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SC Court of Appeals

RENEE N. ELVIS
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HORRY COUNTY, SC

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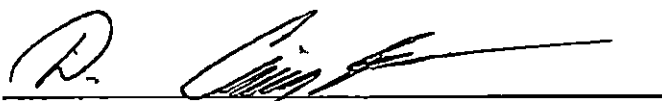
STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF HORRY) INDICTMENT: 2019GS2605037
) WARRANT: 2019DI2600354
 STATE OF SOUTH CAROLINA)
)
 VS.) ARRAIGNMENT FINDINGS
)
 CARLTON BOYD HOWLE)
 DEFENDANT)

THIS MATTER comes before the Court on motion of George H. DeBusk, Jr., on behalf of the Solicitor for the Fifteenth Judicial Circuit, to determine if the defendant intends to plead guilty or not guilty to the charges above-referenced, and to assist in scheduling a proposed trial date should the defendant wish to exercise his or her right to a trial. The defendant and his or her attorney, Clay Pinkerton, are present before the Court.

Based upon the inquiry of the Court and the representations of the defendant, defense counsel, and counsel for the state, the Court makes the following findings and conclusions:

1. That the defendant has been fully informed of the State's plea offer.
2. That the defendant has had adequate time to discuss the State's plea offer with defense counsel and that after careful consideration, the defendant has rejected the plea offer of the state.
3. That the defendant understands and acknowledges that the State has withdrawn its plea offer, and that the State will not re-offer the plea on some future date.
4. That the defendant and defense counsel have considered possible conflicts of interest and have determined that none are known at this time.
5. That there are no unusual or exceptional circumstances known to the defense or the State at this time that would cause unreasonable delay in the trial of this case.
6. That the State and the defense have indicated both parties intend to be ready for trial during the March 2020, terms of Court.

THE ABOVE FINDINGS AND CONCLUSIONS are made this 12th day of Feb., 2020.


 Presiding Judge of the Circuit Court
 Fifteenth Judicial Circuit

Conway, South Carolina

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

-VS-

CARLTON HOWLE

CLAY PINKERTON

DEFENDANT)

FILE NO: 26A19-00002892

TO: Clerk of Court of General Sessions of the Fifteenth Judicial Circuit
Office of the Solicitor
Appointed Counsel
Defendant

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2019 JUL 22 AM 11:02
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 9th day of July, 2019, regarding the charge(s) of:

2019A2610201643 Vehicle / Poss., conceal, sell., or dispose of stolen vehicle, value more than \$2,000 but less than \$10,000

The Defendant's Counsel is **Clay Pinkerton**. The office of the Public Defender requests on the Defendant's behalf any and all evidence in the possession of you and or your agents pursuant to S.C. Criminal Practice Rule 5, and Brady v. Maryland 373 U.S. 383 (1963). The formal Motion for Discovery is attached.



ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SC
DATED: July 09, 2019

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)
)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
-VS-)
)

NOTICE AND MOTION FOR PRODUCTION
OF SPECIFIC EVIDENCE AND
DISCLOSURE OF WITNESSES

CARLTON B HOWLE

DEFENDANT)
)

FILE NO: 26A19-00002892

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that unless the prosecution responds to the Defendant's request for disclosure within 30 days, or within such time as may be ordered by the Court, Counsel for the Defendant will move this Court for an Order compelling that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection, and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including, but not limited to:
 - (a) All tangible objects obtained from the scene of the crime; and
 - (b) All tangible objects obtained from the State's witnesses in this case
 - (c) All tangible objects the State intends to introduce into evidence at Trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate the Defendants or to negate participation by the Defendants in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including but not limited to:
 - (a) Analysis of handwriting
 - (b) Photographs secured of the scene of the crime
 - (c) Comparison of fingerprints
8. Make available any facts which tend to exculpate the Defendant.

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CLERK OF COURT
HORRY COUNTY, SC
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9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competence of any of prospective witnesses for the State.

10. Make available to the Defendant the names and addresses of all persons who have knowledge of this case or who have been interviewed by the investigating officers in connection with this case.

11. Make available to the Defendant, the SLED, FBI, and local arrest and conviction records of all persons, including the Defendant, named in connection with this proceeding.

12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the Defense objects to the introduction of any chemist's or analyst's report pursuant to Rule 6, S.C. Rules of Criminal Procedure.

13. Make available to the Defendant all video and audio recordings and/or notarized affidavits made pursuant to South Carolina Code § 56-5-2953 and any other applicable South Carolina Statute or regulation, including but not limited to:

- (a) Police and booking reports;
- (b) Police logs;
- (c) Alcohol influence reports;
- (d) Accident reports
- (e) Reports dealing with defendant's refusal to submit to testing;
- (f) Notes taken from any recording by Law Enforcement regarding conversations with potential prosecution witnesses
- (g) Any notes taken by Law Enforcement with regards to case which the officer intends to rely on, or make us of, at trial.
- (h) The names of the officers or other witnesses who were with the Defendant within one hour of the arrest who had the opportunity to observe the appearance and behavior of the Defendant, to include the identity of any officer present at the scene of arrest.
- (i) The time and place where the Defendant was given the Miranda warning and the name of the officer who advised him/her of the same.
- (j) Any reports made by any laboratory or hospital concerning any examination made of any physical (urine, blood, etc.), photographic, or written evidence related to the Defendant's case.
- (k) The records of analysis and the results of any chemical, urine, or breathalyzer tests administered to the Defendant.

14. Make available to the Defendant following information regarding the person(s) who administered the Defendant's chemical/breathalyzer tests:

- (a) The person's name and the name of his/her employer;
- (b) The date of his/her original certification to give chemical/breathalyzer tests and the grade he/she received on the exam;
- (c) The date of his/her most recent certification to give said tests; And his/her compliance with statutes and regulations providing for standards of training for person(s) administering such tests.

15. If the Defendant's blood alcohol concentration was determined on the basis of a test involving the use of any machine, provide the following information:

- (a) The type of machine used and the make, model, and serial number of particular machine;

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CLERK OF COURT
HORRY COUNTY SC
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- (b) The manufacturer and the date of manufacture of the machine;
- (c) The owner's manual and the instruction manual;
- (d) The software program used in said machine;
- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all tests performed in the thirty (30) days prior to the date of the Defendant's arrests, including any tests in which the machine malfunctioned;
- (j) Any checklist to be used by the operator of the machine either before, during, or after the admission of a test.

This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady vs Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Agurs, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon, 274 S.E. 2nd 406 (1981), City of Rock Hill vs Suchenski, 374 S.C. 12, 646 S.E.2d 879 (2007). Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution and the United States Constitution.

ADDITIONALLY DEFENDANT REQUESTS A SPEEDY TRIAL:

The Defendant requests and asserts his / her right to a speedy trial in General Sessions Court in this County pursuant to the United States and the South Carolina Constitutions and under the relevant South Carolina Code of Laws

WHEREFORE, Defendant prays:

- (a) That the Solicitor be Ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.
- (b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.
- (c) That the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,



ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SOUTH CAROLINA
DATED: July 09, 2019

2019 JUL 11 11:11 AM
 CLERK OF COURT
 HONORABLE JUDGE
 JAMES L. MELVIS
 FIFTEENTH CIRCUIT COURT
 CONWAY COUNTY, SC
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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

RULE 203 (B) (iv)
WRITTEN EXPLANATION OF
NO

-VS-

CARLTON HOWLE
DEFENDANT

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SC Court of Appeals

BASIS FOR APPEAL

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CLERK OF COURT
HORRY COUNTY, SC

PERSONALLY appeared before me Clay Pinkerton, who being duly sworn

deposes and says :

1. I represented the above named defendant before THE HONORABLE WILLIAM H. SEALS, JR. on August 06, 2020 at which time the defendant enter a guilty plea to his/her pending charges.
2. No issues of law or fact, were raised before the Judge at that time that could be the basis for an Appeal in this matter.
3. The defendant requested this appeal be filed based on the language used by the plea judge informing the client he has the right to appeal his guilty plea within ten (10) days.
4. I informed defendant that there were no issues to appeal.
5. Defendant requested the Appeal be filed.

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RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Sworn to and Subscribed before me
12th day of August 2020
Clay Pinkerton
Notary Public for South Carolina
My Commission expires: 10/23/28

2020 JUL 13 AM 9:38
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CLERK OF COURT
HORRY COUNTY, SC
Cancel Block Stamp
Clay Pinkerton
Signature of Attorney for Defendant
Print name of Attorney for Defendant