

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: 2012GS2602052, 2012GS2602053

The State, Respondent,

V.

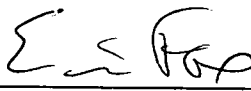
Jeremy Fleming , Appellant.

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:

Joshua Holford
Solicitor
Post Office Box 1276
Conway, South Carolina, 29528
Attorney For Respondent

May 21, 2013


Eric Fox
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 9:52
MELANIE HIGGINS-WARD
CLERK OF COURT

CERTIFIED COPY

2013 MAY 15 AM 9:12
Melanie Higgins-Ward
CLERK OF COURT
HORRY COUNTY

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: 2012GS2602052, 2012GS2602053

Clerk of Court
Horry County

Melanie Huggins - Ward

CERTIFIED COPY
2013 MAY 15 AM 9:12

The State, Respondent,

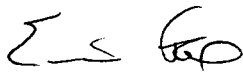
V.

Jeremy Fleming, Appellant.

NOTICE OF APPEAL

Jeremy Fleming, appeals the conviction and sentence in this case. The sentence was imposed by the Honorable Edward B. Cottingham, on May 15, 2013.

May 17, 2013



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

Clerk of Court
Horry County

FILED
Horry County
2013 MAY 20 AM 9:52

Other Counsel of Record

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

COUNTY OF Horry
STATE VS.
Jeremy Fleming

INDICTMENT/CASE#: 2012GS2602052
A/W#: M841280
Date of Offense: 10/16/2011
S.C. Code §: 16-11-0311
CDR Code #: 0079

AKA:
Race: BLACK Sex: M Age: 25
DOB: 10-16-1987 SS#: 242-57-0607
Address: 5730 Hwy 707 Lot 9
City, State, Zip: Myrtle Beach, SC 29588
DL#: 100580718 SID#:

SENTENCE

CLERK OF COURT
HORRY COUNTY
MAY 15 AM 9:22
CERTIFIED COPY

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Burglary / Burglary (After June 20, 1985) - First degree (15-LIFE)

in violation of § 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: SCB80071
Holford, Joshua D. 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 20 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: 2012-GS-26-2053
 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 § 16-25-135

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 (Criminal
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

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$
§ 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
§ 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
3% to County (if paid in installments)	\$
TOTAL	\$ <u>153.90 + 40.00 = 193.90</u>

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 \$ 25.00 beginning 06/15/2013
\$ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk: Melanie Howard
Court Reporter: Kay Richardson
SCCA/217 (03/2011)
Presiding Judge:
Judge Code: 2041
Sentence Date: 5/15/13

COUNTY OF Horry
STATE VS.
Jeremy Fleming

INDICTMENT/CASE#: 2012GS2602053
A/W#: M841281
Date of Offense: 10/16/2011
S.C. Code §: 16-03-0029
CDR Code #: 3410

AKA: _____
Race: BLACK Sex: M Age: 25
DOB: 10-16-1987 SS#: 242-57-0607
Address: 5730 Hwy 707 Lot 9
City, State, Zip: Mvrtle Beach, SC 29588
DL#: 100580718 SID#: _____

SENTENCE SET

CLERK OF COURT
HORRY COUNTY
MAY 15 AM 9:52
FILED

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Murder / Attempted Murder (0-30)

CONVICTED OF or PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
 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] SCB80071
Holford, Joshua D. 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 20 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: 2012-65-26-2052
 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 § 16-25-135
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 (Criminal
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: \$ _____
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

_____ 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 \$ 25.00 beginning 06/15/2013
\$ _____ paid to Public Defender Fund
Other: _____
 Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk Melanie Huggins Ward
Court Reporter: Kau Richardson
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2041
Sentence Date: 5/15/13

WITNESSES

Heather Anderson Horry County Police
Department
CERTIFIED COPY

2013 MAY 15 AM 9:22

Melanie Huggins-Ward
CLERK OF COURT
HORRY COUNTY

ARREST WARRANT NUMBER

M841281
CDR: 3410 16-03-0029
DOA: 10/19/2011

ACTION OF GRAND JURY

TRUE BILL

Brian Sanders

Foreperson of Grand Jury
Date: **MAY 24 2012**

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-26-02053

FILED
HORRY COUNTY
The State of South Carolina
2013 MAY 20 AM 9:52
County of Horry

MELANIE HUGGINS-WARD
CLERK OF COURT
Nancy G. Cole

COURT OF GENERAL SESSIONS

MAY, 2012 TERM

THE STATE

VS.

Jeremy Fleming B/M
5586 Lot 49 Rocku Road
Myrtle Beach, SC

DOB: 1987-10-16
SSN: 242-57-0607

ATTORNEY: Fox, Eric

Indictment for

ATTEMPTED MURDER

J. Gregory Hembree, Solicitor

 **ORIGINAL**

WITNESSES

Heather Anderson Horry County Police
Department CERTIFIED COPY

2013 MAY 15 AM 9:22

Melanie Huggett
CLERK OF COURT
HORRY COUNTY

ARREST WARRANT NUMBER

M841280
CDR: 0079 16-11-0311
DOA: 10/19/2011

ACTION OF GRAND JURY

TRUE BILL

Heather Anderson

Foreperson of Grand Jury
Date: MAY 24 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-26-02052

FILED
The State of South Carolina
HORRY COUNTY

County 2013 MAY 20 AM 9:52

Nancy G. Cole
MELANIE HUGGETT
CLERK OF COURT

COURT OF GENERAL SESSIONS

MAY, 2012 TERM

THE STATE

VS.

Jeremy Fleming B/M
5586 Lot 49 Rocku Road
Myrtle Beach, SC


DOB: 1987-10-16
SSN: 242-57-0607

ATTORNEY: Fox, Eric

Indictment for

BURGLARY FIRST DEGREE

J. Gregory Hembree, Solicitor

 ORIGINAL

ARREST WARRANT
M-841280

STATE OF SOUTH CAROLINA
Horry County
Municipality of
MAY 15 AM 9:22

11102247

Jeremy Fleming
3586 Spocock Road
Myrtle Beach, SC

Phone: SSN: 242-57-0607
Sex: M Race: B Height: 5 8 Weight: 155
DL State: SC DL #: 100580718
DOB: 10/16/1987 Agency ORI #: SC0260400
Prosecuting Agency: Horry County Police Department
Prosecuting Officer: Troy Large - 2906
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. The accused
(L.S.)

Date: _____
Signature of Judge

RETURN

A copy of this arrest warrant was delivered to
defendant
on 10/19/11
Signature of Judge

RETURN WARRANT TO:
General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

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ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
 County/ Municipality of
Horry

AFFIDAVIT

ORIGINAL

Form Approved by
April 21, 2003
SCCA 518

Personally appeared before me the affiant, Troy Large, Clerk of Court, being duly sworn deposes and says that defendant, Jeremy Fleming, did within this county and state on or about 10/16/2011, violate the criminal laws of the State of South Carolina (or ordinance of Horry County) in the following particulars:
Jeremy Fleming
Troy Large
Clerk of Court
Horry

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree
CLERK OF COURT

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 October 16th, 2011 around 11:40pm the defendant Jeremy Fleming along with a co-defendant did present handguns and threaten the victim while entering the residence at 258 Ivy stone Drive, Unit F, Myrtle Beach, South Carolina by force. The defendant used a deadly weapon and shot the victim in the head which cause injuries that was life threatening. The victim was transported to the hospital. The defendant and co-defendant did without consent or permission entered a residence at night with the intent to commit a crime. Therefore Jeremy Fleming did commit the offense of Burglary 1st. CASE # 11102247

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:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 01/16/2011 defendant Jeremy Fleming did violate the criminal laws of the State of South Carolina (or ordinance of Horry) as set forth below.

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 to and subscribed before me on 10/19/2011

Signature of Judge: Troy Large
Judge 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

ARREST WARRANT

M-841281

STATE OF SOUTH CAROLINA

CERTIFIED COPY

Horry County, South Carolina

Jeremy Fleming vs. State

Address: 16-03-0029

Phone: 11102247

Sex: M Race: B Height: 5 8 Weight: 155

DL State: SC DL #: 100580718

DOB: 10/16/1987 Agency ORI #: SC0760400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Troy Large - 2906

Offense: Murder / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

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.

Date: Signature of Judge

RETURN A copy of this arrest warrant was delivered to

defendant on 10/19/2011

RETURN WARRANT TO: General Sessions

PO Box 677 1301 2nd Avenue Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

AFFIDAVIT

ORIGINAL

Form Approved by B.C. Admin. Center April 21, 2003 BCCA 518

Personally appeared before me the affiant Troy Large

being duly sworn deposes and says that defendant Jeremy Fleming

did within this county and state on or about 10/16/2011

State of South Carolina (or ordinance of Horry County) Horry

in the following particulars: 2011 MAY 20 11 09:32

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

MELANIE HOGGINS-WARD CLERK OF COURT

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 October 16th, 2011 around 11:40pm the defendant Jeremy Jermal Fleming along with a co-defendant did present handguns and

threaten the victim while entering the residence at 238 Ivy stone Drive, Unit F, Myrtle Beach, South Carolina by force. The

defendant used a deadly weapon and shot the victim in the head which cause injuries that was life threatening. The victim was

transported to the hospital. The defendant displayed malice when he shot the victim point blank in the head. Therefore Jeremy

Jermal Fleming did commit the offense of attempted murder. CASE # 11102247

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

Arresting Officer: Troy Large

Arresting Agency: Horry County Police Department

Arresting Officer: Troy Large - 2906

Arresting Agency: Horry County Police Department

Arresting Officer: Troy Large - 2906

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 10/16/2011

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

County/ Municipality of Horry

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

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 his execution, or as

soon thereafter as is practicable Sworn to and subscribed before me

on 10/19/2011

Judge's Address 1201 Third Avenue Conway, SC 29526-5105

Judge's Telephone (843)915-5290

Issuing Court [X] Magistrate [] Municipal [] Circuit []

Judge's Name Bradley Dwyer Keyers

Judge Code: 5081

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)
STATE OF SOUTH CAROLINA)
V.)
JEREMY FLEMING)
DEFENDANT)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

NOTICE OF SUBSTITUTION
OF COUNSEL
PUBLIC DEFENDER TO PUBLIC DEFENDER

NEW ATTORNEY: ERIC FOX

File No. 26A11-00003068
S.S. No. 242-57-0607

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

Please be advised that Ron Hazzard, Public Defender for the above named defendant
in the above-captioned matter has been replaced by Eric Fox, Public Defender:


ERIC FOX
203 Laurel Street
P.O. Box 1666
Conway, SC 29526
Phone: 843-915-5385
Fax: 843-915-6385

On the offense(s) listed below:

- M-841280 Burglary / Burglary 1st - First degree
 - M-970323 ATTEMPTED MURDER
 - M-841281 ATTEMPTED MURDER
 - M-970322 WEAPONS / POSSESSION OF A FIREARM OR AMMUNITION
- CONVICTED FELON

Conway, South Carolina

April 24, 2012

Respectfully Submitted,


ORRIE E. WEST
CHIEF PUBLIC DEFENDER
203 Laurel St.
P.O. Box 1666
Conway, South Carolina 29526

CLERK OF COURT
HORRY COUNTY

MELANIE HUGGINS-WHEED
CLERK OF COURT

2012 MAY 15 AM 9:22
CERTIFIED COPY

2012 MAY 20 AM 9:38
FILED
HORRY COUNTY

2012 MAY 7 AM 9:38
FILED

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF HORRY) OF THE FIFTEENTH JUDICIAL CIRCUIT
))
))
STATE OF SOUTH CAROLINA) NOTICE OF SUBSTITUTION
) OF COUNSEL
V.) PUBLIC DEFENDER TO PUBLIC DEFENDER
JEREMY FLEMING)
))
DEFENDANT) NEW ATTORNEY: ERIC FOX

2013
 CLERK OF COURT
 HORRY COUNTY

CERTIFIED COPY
 MAY 15 AM 9:22

File No. 26A11-00002805
 S.S. No. 242-57-0607

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

Please be advised that Ron Hazzard, Public Defender for the above named defendant in the above-captioned matter has been replaced by Eric Fox, Public Defender:


ERIC FOX
 203 Laurel Street
 P.O. Box 1666
 Conway, SC 29526
 Phone: 843-915-5385
 Fax: 843-915-6385

On the offense(s) listed below:

- J-867613 Robbery / Armed Robbery, robbery while armed with a deadly weapon
- I-218933 RSG / Receiving stolen goods, value less than \$1,000
- I-218932 Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful

MELANIE HUGGINS-WARD
 CLERK OF COURT

FILED
 HORRY COUNTY
 2013 MAY 20 11 09:52
 2013 MAY -7 AM 9:38

Respectfully Submitted,


Conway, South Carolina

ORRIE E. WEST
 CHIEF PUBLIC DEFENDER
 203 Laurel St.
 P.O. Box 1666
 Conway, South Carolina 29526

April 24, 2012

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
)
STATE OF SOUTH CAROLINA)
)
-VS-)
)
JEREMY FLEMING)
DEFENDANT)
_____)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT
NOTICE AND MOTION FOR PRODUCTION
OF SPECIFIC EVIDENCE AND
DISCLOSURE OF WITNESSES

CERTIFIED COPY
2013 MAY 15 AM 9:22
2011 NOV -8 AM 8:56
FILED
HORRY COUNTY
CLERK OF COURT
MELANIE HUGGINS-WARD
CLERK OF COURT
FILED
HORRY COUNTY
2013 MAY 20 AM 11:52
CLERK OF COURT

FILE NO: 26A11-00003068
SSN: 242-57-0607

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;
 - (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

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 of the 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. 2d 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: November 3, 2011
CONWAY, SOUTH CAROLINA

CERTIFIED COPY
 2011 MAY 10 AM 9:22
 HONORARY CLERK OF COURT
 CLARENCE COUNTY
 FILED
 2011 NOV 3 AM 11:50
 HONORARY CLERK OF COURT
 CLARENCE COUNTY

Fifteenth Circuit Public Defender

HORRY & GEORGETOWN COUNTIES

HORRY

Edward "Ed" Chrisko
CHIEF PUBLIC DEFENDER
203 LAUREL STREET
P.O. BOX 1666
CONWAY, SC 29526



Orrie E. West
CIRCUIT PUBLIC DEFENDER

TEL: 843-915-5385
FAX: 843-915-6385

WWW.HGCDEFENDER.ORG

GEORGETOWN
Ronald Hazzard
SENIOR TRIAL ATTORNEY
401 CLELAND STREET
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MAY 17, 2013

The Honorable Jeanette Barber
Clerk of the South Carolina Court Of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: STATE OF SOUTH CAROLINA VS. JEREMY FLEMING
CASE NO: 2012GS2602052, 2012GS2602053

Dear Ms. Barber:

Enclosed for filing is a Notice of Appeal in the above criminal case. Also enclosed are the following:

1. Proof of Service of the Notice of Appeal on the Respondent.
2. A copy of the Order(s)/ Sentence Sheet(s) which is/are to be challenged on appeal.
3. Self-addressed stamped envelope

I would appreciate your filing the Notice of Appeal, as well as the Proof of Service, and returning to me the date-stamped copies in the enclosed self addressed envelope.

If you have any questions concerning this matter please contact me.

Sincerely,

Eric Fox
Horry County Public Defender
Post Office Box 1666
Conway, South Carolina, 29528
Phone: 843-915-5385

RECEIVED

MAY 22 2013

SC Court of Appeals