

5

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM GREENVILLE COUNTY  
COURT OF GENERAL SESSIONS

EDWARD W. MILLER, CIRCUIT COURT JUDGE  
2015A2330207758, 2015A2330207762

2017 JUL 17 PM 2:27  
RECEIVED  
PAUL E. MILLER  
GREENVILLE CO. SC  
COURT

STATE ..... Respondent

v.

BRAXTON LAVON HARE.....Appellant

**RECEIVED**

JUL 27 2017

SC Court of Appeals

NOTICE OF INTENT TO APPEAL

Braxton Lavon Hare, appeals his sentence in the above case.  
The sentence was imposed by the Honorable Edward W. Miller,  
on July 12-13, 2017 .

Respectfully Submitted

*Ernest Hamilton*

Ernest Hamilton r  
Attorney at Law  
408 N. Church Street, Ste. D  
Greenville, SC 29601  
(864) 242-2554

June 14, 2017

Other counsel of record:  
Mark Moyer  
Greenville County Solicitors  
305 E. North Street  
Greenville, South Carolina 29601

24

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY  
COURT OF GENERAL SESSIONS

Edward W. Miller

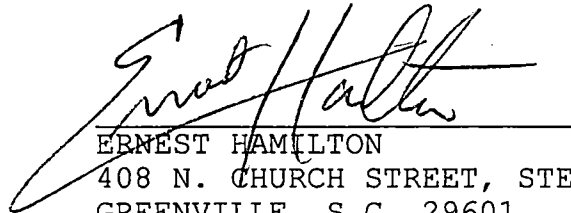
WARRANT NO. 2015A2330207758  
2015A2330207762

State of South Carolina .....Respondent  
V  
Braxton Lavon Hare.....Appellant

FILED  
PAUL B. ...  
GREENVILLE, SC

2017 JUL 17 PM 2:28

I certify that I have served the Notice of Intent to Appeal on Mark Moyer, Assistant Solicitor, by depositing a copy of it in the United States Mail, postage prepaid on July 17, 2017, addressed to her at Greenville County Solicitors Office, 305 E. North Street, Greenville, South Carolina 29601.



ERNEST HAMILTON  
408 N. CHURCH STREET, STE. D  
GREENVILLE, S.C. 29601  
ATTORNEY FOR APPELLANT

SWORN to before me this  
17th day of July, 2017.



NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 9-25-23

RECEIVED

JUL 27 2017

SC Court of Appeals

WITNESSES

K Bonaguro

Greenville County Sheriffs Office

9/1/2015

DOCKET NO. 2015-GS-23-

CLK

009117

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2015 <sup>2014</sup>

RECEIVED

JUL 27 2017

SC Court of Appeals

THE STATE

vs.

BRAXTON LAVON HARE

ARREST WARRANT NUMBER

2015A2330207758, 2015A2330207760

ACTION OF GRAND JURY

TRUE BILL

*Thomas J. Price*

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

3411 ✓

Indictment for

3440, 0549

ATTEMPTED MURDER AND POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-03-0029 and § 16-23-0490

A Certified Copy  
*Paul D. Wilkerson*  
Clerk of Court C.P. & G.S.  
Greenville County, SC  
Dated 7/17/17

FILED

OCT 29 2015

Clerk of Court  
Greenville County

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
ATTEMPTED MURDER AND POSSESSION OF A WEAPON  
DURING THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on **MAY 24 2016** the Grand Jurors of Greenville

County present upon their oath:

COUNT ONE

**ATTEMPTED MURDER**

That BRAXTON LAVON HARE did in Greenville County, on or about the 1st day of September 2015, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Brett Kingwill. This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO

**POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME**

That BRAXTON LAVON HARE did in Greenville County, on or about the 1st day of September, 2015, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Attempted Murder. This is in violation of §16-23-0490 of the South Carolina 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.

  
*Christina S. Moritz*  
SOLICITOR BAR # 70325

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
)  
)  
STATE OF SOUTH CAROLINA, )  
)  
vs. )  
)  
BRAXTON HARE, )  
)  
DEFENDANT. )

IN THE COURT OF GENERAL SESSIONS  
INDICTMENTS: 2015-GS-23-09117  
2015-GS-23-09118

**VERDICT FORM**

1. As to the charge of **Failure to Stop For A Blue Light**, we the Jury find the Defendant:

- Guilty.
- Not Guilty.

2. As to the charge of **Attempted Murder**, we the Jury find the Defendant:

- Guilty
- Not Guilty

**\*\*\*\*Instructions\*\*\*\***

If you find the Defendant **NOT GUILTY** of **Attempted Murder**, then you must consider the lesser included offense of **Assault and Battery of a High and Aggravated Nature**. However, if you find the defendant **Guilty**, then you need not consider the lesser included offense.

3. As to the charge of **Assault and Battery of A High And Aggravated Nature**, we the Jury find the Defendant:

- Guilty
- Not Guilty

A Certified Copy  
*Paul D. Wickens*  
Clerk of Court C.P. & G.S.  
Greenville County, SC  
Dated 7/17/17

I certify this decision was the unanimous decision of the jury.

*QA Rynke*  
Foreperson  
July 13, 2017

**PLEASE NOTIFY THE BAILIFF WHEN YOU HAVE COMPLETED THIS FORM.**

STATE OF SOUTH CAROLINA

1007327

IN THE COURT OF GENERAL SESSIONS

J.

COUNTY OF Greenville
STATE VS. Braxton Lavon Hare
AKA:
Sex: M Age: 19
SS#
Address:
City, State, Zip: Greenville, SC 29605
DL#: SID#

INDICTMENT/CASE#: 2015GS2309117
A/W#: 2015A2330207758
Date of Offense: 9/1/2015
S.C. Code § : 16-03-0029
CDR Code #: 3410

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: Attempted Murder Assault and Battery of a high and aggravated nature

in violation of § 16-03-0029 600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3410 3411

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: Moyer, Mark SC Bar# 64155 Defendant HAMILTON, ERNEST SC Bar# 02625

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 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 the State Department of Corrections. 518 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 (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:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$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, 3% to County (if paid in installments) \$ 3.75. TOTAL \$ 128.75

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 \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Paul B. Wickensemer
Court Reporter:
SCCA/217 (07/2016)

Presiding Judge 20-W.W.
Judge Code: 2130
Sentence Date: 7-13-17

A Certified Court Reporter
Paul B. Wickensemer
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 7/24/2017

WITNESSES

K Bonaguro

Greenville County Sheriffs Office

9/1/2015

ARREST WARRANT NUMBER

2015A2330207762

ACTION OF GRAND JURY

TRUE BILL

*Thomas J. Pridemore*

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-23-

CLK

009110

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2015

THE STATE

vs.

BRAXTON LAVON HARE

Indictment for

0065

FAILURE TO STOP FOR A BLUE LIGHT

VIOLATION § 56-05-0750

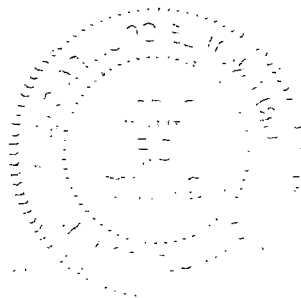
A CERTIFIED COPY  
Paul B. Wislizenus  
Clerk of Court C.P. & G.S.  
Greenville County, SC  
Dated: 9.17.15

FILED

OCT 29 2015

Clerk of Court  
Greenville County

ENTERED  
ACCT.



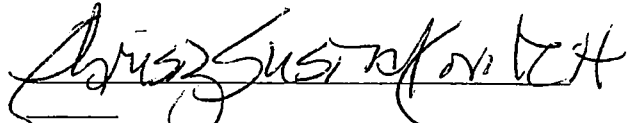
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
FAILURE TO STOP FOR A BLUE LIGHT

At a Court of General Sessions, convened on **MAY 24 2016** the Grand Jurors of Greenville  
County present upon their oath:

That BRAXTON LAVON HARE did in Greenville County, on or about the 1st day of September 2015,  
willfully, knowingly, and unlawfully commit the offense of failure to stop for a law enforcement vehicle  
in that the said defendant while driving on a road, street or highway of the State did intentionally fail to  
stop when signaled to do so by a law enforcement vehicle using blue lights and/or siren. This is in  
violation of §56-05-0750 of the South Carolina 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.

  
SOLICITOR BAR#

STATE OF SOUTH CAROLINA

1407327

IN THE COURT OF GENERAL SESSIONS

904-1207

COUNTY OF Greenville
STATE VS.
Braxton Lavon Hare
AKA:
Sex: M Age: 19
SS#:
Address:
City, State, Zip: Greenville, SC 29605
DL#: SID#:

INDICTMENT/CASE#: 2015GS2309118
A/W#: 2015A2330207762
Date of Offense: 9/1/2015
S.C. Code § : 56-05-0750(B)(1)
CDR Code #: 0065

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Failure To Stop For Blue Light

CONVICTED OF or PLEADS

in violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065
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 Presentation to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Moyer, Mark 64155 Defendant HAMILTON, ERNEST 02625 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
the State Department of Corrections. 518 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 (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

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$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, 3% to County (if paid in installments) \$75. Total: \$25.75

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 \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk Paul B. Wickens
Court Reporter: Herron
SCCA/217 (07/2016)

Presiding Judge [Signature]
Judge Code: 2130
Sentence Date: 7-13-17

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM Greenville County  
COURT OF GENERAL SESSIONS

State of South Carolina

Respondent,

Vs.

Braxton Lavon Hare

Defendant

Appellant.

The Honorable Edward Miller

Circuit Court Judge for the Thirteenth Judicial Circuit

Case Numbers: 2015-GS-23-9117 and 9118

RECEIVED

JUL 27 2017

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CERTIFICATE OF SERVICE

---

SC Court of Appeals

I, Ernest Hamilton, hereby certify that I have this 24<sup>th</sup> day, of July 2017, served a copy of the herein below listed documents to the addressees listed below by depositing a copy of same in the United States Postal System postage prepaid, and mailing same to:

**PLEADING(S):** Notice of Intent to Appeal

Sentence Order

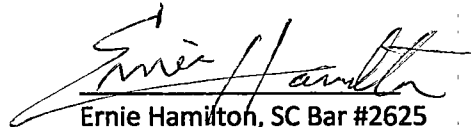
**PARTIES SERVED:**

Solicitor W. Walter Wilkins  
305-E. North Street, Ste. 325  
Greenville, South Carolina 29601  
(Mailed July 17, 2017)

Greenville County Clerk of Court  
ATTN: Criminal Division  
305 E North Street  
Greenville, South Carolina, 29671

South Carolina Court of Appeals  
Attn: CLERK OF COURT  
Post Office Box 11629  
Columbia, South Carolina 29211  
(Mailed July 17, 2017)

Alan Wilson, Esq.  
Attorney General  
P.O. Box 11549  
Columbia, SC 29211



Ernie Hamilton, SC Bar #2625  
Attorney for the Appellant-Defendant  
408 N. Church Street, Ste. D  
Greenville, South Carolina, 29601

Greenville, South Carolina  
July 24, 2017

**Ernest Hamilton  
Attorney at Law**



408 N. Church Street, Suite D  
Greenville, SC 29601

Phone: (864) 242-2554  
Fax: (864) 558-0373  
E-mail: [ernesthamilton@charter.net](mailto:ernesthamilton@charter.net)

July 17, 2017

The S.C. Court of Appeals  
Post Office Box 11629  
Columbia, S.C. 29211

Re: State vs. Braxton Lavon Hare  
Greenville County

Dear Court:

Enclosed please find for filing a Notice of Intent to Appeal and Certificate of Mailing in the above captioned case.

Thank you for your cooperation in this matter.

Sincerely,

  
Ernest Hamilton

**RECEIVED**

JUL 27 2017

SC Court of Appeals

Enclosures

Cc: Mark Moyer, Greenville County Solicitors Office  
Greenville County Clerk of Court  
Paul B. Wickensimer

**Ernest Hamilton  
Attorney at Law**



408 N. Church Street, Ste. D  
Greenville, SC 29601

Phone: (864) 242-2554

Fax: (864) 242-9355

E-mail: ernesthamilton@charter.net

July 24, 2017

**Via Regular Mail**

South Carolina Court of Appeals  
Attn: CLERK OF COURT  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: State of South Carolina vs. Braxton Lavon Hare  
Case Number: 2014-GS-23-9117 and 9118

Dear Sir/Madam:

Enclosed you will find the Notice of Appeal in the above matter along with Certificate of Service upon the Respondents. The original Notice has been filed with the Clerks 'office. Also enclosed is a copy of the indictments and sentencing sheet.

Thank you for your time and attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Ernest Hamilton". The signature is written in black ink and is positioned above the typed name.

Ernest Hamilton, Esquire

Bar # 2625

408 N. Church Street, Ste. D

Greenville, SC 29601

Attorney for Appellant

EH/vfm

Enclosures

cc: Office of the Thirteenth Circuit Solicitor  
Office of the Attorney General

**RECEIVED**  
JUL 27 2017  
SC Court of Appeals