

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of General Sessions

Appellate Case No. 2018-001488

The Honorable Carmen T. Mullen, Circuit Court Judge

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SC Court of Appeals

The State of South Carolina.....Respondent,

v.

Richard Passio, Jr.....Appellant.

SUPPLEMENTAL RECORD ON APPEAL

Alan Wilson
Attorney General

Donald Zelenka
Deputy Attorney General

Melody J. Brown
Senior Assistant Deputy Attorney
General

Caroline Scrantom
Assistant Attorney General
P.O. Box 11549
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Counsel for Appellant

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30 to life

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Anderson

STATE

INDICTMENT/CASE#: 2016-GS-27-0300

Richard vs. Passio, IV

AW#: 2016A27202 60091

AKA:

Date of Offense: 12/31/2016

Race: W Sex: M Age: 39

S.C. Code §: 16-3-15

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0100

Address:

City, State, Zip:

DL# SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Murder

CONVICTED OF or PLEADS

In violation of § 16-3-15 of the S.C. Code of Laws, bearing CDR Code #

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

The charge is: As Indicted, Lesser Included Offense,

Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation,

Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 72934

[Signature] 75776

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

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 27 days

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: Set by SCDPPPS

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*Fine:		\$
\$14-1-206 (Assessments 107.5%)		\$ 5
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ 0
\$56-5-2995 (DUI Assessment)	\$12	\$ 0
\$56-1-286 (DUI Breath Test)	\$25	\$ 0
Proviso (Public Def/Probation)	\$500	\$ 0
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25
\$14-1-213 (Drug Court Surcharge)	\$150	\$ 0
\$50-21-114 (BUI Breath Test Fee)	\$50	\$ 0
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ 0
3% to County (if paid in installments)		\$ 0

TOTAL \$ 125.00

Clerk of Court/Deputy Clerk Wanda Rowe
Court Reporter: Wanda Rowe

Obtain GED
Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning
Substance Abuse Counseling

Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ Beginning
\$ Paid to Public Defender Fund!

Other:

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

Presiding Judge [Signature]
Judge Code: 2142
Sentence Date 8-2-18

SCCA/217 (04/2018)

WITNESSES

C. McIntosh, Ridgeland PD

DOCKET NO. 2016GS2700300

The State of South Carolina

County of Jasper

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

Defendant

COURT OF GENERAL SESSIONS

August Term 2016

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

THE STATE

vs.

Richard Passio, Jr.

ARREST WARRANT NUMBER

2016A2720200091

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

Defendant

~~TRUE BILL~~ ✓

~~NO BILL~~

FOREMAN M Black

DATE 8/25/16

Witness:

Foreperson of Grand Jury

Date:

VERDICT

Guilty

C.C.C. PLS. and G.S.

James K. Mock
Foreperson of Petit Jury

Foreperson of Petit Jury

Date: AUGUST 2, 2018

INDICT

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APPEAL FROM JASPER COUNTY
Court of General Sessions

Carmen T. Mullen, Presiding Circuit Judge – Jasper County

Case Nos. 2016-GS-27-00300

Richard Passio, Jr.

Appellant,

v.

State of South Carolina


Respondent.

NOTICE OF APPEAL

Richard Passio, Jr. hereby appeals his conviction and the sentence in this case.

The sentence was imposed by the Honorable Carmen T. Mullen on August 2, 2018.

August 10, 2018.



Christopher J. Geier, Esquire
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Beaufort, South Carolina 29901
(843) 986-9449
Attorney for Appellant

Other Counsel of Record:
Hunter Swanson
14th Judicial Circuit Solicitor's Office
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Bluffton, SC 29910

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CERTIFICATE OF SERVICE

I certify that I have served the Notice of Appeal on the Respondent, State of South Carolina, by depositing a copy of it in the United States Mail, postage prepaid, on August 10, 2018 addressed to its attorney of record, Hunter Swanson, Esquire, 14th Circuit Solicitor's Office, PO Box 1880, Bluffton, South Carolina 29910.

August 10, 2018.



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Attorney for Appellant

CHRISTOPHER J. GEIER

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612 NORTH STREET
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August 10, 2018

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Richard Passio, Jr., Appellant
Case No. 2016-GS-27-00300

Dear Ms. Kitchings

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) Copies of the Final Indictment and Sentencing Sheet to be challenged on appeal.

Very Respectfully,


Christopher J. Geier

Enclosures

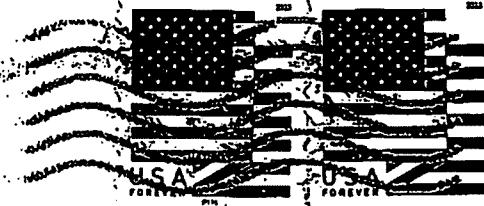
cc: Hunter Swanson
14th Judicial Circuit Solicitor's Office
PO Box 1880
Bluffton, SC 29910

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