

STATE OF SOUTH CAROLINA)

IN THE COURT OF APPEALS

INDICTMENT NUMBERS:

2019GS3202102, 2019GS3202161,
2019GS3202162, 2019GS3202163

RECEIVED

NOV 05 2019

SC Court of Appeals

vs.)

RULE 203(B)

EUGENE C. WASHINGTON,
Defendant.)
_____)

Pursuant to Rule 203(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. Nevertheless, the undersigned has consulted with the Appellant about her right to appeal, and after consultation, has filed the instant appeal at the request 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,

Hallie W. Biediger

Hallie Willm Biediger
Lexington County Public Defender's Office
202 East Main St.
Lexington, SC 29072
(803) 785-8873

Lexington, South Carolina
October 31, 2019

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

The Honorable William P. Keesley, Circuit Court Judge

Case Nos.: 2019A3210200594; 2019A3210200595;
2019A3210700083; 2019A3210200579

RECEIVED
NOV 05 2019
SC Court of Appeals

The State,.....Respondent,

v.

Eugene Christopher Washington.....Appellant.

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

Pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules, Undersigned counsel is filing this appeal at the request of Appellant. *See In re Anonymous Member of the Bar*, 303 S.C. 306, 400 S.E.2d 483 (1991); *see also Wilson v. State*, 348 S.C. 215, 218, 559 S.E.2d 581, 582 (2002). Counsel is unaware of any issues that are present and are preserved for appellate review.

Hallie W. Biediger
Hallie Willm Biediger
Assistant Public Defender
202 East Main Street
Lexington, SC 29072

STATE OF SOUTH CAROLINA

O-Sync Court time IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

Eugene Christopher Washington

AKA:

Race: Black Sex: M Age: 34

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: Larceny / Breaking into motor vehicle or tanks, pumps, where fuel, lubricants stored

INDICTMENT/CASE#: 2019GS3202161

A/W#: 2019A3210200594

Date of Offense: 3/29/2019

S.C. Code § : 16-13-0160(A)(1)

CDR Code #: 0258

RECEIVED NOV 05 2019 SC Court of Appeals

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-13-0160(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0258

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, (defendant's initials)

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 5

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: 2019-GS-32-02102, 2019-GS-32-02162 216;

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.

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: \$ 800 plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED Attend Voc. Rehab. or Job Corp.

Set by SCDPPPS May serve W/E beginning Substance Abuse Counseling

Recipient: KIM STANFORD Random Drug/Alcohol testing

*Fine: § 14-1-206 (Assessments 107.5 %) § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ § 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$ § 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$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) \$

TOTAL \$ 1400

Clerk of Court/ Deputy Clerk Presiding Judge William P. ...

Court Reporter: Judge Code: 205D Sentence Date: OCT. 24, 2019

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF GENERAL SESSIONS

THE STATE

ELEVENTH JUDICIAL CIRCUIT

VS.

ORDER OF RESTITUTION

EUGENE CHRISTOPHER WASHINGTON

INDICTMENT #(s): 2019GS3202161

Upon Motion of the Solicitor of the Eleventh Judicial Circuit, it appears South Carolina Code of Laws Section 17-25-322 requires the Court to hold a hearing to determine the amount of restitution due the victim(s) of the defendant's criminal acts which have resulted in pecuniary damages or loss.

The Court upon conducting a Restitution Hearing, or upon waiver of the defendant, hereby finds:

Restitution should not be ordered for the following substantial and compelling reasons:

Restitution should be paid by the defendant as a condition of his/her sentence to the designated victim(s) in the following Court-ordered amounts:

VICTIM INFORMATION

1.	NAME Cassie Vann	RESTITUTION \$
	ADDRESS 444 Crescent River Rd.	PHONE
	CITY STATE ZIP Lexington, SC 29073	
2.	NAME Kim Stanford	RESTITUTION \$ 800.00
	ADDRESS 208 Forest Drive	PHONE 251-928-7126
	CITY STATE ZIP Lex, SC 29072	
3.	NAME	RESTITUTION \$
	ADDRESS	PHONE
	CITY STATE ZIP	

AND IT IS SO ORDERED THIS 24th DAY OF Oct., 2019, LEXINGTON, SOUTH CAROLINA.

William P. Munday
PRESIDING JUDGE
ELEVENTH JUDICIAL CIRCUIT

ASSISTANT SOLICITOR

I waive my right to a restitution hearing and consent to the above:

[Signature]
DEFENDANT

[Signature]
DEFENDANT'S ATTORNEY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

Eugene Christopher Washington

AKA:

Race: Black Sex: M Age: 34

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: RSG / Receiving goods, represented as stolen, value \$2,000 or less (Enhancement per 16-1-57)

in violation of 16-01-0057; 16-13-180(C) of the S.C. Code of Laws, bearing CDR Code # 3744

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

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# 64062

Defendant

Attorney for Defendant SC Bar# 107588

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

for a determinate term of 7 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.

CREDIT 206 DAYS (WAS)

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

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 \$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 \$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) \$

TOTAL \$1250

Clerk of Court/ Deputy Clerk Lisa Comerline

Court Reporter: P. Lulela

SCCA/217 (04/2018)

INDICTMENT/CASE#: 2019GS3202163

A/W#: 2019A3210700083

Date of Offense: 4/1/2019

S.C. Code 16-01-0057; 16-13-180(C)

CDR Code #: 3744

SENTENCE SHEET

CONVICTED OF or PLEADS

§17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

(defendant's initials) EW

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

for a determinate term of 7 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

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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:

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TOTAL \$1250

Clerk of Court/ Deputy Clerk Lisa Comerline

Court Reporter: P. Lulela

SCCA/217 (04/2018)

INDICTMENT/CASE#: 2019GS3202163

A/W#: 2019A3210700083

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TOTAL \$1250

Clerk of Court/ Deputy Clerk Lisa Comerline

Court Reporter: P. Lulela

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INDICTMENT/CASE#: 2019GS3202163

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TOTAL \$1250

Clerk of Court/ Deputy Clerk Lisa Comerline

Court Reporter: P. Lulela

SCCA/217 (04/2018)

INDICTMENT/CASE#: 2019GS3202163

A/W#: 2019A3210700083

Date of Offense: 4/1/2019

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TOTAL \$1250

Clerk of Court/ Deputy Clerk Lisa Comerline

Court Reporter: P. Lulela

SCCA/217 (04/2018)

INDICTMENT/CASE#: 2019GS3202163

A/W#: 2019A3210700083

Date of Offense: 4/1/2019

S.C. Code 16-01-0057; 16-13-180(C)

CDR Code #: 3744

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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:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

Eugene Christopher Washington

AKA:

Race: Black Sex: M Age: 34

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: Larceny / Breaking into motor vehicle or tanks, pumps, where fuel, lubricants stored

INDICTMENT/CASE#: 2019GS3202102

A/W#: 2019A3210200579

Date of Offense: 4/1/2019

S.C. Code § : 16-13-0160(A)(1)

CDR Code #: 0258

SENTENCE SHEET

in violation of § 16-13-0160(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0258

[X] NON-VIOLENT [] VIOLENT [] SERIOUS [] MOST SERIOUS [] Mandatory GPS [] §17-25-45

The charge is: [] As Indicted, [] Lesser Included Offense, [X] Defendant Waives Presentation to Grand Jury.

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

ATTEST: [Signature] 64062 SC Bar# [Signature] Defendant [Signature] Attorney for Defendant 102588 SC Bar#

WHEREFORE, the Defendant is committed to the [X] 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.

[X] CONCURRENT or [] CONSECUTIVE to sentence on:

[X] 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 SCDOP.

[] 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:

[X] RESTITUTION: [X] Deferred [] Def. Waives Hearing [] Ordered PTUP

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

Payment Terms: Obtain GED []

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

Recipient: May serve W/E beginning

*Fine: Substance Abuse Counseling []

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$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 \$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) \$

TOTAL \$125

Clerk of Court/ Deputy Clerk Lisa Ameyme

Court Reporter: P. DeLucca

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: pay court costs as provided

or 2019-65-32-02161

[] 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 William P. Hensley

Judge Code: 2050

Sentence Date: Oct. 24, 2019

RECEIVED

NOV 05 2019

SC Court of Appeals

O-SYRS, at time

WITNESSES

Lexington County Sheriffs Department

Joshua E Skeen

Law Enforcement Case #: 19006162

AGM

ARREST WARRANT NUMBER

2019A3210200594

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2019GS3202161

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2019

THE STATE

vs.

Eugene Christopher Washington

CDR #: 0258

Indictment for

Breaking into Motor Vehicle

§ 16-13-0160(A)(1)

S.R. Hubbard III, SOLICITOR

I DO HEREBY WAIVE MY RIGHT
TO GRAND JURY PRESENTMENT

Eugene Washington

DEFENDANT

10/24/19

DATE

H. W. Bridley

WITNESS

RECEIVED
NOV 05 2019
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Breaking into Motor Vehicle

§ 16-13-0160(A)(1)

At a Court of General Sessions, convened on June 2019, the Grand Jurors of Lexington County present upon their oath:

That Eugene Christopher Washington did in Lexington County, South Carolina, on or about March 29, 2019, the Defendant, did break or attempt to break into a motor vehicle belonging to Cassie Vann, at 1722 West Main St., Lexington, South Carolina, with intent to steal the same or anything of value there from; in violation of Section 16-13-160(A)(1) of the 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.



SR. ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Joshua E Skeen

Law Enforcement Case #: 19006162

AGM

ARREST WARRANT NUMBER

2019A3210200595

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019GS3202162

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2019

THE STATE
vs.

Eugene Christopher Washington

CDR #: 2813

Indictment for

Financial Identity Fraud

§ 16-13-0510

S.R. Hubbard III, SOLICITOR

I DO HEREBY WAIVE MY RIGHT
TO GRAND JURY PRESENTMENT

E. Washington

DEFENDANT

10/24/19
DATE

H.W. Bredy

WITNESS

RECEIVED
NOV 05 2019
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Financial Identity Fraud

§ 16-13-0510

At a Court of General Sessions, convened on June 2019, the Grand Jurors of Lexington County present upon their oath:

That **Eugene Christopher Washington** did in Lexington County, South Carolina, on or about April 1, 2019, unlawfully and knowingly, without the authorization or permission of the victims and with the intent to unlawfully appropriate the financial resources of to his own use or the use of a third person, did access or attempt to access the financial resources of twenty eight individuals to wit: defendant was in possession of drivers licenses, social security numbers, checking account numbers and/or bank cards of at least 28 different individuals. All in violation of Section 16-13-510, 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.



SR. ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Bryan T Garrick

Law Enforcement Case #: 19006066

AGM

ARREST WARRANT NUMBER

2019A3210700083

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2019GS3202163

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2019

THE STATE
vs.

Eugene Christopher Washington

CDR #: 3744

Indictment for

Receiving Stolen Goods

§ 16-01-0057; 16-13-180(C)

S.R. Hubbard III, SOLICITOR

I DO HEREBY WAIVE MY RIGHT
TO GRAND JURY PRESENTMENT

E. Washington

DEFENDANT

10/24/19

DATE

H. W. Priedy

WITNESS

RECEIVED
NOV 05 2019
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Receiving Stolen Goods

§ 16-01-0057; 16-13-180(C)

At a Court of General Sessions, convened on June 2019, the Grand Jurors of Lexington County present upon their oath:

That **Eugene Christopher Washington** did in Lexington County, South Carolina on or about April 1, 2019 knowingly and willfully buy, receive, or possess stolen goods, chattels, or other property, knowing or having reason to believe the goods, chattels, or property is stolen, to wit: possessing numerous drivers licenses , debit cards, social security cards and checks, such property having a value of two thousand (\$2000) dollars or less, in violation of § 16-13-180 (1) of the Code of Laws of South Carolina, 1976, as amended. This being a third or greater property offense under SC code 16-1-57 based on the defendant's prior criminal history.

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


SR. ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Joshua E Skeen

Law Enforcement Case #: 19006162

AGM

ARREST WARRANT NUMBER

2019A3210200579

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019GS3202102

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2019

THE STATE
vs.

Eugene Christopher Washington

CDR #: 0258

Indictment for

Breaking into Motor Vehicle

§ 16-13-0160(A)(1)

S.R. Hubbard III, SOLICITOR

I DO HEREBY WAIVE MY RIGHT
TO GRAND JURY PRESENTMENT

Eugene Washington
DEFENDANT

10/24/19
DATE

H.W. Breddy
WITNESS

RECEIVED
NOV 05 2019
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Breaking into Motor Vehicle
§ 16-13-0160(A)(1)

At a Court of General Sessions, convened on June 2019, the Grand Jurors of Lexington County present upon their oath:

That Eugene Christopher Washington did in Lexington County, South Carolina, on or about April 1, 2019, the Defendant, did break or attempt to break into a motor vehicle belonging to Brenna Spires, at 1098 Old Lexington Hwy. Chapin, South Carolina, with intent to steal the same or anything of value there from; in violation of Section 16-13-160(A)(1) of the 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.


SR. ASSISTANT SOLICITOR