

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
State of South Carolina)
)
)
-vs-)
)
Becky Ann Talley,)
)
)
Defendant.)
)
_____)

Indictment Nos.: 2019-GS-46-02543;
2019-GS-46-05536 and 2019-GS-46-05540

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DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B) (iv), the issue to be raised on appeal is whether the plea court abused its discretion when it imposed the sentence of Possession with Intent to Distribute Methamphetamine 2nd Offense on indictment no: 2019-GS-46-02543; Possession with Intent to Distribute Methamphetamine 2nd Offense on indictment no: 2019-GS-46-05540 and Forgery, value less than \$10,000 on indictment no: 2019-GS-46-05536. Appellant received Ten (10) years' suspended on Three (3) years and Three (3) years' probation, restitution per order, credit for time served Eighty Nine (89) days on indictment 2019-GS-46-02543, 2019-GS-46-05540 and 2019-GS-46-05536.

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. *See Frazer v. South Carolina*, 430 F.3d 696, 705 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



Adrian Peguese, Esq.
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Becky Ann Talley

York, South Carolina

November 18, 2019

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SC Court of Appeals

JAIL

COUNTY OF YORK

STATE VS.

BECKY ANN TALLEY

AKA: Becky Ann Taylor Talley, Becky Talley

Race: White Sex: F Age: 50

DOE SS#:

Address:

City, State, Zip:

DL# SID# SC00558234

*CDL Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or

TO: Possession with Intent to Distribute Methamphetamine 2nd Offense (5-30 YEARS &/OR \$50,000)

In violation of § 44-53-375(B) of the S.C. Code of Laws, bearing CDR Code # 3199

INDICTMENT/CASE#: 2019-GS-46-02543

A/W: 2019A4610100294

Date of Offense: 11/18/2019

S.C. Code §: 44-53-375(B)

CDR Code #: 3198

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2019 NOV 18 PM 4:35 SENTENCE SHEET

DAVID HAMILTON C.C.C.P. & GS YORK COUNTY, SC

ORIGINAL

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State.

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

ATTEST Daniel K. Porter, Assistant Solicitor SC Bar # 101574 Defendant Becky Talley Attorney for Defendant SC Bar # 103010

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 3 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 SCDOC. The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. 89 days

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$ Obtain GED

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

Recipient: May serve W/E beginning

*Fine: \$ Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ Random Drug/Alcohol Testing

§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 (Public Def/Probation) \$500 \$

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

§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

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

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

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

TOTAL \$ 275.00

Clerk of Court/Deputy Clerk: DAVID HAMILTON

Court Reporter: Wanda Nelson Presiding Judge: David O. Hill

Judge Code: 2753

Sentence Date: 11/08/19

DAVID HAMILTON CLERK OF COURT YORK COUNTY, SC 2019 NOV 18 PM 2:52

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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF YORK

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INDICTMENTS
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DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

At a Court of General Sessions, convened on August 15, 2019, the Grand Jurors of York County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE

The defendant, Becky Ann Talley, did on or about April 8, 2019, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to distribute, dispense, deliver, or purchase methamphetamine in violation of the provisions of Section 44-53-370, all in violation of Section 44-53-375(B) Code of Laws of South Carolina (1976, as amended).

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SOUTH CAROLINA
2019 NOV 18 PM 2:53
CERTIFIED TRUE COPY

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DANIEL K. PORTER
ASSISTANT SOLICITOR

WITNESSES

YCSO

Witnessing Officer: *Hager*

ARREST WARRANT NUMBER

2019A4610100294

ACTION OF GRAND JURY

TRUE BILL

Sarah Ni
Foreperson of Grand Jury
Date: *8/15/19*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019-GS-46-02543

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 15, TERM 2019

THE STATE

VS.

BECKY ANN TALLEY

INDICTMENT FOR

POSSESSION WITH INTENT TO
DISTRIBUTE METHAMPHETAMINE

SC Code: § 44-53-375(B)
CDR Code: 3198

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SC Court of Appeals

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Becky Talley
Defendant

Witness:

Chris Nick Cooper
C.C.C. PLS. AND G.S.

JAIL

COUNTY OF YORK

STATE VS.

BECKY ANN TALLEY

AKA: Becky Ann Taylor Talley, Becky Talley

Race: White Sex: F Age: 50

DOB: SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# SC00558234

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Possession with Intent to Distribute Methamphetamine 2nd Offense (5-30 YEARS &/OR \$50,000)

In violation of § 44-53-375(B) of the S.C. Code of Laws, bearing CDR Code # 3199

INDICTMENT/CASE#: 2019-GS-46-05540

A/W: 2019A4610300409

Date of Offense: 08/19/19

S.C. Code §: 44-53-375(B)

CDR Code #: 3199

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C.C.C.P. & GS
YORK COUNTY, SC

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury, BT (def.'s initials)

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

ATTEST:

Daniel K. Porter 101574
Daniel K. Porter, Assistant Solicitor SC Bar #

Becky Talley
Defendant

[Signature] 103010
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 3
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 SCDOC.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. 89 days

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

SPECIAL CONDITIONS:

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

Payment Terms: _____ Obtain GED

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 (Public Def/Probation) \$500 \$ _____

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

§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

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

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

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

TOTAL \$ 2750

Clerk of Court/Deputy Clerk: DAVID HAMILTON

Court Reporter: Wanda Nelson

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

Presiding Judge: [Signature]
Judge Code: 2753
Sentence Date: 11/08/19

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CLERK OF COURT
YORK COUNTY, SC

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Other: Order ATU Treatment

STATE OF SOUTH CAROLINA
COUNTY OF YORK

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INDICTMENT
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DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

At a Court of General Sessions, convened on November 14, 2019, the Grand Jurors of York County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE

The defendant, Becky Ann Talley, did on or about August 19, 2019, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to distribute, dispense, deliver, or purchase methamphetamine in violation of the provisions of Section 44-53-370, all in violation of Section 44-53-375(B), Code of Laws of South Carolina (1976, as amended).

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DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DANIEL K. PORTER
ASSISTANT SOLICITOR

WITNESSES

YCSO

Witnessing Officer:

ARREST WARRANT NUMBER

2019A4610300409

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019-GS-46-05540

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

NOVEMBER 14, TERM 2019

THE STATE

VS.

BECKY ANN TALLE

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SC Court of Appeals

INDICTMENT FOR

POSSESSION WITH INTENT TO
DISTRIBUTE METHAMPHETAMINE

SC Code: § 44-53-375(B)
CDR Code: 3199

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

COUNTY OF YORK
STATE OF S.C.

JAIL

BECKY ANN TALLEY
AKA: Becky Ann Taylor Talley, Becky Talley
Race: White Sex: F Age: 50
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL# _____ SID# SC00558234

INDICTMENT/CASE#: 2019-GS-46-05536
A/W: 2019A461010032
Date of Offense: 16-13-0010(A)
S.C. Code §: 3436
CDR Code #: _____

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SENTENCE SHEET
DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC
ORIGINAL

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or

TO: **Forgery, value less than \$10,000 (NMT 5 years &/or discretionary fine)**

In violation of § 16-13-0010(A) of the S.C. Code of Laws, bearing CDR Code # 3436

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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

ATTEST: [Signature] 101574 [Signature] 103010
Daniel K. Porter, Assistant Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 1 mo days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ 600; 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 SCDOC.
 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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Payment Terms: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ \$ _____ Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ _____ Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____ pmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ Paid to Public Defender Fund

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

Proviso (Public Def/Probation) \$500 \$ _____

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

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

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

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

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

TOTAL \$ 125.00

Clerk of Court/Deputy Clerk: DAVID HAMILTON
Court Reporter: Wanda Nelson

Presiding Judge: [Signature]
Judge Code: 2753
Sentence Date: 11/08/19

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SO Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF YORK

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DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

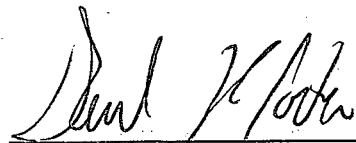
At a Court of General Sessions, convened on November 14, 2019, the Grand Jurors of York County present upon their oath:

FORGERY, VALUE LESS THAN \$10,000

The defendant, Becky Ann Talley, on or about May 31, 2019, in York County, South Carolina, with the intent to defraud, did falsely make, forge, or counterfeit; cause or procure to be falsely made, forged, or counterfeited; or falsely make, forge or counterfeit any writing or instrument of writing or plat of land or utter or publish as true any false, forged, or counterfeited writing or instrument of writing, and the forgery involved an amount less than ten thousand dollars (\$10,000.00), all in violation of Section 16-13-0010(A), *Code of Laws of South Carolina* (1976, as amended).

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DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DANIEL K. PORTER
ASSISTANT SOLICITOR

2019 NOV 18 PM 2:52

WITNESSES

YCSO

Witnessing Officer:

ARREST WARRANT NUMBER

2019A4610100752

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019-GS-46-05536

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

NOVEMBER 14, TERM 2019

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SC Court of Appeals

THE STATE

VS.

BECKY ANN TALLEY

INDICTMENT FOR

FORGERY, VALUE LESS THAN \$10,000

SC Code: § 16-13-0010(A)
CDR Code: 3436

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

[Signature]
Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to _____

[Signature]
Defendant

Witness:

[Signature]
C.C.C. PLS. AND G.S.