

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Appeal from Spartanburg County Court of General Sessions
The Honorable Gracie G. Knie, Circuit Court Judge **MAY 28 2020**

SC Court of Appeals

Appellate Case No. 2018-002064.

State of South Carolina.....Respondent,

v.

Leonard Scruggs.....Appellant.

RECORD ON APPEAL

WILLIAM G. YARBOROUGH, III
William G. Yarborough III, Attorney at Law, LLC
308 West Stone Avenue
Greenville, South Carolina 29609

COUNSEL FOR APPELLANT

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General

Post Office Box 11549
Columbia, South Carolina 29211

ATTORNEYS FOR RESPONDENT

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INDEX

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

PAGE

(There were no witnesses called.)

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
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(There were no exhibits introduced.)

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 12:37 p.m.)

MR. SMITH: Your Honor, before you is Leonard Scruggs, III. He's here to plead guilty on two indictments, but there's three charges. First -- Your Honor, he's got two indictments. First is 2018-GS-42-857. That was a two-count indictment for attempted murder. To Count 1 he's pleading guilty to the lesser-included offense of assault and battery in the first degree. Count 2 was possession of a weapon during a violent crime. He's going to waive presentment on that indictment and plead guilty to unlawful carry of a pistol.

Next is 2018-GS-42-858. That is a true-billed indictment for possession of a firearm by a person convicted of a violent felony. He is pleading as charged.

There's no recommendation by the State.

On these three cases, the State is dismissing an intimidation of a witness case that is related to this case as well, Your Honor.

I'm handing up these two -- these three sentencing sheets, two indictments, Your Honor's plea information sheet and a copy of my write-up that has his record attached to it. The victim is aware of the plea, does not wish to be present here today.

1 He's represented by Bill Yarborough.

2 WHEREUPON,

3 LEONARD SCRUGGS, III

4 After having been duly sworn, testified as follows:

5 THE COURT: Okay. Sir, you are Leonard E. Scruggs,
6 III; is that correct?

7 DEFENDANT SCRUGGS: It is. I am.

8 THE COURT: All right. Sir, you have been sworn; is
9 that correct?

10 DEFENDANT SCRUGGS: Yes, ma'am.

11 THE COURT: All right. Mr. Scruggs, I've got some
12 questions I need to go over with you, and if, at any time
13 during my questioning, you need to stop and speak with
14 Mr. Yarborough, I will allow you to do so, okay?

15 DEFENDANT SCRUGGS: Okay.

16 THE COURT: I need you to speak up, though.

17 DEFENDANT SCRUGGS: All right. Yes, ma'am.

18 THE COURT: Thank you. All right. So Mr. Scruggs,
19 first I'm going to go through these questions with you,
20 and then I'm going to hear from Mr. Smith, then I'm going
21 to hear from Mr. Yarborough, and lastly I'm going to hear
22 from you before I issue my sentence; do you understand?

23 DEFENDANT SCRUGGS: Yes, ma'am.

24 THE COURT: Okay. So Mr. Scruggs, do you understand,
25 sir, that the purpose of your being here today is to enter

1 a plea or pleas on the charges against you?

2 DEFENDANT SCRUGGS: Yes, ma'am.

3 THE COURT: When you do that, you waive very
4 important constitutional rights. Not only are you waiving
5 your right to a trial by jury, but you also waive your
6 right to confront witnesses against you and your right to
7 remain silent; do you understand?

8 DEFENDANT SCRUGGS: Yes, ma'am.

9 THE COURT: Sir, if you were to go forward and have a
10 trial on the charges against you, the burden of proof
11 would not be on you and Mr. Yarborough. The burden of
12 proof is on the State, on the solicitor, to prove every
13 element of every charge against you beyond a reasonable
14 doubt. You, sir, are presumed to be innocent until proven
15 guilty; do you understand?

16 DEFENDANT SCRUGGS: Yes, ma'am.

17 THE COURT: And, sir, if you were to have a jury
18 trial, every member of your jury would have to say that
19 you are guilty. They would have to all agree that you're
20 guilty for you to be found guilty; do you understand that?

21 DEFENDANT SCRUGGS: Yes, ma'am.

22 THE COURT: And so knowing all of that, Mr. Scruggs,
23 is it still your wish that you go forward today waiving
24 these very important constitutional rights in exchange for
25 a plea on these charges?

1 DEFENDANT SCRUGGS: Yes, ma'am.

2 THE COURT: All right. I have two indictments. And,
3 actually, the first indictment is a two-count indictment,
4 Indictment Number 2018-GS-42-857 and 857A. And so
5 originally, sir, you were charged with attempted murder
6 and possession of a weapon during a violent crime, and
7 it's my understanding that you are entering pleas today --
8 is the unlawful carrying a lesser included?

9 MR. SMITH: It's not. He waived presentment and
10 initialed it.

11 THE COURT: Okay. Thank you.

12 You are actually pleading to the lesser-included
13 offense of assault and battery in the first degree with
14 the potential penalty of zero to ten years, and you are
15 pleading to unlawful carrying of a pistol with a potential
16 penalty of zero to one year.

17 And so, sir, with regard to the unlawful carrying of
18 a piston, which is Indictment 18-GS-42-857A, you have
19 initialed the sentencing sheet indicating that you are
20 waiving presentment of this indictment to the grand jury;
21 is that your understanding?

22 DEFENDANT SCRUGGS: Yes, ma'am.

23 THE COURT: Do you have any questions about that for
24 me or for your lawyer, Mr. Yarborough?

25 DEFENDANT SCRUGGS: No, ma'am.

1 THE COURT: Do you wish to move forward today on that
2 charge?

3 DEFENDANT SCRUGGS: Yes, ma'am.

4 THE COURT: All right. And I have true-billed
5 Indictment 2018-GS-42-858. And this is possession of a
6 firearm or ammunition by a person convicted of a violent
7 crime. And you are pleading to this offense as indicted
8 with a potential penalty of zero to five years. Do you
9 understand that offense, sir?

10 DEFENDANT SCRUGGS: Yes, ma'am.

11 THE COURT: And the potential penalty for that?

12 DEFENDANT SCRUGGS: Yes, ma'am.

13 THE COURT: And -- well, let me just back up. Do you
14 understand all of the offenses that you're entering your
15 pleas to?

16 DEFENDANT SCRUGGS: Yes, ma'am.

17 THE COURT: And the potential penalty as to each one?

18 DEFENDANT SCRUGGS: Yes, ma'am.

19 THE COURT: And on the unlawful carry, there was also
20 -- I'm not sure if I said it, but there's also potential
21 that you could be fined up to \$1,000; do you understand
22 that?

23 DEFENDANT SCRUGGS: Yes, ma'am.

24 THE COURT: And have you forfeited -- have you agreed
25 to forfeit that weapon?

1 MR. SMITH: The gun wasn't recovered, Your Honor.
2 Don't know where it is.

3 MR. YARBOROUGH: Nobody knows where it is, Your
4 Honor.

5 THE COURT: Okay. All right. And there are charges
6 that are being dismissed or it was just a reduction?

7 MR. SMITH: Dismissed, Your Honor.

8 THE COURT: Okay. And what are those charges,
9 Mr. Smith?

10 MR. SMITH: It's intimidation of a witness. It's
11 related to this matter.

12 THE COURT: That's being dismissed?

13 MR. SMITH: It is, Your Honor.

14 THE COURT: Anything else?

15 MR. SMITH: No. That's all he has.

16 THE COURT: Okay. Do you understand that there is
17 one charge that is being dismissed in exchange for your
18 plea?

19 DEFENDANT SCRUGGS: Yes, ma'am.

20 THE COURT: All right. Do you have any questions
21 about that?

22 DEFENDANT SCRUGGS: No, ma'am.

23 THE COURT: Okay. And, sir, right now I don't know
24 if you understand it, but I don't know anything about the
25 facts of the case, really. All that I know is what I have

1 heard so far. And so normally, in a situation like this,
2 I would order a no-contact provision between you and the
3 victim. You need to understand that that is a
4 possibility, although I haven't made up my mind on that
5 yet because I haven't heard the facts; do you understand
6 that?

7 DEFENDANT SCRUGGS: That's a possibility?

8 THE COURT: Do you understand that?

9 DEFENDANT SCRUGGS: Yes, ma'am.

10 MR. YARBOROUGH: He understands that's a possibility,
11 Your Honor.

12 THE COURT: Okay.

13 MR. YARBOROUGH: I don't think the victim wants a
14 no-contact order.

15 THE COURT: Again, he needs ---

16 MR. YARBOROUGH: He -- he understands that. Yes,
17 ma'am.

18 THE COURT: At this juncture, he just needs to
19 understand that he's facing, what, zero to five, zero to
20 ten and zero to one, right?

21 MR. YARBOROUGH: Yes, ma'am.

22 THE COURT: And there could be a no-contact
23 provision.

24 MR. YARBOROUGH: Correct.

25 THE COURT: All right. So Mr. Scruggs, has anybody

1 threatened you or coerced you to get you to enter your
2 plea today?

3 DEFENDANT SCRUGGS: No, ma'am.

4 THE COURT: And don't be offended, Mr. Scruggs. I
5 ask everybody the next questions, okay? Are you today
6 under the influence of alcohol, drugs or any intoxicant
7 that would impair your judgment and understanding what
8 we're doing?

9 DEFENDANT SCRUGGS: No, ma'am.

10 THE COURT: Do you suffer from any mental or physical
11 infirmity that would affect your ability to understand
12 this process?

13 DEFENDANT SCRUGGS: No, ma'am.

14 THE COURT: Do you take any prescribed medications?

15 DEFENDANT SCRUGGS: I do.

16 THE COURT: And, sir, have you taken those
17 medications within the last three days?

18 DEFENDANT SCRUGGS: Yes, ma'am.

19 THE COURT: And when you take them as they are
20 prescribed, do they interfere with your ability to think
21 and reason clearly?

22 DEFENDANT SCRUGGS: No, ma'am.

23 THE COURT: Okay. I ask everybody those questions,
24 okay? And I don't know if you were here earlier to watch
25 me qualify some people, but I ask everybody those

questions because, Mr. Scruggs, we have to ensure that you understand what you're doing today.

DEFENDANT SCRUGGS: Okay.

THE COURT: So Mr. Yarborough, have you talked to Mr. Scruggs today?

MR. YARBOROUGH: I have, Your Honor.

THE COURT: Have you talked to him before today?

MR. YARBOROUGH: Numerous times.

THE COURT: And do you have any concerns about Mr. Scruggs' understanding of the process and the fact that he's taking prescribed medications?

MR. YARBOROUGH: No, ma'am.

THE COURT: Do you think that he's able to assist you in his defense and he's competent to go forward with the plea hearing?

MR. YARBOROUGH: Unquestionably.

THE COURT: Okay. Mr. Scruggs, do you want to go forward?

DEFENDANT SCRUGGS: Yes, ma'am.

THE COURT: Okay. Are you satisfied with the services of your lawyer?

DEFENDANT SCRUGGS: Yes, ma'am.

THE COURT: And do you wish to enter your pleas at this time?

DEFENDANT SCRUGGS: Yes, ma'am.

1 THE COURT: And how do you plead?

2 DEFENDANT SCRUGGS: Guilty.

3 THE COURT: Are you doing so freely, knowingly and
4 voluntarily?

5 DEFENDANT SCRUGGS: Yes, ma'am.

6 THE COURT: And lastly, Mr. Scruggs, sir, be advised
7 that in the event you wish to appeal any aspect of the
8 plea hearing today, you only have ten days to do so in
9 writing to this court; do you understand?

10 DEFENDANT SCRUGGS: Yes, ma'am.

11 THE COURT: Okay. And you're okay today?

12 DEFENDANT SCRUGGS: (No answer.)

13 MR. YARBOROUGH: He's nervous.

14 THE COURT: Okay. Here we go. Mr. Scruggs, do you
15 want some water?

16 Okay. So, again, sir, do you understand that in the
17 event you wish to appeal any aspect of the plea hearing
18 today, you only have ten days to do so in writing to this
19 court?

20 DEFENDANT SCRUGGS: Yes, ma'am.

21 THE COURT: Okay. Thank you. If you will now, sir,
22 please direct your attention to Mr. Smith.

23 Yes, sir.

24 MR. SMITH: Thank you, Your Honor. This incident
25 occurred on May 5th of 2017. Deputies responded to South

1 Pine Street in Spartanburg county for a shooting. The
2 victim, Shyhem Scruggs, had been shot in the neck and
3 hand. People across the street reported seeing a black
4 male tussling with a black female before hearing gunshots.
5 The defendant, the victim's father, was present at the
6 scene and said he had not seen what happened but had seen
7 a black car drive by prior to the shooting, I guess
8 hinting that it may have been a drive-by. The victim's
9 grandmother was present and said that she had not seen
10 anything either.

11 Police attempted to speak to the victim two times
12 while he was on a breathing tube at the hospital, and he
13 became agitated, actually shot them the bird and told them
14 to leave. The third time Shyhem did agree to speak to
15 investigators. Part of this was obviously this is an
16 internal family dispute. There was people around some of
17 the times that he was talking, but might not have felt
18 comfortable. He ultimately said that he and his father
19 had gotten into an argument, that he had squared up on his
20 father and his father had pulled out a gun. He said that
21 his dad had aimed the gun at his chest and he fought with
22 him and that was how he was able -- he was able to avoid
23 getting shot in the chest and got shot in the hand.

24 Officers did pull surveillance video trying as best
25 they could to piece it together because we lack

1 eyewitnesses in this case other than the victim. They
2 were able to confirm that there was no black car that went
3 by prior to the shooting. The only car that you see is
4 the defendant's pulling up and then other cars just
5 normally traveling.

6 I have spoken with Mr. Scruggs -- with Mr. Scruggs
7 Shyhem, in this case, Your Honor. He was actually in the
8 jail at the time I did that. I think he was in on a
9 possession of stolen vehicle charge. There may be some
10 drug charges. He's been incarcerated several times in and
11 out during the pendency of this case. I think he has his
12 own issues going on.

13 Your Honor, this was -- based off of his record, it's
14 a potential life without parole case. We did serve him
15 notice of that, and I kind of want to justify the reason
16 we're making this offer. It's a difficult case from the
17 prosecution standpoint. Mr. Scruggs, the victim in this
18 case, at least with me kind of expressed interest in the
19 case if it was going his way financially and disinterested
20 if it wasn't going his way as far as getting out of jail.
21 So we do think he would have -- obviously, we'd have some
22 credibility issues with him at trial.

23 I do believe that the plea's appropriate. I think
24 there's a factual basis for it. This is kind of just a
25 meeting kind of both sides in between is kind of how I

1 view it, Your Honor. Obviously, the defendant risks a
2 great deal if he goes to trial and if he was convicted,
3 but obviously, the State has its own concerns if we lost
4 the case. I think we've got a good resolution here today.

5 THE COURT: Okay. So the victim is the son of the
6 defendant?

7 MR. YARBOROUGH: That's correct.

8 THE COURT: Okay. And how old is he?

9 MR. YARBOROUGH: 20, Your Honor.

10 THE COURT: And was he notified to be here today,
11 Mr. Smith?

12 MR. SMITH: We made -- we actually had this
13 scheduled. We tried to do it last week, we tried to do it
14 the week before. We've been contacting him, but we've not
15 heard anything. The only times I've ever spoken to him is
16 when he's been incarcerated.

17 THE COURT: Is there restitution to him?

18 MR. SMITH: We were not seeking any, Your Honor.

19 MR. YARBOROUGH: Your Honor, in regards to the
20 victim, if I might say something.

21 THE COURT: Just one moment, please.

22 MR. YARBOROUGH: Yes, ma'am.

23 THE COURT: All right. So is there anyone today
24 present that wants to speak on the victim's behalf before
25 I move to the defendant?

1 MR. SMITH: I don't have anybody with me. I think
2 before I had this case, it was assigned to Ms. Wells.

3 I think the family has always been on the defendant's
4 side. From the initial bond hearing, I recall them all
5 speaking on behalf of the father and somewhat against the
6 son.

7 THE COURT: Okay. Thank you.

8 Was discovery shared?

9 MR. SMITH: It was, Your Honor.

10 THE COURT: Okay. And Mr. Yarborough, did you have
11 an opportunity to review the evidence in the case with
12 your client?

13 MR. YARBOROUGH: I have, Your Honor.

14 THE COURT: Okay. Yes, sir. I'm happy to hear from
15 you.

16 MR. YARBOROUGH: Just briefly in regards to the
17 victim, Your Honor. I have met with the victim on a
18 couple of occasions. He's come to my office and asked to
19 have the charges dismissed or just multiple different
20 things. He'd just show up at the office and want to talk
21 to me, and I didn't really -- I usually tried to send him
22 over to the solicitor's office. He suffers from some
23 significant addiction issues and some mental issues.

24 His grandmother is here. She's back there. I think
25 she'd like to say something at some point.

1 But they've all tried to help him. Mr. Scruggs, as
2 you can see, is very emotional today. He loves his son
3 very much and wants to try to rebuild this relationship.
4 Mr. Scruggs is a good man and felt like that entering this
5 plea today was in the best interest of both parties, not
6 trying to get into an argument about what happened
7 specifically that day.

8 He has been on house arrest for 510 days without any
9 problem. Before that he spent 36 days in jail. He's
10 sorry that he's involved.

11 Everybody on both sides would like to see a
12 resolution. I'm not saying the solicitor's office, but
13 all the family members would like to see a resolution that
14 would entail Mr. Scruggs getting probation and credit for
15 the 36 days he did in jail and the 510 days he did on
16 house arrest. I think that's a fair resolution to the
17 case.

18 Mr. Scruggs is sorry. He wants to rebuild a
19 relationship with his son. His son, you know, they -- as
20 I understand it, when his son's on his medication, he's
21 okay, and when he's off his medication, he's not. But I
22 don't know we need to go into the whys or why not of what
23 happened with his son and his mental issues.

24 Would you like to stand up and say anything?

25 THE COURT: Yes, ma'am. If you'll please come

1 forward. Ma'am, if you will, I need for you to state your
2 full name.

3 MS. SCRUGGS: My name is Connie Scruggs.

4 THE COURT: And what is your relationship to the
5 defendant, Leonard Scruggs?

6 MS. SCRUGGS: That's my son.

7 THE COURT: Okay. Yes, ma'am. I'm happy to hear
8 from you. And I need for you to speak up for me, okay?

9 MS. SCRUGGS: Oh, okay.

10 THE COURT: Our court reporter is taking down what
11 you say.

12 MS. SCRUGGS: I love both my -- my son and my
13 grandson, and I want them to be back together. I really
14 do. My grandson, he's in the hospital right now, and they
15 think he has congestive heart failure, and he's messed up
16 his liver because of the drugs and stuff that he's on.
17 And I know he needs help, and we're going to try to get
18 him that help. And I love my son and I need my son. I
19 need both of them.

20 THE COURT: Okay. Thank you, ma'am. Thank you for
21 being here.

22 Okay. So Mr. Yarborough, anything else?

23 MR. YARBOROUGH: No, ma'am. My client doesn't really
24 want to address the Court. He just wants to tell you that
25 he's sorry that he's here.

1 THE COURT: I haven't called on him yet, okay?

2 MR. YARBOROUGH: Okay.

3 THE COURT: Let me get his criminal history, and then
4 I'm going to give him an opportunity to tell me anything
5 he wants to, okay?

6 MR. YARBOROUGH: Yes, ma'am.

7 THE COURT: Mr. Smith?

8 MR. SMITH: Your Honor, in 1999, driving under
9 suspension times two, false info, no insurance and
10 domestic violence; 2003, driving under suspension and
11 trafficking cocaine, he got three years for that; 2003,
12 domestic violence; 2005, driving under suspension,
13 resisting arrest and public disorderly; 2006, distribution
14 of cocaine second and proximity charge. That charge and
15 the trafficking would have been the basis for the life
16 without parole notice.

17 THE COURT: Okay. So Mr. Scruggs, sir, I'm happy for
18 you to tell me anything that you want to, okay?

19 DEFENDANT SCRUGGS: Well, I've had custody of my son
20 since he's been 4, so he's been with me since he was 4.
21 And I left him when I [sic] was 8, and I left him with my
22 mother. And he did a 360. He went from number five in
23 the nation playing basketball, 12d1 scholarships. He was
24 a junior in basketball in the United States. They wanted
25 him to go over to China. He played AAU ball; outstanding,

1 straight A student. And when he turned 16, right before I
2 came home, he just -- somebody laced his drugs with -- I
3 mean his weed with something, and he's flipped since then.
4 He's violent.

5 He -- but I wasn't here. I wasn't there. I was in
6 prison, and I blame myself for, you know, him not being
7 successful that he should be because I wasn't in his life.
8 I know that I need to be there. And I just, like I say, I
9 don't want to drag him through nothing. I don't want to
10 drag my momma through nothing, I don't want to drag my
11 family through nothing, so I'm just here right now
12 throwing myself on the mercy of the Court because I just
13 don't want to pull my family through no more than what
14 they've already been through.

15 MR. YARBOROUGH: Thank you, Your Honor.

16 THE COURT: Okay. So Mr. Scruggs, you're 38?

17 DEFENDANT SCRUGGS: I am.

18 THE COURT: And you're currently on home detention?

19 DEFENDANT SCRUGGS: Yes, ma'am.

20 THE COURT: What's your educational level?

21 DEFENDANT SCRUGGS: 11th grade.

22 THE COURT: Do you have a GED?

23 DEFENDANT SCRUGGS: I don't. No, ma'am.

24 THE COURT: Do you work?

25 DEFENDANT SCRUGGS: I do. At Vic Bailey Subaru. And

1 I'm disabled.

2 THE COURT: What do you do there?

3 DEFENDANT SCRUGGS: I clean up.

4 THE COURT: How long have you been disabled?

5 DEFENDANT SCRUGGS: I went blind in 2013.

6 THE COURT: Just bear with me one moment.

7 Okay. With regard to the matter of the State vs.

8 Leonard Scruggs, III and Indictment Number

9 2018-GS-42-0857, based on the statements of counsel and of
10 the defendant, it would be the order of the Court that the
11 defendant be committed to the State Department of
12 Corrections for ten years. That will be suspended upon
13 the service of five years and probation for two years.
14 The defendant will get credit for 547 days. Special
15 conditions are that he will have no contact with the
16 victim, Shyhem Scruggs. During his probationary period,
17 he will submit for random drug and alcohol testing, he
18 will obtain a GED. Concurrent sentencing. The five years
19 may be served on home detention at the defendant's expense
20 monitored by the Spartanburg County Sheriff's Department.

21 A concurrent sentence is on Indictment
22 2018-GS-42-857A for unlawful carrying of a pistol. The
23 defendant shall be committed to the State Department of
24 Corrections for one year. He will get credit for the 547
25 days, which I'm assuming will wash that out, and then, of

1 course, he'll have no contact with the victim.

2 With regard to Indictment 2018-GS-42-858, possession
3 of a firearm or ammunition by a person convicted of a
4 violent felony, the defendant shall be committed to the
5 State Department of Corrections for five years. The five
6 years may be served on home detention, and he will then be
7 on probation for two years. He will get the same credit
8 for time served, and the same conditions of his
9 probationary period shall apply.

10 Good luck to you, Mr. Scruggs.

11 MR. SMITH: Thank you, Your Honor.

12 MR. YARBOROUGH: Thank you, Your Honor.

13 (WHEREUPON, proceedings concluded at 1:08 p.m.)
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of 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 Court of General Sessions for Spartanburg County, South Carolina, on the 6th day of November, 2018.

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

January 22, 2020



Cheryl A. Smith, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

STATE VS.

Leonard E Scruggs III

AKA:

Race: B Sex: M Age: 38

DOB: [Redacted] SS#: [Redacted]

Address: 2414 S Pine St

City: Spartanburg, SC 29302

DL#: [Redacted] SID#: [Redacted]

*CDL: [Redacted] CMV Yes [] No [] Hazmat Yes [] No []

INDICTMENT/CASE#: 2018GS4200858

A/W#: 2017A4210101591

Date of Offense: 5/5/2017

S.C. Code §: 16-23-050(A)

CDR Code #: 3434

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADED TO: Possession of Firearm or Ammunition by person convicted of violent felony (0-5yr)

In violation of § 16-23-050(A) of the S.C. Code of Laws, hearing CDR Code # 3434 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) § 17-23-45 w/minor 1st or 2nd Act

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials) The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTES: [Signature] 101370 [Signature] Verborough III, William G SCB10271 SC Bar# Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; 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 3 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 SCDOC. 547 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 * 5 years may be served in HD at Dept. of Corrections monitored by the Spartanburg County Sheriff's Dept. days/hours Public Service Employment

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

Payment Terms: Set by SCDFPPS

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
§56-1-285 (DUI Breath Test)	\$25
Proviso (Public Def/Probation)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§50-21-114 (DUI Breath Test Fee)	\$50
§56-5-2942(C) (Vehicle Assessment)	\$40/lea
3% to County (if paid in installments)	\$ 3.75
TOTAL:	\$ 128.75

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

Or: [Redacted]

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: [Signature]

Judge Code: _____

Sentence Date: 11/6/18

Clerk of Court/Deputy Clerk: K M McKinney
Court Reporter: Cheryl Smith

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

INDICTMENT/CASE#: 2018CS4200857A

Leonard E. Scruggs III

A/W#: 2017A4210101590

AKA: _____

Date of Offense: 5/5/2017

Race: B Sex: M Age: 38

S.C. Code § 16-23-0490

DOB: [REDACTED] SSN: [REDACTED]

CDR Code #: 0549

Address: 2114 S Pine St

City, State, Zip: Spartanburg, SC 29302

DL#: [REDACTED] SID#: [REDACTED]

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: Unlawful carrying of pistol (0-1yr)

in violation of § 16-23-0020, 16-23-0030(A) of the S.C. Code of Laws, bearing CDR Code # 0044
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or 2nd Act) §17-25-45

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

ATTEST: [Signature] SMITH, SPENSER H 101370 SC Bar# [Signature] Defendant [Signature] Scarborough III, William G Attorney for Defendant SCB10271 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of _____ days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 547 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 _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS

Recipient: _____
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing

*Fines:		\$
§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	\$
§50-21-114(BUS Breath Test Fee)	\$50	\$
§56-5-2942(f) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75
TOTAL		\$ 128.75

Other: no contact victim
 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: KG McKunney
Court Reporter: Cheryl [REDACTED]
Presiding Judge: [Signature]
Judge Code: 2760
Sentence Date: 11/6/1825

WITNESSES

Spartanburg Sheriff's Office

Jimmy G. Davis

ARREST WARRANT NUMBER

COUNT ONE: 2017A4210101589

COUNT TWO: 2017A4210101590

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: FEB 23 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **18-GS-42-0857**

The State of South Carolina
County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS
FEB 26 2018

TERM

THE STATE
vs.

Leonard E Scruggs III

Indictment for

ATTEMPTED MURDER AND POSSESSION
OF A WEAPON DURING VIOLENT CRIME

SC Code: 16-3-5029; 18-23-490
CDR Code: 3410; 549
Class FEL-A; FEL-F

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2018 MAR -1 AM 9:56

M. ROPE BLACKLIFY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on FEB 23 2018 the
Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE: ATTEMPTED MURDER

That Leonard E Scruggs III, did in Spartanburg County on or about May 5, 2017 with malice aforethought attempt to kill Shyhem Scruggs, by shooting the victim with a firearm multiple times, with the intent to kill the said victim, in violation of §16-03-0029, of THE CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

COUNT TWO: POSSESSION OF A WEAPON DURING A VIOLENT CRIME

That Leonard E Scruggs III, did in Spartanburg County on or about May 5, 2017, possess or visibly display a firearm or what appeared to be a firearm during the commission of a violent crime, to-wit: ATTEMPTED MURDER, in violation of Code §16-23-490, 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.


ASSISTANT SOLICITOR

WITNESSES

DOCKET NO. **18-GS-42-0585**

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 22 2018

TERM

- 1. RETURNED TO COURT
- 2. CARD FILLED
- 3. INDEXED
- 4. CHECKED WORKING
- 5. CHECKED SIGNATURE
- 6. ASSESSMENT AND

ARREST WARRANT NUMBER

2018A421020039

THE STATE
vs.

Marcos Daniel Sibrian Pineda

ACTION OF GRAND JURY

Indictment for

BURGLARY, SECOND DEGREE

VERDICT

SC Code: 16-11-0312
CDR Code: 80
Class FEL-E

Foreperson of Grand Jury
Date:

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JAN 11 2018 the
Grand Jurors of Spartanburg County present upon their oath:

BURGLARY, SECOND DEGREE

That the defendant Marcos Daniel Sibrian Pineda did in Spartanburg County, on or
between December 30, 2017 and January 2, 2018, willfully and unlawfully enter without
consent and with intent to commit a crime therein, the dwelling located at 32 Willow
Wood Dr. Spartanburg, South Carolina, in violation of §16-11-312, *THE 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.

ASSISTANT SOLICITOR

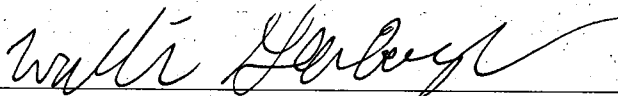
CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g), the undersigned hereby certifies that the Record on Appeal contains only those materials proposed in Appellant's Designation of Matter filed with the Anders Brief in this case.

The undersigned further certifies that the Record on Appeal complies with the Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings issued by the South Carolina Supreme Court on April 15, 2014.

This 26 day of May, 2020.

RECEIVED
MAY 28 2020
SC Court of Appeals



William G. Yarborough, III SC Bar # 10271