

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

STATE

VS.

INDICTMENT/CASE#: 2021GS2601519

Frank William Gorbe Jr

A/W#: 2021A2610900164

Date of Offense: 1/19/2021

S.C. Code §: 16-03-1730(C)

CDR Code #: 2406

AKA:

Race: WHITE Sex: M Age: 45

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

RECEIVED

DEC 02 2022

SENTENCE SHEET

CERTIFIED COPY  
RENEE H. EVANS  
CLERK OF COURT  
HORRY COUNTY, SC

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No  **SC Court of Appeals**

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

TO: Stalking / Aggravated Stalking (0-15)

in violation of § 16-03-1730(C) of the S.C. Code of Laws, bearing CDR Code # 2406

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: [Signature] SCB75254 [Signature] [Signature]  
Filiberto, Lawrence R. SC Bar # Defendant SC Bar#

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

for a determinate term of 5 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 15 days/months/years/Time Served and or payment of \$ \_\_\_\_\_ plus costs and assessments as applicable\*; the balance is suspended with probation for 18

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: # 1570

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. 181 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.

RENEE H. EVANS  
CLERK OF COURT  
HORRY COUNTY, SC  
2022 NOV 15 10 3:33  
HORRY COUNTY

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: \_\_\_\_\_

RENE M. ELVIS  
 CLERK OF COURT  
 HORRY COUNTY, SC  
 CERTIFIED COPY

RENE M. ELVIS  
 CLERK OF COURT  
 HORRY COUNTY, SC  
 NOV 15 P 3:33  
 HORRY COUNTY

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	\$ 25.00	Beginning	12/15/22	\$ _____
§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		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ 25.00
§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		\$ 3.75

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

§ 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 108.75

Clerk of Court/ Deputy Clerk: Renee Elvis  
 Court Reporter: Sallie Todd

Presiding Judge: [Signature]  
 Judge Code: 054  
 Sentence Date: 11/15/22

STATE OF SOUTH CAROLINA

COUNTY OF Horry

STATE

VS.

Frank William Gorbe Jr

AKA:

Race: WHITE Sex: M Age: 45

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]  
City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS2601520

AW#: 2021A2610900165

Date of Offense: 1/19/2021

S.C. Code S: 17-25-0030, 22-05-0150

CDR Code #: 0955

RECEIVED

DEC 02 2022

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

SC Court of Appeals

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

TO: Breach/Aggravated Breach of Peace

in violation of § 17-25-0030, 22-05-01 of the S.C. Code of Laws, bearing CDR Code # 0955

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:

[Signature]

SCB75254

Filiberto, Lawrence R. SC Bar #        Defendant

[Signature]

SC Bar#

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

for a determinate term of 1/3 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: # 1579

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

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

CERTIFIED COPY

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC  
2022 NOV 16 P 3:33  
HORRY COUNTY

**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: \_\_\_\_\_

CERTIFIED COPY  
 RENE E. ELVIS  
 CLERK OF COURT  
 HORRY COUNTY, SC

2021 NOV 15 P 3:33  
 RENE E. ELVIS  
 CLERK OF COURT  
 HORRY COUNTY, SC

- 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 \$ 25.00 Beginning 12/15/22

§14-1-206 (Assessments 107.5 %)	\$	_____
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§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	\$ <u>25.00</u>
§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	\$ <u>3.75</u>
<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 \$ 128.75  
 \_\_\_\_\_  
 \_\_\_\_\_  
11/15/22

Clerk of Court/ Deputy Clerk: Renee Elvis  
 Court Reporter: Sallie Todd

Presiding Judge: \_\_\_\_\_  
 Judge Code: \_\_\_\_\_  
 Sentence Date: \_\_\_\_\_

**WITNESSES**

Tysheena L May Horry County Police Department

*MARITHA DELLEY*

*DUSTIN SMALL*

*JACKIE WITHERSPOON*

**ARREST WARRANT NUMBER**

2021A2610900164

CDR: 2406 16-03-1700(C)

DOA: 1/24/2021

**ACTION OF GRAND JURY**

**TRUE BILL**

*[Signature]*  
Foreperson of Grand Jury

Date:

**VERDICT**

**APR 21 2021**

Foreperson of Petit Jury

Date:

DOCKET NO. 2021GS2601519

**The State of South Carolina**

County of Horry

Kate Elizabeth Smith  
21H00706

**COURT OF GENERAL SESSIONS**

April, 2021 TERM

**THE STATE**

vs.

Frank William Gorbe Jr  
W/ M

DOB: [REDACTED]

SSN: [REDACTED]

ATTORNEY: Clay Pinkerton

Indictment for

AGGRAVATED STALKING

Jimmy A. Richardson, II, Solicitor

**ORIGINAL**

**RECEIVED**  
DEC 02 2022  
SC Court of Appeals

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC  
NOV 29 P 2:55  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

INDICTMENT

At a Court of General Sessions, convened on April 21, 2021, the Grand Jurors of Horry County present upon their oath:

AGGRAVATED STALKING

CDR: 2406 16-03-1730(A)

That Frank William Gorbe Jr did in Horry County on or about January 19, 2021 engage in a pattern of words, or conduct that was intended to cause and did cause Francesca Audi, and would cause a reasonable person in the victim's position to fear death, assault, bodily injury, criminal sexual conduct, kidnapping or property damage to the victim or a member of his/her family, and that the stalking was accompanied or followed by an act of violence, in violation of Section 16-03-1730(A), S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II  
FIFTEENTH CIRCUIT SOLICITOR

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC  
CERTIFIED COPY

HORRY COUNTY  
2022 NOV 29 1P 2:55  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

DOCKET NO. 2021GS2601520

The State of South Carolina  
County of Horry

Kate Elizabeth Smith  
21H00706

COURT OF GENERAL SESSIONS

April, 2021 TERM

WITNESSES

Tysheena L May Horry County Police Department

JARVIS ORLEY

DUSTIN SMALL

JACKIE WITNESSPOO

ARREST WARRANT NUMBER

2021A2610900165  
CDR: 0955 17-25-0030, 22-05-0150  
DOA: 1/25/2021

ACTION OF GRAND JURY

TRUE BILL

*Per [Signature]*  
Foreperson of Grand Jury  
Date:

VERDICT APR 21 2021

Foreperson of Petit Jury  
Date:

THE STATE

vs.

Frank William Gorbe Jr  
W/M

ORIGINAL

DOB: [REDACTED]  
SSN: [REDACTED]

ATTORNEY: Clay Pinkerton

Indictment for  
BREACH OF PEACE

HORRY COUNTY, SC  
CLERK OF COURT  
RENEE N. ELVIS

2022 NOV 29 12:55

Richardson, II, Solicitor

HORRY COUNTY

CERTIFIED COPY

RECEIVED  
DEC 02 2022  
SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

INDICTMENT

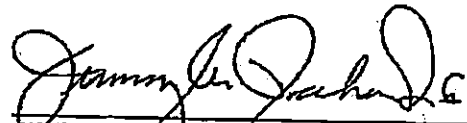
At a Court of General Sessions, convened on April 21, 2021, the Grand Jurors of Horry County present upon their oath:

BREACH OF PEACE

CDR: 0955 C/L, 17-25-0030, 22-05-0150

That Frank William Gorbe Jr did in Horry County on or about January 19, 2021, knowingly, willfully and intentionally disturb public order and/or public tranquility through his conduct, accompanied by circumstances of aggravation, such acts constituting the offense of Breach of Peace in violation of the Common Law of South Carolina.

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

  
\_\_\_\_\_  
JIMMY A. RICHARDSON, II  
FIFTEENTH CIRCUIT SOLICITOR

HORRY COUNTY  
2022 NOV 29 P 2:55  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

CERTIFIED COPY

ARREST WARRANT

2021A2610900165

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE

2021005193

against

Frank William Gorbe, Jr

Address:

Phone: SSN:

Sex: M Race: Height: 5 10 Weight: 155

DL#: SC

Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Tysheena L May - S00950

Offense: Breach / Breach of peace, aggravated in nature

Offense Code: 0955

Code/Ordinance Sec:

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

RETURN

A copy of this arrest warrant was delivered to

defendant Frank W. Gorbe Jr.

on 01/24/2021

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: Gen. Sessions

Myrtle Beach Magistrate Court
1201 21st Avenue North
Myrtle Beach, SC 29577

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ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 918

Horry

Personally appeared before me the affiant Tysheena L May who

being duly sworn, deposes and says that defendant Frank William Gorbe, Jr

did within this county and state on or about 1/19/2021 violate the criminal laws of the

State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry)

in the following particulars:

DESCRIPTION OF OFFENSE: Breach / Breach of peace, aggravated in nature

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 January 19, 2021 at 626 Cottage Oaks Circle, located in the Myrtle Beach section of Horry County, the defendant did ride by and stop in front of the victim's residence, shouting inflammatory statements and threatening to harm the victim and her child. This is evidenced by video footage provided from the victim's RING camera system. The defendant has four prior convictions, within the last year, of trespassing of the victim's property and one conviction for malicious damage, also involving the victim. Due to the established pattern of unwanted communication that is causing the victim to fear for her safety. There is probable cause to believe that the Defendant did violate the Common Law Statute of Breach of Peace, aggravated in nature. HCPD Inv. T.L. May Case # 2021005193.

Signature of Affiant

Tysheena L May

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

Affiant's Address 2560 North Main Street

Conway, SC 29526-

Affiant's Telephone

RECEIVED
SC Court of Appeals
DEC 02 2022

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 1/19/2021 defendant Frank William Gorbe, Jr

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

[X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Breach / Breach of peace, aggravated in nature

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 arrest, or as soon thereafter as is practicable

Sworn to and subscribed before me on 1/22/2021

Signature of Issuing Judge (L.S.)

Christopher John Arakas (Magistrate)

Judge Code: 5080

Judge's Address 1201 21st Avenue North

Myrtle Beach, SC 29577-

Judge's Telephone ((843)-915-x 5145

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

ORIGINAL

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ORIGINAL

ORIGINAL

ARREST WARRANT

2021A2610900164

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE

2021005193

against

Frank William Gorbe, Jr

Address:

Phone:

SSN:

Sex: M Race: W Height: 5 10 Weight: 155

State: SC DL#: [ ]

Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Tysheena L May - S00950

Offense: Stalking / Stalking

Offense Code: 2406

Code/Ordinance Sec: 16-03-1700(C)

This warrant is CERTIFIED FOR SERVICE in the

[X] 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

RETURN

A copy of this arrest warrant was delivered to

defendant Frank W. Gorbe Jr

on 01/24/2021

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

PO Box 677

1301 2nd Avenue

Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 610

Horry

Personally appeared before me the affiant Tysheena L May

who

being duly sworn deposes and says that defendant Frank William Gorbe, Jr

did within this county and state on or about 1/19/2021

violate the criminal laws of the

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

Horry

In the following particulars:

DESCRIPTION OF OFFENSE: Stalking / Stalking

CLERK OF COURT HORRY COUNTY, SC

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 January 19, 2021 at 626 Cottage Oaks Circle, located in the Myrtle Beach section of Horry County, the defendant did ride by and stop in front of the victim's residence, shouting inflammatory statements and threatening to harm the victim and her child. This is evidenced by video footage provided from the victim's RING camera system. The defendant has four prior convictions, within the last year, of trespassing on the victim's property and one conviction for malicious damage, also involving the victim. Due to the established pattern of unwanted communication that is causing the victim to fear for her safety, there is probable cause to believe that the Defendant has violated SC Code of Laws 16-03-1700(C) Stalking. HCPD Inv. T.L. May Case # 2021005193.

Signature of Affiant

Tysheena L. May

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

Affiant's Address 2560 North Main Street Conway, SC 29526-

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 1/19/2021

defendant Frank William Gorbe, Jr

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

[X] County/ [ ] Municipality of Horry

) as set forth below:

DESCRIPTION OF OFFENSE: Stalking / Stalking

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 1/22/2021

Signature of Issuing Judge Christopher Joan Arakas (Magistrate)

Judge Code: 5080

Judge's Address 1201 21st Avenue North

Myrtle Beach, SC 29577-

Judge's Telephone ((843)-915-x 5145)

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

ORIGINAL

ORIGINAL

ORIGINAL

CLERK OF COURT HORRY COUNTY, SC

SC Court of Appeals

DEC 02 2022

RECEIVED

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

IN THE COURT OF GENERAL SESSIONS  
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )

CERTIFICATE OF REPRESENTATION  
(APPOINTING AS COUNSEL)

-VS-

FRANK GORBE

**RECEIVED** CLAY PINKERTON

DEFENDANT

DEC 02 2022

FILE NO: 26A21-00000791

SC Court of Appeals

RENEE N. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC

2021 MAR -9 AM 10:10

FILED

TO: Clerk of 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, 2nd day of March 2021, regarding the charge(s) of:

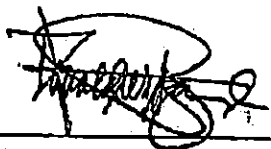
RENEE N. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC

CERTIFIED COPY

2021A2610900164 Stalking / Stalking

2021A2610900165 Breach / Breach of peace, aggravated in nature

The Defendant's Counsel is Clay Pinkerton. 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.



RONALD W. HAZZARD  
FIFTEENTH CIRCUIT  
PUBLIC DEFENDER

CONWAY, SC

DATED: March 04, 2021

STATE OF SOUTH CAROLINA)  
COUNTY OF HORRY )

IN THE COURT OF GENERAL SESSION  
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

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

-VS-

FRANK GORBE

DEFENDANT

**RECEIVED**

) DEC 02 2022

SC Court of Appeals

RENEE N. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC

2021 MAR -9 AM 10: 10

FILED

FILE NO: 26A21-00000731

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
8. Make available any facts which tend to exculpate the Defendant.

CERTIFIED COPY  
RENEE N. ELYS  
CLERK OF COURT  
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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.

13. Make available to the Defendant all video and audio recordings and/or notarized affidavits made pursuant to South Carolina Code § 56-5-2953 and any other applicable South Carolina Statute or regulation, including but not limited to:

- (a) Police and booking reports;
- (b) Police logs;
- (c) Alcohol influence reports;
- (d) Accident reports
- (e) Reports dealing with defendant's refusal to submit to testing;
- (f) Notes taken from any recording by Law Enforcement regarding conversations with potential prosecution witnesses
- (g) Any notes taken by Law Enforcement with regards to this case which the officer intends to rely on, or make us of, at trial.
- (h) The names of the officers or other witnesses who were with the Defendant within one hour of the arrest who had the opportunity to observe the appearance and behavior of the Defendant, to include the identity of any officer present at the scene of arrest.
- (i) The time and place where the Defendant was given the Miranda warning and the name of the officer who advised him/her of the same.
- (j) Any reports made by any laboratory or hospital concerning any examination made of any physical (urine, blood, etc.), photographic, or written evidence related to the Defendant's case.
- (k) The records of analysis and the results of any chemical, urine, or breathalyzer tests administered to the Defendant.

14. Make available to the Defendant following information regarding the person who administered the Defendant's chemical/breathalyzer tests:

- (a) The person's name and the name of his/her employer;
- (b) The date of his/her original certification to give chemical/breathalyzer tests and the grade he/she received on the exam;
- (c) The date of his/her most recent certification to give said tests; And his/her compliance with statutes and regulations providing for standards of training for person(s) administering such tests.

15. If the Defendant's blood alcohol concentration was determined on the basis of a test involving the use of any machine, provide the following information:

- (a) The type of machine used and the make, model, and serial number of particular machine;

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- (b) The manufacturer and the date of manufacture of the machine;
- (c) The owner's manual and the instruction manual;
- (d) The software program used in said machine;
- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all tests performed in the thirty (30) days prior to the date of the Defendant's arrests, including any tests in which the machine malfunctioned;
- (j) Any checklist to be used by the operator of the machine, either before, during, or after the admission of a test.

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), City of Rock Hill vs Suchenski, 374 S.C. 12, 646 S.E.2d 879 (2007). 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.

**ADDITIONALLY DEFENDANT REQUESTS A SPEEDY TRIAL:**

The Defendant requests and asserts his / her right to a speedy trial in General Sessions Court in this County pursuant to the United States and the South Carolina Constitutions and under the relevant South Carolina Code of Laws

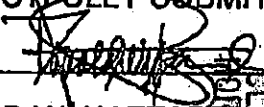
WHEREFORE, Defendant prays:

(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,

  
 RONALD W. HAZZARD  
 FIFTEENTH CIRCUIT  
 PUBLIC DEFENDER

CONWAY, SOUTH CAROLINA  
 DATED: March 04, 2021

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 HORRY COUNTY, SC

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STATE OF SOUTH CAROLINA )  
COUNTY OF Horry )  
STATE OF SOUTH CAROLINA )  
-VS- )

RULE 203 (B) (iv)  
WRITTEN EXPLANATION OF  
NO

**RECEIVED** BASIS FOR APPEAL

FRANK GORBE  
DEFENDANT

DEC 02 2022  
SC Court of Appeals

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CLERK OF COURT  
HORRY COUNTY, SC

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PERSONALLY appeared before me Clay Pinkerton, who being duly sworn,  
deposes and says :

- I represented the above named defendant before The Honorable Thomas W. Cooper on November 15, 2022 at which time the defendant enter a guilty plea to his/her pending charges.
- No issues of law or fact, were raised before the Judge at that time that could be the basis for an Appeal in this matter.
- The defendant requested this appeal be filed based on the language used by the plea judge informing the client he has the right to appeal his guilty plea within ten (10) days due to the Thanksgiving Holiday, the defendant submitted this appeal after the window..
- I informed defendant that there were no issues to appeal.
- Defendant requested the Appeal be filed.

HORRY COUNTY  
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CLERK OF COURT  
HORRY COUNTY, SC

Sworn to and Subscribed before me  
29 day of NOVEMBER, 2022

SHARITA D. CRAWFORD  
Notary Public for South Carolina  
My Commission expires: 3/03/2031

[Signature]  
Signature of Attorney for Defendant  
Clay Pinkerton  
Print name of Attorney for Defendant