

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

RULE 203 (B) (iv)
WRITTEN EXPLANATION OF

-VS-

NO

BASIS FOR APPEAL

JOHN WHITNEY

DEFENDANT

RECEIVED

SEP 14 2020

SC Court of Appeals

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

PERSONALLY appeared before me Scott Graustein, who being duly sworn,

deposes and says :

1. I represented the above named defendant before THE HONORABLE BENJAMIN H. CULBERTSON on September 1, 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.

Sworn to and Subscribed before me

10th day of September, 2020

Michael Watson

Notary Public for South Carolina

My Commission expires: 10/23/28

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2020 SEP 10 PM 3:47

FILED

Scott Graustein

Signature of Attorney for Defendant

SCOTT GRAUSTEIN

Print name of Attorney for Defendant

ARREST WARRANT

2020A2610201368

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

THE STATE

2020057464

against

John James Whitney

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: [REDACTED] Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

State: [REDACTED] DL #: [REDACTED]

Agency ORI #: [REDACTED]

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: John M Lewis - S00738

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

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 on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

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STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Personally appeared before me the affiant John M Lewis who

being duly sworn deposes and says that defendant John James Whitney

did within this county and state on or about 6/27/2020 violate the criminal laws of the

State of South Carolina (or ordinance of [X] County/ [] Municipality of Horry)

in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted 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:

On June 27, 2020, at about 130pm, the HCPD responded to intersection of Hwy 905 and Alpharetta Ct, in the Conway section of Horry County about a shooting complaint. Upon further investigation, it was determined that the defendant, John Whitney, did strike the victims vehicle while travelling on Hwy 905, and failed to stop. The victim followed the defendants' vehicle to Alpharetta Ct, and the defendant stopped and exited the vehicle, then discharged a firearm in the direction of the victim without just cause or provocation, causing shell casings to be located on the ground. The victim observed the defendant then flee in the vehicle after the shooting, and park at a residence that was the defendants residence as identified by the defendants father and girlfriend. Therefore, there is probable cause that the defendant did commit the aforementioned charge. Case 2020057464 R/O HCPD J Lewis

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Affiant's Address 2560 North Main Street

Conway, SC 29526-

Affiant's Telephone

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 believe

on or about 6/27/2020 defendant John James Whitney

did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [] Municipality of Horry) as set forth below.

DESCRIPTION OF OFFENSE: Assault / Attempted 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 6/28/2020

Judge's Address Surfside Magistrate Office

Myrtle Beach, SC 29588-

Judge's Telephone (843)915-5291

Signature of Issuing Judge Manuela Ardeljan Clayton

Judge Code: 7403

Issuing Court: [X] Magistrate [] Municipal [] Circuit

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SC Court of Appeals

FILED
2020 JUL 10 PM 5:12

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 510

STATE OF SOUTH CAROLINA

Alford

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS.
John James Whitney

INDICTMENT/CASE#: 2020GS2603732
A/W#: 2020DI2600354
Date of Offense: 6/27/2020
S.C. Code § : 56-05-1220
CDR Code #: 2464

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SC Court of Appeals

SENTENCE SHEET

DL Yes No CMV Yes No Hazmat Yes No
Disposition of the said indictment comes now the Defendant who was
by: Traffic / Hit and run, att. vehicle, duties of driver involved

CONVICTED OF or PLEADS

(0-1 year and/or \$100-\$5,000) - Property damage

violation of § 56-05-1220 of the S.C. Code of Laws, bearing CDR Code # 2464

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45

Charge is: As Indicted. Lesser Included Offense. Defendant Waives Presentment to Grand Jury. Recommendation by the State.
Plea is: Without Negotiations or Recommendation. Negotiated Sentence.

Martin, M. OBryan

102435
SC Bar#

John Whitney
Defendant

Christine A. ...
Attorney for Defendant
SCB68532
SC Bar#

TIME SERVED

HEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of time served days/months/years or under the Youthful Offender Act not to exceed time served years
and/or to pay a fine of \$ time served provided that upon the service of time served days/months/years and/or payment
of \$ time served; plus costs and assessments as applicable*; the balance is suspended with probation for time served
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 SCDP.

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 _____

Recipient: _____

fine:		\$
1-1-206 (Assessments 107.5%)		\$
1-1-211(A)(1) (Conv. Surcharge)	\$100	\$
1-1-211(A)(2) (DUI Surcharge)	\$100	\$
6-5-2995 (DUI Assessment)	\$12	\$
6-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
1-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
1-1-213 (Drug Court Surcharge)	\$150	\$
11-21-114 (BUI Breath Test Fee)	\$50	\$
6-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
to County (if paid in installments)		.75
TOTAL		\$ 25.75

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 \$ 25.00 beginning 10-1-2020
\$ _____ 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.

Clerk of Court/ Deputy Clerk: A. Ronelle Lewis
Court Reporter: Katarina Osh

Presiding Judge: [Signature]
Judge Code: 2157
Sentence Date: 9-1-2020

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-)
JOHN WHITNEY)

SCOTT GRAUSTEIN

DEFENDANT)

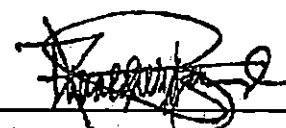
FILE NO: 26A20-00002878

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

This certifies that the above captioned Defendant is eligible for the services of
the Public Defender, such determination having been made on, 10th day of August
2020, regarding the charge(s) of:

2020A2610201368 Assault / Attempted Murder

The Defendant's Counsel is **Scott Graustein**. 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.



RONALD W. HAZZARD
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SC
DATED: August 10, 2020

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CLERK OF COURT
HORRY COUNTY, SC
2020 AUG 12 PM 2:45
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SEP 14 2020
SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

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

-VS-

JOHN J. WHITNEY

DEFENDANT)

RECEIVED

SEP 14 2020

SC Court of Appeals

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

FILE NO: 26A20-00002878

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;
 - (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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RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
FILED

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 thus 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 this 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;

CLERK OF COURT
HOPKINS COUNTY, SC
ELVIS
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NOTIFIED COPY

- (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.

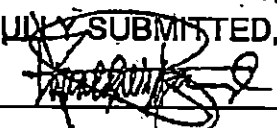
ADDITIONALLY DEFENDANT REQUESTS A SPEEDY TRIAL:

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,


 RONALD W. HAZZARD
 FIFTEENTH CIRCUIT
 PUBLIC DEFENDER

CONWAY, SOUTH CAROLINA
 DATED: August 10, 2020

FILED COPY
 CLERK OF COURT
 CONWAY COUNTY, S.C.
 AUG 10 2020
 10:55 AM
 PH 803-785-1515

WITNESSES

John M Lewis Horry County Police Department

ARREST WARRANT NUMBER

2020DI2600354
CDR: 2464 56-05-1220
DOA: 6/28/2020

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2020GS2603733

**The State of South Carolina
County of Horry**

M. OBryan Martin 20H03286

COURT OF GENERAL SESSIONS

SEPTEMBER, 2020 TERM

THE STATE

vs.

John James Whitney
/ M



ATTORNEY: Scott A. Graustein

Indictment for

**LEAVING SCENE OF ACCIDENT
(ATTENDED VEHICLE)**

Jimmy A. Richardson, II, Solicitor

FILED
2020 SEP -1 PM 3: 08

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

COURT DATE
PLED GUILTY/TRIAL

SC Court of Appeals

SEP 14 2020

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RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on September 16, 2020, the Grand Jurors of Horry County present upon their oath:

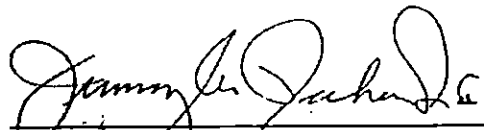
LEAVING SCENE OF ACCIDENT
(ATTENDED VEHICLE)

CDR: 2464 56-5-1220

CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

That John James Whitney did in Horry County, on or about June 27, 2020, while operating a motor vehicle, become involved in an accident which resulted in damage to a vehicle driven or attended by Christopher Verta, and did leave the scene of the accident without first rendering aid and/or exchanging driver and vehicle information, in violation of Section 56-5-1220 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR