

STATE OF SOUTH CAROLINA

FILED-RECEIVED

Indictment No.: 2018-GS-46-01968,
2018-GS-46-02117

2018 JUL 18 AM 10:56

IN THE COURT OF APPEALS

State of South Carolina

DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

- vs-

Debra Ann Brown,

Defendant.


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JUL 18 2018
SC Court of Appeals

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B) (iv), the issue to be raised on appeal is whether the trial court abused its discretion when the appellant plead to (1) count of Malicious Injury to animals, personal property, injury value more than \$2,000 but less than \$10,000; received a sentence of 2 years suspended on 79 days and 2 years' probation concurrent with credit for time served 79 days, direct indictment \$500; and (1) count of Domestic Violence 3rd Degree; received a sentence of 76 days; credit for time served 76 days concurrent. (Indictment Nos. 2018-GS-46-01968, 2018-GS-46-02117).

The undersigned does not have a good faith basis to believe that this issue is 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, 705 (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,



Jeffrey B. Zuschke
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Debra Ann Brown

York, South Carolina
July 16, 2018

COUNTY OF YORK

STATE VS.

DEBRA ANN BROWN

AKA: Debra Ann Eason, Debrah Ann Brown

Race: White Sex: F Age: 50

DOB: SS#: Address:

City, State, Zip:

DL# SID# SC01016211

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Domestic Violence, 3rd Degree (NMT 90 days &/or \$1000-2500)

In violation of § 16-25-20(D) of the S.C. Code of Laws, bearing CDR Code # 3813

JAIL

INDICTMENT/CASE#: 2018-GS-46-02117
A/W: 4102P0409026
Date of Offense: 12/27/2017
S.C. Code §: 16-25-20(D)
CDR Code #: 3813

SENTENCE SHEET

ORIGINAL

CONVICTED OF or PLEADS

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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: Ivey B. Reynolds, Assistant Solicitor SC Bar # 102192
Debra Ann Brown, Defendant
Jeffery W. ... Attorney for Defendant SC Bar # 102416

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 76 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 Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 9/11 7/10/18 Pleas
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
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: \$
Payment Terms:
Obtain GED
Attend Voc. Rehab. Or Job Corp. JUL 18 2018
May serve W/E beginning
Substance Abuse Counseling SC Court of Appeals
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ Beginning
Paid to Public Defender Fund

Table with columns for assessment type, amount, and 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 (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

Other: time served

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

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Shirley Broom

Presiding Judge:
Judge Code: 2761
Sentence Date: 7-10-18

STATE OF SOUTH CAROLINA

COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on April 19, 2018, the Grand Jurors of York County present upon their oath:

DOMESTIC VIOLENCE, 3RD DEGREE

The defendant, Debrah Ann Brown, on or about December 27, 2017 in York County, South Carolina, did cause physical harm or injury to Ronny Francis Winkel, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. All in violation of 16-25-20(D), *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.


IVEY N. BLAIR
ASSISTANT SOLICITOR

WITNESSES

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

4102P0409026

ACTION OF GRAND JURY

TRUE BILL

Wm. Barto

Foreperson of Grand Jury

Date: 4-19-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-02117

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

APRIL 19, TERM 2018

THE STATE

VS.

DEBRAH ANN BROWN

INDICTMENT FOR

DOMESTIC VIOLENCE, 3RD DEGREE

SC Code: § 16-25-20(D)

CDR Code: 3813

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

Defendant

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

Debra B

Defendant

Witness:

S. Benfield
C.C.C. PLS. AND G.S.

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SC Court of Appeals

COUNTY OF YORK

STATE VS.

DEBRA ANN BROWN

AKA: Debra Ann Eason, Debrah Ann Brown

Race: White Sex: F Age: 50

DOB: SS#

Address:

City, State, Zip:

DL# SID# SC01016211

*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: Malicious Injury To Property (NMT 5 years &/or discretionary fine)

In violation of § 16-11-0510(A) of the S.C. Code of Laws, bearing CDR Code # 3416

INDICTMENT/CASE#: 2018-GS-46-01968

A/W: 2018A4610200415

Date of Offense: 03/14/2018

S.C. Code §: 16-11-0510(A)

CDR Code #: 3416

JAIL

ORIGINAL SENTENCE SHEET

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

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:

Ivey B. Reynolds, Assistant Solicitor 102192 SC Bar #

Defendant

Attorney for Defendant 102416 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 2 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 79 days/months/years and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 2 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: all 7/10/18 plea,

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

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 days/hours Public Service Employment Obtain GED

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 (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 \$625

RECEIVED JUL 18 2018 SC Court of Appeals Attend Voc. Rehab. Or Job Corp. JUL 18 2018 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: Must take medication as directed by her medical provider

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

Clerk of Court/Deputy Clerk: David Hamilton Court Reporter: Shirley Broom

Presiding Judge: Judge Code: 2761 Sentence Date: 7-10-18

STATE OF SOUTH CAROLINA

COUNTY OF YORK

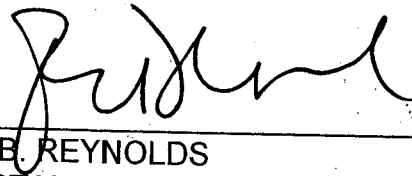
INDICTMENT

At a Court of General Sessions, convened on June 14, 2018, the Grand Jurors of York County present upon their oath:

MALICIOUS INJURY TO PROPERTY

The defendant, Debra Ann Brown, did on or about March 14, 2018 in York County, willfully, unlawfully and maliciously do damage to personal property described as a 2005 Honda Accord, the damage being more than Two Thousand (\$2,000.00) but less than Ten Thousand (\$10,000.00) Dollars. All in violation of 16-11-0510(A), 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.



IVEY B. REYNOLDS
ASSISTANT SOLICITOR

WITNESSES

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2018A4610200415

ACTION OF GRAND JURY

TRUE BILL

Imel Barrett

Foreperson of Grand Jury

Date: 6-14-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-01968

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JUNE 14, TERM 2018

THE STATE

VS.

DEBRA ANN BROWN

INDICTMENT FOR

MALICIOUS INJURY TO PROPERTY

SC Code: § 16-11-0510(A)

CDR Code: 3416

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

Defendant

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

Debra B

Defendant

Witness:

J. Benfield Court Specialist
C.C.C. PLS AND G.S.

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