

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
INDICTMENT #:

2020GS0200014


vs.  
RUSSEL STUART KENDRICK  
DEFENDANT

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SC Court of Appeals

**RULE 203(B) EXPLANATION**

Pursuant to Rule 203(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. The Defendant then did contact an attorney in the Public Defender's Office telling him that he wanted an appeal filed on his case. The undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazier v. South Carolina*, 430 F.3d 696, 706 (4<sup>th</sup> Cir.2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully Submitted,



William McKellar  
Assistant Public Defender  
Post Office Drawer 2247  
Aiken, South Carolina 29802  
803-642-1732

November 19, 2020

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE VS.

INDICTMENT/CASE#: 2020GS0200014

Russel Stuart Kendrick

A/W#: 2019A0210201424

AKA:

Date of Offense: 9/22/2019

Race: White Sex: M Age: 48

S.C. Code §: 44-53-0375(A)

DOB: SS#:

CDR Code #: 3016

Address:

NMT 10 yrs +/or \$12,500 Fine

City, State, Zip:

DL#: SID#: SC00888818

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Drugs / Possession of less than one gram of meth. or cocaine base, 3rd or sub. offense

in violation of § 44-53-0375(A) of the S.C. Code of Laws, bearing CDR Code # 3016
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §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: Jacquie Charbonnet 103430 SC Bar# Solicitor
Defendant
Attorney for Defendant 79902 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 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 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
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP days/hours Public Service Employment

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 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) \$8.25

TOTAL \$283.25

Clerk of Court/ Deputy Clerk: Latoya Francis-Hyde

Court Reporter: Mary Ann Nevers

SCCA/217 (04/2018)

Court Reporter: Mary Ann Nevers

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 \$ NTY OF AIKEN beginning

I, Robert J. Harie, Clerk of Court of Common Pleas and General Sessions for Aiken County, S.C., do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

Other: 19 day of November 20 20

C.C.C.P. & C.S., Aiken County, S.C.

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: C. Nevers

Judge Code: 2127

Sentence Date: NOVEMBER 12, 2020

Plea accepted: Nov. 9, 2020

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WITNESSES

Aiken County Sheriff

Gregory T Faulkner

Law Enforcement Case #: 19-046954

JMC

ARREST WARRANT NUMBER

2019A02102014 ~~24~~ ED October 8 2020

Robert J. White  
C.C.P. & G.S. (initials)

Katie S. Williams  
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury  
Date: October 8, 2020

[Signature]

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2020GS0200014

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

OCTOBER TERM 2020

THE STATE  
vs.

RUSSEL STUART KENDRICK

CDR #: 3016

Indictment for

POSSESSION OF METHAMPHETMINE

§ 44-53-0375(A)

J. STROM THURMOND, SOLICITOR

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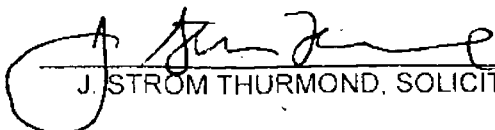
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
 )

INDICTMENT FOR  
POSSESSION OF METHAMPHETMINE  
§ 44-53-0375(A)

At a Court of General Sessions, convened on October 12, 2020, the Grand Jurors of Aiken County present upon their oath:

That **RUSSEL STUART KENDRICK** did in Aiken County on or about September 22, 2019, knowingly or intentionally possess or attempt to possess a quantity of Methamphetamine, a controlled substance under provisions of §44-53-110, *et. seq.*, *Code of Laws of South Carolina* (1976), as amended, such possession not having been authorized by law.

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

  
J. STROM THURMOND, SOLICITOR

65

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN ) AFFIDAVIT OF INDIGENCY AND APPLICATION FOR APPOINTED COUNSEL

STATE VS. Kendrick, Russell Stuart  
ARREST WARRANT/TICKET & CHARGE: 2019 A02 102 01330, 2019 A02 102 01331, 2019 A02 102 01332, 2019 A02 102 01424, 6th more than 10, was a Burgling First Degree, Possession of Firearm, Possession of less than one gram of Meth.

1. ARE YOU PRESENTLY EMPLOYED? YES  NO  If yes, Please state the name and address of your employer and the amount of your salary or wages per month and/or week.

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
NET WAGES: \$ \_\_\_\_\_ WEEKLY / BI-WEEKLY / MONTHLY

If No, please state the name and address of your former employer, date of termination and the amount of your salary or wages.

EMPLOYER: Allstate Industrial  
NET WAGES: \$ 1k. an hour WEEKLY / BI WEEKLY / MONTHLY DATE OF TERMINATION: 1 year Ago

2. HOUSEHOLD MEMBER(S) EMPLOYER (if applicable): lives with Sister. Does not work

NET WAGES: \$ \_\_\_\_\_ WEEKLY / BI-WEEKLY / MONTHLY

3. Have you or household member(s) received within the past twelve months any money from any of the following sources?

- a. Business, Profession or Self-Employment? Yes \_\_\_\_\_ No
- b. Rent Payments, Interest or Dividends? Yes \_\_\_\_\_ No
- c. Pensions, Annuities or Life Insurance Payments? Yes \_\_\_\_\_ No
- d. Gifts or Inheritance? Yes \_\_\_\_\_ No
- e. Any Other Source (including Unemployment, Retirement, Disability and or Food Stamps)? Yes \_\_\_\_\_ No

If the answer to any question above is "Yes", please list the source of the money and the amount received within the last 12 months.

SOURCE: \_\_\_\_\_ AMOUNT: \_\_\_\_\_

4. LIST BY NAME, AGE AND RELATIONSHIP TO YOU, ANY PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT. INDICATE BESIDE EACH HOW MUCH YOU CONTRIBUTE TOWARD THEIR SUPPORT.

NAME:	AGE:	RELATIONSHIP:	AMOUNT \$

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5. DO YOU HAVE CASH, OR DO YOU HAVE ANY MONEY IN A CHECKING OR SAVINGS ACCOUNT  
CASH: \$ \_\_\_\_\_ CHECKING: \$ \_\_\_\_\_ SAVINGS: \$ \_\_\_\_\_

6. DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES OR OTHER VALUABLE PROPERTY, EXCLUDING ORDINARY HOUSEHOLD FURNISHINGS AND CLOTHING? YES \_\_\_\_\_ NO \_\_\_\_\_

PLEASE SPECIFY: \_\_\_\_\_

7. LIST THE TYPE OF VEHICLE(S) YOU OWN (YEAR, MAKE, MODEL): 2004 Jeep Cherokee  
 PAID FOR? YES  NO  AMOUNT OF PAYMENT(S) \$ \_\_\_\_\_

8. DO YOU OR HOUSEHOLD MEMBER PAY RENT OR MORTGAGE? Sister owns house outright

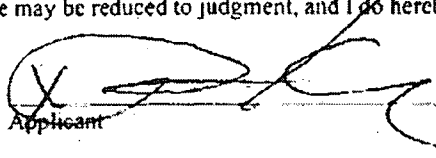
9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.? NO bills AMOUNT \$ \_\_\_\_\_

I do solemnly swear that the information reported by me for this application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was in any way respect, entitled to, in possession, remainder or reversion, and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned, or otherwise disposed of any property, or made over in trust for myself or otherwise, other than mentioned herein.

I understand that the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in the amount equal to the costs of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand such claim shall be filed in the Office of the Clerk of Court where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the Court, part or all of such a claim is reduced to judgment by appropriate Order of the Court, after serving me with at least thirty (30) days notice that judgment will be entered.

*I understand that pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Public Defender's Office for public defender services or other appointed counsel.*

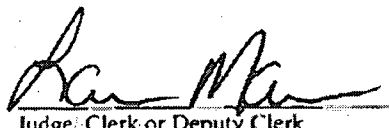
I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least 30 days notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

  
 Applicant

Sworn to before me this 25<sup>th</sup> day of September, 2019.  
AV Notary Public for South Carolina. My commission expires: 6/21/28

RACE: W SEX: M AGE: 48  IN JAIL  OUT ON BOND  
 SSN: \_\_\_\_\_ DATE OF ARREST: 09/22/19  
 DATE OF BIRTH: \_\_\_\_\_ BOND AMOUNT: Denied  
 ADDRESS: \_\_\_\_\_ BONDSMAN: \_\_\_\_\_  
 CITY & STATE: \_\_\_\_\_ CO-DEFENDANTS: \_\_\_\_\_  
 TELEPHONE: no

The applicant's request for <sup>(Sister)</sup> counsel is hereby  
 GRANTED  
 DENIED

  
 Judge, Clerk or Deputy Clerk  
 DATE: 9/25/19

ARREST WARRANT

2019A0210201424

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

THE STATE

19046954

against

Russel Stuart Kendrick

Address:

Phone: \_\_\_\_\_ SSN \_\_\_\_\_

Sex: M Race: W Height: 6 | Weight: 198

DL State: \_\_\_\_\_ DL #: \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORT #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Gregory T Faulkner - S00008

Offense: Drugs / Possession of less than one gram of meth. or cocaine base, 3rd or sub. offense

Offense Code: 3016

Code/Ordinance Sec: 44-53-0375(A)

This warrant is CERTIFIED FOR SERVICE in the  County/  Municipality of \_\_\_\_\_

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Russel Stuart Kendrick on 9-23-19 @ 0902

[Signature]  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
P O Box 583  
109 Park Avenue  
Aiken, SC 29802

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NOV 24 2019  
COURT OF APPEALS

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Personally appeared before me the affiant MI-MAN FOL Gregory T Faulkner who being duly sworn deposes and says that defendant Russel Stuart Kendrick did within this county and state on or about 9/22/2019

State of South Carolina (or ordinance of  County/  Municipality of Aiken) violate the criminal laws of the in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Possession of less than one gram of meth. or cocaine base, 3rd or sub. offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on September 22, 2019 in the county of Aiken, the Defendant did knowingly possess and/or attempt to possess less than one gram of ice/crank/crack cocaine, as defined in SCCA Section 44-53-110, without authority to do so. Defendant has two prior convictions for this offense. This being in violation of the South Carolina Code of Laws as amended.

Signature of Affiant

[Signature] 5760

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Affiant's Address 420 Hampton Avenue, Ne

Aiken, SC 29801-

Affiant's Telephone \_\_\_\_\_

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/22/2019 defendant Russel Stuart Kendrick did violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Possession of less than one gram of meth. or cocaine base, 3rd or sub. offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 9/23/2019  
[Signature] (L.S.)  
Signature of Issuing Judge  
Lauren Maurice

Judge Code: 7406

Judge's Address 435 Wire Road

Aiken, SC 29801-

Judge's Telephone (803)642-2044

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

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AFFIDAVIT