

STATE OF SOUTH CAROLINA

vs.

James Marvell Scott
Appellant.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Warrant #: 2018 A02102 00094
Indictment #: 2019-GS-02-01796

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

Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that she 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 (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,

Suzanne Hayes for Laura
Laura McCann
Aiken County Public Defender
Post Office Drawer 2247
Aiken, SC 29802
(803) 642-1732
McCann

Aiken, South Carolina
September 10, 2019

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WITNESSES

Aiken County Sheriff

John R Sullivan Jr

Law Enforcement Case #: 18-003362

DOCKET NO. 2019GS0201796

The State of South Carolina
County of Aiken

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HMD

COURT OF GENERAL SESSIONS

OCTOBER TERM 2019

ARREST WARRANT NUMBER

FILED September 5 2019

2018A0210200094

Robert J. Harte
C.C.C.P. & G.S.
Jonna S. Johnson
Deputy Clerk

THE STATE
vs.

JAMES MARVELL SCOTT

ACTION OF GRAND JURY

CDR #: 3424

Foreperson of Grand Jury
Date: October 10, 2019

Indictment for

VERDICT

BREACH OF TRUST WITH
FRAUDULENT INTENT

§ 16-13-230(B)(3)

Foreperson of Petit Jury
Date:

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 10 day of September 2019
Robert J. Harte
C.C.C.P. & G.S., Aiken County, S.C.
Jonna S. Johnson
Deputy Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
BREACH OF TRUST WITH FRAUDULENT
INTENT

§ 16-13-230(B)(3)

At a Court of General Sessions, convened on October 14, 2019, the Grand Jurors of Aiken County present upon their oath:

That **JAMES MARVELL SCOTT** did in Aiken County on or about January 18, 2018, having been entrusted by the owner or his agent, [REDACTED] with the care, keeping and possession of certain personal property of a value of Ten Thousand Dollars or more, described as follows: a 2013 Chevrolet Impala and did feloniously convert and appropriate said personal property to his own use and purpose with the intent to permanently deprive the owner thereof, all in violation of §16-13-230, Code of Laws of South Carolina, (1976), as amended.

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this
10 day of September 2019
Robert J. Harte
C.C.P. & G.S., Aiken County, S.C.
Paige B...
Deputy Clerk

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Samuel Arnis
J. STROM THURMOND, SOLICITOR

ARREST WARRANT

2018A0210200094

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE

18-003362

against

James Marvell Scott

Address:

Phone: _____ SSN: _____

Sex: M Race: B Height: 5 10 Weight: 165

DL State: _____ DL #: _____

DOB: _____ Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: John R Sullivan, Jr - S00050

Offense: Breach / Breach of trust with fraudulent intent, value \$10,000 or more

Offense Code: 3424

Code/Ordinance Sec: 16-13-0230(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 JAMES SCOTT on 08/17/2019

[Signature] 6373
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Aiken)

[Signature]

Personally appeared before me the affiant John R Sullivan, Jr who being duly sworn deposes and says that defendant James Marvell Scott did within this county and state on or about 1/18/2018 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE: Breach / Breach of trust with fraudulent intent, value \$10,000 or more

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 did receive in trust a 2013 Chevrolet Impala Vin: 2G1WG5E33D1192796 with an estimated value of 10,000 or more, belonging to the victim, Chencace Campbell, and then did appropriate the property to his own use with the fraudulent intent to deprive the owner. This incident occurred within the jurisdiction of Aiken County Sheriff's Office and is in violation of the South Carolina Code of Laws as amended.

Signature of Affiant

[Signature] 6956

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Aiken)

Affiant's Address 420 Hampton Ave NE
Aiken, SC 29801-
Affiant's Telephone (803)642-1761

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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 or about 1/18/2018 defendant James Marvell Scott did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Breach / Breach of trust with fraudulent intent, value \$10,000 or more

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 1/20/2018

[Signature] (L.S.)
Signature of Issuing Judge
Sheridan Lee Mann Jr.
Judge Code: S034

Judge's Address _____
Aiken, SC 29801-8743
Judge's Telephone (803)642-2044
Issuing Court: Magistrate Municipal Circuit

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STATE OF SOUTH CAROLINA

COUNTY OF Aiken VS. STATE

James Marvell Scott

AKA:

Race: Black Sex: M Age: 39

DOB: SS#

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Breach of Trust With Fraudulent Intent >\$2,000 <\$10,000

in violation of § 16-13-230(A) of the S.C. Code of Laws, bearing CDR Code # 3423

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. JS (defendant's initials)

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

ATTEST: Solicitor 102686 Defendant James Marvell Scott Attorney for Defendant 15069 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 40 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. (31 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: \$ 376 plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

*Fine:

Table with 3 columns: Statute, Amount, Total. Rows include assessments, surcharges, and fees.

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Babya Franzi - Hynes

Court Reporter: Brenda Sigwald

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS0201796

A/W#: 2018A0210200094

Date of Offense: 1/18/2018

S.C. Code § : 16-13-230(B)(3)

CDR Code #: 3424

SENTENCE SHEET

CONVICTED OF or

PLEA

STATE OF SOUTH CAROLINA COUNTY OF AIKEN Robert J. Hane, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of this original document which have been filed in my office this 10 day of September 2019

Deputy Clerk

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: No contact with victim.

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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: 2127

Sentence Date: September 5, 2019

2019 au

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STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN) AFFIDAVIT OF INDIGENCY AND APPLICATION FOR APPOINTED COUNSEL

STATE VS. James Marvell Scott
ARREST WARRANT / TICKET & CHARGE: 2018 A02 102 00094 - BOT w/ Fraud >10k

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: McDonald's
NET WAGES: \$ 150.00 WEEKLY / BI WEEKLY / MONTHLY DATE OF TERMINATION: 8/16/19

2. HOUSEHOLD MEMBER(S) EMPLOYER (if applicable): homeless

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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: _____ AMOUNT: _____

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: <u>Sha Shikeyla</u>	AGE: <u>17</u>	RELATIONSHIP: _____	AMOUNT \$ _____	} 100.00 per wk.
NAME: <u>Mitchell</u>	AGE: <u>8</u>	RELATIONSHIP: _____	AMOUNT \$ _____	
NAME: <u>Senaj Taylor</u>	AGE: <u>2</u>	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: _____

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? homeless

9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.?
child support AMOUNT \$ 400⁰⁰

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 James Scott
Applicant

Sworn to before me this 19th day of August, 20 19.

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

RACE: B SEX: M AGE: 39 IN JAIL OUT ON BOND
SSN: DATE OF ARREST: 8/17/19
DATE OF BIRTH: BOND AMOUNT: 10k
ADDRESS: no BONDSMAN:
CITY & STATE: CO-DEFENDANTS:
TELEPHONE: (918/822)

The applicant's request for counsel is hereby
 GRANTED
 DENIED

Sam Man
Judge, Clerk or Deputy Clerk
DATE: 8/19/19