

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

R. Ferrell Cothran, Jr., Circuit Court Judge

RECEIVED

OCT 03 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DANIEL F. MILES,

APPELLANT

APPELLATE CASE NO. 2013-000174

RECORD ON APPEAL

CARMEN V. GANJEHSANI
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

Attorney for Appellant

(803) 734-3727

Attorneys for Respondent

INDEX

INDEX.....i

GULTY PLEA TRANSCRIPT (dated May 7, 2012)..... 1

MOTION TO MODIFY SENTENCE TRANSCRIPT (dated January 14, 2013)..... 16

ORDER TO MODIFY NEGOTIATED SENTENCE34

ARREST WARRANTS, INDICTMENTS, SENTENCE SHEETS36

CERTIFICATE OF COUNSEL.....48

1 STATE OF SOUTH CAROLINA

CIRCUIT COURT

2 COUNTY OF AIKEN

2012-GS-02-00623, 00624,
00627 & 00629

3
4 STATE OF SOUTH CAROLINA,

5 -vs-

TRANSCRIPT OF RECORD

6 DANIEL FREDERICK ANTHONY MILES,
7 Defendant.

8
9 Heard on Monday, May 7, 2012

10 Aiken, South Carolina

11
12 BEFORE:

13 THE HONORABLE R. FERRELL COTHHRAN, JR.

14
15
16
17 APPEARANCES:

18 Counsel on Behalf of the State:
David W. Miller, Esq.

19 Counsel on Behalf of the Defendant:
20 Courtney Clyburn Pope, Esq.

21
22 Cheri L. Young, RPR
23 Circuit Court Reporter
P O Box 5232
24 Aiken, SC 29804-5232
25

1 ON MONDAY, MAY 7, 2012 AT 10:10 A.M.:

2 MR. MILLER: Daniel Miles.

3 (Defendant placed under oath.)

4 MR. MILLER: Your Honor, before the Court is Daniel
5 Frederick Anthony Miles. He is here today to enter a plea
6 on four separate indictments. Each one of the indictments
7 has been true billed by the Aiken County Grand Jury for
8 the offense of burglary in the first degree.

9 Mr. Miles will be entering pleas today to three counts
10 of burglary in the second degree non violent and one count
11 of burglary in the second degree violent.

12 We have reached a negotiated sentence in these cases,
13 and I'll be happy to put it on the record for the Court at
14 the appropriate time.

15 THE COURT: Okay. Mr. Miles, you want to plead
16 guilty?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You had enough time to talk to your lawyer
19 about this?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you satisfied with her
22 representation?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you have any complaints against her?

25 THE DEFENDANT: No, sir.

1 THE COURT: Anybody promised you anything or
2 threatened you in any way to get you to plead guilty?

3 THE DEFENDANT: No, sir.

4 THE COURT: So you're pleading freely and
5 voluntarily?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are you under the influence of alcohol or
8 drugs today?

9 THE DEFENDANT: No, sir.

10 THE COURT: You got any mental diseases that would
11 keep you from understanding what you're doing?

12 THE DEFENDANT: No, sir.

13 THE COURT: You understand I can give you up to ten
14 years on each one of the burglaries non violent and 15 on
15 the violent; do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: But this is a negotiated sentence you're
18 entering into. And I don't know what those negotiations
19 are yet, but after I hear the facts if I don't feel like I
20 can follow them, I will allow you to withdraw your plea.
21 Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: By pleading guilty you're giving up your
24 constitutional right to remain silent under the Fifth
25 Amendment because you're telling me you're guilty. Do you

1 understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You're also giving up your right to a jury
4 trial. In a trial you'd be presumed innocent. The State
5 would have to prove you guilty beyond a reasonable doubt
6 to all 12 jurors.

7 You'd get to sit in the courtroom and confront the
8 witnesses that would testify against you in that trial.
9 Your lawyer could cross-examine the State's witnesses.
10 She could subpoena witnesses to testify in your behalf.
11 She could put up any defenses you have to this crime.

12 When you plead guilty you're giving all of that up.
13 Do you understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you're giving up any appeals that
16 could come out of that trial by pleading guilty.' Do you
17 understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now if you want to appeal this guilty plea
20 and sentence you must file that appeal, either you or your
21 lawyer, with the clerk's office within ten days or you
22 lose that right. Do you understand?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You got any questions you want to ask me?

25 THE DEFENDANT: No, sir.

1 THE COURT: Have you had an opportunity to look at
2 discovery with your lawyer that the State has provided?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: You got any complaints about that?
5 Anything that they have not done that you think they
6 should have done?

7 THE DEFENDANT: No, sir.

8 THE COURT: The solicitor's going to tell me about the
9 facts and I'm going to come back and ask you about them.
10 Okay?

11 MR. MILLER: Thank you, Your Honor. May it please the
12 Court.

13 These charges all arise out of a series of burglaries
14 over the course of a couple weeks' time ranging from
15 October 24th to November the 16th.

16 Your Honor, basically Mr. Miles, his brother and a
17 third gentleman, a Mitchell Prescott, broke into these
18 houses that were located in their neighborhood in a rural
19 area of Aiken County.

20 On the first indictment that was at Road in
21 Windsor, South Carolina in Aiken County.

22 The second indictment was November 8th at
23 Road in Windsor in Aiken County.

24 The third indictment was October 31st of 2011, at
25 Road in Windsor in Aiken County.

1 And the last one, October the 24th, 2011, at

2 Pond Road in Windsor in Aiken County.

3 Your Honor, essentially what happened was there was
4 these string of burglaries. Law enforcement was able to
5 identify Mitchell Prescott as one of the suspects in the
6 burglary. Mr. Prescott then was arrested and confessed
7 and implicated Mr. Miles and his brother as being
8 co-defendants.

9 Officers then went -- and following the information
10 given to them by Mr. Prescott, the officers were able to
11 confirm a lot of the information that he had given them
12 about where stolen items had been sold and what had
13 happened with some of these stolen items.

14 And many items were recovered. There are some guns
15 that are missing.

16 The reason that these are all burglary firsts, they're
17 residential burglaries, Your Honor. Mr. Miles actually
18 has two prior convictions for burglary in the second
19 degree. And for that he was sentenced in 2008 to 12 years
20 suspended upon the service of three years and five years
21 of probation, and four years suspended upon the service of
22 three years and five years of probation.

23 He is currently on that probationary sentence at this
24 time and probation is, I believe, prepared to serve the
25 citation on him.

1 Your Honor, the negotiations that we've reached in
2 this case would be that, as to Indictment 623, the
3 Defendant would be sentenced to ten years.

4 As to Indictment 624, the Defendant would be sentenced
5 to ten years.

6 As to Indictment 627, the Defendant would be sentenced
7 to five years.

8 And as to Indictment 629, the Defendant would be
9 sentenced to ten years suspended on the service of five
10 years probation.

11 All of those to run consecutively. And the sentencing
12 sheets have previously been marked with what's consecutive
13 to what.

14 Your Honor, the Defendant has indicated and did ask
15 through his attorney for me to put on the record that he
16 does intend to cooperate with investigators and help them
17 locate additional items that were stolen during the course
18 of these burglaries to include but not limited to
19 firearms.

20 And if in fact the Defendant does cooperate with
21 investigators and provide them with useful information, we
22 anticipate that there will be a motion made to have his
23 sentence reconsidered at some point in time. But under
24 our New Omnibus Crime Act it doesn't have to be done by
25 this particular Court. So we wanted to go ahead and get

1 the plea done today.

2 THE COURT: All right. Are those the facts correct,
3 Mr. Miles?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And are those negotiations your
6 understanding of the negotiations that you and your lawyer
7 have entered into with the State?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you want me to accept your plea?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: I find there's a factual basis for your
12 plea. It's freely and voluntarily entered into. You had
13 the advice of competent counsel with whom you tell me
14 you're satisfied and I'll accept your plea.

15 Now before we deal with -- I'll let you talk. Do you
16 want to deal with the probation violation? Do you want to
17 deal with your probation violations today as well?

18 THE DEFENDANT: (Nods head.)

19 THE COURT: You need to serve him on it?

20 PROBATION OFFICER: Yes, sir. The citation is 021208.
21 And the only violation present is his pleading to the new
22 charges.

23 THE COURT: Okay. All right. Yes, ma'am?

24 MS. POPE: Thank you, Your Honor. May it please the
25 Court.

1 Daniel, my client Daniel Miles is 23 years old. He
2 attended school at Airport High School in Lexington
3 County. He completed the 11th grade. He did get in some
4 trouble but he tried to go back to school and eventually
5 ended up dropping out of school to pursue landscaping work
6 here in Aiken County.

7 Your Honor, he has two children. He's got a son named
8 Thomas who is five years old, and a daughter named Leesie
9 (phonetically) who is four years old.

10 Your Honor, most of my client's work history includes
11 landscaping. As I mentioned before he began landscaping
12 in Aiken County and continued to do so. He got in some
13 trouble and after he was released from prison continued to
14 do some landscaping at All Grounds Landscaping Company
15 here in Aiken.

16 Your Honor, he does tells me that he was in a
17 relationship with the mother of his children and that that
18 relationship ended. She prevented from him seeing the
19 children. At that point, Your Honor, he began to heavily
20 use all types of the drugs; cocaine, pills, Xanax, became
21 addicted to alcohol, marijuana. And as a result of that
22 he got into some major trouble. He admits that.

23 He tells me that he does not really know what he was
24 out there in the world doing. He was high the majority of
25 the time and just wasn't aware of everything that he was

1 doing.

2 He has agreed to this plea deal and is more than
3 willing to cooperate with law enforcement investigation as
4 the solicitor mentioned.

5 He wants to eventually be released and obtain his GED
6 so that he can start a landscaping business in order to
7 take care of his children and prove that he is capable of
8 becoming a law abiding citizen, Your Honor.

9 We just ask that you accept the State's offer so that
10 he can begin to move forward with his life, Your Honor.

11 THE COURT: And the offer was, on 623, ten years and
12 624, ten years and 627 is five?

13 MR. MILLER: Yes, sir.

14 THE COURT: And then 629 is ten?

15 MR. MILLER: Ten suspended to five.

16 THE COURT: Okay. And probation?

17 MR. MILLER: Yes, sir.

18 THE COURT: Okay.

19 MR. MILLER: Essentially, Your Honor, the intent of
20 the negotiations was for him to have an opportunity not to
21 be in a violent facility and yet, obviously we can't
22 guarantee that but that was -- we wanted him to have that
23 opportunity, and for him to have some considerable
24 deterrent hanging over his head whenever he does get
25 released from prison.

1 THE COURT: Okay. And the term of probation, the
2 length of probation has been negotiated?

3 MR. MILLER: No, sir. It has not.

4 THE COURT: Okay. Tell me about what's left on his
5 probation violation.

6 PROBATION OFFICER: Your Honor, the original sentences
7 were 12 years on one case which is suspended, three
8 years. So he would have nine years left on that one.

9 And the other three cases were four years suspended to
10 three years and five years probation. He has one year
11 left on each of those cases.

12 THE COURT: Okay. And what -- have the victims been
13 notified of the probation situation? Any restitution or
14 anything out there?

15 PROBATION OFFICER: There is restitution remaining.
16 And due to this being called for as a plea, we don't
17 usually contact the victims when they come in to plea.

18 MR. MILLER: Your Honor, we did not address in our
19 negotiations the probation violation but it was kind of
20 our understanding that he would probably be revoked in
21 full and just run it concurrent which would ultimately
22 result in his probation case being terminated so that he
23 could, when he came back out he'd only have one case open.

24 THE COURT: Is that your understanding?

25 MS. POPE: Yes, Your Honor.

1 THE COURT: And he's got 12 years?

2 PROBATION OFFICER: Minus the three that he served.

3 THE COURT: Okay. So he's got nine years on that.
4 Okay.

5 Now part of what you told me was his cooperation, and
6 if he cooperates then this may be revisited. But I don't
7 know that we can revisit the probation violation. Can
8 we?

9 MR. MILLER: No, sir.

10 THE COURT: Okay. So --

11 MS. POPE: We would ask that the probation be
12 terminated, Your Honor, simply because we have
13 renegotiated a certain amount of time that would be over
14 that. However, if he does come back and cooperate we
15 would hope that he would be able to serve that sentence
16 for his cooperation as opposed to the probation
17 revocation.

18 THE COURT: What's the State's position on that?

19 MR. MILLER: Judge, I don't have any objection to it.
20 It seems like it would be encompassed in the ten but I
21 can't imagine that he would get below that on a
22 reconsideration. But just in case he does, it might be
23 best just to revoke the time that he's already served and
24 terminate him.

25 THE COURT: Probation have any problem with that?

1 PROBATION OFFICER: No, sir. We just have to determine
2 how much time he's been in. He's not being held on a
3 probation warrant, so.

4 THE COURT: How long has he been in jail now?

5 MS. POPE: Since December the 28th.

6 THE COURT: And he's getting credit for all --

7 MR. MILLER: Yes, sir.

8 THE COURT: He'll get credit for that, on each one of
9 these.

10 MR. MILLER: Yes, sir. He has not bonded out. Should
11 be 131, Your Honor. We're told it's 131 days he's got
12 credit for now.

13 THE COURT: Okay. All right.

14 On Indictment 2012-GS-02-623, the sentence of the
15 Court is you're committed to the State Department of
16 Corrections for a term of ten years and you're given
17 credit for 331 days.

18 MR. MILLER: I'm sorry, Your Honor. It's 131 days.

19 THE COURT: I mean, I wrote 100 instead of 300. 131
20 days.

21 On Indictment 624, the sentence is ten years to run
22 consecutive with Indictment 623, and credit for time
23 served.

24 On Indictment 627, the sentence is ten years to run
25 consecutive with 624 with credit for time served.

1 And on Indictment 629, it's ten years suspended to
2 five years with three years probation to run consecutive
3 to 627 with credit for time served.

4 And you can just revoke, time served on probation and
5 terminate.

6 PROBATION OFFICER: Yes, Your Honor.

7 MS. POPE: Your Honor, I'm sorry. Can you repeat;
8 623, ten years?

9 THE COURT: 623, ten years.

10 MS. POPE: Yes, sir. And 624, ten years. 627?

11 THE COURT: 627 is ten years.

12 MR. MILLER: Your Honor, 627 was supposed to be five
13 years.

14 THE COURT: I'm sorry. 627 is five years then, and
15 then the last one is ten suspended to five.

16 MS. POPE: Yes, sir.

17 MR. MILLER: Thank you, Your Honor.

18 PROBATION OFFICER: And issue a civil judgment on the
19 restitution also for probation?

20 THE COURT: Yeah.

21 PROBATION OFFICER: Thank you.

22 END OF CASE: 10:25 A.M.

23

24

25

1 ***

2 CERTIFICATE OF REPORTER

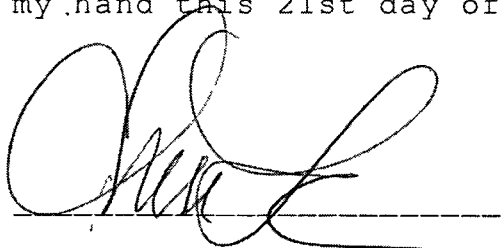
3
4 STATE OF SOUTH CAROLINA)

5 COUNTY OF AIKEN)

6
7 I, Cheri L. Young, Registered Professional Reporter
8 and Official Court Reporter for the State of South
9 Carolina, Second Circuit-At Large, do hereby certify that
10 the foregoing is a true, accurate and complete transcript
11 of record of the proceedings had and evidence introduced
12 in the hearing of the captioned case, relative to appeal,
13 in the Court of General Sessions for Aiken County, on the
14 7th day of May, 2012.

15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.,

17 I have hereunder set my hand this 21st day of June,
18 2013.

19
20 

21 Cheri L. Young, RPR
22 Official Court Reporter
23
24
25

1 STATE OF SOUTH CAROLINA

2 COUNTY OF AIKEN

CIRCUIT COURT
2012-GS-02-00623,
00624, 00627 and 00629

3
4 STATE OF SOUTH CAROLINA,

5 -vs-

TRANSCRIPT OF RECORD

6 DANIEL FREDERICK MILES
7 Defendant.

8
9 Heard on January 14, 2013

10 Aiken, South Carolina

11
12 BEFORE:

13 THE HONORABLE THOMAS W. COOPER, JR.
14
15

16 APPEARANCES:

17 Counsel on Behalf of the State:
18 David W. Miller, Esq.

19 Counsel on Behalf of the Defendant:
20 Courtney Clyburn Pope, Esq.
21
22

23 Cheri L. Young, RPR
24 Circuit Court Reporter
25 P O Box 5232
Aiken, SC 29804-5232

1 ON JANUARY 14, 2013 AT 5:04 P.M.:

2 MR. MILLER: This is Daniel Frederick Miles,
3 M-I-L-E-S.

4 THE COURT: Yes, sir.

5 MR. MILLER: Your Honor, before the Court is Daniel
6 Miles. He is represented by Courtney Pope. She
7 represented him at a plea last year. During the course of
8 that plea he pled guilty to four counts of burglary second
9 degree non violent in a negotiated sentence. He was
10 sentenced to ten years, ten years, five years, and ten
11 years suspended to five years, all of which were to run
12 consecutive to each other.

13 After he pled, Your Honor, he indicated that he wished
14 to cooperate and offer statements against his
15 co-defendants as well as to help law enforcement try to
16 locate some of the items that had been stolen during the
17 course of these various burglaries.

18 He did give a statement to law enforcement and that is
19 why we are here today.

20 There was one discrepancy with his negotiated sentence
21 and that is that the charge on Indictment 2012-GS-02-629
22 was, he was sentenced to ten years suspended to five years
23 and three years of probation consecutive to
24 2012-GS-02-627. And I have all of this in a proposed
25 order, Your Honor.

1 THE COURT: Good.

2 MR. MILLER: That should have been, pursuant to the
3 terms of the negotiation, ten years suspended to five
4 years of probation consecutive to 2012-GS-02-627. It was
5 the intent of State and the defense that the negotiation
6 was for the Defendant to receive an active sentence of 25
7 years followed by five years on probation.

8 We have prepared an order that would correct that
9 sentence but we are also here today because Mrs. Pope is
10 moving on behalf of the Defendant to have his overall
11 sentence reduced in some manner for his substantial
12 cooperation.

13 And I would point out, Your Honor, that the State does
14 object to any reduction in his sentence.

15 THE COURT: All right. So as I understand it, the
16 order is really not intended to change the intent of the
17 initial sentence, it's simply to make sure that it
18 reflects what that intention was.

19 MR. MILLER: That is correct, Your Honor. And we
20 agree with the defense, it was brought to my attention by
21 Ms. Pope that what had happened was that the Defendant had
22 received a 30-year active sentence and it was not
23 anybody's intent for that to happen.

24 The negotiation would have produced a 25-year active
25 sentence followed by five years on probation with ten

1 years hanging over the Defendant's head while he was on
2 probation.

3 And this order, the proposed order that I've prepared
4 and shown Ms. Clyburn, the language relative to that would
5 fix that issue.

6 THE COURT: And it's the State's position that
7 whatever statements he offered or whatever help he offered
8 by assistance really was not such of a benefit to the
9 State to merit any reduction in his sentence?

10 MR. MILLER: Your Honor, he -- just to cut to the
11 chase. He was charged with his cousin and his brother
12 with a bunch of burglaries.

13 And six months after he was arrested whenever he was
14 pleading he said he wanted to help them find some of the
15 items that had been stolen. So he gave a long list of, we
16 went to this house and we sold this stuff, we went to this
17 house or this place and we sold these things, we sold
18 these items to a guy named so-and-so.

19 And the sheriff's office went and followed up on all
20 of those leads. And, six months after the fact, they
21 didn't recover a single thing based upon his statements.

22 In addition to that, Your Honor, he went on to say
23 during his statement that his brother had absolutely
24 nothing to do with any of these burglaries, that he wasn't
25 there and in fact there was another person who had been

1 there that was not his brother and that person's name was
2 James Albert Bell.

3 Well, naturally that threw our trial of his brother's
4 case or cases into some disarray and ultimately his
5 brother who was represented by Jim Huff ended up pleading
6 guilty to burglary, to one of the burglaries that his,
7 that Mr. Miles said he had nothing to do with.

8 And he indicated to his attorney who passed the
9 information on to us that in fact he was pleading guilty
10 because he had been there whenever the burglaries had
11 occurred. He hadn't gone into houses but his brother, the
12 Defendant here, and their cousin, Mr. Mitchell Prescott,
13 had actually broken into the house and he would stand
14 outside and they would hand stuff out the window to him
15 and he would go and put the stuff into the car. And
16 that's what he pled guilty to.

17 So not only -- and additionally, and also important to
18 us, Your Honor, was that Michael Miles, the Defendant's
19 brother, Michael Miles indicated that James Albert Bell
20 had nothing to do with any of the burglaries.

21 So the combination of, A, he's lying to get his
22 brother out of trouble but he's putting somebody in his
23 statement saying that somebody was there and somebody
24 participated in it that had nothing to do with it; and
25 that on this information, as far as where the items were

1 that had been stolen, proved to be useless. And that
2 might not be his fault. There was a pretty good time
3 between the time he was arrested and when he decided to
4 cooperate.

5 But it was very clear to us, and we have the
6 transcript actually from his brother's plea, that his
7 statements that his brother had nothing to do with any of
8 these burglaries were a complete fabrication.

9 THE COURT: Tell me -- as a matter of law, this
10 business of allowing some decreases in a sentence in the
11 state court is a relatively new animal. It's been around
12 in the federal system for some time, but it's relatively
13 new in the state system.

14 Tell me where the legal authority of a Court exists to
15 reduce a sentence on the basis of such cooperation in the
16 absence of an agreement by both sides.

17 MR. MILLER: Your Honor, on 17-25-65 and this kind of
18 procedurally gets us where we're at, at the point that the
19 Defendant made the offer through his attorney that he
20 would cooperate with the State and give the sworn
21 statement to Investigator Criscillas with the sheriff's
22 office, we informed his attorney that if in fact he gave
23 us a sworn statement we would come back for a hearing
24 pursuant to this statute.

25 We did not have an agreement as to what credit he

1 would be entitled to because certainly we did not know
2 what if any use his information would be to us.

3 The reason -- and I've -- I've actually listed this in
4 the proposed order to say that this matter comes before
5 the Court on the motion of the solicitor joined by the
6 Defendant by and through his attorney, Ms. Pope.

7 And, Your Honor, we know that there is -- we know that
8 there's something that needs to be corrected with the
9 sentence. And certainly there are a couple of different
10 ways that that can be done. We're attempting to utilize
11 this hearing as a method to make sure that the right
12 sentence was imposed from the last time which I think the
13 statute gives the Court the ability to correct the
14 sentence without regard to who imposed the sentence.

15 And because this was a negotiated sentence and
16 everybody agreed that it was a negotiated sentence and it
17 was marked as such on the sentencing sheets, there
18 shouldn't be any question about what the sentence was
19 intended to be.

20 So I think the Court has the authority to correct the
21 inaccuracy or the error in the sentences that were
22 imposed.

23 Having said that, Ms. Pope wants -- has requested and
24 as a matter of professional courtesy we told her we would
25 give her an opportunity to have this motion heard. And we

1 don't want to go back on our word to have that hearing
2 done which is what we are doing here today.

3 And I assume that Ms. Pope is going to argue that
4 there's some justification to otherwise modify the
5 Defendant's sentence above and beyond what we agree needs
6 to be done which is fixing the negotiated sentence portion
7 of it.

8 THE COURT: All right. Ms. Pope, I'll be glad now to
9 hear from you.

10 MS. POPE: Your Honor, may it please the Court.

11 THE COURT: Yes, ma'am.

12 MS. POPE: Everything the solicitor has said is true
13 and we do not deny that my client has pled guilty to these
14 charges. In addition, Your Honor, we do not deny that he
15 was not truthful when trying to save his brother, Your
16 Honor.

17 However, we would like to argue that my client's tried
18 to the best of his ability to tell the investigators where
19 these guns and other things that they wanted to know, he
20 tried his very best to tell where all of these items were
21 located.

22 As the solicitor stated, there was some time lapse in
23 between his arrest and the time that he decided to
24 cooperate.

25 Just briefly, very brief and quick history about my

1 client, Your Honor. He's 24 years old. He's completed
2 the 11th grade at Airport High School and he's worked in
3 landscaping since then. He has two children; he's got a
4 five-year-old son named Thomas and a four-year-old little
5 girl named Leesee (phonetically).

6 He did tell me, and we went through this at the plea,
7 that he broke up with the mother of those children and he
8 began to use drug very heavily. And he did admit even
9 during that plea that he just was kind of out there. He
10 did not know -- he was so high on drugs he really didn't
11 know everything that he was doing, but he has admitted to
12 these burglaries.

13 And, Your Honor, his mother who has supported him, his
14 mother as well as him has a charge for armed robbery of
15 her own. She also has a crack possession charge. His
16 father who used to work in construction suffers from a
17 severe brain injury. And, Your Honor, those are not
18 excuses and those are not reasons for breaking the law but
19 it's just to give you some background.

20 He is not -- he is not a bad person, I believe. I've
21 spoken with him numerous times during the course of this
22 case and he did some very bad things and he's admitted to
23 those things, Your Honor, but he did tell me that after
24 this plea he wanted to tell the investigator where these
25 guns were.

1 At the time of this investigation there had been some
2 incidents in Aiken County. And I explained the
3 seriousness of stolen guns to him. And he did understand
4 that. And he promised me that he would be truthful and he
5 would be honest. And, Your Honor, I think he really tried
6 to do that.

7 I think it's unfortunate that nothing was obtained.
8 But I will say that I believe he tried. And for that
9 reason, Your Honor, I am asking that you would at least
10 consider some form of reduction, whether that is to run
11 some of those charges concurrent or run one of the charges
12 concurrent. He's got 25 years.

13 His brother who did have some, some responsibility in
14 these robberies was -- and I understand there two
15 different cases, but he was given a YOA. Your Honor, I
16 just think that if you would consider that he did attempt
17 to help in some form and fashion, that's all that we're
18 asking.

19 THE COURT: Thank you, Ms. Pope.

20 MR. MILLER: Your Honor, I have a proposed order that
21 I have passed to Ms. Pope that I could pass up to the
22 Court. And I'd be happy to make any changes to the order
23 that the Court requires. That might be the easiest method
24 to get to the finish line on this.

25 THE COURT: Well, and I appreciate that. The statute

1 reads, as I thought that it does, that the reduction of a
2 sentence for substantial assistance to the State and the
3 motion practice that has been developed in carrying out
4 this statute provides first of all that the motion must
5 come from the State. The statute reads in Subsection A of
6 17-25-65: Upon the State's motion made within a year of
7 sentencing the Court may reduce a sentence if the
8 Defendant after sentence provided, number one, substantial
9 assistance in investigating or prosecuting another person,
10 or agent of the Department of Corrections, which does not
11 apply here, and if the motion is made more than a year
12 after sentencing, once again, it must be the State's
13 motion, made more than a year after sentencing, may reduce
14 if the Defendant's substantial assistance involved
15 information not known to the Defendant until a year or
16 more after, which is not the case here.

17 Information provided by the Defendant to the State
18 within a year of sentence, or which did not become useful
19 to the State until more than one year after sentencing, or
20 information the usefulness of which could not reasonably
21 have been anticipated by the Defendant until more than a
22 year after sentencing and which was properly provided to
23 the State after its usefulness was reasonably apparent to
24 the Defendant.

25 And it once again refers to, A, to the Department of

1 Corrections employee.

2 When I look at the statute, I can't see where the
3 circumstances before me meet any of those, any of those
4 requirements. Now I'll be glad to -- this is the first
5 time, frankly, that I've dealt with a motion under this
6 statute. And I'll be glad to be instructed further. This
7 thing has been around for a couple of years.

8 But, first of all, I'm not sure whether it was within
9 a year or not of sentencing, whether the motion was made
10 within a year or not of sentencing. You told me the date,
11 Mr. Miller. I didn't write it down because I really
12 didn't realize the significance of it.

13 MR. MILLER: He was sentenced May 7, 2012, Your
14 Honor. So it would be within the year.

15 THE COURT: Okay.

16 MR. MILLER: And that was what we were proceeding on,
17 was that it was within a year. The disagreement between
18 the State and the defense attorney is whether or not the
19 information is such that would be worthy of rising to the
20 level of causing any reduction or modification of the
21 sentence.

22 THE COURT: Well, if there's a disagreement then I
23 take it that the State is not moving for me to reduce the
24 sentence.

25 MR. MILLER: Your Honor, we are making the motion by

1 agreement with defense counsel that we would provide
2 defense counsel an opportunity to be heard. That was the
3 -- and at the time whenever this was all done, to be
4 perfectly frank with the Court, we hadn't dealt with this
5 a whole lot.

6 So when Ms. Pope said that her client wanted to
7 cooperate, we said, well if he cooperates then you'll get
8 a time that you can come in front of the Court and you can
9 determine whether or not that cooperation was helpful or
10 not.

11 And I didn't want to foreclose her client' having
12 provided a statement, her not having the opportunity to at
13 least come into the court and argue it. And that's why I
14 captioned it as I did that it is the motion of the State.
15 It's joined by the defense. We just don't agree with what
16 the outcome of the motion should be.

17 THE COURT: Okay. Unfortunately the statute doesn't
18 give that option. The statute is clear.

19 And it assumes, I suppose, that the State's motion is
20 being made within a year of sentencing to reduce the
21 sentence of the Defendant if substantial assistance has
22 been provided.

23 So let's just take away for a moment, let's just take
24 away the issue of whether the State has to move -- or
25 whoever has to move or whoever has to move or not, the

1 requirement is that substantial assistance in
2 investigating or prosecuting another person must occur.

3 Now, tell me where the substantial assistance occurs.
4 I understand, Ms. Pope, as you've told me, that he did
5 try. At least he tried insofar as some of the property
6 was concerned. I understand also and you've acknowledged
7 that there was some misleading information that he
8 provided at the same time.

9 And so what I'm looking for is for somebody to tell me
10 and I don't care who it comes from, somebody to tell me
11 how this statute has been complied with other than the
12 fact that y'all both agreed to be here and dump this in my
13 lap and say, Judge, how about take care of this.

14 Well, what I'm asking you to do is, I'll take care of
15 it if you can tell me how the statute allows me to.

16 MR. MILLER: I understand where -- what you're saying,
17 Your Honor. And I think that, frankly, we're in a
18 position of we're not sure how to handle it either.

19 There is a fundamental disagreement between the State
20 and the defense as to whether or not, A, the Subsection A
21 was complied with. Was there substantial assistance
22 provided or not.

23 And, of course, we are alleging that it was not and
24 therefore as paradoxical as it sounds that our own motion
25 should be denied because this is our motion which is

1 required under the statute.

2 Ms. Pope obviously has a different outlook on that
3 aspect of whether or not Subsection A has been complied
4 with and if in fact it has not, then I think that the
5 motion should be denied for a modification of the sentence
6 for substantial cooperation.

7 But I don't think that that forecloses us being able
8 to consent -- or for Ms., Pope and I to be able to agree
9 that the sentence should properly be the situation that
10 I've described earlier.

11 THE COURT: Exactly. I agree with you. The sentence
12 needs to be modified to reflect what the intention was at
13 the time of the sentencing.

14 MR. MILLER: Sure.

15 THE COURT: There's no question about that. That
16 motion however was not made pursuant to this particular to
17 statute. This statute is pretty clear, you know, as to
18 limitations.

19 But I think you're exactly right. It should, be --
20 I'm happy to sign that part of the motion. I have no
21 problem with that. I'm just trying to figure out how to
22 go beyond this.

23 But not withstanding that, Ms. Pope, you know, we can
24 chop this up into little pieces and see how it all fits
25 but, based on what I've been told I really can't find

1 where there was any substantial assistance in
2 investigating or prosecuting.

3 The statute -- first of all, I think the statute
4 justifiably understands, as the federal statute does, that
5 this is a motion that has to come from the State because
6 the State has received some benefit by the Defendant's
7 actions.

8 MS. POPE: Yes, Your Honor.

9 THE COURT: The law recognizes in both the state and
10 the federal side that if it were left up to a defendant or
11 a defense lawyer to make this motion, then there would be
12 one, of course, every time. And we all can understand the
13 possibility for abuse under those circumstances.

14 MS. POPE: Yes, Your Honor.

15 THE COURT: And so, that's the reason that the statute
16 has been worded as it has and, I take it, perhaps closely
17 tracking the federal statute although I'm not clearly as
18 familiar with that.

19 But I have to look at where is the substantial
20 assistance in this regard. He provided information and it
21 was information but it doesn't say provide substantial
22 information. It says provide substantial assistance which
23 is a more objective standing.

24 And so for that reason, Ms. Pope and Mr. Miles, I must
25 respectfully deny your motion to further modify the

1 sentence other than to reflect what the initial intention
2 was on May the 12th of last year.

3 MS. POPE: Yes, Your Honor. Thank you.

4 MR. MILLER: Your Honor, I will prepare just a brief
5 consent order for Ms. Pope so we can fix the other
6 sentence issue.

7 THE COURT: That will be fine.

8 MR. MILLER: Thank you, Your Honor.

9 THE COURT: Thank you all.

10 END OF CASE: 5:26 P.M.

11 * * * *

12

13 CERTIFICATE OF REPORTER

14

15 STATE OF SOUTH CAROLINA)

16 COUNTY OF AIKEN)

17

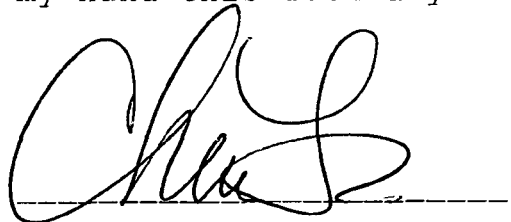
18

19 I, Cheri L. Young, Registered Professional Reporter
20 and Official Court Reporter for the State of South
21 Carolina, Second Circuit-At Large, do hereby certify that
22 the foregoing is a true, accurate and complete transcript
23 of record of the proceedings had and evidence introduced
24 in the hearing of the captioned case, relative to appeal,
25 in the Court of General Sessions for Aiken County, on the

1 14th day of January, 2013.

2 I do further certify that I am neither of kin,
3 counsel, nor interest to any party hereto.

4 I have hereunder set my hand this 28th day of June,
5 2013.




Cheri L. Young, RPR
Official Court Reporter

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The State concedes that the Defendant should be sentenced in accordance with the terms of his previously negotiated sentence and consents to the granting of this Motion.

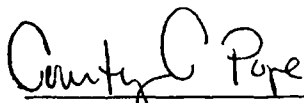
Based on the foregoing, it is ORDERED that the Defendant's sentence for Burglary 2nd Degree (non-violent) on Indictment 2012-GS-02-00629 imposed on May 7, 2012 is hereby REDUCED to ten years, suspended to five years of probation, consecutive to the sentence on Indictment 2012-GS-02-00627

IT IS SO ORDERED!


~~Thomas W. Cooper, Jr.~~ Robert E. Hood
Presiding Judge,
Second Judicial Circuit

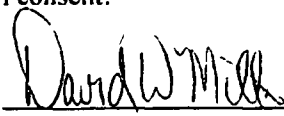
January 14, 2013
Aiken, South Carolina

I so Move:



Courtney C. Pope
Attorney for the Defendant

I consent:



David W. Miller
Assistant Solicitor

ARREST WARRANT

M-026408

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE
against

11-072162

Daniel Fredrick Anthony Miles

Address

Aiken, SC 29803-9508

Phone _____ SSN _____

Sex M Race _____ Height 6 1 Weight 160

Date SC DL # _____

DOB 8 Agency ORI # SC0020000

Prosecuting Agency Aiken County Sheriff

Prosecuting Officer Inv. James Criscillis - 3970

Offense Burglary / Burglary (After June 20, 1985) - First degree

Offense Code 0079

Code/Ordinance Sec 16-11-0311

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

RETURN

A copy of this arrest warrant was delivered to defendant Daniel Fredrick Anthony Miles on 12-28-11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Midland Valley Summary Court General Sessions
129 Langley Dam Road
P.O. Box 769
Langley, SC 29834

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Personally appeared before me the affiant Inv. James Criscillis

being duly sworn deposes and says that defendant Daniel Fredrick Anthony Miles

did within this county and state on or about 11/16/2011

State of South Carolina (or ordinance of County/ Municipality of Aiken)

in the following particulars

DESCRIPTION OF OFFENSE Burglary / Burglary (After June 20, 1985) - First degree

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

Upon information and belief on November 16, 2011 at or about 8 00 pm the defendant Daniel Fredrick Anthony Miles did force entry into the victim, Bobby James Owens back door and did take and carry away property and firearms valued at more than \$2000 00 with the intent to permanently deprive the owner The defendant was identified through a co-defendant's statement This taking place at _____ Road, Windsor, South Carolina, Aiken County This being in Violation of Section 16-13-0311 of the South Carolina Code of Laws

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

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 11/16/2011 defendant Daniel Fredrick Anthony Miles

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Aiken) as set forth below

DESCRIPTION OF OFFENSE. Burglary / Burglary (After June 20, 1985) - First 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 12/20/2011

Signature of Issuing Judge James Criscillis (L.S.)

Carl Stuart Insley

Judge Code 5848

Judge's Address Post Office Box 769

Langley, SC 29834

Judge's Telephone (803)593-5171

Issuing Court Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

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

REC-2011 4:27 PM

FILED
Jan 4 2012
Sheriff's Office
Deputy Clerk

36

WITNESSES

Aiken County Sheriff

James Criscillas

Law Enforcement Case # 11-072162

DWM

ARREST WARRANT NUMBER

M026408

May 3 2012
L. J. Godard
CC CP & GS
Shannon Thompson
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Wesley Eubank

Foreperson of Grand Jury
Date May 3, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200623

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE

vs.

DANIEL FREDRICK ANTHONY MILES

CDR #: 0079

Indictment for

BURGLARY FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2012GS0200623

VS)
Daniel Fredrick Anthony Miles)

A/V# M026408

AKA)

Date of Offense 11/16/2011

Race 1 Sex M Age 23)

S C Code § 16-11-0311

DOB SS#)

CDR Code # 0079

Address)

City, State, Zip Aiken, SC 29803-9508)

SENTENCE SHEET

DL# 0* SID# SC01743475)

0-10

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was

TO Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second degree

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 §17-25-45

(CSC w/minor 1st or Lowd Act)

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
David W. Mills 19553 Daniel Miles Co-City Pse 70707
Solicitor 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 10 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 12-22-11 - 131 20
 The Defendant is to be placed on 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 PTUP _____

Total \$ _____ plus 20% fee. \$ _____ days/hours Public Service Employment

Payment Terms _____ Obtain GED

Set by SCDPPPS _____ Attend Voc Rehab Or Job Corp _____

Recipient _____ May serve W/E beginning _____

*Fine \$ _____ Substance Abuse Counseling

\$14-1-206 (Assessments 107 5%) \$ _____ Random Drug/Alcohol Testing

\$14-1-211 (A)(1)(Conv Surcharge) \$100 \$ 160.00

\$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 \$ _____

\$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 (SCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

Clerk of Court/Deputy Clerk Ann Sanders

Court Reporter Cheri Young Presiding Judge R. Samuel [Signature]

Judge Code 2144

Sentence Date 5-7-12

63

ARREST WARRANT

M-026407

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE

11-070708

against

Daniel Fredrick Anthony Miles

Address

Aiken, SC 29803-9508

Phone _____ SSN _____

Sex M Race _____ Height 6 1 Weight 160

State SC DL# _____

Agency ORI # SC0020000

Prosecuting Agency Aiken County Sheriff

Prosecuting Officer Inv. James Criscillis - 3970

Offense Burglary / Burglary (Violent) (After 06/20/85) - Second degree

Offense Code 0086

Code/Ordinance Sec. 16-11-0312(B)

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 Daniel Fredrick Anthony Miles

on 12-28-11

Anthony Sam 5855
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL

ORIGINAL

EC2011 4F271

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Personally appeared before me the affiant Inv. James Criscillis who

being duly sworn deposes and says that defendant Daniel Fredrick Anthony Miles

did within this county and state on or about 11/08/2011 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Aiken)

in the following particulars

DESCRIPTION OF OFFENSE Burglary / Burglary (Violent) (After 06/20/85) - Second degree

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

Upon information and belief on November 8, 2011 at or about 8 00 pm, the defendant, Daniel Fredrick Anthony Miles, did along with others forced entry into the property of the victim, Mary Bellinger and did take and carry away two handguns and other property with the intent to permanently deprive the owner The defendant was identified through a co-defendants statement This taking place at _____ Rd., Windsor, South Carolina, Aiken County This being in Violation of Section 16-11-312 of the South Carolina Code of Laws.

Signature of Affiant

James Criscillis 3970

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

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 believe that

on or about 11/8/2011 defendant Daniel Fredrick Anthony Miles

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Aiken) as set forth below

DESCRIPTION OF OFFENSE: Burglary / Burglary (Violent) (After 06/20/85) - 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/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 12/20/2011

Carl Stuart Insley (L.S.)

Signature of Issuing Judge

Carl Stuart Insley

Judge Code 5848

Judge's Address Post Office Box 769

Langley, SC 29834

Judge's Telephone (803)593-5171

Issuing Court Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

FILED
2012
James Criscillis
S.C. Sheriff & G.S.
Deputy Clerk

WITNESSES

Aiken County Sheriff

James Criscillas

Law Enforcement Case # 11-070708

DWM

ARREST WARRANT NUMBER

M026407

May 3 2012
Liz Godard
KCCP & GS
Shannon Thompson
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Wesley Eubank

Foreperson of Grand Jury
Date May 3, 2012

VERDICT

Foreperson of Petit Jury
Date

DOCKET NO. 2012GS0200624

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE

vs.

DANIEL FREDRICK ANTHONY MILES

CDR #: 0079

Indictment for

BURGLARY FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Aiken)
 STATE)
 VS)
 Daniel Fredrick Anthony Miles)
 AKA)
 Race 1 Sex M Age 23)
 DOB _____ SS# _____)
 Address _____)
 City, State, Zip Aiken, SC 29803-9508)
 DL# _____ SID# SC01743475)
 *CDL Yes No CMV Yes No Hazmat Yes No

INDICTMENT/CASE# 2012GS0200624
 A/W# M026407
 Date of Offense 11/8/2011
 S C Code § 16-11-0311
 CDR Code # 0079

SENTENCE SHEET

0-10

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second degree
 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 §17-25-45
 (CSC w /minor 1st or Lev d Act)

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
David W. Miller 69553 Daniel Miles Corey Pope 76707
 Solicitor 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 10 days/months/years of 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 2012-GS-02-00623
 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 12-28-11
 The Defendant is to be placed on 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 PTUP _____

Total \$ _____ plus 20% fee \$ _____ days/hours Public Service Employment

Payment Terms _____ Obtain GED
 Set by SCDPPPS _____ Attend Voc Rehab Or Job Corp _____

Recipient _____		
*Fine _____	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv Surcharge)	\$100	\$ <u>100.00</u>
§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	\$ <u>25.00</u>
§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 (SCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in instalments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.80</u>

May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol Testing
 Fine may be pd in equal consecutive weekly/monthly
 prmts of \$ _____ Beginning _____
 \$ _____ 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 Shanna Thompson
 Court Reporter Cheri Yang
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code 21414
 Sentence Date 5-7-12

ARREST WARRANT

M-026413

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE 11-069123 against

Daniel Fredrick Anthony Miles

Address

Aiken, SC 29803-9508

Sex M Race Height 6 1 Weight 160 State SC DL # n Agency ORI # SC0020000

Prosecuting Agency Aiken County Sheriff Prosecuting Officer Inv. James Criscillis - 3970

Offense Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second degree

Offense Code 0080 Code/Ordinance Sec 16-11-0312

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 Daniel Fredrick Anthony Miles on 12-28-11

Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

General Sessions P O Box 583 109 Park Avenue Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Personally appeared before me the affiant Inv. James Criscillis who

being duly sworn deposes and says that defendant Daniel Fredrick Anthony Miles did within this county and state on or about 10/31/2011 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Aiken) in the following particulars

DESCRIPTION OF OFFENSE Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second degree

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

Upon information and belief on October 31, 2011 at or about 9:00 pm the defendant, Daniel Fredrick Anthony Miles, did along with others forced entry into the property of the victim, Carole Bentley and did take and carry away property with the intent to permanently deprive the owner with a value that was greater than \$2000 00 The defendant was identified through a co-defendant's statement This incident taking place at Rd, Windsor, South Carolina, Aiken County This being in Violation of Section 16-11-312 of the South Carolina Code of Laws

Signature of Affiant

Signature of Affiant (Handwritten)

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

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

on or about 10/31/2011 defendant Daniel Fredrick Anthony Miles

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Aiken) as set forth below

DESCRIPTION OF OFFENSE: Burglary / Burglary (Non - Violent) (After June 20, 1985) - 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 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 12/20/2011

Signature of Presiding Judge (L.S.)

Carl Stuart Insley

Judge Code 5848

Judge's Address Post Office Box 769

Langley, SC 29834

Judge's Telephone (803)593-5171

Issuing Court Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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

ORIGINAL

AFFIDAVIT

Vertical stamp: 11-4-27 PM

Vertical stamp: FILED 2011, Deputy Clerk

42

WITNESSES

Aiken County Sheriff

James Criscillas

Law Enforcement Case # 11-069123

DWM

ARREST WARRANT NUMBER

M026413

10/03/12
L. Adard
CCCP & GS
Shannon Thompson
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Wesley Eubank

Foreperson of Grand Jury
Date May 3, 2012

VERDICT

Foreperson of Petit Jury
Date

DOCKET NO. 2012GS0200627

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE

vs.

DANIEL FREDRICK ANTHONY MILES

CDR #: 0079

Indictment for

BURGLARY FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2012GS0200627

VS)
Daniel Fredrick Anthony Miles)

A/V# M026413

AKA)

Date of Offense 10/31/2011

Race 1 Sex M Age 23)

S C Code § 16-11-0311

DOB SS#)

CDR Code # 0079

Address)

City, State, Zip Aiken, SC 29803-9508)

SENTENCE SHEET

DL# SID# SC01743475)

0-10

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second degree

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 §17-25-45

The charge is As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury (def 's initials)

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

ATTEST: David W Mills 5 69553 Daniel Miles Pro 76707
Solicitor 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 12 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 2012-05-02-00624

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 12-28-11

The Defendant is to be placed on 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 PTUP

Total \$ _____ plus 20% fee \$ _____ days/hours Public Service Employment

Payment Terms Obtain GED

Set by SCDPPPS Attend Voc Rehab Or Job Corp _____

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	\$ _____
§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)	\$	\$ 3.90

May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd in equal consecutive weekly/monthly
prmts of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other _____

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

TOTAL \$ 133.90

Presiding Judge Samuel Collier

Clerk of Court/Deputy Clerk Ann Sanders

Judge Code 2144

Court Reporter Chesi Young
SCCA/217 (03/2011)

Sentence Date 5-7-12

45

ARREST WARRANT

M-008934

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE 11-068183

against

Daniel Fredrick Anthony Miles

Address

Aiken, SC 29803-9508

Phone _____ SSN _____

Sex M Race W Height 6 1 Weight 160

DL State SC DL # _____

DOB _____ Agency ORI # SC0020000

Executing Agency Aiken County Sheriff

Prosecuting Officer Inv. James Criscillis - 3970

Offense Burglary / Burglary - Second degree

Offense Code 0086

Code/Ordinance Sec 16-11-0312(B)

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 Daniel F.A. Miles on 1-10-12

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)

County/ Municipality of)

Aiken)

Personally appeared before me the affiant Inv James Criscillis wtr

being duly sworn deposes and says that defendant Daniel Fredrick Anthony Miles

did within this county and state on or about 10/24/2011 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Aiken)

in the following particulars

DESCRIPTION OF OFFENSE Burglary / Burglary - Second degree

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

UPON INFORMATION AND BELIEF ON 10-24-2011 APPROXIMATELY 0100 HRS. THE DEFENDANT DANIEL FREDRICK ANTHONY MILES ALONG WITH OTHERS DID FORCE ENTRY INTO THE PROPERTY OF THE VICTIM, LEE ROY WELLS SR. AND DID TAKE AND CARRY AWAY THREE HANDGUNS AND OTHER PROPERTY WITH THE INTENT TO PERMANENTLY DEPRIVE THE OWNER THE DEFENDANT WAS IDENTIFIED THROUGH THE DEFENDANTS RECORDED STATEMENT THE INCIDENT OCCURRED AT _____ ROAD WINDSOR, SC IN AIKEN COUNTY THIS BEING IN VIOLATION 16-11-0312(B) OF THE SC CODE OF LAWS

Signature of Affiant

[Signature]

STATE OF SOUTH CAROLINA)

County/ Municipality of)

Aiken)

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

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 10/24/2011 defendant Daniel Fredrick Anthony Miles

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Aiken) as set forth below

DESCRIPTION OF OFFENSE: Burglary / Burglary - 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 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 01/10/2012

[Signature] (L.S) Judge's Address 50 Canal Street, Suite 14

Signature of Issuing Judge Donald L. Hatcher Judge's Telephone (803)663-6634

Judge Code. 7104 Issuing Court Magistrate Municipal Circuit

FILED
January 13 2012
Aiken
James Criscillis
Lee Roy Wells Sr

WITNESSES

Aiken County Sheriff

James Criscillas

Law Enforcement Case # 11-068183

DWM

ARREST WARRANT NUMBER

M008934

May 3 2012
Liz Adard
CC CP & GS
Shannon Thompson
Deputy Clerk

ACTION OF GRAND JURY

True B. 11

Wesley Eubank

Foreperson of Grand Jury
Date May 3, 2012

VERDICT

Foreperson of Petit Jury
Date.

DOCKET NO. 2012GS0200629

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2012

**THE STATE
vs.**

DANIEL FREDRICK ANTHONY MILES

CDR #: 0079

Indictment for

BURGLARY FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Aiken)
 STATE)
 VS)
Daniel Fredrick Anthony Miles)
 AKA)
 Race 1 Sex M Age 23)
 DOB _____ SS# _____)
 Address _____)
 City, State, Zip Aiken, SC 29803-9508)
 DL# _____ SID# SC01743475)

INDICTMENT/CASE# 2012GS0200629
 A/W# M008934
 Date of Offense 10/24/2011
 S C Code § 16-11-0311
 CDR Code # 0079

SENTENCE SHEET

0-15

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was
 TO Burglary / Burglary (Violent) (After 06/20/85) - Second degree

In violation of § 16-11-0312(B) of the S C Code of Laws, bearing CDR Code # 0086
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
 (CSC w /minor 1st or Lev'd Act)

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
David W. Miller 69553 Daniel Miles 70707
 Solicitor 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 10 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 3
 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 2012-GS-02-00627
 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 Central Registry of Child Abuse and Neglect pursuant to S C Code §17-25-135
12-28-11 - 131 days

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 PTUP _____

Total \$ _____ plus 20% fee \$ _____ days/hours Public Service Employment

Payment Terms _____ Obtain GED
 Set by SCDPPPS _____ Attend Voc Rehab Or Job Corp _____

Recipient _____		
*Fine _____	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv Surcharge)	\$100	\$ <u>100.00</u>
§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	\$ <u>25.00</u>
§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 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL	\$	<u>133.90</u>

May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol Testing
 Fine may be pd in equal consecutive weekly/monthly
 pmts of \$ _____ Beginning _____
 \$ _____ 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 Ann Sanders
 Court Reporter Cheri Young
 SCCA217 (03/2011)

Presiding Judge R. Fred Kelly
 Judge Code 2144
 Sentence Date 5-7-12

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

October 3rd, 2013



Carmen V. Ganjehsani
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

October 3rd, 2013



Carmen V. Ganjehsani
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Aiken County

R. Ferrell Cothran, Jr., Circuit Court Judge

RECEIVED
OCT 03 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DANIEL F. MILES,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Mr. Daniel Miles, #331866, McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 3rd day of October, 2013.

Brandon Hall

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 3rd day of October, 2013.

Lewis Pender (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.