

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

STATE VS.

Vivian Lynn Schrader Falls

AKA:

Race: Sex: F Age: 51

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: Murder

INDICTMENT/CASE#: 2012GS2602679

A/W#: M972065

Date of Offense: 3/31/2012

S.C. Code §: 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or PLEADS

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(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:

SCB68532

Graustein, Scott A.

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 30 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 probation for

with 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. Including time on ankle monitor or GPS.

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 \$

§ 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

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 \$ 25.00 beginning 06/08/2014

\$ paid to Public Defender Fund

Other:

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

RECEIVED MAY 12 2014

Presiding Judge

Judge Code:

Sentence Date:

SC Court of Appeals

5/8/14

Clerk of Court/ Deputy Clerk

Court Reporter

Melanie Huggins-Ward

Dixie Eubanks

2014 MAY 12 11:01 AM FILED Horry County Clerk of Court

WITNESSES

HORRY COUNTY

Neal Frebowitz Horry County Police Department

2014 MAY -9 AM 11:57

MELANIE HUGGINS-WARD
CLERK OF COURT

DOCKET NO. 2012-GS-26-02679

CERTIFIED COPY

The State of South Carolina

2014 MAY -9 PM 12: 01

County of Horry

Scott A. Graustein

12H01428

Melanie Huggins-Ward
CLERK OF COURT
HORRY COUNTY

COURT OF GENERAL SESSIONS

JULY, 2012 TERM

ARREST WARRANT NUMBER

M972065

CDR: 0116 16-03-0010, 0020

DOA: 3/31/2012

ACTION OF GRAND JURY

person of Grand Jury

JUL 26 2012

Date:

VERDICT

TESTIMONY

Foreperson of Petit Jury

Date:

VS.

THE STATE

Vivian Lynn Schrader Falls

W/F

341 Vesta Dr

Myrtle Beach, SC 29579-7412

DOB: 1962-07-17

SSN: 255214544

ATTORNEY: Fox, J. Eric

Indictment for

MURDER

J. Gregory Hembree, Solicitor

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

FILED
HORRY COUNTY
2014 MAY -9 AM 11:57
MELANIE HUGGINS-WARD
CLERK OF COURT

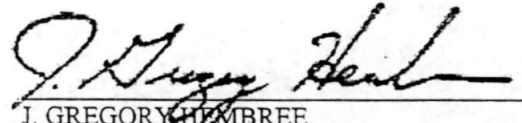
At a Court of General Sessions, convened on JULY 26, 2012, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That **Vivian Lynn Schrader Falls** did in Horry County, on or about March 31, 2012, willfully, feloniously, and intentionally kill the victim, Tony Hughes, with malice aforethought, either express or implied, by means of SHOOTING HIM SEVERAL TIMES WITH A HANDGUN, and the victim did die as a proximate result thereof on or about MARCH 31, 2012 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.



J. GREGORY HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

CERTIFIED COPY
2014 MAY -9 PM 12:01
Melanie Huggins-Ward
CLERK OF COURT
HORRY COUNTY

ARREST WARRANT
M-972065

STATE OF SOUTH CAROLINA
County/ Municipality of

Horry County

STATE OF SOUTH CAROLINA
County/ Municipality of

Horry County

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

THE STATE
against
Vivian Lynn Schrader Falls

Address: [Redacted]

Phone: [Redacted] SSN: [Redacted]
Sex: F Race: W Height: 5 10 Weight: 224
DL State: SC DL #: [Redacted] Agency ORI #: SC0260400

DOB: [Redacted]
Prosecuting Agency: Horry County Police Department
Prosecuting Officer: Neal Frebowitz - 0584

Offense: Murder / Murder
Offense Code: 0116
Code/Ordinance Sec: 16-03-0010, 0020

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.

Date: _____
Signature of Judge _____ (L.S.)

RETURN
A copy of this arrest warrant was delivered to
defendant Vivian Lynn Schrader Falls
on 3-31-12

Signature of Constable Law Enforcement Officer
[Redacted]

RETURN WARRANT TO:
General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA
County/ Municipality of
Horry County

STATE OF SOUTH CAROLINA
County/ Municipality of
Horry County

ORIGINAL

THE STATE
against
Neal Frebowitz

Address: [Redacted]

Phone: [Redacted] SSN: [Redacted]
Sex: F Race: W Height: 5 10 Weight: 224
DL State: SC DL #: [Redacted] Agency ORI #: SC0260400

DOB: [Redacted]
Prosecuting Agency: Horry County Police Department
Prosecuting Officer: Neal Frebowitz - 0584

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Signature of Constable Law Enforcement Officer
[Redacted]

RETURN WARRANT TO:
General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
County/ Municipality of
Horry County

THE STATE
against
Vivian Lynn Schrader Falls

Address: [Redacted]

Phone: [Redacted] SSN: [Redacted]
Sex: F Race: W Height: 5 10 Weight: 224
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ARREST WARRANT

Case # 12029998

Signature of Affiant

STATE OF SOUTH CAROLINA
County/ Municipality of
Horry County

Horry

Affiant's Address: 2560 N. Main Street
Conway, SC 29526-
Affiant's Telephone: (843)915-5350

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

on or about 3/31/2012 did violate the criminal laws of the State of South Carolina (or ordinance of Horry County) as set forth below:

defendant Vivian Lynn Schrader Falls

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 for trial 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 03/31/2012

Signature of Issuing Judge
Christopher John Arakas
Judge Code: 5080

Judge's Address: J. Ruben Long Detention Center
Conway, SC 29526-1071
Judge's Telephone: (843)365-9222
Issuing Court: [X] Magistrate [] Municipal [] Circuit

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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

-VS-

VIVIAN SHRADER-FALLS

ERIC FOX

DEFENDANT)

FILE NO: 26A12-00001335

SSN: 255-21-4544

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

MELANIE HUGGINS-WARD
CLERK OF COURT

2012 MAY 21 PM 1:47

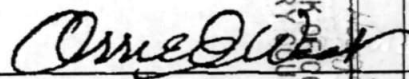
FILED
HORRY COUNTY

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 16th day of May, 2012, regarding the charge(s) of:

M-972065 Murder

The Defendant's Counsel is Eric Fox. 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: May 17, 2012


ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CLERK OF COURT
HORRY COUNTY

2014 MAY -9 PM 12: 01

CERTIFIED COPY

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

-VS-

DISCLOSURE OF WITNESSES

VIVIAN SHRADER-FALLS)
DEFENDANT)

FILE NO: 26A12-00001335

SSN:: 255-21-4544

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 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

FILED
HORRY COUNTY
2012 MAY 21 PM 1:44
MELANIE HUGGINS-WARD
CLERK OF COURT

BERTIFIED COPY
2012 MAY 21 PM 12:01
HORRY COUNTY

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

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, U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 274 S.E. 2nd 408 (1981). 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

ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

DATED: May 17, 2012
CONWAY, SOUTH CAROLINA

Melanie Huggins-Black
CLERK OF COURT
HORRY COUNTY

2014 MAY -9 PM 12: 01

CERTIFIED COPY

FILED
HORRY COUNTY
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MAY 17 2012
12:01 PM
STANLEY
CLERK OF COURT
HORRY COUNTY