

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

Edward B. Cottingham, Circuit Court Judge

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NOV 24 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BRIAN CURTIS MACK,

APPELLANT

APPELLATE CASE NO. 2013-001726

RECORD ON APPEAL

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I N D E X

WITNESSES                    DIRECT   CROSS    REDIRECT   RECROSS

(There were no witnesses.)



1 (The following proceedings were held on July  
2 10, 2013.)

3 **THE CLERK:** 2013-GS-32-1004, State versus Brian  
4 Curtis Mack indicted for financial transaction card  
5 fraud. He is pleading as charged. The indictment  
6 is true billed.

7 2013-GS-32-1012, State versus Brian Curtis Mack  
8 indicted for criminal sexual conduct with a minor  
9 first degree. He is pleading to assault and battery  
10 second degree. He is waiving presentment to the  
11 grand jury.

12 2012-GS-19-392, State versus Brian Curtis Mack  
13 indicted for forgery. He is pleading as charged.  
14 The indictment has been true billed. And he is  
15 represented by Mr. Briggs.

16 **THE COURT:** All of them true billed?

17 **THE CLERK:** He is waiving presentment to the  
18 assault, the assault and battery.

19 **THE COURT:** That's the criminal sexual conduct?

20 **MS. DAVIS:** Yes, sir. He's pleading to A and B  
21 second for the CSC charge and he's waived as to  
22 that.

23 **THE COURT:** Is there any registry?

24 **MS. DAVIS:** The State's not asking for him to  
25 be on the registry, Your Honor.

1           **THE COURT:** Is this plea as to the assault and  
2 battery freely made by him?

3           **MR. BRIGGS:** It's going to be a no contest,  
4 Your Honor, because we are still debating about  
5 that, but I don't want to dwell on it a lot, but  
6 I'll just mention briefly so the Court knows.

7           **THE COURT:** Well, I didn't hear the Solicitor  
8 say they were accepting a nolo contendere.

9           **MS. DAVIS:** I wasn't aware that he was pleading  
10 nolo, but --

11          **THE COURT:** Well, I'm not aware I'm going to  
12 take it in a --

13          **MS. DAVIS:** I don't object to it, Your Honor.  
14 The victim in that case was three years old. We  
15 have problems with her competency and they --

16          **THE COURT:** On that basis, I can take a nolo.

17          **MS. DAVIS:** Yes, sir. And she's been asked not  
18 to be -- her mother's asked for them not to be  
19 contacted, Your Honor.

20          **THE COURT:** All right. Now, how about as to  
21 the other charge, how does he plead, Counsel?

22          **MR. BRIGGS:** He pleads guilty to the -- one of  
23 them is an Edgefield charge, the other one is  
24 fraudulent check, Your Honor. He pleads guilty to  
25 both of those.

1           **THE COURT:** Well, let me talk about the  
2           Edgefield. He's entitled to have that dealt with in  
3           Edgefield County. Does he consent to the  
4           jurisdiction of Lexington County with regard to that  
5           charge?

6           **DEFENDANT:** Yes, sir.

7           **THE COURT:** Sir?

8           **DEFENDANT:** Yes, sir, Your Honor.

9           **THE COURT:** Counsel, you agree with it?

10          **MR. BRIGGS:** Yes, sir.

11          **THE COURT:** And what charge was that, the  
12          forgery or the other one?

13          **MS. DAVIS:** That's the forgery, Your Honor.  
14          I'm handling that for Assistant Solicitor Ervin  
15          Maye.

16          **THE COURT:** Pardon me?

17          **MS. DAVIS:** I said, I'm handling that for Ervin  
18          Maye.

19          **THE COURT:** Okay. Let's talk about the alleged  
20          assault and battery second upon the three year old.

21          **MS. DAVIS:** Yes, sir, Your Honor. That  
22          occurred July 20th of 2012 at [REDACTED] --  
23          [REDACTED] within Batesburg-Leesville. There  
24          it's alleged that he inappropriately touched the  
25          victim, Minor                   , who was three years old at the

1 time, Your Honor.

2 **THE COURT:** Does he understand that a nolo  
3 contendere plea is saying to me, I am not contesting  
4 this charge?

5 **MR. BRIGGS:** He does, and he understands the  
6 consequences of it, same as pleading guilty, Your  
7 Honor.

8 **THE COURT:** Do you agree with that?

9 **DEFENDANT:** Yes, sir, Your Honor.

10 **THE COURT:** And do you understand you were  
11 entitled to a trial by jury and to confront the  
12 witnesses against you on this charge?

13 **DEFENDANT:** Yes, sir, Your Honor.

14 **THE COURT:** You're asking that I accept your  
15 plea to the amended charge of A/B second; is that  
16 correct?

17 **DEFENDANT:** Yes, sir, Your Honor.

18 **THE COURT:** I will do so.

19 All right. Tell me about the other matters.

20 **MS. DAVIS:** This is with regard to the  
21 financial transaction card fraud.

22 **THE COURT:** That's the Edgefield case?

23 **MS. DAVIS:** No, sir. This is the other  
24 Lexington case.

25 **THE COURT:** Okay.

1           **MS. DAVIS:** Between July 13th of 2012 and July  
2           14th of 2012, the defendant, along with a  
3           co-defendant, obtained goods from -- they presented  
4           a BB&T debit card of Sheila Matthews without her  
5           consent. They went to Reid's and spent \$9.97, the  
6           Quick Pantry \$16.49, and then Wal-Mart \$482.48, for  
7           a total of \$508 and --

8           **THE COURT:** How did they get her card?

9           **MS. DAVIS:** I'm not sure, Your Honor.

10          **THE COURT:** Was it -- you say they. Was it him  
11          and somebody else?

12          **MS. DAVIS:** Yes, sir. It was a co-defendant,  
13          Ms. Cannon. And she received -- she's pled to the  
14          same charges. She received a year on that, Your  
15          Honor.

16          And in exchange for the pleas today, the State  
17          is dismissing an unrelated CDVHAN, a criminal  
18          conspiracy and a financial transaction card theft.  
19          And then with regard to the Edgefield charges, Mr.  
20          Maye is dismissing a second forgery and a criminal  
21          conspiracy.

22          **THE COURT:** Give me the details on the  
23          Edgefield charge.

24          **MS. DAVIS:** Yes, sir, Your Honor. On July  
25          23rd, the defendant presented a counterfeit check

1 drawn on the South Trust Bank for \$812.43. He gave  
2 it to H&K Food Mart, which is located at 240 Lee  
3 Street in Johnston, South Carolina, in Edgefield  
4 County. There were two separate checks. And the  
5 defendant has agreed, in exchange for the plea, to  
6 pay the restitution. I have enclosed a restitution  
7 order. I think it's about \$1600. The amount's on  
8 the order, Your Honor.

9 **THE COURT:** What makes you think he's going to  
10 ever pay \$1600?

11 **MS. DAVIS:** Mr. Maye seems to think he may be  
12 able to, Your Honor. I'm not sure.

13 **THE COURT:** Is there any negotiations in this  
14 case?

15 **MS. DAVIS:** With regard to the Edgefield  
16 charges, Mr. Maye doesn't object to time served.  
17 And as to mine, it's in your discretion, Your Honor.

18 **THE COURT:** How long did he serve in Edgefield  
19 County?

20 **MS. DAVIS:** I'm not sure, Your Honor, maybe  
21 Mr. Briggs would know that. I know he's been in for  
22 a while.

23 **THE COURT:** How long did he serve in Edgefield?

24 **MR. BRIGGS:** One night, Your Honor, but he's  
25 been in Lexington County Jail since September of

1 last year.

2 **THE COURT:** Yeah, but how about the Edgefield  
3 County?

4 **MR. BRIGGS:** One day. One day, Your Honor.

5 **MS. DAVIS:** And, Your Honor, he is in on a  
6 bench warrant in Edgefield, so we'd ask that that be  
7 lifted. And I think I've enclosed the form for that  
8 as well.

9 **THE COURT:** As to these other charges, are you  
10 guilty?

11 **DEFENDANT:** Yes, sir, Your Honor.

12 **THE COURT:** You are pleading freely and  
13 voluntarily?

14 **DEFENDANT:** Yes, sir, Your Honor.

15 **THE COURT:** Waiving your rights to trial by  
16 jury?

17 **DEFENDANT:** Yes, sir, Your Honor.

18 **THE COURT:** Pleading freely and voluntarily.  
19 He's got a bad record for doing the same thing,  
20 Counsel. What do you want to tell me?

21 **MR. BRIGGS:** Well, Your Honor, I would point  
22 out the fact that except for this last charge with  
23 regard to the child, and I'll get into that very  
24 briefly --

25 **THE COURT:** I don't need to get into that.

1 It's nolo contendere. The child is only three and  
2 she has -- understands that. But I'm concerned with  
3 his -- all of these charges, these financial  
4 transactions. This ain't his first rodeo. He's  
5 been around six, seven times.

6 **MR. BRIGGS:** Your Honor, again, this is a plea,  
7 so I'm not trying to make an excuse or anything like  
8 that.

9 **THE COURT:** I know. You wouldn't do that.

10 **MR. BRIGGS:** I don't do that. But it was a  
11 period of time when he and his girlfriend, who I  
12 think, in talking with them, they're probably  
13 common-law marriage, but they never did put it on a  
14 piece of paper. And one of these days I'll  
15 straighten that out, Your Honor. But she's here.  
16 And she's also, and I'm not going to say anymore  
17 about it, she is the mother of the key witness in  
18 the child case, so you just need to know that. And  
19 -- so she supports him completely.

20 But it was a period of time when they were  
21 having trouble, Your Honor, and he was not working.  
22 He has worked since that period of time. He was  
23 actually working when he went to jail, and he's  
24 confident he can get that job back, Your Honor.

25 So he's not denying any responsibility. He

1 knows he has to pay this restitution. And I think  
2 the time he served in jail, he's learned a lot.  
3 He's always been quite humble when I go to see him  
4 in jail. And it's been, what, four times I think?

5 **DEFENDANT:** Yes, sir.

6 **MR. BRIGGS:** So, Your Honor, I understand that  
7 it's serious and that's why I'm pleading him.

8 **THE COURT:** Under these financial, that's under  
9 the five-year statute in both of them, isn't it?

10 **MS. DAVIS:** Yes, sir, Your Honor.

11 **THE COURT:** Yes, sir.

12 **MR. BRIGGS:** The only thing I would say, Your  
13 Honor, I think he has a very stable relationship  
14 with his girlfriend now. He is absolutely confident  
15 he can go back and work at the same place he was  
16 working when he went to jail.

17 And all I can say, Your Honor, in talking with  
18 him, he understands not only that he made a mistake,  
19 but he broke the laws of this state and that some  
20 penalty is appropriate, Your Honor. I think he's  
21 served enough time. I would suggest the Court give  
22 him some time. I don't even have a problem with  
23 three years if it's suspended, but whatever the  
24 Court thinks is appropriate, but --

25 **THE COURT:** They dismissed about four or five

1 transactions.

2 **MR. BRIGGS:** Actually, I think three, Your  
3 Honor.

4 **THE COURT:** Well, three, and he's here now  
5 before me with two more. No, sir, I regard this  
6 very seriously. He done -- apparently, he thinks he  
7 can steal all he wants to from the financial system.

8 And with the assault and battery involving the  
9 three year old, given the fact that you have some  
10 real difficulty proving that case --

11 **MS. DAVIS:** Yes, sir, Your Honor.

12 **THE COURT:** -- I'm going to sentence him to 18  
13 months suspended on time served.

14 With reference to the two financial  
15 transactions, I'm going to sentence him to five  
16 years on each one concurrent. Give him credit for  
17 time served and order the restitution, which we know  
18 you're going to never get. But given his business  
19 in the financial -- I'm not making it consecutive,  
20 I'm doing it concurrent, but I'll give him credit  
21 for time served, but I'm going to sentence him to  
22 five years on each one of these concurrent.

23 **MR. BRIGGS:** Your Honor, I know you've spoken,  
24 but could I withdraw my plea at this time?

25 **THE COURT:** No, sir. No, sir. You can't do

1 that. I'm not going to accept the plea and then let  
2 you withdraw it.

3 **MR. BRIGGS:** And I understand, Your Honor. I  
4 heard what you've said, but I would just --

5 **THE COURT:** Yes, sir.

6 No, sir, I really, given his record, I ought to  
7 sentence him to ten years, but I'm going to take  
8 into consideration the fact he's been -- I can tell  
9 you if I looked at his record, he's been stealing  
10 from the people of South Carolina for the last 15  
11 years and he needs to go to jail and that's where  
12 he's heading. But I thank you, sir. I would not  
13 permit you to withdraw your plea after you don't  
14 like my sentence.

15 **MR. BRIGGS:** I understand, Your Honor, and I  
16 thank you for your time.

17 **MS. DAVIS:** Thank you, Your Honor. And, Your  
18 Honor, can his bench warrant be vacated?

19 **THE COURT:** Yes.

20

21 END OF PROCEEDINGS

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C E R T I F I C A T E

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

I, the undersigned, Stacy L. Sheppard, Circuit Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Lexington County, South Carolina, on the 10th of July, 2013.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

February 21, 2014



Stacy L. Sheppard, RPR  
Circuit Court Reporter

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**ORIGINAL**

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF GENERAL SESSIONS  
FOR THE 11<sup>TH</sup> JUDICIAL CIRCUIT

FILED  
2013 JUL 25 AM 10:16

State of South Carolina,

Case No.: 2013 GS-32-1012  
2012A3200200022

vs.

BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON SC

ORDER DENYING DEFENDANT'S  
MOTION TO ALTER SENTENCE  
IN GUILTY PLEA PURSUANT TO  
RULE 59

Brian Mack,

Defendant.

The Court heard this guilty plea in Lexington County on July 10, 2013. After waiving presentment to the grand jury and waiving his constitutional rights, the defendant freely and voluntarily entered a plea of nolo contendere to assault and battery second degree. The defendant was sentenced to 18 months suspended on time served. Additionally, after waiving his constitutional rights, the defendant freely and voluntarily entered a plea of guilty to financial transaction card fraud. The defendant was sentenced to 5 years, with credit for time already served. Finally, after the defendant waived his constitutional rights, he freely and voluntarily entered a plea of guilty to financial transaction card fraud in Edgefield County to which he was sentenced to a concurrent 5 year sentence, with appropriate restitution ordered. In exchange for these pleas, the solicitor agreed to dismiss several other financial offenses in Lexington and/or Edgefield counties.

On July 12, 2013, counsel for the defendant filed a written motion to alter sentence in guilty plea pursuant to Rule 59. Defense counsel suggests that the Court misunderstood the defendant's prior record when sentencing the defendant. However, after reviewing defense counsel's written arguments, and personal notes taken, the Court maintains that given the several financial offenses to which the defendant specifically entered a plea of guilty, the imposed sentence is appropriate. For the same reasons specified on the record during the qualification and acceptance of the guilty plea, the Court denies defendant's motion. After reviewing personal notes from the July 10, 2013 guilty plea, oral arguments will not be necessary in this matter.

Therefore, defendant's motion to alter sentence in guilty plea is DENIED.

IT IS SO ORDERED.

July 23, 2013  
Lexington, South Carolina

  
Edward B. Cottingham  
Presiding Judge

WITNESSES

JPD

ROBINSON

ARREST WARRANT NUMBER

J607362

ACTION OF GRAND JURY

**TRUE BILL**

*Lillie R. Henderson*

Foreperson of Grand Jury

Date: *7-11-2012*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-19- *392*

**The State of South Carolina**

**County of EDGEFIELD**

**COURT OF GENERAL SESSIONS**

**JULY TERM 2012**

**THE STATE**

**vs.**

**BRIAN CURTIS MACK**

CDR#3436

**Indictment for**

**FORGERY**

**DONALD V. MYERS, SOLICITOR**

*F7A*  
*1/6/12*  
*A33*

THE ABOVE IS A TRUE COPY OF THE ORIGINAL  
THE WITNESSES HAVE SIGNED THE ORIGINAL  
WHICH IS IN THE OFFICE OF THE CLERK OF COURT  
CLERK OF COURT OF EDGEFIELD COUNTY, SC  
*Shirley F. Newby*  
SHIRLEY FINEWBY, CLERK OF COURT  
COURT OF GENERAL SESSIONS, DISTRICT  
OF COMMON PLEAS, EDGEFIELD COUNTY, SC  
5-21-14  
02/11/12  
DATED

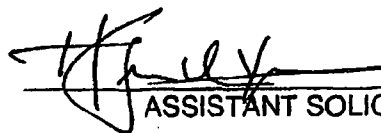
STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF EDGEFIELD        )

INDICTMENT FOR  
  
FORGERY

At a Court of General Sessions, convened on July 11, 2012 the Grand Jurors of Edgefield County present upon their oath:

That BRIAN CURTIS MACK, did in Edgefield County on or about July 23, 2010, with intent to defraud, falsely make, forge, counterfeit, cause or procure to be falsely made, forged, or counterfeited, utter and/or publish as true, or willfully act or assist in any of the foregoing, in regard to an instrument of writing, to wit: Brian Curtis Mack did forge a written instrument owned by PBR, check #1017, drawn on Suntrust Bank, Atlanta, Georgia in the amount of Eight Hundred Twelve Dollars and Forty Three Cents (\$812.43), and presented for payment at H&K Food Mart, in violation of §16-13-10(A), South Carolina Code of Laws, 1976, as amended, with penalties provided for in §16-13-10(B)(2), 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.

  
\_\_\_\_\_  
ASSISTANT SOLICITOR

**WITNESSES**

Batesburg Leesville Police Department

Cynthia Crow

Law Enforcement Case #: 12-1161

SAD

**ARREST WARRANT NUMBER**

2012A3220200047

**ACTION OF GRAND JURY**

**TRUE BILL**

*Ron Bussinger*  
Foreperson of Grand Jury

Date: 4-8-13

**VERDICT**

Foreperson of Petit Jury

Date:

**DOCKET NO. 2013-GS-32-01012**

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

**APRIL TERM 2013**

**THE STATE**

**vs.**

**Brian Curtis Mack**

**CDR #: 0385**

**Indictment for**

**CRIMINAL SEXUAL CONDUCT WITH A  
MINOR UNDER 11 YEARS OF AGE-  
FIRST DEGREE**

**§ 16-03-0655(A)(1)**

**DONALD V. MYERS, SOLICITOR**

*Pleading to A+B 2nd*

<b>I DO HEREBY WAIVE MY RIGHT TO GRAND JURY PRESENTMENT</b>	
<i>Brian Mack</i>	
DEFENDANT	
<i>7-10-13</i>	
DATE	
<i>Don V. Myers</i>	
WITNESS	

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
 CRIMINAL SEXUAL CONDUCT WITH A  
 MINOR UNDER 11 YEARS OF AGE-  
 FIRST DEGREE

§ 16-03-0655(A)(1)

At a Court of General Sessions, convened on APRIL 2013, the Grand Jurors of Lexington County present upon their oath:

That **Brian Curtis Mack**, did in Lexington County, South Carolina on or about July 20, 2012, willfully and unlawfully commit criminal sexual conduct with a minor in the first degree by engaging in sexual battery with a minor who was less than eleven (11) years of age, to wit: genital intrusion upon Minor \_\_\_\_\_, DOB [REDACTED], in violation of Section 16-3-655(A)(1), 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.

  
 ASSISTANT SOLICITOR

**WITNESSES**

Batesburg Leesville Police Department

B A Hill

Law Enforcement Case #: 12-1125

SAD

ARREST WARRANT NUMBER

2012A3220200028

ACTION OF GRAND JURY

**TRIAL**

*Ron L. ...*  
Foreperson of Grand Jury  
Date: 4-8-13

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2013-GS-32-01004

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

**APRIL TERM 2013**

**THE STATE  
vs.**

**Brian Curtis Mack**

CDR #: 2349

**Indictment for**

**FINANCIAL TRANSACTION CARD  
FRAUD VALUE \$500 OR MORE**

§ 16-14-0060(a)(1-5)

**DONALD V. MYERS, SOLICITOR**

STATE OF SOUTH CAROLINA     )  
   )  
 COUNTY OF LEXINGTON         )  
   )

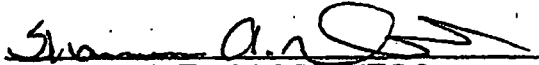
INDICTMENT FOR  
 FINANCIAL TRANSACTION CARD FRAUD  
 VALUE \$500 OR MORE

§ 16-14-0060(a)(1-5)

At a Court of General Sessions, convened on APRIL 2013, the Grand Jurors of Lexington County present upon their oath:

That **Brian Curtis Mack** did in Lexington County, South Carolina on or about July 13, 2012 through July 14, 2012, with intent to defraud Sheila Matthews knowingly and willfully use a financial transaction card obtained or retained, or which was received with knowledge that it was obtained or retained, in violation of Section 16-14-20 and or 16-14-60 to wit: defendant used a stolen debit card belonging to Sheila Matthews to purchase miscellaneous items from WalMart in the amount of \$482.48, Reid's in the amount of \$9.97, and Quick Pantry in the amount of \$16.49, such amount being more than five hundred (\$500) dollars in a six month period, in violation of § 16-14-60(a)(1-5), Code of Laws of South Carolina, 1976, as amended.

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

  
 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF  
STATE

Edgefield

VS.

Brian Curtis Mack

AKA:

Race:

Sex: M

Age: 40

DOB:

SS#:

Address:

City, State, Zip: Swansea, SC 29160-9762

DL#:

SID#:

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

TO: FORGERY

in violation of § 16 13 10 of the S.C. Code of Laws; bearing CDR Code # 3436

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45

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]  
Solicitor

78342 [Signature]  
SC Bar# Defendant

[Signature] 893  
Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 5 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 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ 11067.28 plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

Set by SCDPPPS. \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI-Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (03/2011)

U-Sy +/or time

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS19392

A/W#: J607362

Date of Offense: 7/23/2010

S.C. Code § : 16-13-0010(A)

CDR Code #: 3436

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 16 13 10 of the S.C. Code of Laws; bearing CDR Code # 3436

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

ATTEST: [Signature] 893  
Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of \_\_\_\_\_ 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 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 (Criminal 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	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI-Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (03/2011)

Presiding Judge [Signature]  
Judge Code: 2041  
Sentence Date: 7-10-13

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS. Brian Curtis Mack

AKA:
Race: Sex: M Age: 41
DOB: SS#:
Address:
City, State, Zip: SWANSEA, SC 29160
DL#: SID#: 00722856

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Assault / Assault & Battery 2nd degree

in violation of § 16-03-0600(D)(1) of the S.C. Code of Laws, bearing CDR Code # 3413
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lowd Act)

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:
Solicitor SC Bar# 78342
Defendant
Attorney for Defendant SC Bar# 883

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 18 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 time served 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 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 (Criminal
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:

Table with 2 columns: Description and Amount. 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 47.9 (Public Def/Prob) \$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(I) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$130.

Clerk of Court/ Deputy Clerk
Court Reporter: S. Steppa
SCCA/217 (03/2011)

0-3y + 1/2 up to \$2500 27
IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS3201012
A/W#: 2012A3220200047
Date of Offense: 7/20/2012
S.C. Code § : 16-03-0655(A)(1)
CDR Code #: 0385

SENTENCE SHEET

CONVICTED OF or PLEADS

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 \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge
Judge Code: 0541
Sentence Date: 7-10-13

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Brian Curtis Mack

AKA:

Race: Sex: M Age: 41

DOB: SS#:

Address:

City, State, Zip: SWANSEA, SC 29160

DL#: SID#: 00722856

\*CDL Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or PLEADS

TO: FinanTC / Financial Transaction Card fraud value more than \$500 in six month period, by cardholder

in violation of § 16-14-0060(a)(1-5) of the S.C. Code of Laws, bearing CDR Code # 2349.

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §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:

Solicitor 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 5 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 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 (Criminal 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:

Table with 2 columns: Description and Amount. 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 47.9 (Public Def/Prob) \$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, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$130.

Clerk of Court/ Deputy Clerk: Beth A. King
Court Reporter: S. Stepper
SCCA/217 (03/2011)

INDICTMENT/CASE#: 2013GS3201004

A/W#: 2012A3220200028

Date of Offense: 7/13/2012

S.C. Code § : 16-14-0060(a)(1-5)

CDR Code #: 2349

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-14-0060(a)(1-5) of the S.C. Code of Laws, bearing CDR Code # 2349.

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §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:

Solicitor 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 5 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 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ plus 20% fee: \$ PTUP days/hours Public Service Employment

Payment Terms: Obtain GED

Set by SCDPPPS Attend Voc. Rehab. or Job Corp.

Recipient: 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:

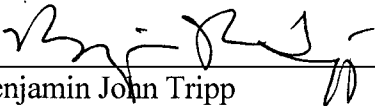
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge: [Signature]
Judge Code: 2041
Sentence Date: 7-10-13

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 24, 2014

  
\_\_\_\_\_  
Benjamin John Tripp  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

**RECEIVED**  
NOV 24 2014  
**SC Court of Appeals**