

STATE OF SOUTH CAROLINA) IN THE SOUTH CAROLINA
) COURT OF APPEALS

COUNTY OF CHARLESTON) Case No: 2018GS1006264

) Warrant No: M640238

STATE OF SOUTH CAROLINA) Charge: Murder

VS.

REQUEST FOR REPRESENTATION
ON APPEAL

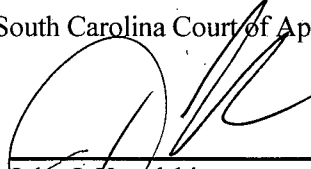
DEVIN JAMEL JOHNSON,
Defendant.

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SC Court of Appeals

On behalf of the request of the above-named Defendant, to be represented by the South Carolina Commission of Appellate Defense, the undersigned attorney would show unto this Honorable Court that:

1. He is the attorney for the defendant-appellant in the above captioned case. The defendant-appellant was placed in custody immediately following resentencing and was not available to personally sign this Request.
2. The defendant-appellant was represented by the Charleston County Public Defender's Office as an indigent, pursuant to the Defense of Indigent Act.
3. The defendant-appellant has been informed that he may request assistance from the South Carolina Commission of Appellate Defense in perfecting his appeal.
4. A timely Notice of Appeal has been filed on the defendant's-appellant behalf.
5. The defendant-appellant has been informed that nothing requires that office to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the defendant-appellant requests the aid of the South Carolina Commission of Appellate Defense in perfecting his appeal to the South Carolina Court of Appeals.



John J. Kozelski
Assistant Public Defender
Charleston County Public Defender

Charleston, South Carolina

Dated: May 29, 2019.

COUNTY OF CHARLESTON

STATE VS.

DEVIN JAMEL JOHNSON

AKA:
Race:
DOB:
Address:
City, State, Zip:
DL# SID#

INDICTMENT/CASE#: 2018-GS-10-06264
A/W: 2018-GS-10-06264
Date of Offense: 06/08/2011
S.C. Code §: 16-03-0010
CDR Code #: 0116

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SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Murder

CONVICTED OF or PLEADS

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

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, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State.

ATTEST:
Stephan B. Linder, Assistant Solicitor SC Bar # 72656
Defendant
Attorney for Defendant SC Bar # 100153

WHEREFORE, the Defendant is committed to State Department of Corrections or County Detention Center, for a determinate term of 36 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 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. 2604 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
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:

Set by SCDPPPS

Recipient:

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) \$ 3.75, TOTAL \$ 123.75

Clerk of Court/Deputy Clerk:
Court Reporter: Krystal Smith

Presiding Judge:
Judge Code:
Sentence Date: 4/4/19

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

STATE OF SOUTH CAROLINA)

vs.)

DEVIN JAMEL JOHNSON)

Defendant.)

COURT OF GENERAL SESSIONS

FOR THE NINTH JUDICIAL CIRCUIT

CASE NUMBER: 2018-GS-10-06264

VERDICT FORM

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We, the Jury, by unanimous consent, find the Defendant,

DEVIN JAMEL JOHNSON, on the charge of MURDER,

GUILTY

NOT GUILTY

A. H. Gray

Presiding Juror

April 4, 2019

BCS/0205216/20110603699
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER
1109420

ARREST WARRANT NUMBER

DATE OF ARREST

06/11/2011

ACTION OF GRAND JURY

TRUE BILL

Jennifer Lucas
Foreperson of Grand Jury

DEC 10 2018
Date:

VERDICT

Guilty

Adrian
Foreperson of Petit Jury

4/4/19
Date:

DOCKET NO. 2018-GS-10-06264

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
DECEMBER TERM 2018

THE STATE

VS.

DEVIN JAMEL JOHNSON
DOB: [REDACTED]

Indictment for

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

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STATE OF SOUTH CAROLINA

INDICTMENT

COUNTY OF CHARLESTON

At a Court of General Sessions, convened December 2018, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County, South Carolina on or about June 8, 2011, the defendant, Devin Jamel Johnson with malice aforethought did, himself or in concert with others, kill and murder AKEEM SMALLS by means of a firearm, and AKEEM SMALLS did die in Charleston County as a proximate result thereof on or about June 8, 2011 in violation of §16-3-10 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.


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

M-640238

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE
against

Devin Jamel Johnson

Address: [REDACTED]

[REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: [REDACTED] Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

DL State: [REDACTED] DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Barry Goldstein - 0174

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 DEVIN J. JOHNSON

on 6-11-11

Neil Vingo
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: 6-11-11 PM 1102

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

AFFIDAVIT

ORIGINAL

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

Personally appeared before me the affiant Barry Goldstein who

being duly sworn deposes and says that defendant Devin Jamel Johnson

did within this county and state on or about 6/8/2011 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Charleston)

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:

SEE ATTACHED AFFIDAVIT

Signature of Affiant

B. M. Goldstein

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843)577-7434

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 6/8/2011 defendant Devin Jamel Johnson

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

County/ Municipality of Charleston) 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 6/9/2011

Bonnie Lee Koontz (L.S.)

Signature of Issuing Judge
Bonnie Lee Koontz

Judge Code: 5627

Judge's Address 1720 Sam Rittenburg Blvd, Unit 11

Charleston, SC 29417-1861

Judge's Telephone (843)766-6531

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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SC Court of Appeals

BAIL set by

WITNESSES



Judge Baldwin
on 6-11-11
Type and Amount: NO BOND
Name of Surety: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Disposition: _____
Sentence: _____

JURORS

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

FILED
2011 JUN 13 PM 2:26
JULIE J. ARSTRONG
CLERK OF COURT
BY _____

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one Sgt. B. M. Holdstem who first being duly sworn deposed and says that Devin Jamel Johnson

Did with in this county and state on the 7 June 2011 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

16-3-10 Murder

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

That on 6-8-11 at approximately 22:15 hrs. while at the Georgetown Apts. located 1476 Orangegrove Rd. Charleston, S.C. Building C the above named defendant was armed with a 9MM caliber handgun and did commit the act of violation 16-3-10 Murder. That the above named defendant has been in a continuous disagreement with the victim about money and has threatened him in the past. That the defendant was on the second floor porch where he was observed by a witness in possession of a firearm in a well lit area facing the window she was looking out of at the time. That the victim was shot multiple times and expired at the Medical University Hospital a short time later. The victim was identified as Akim Moses Smalls B/M, Age 28. The above is true and believable based on the personal observations of a witness Shaconnar Goff who knows the defendant by sight and name and witnessed the above named defendant outside her apartment in possession of a black handgun at the time the shots were fired. That the witness knows the defendant by sight and name and viewed a photograph and positively identified him as the assailant.

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SWORN TO AND SUBSCRIBED BEFORE ME

THIS 9th DAY OF June, 2011

Bonnie K. [Signature] (L.S.)
SIGNATURE OF JUDGE

Sgt. B. M. Holdstem
AFFIANT

Charleston Police Department
180 Lockwood Blvd
Charleston, SC 29403
(843) 577-7434

COMPLAINT #:

2011 JUN 9 PM 1:23