

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

STATE OF SOUTH CAROLINA)

-VS-

ALAN BROWN

DEFENDANT)
_____)

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

RECEIVED

FEB 20 2019

SC Court of Appeals

PERSONALLY appeared before me KIA WILSON, who being duly sworn,
deposes and says :

1. I represented the above named defendant before STEVEN H. JOHN on February 14, 2019 at

which time the defendant was found guilty to his/her violation of parole

2. No issues of law or fact, were raised before the Judge at that 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 judge informing the client he has the right to appeal his guilty verdict 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
18th day of February, 2019

Cheryl Watson
Notary Public for South Carolina
My Commission expires: 10-23-28

Kia J. Wilson
Signature of Attorney for Defendant
Kia T. Wilson
Print name of Attorney for Defendant

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY SC
CERTIFIED COPY

FILED
HORRY COUNTY
2019 FEB 18 11:14
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY SC

STATE OF SOUTH CAROLINA

County of HORRY

STATE ALAN VINCENT BROWN VS.

AKA: _____

Race: B Sex: M

DOB: _____

SSN: _____

SID# _____

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

2017 - GS - 26 - 02779

Probation C/W's: W-26-18-0220

Name of Original Offense: CSC 3rd degree

Original A/W#: 2017A2610700359

Date of Original Offense: 1/27/2017

Conviction S.C. Code §: 16-03-0654

Conviction CDR Code #: 0 / 1 / 6 / 2

Original Sentence: 2 YEARS SS 18 MONTHS PROBATION

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 4 / 26 / 18 in the Court of General Sessions of HORRY County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 11/14/18. After hearing the evidence and being duly advised, in the presence (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: *(List by number or indicate special conditions as provided in the affidavit)*

§ 5, 7, 8, 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 2 months/years, the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - Fines and other fees (arrearage / balance)
 - Restitution (and 20%) (arrearage / balance)
 - Civil judgment
 - Department fees
 - Fines and other fees
 - Restitution (and 20%)
- Additional Conditions ordered by the Court:

No A/m

RECEIVED
FEB 20 2019
SC Court of Appeals

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served _____ days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 14th day of February, 2019,
Conway, SC

[Signature]
Presiding Judge
15th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature
Signed this _____ day of _____, _____, SC

Witnessed by _____ at _____ City, SC

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-

ALAN BROWN

VOPWILSON

RECEIVED

FEB 20 2019

SC Court of Appeals

DEFENDANT)

FILE NO: 26A19-00000614

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

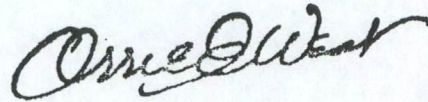
RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 6th day of February, 2019, regarding the charge(s) of:

NA Probation / violation of terms of probation, parole or other supervisory program (not used for DJJ-see 2555)

The Defendant's Counsel is **VOPWILSON**. 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: February 06, 2019

COUNTY OF Horry
STATE VS.

Alan Vincent Brown

AKA: _____

Race: BLACK Sex: M Age: 41

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Longs, SC 29568

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Criminal Sexual Conduct - 3rd Degree (Up to 10 yrs)

in violation of § 16-03-0654 of the S.C. Code of Laws, bearing CDR Code # 0162

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: [Signature] SC103036 [Signature] [Signature]
Walter, Mary-Ellen 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 2 days/months/years under the Youthful Offender Act not to exceed X years

and/or to pay a fine of \$ X; provided that upon the service of X days/months/years and/or payment

of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for 18

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 State Department of Corrections.

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

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 61.6 (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)		\$18.75

TOTAL \$1643.75

Clerk of Court/ Deputy Clerk Ranee N. Elvis

Court Reporter: Natalie Dahl

INDICTMENT/CASE#: 2017GS2602779

A/W#: 2017A2610700359

Date of Offense: 1/27/2017

S.C. Code § : 16-03-0654

CDR Code #: 0162

Rec: [Signature] of jail ALFORD
SENTENCE SHEET

CONVICTED OF or PLEADS

Prob.

RECEIVED

FEB 20 2019

SC Court of Appeals

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 \$ 40.00 beginning 5/26/2018

\$ 40.00 paid to Public Defender Fund

Other: - No contact w/ victim

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge [Signature]

Judge Code: 2148

Sentence Date: April 26, 2018

FILED
HORRY COUNTY
2018 FEB 25 PM 2:04

CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, S.C.

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-

ALAN BROWN

KIA WILSON

DEFENDANT)

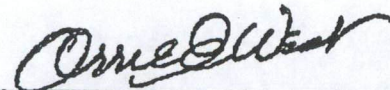
FILE NO: 26A17-00001666

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, 17th day of April, 2017, regarding the charge(s) of:

2017A2610700359 Sex / Criminal sexual conduct - Third degree

The Defendant's Counsel is **Kia Wilson**. 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: April 17, 2017

RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

17 APR 20

FILED
HORRY COURT

RECEIVED

FEB 20 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
-VS-)
)

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

ALAN V. BROWN)
DEFENDANT)
)

RECEIVED

FEB 20 2019

SC Court of Appeals

RENEEN ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

FILE NO: 26A17-00001666

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 and
 - (b) All tangible objects obtained from the State's witnesses in this case
 - (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.

FILED
HORRY COUNTY
FEB 20 2019
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 thus 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 use 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;

CEITIFIED COPY
HENRY ELMS
CLERK OF COURT
HORR COUNTY, SC

FILED
HENRY COUNTY
JAN 30 11 21 AM '07

- (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.

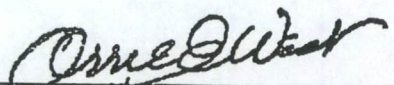
This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady vs Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Agurs, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 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.

FILED
 CLERK OF COURT
 HORRY COUNTY, SC
 APR 17 2017
 2:37

RESPECTFULLY SUBMITTED,



ORRIE E. WEST
 FIFTEENTH CIRCUIT
 PUBLIC DEFENDER

DATED: April 17, 2017
 CONWAY, SOUTH CAROLINA

RENE E. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC
 CERTIFIED COPY

WITNESSES

Brian N Scales Horry County Police Department

Math Troitler

DOCKET NO. 2017-GS-26- 02779

The State of South Carolina

County of Horry

Joshua D. Holford ¶

17H02384

COURT OF GENERAL SESSIONS

June, 2017 TERM

ARREST WARRANT NUMBER

2017A2610700359

CDR: 0162 16-03-0654

DOA: 4/13/2017

THE STATE

vs.

ACTION OF GRAND JURY

TRUE BILL

Alan Vincent Brown
B/ M
1130 Pint Cir
Longs, SC 29568
DOB: 1976-06-23
SSN: 251336748

ATTORNEY: Kia T. Wilson

Mark Carroll
Foreperson of Grand Jury
Date:

JUN 22 2017

VERDICT

JUN 22 2017

Indictment for

Criminal Sexual Conduct - 3rd Degree

Jimmy A Richardson, II, Solicitor

Foreperson of Petit Jury
Date:

ORIGINAL

RECEIVED
FEB 20 2019
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

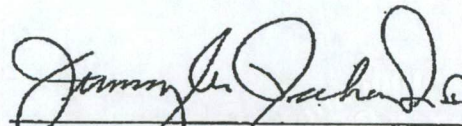
At a Court of General Sessions, convened on June 22, 2017, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT, THIRD DEGREE

CDR: 0162 16-03-0654

That Alan Vincent Brown did, in Horry on or about January 27, 2017, engage in sexual battery with the victim, Aliyah S. (a minor, under the age of 18, but at least 16 years of age), using force or coercion, in violation of Section 16-030-0654, 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