

STATE OF SOUTH CAROLINA )

Indictment Nos.: 2022-GS-46-03299

2022-GS-46-03300

IN THE COURT OF APPEALS )

State of South Carolina )

CERTIFIED TRUE COPY

2022 DEC -1 4 PM 4:09

-vs-

Devin Walker Hinson,

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

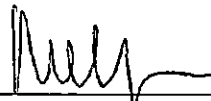
Defendant. )

**RULE 203(B) EXPLANATION**

Pursuant to Rule 203(B)(iv), the issue to be raised on appeal is whether the trial court abused its discretion when it imposed the time served and 3-year probationary sentences upon the Appellant after he pleaded guilty to Domestic Violence 2<sup>nd</sup> degree and Possession of Fentanyl.

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, 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 Frazer v. South Carolina*, 430 F.3d 696, 705 (4<sup>th</sup> 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,



Melissa A. Inzerillo

P.O. Box 691

York, South Carolina 29745

(803) 628-3031

Attorney for Devin Walker Hinson

York, South Carolina

December 1, 2022

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**SC Court of Appeals**

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STATE OF SOUTH CAROLINA

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IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

2022 DEC -2 PM 1:44

SC Court of Appeals

STATE

VS.

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

INDICTMENT/CASE#: 2022-GS-46-03299

DEVIN WALKER HINSON

A/W#: 2022A4610201119

AKA:

Date of Offense: 06/05/2022

Race: W Sex: M Age: 23

S.C. Code §: 16-25-0065(A)

DOB: [REDACTED] SS# [REDACTED]

CDR Code #: 3814

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#\* [REDACTED] SID# SC02338089

SENTENCE SHEET

ORIGINAL

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

CONVICTED OF or  PLEADS

In disposition of the above indictment comes now the Defendant who was

TO: Domestic Violence, 2nd Degree (NMT 3 years &/or \$2500-5000)

In violation of § 16-25-0020(C) of the S.C. Code of Laws, bearing CDR Code # 3812

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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:

/s Matthew W. Shelton  
Solicitor

74785  
SC Bar #

/s Devin Walker Hinson  
Defendant

/s Melissa A. Inzerillo  
Attorney for Defense

69416  
SC Bar #

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

for a determinate term of 18 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 1 days/months/years/Time Served and or payment

of \$\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 3

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: all 12/1/22 pleas

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.

1 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 VS. Devin Walker Hinson

INDICTMENT/CASE#:

2022-GS-46-03299

SPECIAL CONDITIONS:

PTUP after 18 months/years

if all conditions met

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: Baker's intervention, SA treatment if appropriate.

- 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	\$ 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	\$ 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	\$ _____
<b>TOTAL</b>		<b>\$ 125</b>

Clerk of Court/Deputy Clerk: David Hamilton  
Court Reporter: DCRP

Presiding Judge: \_\_\_\_\_  
Judge Code: McKinnon 2761  
Sentence Date: 12/1/2022 9:30:00 AM

**WITNESSES**

YCSO

Witnessing Officer: *Ellis*

**ARREST WARRANT NUMBER**

2022A4610201119

**ACTION OF GRAND JURY**

**TRUE BILL**

*Heather Bochini*  
Foreperson of Grand Jury  
Date: *10/27/2022*

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2022-GS-46-03299

**The State of South Carolina**

**County of York**

**COURT OF GENERAL SESSIONS**

**OCTOBER 27, TERM 2022**

**THE STATE**

**VS.**

**DEVIN WALKER HINSON**

**INDICTMENT FOR**

**DOMESTIC VIOLENCE OF A HIGH AND  
AGGRAVATED NATURE**

SC Code: § 16-25-0065(A)  
CDR Code: 3814

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

**Defendant**

I hereby appear in my own proper person and plead guilty to the within indictment or to

**Defendant**

**Witness:**

**C.C.C. PLS. AND G.S.**

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**DEC 05 2022  
SC Court of Appeals**

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2022 DEC -2 PM 1:44  
DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC**

STATE OF SOUTH CAROLINA

COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on October 27, 2022, the Grand Jurors of York County present upon their oath:

**DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE**

The Defendant, Devin Walker Hinson, on or about June 5, 2022, in York County, South Carolina, did cause physical harm or injury to the victim, Christine Yarmakovich, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril; in addition, the offense was committed under circumstances manifesting extreme indifference to the value of human life and great bodily injury to the victim resulted and/or the offense was committed, with or without an accompanying battery, under circumstances manifesting extreme indifference to the value of human life, which would reasonably cause a person to fear imminent great bodily injury or death; in addition, the Defendant prevented the victim from leaving and/or calling emergency services for help; all in violation of 16-25-0065(A), *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.



MATTHEW W. SHELTON  
ASSISTANT SOLICITOR

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IN THE COURT OF GENERAL SESSIONS  
SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF YORK

STATE

VS.

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

INDICTMENT/CASE#: 2022-GS-46-03300

DEVIN WALKER HINSON

AKA:

Race: W Sex: M Age: 23

DOB: [REDACTED] SS# [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#\* [REDACTED] SID# SC02338089

A/W#: 2022A4610201120

Date of Offense: 06/05/2022

S.C. Code §: 44-53-370

CDR Code #: 0183

SENTENCE SHEET

ORIGINAL

\*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: Possession of Fentanyl 1st Offense (NMT 2 YEARS &/OR \$5,000)

In violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code # 0176

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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:

/s Matthew W. Shelton	74785	/s Devin Walker Hinson	/s Melissa A. Inzerillo	69416
Solicitor	SC Bar #	Defendant	Attorney for Defense	SC Bar #

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

for a determinate term of 1 (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: all 12/1/22 plea

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.

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 \_\_\_\_\_ 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	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$
§56-5-2995 (DUI Assessment)		\$12	\$
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§14-1-213 (Drug Court Surcharge)		\$150	\$ 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	\$
<b>TOTAL</b>			\$ 275

Clerk of Court/Deputy Clerk: David Hamilton  
 Court Reporter: DCRF

Presiding Judge: \_\_\_\_\_  
 Judge Code: McKinnon 2761  
 Sentence Date: 12/1/2022 9:30:00 AM

**WITNESSES**

YCSO

Witnessing Officer: *Ellis*

**ARREST WARRANT NUMBER**

2022A4610201120

**ACTION OF GRAND JURY**

**TRUE BILL**

*Leather Bochenki*  
Foreperson of Grand Jury  
Date: *10/27/2022*

**VERDICT**

Foreperson of Petit Jury  
Date:

**DOCKET NO. 2022-GS-46-03300**

**The State of South Carolina**

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**COURT OF GENERAL SESSIONS**

**OCTOBER 27, TERM 2022**

**THE STATE**

**VS.**

**DEVIN WALKER HINSON**

**INDICTMENT FOR**

**POSSESSION OF FENTANYL**

SC Code: § 44-53-370  
CDR Code: 0176

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

**Defendant**

I hereby appear in my own proper person and plead guilty to the within indictment or to

**Defendant**

**Witness:**

**C.C.C. PLS. AND G.S.**

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**DAVID HAMILTON**  
**CLERK OF COURT**  
**YORK COUNTY, SC**

STATE OF SOUTH CAROLINA

COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on October 27, 2022, the Grand Jurors of York County present upon their oath:

**POSSESSION OF FENTANYL**

The Defendant, Devin Walker Hinson did on or about June 5, 2022, in York County, South Carolina, knowingly or intentionally possess fentanyl, a schedule II narcotic, all in violation of Section 44-53-370, 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.

  
MATTHEW W. SHELTON  
ASSISTANT SOLICITOR