13, 2015.)

2 THE COURT: Okay. James Bryson Munn?

3 MS. SHEALY: Yes, Your Honor.

4 THE COURT: All right. Madame Solicitor,
5 tell me what you have.

6 MS. SHEALY: Thank you, Your Honor. This is
7 a plea to a felony DUI. The incident itself occurred on
8 August 16, 2014. Would you like for me to go ahead and
9 go through some of the facts?

10 THE COURT: Let me get to that in a minute.
11 All right. This is without recommendation?

12 MS. SHEALY: The State has a recommendation,
13 but it's not one that the defense joins.

14 THE COURT: All right.

15 James Bryson Munn; is you that?

16 THE DEFENDANT: Yes.

17 THE COURT: Mr. Munn, you are here today
18 charged with felony driving under the influence resulting
19 in death. You could get one to 25 years for that. I'm
20 told you want to plead guilty to this charge; is that
21 correct?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: All right. Now, you have the
24 right to a jury trial, and you give up your right to a
25 jury trial when you plead guilty. If you change your

1 mind, you just let me know, and we will stop and arrange
2 a jury trial for you. At that point, the State has to
3 present enough evidence to convince 12 jurors you're
4 guilty beyond a reasonable doubt. All 12 jurors have to
5 agree you're guilty in order to convict you, and, if
6 convicted, you have the right to appeal. You can
7 challenge the State's evidence, put up evidence against
8 you, testify if you want, and, if you don't want to
9 testify, the judge will instruct the jury not to hold
10 that against you while they're deliberating.

11 Do you understand all of those rights?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you want to give those rights
14 up today and plead guilty?

15 THE DEFENDANT: Yes.

16 THE COURT: Are you pleading guilty to this
17 charge because you are guilty of it?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Are you under the influence of
20 drugs or alcohol today?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Do you have any mental,
23 emotional, or physical conditions that keep you from
24 understanding what you're doing?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Are you taking any prescription
2 medication?

3 THE DEFENDANT: For -- antidepressants.

4 THE COURT: What are they?

5 THE DEFENDANT: I'm not even sure what it's
6 called.

7 THE COURT: Well, when did you take them
8 last?

9 THE DEFENDANT: This morning.

10 THE COURT: You took the prescribed amounts?

11 THE DEFENDANT: Yes.

12 THE COURT: Does this help you settle your
13 nerves and anxiety?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Do they in any way keep you from
16 understanding what you're doing here today?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: You're standing next to your
19 lawyers, Mr. Sinclair and Mr. Churchill. Do you need
20 any more time with them?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Are you satisfied with their
23 representation?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: They've gone over the facts that

1 the State has against you; is that correct?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: And they've told you about what
4 the law is that the State needs to prove to a jury in
5 order to convict you of this charge?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Based on those
8 discussions, you decided that you wanted to give up all
9 of the rights that I told you about earlier; is that
10 correct?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So you don't want to get up and
13 tell the jury your side of the story?

14 THE DEFENDANT: I mean, it doesn't dispute my
15 blood alcohol level.

16 THE COURT: I understand that, but you're
17 giving these rights up, and I need to make sure you
18 understand that by pleading guilty in front of me today.

19 THE DEFENDANT: Yes.

20 THE COURT: So you have the right to tell the
21 jury your side of the story, you know? Do you want to
22 give up that right?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: All right. You also have the
25 right to, you know, offer any kind of other defenses that

1 you might have. I don't know what those might possibly
2 be, but your lawyers have talked with you about them, I'm
3 sure.

4 You decided you don't want to try to put up a
5 defense; is that correct?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. You don't want to
8 have them try to suppress any of the evidence the State
9 may offer, like blood alcohol content readings, things
10 like that?

11 THE DEFENDANT: No, sir.

12 THE COURT: You don't want to have them try
13 to suppress any kind of alcohol abuse that you had that
14 day?

15 THE DEFENDANT: No, no, sir.

16 THE COURT: All right.

17 You're facing up to 25 years in jail. You've
18 got at least one that you have to do, so it's one to 25
19 years. The State is not making -- or y'all have not come
20 to any kind of agreement on what the sentence would be.

21 The State is going to recommend a sentence.
22 I don't know what that will be yet, but has anyone
23 promised you anything or threatened you in any way in
24 order to get you to plead guilty?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: You got any complaints about the
2 way you got treated at the jail?

3 THE DEFENDANT: No, sir.

4 THE COURT: Got any complaints about anybody
5 in law enforcement?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: All right. And you're fine with
8 your lawyers' representation?

9 THE DEFENDANT: Yeah.

10 THE COURT: You don't need any more time with
11 them, right?

12 THE DEFENDANT: No, sir.

13 THE COURT: How old are you?

14 THE DEFENDANT: Twenty-one.

15 THE COURT: How far did you get in school?

16 THE DEFENDANT: I graduated high school and I
17 have a few college credits.

18 THE COURT: What are you studying in college?

19 THE DEFENDANT: I was taking classes to try
20 and get a job at Boeing in aircraft maintenance and
21 assembly, but I don't know. I kind of have been wavering
22 on what I wanted to graduate on.

23 THE COURT: Are you married?

24 THE DEFENDANT: No, sir.

25 THE COURT: Do you have children?

1 THE DEFENDANT: No, sir.

2 THE COURT: Mr. Sinclaire, does this
3 gentleman understand what he's doing here today?

4 MR. SINCLAIRE: He does, Your Honor.

5 THE COURT: Mr. Churchill, in your opinion,
6 does he understand what he's doing?

7 MR. CHURCHILL: Yes, Your Honor.

8 THE COURT: Do you have any questions about
9 his competency or ability to assist you?

10 MR. SINCLAIRE: No, Your Honor.

11 MR. CHURCHILL: No, Your Honor.

12 THE COURT: Anything about his competency or
13 ability to understand what he was doing at the time,
14 other than alcohol?

15 MR. SINCLAIRE: No. I have no doubt, Your
16 Honor, that he understands what he's doing today.

17 THE COURT: All right. I find his plea is
18 freely, voluntarily, and intelligently made. We'll
19 accept it if there is a substantial factual basis for it.

20 What would the State like to tell me about
21 the case?

22 MS. SHEALY: Thank you, Your Honor. On
23 August 15, 2014, James Munn, who was 20 years old,
24 purchased illegally beer from a local grocery store. He
25 had been previously treated for substance abuse problems.

1 We don't know how much beer he purchased, but
2 we know he did purchase beer. He headed to Johns Island
3 with this beer to join others who were mourning, or
4 celebrating, the life of Mr. Munn's best friend who had
5 died in an airplane crash during an airplane lesson, a
6 flying lesson.

7 Mr. Munn went to the home of his friend's
8 parents who were hosting the gathering. There were many
9 young people there who chose to consume alcohol as a part
10 of their grieving process, despite the fact that they
11 were underage, and there were adults there as well.

12 We don't know how late into the evening
13 Mr. Munn drank. We don't know how early in the morning
14 the drinking had continued. We know that on the 16th,
15 just after 12:30 p.m., he was under the influence of
16 alcohol and this tragedy occurred. He left his friend's
17 home and headed down River Road. I'm not sure if you're
18 familiar with it on Johns Island.

19 THE COURT: I know the area generally.

20 MS. SHEALY: It's a two-lane, windy road.
21 That day, August 16, Kylie Gillette, who was 17 at the
22 time, left her parents' home on Johns Island to go to the
23 gym. Her mother had already left for work, but she spent
24 some time with her father before she headed out. She
25 didn't see her mother that morning.

10

1 She traveled down River Road with her seat
2 belt on, driving the speed limit, in the opposite
3 direction of Mr. Munn. Several people witnessed
4 Mr. Munn's frightening driving, and I will go over that
5 in greater detail after your query of the defendant.

6 He was driving excessively fast. He was
7 passing cars on the two-lane road at an alarming speed.
8 The crash data from his vehicle indicated that five
9 seconds before the crash he was traveling at the speed of
10 94 miles per hour. Upon impact, he was going 83 miles
11 per hour. The speed limit was 45.

12 The defendant was driving too fast to make a
13 turn, went off the road, overcorrected, crossed the
14 center line, and struck head on the vehicle that was
15 driven by Kylie Gillette. The impact caused Kylie's
16 vehicle to land upside down. The impact knocked her
17 vehicle backwards, and it flipped and went into a tree.

18 There was nothing Kylie could do to avoid
19 this. She died instantly. She died of blunt head
20 trauma, specifically from pontomedullary rent, which is
21 an injury to the brain stem, most often seen in high
22 speed motor vehicle accidents.

23 Here are some photos from the scene, Your
24 Honor. Ms. Gillette, our victim's vehicle, is white, and
25 Mr. Munn's vehicle is gold.

1 THE COURT: All right.

2 MS. SHEALY: EMS, the fire department, and
3 law enforcement arrived at the scene. Deputy First Class
4 Jacqui Pastick, who is actually present today here in the
5 courtroom from the sheriff's department, arrived on the
6 scene and assisted Mr. Munn's removal from his vehicle.

7 She immediately smelled alcoholic beverage on
8 him and his speech was slurred. Detective Eddy
9 Bohlander, who is also present in the courtroom, assisted
10 in removing Kylie's body from her vehicle. While the
11 officers waited for the coroner, EMS took Mr. Munn to the
12 hospital. Chris Wells, who is also present in the
13 courtroom from the sheriff's department, read him his
14 Miranda warnings and went over his implied consent rights
15 with him.

16 Sergeant Wells smelled alcohol. Sergeant
17 Wells noticed his bloodshot eyes, and, remember, this is
18 lunchtime, not the time that you would typically expect
19 to see those things in an individual. Mr. Munn did
20 consent to having his blood taken. SLED analyzed his
21 blood. He found marijuana metabolites in his system and
22 a blood alcohol amount of .217, almost three times the
23 legal limit.

24 Your Honor, I'll go further into the details
25 after you conclude your questions of the defendant. He

1 has no prior record.

2 THE COURT: Well, I don't have any further
3 questions that I need to ask him at this point, so why
4 don't you continue with your recitation of the facts and
5 anything that you want to have for victims' statements,
6 anything like that.

7 MS. SHEALY: Yes, sir. Thank you. If I
8 could begin by introducing who is present in the
9 courtroom today on behalf of Kylie --

10 THE COURT: I will just state there is a
11 substantial factual basis for the plea, based on what you
12 told me, for the record.

13 MS. SHEALY: Present in the courtroom on
14 behalf of Ms. Gillette is her father -- and I'll ask you
15 each stand as I call your name -- Ron Gillette; her
16 mother, Lisa Gillette; her sister, Cassidy Gillette;
17 Sergeant Chris Wells of the Charleston County sheriff's
18 department; Lieutenant Moniz of the Charleston County
19 sheriff's department; Deputy First Class Jacqui Pastick
20 of the Charleston County sheriff's office; Deputy Edward
21 Hiott of the Charleston County sheriff's department; and
22 Detective Eddy Bohlander, also of the Charleston County
23 sheriff's department. Y'all may be seated.

24 Several of them, Your Honor, would like to
25 address you at the appropriate time. Mr. Munn did have

1 on his driving record a reckless driving and a careless
2 or negligent driving ticket and conviction.

3 First, if we could go over what the witnesses
4 who saw Mr. Munn's driving that day indicated.

5 Carrie Scott, Your Honor, indicated, I was
6 heading towards Main Road, traveling on River Road, when
7 a gold SUV passed several cars and myself at a high rate
8 of speed. The gold SUV was attempting to pass when we
9 all came up to the curve on River Road, but I knew he
10 could not make the curve ahead at the rate of speed he
11 was traveling. At that point, I decreased my speed to
12 observe what was going to happen.

13 The next thing that happened was the gold SUV
14 attempted to correct himself back into the right lane
15 when I witnessed the gold SUV run off the right side of
16 the road and then back on to the road and headed toward
17 the white SUV. At that point, they hit head on. I then
18 called 911.

19 From Martin Hill: Pulled on to River Road
20 off of Brownswood Lane -- traveled -- I'm sorry. Then
21 towards Main Road, and before the turn, a brown
22 SUV passed me and others going extremely fast. As he
23 approached the turn, he lost control and began to spin
24 sideways, overcorrected, and went into oncoming traffic.
25 After I stopped, I realized he had hit another and that

24

1 car was in the woods.

2 Heather Riley: I turned left on to Main Road
3 off of Brownswood. There was nobody on the road. I
4 looked up in my mirror and the gold SUV almost hit me. I
5 sped to avoid being hit. He passed me on the left,
6 almost hit a man on a motorcycle coming in the opposite
7 direction.

8 I watched him go into oncoming traffic to
9 pass several other people. Right before the curve, I
10 heard a crash and several vehicles coming to a complete
11 stop. I got out to assist. The guy in the gold taupe
12 vehicle said, I swear, I wasn't driving fast.

13 Gillian McLearnan: While driving River Road
14 toward Main Road at 12:40 on 8/16/2014, I noticed a man
15 driving at a high rate of speed. He passed me on my
16 left, crossing a double line and a curve. He lost
17 control, overcorrected, and slammed into the white
18 SUV that was in the oncoming lane. I was the first to
19 attend the young girl who was unresponsive.

20 And Kim Oglesby: I was going down River Road
21 toward Maybank. Looked at cars coming towards me. It
22 was traveling very fast and came into the curve and went
23 off on the shoulder grass area and pulled back into the
24 road and started to cross into my lane just as I went by.
25 I looked up at my mirror and saw a car flipping across

1 the lane.

2 Thought I saw a motorcycle in the mirror
3 also, but that was not involved. It happened so fast and
4 scared me, so I cannot tell you which car I saw. I
5 thought the car was going to clip my car around the
6 corner, and I was panicking.

7 Your Honor, when the defendant was at the
8 hospital, and I believe he remained there for more than
9 one day, he indicated to the medical staff at the
10 hospital that he had been speeding and side swiped a car.
11 When asked about use of marijuana, he admitted that he
12 uses marijuana but had not used it for a week before this
13 incident occurred.

14 When he was asked about his use of alcohol,
15 he indicated to the medical staff that he drank on the
16 weekends, that he would usually have six to eight beers
17 in one episode, 24 cans a weekend. If that's what he did
18 regularly, we don't know what he did when he was mourning
19 the loss of a friend's death. We do not know
20 specifically how much that drinking would have increased
21 given the occasion that he attended.

22 Your Honor, the police went back to the home
23 where Mr. Munn had gone to be around others that were
24 mourning the loss of his friend, and they pulled the
25 trash, got a search warrant.

1/12

1 Obviously, all of this is not attributable to
2 Mr. Munn, but I think the defense has given you black and
3 white copies of some of the photos. I would like to hand
4 up photos indicating the use of alcohol.

5 THE COURT: Go ahead.

6 MS. SHEALY: Thank you. Judge, here we have
7 someone who had early issues with substance abuse, who
8 made a decision before he got to his friend's house to
9 drink and to buy alcohol illegally.

10 There are good reasons that we don't allow
11 young people to use alcohol and to buy alcohol, and this,
12 in the courtroom today, is the reason. In reading the
13 letters that the defense submitted, some people
14 understood that Mr. Munn's intention from the beginning
15 was to spend the night at the family's home. Others
16 indicate he made that decision once he got there. Either
17 way, Judge, he planned to drink enough that he wouldn't
18 be able to drive.

19 We know that evening hours drinking can
20 quickly become early morning hours and later hours and
21 later and later. How much he drank and how late he drank
22 or whether he started drinking again once he slept some,
23 we don't know, but we know in that afternoon hour, he had
24 a .217.

25 One of the many aspects of felony DUIs is

1 that they are avoidable. They don't have to happen.
2 This horrific incident did not have to happen. Better
3 decisions could have been made. One: To remember what
4 you learned in substance abuse counselling. Not to go
5 where others are drinking. Don't drink your own bottle.
6 Don't BYOB. Don't buy beer illegally. Don't drink.
7 Don't speed. Don't pass cars. Don't take a curve too
8 fast. Don't drive.

9 When the Gillettes that day were told of what
10 happened to Kylie, the coroner indicated to them that
11 they could see her one more time, so they went to the
12 morgue, and as they pulled out to head down Main Road,
13 the truck with both vehicles was on the road just ahead
14 of them. They had to travel looking at the damage that
15 had been done, seeing the car where their daughter had
16 died.

17 We are all too often in the courtroom where a
18 life had been taken, and what makes, I think, felony DUIs
19 particularly difficult is sometimes we're talking about
20 otherwise good people who commit them.

21 Good people can cause the unthinkable to
22 happen, but the criminal justice system needs to reach
23 the good people and say, It's not okay. It's not okay.

24 Good people need to make good decisions when
25 you're happy and celebrating something or when you're sad

1 and mourning something. You don't get a pass because
2 someone had died. It doesn't make it okay.

3 Now, Mr. Sinclair provided to Your Honor
4 some articles about brain development, and those issues
5 have been around for a while, but those of us who work in
6 the system day-in, day-out see that we are frequently
7 dealing with young people and violent crimes. It doesn't
8 mitigate the situation. The decisions here were easy
9 ones to make.

10 He's also provided you with some statistics,
11 Judge, on sentences in other felony DUIs, and our
12 assertion would be they have failed us. Those light
13 sentences are not doing the trick. This needs to be
14 taken very, very seriously.

15 If I could talk about Kylie for a moment,
16 Your Honor, she was such a special young girl, 17. She
17 was a scholar, number three in her class at James Island
18 Charter High school. She won the national French
19 competition. She was a member of the National Honor
20 Society. I will show two pictures, Your Honor, one for
21 Kylie when she posed for her senior picture but never was
22 able to enjoy a senior year, and a photograph of an empty
23 chair that James Island Charter had designated for her
24 during the graduation of the class she should have
25 graduated with.

1 That school has 1,800 students, Your Honor.
2 1,800 students who know about what happened. Kylie loved
3 horseback riding, soccer, piano, shopping, going to the
4 beach with her friends, dancing around her house, and I'm
5 sure you gleaned that from the letters we submitted to
6 you earlier, and she loved animals. Here are a few
7 photographs to put a face with a name.

8 Your Honor, this photograph is of Kylie and
9 her mother. It was taken the night before. Oddly
10 enough, she and her family had eaten at Paisano's. I'm
11 not sure if I'm saying that correctly, but that's where
12 the defendant worked. They ate there on Friday night.

13 When they got home, Mr. Gillette took a
14 picture of mother and daughter, and Lisa Gillette told me
15 that is like the last time she saw her daughter. She did
16 not get to see her the next morning.

17 The Gillettes have not lived here for very
18 long, Your Honor. Kylie grew up in Spartanburg. They
19 moved here because Mr. Gillette got a job in Charleston,
20 and Kylie quickly learned to love Charleston and to be
21 excited about going to James Island Charter High for her
22 senior year.

23 As I mentioned earlier, I sent over to you a
24 collection of letters that family members and friends had
25 written on Kylie's behalf. What was interesting to me

1 was how many people have been so affected by this, young
2 people, young people who mourned the death of Kylie. Her
3 sister's best friend mentioned how going to class and
4 learning about physics made her think of the accident,
5 that she was having difficulty coping and that she knew
6 that her sister, Cassidy, also was.

7 There was also Kylie's very good friend,
8 Jacob Powell, who because of this incident has suffered
9 depression and anxiety and had to switch colleges because
10 of it. His parents wanted him closer to home so they
11 could monitor him during counselling. Jacob wrote in his
12 letter, In the months following and to this day, I
13 struggle with depression and anxiety that I am treated
14 for by medical doctors and therapists. I have always
15 been a straight A student, as was Kylie, but my grades
16 were dramatically impacted by the loss. Being virtually
17 alone in Columbia made this even more difficult to deal
18 with, and I was forced to transfer to Wofford back at
19 home so my parents could monitor me.

20 In college, alcohol and parties constantly
21 surround me, especially with underage drinkers. I
22 immediately have anxiety when I see it, and it has caused
23 me to forfeit most of my social life because I cannot
24 stand the thought of being around an endless amount of
25 bad decisions.

1 We know the people who have suffered the loss
2 of Kylie get it. They get the problem with alcohol and
3 young people, but others need to realize it as well, Your
4 Honor.

5 You will hear from Kylie's sister shortly,
6 and you will see that her life as a college student has
7 been drastically affected by this. The joy that you have
8 when you learn to become an adult has been lessened
9 greatly by the way people carelessly address drinking.
10 What the Gillettes want more than anything, Your Honor,
11 is something to change because of this, something good to
12 come from it.

13 In looking at the letters, I think this one
14 was sent to you earlier this morning from Melissa Dawson.
15 She was a woman who had heard about the accident and
16 drove down River Road and saw the flower display where
17 the accident had occurred, and when I say accident,
18 that's not an appropriate term, actually, where the crash
19 had occurred.

20 She was so moved by it that she took
21 photographs of it, and then she posted them to Instagram.
22 One of her friends had seen it and was traveling down the
23 highway and saw someone swerving, thought, Well, I'll
24 just let somebody else deal with it, and thought back to
25 the photo and called the police, and the driver was

1 stopped and the driver was arrested for DUI. A potential
2 life was saved, and it's interesting that someone who
3 just happened to go by the flowers that day set that
4 chain of circumstances into motion.

5 We need something more impactful than that.
6 Judge, there are parents who choose to have their home be
7 the one where kids can come drink and young people who
8 think it's okay to get hammered if you're mourning or
9 celebrating the life of someone. There's the students at
10 James Island Charter High who heard about this tragedy
11 and about the death of Kylie, and there are a host of
12 people that sat through that graduation ceremony and saw
13 that empty chair.

14 I asked the Gillettes what they thought would
15 be an appropriate punishment, and I told them the wide
16 range, you know, that our legislature has set, from one
17 to twenty-five years. We hope that this case will be the
18 one that makes a difference and that we have that
19 opportunity to make a difference here, but there was no
20 knee-jerk reaction from the Gillettes: Oh, 25-year
21 maximum, no knee-jerk reaction.

22 I discussed with them split sentences. I
23 discussed with them 85 percent crime. No quick answer.
24 They counseled with their pastor. They discussed it with
25 their family and friends. They agonized over it. They

1 read all the letters that were submitted to you by the
2 defense.

3 And, Your Honor, in talking about some of
4 those letters, from Gary Alan, who wrote on behalf of
5 Mr. Munn, he noticed, as a father of a 16-year-old son
6 about to begin driving, I use this example to teach how
7 terribly wrong things can go in the blink of an eye. My
8 hopes are that people everywhere, young and old, can
9 learn from this and maybe another is prevented in the
10 future. A silver lining of any kind would bring a single
11 ray of sunshine to an otherwise dark day.

12 And one of the letters was from a guy who had
13 also been drinking that night and acknowledged the bad
14 decisions they all had made. We need that information
15 out in the community. We need people to understand there
16 are consequences to reckless driving, hazardous driving,
17 irresponsibility and bad decisions.

18 What the Gillettes, Your Honor, settled on,
19 or believed to be appropriate, is 14 years. I thought
20 their decision was a generous one, but they are talking
21 about 14 years of active time. Now, Mr. Sinclair, as we
22 noted earlier, presented you with statistics of -- or,
23 not statistics, but the sentences on previous felony DUIs
24 here, and as law enforcement will address, those
25 sentences are not having the effect that we hope for.

24

1 Similarly, I don't know the facts to each
2 individual case that has been presented, but here we have
3 a young man who had received some counselling for
4 substance abuse before this happened who had a high, high
5 BA level of .217 and who was driving in excess of 90
6 miles an hour on a two-lane, winding road in the middle
7 of the day with other drivers fearing his driving and
8 took the life of a young 17-year-old.

9 You have read about the promise that everyone
10 who knew Kylie saw in her. We are asking Your Honor for
11 a 14-year active sentence. If you're considering a split
12 sentence, we would ask that the 14 years be active.

13 Just one final thing, Your Honor. When the
14 Gillettes cleaned their daughter's room, they found that
15 she had a journal. She entitled one page Tomorrow's
16 Never Promised.

17 At that point in their lives, Mr. Gillette
18 had already moved here and the mother and children were
19 going to follow, so Kylie was not with her father every
20 day. This is what she wrote:

21 Dad: You living far away makes me think,
22 what if something was to happen to you? What if it was
23 to happen to me, Cassidy, or mom? What if it was so bad
24 that we were barely holding on, waiting to see each other
25 one last time? What if we didn't make it?

1 I should tell you every day what I would say
2 on your last day, how much I love you, how much I owe
3 you. You gave me everything anyone could ever want. No
4 little girl anywhere could ask for a better dad.

5 We never know what will be the end of us, so
6 let's remind each other every day.

7 Your Honor, at this time I would ask that you
8 hear from Sergeant Chris Wells. He was the lead officer
9 on the case. He works for the Charleston County
10 sheriff's office.

11 THE COURT: Yes, sir.

12 THE WITNESS: Yes, Your Honor. Sorry, Your
13 Honor.

14 I've been in law enforcement, this is my 25th
15 year. Twelve of that was spent in traffic. The
16 fatalities I've worked through those 12 years that I was
17 in traffic, a lot of fatalities dealt with alcohol, I
18 would say probably 80 percent of them are; most of them
19 single car, off the roadway into a tree. They don't
20 affect anyone except the driver, sometimes the passenger.

21 Your Honor, this particular day, this
22 collision never should have happened. It could have been
23 avoided, and the problem is the majority of fatalities I
24 work end up fatalities that deal with alcohol, and I
25 think the justice system is failing when it comes to

1 sentencing people for driving under the influence because
2 a lot of times there is not a victim involved, other than
3 the driver themselves who decided to drive under the
4 influence.

5 And I just feel that in this state, in
6 particular, DUI is just one of those crimes that just
7 happens, and I feel like the sentencing for it in this
8 day and age isn't enough to get the point across, Your
9 Honor. And I just -- I feel for the family. I don't
10 know why. All the cases I've had, I don't know why this
11 one affected me so much. I'm older. It's towards the
12 end of my career, but it's been hard to deal with, this
13 particular case, and I've dealt with a lot of things in
14 25 years in this job, and this one has been very tough,
15 but I just feel that DUI is a crime that needs to be
16 taken seriously, whether it be a felony DUI or an actual
17 DUI.

18 MS. SHEALY: Thank you. If we could hear
19 from Lisa Gillette, Kylie's mother.

20 THE COURT: Yes, ma'am.

21 THE WITNESS: Your Honor, my two daughters,
22 Cassidy and Kylie, have from day one always been the
23 center of my life.

24 When Kylie was born two-and-a-half years
25 after her sister, I chose to stay home with them and

1 dedicate my days to raising my girls to be honest,
2 caring, and successful adults. They were taught good
3 morals, the difference between right and wrong, how to
4 treat others, how to be the best they could be. I could
5 not be more proud of the young ladies that they both grew
6 up to be.

7 Unfortunately, my youngest, Kylie, didn't
8 make it to adulthood. Her life was tragically cut short
9 at 17. Now my days are spent thinking about her, crying
10 and pondering the inevitable question of why. She had to
11 much to live for. Her passion for life was inspiring to
12 me. There are so many things she wanted to accomplish
13 and do. Everything she set her mind to she excelled in.
14 That was evident in her academics alone as she had a 4.87
15 GPA consisting of all honors and AP classes. Stacks of
16 college applications filled our mailbox every day. She
17 was in the process of deciding which one she wanted to
18 attend the following year.

19 She also had a heart of gold. Animals were a
20 great passion of hers. She would rescue anything that
21 she felt didn't have a good home. Kylie has inspired
22 many people during her short time here. After her death,
23 the outpouring of love and support from friends and
24 strangers and their stories about her emphasized even
25 more what a great person this world lost. She was just

1 beginning to make her mark on the world. She would have
2 accomplished great things and I'm sure would have helped
3 many people along the way.

4 I cannot explain the sadness that my heart
5 feels knowing that I, we, will never get to see what she
6 would have done with her life. I struggle with that, and
7 just her absence every minute of every day. She was a
8 good kid, made good decisions, and made us proud that we
9 could trust her to do the right thing. I miss her smile,
10 her funny stories, her goofiness that always kept us
11 entertained.

12 The pain never goes away. It's almost been a
13 year now, and I'm finding that it just gets harder.
14 Whenever we go somewhere, that lump in the throat or
15 physical pain in my heart, not to mention the tears, hits
16 me so unexpectedly as I think, she should be here with
17 us. Knowing that she will never come home again is very
18 hard to accept. I didn't even get to see her that
19 morning, let alone say goodbye.

20 Ron, Cassidy and I are doing our best to
21 carry on. We talk about her constantly and try to relive
22 all the fun times and good memories of all of us
23 together. We occasionally have a good laugh about
24 something she said or did. Hopefully there will be more
25 of those days soon but other life will never be the same

1 without our sweet Ky. She is greatly missed by us and
2 her many dear friends and family.

3 Your Honor, I know that it is not my place to
4 judge, but I would just like to say we lost a beautiful
5 soul due to another person's poor decisions. This was
6 not an accident. Every aspect of this tragedy could have
7 been prevented.

8 Obtaining a driver's license and being able
9 to drive a vehicle is a privilege. There is an age
10 requirement for a reason. The same reason that there is
11 an age requirement to be able to buy and consume alcohol.
12 Responsibility is the key word here. Unfortunately, the
13 lack of responsibility in this case is evident in more
14 ways than one. The purchasing and consuming alcohol at
15 age 20, the decision to drive a vehicle while
16 intoxicated, the speed at twice the limit, and the mere
17 recklessness on the road are all good examples of not
18 being responsible.

19 Moving here recently from a small town in the
20 upstate has made me aware that Charleston is all about
21 entertainment. Dining, social events, and the great
22 outdoors all harbor a common element: Drinking alcohol.
23 The multitude of DUIs in this city are outrageous. I
24 think that everyone agrees that the DUI laws need to
25 change, but until that happens, the only recourse we have

20

1 is punishing to the degree that will ingrain the
2 perpetrator the seriousness of the crime and hopefully
3 deter others from making the same mistakes.

4 I know that all DUI cases are unique and with
5 different outcomes, but in this case, the facts speak for
6 themselves. There is no question as to the gross
7 negligence that occurred on those days in August of 2014.
8 I know that Mr. Munn has a long road ahead, and my
9 compassion goes out to the family. I hope we are all
10 able to move forward with our lives and overcome the
11 difficulties we face each day.

12 I wish I could turn back the clock for
13 everyone's sake. That being said, all our family asks
14 for is justice under the law. I hope the outcome of this
15 tragedy will be fair to all involved, yet still make a
16 statement that drunk driving is not okay.

17 Thank you, Your Honor, for hearing my
18 statement.

19 THE COURT: Thank you.

20 MS. SHEALY: And, Your Honor, if you would
21 hear from Kylie's sister, Cassidy.

22 THE WITNESS: Kylie was pretty much the only
23 person I would make fun of but would get mad and
24 protective if anybody else did. She was the same way
25 toward me.

1 We were always bickering, but the minute I
2 got bullied in high school, she was there to put them in
3 their place. I came home after my first year in college,
4 and we only had one argument all summer. I feel like she
5 really looked up to me and missed me while I was away.

6 She couldn't stop talking about how she
7 couldn't wait to come to College of Charleston and get an
8 apartment with me. We were just starting to get close.
9 Normally when you cry you feel better. She's the first
10 thing on my mind when I wake up and go to sleep. I spent
11 restless nights crying and wondering what could have
12 been.

13 She was so smart. If anything, it should
14 have been me. She had accomplished so much more than me,
15 academic-wise, and she was two years younger than me.
16 Colleges from all over the country were sending her
17 applications. She helped me write and revise my college
18 application essay. I'm heartbroken that she is gone
19 because she would have really made something of herself.

20 The feeling of emptiness, worthlessness, and
21 demotivation never goes away. I could just walk in front
22 of a moving car or cross a double line if I wanted to. I
23 can't just get in a car with anybody anymore. I have to
24 go through asking several questions about the driver or
25 else I'll have a full out anxiety attack in the back

32

1 seat.

2 I relate every injury I get to what it would
3 feel like getting hit by a speeding car. I'm scared to
4 death I'm going to make a small mistake now driving that
5 will cost me my life, but at the same time I'm not afraid
6 of death because there wasn't a single thing Kylie could
7 have done on her part to prevent this. It's made me
8 realize that it's so easy to die.

9 College has to be the worst time for this to
10 happen. It really takes a toll being away from home, and
11 I stress over everything in life. I already have test
12 anxiety, but when this happened, that is all I could
13 focus on, leaving me with really bad grades.

14 I was behind three weeks from the funeral
15 with heartless professors that only cared about their
16 assignments being due. Come finals, I was so stressed
17 that I had my heart set on dropping out, but I didn't. I
18 went back after Christmas with a new mindset. I started
19 hanging out with my friends more and went to parties like
20 a normal, happy college student would do. That's when I
21 ran into the biggest frustration of my life.

22 These kids were proud of getting trashed,
23 like I'm 18 shots deep, and they would make jokes about
24 driving, like, I'm better driving drunk than I am sober,
25 and, You can drive as long as you don't kill someone,

1 and, I've had four DUIs.

2 Some of these people know about Kylie.
3 That's what angers me so much. Some them aren't even 21
4 yet, and they are already severe alcoholics. Somebody
5 made a comment at least every time I went out, so I had
6 to stop going out, so, great, I don't want to sit in my
7 room and cry, but now I don't want to go out and have fun
8 without this being a burden everywhere I go. I'm ready
9 to move on and be happy, but I can't because I'm
10 surrounded.

11 MS. SHEALY: And, Your Honor, Kylie's father,
12 Ron Gillette.

13 THE COURT: Yes, sir.

14 THE WITNESS: Your Honor, August 16, 2014, I
15 woke up and began my day as usual. Late morning my
16 daughter Kylie Gillette was still asleep. I went into
17 her room and jumped on her bed and began tickling her to
18 wake her up. It was one of those playful father-daughter
19 moments.

20 I asked her what her plans were for the day.
21 She said she was going to eat breakfast and maybe work
22 out. She also said she was considering meeting friends
23 that evening and participating in the ice bucket
24 challenge. She said she was scared about participating
25 which led to a conversation about courage and moving

1 beyond our comfort zones. We laughed, she agreed, and
2 she said she was definitely going to participate.

3 After breakfast she said, See you, Bro, and
4 around 12:30, she left for the gym. That was the last
5 time I saw her alive.

6 I had left shortly after her to go to the
7 grocery store. As I got to the light at the end of our
8 road, I saw emergency vehicles speeding through the
9 light. I very suddenly got a sick feeling in my stomach,
10 call it intuition, but something wasn't right.

11 I tried to call her multiple times. I called
12 my wife at work and told her how I felt, and she said,
13 She's probably got her headphones on as she works out.
14 She'll call you when she's done.

15 That call never came. Trying to distract my
16 thoughts, I tried to wash my car. At approximately 2:30
17 p.m., a black SUV pulls into my home. Yes, it's every
18 parent's nightmare. An officer and a member of the
19 coroner's office walked toward me, and my heart began to
20 throb.

21 Mr. Gillette, may we speak with you inside?
22 one of them said.

23 What's wrong? Is it my daughter? I asked.

24 Yes. There has been an automobile accident
25 and she did not survive.

1 At this point I felt dizzy and fell to the
2 ground.

3 I remember them asking me if I was okay or if
4 they needed to call EMS. I rose to my feet as the shock
5 set in. I gathered myself and thought maybe I was having
6 a nightmare. It was so surreal. Surely it was not that
7 my beautiful, talented 17-year-old daughter was dead.

8 She had been hit by a driver going in excess
9 of 90 miles an hour on River Road. He had a BAC of .217,
10 nearly three times the legal limit. These facts do not
11 lie. This was the first hour of the rest of my life.
12 Suddenly, unexpectedly, she was gone.

13 Kylie was a sweet, brave, intelligent woman
14 taken from us way too soon. She was a dedicated and
15 accomplished student, third in her class of 318, with an
16 infectious smile. She had many plans for the future. It
17 was just three days before she was to start her senior
18 year in school. She was looking forward to going to
19 college.

20 One day, while speaking to Kylie about what
21 she wanted to do after college, she mentioned organizing
22 a nonprofit that would house homeless people in a place
23 where they could earn food, shower, sleep quarters while
24 in return caring for homeless animals. We also had brief
25 conversations with her studying corporate law. She was

1 determined to do something extraordinary with her life.

2 Sadly, I will never get to see my daughter
3 graduate high school, go to college, and experience the
4 multitudes of things on her bucket list. I will not be
5 able to see her get married, have children of her own,
6 and just experience life with such passions as she did
7 when she was alive.

8 Since her death, I have not been the same
9 person. When she died, a piece of me died too. I
10 struggle daily with sadness and find difficulty with
11 social settings with family and friends. I have many
12 sleepless nights thinking about that day and her.
13 Mornings are the worst as I sometimes find it difficult
14 to get out of bed and begin my work day. Maybe it's
15 because I know I have no choice but to drive by the very
16 site where Kylie was killed. When I am at work, I
17 sometimes have difficulty concentrating and focussing.

18 With that being said, I tell you I will not
19 allow the tragedy to ruin my life. This will not destroy
20 me. I am fortunate to have a beautiful, loving wife and
21 daughter that help keep me going.

22 I hope the Court punishes the defendant to
23 the extent that will deter future behavior such as this
24 from him and others. If too little time is given as
25 punishment, it leaves the impression that the severity of

1 the crime is lacking and has no effect on the defendant
2 and others. Even good people must think about their
3 actions and consequences.

4 I vow this day forward I remember all the
5 good times with Kylie and carry on, a life that would
6 make her proud. Lisa, Cassidy, and I do hope that we
7 will receive justice. Unfortunately, we will have to
8 live with the irresponsibility of actions of individuals
9 for the rest of our lives. This is a life sentence I
10 would not wish on my worst enemy.

11 Thank you.

12 THE COURT: Yes, sir. Thank you.

13 MS. SHEALY: Thank you, Your Honor.

14 THE COURT: Anything else from the State?
15 All right.

16 Well, Mr. Sinclair, first, does your client
17 wish to challenge any of the facts that the State
18 presented as to what happened that day?

19 MR. SINCLAIRE: No, Your Honor.

20 THE COURT: All right. Well, what would you
21 like to say then?

22 MR. SINCLAIRE: Judge, Bryson is 21 years
23 old. He was born and raised in Charleston. He's the son
24 of Bonnie and Todd Munn.

25 Bonnie is a prekindergarten teacher. She

1 specializes in the care and education of disabled
2 students and special education students. Bryson's dad,
3 Todd, has been with SCE&G for 24 years. He coached
4 Bryson and his three younger brothers in basketball.
5 They attend St. Joseph. Todd opened up the gym on
6 Saturday mornings so all the kids could play. As I said,
7 Todd has three younger brothers, Noah, 18, Trey, 14, and
8 Kalen, 7.

9 Bryson was a stellar student through middle
10 school. He made straight As. I believe Your Honor has
11 received a letter from one of his middle school teachers
12 that describe Bryson as compassionate, hardworking,
13 always willing to lend a hand, and she remembers very
14 distinctly one day when Bryson was over in the corner,
15 sitting with a child with Down Syndrome so that child
16 wouldn't feel left out.

17 She said something in her letter to you,
18 Judge, that struck a chord with me, and that is that
19 people change but the heart does not. Bryson did
20 experience a change on entering high school, as did his
21 entire family. His grandparents, Bonnie's mother and
22 father, started suffering from severe illnesses, and
23 although his grandmother survived, his grandfather did
24 not.

25 In those months where his father and

1 mother -- grandmother and grandfather were fighting for
2 their lives, the family was stretched thin with doctors'
3 appointments, hospital stays, cooking, yard work, all
4 while trying to maintain some sense of normalcy in their
5 home and in raising the four boys.

6 For Bryson, school became more difficult. He
7 couldn't concentrate. He had not yet been diagnosed with
8 ADHD. He was constantly exhausted and sleeping more and
9 more. He developed segmented vitiligo, lost all pigment
10 on half of his chest, and was ultimately diagnosed with
11 Hashimoto's thyroid disease. This disease resulted in
12 warts on his hands, arms, and torso, and while Bryson was
13 introverted and quiet before high school, now his
14 self-esteem had plummeted.

15 With his upper body covered with thousands of
16 warts, he went to lots of doctors. No one could figure
17 out which symptoms were physical and which ones were
18 emotional. Bryson's weight fluctuated wildly. In one
19 short period between doctors' visits, Bryson lost 50
20 pounds. For Bonnie and Todd, the endocrinologists,
21 urologists, there were so many doctors and so few
22 answers. They could not figure out what was wrong with
23 Bryson.

24 Bryson developed social anxiety and severe
25 depression. His parents tried a therapist for

1 chronically ill young people to no avail. Bryson's one
2 friend, Matt Gaither, recognized this social anxiety and
3 depression, and he was the one person that kept reaching
4 out to Bryson and trying to stay with him. Bryson was
5 never one to party. He preferred to be alone, and when
6 he was alone, he dulled his physical and emotional pain
7 by himself.

8 His mom has submitted a letter to the Court
9 describing the time that Bryson overdosed on sleeping
10 pills. Bonnie and Todd, his parents, were at their wits'
11 end, and on impulse they sent him to a clinic in Florida,
12 a six-week rehabilitation facility that focussed on drug
13 and alcohol addiction. They did not even tell Bryson he
14 was going. They went and found him at Matt Gaither's
15 house, picked him up, put him on a plane, and had the
16 staff at the Florida rehabilitation center waiting at the
17 plane.

18 It wasn't until Bryson was in outpatient
19 therapy and group therapy that they were told by one of
20 the therapists, this is after six weeks, that Bryson is a
21 good kid. He's just trying to feel better.

22 So in July 2014, that information from the
23 therapist was like a light for them, and they sought
24 psychiatric care here in Charleston. In July 2014, they
25 took him to L. Randolph Waid, the psychologist, and he

1 put him through a battery of tests which indicated Bryson
2 suffered from ADHD and depression, and the test results
3 show he suffered impulse control problems. He suffered
4 risk-taking problems, all of the problems at 20 and 20
5 and a half years old that were mirrored in the reports
6 Ms. Shealy has referred to that we've submitted in court,
7 and those reports from Dr. Susan Thomas from the Medical
8 University of South Carolina, Dr. Arnett, National
9 Library of Medical Science.

10 All those studies conclusively prove that the
11 adolescent brain isn't fully developed until it's 25
12 years old, especially the cortex, which is the one that
13 assesses risk. It makes the young mind incapable of
14 assessing the risks. In July, before this accident, that
15 is what Randy Waid found throughout his test.

16 But the good news then was, Okay. He's
17 suffering from ADHD. He's depressed, and Dr. Waid
18 prescribed a litany of medications to get him on track.
19 Matthew Gaither was including Bryson in Matt's circle of
20 friends. Bryson was no longer alone all the time. He
21 enrolled himself into Trident Technical College where, as
22 you know, he was studying aeronautics classes. He was in
23 the Boeing curriculum, studying aircraft technology. It
24 looked like everything was on track.

25 Dr. Dr. Waid can't prescribe medications, but

1 Bryson's family physician, Dr. Thomas, can, so all that
2 was in place in late July and early August, and it was
3 then that Matthew Gaither and his flight instructor died
4 in that sudden and tragic plane crash.

5 Bryson had not lost, Judge, a friend, he lost
6 his closest friend, probably, really, his only friend
7 that would include him in those circles because Bryson
8 wouldn't do it on his own. Matt was the one that would
9 go and get him and bring him into Matt's circle of
10 friends.

11 Matt has been described as very similar to
12 Kylie, just one of those people everyone loves. He's
13 capable of bringing people in, and that's what happened
14 to him. At 20 years old, Bryson, with his already
15 fragile emotional history, was simply not equipped to
16 handle that loss.

17 He put on a good face. He put on a good
18 front. He went to work at Paisano's, trying to keep his
19 mind off of it, but when the Gaithers, Matt Gaither's
20 parents, announced there was going to be a celebration of
21 life, a wake at their home, Bryson knew he was going to
22 go and he was going to stay. Everybody that was going to
23 that party knew there would be drinking. Adults,
24 underage people were going to be drinking, and Bryson
25 made the decision before he went to the party to stay at

1 that house. He was one of three kids that stayed.

2 There were 70 to 100 people at this party.
3 Toasts were being made. Everybody knew they were
4 drinking, but he was one of three people that made the
5 conscious decision not to drive. He told his parents he
6 wasn't going to be driving, and he stayed there that
7 night.

8 Now, that responsible decision turned into a
9 number of irresponsible decisions, because two drinks
10 into it, there are no responsible decisions, Judge, so he
11 continued to drink, continued to mourn. He continued to
12 try to self-medicate himself over the loss of his only
13 friend, and that's what he did.

14 He can't tell you how much he had to drink
15 and he can't tell you what time he went to bed. I spoke
16 to three people after this accident. I spoke to three
17 people from that house, two high school students and the
18 host, and I said, What happened?

19 They said he got up around 11:00. He had
20 breakfast. He played pool, one, two games of pool, and
21 then left, and these three people told me he did not seem
22 drunk to them, didn't seem under the influence at all.
23 That's what those people told me.

24 He called his dad before he left the house
25 and said, I'm on my way home. Dad said he didn't sound

1 drunk either.

2 So he leaves the Gaithers' house. He is
3 still consumed with the despair and loss of his only
4 friend. The funeral is the next day. He doesn't realize
5 how much alcohol is still in his system, and all the
6 studies that were submitted and all the studies that were
7 read, that these young people, they don't have the
8 triggers that grownups do. They don't see the slurred
9 speech. They don't see the unsteady feet, and I would
10 submit that none of the people that were with Bryson that
11 day saw any of that.

12 They don't see the triggers, and they say
13 that lack of sleep, all of these things can delay the
14 response to the alcohol, to the impact of the alcohol, so
15 he did not realize that he was under the influence when
16 he left. We don't believe he understood.

17 As you know, he had impulse control problems
18 before. Now he suffered the loss of his best friend, and
19 he just makes another bad decision. Now, without being
20 able to calculate the risk of what he's doing, he drives
21 at that outrageous speed, runs off the side of the road
22 where there are a number of wrecks on that curve,
23 overcorrects, and a sweet, amazing, innocent girl was
24 killed.

25 When Bryson learned about Kylie's death at

1 the hospital, he was devastated, and as you can tell from
2 all the letters that you received, he has remained
3 devastated. He for months and months and months never
4 left his room. He had a broken kneecap, broken ankle.
5 He wouldn't leave his room, and that became the norm.

6 His life, the Munns' life, the Gillettes'
7 life all came to a standstill, and now the Munns, they
8 didn't know how to break through the pain and suffering
9 that Bryson had caused the Gillettes and his own family.
10 None of them could. They were all just paralyzed.

11 One night in November, about three months
12 after the accident, Bryson's grandmother, Martha Fox, got
13 Bryson out of the house with only his close-knit family
14 to her house a block and a half away. Somehow --
15 throughout the course of the night, Bryson and his three
16 little brothers are there. Martha and Todd and Bonnie
17 are there. Somehow Bonnie just felt like -- I think she
18 got the impression that Martha was saying, You're not
19 contributing to your family, which, of course, her mother
20 would never say that, Bonnie snapped, and she -- I mean,
21 Bonnie became inconsolable.

22 And it wasn't abnormal for her to be sitting
23 out in the back yard by herself anyway, but this
24 particular night, she became inconsolable. No one could
25 calm her down. His younger brother Noah left in his car.

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1 Todd and his two little brothers went to the back of the
2 house. That's where Todd found Martha Fox's Oxycodone,
3 and he took all but three of those pills, took them, and
4 walked home. And the house was in such disarray as a
5 result of the breakdown of Bryson's mom, he walked, for
6 the first time ever without the cast, to his house a
7 block and a half away.

8 When they realized he was gone and Bonnie
9 came back under control, they went home. Bryson is where
10 he always is, in his room alone, and they went to bed.
11 Well, the following morning, Martha Fox wakes up. She
12 goes for her Oxycodone, sees they're all missing, and she
13 knows immediately what happened. She races over to the
14 house. She can't get Bryson awake. They call Todd in
15 from work.

16 They finally get him to come to, confront him
17 about the medication, and he admits to what he's done.
18 They take him straight to Dr. Waid. Dr. Waid realizes
19 now the severity of the problem. He takes him off of all
20 Bryson's medication and then increases the regiment of
21 psychiatric care.

22 The months that followed that incident, Your
23 Honor, a gentleman by the name of Kevin Crosby convinced
24 Bryson to volunteer at the Sisters of Charity of Our Lady
25 of Mercy where he spent his days cleaning up property,

1 washing and vacuuming cars, and organizing maintenance
2 materials.

3 When they finally got Bryson to that morning,
4 I forgot to tell you, the only thing he could say was, I
5 killed that little girl. What do I have to live for?

6 After working, volunteering at the Sisters',
7 at the convent, and Paisano's where he used to work
8 called him up and said, Would you come back to work with
9 us? We really like you. We really want you to work with
10 us.

11 He hadn't driven since the date of this
12 accident, so his grandmother and his mother have been
13 taking him to work, and so there he works, washing
14 dishes. So, in essence, for the last six months of his
15 life, Judge, he's either been washing dishes, in his
16 room, or at a doctor's office.

17 Since the day of this accident, we all, the
18 Munns, the Gillettes, everybody through this whole
19 process have been trying to salvage something positive
20 out of the Gillettes' loss, because not a single one of
21 us can fathom their unimaginable pain. Bryson and his
22 family have wanted to reach out -- of course there's a
23 civil case, Judge, and then the criminal case and you
24 know how lawyers are, but beyond all that, Bryson and his
25 family have so wanted to reach out to the Gillettes, but

1 the condition of the bond was he's not to have any
2 contact with that family, direct or indirect, but he
3 remains willing to do whatever anybody asks of him to try
4 to send a message that the solicitor is hoping to send,
5 and that is that other people can see firsthand the
6 tragic consequences of wrong decisions.

7 Judge, we know what an incredibly difficult
8 decision you have to make, and we know that you will
9 consider the various purposes for sentences, punishment,
10 deterrence, rehabilitation, and retribution, and we also
11 know the things that you will take into account, such as
12 a prior record, criminal intent, age of the offender, and
13 the nature of the offense, and when you do that, we ask
14 that you remember that Bryson was 20 years old at the
15 time of this accident, had no prior convictions.

16 He suffered from severe mental health issues
17 and physical health issues before the accident, issues
18 that we believe contributed to the accident. The night
19 before this accident, he attended the wake for the loss
20 of his only true friend, made the right decision to stay
21 at the Gaithers' house. He did not drive away from that
22 party like so many other people did.

23 Judge, he has taken full responsibility for
24 this case from the beginning. The solicitor can tell
25 you, we have never contested the blood alcohol level. I

1 didn't understand it, but we've never contested it. He
2 has never, ever once indicated to us that he wanted to go
3 to trial in this case. That was solely because he wanted
4 to minimize the Gillettes' suffering.

5 Judge, people change, but the heart does not,
6 and Bryson is still the same person that would sit and
7 play with a child with Down syndrome. He would never
8 consciously hurt a living soul, and as Ms. Shealy pointed
9 out to you, Judge, we have provided the Court with the
10 sentencing sheets for the 19 felony DUIS that preceded
11 this one since 2006 and 2007, and in only one of those
12 cases was there an individual that was 20 years old, and
13 that was the case of Sam McCall.

14 Sam and his friends weren't going to a wake,
15 weren't doing anything. He was 20. They were going to
16 go to a boat and sit all night drinking on the boat.

17 MS. SHEALY: Your Honor, I'm going to object
18 to the relevancy of another felony DUI.

19 THE COURT: You know, I know what you're
20 trying to do. It's probably not the most productive line
21 of reasoning, so I would ask that you move on from trying
22 to compare things that can't be compared. There is no
23 such thing as apples to apples in this kind of case.

24 MR. SINCLAIRE: I appreciate it. Well,
25 Judge, I appreciate that. I apologize to the Court.

500

1 THE COURT: Well, it's a good attempt. I
2 mean, I read your stuff you submitted over the weekend,
3 and, you know, I was a judge that sentenced other people.
4 Every case is different. Every case is different.

5 MR. SINCLAIRE: Well, in just -- in
6 conclusion, Judge, I would ask for proportionality. We
7 have studied and the psychiatrists and all the other
8 people have studied deterrence in the criminal justice
9 system, and research to date indicates that increases in
10 the certainty of the punishment as opposed to the
11 severity of the punishment are more likely to produce
12 deterrent results, and, Judge, when you're talking about
13 deterrence, you're talking about people being certain of
14 being caught and being certain of being punished, and
15 that is the problem.

16 That works for almost every other crime out
17 there, Judge, except for this one, because in the study
18 in 2001 published by the Journal of Criminology, they did
19 a study with college students, and the problem with that
20 is, as everyone has heard from these letters, all these
21 college students, they're drinking, and that alone
22 impairs their thinking, in college students, because
23 their brains haven't formed to assess the risks
24 associated with it.

25 They can't -- they're not going to look

1 toward a sentence that was out there and say, That's
2 going to be a deterrence. It's only when they know that
3 they are going to get caught that they would be deterred,
4 and I submit to you that just like everyone has witnessed
5 today, the kids just don't get that, and I don't think
6 that a big number is going to result in that, I just
7 don't think that. I think that studies have shown that.

8 Judge, we're asking for a fair, proportional
9 sentence that will not institutionalize Bryson. I know
10 Bonnie, his mom, is here for Bryson. Would you stand up,
11 who is here for Bryson? Judge, there is an overflow out
12 in the hall. You saw the letters. We didn't invite any
13 of them, and I know that his mom wants to address you,
14 and Bryson wants to say something.

15 THE COURT: Y'all please be seated. Yes?
16 Does his mother want to say something? Yes.

17 THE WITNESS: I just stand to say to the
18 Gillettes, our hearts are so broken for you that
19 sometimes I just don't think that we can bear it. I am
20 hurting in my marriage and my kids because I can't
21 function because of the horror that we have caused you
22 and that you're enduring because of us.

23 I just want you to know that we tried hard at
24 the time of Matt's death to do the right things, and I
25 hope and I hold only myself responsible, because as

1 Bryson's mom, I should have taken into account the fact
2 that he wasn't emotionally able to operate a motor
3 vehicle, and I will never forgive myself and I wish with
4 all my heart that the punishment could be given to me
5 instead of to a grieving young man who just didn't
6 realize he was not okay to drive.

7 I will never pretend to know the hurt and the
8 horror that you go through and the depth of your grief,
9 and I am sorry from the bottom of my heart, and I am
10 begging for mercy and forgiveness for my child. He is a
11 sweet, sad boy who did everything that night that his dad
12 and I asked him to do at the time of Matt's death, and he
13 suffers your loss every second, and we would do anything
14 to turn that clock back. I just pray that one day you
15 can forgive our family.

16 THE COURT: All right. Anything else,
17 Mr. Sinclair, or does Mr. Munn want to speak?

18 All right. Mr. Munn, what would you like to
19 say?

20 THE DEFENDANT: First off, I would like to
21 apologize to the Gillettes for all the pain and heartache
22 I've caused them. Words can not express the sadness and
23 regret that I feel for my actions costing Kylie Gillette
24 her life. Every morning I wake up with a pit in my
25 stomach and an overwhelming sense of sorrow in my heart.

1 It follows me through the day and is a constant reminder
2 to what I've done.

3 I cannot remember the last time I slept
4 through the night without waking up in a panic. Every
5 day I pray for the Gillette family. Neither my life nor
6 theirs will ever be the way it was as a result of my
7 actions, and I wish that I could change that. I would
8 trade my life for hers in the blink of an eye.

9 Unfortunately, that is not an option. I do
10 not expect to ever be forgiven, but I hope that one day I
11 will be.

12 THE COURT: Anything else?

13 MR. SINCLAIRE: No.

14 THE COURT: Anything else from the State?

15 MS. SHEALY: No, Your Honor.

16 THE COURT: Well, I am convinced that these
17 are the worst cases to preside over in this job. It is
18 easier to pass judgment on a murder case than it is on a
19 felony DUI, because at least in a case like that, you've
20 got, you know, somebody you can identify that has broken
21 all the rules of civilized society, intentionally and
22 with malice taking somebody else's life.

23 In a case like this, you end up with the same
24 set of facts, or the same ending, but, you know, there is
25 nobody in this room that thinks this kid is a bad kid.

1 You know, you presented me with things over the weekend
2 that I already knew, and you don't -- because I've
3 studied the subject of neuroscience and young people, but
4 everybody already knows, young people make bad decisions.
5 They make the worst decisions.

6 Scientists will tell you, Yeah, it's because
7 their brain isn't developed. We knew that, and young
8 people are always going to make bad decisions, and you
9 just have to live with the consequences. That's the
10 problem, because you got a kid like this who, you know,
11 he looks like a big 12-year-old baby-faced kid, and it
12 sounds like he had a really bad time in his life when he
13 lost somebody that was close to him and made a terrible
14 decision, and a young, innocent, you know, beautiful girl
15 lost her life.

16 Lives are changed, and they can't be fixed,
17 and there is no good outcome to a case like this, no
18 matter what I give him. You know, all I can think of
19 when I hear something like this, you keep going. Don't
20 make up your mind until you've heard everything. That's
21 the same thing I tell jurors when we start cases. Don't
22 make up your mind until you hear everything, but as
23 you're going along and you're hearing -- I heard from the
24 victim's family.

25 I've got a daughter. I've got a son.

1 They're both older than the kids in this case right here
2 now, but my daughter is not a whole heck of a lot older,
3 and she was once 17 years old. And if I was
4 Mr. Gillette, I would be up there screaming for the max,
5 you know, in that was my daughter that was killed.

6 I got a 26-year-old son who was 21, it seems
7 like, just yesterday, and if I was standing there beside
8 him, I would be asking the judge, Please give him the
9 minimum. He's just a kid.

10 There's no good outcome in a case like this.
11 What is the right thing? I don't know. You know, I'm
12 supposed to look at things, like, well, we need to punish
13 the defendant. That is true. He has probably punished
14 himself more than anything that I could ever punish him
15 with, but I also have things like societal interest in
16 the outcome of this case, and you might as well put him
17 25 years in prison if you want to send out a message.

18 And the community will hear that, and then
19 there will be an impact as a result of that, and then it
20 will stop and deter some people. I really do believe
21 that, but because of the nature of life, it's impossible
22 to determine what doesn't happen as a result of a
23 sentence, but there is a need to give you a sentence that
24 will send a message to the community.

25 You know, these folks have asked for a

1 14-year sentence. All things considered, it is probably
2 an appropriate sentence, and I can live with it. You're
3 the one that has to do the time. I wish you well, but
4 I'm going to commit you to the department of the
5 corrections for a period of 14 years.

6 Good luck to you. I'll give you credit for
7 any time that you've served. We're adjourned. Do you
8 have any idea how many days he served?

9 MR. SINCLAIRE: Two weeks chained to a bed.

10 THE COURT: Okay. If you can come up with a
11 date, I'll put it down.

12 - - -

13 (Whereupon, the proceedings were concluded.)

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I, the undersigned Amanda K. Haffenden, RPR, CRR, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Charleston County, South Carolina, on the 13th of July 2015.

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

August 26, 2015

Amanda K. Haffenden

Circuit Court Reporter

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1,800 [2] - 19:1, 19:2 10 [2] - 1:5, 2:1 100 [1] - 43:2 10th [1] - 57:8 11:00 [1] - 43:19 12 [3] - 3:3, 3:4, 25:16 12-year-old [1] - 54:11 12:30 [2] - 9:15, 34:4 12:40 [1] - 14:14 14 [5] - 23:19, 23:21, 24:12, 38:7, 56:5 14-year [2] - 24:11, 56:1 15 [1] - 8:23 16 [3] - 2:8, 9:21, 33:14 16-year-old [1] - 23:5 16th [1] - 9:14 17 [4] - 9:21, 18:16, 27:9, 55:3 17-year-old [2] - 24:8, 35:7 18 [2] - 32:23, 38:7 19 [1] - 49:10	318 [1] - 35:15 4 4.87 [1] - 27:14 45 [1] - 10:11 5 50 [1] - 39:19 7 7 [1] - 38:8 70 [1] - 43:2 8 8/16/2014 [1] - 14:14 80 [1] - 25:18 83 [1] - 10:10 85 [1] - 22:23 9 90 [2] - 24:5, 35:9 911 [1] - 13:18 94 [1] - 10:10 A ability [2] - 8:9, 8:13 able [8] - 16:18, 18:22, 29:8, 29:11, 30:10, 36:5, 44:20, 52:2 abnormal [1] - 45:22 absence [1] - 28:7 abuse [5] - 6:13, 8:25, 16:7, 17:4, 24:4 academic [1] - 31:15 academic-wise [1] - 31:15 academics [1] - 27:14 accept [2] - 8:19, 28:18 accident [15] - 20:4, 21:15, 21:17, 29:6, 34:24, 41:14, 43:16, 45:12, 47:12, 47:17, 48:15, 48:17, 48:18, 48:19	accidents [1] - 10:22 accomplish [1] - 27:12 accomplished [3] - 28:2, 31:14, 35:15 account [2] - 48:11, 52:1 accurate [1] - 57:4 acknowledged [1] - 23:13 actions [4] - 37:3, 37:8, 52:23, 53:7 active [3] - 23:21, 24:11, 24:12 actual [1] - 26:16 addiction [1] - 40:13 address [4] - 12:25, 21:9, 23:24, 51:13 ADHD [3] - 39:8, 41:2, 41:17 adjourned [1] - 56:7 admits [1] - 46:17 admitted [1] - 15:11 adolescent [1] - 41:11 adult [1] - 21:8 adulthood [1] - 27:8 adults [2] - 9:11, 27:2 Adults [1] - 42:23 aeronautics [1] - 41:22 affect [1] - 25:20 affected [3] - 20:1, 21:7, 26:11 afraid [1] - 32:5 afternoon [1] - 16:23 age [5] - 26:8, 29:9, 29:11, 29:15, 48:12 agonized [1] - 22:25 agree [1] - 3:5 agreed [1] - 34:1 agreement [1] - 6:20 agrees [1] - 29:24 ahead [5] - 2:8, 13:10, 16:5, 17:13, 30:8 aircraft [2] - 7:20, 41:23 airplane [2] - 9:5 Alan [1] - 23:4 alarming [1] - 10:7 alcohol [26] - 3:20, 5:15, 6:9, 6:13, 8:14, 9:9, 9:16, 11:16, 11:22, 15:14, 16:4, 16:9, 16:11, 20:20, 21:2, 25:17, 25:24, 29:11, 29:14, 29:22, 40:13, 44:5, 44:14,	48:25 alcoholic [1] - 11:7 alcoholics [1] - 33:4 alive [2] - 34:5, 36:7 allow [2] - 16:10, 36:19 almost [5] - 11:22, 14:4, 14:6, 28:12, 50:16 alone [8] - 20:17, 27:14, 28:19, 40:5, 40:6, 41:20, 46:10, 50:21 Amanda [2] - 1:20, 57:1 amazing [1] - 44:23 amount [2] - 11:22, 20:24 amounts [1] - 4:10 analyzed [1] - 11:20 angers [1] - 33:3 animals [2] - 19:6, 35:24 Animals [1] - 27:19 ankle [1] - 45:4 announced [1] - 42:20 answer [1] - 22:23 answers [1] - 39:22 antidepressants [1] - 4:3 anxiety [8] - 4:13, 20:9, 20:13, 20:22, 31:25, 32:12, 39:24, 40:2 anyway [1] - 45:23 AP [1] - 27:15 apartment [1] - 31:8 apologize [2] - 49:25, 52:21 appeal [2] - 3:6, 57:6 apples [2] - 49:23 application [1] - 31:18 applications [2] - 27:16, 31:17 appointments [1] - 39:3 appreciate [2] - 49:24, 49:25 approached [1] - 13:23 appropriate [5] - 12:25, 21:18, 22:15, 23:19, 56:2 area [2] - 9:19, 14:23 argument [1] - 31:4 arms [1] - 39:12 Arnett [1] - 41:8 arrange [1] - 3:1	arrested [1] - 22:1 arrived [2] - 11:3, 11:5 articles [1] - 18:4 asleep [1] - 33:16 aspect [1] - 29:6 aspects [1] - 16:25 assembly [1] - 7:21 assertion [1] - 18:12 assess [1] - 50:23 assesses [1] - 41:13 assessing [1] - 41:14 assignments [1] - 32:16 assist [2] - 8:9, 14:11 Assistant [1] - 1:13 assisted [2] - 11:6, 11:9 associated [1] - 50:24 ate [1] - 19:12 attack [1] - 31:25 attempt [1] - 50:1 attempted [1] - 13:14 attempting [1] - 13:8 attend [3] - 14:19, 27:18, 38:5 attended [2] - 15:21, 48:19 Attorney [1] - 1:13 Attorneys [1] - 1:15 attributable [1] - 16:1 August [7] - 2:8, 8:23, 9:21, 30:7, 33:14, 42:2, 57:11 automobile [1] - 34:24 avail [1] - 40:1 avoid [2] - 10:18, 14:5 avoidable [1] - 17:1 avoided [1] - 25:23 awake [1] - 46:14 aware [1] - 29:20 B BA [1] - 24:5 baby [1] - 54:11 baby-faced [1] - 54:11 BAC [1] - 35:9 backwards [1] - 10:17 bad [10] - 20:25, 23:13, 23:17, 24:23, 32:13, 44:19, 53:25,
2				
20 [8] - 8:23, 29:15, 41:4, 42:14, 48:14, 49:12, 49:15 2001 [1] - 50:18 2006 [1] - 49:11 2007 [1] - 49:11 2014 [6] - 2:8, 8:23, 30:7, 33:14, 40:22, 40:24 2015 [4] - 1:5, 2:1, 57:8, 57:11 2015-GS-10-04527 [1] - 1:2 21 [3] - 33:3, 37:22, 55:6 217 [4] - 11:22, 16:24, 24:5, 35:9 24 [2] - 15:17, 38:3 25 [6] - 2:19, 6:17, 6:18, 26:14, 41:11, 55:17 25-year [1] - 22:20 25th [1] - 25:14 26 [1] - 57:11 26-year-old [1] - 55:6 2:30 [1] - 34:16				

1 STATE OF SOUTH CAROLINA
2 COUNTY OF CHARLESTON

COURT OF GENERAL
SESSIONS

2015-GS-10-04527

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4
5 STATE OF SOUTH)

6 CAROLINA,)

7 PLAINTIFF,)

8 VS.)

9 JAMES BRYSON MUNN,)
10

11 DEFENDANT.

TRANSCRIPT OF RECORD

DECEMBER 30, 2015
CHARLESTON, SC

12
13 B E F O R E:

14 HONORABLE ROGER YOUNG

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

16 Jennifer Shealy, ESQUIRE
17 Attorney for the State

18 William Yarborough, ESQUIRE
19 John Sinclaire, ESQUIRE
Attorneys for the Defendant

20
21 Ruth C. Weese, RDR
22 Ninth Judicial Circuit
23 General Sessions
24
25

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1 (The following proceedings were held
2 December 30, 2015, Charleston County, South
3 Carolina, @ 11:30 a.m.)

4 THE COURT: All right. We are here on
5 State versus James Bryson Munn to reconsider a
6 sentence that I gave back in July for felony DUI
7 resulting in a death. Let the record reflect this
8 is Mr. Munn.

9 MR. YARBOROUGH: Yes, sir, Your Honor.

10 THE COURT: All right. The state is
11 present and you have got a number of people I
12 gather that are here in either support or I will
13 say in support or against. So it's the Defendant's
14 motion so go ahead.

15 MR. YARBOROUGH: If the Court please,
16 Judge, Your Honor, to begin with, when we came here
17 several months ago to have the hearing, at that
18 time Mr. Sinclair and I represented -- and I'm
19 William Yarborough from Greenville. We're handling
20 this matter together and we are continuing until
21 today. Mr. Munn has -- at that time there was some
22 depositions scheduled, there was some
23 interrogatories due, they were all due to the civil
24 case and we participated in that. I sat with Mr.
25 Munn and he gave some information that I think was

1 beneficial to the family in a case with Food Lion.
2 He has done everything he can to continue to
3 cooperate.

4 I would like to tell the Court that we
5 have got two issues here. Mr. Sinclaire would like
6 to address the disparity in sentencing and then I
7 have got -- I'd like to just briefly put up and
8 discuss a little bit about his psychological
9 history and what that progress looks like if we
10 could proceed on those -- along those lines. I
11 thought I'd go with Mr. Sinclaire first, then call
12 Dr. Waid.

13 THE COURT: All right.

14 MR. SINCLAIRE: Your Honor, may it
15 please the Court, just briefly. To refresh the
16 Court's memory, Bryson was born and raised in
17 Charleston. He's the son of Todd and Bonnie Munn;
18 he has three younger brothers. You will remember
19 the physical ailments that he suffered early on in
20 his high school career. There was only one person
21 out there, a guy named Matthew Gaither, who took
22 him under his wing, looked passed his social
23 ineptitude and included him in Matthew Gaither's
24 circle of friends. He basically didn't have any
25 other friends besides him except for the ones that

1 Matthew would bring him into the circle of. And of
2 course Mr. Matthew Gaither died tragically in a
3 plane crash. The wake is at Gaither's home at
4 night. Everyone there is drinking. The parents
5 are drinking. They are providing alcohol to the
6 students. They're raising their glasses in toast
7 to the loss of their son.

8 MS. SHEALY: Your Honor, I apologize to
9 Mr. Sinclair, but just for some clarification, are
10 we going to go back through the entire mitigation
11 that had been offered at the time of the
12 sentencing? Or is it more focused on what Mr.
13 Yarborough had asserted in the paperwork?

14 THE COURT: I'm going to let him
15 refresh my memory. It's been almost six months.
16 The facts of this case I've some familiarity with,
17 but I don't remember what he said or didn't say.

18 MS. SHEALY: Okay. Similarly I will be
19 allowed to do so.

20 THE COURT: I will give him some leeway
21 on this.

22 MR. SINCLAIRE: Thank you. Everyone is
23 drinking, raising their glasses. His only best
24 friend, and I think at the age of 20 years old he
25 probably did exactly what any other 20-year old

1 would do under those circumstances with the
2 encouragement of the parents, and that is try to
3 drink away the pain. So that's what he did. Made
4 the right decision that night to spend the night
5 there at the Gaither's house, got up the next
6 morning and then this tragedy occurred.

7 Judge, you will remember Bryson was
8 under Dr. Waid's care before this accident. He had
9 been diagnosed with impulsivity and depression.
10 It's not somebody that we hired afterwards to say
11 look, this is why it happened. Already been
12 diagnosed with those problems. Makes the events
13 that weekend all the more clear and how it possibly
14 could have happened.

15 You will remember the significance of
16 the scientific evidence that we submitted. The
17 Court already recognized that. Impulse and risk
18 assessment section of the brain isn't fully
19 developed until you are 25. You will remember that
20 after the accident Bryson became a prisoner in his
21 own shell of a person and in his home. And how
22 within a couple to three months after the accident
23 he was so racked with grief and remorse he tried to
24 kill himself, attempted suicide.

25 Judge, what you won't know and can't



1 possibly know is how this case has haunted me. How
2 in the months prior to this case I was trying to
3 figure out how this tragedy occurred. My heart
4 broke for the Gillettes. I have got four daughters
5 and one son. I just can't imagine the pain that
6 they suffer, Judge, but by the same token I met a
7 gentle giant who is racked with remorse who made a
8 mistake on one particular day.

9 So in the months leading up to the plea
10 which always it was because he accepted
11 responsibility for his actions that day immediately
12 and then the in months after that when you
13 sentenced him to 14 years, Judge. In the months
14 before the plea I'm trying to figure out how do I
15 save this gentle giant and in the months after the
16 plea I'm racking my brain what else could I have
17 done, what else could have been done to put this
18 whole case in some sort of proper perspective for
19 me.

20 Judge, I have been doing this for 30
21 some years now. Most of them the majority as a
22 prosecutor, but the next 15 as a criminal defense
23 lawyer. What you don't know when you're
24 prosecuting cases is the people. What you do find
25 out when you are meeting people is there are a lot

1 of good people that made bad decisions out there.
2 That's where Bryson falls into. He is a gentle
3 giant who has a huge heart who has said before if
4 he could change places with Kylie Gillette he
5 would. I don't doubt for a minute when he
6 attempted suicide that's exactly what he was
7 thinking.

8 So, Judge, the case has just racked me.
9 You talk to the kid and you say these are the
10 sentences. What am I going to get? They always
11 want to know what I am going to get. You say I
12 have no idea. You can get up to 25. I can tell
13 you that, you can get up to 25. But here are the
14 sentences that were handed down in the last several
15 years. Here are the 19 sentences that were handed
16 down in Charleston County and the average active
17 sentence is 5.72 years. That's the average. You
18 can get 25. There's no promises, there's no
19 guarantees. But that's the average active sentence
20 going into that case.

21 And, Judge, I found a month or so ago
22 from talking to the prosecutor the average
23 state-wide sentence for people charged with felony
24 DUI with a death is 14 years. And so I called up
25 to the Department of Corrections and I asked -- may

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1 I approach -- I gave this to Jennifer Shealy
2 yesterday, Judge. She has got some additional
3 information about these numbers. The bottom line
4 is the people that are in the Department of
5 Corrections in the State of South Carolina from
6 across this state under the age of 25 doing time
7 before -- you will look at the numbers, before
8 Bryson was sentenced the average active sentence
9 for someone charged with felony DUI with death was
10 7.75 years. And you will see that that number is
11 probably skewed by Austin Shackelford who was 20 at
12 the time and got 25. That was an eight count -- he
13 pled to eight counts, two deaths, and got 25.

14 Judge, a month ago Charleston County
15 solicitor's office prosecuted a case felony DUI --

16 MS. SHEALY: Your Honor, I'm going to
17 object to this because as Mr. -- when Mr. Sinclair
18 provided me with a list that he just handed up to
19 you, and what you are provided with is solely a
20 number, and we looked behind it as to the different
21 BACs, as to how many were passengers in the car and
22 also intoxicated, et cetera, for him to bring up
23 what happens in another case invites a full
24 understanding of each individual case which is --

25 THE COURT: I will let you respond.

1 MR. SINCLAIRE: Judge, I'm not going to
2 bring up the facts in any other particular case.
3 What I am going to bring up that this solicitor's
4 office prosecuted a case a month ago, a felony DUI
5 with death, Judge Nicholson was the judge.

6 Todd Williams presented the case for
7 the state and the judge sentenced him to ten years
8 suspended on the service of five years and five
9 years probation. And Todd Williams asked Judge
10 Nicholson -- tried to tell Judge Nicholson the
11 statute doesn't allow for a split sentence.

12 Judge Nicholson's response to that was
13 show me the case, the South Carolina Supreme Court
14 case, that interprets that statute to deny circuit
15 court judges the ability to sentence -- to give
16 split sentences. That case doesn't exist. He
17 asked Todd introduce me to the legislator who wants
18 to tie the judge's hands in a case with someone who
19 may have a drinking problem, who has some other
20 problem, who wants -- is about to transition from
21 prison back into society where I can't hang time
22 over his head and specific conditions of his
23 release so that he transitions better not only for
24 the betterment of the Defendant but of our society
25 itself, and of course Todd Williams couldn't

108

1 introduce Judge Nicholson to that legislator.

2 So, Judge, what we are asking, what I
3 am asking for, is that you fashion a sentence, give
4 him 23 years in prison, but suspend it on the
5 average period of incarceration and then hang the
6 balance over his head for five years upon his
7 release. If he gets caught drinking, if he gets
8 caught smoking dope, if he gets caught jaywalking
9 he has to go back and do the balance which as you
10 know, Judge, without parole, without parole. Under
11 the sentence, the 14 year sentence he has got, when
12 Todd does 3,000 days in the Department of
13 Corrections, he finishes his 3000th day right now,
14 he will have 1,344 more days to go. I think we are
15 warehousing a 20-year now 21-year boy who made a
16 terrible, tragic mistake. And I think we are
17 institutionalizing this kid so that no one in
18 society benefits from it. That's my plea to you
19 today.

20 THE COURT: All right.

21 MR. YARBOROUGH: Your Honor, I will
22 call Dr. Waid if I could briefly.

23 THE COURT: Okay.

24 LEWIS RANDOLPH WAID

25 who, after being first duly sworn, testified as

109

1 follows:

2 THE CLERK: Once seated state your
3 first and last name and spell your last name loudly
4 and clearly for the microphone.

5 THE WITNESS: My name is Lewis Randolph
6 Waid, W-A-I-D.

7 DIRECT EXAMINATION

8 BY MR. YARBOROUGH:

9 Q. Dr. Waid, what is your profession?

10 A. I'm a licensed clinical psychologist.

11 Q. And how long have you done that?

12 A. Since 1982.

13 Q. And has most of your practice been in
14 Charleston?

15 A. Yes, I have been in Charleston since
16 1983 I think.

17 Q. What is your educational background?

18 A. I have a degree in psychology,
19 bachelor's degree from Temple University in
20 Philadelphia. I have a master's degree in
21 psychology from the University of Richmond and then
22 I attained the doctoral degree in clinical
23 psychology from the University of North Texas and
24 that followed an internship here at the Medical
25 University of South Carolina. That degree was

70

1 awarded I believe in 1982.

2 Q. Have you testified numerous times in
3 this courthouse?

4 A. I have.

5 Q. Your Honor, I think you are well aware
6 of his credentials and I'd like to ask him some
7 questions about his interactions with Mr. Munn and
8 his treatment if that would be appropriate at this
9 time.

10 THE COURT: Go ahead.

11 BY MR. YARBOROUGH:

12 Q. Dr. Waid, are you familiar with Mr.
13 Munn?

14 A. I am.

15 Q. Can you tell me when that -- when did
16 you start treating him as a patient?

17 A. Mr. Munn came to me in July of 2014. I
18 saw him really in a series of evaluative contacts
19 including an updated comprehensive evaluation.
20 This was directed towards the fact that he did have
21 a history of disruptive behaviors associated with
22 attention deficit hyperactivity disorder, some
23 co-occurring anxiety, depression and performance
24 anxiety issues. And it was acknowledged that there
25 had been some substance abuse problems, alcohol in

71

1 the past during his adolescence.

2 What we were trying to do with him at
3 that point was provide an updated evaluation
4 directed towards his career to go to Trident
5 Technical College, get a degree in avionics which
6 of course qualifies you for potentially a career
7 hopefully at Boeing. And he needed an updated
8 evaluation because the colleges demand such to
9 confirm the diagnosis if it is one in which there
10 is a disability and to support his being placed
11 back on medication for assistance with his
12 attention deficit hyperactivity disorder with
13 co-occurring mood as well as to provide
14 accommodations at Trident Tech such as some
15 extended test taking time and things allowed under
16 the American Disabilities Act. So my involvement
17 was to do a very comprehensive updated evaluation
18 directed towards those treatment goals.

19 Q. Did he participate in what you asked
20 him to do?

21 A. Yes, he did. He obviously at 20 years
22 old was trying to reenergize his career toward a
23 successful pursuit of a degree that was within his
24 capabilities. He's a very bright young man, good
25 IQ, but he did have disruptive behaviors associated

72

1 with attention deficit hyperactivity disorder which
2 certainly can interfere with success at the level
3 of schooling, particularly when you look at
4 college.

5 Q. Did you -- are you aware of the
6 accident that happened that day when this death
7 occurred?

8 A. Yes. Certainly post accident became
9 very aware of it and I was aware of the accident.

10 Q. How did that happen?

11 A. Following the evaluation I provided a
12 report directed toward these goals and then
13 following the accident he was returned to me for
14 therapy because of his astounding guilt and
15 depression and the family was very concerned about
16 him. And at that time I engaged in a treatment
17 intervention of Bryson. This was a difficult time
18 for him for obvious reasons. Very remorseful, very
19 depressed, actually very suicidal. Treatment was
20 aggressive. He was also undergoing medical
21 treatments for the injuries he sustained. He was
22 isolating. We worked with his primary care
23 physician to put him on appropriate antidepressant
24 medication for assistance. We obviously did
25 therapy.

1 Unfortunately initial treatments were
2 difficult. He made a suicide gesture attempt in
3 December of the overusing of his opiate
4 medications; therefore, we discontinued those
5 medications. And we worked hard with him from
6 December through July of 2015. A lot of -- he
7 sought -- some of the things I wanted him to do was
8 to get out there and volunteer.

9 Q. Do you know if he did that?

10 A. He did. He did. He was pursuing
11 Trident Technical College, but I thought he was too
12 depressed to be successful in doing that on line.
13 And then Mr. Scobert who was an employer before at
14 Paisano's Restaurant reengaged him in employment at
15 his two restaurants which was very helpful in
16 allowing this young man to return to some level of
17 functioning post his involvement in this accident
18 where obviously he was guilttridden, remorseful. He
19 is not a callous young man. He has been an
20 anxious, fragile kind of young man. Didn't have a
21 conduct problem. And obviously we worked with him
22 to confront this and be ready for a future that
23 likely would involve incarceration.

24 Q. How did he seem to do toward
25 rehabilitation? Did you feel like he's a good

1 candidate for rehabilitation?

2 A. You have to understand that adolescents
3 and young adults with attention deficit
4 hyperactivity disorder have higher rates of
5 co-occurring depression, anxiety, mood irritability
6 and substance abusive. I have written several
7 chapters about this. It's not that they drink all
8 the time. It's the intensity of what they do in
9 their life. So you get into binge usage.
10 Unfortunately in college-age students you have
11 binge usage, hard to predict, but those with
12 co-occurring issues, you get depression, anxiety,
13 and these kind of binge drinking were an issue that
14 we confronted and in many ways those were
15 co-occurring. His primary diagnosis is attention
16 deficit hyperactivity disorder combined
17 presentation, but he does have these co-occurring
18 problems that come to haunt him obviously.

19 Q. Is that something that's normal in a
20 child that leads to alcoholism or substance abuse?

21 A. Again, it's empirical data that adults
22 with attention hyperactivity disorder are four
23 times higher than adults without ADHD to have these
24 sorts of co-occurring psychological problems, that
25 is correct.

75

1 Q. And someone that doesn't drink or use
2 drugs and perhaps works a program such Alcoholics
3 Anonymous or one of those programs tends to -- is
4 there a significant rate of those people getting
5 better over time?

6 A. Most definitely. Particularly in young
7 adults with attentive deficit hyperactivity
8 disorders. Thirty years ago we actually thought
9 you outgrew it by age 18. We understand that's not
10 true. But you can treat it and you generally with
11 age can get maturation, get maturation of the brain
12 and you do get better. But obviously we have
13 adults in their 40's and 50's who are also on
14 medications and interventions for attention deficit
15 hyperactivity disorder. The medicine allows for
16 control of the impulsiveness, the inattentiveness,
17 the restlessness and obviously it's a primary
18 treatment. When you don't have the medicines for
19 ADHD and you drink you have a tendency to be more
20 impulsive as drinking does that to all of us who
21 are already impulsive from that disorder.

22 So obviously there's a need to treat
23 the ADHD and obviously educate and intervene the
24 client to understand these risk factors to take
25 very good care of them.

7/1

1 Q. Are there ways to treat that other than
2 a prison sentence?

3 A. Well, of course. Lots of adults with
4 attendance deficit hyperactivity disorder and
5 co-occurring mood and substance abuse problems do
6 get treated very successfully for ADHD, but
7 obviously education and intervention directed
8 towards these behaviors, co-occurring behavior
9 difficulties, sometimes you use other sorts of
10 medications, sometimes it's therapy.

11 Q. What is an average length of -- would a
12 person go through in a rehabilitation program if
13 there is not -- didn't have anything to do with
14 incarceration? What would -- would you send
15 someone to a treatment program for 18 months,
16 12 months? What is normal?

17 A. Well, obviously the success of the
18 co-occurring problems is based on their own
19 behavioral ability to restrict those behaviors and
20 to control their drinking and to educate them about
21 the co-occurring problem. Clearly ADHA adults,
22 particularly with combined presentation, are often
23 going to be on the medications for that brain
24 disorder for a great deal of time, the foreseeable
25 future, if not into their 50's. Often as they age

1 in the 60's we get a little bit reluctant to use
2 psychosomatic medications, but there are many
3 adults who use this medication for their life and
4 they have to be aware of these co-occurring
5 problems either through therapy or additional
6 medication or obviously abstinence from alcohol.
7 And I do believe Bryson was capable -- alcohol
8 frequency consumption was not high in him even in
9 the summer. Obviously after this tragic incident
10 that he was guilt-ridden about there was no
11 difficulties in getting him to abstain from usage.
12 over that period of time.

13 But it's important to understand your
14 diagnosis of ADHD as it interacts with these
15 co-occurring problems, including substances.

16 Q. That's done through education and
17 through psychological --

18 A. There's lots of ADHD adults who are in
19 psychotherapy along with using the medication, that
20 is correct.

21 Q. Are you familiar with the Lieber
22 institute that he's at now?

23 A. Yes, I am.

24 Q. Can you tell me about what you think
25 that place would do towards his eventual coming

1 back into society?

2 A. Obviously as I indicated to you, I have
3 done a lot of work at Lieber. It's high security.
4 It's maximum, death row is there, I do that kind of
5 work. I was a little bit bewildered by his
6 placement there because he really isn't callous
7 conduct or a security problem. But I understand
8 that it has to do with certain sentences and other
9 things that I have become more educated about.

10 Obviously in my work with young adults
11 who have other sentences we really like to help in
12 getting them youth offender sentences and stuff
13 like that at Turbeville where SCDC has a tendency
14 to have more programs directed towards education
15 and hopefully moving youth out of the criminal
16 sector into career orientation. I understand
17 that's -- now I understand that length of time had
18 to do with that sentencing why he is at Lieber.
19 Lieber is not -- it's a high security maximum
20 place. It's not going to be healthy for him. He's
21 psychologically fragile. He'll be taken advantage
22 of. It's --

23 MS. SHEALY: Your Honor, I'm going to
24 object to his broad assertions about that. Mr.
25 Yarborough qualified or actually didn't qualify

1 him, but asked him about his experience as a
2 psychologist. For him to be able to testify as to
3 how he thinks Mr. Munn will be treated in the
4 prison I think is going outside that range.

5 MR. YARBOROUGH: We can move past that,
6 Your Honor.

7 THE COURT: Move on. The rules of
8 evidence don't apply to sentencing hearings.

9 BY MR. YARBOROUGH:

10 Q. Under the present circumstances do you
11 think that the situation he is in is good for his
12 rehabilitation?

13 A. No.

14 Q. And are there better ways to do that?

15 A. Again, I think there are better
16 facilities he could be at and I was a little bit
17 shocked personally from being in the system for
18 30 years that he ended up Lieber. But I now better
19 understand how that works. But again I have been
20 on many cases where we make testimony that's
21 directed towards YOA and Turbeville and places
22 where you have hopefully more intervention directed
23 toward moving people out of that sector into
24 productive lives and not returning and recidivism
25 -- by reducing recidivism. Obviously that's how I

80

1 | feel about it. Lieber or a few of the high
2 | security places are difficult places for
3 | psychologically fragile people.

4 | MR. YARBOROUGH: Thank you. I don't
5 | have any further questions. Thank you, Your Honor.

6 | MS. SHEALY: Just a few questions, Your
7 | Honor.

8 | CROSS-EXAMINATION

9 | BY MS. SHEALY:

10 | Q. Dr. Waid, you had indicated that you
11 | did not -- if I misstate this correct me. You
12 | indicated that you did not think Mr. Munn had a
13 | significant drinking problem before the accident?

14 | A. No, he had an intermittent alcohol
15 | abuse problem. Again, the characterization of ADHD
16 | is the intensity when they do drink. I am just
17 | trying to tell you he didn't drink all the time,
18 | but he had a bingeing-type of episode. His parents
19 | had sent him earlier in adolescence to a place in
20 | Florida to try to help him with that problem.

21 | So again ADHD adults, in my practice I
22 | try to teach them it is not the frequency, it's the
23 | intensity of almost everything they do. So it's
24 | excessive when they do it, but then they don't
25 | drink for a week. So it's a very episodic bingeing

1 type of pattern we see in adults who have attention
2 deficit disorder.

3 Q. Did you have an opportunity to look at
4 his records from MUSC when you described his
5 drinking?

6 A. The ones from the earlier time in his
7 life, yes.

8 Q. May I approach, Your Honor?

9 THE COURT: Sure.

10 BY MS. SHEALY:

11 Q. Are you familiar with that?

12 A. Yes.

13 Q. And that's what you are referring to.
14 The language of the MUSC record indicates that the
15 patient said he drinks on the weekends, usually
16 consuming six to eight beers in one episode and
17 that's the binge-like drinking that you are talking
18 about?

19 A. Yes. It's almost like college
20 students. We really can't predict who is going to
21 end up adult problems when they leave college. And
22 so in college we have this harm reduction
23 intervention, not the total abstinence of course as
24 you continue and by 28 you're in rehab and then we
25 start to talk about total abstinence, but it is the

1 excessive binge use. And again not him, but
2 sometimes my college students want to throw that in
3 with some other substances if you know what I mean.

4 Q. I do. And then also indicating that he
5 would have 24 cans of beer per week and marijuana?

6 A. Yeah. He hasn't been a very frequent
7 user of marijuana, but, yes, 24 cans of beer. But
8 generally his excessive use was weekends at that
9 time when he went to MU and that was during his
10 adolescence.

11 Q. And you have told us that his parents
12 on a number of occasions sought help for him; is
13 that correct?

14 A. They did seek definitely formal rehab.
15 I thought it was a facility in Florida when he was
16 younger, that is correct.

17 Q. And then also by bringing him to you
18 before this incident occurred?

19 A. Again, bringing him to me was directed
20 toward the ADHD and the idea of moving him
21 successfully to college level pursuits and getting
22 him back qualified to be on the medication as well
23 as accommodations. I was certainly aware and am
24 aware as an expert in ADHD substance abuse that he
25 had that intermittent problem there. He seemed to

1 be managing that much better at the time in July.
2 Obviously I'm not going to in any way speak for the
3 occasion, but in July he seemed to be managing that
4 better.

5 Q. And the ADHD diagnosis that you
6 described, that's relatively prevalent among young
7 men; is that correct?

8 A. Well, actually women are catching up
9 now that we have the other typologies because men
10 by gender are more impulsive and women tend to get
11 identified earlier. As we have changed the
12 diagnosis over the years the spread has come back,
13 but more men do get treated for it than women; that
14 is correct.

15 Q. And that's a frequent diagnosis, would
16 you agree with that as well?

17 A. Can range anywhere from six to ten
18 percent, that's correct, in some of the empirical
19 studies on rates of prevalence.

20 Q. Beg the Court's indulgence just one
21 moment.

22 So at the time that this occurred,
23 which would have been August of 2014, he had been
24 to a rehab facility that his parents found for him
25 and he was under your counseling for the ADHD; is

1 | that correct?

2 | A. He was completed with me by the end of
3 | July in terms of a report that was going to put him
4 | back on medication and go to Trident Tech for
5 | accommodations. There was no plans as of the end
6 | of July and when this incident occurred I was not
7 | involved in a treating relationship with him in
8 | August. I had done my work with him, written a
9 | report, Trident Tech received the report, doctor
10 | received it about the medication. I had no other
11 | contact with him until after the incident when I
12 | engaged him in therapy.

13 | Q. And when Mr. Yarborough mentioned to
14 | you a suicide attempt, was there any medical
15 | intervention at that occasion?

16 | A. Yes. And I interfaced with Dr.
17 | Thompson, his primary care physician, and other
18 | physicians. Obviously we -- he certainly had some
19 | pain problems, but the potential danger of
20 | excessive use of the opiate and the suicide gesture
21 | meant we would discontinue him off that. The
22 | therapy intensified. I saw him a great deal more
23 | frequently to try to get him over this suicidal
24 | depressed period. And we tried to get him out of
25 | the house and get him involved in volunteer work

1 and again the employment and returning back to that
2 environment was a particularly bolstering helpful
3 event.

4 Q. Because he had worked there prior to
5 the --

6 A. He did. And I know Mr. Scobert very
7 well. And they are very supportive of him and so
8 it was a good environment for him and got him out
9 of the house every day and was good for his
10 depression.

11 Q. Regarding the earlier incident when he
12 overused some medication, was there any medical
13 intervention on that evening?

14 A. No, I think basically I saw him right
15 away. There was no thing. I saw it --

16 Q. Ambulance didn't come?

17 A. No. I saw it more as a gesture, it
18 wasn't a significant amount, but we discontinued
19 the opiates and we made sure the management of any
20 medication went through the parents so that that
21 impulsive thing couldn't happen again.

22 MS. SHEALY: I have no further
23 questions. Thank you.

24 REDIRECT EXAMINATION

25 BY MR. YARBOROUGH:

8/10

1 Q. Just briefly. That suicide attempt was
2 after the accident, that's correct?

3 A. It was in December, that's correct. I
4 was already engaged in therapy with him, but it did
5 occur in December.

6 Q. And it was because he was upset about
7 what had happened; is that correct?

8 A. He was extremely severely depressed
9 following the accident, that is correct.

10 MR. YARBOROUGH: I don't have any
11 further questions. Thank you.

12 THE COURT: You can step down. Thank
13 you. Anything else on the defense?

14 MR. YARBOROUGH: No, sir, Your Honor.

15 THE COURT: From the state?

16 MS. SHEALY: Your Honor, if we could go
17 back to the information that has been provided to
18 both parties from the Department of Corrections. I
19 had previously sent to you, Your Honor, I will hand
20 it up, what we asked was for the Department of
21 Corrections to give us the figures on people who
22 were serving sentences on felonies involving death.

23 And I understand and you will see that
24 the majority of people who are serving time on a
25 felony DUI involving death fall in the range from

1 ten years to 15 years with 47 mails serving that.
2 Then from 15 years to 20 years, 30 individuals out
3 there serving it. Twenty years to 25, 32. You can
4 see as it relates to anything less than the
5 ten-year to 15-year range that it is much lower
6 than the ones I just articulated.

7 THE COURT: Thank you.

8 MS. SHEALY: (Handing.) Mr. Sinclair
9 handed that up when he asked for people under the
10 age of 25, and the individuals were mentioned to
11 you. I received this yesterday afternoon from Mr.
12 Sinclair. In the interim we have inquired about
13 the sentences of the BAC. There was no BAC greater
14 than what we have in this case. There was like a
15 .081, a .09, a .05 with an accompanying marijuana.
16 So the blood alcohol level was much lower in all
17 these cases than in the one before you.

18 THE COURT: What was it in this case?

19 MS. SHEALY: .217. Your Honor, in
20 addition to that, there were of the ones listed for
21 you, four of them involved victims that were
22 passengers in the Defendant's car and had
23 relationships with the Defendants. There was one
24 bicyclist that was killed, one motorcyclist without
25 a helmet, one pedestrian who was homeless and they

88

1 had no family to contact. I think the relevancy of
2 this is slim because the individual cases have
3 distinguishing factors from our case at hand. I do
4 appreciate Mr. Munn pleading guilty. The case
5 would have I believe, Your Honor, in all ways been
6 successful at trial. Unlike some of the ones that
7 are before you with the lower BAC's, one of them it
8 was pouring down rain and the Defendant went in and
9 turned himself in.

10 Just as a reminder, we are talking
11 about Kylie Gillette. Her parents are present in
12 the courtroom. I'm going to ask them to stand
13 again, Lisa and Ron Gillette. And, Your Honor, I'm
14 sure you remember them from the plea and the
15 sentencing hearing. Kylie never made it to her
16 graduation. At one of the ceremonies prior to
17 graduation they decorated a chair in honor of her.
18 Mr. Munn had that high blood alcohol content and
19 was flying down a 45 mile an hour road and caused
20 this damage to Kylie Gillette's car. Here is a
21 picture of the family from happier times. You all
22 can sit down.

23 Your Honor, Mr. Munn at five seconds
24 before impact was going 94 miles an hour on River
25 Road. I think you are familiar with it on Johns

1 Island. I read to you during the sentencing the
2 statement of witnesses who saw him and who came
3 into contact with him prior to the accident, one of
4 them having to avoid him, one of them stopping to
5 watch what was going to happen. His speed was so
6 excessive that three people stayed behind to make
7 sure that the police knew how completely recklessly
8 he was traveling down that road. He was trying to
9 pass vehicles going into the oncoming lane and
10 that's when one of them had to slow down to avoid
11 him hitting them. Kylie Gillette by contrast also
12 being a teenager was dressed to go to the gym that
13 morning. She had absolutely no alcohol in her
14 system. She was not driving recklessly. To say
15 that this family is bereaved is an understatement.
16 I sent back to you this morning, if I need to read
17 it I can, the recent letter from Lisa Gillette.

18 These people, unlike the Munn family,
19 and I'm not minimizing this young man's sentence,
20 I'm not. But they can see him. They can go to the
21 jail and see him. He can have a full life, will
22 have a full life when he gets out. They will never
23 see their child again. Ms. Gillette in her letter
24 emphasizes that devastation to each member of their
25 family including Kylie's sister Cassidy who is a

90

1 College of Charleston student and is having such
2 difficulty with this, Judge.

3 So the actions of Mr. Munn on that
4 night I do believe -- that day, I am sorry, that
5 day and the preceding night, that's what our focus
6 is on, was his behavior and his choices and what
7 was left behind because of it. You can recall from
8 the plea, Your Honor, that Mr. Sinclair had
9 numerous letters regarding the Munn family and Mr.
10 Munn himself and I think it is obvious that he
11 comes from a very good family.

12 Similarly, the Gillettes had letters,
13 friends of Kylie's, friends of Cassidy, friends of
14 the whole family, and this is an excellent family
15 that has had such devastation because of this.

16 You may recall that unlike some victims
17 their knee-jerk reaction was not he needs to go to
18 jail, to prison for 25 years. They were
19 contemplative, they were deliberative, they sought
20 the counsel of their pastor in making a decision.
21 And I know that that impressed you at the time,
22 Judge, that they weren't looking for vengeance, but
23 they were looking for responsibility.

24 Mr. Yarborough I believe has mentioned
25 the civil suit. That is irrelevant to this

1 situation completely. There is nothing that Mr.
2 Munn could do that would make them think he should
3 not be responsible for killing their daughter and
4 to have the consequences of that behavior.

5 What I have learned about this civil
6 deposition is that he still maintains I believe it
7 was a 12-hour period once he began drinking that he
8 can't really account for. It's my understanding he
9 doesn't know what time he stopped drinking. And
10 when you don't know what time you stop drinking
11 perhaps you never stopped. And that's why his
12 alcohol level was that great that morning.

13 Do you have Ms. Gillette's letter?

14 THE COURT: No. I got it, but if you
15 want to put it in the record you can.

16 MS. SHEALY: Well, I would like to read
17 it.

18 THE COURT: The only one I got was
19 attached to an e-mail.

20 MS. SHEALY: Yes. She just indicates
21 young honorable Roger Young, "Your Honor, I must
22 applaud you for the job you do every day making
23 decisions that will affect each and every person
24 that sits in your courtroom." And I will tell you
25 when you were listening to the civil matter she

92

1 | looked at me and said he has a hard job. So she is
2 | very conscious of that. "With all due respect I
3 | certainly would not want your job. You see the
4 | worst of the worst. Our small chapter in your
5 | enormous book of decisions is hardly bearable for
6 | us. The untimely death of our 17-year old daughter
7 | Kylie has changed so many lives. I also know that
8 | Mr. Munn's decisions have changed his and many
9 | lives as well. The difficult part for you as a
10 | judge as well as for us as grieving parents is
11 | trying to find a fair punishment to fit the crime.
12 | We thought long and hard before this sentencing
13 | back in July as to what we thought would be a fair
14 | and just discipline for the man that took away our
15 | youngest daughter, the only sibling of our older
16 | child Cassidy.

17 | You spoke of how you as a father of a
18 | son and a daughter would react if you were in this
19 | situation. You said that if it was your daughter
20 | that was killed by a drunk driver you would seek
21 | the harshest sentence allowed. You also said that
22 | if it was your son who was on trial for killing a
23 | person you would ask that he be spared. My husband
24 | and I are very compassionate people. We feel the
25 | pain for Mr. Munn and his family. His sentence of

1 14 years is barely half of the maximum sentence.
2 We did not seek the maximum penalty of 25 years for
3 those reasons even though our sentence is for life.
4 Mr. Munn made his decision to drink excessively
5 during those two days in August 2014 and then chose
6 to drive. Kylie was on her way to the gym in the
7 middle of the day and was minding her own business.
8 It is important to remember that Kylie was not
9 given any choice in this matter. The crime was
10 preventable and Mr. Munn will once again have the
11 opportunity to live. Kylie won't. In the last
12 15 months our lives have taken a drastic turn. The
13 loss of our child is beyond what we could ever
14 imagine. The effect this had on our family has
15 made it clear that it will never go away. My
16 husband Ron" -- I'm going to leave out some of the
17 personal aspects of that, but Mr. Yarborough has a
18 copy of the letter. The part I am leaving out is
19 just how the family has been coping with the
20 depression.

21 "On the day that Bryson Munn was
22 sentenced it was a difficult day, but we were very
23 relieved that justice was served. We left the
24 courthouse that day knowing that the sentence was a
25 large sense of closure. As the days passed we

1 continued thinking about the outcome. The more we
2 discussed it the more we were convinced that we
3 were actually very lenient with our recommendation.
4 Everyone has issues, but they still need to be
5 responsible for their actions. At that point we
6 decided to put it past us and try to move on with
7 our lives as much as possible. Then we received a
8 phone call that a new hearing has been scheduled to
9 reconsider the sentence that we put so much thought
10 and consideration into. After we finally got past
11 that difficult hurdle it was once again resurfacing
12 and we have to relive the events of August 16th,
13 2014.

14 According to Charleston County
15 sheriff's office traffic unit the ACM was retrieved
16 and downloaded via a search warrant by the
17 Honorable Judge Linen. The vehicle imaging report
18 indicated five seconds prior to impact Munn's
19 vehicle was traveling at 94 miles per hour. Four
20 seconds prior to impact the measure was at 93.
21 Three seconds prior to impact the speed was
22 approximately 91. One second prior to impact the
23 vehicle was traveling at approximately 88 miles per
24 hour in a 45 mile per hour speed zone. Ron and I
25 feel that this 14-year sentence will serve as

1 adequate punishment for Mr. Munn's total disrespect
2 for the law and the people in his path on that
3 dreadful day. We would hope that this sentence
4 would send a message to young and old alike that
5 drinking and driving is a very serious offense and
6 will not be tolerated. The degree or lack of in
7 which some similar cases have been handled sends a
8 signal it is not high on the list of problems in
9 our community that needs to be addressed --
10 corrected. It is absolutely -- it absolutely is
11 high on the list of dangerous problems that need to
12 be addressed. The place to start is the criminal
13 justice system. That is why we are begging you to
14 uphold your original sentence of 14 years. We feel
15 that if you modify the sentence the seriousness
16 also diminishes. We are not out to get revenge.
17 We just want the punishment to fit the crime and
18 send the message that there are harsh consequences
19 for driving under the influence. Thank you for
20 your consideration."

21 Your Honor, when we were handling the
22 plea itself, the Charleston County sheriff's office
23 came. There were several people from the sheriff's
24 office who had been present that day when this
25 occurred and took a particular interest in this

90

1 case. Present today are Deputy Mark Schreffler,
2 Deputy Chris Craven, Deputy Chris Pate, Captain Jim
3 Wood and Deputy Jackie Woodall. I do believe that
4 Mr. Gillette would like to address Your Honor.

5 THE COURT: Certainly. Mr. Gillette,
6 what would you like to say?

7 MR. GILLETTE: Sir, Your Honor, as a
8 grieving father the one question I have always
9 wanted to know is what events occurred and what
10 took place the day of my daughter's death. I
11 requested to read the deposition of Mr. Munn in
12 hopes to gain the answers to those questions. I
13 did not receive those answers to what happened
14 12 hours prior to her death. It's been 16 months
15 since she died. I may never know the answers.
16 Thank you.

17 MS. SHEALY: Your Honor, you may recall
18 that on the afternoon this happened or the early
19 noontime Ms. Gillette was at work. Mr. Gillette
20 had gone to run an errand and came back. He saw
21 the police down the road at River Road. He went
22 back to his house and started washing his car. The
23 vehicle drove up. He saw -- excuse me, he saw when
24 the police drove up the connection and he
25 collapsed. Then he had to drive behind the tow

1 trucks that were taking both the vehicles away from
2 the scene. This family needs closure in this
3 matter. I respect what Mr. Yarborough and Mr.
4 Sinclaire have presented today. I do not think the
5 sentence is an aberration in relationship to other
6 felony DUI's that involve death. I think the
7 sentence was appropriate. It is not an easy thing
8 to see a young man go to prison for that long. I'm
9 not minimizing. But that does not mean it is not
10 appropriate. And, again, just to emphasize, none
11 of this could possibly be easy for his family, but
12 they can see his face, and they can talk to him on
13 the phone. They can go see him in prison. He will
14 get out. They do not have that opportunity. We
15 will ask you that you leave the sentence as you
16 deliberated about last time when we were here for a
17 plea. It was obvious to everyone you gave it a lot
18 of thought. There was a courtroom full of people,
19 many of whom were in support of Mr. Munn. Thank
20 you, Your Honor.

21 THE COURT: All right. Mr. Yarborough.

22 MR. YARBOROUGH: If I could say a
23 couple things. You know, in practicing law
24 sometimes you make some decisions that you think
25 are good decisions, sometimes they are bad. John

985

1 Taylor who represents the Gillettes whose a very
2 good friend of mine called me and said do you think
3 you could push this civil matter along. And
4 normally as a criminal defense lawyer you don't do
5 that, but I tried to facilitate that and tried to
6 make sure that those depositions took place. I
7 can't help that Mr. Munn was in an accident and
8 doesn't recall exactly what happened. But it was
9 important at that point that they got some access
10 to where the alcohol came from. It came from Food
11 Lion and Food Lion was part of the suit. So it did
12 help and we tried to do everything we could as
13 delicately and lightly as possible. There is no
14 way -- I have got two daughters. There's no way
15 that we can bring back Ms. Gillette. Mr. Munn has
16 said over and over again he wished it was him
17 instead of her. That it happened that day.

18 Let's -- but this Court is set with
19 setting punishment, setting deterrents and setting
20 rehabilitation. And punishment -- you know, over
21 time you have got to kind of weigh it. Where do
22 you kind of get those numbers. You get -- the
23 legislature gives us some big numbers to set and
24 then they stick you with the hard job of figuring
25 out what's the right number. But I've spent the

1 majority of my life in federal court and we try to
2 play with these guidelines and the guidelines on
3 something like this, we try to bring all these
4 numbers into something close and I think that Mr.
5 Sinclaire is right, that at 25 years of age a
6 sentence of 7.75 years would probably be very
7 close.

8 Ms. Shealy makes a very good argument
9 that his numbers were high. Well, this Court well
10 knows that in a wreck case they take the blood and
11 the blood alcohol level tends to be higher than
12 what the breathalyzer number is. And it could
13 easily have run those numbers up extremely high.
14 And there is no question there was alcohol involved
15 in this accident. He pled guilty. So he has got
16 to be punished. We are punishing this 21-year old
17 man, and he's a man now, he's not a kid, but,
18 Judge, he's a kid. Look at him. He's a young kid.
19 Not going to bring back their daughter, but he's
20 got to be punished for what happened.

21 I'm asking the Court to set a
22 punishment which is somewhat in line with other
23 cases here in Charleston County and in Greenville
24 where I practice and in Columbia where we all do.
25 Bring it all in line like we do in federal court

100

1 and let's give him a sentence of seven or eight
2 years. I submitted to Ms. Shealy, and I don't know
3 if she ever sent it to the family, but that after
4 that sentence as part of a probationary period that
5 he be sent to a rehabilitation farm, work camp,
6 drug and alcohol related area where he could get
7 the medical help he needs, get stabilized on
8 medicine which that's not going to happen in
9 prison, get him AA, beat that AA into him. Your
10 Honor, I have been sober myself for 15 years. My
11 life has gotten a heck of a lot better since I got
12 into a program. And I made mistakes. I probably
13 drove cars that I shouldn't have, but thank God I
14 never killed anybody, but I don't -- my life is a
15 lot better and so my life has moved on and it has
16 gotten better.

17 So there is a punishment and there's a
18 deterrent. You send a message to everybody out
19 there that he has got a sentence of 25 years
20 suspended, seven plus work camp of 18 months and
21 what do you have? You get to where we really are
22 here, because we are not going to be able to bring
23 back this girl. We are dealing with this son's
24 life, what does rehabilitation look like for Mr.
25 Munn. That's why we're here. We're looking at

1 what's rehabilitation look like.

2 Now, he looks according to Dr. Waid as
3 someone that can be rehabilitated. He spent some
4 time getting some rehabilitation. Kids are hard.
5 Judge, you have raised them, I have raised them.
6 They are hard to -- alcoholism is a very difficult
7 thing to deal with. Mental illness is a difficult
8 thing to deal with. But this kid at this age has
9 the ability to be rehabilitated. We are not asking
10 for a cakewalk here. We are asking for a sentence
11 that would give him an opportunity for
12 rehabilitation. You've still got punishment, you
13 still got deterrence, now let's look at
14 rehabilitation. What does rehabilitation look like
15 for Mr. Munn. It looks like a sentence that is not
16 as long as the sentence that was handed down by the
17 Court. The reason for that is this, Judge. If
18 this kid does 14 years, let's figure he does 11.2,
19 10.2, I can't give you the exact math, but that's
20 going to be one-third of his life is going to be
21 incarcerated. And he is going to become a
22 statistic rather than a child that has been
23 rehabilitated.

24 I'm not asking you to let him out of
25 jail. I am telling you he has done everything he

1 can to try to make this right. It's not like this
2 guy was having -- going out and robbing banks and
3 stuff before all this happened. It's a terrible
4 tragedy that's not going to come back. I can't sit
5 here and bring this girl back today, but I can tell
6 you this: I've worked with alcoholics and addicts
7 all across this state and they do have one thing in
8 common, is that if you work a program, they spend
9 some significant amount of time in rehabilitation,
10 some of that rehabilitation can be part of the
11 deterrent that is laid out by you, five, six, seven
12 years in jail and then you put him into a work camp
13 rehabilitation program and let him come out and
14 start trying to make himself part of society and a
15 working part of society as opposed to somebody that
16 you just put in jail for one-third of their natural
17 life for a mistake they made that night, a
18 terrible, terrible thing that happened that day.
19 It's not going to change. We tried.

20 I know since I got involved in this and
21 I know since Mr. Sinclair has been involved in
22 this case we have tried to do everything we
23 possibly can to make sure the Gillette family, you
24 know you can't -- what can he possibly do? I mean
25 besides -- there's nothing else he can do. And he

1 helped. He helped. They say they want closure,
2 there is this civil suit. He has given them a
3 deposition. So they wanted a deposition. We gave
4 them a deposition. We can't tell you exactly what
5 happened those 12 hours leading up to this.
6 Obviously there was alcohol in his system. I mean
7 he was driving too fast. Obviously he caused a
8 wreck. Obviously he was 20 years old. He made a
9 terrible mistake. And, Judge, he is sorry. He
10 pled guilty. He didn't put them through a trial.
11 It was never even an issue with Mr. Sinclaire. He
12 was -- it was a plea. He has always said he was
13 sorry.

14 I just ask the Court to sentence him to
15 something that is a little bit more fundamentally
16 where he can work with trying to be somebody when
17 he gets out. I am not telling you send him for
18 another ten years. Sure. Your punishment,
19 deterrent, you got those. But what have done with
20 rehabilitation, and you haven't done anything with
21 rehabilitation and a kid at his age there are
22 possibilities for rehabilitation. I will give you
23 this, I have worked with recovering people all the
24 across the place and I can show you examples of
25 people that have come out and done well and they do

2904

1 it through working a program, get on appropriate
2 medication and, you know, they can go back and
3 recreate the mistakes they made, but they have an
4 opportunity. All I am asking you for, Judge, is an
5 opportunity. Thank you.

6 THE COURT: Mr. Munn, do you want to
7 say anything?

8 THE DEFENDANT: I just want to say that
9 from the bottom of my heart I wish I had done
10 things differently and I know that wishing and
11 wanting for things to be different isn't going to
12 change anything, but I accept that what I did was
13 wrong and I'd just like to have a chance to do
14 things better.

15 THE COURT: All right. Well, you know,
16 this is not one of the fun parts of the job, that's
17 for sure, but I signed up for it and that's my job.
18 You know, weighing all the things and trying to
19 figure out what is a proper sentence in any given
20 case is a difficult matter on a best day. A case
21 like this you got a young man who made a terrible
22 decision and it resulted in the death of a
23 beautiful young lady who was one of by all accounts
24 life's innocents. And her life, it is over.
25 There's no bringing her back. There's no

1 rehabilitation for her. There's no getting to
2 enjoy the things of life down the road at any
3 point.

4 You know, I have long given up on
5 prison being a place where you can get
6 rehabilitation. That's almost a joke in this day
7 and age. So it really boils down as to is there a
8 deterrent effect and what is the proper punishment.
9 Deterrence in a case like this, I don't know
10 that -- if there is a deterrent effect to a person
11 who has an alcohol problem I would be interested in
12 reading how that story -- that study was conducted.
13 I just can't -- I don't think people that have
14 drinking problems and get drunk think about I
15 shouldn't have this because something bad could
16 happen. I don't think that's the way their brain
17 works. So there is a -- what's the right sentence
18 and, you know, it boils down to what my sense of I
19 suppose justice and fairness is.

20 As I said at the time originally, you
21 know, you have got an innocent young lady who is
22 never going to live another day. Her parents are
23 haunted by her death and will be for every day of
24 the rest of their life. I am certain of that. And
25 I'm certain that you will be too. If this was one

106

1 of those things where you had maybe gone a little
2 bit over the limit on drinking and you had some
3 kind of a different set of circumstances than what
4 we have, this excessive speed limit, the excessive
5 amount of alcohol, you know, is justice served by
6 14 years? Obviously you and your lawyers do not
7 think so. Is it served from the perspective of the
8 parents? They sound like, you know, yeah, they can
9 live with it, probably wouldn't be hurt if it was
10 more.

11 Ultimately it's my job to decide what's
12 proper. I haven't heard anything that's changed my
13 mind from the original sentence so your motion to
14 reconsider my sentence is denied. Good luck to
15 you.

16 (These proceedings were concluded at
17 12:32 p.m., December 30, 2015, Charleston County,
18 South Carolina.)
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21
22
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25

CERTIFICATE OF REPORTER

I, Ruth C. Weese, Registered Diplomat
Reporter for the State of South Carolina at Large,
do hereby certify that the foregoing transcript is
a true, accurate, and complete record.

I further certify that I am neither related
to nor counsel for any party to the cause pending
or interested in the events thereof.

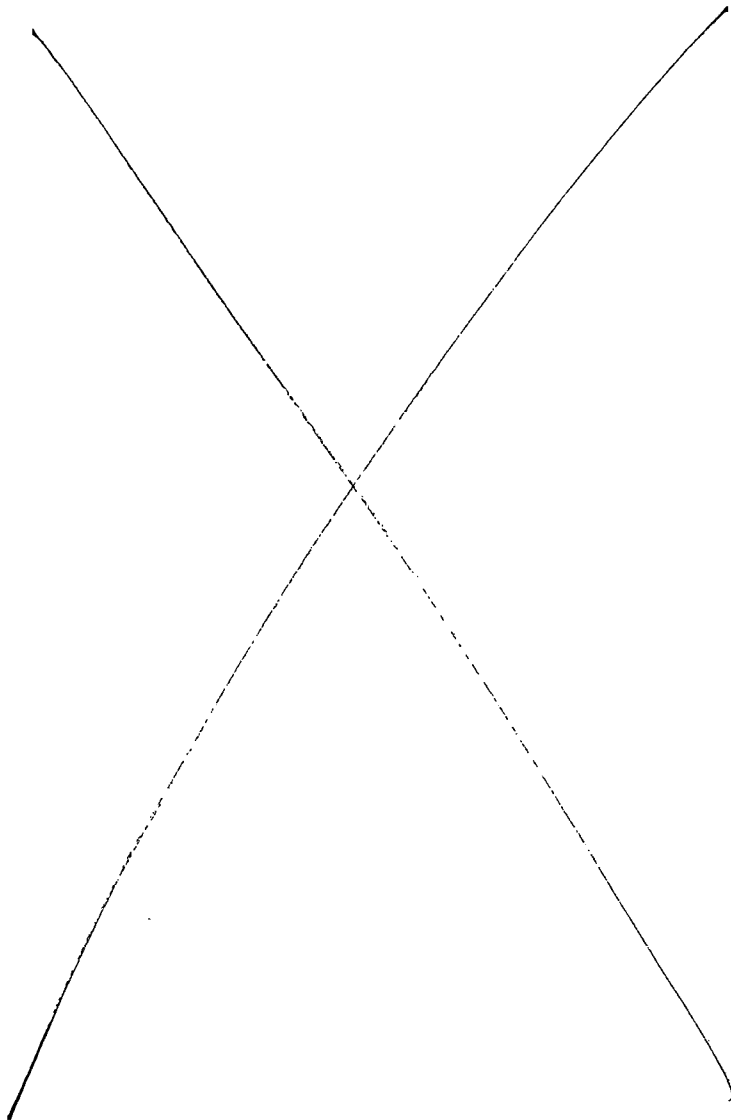
Witness my hand, I have hereunto affixed my
official seal this 4th day of March, 2016 at
Charleston, Charleston County, South Carolina.

Ruth C. Weese

Ruth C. Weese

Registered Diplomat

Reporter



STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT
Warrant #: 45126 GF

STATE OF SOUTH CAROLINA)
v.)
JAMES BRYSON MUNN,)
Defendant.)

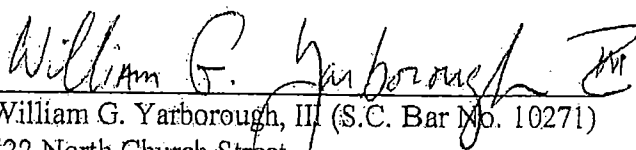
MOTION FOR RECONSIDERATION
OF SENTENCE

FILED
2015 JUL 21 AM 11:39
JULIE A. HARRINGTON
CLERK OF COURT

COMES NOW the Defendant, James Bryson Munn, by and through his undersigned attorney, pursuant to Rule 29, South Carolina Rules of Criminal Procedure, and moves this Honorable Court for a reconsideration of the sentence of commitment to the South Carolina Department of Corrections imposed herein on July 13, 2015, pursuant to the charge of Felony DUI, Involving Death.

The within Motion will be made upon the grounds that the penalty imposed is unnecessarily severe under the circumstances and upon such other and further grounds as may be hereinafter presented.

Respectfully submitted,


William G. Yarborough, III (S.C. Bar No. 10271)
522 North Church Street
Greenville, SC 29601
(864) 331-1612

ATTORNEY FOR DEFENDANT

Charleston, South Carolina
July 21, 2015

110

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
	)	STATE'S RESPONSE TO
	)	DEFENDANT'S MOTION FOR
	)	RECONSIDERATION OF SENTENCE
STATE OF SOUTH CAROLINA	)	
versus,	)	WARRANT#: 45126GF
	)	INDICTMENT#: 2015GS1004527
JAMES BRYSON MUNN	)	
Defendant.	)	

The State asserts that a Motion to Reconsider the Sentence is unwarranted in the above matter. The Defendant was represented by two esteemed attorneys during his plea hearing. Counsel for the Defendant presented the Court with a pre-sentencing notebook prior to the hearing. The notebook contained letters from family, friends of the family, friends of the defendant, and members of the community. Also included were sentencing sheets from recent Felony DUI convictions reflecting the sentences given. Plea counsel also included articles regarding adolescent brain development and a psychological profile completed of the Defendant by L. Randolph Waid, Ph.D. The plea was scheduled in ample time for both the State and the Defense to arrange to have concerned parties present at the hearing. In fact, the courtroom was full of many people in support of the Defendant with some sitting on the floor.

There was no urgency in the presentation of the plea. The Court allowed the State and the Defense generous time to present their positions. The Court's decision was carefully thought out and addressed the issues presented by both sides.

The victim's family in the above matter experienced an emotionally wrenching process during the plea. The Defendant has not asserted any meritorious reason for a reconsideration. Plea counsel was thorough, large support was present for the Defendant, and the pre-sentencing notebook contained sentencing sheets showing some of the other sentences given in Felony DUIs. The Court addressed the issue regarding other sentences by indicating that each case is individual. The Court also took into consideration the excessive speed that the Defendant was driving (95 mph 5 seconds before the crash in a 45 mph zone), the witnesses statements of the Defendant's abhorrent reckless driving down a two lane road, and the Defendant's willing purchase and use of alcohol (SLED result of .217).

The State requests that the Motion to Reconsider be denied.

Respectfully submitted,

Jennifer Kneecs Shealy
Managing Assistant Solicitor

Charleston, SC
August 17, 2015

FILED
2015 AUG 17 PM 2:33
JULIE HARRIS
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
STATE OF SOUTH CAROLINA,)
PLAINTIFF,)
VS.)
JAMES BRYSON MUNN)
DEFENDANT.)
_____)

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

INDICTMENT NO: 2015GS1004527

**DEFENDANT'S REPLY TO
STATE'S RESPONSE TO
MOTION FOR
RECONSIDERATION**

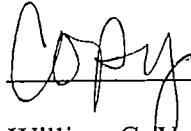
COMES NOW the Defendant, James Bryson Munn, by and through his undersigned attorney, in Reply to the State's Response to Defendant's Motion For Reconsideration. Defendant's motion was filed in a timely manner, which provides for the trial court to retain authority over the matter pursuant to State v. Campbell, 376 S.C. 212, 656 S.E. 2d 371 (2008) as stated in State v. Warren Opinion No. 4804 (2011).

There were numerous medical records requested that would have had a possible effect on the sentencing of the Defendant, however, at the time of sentencing, those medical records had not been received. Those records have been requested, and to date, defendant is still awaiting a whole accounting of said records.

In light of his medical history, the Defendant would move this Court for reconsideration based on the ground that the penalty imposed is unnecessarily severe under the circumstances.

Therefore, the Defendant respectfully requests that the Motion For Reconsideration be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Copy", is written over a horizontal line.

William G. Yarborough, III

Attorney for Defendant

Charleston, SC

August 18, 2015

Sentencing Considerations

1. Proportionality Analysis

The records from the Charleston County Clerk of Court report 19 Felony DUI/Death cases that have been handled to final disposition in Charleston County Court of General Sessions from April 14, 2006 until January 2013 are attached as follows:

- a. **Exhibit "A"**. This is a spreadsheet of only the Felony DUI/Death cases, from 04/14/2006 to 1/18/2013, listed in the order of date of disposition, from most recent to most remote. (Note that the active sentence for Samuel A. McCauley was reduced from 10 years to 5 years at a motion to reconsider.)
- b. **Exhibit "B"**. This is a spreadsheet of the Felony DUI/Death cases, listed in the order of total sentence imposed, from the greater sentence to the lesser sentence.
- c. **Exhibit "C"**. This is a spreadsheet of the Felony DUI/Death cases listed by active sentence imposed, in order from greater to lesser. (By "active" sentence is meant that part of an imposed sentence that is not suspended).
- d. **Exhibit "D"**. This is a spreadsheet of the Felony DUI/Death cases listed by age of defendant, from youngest to oldest.
- e. **Exhibit "E"**. Consists of the Sentencing Orders that were filed in each of the 19 Felony DUI/Death cases.¹

From a factual, proportionality analysis, the following conclusions may be drawn from the Clerk of Court's data:

¹ Case No. 6 in the chronological listing [Exhibit "A"]. Michael Lee Tupper, is included in this analysis. In fact, the defendant Tupper was permitted to plead to Reckless Homicide and Driving Under the Influence, which we suggest should be included in the within comparable analysis of Felony DUI/Death cases.

1. The average of all maximum sentences imposed was 8.22 years.
2. The average **active sentence** imposed was 5.72 years.
3. Only 2 of the 19 (11%) exceeded ten years.

Against the backdrop of a proportionality analysis, sentencing in every case involves a balancing between aggravating and mitigating circumstances.

As for aggravating circumstances, it is clear that each of the reported cases contain basic facts in common: a tragic, violent death has occurred; typically an automobile has been smashed; a defendant was driving under the influence; and some other and independent infraction was committed that proximately caused death. Every one of the 19 cases in the proportionality analysis included these same basic, aggravating circumstances.

Beyond the basics, though it's true that Bryson's BAC was .217%, in at least 7 of the other cases, the BAC exceeded .190. (McCauley, Thompson, Wright, Reynolds, Hood, Cruz and McCormick). And the circumstances of Bryson's Munn's case justify treating him differently from the sentencing average. Bryson was devastated by the death of his closest and really, only, friend, and he had made the responsible decision to stay at the Gaithers' house and not drive home the night before. Balanced against any aggravating circumstances and in consideration of the proportionality analysis, there are these and other profound circumstances of mitigation and extenuation:

Age. Bryson Munn was only 20 years old at the time of this accident, he has no prior convictions, and there is ample empirical data presented through the report of Dr. Thomas, and by Dr. J. Randolph Waid, Bryson's counselor, that at the age of 20, Bryson's executive, decision-making reasoning functions of his brain have not fully matured to the same extent as a person over

the age of 25. Instead, the executive reasoning function is dominated by the region of the brain that causes young people to act impulsively and foolishly to seek pleasure.

Intent. Unlike most adult DUI cases, where the offender plans to drink and to travel from home to bar or from bar to party or from party back to home, by driving a vehicle, that is not what happened here. It is no defense for the fact that Bryson had an elevated BAC level at the time of the accident, but there is a factual difference that sets Bryson's case apart from the other 19 offenders who have been sentenced for the same thing. He didn't know when he got behind the wheel of his car that he was driving under the influence.

Remorse and Acceptance of Responsibility. It is a sound principle of sentencing in the criminal justice system that the acceptance of responsibility by an offender entitles him to credit at sentencing that is not available to an offender who does not accept responsibility. It is the reason why persons who plead guilty more often receive lesser sentences than those who are convicted at trial. Under the Federal Sentencing Guidelines, "acceptance of responsibility" is a formal factor that entitles an offender to credit on his sentencing "score".

In this case, Bryson Munn's remorse and acceptance of responsibility are profound, extraordinary, and very likely surpass that of any other offender in the comparison group. Bryson's counselors, his friends and his family consistently describe the genuine nature of his sorrow, to the point that in November of 2014, he tried to take his own life.

Bryson notified the Solicitor's office early in the proceeding that he was going to plead guilty. He has fully cooperated with the civil action pending as a result of the accident. He has agreed to cooperate in the making of a video to be shown to high school and college-aged drivers as a way of educating them about the life-changing nature of ever drinking and getting behind the wheel of a car, and he has always been willing to meet face to face with the family of Kylie Gillette

outside the presence of his own parents or his lawyer to express in person his utmost sorrow for their loss. In essence, Bryson has been and remains willing to do anything to try to make something positive out of this horrible tragedy.

One defendant who did not accept responsibility for his actions and did nothing along the lines of Bryson Munn with respect to showing overwhelming and real signs of grief and remorse was a man by the name of Samuel Leroy Thompson, Jr., who had denied responsibility to a charge of Felony DUI/Death, took his case to a jury trial. Mid-trial, Thompson pled guilty and was sentenced to a total term of nine years. His BAC was .238. The Solicitor was quoted in the media as commenting that Thompson's guilt was "obvious".

2. Deterrence

Much has been studied and written about the severity of punishment as a deterrent to the commission of crime. The overwhelming conclusion is that the certainty of punishment carries a far greater deterrent impact than the severity of the punishment. See Exhibit F, attached: "*Deterrence in Criminal Justice: Evaluating Certainty vs. Severity of Punishment*". Valerie Wright, PhD, The Sentencing Project, November 2010.

Among the report's conclusions:

1. "Research to date generally indicates that increases in the *certainty* of punishment, as opposed to the *severity* of punishment, are more likely to produce deterrent benefits."
(p. 1).
2. "...the severity of punishment may influence behavior if potential offenders weigh the consequences of their action and conclude that the risks of punishment are too severe."
(p. 2).

3. "One problem with deterrence theory is that it assumes human beings are rational actors who consider the consequences of their behavior before deciding to commit a crime; however, this is often not the case."(p. 2).
4. "Another means of understanding why deterrence is more limited than often assumed can be seen by considering the dynamics of the criminal justice system. If there was 100% certainty of being apprehended for committing a crime, few people would do so. But since most crimes, including serious ones, do not result in an arrest and conviction, the overall deterrent effect of the certainty of punishment is substantially reduced. Clearly, enhancing the severity of punishment will have little impact on people who do not believe they will be apprehended for their actions."(p. 2).
5. "In a 2001 study published in the journal Criminology, researchers utilized a sample of college students to assess the likelihood of drinking and driving. The authors found that the certainty of punishment was a more robust predictor of deterrence than severity. Increasing the probability of apprehension by 10% was predicted to reduce the likelihood of drunk driving by 3.5%, while the effect of severity eroded when the effects of certainty and severity were combined. In another study, researchers compared crime and punishment trends in the U.S., England, and Sweden, and failed to find an effect for severity." (p. 5).
6. "The logic behind supporting harsher sentences is simple: locking up people for longer periods of time should enhance public safety. However, contrary to deterrence ideology and "get tough" rhetoric, the bulk of research on the deterrent effects of harsher sentences fails to support these assertions." (p. 6).

7. "Ideally, from a deterrence perspective, the more severe the imposed sentence, the less likely offenders should be to re-offend." (p. 6)
8. "...the authors assessed the relationship between length of time in prison and recidivism, and found that longer prison sentences were associated with a three percent increase in recidivism. Offenders who spent an average of 30 months in prison had a recidivism rate of 29%, compared to a 26% rate among prisoners serving an average sentence of 12.9 months." (p. 6).
9. "Researchers also find an increased likelihood that lower-risk offenders will be more negatively affected by incarceration. Among low-risk offenders, those who spent less time in prison were 4% less likely to recidivate than low-risk offenders who served longer sentences. Thus, when prison sentences are relatively short, offenders are more likely to maintain their ties to family, employers, and their community, all of which promote successful reentry into society. Conversely, when prisoners serve longer sentences they are more likely to become institutionalized, lose pro-social contacts in the community, and become removed from legitimate opportunities, all of which promote recidivism." (p. 7).
10. "Existing evidence does not support any significant public safety benefit of the practice of increasing the severity of sentences by imposing longer prison terms. In fact, research findings imply that increasingly lengthy prison terms are counterproductive." (p. 9).

It is noteworthy that Dr. Wright's report discusses on page 5 a study of college students, drinking, and driving. She observes that the certainty of being caught was a far greater deterrent than the severity of punishment. Along the same lines, on page 2 of her report she notes that

"severity of punishment may influence behavior if potential offenders weigh the consequences of their actions and conclude that the risks of punishment are too severe" but she further notes, "One problem with deterrence theory is that it assumes that human beings are rational actors who consider the consequences of their behavior before deciding to commit a crime; however, this is often not the case." For example, half of all state prisoners were under the influence of drugs or alcohol at the time of their arrest. Therefore, it is unlikely that such persons are deterred by either the certainty or severity of punishment because of their temporary impaired capacity to consider the pros and cons of their actions."

Which brings to mind another proposition unique to driving under the influence cases. Driving under the influence is an offense against the criminal laws, different from any other in a singular respect. Whereas, an actor will formulate a plan or intention to break into a house and to steal; or to commit armed robberies; or to engage in a fight that results in an assault charge or a homicide; or to sell or to use drugs, DUI cases are different. No offender consciously formulates a scheme prior to the act by deciding, "I am going out tonight to drive under the influence." Instead, DUI offenses occur simply when the offender has had too much to drink, lacks the insight to evaluate his own circumstances, and drives a car. More often than not, the offender had planned to drink and he had planned to drive before the act; however, he did not plan to "drive under the influence." In those circumstances, the actor is certainly not in a position to evaluate the consequences of his behavior before deciding to drive a car for the very reasons reported by Dr. Wright.

3. Rehabilitation and Negative Implications

Rehabilitation is one of the accepted goals or purposes of sentencing. As a sentencing goal, rehabilitation seeks to encourage an offender against, or to discourage an offender from,

reoffending. We believe based on all of the facts and circumstances following the accident that Bryson does not require much for his rehabilitation; that, in fact, he was rehabilitated by the facts and experiences of this case.

But a counter point to the rehabilitative goal is this: to what extent might a lengthy sentence turn a rehabilitated person into an unrehabilitated one? Here, because of Bryson's young age and fragile emotional state there is a significant risk of just that happening and such a sentence would be counterproductive to the rehabilitation consideration.

Conclusion

In the final analysis, retribution is the clearest purpose for sentencing. It is sentencing's clearest goal because its function is simply to punish the offender, in proportion to the act committed and in consideration of his circumstances. Retribution extracts from the offender, by the forfeiture of his liberty, "compensation" for the wrong he has done. Of all the purposes for sentencing, retribution should be fairly, equally and proportionately imposed.

The average Felony DUI/Death sentence imposed in Charleston County over a 7 year period is 8.22 years. **The average active sentence imposed is 5.72 years.**

There is no reason why Bryson Munn, *the youngest offender in the class*, should be given any more time than the average offender who is sentenced for Felony DUI/Death, and to be sure, as outlined above, there are sound reasons that he should be sentenced to less. In the end analysis, however, we are only respectfully asking the Court for a proportionate, fair and equal sentence that will not become counterproductive.

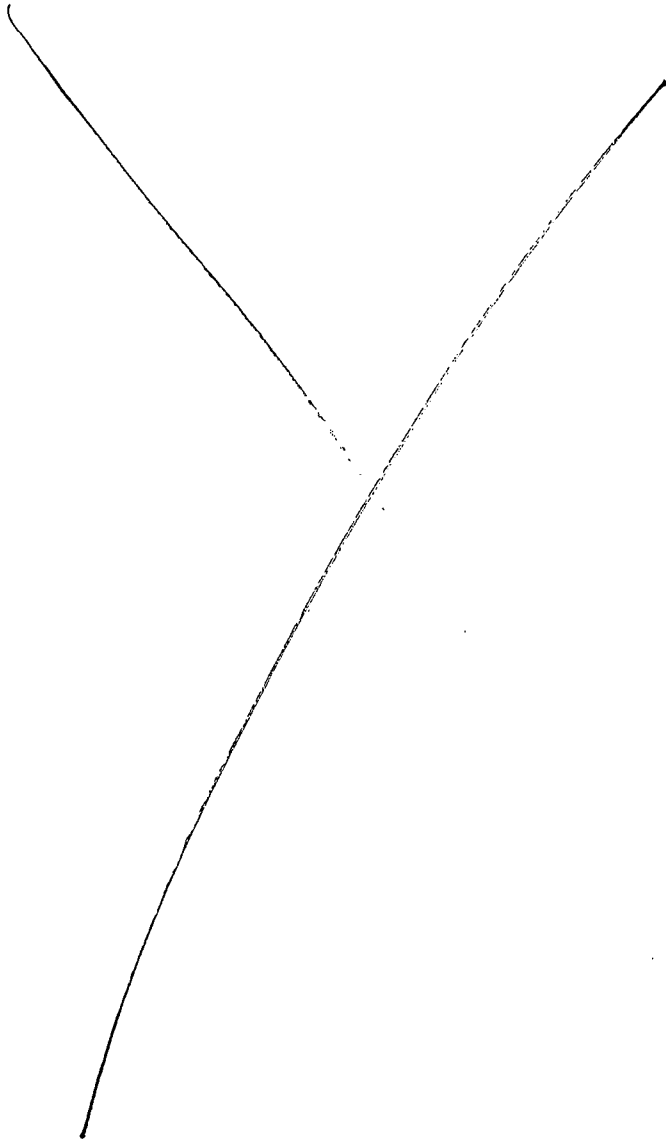
LIST OF CASES BY DATE OF DISPOSITION

No:	Charge	Name	Age	Disp Date	Imposed	Active	Defense Attorney	DAC	Judge
1	FELONY DUI/DEATH	Samuel A. McCauley	20	1/13/2013	15	5	10 Capers G. Barr, III	0.208	Hughston
2	FELONY DUI/DEATH	Samuel Thompson Jr	61	1/9/2013	9	9	James Watson Smiley, IV 744-6300	0.238	Jefferson
3	FELONY DUI/DEATH	Christopher Leroy Wright	23	10/21/2012	10	10	W. Ted Smith (PD) 958-1850	0.194	Hughston
4	FELONY DUI/DEATH	Jeffrey Michael Reynolds II	34	9/19/2012	10	10	Dale Savage/Peter Brown 530-7813	0.232	Hughston
5	FELONY DUI/DEATH	Evelyn Seymore Freeman	21	2/15/2012	5	1	Cody J. Groeber (PD) 958-1850	0.086	Hughston
6	RECKLESS HOMICIDE/DUI	Michael Leo Tupper	23	1/30/2012	10	3	Diedrich P. von Lehn III 853-0011		Dennis
7	DUI/FELONY DRIVING UNDER INFL.	Mallory Leann Hood	22	4/19/2010	18	18	C. Andrew Carroll 737-4245	0.26	Jefferson
8	FELONY DUI/DEATH	Alejandro Xicentencalt Cruz	22	3/19/2010	8	8	Bill Thrower 958-1850	0.19	Hughston
9	FELONY DUI/DEATH	Jonathan A. White	51	12/16/2009	3	3	Rodney Davis 789-3749		Hughston
10	FELONY DUI/DEATH	Amey Finch Mcconnick	37	7/16/2009	10	10	W. Ted Smith (PD) 958-1850	0.214	Hughston
11	FELONY DUI/DEATH	Kristy Lee Cochebourg	44	4/30/2009	10	4	Reese M. Stidham 849-2800		Hughston
12	FELONY DUI/DEATH	Jonathan Crouch	25	2/24/2009	7	2	Reese M. Stidham 849-2800		Jefferson
13	FELONY DUI/DEATH	James Frazier	57	7/31/2008	12	12	Charlie Lee Whirl 566-9705		Cooper
14	FELONY DUI/DEATH	Arnado Rodriguez Merino	35	6/19/2008	2.2	2.2	Rodney Davis 571-4611		Harrington
15	FELONY DUI/DEATH	Roxanne Blevins Robbins	53	5/8/2008	1	1	Donald H. Howe 853-6121	(Home Detention)	Young
16	FELONY DUI/DEATH	Robby Dean Jett	39	10/3/2007	5	1.5	Rodney D. Davis (PD) 789-3749		Cooper
17	FELONY DUI/DEATH	Mercedes J Branch	46	10/1/2007	10	1	Daniel Scott Stolchiver 577- 6531	Didn't take test. (Home Detention)	Cooper
18	FELONY DUI/DEATH	Fulton Flier Taylor	23	3/19/2007	3	1	E. Bart Daniel 722-2000		Buckner
19	FELONY DUI/DEATH	Erio P. Hewitt	28	4/14/2006	8	8	Andrew J. Savage III 720-7470	(Reduced from 10 to 8 years)	Hughston

EXHIBIT

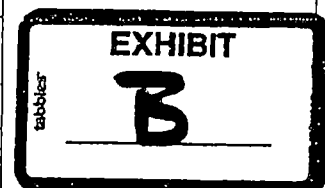
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LIST OF CASES BY IMPOSED SENTENCE

No.	Charge	Name	Age	Disp Date	Imposed	Active	Defense Attorney	BAC	Judge
1	DUI/FELONY DRIVING UNDER INFL	Mallory Leann Hood	22	4/19/2010	18	18	C. Andrew Carroll 737-4243	0.26	Jefferson
2	FELONY DUI/DEATH	Samuel A. McCauley	20	1/18/2013	15	15	Capers G. Barr, III	0.208	Hughston
3	FELONY DUI/DEATH	James Frazier	57	7/31/2008	12	12	Charlie Lee Whirl 566-9705		Cooper
4	RECKLESS HOMICIDE/DUI	Michael Lee Tupper	23	1/30/2012	10	3	Diedrich P. von Lebe III 853-0011		Dennis
5	FELONY DUI/DEATH	Christopher Leroy Wright	23	10/24/2012	10	10	W. Ted Smith (PD) 958-1850	0.194	Hughston
6	FELONY DUI/DEATH	Jeffrey Michael Reynolds II	34	9/19/2012	10	10	Dale Savage/Peter Brown 530-7813	0.232	Hughston
7	FELONY DUI/DEATH	Amy Finch McConnick	37	7/16/2009	10	10	W. Ted Smith (PD) 958-1850	0.214	Hughston
8	FELONY DUI/DEATH	Kristy Lee Cochran	44	4/30/2009	10	4	Reese M. Stidham 849-2800		Hughston
9	FELONY DUI/DEATH	Mercedes J Branch	46	10/1/2007	10	1	Daniel Scott Slachiver 577- 6531	Didn't take test (House Detention)	Cooper
10	FELONY DUI/DEATH	Samuel Thompson Jr	61	1/9/2013	9	9	James Watson Smiley, IV 744-6300	0.238	Jefferson
11	FELONY DUI/DEATH	Alejandro Xicatlencal Cruz	22	3/19/2010	8	8	Bill Thrower 958-1850	0.19	Hughston
12	FELONY DUI/DEATH	Johnathan Crouch	25	2/24/2009	7	2	Reese M. Stidham 849-2800		Jefferson
13	FELONY DUI/DEATH	Eric P. Newitt	28	4/14/2006	8	8	Andrew J. Savage III 720-7470	(Reduced from 10 to 8 years)	Hughston
14	FELONY DUI/DEATH	Evelyn Seymore Freeman	21	2/15/2012	5	1	Cody J. Groeber (PD) 958-1850	0.086	Hughston
15	FELONY DUI/DEATH	Robby Dean Jett	39	10/3/2007	5	1.5	Rodney D. Davis (PD) 789-3749		Cooper
16	FELONY DUI/DEATH	Fulton Flier Taylor	23	3/19/2007	3	1	E. Bart Daniel 722-2000		Duckner
17	FELONY DUI/DEATH	Jonathan A White	51	12/16/2009	3	3	Rodney Davis 789-3749		Hughston
18	FELONY DUI/DEATH	Aniado Rodriguez Merino	35	6/19/2008	2.2	2.2	Rodney Davis 789-3749		Harrington
19	FELONY DUI/DEATH	Roxano Blevins Robbins	53	5/8/2008	1	1	Donald H. Howe 853-6121	(Home Detention)	Young



LIST OF CASES BY ACTIVE SENTENCE

No.	Charge	Name	Age	Disp Date	Imposed	Active	Defense Attorney	BAC	Judge
1	DUI/FELONY DRIVING UNDER INFL	Malory Leann Hood	22	4/19/2010	18	18	C. Andrew Carroll 737-4245	0.26	Jefferson
2	FELONY DUI/DEATH	James Frazier	57	7/31/2008	12	12	Charlie Lee Whirl 566-9705		Cooper
3	FELONY DUI/DEATH	Samuel A. McCauley	20	1/18/2013	15	5-10	Cajers G. Barr, III	0.208	Hughston
4	FELONY DUI/DEATH	Christopher Leroy Wright	23	10/24/2012	10	10	W. Ted Smith (PD) 958-1850	0.194	Hughston
5	FELONY DUI/DEATH	Jeffrey Michael Reynolds II	34	9/19/2012	10	10	Dale Savage/Peter Brown 530-7813	0.232	Hughston
6	FELONY DUI/DEATH	Amy Finch McCormick	37	7/16/2009	10	10	W. Ted Smith (PD) 958-1850	0.214	Hughston
7	FELONY DUI/DEATH	Samuel Thompson Jr	61	1/9/2013	9	9	James Watson Sinley, IV 744-6300	0.238	Jefferson
8	FELONY DUI/DEATH	Alejandro Xicentecalli Cruz	22	3/19/2010	8	8	Bill Thrower 958-1850	0.19	Hughston
9	FELONY DUI/DEATH	Eric P. Hewitt	28	4/14/2006	8	8	Andrew J. Savage III 720-7470	(Reduced from 10 to 8)	Hughston
10	FELONY DUI/DEATH	Kristy Lee Cochran	44	4/30/2009	10	4	Reese M. Stidham 849-2800		Hughston
11	RECKLESS HOMICIDE/DUI	Michael Lee Tupper	23	1/10/2012	10	3	Diedreich P. von Lehe III 853-0011		Dennis
12	FELONY DUI/DEATH	Jonathan A. White	51	12/16/2009	3	3	Rodney Davis 789-3749		Hughston
13	FELONY DUI/DEATH	Amado Rodriguez Merino	35	6/19/2008	2.2	2.2	Rodney Davis 789-3749		Harrington
14	FELONY DUI/DEATH	Jonathan Crouch	25	2/24/2009	7	2	Reese M. Stidham 849-2800		Jefferson
15	FELONY DUI/DEATH	Robby Dean Jett	39	10/3/2007	5	1.5	Rodney D. Davis (PD) 789-3749		Cooper
16	FELONY DUI/DEATH	Evelyn Seymone Freeman	21	2/15/2012	5	1	Cody J. Groeber (PD) 958-1850	0.086	Hughston
17	FELONY DUI/DEATH	Fulton Elmer Taylor	23	3/19/2007	3	1	E. Bart Daniel 722-2000		Buckner
18	FELONY DUI/DEATH	Mercedes J. Branch	46	10/1/2007	10	1	Daniel Scott Stotchiver 577- 6531	Didn't take test. (Home Detention)	Cooper
19	FELONY DUI/DEATH	Roxanna Blevins Robbins	53	5/8/2008	1	1	Donald H. Howe 853-6121	(Home Detention)	Young

EXHIBIT

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LIST OF CASES BY AGE OF THE OFFENDER

No.	Charge	Name	Age	Disp Date	Imposed	Active	Defense Attorney	BAC	Judge
1	FELONY DUI/DEATH	Samuel A. McCauley	20	1/18/2013	15	5"	Capers G. Barr, III	0.208	Hughston
2	FELONY DUI/DEATH	Evelyn Seymore Freeman	21	2/15/2012	5	1	Cody J. Groeber (PD) 958-1850	0.086	Hughston
3	DUI/FELONY DRIVING UNDER INFL	Mallory Leann Hood	22	4/19/2010	18	13	C. Andrew Carroll 737-4245	0.26	Jefferson
4	FELONY DUI/DEATH	Alejandro Xicuteacali Cruz	22	3/19/2010	8	8	Bill Thrower 958-1850	0.19	Hughston
5	FELONY DUI/DEATH	Christopher Leroy Wright	23	10/24/2012	10	10	W. Ted Smith (PD) 958-1850	0.194	Hughston
6	RECKLESS HOMICIDE/DUI	Michael Lee Tupper	23	1/30/2012	10	3	Diedrich P. von Lehe III 853-0011		Dennis
7	FELONY DUI/DEATH	Fulton Elmer Taylor	23	3/19/2007	3	1	E. Bart Daniel 722-2000		Buckner
8	FELONY DUI/DEATH	Jonathan Crouch	25	2/24/2009	7	2	Reese M. Stidham 849-2800		Jefferson
9	FELONY DUI/DEATH	Eric P. Hewitt	28	4/14/2006	8	8	Andrew J. Savage III 720-7470	(Reduced from 10 to 8 years)	Hughston
10	FELONY DUI/DEATH	Jeffrey Michael Reynolds II	34	9/19/2012	10	10	Dale Savage/Peter Brown 530-7813	0.232	Hughston
11	FELONY DUI/DEATH	Amado Rodriguez Merino	35	6/19/2008	2.2	2.2	Rodney Davis 571-4611		Harrington
12	FELONY DUI/DEATH	Amy Finch McCormick	37	7/16/2009	10	10	W. Ted Smith (PD) 958-1850	0.214	Hughston
13	FELONY DUI/DEATH	Robby Dean Jett	39	10/3/2007	5	1.5	Rodney D. Davis (PD) 789-3749		Cooper
14	FELONY DUI/DEATH	Kristy Lee Cochran	44	4/30/2009	10	4	Reese M. Stidham 849-2800		Hughston
15	FELONY DUI/DEATH	Mercedes J Drumh	46	10/1/2007	10	1	Daniel Scott Slotchiver 577- 6531	Didn't take test. (Home Detention)	Cooper
16	FELONY DUI/DEATH	Jonathan A White	51	12/16/2009	3	3	Rodney Davis 789-3749		Hughston
17	FELONY DUI/DEATH	Roxanne Blevins Robbins	53	5/8/2008	1	1	Donald H. Howe 853-6121	(Home Detention)	Young
18	FELONY DUI/DEATH	James Frazier	57	7/31/2008	12	12	Charlie Lee Whirl 566-9705		Cooper
19	FELONY DUI/DEATH	Samuel Thompson Jr	61	1/9/2013	9	9	James Watson Smiley, IV 744-6300	0.238	Jefferson

EXHIBIT

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OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

OF Charleston

VS.

Samuel Avery McCauley

INDICTMENT/CASE#: 2011GS1006799

A/W#: 32767FU

Date of Offense: 7/24/2011

S.C. Code § 56-05-2945(A)(2)

CDR Code #: 0395

Deferred

SENTENCE SHEET



Sex: M Age: 20

DOB: 03-23-1992 SS#: 256-83-4360

Address: 1664 Fairway Place Ln

City, State, Zip: Mount Pleasant, SC 29464-9500

LII: 101436232 SID#: SC02010609

CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

Disposition of the said indictment comes now the Defendant who was

DUI / Felony driving under the influence, death results (.10 law)

☐ CONVICTED OF or ☒ PLEADS

violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

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

Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

Plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

TEST: *[Signature]* *[Signature]* *[Signature]*
Kinzler, Jennifer SC Bar# Defendant Attorney for Defendant SC Bar#

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, a determinate term of 15 years or ☐ under the Youthful Offender Act not to exceed 10 years

to pay a fine of \$ 15,000; provided that upon the service of 10 years and/or payment 10,100; plus costs and assessments as applicable*; the balance is suspended with probation for 5

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. 267 days JAIL CREDIT

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 days/hours Public Service Employment
Fine: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS
Payment:

FEES:
1-206 (Assessments 107.5%) \$ 10,100.00
1-211(A)(1) (Conv. Surcharge) \$100 \$ 10,857.50
1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00
5-2995 (DUI Assessment) \$12 \$
1-286 (DUI Breath Test) \$25 \$
so 47.9 (Public Def/Prob) \$500 \$
1-212 (Law Enforce. Funding) \$25 \$ 25.00
1-213 (Drug Court Surcharge) \$150 \$
21-114 (BUI Breath Test Fee) \$50 \$
5-2942(J) (Vehicle Assessment) \$40/ea \$
so 90.5 (SCCA Surcharge) \$5 \$ 5.00
County (if paid in installments) \$ 45.563635.63
TOTAL \$ 21,823.13

Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: PUBLIC SERVICE REGARDING THESE OFFENSES TO APPROPRIATE GROUPS

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

Court/ Deputy Clerk:

Reporter:

217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

By: *[Signature]*
DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Charleston

VS.

Samuel Avery McCauley

AKA:

Race: Sex: M Age: 20

DOB: 03-23-1992 SS#: 256-83-4360

Address: 1664 Fairway Place Ln

City, State, Zip: Mount Pleasant, SC 29464-9500

DL#: 101436232 SID#: SC02010609

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: DUI / Felony driving under the influence, death results (.10 law)

in violation of § 56-05-294.5(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lowd Act) ☐ §17-25-45The 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:

Kinkzeler, Jennifer

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 years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 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 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS1006799

A/W#: 32767FU

Date of Offense: 7/24/2011

S.C. Code § : 56-05-294.5(A)(2)

CDR Code #: 0395

~~DEFERRED~~

SENTENCE SHEET

CONVICTED OF or ☒ PLEADS

in violation of § 56-05-294.5(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lowd Act) ☐ §17-25-45The 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:

Kinkzeler, Jennifer

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 years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 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 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code: 2008

Sentence Date:

PLEA ACCEPTED - P.S.I. 5/14/12

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT
DEPUTY CLERK

128

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.

AKA: Samuel Avery McCauley

Race: Sex: M Age: 20

DOB: 03-23-1992 SS#: 256-83-4360

Address: 1303 CANTER LANE

City, State, Zip: Mount Pleasant, SC 29464-9500

DL#: 101436232 SID#: SC02010609

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Homicide / Reckless Homicide, death results within 3 yrs, caused by injury from vehicle

in violation of § 56-05-2910 of the S.C. Code of Laws, bearing CDR Code # 3097

☒ 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.

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

ATTEST: Kinzler, Jennifer SC Bar# 8378 Defendant Sam McCauley Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 10 years or ☐ under the Youthful Offender Act not to exceed years

and to pay a fine of \$ 5,000.; 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 267 DAYS JAIL CREDIT

☐ 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 (Crimin

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:

*Fine: 5,000 \$ 5,000

§ 14-1-206 (Assessments 107.5%) \$ 5,375.00

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00

§ 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/ea \$

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 318.00

TOTAL \$ 10,923.00

Judge Code: 2008

Sentence Date: 11/13/13

PLEA ACCEPTED - P.S.I. 5/14/12

Presiding Judge T.L. Hyatt

Judge Code: 2008

Sentence Date: 11/13/13

CLERK OF COURT: Julie J. Armstrong (Seal)

DEPUTY CLERK:

SCCA/217 (03/2011)

129..

15

ATTEST: A TRUE COPY
 JIMIE J. ARMSTRONG (SEAL)
 CLERK OF SUPERIOR COURT
 By *[Signature]*
 DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.
Samuel Thompson Jr

AKA:

Race: Sex: M Age: 61DOB: 08-21-1951 SS#: 247-92-6202Address: 1037 Old Black Onk RdCity/State/Zip: Moncks Corner, SC 29461-4370DL#: 001938277 SID#: SC00156401*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: DUI / Felony driving under the influence, death results (.10 law)in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395☐ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Voigt, Gregory 75756 Samuel Thompson Jr Gregory Voigt 66312
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 9 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ yearsand/or to pay a fine of \$ 10,100; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$ 10,100.00
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 10,857.50
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ 100.00
§ 56-5-2995 (DUI Assessment)	\$12	\$ 12.00
§ 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 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/en	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 635.99
TOTAL		\$ 21,835.49

Clerk of Court/ Deputy Clerk

Court Reporter: R. Volpe

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS1007652A/W#: DIRIND1797Date of Offense: 9/20/2011S.C. Code § : 56-05-2945(A)(2)CDR Code #: 0395

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395The 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: Voigt, Gregory 75756 Samuel Thompson Jr Gregory Voigt 66312
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 9 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ yearsand/or to pay a fine of \$ 10,100; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$ 10,100.00
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 10,857.50
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ 100.00
§ 56-5-2995 (DUI Assessment)	\$12	\$ 12.00
§ 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 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/en	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 635.99
TOTAL		\$ 21,835.49

Clerk of Court/ Deputy Clerk

Court Reporter: R. Volpe

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2128Sentence Date: 1-9-13ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT
DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF CharlestonSTATE VS.CHRISTOPHER LEROY WRIGHT

AKA:

Race: WHITE Sex: M Age: 23DOB: 04-04-1988 SS#: 240-61-6089Address: 8494 DORCHESTER ROAD L-31City, State, Zip: NORTH CHARLES, SC 294200000DL#: 100750802 SID#: SC01623283*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: DUI / Felony driving under the influence, death results (.10 law)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS1004823A/WH: 30703FGDate of Offense: 2/21/2010S.C. Code §: 56-05-2945(A)(2)CDR Code #: 0395

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
TO: DUI / Felony driving under the influence, death results (.10 law) 1-25 10/10/12 ☐ CONVICTED OF or ☒ PLEADSin violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Meg Haley 70207 Chris Smith W. Ted Smith 70744
Haley, Meg 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 TEN years or ☐ under the Youthful Offender Act not to exceed _____ yearsand/or to pay a fine of \$ 10,100; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, It is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$10,100.00§ 14-1-206 (Assessments 107.5%) \$16,857.50§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$100.00§ 56-5-2995 (DUI Assessment) \$12 \$12.00§ 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 (DUI Breath Test Fee) \$50 \$§ 56-5-2942(J) (Vehicle Assessment) \$40/en \$Proviso 90.5 (SCCJA Surcharge) \$5 \$5.003% to County (if paid in installments) \$TOTAL \$21,835.49

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

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

Presiding Judge

Judge Code: 2008Sentence Date: 10/24/12ATTEST: TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT
DEPUTY CLERK

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
 STATE VS.
Jeffrey Michael Reynolds II

AKA:

Race: WHITE Sex: M Age: 34DOB: 09-08-1978 SS#: 494-02-9041Address: 1075 Buist AveCity/State/Zip: Charleston, SC 29405-4909DL#: 007416576 SID#: SC01906168*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: DUI / Felony driving under the influence, death results (.10 law)INDICTMENT/CASE#: 2011GS1004750A/W#: M726132Date of Offense: 3/24/2011S.C. Code §: 56-05-2945(A)(2)CDR Code #: 0395

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395
☐ 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.

ATTEST: 75184 75420
 Volgt. Gregory SC Bar# Defendant Attorney for Defendant SC Bar#
Date Signed

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of TEN years or ☐ under the Youthful Offender Act not to exceed 10 years
 and to pay a fine of \$ 10,000; provided that upon the service of 100 days/months/years and/or payment
 of \$ 870,100; plus costs and assessments as applicable*; the balance is suspended with probation for 100

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. 24 DAYS JAIL CREDIT

☐ 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 100 days/hours Public Service Employment

Total: \$ 10,859.50 plus 20% fee: \$ 2,171.90Payment Terms: 10,859.50☐ Set by SCDPPPSRecipient: 10,100.00*Fine: 10,000.00

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00§ 56-1-286 (DUI Breath Test) \$25 \$ 25.00Proviso 47.9 (Public Del/Prob) \$500 \$ 25.00§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$150 \$ 25.00§ 50-21-114 (BUI Breath Test Fee) \$50 \$ 25.00§ 56-5-2942(J) (Vehicle Assessment) \$40/en \$ 25.00Proviso 90.5 (SCCA Surcharge) \$5 \$ 25.003% to County (if paid in installments) 635.98TOTAL 21,835.48Clerk of Court/ Deputy Clerk S. PerronCourt Reporter: S. Perron

SCCA/217 (03/2011)

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐May serve W/E beginning 10/19/12Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

pmts. of \$ 100.00 beginning 10/19/12\$ 100.00 paid to Public Defender FundOther: 10/19/12☐ Appointed PD or appointed other counsel.

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

Presiding Judge T.L. HyslopJudge Code: 2008Sentence Date: 9/19/12

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)
COUNTY OF Charleston)
STATE VS.)
Evelyn Seymone Freemall)
AKA:)
Race: BLACK Sex: F Age: 21)
DOB: 01-29-1991 SS#: 249-85-1099)
Address: 519 Amy Dr)
City/State/Zip: Goose Creek, SC 29445-3620)
DL#: 102056063 SID#: SC01858204)

INDICTMENT/CASE#: 2011GS1007755
A/W#: P017329
Date of Offense: 7/6/2011
S.C. Code §: 56-05-2945(A)(2)
CDR Code #: 0395

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: DUI / Felony driving under the influence, death results ()

☐ CONVICTED OF or ☒ PLEADS

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395
☒ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory OPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST: Nelson, Michael O. SC Bar# 72879 Defendant
Julie J. Armstrong, J. Corbe SC Bar# 74627 Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of ONE (1) year and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5

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. CREDIT 5 DAYS JAIL.
☐ 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: 2 yrs. comply

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

PTUP ☒ 2 yrs. comply
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:

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 \$ 100.00
§ 56-5-2995 (DUI Assessment)	\$12 \$
§ 56-1-286 (DUI Breath Test)	\$25 \$
Proviso 47.9 (Public Def/Prob)	\$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(1) (Vehicle Assessment)	\$40/ea \$
Proviso 90.5 (SCCA Surcharge)	\$5 \$ 5.00
3% to County (if paid in installments)	\$ 18.40 21.90
TOTAL:	\$ 751.90

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.
Presiding Judge: T.L. Hughes Jr.
Judge Code: 20085
Sentence Date: 2/15/12

Clerk of Court/ Deputy Clerk: Whitely
Court Reporter: Gaffney
SCCA/217 (03/2011)

ATTEST A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT
DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF Charleston

STATE VS.

Michael Lee Tupper

AKA:

Race: WHITE Sex: M Age: 23

DOB: 08-20-1988 SS#: 250-75-7634

Address: 2010 NITSA STREET

City, State, Zip: JOHNS ISLAND, SC 294550000

DL#: 100290865 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Homicide / Reckless Homicide, death results within 3 yrs, caused by injury from vehicle

in violation of § 56-05-2910 of the S.C. Code of Laws, bearing CDR Code # 3097

[X] NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45
w/minor 1st or Lowd Act)The charge is: [X] As Indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: [X] Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Voigt, Gregory

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 3 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*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/PProb)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL	\$	\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter: D. Garrison

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS1005780

A/W#: 68561FJ

Date of Offense: 5/27/2010

S.C. Code § : 56-05-2910

CDR Code #: 0135

SENTENCE SHEET (A Iford)

☐ CONVICTED OF or ☒ PLEADS

Presiding Judge

Judge Code: 2060

Sentence Date: 11/30/12

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: may not consume alcohol during probation

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.S. & F.C.

By: [Signature] DEPUTY CLERK

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

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Charleston

VS.

Michael Lee Tupper

AKA:

Race: WHITE Sex: M Age: 23

DOB: 08-20-1988 SS#: 250-75-7634

Address: 2010 NITSA STREET

City/State/Zip: JOHNS ISLAND, SC 294550000

DL#: 100290865 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazardous Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: DUI / Driving under the Influence, less than .10, 1st Offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS1005777

A/W#: 68560FJ

Date of Offense: 5/27/2010

S.C. Code §: 56-05-2945(A)(2)

CDR Code #: 0395

SENTENCE SHEET A Hand

☐ CONVICTED OF or ☒ PLEADS

in violation of § 56-05-2930 (A)

of the S.C. Code of Laws, bearing CDR Code # 3353

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC ☐ § 17-25-45The 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:

Voigt, Gregory

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 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ 100.00
§ 56-5-2995 (DUI Assessment)	\$12	\$ 12.00
§ 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 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 7.26
TOTAL	\$	\$ 249.26

_____ 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: _____

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK OF COURT, G.S. & F.C.

By: David C. [Signature] DEPUTY CLERK

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

Presiding Judge

Judge Code: 2060

Sentence Date: 1/30/12

Clerk of Court/ Deputy Clerk

Court Reporter: D. Garrison

SCCA-217 (03/2011)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.
MALLORY LEANN HOODINDICTMENT/CASE#: 2008GS1008611A/W#: K300448Date of Offense: 5/9/2008S.C. Code § : 56-05-2945(A)(2)CDR Code #: 0395

AKA:

Race: W Sex: F Age: 22DOB: 07-23-1987 SS#: 299-90-8448Address: 2772 CAROLINA ISLE DRIVECity, State, Zip: MOUNT PLEASANT, SC 294640000DL#: 100800723 SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: DUI / Felony driving under the influence, death results (.10 law)

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395
☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST Gregory 75754 Mallory Hood C. Adams 14280
Voigt Gregory 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 18 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ 25,100-; provided that upon the service of 18 days/months/years and/or payment
of \$ 25,100-; 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: 2008-GS-10-82009
☒ 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 (Crim
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: _____

*Fine: \$ 10,100.00§ 14-1-206 (Assessments 107.5 %) \$ 10,857.50§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

§ 47-12 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/en \$ _____

§ 90.7 (SCCJA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ 635.98TOTAL \$ 21,835.48Clerk of Court/ Deputy Clerk CarolCourt Reporter: Anne Meyer

SCCA/217 (11/2009)

PTUP _____
_____ days/hours Public Service EmploymentObtain 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: ATU if available.☐ Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Clerk
during probation.Presiding Judge A. L. JesterJudge Code: 2128Sentence Date: 4-19-10ATTORNEY & TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT
BY [Signature]
DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.ALEJANDRO XICUTENCALT CRUZ

AKA:

Race: W Sex: M Age: 22DOB: 07-03-1987 SS#: _____Address: 1990 HAWTHORN DR, LOT 23City, State, Zip: N CHARLESTON, SC 294060000DL#: _____ SID#: SC01856045*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Felony DUI, death results, .08in violation of § 56-05-2945(A) (2) of the S.C. Code of Laws, bearing CDR Code # 2975☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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: Salin, Michael 74929 Xico William Thayer 15091
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 8 years or ☐ under the Youthful Offender Act not to exceed _____ years
and to pay a fine of \$ 10,100; 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. STARTED DEC. 5, 2008☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ 10,100.00

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 10,852.50§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00§ 56-1-286 (DUI Breath Test) \$25 \$§ 47-12 (Public Def/Prob) \$500 \$§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$100 \$§ 50-21-114 (BUI Breath Test Fee) \$50 \$§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$§ 90.7 (SCCA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ 635.98TOTAL \$ 21,835.48Clerk of Court/ Deputy Clerk CalledCourt Reporter: D. Ewart

SCCA/217 (1/1/2009)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS1002595A/VH: 10715EUDate of Offense: 12/5/2008S.C. Code § : 56-05-2945(A) (2)CDR Code #: 2975

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS☐ §17-25-45

(defendant's initials)

Recommendation by the State.

ATTEST: Salin, Michael 74929 Xico William Thayer 15091
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 8 years or ☐ under the Youthful Offender Act not to exceed _____ years
and to pay a fine of \$ 10,100; 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. STARTED DEC. 5, 2008☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ 10,100.00

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 10,852.50§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00§ 56-1-286 (DUI Breath Test) \$25 \$§ 47-12 (Public Def/Prob) \$500 \$§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$100 \$§ 50-21-114 (BUI Breath Test Fee) \$50 \$§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$§ 90.7 (SCCA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ 635.98TOTAL \$ 21,835.48Clerk of Court/ Deputy Clerk CalledCourt Reporter: D. Ewart

SCCA/217 (1/1/2009)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS1002595A/VH: 10715EUDate of Offense: 12/5/2008S.C. Code § : 56-05-2945(A) (2)CDR Code #: 2975

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS☐ §17-25-45

(defendant's initials)

Recommendation by the State.

ATTEST: Salin, Michael 74929 Xico William Thayer 15091
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 8 years or ☐ under the Youthful Offender Act not to exceed _____ years
and to pay a fine of \$ 10,100; 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. STARTED DEC. 5, 2008☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ 10,100.00

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 10,852.50§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00§ 56-1-286 (DUI Breath Test) \$25 \$§ 47-12 (Public Def/Prob) \$500 \$§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$100 \$§ 50-21-114 (BUI Breath Test Fee) \$50 \$§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$§ 90.7 (SCCA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ 635.98TOTAL \$ 21,835.48Clerk of Court/ Deputy Clerk CalledCourt Reporter: D. Ewart

SCCA/217 (1/1/2009)

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.
JONATHAN A WHITE

AKA: _____
Race: W Sex: M Age: 51
DOB: 04-06-1958 SS#: 247-13-1830
Address: 1092 ST THOMAS ISLAND DR
DANIEL ISLAND, SC 294920000
DL#: _____ SID#: SC00538276

In disposition of the said indictment comes now the Defendant who was
TO: Felony DUI, death results 1-25 + #10/185-#25, 188

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 2975
☒ 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: M. Sahn 74929 Jonathan White R. Davis 12396
Sahn, Michael 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 3 years or ☐ under the Youthful Offender Act not to exceed _____ years
and to pay a fine of \$ 10,100.; 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. NEEDS A.T.U. PRIOR TO RELEASE.

☐ 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. STARTED JAN. 28, 2008.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ 10,100.00

§ 14-1-206 (Assessments 107.5 %) \$ 10,857.50

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00

§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

§ 47.12 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea \$ _____

§ 90.7 (SCCA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 635.99

TOTAL \$ 21,835.49

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: R. Burns
SCCA/217 (06/2009)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008GS1002635
A/W#: 58862EJ
Date of Offense: 1/28/2008
S.C. Code § : 56-05-2945(A)(2)
CDR Code #: 2975

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

PTUP _____ days/hours Public Service Employment
Obtain GED _____
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

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

PRESIDING JUDGE T. L. Hughes
Judge Code: 210
Sentence Date: 12/16/09

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT
DEPUTY CLERK

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.
AMY FINCH MCCORMICKAKA:
Race: W Sex: F Age: 37
DOB: 09-02-1971 SS#:
Address: 1401 C CAMP RD
CHARLESTON, SC 294070000
DL#: 21731403 SID#: INDICTMENT/CASE#: 2009GS1001350A/W#: 48250ETDate of Offense: 11/30/2008S.C. Code §: 56-05-2945(A)(1)CDR Code #: 0406

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
TO: DUI / Felony driving under the influence, death☐ CONVICTED OF or ☒ PLEADSin violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: 75186 W. J. Armstrong 70744
Voigt, Gregory 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 TEN years or ☐ under the Youthful Offender Act not to exceed years
and to pay a fine of \$ 10,100.; provided that upon the service of years and payment
of ; plus costs and assessments as applicable*; the balance is suspended with probation for years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference. NEEDS A.T.U.☒ 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. STARTED NOV. 30, 2008,☐ 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 (Crimin
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered P.T.U.PTotal: \$ plus 20% fee: \$ Payment Terms: ☐ set by SCDPPPS Recipient: *Fine: \$ 10,100.00§ 14-1-206 (Assessments 107.5 %) \$ 10,857.50§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00§ 56-1-286 (DUI Breath Test) \$25 \$ § 47-12 (Public Del/Prob) \$500 \$ § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$100 \$ § 50-21-114 (BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/en \$ § 90.7 (SCCJA Surcharge) \$5 \$ 5.001% to County (if paid in installments) yes \$ 832.98TOTAL yes \$ 21,832.48Clerk of Court/ Deputy Clerk CallieCourt Reporter: V. Cross

SCCA/217 (06/2009)

 days/hours Public Service EmploymentObtain 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 FundOther: ☐ Appointed PD or appointed other counsel, §47.12

requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE T. L. HewittJudge Code: 2 1 0Sentence Date: 7/16/09

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE

VS.

KRISTY LEE COCHENOUR

AKA:

Race: W Sex: F Age: 44DOB: 10-07-1964 SS#: 293-76-7068Address: 1720 NRTAHALA BLVDMT PLEASANT, SC 294640000DL#: 004280639 SID#: SC01834323

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008GS1008918A/W#: K349251Date of Offense: 7/23/2008S.C. Code § : 56-05-2945(A)(2)CDR Code #: 2975

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Felony DUI, death results, .08in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 2975☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Michael
Sahn, Michael74929
SC Bar#Kristy Cochenuor
DefendantReese Stidham
Attorney for Defendant74996
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 years or ☐ under the Youthful Offender Act not to exceed _____ years
and to pay a fine of \$ 10,100; provided that upon the service of 4 years and payment
of \$ 10,100; plus costs and assessments as applicable*; the balance is suspended with probation for 5
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.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered

PTUP

Total: \$ 15,787.75 plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPSRecipient: SEE ORDER.*Fine: \$ 10,100.00

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding)

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

§ 90.11 TP (SCCJA Surcharge)

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter: B. COO/RY

_____ 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, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 210108Sentence Date: 4/30/09

SCCA/217 (03/2009)

ATTEST A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK OF COURT

DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.

JOHNATHAN CROUCH

AKA:

Race: W Sex: M Age: 25

DOD: 05-29-1983 SS#: 380-06-4780

Address: 2023 MARSH WALK VILLAS

SEABROOK ISLA, SC 294550000

DL#: 101402257 SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008GS1008373

A/W#: 41056EJ

Date of Offense: 4/4/2008

S.C. Code § : 56-05-2945(A) (2)

CDR Code #: 2975 / 395

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Felony DUI, death results. .08

in violation of § 56-05-2945(A) (2) of the S.C. Code of Laws, bearing CDR Code # 2975 / 395

☐ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Levvd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Sahn, Michael

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 7 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ 10,100 - ; provided that upon the service of 2 days/months/years and/or payment
of \$ 10,100 - ; plus costs and assessments as applicable*; the balance is suspended with 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: _____☒ 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 § 17-25-1

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ 10,100.00

§ 14-1-206 (Assessments 107.5 %) \$ 10,857.50

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00

§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00

§ 35.13 (Public Def/Prob) \$500 \$ 500.00

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 656.95

§ 90.11 TP (SCCA Surcharge) \$5 \$ 5.00

TOTAL \$ 22,354.45

22,350.45

Clerk of Court/ Deputy Clerk

Court Reporter: A. Meyer

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☒ successful completionRandom Drug/Alcohol testing ☒Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: active probation stayed
during active sentence.

ATU if available

B/w rescinded

☒ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE D.R. Jaffe

Judge Code: 21 / 110218

Sentence Date: 2-24-09

SCCA/217 (07/2008)

1452

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.

JAMES FRAZIER

AKA:

Race: B Sex: M Age: 31.57DOB: 07-14-1951 SS#: 250-94-6785Address: 449 GURLEY ST
MT PLEASANT, SC 294640000DL#: 004482076 SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007GS1013784A/W#: 34704DYDate of Offense: 3/15/2007S.C. Code § : 56-05-2945(A)(2)CDR Code #: 0395

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: DUI / Felony driving under the influence. death results (.10 law)in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395
☐ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Nathan Williams
Williams, Nathan

Defendant

Chris Whit
Attorney for Defendant12561
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 12 ~~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 § 17-25-10A.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 7.11§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5.00TOTAL \$ 249.11Callahan
Clerk of Court/ Deputy ClerkCourt Reporter: Brenda Cooley

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling XRandom Drug/Alcohol testing XFine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: ATU☐ Appointed PD or appointed other counsel §35.13 TP
Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE James W. CooleyJudge Code: 210 15 14Sentence Date: 7-31-08

SCCA/217 (07/2008)

STATE OF SOUTH CAROLINA

COUNTY OF CharlestonSTATE VS.
Amado Merino

AKA: _____

Race: W Sex: M Age: 35DOB: 09-13-1972 SS#: 000-00-0000Address: 2035 TIPSON STREET LOT 42NORTH CHARLES, SC 29406

DL#: _____ SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2006GS105049A/W#: 37266DODate of Offense: 04/06/2006S.C. Code § : 56-05-2945(A)(2)CDR Code #: 0395

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: DUI / Felony driving under the influence. death results (.10 law)in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Levvd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: _____

Sherryl Jennifer Kneese

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 804 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. 804 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 7.11TOTAL \$ 244.11

Clerk of Court/Deputy Clerk

Court Reporter: G. Burns

PRESIDING JUDGE

Judge Code: 21113110Sentence Date: 6/19/08

SCCA/217 (10/2007)

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
 STATE VS.
ROXANNE ROBBINS

AKA: _____

Race: W Sex: F Age: 53DOB: 02-24-1954 SS#: 242-94-6062Address: 1002 BELLE PT DR
MT PLEASANT, SC 29464DL#: 003832540 SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2006GS1011930A/W#: 48617DODate of Offense: 3/23/2006S.C. Code § : 56-05-2945(A)(2)CDR Code #: 0000 2975

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
 TO: DUI / Felony driving under the influence. (1.0 law) Death Results

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0000 2975

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)

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

ATTEST:

[Signature] (MCA) [Signature] Defendant Donald N. Dyer Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 90 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ 10,100.00; 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 § 17-25-1

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ 10,100.00§ 14-1-206 (Assessments 107.5 %) \$ 10,857.50§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 635.84TOTAL \$ 21,830.34

Clerk of Court/ Deputy Clerk

Court Reporter: A. Haffenden

_____ 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: CONDITIONS set by DPPP forHome Detention

☐ Appointed PD or appointed other counsel, §35.13 TP
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 21 1 3/10/06Sentence Date: 5/10/06

SCCA/217 (10/2007)

ATTEST: A TRUE COPY
 JULIE U. ARMSTRONG (SEAL)
 CLERK OF COURT

DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.

ROBBY JEIT

AKA:

Race: W Sex: M Age: 39

DOB: 07-10-1968 SS#: 250-57-2728

Address: 125 FAIRWAY DRIVE

UNION, SC 29379

DL#: 008509638

SID#:

SENTENCE DEFERRED
(Plea Accepted)IN THE COURT OF GENERAL SESSIONS
JUDGE Cooper 10-2-07 (2054)

INDICTMENT/CASE#: 2006GS103705

A/W#: 49684DO

Date of Offense: 3/8/2006

S.C. Code § : 56-05-2945(A)(2)

CDR Code #: 0395

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: DUI / Felony driving under the influence, death results ~~death results~~

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

☒ 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 initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Nathan Williams
Williams, Nathan

Defendant

Attorney for Defendant

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 \$ 10,000.00 + provided that upon the service of 18 ~~days~~ months/years and/or payment
of \$ 500.00 + plus costs and assessments as applicable*; the balance is suspended with 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: ☒ 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 § 17-25-13

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$ 5,000.00§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 5,375.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00§ 35.13 (Public Def/Prob) \$500 \$ 500.00§ 73.3, 1B TP (Law Enforc. Funding) \$25 \$ 25.00§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ § 50-21-114(BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ 333.36TOTAL \$ 11,445.36PTUP days/hours Public Service EmploymentObtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling XRandom Drug/Alcohol testing XFine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: Continue to attend AA Meetings -MAID Victims Panel as Cond. of Probation
* 18 months in House Arrest w/EM,
May leave for work, Counseling Sessions
Church, & Medical Treatment

Appointed PD or appointed other counsel § 35.13 TP

Requires \$500 be paid to Clerk during probation.

Sentence to be paid 10/8/07PRESIDING JUDGE Judge Code: 210 15 141Sentence Date: 10-3-07

Sentence Imposed:

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT
DEPUTY CLERK

Clerk of Court/ Deputy Clerk

Court Reporter: Gayle Burn

SCCA/217 (9/2006)

146

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.

ROBBY JETT

AKA:

Race: W Sex: M Age: 39DOB: 07-10-1968 SS#: 250-57-2728Address: 125 FAIRWAY DRIVEUNION, SC 29379DL#: 008509638

SID#: _____

SENTENCE DEFERRED
(Plea Accepted)IN THE COURT OF GENERAL SESSIONS
JUDGE COOPER 10-2-07 (2054)INDICTMENT/CASE#: 2006GSI03705A/W#: 49684DODate of Offense: 3/8/2006S.C. Code §: 56-05-2945(A)(2)CDR Code #: 0395

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: DUI / Felony driving under the influence, death resultsin violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Nathan Williams
Williams, Nathan

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of _____ 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-

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 35.13 (Public Def/Prob) \$500 \$

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

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

TOTAL \$

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☒Random Drug/Alcohol testing ☒Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: Continues to ATTEND AA Meetings -
MADD Victims Panel;☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 210 1514

Sentence Date: _____

Clerk of Court/ Deputy Clerk

Court Reporter: _____

SCCA/217 (9/2006)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston

STATE

VS.

Mercedes BranchINDICTMENT/CASE#: 2007GS1012085WA/W#: 80105DJDate of Offense: 1/28/2006S.C. Code § : 56-05-2945(A)(2)CDR Code #: 0395

AKA:

Race: W Sex: F Age: 46DOB: 02-21-1961 SS#: 250-31-3577Address: 9468 RIFLE RANGE RDMOUNT PLEASANT, SC 29464DL#: 008040090 SID#: _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS TO: DUI / Felony driving under the influence, death results (1.10 law)

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45 w/minor 1st or 2nd Act)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. W (Defendant initial)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Nathan Williams
Williams, Nathan

Mercedes Branch
Defendant

DANIEL S. STOTHAUS
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 ~~months~~ years or ☐ under the Youthful Offender Act not to exceed — years and/or to pay a fine of \$ 15,000.00; provided that upon the service of 1 ~~year~~ months years and/or payment of \$ 5000.00, plus costs and assessments as applicable*; the balance is suspended with 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: _____

☒ 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 § 17-25-1

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$5,000.00

§ 14-1-206 (Assessments 107.5 %) \$5,375.00

§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$100.00

§ 56-5-2995 (DUI Assessment) \$12 \$12.00

§ 35.13 (Public Def/Prob) \$500 \$

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$318.36

TOTAL \$10,930.36

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling XRandom Drug/Alcohol testing X

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

\$ _____ paid to Public Defender Fund

Other: *1 year on Hse Arrest w/any. May have for work, Church, Dis. Vpn. Counseling Sessions - MADD Future Panels - to speak on Safety of MADD Panel in future.

☐ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE Thomas L. G...Judge Code: 21015112Sentence Date: 10-1-07

SCCA/217 (9/2006)

STATE OF SOUTH CAROLINA

COUNTY OF CharlestonSTATE VS.FULTON TAYLOR

AKA: _____

Race: W Sex: M Age: 23DOB: 09-14-1983 SS#: 257-45-0562Address: 835 WEST PACES FERRY RDN.W. ATLANTA, GA 30327DL#: 055207360 SID#: _____

IN THE COURT OF GENERAL SESSIONS

1 - 25

INDICTMENT/CASE#: 2006GS103713A/W#: 55777DDDate of Offense: 8/19/2005S.C. Code § : 56-05-2945(A)(2)CDR Code #: 0395

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: DUI / Felony driving under the influence. death results (.10 law)in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395☐ 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 initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Nathan Williams
Williams, Nathan[Signature]
DefendantE. Bart Daniel
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ 15,000.00, provided that upon the service of 1 days/months/years and/or payment of \$ 15,000.00, plus costs and assessments as applicable*; the balance is suspended with 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: _____☐ 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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ 15,000.00§ 14-1-206 (Assessments 107.5 %) \$ 16,125.00§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 940.86TOTAL \$ 32,302.86

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☒Random Drug/Alcohol testing ☒

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

ATTEST: A TRUE PRESIDING JUDGE

JULIE J. ARMSTRONG (SEAL)

Clerk of Court/ Deputy Clerk CLERK C.P./ G.S. & F.

DEPUTY CLERK

Judge Code: 21-12-12Sentence Date: 3-19-07Court Reporter: V. Roland

SCCA/217 (9/2006)

149

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON
STATE VS.
ERIC PRESTON HEWITT
AKA:
Race: W Sex: M Age: 28
DOB: 11/23/76 SS#: 250-45-5369
Address:
City, State, Zip
DL# SID#

INDICTMENT/CASE#: 2005-GS-10-0406
A/W#: 12580CW
Date of Offense: 8/5/04
S.C. Code §: 56-5-1210
CDR Code #: 2 1 4 1 6 1 3
☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: HIT & RUN INVOLVING DEATH (1-25; 10,000 - 25,000)
in violation of §56-5-1210 of the S.C. Code of Laws, bearing CDR Code # 2 1 4 1 6 1 3
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST: Nathan Collins Solicitor Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 4 ~~years~~ years or ☐ under the Youthful Offender Act not to exceed years
and ☐ to pay a fine of \$ 10,000; 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: 2005-GS-10-0407
☐ 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.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
☐ set by SCDPPPS

Recipient:
*Fine: \$10,000.00
§14-1-206 (Assessments 107.5%) \$10,000.00
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$75.00
§14-1-211(A)(2) (DUI Surcharge) \$100 \$75.00
§56-5-2995 (DUI Assessment) \$12 \$12.00
§35.13 (Public Def/Prob) \$500 \$500.00
§73.3, 1B TP (Law Enforce. Funding) \$25 \$25.00
§33.7, 1B TP (Drug Court Surcharge) \$100 \$100.00
§50-21-114(BUI Breath Test Fee) \$50 \$50.00
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$40.00
3% to County (if paid in installments) \$622.50
TOTAL \$21,372.50

Clerk of Court/ Deputy Clerk
Court Reporter: G. BURRIS

PTUP days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF G.S. & F.C.
By
☐ Appointed PD or appointed DEPUTY CLERK §13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE T.L. Hugston
Judge Code: 2101018
Sentence Date: 9-12-05

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON
STATE VS.

ERIC PRINSTEON HEWITT

AKA:

Race: W Sex: M Age: 28DOB: 11/23/76 SS#: 250-45-5369

Address:

City, State, Zip

DL# SID#

INDICTMENT/CASE#:

2005 -GS- 10 - 0408 7

AW#: 12580561CWDate of Offense: 8/5/04S.C. Code §: 56-5-2945CDR Code #: 2191715☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said Indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: FELONY DUI - DEATH RESULTS (1-25; 10,100 - 425,100 -)in violation of § 56-5-2945 of the S.C. Code of Laws, bearing CDR Code # 2191715☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature]
Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 6 years or ☐ under the Youthful Offender Act not to exceed yearsand to pay a fine of \$ 10,100; provided that upon the service of days/months/years and/or paymentof \$; 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.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ set by SCDPPPS Recipient:

*Fine:		\$10,100.00
§14-1-206 (Assessments 107.5%)		\$10,857.50
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$100.00
§56-5-2995 (DUI Assessment)	\$12	\$12.00
§35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$635.84
TOTAL		\$21,830.34

Clerk of Court/Deputy Clerk

Court Reporter: G. Burns

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

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

pmts. of \$ beginning\$ paid to Public Defender FundOther: ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK OF C.S. & F.C.

By [Signature]

DEPUTY CLERK

☐ Appointed PD or appointed other counsel/ \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2101018Sentence Date: 9-12-05

AMENDED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON
STATE VS.

INDICTMENT/CASE#:

2005 .GS- 10 - 407

AKA: ERIC PRESTON HEWITT

AW#: 12581CW

Race: W Sex: M Age: 28

Date of Offense: 8/5/04

DOB: 1/23/76 SS#: 250-45-5369

S.C. Code §: 56-5-2945

Address: _____

CDR Code #: 2191715

City, State, Zip _____

☐ CASE RESTORED

DL# _____ SID# _____

SENTENCE

☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS
TO: FELONY DUI-DEATH RESULTS (1-25; \$10,000 - \$25,000)

in violation of § _____ of the S.C. Code of Laws, bearing CDR Code # 2191715

☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

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

ATTEST: _____

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 4 ~~years~~ years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$10,000; 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 ☒ ~~CONCURRENT~~ 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.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

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

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK C.P., G.S. & C.

By: [Signature]

DEPUTY CLERK

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

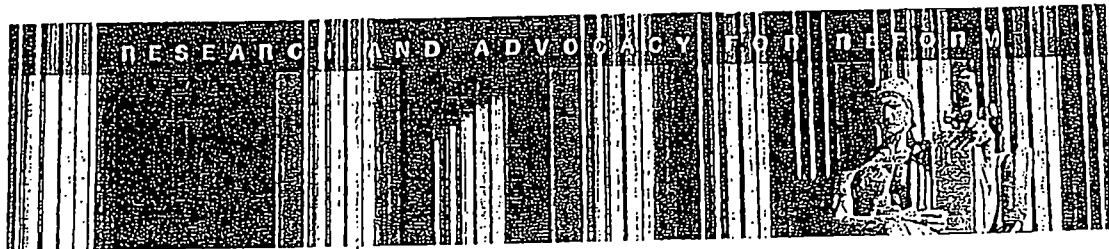
PRESIDING JUDGE

Judge Code: _____

Sentence Date: _____

Clerk of Court/ Deputy Clerk

Court Reporter: [Signature]



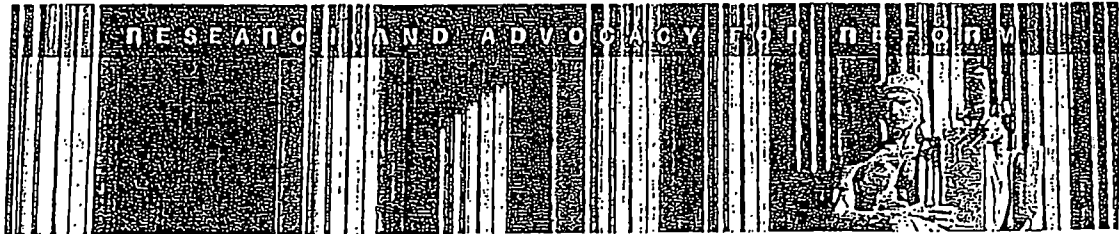
Deterrence in Criminal Justice

Evaluating Certainty vs. Severity of Punishment

Valerie Wright, Ph.D.

November 2010





Deterrence in Criminal Justice

Evaluating Certainty vs. Severity of Punishment

Valerie Wright, Ph.D.

November 2010

For further information:

The Sentencing Project
1705 DeSales St., NW
8th Floor
Washington, D.C. 20036
(202) 628-0871
www.sentencingproject.org

This report was written by Valerie Wright, Ph.D., Research Analyst at The Sentencing Project.

The Sentencing Project is a national non-profit organization engaged in research and advocacy on criminal justice policy issues.

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Over the past several decades state and federal incarceration rates have increased dramatically. As a consequence of more punitive laws and harsher sentencing policies 2.3 million people are incarcerated in the nation's prisons and jails, and the U.S. leads the world in its rate of incarceration.

Sentencing systems and incarceration traditionally have a variety of goals, which include incapacitation, punishment, deterrence and rehabilitation. In recent decades, sentencing policy initiatives have often been enacted with the goal of enhancing the deterrent effect of the criminal justice system. Under the rubric of "getting tough on crime," policies such as mandatory minimums, truth in sentencing, and "three strikes and you're out" have been designed to deter with the threat of imposing substantial terms of imprisonment for felony convictions.

While the criminal justice system as a whole provides some deterrent effect, a key question for policy development regards whether enhanced sanctions or an enhanced possibility of being apprehended provide any additional deterrent benefits. Research to date generally indicates that increases in the *certainty* of punishment, as opposed to the *severity* of punishment, are more likely to produce deterrent benefits. This briefing paper provides an overview of criminological research on these relative impacts as a guide to inform future policy consideration.

CONCEPTUALIZING DETERRENCE

In broad terms punishment may be expected to affect deterrence in one of two ways. First, by increasing the certainty of punishment, potential offenders may be deterred by the risk of apprehension. For example, if there is an increase in the number of state troopers patrolling highways on a holiday weekend, some drivers may reduce their speed in order to avoid receiving a ticket. Second, the severity of punishment may influence behavior if potential offenders weigh the consequences of their actions and conclude that the risks of punishment are too severe. This is part of the logic behind "three strikes," and "truth in sentencing" policies, to utilize the threat of very severe sentences in order to deter some persons from engaging in criminal behavior.

One problem with deterrence theory is that it assumes that human beings are rational actors who consider the consequences of their behavior before deciding to commit a crime; however, this is often not the case. For example, half of all state prisoners were under the influence of drugs or alcohol at the time of their offense.¹ Therefore, it is unlikely that such persons are deterred by either the certainty or severity of punishment because of their temporarily impaired capacity to consider the pros and cons of their actions.

Another means of understanding why deterrence is more limited than often assumed can be seen by considering the dynamics of the criminal justice system. If there was 100% certainty of being apprehended for committing a crime, few people would do so. But since most crimes, including serious ones, do not result in an arrest and conviction, the overall deterrent effect of the certainty of punishment is substantially reduced. Clearly, enhancing the severity of punishment will have little impact on people who do not believe they will be apprehended for their actions.

¹ Christopher Mumola. "Substance Abuse and Treatment, State and Federal Prisoners, 1997." Bureau of Justice Statistics Special Report, 1999.

Economists often come to different conclusions than criminologists on the value of harsher sentences in reducing crime. While criminologists tend to regard various legal threats as the result of a complex and unpredictable process, economists approach the issue along the lines of a rational choice perspective that considers the risk and benefits of engaging in crime; sanctions merely represent the expected price of engaging in criminal behavior. In critiquing this perspective, Michael Tonry, a leading scholar on crime and punishment, contends that "Such research is incapable of taking into account whether and to what extent purported policy changes are implemented, whether and to what extent their adoption or implementation is perceived by would-be offenders, and whether and to what extent offenders are susceptible to influence by perceived changes in legal threats. At the very least, macro-level research on deterrent effects should test the null hypothesis of no effect rather than the price theory assumption that offenders' behavior will change in response to changes in legal threats."²

Another problem in assessing deterrence is that in order for sanctions to deter, potential offenders must be aware of sanction risks and consequences before they commit an offense. In this regard, research illustrates that the general public tends to underestimate the severity of sanctions generally imposed.^{3,4} This is not surprising given that members of the public are often unaware of the specifics of sentencing policies. Potential offenders are also unlikely to be aware of modifications to sentencing policies, thus diminishing any deterrent effect. The absence of such data on awareness of punishment risks makes it difficult to draw conclusions regarding the deterrent effects of sanction levels and prospects. Below we explore these outcomes in greater detail.

² Michael Tonry. "Learning from the Limitations of Deterrence Research" in Crime and Justice: A Review of Research edited by Michael Tonry. The University of Chicago Press, 2008.

³ Kirk R. Williams, Jack P. Gibbs, and Maynard L. Erickson, "Public Knowledge of Statutory Penalties: The Extent and Basis of Accurate Perception," *Pacific Sociological Review*, 23(1), 1980.

⁴ Andrew von Hirsch, Anthony Bottoms, Elizabeth Burney, and P-O. Wikström, "Criminal Deterrence and Sentence Severity: An Analysis of Recent Research," Oxford: Hart Publishing, 1999.

CERTAINTY VS. SEVERITY OF PUNISHMENT

Criminological research over several decades and in various nations generally concludes that enhancing the certainty of punishment produces a stronger deterrent effect than increasing the severity of punishment. Key findings in this regard include the following:

- The Institute of Criminology at Cambridge University was commissioned by the British Home Office to conduct a review of research on major studies of deterrence. Their 1999 report concluded that "...the studies reviewed do not provide a basis for inferring that increasing the severity of sentences generally is capable of enhancing deterrent effects."⁵ In addition, in reviewing macro-level studies that examine offense rates of a specific population, the researchers found that an increased likelihood (certainty) of apprehension and punishment was associated with declining crime rates.⁶
- Daniel Nagin and Greg Pogarsky, leading scholars on deterrence, conclude that "punishment certainty is far more consistently found to deter crime than punishment severity, and the extra-legal consequences of crime seem at least as great a deterrent as the legal consequences."⁷

Similar findings are observed in micro-level studies on deterrence that assess the likelihood of individuals engaging in crime. People who perceive that sanctions are more certain tend to be less likely to engage in criminal activity. Scenario-based research using self-reports that examine the effect of certainty of punishment on individual behavior has shown that as the perceptions of the risk of arrest for petty

⁵ Ibid.

⁶ Ibid.

⁷ Daniel Nagin and Greg Pogarsky. "Integrating Celerity, Impulsivity, and Extralegal Sanction Threats into a Model of General Deterrence: Theory and Evidence," *Criminology*, 39(4), 2001.

theft, drunk driving, and tax evasion increases, individuals report they would be less likely to offend.

Researchers have also compared the relative importance of both certainty and severity as dimensions of punishment. In a 2001 study published in the journal *Criminology*, researchers utilized a sample of college students to assess the likelihood of drinking and driving. The authors found that the certainty of punishment was a more robust predictor of deterrence than severity. Increasing the probability of apprehension by 10% was predicted to reduce the likelihood of drunk driving by 3.5%, while the effect of severity eroded when the effects of certainty and severity were combined.⁸

In another study, researchers compared crime and punishment trends in the U.S., England, and Sweden, and failed to find an effect for severity.⁹ The statistical associations were weak and even when there was a negative relationship between severity of punishment and crime rates, the findings were not strong enough to achieve statistical significance. This finding is noteworthy because it reflected varying degrees of punitiveness in the sentencing policies of the three nations.

While most studies suggest that certainty of punishment is related to reductions in crime rates, some researchers speculate that increasing the likelihood of arrest and/or incarceration for both serious and minor offenses could cause sanctions, particularly imprisonment, to be viewed as less stigmatizing.¹⁰ Nagin also emphasizes that sanctions have the potential to erode the deterrent effects of a policy because as he states, "[f]or an event to be stigmatizing it must be relatively uncommon."¹¹

⁸ Ibid.

⁹ David Farrington, Paul Langan, Per-Olof H. Wikstrom. "Changes in Crime and Punishment in America, England and Sweden between the 1980s and the 1990s," *Studies in Crime Prevention*, 3:104-131, 1994.

¹⁰ Paul J. Hirschfield, "The Declining Significance of Delinquent Labels in Disadvantaged Urban Communities," *Sociological Forum*, 23(3), 2008.

¹¹ Daniel S. Nagin, "Criminal Deterrence Research at the Outset of the Twenty-First Century," In *Crime and Justice: A Review of Research*, edited by Michael Tonry. Chicago: University of Chicago Press, 1998.

MORE SEVERE SENTENCES FAIL TO ENHANCE PUBLIC SAFETY

The logic behind supporting harsher sentences is simple: locking up people for longer periods of time should enhance public safety. From this view, putting people in prison for years or even decades should prevent offenders from re-offending by incapacitating them and/or deterring would-be-offenders from committing crimes. However, contrary to deterrence ideology and "get tough" rhetoric, the bulk of research on the deterrent effects of harsher sentences fails to support these assertions.¹²

A series of studies have examined the public safety effects of imposing longer periods of imprisonment.^{13, 14, 15} Ideally, from a deterrence perspective, the more severe the imposed sentence, the less likely offenders should be to re-offend. A 1999 study tested this assumption in a meta-analysis reviewing 50 studies dating back to 1958 involving a total of 336,052 offenders with various offenses and criminal histories. Controlling for risk factors such as criminal history and substance abuse, the authors assessed the relationship between length of time in prison and recidivism, and found that longer prison sentences were associated with a three percent increase in recidivism. Offenders who spent an average of 30 months in prison had a recidivism rate of 29%, compared to a 26% rate among prisoners serving an average sentence of 12.9 months. The authors also assessed the impact of serving a prison sentence versus receiving a community-based sanction. Similarly, being incarcerated versus

¹² Anthony Doob and Cheryl Webster, "Sentence Severity and Crime: Accepting the Null Hypotheses," *Crime and Justice*, 30:143-195, 2003.

¹³ Paul Gendreau, T. Little, and Claire Goggin, "A Meta-Analysis of Adult Offender Recidivism: What Works?" *Criminology*, 34(3):575-607, 1996.

¹⁴ Martin A. Levin, "Policy Evaluation and Recidivism," *Law and Society Review*, 6(1):17-46, 1971.

¹⁵ Lin Song and Roxanne Lieb, "Recidivism: The Effect of Incarceration and Length of Time Served," Olympia, WA: Washington State Institute of Public Policy, 1993

remaining in the community was associated with a seven percent increase in recidivism.¹⁶

Researchers also find an increased likelihood that lower-risk offenders will be more negatively affected by incarceration.¹⁷ Among low-risk offenders, those who spent less time in prison were 4% less likely to recidivate than low-risk offenders who served longer sentences.¹⁸ Thus, when prison sentences are relatively short, offenders are more likely to maintain their ties to family, employers, and their community, all of which promote successful reentry into society. Conversely, when prisoners serve longer sentences they are more likely to become institutionalized, lose pro-social contacts in the community, and become removed from legitimate opportunities, all of which promote recidivism.¹⁹

The Bureau of Justice Statistics has reported on a nationally representative sample of prisoners assessing the impact of time served in prison on recidivism rates. Researchers found that recidivism rates did not vary substantially whether prisoners were released anywhere in the range of six months to five years. While recidivism rates were high in general, they fluctuated in the range of 62-68%, and did not decline significantly for those spending more time in prison.²⁰ Furthermore, findings from a natural experiment investigating how prisoners respond to the manipulation of prison sentences show that reduced sentences may reduce recidivism rates. The Collective Clemency Bill passed by the Italian Parliament in July 2006 allowed for a three-year sentence reduction for persons who committed their offense prior to May

¹⁶ Paul Gendreau, Claire Goggin, and Francis T. Cullen, "The Effects of Prison Sentences on Recidivism," Ottawa, Ontario, Canada: Public Works and Government Services Canada, 1999.

¹⁷ Ibid.

¹⁸ *Supra*, note 15.

¹⁹ Thomas Orsagh and Jong-Rong Chen, "The Effect of Time Served on Recidivism: An Interdisciplinary Theory," *Journal of Quantitative Criminology*, 4(2):155-171, 1988.

²⁰ Patrick Langan and David Levin. "Recidivism of Prisoners Released in 1994," U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2002.

2, 2006.²¹ The authors of the study concluded that the sentence commutations significantly reduced the likelihood of recidivating.²²

ECONOMIC COSTS OF MORE SEVERE SENTENCES

Fiscal crises and a growing emphasis on using evidence-based practices has caused many policymakers to call into question the practicality of current sentencing policies and the overreliance on incarceration. Incarceration is an expensive sanction and sentencing people to longer prison terms has resulted in valuable resources being devoured. It is estimated that federal, state, and local governments are spending \$68 billion annually.²³ A recent economic analysis estimates that reducing the number of incarcerated non-violent offenders by half could save taxpayers \$16.9 billion annually without putting public safety at risk.²⁴

Non-violent drug offenders comprise a substantial percentage of the prison population and many studies have suggested that this number could be reduced if more treatment alternatives were available. While there are costs associated with treatment, research indicates that they tend to be far lower than the costs associated with lengthy terms of incarceration that show little evidence of deterring future offenses. For example, a recent study showed that spending on drug treatment in community-based programs versus incarceration yields a higher return on the investment while at the same time improving the life outcomes of drug users. The study concluded that a dollar spent on treatment in prison yields about six dollars of

²¹ The Collective Clemency Bill (2006) states that if a former inmate commits a crime within five years following his release from prison, he or she will be required to serve the remaining sentence suspended by the pardon in addition to the sentence given for the new crime.

²² Francesco Drago, Roberto Galbiati, and Pietro Vertova, "The Deterrent Effects of Prison: Evidence from a Natural Experiment," *Journal of Political Economy*, 117(2):257-280 2009.

²³ John Schmitt, Kris Warner, and Sarika Gupta. "The High Budgetary Cost of Incarceration," Center for Economic and Policy Research, 2010.

²⁴ Ibid.

savings, but a dollar investment in community-based treatment yields nearly \$20 in costs savings.²⁵

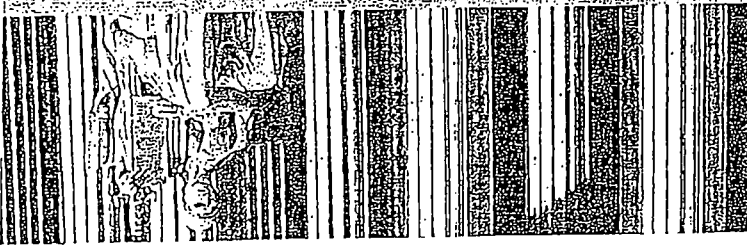
CONCLUSION

Existing evidence does not support any significant public safety benefit of the practice of increasing the severity of sentences by imposing longer prison terms. In fact, research findings imply that increasingly lengthy prison terms are counterproductive. Overall, the evidence indicates that the deterrent effect of lengthy prison sentences would not be substantially diminished if punishments were reduced from their current levels. Thus, policies such as California's Three Strikes law or mandatory minimums that increase imprisonment not only burden state budgets, but also fail to enhance public safety. As a result, such policies are not justifiable based on their ability to deter.

Based upon the existing evidence, both crime and imprisonment can be simultaneously reduced if policy-makers reconsider their overreliance on severity-based policies such as long prison sentences. Instead, an evidence-based approach would entail increasing the certainty of punishment by improving the likelihood that criminal behavior would be detected. Such an approach would also free up resources devoted to incarceration and allow for increased initiatives of prevention and treatment.

²⁵ Steve Aos, Marna Miller, and Elizabeth Drake, "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates," Olympia: Washington State Institute for Public Policy, 2006.

5/14/95



THE SENTENCING PROJECT
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JKS/0240520/20140808949
WITNESSES

DOCKET NO. 2015-GS-10-04527

Charleston County Sheriff Office

The State of South Carolina
County of Charleston

AGENCY CASE NUMBER

201413197B

ARREST WARRANT NUMBER

45126GF

DATE OF ARREST

08/16/2014

ACTION OF GRAND JURY

Foreperson of Grand Jury

8 2015
Date:

VERDICT

Foreperson of Petit Jury

Date

COURT OF GENERAL SESSIONS

TERM

JULY TERM 2015

THE STATE

VS.

JAMES BRYSON MUNN
W/M DOB: 03-14-1994

Indictment for

FELONY DUI, DEATH

SC Code: § 56-05-2945(A)(2)
CDR Code: 0395

File

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened on July 6, 2015, the Grand Jurors of Charleston County present upon their oath:

FELONY DUI, DEATH

That in Charleston County, South Carolina, on or about August 16, 2014, while driving a vehicle under the influence of alcohol, drugs or both alcohol and drugs, the Defendant, James Bryson Munn did an act forbidden by law or neglected a duty imposed by law in driving of said vehicle, to wit: exceeding the speed limit and/or crossing the yellow line and such act or neglect proximately caused death to Kylie Gillette all in violation of Section 56-5-2945, Code of Laws of South Carolina, (1976) as amended.

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


JENNIFER KNEECE SHEALY
ASSISTANT SOLICITOR

167

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

JAMES BRYSON MUNN

AKA:

Race: White Sex: M Age: 21DOB: 03/14/1994 SS#: 251-93-4147Address: 4 Blaine CtCity, State, Zip: Charleston, SC 29407-5327DL# 102117882 SID# SC02167681*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

☐ CONVICTED OF or☒ PLEADSTO Felony DUI, DeathIn violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is ☒ As indicted, ☐ Lesser included Offense,☐ Defendant Waives Presentment to Grand Jury

(def's initials)

The plea is ☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State

ATTEST

Jennifer Kneese Shealy, Assistant Solicitor SC Bar # 7919

Defendant

James Bryson Munn

Attorney for Defendant

5128
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 14 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 Service 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 Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total \$_____ plus 20% fee \$_____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc Rehab Or Job Corp _____

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: _____

Judge Code: 2134Sentence Date: 7/13/157/13/15

Recipient: _____

*Fine _____ \$_____

§14-1-206 (Assessments 107.5%) \$_____

§14-1-211 (A)(1)(Conv Surchage) \$100 \$ 100.00§14-1-211 (A)(2)(DUI Surchage) \$100 \$ 100.00§56-5-2995 (DUI Assessment) \$12 \$ 12.00

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

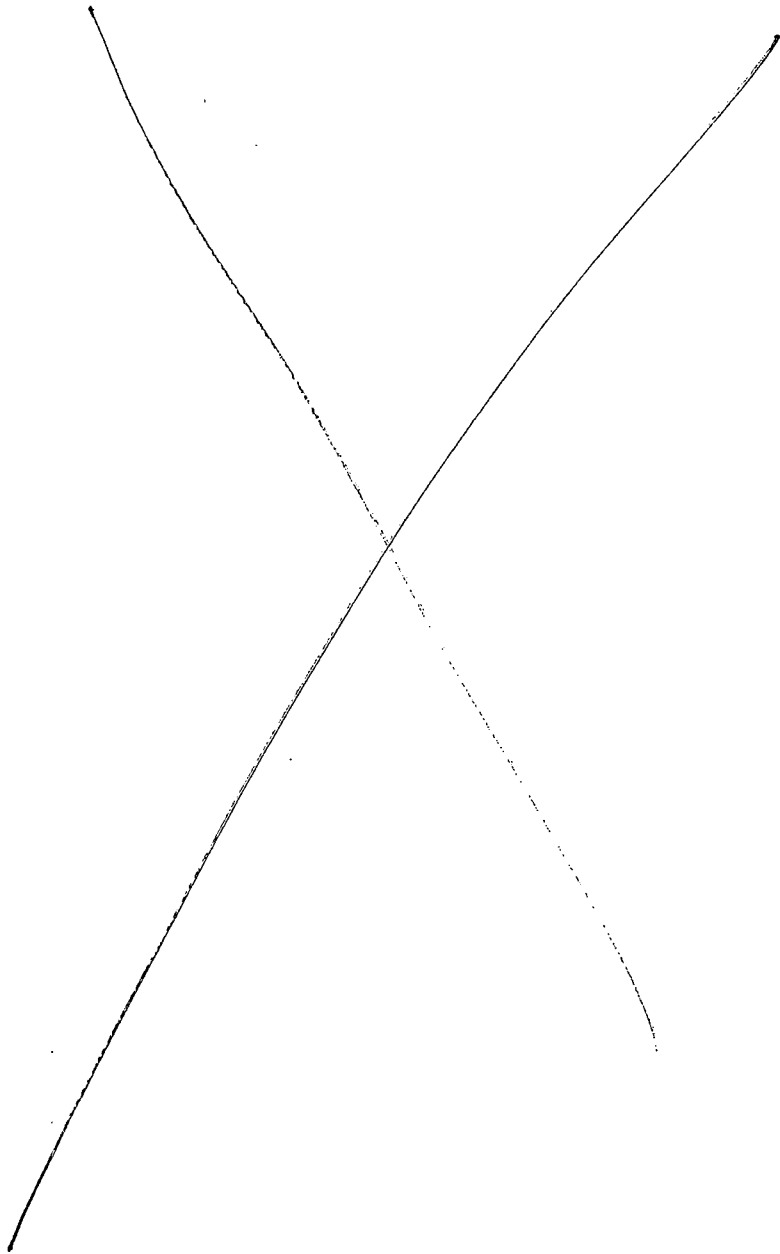
§14-1-212 (Law Enforce Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surchage) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCA Surchage) \$5 \$ 5.003% to County (if paid in installments) \$ \$ 7.26TOTAL \$ 249.26Clerk of Court/Deputy Clerk Amanda HaffendenCourt Reporter Amanda Haffenden148



169.

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

November 8th, 2016

William G. Yarborough
William G. Yarborough, III
522 N. Church Street
Greenville, South Carolina 29601
(864) 331-1612
Attorney for Appellant

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NOV 10 2016

SC Court of Appeals