

STATE OF SOUTH CAROLINA  
In The Court Of Appeals

FILED  
HORRY COUNTY  
2013 AUG 20 PM 3:01  
MELANIE HUGGINS-WARD  
CLERK OF COURT

APPEAL FROM HORRY COUNTY  
Court of General Sessions  
Roger Couch, Circuit Court Judge

CASE NO: 2013GS2600268

The State, ..... Respondent,

v.

James Hagan, ..... Appellant.

NOTICE OF APPEAL

James Hagan, appeals the conviction and sentence in this case. The sentence was imposed by the Honorable Roger Couch, on August 16, 2013.

August 20, 2013

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

CERTIFIED COPY  
2013 AUG 20 PM 3:11  
Melinda A. Knowles  
CLERK OF COURT  
HORRY COUNTY

Other Counsel of Record

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

RECEIVED

AUG 26 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM HORRY COUNTY  
Court of General Sessions  
Roger Couch , Circuit Court Judge

CASE NO: 2013GS2600268

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MELANIE HUGGINS-WARD  
CLERK OF COURT

The State, ..... Respondent,

V.

James Hagan , ..... 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 August 21, 2013, addressed to the attorney of record:

Joshua Holford  
Solicitor  
Post Office Box 1276  
Conway, South Carolina, 29528  
Attorney For Respondent

CERTIFIED COPY  
2013 AUG 20 PM 3:11  
Melinda Knowles  
CLERK OF COURT  
HORRY COUNTY

August 21, 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

**RECEIVED**

AUG 26 2013

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

COUNTY OF Horry  
STATE VS.

James Hagan

AKA:

Race: WHITE Sex: M Age: 28

DOB: 04-10-1985 SS#: 058-70-9363

Address: 2144 Emery Road

City, State, Zip: Loris, SC 29569

DL#: 026177734 SID#:

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  
TO: Burglary / Burglary (Non-Violent) - Second degree (0-10)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2600268

A/W#: M974106

Date of Offense: 8/16/2012

S.C. Code §: 16-11-0312

CDR Code #: 0080

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080  
 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. (defendant's initials)

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

ATTEST: Holford, Joshua D. SCB80071 SC Bar# James Hagan Defendant Melanie Higgins Ward Attorney for Defendant Kay Richardson SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 6 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 4 days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended probation for 2

with 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. 14 days  
 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 \_\_\_\_\_

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 \$ 25.00 beginning 09/16/12  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 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	\$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 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	\$ 5.00
3% to County (if paid in installments)		\$ 18.90
TOTAL		\$ 648.90 + 40.00 = 688.90

Appointed PD or appointed other counsel.  
§ 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge \_\_\_\_\_  
Judge Code: 2135  
Date: 8/16/13

Clerk of Court/ Deputy Clerk Melanie Higgins Ward  
Court Reporter Kay Richardson

2013 AUG 20 PM 3:11  
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CLERK OF COURT  
HORRY COUNTY  
Melanie Higgins Ward

WITNESSES

Horry County Police Department

HORRY CO. PH 3: 01

2013 AUG 20

MELANIE HUGGINS HEARD  
CLERK OF COURT

DOCKET NO. 2013-GS-26-00268

**CERTIFIED COPY**  
The State of South Carolina

County of HORRY AUG 20 PH 3: 11

Joshua D. Holtford

COURT OF GENERAL SESSIONS

CLERK OF COURT  
HORRY COUNTY

JANUARY, 2013 TERM

ARREST WARRANT NUMBER

M974106

CDR: 0080 16-11-0312

DOA: 8/24/2012

ACTION OF GRAND JURY

James Hagan W/M  
Red Bluff Rd  
Loris, SC 29569-7020

VS.

DOB: 1985-04-10  
SSN: 058-70-9363

ATTORNEY: Knowles, Melinda

Foreperson of Grand Jury  
Date: JAN 3 1 2013

VERDICT

Indictment for

**BURGLARY  
SECOND DEGREE**

*Guilty*

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury

Date:

*5/16/2013*

**ORIGINAL**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

INDICTMENT

FILED  
HORRY COUNTY  
2013 AUG 20 PM 3:01  
MELANIE HUGHES-WARD  
CLERK OF COURT

At a Court of General Sessions, convened on January 31, 2013, the Grand Jurors of Horry County present upon their oath:

**BURGLARY SECOND DEGREE**

CDR: 0080 16-11-0312

That **James Hagan** did, in Horry County, State of South Carolina, on or about August 16, 2012, enter without consent and with the intent to commit a crime therein, the dwelling of Dana Enzor, located at 6691 Alma Road in Nichols, in violation of Section 16-11-0312, S. C. 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.

*Jimmy A. Richardson*  
JIMMY A. RICHARDSON,  
FIFTEENTH CIRCUIT SOLICITOR

Melanie Hughes-Ward  
CLERK OF COURT  
HORRY COUNTY

2013 AUG 20 PM 3:11

CERTIFIED COPY

ARREST WARRANT

M-974106

STATE OF SOUTH CAROLINA

County/  Municipality of

Horry

THE STATE

12082858

James Hagan

Red Bluff Rd

Address: Lotis, SC 29569-7020

Phone: SSN 058-70-9363

Sex: M Race: W Height: 5 7 Weight: 165

DL State: NC DL #: 026177734

DOB: 4/10/1985 Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Stephen Hardee - 0285

Offense: Burglary / Burglary (Non-Violent) - Second degree

Offense Code: 0080

Code/Ordinance Sec: 16-11-0312

This warrant is CERTIFIED FOR SERVICE in the  County/  Municipality of

is to be arrested and brought before me to be dealt with according to the law. The accused

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to defendant James Hagan on 08-24-12

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

AFFIDAVIT

ORIGINAL

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

County/  Municipality of  
Horry  
Personally appeared before me, the undersigned, Stephen Hardee being duly sworn deposes and says that defendant James Hagan did within this county and state of South Carolina (or ordinance of Horry County/  Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE

Burglary / Burglary (Non-Violent) - Second degree

FILED  
AUG 27 2012  
CLERK OF COURT  
HORRY COUNTY

CEL ANIE 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:

That on August 16, 2012, in the Nichols section of Horry County, one James Hagan Jr did enter a dwelling located at 6691 Alma Rd without consent and with intent to commit a crime therein, while his co-defendant acted as a lookout. During the incident, the victim returned home, causing both the defendant and co defendant to flee the scene. In doing this, the defendant has violated SC Code of Law statute 16-11-0312 Burglary 2nd. case# 12082859 R/O Smith

Signature of Affiant

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
Horry

Affiant's Address: 2560 N. Main Street  
Conway, SC 29526

Affiant's Telephone: (843)915-5350

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

on or about 8/16/2012 defendant James Hagan did violate the criminal laws of the State of South Carolina (or ordinance of Horry County/  Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (Non-Violent) - Second 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 for punishment 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 8/16/2012 at Conway, SC

Signature of Issuing Judge

Christophe John Arakas  
Judge Code: 5080

Judge's Address: 1. Ruben Long Detention Center  
Conway, SC 29526-1071

Judge's Telephone: (843)365-9222

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

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STATE OF SOUTH CAROLINA )  
COUNTY OF Horry )

IN THE COURT OF GENERAL SESSIONS  
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )

CERTIFICATE OF REPRESENTATION  
(APPOINTING AS COUNSEL)

-VS-

JAMES HAGAN

MELINDA A KNOWLES

DEFENDANT )

FILE NO: 26A12-00002623

SSN: 058-70-9363

TO: Court of General Sessions of the Fifteenth Judicial Circuit  
Office of the Solicitor  
Appointed Counsel  
Defendant

FILED  
HORRY COUNTY  
2012 SEP 20 PM 2:53  
MELANIE HUGGINS-WARD  
CLERK OF COURT

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 14th day of September, 2012, regarding the charge(s) of:

M-974106 Burglary / Burglary 2nd NV (Non - Violent) - Second degree

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2013 AUG 20 PM 3:11  
Melinda A Knowles  
Huggins-Ward  
CLERK OF COURT  
HORRY COUNTY

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

ORRIE E. WEST  
FIFTEENTH CIRCUIT  
PUBLIC DEFENDER

CONWAY, SC  
DATED: September 14, 2012

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

IN THE COURT OF GENERAL SESSION  
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )

NOTICE AND MOTION FOR PRODUCTION

-VS- )

OF SPECIFIC EVIDENCE AND  
DISCLOSURE OF WITNESSES

JAMES HAGAN )  
DEFENDANT )

FILE NO: 26A12-00002623  
SSN: 058-70-9363

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;
  - (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  
 2012 SEP 20 PM 2:58  
 MELANIE HUGGINS-PAPO  
 CLERK OF COURT  
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 CLERK OF COURT  
 HORRY COUNTY

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), United States vs Nixon, 418 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 274 S.C. 404 (1981). Further this information is requested on the grounds that it is essential to ensure 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: September 14, 2012  
CONWAY, SOUTH CAROLINA

DEAN H. HIGDON  
CLERK OF COURT  
HENRY COUNTY  
2013 AUG 20 PM 2:11  
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Mickie  
W. Board

FILED  
HORRY COUNTY  
2013 AUG 20 PM 3:02  
MELANIE SINGLES-WARD  
CLERK OF COURT

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS )

COUNTY OF HORRY )

FIFTEENTH JUDICIAL CIRCUIT )

State of South Carolina, )

**VERDICT FORM**

2013-GS-26-0268

vs. )

James Hagen, )

Defendant. )

1. We the jury, unanimously find the Defendant, James Hagen, concerning the offense of Burglary, Second Degree (Indictment No. 2013-GS-26-0268):

Not Guilty  
 Guilty

I certify this decision was the unanimous decision of the jury.

*[Signature]*

For person  
August 16, 2013

CERTIFIED COPY  
2013 AUG 20 PM 3:11  
*Melanie Singles-Ward*  
CLERK OF COURT  
HORRY COUNTY

# Fifteenth Circuit Public Defender

HORRY & GEORGETOWN COUNTIES

HORRY

*Edward "Ed" Chrisko*  
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

AUGUST 20, 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. JAMES HAGAN  
CASE NO: 2013GS2600268

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,

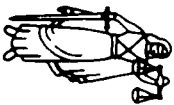
*Melinda A. Knowles*

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

**RECEIVED**

AUG 26 2013

**SC Court of Appeals**



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

**RECEIVED**

AUG 26 2013

**SC Court of Appeals**

**The Honorable Kenneth A. Richstad**  
Clerk of the South Carolina Court Of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211