

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

INDICTMENT #:
2021GS0201692

vs.

DEVONTA SHIKEEM BAILEY
DEFENDANT

RECEIVED

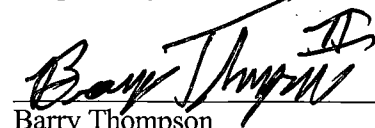
JUL 21 2022

SC Court of Appeals

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. The Defendant then did contact an attorney in the Public Defender's Office telling him that he wanted an appeal filed on his case. The undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See Frazier v. South Carolina, 430 F.3d 696, 706 (4th Cir.2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'" (quoting Anders v. California, 386 U.S. 738, 744 (1967))).

Respectfully Submitted,



Barry Thompson
Assistant Public Defender
Post Office Drawer 2247
Aiken, South Carolina 29802
803-642-1732

July 14, 2022

WITNESSES

North Augusta Dept. Of Public Safety

G Gymer

Law Enforcement Case #:

JMC

ARREST WARRANT NUMBER

2021A0210201079

FILED

Wambold 2021

Robert J. Harte

C.C.P. & G.S.

Devenish (B)
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Rhonda Ward

Foreperson of Grand Jury

Date: December 2, 2021

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021GS0201692

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2021

THE STATE

vs.

DEVONTA SHIKEEM BAILEY

CDR #: 0065

Indictment for

FAILURE TO STOP MOTOR VEHICLE
WHEN SIGNALLED BY A LAW
ENFORCEMENT VEHICLE

§ 56-05-0750(B)(1)

BILL WEEKS, SOLICITOR

RECEIVED

JUL 21 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

12 day of July, 2022

Robert J. Harte
C.C.P. & G.S., Aiken County, S.C.

A. Lynn Hays
Deputy Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
FAILURE TO STOP MOTOR VEHICLE
WHEN SIGNALLED BY A LAW
ENFORCEMENT VEHICLE

§ 56-05-0750(B)(1)

At a Court of General Sessions, convened on December 6, 2021, the Grand Jurors of Aiken County present upon their oath:

That **DEVONTA SHIKEEM BAILEY** did in Aiken County on or about July 20, 2021, in the absence of mitigating circumstances, unlawfully fail to stop while driving a motor vehicle on a road, street, or highway of the state for a law enforcement vehicle after being signaled to do so by means of a flashing light and/or siren, and the road conditions were such that a reasonable driver could hear and/or see the signals. All in violation of §56-5-750 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


BILL WEEKS, SOLICITOR

RECEIVED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken

JUL 21 2022

STATE

SC Court of Appeals

INDICTMENT/CASE#: 2021 - GS - 02 - 01692

VS.

Devonta Bailey

AW#: 2021A0210201079

AKA:

Date of Offense: 7/20/2021

Race: Black Sex: M Age: 28

S.C. Code §: 56-05-0750(B)(1)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0065

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED] SID# SC02272152

SENTENCE SHEET

90 days - 3 yrs - 6 mos - 500 fine

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

In violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065

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: *3 yrs*

ATTEST:

Jacqui Chalk 103430
Solicitor SC Bar #

D Bailey
Defendant

Bonnie Hines # 72900
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 3 days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served 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 sentence shall run

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.

2 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

12 day of July, 2022

Robert J. Harte
C.C.C.P. & C.S., Aiken County, S.C.

Deputy Clerk *Debra Hines*

STATE VS. Devonta Bailey INDICTMENT/CASE#: 2021 - GS - 02 - 01692

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§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			\$ _____
§14-1-212 (Law Enforce. Funding)	\$25			\$ _____
§14-1-213 (Drug Court Surcharge)	\$150			\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41			\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50			\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea			\$ _____
3% to County (if paid in installments)	TBD			\$ _____
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500			\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD			\$ _____
TOTAL				\$ _____

Drug Court Costs

Clerk of Court/Deputy Clerk: Jonica D. Johnson
Court Reporter: PCR

Presiding Judge: R. Keith Kelly
Judge Code: 2165
Sentence Date: 11 July 2022

ARREST WARRANT

2021A0210201079

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE
against

21001675

Devonta Bailey

Address: [Redacted]

Phone: [Redacted] SSN: [Redacted]

Sex: M Race: B Height: 5 9 Weight: 165

DL State: [Redacted] DL #: [Redacted]

DOB: [Redacted] Agency ORI #: SC0020100

Prosecuting Agency: Aiken Department Of Public Safety

Prosecuting Officer: George A Gymer - 435

Offense: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

Offense Code: 0065

Code/Ordinance Sec: 56-05-0750(B)(1)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Personally appeared before me the affiant George A Gymer

being duly sworn deposes and says that defendant Devonta Bailey

did within this county and state on or about 7/20/2021

State of South Carolina (or ordinance of County/ Municipality of

Aiken

in the following particulars:

DESCRIPTION OF OFFENSE: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

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:

That on July 20, 2021 in the city/county of Aiken, one Devonta Bailey, while driving a motor vehicle, did fail to stop when signaled by means of siren and/or flashing light on a law enforcement vehicle. The Defendant failed to stop for law enforcement blue lights in order to evade arrest. This being in violation of the South Carolina Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Affiant's Address 834 Beaufort St, Ne
Aiken, SC 29801-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/20/2021 defendant Devonta Bailey:

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Aiken

) as set forth below:

DESCRIPTION OF OFFENSE: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

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 or her before me forthwith to be dealt 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 7/21/2021

Signature of Issuing Judge (L.S.)

Lauren Maurice

Judge Code: 7406

Judge's Address 435 Wire Road

Aiken, SC 29801-

Judge's Telephone (803)642-2044

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

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Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

PSO 50935
F01

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JUL 21 2021
SC Court of Appeals

BAIL set by

WITNESSES

Judge Lauren Maurice
on 9-8-21
Type and Amount: 10,000 SB
Name of Surety: _____

Name: _____
Address: _____
Telephone: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

Name: _____
Address: _____
Telephone: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

JURORS

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



NCIC # to 334007120
Time Entry 1406
Date Entry 2-27-21
Employee # 173
Time In 1400
Date Report 7-27-21
North Carolina Public Safety

Maurice

App fee paid.

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STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

AFFIDAVIT OF INDIGENCY AND
APPLICATION FOR APPOINTED COUNSEL

JUL 21 2022

Shikeem

SC Court of Appeals

STATE VS. Devonta Bailey

ARREST WARRANT / TICKET & CHARGE.

2021A0220800271 - Armed Robbery
2021A0210201079 - FTSBL

1. ARE YOU PRESENTLY EMPLOYED? YES NO If yes, Please state the name and address of your employer and the amount of your salary or wages per month and/or week.

NAME: _____ ADDRESS: _____
NET WAGES: \$ _____ WEEKLY / BI-WEEKLY / MONTHLY

If No, please state the name and address of your former employer, date of termination and the amount of your salary or wages.

EMPLOYER: John Deere
NET WAGES: \$ _____ WEEKLY / BI-WEEKLY / MONTHLY DATE OF TERMINATION: July 2021

2. HOUSEHOLD MEMBER(S) EMPLOYER (if applicable): Baby Mama - Cook at Arby's
part time

NET WAGES: \$ 40.00 WEEKLY / BI-WEEKLY / MONTHLY

3. Have you or household member(s) received within the past twelve months any money from any of the following sources?

- a. Business, Profession or Self-Employment? Yes _____ No
- b. Rent Payments, Interest or Dividends? Yes _____ No
- c. Pensions, Annuities or Life Insurance Payments? Yes _____ No
- d. Gifts or Inheritance? Yes _____ No
- e. Any Other Source (including Unemployment, Retirement, Disability and/or Food Stamps)? Yes _____ No

If the answer to any question above is "Yes", please list the source of the money and the amount received within the last 12 months.

SOURCE: _____ AMOUNT: _____

4. LIST BY NAME, AGE AND RELATIONSHIP TO YOU, ANY PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT. INDICATE BESIDE EACH HOW MUCH YOU CONTRIBUTE TOWARD THEIR SUPPORT.

3 kids, live with them, 1 kid w/child support = \$130.00 weekly

NAME: _____ AGE: _____ RELATIONSHIP: _____ AMOUNT \$ _____
NAME: _____ AGE: _____ RELATIONSHIP: _____ AMOUNT \$ _____
NAME: _____ AGE: _____ RELATIONSHIP: _____ AMOUNT \$ _____

5. DO YOU HAVE CASH, OR DO YOU HAVE ANY MONEY IN A CHECKING OR SAVINGS ACCOUNT
CASH: \$ _____ CHECKING: \$ _____ SAVINGS: \$ _____

6. DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES OR OTHER VALUABLE PROPERTY, EXCLUDING ORDINARY HOUSEHOLD FURNISHINGS AND CLOTHING? YES _____ NO

PLEASE SPECIFY: _____

7. LIST THE TYPE OF VEHICLE(S) YOU OWN (YEAR, MAKE, MODEL): N/A

PAID FOR? YES NO AMOUNT OF PAYMENT(S) \$ _____

8. DO YOU OR HOUSEHOLD MEMBER PAY RENT OR MORTGAGE? 650.00

9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.?
_____ AMOUNT \$ _____

I do solemnly swear that the information reported by me for this application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was in any way respect, entitled to, in possession, remainder or reversion, and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned, or otherwise disposed of any property, or made over in trust for myself or otherwise, other than mentioned herein.

I understand that the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in the amount equal to the costs of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand such claim shall be filed in the Office of the Clerk of Court where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the Court, part or all of such a claim is reduced to judgment by appropriate Order of the Court, after serving me with at least thirty (30) days notice that judgment will be entered.

I understand that pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Public Defender's Office for public defender services or other appointed counsel.

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least 30 days notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

V.A. Baly
Applicant

Sworn to before me this 30 day of November, 2021.

AV Notary Public for South Carolina. My commission expires: 6/21/28

RACE: B SEX: M AGE: 27
SSN: _____
DATE OF BIRTH: _____
ADDRESS: _____
CITY & STATE: _____
TELEPHONE: _____
E-MAIL: _____

IN JAIL _____ OUT ON BOND
DATE OF ARREST: 9.07.21
BOND AMOUNT: 50,000
BONDSMAN: Sawing Orace
CO-DEFENDANTS N/A

The applicant's request for counsel is hereby
 GRANTED
 DENIED

Ra Ma
Judge, Clerk or Deputy Clerk
DATE: 12.1.2021