

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

THE STATE,

vs.

KELSEY NICOLE SPURLOCK,

Defendant.

LISA M. CUMBER  
CLERK OF COURT  
LEXINGTON, SC

IN THE COURT OF GENERAL SESSIONS.

WARRANT(S): 2019A3221200069,

2019A3221200070

INDICTMENT(S): 2021GS320298

2021GS320261

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APR 15 2022

ORDER DENYING  
DEFENDANT'S MOTION  
FOR NEW TRIAL

SC Court of Appeals


This matter comes before this court on Defendant's Motion for a New Trial filed on Wednesday, September 22, 2021. On September 16, 2021, a jury found the Defendant guilty of third-degree burglary, first offense and trafficking in methamphetamine or cocaine base, 28 grams or more, but less than 100 grams, first offense. Pursuant to South Carolina Code of Laws Section 16-11-313, the charge of third-degree burglary carries a maximum sentence of 5 years. Additionally, the charge of trafficking in methamphetamine or cocaine base, 28 grams or more, but less than 100 grams, first offense, carries a potential sentence of not less than seven years nor more than twenty-five years. On September 16, 2021, the Defendant was sentenced to 2 days in jail and received 2 days of time served credit for burglary in the third degree. On the trafficking in methamphetamine or cocaine base charge, the Court sentenced the Defendant to 7 years in the Department of Corrections to run concurrent with the previously mentioned sentence.

After the sentencing was pronounced, Defendant filed a timely Motion for a New Trial on September 22, 2021. In criminal cases, post-trial motions must be made within ten days after imposition of the sentence, the sole exception being a motion for new trial based on after-discovered evidence. Rule 29, SCRCrimP. The authority to change a sentence rests solely and

exclusively within the discretion of the sentencing judge. State v. Smith, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981). A judge or other sentencing authority is to be afforded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed. State v. Hicks, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Cl. App. 2008).

The Court has considered the various bases put forth in Defendant's Motion for New Trial. Upon review and consideration of the record and arguments made in Defendant's Motion for New Trial, the Court does not find sufficient grounds to warrant a new trial. Furthermore, the Defendant has failed to provide this court with any information pertaining to after-discovered evidence. Therefore, this Court denies the Defendant's Motion for a new trial.

**AND IT IS SO ORDERED.**

  
Debra R. McCaslin  
Presiding Judge  
Eleventh Judicial Circuit

Lexington, South Carolina.

Dated: April 11, 2022

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APR 15 2022

SC Court of Appeals

**WITNESSES**

Gaston Police Department  
Stephen A Watkins  
Law Enforcement Case #: 19000332

DOCKET NO. 2021GS3202981

The State of South Carolina  
County of Lexington

**ARREST WARRANT NUMBER**

2019A3221200069

COURT OF GENERAL SESSIONS  
SEPTEMBER TERM 2021

**ACTION OF GRAND JURY**

**TRUE BILL**

*[Signature]*  
Foreperson of Grand Jury  
Date: 9-7-21

**VERDICT**

Foreperson of Petit Jury  
Date:

THE STATE

vs.

Kelsey Nicole Spurlock

CDR #: 0080

Indictment for

Burglary - 2nd Degree

§ 16-11-0312(A)

**S.R. Hubbard III, SOLICITOR**

**A TRUE COPY**

*[Signature]*  
Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

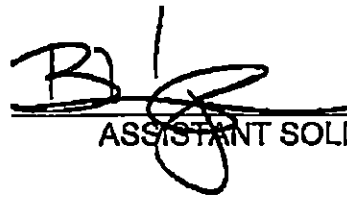
INDICTMENT FOR  
Burglary - 2nd Degree

§ 16-11-0312(A)

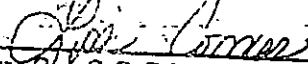
At a Court of General Sessions, convened on September 2021, the Grand Jurors of Lexington County present upon their oath:

That Kelsey Nicole Spurlock did in Lexington County, South Carolina, on or about October 3, 2019, knowingly and willfully enter a dwelling, without consent and with the intent to commit a crime therein, such being the dwelling located at 205 Ben Spires Road, Gaston, South Carolina, in violation of § 16-11-312(A) 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

A TRUE COPY

  
Lex. Co. C.C.C.P., G.S. & F.C.

0-5 yrs

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

INDICTMENT/CASE#: 2021 - GS - 32 - 02981

STATE

VS.

Kelsey Nicole Spurlock

AW#: 2019A3221200069

AKA: \_\_\_\_\_

Date of Offense: 10/3/2019

Race: White Sex: F Age: 32

S.C. Code §: 16-11-0312

DOB: \_\_\_\_\_ SS#: 7

CDR Code #: 0080

Address: \_\_\_\_\_

City, State, Zip: Gaston, SC 29053

SENTENCE SHEET

DL#\* \_\_\_\_\_ SID# \_\_\_\_\_

\*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: Burglary (After June 20, 1985) - Third degree - 1st offense

In violation of § 16-11-0313 of the S.C. Code of Laws, bearing CDR Code # 0427

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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

*[Signature]*

102096

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 20 T.S. 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. 2 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.

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APR 15 2027

SC Court of Appeals

A TRUE COPY

*[Signature]*  
LEX. CO. CLERK, G.S. & F.C.

STATE VS. Kelsey Nicole Spurlock INDICTMENT/CASE#: 2021 - GS - 32 - 02981

**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 § 17-26-135.
- 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	\$ _____	Beginning	_____
§14-1-208 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
§56-5-2985 (DUI Assessment)	\$12		\$ _____
§58-1-288 (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		\$ _____
§58-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$ _____
<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		\$ _____
<b>TOTAL</b>			\$ 125

Clerk of Court/Deputy Clerk: Lisa Comer @  
Court Reporter: Bethnie Creppan

Presiding Judge: Debra McCaslin  
Judge Code: 2769  
Sentence Date: 9/16/2021

**A TRUE COPY**  
Lisa Comer  
Lex. Co. C.C.C.P. & G.S. & F.C.

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2021 SEP 16  
CLERK OF COURT

**RECEIVED**  
APR 15 2022  
SC Court of Appeals

**WITNESSES**

Gaston Police Department  
Stephen A Watkins  
Law Enforcement Case #: 19000332

DOCKET NO. 2021GS3202612

**The State of South Carolina**  
County of Lexington

BPP

**ARREST WARRANT NUMBER**  
2019A3221200070

**COURT OF GENERAL SESSIONS**  
AUGUST TERM 2021

**ACTION OF GRAND JURY**

**TRUE BILL**  
*Laurie A. Dressing*  
Foreperson of Grand Jury  
Date: *8/9/21*

**THE STATE**  
vs.  
Kelsey Nicole Spurlock

CDR #: 0392

**VERDICT**

**Indictment for**  
Trafficking Methamphetamine, 28 grams  
or more but less than 100 grams  
§ 44-53-0375(C)(2)(a)

Foreperson of Petit Jury  
Date:

**S.R. Hubbard III, SOLICITOR**

A TRUE COPY  
*[Signature]*  
Lex. Co. C.C.C.P., G.S. & E.C.

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )  
ASSOCIATE TO JUDGE DE

INDICTMENT FOR  
Trafficking Methamphetamine, 28 grams or more  
but less than 100 grams

§ 44-53-0375(C)(2)(a)

At a Court of General Sessions, convened on August 2021, the Grand Jurors of  
Lexington County present upon their oath:

That Kelsey Nicole Spurlock did in Lexington County, South Carolina on or about  
October 3, 2019, knowingly and intentionally, willfully and unlawfully sell, cultivate,  
manufacture, deliver, purchase, or bring into this State, or did provide financial assistance  
or otherwise, aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver,  
purchase, or bring into this State, or was knowingly and intentionally in actual or  
constructive possession of or did knowingly and intentionally attempt to become in actual  
or constructive possession of Methamphetamine, a controlled substance by definition  
under provisions of § 44-53-110, et. Seq. Code of Laws of South Carolina (1976), as  
amended, in a quantity of twenty eight (28) grams or more but less than one hundred  
(100) grams, in violation of § 44-53-375(C)(2)(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.

TRUE COPY  
C.C.C.P., G.S. & F.C.

  
ASSISTANT SOLICITOR

7-25 yrs and \$50,000 fine

STATE OF SOUTH CAROLINA  
COUNTY OF Lexington

IN THE COURT OF GENERAL SESSIONS

STATE VS.  
Kelsey Nicole Spurlock

INDICTMENT/CASE#: 2021 - GS - 32 - 02612

AKA: \_\_\_\_\_  
Race: White Sex: F Age: 32  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: Gaston, SC 29053  
DL#\* \_\_\_\_\_ SID# \_\_\_\_\_

AW#: 2019A3221200070  
Date of Offense: 10/3/2019  
S.C. Code §: 44-53-0375(C)(2)(a)  
CDR Code #: 0392

SENTENCE SHEET

\*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: Trafficking in Methamphetamine - 28 g or more, but less than 100 g - 1st offense

In violation of § 44-53-0375(C)(2)(a) of the S.C. Code of Laws, bearing CDR Code # 0392

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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:

[Signature] 102096  
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 7 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.

2 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.

RECEIVED

APR 15 2022

SC Court of Appeals

A TRUE COPY

[Signature]  
Lex. Co. C.C.C.P., G.S. & F.C.

STATE VS. Kelsey Nicole Spurlock INDICTMENT/CASE#: 2021 - GS - 32 - 02612

**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:

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	\$
§56-1-288 (DUI Breath Test)		\$25	\$ 25
§14-1-212 (Law Enforce. Funding)		\$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	\$
<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	\$
<b>TOTAL</b>			\$ 275.00

Clerk of Court/Deputy Clerk: Shiva Comer  
 Court Reporter: Bethanne Crepper

Presiding Judge: Debra McCaslin  
 Judge Code: 2769  
 Sentence Date: 9/16/2021

**A TRUE COPY**

Shiva Comer  
 Lex. Cl. C.C.C.P., G.S. & F.C.

*[Handwritten notes and stamps]*