RECEIVED
AUG 21 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF Horry)
STATE)
VS.) INDICTMENT/CASE#: 2022GS2602898
Don Leequin Brown) A/W#: 2020A2610202044
AKA:) Date of Offense: 9/12/2020
Race: [redacted] Sex: [redacted] Age: [redacted]) S.C. Code §: 16-03-0029
DOB: [redacted] SS#: [redacted]) CDR Code #: 3410
Address: [redacted])
City, State, Zip: [redacted])
DL#: [redacted] SID#:)

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

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Assault / Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

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

The charge is: ☑ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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

ATTEST:

Helms, Christopher D. 100116 Defendant SCB65097

Gardner, Johnny
Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction,** ☐ **County Detention Center,**

for a determinate term of 30 ~~days/months~~/years/~~Time Served~~ ☐ **Youthful Offender Act** not to exceed X years

and/or to pay a fine of $ X ; provided that upon the service of X days/months/years/Time Served and or payment of $ X ; plus costs and assessments as applicable*; the balance is suspended with **probation** for X months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 5/25/2023

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
2023 MAY 25 P 1:07
HORRY COUNTY

☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC: _____ days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Don Leequin Brown INDICTMENT/CASE#: 2022GS2602898

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

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 days/hours

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

☐ Other: _____

HORRY COUNTY
2023 MAY 25 P 6:07
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY SC

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ 25.00 Beginning 6.25.2018

§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	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§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	$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$ 128.75

Clerk of Court/ Deputy Clerk: Renee Elvis

Court Reporter: Bobbi Fisher

Presiding Judge: Marion Cubbage

Judge Code: 2148

Sentence Date: May 25, 2023

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry)

STATE)

VS.) INDICTMENT/CASE#: 2022GS2602891

Don Leequin Brown) A/W#: 2020A2610202043

AKA:) Date of Offense: 9/12/2020

Race: [redacted] Sex: [redacted] Age: [redacted]) S.C. Code §: 16-03-0010-0020

DOB: [redacted] SS#: [redacted]) CDR Code #: 0116

Address: [redacted])

City, State, Zip: [redacted])

DL#: [redacted] SID#:)

RECEIVED
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SC Court of Appeals

FILED
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Murder / Murder

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116

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

The charge is: ☑ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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

ATTEST:

Helms, Christopher D. 100116 Defendant

Gardner, Johnny SCB65097
Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction,** ☐ **County Detention Center,**

for a determinate term of 45 ~~days/months~~/years/~~Time Served~~ ☐ **Youthful Offender Act** not to exceed X years

and/or to pay a fine of $ X ; provided that upon the service of X days/months/years/Time Served and or payment

of $ X ; plus costs and assessments as applicable*; the balance is suspended with **probation** for X

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 5/25/2023

☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
_____ days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

HORRY COUNTY
2023 MAY 25 P 6:11
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE VS. Don Leequin Brown INDICTMENT/CASE#: 2022GS2602891

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 days/hours

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

☐ Other: _____

RENEE N. ELVIS CLERK OF COURT HORRY COUNTY, SC

CERTIFIED COPY HORRY COUNTY 2023 MAY 25 P 6:07

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ 25.00 Beginning 6·25·2008 $ _____

§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	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§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	$ 3.75

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

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD $

TOTAL $ 128.75

Clerk of Court/ Deputy Clerk: Renee Elvis

Court Reporter: Bobbi Fisher

Presiding Judge: Marjanna Vereen

Judge Code: 2148

Sentence Date: May 25, 2023

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SC Court of Appeals

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF Horry)
STATE)
VS.) INDICTMENT/CASE#: 2022GS2602901
Don Leequin Brown) A/W#: 2020A2610202045
AKA:) Date of Offense: 9/12/2020
Race: [redacted] Sex: [redacted] Age: [redacted]) S.C. Code §: 16-03-0029
DOB: [redacted] SS#: [redacted]) CDR Code #: 3410
Address: [redacted])
City, State, Zip: [redacted])
DL#: [redacted] SID#:)

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

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Assault / Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

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

The charge is: ☑ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials).

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

ATTEST:

Helms, Christopher D. 100116 Defendant SC Bar # | Gardner, Johnny Attorney for Defendant SCB65097 SC Bar#

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction,** ☐ **County Detention Center,**

for a determinate term of 30 ~~days/months~~/years/~~Time Served~~ ☐ **Youthful Offender Act** not to exceed X years

and/or to pay a fine of $ X ; provided that upon the service of X days/months/years/Time Served and or payment of $ X ; plus costs and assessments as applicable*; the balance is suspended with **probation** for X months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 5/25/2023

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
2023 MAY 25 P 6:07
HORRY COUNTY

☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. _____ days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Don Leequin Brown INDICTMENT/CASE#: 2022GS2602901

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 days/hours

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

☐ Other: _____

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

2023 MAY 25 P 8:07
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ 25.00 Beginning 6-25-2023 $ _____

§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	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§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	$
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§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$ 3.75

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

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD $

TOTAL $ 128.75

Clerk of Court/ Deputy Clerk: Renee Elvis
Court Reporter: Bobbi Fisher

Presiding Judge: Benjamin Culbertson
Judge Code: 2148
Sentence Date: May 25, 2023

RECEIVED
AUG 21 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA **IN THE COURT OF GENERAL SESSIONS**

COUNTY OF Horry

STATE

VS.

Don Leequin Brown

INDICTMENT/CASE#: 2022GS2602902

ww#: 2020A2610202046

AKA:

Race: [redacted] Sex: [redacted] Age: [redacted]

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL#: [redacted] SID#:

Date of Offense: 9/12/2020

S.C. Code §: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

CERTIFIED COPY
HORRY COUNTY, SC
JENNIFER ELVIS
CLERK OF COURT

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Assault / Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

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

The charge is: ☑ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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

ATTEST:

Helms, Christopher D. 100116 Defendant SCB65097

Gardner, Johnny
Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction,** ☐ **County Detention Center,**

for a determinate term of 30 ~~days/months~~/years/~~Time Served~~ ☐ **Youthful Offender Act** not to exceed X years

and/or to pay a fine of $ X ; provided that upon the service of X days/months/years/Time Served and or payment of $ X ; plus costs and assessments as applicable*; the balance is suspended with **probation** for X months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 5/25/2023

HORRY COUNTY, S.C.
2023 MAY 25 P 6:07
CLERK OF COURT
JENNIFER M. ELVIS

☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. _____ days/months
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☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Don Leequin Brown INDICTMENT/CASE#: 2022GS2602902

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

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 days/hours

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

☐ Other: _____

HORRY COUNTY
2023 MAY 25 P 6:07
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ 25.00 Beginning 6.25.2068

§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	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§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	$ 3.75

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

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD $

TOTAL $ 128.75

Clerk of Court/ Deputy Clerk: Renee Elvis
Court Reporter: Bobbi Fisher

Presiding Judge: Margaret Cobb Hoffman
Judge Code: 2148
Sentence Date: May 25, 2023

WITNESSES

Kenneth A Marcus Horry County Police Department Kathy Thompson

ARREST WARRANT NUMBER

2020A2610202043
CDR: 0116 16-03-0010, 0020
DOA: 9/22/2020

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury Jason Henderson
Date: JUL 20 2022

VERDICT

Guilty

Foreperson of Petit Jury Charles P Gardener
Date:

DOCKET NO. 2022GS2602891

The State of South Carolina

County of Horry

Christopher D. Helms
20H04653

COURT OF GENERAL SESSIONS

July, 2022 TERM

THE STATE

vs.

Don Leequin Brown
[redacted]
DOB: [redacted]
SSN: [redacted]

ATTORNEY: Johnny Gardner

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

HORRY COUNTY
2022 JUL 21 A 11:43
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM GRAND JURY

ORIGINAL

RECEIVED
AUG 21 2023
SC Court of Appeals

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on July 20, 2022, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Don Leequin Brown did in Horry County, on or about September 12, 2020, willfully, feloniously, and intentionally kill the victim, [redacted] with malice aforethought, either express or implied, by means of shooting the victim, and the victim did die as a proximate result thereof on or about in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

WITNESSES

Kenneth A Marcus Horry County Police Department Kathy Thompson

ARREST WARRANT NUMBER

2020A2610202044
CDR: 3410 16-03-0029
DOA: 9/22/2020

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: JUL 20 2022

VERDICT
Guilty

Charles P Gardner
Foreperson of Petit Jury
Date: May 25, 2023

DOCKET NO. 2022GS2602898

The State of South Carolina

County of Horry

Christopher D. Helms
20H04653

COURT OF GENERAL SESSIONS

July, 2022 TERM

THE STATE

vs.

Don Leequin Brown
B/ M
[redacted]
DOB: [redacted]
SSN: [redacted]

ATTORNEY: Johnny Gardner

Indictment for

ATTEMPTED MURDER

Jimmy A. Richardson, II, Solicitor

HORRY COUNTY
2022 JUL 21 A 11:44
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM GRAND JURY

ORIGINAL

RECEIVED
AUG 21 2023
SC Court of Appeals

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on July 20, 2022, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED MURDER
CDR: 3410 16-03-0029

That Don Leequin Brown did in Horry County on or about September 12, 2020 with intent to kill [redacted] attempt to kill the victim with malice aforethought, either expressed or implied in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

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

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

WITNESSES

Kenneth A Marcus, Horry County Police Department Kathy Thompson

ARREST WARRANT NUMBER

2020A2610202045
CDR: 3410 16-03-0029
DOA: 9/22/2020

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: JUL 20 2022

VERDICT

Guilty

Charles P Gardner
Foreperson of Petit Jury
Date: May 25, 2023

DOCKET NO. 2022GS2602901

The State of South Carolina

County of Horry

Christopher D. Helms
20H04653

COURT OF GENERAL SESSIONS

July, 2022 TERM

HORRY COUNTY
2022 JUL 21 A 11:44
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM GRAND JURY

THE STATE

vs.

Don Leequin Brown
[redacted]
DOB: [redacted]
SSN: [redacted]

ORIGINAL

ATTORNEY: Johnny Gardner

Indictment for

ATTEMPTED MURDER

Jimmy A. Richardson, II, Solicitor

RECEIVED
AUG 21 2023
SC Court of Appeals

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on July 20, 2022, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED MURDER
CDR: 3410, 16-03-0029

That Don Leequin Brown did in Horry County on or about September 12, 2020 with intent to kill [redacted] attempt to kill the victim with malice aforethought, either expressed or implied in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

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

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

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

WITNESSES

Kenneth A Marcus Horry County Police Department Kathy Thompson

ARREST WARRANT NUMBER

2020A2610202046
CDR: 3410 16-03-0029
DOA: 9/22/2020

ACTION OF GRAND JURY

TRUE BILL

John Henderson
Foreperson of Grand Jury
Date: JUL 20 2022

VERDICT

Guilty

Charles P Gardener
Foreperson of Petit Jury
Date: May 25, 2023

DOCKET NO. 2022GS2602902

The State of South Carolina

County of Horry

Christopher D. Helms
20H04653

COURT OF GENERAL SESSIONS

July, 2022 TERM

THE STATE

vs.

Don Leequin Brown

[redacted]
DOB: [redacted]
SSN: [redacted]

ATTORNEY: Johnny Gardner

Indictment for

ATTEMPTED MURDER

Jimmy A. Richardson, II, Solicitor

HORRY COUNTY
2022 JUL 21 A 11:44
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM GRAND JURY

ORIGINAL

RECEIVED
AUG 21 2023
SC Court of Appeals

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on July 20, 2022, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED MURDER
CDR: 3410 16-03-0029

That Don Leequin Brown did in Horry County on or about September 12, 2020 with intent to kill [redacted] attempt to kill the victim with malice aforethought, either expressed or implied in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

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

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

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

ARREST WARRANT

2020A2610202043

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE 2020065937

against

Don Leequin Brown

Address: [redacted]

Phone: SSN: [redacted]

Sex: [redacted] Race: [redacted] Height: [redacted] Weight: [redacted]

DL State: [redacted] DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Kenneth A Marcus - 5730

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

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 Don Brown on 9-22-20

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)
[X] County/ [ ] Municipality of)
Horry)

FILED
2020 OCT 1 AM 8:15
RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2020 SCCA 618

Personally appeared before me the affiant Kenneth A Marcus who being duly sworn deposes and says that defendant Don Leequin Brown did within this County and State of on or about 9/12/2020 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

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 September 12th, 2020 while in the Conway section of Horry County the defendant, Don Leequin Brown, did act in concert with others in the murder of [redacted] with malice aforethought. The defendant willfully used a vehicle he was driving to block another vehicle, occupied by multiple people, at the intersection of Rose Moss Rd & D Street. This allowed other occupants in his vehicle the abilility to shoot and strike the vehicle he blocked, causing the death of Jamie Johnson. Physical and digital evidence located during this investigation, corroborate witness statements obtained by investigators. Based on the above facts the affiant believes that probable cause exists to establish the defendant did commit the offense of Murder (SC Code 16-03-0010). R/O K. Marcus HCPD

Ken Marcus

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Horry)

Affiant's Address 2560 N. 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 9/12/2020 defendant Don Leequin Brown did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

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 9/22/2020

(L.S.)

Signature of Issuing Judge

William N. Hutson

Judge Code: 7371

Judge's Address 4150 J. Reuben Long Avenue
Conway, SC 29526-

Judge's Telephone (843)915-5145

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

RECEIVED
AUG 21 2023
SC Court of Appeals

RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

BAIL set by

Judge Butler

on 9/23/2020

Type and Amount: Bond Board

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
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Telephone:

Name:
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Name:
Address:
Telephone:

CODEFENDANTS



RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

ARREST WARRANT

2020A2610202044 COPY

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

THE STATE 2020086837

against

Don Leequin Brown

Address: [redacted]

Phone: SSN: [redacted]

Sex: [redacted] Race: [redacted] Height: [redacted] Weight: [redacted]

DL State: [redacted] DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Kenneth A Marcus - 5730

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

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 Don Brown on 9-21-20

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)
[X] County/ [ ] Municipality of)
Horry)

FILED
2020 OCT -1 AM 8:15
RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 618

Personally appeared before me the affiant Kenneth A Marcus who being duly sworn deposes and says that defendant Don Leequin Brown did within this county and state on or about 9/12/2020 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

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 September 12th, 2020 while in the Conway section of Horry County the defendant, Don Leequin Brown, did act in concert with others in attempting to murder several people, with malice aforethought. The defendant wilfully used a vehicle he was driving to block another vehicle, occupied by multiple people, at the intersection of Rose Moss Rd & D Street. This allowed other occupants in his vehicle the ablility to shoot and strike the vehicle he blocked, causing the death of one. Physical and digital evidence located during this investigation, corroborate witness statements obtained by Investigators. Based on the above facts the affiant believes that probable cause exists to establish the defendant did commit the offense of Attempted Murder (SC Code 16-03-0029) R/O K. Marcus HCPD.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Horry)

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

Affiant's Telephone

RECEIVED
AUG 21 2023
SC Court of Appeals

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 9/12/2020 defendant Don Leequin Brown did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

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 9/22/2020

(L.S.)

Signature of Issuing Judge

William N. Hutson

Judge Code: 7371

Judge's Address 4150 J. Reuben Long Avenue
Conway, SC 29526-

Judge's Telephone (843)915-5145

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Butler

on 9/23/2020

Type and Amount: Waived Bond

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
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Telephone:

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Telephone:

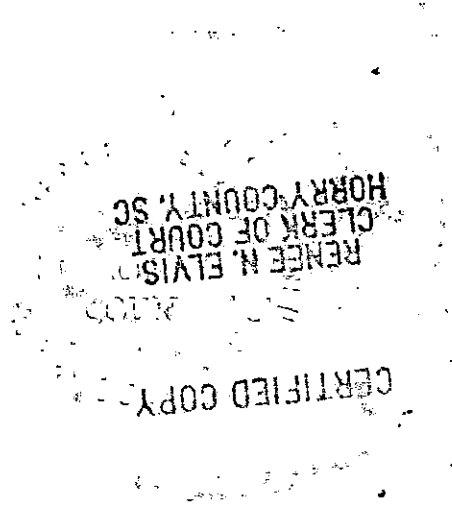
Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS





ARREST WARRANT

2020A2610202045

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE 202006837

against

Don Leequin Brown

Address: [redacted]

Phone: SSN: [redacted]

Sex: [redacted] Race: [redacted] Height: [redacted] Weight: [redacted]

DL State: [redacted] DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Kenneth A Marcus - 5730

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

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 Don Brown on 9-22-20

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)
[X] County/ [ ] Municipality of)
Horry)

ORIGINAL

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

AFFIDAVIT

CERTIFIED COPY

FILED
2020 OCT -1 AM 8:45
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Personally appeared before me the affiant Kenneth A Marcus who being duly sworn deposes and says that defendant Don Leequin Brown did within this county and state on or about 9/12/2020 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) in the following particulars:

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

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:

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Ken Marcus

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Horry)

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

Affiant's Telephone

RECEIVED
AUG 21 2023
SC Court of Appeals

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 9/12/2020 defendant Don Leequin Brown did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

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Sworn to and subscribed before me on 9/22/2020

(L.S.)

Signature of Issuing Judge

William N. Hutson

Judge Code: 7371

Judge's Address 4150 J. Reuben Long Avenue
Conway, SC 29526-

Judge's Telephone (843)915-5145

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Butler

on 9/23/2020

Type and Amount: Waived Bond

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

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Name:
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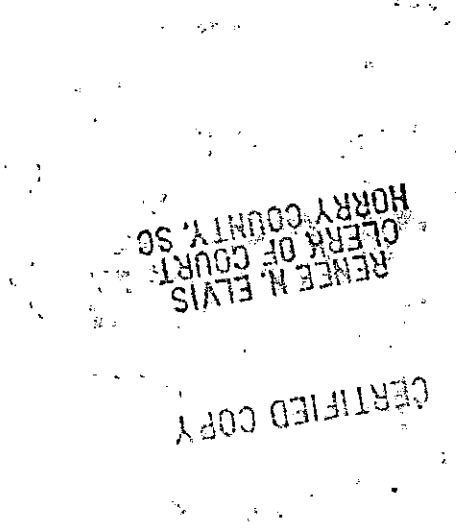
Name:
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Telephone:

CODEFENDANTS





ARREST WARRANT

2020A2610202046

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE 2020086837

against

Don Leequin Brown

Address: [redacted]

Phone: SSN: [redacted]

Sex: [redacted] Race: [redacted] Height: [redacted] Weight: [redacted]

DL State: SC DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Kenneth A Marcus - 5730

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

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 Don Brown on 9-22-20

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)
[X] County/ [ ] Municipality of)
Horry)

ORIGINAL

CERTIFIED COPY

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

FILED
2020 OCT -1 AM 8:15
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

AFFIDAVIT

Personally appeared before me the affiant Kenneth A Marcus who being duly sworn deposes and says that defendant Don Leequin Brown did within this county and state on or about 9/12/2020 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) in the following particulars:

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

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 September 12th, 2020 while in the Conway section of Horry County the defendant, Don Leequin Brown, did act in concert with others in attempting to murder several people, with malice aforethought. The defendant wilfully used a vehicle he was driving to block another vehicle, occupied by multiple people, at the intersection of Rose Moss Rd & D Street. This allowed other occupants in his vehicle the ablility to shoot and strike the vehicle he blocked, causing the death of one. Physical and digital evidence located during this investigation, corroborate witness statements obtained by Investigators. Based on the above facts the affiant believes that probable cause exists to establish the defendant did commit the offense of Attempted Murder (SC Code 16-03-0029) R/Ofc. Marcus HCPD.

Signature of Affiant Ken Marcus.

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Horry)

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

Affiant's Telephone

RECEIVED
AUG 21 2023
SC Court of Appeals

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 9/12/2020 defendant Don Leequin Brown did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

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 9/22/2020

(L.S.)

Signature of Issuing Judge

William N. Hutson

Judge Code: 7371

Judge's Address 4150 J. Reuben Long Avenue
Conway, SC 29526-

Judge's Telephone (843)915-5145

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Butler

on 9/23/2020

Type and Amount: Bond

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
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Telephone:

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CODEFENDANTS

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

2022A2610202043 - 2046

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	Indictments: 2022GS260291;
COUNTY OF HORRY	)	2022GS260298; 2022GS2602901-902
	)	
State of South Carolina,	)	**DEFENDANT'S MOTION TO**
Vs.	)	**RECONSIDER SENTENCING**
Don Brown,	)	
Defendant.	)	

HORRY COUNTY
2023 JUN -1 P 2:06
CLERK OF COURT
CERTIFIED COPY

TO: Office of the Solicitor for the 15th Judicial Circuit

YOU WILL PLEASE TAKE NOTICE that the Defendant, by and through his undersigned attorney, hereby moves for an order from this Honorable Court amending its sentencing of the Defendant.

The Defendant was tried and convicted of Murder and three (3) counts of Attempted Murder on May 25, 2023. The Court sentenced the Defendant to a term of forty-five (45) years of incarceration. In issuing its ruling, the Court noted "*I don't see any reason to sentence him to more that the co-defendant,*[1] *but I don't see any reason to sentence him to any less.*"

The Defendant respectfully submits that the Court, in failing to note any differences between the Defendant and the co-Defendant, failed to evaluate the presence of mitigating factors relating to this Defendant, in comparison to the aggravating factors that were present with the co-Defendant. Principally, the fact that the evidence at trial established that co-Defendant Whittington fired the only two shots directed at the victim, including the fatal shot, and did so out of an animus that had been brewing for several weeks. These facts are not present in analyzing this Defendant's culpability.

As such, the Defendant submits that failure to consider all relevant conduct, including the absence of pre-planning and deadly conduct in his sentencing, violates his rights to due process under the 14th Amendment to the U.S. Constitution and Article I Section 3 of the South Carolina State Constitution, as well as his right to be free from cruel and unusual punishment pursuant to the 8th Amendment of the U.S. Constitution and Article I Section 15 of the South Carolina State Constitution.

[1] Co-Defendant Tranahz Whittington was tried and convicted in a separate trial in March of 2023.

Respectfully submitted,

JOHNNY GARDNER LAW PA

Johnny Gardner,
S.C. Bar No.: 65097
P.O. Box 1851
Conway, SC 29528
843-248-7135 (phone)
johnny@johnnygardnerlaw.com
Attorney for Defendant

June 1, 2023

HORRY COUNTY
2023 JUN -1 P 2:06
RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	Indictments: 2022GS2602901-902;
COUNTY OF HORRY	)	2022GS2602891; 2022GS2602898
	)	
State of South Carolina,	)	**DEFENDANT'S MOTION FOR NEW TRIAL**
vs.	)	
	)	
Don Brown,	)	2020A2610202043 - 2046
Defendant.	)	

TO: Office of the Solicitor for the 15th Judicial Circuit

YOU WILL PLEASE TAKE NOTICE that the Defendant, by and through his undersigned Counsel, hereby moves for an order from this Honorable Court granting the Defendant a new trial on the charges of Murder and Attempted Murder. Defendant's Motion is based upon the errors committed during the trial, individually, and cumulatively under the *cumulative error* doctrine.

FILED
HORRY COUNTY
2023 JAN -2 A 9:11
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, S.C.

I. THE DEFENDANT IS ENTITLED TO AN ORDER GRANTING HIM A NEW TRIAL BASED ON THE FOLLOWING:

a) **The Court Erred in Allowing the Introduction of the Testimonial Hearsay Statement(s) of Co-Defendant Trevonte Mitchell**

Prior to the start of trial, and prior to the introduction of testimony, the Defendant moved for an order suppressing statements made by co-defendants Don Brown and Trevonte Mitchell during a custodial interrogation. Defendants motion was made pursuant to Bruton v. United States, 391 U.S. 123, 126, 88 S.Ct. 1620, 20 L.Ed.2d 476 (1968) as well as Crawford v. Washington, 541 U.S. at 54, 124 S.Ct. at 1354. The Court ruled that since the testimony proffered by the State did not facially incriminate the Defendant, it did could not violate the Defendant's rights under the Confrontation Clause.

The Defendant respectfully submits that the Court construed the circumstances which could implicate the Confrontation Clause too narrowly. The statement of a non-testifying co-defendant need not be facially incriminating to trigger the Confrontation Clause, if the Statement(s), under the circumstances, reasonably infers incriminating conduct into the Defendant. *See* State v. Henson, 407 S.C. 154, 754 S.E.2d 508 (2014) (*citing* Gray v. Maryland, 523 U.S. 185, 118 S.Ct. 1151, 140 L.Ed.2d 294 (1998)).

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, S.C.

CERTIFIED COPY

b) **The Court Erred in Failing to Grant Defendant's Motion For Mistrial When the State Elicited Testimony From a Witness Discussing a Second Shooting Incident and the Court Failed to Allow the Defense to Ask a Follow-Up Question to Mitigate its Prejudicial Effect.**

At the outset of the trial, the Court informed Counsel that the Court would only allow the following modes of examination: direct examination, cross-examination, and re-direct examination of those issues raised on cross, which were not raised on re-direct. During the re-direct testimony of Shamonte Graham, the Solicitor asked a question which prompted the witness to refer to a second shooting. At a sidebar, the Court instructed the Solicitor to not elicit testimony referring to a second shooting. Immediately thereafter, the Solicitor asked the exact same question, without modification, which elicited the testimony in the first place. The Defense moved for a mistrial, which the Court denied. Additionally, the Court denied the Defendant's request to be allowed to briefly re-cross the witness to ensure that the jury was aware that the second shooting being referenced by the witness was one in which the witness was a victim, not an active shooter.[1] That request was also denied by the Court.

A trial judge may impose reasonable limits on cross-examination based upon concerns about, among other things, harassment, prejudice, confusion of the issues, witness safety, or interrogation that is repetitive or only marginally relevant. United States v. Fleschner, 98 F.3d 155, 157 (4th Cir.1996). Absent the introduction of any new matter on re-direct examination, the rule is that recross-examination is not required. Without something new, a party has the last word with his own witness. However, where new evidence is disclosed on redirect examination, the opposing party should be given the privilege of recross-examination. Am. Jur. 2d. Witnesses § 508.

In this case, the failure to grant the Defendant's mistrial motion allowed prejudicial and misleading testimony to be submitted to the jury in violation of Rule 403, SCRE. Furthermore, the failure to allow the Defendant to re-cross the witness, on such a limited, yet critical issue, violated his right to a fair trial and to confront his accusers under the 6th Amendment of the U.S. Constitution, the Due Process Clause of the 14th Amendment to the U.S. Constitution, the Due

[1] Attached herein as **EXHIBIT 1** is a portion of the transcript from the trial of co-defendant Whittington regarding this separate shooting incident. (p. 388 beginning at ¶23 - p. 390)

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Process Clause contained in Article I, Section 3 of the South Carolina Constitution, and the right to be fully heard in his Defense under Article I, Section 14 of the South Carolina Constitution.

c) **The Court Erred in Failing to Grant Defendant's Motion For Mistrial When the Solicitor Elicited Testimony from a Law Enforcement Witness that Contained Testimonial Hearsay Directly Violating Defendant's Right to Confrontation.**

During the testimony for two of the State's witnesses, the Court granted the Defendant a continuing objection on those issues raised in Paragraph (a) above. During the course of testimony, the witness referred to a statement by a non-testifying co-defendant wherein the non-testifying co-defendant made reference to the fact that he was sitting in the back seat with two other people. Given that the testimony, up to that point, made clear that Defendant Don Brown was the driver of the vehicle, the obvious implication was that Defendant Che Ransom and co-defendant Trevonte Mitchell were the other two individuals sitting in the back seat with the witness. The Court, *sua sponte*, called a recess and expressed concern that the testimony had now triggered incriminating testimony for which the Defendant was unable to cross-examine. The Court cited State v. McDonald, 412 S.C. 133, 771 S.E.2d 840 (2015). Ultimately, however, despite the Court acknowledging that there had been an error in the admission of the testimony, the Court denied the Defendant's motion for a mistrial. The Court indicated that the error was harmless as a basis for denying the mistrial.

Viewing this error as harmless, even in light of the final ruling in McDonald, conflated the basis for the Supreme Court's ruling in that case. The McDonald Court viewed the admission of the improper statement as being harmless in light of the entire record and the "overwhelming evidence of McDonald's guilt." In this trial, there had not been overwhelming evidence of the Defendant's guilt submitted. Moreover, it was the testimony of the various co-defendant's which provided the sole basis for the State's evidence of criminal culpability of the Defendant.

d) **The Court Erred in Failing to Sustain Defendant's Objection to the Solicitor's Closing Argument Which Contained Improper "Golden Rule" Arguments.**

At the start of the Case, pursuant to motion from the Defendant, the Court instructed the State to not make reference to the mother of the victim who was seated in the courtroom. In closing arguments, the State pointed out and identified the victim's mother, who had not testified in the case. The Defendant made a contemporaneous objection based upon both the Court's prior

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ruling, and the fact that the Solicitor's statements constituted improper "Golden Rule" arguments to the jury. The Court overruled the objection.

"A solicitor's closing argument must be carefully tailored so as not to appeal to the personal biases of the jury." Von Dohlen v. State, 360 S.C. 598, 609, 602 S.E.2d 738, 744 (2004). "The argument must not be calculated to arouse the jurors' passions or prejudices, and its content should stay within the record and reasonable inferences that may be drawn therefrom." Id. at 609–10, 602 S.E.2d at 744. "While the solicitor should prosecute vigorously, his duty is not to convict a defendant but to see justice done." State v. Northcutt, 372 S.C. 207, 222, 641 S.E.2d 873, 881 (2007) (quoting State v. Linder, 276 S.C. 304, 312, 278 S.E.2d 335, 339 (1981)). "The solicitor's closing argument must, of course, be based on this principle." Id. "A Golden Rule argument asking the jurors to place themselves in the victim's shoes tends to completely destroy all sense of impartiality of the jurors, and its effect is to arouse passion and prejudice." State v. Reese, 370 S.C. 31, 38, 633 S.E.2d 898, 901 (2006).

II. EVEN IF THE INDIVIDUAL GROUNDS OUTLINED HEREIN ARE INSUFFICIENT TO WARRANT THE GRANTING OF A NEW TRIAL, THE CUMULATIVE EFFECT OF THESE ERRORS CREATED THE EFFECT OF DEPRIVING THE DEFENDANT OF A FAIR TRIAL, AND THUS, A NEW TRIAL IS APPROPRIATE.

"The cumulative error doctrine provides relief to a party when a combination of errors, insignificant by themselves, has the effect of preventing the party from receiving a fair trial, and the cumulative effect of the errors affects the outcome of the trial." State v. Eubanks, 437 S.C. 458, 878 S.E.2d 335 (Ct. App. 2022), reh'g denied (Oct. 20, 2022) *citing* State v. Beckman, 405 S.C. 225, 237, 746 S.E.2d 483, 490 (Ct. App. 2013).

The Defendant respectfully submits that cumulative of the errors recited herein warrant the granting of a new trial.

Respectfully submitted,

Johnny Gardner
S.C. Bar No.: 65097
P.O. Box 1851
Conway, SC 29528
843-248-7135
johnny@johnnygardnerlaw.com

June 1, 2023

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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
)
STATE OF SOUTH CAROLINA)
)
VS.)
)
DON BROWN
DEFENDANT)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

ORDER
APPOINTING CONFLICT ATTORNEY
FOR DEFENDANT WHO
HAS CO-DEFENDANTS
PURSUANT TO RULE 608 AND
OID CONTRACT

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FILE NO: 26A20-00003626

This matter comes before me regarding appointing counsel for the Defendant, pursuant to Rule 608 SCACR and an OID (Office Of Indigent Defense) Contract. The Defendant was arrested on September 22, 2020 for the offense(s) of:

2020A2610202043 Murder / Murder

2020A2610202044 Assault / Attempted Murder

2020A2610202045 Assault / Attempted Murder

2020A2610202046 Assault / Attempted Murder

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along with Co-Defendant(s):

1. Shamontae Graham - (Brana Williams)
2. Che' Ransom - (Jarrett Bouchette)
3. Tronahz Whittington - (Ralph Wilson Sr.)
4. Mikki McLeod - (Barbara Pratt)
5. Travontae Mitchell - (Paul Rathbun)

Upon application of the Defendant, Don Brown, through the Office of the Public Defender, the Court finds that the Defendant is eligible for court-appointed counsel, based upon the attached Certificate of Representation. The Office of Public Defender already represents a Co-Defendant (s) and a Conflict is deemed to exist which requires this Court to appoint a private attorney for the above named Defendant .

The Defendant is placed on notice that Defense of Indigents Act as contained in S.C. Code 17-3-310 (G)(6), (1993 as amended), authorizes OID to enter into contracts with qualified private counsel .

Pursuant to Rule 608 and S.C. Code 17-3-310 (G)(6), the below listed attorney, who is an active qualified member of the South Carolina Bar, is appointed to represent the Defendant.

IT IS ORDERED that, pursuant to Rule 608 and S.C. Code 17-3-310 (G)(6), the following attorney is appointed to represent the Defendant on the above-referenced offense(s):

Johnny Gardner
ATTORNEY AT LAW
212 MAIN STREET
Conway SC 29528
PHONE: (843)248-7135

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AND IT IS SO ORDERED:

DATED: 10/16/2020
CONWAY, SC

STEVEN H. JOHN
CHIEF ADMINISTRATIVE JUDGE
COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

NOTICE:SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online within fifteen (15) days of this appointment at www.sccid.sc.gov and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or the clerk of court. See SCCID website for further details.

Please indicate that the appointment is pursuant to OID CONTRACT 10/15/2020

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STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF HORRY)	OF THE FIFTEENTH JUDICIAL CIRCUIT
)	
STATE OF SOUTH CAROLINA)	
)	CERTIFICATE OF REPRESENTATION
-VS-)	(APPOINTING AS COUNSEL)
DON BROWN	
)	**CONFLICT ATTORNEY**
)	**Johnny Gardner**
DEFENDANT)	
FILE NO: 26A20-00003626	

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

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, October 15, 2020, regarding the charge(s) of:

2020A2610202043 Murder / Murder
2020A2610202044 Assault / Attempted Murder
2020A2610202045 Assault / Attempted Murder
2020A2610202046 Assault / Attempted Murder

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The Defendant's Counsel is

Johnny Gardner
Attorney At Law
212 MAIN STREET
Conway SC 29528
PHONE: (843)248-7135

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
CIRCUIT PUBLIC DEFENDER

CONWAY, SC
DATED: October 15, 2020

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
DON L. BROWN DEFENDANT)	

FILE NO: 26A20-00003626

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

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HORRY COUNTY, SC

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
8. Make available any facts which tend to exculpate the Defendant.

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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 us 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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(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.

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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 United States and the South Carolina Constitutions and under the relevant South Carolina Code of Laws

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: October 15, 2020

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CLERK OF COURT
HORRY COUNTY, SC
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