

The Supreme Court of South Carolina

The State, Respondent,

v.

McKenzie L. Davis, Appellant.

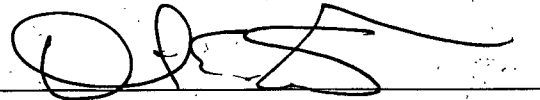
Appellate Case No. 2014-001550

ORDER

The appeal filed in the above entitled matter is hereby transferred to the South Carolina Court of Appeals.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

July 21, 2014

cc:

Stephen T. Plexico, Esquire
Megan Burlison Burchstead, Esquire
The Honorable Jenny Abbott Kitchings

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JUL 22 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF)

Allendale

STATE)

VS.

Mckenzie L. Davis

AKA:)

Race: B Sex: M Age:)

DOB: SS#:)

Address:)

City, State, Zip: Allendale, S.C.)

DL# 100059139 SID#)

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Driving under Influence - 2

INDICTMENT/CASE#: 2009-GS-03-074

A/W#: K007968

Date of Offense: 11-01-08

S.C. Code §: 56-5-2930

CDR Code #: 2981

SENTENCE SHEET

CONVICTED OF or PLEADS

In violation of § 56-5-2930 of the S.C. Code of Laws, bearing CDR Code # 2981
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

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

ATTEST:

Solicitor General *[Signature]* SC Bar # *[Number]* Defendant *[Signature]* Attorney for Defendant *[Signature]* SC Bar # *[Number]*

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of *1* day/months/years or under the Youthful Offender Act not to exceed *2* years and/or to pay a fine of \$ *500*; provided that upon the service of *90* days/months/years and payment of \$ *1500.*; plus costs and assessments as applicable; the balance is suspended with probation for *2* 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 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 Substance Abuse Counseling

*Fine: \$ 1,500
§14-1-206 (Assessments 107.5%) \$
§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00
§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ 100.00
§56-5-2995 (DUI Assessment) \$12 \$ 12.00
§56-1-286 (DUI Breath Test) \$25 \$ 25.00
Proviso 47.9 (Public Def/Prob) \$500 \$ 500.00
§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 \$ 5.00
3% to County (if paid in installments) \$ 25.26
TOTAL \$ 2,261.26

Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning
\$ _____ Paid to Public Defender Fund
Other: _____

Clerk of Court/Deputy Clerk *[Signature]*
Court Reporter: *[Signature]*

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

Presiding Judge *[Signature]*
Judge Code: _____
Sentence Date _____

P.002/003
(FAX)8035847046
07/16/2014 10:58 CLERK OF COURTS

WITNESSES

D.T. Gates (SCHP) ✓

ARREST WARRANT NUMBER

K007948

Date of Arrest: February 11, 2009

ACTION OF GRAND JURY

True Bill

Wiley Hall
Foreperson of Grand Jury

D. 3/22/12

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2009-GS03-0074
Amended Indictment

The State of South Carolina
County of Allendale

COURT OF GENERAL SESSIONS

March Term 2012

THE STATE

vs.

McKenzie Levar Davis

Indictment for

Felony driving under the influence, great bodily
injury results

SC Code: 56-05-2945
CDR Code:2974

STATE OF SOUTH CAROLINA)
)
COUNTY OF ALLENDALE)

INDICTMENT
2009-GS03- 0074

At a Court of General Sessions, convened on March 22, 2012, the Grand Jurors of Allendale County present upon their oath:

Felony driving under the influence, great bodily injury results

That in Allendale County, South Carolina, on or about November 1, 2008, while driving a vehicle under the influence of alcohol, drugs, or the combination of both alcohol and drugs, the Defendant, McKenvie Levar Davis did drive recklessly and or did drive at speeds in excess of the posted speed limit, an act or acts forbidden by law or neglected a duty imposed by law in driving of said vehicle; and such act or neglect proximately caused great bodily injury to Demarcus Bing; all in violation of Section 56-5-2945, Code of Laws of South Carolina, (1976, as amended).

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SC Court of Appeals

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



Isaac M. Stone, III
Solicitor, 14th Judicial Circuit