

STATE OF SOUTH CAROLINA

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IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lancaster OCT 07 2022

STATE

VS.

SC Court of Appeals

INDICTMENT/CASE#: 2020GS2901079

Derrick Allen Mcilwain

AW#: 2019A2910101622

AKA:

Date of Offense: 5/26/2019

Race: BLACK Sex: M Age: 44

S.C. Code §: 16-03-0010; 16-03-0020

DOB: _____ SS#: 4

CDR Code #: 0116

Address: _____

City, State, Zip: _____

DL#: _____ SID#: _____

SENTENCE SHEET

*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: Murder / Murder

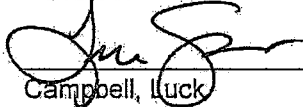
in violation of § 16-03-0010; 16-03-00 of the S.C. Code of Laws, bearing CDR Code # 0116

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:

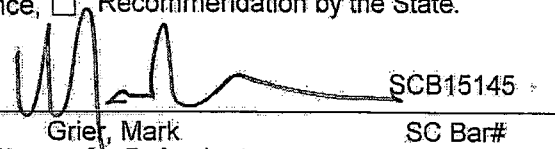


13009

Campbell, Luck

SC Bar #

Defendant



SCB15145

Grier, Mark

SC Bar#

Attorney for Defendant

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

for a determinate term of Life sentence 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. _____ 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.

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 0 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		\$ _____

125.75

Clerk of Court/ Deputy Clerk: Jeff Hammond
 Court Reporter: Mike Wat

Presiding Judge: Kristi Lurie
 Judge Code: 2762
 Sentence Date: 3-25-22

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

FILED
OFFICE OF CLERK
OF COURT IN THE COURT OF GENERAL SESSIONS
FOR THE SIXTH JUDICIAL CIRCUIT
2022 SEP -1 PM 1:41

STATE OF SOUTH CAROLINA,
vs.
DERRICK ALLEN MCILWAIN
DEFENDANT.

CLERK OF COURT
LANCASTER, SC
INDICTMENT: 2020GS2901079

ORDER DENYING DEFENDANT'S
MOTION FOR JUDGMENT NOT
WITHSTANDING THE VERDICT AND
FOR A NEW TRIAL

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OCT 07 2022

SC Court of Appeals


THIS MATTER was submitted to the Court on March 31st, 2022. After reviewing the Defendant's Motion, the Motion for Judgment not Withstanding the Verdict and for a New Trial is DENIED for the following reasons:

1. AS TO Defendant's argument that the Court erred in denying his motion to create an alias for himself to be used during the trial, the Court finds that he was not prejudiced. Defendant's name had to be made known to the jury for purposes of voir dire to determine whether or not potential jurors knew him, were related to him, etc.
2. AS TO the Defendant's claim that the Court erred in overruling his objection to the State's referring to the death of Alvin Fletcher, the Court finds that he was not prejudiced. The circumstances surrounding Alvin Fletcher's death were never brought up, only that he had died, which did not prejudice the Defendant in anyway.
3. AS TO the Defendant's claim that the Court erred in permitting the testimony of Susan Stack concerning statements made by Kimberly Alger, the Court finds that these statements were admissible as excited utterances pursuant to Rule 803(2) of the South Carolina Rules of Evidence.

4. AS TO Defendant's claim that the Court erred in denying Defendant's request to charge the jury on the Revival of Self-Defense, the Court finds that the Defendant's own testimony did not support the inclusion of the charge, and that the Defendant was not prejudiced as a result.

IT IS THEREFORE ORDERED THAT: Defendant's Motion for Judgment not Withstanding the Verdict and for a New Trial is denied.

AND IT IS SO ORDERED this 26th day of August, 2022.



KRISTI F. CURTIS
Presiding Judge
Third Judicial Circuit