

STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM HORRY COUNTY  
Court of General Sessions  
Larry B. Hyman Jr., Circuit Court Judge

CASE NO: 2012GS2603641

The State, ..... Respondent,

v.

Johnny Longworth, ..... Appellant.

NOTICE OF APPEAL

FILED  
HORRY COUNTY  
2013 JUL 29 PM 4:21  
MELANIE HUGGINS-WARD  
CLERK OF COURT

Johnny Longworth, appeals the conviction and sentence in this case. The sentence was imposed by the Honorable Larry B. Hyman Jr., on July 23, 2013.

July 29, 2013

*Melinda A. Knowles*  
Melinda A Knowles  
Public Defender  
Horry County Public Defender's Office  
Post Office Box 1666  
Conway, SC 29528  
843-915-5385  
Attorney for Appellant

CERTIFIED COPY  
2013 JUL 29 PM 10 25  
Melanie Huggins-Ward  
CLERK OF COURT  
HORRY COUNTY

Other Counsel of Record

Martin Spratlin  
Solicitor  
Post Office Box 1276  
Conway, SC 29528  
843-915-5460  
Attorney for Respondent

RECEIVED

JUL 31 2013

SC Court of Appeals

COUNTY OF Horry
STATE VS. Johnny Ray Longworth
AKA:
Race: WHITE Sex: M Age: 49
DOB: 08-02-1963 SS#:
Address: 1636 Poplar Hill Dr
City, State, Zip: Cross, SC 29436-3523
DL#: 0102261965 SID#:

INDICTMENT/CASE#: 2012GS2603641
A/W#: 2012GS2603641
Date of Offense: 3/13/2012
S.C. Code § : 16-03-0600(C)(1)
CDR Code #: 3412

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Assault / Assault & Battery 2nd degree

Convicted of or Pleads

in violation of § 16-03-0600(D)(1) of the S.C. Code of Laws, bearing CDR Code # 3412
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: SCB77061
Spratlin, Martin D. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 3 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 § 16-25-10.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-25 (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 3 columns: Description, Amount, Total. 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) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$133.90

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 \$ 25.00 beginning 07/23/16
\$ 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: Melanie Higgins-Ward
Court Reporter: Natalie Dahl
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2152
Sentence Date: 7-23-13

Vertical stamps: MELANIE HIGGINS-WARD CLERK OF COURT Horry County, 2013 JUL 29 PM 4:21, CERTIFIED COPY, 2013 JUL 29 PM 4:25, CLERK OF COURT Horry County

WITNESSES

Mark McIntyre Myrtle Beach Police Department

DOCKET NO 012-GS-26-03641

FILED The State of South Carolina  
Horry County

2013 JUL 29 PM 4:21  
2013 JUL 29 PM 4:25

Candice Lively

*Melanie Huggins-Ward* 12HQ1228

MELANIE HUGGINS-WARD  
CLERK OF COURT

CLERK OF COURT  
HORRY COUNTY

COURT OF GENERAL SESSIONS

September, 2012 TERM

ARREST WARRANT NUMBER

2012GS2603641

CDR: 3412 16-03-0600(C)(1)

DOA: 3/14/2012

THE STATE

vs.

ACTION OF GRAND JURY

TRUE BILL

Johnny Ray Longworth  
W/ M  
1636 Poplar Hill Dr  
Cross, SC 29436-3523  
DOB: 1963-08-02  
SSN: 245232126

*Melanie Huggins-Ward*  
CLERK OF COURT  
HORRY COUNTY

2013 JUL 10 PM 12:38

CERTIFIED COPY

SEP 27 2012

Foreperson of Grand Jury

Date: *[Signature]*

ATTORNEY: Knowles, Melinda

VERDICT

Indictment for

ASSAULT AND BATTERY FIRST DEGREE

ORIGINAL

J. Gregory Hembree, Solicitor

Foreperson of Petit Jury

Date:

ARREST WARRANT

M-350897

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE 12-004263

against

Johnny Ray Longworth

Address: 1636 Poplar Hill Dr
Cross, SC 29436-3523

Phone: SSN: 045-23-2125
Sex: M Race: W Height: 5 9 Weight: 170

DL State: SC DL #: 0102261965

DOB: 8/2/1963 Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: Mark McIntyre - 8243

Offense: Assault / Assault & Battery 2nd degree

Offense Code: 3413

Code/Ordinance Sec: 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 Ray Longworth on 3-17-12

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant Mark McIntyre who

being duly sworn deposes and says that defendant Johnny Ray Longworth did within this county and state or about 03/13/2012 29 PM 4: 25 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 2nd degree
Melanie Huggins-Ward
CLERK OF COURT

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 3-13-2012 at 4:22 pm the affiant responded to 516 Broadway Street, located in the city limits of Myrtle Beach to a report of an assault. The victim advised she was inside her business when a male subject came in and talked to her about used furniture for a few minutes. He then pushed her up against the door frame and attempted to kiss her. She pushed him away, at which time he grabbed her breast. She continued to push him away and out of her store and he again attempted to grab her breast again. The victim provided a detailed description of the offender. Officers located a person matching the description at Oak St and 2nd Ave S. and stopped and identified him. The victim was driven by this location and positively identified the person and the defendant. Based on the above facts the affiant feels there is probable cause for the issuance of a warrant for the defendant for Second Degree Assault and Battery, SC Code 16-3-600(D)(1).

Signature of Affiant

Mark McIntyre 8243

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 3/13/2012 defendant Johnny Ray Longworth

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 03/17/2012

Signature of Issuing Judge (L.S.) Judge's Address 1101 Oak Street

Christine Lamparter Myrtle Beach, SC 29577-

Judge Code: 6869 Judge's Telephone

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

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ORIGINAL

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

FILED Horry County 2012 JUN 29 PM 4: 21

CERTIFIED COPY

FILED Horry County 2012 MAR 27 PM 12: 24

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )  
STATE OF SOUTH CAROLINA )  
-VS- )  
JOHNNY LONGWORTH )  
DEFENDANT )

IN THE COURT OF GENERAL SESSIONS  
OF THE FIFTEENTH JUDICIAL CIRCUIT

CERTIFICATE OF REPRESENTATION  
(APPOINTING AS COUNSEL)

MELINDA A KNOWLES

FILE NO: 26A12-00000897  
SSN: 245-23-2126

TO: 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, 30th day of March, 2012, regarding the charge(s) of:

M-350897 ASSAULT / ASSAULT & BATTERY 2ND DEGREE

The Defendant's Counsel is **Melinda A Knowles**. The office of the Defender requests on the Defendant's behalf any and all evidences you and or your agents pursuant to S.C. Criminal Practice Rule 5, and Maryland 373 U.S. 383 (1963). The formal Motion for Discovery is attached.

*Orrie E. West*

ORRIE E. WEST  
FIFTEENTH CIRCUIT  
PUBLIC DEFENDER

CONWAY, SC  
DATED: March 30, 2012

FILED  
HORRY COUNTY  
2013 JUL 29 PM 4:21  
MELANIE HUGGINS  
CLERK OF COURT  
2012 APR -5 PM 3:53  
2013 JUL 29 PM 4:25  
FILED  
HORRY COUNTY  
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CLERK OF COURT  
HORRY COUNTY

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSION  
COUNTY OF HORRY ) OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA) NOTICE AND MOTION FOR PRODUCTION  
OF SPECIFIC EVIDENCE AND  
-VS- ) DISCLOSURE OF WITNESSES

JOHNNY LONGWORTH )  
DEFENDANT )

FILE NO: 26A12-00000897

SSN: ~~245-23-2123~~

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

FILED  
HORRY COUNTY  
2013 JUL 29 PM 4:22  
MELANIE HUGGINS-VAUGHN  
CLERK OF COURT  
FILED  
HORRY COUNTY  
2013 JUL 29 PM 4:25  
MELANIE HUGGINS-VAUGHN  
CLERK OF COURT



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

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) 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.

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,



ORRIE E. WEST  
FIFTEENTH CIRCUIT  
PUBLIC DEFENDER

DATED: March 30, 2012  
CONWAY, SOUTH CAROLINA

FILED  
 Horry County  
 Clerk of Court  
 2013 JUN 29 PM 4:25  
 JUDGE J. J. JENNINGS  
 Horry County  
 Clerk of Court  
 2013 JUN 29 PM 4:25  
 Certified Copy

STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM HORRY COUNTY  
Court of General Sessions  
Larry B. Hyman Jr. , Circuit Court Judge

CASE NO: 2012GS2603641

The State, ..... Respondent,

V.

Johnny Longworth , ..... Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of the Notice in the United States Mail, postage prepaid, on July 30, 2013, addressed to the attorney of record:

Martin Spratlin  
Solicitor  
Post Office Box 1276  
Conway, South Carolina, 29528  
Attorney For Respondent

July 30, 2013

*Melinda Knowles*  
Melinda Knowles  
Public Defender  
Horry County Public Defender Office  
Post Office Box 1666  
Conway, SC 29528  
843-915-5385  
Attorney for Appellant

FILED  
HORRY COUNTY  
2013 JUL 29 PM 4: 29  
MELANIE HUGGINS-WARD  
CLERK OF COURT

CERTIFIED COPY  
2013 JUL 29 PM 4: 25  
Melanie Huggins-Ward  
CLERK OF COURT  
HORRY-COUNTY

RECEIVED

JUL 31 2013

SC Court of Appeals

# Fifteenth Circuit Public Defender

HORRY & GEORGETOWN COUNTIES

HORRY

*Edward "Ed" Chrisco*  
CHIEF PUBLIC DEFENDER  
203 LAUREL STREET  
P.O. Box 1666  
CONWAY, SC 29526



*Orrie E. West*  
CIRCUIT PUBLIC DEFENDER

TEL: 843-915-5385  
FAX: 843-915-6385

WWW.HGCDEFENDER.ORG

GEORGETOWN  
*Ronald Hazzard*  
SENIOR TRIAL ATTORNEY  
401 CLELAND STREET  
P.O. Box 2898  
GEORGETOWN, SC 29440

TEL: 843-545-3671  
FAX: 843-545-3673

JULY 29, 2013

The Honorable Jeanette Barber  
Clerk of the South Carolina Court Of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: STATE OF SOUTH CAROLINA VS. JOHNNY LONGWORTH  
CASE NO: 2012GS2603641

Dear Ms. Barber:

Enclosed for filing is a Notice of Appeal in the above criminal case. Also enclosed are the following:

1. Proof of Service of the Notice of Appeal on the Respondent.
2. A copy of the Order(s)/ Sentence Sheet(s) which is/are to be challenged on appeal.
3. Self-addressed stamped envelope

I would appreciate your filing the Notice of Appeal, as well as the Proof of Service, and returning to me the date-stamped copies in the enclosed self addressed envelope.

If you have any questions concerning this matter please contact me.

Sincerely,

*Melinda A. Knowles*

Melinda Knowles  
Horry County Public Defender  
Post Office Box 1666  
Conway, South Carolina, 29528  
Phone: 843-915-5385

**RECEIVED**

JUL 31 2013

**SC Court of Appeals**

UNITED STATES POSTAL SERVICE  
PITNEY BOWES  
02 1P \$ 002.75<sup>0</sup>  
0004468539 JUL 29 2013  
MAILED FROM ZIP CODE 29526



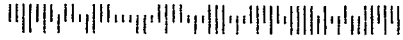
PUBLIC DEFENDER OF Horry COUNTY  
203 LAUREL ST.  
CONWAY, SC 29526

**RECEIVED**

JUL 31 2013

**SC Court of Appeals**

**The Honorable Jeanette Barber**  
Clerk of the South Carolina Court Of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211



PUBLIC DEFENDER OF Horry COUNTY  
203 LAUREL ST.  
CONWAY, SC 29526

**RECEIVED**  
JUL 31 2013

**SC Court of Appeals**

**The Honorable Jeanette Barber**  
Clerk of the South Carolina Court Of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211