

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

INDICTMENT #: 2016GS0202362,  
2016GS0202363

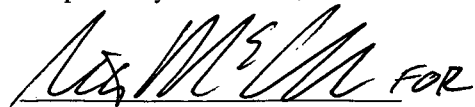
vs.  
WAYNE HANKINSON  
  
DEFENDANT

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

**RULE 203(B) EXPLANATION**

Pursuant to Rule 203(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. The Defendant then did make contact with an attorney in the Public Defender's Office telling him that he wanted an appeal filed on his case. The undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazier v. South Carolina*, 430 F.3d 696, 706 (4<sup>th</sup> Cir.2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully Submitted,



David Hayes  
Assistant Public Defender  
Post Office Drawer 2247  
Aiken, South Carolina 29802  
803-642-1732

December 18, 2017



7. LIST THE TYPE OF VEHICLE(S) YOU OWN (YEAR, MAKE, MODEL): '79 Chevy

PAID FOR? YES  NO  AMOUNT OF PAYMENT(S) \$ \_\_\_\_\_

8. DO YOU OR HOUSEHOLD MEMBER PAY RENT OR MORTGAGE? def lives in father's home but  
9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.? he lives alone - does not pay anything to live there  
insurance, cell AMOUNT \$ 150.00/mth  
(father pays his bills)

I do solemnly swear that the information reported by me for this application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was in any way respect, entitled to, in possession, remainder or reversion, and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned, or otherwise disposed of any property, or made over in trust for myself or otherwise, other than mentioned herein.

I understand that the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in the amount equal to the costs of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand such claim shall be filed in the Office of the Clerk of Court where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the Court, part or all of such a claim is reduced to judgment by appropriate Order of the Court, after serving me with at least thirty (30) days notice that judgment will be entered.

*I understand that pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Public Defender's Office for public defender services or other appointed counsel.*

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least 30 days notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

[Signature]  
Applicant

Sworn to before me this 27<sup>th</sup> day of June, 2016.

[Signature] Notary Public for South Carolina. My commission expires: 3/9/2019

RACE: B SEX: M AGE: 29  IN JAIL  OUT ON BOND  
SSN: 247-81-7295 DATE OF ARREST: 6/9/2016  
DATE OF BIRTH: 12/25/1986 BOND AMOUNT: No bond  
ADDRESS: P. O. Box 5033 BONDSMAN: \_\_\_\_\_  
CITY & STATE: Augusta, GA 30916 CO-DEFENDANTS: \_\_\_\_\_  
TELEPHONE: 706-251-2411 (mother)  
706-831-9637 (sister)

The applicant's request for counsel is hereby

GRANTED

DENIED

[Signature]  
Judge/ Clerk or Deputy Clerk

DATE: 6-27-16

ARREST WARRANT

2016A0210200841

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

THE STATE

IR# 16-030204

against

Wayne Hankinson

Address: 157 CHERRY STREET

Phone: SSN:

Sex: M Race: B Height: 5 9 Weight: 190

DL State: GA DL #:

DOB: Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Stuart Graybeal - 3618

Offense: Sex / Assault with intent to commit criminal sexual conduct - First degree

Offense Code: 0253

Code/Ordinance Sec: 16-03-0656

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 Wayne Hankinson on 6-9-16 0630

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions P O Box 583 109 Park Avenue Aiken, SC 29802

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Personally appeared before me the affiant Inv. Stuart Graybeal who

being duly sworn deposes and says that defendant Wayne Hankinson did within this county and state on or about 5/28/2016 violate the criminal laws of the

State of South Carolina (or ordinance of  County/  Municipality of Aiken in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Assault with intent to commit criminal sexual conduct - First degree

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:

UPON INFORMATION AND BELIEF, THAT ON MAY 28, 2016 AT APPROXIMATELY 1:30 AM, THE DEFENDANT, WAYNE CORDARO HANKINSON, DID ASSAULT THE VICTIM, KRISTEN NICHOLE JOSEPHS, BY CHOKING HER WITH HIS HANDS WHILE ATTEMPTING TO CAUSE HER TO SUBMIT TO A SEXUAL BATTERY. THIS OFFENSE OCCURRED AT 157 CHERRY STREET, BATH, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-3-656 OF THE S.C. CODE OF LAWS.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

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 5/28/2016 defendant Wayne Hankinson

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

County/  Municipality of Aiken ) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Assault with intent to commit criminal sexual conduct - First degree

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 5/29/2016

Signature of Issuing Judge

Sheridan Lee Mann Jr.

Judge Code: 5034

(L.S.)

Judge's Address Aiken, SC 29801-8743

Judge's Telephone (803)642-2044

Issuing Court:  Magistrate  Municipal  Circuit

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

AFFIDAVIT

MAY 29 16 16:29

RECEIVED SC COURT OF APPEALS DEC 27 2017

ARREST WARRANT

2016A0210200842

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

THE STATE

IR# 16-030204

against

Wayne Hankinson

Address:

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_

Sex: M Race: B Height: 5 9 Weight: 190

DL State: GA D

DOB: \_\_\_\_\_ Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Stuart Graybeal - 3618

Offense: Kidnapping / Kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

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 Wayne Hankinson

on 6-9-16 0630

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
P O Box 583  
109 Park Avenue  
Aiken, SC 29802

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA )

County/  Municipality of )

Aiken )

Personally appeared before me the affiant Inv. Stuart Graybeal who

being duly sworn deposes and says that defendant Wayne Hankinson

did within this county and state on or about 5/28/2016 violate the criminal laws of the

State of South Carolina (or ordinance of  County/  Municipality of Aiken)

in the following particulars:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

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:

UPON INFORMATION AND BELIEF, THAT ON MAY 28, 2016 AT APPROXIMATELY 1:30 AM, THE DEFENDANT WAYNE CORDARO HANKINSON, DID UNLAWFULLY SEIZE, CONFINE, INVEIGLE AND KIDNAP THE VICTIM, KRISTEN NICOLE JOSEPHS, BY CHOKING HER WITH HIS HANDS AND HOLDING HER AT GUNPOINT WITHOUT AUTHORITY OF LAW. THIS OFFENSE OCCURRING AT 157 CHERRY STREET, BATH, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-3-910 OF THE S.C. CODE OF LAWS.

Signature of Affiant

STATE OF SOUTH CAROLINA )

County/  Municipality of )

Aiken )

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

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 5/28/2016 defendant Wayne Hankinson

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

County/  Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

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 5/29/2016 )

Signature of Issuing Judge )

Sheridan Lee Lynn Jr. )

Judge Code: 5034 )

Judge's Address \_\_\_\_\_ )

Aiken, SC 29801-8743 )

Judge's Telephone (803)642-2044 )

Issuing Court:  Magistrate  Municipal  Circuit

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

AFFIDAVIT

MRV29-16-49

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SC COURT OF APPEALS

ARREST WARRANT

2016A0210200843

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

THE STATE

IR# 16-030204

against

Wayne Hankinson

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

Phone: \_\_\_\_\_

Sex: M Race: B Height: 5 9 Weight: 190

DL State: GA DL# \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Stuart Graybeal - 3618

Offense: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

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 Wayne Hankinson on 0900 0630

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
P O Box 583  
109 Park Avenue  
Aiken, SC 29802

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MAY 29 2016

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Personally appeared before me the affiant Inv. Stuart Graybeal

being duly sworn deposes and says that defendant Wayne Hankinson

did within this county and state on or about 5/28/2016

State of South Carolina (or ordinance of  County/  Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

UPON INFORMATION AND BELIEF, THAT ON MAY 28, 2016 AT APPROXIMATELY 1:30 AM, THE DEFENDANT, WAYNE CORDARO HANKINSON, DID POSSESS AND VISIBLY DISPLAY A SMALL SEMIAUTOMATIC PISTOL (A FIREARM) WHILE COMMITTING THE CRIME OF KIDNAPPING AGAINST THE VICTIM, KRISTEN NICHOLE JOSEPHS. THIS OFFENSE OCCURRING AT 157 CHERRY STREET, BATH, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-3-910 OF THE S.C. CODE OF LAWS.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

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 5/28/2016 defendant Wayne Hankinson

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

County/  Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

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 5/29/2016

Signature of Issuing Judge

Sheridan Lee Lynn Jr.

Judge Code: 3034

Judge's Address

Aiken, SC 29801-8743

Judge's Telephone (803)642-2044

Issuing Court:  Magistrate

Municipal

Circuit

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

AFFIDAVIT

ORIGINAL

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DEC 27 2017 SC Court of Appeals

SB TURNER

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STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken )

STATE VS. )

Wayne Hankinson )

AKA: )

Race: Sex: M Age: 30 )

DOB: 12-25- )

Address: )

City, State, Zip: )

DL#: SID#: SC01656733 )

\*CDL Yes No CMV Yes No Hazmat Yes No )

In disposition of the said indictment comes now the Defendant who was TO: Weapons / Pointing and presenting firearms at a person

INDICTMENT/CASE#: 2016GS0202364

A/W#: 2016A0210200843

Date of Offense: 5/28/2016

S.C. Code § : 16-23-0490

CDR Code #: 0549

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DEC 27 2017

CC Court of Appeals

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-23-0410 of the S.C. Code of Laws, bearing CDR Code # 0122

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:

Hammack, Ashley Agnew

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 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 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

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 \$

§ 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) \$

TOTAL \$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

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

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken )

STATE VS. )

Wayne Hankinson )

AKA: )

Race: Sex: M Age: 30 )

DOB: 12-25-1986 SS )

Address: )

City, State, Zip: 16 )

DL#: SID# )

\*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Assault and Battery - First Degree

INDICTMENT/CASE#: 2016GS0202362

A/W#: 2016A0210200841

Date of Offense: 5/28/2016

S.C. Code § : 16-03-0656

CDR Code #: 0253

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SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-3-600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

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:

Hammack, Ashley Agnew

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 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 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

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 \$

§ 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) \$

TOTAL \$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

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

Judge Code:

Sentence Date:

2016A0210200841  
2016A0210200842  
2016A0210200843

RECEIVED

DEC 27 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF AIKEN )

SECOND JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )

Indictment Numbers: 2016GS0202362

2016GS0202363

2016GS0202364

vs. )

Wayne Hankinson, )

Defendant )

This matter comes before the court upon Defendant's Motion For New Trial dated September 8, 2017.

Defendant argues that one juror seated for the trial of his case was a friend of an investigator for the Sheriff's Department who sat at the table of the Solicitor who tried this case and assisted with the handling of evidence. The investigator's name was not given to the jury during voir dire and he was not present during jury selection. The investigator did not testify.

Defendant argues that he would have struck the friend of the investigator had he known of their relationship and thus Defendant was denied his right to a fair and impartial jury.

Neither Defendant nor the State submitted any briefs supporting their respective positions although the attorney for the State advised the court that the State opposed the motion as was argued at the conclusion of the trial. Neither party

2016-GS-02-02362

1 Sgt (Hammack)  
1 P.D (Hayes)

FILED Dec 15 2017  
*Robert J. White*  
C.C.P. & G.S.  
*Sharon Stinson*  
Deputy Clerk

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN  
I, Robert J. White, Clerk of Court of Common Pleas & General Sessions for Aiken County, South Carolina, do hereby certify that the foregoing is a true and correct copy of the original document as filed in my office on this 15th day of December, 2017.

*Robert J. White*  
Deputy Clerk  
C.C.P. & G.S.  
Aiken County, S.C.

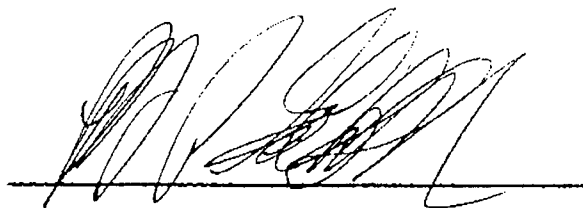
requested a hearing "on the record" and I decide this motion without such hearing.

Defendant apparently contends that the State was obligated to divulge the name of anyone who might sit at the prosecution table but no such request was made prior to trial. Defendant does not argue any inappropriate conduct on the part of the prosecution or that the name of the investigator was not disclosed pursuant to Rule 5 SCRPC. No specific prejudice is alleged by Defendant, only that he would have used one of his strikes to keep the juror from being seated. Defendant does not argue that the witness was not qualified, was prejudiced or should have been disqualified by the court for cause.

Based on the foregoing, I find the Defendant's Motion should be denied.

December 13, 2017

~~October 3, 2017~~



Brooks P. Goldsmith , Circuit Judge

2016-65-02-02362