

STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Steven H. John, Circuit Court Judge

CASE NO: 2013GS2604231, 2013GS2604232

Melanie Hobbins-Howard
2014 JAN 27 AM 10:50
CERTIFIED COPY
CLERK OF COURT
HORRY COUNTY

The State, Respondent,

V.

Lawrence G Appellant.

2014 JAN 27 AM 10:44
FILED
HORRY COUNTY
MELANIE HOBBS-HOWARD
CLERK OF COURT

NOTICE OF APPEAL

Lawrence Grizzard, appeals the conviction and sentence in this case. The sentence was imposed by the Honorable Steven H. John, on January 23, 2014.

January 27, 2014

Kia Wilson

Kia Wilson
Public Defender
Horry County Public Defender Office
Post Office Box 1666
Conway, SC 29528
843-915-5385
Attorney for Appellant

Other Counsel of Record

George DeBusk
Solicitor
Post Office Box 1276
Conway, SC 29528
843-915-5460
Attorney for Respondent

RECEIVED

MAR 11 2014

SC Court of Appeals

RECEIVED
JAN 31 2014
SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Steven H. John , Circuit Court Judge

CASE NO: 2013GS2604231, 2013GS2604232

Melanie Henderson-Howard
2014 JAN 27 AM 10: 50
CERTIFIED COPY
CLERK OF COURT
HORRY COUNTY

The State, Respondent,

V.

Lawrence G , Appellant.

PROOF OF SERVICE

FILED
HORRY COUNTY
2014 JAN 27 AM 10: 44
MELANIE HENDERSON-HOWARD
CLERK OF COURT

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of the Notice in the United States Mail, postage prepaid on January 28, 2014, addressed to the attorney of record:

George DeBusk
Solicitor
Post Office Box 1276
Conway, South Carolina, 29528
Attorney For Respondent

January 28, 2014

Kia Wilson
Public Defender
Horry County Public Defender Office
Post Office Box 1666
Conway, SC 29528
843-915-5385
Attorney for Appellant

RECEIVED
MAR 11 2014
SC Court of Appeals
RECEIVED
JAN 31 2014
SC Court of Appeals

RECEIVED

MAR 11 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)

STATE OF SOUTH CAROLINA)

-VS-)

LAWRENCE G)

DEFENDANT)

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

My name is Higgins - Clerk
CLERK OF COURT
HORRY COUNTY

CERTIFIED COPY
2014 JAN 27 AM 10:50

PERSONALLY appeared before me Kia Wilson, who being duly sworn,
deposes and says :

1. I represented the above named defendant before Steven H. John on January 23, 2014 at

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

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

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

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

5. Defendant requested the Appeal be filed.

Sworn to and Subscribed before me
27th day of Jan, 2014

Donald Bell

Notary Public for South Carolina
My Commission expires: March 10, 2017

Kia Wilson

Signature of Attorney for Defendant

Kia T. Wilson

Print name of Attorney for Defendant

FILED
Horry County
2014 JAN 27 AM 10:44
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF Horry VS. Lawrence H G

AKA: _____

Race: _____ Sex: _____ Age: _____

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Criminal Domestic Violence - 2nd offense (30 days to 1 year)

in violation of § 16-25-0020 (B) of the S.C. Code of Laws, bearing CDR Code # 267
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) § 16-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. (defendant's initials)

ATTEST: DeBusk, Jr., George H. SCB16182 SC Bar# SCB Bar# Defendant Kristin Wilson Attorney for Defendant 69441 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 1 years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on: w/probation revocation of this date
 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. \$2013-GS-26-4231
 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: _____

*Fine:	\$
§ 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	\$ 133.90

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2604232
A/W#: 2013A2610200335
Date of Offense: 3/29/2013
S.C. Code § : 16-25-0065
CDR Code #: 2988

SENTENCE SHEET

CONVICTED OF or PLEA

CERTIFIED COPY
2014 JAN 29 AM 10:50
CLERK OF COURT
HORRY COUNTY
Release 1/29/14

in violation of § 16-25-0020 (B) of the S.C. Code of Laws, bearing CDR Code # 267
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) § 16-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. (defendant's initials)

ATTEST: _____ SCB16182 SC Bar# _____ Defendant Kristin Wilson Attorney for Defendant 69441 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 1 years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on: w/probation revocation of this date
 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. \$2013-GS-26-4231
 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: _____

*Fine: \$ _____
§ 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: \$ 133.90

Presiding Judge: Raest, John
Judge Code: 1129
Sentence Date: 1/23/14

Clerk of Court/ Deputy Clerk: Melanie Huggins-Ward
Court Reporter: Dixie Cubank

STATE OF SOUTH CAROLINA)
 COUNTY OF Horry)
 STATE VS.)
Lawrence H G)
 AKA:)
 Race: _____ Sex: _____ Age: _____)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: _____)
 DL#: _____ SID#: _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2604231
 A/W#: 2013A2610200336
 Date of Offense: 3/29/2013
 S.C. Code § : 16-03-0600(D)(1)
 CDR Code #: 3413

SENTENCE SHEET

2014 JAN 29 AM 10:50
 2014 JAN 27 AM 10:11
 CERTIFIED COPY
 Horry County
 Clerk of Court
 Release of Information

CONVICTED OF or PLEA

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Assault / Assault & Battery 2nd degree (Up to 3 years)

in violation of § 16-03-0600(D)(1) of the S.C. Code of Laws, bearing CDR Code # 3413
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. *24 low*

ATTEST: DeBusk, Jr., George H. SCB16182 SC Bar# _____ Defendant
_____ Attorney for Defendant SC Bar# 69441

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 2 ~~years~~ years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.
 CONCURRENT or CONSECUTIVE to sentence on: w/ probation revocation of this date.
 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: _____

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:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Fine may be pd in equal, consecutive weekly/monthly
 pmts. of \$ 25.00 beginning 2/23/16
 \$ _____ paid to Public Defender Fund
 Other: No contact with the
Victim by any means except
as authorized by a Court Order.

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

Clerk of Court/ Deputy Clerk: Melanie Huggins Ward
 Court Reporter: Dixie Eubank

Presiding Judge: Robert John
 Judge Code: _____
 Sentence Date: 1/23/14

ORIGINAL

ARREST WARRANT

2013A2610200335

STATE OF SOUTH CAROLINA

County/ Municipality of Horry

AM 10:50 JAN 27 2014

CLERK OF COURT

13026306

Melanie W. Warrick

CLERK OF COURT

Lawrence H G

Address:

Phone: SSN

Sex: Race Height: 5 7 Weight:

DL State: SC DL #:

DOB: Agency ORI #: SC0240400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Joseph Vanvoorthis - 0370

Offense: Domestic / Criminal domestic violence of a high and aggravated nature

Offense Code: 2988

Code/Ordinance Sec: 16-25-0065

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. (L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant on Lawrence N. G. Co-14-13

Signature of Constable and Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Personally appeared before me the affiant Joseph Vanvoorthis

being duly sworn deposes and says that defendant Lawrence H Grizzard

AM 10:15 county and state on or about 3/29/2013

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

in the following particulars:

DESCRIPTION OF OFFENSE: Domestic / Criminal domestic violence of a high and aggravated nature

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 March 29, 2013 in the Conway section of Horry County the defendant, who is married to and shares a child with the victim. Defendant grabbed the victim by the back of the head and slamming her head repeatedly into the ground while striking the victim in her face with his fist, also Angelia Fachr was on the scene and threatened her by the knife. Case 13026306 R/O Skellert

2013 JUN 20 PM 12 02

Signature of Affiant

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

Affiant's Address 2560 N. Main Street

Conway, SC 29526-

Affiant's Telephone (843)915-5350

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 defendant Lawrence H Grizzard

on or about 3/29/2013

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

Horry County/ Municipality of Horry

DESCRIPTION OF OFFENSE: Domestic / Criminal domestic violence of a high and aggravated nature

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 3/30/2013

Signature of issuing Judge

Montic Lewis Harrclson

Judge Code: 5790

Judge's Address

Green Sea, SC 29545

Judge's Telephone (843)392-1219

Issuing Court: X Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

STATE OF SOUTH CAROLINA)

-VS-

LAWRENCE G

DEFENDANT)

FILE NO: 26A13-00002211

SSN:

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

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 17th day of July, 2013, regarding the charge(s) of:

2013A2610200335 Domestic/ Criminal domestic violence of a high and aggravated nature

2013A2610200336 ASSAULT / ASSAULT & BATTERY 2ND DEGREE

The Defendant's Counsel is **Kia Wilson**. 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.

CONWAY, SC
DATED: July 17, 2013

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

KIA WILSON

CLERK OF COURT
HORRY COUNTY

WENDIE HIGGINS-WARD
CLERK OF COURT

2014 JAN 27 AM 10:51
2013 JUL 30 AM 8:38
2014 JAN 27 AM 10:15

CERTIFIED COPY
HORRY COUNTY
FILED
HORRY COUNTY

ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

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

-VS-

LAWRENCE G
DEFENDANT)

FILE NO: 26A13-00002211

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that unless the prosecution responds to the Defendant's request for disclosure within 30 days, or within such time as may be ordered by the Court, Counsel for the Defendant will move this Court for an Order compelling that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection, and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including, but not limited to:
 - (a) All tangible objects obtained from the scene of the crime; and
 - (b) All tangible objects obtained from the State's witnesses in this case
 - (c) All tangible objects the State intends to introduce into evidence at Trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate the Defendants or to negate participation by the Defendants in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including but not limited to:
 - (a) Analysis of handwriting
 - (b) Photographs secured of the scene of the crime
 - (c) Comparison of fingerprints
8. Make available any facts which tend to exculpate the Defendant.
9. Make available any and all scientific or medical, psychiatric, legal or other

2014 JAN 27 AM 10: 51
2013 JUL 30 AM 8: 38
CERTIFIED COPY FILED
Horry County
CLERK OF COURT
MELANIE HUGHES-WARD
CLERK OF COURT

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(e), 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 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;
 - (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;

2019 JAN 2 10:55 AM
CLERK OF COURT
HARRIS COUNTY
FEE RECEIVED
2019 JAN 7 11:10:45 AM
HARRIS COUNTY
CLERK OF COURT

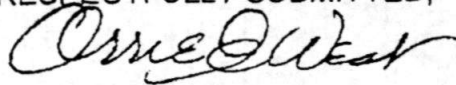
- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all 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.

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,



ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

DATED: July 17, 2013
CONWAY, SOUTH CAROLINA

FILED
 HORRY COUNTY
 2013 JAN 27 AM 10:43
 CLERK OF COURT