

WITNESSES

Brandon T Prino

Greer Police Department

1/5/2020

ARREST WARRANT NUMBER
2020A2320500001

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

**DOCKET NO. 2020-GS-23-
AAK**

The State of South Carolina

County of Greenville

001429

COURT OF GENERAL SESSIONS

TERM 2020

THE STATE

vs.

WILLIAM DAVID WILLINGHAM, II

Indictment for

0396

**CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE (11-14)**

VIOLATION §16-03-0655(B)(1)

RECEIVED

NOV 16 2020

SC Court of Appeals

FILED

MAR - 6 2020

**Clerk of Court
Greenville County**

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE
(11-14)

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That WILLIAM DAVID WILLINGHAM, II did in Greenville County, on or about the 8th day of December, 2019, commit a sexual battery on B.S., who was fourteen years of age or less but who was at least eleven years of age. This is in violation of §16-3-655(B)(1) [formerly § 16-3-655(2)] of the South Carolina Code of Laws (1976) as amended.

011110

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



SOLICITOR

BAR # 102755

0-15
2-

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)
STATE VS.)
William David Willingham II)
AKA:)
Race: WHITE Sex: M Age: 25)
DOB: SS#:)
Address:)
City, State, Zip: Greer, SC 29651-6853)
DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS2301429
A/W#: 2020A2320500001
Date of Offense: 12/8/2019
S.C. Code § : 16-03-0655(B)
CDR Code #: 0396

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: SEX/ Criminal Sexual Conduct with Minor 3rd Degree - U/16yrs & actor over 14yrs

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661
 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. *WDW* (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: *Alexa A. Kluska* 102755 SC Bar# *WDW* (by) Defendant *John Christopher Shipman* 100747 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 9 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.
 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: _____

*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 (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)		\$
TOTAL		\$

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: *See offender registry*
 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: *Paul B. Wickens*
Court Reporter: *C. Switz*

Presiding Judge: _____
Judge Code: *2162*
Sentence Date: *NOV 12 2020*

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NOV 16 2020
SC Court of Appeals

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
THE STATE)
v.)
WILLIAM D. WILLINGHAM,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Warrant Nos.: 2020-GS-23-001429

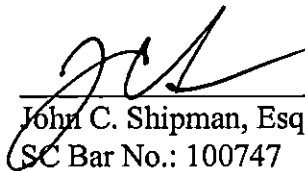
Rule 203(d)(1)(b)(iv) Certification

Pursuant to SC Rule 203(D)(1)(b)(iv), Defendant would show that his guilty plea was defective or that the sentence imposed was unreasonable. Defendant communicated to his Attorney that he demands an appeal, although no objections were raised at the hearing.

Undersigned counsel is filing this appeal pursuant to his ethical duty to his client and Defendant's constitutional right to appeal. See Frazer v. South Carolina, 430 F.3d 696, 706 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client.'" (quoting Anders v. California, 386 U.S. 738, 744 (1967))).

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER



John C. Shipman, Esq.
SC Bar No.: 100747
Attorney for Appellant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

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NOV 16 2020

SC Court of Appeals

Greenville, SC
Date: October 17, 2019