

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

MARK EMIL DAY

AKA: Mark E Day

Race: White Non-Latino/Caucasian

Sex: M

DOB: SS#:

Address:

City, State, Zip:

DL# SID# SC01849502

\*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Assaulting Police Officer While Resisting Arrest

In violation of § 16-09-0320(B) of the S.C. Code of Laws, bearing CDR Code # 0256

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State.

ATTEST:

David Franklin DuTremble, Assistant Solicitor SC Bar # 103329 Defendant Attorney for Defendant SC Bar # 4581

WHEREFORE, the Defendant is committed to the State Department of Corrections or 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 3 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: 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 State Department of Corrections. 37 Days 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 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:

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 \$643.75

Clerk of Court/Deputy Clerk: Amanda Haffenden Court Reporter:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016-GS-10-06621 A/W: 2016A1010203458 Date of Offense: 07/25/2016 S.C. Code §: 16-09-0320(B) CDR Code #: 0256

RECEIVED

SENTENCE SHEET OCT 24 2018 SC Court of Appeals

CONVICTED OF or PLEADS

Presiding Judge: Judge Code: 2139 Sentence Date: 10/18/18

TRW/0319974  
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER  
2016-022504

ARREST WARRANT NUMBER  
2016A1010203458

DATE OF ARREST  
07/26/2016

ACTION OF GRAND JURY

*Chas*  
**TRUE BILL** DEC 13 2016  
Foreperson of Grand Jury Date:

VERDICT

*Guilty*

*Tho Utz*  
Foreperson of Petit Jury

Date: 10/18/18

DOCKET NO. 2016-GS-10-06621

The State of South Carolina  
County of Charleston

COURT OF GENERAL SESSIONS  
DECEMBER TERM 2016

THE STATE

VS.

MARK EMIL DAY  
W/M DOB:

Indictment for

ASSAULTING POLICE OFFICER WHILE  
RESISTING ARREST

SC Code: § 16-09-0320(B)  
CDR Code: 0256

**RECEIVED**  
OCT 24 2018  
SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened December 2016, the Grand Jurors of Charleston County present upon their oath:

**ASSAULTING POLICE OFFICER WHILE RESISTING ARREST**

That in Charleston County, South Carolina, on or about July 25, 2016, the Defendant, Mark Emil Day, knowingly and willfully did assault, beat, or wound Sgt. Talbott, a law enforcement officer,  while the officer was engaged in serving, executing or attempting to serve or execute a legal writ or process; or  while resisting the efforts of the officer to make a lawful arrest of the defendant, when the defendant knew or reasonably should have known the officer was a law enforcement officer. This is in violation of Section 16-9-320(B), of the South Carolina 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.



T. RICHARD WARING  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON  
STATE VS.

MARK EMIL DAY

AKA: Mark E Day  
Race: White Non-Latino/Caucasian Sex: M  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
DL# \_\_\_\_\_ SID# SC01849502

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

TO: Assaulting Police Officer While Resisting Arrest

In violation of § 16-09-0320(B) of the S.C. Code of Laws, bearing CDR Code # 0256

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

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:

[Signature] 103329 \_\_\_\_\_ 4581  
David Franklin DuTremble, Assistant 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 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 3 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: \_\_\_\_\_  
 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 State  
Department of Corrections. 37 Days  
 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: \$ \_\_\_\_\_ days/hours Public Service Employment  
Payment Terms: \_\_\_\_\_ Obtain GED   
 Set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_

Recipient: _____		
*Fine: _____	\$	
§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§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	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
3% to County (if paid in installments)	\$	\$ 3.75
<b>TOTAL</b>		<b>\$ 128.75</b>

Clerk of Court/Deputy Clerk: Kami C. Duple  
Court Reporter: Amanda Haffenden

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016-GS-10-06622  
A/W: 2016A1010203459  
Date of Offense: 07/25/2016  
S.C. Code §: 16-09-0320(B)  
CDR Code #: 0256

SENTENCE SHEET

CONVICTED OF or  PLEADS

\_\_\_\_\_ 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

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: 2134  
Sentence Date: 10/18/16

**RECEIVED**  
OCT 24 2016  
SC Court of Appeals

TRW/0319974  
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2016-022504

ARREST WARRANT NUMBER

2016A1010203459

DATE OF ARREST

07/26/2016

ACTION OF GRAND JURY

*Charlie Bill*  
**TRUE BILL** DEC 13 2016  
Foreperson of Grand Jury Date:

VERDICT

*Guilty*

*Thurston*  
Foreperson of Petit Jury

Date: 10/18/18

DOCKET NO. 2016-GS-10-06622

The State of South Carolina  
County of Charleston

COURT OF GENERAL SESSIONS

DECEMBER TERM 2016

THE STATE

VS.

MARK EMIL DAY  
W/M DOB:

Indictment for

ASSAULTING POLICE OFFICER WHILE  
RESISTING ARREST

SC Code: § 16-09-0320(B)  
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STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON


INDICTMENT

At a Court of General Sessions, convened December 2016, the Grand Jurors of Charleston County present upon their oath:

**ASSAULTING POLICE OFFICER WHILE RESISTING ARREST**

That in Charleston County, South Carolina, on or about July 25, 2016, the Defendant, Mark Emil Day, knowingly and willfully did assault, beat, or wound Officer Stewart, a law enforcement officer, (1) while the officer was engaged in serving, executing or attempting to serve or execute a legal writ or process; or (2) while resisting the efforts of the officer to make a lawful arrest of the defendant, when the defendant knew or reasonably should have known the officer was a law enforcement officer. This is in violation of Section 16-9-320(B), of the South Carolina 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.

  
\_\_\_\_\_  
T. RICHARD WARING  
ASSISTANT SOLICITOR