

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

Edward W. Miller, Circuit Court Judge

Case No.: 2012-GS-46-2944

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SC Court of Appeals


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DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

The State of South Carolina, Respondent
v.

Randy Howze, Appellant

NOTICE OF APPEAL

Randy Howze appeals his conviction and the sentence imposed by the Honorable Edward W. Miller. On October 18, 2012 the appellate was found guilty in his absence and the sentence was sealed. The appellant's sentence was opened on March 31, 2014 by the Honorable Lee S. Alford. The appellate was found guilty of Possession with Intent to distribute Cocaine and received a sentence of twelve (12) years.


Mark T. McKinnon
Assistant Public Defender
P.O. Box 691
York, S.C. 29745
(803) 628-3031
Attorney for Appellant

This 2nd day of April, 2014.
York, South Carolina

Other Counsels of Record:
Chris Epting Assistant Solicitor
1675-1A York Hwy.
York, SC 29745
(803) 628-3020

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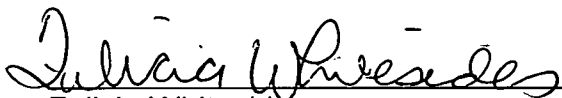
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The State of South Carolina, Respondent
v.
Randy Howze, Appellant

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. Randy Howze was served upon Chris Epting, Assistant Solicitor, on April 2, 2014, by hand-delivering a copy to his office located on the second floor, at 1675 York Highway, York, South Carolina, by the undersigned.



Felicia Whitesides
Legal Secretary to Mark T. McKinnon
Attorney for the Defendant

DB
B3

COUNTY OF York
STATE VS.
Randy Howze
AKA:
Race: BLACK Sex: M Age: 27
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: [REDACTED]
DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2012GS4602944
A/W#: N180638
Date of Offense: 4/23/2012
S.C. Code §: 44-53-0375 (B) (3)
CDR Code #: 3039

2014 APR -27 AM 10:02

ORIGINAL

*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: Drugs, manufacture, distribution, etc. of methamphetamine or cocaine base, 3rd or sub. offense

in violation of § 44-53-0375 (B) (3) of the S.C. Code of Laws, bearing CDR Code # 3039
 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: [Signature] 76594 Trial in Absence [Signature] 74065
McNerney, Rebecca SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 12 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
 CONCURRENT or CONSECUTIVE to sentence on:
 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: \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED
 Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____
Recipient: _____ May serve W/E beginning _____

*Fine:		\$
§ 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	\$ 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)		\$
TOTAL		\$ 280.00

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 David Hamilton
Court Reporter: Wanda Nelson
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 12130
Sentence Date: 10-18-12

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK

) CERTIFIED TRUE COPY

) 2014 APR -2 AM 10: 02

At a Court of General Sessions, convened on August 16, 2012, the Grand Jurors of York County present upon their oath

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

POSSESSION WITH INTENT TO DISTRIBUTE COCAINE BASE

AKA: Randy Houze

On or about April 23, 2012, the Defendant, Randy Howze, did in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, or deliver cocaine base in violation of the provisions of Section 44-53-370 and 44-53-375 of the Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

WITNESSES

RHPD / Spencer

DOCKET NO. 2012-GS-46-

029944

The State of South Carolina

County of York

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

August 16, Term 2012

COURT OF GENERAL SESSIONS

adm

ARREST WARRANT NUMBER

N180638

THE STATE

vs.

Witness:
C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

RANDY HOWZE

AKA: Randy Houze

Foreperson of Grand Jury

Date: 8/16/12

VERDICT

Guilty

Indictment for

POSSESSION WITH INTENT TO DISTRIBUTE
COCAINE BASE

SC Code: 44-53-375

CDR Code: 3039

Foreperson of Petit Jury

Date: 8/18/12

**Sixteenth Circuit
Public Defender
Office**

Moss Justice Center
1675-1E York Highway
P.O. Box 691
York, S.C. 29745



Harry A. Dest
Sixteenth Circuit Defender

April 2, 2014

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State v. Randy Howze (Indictment No. 2012-GS-46-2944)

Dear Ms. Abbott:

Enclosed please find the Notice of Appeal and Certified Certificate of Service in the above captioned matter. On October 18, 2012 the appellate was found guilty in his absence and the sentence was sealed. On March 31, 2014 the sentence was opened and appellate received a twelve (12) year sentence

Sincerely,

A handwritten signature in black ink, appearing to read "Mark T. McKinnon".

Mark T. McKinnon
Assistant Public Defender

MTM/fnw

Enclosures

Bryson J. Barrowclough
Deputy Public Defender

Stacey D. Coleman
Juvenile Court Division

Philip L. Smith
Daniel D. Hall
Sr. Assistant Public Defenders

Assistant Public Defenders
Melissa A. Inzerillo
Mark T. McKinnon
E. Ashley Anderson
Mindy Hervey Lipinski
J. Creighton Hayes
Judah N. VanSyckel

Magistrate Court Division
Toni L. Johnson
Jessica M. Russo

Union County Public Defender
Erik D. Delaney
Jennifer N. Williams

RE

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SC Court

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SC Court of Appeals



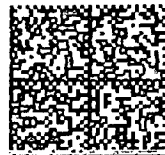
**16th JUDICIAL CIRCUIT
PUBLIC DEFENDER OFFICE
Moss Justice Center
PO Box 691
1675-1E York Hwy
York, SC 29745-0691**


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The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

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