

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
July 30, 2015 8:59:35 AM EDT	2027071957	201	9	Received
07/30/2015 08:46 2027071957		HSS DIVISION		PAGE 01/09

Please note that since this matter is very time critical and I do not live in South Carolina, this letter is also being sent (faxed) to the following persons/offices for assistance.

The Honorable Nikki R. Haley, Governor  
The Honorable Donald V. Myers, Solicitor  
Shirley F. Newby, Clerk of Court, Edgefield County  
Saluda Solicitor's Office  
Supreme Court of South Carolina  
U. S. Department of Justice  
Bennett E. Casto, 11<sup>th</sup> Circuit Public Defender

Thanking everyone in advance for any and all assistance.

Timothy O. Pinckney

(202) 695-4705

July 30, 2015

To: The Honorable Brenda B. Carpenter  
Chief Magistrate, Edgefield County

Re: Case #J-608221

According to the Eleventh Judicial Circuit Public Index, you were the judge assigned and disposition judge for my case. That is why I am addressing this letter to you.

After going through 4 weeks of training with TransDev (contractor with MetroAccess in the Washington DC Metro Area) and passing all written and driving tests, a physical and drug test; I was notified on July 21, 2015 by their Human Resources personnel that my background check came back stating that I had a charge on my criminal record from the state of South Carolina (Edgefield County). I was asked about it and told them that I pleaded guilty to trespassing. I was told that according to my background check, I had accepted a plea bargain for assault/assault and battery 3<sup>rd</sup> degree. I was told that if I could get everything rectified within a week, I would be welcomed back.

After being devastated about hearing this news, I began searching the Internet and talking to lawyers to see what can be done about the situation. I was told that if I had taken a plea, then there should be a transcript because a judge/magistrate, solicitor, my court appointed lawyer and a clerk/stenographer should have been present. Online it says in order to get a transcript of your case, first you had to look up the case and the clerk that recorded the case should be highlighted in blue. (1) There is no clerk listed. (2) The agreement was between my lawyer (W. Greg Seigler) and I. I never stood in front of a judge or magistrate to make sure that I understood what I was pleading to. My lawyer said that if I took the plea for trespassing that I could be released that day with 30-days time served. I accepted and was released later that day on October 3, 2012.

To my surprise on July 21, 2015, I learned that what I was told I was pleading guilty to was not what was listed on my criminal record; which is the reason for this letter. Since I no longer reside in South Carolina, my first step was to begin looking up the phone numbers to the court houses, solicitors, magistrates, Governor, etc.; to whom I could get to help me. On July 22, 2015, I spoke to a Clerk in Edgefield County and found out that the current sessions are being held in Saluda County. The clerk looked up my court case and couldn't find any transcripts or documents and gave me some other people and numbers to contact. I contacted a lawyer that helps inmates that I had written to while being incarcerated in July-September 2012 and he pulled up my case. He found a lot of discrepancies and couldn't exactly tell when I

was released...it looked as though I was indicted after I was released. Since I was no longer an inmate, he couldn't really give me much information, so he referred me to Mr. Castro. He too was having a hard time understanding what was entered into the database regarding my case. I called my lawyer (now Family Court Judge) at the time W. Greg Siegler's office and was told he was out of the office and would be back the following day between 9-9:30 am. When I called the office back on July 23rd, his receptionist recognized my voice and told me that Mr. Siegler would not be accepting my calls.

So, after calling around and speaking to clerks in Edgefield, Lexington and Saluda counties and them all being confused about what has been entered into the SC database, I was passed around to person after person. So, I decided that I needed to write a letter and send (fax) it to the Governor of SC, the Head Solicitor Donnie Myers, the Edgefield County Clerk's Office, Edgefield County Office of Magistrate and the Solicitor's office to name a few. The letter was faxed on June 24, 2015.

On Monday, July 27<sup>th</sup>, Melanie Smith, from your office, called in regards to my letter. I explained to her that my job was in jeopardy because I pleaded guilty to trespassing but online it says assault and I needed it to be removed. She said sir, I am looking at the database and see that you signed off on the assault charge and not trespassing. I asked her to fax me what she sees on the screen. My signature is not on any of the attached sheets that were faxed to me. **(Attached)** I emailed those papers to Mr. Castro and he didn't see my signature on any of the sheets either. He was very helpful and was willing to talk with TransDev Human Resources Personnel on my behalf, but if the assault charge is not changed to the charge of trespassing that I had agreed to, then it would be useless.

On Tuesday, July 28<sup>th</sup>, I received a call from someone in the South Carolina Governor's office (803-734-5049) regarding the letter, after explaining the situation, he transferred me to someone else, and that person transferred me to the Records Department and she told me that the only thing she has are my fingerprints.

I have talked with a lot of people in the South Carolina courts whether it's a lawyer, solicitor or clerk and they have all been helpful, each have tried to help me as much as they could. It seems that no one wants to really tell me everything because they are confused about how things were entered, not seeing the proper paperwork, can't find transcripts, etc. **Since, my job have been lost, I would like to know what it is that I need to do to rectify this situation for future employment.** Is there a case law that would substantiate the meaning of my case/charge as far as trespassing and assault/assault battery 3<sup>rd</sup> degree as meaning the same thing?

SHIRLEY F. NEWBY, CLERK OF COURT  
(202) 695-4705  
pinckney\_timothy@yahoo.com  
pinckney.timothy@gmail.com

cc: The Honorable Nikki R. Haley, Governor  
The Honorable Donald V. Myers, Solicitor  
Shirley F. Newby, Clerk of Court, Edgefield County  
Saluda Solicitor's Office  
Supreme Court of South Carolina  
U. S. Department of Justice  
Bennett E. Casto, 11<sup>th</sup> Circuit Public Defender

# Edgefield County Office of Magistrate

P. O. Box 664  
Edgefield, SC 29824  
Phone: (803) 637-4090  
Fax: (803) 637-4101



**Brenda B. Carpenter**  
*Chief Magistrate*  
**James A. McLaurin, Jr.**  
*Administrative Magistrate*

TO:

Timothy Pinckney

FAX:

202-707-1957

FROM:

Melanie K Smith

DATE:

07/27/2015

TIME:

3:50 PM

NUMBER OF PAGES (INCLUDING COVER SHEET)

4

SPECIAL NOTES:

Solicitor Ervin Maye signature on remand sheet. You will need to
Contact Clerk of Court's Office in order to get in touch with him.

THANK YOU!

IN CASE ALL PAGES ARE NOT RECEIVED PLEASE CONTACT OUR OFFICE  
AT 803-637-4059.

8036374101

03:25:34 a.m. 07-23-2015

8036374117

03:07:05 a.m. 07-26-2015

2 / 4

8036374117

04:10:22 p.m. 07-24-2015

1 / 11

WITNESSES

ECSO

SMITH

ARREST WARRANT NUMBER

J608221

ACTION OF GRAND JURY

**TRUE BILL**

*Walter A. Henderson*  
Foreperson of Grand Jury

Date: *7-11-2012*

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012-GS-19- 417

The State of South Carolina

County of EDGEFIELD

COURT OF GENERAL SESSIONS

JULY TERM 2012

THE STATE  
VS.

TIMOTHY ORLANDO PINCKNEY

CDR# 0160

Indictment for

CRIMINAL SEXUAL CONDUCT  
1<sup>ST</sup> DEGREE

DONALD V. MYERS, SOLICITOR

*Reopened to Mag Ct  
for a plea to simple  
battery and battery  
of a conviction and  
consent of the victim.  
Pec. no contact with  
victim in the form  
of a restraining order  
against the defendant*

*W Myers  
Asst  
07/31/12*

8036374101 03:25:34 a.m. 07-23-2015 3 8036374117

03:07:21 a.m. 07-26-2015 3/4

8036374117 04:10:34 p.m. 07-24-2015 3/11

ARREST WARRANT

J-608221

STATE OF SOUTH CAROLINA  
EDGEFIELD COUNTY  
CLERK OF COURT  
SHILEY F. NEWBY

THE STATE  
2012 JUL 29 AM 11:09  
Edgefield  
Timothy Orlando Pinckney  
88 Sandy Springs Rd  
Trenton, SC 29847

Phone: M Race: B SSN: 1-3425  
Sex: M Height: 5 11 Weight: 245  
DL State: SC DL #: 101262357  
DOB: 11/20/1962 Agency ORI #: SC0190000  
Prosecuting Agency: Edgefield County Sheriff  
Proceeding Officer: Inv. James Smith - 0068  
Offense: Sex / Criminal sexual conduct - First degree

Offense Code: 0160  
Criminal/Infraction Sec: 16-03-0652  
This warrant is CERTIFIED FOR SERVICE in the  
County Municipality of  
is to be arrested and brought before me to be  
dealt with according to the law. (L.S.)

Deliver: Signature of Judge  
RETURN  
A copy of this arrest warrant was delivered to  
defendant on

RETURN WARRANT TO:  
Signature of Constable or Enforcement Officer  
General Sessions  
129 Courthouse Square  
P O Box 34  
Edgefield, SC 29824

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA  
Edgefield County Municipality of  
Edgefield

Personally appeared before me the affiant  
being duly sworn depose and say that defendant  
did within this county and state on or about  
State of South Carolina (or ordinance of  
the following particulars:  
DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct - First degree

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:  
In that on or about 11/22/2011 the defendant Timothy Orlando Pinckney did knowingly, willfully and unlawfully sexually assault  
the victim Evely Richardson in that defendant did throw victim onto floor of residence and then into bedroom where defendant did  
sexual assault victim. Incident occurred at 270 Sandy Springs Road, Trenton, S.C. Same being in Edgefield County.

Signature of Affiant  
STATE OF SOUTH CAROLINA  
Edgefield County Municipality of  
Edgefield

Affiant's Address: 200 Railroad St  
Edgefield, SC 29824  
Affiant's Telephone: (803)637-5337

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:  
If appearing from the above affiant that there are reasonable grounds to believe th  
on or about 11/22/2011 defendant Timothy Orlando Pinckney  
did violate the criminal laws of the State of South Carolina (or ordinance of  
County Municipality of Edgefield ) as set forth below:  
DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him to  
her before me forthwith to the usual with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable  
Sworn to and subscribed before me  
on 11/09/2011  
Judge's Address: P O Box 664  
Edgefield, SC 29824  
Judge's Telephone: (803)637-4090  
Issuing Court: Magistrate Municipal Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

FORM APPROVED BY  
S.C. JUDICIAL BRANCH  
JULY 2003

# Edgefield County Office of Magistrate

P. O. Box 664  
Edgefield, SC 29824  
Phone: (803) 637-4090  
Fax: (803) 637-4101



**Brenda B. Carpenter**  
*Chief Magistrate*  
**James A. McLaurin, Jr.**  
*Administrative Magistrate*

## EXPUNGEMENT INFORMATION

Order is effective January 16, 2006

You will need to go to the Lexington County Solicitor Office to start the expungement application.

The address is as follows:

Lexington County Judicial Center  
205 East Main Street—First Floor  
Lexington, South Carolina 29072

Telephone: 803-785-8352

Expungement Orders are handled out of the PTI Office on the first floor.

For directions to the office please call the above numbers



## Eleventh Judicial Circuit Public Index



Edgefield County Home Page [South Carolina Judicial Department Home Page](#)

Switch View

### The State of South Carolina VS Timothy Orlando Pinckney

Case Number:	J608221	Court Agency:	Edgefield County Magistrate	Filed Date:	10/03/2012
Case Type:	Criminal	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Carpenter, Brenda Black	Disposition Judge:	Carpenter, Brenda Black
Disposition:	Pled Guilty Jail Time Served				
Disposition Date:	10/03/2012	Date Received:	07/03/2012	Arrest Date:	07/03/2012
Law Enf. Case:		True Bill Date:	07/11/2012	No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1900417	Waiver Date:	
Probation Case:					

Click the  icon to show associated parties.

Name		Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Pinckney, Timothy Orlando	88 Sandy Springs Rd Trenton SC 29847	Black	M	1962	Defendant		10/04/2012
<input checked="" type="checkbox"/> Seigler, W. Greg	133 S. Mine Street McCormick SC 29835				Defendant Attorney		02/10/2015
Smith, Inv. James	200 Railroad St Edgefield SC 29824				Officer		10/03/2012

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Pinckney, Timothy Orlando	3414-Assault / Assault & Battery 3rd degree	0160-Sex / Criminal sexual conduct - First degree	10/03/2012

### Sentencing

And/Or	Amount	Units	Begin Date	End Date	Completion Date	or Concurrent
Served	30	Days	10/03/2012	11/02/2012		

### Associated Cases

Agency	Case #	External	Relationship	Description	Case Filed Date	Disposition Date	Case Status	Disposition
General								Remand to Mag/Muni

Sessions	1608221	Y			07/03/2012	10/03/2012	Disposed	Ct/Sent to	Family Ct
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**Actions**

Name	Type	Begin Date	Completion Date	Documents
Pinckney, Timothy Orlando Letter from Defendant	Filing	08/17/2012-10:19	10/03/2012-10:19	
Pinckney, Timothy Orlando Setting Bond	Order	07/27/2012-10:06	10/03/2012-10:06	
Pinckney, Timothy Orlando	Filing	11/02/2011-11:07	10/03/2012-11:07	

**Financials**

\$0.00	Total Paid for fine/costs:	\$0.00	Balance Due:	\$0.00
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**Costs**

Description	Cost Code	Amount	Charge Action	
Fine to General Fund	AFNEGF	\$0.00		\$0.00
Victim Services Asm 38.0013% / 5.7831%	ASMVIC	\$0.00		\$0.00
Victim Conviction Surcharge \$100 / \$25	CVSRCH	\$0.00		\$0.00
Law Enforcement Funding Surcharge \$25	LEFSUR	\$0.00		\$0.00
SC Criminal Justice Academy Training	SCCJAT	\$0.00		\$0.00
State Assessment	STAASM	\$0.00		\$0.00

**Payments**

Payment Date	Receipt Number	Entered By	Transaction Type Code	Payment Amount
None				