

STATE OF SOUTH CAROLINA )  
 COUNTY OF Horry )  
 )  
 STATE OF SOUTH CAROLINA )  
 )  
 -VS- )  
 JAMES LITTLE )  
 )  
 DEFENDANT )  
 \_\_\_\_\_ )

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

**RECEIVED**

NOV 17 2014

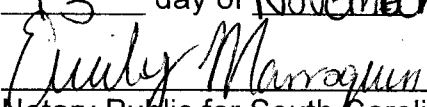
**SC Court of Appeals**


CERTIFIED  
 2014 NOV 13 PM 3:29  
 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 Larry B. Hyman on November 12, 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 that 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  
 2014 NOV 13 PM 3:29  
 CLERK OF COURT  
 Horry County

Sworn to and Subscribed before me  
13 day of November 2014  
  
 \_\_\_\_\_  
 Notary Public for South Carolina  
 My Commission expires: My Commission Expires  
July 10, 2024

  
 \_\_\_\_\_  
 Signature of Attorney for Defendant  
William Edward Chrisco  
 Print name of Attorney for Defendant

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry VS. STATE

INDICTMENT/CASE#: 2014GS2600436

James Junior Littles

A/W#: 2013A2620601645

Date of Offense: 7/10/2013

Race: BLACK Sex: M Age: 47

S.C. Code § : 56-05-1210(A)(3)

DOB: \_\_\_\_\_

CDR Code #: 2463

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

SENTENCE SHEET

*pleads under NC vs. A1 form*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or  PLEADS

TO: Traffic / Hit and run, duties of driver involved in accident w/ death (0-25 yrs. and \$10,000 - \$25,000)

in violation of § 56-05-1210(A)(3) of the S.C. Code of Laws, bearing CDR Code # 2463

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: Monica M. Wooten 100801 SC Bar# James J. Littles Defendant Attorney for Defendant 12886 SC Bar#

*Strain up, credit for time served + restit*

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,

for a determinate term of 10 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.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-28-135

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-6 (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 \$

§ 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 \$

3% to County (if paid in installments) \$ 3.00

TOTAL \$ 103.00 + 40.00 = 143.00

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 12/12/2014

\$ \_\_\_\_\_ 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 Huggins Ward

Court Reporter: Natalie Bari

SCCA/217 (03/2011)

Presiding Judge La B W

Judge Code: 2152

Sentence Date: 11-12-14

2014 NOV 12 PM 5:01  
Horry County  
FILED  
CLERK OF COURT

**WITNESSES**

S Clothier Myrtle Beach Police Department

*CX*

DOCKET NO. 2014-GS-26-00436

The State of South Carolina

County of Horry

Monica M. Wooten

13H03575

COURT OF GENERAL SESSIONS

FEBRUARY, 2014 TERM

**ARREST WARRANT NUMBER**

2013A2620601645

CDR: 2463 56-05-1210(A)(3)

DOA: 7/16/2013

THE STATE

vs.

**ACTION OF GRAND JURY**

James Junior Littles

B/ M

1569 Kings Crest Drive

Loris, SC 29569

DOB: 1967-05-21

SSN: 238276057

ATTORNEY: Chrisco, William Edward

TRUE BILL

Foreperson of Grand Jury

Date: FEB 20 2014 *[Signature]*

**VERDICT**

Indictment for

LEAVING SCENE OF ACCIDENT

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury

Date:

**ORIGINAL**

HORRY COUNTY  
CLERK OF COURT

2014 NOV 13 PM 3:29

RECEIVED

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

INDICTMENT

CLERK OF COURT  
HORRY COUNTY

2014 NOV 13 PM 3:28

At a Court of General Sessions, convened on February 20, 2014, the Grand Jurors of Horry County present upon their oath:

LEAVING SCENE OF ACCIDENT

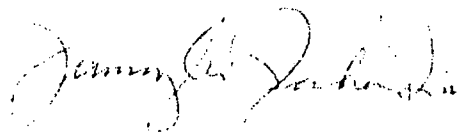
CDR: 2463 56-05-1210(A)(3)

That **James Junior Littles** did in Horry County on or about July 10, 2013, while operating a motor vehicle, become involved in an accident which resulted in the death of Jimmy Ray Westmoreland, and did leave the scene of the accident without first rendering aid and/or information, in violation of Section 56-05-1210(A)(3), S. C. Code of Laws, 1976, as amended.

**ORIGINAL**

FILED  
HORRY COUNTY  
2014 NOV 12 PM 5:01  
MELANIE HUGGINS-WALKER  
CLERK OF COURT  
PLED GUILTY TO ALL

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

ARREST WARRANT

2013A2620601645

STATE OF SOUTH CAROLINA

County/ Myrtle Beach Municipality of Myrtle Beach

NOV 13 PM 3:29

STATE OF SOUTH CAROLINA )
County/ [X] Municipality of )
Myrtle Beach )

AFFIDAVIT

ORIGINAL

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

Personally appeared before me the affiant S Clothier who being duly sworn deposes and says that defendant James Junior Littles did within this county and state on or about 7/10/2013 violate the criminal laws of the

State of South Carolina (or ordinance of County/ [X] Municipality of Myrtle Beach ) in the following particulars:

DESCRIPTION OF OFFENSE: Traffic / Hit and run, duties of driver involved in accident with death

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 7/10/13, officers arrived at the corner of N Ocean Blvd and Beach Place; within the city limits of Myrtle Beach in reference a victim lying unresponsive on the ground. Officers learned from a witness that a black male driving a red Chevrolet Cavalier with SC Registration IZV300 fled from the scene of the accident. Medics advised they believed victim to be deceased because he didn't have a pulse. The vehicle and driver were located a short time later. In a post Miranda interview, defendant stated he was in fact driving the vehicle and that he fled the scene after seeing the victim fall because he didn't have a driver's license. On 7/10/13, victim was taken off the ventilator and he died approximately 0830hrs. Based on the fact that defendant fled the scene without stopping and victim died as a result of his injuries, there is probable cause to believe defendant did commit the offense of Leaving the Scene of an Accident with Death, 56-5-1210 (A)(3).

Signature of Affiant

[Handwritten Signature]

STATE OF SOUTH CAROLINA )
County/ [X] Municipality of )
Myrtle Beach )

Affiant's Address 1101 Oak Street Myrtle Beach, SC 29577- Affiant's Telephone

THE STATE 13-014597 against James Junior Littles

Address: Loris, SC 29569-

Sex: M Race: B Height: 5 10 Weight: 200

DL State: SC DL #:

DOB: Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: S Clothier - 6572

Offense: Traffic / Hit and run, duties of driver involved in accident with death

Offense Code: 2463

Code/Ordinance Sec: 56-05-1210(A)(3)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant James Littles on 07-16-2013

[Signature] 7893 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

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ORIGINAL

ORIGINAL

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 7/16/2013

[Signature] (L.S.) Kathleen M. Walsh Judge Code: 6843

Judge's Address 1101 Oak Street Myrtle Beach, SC 29577-3599 Judge's Telephone (843)918-1356

Issuing Court: [ ] Magistrate [X] Municipal [ ] Circuit

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

STATE OF SOUTH CAROLINA )

-VS-

JAMES LITTLE

DEFENDANT )

IN THE COURT OF GENERAL SESSIONS  
OF THE FIFTEENTH JUDICIAL CIRCUIT

**AMENDED**  
CERTIFICATE OF REPRESENTATION  
(APPOINTING AS COUNSEL)

**ED CHRISCO**

FILE NO: 26A13-00002335  
SSN: 238-27-6057

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, 7th day of August,  
2013, regarding the charge(s) of:

2013A2620601645 Traffic/ Hit & Run duties of driver involved, death resulting

2013A2620601590 Traffic/ Hit & Run, great bodily injury

The Defendant's Counsel is **Ed Chrisco**. 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.



ORRIE E. WEST  
FIFTEENTH CIRCUIT  
PUBLIC DEFENDER

CONWAY, SC

DATED: September 18, 2013

CLERK OF COURT  
HORRY COUNTY

NOV 13 PM 3:29

2013 SEP 2

SEP 10 10:26

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  
DISCLOSURE OF WITNESSES

-VS-

JAMES LITTLE  
DEFENDANT )

2013 AUG -9 PM 1:35  
2013 NOV 13 PM 3:29  
CLERK OF COURT  
Horry COUNTY  
MELANIE TAYLOR  
CLERK OF COURT

FILE NO: 26A13-00002335

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;

- (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.E. 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: August 7, 2013  
CONWAY, SOUTH CAROLINA

2014 NOV 11 PM 3:29  
 CLERK OF COURT  
 CONWAY COUNTY