

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions
The Honorable Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2018-000224

RECEIVED
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SC Court of Appeals

THE STATE ,

Appellant,

v.

BRUCE STANLEY JONES,

Respondent.

RECORD ON APPEAL

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State of South Carolina.,)
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County of York.)

In the General Sessions
Court of York

Case No. 2018 GS-46-00431
2018-GS-46-00432
2018-GS-46-00435

State of South Carolina.,)
)
Plaintiff.,)
)
-vs-)
)
Bruce Stanley Jones.,)
)
Defendant.)

Transcript of Record
Plea/Motion to Reconsider
Sentence

February 8, 9, 2018
York, South Carolina

B E F O R E:

The Honorable Daniel D. Hall, judge.

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To The Honorable Daniel D. Hall
Sixteenth Judicial Circuit
Union and York Counties

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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Reporter's Note: All Exhibits were filed with the York
County Clerk of Court's Office.

1 (COURT IN SESSION THURSDAY, FEBRUARY 8, 2018 IN THE
2 MATTER OF THE STATE VERSUS BRUCE STANLEY JONES, AT 10:20
3 AM.)

4 SOLICITOR NEWKIRK: Can we have Bruce Jones from the
5 holding cell, please.

6 (DEFENDANT BRUCE JONES, BLACK MALE, ENTERS COURTROOM.)

7 THE COURT: All right, Solicitor.

8 SOLICITOR NEWKIRK: Thank you, your Honor.

9 The next matter for your consideration is the *State*
10 *versus Bruce Jones*. As a preliminary matter, your Honor,
11 Mr. Jones is on loan at the Detention Center from the South
12 Carolina Department of Corrections. He has been in the
13 Department of Corrections for several months where he pled
14 guilty -- He's been in the Department of Corrections for a
15 hundred and fourteen days. Prior to that he was in the
16 Lancaster Detention Center where he had pled guilty to a
17 burglary charge when he was represented by the Public
18 Defender's Office.

19 When he was -- And his warrants were issued he was not
20 approved for the public defender, but he has been
21 incarcerated in SCDC for a hundred and forty-four days and
22 prior to that in Lancaster.

23 I have provided the entire discovery file to Mr.
24 McKinnon for his review. For the purposes of this plea I
25 would ask that Mr. Jones be appointed Mr. McKinnon as his

1 representation.

2 THE COURT: All right. I'll appoint him.

3 I'll appoint Mr. McKinnon to represent him.

4 SOLICITOR NEWKIRK: Thank you, your Honor.

5 Mr. Jones is here on three True Billed Indictments.

6 Number 2018-GS-46-00431, one charge of burglary in the
7 second degree violent. That is a statutory felony and it
8 carries up to fifteen years.

9 Indictment 2018-GS-46-00432 Malicious Injury to
10 Property, however that is enhanced per the enhancement
11 statute. That is a statutory felony that carries up to ten
12 years.

13 And Indictment 2018-GS-46-00435 another count of
14 Burglary in the second degree violent. Felony, up to
15 fifteen years. All of those indictments have been True
16 Billed before the York County Grand Jury.

17 Your Honor, the negotiation in this case is for a six-
18 year active sentence to be served concurrently with his
19 current SCDC sentence.

20 At the conclusion of the plea the State will also be
21 dismissing two counts of possession of burglary tools and
22 two counts of petty larceny enhanced that are directly
23 related to the indictments in which he is pleading.

24 Your Honor, additionally at the conclusion of the
25 factual summation, the State and the Defense do have a

1 minor disagreement regarding his time served credit that I
2 believe needs a ruling on the Court regarding it.

3 THE COURT: All right. All right, Mr. McKinnon, you
4 represent Bruce Jones on these charges?

5 MR. MCKINNON: I do, your Honor.

6 THE COURT: How does he indicate he wishes to plead?

7 MR. MCKINNON: He indicates he wishes to plead guilty,
8 your Honor.

9 THE COURT: Mr. Jones, how old are you?

10 MR. JONES: Be fifty-eight Saturday.

11 THE COURT: Fifty-eight. How far did you go in
12 school?

13 MR. JONES: Eleven.

14 THE COURT: Have you ever been treated for any mental
15 or emotional disability?

16 MR. JONES: No, sir.

17 THE COURT: You understand what you're doing here?

18 MR. JONES: Yes, sir.

19 THE COURT: How much time you serving in the
20 Department of Corrections now?

21 MR. JONES: Three years.

22 THE COURT: Is that for a burglary?

23 MR. JONES: Yes, sir.

24 THE COURT: Where was that from?

25 MR. JONES: Lancaster.

1 THE COURT: Lancaster. I didn't sentence you did I?
2 Did I sentence you?

3 MR. JONES: Yeah. Yes, sir.

4 THE COURT: I thought I recognized you. All right,
5 Mr. Jones, have you ever been treated for any mental or
6 emotional disability?

7 MR. JONES: No, sir.

8 THE COURT: Again, you understand what you're doing
9 here?

10 MR. JONES: Yes, sir.

11 THE COURT: Mr. Jones, I have two indictments for
12 burglary second degree violent. Indictment 2018-435, that
13 indictment alleges on or about June the 30th, 2016 here in
14 York County you did enter a building, the Tienda La
15 Calentana, in York County in the nighttime and you could
16 get up to fifteen years in prison for that. That's a
17 serious violent offense and I'm gonna talk to you about
18 that in just a moment.

19 How do you plead to that charge?

20 MR. JONES: Guilty.

21 THE COURT: 2018-431 alleges that on, or about, June
22 the 30th of 2016 here in York County you did break into
23 Carolina E-Cigs building without consent in the nighttime,
24 you get fifteen years, that's a serious violent offense.

25 How do you plead to that charge?

1 MR. JONES: Guilty.

2 THE COURT: 2018-432 is an indictment for Malicious
3 Injury to Property. Because of your prior record this
4 would be a third or greater property offense. That
5 indictment alleges here in York County, on or about, June
6 the 30th of 2016 you did damage personal property of
7 another or a cash register. Because of your prior record
8 you could get ten years in prison for that.

9 How do you plead to that charge?

10 MR. JONES: Guilty.

11 THE COURT: The burglaries are what we call violent,
12 serious offenses. It appears that you were sentenced back
13 in September. I guess that was in Lancaster for a burglary
14 second violent; is that correct?

15 MR. JONES: Yes, sir.

16 THE COURT: Well, this would be your third, a
17 conviction for your third serious offense on your record.
18 And even though you're pleading to two today, it appears
19 that they took place on two separate distinct occasions and
20 so under our three-strikes law you are subject to in the
21 future anytime you're convicted, if you're convicted of a
22 serious offense in the future, or a most-serious offense in
23 the future, the State could seek a life without parole
24 sentence because of this plea today. This is under our
25 three strikes law. You really have three strikes today.

1 Do you understand that?

2 MR. JONES: Yes, sir.

3 THE COURT: And in addition these are violent
4 offenses. This affects your status in the Department of
5 Corrections and your parole eligibility.

6 Do you understand that?

7 MR. JONES: Yes, sir.

8 THE COURT: How do you -- And, again, you want to go
9 forward with your pleas on these charges?

10 MR. JONES: Yes, sir.

11 THE COURT: I have a Plea Waiver Form that has been
12 provided to me. It appears that you, and Mr. McKinnon,
13 have been over your rights on the plea waiver form and that
14 you signed and dated it yesterday stating it that -- you
15 actually went over this with Mindy Lipinski from the Public
16 Defender's Office, another lawyer, and you stated that you
17 understood the rights that are in this form and you're
18 giving them up in order to plead guilty; is that correct?

19 MR. JONES: Yes, sir.

20 THE COURT: Included in all those rights are your
21 rights to a jury trial and the rights that are included in
22 a jury trial. Your right to appeal within ten days.

23 MR. JONES: Yes, sir.

24 THE COURT: Among a number of other rights and you
25 initialed those, indicated that you understood those

1 rights; is that correct?

2 MR. JONES: Yes, sir.

3 THE COURT: Do you have any questions about any of
4 your rights?

5 MR. JONES: No, sir.

6 THE COURT: Are you satisfied with Mr. McKinnon and
7 Mrs. Lipinski in the way they've represented you?

8 MR. JONES: Yes, sir.

9 THE COURT: Are you pleading to these charges of your
10 own free will?

11 MR. JONES: Yes, sir.

12 THE COURT: All right, Solicitor.

13 SOLICITOR NEWKIRK: Thank you, your Honor.

14 May I beg the Court's indulgence?

15 (PAUSE.)

16 SOLICITOR NEWKIRK: Your Honor, before I begin the
17 factual recitation, I just spoke to Mr. McKinnon, one of
18 the indictments, the indictment that alleges a burglary
19 second degree violent from the Carolina Cigarette Store,
20 the date is incorrect. I would move the Court to amend
21 that date to read June 17th.

22 MR. MCKINNON: No objection, your Honor.

23 THE COURT: I think when I read it and what's dated is
24 June the 30th, and so if there's no objection I'm going to
25 strike through June 30th and put June 17th.

1 MR. MCKINNON: No objection, your Honor.

2 THE COURT: And I placed that and I'll initial that
3 change.

4 SOLICITOR NEWKIRK: Thank you, your Honor. My
5 apologies. On June the 17th at approximately 3:30 in the
6 morning Deputy Williams of the York County Sheriff's
7 Officer responded to an alarm at 3160 Highway 21, Suite 101
8 in Fort Mill, South Carolina the Carolina Cigarette Store
9 which is in the County of York.

10 Upon arrival officers noticed that the business had a
11 broken out window and entered and saw that the register --
12 the cash register had been damaged and some cash had been
13 taken from the register. Officers reviewed a surveillance
14 video and were able to identify a vehicle, a white Ford
15 Thunderbird, in that robbery.

16 On June the 30th of 2016 officers responded to 3312
17 Highway 21 in Fort Mill, South Carolina in reference to a
18 burglary that had occurred at Tienda La Calentana. They
19 arrived at the store and saw that a similar situation, a
20 rock had been taken through the glass and the cash register
21 had been damaged. They were also able to confirm that a
22 white Thunderbird had been involved in the robbery.

23 The white Thunderbird was entered into -- A be on the
24 look out was entered and it came up in Pineville Police
25 Department where the defendant was driving a white

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1 Thunderbird after fleeing from a burglary. The defendant
2 was marandized and officers spoke to him. He did provide a
3 full confession to the York County Sheriff's Office that he
4 had committed the two burglaries in York County.

5 He does have prior qualifying offenses for the
6 enhancement under the property crime statute, in 2012 and
7 2013. Those would be the substantive facts, your Honor,
8 but again, we do have a minor issue regarding his time
9 served credit at the appropriate time.

10 THE COURT: And I will state that in the Plea Waiver
11 From there appear to be a pretty comprehensive list of his
12 prior convictions. I do have a comprehensive list of his
13 convictions and there is a factual basis for the prior
14 property offenses.

15 Mr. McKinnon, I'd be glad to hear from you and your
16 client; bear in mind I'm gonna follow the negotiations.

17 MR. MCKINNON: Thank you, your Honor, may it please
18 the Court. There are a few things I'd like to tell you.

19 Your Honor, Mr. Jones got here this week. As you just
20 heard we were not appointed at the time until this morning.
21 Mr. Newkirk did give me discovery and I went down yesterday
22 morning and spoke to my client in the jail, went over
23 discovery and his rights and things like that with him .
24 And as your Honor noted Mrs. Lipinski was good enough to go
25 over the Plea Waiver Form and sign up yesterday while I was

1 in front of your Honor yesterday afternoon.

2 Also I think it's important to note that this was the
3 investigation of this -- these two burglaries was tied in
4 all part and partial to the investigation in Pineville and
5 in Lancaster in which your Honor sentenced him to last
6 September as you recalled. It was one investigation kind
7 of jointly between the three different agencies. One
8 confession, he went through and confessed to all of them on
9 one piece of paper.

10 The last thing as Mr. Newkirk has mentioned is, there
11 is a somewhat confusing issue as to the time-served credit.
12 Your Honor gave him, in Lancaster, four hundred and twenty
13 days of credit. And in all candor to the Court I spoke to
14 his attorney at the time in Lancaster and she indicated
15 that that was not based on a ruling of your Honor's at the
16 time. Essentially the State did not contest that and the
17 basis of that time was going back to the time that the day
18 that he was arrested in Pineville, to the Pineville
19 charges, and not to the date of the Governor's Warrant
20 where the hold that was placed on him by either York or
21 Lancaster Counties.

22 Your Honor, --

23 THE COURT: Well let me ask you that.

24 MR. MCKINNON: Yes, sir.

25 THE COURT: What is written on the top of the Plea

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1 Waiver Form is that he is to have credit since July the
2 18th, 2016. Is that the day he was arrested in Pineville?

3 MR. MCKINNON: I believe it was -- Yes, I believe that
4 is correct.

5 THE COURT: So your argument would be that his credit
6 should begin from that date?

7 MR. MCKINNON: Your Honor, I think that the maximum
8 that he could get would be that four twenty plus the time
9 since the day that he was sentenced in Lancaster where your
10 Honor gave him the four hundred and twenty days. So that
11 total would be five hundred and seventy, so I believe that
12 would be the absolute maximum he could get.

13 THE COURT: Well I'm sort of lost. What's the
14 difference between, if he was arrested on July the 18th,
15 2016, are you arguing that he's entitled -- and he's been
16 in jail ever since then, right?

17 MR. MCKINNON: He has been either being held in
18 Pineville ---

19 THE COURT: He's been incarcerated ---

20 MR. MCKINNON: --- or Lancaster. Yes, he has been
21 incarcerated yes.

22 THE COURT: --- since then? And are you arguing that
23 he is entitled to more time than credit from July 18th,
24 2016?

25 MR. MCKINNON: No, your Honor.

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1 THE COURT: All right.

2 All right, Mr. Newkirk, I'll be glad to hear from you.

3 SOLICITOR NEWKIRK: Thank you, your Honor, and Mr.
4 McKinnon is correct. His calculation takes into account
5 his arrest in Pineville. However, my understanding of the
6 case law, which I do have to provide to the Court if
7 necessary, is that Mr. Jones would not be entitled to his
8 credit for these charges until a hold has been placed on
9 him by our county for these warrants. Additionally, that
10 time served credit, pursuant to the statute, must stop when
11 he begins serving an SCDC sentence for an unrelated
12 offense.

13 So, I have calculated the time served credit at three
14 hundred and sixty-seven days. That is from the day Nikki
15 Haley signed the Governor's Warrant in September, September
16 the 16th of 2016 until he pled before your Honor in
17 September 18th of 2017. That's three hundred and sixty-
18 seven days. I do believe he is entitled to all of that;
19 however, once he began serving his SCDC sentence I do not
20 believe he is entitled to that additional hundred and
21 forty-four days.

22 THE COURT: All right.

23 MR. MCKINNON: Your Honor, and I understand that
24 argument. I would say that the bear minimum I think that
25 he would be entitled to would be one sixty-eight.

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1 THE COURT: Well, here's what I'm gonna do. I'm gonna
2 give him credit from the day July the 18th, 2016. That
3 will be the order of the Court. Of course if the State
4 wants to appeal that they can. He was confined on that
5 date, he certainly whether there was a formal hold in place
6 it appears that he did not -- He was never released and --
7 I assume that -- And it appears that the authorities in
8 York County and Lancaster County were aware that he was
9 arrested and in jail in Matthews -- In Huntersville -- not
10 Huntersville -- in Pineville on July the 18th so in effect
11 there was a -- and that awareness was in effect, and I
12 don't know when the actual hold was placed, but I'm gonna
13 give you credit from July the 18th, 2016.

14 MR. MCKINNON: Thank you, your Honor. And by my
15 calculation that number will be five seventeen.

16 THE COURT: All I'm gonna do is just write July the
17 18th, 2016 on the sentencing sheet. The Department of
18 Corrections will deal with that.

19 MR. MCKINNON: Very good. Thank you, your Honor.

20 SOLICITOR NEWKIRK: Thank you, your Honor.

21 THE COURT: Hold on, hold on a minute, Mr. Newkirk.

22 SOLICITOR NEWKIRK: Yes, sir.

23 THE COURT: I'm not quite through.

24 Anything you want to say, Mr. Jones?

25 MR. JONES: No, sir.

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1 THE COURT: All right, let me ask you one other and be
2 sure that we're clear on one thing. Here in York County
3 you were just appointed a lawyer yesterday; is that
4 correct?

5 MR. JONES: Yes, sir.

6 THE COURT: Now that's only been twenty-four hours and
7 you're here in court with your lawyer that you just met
8 today. I want to be sure the record is clear that you are
9 satisfied with the way those lawyers have represented you.

10 MR. JONES: Yes, sir.

11 THE COURT: And you've had plenty of time to talk to
12 them?

13 MR. JONES: Yes, sir.

14 THE COURT: And do you have any complaints about the
15 way they've represented you in the last twenty-four hours?

16 MR. JONES: No, sir.

17 THE COURT: And again, its your desire to go forward
18 with this plea for this negotiated six years, and based on
19 what your lawyers have done you have no complaints about
20 their representation?

21 MR. JONES: No, sir.

22 THE COURT: All right. The sentence of the Court on
23 each of those indictments is he be committed to the
24 Department of Corrections for a period -- for a determinat
25 term of six years, credit to begin July the 18th, 2016.

1 Thank you.

2 MR. MCKINNON: Thank you, your Honor.

3 SOLICITOR NEWKIRK: Thank you, your Honor.

4 (COURT IN RECESS IN THE MATTER OF STATE V. BRUCE JONES
5 THURSDAY, FEBRUARY 8, 2018 AT 10:35 AM.)

6 (COURT BACK IN SESSION IN THE MATTER OF STATE V. BRUCE
7 JONES FRIDAY, FEBRUARY 9TH, 2018 AT 10:21 AM.)

8 (WHEREUPON, COURT'S EXHIBIT NUMBER ONE REMARKED FOR
9 IDENTIFICATION.)

10 THE COURT: All right, let me place on the record,
11 this is a hearing on the State's Motion to Reconsider a
12 Sentence on Indictments 2018-GS-46-431 and 432 and 435.

13 The State -- This is the *State versus Bruce Jones*.

14 He was sentenced by the Court yesterday, February the
15 8th, 2018. The State timely filed a *Motion to Reconsider*
16 the *Sentence* with the Court yesterday and the Court did
17 schedule this hearing, on the record today, to give the
18 State an opportunity and the Defense an opportunity to be
19 heard on the State's Motion to Reconsider.

20 So, Mr. Newkirk, I'll be glad to hear from you.

21 SOLICITOR NEWKIRK: Thank you, your Honor.

22 First and foremost allow me to place a procedural
23 matter on the record. I did speak with you in chambers
24 with Mr. McKinnon regarding this motion. I informed the
25 Court, at that time, my intention to file an amended *Motion*

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1 to *Reconsider Sentencing* and first and foremost I had a
2 scribblers error in my original motion and additionally my
3 motion -- my initial motion made the issue that I'm going
4 to argue before the Court a little less clear.

5 I believe my amended motion makes it more clearer than
6 what my argument would be. Your Honor, may I approach?

7 THE COURT: Yes.

8 SOLICITOR NEWKIRK: Your Honor, I have provide --
9 providing you now a copy of *State's Amended Motion to*
10 *Reconsider*. It has included -- Its been marked as Court's
11 Exhibit One. I ask at the conclusion that it go with the
12 file. I've also provided a copy of that Amended Motion to
13 Mr. McKinnon.

14 THE COURT: All right. Thank you. I do have Court's
15 Exhibit One and I will make that a part of the file.

16 SOLICITOR NEWKIRK: Thank you, your Honor.

17 (WHEREUPON, COURT'S EXHIBIT NUMBER ONE, IDENTIFIED AND
18 MARKED, RECEIVED INTO EVIDENCE.)

19 SOLICITOR NEWKIRK: Thank you, your Honor.

20 Your Honor, there's two things I want to get out
21 before I make my argument. First is a procedural history
22 of Mr. Jones' case. And second is, for the record, a
23 rehash of the sentence from yesterday.

24 Mr. Jones is before the Court on three indictments
25 however, procedurally he was arrested in July 20th of 2016

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1 in North Carolina for attempted burglary and B&E charges.
2 Subsequent to his arrest on the 20th of 2016, of July, I'm
3 sorry, not September, July, York County Sheriff's Office
4 had a signed warrant by a judge in this county for the
5 charges for which he pled yesterday. Most relevant are the
6 three indictments; there were two counts of burglary second
7 degree violent and one count of malicious injury to
8 property third or subsequent property crime.

9 There were additional charges however those were
10 dismissed pursuant to plea agreement. That warrant was
11 signed by a York County Magistrate on the 28th of July
12 2016. On September the 16th of 2016 Mr. Jones -- The State
13 of South Carolina sought a *Governor's Warrant* in the State
14 versus Mr. Jones, that warrant on September the 16th of
15 2016 was signed by Governor Nikki Haley.

16 That warrant was served on the Defendant. The
17 *Governor's Warrant* was served on the Defendant October the
18 10th of 2016.

19 Your Honor, from July 20th of 2016 to March 23rd of
20 2017 the defendant, Mr. Jones, was serving a sentence in
21 North Carolina for offenses related to his arrest in
22 Pineville. He was released from that sentence on March --

23 THE COURT: Tell me, when was he arrested in
24 Pineville?

25 SOLICITOR NEWKIRK: July the 20th of 2016.

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1 THE COURT: All right. And then when was -- Do we
2 have a date or a factual -- where there's not a factual
3 dispute of when officers from Lancaster and York County
4 interviewed him in the Pineville --

5 SOLICITOR NEWKIRK: No, sir. I would concede that it
6 was several days after the 20th. It was in the --

7 THE COURT: On or about the 20th?

8 SOLICITOR NEWKIRK: Yes, sir.

9 THE COURT: All right.

10 SOLICITOR NEWKIRK: Yes, sir. It was when he was in
11 custody by Pineville police.

12 THE COURT: But at the initial arrest?

13 SOLICITOR NEWKIRK: Yes, sir.

14 THE COURT: Okay. Go ahead.

15 SOLICITOR NEWKIRK: Thank you, your Honor.

16 He finished his sentence on March the 23rd of 2017 and
17 was transported and booked into the Lancaster County jail
18 on that date. On -- He was not released between March the
19 23rd of 2017 and September the 18th of 2017. On September
20 the 18th of 2017 he pled guilty to one count of burglary
21 second degree violent on Indictment 27-GS-29-0-0-9-0-6. He
22 was given a three year sentence by the Court for that
23 offense.

24 THE COURT: All right, tell me again that date?

25 SOLICITOR NEWKIRK: That was September the 18th of

1 2017.

2 THE COURT: And that was in Lancaster?

3 SOLICITOR NEWKIRK: Yes, sir.

4 THE COURT: All right. Go ahead.

5 SOLICITOR NEWKIRK: He was subsequently transported to
6 the Department of Corrections to begin serving that
7 sentence. On October the 6th of 2017 the York County
8 warrants were served on him in the Department of
9 Corrections. Those were the warrants for which he plead
10 yesterday and those were the same warrants that were
11 originally signed by the York County Magistrate on July the
12 28th of 2016.

13 And lastly, the last procedural matter, is he pled
14 guilty to those indictments yesterday which was February
15 the 8th of 2018.

16 THE COURT: All right. Thanks.

17 SOLICITOR NEWKIRK: Yes, sir.

18 THE COURT: Let me be sure, Mr. McKinnon, as far as
19 the factual time line, there is no question of fact about
20 any of those dates that the Solicitor has --

21 MR. MCKINNON: Your Honor, I don't believe so. And
22 just to clarify, I'm looking at his signed confession. It
23 was done in North Carolina July 20th where he confessed to
24 Mecklenburg police, Lancaster police, and the York police
25 to all three events all at once.

1 THE COURT: All right.

2 MR. MCKINNON: So it was precisely as to July 20th of
3 2016.

4 THE COURT: Mr. Newkirk, do you have any factual
5 dispute about the fact that the defense argued as indicated
6 that they have a confession that was given to all three law
7 enforcement agencies on July the 20th?

8 SOLICITOR NEWKIRK: None whatsoever.

9 THE COURT: All right. So we agree on the factual
10 time. There is no dispute about any of the times?

11 MR. MCKINNON: Yes, your Honor, the Defense agrees to
12 that time line. Yes.

13 THE COURT: Okay. Go ahead.

14 SOLICITOR NEWKIRK: Your Honor, however I did
15 misspeak. He pled guilty in Lancaster on September the
16 12th of 2017, not the 18th. That's my fault. September
17 the 12th.

18 And so procedurally that's the time line. As Mr.
19 McKinnon said the State and the Defense do not disagree on
20 the time line. And the case's already been pled and the
21 negotiation accepted by the Court.

22 The State's Motion to Reconsider is limited only in
23 the amount of time served credit in which the Court granted
24 the Defendant. Your Honor, the Defendant was in the
25 Department of Corrections from September the 12th of 2017

1 to yesterday and is still in the Department of Corrections,
2 but for my argument, until he pled yesterday that is a
3 total of one hundred and fifty days.

4 The State would argue and the State respectfully moves
5 the Court to reconsider not granting Mr. Jones that one
6 hundred and fifty days credit based on the statute which is
7 South Carolina Code of Laws 24-13-40. The title of that
8 Statute is *Governing the Computation of Time Served by*
9 *Prisoners.*

10 Your Honor, in the State's opinion the relevant
11 portion is B Subsection (2) which states in relevant part,
12 that credit for time served prior to trial and sentencing
13 shall not be given when the prisoner is serving a sentence
14 for one offense and is awaiting trial and sentence for a
15 second offense in which case he shall not receive credit
16 for time served prior to trial in a reduction of his
17 sentence for the second offense.

18 Your Honor, the State's argument is pretty
19 straightforward. When Mr. Jones pled guilty on September
20 the 12th of 2017, he began serving a sentence for one
21 offense. Coincidentally he was also awaiting trial or
22 sentence on a second offense which would be the York County
23 charges Indictments 18-GS-46-0-0-4-3-1; 4-3-2 and 4-3-5.

24 He pled yesterday February 8th, 2018 making that a
25 total of one hundred and fifty days where he was serving

1 both a sentence for which he had pled and a sentence for
2 which he was waiting at trial.

3 The State believes pursuant to that statute that it
4 specifically prohibits the granting of that one hundred and
5 fifty days time served credit. And I would respectfully
6 request the Court to reconsider and not grant that one
7 hundred and fifty days.

8 THE COURT: All right. Thank you.

9 SOLICITOR NEWKIRK: Thank you, sir.

10 THE COURT: Mr. McKinnon, anything you want to put on
11 the record?

12 MR. MCKINNON: Your Honor, we will simply say that we
13 agree that your Honor's ruling for time served credit
14 dating back to July of 2016 that you honored yesterday is
15 appropriate and correct.

16 THE COURT: All right. Thank you.

17 I'm gonna deny the motion to reconsider. In my
18 research last night I could find no reported case in which
19 the State appealed a granting of time served. All the
20 reported cases are where the Court -- Either the Court
21 denied a time served under certain circumstances, or they
22 were appeals from the Administrative Court ruling on how
23 the Department of Corrections may have interpreted a
24 sentence in the calculation of time served. And so, this
25 is an unusual case in that the State is appealing the

1 granting of time served.

2 It does appear that I did find one case, it's an
3 unpublished opinion by the Court of Appeals, it's Opinion
4 No. 2008-UP-680. Granted that's not precedent, however,
5 this Court was persuaded by the Court of Appeals or
6 reasoning and rationale in that particular case. In that
7 particular case the Defendant Mr. Suber -- *State v. Suber*
8 -- Mr. Suber was arrested in Lexington County, South
9 Carolina on some forgery -- a fraudulent check charge,
10 forgery charges, and he was -- when he was arrested he was
11 also charged with similar offenses from Richland County.

12 And in that case when he was -- And so he was
13 sentenced in Lexington County, got a year and a half
14 sentence, and then sometime after that he was taken to
15 Richland County and pled to the charges in Richland County.
16 In that particular case the sentencing judge denied him, or
17 wrote on the sentencing sheet that he had no credit for
18 time served.

19 That issue was appealed, the Court of Appeals did look
20 at it, it appears and the analysis is not very detailed,
21 however, they did indicate -- and obviously the issue in
22 that one was how much credit would he get for time served
23 prior to the Richland County sentence, and they did look at
24 the -- and obviously they looked at 24-13-40. And
25 certainly as Mr. Newkirk has correctly stated, the matter

1 of credit of time served under this particular statute is
2 not discretionary with the trial court as a matter of law.

3 However, the way they did interpret that is that the
4 statute they indicated, you know, there are two -- He's to
5 be given credit for time served unless there are two
6 exceptions. One: Either the prisoner was an escapee which
7 would certainly indicate that they were aware that if a
8 prisoner escaped, and he's not in prison for a period of
9 time and then he's later picked up, he's not entitled to
10 the time where he was escaped.

11 And then secondly, the prisoner was already serving a
12 sentence. Well the statute says under Two: When the
13 prison is serving a sentence for one offense, and is
14 awaiting trial and sentence for a second offense, and so
15 the question then becomes what is a second offense, is it a
16 second offense in time. Or it appears as they analyzed or
17 that because in Mr. Suber's case, the defendant in that
18 case, there was never a break in his incarceration from the
19 time he was arrested in Lexington County, he was never
20 released.

21 He certainly didn't commit a second offense while he
22 was incarcerated, and so, the Court reasoned that in
23 essence he was confined without interruption on those all
24 similar charges where he was in essence being detained for
25 all of those charges from the date he was arrested in

1 Lexington County.

2 I find that based on that analysis that in this
3 particular case factually he was arrested on July the 20th,
4 2016.

5 SOLICITOR NEWKIRK: Your Honor, may I --

6 THE COURT: Well actually he was arrested on July the
7 18th.

8 SOLICITOR NEWKIRK: The 18th. Yes, sir.

9 THE COURT: 2016. He was interviewed by South
10 Carolina Law Enforcement. It appears what's been stated
11 today by Lancaster County Sheriff's Department, or law
12 enforcement officials, York County law enforcement
13 officials, and Pineville officials, on -- two days later on
14 July the 20th his confinement in the Department of
15 Corrections or a county Detention Center has been
16 uninterrupted for that time, and, therefore I find that to
17 be similar to the -- what they did in the *State v. Suber*
18 case, and so therefore, the Court finds as a matter of law
19 that he is entitled to time served beginning at his date of
20 arrest on July the 18th, so I'm gonna deny your motion.

21 Thank you.

22 SOLICITOR NEWKIRK: Thank you, your Honor.

23 MR. MCKINNON: Thank you, your Honor.

24 (END OF TRANSCRIPT OF RECORD.)
25

CERTIFICATE OF REPORTER

State of South Carolina)
)
 County of York)

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the General Sessions Court for York County, South Carolina, on the 8th and 9th days of February, 2018.

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

Wanda Nelson, CVR-M
 Certified Verbatim Reporter,
 Official Court Reporter,
 Notary Public, in and for
 The State of South Carolina.

My Commission Expires: 1/21/2021

DATE: _____ / _____

STATE OF SOUTH CAROLINA
COUNTY OF YORK

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IN THE COURT OF GENERAL SESSIONS
SIXTEENTH JUDICIAL CIRCUIT

DAVID HAMILTON
C.C.C.P. & GS STATE'S MOTION TO RECONSIDER
YORK COUNTY, SC SENTENCING

State of South Carolina,

vs.

Bruce Stanley Jones,
Defendant.

2018-GS-46-00431
2018-GS-46-00432
2018-GS-46-00435

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2018 APR 26 PM 12:38
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

The State, through Assistant Solicitor, Ryan R. Newkirk, respectfully moves this Court to reconsider the sentence of Bruce Stanley Jones, Defendant, on the above-captioned indictments. Contained below is a brief procedural summary and the State's argument regarding reconsideration.

On February 8, 2018, Defendant appeared with his attorney, Mark T. McKinnon, before the Honorable Dan D. Hall to enter a negotiated plea to true-billed indictments 2018-GS-46-00431 (Exhibit A) (Burglary 2nd Degree, Violent), 2018-GS-46-00432 (Exhibit B) (Malicious Injury to Property, Third or Subsequent Property Crime), and 2018-GS-46-00435 (Exhibit C) (Burglary 2nd Degree, Violent). The plea was accepted by the Court and the negotiated sentence of six years imposed. During the calculation of time served credit, the Court granted Defendant credit dating back to July 18, 2016. (Exhibit D) for a total of 570 days; the State maintains, however, that Defendant is entitled 420 days credit.

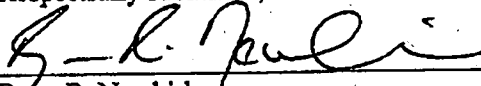
Defendant entered a plea of guilt in Lancaster County on September 12, 2017, to indictment 2017-GS-29-00906 (Burglary Second Degree, Violent) and was given a three-year sentence by the Court. Defendant's three-year sentence began at the time of the plea, and he was transported to the South Carolina Department of Corrections for service of the sentence. Defendant was subsequently transported from the South Carolina Department of Corrections to York County for his court appearance and subsequent guilty plea on February 8, 2018, while still serving his sentence from Lancaster County. In ordering that Defendant receive time served

credit dating back to July 18, 2017, Defendant received 150 days credit to which he is not entitled by law.

South Carolina Code of Laws § 24-13-40 (1976, as amended) governs the computation of time served by prisoners. It states in relevant part that "that credit for time served prior to trial and sentencing shall not be given . . . when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense." (Emphasis added.) Based on this statute the Court should have ordered time served be granted from July 18, 2016, to September 12, 2017, (420 days) when the defendant began serving his sentence at the Department of Corrections. The statute specifically prohibits credit being given to defendants as it was in this case.

Based on this argument, the State moves this honorable Court to reconsider the computation of time served credit and grant 420 days as is appropriate under the statute.

Respectfully submitted,



Ryan R. Newkirk
Assistant Solicitor
Sixteenth Judicial Circuit

York, South Carolina

February 8, 2018

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF GENERAL SESSIONS
SIXTEENTH JUDICIAL CIRCUIT

STATE'S AMENDED MOTION TO
RECONSIDER SENTENCING

State of South Carolina,

vs.

EXHIBIT 1
W. ... and
COURT'S
2-9-18

2018-GS-46-00431
2018-GS-46-00432
2018-GS-46-00435

Bruce Stanley Jones,
Defendant.

The State, through Assistant Solicitor, Ryan R. Newkirk, respectfully moves this Court to reconsider the sentence of Bruce Stanley Jones, Defendant, on the above-captioned indictment. Contained below is a brief procedural summary and the State's argument regarding reconsideration.

On February 8, 2018, Defendant appeared with his attorney, Mark T. McKinnon, before the Honorable Dan D. Hall to enter a negotiated plea to true-billed indictments 2018-GS-46-00431 (Exhibit A) (Burglary 2nd Degree, Violent), 2018-GS-46-00432 (Exhibit B) (Malicious Injury to Property, Third or Subsequent Property Crime), and 2018-GS-46-00435 (Exhibit C) (Burglary 2nd Degree, Violent). The plea was accepted by the Court and the negotiated sentence of six years imposed. During the calculation of time served credit, the Court granted Defendant credit dating back to July 18, 2016, for a total of 570 days; the State maintains, however, that Defendant was not entitled to 150 days of that credit by law.

Defendant entered a plea of guilt in Lancaster County on September 12, 2017, to indictment 2017-GS-29-00906 (Burglary Second Degree, Violent) (Exhibit D) and was given a three-year sentence by the Court. Defendant's three-year sentence began at the time of the plea, and he was transported to the South Carolina Department of Corrections for service of the sentence. Defendant was subsequently transported from the South Carolina Department of Corrections to York County for his court appearance and subsequent guilty plea on February 8, 2018, while still serving his sentence from Lancaster County. In ordering that Defendant receive


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CLERK OF COURT
YORK COUNTY

time served credit dating back to July 18, 2017, Defendant received 150 days credit to which he is not entitled by law.

South Carolina Code of Laws § 24-13-40 (1976, as amended) governs the computation of time served by prisoners. It states in relevant part that “that credit for time served prior to trial and sentencing shall not be given . . . when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.” (Emphasis added.) Based on this statute the Court should not have ordered time served be granted from September 12, 2017, to February 8, 2018, (150 days) when the defendant began serving his sentence at the Department of Corrections. The statute specifically prohibits credit being given to defendants as it was in this case.

Based on this argument, the State moves this honorable Court to reconsider the computation of time served credit and deny granting the additional 150 days as appropriate under the statute.

Respectfully submitted,



Ryan R. Newkirk
Assistant Solicitor
Sixteenth Judicial Circuit

York, South Carolina

February 8, 2018

WITNESSES

DOCKET NO. 2018-GS-46-00431

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

The State of South Carolina

County of York

Defendant

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

COURT OF GENERAL SESSIONS

2016A4610100902

JANUARY 18, TERM 2018

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

ACTION OF GRAND JURY

THE STATE

TRUE BILL

VS.

Defendant

M. J. B...

BRUCE STANLEY JONES

Foreperson of Grand Jury

Date: 1-18-18

Witness:

VERDICT

INDICTMENT FOR

**BURGLARY, SECOND DEGREE,
(VIOLENT)**

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

Foreperson of Petit Jury

Date:

SC Code: § 16-11-0312(B)

CDR.Code: 0086

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

BURGLARY, SECOND DEGREE, (VIOLENT)

The defendant, Bruce Stanley Jones, did on or about June 30, 2016, in York County, South Carolina, enter a building at 3160 Highway 21, Fort Mill belonging to Carolina E-Cigs without consent and with intent to commit a crime therein. The defendant, or another participant, . The entering or remaining in the building occurred in the nighttime hours. All in violation of 16-11-0312(B), 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.



RYAN R. NEWKIRK
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

JAIL

COUNTY OF YORK
STATE VS.

BRUCE STANLEY JONES

INDICTMENT/CASE#: 2018-GS-46-00431
A/W: 2016A4610100902
Date of Offense: 06/30/2016
S.C. Code §: 16-11-0312(B)
CDR Code #: 0086

AKA: _____
Race: Black Sex: M Age: 37
DOB: _____ SS#: _____
Address: SCDC - Kirkland
City, State, Zip: _____
DL# _____ SID# SC01224564

ORIGINAL SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Burglary, Second Degree, (Violent)

CONVICTED OF or PLEADS

In violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

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:
Ryan R. Newkirk 100830 SC Bar # _____ Defendant
Bruce Jones _____ Attorney for Defendant SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 6 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. Begin time July 18, 2016
 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 _____

Recipient: _____		
*Fine: _____	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso 61.6 (Public Def/Prob)	\$500	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</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)	\$	\$ _____
TOTAL		\$ <u>175</u>

Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund
Other: _____

Appointed PD or appointed other counsel,
Proviso §61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees. J. D. Hill
Presiding Judge: _____
Judge Bar ID: _____ Judge Code: 2753
Sentence Date: 2-8-18

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Wanda Nelson
SCCA/217 (07/2016)

WITNESSES

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2016A4610100903

ACTION OF GRAND JURY

TRUE BILL

M. Bowe

Foreperson of Grand Jury

Date: 1-18-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-00432

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

BRUCE STANLEY JONES

INDICTMENT FOR

**MALICIOUS INJURY TO PROPERTY,
THIRD OR SUBSEQUENT PROPERTY
CRIME**

SC Code: § 16-11-0510(A) and 16-1-57
CDR Code: 3594

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

Defendant

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.

37

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

MALICIOUS INJURY TO PROPERTY, THIRD OR SUBSEQUENT PROPERTY CRIME

The defendant, Bruce Stanley Jones, did on or about June 30, 2016 in York County, willfully, unlawfully and maliciously do damage to personal property described as cash register, the damage being Two Thousand Dollars (\$2,000.00) or less. The defendant has been convicted of two or more crimes for which punishment is contingent on the value of the property involved. All in violation of 16-11-0510(A) and 16-1-57, 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.


RYAN R. NEWKIRK
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF YORK
STATE VS.

BRUCE STANLEY JONES

JAIL

INDICTMENT/CASE#: 2018-GS-46-00432
A/W: 2016A4610100903
Date of Offense: 06/30/2016
S.C. Code §: 16-11-0510(A) and 16-1-57
CDR Code #: 3594

ORIGINAL SENTENCE SHEET

AKA: _____
Race: Black Sex: M Age: 57
DOB: _____ SS#: _____
Address: SCDC - Kirkland
City, State, Zip: _____
DL# _____ SID# SC01224564

*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: Malignous Injury to Property, Third or Subsequent Property Crime

In violation of § 16-11-0510(A) and 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 3594

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

R. R. Newkirk 100830 *Bruce Jones* *Marilyn H. [Signature]*
Ryan R. Newkirk, 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 6 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. *Begin time July 18, 2016*
 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 _____

Recipient: _____	
*Fine: _____	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge) \$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge) \$100	\$ _____
§56-5-2995 (DUI Assessment) \$12	\$ _____
§56-1-286 (DUI Breath Test) \$25	\$ _____
Proviso 61.6 (Public Def/Prob) \$500	\$ _____
§14-1-212 (Law Enforce. Funding) \$25	\$ 25
§14-1-213 (Drug Court Surcharge) \$150	\$ _____
§50-21-114 (BUI Breath Test Fee) \$50	\$ _____
§56-5-2942(J) (Vehicle Assessment) \$40/ea	\$ _____
3% to County (if paid in installments) \$	\$ _____
TOTAL	\$ 125

Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund
Other: _____
 Appointed PD or appointed other counsel,
Proviso §61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Wanda Nelson
SCCA/217 (07/2016)

Presiding Judge: *[Signature]*
Judge Bar ID: _____
Sentence Date: 2-8-18

WITNESSES

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2016A4610201576

ACTION OF GRAND JURY

TRUE BILL

M. L. Barrow

Foreperson of Grand Jury

Date: 1-18-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-00435

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

BRUCE STANLEY JONES

INDICTMENT FOR

**BURGLARY, SECOND DEGREE,
(VIOLENT)**

SC Code: § 16-11-03.12(B)
CDR Code: 0086

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.

40

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

BURGLARY, SECOND DEGREE, (VIOLENT)

The defendant, Bruce Stanley Jones, did on or about June 30, 2016, in York County, South Carolina, enter a building at 3312 Highway 21, Fort Mill belonging to Tienda La Calentina without consent and with intent to commit a crime therein. The defendant, or another participant, . The entering or remaining in the building occurred in the nighttime hours. All in violation of 16-11-0312(B), 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.


RYAN R. NEWKIRK
ASSISTANT SOLICITOR

✓ COUNTY OF YORK
STATE VS.

JAIL

INDICTMENT/CASE#: 2018-GS-46-00435
A/W: 2016A4610201576
Date of Offense: 06/30/2016
S.C. Code §: 16-11-0312(B)
CDR Code #: 0086

BRUCE STANLEY JONES
AKA: _____
Race: Black Sex: M Age: 57
DOB: _____ SS#: _____
Address: SCDC - Kirkland
City, State, Zip: _____
DL# _____ SID# SC01224564

ORIGINAL

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

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

TO: Burglary, Second Degree, (Violent)

In violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

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:

Ryan R. Newkirk 100830
Assistant Solicitor SC Bar #

Bruce Jones
Defendant

[Signature]
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 6 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. Begin time July 18, 2016

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. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

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

Recipient: _____		
*Fine: _____	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100-</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso 61.6 (Public Def/Prob)	\$500	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25-</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)	\$	\$ _____
TOTAL		\$ <u>125-</u>

Presiding Judge: [Signature]
Judge Bar ID: _____ Judge Code: 253
Sentence Date: 2-8-18

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Wanda Nelson
SCCA/217 (07/2016)

WITNESSES

Lyons - LCSO - 16-35894

43 ~~MARSHALL~~ - LCSO

ARREST WARRANT NUMBER/DOA

Direct Indictment IN RE: AW#
2016A2910101155 (DOA 3-23-17)

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury

Date: JUN 22 2017

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-29-906

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

JUNE TERM 2017

**THE STATE
vs.**

Bruce Stanley Jones

Direct Indictment for

**Burglary, Second Degree
(Violent)**

SC Code: §16-11-312(B)
CDR Code: 86
Class: Felony, D

FILED
OFFICE OF CLERK
OF COURT

2017 JUN 22 AM 11:25

CLERK OF COURT
LANCASTER, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

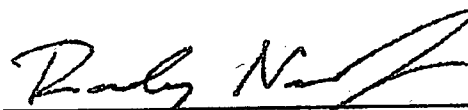
DIRECT INDICTMENT

At a Court of General Sessions, convened on June 22, 2017, the Grand Jurors of Lancaster County present upon their oath:

BURGLARY, SECOND DEGREE

That Bruce Stanley Jones did in Lancaster County, South Carolina, on or about July 14, 2016, enter the building of Groucho's Deli located at 9931 Charlotte Highway, Indican Land, S. C., without consent and with intent to commit a crime in the building, to wit: Larceny, and the entering or remaining occurred in the nighttime, in violation of §16-11-312(B), *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.


Randy E. Newman, Jr., SOLICITOR

COUNTY OF Lancaster
STATE _____ VS. _____

INDICTMENT/CASE#: 2017GS2900906

Bruce Stanley Jones

A/W#: 2017GS2900906 D + A + L + AW 2016A29

AKA: _____

Date of Offense: 7/14/2016 10/10/15

Race: BLACK Sex: M Age: 57

S.C. Code § : 16-11-0312(B)

DOB: _____ SS#: _____

CDR Code #: 0086

Address: _____

City, State, Zip: Charlotte, NC 28208

DL#: _____ SID#: _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086
 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: YJR 102091 x Bruce Jones Ray Bell 100816
Parker, N. Russell 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 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. 420 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

_____ 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	\$ _____
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ _____
§ 56-5-2995 (DUI Assessment)	\$12	\$ _____
§ 56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso 61.6 (Public Def/Probation)	\$500	\$ _____
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ _____
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§ 50-21-114(BUI Breath Test Fee)	\$50	\$ _____
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	\$	\$ _____

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

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

Presiding Judge

Judge Code: 2753

Sentence Date: 9-12-17

J. D. Hill

WITNESSES

46

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2016A4610100900

ACTION OF GRAND JURY

TRUE BILL

M. C. Barton

Foreperson of Grand Jury

Date: 1-18-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-00429

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

BRUCE STANLEY JONES

INDICTMENT FOR

**POSSESSION OF TOOLS USED IN THE
COMMISSION OF A CRIME**

SC Code: § 16-11-0020

CDR Code: 0124

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.

STATE OF SOUTH CAROLINA

COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

POSSESSION OF TOOLS USED IN THE COMMISSION OF A CRIME

The defendant, Bruce Stanley Jones, did in York County, on or about June 30, 2016, make or mend, cause to be made or mended, or have in his possession any engine, machine, tool, false key, picklock, bit, nippers, nitroglycerine, dynamite cap, coil or fuse, steel wedge, drill, tap pin, or other implement or thing adapted, designed, or commonly used for the commission of burglary, larceny, safecracking, or other crime, under circumstances evincing an intent to use, employ, or allow the same to be used or employed in the commission of a crime, or knowing that the same are intended to be so used. This is in violation of §16-11-20 of the South Carolina Code of Laws (1976) as amended.

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


RYAN R. NEWKIRK
ASSISTANT SOLICITOR

WITNESSES

48

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2016A4610100901

ACTION OF GRAND JURY

TRUE BILL

M. J. Bonds

Foreperson of Grand Jury

Date: 1-18-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-00430

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

BRUCE STANLEY JONES

INDICTMENT FOR

**PETIT LARCENY, THIRD OR
SUBSEQUENT PROPERTY CRIME**

SC Code: § 16-13-0030(A) and 16-1-57
CDR Code: 3596

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.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

PETIT LARCENY, THIRD OR SUBSEQUENT PROPERTY CRIME

The defendant, Bruce Stanley Jones, did on or about June 30, 2016, in York County, South Carolina, feloniously take and carry away the personal property of Tienda La Calentina, to wit: 130.00 in US Currency, with a total value of two thousand dollars (\$2,000) or less, with the intent to deprive the owner permanently of such property, and said defendant has been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved. All in violation of 16-13-0030(A) and 16-1-57, *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.



RYAN R. NEWKIRK
ASSISTANT SOLICITOR

WITNESSES

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2016A4610100904

ACTION OF GRAND JURY

TRUE BILL

ML

Foreperson of Grand Jury

Date: 1-18-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-00433

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

BRUCE STANLEY JONES

INDICTMENT FOR

**PETIT LARCENY, THIRD OR
SUBSEQUENT PROPERTY CRIME**

SC Code: § 16-13-0030(A) and 16-1-57
CDR Code: 3596

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.

50

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

PETIT LARCENY, THIRD OR SUBSEQUENT PROPERTY CRIME

The defendant, Bruce Stanley Jones, did on or about June 30, 2016, in York County, South Carolina, feloniously take and carry away the personal property of Carolina E-Cigs, to wit: US Currency, with a total value of two thousand dollars (\$2,000) or less, with the intent to deprive the owner permanently of such property, and said defendant has been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved. All in violation of 16-13-0030(A) and 16-1-57, *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.



RYAN R. NEWKIRK
ASSISTANT SOLICITOR

WITNESSES

52

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2016A4610100905

ACTION OF GRAND JURY

TRUE BILL

M.D. Swain
Foreperson of Grand Jury
Date: 1-18-18

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018-GS-46-00434

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

BRUCE STANLEY JONES

INDICTMENT FOR

**POSSESSION OF TOOLS USED IN THE
COMMISSION OF A CRIME**

SC Code: § 16-11-0020
CDR Code: 0124

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.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

POSSESSION OF TOOLS USED IN THE COMMISSION OF A CRIME

The defendant, Bruce Stanley Jones, did in York County, on or about June 30, 2016, make or mend, cause to be made or mended, or have in his possession any engine, machine, tool, false key, picklock, bit, nippers, nitroglycerine, dynamite cap, coil or fuse, steel wedge, drill, tap pin, or other implement or thing adapted, designed, or commonly used for the commission of burglary, larceny, safecracking, or other crime, under circumstances evincing an intent to use, employ, or allow the same to be used or employed in the commission of a crime, or knowing that the same are intended to be so used. This is in violation of §16-11-20 of the South Carolina Code of Laws (1976) as amended.

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



RYAN R. NEWKIRK
ASSISTANT SOLICITOR



INMATE DESCRIPTION		INMATE SENTENCE AND LOCATION	
SEX:	MALE	SDC ID:	00373922
RACE:	BLACK	SID:	SC01224564
HEIGHT:	5 07	OFFENDER TYPE:	ADULT-STRAIGHT SENTENCE
WEIGHT:	158 lbs.	ADMISSION DATE:	09/18/2017
AGE:	58	LOCATION:	ALLENDALE
CITIZENSHIP:	CITIZEN - NATIVE BORN	DORM:ROOM-BUNK:	COB-0012-B
BUILD:	MEDIUM	EWC LEVEL:	2F5
COMPLEXION:	LIGHT BROWN	EEC LEVEL:	
HAIR COLOR:	BLACK	PROJECTED RELEASE DATE:	11/13/2019
EYE COLOR:	BROWN	PROJECTED PAROLE ELIGIBILITY:	NOT ELIGIBLE
PICTURE DATE:	09/18/2017	SUP. FURLOUGH ELIGIBILITY:	NOT ELIGIBLE

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MOS	DYS	COUNTY	START DATE	V/NV	CAT	INDICT	STATUS
BURGLARY-2ND DEGREE	ADULT-STRAIGHT SENTENCE	3	0	0	LANCASTER	07/19/2016	V	4	17GS2900906	ACTIVE
MALIC INJURY/REAL PROPTY	ADULT-STRAIGHT SENTENCE	6	0	0	YORK	07/18/2016	N	2	18GS46-00432	ACTIVE
BURGLARY-2ND DEGREE	ADULT-STRAIGHT SENTENCE	6	0	0	YORK	07/18/2016	V	4	16GS4600431	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARIES

SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEM PRIOR TO JANUARY 2009

NO DISCIPLINARIES DURING CURRENT INCARCERATION

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
02/13/2018	ALLENDALE	INCARCERATED	RETURN FROM COURT
02/05/2018	YORK CO	AUTH ABSENCE (AWL)	TO COURT
11/14/2017	ALLENDALE	INCARCERATED	ADMINISTRATIVE
10/17/2017	KIRKLAND	INCARCERATED	ADMINISTRATIVE
10/17/2017	BROAD RIVER	INCARCERATED	COURT/PAROLE HEARING VIA
09/18/2017	KIRKLAND	INCARCERATED	NEW ADMISSION

EARNED WORK CREDITS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
WARDKEEPER	04/05/2018			2F5
HORTICULTURE TRAINEE	03/05/2018	04/04/2018	INMATE REQUEST	2F5
WARDKEEPER	02/14/2018	03/02/2018	INMATE REQUEST	2F5
WARDKEEPER	11/17/2017	12/13/2017	PLACED IN ST/SP CUSTODY	2F5
WARDKEEPER	11/15/2017	11/16/2017	MI ELIGIBLE FOR LEVEL 2	3F5

EARNED EDUCATION CREDITS

NO EARNED EDUCATION CREDITS DURING CURRENT INCARCERATION

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from York County
Daniel D. Hall Circuit Court Judge

RECEIVED
NOV 28 2018
SC Court of Appeals

THE STATE,

Appellant,

v.

BRUCE STANLEY JONES,

Respondent.

Appellate Case No. 2018-000224

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.

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General

KEVIN S. BRACKETT
Solicitor, Sixteenth Judicial Circuit

BY:


J. Benjamin Aplin
S.C. Bar No. 8729

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3727

ATTORNEYS FOR RESPONDENT

Columbia, South Carolina
November 28, 2018