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JUN 27 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Honorable Larry B. Hyman, Jr., Circuit Court Judge

Indictment Number(s):
2015GS2603962, 2015GS2603963 and 2015GS2603964

HORRY COUNTY
2016 JUN 21 PM 4:23
CLERK OF COURT

The State of South Carolina, Respondent,


v.

Calvin Solomon Barr, Appellant.

NOTICE OF APPEAL

Calvin Solomon Barr appeals the conviction and sentence in this matter. The sentence was imposed by the Honorable Larry B. Hyman, Jr. on June 15, 2016.

June 23, 2016


Stuart M. Axelrod, Esquire
Jeffrey T. Lucas, II, Esquire
AXELROD & ASSOCIATES P.A.
4701 Oleander Drive
Myrtle Beach, SC 29577
(843) 916-9300 Phone
(843) 916-9311 Fax
Attorneys for Appellant

CLERK OF COURT
HORRY COUNTY

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JUL 13 2016

SC Court of Appeals

Other Counsel of Record:
David Caraker, Assistant Solicitor
Horry County Solicitor's Office
Post Office Box 1276
Conway, SC 29528
Phone: 843-915-5460
Attorney for Respondent

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JUN 27 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Honorable Larry B. Hyman, Jr., Circuit Court Judge

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Indictment Number(s):
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The State of South Carolina, Respondent,
v.
Calvin Solomon Barr, Appellant.

RECEIVED
JUL 13 2016
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of the Notice via hand delivery addressed to the Assistant Solicitor of Record

David Caraker, Assistant Solicitor
Horry County Solicitor's Office
1301 2nd Avenue
Conway, S.C. 29526

June 23, 2016

Christie Chestnut, Senior Paralegal
AXELROD & ASSOCIATES P.A.
4701 Oleander Drive
Myrtle Beach, SC 29577
(843) 848-6720 Phone
(843) 916-6721 Fax
Christie@gotaxelrod.com

CERTIFIED COPY
CLERK OF COURT
HORRY COUNTY

including, but not limited to photographs taken of the Defendant on any portion of his/her body, photographs taken at the scene of the alleged crime; photographs taken of the alleged victim or any prosecuting witness, photographs that have been exhibited to any person for the purpose of establishing the identity of the perpetrator of the crime charged and the name and current address of the person or persons to whom the photographs were shown.

8. Make available any and all scientific or medical reports which tend to establish the Defendant's innocence, to mitigate punishment, or to impeach, discredit, or contradict the testimony of any witness whom the State will or may call at trial. *Ashley v. Texas*, 319 F.2d 80 (5th Cir.), cert. Denied, 375 U.S. 931, 84 S.Ct. 331 (1963). This request shall include any reports by the State Law Enforcement Division (SLED) criminalistics laboratory, Federal Bureau of Investigation laboratories, Court Sheriff's Department laboratory or any other law enforcement laboratory concerning an examination made by said laboratories and/or personnel thereof, of any physical, photographic, oral or written evidence concerning the investigation of this case.
9. Make available any and all reports from the State Law Enforcement Division (SLED), Sheriff's Department, or any other law enforcement agency, including the Federal Bureau of Investigation, concerning fingerprints checked in connection with this case.
10. Make available any and all records of arrests or criminal convictions of the Defendant or any other co-Defendant and all state's witnesses in relation to this case. *Giglio v. U.S.*, *supra*.
11. Make available any and all "inconsistent" statements made by a particular witness or between the witnesses, whether written or oral, that is known to the Solicitor's Office or any other law enforcement agency.
12. Make available any and all statement(s) or admission(s) by any witness for or on behalf of the State with respect to the witness' memory or loss thereof.
13. Indicate whether or not any witness called before the Grand Jury who has or will give testimony to any investigative agency or at trial has ever been psychiatrically hospitalized or undergone psychiatric treatment, examination, mental status examination or care, and if so, a list of names and addresses of the psychiatrists, hospitals and copies of any and all relevant records and reports.
14. Make available any and all notes or memoranda by psychiatrists or other mental health examiners regarding any conversation(s) and/or contact(s) with the Defendant.
15. Make available any and all plea offers, promises, rewards, reductions, dismissals, or agreements not to bring criminal charges or any other inducements made to any witness

- herein, whether or not they have testified before any State or Federal Grand Jury, or other investigative agency, and regardless of whether or not they will testify at trial.
16. Make available any and all offers or grants of immunity to any witness from loss of property, fine, forfeiture, prosecution or punishment in this case or any other case, related or otherwise.
 17. Make available any and all memoranda, reports and correspondence to and/or from the various law enforcement agencies regarding or in any way connected to the investigation herein.
 18. Make available any and all physical or tangible items in the possession, custody or control of which could reasonably be brought within the possession, custody or control of the Solicitor's Office, State, Federal or local law enforcement agency.
 19. Make any chemist, analyst, and all person(s) within the chain of custody appear in Court for the purposes of personally testifying. Attorney for the Defendant thus objects to the introduction of any chemist's or analyst's report pursuant to Rule 6, SCRCrimP.

Further, Defendant contends that this Court should specifically direct the Prosecution, in the spirit of fairness and equity, to seek and produce for the Defendant the documents, letters, records, and other items sought, irrespective of the State's determination of whether a witness' statement or a particular letter or exhibit can "help" the Defendant. The Defendant and his attorney, not the Solicitor, should be the judge of this defense and the documents relevant thereto and necessary in support of same. To the extent the Defendant is specifically required to demonstrate the materiality of the requested information, the Defendant submits that this requirement is satisfied in this motion. *United States v. Agurs*, 427 U.S. 97 (1976).

Recognizing that *Brady v Maryland*, *supra*, and other authorities cited require that information favorable to the Defendant be made available, and further recognizing that a genuine disagreement may arise as to whether or not a particular item of evidence is favorable, it will be requested that the Court provide for an in camera inspection of the items sought to be discovered should you feel such items are not favorable to the Defendant. By permitting the Court to examine the items requested, the legitimate interests of the State will be protected in that no disclosure in excess of *Brady, et al* will occur. Further will be requested of the Court that said Order will be a continuing one, and if, prior to or during trial, the prosecution discovers additional evidence or material requested, the prosecution is hereby requested promptly to notify counsel for the Defendant of the existence of the additional evidence or material.

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, the 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.

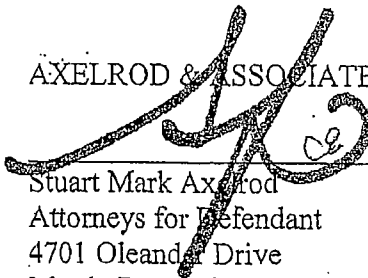
ADDITIONALLY DEFENDANT REQUESTS A SPEEDY TRIAL:

Defendant hereby demands that he be indicted and tried during the next term of General Sessions Court in this County pursuant to his right to a speedy trial under the United States and the South Carolina Constitutions and Under S.C. Code Ann. 17-23-90 (1976, as amended). Pursuant to 17-23-90 the Defendant requests that if the defendant "shall not be indicted and tried the second term after his commitment...he shall be discharged from his imprisonment."

WHEREFORE, Defendant prays:

1. That the Prosecuting Authority 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.
2. That the information be provided no later than 30 days from the date of this request.
3. That the Court enter an Order requiring the Prosecuting Authority to make continuing disclosure of all matters presently within their possession and knowledge concerning the matter set forth in this Motion and to make such Order requiring a continuing disclosure of all matters requested herein up to the trial of the charges against the Defendant(s).
4. That he be afforded his right to a speedy trial as requested.

AXELROD & ASSOCIATES, P.A.


Stuart Mark Axelrod
Attorneys for Defendant
4701 Oleander Drive
Myrtle Beach, SC 29577
Office: (843) 848-6722
Fax: (843) 848-6723

Myrtle Beach, South Carolina
October 8, 2014

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)
)
STATE OF SOUTH CAROLINA,)
)
v.)
)
Calvin Solomon Barr,)
)
)
Defendant.)
)
_____)

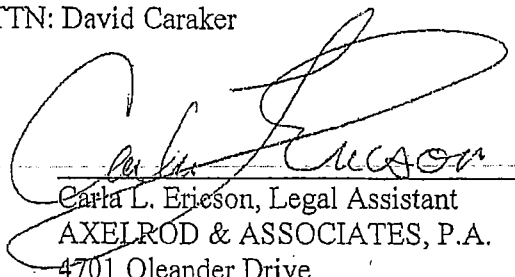
IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

CERTIFICATE OF SERVICE

2014A2620601785 (Poss of other sub. in sch. I, II,
III, WITD) ,2014A2620601786-7 (MDP, Narcotic
drugs in Sch I, LSD & Sched, II 2nd)

I, Carla L. Ericson, Legal Assistant for Axelrod & Associates, P.A., do hereby certify that
I have this day properly served the foregoing Notice of Appearance and Motion for
Production of Evidence, Disclosure of Witnesses, and Request for Speedy Trial upon the
State via hand delivered to the addressee below:

Horry County Solicitor's Office
PO Box 1276
Conway, SC 29528
ATTN: David Caraker



Carla L. Ericson, Legal Assistant
AXELROD & ASSOCIATES, P.A.
4701 Oleander Drive
Myrtle Beach, SC 29577
Office: (843) 848-6716
Fax: (843) 848-6717
Email: Carla@gotaxelrod.com

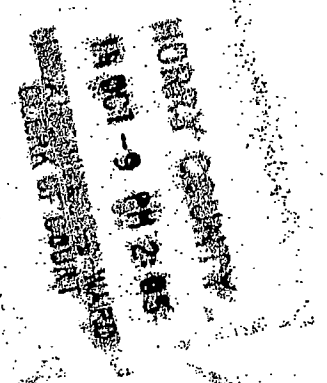
Myrtle Beach, South Carolina
October 8, 2014

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)
)
v.)
)
Calvin Solomon Barr,)
)
_____)

NOTICE OF APPEARANCE



WARRANT(S): 2014A2620601785 (Poss of other sub. in sch. I, II, III, WITD)
,2014A2620601786-7 (MDP, Narcotic drugs in Sch I, LSD & Sched, II 2nd)

TO: David Caraker, Assistant Solicitor for the Horry County Solicitor's Office

PLEASE TAKE NOTICE that the undersigned attorney, Stuart M. Axelrod, is admitted or otherwise authorized to practice in this court and hereby makes appearance as counsel for Defendant, Calvin Solomon Barr.

AXELROD & ASSOCIATES, P.A.



Stuart Mark Axelrod
Attorneys for Defendant
4701 Oleander Drive
Myrtle Beach, SC 29577
Office: (843) 848-6722
Fax: (843) 848-6723

October 8, 2014
Myrtle Beach, South Carolina

AXELROD & ASSOCIATES, P.A.

Attorneys and Counselors at Law

"Success is all that matters"

Stuart Mark Axelrod
Carlton E. Elliott
W. Christopher Castro*
Grant Smaldone
Tristan M. Shaffer

4701 Oleander Drive
Myrtle Beach, SC 29577
Phone: (843) 916-9300
Fax: (843) 916-9311

*Currently on Active Military Leave

635 East Bay Street
Charleston, SC 29403
Phone: (843) 805-7200
Fax: (843) 577-3911

October 8, 2014

Honorable Melanie Huggins-Ward
Clerk of Court for Horry County
PO Box 677
Conway, SC 29528

Re: The State of South Carolina v. Calvin Solomon Barr
Warrant(s) 2014A2620601785 (Poss of other sub. in sch. I, II, III, WITD)
,2014A2620601786-7 (MDP, Narcotic drugs in Sch I, LSD & Sched, II 2nd)

Dear Madame Clerk:

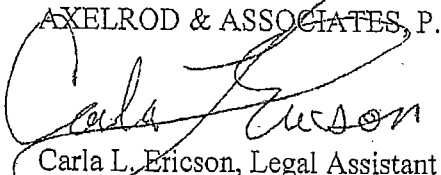
Please be advised that this office has been retained to represent Calvin Solomon Barr on the above listed charge(s) presently pending in General Sessions court.

I have enclosed for filing the original and one (1) copy of a *Notice of Appearance and Defendant's Notice and Motion for Production of Evidence, Disclosure of Witnesses, and Request for Speedy Trial* along with a *Certificate of Service* evidencing this Motion has been properly served upon the Prosecution. Kindly file the originals and return a clocked copy of each in the enclosed self-addressed, stamped envelope.

With kind regards, I am

Truly yours,

AXELROD & ASSOCIATES, P.A.


Carla L. Ericson, Legal Assistant
Criminal Defense Division

Enc

cc: David Caraker, Horry County Solicitor's Office

RECEIVED
Horry County
CLERK OF COURT
OCT 9 2014
10:05 AM
CLERK OF COURT

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry VS. STATE

INDICTMENT/CASE#: 2015GS2603962

Calvin Solomon Barr

A/W#: 2014A2620601785

AKA:

Date of Offense: 8/9/2014

Race: BLACK Sex: M Age: 39

S.C. Code § : 44-53-0370(b)(2)

DOB: 10-22-1976 SS#: 248-35-3958

CDR Code #: 0186

Address: 206 Maple St

City, State, Zip: Myrtle Beach, SC 29577-3949

DL#: 0007368986 SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: PWID/Dist. of Marijuana or other Sch. I,II,III drug, 1st Offense

CONVICTED OF or PLEADS

SENTENCE SHEET **SC Court of Appeals**

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186
 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: [Signature] 100039
Caraker, Jr., David P. 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 5 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: Indictments: 2015GS2603964, 2015GS2603963
 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 (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: \$ PTUP days/hours Public Service/ Employment

Payment Terms: Set by SCDPPPS JUL 13 2016 Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing

Recipient: SC Court of Appeals Fine may be pd in equal, consecutive weekly/monthly pmts. of \$ 25.00 beginning 6/13/2014 \$ paid to Public Defender Fund Other:

*File:		\$
§ 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	\$ 150.00
§ 90-21-114(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)		\$ 8.40
TOTAL		\$ 288.40 + 40.00 = 328.40

Clerk of Court/ Deputy Clerk Melani Huggins Ward Presiding Judge [Signature] Judge Code: 2152 Court Reporter: Kay Richardson Sentence Date: 4-21-16 SCCA/217 (03/2011)

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CLERK OF COURT
Horry County
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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS.

INDICTMENT/CASE#: 2015GS2603963

Calvin Solomon Barr

A/W#: 2014A2620601786

AKA: _____

Date of Offense: 8/9/2014

Race: BLACK Sex: M Age: 39

S.C. Code § : 44-53-0370(b)(1)

DOB: 10-22-1976 SS#: 248-35-3958

CDR Code #: 0184

Address: 206 Maple St

City, State, Zip: Myrtle Beach, SC 29577-3949

DL#: 0007368986 SID#: _____

SENTENCE SHEET

*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: PWID/Dist. of Cocaine/LSD/other Narcotic drugs in Sch. I(b) & (c)/Sched. II, 2nd offense

in violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0184

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: [Signature] 100039

Caraker, Jr., David P. 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 15 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: Indictments: 2015GS2603963 2015GS2603962

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 § 26-7-25-135.

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: 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 \$

§ 16-5-2995 (DUI Assessment) \$12 \$

§ 16-1-286 (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 \$ 150.00

§ 10-21-114 (BUI Breath Test Fee) \$50 \$

§ 16-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 8.40

TOTAL \$ 288.40

Clerk of Court/ Deputy Clerk Melanie Huggins-Ward

Court Reporter: Kay Richardson

SCCA/217 (03/2011)

Presiding Judge _____

Judge Code: 2152

Sentence Date: 4-21-16

2015 JUL 15 PM 1:17
CLERK OF COURT
HORRY COUNTY
CERTIFIED COPY

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JUL 13 2015

SC Court of Appeals

Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be paid in equal, consecutive weeks/monthly pmts. of \$ 25.00 beginning 07/13/2014
\$ _____ paid to Public Defender Fund
Other: _____

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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS.

INDICTMENT/CASE#: 2015GS2603964

Calvin Solomon Barr

A/W#: 2014A2620601787

AKA: _____

Date of Offense: 8/9/2014

Race: BLACK Sex: M Age: 39

S.C. Code § : 44-53-0370 (d)(3)

DOB: 10-22-1976 SS#: 248-35-3958

CDR Code #: 3012

Address: 206 Maple St

City, State, Zip: Myrtle Beach, SC 29577-3949

DL#: 0007368986 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: Possession of Cocaine, 2nd offense

CONVICTED OF or PLEADS

in violation of § 44-53-0370 (d)(3) of the S.C. Code of Laws, bearing CDR Code # 3012

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: _____ 100039 _____

Caraker, Jr., David P. 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 5 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: Indictments 2015-GS-26-03963; 2015GS2603962

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 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 _____

*Fine: \$ _____ Substance Abuse Counseling

§ 14-1-206 (Assessments 107.5 %) \$ _____ Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 Fine may be pd in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ prmts. of \$ 25.00 beginning 6/13/2013

§ 16-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ paid to Public Defender Fund

§ 16-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ _____

§ 14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

§ 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) \$ 840

TOTAL \$ 288.40

Clerk of Court/ Deputy Clerk Melanie Huggins-Ward
Court Reporter: Ray Richardson
SCCA/217 (03/2011)

Presiding Judge _____
Judge Code: 2152
Sentence Date: 4-21-16

RELEASED
2016 JUN 15 PM 1:16
CLERK OF COURT
HORRY COUNTY
CERTIFIED COPY

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JUL 13 2016

SC Court of Appeals

WITNESSES

Stephen Thackray Myrtle Beach Police
Department

CERTIFIED COPY DOCKET NO. 2015-GS-26-3962

2016 JUN 15 PM 1:17

The State of South Carolina

County of Horry

Melanie Huggins-Ward

CLERK OF COURT
HORRY COUNTY

David P. Caraker, Jr.
14H03413

FILED
HORRY COUNTY

2015 SEP 18 PM 1:12

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM

GRAND JURY

COURT OF GENERAL SESSIONS

September, 2015 TERM

ARREST WARRANT NUMBER

2014A2620601785

CDR: 0186 44-53-0370(b)(2)

DOA: 8/10/2014

THE STATE

vs.

ACTION OF GRAND JURY

TRUE BILL

Calvin Solomon Barr

B/ M

206 Maple St

Myrtle Beach, SC 29577-3949

DOB: 1976-10-22

SSN: 248353958

ATTORNEY: Stuart M. Axelrod

Indictment for

Possession of marijuana with intent to
distribute

Jimmy A. Richardson, II, Solicitor

Jack Smith
Foreperson of Grand Jury

Date: SEP 17 2015

VERDICT

Foreperson of Petit Jury

Date:

RECEIVED

JUL 18 2016

SC Court of Appeals

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT


At a Court of General Sessions, convened on September 17, 2015, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE

CDR: 0186 44-53-0370(b)(2)

That Calvin Solomon Barr did in Horry County, on or about August 9, 2014, possess with intent to distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver, a quantity of Marijuana, a controlled substance under provisions of Section 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized by law, and in violation of Section 44-53-0370(b)(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

WITNESSES

Stephen Thackray Myrtle Beach Police
Department

DOCKET NO. 2015-GS-26-3963

CERTIFIED COPY

2016 JUN 15 PM 1:18 The State of South Carolina

County of Horry

Melanie Higgins Ward

David P. Caraker, Jr.
CLERK OF COURT
Horry County 03413

FILED
HORRY COUNTY

2015 SEP 18 PM 1:12

MELANIE HIGGINS WARD
CLERK OF COURT

DATE RECEIVED FROM
GRAND JURY

COURT OF GENERAL SESSIONS

September, 2015 TERM

ARREST WARRANT NUMBER

2014A2620601786
CDR: 0184 44-53-0370(b)(1)
DOA: 8/10/2014

THE STATE

vs.

ACTION OF GRAND JURY

TRUE BILL

Calvin Solomon Barr
B/ M
206 Maple St
Myrtle Beach, SC 29577-3949
DOB: 1976-10-22
SSN: 248353958

Paul Smith
Foreperson of Grand Jury
Date: SEP 17 2015

ATTORNEY: Stuart M. Axelrod

VERDICT

Indictment for

Possession with intent to distribute heroin

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury
Date:

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT


At a Court of General Sessions, convened on September 17, 2015, the Grand Jurors of Horry County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE HEROIN

CDR: 0184 44-53-0370(b)(1)

That Calvin Solomon Barr did in Horry County on or about August 9, 2014, possess with intent to distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense, or deliver a quantity of Heroin, a Schedule I controlled substance under the provisions of Section 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized by law, in violation of Section 44-53-0370(b)(1), 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

270 5-30

WITNESSES

Stephen Thackray Myrtle Beach Police
Department

CERTIFIED COPY

2016 JUN 15 PM 1:16

Melanie Huggins Ward
David P. Caraker, Jr.
CLERK OF COURT
HORRY COUNTY
14H03413

DOCKET NO. 2015-GS-26- *3964*

The State of South Carolina

County of Horry

COURT OF GENERAL SESSIONS

September, 2015 TERM

ARREST WARRANT NUMBER

2014A2620601787
CDR: 3012 44-53-0370 (d)(3)
DOA: 8/10/2014

ACTION OF GRAND JURY

TRUE BILL

Paul Smith
Foreperson of Grand Jury
Date:

SEP 17 2015

VERDICT

Foreperson of Petit Jury
Date:

FILED
HORRY COUNTY

2015 SEP 18 PM 1:12

MELANIE HUGGINS WARD
CLERK OF COURT

DATE RECEIVED FROM
GRAND JURY

THE STATE

vs.

Calvin Solomon Barr
B/ M
206 Maple St
Myrtle Beach, SC 29577-3949
DOB: 1976-10-22
SSN: 248353958

ATTORNEY: Stuart M. Axelrod

Indictment for

Possession of powder cocaine

Jimmy A. Richardson, II, Solicitor

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT


At a Court of General Sessions, convened on September 17, 2015, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF POWDER COCAINE

CDR: 3012 44-53-0370(d)(3)

That Calvin Solomon Barr did in Horry County on or about August 9, 2014, knowingly, willfully, and intentionally possess a quantity of Powder Cocaine, a controlled substance under provisions of Section 44-53-110, et. seq., Code of Laws of South Carolina, 1976, as amended, such possession not having been authorized by law, and being in violation of Section 44-53-370(d)(3), 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

2ND 0-5

ARREST WARRANT

2014A2620601785

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE against

Calvin Solomon Barr

Address: 206 Maple St

Myrtle Beach, SC 29577-3949

Phone: SSN: 248-35-3958

Sex: M Race: B Height: 5 8 Weight: 171

DL State: SC DL #: 0007368986

DOB: 10/22/1976 Agency ORI #: SC0260600

Executing Agency: Myrtle Beach Police Department

Prosecuting Officer: Stephen Thackray - 7846

Offense: Drugs / Manufacture, possession of other sub. in Sch. I, II, III or flunitrazepam or analogue, w.i.t.d.

Offense Code: 0186

Code/Ordinance Sec: 44-53-0370(b)(2)

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

copy of this arrest warrant was delivered to defendant Calvin Solomon Barr on 8-10-14

Signature of Constable or Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant Stephen Thackray

being duly sworn deposes and says that defendant Calvin Solomon Barr

did within this county and state on or about 8/9/2014

State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach)

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, possession of other sub. in Sch. I, II, III or flunitrazepam or analogue, w.i.t.d. - 1st offense

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 08/09/2014 officers executed a search warrant at the defendant's residence at 206 Maple Street in the city limits of Myrtle Beach. Located in a backpack in the laundry room were four individual bags of a green leafy substance which tested positive for THC and weighed 190.4 grams. Given these facts there is probable cause to believe the defendant did commit the offense of Possession With Intent to Distribute Marijuana. 44-53-0370 (b)(2).

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Affiant's Telephone

ARREST WARRANT

SDOO SUBPENA

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 8/9/2014 defendant Calvin Solomon Barr

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Myrtle Beach) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, possession of other sub. in Sch. I, II, III or flunitrazepam or analogue, w.i.t.d. - 1st offense

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 8/10/2014

Signature of Issuing Judge Cheryl Schlegel Anderson (L.S.)

Judge's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Judge's Telephone (843)918-1356

Judge's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Judge's Telephone (843)918-1356

Issuing Court: Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2005 SCCA-518

AFFIDAVIT

ORIGINAL

FILED Horry County

2014 AUG 19 14-019528

MELANIE HUGES WARD CLERK OF COURT

ARREST WARRANT

2014A2620601786

FILED Horry County

2014 AUG 19 PM 2:11

MELANIE AUGGINS CLERK OF COURT

STATE OF SOUTH CAROLINA)
County/ Municipality of Myrtle Beach)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 519

STATE OF SOUTH CAROLINA)
County/ Municipality of Myrtle Beach)
Personally appeared before me the affiant Stephen Thackray who
being duly sworn deposes and says that defendant Calvin Solomon Barr
did within this county and state on or about 8/9/2014 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach)

THE STATE
against

Calvin Solomon Barr

Address: 206 Maple St

Myrtle Beach, SC 29577-3949

Phone: _____ SSN: 248-35-3958

Sex: M Race: B Height: 5 8 Weight: 171

DL State: SC DL #: 0007368986

DOB: 10/22/1976 Agency ORI #: SC0260600

Securing Agency: Myrtle Beach Police Department

Prosecuting Officer: Stephen Thackray - 7846

Offense: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c),

LSD, and Sched. II - 2nd offense

Offense Code: 0184

Code/Ordinance Sec: 44-53-0370(b)(1)

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

... copy of this arrest warrant was delivered to

defendant Calvin Solomon Barr

on 8-10-14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
County/ Municipality of Myrtle Beach)

Affiant's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Affiant's Telephone _____

ARREST WARRANT

15,000 SURETY

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 8/9/2014 defendant Calvin Solomon Barr

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Myrtle Beach) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 2nd offense

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 8/10/2014)

Signature of Issuing Judge Cheryl Schlegel Anderson (L.S.))

Cheryl Schlegel Anderson)

Judge Code: 8065)

Judge's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Judge's Telephone (843)918-1356

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ARREST WARRANT

2014A2620601787

FILED Horry County

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE against

Calvin Solomon Barr

Address: 206 Maple St

Myrtle Beach, SC 29577-3949

Phone: SSN: 248-35-3958

Sex: M Race: B Height: 5 8 Weight: 171

DL State: SC DL #: 0007368986

DOB: 10/22/1976 Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: Stephen Thackray - 7846

Offense: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 2nd offense

Offense Code: 0184

Code/Ordinance Sec: 44-53-0370(b)(1)

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 Calvin Solomon Barr

on 8-10-14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant Stephen Thackray who

being duly sworn deposes and says that defendant Calvin Solomon Barr

did within this county and state on or about 8/9/2014 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach)

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 2nd offense

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 08/09/2014 officers executed a search warrant at the defendant's residence at 206 Maple Street in the city limits of Myrtle Beach. Located in a backpack in the laundry room was a lock box which contained a clear plastic baggie of a white powdery substance that weighed 1.3 grams and tested positive for cocaine. The Defendant has a prior conviction for possession of cocaine base from 2010. Given these facts there is probable cause to believe the defendant did commit the offense of Possession With Intent to Distribute Cocaine. 44-53-0370 (b)(1).

Signature of Affiant

[Signature]

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Affiant's Telephone

ARREST WARRANT

15,000 SURETY

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 8/9/2014 defendant Calvin Solomon Barr

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Myrtle Beach) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 2nd offense

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 8/10/2014

[Signature] (L.S.)

Cheryl Schlegel Anderson

Judge Code: 8065

Judge's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Judge's Telephone (843)918-1356

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COUNTY OF HORRY

) IN THE COURT OF GENERAL SESSIONS
) INDICTMENT NUMBER: 2015-GS-26-3962
)

STATE OF SOUTH CAROLINA

vs.

) **VERDICT FORM**
)
)

CALVIN SOLOMON BARR

DEFENDANT.

As to the charge of POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE, we, the jury, unanimously find the defendant

(Circle one)

GUILTY

NOT GUILTY

2016 JUN 15 PM 1:17
CLERK OF COURT
HORRY COUNTY
Y. Williams, Horry County - 2016

CERTIFIED COPY

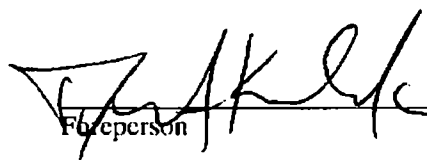
If you found the defendant guilty of possession with intent to distribute marijuana, stop your deliberations here. If you found the defendant not guilty of possession with intent to distribute marijuana, you may consider the charge of possession of marijuana.

As to the charge of POSSESSION OF MARIJUANA, we, the jury, unanimously find the defendant:

(Circle one)

GUILTY

NOT GUILTY


Foreperson

4/21/16
Date

STATE OF SOUTH CAROLINA
IN THE COUNTY OF HORRY

) IN THE COURT OF GENERAL SESSIONS
) INDICTMENT NUMBER: 2015-GS-26-3963
)

STATE OF SOUTH CAROLINA
)

vs.
)

VERDICT FORM
)

CALVIN SOLOMON BARR
)

DEFENDANT.
)
_____)

As to the charge of POSSESSION WITH INTENT TO DISTRIBUTE HEROIN, we, the jury, unanimously find the defendant:

(Circle one)

GUILTY

NOT GUILTY

If you found the defendant guilty of possession with intent to distribute heroin, stop your deliberations here. If you found the defendant not guilty of possession with intent to distribute heroin, you may consider the charge of possession of heroin.

As to the charge of POSSESSION OF HEROIN, we, the jury, unanimously find the defendant:

(Circle one)

GUILTY

NOT GUILTY

Melanie Mcginnis-Blair
CLERK OF COURT
HORRY COUNTY

2016 JUN 15 PM 1:18

CERTIFIED COPY

[Handwritten Signature]
Foreperson

4/21/16
Date

STATE OF SOUTH CAROLINA
IN THE COUNTY OF HORRY

) IN THE COURT OF GENERAL SESSIONS
) INDICTMENT NUMBER: 2015-GS-26-3964
)

STATE OF SOUTH CAROLINA
)

vs.
)

VERDICT FORM
)

CALVIN SOLOMON BARR
)

DEFENDANT.
)

As to the charge of POSSESSION OF POWDER COCAINE, we, the jury, unanimously find the defendant:

(Circle one)

GUILTY

NOT GUILTY


Foreperson

4/21/16
Date

Melanie Higgins-Bland
CLERK OF COURT
HORRY COUNTY

2016 JUN 15 PM 1:16

CERTIFIED COPY

AXELROD
& ASSOCIATES
ATTORNEYS AT LAW

4701 Oleander Drive ♦ Myrtle Beach, SC 29577
cdc



RECEIVED

JUL 13 2016

SC Court of Appeals

The Honorable Kenneth A. Richstad
Clerk of the South Carolina Court of Appeals
Attn: Jonny Abbott Kitchings
Post Office Box 11629
Columbia, South Carolina 29211