

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

STATE

VS.

INDICTMENT/CASE#: 2023GS2601741

Johnny Mercer Vanover Jr

A/W#: 2022A2620603123

AKA: [REDACTED]  
Race: [REDACTED] Sex: [REDACTED] Age: [REDACTED]  
DOB: [REDACTED] SS#: [REDACTED]  
Address: [REDACTED]  
City, State, Zip: [REDACTED]  
DL#: [REDACTED] SID#: [REDACTED]

Date of Offense: 12/16/2022

S.C. Code §: 16-03-0600(D)(1)

CDR Code #: 3413

RECEIVED SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

JUL 07 2023

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

SC Court of Appeals

TO: Assault / Assault & Battery 2nd degree

In violation of § 16-03-0600(D)(1) of the S.C. Code of Laws, bearing CDR Code # 3413

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. 1 yr

ATTEST:

[Signature] SCB75254 + [Signature] SC102561  
Fillberto, Lawrence R. SC Bar # Defendant Pinkerton, Clay SC Bar #  
Attorney for Defendant

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

for a determinate term of 12 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 2021 GS 07 00285  
 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. 72 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.

RECEIVED  
CLERK OF COURT  
HORRY COUNTY, S.C.  
2023 JUN 9 P 4:40  
HERRY COUNTY

CERTIFIED COPY

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

2023 JUN -6 P 4:41  
 HENRY COUNTY  
 RE: GEN. ELVIS  
 CLERK OF COURT  
 HENRY 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	\$ <u>25.00</u>	Beginning	<u>7-10-24</u>
\$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  
 Presiding Judge: [Signature]  
 Judge Code: 2753  
 Sentence Date: 6-6-23

Clerk of Court/ Deputy Clerk: Renee ELVIS  
 Court Reporter: JAMIE KEVISH

CERTIFIED COPY

ARREST WARRANT

2022A2620603123

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE

22-024041

against

Johnny Mercer Vanover, Jr

Address:

Phone: SSN:

Sex M Race: Height: Weight:

DL State: DL #:

DOB: Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: Sean G Hurd - S01598

Offense: Assault / Assault & Battery 2nd degree

Offense Code: 3413

Code/Ordinance Set: 16-03-0600(D)(1)

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

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant JOHNNY M VANOVER JR

on 12-17-2022

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

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant Sean G Hurd

being duly sworn deposes and says that defendant Johnny Mercer Vanover, Jr

did within this county and state on or about 12/16/2022

State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach

in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 2nd degree

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 12-16-2022 Affiant responded to 918-A North Ocean Boulevard inside the city limits of Myrtle Beach in reference to an assault. Upon investigation it was learned there was a verbal argument and the Defendant pulled a knife out and threatened to cut the Victim. The Victim and two other witnesses corroborated the incident and were able to describe the knife. Due to the Defendant using a knife to offer to harm the Victim and the knife could have caused moderate bodily injury the Defendant is being charged with Assault and Battery 2nd Degree SC Code 16-03-0600 (D)(1).

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street

Myrtle Beach, SC 29577

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 12/16/2022

defendant Johnny Mercer Vanover, Jr

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

County/ Municipality of Myrtle Beach

) as set forth below.

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 2nd 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 12/17/2022

Signature of Issuing Judge

Dana Pfeiffer Jones

Judge Code: 6179

Judge's Address 1101 Oak Street

Myrtle Beach, SC 29577-3599

Judge's Telephone (843)918-1356

Issuing Court: Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

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

RENEE M. EMMIS CLERK OF COURT HORRY COUNTY, SC 2022 DEC 30 A B 06 HORRY COUNTY

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-

JOHNNY VANOVER

**CLAY PINKERTON**

DEFENDANT )

FILE NO: 26A23-00000241

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 the 18th day of January, 2023, regarding the charge(s) of:

2022A2620603123 Assault / Assault & Battery 2nd degree

FILED  
Horry County  
2023 FEB - 1 P 12:02  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

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: January 30, 2023

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA)  
COUNTY OF HORRY )  
)

IN THE COURT OF GENERAL SESSION  
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

-VS-

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

**JOHNNY VANOVER**

DEFENDANT )  
)

FILE NO: 26A23-00000241

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
  - (d) DNA analysis
8. Make available any facts which tend to exculpate the Defendant.

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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 use 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(s) 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;

CERTIFIED COPY

- (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 6th Amendment to the United States Constitution, as well as Article I, Section 14 of the South Carolina Constitution, and under relevant case law.

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: January 30, 2023

CERTIFIED COPY

FILED  
 CLERK OF COURT  
 HORRY COUNTY, SC  
 2023-1-30