

## 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 )  
 )  
COUNTY OF \_\_\_\_\_ )  
 )  
STATE \_\_\_\_\_ )  
 )  
VS. )

IN THE COURT OF GENERAL SESSIONS

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

AKA: \_\_\_\_\_ )  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Age: \_\_\_\_\_ )  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_ )  
Address: \_\_\_\_\_ )  
City, State, Zip: \_\_\_\_\_ )  
DL# \_\_\_\_\_ \* SID# \_\_\_\_\_ )  
\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

A/W#: \_\_\_\_\_ )  
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 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 \_\_\_\_\_  
Court Reporter: \_\_\_\_\_

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 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: \_\_\_\_\_