



**South Carolina Court Administration**  
South Carolina Supreme Court  
Columbia, South Carolina

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STATE COURT ADMINISTRATOR

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April 25, 2019

VIA EMAIL

The Honorable Edward R. Tallon, Sr.  
Subcommittee Chair, Legislative Oversight Committee  
P.O. Box 11867  
Columbia, SC 29211

Dear Representative Tallon,

You have asked several questions regarding the sentencing sheet and the Judicial Branch's Statewide Case Management System (CMS). Our response is provided below.

The General Sessions Sentencing Sheet (SCCA 217) was originally implemented by Order of the Chief Justice effective March 1, 1999. The Sentencing Sheet has been amended by Order of the Chief Justice numerous times since its original implementation, primarily as a result of legislative changes affecting the contents of the sheet, as well as for clarification purposes. The most recent amendment to the sentencing sheet was in April of 2018, and a copy of the current form is attached.

The sentencing sheet is used for creating an accurate record of criminal dispositions in the court of general sessions. However, the information contained in the sentencing sheet typically begins with the issuance of a criminal arrest warrant by a magistrate or municipal judge. When the defendant receives a bond hearing, court staff enters the defendant's personal information and criminal charging information into CMS. Upon entry, that information appears on that county's public index. In general sessions cases, that information is transmitted by the summary court to the clerk of the circuit court through CMS. The Judicial Branch's Information Technology Division has created an interface with the solicitors' case management system which enables the solicitor to access and convert to their system the clerks' criminal case data contained in CMS.

Three parties have a role in the actual completion of the sentencing sheet, those being the solicitor, the presiding judge and the clerk of court. The process for completing the sentencing sheet and forwarding to the appropriate entities is contained as an attachment to this letter, and was

the same information provided to court officials statewide at the origination of the document in 1999. Other than the addition of CMS, the steps provided in the attachment are reflective of current practice, although there are slight variations from circuit to circuit.

In addition to maintaining and processing both criminal and civil state trial court cases, CMS is also pivotal in Court Administration's (SCCA) compilation of judicial statistical information on all courts statewide. For General Sessions, the Clerk of Court must select the data to transmit to SCCA via CMS. The Clerks must transmit at least once a month, although daily transmissions are encouraged. The data is then maintained in the web based County Stats Portal (Portal). The data fields routinely transmitted are: Case Number, Warrant / Ticket Number, File Data, Restore Date, Transfer Date, Arrest Date, Offense Code (CDR), Initial Judge Code / Summary Court Judge Code, Defendant Name, Defendant Address, City, State, Zip Code, Defendant Sex, Defendant Race, Defendant Social Security Number, Defendant Date of Birth, Defendant Driver's License State, Defendant Driver's License Number, Defendant's Attorney, Solicitor, Disposition Date, Disposition Code, Conviction Code (CDR), Sentence, and Judge Code.

The South Carolina Law Enforcement Division (SLED), the South Carolina Department of Motor Vehicles (DMV), and the South Carolina State Election Commission (SEC) have data sharing agreements with the South Carolina Judicial Branch. SLED uses the data for NICS (gun checks) and general background checks. DMV uses the data to update traffic and driving records and to notate Crimes of Violence on a defendant's driver license. The SEC uses the data to obtain a list of all persons convicted of felonies or crimes against election laws.

The Solicitors, Attorney General's Office, and County Clerks of Court have access to the Portal to review specific case records and to run standard reports. The Portal helps Solicitors and the Attorney General's Office reconcile their data with the County Clerk of Court's data.

The summary courts on the CMS can transmit data to SLED and DMV using the CMS. However, the summary courts do not currently enter their data in the Portal. Summary courts transmit data to SCCA on an annual basis and is compiled in an annual report.

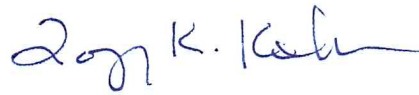
Statistical information on Circuit Court (General Sessions and Common Pleas), Family Court, and to a limited degree, Probate Court and Summary Court can be found on the Judicial Branch's website at [www.SCcourts.org](http://www.SCcourts.org). CDR code searches can be run on specific criminal offenses on that website. In addition, CMS has the ability to run special reports for entities, subject to compliance with Rule 610, SCACR, Bulk Distribution of and Compiled Information from Judicial Records, copy attached. SCCA responds to data requests from state and local entities, to include, but not limited to, the Legislature, various governmental agencies, special-interest groups, and the press.

Finally, you have inquired as to the update of our data system, or CMS, and the extent of the needed update. CMS was first implemented statewide in 2003, and was built or constructed by the Judicial Branch's Information Technology Division, with the assistance of outside contractors. While CMS has served the Judicial Branch and our stakeholders well, the innovative field of technology has advanced such that our entire system is simply outdated and comparatively

inefficient. The Judicial Branch is currently evaluating the cost of a rebuild as opposed to the cost for a new "off the shelf" system. Regardless, the cost of either is substantial but needed to provide the Judicial Branch, its stakeholders and the citizens of this State with an updated, reliable and efficient system, which is the bedrock for the proper functioning of our state court system.

Thank you for the opportunity to provide information on this important subject.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tonnya K. Kohn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tonnya K. Kohn  
State Court Administrator

TKK/gm  
Enclosures

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF \_\_\_\_\_ )

STATE \_\_\_\_\_ )

VS. )

INDICTMENT/CASE#: \_\_\_\_\_-GS-\_\_\_\_\_-\_\_\_\_\_

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

A/W#: \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Age: \_\_\_\_\_ )

Date of Offense: \_\_\_\_\_

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_ )

S.C. Code §: \_\_\_\_\_

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

CDR Code #: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ )

SENTENCE SHEET

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

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

CONVICTED OF or  PLEADS

In disposition of the said indictment comes now the Defendant who was TO: \_\_\_\_\_

In violation of § \_\_\_\_\_ of the S.C. Code of Laws, bearing CDR Code # \_\_\_\_\_  
 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 Presentation to Grand Jury. \_\_\_\_\_ (def.'s initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

The Defendant is to be placed on 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

Obtain GED   
Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling

*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	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
Proviso (Public Def/Probation)	\$500	\$	_____
§14-1-212 (Law Enforce. Funding)	\$25	\$	_____
§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)		\$	_____

Random Drug/Alcohol Testing   
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk \_\_\_\_\_

Presiding Judge \_\_\_\_\_

Court Reporter: \_\_\_\_\_

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

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

## PROCEDURES FOR COMPLETION AND DISTRIBUTION OF THE SENTENCE ORDER

### A. Solicitor

1. The top portion of the sentencing sheet contains information relating to the defendant, the offense as indicted, and the offense to which the defendant is being convicted. This is information that is maintained by or determined by the solicitor. Therefore, the top portion of the sentence order is to be completed by the solicitor. This includes all the information contained on the form above the word *Attest* (see attachment A).
2. The information regarding the S.C. Code § and CDR Code # in the top right corner should be identical to the information contained in the indictment.
3. The information following *Convicted Of or Pleads To*, should contain the charge, S.C. Code § and CDR Code # of the actual charge the defendant pleads guilty to or is convicted of at trial. See attachment B for an example of an individual indicted for Burglary 1<sup>st</sup> who pleads guilty to Burglary 2<sup>nd</sup> as a result of a plea agreement.
4. The solicitor must sign his/her name attesting to the information contained in the top portion of the sentence sheet.

### B. Sentencing Judge

1. The sentencing judge should complete all sentencing information below the signatures of the solicitor, defendant and attorney for defendant. This includes the section entitled *special conditions*, but does not include the fine and assessment portion in the bottom left corner of the form (see attachment C).

### C. Clerk of Court

1. The clerk of court is to complete the section in the bottom left corner of the sentence form relating to the fine and assessments (see attachment D).
2. The clerk should sign his/her name and print the name of the court reporter.
3. The clerk will retain the original white copy and distribute the remaining copies as follows:

Green copy is sent to S.C. Department of Corrections or the county detention facility as appropriate.

Yellow copy is forwarded to the local Department of Probation, Parole and Pardon Services.

Pink copy is given to the defendant in the courtroom.

Goldenrod copy for optional distribution.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )  
 )  
STATE VS. \_\_\_\_\_ )  
 )  
 )  
AKA: \_\_\_\_\_ )  
 )  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ )  
 )  
DOB: \_\_\_\_\_ Age: \_\_\_\_\_ )  
 )  
SSN: \_\_\_\_\_ )  
 )  
DL#: \_\_\_\_\_ )  
 )  
SID#: \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:  
\_\_\_\_\_-GS-\_\_\_\_\_  
A/W#: \_\_\_\_\_  
Date of Offense: \_\_\_\_\_  
S.C. Code § : \_\_\_\_\_  
CDR Code #: \_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_

SENTENCE  
 PLEA  TRIAL  
In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
TO: \_\_\_\_\_

in violation of § \_\_\_\_\_ of the S.C. Code of Laws, bearing CDR Code # \_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_  
 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:

\_\_\_\_\_  
Solicitor

STATE OF SOUTH CAROLINA )  
 COUNTY OF Richland )  
 STATE VS. )  
John Doe )  
 AKA: \_\_\_\_\_ )  
 Race: W Sex: M )  
 DOB: 4-12-63 Age: 35 )  
 SSN: 222-11-3333 )  
 DL#: SC 00 43218 )  
 SID#: 184319 )

IN THE COURT OF GENERAL SESSIONS  
 INDICTMENT/CASE#:  
98 -GS- 40 - 1234  
 A/W#: E 321543  
 Date of Offense: 3/20/98  
 S.C. Code § : 16-11-0311  
 CDR Code #: 0101719

SENTENCE

PLEA  TRIAL

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

TO: Burglary 2nd  
 in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0101810

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:

\_\_\_\_\_  
 Solicitor Defendant Attorney for Defendant

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

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.  
 CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

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 Corps \_\_\_\_\_  
 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 100%.....\$ \_\_\_\_\_  
 § 14-1-211 - Surcharge.....\$ \_\_\_\_\_  
 (Exceptions: See § 14-1-211)  
 § 56-5-2995 (DUI).....\$ \_\_\_\_\_  
 County (3%).....\$ \_\_\_\_\_  
 TOTAL.....\$ \_\_\_\_\_

Clerk of Court/Deputy Clerk \_\_\_\_\_  
 Court Reporter: \_\_\_\_\_

PRESIDING JUDGE \_\_\_\_\_  
 Judge Code: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Sentence Date: \_\_\_\_\_

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

- The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.
- CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

**SPECIAL CONDITIONS:**

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

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment  
Obtain GED \_\_\_\_\_  
Attend Voc Rehab. or Job Corps \_\_\_\_\_  
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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRESIDING JUDGE \_\_\_\_\_  
Judge Code: \_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_  
Sentence Date: \_\_\_\_\_



\*Fine: .....\$ \_\_\_\_\_  
§ 14-1-206 - Assessments 100%.....\$ \_\_\_\_\_  
§ 14-1-211 - Surcharge.....\$ \_\_\_\_\_  
(Exceptions: See § 14-1-211)  
§ 56-5-2995 (DUI).....\$ \_\_\_\_\_  
County (3%).....\$ \_\_\_\_\_  
TOTAL.....\$ \_\_\_\_\_

Clerk of Court/Deputy Clerk \_\_\_\_\_

Court Reporter: \_\_\_\_\_

**RULE 610  
BULK DISTRIBUTION OF AND COMPILED  
INFORMATION FROM JUDICIAL RECORDS**

(a) For the purpose of this rule:

(1) Bulk distribution is defined as a distribution of all, or a significant subset, of the information in judicial records, as is and without modification or compilation.

(2) Compiled information is defined as information that is derived from the selection, aggregation or reformulation of the information from more than one individual judicial record.

(3) Judicial records shall include all records maintained by any court, commission, board, committee, office or other entity within the South Carolina Judicial Department, regardless of whether that entity is funded in whole or part by state or local funds.

(b) The South Carolina Judicial Department shall not provide bulk distribution of or compiled information from judicial records where those records are sought for any commercial purpose.

(c) Unless authorized by the Office of Court Administration, a bulk distribution of judicial records will not be made.

(d) Unless authorized by the Office of Court Administration, compiled information from judicial records will not be provided. This restriction shall not apply to:

(1) Compiled information that may be contained in statistical or other reports that have been previously released to the general public.

(2) Compiled information that can be obtained by a person using the search functions available to the public on websites maintained by the South Carolina Judicial Department or any court of this state.

(e) The Office of Court Administration may authorize bulk distribution of or compiled information from judicial records if it determines, in its discretion, that the resources are available to compile the information; the substantial public interest will be served through significant scholarly, governmental, journalistic, research, evaluation, or statistical purposes; and the identity of specific individuals is ancillary to the request. The Office of Court Administration shall determine whether to provide the information as follows:

(1) All requests shall be made to the Office of Court Administration. The requestor must:

- (i) identify the specific bulk records or compiled information sought, and identify the court or courts from which the records are sought;
- (ii) set forth the substantial public interest the requestor has for the scholarly, governmental, journalistic, research, evaluation, or statistical purposes as it relates to the requested information;
- (iii) describe how fulfilling the request is an appropriate use of public resources;
- (iv) indicate whether the requestor is willing to pay a fee for the search, retrieval, or redaction of records should redaction be required;
- (v) explain how the bulk records or compiled information will be stored and secured and agree the bulk records or the compiled information will not be sold and will not be used for any commercial purpose or for the purpose of solicitation.

(2) A request may be denied on the basis that:

- (i) the requestor may obtain the information using the search functions available to the public on websites maintained by the South Carolina Judicial Department or any court of this state;
- (ii) fulfilling the request may interfere with normal Judicial Department operations;
- (iii) the requested information contains confidential data or financial information that may not be provided.

(3) If providing the data will require the expenditure of more than one hour of personnel time, including that of any vendor or contractor, the Office of Court Administration may charge the requestor the actual cost of that personnel time. If the estimate costs exceed \$100, the requestor may be required to pay that fee in advance.

(4) Information may be provided without charge or at a reduced charge if it is determined that a waiver or reduction of fees primarily benefits the general public.

Amended by Order dated December 20, 2017.