

STATE vs.

Gary Lenard Brown

AKA: Gary Brown

RACE: B

SEX: M

DOB: 08/04/1968

SSN: [REDACTED]

) AV#F: ZUZ4AZ01UZUZ0/U

) Date of Offense: 10/11/2024

) S.C Code§: 44-53-375(B)

) CDR Code #: 3014

) Range of Offense: Dist/PWID/Manuf Crack 1st Offense (NMT 15 years &/or \$25,000)

PROBATION

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Possession with Intent to Distribute Crack Cocaine 1st Offense

Range of Offense Pled: (NMT 15 YEARS &/OR \$25,000)

In violation of § 44-53-375(B) of the S.C. Code of Laws, bearing CDR Code # 3014

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 *213*

The plea is: w/o Rec/Negotiations Negotiated

Recommendation PROBATION

B
Brandon R. Lanier, Solicitor

106819

SC Bar #

[Signature]
Scott Craustein, Attorney for Defendant

68532

SC Bar #

The Defendant is committed to the SCDC County Detention Center Home Incarceration Program

for a determinate term of 1 days/months/years/Time Served YOANTE _____ years and/or shall 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*; balance is suspended with probation for 1 month/years

and subject to SCDPPPS 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 SCDC

_____ days/months To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

PTUP _____

No Contact with Victim

Domestic Violence Intervention Program

Hold for Inpatient Treatment

Sex Offender Registry pursuant to S.C. Code § 23-3-430

SAC/MHC if necessary

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

Other: _____

RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge

§14-1-211 (A)(2) (DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

§17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution	\$ _____
FINE:	\$ _____
	\$ _____
	\$ _____
\$100	\$ <u>100.00</u>
\$100	\$ _____
\$12	\$ _____
\$25	\$ _____
\$25	\$ <u>25.00</u>
\$150	\$ <u>150.00</u>
\$41	\$ _____
\$50	\$ _____
\$40/ea	\$ _____
TBD	\$ <u>8.25</u>
\$500	\$ _____
\$40	\$ _____
TOTAL	\$ <u>283.25</u>

Pence Avis

Clerk of Court/Deputy Clerk

Sallie Beth Tash

Court Reporter

2776

Judge Code

2/11/25

Sentence Date

[Signature]

Presiding Judge

SCCA217B

01/27/2025

RECEIVED

FEB 20 2025

SC Court of Appeals

DEFENDANT Gary Lenard Brown

INDICTMENT#(S) 2025-GS-26-00211; 2025-GS-26-00219

SOLICITOR Brandon R. Lanier

DEFENSE ATTORNEY Scott Graustein

The Defendant wishes to enter a plea of GUILTY to the following charge(s):

Possession with Intent to Distribute Crack Cocaine 1st Offense SENTENCE RANGE NMT 15 YEARS &/OR \$25,000

~~Fail To Stop For A Blue Light SENTENCE RANGE NMT 3 years or NLT \$500~~

By initialing, I understand and acknowledge the following:

I am pleading guilty freely and voluntarily. I have not been promised a certain outcome, nor have I been threatened, pressured, or coerced into pleading guilty. I understand that, ultimately, the judge will determine a proper sentence given the facts, the sentencing range, and any aggravating or mitigating factors. Initial: GLB

If my charge(s) has/have NOT been presented to the Grand Jury, I understand that I give up that right when I plead guilty. I would like to waive that right and plead guilty. Initial: GLB

I am not under the influence of any drugs or alcohol, and I understand what I am doing. Initial: GLB

If I am currently on Parole or Probation, I understand that this plea could result in a revocation. Initial: GLB

I have the right to have the assistance of a lawyer at all stages of the proceedings, and if I cannot afford one, a lawyer will be appointed to represent me. Initial: GLB

I understand that I have an absolute right to trial and that, at trial, twelve jurors would determine my guilt or innocence. I am presumed innocent and the State has the burden of proving my guilt beyond a reasonable doubt. At trial, I would have the right to see and hear all witnesses called to testify against me and to confront, cross-examine, and question them. I would also have the right to use the subpoena power to compel the attendance of any witnesses on my behalf. At trial, I would have the right to testify or not testify on my behalf, and if I chose not to testify the judge would instruct the jury that they could not hold my failure to testify against me. Initial: GLB

I understand that by pleading guilty I give up my right to a trial and waive my trial rights. Initial: GLB

With a full understanding of my rights as acknowledged above, I wish to waive those rights and plead guilty to the above charges. Initial: GLB

Defendant's Signature _____

Defense Attorney's Signature _____

Date: 2/11/25

FILED
2025 FEB 11 P 11:04

CERTIFIED COPY
FENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

WITNESSES

Patrolmen First Class Michael R Knapp, Horry
County Police Department
HCPD2024134640

DOCKET NO. 2025-GS-26-00211

The State of South Carolina
County of Horry

Brandon R. Lanier
0367021

FILED

FEB 11 11:04

ARREST WARRANT NUMBER

2024A2610202870
DOA: 10/11/2024

COURT OF GENERAL SESSIONS

January 2025 TERM

ACTION OF GRAND JURY

THE STATE

V.

GARY LENARD BROWN

B/M
DOB: 05/19/1968
SSN: XX-XX-9535

RECEIVED
FEB 20 2025
SC Court of Appeals

Foreperson of Grand Jury
Date:

Indictment for

VERDICT

POSSESSION WITH INTENT TO
DISTRIBUTE CRACK COCAINE

CDR: 3014

Foreperson of Petit Jury
Date:

Statute: 44-53-375(B)

ORIGINAL

CERTIFIED COPY
RECEIVED
CLERK OF COURT
HORRY COUNTY, SC

ARREST WARRANT

2024A2610202870

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

THE STATE
against

Gary Brown

Address: 719 Drawbridge Dr
Conway, SC 29526-1114

Phone: SSN: 042-76-9535
Sex: M Race: Height: 6 2 Weight: 225
DL State: SC DL #: 106866291
DOB: 4/4/1968 Agency ORI #: SC0260400
Prosecuting Agency: Horry County Police Department
Prosecuting Officer: Benjamin J Thornton - S02723
Offense: Drugs / Manufacture, distribution, etc. of cocaine base, 1st

Offense Code: 3014
Code/Ordinance Sec: 44-53-0375(B)(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 Gary Brown on 10-11-24

Ben Thornton
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Horry)

Personally appeared before me the affiant Benjamin J Thornton who being duly sworn deposes and says that defendant Gary Brown did within this county and state on or about 10/11/2024 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Horry) following particulars:
DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of cocaine base, 1st

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 October 11th 2024 while at 3650 Waccamaw Blvd in the Myrtle Beach section of Horry County the defendant was placed under arrest for an outstanding warrant out of Myrtle Beach Police Department (2024A2620602414). During search incident to arrest inside a black zipper bag Pfc Barris located numerous narcotics including methamphetamine, crack cocaine and powdered cocaine. The methamphetamine had a presumptive weight of 4.9 grams. The crack cocaine had a presumptive weight of 7.1 grams. The powdered cocaine had a presumptive weight of 2.6 grams. With the defendants actions he is in violation of SC Code of Law 44-53-375. R/O Knapp case #2024134640.

Signature of Affiant

Ben Thornton

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Horry)

Affiant's Address 2560 North Main Street
Conway, SC 29526-
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 10/11/2024 defendant Gary Brown did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Horry) as set forth below.

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of cocaine base, 1st

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 10/11/2024

AAR
Signature of Issuing Judge
Aaron C. Butler
Judge Code: 5022

(L.S.)

Judge's Address J. Ruben Long Detention Center
Conway, SC 29526-1071
Judge's Telephone (843)365-9222

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

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

FILED
HORRY COUNTY

2024 OCT 18 AM 10 15

RENÉE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

RECEIVED
FEB 20 2025
SC Court of Appeals

CERTIFIED COPY
RENÉE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

BAIL set by

WITNESSES

Judge Acron Buller
on 10/11/2024
Type and Amount: 10,000.00
Name of Surety: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge [Signature]
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

JURORS

CODEFENDANTS



CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

10-11-24
Geth Brown
[Signature]

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

AMENDED

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

-VS-

GARY BROWN

SCOTT GRAUSTEIN

DEFENDANT)

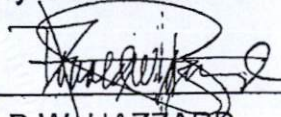
FILE NO: 26A24-00004294

TO: Clerk of 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 October, 2024, regarding the charge(s) of:

- 2024A2610202870 Drugs / manufacture, distribution, etc. of cocaine base - 1st
- 2024A2610202871 Drugs / manufacture, distribution, etc. of cocaine base - 1st
- 2024A2610202872 Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense
- 2024A2620602416 Traffic / Failure to stop for a blue light, no injury or death - 1st offense

The Defendant's Counsel is **Scott Graustein**. 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.



RONALD W. HAZZARD
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SC

DATED: November 08, 2024

FILED
NOV 12 AM 11:17
CLERK OF COURT
HORRY COUNTY, SC

FILED COPY
CLERK OF COURT
HORRY COUNTY, SC

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-

GARY BROWN

SCOTT GRAUSTEIN

DEFENDANT)

FILED
HORRY COUNTY
2024 NOV -6 P 2:01
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, S.C.

FILE NO: 26A24-00004294

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

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HORRY COUNTY, SC
CLERK OF COURT
RENEE N. ELVIS
FILED COPY

RONALD W. HAZZARD
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SC
DATED: November 05, 2024

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
-VS-)
)

NOTICE AND MOTION FOR PRODUCTION
OF SPECIFIC EVIDENCE AND
DISCLOSURE OF WITNESSES

GARY BROWN)

DEFENDANT)

FILE NO: 26A24-00004294

FILED
HORRY COUNTY
2024 NOV -6 P 2:01
RENEE M. LEWIS
CLERK OF COURT
HORRY COUNTY, SC

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
 - (d) DNA analysis
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.

13. Make available to the Defendant all video and audio recordings and/or notarized affidavits made pursuant to South Carolina Code § 56-5-2953 and any other applicable South Carolina Statute or regulation, including but not limited to:

- (a) Police and booking reports;
- (b) Police logs;
- (c) Alcohol influence reports;
- (d) Accident reports
- (e) Reports dealing with defendant's refusal to submit to testing;
- (f) Notes taken from any recording by Law Enforcement regarding conversations with potential prosecution witnesses
- (g) Any notes taken by Law Enforcement with regards to this case which the officer intends to rely on, or make use of, at trial.
- (h) The names of the officers or other witnesses who were with the Defendant within one hour of the arrest who had the opportunity to observe the appearance and behavior of the Defendant, to include the identity of any officer present at the scene of arrest.
- (i) The time and place where the Defendant was given the Miranda warning and the name of the officer who advised him/her of the same.
- (j) Any reports made by any laboratory or hospital concerning any examination made of any physical (urine, blood, etc.), photographic, or written evidence related to the Defendant's case.
- (k) The records of analysis and the results of any chemical, urine, or breathalyzer tests administered to the Defendant.

14. Make available to the Defendant following information regarding the person(s) who administered the Defendant's chemical/breathalyzer tests:

- (a) The person's name and the name of his/her employer;
- (b) The date of his/her original certification to give chemical/breathalyzer tests and the grade he/she received on the exam;
- (c) The date of his/her most recent certification to give said tests; And his/her compliance with statutes and regulations providing for standards of training for person(s) administering such tests.

15. If the Defendant's blood alcohol concentration was determined on the basis of a test involving the use of any machine, provide the following information:

- (a) The type of machine used and the make, model, and serial number of particular machine;

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HENRY COUNTY
2011
MAY 16 P 2:01
CLERK OF COURT
HENRY COUNTY, SC

- (b) The manufacturer and the date of manufacture of the machine;
- (c) The owner's manual and the instruction manual;
- (d) The software program used in said machine;
- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all tests performed in the thirty (30) days prior to the date of the Defendant's arrests, including any tests in which the machine malfunctioned;
- (j) Any checklist to be used by the operator of the machine, either before, during, or after the admission of a test.

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), City of Rock Hill vs Suchenski, 374 S.C. 12, 646 S.E. 2d 879 (2007). 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.

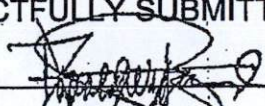
ADDITIONALLY, DEFENDANT REQUESTS A SPEEDY TRIAL:

The Defendant requests and asserts his / her right to a speedy trial in General Sessions Court in this County pursuant to the 6th Amendment to the United States Constitution, as well as Article I, Section 14 of the South Carolina Constitution, and under relevant case law.

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,


 RONALD W. HAZZARD
 FIFTEENTH CIRCUIT
 PUBLIC DEFENDER

CONWAY, SOUTH CAROLINA
 DATED: November 05, 2024

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

STATE OF SOUTH CAROLINA)

-VS-

GARY BROWN

DEFENDANT)
_____)

RULE 203 (B) (iv)
WRITTEN EXPLANATION OF
NO
BASIS FOR APPEAL

RECEIVED

FEB 20 2025

SC Court of Appeals

PERSONALLY appeared before me Scott Graustein, who being duly sworn,

deposes and says :

1. I represented the above named defendant before B. Alex Hyman on February 11, 2025 at

which time the defendant enter a guilty plea to his/her pending charges.

2. No issues of law or fact, were raised before the Judge at that time that could be the basis for an Appeal in this matter.

3. The defendant requested this appeal be filed based on the language used by the plea judge informing the client he has the right to appeal his guilty plea within ten (10) days.

4. I informed defendant that there were no issues to appeal.

5. Defendant requested the Appeal be filed.

Sworn to and Subscribed before me

18 day of February, 2025

Shanika Crawford

Notary Public for South Carolina

My Commission expires: 3/03/2031

[Signature]

Signature of Attorney for Defendant

SCOTT A. GRAUSTEIN

Print name of Attorney for Defendant

FILED
HORRY COUNTY
2025 FEB 18 1:34
RENEE N. VES
CLERK OF COURT
HORRY COUNTY, SC