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OCT 30 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Dorchester

STATE VS

INDICTMENT/CASE#: 2022 - GS - 18 - 01655

Benjamin Timothy Feagin

A/W#: 2022A1810200558

AKA: _____

Date of Offense: 7/10/2022

Race: WHITE Sex: M Age: 62

S C. Code § 16-3-600(C)(1)

DOB: _____ SS#: _____

CDR Code # 3412

Address: _____ Rd

City, State, Zip: Summerville, SC 29483-8317

SENTENCE SHEET

DL#: _____ SID#: _____

*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: Assault and Battery 2nd Degree 0-3

in violation of § 16-3-600(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. MTF (def.'s initials)

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

ATTEST: _____ 78731 _____ SC103630
1st Circuit Solicitor's Off SC Bar # Defendant Fortier, Melissa SC Bar#

prob.
+
pro

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

for a determinate term of 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 4

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: _____

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. 2930 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
§ 16-25-85 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Benjamin Timothy Feagin INDICTMENT/CASE#: 2022 - GS - 18 - 01655

SPECIAL CONDITIONS:

- PTUP after _____ months/years
- Substance Abuse Counseling
- Attend Voc. Rehab. or Job Corp
- Mental Health Counseling *Anger management*
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other. _____
- Completion of GED
- No Contact with Victim
- May serve W/E beginning: _____
- Public Service Employment _____ days/hours
- Random Drug/Alcohol Testing
- Domestic Violence Intervention Program

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 prmts of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5 %)		\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</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	\$ <u>25</u>
§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	\$ <u>18.75</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	\$ <u>500</u>
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
	TOTAL	\$ <u>643.75</u>

Clerk of Court/ Deputy Clerk: *Cheryl Graham*
 Court Reporter: *Carly Jones*
 Presiding Judge: *D. Pineda*
 Judge Code: *J112*
 Sentence Date: *10-18-2023*

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE COURT OF GENERAL SESSIONS)
THE FIRST JUDICIAL CIRCUIT)

STATE OF SOUTH CAROLINA)
Plaintiff,)

Warrant/Indictment Nos.:)
2022a1810200558)
Assault / Assault & Battery 1st)
Degree)

v.)

RULE 203(B) EXPLANATION)

BENJAMIN TIMOTHY FEAGIN,)
Defendant.)

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Pursuant to Rule 203(B)(iv), the issues to be raised on Appeal may include whether the Trial Court abused its discretion when it imposed a sentence of 3 years suspended with probation for 4 years upon the Appellant after he plead guilty.

The undersigned does not have a good faith basis to believe that such an abuse occurred 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*, 430F.3d 696, 706 (4th Cir. 2005) ("A Defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client, '" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967))).

Respectfully submitted,

By: Melissa S. Fortier /r

Melissa S. Fortier
Assistant Public Defender
107 West 6th North Street
Summerville, SC 29483
Attorney for Defendant
(843) 821-9800

Summerville, South Carolina
This 27th day of October, 2023