

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

INDICTMENT #: 2019GS0201438

vs.
Marquis Devon Hicks

DEFENDANT

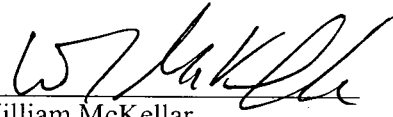
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RULE 203(B) EXPLANATION

Pursuant to Rule 203(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 or file a motion to reconsider the sentence.

The Defendant then did contact an attorney in the Public Defender's Office telling him that he wanted an appeal filed on his case. 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 *Frazier 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,



William McKellar
Assistant Public Defender
Post Office Drawer 2247
Aiken, South Carolina 29802
803-642-1732

August 26, 2019

STATE OF SOUTH CAROLINA

COUNTY OF Aiken VS. STATE

Marquis Devon Hicks

AKA:

Race: Black Sex: M Age: 29

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#: SC01776910

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Assault and Battery of a High and Aggravated Nature

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS0201438

A/W#: 19-DI02-0020

Date of Offense: 10/10/2018

S.C. Code §: 16-03-0029(A)

CDR Code #: 3410

SENTENCE SHEET

CONVICTED OF or

Vertical stamp: STATE OF SOUTH CAROLINA, COUNTY OF AIKEN, Clerk of Court, Robert J. Harre, Clerk of Court, South Carolina Department of Corrections, August 29, 2019, Deputy Clerk, Katelyn Williams

in violation of § 16-03-600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS

(CSC w/minor 1st or CSC w/minor 2nd or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

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

ATTEST: M.B. M.M. Solicitor, 100386 SC Bar#, Marquis Hicks Defendant, Attorney for Defendant, 79902 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 15 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.

(311 dzys credit)

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: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like Assessments 107.5%, Conv. Surcharge \$100, DUI Surcharge \$100, DUI Assessment \$12, DUI Breath Test \$25, Proviso (Public Def/Probation) \$500, Law Enforce. Funding \$25, Drug Court Surcharge \$150, BUI Breath Test Fee \$50, Vehicle Assessment \$40/ea, 3% to County (if paid in installments) \$3.75.

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Katelyn Williams, Court Reporter: Brenda Sigward, SCCA217 (04/2018)

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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:

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: C. Newman, Judge Code: 2127, Sentence Date: August 21, 2019

WITNESSES

Aiken Department Of Public Safety

Jonathan B Eagerton

Law Enforcement Case #: 18-05198

MBM

ARREST WARRANT NUMBER

19-DI02-0020

ISSUED August 1 2019

Jonathan B Eagerton
Karen P. Williams

ACTION OF GRAND JURY

TRUE Bill

[Signature]

Foreperson of Grand Jury
Date: August 1, 2019

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019GS0201438

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

AUGUST TERM 2019

THE STATE
vs.

MARQUIS DEVON HICKS

CDR #: 3410

Indictment for

ATTEMPTED MURDER

§ 16-03-0029(A)

J. STROM THURMOND, SOLICITOR

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SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)


INDICTMENT FOR
ATTEMPTED MURDER

§ 16-03-0029(A)

At a Court of General Sessions, convened on August 5, 2019, the Grand Jurors of Aiken County present upon their oath:

That **MARQUIS DEVON HICKS** did in Aiken County on or about October 10, 2018, feloniously, with malice aforethought, attempt to murder Ronnie Lockwood by means of shooting said victim in left leg. All in violation of Section 16-3-29 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.


J. STROM THURMOND, SOLICITOR

THE STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) SECOND JUDICIAL CIRCUIT
 COUNTY OF AIKEN)
)
 THE STATE OF SOUTH CAROLINA)
)
 VS) NOTICE OF DATE AND TIME
) OF
) MANDATORY COURT APPEARANCES
 Marquis Devon Hicks)

Warrant Number(s): 2018A0220100798; 799; 2018A0210201541; 542; 2018A0220100807; 808; 809

****THIS IS THE ONLY NOTICE YOU WILL RECEIVE**
 KEEP A COPY FOR YOUR RECORDS**

You are a Defendant in a Criminal Case. You are required to appear on 2 separate occasions at:
The Aiken County Judicial Center, 109 Park Avenue, SE, Aiken, South Carolina 29802
 The dates and times of these appearances CANNOT be changed for any reason.

1. Your **INITIAL APPEARANCE** is set for November 30, 2018 at 9:00 a.m. in the Main Courtroom.
2. Your **SECOND APPEARANCE** shall be at the same location on February 15, 2019 at 11:00 a.m. in the Main Courtroom.

You **MUST** be present at these appearances. If you **FAIL TO APPEAR** on these dates and times, a **Bench Warrant** will be issued for your arrest, you will be placed in jail and may be held until the trial of your case. In addition, it may be necessary for you to appear in Court beyond the dates listed above; you will receive notice of dates to appear that are in addition to those listed above.

- You have qualified for a Public Defender. You will go to the Aiken County Public Defender's Office 803-642-1732, located at 211 York St., NE. You must pay the State mandated \$40.00 application fee. You must take copies of warrants with you or you cannot be processed. **Failure to do so may result in your bond being revoked.**
- You **have not qualified** for a Public Defender. You must hire an attorney or represent yourself. You are strongly encouraged to consult an attorney.
- I waive any right to the services of a Public Defender. I understand that I must either hire a private attorney or represent myself. _____ Failure to obtain an attorney may result in your bond being revoked, being held in contempt of court, fines and/or jail.

I HAVE READ THIS FORM OR HAVE HAD IT READ TO ME. I UNDERSTAND THESE INSTRUCTIONS, AND I HAVE BEEN GIVEN A COPY TO KEEP.

MARQUIS HICKS
 Defendant's Signature Date

[Signature]
 Judge's Signature

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NO CONTACT WITH VICTIM
 ABSOLUTELY NO PHONE CALLS,
 NO LETTERS, NO VERBAL OR
 ELECTRONIC COMMUNICATIONS
 MUST STAY AT LEAST 500 FT
 FROM VICTIM AND NO
 THIRD PARTY CONTACT

PRELIMINARY APPOINTMENT OF COUNSEL

Name: Marquis Devon Hicks

Warrant/Ticket Number(s) :

- 2018A0210201541 Drugs / Poss. of 28g (1 oz) or less of marijuana or 10g - 2nd or sub. Offense
- 2018A0210201542 Weapons / Poss. weapon during violent crime
- 2018A0220100798 Assault / Attempted Murder
- 2018A0220100799 Weapons / Poss. weapon during violent crime
- 2018A0220100807 Assault / Attempted Murder
- 2018A0220100808 Weapons / Poss. weapon during violent crime
- 2018A0220100809 Weapons / Possession of Firearm or Ammunition by person convicted of violent felony

- The Defendant verbally waives the right to a court appointed attorney.
- The Defendant requests an attorney. Defendant states that he or she is financially UNABLE to employ counsel and will complete an affidavit to request that counsel be assigned to represent me.

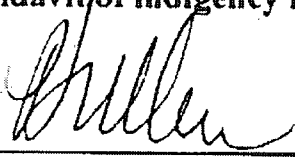
Defendant is currently Employed Unemployed.

TOTAL HOUSEHOLD INCOME is \$ _____, per Month Week

You appear to qualify for court appointed counsel. A representative from the Public Defenders Office will complete your application. If you are released prior to completing your application, you must appear at the office of the 2nd Circuit Public Defender at 211 York St., NE Aiken, South Carolina 29801 (803) 642-1732 within 72 hours of your release. Failure to do so may constitute a waiver of your right to court appointed counsel, and may affect your bond status.

It appears to the court that you do not qualify for a court appointed attorney. If you believe this decision is in error, you must contact the office of the public defender and submit a full application.

This preliminary determination does not mean you now have an attorney. A final decision will be made after the \$40.00 application fee is paid and a complete affidavit of indigency is reviewed by the court.

Judge:  Date: 10/06/18

"NO CONTACT WITH VICTIM!!
ABSOLUTELY NO PHONE CALLS,
NO LETTERS, NO VERBAL OR
ELECTRONIC COMMUNICATIONS
MUST STAY AT LEAST 500 FT
FROM VICTIM AND NO
THIRD PARTY CONTACT"

ARREST WARRANT

2018A0220100798

STATE OF SOUTH CAROLINA

County/ Municipality of

City of Aiken

2018-05-198

THE STATE

against

Marquis Devon Hicks

Address:

Phone SSN Sex M Race B Height 5 8 Weight 160 DL State SC DL # DOB Agency ORI # SC0020100

Prosecuting Agency Aiken Public Safety

Prosecuting Officer Jon Eagerton

Offense: ASSAULT: Attempted Murder

Offense Code 03410

Code/Ordinance Sec: 16-03-0029

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 MARQUIS D. HICKS on 10-15-18

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Aiken Municipal Court 251 Laurens St., N.W. Aiken, SC 29801

STATE OF SOUTH CAROLINA County/ Municipality of City of Aiken

AFFIDAVIT

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

Personally appeared before me the affiant Jon Eagerton being duly sworn deposes and says that defendant Marquis Devon Hicks did within this county and state on 10/11/2018 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of City of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE: ASSAULT: Attempted 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.

Upon information and belief, the defendant Marquis Devon Hicks did on 10-10-2018 commit the offense of Attempted Murder. The defendant did present a black handgun and shoot the victim, Ronnie Lockwood requiring emergency medical treatment. The handgun was pointed at the victim's chest but redirected by the victim as it discharged, striking him in the left leg. The defendant was picked from a line-up. This incident took place in front of 828 Brandt Ct, Aiken SC 29801 and is in violation of SC Code of Laws 1976 as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of City of Aiken

Affiant's Address 251 LAURENS STNW AIKEN, SC 29801- Affiant's Telephone (803)642-7620 x 0000

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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 10/11/2018 defendant Marquis Devon Hicks did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of City of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: ASSAULT: Attempted 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 10/11/2018

Signature of Issuing Judge (L.S.)

Judge Code 003

Judge's Address 251 Laurens St Nw Aiken, SC 29801- Judge's Telephone (803)642-7620 x 0000

Issuing Court: Magistrate Municipality Circuit

ORIGINAL

BAIL set by

Judge P. Sullivan
on 10/16/18
Type and Amount _____
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

DH

GS

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

AFFIDAVIT OF INDIGENCY AND APPLICATION FOR APPOINTED COUNSEL

STATE VS. Marquis Devon Hicks

ARREST WARRANT / TICKET & CHARGE: 2018 A02 102 01541; 01542 - Poss. < 1oz marijuana 2nd or 3rd off.; Poss weapon during Violent Crime 2018 A02 201 00798; 00799; 00803; 00804; 00809 - Attempted murder (x2); Poss. weapon during violent crime (x2); Poss. of Firearm by person convicted of violent Felony

1. ARE YOU PRESENTLY EMPLOYED? YES NO If yes, Please state the name and address of your employer and the amount of your salary or wages per month and/or week.

NAME: _____ ADDRESS: _____

NET WAGES: \$ _____ WEEKLY / BI-WEEKLY / MONTHLY

If No, please state the name and address of your former employer, date of termination and the amount of your salary or wages.

EMPLOYER: Amick Farms

NET WAGES: \$ 350⁰⁰ WEEKLY / BI WEEKLY / MONTHLY DATE OF TERMINATION: 2016

2. HOUSEHOLD MEMBER(S) EMPLOYER (if applicable): Wife - unemployed

NET WAGES: \$ _____ WEEKLY / BI-WEEKLY / MONTHLY

3. Have you or household member(s) received within the past twelve months any money from any of the following sources?

- a. Business, Profession or Self-Employment? Yes _____ No
- b. Rent Payments, Interest or Dividends? Yes _____ No
- c. Pensions, Annuities or Life Insurance Payments? Yes _____ No
- d. Gifts or Inheritance? Yes _____ No
- e. Any Other Source (including Unemployment, Retirement, Disability and/or Food Stamps)? Yes No _____

If the answer to any question above is "Yes", please list the source of the money and the amount received within the last 12 months.

SOURCE: Food Stamps AMOUNT: 500⁰⁰

4. LIST BY NAME, AGE AND RELATIONSHIP TO YOU, ANY PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT. INDICATE BESIDE EACH HOW MUCH YOU CONTRIBUTE TOWARD THEIR SUPPORT.

NAME: _____	AGE: _____	RELATIONSHIP: _____	AMOUNT \$ _____
NAME: _____	AGE: _____	RELATIONSHIP: _____	AMOUNT \$ _____
NAME: _____	AGE: _____	RELATIONSHIP: _____	AMOUNT \$ _____

5. DO YOU HAVE CASH, OR DO YOU HAVE ANY MONEY IN A CHECKING OR SAVINGS ACCOUNT
CASH: \$ _____ CHECKING: \$ _____ SAVINGS: \$ _____

6. DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES OR OTHER VALUABLE PROPERTY, EXCLUDING ORDINARY HOUSEHOLD FURNISHINGS AND CLOTHING? YES _____ NO

PLEASE SPECIFY: Rent a place through Sec 8

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7. LIST THE TYPE OF VEHICLE(S) YOU OWN (YEAR, MAKE, MODEL): N/A

PAID FOR? YES NO AMOUNT OF PAYMENT(S) \$ _____

8. DO YOU OR HOUSEHOLD MEMBER PAY RENT OR MORTGAGE? 85.00 per month

9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.? light, ins., phone, rent AMOUNT \$ 300.00

I do solemnly swear that the information reported by me for this application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was in any way respect, entitled to, in possession, remainder or reversion, and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned, or otherwise disposed of any property, or made over in trust for myself or otherwise, other than mentioned herein.

I understand that the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in the amount equal to the costs of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand such claim shall be filed in the Office of the Clerk of Court where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the Court, part or all of such a claim is reduced to judgment by appropriate Order of the Court, after serving me with at least thirty (30) days notice that judgment will be entered.

I understand that pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Public Defender's Office for public defender services or other appointed counsel.

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least 30 days notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

X. M. Lewis Hicks
Applicant

Sworn to before me this 17th day of October, 20 18

AV Notary Public for South Carolina. My commission expires: 6/21/28

RACE: B SEX: M AGE: 28
SSN: 5-14-7
DATE OF BIRTH: _____
ADDRESS: _____
CITY & STATE: _____
TELEPHONE: _____

IN JAIL OUT ON BOND
DATE OF ARREST: 10/15/18
BOND AMOUNT: _____
BONDSMAN: _____
CO-DEFENDANTS: _____

The applicant's request for counsel is hereby
 GRANTED
 DENIED

[Signature]
Judge, Clerk or Deputy Clerk
DATE: 10-17-18