

STATE OF SOUTH CAROLINA )  
 )  
 )  
 vs. )  
 )  
 )  
 Rodriguez D Priester )  
 Appellant. )  
 )  
 \_\_\_\_\_ )

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
Warrant #: 2019 A05101 00029  
Indictment #: 2019-GS-05-00113

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**SC Court of Appeals**

**RULE 203(d)(1)(B)(iv) EXPLANATION**

Pursuant to Rule 203(d)(1)(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. Therefore, the undersigned has filed the appeal on behalf of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. *See Frazer v. South Carolina*, 430 F.3d 696, 706 (4<sup>th</sup> 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,

  
\_\_\_\_\_  
David Hayes  
Barnwell County Public Defender  
Post Office Box 267  
Barnwell, SC 29812  
(803) 541-1129

Aiken, South Carolina  
September 5, 2019

WITNESSES

Denmark Police Department

Laquana D Linder

Law Enforcement Case #: DPD 19-0047

MHE

ARREST WARRANT NUMBER

2019A0510100029

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury  
Date: August 22, 2019

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2019GS0500113

**The State of South Carolina**

County of Bamberg

COURT OF GENERAL SESSIONS

AUGUST TERM 2019

THE STATE  
vs.

RODRIGUEZ D PRIESTER

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 BAMBERG )  
 )

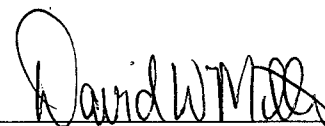
INDICTMENT FOR  
ATTEMPTED MURDER

§ 16-03-0029(A)

At a Court of General Sessions, convened on August 26, 2019, the Grand Jurors of Bamberg County present upon their oath:

That **RODRIGUEZ D PRIESTER** did in Bamberg County on or about January 30, 2019, feloniously and with malice aforethought, attempt to murder Jamie Brimfield by means of firing a firearm into his dwelling. 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

ARREST WARRANT

2019A0510100029

STATE OF SOUTH CAROLINA

County/ Municipality of

Bamberg

THE STATE against

Rodriguez D Priester

Address:

Phone: SSN:

Sex: M Race: B Height: 5 9 Weight: 192

DL State: SC DL #: Agency ORI #: SC0050200

Prosecuting Agency: Denmark Police Department

Prosecuting Officer: Laquana D Linder - S00063

Offense: Assault / Attempted Murder

Offense Code: 3410

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 Rodriguez Priester

on 02-07-19

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Bamberg Magistrate
1234 North Street
Post Office Box 187
Bamberg, SC 29003

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Bamberg

Personally appeared before me the affiant Laquana D Linder who

being duly sworn deposes and says that defendant Rodriguez D Priester

did within this county and state on or about 1/30/2019 violate the criminal laws of the

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

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:

That on January 30, 2019, in the city of Denmark, county of Bamberg, one Rodriguez D Priester did commit the crime of Attempted Murder n that he did attempt to kill Jaime Brimfield at 142 Mimosa Street by firing a rifle into the home where the victim resided. This offense is in violation of the SC Code of Laws, 1976 as amended.

Signature of Affiant

Signature of Laquana D Linder

STATE OF SOUTH CAROLINA

County/ Municipality of

Bamberg

Affiant's Address 19 Maple Avenue

Denmark, SC 29042-

Affiant's Telephone

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 1/30/2019 defendant Rodriguez D Priester

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

County/ Municipality of Bamberg) 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 2/5/2019

(L.S.)

Signature of Issuing Judge

Richard Craig Bryant

Judge Code: 7035

Judge's Address 2873 Main Highway

Bamberg, SC 29003

Judge's Telephone (803)245-3016

Issuing Court: X Magistrate Municipality Circuit

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

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AFFIDAVIT

COUNTY OF Bamberg VS. STATE

INDICTMENT/CASE#: 2019GS0500113

Rodriguez D Priester

A TRUE COPY

AW# 2019A0510100029

AKA: Date of Offense: 1/30/2019

Race: Black Sex: M Age: 30 S.C. Code §: 16-03-0029(A)

DOB: SS#: ? Clerk of Court Bamberg County, SC Code #: 3410

Address: City, State, Zip: DL#: SID#

\*CDL Yes No CMV Yes No Hazmat Yes No SENTENCE SHEET 0-20 years NC v. Alford

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

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 §17-25-45

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 David W. Mills Solicitor 69553 SC Bar# Rodriguez Defendant Attorney for Defendant 77689 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 14 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. (203 days 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. Rows include assessments, surcharges, and fees. TOTAL \$128.75

Clerk of Court/ Deputy Clerk: Joyce Wright Court Reporter: Brenda J. Sigwald SCCA/217 (04/2018)

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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:

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: [Signature] Judge Code: 212? Sentence Date: August 28, 2019

STATE OF SOUTH CAROLINA )  
COUNTY OF BAMBERG )

IN THE COURT OF GENERAL SESSIONS  
2nd JUDICIAL CIRCUIT

IN THE MAGISTRATE'S COURT

IN THE MUNICIPAL COURT

The State of South Carolina )

vs. PRIESTER, RODRIGUEZ )

Defendant )

**AFFIDAVIT OF INDIGENCY  
AND  
APPLICATION FOR COUNSEL**  
(Defense of Indigency Act, Form No.2)

Case Number: Charge Description:

2019 405 101 over 27/24		ATTORNEY NUMBER, BURG 1ST, PASS	
2018 405 101 over 25/25		WPA V/C, DV 2nd, Pres. viol	
ADDRESS			
TELEPHONE NUMBER(S)			
DATE OF BIRTH		SOCIAL SECURITY #	
NAMES OF CO-DEFENDANTS			

1. Are you presently employed? Yes  No   
a. If "yes", state the amount of your salary or wages per month, and give the name and address of your employer.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER

If "no", state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE

2. Include employment information for the spouse, if applicable.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER

If the spouse is not currently employed, state the name and address of last employment, date of termination of employment, and amount of salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE

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3. 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 OF SUPPORT

4. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or form of self-employment? Yes  No
- b. Rent payments, interest or dividends? Yes  No
- c. Pensions, annuities or life insurance payments? Yes  No
- d. Gifts or inheritances? Yes  No
- e. Any other sources? Yes  No

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

SOURCE OF MONEY	AMOUNT

5. Do you own cash, or do you have any money in a checking or savings account?

Yes  No  If the answer is "yes", state the total amount of the cash owned.

6. Do you own any real estate, stocks, bonds, notes, or other valuable property (excluding ordinary household furnishings and clothing)? Yes  No

If the answer is "yes", describe the property and state the appropriate value of the items owned.

7. What kind of motor vehicle do you own? \_\_\_ Is it paid for? Yes  No

If not, what are the payments?

1. How much do you owe (on liens, mortgages, other encumbrances or debts)?


I do solemnly swear that the account by me delivered into this court with my 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 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 or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand 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 an amount equal to the cost of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand that such claim shall be filed in the office of the Clerk of Court in the county 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 of all of such 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 Clerk of Court 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 thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

Dated: \_\_\_\_\_  
Defendant or Parent/Guardian of Defendant if applicable

Subscribed and sworn to before me this _____ day of _____ _____ (L.S.) Notary Public for South Carolina My Commission Expires: _____
---

.....  
The applicant's request for court-appointed counsel is hereby  granted /  denied.

Dated: 2/8/19  
\_\_\_\_\_  
Judge/Clerk or Deputy Clerk  
Bamberg, South Carolina

If you are approved for representation by the Public Defender's Office of the Second Judicial Circuit, it is your responsibility to contact that office for an appointment by calling 803-541-1129.

*Bond denied - PD appointed w/o screening.*

*[Signature]*