

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)

STATE OF SOUTH CAROLINA)

-VS-

BRANDON TORTUNE

DEFENDANT)
_____)

RULE 203 (B) (iv)
WRITTEN EXPLANATION OF
NO
BASIS FOR APPEAL

CERTIFIED COPY
2014 OCT 28 AM 11:58
CLERK OF COURT
HORRY COUNTY

PERSONALLY appeared before me Ed Chrisco, who being duly sworn,
deposes and says :

1. I represented the above named defendant before Lee Alford on October 22, 2014 at which time the defendant enter a guilty plea to his/her pending charges
2. No issues of law or fact, were raised before the Judge at the time that could be the basis for an Appeal in this matter.
3. The defendant requested this appeal be filed based on the language used by the plea judge informing the client he has the right to appeal his guilty plea within ten (10) days.
4. I informed defendant that there were no issues to appeal.
5. Defendant requested the Appeal be filed.

FILED
HORRY COUNTY
2014 OCT 28 AM 11:50
MELANIE HUGGINS, CLERK OF COURT

Sworn to and Subscribed before me
October day of 28, 2014

Emily Marroquin
Notary Public for South Carolina
My Commission Expires July 10, 2024

[Signature]
Signature of Attorney for Defendant
William Edward Chrisco
Print name of Attorney for Defendant

STATE OF SOUTH CAROLINA

COUNTY OF Horry)
STATE VS.)
Brandon Thomas Tortone)
AKA: _____)
Race: WHITE Sex: M Age: 32)
DOB: _____ S#: _____)
Address: _____ id _____)
City, State, Zip: Myrtle Beach, SC 29588)
DL#: _____ SID#: _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS2603110
A/W#: 2014GS2603110
Date of Offense: 2/18/2014
S.C. Code § : 16-11-0312(B)
CDR Code #: 0086

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CLERK OF COURT
Horry County

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Burglary, 2nd Degree, Violent (after 06/20/85) (Up to 15 years)

CONVICTED OF or PLEADS

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086
 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: _____ SCB16182 _____ 1288L
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 3 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. 246 Days
 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 (SCCA 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 weeks/monthly pmts. of \$ 25.00 beginning 11/22/2014
\$ _____ 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 Augustus Ward
Court Reporter: Natalie Barn
SCCA217 (03/2011)

Presiding Judge _____
Judge Code: 2213
Sentence Date: 10/22/14

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

Mr. Richardson
CLERK OF COURT
HORRY COUNTY

2014 OCT 28 AM 11:58

CERTIFIED COPY

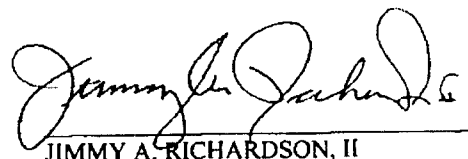
At a Court of General Sessions, convened on AUGUST 14, 2014, the Grand Jurors of Horry County present upon their oath:

**BURGLARY, SECOND DEGREE
(VIOLENT)**

CDR: 0086 16-11-0312(B)

That Brandon Thomas Tortone did in Horry County on or about February 18, 2014, enter without consent and with the intent to commit a crime therein, the Oasis Motel, located at 704 York Street, and the defendant, Brandon Thomas Tortone, did enter the building in the nighttime, in violation of Section 16-11-0312(B), 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

2014 OCT 22 PM 1:36

COURT DATE
PLED GUILTY/TRIAL

Handwritten mark

DOCKET NO. 2014-GS-26- 13110

WITNESSES

N Howitt Myrtle Beach Police Department

2014 OCT 28 AM 11:58

CLERK OF COURT
HORRY COUNTY

GK

**The State of South Carolina
County of Horry**

George H. DeBusk, Jr.
14H00931

COURT OF GENERAL SESSIONS

AUGUST, 2014 TERM

ARREST WARRANT NUMBER

2014GS2603110
CDR: 0086 16-11-0312(B)
DOA: 2/20/2014

THE STATE

vs.

**Brandon Thomas Tortone
W/ M
4612 Daniel Road
Myrtle Beach, SC 29588
DOB: 1982-10-12
SSN: 224310370**

ACTION OF GRAND JURY

TRUE BILL

OCT 16 2014
Foreperson of Grand Jury
Date:

ATTORNEY: William Edward Chrisco

VERDICT

Indictment for

**BURGLARY, SECOND DEGREE
(VIOLENT)**

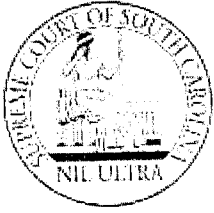
Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury
Date:

DATE RECEIVED FROM
GRAND JURY

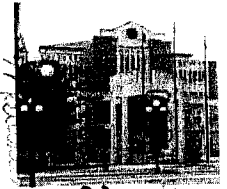
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ORIGINAL



Horry County Fifteenth Judicial Circuit Public Index

CLERK OF COURT
HORRY COUNTY



28 AM 11:58

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Switch View

The State of South Carolina VS Brandon Thomas Tortone

Case Number:	2014GS2603110	Court Agency:	General Sessions	Filed Date:	10/16/2014
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Alford, Lee S.
Disposition:	Pled Guilty				
Disposition Date:	10/22/2014	Date Received:	10/16/2014	Arrest Date:	02/20/2014
Law Enf. Case:		True Bill Date:	10/16/2014	No Bill Date:	
Prosecutor Case:		Indictment Number:	2014GS2603110	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tortone, Brandon Thomas	0086-Burglary / Burglary (Violent) (After 06/20/85) - Second degree	0086-Burglary / Burglary (Violent) (After 06/20/85) - Second degree	10/22/2014

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

STATE OF SOUTH CAROLINA)

-VS-

BRANDON TORTUNE)

DEFENDANT)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

ED CHRISCO

FILE NO: 26A14-00000575

SSN: 224-31-0370


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, 5th day of March, 2014, regarding the charge(s) of:

2014A2620600343 Burglary / Burglary 2nd NV (Non - Violent) - Second degree

The Defendant's Counsel is **Ed Chrisko**. 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: March 5, 2014


ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

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HORRY COUNTY
2014 MAR -7 AM 10:40
CLARE HUGGINS-WALKER
CLERK OF COURT

STATE OF SOUTH CAROLINA)
 COUNTY OF HORRY)
)
 STATE OF SOUTH CAROLINA)
)
 -VS-)
)
 BRANDON TORTUNE)
 DEFENDANT)

IN THE COURT OF GENERAL SESSION
 OF THE FIFTEENTH JUDICIAL CIRCUIT
 NOTICE AND MOTION FOR PRODUCTION
 OF SPECIFIC EVIDENCE AND
 DISCLOSURE OF WITNESSES

2014 OCT 28 AM 11:58
 2014 MAR -7 AM 10:40
 CLERK OF COURT
 HORRY COUNTY
 FILED
 HORRY COUNTY

FILE NO: 26A14-00000575

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
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.

13. Make available to the Defendant all video and audio recordings and/or notarized affidavits made pursuant to South Carolina Code § 56-5-2953 including but not limited to:

- (a) Police and booking reports;
 - (b) Police logs;
 - (c) Alcohol influence reports;
 - (d) Accident reports
 - (e) Reports dealing with defendant's refusal to submit to testing;
 - (f) Notes taken from any recording by Law Enforcement regarding conversations with potential prosecution witnesses
 - (g) Any notes taken by Law Enforcement with regards to this case which the officer intends to rely on, or make use of, at trial.
 - (h) The names of the officers or other witnesses who were with the Defendant within one hour of the arrest who had the opportunity to observe the appearance and behavior of the Defendant, to include the identity of any officer present at the scene of arrest.
 - (i) The time and place where the Defendant was given the Miranda warning and the name of the officer who advised him/her of the same.
 - (j) Any reports made by any laboratory or hospital concerning any examination made of any physical (urine, blood, etc.), photographic, or written evidence related to the Defendant's case.
 - (k) The records of analysis and the results of any chemical, urine, or breathalyzer tests administered to the Defendant.
14. Make available to the Defendant following information regarding the person(s) who administered the Defendant's chemical/breathalyzer tests:
- (a) The person's name and the name of his/her employer;
 - (b) The date of his/her original certification to give chemical/breathalyzer tests and the grade he/she received on the exam;
 - (c) The date of his/her most recent certification to give said tests; And his/her compliance with statutes and regulations providing for standards of training for person(s) administering such tests.
15. If the Defendant's blood alcohol concentration was determined on the basis of a test involving the use of any machine, provide the following information:
- (a) The type of machine used and the make, model, and serial number of particular machine;
 - (b) The manufacturer and the date of manufacture of the machine;
 - (c) The owner's manual and the instruction manual;
 - (d) The software program used in said machine;

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Horry County
2014 MAR 7 AM 10:40
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Horry County
L. L. HUGGINS, JR.
CLERK OF COURT

- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all tests performed in the thirty (30) days prior to the date of the Defendant's arrests, including any tests in which the machine malfunctioned;
- (j) Any checklist to be used by the operator of the machine, either before, during, or after the admission of a test.

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.C. 2nd 406 (1981), City of Rock Hill vs Suchenski, 374 S.C. 12, 646 S.E.2d 879 (2007). 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
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

DATED: March 5, 2014
CONWAY, SOUTH CAROLINA

2014 MAR 28 AM 11:58
 OFFICE OF THE CLERK OF COURT
 CONWAY COUNTY
 FILED
 HARRY DOWNING JR.
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