

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal from Cherokee County  
Roger L. Couch, Circuit Court Judge

---

RECEIVED

APR 26 2013

S.C. Supreme Court

JONATHAN BYERS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-213076

---

APPENDIX

---

BREEN RICHARD STEVENS  
Appellate Defender

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON  
Attorney General

SUZANNE H. WHITE  
Assistant Attorney General  
P. O. Box 11549  
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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Further, Counsel testified that he objected when the Solicitor violated a motion in limine and made a motion for mistrial. Counsel believed he should have won the motion, but the Court denied it.

This Court finds Counsel's testimony to be more credible than the Applicant's. This Court finds that Counsel met with Applicant and thoroughly reviewed the discovery materials and potential trial strategy. As it relates to the claim that Counsel failed to spend sufficient time with Applicant in preparation for trial, this Court finds that the Applicant has failed to meet his burden of proof. The "brevity of time spent in consultation, without more, does not establish that counsel was ineffective." Easter v. Estelle, 609 F.2d 756, 759 (5th Cir. 1980). When claims of ineffective assistance of counsel are based on lack of preparation time, an Applicant challenging his conviction must show specific prejudice resulting from counsel's alleged lack of time to prepare. United States v. Cronic, 466 U.S. 648 (1984); U. S. v. LaRouche, 896 F.2d 815 (4th Cir. 1990). Here, the Applicant could not point to any specific matters that Counsel failed to discover which would have affected the outcome of his trial.

The Applicant failed to offer any additional witnesses or evidence that Counsel could have presented during trial in support of Applicant's case. Rompilla v. Beard, 125 S.Ct. 2456 (2005)(emphasizing that the duty to investigate does not force defense lawyers to scour the globe on the off chance something will turn up; reasonably diligent counsel may draw a line when they have good reason to think further investigation would be a waste).

In regards to the claim that Counsel failed to do the things that the Applicant wanted, this Court finds that the Applicant has failed to prove that Counsel was deficient in his strategy or that Applicant was prejudiced as a result of that strategy. The Applicant made the decision to testify during the trial; therefore, Counsel had no opportunity to prepare him for taking the

witness stand. This Court does not find it credible that the Applicant was wearing shackles during the trial. This Court finds that based upon Counsel's testimony and his years of experience, Counsel would have made a motion to remove the shackles had they been present.

Additionally, this Court finds that Respondent was not prejudiced by any alleged deficient representation because there was overwhelming evidence of the Respondent's guilt. Where there is overwhelming evidence of guilt, a trial counsel's deficient representation will not be prejudicial. Ford v. State, 314 S.C. 245, 442 S.E.2d 604 (1994); See also Humbert v. State, 345 S.C. 332, 548 S.E.2d 862 (2001); Geter v. State, 305 S.C. 365, 409 S.E.2d 344 (1991). In Ford, trial counsel failed to request an alibi instruction and his representation was found deficient as a result. However, the evidence of the applicant's guilt in Ford was overwhelming and this Court held that the applicant failed to prove the second prong of Strickland, which requires that an Applicant show prejudice by the deficient representation.

This Court finds that Counsel is an experienced attorney who was prepared for and effectively represented Applicant at his trial. This Court can find no proof of any deficient performance by Counsel in this matter and finds that the Applicant has failed to meet his burden of proof as to all claims of ineffective assistance of counsel. Therefore, this claim is denied and dismissed.

#### *Summary*

This Court finds counsel adequately conferred with the Applicant, was thoroughly competent in his representation, and that Counsel's conduct does not fall below the objective standard of reasonableness.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that Counsel failed to render reasonably effective assistance under prevailing

professional norms. The Applicant failed to present specific and compelling evidence that Counsel committed either errors or omissions in his representation of the Applicant.

This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Counsel’s performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier supra. Therefore, this allegation is denied.

### CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

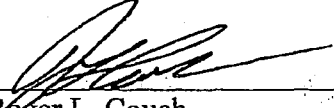
This Court cautions Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel’s assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant’s behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

Handwritten signature and initials, possibly "PAC" and "P7", in black ink.

**IT IS THEREFORE ORDERED:**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 1<sup>st</sup> day of August, 2012.

  
\_\_\_\_\_  
Roger L. Couch  
Presiding Judge

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

Case No.: 2011-CP-11-0147

**RECEIVED**

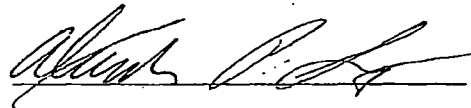
OCT - 1 2012

S.C. Supreme Court

State of South Carolina, .....Respondent,  
vs.  
Jonathan Byers #324474 .....Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal of Jonathan Byers #324474 by depositing a copy of it in the United States Mail, postage prepaid, on September 24, 2012 addressed to the Office of the Attorney General, Suzanne H. White, P. O. Box 11549, Columbia, South Carolina 29211.



Max T. Hyde, Jr.  
Alexander P. Lewis  
HYDE LAW FIRM, P.A.  
517 E. St. John Street  
Spartanburg, South Carolina 29302  
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alex@maxhydelawfirm.com  
Attorneys for Appellant

STATE OF SOUTH CAROLINA )  
 COUNTY OF CHEROKEE )  
 Jonathan Byers, #324474 )  
 Applicant, )  
 v. )  
 State of South Carolina, )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 SEVENTH JUDICIAL CIRCUIT

2011-CP-11-01

MOTION FOR RECONSIDERATION

FILED IN OFFICE OF  
 CLERK OF COURT  
 CHEROKEE COUNTY, S.C.  
 2012 AUG 17 11 13  
 BRANDY W. MOBBEE

Applicant, by and through the undersigned counsel, moves for reconsideration of the Court's order signed on August 9, 2012, and filed with the Cherokee County Clerk of Court's Office on August 14, 2012, in the above-captioned matter pursuant to Rule 59(e), SCRPC.

In his initial application, Applicant alleged that trial counsel was ineffective for failing to meet with him more than two or three times, for failing to provide him with discovery against him, and for failing to do certain things that the applicant requested of trial counsel.

At the hearing on Applicant's petition for post conviction relief, the Applicant testified as to numerous issues that he had with the representation provided by trial counsel. Specifically, the Applicant stated that he tried on multiple occasions to relieve trial counsel, and to obtain new counsel or to represent himself. Applicant further testified that he was not allowed to do such. In this Court's Order denying the Applicant's petition, the Court points out these facts but makes no ruling on whether or not such facts caused the Applicant to suffer from ineffective assistance of trial counsel.

Trial counsel should have immediately sought a continuance from the trial judge until such issues could be sorted out. It is outside of the norms or professional conduct for an attorney, when faced with an express request of a client to be relieved as counsel, to overlook the patent wishes of the client. Furthermore, to not take some action to allow the applicant an opportunity to obtain different representation prejudiced Applicant, because a different trial counsel might have presented the facts in a way that better served Applicant, or might have undertaken other efforts on Applicant's behalf.

In its Order Denying the Applicant's petition, this Court failed to rule on the issue of whether or not trial counsel was ineffective in failing to take the Applicant's express requests for a new counsel into consideration, and in failing to act on such. As such, under Rule 59(e) a new hearing should be granted, and/or the Order of this Court should be reconsidered or amended accordingly.

RESPECTFULLY SUBMITTED,



Max T. Hyde, Jr. (SCB 17014)  
Alexander P. Lewis (SCB 78991)  
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ATTORNEY FOR APPLICANT

August 16, 2012  
Spartanburg, South Carolina

STATE OF SOUTH CAROLINA )  
 COUNTY OF CHEROKEE )  
 Jonathan Byers, #324474, )  
 Applicant, )  
 v. )  
 State of South Carolina, )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 SEVENTH JUDICIAL CIRCUIT

FILED IN OFFICE OF  
 CLERK OF COURT  
 CHEROKEE COUNTY, S.C.  
 2012 SEP 17 AM 8 42  
 BRANDY W. MCBEE

2011-CP-11-0147

RETURN TO APPLICANT'S  
 MOTION FOR RECONSIDERATION

This matter comes before the Court by way of the Applicant's Motion in which he seeks reconsideration of the Order of Dismissal filed August 14, 2012. The Respondent (the State) would submit the following:

I.

The Respondent submits that the Order signed by the Honorable Roger L. Couch on August 1, 2012, contains the required findings of facts and conclusions of law as required by S.C. Code Ann. §17-27-80 (1976), and Rule 52(a) SCRPC. See also, McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991).

However, the Applicant specifically argues that the Court failed to rule on Applicant's allegation that Applicant attempted to relieve Counsel multiple times and to either obtain new counsel or represent himself. Applicant alleges that this statement should be ruled on as an allegation of ineffective assistance of counsel. Respondent notes that the statement was made at the beginning of hearing, but never specifically addressed as an allegation of ineffective assistance of counsel. However, the Respondent submits that if the Court finds it appropriate, the Order could be amended to reflect that the Applicant's testimony was deemed to lack credibility and subsequently, the claim lacked merit and is denied and dismissed.

II.

WHEREFORE, having made its Return to the motion, the State requests that the relief requested in the Motion be denied and that said Motion be dismissed on all issues, unless the Court, in its discretion, finds that the Order should be amended regarding the issue regarding Applicant's claim he attempted to relieve Counsel.

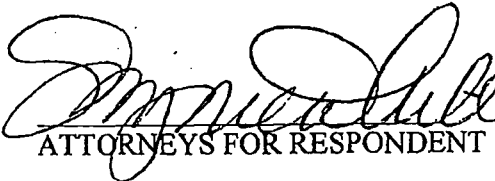
Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. MCINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

SUZANNE H. WHITE  
Assistant Attorney General

BY:   
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
(803) 734-3737

September 13 2012.

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF CHEROKEE ) FILED IN OFFICE OF ) SEVENTH JUDICIAL CIRCUIT  
CLERK OF COURT )  
CHEROKEE COUNTY, S.C. )

Jonathan Byers,

2012 SEP. 17 AM 8 42

2011-CP-11-0147

Applicant )  
BRANDY W. MCBEE )

v. )

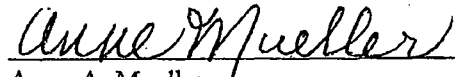
**CERTIFICATE OF SERVICE BY MAIL**

State of South Carolina, )

Respondent. )

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Respondent's Return to Applicant's Motion for Reconsideration in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

Max T. Hyde, Jr., Esquire  
Hyde Law Firm, P.A.  
517 E. Saint John Street  
Spartanburg, South Carolina 29302

  
Anne A. Mueller  
Legal Assistant for the Respondent

DATED this 13<sup>th</sup> day of September, 2012.

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHEROKEE )  
 )  
 Jonathan Byers, #324474, )  
 )  
 Applicant, )  
 )  
 vs. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 SEVENTH JUDICIAL CIRCUIT

2011-CP-11-0147

FILED IN OFFICE OF  
 CLERK OF COURT  
 CHEROKEE COUNTY, S.C.  
 2012 SEP 21 AM 10 29  
 BRANDY W. MOBBE  
**ORDER**

This matter comes before the Court by way of Applicant's Motion to Reconsider. The Respondent made its Return to this response on September 13, 2012.


The Order of Dismissal in this matter was signed by me on August 1, 2012. This Court finds that as it relates to all issues, other than the claim that Counsel was ineffective for failing to properly address Applicant's desire for either a new attorney or to represent himself at trial, this Order contains the required findings of facts and conclusions of law as required by S.C. Code Ann. §17-27-80 (1976), and Rule 52(a) SCRPC. See also, McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991).

**As to the Applicant's allegation that Counsel was ineffective for failing to properly address the Applicant's attempts to relieve him as Counsel and either obtain new counsel or represent himself, this Court finds that the Order should be amended to reflect that the Court finds the Applicant's testimony and allegation to lack credibility, and as such, finds that the claim lacked merit and is therefore denied and dismissed.**

Based upon careful reconsideration of all the evidence in this case and upon full consideration of Applicant's Motion, this Court is not persuaded to alter or amend the judgment as it relates to any other allegation or issue. This Court further finds that oral argument would

not aid in the reconsideration of the original judgment. Therefore, this Court finds that the Order of Dismissal, which was served on August 14, 2012, shall only be amended by this Order to reflect the dismissal of Applicant's allegation regarding Counsel's ineffectiveness for failing to address Applicant's desire for new counsel or to proceed pro se. This Order shall be incorporated as part of the Order of Dismissal in this matter.

AND IT IS SO ORDERED this 18<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
Roger L. Couch  
Presiding Judge  
Seventh Judicial Circuit

51 WITNESSES

Gaffney Police Dept.

*David L. Gray*

ARREST WARRANT NUMBER  
1067343

ACTION OF GRAND JURY  
**TRIF-BILL**

*David M. Copeland*  
Foreperson of Grand Jury  
Date: *6-7-07*

VERDICT

*Guilty*

*Daniel J. Stephens* 10-10-07  
Foreperson of Petit Jury  
Date:

DOCK # **07-GS-11-0851**

The State of South Carolina

County of Cherokee

*Trey Gowdy, Solicitor*

COURT OF GENERAL SESSIONS

JUN 07 2007 TERM

THE STATE  
vs.

Jonathan Leon Byers

Indictment for  
**BURGLARY, FIRST DEGREE**  
(Dwelling)

SC Code: 16-11-0311  
CDR Code: 0079  
Class: FEL/EXM (V)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

INDICTMENT

At a Court of General Sessions, convened on JUN 07 2007, the Grand Jurors of Cherokee County present upon their oath:

**BURGLARY, FIRST DEGREE**

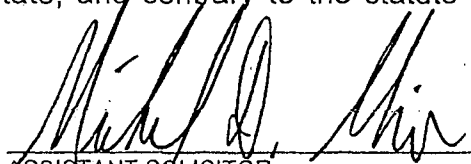
**(DWELLING)**

That the Defendant, Jonathan Leon Byers did in Cherokee County, on or about December 6, 2006, willfully and intentionally enter the dwelling belonging to Dolores N. Perrin located at 306 Union Street, Gaffney, South Carolina without consent and with the intent to commit a crime therein, and either:

- (1) Entered in the nighttime; and/or
- (2) Was armed with a deadly weapon; and/or
- (3) Caused physical injury to a person who was not a participant in the crime; and/or
- (4) Used or threatened the use of a dangerous instrument; and/or
- (5) Displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, weapon or other firearm.

in violation of §16-11-311, of 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

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee )  
STATE VS. )

INDICTMENT/CASE#:

Jonathan Leon Byus )

2007 -GS- 11 - 0851

A/W#: I 0107393

Date of Offense: 12-06-2006

S.C. Code §: 16-11-311

CDR Code #: 0101719

AKA: \_\_\_\_\_ )  
Race: B Sex: M Age: 19 )  
DOB: [REDACTED] SS#: [REDACTED] )  
Address: [REDACTED] )  
City, State, Zip \_\_\_\_\_ )  
DL# \_\_\_\_\_ )

CASE RESTORED  
SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Burglary 1st

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0101719

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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:

Cindy Cruck  
Solicitor

Jonathan Byus  
Defendant

[Signature]  
Attorney for Defendant

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

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered

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

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_

\_\_\_\_\_ 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: \_\_\_\_\_

Appointed PD or appointed other counsel, \$35.13 TP  
Requires \$500 be paid to Clerk during probation.

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	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75
TOTAL		\$ 128.75

PRESIDING JUDGE

Judge Code: \_\_\_\_\_

Sentence Date: \_\_\_\_\_

[Signature]  
2007 10 5 1 3  
October 10, 2007

Clerk of Court Deputy Clerk  
Court Reporter: Chanda Moffitt

WITNESSES

Gaffney Police Dept.

*David L. Lang*

DOCKET NO. **07-GS-11-0852**

The State of South Carolina

County of Cherokee

*Trey Gowdy, Solicitor*

COURT OF GENERAL SESSIONS

JUN 07 2007

TERM

1067345

ARREST WARRANT NUMBER

THE STATE  
VS.

ACTION OF GRAND JURY  
**TRIAL BILL**

Jonathan Leon Byers

*Angela M. Capeland*  
For person of Grand Jury  
Date: *6-7-07*

VERDICT

Indictment for

BURGLARY, FIRST DEGREE  
(Dwelling)

*Guilty*

*James Stillborn* 10-10-07  
For person of Petit Jury  
Date:

SC Code: 16-11-0311  
CDR Code: 0079  
Class: FEL/EXM (M)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

INDICTMENT

At a Court of General Sessions, convened on JUN 07 2007, the Grand Jurors of Cherokee County present upon their oath:

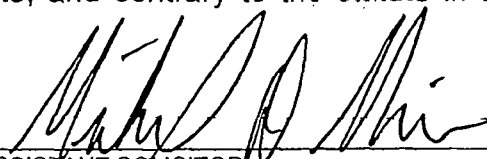
**BURGLARY, FIRST DEGREE**  
**(DWELLING)**

That the Defendant, Jonathan Leon Byers did in Cherokee County, on or about December 11, 2006, willfully and intentionally enter the dwelling belonging to Brandy D. Giles located at 101 Short Alley, Gaffney, South Carolina without consent and with the intent to commit a crime therein, and either:

- (1) Entered in the nighttime; and/or
- (2) Was armed with a deadly weapon; and/or
- (3) Caused physical injury to a person who was not a participant in the crime; and/or
- (4) Used or threatened the use of a dangerous instrument; and/or
- (5) Displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, weapon or other firearm.

in violation of §16-11-311, of 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

518

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee  
STATE VS.

Jonathan Leon Byrus  
AKA:  
Race: B Sex: M Age: 19  
DOB: [REDACTED] SS#: [REDACTED]  
Address: [REDACTED]  
City, State, Zip: [REDACTED]

INDICTMENT/CASE#:

2007 -GS- 11 - 0852  
A/W#: I 067345  
Date of Offense: 12-11-2006  
S.C. Code §: 16-11-311  
CDR Code #: 0101719  
 CASE RESTORED SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Burglary 1st in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0101719  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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: Andy Crick Solicitor Jonathan Byrus Defendant D. G. Thompson Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of life 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: 07-851  
 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.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$      plus 20% fee: \$       
Payment Terms:       
 set by SCDPPPS     

PTUP      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 \$ 100  
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$       
\$56-5-2995 (DUI Assessment) \$12 \$       
§ 35.13 (Public Def/Prob) \$500 \$       
§73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25  
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$       
\$50-21-114(BUI Breath Test Fee) \$50 \$       
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$       
3% to County (if paid in installments) \$ 3.75  
TOTAL \$ 128.75

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

Randy J. McBeel Clerk of Court/Deputy Clerk  
Court Reporter: Ainda Mathis

PRESIDING JUDGE       
Judge Code: 2  
Sentence Date: October 10, 2007

519  
WITNESSES

Gaffney Police Dept.

*David L. Lang*

ARREST WARRANT NUMBER

1067346

ACTION OF GRAND JURY

**TRUE BILL**

*Angel M. Copeland*  
Foreperson of Grand Jury

Date: *10-10-07*

VERDICT

*Twitty*

*James Littlejohn*  
Foreperson of Petit Jury  
Date: *10-10-07*

DOC 07-GS-11-0853

The State of South Carolina

County of Cherokee

*Trey Gowdy, Solicitor*

COURT OF GENERAL SESSIONS

*Jun 27 2007*

TERM

THE STATE  
VS.

Jonathan Leon Byers

Indictment for

BURGLARY, FIRST DEGREE  
(Dwelling)

SC Code: 16-11-0311  
CDR Code: 0079  
Class: FEL/EXM (M)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

INDICTMENT

At a Court of General Sessions, convened on JUN 07 2007, the Grand Jurors of Cherokee County present upon their oath:

**BURGLARY, FIRST DEGREE**

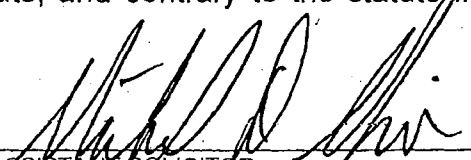
**(DWELLING)**

That the Defendant, Jonathan Leon Byers did in Cherokee County, on or about December 13, 2006, willfully and intentionally enter the dwelling belonging to Tammy Payne located at 100 Victoria Lane, Gaffney, South Carolina without consent and with the intent to commit a crime therein, and either:

- (1) Entered in the nighttime; and/or
- (2) Was armed with a deadly weapon; and/or
- (3) Caused physical injury to a person who was not a participant in the crime; and/or
- (4) Used or threatened the use of a dangerous instrument; and/or
- (5) Displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, weapon or other firearm.

In violation of §16-11-311, of 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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee  
 STATE VS.  
Jonathan Leon Byers  
 AKA:  
 Race: B Sex: M Age: 19  
 DOB: [REDACTED] SS#: [REDACTED]  
 Address: [REDACTED]  
 City, State, Zip [REDACTED]  
 DL# [REDACTED] SID# J

INDICTMENT/CASE#: 2007 -GS- 11 - 0853  
 A/W#: I067346  
 Date of Offense: 12-13-2006  
 S.C. Code §: 16-11-0311  
 CDR Code #: 0 1 0 1 7 1 9  
 CASE RESTORED  
 SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
 TO: Burglary, 1st degree (dwelling)  
 in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0 1 0 1 7 1 9  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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: Cindy Creek Solicitor Jonathan Byers Defendant Dr. G. Thompson Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of life 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: 07-852  
 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.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
 Total: \$        plus 20% fee: \$         
 Payment Terms:  
 set by SCDPPPS

PTUP        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	\$ <u>100</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$ <u>25</u>
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>
TOTAL		\$ <u>128.75</u>

Appointed PD or appointed other counsel, §35.13 TP  
 Requires \$500 be paid to Clerk during probation.

Brandee M. Bee Clerk of Court Deputy Clerk  
 Court Reporter: Wanda Mathis

PRESIDING JUDGE         
 Judge Code: 2  
 Sentence Date: October 10, 2007

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
STATE VS. Jonathan Leon Byers
AKA:
Race: B Sex: M Age: 19
DOB:
Address:
City, State, Zip
DL#

INDICTMENT/CASE#: 2007 -GS- 11 - 0854
AW#: I 067344
Date of Offense: 12-06-2006
S.C. Code §: 16-3-652
CDR Code #: 0111610
CASE RESTORED
SENTENCE
PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS.

TO: Criminal Sexual Conduct 1st

in violation of § 16-3-652 of the S.C. Code of Laws, bearing CDR Code # 0111610

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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: Cindy Crick Solicitor, Jonathan Byers Defendant, D. G. Thompson Attorney for Defendant

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 the State Department of Corrections.

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
PTUP 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:

Table with 2 columns: Description, Amount. 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, \$35.13 (Public Def/Prob) \$500, \$73.3, 1B TP (Law Enforce. Funding) \$25, \$33.7, 1B TP (Drug Court Surcharge) \$100, \$50-21-114(BUI Breath Test Fee) \$50, \$56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$3.75, TOTAL \$128.75

Brandon M. McBeal Clerk of Court/Deputy Clerk
Court Reporter: Kinda N. Moffitt

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE: [Signature]
Judge Code: 20101513
Sentence Date: October 10, 2007

523

WITNESSES

FILE NO. 07-65-11-0004

Gaffney Police Dept.

*David L. Cunniff*

The State of South Carolina

County of Cherokee

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

JUN 07 2007

TERM

ARREST WARRANT NUMBER

1067344

THE STATE  
vs.

ACTION OF GRAND JURY  
**TRIEBILL**

Jonathan Leon Byers

*Angela M. Copeland*  
Foreperson of Grand Jury  
Date: 6-3-07

VERDICT

*Guilty*

Indictment for  
CRIMINAL SEXUAL CONDUCT,  
FIRST DEGREE

*James R. Stegeman*  
Forfeiture of Petit Jury  
Date: 10-10-07

SC Code: 16-3-652  
CDR Code: 0160  
Class: FEL-A (V)

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHEROKEE )

INDICTMENT

At a Court of General Sessions, convened on JUN 07 2007 the Grand  
 Jurors of Cherokee County present upon their oath:

**CRIMINAL SEXUAL CONDUCT, FIRST DEGREE**

That the defendant, Jonathan Leon Byers did in Cherokee County on or about December 6, 2006, engage in a sexual battery with the victim, Dolores N. Perrin under one of the following circumstances without her consent:

- (1) Jonathan Leon Byers used aggravated force to accomplish the sexual battery on Dolores N. Perrin; and/or
  - (2) Dolores N. Perrin submitted to the sexual battery under circumstances where Dolores N. Perrin was a victim of forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking, or another similar offense or act,
- in violation of §16-3-652, 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

525 WITNESSES

Gaffney Police Dept.

*David L. Army*

ARREST WARRANT NUMBER

1067347

ACTION OF GRAND JURY  
**TRUE BILL**

*Charles W. Copeland*  
Forperson of Grand Jury  
Date: *6-7-07*

VERDICT

*Guilty*

*Charles W. Copeland*  
Forperson of Petit Jury  
Date: *10/10/07*

Doc # **16-65-11-0855**

The State of South Carolina

County of Cherokee

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

JUN 07 2007

TERM

THE STATE  
vs.

Jonathan Leon Byers

Indictment for  
CRIMINAL SEXUAL CONDUCT,  
FIRST DEGREE

SC Code: 16-3-652  
CDR Code: 0160  
Class: FEL-A (M)

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHEROKEE )

INDICTMENT

At a Court of General Sessions, convened on JUN 07 2007, the Grand  
 Jurors of Cherokee County present upon their oath:

**CRIMINAL SEXUAL CONDUCT, FIRST DEGREE**

That the defendant, Jonathan Leon Byers did in Cherokee County on or about December 11, 2006, engage in a sexual battery with the victim, Brandy D. Giles under one of the following circumstances without her consent:

- (1) Jonathan Leon Byers used aggravated force to accomplish the sexual battery on Brandy D. Giles; and/or
- (2) Brandy D. Giles submitted to the sexual battery under circumstances where Brandy D. Giles was a victim of forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking, or another similar offense or act,

in violation of §16-3-652, 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

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee  
STATE

INDICTMENT/CASE#:

VS. Jonathan Leon Byers

2007 -GS- 11 - 0855

AKA: \_\_\_\_\_  
Race: B Sex: M Age: 19  
DOB: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State: \_\_\_\_\_  
DL# \_\_\_\_\_ SID# \_\_\_\_\_

A/W#: I067347  
Date of Offense: 12-11-2006  
S.C. Code §: 16-3-652  
CDR Code #: D 1 1 6 1 0  
 CASE RESTORED  
SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Criminal Sexual Conduct 1st

in violation of § 16-3-652 of the S.C. Code of Laws, bearing CDR Code # D 1 1 6 1 0

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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: Cindy Crick Solicitor Jonathan Byers Defendant D. G. Thompson Attorney for Defendant

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 the State Department of Corrections.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_ 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 \$ 100  
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_  
\$56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
§ 35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25  
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
\$50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ 3.75  
TOTAL \$ 128.75

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

Brandee H. McBee Clerk of Court/Deputy Clerk  
Court Reporter: Junda Moffitt

PRESIDING JUDGE: [Signature]  
Judge Code: 2 0 1 5 1 3  
Sentence Date: October 10, 2007

WITNESSES

Gaffney Police Dept.

*David L. Conroy*

ARREST WARRANT NUMBER

1067348

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury

Date: *6-7-07*

VERDICT

*Shirley*

*James Littlejohn* 10-10-07  
Foreperson of Petit Jury  
Date:

528

DOC # 07-**GS-11-0856**

The State of South Carolina

County of Cherokee

*Trey Gowdy, Solicitor*

COURT OF GENERAL SESSIONS

JUN 07 2007

TERM

THE STATE  
vs.

Jonathan Leon Byers

Indictment for

CRIMINAL SEXUAL CONDUCT,  
FIRST DEGREE

SC Case: 16-3-652  
CDR Code: 0160  
Class: FEL-A (V)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

INDICTMENT

At a Court of General Sessions, convened on JUN 07 2007 the Grand

Jurors of Cherokee County present upon their oath:

**CRIMINAL SEXUAL CONDUCT, FIRST DEGREE**

That the defendant, Jonathan Leon Byers did in Cherokee County on or about December 13, 2006, engage in a sexual battery with the victim, Tammy Payne under one of the following circumstances without her consent:

- (1) Jonathan Leon Byers used aggravated force to accomplish the sexual battery on Tammy Payne; and/or
- (2) Tammy Payne submitted to the sexual battery under circumstances where Tammy Payne was a victim of forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking, or another similar offense or act,

in violation of §16-3-652, 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

530

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee

INDICTMENT/CASE#:

Jonathan vs Leon Byers

2007 -GS- 11 - 0856

AKA: Race: [redacted] Sex: M Age: 19 DOB: [redacted] SS#: [redacted] Address: [redacted] City, State, Zip: [redacted] DL# [redacted] SID# [redacted]

A/W#: I067348 Date of Offense: 12-13-2006 S.C. Code §: 16-3-652 CDR Code #: 0 1 1 6 1 0 [ ] CASE RESTORED [ ] SENTENCE [ ] PLEA [X] TRIAL

In disposition of the said indictment comes now the Defendant who was [ ] CONVICTED OF or [ ] PLEADS

TO: Criminal Sexual Conduct, 1st degree in violation of § 16-3-652 of the S.C. Code of Laws, bearing CDR Code # 0 1 1 6 1 0

[ ] NON-VIOLENT [X] VIOLENT [ ] SERIOUS [X] MOST SERIOUS [ ] 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: Cudy Crick Solicitor Jonathan Byers Defendant Don G Thompson Attorney for Defendant

WHEREFORE, the Defendant is committed to the [X] 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.

[X] 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.

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Heard, [ ] Waived, [ ] Ordered Total: \$ \_\_\_ plus 20% fee: \$ \_\_\_ Payment Terms: [ ] set by SCDPPPS

PTUP \_\_\_ 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: \_\_\_

Table with 2 columns: Description and Amount. Rows include: 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, § 35.13 (Public Def/Prob) \$500, §73.3, 1B TP (Law Enforce. Funding) \$25, §33.7, 1B TP (Drug Court Surcharge) \$100, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$3.75, TOTAL \$128.75

[ ] Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

Brandon H. McBees Clerk of Court Deputy Clerk Court Reporter: Ganda Moffitt

PRESIDING JUDGE Judge Code: 2 Sentence Date: October 10, 2007

WITNESSES

Cherokee County Sheriff's Office

*Michael Stephens*

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury

Date: *Donald W. Byers* 8-2-07

VERDICT

*Guilty*

Forfeiture of Petit Jury  
Date: *Donald W. Byers* 10-10-07

BOOKING NO  
**07-GS-11-0410**

The State of South Carolina

County of Cherokee

*Trey Gowdy, Solicitor*

COURT OF GENERAL SESSIONS

AUG 02 2007

TERM

THE STATE  
vs.

Jonathan Byers

Indictment for

**ARMED ROBBERY**

SC Code: 16-11-330 (A)  
CDR Code: 139  
Class FEL/A

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

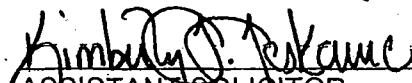
INDICTMENT

At a Court of General Sessions, convened on AUG 02 2007 the Grand Jurors of Cherokee County present upon their oath:

**ARMED ROBBERY**

That Jonathan Byers did in Cherokee County on or about December 13, 2006, while armed with a pistol, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take from the person or presence of Tammy Payne, by means of force, violence, and/or intimidation, goods or monies described as follows: a cell phone, with the intent to deprive the owner permanently of such property, in violation of §16-11-330 (A), *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

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee )  
STATE VS. )  
Jonathan Leon Byers )  
AKA: )  
Race: B Sex: M Age: 19 )  
DOB: [REDACTED] SS#: [REDACTED] )  
Address: [REDACTED] )  
City, State, Zip [REDACTED] )  
DL# [REDACTED] SID# [REDACTED] )

INDICTMENT/CASE#: 2007 -GS- 11 0970  
A/W#: Direct Indictment  
Date of Offense: 12-13-2006  
S.C. Code §: 16-11-330(A)  
CDR Code #: 0 1 1 3 1 9  
 CASE RESTORED  
 SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Armed Robbery  
in violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0 1 1 3 1 9  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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: Cindy Crick Solicitor Jonathan Byers Defendant Don Thompson Attorney for Defendant

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 the State Department of Corrections.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$        plus 20% fee: \$         
Payment Terms:         
 set by SCDPPPS       

PTUP        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 \$ 100  
§14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_  
§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
§ 35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
§73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25  
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
§50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ 3.75  
TOTAL \$ 128.75

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

Brenda K. McBeal Clerk of Court Deputy Clerk  
Court Reporter: Olinda Mott

PRESIDING JUDGE William J. [Signature]  
Judge Code: 2  
Sentence Date: October 10, 2007

WITNESSES

Cherokee County Sheriff's Office

*M. J. ...*

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

**TRUE BILL**

*Jonathan B. Byers*  
Foreperson of Grand Jury

Date: 8-2-07

VERDICT

*Lucy ...*

*James ...*  
Foreperson of Petit Jury  
Date: 10-10-07

534

07-GS-11-06-71

The State of South Carolina

County of Cherokee

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

AUG 02 2007

TERM

THE STATE  
vs.

Jonathan Byers

Indictment for

POSSESSION OF FIREARM OR KNIFE  
DURING COMMISSION OF OR ATTEMPT  
TO COMMIT A VIOLENT CRIME

SC Code: 16-23-490  
CDR Code: 549  
Class: FEL/F

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

INDICTMENT


At a Court of General Sessions, convened on AUG 02 2007 the

Grand Jurors of Spartanburg County present upon their oath:

**POSSESSION OF FIREARM OR KNIFE DURING COMMISSION  
OF OR ATTEMPT TO COMMIT A VIOLENT CRIME**

That Jonathan Byers did in Cherokee County on or about December 13, 2006, possess or visibly display a firearm or knife during the Commission or attempted commission of a violent crime, to-wit: Criminal Sexual Conduct 1<sup>st</sup> Degree and/or Burglary 1<sup>st</sup> Degree, all 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

STATE OF SOUTH CAROLINA

COUNTY OF Cherokee

STATE VS. Jonathan Leon Byers

AKA: Race: B Sex: M Age: 19 DOB: 5-7-88 SS#: Address: City, State, Zip DL# SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007-GS-11-0971 A/W#: Direct Indictment Date of Offense: 12-13-2006 S.C. Code §: 16-23-490 CDR Code #: 015419

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Poss. of Firearm during Comm. of Violent Crime in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 015419

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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.

WITTEST: Cindy Cruck Solicitor Jonathan Byers Defendant Don G. Thompson 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 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: 07-851 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.

SPECIAL CONDITIONS: RESTITUTION: Heard, Waived, Ordered Total: \$ plus 20% fee: \$ Payment Terms: set by SCDPPPS

Table with 3 columns: Description, Amount, Total. Rows include: \*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, \$35.13 (Public Def/Prob) \$500, \$73.3, 1B TP (Law Enforce. Funding) \$25, \$33.7, 1B TP (Drug Court Surcharge) \$100, \$50-21-114(BUI Breath Test Fee) \$50, \$56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments), TOTAL \$375 \$128.75

Handwritten signatures: Gandyne McBeal Clerk of Court/ Deputy Clerk, Linda Martin Court Reporter

PTUP 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: Sentence vacated pursuant to 16-23-490

PRESIDING JUDGE Judge Code: 2 Sentence Date: October 10, 2007

WITNESSES

07-GS-11-0672

The State of South Carolina

County of Cherokee

Trey Gowdy, Solicitor

Cherokee County Sheriff's Office

*[Signature]*

COURT OF GENERAL SESSIONS

AUG 02 2007

TERM

APREST WARRANT NUMBER

Direct Indictment

THE STATE  
vs.

ACTION OF GRAND JURY

TRUE BILL

Jonathan Byers

*[Signature]*

Foreperson of Grand Jury  
Date: 8-2-07

VERDICT

Indictment for

Guilty

POSSESSION OF FIREARM OR KNIFE  
DURING COMMISSION OF OR ATTEMPT  
TO COMMIT A VIOLENT CRIME

*[Signature]*  
Foreperson of Petit Jury  
Date: 10-10-07

SC Code: 16-23-490  
CDR Code: 549  
Class FEL/F

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )


INDICTMENT

At a Court of General Sessions, convened on                     AUG 02 2007                     the  
Grand Jurors of Spartanburg County present upon their oath:

**POSSESSION OF FIREARM OR KNIFE DURING COMMISSION  
OF OR ATTEMPT TO COMMIT A VIOLENT CRIME**

That Jonathan Byers did in Cherokee County on or about December  
11, 2006, possess or visibly display a firearm or knife during the  
commission or attempted commission of a violent crime, to-wit: Criminal  
Sexual Conduct 1<sup>st</sup> Degree and/or Burglary 1<sup>st</sup> Degree, all 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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee  
 STATE VS.  
Jonathan Leon Byers  
 AKA:  
 Race: B Sex: M Age: 19  
 DOB: 5-7-88 SS#: [REDACTED]  
 Address: [REDACTED]  
 City, State, Zip [REDACTED]  
 DL# [REDACTED] SID# [REDACTED]

INDICTMENT/CASE#: 2007 GS-11 0972  
 A/W#: Direct Indictment  
 Date of Offense: 12-11-2006  
 S.C. Code §: 16-23-490  
 CDR Code #: 0 / 5 / 4 / 9  
 CASE RESTORED  
 SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Poss. of Firearm during Comm. of Violent Crime  
 in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0 / 5 / 4 / 9  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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.

ARREST: Cindy Crick Solicitor Jonathan Byers Defendant D. G. Thompson 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 — 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: 07-852  
 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.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
 Total: \$ — plus 20% fee: \$ —  
 Payment Terms:  
 set by SCDPPPS

PTUP — 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: Sentence vacated pursuant to 16-23-490

Appointed PD or appointed other counsel, \$35.13 TP  
 Requires \$500 be paid to Clerk during probation.

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 \$
§ 35.13 (Public Def/Prob)	\$500 \$
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$ 25
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	\$ 3.15
TOTAL	\$128.75

Brandee McBees Clerk of Court/ Deputy Clerk  
 Court Reporter: Wanda Marshall

PRESIDING JUDGE [Signature]  
 Judge Code: 2  
 Sentence Date: October 10, 2007

WITNESSES

Cherokee County Sheriff's Office

*Trey Gowdy*

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury

Date: 8-2-07

VERDICT

Guilty

*Trey Gowdy*  
Foreperson of Petit Jury  
Date: 10-10-07

540

**07-GS-11-0973**

The State of South Carolina

County of Cherokee

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

AUG 02 2007

TERM

THE STATE

vs.

Jonathan Byers

Indictment for

POSSESSION OF FIREARM OR KNIFE  
DURING COMMISSION OF OR ATTEMPT  
TO COMMIT A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 549

Class FEL/F

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

INDICTMENT


At a Court of General Sessions, convened on AUG 02 2007 the

Grand Jurors of Spartanburg County present upon their oath:

**POSSESSION OF FIREARM OR KNIFE DURING COMMISSION  
OF OR ATTEMPT TO COMMIT A VIOLENT CRIME**

That Jonathan Byers did in Cherokee County on or about December 6, 2006, possess or visibly display a firearm or knife during the commission or attempted commission of a violent crime, to-wit: Criminal Sexual Conduct 1<sup>st</sup> Degree and/or Burglary 1<sup>st</sup> Degree, all 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

STATE OF SOUTH CAROLINA

COUNTY OF Cherokee )  
STATE VS. )  
Jonathan Leon Byers )  
AKA: )  
Race: B Sex: M Age: 19 )  
DOB: 05-7-88 SS#: [REDACTED] )  
Address: [REDACTED] )  
DL# [REDACTED] SID# [REDACTED] )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007-GS-11-0973  
A/W#: Direct Indictment  
Date of Offense: 12-6-2006  
S.C. Code §: 16-23-490  
CDR Code #: 0151419  
 CASE RESTORED  
SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Poss. of Firearm during comm. of a crime

in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0151419

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  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.

TEST: Cuddy Crick Solicitor Jonathan Byers Defendant Dr. G. Thompson 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      
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: 07-853  
 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.

Waived

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
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	\$ 100
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75
TOTAL		\$ 128.75

PTUP     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: sentence waived  
pursuant to 16-23-490

Appointed PD or appointed other counsel, \$35.13 TP  
Requires \$500 be paid to Clerk during probation.

Brendy K. McBee Clerk of Court/Deputy Clerk  
Court Reporter: Junda Moffitt

PRESIDING JUDGE [Signature]  
Judge Code: 2  
Sentence Date: October 10, 2007