

STATE OF SOUTH CAROLINA

) Indictment Nos. 2024-GS-46-05612

)
)
IN THE COURT OF APPEALS

)
)
State of South Carolina

)
)
-vs-

)
)
Edward James Abel,

)
)
Defendant.
)
)

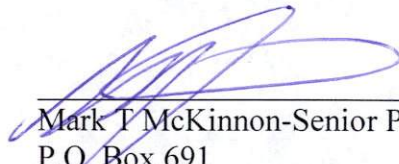
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RULE 203(B) EXPLANATION

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 six (6) months and two (2) year probation sentence upon the Appellant after he pled guilty to Domestic Violence 1st degree.

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 Russ Stewart Smith

York, South Carolina

January 17, 2025

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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

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STATE

VS.

2025 JAN 17 PM 4:10

INDICTMENT/CASE#: 2024-GS-46-05612

EDWARD JAMES ABEL, JR

AKA: Edward James Abel, Edward James Jr Abel
Race: W Sex: M Age: 42
DOB: SS#
Address:
City, State, Zip:
DL#* SID# SC01300460

ANGIE M. BRYANT
CLERK OF COURT
YORK COUNTY, SC

A/W#: 2024A4610202080
Date of Offense: 09/13/2024
S.C. Code §: 16-25-0020(B)
CDR Code #: 3811

JAIL

ORIGINAL

SENTENCE SHEET

*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

Ne v. Afford

TO: Domestic Violence, 1st Degree (NMT 10 years)

In violation of § 16-25-0020(B) of the S.C. Code of Laws, bearing CDR Code # 3811

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 Misti H. Shelton 69393 /s Edward James Abel, Jr /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 10 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 6 days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 2

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. 102 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.

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SPECIAL CONDITIONS:

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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: Must Complete DV Conditions

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	\$ 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 checked="" 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	\$ 500
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ _____

TOTAL \$ 625.00

Angie Bryant

Hall - 2753

January 10, 2025

Clerk of Court/Deputy Clerk: Angie Bryant

Court Reporter: Lora McDaniel

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

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ANGIE M. BRYANT
CLERK OF COURT
YORK COUNTY, SC

MB

WITNESSES

YCSO

Witnessing Officer:

ARREST WARRANT NUMBER

2024A4610202080

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2024-GS-46-05612

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 16, TERM 2025

THE STATE

VS.

EDWARD JAMES ABEL, JR.

INDICTMENT FOR

DOMESTIC VIOLENCE, 1ST DEGREE

SC Code: § 16-25-0020(B)
CDR Code: 3811

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Edward Abel
Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Edward Abel
Defendant

Witness:

C.C.C. PLS. AND G.S.

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MLC

STATE OF SOUTH CAROLINA
COUNTY OF YORK

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ANGIE M. BRYANT
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on January 16, 2025, the Grand Jurors of York County present upon their oath:

DOMESTIC VIOLENCE, 1ST DEGREE

The defendant, Edward James Abel Jr, on or about September 13, 2024, in York County, South Carolina, did cause physical harm or injury to Amber Poston, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril; in addition, the defendant has two or more prior convictions for domestic violence within ten years of the current offense, all in violation of 16-25-0020(B), *Code of Laws of South Carolina* (1976, as amended).

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


MISTI H. SHELTON
ASSISTANT SOLICITOR