

ORIGINAL

STATE OF SOUTH CAROLINA)
)
)
vs.)
)
Marion Wade Frye,)
)
Defendant.)
_____)

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Indictment No(s): 2016-GS-32-1113

RECEIVED

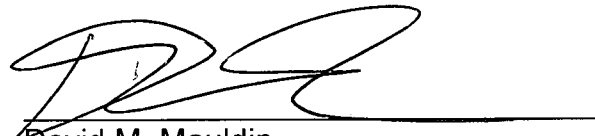
FEB 16 2018

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. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, 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 *Frazer v. South Carolina*, 430 F.3d 696, 706 (4th 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 M. Mauldin
Assistant Public Defender
202 East Main Street
Lexington, South Carolina
(803) 785-8873

Lexington, South Carolina
February 13, 2018

ORIGINAL

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

HONORABLE R. KNOX MCMAHON, CIRCUIT COURT JUDGE

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SC Court of Appeals

Indictment No(s): 2016-GS-32-1113

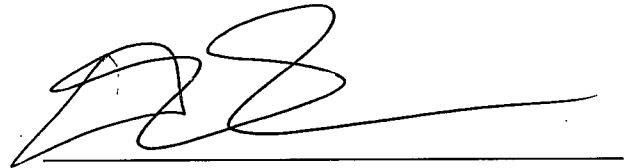
The State,.....Respondent.

V.

Marion Wade Frye,.....Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Suzanne Mayes by depositing a copy of it in the United States Mail, postage prepaid, on February 13, 2018, addressed to Suzanne Mayes, Assistant Solicitor, Lexington County Courthouse, Lexington, SC 29072.



David M. Mauldin
Eleventh Circuit Public Defender
202 E. Main Street
Lexington, SC 29072
(803) 785-8873

Maximum Exposure of 22 yrs (Negotiated Cap)

STATE OF SOUTH CAROLINA)
COUNTY OF Lexington)
STATE VS.)
Marion Wade Fryc)
AKA:)
Race: Sex: M Age: 31)
DOB: SS#:)
Address: 241 White Knoll Rd)
City, State, Zip: West Columbia, SC 29170-3417)
DL#: 011611375 SID#: SC01548152)
*CDL Yes No CMV Yes No Hazmat Yes No)
In disposition of the said indictment comes now the Defendant who was TO: Manslaughter / Voluntary manslaughter

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS3201113
A/W#: 2015A3210201710
Date of Offense: 10/1/2015
S.C. Code §: 16-03-0010
CDR Code #: 0116

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SC Court of Appeals

SENTENCE SHEET

Under Alford

CONVICTED OF or PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
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.
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 22 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 Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code

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

Table with columns for statute number, 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)

TOTAL \$125
Clerk of Court/ Deputy Clerk: Lina Coover
Court Reporter: B Cuppen

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: NO CONTACT WIFE
NAME MEMBER OF VICTIM'S FAMILY
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: 2145
Sentence Date: 8 Feb 2018

A TRUE COPY
Lex. Co. C. Cl. O. P. G. S. & F. C.

WITNESSES

Lexington County Sheriffs Department

B Booth

Law Enforcement Case #: 15019095

LSM

ARREST WARRANT NUMBER

2015A3210201710

ACTION OF GRAND JURY

TRUE BILL

Sheryl R. Ferguson
Foreperson of Grand Jury

Date: *7-10-17*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS3201113

Amended

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JULY TERM 2017

THE STATE

vs.

Marion Wade Frye

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

DONALD V. MYERS, SOLICITOR

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FEB 16 2018
SC Court of Appeals

COMMON FILER
CLERK OF SUPERIOR COURT
LEXINGTON COUNTY, SOUTH CAROLINA
A TRUE COPY
Lex. Co. C.C.P. # 17-10-17
GENERAL S. & F.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Murder
§ 16-03-0010

At a Court of General Sessions, convened on July 2017, the Grand Jurors of Lexington County present upon their oath:

That **Marion Wade Frye** did in Lexington County on or about October 1, 2015, unlawfully kill one Joshua Prine with malice aforethought, either express or implied, to wit: did shoot the victim, Joshua Prine, with a firearm, resulting in his death, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

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

Suzanne Mays
ASSISTANT SOLICITOR

