

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
State of South Carolina)
)
-vs-)
)
Brian Henry Davis,)
)
Defendant.)
_____)

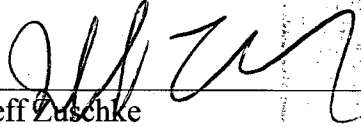
Indictment Nos.: 2019-GS-46-03693

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RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the issue to be raised on appeal is whether the trial court abused its discretion when it imposed the sentence Under Alford: Eight (8) years suspended on Five (5) years' probation; credit for time served one hundred and forty two (142) days; No contact with victim from October 25, 2019 upon the Appellant after he pled guilty to Domestic violence of a high and aggravated nature. The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, 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 *Frazer v. South Carolina*, 430 F.3d 696, 705 (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 *Unders v. California*, 386 U.S. 738, 744 (1967)).

FILED RECEIVED
2019 NOV -4 PM 3:46
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

Respectfully submitted,

Jeff Zuschke
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Brian Henry Davis

York, South Carolina
November 4, 2019

COUNTY OF YORK
STATE VS.

BRIAN HENRY DAVIS

JAIL

AKA: Brian Davis
Race: Black Sex: M Age: 34
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL# _____ SID# SC01450836

INDICTMENT/CASE#: 2019-GS-46-03693
A/W: 2019A4620301497
Date of Offense: 06/01/2019
S.C. Code §: 16-25-0065(A)
CDR Code #: 3814

ORIGINAL

SENTENCE SHEET

*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: **Domestic Violence of a High and Aggravated Nature (NMT 20 years)**

In violation of § 16-25-0065(A) of the S.C. Code of Laws, bearing CDR Code # 3814

Ncv. A/Socd.

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: *Jenny E. Desch* 72806 SC Bar # _____ Defendant *Brian Davis*
Jenny E. Desch 102416 SC Bar # _____ Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 8 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 Service 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 SCDPCC.
 The Defendant is to be placed on 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 _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____

Set by SCDPPPS _____
Recipient: _____
*Fine: _____
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§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 (Public Def/Probation)	\$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	\$ _____
3% to County (if paid in installments)	\$	\$ _____
TOTAL		\$ <u>125</u>

Obtain GED
No contact w/victim
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: *Abide by all conditions of supervision for Domestic Violence orders*

Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: DAVID HAMILTON
Court Reporter: Wanda Nelson

Presiding Judge: *David O. Nelson*
Judge Code: 2753
Sentence Date: 10-25-19

STATE OF SOUTH CAROLINA

COUNTY OF YORK

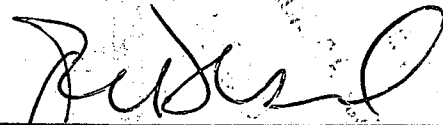
INDICTMENT

At a Court of General Sessions, convened on August 15, 2019, the Grand Jurors of York County present upon their oath:

DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

The defendant, Brian Henry Davis, on or about June 1, 2019, in York County, South Carolina, did cause physical harm or injury to McKenzie Mileah Boyd, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. In addition, the offense was committed under circumstances manifesting extreme indifference to the value of human life and great bodily injury to the victim resulted. All in violation of 16-25-0065(A), *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.



JENNY E. DESCH
ASSISTANT SOLICITOR

CERTIFIED TRUE COPY
2019 NOV 27 PM 3:31
YORK COUNTY, SC
CLERK OF COURT
DAVID J. MILLER, JR.

WITNESSES

RHPD

Witnessing Officer: *Price*

ARREST WARRANT NUMBER

2019A4620301497

ACTION OF GRAND JURY

TRUE BILL

Sarah Niver
Foreperson of Grand Jury
Date: *8/15/19*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019-GS-46-03693

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 15, TERM 2019

THE STATE

VS.

BRIAN HENRY DAVIS

INDICTMENT FOR

**DOMESTIC VIOLENCE OF A HIGH AND
AGGRAVATED NATURE**

SC Code: § 16-25-0065(A)
CDR Code: 3814

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Brian Davis
Defendant

Witness:

Camille Clark
C.P.S. AND G.S.

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