

STATE OF SOUTH CAROLINA
In The Court Of Appeals

CERTIFIED COPY
2013 MAY 15 AM 9:52
Melanie Huggins-Ward
CLERK OF COURT
HORRY COUNTY

APPEAL FROM HORRY COUNTY
Court of General Sessions
Edward B. Cottingham, Circuit Court Judge

CASE NO: 2013GS2600190

The State, Respondent,

V.

Dayton Frinks, Appellant.

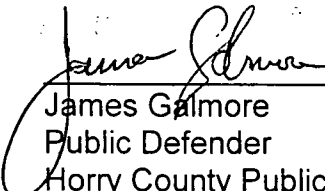
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of the Notice in the United States Mail, postage prepaid, on May 21, 2013, addressed to the attorney of record:

Nancy Livesay
Solicitor
Post Office Box 1276
Conway, South Carolina, 29528
Attorney For Respondent

FILED
HORRY COUNTY
2013 MAY 20 AM 9:54
MELANIE HUGGINS-WARD
CLERK OF COURT

May 21, 2013


James Galmore
Public Defender
Horry County Public Defender Office
Post Office Box 1666
Conway, SC 29528
843-915-5385
Attorney for Appellant

RECEIVED
MAY 22 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Edward B. Cottingham, Circuit Court Judge

CASE NO: 2013GS2600190

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CLERK OF COURT
HORRY COUNTY

The State, Respondent,

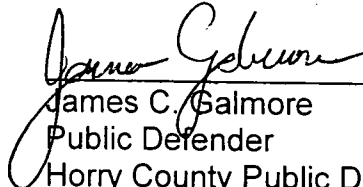
V.

Dayton Frinks, Appellant.

NOTICE OF APPEAL

Dayton Frinks, appeals the conviction and sentence in this case. The sentence was imposed by the Honorable Edward B. Cottingham, on May 16, 2013.

May 17, 2013


James C. Galmore
Public Defender
Horry County Public Defender Office
Post Office Box 1666
Conway, SC 29528
843-915-5385
Attorney for Appellant

FILED
HORRY COUNTY
2013 MAY 20 AM 9:58
MELANIE HUGGINS-WARD
CLERK OF COURT

Other Counsel of Record

Nancy Livesay
Solicitor
Post Office Box 1276
Conway, SC 29528
843-915-5460
Attorney for Respondent

RECEIVED

MAY 22 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry VS. Dayton Carando Frinks Jr
STATE
AKA:
Race: BLACK Sex: M Age: 19
DOB: 03-11-1994 SS#: 251-93-2653
Address: 727 Anna Dr
City, State, Zip: Longs, SC 29568-8390
DL#: 102637860 SID#:

INDICTMENT/CASE#: 2013GS2600189
A/W#: M843694 M843694
Date of Offense: 11/12/2012
S.C. Code §: 16-11-0311
CDR Code #: 0079

190
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2013 MAY 15 AM 9:52
CLERK OF COURT
HORRY COUNTY

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADED
TO: Burg, 1st degree

in violation of § ~~16-11-0312~~ 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] SCB75159 Defendant Attorney for Defendant SC Bar#
Livesay, Nancy

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 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 the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 25-13-55

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-63 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine: \$
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90
TOTAL \$ 133.90

PTUP _____ days/hours Public Service/Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
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: ITOLD DEFENDANT AT J. RUEBEN LONG DETENTION CENTER UNTIL MAY 24, 2013

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Melanie Higgins Ward Presiding Judge [Signature]
Dixie Eubanks Judge Code: 2041
5/16/2013

FILED
2013 MAY 20 AM 9:54
CLERK OF COURT
HORRY COUNTY
MELANIE HIGGINS-WARD

DOCKET NO. 2013-GS-26-00190

The State of South Carolina
County of Horry

Nancy Livesay
12H05401

COURT OF GENERAL SESSIONS

JANUARY, 2013 TERM

THE STATE

vs.

Dayton Carando Frinks Jr
B/M
727 Anna Dr
Longs, SC 29568-8390
DOB: 1994-03-11
SSN: 251-93-2653

ATTORNEY: Galmore, James Cullen

Indictment for

BURGLARY, FIRST DEGREE
MELANIE HUGGINS-WARD
CLERK OF COURT

2013 MAY 29 AM 9:54
A. Richards, II, Solicitor

FILED
HORRY COUNTY

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2013 MAY 15 AM 9:52
Melanie Huggins-Ward
CLERK OF COURT
HORRY COUNTY

WITNESSES

Kevin W Strickland Horry County Police
Department

ARREST WARRANT NUMBER

M843694
CDR: 0079 16-11-0311
DOA: 11/28/2012

ACTION OF GRAND JURY

FILED
reperson of Grand Jury
Date: JAN 31 2013

VERDICT

Foreperson of Petit Jury
Date:

FILED

DOCKET NO. 2013-GS-26-00189

The State of South Carolina
County of Horry

Nancy Livesay
12H05401

COURT OF GENERAL SESSIONS

JANUARY, 2013 TERM

THE STATE

VS.

Dayton Carando Frinks Jr
B/M
727 Anna Dr
Longs, SC 29568-8390
DOB: 1994-03-11
SSN: 251-93-2653

ATTORNEY: Galmore, James Cullen

Indictment for

MEANE HUGGINS-WARD
CLERK OF COURT

2013 MAY 20 AM 9:54
Jimmy A Richardson, II, Solicitor

FILED
HORRY COUNTY

CERTIFIED COPY
2013 MAY 15 AM 9:52
Horry County Clerk of Court
Horry County

WITNESSES

Kevin W Strickland Horry County Police
Department

ARREST WARRANT NUMBER

2013GS2600189
CDR: 0095 16-03-0910
DOA: 11/28/2012

ACTION OF GRAND JURY

JAMES CULLEN

representing Grand Jury
Date: JAN 31 2013

VERDICT

Foreperson of Petit Jury

Date:

JAMES CULLEN

ARREST WARRANT
M-843694

STATE OF SOUTH CAROLINA FILED
Horry County
Horry May 15 AM 9:52
Horry County

THE STATE OF SOUTH CAROLINA
MELANIE HUGGINS
CLERK OF COURT

Longs, SC 29568-8390

Sex: M Race: B Height: 5 6 Weight: 190
DL State: SC DL #: 102637860
DOB: 3/11/1994 Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department
Prosecuting Officer: Paul Vescovi - 1822
Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079
Code/Ordinance Sec: 16-11-0311

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.

Signature of Judge
(L.S.)

RETURN

A copy of this arrest warrant was delivered to
defendant Dayton Carando Frinks Jr.
on 11-27-12

Signature of Constable/Law Enforcement Officer
General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
 County/ Municipality of
Horry

Personally appeared before me the affiant Paul Vescovi
being duly sworn deposes and says that defendant Dayton Carando Frinks, Jr
did within this county and state on or about 11/12/2012
State of South Carolina (or ordinance) 16-11-0311
in the following particulars: Burglary (After June 20, 1985) - First degree

MELANIE HUGGINS
CLERK OF COURT

AFFIDAVIT

ORIGINAL

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

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:

On November 12, 2012, the defendant did play party to a group of three individuals who approached the victim on his return to his home inside his attached garage while armed with a firearm demanding him to open the garage door to his home and while pointing the weapon to the victim's head. As they breached the doorway, the victim quickly pushed one of the assailants locking the door behind screaming to his wife to retrieve his gun. The assailants fled the scene and police responded locating latent prints on a window that had been recently manipulated. That latent print returned a hit on the above defendant who resides in the nearby area. The defendant has a recent criminal history of burglary and possession of stolen property. Therefore, there is probable cause that the defendant did commit the aforementioned charge.

Signature of Affiant

STATE OF SOUTH CAROLINA
 County/ Municipality of
Horry

Affiant's Address
2560 N. Main Street
Conway, SC 29526
Affiant's Telephone (843)915-5350

ARREST WARRANT

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

on or about 11/12/2012 appearing from the above affidavit that there are reasonable grounds to believe that
did violate the criminal laws of the State of South Carolina (or ordinance of Horry) as set forth below:
defendant Dayton Carando Frinks, Jr

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - 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 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 and subscribed before me on 11/27/2012

Signature of Issuing Judge
Bradley Dwyer Masters
Judge's Code: 5081
Judge's Address
1201 Third Avenue
Conway, SC 29526-5105
Judge's Telephone (843)915-5290
Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)
-VS-)
DAYTON FRINKS)
DEFENDANT)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

JAMES C. GALMORE

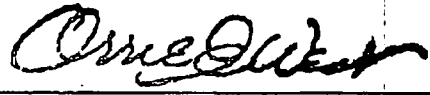
FILE NO: 26A12-00003605
SSN: 251-93-2653

TO: Court of General Sessions of the Fifteenth Judicial Circuit
Office of the Solicitor
Appointed Counsel
Defendant

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 10th day of December, 2012, regarding the charge(s) of:

M-843694 Burglary / Burglary 1st - First degree

The Defendant's Counsel is **James C. Galmore**. The office of the Public Defender requests on the Defendant's behalf any and all evidence in the possession of you and or your agents pursuant to S.C. Criminal Practice Rule 5, and Brady v. Maryland 373 U.S. 383 (1963). The formal Motion for Discovery is attached.



ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SC
DATED: December 10, 2012

CERTIFIED COPY
2012 DEC 15 AM 7:52
CLERK OF COURT
HORRY COUNTY

FILED
HORRY COUNTY
2012 DEC 13 AM 10:50
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)
-VS-)
DAYTON FRINKS)
DEFENDANT)
_____)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

NOTICE AND MOTION FOR PRODUCTION
OF SPECIFIC EVIDENCE AND
DISCLOSURE OF WITNESSES

FILE NO: 26A12-00003605
SSN: 251-93-2653

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that unless the prosecution responds to the Defendant's request for disclosure within 30 days, or within such time as may be ordered by the Court, Counsel for the Defendant will move this Court for an Order compelling that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection, and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including, but not limited to:
 - (a) All tangible objects obtained from the scene of the crime; and
 - (b) All tangible objects obtained from the State's witnesses in this case;
 - (c) All tangible objects the State intends to introduce into evidence at Trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate the Defendants or to negate participation by the Defendants in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including but not limited to:
 - (a) Analysis of handwriting
 - (b) Photographs secured of the scene of the crime
 - (c) Comparison of fingerprints

2013 MAY 15 AM 9:52
CERTIFIED COPY
CLERK OF COURT
HARRIS COUNTY
JUDICIAL CIRCUIT
FILED

8. Make available any facts which tend to exculpate the Defendant.
9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competence of any of prospective witnesses for the State.
10. Make available to the Defendant the names and addresses of all persons who have knowledge of this case or who have been interviewed by the investigating officers in connection with this case.
11. Make available to the Defendant, the SLED, FBI, and local arrest and conviction records of all persons, including the Defendant, named in connection with this proceeding.
12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the Defense thus objects to the introduction of any chemist's or analyst's report pursuant to Rule 6, S.C. Rules of Criminal Procedure.

This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady vs Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Agurs, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 274 S.E. 2nd 406 (1981). Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution.

WHEREFORE, Defendant prays:

- (a) That the Solicitor be Ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.
- (b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.
- (c) That the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,



ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

DATED: December 10, 2012
CONWAY, SOUTH CAROLINA

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 MELLORUM
 Horry County
 CLERK OF COURT
 MELALEE WIGGINS-WARD
 CLERK OF COURT