

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM HAMPTON COUNTY
Court of General Sessions

S.C. SUPREME COURT

Roger M. Young, Sr., Circuit Court Judge

Case No(s): 2015-GS-25-00369, 2015-GS-25-00373, 2015-GS-25-00375, 2016-GS-25-00229

The State,

Respondent.

v.

Maurice Demon Mitchell,

Appellant.

NOTICE OF APPEAL

Maurice Demon Mitchell appeals his convictions and sentences in these cases. The sentences were imposed by the Honorable Roger M. Young, Sr. on November 29, 2017.

Date: November 30, 2017

Stephen T. Plexico, Esq.

Stephen T. Plexico, Esq.
14th Circuit Public Defender's
Office for Allendale, Hampton, &
Jasper Counties
P.O. Box 506
Hampton, S.C. 29924
Attorney for Appellant

Other Counsel of Record:
Isaac McDuffie Stone, III, Esq.
14th Circuit Solicitor's Office
PO Box 1880
Bluffton, SC 29910
Attorney for Respondent

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S.C. SUPREME COURT

In the Supreme Court

APPEAL FROM HAMPTON COUNTY
Court of General Sessions

Roger M. Young, Sr., Circuit Court Judge

Case No(s): 2015-GS-25-00369, 2015-GS-25-00373, 2015-GS-25-00375, 2016-GS-25-00229

The State,

Respondent.

v.

Maurice Demon Mitchell,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy in the United States Mail, postage prepaid, on November 30, 2017 addressed to:

Isaac McDuffie Stone, III, Esq.
Mary C. Jones, Esq.
14th Circuit Solicitor's Office
PO Box 1880
Bluffton, SC 29910

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

November 30, 2017

Stephen T. Plexico, Esq.

Stephen T. Plexico, Esq.
14th Circuit Public Defender's
Office for Allendale, Hampton, &
Jasper Counties
P.O. Box 506
Hampton, S.C. 29924

STATE OF SOUTH CAROLINA

COUNTY OF

Hampton

STATE

Maurice Deman Mitchell vs. Mitchell

AKA:

Race: M Sex: B Age: 31

DOB: 11/20/86 SS#: 249-65-3937

Address:

City, State, Zip:

DL#

SID#

*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 base

In violation of § 44-53-375 of the S.C. Code of Laws, bearing CDR Code # 3009

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense,

The plea is: Without Negotiations or Recommendation,

ATTEST:

CONVICTED OF or PLEADS

SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015-GS-25-00369

A/W#: 2015A2520300156

Date of Offense: 11/20/2015

S.C. Code §: 44-53-0375

CDR Code #: 3009

Solicitor _____ SC Bar # _____ Defendant _____ Attorney for Defendant _____ SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 3 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on 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: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning

Substance Abuse Counseling

*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(J) (Vehicle Assessment) \$40/ea _____ \$ _____

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

TOTAL _____ \$ 128.75

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.

Presiding Judge _____

Judge Code: 2104

Sentence Date 11/25/17

Clerk of Court/Deputy Clerk _____

Court Reporter: Becky Hill

Melinda D. Wade

WITNESSES

DOCKET NO. 2015GS2500369

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina

County of Hampton

Defendant

COURT OF GENERAL SESSIONS

June Term 2016

hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

Maurice Demon Mitchell

Indictment For

**Methamphetamine, Cocaine Base,
and Ephedrine**

SC Code: 44-53-375(A)

CDR Code: 3009

Defendant

Witness:

C.C.C. PLS. and G.S.

N A Ginn - Hampton Police Department

J. E. Sullivan - Hampton Police Department

ARREST WARRANT NUMBER

2015A2520300156

[Handwritten signature]

TRUE BILL

[Handwritten signature]

Foreperson of Grand Jury

Date:

JUN 30 2016

VERDICT

Guilty

[Handwritten signature]

Foreperson of Petit Jury

Date:

11/29/17

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2015GS2500369

At a Court of General Sessions, convened on June 30, 2016, the Grand Jurors of Hampton County present upon their oath:

Methamphetamine, Cocaine Base, and Ephedrine

That in Hampton County, South Carolina, on or about October 28, 2015, the Defendant, Maurice Demon Mitchell, did possess a controlled substance or a controlled substance analogue in an amount less than one gram, to wit: cocaine base (crack), all in violation of Section 44-53-375(A), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

FILED

STATE OF SOUTH CAROLINA

COUNTY OF

Hampton

STATE

Maurice Demon Mitchell vs.

AKA:

Race: B Sex: M Age: 31

DOB: 11/20/86 SS#: 249-65-3937

Address:

City, State, Zip:

DL#

SID#

*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:

Possession of weapon during commission of violent crime

In violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Solicitor

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:

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 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: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____
Substance Abuse Counseling

*Fine:

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ <u>100.00</u>
§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	\$ <u>25.00</u>
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>

Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other: _____

TOTAL

\$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter:

Shirley D. Niles
Becky Hill

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.

Presiding Judge

Judge Code: 2139

Sentence Date

11/29/12

WITNESSES

DOCKET NO. 2015GS2500373

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina

County of Hampton

Defendant

COURT OF GENERAL SESSIONS

June Term 2016

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

Maurice Demon Mitchell

Indictment For

**Possession of Weapon During
Violent Crime**

SC Code: 16-23-490

CDR Code: 0549

Defendant

Witness:

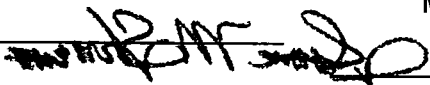
C.C.C. PLS. and G.S.

N A Ginn - Hampton Police Department

J. E. Sullivan - Hampton Police Department

ARREST WARRANT NUMBER

2015A2520300160



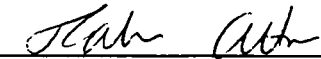
TRUE BILL

Foreperson of Grand Jury

Date: JUN 30 2016

VERDICT

Guilty



Foreperson of Petit Jury

Date: 11/29/17

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2015GS2500373

At a Court of General Sessions, convened on June 30, 2016, the Grand Jurors of Hampton County present upon their oath:

Possession of Weapon During Violent Crime

That in Hampton County, South Carolina, on or about October 28, 2015, the Defendant, Maurice Demon Mitchell, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime, to wit: burglary - 1st degree and/or murder, a violent crime as defined in Section 16-1-60, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

FILED

15-Life

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Hampton

STATE

Maurice Demon VS. Mitchell

INDICTMENT/CASE#: 2015-GS-25-00375

AW#: 2015A2520300162

Date of Offense: 10/28/2015

S.C. Code §: 16-11-311

CDR Code #: 0079

AKA:
Race: B Sex: m Age: 31
DOB: 11/20/86 SS#: 249-65-3937
Address:
City, State, Zip:
DL# SID#
*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

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

CONVICTED OF or PLEADS

TO: Burglar 1st degree

In violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Solicitor 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 years
and/or to pay a fine of \$ No Probation 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 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

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. 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

Clerk of Court/Deputy Clerk: Michelle D. Nease
Court Reporter: Becky Hill

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 \$ 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.
Presiding Judge: [Signature]
Judge Code: 213-1
Sentence Date: 11/24/17

WITNESSES

N A Ginn - Hampton Police Department

J. E. Sullivan - Hampton Police Department

DOCKET NO. 2015GS2500375

The State of South Carolina

County of Hampton

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

June Term 2016

I _____

hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

Maurice Demon Mitchell

ARREST WARRANT NUMBER

2015A2520300162

[Handwritten signature]

Indictment For

Burglary - 1st Degree

SC Code: 16-11-311(A)

CDR Code: 0079

TRUE BILL

[Handwritten signature]

Foreperson of Grand Jury

Date: JUN 30 2016

Defendant

Witness:

C.C.C. PLS. and G.S.

VERDICT

Guilty

[Handwritten signature]

Foreperson of Petit Jury

Date:

INDICT 11/29/17

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2015GS2500375

At a Court of General Sessions, convened on June 30, 2016, the Grand Jurors of Hampton County present upon their oath:

Burglary - 1st Degree

That in Hampton County, South Carolina, on or about October 28, 2015, the Defendant, Maurice Demon Mitchell, did enter a dwelling without consent and with intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight therefrom, the defendant was armed with a deadly weapon; or the defendant or another participant in the crime caused physical injury to Eddie Mole who was not a participant in the crime; or the defendant visibly displayed what was or appeared to be a pistol, revolver, rifle, shotgun or other firearm; or entered or remained in the premises in the nighttime, all in violation of Section 16-11-311, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

TRANE BIRT

30-Lite

STATE OF SOUTH CAROLINA

COUNTY OF

Hampton

STATE

Maurice Demon Mitchell vs.

AKA:

Race: B Sex: M Age: 31

DOB: 11/20/1986 SS#: 249-65-3937

Address:

City, State, Zip:

DL#

SID#

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Murder

In violation of 16-3-10, 16-3-20 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State.

ATTEST:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS-25-00229

A/W#: 2016A2520300085

Date of Offense: 10/28/2015

S.C. Code §: 16-3-10, 16-3-20

CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or PLEADS

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar # WHEREFORE, the Defendant is committed to the State Department of Corrections for a determinate term of Life days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ w/o parole 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 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: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling

*Fine:

Table with 2 columns: Description and Amount. 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.

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter: Becky Hill

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.

Presiding Judge

Judge Code: 2134

Sentence Date 11/29/17

WITNESSES

N A Ginn - Hampton Police Department

J. E. Sullivan - Hampton Police Department

DOCKET NO. 2016GS2500229

The State of South Carolina

County of Hampton

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

June Term 2016

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

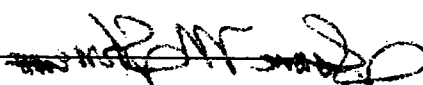
THE STATE

vs.

Maurice Demon Mitchell

ARREST WARRANT NUMBER

2016A2520300085
2016A250300085- LHM 7/6/16



Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

TRUE BILL

Defendant

Foreperson of Grand Jury

Date: JUN 30 2016

Witness:

VERDICT

Guilty

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date: 11/29/17
INDICT

STATE OF SOUTH CAROLINA)

COUNTY OF HAMPTON)

INDICTMENT

2016GS2500229

At a Court of General Sessions, convened on June 30, 2016, the Grand Jurors of Hampton County present upon their oath:

Murder

That in Hampton County, South Carolina, on or about October 28, 2015, the Defendant, Maurice Demon Mitchell, did, with malice aforethought, kill Eddie Mole and Eddie Mole did die as a proximate result of Maurice Demon Mitchell's actions, to wit: shooting him and/or striking him with a firearm, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

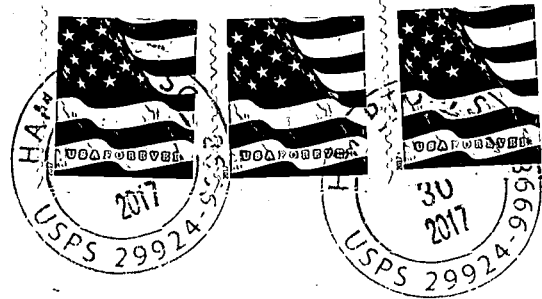
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

THE BIRT

OFFICE OF THE PUBLIC DEFENDER
ALLENDALE, HAMPTON AND JASPER COUNTIES
COURTHOUSE ANNEX BUILDING, 2ND FL
PO BOX 506
HAMPTON, SC 29924



Mr. Daniel E. Shearouse
Clerk, The Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

29211 11330 8099

