

STATE OF SOUTH CAROLINA)
)
)
vs.)
)
Dashon C. Pixley)
)
Defendant.)
_____)

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Indictment #: 2018-GS-02-02415
2018-GS-02-02416

RECEIVED

OCT 15 2018

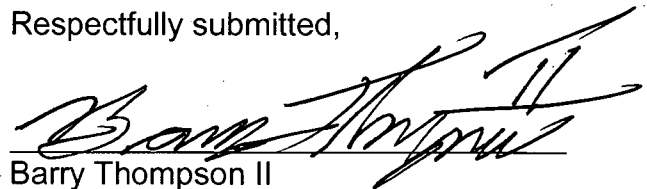
RULE 203(d)(1)(B)(iv) EXPLANATION SC Court of Appeals

Pursuant to Rule 203(d)(1)(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.

The undersigned attorney consulted with the client and after consultation the client requested that an appeal be filed.

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,



Barry Thompson II
Aiken County Public Defender
Post Office Drawer 2247
Aiken, SC 29802
(803) 642-1732

Aiken, South Carolina
October 8, 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken VS. STATE

INDICTMENT/CASE#: 2018GS0202416

Dashon Christopher Pixley

A/W#: 2018A0210200756

AKA:

Date of Offense: 5/26/2018

Race: Black Sex: M Age: 26

S.C. Code § : 16-13-30(B)

DOB: SS#:

CDR Code #: 3420

Address:

City, State, Zip:

DL#: SID#: SC01903998

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Grand larceny >\$2,000<\$10,000

CONVICTED OF or

SENTENCE SHEET

STATE OF SOUTH CAROLINA COUNTY OF AIKEN I, Robert Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original document which have been filed in my office this 30th day of October 2018. C.G. P. & G. S., Aiken County, S.C. Deputy Clerk

in violation of § 16-13-30(B) of the S.C. Code of Laws, bearing CDR Code # 3420 [X] 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, [X] Defendant Waives Presentment to Grand Jury. DP (defendant's initials)

The plea is: [X] Without Negotiations or Recommendation, [] Negotiated Sentence, [] Recommendation by the State.

ATTEST: Samuel Hines 77509 SC Bar# Solicitor Dashon Pixley Defendant Barry Thomas 72900 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the [X] 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 5 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 [X] CONSECUTIVE to sentence on: 2018-GS-02-02415 [] 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 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:

[X] RESTITUTION: [] Deferred [] Def. Waives Hearing [X] Ordered PTUP _____ days/hours Public Service Employment

Total: \$ 1,120 plus 20% fee: RECEIVED

Payment Terms: [X] Set by SCDPPPS

Recipient: SHERRY SMITH OCT 15 2018

*Fine: SC Court of Appeals

Table with 3 columns: Statute, Amount, Total. Rows include § 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) \$18.75

TOTAL \$ 643.75

Clerk of Court/ Deputy Clerk: Latoya Francis-Hyatt Court Reporter: Brenda Sigwald SCCA/217 (04/2018)

Obtain GED [] Attend Voc. Rehab. or Job Corp. [X] May serve W/E beginning [X] Substance Abuse Counseling [X] Random Drug/Alcohol testing [X] Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____ \$ _____ paid to Public Defender Fund Other: Fully comply w/ MENTAL HEALTH TREATMENT REGIMEN, INCLUDING TAKING MEDICATIONS AS PRESCRIBED; NO CONTACT W/ VICTIM OR VICTIM'S FAMILY; [X] Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees. NOT TO BE W/IN 1 MILE OF VICTIM'S RESIDENCE; Presiding Judge: William P. Harty Judge Code: 2050 Sentence Date: Oct. 1, 2018 PAY P. D. FEE & COURT COSTS @ RATE SET BY PPS; CONSUME NO ALCOHOL

STATE OF SOUTH CAROLINA

COUNTY OF Aiken VS. Dashon Christopher Pixley

AKA:

Race: Black Sex: M Age: 26

DOB: SS#: [redacted]

Address:

City, State, Zip:

DL#: SID#: SC01903998

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Burglary / Burglary (After June 20, 1985) - Third degree - 1st offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0202415

A/W#: 2018A0210200751

Date of Offense: 5/26/2018

S.C. Code § : 16-11-0313

CDR Code #: 0427

SENTENCE SHEET

CONVICTED OF or

PLAIDS

in violation of § 16-11-0313 of the S.C. Code of Laws, bearing CDR Code # 0427

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. PP (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Solicitor: Samuel Hines 77509 SC Bar# Defendant: Dashon Pixley Attorney for Defendant: Barry Thomas 72900 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 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

Set by SCDPPPS

Recipient:

*Fine:

Table with 3 columns: Statute, 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) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Ann Sanders

Court Reporter: Brenda Sigwald

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA COUNTY OF AIKEN Robert J. Eric, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes true and correct copy of the original document which has been filed in my office this day of 05/26/2018. C.C.C.P. & G.S., Aiken County, S.C. Deputy Clerk: Kelly Williams

RECEIVED

OCT 15 2018

SC Court of Appeals

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

\$ paid to Public Defender Fund

Other: PAY COURT COSTS AS PROVIDED ON 2018-GS-02-02416

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: William P. Harney

Judge Code: 2050

Sentence Date: Oct. 1, 2018

ARREST WARRANT

2018A0210200756

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE

18-027421

against

Dashon Christopher Pixley

Address:

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 7 Weight: 165

DL State: SC DL #: _____

DOB: _____ Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Stephen M Havasy, Sr - 5541

Offense: Larceny / Grand Larceny

Offense Code: 3420

Code/Ordinance Sec: 16-13-0030(B)

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 Dashon Pixley on 5-30-18

Lt. Clamp 65536
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

AFFIDAVIT

ORIGINAL

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

Personally appeared before me the affiant Stephen M Havasy, Sr who being duly sworn deposes and says that defendant Dashon Christopher Pixley did within this county and state on or about 5/26/2018 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE: Larceny / Grand Larceny

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:

That on May 26, 2018., one Dashon Christopher Pixley did take and carry away a white in color 2001 Ford F250 truck (SC Tag # AUN515)(Vin# 1FTNW20S21ED01830) with the intent to permanently deprive the victim, Sherry Smith of the property which is valued at \$5988.00. This occurred at 226 Springdale Road, Graniteville, Aiken County, SC and being in violation of SC Code of Laws, as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue

Aiken, SC 29801-

Affiant's Telephone (803)642-1762

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 5/26/2018 defendant Dashon Christopher Pixley

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: Larceny / Grand Larceny

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 5/30/2018

Donna Hutto Williamson (L.S.)
Signature of Issuing Judge

Donna Hutto Williamson

Judge Code: 5937

Judge's Address

Wagener, SC 29164-9570

Judge's Telephone

(803)564-5989

Issuing Court: Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

RECEIVED
OCT 15 2018
SC Court of Appeals

ARREST WARRANT

2018A0210200751

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE

18-027421

against

Dashon Christopher Pixley

Address:

Phone:

Sex: M Race: B Height: 5 7 Weight: 165

DL State: SC DL #:

DOB: Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Stephen M Havasy, Sr - 5541

Offense: Burglary - Third degree - 1st offense

Offense Code: 0427

Code/Ordinance Sec: 16-11-0313

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 on

Dashon Pixley 5-30-18

Lt. Clary 5536
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

Personally appeared before me the affiant Stephen M Havasy, Sr who being duly sworn deposes and says that defendant Dashon Christopher Pixley did within this county and state on or about 5/26/2018 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE: Burglary - Third degree - 1st offense

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:

That on May 26, 2018, one Dashon Christopher Pixley did break and enter a building belonging to the victim Sherry Smith without consent and with intent to commit a crime therein. This occurred at 226 Springdale Road, Aiken, Aiken County, SC and being in violation of SC Code of Laws, as amended.

Signature of Affiant

[Signature] 5541

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue
Aiken, SC 29801-
Affiant's Telephone (803)642-1762

RECEIVED
OCT 15 2018
SC Court of Appeals

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 5/26/2018 defendant Dashon Christopher Pixley 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: Burglary - Third degree - 1st offense

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 5/30/2018

[Signature] (L.S.)
Donna Hutto Williamson
Judge Code: 5937

Judge's Address

Wagener, SC 29164-9570

Judge's Telephone

(803)564-5989

Issuing Court: Magistrate Municipal Circuit
ORIGINAL

ORIGINAL

ORIGINAL

BAIL set by

Judge Alpert

on 05-31-15

Type and Amount: \$15,000 SB

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

