

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MIMI JOE MARSHALL,

APPELLANT

APPELLATE CASE NO 2017-002329

RECEIVED  
FEB 07 2019  
SC Court of Appeals

SUPPLEMENTAL RECORD ON APPEAL

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ATTORNEYS FOR APPELLANT

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY -9 PM 4:05  
Court of General Sessions

Honorable Robert E. Hood

JEANNETTE W. McBRIDE  
C.C.P. & G.S.

Case No. 2015 - GS - 40 - 06133

Case No. 2015 - GS - 40 - 06134

The State,.....Respondent,

v.

Mimi Joe Marshall.....Appellant.

**NOTICE OF APPEAL**

Mimi Joe Marshall appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Robert E. Hood on November 2<sup>nd</sup>, 2017.

2015 - GS - 40 - 06133 : Murder

2015 - GS - 40 - 06134 : Felon in Possession of a Firearm

November 9<sup>th</sup>, 2017



Alicia Goode  
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Other Counsel of Record:  
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Richland County Judicial Center  
1701 Main Street  
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Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RICHLAND COUNTY  
FILED

APPEAL FROM RICHLAND COUNTY 2017 NOV -9 PM 4:05  
Court of General Sessions

JEANNETTE W. M. BRIDE  
C.C.P. & G.S.

Honorable Robert E. Hood

Case No. 2015 – GS – 40 – 06133

Case No. 2015 – GS – 40 - 06134

The State,.....Respondent,

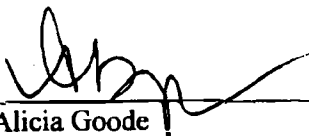
v.

Mimi Joe Marshall.....Appellant.

**PROOF OF SERVICE**

I hereby certify that a true copy of the Notice of Intent to Appeal in the above-referenced case has been served upon opposing counsel by delivering same this date to her office at the Office of the Solicitor, Fifth Judicial Circuit, Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina 29201.

November 9<sup>th</sup>, 2017

  
Alicia Goode  
Richland County Public Defender's Office  
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(803) 765-2592  
Attorney for Appellant

Other Counsel of Record:  
Assistant Solicitor April Sampson  
Office of the Solicitor, Fifth Judicial Circuit  
Richland County Judicial Center  
1701 Main Street  
Columbia, South Carolina 29201  
Attorney for Respondent

**WITNESSES**

(S) Andrew Caldwell

Richland County Sheriff

**DOCKET NO. 2015GS4006134**

**The State of South Carolina**

County of

Richland

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

**COURT OF GENERAL SESSIONS**

**DECEMBER TERM 2015**

91

**ARREST WARRANT NUMBER**

**2015A4010202585**

Defendant

Witness

C.C.C. PLS. AND G.S.

**ACTION OF GRAND JURY**

**TRUE BILL**

**THE STATE**

**VS.**

**Mimi Joe Marshall**

*Deanna Gardner*  
For person of Grand Jury  
Date: DEC 15 2015

**VERDICT**

**Indictment for  
POSSESSION OF FIREARM OR  
AMMUNITION BY PERSON CONVICTED OF  
VIOLENT FELONY**

SC Code: 16-23-0500 (B)

CDR Code: 3434

For person of Petit Jury  
Date:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**INDICTMENT**

At a Court of General Sessions, convened on DECEMBER <sup>15</sup>, 2015,  
the Grand Jurors of Richland County present upon their oath:

**POSSESSION OF FIREARM OR AMMUNITION BY PERSON**  
**CONVICTED OF VIOLENT FELONY**

That Mimi Joe Marshall did in Richland County on or about August 15, 2015, unlawfully possess a firearm or ammunition and has been convicted of a violent crime as defined under Section 16-1-60 that is classified as a felony offense, to wit: ASSAULT AND BATTERY WITH INTENT TO KILL, in violation of Section 16-23-50(A), 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.

  
DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

5425

COUNTY OF Richland  
STATE VS.  
Mimi Joe Marshall  
AKA:  
Race: BLACK Sex: M Age: 59  
DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS4006134  
A/W#: 2015A4010202595  
Date of Offense: 8/15/2015  
S.C. Code § : 16-23-0500 (B)  
CDR Code #: 3434

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  
TO: Possession of firearm or Ammunition by person convicted of violent felony

CONVICTED OF or  PLEADS

in violation of § 16-23-0500 (B) of the S.C. Code of Laws, bearing CDR Code # 3434  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
w/minor 1st or Lewd Act)

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.

WITNESST: [Signature] 15964 & [Signature] 100067  
7 SAMPSON, APRIL 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 ~~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 (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: \$               days/hours Public Service Employment

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

Recipient:         
May serve W/E beginning         
Substance Abuse Counseling

\*Fine:        \$         
§ 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 61.6 (Public Def/Probation) \$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)        \$       

Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$        beginning         
\$        paid to Public Defender Fund  
Other:       

TOTAL \$       

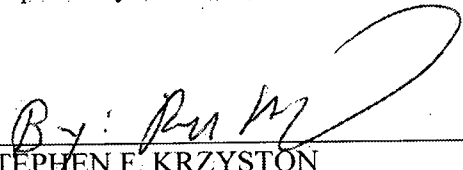
Clerk of Court/ Deputy [Signature]  
Court Reporter: [Signature]  
SCCA/217 (07/2016)

Sealed Nov 2, 2017  
 Appointed PD or appointed other counsel, [Signature]  
Proviso 61.6 requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.  
Presiding Judge [Signature]  
Judge Code: 2164  
Sentence Date: Sentencing deferred 10/30/17

## 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."

Respectfully Submitted,

By:   
\_\_\_\_\_  
STEPHEN F. KRZYSTON  
Assistant Public Defender

ROBERT M. DUDEK  
Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
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(803) 734-1343

This 7th day of February, 2019.

ATTORNEYS FOR APPELLANT

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."

Respectfully Submitted,

*By: [Signature]*  
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This 7th day of February, 2019.

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