

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
FEB 14 2022
SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions,

J. Mark Hayes II, Circuit Court Judge

Case Nos. 2021-GS-42-06672
2021-GS-42-05754
2022-GS-42-00029

The State,

Respondent,

v.

Roger Daniel Frye Jr.,

Appellant.

EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(b)SCACR

Pursuant to Rule 203(d)(1)(B) SCACR Roger Daniel Frye files this explanation of his appeal of his guilty plea, conviction, and sentence in this case. The sentence was imposed by the Honorable J. Mark Hayes, II on January 25, 2022. There were no issues raised during the guilty plea; however, the client insisted upon his right to appeal, therefore this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E. 2nd 838 (1995) and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

February 9, 2022

s/ Katie Sieber
Katie Sieber
Assistant Public Defender
Spartanburg County Public Defender
366 North Church Street
Spartanburg, S.C. 29303
(864) 596-2561
Attorney for Appellant

Other Counsel of Record:
Lindsey Overby
Assistant Solicitor
180 Magnolia Street
Spartanburg, South Carolina 29306
(864)596-2500
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions,

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Case Nos. 2021-GS-42-06672
2021-GS-42-05754
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The State,

Respondent,

v.

Roger Daniel Frye Jr.,

Appellant.

PROOF OF SERVICE

I certify that I served the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR, on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on February 10, 2022 addressed to its attorney of record, Lindsey H. Overby Esq., Assistant Circuit Solicitor, 180 Magnolia Street, Spartanburg, S.C. 29306.

February 10, 2022

s/ Katie Sieber
Katie Sieber
Assistant Public Defender
Spartanburg County Public Defender
366 North Church Street
Spartanburg, S.C. 29303
(864) 596-2561
Attorney for Appellant

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

RECEIVED

FEB 14 2022

INDICTMENT/CASE#: 2021GS4205754

STATE VS.

SC Court of Appeals

W#: 2021A4210203229

AKA: Roger Daniel Frye Jr
Race: Sex: Age:
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

Date of Offense: 6/21/2021
S.C. Code § : 44-53-0375(C)(1)(a)
CDR Code #: 0451

SENTENCE SHEET

concurrent sentencing

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Drugs / PWID Methamphetamine, 2nd offense (5-30 years and/or 0-50k fine)

in violation of § 44-53-0375 (B) (2) of the S.C. Code of Laws, bearing CDR Code # 3199

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:

s/ Lindsey Overby SCB79869 s/ Roger Daniel Frye, Jr. s/ Katie Sieber SCB102826
OVERBY, LINDSEY H. SC Bar# Defendant Sieber, Katherine M. SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 20 days/months/years/Time Served Youthful Offender Act not to exceed years
and/or to pay a fine of \$ provided that upon the service of 5 days/months/years/Time Served and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 24
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

The sentence shall run.
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.
days/months
To include time spent on monitored house arrest prior to trial and sentencing.
The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65
(Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Handwritten mark

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. or Job Corp
- Mental Health Counseling
- Completion of GED
- No Contact with _____
- May serve W/E beginning: _____
- Random Drug/Alcohol testing
- Domestic Violence Intervention Program

Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment 0 _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Other: ATU if available

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Term _____ Set by SCDPPPS

Recipient: _____

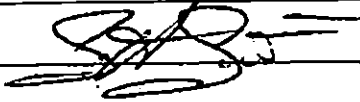
*Fine:		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100-</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25-</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150-</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ <u>2325</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$ <u>500.00</u>
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ <u>798.25</u>

Clerk of Court/ Deputy Clerk: [Signature]
 Court Reporter: [Signature]

Presiding Judge: _____
 Judge Code: 2132
 Sentence Date: 1/26/22

WITNESSES

Duncan Police Department




ARREST WARRANT NUMBER

2021A4210203229

ACTION OF GRAND JURY
OCT 22 2021

True Bill


Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **21-GS-42-5754**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 25 2021 TERM

THE STATE
vs.

ROGER DANIEL FRYE, JR.

Indictment for
TRAFFICKING IN METHAMPHETAMINE

SC Code: 44-53-375

FILED

2021 OCT 27 AM 9:19

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

RECEIVED

FEB 14 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

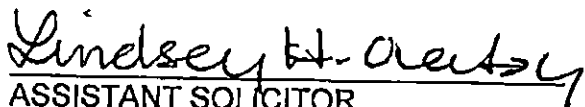
OCT 22 2021

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

TRAFFICKING IN METHAMPHETAMINE

That the Defendant Roger Daniel Frye, Jr., did in Spartanburg County on or about June 21, 2021, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or did knowingly actually or constructively possess, or did knowingly attempt to actually or constructively possess more than ten (10) but less than twenty eight (28) grams of Methamphetamine, a schedule II controlled substance, in violation of § 44-53-375, *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 SPARTANBURG

RECEIVED

STATE

VS.

FEB 14 2022

INDICTMENT/CASE#: 2021GS4206672

Roger Daniel Frye Jr

SC Court of Appeals

AW#: 2021A4210205597

AKA:

Date of Offense: 10/20/2021

Race:

Sex:

Age:

S.C. Code § : 44-53-0375 (B) (2)

DOB:

SS#:

CDR Code #: 3199

Address:

City, State, Zip:

DL#:

SID#:

SENTENCE SHEET

Concurrent sentencing

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Drugs / PWID Methamphetamine, 2nd offense (5-30 years and/or 0-50k fine)

in violation of § 44-53-0375 (B) (2) of the S.C. Code of Laws, bearing CDR Code # 3199

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:

s/ Lindsey Overby

SCB79869

s/ Roger Daniel Frye, Jr.

s/ Katie Sieber

SCB102826

OVERBY, LINDSEY H.

SC Bar#

Defendant

Sieber, Katherine M.
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 20 days/months/years/Time Served Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____ provided that upon the service of 5 days/months/years/Time Served and or payment of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for 24 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

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. _____ (days/months)

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

WITNESSES

SCSO

[Handwritten signature]

ARREST WARRANT NUMBER

2021A4210205597

ACTION OF GRAND JURY

DEC 14 2021

[Handwritten signature]
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **21-GS-42-6672**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 24 2022

TERM

THE STATE
vs.

ROGER DANIEL FRYE, JR.

Indictment for

POSSESSION WITH INTENT TO DISTRIBUTE
METHAMPHETAMINE

SC Code: 44-53-375

2021 FEB 15 11 09 AM
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

RECEIVED

FEB 14 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on DEC 14 2021 the

Grand Jurors of Spartanburg County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE

That Roger Daniel Frye, Jr. did in Spartanburg County on or about October 20, 2021, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Methamphetamine, a schedule II controlled substance under provisions of § 44-53-375, *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.

Lindsey H. Neal
ASSISTANT SOLICITOR

SPECIAL CONDITIONS:

- PTUP after _____ months/years
- And Other Terms Listed Below:**
- Substance Abuse Counseling
 - Attend Voc. Rehab. or Job Corp.
 - Mental Health Counseling
 - Completion of GED
 - No Contact with _____
 - May serve W/E beginning : _____
 - Random Drug/Alcohol testing
 - Domestic Violence Intervention Program
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment 0 _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- Other: ATV if available

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Term _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly prmts. of \$ _____ Beginning _____

§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	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25 -
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150 -
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 25

- Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
- § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 283.25

Presiding Judge: _____
 Judge Code: 2132
 Sentence Date: 1/25/2022

Clerk of Court/ Deputy Clerk: [Signature]
 Court Reporter: [Signature]

STATE OF SOUTH CAROLINA

COUNTY OF

SPARTANBURG

STATE

VS.

AKA: Roger Daniel Frye Jr.
 Race: _____ Sex: _____ Age: _____
 DOB: _____ SS# _____
 Address: _____
 City, State, Zip: _____
 DL#: _____ SID#: _____

RECEIVED

FEB 14 2022

SC Court of Appeals

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022-GS-42-0029

A/W#: 2021A4210202762
 Date of Offense: 5/30/2021
 S.C. Code § : 16-14-0020
 CDR Code #: 0348

SENTENCE SHEET

concurrent sentencing

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: FinanTC / Financial Transaction Card Theft (0-5 yrs. and/or fine)

in violation of § 16-14-0020 of the S.C. Code of Laws, bearing CDR Code # 0348

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. S/ RDF (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST:

s/ Lindsey Overby SCB79869 s/ Roger Daniel Frye, Jr. s/ Katie Sieber 102826
 OVERBY, LINDSEY H. SC Bar# Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
 for a determinate term of 5 days/months/years/Time Served Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served 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.

The sentence shall run 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.
 (days/months)

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

- PTUP after _____ months/years
And Other Terms Listed Below:
- Substance Abuse Counseling
 - Attend Voc. Rehab. or Job Corp
 - Mental Health Counseling
 - Sex Offender Registry pursuant to S.C. Code § 23-3-430
 - Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 - Other: _____

- Completion of GED
- No Contact with _____
- May serve W/E beginning: _____
- Random Drug/Alcohol testing
- Domestic Violence Intervention Program

Public Service Employment _____ days/hours

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Term _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly prmts. of \$ _____ Beginning _____	\$ _____
§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 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25-</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500 \$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
	TOTAL \$ <u>128.25</u>

Clerk of Court/ Deputy Clerk: [Signature]
 Court Reporter: [Signature]

Presiding Judge: [Signature]
 Judge Code: 2421
 Sentence Date: 1/26/2022

WITNESSES

Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER
2021A4210202762

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

22-GS-42-

0029

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 24 2022

TERM

**THE STATE
vs.**

ROGER DANIEL FRYE, JR.

Indictment for

**FINANCIAL TRANSACTION
CARD THEFT**

SC Code: 16-14-20, 100(B)

CDR Code: 348

Class FEL/F

RECEIVED

FEB 14 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

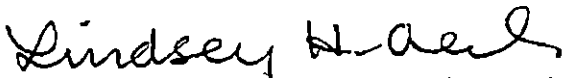
JAN 19 2022

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

FINANCIAL TRANSACTION CARD THEFT

That the Defendant Roger Daniel Frye, Jr. did in Spartanburg County on or about May 30, 2021: (1) take, obtain, or withhold a financial transaction card or number from the person, possession, custody, or control of another without the cardholder's consent, and with the intent to use it; or did, with knowledge that it had been so taken, obtained, or withheld, receive the card or number with intent to use it, sell it, or transfer it to a person other than the issuer or cardholder; or (2) receive a financial transaction card or number that he knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and did retain possession with intent to use it, sell it, or transfer it to a person other than the issuer or cardholder; or (3) without being the issuer, sell a financial transaction card or buy a financial transaction card or number from a person other than the issuer, or (4) without being the issuer, and during any twelve month period, receive financial transaction cards or numbers issued in the names of two or more persons which he has reason to know were taken or retained under circumstances which constitute a violation of item (3) of this section and Section 16-14-60(A)(3), in that the Defendant did take and/or receive multiple cards issued in the names of 4 different individuals with intent to use, sell or transfer them, in violation of §§16-14-20 & -100, 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