

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

INDICTMENT #: 2018 GS 02 02329
2018 GS 02 02330

vs.

JEREMIE DAVID TOBEY

DEFENDANT

RECEIVED

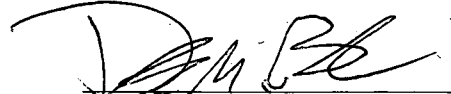
JAN 22 2020

SC Court of Appeals

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the undersigned asserts that he 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. The Defendant then did make contact with an attorney in the Public Defender's Office telling him that he wanted an appeal filed on his case. 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 *Frazier 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,



Derek M. Bush
Assistant Circuit Public Defender
Post Office Drawer 2247
Aiken, South Carolina 29802
803-642-1732

January 16, 2020

35

(DB)

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

STATE VS. Jeremie David Tobey
ARREST WARRANT / TICKET & CHARGE: 2018A0210200140 - poss of weapon during violent crime
2018A0210900024 - GL
2018A0210900022 - murder; 2018A0210900023 - murder

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: Burger King on York
NET WAGES: \$ 300.00 WEEKLY / BI WEEKLY / MONTHLY DATE OF TERMINATION: 2/18

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

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: _____	AGE: _____	RELATIONSHIP: _____	AMOUNT \$ _____
NAME: _____	AGE: _____	RELATIONSHIP: _____	AMOUNT \$ _____
NAME: _____	AGE: _____	RELATIONSHIP: _____	AMOUNT \$ _____

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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): _____
 PAID FOR? YES _____ NO AMOUNT OF PAYMENT(S) \$ _____
 8. DO YOU OR HOUSEHOLD MEMBER PAY RENT OR MORTGAGE? \$400.00
 9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.? _____ AMOUNT \$ 0

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.

Jeremiah Tobey
 Applicant

Sworn to before me this 2 day of February, 2018.

[Signature] Notary Public for South Carolina. My commission expires: 8-31-26

RACE: Mixed SEX: M AGE: 20 IN JAIL _____ OUT ON BOND
 SSN: 7-2- DATE OF ARREST: 1-31-18
 DATE OF BIRTH: _____ BOND AMOUNT: 0
 ADDRESS: N/A BONDSMAN: _____
 CITY & STATE: _____ CO-DEFENDANTS: _____
 TELEPHONE: _____

The applicant's request for counsel is hereby

GRANTED
 DENIED

[Signature]
 Judge, Clerk or Deputy Clerk
 DATE: 2-2-18

ARREST WARRANT

2018A0210900022

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE 18-004665

against

Jeremie David Tobey

Address:

Phone: SSN:

Sex: M Race: H Height: 6 1 Weight: 210

DL-State: SC DL#:

DOB: Agency ORI#: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Viktoria K Lager - 4246

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

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 Jeremie David Tobey on 01/31/18 at 1924 hrs

Cpl D. Beard 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

Personally appeared before me the affiant Viktoria K Lager who

being duly sworn deposes and says that defendant Jeremie David Tobey did within this county and state on or about 1/26/2018 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Aiken)

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

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:

That on January 26, 2018 at 1022 Buldra Lane in the county of Aiken, one Jeremie David Tobey did, with malice aforethought, cause the death of the victim, Pamela Lawson, and another by shooting the victims numerous times.

Signature of Affiant

Viktoria Lager

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

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 1/26/2018 defendant Jeremie David Tobey

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: Murder / Murder

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 1/27/2018

Signature of Issuing Judge

Patrick Dorn Sullivan

Judge Code: 5035

(L.S.)

Judge's Address

New Ellenton, SC 29809

Judge's Telephone (803)652-3609

Issuing Court: Magistrate Municipal Circuit

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Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

AFFIDAVIT

RECEIVED

JAN 22 2020

SC Court of Appeals

ARREST WARRANT

2018A0210900023

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE

18-004665

against

Jeremie David Tobey

Address:

Phone: _____ SSN: _____

Sex: M Race: H Height: 6 | Weight: 210

DL State: SC DL #: _____

DOB: _____ Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Viktoria K Lager - 4246

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

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 Jeremie David Tobey on 01/31/18 @ 1924 hrs

Cpl D. Boyd
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

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Signature of Affiant

Viktoria Lager 4046

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

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on 1/27/2018

Patrick Dorn Sullivan
Signature of Issuing Judge

(L.S.)

Patrick Dorn Sullivan

Judge Code: 5035

Judge's Address

New Ellenton, SC 29809

Judge's Telephone (803)652-3609

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

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Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

AFFIDAVIT

JAN 27 18 03:14

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JAN 22 2018

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF Aiken
STATE VS.

Jeremie David Tobey

AKA:

Race: White Sex: M Age: 22

DOB: SS# [redacted] (PAB)

Address: [redacted]

City, State, Zip: [redacted]

DL#: [redacted] SID#: [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0202329

A/W#: 2018A0210900022

Date of Offense: 1/26/2018

S.C. Code §: 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET 30 years - life

CONVICTED OF or PLEADS

In violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-43

(CSC = minor 1st or CSL = minor 1st)

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

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

ATTEST:

Charley Q. Hammock 80176 SC Bar# Defendant

W. J. [redacted] 50 years concurrent Defendant

J. [redacted] Attorney for Defendant

Uzzell SC Bar#

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

for a determinate term of 50 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.

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 _____ days/hours Public Service Employment

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 \$ 100.00

§ 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 Enforcement Funding) \$25 \$ _____

§ 14-1-213 (Drug Court Surcharge) \$150 \$ 25.00

§ 50-21-114 (BUI Breath Test Fee) \$30 \$ _____

§ 56-5-2942(f) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court Deputy Clerk: Ami Sanders

Court Reporter: Brenda S. [redacted]

SCCA217 (04/2016)

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

pnls. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

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: C. Waller

Judge Code: 2127

Sentence Date: 3/20/20

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE VS.

INDICTMENT/CASE#: 2018GS0202330

Jeremie David Tobey

A/W#: 2018A0210900023

Race: White Sex: M Age: 22

Date of Offense: 1/27/2018

DOB: SS# 0219

S.C. Code §: 16-03-0010; 16-03-0020

Address: City, State, Zip: DL#: SID#:

CDR Code #: 0116

SENTENCE SHEET 30 years - life

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

CONVICTED OF or PLEADS

In violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-43
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST:

Orlando O. Hammack 80176 SC Bar# Jeremie David Tobey Defendant 10204 Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 50 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.
(707 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 16-23-20 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 _____
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: _____

Recipient:		
*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2993 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(2) (Vehicle Assessment)	\$40/ha	\$
7% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Station Trazou - Hayes
Court Reporter: Brenda Sigwald
SCCA217 (04/2018)

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: G. Heard
Judge Code: 2127
Sentence Date: 2/27/18

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JAN 22 2018

SC Court of Appeals

WITNESSES

Aiken County Sheriff

Viktoria K Lager

Law Enforcement Case #: 18-004665

DOCKET NO. 2018GS0202329

The State of South Carolina

County of Aiken

AAH

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

OCTOBER TERM 2018

2018A0210900022

FILED September 27 20 18

Robert J. Korte
C.C.P. & G.S.

Anna Sanders
Deputy Clerk

THE STATE
vs.

JEREMIE DAVID TOBEY

ACTION OF GRAND JURY

True Bill

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010; 16-03-0020

[Signature]
Foreperson of Grand Jury
Date: September 27, 2018

VERDICT

J. STROM THURMOND, SOLICITOR

Foreperson of Petit Jury
Date:

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JAN 22 2020
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)


INDICTMENT FOR
MURDER

§ 16-03-0010; 16-03-0020

At a Court of General Sessions, convened on October 1, 2018, the Grand Jurors of Aiken County present upon their oath:

That **JEREMIE DAVID TOBEY** did in Aiken County on or about January 26, 2018, feloniously, wilfully and with malice aforethought, murder Pamela Lawson by means of shooting the victim and that the victim did die in Aiken County at or near 1033 Buldra Lane as a proximate result thereof. All in violation of Section 16-3-10 of the 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.


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Viktoria K Lager

Law Enforcement Case #: 18-004665

DOCKET NO. 2018GS0202330

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

OCTOBER TERM 2018

ARREST WARRANT NUMBER

2018A0210900023

FILED September 27 2018

Robert J. White
C.C. & G.S.

Ann Sanders
Deputy Clerk

THE STATE

vs.

JEREMIE DAVID TOBEY

ACTION OF GRAND JURY

True Bill

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010; 16-03-0020

J. STROM THURMOND, SOLICITOR

James D. Lee
Foreperson of Grand Jury
Date: September 27, 2018

VERDICT

Foreperson of Petit Jury
Date:

RECEIVED
JAN 22 2020
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
MURDER

§ 16-03-0010; 16-03-0020

At a Court of General Sessions, convened on October 1, 2018, the Grand Jurors of Aiken County present upon their oath:

That **JEREMIE DAVID TOBEY** did in Aiken County on or about January 26, 2018, feloniously, wilfully and with malice aforethought, murder Cody Diminovich by means of shooting the victim and that the victim did die in Aiken County at or near 1033 Buldra Lane as a proximate result thereof. All in violation of Section 16-3-10 of the 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.


J. STROM THURMOND, SOLICITOR