

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)
-VS-)
MICHAEL ROSS)
DEFENDANT)

RULE 203 (B) (iv)
WRITTEN EXPLANATION OF
NO
BASIS FOR APPEAL

RECEIVED
DEC 17 2018
SC Court of Appeals

PERSONALLY appeared before me Martin Spratlin, who being duly sworn,
deposes and says :

1. I represented the above named defendant before LARRY B. HYMAN JR. on December 5, 2018 at which time the defendant enter a guilty plea to his/her pending charge.
2. No issues of law or fact, were raised before the Judge at the time that could be the basis for an Appeal in this matter.
3. The defendant requested this appeal be filed based on the language used by the plea judge informing the client he has the right to appeal his guilty plea within ten (10) days.
4. I informed defendant that there were no issues to appeal.
5. Defendant requested the Appeal be filed.

Sworn to and Subscribed before me
12th day of December, 20 18
Ann Maria Wolsey
Notary Public for South Carolina
My Commission expires: 1-13-2026

Martin P. Spratlin
Signature of Attorney for Defendant
Martin P. Spratlin
Print name of Attorney for Defendant

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
CERTIFIED COPY
FILED
HORRY COUNTY
2018 DEC 12 PM 1:46

ARREST WARRANT

2017A2620603371

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE 17-026746

against

Michael Anthony Ross

Address:

Phone: SSN

Sex: M Race: B Height: 6 5 Weight: 207

DL State: SC DL #:

DOB: Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: Steven Perlstein - S00812

Offense: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

Offense Code: 2877

Code/Ordinance Sec: 16-13-0110(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 Michael Ross

on 03/30/18

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

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant Steven Perlstein who.

being duly sworn deposes and says that defendant Michael Anthony Ross

did within this county and state, on or about 12/6/2017 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach)

in the following particulars:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

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 12/6/2017 at approximately 2045hrs, Affiant responded to Belk Department Store at 1400 Coastal Grand Circle, within the city limits of Myrtle Beach for a reported shoplifting in progress. Upon arrival on scene, Affiant met with Belk Loss Prevention Associate who reported that defendant did take possession, conceal store merchandise offered for sale from a display shelf and conceal the merchandise within his jacket with intent to deprive the merchant of the full retail value of \$179.00. This information was corroborated by store surveillance. The defendant verbally provided Belk Loss Prevention Associate with his name and address. Based upon the facts above, there is probable cause to support the charge of Shoplifting 16-13-110(A). Based upon the defendants criminal history provided by NCIC which indicated the defendant has been convicted of three (3) prior crimes against property, Enhancement 16-01-57 charges are attached to this offense.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Affiant's Telephone (843)918-1382

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 12/6/2017 defendant Michael Anthony Ross

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

County/ Municipality of Myrtle Beach) as set forth below:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

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: 12/7/2017

(L.S.)

Signature of Issuing Judge

DeLoris Dewitt

Judge Code: 6841

Judge's Address 1101 Oak Street

Myrtle Beach, SC 29577-3599

Judge's Telephone (843)918-1356

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

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

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FILED IN COURT CLERK OF COURT NEE N. LEVINS

FILED COPY

WITNESSES

Steven Perstein Myrtle Beach Police Department

Justin Amos

ARREST WARRANT NUMBER

-2017A2620603371

CDR: 2877 16-13-0110(B)(1)

DOA: 3/30/2018

ACTION OF GRAND JURY

TRUE BILL

Drew Ross

Foreperson of Grand Jury

AUG 29 2018

Date:

VERDICT

Foreperson of Petit Jury

Date:

The State of South Carolina

County of Horry

Christopher D. Helms
18H02122

COURT OF GENERAL SESSIONS

August, 2018 TERM

THE STATE

vs.

Michael Anthony Ross
B/ M
1207 Hemingway St
Myrtle Beach, SC 29577-3322
DOB: 1960-04-08
SSN: 251064188

ATTORNEY: Martin D. Spratlin

Indictment for

Shoplifting Enhancement

James A. Richardson, II, Solicitor

CLERK OF COURT
RENEE N. ELVIS

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SC Court of Appeals

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CLERK OF COURT
HORRY COUNTY, SC

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HORRY COUNTY

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STATE OF SOUTH CAROLINA)
)
COUNTY OF Horry)

INDICTMENT

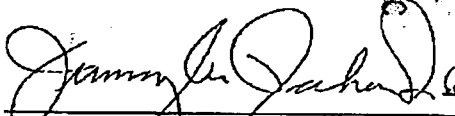
At a Court of General Sessions, convened on August 29, 2018, the Grand Jurors of Horry County present upon their oath:

SHOPLIFTING
THIRD OR SUBSEQUENT OFFENSE
VALUE \$2000 OR LESS

CDR: 2877 16-13-0110(B)(1)

That Michael Anthony Ross did in Horry County on or about December 6, 2017, take possession of, carry away, transfer to another area of the store, or cause to be carried away or transferred, alter, transfer, or remove the price label or tag on, and/or did transfer from its container to another container, merchandise displayed, held, stored or offered for sale by Belk, to wit: , having a value of two thousand (\$2000) dollars or less, in violation of Section 16-13-110(B)(1), S.C. Code of Laws, 1976, as amended, such being the defendant's third or subsequent offense, in violation of Section 16-01-0057, 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

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2018 DEC 12 PM 1:47

FILED
HORRY COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

-VS-

MICHAEL ROSS

MARTIN SPRATLIN

DEFENDANT

RECEIVED

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

2018 MAY -8 AM 9:16

FILED
HORRY COUNTY

FILE NO: 26A18-00001890

DEC 17 2018

SC Court of Appeals

TO: Clerk of Court of General Sessions of the Fifteenth Judicial Circuit
Office of the Solicitor
Appointed Counsel
Defendant

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 4th day of May, 2018, regarding the charge(s) of:

- 2017A2620603371 Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)
- 2017A2620603377 Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)
- 2017A2620600914 Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)
- 2017A2620600915 Drugs / Possession of less than one gram of ~~base~~ or cocaine base, 1st offense

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

FILED COPY

The Defendant's Counsel is **Martin Spratlin**. The office of the Public Defender requests on the Defendant's behalf any and all evidence in the possession of you and or your agents pursuant to S.C. Criminal Practice Rule 5, and Brady v. Maryland 373 U.S. 383 (1963). The formal Motion for Discovery is attached.

ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SC

DATED: May 04, 2018

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

NOTICE AND MOTION FOR PRODUCTION
OF SPECIFIC EVIDENCE AND
DISCLOSURE OF WITNESSES

-VS-

FILED
HORRY COUNTY
2018 MAY -8 AM 9:16
RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

MICHAEL A. ROSS

RECEIVED

DEFENDANT)

DEC 17 2018

SC Court of Appeals

FILE NO: 26A18-00001890

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that unless the prosecution responds to the Defendant's request for disclosure within 30 days, or within such time as may be ordered by the Court, Counsel for the Defendant will move this Court for an Order compelling that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection, and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including, but not limited to:
 - (a) All tangible objects obtained from the scene of the crime
 - (b) All tangible objects obtained from the State's witnesses
 - (c) All tangible objects the State intends to introduce into evidence at Trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate the Defendants or to negate participation by the Defendants in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including but not limited to:
 - (a) Analysis of handwriting
 - (b) Photographs secured of the scene of the crime
 - (c) Comparison of fingerprints
8. Make available any facts which tend to exculpate the Defendant.

CERTIFIED COPY
RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competence of any of prospective witnesses for the State.

10. Make available to the Defendant the names and addresses of all persons who have knowledge of this case or who have been interviewed by the investigating officers in connection with this case.

11. Make available to the Defendant, the SLED, FBI, and local arrest and conviction records of all persons, including the Defendant, named in connection with this proceeding.

12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the Defense this objects to the introduction of any chemist's or analyst's report pursuant to Rule 6, S.C. Rules of Criminal Procedure.

13. Make available to the Defendant all video and audio recordings, and/or notarized affidavits made pursuant to South Carolina Code § 56-5-2953 and any other applicable South Carolina Statute or regulation, including but not limited to:

- (a) Police and booking reports;
- (b) Police logs;
- (c) Alcohol influence reports;
- (d) Accident reports
- (e) Reports dealing with defendant's refusal to submit to testing;
- (f) Notes taken from any recording by Law Enforcement regarding conversations with potential prosecution witnesses
- (g) Any notes taken by Law Enforcement with regards to this case which the officer intends to rely on, or make us of, at trial.
- (h) The names of the officers or other witnesses who were with the Defendant within one hour of the arrest who had the opportunity to observe the appearance and behavior of the Defendant, to include the identity of any officer present at the scene of arrest.
- (i) The time and place where the Defendant was given the Miranda warning and the name of the officer who advised him/her of the same.
- (j) Any reports made by any laboratory or hospital concerning any examination made of any physical (urine, blood, etc.), photographic, or written evidence related to the Defendant's case.
- (k) The records of analysis and the results of any chemical, urine, or breathalyzer tests administered to the Defendant.

14. Make available to the Defendant following information regarding the person(s) who administered the Defendant's chemical/breathalyzer tests:

- (a) The person's name and the name of his/her employer;
- (b) The date of his/her original certification to give chemical/breathalyzer tests and the grade he/she received on the exam;
- (c) The date of his/her most recent certification to give said tests; And his/her compliance with statutes and regulations providing for standards of training for person(s) administering such tests.

15. If the Defendant's blood alcohol concentration was determined on the basis of a test involving the use of any machine, provide the following information:

- (a) The type of machine used and the make, model, and serial number of particular machine;

- (b) The manufacturer and the date of manufacture of the machine;
- (c) The owner's manual and the instruction manual;
- (d) The software program used in said machine;
- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all tests performed in the thirty (30) days prior to the date of the Defendant's arrests, including any tests in which the machine malfunctioned;
- (j) Any checklist to be used by the operator of the machine either before, during, or after the admission of a test.

This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady vs Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Agurs, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 274 S.E. 2nd 406 (1981), City of Rock Hill vs Suchenski, 374 S.C. 12, 646 S.E.2d 879 (2007).

Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution.

WHEREFORE, Defendant prays:

(a) That the Solicitor be Ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.

(b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.

(c) That the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,



ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

DATED: May 04, 2018
CONWAY, SOUTH CAROLINA

FILED
 HARRIS COUNTY
 CLERK OF COURT
 2018 MAY 9 AM 10:00
 GENE N. EDWARDS
 CLERK OF COURT
 HARRIS COUNTY, SC
 CERTIFIED COPY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS.
Michael Anthony Ross

INDICTMENT/CASE#: 2018CS2604723
A/W#: 2017A2620603371
Date of Offense: 12/6/2017
S.C. Code § : 16-13-0110(B)(1)
CDR Code #: 2877

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SC Court of Appeals

AKA:
Race: BLACK Sex: M Age: 58
DOB: SS#
Address:
City, State, Zip:
DL#: 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: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

CONVICTED OF or PLEADS

(0-10yrs.)

in violation of § 16-13-0110(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2877
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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: Helms, Christopher D. 100116 SC Bar# Defendant Spratlin, Martin D. Attorney for Defendant SCB77061 SC Bar#

18 mos
CIC
CFTS
250d3

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 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 24 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 CONSECUTIVE to sentence on: 2018G52601331
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied to S.C.DOC. 206 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §16-25-20
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 (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:		\$
§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	\$ 500.00
§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/ea	\$
3% to County (if paid in installments)		\$ 18.95

TOTAL \$ 643.95 + 40.00 = 683.95

Clerk of Court/ Deputy Clerk Renee Elvis
Court Reporter: Natalie Dahl

_____ 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
prmts. of \$ 25.00 beginning 12-5-19

\$ _____ paid to Public Defender Fund

Other: 5 years probation

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: 7153
Sentence Date: 12-5-14

RENEE W. ELVIS
CLERK OF COURT
HORRY COUNTY, S.C.
FILED
HORRY COUNTY
2018 DEC 15 PM 4:48
GENEVA M. ELVIS
CLERK OF COURT
HORRY COUNTY, S.C.