

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
State of South Carolina)
)
-vs-)
)
Tahir Razul Wilson,)
)
Defendant.)
_____)

Indictment Nos.: 2021-GS-46-02302
2021-GS-46-02303


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FEB 14 2022
SC Court of Appeals

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the issue to be raised on appeal is whether the trial court abused its discretion when it imposed the time served and 6 month probationary sentences upon the Appellant after he pleaded guilty to Assault and Battery 3rd degree and Resisting Arrest.

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, 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 Frazer v. South Carolina*, 430 F.3d 696, 705 (4th 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,



D. Tyler Bratton
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Tahir Razul Wilson

York, South Carolina


February 11, 2022

CERTIFIED TRUE COPY
2022 FEB 11 PM 4:21
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

CERTIFIED TRUE COPY  ORIGINAL

STATE VS.

2022 FEB 11 4 46 PM INDICTMENT/CASE#: 2021-GS-46-02302

TAHIR RAZUL WILSON

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

20210950043782

AKA: _____
Race: _____ Sex: _____ Age: _____
DOB: _____ SS# _____
Address: _____
City, State, Zip: _____
DL#* _____ SID# SC02421208

Date of Offense: 03/11/2021
S.C. Code §: 16-25-0020(C)
CDR Code #: 3812

SENTENCE SHEET

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SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was

CONVICTED OF or PLEA

TO: Assault & Battery, 3rd Degree (NMT 30 DAYS &/OR \$500)

In violation of § 16-03-0600(E)(1) of the S.C. Code of Laws, bearing CDR Code # 3414

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/Betty A. Miller	6921	s/Tahir Razul Wilson	s/David T. Bratton	100909
Solicitor	SC Bar #	Defendant	Attorney for Defendant	SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of ~~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
- Completion of GED
- Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp
- No Contact with Victim
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	_____	_____
§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	\$
§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	\$ 3.75
<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 \$ 128.75
 Daniel O. All
 Hall 2153
 2-4-22

Clerk of Court/Deputy Clerk: David Hamilton
 Court Reporter: Aileen Butler

Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

STATE OF SOUTH CAROLINA
COUNTY OF YORK

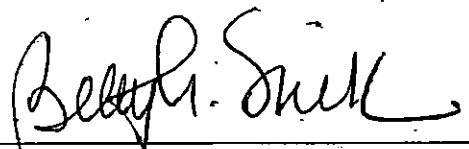
CERTIFIED TRUE COPY
2022 FEB 11 PM 4:30
INDICTMENT
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on September 30, 2021, the Grand Jurors of York County present upon their oath:

DOMESTIC VIOLENCE, 2ND DEGREE

The defendant, Tahir Razul Wilson, on or about March 11, 2021, in York County, South Carolina, did cause physical harm or injury to Kaila N. Potts, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. In addition, the defendant committed the offense in the presence of, or while being perceived by, a minor, all in violation of Section 16-25-0020(C), *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.


BETTY A. MILLER
DEPUTY SOLICITOR

WITNESSES

FMPD

Witnessing Officer: *Gregory*

ARREST WARRANT NUMBER

20210950043782

ACTION OF GRAND JURY

TRUE BILL

Charley L. Sauls
Foreperson of Grand Jury
Date: *9/30/21*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021-GS-46-02302

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

SEPTEMBER 30, TERM 2021

THE STATE

VS.

TAHIR RAZUL WILSON

INDICTMENT FOR

DOMESTIC VIOLENCE, 2ND DEGREE

SC Code: § 16-25-0020(C)
CDR Code: 3812

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

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ORIGIN

STATE

VS.

2022 FEB 11 4:39 PM

INDICTMENT/CASE#: 2021-GS-46-02303

TAHIR RAZUL WILSON

AKA:
Race:
Sex:
Age:
DOB:
SS#
Address:
City, State, Zip:
DL#*
SID# SC02421208

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY

Date of Offense: 03/11/2021
S.C. Code §: 16-09-0320(A)
CDR Code #: 0326

20210950043783

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FEB 14 2022

SC Court of Appeals

*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: Resisting Arrest (NMT 1 year &/or \$500-1,000)

In violation of § 16-09-0320(A) of the S.C. Code of Laws, bearing CDR Code # 0326

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/Betty A. Miller 6921 s/Tahir Razul Wilson s/David T. Bratton 100909
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 90 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 6

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.

3 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
- Completion of GED
- Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp
- No Contact with Victim
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	_____	_____
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ 100.00
§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		\$ 25.00
§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		\$ 3.75
<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 \$ 128.75

[Signature]

Hall 2753

2-4-22

Clerk of Court/Deputy Clerk: David Hamilton

Court Reporter: Aileen Butler

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

STATE OF SOUTH CAROLINA CERTIFIED TRUE COPY
COUNTY OF YORK 2022 FEB 11 PM 4:39 INDICTMENT

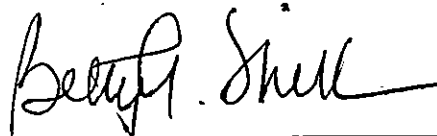
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on September 30, 2021, the Grand Jurors of York County present upon their oath:

RESISTING ARREST

The defendant, Tahir Razul Wilson, did in York County, South Carolina on or about March 11, 2021, knowingly, willfully and unlawfully oppose Officer Shank while serving, executing, or attempting to serve or execute a legal writ or process or did resist an arrest being made by Officer Shank with the Fort Mill Police Department whom he or she knew or reasonably should have known was a law enforcement officer, all in violation of Section 16-9-320(A), 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.



BETTY A. MILLER
DEPUTY SOLICITOR

WITNESSES

FMPD

Witnessing Officer: *Gregory*

ARREST WARRANT NUMBER

20210950043783

ACTION OF GRAND JURY

TRUE BILL

Quincy J. Bowler
Foreperson of Grand Jury
Date: *9/30/21*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021-GS-46-02303

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

SEPTEMBER 30, TERM 2021

THE STATE

VS.

TAHIR RAZUL WILSON

INDICTMENT FOR

RESISTING ARREST

SC Code: § 16-09-0320(A)
CDR Code: 0326

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

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FEB 14 2022
SC Court of Appeals