

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS.
Michael Anthony Butler Jr

INDICTMENT/CASE#: 2014GS2602621
A/W#: 2014GS2602621
Date of Offense: 2/16/2010
S.C. Code §: 56-05-2945(A)(2)
CDR Code #: 0395

AKA: _____
Race: B^WACK Sex: M Age: 34
DOB: S#
Address: _____
City, State, Zip: _____
DL#: _____ SID#: _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: DUI / Felony driving under the influence, death results (1-25)

CONVICTED OF or PLEADS

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395
 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: Richardson, Lauree SCB76142 Defendant Richardson, Lauree Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 8 (eight) years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of 4 (four) 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
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	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ <u>100.00</u>
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$ <u>25.00</u>
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	\$
3% to County (if paid in installments)		\$ <u>7.50</u>
TOTAL		\$ <u>257.65</u>

Clerk of Court/ Deputy Clerk Melanie Huggins Ward
Court Reporter: Dore Eubank
SCCA/217 (03/2011)

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 8/17/2014
\$ _____ paid to Public Defender Fund
Other: _____

RECEIVED

JUL 24 2014

Appointed PD or appointed other counsel. § 47.12 requires \$500 bond during probation.

Presiding Judge [Signature]
Judge Code: 129
Sentence Date: 7/17/14

SC Court of Appeals

FILED
Horry County
2014 JUL 23 AM 8:48
CLERK OF COURT
Horry County
CERIFIED COPY

WITNESSES

Heather Swarthroat North Myrtle Beach Dept of Public Safety

DOCKET NO. 2014-GS-26-02621

The State of South Carolina

County of Horry

10H00757

Lauree Richardson

COURT OF GENERAL SESSIONS

JULY, 2014 TERM

ARREST WARRANT NUMBER

2014GS2602621

CDR: 0395 56-05-2945(A)(2)

DOA: 2/16/2010

THE STATE

vs.

ACTION OF GRAND JURY

Michael Anthony Butler Jr

B/M

PO Box 1045

Loris, SC 29569

DOB: 1979-08-17

SSN: 229198148

TRUE BILL

Foreperson of Grand Jury

Date: JUN 19 2014

ATTORNEY: Gaimore, James Cullen

VERDICT

Indictment for

FELONY DUI WITH DEATH

CLERK OF COURT
HORRY COUNTY

Lauree Richardson
Jimmy A. Richardson, II, Solicitor

2014 JUL 23 AM 8:51

Foreperson of Petit Jury

Date:

CERTIFIED COPY

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HORRY COUNTY

2014 JUL 23 AM 8:48

MELANIE HUGGINS-WARD
CLERK OF COURT

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STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

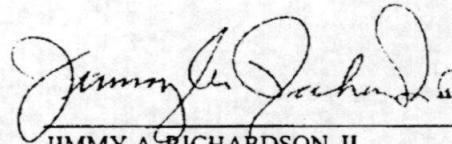
At a Court of General Sessions, convened on June 19, 2014, the Grand Jurors of Horry County present upon their oath:

FELONY DRIVING UNDER THE INFLUENCE - DEATH

CDR: 0395 56-05-2945(A)(2)

That Michael Anthony Butler Jr did in Horry County on or about February 16, 2010 drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law in the driving of the vehicle, to wit: drove left of center, failed to maintain lane, and/or drove recklessly, and/or drove on the wrong side of the road, which act or neglect proximately caused the death of Mitchell White in violation of Section 56-05-2945(A)(2), 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

FILED
HORRY COUNTY
2014 JUL 23 AM 8:48
KELANIE HUGGINS-WARD
CLERK OF COURT

CERTIFIED COPY
2014 JUL 23 AM 8:51
KELANIE HUGGINS-WARD
CLERK OF COURT
HORRY COUNTY

ARREST WARRANT

J-742068

STATE OF SOUTH CAROLINA

County/ Municipality of

North Myrtle Beach

THE STATE against

Michael Anthony Butler, Jr

Address:

Phone: M Race: B Height: 5 8 Weight: 145 SSN:

DL State: DL # Agency ORI #: SC0260700

Prosecuting Agency: N. Myrtle Beach Police Department

Prosecuting Officer: Heather Swarthout - 0571

Offense: DUI / Felony driving under the influence, death results

Offense Code: 0395

Code/Ordinance Sec: 56-05-2945(A)(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. (L.S.)

Date: 2-16-2010 Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant Michael Anthony Butler Jr on 2-16-2010

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

AFFIDAVIT

ORIGINAL

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

North Myrtle Beach

Heather Swarthout, defendant

Michael Anthony Butler, Jr

CLERK OF COURT HORRY COUNTY

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:

That on or about February 16, 2010, while within the city limits of North Myrtle Beach, the Defendant was operating a 2004 silver Mercury Sable traveling southbound on Highway 17 in the northbound lanes. As he crossed the waterway bridge, he struck a black Hyundai that was traveling north in the northbound lanes causing both vehicles to then slide into a white truck also traveling north in the northbound lanes. Witnesses identified the Defendant as the driver of the Sable. Contact with the Defendant by officers revealed him to have slurred speech, an odor of alcohol and to be unsteady on his feet. The passenger in the Defendant's vehicle died at the scene from injuries sustained in the wreck. The Defendant was arrested and transported to the jail where he took a breath test with a reading of .19.

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of

North Myrtle Beach

Affiant's Address 1015 Second Avenue S North Myrtle Beach, SC 29582.

Affiant's Telephone (843)280-5518

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 2/16/2010 defendant Michael Anthony Butler, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of North Myrtle Beach) as set forth below:

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, death results

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 02/16/2010

Signature of Issuing Judge Blake A. Martin

Judge Code: 6879

Judge's Address 1015 2ND Avenue North Myrtle Beach, SC 29582-

Judge's Telephone

Issuing Court

Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

J742068

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

BAIL set by

Judge _____
on _____

Type and Amount: _____
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

CLERK OF COURT
HORRY COUNTY

Release Magnolia

2014 JUL 23 AM 8:51

CODEFENDANTS

CERTIFIED COPY

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-

MICHAEL BUTLER

JAMES C. GALMORE

DEFENDANT)

FILED
Horry County
2010 APR 29 AM 11:50
MELANIE HUGGINS-WARD
CLERK OF COURT

FILE NO: A 10-00001165

SSN: 229-19-8148

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, 14th day of April, 2010, regarding the charge(s) of:

J-742068 DUI / Felony driving under the influence, death results

The Defendant's Counsel is **James C. Galmore**. 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.

CERTIFIED COPY
2010 JUL 23 AM 51
MELANIE HUGGINS-WARD
CLERK OF COURT
Horry County

ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SC
DATED: April 14, 2010

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSION
 COUNTY OF Horry) OF THE FIFTEENTH JUDICIAL CIRCUIT
)
 STATE OF SOUTH CAROLINA) NOTICE AND MOTION FOR PRODUCTION
) OF SPECIFIC EVIDENCE AND
 -VS-) DISCLOSURE OF WITNESSES
)
 MICHAEL BUTLER)
 DEFENDANT)

FILE NO: A 10-00001165
 SSN:: 229-19-8148

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

FILED
 Horry County
 2010 APR 29 AM 11:50
 MELANIE HUGHES-WARD
 CLERK OF COURT

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

CERTIFIED COPY
 2014 JUL 3 11 08:55
 COURT OF JUDGE
 Horry County
 Release of Information

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, 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 on the charges against the Defendant.

RESPECTFULLY SUBMITTED,

Orrie E. West

ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

DATED: April 14, 2010
CONWAY, SOUTH CAROLINA

FILED
 HARRY COUNTY
 20 APR 29 AM 11:50
 MRS. ANNE HUGHES-ARRS
 CLERK OF COURT
 HARRY COUNTY
 20 APR 23 AM 8:51
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 MRS. ANNE HUGHES-ARRS

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 2014-GS-26-02621

STATE OF SOUTH CAROLINA)
)
v.)

MICHAEL ANTHONY BUTLER, JR.,)
)
Defendant.)

VERDICT FORM

I. FELONY DRIVING UNDER THE INFLUENCE - DEATH

On the charge of Felony Driving Under the Influence - Death, we the Jury, by unanimous consent, find the Defendant, Michael Anthony Butler, Jr.:

Not Guilty

or

Guilty

FILED
HORRY COUNTY
2014 JUL 23 AM 8:49
MELANIE HUGGINS-WARD
CLERK OF COURT

[Signature]
FOREPERSON'S SIGNATURE
CERK OF COURT
HORRY COUNTY
2014 JUL 23 AM 8:51
CERTIFIED COPY
Melanie Huggins-Ward

July 17, 2014
Conway, South Carolina

NOTE: Please inform the Bailiff once deliberations are complete.