

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF CALHOUN ) THE FIRST JUDICIAL CIRCUIT  
)

STATE OF SOUTH CAROLINA ) **Indictment Nos.:** 2024GS0900342,  
Plaintiff, ) 2024GS0900346  
)

v. )

**RULE 203(B) EXPLANATION**

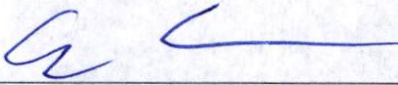
**DANIEL NELSON LIVINGSTON,** )  
Defendant. )  
\_\_\_\_\_ )

**RECEIVED**  
MAY 27 2025  
SC Court of Appeals

**Pursuant to Rule 203(B) (iv),** the issues to be raised on Appeal may include whether the Trial Court abused its discretion when it imposed a sentence of 10 years provided that upon the service of 5 years the balance is suspended with probation for 5 years as well as a concurrent sentence of 5 years provided that upon the service of 2 years the balance is suspended with probation for 5 years upon the Appellant after he plead guilty.

The undersigned does not have a good faith basis to believe that such an abuse occurred and the undersigned did not object to the sentence or file a Motion to Reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430F.3d 696, 706 (4th Cir. 2005) ("A Defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client, '") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,

By:   
\_\_\_\_\_  
Ash D. Chisholm  
Assistant Public Defender  
1452 Boone Hill Road, Suite B  
Summerville, SC 29483  
Attorney for Defendant  
(843) 821-9800

Summerville, South Carolina  
This 20th day of May, 2025



County of Calhoun  
State

INDICTMENT/CASE#: 2024GS0900342  
AW#: 2024A0910100239  
Date of Offense: 07/25/2024

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SC Court of Appeals

VS.

Daniel Nelson Livingston

2025 MAY 15 AM 9:00 § 16-3-600(B)(1)(b)

AKA:  
RACE: White SEX: Male DOB:

CDR Code #: 3411  
Range of Offense: 0-20 y

Disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
O: Assault & Battery 1st Degree Range of Offense Pled: 0-10y

violation of § 16-3-600 of the S.C. Code of Laws, bearing CDR Code # 3412

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

he charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.  
he plea is:  w/ Rec/Negotiations  Negotiated  Recommendation split sentence

Solicitor Theodore N. Lupton SC Bar # 9517  
Attorney for Defendant Ash D. Chisholm SC Bar # 76426

The Defendant is committed to the  SCDC  County Detention Center  Home Incarceration Program  
or a determinate term of 10 days/months/years/Time Served  YOANTE \_\_\_ years and/or shall pay a fine

of \$ \_\_\_\_\_; provided that upon the service of 5 days/months/years/Time Served and or payment

of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 5 months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or  CONSECUTIVE to sentence on: 5-13-25

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/month  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: 15 Probation fees & complaint with M.H. Tx 3 years. Expiration may terminate early @ full discretion of P

<input type="checkbox"/> RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B))	Restitution \$ _____
§14-1-206 (Assessments 107.5%)	FINE: \$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100 \$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce Funding)	\$25 \$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114 (BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500 \$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
	TOTAL \$ <u>128.75</u>

Fine/Costs and Assessments are to be paid to the Clerk of Court within \_\_\_\_\_ days/months

*Joseph Johnson*  
Clerk of Court/Duty Clerk  
*Addy Riker*  
Court Reporter

2782 5-13-25  
Judge Code Sentence Date Presiding Judge