

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF DORCHESTER ) THE FIRST JUDICIAL CIRCUIT  
) )  
STATE OF SOUTH CAROLINA ) **Warrant/Indictment Nos.:**  
Plaintiff, ) 2023GS18-1764; C-18-24-012  
) Burglary / Burglary (violent)  
) (after 06/20/85) - Second Degree  
) )  
v. ) **RULE 203(B) EXPLANATION**  
) )  
**CHRISTOPHER TROY MACK,** )  
Defendant. )

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**RECEIVED**  
MAR 04 2024  
SC Court of Appeals

**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 202 Days 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 February, 2024

STATE OF SOUTH CAROLINA

COUNTY OF Dorchester

STATE

VS.

Christopher Troy Mack

AKA: \_\_\_\_\_

Race: BLACK Sex: M Age: 55

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023 - GS - 18 - 01764

A/W#: 2023A1820400034

Date of Offense: 7/31/2023

S.C. Code § 16-11-312(B)

CDR Code #: 0086

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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: Burglary - Third Degree - 1st offense

in violation of § 16-11-313 of the S.C. Code of Laws, bearing CDR Code # 0427

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. CTM. (def.'s initials)

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

ATTEST:

[Signature]  
Elliott, Shannon Nicole

78731  
SC Bar #

Defendant

[Signature]  
Fortier, Melissa

SC103630  
SC Bar#

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

for a determinate term of 202 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. \_\_\_\_\_ 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:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. 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>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		\$ _____
<b>TOTAL</b>				\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk:  
 Court Reporter:

*Christy Graham*  
*Debra Lorraine*  
*Victoria*

Presiding Judge: \_\_\_\_\_  
 Judge Code: 2775  
 Sentence Date: 2/22/24

**RECEIVED PROBATION CITATION**

MAR 04 2024

No. CC1824-H012

SOUTH CAROLINA <b>SC Court of Appeals</b>	COUNTY:	
	SCDC #	SID #

V. **CHRISTOPHER MACK**

TO:

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place	Room	
	Date and Time	

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged	
--------------------	--

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

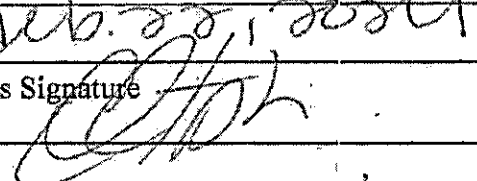
List of Rights:

You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear in your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

ST. GEORGE, South Carolina	Probation and Parole Agent
Date <b>Feb. 22, 2024</b>	Agent #

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place	Date and Time <b>Feb. 22, 2024</b>
5200 E. JIM BILTON BLVD ST. GEORGE SC 29477	Serving Officer's Signature 
Sworn to and subscribed before me this _____ day of _____	
Signature of Notary Public	My Commission Expires _____

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of DORCHESTER

Personally appeared before me, A. COOK, who first being duly sworn, deposes and says that Christopher Mack did within this County and State on the 22 day of Feb. 2024, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

By violating all or parts of conditions 6,7,9 and 10 as ordered in cause number 20-GS-18-0786 by the Dorchester County Court of General Sessions.

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

Willfully violating Federal, State, or Local Law by being convicted in Dorchester County General Sessions court this date. This conviction being a violation of their supervision. By failing to pay supervision fees, subject is in arrears. By failing to follow the advice and instructions of supervising agent. This offender has been given verbal and written instructions as to the conditions of supervision, but has simply failed to comply. Such actions constitute a violation of conditions 6,7,9, and 10 of offender's original probation agreement.

Sworn to and subscribed

before me this 27<sup>th</sup> day of

February, 2024

Siemonda C. Knight  
Signature of Notary Public

My Commission Expires:

12/18/2024

[Handwritten Signature]

Affiant

COPY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Dorchester

Indictment Number: 18-0055

STATE VS Christopher Mack

CE TIFIED 23 - GS - 18-0055  
Probation CW#s & issuance dates: 11824012

AKA: \_\_\_\_\_  
Race: B Sex: M  
DOB: \_\_\_\_\_  
SSN: \_\_\_\_\_  
SID#: 00796643

poss less than  
Name of Original Offense: 29 meth or CC  
Original AW#: 2023AT82040001C  
Date of Original Offense: 3/2/2023  
Conviction S.C. Code §: \_\_\_\_\_  
Conviction CDR Code #: 310.1019  
Original Sentence: 18 M SSIY

ORDER

pro

The above named defendant has been charged with violating the conditions of probation ordered on 7/14/2023 in the Court of General Sessions of Dorchester County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on \_\_\_\_\_, as set forth in the attached warrant(s) or citation(s). After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve the remainder of the original sentence.
- the suspended sentence be partially revoked and the above named defendant be required to serve 202 days/months/years of the original sentence; and
  - Terminate the balance of probation.
  - Continue/reinstate probation, subject to the conditions set forth in the original sentence and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540.
- Financial Obligations: Order satisfies:
  - Department fees (arrearage)
  - Fines and other fees (arrearage / balance)
  - Restitution (and 20%) (arrearage / balance)
 Civil judgment:
  - Department fees
  - Fines and other fees
  - Restitution (and 20%)
- Additional Conditions ordered by the Court (Jail time credits should not be reported in this section):

mental health assess. required  
revoke 202 days, waive supervisory fee arrears & future SF fee, in addition

- The defendant is given credit for 202 days/months/years of pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for \_\_\_\_\_ days/months/years of Hayes credit (N/A if defendant has served prior SCDC time).
- No pre-revocation hearing detention time to be awarded because a citation was issued.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 23<sup>rd</sup> day of February, 2024  
St. George, SC

Presiding Judge [Signature]

Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions if deemed proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature Unable to sign

Witnessed by [Signature]

Signed this 22 day of Feb. 2024

St. George SC

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