

The State of South Carolina
In the Supreme Court

Appeal from Sumter County
Court of Common Pleas

R. Ferrell Cothran, Circuit Court Judge

Case No. 2021-000484

Michael C. Rose _____ Appellate

v.
State of South Carolina _____ Respondent

Designation of Matter
To be included in the Record On Appeal

Appellant Proposes the following to be included in the record On Appeal:

- (1) Exhibit # (A) Arrest Warrant # 2018A4320100452
- (2) Exhibit # (B) Memorandum of interview
- (3) Exhibit # (C) Forensic Laboratory form # 18087172
- (4) Exhibit # (D) Search Warrant
- (5) Exhibit # (E) Indictment # 2019-GS-43-1099
- (6) Exhibit # (F) Sentencing Sheet, indictment/ Case # 2019-GS-43-1099, Offense Burglary first degree
- (7) Exhibit # (G) Plea transcript

I Certify that this designation Contains no Matter which is irrelevant to this Appeal.

3/29/2022
Date

Michael C. Rose
Michael C. Rose
MacDougal Corr. Inst. C-1-A#13
1516 Old Gilliard Road
Ridgeville, S.C. 29472

RECEIVED

APR 04 2022

S.C. SUPREME COURT

1 of 1

ARREST WARRANT

2018A4320100452

STATE OF SOUTH CAROLINA

County/ Municipality of

Sumter Municipal

THE STATE 18087172

against

Michael Charles Rose

Address: 314 Council St

Sumter, SC 29150-

Phone: SSN:

Sex: M Race: B Height: 5 9 Weight: 185

DL State: SC DL #:

DOB: 1976 Agency ORI #: SC0430100

Prosecuting Agency: Sumter Police Department

Prosecuting Officer: Ricky L Morse - S00206

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Michael Rose

on 06/04/2019

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

215 N. Harvin St.

Sumter, SC 29150

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Sumter Municipal

Personally appeared before me the affiant Ricky L Morse

being duly sworn deposes and says that defendant Michael Charles Rose

did within this county and state on or about 6/23/2018

State of South Carolina (or ordinance of County/ Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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

On 23 June 2018 the defendant entered the Business of Burgess Do It Center 220 Dingle St. in the City of Sumter, without consent during the hours of darkness by kicking in the Plexiglas on the rear entry door to the Business. Once inside Michael Rose along with an unidentified codefendant took/carried away a STIHL String Trimmer, two Makita Hammer Drills, a red self-propelled push mower, two 14 inch Diamond Saw Blades, several misc. saw blades and drill bits and a Lufkin Tape Measure. Total value \$804.00 the defendant and codefendant were seen by a witness lifting items described over the fence of the business around 10:00 pm on the 23 of June 2018. The witness positively identified the defendant using a SLED six person photo line-up. The defendant has two or more prior convictions for Burglary. Law Enforcement will attest to same.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Sumter Municipal

Affiant's Address P.O. Box 1119

Sumter, SC 29151-

Affiant's Telephone (803)436-2790

ARREST WARRANT

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

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

on or about 6/23/2018 defendant Michael Charles Rose

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Sumter Municipal

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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

Sworn to and subscribed before me

on 6/27/2018

Signature of Issuing Judge

Fred H Gordon (Sumter) Jr.

Judge Code: 8189

(L.S.)

Judge's Address 190 East Canal Street

Sumter, SC 29150-

Judge's Telephone (803)436-2280

Issuing Court:

Magistrate

Municipal

Circuit

Exhibit # A

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2008 SCCA 518

who

RECORDED

Violate the criminal laws of the

Sumter Municipal

PH 1:05

JAMES C. CAMPBELL CLERK OF COURT SUMTER COUNTY, S.C.

CERTIFIED TRUE COPY OF ORIGINAL FILE

Signature of Barbara Stambaugh DEPUTY CLERK OF COURT

SUMTER COUNTY SOUTH CAROLINA

MEMORANDUM OF INTERVIEW

On 06/25/2018 Isom Bracey spoke with Detective R. Morse at the Sumter Police Department about the incident at a Burgess Do It Center, Mr. Bracey did not wish to write a statement but stated that he saw two subjects lifting items over the fence from Burgess Do It Center on the Council Street side of the business on of the items was a lawn mower. Mr. Bracey further stated they took the items to the house across the street 314 Council St. he stated they put the lawn mower in an old grey look truck and drove off. Bracey stated it was dark around 10pm on the Saturday 06/23/2018. Mr. Bracey was shown two SLED six person photo line-up sheets with the possible suspects, Mr. Bracey was able to identify one of the suspects as Michael Rose of 314 Council St.



Det R. Morse
6-25-18





FORENSIC LABORATORY PROCESSING FORM
SUMTER POLICE DEPARTMENT

CASE NUMBER: 18087172 INCIDENT DATE: 6-25-18

INCIDENT: Type: Burglary
Location: Borg Council @ Dingle St
Victim(s): Burgess DO-IT Center
Suspect: _____

ITEM # 1 : 2 Packages of Drill Bits

DATE PROCESSED: 6-25-18 TIME PROCESSED: 1351

PHOTOGRAPHS TAKEN: YES NO

TYPE CAMERA USED: Sony FILM TYPE: DIGITAL

METHOD(S) OF PROCESSING (SPECIFY ORDER):

- 135 VISUAL EXAMINATION
- _____ DNA SWAB COLLECTION
- _____ NINHYDRIN EXAMINATION
- 2 CYANOACRYLATE (FUMING) EXAMINATION
- 4 POWDER, TYPE USED: Black
- _____ ALTERNATIVE LIGHT SOURCE EXAMINATION
- _____ OTHER PROCESSING, TYPE USED: _____

NARRATIVE: Processed, IRD noted

ITEM # 2 : Yellow Tow Strap In Plastic Wrap

DATE PROCESSED: 6-25-18 TIME PROCESSED: 1351

PHOTOGRAPHS TAKEN: YES NO

TYPE CAMERA USED: Sony FILM TYPE: DIGITAL

METHOD(S) OF PROCESSING (SPECIFY ORDER):

- 13 VISUAL EXAMINATION
- _____ DNA SWAB COLLECTION
- _____ NINHYDRIN EXAMINATION
- 2 CYANOACRYLATE (FUMING) EXAMINATION
- _____ POWDER, TYPE USED: _____
- _____ ALTERNATE LIGHT SOURCE EXAMINATION
- _____ OTHER PROCESSING, TYPE USED: _____

NARRATIVE: Processed, observed ridge detail in the dust that was on the plastic, photographed, attempted to lift w/ a black Gel lift, insufficient ridge detail was observed on the photos, only 2-4 minutae located.

Amanda Snapp
REPORTING OFFICER

6-25-18
DATE

Amanda Snapp
SIGNATURE

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
CITY OF SUMTER

[Handwritten initials]

SEARCH WARRANT

[Handwritten initials]

CASE # 18087172

DATE: 06/27/2018

DETECTIVE Ricky Morse

CERTIFIED TRUE COPY OF ORIGINAL

Margaret J. Hodge
SUMMER COUNTY SUMMARY COURT
Summary Court Clerk

DATE 7/5/18

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Personally appeared before me, one DETECTIVE Ricky Morse, who being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT
(SECTION B)

STIHL String Trimmer S/N 512242110, Makita Hammer Drills, a Red Push Mower, Diamond Saw Blades, Circular Saw Blades, Toilet Repair Kit, black and orange Lufkin Tape Measure, Pawn and Thrift store tickets. Items to be considered contraband such as illegal and prescription narcotics and items considered drug paraphernalia

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

314 Council Street Sumter SC, 29150 the residence is a faded light blue with white trim. The residence has a front porch with grey painted cement/block steps leading up. There is a metal screen door and the front door is white, the number 314 are located next to the door. The dirt and grass driveway is to the right of the residence. The mail box is grey and on a wooden post near the road directly across from Burgess Do It Center. Any and all outer buildings and vehicles on the property.

Now, therefore, you are hereby authorized to search the subject premises for the property described below and to seize such property if found:

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

See attached affidavit

Sworn to and Subscribed before me

This 27th day of June, 2018

[Signature] (L.S.)
Signature of Judge: 9:20 AM

[Signature]
Affiant

Address 335 N. LA FAYETTE

Sumter SC
Phone 436-2700

CERTIFIED TRUE COPY OF ORIGINAL

Margaret Z. Hedy
SUMTER COUNTY SUMMARY COURT

DATE 7-8-18

Form Approved by
S. C. Attorney General
Section 17-13-160
March 15, 1978

SEARCH WARRANT

CASE # 18087172

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF SUMTER.

It appears from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

314 Council Street Sumter SC, 29150 the residence is a faded light blue with white trim. The residence has a front porch with grey painted cement/block steps leading up. There is a metal screen door and the front door is white, the numbers 314 are located next to the door. The dirt and grass driveway is to the right of the residence. The mail box is grey and on a wooden post near the road directly across from Burgess Do It Center. Any and all outer buildings and vehicles on the property.

Now, therefore, you are hereby authorized to search the subject premises for the property described below and to seize such property if found:

DESCRIPTION OF PROPERTY SOUGHT
(SECTION B)

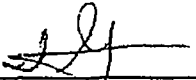
~~STIHL String Trimmer S/N 512242110, Makita Hammer Drills, a Red Push Mower, Diamond Saw Blades, Circular Saw Blades Toilet Repair Kit, black and orange Lufkin Tape Measure, Pawn and Thrift store tickets. Items to be considered contraband such as illegal and prescription narcotics and items considered drug paraphernalia~~

A written inventory of all property seized pursuant to this Search Warrant shall be made to SUMTER COUNTY SUMMARY COURT

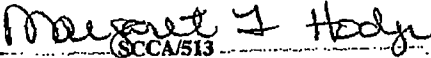
within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of premises searched at the time of such search if practicable, and if not, to such person as soon thereafter as is practicable; in the event the identify of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to prominent place on such premises.

Sumter, S. C.
June 27, 2018.

 (L.S.)
Signature of Judge 9:20 AM

CERTIFIED TRUE COPY OF ORIGINAL


(SCCA/513)
SOUTH CAROLINA SUMMARY COURT

DATE 7-5-18

(3-78)

CASE #18087172

RETURN

I received the attached Search Warrant 6-27
_____, 2018, and have executed it as follows:

On 6-27, 2018 at 10 46 AM o'clock M,
searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with HOME OWNER

Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: _____

NOTHING TAKEN

This inventory was made in the presence of DET YATES

AND SGT LANE

I swear that this Inventory is a true and detailed account of all the property taken by me on
the warrant.

SWORN to before me this the 5th

Day of July, 2018

[Signature] (L.S.)

[Signature]
(Signature of Officer Executing Warrant)

CERTIFIED TRUE COPY OF ORIGINAL

Margaret J Hedy
JULIA COUNTY SUMMARY COURT

DATE 7-5-18

REASON FOR AFFIANTS BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

On 06/25/2018 Gene Weston owner of Burgess Do It Center located at 220 Dingle Street in the City of Sumter call Law Enforcement stating his business had been broken into. It was discovered that unknown subject(s) had kicked in the Plexiglas of the rear entry door. Once inside the subject(s) took/carried away a STIHL String Trimmer S/N 512242110, Makita Hammer Drills, a Red Push Mower, Diamond Saw Blades Circular Saw Blades Toilet Repair Kit, black and orange Luskim Tape Measure. Detectives were able to speak to a witness who stated he saw the two subjects lift described items of the fence on the Council Street side of the Business. The witness was able to identify one of the subjects through a SLED Six Person Photo line-up as Michael Charles Rose of 314 Council St. it is the belief of Law Enforcement that a search of the residence will produce the stolen items allowing them to be returned to the victim.

Sworn to and Subscribed before me

This 27th day of June, 2018

[Signature] (L.S.)
Signature of Judge 9:20 Am

[Signature]
Affiant

Address 335 N. LAUREL ST

Sumter SC

Phone 803-776-2700

CERTIFIED TRUE COPY OF ORIGINAL

M. G. [Signature]
SUMTER COUNTY SUMMARY COURT

DATE 7-5-18

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

INDICTMENT FOR

Burglary (After June 20, 1985) - 2nd Degree

At a Court of General Sessions, convened on October 31, 2019 the Grand Jurors of

CERTIFIED TRUE COPY
OF ORIGINAL FILE

SUMTER County present upon their oath:

Barbara Harper
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

COUNT ONE
BURGLARY, SECOND DEGREE
(VIOLENT)

That **Michael Charles Rose** did in Sumter County on or about June 23, 2018, enter without consent and with the intent to commit a crime therein, a building of Burgess-Brogdon Building Supply located at 220 Dingle Street, and the defendant, **Michael Charles Rose**, did enter the building in the nighttime and/or that **Michael Charles Rose** did have two (2) prior conviction for burglary, in violation of Section 16-11-0312(B), S. C. Code of Laws, 1976, as amended.

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

Solicitor

Ernest A. Finley III

WITNESSES

Ricky L. Morse Sumter Police Department

Tod Sims Sumter Police Department

DOCKET NO. 2019-GS-43-1099

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

October TERM 2019

THE STATE

vs.

MICHAEL CHARLES ROSE

ARREST WARRANT NUMBER

2018A4320100452

Indictment for

Burglary (After June 20, 1985) - 2nd Degree

ACTION OF GRAND JURY

For person of Grand Jury

Date:

Charles A.

10-31-19

VERDICT

TRUE BILL

For person of Petit Jury

Date:

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

COUNTY OF STA [E]

Sumter

VS. Michael Charles Rose

INDICTMENT/CASE#: 2019-GS-43-11 099

AKA: Michael Charles Rose CERTIFIED TRUE COPY OF ORIGINAL FILED A/W#: 2018A4320100452

Race: Black Sex: M Age: 43 Date of Offense: 6/23/2018

DOB: 1976 SS# [redacted] Clerk of Court CDR Code #: 0079

Address: 314 Council St SUMTER COUNTY SOUTH CAROLINA

DL#: SID#: SENTENCE SHEET

*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

In disposition of the said indictment comes now the Defendant who was TO: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

[] CONVICTED OF or [X] PLEADS

Rec 8/20/19

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

[] NON-VIOLENT [X] VIOLENT [X] SERIOUS [] MOST SERIOUS [] Mandatory GPS(CSC w/minor 1st or Lewd Act) [] §17-25-45

The charge is: [] As Indicted, [X] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury.

The plea is: [] Without Negotiations or Recommendation, [] Negotiated Sentence, [X] Recommendation by the State.

WITNESSED BY: Margaret M. Held, SC Bar# 3742 Defendant: Michael Charles Rose, SCB65493 SC Bar#

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center, for a determinate term of 8 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:

[X] The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

[] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

[] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered PTUP

Total: \$ [] plus 20% fee: \$ [] days/hours Public Service Employment

Payment Terms: [] Set by SCDPPPS

Recipient: [] 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: []

*Fine:		\$
§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	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$

TOTAL \$ []

Clerk of Court/ Deputy Clerk: James C. Campbell Court Reporter: Frances B. Ray Presiding Judge: [Signature] Judge Code: 2149 Sentence Date: 12-9-19

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
COUNTY OF SUMTER)

STATE OF SOUTH CAROLINA)
STATE,)

TRANSCRIPT OF RECORD
19-GS-43-1099
16-GS-43-0619

v.)

MICHAEL C. ROSE)

DEFENDANT.)

December 9, 2019
Sumter, South Carolina

BEFORE :

THE HONORABLE R. FERRELL COTHRAN, JR., JUDGE

APPEARANCES:

MARGARET M. HELD, ESQ.
Attorney for the State

A. JACK BARNES, ESQ.
Attorney for Defendant

FRANCES B. RAY, RPR.
Circuit Court Reporter

INDEX

	Page
Qualifying of plea	4
Facts of the case	7
Remarks by Mr. Barnes	10

(There were no exhibits submitted.)

1 MS. HELD: May it please the Court, this
2 is the State of South Carolina versus Michael
3 Charles Rose. Your Honor, Mr. Rose is here with his
4 attorney Mr. Allen Jackson Barnes of the Sumter
5 County Public Defender's Office; and Mr. Rose has
6 two charges, Your Honor, and he is pleading to both
7 of those. One charge, Your Honor, is a true billed
8 indictment for burglary first degree and that
9 indictment number is 2016-GS-43-0619. In plea
10 negotiations the State is allowing Mr. Rose to plead
11 to burglary second degree violent on that indictment
12 number which was 2'16-0619. Then, Your Honor, his
13 other charge, Your Honor, that is also a true billed
14 indictment. I did notice, Your Honor, that he was
15 arrested for burglary first degree and for some
16 reason I prepared the indictment to what he's
17 actually pleading to, the burglary second degree
18 violent, so the charge code, the CDR code for -- at
19 the top here it still says 79. I just wanted the
20 Court to be aware of that. But he actually was
21 arrested and thus qualified for burglary first
22 degree. For some reason I, I don't know if we need
23 to amend it since he's actually pleading to the
24 lesser included offense, anyway, but I wanted ---

25 THE COURT: What is he actually indicted

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

for?

MS. HELD: He's actually indicted for burglary second degree violent.

THE COURT: Is that what he's pleading to?

MS. HELD: Yes, sir.

THE COURT: Well, that's fine.

MS. HELD: It's just up here it says the charge could still -- I just wanted the Court to be aware of that..

THE COURT: As long as the charge code is right on the plea part.

MS. HELD: Yes, sir, it is. So on indictment number 19-GS-43-1099 he is pleading to burglary second degree violent, Your Honor. The court -- the State will have a recommendation. May I approach.

THE CLERK: Raise your right hand, sir. State your full name.

THE DEFENDANT: Michael Rose.

WHEREUPON,

MICHAEL ROSE,

having been duly sworn by the Clerk, testified as follows:

THE COURT: Mr. Rose, you want to plead guilty?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Have you had enough time to
3 talk to your lawyer about this?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: You satisfied with his
6 representation?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Has anybody promised you
9 anything or threatened you in any way?

10 THE DEFENDANT: No, sir.

11 THE COURT: Are you under the influence of
12 alcohol or drugs today?

13 THE DEFENDANT: No, sir.

14 THE COURT: You got any mental diseases?

15 THE DEFENDANT: No, sir.

16 THE COURT: You understand I can give you
17 15 years on each one?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And they're violent.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And they're serious, you
22 understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: If you get another serious
25 offense against you, you'll be looking at life

1 without the possibility of parole?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you under the influence of
4 alcohol or drugs?

5 THE DEFENDANT: No, sir.

6 THE COURT: You got any mental diseases?

7 THE DEFENDANT: No, sir.

8 THE COURT: By pleading guilty you're
9 giving up your right to remain silent. You're
10 giving up your right to a jury trial and your right
11 to confront witnesses and cross-examine witnesses
12 and subpoena witnesses to testify on your behalf.
13 You understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: If you went to trial they'd
16 have to prove you guilty beyond a reasonable doubt
17 to all twelve jurors. You understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And on indictment 2016-43-619,
20 your attorney on that case is Debbie Butcher. It's
21 my understanding that Ms. Butcher is not here, but
22 you're willing for Mr. Barnes to stand in for her.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Did you have an opportunity to
25 talk with her about your case?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And you're satisfied with her
3 representation, as well as Mr. Barnes?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. If you want to appeal
6 this guilty plea you got to do so in ten days. You
7 understand?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Solicitor.

10 MS. HELD: May it please the Court, Your
11 Honor, for the indictment 2'16-619 -- excuse me,
12 2016, then 619, Your Honor, that occurred on
13 February the 4th, 2016, at 592 South Main.
14 Ms. Barbara Evans, who was the renter of the house
15 at the time, had been gone for a couple of days
16 staying at her mother's house around the corner.
17 She came into her house and noticed a black bag and
18 an umbrella on a table in the front room. She
19 thought, oh, somebody's been in my house; but she
20 went, she didn't hear or see anything right away.
21 She went down the hallway and went into her bedroom,
22 and the next thing she knew she heard Mr. Rose
23 behind her saying, oh, Barbara, it's me. They
24 apparently had known each other from when they grew
25 up together and so she knew who it was. He left.

1 When they police came to investigate they discovered
2 that some wires in the attic, plastic copper wires
3 wrapped with plastic, multiple of those had been cut
4 and four were left at the home that were cut, and
5 she had seen Mr. Rose with those in her hand. So
6 those are the facts on that case, Your Honor. And
7 Ms. Evans was here this morning, she did not wish to
8 be here this afternoon for the guilty plea.

9 And Your Honor, for the other indictment,
10 2019-1099, that happened on June 22nd, 2018, at 220
11 Dingle Street which is Burgess Brogdon
12 Do-It-Yourself Center and Mr. Gene Weston is the
13 proprietor of that establishment. Mr. Rose lives --
14 they, you can see the house and the business from
15 each others' yards and so it turned out that when
16 the law enforcement responded to 220 Dingle Street
17 which is in the -- and I neglected to say, Your
18 Honor, the other 592 South Main is, of course, in
19 the city of Sumter and the county of Sumter as is
20 the indictment that ends in 1099. They came to the
21 Do-It-Yourself Center and they discovered there were
22 multiple things. The plexiglass was broken. There
23 was a lawn trimmer moved, stolen, and some hammer
24 drills. And the neighbor had called 9-1-1 and
25 identified Mr. Rose as the person who was

1 committing, he saw the burglary in progress and
2 that's how they knew it was Mr. Rose. And Your
3 Honor, Mr. Rose, well...

4 THE COURT: Those facts correct, Mr. Rose?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: You pleading guilty 'cause you
7 are guilty?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: I find there's a factual basis
10 for your plea. They're freely and voluntarily
11 entered into and you've had the advice of competent
12 counsel and you tell me you're satisfied. I'll
13 accept your plea.

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Okay.

16 MS. HELD: Your Honor, for the record I
17 just want to say that I spoke to Mr. Weston last
18 week and he said he, it was not necessary for him to
19 be present if Mr. Rose pled and the State -- would
20 you like to hear the State's recommendation, Your
21 Honor?

22 THE COURT: Yes, ma'am.

23 MS. HELD: It is eight years to first the
24 burglary second degree violent, concurrent.

25 THE COURT: Okay.

1 Mr. Barnes.

2 MR. BARNES: Thank you, Your Honor, may it
3 please the Court. Given -- well, first of all, I
4 want to thank Ms. Held for the offer and for
5 agreeing to let us proceed with that today. Given
6 that both of the victims in this case are satisfied
7 with the recommendation, we would appreciate Your
8 Honor following it.

9 THE COURT: Okay.

10 MR. BARNES: Yes, sir, Your Honor. The
11 other thing that we would, we would ask Your Honor
12 to please recommend some sort of addiction
13 treatment. I'm not sure what sort of, other than
14 ATU, what they have. I'm not sure with his
15 classification if he would still qualify for ATU;
16 but we would ask Your Honor to recommend some sort
17 of addition treatment, whatever they have to offer.

18 (Attorney Barnes confers with defendant.)

19 THE COURT: Okay. On indictment -- do you
20 want to tell me something else?

21 MR. BARNES: No, sir.

22 THE COURT: 2016-GS-43-619, the sentence
23 of the Court that you're committed to the State
24 Department of Corrections for a term of eight years.
25 On indictment ending 2019-GS-43-1099, the sentence

1 is the same. You're committed to the State
2 Department of Corrections for a term of eight years
3 to run concurrent with each other, and I'm
4 recommending ATU and whatever other programs they
5 have.

6 MR. BARNES: And Your Honor, would you
7 also make sure that Mr. Rose gets credit for
8 whatever time he served?

9 THE COURT: Yeah. Okay, thank you.

10

11

12 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 6th day of April, 2020.

Frances B. Ray

FRANCES B. RAY, RPR