

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
)
STATE OF SOUTH CAROLINA)
)
-VS-)
)
SHELTON BUTLER)
DEFENDANT)
_____)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

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

FILED
2014 JUN -9 AM 11:26
2012 JUL 23 AM 11:37 HORRY COUNTY
MELANIE HUGGINS-WARD
CLERK OF COURT

FILE NO: 26A12-00001765
SSN:: 044-88-4298

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

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MELANIE HUGGINS-WARD
CLERK OF COURT

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, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 274 S.E. 2nd 406 (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

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 2014 JUN -9 AM 11: 26
 Melaine Higgins-Blair
 CLERK OF COURT
 HORRY COUNTY

DATED: July 2, 2012
CONWAY, SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)
v.)
SHELTON LATHAL BUTLER, JR.,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
INDICTMENT NO.: 2012-GS-26-04016

VERDICT FORM

I. MURDER

On the charge of Murder, we the Jury, by unanimous consent, find the Defendant, Shelton Lathal Butler, Jr. (check only one of the following options):

Not Guilty

OR

Guilty

June 5, 2014
Conway, South Carolina

NOTE: Please inform the Bailiff once deliberations are complete.

Mary Roper
FOREPERSON'S SIGNATURE

Melanie Huggins-Wood
CLERK OF COURT
HORRY COUNTY

2014 JUN -9 AM 11:26

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry VS. STATE

INDICTMENT/CASE#: 2012GS2604016

Shelton Lathal Butler Jr

A/W#: M972956

AKA: _____

Date of Offense: 6/8/2012

Race: BLACK Sex: M Age: 23

S.C. Code § : 16-03-0010, 0020

DOB: _____ SS#: 8

CDR Code #: 0116

Address: _____ A

City, State, Zip: Conway, SC 29527-3136

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 / Murder (30 Y - Life)

CONVICTED OF or PLEADS

SENTENCE SHEET

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 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: GRF SCB16182 DeBusk, Jr., George H. 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 ~~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. since date of arrest on June 19, 2012.

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	\$ 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 + 40.00 = 173.90

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 \$ 25.00 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 Melanie Huggins Ward
Court Reporter: Kay Richardson
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: _____
Sentence Date: 6/5/14

HORRY COUNTY
2014 JUN - 9 AM 11:24
RECEIVED
JUN 11 2014
SC Court of Appeals
CERTIFIED COPY
CLERK OF COURT
HORRY COUNTY

DOCKET NO. 2012-GS-26-04016

The State of South Carolina
County of Horry

George H. Debusk 12H02986

COURT OF GENERAL SESSIONS

September, 2012 TERM

THE STATE

vs.

Shelton Lathal Butler Jr
B/ M
1815 Ernest Finney Ave Unit A
Conway, SC 29527-3136
DOB: 1991-04-28
SSN: 044884298

ATTORNEY: Fox, J. Eric

Indictment for

Murder

J. Gregory Hembree, Solicitor

ORIGINAL

HORRY COUNTY
2014 JUN -9 AM 11: 24
MELANIE HUGGINS-WARD
CLERK OF COURT

WITNESSES

Michael Conti Horry County Police Department

ARREST WARRANT NUMBER

M972956
CDR: 0116 16-03-0010, 0020
DOA: 6/19/2012

ACTION OF GRAND JURY

Shelton Lathal Butler Jr
Foreperson of Grand Jury
Date: OCT 25 2012

VERDICT

CLERK OF COURT
HORRY COUNTY

Melanie Huggins-Ward

2014 JUN -9 AM 11: 25
Foreperson of Petit Jury
Date:

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STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on September 27, 2012, the Grand Jurors of Horry County present upon their oath:

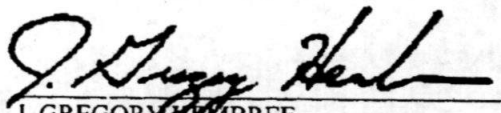
HORRY COUNTY
2014 JUN -9 AM 11: 24
MELANIE HUGGINS-WARD
CLERK OF COURT

MURDER

CDR: 0116 16-03-0010,0020

That Shelton Lathal Butler Jr, along with others, did in Horry County, on or about June 8, 2012, willfully, feloniously, and intentionally kill the victim, Jose Noel Gutierrez, with malice aforethought, either express or implied, by means of gunshot, and the victim did die as a proximate result thereof on or about June 8, 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

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2014 JUN -9 AM 11: 26
Melanie Huggins-Ward
CLERK OF COURT
HORRY COUNTY

ARREST WARRANT
M-972956

STATE OF SOUTH CAROLINA
HORRY COUNTY

County/ Municipality of Horry

2011 JUN -9 AM 11:26
MELANIE HUGGINS - WARD
CLERK OF COURT

Shelton Lathal Butler, Jr

THE STATE
against
12056836
MELANIE HUGGINS - WARD
CLERK OF COURT

Address:

Phone: SSN: 150
Sex: M Race: B Height: 6 Weight: 150
DL State: SC DL #: Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Neal Frebowitz - 0584

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-63-0010, 0020

This warrant is ~~not~~ **ISSUED 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.)

Date:

2012 JUL 10
MELANIE HUGGINS
CLERK OF COURT

RETURN

A copy of this arrest warrant was delivered to
defendant Shelton Lathal Butler, Jr
on 06-15-12

Signature of Constable/Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

CERTIFIED COPY

who

STATE OF SOUTH CAROLINA
County/ Municipality of)
Horry)
Personally appeared before me the affiant
being duly sworn deposes and says that defendant Neal Frebowitz
within this county and state on or about 06/08/2012 2011 JUN -9 AM 11:26
State of South Carolina (or ordinance of Horry County/ Municipality of Horry)
in the following particulars:
DESCRIPTION OF OFFENSE Murder / Murder

violates the criminal laws of the
CLERK OF COURT
HORRY COUNTY

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 or about June 8, 2012 at 8:30 PM the sound of gunshots was reported to the Horry County Police in the area of the 400 Block of
Ronald McNair Blvd, in the Myrtle Beach section of Horry County. Upon arrival of Uniformed Patrol Officers, puddles of blood
were found in the roadway. Simultaneously, a victim arrived via private automobile at the Conway Hospital Emergency
Department. The victim, a human being, was subsequently pronounced dead the proximate cause being sustained blood loss from
the wound gunshot. Investigation including eye witness accounts revealed the victim was seated in a vehicle with the defendant and
yet unidentified co-defendants when an argument ensued. The victim was observed being pushed from the back seat of the car and
immediately determined to have suffered the fatal wound. Therefore, there is probable cause to believe the defendant was a
principal in the victim's murder.

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

on or about 6/8/2012 defendant Shelton Lathal Butler, Jr
did violate the criminal laws of the State of South Carolina (or ordinance of
Horry County/ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.
Sworn to and subscribed before me
on 06/08/2012)
(L.S.))
Judge's Address J. Ruben Long Detention Center
Conway, SC 29526-1071
Judge's Telephone (843)365-9222

Signature of Issuing Judge
Christopher John Arakas
Judge Code: 5080

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

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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-)
SHELTON BUTLER)

ERIC FOX

DEFENDANT)

FILE NO: 26A12-00001765
SSN: 044-88-4298

MELANIE HUGGINS-WARD
CLERK OF COURT
2014 JUN -9 AM 11:24
HORRY COUNTY

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

MELANIE HUGGINS-WARD
CLERK OF COURT
2012 JUN 28 AM 11:37

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 2nd day of July, 2012, regarding the charge(s) of:

M-972956 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: July 2, 2012

Orrie E. West
ORRIE E. WEST
FIFTEENTH JUDICIAL CIRCUIT
PUBLIC DEFENDER
MELANIE HUGGINS-WARD
CLERK OF COURT
HORRY COUNTY
2014 JUN -9 AM 11:26
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