

Sentencing Sheet Sample and Process - Explained by Court Administration

Included in Court Administration's April 25, 2019 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following questions in LOC's March 21, 2019, letter to Court Administration:

1. Please explain court administration's involvement, if any, with sentencing sheets (e.g., creating format, providing data to complete sheets, utilizing data from sheets, etc.).
2. If known, when is the last time sentencing sheets or the process of completing these sheets, were updated?

In addition to providing the information in this document, Court Administration provided the following response:

- 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.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF _____

STATE _____

VS.

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

A/W#:

Date of Offense:

S.C. Code §:

CDR Code #:

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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 SCDOP.☐ 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 SCDPPPSObtain 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

\$ _____
\$ _____

Clerk of Court/Deputy Clerk _____

Court Reporter: _____

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

Presiding Judge _____

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 1st who pleads guilty to Burglary 2nd 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 0043218

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☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Burglary 2ndin violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0101810☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The 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 _____

Recipient: _____

*Fine:\$ _____

§ 14-1-206 - Assessments 100%.....\$ _____

§ 14-1-211 - Surcharge.....\$ _____

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI).....\$ _____

County (3%).....\$ _____

TOTAL.....\$ _____

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: _____

Clerk of Court/Deputy Clerk _____

Court Reporter: _____

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: _____

ATTACHMENT D