

RECEIVED

SEP 26 2018

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Robert E. Hood, Circuit Court Judge

CASES NO. 2015-GS-26-01752,
2015-GS-26-01764 and 2015-GS-26-01766



CERTIFIED COPY

State of South Carolina Respondent

v.

James Elbert Daniels, Jr. Appellant

NOTICE OF APPEAL

James Elbert Daniels, Jr. appeals his conviction after Jury Trial, sentence having been imposed by the Honorable Robert E. Hood on August 30, 2018 and filed the same day.

September 6, 2018

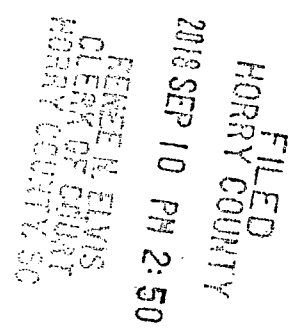
Barbara Wilson Pratt, Esquire
Trial Counsel for Appellant

Trial Counsel:

Barbara Wilson Pratt
408 Elm Street
Conway, SC 29526

Other counsel of record:

Jimmy Richardson, Esq., Solicitor and
Scott Hixson, Esq., Deputy Solicitor
Fifteenth Judicial Circuit
Post Office Box 1276
Conway, SC 29526
Attorneys for the Respondent



COPY

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Robert E. Hood, Circuit Court Judge

CASES NO. 2015-GS-26-01752,
2015-GS-26-01764 and 2015-GS-26-01766

RENEE M. ELMIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

State of South Carolina.....Respondent

v.

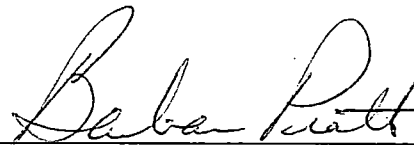
James Elbert Daniels, Jr.....Appellant

PROOF OF SERVICE

I hereby certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of the Notice in the United States Mail, postage prepaid, on Thursday, September 6, 2018 addressed to the attorney of record:

Jimmy Richardson, Esq., Solicitor and
Scott Hixson, Esq., Deputy Solicitor
Post Office Box 1276
Conway, SC 29526

Thursday, September 6, 2018



Barbara Wilson Pratt, Esq.
Trial counsel for the
Appellant James Elbert Daniels, Jr.
408 Elm Street
Conway, SC 29526
(843) 488-4529
Fax: (843) 488-4530

RENEE M. ELMIS
CLERK OF COURT
HORRY COUNTY, SC

2018 SEP 10 PM 2:50

FILED
HORRY COUNTY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)
)
)
)
The State of South Carolina)
)
)
)
)
vs.)
)
)
James Elbert Daniels Jr.,)
)
)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT NO.: 2015-GS-26-01752
2015-GS-26-01764
2015-GS-26-01766

VERDICT FORM

FILED
HORRY COUNTY
2015 AUG 30 PM 4:18
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

We, the jury, by unanimous consent find the Defendant James Elbert Daniels, Jr.:

1. As to the charge of Armed Robbery of Barbara McDowell, on Indictment 2015-GS-26-01752:

~~Not Guilty~~
 Guilty

2. As to the charge of Murder of Trisha Stull, on Indictment 2015-GS-26-01764:

~~Not Guilty~~
 Guilty

3. As to the charge of Armed Robbery of Trisha Stull, on Indictment 2015-GS-26-01766:

~~Not Guilty~~
 Guilty

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

Conway, South Carolina
August 30, 2018

Susan Perry
Foreperson

FILED
HORRY COUNTY
2018 AUG 30 PM 4:49
RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry VS. STATE

INDICTMENT/CASE#: 2015GS2601752

James Elbert Daniels Jr

A/W#: 2015A2610700094

AKA: _____

Date of Offense: 1/25/2015

Race: BLACK Sex: M Age: 30

S.C. Code § : 16-11-0330(A)

DOB: 11-20-1987 SS#: 248-71-0432

CDR Code #: 0139

Address: 8873 Ware Dr

City, State, Zip: Nichols, SC 29581-4970

DL#: 100222527 SID#: _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Armed Robbery 10-30 yrs

CONVICTED OF or PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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

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: [Signature] SCB69635 Defendant Pratt, Barbara Wilson SCB11916 Attorney for Defendant SC Bar#

Hixson, Scott R. SC Bar# Defendant Pratt, Barbara Wilson SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term life w/o parole 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 SCDOC.

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 16-25-653 (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 _____

*Fine: _____ Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) _____ Random Drug/Alcohol testing

§14-1-211(A)(1) (Conv. Surcharge) \$100 _____ Fine may be pd. in equal, consecutive weekly/monthly

§14-1-211(A)(2) (DU) Surcharge) \$100 _____ prmts. of \$ _____ beginning _____

§56-5-2995 (DUI Assessment) \$12 _____ \$ _____ paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 _____ Other: _____

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 \$ N/A

Clerk of Court/ Deputy Clerk Renee N. Elvis Presiding Judge [Signature]

Court Reporter: Dixie Eubank Judge Code: 2164

Sentence Date: 8/30/18

FILED Horry County Clerk of Court AUG 30 PM 4:48

ARREST WARRANT

2015A2610700094

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

THE STATE 15007492 against

James Elbert Daniels, Jr

Address: 8873 Ware Dr Nichols, SC 29581-4970

Phone: SSN: 248-71-0432

Sex: M Race: B Height: 5 11 Weight: 169

DL State: SC DL #: 100222527

DOB: 11/20/1987 Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Greg Lent - 0705

Offense: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

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 James B Daniels on 2/6/15

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)

[X] County/ [] Municipality of)

Horry

Personally appeared before me the affiant Greg Lent who

being duly sworn deposes and says that defendant James Elbert Daniels, Jr did within this county and state on or about 1/25/2015 violate the criminal laws of the

State of South Carolina (or ordinance of [X] County/ [] Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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 January 25th, 2015 the defendant did with two co-defendants commit a robbery of the Scotchman Convenience Store located at 489 Lake Arrowhead Rd in the Myrtle Beach section of Horry County while armed with a firearm. Detectives with the Horry County Police Department - Major Crimes Section initiated an investigation into the robbery. Evidence produced by the investigation into this matter including statements of co-defendants, witness statements, physical evidence collected pursuant to lawful searches and circumstantial evidence determined that the defendant did participate in the armed robbery. Based on the above, the affiant is informed and believes that probable cause exists to establish that the defendant did commit the offense of armed robbery.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Affiant's Address 2560 N. Main Street

Conway, SC 29526-

Affiant's Telephone

CERTIFIED COPY Horry County, SC

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 1/25/2015 defendant James Elbert Daniels, Jr

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

[X] County/ [] Municipality of Horry) as set forth below.

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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 forth with 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 2/6/2015

Judge's Address

Conway, SC 29526-5105

Judge's Telephone

(843)915-5290

Signature of Issuing Judge Bradley Dwyer Meyers Judge Code: 5081

Issuing Court: [X] Magistrate [] Municipal [] Circuit

ORIGINAL

ORIGINAL

ORIGINAL

2015 FEB 13 AM 8:53

WITNESSES

Greg Lent Horry County Police Department

DOCKET NO. 2015-GS-26- 01752

The State of South Carolina

County of Horry

FILED
HORRY COUNTY

2015 APR 27 AM 10:23

Scott R. Hixson 15H00653

MELANIE HUGGINS-WARD
CLERK OF COURT

COURT OF GENERAL SESSIONS

DATE RECEIVED FROM

GRAND JURY

APRIL, 2015 TERM

ARREST WARRANT NUMBER

2015A2610700094

CDR: 0139 16-11-0330(A)

DOA: 2/6/2015

THE STATE

vs.

ACTION OF GRAND JURY **TRUE BILL**

James Elbert Daniels Jr
B/ M
8873 Ware Dr
Nichols, SC 29581-4970
DOB: 1987-11-20
SSN: 248710432

ATTORNEY: Barbara Wilson Pratt

Bob Harris

Foreperson of Grand Jury

Date: APR 28 2015

Indictment for

ARMED ROBBERY

 ORIGINAL

Jimmy A. Richardson, II, Solicitor

VERDICT

Foreperson of Petit Jury

Date:

RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)


INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

ARMED ROBBERY
CDR: 0139 16-11-0330(A)

That James Elbert Daniels Jr, while acting in concert with others, did in Horry County on or about January 25, 2015, while armed with a deadly weapon, to wit: Firearm, take and carry away personal property of Barbara McDowell from or in the immediate presence of Barbara McDowell with intent to deprive Barbara McDowell of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), 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

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry VS. STATE

James Elbert Daniels Jr

AKA:

Race: BLACK Sex: M Age: 30

DOB: 11-20-1987 SS#: 248-71-0432

Address: 8873 Ware Dr

City, State, Zip: Nichols, SC 29581-4970

DL#: 100222527 SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Murder 30 - LIFE

INDICTMENT/CASE#: 2015GS2601764

A/W#: 2015A2610700095

Date of Offense: 1/25/2015

S.C. Code § : 16-03-0010. 0020

CDR Code #: 0116

SENTENCE SHEET

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 w/minor 1st or Lewd Act) §17-25-45

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: Hixson, Scott R. SCB69635 Defendant Pratt, Barbara Wilson SCB11916 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 - LIFE 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 SCDOC.

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 PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning

Set by SCDPPPS Substance Abuse Counseling

Recipient: Random Drug/Alcohol testing

*Fine: \$ Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

Other:

Other:

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 Renee N. Elvis Court Reporter: Dixie Eubank

Presiding Judge Judge Code: 2169 Sentence Date: 8/30/18

ARREST WARRANT

2015A2610700095

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

THE STATE

against

James Elbert Daniels, Jr

Address: 8873 Ware Dr

Nichols, SC 29581-4970

Phone: SSN: 248-71-0432

Sex: M Race: B Height: 5 11 Weight: 169

DL State: SC DL #: 100222527

DOB: 11/20/1987 Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Greg Lent - 0705

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.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant James B Daniels

on 2/6/15

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Personally appeared before me the affiant Greg Lent who

being duly sworn, deposes and says that defendant James Elbert Daniels, Jr

did within this county and state on or about 1/25/2015 violate the criminal laws of the

State of South Carolina (or ordinance of [X] County/ [] Municipality of Horry)

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 January 25th, 2015 one Trisha D Stull was found deceased inside of the Sunhouse Convenience Store located at 2697 Oak St in the Conway section of Horry County. Detectives with the Horry County Police Department - Major Crimes Section initiated an investigation into her death, which revealed Stull died as a result of multiple gunshot wounds sustained during a robbery of said store. Evidence produced by the investigation into this matter including statements of co-defendants, witness statements, physical evidence collected pursuant to lawful searches and circumstantial evidence determined that the defendant did participate in the armed robbery and shooting of the victim without just cause and with malice aforethought, causing Stull's death. Based on the above, the affiant is informed and believes that probable cause exists to establish that the defendant did commit the offense of

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Affiant's Address 2560 N. Main Street

Conway, SC 29526-

Affiant's Telephone

RECEIVED BY CLERK OF COURT Horry County, SC

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 1/25/2015 defendant James Elbert Daniels, Jr

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

[X] County/ [] Municipality of Horry) 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 2/6/2015.

Judge's Address

Conway, SC 29526-5105

Judge's Telephone (843)915-5290

Signature of Issuing Judge
Bradley Dwyer Mayers
Judge Code: 5081

Issuing Court: [X] Magistrate [] Municipal [] Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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

2015 FEB 03 AM 8:53

WITNESSES

Greg Lent Horry County Police Department

DOCKET NO. 2015-GS-26- 01764

The State of South Carolina

County of Horry

FILED
HORRY COUNTY

2015 APR 27 AM 10:23

MELANIE HUGGINS-WARD
CLERK OF COURT

Scott R. Hixson

15H00656

COURT OF GENERAL SESSIONS

DATE RECEIVED FROM

GRAND JURY

APRIL, 2015 TERM

ARREST WARRANT NUMBER

2015A2610700095

CDR: 0116 16-03-0010, 0020

DOA: 2/6/2015

THE STATE

vs.

James Elbert Daniels Jr
B/ M
8873 Ware Dr
Nichols, SC 29581-4970
DOB: 1987-11-20
SSN: 248710432

ATTORNEY: Barbara Wilson Pratt

ACTION OF GRAND JURY

TRUE BILL

Barbara Wilson Pratt

Foreperson of Grand Jury

Date: APR 23 2015

VERDICT

Indictment for

MURDER

ORIGINAL

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury

Date:

RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)


INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

MURDER
CDR: 0116 16-03-0010,0020

That James Elbert Daniels Jr, while acting in concert with others did in Horry County, on or about January 25, 2015, willfully, feloniously, and intentionally kill the victim, Trisha Stull, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about January 25, 2015 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

HORRY COUNTY, SC
CLERK OF COURT
RENEE M. ELVIS

CERTIFIED COPY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS.
James Elbert Daniels Jr

INDICTMENT/CASE#: 2015GS2601766
A/W#: 2015A2610700097
Date of Offense: 1/25/2015
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

AKA:
Race: BLACK Sex: M Age: 30
DOB: 11-20-1987 SS#: 248-71-0432
Address: 8873 Ware Dr
City, State, Zip: Nichols, SC 29581-4970
DL#: 100222527 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Armed Robbery 10 - 30 yrs

CONVICTED OF or PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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.

ATTES: Hixson, Scott R. SCB69635 Defendant SCB11916
Pratt, Barbara Wilson Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 - 30 years, 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 SCDOC.

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 PTUP

Total \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

*Fine: \$

Table with 3 columns: Code, 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 \$ N/A

Clerk of Court/ Deputy Clerk Renee N. Elvis
Court Reporter: Dixie Eubank

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 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2169

Sentence Date: 8/30/18

ARREST WARRANT

2015A2610700097

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

THE STATE

15007520

against

James Elbert Daniels, Jr

Address: 8873 Ware Dr

Nichols, SC 29581-4970

Phone: SSN: 248-71-0432

Sex: M Race: B Height: 5 11 Weight: 169

DL State: SC DL #: 100222527

DOB: 11/20/1987 Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Greg Lent - 0705

Offense: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

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 James E Daniels on 2/6/15

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Personally appeared before me the affiant Greg Lent who being duly sworn deposes and says that defendant James Elbert Daniels, Jr did within this county and state on or about 1/25/2015 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [] Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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 January 25th, 2015 one Trisha D Stull was found deceased inside of the Sunhouse Convenience Store located at 2697 Oak St in the Conway section of Horry County. Detectives with the Horry County Police Department - Major Crimes Section initiated an investigation into her death, which revealed Stull died as a result of multiple gunshot wounds sustained during a robbery of said store. Evidence produced by the investigation into this matter including statements of co-defendants, witness statements, physical evidence collected pursuant to lawful searches and circumstantial evidence determined that the defendant did participate in the armed robbery and shooting of the victim without just cause and with malice aforethought, causing Stull's death. Based on the above, the affiant is informed and believes that probable cause exists to establish that the defendant did commit the offense of armed robbery.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Affiant's Address 2560 N. Main Street Conway, SC 29526-

Affiant's Telephone

RECEIVED CLERK OF COURT HORRY COUNTY, SC

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 1/25/2015 defendant James Elbert Daniels, Jr

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

[X] County/ [] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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 2/6/2015

Judge's Address

Conway, SC 29526-5105

Judge's Telephone (843)915-5290

(L.S.)

Signature of Issuing Judge

Bradley Dwyer Mayers

Judge Code: 5081

Issuing Court:

[X] Magistrate

[] Municipal

[] Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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

AFFIDAVIT

ORIGINAL

2015 FEB 13 AM 8:53

WITNESSES

Greg Lent Horry County Police Department

DOCKET NO. 2015-GS-26- 01766

The State of South Carolina
County of Horry

FILED
HORRY COUNTY
2015 APR 27 AM 10:23

Scott R. Hixson

15H00656

MELANIE HUGGINS-WARD
CLERK OF COURT

COURT OF GENERAL SESSIONS

DATE RECEIVED FROM
GRAND JURY

APRIL, 2015 TERM

ARREST WARRANT NUMBER

2015A2610700097

CDR: 0139 16-11-0330(A)

DOA: 2/6/2015

THE STATE

vs.

James Elbert Daniels Jr
B/ M
8873 Ware Dr
Nichols, SC 29581-4970
DOB: 1987-11-20
SSN: 248710432

ATTORNEY: Barbara Wilson Pratt

RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

ACTION OF GRAND JURY
TRUE BILL

Bob Harris

Foreperson of Grand Jury

Date: APR 23 2015

VERDICT

Indictment for
ARMED ROBBERY

 ORIGINAL

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)


INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

ARMED ROBBERY
CDR: 0139 16-11-0330(A)

That James Elbert Daniels Jr, while acting in concert with others, did in Horry County on or about January 25, 2015, while armed with a deadly weapon, to wit: Firearm, take and carry away personal property of Trisha Stull from or in the immediate presence of Trisha Stull with intent to deprive Trisha Stull of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), 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

16-11-0330

RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

=====

CONWAY
 2570 MAIN ST
 CONWAY
 SC
 29526-9998
 4518600526
 09/06/2018 (800)275-8777 3:52 PM

=====

Product Description	Sale Qty	Final Price
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PM 2-Day (Domestic) (MYRTLE BEACH, SC 29577) (Weight:0 Lb 14.20 Oz) (Expected Delivery Date) (Saturday 09/08/2018) (USPS Tracking #) (9505 5134 4962 8249 2950 37)	1	\$6.70
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with Appeal

Insurance (Up to \$50.00 included)	1	\$0.00
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First-Class Mail	1	\$1.63
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(Estimated Delivery Date)
(Saturday 09/08/2018)

Appellate Defense

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(CONWAY, SC 29526)
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(Estimated Delivery Date)
(Saturday 09/08/2018)

Solicitor

\$1 Patriotic Wave	4	\$4.00
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Tailed-Blue Btfly	2	\$1.42
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(CONWAY, SC 29526)
(Weight:0 Lb 9.80 Oz)
(Estimated Delivery Date)
(Saturday 09/08/2018)

Clerk of Court (Horry)

First-Class Mail	1	\$2.89
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Large Envelope
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(COLUMBIA, SC 29211)
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(Estimated Delivery Date)
(Saturday 09/08/2018)

Ct of Appeals

Total	\$21.16
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Debit Card Remit'd (Card Name:VISA) (Account #:XXXXXXXXXXXX6516) (Approval #: (Transaction #:860) (Receipt #:020764) (Debit Card Purchase:\$21.16) (Cash Back:\$0.00) (AID:A0000000980840 (AL:US DEBIT) (PIN:Verified)	\$21.16	Chip)
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Includes up to \$50 insurance

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SEP 26 2018

SC Court of Appeals

Receipt # 020017
(Debit Card Purchase:\$21.16)
(Cash Back:\$0.00)
(AID:A0000000980840 Chip)
(AL:US DEBIT)
(PIN:Verified)

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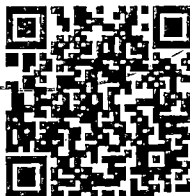
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YOUR OPINION COUNTS

Bill #: 840-52900397-2-3004493-2
Clerk: 15

*1 env was not for
appeal*

Barbara Wilson Pratt, Attorney at Law

USA

Phone (843) 488-4529 or (843) 902-6792
Fax (843) 488-4530
e-mail: Bprattatty@aol.com

408 Elm Street
Conway, South Carolina 29526

September 25, 2018

Jenny Abbott Kitchings
Clerk of the Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED
SEP 26 2018
SC Court of Appeals

Re: The State v. James Elbert Daniels, Jr.
Appellate Case No. 2018-001630

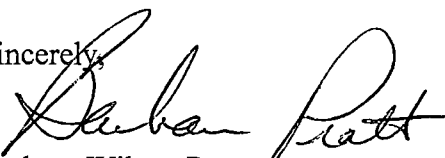
Dear Ms. Kitchings,

I received your letter dated September 20, 2018 on September 24, 2018, requesting proof that the notice of appeal has been filed with the trial court.

Enclosed you will find a certified copy of the Notice of Appeal which was clocked and filed September 10, 2018. This Notice was mailed to the Horry County Clerk of Court at the same time that it was mailed to the Court of Appeals on September 6, 2018. I am enclosing my receipt from the Conway Post Office which reflects the mailing of these documents on September 6, 2018 at 3:52 p.m.

Should you have any questions, please feel free to contact me.

Sincerely,


Barbara Wilson Pratt
Attorney at Law

Barbara Pratt, Esq.
408 Elm Street
Conway, SC 29526

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SEP 26 2018
SC Court of Appeals

Jenny Abbott Kitchings
Clerk of the Court of Appeals
PO Box 11629
Columbia, SC 29211

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