

JNTY OF OCONEE

TE VS.

SHERRY L. ROACH

Sherry Roach
White Sex: F Age: 42
SS#:
State, Zip:
SID# SC01702361

INDICTMENT/CASE#: 2018-GS-37-00804

A/W:

Date of Offense: 10/23/2016

S.C. Code §: 17-25-0030

CDR Code #: 0955

SENTENCE SHEET

Drug Court

Yes No CMV Yes No Hazmat Yes No

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

Violation of § 17-25-0030 of the S.C. Code of Laws, bearing CDR Code # 0955

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45

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

Livingston, Assistant Solicitor SC Bar # 102764 Defendant Sherry Roach Attorney for Defendant SC Bar # 102447

DEFENDANT is committed to the State Department of Corrections or County Detention Center, terminate term of days/months/years or under the Youthful Offender Act not to exceed years to pay a fine of \$; provided that upon the service of days/months/years and or payment 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 Service standard conditions of probation, which incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 6/19/18 plus Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SC Department of Corrections 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:

STITUTION: Deferred Def. Waives Hearing Ordered PTUP plus 20% fee: 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

by SCDPPPS

Amount:

Table with 3 columns: Description, Amount, Total. Includes rows for Assessments (107.5%), Conv. Surcharge (\$100.00), DUI Surcharge (\$100), DUI Assessment (\$12), DUI Breath Test (\$25), Public Def/Prob (\$500), Law Enforce. Funding (\$25), Drug Court Surcharge (\$150), BUI Breath Test Fee (\$50), Vehicle Assessment (\$40/ea), County (if paid in installments).

Other:

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

Presiding Judge:

Judge Code:

Sentence Date:

2131

06/20/18

CERTIFIED TRUE COPY AUG 30 2018 CLERK OF COURT OCONEE COUNTY, SC

of Court/Deputy Clerk: Reporter: 17 (04/2018)

Beverly H. Whitfield Diane Marcengill

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DEC 11 2019

SC Court of Appeals

Seferum to be determined

COUNTY OF OCONEE

STATE VS.

SHERRY L. ROACH

AKA: Sherry Roach

Race: White Sex: F Age: 42

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

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# SC01702361

INDICTMENT/CASE#: 2017GS3700609

AW#: 5102P0767618

Date of Offense: 10/23/2016

S.C. Code §: 56-05-1210(A)(1)

CDR Code #: 2461

*Drug Court*

SENTENCE SHEET

\*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: Leaving The Scene Of An Accident

In violation of § 56-05-1210(A)(1) of the S.C. Code of Laws, bearing CDR Code # 2461

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

(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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

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

ATTEST:

102764  
Brian G. Livingston, Assistant Solicitor SC Bar # \_\_\_\_\_ Defendant Sherry Roach Attorney for Defendant [Signature] SC Bar # 1575

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 81 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: 6/19/18  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDDC.  
 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 ✓ after 36 months of x Strict Compliance  
Total: \$ \_\_\_\_\_ plus 20% fee \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED

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

Recipient: SC Court of Appeals  May serve WE beginning \_\_\_\_\_  
RECEIVED DEC 11 2019 Substance Abuse Counseling inpatient + Dept's Discharge

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_ Random Drug/Alcohol Testing

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

TOTAL \$ 128.75

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: Shall successfully complete a minimum of six (6) month inpatient treatment

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

Clerk of Court/Deputy Clerk: Beverly H. Whitfield  
Court Reporter: Dione Macmillan  
SCGA/277 (04/2018)  
Sentenced 9-9-19 RLM

Presiding Judge: [Signature]  
Judge Code: 2134  
Sentence Date: 06/20/18  
Hold in Detention for inpatient bed TO OPEN

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )

IN THE COURT OF GENERAL SESSIONS  
FOR THE TENTH JUDICIAL CIRCUIT

State of South Carolina )

ORDER DENYING DEFENDANT'S  
MOTION TO VACATE JUDGMENT  
FOR LACK OF SUBJECT MATTER  
JURISDICTION

Vs. )

Sherry L. Roach, )

Case Number: 2018-GS-37-00804

Defendant )

2019 SEP 12 P 4: 57

FILED OCGHEE, SC  
BEVERLY H. WHITEFIELD  
CLERK OF COURT

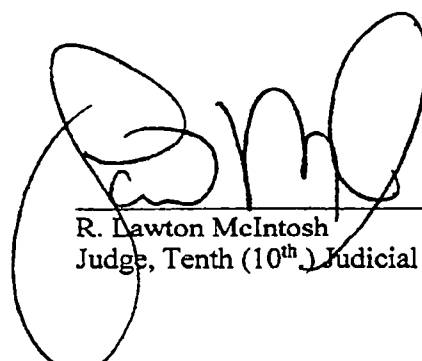
Defendant filed a motion to vacate her guilty plea in the above matter to breach of peace of a high and aggravated nature. Defendant asserts that there was insufficient facts in the record to support such a plea and therefore the court was without subject matter jurisdiction to take the plea. Defendant cites State v. Simms, 412 S.C. 590, 774 S.E.2d 445 (2015) in support of her argument. Defendant's motion is denied. Despite the fact that the defendant freely and voluntarily pled to the charge while represented by counsel, Simms makes it clear that the charge is a "generic one embracing a great variety of conduct destroying or menacing public order and tranquility." Id. at 594.

Defendant's motion shall be and is hereby denied. Defendant shall appear before the court at a time to be specified for sentencing.

IT IS SO ORDERED!

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DEC 11 2019  
SC Court of Appeals

Oconee, South Carolina  
September 12, 2019

  
\_\_\_\_\_  
R. Lawton McIntosh  
Judge, Tenth (10<sup>th</sup>) Judicial Circuit

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COMPUTER