



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

1330 Lady Street, Suite 401
Post Office Box 11433
Columbia, South Carolina 29211-1433
Telephone: (803) 734-1343
Facsimile: (803) 734-1345
E-Mail: executive@sccid.sc.gov

Hugh Ryan, Executive Director
Hervey Young, Deputy Director and General Counsel
Lori Frost, Assistant Director

April 29, 2019

The Honorable Edward R. Tallon Sr.
Subcommittee Chair, Legislative Oversight Committee
228 Blatt Building
Columbia, SC 29201

Re: Questions from the Subcommittee in a LOC letter dated March 27, 2019

Dear Chairman Tallon:

Please find Indigent Defense's response to your questions from the Committee Letter of 3/27/19. We look forward to continuing our partnership with the subcommittee.

Please do not hesitate to contact me if we can provide additional information or assist in any way.

Very truly yours,

J. Hugh Ryan, III
Executive Director
South Carolina Commission on Indigent Defense

Question 1 Sample Sentencing Sheet

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF _____)

STATE _____)

VS.)

INDICTMENT/CASE#: _____ -GS- _____ - _____

AKA: _____)

Race: _____ Sex: _____ Age: _____)

DOB: _____ SS#: _____)

Address: _____)

City, State, Zip: _____)

DL# _____ SID# _____)

*CDL Yes No CMV Yes No Hazmat Yes No

AW#: _____

Date of Offense: _____

S.C. Code §: _____

CDR Code #: _____

SENTENCE SHEET

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

CONVICTED OF or PLEADS

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 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:

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 _____

LOC Questions 2

2. Please explain the steps involved in sentencing an individual, in particular, those involved in completing the sentencing sheet, the entities involved in completing the sheet, information each provides, and to whom information from those sheets (and copies of those sheets) is provided.

SCCID Agency Response:

STEPS INVOLVED WITH SENTENCING SHEET

1. In most cases, the Solicitor's office will prepare the Sentencing Sheet from the top of the page down to the signature lines. Most solicitors generate the form through their computers so that the form is typed and legible. There are some instances when the defense attorney may prepare the form as it is available on the Judicial website and may help save some time in getting the case in court.
2. Once the solicitor prepares the form, it is given to the defense attorney to review the information on the form, to go over the information with his client and to have the form signed by the client and the attorney. Often the attorneys may handwrite the plea offer on the form in the corner or to the side where it indicates "PLEADS".
3. The form is then passed up to the presiding judge when the case is called for a guilty plea or when it is time for sentencing after a guilty verdict by the jury. The judge completes (usually by handwriting) the portion of the form that begins with the "WHEREFORE. . ." and continues down the right column at the bottom of the page.
4. The information in the left column at the bottom of the page beginning with "*Fine:" is usually completed by the courtroom representative from the Clerk of Court office. This information is usually handwritten.
5. The Clerk of Court keeps the original sentencing sheet in the Court's file, provides a copy to the attorneys, Probation, Parole and Pardon Services, and the jail (if the defendant is incarcerated). They also provides a certified copy to the jailer to be transported to SCDC with the defendant if a sentence of imprisonment is given.