

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston)
STATE VS.)

INDICTMENT/CASE#: 2012GS1006498

Stevie Curtis Higgins Jr)

A/W#: 2012A1010200898

AKA: _____)

Date of Offense: 8/17/2012

Race: BLACK Sex: M Age: 23)

S.C. Code § : 16-23-0020, 0050(A)(2)

DOB: [REDACTED] SS#: [REDACTED])

CDR Code #: 0044

Address: [REDACTED])

City, State, Zip: [REDACTED])

DL#: [REDACTED] SID#: SC01818526)

SENTENCE SHEET

*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: Unlawful Carrying of Pistol

in violation of § 16-23-0020, 0050(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0044

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

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

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

ATTEST: J. O. [Signature] 72574 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 ONE 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 90 days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for ONE

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. 20 days
 The Defendant is to be placed on the 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: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

RECEIVED
_____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning SC Court of Appeals
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: _____

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/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Called Amanda [Signature]
ATTEST: A TRUE COPY
JULIE ARMSTRONG (SEAL) 2134
By [Signature] 2/19/14
DEPUTY CLERK

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.

Stevie Curtis Higgins Jr

AKA:

Race: BLACK Sex: M Age: 23

DOB: SS#

Address:

City, State, Zip:

DL#: SID#: SC01818526

*CDL Yes No CMV Yes No Hazmat Yes No

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

INDICTMENT/CASE#: 2012GS1006499

A/W#: 2012A1010200899

Date of Offense: 8/17/2012

S.C. Code § : 44-53-0370(d)(2)

CDR Code #: 0179

SENTENCE SHEET

TO: Poss. of ecstasy or other controlled sub. in Sch. I - V / > 1oz marijuana - 1st offense

CONVICTED OF or PLEADS

in violation of § 44-53-0370(d)(2) of the S.C. Code of Laws, bearing CDR Code # 0179

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

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

ATTEST: Stack, James P. 72574 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 6 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 90 days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for one

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. The Defendant is to be placed on the 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 Total: \$ plus 20% fee: \$

Payment Terms: Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 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, § 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, 3% to County (if paid in installments) \$, TOTAL \$ 288.40

PTUP days/hours Public Service Employment

Obtain GED Attend Voc. Rehab. or Job Corp.

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 Court Reporter: SCCA/217 (03/2011)

ATTEST: A TRUE COPY OF THE JUDICIAL PROCEEDINGS IN THIS CASE. By [Signature] DEPUTY CLERK

2/13/14 2/19/14

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston)
STATE VS.)

INDICTMENT/CASE#: 2012GS1006500

Stevie Curtis Higgins Jr)

A/W#: 2012A1010200900

AKA:)

Date of Offense: 8/17/2012

Race: BLACK Sex: M Age: 23)

S.C. Code § : 44-53-0370(d)(2)

DOB: [REDACTED] SS#: [REDACTED])

CDR Code #: 0179

Address: [REDACTED])

City, State, Zip: [REDACTED])

DL#: [REDACTED] SID#: SC01818526)

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Poss. of ecstasy or other controlled sub. in Sch. I -- V / > 1oz marijuana - 1st offense

in violation of § 44-53-0370(d)(2) of the S.C. Code of Laws, bearing CDR Code # 0179

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

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

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

ATTEST: 9-19-14 72574
Stack, James P. 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 6 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 90 days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for ONE

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.
 The Defendant is to be placed on the 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: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

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	\$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§ 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)		\$ 23.40
TOTAL		\$ 803.40

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

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: _____

RECEIVED

MAR 03 2014

SC Court of Appeals

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

Clerk of Court/ Deputy Clerk

Court Reporter: Amanda Hoffmann

SCCA/217 (03/2011)

ATTEST: A TRUE COPY of the foregoing Judgment

By Julie J. Armstrong Clerk of Court

By [Signature] Deputy Clerk

2134

2/19/14

ARREST WARRANT

2012A1010200898 44

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE

against

Stevie Curtis Higgins, Jr

Address:

Phone:

Sex: M

DL State: SC

DOB:

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: Deputy Midgett - 0595

Offense: Weapons / Unlawful carrying of pistol

Offense Code: 0044

Code/Ordinance Sec: 16-23-0020, 0050

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

is to be arrested and brought before me to be

dealt with according to the law.

The accused

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Bond Court

3870 Leeds Avenue, Suite 106

North Charleston, SC 29405

ORIGINAL

ORIGINAL

Judge

on

Type and Amount:

Name of Surety:

BAIL set by
B.A. DUNN
8-18-12

5,000

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

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., C.S. & F.C.
By *[Signature]*
DEPUTY CLERK

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

AFFIDAVIT

OCA # 2012-013035

Personally appeared before me, a magistrate of this County, one H. C. Givner, who, first being duly sworn, deposes and says that

Stevie Curtis Higgins Jr

did within this County and State on or about the 17th day of August, 2012, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
UNLAWFUL CARRYING OF A HANDGUN
16-23-20

The Affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on August 17, 2012, while at 5010 Dr. Taylor Rd., in the County and State aforesaid, the above named defendant, **Stevie Curtis Higgins Jr**, did commit the offense in violation of section 16-23-20 of the South Carolina State Code of Laws, 1976 as amended, **UNLAWFUL CARRYING OF A HANDGUN** in that he did willfully, unlawfully and feloniously have in his possession a Rhom .38 special serial number 195767.

Deputy Midgett was patrolling near the incident location when he observed the defendant standing in the middle of the roadway. When Deputy Midgett pulled up beside him in his marked vehicle the defendant started walking briskly away into the yard of the incident location. While Deputy Midgett was making contact with the defendant he noticed that his right front pocket was bulging. Deputy Midgett also noticed that defendant felt the outside of that same pocket with his right hand. Deputy Midgett patted down the defendant for officer safety and felt a metallic object that he recognized to be a handgun in the right front pocket and the defendant was detained. Search of his person Deputy Midgett recovered a Rhom .38 special serial number 195767 in the right front pocket.


The above is believed to be true based on the investigation of Deputy A. L. Midgett who is a witness to prove the same against the form of the statute in such case made provided against the peace and dignity of the State of South Carolina.

Sworn and subscribed before me
On this day 18 of August 2012


Affiant


Signature of Judge

3505 Pinehaven Dr.
N. Charleston, SC 29405
843-202-1700

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK C.P. & S.A.F.C.
By 
DEPUTY CLERK

FGN20120806139

WITNESSES

Charleston County Sheriff

AGENCY CASE NUMBER

2012013035B

ARREST WARRANT NUMBER

2012A1010200898

DATE OF ARREST

August 18, 2012

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

NOV 13 2012

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012GS1006498

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

November Term 2012

THE STATE

vs.

STEVIE CURTIS HIGGINS JR

DOB: 1990-09-12

B/M

Indictment for

Unlawful Carrying Of A Handgun

FILED

11/28/2012 1:49:09 PM

JULIE J. ARMSTRONG

CLERK OF COURT

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)

By 
DEPUTY CLERK

ARREST WARRANT

2012A1010200899

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE

against

Stevie Curtis Higgins, Jr

Address:

Phone:

Sex: M Race: B Height: 6 Weight: 220

DL State: SC DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: Deputy Midgett - 0595

Offense: Drugs / Poss. of other controlled sub. in Sched. I to V - 1st offense

Offense Code: 0179

Code/Ordinance Sec: 44-53-0370(d)(2)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

is to be arrested and brought before me to be dealt with according to the law. The accused

(I.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Bond Court
3870 Leeds Avenue, Suite 106
North Charleston, SC 29405

ORIGINAL

ORIGINAL

BAIL set by

BACD... 8-18-12

Judge on

Type and Amount:

1,000

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

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., C.S., & F.C.
By *[Signature]*
DEPUTY CLERK

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

OCA # 2012-013035

AFFIDAVIT

Personally appeared before me, a magistrate of this County, one Heller, who, first being duly sworn, deposes and says that

Stevie Curtis Higgins Jr

did within this County and State on or about the 17th day of August, 2012, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
Possession of a Schedule III Controlled Substance
44-53-370

The Affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on August 17, 2012, while at 5010 Dr. Taylor Rd., in the County and State aforesaid, the above named defendant, **Stevie Curtis Higgins Jr**, did commit the offense in violation of section 44-53-370 of the South Carolina State Code of Laws, 1976 as amended, **Possession of a Schedule III Controlled Substance** in that he did willfully, unlawfully and feloniously have in his possession 16 white oblong pills with "M357" imprinted on it. The pills were identified to be Hydrocodone 5mg a schedule III controlled substance.

Deputy Midgett was patrolling near the incident location when he observed the defendant standing in the middle of the roadway. When Deputy Midgett pulled up beside him in his marked vehicle the defendant started walking briskly away into the yard of the incident location. While Deputy Midgett was making contact with the defendant he noticed that his right front pocket was bulging. Deputy Midgett also noticed that defendant felt the outside of that same pocket with his right hand. Deputy Midgett patted down the defendant for officer safety and felt a metallic object that he recognized to be a handgun in the right front pocket and the defendant was detained. Search of his person Deputy Midgett recovered a Rhom .38 special serial number 195767 in the right front pocket and he was placed under arrest. Further search of his person Deputy Midgett located a pill bottle with 16 white oblong pills in left front pocket. Poison Control confirmed that the pills were Hydrocodone 5mg a schedule III controlled substance. After being read his rights the defendant admitted that he did not have a prescription for them.


The above is believed to be true based on the investigation of Deputy A. L. Midgett who is a witness to prove the same against the form of the statute in such case made provided against the peace and dignity of the State of South Carolina.

Sworn and subscribed before me
On this day 18 of August 2012


Affiant


Signature of Judge

3505 Pinehaven Dr.
N. Charleston, SC 29405
843-202-1700

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & FC
By 
MIDTIV, LEBW

FGN20120806139

WITNESSES

Charleston County Sheriff

AGENCY CASE NUMBER

2012013035B

ARREST WARRANT NUMBER

2012A1010200899

DATE OF ARREST

August 18, 2012

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

NOV 13 2012

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012GS1006499

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

November Term 2012

THE STATE

vs.

STEVIE CURTIS HIGGINS JR

DOB: 1990-09-12

B/M

Indictment for

Possession Of A Schedule III Controlled
Substance

FILED

11/28/2012 1:49:09 PM

JULIE J. ARMSTRONG
CLERK OF COURT

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By *[Signature]*
DEPUTY CLERK

ARREST WARRANT

2012A1010200900

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE

against

Stevie Curtis Higgins, Jr

Address:

[Redacted Address]

Phone:

SSN:

Sex: M Race: B Height: 6 Weight: 220

DL State: SC DL #: [Redacted]

DOB: [Redacted] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: Deputy Midgett - 0595

Offense: Drugs / Poss. of other controlled sub. in Sched. I to V - 1st offense

Offense Code: 0179

Code/Ordinance Sec: 44-53-0370(d)(2)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

is to be arrested and brought before me to be dealt with according to the law.

The accused

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Bond Court

3870 Leeds Avenue, Suite 106

North Charleston, SC 29405

ORIGINAL

ORIGINAL

179

Judge

on

Type and Amount:

Name of Surety:

Judge

on

Defendant Attorney:

Decision:

Judge

on

DISPOSITION before

by

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

Disposition:

Sentence:

JURORS

BAIL set by

BACDWIN

9-18-12

1,000

PRELIMINARY HEARING held by

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By [Signature]
DEPUTY CLERK

56-8-3160

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

OCA # 2012-013035

AFFIDAVIT

Personally appeared before me, a magistrate of this County, one Helfer, who, first being duly sworn, deposes and says that

Stevie Curtis Higgins Jr

did within this County and State on or about the 17th day of August, 2012, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
Possession of a Schedule IV Controlled Substance
44-53-370

The Affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on August 17, 2012, while at 5010 Dr. Taylor Rd., in the County and State aforesaid, the above named defendant, **Stevie Curtis Higgins Jr**, did commit the offense in violation of section 44-53-370 of the South Carolina State Code of Laws, 1976 as amended, **Possession of a Schedule IV Controlled Substance** in that he did willfully, unlawfully and feloniously have in his possession 29 round yellow pills with "V2683" imprinted on it. The pills were identified to be Diazepam 5mg a schedule IV controlled substance.

Deputy Midgett was patrolling near the incident location when he observed the defendant standing in the middle of the roadway. When Deputy Midgett pulled up beside him in his marked vehicle the defendant started walking briskly away into the yard of the incident location. While Deputy Midgett was making contact with the defendant he noticed that his right front pocket was bulging. Deputy Midgett also noticed that defendant felt the outside of that same pocket with his right hand. Deputy Midgett patted down the defendant for officer safety and felt a metallic object that he recognized to be a handgun in the right front pocket and the defendant was detained. Search of his person Deputy Midgett recovered a Rhom .38 special serial number 195767 in the right front pocket and he was placed under arrest. Further search of his person Deputy Midgett located a pill bottle with a torn label containing 29 round yellow pills with "V2683" imprinted on it. Poison Control confirmed that the pills were Diazepam 5mg a schedule IV controlled substance.


The above is believed to be true based on the investigation of Deputy A. L. Midgett who is a witness to prove the same against the form of the statute in such case made provided against the peace and dignity of the State of South Carolina.

Sworn and subscribed before me
On this day 18 of August 2012


Affiant


Signature of Judge

3505 Pinehaven Dr.
N. Charleston, SC 29405
843-202-1700

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK C.P., G.S. & F.G.
By 
DEPUTY CLERK

FGN20120806139

WITNESSES

Charleston County Sheriff

AGENCY CASE NUMBER

2012013035B

ARREST WARRANT NUMBER

2012A1010200900

DATE OF ARREST

August 18, 2012

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

NOV 13 2012

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012GS1006500

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

November Term 2012

THE STATE

vs.

STEVIE CURTIS HIGGINS JR

DOB: 1990-09-12

B/M

Indictment for

Possession Of A Schedule IV Controlled
Substance

FILED

11/28/2012 1:49:09 PM

JULIE J. ARMSTRONG

CLERK OF COURT

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK, C.P., G.S. & E.C.

By

DEPUTY CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

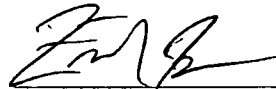
INDICTMENT

At a Court of General Sessions, convened on November 13, 2012 the Grand Jurors of Charleston County present upon their oath:

Possession Of A Schedule IV Controlled Substance

That in Charleston County, South Carolina, on or about August 17, 2012, the Defendant, STEVIE CURTIS HIGGINS JR, knowingly or intentionally and unlawfully did possess a quantity of Diazepam, a Schedule IV controlled substance, in violation of Section 44-53-370 of the South Carolina 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.



EMMANUEL FERGUSON
ASSISTANT SOLICITOR

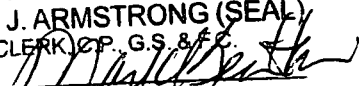
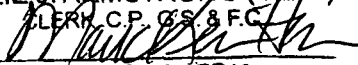
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EXHIBIT 1

STEVEN CURTIS HIGGINS, JR.

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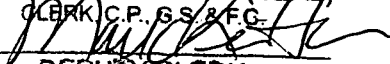
STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	
COUNTY OF CHARLESTON)	FOR THE NINTH JUDICIAL CIRCUIT
)	
State of South Carolina,)	Indictment No.s: 2012GS1006498
)	2012GS1006499
)	2012GS1006500
)	
-vs-)	
)	ORDER
Stevie Curtis Higgins, JR)	
)	
Defendant.)	
_____)	

This matter comes before the Court upon the Defendant's Motion to Suppress any and all evidence obtained during a search and seizure of Mr. Higgins's person pursuant to the Fourth Amendment of the United States Constitution, South Carolina Constitution Article I, § 10, as well as relevant case law submitted to the Court.

The Court held a bench trial and hearing on the motion on January 17, 2013. At the hearing, Defendant appeared with counsel, Michael Cooper, along with Assistant Solicitor James Stack, representing the State. Based on the arguments of counsel and matters submitted to the Court during the hearing, the Court makes the following findings of fact and conclusions of law.

I. STATEMENT OF FACTS

On August 18, 2012, Charleston County Sheriff's Deputies Adam Midgett and Jessie King were actively patrolling the Hollywood and Adams Run region of Charleston County in their marked Chevy Tahoe SUV. At approximately 10:30 P.M., Deputy Midgett turns his patrol car onto Doctor Taylor Road, a partially unpaved road with no sidewalks or streetlights that is located in a rural area of the County. While driving down Dr. Taylor Road, Deputy Midgett observes an individual, later identified as Stevie Curtiss Higgins, the Defendant, allegedly

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standing in the roadway in front of the residence of Ms. Valley Mae Young,¹ Mr. Higgins's aunt, who resides at 5010 Doctor Taylor Road.

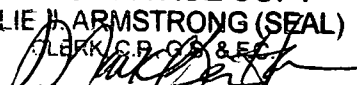
Although Deputy Midgett believed that a person in a roadway was an arrestable offense, he was unable to recall any specific statute or section of the South Carolina Code that would enable him to secure such an arrest. Nevertheless, Deputy Midgett pulled up alongside Mr. Higgins in order to investigate Mr. Higgins's movement beside the road. Without initiating blue lights or sirens, Deputy Midgett attempts to get close enough to Mr. Higgins in order to make contact, when Mr. Higgins begins to walk into his aunt's yard, away from the patrol car that is slowly driving down the road. At no point during this incident does Deputy Midgett attempt to verbally engage Mr. Higgins before he enters the curtilage of 5010 Dr. Taylor Road. Deputy Midgett testified that Mr. Higgins seemed suspicious because he looked over his shoulder multiple times as he was "briskly" walking away into his aunt's driveway.² Deputy King also believed this walking to be suspicious, adding that most citizens would simply stop or come to see what is going on when a patrol car arrives.

During testimony at the hearing, Deputy Midgett stated that he had previously arrested an individual named Harvey Wiggins for a drug charge and a gun charge on Dr. Taylor Road, and determined this location to be characterized as a high-crime area. Further testimony from Deputy Midgett unveiled that the Adams Run area has also been a high-crime area where he could remember making three or four arrests near 5010 Doctor Taylor Road.³ Neither deputy,

¹ Ms. Young, the property owner of 5010 Dr. Taylor Road, testified during the hearing that she was able to view the entire incident from her porch, and claims that Mr. Higgins was never in the roadway and that he was talking with his cousin in the driveway of her house when the police arrived. This fact was also corroborated by Derrick Lamar Brown, Mr. Higgins's cousin, who also testified that Mr. Higgins was not in the roadway at any point.

² Both Ms. Young and Mr. Brown characterized Mr. Higgins's walk as "normal."

³ Multiple times, Deputy Midgett asserted that the arrests of Harvey Wiggins predated the arrest of Mr. Higgins; however, the two criminal charges against Mr. Harvey Wiggins arising out of any criminal conduct in the Adams Run area were signed by Judge Lombard on November 20, 2012. Mr. Higgins was arrested on August 18, 2012.

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however, testified that they knew Mr. Higgins, or whether he had a criminal record, reputation for violence, or knowledge of drug trafficking or possessions.⁴

Nevertheless, when Mr. Higgins walked away from the patrol car, Deputy Midgett followed him onto the property of 5010 Doctor Taylor Road to find out why Mr. Higgins walked away.⁵ No testimony was elicited from Deputy Midgett concerning whether he had any particularized suspicion that Mr. Higgins was engaging or about to engage in serious criminal activity or that he might be armed and dangerous. Eventually, Deputy Midgett quelled his curiosity by seizing Mr. Higgins in the front yard. However, he was unable to recall whether he seized Mr. Higgins by grabbing his shoulder or whether it was by a verbal command.⁶

After the initial seizure, Deputy Midgett stated that he observed a “bulge” in Mr. Higgins’s front right pocket when he was able to turn Mr. Higgins around to face him.⁷ Deputy Midgett further testified that he decided to frisk Mr. Higgins when he observed Mr. Higgins patting the outside of that pocket with his hand. Although Deputy Midgett did not immediately recognize the object to be a handgun, he stated that he felt a hard, metal object that was consistent with a handgun. At that time, Deputy Midgett placed handcuffs on Mr. Higgins and detained him. At no point prior to this incident did Deputy Midgett ever question Mr. Higgins about what was in his pocket, nor did he obtain Mr. Higgins’s consent to search his person.

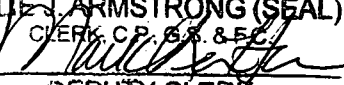
The other warrants for criminal conduct taking place in the City of Charleston for Harvey Wiggins were sworn on or about March 29, 2013.

⁴ The Defendant, Stevie Curtiss Higgins, does not have any criminal convictions on his record.

⁵ While Deputy Midgett stated that he stopped Mr. Higgins in the driveway of 5010 Doctor Taylor Road, Deputy King testified that Mr. Higgins was stopped in the grassy area of the yard.

⁶ According to Ms. Young, Deputy Midgett got out of his car and “bum-rushed” Mr. Higgins in the yard as he was walking towards the porch of the house. Ms. Young further explained that Deputy Midgett ran up to Mr. Higgins and grabbed him from behind, putting his arm behind his back. Mr. Brown testified that while he would not use the expression “bum-rush,” Deputy Midgett ran up to Mr. Higgins, grabbed him from behind, and put his arm behind his back.

⁷ Deputy King testified that he did not recall anything unusual about Mr. Higgins’s clothing.

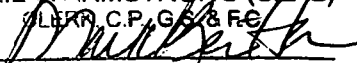
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After the handcuffs were in place, Deputy Midgett reached into Mr. Higgins' pocket and recovered a Rhom .38 revolver. Deputy Midgett's search also uncovered a number of Hydrocodone Acetaminophen and Diazepam tablets. Mr. Higgins was charged with Unlawful Carry of a Handgun, Possession of a Schedule III Controlled Substance, and Possession of a Schedule IV Controlled Substance.

II. DISCUSSION

The Fourth Amendment of the United States Constitution guarantees the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The Fourth Amendment is applicable to the States through the Due Process Clause of the Fourteenth Amendment. *Mapp v. Ohio*, 367 U.S. 643 (1961). The South Carolina Constitution adds that people shall be protected from "unreasonable invasions of privacy." S.C. Const. art. I, § 10; *See also South Carolina v. Forrester*, 343 S.C. 637, 644, 541 S.E.2d 837, 841 (2001) (stating "the people of South Carolina have indicated that searches and seizures that do not offend the federal Constitution may still offend the South Carolina Constitution resulting in the exclusion of the discovered evidence"); *State v. Austin*, 306 S.C. 9, 16, 409 S.E.2d 811, 815 (Ct. App. 1991) ("It is firmly established that state courts may interpret their own constitutions in such a way as to expand rights conferred by the Federal Constitution.").

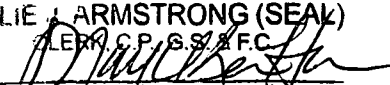
"The purpose of the Fourth Amendment is not to eliminate all contact between the police and the citizenry, but 'to prevent arbitrary and oppressive interference by enforcement officials with the privacy and personal security of individuals.'" *United States v. Mendenhall*, 466 U.S. 544, 553-54 (1980) (quoting *United States v. Martinez-Fuerte*, 428 U.S. 543, 554 (1976)). The police may stop, and briefly detain, an individual for investigative purposes only when the police officer has a reasonable suspicion supported by articulable facts that the person is involved in

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criminal activity. *State v. Foster*, 269 S.C. 373, 237 S.E.2d 589 (1977), citing *Terry v. Ohio*, 392 U.S. 1, 20 (1968). An individual has been seized for purposes of the Fourth Amendment when “a police officer accosts [the] individual and restrains his freedom to walk away.” *Terry*, 392 U.S. at 16; *State v. Rodriguez*, 323 S.C. at 491, 476 S.E.2d at 165 (1996).

The police must first have a reasonable belief the specific, individual defendant is armed and dangerous before an officer may frisk the defendant. *State v. Fowler*, 322 S.C. 263, 267, 471 S.E.2d 706, 708 (S.C. Ct. App. 1996), citing *Ybarra v. Illinois*, 444 U.S. 85 (1979) (ruling that reasonable suspicion must be particularized to the individual stopped and/or frisked). Reasonable suspicion is more than an “inchoate and unparticularized suspicion or ‘hunch.’” *Terry*, 392 U.S. at 27; *United States v. Foster*, 634 F.3d 243, 248 (4th Cir. 2011) (“[T]he State must do more than simply label a behavior as suspicious to make it so. The State must be able to either articulate why a particular behavior is suspicious or logically demonstrate, given the surrounding circumstances, that the behavior is likely to be indicative of some more sinister activity than may appear at first glance). The officer must be able to “specify the particular facts on which he or she based his or her belief the suspect was armed and dangerous.” *Id.*, citing *Sibron v. New York*, 392 U.S. 40 (1968) (where the suspect being a known narcotics dealer interacting with known narcotics users over a period of hours who put his and into a pocket when confronted by police does not provide reasonable suspicion). The frisk must be necessary for officer safety. However, generalized risk to officer safety is not sufficient to justify a routine pat-down for weapons as a matter of course. *See United States v. Sakyi*, 160 F.3d 164, 168-69 (4th Cir. 1998).

Any evidence discovered as a result of an illegal search or seizure must be suppressed as fruit of the poisonous tree. *Wong Sun v. United States*, 371 U.S. 471 (1963). It is the

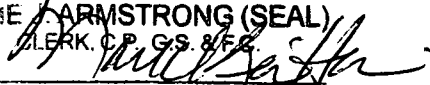
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government's burden to articulate facts sufficient to support reasonable suspicion. *United States v. Burton*, 228 F.3d 524, 527; *State v. Rodriguez*, 323 S.C. at 493, 476 S.E.2d at 166.

The Court's cases upholding reasonable suspicion determinations exemplify the type of careful observations and objective inferences necessary to support a stop. The conduct in *Terry* may have been "ambiguous" and "susceptible of an innocent explanation," but it objectively pointed to illegal activity. The officer had thirty years of experience patrolling downtown Cleveland. He carefully watched Terry and a companion, two men he had never seen before, while they took turns repeatedly looking into a store window (approximately 24 times), conferring with each other after each time. Although the officer suspected a "stick-up," he waited and followed the men as they joined a third man with whom they had earlier conferred. Only then did the officer approach the men and ask their names; when they mumbled a response, he patted down Terry, finding a pistol. *Terry*, 392 U.S. at 5-7. Objectively reasonable facts implicated the men in criminal activity and failure to further investigate would have been "poor police work indeed." *Id.* at 23. *Terry* involved good police work—surveillance, investigation, and connecting the dots.

Factors "susceptible of innocent explanation" may combine to form a particularized and objective basis for reasonable suspicion. See *United States v. Arvizu*, 534 U.S. 266, (2002). However, the Fourth Circuit has warned against the Government misusing innocent facts to establish indicia of suspicious activity. *United States v. Black*, 707 F.3d 521, 539 (4th Cir. 2013).


In *State v. Fowler*, two law enforcement officers were patrolling a high crime area in a marked patrol cruiser at approximately 1:20 a.m. 322 S.C. 263, 264, 471 S.E.2d 706, 707 (S.C. Ct. App. 1996). Officer Blair testified that he saw Mr. Fowler come from a suspected drug

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house. According to Officer Blair, Mr. Fowler walked in a “suspicious manner,” acted “kind of scared,” and “appeared as if possibly he was try to elude us.” *Id.* Mr. Fowler then “cut behind some houses” and did not walk to the corner and make a right turn walking down the sidewalk “like normal people would make that route.” *Id.* Mr. Fowler then went back onto the sidewalk proceeding “real fast - at a fast walk.” *Id.* The officers testified that they knew Mr. Fowler to have prior drug convictions, to carry weapons, and keep company with suspected drug dealers known to carry weapons. *Id.* The Court of Appeals ruled that “the facts do not support the State’s position the officers had an articulable suspicion Fowler was involved in criminal activity.” *Id.* at 266, 471 S.E.2d at 708.

When interacting with law enforcement, “ordinarily the person addressed has an equal right to ignore his interrogator and walk away; he certainly need not submit to a frisk for the questioner’s protection.” *Terry*, 392 U.S. at 32-33 (Harlan, J., concurring). Justice White concurred, stating, “Absent special circumstances, the person approached may not be detained or frisked but may refuse to cooperate and go on his way.” *Id.* at 34; *U.S. v. Burton*, 228 F.3d 524, 529 (4th Cir. 200) (refusal to cooperate without more does not furnish the minimal level needed for seizure); *Florida v. Royer*, 460 U.S. 491 (1983) (and individual has a right to ignore the police and go about his business), *Cf. Illinois v. Wardlow*, 528 U.S. 119, 124 (2000) (unprovoked, headlong flight where defendant ran from police in a heavy narcotics trafficking area factored for reasonableness of stop).

In this case, the State violated the constraints of the Fourth Amendment and Article One, Section Ten of the South Carolina Constitution by stopping Mr. Higgins without reasonable suspicion that criminal activity was afoot. The State attempts to justify the stop of Mr. Higgins based on three factors: 1) Mr. Higgins walked away from a marked patrol car, 2) while walking

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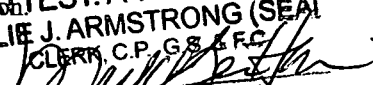
away Mr. Higgins looked back over his shoulder, and 3) this took place in a high crime area. These were the momentary observations of Deputy Midgett when he decided to stop Mr. Higgins. As he testified, Deputy Midgett wanted to know why Mr. Higgins walked away from his patrol car and so he stopped him to find out. Only after Deputy Midgett stopped Mr. Higgins in the yard of 5010 Doctor Taylor Road did the deputy observe the bulge in Mr. Higgins' pocket.⁸ Therefore, the Court does not factor the deputy's stated observation of the bulge in determining whether reasonable suspicion existed to stop Mr. Higgins.⁹

While Deputy Midgett could not recall whether he stopped Mr. Higgins through an oral command or by laying hands upon Mr. Higgins, Ms. Young and Mr. Brown testified that Deputy Midgett grabbed Mr. Higgins from behind and stopped him in the yard. Accordingly, the Court finds that Mr. Higgins was seized for purposes of the Fourth Amendment when Deputy Midgett stopped him from walking to the porch of 5010 Doctor Taylor Road.

Unlike the defendant in *Wardlow*, Mr. Higgins did not run away from the patrol car in headlong flight. At most, Mr. Higgins walked away "briskly." However, Deputy Midgett's testimony was contradicted by Ms. Young and Mr. Brown who each testified that Mr. Higgins walked towards the porch at a normal pace. Deputy Midgett was also contradicted by Deputy King regarding where Mr. Higgins was stopped. Deputy Midgett testified that he stopped Mr. Higgins in the driveway of 5010 Doctor Taylor Road. However, Deputy King stated that Mr. Higgins was stopped in the grassy area of the yard at 5010 Doctor Taylor Road. These contradictions in testimony by law enforcement give the Court concern regarding the credibility

⁸ Yet, Deputy Midgett's testimony that Mr. Higgins faced him allowing the deputy to see the bulge is contradicted by Ms. Young and Mr. Brown who both state that the deputy grabbed Mr. Higgins from behind.

⁹ Even if the Court were to consider the bulge, the State lacks reasonable suspicion to believe that Mr. Higgins was armed and dangerous. Deputy Midgett testified that it was "just a bulge" and Mr. Higgins patted the exterior of that pocket. There are no other indicators to reasonably believe that Mr. Higgins was armed and dangerous. The officer could not observe the bulge to be a weapon.

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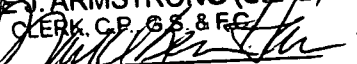
of the State's witness. The officers never told Mr. Higgins to stop or attempt a consensual encounter before Deputy Midgett decided to stop Mr. Higgins in his aunt's front yard. The Court finds that Mr. Higgins was not fleeing the police when he walked into the yard of 5010 Doctor Taylor Road, but rather Mr. Higgins was exercising his right to ignore law enforcement and "walk away." *Terry*, supra.

Like *Fowler*, here the State cannot justify the stop where officers merely observe a man looking over his shoulder while walking away from a marked patrol unit in a high crime area. Deputy King testified people commonly stop what they are doing or approach the patrol car to find out what is going on when law enforcement arrives. However, the standard is not weighed against the behavior of most citizens. This Court must decide whether objectively reasonable suspicion supported by articulable facts existed to believe that Mr. Higgins was involved in criminal activity and was armed and dangerous.

When Mr. Higgins looked back over his shoulder presumably at the patrol car, the Sheriff's Deputy determined this to be nervous behavior indicative of criminal activity. The deputy did not testify as to any explanation regarding why this is suspicious behavior. While this may be factored into the totality of circumstances, looking back over one's shoulder is not inherently criminal. This is an innocent behavior which coupled with other factors could give rise to reasonable suspicion, but it cannot do so alone.

Finally, the State asserts that 5010 Doctor Taylor Road is a high crime area. Deputy Midgett testified that he had previously arrested a man named Harvey Wiggins at that location.¹⁰ While Mr. Stevie Higgins was present in what law enforcement deemed a high crime area, unlike

¹⁰ None of Harvey Wiggins' warrants arose from criminal conduct taking place at 5010 Doctor Taylor Road.

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the defendant in *Fowler*, Mr. Higgins is not a known criminal or involved in any ongoing criminal activity.¹¹

The Fourth Circuit recently recognized that “those who reside in high crime neighborhoods often consist of racial minorities and individuals disadvantaged by their social and economic circumstances.” *United States v. Black*, 707 F.3d 531, 542 (4th Cir. 2013). Accordingly, if the Court were to conclude that mere presence in a high crime area at night justifies law enforcement stops would be to accept that the Fourth Amendment protections “are reserved only for a certain race or class of people.” *Id.* It is the Court’s duty to “ensure that the Fourth Amendment rights of all individuals are protected.” *Id.* Without more, walking away from police and looking over one’s shoulder in a high crime area cannot amount to reasonable suspicion.

III. CONCLUSION

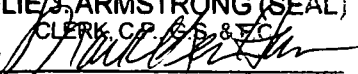
For the foregoing reasons, IT IS ORDERED that any and all evidence seized in violation of the Fourth Amendment to the Constitution of the United States be SUPPRESSED and shall not be received into evidence at the trial of this case.

Roger Young
Presiding Judge

Charleston, South Carolina

January ____, 2014.

¹¹ Stevie Curtiss Higgins does not have any criminal record and no record for drugs, guns, or violence.

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