

STATE OF SOUTH CAROLINA)
)
 IN THE COURT OF APPEALS)
)
 State of South Carolina)
)
 -vs-)
)
 Chassidy Mullinax)
)
 Defendant.)
)
 _____)

Indictment Nos.: 2022-GS-46-6756,
 2023-GS-46-3202, 2023-GS-46-3203

FILED-RECEIVED
 2023 NOV -8 PM 3:43

ANGIE M. BRYANT
 C.C.C.P. & GS
 YORK COUNTY, SC

RECEIVED

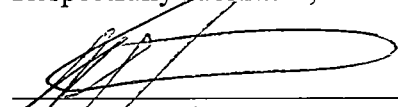
NOV 13 2023

SC Court of Appeals

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 sentence upon the Appellant that pled guilty to Carjacking (Indictment No. 2022-GS-46-6756) for a sentence of 12 years, Use of Vehicle without Permission (Indictment No. 2023-GS-46-3202 for a sentence of Time Served and Possession of Methamphetamine 3rd (Indictment No. 2023-GS-46-3203) for a sentence of Time Served. The Appellant received 286 days credit for time served

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 (4th 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,


Mark T. McKinnon
 Senior Public Defender
 P.O. Box 691
 York, South Carolina 29745
 (803) 628-3031
 Attorney for Chassidy Mullinax

York, South Carolina
 November 8, 2023

STATE OF SOUTH CAROLINA
COUNTY OF YORK
STATE

CERTIFIED TRUE COPY
2023 NOV -7 PM 12:17
ANGIE H. BRYANT
CLERK OF COURT
YORK COUNTY, SC

IN THE COURT OF GENERAL SESSIONS

VS.

INDICTMENT/CASE#: 2022-GS-46-06756

CHASSIDY MULLINAX

AKA:
Race: W Sex: F Age: 34
DOB: SS#
Address:
City, State, Zip:
DL#* SID# SC01706988

A/W#: 2022A4610202444
Date of Offense: 10/19/2022
S.C. Code §: 16-03-1075(B)(1)
CDR Code #: 2599

RECEIVED
NOV 13 2023
SC Court of Appeals
SENTENCE SHEET
JAIL

*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: Carjacking (NMT 20 years)

In violation of § 16-03-1075(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2599

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:

/s Austin N. Smith 102332 /s Chassidy Mullinax /s Mark T. Mckinnon 74065
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 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

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.

286 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.

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:	\$ _____	Beginning	\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____		\$ _____
§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	\$ _____
TOTAL			\$ 125

Clerk of Court/Deputy Clerk: Angie Brvant
Court Reporter: Mike Watkins

Presiding Judge: _____
Judge Code: Hall 2753
Sentence Date: November 1, 2023

WITNESSES

YCSO

Witnessing Officer: *Schifferte*

ARREST WARRANT NUMBER

2022A4610202444

ACTION OF GRAND JURY

TRUE BILL

Sgt. Hammond

Foreperson of Grand Jury

Date: *4-20-23*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2022-GS-46-06756

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

APRIL 20, TERM 2023

THE STATE

VS.

CHASSIDY MULLINAX

INDICTMENT FOR

CARJACKING

SC Code: § 16-03-1075(B)(1)

CDR Code: 2599

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.

RECEIVED
NOV 13 2023
SC Court of Appeals

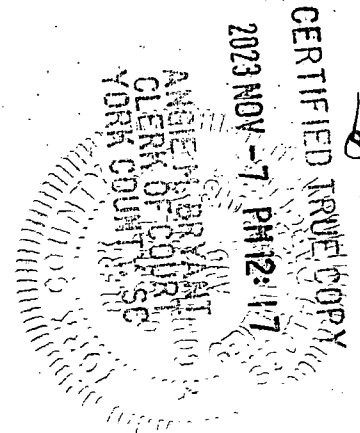
STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on April 20, 2023, the Grand Jurors of York County present upon their oath:

CARJACKING

The defendant, Chassidy Mullinax, did on or about October 19, 2022, in York County, South Carolina, take or attempt to take a motor vehicle from the victim Emily Elaine Wagner and/or Thomas Joseph Wagner by force and violence or by intimidation while the victim was inside or operating the vehicle. All in violation of 16-03-1075(B)(1), *South Carolina 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.



AUSTIN N. SMITH
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

CERTIFIED TRUE COPY

STATE VS.

2023 NOV -7 PM 12:15

INDICTMENT/CASE#: 2023-GS-46-03202

CHASSIDY MULLINAX

AKA:
Race: W Sex: F Age: 34
DOB: _____ SS# _____
Address: _____
City, State, Zip: _____
DL#* _____ SID# SC01706988

ANGIE M. BRYANT
CLERK OF COURT
YORK COUNTY, SC

A/W#: 2023A4620301253
Date of Offense: 05/27/2023
S.C. Code §: 16-03-1075(B)(1)
CDR Code #: 2599

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NOV 13 2023
JAIL
SENTENCE SHEET
SC Court of Appeals

*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: Use of Vehicle without Permission (NMT 3 years)

In violation of § 16-21-0060(A) of the S.C. Code of Laws, bearing CDR Code # 0756

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:

/s Austin N. Smith 102332 /s Chassidy Mullinax /s Mark T. Mckinnon 74065
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 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:

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.

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.

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. Or Job Corp
- Mental Health Counseling
- 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:	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	_____	_____
§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		\$
TOTAL			\$ 125

Clerk of Court/Deputy Clerk: Angie Bryant
Court Reporter: Mike Watkins

Presiding Judge: _____
Judge Code: Hall 2153
Sentence Date: November 1, 2023

WITNESSES

RHPD

Witnessing Officer: *Cox*

ARREST WARRANT NUMBER

2023A4620301253

ACTION OF GRAND JURY

TRIEBUNAL

Dana Dimmons
Foreperson of Grand Jury
Date: 8/24/23

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023-GS-46-03202

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 24, TERM 2023

THE STATE

VS.

CHASSIDY MULLINAX

INDICTMENT FOR

CARJACKING

SC Code: § 16-03-1075(B)(1)
CDR Code: 2599

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.

RECEIVED
NOV 13 2023
SC Court of Appeals

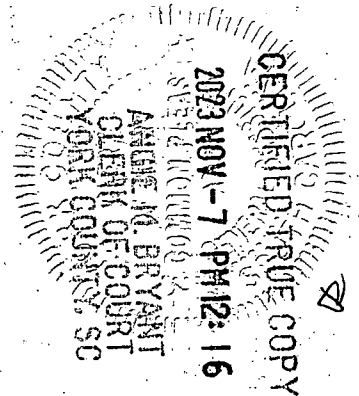
STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on August 24, 2023, the Grand Jurors of York County present upon their oath:

CARJACKING

The defendant, Chassidy Mullinax, did on or about May 27, 2023, in York County, South Carolina, take or attempt to take a motor vehicle from the victim Matthew Pate by force and violence or by intimidation while the victim was inside or operating the vehicle. All in violation of 16-03-1075(B)(1), *South Carolina 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.



AUSTIN N. SMITH
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

CERTIFIED TRUE COPY

STATE

2023 NOV -7 PM 12: 16

INDICTMENT/CASE#: 2023-GS-46-03203

VS.

ANGIE M. BRYANT
CLERK OF COURT
YORK COUNTY, SC

CHASSIDY MULLINAX

AKA:

Race: W

Sex: F

Age: 34

DOB:

SS#

Address:

City, State, Zip:

DL#*

SID# SC01706988

A/W#:

2023A4620301252

Date of Offense:

05/27/2023

S.C. Code §:

44-53-375(B)

CDR Code #:

3200

SENTENCE SHEET

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NOV 13 2023
SC Court of Appeals
JAIL

*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 Methamphetamine 3rd or Sub. Offense (NMT 10 YEARS &/OR \$12,500)

In violation of § 44-53-375(A) of the S.C. Code of Laws, bearing CDR Code # 3016

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:

/s Austin N. Smith
Solicitor

102332
SC Bar #

/s Chassidy Mullinax
Defendant

/s Mark T. Mckinnon
Attorney for Defense

74065
SC Bar #

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

for a determinate term of 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:

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.

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.

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. Or Job Corp
- Mental Health Counseling
- 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:	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	_____	_____
§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	\$ 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	\$

TOTAL \$ 275
[Signature]

Clerk of Court/Deputy Clerk: Angie Bryant
Court Reporter: Mike Watkins

Presiding Judge: _____
Judge Code: Hall 2753
Sentence Date: November 1, 2023

WITNESSES

RHPD

Witnessing Officer: *Cox*

ARREST WARRANT NUMBER

2023A4620301252

ACTION OF GRAND JURY

TRUE BILL

Dana Simmons
Foreperson of Grand Jury
Date: *8/24/23*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023-GS-46-03203

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 24, TERM 2023

THE STATE

VS.

CHASSIDY MULLINAX

INDICTMENT FOR

**POSSESSION WITH INTENT TO
DISTRIBUTE METHAMPHETAMINE**

SC Code: § 44-53-375(B)
CDR Code: 3200

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.

RECEIVED
NOV 13 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT


At a Court of General Sessions, convened on August 24, 2023, the Grand Jurors of York County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE

The defendant, Chassidy Mullinax, did on or about May 27, 2023, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to distribute, dispense, deliver, or purchase methamphetamine in violation of the provisions of Section 44-53-370, all in violation of Section 44-53-370 (B) Code of Laws of South Carolina (1976, as amended).

2023 NOV 17 PM 12:16
CLERK OF COURT
YORK COUNTY, SC
CERTIFIED TRUE COPY

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



AUSTIN N. SMITH
ASSISTANT SOLICITOR