

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS. Mitchell Monroe Weatherall
AKA:
Race: BLACK Sex: M Age: 35
DOB: SS#:
Address:
City, State, Zip: Milwaukee, WI 53212
DL#: ID#:

INDICTMENT/CASE#: 2014GS2601415
A/W#: 2013A2620602712
Date of Offense: 11/11/2013
S.C. Code §: 16-03-0010, 0020
CDR Code #: 0116

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SC Court of Appeals

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Murder

CONVICTED OF or PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
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:

SCB75159

Livesay, Nancy

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 Life days/months/years or under the Youthful Offender Act not to exceed X years
and/or to pay a fine of \$ X; provided that upon the service of X days/months/years and/or payment
of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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 § 26-25-135

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 (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 61.6 (Public Def/Probation) \$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(I) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

Handwritten signature: Ronel N. Elms

Handwritten signature: Dixie Furman

Presiding Judge

Judge Code: 2148

Sentence Date:

Handwritten signature: Marjannette...
Handwritten date: March 23, 2017

FILED
Horry County
2017 NOV 22 PM 3:39
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OFFICE OF THE CLERK
Horry County, SC

WITNESSES

B Truex Myrtle Beach Police Department

DOCKET NO. 2014-GS-26-01415

The State of South Carolina

County of Horry

J. Scott Hicks

13H05839

COURT OF GENERAL SESSIONS

April, 2014 TERM

ARREST WARRANT NUMBER

2013A2620602712

CDR: 0116 16-03-0010, 0020

DOA: 11/12/2013

THE STATE

vs.

Mitchell Monroe Weatherall

R/M

Milwaukee, WI 53212

DOB: 1

SSN: 1

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SC Court of Appeals

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: APR 24 2014

VERDICT

GUILTY

ATTORNEY: Diggs, William I.

Indictment for

MURDER

ORIGINAL

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury

Date:

Letta G. Smith 3-23-2017

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2017 NOV 22 AM 4: 19

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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

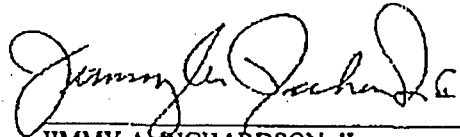
At a Court of General Sessions, convened on April 24, 2014, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Mitchell Monroe Weatherall did in Horry County, on or about November 11, 2013, willfully, feloniously, and intentionally kill the victim, Helbert Woodbury, with malice aforethought, either express or implied, by means of Hit the victim in the head with a bottle, and the victim did die as a proximate result thereof on or about November 02, 2013 in Horry County, in violation of Section 16-03-0010, 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

COURT DATE
PLED GUILTY/TRIAL

2017 MAR 23 PM 2:41 M. ELVIS
KAREN M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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HORRY COUNTY 22 AM 4:19
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ARREST WARRANT

2013A2620602712

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE
 against

13-023821

Mitchell Monroe Weatherall

Address: 2

Milwaukee, WI 53212

Phone: M Race: B Height: 5 11 Weight: 175

DOB: 0600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: B Trux - 6921

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

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.)

RETURN

A copy of this arrest warrant was delivered to defendant Mitchell Weatherall on 11/12/13

Signature of Constable/Law Enforcement Officer

2013 Nov 18 11:20

RETURN WARRANT TO:

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

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

AFFIDAVIT

ORIGINAL

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

Personally appeared before me the affiant B Trux who

being duly sworn deposes and says that defendant Mitchell Monroe Weatherall

did within this county and state on or about 11/11/2013 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: Murder / Murder

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 11/11/13 at approximately 2000 hours Officers of the Myrtle Beach Police Dept responded to a call for service related to an individual that had information on a murder. The witness stated that the murder occurred at the Atlantic View Motel located at 601 Flagg St within the City Limits of Myrtle Beach. Subsequent investigation revealed that the Defendant killed the victim in room 125 with malice aforethought during the commission of a robbery. Based on the above facts there is probable cause to believe defendant did commit the crime of murder SC code 16-03-0010.

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

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 11/11/2013 defendant Mitchell Monroe Weatherall

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: Murder / Murder

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 11/12/2013

Signature of Issuing Judge (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 Municipal

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RENEE N. ELYS
 CLERK OF COURT
 MYRTLE BEACH COUNTY, SC
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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

-VS-

MITCHELL WEATHERALL)

CONFLICT ATTORNEY
JOHNNY GARDNER

DEFENDANT)

FILE NO: 26A13-00003797

TO: Court of General Sessions of the Fifteenth Judicial Circuit
Office of the Solicitor

FILED
HORRY COUNTY
2014 OCT 14 PM 4:33
MELANIE HUBBARD
CLERK OF COURT

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, October 1, 2014, regarding the charge(s) of:

2013A2620602712 Murder

The Defendant's Counsel is

JOHNNY GARDNER
Attorney At Law
212 MAIN STREET
CONWAY SC 29528
PHONE: 843-248-7135

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SC Court of Appeals

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RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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
HORRY COUNTY PUBLIC DEFENDER

CONWAY, SC

DATED: October 1, 2014

3/BRK

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

VS.)

ORDER
APPOINTING CONFLICT ATTORNEY
FOR DEFENDANT WHO
HAS CO-DEFENDANTS
PURSUANT TO RULE 608 AND
OID CONTRACT

MITCHELL WEATHERALL
DEFENDANT)

FILE NO: 26A13-00003797

This matter comes before me regarding appointing counsel for the Defendant, pursuant to Rule 608 SCACR and an OID (Office Of Indigent Defense) Contract. The Defendant was arrested on November 12, 2013 for the offense(s) of:

2013A2620602712 Murder

along with Co-Defendant(s):

Marvin McElveen, Attorney James Galmore
Joey Garrison, Retained Attorney Morgan Martin

Upon application of the Defendant, Mitchell Weatherall, through the Office of the Public Defender, the Court finds that the Defendant is eligible for court-appointed counsel, based upon the attached Certificate of Representation. The Office of Public Defender already represents a Co-Defendant (s) and a Conflict is deemed to exist which requires this Court to appoint a private attorney for the above named Defendant .

The Defendant is placed on notice that Defense of Indigents Act as contained in S.C. Code 17-3-310 (G)(6), (1993 as amended), authorizes OID to enter into contracts with qualified private counsel .

Pursuant to Rule 608 and S.C. Code 17-3-310 (G)(6), the below listed attorney, who is an active qualified member of the South Carolina Bar, is appointed to represent

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CLERK OF COURT

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SC Court of Appeals

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CLERK OF COURT
HORRY COUNTY, SC
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the Defendant.

IT IS ORDERED that, pursuant to Rule 608 and S.C. Code 17-3-310 (G)(6), the following attorney is appointed to represent the Defendant on the above-referenced offense(s):

JOHNNY GARDNER
ATTORNEY AT LAW
212 MAIN STREET
CONWAY SC 29528
PHONE: 843-248-7135

AND IT IS SO ORDERED:

DATED: Oct. 9, 2014
CONWAY, SC

Benjamin H. Culbertson
BENJAMIN H. CULBERTSON
JUDGE
COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

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CLERK OF COURT
HARRIS COUNTY, SC

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online within fifteen (15) days of this appointment at www.sccid.sc.gov and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or the clerk of court. See SCCID website for further details.

Please indicate that the appointment is pursuant to OID CONTRACT, 09/30/2014

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RENEE N. ELVIS
CLERK OF COURT
HARRIS COUNTY, SC

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

-VS-

OF SPECIFIC EVIDENCE AND
DISCLOSURE OF WITNESSES

MITCHELL WEATHERALL)
DEFENDANT)

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SC Court of Appeals

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2017 OCT 14 PM 4:32
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FILE NO: 26A13-00003797

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

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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 us 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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- (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: October 1, 2014
CONWAY, SOUTH CAROLINA

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 Horry County
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