

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARLBORO COUNTY
Court of General Sessions

J. Michael Baxley, Circuit Court Judge

Case No(s):

2012-GS-34-0037

2012-GS-34-0038

2012-GS-34-0135

2012-GS-34-0627


The State,

Respondent,

v.

Alexander Carmichael
Huckabee, III,

Appellant.

NOTICE OF APPEAL

Alexander Carmichael Huckabee, III, appeals his conviction and sentence in this case.
The sentence was imposed by the Honorable J. Michael Baxley on June 21, 2013.

June 26, 2013

Brandon Steen

T. Brandon Steen
Assistant Public Defender
Post Office Box 29
Dillon, South Carolina 29536
(843) 479-5571
Attorney for Appellant

RECEIVED

JUN 27 2013

SC Court of Appeals

Other Counsel of Record:

Mary Thomas Johnson-Lee
Assistant Solicitor
Post Office Box 616
110 Liberty Street
Bennettsville, SC 29512
(843) 479-6516
Attorney for Respondent

Kernard Raymond
Deputy Solicitor
Post Office Box 616
110 Liberty Street
Bennettsville, SC 29512
(843) 479-6516
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
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APPEAL FROM MARLBORO COUNTY
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Case No(s):

2012-GS-34-0037

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2012-GS-34-0135

2012-GS-34-0627

The State,

Respondent,

v.

Alexander Carmichael
Huckabee, III,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by personally delivering a copy of it to the attorneys of record for the State, Assistant Solicitor Mary Thomas Johnson-Lee and Deputy Solicitor Kernard Raymond, at their office at 110 Liberty Street, Bennettsville, SC 29512, on June 26, 2013.

June 26, 2013

Brandon Steen

T. Brandon Steen
Assistant Public Defender
Post Office Box 29
Dillon, South Carolina 29536
(843) 479-5571
Attorney for Appellant

RECEIVED

JUN 27 2013

SC Court of Appeals

COUNTY OF Marlboro
STATE VS.

INDICTMENT/CASE#: 2012-GS-34-0627

Alexander Carmichael Huckabee, III

A/W#: MAR0089

AKA: Mickie Huckabee

Date of Offense: 7/1/2011 - 10/6/2011

Race: White Sex: M Age: 30

S.C. Code § : 63-05-070

DOB: 10-05-1982 SS#: 247-79-6814

CDR Code #: 2481

Address: 2 Pershing Street

City, State, Zip: Benettville, SC 29512

DL#: 7958805 SID#: _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Unlawful Conduct Towards Child CONVICTED OF or PLEADS

in violation of § 63-5-70 of the S.C. Code of Laws, bearing CDR Code # 2481

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] 066583 Defendant [Signature] Attorney for Defendant 100241 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 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: 12-65-34-0037

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 §17-25-135.

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: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5%) _____ \$

§ 14-1-211(A)(1) (Conv. Surcharge) _____ \$

§ 14-1-211(A)(2) (DUI Surcharge) _____ \$

§ 56-5-2995 (DUI Assessment) _____ \$

§ 56-1-286 (DUI Breath Test) _____ \$

Proviso 47.9 (Public Def/Prob) _____ \$

§ 14-1-212 (Law Enforce. Funding) _____ \$

§ 14-1-213 (Drug Court Surcharge) _____ \$

§ 50-21-114 (Breath Test Fee) _____ \$

§ 56-5-2942(J) (Vehicle Assessment) _____ \$

Proviso 90.5 (SCJA Surcharge) _____ \$

3% to County (if paid in installments) _____ \$

TOTAL _____ \$

_____ 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: _____

Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/ Deputy Clerk William B. Sunderbark

Court Reporter: Hattie Baden

SCCA/217 (03/2011)

Presiding Judge _____

Judge Code: 2121

Sentence Date: 6/21/13

FILED
JUN 21 PM 4 03
WILLIAM B. FUNDERBARK
CLERK OF COURT
MARLBORO COUNTY, S.C.

RECEIVED

SC Court of Appeals

COUNTY OF Marlboro
STATE VS.

INDICTMENT/CASE#: 2012-GS-34-0038

Alexander Carmichael Huckabee, III

A/W#: M905608

AKA: Mickie Huckabee

Date of Offense: 7/1/2011 - 10/6/2011

Race: White Sex: M Age: 30

S.C. Code §: 16-03-0095(A)

DOB: 10-05-1982 SS#: 247-79-6814

CDR Code #: 2766

Address:

City, State, Zip:

DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Inflicting Great Bodily Injury upon Child

in violation of § 16-3-095(A) of the S.C. Code of Laws, bearing CDR Code # 2766

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Redmond, Kernard E Defendant; Brandon Steen Attorney for Defendant; 100241 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: 12-65-34-0057
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 §17-25-135.

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: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with columns for Fee Description and Amount. Includes items like § 14-1-206 (Assessments), § 14-1-215 (Conv. Surcharge), § 14-1-211 (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def. Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942 (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), and TOTAL.

FILED
JUN 21 PM 4 03
WILLIAM B. FUNDERBURK
CLERK OF COURT
MARLBORO COUNTY, S.C.

Clerk of Court/ Deputy Clerk: William B. Funderburk
Court Reporter: Heather Jordan
Presiding Judge: [Signature]
Judge Code: 2121
Sentence Date: 6/21/13

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marlboro
STATE VS.
Alexander Carmichael Huckabee III
AKA: Mikie Huckabee
Race: Sex: M Age: 30
DOB: 10-05-1982 SS#: 247-79-6814
Address: 2 Pershing St
City, State, Zip: Bennettsville, SC 29512
DL#: 0007958805 SID#:

INDICTMENT/CASE#: 2012-GS-34-0135
A/W#: MAR0050
Date of Offense: 7/1/2011 - 10/6/2011
S.C. Code §: 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: CSC With Minor under 11, First Degree CONVICTED OF or PLEADS

in violation of § 16-3-655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Redmond, Kernard E SC Bar# Defendant Branch Stee Attorney for Defendant 100241 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of life 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: 12-65-34-0037
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 §17-25-135.

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
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS
Recipient:

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 pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments, 107.5%), § 14-1-211(A)(1) (Com. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (DUI Breath Test Fee), § 56-5-2942(I) (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), TOTAL.

Clerk of Court/ Deputy Clerk: William B. Zunderbark
Court Reporter: Hattie Jordan
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2121
Sentence Date: 6/21/13

FILED
2013 JUN 21 PM 4:03
WILLIAM B. FUNTERBURK
CLERK OF COURT
MARLBORO COUNTY, S.C.

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marlboro
STATE VS.

INDICTMENT/CASE#: 2012-GS-34-0037
A/W#: M905611
Date of Offense: 7/1/2011 - 10/6/2011
S.C. Code §: 16-03-0085(A)(1)(B)(1)
CDR Code #: 2356

Alexander Carmichael Huckabee III
AKA: Mikie Huckabee
Race: Sex: M Age: 30
DOB: 10-05-1982 SS#: 247-79-6814
Address: 2 Pershing Street
City, State, Zip: Benettsville, SC 29512
DL#: 7958805 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Homicide by Child Abuse CONVICTED OF or PLEADS

in violation of § 16-3-85(A)(1) of the S.C. Code of Laws, bearing CDR Code # 2356
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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

ATTEST: K. O. R. O. SC Bar# Defendant Brandon Stew Attorney for Defendant 100241 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of life 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 §17-25-135.

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
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:
*Fine: \$

Table with 2 columns: Fee Description, Amount. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 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) \$90, § 14-1-211 (Public Defender Fee) \$100, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$100, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$

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:

Clerk of Court/ Deputy Clerk: William B. Funderburk
Court Reporter: Hattie Jordan
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 212
Sentence Date: 6/21/13

FILED
2013 JUN 21 PM 4 03
WILLIAM B. FUNDERBURK
CLERK OF COURT
MARLBORO COUNTY, S.C.

ACERTIFIED TRUE COPY
William B. Funderburk
CLERK OF COURT
MARLBORO COUNTY

SC Commission on Indigent Defense
Office of the Fourth Circuit
Public Defender
122 North McArthur Avenue
Post Office Box 29
Dillon, South Carolina 29536

A.C. Michael Stephens, Chief Circuit Public Defender

J. Richard Jones,	Deputy Chief Public Defender	Bryan C. Letteer,	Assistant Public Defender
Nicholas I. Lewis,	Assistant Public Defender	T. Brandon Steen,	Assistant Public Defender
Christie W. Wise,	Assistant Public Defender	Julie R. Wooten,	Assistant Public Defender

The Honorable Tanya A. Gee
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: The State of South Carolina. Respondent, v. Alexander Carmichael Huckabee, III, Appellant, Case No(s). 2012-GS-34-0037, 2012-GS-34-0038, 2012-GS-34-0135 & 2012-GS-34-0627

Dear Ms. Gee,

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondents, Assistant Solicitor Mary Thomas-Lee and Deputy Solicitor Kernard Raymond.
- (2) A copy of the orders (sentencing sheets) which are to be challenged on appeal.

Sincerely,

T. Brandon Steen

T. Brandon Steen
Assistant Public Defender
Post Office Box 29
Dillon, South Carolina 29536
(843) 479-5571
Attorney for Appellant

RECEIVED

JUN 27 2013

SC Court of Appeals

cc: Mary Thomas Johnson-Lee, Assistant Solicitor
Kernard Raymond, Deputy Solicitor
110 Liberty Street
Bennettsville, SC 29512
Attorneys for Respondent

Robert M. Dudek, Chief Appellate Defender
South Carolina Commission on Indigent Defense
1330 Lady Street, Suite 401
Columbia, SC 29201

NOTICE TO APPELLATE DEFENSE

To: Division of Appellate Defense/ Office of Attorney General

From: L. Bellamy

Date: July 8, 2013

Re: Notice of Filing of Notice of Appeal

Case Name: The State v. Huckabee, Alexander Carmichael

Case Number: 2012GS3400037, 2012GS3400038, 2012GS3400135,
2012GS3400627

County: Marlboro

Date of Filing: June 27, 2013

Filed by: T. Brandon Steen, Esquire

Judge: The Honorable J. Michael Baxley

Hearing Date: June 21, 2013

Guilty plea: No